UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 96th CONGRESS
SECOND SESSION

VOLUME 126—PART 17

AUGUST 19, 1980 TO AUGUST 25, 1980
(PAGES 21871 TO 23096)

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PROCEEDINGS AND DEBATES OF THE 96th CONGRESS, SECOND SESSION

SENATE—*Tuesday, August 19, 1980*

(Legislative day of Thursday, June 12, 1980)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. DAVID L. BOREN, a Senator from the State of Oklahoma.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Draw nigh to God, and He will draw nigh to you. . . . Humble yourselves in the sight of the Lord, and He will lift you up.—James 4: 8a, 10.

O Lord our God, as we quiet our minds and draw near to Thee, we plead for the clean hands, the pure hearts, and the clear minds which fit us to serve Thy higher purposes. Amid the swift-changing scenes of our common life, help us to be steady and keep us true. Imbue with Thy higher wisdom the President, the Congress, and all those to whom, in Thy name, we entrust the authority of government, that there may be justice and peace at home and that we may take our rightful place among the nations of the world. Grant us Thy peace now and forever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 19, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID L. BOREN, a Senator from the State of Oklahoma, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. BOREN thereupon assumed the chair as Acting President pro tempore.

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the pending business, H.R. 39, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 39) to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time between now and 11 o'clock will be divided equally between and controlled by the majority leader and the minority leader or their designees.

Mr. ROBERT C. BYRD. Mr. President, I will yield to the distinguished minority leader or the acting minority leader, and time can be yielded by them to Mr. HATFIELD to bring up a matter which has been cleared on both sides. I yield myself such time as I may require.

Mr. President, the Senate has labored since July 21 to produce the Alaska lands legislation. Senators involved in this debate believe deeply in the positions which they have advanced. The distinguished Senator from Alaska, Mr. MIKE GRAVEL, has fought the good fight. He has ably represented the people of his State throughout consideration of this matter.

Senator GRAVEL has demonstrated an understanding of the Senate rules and precedents over the past few weeks. He also has been understanding and considerate of his colleagues in his long vigil over this bill. I commend him for his dedication, fortitude, and willingness to stand fast on this issue of great importance to his people.

Many Senators contributed to the long and detailed consultations which produced the compromise amendment that the Senate adopted on Monday, August 18. The distinguished minority whip, Senator TED STEVENS, worked tirelessly to attain specific legislative objectives under difficult circumstances. He has largely succeeded in obtaining important concessions regarding State lands.

He has devoted a great deal of time to resolving the Alaska lands issue, and I commend him for his efforts.

A record number of markup sessions were held by the Committee on Energy and Natural Resources on this bill. Chairman HENRY JACKSON led the committee through the difficult task of examining, evaluating, and classifying millions of acres in Alaska. The ranking minority member of the Energy Committee, Senator MARK HATFIELD, added to the thoughtful consideration of this bill in the committee. The Senate has benefited from their work in the committee and on the floor, and I congratulate the entire Energy Committee for seeing this bill through, as it will be acted upon at 11 o'clock and disposed of.

Senator PAUL TSONGAS deserves special recognition for his role in the formulation and debate of H.R. 39. He buckled down to a difficult task and persevered, in the Energy Committee and on the Senate floor. His ability to be flexible from a position of strength is commendable, and made compromise on this bill possible. Along with Senators GARY HART, ALAN CRANSTON, WILLIAM ROTH, and others, Senator TSONGAS has done exceedingly well in the debate on the Alaska lands bill.

My able colleague from West Virginia, JENNINGS RANDOLPH, should be included in that group of Senators, particularly in connection with the wildlife refuge amendment.

The bill which we will vote on shortly is a compromise which intends to protect unique and important wilderness, wildlife, and other territory in the State of Alaska. As with most compromises, there are parts of this bill which are not exactly as all participants would have them. Yet a consensus of the most critical areas deserving some protection and those which could be developed in an orderly way has emerged.

The Senate would do well to support the broad-based compromise which is now before us, for by doing so we would carry out our responsibility to promote a resolution of this long controversy. I urge the adoption of H.R. 39, as amended.

I yield the floor to the minority leader.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. BAKER. I yield myself 1 minute.

Mr. President, I wish to take a few moments this morning to commend and express my gratitude to my friends, the distinguished assistant minority leader (Mr. STEVENS) and the distinguished ranking member of the Energy and Natural Resources Committee (Mr. HATFIELD) for the thoughtful, constructive, and tireless leadership they have provided the Senate on the matter of H.R. 39, the Alaska lands legislation.

The scope and impact of this historic legislation is exceeded only by the maj-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

esty and richness of the land it will affect. And I am certain all of us in this Chamber can appreciate the concern shown by Senator Stevens on a matter which will so dramatically influence the future of his beloved Alaska and her people.

Indeed, the skillful, concerned leadership displayed by Senator Hatfield in the management of this most complicated measure, in both the committee and on the Senate floor, underscores our shared regard for the importance of this measure.

And while Senator Stevens is opposed to the legislation before us today, his opposition is borne out of a noble quest for perfection—a perfect balance of preservation of the breathtaking beauty of his homeland, the economic advancement of his constituency, and the energy security of his Nation.

I believe our adoption of this legislation today is a step toward that balance and I know my most able colleague will continue his diligent pursuit to that end.

For the time being, however, I say to the Senate and to all Alaskans that Senator Stevens and Senator Hatfield have served them well on this matter, as they do all Americans on all matters.

And I know I speak for the Senate, all Alaskans, and all Americans in thanking them for that service.

Further, Mr. President, I would commend the distinguished chairman of the Energy and Natural Resources Committee (Mr. Jackson) and the distinguished Senator from Massachusetts (Mr. Tsongas) for their thoughtful, dedicated efforts and their cooperation which has resulted in the measure before us today.

Mr. President, at this time, I designate the assistant Republican leader to control the time provided for the minority leader under the unanimous-consent order of yesterday.

Mr. ROBERT C. BYRD. Mr. President, I designate Mr. Gravel to control 20 minutes of my time and Mr. Jackson and Mr. Tsongas each to control 5 minutes, which is a little more time than I have. How much time do I need in order to do that?

The ACTING PRESIDENT pro tempore. The Senator has approximately 26 minutes.

Mr. ROBERT C. BYRD. Will Senator Stevens yield me 4 minutes from his time?

Mr. STEVENS. Mr. President, I yield the majority leader such time as he needs.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

Immediately after this bill is passed today, it is my plan—so that the minority leader and others may know, and so that both sides on the question may become better prepared—to deal with the surface mining amendments, which will be the next controversy.

It is my plan to recess until, say, 1:30 p.m. today, to give the opponents and proponents more time.

Mr. STEVENS. Mr. President, I yield the Senator from Oregon such time as he may desire.

ESSAYS IN COMMEMORATION OF 50TH ANNIVERSARY OF INAUGURATION OF HERBERT HOOVER

Mr. HATFIELD. Mr. President, I send to the desk a resolution and ask unanimous for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 503) to authorize the printing of a compilation of essays in commemoration of the 50th anniversary of the inauguration of Herbert Hoover.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATFIELD. Mr. President, I offer this resolution on behalf of the Senators from Iowa (Mr. Jepsen and Mr. Culver), my colleague from Oregon (Mr. Packwood), the Senators from California (Mr. Cranston and Mr. Hayakawa), and the Senators from New York (Mr. Javits and Mr. Moynihan).

This is a very simple resolution. It calls for the printing as a Senate document of a collection of essays which have been put in the Congressional Record during the last year, 1979, to commemorate the 50th anniversary of the inauguration of Herbert Hoover as the 31st President of the United States.

Mr. President, this is a group of probably some of the most outstanding scholars in the United States today, associated in universities and colleges from the eastern part to the western part of the United States and all areas in between.

From time to time, it is very important to reassess certain political eras of our country, especially those which carry great controversy. I believe this is a time when we have a little distance between us, this generation and that period of 1929–1933; and these scholars, with new materials and new archives that are open, have moved beyond the stereotypes of that period, so often ascribed to the many periods of history. I think they have done a notable job in making a reassessment, and I think this will be a very important document, one of the scholarly documents which could be made available to the libraries and universities around this country.

Mr. President, one additional comment: This has been cleared by the leadership on both sides. It has been cleared by the chairman, with the chairman of the Rules Committee, Mr. Pell, and as the ranking minority member of the Rules Committee I move its immediate adoption.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, and I shall not object, the distinguished Senator cleared this resolution with the majority and minority on yesterday. We had discussions about it, and there is no objection to its immediate consideration.

Mr. HATFIELD. I thank the majority leader and minority leader for their cooperation on this.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 503) was agreed to, as follows:

Resolved, That there be printed as a Senate document the collection of essays printed in the Congressional Record which commemorate the fiftieth anniversary of the inauguration of Herbert Hoover as the thirty-first President of the United States. Such document shall be in such style and form, and be bound and indexed as directed by the Joint Committee on Printing. In addition to the usual number, one thousand copies shall be printed for the use of the Joint Committee on Printing.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

The Senate continued with the consideration of H.R. 39.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. STEVENS. Mr. President, yesterday I made a statement concerning the Tsongas substitute and my thoughts relative to it. Soon we will perfect the record with regard to the legislative history on this bill, one that is so important to our State.

I wish to clarify two matters, however, if I may. One is with regard to State and Native lands.

One of the basic requests that was made of me as one of the Senators from Alaska by our State legislature and by the Governor was that we obtain conveyance to the State of Alaska and to the Native people of the lands that were committed to the State of Alaska under our Statehood Act and to Alaskan Native people under the Alaska Native Land Claims Settlement Act.

The revised Tsongas substitute does convey the lands that were outlined in the Energy Committee version which was known as S. 9 and in the so-called ad hoc's compromise bill of 1978.

Those lands are vital to our State's future and as I told a group of Alaskans this morning the issue pertaining to the land management in Alaska will now shift to the State legislature because with the passage of this act we will have confirmed the rights that we obtained under statehood to approximately 105 million acres of land. That, together with the Native lands, will amount to about 150 million acres.

These lands are valuable lands. They are lands that have not only resource value but great values for tourism and recreation as well.

The decisions as to the classification and use of those lands will be made by the State legislature and by the Governor.

Just as in these past 9 years, we

have been dealing with the question of what to do with Federal lands that will be remaining in Federal ownership after the State and Native lands are deeded from the Federal Government to our State and to our Native people, so now will the legislature be concerned with the classification and use of State lands and, of course, the Native people with regard to the use of their own lands which will not be Federal nor State owned. They will be held by Alaska Native villages and by the Alaska Native regional corporations.

I am hopeful that the lessons we have learned here concerning the classification and use of Federal lands will be studied and that the points we have tried to make here will in fact be points that members of the State legislature will heed because the lands in Alaska that have been selected by our State are lands in close proximity to the great residential areas of our State and to the villages and communities in rural Alaska.

Second, I wish to say just a little bit about the history of this bill to get it back into perspective.

Mr. President, it was in 1970 as we were reviewing the question of the Alaska Native land claims that I discovered that 50 million acres of Alaska had been classified as lands that were potential national parks.

I was surprised to find those classification orders. There were orders that had been entered by the Department of Interior as internal guidance in dealing with Alaska lands.

The impact of those classification orders affecting 50 million acres of Alaska lands led to section 17(d)(2) of the Alaskan Native Land Claims Settlement Act in which Congress instructed the Secretary of the Interior to review up to 80 million acres of Alaska lands to determine whether any portion of that 80 million acres should go into national parks, wildlife refuges, wild and scenic rivers, or national forests.

Congress gave the Secretary of the Interior 2 years to make that review, and at the end of 2 years the report was submitted by the then Secretary Morton.

His report recommended that 83 million acres of Alaska be set aside, 15 million of which was for a future study area. So, in effect, he recommended that 68 million acres of land in Alaska be set aside.

A great portion of the land that he recommended would have been national forest and would have been in the category of multiple-use land.

Secretary Morton's recommendations were rejected by Alaskans, and we pursued consideration by another Congress and by another administration.

Secretary Andrus' first recommendations to Congress dealt with 96 million acres of Alaska land and again the recommendations of the Secretary of the Interior were rejected.

We were then into another Congress, and the House of Representatives was heard from and the first of the Udall bills was introduced. The first Udall bill, according to my memory, dealt with something like 115 million acres. By the time it had passed through the House of Representatives it dealt with about 130 million acres.

The Senate worked on a bill during that Congress in 1978 and the Energy Committee reported a bill by a vote of 17 to 1.

That bill then went to what we call the ad hoc conference. We met informally with Members of the House of Representatives and tried to work out a compromise bill that would be acceptable to both the Senate and the House of Representatives, and we thought we had such a bill. It was prevented from becoming law because of the fact that we were down to the last 2 days of that session and it took unanimous consent to deal with it and that unanimous consent was not forthcoming.

We then had another bill that was passed by the House of Representatives which would have extended the 5-year period of section 17(d)(2) of the Alaska Native land claims which had expired or was to expire then on December 18, 1978. That bill passed the House of Representatives and would have extended for 1 year the period of review Congress had given itself. That bill also was blocked.

We came to this session of this Congress and in it the Udall bill passed the House. My estimate is—some people argue with it—that the Udall bill affected 150 million acres of Alaska land.

Again the Senate Energy Committee spent a great deal of time on the bill, and it is my understanding that in the House Interior Committee and the Senate Energy Committee—including its predecessor, the Senate Interior Committee—there never has been a bill that has taken as much time of either committee in the history of those committees than the Alaska lands legislation.

We now have a bill before us which is a revision of the Senate Energy Committee bill. What I understand happened is that we have informally in this body worked out modifications to the Senate Energy Committee bill to meet the requests that were relayed to Members of this body—not to me but to Members of this body—from the staff and Members of the House of Representatives.

I am hopeful that what we have here now is a bill which is comparable to the bill at least in standing to the one we almost achieved passage of in 1978. This bill is not the same as the 1978 bill. There are substantial differences, and those differences lead me to the conclusion that it is not as good a bill as we had in 1978. For instance, all of Admiralty Island is a wilderness area; all of Misty Fjords is a wilderness area; portions of the Arctic Range are closed to oil and gas exploration; all of the Gates of the Arctic is a national park and, as a matter of fact, it is a national park with wilderness imposed upon it.

Those and other concessions were made to Members of the House I feel through the actions that were taken here by the distinguished Senator from Massachusetts.

It is my hope now that the House will view this bill as we all viewed the bill in the ad hoc conference in 1978, and that the Members there who have worked long and hard on this subject will see fit to seek approval by the House of the bill that will pass this body today.

There is little time left in this Congress. We have, according to my calculations, about 5 weeks left after this week. There is not time for a prolonged conference, and there is not time for prolonged disagreement over details.

In my opinion, we have met the high priorities of the other body with regard to their requests dealing with this bill. Those concessions to the Members of the House were made over my objections or despite my objections, but they have been made and I, as I state, am hopeful that the Members of the other body will recognize that they have left an indelible mark on this legislation, and that there should be no further changes to it.

Mr. President, I reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. Who yields time?

ORDER OF PROCEDURE UPON DISPOSITION OF H.R. 39

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the Alaska lands bill the Chair recess the Senate until 1:30 p.m. today, at which time, of course, the Senate will then resume consideration of H.R. 1197.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. GRAVEL. Mr. President, will the Senator from West Virginia, the distinguished majority leader, yield to me 20 minutes?

Mr. ROBERT C. BYRD. I already have made arrangements for the Senator to have this time.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized for 20 minutes.

Mr. GRAVEL. Mr. President, I have always feared that, in addition to the thwarting of future economic growth of Alaska, the massive, restrictive conservation system units designated in this legislation would be used to terminate or severely curtail existing recreational and traditional uses of the lands involved. Furthermore, I fear that one potential benefit of these designations, enhanced tourism in Alaska, would be impaired by prohibition of or intentional neglect for visitor facilities and access in and to the new units.

I am afraid that if the same philosophy prevails, which has led to the creation of these units, we will not see any meaningful efforts put forth over the next decade to provide for or enhance tourism. That is not to say we will not receive any visitors. I am sure that the numbers of backpackers in the Gates of the Arctic and the Wrangells will increase. But for the older, less agile, and less affluent who now visit Yellowstone, the Grand Canyon, Great Smokies, and other great units of our National Park System, most of the areas in Alaska will be nothing more than lines on a map—off limits to most.

These fears come not only from the law per se, but from what I foresee in the way of future regulations and actions by zealous bureaucrats who were not party to the legislation before us. Although I believe that our words of intent and clarification today will fall on deaf bureaucratic ears several years, if not several months, from now, I would hope the sponsors of this bill would join with me in a colloquy on several of the many issues and potential problems raised in the legislation.

I would hope that it is the understanding and belief of the sponsors that the conservation system units designated in this bill in Alaska are fundamentally different than those we have designated in the past in the lower 48 States. By virtue of the many different legislative provisions which have been included in this bill unique to the various conservation systems, I hope that it is clear that the Congress intends a different approach to administrative regulations for these areas than may apply elsewhere. I hope that this Congress is putting the managing agencies on notice that the goal of the managing agencies should not be to bring the various parks and refuges in Alaska into "conformity" with the uses and regulations which might be appropriate in other units outside of Alaska—that the intent of the Congress is to preserve the differences outlined and accommodated for in this legislation in coming years.

Mr. JACKSON. Mr. President, certainly all of us agree that the Alaska situation is unique. In response to that uniqueness, the committee reported bill and the substitute incorporated a number of provisions especially designed to meet the needs of Alaskans and the Alaska landscape. I think our intent in this regard is clear and I plan to carefully monitor the administration of these new units in Alaska in the days to come.

Mr. GRAVEL. I would hope that it is the intent of the Congress that tourism and recreation use is an appropriate use of all the various parks and refuges created in this legislation, whether or not such use is specifically listed as a purpose of the particular unit. To the extent that other values of the unit are not harmed, there should be an effort to encourage and to accommodate increased visitor use and appreciation of the various units by the Federal management agencies.

Mr. JACKSON. I certainly concur with that observation. Compatible recreation use and enjoyment is indeed an important consideration for all conservation system units in Alaska. I certainly hope that as many visitors as possible have an opportunity to visit these spectacular park and refuge units we are establishing today.

Mr. GRAVEL. Regulation by the National Park Service has grown increasingly capricious and heavy-handed in recent years as evidenced by the treatment of in-holders, mining claimants, and recreationists such as mountain climbers. As so persistently and articulately told to me by Doug Buchanan, president of the Alaska Alpine Club, the over regulation of such benign activities as mountain climbing has not only been mostly unnecessary and an intrusion on personal rights, but that in some cases Park Service requirements have actually resulted in unsafe climbing practices and increased chances of accidents. To every extent possible, the National Park Service should not regulate such pursuits as mountain climbing when controls are simply not necessary. I hope it is the intent of the Congress that this legislation does not by mere definition call for an array of new regulations governing various uses, but rather that regulations be minimized in line with the current benign level of use of most of the new units in Alaska.

Mr. JACKSON. I cannot agree that the Park Service has grown capricious and heavy-handed in recent years in Alaska. With regard to mountain climbing, it is my understanding that no new regulations regarding this activity have been issued, nor are any such regulations contemplated. The regulations which are in place at Mount McKinley are, I have been told, designed to protect the park visitor.

I certainly agree, however, that the designation of these areas as conservation system units does not carry with it an automatic infusion of new and burdensome regulations.

Mr. GRAVEL. Specifically, the bill includes language that climbing and related access are a purpose of certain national park units. I hope it is the intent that this language not be used as a specific mandate to the National Park Service that this use be specifically regulated or that such uses of other park or refuge areas in the bill is not appropriate or permitted.

Mr. JACKSON. That is the intent.

Mr. GRAVEL. There is a myriad of specific uses in specific areas which I think would be in jeopardy with this legislation, but I would just like to cover a few here recognizing that the list is by no means exhaustive.

WILD AND SCENIC RIVERS

Birch Creek, the Delta River, and the Gulkana River are designated and are all very popular, road-accessible rivers. I would hope that designation of these rivers does not automatically imply the need for use quota systems. Rather it should be the intent that these rivers have been designated for their value as canoeing and kayaking streams and that such use is encouraged. Any curtailment or redistribution of use should be made only after careful study of the use and resources, and that it is demonstrated that real resource-based need exists for such action.

The Fortymile River is designated in this legislation due to its scenic, recreational, and historic values. Much of this historic value stems from its role in the gold rush and to its more modern gold mining activities. One of the primary reasons for designation of certain segments as "scenic" and "recreational" is to accommodate the existing road and mining activities in the area. Thus, it should be the intent that current gold mining activities, operating under existing law and regulations, be permitted to continue and that the Taylor Highway which traverses the river at several locations providing key recreational access, be permitted to be upgraded and possibly realined as needed in future years even if lands within the river designation are involved.

The Nowitna River was specifically not named in the Senate Committee version of the bill because of its significant use by local village residents along the Yukon for hunting, trapping, house log cutting, and related motorized watercraft access, and access by large motorized watercraft up the river to reach mining claims outside the river area. The Nowitna is a large river, navigable by substantial motorized craft the entire length of the designated segment. With the designation of the river is the new substitute, I would hope that it is the intent of the Congress that the river continue to be available to use by motorized craft for a variety of uses now occurring, including large craft supplying mining camps far upriver, and that the selective cutting of house logs and firewood along the river for local use be permitted.

Mr. JACKSON. I agree generally with the Senator's comments regarding these wild and scenic rivers. In my view, none of the uses cited by the Senator would be necessarily precluded by wild and scenic river designation. Of course, each such activity would have to be viewed on a case-by-case basis in the context of a variety of existing laws and circumstances.

Mr. GRAVEL. Some parks are obviously going to remain fly-in or boat-in areas for visitor use in a wilderness setting. But other units have great potential for higher levels of visitors use by virtue of being readily accessible from the existing Alaska highway net. Units such as Denali. Wrangell-St. Elias, and the Harding Icefield/Kenai Fiords Parks should be viewed this way. I would hope that it is the intent that the road leading up the Resurrection River to Exit Glacier in the Harding Icefield unit be completed at the earliest time and that a visitor access point be developed there.

Mr. JACKSON. The Senator is correct. I am hopeful that those Alaska parks which are accessible from the existing Alaska highway net will indeed be heavily visited. With regard to the Kenai Fjords, I would call the attention of the Senator to the Committee Report 96–

413 (p. 150) where the need for the road and the visitor facility are specifically addressed.

Mr. GRAVEL. I hope that it is the intent that the existing Nabesna Road and the Chitina-McCarthy Road be continued to be maintained and used for public access into the Wrangell-St. Elias Park and Preserve.

Mr. JACKSON. I share the Senator's view on this matter.

Mr. GRAVEL. The bill includes among the definitions of conservation system unit units of the National Trails System. Thus, the transportation title would apply to such units as the Iditarod National Historic Trail which I secured into law 2 years ago. With the creation of the historic trails category and the Iditarod Trail we set out specific legislative provisions and legislative history in regard to access across such units. Thus, I would hope that it is the intent that this legislation not impose any additional barriers or restrictions on access across or involving National Historic Trails including the Iditarod Trail, but that the previous legislation and legislative history for the National Historic Trails would generally prevail except in the case of the application process itself.

Mr. JACKSON. The Senator is correct in his understanding.

Mr. GRAVEL. Although the language which I inserted in committee markup of the bill regarding the Terror Lake Hydroelectric project has been altered somewhat in the substitute measure before us, I would hope that the intent is still the same and that the committee report language which was for this original provision is still applicable and would prevail.

Mr. JACKSON. The basic intent of the committee report with regard to this project has not been changed by the adoption of the language in the substitute. Both are designed to insure that projects such as this are examined on a case-by-case basis and not summarily rejected without careful review.

Mr. GRAVEL. Mr. President, I would like to address at this time several points that have been raised in the course of the debate on this subject so as to make the record as complete as possible from my particular point of view.

I would just like to say with respect to the history of the Alaska lands issue, it started out by request—I wonder if the Chair would notify me when I have 5 minutes left. The history started nationally at the turn of the century because of the excesses of the industrial revolution. It was a movement essentially founded in the thoughts and the fine ideas of Thoreau, which were to the effect that we should not despoil our environment capriciously. Thoughtful people stepped forward and made unusual efforts to try to bring some sanity to the laissez faire attitude and, in my opinion, arrogant attitude toward the land that existed at that time.

Great progress was made and, of course, a foundation for a fine National Park System was developed. These goals were pursued and, I think, admirably pursued. But, unfortunately, as is so often the case in human affairs, with success we move to excess. So we see a situation today where, although its foundations are sound, although its thoughts are sincere, and although its goals are proper, they go far beyond what is reasonable and what constitute a proper balance in our ecological system, a balance involving every bit as much homo sapiens as anything else.

The efforts to which I became party started in 1968 when, in the final hours of the Johnson administration, Secretary Stewart Udall had an agenda which was literally the agenda of the national preservationist community. That agenda involved somewhere between 15 million to 25 million acres of land in Alaska, involving unusual features that should be protected in perpetuity. That agenda rapidly escalated with the skill and leadership of Congressman Morris Udall in the deliberations on the Alaska lands issue in 1971.

In the course of the conference on the Native Claims Settlement Act, and without hearing, without notice, without preparation, a very arbitrary and capricious request was made to set-aside lands, to study them, with the intent of putting them into the four preservation systems we now see defined by this legislation. Initially his request was on the order of 120 million acres.

At that time the Alaska delegation present in the room opposed this. But recognizing the exigencies of the moment, recognizing the fact that the Native Land Claims legislation had great momentum and was greatly needed, and also not suspecting at the time that a study, a simple study, would be so injurious to the subcontinent of Alaska, we agreed to a compromise of 80 million acres, but without being able to consult our constituents.

So it was decided that 80 million acres would be withdrawn and studied and a recommendation made to the Congress, which recommendation would be effected within 5 years. After the study, the Republican administration, at the time under Secretary Rogers Morton, came up with 83 million acres as a recommendation, which can only lead one to believe that had the recommendation for a study been 120 million acres, that would have been the proposal. Such were the forces that existed within the bowels of the Interior Department. And so that recommendation to the Congress worked its way into legislation that we were all party to, to one degree or another.

I had been attempting in southeast Alaska to work out an accommodation through a study of the possibilities of setting aside some wilderness. All that effort was thwarted with the introduction of the Udall-Seiberling legislation which, essentially, was designed to create an instant wilderness. That legislation also brought about the legislation we now see before us for passage.

That legislation, I felt, was excessive then and is excessive now. I began to understand the goals of the preservationists and no growthers, who were the people pressing for this legislation. Those goals were not to develop a balanced piece of legislation wherein we could realize sound economy and properly safeguard the areas of special value. Their goals literally were to take the subcontinent of Alaska out of the economic inventory and make de facto wilderness through whatever device possible, whether it was executive action or whether it was bureaucratic action presently or prospectively.

And so, the climate did not exist then 2 years ago and does not exist today to effect a reasonable compromise, because those forces felt they had the political clout in the Nation to effect their will and saw no need to compromise. They made the decision that they would just take what they could get through the use of this arbitrary political clout, and we see the results.

A great deal is made of the delaying tactics that I have employed. I think a great deal has been distorted in that regard, unfortunately. I think the Record, when it is properly researched, will be very, very clear that in 1978, when the full lines of this horrendous legislation were understood, I declared myself in opposition and have been consistent in that position ever since.

In the latter part of 1978, in the period October 13 and 14 of that year, an effort was made, in the Senate to try to bring through a bill at the final moments. And that is all there was. Just a broad effort, talking in general concepts. Nothing had been reduced to writing and agreed upon by all the parties.

At that point I had raised several objections in an ad hoc conference that was created with the participation of all the major players. And, of course, that is the tragedy, that it was just the major players that knew what was going on. Literally nobody else knew what was going on, nor what would be the impact of what the major players hoped to effect.

And so the effort was thwarted, to some degree, by myself, but, as was stated later, was thwarted also by the environmental community, since they would not agree. And to have an agreement all parties must be in agreement, not just one party saying yes.

That agreement was never reduced to writing until the 14th. At that time, I came into possession of that agreement and introduced it into the Record on the 15th. That, essentially, was staff work. It had never proceeded beyond the staff, so representations that this was a bill or an agreement are totally exaggerated and inaccurate.

The statement that I make now is backed up by statements that were made in 1979 by Mr. Udall, Mr. Seiberling, and public statements made in the press by the leadership of the national environmental community.

The rest, I think, is history that is reasonably clear. I opposed the time agreement in 1979. I opposed the time agreement in 1980, but saw no device to effect delay in the early part of 1980 and so agreed to a time agreement, the details of which were negotiated on the floor of the Senate and is accurately documented in the Record.

I will not go into the legislative history as concerns the State legislature of Alaska or the various actions within the Alaska community. I will leave that to further writings, either by myself or others who can give it, from the distance of time. It will thereby be a more dispassionate assessment. But I would only say that everything focused within the Alaska community on seven points.

Statements are made today that these seven points are reasonably adhered to or that we have a reasonable bill. I could not disagree with that position more vehemently. I will go over the seven points quickly and give my assessment of them.

First is that this legislation will revoke the antiquities, takings of land that were exercised by the President of the United States on the 1st of December 1978. In my mind that is a straw man; a total straw man. Obviously, any legislation would do that, and to look upon that as an accomplishment is a banality of the highest order.

The reason the President exercised the Antiquities Act the way he did was, to unreasonably punish Alaska: to use the force of the Executive to bully the Alaska constituency and the leadership of Alaska into the acceptance of legislation that we have today.

So to now claim that we have a great accomplishment in that we are going to reverse what the President has done in the misuse of the law, and to claim that that is an accomplishment, is in my opinion, a banality.

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes remaining.

Mr. GRAVEL. I thank the Chair.

The second point, with respect to the transference of the State lands and Native lands, I can only say again that is a strawman of ridiculous proportions. We have in law 104 million acres that will go to the State of Alaska under the Statehood Act, and we have in other law land that will go to the Natives under the Claims Settlement Act.

As I understand law, you do not need another law to do what a prior law has done.

Now, there may be disputes. But, as I view these disputes, none of them were the match of what is taking place in the actual legislation itself. I can only say that testimony to that fact is that the Native community asked, in the final Tsongas substitute, that the accelerated land provisions that existed in S. 9—which, in my opinion, again were a strawman to focus attention on something that was not really important—be removed because they realized that such capriciousness could cause difficulty with the transference of the lands that already were provided for in law.

The other element of the seven points, the access provision, I have dealt with repeatedly in this body in the course of debate. I can only reiterate by saying that my major concern was not access in the Federal area. My concern was access to State and Native lands and private lands in Alaska. The reason for the size of the taking was actually to impair access. There was only one safeguard that was possible, and that was an immutable, guaranteed access that was triggered not at the will of the Federal Establishment but at the will of the sovereign State of Alaska.

That is not in this bill so, State sovereignty is impaired and the economic potential for alternative uses of the Native lands is impaired. This will have great human and economic consequences and environmental consequences on this subcontinent of Alaska.

Concerning the provision of no more—here, again, I think it is not a serious gain, though we have it in this legislation. There is no need that more be done by a future Executive. It is all done in this legislation. So in the future we will never have a President who will exercise against Alaska the injustice that took place at the hands of the President in his use of the Antiquities Act and at the hands of the Secretary in his use of the BLM Organic Act. They need not take place in the future. It is all in this legislation.

Of course, I think the greatest damage that is done to the Nation and to the world is done in the sixth point of our consensus in Alaska. That was that we not lock up valuable minerals, and that we not lock up large tracts of oil and gas potential lands.

We have done that. We have done that directly to the tune of some 40 million acres of sedimentary basin, and indirectly by denying access in strategic areas. We have done it to the tune of 100 million acres in sedimentary basin for oil and gas alone.

Based upon the facts that I introduced into the RECORD earlier, we have done it to the tune of $9 trillion over the next generation in terms of minerals. Only God knows how much, because those are only estimates, and unless one were to look, one really will never know what we have denied ourselves in terms of treasure.

The final consensus point which is not adhered to either is, of course, the lifestyle of Alaska.

When we say the lifestyle of Alaska, we mean a great deal. Time does not permit me to define that in all of its flowering. I only want to say when you take a population of 400,000 people and you superimpose over that population a bureaucratic cost that in the next 5 years will approach $1 billion, you know that you not only impair the lifestyle of what we Alaskans are fond to call the Alaskan way, but you just plain, straight-out impair human lifestyle with a bureaucratic oppression that is unbelievable.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. GRAVEL. Mr. President, at a later time I will add comments for the RECORD, but let me say at this point that we make a tragic mistake but that, of course, is possible in a democracy.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 5 minutes.

Mr. TSONGAS. Mr. President, much has been said and written already about the "three Senators behind closed doors" who fashioned the compromise on the Alaska lands bill. That characterization is no more fair as a basis for praise than it is as a basis for criticism. Those who know and appreciate the long difficult process by which this controversial and complex legislation reached the point of its overwhelming victory today in the Senate recognize that there are a great many individuals, Senators, and their staffs, members of the administration, and others without whom this historic compromise would have been impossible.

I want to thank all of those people and to salute their dedication. I know as I begin this attempt to pay tribute to those who contributed so much that I will inevitably and inadvertently exclude some—for that, I apologize in advance.

I want to thank my colleagues who worked so long and hard for the five amendments which we, together, shaped. Without their strong and constant support during the negotiations on the compromise, the bill we have today would have been significantly weaker.

Senator LEVIN and Senator NELSON, who sponsored the critical wilderness amendment, Senator MCGOVERN who sponsored the national forest amendment, Senator MATHIAS who sponsored the parks amendment, and Senator EAGLETON and Senator PROXMIRE who sponsored the wild and scenic rivers amendment have my deepest appreciation for their dedication to, their support for, and at times their patience with my efforts on this bill.

I want particularly to thank Senators HART and CHAFEE, and Senators RANDOLPH, CULVER, and CHURCH, who led the fight for the refuge amendment on the Senate floor. It was their victory by a 2-to-1 margin on three separate votes, which laid the foundation for the negotiations which followed. In my judgment, it took great wisdom and vision for them to yield points that they had won here on the floor, which meant a great deal to them, in order to reach a balanced settlement of the entire Alaska lands issue. I would apologize to them to the extent that, at times, we did this without full consultation.

Mr. President, it would be impossible to go on talking about the environmentalist efforts on this bill without mentioning the principal Republican cosponsor of the original Tsongas-Roth bill, the national forest amendment, and my steadfast ally, through these many months, Senator WILLIAM ROTH of Delaware. I told Senator ROTH at our first press conference together early last year that I expected it might be the only time in our Senate careers that the names TSONGAS and ROTH were found together in the leadership on the same side of an issue. Now, having come to know BILL ROTH and having worked closely with him, I have changed my mind on that prediction.

As I stated yesterday, the solid rock of the environmentalist position, the man who more than any other, held my feet to the fire, was the Senator from California, the distinguished majority whip and my friend, ALAN CRANSTON. I want to thank him for his advice and counsel and for his skills as an organizer and leader. His work on behalf of first our amendments and later the efforts toward a balanced compromise were invaluable.

I want to express my respect for and appreciation of the efforts of the majority leader on this legislation. As always, his fairness and leadership kept us on course toward a solution of the issue, but, in this particular instance, the patience he showed and the assistance he gave to a freshman Senator in need were especially appreciated.

I recall my attempt at one point to have a unanimous-consent resolution introduced on which he advised me that that was not quite what I wanted. In retrospect, it turns out that he was correct.

Mr. President, the other two of those "three men in a closed room" have again demonstrated, as they have time and again in their leadership of the Senate Energy Committee, their deep commitment to the national interest, a sound energy policy and the protection of our most critical resource, our environment. I speak of our chairman and ranking minority member of the Energy Committee, the Senator from Washington, Senator Jackson, and the Senator from Oregon, Senator Hatfield. Chairman Jackson's strength and steady hand at the helm, throughout committee deliberations, floor consideration, and the negotiations toward a compromise, his fairness, pragmatism and experience set the tone and the standard throughout. As always, Chairman Jackson's leadership was complemented and enhanced by the steady support and wise counsel of Senator Mark Hatfield.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. TSONGAS. Mr. President, I ask unanimous consent to proceed for 4 additional minutes.

The ACTING PRESIDENT pro tempore. Who yields additional time?

Mr. JACKSON. Mr. President, I yield 3 minutes to the Senator.

Mr. TSONGAS. We compromise to the very end, Mr. President.

It has been a very great privilege for me to have my name associated in this legislation with those of Senators Jackson and Hatfield whose names already command national respect and admiration.

Mr. President, I want to say how much I respect the courage and skill of the Senator from Alaska, Mr. Gravel. He has been a formidable adversary. He administered a parliamentary lesson to me the other day, one I will not soon forget, because I may need it some day.

I should like to say that, even though we differed on this issue, I hope that next time we have an issue come up, I shall have the good sense to get him on my side at the outset. He is not only a very effective Senator, but I think he is a very decent human being as well.

Finally, Mr. President, I have come, over these many months, to know the senior Senator from Alaska, Ted Stevens, and I have come to understand why he is held in such great esteem by our colleagues in this body. We have often disagreed on issues with respect to this legislation, and he has often been devastatingly effective in his defense of the interests of the people of his State of Alaska, as he saw them, but he has always conducted himself with grace and dignity and, I think, with great human warmth. I shall always remember our great battles on this bill, and our moments of compromise, but particularly my friendship for Senator Stevens, born of my respect for his service to the public good, and the promise of Alaskan crab tonight at the party.

Mr. President, I should like to make a very special acknowledgement to my colleagues in the House of Representatives who have been through this arduous process of passing an Alaskan lands bill twice in recent years. In the 95th Congress, a strong Alaska bill passed the House, 277 to 31. In the 96th Congress, an even stronger bill passed, 360 to 65. Those overwhelming victories for the environmental ethic made it possible for the President of the United States and the Secretary of the Interior to use their existing authorities of law to protect, by monument and wildlife refuge designation, the spectacular wildlands of Alaska. Those victories also helped make possible what we have been able to accomplish in the Senate on behalf of a balanced bill which protects most of the areas the House sought to protect in its legislation.

While there are many, many champions in the House of a strong Alaska lands bill, such as Representatives Bruce Vento, Peter Kostmayer, Lamar Gudger, Phil Burton, and Jim Weaver, history will show that had it not been for Mo Udall and John Seiberling, we would simply not now be at the threshold of passing this historic legislation.

The work of Chairman Udall and John Seiberling has been the very foundation of all versions of H.R. 39 over the past 4 years. They set the targets, they issued the challenge. We in the Senate have now responded to their challenge by obtaining the strongest bill we could to protect the natural wonders of Alaska while moving the legislation forward toward achievement of our mutual goal on this important legislation.

I want to add a special note of thanks to members of the Carter administration, particularly Secretary of the Interior Cecil Andrus and Chief of the Forest Service Max Peterson and their staffs. At many crucial points in the negotiations, it was the expertise and skill of these individuals and the efforts of the White House staff that provided the basis for resolution.

In addition, I want to mention, as I did yesterday, the dedicated and invaluable service of the legions of the Alaska coalition. They are too numerous to mention and I will attempt to convey my appreciation personally, but let it suffice to say that I know of no more effective grassroots organization on Capitol Hill.

Finally, and it is somehow inappropriate that it should be at the end, I pay tribute to those staff people who actually did the work on this bill. The struggle to fashion and enact a balanced Alaska lands bill has been particularly marked by extraordinary staff effort and dedication. A fair compromise of the numerous and enormously complex and controversial issues contained in this bill would have been impossible without the tireless diligence of the many staffers who contributed.

I want particularly to thank Rob McKim of Senator Roth's staff; Stephen Saunders and Peter Gold of Senator Hart's staff; Ned Leonard of Senator McGovern's staff; Martha Pope of the Environment and Public Works Committee staff; Ruth Fleischer of Senator Proxmire's staff; Rebecca Wodder of Senator Nelson's staff; Dave Hansell and John Drucker of Senator Levin's staff; Kathy Files and Roy Greenaway of Senator Cranston's staff; Marion Morris of Senator Mathias' staff; Bob Hurley and Nancy Barrow of Senator Chafee's staff; Rinde Belshe and Susan Koch of Senator Eagleton's staff, and Pat Pourchot of Senator Gravel's staff. I appreciate their efforts throughout this long, painstaking process.

Mr. President, finally and most importantly, special tribute is due to the seven staffers who have come to be known as the "Alaska hostages:" Steven Silver of Senator Stevens' staff, who has battled our position every inch of the way, but who has always conducted himself as an honorable and gracious opponent; Mike Harvey, Tom Williams, Tony Bevinetto, and Debbie Merrick of the Energy Committee staff; and Roy Jones and Richard Arenberg of my staff. Not only do I owe these individuals a personal debt of gratitude for their superhuman efforts over the days and nights of the past several weeks, but I believe that, in the end, they will prove to have played an historic role in an accomplishment by this Congress for which the whole Nation, today and for generations to come, will thank us all.

I think that when they look back on their careers, they will find that not only have they done a great deal for their particular principals, but they have done a great deal for their country as well. They, in fact, were the ones who fashioned the compromise and I think that should be acknowledged.

I thank the chairman for his courtesy.

Mr. President, I am submitting for myself, Senator Jackson, Senator Hatfield, and Senator Roth a title-by-title summary of the substitute which describes the significant changes from the committee bill.

This summary is not intended to be an exhaustive analysis of the substitute or a complete legislative history. It is designed instead to augment the Senate and House reports and to aid in the understanding of the substitute which the Senate adopted yesterday.

Mr. President, I ask unanimous consent that that title-by-title summary be printed in the Record at this point.

There being no objection, the summary was ordered to be printed in the Record, as follows:

TITLE II—NATIONAL PARK SYSTEM

ANIAKCHAK NATIONAL MONUMENT AND PRESERVE

The Committee recommended a national monument containing approximately 138,000 acres of Federal lands and a national preserve of approximately 376,000 acres of Federal lands. The Committee further recommended that the monument be closed to subsistence uses. In the substitute the Aniakchak National Monument and Preserve are the same as recommended by the Committee except that subsistence uses by local residents shall be allowed in the monument where such uses have been traditional.

BERING LAND BRIDGE NATIONAL PRESERVE

The Committee recommended a national preserve of approximately 2,457,000 acres of Federal lands. The Committee provided for the continuation of customary patterns and modes of travel along an existing winter trail route between Deering and the Taylor Highway. The substitute seeks to clarify the intent in allowing public use of the Deering to Taylor Highway route as provided in the Committee report through statutory language that makes it clear there must be adequate snow cover to protect the environment before the trail can be used.

DENALI NATIONAL PARK AND PRESERVE

The Committee recommended a national park addition of approximately 2,587,000 acres of Federal lands and a national preserve of approximately 1,169,000 acres of Federal lands. The Committee recommended no subsistence uses be allowed in the park. In the substitute there has been a change in the boundary between park and preserve but the external boundary of the management unit is the same as recommended by the Committee. The southern preserve at Cathedral Spires has been expanded slightly to the north. Thus, the substitute establishes a national park addition of approximately 2,426,000 acres of Federal lands. A preserve of 1,333,000 acres is also established. The existing Mount McKinley National Park and its park addition are reclassified as Denali National Park. The Committee recommendation included an authorization for the Secretary to delete up to 46,080 acres from the park in the vicinity of Tokositna Glacier for possible conveyance to the State of Alaska. That authorization and its associated study are not included or provided for in the substitute.

The purposes for the park and preserve and the intent of the Committee for the area's management are retained in the substitute. In addition, the substitute recognizes that traditional subsistence uses by local residents may take place only in the additions. Subsistence uses are allowed in the preserve in accordance with the provisions of this Act.

GATES OF THE ARCTIC NATIONAL PARK AND PRESERVE

The Committee recommended a national park containing approximately 4,801,000 acres of Federal lands, a national preserve containing approximately 2,117,000 acres of Federal lands and a national recreation area of approximately 1,034,000 acres of Federal lands. The Committee proposal provided for subsistence uses to be continued within the park, where such uses are traditional in accordance with the provisions of Title VIII. The Committee proposal also provided for a process whereby a transportation corridor would be granted across the upper Kobuk River unit to provide access to the mineralized zone in the Bornite-Picnic Creek region upon application under provisions of the Act.

In the substitute there is a substantial change of the land classification for the park system unit. However, the external boundary of the Gates of the Arctic and the purposes for which the area is established are the same as recommended by the Committee. In the substitute the National Recreation Areas are eliminated. The upper Kobuk unit is classified as a preserve, rather than a recreation area. The north fork of the Koyukuk unit is classified as part of the park, rather than a recreation area. The large central preserve in the Committee reported bill which included the John River Valley and the Anaktuvuk Pass region has been classified as part of the park in the substitute. This area should also be considered part of the park's subsistence zone in addition to the drainages identified in the Committee report. A small preserve in the northeast corner of the unit remains. Thus, in the substitute the Gates of the Arctic National Park would contain approximately 7,052,000 acres of Federal lands and the preserve would contain approximately 900,000 acres of Federal lands. The provisions regarding subsistence activities in the park and the special access language for the Kobuk River Preserve unit have been retained.

KATMAI NATIONAL PARK AND PRESERVE

The Committee recommended a national park of approximately 936,000 acres of Federal lands and a national preserve of approximately 409,000 acres of Federal lands. In the substitute there has been a change in the internal boundary between the park and preserve but the external boundary of the management unit is the same as recommended by the Committee. The watersheds of Battle Lake and Kulik Lake have been added to the park rather than being part of the preserve, while lands in the northwest corner of the area, south of the Algnak River, have been classified as preserve rather than park. Thus, the substitute establishes a national park addition of approximately 1,037,000 acres of Federal lands and a national preserve of approximately 308,000 acres of Federal lands. The existing national monument and its park addition are re-classified as Katmai National Park. The purposes for the park and preserve and the intent of the Committee for the areas' management are retained in the substitute Act.

LAKE CLARK NATIONAL PARK AND PRESERVE

The Committee recommended a national park of approximately 2,440,000 acres of Federal lands and a national preserve of approximately 1,210,000 acres of Federal lands. In the substitute the Lake Clark National Park and Preserve are the same as recommended by the Committee. The intent of the Committee concerning the management and use of the park and preserve is retained in the substitute. Language permitting subsistence uses by local residents in the park, where such uses are traditional and in accordance with the provisions of the subsistence title was added in the substitute.

NOATAK NATIONAL PRESERVE

The Committee recommended a national preserve containing approximately 5,413,000 acres of Federal lands and a national recreation area containing approximately 386,000 acres of Federal lands. In the substitute there have been several changes in the area compared to the Committee recommendation. The national recreation area in the Kelly drainage has been eliminated and those lands classified as part of the preserve. Furthermore, the Federal lands in the lower Noatak which are east of the river have been added to the preserve. Thus under the substitute a Noatak National Preserve containing approximately 6,460,000 acres of Federal lands would be established.

The Baird Mountains National Conservation area that was recommended by the Committee has been deleted from the substitute. The lands in the lower Noatak have been added to the preserve for administration by the National Park Service while the lands within the Squirrel River drainage will remain under the administration of the Bureau of Land Management.

The purposes of establishing the preserve are the same as recommended by the Committee.

WRANGELL-ST. ELIAS NATIONAL PARK AND PRESERVE

The Committee recommended a national park of approximately 7,990,000 acres of Federal lands, a national preserve of approximately 3,093,000 of Federal lands, and a national recreation area of approximately 1,235,000 acres of Federal lands. In the substitute there has been a change in classification for portions of the area, but the external boundary of the management unit is the same as recommended by the Committee. In the substitute the national recreation area classification and management have been deleted and those lands designated instead as part of the preserve. In addition, lands at the entrance of the Chitina Valley and the Kuskklunana River Valley have been designated as park rather than preserve. A portion of the park south of Kuskklunana has been changed to preserve. Thus, the substitute establishes a national park of approximately 8,147,000 acres of Federal lands and a national preserve of approximately 4,171,000 acres of Federal lands. Language permitting subsistence uses by local residents in the park where such uses are traditional and in accordance with the provisions of the subsistence title, was added in the substitute.

The purposes for the park and preserve and the intent of the Committee for the park and preserve management are retained in the substitute.

TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM

(1) Definitions: The Senate Committee bill defined the term "conserve" as applied to this Title.

The definition of "conserve" was deleted in the substitute in order to clarify that this bill does not change the traditional roles of the Federal and State governments in the management of fish and wildlife.

The definition of existing refuges was amended to clarify that certain lands have been specifically deleted from the Kenai Refuge by Act of Congress since the passage of ANCSA.

(2) National Wildlife Refuges, established, expanded, or redesignated:

(a) Alaska Maritime National Wildlife Refuge: The substitute adopts the Senate Committee proposal for this refuge except that units on the Punuk Islands and at York Cape are made available for Native selection. The intent of the Committee bill concerning the management of the refuge is retained in the substitute.

The language in paragraph (c) of the Committee bill relating to acquisition in the Pribilof Islands was modified to correspond to changes in Section 1417. The remaining language still provides that lands added to the refuge under this provision will be managed in the same manner as other refuge lands.

(b) Arctic National Wildlife Refuge: The Senate Committee bill added 5.65 million acres to the existing Arctic National Wildlife Range.

The substitute deletes designation of the Chandalor National Conservation Area and the Porcupine National Forest, addition these significant wildlife populations and habitat resources to the Arctic Refuge, for a total of 9,160,000 acres of addition to the existing range.

(c) Becharof National Wildlife Refuge: The Senate Committee designated a 1.2 million acre refuge for the purposes, among others, of conserving the very high brown bear populations of this area. Becharof Lake itself was not included in the Committee bill's Becharof refuge.

The substitute adopts the Senate Committee proposal for this refuge except that the amendment also includes Becharof Lake as a part of the refuge.

(d) Kanuti National Wildlife Refuge: The

Senate Committee designated a 1.42 million acre refuge for the purposes, among others, of conserving the waterfowl and other migratory birds, caribou, bear, and furbearer populations of this solar basin. The substitute designates a slightly larger area which encompasses additional wetland habitats, but which does not include lands adjacent to the Bettles Road that had been included in this refuge by the House of Representatives.

(e) Kodiak National Wildlife Refuge: The substitute adopts the Senate Committee proposal for the Kodiak National Wildlife refuge, except that it modified language related to an application for a hydroelectric project at Terror Lake to insure that this type of request was not categorically denied but rather would receive careful consideration to determine whether under existing laws, including the finding of compatibility required by the Refuge Administration Act, it could or could not be permitted.

(f) Koyukuk National Wildlife Refuge: The substitute adopted the Senate Committee proposal for this refuge, except that it added 15,000 acres of land with important watershed and wildlife habitat to this refuge.

(g) Nowitna National Wildlife Refuge: The Senate Committee established a BLM National Conservation Area of 3 million acres in the Nowitna area.

The substitute deletes the NCA and designates a 1.56 million acres refuge bounded on the north by the Yukon River. Certain islands in that river and the Nowitna River corridor are also included in the refuge. This refuge has among its purposes, the management and protection of white-fronted geese and other waterfowl and migratory birds, martens, wolverines, wolves and other furbearers, moose, salmon, sheefish and northern pike and the many other fish and wildlife species and their habitats found within this solar basin.

Unique among the Interior basins, the Nowitna is essentially uninhabitated and shows few signs of technological man. Wildlife populations and distributions exemplified by the wolverine are likely unchanged for several hundred years. This pristine wildlife area is characterized by several notable species and habitats.

The extensive wetlands comprise a significant waterfowl area, supporting one of the highest nesting densities (67 duck nests per square mile) in the State and serving as a major breeding and migration area. Major species include mallards, pintails, green-winged teal and oldsquaw orienting to the Pacific Flyway, whitefronted geese which winter in Texas and Louisiana, lesser scaup that can be found along the Gulf and Atlantic coasts and canvasbacks head for Chesapeake Bay in fall.

Wooded bottom lands and islands in the Yukon River provide winter habitat for concentrations of moose. Between 1,500 and 2,000 were counted in this area in 1977. Wolf populations range from low to very high depending on the numbers of their chief prey—the moose. Southern highlands of Nowitna are utilized by a herd of 500 to 1,000 caribou for which the area represents 90 percent of their winter range. Grizzlies also occur in upland habitats.

The recreational values of Nowitna are high. The Nowitna River has been designated as a Wild River because of its clear waters, excellent fishing and abundant wildlife in a primitive, wilderness setting.

(h) Selawik National Wildlife Refuge: The Senate Committee established a 2.15 million acre refuge for the purposes, among others, of managing and protecting populations of migratory bird, caribou, salmon and sheefish and the many other fish and wildlife species of the refuge. In light of its high watershed, wildlife and archeological values, the Selawik River was included in the refuge. The report accompanying that Committee bill noted that the river boundary was only temporarily identified pending review of appropriate boundaries to include the headwaters of the river. The substitute identifies a more appropriate management boundary for the Selawik River, which incorporates some headwaters and immediate watersheds of the river.

(i) Tetlin National Wildlife Refuge: The Senate Committee bill established a 765,000 acre refuge which included lands north of the Alcan Highway. The Committee bill also included a provision for exchange of federal lands with State lands inside the refuge to facilitate the management needs of both agencies. The purposes, among others, for this refuge include management and conservation of waterfowl, raptors and other migratory birds, furbearers, moose, bears, caribou, salmon and unique genetic strains of Dolly Vardens.

The substitute deletes some 65,000 acres of federal lands from the refuge by drawing the boundary 300 feet south of the center line of the Alcan Highway. The substitute also deletes the exchange provision.

(j) Togiak National Wildlife Refuge: The Senate Committee established a 3.310 million acre refuge to conserve among others, the spectacular seabird nesting colonies at Cape Peirce; the 1.7 million salmon which annually spawn in the Togiak, Goodnews and Kanektok River systems; the millions of migratory birds, marine mammals and fish which depend upon the brackish estuaries to which Togiak provides the freshwater component; and to restore the historic abundance of large mammal populations in this area.

The Committee's proposal added 300,000 acres to this refuge that the House of Representatives had included in the Yukon Delta NWR.

The substitute adds another 500,000 acres of key watershed, fisheries, and wildlife habitat lands to this refuge, providing a better management boundary between the Togiak and Yukon Delta Refuges.

(k) Yukon Delta National Wildlife Refuge: The Senate Committee established an 11.13 million acre Clarence Rhode NWR in this area for the purposes, among others, of conserving significant national and international populations of waterfowl, shorebirds and other migratory birds, salmon, muskox, marine mammals and the many other fish and wildlife species and their habitats in the unit.

The substitute expanded this refuge to include a clear hydrologic boundary along the east side of the refuge and the lands between the Committee proposed Yukon Delta proposal and the substitute boundary of the Togiak Refuge, for a total refuge proposal of 13.4 million acres.

The area added by the compromise includes the significant fish, wildlife habitat and recreational values of the Kisaralik River drainage and adjacent watershed of the lower Kuskokwim. The Kisaralik River is considered to be one of the most outstanding wild rivers in Alaska, based on its combined scenic values, recreational river experience opportunities, the major salmon runs in this river and such wildlife resources as nesting raptors and unusual populations of perching birds in the vegetative communities associated with this river valley.

(1) Yukon Flats National Wildlife Refuge: The Senate Committee established a 5.71 million acre refuge in the western segment of the Yukon Flats basin for the purposes, among others, of conserving major populations of waterfowl and other migratory birds, moose, bear, furbearers, salmon and the many other species of fish and wildlife utilizing this portion of Alaska's largest solar basin.

The Senate Committee also established the adjacent BLM administered White Mountains National Recreation Area and Steese National Conservation Area and the Forest Service administered Porcupine National Forest within the basin as well as deleting a 428,000 acre area in deference to State interest in selection.

The substitute deletes designation of the Porcupine National Forest and divides that area between the Yukon Flats Refuge and the adjacent Arctic NWR. Thus, the Yukon Flats NWR is expanded to approximately 8,630,000 acres to encompass additional productive wildlife habitats within the Yukon Flats basin.

(3) Administration of National Wildlife Refugees:

(a) Boundaries of units: As with all conservation system units, the acreage figures stated for each refuge are only approximate. The map referenced in each instance controls the actual area encompassed by the refuge, except for the Alaska Maritime National Wildlife Refuge where the written description will control as maps of sufficient detail are not available to accurately depict all of the lands included in this refuge.

(b) Administration: The substitute deletes, as a redundancy, language in Section 304(a) regarding application of fish and wildlife conservation laws to refuge administration. Such laws are included among those governing the administration of units of the National Wildlife Refuge System.

(c) Permitted Uses: The substitute deletes, as redundant, language in Section 304 (b) regarding authorization to permit compatible sport hunting and fishing and trapping within refuges. Such authority already rests with the Secretary under the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd, as amended) and the Recreational Use of Conservation Areas Act (16 U.S.C. 460k).

The substitute adds a new provision authorizing the Secretary to permit fishery maintenance and enhancement programs at his discretion and in accordance with sound fisheries management principals. It assumes further than such program will be instituted only as compatible with the purposes and other management programs of the refuge unit.

Provisions for cooperative management agreements related to national wildlife refuges were moved from Title XII of the Senate Committee bill to Title III in the substitute.

The substitute adopts the details of the comprehensive conservation planning process for Alaska national wildlife refuges outlined in the House bill. This planning process is placed in Title III and the Senate Committee Title XIII references to refuge planning processes are deleted. These detailed plans, when completed, will provide the basis for determining what management practices should be employed to achieve the major purposes of the refuge and what compatible uses can then be made of refuge resources.

(d) Special Study: Section 306 of the substitute expresses the Congressional finding that the great northern caribou herds are migratory resources of national and international significance and are deserving of special studies and protection to ensure the continued maintenance of this unique ecological phenomenon. The provision directs a comprehensive study of the ecology of these herds and the effects of man's activities on them, which can then serve in coordinated management of these caribou across their ranges.

TITLE VI—NATIONAL WILD AND SCENIC RIVERS SYSTEM

DESIGNATION AND STUDIES

The Committee designated 24 rivers as components of the Wild and Scenic Rivers System and 10 rivers for study under the provisions of the Wild and Scenic Rivers Act. The substitute bill adds one river, the Nowitna, to the designated list and two rivers, the Squirrel and the Koyuk, to the list of rivers to be studied.

BOUNDARIES

In recognition of the expansive vistas, unique fish and wildlife resources and ecological systems associated with and in proximity to certain rivers in Alaska, all the Alaska lands bills have contained provisions for a wider corridor than the standard of an average of 320 acres per mile used for rivers designated in the "lower 48". The Committee bill gave the Secretary the authority to establish a river protection zone extending up to two miles from the ordinary high water mark on both sides of Wild and Scenic rivers outside other conservation systems. However, outside a quarter mile corridor, the provisions applying to National Recreation Areas would have applied.

The substitute bill eliminates the river protection zones, but for the Alaska rivers doubles the size of the corridor permitted in the "lower 48" to an average of 640 acres on both sides of the river. Also, the boundaries may not include any lands owned by the State, or a political subdivision of the State, nor may the boundary extend around any private lands adjoining the river in such a manner as to surround or effectively surround such private lands. This latter provision guarantees access to these private lands.

ADMINISTRATIVE PROVISIONS

The substitute adopted one other provision not found in the Senate Committee bill. Subject to all valid existing rights, all public lands within two miles of rivers being studied for possible addition to the System are withdrawn from entry, sale, State selection or other disposition under the public land laws and from all forms of appropriation under the mining laws and from operation of the mineral leasing laws. This withdrawal remains in effect for the periods of time provided in the Wild and Scenic Rivers Act.

TITLE VII—WILDERNESS

I. NATIONAL PARKS

(a) *Gates of the Arctic:* The substitute adds approximately 2.1 million acres of wilderness in the Gates of the Arctic National Park in addition to the 4.8 million acres of wilderness included in the Committee bill.

(b) *Noatak:* The Noatak Wilderness was expanded in the substitute by approximately 400,000 acres. This area was designated as an NRA in the Committee bill and redesignated as a preserve in the substitute.

II. WILDLIFE REFUGES

(a) *Andreafsky Wilderness:* The Senate Committee bill did not include a wilderness designation in the Yukon Delta National Wildlife Refuge. The substitute designates a 1.6 million acre wilderness in this region. The proposed wilderness excludes lands that might be conveyed to Native Corporations in this area (i.e. deficiency or other withdrawals under ANCSA).

(b) *Arctic Wilderness:* The Senate Committee bill did not include a wilderness designation in the Arctic National Wildlife Refuge. The substitute designates an 8.0 million acre wilderness which encompasses all of the previously existing portion of the Arctic National Wildlife Refuge except for the coastal plain area. The area designated wilderness includes that portion of the coastal plain from the Aichilik River east to the Canadian border. This segment of the area contains highly sensitive wildlife habitats and affords some representation of the coastal plain habitats in this wilderness unit.

The Arctic is superlative in its wilderness qualities. The combination of use by portions of America's greatest arctic wildlife assemblage set against the striking scenic beauty of several arctic life zones and the opportunity for one of this nation's finest wilderness recreation experiences has resulted in this area being described as epitomizing the purposes of the Wilderness Act.

(c) *Becharof Wilderness: The Senate* Committee bill did not include a wilderness designation in the Becharof National Wildlife Refuge. The substitute establishes a 0.4 million acre wilderness centered on significant brown bear denning and intensive use areas.

This unit encompasses some of the most dense and unusual populations of brown bears in Alaska. Intensive use areas (centered on key salmon spawning streams) and concentrations of dens (in mountainous areas and, uniquely, on islands in Becharof Lake) are key bear use features. Prey populations of moose and caribou also support this dense bear population.

(d) *Innoko Wilderness:* The Senate Committee bill did not designate wilderness in the Innoko National Wildlife Refuge. The substitute establishes a 1.24 million acre wilderness.

The Innoko Wilderness is located in the southeastern portion of the Innoko National Wildlife Refuge. The Innoko River forms the western boundary and the Iditarod and Yetna Rivers meander through the entire wilderness area.

Because this basin is at or approaching its wildlife carrying capacity, the wilderness designation becomes an appropriate management tool for maintaining the high productivity of the area.

(e) *Koyukuk Wilderness:* The Senate Committee did not designate wilderness in the Koyukuk National Wildlife Refuge.

The substitute designates a 0.4 million acre wilderness in the west central portion of the Koyukuk National Refuge. This area possesses one of the largest active sand dune areas in Alaska, the Nogahabara Dunes, with its associated transitional plant and animal communities.

(f) *Nunivak Wilderness (0.6 million acres):* The Senate Committee bill did not designate wilderness in this unit of the Yukon Delta National Wildlife Refuge.

The substitute designates a 0.6 million acre wilderness in the southern portion of Nunivak Island. This unit encompasses sensitive winter habitats used by Alaska's largest musko population and cliff areas supporting one of the largest seabird nesting colonies in Alaska. Geological features of this unit include the coastal sand dune formations of the island and the Mount Roberts volcanics.

(g) *Togiak Wilderness:* The Senate Committee did not propose wilderness in the Togiak National Wildlife Refuge.

The substitute designates a 2.3 million acre wilderness in its Togiak Refuge proposal. Occupying a transition zone between interior boreal forests and tundra biomes, this unit is dominated by the Ahklun Mountains, in turn separated by broad valleys, major river drainages and large deep lakes.

In sum, the substitute adds approximately 2.5 million acres of National Park System wilderness to the Committee's total of 29.7 million acres.

The substitute increased the wilderness proposal for Alaska National Wildlife Refuges from the Senate Committee's total of 4.35 million acres to approximately 18.86 million acres.

III. NATIONAL FOREST WILDERNESS

(a) *Misty Fjords:* The substitute increased the size of the Misty Fjords Monument from 1,453,000 acres in the Committee bill to 2,285,000. All of the Monument is designated as wilderness except for a 149,000 acre exclusion around the Borax mining claims at Quartz Hill.

(b) *Admiralty Island:* The substitute designates a 921,000 acre Admiralty Island National Monument. 900,000 acres are designated as wilderness. The Committee bill designated the eastern half of Admiralty Island as wilderness and the western portion as a Special Management Area.

The Special Management Area designations in the Committee bill have been eliminated in the substitute. These lands will be managed under principles of multiple use/sustained yield in accordance with existing laws and regulations.

Fourteen of the finest wilderness areas are established representing a broad spectrum of ecological types in Southeast Alaska. These areas encompass 5.3 million acres—an increase of 1.1 million acres over the Senate Committee bill. Only three areas have been modified from those areas designated as wilderness in the Committee bill. The change in Misty Fjords and Admiralty Island have been mentioned above. The Tracy Arms-Fords Terror Wilderness has been reduced from 678,000 acres to 656,000 acres to conform with the boundary recommended by the Administration and as contained in the Tsongas-Roth-McGovern amendments.

Admiralty Island Exchange: In full satisfaction of their land entitlement rights under ANCSA, a settlement for Kootznoowoo, Incorporated has been fashioned in the substitute which allows them a timber base for income while protecting their historic and cultural values on Admiralty Island. At the same time, the public's right of access and enjoyment of Mitchell Bay has been assured. This provision was not included in the Committee bill.

The greatest fear regarding the timber industry in southeast was that so much area was placed in wilderness that the cost of maintaining the timber harvest might be beyond budgetary expectations. In view of these fears, Section 705(a) has been modified to ensure the availability of funds. Rather than specify the *extra* funds needed, a mechanism has been provided whereby the Secretary each year will obtain *all* of the funds needed. The amendment assures the availability of at least $40 million. These funds are intended to be spent in the same manner and for the same purposes as those provided in the Committee bill. These include expenditures for stand improvements, the timber road program, and related capital investments but also include the regular costs of sale and road layout and preparation and may include research activities which contribute directly to improved timber utilization and advanced technology. In addition, the amendment provides a decade sale average of 4.5 billion foot board measure so that the United States Forest Service can adjust the yearly sale offerings upward or downward in any one year to adjust for annual sale fluctuations to assure the maintenance of a 450 million average annual harvest.

TITLE VIII—SUBSISTENCE MANAGEMENT AND USE

Title VIII retains the intent and, with minor exceptions, the language of the Committee bill concerning subsistence use and management on the public lands. The minor additions to and deletions from the language of Title VIII of the Committee bill are merely technical.

TITLE IX—IMPLEMENTATION OF ANCSA AND THE STATEHOOD ACT

At the request of the Interior Department, and the Alaska Federation of Natives, the substitute deletes Sections 901 and 902 relating to expedited conveyances of native lands.

A new section 901 entitled "Submerged Lands Statute of Limitations" is added by the substitute.

This section establishes a statute of limitations for judicial determinations of the navigability of water covering submerged land conveyed to a Native Corporation or group. In the case of all interim conveyances or patents executed prior to the enactment of this act, the statute of limitations is seven years from date of enactment. A five year statute of limitations applies to each conveyance after the date of enactment of this act.

Section 901 also provides that, except for pending administrative appeals, the Bureau of Land Management's conveyance of submerged land to a Native Corporation shall be the final administrative action with respect to a determination of non-navigability.

Other provisions of Section 901 permit agreements between Native Corporations and the State of Alaska with respect to relinquishment or reconveyance of submerged lands.

Section 906(o).—This subsection was modified to make clear that lands within conservation system units which were selected by a Native Corporation and are not conveyed to them under ANCSA or this Act cannot be selected by nor conveyed to the State of Alaska after the date of enactment of this Act.

TITLE X—FEDERAL NORTH SLOPE LANDS STUDIES, OIL AND GAS LEASING PROGRAMS AND MINERAL ASSESSMENTS

The Senate Committee bill had directed wildlife and seismic oil and gas assessments of the coastal plain of the Arctic National Wildlife Refuge. The baseline fish and wildlife study was designed to determine the ecological parameters of the fish and wildlife resources using the coastal plain and review the available seismic technologies to determine which seismic methods and conditions of use would provide the desired geological data while causing the least environmental damage to the wildlife and other resource values of the area. This initial study was to take 18 months and the Secretary was to issue guidelines for the seismic study within 2 years.

The substitute modified these provisions by prohibiting the issuance of any seismic permits within these first 2 years after enactment of this Act.

The substitute also modified the boundary of the coastal plain study by deleting the area between the Aichilik River and the Canadian boundary. This area is generally believed to have little oil and gas potential, but does have very high fish and wildlife values. The Arctic Wilderness established by the substitute includes this eastern portion of the coastal plain.

The Senate Committee bill had called for the report of seismic and wildlife studies to be submitted within 5 years.

The substitute modified that provision such that the report is due no sooner than 5 years after enactment and no later than 5 years and 9 months after that date. This will provide an additional working season to complete all aspects of the studies, so that work will not have to be done on a crash basis that could increase potential for adverse effects on the area and its resources.

TITLE XI—TRANSPORTATION AND UTILITY SYSTEMS

The substitute retains the process adopted by the Energy Committee bill with only a few changes. As stated in the Committee report (p. 245), "Future surface transportation needs cannot be addressed by the designation of a system of corridors." Both the House-passed and the Energy Committee bills adopt the approach of a process rather than designating corridors.

The substitute makes clear that a lead agency will be assigned responsibility for preparation of an environmental impact statement in accordance with CEQ guidelines.

The substitute makes applicable to the President's decision on an appeal of a negative agency decision whether to approve an application under existing law an additional two-fold test: First, that the transportation system would be compatible with the purposes for which the conservation system unit was established, and second, that there is no economically feasible and prudent alternative route for the system.

The substitute also strikes a requirement in the Energy Committee bill that no application be approved for 2 years unless the need for the system has been identified in a State study of regional transportation requirements.

TITLE XII—FEDERAL-STATE COOPERATION

The substitute makes very little change in the Committee bill with respect to this title. The Commissioner of the Alaska Department of Community and Regional Affairs is dropped from membership on the Alaska Land Use Council. The Section dealing with "Wildlife Refuge or Range Cooperative Management Agreements" is moved from Section 1203 to Section 304(f). Several other minor clarifying language changes are made.

TITLE XIII—ADMINISTRATIVE PROVISIONS

The Energy Committee bill provided for the development within five years of a conservation and management plan for each unit of the National Park System and National Wildlife Refuge System established or expanded by the Act. The substitute modifies this requirement by directing that within five years all plans be completed for units of the National Park System, but for the refuges a staged planning requirement is provided, such that plans will be prepared for not less than five refuges in three years, for not less than ten refuges in five years, and for all refuges within seven years. The substitute places this planning requirement for refuges in title III, the Refuge title. The substitute further modifies the Energy Committee language by specifically detailing the information to be included in the management plans.

The substitute retains the Energy Committee language concerning acquisition of improved property, except that the "cutoff date" in the definition of improved property is changed from January 1, 1979, to January 1, 1980. This is the date by which construction must have begun to qualify for the retained use and occupancy provisions in the bill as a matter of right.

Authority is added by the substitute for the acquisition, by donation or exchange, of lands owned or validly selected by the State which are contiguous to conservation system units.

The Energy Committee bill authorized five-year permits for occupancy of cabins in national park system units if the cabins existed prior to December 31, 1973. The substitute changes this date to December 18, 1973, which is the date that the Secretary of the Interior transmitted to the Congress legislative recommendations for units of the four conservation systems pursuant to section 17 of the Alaska Native Claims Settlement Act.

The Energy Committee bill provided that access to and maintenance of facilities for national defense purposes and related air and water navigation aids will continue in accordance with the laws and regulations governing such facilities. The substitute assures that such access and maintenance will be reasonable.

The Energy Committee bill authorized the Secretary, in administering national recreation areas, to utilize the authorities pertaining to the administration of the National Park System. The substitute strikes the reference to authorities of the National Park System.

The Energy Committee authorized aquaculture activities in wilderness portions of national forests and refuges, in accordance with the goal of restoring and maintaining fish production in the State to historic levels. The substitute limits the specific authorization of section 1315 for aquaculture activities to national forest wilderness and national forest wilderness study areas, and restates the goal as one of restoring and maintaining fish production to optimum sustained yield levels.

Aquaculture activities are permitted in refuge wilderness subject to the compatibility test of the Wildlife Refuge Administration Act.

The Energy Committee required 30 days days notice to the Committee before the Secretary could remove or construct a public use cabin or shelter in wilderness. This requirement is stricken by the substitute.

The compromise adds a section authorizing the Secretary of Agriculture to permit beach log salvage within national forest wilderness and national forest monuments.

The Energy Committee bill directed that wilderness review be conducted on parks, monuments, and refuges. The substitute directs such review to be done with respect to all non-wilderness units of the National Park System and National Wildlife Refuge System. The effect of the language is to make all non-wilderness preserves also subject to wilderness review.

The Energy Committee placed a disclaimer in the BLM wilderness review section, indicating that the section would not relieve the Secretary of the duty to review wilderness values in the National Petroleum Reserve—Alaska. The substitute strikes this disclaimer because the NPR–A studies have been completed.

The Energy Committee included a section effectively disclaiming the construction of this Act as necessarily prohibiting or mandating the location or construction of small hydroelectric power facilities within a conservation system unit pursuant to existing law. The substitute strikes this section.

The Energy Committee included a statement of Congressional intent that monies be authorized and appropriated for the management and development of facilities for conservation system units at a level commensurate with levels of funding for other existing units of comparable size and comparable resource value. The substitute strikes this provision.

The compromise adds rescission of February 12, 1980, Public Land Orders to those rescinded by the Energy Committee. These public land orders withdrew certain lands for refuges and natural resource areas, and the lands are classified in this bill. The compromise also corrects the reference to November 1978 State selection in the Energy Committee substitute.

Title III of the Committee bill included a provision disclaiming the construction of any provision of this Act or any other existing law as necessarily prohibiting or mandating the development of agricultural potential in the Yukon Flats National Wildlife Refuge pursuant to existing law. It also included a similar disclaimer with respect to the construction of this Act or the National Wildlife Refuge Administration Act as necessarily prohibiting or mandating the construction of the Terror Lake Hydroelectric Project within the Kodiak National Wildlife Refuge. The substitute adds language to both provisions to assure that the question of permitting such development—either agricultural development in Yukon Flats or the Terror Lake Hydroelectric Project in Kodiak—will be determined under existing law, including the compatibility test of the Refuge Administration Act, and moves the provisions to Title XIII.

TITLE XIV

SEC. 1417. The Senate Committee bill directed the Secretary to negotiate with the two Native Village Corporations, Tanadgusix, Incorporated and Tanaq, Incorporated to acquire certain cliff areas used by migratory birds as rookeries on the Pribilof Islands in the Bering Sea.

The Committee bill authorized negotiations to acquire not more than 10,000 acres and not less than 6,000 acres at an average price of not less than $200 per acre and not more than $1,100 per acre.

The substitute authorizes and directs the Secretary to acquire the cliff areas and areas inland from them in accordance with the document entitled "Pribilof Terms and Conditions". This document represents the completed negotiated agreement for the acquisition of the bird cliffs and inland areas and conforms with the directions to the Secretary regarding acreages and price per acre contained in the Committee bill.

SEC. 1424. The substitute adds a new subsection conveying the Punuk Islands to the Gambell Native Corporation and Savoonga Native Corporation.

SEC. 1427(b)(3). The Senate Committee bill provided the mechanics of effectuating the extinguishment of certain Koniag Native Corporation's deficiency selection rights on the Alaska Peninsula in exchange for conveyances of land on Afognak Island.

The substitute incorporates this provision and adds a clarifying provision that such public lands shall be included within the Alaska Peninsula National Wildlife Refuge and administered accordingly. The substitute also clarifies the language of the Senate Committee bill to include within the Alaska Peninsula or Alaska Maritime Refuges (as appropriate) all lands conveyed to the Koniag Native Corporations which are subject to reconveyance to the United States upon enactment of this section.

SEC. 1436. The substitute adds a new section relating to the conveyance of lands to the Village Corporation on Little Diomede Island.

Mr. STEVENS. Mr. President, we could go on and on with thanks. I am grateful to the Senator from Massachusetts for his comments. Without the leadership of the chairman of the committee (Mr. JACKSON) and the ranking minority member of our committee (Mr. HATFIELD) it would not have been possible to work our way through a bill of this complexity without serious problems. I think it is a testimony to their self-control—their ability to restrain their tempers, that is—that has enabled us to work hard and long on one highly technical subject matter and still remain friends. I am grateful to them.

I am also grateful, and I would be remiss if I did not mention it, the fact that the chairman and the ranking Republican took the occasion to name the Cape Lisburne unit of the Alaska Maritime Refuge after my late wife, Ann. This place, Cape Lisburne, is between Wainwright and Point Hope on the North Slope of Alaska. Ann spent a great deal of her time on the North Scope with her great friends, the Eskimo people. That is a refuge for marine mammals. Cape Lisburne is the turning point for the bowhead whales as they go North to enter the Arctic Ocean. I can think of nothing that she would like more than to know that the part of Alaska's coastline that has now been set aside as a refuge for marine mammals has been named in her honor.

Mr. President, I have one statement to make to which I hope the chairman of the committee will respond.

If I may ask it of the chairman, there has been a question raised by Tim Wallace, president of Doyon, Ltd., one of the Alaskan Native regional corporations. I wish to make certain that the record is clear with regard to the question he raised.

In the substitute, many parcels of land selected by Native corporations are included within the exterior boundaries of the proposed conservation system units. This situation occurs because the unit boundaries have been drawn, wherever possible, to encompass natural areas or to follow natural features, and thus also to include Native lands which, if the corporations ever decide to dispose of their property, could become part of the conservation system unit. The fact that Native lands lie within the boundaries of conservation system units is not intended to affect any rights which the corporations have under this act, the Alaska Native Claims Settlement Act, or any other law. It is not our intent, by the inclusion of Native lands within the exterior boundaries of conservation system units, to imply that such inclusion is a revocation of land selections validly filed pursuant to any provision of the Alaska Native Claims Settlement Act. The Native organizations have been given repeated assurances that including their lands within conservation units will not affect the implementation of the Native Claims Settlement Act. We intend to have these assurances translated into practice by the administrative agencies.

Does the chairman of our committee agree with that statement?

Mr. JACKSON. Mr. President, I agree with the Senator from Alaska on this matter.

Mr. STEVENS. Mr. President, I yield the remainder of my time to the Senator from Washington.

Mr. JACKSON. Mr. President, as Senate consideration of the Alaska National Interest Lands bill draws to a close, I want to be sure that the record adequately reflects the essential role played by staff members of the Energy and Natural Resources Committee and individual Senators in the Senate's work on the bill. Tom Williams, Deborah Merrick, and Tony Bevinetto of the committee staff, and Steve Silver of Senator STEVENS' staff have played key roles over the last 4 years during the long committee markups and Senate consideration.

Mike Harvey, the chief counsel of the Senate Energy and Natural Resources Committee, of course, had the overall responsibility and, as always, carried out his duties with great professional skill. During this Congress, they were joined by Roy Jones and Rich Arenberg of Senator TSONGAS' staff.

They have worked in a bipartisan spirit marked by high professionalism and dedication. Their task involved many late nights and weekends in what has seemed an almost endless effort to resolve the incredible complex and highly emotional issues that are involved in the Alaska Lands legislation.

During the weeks since the Senate began consideration of the Alaska Lands bill, staff of other interested Senators have also made significant contributions. These include: Martha Pope of the Environment and Public Works Committee; Roy Greenaway and Kathy Files, of Senator CRANSTON's staff; Bob McKim of Senator ROTH's staff; Stephen Saunders of Senator HART's staff; Dave Hansell and John Drucker of Senator LEVIN's staff; Ruth Fleischer of Senator PROXMIRE's staff; Rebecca Wodeler of Senator NELSON's staff; Bob Hurley and Nancy Barrow of Senator CHAFEE's staff; Marion Morris of Senator MATHIAS' staff; Ned Leonard of Senator MCGOVERN's staff; and Rinde Belshe and Susan Koch of Senator EAGLETON's staff.

To each of them I say: Thank you, and congratulations on a job well done.

Mr. President, in order that we fully understand how long and how involved and complicated this legislation has been, I think one must remember that it goes back to the Native Claims Settlement Act, which was signed into law by the President on December 18, 1971. The key part of the Native Claims Settlement Act was the provision known as "d-2," the genesis of the Alaska national interest lands.

That was inserted in the Native Claims Settlement Act, which was a condition precedent to the building of the Alaska pipeline, by Senators Bible, Metcalf, and myself. Three previous Congresses were involved in this problem, going back to 1964. So we are really dating this enterprise back almost 16 years.

Mr. President, that I know that people on both sides of the controversy are not totally happy—and that is an understatement.

The proof that we have a good compromise which involves so many of us here is that not everyone is going to be totally happy.

But I think we have had to face tough options, and we have faced those options in a spirit of compromise and settlement, and this bill represents that settlement.

We may have to make changes in the future, but at least we are removing the element of uncertainty and we are providing a balance, Mr. President, between conservation, on the one hand, and the necessary development of our resources on the other.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. STEVENS. One of the major concerns I had is that by changing the west side of Admiralty Island from special management area to wilderness, Congress could make it impossible for mining at Greens Creek or Admiralty Island to go forward.

As I understand it, the provisions of the substitute, including sections 503 and 504, will permit certain activities necessary to the operation of the mine.

Mr. JACKSON. That is correct. An area of about 27,000 acres of the Admiralty Island monument was not designated as wilderness in the substitute. This area, referred to in TLUMP as VCV 144, will provide a sufficient area for Greens Creek to operate. The committee report detailed a number of activities which are incidental to mining or milling purposes. These include, but are not limited to, pumping works, miners' accommodations, mine offices, or shops, ore storage, or waste, and tailing disposal. Additionally, the provisions of section 1110, assuring access to inholdings, will insure that adequate and feasible access for economic and other purposes, is provided to the mineral operation at Greens Creek.

Mr. STEVENS. One of my major concerns involves what happens if we find out that we have created so much wilderness that we cannot maintain the existing job level in the timber industry. Obviously, we do not want to create a situation where jobs are lost while we are trying to get relief from Congress.

Mr. TSONGAS. I fully agree with that. However, the Forest Service already has authority under the National Forest Management Act to depart from sustained yield as measured by nondeclining even flow in certain circumstances. As you know, such a departure allows additional timber to be sold above that which the timber base would otherwise support under nondeclining flow. We contemplate that the Forest Service could use this existing authority to depart from nondeclining even flow while Congress is considering what action to take to prevent a job loss.

Mr. JACKSON. The Senator from Massachusetts is correct. Under the National Forest Management Act, authority already exists to depart from nondeclining even flow, if necessary. Certainly, the departure provision is a tool the Forest Service could use in the Tongass National Forest to prevent job loss. The entire underpinning of our approach is to designate wilderness without job loss. We have designated wilderness. Now we have to carefully monitor the timber supply situation in the Tongass in order to protect jobs.

Mr. STEVENS. One of the major changes between the committee bill and the substitute is with respect to special management areas. As you recall, we had set up a mechanism in section 706(d) whereby the Secretary of Agriculture would make a request for a waiver from the timber sale prohibition in section 706(b) if dependent industry was not receiving a timber supply of 520 Mmbf from all sources. The substitute deletes the mechanism and changes the 520 Mmbf from any source to 4.5 billion board feet per decade from the Tongass National Forest. The key words here are "timber supply." It is my understanding that in order to provide a timber supply of 4.5 billion board feet per decade, an average of more than 450 million board feet per year will have to be offered for sale.

It is my understanding that for the years 1972–79, there was a 17-percent falldown between the programed harvest and the amount of timber actually harvested. There is no magic in the 17 percent figure. It is simply illustrative of the fact there is a difference between that which is offered for sale and that which industry actually purchases and harvests. There are many reasons for this: For example, a deficit sale or a sale which is subject to court challenge.

Mr. JACKSON. When we talk about the necessity to maintain a timber supply for the dependent industry at a rate of 4.5 billion board feet per decade we contemplate that there would be sufficient timber offered for sale so that dependent industry can harvest at that rate. If that does not occur, then the matter will be referred to us by the Forest Service which may also make a departure from nondeclining even flow under existing law if needed to protect jobs.

Mr. STEVENS. The Tsongas substitute has released some lands which under the Tongass land management plan are carried in LUD I. This is a designation by which the Forest Service recommends to Congress that certain lands be put into wilderness. Karta and the south end of Etolin Island are examples of this. In other cases, such roadless areas under TLMP as Idaho Inlet, Rocky Pass, Duncan Canal, and Yakutat Forelands have been released to multiple use by the substitute. In determining the timber base for the purpose of making the geographic changes from the Energy Committee bill, it was assumed that the timber in all of these areas was available for harvest at a LUD III level. Can you please advise me how this change in the Tongass land management plan is to be made

Mr. JACKSON. It is my understanding that the Forest Service will modify the existing Tongass land management to carry out the intent of the substitute and make these lands available for multiple use management.

Mr. TSONGAS. While we have made some of the areas which were special management areas in the committee bill part of the timber supply base, if the assumptions of TLMP are correct and money is provided for precommercial thinning, et cetera, the Forest Service should be able to avoid harvesting timber on the former SMA's.

Mr. STEVENS. I thank the Senators from Massachusetts and Washington. It is my understanding that these areas will be redesignated as LUD III.

On July 5, 1977, the successful, current sponsor of the Alaska Natural Gas Transportation System filed its application with the Department of the Interior for a right-of-way across Federal lands in Alaska. The Presidential decision regarding that System, which established the general route of the pipeline, was transmitted to the Congress in September 1977. On November 9, 1977, Congress expressed its overwhelming support by approving the Presidential decision through a joint resolution, Public Law 95–185, thereby creating certain rights in the project sponsor.

Congress has, since 1977, reiterated its continuing support for the President's decision and the system, and on June 27, 1980, resolved by concurrent resolution:

> That it is the sense of the Congress that the System remains an essential part of securing this Nation's energy future and, as such, enjoys the highest level of Congressional support for its expeditious construction and completion.

The route of the approved System commences at Prudhoe Bay and parallels the Alyeska oil pipeline southward across the Brooks Range through Atigun Pass to Delta Junction. At Delta Junction, the System diverges from the oil pipeline and follows the Alaska Highway and the Haines oil products pipeline right-of-way to the Alaska/Canada border.

The question is whether the present bill is intended to affect the System so authorized and approved. My understanding is that Congress is not attempting to affect the rights of the sponsors of the System arising out of the congressionally approved Presidential decision of 1977 and that we are not attempting to adversely affect the expeditious construction and initial operation of the System.

Accordingly, I interpret this bill and previous administrative action as not affecting the authority of the Secretary of the Interior with respect to the System. Following enactment of this bill, the Secretary would have, with respect to Federal lands remaining under his administrative jurisdiction, the same authority that he had on the date of enactment of Public Law 95–185, to issue any right-of-way, permit, lease, or other authorization which is necessary or related to the construction and initial operation of the System. Let me emphasize that I am not referring to lands that may, by provisions of this bill, be transferred out of Federal ownership.

Is this a correct interpretation of the effect that this bill would have on the Alaska Natural Gas Transportation System?

Mr. JACKSON. That is correct.

Mr. STEVENS. The substitute includes two specific provisions regarding commercial fishing in parks and refuges. These sections provide that the Secretary may take no action to restrict unreasonably the exercise of commercial fishing rights on park and refuge lands except to the extent that the Secretary finds, after public hearings, that activities constituted significant expansion of the use of park land beyond that referred to in the statutory language. The Secretary's authority here is closure authority and nothing in this section, or indeed in the bill, should be construed as authorizing the Secretary to require Federal permits or licenses in lieu of State fishing permits or licenses on publice lands or adjacant waters in Alaska.

Mr. JACKSON. The Senator is correct on this matter.

Mr. STEVENS. I would like to clarify a point regarding valid existing rights. The designation of conservation system units are subject to valid existing rights and use of such rights subject to reasonable regulation, shall be permitted. It is my understanding that valid existing rights do include any valid existing rights of way or rights of way which are created in the future.

Mr. JACKSON. The Senator is correct. The designation of units of this bill are subject to valid existing rights and the use thereof, subject to reasonable regulation.

Mr. STEVENS. I would like to clarify one question regarding the effect of title

IX on pending litigation regarding native selection of lands selected by the State of Alaska. It is my understanding that nothing in this title is intended to affect in any way pending litigation regarding the selectability under ANCSA of any particular tract of land including lands previously reserved to or selected by the Territory or State of Alaska under any provision of Federal law.

Mr. JACKSON. The Senator is correct. We do not intend to affect pending litigation on such questions by the passage of title IX of this bill.

Mr. STEVENS. There has been some question raised as to whether the lands conveyed to the State of Alaska under the university, school land and mental health grants are State lands under the definition of the Statehood Act and this act. I would like to clarify that these lands are State lands and are subject to the same protection and status of any lands conveyed under the Alaska Statehood Act.

Mr. JACKSON. The Senator is correct. We clearly intended at the passage of the Alaska Statehood Act that such lands conveyed to the State of Alaska or its political subdivisions, including the University of Alaska, would be considered State lands for purposes of Federal law. This bill reaffirms that status of these lands.

Mr. STEVENS. Senator Tsongas, as we both know, the U.S. Borax molybdenum deposit at Quartz Hill is located within a national monument. It is my understanding that the classification of these lands as national monument will not impinge on U.S. Borax's ability to develop that deposit. Does this comport with your understanding?

Mr. TSONGAS. My distinguished colleague from Alaska knows that it has always been our intention to allow the Quartz Hill deposit to be developed if it is economically feasible for U.S. Borax to do so. Let there be no misunderstanding, U.S. Borax will have to comply with some very restrictive environmental regulations incorporated into the bill. But, we have taken care in this legislation to do nothing which would directly or indirectly prevent the development of this mineral deposit solely because the deposit is located inside a national forest monument.

Mr. STEVENS. I thank the Senator who has worked so long and hard on this legislation for restating the sense of the Senate of this matter.

In various sections of the bill reference is made to U.S. Borax & Chemical Corp. Although I understand that the corporation discovered the deposit, and is managing its development, I assume the benefits and burdens of the bill would apply as well to its assigns or successors in interest.

Mr. TSONGAS. That is correct.

Mr. President, I would like to ask for clarification on a change from the Senate committee bill regarding the Denali scenic highway study. This study which is in both the House and Senate bills and is in the Tsongas substitute provides for a 3-year study of the road link between Mount McKinley and Wrangells National Parks. During that time, the Senate committee made it clear that the withdrawal from mining during the study did not affect the ability of the State of Alaska from proceeding with road realinement maintenance and other activities involved in the maintenance of these highways which are part of the State highway systems.

The Tsongas amendment adopts the Senate language regarding the road realinement issue, but it adds the qualifying word "minor" to references concerning road improvement and realinement. I would ask that a clarification be made on the floor here today that his word "minor" would not affect the State's ability to maintain roads in at least the same condition that they have been in the past. For example, the State of Alaska plans to repave portions of the Richardson highway which were severely strained during the building of the Alaska pipeline. It is very important that these road improvements be carried out on schedule. It is my understanding that the intent of this amendment was aimed mainly at a concern that the Chitina-McCarthy road would be upgraded prior to the study being completed.

It is also my understanding that there are no plans to upgrade this portion of the highway, but I am hopeful that other projects which are in nature of keeping highways in their present condition are not jeopardized by this amendment.

Mr. TSONGAS. The Senator from Alaska is correct. There is no intention to prevent ongoing projects which are legitimate improvements and maintenance from occurring. We do not want to see the Chitina-McCarthy road upgraded until the study has been completed and our intent was to prevent that by withdrawal from mining and the insertion of the word minor to insure that major changes in the nature of various segments of the highway would not occur during the study.

Mr. STEVENS. Mr. President, the substitute contains language in section 506 providing for exploration permits, patent to minerals and so forth for certain unperfected mining claims as defined in the section. We have negotiated these terms with great care in order to be fair and to allow for the full and proper development of the Quartz Hill molybdenum deposit. It is my understanding, and the Senator will correct me if I am wrong, the exploration permits, patents, surface leases, access rights, and so forth will all be provided by the Secretary. It has been established here that our intention is to permit full development of valid mining claims—the "core claims" to the molybdenum deposit at Quartz Hill—and also to allow for development of certain unperfected claims. I assume we do agree that we have given full protection to valid existing rights.

Mr. TSONGAS. My colleague from Alaska is quite correct. Section 506 was carefully drafted to give full protection to all valid existing rights—to patented claims and to permit perfection of certain unpatented claims. However, the provisions we set out for these claims will not apply if the unperfected claims are located within 1 mile of the center line of the Blossom River. This is stated in subsection (j). We agreed to this language in order to minimize impacts on the river from activities on unperfected claims near the river. Of course, the understanding was that nothing in this section would impair valid existing rights to valid miners' claims.

Mr. STEVENS. If I understand the Senator, then, this body does not intend that there be any interference with or impairment of valid mining claims or valid existing rights, regardless of whether the claims or rights are located within 1 mile of the Blossom River from its head waters to its confluence with the Wilson Arm.

Mr. TSONGAS. My colleague is correct.

Mr. STEVENS. I am gratified that this body does not wish to create problems or conflicts over access and entitlement with respect to valid claims and valid existing rights. It is important to state our intent only to restrain activities related solely to any unperfected mining claims located within 1 mile of the center line of the Blossom River; which is to say that we do not intend subsection (5) to impair valid existing rights, including valid mining claims. This is what I understand that the Senator has indicated, and I wanted to insure that my understanding repeated here conforms to his understanding and to the intent of this body with respect to section 506.

I wish to clarify the intent of this body with respect to section 503h(8) of this act. As I understand it, we have agreed that the waters adjacent to the Monument Wilderness, are not affected by our actions concerning the land.

Mr. TSONGAS. My colleague is correct. We are not doing anything to change the status of navigable salt water in the Misty Fjords area. For example, the Boca de Quadra or the Wilson Arm remain open to traffic and open to any other use permitted in the current body of law with respect to navigable salt water.

Mr. STEVENS. Then the intent of this body is to leave the status of the offshore waters adjoining the Monument Wilderness unchanged. No new or additional regulations or substantive or procedural requirements that might affect use of offshore waters for access related to the development of the mineral deposit at Quartz Hill are intended to be created by this section. We are not changing existing law.

Mr. TSONGAS. The Senator from Alaska is correct.

Mr. STEVENS. I am concerned, and I believe many others also to be concerned, that we have the committee report language that accompanied the legislative language of the "Borax compromise" as a part of the permanent Record. It is essential that we include that report language in the Record, so that the totality of this accord is a matter of record. I want there to be no mistake in interpreting the intentions of the parties who negotiated that compromise and the intentions of this body regarding the future regulations which may be promulgated by the Secretary of Agriculture.

Mr. TSONGAS. As I understand it, that agreement was the result of many hours of negotiation between your staff and my staff, representatives of the State of Alaska, representatives of the executive branch, and representatives of U.S. Borax.

Mr. STEVENS. That is correct. The negotiations on this section of the bill were very precise. In many instances, requests for specific legislative language were waived on the condition that the intentions of the parties would be clearly spelled out in the committee report. The legislative language dealing with this section of the bill does not accurately capture the total spirit of the accord. In order to understand the full measure of the compromise, I am adding the committee report language in Senate Report 96-413 dealing with sections 505 through 507 to the RECORD at this point.

Mr. JACKSON. I agree, often, in order to fully understand a carefully worded compromise, such as this one, report language that accompanied the legislative language must be made a part of the permanent RECORD. In this instance, I believe that the report language when examined side by side with the legislative language will give the true picture of the parties' intent and the intent of this body.

Mr. STEVENS. I thank the chairman. As he knows, the Borax compromise was made possible because all of the interested parties were able to agree that it would be better if certain sections were explained in the report as opposed to being included in the legislative langauge. Therefore, this report language is vital in interpreting these sections of the bill in administrative or judicial review settings.

I ask unanimous consent that this portion of the committee report be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

TITLE V—NATIONAL FOREST SYSTEM

SECTION 505: MISTY FJORDS NATIONAL MONUMENT

The Misty Fjords is an essentially untouched 1.453-million-acre area in the Coast Mountains representing nearly all of the wilderness features found in southeast Alaska. Spectacular fjords with sea cliffs rising thousands of feet, low rocky shorelines, sheer water falls, coastal and interior mountains rising over 6,000 feet, active glaciers, high and lowland rivers and lakes are interlaced with salt water channels, inlets, and bays. Wildlife representative of nearly all ecosystems in southeast Alaska can be found here. The Monument is neatly bound into a management unit by the Portland Canal and the international boundary to the east, the Unuk River drainage and international boundary to the north and the East Behm Canal to the west.

The Misty Fjords would be established as a national monument containing approximately 1.453 million acres of public lands, and managed by the U.S. Forest Service.

The Unuk River, with headwaters in Canada, has major recreational potential. The watershed is steeply mountainous with numerous glaciers and lakes, and the climate and surroundings vary from marine coastal to interior. Geological features such as colorful mineral springs and lava flows around blue lake add to the significance of the area. South of the Unuk, the Chickamin River system and the Le Duc River originate in glaciers high in the mountains of the monument. Rudyerd Bay Fjords and beautiful Walker Cove are surrounded by high, cold lakes, and mountains extending eastward into the Canadian ranges. Numerous lakes throughout the monument provide backcountry access to the heart of the area and offer excellent fishing and opportunities for outdoor recreation. Of the 2,000 salmon streams in southeast Alaska fewer than 20 support King Salmon. Five of those King Salmon streams are within the monument, the Unuk, Chickamin, Wilson, Blossom, and Keta.

The committee last year established the area of the monument as a unit of the National Park System. After consideration of that designation, the committee agreed with the House that the area should remain in the Tongass National Forest as a statutorily created monument. The boundary of the monument is identical to the boundary of the National Park Preserve established by the Committee amendment last year except for a minor boundary adjustment along the Portland Canal.

The committee amendment provides statutory direction to the Forest Service regarding management of the monument. The area is to continue to be managed as part of the Tongass National Forest subject to specific exceptions:

1. The area is statutorily withdrawn from the mining and mineral leasing laws and from future selection under Alaska Statehood Act or the Alaska Native Claims Settlement Act;

2. The area is closed to the sale or harvest of timber under Forest Service timber sale program;

3. The area is to be treated under section 1106(b) for the purpose of granting rights-of-way for transportation and utility systems under title XI of this act.

The committee adopted a number of specific provisions regarding the effect of the monument designation on the evaluation and operation of mining claims in the monument.

The committee intends that mining on existing claims shall be permitted under reasonable regulations designed to make that activity compatible to maximum extent feasible with the purposes of the monument. Mining in the monument centers around the Quartz Hill mineral deposit, a series of claims held by the U.S. Borax and Chemical Corp. These claims are presently being evaluated, but there are indications that the deposit represents one of the largest molybdenum discoveries in the world. The committee intends that the evaluation and development of these claims be permitted to continue should that prove economically feasible, and intends to avoid the implication that mining or related activities are inherently incompatible with the purposes for which the monument was established. The committee amendment also includes a number of provisions to allow qualified claims to be further evaluated and developed. The committee also recognizes the great fisheries values of the area and has included specific direction to the Secretary of Agriculture to use his existing authority to protect these values.

The committee intends that existing Forest Service regulations governing mining operations apply except to the extent that new regulations are promulgated. These new regulations are to be designed to provide environmental safeguards under which development of the claims can continue, not to prevent their evaluation and development.

In order to aid in validating these claims, special provision is made to determine validity as of November 30, 1978. The Committee does not intend this to affect litigation concerning withdrawals made subsequent to that date. A further provision states that the Mining in the Parks Act applies only to National Park Monuments, and thus not to this unit.

The committee has provided a process under which the Secretary is to issue a special use permit for a surface access road to the Quartz Hill deposit for bulk sampling purposes. The process includes preparation of a document by U.S. Borax and the managing agency analyzing the major design concepts for development of the mine, as part of the process for issuance of the special use permit. The analysis is not expected to outline any final plan for the development, as the committee realizes that the claims are still in the process of evaluation, and that final plans for the possible development have not yet been formulated by the company.

The committee believes that this analysis will assist the Secretary in the preparation of the environmental impact statement for access and bulk sampling which is to be prepared concurrently. This EIS is to use the information developed for the existing EIS previously prepared on the application by the U.S. Borax for access to the Quartz Hill area. The Committee has provided specific areas which it feels need to be examined in addition to updating the old information such as the effects of the road on groundwater flow and the impacts associated with widening an existing road as opposed to providing for such widening during construction of the access road for bulk sampling. A prime concern is that the surface access road be one that can be utilized in the eventual mine development phase, if possible, and that the construction of the road be accomplished with such use in mind where feasible. The EIS is to be prepared within 12 months, and the Secretary is to make his final decision within four months thereafter, provided that the Secretary has determined that the field work for gathering baseline data and data analysis for the 1981 field season have been completed. The committee has allowed the next two field seasons for the gathering of baseline data prior to issuance of the special use permit, and urges the Secretary to initiate data collection in the 1980 season.

It is the committee's intent that the Secretary issue the special use permit unless he determines that the construction would cause an unreasonable risk of significant irreparable harm to the viable productivity of the habitats of fish management indicator species (including but not limited to anadromous and other foodfish species). If the Secretary denies the permit, the burden of proof is on him in any judicial review of that decision.

The committee adopted a modified version of section 1109, of this act which provides for expedited judicial review of any administrative action regarding this section.

The committee provided a specific entitlement to a lease and necessary associated permits for the holder of claims at Quartz Hill, determined to be valid as of November 30, 1978. Such leases shall be issued only if three specific criteria are met and shall be limited to a size necessary to permit the "mining or milling" operations associated with milling purposes to be carried out. The committee intends that such lease encompass functions directly connected with or facilitating the removal and processing of the ore—for example, pumping works, miners' accommodations, mine offices, workshops, ore storage, or waste and tailing disposal. The committee also intends that the Secretary issue necessary and associated permits to allow the purposes of the lease to be carried out. Other functions such as power generation, transmission of power, transportation facilities, and impoundment of water to the extent they are not associated with a conventional millsite or "mining or milling purposes" as that phrase is interpreted under the mining laws of the United States—should be subject to the customary special use permit process within the Department of Agriculture.

SECTION 506: UNPERFECTED MINING CLAIMS IN MISTY FJORDS NATIONAL MONUMENT

A series of provisions drawn from the House-passed bid which permit the expansion of rights to explore unperfected mining claims were included in the committee amendments. These provisions permit the holder of an unperfected claim to continue working towards making a valid discovery under the mining laws on such claims within three-quarters of a mile of claims on which valid discovery has already been made. A patent for such expanded claims would be for the minerals only with the right to use the surface to develop the claim.

A provision has been included to permit the leasing of sites for milling purposes. Because of the statutory withdrawal from operation of the mining laws, a holder of a valid mining claim cannot locate such sites under the general mining laws. This provision authorizes the Secretary to lease a site for milling purposes to the holder of a claim.

The committee intends that the Secretary use his discretion to lease sites for mining or milling purposes consistent with the conditions of this section, but that he not unreasonably deny a site or lease in order to block development of a claim. The committee expects the Secretary to work with the claimants to determine appropriate locations in order to permit economic operations, but that the limitation on size and number of leases issued be consistent with the mining laws of the United States. The Committee recognizes that "mining or milling purposes" can include a number of appurtenant uses, directly connected with or facilitating the removal and processing of ore—for example, but not necessarily limited to, pumping works, miners' accommodations, mine offices or shops, ore storage, or waste and tailing disposal. The committee does not intend that lease uses include uses customarily dealt with through special use permits, but it does intend that necessary and associated permits be issued to allow the purposes of the lease to be carried out if a lease is issued.

The term of the lease for milling purposes is to be continued until the deposit is exhausted or the lessee has failed to use the leased site for 2 years. The Secretary may extend the lease even if it is not used under special circumstances, such as casualty, or force of nature, or governmental action beyond the control of the lessee which prevent the sites leased from being utilized.

The committee notes that nothing in this title affects the authorities of the Secretary to regulate mining activities, including, but not limited to, the issuance of special use permits for activities undertaken under an approved operating plan, or for the use of timber and other materials within rights-of-way under general regulation of the mining laws.

SECTION 507: FISHERIES ON NATIONAL FOREST LANDS IN ALASKA

The committee recognizes that there may be a potential for conflict between mineral development and a healthy commercial fishery. The committee has included this section to assure, to the maximum extent feasible, that the developing mineral industry does not conflict with an existing industry, commercial fishing. The general section directs the Secretary to review existing regulations and promulgate new ones, consistent with his existing authorities, should he determine necessary, to protect fisheries habitat under his jurisdiction. An additional subsection deals specifically with the Quartz Hill project, and emphasizes areas of concern to be addressed by the Secretary as further mining plans are considered for development of that deposit. The committee received assurances that this deposit can be developed in an environmentally sound manner, and has included these provisions to aid in attaining that goal. Only one subsection dealing with emergencies, extends the Secretary's existing authority. Otherwise, these provisions provide no new statutory authority to the Secretary. This section does not alter the State of Alaska's authority over fish and game management, water quality, or other responsibilities under existing law.

The more general subsection, 507(a), applies to all National Forest lands in Alaska, and directs the Secretary to review existing regulations and those under development to determine what, if any, new regulations are necessary to carry out the directive to maintain fisheries habitat, the maximum extent feasible, and to maintain present and continued productivity of the habitat from mining impacts. Any new regulations would be pursuant to his existing authority and promulgated following standard procedures. This section specifically requires the Secretary to consult with the State of Alaska in order to coordinate his efforts with those of the State in its capacity as manager of the fishery populations.

The committee recognizes that the "present and continued" productivity of fishery habitat can be variable or cyclical due to changes in the natural environment and in fisheries regulation. By maintaining present and continued productivity, the committee intends that the casual effects of mining operations on the habitat not significantly reduce the ability of that habitat to produce fish as it could have produced had mining activities not occurred. Maintenance of productivity is not intended to mean maintenance of a specific level in that natural productivity cycle but rather is maintenance of such productivity of specific fisheries systems without adding through mining activities impetus to any natural decline in productivity. The committee recognizes that the State of Alaska is involved in measuring these variations or cyclical changes as part of its role in fisheries management and intends the Secretary to seek assistance from and cooperate fully with the State in determining the productivity of the habitat and the cyclical nature of such productivity and the cause of such variations or cyclical changes.

Section 507(b) provides a framework for preparation and evaluation of mining plans governing operations at the Quartz Hill deposit. These provisions emphasize that such plans must be based on adequate information and studies which the Secretary determines are adequate and are needed to evaluate the environmental impacts of such development. These provisions are not intended to require unattainable standards in order to prevent approval of the plans, nor are they mere paperwork hurdles in the path of unhindered development. The committee has provided areas of emphasis for the Secretary to deal with during the development of mining plans.

The goal is to maintain the habitat of the fisheries producing system so that such system is capable of producing at or above current levels of production after the mine has ceased operations. The committee intends that required studies be carried out in a timely manner so that necessary information and data are developed to support succeeding stages of the plan of operations. The committee believes that such studies can go forward concurrently with development of the various stages of the mining plan.

The studies performed under this section are to be commensurate with the level of activities proposed by the operator. Since some proposed activities will require extensive studies including the collection of data over an extended period, it is recommended that the operator carry out those studies well in advance of the application for permit. This is to help ensure that the Secretary has the required studies completed to the degree necessary to evaluate the impacts of the proposed action and design. The studies required in this paragraph should have as their ultimate goal the development of a model of the fisheries producing system that is capable, if possible, of estimating the quantitative effects of mining operations on the fishery habitat and populations. It is also recognized that such knowledge does not now exist, but over time, better approximations should be obtainable. In formulating such models, areas of uncertainty should be identified, and the risks evaluated to the extent feasible. The range of possible effects should be fully explored and delineated. The responsibility for determining the adequacy of the studies lies with the Secretary.

Under this section, the Secretary is charged with the responsibility of determining that the plan includes adequate provisions for preventing, to the maximum extent feasible, significant adverse environmental impacts to the fishery habitat. Mitigation through reclamation, through offsetting impacts by other activities, or through other means, should be considered part of this standard if it is not feasible to prevent such impacts.

A specific suspension authority, applicable only to the operation at Quartz Hill, is included in subsection (b). It is the intent of the committee that this authority be utilized only in exigent circumstances and only if no other alternative, including modification of mining plans, can be effective. The Committee notes that the suspension authority is limited to seven (7) days after which time a court order is required and that authority is to be utilized only to suspend that part of operations which is causing the harm.

SUBSISTENCE IN NATIONAL PARKS AND MONUMENTS

Mr. HATFIELD. Is it true that under the substitute additional areas in the national parks and national monuments have been opened to subsistence uses by local rural residents, and is it not true that those areas are Aniakchak National Monument, Lake Clark National Park, the additions to Mount McKinley National Park, and Wrangell/St. Elias National Park?

Mr. JACKSON. That is correct.

Mr. HATFIELD. These areas are in addition to those parks that the committee originally recommended for subsistence, Cape Krusenstern, Kobuk Valley, and Gates of Arctic.

Mr. JACKSON. The Senator is correct.

Mr. HATFIELD. Under the terms of the substitute subsistence uses shall be allowed by local rural residents in Aniakchak National Monument, Lake Clark National Park, Gates of the Arctic National Park, and the Wrangell/St. Elias National Park, and the additions to Mount McKinley National Park where such uses are traditional. Am I correct in stating that the use of the phrase "where such uses are traditional" means that those portions of the parks and those populations within the parks which have been traditionally used would be available for subsistence while the rest of the park area would not be available for subsistence.

Mr. JACKSON. The Senator is correct. The management of this provision must be a flexible one that accounts for the movements of animals. For example, the great caribou herds of northern Alaska that migrate through the mountain passes of the Brooks Range do not use the same passes each year. The people of Anaktuvuk Pass, for example, who have traditionally harvested the Arctic caribou herd should be given the flexibiilty to hunt caribou if they migrate through a different pass than the one usually utilized. This is the meaning of the term traditional populations. A village may traditionally hunt a particular moose population. If that population changes its range then the Park Service should adjust the subsistence hunting zone to accommodate that change. The phrase "where such uses are traditional" also means that if a village has traditionally used a particular valley for subsistence then they should be allowed to continue their use of that valley for those species they have usually hunted.

Mr. HATFIELD. I agree with the chairman's explanation of this section. I would further like to clarify that the language for the Kobuk Valley National Park and the Cape Krusenstern National monument concerning subsistence does not include the phrase "where such uses are traditional." Am I correct in stating that the reason for this is that those particular northern areas have subsistence uses generally throughout the units rather than distinct portions of the parks like the other areas and that this is the reason that the language is more general for Cape Krusenstern and Kobuk Valley.

Mr. JACKSON. The Senator is correct.

Mr. HATFIELD. Mr. President, rural Alaska is unique in that it contains the last large number of communities or villages in the United States in which a substantial number of residents are dependent upon the harvest of renewable resources on the public lands for their sustenance. The importance of harvesting fish, wildlife, and other wild resources for subsistence uses to the resident of over 200 Native villages scattered throughout the State was thoroughly documented during consideration of both the Alaska Native Claims Settlement Act and the so-called D–2 lands bill.

The subsistence title in the committee bill and the substitute reflects the committee's longstanding interest in the protection of subsistence resources and uses in Alaska. Due to the circumstances in Alaska, Congress has added—for the first time—special protections for these traditional subsistence uses. The subsistence management provisions represent a continuation of the careful balancing of the roles and responsibilities of the State and Federal Governments. They reflect a delicate balance between the traditional responsibility of the State of Alaska for the regulation of fish and wildlife populations within the State and the responsibility of the Federal Government for the attainment of national interest goals, including the protection of the traditional lifestyle and culture of Alaska Natives.

The substitute differs from title VII of H.R. 39, as passed by the House of Representatives in two respects. The first relates to subsistence hunting by local residents within national parks and monuments. Under the substitute, parks and monuments are closed to all forms of hunting unless subsistence uses are permitted by this act. Subsistence resources commissions are to be established to recommend a program for subsistence hunting in such parks and monuments.

The second major difference is the means for enforcement of the subsistence preference. The House bill requires the Secretary to take certain administrative actions if he determines that the State has failed to establish a subsistence program or to implement such a program in a manner which adequately satisfies the preference for subsistence uses. While the substitute has retained broad Federal guidelines to insure the adequate implementation of the subsistence preference on the public lands and the Secretary's ongoing responsibility to monitor the State's implementation of such preference, we believe that the responsibility of the Secretary to insure the protection of subsistence uses and the satisfaction of subsistence needs of Alaska Natives and other rural residents can best be met by providing legal representation for such residents before the U.S. district court in appropriate instances in which the Secretary has determined, after consultation with the State, that the State has not timely or adequately provided for the preference for subsistence uses. Although it is our intent to neither enlarge nor diminish any existing authority of the Secretary to take appropriate administrative action to protect subsistence uses and satisfy subsistence needs of rural residents of Alaska, we believe that the responsibilities and authorities of the Secretary and the U.S. district court set forth in section 804–807 insure the protection of subsistence activities and the discharge of Federal responsibilities.

Mr. GLENN. Mr. President, I support the Alaska lands substitute legislation offered by Senators TSONGAS and JACKSON. I do so because it is a prudent and farsighted attempt to strike a balance on this issue, and because it represents a solid opportunity to resolve the matter this year.

It is no exaggeration to say that the Alaska land bill is the conservation vote of the century, and I use the word "conservation" in the broadest sense. Never before has there been an opportunity to provide strong and permanent protection to such vast expanses of pristine land; never before could we safeguard so much wildlife or so many wild and scenic rivers; and yet at the same time never before have we been able to plan for the careful and studied development of so great a storehouse of minerals, timber, and oil—resources critical to our Nation's future. In short, we have the chance to do things right for the first time, not only for this generation of Americans, but for all those generations to follow.

We must not let this chance slip away. For too long, the national interest has suffered while groups at the extreme ends of the spectrum dug in their heels, refusing to compromise. The result has been needless delay and an uncertain future for our land, our wildlife, and the people of Alaska, whose interests are legitimate and must be taken into account in any legislation.

I want to see a bill this year. Not just any bill, but one that assures strong environmental protections while permitting important and needed development, and still permits the people of Alaska to chart their own future. The Tsongas-Jackson substitute provides no more than this, it represents no less.

Mr. President, many misconceptions have arisen in connection with this legislation. I would like to take this opportunity to pierce some of the rhetoric and examine the facts.

First and foremost, it has been suggested that the State of Alaska and its people are being victimized. I cannot agree, but I am sensitive to this argument. My own State—the great State of Ohio—was once public land. Our ancestors were given the opportunity to develop this land and they responded to the challenge admirably, building the Buckeye State into one of the strongest manufacturing and agricultural areas in the Nation. Alaskans have the right to be treated similarly today.

The people of Alaska have been treated fairly in the past, Mr. President. In 1959 they were the recipients of the most generous land grant in our history. They made good use of this bounty, selecting for State ownership the most promising resource lands in the State. These areas contain vast mineral deposits, huge stands of the highest quality timber, and rich oil and gas deposits—including Prudhoe Bay, whose output has helped curtail our dependence on foreign oil and filled the State treasury.

Mr. President, I support the State's effort to develop its resources, and I encourage it to continue in this regard. But I greet with skepticism claims of deprivation from a State that can afford to provide services easily, eliminates its income tax, and rebates resource-generated dollars to its citizens.

The evenhanded treatment of Alaska's economic future is furthered by the Tsongas-Jackson substitute. The claim that this measure "lock up" resources simply will not hold water. All known "world class" mineral deposits in Alaska lie outside the boundaries set by this legislation. None are penned in by conservation units. All proven mineral claims on public lands are protected and access to them is guaranteed. Areas with high mineral potential are placed in multiple-use land classification areas, and every square inch of public land will continually be assessed to determine its resource potential.

Mr. President, these provisions hardly constitute a "lockup" of Alaska's resources or an attempt to preclude Alaskans from the use and enjoyment of their State. The figures bear me out: of the 375 million acres in Alaska, 350 million are open to hunting, 300 million are open to oil and gas development, 275 million are open to mining—and the last 2 figures will surely increase in the near future, after the Congress opens the vast mineral and petroleum reserves of Alaska. So it is somewhat specious to argue that this substitute is anything less than a prudent and balanced effort to accommodate the interests of the State, its people, and the Nation.

This legislation's greatest strength is that it is carefully crafted with the long-range interests of America in mind. I urge my colleagues to consider this last point carefully, because we too often fail to operate in this fashion. Indeed, the rush of events often lures us into the trap of resorting to the quick-fix answer where resource management questions are concerned. This is the path that allowed our air to become polluted, that led us to squander our water resources, that tore up our land in the lower 48 States helter-skelter, and forces us to spend billions of dollars cleaning up the mess.

Mr. President, we can and must have a better legacy for future generations. With this in mind, I urge all my colleagues to join me in supporting the Tsongas-Jackson substitute.

Mr. JAVITS. Mr. President, after long years of Senate debate over the future of the national interest lands in Alaska, we have fashioned a policy I believe to be sound and just. Incomparable wildlife resources are preserved at which generations to come may marvel; vital mineral and oil and gas resources are available for development outside prime natural resource areas; a prudent timber management system is in place; the rights and privileges of Alaskan Natives, farmers, hunters, and the State of Alaska itself have been given, I feel, due recognition. While none of the contending factions is 100 percent satisfied, none can legitimately contest that a reasonable balance has been achieved.

When consideration of this matter began in July, I was among those prepared to support certain strengthening conservation amendments to the Energy Committee's bill. I did support the committee's plan to conduct seismic studies for oil and gas along the coast of the Arctic Wildlife Range, for I feel it is essential that the Congress have adequate information about the energy potential of the area so as accurately to weigh the costs and benefits of a final decision on the status of those lands. However, in other respects I believed the proposed legislation offered inadequate protection to wildlife, to major ecological systems in watersheds, and to timber resources. I supported the one strengthening amendment on which the Senate did have the opportunity to vote—that enlarging the Alaskan wildlife preserve system.

Mr. President, the covenant between the American people as a whole and the residents of Alaska has, since before Alaskan statehood, been clear in that the national interest in parts of Alaska has been known to supersede the private interests of those who had settled nearby. When this rich and rare national treasure became a State, it was acknowledged that the American people would make available to Alaskan Natives, and to more recent settlers, such resources as they required to prosper and such additional resources as might benefit the Nation's economy. But the rest, it was agreed, would belong to the ages for Americans of future centuries to manage and to cherish. Passage of this legislation today is a final step in the definition and implementation of that covenant between Alaskans and their Nation. It is a fair bargain and one whose time has come. I am pleased to support it.

Mr. METZENBAUM. Mr. President, the Alaska national interest lands bill has rightly been called the most important conservation initiative of the century. That is not an exaggeration. It is a label that this initiative deserves.

This bill places approximately 99 million acres of Alaskan lands under permanent Federal ownership and management. In so doing, we are saving an irreplaceable national treasure for future generations.

But, in the last analysis, we need to do more than preserve and protect a national treasure. We need a carefully constructed compromise that permits development of Alaska's significant energy and mineral resources. We want to insure a healthy economic future for the State of Alaska and a secure energy source for America.

This compromise has traveled a long and tortuous course to the Senate floor. But in the process we have been able to set aside nearly 43 million acres of parks for enjoyment, another 55 million acres for wildlife, 3 million acres of national forest and another 7 million acres of wild and scenic rivers.

It has not been easy to balance the competing interests of conservation and development. Some say that the Federal Government has taken too much land, and that this will have an adverse economic impact on the State over the years. However, the State's own division of legislative finance has estimated that by the year 1995 Alaska will have earned $125.5 billion from Prudhoe Bay oil alone. By that date, Alaska will have a surplus of $40 billion. There is more land per capita, for Alaska's 400,000 people, even with the enactment of this bill, than in any of the other 49 States. I do not think we have taken too much.

The task of reaching a compromise on this bill has not been made easier by the greed of some and the intransigence of others. That we have a bill at all is due in large measure in the efforts of Senators JACKSON, HATFIELD, STEVENS, TSONGAS, and ROTH.

Their patience and persistence has paid off. I commend them for their craftsmanship and for the constructive compromises they have reached.

Mr. President, I have felt a part of this challenge since coming to this Chamber. When the late Senator Metcalf first introduced his most prophetic legislation on Alaska, I was there as a cosponsor. When Senators TSONGAS and ROTH saw the need to have a stronger bill placed before us, I was there as a cosponsor. My position has not changed.

My commitment to having a balanced and responsible bill passed by the Senate is without question.

Even before the Energy and Natural Resources Committee began its consideration of this bill I took the initiative to learn the facts and became intimately involved.

In May 1978 I went to Alaska, to see for myself, and to speak to the people who would be most affected. That experience was invaluable. It made it clear to me that the fight to protect the beauty of the land and the rational development of its wealth was essential. I returned with the conviction that a balance could be struck.

I am convinced that we have struck that balance here on the floor of the Senate. We have proven that this bill can address and will meet the interests of Native Alaskans, by guaranteeing that there will be a convenience of State lands to the State as was guaranteed under the Statehood Act. Now we must prove that this bill can meet the Nation's interests in protecting the land and resources for the benefit of all Americans.

The Tsongas-Jackson bill before us faces the issue of how we can best protect the Alaskan lands for the Nation. This approach does not compromise our national priorities by reducing the acreage designated for development and increasing the levels of protection over the wildlife and wilderness.

This bill reflects my own concern and belief that the challenge of balancing development and conservation is not beyond our reach. It deals squarely with the problem of land classification and unified management categories for wildlife protection and resource development.

The bill makes available for oil and gas development fully 300 million acres—95 percent of the most promising areas.

It opens 250 million acres to mining.

It leaves over 90 percent of the State's area open for hunters and other sportsmen.

And it does these things while preserving forever Alaska's environmental treasures.

I support this balanced approach which gives Congress the flexibility to decide at some future point on the basis of more specific and detailed information, how to further develop our oil and gas resources. Right now, if we are to err on the side of conservation, we can always come back and change the classifications should the need arise.

Mr. President, I believe that the issue of Alaska lands is the most significant conservation legislation in the history of this Nation. There is a thoughtful, prudent, and farsighted balance in this bill's approach to energy and conservation.

It is wrong to link the efforts to preserve wildlife and wilderness with a loss of energy security. Alaska alone will not solve the energy problem for us.

It will help. But more importantly, Americans must not increase their use of oil from either foreign or domestic sources. The more we save, the better off Alaska will be. The more we save, the better off the Nation will be.

This bill will not close the resources of

Alaska to development. It will protect their value from abuse. And it will create a resource bank that we might draw upon in the future. In this sense, the bill serves the highest interests of Alaska and of the Nation.

Mr. BAYH. Mr. President, I support the Alaska national interest lands bill, H.R. 39. As amended by the Jackson-Hatfield-Tsongas substitute, this bill offers the Senate the opportunity to cast a vote for a balanced and sensible approach to two of the great issues of our time: Environmental protection and development of energy and mineral resources. We can achieve the protection of Alaska's abundant virgin wilderness while realizing the vast potential for that State's contribution to our Nation's energy needs.

It has been a long struggle for the Senate to work its will in balancing the need to protect and preserve a truly representative portion of Alaska's spectacular natural heritage with the Nation's demand for adequate development of Alaska's abundant energy and mineral wealth. It is a tribute to the leadership of Senator JACKSON, Senator TSONGAS, and others, who have labored so tirelessly, that such a compromise has been achieved. At long last, the Senate can cast a vote for the greatest conservation measure of the century, knowing full well that Alaska's energy and mineral resources can be tapped effectively and efficiently. The Senate can be satisfied that its long struggle has paid great benefits.

THE HERITAGE OF ALASKA

This bill will offer the Nation the opportunity to protect and preserve the spectacular scenery and fragile ecosystems of our largest State by doing it right the first time. We owe this to ourselves and to our children. For in Alaska, we have some of the Nation's highest and most magnificent mountain peaks, the Nation's largest glaciers, its most abundant wildlife, and its last untouched wild and scenic river systems. There is nothing about Alaska which is small in scale. It is a land mass nearly the size of Western Europe and offers sanctuary for birds from six continents. It must be protected to the greatest extent possible, so that this spectacular natural setting will remain available for all future generations of Americans.

As Alaska is vast and beautiful, it also holds great promise for this Nation in seeking to rid ourselves from our intolerable and debilitating dependence on foreign oil. Because of the care and precision of the principles involved in this great debate, the 100 percent of the offshore sites would remain available to exploration and 95 percent of the onshore sites that have been identified as having a high or favorable potential for oil and gas exploration can be developed. The remaining 5 percent of the lands likely to yield oil and gas will have seismic surveys undertaken on them.

The timber industry is assured of a timber supply adequate to protect jobs in southeastern Alaska.

The sport hunters will have 91.4 percent of the Alaskan lands available to them for sport hunting.

The mining community is assured that mining companies in the Ambler area, at Quartz Hill, and at Greens Creek can proceed to explore these world class deposits of precious and needed mineral resources.

The Native communities and the State of Alaska can now obtain the conveyance of the balance of the lands promised them. The Native communities and Alaskan residents have had their subsistence rights protected.

In all, this bill stands as a remarkable compromise of strongly held views with each interest receiving a balanced protection of their legitimate interests. Each side has received most of the important objectives which it had hoped to receive. Each side has recognized that their top priorities did not directly conflict with each other. This is a bill which I think the Senate can strongly support and I urge my colleagues to join me in voting for its adoption.

Mr. MITCHELL. Mr. President, I rise in support of the Tsongas substitute to H.R. 39, the Alaska lands bill.

This legislation has been characterized as the most important conservation measure since President Theodore Roosevelt created our national forest system at the turn of the century.

The Senate must consider whether the Alaska lands bill before us serves the national interest as well as the interests of Alaskans.

I believe that the substitute to the committee bill achieves these objectives.

The Senate is faced with two equally important and valid questions: What degree of protection should we give the last remaining wild frontier in the American Nation? And how much of the Alaskan State can the other 49 States reasonably claim as a national heritage?

The questions seem simple. But the answers are complex.

I supported the five Tsongas amendments to H.R. 39. I believe that they represented a carefully drawn balance between development and conservation. I would have preferred that the Senate act on these perfecting amendments to the committee bill. But it is clear that if those amendments were adopted, there would be a filibuster on the conference report and there would be no Alaska lands bill this year. Since there is need for a bill, I intend to vote for the Tsongas substitute. It makes significant positive changes in the committee bill and is truly a middle ground.

Wilderness areas and ecological regions do not lend themselves to neat man-made classifications. The habitat of a wild creature does not conform to artificial human boundaries. We cannot realistically claim to preserve habitat and ecological wholeness if we arbitrarily chip away at the range of the wild creatures of the North. Nor can we realistically claim to be protecting the wilderness when we doom its inhabitants to extinction by limiting their living space.

At the same time, the people of Alaska, who have striven to build a State and a way of life in a region where physical obstacles are formidable and unyielding, have a claim on our attention. Alaskans need to retain a basic land and resource base which can sustain the life and prosperity of their State today and in the future. Alaskans deserve to have their claims given the same consideration as we of the Lower 48 expect for our own concerns and our own desires for future growth.

There is no question that the bounty of Alaska—its mountains, its rivers, its wildlife—is at stake.

These resources represent a priceless natural heritage of our Nation. We must determine whether the 49th State will remain bountiful for future generations.

There are few frontiers left—few regions of the globe where man is not the primary architect, where man has not determined which building shall be built and which animals shall live. Alaska is such a frontier.

In 1899, Henry Gannett, the Chief Geographer for the U.S. Geological Survey, said:

> The scenery of Alaska is so much grander than anything else of the kind in the world that, once beheld, all other scenery becomes flat and insipid.

Such is the land that we can still preserve.

The frontier has always played an important role in the maturing of the American character. An ever-present American frontier can be given much credit for the development of American beliefs. But most important, a wild frontier has allowed man to realize that he is but one element in a complicated chain of ever-growing, ever-dying ecological processes.

We have the opportunity to save that truly last frontier in Alaska.

The House of Representatives overwhelmingly passed a bill based on balanced development and conservation. It is fair legislation.

The Senate committee bill fails to achieve this balance. It accommodates development interests at the expense of Alaska's natural resources.

The committee bill reduces drastically the overall acreage placed in national wildlife refuges; it—

Creates instead numerous recreation areas where activities such as mining, road building and other development can occur;

Fragments land classifications with ecologically whole conservation units, resulting in a patchwork of management categories under the jurisdiction of several Federal agencies.

Only with the addition of the strengthening amendments contained in the substitute can the Senate restore the balance between development and conservation of Alaska's resources.

The five Tsongas amendments addressed some of the most troubling aspects of the committee bill; and their most important elements are retained in the substitute:

The integrity of the National Park System designations is restored through the elimination of multi-use recreation areas within the boundaries of the parks. Protection of critical wildlife habitats from mining activities is thus restored.

More complete protection of wildlife-rich areas is achieved through expansion of national wildlife refuges to 55 million acres, and by minimizing multiple-use national conservation areas within refuge areas.

Wilderness designations area significantly increased by 18 million acres, to protect the landscapes and wildlife habitats in the Tongass National Forest, the Arctic National Wildlife Range, Gates of the Arctic National Park, and others.

More protection along the banks of wild and scenic rivers is provided by permitting the extension of river boundaries one-half mile from a river bank where necessary to preserve views, habitats and other natural features.

Economic and resource development will also be protected under the land management scheme envisioned by the substitute amendments. The proposed conservation areas have been carefully drawn to exclude most of Alaska's developable resources.

According to estimates by the Department of the Interior, the following resources lie outside of the protected Federal lands: 70 percent of the potential hardrock mineral areas; 90 percent of potential oil and gas areas; and all of the proven oil reserves in Alaska.

The substitute will permit growth in the timber industry while preventing overcutting of the Nation's largest national forest. No jobs will be lost in the timber industry as a result of the amendments, and mineral development will continue on more than 75 percent of highly mineralized forest lands.

Over 90 percent of Alaska will remain open to sport hunting under the substitute.

In conclusion, the decisions made by the Senate on this legislation are monumental in their implications for this, our last frontier.

We owe it to Alaska's future and to the future of all Americans to preserve and protect what has been given us in trust. Shortsighted development today cannot be rectified by nature in the delicate Alaskan ecology. We owe it to ourselves and to future Americans to move with care as we deal with the future of the 49th State. Future generations of Americans—and Alaskans—will be grateful to this Senate for its action today.

The Tsongas substitute will permit us to preserve unique ecological systems without unnecessarily impairing energy or mineral development. If we do not strike such a balance in this legislation, there may not be another opportunity.

Mr. COHEN. Mr. President, a great deal has already been said in this Chamber about Alaska's unrivaled wildlife, wetlands, and wild waters. And a great deal has already been said about the unprecedented opportunity the Alaska lands bill offers us to judge wisely for the future of this natural abundance—a hundred million-acre natural treasure.

Alaska—"the Great Land"—lies 6,000 miles from Maine. But the distance in no way diminishes the determination of Maine's people to protect a frontier heritage in the far North. I would like to share with my colleagues some thoughts expressed by an editor of the Bar Harbor Times in my State, a man who also served as a former member of the Park Service planning team in Alaska:

> Whether or not they have ever seen Alaska or ever hope to (their children will), the people of Maine can have empathy with the Alaskan environment. The same cold, challenging seas yield rich fisheries harvests; the same seabirds wheel over the rocky coasts under the eyes of eagles. The salmon streams remind one of what the Penobscot, and so many others in Maine, once were like and perhaps may be again. Maine and Alaska share the allure of wild rivers and myriad lakes.

I will submit the full text of this article, "Alaska Here and Now," by John Kauffman, who has lived in both States, for inclusion in the RECORD.

It is precisely because the adventurous spirit can still thrive in Alaska that this issue has elicited such passionate debate. Americans have so much to win and so much to lose there. But one need not rhapsodize to make an argument for safeguarding our finest federally-owned wilderness in Alaska. It is good commonsense. It is only prudent to make a balanced, farsighted allocation of these natural resources. That is why I support the amended Tsongas substitute to the Energy Committee bill.

Yes, we have minerals, timber, oil and gas in Alaska—and we would see their continuing development in coming years even if every one of the measures proposed to strengthen the committee bill were accepted by this body—for even under those provisions nearly all of the highly valuable commodity lands would be left open to such use.

The Tsongas revised substitute, on the other hand, affords southeast Alaska's superlative fishery values the protection they so clearly warrant. This is good economics. After all, we are talking about a State that has experienced a four-fold increase in the wholesale value of its catch in 4 short years—a state that can help feed a world hungry for protein. Commercial logging has been a key factor in the decline of fish production in thousands of southeast Alaska's salmon streams, where carelessness has wrought variations in water flow, has silted and compacted spawning beds, and has destroyed the organisms upon which young salmon feed. This is not the opinion of a special interest group. It is the judgment of the final environmental impact statement (1979) for the State of Alaska's coastal management program. The State's Department of Fish and Game has sought protection from logging of 30 key streams since 1962.

Mr. President, I supported a strong and sound Alaska lands bill in the House of Representatives. The House resoundingly enacted that bill in the service of the national interest. I trust the Senate will have the good sense to do the same. I entreat my collegaues to join me in support of this substitute and thereby restore balance to this surpassingly important conservation measure. And if the commonsense argument seems flat to some, I call upon the words of a fellow New Englander, Ralph Waldo Emerson, to stir the spirit of wilderness among us:

> Nature shows us only surface, but she is a million fathoms deep.

I ask unanimous consent that the text of the article "Alaska Here and Now," by John Kauffman be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALASKA HERE AND NOW

Here is Maine; there is Alaska, far, far away, 6,000 miles far from Maine life, Maine's problems. Of what real concern, then, is Alaska beyond its being a fellow State in the Union, its people fellow Americans?

Because Maine's million citizens each own a little part of that "Great Land" we bought from Russia in 1867. Together with the shares all other Americans have in the public lands it is a national legacy for us and our descendants.

It is a land so spectacular as to defy description, and it is wild and pristine. It has a wealth of wildlife that is but a memory elsewhere. Waterfowl fill the air, caribou herds move across the tundra as bison once grazed our western plains. Salmon surge up the rivers, and fishing for them are great brown bears. Alaska is our ultimate wilderness, the last remnant of what the New World used to be. If we lose the freshness and the beauty there, something essential to North America will have died out forever.

To preserve this legacy, Congress has been considering Alaska lands legislation that would set aside millions of acres of the public lands as national parks and preserves, wildlife refuges and wild rivers. The House of Representatives last year passed a strong Alaska lands bill, responding to nationwide interest. Next month the Senate will debate the matter.

Maine's Senators will be important voters, for the State of Alaska, pressured by industry and an exploitive mentality among many of its residents, wants a much weaker bill. As compared with what the House voted for, it would halve the amount of wildlife refuge lands, halve the amount of protected wilderness, splinter parks into various management units with lower levels of protection, and open virgin forests habitats to clearcutting.

This weaker legislation, which Alaska's Senators engineered through the Senate Energy and Natural Resources Committee, is preferable, they argue, because of the Nation's energy and other resource needs. It is a false argument, however, because some 95 percent of the favorable oil and gas regions in Alaska lie outside of the proposed conservation area boundaries. The same holds generally true for other potential resources, much of which will likely be found on extensive private and state lands that comprise 40 percent of the territory and that are by far the most valuable economically. The real reason for seeking weak legislation is that it will give industry a more convenient and profitable exploitation.

There is strong hope, however, that the Senate will match the House-passed Alaska legislation. Led by Paul Tsongas of Massachusetts, a group of Senators has introduced a package of amendments to beef up the Senate Committee's bill and have also introduced a strong substitute measure. In view of Senator Cohen's strong stance in conservation matters, and with Senator Mitchell likely to carry on the outstanding conservation record of Edmund Muskie, Maine citizens can well hope that our Senators will cast their votes for the strongest possible Alaska lands legislation.

Whether or not they have ever seen Alaska or ever hope to (their children will), the people of Maine can have empathy with the Alaskan environment. The same cold, challenging seas yield rich fisheries harvests; the same seabirds wheel over the rocky coasts under the eyes of eagles. The salmon streams remind one of what the Penobscot, and so many others in Maine once were like and perhaps may be again. Maine and Alaska share the allure of wild rivers and myriad lakes. Though the true wilderness adventure once beckoning from the Maine woods is becoming more and more of a memory, now, as roads have laced them, that adventure still strongly challenges outdoorspeople in Alaska. They run rivers like the St. John, Allagash, Machias, and perhaps fish for the squaretail's cousin the arctic char. Beneath familiar spruce and birch forests bloom familiar bunchberries and twin flowers among familiar mosses. Alaska's blueberries are luscious.

Alaska is far grander than Maine, to be sure. Its mountains are huge. The glaciers that sculptured Mount Desert Island are still at work in Alaska. But both States bear the same environmental hallmark of quality. If the Senate votes to protect that quality, we shall know that here, there, American great grandchildren will sense what the New World environment was, is, and, in adequate measure, shall be.

Mr. MORGAN. Mr. President, before final passage of the Alaska lands bill I want to voice once again my concern over the amount of land that we are about to set aside in Alaska at a time when our need for oil, gas, and mineral development is enormous. And why should we lock-up this vast territory when the Alaskans themselves argue so strenuously against it? After all, as I pointed out last night, the amount of land we are about to set aside is more than three times the land area of my native North Carolina.

Why then should a Senator who is concerned about these things support the new Jackson-Tsongas compromise? Why should a Senator who supported the original Energy Committee bill support the legislation as it now stands? The answer, Mr. President, is that the alternatives are worse. After all, the Senate Energy Committee adopted their original bill by a vote of 17 to 1. The committee, led by its chairman, Senator Jackson, now stands behind the new compromise and argues that it is the best measure we can now agree on. It is clear that there are enough voices in the Senate to adopt an even more sweeping bill that would deny even more land to development.

Some have suggested that no bill would be better than this bill. But it seems to me that such a strategy is full of danger. The President has already withdrawn around 96 million acres and designated them as national monuments. He has said that he will withdraw more if the Congress fails to pass a bill this year. The withdrawals would simply prolong the uncertainty facing the people of Alaska over their State lands. Governor Hammond has been specific about how undesirable this course would be.

He said:

> The end result of all of this, would be the creation of the House bill by executive action, with none of the therapeutic provisions in the Senate committee bill.

This is as true now as it was during the first week in August.

The bill before us will revoke all of the executive withdrawals of land. It will convey to Alaska all of the land they are entitled to under the Alaska Statehood Act. It will provide more land open to oil, gas, and mineral exploration than the House bill and the original Tsongas amendments. More land for sport hunting will be available than under the more sweeping proposals.

I will be casting a reluctant vote for passing this bill. I will do it with eyes wide open to the huge areas we will be setting aside. But I do it with the full realization that this bill is preferable to the alternatives. I regret that the Senate is not voting today to pass the original bill reported from the Energy Committee.

Mr. LEVIN. Mr. President, I would like to take a moment to commend and thank all those who worked on the Alaska lands bill. It was through their hard work and devotion that this legislation was made possible. This effort has transpired over so many years that it would be impossible for me to mention all or even most of the people who have been involved.

Of course, Senator Tsongas' leadership has played a crucial role in formulating this bill. I would also note the roles of Senators Roth, Cranston, and Nelson with whom I joined in offering the wilderness amendment and the roles of other Senators who cosponsored the so-called Tsongas amendment. Senator Jackson and other members of the Energy Committee were most statesmanlike in their approach to the issues and to the debate on the issues. Senators Gravel and Stevens fought admirably for the State of Alaska and their own beliefs.

The Alaska Coalition deserves a special note of public admiration. A voluntary banding together of different organizations concerned with the preservation of Alaska, their work has been as thankless as it has been ceaseless.

Cecil Andrus and his staff from the Department of Interior, whose extensive involvement and informational effort have been indispensable, also deserve the highest praise.

And finally, to those unsung heroes of all our battles, the staff. They cannot be thanked enough. We are all in a deep debt to them, without whose work this monument of environmental legislation would not exist. Roy Jones and Rich Arenberg of Senator Tsongas' staff; Mike Harvey, Tom Williams, and Deborah Merrick of the Energy Committee staff; Steve Silver of Senator Stevens' staff; and all the others who participated in the negotiations on this bill, deserve special thanks. Their persistence, knowledge of Alaskan issues and devotion to the task of working out an acceptable bill were boundless.

All these people have exemplified the quality of respect for honorable differences and the spirit of cooperation in bridging them. Their work will remain as one of the crowning achievements not only of the 96th Congress but of this Nation's wisdom in the 20th century.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 11 o'clock having arrived, the Senate will now proceed to vote on passage of H.R. 39. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. Church), the Senator from Iowa (Mr. Culver), the Senator from New Hampshire (Mr. Durkin), the Senator from Hawaii (Mr. Inouye), the Senator from Alabama (Mr. Stewart), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. Culver) would vote "yea."

Mr. STEVENS. I announce that the Senator from Idaho (Mr. McClure) and the Senator from Wyoming (Mr. Simpson) are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. Simpson) would vote "yea."

The PRESIDING OFFICER (Mr. Huddleston). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 78, nays 14, as follows:

[Rollcall Vote No. 359 Leg.]

YEAS—78

Armstrong
Baker
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
Danforth
DeConcini
Dole
Domenici
Durenberger
Eagleton
Exon
Ford
Glenn
Hart
Hatfield
Heinz
Hollings
Huddleston
Jackson
Javits
Jepsen
Johnston
Kassebaum
Kennedy
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
McGovern
Melcher
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schweiker
Stafford
Stevenson
Stone
Thurmond
Tsongas
Wallop
Warner
Weicker
Williams
Zorinsky

NAYS—14

Garn
Goldwater
Gravel
Hatch
Hayakawa
Heflin
Helms
Humphrey
Laxalt
Schmitt
Stennis
Stevens
Tower
Young

NOT VOTING—8

Church
Culver
Durkin
Inouye
McClure
Simpson
Stewart
Talmadge

So the bill (H.R. 39) was passed.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR 30 MINUTES OF DEBATE ON ALASKA LANDS BILL FOLLOWED BY RECESS UNTIL 2 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the previous order providing that the Chair immediately recess the Senate until 1:30 p.m. be vitiated and that there be up to 30 minutes of time now during which Senators may speak about the Alaska lands bill and the participants in it, after which, before the Senate resumes consideration of H.R. 1197, which is the next order of business, the Chair automatically recess the Senate until 2 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I ask unanimous consent that the bill be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I ask unanimous consent that the enrolling clerk be authorized to make technical and conforming changes in the enrollment of H.R. 39.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, we have passed a monumental bill, the most significant conservation measure ever to be enacted upon by this body, probably the most significant conservation measure ever dealt with by any Nation on the face of the Earth.

A number of Senators have played a very significant part in this effort.

Senator JACKSON, by his great experience and skill, shepherded the measure through his committee and through the Senate floor, with great understanding and determination, and it is a monument to his skill that we passed this measure.

Senator HATFIELD on the Republican side, the minority ranking member of the committee handling this measure, likewise performed very, very effectively.

Senator PAUL TSONGAS, of Massachusetts, accomplished one of the most remarkable feats of any Senator ever in his first 2 years in the Senate with his very skillful handling of his substitute that has now become the actual part that we have passed of this measure. He performed with great humor, with great determination, and with great understanding of an issue that he did not know that much about when he came to the Senate, and I have great admiration for his able handling of the bill.

Likewise, Senator ROTH, handling this measure on the opposite side of the aisle, working with PAUL TSONGAS and others of us who were involved in this effort, did remarkably.

Likewise Senator STEVENS, who represented a viewpoint different from that eventually voted by the majority, worked very, very effectively on this measure representing the viewpoints of his State and his own views.

Mr. JAVITS. Mr. President, will the Senator yield on that point about Senator STEVENS?

Mr. CRANSTON. I wish to proceed for just 1 moment.

I wish to focus these remarks, however, upon the work of Senator MIKE GRAVEL who throughout this struggle and long before it started made plain his personal deeply held views on this issue affecting his State so very, very deeply.

Long before the issue was joined in committee and on the floor he began the preparatory work, talking to Members of the Senate and talking to others who might have impact in the Senate about what he felt should be done on this measure.

As the task became difficult for him, in view of what was obviously the developing consensus in this body, he relentlessly and with great skill and great understanding of the rules, the precedents, and the procedures of the Senate, waged what was in many ways a very lonely battle for the people of his State.

I have engaged in many battles with MIKE GRAVEL. Often we have been together, more often than not. I would much rather have MIKE GRAVEL on my side than on the other side because he is a very, very tough opponent.

There were some who say that he did what he did in the Senate on this measure for political reasons. I know MIKE GRAVEL well enough to know his views on this issue, well enough to know that that is not true. He had deeply held personal views about the development of Alaska and what this measure meant to the people and the State that he represents.

The fact is that as he waged this rather lonely battle and, as some of his actions were misrepresented or misunderstood in and around the Senate, and that reflected itself up in Alaska, he began to lose ground, according to the polls in Alaska.

So it was not a political matter; it was a matter of deep conviction on his part, despite the polls he resolutely kept at his task. He may have irritated some Members of this body briefly by his great tenacity and by his great skill and by the way he delayed a decision on this matter while seeking to turn the tide.

But he really, in the long run, won the respect and the admiration of every Member of this body for the way he waged this battle and for the skill he demonstrated in it.

MIKE GRAVEL in the Senate has many accomplishments yet to achieve, and he will be stronger in those efforts for his State and for his principles in this battle because of the skill, the determination, the spirit, that he has demonstrated throughout this battle.

I yield to the Senator from New York.

The PRESIDING OFFICER (Mr. HUDDLESTON). The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I would like to add a comment to the warm and relevant and wholly accurate remarks of the majority whip with respect to our distinguished colleague and good friend, MIKE GRAVEL of Alaska.

I cannot speak with the experience in this body that the senior Senator from California brings to his observations, but it might be useful and, I hope, it will not be embarrassing to the Senator from Alaska, if I spoke rather as a junior Member who has come to this body and has found in the tutelage, the guidance, and example of Senator GRAVEL, of MIKE GRAVEL, a source of the greatest assistance as I have tried to find my way in the labyrinth of legislation in which we live here.

It happens that I, from the beginning, have been a member of the Committee on Environment and Public Works. Environment and public works are subjects central to the concerns of the Alaska bill we just passed, and on that committee, on which we have our distinguished chairman, the senior Senator from West Virginia, who is here today, I serve on the Subcommittee on Water Resources.

This was a new experience for an Easterner, one who is accustomed to the plentitude of water in one's own State, and the absence of the Federal Government as a presence.

When the Federal Government acquired West Point, which is about the only property it owns in my State, it purchased it. It was not there first. The State was there before the Federal Government.

It happens that in the aftermath of Senator Muskies' departure from this body, which left a large hole, there were a number of things which had to move around, and Senator GRAVEL was unanimously chosen by our committee, under Senator RANDOLPH, to take over from Ed Muskie the role and responsibility for the environment on the Committee on Environment. A greater vote of confidence in a colleague our committee could not cast, because we have seen that role as one to which the Nation looks for leadership in that subcommittee, and it was given to MIKE GRAVEL because it was deserving, but it also happened that he had to leave the Subcommittee on Water Resources, and thereby hangs another tale, which is that I was required to succeed him, not to replace him. No one could replace him in that role, but I had to succeed him.

I see the Senator from Louisiana would like to speak, and before I continue briefly as to what the tutelage has meant to me in this matter that is so important to Alaska and the rest of the country, perhaps I could yield to the Senator from Louisiana.

Mr. LONG. I thank the distinguished Senator.

Mr. President, it was with great misgiving that I voted for final passage of this Alaska lands bill. I have been very much dismayed about the fact that the two Senators from Alaska opposed the bill very strenuously. They did so representing the views of the overwhelming majority of the people of Alaska.

Mr. President, I hope we will give further consideration to this measure at a future date because I suspect the very strong feelings of the people of Alaska, as reflected by their two Senators, may very well be what the national interest would compel.

There is no doubt in my mind had I been a Senator from Alaska I would have fought the so-called Alaska lands bill as hard as I know how to fight it.

I want to commend the Senator from Alaska (Mr. GRAVEL) for the enormous, herculean task he undertook in opposing this measure.

I have been a Member of this body for almost 32 years, and I have never seen a Senator oppose a measure with such complete dedication or who put himself into it in such a completely wholehearted way without regard to the consequences. A Senator can only do that if he is positive in his own mind he is right and is representing and reflecting the views of those who sent him here to represent them.

I applaud the Senator for the noble and dedicated, courageous fight he has made on this measure. The Senator knows on almost all amendments I voted with him, to substitute the judgment of the citizens of Alaska as reflected by their chosen representatives for that of others who do not represent that great State. I do believe. Mr. President, that it is completely appropriate for the Senate, and in the finest traditions of the Senate, that a Senator from a State would make the same enormous effort that the Senator from Alaska made in reflecting the views of those whom he represents in this body.

I congratulate the Senator for a very determined, persistent fight which is expected, in my judgment, of one who simply feels he cannot and his people cannot accept the consequences of what they regard as a very unwise piece of legislation, and I assure him if he renews his fight in the future he will have me on his side opposing what he believes to be and what I believe to be the needless usurpation of the rights of citizens of a State to determine their own destiny.

Mr. MOYNIHAN. Mr. President, I know other Senators wish to speak, and I will not delay the Senate longer, but I want to continue my remarks in the aftermath of what the Senator from Louisiana has said.

I served 3½ years under Mike Gravel, of Alaska, as chairman of the Subcommittee on Water Resources, one of the most important subcommittees of Congress, and I had a lot of learning to do, an easterner, to learn what it means to come from a State where half or three-quarters of the land is owned by the Federal Government. Even California where more than half the land is owned by the Federal Government to this day does not compare with Alaska, where, is it 85 percent——

Mr. GRAVEL. Ninety-eight percent.

Mr. MOYNIHAN. Ninety-eight percent is owned by the Federal Government.

The difference in circumstances is so enormous. if there is one man who could make it clear, could make it understood, could make it relevant to all of us, it is Mike Gravel.

If I carry on in the Senator's tradition, it will please me enormously. But if I do. it would be because of the Senator's tutelage, and I stand here to say that I learned more about the Western region of the United States in those 3½ years on the Senator's subcommittee than I had done in 30 years of teaching government in the Eastern United States.

I want to acknowledge my debt. my gratitude. and say I hope I can maintain at least some measure of the standards. if not the performance, which you set for that body.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President. the accolades for our colleague given today in the Senate are not pleasantries. They are tributes and expressions of those in this body who have worked closely with Mike Gravel, one of the Senators from Alaska.

I voted for Alaskan statehood as a Member of the Senate in 1959. I had known Alaska at an earlier date when, some 15 years before, I was actively involved with the programing of a highway to serve Alaska. This road has meant much, not to just what is now the State of Alaska but to the Nation as a whole.

We are one country and Alaska is a very, very important segment, a State, of this country.

When we assess the efforts of a Senator, we think in connection with those matters which we have shared with that Senator on one or more committees. Mike Gravel has been the chairman of three subcommittees of the Committee on Environment and Public Works during his service on the committee. His constructive efforts in the Buildings and Grounds Subcommittee—a very important assignment, even though people do not know the ownership of Federal buildings and the responsibility that we have in these matters as a good housekeeper for the Nation's workers—improved the committee's oversight of this program. They might not understand the time that it took from Mike Gravel's other efforts in this body to give effective leadership in that subcommittee.

In the Subcommittee on Water Resources, the Senator from Alaska conducted the extensive hearings on water resources not just for Alaska—in fact Alaska in a sense does not have as much at stake from the standpoint of projects as the other parts of this country—but for the Mississippi River region, the Far West, the lakes, the streams embodied in the water resources program. He was very understanding and very knowledgeable in these matters. Through his leadership, the committee finally authorized the important replacement of Locks and Dam 26 on the Mississippi River.

In connection with environmental pollution, that subcommittee of which he has recently assumed the chairmanship, his efforts have been, in a sense, a reflection of what we have done in that committee and in the subcommittee over the years, not to desecrate our resources but to have progress. Progress we must have in Alaska, a growth State. Through his active role we must consider the matters of the quality of life. And I am sure he will give his attention to those matters as he has with his other subcommittee assignments.

Mr. President, others on the committee and in the Senate have spoken of Mike Gravel. I have enjoyed and I have profited by his knowledge as he has contributed that knowledge to the committee in its careful consideration to important matters coming before us.

I have always admired that individual who makes a gallant fight, even if the fight finally, let us say, is going against him. But so often I have noted that in those battles lost, there is an opportunity to come back again to cross verbal swords, legislative efforts, and to carry the points which he wishes to carry at the present time.

And so I rise not in a reluctant manner. I am standing on my feet and I do it eagerly to commend the Senator from Alaska (Mr. Gravel) for his service to the State of Alaska and its people. I am especially appreciative of his contributions to the Committee on Environment and Public Works. His efforts for Alaskans should not go unrecognized by this body.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, as a Westerner, I want to commend Senator Mike Gravel for fighting hard for Alaska's rights. Mike Gravel's battle for Alaskans has been in the true tradition of a Western Senator fighting for his State.

His fight for Alaska has not ended. The action by Congress this year in this D-2 bill must be annually reviewed to determine what are the best interests and rights of Alaska's people in our largest State with its vast potential.

Senator Mike Gravel's leadership for Alaskan matters is needed in the Senate not only now, but also next year and the many years to come. Alaska's future hinges on the continuation of Mike Gravel's leadership in the Senate.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I rise for a point of personal privilege. This is the first time that I have used that term in stating the purpose for my remarks. When I use that term, it is to signify a desire to express something that is of great significance to me.

I rise to speak about my friend Mike Gravel. There is now a reason for a pocket supplement to that famous book entitled "Profiles in Courage." The pocket supplement to that famous book should contain one additional chapter. And that chapter should be entitled "Mike Gravel, A Man of Principle and Courage."

My home State of Alabama produced one of the great parliamentarians of the U.S. Senate, Jim Allen. There has now emerged on the scene of the U.S. Senate another great parliamentarian. His ingenuity in using the rules in order that there be adequate time and extended time for debate here is an ingenuity that I have not seen exemplified previously on the floor of the Senate.

The name of Mike Gravel must be added to the list of the great parliamentarians of the U.S. Senate, which include Daniel Webster, John C. Calhoun, Richard Russell, Robert Byrd, and Jim Allen.

Mike Gravel is a man of principle. I had a matter when I first came to the Senate concerning that which I thought I was right. I had long conversations with Mike Gravel and convinced him that I was right. We went down in defeat together. But I developed a lasting respect for Mike Gravel, for he is a man of principle, a man of conscience, and a man who will do what is right regardless of the consequences.

I salute you. Mike Gravel. a great parliamentarian. a man of principle and a great example of "Profiles in Courage."

Mr. SCHMITT. Mr. President. I think history will record that the three branches of Government, in one way or another, have acted in ways adverse to the national interest over the last several months, if not several years, with regard to the issue generally framed under the title "The Alaska lands issue."

In particular, the executive branch has abused its power in forcing ill-considered legislation through the Congress under the threat of withdrawal of Alaska lands by executive edict.

The Congress, in its lack of wisdom, has further exacerbated the situation by taking legislative steps that, on the one hand, are adverse to the long-term national interest with respect to the deepening resource crisis that the Nation faces, a crisis directed toward its economy and its national security, and, on the other hand, creating a situation within the Senate of parliamentary significance, the adverse impact of which is yet to be determined.

Mr. President, the Senate voted yesterday to invoke cloture, further limiting debate on the Alaska lands bill. This vote created an unfortunate parliamentary situation that reaches far beyond our views of the pending legislation, and its consequences deserve serious scrutiny.

Senate debate traditionally goes on unfettered. A unanimous consent agreement by all 100 Senators imposes certain restrictions on debate. Cloture, which in this case placed a further limitation on debate, was invoked by 63 Senators, only three-fifths of the Senate.

The danger is or should be apparent to all of us. A right negotiated under a unanimous consent agreement and ratified in effect by 100 Senators was later revoked by the action of 63 Senators, upset by the tactics or pace of debate under that agreement.

Such a precedent imperils the rights of all Senators and transcends the merits or demerits of the pending legislation. Should a Senator be denied those rights to which he has been accorded under a unanimous consent time agreement? Will such an action derogate and create a casual disregard toward unanimous consent agreements in the future? I fear that we may have established a precedent that threatens the orderly dispensation of Senate business. Even that unanimous consent agreement, which prevented amendment of a major substitute except by backroom negotiation, was flawed in legislative concept. Because a measure is complex should not be the reason to avoid amendment on the Senate floor.

Of equal but different importance is the overall Alaska lands issue from which the parliamentary quandry was born. I am concerned that America's geopolitical nature has also been threatened. By denying access to the many energy and nonfuel resources upon which our industrial Nation is built, the consequences seem to be apparent. This legislation will directly and indirectly impact upon the environmental and resource development programs of all other resource-rich States and States whose economies are dependent on domestic resource supplies.

Specifically, the following considerations disturb me greatly and are the principal factors that caused me to vote against the Alaska lands bill:

First. The environment of the resource rich areas of States other than Alaska will necessarily come under vastly increased pressure for development if the contemplated restrictions on Alaskan developments become and remain law.

Second. The vulnerability of our State and national economies and our national security to foreign manipulation is increasing daily and will accelerate due to the restrictions on domestic resource production such as those contained in the proposed bill.

Third. There is growing national awareness that "wilderness areas" must be managed by multiple use principles not only for their own protection but for the total benefit of all Americans, and that environmental law must be modified before more unequivocal land withdrawals occur.

Fourth. The national debate of inequities in Federal land proposals for States in various regions of the country has just begun and should be quickly resolved before major new inequities are established.

Mr. President, I have spoken before on the resource crisis that envelops our future. At this point I would like to share with my colleagues excerpts from a paper by the Council on Economics and National Security, entitled "The 'Resource War' and the U.S. Business Community: A Case for a Council on Economics and National Security."

I ask unanimous consent that the excerpts be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

U.S. VULNERABILITY TO CUT-OFFS IN MINERAL IMPORTS

"With respect to certain key minerals the United States has no significant current production and depends heavily on imports," noted Simon D. Strauss, Chairman of the Minerals Availability Committee of the American Mining Congress. Testifying in November 1979 before the Mines and Mining Subcommittee, U.S. House of Representatives, Strauss made the point that even though the United States still possesses abundant reserves of some non-fuel minerals, the nation is nonetheless very vulnerable because we must depend almost completely on imports to meet our industrial needs for certain highly critical minerals.

This problem was addressed to some degree by the Non-Fuel Minerals Policy Review, an interagency study effort inaugurated by the Carter Administration in 1978. The panel's purpose was "to determine whether there are significant problems affecting non-fuel mineral commodities, and to recommend what action, if any, the government should take to address these problems." In its August 1979 draft report, the panel noted: "The future supplies of several imported minerals critical to the United States and its allies are becoming less secure. Chromium, manganese, cobalt and the platinum group metals are the commodities of greatest concern." In commenting on U.S. dependence on foreign sources of such critical non-fuel minerals, the report continued:

"The United States imports almost all of its chromium and cobalt from a limited number of foreign suppliers located primarily in central and southern Africa, an area of increasing political instability. South Africa alone provides the United States with much of its chromite, ferrochromium and platinum group metals, a large portion of its ferromanganese, and a number of other metals. Zaire and Zambia are key sources of U.S. cobalt. Should supplies from South Africa become unavailable, the United States would be dependent on its second largest supplier of chrome and platinum group metals, the Soviet Union."

Unfortunately, the report does not state the urgency of this situation. Harry J. Gray, Chairman of United Technologies Corporation, has spoken forcefully concerning the report's shortcomings:

". . . It failed to properly analyze and evaluate the key problem areas. It failed to analyze and evaluate the long-term impact of import dependency. It conveyed no sense of urgency about the seriousness of the situation.

"Perhaps the report's major failing was that it didn't identify any practicable solutions. Our analysis of the report leaves us to conclude that the problems were never fully understood. But really, what is so hard to understand? Consider these realities:

"One: The United States is a have-not nation when it comes to certain critical metals.

"Two: From 1950 to the present, our raw materials situation has deteriorated drastically. We have never been self-sufficient and today we are frighteningly vulnerable to overseas suppliers.

"Three: For certain critical metals, such as chromium and cobalt, we are close to 100 percent dependent on imports.

"Four: For these critical materials, our primary sources are unstable or unfriendly."

The following figures are instructive: As a percentage of consumption, the United States in 1979 relied on imports for 90 percent of its chromite, 90 percent of its ferrochromium, 98 percent of its ferromanganese, 98 percent of its manganese ore, 98 percent of its cobalt, and 89 percent of its platinum group metals. No manganese, chromite, or cobalt is presently mined in the United States, and only small amounts of platinum group metals are mined (in 1979 about 10 percent of the consumption of each of chromium, cobalt, and platinum group metals was a result of recycling of scrap).

With regard to Mr. Gray's point that our primary sources of these minerals are unstable or unfriendly, Appendix 5 points out that from 1975 through 1978 the United States obtained most of its imports of chromite from South Africa (38 percent) and the U.S.S.R. (14 percent); of ferrochromium from South Africa (51) and Zimbabwe (12); of ferromanganese from South Africa (34); of manganese ore from South Africa (9) and Gabon (41); of cobalt from Zaire (41) and Zambia (10); and, of platinum group metals from South Africa (50) and the U.S.S.R. (14).

America's vulnerability to cut-offs in certain critical minerals can be illustrated by examining the situations involving cobalt and chromium, two particularly "strategic" minerals. David J. Kroft, a mineral economist with the San Francisco office of Dames and Moore, specializing in mineral commodity analysis and the geopolitical aspects of mineral supply and demand, has defined a "strategic mineral" for the United States as follows:

"Any mineral neither found nor produced in the United States in sufficient quantities to sustain the nation during a period in which the security and/or economy of the country is threatened by a foreign power can be broadly classified as strategic."

Factors for determining a mineral's strategic importance, then, would include criticality of the industrial application, size of accessible U.S. and world reserves, U.S. Government and industry stockpiles, availability of alternative or substitute materials, geographic distribution of foreign sources of supply—and, the certainty of access to foreign sources of supply.

Chromium is one of the most "strategic" of minerals for the United States. It is widely used in industry: oil refineries, petrochemicals, conventional and nuclear power plants, tanker trucks, gas turbine engines, industrial machinery, and all stainless steel. Also, there is no substitute for chromium-bearing stainless steels and high nickel alloys in applications demanding high strength and good corrosion resistence at high temperatures.

Cobalt is likewise widely needed by industry, for example, in manufacturing mining tools, machining tool bits, permanent magnets, and especially in the aircraft industry. Cobalt's unique ability to withstand high temperatures and stress makes it vital for hot sections of jet engines. While industry is striving to develop substitutes for cobalt alloys, testing and evaluating of substitutes can take years and, in any case, in some applications substitutes cannot be found.

Additionally, the U.S. strategic stockpile goal for cobalt is 85,400,000 tons but the inventory is $40,802,393. Some forms of chromite also have inventory shortfalls—for example, the goal for refractory grade chromite ore is 850,000 SDT but the inventory is only 391,414. There are shortfalls involving a great many other strategic minerals having stockpile goals, including regarding platinum group metals.

Simon D. Strauss, Chairman of the Committee on Minerals Availability of the American Mining Congress, has commented on the strategic stockpile:

"The strategic stockpile is certainly a valuable weapon. . . . But the history of the stockpile over the 20 years does not encourage complacency with regard to the protection it affords. Stockpile objectives have been frequently and drastically altered. Economic considerations rather than strategic protection appear to have motivated many of the decisions.

"How else, for example, can one interpret the sale, beginning in 1964, of half the cobalt in the stockpile when there was no shortage of cobalt in the marketplace? In 1978 an uprising occurred in Zaire, the principal import source for this highly strategic material. The price of cobalt soared, consumers were upset over the security of future supplies, and today the government is faced with the prospect of rebuilding the stockpile to the level that it had on hand in 1963—but at a cost several times the revenue derived from the sales previously made. Holdings of the platinum group metals were also far below the present stockpile objectives."

It should be noted that there are those who estimate that deposits in Idaho could supply up to 30 percent of U.S. cobalt needs, thus reducing our dangerous dependence on overseas imports. However, the mines there, which were producing years ago when production was economically feasible, lie within a 2.3 million acre tract of Federal land all of which the environmentalists would like to have designated as a wilderness area closed to mining.

The land identified as having great cobalt potential only comprises 40,000 of the 2.3 million acres, but the mining industry is nonetheless precluded by environmental and other restrictions from even doing the necessary assessments to determine if this might be part of the answer to America's dependence on overseas sources of cobalt. This is clearly a policy matter requiring the highest policymaking levels of the U.S. Government to integrate "domestic" environmental and land-use policy with economic and national security policies—to achieve solutions which will over the long term best serve the national interest.

We noted earlier that the United States obtains a great deal of chromium, cobalt, manganese, and platinum group metals from southern Africa. These minerals are mined in the "Saudi Arabia of minerals," or so-called "High Africa": Zaire, Zambia, Zimbabwe, Namibia, and South Africa. This area, from the Transvaal to Shaba Province in Zaire, produces most of the free world's supply of the aforementioned minerals, plus gold, asbestos, industrial diamonds, vanadium, uranium, and germanium. South Africa, for example, is the world's largest producer of platinum, vanadium, and antimony, the second largest producer of chromium and manganese, and a major producer of asbestos, coal, copper, diamonds, iron ore, siliminite, itanium, uranium, vermiculite, and many others. Especially significant are the minerals in which world production is dominated by just a handful of countries. More than half the production and reserves of chrome ore, the platinum group metals, manganese, asbestos, vanadium, and gold come from South Africa and the U.S.S.R. More than two-thirds of the world supply of cobalt comes from Zaire and Zambia.

Because of its mineral resources, the southern part of Africa is of vital economic as well as politico-military importance to the United States. Western Europe and Japan are even more dependent on the area for their mineral needs. Civil unrest in this area is a chronic problem and interruptions in mineral production and/or transportation are always a possibility. The expansion of Soviet and Communist influence in southern Africa thus is especially troubling.

There are today about 20,000 Cuban troops in Angola, 1,000 in the Congo (Brazzaville), 500 in Tanzania, 400 in Zambia, 30 in the Malagasy Republic (Madagascar), and 1,000 in Mozambique. East German and Soviet advisors are usually present as well. The governments of these nations tend to promote Soviet policies to include the conduct of subversion and covert operations throughout the region. For example, the Cubans and East Germans in Angola are working with the SWAPO guerrillas who seek to establish a Marxist regime in Namibia (Southwest Africa), and with Katanganese rebels seeking to capture Zaire's Shaba Province (see below). The Soviets also support the black nationalist African National Congress (ANC) which operates in South Africa. The outlawed ANC claimed responsibility for the dramatic June 2, 1980 coordinated sabotage attacks on two of South Africa's international showpieces, the Sasol I and Sasol II petroleum complexes which use a sophisticated oil-from-coal conversion process.

With its proxies in the Marxist nations of Angola and Mozambique, the USSR is in an excellent position to interdict both the western and eastern approaches to the strategic sealanes which round the Cape of Good Hope. Some 25,000 ships pass the Cape yearly, about half of which call at South African ports. These ships carry 90 percent of Western Europe's oil consumption, 70 percent of Western Europe's strategic minerals, 20 percent of U.S. oil imports, and 25 percent of Western Europe's food supply. South Africa's geostrategic position alone makes it of vital importance to the United States and the West, without even considering her mineral resources. It is also important that South Africa's extensive railway network presently moves a large percentage of the mineral production of not just South Africa but also of Zaire, Zambia, and Zimbabwe.

With the Marxist Robert Mugabe having just recently assumed power in Zimbabwe, that nation is entering a period of transition. One can hope that Mugabe can be induced to take some sort of West-oriented stance but more likely, it seems, is a "neutralist" stance at best and a pro-Soviet stance at worst. Of concern must be the fact that Mugabe has not renounced his Marxist-Leninist loyalties, including his long-stated goal of a socialist revolution. In any case, we must assume that the Soviets would like to control the chromium and other mineral resources of Zimbabwe.

We noted earlier in this paper that as part of their resource war strategy, the Soviets seek to gain control, indirectly if not directly, over the sources of the West's critical non-fuel minerals. This is the case even though to date the Soviets have apparently been largely self-sufficient in all but six major minerals (bauxite, barites, antimony, fluorspar, tin, and tungsten.) Appendices 7 and 8 illustrate the relative degrees of mineral self-sufficiency for the United States and the Soviet Union. America's almost overwhelming dependence upon imports for most critical minerals is in stark contrast to the Soviets' overall position.

There is reason to believe, however, that the Soviets are not as self-sufficient as once believed. While the Soviets may indeed have extensive reserves of most critical minerals, such factors as difficulty of extraction (for example, from the frozen wastes of Siberia), lower quality of ores, and technological and management problems in the mining industry might encourage the Soviets to increase their imports of many strategic minerals. Whatever their degree of self-sufficiency, it seems all too clear that the Soviets have the capabilities to deny or at least severely disrupt Western access to the strategic minerals of southern Africa.

David J. Kroft has identified three reasons why the Soviets are attempting to deny Western access to minerals:

"By restricting or denying the West access to mineral resources, the Soviet Union hopes to bring about an economic crisis in Western nations that ultimately will lead to the collapse of the capitalistic system.

"Many minerals economists believe that the Soviet Union has not developed enough mineral production capacity to support its own industrial and defense needs. Consequently, the Soviet Union seeks to secure for itself 'captive' sources of minerals that otherwise would have been used to satisfy Western mineral demand.

"The Soviet Union needs hard currency to buy Western technology and goods. One way the U.S.S.R. can obtain this revenue and, at the same time, satisfy its strategic objectives, is to resell to the West minerals obtained at low cost from countries either unfriendly toward, or boycotted by, Western nations. A classic example is the purported Soviet purchase of chromite from Rhodesia . . . for resale at a significantly higher price to the West."

The Cuban "foreign legion" in Africa, the East German security advisors, the ubiquitous KGB, the extensive equipment and arms support to Marxist guerrilla groups, the aid and advisory teams provided to victorious Marxist regimes, the extensive modernization and deployment of the Soviet Navy, a worldwide propaganda campaign aided most of the time by the almost hundred-strong sympathetic "non-aligned" countries—are among the tools the Soviets are using to undermine the Western-oriented and minerals-producing nations of southern Africa. With the expenditure of relatively little effort or resources, the Soviets can wreak economic havoc in the West.

Soviet involvement regarding cobalt-rich Zaire is instructive. In 1979, America obtained over 55 percent of its cobalt from Zaire (and 18 percent from Zambia). Zaire supplies about 60 percent of the world's needs of cobalt. Zaire, the former Belgian Congo and site of the Katanganese secessionist struggle in the early sixties, has a history of social, political and economic instability. There have been two invasions in recent years of Zaire's Shaba Province, the main area of the nation's cobalt production. In March 1977, an invasion was thwarted by the arrival of Moroccan units, French logistic support, and Saudi money. In May 1978, the invaders were driven into flight by French and Belgian paratroops. U.S. officials believe that the invaders were trained and equipped, if not led, by Cubans operating out of Angola.

Harry Gray noted the deleterious effects the latest invasion had on U.S. access to cobalt. The cobalt mines shut down temporarily, and supplies were disrupted. European technical advisors, who had supervised operation of the mines, fled and did not return. This lack of skilled supervisors, and the still tenuous political situation, has impeded a return to full production. Prices of cobalt increased from $6.85 per pound to $25.00 per pound. In the spot market, the price rose to $50.00 per pound. A worldwide shortfall ensued and yet the industrial demand for cobalt continued. Also as a possible harbinger of worse things to come, the Soviet Union reportedly bought a two-year's supply of cobalt shortly before the 1978 Katangan rebel invasion that cut off production at Zaire's mines.

The possibility exists that the Soviets and their allies could create a cartel in certain strategic minerals, such as chromium. The experience which the United States has had because of its dependence on oil imports should be ever present in the minds of anyone looking at our dependence on non-fuel mineral imports. It should be noted, though, that various studies suggest that there would be great difficulty in holding together cartels for most commodities, for example, copper, iron ore, bauxite, tin, and natural rubber.[34] As Simon Strauss of the American Mining Congress has pointed out:

". . . The cyclical nature of demand for minerals and the possibilities of scrap recovery constitute serious barriers to any attempts to cartelize most non-fuel minerals. The exporting countries are heavily dependent on their foreign exchange earnings and would be hard-pressed to emulate the oil embargo example of 1973. Social consequences would be far more serious from mineral production cutbacks as compared with the relatively minor dislocation of employment that is caused by restricting the flow of oil. Many of the major minerals—copper, zinc, lead, iron ore, and even bauxite—are dispersed over so wide a geographical range of producing countries that policing any production-control scheme becomes very difficult. In bauxite, for example, the emergence of Brazil as a major potential source and the opposition expressed by Australia to production controls make it seem unlikely that the International Bauxite Association will develop along OPEC lines."

Having said this, though, the situation is much different concerning certain critical mineral commodities which are produced in only a few countries. We noted earlier that in its August 1979 draft report the Non-Fuel Minerals Policy Review reported that among U.S. non-fuel mineral imports, of greatest concern are chromium, manganese, cobalt, and platinum group metals.

Of great importance is the fact that combined, the U.S.S.R. and southern Africa hold the following percentages of the world's reserves in critical minerals: platinum group metals (99 percent), manganese ore (98 percent), vanadium (97 percent), chromium ore (96 percent), industrial diamonds (87 percent), gold (69 percent), and others as reflected in Appendix 9. E. F. Andrews, Vice President for Materials and Services, Allegheny Ludlum Industries, Inc., in reference to these dramatic totals, pointed out that if additional revolutionary groups aligned with Moscow come to power over the next decade in southern Africa, the U.S.S.R. would control over 90 percent of several minerals for which no substitutes are known and which underpin millions of jobs in the northern hemisphere because of their central roles in industrial production.

The possibility exists that the Soviets and their allies in Africa could create a cartel in certain critical minerals, particularly if the mineral resources of the U.S.S.R. and southern Africa were ever combined. Cuban infantry and East German security police could be used to sustain a cartel. It can be argued, of course, that creating a cartel to control High Africa's minerals could not succeed because individual African states would have to trade with the West to survive.

Such reasoning fails to recognize the possibility that a Marxist "Commonwealth" in Africa could be integrated into the Communist economic system, COMECON, and exploited by the Warsaw Pact, somewhat in the manner that the U.S.S.R. has in the past exploited Eastern Europe. The arrangement perhaps would not be "efficient" in Western terms nor would it necessarily benefit the African masses, but it might operate long enough to disrupt world trade and cripple the West.

The state trading ministries of COMECON, after all, would have the bureaucratic know-how to organize commodity cartels and economic warfare, while the KGB and the revived East German "Gestapo" could answer to any complaints from African consumers. The fact that Vietnam has become a de facto member of COMECON suggests that the geographical distance of African states from the Soviet Union is no obstacle to the attainment of Soviet goals.

It is also noteworthy that orthodox analysis of the "economic" utility of resource cartels tends to assume that commercial profit alone would be the objective, not political strategy. Such analysis omits the Leninist additive. Soviet-inspired economic "warfare"—waged through cartels in commodities like chromium and cobalt—would not have to be "profit-oriented" in order to achieve Moscow's goals of creating financial chaos and widespread unemployment in the West and Japan.

For high-level policy reasons, the Soviet Union could tighten the belts of hapless Soviet consumers, take a temporary "loss" by dumping (or withholding) cartel commodities, and look forward to an eventual political "profit" in the form of unrest in the streets of Tokyo, Paris and New York. There would also be an ideological "bonus" for a Soviet-dominated "supercartel" in that Moscow's most aggressive adversary, the People's Republic of China (PRC), needs to import most of its chromium, cobalt, and platinum group metals. Thus a Soviet resource war mounted against the West could also be a means by which Moscow could delay China's modernization and hence, the upgrading of PRC military forces on the flank of the Soviet Union.

It should be noted, however, that the Soviets could obtain considerable commercial advantage by manipulating the political instability of southern Africa. For example, if widespread civil disorder in South Africa and Zimbabwe interfered with the production of several critical minerals, especially chromium, platinum group metals, gold, manganese, and asbestos, a likely result would be an expansion in the values of Soviet exports in these commodities.

Left-wing governments in South Africa and Zimbabwe also could, even without civil disturbances, join with the Soviet Union in creating pricing situations in chromium, platinum group metals, and perhaps other commodities—and these pricing arrangements might be fully as effective as the OPEC cartel in oil.

Perhaps the Soviets are in a "can't lose" situation: (a) If there is civil war in the area, mine production would likely fall thus raising the prices for Soviet exports; or, (b) a quick victory for left-wing, Soviet-oriented movements could create opportunities for price-hiking collaboration.

In view of America's dependence on such critical non-fuel minerals as chromium, manganese, cobalt and the platinum group metals, and in view of the extremely critical role which such minerals play in the steel and other industrial activities in the United States and the West in general, the Council on Economics and National Security will strive to insure that U.S. policymakers are fully cognizant of the economic implications as they develop and implement foreign, defense, and alliance policies toward such mineral-rich nations as South Africa, Zimbabwe, and Zaire. The truth of the matter, as lamentable as it might be, is that the United States probably "needs" these nations more than they "need" us.

We must remember that the U.S. reluctance to deal with the Ian Smith regime in Rhodesia was not followed by other nations. The Soviet Union bought chromium from Rhodesia, and then turned around and sold it to the United States (at a higher price) as if it had come from Soviet mines. Thus there were negative economic impacts for the United States because of a political policy.

Likewise, it is extremely clear that however much any Americans might have reservations or even strong dislikes about the rulers, political systems, ideologies, and policies of such disparate governments as those presently in South Africa, Zimbabwe, and Zaire, our policies should not be based largely on moral, human rights, and essentially "political" considerations.

While such matters should be part of the "equation," also needed is close and constant consideration of such highly "bottom line" factors as all possible "economic" and "national security" impacts. The continued existence of a prosperous and free America demands no less.

A major activity of the Council on Economics and National Security will be to examine and make policy recommendations concerning ways in which the U.S. Government and American industry might collaborate in reducing U.S. vulnerability to cutoffs in non-fuel as well as energy resources imported from abroad. The Council will assess to what degree the economic, foreign, defense, and alliance policies of the United States are designed, integrated, and implemented to preserve as well as possible U.S. access to critical resources, and to help ameliorate any economic disruptions that might arise. With regard to certain minerals that are so critical to American industry, E. F. Andrews, Vice President for Materials and Services, Allegheny Ludlum Industries, Inc., stated that we must concern ourselves "with the shortages which will occur by the limitations that we put upon ourselves, by the priorities that we choose, and by our management and political decisions."

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I would like to add my remarks to those who have spoken on the floor on the point of the diligence and efforts of the Senator from Alaska (Mr. GRAVEL) during the current debate on the Alaskan lands bill.

It would be hard to match the eloquence of many of those who have spoken, particularly my distinguished colleague from Alabama who spoke just a few moments ago. In his remarks I think he summed up very well why those of us who have the good fortune to serve in the Senate with MIKE GRAVEL think so much of him.

It is not an exaggeration to say that he is a man of conscience and a man of courage. If there is anything which has frustrated the American people in this day and time, it is the fact that too seldom do they recognize in public life today men and women of principle, willing to take a stand for what they believe is right without regard to the consequences.

That is why it is both a privilege and an honor to be associated in this body with a person like MIKE GRAVEL.

I can recall that shortly after I was elected to the Senate, one of my constituents stopped me and said, "When you get to Washington, please do not forget us. Do not forget our interests and our needs. And remember that you are there to serve the people and not yourself."

When I think about that charge which I was given, I think about examples of faithfulness to that duty in this body. One of the names that first comes to mind as an example to me is that of my colleague MIKE GRAVEL.

Few people do their work as well as MIKE. Few people fight as tenaciously or as effectively for what they believe in and for the interests not only of their constituents but also of the entire Nation as does MIKE GRAVEL.

In this current debate he has been extraordinary. As has already been pointed out, his mastery and use of the rules for his cause has been one which will undoubtedly rank as one of the great displays of parliamentary ability in the history of the U.S. Senate.

While I am sure that in many ways he has a sense of sadness today in having lost on some items in the final vote on this bill, I think he can carry away the satisfaction that when one fights as hard as one can, as effectively as one can, for what he believes is right, ultimately he can never lose.

In my opinion, this bill would have been far different, it would have been far worse, in terms of impeding the mineral development, for example, that this country so badly needs at this point in time. It would not have come even as close as it has—and I think it is a very imperfect measure—in striking any semblance of a balance between conservation and the need for development. I join the Senator from Alaska in wishing that development had been more greatly emphasized. The bill would have been far worse had it not been for his tenacity and the valiant effort that he put up.

The PRESIDING OFFICER. The Chair will announce that the 30-minute period for discussion of the bill has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period may be extended for an additional 10 minutes to allow Mr. BOREN to complete his statement, for Mr. HAYAKAWA to make a statement, and for Mr. GRAVEL to present his remarks.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BOREN. I thank the distinguished majority leader.

As I was saying, I think the Senator from Alaska can take great personal satisfaction in the fact that he has had an important impact on the result that has come about. He has laid the foundation for future changes in this legislation which will be of benefit not only to the people of Alaska but to the people of the country, future changes that I hope to be able to participate with him in making next year and the year which will follow as the Congress reconsiders and refines the action which has taken place today.

I remember reading a biography of one Member of this body. In that biography it was written that the Senator, after casting a very controversial vote, did not know how it would affect his political future. It was said that after he cast that courageous vote, he rose from his chair and walked out of the Senate Chamber in the proud company of his own self-respect.

I would say that when MIKE GRAVEL leaves the Chamber today, he will walk out of the Chamber in no means by himself or alone; he will leave with the good will and respect, increased respect, of his colleagues in this body, and he will also leave this Chamber in the proud company of his own self-respect.

I would add, I hope with the gratitude of the people of his State for the effective and forceful fight which he has made in their behalf.

The PRESIDING OFFICER (Mr. RANDOLPH). The Senator from Alaska.

Mr. GRAVEL. Mr. President, I want to thank my colleagues for the kind statements they have made about me. I can only respond by speaking of the high esteem in which I hold them.

The distinguished Senator from Oklahoma (Mr. BOREN), who now serves on the Finance Committee with me, a freshman in this body, I predict will have an illustrious career as a U.S. Senator, not in the conventional mode but as one who will be skilled in bringing about legislation. That is based upon what I would characterize as the fact that he is a beautiful human being.

I have never met a person who so quickly can captivate in such a skilled manner the hearts of people he works with—and works for. I treasure my friendship with him and also my experience in working with him on the committee. I look forward also to the opportunity of working with him in the future.

I thank the distinguished chairman of the Public Works Committee, who now sits in the chair, a gentleman I have had the honor to serve under and watch his leadership of the Committee on Environment and Public Works, the distinguished senior Senator from the State of West Virginia (Mr. RANDOLPH). I think I have always been the recipient of his kindness. I have been the recipient of his affection. I have had a great admiration for his ability, as chairman of a committee, to have been so thoughtful to all members of the committee, regardless of the party or persuasion.

When I have seen him take issue with things on the committee that are just wrought with pain and acrimony and bring it to immediate resolution, I have always thought of Henry Clay and of the skill of JENNINGS RANDOLPH. Let me say to him that he stands in my mind in a fine tradition and has the talent to bring human beings together.

I also thank the distinguished Senator from New York (Mr. MOYNIHAN) a State that I love a great deal, for his kind statements. I certainly enjoy my role in working with him on the Committee on Finance and also the Committee on Public Works.

I thank Senator LONG, also, for his comments. Working with him is not only a pleasure, but it is full of charm because of his skill and because of his tenacity and persuasion. From him, I learned a great deal and I hold a great deal of personal affection for him.

I thank Senator TSONGAS for his kind words. I can only repeat the statement that I made yesterday, that I hold him in as high esteem as I can express to him, even though I am in opposition to the legislation.

I thank the environmental community, which really served itself well in choosing him as its sponsor in this particular body. I predict that he will have a most illustrious career in the Senate.

I want to thank the Senator from Alabama (Mr. HEFLIN) for a most eloquent statement in my behalf. I was deeply touched. He is a person I have known of even before he came to this body, since he was the architect of the modernization of the judicial system in the State of Alabama. Jurists in Alaska for whom I hold high esteem hold Senator HEFLIN in high esteem as a jurist. I know him as a legislator and an unusually decent human being, a person who holds some principles and is prepared to fight for principle above all else. That is something I admire a great deal.

I thank the distinguished majority leader for his kind statement, also, and for the consideration that he has showered upon me over the years. I have treasured my friendship with him. I have supported him and felt that that support has been merited, not because of any effect upon me but from what is produced in leadership in the Senate and in this great Nation of ours. So I am privileged to count my blessings in that regard and am most appreciative of his leadership and approach.

I save my final comment for the distinguished Senator from California, who came to the Senate with me, whom I had the privilege of meeting before either one of us was elected. We had a mutual friend, and in the interface the Senator from California, ALAN CRANSTON, had with that friend, I perceived an unusual humanness. I was proud to be involved with him in several momentous issues that we plotted and tried to effect. There will always remain in my heart a fondness for him because of the courage that he has, the skill as a legislator, and, above all else, the friendship he holds for me and that I share with him. I thank him.

I want to add my gratitude for my staff person, who sits next to me on the floor, Pat Pourchot, who, I think, has done most unusual service in my behalf on this legislation and for whom I feel not only as an employer but as a very close friend a great deal of personal gratitude. I want to add to his name the name of Sharon Long, who preceded him years ago on this issue and was instrumental in bringing Mr. Pourchot to my attention, which I think has been of great benefit to the State of Alaska.

In addition, I thank my legislative assistant, Bill Hoffman, who sat with me and helped chart the course with respect to the rules and to whom I am very grateful and I extend my everlasting affection.

I thank the Chair for giving me this time and I thank my colleagues.

The ACTING PRESIDENT pro tempore (Mr. BOREN). All time has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from California may have 2 minutes before recessing the Senate.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mr. HAYAKAWA. I thank the distinguished majority leader.

Mr. President, I want to join with others in expressing my appreciation of the persistence and the stubbornness and the courage which Senator GRAVEL, the distinguished Senator from Alaska, has shown in protecting fundamental States' rights.

THE AMERICAN SOVEREIGNTY PROTECTION ACT

Mr. HAYAKAWA. Mr. President, on my return from California the day before yesterday, I was extremely disappointed to learn that the executive branch has yet to complete the review procedure on my legislation, S. 2437, the American Sovereignty Protection Act, which was introduced March 19.

Since my last statement on the Senate floor, on August 15, I have heard from many, many people who, too, are upset about the propaganda campaign against the United States being conducted by Iranian dissidents in our country. It has been suggested that there are means available to the President for their deportation. However, after reviewing immigration regulations I find that they do not—I repeat, do not—provide the necessary Presidential authority for the deportation of demonstrating and arrested Iranian nationals. I have introduced, therefore, legislation which will provide the only appropriate legal means so far suggested for their speedy deportation.

Mr. President, on this the 290th day of the illegal holding of the Americans in Tehran, I am asking that the executive branch respond immediately to the request from the Judiciary Committee to comment on my bill; 290 days is 41.5 weeks. That is almost 10 months. I urge my colleagues to support my effort.

I thank the Chair.

RECESS UNTIL 2 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until the hour of 2 p.m.

Thereupon, at 12:10 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. STEVENSON).

TONNAGE MEASUREMENT SIMPLIFICATION ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 1197) to simplify the tonnage measurement of certain vessels.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

UP AMENDMENT NO. 1503

(Subsequently numbered amendment No. 1972)

Mr. ROBERT C. BYRD. Mr. President, I withdraw my amendment and send to the desk a substitute for the bill.

The PRESIDING OFFICER. The clerk will report substitute.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) on behalf of himself, Mr. WARNER, Mr. RANDOLPH, Mr. DOMENICI, Mr. BOREN, Mr. HARRY F. BYRD, JR., Mr. FORD, Mr. BAYH, Mr. HUDDLESTON, and Mr. HATCH, proposes an unprinted amendment numbered 1503 in the nature of a substitute.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and I will explain it.

Mr. MELCHER. Mr. President, reserving the right to object, is the substitute of a nature that would take too long to read, might I inquire?

Mr. ROBERT C. BYRD. No. I will be glad to withdraw my request if the Senator would like to have it read.

Mr. MELCHER. I would like to hear it.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Strike all after the enacting clause and insert the following in lieu thereof:

SEC. 2. Section 4148 of the Revised Statutes of the United States, as amended (46 U.S.C. 71) is further amended to read as follows:

"SEC. 4148. (a) Before a vessel is documented or recorded under the laws of the United States, or where the application of a law of the United States to a vessel is determined by its tonnage, the vessel shall be measured by the Secretary of the department in which the Coast Guard is operating. The Secretary may, by regulation, provide for the temporary documentation of a vessel prior to the measurement required by this section.

"(b) A vessel required to be measured under subsection (a) of this section, other than a vessel used exclusively for pleasure, shall be measured as prescribed in sections 4151 and 4153 of the Revised Statutes of the United States, as amended, and to the extent applicable, as prescribed in Public Law 89-219, September 29, 1965 (79 Stat. 891; 46 U.S.C. 83-83k) if—

"(1) it engages or intends to engage in an international voyage by sea; or

"(2) it is at least twenty-four meters in length and is self-propelled.

"(c) A vessel not required to be measured under subsection (b) of this section may be so measured if requested by its owner. A vessel not measured under subsection (b) shall be assigned gross and net tonnages by the Secretary which are functions of its length, breadth, depth, and other dimensions, including appropriate coefficients. The Secretary shall prescribe the manner in which dimensions are measured and which coefficients are appropriate. The resulting gross tonnages, taken as a group, shall reasonably reflect the relative internal volumes of the vessels measured, and the resulting net tonnages shall be in approximately the same ratios to corresponding gross tonnage as are the net and gross tonnages of comparable vessels measured under subsection (b) of this section. In accordance with regulations issued under this subsection, the Secretary may determine the gross and net tonnages of a vessel which is representative of a designated class, model, or type and may assign those gross and net tonnages to other vessels of the same class, model, or type.

"(d) A vessel shall be remeasured if—

"(1) the vessel is altered or the use of its space is changed so that its gross or net tonnage is affected;

"(2) having been measured under subsection (c) of this section, the vessel becomes, by use or alteration, subject to subsection (b) of this section; or

"(3) having been measured under subsection (b) of this section and not required to be so measured, the owner requests that the vessel be measured under subsection (c) of this section.

Except as provided in this subsection, a vessel that has been measured is not required to be remeasured to obtain another document.

"(e) The Secretary shall make such regulations as may be necessary to carry out the provisions of sections 4148, 4149, 4150, 4151, and 4153 of the Revised Statutes, as amended (46 U.S.C. 71, 72, 74, 75, 77).".

SEC. 3. A vessel measured prior to the effective date of this Act under sections 4151 and 4153 of the Revised Statutes of the United States, as amended, is considered as having been measured under section 4148(b) of the Revised Statutes of the United States, as amended by this Act.

SEC. 4. This Act is effective on the first day of the twelfth month following the month in which enacted.

SEC. 5. The Surface Mining Control and Reclamation Act of 1977 (91 Stat. 445) is hereby amended as follows:

(a) Sections 502(d) and 504(a) of the Surface Mining Control and Reclamation Act of 1977 (hereinafter referred to as "the Act") are amended as follows:

(1) in section 502(d) of the Act in the last sentence, strike the words "forty-two months" and substitute the words "fifty-eight months";

(2) in section 504(a) of the Act, strike the words "thirty-four months" and substitute the words "fifty months".

(b) Sections 503(a)(7) and 701(25) of the Act are amended as follows:

(1) in section 503(a)(7) of the Act, strike the phrase "regulations issued by the Secretary pursuant to";

(2) in section 701(25) of the Act, strike the phrase "and regulations issued by the Secretary pursuant to this Act".

(c) Section 523(a) of the Act is amended by striking the words "and implement" in the first sentence thereof, and by adding at the end of the subsection a new sentence as follows: "Subject to the provision of section 523(c), implementation of a Federal lands program shall occur and coincide with the implementation of a State program pursuant to section 503 or a Federal program pursuant to section 504, as appropriate.".

(d) Section 502 of the Act is amended by adding a new subsection "(g)" as follows:

"(g) Notwithstanding any other provision of this section, each State shall, to the greatest extent possible, have principal responsibility for the inspection of mines during the period of time prior to the submittal of State plans for approval. Such responsibility shall remain with each State until such time as the Secretary disapproves the State plan. The Secretary shall furnish personnel assistance to the States in carrying out this responsibility upon request of the State regulatory agency.".

Mr. ROBERT C. BYRD. Mr. President, the amendment I have offered is a complete substitute for the freight tonnage bill and includes the surface mining amendments which I previously offered and which passed the Senate in September last year.

UP AMENDMENT NO. 1504

(Subsequently numbered amendment No. 1973)

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a perfecting amendment to the bill and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) for himself, Mr. WARNER, Mr. RANDOLPH, Mr. DOMENICI, Mr. BOREN, Mr. HARRY F. BYRD, JR., and Mr. HATCH, proposes an unprinted amendment numbered 1504 as a perfecting amendment to the bill.

At the end add a new section as follows:

SEC. . The Surface Mining Control and Reclamation Act of 1977 (91 Stat. 445) is hereby amended as follows:

(a) Sections 502(d) and 504(a) of the Surface Mining Control and Reclamation Act of 1977 (hereinafter referred to as "the Act") are amended as follows:

(1) in section 502(d) of the Act in the last sentence, strike the words "forty-two months" and substitute the words "fifty-eight months";

(2) in section 504(a) of the Act, strike the words "thirty-four months" and substitute the words "fifty months".

(b) Sections 503(a)(7) and 701(25) of the Act are amended as follows:

(1) in section 503(a)(7) of the Act, strike the phrase "regulations issued by the Secretary pursuant to";

(2) in section 701(25) of the Act, strike the phrase "and regulations issued by the Secretary pursuant to this Act".

(c) Section 523(a) of the Act is amended by striking the words "and implement" in the first sentence thereof, and by adding at the end of the subsection a new sentence as follows: "Subject to the provision of section 523(c), implementation of a Federal lands program shall occur and coincide with the implementation of a State program pursuant to section 503 or a Federal program pursuant to section 504, as appropriate.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. METZENBAUM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. METZENBAUM. There are not 10 hands up in this Chamber.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. METZENBAUM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk resumed the call of the roll, and the following Senators answered to their name.

[Quorum No. 25 Leg.]

Baker
Byrd, Robert C.
Cochran
Metzenbaum
Simpson
Stevenson
Tower
Warner

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays have been ordered and the clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CULVER), the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Alabama (Mr. STEWART), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

Mr. STEVENS. I announce that the Senator from New York (Mr. JAVITS), the Senator from Idaho (Mr. MCCLURE), and the Senator from New Mexico (Mr. SCHMITT) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators wishing to vote?

The result was announced—yeas 84, nays 5, as follows:

[Rollcall Vote No. 360 Leg.]

YEAS—84

Armstrong
Baker
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
Danforth
DeConcini
Dole
Domenici
Durenberger
Eagleton
Exon
Ford
Glenn
Hart
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Jackson
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
McGovern
Melcher
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schweiker
Simpson
Stafford
Stennis
Stevens
Stevenson
Stone
Thurmond
Tower
Tsongas
Wallop
Warner
Williams
Young
Zorinsky

NAYS—5

Garn
Goldwater
Hayakawa
Proxmire
Weicker

NOT VOTING—11

Church
Culver
Durkin
Gravel
Inouye
Javits
Kennedy
McClure
Schmitt
Stewart
Talmadge

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Several Senators addressed the Chair.

Mr. ROBERT C. BYRD. I yield to the minority leader for the purpose of his asking for the yeas and nays.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator has yielded——

Mr. METZENBAUM. Mr. President, a parliamentary inquiry.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield for a parliamentary inquiry?

Mr. ROBERT C. BYRD. I yielded to the minority leader for his requesting the yeas and nays which he tried to get before the quorum.

Mr. BAKER. Mr. President, I ask for the yeas and nays on the Byrd perfecting amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METZENBAUM addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, am I recognized?

The PRESIDING OFFICER. Yes.

Mr. ROBERT C. BYRD. I yield to the Senator from Ohio for the purpose only of his making a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. METZENBAUM. Mr. President, in this particular situation, it is obvious that the main proponent of the amendment that is at issue is also the majority leader, and it is obvious that the minority leader is also very much involved in this matter.

I am aware, under the precedents, the majority leader and the minority leader both have a right of priority as far as recognition is concerned. But my parliamentary inquiry is that in a situation such as this where the proponent of the amendment also is the leader of the Senate, does a Member of the Senate who has an opposite point of view have any right to recognition when it really is not a leadership issue, either from the standpoint of the majority or the minority, or in the alternative does the majority leader and the minority leader feel that it might be appropriate that, under the circumstances, since they are both proponents of this amendment, that their privilege rights as majority and minority leaders should not prevail, but that the usual recognition factors ought to prevail as far as this debate is concerned?

The PRESIDING OFFICER. The precedents of the Senate, going back to the 1930's, make no distinction as to the purposes for which the majority or the minority leaders seek recognition. They are under the precedents entitled to preferential recognitions if they seek the floor at the same time as another Senator.

Mr. METZENBAUM. I thank the Chair.

I will then inquire of the majority and minority leaders whether they do not feel, in view of the fact that they are both strong proponents of this particular amendment, that with respect to the question of recognition, that recognition having nothing to do with their leadership roles, which I certainly do not challenge or take issue with, but when it has to do with parliamentary procedures, offering of amendments, right to speak, whether or not they would see fit to waive their priority position under the circumstances?

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator is addressing the question to me in part.

May I say that all majority leaders who have preceded me, at least going back to the 1930's, have exercised the same right to offer amendments and to seek recognition to offer amendments, and I would expect this majority leader to be accorded the same prerogative, and I would expect the majority leaders who succeed me to be accorded the same prerogative, and the minority leader the same, and the managers of the bill.

May I say, I do not often offer amendments to measures, but in this instance this is an amendment that is not just provincial in nature, it is also national in scope, and its importance is of national degree, as well as of interest to the States that produce surface mining coal.

I am sure the distinguished Senator, who was kind enough to come into my office earlier today and state that he expected to use the rules wherever he could use them in support of his cause. I assured him then that there would be no personal feelings, no personal animosities, and that he might win this battle or the proponents of the amendment might win this battle.

May I say that he was then, as he always is, a gentleman. He felt that it was worthwhile to come into the leader's office and say to the leader that the leader could expect a tough fight, a difficult battle, and that, as the leader would use those rules as best he could—and the Senator from Ohio recognized that—the opponents of the amendment, would use the rules as best they could; that the opponents might win, the proponents might win; and we shook hands.

So I felt that it was understood in that conversation that the leader might be able to use the rules as other Senators would use the rules in behalf of the cause I support.

Mr. METZENBAUM. Will the leader recognize——

Mr. BAKER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. The minority leader has a part in this, and I yield to him.

Mr. BAKER. I thank the majority leader for yielding to me, since reference was made to my position in the remarks of the distinguished Senator from Ohio and I was characterized as a strong supporter of these amendments.

Indeed, I do support these amendments. I point out that I was not one of the original sponsors of these amendments. I only just this moment announced my support for them.

I will vote for cloture, and I do not intend to relinquish any rights, meager and few as they are, that the minority has under the rules and precedents of the Senate.

I make a similar representation to the Senator from Ohio: No privilege, no opportunity that flows from the precedents to which he has referred will be used by me to try to defeat any legitimate rights, any ambition or aim, he may have, from a parliamentary standpoint. I never have done that, and I will not commence now.

The reason I sought recognition at this moment was to continue the effort I had begun earlier to ask for the yeas and nays on the perfecting amendment offered by the majority leader. I do not believe that that in any way prejudiced or jeopardized any rights or opportunities the Senator from Ohio had.

Mr. President, I will not prolong this further, except to say that I fully expect that the Senator from Ohio will be treated fairly; that no procedural advantage will be taken of him; and that, by the same token, no procedural opportunity will be waived.

Mr. GOLDWATER. Mr. President, will the majority leader yield to me for a question?

Mr. ROBERT C. BYRD. I yield.

Mr. GOLDWATER. This does not relate particularly to these amendments. I intend to vote for them.

I wonder whether, under the bill, the term "strip mining" would cover the type of copper mining that we do in the Far West, in Arizona and Utah, which we call open pit mining. It is different from just dragging machinery over the surface and picking up shale. Some of our open pits go down nearly a thousand feet.

I was wondering whether in any way this particular bill would apply to open pit mining.

Mr. ROBERT C. BYRD. Mr. President, in response to the distinguished Senator, the amendments would deal only with coal surface mining.

Mr. GOLDWATER. I thank my friend.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

Mr. METZENBAUM. Mr. President, will the Senator from West Virginia yield for another question?

Mr. ROBERT C. BYRD. I yield.

Mr. METZENBAUM. I do not expect the precedents to be violated, nor do I expect the majority leader or the minority leader to waive their rights. However, I believe that both the majority leader and the minority leader recognize that when you have access to the floor and offer a perfecting amendment and then an amendment to that perfecting amendment, you are in position to foreclose the right of other Members of the Senate to offer their amendments.

The majority leader is well aware of the procedure that was followed in connection with the so-called bottlers bill. The Senator from Ohio does not wish to put in issue the rights of either the majority leader or the minority leader, but I do feel very strongly that a Member of this body should not be precluded by parliamentary procedures which favor the majority leader and the minority leader so far as gaining recognition is concerned.

In that respect, I believe that Members of the Senate should be protected by the majority leader and the minority leader in having every opportunity to offer their own amendments.

I need not spell out for the majority leader that if I cannot gain access to the floor to offer an amendment to his perfecting amendment, by reason of the fact that he has prior recognition, there does develop some sense of inequity.

I inquire of the majority leader as to whether it is his intent to use his priority rights to preclude other Members of the Senate from offering amendments in the second degree.

Mr. ROBERT C. BYRD. Mr. President, it is not my intent to abuse—and I use the word "abuse"—it is not my intent ever to abuse the few prerogatives that the majority leader has; but I do intend to offer an amendment in the second degree.

The distinguished Senator from Ohio has his right to move to table that amendment; and if he can muster the votes to table it, the amendment in the first degree will be open to an amendment in the second degree, and the Senator will have his full rights.

I intend to yield the floor as soon as I offer the amendment in the second degree.

UP AMENDMENT NO. 1505

(Subsequently numbered amendment No. 1974)

Mr. ROBERT C. BYRD. Mr. President, I offer an amendment in the second degree.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. Robert C. Byrd), on behalf of himself, Mr. Warner, Mr. Randolph, Mr. Domenici, Mr. Boren, Mr. Harry F. Byrd, Jr., Mr. Ford, Mr. Bayh, Mr. Huddleston, and Mr. Hatch proposes an unprinted amendment numbered 1505:

At the end of the amendment add a new subsection as follows:

(d) Section 502 of the Act is amended by adding a new subsection "(g)" as follows:

"(g) Notwithstanding any other provision of this section, each State shall, to the greatest extent possible, have principal responsibility for the inspection of mines during the period of time prior to the submittal of State plans for approval. Such responsibility shall remain with each State until such time as the Secretary disapproves the State plan. The Secretary shall furnish personnel assistance to the States in carrying out this responsibility upon request of the State regulatory agency.".

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. MELCHER. I yield to the majority leader.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. President, for the information of

Senators, the amendments in the first and second degree which have been offered to the bill constitute the surface mining amendments which were passed by the Senate last September. The substitute which has been offered merely repeats the verbiage of the bill and includes the surface mining amendments as passed by the Senate last year.

Mr. MELCHER. Mr. President, I think there are a lot of Senators wondering just what this maneuver is to offer an amendment to a bill when we have already previously acted last September to agree to the substance almost word-for-word of what this amendment is.

In September of last year, when the bill came before the Senate in the form of S. 1403, there was a great deal of concern among some States that they were being forced too quickly to develop their programs for reclamation in order to comply with the Strip Mining Act.

Now that brought about through a number of Governors of coal mining States the feeling that the dates for complying with Federal law to submit the State program for reclamation within their individual States should be extended, and that was an agreeable proposition as far as I was concerned and I think as far as all Senators are concerned, and for that matter agreeable within the House of Representatives.

But that was not where S. 1403 stopped. S. 1403 further proposed that the Federal regulations promulgated to carry out the intent of the act would be nullified and instead an individual State's regulations would take the place of the Federal regulations, a rather unusual procedure. I am not aware that it has ever been done before, that we amended an act by simply not amending the basic act but just by repealing the Federal regulations of an act.

I opposed it last September, but nevertheless it passed and nothing has happened to it in the House of Representatives. It has not been considered there.

So, the proposed amendment now is to repeat the same thing but attach it to a bill that came out of the House of Representatives from the Commerce Committee and attach this same language to that particular bill and send it back over to the House of Representatives, hoping that either a conference committee would agree to it or that the House of Representatives would not even feel a need for a conference committee.

There is a great deal of confusion of why we are going into this great effort now this late in the session when most of the States now that are involved in developing their State programs are well along, have cleared almost all of the hurdles and within the matter of a few months well over half of the 24 States that are involved with developing their own program to run the reclamation program of coal strip mining within their State will have almost completed all the work and gone through all the tedious efforts that are necessary for a State to comply with the Federal law.

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr. MELCHER. Yes, I am delighted to yield.

Mr. FORD. Is the Senator aware of the appearance, at least, at two legislatures, that I know of, of members of the Office of Surface Mining, instructing the members of their legislature during their committee hearings on what they had to do as it related to changing their State laws to comply?

Mr. MELCHER. Yes, I am very much aware that it will be necessary for some States to amend their statutes.

Mr. FORD. No. They have already done it. I am talking about that they have already been there and have already told the States what they should do to amend their laws to comply. Is the Senator aware of that?

Mr. MELCHER. Yes, I am very much aware of that, and that is the intent of the act.

Mr. FORD. That is not necessarily so. Is the Senator aware, then, after a legislature makes necessary changes in this statute that they come back with hundreds of pages saying, "You still have not complied"?

Mr. MELCHER. I am aware that just as it is with almost all complicated bills Congress passes there is a lot of headache. There is a lot of headache dovetailing in the proper regulations on both the State and the Federal level.

But my point is that that has been well underway and while tedious and time consuming, we have gone past the time when it will be productive to go back and start a new ball game.

Let me point out what will happen here.

Mr. FORD. May I ask the Senator this?

Mr. MELCHER. Let me conclude this thought, and then I shall be delighted to yield again. Let me point out what will happen under the terms of this proposal if it becomes law.

Without the Federal regulations for a guideline, when an individual State's regulations are challenged, and they will be challenged, the suit then will go to the Federal district court within that State.

That suit, of course, can be appealed to the appeals court, the proper appellate court.

Mr. FORD. Who gets to appeal?

Mr. MELCHER. After it is appealed there, I guess it goes to the Supreme Court.

Here we could have, I guess—and I am only speculating—a new round of lawsuits in, perhaps, 24 different States. The judge would be looking at each of those 24 States' regulations to see whether they comply with the law.

Thank goodness in August 1980 we have reached a point where under the terms of the act the regulations promulgated by the Secretary of the Interior have been looked at in the Federal court, which is specified in the act, which is the district court here, and then it goes to the appellate court, which is the appellate court here, and some 40 or 50 regulations have been remanded. They have said they are not complying with the act, and have said to get rid of them. But several hundred others, perhaps 500 or 600, have either been looked at and found in compliance with the act or have not been challenged.

It is important to note that this took a long time to get that far. I do not want to back up.

Let me read to you what Governor Herschler of Wyoming said. This letter is dated yesterday—no, it is dated August 19, which is today.

Mr. FORD. The Senator gained a day.

Mr. MELCHER. Did I gain a day? Here is what he says:

> Consistent with my position expressed a year ago, I firmly believe that it would be inopportune to pass S. 1403 in any form at this time.

Now, S. 1403 is a bill we passed last September and is practically word for word with what the pending amendment is.

Let me read the entire letter. This is what he says:

> EXECUTIVE DEPARTMENT,
> *Cheyenne, Wyo., August 19, 1980.*
>
> Hon. JOHN MELCHER,
> *U.S. Senator,*
> *Dirksen Senate Office Building,*
> *Washington, D.C.*
>
> DEAR SENATOR MELCHER: Consistent with my position expressed a year ago, I firmly believe that it would be inopportune to pass S. 1403 in any form at this time. As you may be aware, Wyoming is at the final stages of State program review by the Secretary of the Interior. We are at this point, only after a long-term effort by State and OSM officials, ready to develop a regulatory program suited to Wyoming. I would regret any Congressional action that might defeat these efforts and further delay or confuse State program approval and implementation.
>
> To conclude, regardless of the substantive merits or demerits underlying S. 1403, such an amendment at this time would likely cause more problems than benefits. Thank you for your consideration on this matter.
>
> With warm regards, I am
> Yours sincerely,
> ED HERSCHLER.

A similar letter is coming from Governor Judge of Montana to that effect. They do not want to have this sort of thing batted around again and then have each State trying to figure out whether their regulations are such that they should be weakened and have that competition among States. We went through that process for a dozen years before we got that Strip Mining Act passed, and we do not want to go back to it.

That is exactly what will happen if this amendment is carried. You throw the States back into the arena, looking at their own regulations compared to those of another State, and that old competition developing with States saying, "Let us get our regulations down so that we can get the coal venture in our State and so that it does not go to another State." That is why Governor Herschler does not want it interfered with now. They have gone through this long travail and we are about ready to wrap it up, and why Governor Judge of Montana does not want it.

Mr. FORD. They cannot wrap it up because they do not know—the Senator just said a moment ago that 50 of the regulations have been remanded by the courts. What is Wyoming going to do? We had a comprehensive law——

Mr. MELCHER. I will tell my friend from Kentucky that when the Secretary's regulations are remanded by the appellate court, they are dead. The Secretary is not trying to resurrect those. That is a proper function which has been going on for a year and a half. Why do you want to start it all over again in each State in their own district court, their own Federal district court, and then bring it to the appellate court wherever it happens to be, and then bring it to the Supreme Court? How do you mine coal going to court? Is not the purpose of our energy policy to allow for more development of coal?

I can tell you, as Governor Herschler has said, and as Governor Judge will be saying for the State of Wyoming, if you do not want western coal mined just throw it back into the courts again.

Mr. FORD. Bring all the grazing problems up here and put them in a district court, and let us try those on you for a while.

Mr. MELCHER. I am not going to respond on whether it was proper under the act to bring it into the district court and the appellate court and the court of appeals here.

Mr. FORD. Mr. President, who has the floor?

Mr. MELCHER. I have the floor.

Mr. FORD. I want to be sure because I want to ask a question. I thought Senator METZENBAUM yielded to you.

Mr. MELCHER. No, I have the floor and I want to respond to the Senator.

I do not know whether the act is proper in that regard, but this amendment does not go to that point. This amendment does not say, "Well, let us somehow repeal part of the act and, if we want to, look at these regulations going to our own district court."

The reason I know the thinking is when Congress signed off on the act on this portion of it the thinking was that if they are going to look at these regulations, which are very involved, let us just do it in one court so they will know what they are talking about, so they will be uniform throughout the country, because the whole purpose of the act was to allow the States to run the regulatory program. But—and this is very important—it must be uniform. These minimum Federal standards must be met, and to that degree they must be uniform.

If the individual State wants to go beyond that, have stronger sections to protect their land and their water, that is all right. But they must at least meet the minimum standards. The thinking at that time was only to do it in one court. If the Senator from Kentucky or the other Senators who are interested in this amendment would like to repeal just that section of the bill, they might get a lot of consideration. But what they are doing here is gutting the Strip Mining Act and setting us back a dozen years.

Mr. METZENBAUM. Mr. President, will the Senator from Montana yield to the Senator from Ohio?

Mr. FORD. Let me have a moment to say that I just want to correct something the Senator said. They do not have to be uniform, and the law does not say "uniform." They say you have to conform. That is the point of this amendment. You see what you have just said is wrong, and what we are trying to do is to get them conformed. We have 115 statutory obligations, and that ought to be enough.

Mr. MELCHER. I am not going to quibble over semantics.

Mr. FORD. You are not going to conform.

Mr. MELCHER. If "conform" and "uniform" mean a great deal of difference to him, I am not going to quibble over that. But I do want to point out that in every case and in every law that I know of, Federal law that I know of, when a Federal judge is looking at whether or not the law is being met, he does review the regulations of the agency, the Federal agency involved, to use as a guideline. What this amendment does is a very unusual procedure of saying, "Well, there are not any Federal regulations," so the Federal court in each State, these Federal judges, would have to become expert to look at the State regulations and then look at the law.

Mr. FORD. Senator, you know good and well that Federal regulations stay in place, the Federal regulations stay in place.

Mr. METZENBAUM. That is not so.

Mr. FORD. It is, too. Wait a minute. It does stay in place, and all we do is give the States an opportunity to conform to to the law.

Mr. METZENBAUM. No.

Mr. FORD. That is all we are asking.

Mr. METZENBAUM. The fact is that the Federal regulations do not state it.

Mr. FORD. Mr. President, who has the floor?

Mr. MELCHER. I yield to the Senator from Ohio.

Mr. METZENBAUM. I have the floor. I think we ought to get this in proper context.

When we talk about what is before us and why it is before us, this bill was passed some months ago, maybe considerably more than that, and under the normal procedures it went to the House and the House was not willing to accept it, and the House used good judgment because it is a bad amendment. It is a law that was enacted in 1977, and now in 1980 or 1979 they are trying to change it. Why? Not to produce more coal, because some of the people who produced the coal do not want to conform and some States want to get into that race to the bottom so that they may have the lowest possible denominator as far as stripping in their State is concerned.

I have no quarrel about the fact that Members of this body have a right to fight for that which they believe in. But I do question putting this amendment on as an amendment to a bill having to do with vessel tonnage, trying to circumvent the procedures over in the House so that their committees cannot deal with it in the normal manner. I must say that I think the procedure of precluding those of us who have amendments to the amendment from offering our amendments is in appropriate. It is parliamentarily correct, but—may I have some quiet over there?—it is parliamentarily correct, but it is not correct as far as what is right and wrong are concerned.

I respect those who are for this amendment. As a matter of fact, the sponsors of the substitute before us today include some of this body's strongest supporters for getting on with the job of using this Nation's vast coal reserves to cut our dependence on foreign oil.

(Mr. MITCHELL assumed the chair.)

Mr. METZENBAUM. As a matter of fact, there is hardly anything we do around here these days that does not have to do with cutting our dependence on foreign oil. It makes good speaking material. And I have stood with these fellow Members of the Senate many times in the past in connection with coal matters. I know that we will stand together again in the future.

But I want to say to my good friends who support this amendment and fellow advocates of coal that this amendment is a mistake. I want to say to them that the amendment is not necessary.

I want to share with them my deep concern that passage of this amendment would hinder—not help—our efforts to rapidly bring on line the coal of Ohio, West Virginia, Kentucky, and the Western States.

It was a matter of interest to me to read in the New York Times today that Jay Rockefeller, who was ostensibly a strong supporter of this amendment, has now indicated a change of opinion. And I think it is understandable that he would do so, because anyone who has a concern for the environment has to be opposed to this amendment.

According to the New York Times concerning Jay Rockefeller:

> He now appears to have backed away from his original support of the amendment, saying that coal needs a cleaner image to gain public acceptance as a substitute for oil.

I agree with him. I was amazed when I found out that the Governor of West Virginia was supporting this amendment, and I am glad that he has seen the light and changed that position.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. METZENBAUM. I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I will only take a minute. I appreciate the Senator yielding.

The Senator mentioned Governor Rockefeller. Today I received a call from the office of Governor Rockefeller from the special assistant, advising that the story in today's New York Times erroneously attributes to Governor Rockefeller a lessening of support for the amendment. The special assistant, Mr. Maddy, I am told in the telephone call, has spoken with the reporter of the New York Times story, who said that he was advised of the change in Rockefeller's position on the matter by the Secretary of the Interior, Cecil Andrus. Mr. Maddy, the special assistant to Governor Rockefeller, has advised Mr. Franklin, the reporter who wrote the story, I am told in the telephone call, of the Governor's continuing strong support and intends, I am told in the telephone conversation, to make the same point with Secretary Andrus' press assistant.

I thank the Senator.

Mr. METZENBAUM. I appreciate the advice from the leader of the Senate. I thought that Jay Rockefeller was wrong when he originally supported this amendment. I have always had a lot of respect for him. I thought that he was right when he allegedly had changed his position. If he has not, it is his error and he has to live with himself.

But I must confess that I am disappointed. I am disappointed that a man who apparently has a concern for the environment, as indicated in the past, would now be prepared to support an amendment that would be devastating with respect to protecting the environment.

First of all, in addition to everything else, this amendment would needlessly prolong the Department of Interior's review of the programs that 24 coal-producing States have submitted. That review is still underway, but great headway has been made with respect to it.

I want to point out to my friend from Kentucky that Interior Secretary Andrus has already approved the program submitted by Montana and Texas. Both of those States now have full power to regulate surface coal mining under their own procedures.

In a letter to me dated August 18, 1980, Secretary Andrus has stated:

> It is now quite likely that eight more States will receive approval shortly. Large parts of many other State programs will be approved in September.

Secretary Andrus goes on to say:

> By January, I will have made final decisions on all State proposals, and I expect that most of them will gain primacy under the Act.

If that is the case, then all of these horror stories about all of these different kinds of regulations and the problems they are going to create just is so much hogwash. It is not in accordance with the facts, because the Secretary of Interior is proceeding normally and making good headway. The governors of States who have written in, with the exception of the one from West Virginia, have not indicated any concern. As a matter of fact, they have been on our side of this issue, not on the side of those who would change the law.

Mr. President, the 1977 Strip Mining Act is a bill whose passage is proof that this Nation can reconcile its need for coal and mineral resources with its commitment to preserving the environment. What suddenly happened? In less than 2 years, it descended upon the Congress: Change the law; we cannot live with it.

The fact is we are producing more coal by strip mining today than we did when the act was passed. The process we have established in that landmark legislation is working—and working precisely as the Congress intended.

But the amendment before us today would disrupt that process. Instead of a review that will be substantially complete by January, we will have a new process, new deadlines, and enormous delays that will mire the coal industry for years in crippling uncertainty.

For what purpose? For whose gain? Not for the interest of those of us who have coal mining States and want the coal to be mined and sold. That delay will mean postponing delivery on the promise we made to the people of this country to establish sound environmental protection standards for strip mining.

It will mean more delay in approving the States abandoned mine lands program—and in making available the 50-percent State share of the reclamation fund that will accompany approval of the State enforcement programs.

These needlessly and wholly unwarranted delays will mean more environmental damage and more blight upon America. It will not mean more coal.

Let me remind my colleagues that we passed the Surface Mining and Control Act, in the first place, in order to address the disastrous results of decades of unregulated striping mining. Come with me into my own State of Ohio. The beautiful Ohio is not nearly as beautiful where they have ravaged the Earth with strip mining techniques that tore up the ground and tore it asunder and did nothing to put it back.

We passed this act because Easterners, who were living with the destruction of land and water systems, joined with Westerners, who wanted to spare their own States the devastation that strip mining can create. We passed that law because we determined that never again would we have a disaster like Buffalo Creek that took the lives of 125 of our people.

Mr. President, in his letter of August 18, Secretary Andrus stated succinctly the reasons why there need be no postponements in either deadline for State plans or in the implementation of the Federal lands program.

Said Cecil Andrus in his letter:

> As a result of judicial and administrative changes in the deadlines, all States had time to submit programs. I adopted regulations to delay implementation of the Federal lands program to coincide with the approval of State programs. Legislative changes are no longer needed in these two areas.

Mr. President, I believe that is self-evident.

But there is a third part to this amendment that would, if adopted, effectively gut the entire Surface Mining Act. That is the provision to eliminate the existing statutory requirement that State programs be consistent with Interior Department regulations.

Let me quote to you what Secretary Andrus had to say about that provision in his August 18 letter:

> The attempt to eliminate the requirement that State programs must be consistent with the Department's regulations runs completely counter to the intent of the original Act. Congress knew that the Department needed to adopt regulations to insure that the environmental purposes of the Act are met. The legislative history is clear that the general language of the Act must be supplemented by regulations to insure its full implementation.
>
> Our experience with the Act confirms the wisdoms of this legislative history. The Department's regulations were adopted after careful consideration and lengthy public participation and have been subjected fully to judicial scrutiny. They set the basic regulatory yardstick for measuring all State programs. Removal of the regulations will throw questions of basic statutory interpretation resolved by those regulations into 24 separate district courts across the country. The law will be interpreted differently in Kentucky than in Tennessee, in Illinois than in Indiana. Prime farmland provisions, for example, could be interpreted with wide variation, thus critically weakening the important protection that Congress gave to our Nation's agricultural productivity.
>
> The harmful effects of eliminating these regulations should not be underestimated. The differing court-imposed interpretations of the statute could last for years while the judiciary struggles to resolve the conflicts; States with strong laws would be penalized; those with weak ones would be rewarded. The lack of definitive standards will cause the coal industry great uncertainty. We know from long experience that prudent coal industry management will hesitate to invest in new mines while standards remain unsettled. The Nation cannot afford this delay.

Mr. President, I ask unanimous consent that the full text of Secretary Andrus' letter to me dated August 18, 1980, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. METZENBAUM. Secretary Andrus is right. We cannot afford the delay, we cannot afford the litigation, the uncertainty, and we cannot go back on the action we took 3 short years ago to give this country a prudent, responsible, and responsive strip mining law.

Mr. President, no Member of this body believes more strongly than I do in coal as a major part of our answer to the desperate challenge we face in energy. No Member of this body has been more consistent in insisting that we can use our coal without sacrificing our environment.

I want to see our miners turning out much, much more of this made-in-America source of energy. But I want to see that done in the context of the Surface Mining Control and Reclamation Act of 1977.

Mr. President, this amendment will not bring us more coal. It will not bring us one additional shovelful. It will bring less, and it will bring it later.

This amendment will not enhance the rights of the States. It will simply set off what William Cary of the SEC once described as a "race to the bottom," a scramble to see how quickly States that want coal investment can scrap their environmental standards. Thereby, the amendment will, in the long run, damage the States and the people who live in them.

The amendment, in other words, is bad policy, it is bad law, it constitutes a bad and dangerous precedent, and it is being offered to the Senate in a bad way, as an amendment to the Vessel Tonnage Act.

Now let me address myself to that issue, about the manner in which it is being offered.

There is not any question about it, that this amendment does not, under normal circumstances, belong on this particular piece of legislation. It is a way of circumventing the committees of the House that have jurisdiction. It is a way of keeping the committee process in the House from working. That is bad enough. That is wrong. It is wrong to circumvent the legislative procedures and processes that are normally used to pass legislation.

Mr. WARNER. Will the Senator yield for an inquiry?

Mr. METZENBAUM. Not at this point.

But having said that, let me say that it is doubly wrong to offer an amendment, a perfecting amendment, and then an additional amendment to that so that no other amendments may be offered. The obvious intent is to file a cloture petition, not because we have been debating this for weeks on end, but so that we can go right down the aisle, right down the path, and preclude any Member of this body from offering an amendment.

It is just barely possible that somebody might have an amendment of some merit, but it cannot be offered under the procedures that are being invoked.

That is parliamentarily correct, but the fact is that the Senator from Ohio was precluded from offering an amendment to the perfecting amendment under the circumstances heretofore described because under the precedents of the Senate the majority leader and the minority leader have precedence.

I do not question that, I do not take issue with it, but the fact is we should never permit the procedures of this body to be invoked in such a way that any one of the 100 Members of this body is precluded from offering an amendment, and particularly is that so when it becomes a leadership matter.

I say to the Members of this body that they are going to be called upon to invoke cloture, to cut off all debate, and they are probably going to vote for it because there is a lot of pressure for it. But the fact is if they do, they will be doing an injustice to the people of this country. They will have only themselves to be responsible to.

But why? Why should we be talking about cutting off any debate on this bill? Why should we be talking about cutting off amendments? What is there that is so sacred about the fact that to a vessel tonnage bill we are offering an amendment to emasculate the strip mining law, and then we say, "But no other Member of the Senate may offer any kind of amendment."

Is there something which is so sacred about 58 months which is provided for in the perfecting amendment? Or should it maybe be 42, 46 or 48? But, no, no one can offer that amendment.

Is there something so sacred about the manner in which this is presented that no Member of this body can contribute any additional thoughts, suggestions, or changes? No, we cannot do that under the way this matter is being presented to the Senate.

This is a great debating society, but, unfortunately, if we are permitted to follow these procedures, that is exactly what we will be and nothing more, a great debating society, without the Members of the Senate having an opportunity to present their amendments. I say that every Member of this body ought to be given that opportunity or privilege, if you want to call it that. But I am precluded from doing so, and every other Member of the Senate is precluded from doing so, because we have pending an amendment, a perfecting amendment, and an amendment in the second degree.

Mr. President, I intend to address myself to this subject at considerable length. I think it is rather sad that a few weeks ago this body took up on the floor of the Senate some bill to give special exemptions to the bottlers of this country, and then we have been told time and time and time again this body has so much work to do that we cannot afford to waste any time.

We are wasting time now, Mr. President. We are wasting time now.

Are we concerning ourselves about an economic recovery program in this country? Will this do anything about the 9 million unemployed workers in this country? Will this do anything to provide some kind of adequate health care for people who cannot obtain it? Will this do anything to take care of those who do not have shelter within which to live, or food to put in their bodies? No, it will not do that.

Will this amendment, will this whole subject, do anything constructive as far as the country is concerned? Will it help the energy crisis in this country? Indeed it will not.

This is a sheer waste of time, a sheer effort to undo the good that was done less than 3 years ago.

Mr. President, I think the Senate is wasting its time needlessly. I think the Senate is acting in a manner that does not befit it well. Therefore, Mr. President, I hope that the Members of this body will not see fit to enact cloture. I hope they will see fit not to enact this amendment. But I am afraid that the skids are greased.

EXHIBIT 1

U.S. DEPARTMENT
OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 18, 1980.

Hon. HOWARD M. METZENBAUM,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METZENBAUM: The Department of the Interior is now in the final stages of completing its review of programs submitted by 24 coal producing States under the landmark Surface Mining Control and Reclamation Act of 1977. The prompt review and the granting of primacy to the States in the regulation of surface mining has been a major goal of my Department, and that process will soon be completed. I have approved the programs of Montana and Texas, so they have full power to regulate surface coal mining. It is now quite likely that eight or more States will receive approval shortly. Large parts of many other State programs will be approved in September. By January, I will have made final decisions on all State proposals, and I expect that most of them will gain primacy under the Act. Even though the State program review process will be completed in the next five months, a last minute effort is being made to pass a revised version of S. 1403 which could delay that process for years. Such a radical step is both unwarranted and unwise.

S. 1403 was originally considered by the Senate a year ago to accomplish three goals: (1) extend the deadline for submission of State programs, (2) delay implementation of the Federal lands program, and (3) eliminate the existing statutory requirement that State programs be consistent with the Department's regulations.

I shared the Senate's concern over the first two problems; but these have already been accomplished and no longer require Congressional action. As a result of judicial and administrative changes in the deadlines, all States had time to submit programs. I adopted regulations to delay implementation of the Federal lands program to coincide with the approval of State programs. Legislative changes are no longer needed in these two areas.

Only the third provision of S. 1403—eliminating Federal regulations—has not been implemented because it is totally unproductive. The attempt to eliminate the requirement that State programs must be consistent with the Department's regulations runs completely counter to the intent of the original Act. Congress knew that the Department needed to adopt regulations to insure that the environmental purposes of the Act are met. The legislative history is clear that the general language of the Act must be supplemented by regulations to insure its full implementation.

Our experience with the Act confirms the wisdom of this legislative history. The Department's regulations were adopted after careful consideration and lengthy public participation and have been subjected fully to judicial scrutiny. They set the basic regulatory yardstick for measuring all State programs. Removal of the regulations will throw questions of basic statutory interpretation resolved by those regulations into 24 separate district courts across the country. The law will be interpreted differently in Kentucky than in Tennessee, in Illinois than in Indiana. Prime farmland provisions, for example, could be interpreted with wide variation, thus critically weakening the important protection that Congress gave to our Nation's agricultural productivity.

The harmful effects of eliminating these regulations should not be underestimated. The differing court-imposed interpretations of the statute could last for years while the judiciary struggles to resolve the conflicts. States with strong laws would be penalized; those with weak ones would be rewarded. The lack of definitive standards will cause the coal industry great uncertainty. We know from long experience that prudent coal industry management will hesitate to invest in new mines while standards remain unsettled. The Nation cannot afford this delay.

The deletion of the Department's regulations will also cause untold delay and confusion in the process of approving State Programs. Under S. 1403, each provision of the State program would have to be individually scrutinized and lengthy documentation compiled to be certain that my final decision withstands judicial challenge. New hearings would have to be held to allow industry, States and the public to reevaluate each State program. This alone would take months. Litigation by citizens, the industry and perhaps even the States, would mushroom if S. 1403 becomes law. Again, this means more delay.

The bill cannot help but delay the passage of power to the States: State program approvals will be tied up; meanwhile dual State/Federal regulation will be extended. This is the opposite of what the Department and the Congress have sought—turning reclamation authority over to States that have adopted strong regulatory programs. S. 1403 would similarly delay the use of the abandoned mine land fund to reclaim thousands of acres of orphan lands stripped of vegetation, polluted by acid drainage from abandoned mines, and scarred by subsidence, gob piles and other hazards.

One year ago, the Senate received many letters from States accusing the Office of Surface Mining of being inflexible and insensitive to States' concerns. The States said that the path to primacy was rocky, if not impassable. As a result, we redoubled our efforts to work with the States. We revised our regulations to give States more time to submit programs. At the request of the Western States, we changed the schedule for the implementation of the Federal lands program to coincide with the approval of State programs.

We made great efforts to demonstrate the flexibility in the regulations and to show the States how to gain approval of alternative regulations. These efforts have produced good results. All States that wished to submit programs were able to do so on time. Two State programs have been approved and several more approvals are imminent. Other States are making great progress. The process has been flexible. Wyoming's program, which is near approval, has hundreds of variations from OSM's regulations. Kentucky's program, which is in the initial review process, also has countless differences which may well be approvable.

All States contain some variations and over a hundred alternative State regulations have been proposed specifically to meet local conditions perceived by the States themselves. These accomplishments have been realized by following the law that Congress passed in 1977 and with the active participation of the public, the States and the coal industry.

In five months, without S. 1403, we will know the results of the State program approval process. If changes are needed, they can be made then. By contrast, if the bill becomes law, we will move into an unknown arena and begin a process that could cost us years without giving us any benefits. The best interests of States, the industry and the public will be served by completing, without change, the process the Congress began in 1977.

Sincerely,

CECIL D. ANDRUS,
Secretary.

Mr. WARNER. Will the Senator yield for a question?

Mr. METZENBAUM. Surely.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, in a very eloquent manner, the Senator pointed out the procedure followed here today and characterized it in such a way that it might leave the impression that the will of the Senate is being thwarted. But as a matter of record, 67 Senators have already voted in favor of this precise legislation. The reason that the will of the Senate is not being carried forth in the House, as I understand it, is that the chairman of the House Committee on Interior and Insular Affairs refuses to let his own committee act on this pending legislation.

Am I not correct, Mr. President, that the chairman received a discharge petition from 25 of his 43-person committee, to discharge 1403, but, through parliamentary maneuvering, he has failed to let that committee work its will on the bill forwarded by the Senate?

Mr. METZENBAUM. Mr. President, the Senator from Virginia knows full well that 25 members of a committee do not cause a committee to be relieved of a bill. There are procedures in the House that can be used if they want to relieve that committee of the bill. Far be it from me—and I hope from the Senator from Virginia—to be telling the Members of the House of Representatives how to conduct their business. There is no indication that the Members of the House want to pass the bill. The fact is that the chairman of the committee has the right to take such action as he deems appropriate. He does not see fit, as I understand it, to hold a hearing at this point.

But there is a procedure in the House where they can relieve the committee of the bill, if more than a majority wanted to do that, they could file a discharge petition. But this is the will of the Senate, but there is no indication that it is the will of the House.

Mr. WARNER. My colleague also, if I may put a further question, referred to the fact that it appears that we are wasting time, at the very time when we need to put more Americans back to work. In the judgment of many Members of this body, this particular legislation is necessary for that very reason, to put thousands of coal miners back to work who are out of work today because of the inconsistent positions of the Federal Government and the State government with respect to the regulations.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I shall take only a few moments. The opponents have made their position known and I should like to take a few moments to make my position known.

I might say, in support of what Senator WARNER asked of the distinguished Senator from Ohio, that 25 of the 43 members of the Committee on Interior and Insular Affairs asked that they take action on the bill in the committee, not that they be relieved of their responsibility. Nobody wanted that; they just wanted the normal procedures to start and asked that the committee consider the legislation. Still, the chairman of the committee thwarts a majority of that committee through his ability as chairman and through his ability on parliamentary procedures.

Mr. President, on September 11 of last year, as has been stated here, the Senate passed S. 1403, known as the Surface Mining Control and Reclamation Act amendments of 1979, by a vote of 68 to 26. There is no need to repeat now what I said then in support of the so-called Hatfield-Ford amendment. We spoke of State primacy as set forth in the Surface Mining Act of 1977.

Let me say here, Mr. President, that most of us are losing sight of what we did in the Surface Mining Act of 1977. Everything that we are talking about here the courts have said is going beyond the law. We talk about the will of the Senate, what we were supposed to do. But in 35 separate cases, the courts have said we have gone beyond the 1977 Surface Mining Act.

The most recent U.S. Court of Appeals decision invalidates the OSM regulation as being in excess of the act. How in the world can States comply with the law when the courts have said the agency is acting in excess of the law?

The court finds that "Congress intended to vest in the States"—think about that for a minute, now. The court said, and I am not a lawyer. I do not have the "legalese" that some of my colleagues do. But I just read from what the court said:

> Congress intended to vest in the states primary regulatory and decisionmaking authority and to place the Secretary in an oversight role to ensure that the states provide some minimal level of regulation and control. From there, we conclude that the Act itself defines the minimum information permit applications must contain and that the Secretary's authority in this area is limited to determining whether the states have satisfied that minimum. With this understanding, we hold that the Secretary lacks power to demand that states require more information from applicants than the Act itself spells out.

I think that paragraph from the court is very clear. The court went on to say:

> The overall structure thus is one in which the Act will "be enforced by the State[s] with backup authority in the Department of the Interior." ("primary regulatory authority" delegated to states with "a limited Federal oversight role" in the enforcement program).
>
> True, the Secretary is the Federal official who approves state programs, but the power to approve or to reject state programs does not necessarily include the power to specify the criteria of decision.

Let me repeat that if I may. It is the court saying this now; this is what the court says:

> True, the Secretary is the Federal official who approves state programs, but the power to approve or to reject state programs does not necessarily include the power to specify the criteria of decision.
>
> A construction that would allow the Secretary to expand these requirements as he saw fit in effect would permit him, by regulation, to take away the very discretion Congress sought to vest in the States.

My impression is that we are here today trying to defend the law that this body supported in 1977. "Like the camel sticking his nose in the tent, the Secretary easily could take over entirely"—this is what the court says. It is not the intent of the law, but what the court says:

> Like the camel sticking his nose in the tent, the Secretary easily could take over entirely. We will not construe a statute "in a manner which runs counter to the broad goals which Congress intended it to effectuate."

It seems that these words are pretty clear.

The court continued in its decision:

> Congress intended States to assume the "primary governmental responsibility" for enforcing the Surface Mining Act. To ensure states would live up to this duty, the Secretary of the Interior was given certain supervisory power. We would turn Congress' scheme on its head were we to allow that supervisory authority to consume state discretion and to reduce state power to a purely ministerial implementation of a Federally devised program.

This is the court saying this.

The court further stated:

> To allow the Secretary's overly comprehensive regulations to stand—

Think about that for a minute:

> To allow the Secretary's overly comprehensive regulations to stand would as a practical matter operate to stifle the activity of all the states in their handling of local problems.
>
> The point is that OSM is still trying to make states conform to regulations that have dubious standing. The pending amendment would cure this arrogant exercise of coercing the states. It could not possibly lead to more litigation than is now pending in several Federal courts.

Mr. President, let me touch generally on Kentucky's experience. I hear Montana's experience eloquently depicted here, Ohio's experience, and others. Let me touch on my own State. Let me touch on Kentucky for a moment.

In 1979, Kentucky had a change of State administration. The Governor appointed as secretary of natural resources and environmental protection a lady, Jackie Swigart, who has been a nationally recognized leader in the environmental movement. She is the administrator of the surface mining program in my State.

Secretary Swigart and the new administration worked closely—and I underscore "closely"—with OSM and its Director in the revision of State regulations, the drafting and redrafting of Kentucky law and the preparation of the State presentation to conform to Federal requirements.

OSM sat in on all of this—I underscore that—and what was the result? After the general assembly had adjourned sine die, OSM, on June 6 of this year, presented 21 peremptory demands for legislative changes—21 demands.

They had already been in my State, already sat with the committees, already told the legislators what it would take for my State to comply. They did that, and what happened to us? We got 21 demands after passing the law for legislative changes.

I have to question the whole operation of the Office of Surface Mining, and that includes the Department of Interior.

These demands that were imposed on our State, this fits the determined pattern of OSM to require that State law be identical to Federal regulations—and that should never happen. If our State laws are identical to Federal regulations and the courts throw them out, our law is out.

Can be uniform? How in the world can we be uniform when we are only supposed to conform?

This is a battle OSM lost when the Surface Mining Act was before the Congress.

OSM is maintaining that State regulations must be nearly identical to Federal regulations and State law must be nearly identical to these regulations to prove adequate statutory authority for the regulations.

We passed the law and the regulations, and then OSM attempts to force the State to have laws identical to regulations.

I think there is a motive here.

Why? Because the courts with increasing regularity are invalidating and remanding OSM regulations as exceeding or conflicting with the Federal law.

I cannot understand anyone who wants to back up an agency that the court says has regulations that are exceeding or conflicting with Federal law.

How can we defend that position?

By forcing State law into a corner—and that is what they are doing—they will still have a statutory base from which to enforce the divine guidance—if I can use that term—divine guidance, as OSM sees it. I do not think they have divine guidance, but they surely think so.

That is the issue that the amendment before us addresses.

Secretary Swigart puts the case well in the context of the Kentucky situation, and I quote her:

> We feel that Kentucky's statutory package is as consistent with the Federal act (the 1977 Surface Mining Control Act) as it needs to be. My response to the letter answers each of the 21 points and requests that each and every one be withdrawn by OSM.

The Natural Resources Secretary stressed that the department's policy is that the permanent program for control of surface coal mining "need only be consistent with, and not identical to, the applicable Federal requirements."

Secretary Swigart included in her statement a series of "helpful hints" to OSM which she said would bring about "significantly more favorable" results in the State's attempt to gain primacy, or primary responsibility for the control of surface coal mining.

The suggestions include:

> OSM should act from the assumption that Kentucky will "adhere to the appropriate statutory commands in good faith."

Why did she say that? Because OSM does not trust anybody. We have to do it their way, or else. And they are speculating how the State regulatory authority will perform without dealing with them in good faith.

The statutes enacted by the 1980 General Assembly, the proposed regulations and the State's program plan should be viewed together to resolve any perceived difficulties.

OSM cannot comment adversely on the State program with regard to subjects not within its authority.

They are trying to do that. The courts have said it is not in their authority, but OSM is trying to comment adversely on State programs in this regard.

The Department's expertise in regulating surface mining should be recognized and given weight in resolving disagreements.

The State cannot be expected to answer questions not yet answered by OSM.

They are demanding of my State and others that they give answers to questions to which OSM does not have the answers.

OSM must recognize the rights of the State under the 10th amendment to the Constitution.

OSM must recognize that the requirement for primacy is consistency, which implies a certain degree of flexibility.

Because of the remanding of Federal regulations resulting from recent court rulings, OSM must recognize that not all questions will be answered by the deadline dates for a determination on primacy and must allow for subsequent fine tuning and filling in on details of the regulations.

OSM must "more effectively and positively" assist the States in gaining primacy, as called for in the Federal act.

The individuality and unique conditions of each State must be fully recognized.

Members of the subcommittee with jurisdiction in the General Assembly noted that at the time the chief primacy bill, HB 566, was enacted, OSM representatives appeared to be satisfied with its content.

We were under the impression that the final package was approved.

Mr. President, I ask unanimous consent that the full text of Secretary Swigart's testimony of July 16 together with the legislative committee of jurisdiction resolution of support be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SECRETARY JACKIE SWIGART BEFORE THE INTERIM JOINT SUBCOMMITTEE ON SURFACE MINING

Thank you Senator Gibson and Representative Deskins for this opportunity to put into the record some information on the statutory aspects of achieving primacy. I want to echo the sentiments held by many knowledgeable people that we still feel there is no need for a special session. The recent court of appeals ruling has thrown out and remanded to OSM all of the regulations relating to permitting and has generally reinforced the commonwealth's position that OSM was totally without authority to impose many of its regulations. In a carefully worded opinion, the court of appeals has reiterated the commonwealth's position that congress intended to vest primary regulatory authority in the states. The act requires, as we have maintained all along, that the secretary's authority "is limited to whether the states have satisfied the minimum."

I have prepared, in conjunction with my technical and legal staff a detailed answer to ASM's June 6 letter that raised 21 problems with our primacy statute. We feel that Kentucky's statutory package is as consistent with the Federal Act as it needs to be. My response to the letter answers each of the 21 points and requests that each and every one be withdrawn by OSM. I am sure we would all agree that the withdrawal of the adverse comments would be an act of good faith on OSM's part. Failure on OSM's part to withdraw these comments, I believe, would be injurious to the proper review of the total primacy package.

Just for the record, allow me to repeat that the department's policy is that the permanent program need only be consistent with, and not identical to, the applicable federal requirements.

We have steadfastly maintained that mere changes in language do not constitute inconsistency with the act. Within the department, we are continuously reviewing our filed regulations and program plan so that we will not impose any unnecessary requirements. The statutory authority governing the actions of the department require us to seek primacy, the retention of state control over surface coal mining operations is vital to and in the best interests of the commonwealth. We will continue to seek primacy on the terms as favorable to Kentucky as possible.

We have always maintained the policy of meeting every federally imposed deadline, while at the same time attempting to be objective about the federal regulations. We feel this policy of cautious cooperation is the policy best calculated to preserve all of Kentucky's options. My lawyers feel that

OSM has been remiss in responding to the remands ordered by both federal trial courts and appeals courts. The option to sue OSM is still completely open to us. The option to substantially revise the filed program and regulations is open to us after September 3. We have sufficient staff in the bureau of surface mining to respond quickly and professionally to all eventualities. I stand ready to receive the input from this sub-committee and, indeed, all interested parties. The final result will be a program that is truly reflective of Kentucky needs and practices.

Let me digress for a minute and recapitulate the history of the primacy process. For an entire year before the 1980 general assembly, the position of the department had been that only technical corrections to the statutes were necessary to achieve primacy. The 1978 general assembly had conferred on the department the general authority to implement the permanent program. The 1978 general assembly also put into the statute a variety of provisions derived by PL 95–87, and yet this did not satisfy OSM.

Everyone here will recall the now infamous July 20, 1979 letter from region II that asserted over 40 deficiencies in the statute. When I took office in December 1979, I initiated discussions with OSM on those points. In a series of face-to-face negotiations and many pages of written explanation, we tried to find OSM's bottom line. During January and February of this year we engaged in serious and substantial discussions with OSM and the result was house bill 566. I recall, with pleasure, the expert and professional deliberations of both the senate committee on agriculture and natural resources and the house committee on natural resources and the environment. It was the consensus that HB 566 retained maximum flexibility for the state in promulgating regulations while at the same time allowing us to satisfy federal demands. We got, so we all thought at the time, an approvable primacy statute while having flexibility in the regulations. There is nothing in the statutes that box us in to any particular form of permanent program regulations.

And yet as of June 6, 1980, OSM, Knoxville, is still not satisfied. There appears to be some difference of opinion between OSM Knoxville and OSM Washington. We will maintain a cooperative posture only until such a time or that course of conduct appears likely to bear the fruit of an approval, on maximum favorable terms. So let me state clearly where we stand as of today. OSM has raised yet another set of objections to the statute. We have responded that the objections be withdrawn. Our comments were mailed Wednesday, July 16, with a request for a face-to-face meeting to resolve our differences and discuss the recent court of appeals decision.

Let me briefly summarize OSM's objections and our answers for the record. I will be glad to answer particular questions when I have finished my prepared remarks. The OSM letter sets forth 10 particular areas where they consider legislative changes are needed. Again, it is my judgment that there is no need for a special session.

The first OSM comment asks for a synthesis of all the statutory changes enacted for KRS 350. We have prepared such a document and transmitted it to Knoxville with the letter. It should serve to clarify many of their concerns.

The second deficiency noted was in the definition of overburden. We feel our regulatory definition is consistent with the applicable Federal definitions of both topsoil and overburden. The Federal comment admitted there would be no practical effect. We agreed and urged the comment to be withdrawn. The third comment suggested that there was a conflict between our hearing authority in KRS 350.028 and our field enforcement authority in KRS 350.130. The legal analysis presented clarified the issue. The conclusion was that the comment did not require an attorney general's opinion to be resolved and should be withdrawn. There were actually three subparts to the third Federal comment, all of which were clarified.

The fourth Federal comment raised a question about the language "privately owned" as it related to certain prohibitions to mining pursuant to section 522. This is the same provision that contains the "lands unsuitable for mining" program. The department has set forth an interpretation to show that regulations can be devised to solve any problem with this comment.

The fifth OSM comment involved a two-pronged attack on our hearing statutes. The points were analyzed to show that our hearing procedures for both operators and aggrieved citizens met all due process standards. It was therefore, requested that the comment be withdrawn. Comment six similarly misconstrued the statute on revegetation requirements. An explanation was given and it was asked that the comment be withdrawn.

Comment seven was, similar to comment three, an assault on the authority of the department. OSM identified some old language that they felt might be a problem. An interpretation of the statutory language was offered to solve the perceived problem. Comment eight made reference to the area of citizen suits. A reading of the federal provision will make it clear that it is not at all applicable to the states. Our answer was twofold to the federal demands for statutory changes:

1. As stated, the federal act does not require changes in the KRS 350.250 citizen suit provisions, and

2. In the alternative, KRS 350.250 is already consistent with the pertinent sections of the Federal Act.

the issue of citizen suits is a serious one, and it is one point about which there is debate. The department, however, is ready to defend its position.

Comment nine of OSM supposes that the department will not follow consistent regulations in reference to excess spoil disposal. The department set forth an adequate explanation to resolve the problem.

Comment 10 and 11 is another area where OSM demanded a statutory change. The issue of approximate original contour is a critical one. Several Federal trial courts have ruled that such a requirement for AOC is unconstitutional as a taking or as beyond the authority of the Federal government to require. Furthermore, the adverse OSM comment on our statutory AOC provisions was merely a bald assertion of inconsistency. The statute can be construed as being consistent with the law. Regulations can be written to ensure consistency with whatever the final resolution is. I asked that comments 10 and 11 be withdrawn, since the comment was premature and failed to prove that there was an inconsistency.

Comments 12, 16, 17, and 18 were technical in nature and arose from OSM's failure to understand the codification rules as set out in Kentucky Law. We expected that these objections will fall away when OSM reads the synthesis of the statutory amendments they asked for.

Comment 13 was a vague assertion by OSM that we would grant variances inconsistent with PL 95–87. The general statutory authority of the department forbids such an inconsistency. Such an explanation would be adequate to resolve the problem. Comment 14 objected to penalty language that we feel was clearly adequate. Comments 15 and 20 failed to remember prior OSM/DNREP agreement on the question of judicial review and ignored the department's authority to promulgate regulations. The agreement was contained in prior correspondence between OSM and the department. The agreement was cited, and as such, should be sufficient to resolve the problem.

Finally Comment 19 was another outright demand for a statutory change. The language objected to was a provision classifying all orphan land projects as government financial construction. But, it is our thinking that orphan land projects cannot be anything but government financed construction. The Department rejected the OSM demand for a mandatory statutory change. Although the Department did not sponsor H.B. 835, you may recall, the draftsmen were assured that OSM had been contacted and given tentative approval to this statute.

In summary, the Department felt the comments were mostly premature and set forth only three problem areas—citizen suits, return to approximate original coutour, and whether to consider abandoned mine land projects as government owned. In several instances, OSM was actually making comments in excess of its statutory authority. Finally, OSM failed to realize that many of the problems are solved by the regulations, or that the revised language is already consistent with the federal Act. I will continue to work to resolve these issues with OSM in order to achieve surface mining primacy for Kentucky.

Finally, let me put into the record some of my concerns about the primacy review process as conducted presently by OSM. It should be obvious to all concerned that every interested party within the Commonwealth, especially the General Assembly, has acted with restraint and in good faith with OSM. However, I am going to suggest in my next meeting with Region II, some helpful hints to keep the primacy review on track and reasonable:

(A) OSM needs to work from the assumption that the Commonwealth of Kentucky, acting through its executive departments, will adhere to the appropriate statutory commands in good faith. Any speculative inferences about how the state regulatory authority will perform are irrelevant and unacceptable. It needs to be assumed that, when the state's regulatory authority warrants it will do something, it will do it.

(B) OSM reviewers should read the state statute, regulations, and program plan documents together in an attempt to resolve any perceived difficulties. The state will provide all additional clarification and information as needed.

(C) OSM cannot comment adversely on the state program on subjects not within its authority to comment on, nor can it insist upon provisions in excess of that authority.

(D) The unique expertise of the Kentucky Department for Natural Resources and Environmental Protection in regulating surface coal mining needs to be recognized and accorded great weight in resolving disagreements.

(E) OSM cannot require definitive answers of the state to questions that OSM has not yet itself answered.

(F) The rights of the state as a sovereign under the Tenth Amendment to the U.S. Constitution must be afforded adequate recognition by OSM.

(G) OSM must recognize that the requirement for primacy approval is "consistency" with the applicable Federal requirements. The concept of consistency implies a certain degree of flexibility. Kentucky has a right to this flexibility so that its permanent program reflects Kentucky's unique conditions and needs.

(H) OSM must recognize that, due to the large number of remanded regulations at the Federal level, all questions will not be answered by the time that the statutory deadlines for approved state programs are reached. Accordingly, subsequent fine tuning and filling in of details can be accomplished after primacy is approved in full.

(I) OSM must more effectively and positively exercise its duty, as stated in P.L. 95-87 to assist the states in their efforts to achieve primacy.

(J) The individuality and unique conditions of each state must be fully recognized. The recent court of appeals decision emphasizes the intent of Congress to vest in the states primary regulatory and decision making authority. We must make sure this is the case. To quote the July 10 decision, "our examination indicates that Congress intended to vest in the states primary regulatory and decision making authority and to place the secretary in an oversight role to ensure that the states provide some minimal level of regulation and control."

If these suggestions are adopted, I believe the results for Kentucky will be significantly more favorable. I want to thank the subcommittee for its interest and support in this important issue.

LEGISLATIVE RESEARCH COMMISSION,
Frankfort, Ky., July 18, 1980.

Senator WENDELL FORD,
Dirksen Building,
Washington, D.C.

DEAR SENATOR FORD: In accordance with the action taken by the Interim Joint Subcommittee on Surface Mining of the Kentucky Legislative Research Commission on July 17, 1980, we are sending to you a copy of the enclosed resolution.

Sincerely,
Senator KENNETH O. GIBSON,
Co-Chairman.
Representative HERBERT DESKINS,
Co-Chairman, Interim Joint Subcommittee on Surface Mining.

A RESOLUTION RELATING TO STATE PRIMACY

Whereas, the Commonwealth of Kentucky has taken the position that primacy is in the best interest of the state; and

Whereas, the Kentucky General Assembly has deliberated at length and enacted statutory language for the express purpose of assuming state control over surface coal mining within the state; and

Whereas, the General Assembly has acted in good faith;

Now, therefore,

Be it resolved by the Interim Joint Subcommittee on Surface Mining of the Kentucky Legislative Research Commission on July 17, 1980:

Section 1. That the federal Office of Surface Mining be advised the Commonwealth of Kentucky is seeking primacy in good faith, and the legislative subcommittee holds the following convictions about the primacy review process:

(a) OSM needs to work from the assumption that the Commonwealth of Kentucky, acting through its executive departments, will adhere to the appropriate statutory commands in good faith. Any speculative inferences about how the state regulatory authority will perform are irrelevant and unacceptable. It needs to be assumed that, when the state's regulatory authority warrants it will do something, it will do it;

(b) OSM reviewers should read the state statute, regulations, and program plan documents together in an attempt to resolve any perceived difficulties. The state will provide all additional clarification and information as needed;

(c) OSM cannot comment adversely on the state program on subjects not within its authority to comment on, nor can it insist upon provisions in excess of that authority;

(d) The unique expertise of the Kentucky Department for Natural Resources and Environmental Protection in regulating surface coal mining needs to be recognized and accorded great weight in resolving disagreements;

(e) OSM cannot require definitive answers of the state to questions that OSM has not yet itself answered;

(f) The rights of the state as a sovereign under the Tenth Amendment to the U.S. Constitution must be afforded adequate recognition by OSM;

(g) OSM must recognize that the requirement for primacy approval is "consistency" with the applicable federal requirements. The concept of consistency implies a certain degree of flexibility. Kentucky has a right to this flexibility so that its permanent program reflects Kentucky's unique conditions and needs;

(h) OSM must recognize that, due to the large number of remanded regulations at the federal level, all questions will not be answered by the time that the statutory deadlines for approved state programs are reached. Accordingly, subsequent fine tuning and filling in of details can be accomplished after primacy is approved in full;

(i) OSM must more effectively and positively exercise its duty, as stated in PL 95-87 to assist the states in their efforts to achieve primacy; and

(j) The individuality and unique conditions of each state must be fully recognized. The recent court of appeals decision emphasizes the intent of Congress to vest in the states primary regulatory and decision making authority. We must make sure this is the case. To quote the July 10 decision, "Our examination indicates that Congress intended to vest in the states primary regulatory and decision making authority and to place the secretary in an oversight role to ensure that the states provide some minimal level of regulation and control."

Section 2. That the subcommittee supports the position of the Secretary of the Department for Natural Resources and Environmental Protection taken in her letter of July 16, 1980 to the Regional Director of OSM's Region II in response to the federal review of Kentucky statutes; and by unanimous roll call vote strongly supports the position taken by the department on items 8, 10, 11 and 19 of that letter.

Section 3. That the subcommittee communicates to OSM its firm support of the Kentucky Department for Natural Resources and Environmental Protection in its efforts to work with the federal Office of Surface Mining to achieve primacy. The subcommittee believes that the department has conducted itself with professionalism and in good faith. Its efforts are commendable in light of the complexity of achieving an approvable state program.

Section 4. That the subcommittee believes the Kentucky statute, the regulations, and the program plan as refiled on June 12, 1980 are adequate to support the Secretary of Interior in approving that filing and granting primacy to the Commonwealth of Kentucky.

Section 5. That copies of this resolution be sent to Kentucky's Congressional Delegation, the Secretary of Interior, the Director of the Office of Surface Mining, the Director of Region II of OSM, the Governor of the Commonwealth, and the Secretary of the Department for Natural Resources and Environmental Protection.

Mr. FORD. Mr. President, I have only partially hit upon those things that I believe are important and have only partially defended my position as it relates to me personally and to my State. Apparently, we are going to be here for a while, so I will save some of my remarks for rebuttal to some of my colleagues who might raise questions about the submission of this amendment.

Mr. BUMPERS. Mr. President, I want to be recorded in opposition to this amendment.

I sat through dozens of committee meetings in the Energy Committee and almost that many in the conference with the House.

One of my primary concerns with the Surface Mining Act was the surface owner consent provision, and I objected to it strenuously. Of the roughly 1 trillion tons of coal that are available to this Nation, probably 50 percent is owned by the United States, in Western States, particularly in Montana and Wyoming and to a lesser extent in Colorado and South Dakota.

There is a section in the act which provides that the United States could not mine that coal without the permission of the owner where it owned the coal underneath the surface. Some Members will recall that we had a lengthy debate about this provision in the Senate, which I led. We finally prevailed in removing that provision in the Senate because it was incongruous that the United States could be thwarted sometime in the future in its effort to mine its own coal even when it would be in the national interest.

It should be borne in mind that in almost every State in the Union, with the exception of a couple of Western States, if you own the mineral rights, particularly the coal, you have a right to go in and take that coal, so long as the surface owner is compensated adequately. We put a provision in the Senate version of the bill which would provide double compensation for anybody who owned the surface and the United States went in to mine the land. It passed in the Senate, but we lost in conference. Some of these days, in the not too distant future, I serve notice on this body now, I intend to renew that fight.

Burlington Northern Railroad, which owns hundreds of millions of tons of coal out West, is not subject to such a provision. Burlington Northern, which owns the coal under hundreds of thousands of acres out West, can mine their coal and pay the surface owner only the damages he sustains, which is far less than the compensation offered in my amendment. I was trying to be more benevolent and more magnanimous than that with our amendment, to provide that he was entitled to double his damage.

I predict that this body will have to come to grips with that question, if I am not successful next year or the year after in removing that provision. I can see a coal policy in this country being thwarted because the U.S. Government cannot go in and get coal it owns because the surface owner does not want to permit it. He just has an absolute veto. It is an aberration of all the laws of the country.

In any event, I want to continue this review of the history of the strip mining legislation. I grew up in a rural county in Arkansas where coal was mined in the 1920's and the first 2 or 3 years of the 1930's. There are only about four counties in western Arkansas that produce coal and almost all of it is strip mined.

I was graphically reminded of this as recently as last Thursday, when flying from Little Rock to Fort Chaffee to review tne processing of the Cubans at the fort. In that flight, which I have made hundreds of times, I flew over my home county and looked down on all these orphan mines where the lands were wantonly and negligently destroyed when we thought there was enough land to last through the millennium.

I realized that land never will be as productive again as it was when those giant earthmovers and strip mining shovels removed the coal back in the 1920's.

Did you know that until this very day, in my home county, they strip 80 feet of overburden to get to a 14-inch vein of coal?

Completely aside from the esthetic nightmare of all those dumps—that is what we call them—that were left there from the early strip mining, these lands will never produce again. I daresay that every Member of the U.S. Senate who has had strip-mined coal in his State for the past 40 years knows what I am talking about.

Aside from the land that is being taken out of production from strip mining, we are removing a million acres of arable land from use every year in this country. As a matter of fact, that does not even include strip mining. I am talking about airports, highways, shopping centers, urban sprawl—a million acres a year.

We have in this country 22 million acres of land that is still capable of producing, and that has not yet been put into cultivation.

At the rate we are going, by the year 2000 all of the remaining land which is capable of producing in this country, that 22 million acres, will be gone.

Let me relate it to my State. The State of Arkansas has 33 million acres of land. This year we have about 4½ million acres of soybeans, about 600,000 acres of cotton, and about 1,200,000 acres of rice, and other assorted crops. But the grand total of crops in my State this year is 8 million acres. There is not an awful lot of land remaining in Arkansas to be cleared and used for producing agricultural products. Eight million acres is about what we have had for the last 10 years. And yet we are No. 1 in rice. We produce 35 percent of all the rice produced in this countrv. We range between fourth and fifth in soybean production and about fifth in cotton, and that is no small item. That is a lot of agriculture out of my State of Arkansas with 33 million acres, but only 8 million of it in production of row crops. So what we are doing is we are taking a State like Arkansas completely out of production every 8 years, a million acres a year.

When I came to the Senate, the distinguished Senator from Montana, Mr. Metcalf asked me if I would get actively involved with him in the surface mining and reclamation bill, and I assured him I would. We were not able to get it passed the first Congress I was here, but we got it passed the second. So it became law in 1977. It was hailed by all thoughtful people in this country as a bill long overdue.

Let me just digress a moment to say that as of this moment there is no great demand for coal and certainly there is no great demand for coal in excess of our production.

The Senator from Kentucky keeps up with this a little better than I do, but my guess is that right now there is anywhere from 30 million to 50 million excess tons of coal in this country that cannot be sold because coal is a glut on the market. At this moment, we are not talking about trying to relax strip mining laws so that we can produce more coal. That is not the problem. We have more coal now than can be sold.

What is the problem? The operators are having problems with the Office of Surface Mining. I do not blame them. I would be upset also, I say to the Senator from Kentucky. I know exactly how some of these people in the bureaucracy operate. Senators have been here on the floor and heard me debate the Mine Safety and Health Act. We passed a law in this body and in the House of Representatives to protect coal miners. That is what we thought we were doing. We thought we were protecting the health and safety of coal miners, and we sent it over to the Mine Safety and Health Administration and said, "You issue the regulations to implement this bill and protect people who are working in deep pit mines, surface mines, quarries, where people might be endangered."

What did they do? The first thing you know they are regulating a cat litter outfit down in Tennessee; they are regulating holes dug bv Southwestern Bell Telephone to lay telephone cable. Somehow or other they ever started regulating the cane sugar industry in Hawaii. They are regulating the sand and gravel operators taking sand out of the Arkansas River. No one in this place ever intended for them to regulate those people. We were trying to protect the safety and health of miners.

So when the coal mining operators of the country say they are upset about the regulations issued by the Office of Surface Mining, that is understandable and to that exent I would be upset also if I were a Senator from one of the heavy coal-producing States.

We can clean up the Office of Surface Mining Act with their regulations, and the courts are in the process of doing it. It must be kept in mind that of all the cases the States and the mine operators have won, the cases have been won at the district level, but the Supreme Court has not ruled on any of those cases yet.

For either the proponents or the opponents of this bill either to boast about who is right and who is wrong is a little premature because there is no final decision on it.

Mr. FORD. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. MORGAN). Does the Senator yield?

Mr. BUMPERS. Yes, I am happy to yield.

Mr. FORD. I am in a little trouble. I am one of the endangered species. I am not a lawyer in this body.

Mr. BUMPERS. I always worry about people who rise with that caveat.

Mr. FORD. I have trouble following the legal language. If 35 major regulations have been remanded by the courts, those that have been appealed, and so forth, and all of them have been won, would the Senator not think that the average would be in favor of the State, the groups, and individuals who filed, rather than going to the circuit court or the Supreme Court?

Mr. BUMPERS. Of course, I have no way of knowing that.

Mr. FORD. I say as to the percentage, most of them have been found in favor of those who filed, the plaintiffs.

Mr. BUMPERS. I say to the Senator back during the days of the civil rights litigation, the lower courts ground out decisions like sausages and the Supreme Court struck them down just as fast.

Mr. FORD. Does the Senator not think that the Supreme Court has learned something since then?

Mr. BUMPERS. We cannot predict the outcome of an appeal in every case because the district court ruled a certain way. If there are 35 cases that the States and operators have won, I would think the chances of them winning a majority of those in the Supreme Court would be pretty good, but I cannot say that categorically.

Mr. FORD. That is all I am asking, just some kind of judgment from a member of the bar.

Mr. BUMPERS. There have been two lower court decisions that have gone to the Supreme Court. Two district courts ruled certain sections of this bill unconstitutional and it took the Supreme Court just about two bird-dog minutes to reverse that.

Mr. FORD. They did not reverse it, I say to my friend. They just stayed it.

Mr. BUMPERS. They stayed it.

Mr. FORD. Anyhow, I think they did not reverse the opinion. They just stayed it.

Mr. BUMPERS. The Senator from Kentucky knows that there was hardly any provision of this bill that got more attention than the prime farmlands provision.

Here is a story from the Wall Street Journal dated June 13, 1980. This was a decision by Judge James E. Nolan out in Indiana. He ruled that law requiring coal mine operators to identify prime farmland and its average crop yield, to remove and replace soil layers separately and to restore the farmland to its previous fertility level violated the 10th amendment of the Constitution.

The 10th amendment of the Constitution, of course, reserves to the State and individuals those powers that are not specifically granted to the Federal Government. And it was that ruling of Judge Nolan that was stayed by the Supreme Court.

That same judge also struck down provisions requiring the Interior Department to determine that the coal mine operator "has the technological capability to restore the land and requiring the Department to approve a use for the land after it has been mined." He said because it required heavy fertilization it was a usurpation of private property, and so on. Well, the Supreme Court stayed that, too.

But where are we headed with this amendment? There are two States, Montana and Texas, which have already had their plans approved. They have already passed laws in accordance with those plans, and they are in business. You have got 24 other plans over in the Interior Department being considered.

Mr. FORD. Mr. President, will the Senator yield for another question?

Mr. BUMPERS. Yes.

Mr. FORD. Why are Texas and Montana already approved?

Mr. BUMPERS. Well, I assume they are in compliance with the law which says their State plan complies with the rules and regulations promulgated under this bill.

Mr. FORD. Their laws are nearly identical to the Federal law which was passed. Therefore, there is no question but if their law is the same as the Federal law that it would be approved. That is what they have been trying to force all the States to do, Senator, and some of us would like to be able to do that, too.

Mr. BUMPERS. Senator, I must confess to you that I have not looked over the plans of Texas and Montana, but I am told that the Texas and the Montana plans are quite different, which indicates that the Interior Department has given considerable consideration to the differences in the kinds of mining in those two States.

Mr. FORD. But each State has passed a law that is identical to the Federal law and, therefore, they came in compliance as a result of the passing of the law. Some of the other States feel just a little bit different and some of the other States have been told, "If you will do this, you will comply," and pass those laws and come back with 21 statutory changes they want after the fact. You just cannot ever do anything right. They have the divine judgments, so if we cannot comply and their word is not good in committee, then we will never be able to do it. If they lose in court, and they are hoping the State law will be there as they suggested, then if they lose in court they will go back and say, "You have to comply by State law." So it is a losing game.

We passed the bill, you were there, you understand the bill, you fought long and hard. You are probably one of the most articulate Members of the Senate and you fought hard for the provisions as they relate to the 1977 act. We put 115 statutory provisions in that bill, and that is a floor, that is the basis upon which all States should come.

Now, the courts are saying generally they have gone beyond the law. The States ought to have primacy, and the Secretary of the Interior ought to have oversight, and that is basically, I think, the intent you and I had when we labored so long in conference to work out this bill.

Mr. BUMPERS. My purpose in being a coauthor and cosponsor and a hard worker for this legislation was because we had disregarded the fact that we were going to run out of land some day, the fact that under strip mining, as it was done prior to this act, we ruined the land forever.

Mr. FORD. I would like to remind the Senator that I was also a cosponsor along with him on this legislation.

Mr. BUMPERS. I know that is true. But I think the Senator would agree with me the reason we both cosponsored it was that we knew that practice could not and should not be continued.

Mr. FORD. That is correct.

Mr. BUMPERS. Land is a very precious commodity. If God demands one thing of this Nation it is to be good stewards of the bountiful blessings he has bestowed upon us.

Mr. FORD. I will agree with the Senator. The Lord is not making any more.

Mr. BUMPERS. The law requires the States to promulgate rules and regulations consistent with regulations issued by the Secretary pursuant to this act. That is the key provision in the 1977 act. This amendment just strikes about seven little old words so that reads, "The States shall issue rules and regulations consistent with this act."

Mr. FORD. The key word that is "consistent," and what we are trying to do is to make it identical, and the Senator knows the difference between identical and consistent. That is the reason we are here right now. That is the reason why this amendment is on this bill.

Mr. BUMPERS. Let me ask the Senator this: If the States in the future only had to issue rules and regulations consistent with the act what does that mean?

Mr. FORD. Subject to the approval of the Secretary of the Interior as he interprets the act, and he has already done a pretty good job of interpreting the act.

Mr. BUMPERS. Well, now, he has issued regulations. That is what we are here fighting about. The States do not want to come up with plans that are consistent with the rules and regulations that the Interior Department has promulgated pursuant to the enactment of this bill.

Mr. FORD. Yes, but the courts have said they have gone outside the law, that they are excessive, and we had 115 statutory requirements as they relate to reclamation in the bill.

Mr. BUMPERS. I thought what we were doing here was trying to adopt an amendment which says that the States shall draft their own individual plans.

Mr. FORD. That is what the bill says.

Mr. BUMPERS. Well, now, wait just a minute. The States will adopt their own individual plans, and those plans will be consistent with the act. I also thought the reason we were here was to circumvent the regulations that are being issued now, the interpretations of the act that are being issued by the Office of Surface Mining. If that is not the case, we do not have anything to argue about.

Mr. FORD. We are not trying to circumvent anybody. The only thing we are trying to do is to get back to what you and I intended when we passed this bill and worked so hard to put it in place. You did not get everything you wanted in the bill; I did not get everything I wanted in the bill. I would have made some changes but I think each State under the provisions of the bill—under those provisions it says that the States shall be subject to the approval of the Secretary of Interior, and I thought the courts have been saying that. I will be glad to let you look at the statement I quoted from the courts, and the courts have consistently said that the regulations are excessive and have gone beyond the law.

It says:

> The Secretary or Federal official shall approve the State program, but the power to approve or reject State programs does not necessarily include the power to specify the criteria of the decision.

That is legal language, I do not understand all of it, but it means something to me, that the Secretary has the ability to approve but he does not have the power to specify the criteria as long as they are consistent with the law.

Mr. BUMPERS. Who is going to determine whether it is consistent or not?

Mr. FORD. I guess the courts will ultimately do it because they are doing it now apparently if a thing goes to court.

Mr. BUMPERS. That is my point. There have been 35 to 40 regulations on which——

Mr. FORD. That have been decided.

Mr. BUMPERS. At the lower court level.

Mr. FORD. At some level in the courts.

Mr. BUMPERS. Let me give you some idea, if you are worried about litigation, where we are headed in litigation if this amendment passes. First of all, every State is going to develop its own idea of what is consistent with the act.

Mr. FORD. That is 24.

Mr. BUMPERS. Twenty-four States are going to determine for themselves what is consistent with the act.

No. 2, every State that is pretty much controlled by the operators is going to be more lax than those which are not.

Mr. FORD. The Senator makes a point. You know, if facts are not with you, you argue something else, but the Senator is assuming that the operators control the legislature, that they control the lawyers in the State, that they control the director of natural resources and environmental protection in the State, and I think the Senator's assumption is wrong and he should not use their assumption.

Mr. BUMPERS. I say to the Senator that he was a Governor at the same time I was a Governor and we are not babes in the woods when it comes to who has influence over the legislature.

Mr. FORD. But the Senator appointed his secretary of interior or secretary of natural resources, did he not? Did he not think that he or she was a pretty good appointment? Did he think that he or she would do the right thing? I appointed mine—I do not know about the Senator's—for that purpose.

Mr. BUMPERS. Well, I expect the State of Kentucky probably produces tens of millions of tons of coal a year. My State probably produces 200,000 to 300,000 tons. So we passed the strip mining bill the first year I was Governor. We did not have much trouble getting it passed, but we had trouble getting it passed as stringent as I wanted it.

But I can tell the Senator that even with a little State like Arkansas, especially when it comes to the total production of coal in this country, I can tell the Senator it was not easy to get any kind of bill passed.

Mr. FORD. Let me make one more point before the Senator gets away from that. We have a lady that is nationally known as an environmentalist. She is now our secretary of natural resources and environmental protection. I do not think her integrity, her character, or her desire can be impugned in any way.

I quoted a few minutes ago, if the Senator listened to me, items from her statement before the committee and her response to the 21 statutory changes that were requested and said was needed after OSM had been in our State and said, "If you do this, you will comply."

I do not think our State will take a back seat to any of those as it relates to an attempt to try to make it work. But they cannot make it work under the circumstances of which the OSM is being opposed to in our State.

I leave the integrity of our Secretary of Natural Resources and Environmental Protection stand. I do not think I can say anything against our secretary. No operator owns her. No operator is directing her. She is doing to do the best job she possibly can, in good faith.

Now, with that in mind, if you listen to her statement and look at her remarks and read the RECORD tomorrow, you will find out that this lady, in all of her desire, cannot work with OSM. Then I think if you let her present her reclamation program, that, no doubt in my mind it will be accepted by the Senator from Arkansas, the Secretary of the Interior, me, or anybody else.

Mr. HUDDLESTON. Will the Senator yield?

Mr. FORD. The Senator from Arkansas has the floor.

Mr. BUMPERS. I say to the Senator, to get on with the point I wanted to make a while ago, I think it would be naive not to assume that each State is going to make every effort not just to accommodate the coal operators, but to try to attract as many customers for that particular State's coal as they can. The more lenient regulations they can get approved, the less it is going to take to mine coal in that particular State, and that is going to give that State an economic advantage.

Mr. FORD. Will the Senator yield for another question? I hate to take exception to what the Senator is saying, but there is a bedrock to what any of the States can do. It is in the law. That is the bedrock. No one can go below that; 115 of the statutory requirements, that is the bedrock. That makes all States even.

If they want to go beyond that, I suspect they can. But each individual State will have to make that decision. But there is a bedrock below which none of the States can go.

Mr. BUMPERS. Well, it seems to me that what you have here, if you delete the Office of Surface Mining rules and regulations, then you have 24 States, each one deciding for itself what is consistent with the act.

Mr. FORD. No, that is not true. The Secretary of the Interior has the responsibility to approve or disapprove that plan, consistent with the law.

Mr. BUMPERS. Here is what the Secretary says on that point:

> The deletion of the Department's regulations will also cause untold delay and confusion in the process of approving State Programs. Under S. 1403, each provision of the State program would have to be individually scrutinized and lengthy documentation compiled to be certain that my final decision withstands judicial challenge. New hearings would have to be held to allow industry, States and the public to reevaluate each State program. This alone would take months. Litigation by citizens, the industry and perhaps even the States, would mushroom if S. 1403 becomes law. Again, this means more delay. The bill cannot help but delay the passage of power to the States: State program approvals will be tied up; meanwhile dual State/Federal regulation will be extended. This is the opposite of what the Department and the Congress have sought—turning reclamation authority over to States that have adopted strong regulatory programs. S. 1403 would similarly delay the use of the abandoned mine land fund to reclaim thousands of acres of orphan lands stripped of vegetation, polluted by acid drainage from abandoned mines, and scarred by subsidence, gob piles and other hazards.

Mr. FORD. Let me just make one point. As many meetings as the Senator and I have been to as it relates to the Office of Surface Mining and as many of the problems we have developed, the Senator knows, and I think we will have to agree, that there cannot be any more delay than we have now. They have not met a deadline yet. They have always delayed or extended and no one really knows what they are going to do. I do not think there would be any more delay. I cannot see how there could be any less litigation if we continue like it is now or any more litigation if we give States primacy. So litigation is there and cases are going on every day.

Mr. BUMPERS. Let me proceed and then I will quit and give the other Senator from Kentucky an opportunity to orate on this.

If you do not have regulations as guidelines, if you do not have the Office of Surface Mining issuing regulations—and I am not a defender of the Office of Surface Mining. I think they are probably better now than when the Senator and I got after them a year or so ago. I think they continue to improve their act. But if you do not have any guidelines out there for these 24 States, some of the things that each one of those States will be deciding for itself will be the following.

Mr. FORD. The Secretary of Interior has the ability to approve or disapprove. They are not deciding anything for themselves. They have to comply with the law; 115 statutory standards that we put into the bill.

Mr. BUMPERS. That is right. But there are no guidelines, except the law itself.

Mr. FORD. Is that not enough?

Mr. BUMPERS. Well, let me ask the Senator this. Each State is going to decide for itself what is consistent with the law.

Mr. FORD. It is not.

Mr. BUMPERS. Now, wait a minute. Each State is going to decide for itself what is consistent with the law and they will submit it to the Secretary and the Secretary will either say yes or no. Is that not right?

Mr. FORD. That is correct. But they have to draft that program based on the 1977 act, the 115 standards that we have.

Mr. BUMPERS. That is right.

Mr. FORD. And he has a right to approve or disapprove. But it is a whole lot better. What they are doing now is getting thrown out.

Mr. BUMPERS. Let me just make this point and then I will just turn it over to the Senator and the other Senator from Kentucky.

Mr. FORD. I like what we are doing. I am enjoying it. We are killing time and I enjoy talking to the Senator.

Mr. BUMPERS. If we delete the rules and regulations of the Office of Surface Mining, which they have promulgated interpreting what the law means, that means that each of the 24 States is going to adopt the plan which it believes is consistent with those 115 provisions that are in the law.

Now, do not interrupt me, Senator. Let me go on.

Mr. FORD. I have not said a word.

Mr. BUMPERS. Here is what the law says. Here is what each one of the States is going to be deciding for itself.

First, "Definition of 'significant imminent environmental harm to land, air and water resources' ".

Now, that is a key criteria for determining whether a cessation order ought to be issued.

Each State is going to interpret that.

Second, they are going to define for themselves what a "valid existing right" is, which determines whether an operator can continue to mine in an area which might otherwise be determined unsuitable.

Third, they are going to define for themselves what "substantial legal and financial commitments" means. What is a substantial legal and financial commitment? You are going to get 24 different answers. That is what it is.

Fourth, "Definition of 'any person who is or may be adversely affected' ".

Well, how is one adversely affected? I will tell you how you are going to find out. You are going to get 24 different definitions.

Then the definitions of the terms "mine plan area," "permit area," "affected area," "adjacent area." Those are all terms that are in the law, not the regulations, and 24 States will define what each one of those terms means.

Then we have definition of "historical use." What does historical use mean? We will get 24 different answers.

It is critical in the definition of prime farmland requirement.

No. 7 is the definition of "Government finance construction," which is a criteria for limiting the applicability of the Surface Mining Act to highway and other construction projects being carried out by State and local governments.

What does that mean, government finance construction? Lord only knows.

No. 8, regarding the "type of explosives, the detonating equipment, size, timing, and frequency of blasts." What does that mean? We will get 24 answers.

Explication of the phrase "maximize the utility and conservation of solid fuel resource being recovered."

Do you know what is embarrassing about that, Mr. President? That is the language that is in the bill, itself, and we all helped to write it.

Mr. FORD. And I want to tell the Senator that just about everything that he has said has been thrown out in court. I have gone through each one of them, prime farmland, historical places, definition of public roads, study of fish and wildlife, soil survey. All of it has been thrown out, every one of them has been thrown out, by the court. All of those have been remanded, all of those have been changed, valid existing rights, blasting, and they cannot define it any better than a State can at OSM.

Mr. BUMPERS. I am not defending the Office of Surface Mining. I know their regulations have not been terribly instructive in all instances. However, in interpreting the Surface Mining Act, it is better to have one set of regulations and have one group challenged in court than it is to have 24 separate States determining what all that language in 115 different provisions of the law means. Each State will be trying to make it as tough or as economically beneficial as possible. If we have to clean out the whole mess at OSM, let us clean them out, but let us not have 24 States each go their separate way and undo the Strip Mining Act that we worked so hard to pass. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. FORD. Mr. President, I was on my feet. I was going to respond to the Senator from Arkansas.

Mr. MELCHER. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. I want to respond to a statement by my good friend from Kentucky (Mr. FORD), that these regulations which have been reviewed have been thrown out. About 40 or 50 of the regulations have been remanded, but there are about 600 or 700 that have either been approved at the appellate court level or have not been challenged.

That is the way the act was designed, so that they could be challenged. It is the way the Senator from Kentucky, Senator BUMPERS, myself, and everybody else involved wrote the act, so that they could be challenged. There is the procedure for that, for the challenge in the Federal District Court. It would go into the court of appeals to have the process work. But to say that the prime farmland provision of the act has been thrown out, or the regulations on it, is absolutely incorrect.

There is no better example of the disparity and wide variations among State regulatory codes which might occur than in the case of reclamation of prime farmlands.

The act requires that before a permit is issued the operator must demonstrate to the regulatory authority that he does have the technological capability to restore prime farmland to equivalent or higher levels of yield as non-mined prime farmland in the surrounding area under equivalent levels of management (510(d)(1)). No part of the remaining 40 percent of the performance bond may be released until prime farmland soil productivity has been returned to equivalent levels of yield as non-mined land of the same soil type in the surrounding area under equivalent management practices (519(c)(2)). Thus, sections 510 and 519 of the act establish four variables for determining acceptable reclamation:

Equivalent or higher levels of yield.

Equivalent levels of management or equivalent management practices.

The same soil type.

The surrounding area.

These four variables in estimating prime farmland crop yields (any crop yields for that matter) could lead the regulatory authority to many differing conclusions.

In general, crop yields on any one soil type are compiled by various State and Federal agricultural agencies. Years of data have been collected and crop yields assigned to various soil types under specified management schemes. A specific crop yield for any one year would misrepresent the soil productivity or capability, yet the regulatory authority could select low crop yields based upon a certain 1-year low crop production return.

For instance, the State of Illinois has proposed to use the values of "basic management" shown in two publications of the University of Illinois, "Illinois Agronomy Handbook" (Circular 1165) and the "Soil Productivity in Illinois" (Circular 1156). These crops yields reflect lower than average yield and management levels for that State.

Because large portions of Illinois are underlain by surface mineable coal, large agricultural areas once mined would suffer a considerable drop in agricultural production.

This has been demonstrated continuously in past reclamation efforts by the coal industry and various universities in Illinois utilizing present Illinois standards for higher standards. Presently, Illinois has no yield standard for crop production.

If we are just going to rely on what is in the old requirements of the State of Illinois to protect prime farmland, the evidence seems to indicate that that prime farmland will not be returned to the productivity it had before being mined. So the prime farmland section of the act to overcome that had to upgrade State statutes in order to make sure that after the coal was removed by stripping, the land would be returned to a productivity equivalent to what it was, equal to what it was, before it was mined.

That is one of the purposes of the act.

Yet in looking at a State with a lot of prime agricultural farmland with coal underneath it, if we look at their State regulations, we find really that is all there is going to be, that it is not going to be upgraded, that the prime farmland will not be returned to the productivity it was before strip mining.

That was the real reason, the real genesis, for the Senator from Illinois being so interested in the prime farmland amendment to the Strip Mining Act. It was to upgrade it.

We do not want—I know I do not want, speaking as a Westerner—this prime farmland section, which I very avidly support, to be somehow downgraded or in any way weakened to where it will not really head up the famland of that region producing as good as it was producing before the strip mining occurred.

Yet the evidence seems to be that they are outmatching what is in the Federal regulations, so that the individual State's requirements will not assure the same amount of production from that land as would be the case if there had not been mining.

Mr. HUDDLESTON. What the Senator is describing is what is in the law. There is nothing in this amendment that would allow any State to develop any kind of program that would be less than what the law provides. The law does protect prime farmland.

Mr. President, I do not know of any subject on which there has been more rhetoric since I have been in the U.S. Senate than the subject of Government regulation and overregulation and the tremendous cost of it to this country. Here we are dealing with a prime example in a critical area of our national life, the question of our energy supply, where we have found ourselves in a virtual straitjacket so that the United States, with all of its resources, is virtually unable to respond to a crisis of energy supply, and we are still dependent upon foreign sources for a major part of it.

Mr. MELCHER. Let me comment right at that point.

Mr. HUDDLESTON. Here is the point I want to make, if the Senator will give me the opportunity. We talk about the need for doing something about this. Yet I stand here in amazement to hear the Senator from Arkansas, one of the chief advocates of trying to do something about Government controls and Government regulations, implying on this Senate floor that, for some reason, the bureaucrats of the Federal Government have some special insight, some special knowledge, some special intelligence that they can interpret the law and devise regulations, while those citizens on a local level, at the State level, who have the interests of their State much closer to their hearts than these bureaucrats have—I can assure him of that—somehow cannot read the law.

Mr. MELCHER. Yes, I think they can.

Mr. HUDDLESTON. Where is the evidence that this occurs?

Mr. MELCHER. I think I can give that evidence. Let me point out that Illinois, Indiana, Iowa, and North Dakota—that is four States—have all proposed differing tests to identify small plots which need not be salvaged and restored as prime farmland. What do we get into? We have these variables. We have to admit it is a complicated law. But I do not think there is anything more complicated or more necessary on Earth than to be assured that the land that we have is not eroded, is not made less productive, is not somehow, for the generations to come, weakened so that we do not have the type of productivity we have now. I think that is complicated.

Mr. HUDDLESTON. Will the Senator yield?

Mr. MELCHER. I want to make this point; then I shall in a moment.

Mr. President, I think it is also important that we protect the water, and I think it is very complicated. If we are going to have these variables in the law, and we do have those variables in the law, it is necessary to have uniform acceptance among the States. That was the intent of the act. There will be some differences in terrain, some differences in conditions.

Mr. HUDDLESTON. That is precisely the point that needs to be made.

Mr. MELCHER. That is precisely it. But when we get down to specific points, and prime farmland is a specific point, we have to have a test that says how you go about establishing the protection for that prime farmland based upon the results that you are going to get after the strip mining is done.

I have stated that Illinois, Indiana, Iowa, and North Dakota all have differing tests to identify small plots that need not be salvaged and restored as prime farmland. I give that as an example that we shall have States doing things differently. In a limited degree, if the result is the same and the prime farmland is protected, then everything is fine. That is provided for in the act, too.

The Senator makes the great point, I think a very valid one and I agree with it, that we do not want to encourage coal production. Where I come from, we have gone through the sweat, blood, and tears of getting our State program approved. We are glad it is approved now in Montana. Wyoming happens to believe that they are very close to getting theirs approved and they have gone through this sweat, blood, and tears, and all that effort, to get their program through. North Dakota has the same.

I read into the RECORD a little earlier the letter from Goveror Herschler of Wyoming saying, "Do not pass this amendment. It will throw us back."

I have a telegram, dated today, from Governor Arthur Link of North Dakota, which says:

> Any Congressional action on the Byrd Amendment at this time would pose a serious problem for the state of North Dakota. Our state program, promulgated under current legislation and regulations, is presently under review by the Secretary of the Interior and we are anticipating approval at any time.

The three Western States that are involved in strip mining—North Dakota, Montana, and Wyoming—to an appreciable degree, with expanding coal production every year, have joined together in saying, "Don't pass this amendment. We are getting along all right now. We have made a lot of effort to get where we are now. Don't throw us back into a state of wondering what the situation is going to be with our State program."

Now I am glad to yield to my friend.

Mr. HUDDLESTON. I thank the Senator from Montana.

Mr. President, I think there might be some significance to the fact that the three letters from the Governors that he has referred to are from three Western States and that those who are supporting the amendment by the distinguished majority leader (Mr. ROBERT C. BYRD), to a large degree, are from other States. The point is that, because of the differences in States, because of the differences in topography and the difference in the amount of steam they have, the differences in farmland, there has to be some way to adapt a law to a particular situation. What we might not consider prime farmland in Kentucky, because we have some exceptionally good land, might be very prime in some States that are not blessed in having as much good and productive land. But that is really beside the point.

The Senator referred to two tests that have to be met in devising a regulatory system to implement the law. One of those tests is what the Secretary of the Interior says the law is. The other test is what the courts say the law is. With the amendment submitted by the Senator from West Virginia, those same two tests will have to be met. In the final analysis, whatever a collection of bureaucrats who put together a system of regulation says the law is or what prime farmland is, or all these various definitions that appear in the law—whatever they say it is is still not necessarily so. The final adjudicator will be the courts.

Mr. President, courts, all the way to the Supreme Court, are much like the umpire in the baseball game in the old story we have all heard about the fellow sliding into home plate. He jumps up and says, "What is it? What is it?"

The umpire says "It ain't nothing until I call it."

That is what these regulations are. They are nothing until the court decides. That is what we are talking about. There is no intent here to take away from the courts or to detract from the law that has been written, nor even from the Secretary of the Interior, because each State, in developing its plan—which must be consistent with the law, must conform with the law—then has to be approved by the Secretary of the Interior, who must concur that it conforms with the law. Then, whichever way he rules, the final decision, in many cases, will have to be made by the courts.

Mr. MELCHER. Absolutely.

Mr. HUDDLESTON. So there is nothing in this law that is going to increase the litigation and there is nothing that will decrease the litigation because we are talking about some very difficult, very complex questions, and we are talking about a law that is, in my judgment, rather poorly drawn as far as its definitions and objectives are concerned.

Mr. President, I support the amendment offered by the distinguished majority leader. As was the case when this amendment was originally passed in the form of S. 1403 back in September, the need for this effort is abundantly clear. We must return the Office of Surface Mining to the course of staying within the intent of Congress in administering the Surface Mining Act of 1978. Most particularly, it must be made clear to OSM that the Congress intended for the States, not the Federal bureaucracy, to develop their program to meet the demands of the Surface Mining Act. In recent months, court decision after court decision has stressed that this was indeed the intent of Congress. Yet, OSM continues, despite some progress, to dictate to the States what measures must be put in place to comply with the law. This attitude simply has to be eliminated if we are serious about trying to bring ourselves out of the regulatory morass which faces the energy producing sector of our economy.

Mr. President, some say progress has been made by OSM and by the States in the move toward the States taking over control of the surface mining enforcement programs. There has been. However, I think that one look at the resolution passed by the interim Joint Subcommittee on Surface Mining of the Kentucky Legislative Research Commission on July 17 will show my colleagues there is still much room for improvement. I ask unanimous consent that that resolution relating to State primacy be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A RESOLUTION RELATING TO STATE PRIMACY

Whereas, the Commonwealth of Kentucky has taken the position that primacy is in the best interest of the state; and

Whereas, the Kentucky General Assembly has deliberated at length and enacted statutory language for the express purpose of assuming state control over surface coal mining within the state; and

Whereas, the General Assembly has acted in good faith;

Now, therefore,

Be it resolved by the Interim Joint Subcommittee on Surface Mining of the Kentucky Legislative Research Commission on July 17, 1980:

Section 1. That the federal Office of Surface Mining be advised the Commonwealth of Kentucky is seeking primacy in good faith, and the legislative subcommittee holds the following convictions about the primacy review process:

(a) OSM needs to work from the assumption that the Commonwealth of Kentucky, acting through its executive departments, will adhere to the appropriate statutory commands in good faith. Any speculative inferences about how the state regulatory authority will perform are irrelevant and unacceptable. It needs to be assumed that, when the state's regulatory authority warrants it will do something, it will do it;

(b) OSM reviewers should read the state statute, regulations, and program plan documents together in an attempt to resolve any perceived difficulties. The state will provide all additional clarification and information as needed;

(c) OSM cannot comment adversely on the state program on subjects not within its authority to comment on, nor can it insist upon provisions in excess of that authority;

(d) The unique expertise of the Kentucky Department of Natural Resources and Environmental Protection in regulating surface coal mining needs to be recognized and accorded great weight in resolving disagreements;

(e) OSM cannot require definitive answers of the state to questions that OSM has not yet itself answered;

(f) The rights of the state as a sovereign under the Tenth Amendment to the U.S. Constitution must be afforded adequate recognition by OSM;

(g) OSM must recognize that the requirement for primacy approval is "consistency" with the applicable federal requirements. The concept of consistency implies a certain degree of flexibility. Kentucky has a right to this flexibility so that its permanent program reflects Kentucky's unique conditions and needs;

(h) OSM must recognize that, due to the large number of remanded regulations at the federal level, all questions will not be answered by the time that the statutory deadlines for approved state programs are reached. Accordingly, subsequent fine tuning and filling in of details can be accomplished after primacy is approved in full;

(i) OSM must more effectively and positively exercise its duty, as stated in PL 95–87 to assist the states in their efforts to achieve primacy; and

(j) The individuality and unique conditions of each state must be fully recognized. The recent court of appeals decision emphasizes the intent of Congress to vest in the states primary regulatory and decision making authority. We must make sure this is the case. To quote the July 10 decision, "Our examination indicates that Congress intended to vest in the states primary regulatory and decision making authority and to place the secretary in an oversight role to ensure that the states provide some minimal level of regulation and control."

Section 2. That the subcommittee supports the position of the Secretary of the Department for Natural Resources and Environmental Protection taken in her letter of July 16, 1980, to the Regional Director of OSM's Region II in response to the federal review of Kentucky's statutes; and by unanimous roll call vote strongly supports the position taken by the department on items 8, 10, 11, and 19 of that letter.

Section 3. That the subcommittee communicates to OSM its firm support of the Kentucky Department for Natural Resources and Environmental Protection in its efforts to work with the federal Office of Surface Mining to achieve primacy. The subcommittee believes that the department has conducted itself with professionalism and in good faith. Its efforts are commendable in light of the complexity of achieving an approvable state program.

Section 4. That the subcommittee believes the Kentucky statute, the regulations, and the program plan as refiled on June 12, 1980, are adequate to support the Secretary of Interior in approving that filing and granting primacy to the Commonwealth of Kentucky.

Section 5. That copies of this resolution be sent to Kentucky's Congressional Delegation, the Secretary of Interior, the Director of the Office of Surface Mining, the Director of Region II of OSM, the Governor of the Commonwealth, and the Secretary of the Department for Natural Resources and Environmental Protection.

Mr. HUDDLESTON. Mr. President, the Surface Mining Act was a product of long and hard discussion and debate. I supported that act because of my desire to see that our environment is protected. Also behind my support was a belief that it was clear from the language of the legislation that the States would have the primary role in enforcement of the provisions in the law. However, as is so often the case, the bureaucracy has somehow interpreted our actions in passage of the Surface Mining Act to mean that they have the right to dictate to the States the exact methods by which the State can meet the requirements of the law. This is utter nonsense. I believe it is rare that we in the Senate have the opportunity such as we do now to have such a clear issue of regulatory overkill for us to correct in a clear and understandable fashion.

The environmental safeguards put forth in Public Law 95–87 are strong and specific. The Byrd amendment leaves those standards intact. Under the terms of the proposal offered by Senator BYRD, the States would simply be granted some degree of flexibility in meeting the requirements of Public Law 95–87.

It is incomprehensible that the Office of Surface Mining would demand that State programs be carbon copies of the cookbook type regulations promulgated by the agency.

If a requirement or standard called for in the act can be met by methods other than those laid out by OSM, I cannot see any reason why the specific design criteria called for by OSM must be used. This approach thwarts innovative engineering methods and really does nothing to enhance the quality of the environment.

Furthermore, the amendment will not in any way diminish the authority of the Secretary of the Interior to monitor the performance of States in achieving the goals set forth under the law.

I urge my colleagues to follow up on the rhetoric which very often comes from this Chamber. A vote for the Byrd amendment will be clear and convincing proof to the public that we are serious about regulatory reform. We are the elected representatives of the people and it is up to us to see that the statutes we pass are implemented properly. The public must be confident that we are not neglecting our duty. I believe support of the Byrd amendment will demonstrate that we are capable of dealing with specific regulatory problems which have come about as a result of the bureaucracy not living up to the intent of Congress, in this case not allowing States sufficient flexibility in developing programs to comply with the Surface Mining Act.

Mr. President, I yield the floor.

Mr. MELCHER. Mr. President, the question really is—and my good friend, the Senator from Kentucky (Mr. HUDDLESTON) is absolutely right. The regulations may be drafted by people in Government, as they are, and then, in order to find out whether they are correct or not, under the basic act, the courts will test them.

The same is true of regulations drawn by the State, and that is what this amendment would do, what this proposal would do, say that we will not have the Federal regulations, just have each individual State regulation, and then they would be tested in court, only they would be starting a new round robin being tested.

The State of Kentucky would be tested in a Federal district court in Kentucky. The State of West Virginia, the Federal district court in West Virginia. In Montana, I do not know which one of our Federal judges would get it, maybe in Billings in the Federal district court. Wyoming, North Dakota, all the States. All the regulations would be tested in court, 24 different States, 24 different Federal courts, and believe me, that is a lot of courts.

I said earlier, we do not mind court. We have had too much court action, too much litigation on trying to solve energy problems.

But the amendment that is before us now opens up a brand new round of litigation in those 24 States. The appeal to the proper appellate court, then maybe get to the Supreme Court. But it will be case after case, continuous litigation.

Why? Let me read some of the administrative procedures that will lead to substantial increases in procedural complexity of State program approval process caused by this amendment.

There has to be an administrative record. I read:

> Administrative record. Each State program would require a very substantially longer and more complex administrative record. Because the State program approval process at present focuses on evaluating differences between Federal regulations and State regulations, a State need not prepare and submit any administrative record beyond its program submission to justify its interpretations of the Act and the technical judgments underlying its regulations. The administrative record for these interpretive and technical judgments was prepared by OSM in its permanent program rulemaking. The record was 136 pages of the Federal Register (F.R. (9/13/78) pp. 41662 to 41799) and tens of thousands of pages of underlying documents for the proposed rules and 407 pages of the Federal Register (F.R (3/13/79) pp. 14902 to 15309) and even more pages of underlying documents for the final rules.

That is what has gone on in the Office of Surface Management and the Department of Interior. There has been plenty of that going on.

Everyone on this floor this afternoon has decried how complex this is and how involved it is. Nobody is denying that.

This bill, the Strip Mining Act, took three Congresses to pass. We all recall that. It got pretty complicated. We passed it. We went through this much of the rigors of going through all these regulations.

We have had 500, 600, 700 of these regulations that either have been reviewed at the appellate court level or have not been challenged.

Mr. FORD. How many have not been challenged?

Mr. MELCHER. That has taken about a year-and-a-half.

Mr. FORD. How many have not been challenged?

Mr. MELCHER. Does the Senator wish me to yield to him for a question?

Mr. FORD. I just want to ask a question.

Mr. MELCHER. I yield.

Mr. FORD. How many have not been challenged?

Mr. MELCHER. How many of the regulations have not been challenged? I do not know. But I know approximately how many have been looked at and are now felt, believed, by coal companies, by individual States, and by the Office of Surface Mining, to be OK and acceptable.

That has taken a year-and-a-half.

Mr. FORD. The Senator also just quoted one regulation, 139 pages, is that correct?

Mr. MELCHER. No; I did not say that.

Mr. FORD. One-hundred some-odd pages?

Mr. MELCHER. The record was 136 pages of the Federal Register.

Mr. FORD. And that explains why?

Mr. MELCHER. This is what would be required if States had to provide an administrative record for a court case:

> The administrative record for these interpretive and technical judgments was prepared by OSM in its permanent program rulemaking. The record was 136 pages of the Federal Register (F.R. (9/18/78) pp. 41662 to 41799) and tens of thousands of pages of underlying documents for the proposed rules and 407 pages of the Federal Register (F.R. (3/13/79) pp. 14902 to 15309) and even more pages of underlying documents for the final rules.

I am trying to point out that has all been done. But if we go to court, if we pass this amendment and go to court on a State regulation, we need to get an administrative record to present to the court, which is not available now because the record the States were required to produce only had to do with the variance and the differences they had with the Federal requirements.

Mr. FORD. But bulk does not make right, and bulk when it is wrong is bulky wrong.

Mr. MELCHER. I agree.

Mr. FORD. What we are getting into here, we talk about how complicated, and the cases they have been able to hear, and there have been many more suits——

Mr. MELCHER. The point I am trying to make is exactly that, why do we want to have it in 24 different district courts, repeating this process?

Mr. FORD. I say that the Senator and I could probably sit down and write a couple of paragraphs that would satisfy most of the regulations. But here, now, we get into page after page after page of bureaucrats telling the States what to do. It is about time that this is the law and they comply with it, without the bureaucrats in some back room typing, and doing all they can to figure out how to keep a job, and figuring out how to confuse the States, figuring out a way to go to court without States having the ability to do it themselves.

We are saying the States cannot do it.

Mr. MELCHER. Let me point out, if amendment No. 1496 were enacted, a separate administrative record would have to be prepared, mainly by each State, to justify each interpretive or technical judgment in the State regulations. Without such an administrative record, the Secretary would be hard pressed to decide rationally on the program submission, and if attacked, any program approval would almost certainly be overtuned by the reviewing district court as without rational basis in the record.

Mr. FORD. The Senator is prejudging what the States are doing.

Mr. MELCHER. Will the Senator please let me finish this? I will be glad to yield at all times, but will he please let me make my point?

Mr. FORD. I thought the Senator made it.

Mr. MELCHER. No. I will be delighted to yield.

We do not want any more bureaucratic action than is necessary, yet we are setting the stage for a tremendous amount of a new round of excessive demands on each individual State to show why the regulations that they are going to draft individually comply with this law.

Why do we want to do that? We will not simplify the process, we will complicate it.

That is why the three Western States involved in this, and that have been diligently trying to pursue the opportunity to mine coal in an expanding way in their States, say, "Do not change the rules again on us, let us proceed as we have been working to get our State program approved and do not come up with some more new requirements," which this amendment would require.

We would just set them back in this whole process.

Mr. FORD. Will the Senator yield for a question?

Mr. MELCHER. Yes, and then I will yield to the distinguished chairman of the Senate Energy and Natural Resources Committee.

Mr. FORD. I will be glad to give him the floor any time he wants it.

The only thing I want to ask the Senator is this: How closely does the State law compare to the Federal law?

Mr. MELCHER. I am sorry—I cannot really be an expert in answering that.

Mr. FORD. The Senator from Montana is bragging about their getting the job done. I thought he would be familiar with the law.

Mr. MELCHER. I can tell the Senator about my own State.

Mr. FORD. How closely is Montana's law parroting Federal law?

Mr. MELCHER. Our law in Montana came close enough to where, working with the Office of Surface Mining, we got our State program approved. I cannot answer as to Wyoming or North Dakota. All I can say is that, in general, it was not too difficult to get Montana's approved. The adjustments that were needed for the legislature to act on were not too hard to accomplish.

Mr. FORD. What percentage of the three States are Federal lands?

Mr. MELCHER. I can tell the Senator that a little more than 30 percent of Montana is either——

Mr. FORD. Thirty percent to 50 percent of all three States?

Mr. MELCHER. A little over 30 percent of Montana lands are either national forest lands, where you cannot strip mine, or other Federal lands. Beyond that, much of the coal in Montana is Federal coal.

In Wyoming, the percentage is higher. In North Dakota, it would be much lower than ours. Wyoming is higher than ours.

But we are not seeking a different program for Federal land or State land. We are seeking a program for all the land in Montana.

Mr. FORD. I understand. But the point I am trying to make is that you already have been complying with those requirements of the Department of the Interior, the Bureau of Land Management—those things that were basically already in the law. Most of these places were in agreement. Cooperative agreements were already in place with Montana, and other States did not have that kind. So the bill favored Montana. Montana already had been in that posture.

Then the Senator brags about what Montana has done, and I compliment him. I think he should brag. But other States did not have those cooperative agreements because the lands are not owned by the Federal Government.

So it makes it difficult for us to see the position we are being placed in, to parrot the Federal law or to make our laws comply with the regulations.

I believe the Senator has to admit that his State was almost in compliance with the law as it was written. In fact, his distinguished colleague, I suppose, was the father of this legislation on this side. Am I not correct?

Mr. MELCHER. My former colleague, along with Senator JACKSON and the Senator from Kentucky, was a big promoter of this legislation.

Mr. FORD. I believe the intent was written into this law, as I recall what we tried to do.

Mr. MELCHER. I agree.

Mr. FORD. It was that the States would have primacy, based on law, and that was the intent.

The States that have been approved have already had these cooperative agreements with the Federal agencies, so they were basically in compliance at that time. The law was written to cover those States, so it was easy. Now the Senator is trying to impose the cookbook system on the rest of the States. If the State's law does not comply with regulations, then they want the State laws to change to comply with the regulations rather than the Federal law. It seems unfair.

Mr. MELCHER. Perhaps I can clear up some of that unfairness and show the Senator from Kentucky how it would be even more difficult if his amendment were agreed to.

The preparation of the proper administrative record would badly strain each State, would substantially delay the approval process, and would, even when accomplished, be an Achilles heel for court tests by those who would foil or delay the implementation of the permanent program by the States.

That gets back to the question of whether we are going to mine coal in the coal fields or in the courts. We had better see what we can do about mining it in the coal fields.

There will be delay from judicial review if we adopt this amendment. Those 24 district courts all within 8 of the 11 circuits. Twenty-four district courts in 24 States fall within 8 of the 11 circuits of the U.S. Court of Appeals. States will be testing this in different district courts and getting into different courts of appeals.

That is what we are hoping to avoid—all this extraneous divisiveness, different interpretations of the law, by putting it in one district court and one appellate court.

I believe it can be argued that we should not have done that, but at least we know why we did it, so that we would not have different court interpretations.

I yield the floor.

Mr. JACKSON. Mr. President, I find it unfortunate that the Senate must use its valuable time to reconsider the provisions of this amendment. It is wasteful to spend our time reconsidering a proposal only part of which was ever justified and all of which is now unnecessary.

This amendment is substantially the same as that adopted by the Senate in the form of S. 1403 a year ago. At that time, the proponents of the bill argued that the transfer of surface mine regulatory authority to the States was endangered by the overly specific nature of Federal regulations. Suspicions were raised that the Office of Surface Mining's true intent was to institute a Federal regulatory program in lieu of the State lead concept embodied in the law.

Events have shown these fears and suspicions to be unfounded. As pointed out in a letter to me from Secretary of the Interior Cecil D. Andrus, 24 States have submitted State programs to OSM for approval; two States have already had their programs approved; it is likely that eight more States will obtain approval next month; and it is expected that most of the remaining 14 States will obtain approval by the January deadline.

This is no time to change the law. The need for extension of deadlines for submittal for State programs which resulted from the lack of funding for OSM has been addressed by administrative action. In addition, the implementation of the Federal lands program has been delayed. These two aspects of the pending amendment are the only two which were ever justified.

The other provision of the amendment, that deleting the requirement in the law that State regulations be consistent with Federal regulations, will result in a chaotic situation in which multiple district courts will be reviewing the congressional intent of the act. If the OSM's regulations are not consistent with congressional intent, this can be successfully challenged in the courts. If they are consistent, they should remain in full force. The system is prepared to deal with these alternatives. A change in the law at this time will simply serve to reinitiate and expand the already considerable amount of litigation which has already taken place in connection with the act. Such litigation must ultimately address the same question: "What was the intent of Congress?"

This intent is expressed in debate, committee reports, conference reports and the like. Regulations must reflect this material. State regulations must be consistent with Federal regulations which properly reflect the intent of Congress. To remove this requirement from the act will result in a mass of destructive and counterproductive litigation. Moreover, it will mean that States will face a lengthy delay in the transfer of regulatory authority.

Mr. President, I believe that this provision is destructive of a process which began over 12 years ago when Congress first considered surface mining regulation. This process is not yet complete. It should be allowed to be completed by the end of the year. If, at that time, many States do not have approved programs and there are not good and sufficient reasons for that state of affairs, it would be appropriate for Congress to consider action, but not before. I urge my colleagues to vote against this amendment.

Mr. President, I ask unanimous consent that the full text of Secretary Andrus' letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JACKSON. Mr. President, I also ask unanimous consent that two letters from S. David Freeman, chairman of the Tennessee Valley Authority be printed into the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. JACKSON. Mr. President, TVA opposes enactment of these provisions for many of the same reasons I have stated. In addition, I would like to point out that, while past TVA coal contracts contained surface reclamation provisions, this practice has been discontinued in favor of the national standards established by the Surface Mining Control and Reclamation Act. Extensive delay in implementation of the act could well place TVA in the difficult position of renegotiating coal contracts entered into in the last 3 years.

EXHIBIT 1

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 18, 1980.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: The Department of the Interior is now in the final stages of completing its review of programs submitted by 24 coal producing States under the landmark Surface Mining Control and Reclamation Act of 1977. The prompt review and the granting of primacy to the States in the regulation of surface mining has been a major goal of my Department, and that process will soon be completed. I have approved the programs of Montana and Texas, so they have full power to regulate surface coal mining. It is now quite likely that eight or more States will receive approval shortly. Large parts of many other State programs will be approved in September. By January, I will have made final decisions on all State proposals, and I expect that most of them will gain primacy under the Act. Even though the State program review process will be completed in the next five months, a last minute effort is being made to pass a revised version of S. 1403 which could delay that process for years. Such a radical step is both unwarranted and unwise.

S. 1403 was originally considered by the Senate a year ago to accomplish three goals: (1) extend the deadline for submission of State programs, (2) delay implementation of the Federal lands program, and (3) eliminate the existing statutory requirement that State programs be consistent with the Department's regulations.

I shared the Senate's concern over the first two problems; but these have already been accomplished and no longer require Congressional action. As a result of judicial and administrative changes in the deadlines, all States had time to submit programs. I adopted regulations to delay implementation of the Federal lands program to coincide with the approval of State programs. Legislative changes are no longer needed in these two areas.

Only the third provision of S. 1403—eliminating Federal regulations—has not been implemented because it is totally unproductive. The attempt to eliminate the requirement that State programs must be consistent wth the Department's regulations runs completely counter to the intent of the original Act. Congress knew that the Department needed to adopt regulations to insure that the environmental purposes of the Act are met. The legislative history is clear that the general language of the Act must be supplemented by regulations to insure its full implementation.

Our experience with the Act confirms the wisdom of this legislative history. The Department's regulations were adopted after careful consideration and lengthy public participation and have been subjected fully to judicial scrutiny. They set the basic regulatory yardstick for measuring all State programs. Removal of the regulations will throw questions of basic statutory interpretation resolved by those regulations into 24 separate district courts across the country. The law will be interpreted differently in Kentucky than in Tennessee, in Illinois than in Indiana. Prime farmland provisions, for example, could be interpreted with wide variation, thus critically weakening the important protection that Congress gave to our Nation's agricultural productivity.

The harmful effects of eliminating these regulations should not be underestimated. The differing court-imposed interpretations of the statute could last for years while the judiciary struggles to resolve the conflicts. States with strong laws would be penalized; those with weak ones would be rewarded. The lack of definitive standards will cause the coal industry great uncertainty. We know from long experience that prudent coal industry management will hesitate to invest in new mines while standards remain unsettled. The Nation cannot afford this delay.

The deletion of the Department's regulations will also cause untold delay and confusion in the process of approving State Programs. Under S. 1403, each provision of the State program would have to be individually scrutinized and lengthy documentation compiled to be certain that my final decision withstands judicial challenge. New hearings would have to be held to allow industry, States and the public to reevaluate each State program. This alone would take months. Litigation by citizens, the industry and perhaps even the States, would mushroom if S. 1403 becomes law. Again, this means more delay.

The bill cannot help but delay the passage of power to the States: State program approvals will be tied up; meanwhile dual State/Federal regulation will be extended. This is the opposite of what the Department and the Congress have sought—turning reclamation authority over to States that have adopted strong regulatory programs. S. 1403 would similarly delay the use of the abandoned mine land fund to reclaim thousands of acres of orphan lands stripped of vegetation, polluted by acid drainage from abandoned mines, and scarred by subsidence, gob piles and other hazards.

One year ago, the Senate received many letters from States accusing the Office of Surface Mining of being inflexible and insensitive to States' concerns. The States said that the path to primacy was rocky, if not impassible. As a result, we redoubled our efforts to work with the States. We revised our regulations to give States more time to submit programs. At the request of the Western States, we changed the schedule for the implementation of the Federal lands program to coincide with the approval of State programs. We made great efforts to demonstrate the flexibility in the regulations and to show the States how to gain approval of alternative regulations. These efforts have produced good results.

All States that wished to submit programs were able to do so on time. Two State programs have been approved and several more approvals are imminent. Other States are making great progress. The process has been flexible. Wyoming's program, which is near approval, has hundreds of variations from OSM's regulations. Kentucky's program, which is in the initial review process, also has countless differences which may well be approvable. All States contain some variations and over a hundred alternative State regulations have been proposed specifically to meet local conditions perceived by the States themselves. These accomplishments have been realized by following the law that Congress passed in 1977 and with the active participation of the public, the States and the coal industry.

In five months, without S. 1403, we will know the results of the State program approval process. If changes are needed, they can be made then. By contrast, if the bill becomes law, we will move into an unknown arena and begin a process that could cost us years without giving us any benefits. The best interests of States, the industry and the public will be served by completing, without change, the process the Congress began in 1977.

Sincerely,

CECIL D. ANDRUS,
Secretary.

EXHIBIT 2

TENNESSEE VALLEY AUTHORITY,
Knoxville, Tenn., April 7, 1980.
Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for TVA's views for the Committee's record on the implementation of the Surface Mining Control and Reclamation Act of 1977. We are also enclosing for inclusion in the record a copy of our October 22, 1979, letter on S. 1403.

The Tennessee Valley Authority was an early and enthusiastic supporter of a strong, national surface mining law, and we supported the enactment of the Surface Mining Control and Reclamation Act. As one of the Nation's largest coal purchasers, buying principally from the Appalachian and midwestern coalfields, we have long been sensitive to the need for an even-handed, nationwide effort to deal with surface effects of coal mining. The act is, we believe, a sound compromise between the national need for uniform standards and the traditional responsibilities of individual states. We continue to believe that this act is the only real hope of achieving this important goal.

For over thirteen years prior to the Surface Mining Control and Reclamation Act, we required land reclamation through provisions included in our own coal purchase contracts. This experience afforded us a special insight and working knowledge of the difficult enforcement problems the new law placed upon the Office of Surface Mining. In fact, one of the principal reasons for TVA's early support for a strong national law was our experience that certainty is needed in the regulation of the surface effects of coal mining. Without this certainty most coal companies, but especially small operators, are unwilling to risk capital investments in new mines to produce the coal so necessary to our Nation's energy needs.

The Office of Surface Mining has been doing a very creditable job in a most difficult situation. The criticisms leveled were predictable. The complexities of OSM's task, coupled with the extremely difficult timetables contained in the law, made this inevitable. Many of the difficulties OSM has experienced simply are the growing pains of a new agency. These difficulties should fade away as OSM gains more experience in the day-to-day surface coal mining operations.

TENNESSEE VALLEY AUTHORITY,
Knoxville, Tenn., October 22, 1979.
Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: TVA believes that section 3 of S. 1403, which would eliminate the existing requirement that state surface mining regulations be at least as stringent as the uniform minimum national standards established by the Office of Surface Mining, seriously weakens the idea of minimum national standards. This would be a setback to adequate control of the surface effects of coal mining. We support you in your opposition to the provisions of S. 1403.

TVA was an early supporter of congressional efforts to enact national surface mining legislation and fully endorses the Surface Mining Control and Reclamation Act. We support the act's careful compromise between the national need for uniform standards and the various states' traditional responsibilities for assuring equitable treatment of local interests.

One of the principal reasons for TVA's early support for a strong national surface mining law was our judgment that regulatory certainty is needed in surface coal mining. Without this certainty most coal companies, but especially small operators, are unwilling to risk capital investments in new mines to produce the coal so necessary to our Nation's energy needs.

We now fear that section 3 of S. 1403 could throw the entire regulatory program back into the uncertainty that preceded the national law. It would inevitably lead to time-consuming litigation over whether state programs are consistent with the Surface Mining Act. This would cause significant delays in implementation of permanent, nationwide, even-handed regulations. Further, we believe enactment of this legislation may lead to significant variations in regulations from state to state, a condition which could hamper the establishment and operations of needed small operator cooperative assistance programs.

We do, however, have one suggestion to make. OSM should further strengthen its ongoing dialogue with the states, other Federal agencies, and the private sector, all of whom have special knowledge to impart. This would achieve a smoother and more effective program to attain the ultimate goal of the act: protection against the destructive consequences of surface mining.

We appreciate the opportunity to submit these views. TVA stands ready to contribute to OSM's carrying out its difficult task.

Sincerely,

S. DAVID FREEMAN,
Chairman.

We recognize that there have been significant delays and administrative difficulties in the implementation of the original Surface Mining Act. In our view, however, the uncertainty which would inevitably be created by the enactment of the Rockefeller Amendment would create far more severe and long-lasting problems than these temporary difficulties.

We believe that over time and with the assistance of TVA and others, these problems will be corrected.

Finally, enactment of section 3 of S. 1403 would seriously undermine the original purpose of the Strip Mine and Reclamation Control Act of 1977, and would seriously hamper the Department of the Interior and the Office of Surface Mining in its efforts to protect the environment from the destructive effects of surface mining.

The Office of Management and Budget advises that it has no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

S. DAVID FREEMAN,
Chairman.

Mr. JACKSON. Mr. President, previous reference has been made in the debate to a telegram that I received from Gov. Ed Herschler of Wyoming opposing this legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD the telegram that I received from Governor Herschler.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

AUGUST 19, 1980.

Senator HENRY M. JACKSON,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: Consistent with my position expressed a year ago, I firmly believe that it would be inopportune to pass S. 1403 in any form at this time. As you may be aware, Wyoming is at the final stages of State program review by the Secretary of the Interior. We are at this point, only after a long term effort by State and OSM officials, ready to develop a regulatory program suited to Wyoming. I would regret any congressional action that might defeat these efforts and further delay or confuse State program approval and implementation. To conclude, regardless of the substantive merits or demerits underlying S. 1403, such an amendment at this time would likely cause more problems then benefits. Thank you for your consideration on this matter.

With warm regards.

ED HERSCHLER,
Governor of Wyoming.

Mr. JACKSON. Mr. President, I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, the Surface Mining Control and Reclamation Act of 1977 is truly landmark legislation. Congress established Federal mining and reclamation standards in that statute which were intended to serve as the model for State programs. The act is quite specific as to the nature and quality of environmental protection which must result from each State program.

The Surface Mining Act specifies that States should have the primary responsibility for ". . . developing, . . . issuing, and enforcing . . ." surface mining and reclamation regulations. Significant natural diversity among the States in mining and reclamation conditions is recognized in the statute. To accommodate that diversity, the States were intended to lead the regulatory process.

The Surface Mining Act has not been administered in the manner I have described. Each State has not been able to formulate a regulatory program based on the sound principles contained in the Federal statute. One reason for this is the Office of Surface Mining's reluctance to consider alternatives to the voluminous Federal regulations which it issued to spur the States into action.

The amendment we are debating will uphold the integrity of the Surface Mining Act. The regulatory system set up by the act has been frustrated in many cases, as States have sought to comply with layer after layer of inappropriate, contradictory, or overreaching Federal regulations. Dozens of regulations promulgated by the Office of Surface Mining have been remanded by Federal courts back to the Office of Surface Mining for review. Some regulations have been suspended by Federal courts, thereby preventing their implementation. The reason these regulations have been struck down or sent back to OSM is that they often go far beyond the framework of the Surface Mining Act, and would impose unfair and unreasonable burdens on coal-producing States.

The amendment, which I introduced with Senators WARNER, RANDOLPH, DOMENICI, BOREN, HARRY F. BYRD, JR., FORD, HUDDLESTON, BAYH, HATCH, and others, would allow the Surface Mining Act to work as it was intended to by Congress. It will allow the States to build on the environmental protections of the act in a sensible and workable fashion.

Our amendment will not contravene the carefully crafted environmental protection provisions of the law. It will give States their rightful opportunity to comply with the law in ways which suit the individual needs of States.

On September 11, 1979, the Senate passed S. 1403, a bill to amend the Surface Mining Act, by a vote of 68–26. The same substantive questions which were addressed by S. 1403 face us today for the most part. After the Senate passed the bill in 1979, I became aware that the Office of Surface Mining and the State of West Virginia were prepared to begin serious, good-faith efforts to work out a reasonable regulatory structure for the State. Those talks lasted several months, and made steady progress toward the goal of reasonable regulations for mining and reclamation.

Following the talks between West Virginia and OSM, the West Virginia State Legislature enacted a surface mining and reclamation law, as required under the Federal statute for any State which chooses to take the initiative in mining regulation. This law is a balanced, finely honed product. It is based on the results of the long negotiations between the State of West Virginia and the Office of Surface Mining. As required by the Federal law, the State of West Virginia submitted its newly enacted State law to the Office of Surface Mining for review. In that review, many provisions of the West Virginia State law were rejected by the same Office of Surface Mining group bureaucrats who earlier assured the State of West Virginia that it would be in compliance if it passed such a law.

The result has been sheer frustration. Carefully balanced compliance methods suitable for my State, which OSM had agreed would be acceptable, were shot down and sunk without a trace. Months of intense effort had gone into the negotiations. The Surface Mining Act was certainly not intended to work that way.

The amendment, which I have offered on behalf of other Senators and myself, would allow each State to design its own regulatory system on top of the protections in the Surface Mining Act, without fear that it will be struck down in arbitrary fashion as was the West Virginia State law.

CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER (Mr. LEVIN). The clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Unprinted Amendment No. 1503 to H.R. 1197.

Robert C. Byrd, John W. Warner, Thad Cochran, Alan Cranston, Walter D. Huddleston, Jennings Randolph, John Glenn, Jim Sasser, Lloyd Bentsen, David L. Boren, Howard H. Baker, Jr., Wendell H. Ford, John Heinz, John Tower, Paul Laxalt, David Pryor, Claiborne Pell.

Mr. ROBERT C. BYRD. The "improvements" demanded by OSM amount to blanket imposition of a suffocating Federal regulatory structure on my State of West Virginia.

West Virginia is not alone in this tale of woe. The State of Kentucky had a similar experience, as did other States, as their Senators have testified and will testify again.

Nothing in this amendment diminishes the authority of the Secretary of the Interior and OSM to review and approve or disapprove State reclamation plans. The amendment will insure that their review is made under the standards of the act, and not under the additional and unreasonable standards in the Federal regulations created by bureaucrats.

At issue is the orderly development of our most abundant American energy resource. We are far past the point in our history where coal can be ignored. Coal can enhance our national security by reducing the amount of oil which we import. It can bolster the economy by providing jobs—not only in the mines, but also in powerplants and factories which need a safe and secure fuel supply. Our country has a stake in this matter which transcends the boundaries of the coal-producing States. I urge my colleagues to support the amendment, and to reject attempts to delay its passage.

Mr. President, I ask unanimous consent to insert in the RECORD a rollcall vote by which the surface mining amendments passed 69 to 26 on September 11, 1979, the page being 23991 of the CONGRESSIONAL RECORD.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

The result was announced—yeas 69, nays 26, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—69

Armstrong, Baker, Bayh, Bellmon, Bentsen, Boren, Burdick, Byrd, Harry F., Jr., Byrd, Robert C., Cannon, Chafee, Chiles, Cochran, Cohen, Danforth, DeConcini, Dole, Domenici, Eagleton, Exon, Ford, Garn.

Glenn, Goldwater, Gravel, Hatch, Hatfield, Hayakawa, Heflin, Heinz, Helms, Hollings, Huddleston, Humphrey, Jepsen, Johnston, Kassebaum, Kennedy, Laxalt, Levin, Long, Lugar, Mathias, Matsunaga, McClure, Morgan.

Nunn, Packwood, Pell, Percy, Pryor, Randolph, Roth, Sasser, Schmitt, Schweiker, Simpson, Stafford, Stennis, Stevens, Stewart, Talmadge, Thurmond, Tower, Wallop, Warner, Weicker, Young, Zorinsky.

NAYS—26

Baucus, Biden, Boschwitz, Bradley, Church, Cranston, Culver, Durenberger, Durkin.

Hart, Jackson, Javits, Leahy, Magnuson, McGovern, Melcher Metzenbaum, Moynihan.

Nelson, Proxmire, Riegle, Sarbanes, Stevenson, Stone, Tsongas, Williams.

NOT VOTING—5

Bumpers, Inouye, Muskie, Pressler, Ribicoff.

Mr. ROBERT C. BYRD. Now, a word explanation: I have offered a cloture motion on behalf of 17 Senators, and have done so today because the legislation that is embraced in the amendment was debated last September and passed by the Senate. Ordinarily, I do not offer a cloture motion on the same day a measure is called up, although that has been done a number of times in the Senate heretofore. Normally, if time and circumstances permit, I will wait a day or so after a measure has been called up before proceeding with offering a cloture motion.

In this instance, however, in view of the fact that the subject matter has been debated and was debated last September and passed by the Senate last September in the form of a bill, S. 1403, and also in view of the fact that the Senate will be going out at the close of business next Wednesday evening, a week from tomorrow, for the Labor Day holiday, I think that time is of the essence, and I hope Senators will vote for cloture on the substitute on Thursday of this week.

I know some Senators who normally do not vote for cloture the first time around because they feel that additional debate should be had. But in this instance, as I say, the subject matter was fully debated last September, and I hope Senators who normally wait until the second time to vote for cloture will vote in this instance on the first cloture vote which will occur on Thursday at around 11 a.m.

Mr. METZENBAUM. Mr. President, will the Senator from West Virginia yield for a question?

Mr. ROBERT C. BYRD. Yes, I yield.

Mr. METZENBAUM. The Senator from Ohio would like to ask the majority leader whether or not the Senator from West Virginia, if those of us concerned about this subject are inclined to do so, would be willing to consider voting on or taking down your amendment in the second degree so that the floor may be opened to those of us who feel we ought to have an opportunity to offer amendments and not be foreclosed from doing so?

It seems to me that equity and fairness dictate that in view of the fact that the majority leader has seen fit to offer a cloture motion the first day of debate, that no amendments have been made possible by at least the recognition of the majority leader in his capacity as majority leader to have preference to offer amendments in the first degree and in the second degree, that it is only fair and reasonable, if the Senate is to have an opportunity to work its will, that the majority leader should make it possible for us to have an opportunity to offer other amendments prior to the time that cloture is invoked, if it is indeed invoked.

Mr. ROBERT C. BYRD. Well, Mr. President, I might be willing to do that. I would like to discuss that with my colleagues who have joined in offering the amendments.

However, if I were to do that I would have to change the amendment in the first degree, on which the yeas and nays have already been ordered, and this would require unanimous consent for me to modify it because I would have to so change it that it would include the pending amendment in the second degree. Otherwise it falls short of constituting the whole of S. 1403 which passed the Senate last year.

Mr. METZENBAUM. The Senator from Ohio is prepared to be cooperative in permitting—certainly in asking those of us who are opposed to this proposal to cooperate with the majority leader in that connection. It is my understanding actually that the yeas and nays have only been ordered in connection with the amendment in the first degree and have not actually been ordered in connection with the amendment in the second degree.

Mr. ROBERT C. BYRD. That is just what I stated. The yeas and nays have been ordered on the amendment in the first degree, thus precluding me from modifying it except by unanimous consent, and the amendment in the second degree rounds out, including the amendment in the first degree, all of the provisions included in S. 1403, all of the amendments included in the Surface Mining Act of last year.

So, if I were allowed to withdraw—if I were to withdraw the amendment I would have to have unanimous consent of the Senate before I would do it to modify my amendment in the first degree so as to include the now pending amendment in the second degree, and the unanimous consent being required because the yeas and nays have been ordered on the amendment in the first degree.

But even in that event I would feel honor bound to discuss it with my colleagues who have supported the amendment and who join as cosponsors to see how they would feel about it.

Mr. MELCHER. Mr. President, will the Senator from West Virginia yield to me for a question?

Mr. ROBERT C. BYRD. Yes.

Mr. MELCHER. Is not the substitute for which the cloture motion has been filed an amendment which has more than what was in S. 1403 when the Senate voted upon it?

Mr. ROBERT C. BYRD. The substitute includes the freight tonnage bill which, I believe, is H.R. 1197.

Mr. MELCHER. I understand that. But does not it also contain more pertaining to strip mining than what was in S. 1403?

Mr. ROBERT C. BYRD. No, it does not.

Mr. MELCHER. Can the Senator refresh my memory——

Mr. ROBERT C. BYRD. It certainly is not intended to.

Mr. MELCHER. Can the Senator refresh my memory as to this language:

> Notwithstanding any other provision of this section, each State shall, to the greatest extent possible, have principal responsibility for the inspection of mines during the period of time prior to the submittal of State plans for approval.

Is that not new language? Was that in S. 1403?

Mr. ROBERT C. BYRD. That is the Bellmon amendment, which was included in S. 1403 as passed last September.

Mr. MELCHER. It was the Bellmon amendment?

Mr. ROBERT C. BYRD. Yes.

Mr. MELCHER. And it was included in S. 1403?

Mr. ROBERT C. BYRD. Yes.

Mr. MELCHER. I thank the Senator.

Mr. ROBERT C. BYRD. I yield the floor.

Mr. WARNER. Mr. President, more than 10 months have now elapsed since September 11, 1979 when S. 1403, a bill amending the Surface Mining Control and Reclamation Act of 1977, passed the Senate by a vote of 69 to 26.

The need for those changes to the Surface Mining Act provided for in S. 1403 has not diminished. Therefore, Mr. President, I rise as cosponsor of an amendment to the bill under consideration before us in an effort to resolve the continuing problems S. 1403 would have resolved.

As my colleagues will recall, after hours of debate, S. 1403 received broad, bipartisan support. The factual record, including 2 days of oversight hearings before the Committee on Energy and Natural Resources, overwhelmingly demonstrated that implementation of the act by the Interior Department's Office of Surface Mining had knocked out of kilter the balance between the States and the Federal Government so carefully crafted by the Congress when the act was passed.

The impetus for S. 1403 came from those most affected by the problem—the overwhelming majority of the Governors of the coal producing States. S. 1403 made no substantive changes in the Surface Mining Act. It was neither an environmentalist bill nor an industry bill. It was a Governor's bill—and one which was carefully written to address the concerns of those very same Governors who came before the Congress urging enactment of the Surface Mining Act.

As passed S. 1403 emphasized:

First. The need for more time to compile and submit State programs;

Second. The need to defer the implementation of the permanent regulations on Federal lands to coincide with the approval of State programs in order to avoid creating a dual and duplicative State-Federal regulatory scheme; and

Third. The need for clarification of State authority in the first instance, to prepare implementing regulations which are consistent with the act, and appropriate for local conditions, and not merely mirror images of the OSM rules.

S. 1403 made absolutely no substantive changes in the basic 1977 statute. All of the statutory environmental standards remained intact. S. 1403 would not have overturned any of the preceding environmental legislation which has been passed before by Congress. Also, S. 1403 would not have allowed the coal operators to obviate any of the surface mining act environmental requirements. And, very importantly, nothing in S. 1403 affected or diminished the Secretary of Interior's ultimate responsibility to review State program applications to determine whether State laws and regulations do in fact meet the requirements of the act. In other words, the Secretary would have continued, under S. 1403, to retain full authority as originally authorized by the statute to approve or disapprove State programs. If the State proposed regulations were found lacking by the Secretary, he would, and in fact must, disapprove those regulations and reject the State program.

As majority leader of the Senate ROBERT C. BYRD, Democrat of West Virginia, indicated in his remarks of July 27, 1979, S. 1403:

> Contains provisions which will ensure that each state has an opportunity to construct its own reclamation plan. The Act would be, as Congress intended, the standard against which each state plan would be judged.

The permanent program regulations of the Office of Surface Mining would not have been voided by S. 1403. They would remain available as a basis for comparison by the Secretary with State program submittals, as well as for implementation on Federal lands and implementation of a Federal program in those States which either fail to gain regulatory authority or choose not to do so.

S. 1403 reaffirmed the congressional finding contained in the Surface Mining Act that:

> The primary governmental responsibility for developing, authorizing, issuing, and enforcing regulations for surface mining and reclamation operations subject to this act should rest with the States.

According to the act, the States and not the Federal Government have the prime responsibility to formulate the regulations by which they control their own destinies in the surface mining of their coal resources.

The Federal Government after the passage of the Surface Mining Control and Reclamation Act of 1977 completely ignored Congress' mandate on this matter and chose to dictate to the States in a very heavy handed fashion, its own interpretation of the act's provisions.

More alarming is the fact that the Federal Government's regulations implementing the act increasingly exceed, by a large margin, the requirements set out and procedures called for by the law.

This reality was dramatically noted by the U.S. Court of Appeals for the D.C. Circuit on July 10 when it handed down its monumentous decision, *Peabody Coal* v. *Andrus,* U.S. App. D.C., No. 80–1308, which found that the Secretary of the Interior in promulgating regulations to implement the Surface Mining Act had exceeded the authority granted to him by Congress in the Surface Mining Act.

In Peabody the court emphatically reaffirmed Congress intent that the States were to have the primary role in enforcing the act and that the Secretary of the Interior's role was a supervisory one.

The court stated:

> Congress intended to vest in the States, primary regulatory and decision-making authority and to place the Secretary in an oversight role to insure that the States provide some minimal level of regulation and control.

Moreover the court held:

> We would turn Congress scheme on its head were we to allow that supervisory authority to consume State discretion and to reduce State power to a purely ministerial implementation of a federally devised program.

The amendment introduced today merely will fortify what Congress found in the Surface Mining Act and the courts have found in Peabody and other recent Federal court decisions.

Mr. President, many of the problems which S. 1403 would have resolved still exist and must be remedied if the Surface Mining Act is to function in the fashion which Congress intended.

Yet since the Senate passed the bill last September, it has been bottled up in the House Interior and Insular Affairs Committee despite earnest entreaties to Congressman MORRIS K. UDALL, chairman of the House Committee, from 25 committee members (a majority of the committee) requesting that the committee "consider S. 1403 in the very near future." Chairman UDALL responded to those pleas by ruling out any committee action on S. 1403 because he "cannot support any attempt to take action on S. 1403" since the bill's "meat-axe approach" will result in "administrative chaos, lawsuits, bad regulation and inadequate environmental protection."

Our distinguished colleague from the other body has been ill-advised on this important matter, and on December 20, 1979, Senator HATFIELD reported to Senate colleagues, in an effort to set the record straight, a concise statement of recent developments in the Office of Surface Mining which, in my opinion, demonstrate that OSM's actions are designed to confuse the public on this important piece of legislation.

In addition, Senators will recall the publication on March 27 by my distinguished colleague, Senator HATFIELD and myself of evidence that the Office of Surface Mining has been blatantly lobbying the Congress to defeat S. 1403, in apparent violation of the provisions of the United States Code prohibiting lobbying with appropriated moneys, not to mention the Appropriations Act governing the Interior Department's expenditures. The Government Accounting Office has investigated this matter and its report is scheduled to be completed in the near future.

The amendment offered today contains the concepts approved by the vast majority of Senators in S. 1403 last September.

As Senators will recall, as a result of a lawsuit brought against the Interior Department by a number of the coal producing States, the U.S. District Court for the District of Columbia extended the deadline for submission of State programs to March 3, 1980. Twenty-four States managed to submit programs to OSM for review and approval by that date; and, incredible as it may seem, modest estimates place the number of pages for all submitted programs at over 25,000 pages. The review and approval of these massive submittals is a monumental undertaking, yet by virtue of his own regulation, the Secretary has only until January 3, 1981 to decide whether each State program should be approved or not.

To further compound the problem, as Senators will recall, the OSM regulations have resulted in a great degree of confusion and litigation. As a result of a number of lawsuits brought by the coal producing States, environmental organizations and the coal mining industry, OSM has voluntarily withdrawn and suspended 25 key regulations. Approximately 65 additional crucial regulations have been invalidated by the courts. Furthermore, OSM has been directed by court order to disapprove those portions of State program submittals which contain these same invalidated or suspended regulations.

The result of all this is that these regulations will have to be redrawn by the Interior Department and submitted to the public for comment and public hearing before they become final—and before they can be utilized by the States as the basis for State program submissions.

Even if we assume that OSM will expeditiously develop the necessary new regulations resulting from judicial scrutiny—and this is a difficult assumption to make based upon OSM's previous track record of consistent delay in developing regulations—and even if we assume that there will be no further court scrutiny of these new regulations (and, again, this is a difficult assumption to make based on the likelihood that OSM will appeal many of the findings already handed down by the U.S. District Court for the District of Columbia), then it would appear to be a virtual certainty that the Secretary will simply be unable to adequately analyze and review the 24 State programs submitted by the time his self-imposed deadline of January 3, 1981 expires. The amendment introduced today would extend this deadline an additional 9 months to October 3, 1981. In addition, the amendment would give operators no more than 8 months (June 3. 1982), as originally contemplated by section 502 of the act, to bring their mining operations into compliance with the applicable regulations.

Mr. President, when all is said and done in describing the need for this amendment, it must be emphasized that the reason the Senate finds itself once again considering changes to national surface mining legislation is largely the result of yet another heavy-handed and incompetent Federal agency brushing aside the congressional mandate that it treat the States as equal partners. In fact, Mr. President, of all persons affected by this amendment, the Secretary of Interior needs to have these changes made more than anyone, if he is to properly discharge his responsibility to review, analyze and measure whether the programs submitted by the States are in accord with the statutory provisions of the Surface Mining Act as passed by the Congress.

Furthermore, the coal producing States need the changes. I call to the attention of Senators the recently adopted resolution of the Interstate Mining Compact Commission (comprised of the States of Texas, Alabama, Illinois, Tennessee, Indiana, Kentucky, North Carolina, Virginia, West Virginia, Maryland, Ohio, Oklahoma, South Carolina, Pennsylvania, Arkansas, and Louisiana) adopted at its annual meeting in May. The Interstate Mining Compact Commission endorsed the need for the changes my amendment would make. Mr. President, at the conclusion of my remarks I ask unanimous consent that the resolutions of the Interstate Mining Compact Commission be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

RESOLUTION: INTERSTATE MINING COMPACT COMMISSION

Be it known that:

Whereas, the Interstate Mining Compact Commission (IMCC) recognizes and supports the need for sound reclamation standards concerning the coal mining industry, and that past practices were not satisfactory, in many instances, to protect the public interest;

Whereas, the passage of the "Surface Mining Control and Reclamation Act of 1977" (PL 95–87) was a good faith attempt by Congress to redress unsatisfactory past practices in the industry and assure adequate state regulation of coal mining;

Whereas, the implementation of the detailed provisions of PL 95–87 has been complicated and burdened by insensitive and inappropriate red tape and overregulation by the Office of Surface Mining, and that these abuses are a continuing problem for the states and industry.

Now, therefore be it resolved: that the IMCC urges Congressional review and reconsideration of the provisions of PL 95–87, especially with a view to curbing abuses in its administration and facilitating a healthy development of coal resources, consistent with practicable rules, and offers to work closely with Congressional leaders and their staffs in such an effort.

RESOLUTION: INTERSTATE MINING COMPACT COMMISSION

Be it resolved by the Interstate Mining Compact Commission (IMCC):

Whereas, due to the delay in adoption of the federal regulations prescribing the substance of State Programs, the states stand to lose 50 percent of the abandoned mine reclamation fund collected within their borders since the adoption of Public Law 95-87;

And be it further resolved that: the Secretary of Interior must assure to the states the availability of their full share of abandoned mine land reclamation fund, upon approval of State Programs, and that failure of such assurance would result in deprivation of many millions of dollars collected in individual states by federal coal severance taxes and unintended by Congress to be available to the individual states.

RESOLUTION: INTERSTATE MINING COMPACT COMMISSION

Be it resolved by the Interstate Mining Compact Commission (IMCC):

That the federal domination and control over state and local land use and coal resource development, as contained in the "Surface Mining Control and Reclamation Act of 1977" (Public Law 95-87), and regulations thereunder, must be corrected by the Congress, and this authority must be restored to the states and local governments;

And be it further resolved that: the intrusion of federal power into this area of state responsibility is a threat to representative government and state sovereignty.

Mr. WARNER. In summary, this amendment is consistent with and makes no substantive changes to the act. It is consistent with and makes timely revisions to the provisions of S. 1403 which passed the Senate by an overwhelming 69-to-28 vote in September 1979. The amendment is essential to the Secretary so that he may have sufficient time to properly discharge his responsibilities—keeping in mind the Secretary's ability to measure State compliance with the statute by interpretation of the statutory provisions through the new regulations he must develop pursuant to court order. It is also essential to the States so that they may adequately fashion their programs in accordance with the statute. Finally, the amendment is essential to the public, which deserves to know once and for all the rules by which surface coal mining can be conducted under the law of the land.

I urge adoption of the amendment.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, are there any orders for the recognition of Senators on tomorrow that have been entered?

The PRESIDING OFFICER. There are none.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate convene tomorrow at 11 a.m. rather than 10 a.m. This will accommodate both the proponents and the opponents of the measure, some of whom have committee hearings to chair and so on.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, unanimous consent is not needed to assure that the Senate will resume action on the pending measure once the standing order for the recognition of the two leaders has been consummated; am I correct?

The PRESIDING OFFICER. If the Senate recesses this evening, the Senator is correct.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session for not to exceed 5 minutes for the purpose only of considering the nominations beginning under U.S. Postal Service on page 2, going through the nominations on page 3, with the exception of Calendar Orders Nos. 255 and 257, and going through Department of State Calendar Order No. 264.

Mr. BAKER. Mr. President, reserving the right to object, and I will not, the purpose of the reservation is to provide an opportunity for me to advise the majority leader that all of the items identified by him on the Executive Calendar are cleared on our calendar as well, and we have no objection to the confirmations.

I might inquire of the majority leader if he intends to proceed with the consideration at a later date of Calendar Order No. 255, the nomination of the judge for the U.S. District Court for the Southern District of California.

Mr. ROBERT C. BYRD. I would like to do that within the next few minutes when Mr. CRANSTON arrives.

Mr. CRANSTON, who has been pressing for the confirmation of that nomination, is here. I will yield the floor to Mr. CRANSTON immediately upon the confirmation of the other nominees.

Mr. BAKER. Mr. President, I thank the majority leader. We have no objection to the request as he has stated it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the minority leader.

Mr. President, I ask unanimous consent that the aforementioned nominees be confirmed en bloc, that the President be notified of their confirmation, and that the motion to reconsider en bloc be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

U.S. POSTAL SERVICE

Timothy L. Jenkins, of the District of Columbia, to be a Governor of the U.S. Postal Service.

Paula D. Hughes, of New York, to be a Governor of the U.S. Postal Service.

David E. Babcock, of Arizona, to be a Governor of the U.S. Postal Service.

COUNCIL OF ECONOMIC ADVISORS

Stephen M. Goldfeld, of New Jersey, to be a member of the Council of Economic Advisors.

DEPARTMENT OF EDUCATION

James Bert Thomas, Jr., of Virginia, to be Inspector General, Department of Education. (New position.)

ENERGY-EXPO 82

Charles E. Fraser, of South Carolina, to be Commissioner General of the U.S. Government for Energy-Expo 82.

DEPARTMENT OF STATE

Lyle Franklin Lane, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Paraguay.

Barbara M. Watson, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished majority whip.

NOMINATION OF EARL BEN GILLIAM, OF CALIFORNIA, TO BE A U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Mr. CRANSTON. Mr. President, I call up Calendar Order No. 255.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The nomination of Earl Ben Gilliam, of California, to be a U.S. District judge for the Southern District of California.

Mr. CRANSTON. Mr. President, I am delighted to have this opportunity to call up the nomination and speak for the nomination of Earl Gilliam.

A word about him. He is 49 years old, a native of the Southwest, born in Clovis, N. Mex., and educated in California. He received his law degree from Hastings College of the Law in 1957 and joined the San Diego County DA's office that year. He practiced law from 1961 to 1963 and was then appointed by Gov. Pat Brown to the San Diego Municipal Court at the age of 32. In 1975, he was named Superior Court Judge for San Diego County.

In 1964 he was named "Young Man of the Year" by the San Diego Jaycees. He now heads the trial practice division at Western State College of the Law in San Diego, where he has taught for several years. When confirmed, he will be the first black to serve on the Southern District Court bench.

Judge Gilliam has strong and widespread community support and is well-respected among his peers in southern California. He is intelligent, compassionate and fair-minded. Supporters list his "impeccable integrity," his fairness. "It is my honest feeling that Judge Gilliam has the respect and admiration of the community he serves so well," one said.

Mr. President, when I nominated him to President Carter after a great deal of research into his qualifications after he had been recommended by the Commission on Judicial Selection created by the two Senators from California and the State bar, I learned many very fine things about Judge Gilliam. He has served very well on the bench. He is highly respected in the community. He understands the law. He is a man of compassion, a man who believes, of course, that the law must be enforced in his court and in our country.

When there was some delay in the Senate proceeding with his nomination, I had many communications from San Diego that evidenced the great support and respect that he has earned in that community. I am, therefore, delighted to recommend his approval to my colleagues in the Senate.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. BAKER. Mr. President, I can vouch for the fact that Judge Gilliam has many friends, because, as his nomination was transmitted to the Judiciary Committee and then subsequently reported to the Executive Calendar, there were a great number of contacts from California, indeed, from other parts of the country on his behalf.

As the distinguished assistant majority leader would understand, a great number of those receive special attention from us when the good Republican friends of Judge Gilliam vouched for his abilities and vouched for his reputation.

Both Senators from California have joined in support of this judge. This nomination comes as close to being a genuinely supported bipartisan nomination as I have seen a long time. I congratulate both California Senators and congratulate Judge Gilliam. I am pleased that we have arrived at this point when the confirmation, I believe, is about to occur.

Mr. CRANSTON. I thank the distinguished minority leader for his good words and cooperation in this nomination. I also thank the distinguished majority leader for his cooperation in expediting the consideration of the nomination in the Senate. I thank the Judiciary Committee for its support and cooperation of the nomination.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business for not to exceed 15 minutes, and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield the floor.

MESSAGES FROM THE HOUSE

At 2:48 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1863. An act to authorize the Secretary of Commerce to charter the nuclear ship *Savannah* to Patriots Point Development Authority, an agency of the State of South Carolina.

The message also announced that the House has passed the following bills, in which it requests the conconcurrence of the Senate:

H.R. 4231. An act to designate the "John D. Larkins, Jr., Federal Building";

H.R. 5546. An act to amend the United States Grain Standards Act to permit grain delivered to export elevators by any means of conveyance other than barge to be transfered into such export elevators without official weighing, and for other purposes;

H.R. 5732. An act to designate the Federal Building located at 33 West Twohig, San Angelo, Texas, as the "O. C. Fisher Federal Building";

H.R. 6531. An act to name a certain Federal building in Indianapolis, Indiana, the Minton-Capehart Federal Building;

H.R. 6550. An act to amend Public Law 90–553, to authorize the transfer, conveyance, lease and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for an international organization, as sites for governments of foreign countries, and for other purposes; and

H.R. 6816. An act to provide for the exchange of certain Federal coal leases in the State of New Mexico for other Federal coal leases in that State.

The message further announced that the House has agreed to the resolution (H. Res. 761) relating to the death of the Honorable Harold Runnels, a Representative from the State of New Mexico.

At 4:40 p.m., a message from the House of Representatives delivered by Mr. Berry, announced that the House has passed the following bills, without amendment:

S. 659. An act for the relief of the Black Hills Area Council of the Boy Scouts of America;

S. 1626. An act for the relief of H. F. Hulholland and the estate of John Oakason; and

S. 1730. An act to declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

The message also announced that the House has passed the following bill, with an amendment in which it requests the concurrence of the Senate:

S. 2055. An act to establish a reservation for the Confederated Tribes of Siletz Indians of Oregon.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6089. An act to amend the Tariff Schedules of the United States to provide for a temporary change in the duty on unwrought lead, and for other purposes;

H.R. 7309. An act to designate the Federal Building in Portland, Oregon, the "Edith Green Federal Building";

H.R. 7414. An act to designate the building known as the Federal Building and United States Courthouse in Amarillo, Texas, as the "J. Marvin Jones Federal Building";

H.R. 7450. An act to designate the United States Court House and the United States Post Office Federal Building in Waterbury, Connecticut, as the "John S. Monagan Federal Building".

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 4231. An act to designate the "John D. Larkins, Jr., Federal Building"; to the Committee on Environment and Public Works.

H.R. 5546. An act to amend the U.S. Grain Standards Act to permit grain delivered to export elevators by any means of conveyance other than barge to be transferred into such export elevators without official weighing, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 5732. An act to designate the Federal Building located at 33 West Twohig, San Angelo, Tex., as the "O. C. Fisher Federal Building"; to the Committee on Environment and Public Works.

H.R. 6089. An act to amend the Tariff Schedules of the United States to provide for a temporary change in the duty on unwrought lead, and for other purposes; to the Committee on Finance.

H R. 6531. An act to name a certain Federal building in Indianapolis, Ind., the Minton-Capehart Federal Building; to the Committee on Environment and Public Works.

H.R. 6550. An act to amend Public Law 90–553, to authorize the transfer, conveyance, lease, and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for an international organization, as sites for governments of foreign countries, and for other purposes; to the Committee on Foreign Relations.

H R. 7309. An act to designate the Federal Building in Portland, Oreg., the "Edith Green Federal Building"; to the Committee on Environment and Public Works.

H.R. 7414. An act to designate the building known as the Federal Building and U.S. Courthouse in Amarillo, Tex., as the "J. Marvin Jones Federal Building"; to the Committee on Environment and Public Works.

H.R. 7450. An act to designate the U.S. Court House and the U.S. Post Office Federal Building in Waterbury, Conn., as the "John S. Monagan Federal Building"; to the Committee on Environment and Public Works.

HOUSE BILL PLACED ON THE CALENDAR

The following bill was read by title and placed on the calendar:

H.R. 6816. An act to provide for the exchange of certain Federal coal leases in the State of New Mexico for other Federal coal leases in that State.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4381. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Alternatives to Reduce Dairy Surpluses," July 21, 1980; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4382. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Weaknesses in Accounting for Government-Furnished Materials at Defense Contractors' Plants Lead to Excesses," August 7, 1980; to the Committee on Armed Services.

EC–4383. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Significant Savings Possible Through More Efficient Depot Maintenance of Army Combat Vehicles," August 7, 1980; to the Committee on Armed Services.

EC–4384. A communication from the Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, a report covering certain property to be transferred to the Republic of Panama in accordance with the Panama Canal Treaty of 1977 and related agreements; to the Committee on Armed Services.

EC–4385. A secret communication from the Acting Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, 46 Selected Acquisition Reports (SARs) and the SAR Summary Tables for the quarter ending June 30, 1980; to the Committee on Armed Services.

EC–4386. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Two Contracts for Nuclear Attack Submarines Modified Under Authority of Public Law 85–804—Status as of December 22, 1979," August 18, 1980; to the Committee on Armed Services.

EC–4387. A communication from the Acting Assistant Secretary of the Air Force (Research, Development, and Logistics), reporting, pursuant to law, that a study has been conducted with respect to converting the commissary shelf-stocking and custodial services functions at Hurlburt Field, Florida, and a decision has been made that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC–4388. A communication from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), reporting, pursuant to law, that a study has been conducted with respect to converting the commissary shelf-stocking and custodial service functions at Tyndall Air Force Base, Florida, and a decision has been made that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC–4389. A communication from the Acting Assistant Secretary of the Air Force (Research, Development, and Logistics), reporting, pursuant to law, that a study has been conducted with respect to converting the instrument fight simulator console opations of the Exchange Stabilization Fund Arizona, and a decision has been made that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC–4390. A communication from the Secretary of the Treasury, transmitting, pursuant to law, an annual report on the operations of the Exchange Stabilization Fund (ESF) for fiscal year 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–4391. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Internal Auditing Can be Strengthened in the Federal Reserve System," August 8, 1980; to the Committee on Banking, Housing, and Urban Affairs.

EC–4392. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report of the actions taken by Eximbank during the quarter ended June 30, 1980; to the Committee on Banking, Housing, and Urban Affairs.

EC–4393. A communication from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, a report of the Employee Compensation and Incentive Commission; to the Committee on Commerce, Science, and Transportation.

EC–4394. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the proposed use of $3,000,000 of Research and Development funds, appropriated pursuant to the National Aeronautics and Space Administration Authorization Act, 1980 (93 Stat. 345), for design and modifications to Launch Complex 17B at Kennedy Space Center; to the Committee on Commerce, Science, and Transportation.

EC–4395. A communication from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, a report on (1) the average number of passengers per day on board each train operated, and (2) the on-time performance at the final destination of each train operated, by route and by railroad; to the Committee on Commerce, Science, and Transportation.

EC–4396. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "A Look At NASA's Aircraft Energy Efficiency Program," July 28, 1980; to the Committee on Commerce, Science, and Transportation.

EC–4397. A communication from the Executive Director, Administrative Conference of the United States, transmitting, pursuant to law, Administrative Conference Recommendation 80–1, "Trade Regulation Rulemaking Under the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act" (Supplementing Recommendations 79–1 and 79–5); to the Committee on Commerce, Science, and Transportation.

EC–4398. A communication from the Chairman of the Board, United States Railway Association, reporting, pursuant to law, that it is not reasonably likely, taking into consideration all relevant factors including the overall operating (including rehabilitation) and financial results achieved by Conrail, that Conrail will be able to become financially self-sustaining without requiring Federal financial assistance substantially in excess of the amounts authorized in Section 216 of the Rail Act; to the Committee on Commerce, Science, and Transportation.

EC–4399. A communication from the Acting Assistant Secretary of the Interior, reporting, pursuant to law, that the Water and Power Resources Service (Water and Power) is proceeding with the facets of the Grand Valley Unit-Stage I for which they have existing authority; to the Committee on Energy and Natural Resources.

EC–4400. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Liquefying Coal for Future Energy Needs," August 12, 1980; to the Committee on Energy and Natural Resources.

EC–4401. A communication from the Acting Assistant Secretary of the Interior, reporting, pursuant to law, the approved form of contract to defer payment of the annual construction charge installment due December 15, 1979, for P.P.R.T. Water System, Inc., near Carey, Idaho; to the Committee on Energy and Natural Resources.

EC–4402. A communication from the Chairman, Task Force on Environmental Cancer and Heart and Lung Diseases, transmitting, pursuant to law, the third annual report of the Task Force, August 7, 1980; to the Committee on Environment and Public Works.

EC–4403. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Lump Sum Death Benefit—Should It Be Changed?" August 8, 1980; to the Committee on Finance.

EC–4404. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's annual report on the findings of validation sample surveys of hospitals accredited by the Joint Commission on Accreditation of Hospitals (JCAH) for fiscal year 1979; to the Committee on Finance.

EC–4405. A communication from the Acting Attorney General, reporting, pursuant to law, in Greenwood v. Harris, No. CV 78–2120–RMT(G) (C.D. Cal.), decided April 8, 1980, that the District Court declared unconstitutional a portion of the Social Security Act, 42 U.S.C. 1382a; to the Committee on Finance.

EC–4406. A communication from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation which would authorize Executive agencies, under the direction of the President, to provide assistance for Cuban and Haitian entrants; to the Committee on Foreign Relations.

EC–4407. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within sixty days after the execution thereof; to the Committee on Foreign Relations.

EC–4408. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a new system of records; to the Committee on Governmental Affairs.

EC–4409. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Government Agencies Need Effective Planning to Curb Unnecessary Year-End Spending," July 28, 1980; to the Committee on Governmental Affairs.

EC–4410. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Triennial Assessment of the Tennessee Valley Authority—Fiscal Years 1977–1979; to the Committee on Governmental Affairs.

EC–4411. A communication from the Assistant Secretary for Administration, Department of Transportation, transmitting, pursuant to law, a report on a new system of records; to the Committee on Governmental Affairs.

EC–4412. A communication from the Director, Selective Service System, transmitting, pursuant to law, a report on a new system of records; to the Committee on Governmental Affairs.

EC–4413. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "From Quantity to Quality: Changing FBI Emphasis on Interstate Property Crimes—A Supplement," August 14, 1980; to the Committee on the Judiciary.

EC–4414. A communication from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, 804 report concerning visa petitions which the Service has approved according the beneficiaries of such petitions third and sixth preference classification under the Immigration and Nationality Act; as amended; to the Committee on the Judiciary.

EC–4415. A communication from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, orders entered in 1,620 cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of such aliens; to the Committee on the Judiciary.

EC–4416. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Emergency School Aid—Nonprofit Organizations; to the Committee on Labor and Human Resources.

EC–4417. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Territorial Teacher Training Program; to the Committee on Labor and Human Resources.

EC–4418. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Need for More Effective Regulation of Direct Additives to Food," August 14, 1980; to the Committee on Labor and Human Resources.

EC–4419. A communication from the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting, pursuant to law, a report of Audit of the American Red Cross; to the Committee on Labor and Human Resources.

EC–4420. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for Grants for Research on Knowledge Use and School Improvement, National Institute of Education; to the Committee on Labor and Human Resources.

EC–4421. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for Program of Research Grants on Organizational Processes in Education; to the Committee on Labor and Human Resources.

EC–4422. A communication from the General Counsel, U.S. General Accounting Office, reporting, pursuant to law, on the status of budget authority that was proposed for rescission, but for which Congress failed to pass a rescission bill as defined in section 1011 of the Impoundment Control Act; to the Committee on Appropriations, the Committee on the Budget, and the Committee on the Judiciary, jointly, pursuant to order of January 30, 1975.

EC–4423. A communication from the General Counsel, U.S. General Accounting Office, reporting, pursuant to law, on the status of budget authority that was proposed for deferral, but for which Congress has expressed its disapproval; to the Committee on Appropriations, the Committee on the Budget, the Committee on Energy and Natural Resources, and the Committee on Labor and Human Resources, jointly, pursuant to order of January 30, 1975.

EC–4424. A communication from the Comptroller General of the United States, reporting, pursuant to law, on the President's eleventh special message for fiscal year 1980, transmitted to the Congress on July 30, 1980, pursuant to the Impoundment Control Act of 1974; to the Committee on Appropriations, the Committee on the Budget, the Committee on Armed Services, and the Committee on Foreign Relations, jointly, pursuant to order of January 30, 1975.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Environment and Public Works, without amendment:

S. Res. 504. An original resolution to waive section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 3027, authorizing funds for fiscal year 1981 for the Disaster Relief Act. Referred to the Committee on the Budget.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JAVITS (for himself and Mr. MOYNIHAN):

S. 3041. A bill to designate certain lands of the Fire Island National Seashore as the "Otis Pike Fire Island High Dune Wilderness", and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HEINZ (for himself, Mr. RANDOLPH, Mr. GLENN, and Mr. BAYH):

S. 3042. A bill to amend the Internal Revenue Code of 1954 to permit the current expensing of amounts paid or incurred in connection with the construction or erection of pollution control facilities; to the Committee on Finance.

By Mr. DOMENICI:

S. 3043. A bill to amend the Internal Revenue Code of 1954 to provide a more graduated tax rate for corporations; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS (for himself and Mr. MOYNIHAN):

S. 3041. A bill to designate certain lands of the Fire Island National Seashore as the "Otis Pike Fire Island High Dune Wilderness," and for other purposes; to the Committee on Energy and Natural Resources.

FIRE ISLAND WILDERNESS

Mr. JAVITS. Mr. President, I am pleased to introduce today with my colleague, Senator MOYNIHAN, a bill to designate certain lands within the Fire Island National Seashore as the Fire Island High Dune Wilderness.

In 1964 the Fire Island National Seashore was established for the express purpose of conserving and preserving for the use of future generations certain unspoiled and undeveloped beaches, dunes and other natural features. Section 7(b) of the act specifically addresses an area of the seashore known as the "8 mile zone" and stipulates:

> Access to that section of the seashore lying between the easterly boundary of the Brookhaven town park at Davis Park and the westerly boundary of the Smith Point County Park shall be provided by ferries and footpaths only, and no roads shall be constructed in this section except such minimum roads as may be necessary for park maintenance. No development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the flora and fauna or the physiographic conditions now prevailing and every effort shall be exerted to maintain and preserve this section of the seashore.

The subsequent General Management Plan for Fire Island National Seashore by the National Park Service recommended that the lands within the 8 mile zone be protected under a special classification—environmental protection/primitive zone and, further, recommended these lands be studied for inclusion in the wilderness system. To date, the lands have been maintained as a primitive area and continue to support a rich variety of vegetation and wildlife.

Last January the National Park Service issued a preliminary proposal recommending that approximately 1,300 acres of land be designated as wilderness. The proposal has been received by New Yorker's with overwhelming support and great pride as this is the first Federal wilderness preserve in New York State. Over 40 citizen groups testified in favor of the proposal at the public hearing and the New York State Legislature passed a resolution calling for its adoption.

Fire Island represents one of the most magnificent ocean fronts in the world. It provides perhaps the only remaining opportunity for the establishment of a wilderness preserve accessible to almost 20 percent of the population of the United States located in the metropolitan complex extending from Boston to Washington. The wilderness designation will insure the continued protection and preservation of one of the last unspoiled stretches of beach on the eastern shoreline as well as enrich its cultural and historic heritage.

Mr. President, H.R. 7814, the companion bill, contains a provision which has been omitted from the Senate bill. Section 7 of the House bill would allow Suffolk County, upon a finding by the health department of a health risk to residents from mosquito infestation, to enter the Fire Island National Seashore to spray the infested area. Pursuant to the Fire Island National Seashore enabling legislation, management of the Seashore is vested exclusively in the National Park Service. I believe it would be inappropriate to include the House language which, in effect, would take away this authority.

Rather, the issue can and should be addressed during hearings on the legislation and accommodated in the legislative history. Furthermore, authority already exists to allow for necessary measures to protect the health of the residents.

The FINS general management plan states:

> In the event of an officially declared health emergency, as determined by the U.S. Public Health Service, the Director of the National Park Service must approve use of any pesticide or other chemical control substances.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 3(c) of the Wilderness Act (78 Stat. 890) certain lands in the Fire Island National Seashore, New York, comprising approximately one thousand three hundred and sixty-three acres, and potential wilderness additions comprising approximately eighteen acres, as depicted on the map, entitled, "Wilderness Plan for Fire Island National Seashore, New York", dated May 1980, are hereby designated as "The Otis Pike Fire Island High Dune Wilderness."

Sec. 2. As depicted on the map above the boundaries of the wilderness shall be: the shoreline of the Great South Bay on the North; the toe of the primary dunes on the South; the westernmost point of the Smith Point West Nature Trail for the Handicapped on the East; and the eastern edge of the Watch Hill campsite on the West. The seventeen acre Bellport Beach tract is specifically excluded from the wilderness area.

Sec. 3. With the exception of proposed developments at Talisman and the Lighthouse, major federal developments of any area in the Fire Island National Seashore west of the Western boundary, as set forth in Section 2 of the Act, shall require congressional approval.

Sec. 4. Wilderness designation shall not restrict vehicular traffic on lands seaward of the toe of the dune, beyond restrictions in effect in the remainder of the Fire Island National Seashore area.

Sec. 5. Wilderness designation shall not interfere with present maintenance practices for public utility cables within the Wilderness area.

Sec. 6. Wilderness designation shall not preclude the repair of beaches that occur either in the Wilderness area, or in the remainder of the Fire Island National Seashore, in order to prevent loss of life, flooding, and other severe economic and physical damage to the Great South Bay and surrounding areas.

Sec. 7. Wilderness designation shall not preclude maintenance of the boardwalk and other existing facilities in the vicinity of the Old Inlet.

Sec. 8. Any decision by the federal government to return Fire Island National Seashore to State and/or local governments shall terminate the Wilderness status created by this Act.

Sec. 9. As soon as practicable after this Act takes effect, a map and description of the boundaries of the wilderness shall be filed with the Energy and Natural Resources Committee of the United States Senate and the Interior and Insular Affairs Committee of the House of Representatives, and such map and description shall have the same force and effect as if included in the Act: *Provided, however,* That correction of clerical and typographical errors may be made. The map and description of boundaries shall be on file and available for public inspection in the Office of the Director of the National Park Service and in the Office of the Superintendent of Fire Island National Seashore.

Sec. 10. Those lands which represent potential wilderness additions, upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses prohibited thereon by the Wilderness Act have ceased, shall thereby be designated wilderness. Such potential wilderness additions shall be managed by the Secretary, insofar as practicable, as wilderness until such time as they are designated as wilderness.

Sec. 11. The wilderness designated by this Act shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and, where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

By Mr. HEINZ (for himself. Mr. Randolph, Mr. Glenn, and Mr. Bayh):

S. 3042. A bill to amend the Internal Revenue Code of 1954 to permit the current expensing of amounts paid or incurred in connection with the construction or erection of pollution control facilities; to the Committee on Finance.

● Mr. HEINZ. Mr. President, I am today introducing in revised form legislation I first proposed more than 3 years ago designed to further encourage the installation of pollution control equipment by industry and thereby speed compliance with existing law.

The growing public awareness over the past 10 years of the seriousness of our environmental problems has produced a series of laws relating to air, water, solid waste, noise, and toxic substances designed, in short, to clean up America. This recognition that the quality of our lives and our surroundings are as important as the quantity of our goods is a development that all Americans support.

We must recognize, however, that there is a cost to achieving that objective which must be paid. In the steel industry, for example, the American Iron and Steel Institute, using studies done by Arthur O. Little, projects capital expenditures of at least $600 million per year through 1985 to bring existing plants into compliance with air and water regulations. This is a total of $4 billion in that period for the steel industry alone.

Other industries face even greater expenditures. For example, in 1979 the chemicals industry planned to spend over $8 billion on pollution control equipment, the petroleum industry $17.5 billion, and electric utilities over $27 billion, almost 10 percent of that industry's total new plant and equipment spending. It is also noteworthy that in each of these cases the level of spending has increased steadily over the years. Obviously this is an expensive task, one that will become more so as compliance deadlines come closer.

In examining this investment, it should be made clear that it is not "productive" in the classic sense of investment that contributes to improvements or increases in production or reduction in product costs, et cetera. While investment in pollution control facilities helps produce cleaner factories and neighborhoods and in some cases cleaner—or quieter—products, it does not in the strictest sense, contribute to the economic growth of the companies installing it. Obviously these are not investments that earn a monetary return to the investor. To the contrary, in addition to the cost of capital, pollution control investments usually cost a considerable amount to operate and maintain and it goes without saying that the billions invested in pollution control are not available for other job creating investments.

Thus there is clearly a price to be paid for our increased efforts to fight pollution, but there is no question in my mind that this is a price worth paying and that we should continue to pay it to clean up our environment.

These efforts will be more successful, more quickly accomplished, and ultimately more consistent with economic growth if we provide appropriate incentives to industry to install pollution control equipment promptly and effectively. Obviously our environmental laws mandate compliance, and without a doubt compliance will occur. Since the Federal Government is imposing the burden, however, and all the taxpayers share in the benefits, it is appropriate that we absorb some of the cost more directly and more equitably than through higher consumer prices.

We have already moved in this direction to some degree through section 169 of the Internal Revenue Code which provides for the amortization over 5 years of qualified pollution control facilities, but this is really insufficient as an incentive to deal with the expenditures required. I am proposing instead to reduce the 5-year period to 1 year, to permit its application to pollution control facilities added to new plants as well as existing ones, and to permit as well the option of taking either the full investment tax credit or one-half the investment tax credit in conjunction with the use of industrial development bonds.

The Joint Committee on Taxation estimates the cost of this bill as follows:

Fiscal year:	*Revenue loss (millions)*
1981	797
1982	1,722
1983	1,622
1984	1,550
1985	1,501

Let me emphasize that this proposal is not an effort to use tax policy solely as an incentive to obtain socially desirable actions, though that is a part of it.

Rather it is an effort to move away from the overtaxation and overregulation that business—particularly small business—feels has been imposed on it, and to insure that sufficient capital remains available for economic growth. This legislation will be particularly relevant to small businesses, many of which suffer from chronic cash flow problems and find the burdens of Federal regulation simply impossible to meet financially. By providing this incentive we are easing those burdens without at the same time lowering our environmental standards.

Mr. President, it is long past time we acted on this pressing problem. This bill will reaffirm our determination to promote strong environmental standards and will provide business with the incentive necessary to meet those standards despite the large capital costs involved. I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section. 1. Deduction Allowed for Taxable Year in Which Expenses Are Paid or Incurred.

(a) In General.—So much of section 169 of the Internal Revenue Code of 1954 (relating to amortization of pollution control facilities) as precedes subsection (d) is amended to read as follows:

"Sec. 169. Pollution Control Facility Expenses.

"(a) Allowance of Deduction.—In the case of a taxpayer who elects the deduction allowed by this subsection, there shall be allowed as a deduction for the taxable year the sum of the amounts paid or incurred by the taxpayer in connection with the acquisition, construction, or erection of a certified pollution control facility (as defined in subsection (d)), and such amounts shall be treated as items not chargeable to capital account.

"(b) ELECTION.—The election provided by subsection (a) shall be made at such time, in such form, and in such manner as the Secretary may prescribe.

"(c) TERMINATION OF ELECTION.—A taxpayer who has elected under subsection (b) to take the deduction provided by subsection (a) may, at any time after making such election, discontinue the deduction with respect to the remainder of the amounts paid or incurred with respect to the facility. Any such discontinuance shall begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary before the beginning of such month. The depreciation deduction provided by section 167 shall be allowed, beginning with the first month as to which the election under subsection (b) does not apply, and the taxpayer shall not be entitled to any further deduction under this section with respect to such facility.".

(b) DEDUCTION TO APPLY TO NEW CONSTRUCTION AS WELL AS EXISTING PLANTS AND PROPERTIES.—Paragraph (1) of subsection (d) of such section (relating to definition of certified pollution control facility) is amended by striking out "in operation before January 1, 1976".

(c) CONFORMING AMENDMENTS TO SECTION 169.—

(1) Paragraph (3) of subsection (d) of such section is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(2) Section 169 of such Code is amended—

(A) by striking out subsections (f) and (j),

(B) by redesignating subsections (g) and (i) as subsections (f) and (g), respectively, and

(C) by striking out "which is not the amortizable basis" in subsection (f) (as so redesignated) and inserting in lieu thereof "for which a deduction is not claimed under subsection (a)".

(d) TECHNICAL AND CONFORMING AMENDMENTS TO OTHER CODE PROVISIONS.—

(1) The table of sections for part VI of subchapter B of Chapter 1 of such Code is amended by striking out the item relating to section 169 and inserting in lieu thereof the following:

"Sec. 169. Pollution control facility expenses.".

(2) Paragraph (5) of section 46(c) of such Code (relating to applicable percentage in case of certain pollution control facilities) is amended by striking out "constitutes the amortizable basis for purposes of section 169" and inserting in lieu thereof the following: "constitutes the adjusted basis".

(3) Paragraph (1) of section 48(a) of such Code (defining section 38 property) is amended by adding at the end thereof the following new sentence: "In the case of any property with respect to which an election has been made under section 169, such property shall, for purposes of the preceding sentence, be treated as property with respect to which depreciation is allowable.".

(4) Paragraph (4) of section 57(a) of such Code (relating to items of tax preference) is repealed.

(5) Subsection (f) of section 642 of such Code (relating to amortization deductions) is amended—

(A) by striking out "Amortization" in the caption and inserting in lieu thereof "Certain Other", and

(B) by striking out "for amortization" in the text.

(6) Subparagraph (B) of section 1082(a)(2) of such Code (relating to exchanges subject to the provisions of section 1081(b)) is amended by striking out "for amortization".

(7) Subsection (a) of section 1245 of such Code (relating to general rule for determining gain from dispositions of certain depreciable property) is amended—

(A) by striking out "169," in subparagraph (D) of paragraph (2) thereof,

(B) by striking out "169," each place it appears thereafter in paragraph (2), and

(C) by striking out "169," in subparagraph (D) of paragraph (3) thereof.

(8) Paragraph (3) of section 1250(b) of such Code (relating to depreciation adjustments) is amended by striking out "169,".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply with respect to amounts paid or incurred after December 31, 1980.●

By Mr. DOMENICI:

S. 3043. A bill to amend the Internal Revenue Code of 1954 to provide a more graduated tax rate for corporations; to the Committee on Finance.

SMALL BUSINESS RECOVERY TAX ACT

● Mr. DOMENICI. Mr. President, I rise today to introduce a bill that I have called the Small Business Recovery Tax Act. This bill does a very simple thing: it doubles the size of the corporate tax brackets.

My legislation is aimed at correcting what most economists have long recognized is a most serious problem within the Nation's economy, and that is the plight of small business. In addition, my legislation incorporates the spirit of recommendation 21 of the Joint Economic Committee's January report of this year, in which that committee recommends:

> Legislation should be enacted to provide targeted incentives to private sector employers—particularly small business—to effectively train and hire the structurally unemployed.

The facts are plain, Mr. President. Small business has been especially hard hit by the economic downturn. Small businesses tend to suffer most in times of high interest rates and high inflation and this present economic crisis finds the historical situation holding true once again. Small business, as the JEC report points out, has historically provided the backbone of employment growth and inflation-fighting innovation within our economy. Small business now accounts for about half of the Nation's total business output and 55 percent of all private employment. In addition, recent surveys indicate that small businesses generate as much as two-thirds of the private sector's employment growth, compared to a 13-percent share of such growth on the part of much larger corporations.

In the area of innovation, the prime factor in enhancing the economy's productivity in the long run, it is estimated that one out of every four of the most significant industrial product and process innovations since World War II has been developed by firms of less than 100 employees.

If we intend to encourage the hiring of new entrants into the work force; if we intend to revitalize the entrepreneurial sector of our economy; if we intend to increase competition within the private enterprise system; and if we wish to encourage more of our young people to pursue their dreams, then we simply must change the tax laws. My bill is an attempt to do that.

Since discussions of a tax cut have become serious, I believe that my bill should be part of those discussions. Certainly a doubling of the corporate brackets will have three salutary results: We will reduce the overall burden of taxation on private enterprise; because the lower brackets contain most small incorporated businesses in America, doubling the size of these brackets will provide the kind of incentive to expand for older businesses that we need; and, since the amount of money a business can generate and still avoid higher taxation will double, we can expect more innovation, creation of more small firms, and the hiring of thousands of new employees.

Best estimates of the revenue loss due to this measure is as follows, according to the Joint Committee on Taxation: for fiscal year 1981, $0.7 billion; for fiscal year 1982, $1.7 billion; for fiscal year 1983, $1.9 billion; for fiscal year 1984, $2.1 billion; and for fiscal year 1985, $2.2 billion.

Let me make one point clear here: This bill is not an attempt to help boost the Nation out of its present economic woes. It is, instead, a long-term measure designed to encourage development of a strong economic base within small businesses to provide real economic strength during the upcoming decade. It is estimated, by the way, that about 50 percent of all small businesses are incorporated, so my tax bracket doubling would benefit these small firms. Other small firms, under partnerships or proprietorship arrangements, would benefit by cuts in the individual rates, which I support. This bill is not designed to stand alone, although it certainly can. It is designed, rather, as a part of the larger tax package that the Congress is struggling with at this time. In conjunction with individual tax cuts, accelerated depreciation for firms, and other reforms in our Tax Code, this Small Business Recovery Act can increase the speed with which new ideas and new energies move from laboratories and men's minds into the marketplace.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 11 of the Internal Revenue Code of 1954 (relating to the amount of tax imposed on corporations) is amended—

(1) by striking out "$25,000" in paragraphs (1) and (2) thereof and inserting in lieu thereof "$50,000";

(2) by striking out "$50,000" in paragraphs (2) and (3) thereof and inserting in lieu thereof "$100,000";

(3) by striking out "$75,000" in paragraphs

(3) and (4) thereof and inserting in lieu thereof "$150,000"; and

(4) by striking out "$100,000" in paragraphs (4) and (5) thereof and inserting in lieu thereof "$200,000".

(b) The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1980.●

ADDITIONAL COSPONSORS

S. 1435

At the request of Mr. Nelson, the Senator from Wyoming (Mr. Wallop) was added as a cosponsor of S. 1435, a bill to amend the Internal Revenue Code of 1954 to provide a system of capital recovery for investment in plant and equipment, and to encourage economic growth and modernization through increased capital investment and expanded employment opportunities.

S. 1867

At the request of Mr. Durenberger, the Senator from Rhode Island (Mr. Pell), and the Senator from Maine (Mr. Cohen) were added as cosponsors of S. 1867, a bill to amend the Internal Revenue Code of 1954 to provide that the amount of the charitable deduction allowable for expenses incurred in the operation of a motor vehicle will be determined in the same manner Government employees determine reimbursement for use of their vehicles on Government business.

S. 2732

At the request of Mr. Packwood, the Senator from Pennsylvania (Mr. Heinz), the Senator from Florida (Mr. Chiles), and the Senator from New York (Mr. Moynihan) were added as cosponsors of S. 2732, a bill to direct that a clinical investigation of the safety and efficacy of dimethyl sulfoxide as a drug to be used by persons with arthritis be conducted through the National Institute of Arthritis, Metabolism and Digestive Diseases.

S. 2748

At the request of Mr. Bayh, the Senator from Nevada (Mr. Laxalt) was added as a cosponsor of S. 2748, a bill to simplify trade procedures regarding sales of U.S. products abroad, and for other purposes.

S. 2763

At the request of Mr. Chafee, the Senator from Illinois (Mr. Stevenson), the Senator from Pennsylvania (Mr. Heinz), the Senator from Texas (Mr. Bentsen), the Senator from California (Mr. Hayakawa), the Senator from South Carolina (Mr. Thurmond), the Senator from Missouri (Mr. Danforth), and the Senator from Utah (Mr. Garn) were added as cosponsors of S. 2763, a bill to amend and clarify the Foreign Corrupt Practices Act of 1977.

S. 2805

At the request of Mr. Nelson, the Senator from Missouri (Mr. Eagleton) and the Senator from Arkansas (Mr. Bumpers) were added as cosponsors of S. 2805, a bill to provide that revenue ruling 80–60 shall not require a change in the taxpayer's method of accounting for taxable years beginning before 1980.

S. 2831

At the request of Mr. Bayh, the Senator from Arkansas (Mr. Bumpers) was added as a cosponsor of S. 2831, a bill to amend the Federal rules of criminal procedure and the Federal rules of civil procedure with respect to examination of prospective jurors.

S. 2857

At the request of Mr. Packwood, the Senator from Oregon (Mr. Hatfield) was added as a cosponsor of S. 2857, a bill to amend the Social Security Act to provide for interfund borrowing between old-age, survivors, disability and hospital insurance trust funds.

S. 2927

At the request of Mr. Morgan, the Senator from California (Mr. Hayakawa), the Senator from Missouri (Mr. Eagleton), and the Senator from South Carolina (Mr. Hollings) were added as cosponsors of S. 2927, a bill to prescribe an interest rate differential on deposits and accounts in insured banks and savings institutions.

S. 2967

At the request of Mr. Nelson, the Senator from Michigan (Mr. Riegle) was added as a cosponsor of S. 2967, a bill to amend the Internal Revenue Code of 1954 to provide estate and gift tax equity for family enterprises, and for other purposes.

S. 2983

At the request of Mr. Schweiker, the Senator from Illinois (Mr. Percy), the Senator from Wyoming (Mr. Simpson), and the Senator from New Hampshire (Mr. Humphrey) were added as cosponsors of S. 2983, a bill to amend the Internal Revenue Code of 1954 to reduce the tax on capital gains.

S. 2998

At the request of Mr. Nelson, the Senator from Arkansas (Mr. Bumpers) was added as a cosponsor of S. 2998, a bill to amend the Internal Revenue Code of 1954 to promote capital investment in small business, and for other purposes.

SENATE CONCURRENT RESOLUTION 73

At the request of Mr. Dole, the Senator from Oklahoma (Mr. Boren), the Senator from Colorado (Mr. Hart), the Senator from Pennsylvania (Mr. Heinz), and the Senator from Indiana (Mr. Bayh) were added as cosponsors of Senate Concurrent Resolution 73, a concurrent resolution expressing the sense of the Congress with respect to implementing the objectives of the "International Year of Disabled Persons."

SENATE RESOLUTION 460

At the request of Mr. Domenici, the Senator from Pennsylvania (Mr. Heinz), was added as a cosponsor of Senate Resolution 460, a resolution to express the sense of the Senate that the Secretary of Energy should take all necessary actions to promote energy efficient cooling.

SENATE RESOLUTION 500

At the request of Mr. Dole, the Senator from Minnesota (Mr. Boschwitz) was added as a cosponsor of Senate Resolution 500, a resolution to prevent U.S. funding of PLO activities.

AMENDMENT NO. 1972

At the request of Mr. Robert C. Byrd, the Senator from West Virginia (Mr. Randolph), the Senator from New Mexico (Mr. Domenici), the Senator from Oklahoma (Mr. Boren), the Senator from Virginia (Mr. Harry F. Byrd, Jr.), the Senator from Kentucky (Mr. Ford), the Senator from Indiana (Mr. Bayh), the Senator from Kentucky (Mr. Huddleston), the Senator from Utah (Mr. Hatch), and the Senator from Virginia (Mr. Warner) were added as cosponsors of amendment No. 1972 proposed to H.R. 1197, a bill to simplify the tonnage measurement of certain vessels.

AMENDMENT NO. 1973

At the request of Mr. Hatch, his name was added as a cosponsor of amendment No. 1973 proposed to H.R. 1197, a bill to simplify the tonnage measurement of certain vesesls.

AMENDMENT NO. 1974

At the request of Mr. Hatch, his name was added as a cosponsor of amendment No. 1974 proposed to H.R. 1197, a bill to simplify the tonnage measurement of certain vessels.

SENATE RESOLUTION 504—ORIGINAL RESOLUTION REPORTED TO WAIVE THE CONGRESSIONAL BUDGET ACT

Mr. RANDOLPH, from the Committee on Environment and Public Works, reported the following original resolution, which was referred to the Committee on the Budget:

S. Res. 504

Resolved, That section 402(a) of the Congressional Budget Act of 1974 is waived with respect to the consideration of S. 3027. The legislation, which was unanimously approved by the Environment and Public Works Committee on July 25, 1980, authorizes a simple one year extension of the Disaster Relief Program.

The bill recognizes the continuing need for federal assistance to mitigate the effects of natural or physical disasters. The Committee did not report the legislation prior to May 15th because of problems with the Administration on clarification of the type occurrences to be covered by the Act. This problem was satisfactorily resolved by a letter from the Administration on July 8, 1980.

Therefore, a budget waiver is requested for consideration of fiscal year 1981 funding.

AMENDMENTS SUBMITTED FOR PRINTING

TONNAGE MEASUREMENT SIMPLIFICATION ACT—H.R. 1197

AMENDMENT NO. 1972

(Ordered to be printed.)

Mr. ROBERT C. BYRD (for himself, Mr. Warner, Mr. Randolph, Mr. Domenici, Mr. Boren, Mr. Harry F. Byrd, Jr., Mr. Ford, Mr. Bayh, Mr. Huddleston, and Mr. Hatch) proposed and amendment to H.R. 1197, an act to simplify the tonnage measurement of certain vessels.

AMENDMENT NO. 1973

(Ordered to be printed.)

Mr. ROBERT C. BYRD (for himself, Mr. WARNER, Mr. RANDOLPH, Mr. DOMENICI, Mr. BOREN, Mr. HARRY F. BYRD, JR., Mr. FORD, Mr. BAYH, Mr. HUDDLESTON, and Mr. HATCH) proposed an amendment to H.R. 1197, supra.

AMENDMENT NO. 1974

(Ordered to be printed.)

Mr. ROBERT C. BYRD (for himself, Mr. WARNER, Mr. RANDOLPH, Mr. DOMENICI, Mr. BOREN, Mr. HARRY F. BYRD, JR., Mr. FORD, Mr. BAYH, Mr. HUDDLESTON, and Mr. HATCH) proposed an amendment to amendment No. 1973 proposed to H.R. 1197, supra.

DISASTER RELIEF ACT EXTENSION—S. 3027

AMENDMENT NO. 1975

(Ordered to be printed and to lie on the table.)

Mr. SCHWEIKER submitted an amendment intended to be proposed by him to S. 3027, a bill to extend authorization for the Disaster Relief Act, and for other purposes.

● Mr. SCHWEIKER. Mr. President, this amendment is similar to S. 1147 and S. 400, bills I introduced in the 95th and 96th Congresses respectively which were both passed by the Senate following approval by the Federal Disaster Assistance Administration, now known as the Office of Disaster Response and Recovery, and the Office of Management and Budget.

This amendment would provide relief for six Pennsylvania libraries unwittingly placed in an awkward position by the Federal Government. The Office of Disaster Response and Recovery is demanding repayment of over $700,000 mistakenly given as disaster payments after Hurricane Agnes.

Under most circumstances I would commend the tenacity of our Federal auditors in collecting funds mistakenly given out. Considering the size of this year's Federal budget—over $600 billion—any sums we might recover seem prudent. However, the circumstances of these six libraries deserve a closer look.

Pennsylvania, more than any other State, suffered extensive damage from Hurricane Agnes in June 1972. Damage nationwide was so great that Congress wisely adopted, for all States hit by Agnes, a special relief package to help individuals and businesses repair or replace their losses. In addition, section 252(a) of Public Law 91-606, which was law at the time of the Agnes disaster, provided Federal assistance to State and local governments which were damaged or destroyed by a major disaster.

After the President declared Pennsylvania a major disaster area, making State and local facilities eligible for Public Law 91-606 assistance, the Federal Disaster Assistance Administration approved project applications for Federal assistance from a large number of local governments in Pennsylvania. Included among them were applications for damages to the six privately owned library facilities covered by this bill.

The Federal Disaster Assistance Administration was correct when it claimed these six Pennsylvania libraries should not have received funds under Public Law 91-606. The law is clear. Privately owned facilities are not eligible to receive grants. But I am not demanding to know who is at fault for this payment error or requesting a significant change in Federal law. I am asking Congress to recognize the tenuous financial position in which these libraries will be placed if they are forced to repay the Federal Government, and I encourage my colleagues to adopt this special relief measure.

The roots of the community library system go back to our prerevolutionary period when most libraries were privately owned and looked to community generosity for support. Since then, community libraries, both privately and publicly funded, have made valuable contributions to our Nation. They frequently double as community centers and make a variety of educational programs available to the general public.

Like other community libraries, these six play important roles in their communities. All are open to the public and their budgets are mostly derived from public funds.

I see no evidence of attempted fraud on the part of these libraries. They suffered damages at the hands of Hurricane Agnes, were informed they were eligible for disaster relief, and their applications for relief were approved by the Federal Government. For example, it was pointed out in 1972 to State and Federal officials that although the Shippensburg Public Library received funds from the Borough of Shippensburg and the school district, it was privately owned. But disaster relief was still granted. It was not until 1976 that the axe fell, and the Federal Disaster Assistance Administration demanded reimbursement.

Mr. President, I would be greatly distressed if we were to turn our backs on these six libraries and force them to raise almost three-quarters of a million dollars to pay for damages received from the worst disaster in Pennsylvania's history. Therefore, Mr. President, I strongly recommend this amendment to my colleagues.●

NOTICES OF HEARINGS

SUBCOMMITTEE ON GOVERNMENTAL EFFICIENCY AND THE DISTRICT OF COLUMBIA

Mr. EAGLETON. Mr. President, the Subcommittee on Governmental Efficiency and the District of Columbia will hold hearings on S. 3025, the Inspector General Act of 1980, on August 26 and 27. The hearing on August 26 will take place in 6226 Dirksen Senate Office Building at 9:30 a.m. and will examine the organization of audit and investigative units at the Departments of Justice, State, and Treasury, the Agency for International Development (AID) and the International Development Cooperation Agency (IDCA). The hearing on August 27 will take place at 9:30 a.m. in 6226 Dirksen Senate Office Building and will focus on the organization of audit, investigation, and inspection units in the Department of Defense.

SELECT COMMITTEE ON SMALL BUSINESS

Mr. NELSON. Mr. President, the Select Committee on Small Business will hold a joint hearing with the Veterans' Affairs Committee on SBA's veterans' assistance program. The hearing will be cochaired by Senator CRANSTON. The hearing will begin at 10 a.m., on August 26, 1980, in room 412 RSOB.

SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Mr. JOHNSTON. Mr. President, I announce for the information of the Senate and the public that on Thursday, August 21, 1980, the Appropriations Subcommittee on Energy and Water Development, which I am privileged to chair, will hold a further recall hearing on the fiscal year 1981 budget of the U.S. Army Corps of Engineers (H.R. 7590).

This recall hearing will be principally in regard to the Corps of Engineers' management and construction of the Tennessee-Tombigbee Waterway project.

The hearing will begin at 10 a.m. in room S-128 of the U.S. Capitol.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENERGY CONSERVATION AND SUPPLY

Mr. MELCHER. Mr. President, I ask unanimous consent that the Energy Conservation and Supply Subcommittee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate today to hold an oversight hearing on international applications of renewable energy resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMPROVEMENTS IN JUDICIAL MACHINERY

Mr. MELCHER. Mr. President, I ask unanimous consent that the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary be authorized to meet during the session of the Senate today to hold an oversight hearing on the public integrity section of the Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE INVESTIGATING ACTIVITIES OF INDIVIDUALS REPRESENTING INTERESTS OF FOREIGN GOVERNMENTS

Mr. MELCHER. Mr. President, I ask unanimous consent that the subcommittee investigating the activities representing the interests of foreign governments of the Committee on the Judiciary be authorized to meet during the session of the Senate today beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate tomorrow, August 20, 1980, to hear and consider pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, August 20, 1980 to hold a mark-up session on S. 2119, legislation to protect fisheries resources on Georgia's banks; the nominations of Lindsay Norman to be Director of the Bureau of Mines and John David Hughes to be a member of the Federal Energy Regulatory Commission; and other pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, August 20, 1980 to hold a hearing on S. 2, the sunset bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER SUBCOMMITTEE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Consumer Subcommittee of the Committee on Commerce, Science and Transportation be authorized to meet during the session of the Senate on Wednesday, August 20, 1980 to hold a hearing on the Federal Trade Commission's mobile home rulemaking.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

U.S. POLICY IN THE MIDDLE EAST

● Mr. JAVITS. Mr. President, the National Committee on American Foreign Policy recently held a symposium with leading foreign policy experts to review U.S. policies in the Middle East. The results of that meeting have been compiled into an interesting analysis of those policies. As the last work of Prof. Hans Morgenthau, who served as chairman of the Board of the National Committee and whose death last month leaves a major void in the foreign policy community, the analysis that follows should be of particular interest:

I ask that it be printed at this point in the RECORD.

The analysis follows:

ANALYSIS

The National Committee on American Foreign Policy, a public interest group which studies major foreign policy issues, recently convened a two-day symposium at which leading foreign policy advisors and academicians examined United States diplomacy and interests in the Middle East. The National Committee wishes to share the results of that analysis to assist in achieving a coherent American national foreign policy for the Middle East.

1. SOVIET-U.S. COMPETITION

Ever since the first Soviet-American confrontation in the Middle East when President Truman forced the Soviet evacuation of Azerbaijan the competition in that region between the two superpowers has increased in intensity. The U.S., however, has it within its power, after three decades of rivalry, to transform the region into one in which relative peace and stability are achieved. The Soviet Union and the countries and groups to which it supplies massive amounts of arms, Libya, Iraq, Syria, and the PLO, have determined to block the peace process for their own purposes. Soviet success in asserting its influence in the Middle East has important implications for the United States. Soviet control of the region's resources would certainly have grave consequences probably culminating in the weakening of the American-Western European alliance.

2. AFGHANISTAN

The Soviet invasion of Afghanistan must be understood in the context of earlier successful Soviet intervention with Cuban and East German troops in Angola, South Yemen, and Ethiopia. The Soviet incursion into Afghanistan reflects, in part, the Soviet Union's perception that the U.S. is not capable at present of effective strategic responses to maintain its position. It is also evidence of the value that the Soviet Union attaches to the area for future advances that would threaten the relative status of the superpowers in the Persian Gulf area.

3. IRAN

Our policy towards Iran has been inconsistent. The State Department has consistently misunderstood the indigenous ferment in Iran and elsewhere.

While verbally showing unwavering support for the Shah, the U.S. also sent contradictory signals about the nature of its commitment to him. The human rights campaign became a vehicle for unrest which brought down the Shah, but, tragically, no attempt has been made to improve the human rights of Iranians under the successor regime which is even less responsive to external and internal criticism. Since the seizure of the hostages the U.S. has vacillated between appeasement and the military option.

4. SAUDI ARABIA

Increased American reliance on Saudi Arabia is particularly disturbing in the light of the setbacks in Iran. A traditional monarchy, lacking institutions to achieve a real political and social popular consensus, Saudi Arabia faces the strain of a rapid modernization analogous to that of Iran. These risks notwithstanding, the current Administration in Washington now proposes to arm Saudi Arabia with highly sophisticated weaponry including equipment for long-range fighter-bombers. There is, however, no evidence that Saudi Arabia has either the willingness or the capacity to make effective use of such weapons against further Soviet encroachments. These same weapons, however, might well be deployed in a destabilizing fashion—against other Arab states or against Israel.

5. OIL

The widespread belief that Saudi Arabia is a moderating influence on oil policy with OPEC contrasts sharply with the facts. Despite her enormous oil potential, Saudi Arabia's refusal to accelerate the development of her resources is the most critical ingredient in the ability of OPEC members to raise oil prices. Clearly Saudi Arabia is not interested in constructive cooperation to resolve the world oil crisis. The threat by Saudi Arabia to retaliate, if the United States were to develop an oil stockpile that would protect this country in the event of another embargo, is a revealing indicator of the supposed Saudi friendship with us.

6. THE PLO AND A WEST BANK-MINI-STATE

Various Arab oil producing states and others are pressing for the creation of a PLO dominated state to be inserted between Israel and Jordan. Such a state would necessarily fall into the Soviet orbit. It will not increase the availability of oil nor reduce its price. It will not be a viable entity, and it will increase the volatility of the entire area. It will be in inherently irredentist, posing a threat to both Israel and Jordan, while providing a fresh avenue for renewed Soviet penetration. It must always be recalled that the Kingdom of Jordan was carved out of the British Palestine mandatory territory and actually includes eighty percent of the original historical mandatory region. A majority of the Jordanians are Palestinian Arabs. Jordan is, indeed, playing a dangerous game which threatens its own survival and the preservation of American interests.

7. ISRAEL

Inconsistent American policies in the Middle East, especially United States efforts at appeasement of Israel's enemies who are unreconciled to its existence, undermine the only state in the Middle East that is in a position to deter Soviet advances. It is the only reliable state both willing and able to serve American strategic needs in the region. Israel is hindered in negotiating, if its confidence in America is shaken. This increases the uncertainty that is so dangerous. It provides an opportunity for further Soviet involvement.

8. CAMP DAVID

The Israeli-Egyptian peace treaty was made possible by the expulsion of the Soviet forces from Egypt. The Rejectionist Front, including Libya, Iraq, Syria, and the PLO, is determined to nullify that peace effort. They have complete Soviet support because this will enhance Soviet authority in the region while causing a decline in American influence. American prestige and vital interests are involved in the Camp David process.

To restore American influence the United States must address itself to the fundamental problems:

1. ENERGY

Unless the American economy is freed from dependence on Middle East energy the United States will continue to be a hostage to the politics of petro power. Conservation and development of alternative sources of energy must become a true national priority.

2. MILITARY PREPAREDNESS

Unless the United States is prepared to confront realistically the unrelenting modernization and buildup program of the Soviet Union there is definite danger that the Soviets may succeed in neutralizing the United States. An increase in American military preparedness must become a national priority.

3. SOVIET AGGRESSIVENESS

Unless the United States recognizes that the true challenge in the Middle East is Soviet adventurism there cannot be a sound foreign policy. It is a distortion to assume that the central issue is the Arab-Israeli dispute in which the key element is supposedly "Palestine rights." As long as the American government adheres to such a distorted view it will continue to follow ineffective policies that are counterproductive to its national interest.

4. FIRST STEPS TO INCREASE AMERICAN INFLUENCE

To defend American interests in the vital Middle East a stable U.S. military presence is required. In the search for bases and points of active support that has ranged from Somalia to Oman, it should be recalled that Israel's political stability and demonstrated military powers provides a strong ally for America. Israel and the truly moderate regimes in the Arab world can cooperate to stabilize the region and to reduce the possibility of Soviet adventurism and bellicosity.

5. A NEW AMERICAN POLICY

Rather than voluntarily involving the Soviet Union in the Middle East and encouraging the Soviet inspired Rejectionist Front the United States must encourage its friends Israel and the more moderate elements of the Arab world. Those moderate elements include Egypt, Morocco, Tunisia, and the Christian factions in Lebanon that are striving for a just peace in that unhappy land. Only those Arabs who support the search for peace and stability in the region by negotiating through the Camp David formula can be considered as moderates. Open recognition and support of our true friends would encourage them and be an effective response to Soviet support of the Rejectionist Front.

6. A NEW AMERICAN BASIC FORMULATION

From the symposium there emerged a sense of the interlocking crises that plague the Middle East. All of them are dependent upon the Soviet attempt at penetration for their dangerous quality. The Soviets desire volatility within the region. There is therefore a vital need for a revision of American military and political strategy. It must address the fundamental issues and principal causal factor in its foreign policy. It must work for a stable, progressive Middle East which will counter the Soviet encouragement to the Rejectionist Front. We must develop a policy that defends our national interest in concert with our friends in the region.●

WORLD CONFERENCE OF THE UNITED NATIONS DECADE FOR WOMEN

● Mr. **BURDICK**. Mr. President, last month the World Conference of the United Nations Decade for Women was held in Copenhagen, Denmark.

It was the largest meeting ever held to address the concerns of women. Top level government officials from around the world gathered to evaluate the worldwide progress of women during the last 5 years and to map out new strategies for the next 5 years of the U.N. Decade for Women.

I am proud to say that rural women were represented at that conference by Bea Peterson of New England, North Dakota, 1 of the 37 official U.S. delegates. At the end of the conference, at midnight on July 30, she made the statement printed below:

> To me, it is pertinent not only to the U.N. Conference on Women, but also to many other U.S. efforts to work with Third World nations.

In this statement, Mrs. Peterson talks of "losing the battles, but winning the war." I think it is important for all Americans to keep this bigger picture in mind, and I commend this statement to my colleagues and to all who feel frustration as they watch America try to deal with Third World and developing nations. I submit the statement for the RECORD.

The statement follows:

STATEMENT BY MRS. BEA PETERSON

> Ours is a delegation of feminists . . . long time workers for women's rights, for human rights. Our history and endeavor long precedes this U.N. Decade for Women and will continue until the war is won . . . the war against the establishment of our full equality under the law worldwide. And as you know, we are doing battle now at home in our own country to gain that recognition as a constitutional right. We have lost battles in the past, but we have not yet lost the war.
>
> Today . . . and in the past few days, we have lost some battles in our effort to keep the concerns of women the focus of our efforts and the subject of our discussion here at this Mid Decade Conference. We came to participate in the drafting of a Plan of Action that would set forth our goals, give substance to our hopes; and we have worked very hard toward those purposes. But the plan of action has been damaged by the very deliberate and conscious efforts of the Arab and Soviet blocs whose combined efforts have been aimed at destroying this conference by introducing issues extraneous to our themes of Peace, Equality, and Development.
>
> Isn't it ironical that those nations, most of whom limit the civil and human rights of their women, should have been permitted to so dominate a women's conference? Indeed, it is, I believe, fair to say that among the delegations of women from those countries are women whose votes here are the first they have ever cast, because they do not have the right to vote in their own homelands. Their governments are determined to keep their women a silent or assenting majority.
>
> As a citizen of the United States, I cannot vote for a plan that contains language contrary to our principles and irrelevant to the women's issues and goals for which we came to Copenhagen. As a feminist for all of my adult life, as a woman committed to fight for the rights of all women everywhere; one who believes that if one woman is not free all of us are threatened; as a rural woman, as a working journalist . . . in short as a woman with the multiple responsibilities most of us have; I leave here with painful regret that the countries who have insisted on maintaining their women in a subservient position have interfered all too effectively in a conference which was certainly in our view intended to promote the rights of women and move them forward not backward. They must not prevail . . . neither now nor in the rest of this decade lest they succeed in destroying the progress women have made and the rights won with so much effort and sacrifice . . . everywhere in the world.●

NEED FOR HEARINGS ON MEDICARE COVERAGE FOR MENTAL HEALTH SERVICES

● Mr. **HEINZ**. Mr. President, I noted with interest the recent introduction of a bill by my colleagues from Hawaii, Mr. MATSUNAGA and Mr. INOUYE, S. 3029, to amend our Nation's health care program with respect to mental health services. I am pleased to see that other Members of the Senate now share my longheld concern about and recognition of the mental health needs of our Nation's elderly.

This bill, Mr. President, represents the most recent of a number of legislative proposals introduced into the Senate this year, all of which seek to ameliorate in part, if not entirely, the injustices that the medicare system imposes upon so many of our senior citizens suffering with mental health problems.

Last month, we passed the Mental Health Systems Act, S. 1177, and adopted five amendments offered by Senators PRYOR, CHILES, myself, and other members of the Senate Special Committee on Aging. As my colleagues here today may recall, at that time I made a statement in which I wholeheartedly endorsed the Mental Health Systems Act, particularly the provisions designed to improve services to the elderly. That same statement also included a call to make a very fundamental, vital change in the delivery of mental health services to the elderly: medicare reform.

On June 6 of last year, I introduced legislation, S. 1289, the Comprehensive Mental Heath Act, which makes the full, critical change in medicare, Mr. President, I do not mean to cite my bill to the exclusion of others that share the same or similar intent. The House Ways and Means and Interstate and Foreign Commerce Committees both included in H.R. 3990, the medicare and medicaid amendments, provisions which substantially improve upon current law. In addition, the distinguished Senator from Vermont, Mr. STAFFORD, has indicated that he will offer an amendment comparable to H.R. 934, the medicare and medicaid administrative and reimbursement reform amendments, when it is considered on the floor of the Senate. I am honored to be a cosponsor of this important measure.

Each of these bills, Mr. President, seeks to reduce, if not eliminate, the current reimbursement discrimination against mental health under medicare. We have also witnessed, in this session, the introduction of a multitude of bills which aim to recognize under the medicare program a number of qualified providers.

I do not wish to take the time here to go into detail about the nature and extent of the mental illnesses afflicting our Nations elderly, nor about the ways in which each of these bills would be responsive to the problems. However, now that my distinguished colleague on the Finance Committee, Senator MATSUNAGA, and his colleague from Hawaii who serves on the Appropriations Subcommittee on Labor, Health, Education, and Welfare, have, through their new proposal, called attention to this important issue, I believe that the time is right to hold a hearing. We all recognize the needs. Therefore, we can no longer ignore the problems, and must closely examine each of the proposed remedies, and rapidly seek the most effective and appropriate solution.

Mr. President, I recognize that the Finance Subcommittee on Health held hearings in the last Congress—2 years ago this month—on the issue of mental health and medicare and medicaid reimbursement. However, this Congress has neglected to attend to this issue, in spite of the fact that there has been a substantial increase in the number of bills proposed since 1978, and interest in mental health care in general.

I would hope that the Finance Health Subcommittee acts swiftly to hold a hearing on this matter, and that no action on any of the bills be taken by this body before being examined by the committee.

Mr. President, now that we have acted upon the Mental Health Systems Act, and the vital improvements for services to mentally ill elderly and other population groups, I sincerely believe that it is incumbent upon the Finance Committee to focus on the reimbursement mechanisms to assure the delivery of these services.

I would also note at this time that the Finance Committee, during our deliberations on the issue of catastrophic health insurance, established the medicare benefit program as a model minimum benefit package. I believe that before we set such a model in concrete—for not only the elderly and disabled as under medicare, but for all Americans—we must first change the discriminatory nature of medicare coverage for mental health services.

I have shared my concern and interest in this matter with Finance Health Subcommittee chairman, Senator TALMADGE, and my colleagues on the Finance Committee, and it is my hope that early hearings will be held on all of the legislative initiatives which seek to reform medicare coverage of mental health services for our Nation's senior citizens, and other health care population groups.●

RULES OF PROCEDURE OF THE JUDICIARY SUBCOMMITTEE INVESTIGATING ACTIVITIES RELATING TO INDIVIDUALS REPRESENTING FOREIGN GOVERNMENTS

● Mr. BAYH. Mr. President, I am submitting for the RECORD a copy of the Rules of Procedure of the Judiciary Subcommittee investigating activities relating to individuals representing interests of foreign governments.

The rules follow:

RULES OF PROCEDURE OF THE JUDICIARY SUBCOMMITTEE INVESTIGATING ACTIVITIES RELATING TO INDIVIDUALS REPRESENTING FOREIGN GOVERNMENTS

Rule 1. Convening of Meetings:

1.1 The subcommittee may schedule a regular day and hour for the subcommittee to meet.

1.2 The Chairman shall have authority, upon proper notice, to call such additional meetings of the subcommittee as he may deem necessary and may delegate such authority to any other member of the subcommittee.

1.3 A special meeting of the subcommittee may be called at any time upon the written request of six or more members of the subcommittee filed with the clerk of the subcommittee.

1.4 In the case of any meeting of the subcommittee, other than a regularly scheduled meeting, the clerk of the subcommittee shall notify every member of the subcommittee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C., and at least 43 hours in the case of any meeting held outside Washington, D.C.

1.5 If six or more members of the subcommittee have made a request in writing to the Chairman to call a meeting of the subcommittee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, such members may call a meeting by filing a written notice with the clerk of the subcommittee who shall promptly notify each member of the subcommittee in writing of the date and time of the meeting.

Rule 2. Meeting Procedures:

2.1 Meetings of the subcommittee shall be open to the public, except when otherwise directed by the Chairman or majority vote of the members present.

2.2 It shall be the duty of a staff officer designated by the Chairman to keep or cause to be kept a record of all subcommittee proceedings.

2.3 The Chairman of the subcommittee shall preside over all meetings of the subcommittee. In the absence of the Chairman, the Vice Chairman shall preside.

2.4 Except as otherwise provided in these Rules, decisions of the subcommittee shall be by majority vote of the members present and voting. A quorum for the transaction of subcommittee business, including the conduct of Executive sessions, shall consist of five subcommittee members except that, for the purpose of hearing witnesses, taking sworn testimony, and receiving documentary or physical evidence, a quorum shall consist of one Senator.

Rule 3. Broadcasting, Television, and Photography:

Any Committee meeting which is open to the public may, subject to Rule 5.8, be covered, in whole or in part, by television, radio, still photography, or other media coverage, if the Chairman authorizes such coverage. When coverage by any such media is authorized it must be conducted in an orderly and unobstrusive manner, and the Chairman may for good cause terminate such media coverage in whole or in part, or take such other action as the circumstances may warrant.

Rule 4. Subpoenas:

4.1 Subpoenas for attendance of witnesses or the production of memoranda, documents, records, or any other material, and orders for the inspection of locations and systems of records, shall be authorized by the subcommittee or by the Chairman and Vice Chairman. When authorized by the subcommittee, subpoenas may be issued upon the signature of either the Chairman or the Vice Chairman, or by a member designated by the subcommittee. When authorized by the Chairman and Vice Chairman, subpoenas shall be issued upon both their signatures and thereupon each member shall be notified.

4.2 A subpoena duces tecum may be issued whose return shall occur at a time and place other than that of a regularly scheduled meeting. Upon the return of such a subpoena, any member, on two hours' telephonic notice all other subcommittee members, may convene a meeting for the sole purpose of elucidating further information about the return on the subpoena and deciding any objections to the subpoena.

Rule 5. Taking of Testimony at Hearings:

5.1 Witnesses required to appear before the subcommittee shall be given, absent extraordinary circumstances, at least forty-eight hours' notice and all witnesses shall be furnished with a copy of these rules.

5.2 All witnesses at public or executive hearings who testify to matters of fact shall be sworn, unless a majority of members of the subcommittee provide otherwise.

5.3 Subcommittee interrogation shall be conducted by members of the subcommittee and by such staff personnel as are authorized by the presiding member.

5.4 Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he is testifying, of his legal rights; provided, however, that in the case of any witness who is a government officer or employee, or officer or employee of a corporation or association, the presiding member may rule that selection of counsel from the government or the corporation or association. creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government or corporation or association.

5.5 A witness who is unable to obtain counsel may inform the subcommittee of such fact, and if, consistent with the notice given under section 5.1 hereof the subcommittee is so informed at least 24 hours prior to the witness's appearance, the subcommittee shall then endeavor to obtain voluntary counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the subcommittee. Failure to obtain counsel will not excuse the witness from appearing and testifying.

5.6 Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action, which may include warning, censure, or removal and if counsel is removed, the provisions of Rule 5.5 hereof for a witness who is unable to obtain counsel shall apply.

5.7 Any witness desiring to make an introductory statement in executive or public hearings shall file a copy of such statement with the Chairman or clerk of the subcommittee 48 hours in advance of the hearings at which the statement is to be presented unless the presiding member waiver this requirement. The subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

5.8 A witness may request, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony, television, motion picture, and other cameras and lights shall not be directed at him. Such requests shall be ruled on by the subcommittee members present at the hearing.

5.9 Any accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his own testimony whether in public or executive session shall be made available for inspection by witness or his counsel under committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his expense if he so requests.

5.10 Any person who is the subject of an investigation in public hearings may submit to the Chairman of the subcommittee questions in writing for the cross-examination of other witness called by the subcommittee. With the consent of a majority of the members of the subcommittee present and voting, these questions, or paraphrased versions of them, shall be put to the witness by the Chairman, by a member of the subcommittee, or by staff of the subcommittee.

5.11 Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a subcommittee member or staff, tends to defame him or otherwise adversely affect his reputation, may (a) request to appear personally before the subcommittee to testify in his own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the subcommittee for its consideration and action.

If a person requests to appear personally before the subcommittee pursuant to alternative (a) referred to herein, said request shall be considered untimely if it is not received by the Chairman of the subcommittee or its counsel in writing on or before fifteen days subsequent to the day on which said person's name was mentioned or otherwise specifically identified during a public hearing held before the subcommittee, unless the

Chairman and the Vice Chairman waive this requirement.

If a person requests the filing of his sworn statement pursuant to alternative (b) referred to herein, the subcommittee may condition the filing of said sworn statement upon said person agreeing to appear personally before the subcommittee and to testify concerning the matters contained in his sworn statement, as well as any other matters related to the subject of the investigation before the subcommittee.

Rule 6. Depositions on Notice:

6.1 Notices for the taking of depositions shall be authorized by the Chairman and the Vice Chairman or by a staff officer designated by them. Such notices shall specify a time and place for examination, and may specify that the examination shall be in private.

6.2 The subcommittee shall not initiate procedures leading to criminal or civil enforcement proceedings in the event a witness fails to appear at a deposition unless the deposition notice was accompanied by a subcommittee subpoena.

6.3 Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rules 5.4, 5.5, and 5.6 hereof.

6.4 Witnesses shall be examined upon an oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by committee staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify, on the basis of relevance or privilege, the committee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a member of the subcommittee. If the member overrules the objection, he may refer the matter to the subcommittee or he may order and direct the witness to answer the question, but the subcommittee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a member of the subcommittee.

6.5 The committee staff shall see that the testimony is either transcribed or electronically recorded, or both. If a witness's testimony is transcribed, he shall be furnished with a copy of it for review. No later than five days thereafter, the staff shall enter the changes, if any, requested by the witness, with a statement of the witness's reasons for the changes, and the witness shall sign the transcript. The individual administering the oath shall then certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed, together with any electronic record, with the clerk of the subcommittee.

Rule 7. Examinations on Commission:

7.1 Commissions for the examination of witnesses shall be authorized and issued by the Chairman. Such commissions shall name a commissioner, who shall be authorized to appoint a time and place for examination, and to determine whether the examination shall be in public or in private.

7.2 The subcommittee shall not initiate procedures leading to criminal or civil enforcement proceedings in the event a witness fails to appear at an examination on commission unless the witness has received a subcommittee subpoena. The commission may name the witness or witnesses to be examined, or if the witnesses cannot be determined at the time of issuance of the commission, it may authorize the commissioner to name subsequently the witness or witnesses to be examined. In the event that such a commission is issued with witnesses to be named subsequently, the commissioner may be issued properly authorized subpoenas without witnesses' names. The commissioner will subsequently insert the names upon receiving telephonic authorization from the Chairman and Vice Chairman or members designated by them to insert the names and serve the subpoenas.

7.3 Witnesses may be accompanied at an examination upon commission by counsel to advise them of their rights, subject to the provisions of Rules 5.4, 5.5, and 5.6 hereof.

7.4 Witnesses shall be examined upon an oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by the commissioner or by committee staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify, the provisions of Rule 6.4 hereof shall apply.

7.5 The commissioner shall see that the testimony is transcribed or electronically recorded, or both, and then reviewed, subscribed, certified, and filed, as provided by Rule 6.5 hereof.

Rule 8. Procedures for Handling of Classified or Sensitive Materials:

8.1 Subcommittee staff offices shall operate under strict security precautions. The Chairman shall request the Staff Director of the Select Senate Committee on Intelligence and the Senate Sergeant at Arms to provide assistance necessary to insure strict security.

8.2 Sensitive or classified documents and materials shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the subcommittee staff offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or subcommittee meetings, including the taking of testimony at hearings, examinations, and depositions.

8.3 The members of the Subcommittee shall at all times have access to all papers and other material received from any source subject to the security provisions of S. Res. 400. The Chairman shall designate a staff officer responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified or sensitive papers and other materials in the possession if the subcommittee, and such registry shall be available to any member of the subcommittee.

8.4 Access to categories of classified information supplied to the subcommittee shall be limited to members, and to staff members with a need-to-know, designated by the Chairman and Vice Chairman.

8.5 No testimony taken including the names of witnesses testifying, or material presented at an executive session, or classified papers and other materials received by the staff or its consultants while in the employ of the committee shall be made public, in whole or in part or by way of summary, or disclosed to any person outside the committee unless authorized by a majority vote of the entire subcommittee, or after the termination of the subcommittee, in such manner as may be determined by the Senate.

Rule 9. Staff:

9.1 For purposes of interrogation of witnesses and security of information, under Rules 5, 6, 7, 8 and 9 officers and employees of the Office of Senate Legal Counsel shall be deemed subcommittee staff.

9.2 The staff of the subcommittee shall not discuss either the substance or procedure of the work of the subcommittee with anyone other than a member of the subcommittee or other subcommittee personnel. Upon termination of employment by the subcommittee, each member of the staff, or consultant, shall surrender all classified and other material relating to the work of the subcommittee which came into his possession while in the employ of the subcommittee.

9.3 The employment of any member of the staff or consultant who fails to conform to any of these Rules shall be immediately terminated. In the event of a serious unjustified release of information obstructing the progress of the investigation the subcommittee may vote to refer the matter to the Department of Justice.

Rule 10. Detailees and Consultants:

10.1 The Chairman shall have the authority to utilize the services, information, facilities, and personnel of the departments and agencies of the government.

10.2 The Chairman shall have the authority to procure the temporary or intermittent services of experts or consultants or organizations thereof to make studies or assist or advise the subcommittee with respect to any matter under investigation. Government personnel detailed to the subcommittee, and consultants, may be deemed subcommittee staff for purposes of Rules 5, 6, 7, 8 and 9 if the Chairman so designates in writing.

Rule 11. Changes in Rules:

These Rules may be modified, amended, or repealed by the subcommittee, provided that a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rules or rules in the Congressional Record.●

TWELFTH ANNIVERSARY OF THE SOVIET INVASION OF CZECHOSLOVAKIA

● Mr. SCHWEIKER. Mr. President, 12 years ago, on August 21, 1968, the Dubcek regime's experiment in "socialism with a human face" was brutally terminated when Soviet tanks rumbled into Czechoslovakia to smother any flickering remnants of political liberalization. With ruthless efficiency, the hopes and promising initiatives of the short-lived "Prague spring" were crushed by cold Soviet armor and the reimposition of an orthodox Marxist government dedicated to the systematic removal of all vestiges of Czechoslovakia's incipient democratization. Moreover, the ex post facto justification for the repressive measures adopted, culminating in the infamous "Brezhnev Doctrine" of "limited sovereignty" within the socialist commonwealth, cast an ominous pall over any potential reformist tendencies in Eastern Europe.

In a world where respect for democratic values and human rights is under constant assault, the memories associated with this particular "Day of Shame" linger painfully. In addition to its centuries-old cultural and ethnic heritage, Czechoslovakia was the first state in Eastern Europe to enjoy the fruits of a genuine liberal democracy, a tradition spawned by the achievement of political sovereignty in 1918 under the leadership of Dr. Tomas Masaryk. Yet the liberal spirit of the Czechoslovak people and their irrepressible yearning for freedom were nurtured by the persistence of foreign influence since the 15th century. Throughout the period of Hapsburg rule, subjected to the intrigues of great power diplomacy, including a series of upheavals in the 17th century which stifled the growth of political liberties until independence was achieved in 1918, the people's creative spirit and longing for national identity and political self-determination never waned.

Czechoslovakia's history between 1918 and 1938 is similarly notable for a steadfast determination to resist encroachments on its national independence by foreign totalitarian forces, amid the apathy of democratic states willing to accept its sacrifice on the altar of appeasement. At Munich in 1938, a submissive West, disregarding its commitment to the principle of political self-determination, bartered away Czechoslovak sovereignty in a futile attempt to pacify Hitler's insatiable territorial demands. During the Second World War, the exiled Czechoslovak Government attempted to maintain the legal continuity of the political structure inherited from Masaryk, intending to restore democratic rule upon liberation from Nazi dominance in 1945.

The Communist coup of 1948, transforming Czechoslovakia into a Soviet satellite, precluded the rebirth of a liberal democratic policy. Though a powerful Red Army could compel official obeisance to Moscow's dictates, it could never eradicate the people's aspirations for freedom or the exercise of basic human rights. This will to freedom has manifested itself on numerous occasions, most prominently during the Dubcek era, an era whose brutal climax shocked the conscience of the civilized world. More recently, the supporters of the Charter 77 Movement have defied official persecution by their valiant efforts to monitor Czechoslovakia's compliance with the human rights provisions of the Helsinki Final Act.

Despite foreign domination and internal repression, typified by the shameful Soviet-led invasion whose anniversary we commemorate, it is a testament to the resilience of the Czechoslovak people that their faith in a future free of coercion has never diminished. Their fortitude in the fact of oppression is an inspiration to all who cherish the dream that the ideals embodied in the Helsinki Final Act and the United Nation's Universal Declaration of Human Rights will ultimately overcome all political and ideological barriers.

I submit for the RECORD a letter to the Czechoslovak National Council of America.

The letter follows:

JULY 29, 1980.

Dr. JOSEPH HASEK,
Mrs. ANNA FALTUS,
Czechoslovak National Council of America, Washington, D.C.

DEAR DR. HASEK AND MRS. FALTUS: Thank you for your recent letter and the enclosed material concerning the upcoming 12th anniversary of the Soviet-led invasion of Czechoslovakia. The brutal suppression of the Dubcek regime's attempt to liberalize the Czechoslovak political and social system was indeed an affront to the moral conscience of the international community and properly earned global condemnation.

To commemorate the Soviet Day of Shame, I plan to introduce remarks into the CONGRESSIONAL RECORD before August 21. It is imperative that we salute the efforts of those individuals, especially to co-signers of Charter 77, who have courageously attempted to monitor Soviet compliance with the Helsinki Final Act in the area of basic human rights.

Please be assured of my continued strong efforts on behalf of Czechoslovak "prisoners of conscience" and of my firm support for all efforts to protect human rights and advance freedom throughout the world.

Sincerely,

RICHARD S. SCHWEIKER,
U.S. Senator.●

S. 1480 AS REGULATORY REFORM

● Mr. STAFFORD. Mr. President, this morning's Washington Post contains an article illustrating precisely why we must enact S. 1480, the so-called superfund legislation.

S. 1480 differs radically from previous environmental and health legislation. It is not a regulatory bill, but a nonregulatory reform, an attempt to establish a new mechanism for dealing with societal problems. The Post article illustrates not only the need for this new approach, but the vital necessity for a broadly based bill.

Briefly, the Post article describes the accumulating evidence that the level of chemical pollution in the environment is higher than previously suspected and, indeed, often equal to levels around chemical dumps.

Industry representatives contend that "there really doesn't appear to be a major health impact from exposure to those chemicals." Regulators, the article points out, are in a quandary because they must prove a cause-and-effect relationship between exposure to a certain chemical and disease before they can legally act. And with chemicals, that is very difficult to do.

The issue is whether the chemicals cause problems or not. And that is the beauty of a bill like S. 1480.

S. 1480, the environmental emergency response bill, would hold those who release toxic poisons strictly liable for the damages which they cause. If they cause no damages, then there are no costs. If the damages are $100, the costs are $100, not $75 or $125. The costs are not calculated by bureaucrats, but proven in a court of law.

In short, S. 1480 involves few, if any, regulations. It involves few, if any, new Government bureaucrats. It creates no new costs. It imposes no unreal costs. Because the costs imposed by S. 1480 are identical to the damages, the bill is not larger than the problem, nor is it smaller. It is exactly the same size.

More importantly, S. 1480 permits private enterprise to make its own decisions. The bill would not tell companies what they can market or not market. It does not dictate package size, shape, or labeling. It does not mandate certain modes or routes for transportation. It does not require emission controls or limit effluent. In short, it permits industry to do as it pleases but holds it responsible for the damages which result.

Frankly, I should think that industry would embrace such an approach without reservation. But on the contrary, the chemicals industry opposes the bill. This is the same industry which has decried the impact of regulations on their operations, condemned regulatory statutes as wasteful and expensive. But when presented with an alternative to regulations, the chemicals industry rejects it out of hand.

What I find even more difficult to understand is the chemical industry's response to a suggestion that the Congress perhaps repeal or "sunset" the Toxic Substances Control Act. That law was enacted in 1976 supposedly over the chemical industry's bitter opposition. A massive new statute we were all told, with the potential for stifling innovation and eliminating a vital American industry. Yet when it was suggested to representatives of the chemical industry—and the largest companies in the United States were represented at the table—that perhaps the Toxics Act should be repealed, their response was, "We are not authorized to discuss that."

This same industry has condemned S. 1480 as being too broad.

That is nonsense. S. 1480 is no bigger than the problem which exists. If there is no problem, there are no damages, and S. 1480 exacts no cost. And the industry is quick to announce that there is not a problem.

Regulatory "overkill" they cry, all the while knowing that, in fact, S. 1480 is an antiregulatory bill. I am reminded of my attempts to repeal the Highway Beautification Act which supposedly regulates billboards. My opponents were not environmental groups or citizens organizations, but the billboard lobby, the very group the law was supposed to regulate.

Here we have a bill which attempts to free the hands of industry, to assure that those companies which make safe and prudent decisions are not placed at a competitive disadvantage to those which threaten human life. That is the essence of free enterprise.

It seems to me that industry cannot have it both ways. It cannot say that on the one hand the poisons problem in the United States is small, but on the other hand contend that the costs of correcting those problems would bankrupt the industry. They cannot decry regulation, but oppose efforts to reform the regulatory system.

Too often industry statements fly in the face not only of their contrary statements but of the facts themselves. For example, S. 1480 is bitterly condemned as being too broad because it is not restricted to the narrow problem of abandoned sites. But an examination of a few of the toxic poison problem in the United States is enlightening.

All five of the Great Lakes closed or restricted to types of commercial fishing. Caused by abandoned sites? No.

One-third to one-half of the wells in the San Joaquin Valley contaminated by a pesticide, DBCP. Caused by abandoned sites? No.

Over 1,300 wells and wellfields supplying drinking water to millions of Americans shut in because of toxic contamination. Most caused by abandoned waste sites? No.

Virtually every person in the United States carries body burdens of aldrin, dieldrin, heptachlor, DDT, PCB's, pentachlorophenol, and other organic chemicals. Are abandoned hazardous waste sites the source? No.

Major rivers throughout the United States—the Hudson, James, Shenandoah, to name but three—closed or restricted to fishing because of chemical poisons. Contaminated because of abandoned hazardous waste site? No.

So I would ask the Senate what is the true scope of the problem in the United States. Abandoned hazardous waste sites, as the industry would have us believe, or something bigger, as S. 1480 presumes? Clearly, the facts tell us the problem vastly exceeds abandoned sites.

And I would also ask the Senate whether all of the recent rhetoric over moving away from Government regulations is genuine or just talk. The Committee on Environment and Public Works has worked for nearly 3 years on a nonregulatory bill, a measure to deal with a serious health and environmental problem. It can establish a precedent for eliminating regulation and freeing the hands of private industry. S. 1480 is a serious, thoughtful nonregulatory bill. It deserves serious, thoughtful consideration and a favorable vote.

Mr. President, I submit for the Record the Washington Post article.

The article follows:

General Chemical Pollution Often Equals Levels at Dumps

(By Joanne Omang)

Federal regulators are slowly coming to a disquieting conclusion: The level of chemical pollution in the general environment is often equal to the levels around known toxic waste dumps.

Wherever industries and plants have made the consumer goods of modern America, there are now chem-nic and lead. These and dozens of multisyllable compounds are turning up everywhere in the environment and in people's bodies at levels that have been called alarming.

The scope of the situation is sinking in slowly, as is the shift in focus it will require. Either the chemical findings indicate a widespread danger that somehow must be dealt with, or all the flap over abandoned dump sites has been vastly overblown and the readings mean little.

No one is yet ready to make that choice. The science of linking a given dose of a chemical to a particular health result is still in its earliest infancy, with researchers frantically gathering data. All that is really known so far is that the chemicals are everywhere and that cleaning up the old dumps, the billowing smokestacks and the auto exhausts is not going to make them go away.

"The whole economy is built on the use and production of chemicals," said Eckhardt C. Beck, chief of water and hazardous materials regulation for the Environmental Protection Agency. "We're documenting a general prevalence of chemicals throughout the environment that you can't really trace to any one source."

In the Love Canal area of New York, residents panicked at the discovery that their basements were oozing chemical goo from a long-inactive waste disposal ditch. After dozens of studies involving millions of dollars and two years of agonizing at every government level, the families are still demanding to be moved out, and their homes are worthless.

Yet the Hooker Chemical Co., which put the wastes there in the 1940s and 1950s, pointed out that three EPA studies of the air in major U.S. cities found several with chemical readings equal to or worse than those outside the Love Canal homes: Phoenix, Oakland, Los Angeles and several in Texas and New Jersey. "The air inside homes at Love Canal . . . is even cleaner than the outdoor air," Hooker said.

The company also argued that the chemicals detected in Love Canal basements are there at "a small fraction of a percent of what [regulators] would permit for a continuous working environment."

Hooker concluded that the exposure levels at Love Canal are insignificant. Regulators, however, are beginning to invert that reasoning: exposure levels at Los Angeles and Oakland and the rest of the cities are probably just as significant as those at Love Canal. This is certain to be one of the issues in the protracted litigation that has arisen from the long Love Canal controversy.

The problem is that no one can say for sure yet just how significant any low reading is in terms of health. The chemical industry has been insisting for years that although the compounds may be widely present, no evidence exists to link them to whatever illnesses may be occurring in a particular area. Studies that appear to make such links are all highly controversial.

"There really doesn't appear to be a major health impact from exposure to those chemicals," said Geraldine Cox, technical director for the Chemical Manufacturers Association, a Washington trade group. "Obviously we're working to reduce emissions, but the body can assimilate certain materials and they don't create a problem . . . we're talking about very low ambient levels and the whole question of whether they have any effect just hasn't been answered."

Major studies by several government agencies are now under way in the so-called "Golden Triangle" area of the Texas Gulf Coast around Beaumont and Orange, where roughly 60 percent of the nation's petrochemicals are manufactured.

Several preliminary reports from the National Institute of Occupational Safety and Health (NIOSH) have found an outbreak of brain cancer among workers at the Dow Chemical Co. and Union Carbide Co. petrochemical plants there. Checks are under way in five other plants, while scientists try to see whether there might also be unusual rates of stomach, liver, lung or pancreatic cancer.

The companies deny any problem exists. Union Carbide officials noted that the incidence among their workers may not be any higher than among all residents of the area. That, regulators now think, is just what worries them.

Current studies of outdoor air in the Triangle region are finding benzene levels that sources say are high enough to have the EPA very concerned about the possibility of public alarm when they are announced sometime next month.

The survey began as an effort to correlate whatever chemical level is found in the air with whatever level is found in the human bloodstream.

But naming a level won't tell the residents whether they are in any danger from it. The converse is also the case: documenting a health effect won't necessarily tell what caused it.

Dr. Patricia Buffer, associate professor of epidemiology at the University of Texas School of Public Health in Houston, found "'a significant excess" of pancreatic and blood-related cancer deaths, other than leukemia victims, among residents of two Triangle counties. Those victims were more than twice as likely to have worked in the chemical industry than a matched control group of persons who died from other causes.

So what? "We don't know what is responsible so there's no way to say what to regulate," Buffer said. "Regulating the wrong thing would give people a false sense of security." Her findings, she noted, don't even eliminate the possibility that polluted groundwater having nothing to do with the chemical plants is responsible. "That would take a different approach than the one I used."

Dr. David Rall, head of the National Institute of Environmental Health Sciences, which does research for the Department of Health and Human Services, noted that the variety and number of chemicals found in some places make health assessment incredibly complicated.

Two compounds may either magnify or cancel out each other's effects, and many sites show scores of chemicals present. "Just the additive effect is considerable," Rall said. "You put 200 chemicals at harmless doses together and, well . . ."

More and more EPA surveys are coming in with chemical readings that cannot yet be interpreted in terms of danger. "The agency is getting frightened to death about the inconclusiveness of a whole bunch of studies we've got," said Beck. "It's like saying to a cancer patient that he has between six weeks and 10 years to live . . . is that a responsible thing to say? But you have to say something."

In just the Niagara County area of New York, 161 old chemical dump sites have been identified, Beck noted. One called Hyde Park in Niagara Falls contains more than 80,000 tons of the same wastes that were put into Love Canal by Hooker Chemical.

"Until the early 1970s, the site was operated rather carelessly" according to a May 1979 survey by NIOSH. "Large amounts of hazardous chemical leachate undoubtedly escaped the site, contaminating the nearby surrounding areas."

While the report documents the chemicals and levels found and notes the number of cancer cases, infant deaths and so on recorded among the 1,700 or so persons checked, it draws no conclusions and recommends further study.

"The public is going to have to be satisfied with scientists saying they don't know and they won't for several years, and they may never have a definitive answer" on the danger of chemicals common in the environment, said Frank Weir, associate toxicology professor at the University of Texas School of Public Health in Houston.

Like many scientists, he questions whether any of the alarm over the chemical environment is justified. "There's a cry-wolf tendency at EPA now," he said. "All these studies are laced with the words 'possible' and 'likely' and 'could' which means there are no data on the health effects."

There are data, however, on the levels of the chemicals being found, and no one is questioning those.

"Lots of times the findings are of natural chemicals like molybdenum or ozone or even benzene, which is high in forest areas," said Cox of the Chemical Manufacturers Association. "We just have never been out there measuring them before . . . just because something is there doesn't make it harmful."

Regulators are not about to relax just yet, however. "Sure, some parts of the country are relatively pristine," said Beck of the EPA. "But generally, every time we tip up the corner of the carpet we find more dirt under it."●

SENATOR RANDOLPH RECALLS 45TH ANNIVERSARY OF SOCIAL SECURITY ACT—WARNS OF USING CARD NUMBER AS A WORK PERMIT

Mr. RANDOLPH. Mr. President, 45 years ago on August 14. 1935, President Franklin Delano Roosevelt signed the Social Security Act in the White House. I remember his words at that time. He said that:

> We can never insure one hundred percent of the population against one hundred percent of the hazards and vicissitudes of life, but we have tried to frame a law which will give some measure of protection to the average citizen and to his family against the loss of a job and against poverty-ridden old age.

The Social Security Act was one of the most farreaching pieces of social legislation ever enacted by the Congress. Its passage marked both the end of a long struggle for protecting and enhancing human rights and the beginning of a new era of social reform.

It was my privilege, as a Member of the House of Representatives in 1935, to actively support and vote for the original Social Security Act. I believe social security has served our country well. Improvements, to be sure, are needed. And we must come to grips with the financing problems of social security—problems which are clearly solvable. Given time and determination we will solve these problems and further strengthen our Nation's social security system that is so essential to the well-being of the elderly, the disabled, and young families.

After 45 years, social security is still sound, and it is working. Today's and tomorrow's retirees need have no fear that their checks will stop coming. Congress will insist that social security continue to be rooted in sound policy, actuarial and equity considerations.

Social security is one of our country's most valued institutions; it affects almost every family.

Let us cite statistics:

Approximately 115 million persons are working in covered employment this year.

More than 9 out of 10 persons age 65 or older are eligible for social security benefits.

About four out of five persons ages 21 to 64 have disability protection.

Approximately 19 out of 20 young people and their mothers have survivor protection.

In a very real sense, social security is family security because it protects workers and their families from loss of income in three important ways: retirement in old age, disability, and death.

Social security is the economic mainstay for the vast majority of older Americans. Although, as Franklin Roosevelt said, it was not intended originally as a total retirement plan, today it provides at least one-half of total support for almost three out of every four beneficiaries.

There is a personal satisfaction that I have supported social security since its beginning 45 years ago. No other Government program conceived before or since does as much for as many people—and does it so well—as social security.

If we have problems today, think of the magnitude of social and economic problems this country would face now if the social security program had not developed to its present value over the past 45 years.

Without social security, more than 12 million older Americans would be on welfare or forced to depend solely on their families.

Without social security, most older Americans could not hope to achieve their present standard of living, although we recognize that in many instances social security alone is not adequate to meet continuing spiraling inflation.

Most important, I feel, is the fact that social security provides 98 cents in benefits for every dollar collected.

A civilization is measured not by its gross national product, not by its number of shiny cars or the wealth of its very rich. A civilization is measured in better ways. And, historically, one of the most important ways a civilization is measured is in the way it treats its elderly citizens.

Our efforts, our dedication to the dignity, independence and humane treatment of our older citizens must not be diminished by success. To achieve that vision of America which began so many years ago, we must firmly establish for all our people that there is no higher priority than to build a just retirement and medical and social services system for and with our older citizens.

I know, in the days ahead, we will be united in that cause and work together to insure that the long ago vision of a great civilization is not dimmed. And as we move forward in this way, we must guard against the possibility that extraneous developments could weaken or undermine our commitments through social security to the work force and to those no longer working.

There is one area of governmental commitment to social security taxpayers and beneficiaries that I am particularly concerned about today. This relates to the use of the social security number and card and the vast files of information that the Social Security Administration collects concerning individual contributors and beneficiaries.

One of the first major tasks facing the administrators of social security following enactment of the Social Security Act was to assign social security numbers and issue cards. There was resistance to the social security number at first—some workers and trade unions were concerned that the numbers would facilitate blacklisting practices of some employers. There were scare stories in the press about the invasion of personal privacy, possible social regimentation and fears about other practices that the Government might indulge in if citizens were assigned numbers and individual records were kept. There was a basic American concern about governmental enumeration.

To overcome these concerns, the social security administrators undertook a major media campaign to gain public acceptance of the social security number and card by explaining the social security program and the legitimate need for each worker to have a social security account number. Measures were taken to assure that there would be no governmental abuse of the enumeration system or the individual records that social security would have to build and retain. To this end, the very first regulation issued by social security, regulation No. 1, provided that individual information in social security records could be used only for social security program purposes and for closely related programs. Government officials gave public assurances that the social security number and card would not be used for other purposes and that individual privacy would be protected.

But over the past 45 years, there have been changes. We have become a computerized, number-oriented society. Government and areas of governmental responsibility have grown. Temptations to use the social security number and social security records for purposes unrelated to those contemplated in the 1930's have grown. I am worried today that our ability to distinguish between legitimate uses of the social security number and card and possible misuses may be growing blurred. I also am concerned that Government may break faith with the social security taxpayer and beneficiary. We may not be upholding the guarantees of individual privacy that were first made in the 1930's—the basic privacy that Americans demand and deserve—and the spirit of honoring and respecting commitments made to the public through our social security system.

For example, there is the proposed use of the social security number and card for a national work permit system—a Federal Government system which could be used to regulate and regiment every American in the Nation's work force. Such a system, I believe, would erode the relationship of honor and trust between the public and the Government that has been a hallmark of our social security program.

Apart from the question of a breach of faith, what are the implications today of a national work permit system using the social security number and card? In a large society such as the United States, there are some who see advantages to having a national work permit, a single document used to identify each individual. They seem not to have considered the implications of the effect that widespread use of such an identifier would have on personal privacy. I see dangers here. A major cause of my opposition to the use of the social security number and card as a work permit is that it would become a universal identifier that could be used improperly to exchange information among agencies, and that this could lead to the creation of dossiers about individuals which would follow them throughout life.

Using the social security number and card for work registration purposes also would have staggering operational implications. When the number and card are evidence of permission to work, they become more valuable and the temptation to counterfeit would be irresistible. This would result in phony numbers—many duplicating properly issued numbers—and cause great complexity in determining which individual was in fact entitled to retirement and other benefits. Moreover, the greater the extraneous uses of the number, the greater the demand on the social security system to provide information unrelated to the basic social security program.

While our society has a long history of opposition to the concept of a universal identifier, with the ever-growing use of computers and the increasing use of the social security number as the number for entering all of these data records, the social security number is potentially the key that provides access to a system of records and the exchange of information between systems. The greater the use of the social security number for separate systems of records, the greater is the body of information that can be accessed by the social security number. The possibilities for data exchange today are already extensive. The use of the social security number and card as a work permit would create even greater dangers of Government intrusion in our private lives and would threaten the cherished tradition of mutual trust which has been the hallmark of the social security program. Furthermore, the price we would pay for this proposed change has been estimated at, for the first 5 years alone, over $1 billion—not $1 million, but $1 billion.

For these reasons, I urge the administration and Congress to do nothing that would promote the use of the social security number and card in a national work permit system. The social security program is a system we have been able to look to with pride for 45 years. The social security number should remain, as it was intended, a tool for recording a worker's earnings. It should never become an instrument for Government regulation of our lives.

DEATH OF REPRESENTATIVE HAROLD RUNNELS, OF NEW MEXICO

Mr. DOMENICI. Mr. President, I send a resolution to the desk, on behalf of myself and Senator SCHMITT, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

A resolution (S. Res. 505) relative to the death of Representative Harold Runnels, of New Mexico.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 505) was agreed to, as follows:

S. RES. 505

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Harold Runnels, late a Representative from the State of New Mexico.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

RECESS UNTIL WEDNESDAY, AUGUST 20, 1980, AT 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, and as a mark of further respect to the memory of the late departed Representative Harold Runnels, of New Mexico, that the Senate stand in recess until the hour of 11 o'clock tomorrow morning.

The motion was agreed to; and the Senate, at 5:46 p.m., recessed until Wednesday, August 20, 1980, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 19, 1980:

U.S. POSTAL SERVICE

Timothy L. Jenkins, of the District of Columbia, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1982.

Paula D. Hughes, of New York, to be a Governor of the U.S. Postal Service for the term expiring December 8, 1987.

David E. Babcock, of Arizona, to be a Governor of the U.S. Postal Service for the term expiring December 8, 1988.

COUNCIL OF ECONOMIC ADVISERS

Stephen M. Goldfeld, of New Jersey, to be a Member of the Council of Economic Advisers.

DEPARTMENT OF EDUCATION

James Bert Thomas, Jr., of Virginia, to be Inspector General, Department of Education.

ENERGY-EXPO 82

Charles E. Fraser, of South Carolina, to be Commissioner General of the U.S. Government for Energy-Expo 82.

DEPARTMENT OF STATE

Lyle Franklin Lane, of Washington, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Paraguay.

Barbara M. Watson, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Earl Ben Gilliam, of California, to be U.S. district judge for the southern district of California.

HOUSE OF REPRESENTATIVES—*Tuesday, August 19, 1980*

The House met at 12 o'clock noon.

The Reverend John Wesley Anderson, Bethany Presbyterian Church, Lancaster, Pa., offered the following prayer:

To the Creator and Designer of the universe, a grateful people turn in thanksgiving and pause in our celebration of life, pause to acknowledge Your creation, and to accept the responsibilities of being creative tools, capable of initiating peace, and capable of engineering justice in our world in these times.

Make us ever mindful Lord, of our responsibility as a nation and individually as participants of that nation, and of the challenge and task of leadership that is ours as a nation in the world.

Make us sensitive and strong in our obligation to being creative and considerate, and with concern for meeting the needs of those about us. Those within these Halls, those in the arena where we affect change and those within the homes where we both seek and share love and support.

May the opportunities of this day be met by us with courage and conviction. May the gift of life found in and shared by others, be accepted by each of us appreciatively. And may the stewardship of our lives be shared with others, as were the gifts of God's creative self placed in us.

Father, may we ever be nourished and nurtured by the great spirit of this nation under God, causing us always to seek for justice. Challenge us now to the leadership potential that is ours. In the name of the Master. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 390) entitled "An act to expedite and reduce the cost of antitrust litigation, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1140. An act to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1980 and 1981, and for other purposes; and

S. 2680. An act to improve the administration of the Historic Sites, Buildings, and Antiquities Act of 1935 (49 Stat. 666).

The message also announced that the Senate recedes from its amendment to a joint resolution of the House of the following title:

H.J. Res. 589. Joint resolution providing additional program authority for the Export-Import Bank.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 762. An act to permit the vessel *Scuba King* to be documented for use in the fisheries and coastwise trade of the United States.

THE REVEREND JOHN WESLEY ANDERSON

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, it gives me a great deal of pleasure to introduce the Reverend John Wesley Anderson—Wes Anderson—to the House of Representatives.

Reverend Anderson has served as pastor of Bethany Presbyterian Church in Lancaster, Pa., for the past 12 years. I am particularly proud of that because Bethany is my home church in Lancaster. He moved to Lancaster from the Williamsport, Pa., area, where he served another congregation. During the last 5 years he has served as chairman of the ministerial relations committee for the Donegal Presbytery. He is also an active member of the Epilepsy Board and the Child Development Center in Lancaster County. He has a special love for and relationship with young people, which is not surprising because he is the father of six children who range in age from 24 to 7.

He is a graduate of Franklin-Marshall College in 1952, and the McCormick Theological Seminary in 1955. Prior to his enrollment in college, he served in the U.S. Navy.

On behalf of all my colleagues, I want to welcome Wes Anderson and his family to the U.S. House of Representatives, and thank him for sharing in our deliberations of the day with his inspirational prayer.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

CONFIRMING CONVEYANCE OF CERTAIN REAL PROPERTY TO A. C. AND MARY TABER

The Clerk called the bill (H.R. 6318) to confirm a conveyance of certain real property by the Central Pacific Railway Co. and Southern Pacific Co. to A. C. Taber and his wife, Mary Taber.

There being no objection, the Clerk read the bill as follows:

H.R. 6318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to section 3 of this Act, the conveyance described in section 2(a) of this Act involving certain real property in Alameda, County, California, is hereby confirmed in the successors in interest to A. C. Taber and his wife, Mary Taber, the grantees in such conveyance, with respect to all interests of the United States in the rights to the real property described in section 2(b) of this Act. Portions of the real property described in section 2(b) formed part of the right-of-way granted to the Union Pacific Railroad by the United States by the Pacific Railroad Act of 1862 (12 Stat. 489).

SEC. 2. (a) The conveyance confirmed by this Act was made by a deed dated October 29, 1942, by the Central Pacific Railway Company and Southern Pacific Company to A. C. Taber and his wife, Mary Taber, and recorded on November 5, 1942, book 4297, page 388, Alameda County records.

(b) The real property referred to in the first section of this act is certain real property in Alameda County, California, described as follows:

All that portion of the 400-foot right-of-way of the Central Pacific Railway Company in section 7, township 4 south, range 1 east, Mount Diablo base and meridian, lying south of the southerly line of the right-of-way of the State highway and north of a line that is parallel with and 25 feet at right angles, northerly from the center line of the main track of the Western Pacific Railroad Company, as now located, excepting therefrom that portion conveyed to the Department of Public Works of the State of California by condemnation recorded November 1944, book 4625, page 186, instrument Numbered RR-69436, Alameda County records.

SEC. 3.(a) Nothing in this Act shall—

(1) diminish the right-of-way referred to in the first section of this Act to a width of less than 50 feet on each side of the center of the main track or tracks established and maintained by the Central Pacific Railway Company, Southern Pacific Company, or their predecessors in interest, on the date of the enactment of this Act; or

(2) validate or confirm any right or title to, or interest in, the land referred to in the first section of this Act arising out of adverse possession. prescription, or abandonment, and not confirmed by conveyance by the Central Pacific Railway Company or Southern Pacific Company before the date of the enactment of this Act.

(b) There is reserved to the United States all oil, coal, or other minerals in the land referred to in the first section of this Act,

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☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

together with the right to prospect for, mine, and remove such oil, coal, or other minerals under such rules and regulations as the Secretary of the Interior may prescribe.

With the following committee amendments:

Page 2, line 2, strike "Country" and in lieu thereof insert "County";

Page 3, line 7, after "(1)" insert "except to the extent specified in section 2 of this Act,".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE WASHINGTON POST, THE WASHINGTON STAR, AND THE DISPATCH (LEXINGTON, N.C.)

The Clerk called the bill (H.R. 7214) for the relief of the Washington Post, the Washington Star, and the Dispatch (Lexington, N.C.).

There being no objection, the Clerk read the bill as follows:

H.R. 7214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the following listed claims for advertising furnished to the Department of the Navy:

Claimants:	*Amount*
The Washington Post	$320.60
The Washington Star	329.06
The Dispatch (Lexington, N.C.)	224.40

The above amounts shall be payable from the applicable appropriations of the Navy.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAMPANELLA CONSTRUCTION CO., INC.

The Clerk called the bill (H.R. 6000) for the relief of Campanella Construction Co., Inc.

There being no objection, the Clerk read the bill as follows:

H.R. 6000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Campanella Construction Company, Incorporated, is relieved of all liability to repay the United States the amount of $90,676 and, furthermore, that the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Campanella Construction Company, Incorporated, the sum of $10,960, in full satisfaction of its claims against the United States for work performed at the Old Bridge wastewater treatment facility under Department of the Army contract numbered DABT 35–76–C–0342.

With the following committee amendment:

Page 1, line 5: strike "$90,676" and insert "$90,666".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES A. SCHULTZ

The Clerk called the bill (H.R. 6836) for the relief of James A. Schultz.

There being no objection, the Clerk read the bill as follows:

H.R. 6836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That James A. Schultz, of Peoria, Illinois, is relieved of liability to the United States in the amount of $4,958.37, which represents the amount that Mr. Schultz is indebted to the Department of Agriculture for overpayments for travel and relocation expenses arising from his employment transfer to the United States Forest Service, Milwaukee, Wisconsin, on July 15, 1978. Mr. Schultz was erroneously informed by agents of the Federal Government that he was entitled to reimbursement of all travel and relocation expenses he incurred with respect to such transfer.

SEC. 2. The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Mr. Schultz, $921.74, in full settlement of his claims against the United States for payments he has made to reimburse the Department of Agriculture for travel and relocation expenses which it erroneously paid to him with respect to the transfer referred to in the first section of this Act.

SEC. 3. No part of the amount appropriated by section 2 of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BLACK HILLS AREA COUNCIL OF THE BOY SCOUTS OF AMERICA

The Clerk called the bill (H.R. 2864) for the relief of the Black Hills Area Council of the Boy Scouts of America.

There being no objection, the Clerk read the bill as follows:

H.R. 2864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to the Black Hills Area Council of the Boy Scouts of America, the sum of $18,831 as reimbursement for expenses incurred by it in reconstructing that portion of the Black Hills National Forest road (known as Bobcat Road) which provides access to Medicine Mountain Boy Scout Camp, Hill City, South Dakota.

SEC. 2. No amount in excess of 10 per centum of the sum appropriated by the first section of this Act shall be paid to or received by any agent or attorney in consideration for services rendered in connection with the appropriation described in the first section. Violation of this section is a misdemeanor, and any reason convicted thereof shall be fined not more than $1,000.

With the following committee amendment:

Page 2, line 1: Strike "$18,831" and insert "$12,531".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate bill (S. 659) for the relief of the Black Hills Area Council of the Boy Scouts of America, an identical bill, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to the Black Hills Area Council of the Boy Scouts of America, the sum of $12,531 as reimbursement for expenses incurred by it in reconstructing that portion of the Black Hills National Forest road (known as Bobcat Road) which provides access to Medicine Mountain Boy Scout Camp, Hill City, South Dakota.

SEC. 2. No amount in excess of 10 per centum of the sum appropriated by the first section of this Act shall be paid to or received by any agent or attorney in consideration for services rendered in connection with the appropriation described in the first section. Violation of this section is a misdemeanor, and any person convicted thereof shall be fined not more than $1,000.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 2864) was laid on the table.

MICHAEL G. MACDONALD

The Clerk called the bill (H.R. 5687) for the relief of Michael G. Macdonald.

There being no objection, the Clerk read the bill as follows:

H.R. 5687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay to Michael G. Macdonald of Alexandria, Virginia, in a lump sum, out of any money in the Treasury not otherwise appropriated, the sum of $8,700.60. The payment of such sum shall be in full satisfaction of all claims of such individual against the United States for the demurrage charges paid by such individual with respect to the dockside storage of the household goods and personal effects of such individual in London, England, beyond the sixty-day temporary storage time limit authorized by regulations prescribed under subchapter II of chapter 57 of title 5, United States Code. The dockside storage of such goods (from June 1974 until May 1975) was necessitated by the lack of storage space either at the United States Embassy in London, England, to which such individual had been assigned as a politico-military attaché, or at the temporary accommodations occupied by such individual and his family while waiting for Government-furnished quarters to become available.

SEC. 2. It shall be unlawful for any amount in excess of 10 per centum of the lump-sum payment designated in the first section of this Act to be paid to or received by any agent or attorney in consideration for services rendered in connection with such lump-sum payment. Any person who violates the preceding provisions of this section shall be fined not more than $1,000.

With the following committee amendment:

Page 1, line 1: Strike "$8,700.60" and insert "$12,122.21".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATE OF PHILIP H. WARD

The Clerk called the bill (H.R. 4966) for the relief of the estate of Philip H. Ward.

There being no objection, the Clerk read the bill as follows:

H.R. 4966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,082.45 to the estate of Philip H. Ward in full settlement of its claims against the United States for expenses which Mr. Ward incurred in connection with his services as a referee in bankruptcy and for which Mr. Ward was not reimbursed by the United States under the fee system in effect at the time.

SEC. 2. No amount in excess of 10 per centum of the sum appropriated in the first section shall be paid to or received by any agent or attorney for services rendered in connection with this claim. Any person violating the provisions of this section shall be fined not more than $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR REINSTATEMENT AND VALIDATION OF CERTAIN U.S. OIL AND GAS LEASES

The Clerk called the bill (H.R. 6258) providing for reinstatement and validation of U.S. oil and gas leases numbered C–9496, C–9711, C–11600, C–11621, C–11622, C–11630, C–11631, C–11597, C–11599, C–13774, C–14197, C–17049, C–18262, C–26048, C–13532, C–11581, C–11585, C–11590. C–11591. and C–11595.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AUTHORIZING AND DIRECTING SECRETARY OF INTERIOR TO REINSTATE OIL AND GAS LEASE NEW MEXICO 33955

The Clerk called the bill (H.R. 6538) to authorize and direct the Secretary of the Interior to reinstate oil and gas lease New Mexico 33955.

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

RELATING TO CERTAIN MINING CLAIMS

The Clerk called the bill (H.R. 7698) for the relief of two mining claimants.

There being no objection, the Clerk read the bill as follows:

H.R. 7698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon application under this Act by the record owners thereof, the Secretary of the Interior, hereinafter referred to as "the Secretary", shall reconsider mineral patent application numbered N–11818 for the Airway Number 19 mining claim in Nevada.

SEC. 2. If the Secretary determines that the applicants would have been entitled to a patent under the mining laws, if they or their predecessors had posted their mining claim in the manner and in the time period prescribed by the first section of the Act of August 12, 1953 (30 U.S.C. 501), the Secretary shall issue a patent to the applicants under this Act, subject to the limitations and conditions in section 3 hereof.

SEC. 3. (a) The patent issued under this Act shall convey title to only the sand and gravel deposits within the claim and shall reserve to the United States all title in or to the other minerals and to the surface of the lands and products thereof. No use of the surface of the claim shall be allowed except that which the Secretary determines to be reasonably required for carrying on mining of the sand and gravel.

(b) Patent shall be issued only upon payment to the Secretary of the purchase price prescribed for placer claims by Revised Statute section 2333 (30 U.S.C. 37) and such administrative costs of adjudication and conveyance as are determined by the Secretary.

SEC. 4. If the Secretary determines under section 2 hereof that the applicants are entitled to a patent under this Act and a patent is issued, the record owners of the Airway Number 19 mining claim and their predecessors in interest shall be entitled to all of the rights and benefits they would have had under the mining laws if they had posted their mining claim in the manner and in the time period prescribed by the first section of the Act of August 12, 1953 (30 U.S.C. 501), except the right to a patent under the mining laws.

The bill was ordered to be engrossed and read a third time. was read the third time, and passed, and a motion to reconsider was laid on the table.

H. F. MULHOLLAND AND THE ESTATE OF JOHN OAKASON

The Clerk called the Senate bill (S. 1626) for the relief of H. F. Mulholland and the estate of John Oakason.

There being no objection, the Clerk read the Senate bill as follows:

S. 1626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of section 31(c) of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 188(c)), the Secretary of the Interior is authorized and directed to receive, consider, and act upon a petition of H. F. Mulholland and the estate of John Oakason, lessees of record of terminated oil and gas lease numbered W–11843, for reinstatement of said lease if such petition is filed within ninety days after the effective date of this Act, together with the required rental, if any, including back rental accruing from the date of termination of the lease, notwithstanding the time limit for payment of such rental set forth in section 31(c) (30 U.S.C. 188(c)). The date of termination of the primary term of said lease as reinstated shall be May 31, 1985.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. ALICE W. OLSON

The Clerk called the bill (H.R. 5160) to amend the Act entitled "An act for the relief of Alice W. Olson, Lisa Olson Hayward, Eric Olson, and Nils Olson."

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DOCUMENTATION OF VESSELS WITH COASTWISE PRIVILEGES

The Clerk called the Senate bill (S. 1442) to authorize the documentation of the vessel *Sara* as a vessel of the United States with coastwise privileges.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the Senate bill be passed over without prejudice.

The SPEAKER. is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. That concludes the call of the Private Calendar.

CONSTITUENTS ASK, "WHY CAN'T WE DEPORT IRANIANS WHO DEMONSTRATE?"

(Mr. HIGHTOWER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIGHTOWER. Mr. Speaker, while in their districts during the past 2 weeks I am sure many of my colleagues were asked the same questions repeatedly that I was: "Why can't we deport Iranians that are demonstrating and repeatedly harassing our people and trying to humiliate our country. What do they want? Who do they think they are?"

A bill I originally introduced last November, H.R. 5813, which now has 75 cosponsors, specifically addresses this problem. It amends the Immigration and Nationality Act to provide for the deportation of nonimmigrant alien students who knowingly participated in a violent political demonstration or otherwise participated in activities inconsistent with the terms of their admittance to the United States. No action has been taken by the committee on this bill for fear of jeopardizing the lives or well-being of the American hostages in Iran. I believe we have put up with this nonsense long enough.

Recently, 192 Iranian men and women demonstrators were released from custody in New York. The Immigration and Naturalization Service could have deported those who initially refused to give their names. Instead, they were released and are free to roam our streets and incite more political demonstration. Incredibly, out of the group, only one Iranian is under deportation proceedings and one other has been served with an order to show cause why he should not be deported.

I think most Members of Congress agree that we have taken this abuse long enough. I urge the members of the Subcommittee on Immigration, House Judiciary Committee, to schedule immediate hearings on H.R. 5813. I also invite more of my colleagues to cosponsor this legislation in an effort to rid our Nation of these new unwelcome guests.

☐ 1210

ANDERSON EXPRESSES SUPPORT FOR THE PEOPLE OF POLAND

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, I rise today to express my support for the workers and the people of Poland who, in great numbers, have been voicing their dissatisfaction with the policies of their government.

Like the Soviet Union, Poland is a totalitarian state. The only way such a government can maintain itself is by prohibiting the establishment of nongovernmental institutions. That is why, for example, these governments attempt to stifle religious practices within their borders.

Totalitarian governments ought to fear the rise of nongovernmental institutions. They can be properly viewed as potential bases for dissent and, in societies which are not open like ours, such dissent is not tolerated. That is why the government opposes the demands being made by the workers for things that we take for granted; the abolition of censorship, and the establishment of an independent labor movement.

In the United States, we have these things. And at times, members of the press or the labor movement do criticize the Government. But our Government, which has the support of the people, can withstand such criticism, and indeed, can be made stronger by it. We know this, and so we cherish the ideals of free press and free speech. Totalitarian governments condemn those ideals. They are the antithesis of their existence. By definition, these freedoms cannot exist under totalitarian regimes; or the regime will not long stand.

Mr. Speaker, I am encouraged by these attempts of the people of Poland to instill basic freedoms into their government.

PEACETIME REGISTRATION WORKS SMOOTHLY

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, the peacetime registration of America's 19- and 20-year-old young men has been completed. The tactics used by the opposition did not have much effect on our Nation's young men. Contrary to what the opposition said, no one got hurt registering and no one who registered has been sent off to war.

The information gathered from registration will be invaluable in case there is ever a need for an emergency mobilization of our manpower.

At this time, the Selective Service System does not have a final report on how many young men registered, but it is expected that it will be a high percentage. The report on the percentage who registered will be available around the 1st of September. Our young men came through for us.

REGULATORY REFORM AND LEGISLATIVE VETO LEGISLATION SHOULD BE REPORTED OUT

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, the time has now come for the Committee on the Judiciary to report out the regulatory reform bill and for the Committee on Rules to report out H.R. 1776, the measure providing for legislative veto over all the bureaucratic rules and regulations which has over 230 cosponsors.

The American people are no longer willing to wait. Meaningful regulatory reform can be accomplished in this Congress. For that legislation to be pigeonholed in committee is a disgrace, and there will be a reaping of the whirlwind if that legislation is not reported out.

Mr. Speaker, I intend from this point forward to remind my colleagues and the American public of the responsibilities of the committees of Congress to report this legislation out so this House and the other body may do its will.

Mr. Speaker, the American people are fed up with unelected bureaucrats passing laws, called regulations, and running their lives by regulatory fiat. It will reflect adversely on the leadership of this House if these bills are not reported out and voted on.

GLOBAL MILITARY COSTS OUTSTRIP ECONOMIC AID EXPENDITURES

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, in yesterday's Washington Star, there was a very brief item of great magnitude in terms of world survival.

The World Bank reported that global military expenditures totaled $400 billion in 1977 by industrial countries. This was 17 times greater than the percentage they devoted to aid for human needs such as education, health care, and housing. In the same issue of the Star, the World Bank also warned that billions of people are suffering from malnutrition and the prospects of aid are very dim.

The use of our means as a world community for arms and not food may result in a world catastrophe. I hope we examine our own foreign aid policy and look to a view of economic aid and not military aid to foreign countries.

VFW ENDORSEMENT OF REAGAN BREAKS 80-YEAR PRECEDENT

(Mr. GRADISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRADISON. Mr. Speaker, yesterday, Gov. Ronald Reagan received the endorsement of the Veterans of Foreign Wars—an 80-year precedent was broken with this endorsement of a nonincumbent Presidential candidate.

And why this endorsement of Ronald Reagan by the Veterans of Foreign Wars?—because as Ronald Reagan said yesterday:

> Only those who have known war can understand that peace cannot be gained or preserved by wishing and weakness.

Indeed, the whole world knows that the Soviets and their friends are advancing while this administration seems totally oblivious to that reality.

This administration talks of peace and justice—

Yet tens of thousands of boat people leave their native land;

Death and slaughter in Southeast Asia is a daily occurrence; and

Afghanistan suffers a savage attack on its people.

These inconsistencies of the administration's view, of the world and of reality, is the problem. The members of VFW endorse Governor Reagan's statement that—

> Firmness based on a strong defense capability is not provocative . . . but weakness can be provocative.

A policy by Governor Reagan that states a margin of safety in our military power which will be "unmistakable to others" makes sense not only to the VFW, but to a majority of Americans as well.

Make no mistake, as Governor Reagan said:

> We're already in an arms race, but only the Soviets are racing.

GOVERNOR REAGAN WANTS PEACE THROUGH STRENGTH

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, a French citizen on my flight back from Arizona last Sunday repeated widespread propaganda initiated by the Carter administration that Governor Reagan, as President, would get our Nation into war.

This is pure propaganda, utterly untrue, an attempt by President Carter to focus attention away from his own disastrous policies that have badly weakened U.S. military capabilities and invited Soviet aggression.

Governor Reagan is thoroughly committed to a policy of peace through strength—believing that foreign aggression can only be deterred by the sure knowledge that U.S. military forces are capable of defeating any aggressor.

A Reagan administration would never initiate a U.S. first strike, or military action of any kind unless an act of war was first committed by a hostile foreign power.

Governor Reagan's commitment to renewed U.S. military strength is intended to prevent war, to maintain world peace, and if necessary to successfully defend freedom, which is what the American people want for our Nation and the world.

COUNTDOWN FOR PEACE—78 DAYS UNTIL NOVEMBER 4

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute.)

Mr. ASHBROOK. Mr. Speaker, there are 78 days until November 4. The American people are watching this election with great interest. As a matter of fact, it would be fair to say that the great national pastime for those who are not participants will not be baseball but to watch the election process unfold.

There is also a countdown that begins today. There is a countdown for peace. There are 78 days that this country should not go to war for political reasons.

I would say to my friend, the gentleman from Mississippi (Mr. MONTGOMERY), who just addressed this body on the draft, that the most recurring question I received during the 4 weeks I was home during our work recesses was from good patriotic parents who said they questioned the draft because they thought it might be the first step in a scenario in which a desperate President might embroil this country in a politically motivated war. They say to the President, "Don't do it, Mr. President."

I told the people uniformly that I do not believe we have a President or that we would ever have a President who would engage in such tactics. But I think the revelations by Jack Anderson, yet to be disproved, add substance in their fears. No doubt Mr. Carter is in a corner. It would be an irresponsible act to use military activity to influence an election.

There is a countdown that begins today—78 days, 78 days for peace or for war, if you want to look at it from the opposite point of view.

Mr. Speaker, we say, "Don't do it, Mr. President. Don't involve us in war, no matter what your political fate might decree." The countdown is on.

NEW STUDY FINDS NITRITES DO NOT CAUSE CANCER

(Mr. GRASSLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRASSLEY. Mr. Speaker, 2 years ago the U.S. Department of Agriculture and the Food and Drug Administration released Dr. Newberne's study conducted at the Massachusetts Institute of Technology which, for the first time, showed that nitrite in and of itself was cancer causing. This study turned out to do untimely damage to the livestock industry, and it could have been a potential danger to consumers because of botulism if nitrite had been banned.

Several Members of Congress, including myself, challenged that study. Our challenge resulted in a scientific review of the study. The results of the follow-up review and the release today from the USDA and the FDA said that that original study was wrong. Nitrites are not cancer causing. The USDA and the FDA should now be as vocal about the safety of nitrites as they were originally about the danger that can come from nitrites.

CHANGING ELECTION DAY TO SUNDAY

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, in an attempt to stimulate our Nation's dangerously low voter turnout rate, I have introduced legislation to change election day from Tuesday to Sunday for a 6-year trial period.

Evidence clearly shows that voter turnout in Western European democracies where national elections are held on Sundays is far greater than our own. In the most recent elections held in those countries, 91 percent of the West Germans, 90 percent of the Swedes, 88 percent of the Italians, and 87 percent of the French voted.

This contrasts sharply with our own disappointing figures for 1976—a very heated Presidential election year—which show only 54 percent of eligible U.S. voters actually participated. In the 1978 non-Presidential election, national totals were far worse, with only 34 percent of the eligibles voting.

The legislation is also aimed at preventing west coast voter apathy by providing that all polling places be open during the same 9-hour period for the 1984 and 1988 Presidential elections.

Interestingly, various religious leaders throughout the country have responded favorably to the Sunday voting idea.

Mr. Speaker, I offered this legislation as an effective means to strengthen our democracy. I urge its prompt consideration.

GOVERNOR REAGAN'S PROPOSALS DESERVE SERIOUS ATTENTION

(Mr. EVANS of Delaware asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVANS of Delaware. Mr. Speaker, I am deeply saddened to read in today's paper about the irresponsible statements made by White House mouthpiece Jody Powell in reaction to Governor Reagan's speech before the VFW National Convention yesterday.

Governor Reagan made thoughtful and critically required comments relating to our national security and the needs of our veterans. Yet Mr. Powell has responded with what can only be characterized as deliberate distortions of the facts. Never, for instance, has Governor Reagan ever proposed "hundreds of billions of dollars" worth of more defense spending or of tax reductions as Mr. Powell asserts. However, the administration continues to try and perpetuate this lie in order to cover up for 4 years of neglect.

If press releases and glib media hypes could defend America, the Carter administration would have already made our country invulnerable. Unfortunately, they cannot. You cannot "Rafshoon" the Russians. Governor Reagan's proposals deserve the serious attention of the American people—before it is too late to correct our shrinking margin of safety.

CARTER'S STOP-AND-GO DEFENSE POLICY

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, yesterday the Carter administration again performed its "talking out of both sides of its mouth at the same time" trick. While Jody Powell was attacking Governor Reagan's speech to the Veterans of Foreign Wars as "underestimating the intelligence and good sense of the American people," other White House aides were denying that President Carter's recent turnabout in defense posture was "politically motivated." That assertion will never survive the scrutiny of an informed electorate.

I am sure the VFW leadership and membership is secure in the intelligence of endorsing a Presidential candidate who has always advocated a strong defense deterrent, rather than one who promised a pay raise to a ship full of sea-weary sailors the same week he opposed our budget resolution because defense spending was too high. And Jody Powell accuses Governor Reagan of "trying to have it both ways."

For a President who gives himself an "A" in energy policy, his stop-and-go defense policy is an incredible waste of energy. I agree with the President on one thing, he was prejudiced in the scores he gave himself.

GOVERNOR REAGAN'S TRIBUTE TO VETERANS

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAMMERSCHMIDT. Mr. Speaker, yesterday Gov. Ronald Reagan spoke before the national convention of the Veterans of Foreign Wars. Although his speech was widely covered, I hope every one of my colleagues will take the time to read it in its entirety, for it is truly a definitive document regarding our country's spiritual doldrums over the past 3½ years, and what needs to be done to put our Nation back on its feet as the leader of the free world.

I was particularly pleased, as the ranking member of the Veteran's Affairs Committee, to hear the sections of our future President's speech that dealt with veterans issues. A nation lives in peace because it is strong. It is strong because it has the means to defend itself, and the will to use those means if necessary. Our country has been demoralized since Vietnam, and the leaderless administration that now occupies the White House has only made this worse.

A country that calls on its citizens to fight must also continue to care for those who have fought. It is the clearest indication that a nation values such service. Under the Carter administration, as Governor Reagan so aptly pointed out, those who have fought have been ofttimes insulted. It is truly gratifying to see that the Reagan administration will put an end to such indignities, for the whole notion of national strength is embodied in those symbolic acts.

INCONSISTENCIES OF THE CARTER ADMINISTRATION

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, I was very interested and upset to read, on the fourth page of today's Washington Post, a quote by the official apologist and obfuscator of the administration, Mr. Jody Powell, when he says, referring to Mr. Reagan:

> He appears to be trying to have it both ways and he seems again to underestimate the intelligence and good sense of the American people.
>
> Powell also criticized Reagan's statements about the U.S. response to Soviet aggression.
>
> In sum, the Governor seems to favor a firm response to Soviet aggression as long as that response is not controversial and does not risk the loss of any votes.

Powell implies that Mr. Reagan is not tough on national defense, and that the Carter administration has been firm in this area.

One only has to read about the Carter record as covered in today's Washington Post to see the inconsistencies of this administration in the critical area of national defense.

Highlighted are a number of actions which have had a major negative impact on our national defense. They include the canceling of the B-1 bomber, the canceling of enhanced radiation weapons—the so-called neutron bomb, to the promise of additonal benefits for armed services personnel, and then canceling them, and on and on and on.

I have just returned from NATO—I am the ranking minority member of the NATO Subcommittee of the Committee on Armed Services—and to say that the Germans, and particularly Chancellor Schmidt, is unhappy with President Carter for having pulled the rug out from under him after getting him to support enhanced radiation weapons is an understatement.

It is my intention to have a series of discussions such as this in the days to come.

THE WILL TO BE FREE IS REAL

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, what is currently happening in Poland is an example of infrequent, but unquenchable, flashes of the torch of freedom in the course of human events. Since the end of World War II, the world has seldom witnessed incidents of human self sacrifice in the cause of liberty. But such incidents have indeed occurred.

The world has been shaken with the realization that there really is a hope for mankind that the chains and shackles of manmade governments can never permanently repress the soul of man which owes its existence to a higher authority.

In Hungary in the 1950's, in Czechoslovakia in the 1960's, in Poland a decade ago, in Afghanistan for the last year, in Cuba more recently, and now in Poland again, men have shown that they will not remain docile and subservient to tyrants who seek to enslave them.

The will to be free is just as real as is the will to survive.

FALLING BEHIND

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, yesterday I suggested to this body that the difference between a responsible and irresponsible tax cut would clearly depend on the economic circumstances at the time of its enactment, and the type of cut proposed.

Speaker after speaker at the Democratic Convention—including the President—caviled and scolded at the proposal many of my colleagues and I have sponsored for a tax reduction this year. It appears the leaders of the Democratic Party are as out of step with the elected Members of Congress as they are with the American taxpayers.

Yesterday, the Senate Financce Committee voted 16 to 0 to proceed on a tax cut bill now. Tentatively it is to be in the $25 billion range, equally divided between cuts for individual taxpayers and incentives to increase productivity.

If we assume that the $12.5 billion in productivity incentives are not inflationary, in a $2.5 trillion economy, the $12.5 billion taxcut for individuals probably would not impact inflation either in a declining economy.

The point is that we can fashion a responsibble tax cut this year and the Senate Finance Committee obviously has taken a major first step to do just that. The House should be ahead; soon we will be far behind. If we lose our constitutional "initiative" in tax legislation, we have no one to blame but our leaders and ourselves.

☐ 1230

HIGHER DEGREE OF RESPONSIBILITY SHOULD BE DEMONSTRATED BY PRESIDENTIAL CANDIDATES

(Mr. PRITCHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRITCHARD. Mr. Speaker, many of us feel that we are going into what some people refer to as the silly season in America, and while it seems very silly and unusual, it is an important time.

I am distressed by a number of the comments and the level of comments that are taking place in America concerning our race for the Presidency.

I do not think we help our American political process by wild statements or by spending our time reaching back to see what somebody said 20 years ago or 15 years ago or 10 years ago.

There are substantive issues that should be discussed between the two parties. I was disturbed by the speeches at the Democratic Convention and particularly Vice President MONDALE's speech, when he went so far out on a limb and reached such a high decibel, and an attack which I think was personal.

We in Congress can play a role in getting this campaign back to the substantive issues. It will not be helped by statements such as Jody Powell made about hundreds of billions of dollars that Governor Reagan called for in tax cuts or in defense spending. That just was not true. I think all of us in the administration and Congress can take a more responsible turn.

PROMISES, PROMISES—THE DEMOCRAT REALITY GAP

(Mr. ROUSSELOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSSELOT. Mr. Speaker, the 1976 Democrat Platform made a lot of promises. Here's one that particularly stands out in my mind:

> Economic justice will . . . require a firm commitment to tax reform at all levels. Most families pay between 20 and 25 percent of their income in taxes. We pledge the Democrat Party to a complete overhaul of the present tax system. . . .

While consistently resisting Republican efforts to ease the burden of Federal taxation, the Democrats have enacted the largest 1-year tax increase in the history of our Nation—between $95 and $100 billion.

Federal income taxes will increase in 1981 by 53.5 percent over last year's taxes.

Social security taxes will increase in 1981 by 35.2 percent over last year's taxes.

The median income family this year will pay 22.9 percent more in Federal income and social security taxes than last year even though income and social security tax rates are unchanged.

The 1976 platform promises have dissolved with time. Will the 1980 promises do the same? Promises, promises—who needs them?

THE 1980 PRESIDENTIAL CAMPAIGN

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, I do not blame Jody Powell for being upset that the VFW endorsed Gov. Ronald Reagan's candidacy for President. He is going to have a hard time finding as good a job next year as he has this year.

I think it is an indication of the type of campaign we might be looking forward to in 1980.

I remember 1964, when the Johnson campaign was trying to convince Americans not to vote for BARRY GOLDWATER. I remember the TV commercial of the little girl in the field picking daisies and all of a sudden exploding in an atomic explosion.

I remember that BARRY GOLDWATER lost that election, and it was just a short time after that that the Gulf of Tonkin resolution, as proposed by President Johnson and supported by his Congress, put the United States into the vicious war in Vietnam.

Since that time, of course, the incumbent President has made the point many times. He delights in telling his audiences that during his administration, no American troops have been in combat. The truth is no American troops were in combat when he took office.

He has suggested that because of his efforts, the Arabs in Egypt and the Jews in Israel are no longer at war. He ought to remember that when he took office, Egypt and Israel were not at war.

ONE-MINUTE SPEECHES SHOULD BE USED FOR CONSTRUCTIVE PURPOSES

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, it seems to me that both Republicans and Democrats might decide that we could stop using 1-minute speeches as a great political forum. The public has had so much of conventions, Republican and Democrat. We accomplish so little in shouting out wild phrases on the floor of the House in our 1 minutes that it just seems to me we could make the House of Representatives look a little more responsible and show the concern for the good of the people of this country by legislating and by doing and talking on the issues that we are concerned with.

Now, the rhetoric is wonderful, and the gestures are great; and it makes wonderful viewing, I am sure, for the folks back home on television, but I do not really think they are interested in these kinds of political statements.

It is my hope that the 1 minutes can be used in a constructive way and not simply to argue Democratic-Republican newspaper articles of the day before.

IN DEFENSE OF THE 1-MINUTE SPEECHES IN A DO-NOTHING CONGRESS

(Mr. BAUMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAUMAN. Mr. Speaker, the 1-minute speech rule is an old one in the House. Recently it has been challenged by a number of people who are discomforted by the content of the remarks made by some Members of the House. It is as though the first amendment free speech guarantee were all right for some folks, but not for everyone.

I hope that the 1-minute speech tradition will be carried on in this forum of free speech in the next few weeks, because apparently we do not have anything to do in the way of legislation. It has already been announced by the majority leader of the other body and the Speaker of the House that we will come back for a lameduck session in November. That will avoid voting on a balanced budget or a tax cut or anything that will embarrass the majority party. Thus we will not legislate.

So the gentleman from New York will be disappointed.

We might as well take 1-minute speeches or do something to earn a little bit of our pay. I suspect the new Congress, which may not include the gentleman from New York, and many others, will legislate in the proper manner. This is not it.

DECLARING THAT TITLE TO CERTAIN LANDS IN THE STATE OF NEW MEXICO ARE HELD IN TRUST BY THE UNITED STATES FOR THE RAMAH BAND OF THE NAVAJO TRIBE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the Senate bill (S. 1730) to declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe a measure identical to the bill, H.R. 5003, passed yesterday on the Consent Calendar, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. LEATH of Texas). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the date of the enactment of this Act, title to the following described lands shall be held by the United States in trust for the Ramah Band of the Navajo Tribe:

Township 7 north, range 15 west, New Mexico principal meridian: sections 7, 19, and 31.

Township 7 north, range 16 west, New Mexico principal meridian: sections 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 5003) was laid on the table.

HAY TRANSPORTATION DEREGULATION

Mr. DASCHLE. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 5208, to amend the act of December 20, 1944, as amended, as amended.

The Clerk read as follows:

H.R. 5208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of December 20, 1944 (58 Stat. 836; 12 U.S.C. 1150), is amended by adding at the end thereof a new section 4 as follows:

"SEC. 4. Notwithstanding any other provision of law, no persons who have received or have owing to them, prior to the date of enactment of this section, payments at rates announced by the Secretary of Agriculture for self-hauling of hay or other roughages under the hay transportation assistance program shall be liable for, or be obligated to refund, any amount that is determined by the Secretary to be in excess of the payment computed in accordance with the maximum rate provided by section 8 of the Farmer-to-Consumer Direct Marketing Act of 1976: *Provided*, That the Secretary determines that such persons have otherwise complied with the terms and conditions of, and are otherwise entitled to payments under, the hay transportation assistance program. Any payments made pursuant to this Act shall be made out of funds appropriated or otherwise available on the date of enactment of this Act for disaster relief.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from South Dakota (Mr. DASCHLE) will be recognized for 20 minutes, and the gentleman from Kansas (Mr. SEBELIUS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5208, legislation which amends the act of December 20, 1944, as amended.

The drought of 1976, not unlike the severe drought conditions currently confronting the agricultural producers in my State of South Dakota, brought programs administered by the Federal Government to mitigate the impact of the drought on the farming and ranching community.

The legislation before us this morning addresses itself to the administrative problems associated with the hay transportation assistance program (HTAP), a disaster assistance program funded by the Federal Disaster Assistance Administration (now called the Federal Emergency Management Agency), and administered by the Department of Agriculture's Agricultural Stabilization and Conservation Service.

As a result of legislation signed into law on October 8, 1976, the ASCS was directed to reimburse eligible livestock producers for 80 percent of the cost of transporting feed to their livestock herds, to a maximum of $50 a ton.

For those producers who hauled feed with their own vehicles, the Department determined that a flat payment rate of 9½ cents per loaded ton mile implemented the reimbursement rate as provided for in the statute.

It was not until a number of weeks later that the Department determined that those livestock producers who were purchasing beet pulp which was approved as an eligible feed on October 7, 1976, were in fact at a rate of 9½ cents per loaded ton mile being reimbursed in excess of the amount called for in the statute. Upon this determination, on December 1, 1976, the Department established a two-tier reimbursement schedule, establishing a 9½-cents-per-loaded-ton-mile rate for the first 100 miles of transportation, and a 6½-cents-per-loaded-ton-mile rate for any distance over 100 miles.

It was not until after the expiration of this program did the Department of Agriculture's auditors determine that despite the changes which were made in the program, because of the condensed nature of beet pulp as well as the use of large capacity vehicles, producers were receiving transportation assistance in excess of that allowed in the statute. Based on this determination, the Department sought to recover the overpayments made to livestock producers as a result of the Department's error. Some producers did repay the Federal Government, and other producers have claims against them which are outstanding.

The objective of this legislation is very simple: It allows the Department of Agriculture to reimburse farmers and ranchers at the rate that was in effect at the time they were approved and determined by their county ASCS Committee to be eligible for assistance.

By allowing the Department to make these payments, Mr. Speaker, we are only keeping with the concept of fair play. This legislation simply allows the Department to honor its commitment made to livestock producers who participated in the hay transportation assistance program. It allows the Department to close the books on a very unfortunate incident that has impaired on the honor of the Federal Government, and has inflicted a tremendous financial burden on the producers involved with this program.

Second, this legislation is in no way intended to provide reimbursement to any producer who received an overpayment either through fraud or innocent error.

Mr. Speaker, if this legislation is not approved, the Department, in internal memorandums, will be committed "to review payments made to all participants in the program to determine whether other types of roughage were also transported under a self-haul rate in excess of the maximum. This review would involve eight States and approximately 36,000 participants records." For the Federal Government to undertake this review some 3 to 4 years after the expiration of the program would be unconscionable. In the interest of fairness to all of the producers who participated in good faith in the hay transportation assistance program, I urge the passage of this legislation.

□ 1240

Mr. Speaker, I reserve the balance of my time.

Mr. SEBELIUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today is a simple house-cleaning measure that we would like to dispose of as quickly as possible. A number of my colleagues shared my view that this problem should have been handled administratively; however, Agriculture Department attorneys felt that they did not have the legal authority to act.

For this reason, the department brought the issue to Congress for resolution. As my colleague, the gentleman from South Dakota, so ably described, back in 1976, the Agriculture Department inadvertently overpaid some of the farmers hauling livestock feed under the hay transportation assistance program. Unless Congress acts, the Department must seek to recover those overpayments.

At the time the program was operating, many contracts were executed based on the level of assistance announced by the Secretary of Agriculture. Since participants had no knowledge that the announced flat rate exceeded the legal maximum rate, I think it is unfair to ask them to pay for the Government's mistake.

Mr. Speaker, I am going to support this bill and I urge my colleagues to do the same.

Mr. DASCHLE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Speaker, I do not like to take the floor in opposition to a proposal from my good friend, but I find this very difficult to understand at this time.

Basically, what we are doing and the real dollars involved here, representing approximately half a million dollars, is that we are saying that the Secretary of Agriculture made a mistake, and he did make a mistake in his calculations. Because he made that mistake, we are now saying to the taxpayers, "We are not going to take that money back. We are just going to let it go."

Now, in reality, I know of no other circumstance where we have had situations, in fact, I can think of some where we have insisted on repayment at the Federal level. I think a mistake has been made, but you can imagine if your bank made a mistake or the IRS made a mistake and refunded you too much money and then said to you, "Well, forget it. We made a mistake and you have spent the money. You don't need to pay it back."

This is really the issue we are discussing.

I believe that, this can be handled administratively without a major problem just by correspondence.

I do not understand why we should give away a half a million dollars because the Secretary of Agriculture in 1976 made a mistake in his calculations. I think the money is collectible without any major administrative expense.

I trust the honor and integrity of the farmers who were involved. Let them be notified on what has happened. They all have their records and let them refund; but certainly I do not think we ought to encourage a program or set a precedent that says that when a Department makes a mistake, a couple years later we will simply forgive them.

I thank the gentleman for my time.

Mr. DASCHLE. Mr. Speaker, first of all, reference is made to half a million dollars. The best estimate we can put on the bill, and certainly that estimate provided us by the Congressional Budget Office is $200,000.

We are also talking about 36,000 farmers potentially affected and the credibility of the Department of Agriculture, which admittedly is already extremely low. We are talking about a mistake that they made which is commonplace in the Department of Agriculture; but the fact of the matter is that this is a very serious one, coming at a time when prices are extremely low. I think that this having happened so many years ago and given the fact that the administrative cost of this program could even exceed that cost that we are talking about within the Congressional Budget Office estimate, certainly warrants passage of this legislation.

Mr. PEYSER. Mr. Speaker, will the gentleman yield for a moment?

Mr. DASCHLE. Yes. I would be happy to yield.

Mr. PEYSER. The gentleman mentioned the $200,000. My staff has talked with the Department of Agriculture this morning, I believe also with the staff of the Agriculture Committee, and the figure could very well be half a million dollars counting the refund money and the additional $300,000 that would be involved. That is what the Department has said and that is what I believe the staff of the Agriculture Committee itself has indicated.

Mr. DASCHLE. I think that is very disputable, because we have done an extensive amount of work and study on this issue and cannot come up with a figure anywhere near that. I would contend that the $200,000 figure is much closer to the figure we are talking about.

Mr. SEBELIUS. Mr. Speaker, I yield myself 1 additional minute, just to respond to what the gentleman from New York, who is a former valued member of the Agriculture Committee and the man who killed the sugar program and ever since then we have had nothing but uncertainty and driving it out of business, but my remark is that there are 36,000 farm accounts with the Department of Agriculture on this subject and if we have to audit them all to try to find out what farmers got overpaid, we are going to spend several millions of dollars. So I am not going to quibble with the gentleman on figures. I just say let us pass this bill and get on with something more important.

Mr. PEYSER. Mr. Speaker, will the gentleman yield for a moment?

Mr. SEBELIUS. Surely.

Mr. PEYSER. Mr. Speaker, I thank the gentleman, my good friend, for yielding and at any opportunity I have, such as now, I want to say how sorry I am that my good friend has decided not to come back to the Congress next year, because he certainly will be sorely missed; however, I do want to say that he has been a fiscal conservative in many matters and I agree with that.

It just seems to me that it is stretching a point to say that we should now write off, whether it is $200,000 or half a million, as has been indicated, write off that money.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. SEBELIUS. Mr. Speaker, I yield myself just a half a minute to respond.

The cost is far more than the $200,000 to audit these accounts, so we might as well just clean it up.

● Mr. FOLEY. Mr. Speaker, I rise in support of the bill, H.R. 5208, as amended, a bill to amend the act of December 20, 1944, as amended.

The bill would provide relief to certain livestock producers who, because of a miscalculation on the part of the Department of Agriculture, received emergency assistance payments for the transportation of hay and other roughages calculated at a rate which exceeded the payment rate authorized by statute.

In the summer of 1976, it became apparent that livestock producers needed Federal assistance because of the impact of the drought on the various sources of livestock feed, such as hay and feed grains. For years, the U.S. Department of Agriculture had operated a program of providing subsidized livestock feed in such situations. However, in the summer of 1976, this program was not in operation, inasmuch as there were no longer stocks of surplus feed grains.

To fill this gap, the President exercised the broad authority given to him by Congress in section 305(a) of the Disaster Relief Act of 1974:

> In any emergency, the President may provide assistance to save lives and protect property and public health and safety.

He authorized the implementation of a hay transportation assistance program. The program was funded by the Federal Disaster Assistance Administration but was administered by the Agricultural Stabilization and Conservation Service of the Department of Agriculture.

The purpose of the program was to provide livestock producers with financial assistance for transporting roughage purchased from points beyond their normal trade area to the location of their livestock in a designated drought-stricken county. In implementing the program in 1976, the Secretary of Agriculture provided that assistance would be limited to specified amounts per ton. The program was later revised in some respects, and on October 7, 1976, the program was further changed to include beet pulp as an eligible roughage.

The Farmer-to-Consumer Direct Marketing Act of 1976 (approved October 8, 1976) required the Secretary, in carrying out the program, to pay 80 percent of the cost of transporting hay (not to exceed $50 per ton) from areas in which hay was in plentiful supply to areas where farmers or ranchers needing assistance were located. Wherever farmers performed the transportation themselves, the Department established and paid a uniform rate of reimbursement of 9.5 cents per ton mile, effective October 8, 1976.

After a few weeks of experience under the program, the Department found that the rate resulted in overpayments in virtually all cases involving self-transportation of roughage for distances of over 100 miles. Consequently, on December 1, 1976, the rate for self-hauling was adjusted from a flat rate of 9.5 cents per ton mile to a two-step rate of 9.5 cents for the first 100 miles and 6.5 cents for the remainder of the trip. This change was to correct what had been found to be excessive payments to farmers hauling longer distances.

Upon the program's expiration, it was learned through an audit that farmers who had transported beet pulp pellets in their own conveyances had, under the flat rate, been paid in excess of 80 percent of the cost of transportation. This happened because of the condensed nature of the roughage and the large capacity vehicles for hauling. Approximately 40 farmers who transported beet pulp in their own vehicles have, pursuant to claims asserted against them, made partial refund of payments received under the program. Claims against other farmers are pending.

In many cases, contracts were executed for the purchase of roughage in reliance on the level of assistance announced by the Secretary. Since the participants had no knowledge that the announced flat rate exceeded the legal maximum rate, at the time the contracts were executed, it is considered to be unfair and harsh to require these producers to make repayments.

H.R. 5208 will provide relief by allowing payments to stand as made to those participants who transported roughage in their own conveyance and were paid on the basis of the announced flat rate that was in effect at the time. The liability of those who have not made the requested refund would be canceled; and reimbursement would be made to those farmers who have already made a refund. Under the bill, the Secretary would retain authority to insure that the program participants who would be relieved by the bill have complied with all other requirements of the program. It is estimated that costs associated with the bill will not exceed $200,000.

Any payments made under this bill will be made out of funds appropriated or otherwise available on the date of enactment for disaster relief. The bill was ordered reported by the Committee on Agriculture by a vote of 35 to 1.

I urge the Members to support the enactment of this bill.●

Mr. DASCHLE. Mr. Speaker, I have no further request for time. I yield back the balance of my time.

Mr. SEBELIUS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Dakota (Mr. DASCHLE) that the House suspend the rules and pass the bill, H.R. 5208, as amended.

The question was taken.

Mr. PEYSER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 303, nays 89, answered "present"—1, not voting 39, as follows:

[Roll No. 453]

YEAS—303

Abdnor
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Ashbrook
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Bedell
Beilenson
Bereuter
Bethune
Bevill
Biaggi
Blanchard
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Brown, Calif.
Brown, Ohio
Buchanan
Burlison
Burton, John
Burton, Phillip
Byron
Campbell
Carr
Cavanaugh
Chappell
Clausen
Clinger
Coelho
Coleman
Collins, Ill.
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Philip
Daniel, Dan
Danielson
Daschle
Davis, S.C.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Dickinson
Dicks
Dingell
Dixon
Dodd
Donnelly
Dornan
Drinan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Emery
English
Erdahl
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fazio
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Frost
Fuqua
Gephardt
Gilman
Ginn
Glickman
Gonzalez
Goodling
Gramm
Grassley
Gray
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Hawkins
Hefner
Heftel
Hightower
Hinson
Holland
Hopkins
Horton
Howard
Hubbard

/

Huckaby
Hutto
Ireland
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kazen
Kildee
Kindness
Kogovsek
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Leland
Lent
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
McClory
McCloskey
McCormack
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Mathis
Matsui
Mavroules
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Mitchell, Md.
Moakley
Moffett
Mollohan
Montgomery
Murphy, Ill.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
Oakar
Oberstar
Obey
Panetta
Pashayan
Patten
Patterson
Perkins
Petri
Preyer
Pritchard
Pursell
Quillen
Rahall
Railsback
Ratchford
Regula
Reuss
Rhodes
Richmond
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Royer
Russo
Sabo
Santini
Sawyer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Smith, Iowa
Smith, Nebr.
Snowe
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stark
Steed
Stenholm
Stewart
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Thomas
Thompson
Traxler
Udall
Ullman
Vanik
Vento
Volkmer
Walker
Wampler
Watkins
Waxman
Weaver
White
Whitley
Whittaker
Whitten
Williams, Mont.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—89

Archer
Ashley
Beard, R.I.
Beard, Tenn.
Benjamin
Bennett
Bingham
Bolling
Broomfield
Broyhill
Burgener
Butler
Carney
Carter
Cleveland
Collins, Tex.
Conable
Conte
D'Amours
Daniel, R. W.
Dannemeyer
Devine
Downey
Edgar
Edwards, Ala.
Edwards, Calif.
Erlenborn
Fascell
Fenwick
Frenzel
Garcia
Gaydos
Gibbons
Gingrich
Goldwater
Gore
Gradison
Green
Harsha
Heckler
Hillis
Holt
Hughes
Hutchinson
Hyde
Jacobs
Kelly
Kemp
Kostmayer
Lehman
Levitas
McDade
McDonald
McEwen
McHugh
Martin
Mattox
Mazzoli
Minish
Mitchell, N.Y.
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Ottinger
Paul
Pease
Peyser
Porter
Rangel
Rinaldo
Ritter
Rodino
Roth
Rousselot
Rudd
Satterfield
Scheuer
Snyder
Stanton
Stockman
Trible
Van Deerlin
Vander Jagt
Walgren
Weiss
Whitehurst
Wylie
Yates

ANSWERED "PRESENT"—1

Kramer

NOT VOTING—39

Addabbo
Anderson, Ill.
Boggs
Cheney
Chisholm
Clay
Conyers
Crane, Daniel
Davis, Mich.
Dougherty
Early
Edwards, Okla.
Ford, Mich.
Giaimo
Hollenbeck
Holtzman
Ichord
Johnson, Colo.
Jones, Tenn.
Leach, La.
Lungren
Moorhead, Pa.
Murphy, N.Y.
Myers, Pa.
O'Brien
Pepper
Pickle
Price
Quayle
Roberts
Skelton
Stokes
Taylor
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Wydler
Young, Alaska

□ 1300

The Clerk announced the following pairs:

Mrs. Boggs with Mr. Cheney.

Mr. Jones of Tennessee with Mr. Hollenbeck.

Mr. Addabbo with Mr. Quayle.

Mr. Price with Mr. Taylor.

Mr. Murphy of New York with Mr. Lungren.

Mr. Pepper with Mr. Daniel B. Crane.

Mr. Giaimo with Mr. Davis of Michigan.

Mr. Myers of Pennsylvania with Mr. Edwards of Oklahoma.

Mr. Stokes with Mr. Johnson of Colorado.

Mr. Roberts with Mr. Bob Wilson.

Mr. Charles H. Wilson of California with Mr. Young of Alaska.

Mr. Pickle with Mr. O'Brien.

Mrs. Chisholm with Mr. Dougherty.

Mr. Early with Mr. Leach of Louisiana.

Mr. Ford of Michigan with Mr. Williams of Ohio.

Mr. Clay with Mr. Charles Wilson of Texas.

Mr. Ichord with Mr. Wydler.

Mr. Moorhead of Pennsylvania with Mr. Conyers.

Mr. Skelton with Ms. Holtzman.

Mr. YATES, Mr. CONTE, Mrs. HECKLER, and Mr. ASHLEY changed their votes from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DASCHLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. DASCHLE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the Senate bill (S. 1625) to amend the act of December 20, 1944, as amended, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of December 20, 1944 (58 Stat. 836; 12 U.S.C. 1150), is amended by adding at the end thereof a new section 4 as follows:

"Sec. 4. Notwithstanding any other provision of law, no persons who have received or have owing to them, prior to the date of enactment of this section, payments at rates announced by the Secretary of Agriculture for self-hauling of hay or other roughages under the hay transportation assistance program shall be liable for, or be obligated to refund, any amount that is determined by the Secretary to be in excess of the payment computed in accordance with the maximum rate provided by section 8 of the Farmer-to-Consumer Direct Marketing Act of 1976: *Provided,* That the Secretary determines that such persons are otherwise entitled to payments under the hay transportation assistance program.".

MOTION OFFERED BY MR. DASCHLE

Mr. DASCHLE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Daschle moves to strike out all after the enacting clause of the Senate bill, S. 1625, and to insert in lieu thereof the provisions of H.R. 5208, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 5208) was laid on the table.

□ 1310

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS, 1981

Mr. STEED. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7583) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1981, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Ohio (Mr. Miller) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 7583, with Mr. Preyer in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Oklahoma (Mr. Steed) will be recognized for 1 hour, and the gentleman from Ohio (Mr. Miller) will be recognized for 1 hour.

The Chair now recognizes the gentleman from Oklahoma (Mr. Steed).

Mr. STEED. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, since this will be the last time that I will have the honor of bringing this bill before the House of Representatives, I would like to engage in a brief personal digression in order to pay tribute to the members of my subcommittee who have worked so well and so hard and consistently with me in order to bring this bill before us today.

Mr. Chairman, this subcommittee has seven members. I think it is rather an unusual thing that four of the seven members have announced their retirement and will also be serving their last time on this subcommittee before the House today.

Mr. Chairman, I also want to pay tribute to our ranking minority member the gentleman from Ohio (Mr. MILLER) for the faithful and cooperative work he has put in with me. I think we have had something in the neighborhood of 90 hours that we have worked on this bill since last January. The gentleman from Ohio has rendered such fine assistance that I wanted to pay him a very special tribute.

Mr. Chairman, I would also like to say that I think the report accompanying this bill is the best report that I have read. It is clear and thorough in its description of the items in the bill. I commend it to my colleagues because I think it will be very helpful to them if they read it.

Mr. Chairman, I would also like to pay special tribute to the staff, Mr. Gunnels and Mr. Smith, who have had a major part in preparing this report and in keeping our committee supplied with the material it had to have in order to bring this bill here today.

Mr. Chairman, the bill before us provides funding for 62 Federal agencies and functions and it carries a total cost of $126,465,575,000, which is $10 billion more than the amount for the current fiscal year. Of this amount, $9.591,135,000 is for new obligation authority for items the subcommittee could consider. This total is $753,856,900 more than the same agencies had in the current year. It is also $77,435,000 more than the budget request. Almost all of the funds contained in this part of the bill represent automatic increases caused by inflation, increased workload, and new legislation. No substantial or important new functions are provided.

The remainder of the bill deals with the Federal costs that come under permanent authority which does not come under the jurisdiction or control of Congress on an annual basis.

Interest on the public debt is the largest single item in the bill, standing at approximately $80 billion. Treasury experts say even this huge sum may be too small, based on current outlook of the national financial situation. Trust funds and Government corporations not carried in the appropriation budget make up the remainder.

Federal employees funded in the bill come under two broad categories: Those funded by direct annual appropriations and those paid from other sources. Permanent positions funded in the bill total 128,192 which is an increase over 1980 of 1,751 but is 619 below the budget request.

Other employees in the agency funded by permanent appropriations bring the total work force included in the bill to 566,570. The details on these items are contained in the report on pages 2 through 5.

Funding for four of the most important functions of the Federal Government is contained in this bill. These functions include law enforcement, collections of revenues, the world's largest postal service, and policymaking of the world's most powerful Nation.

The U.S. Treasury Department is the world's largest law enforcement organization. Upon its bureaus fall the task of policing counterfeiting and forgery and protecting people and places by the Secret Service, smugglers of people and contraband by the U.S. Customs Service, tax evaders by the Internal Revenue Service, and arsonists, rum runners, moonshiners, and bombing terrorists by the Alcohol, Tobacco, and Firearms Bureau.

Revenues are brought into the Treasury by these agencies in addition to the fact that Treasury's Bureau of the Mint and the Bureau of Engraving and Printing manufacture the metal and paper products that become the moneys of the Nation.

It can truly be said that Treasury collects more money, processes more tax returns, issues more checks to pay Federal bills, arrests more people for law violations, and keeps the largest set of financial books in the world.

The U.S. Postal Service handles more pieces of mail, delivers it to more places, and processes it in more stations than any other nation in the world. For instance, the mail load of New York City alone is a larger volume than the total handled by any other nation on Earth. The postal work force of more than 530,000 people performs its work in large measure in 300 postal facilities. Eighty percent of this force, costing about 88 percent of the total postal budget, is concentrated in these 300 large centers. The remainder is scattered throughout the Nation in more than 30,000 offices.

The General Services Administration, the Nation's housekeeper, has charge of more than 10,000 buildings. About 3,000 of these are federally owned and the remainder are leased. It operates the largest office supply business in the world, totaling more than $2 billion annually. It is one of the largest construction forces in existence and operates the largest car and truck facility in existence. It operates vast national communications systems, automatic data processing facilities and kindred services for all branches of the Government, legislative, administrative, and judicial.

Beginning with the President and his staff, the White House and grounds and the executive offices, the policies of the Government are developed and promulgated by the several executive offices, bureaus and commissions funded in this bill. This work, of course, includes decisions that impact upon the entire world and often affects the lives of all human beings in it.

Other important functions including the keeping of personnel records of the vast army of Federal workers, their employment and their retirement, their work rules and records are provided for in this bill. And one of the most important parts of this bill's responsibility is to fund the National Archives and the Presidential libraries where the priceless heirlooms and records of the oldest continuous government, the United States, are gathered, prepared, and preserved. These include all those documents which at one time or another have been the top secrets of the Nation.

Altogether the more than 560,000 employes provided for in this bill constitute more than one-fourth of the entire Federal work force. It follows that the largest single cost factor in the bill is in wages. This in turn results in a larger proportion of the total budget authority in the bill becoming cash outlays for the fiscal year involved. It also reflects the major impact that all pay raises impose upon these agencies.

The budget requests of the 62 agencies contained in this bill have been carefully reviewed by the subcommittee. I have chaired this subcommittee a great many years and I can say in all honesty I have not brought a finer appropriation product to this House than is before you now. It is a prudent, responsible proposal. It represents the consensus of the committee members and has been improved by input by all the members.

It has been my honor to have my name on the subcommittee's work but I must give full credit to the colleagues and faithful, industrious staff that made it possible.

No greater satisfaction can be accorded me than the knowledge that this bill, my final presentation to the great House of Representatives, after so many long years of serving here, is the finest and most commendable of all and one I can view with the pride that comes from a good job.

I recommend it to my colleagues with equal good faith and enthusiasm.

☐ 1320

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. STEED. I will be glad to yield to the gentleman from New York.

Mr. ADDABBO. Mr. Chairman, I fully support this bill, H.R. 7583, which has been presented to you by its chief architect, Chairman TOM STEED, who with the close of this session ends 32 years of distinguished and outstanding service Nation and district together with 15 excellent years of leadership to this subcommittee.

The bill makes appropriations for the Treasury Department, the Postal Service, the Executive Office of the President, and all those independent agencies, commissions, and committees that we call General Government. Their missions are diverse but as they came before our subcommittee this year they spoke as one voice. They are united by the common bond of respect and affection for this man. TOM STEED, who knows their missions and their problems better than they do themselves. The imprint of his stewardship is indelibly etched into the history of each agency.

The way in which the rank and file members of the subcommittee reacted to TOM's announced retirement is obvious.

Fully one-half of the work force threw up their hands and decided to quit. My good friends and fellow north-easterners, Ed Patten, Bob McEwen, and Bob Giaimo will be sorely missed. As for the rest of us, we are hanging in there under direct orders from the top. Tom has laid down the law—the show must go on.

The work will go on with our most able staff headed by Tex Gunnels ably assisted by Bob Smith.

It is a tribute to Chairman Steed that this has always been one of the least controversial of all the annual appropriations bills to come to the floor of the House. Yet included in it are some of the most influential forces of our Government. Funded here is the Department of the Treasury, the offices of the White House, Office of Management and Budget, Council of Economic Advisers, the National Security Council. The policies emanating from these offices profoundly affect every man, woman, and child in the Nation.

New obligational authority recommended in this bill is $9.7 billion which is $174.6 million above the amended budget request. Additionally, nearly $116.9 billion is made available for these agencies under permanent authority which does not require consideration by the Congress during the appropriations process. Those items, which include interest on the public debt and payments in connection with the civil service retirement and disability fund, increase by over $9 billion compared to fiscal year 1980.

Despite the midstream change in this year's proposed price tags and policies, the concerns and the priorities of the committee remain constant. There are many issues addressed here that are of particular concern to me as a Member from New York.

The Office of Management and Budget will be surprised, as I am, to hear me say that I am in total agreement with them—on one issue anyway.

During discussion of the amended budget, Director McIntyre testified on the across-the-board administrative reductions throughout the Government, including Treasury. He said:

> We encourage the Department to apply those reductions to other than enforcement activities because we feel strongly, as I believe you do, that we should not reduce our enforcement activities in the Treasury.

The committee does, indeed, agree and has taken action to insure it. The bill includes $6.3 million above the amended budget request for the Customs Service to enable an increase of 111 inspectors and related equipment. This past spring a particularly severe strain has been placed upon the resources of the Service demonstrating the tough responsibilities that must be met not only day by day but in response to unforeseen emergency. I salute the men and women of customs, the Coast Guard and other agencies who have worked long hard hours in carrying out their duties during the recent influx of refugees.

There is within customs a unique little corps of narcotics agents which celebrates its 10th anniversary this year. In fiscal year 1979 the customs canine teams were credited with 7,175 seizures of narcotics with a price tag of more than $85 million. This program has shown a return of more than 16 to 1 on the dollar. An inherent natural resource has been utilized to provide one of the most cost-effective methods of combating the enemies of our society.

The Internal Revenue Service is not often coupled in our minds with man's best friend. Partly because of this, and because of the basic law-abiding nature of our citizens, we are mainly reliant on voluntary compliance with our tax laws. There are, however, those who pocket their profits and contribute nothing to society as a whole. This committee supports the efforts of IRS to get the cheats and the dodgers off the backs of honest citizens and onto the tax rolls.

The Bureau of Alcohol, Tobacco, and Firearms has responsibilities of enormous importance to our larger cities like New York. We have witnessed the horrors of arson and bombings and suffered the painful frustration of seeing the criminals escape unscathed only to strike again. I support the Bureau in all their efforts to combat these loathsome crimes.

This bill contains $144.3 million, a reduction of $544,000 below the budget request for BATF.

I am singularly disappointed that the majority of our committee is seemingly opposed to the continuation of research into the taggant approach to detection and identification of explosives. There is concern about the safety of these additives. I share that concern and so does BATF. As Commissioner Dickerson has said:

> We will not tolerate the tagging of explosives materials until every aspect of safety has been proved.

I hope there is not undue concern about the cost of implementing such a program to the explosive industry. If history serves, such costs would be promptly handed on to the customers. If a small increase in cost can deter the bombers and bring them to justice that is, to my mind, a dollar well spent.

In the 3½ years BATF has been conducting the taggant research program, $6.9 million has been spent. There remain problems to be overcome but, as the Commissioner has stated, 1 year, and half a million dollars is all that is needed to accomplish a major milestone.

In other programs, in other areas, we commit hundreds of millions of dollars for years upon end to research programs which we sometimes then terminate or push into production with half the questions yet unanswered. Here, just short of justifying its goal, we would terminate a low-cost program aimed only at saving lives and punishing murderers.

Despite the justifiable reductions the committee has made in many line items examined in this bill, it is, nonetheless, over the total amount in the administration's budget request. The primary reason for this is the denial by the committee of the proposal to slash $250 million from the Postal Service subsidy. The Congress has enacted legislation that phases down the appropriation for public service costs in an orderly manner. The fiscal year 1981 payment decreases to $736 million, $92 million below the fiscal year 1980 level.

When it works, the Postal Service is an essential national and international service. As I have said before, we must examine carefully the chain reactions that can be set in motion by the hasty and irrevocable curtailment of our basic services. I am sure the legislative committee will examine this closely.

I commend the efforts of the General Services Administration to increase efficiency and close the loopholes that have given rise to problems in the past. The committee continues to monitor this. We are concerned, however, that the number of reorganizations that have taken place or are still underway do achieve their goals and do not incur unnecessary confusion. We have requested documentation of the advantages, efficiencies, and savings resulting from the most recent reshuffling of the Federal Supply Service. In the Federal buildings activity, funding is provided only for those projects that have received full approval whenever this is required.

The Office of Personnel Management, the Merit Systems Protection Board, the Advisory Committee on Federal Pay and others directly concerned with Government workers are funded in this bill.

I am concerned that the historically prestigious title of "Civil Servant" has taken some knocks in recent years. In our efforts to reduce the size and increase the efficiency of the Federal bureaucracy, we have perhaps focused too much on that which is negative. As we strive for improvements, let us not make all Government workers scapegoats for the mistakes, the inefficiencies and the wastefulness that we seek to lessen.

It is well to remember that Government would not function at all without those whose daily job it is to bring Government to the people at the Federal, State, and local level. We must attract talented, imaginative and dedicated people into civil service and show our appreciation for their efforts.

In summation, this is a good bill and the levels of funding provided have been carefully weighed in the light of fiscal restraints and the resources needed by each agency to accomplish its mission. I urge the support of the House.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. STEED. I will be glad to yield to the chairman.

Mr. WHITTEN. Mr. Chairman, I wish to join with my good friend, Joe Addabbo, in paying tribute here not only to the chairman of this subcommittee, but to other members of the committee.

I have said it many times before, a number of times before, that it seems that this House can least afford to give up those who are going to retire. In my experience here I have served with many, many Members, but I do not know of anyone who has had the respect of his colleagues any more than the gentleman from Oklahoma, Tom Steed. I know this from experience, that he never took a position until he knew something about the subject and when he took it, it was his position. You could count on him first, last, and always.

He leaves a mark here that those of us who do remain here could well emulate, because his service has not only been a credit to his family, to his district, to the people of his State, but to the Nation.

I know that we are going to miss Tom, but the record he leaves here is one that in which we can all take pride. I say the same thing for my good friend, Ed Patten of New Jersey. I have always said that Ed does not talk a whole lot but he makes himself heard when he does. When he puts his finger on any proposition, he touches the nerve. We are also losing our friend Bob Giaimo and many others, who are people who have made a real mark. But, as I pay tribute to those whom I have mentioned, as well as others who will be leaving us, I want to say to them, we wish you and your wives and your families the very best in the world. I mean every word of it when I say that I have never served with a more able, more conscientious, more respected Member than Tom Steed of Oklahoma.

Mr. STEED. The gentlemen are very kind and very generous with their remarks. I sincerely appreciate them.

I would just like to say of Mr. Addabbo that he sat by my side so many years on this committee and has helped me so well that I do not know how I could have done anything like the job I did without his constant and ongoing help. This year especially, with him in charge of the tremendous load that the defense appropriation bill imposes on its chairman, he still found time to be available when we needed him, and he helped us out on many occasions when it counted the most.

I wanted to pay a special thanks to him for that, because he went way beyond the call of duty.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. STEED. I will be happy to yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, one of the nicest things that has happened to me since I have been a Member of Congress is the opportunity that I have had to serve with my friend Tom Steed of Oklahoma. On the Committee on Appropriations, as you well know, Mr. Chairman, we have 13 subcommittees. Tom Steed has been chairman of this subcommittee for a great many years. He has been a member of the Committee on Appropriations for a long time.

Tom Steed has been good for the United States of America. Mr. Chairman, he is one of the ablest men in this House. It has been a distinct honor and privilege for me to serve with him. As I said to him on a number of occasions, we are going to miss you, Tom, and we want you to come back and see us real often.

Mr. STEED. Mr. Chairman, I appreciate those kind remarks, and I hope that means that after I leave here the fishing trip he promised me down in good old Kentucky will still be available.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. STEED. I will be glad to yield to my fine friend from New Jersey, Mr. Patten, who not only does a good job in the subcommittee but knows where the nicest vegetables are, and he is willing to share them with people he knows and likes.

☐ 1330

Mr. PATTEN. Mr. Chairman, I know the gentleman appreciates those cherry tomatoes, that sweet corn, and those peaches.

I was a little disturbed when I came to Congress, thinking of a fellow from Mississippi like Jamie Whitten and about Bill Natcher who came from Kentucky, with all its bourbon whiskey.

But Oklahoma surprised me. At the time I came here, every fellow from Oklahoma was a big man, a power in the House and the Senate—every one of them. Carl Albert. Not only Carl Albert but some others. They got to be big men.

You were one of them. You were not just an old newspaper man who kept talking about Indians. I found out I could not label you a southerner, I could not label you a westerner, I could not label you in a lot of other ways. I found honestly the only denomination I could think of was that you were a fellow having good commonsense.

Tom Steed, you have been a pleasure, because on all our issues, not only did you have a point of view that I think was more national to the country than that of most Members, but I want to tell you that I think you have the finest subcommittee in the list of Appropriations subcommittees.

I sat on Military Construction. I only listened to engineers tell us how they wanted a new dock or something for some new interest. But you meet everybody who runs the Government. You meet the Secret Service, you meet the White House, the ex-Presidents, the Vice President, and you give them all the money. You meet the people who make the money, the people from the mint and everyone else. You have a fine subcommittee that works with everyone over the breadth of the U.S. Government, especially the Treasury and Finance.

And through it all, you have been a credit to the House, Tom. I want to thank you, and I am very sorry you are not going to be back next year.

Mr. STEED. Mr. Chairman, I thank the gentleman from New Jersey (Mr. Patten) for his kind remarks, and I reserve the balance of my time.

Mr. MILLER of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I approach this responsibility today with some sadness because of what we have already heard today about the retirement of the gentleman from Oklahoma (Mr. Steed). This will be the last bill that he will bring onto the floor. But over the years he certainly has proven himself, not only on the floor but in the committee, with his work and diligence and steadfastness in accomplishing a proper job.

We have not always seen eye to eye on every issue, but Tom has been fair to me and to our staff. Because so many of the other Members have other responsible positions on other subcommittees, they have not always been able to be with us in the Treasury, Postal Service, and General Government Subcommittee hearings, but by the same token, they have made contributions also.

We will miss Tom Steed, there is no doubt about it. I hope he will come back and aid us, because he has a world of knowledge about the many items that are in the bill.

In this particular bill there are some 64 different departments, agencies, committees, and commissions that come to the subcommittee for their appropriations. I will not cover all of the items within the bill, but I would like to take a few minutes to cover some of the facts. As the subcommittee chairman has explained, the bill contains $9.69 billion for fiscal year 1981. This is an increase of $851 million over fiscal year 1980. Most of that is in salary increases and other personnel benefits.

Before discussing the items that are in the bill, I want to say that I intend to offer a 2-percent reduction amendment, even on this bill. So for the benefit of some of the chairmen of the Committee on Appropriations subcommittees and the ranking minority member, who have said to me, "You do not offer your 2-percent reduction on your own bill." I want them to be aware that I have offered it on my own bill in the past, and I hope to do it in the future.

The 2-percent reduction would be a reduction of approximately $90 million. As I stated, the bill is up, for this year, $851 million, so that means we would have just a little over a 10-percent reduction in the increase from 1980 to 1981.

It was not easy to make cuts in committee but I think it is important that we all have an opportunity on the House floor to take a look at the bill and have a voice in whether we should reduce it. I hope that we have a vote on my reduction amendment so that every Member will have that voice.

One of the items in the bill that been controversial, I think, is an explosives tagging program proposed by the Bureau of Alcohol, Tobacco and Firearms of the Treasury Department. BATF has proposed over the last several years that we should place taggants in explosive. These would be tiny plastic chips. After an explosion it would be possible to use a magnet and a black light and pick up the taggants. Under a microscope, they could read the color code of that tag and find out who manufactured and sold the explosive. One of the problems with the program is that the tags can be removed by criminals before detonation.

For those Members who have not seen it, the taggant looks a little like this, only this sample is several thousand times larger. It is color-coded. It is fluorescent on one side and magnetic on the other, and, therefore, a magnet will pick it up or a black light will show it.

Our major problem with this at the present time is the safety factor. Many of us have industrial plants within our districts that manufacture explosives. It would be very hard for us to go to the widows of the men who lost their lives in a factory explosion and explain to them that we required this particular impurity to be added to the explosive.

Normally, the explosive manufacturers do everything within their power to eliminate such impurities as this taggant material. It has not been tested, shelf-tested or time-tested, enough to find out whether the impurities could actually create an explosion risk.

We have requested the Treasury Department and the Bureau of Alcohol, Tobacco and Firearms to do the research necessary to find another way to detect explosive materials. There are other things that can be used so that the explosive can be detected ahead of time, before an explosion, and before anyone is injured.

In the bill that we have before us, there is $300,000 for a program to develop an explosive detection device.

As a matter of fact, we have seen that a number of planes have been hijacked to Cuba just recently where only gasoline was used, not manufactured explosives. Those who used it said, "We will throw it and we will ignite it," and it was as effective as dynamite. So, even if tags were in explosives, countermeasures could be employed.

□ 1340

Another agency in the bill is our Bureau of the Public Debt. About $200 million is for that Bureau. I think we should be aware that the public debt, now about $900 billion, rolling over as it does, must be handled by some organization. The Bureau of Public Debt has a budget of about $200 million just to administer the national debt. They are rolling it over in many ways. We are borrowing money from foreign nations to the tune of about $118 billion, for example. Some of these are nations that we have helped over the years and nations that we will help in our foreign assistance bill as of fiscal year 1981, if that bill is approved.

The very same nations that are receiving assistance from us are also loaning us money in order to cover our national debt of about $900 billion. In 1981 it is not impossible for it to reach a trillion dollars.

I think it would be better not to cover in detail all the items in the bill, as I have stated. I think it would be much better that we move ahead and attempt to save the time. We have the information in the hearings, and in the report. I notice we have a very few Members on the floor now, and I think it would be better that we move right ahead.

Again, I want to thank our chairman of the subcommittee for his diligence, for his hard work, for his kindness. Sometimes I had questions in committee that might have created problems for him. But he was kind, and he did yield the time to me and allowed me to speak when it might have been better that we did not go too long on one item. We had so many items to cover. But for all of the courtesy, Tom, I thank you.

Mr. STEED. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado (Mrs. Schroeder).

Mrs. SCHROEDER. Mr. Chairman, H.R. 7583 contains the 1981 appropriations for those agencies of Government which administer and enforce the civil service laws. In the wake of the reorganization and the Civil Service Reform Act of 1978, four agencies now exist where one did before. Each of these agencies have new provisions of law to enforce and new types of cases with which to deal. This has created a serious budgeting problem. Attempts to predict caseloads, processing times, and necessary staffing levels have been rather unsuccessful. Immediately after the passage of the Reform Act, the administration merely redistributed the existing resources without adding any new funds to pay for the new services provided in the Reform Act. Without good information from the administration, the Appropriations Committee was left with a very difficult task. Chairman Steed is to be commended for the fine work he has done in sorting out this situation.

In this bill, the Office of Personnel Management, which is the central personnel manager of Government, continues to receive the lion's share of funds. The new agencies are being told to live on extremely tight budgets. The Federal Labor Relations Authority has a caseload which has outstripped even the highest projections. It needs full funding to hope to stay even with its workload. Stable and productive labor relations in the Federal sector depend on FLRA getting to its cases in a timely manner. The Merit Systems Protection Board has encountered unexpected costs in relation to the new legal requirement for a transcript in every employee appeal. This requirement was added in the Reform Act to protect the due process rights of Federal employees.

The Office of the Special Counsel is assigned the task of protecting employees who disclose evidence of waste, fraud, abuse, and illegality from reprisal and retaliation. The Special Counsel is also charged with investigating and prosecuting prohibited personnel practices, which include nepotism, discrimination, political interference and Hatch Act violations. This bill provides sufficient funding for the Special Counsel to get its program on line. In its first year and a half of existence, this organization has encountered numerous problems which has kept it from fulfilling its mandate under the law. I believe a strong Special Counsel is necessary to insure integrity in the Federal personnel system and to promote the disclosure and elimination of waste and abuse. This bill provides the minimum necessary to develop a strong Special Counsel's office.

This bill appropriates the money needed to make Civil Service reform work. I intend to support it.

Mr. MILLER of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. Hyde).

Mr. HYDE. Mr. Chairman, I, too, want to salute the chairman, the gentleman from Oklahoma (Mr. Steed), who has been one of the most effective and knowledgeable Members in this body. It has been an honor to know him and to work with him and to follow his leadership which always is very sound.

But, Mr. Chairman, as we consider this appropriation bill, I think it important that we review the funds appropriated for the Executive Office of the President. My ears still resonate with the rhetoric of my distinguished colleagues on the other side of the aisle in 1975, when Gerry Ford was President and the issue of White House funding was one of more partisan contention here than it seems to be today. The distinguished keynote speaker at the Democratic Convention uttered, in 1975, a ringing declaration that we ought to be rolling back the levels of power at the White House, we ought to be rolling back the numbers of high-level positions at the White House.

I do not need to remind my colleagues that it was candidate Carter who promised to cut the White House staff by one-third but who, as President, asks for and receives funds for the most expensive White House in history.

Of course, the President claims he reduced his staff by one-third, but the numbers show otherwise.

The current reported staffing level at the White House is 351, including 26 positions for the First Lady. But the new Office of Administration has a burgeoning staff level of 131 employees.

Now, the Office of Administration was created in 1977 under Mr. Carter's first reorganization plan to centralize administrative support to all the organizations within the Executive Office of the President. While this is not necessarily a bad idea, I am not alone in my concern over its rapidly growing size.

Quite frankly, I think we have been treated to more of this administration's creative mathematics. Let us look at the totals: 351 employees on the staff of the White House, with a 1981 appropriation of $20,373,000; 131 employees on the staff of the Office of Administration, with an appropriation of $12 million. Combine these, and we see that Jimmy Carter's support staff now totals 482, with an appropriation of $32,373,000.

Now, in the same manner that our budget conceals billions of dollars in off-budget items, the personnel available to the Executive Office of the President takes some searching and addition. We should include: Special Assistant to the President, staff of 27; Council of Economic Advisers, staff of 36; Council on Wage and Price Stability, staff of 233; Domestic Policy Council, staff of 50; National Security Council, staff of 64; Office of Management and Budget, staff of 571; and Office of Federal Procurement Policy, staff of 45.

Adding the staff figures I have just listed, we arrive at a total of 1,026 staff, with an appropriation of $44,797,000, which does not include funds for the Council on Wage and Price Stability due to a delay in the authorizing legislation.

Adding all these figures together, we arrive at a grand total of 1,508 support staff for the President, with a 1981 appropriation of $77,170,000. This does not include those persons detailed to the White House by other agencies.

I have a particular empathy for our Vice President. He is permitted a staff of 27, while the First Lady has 26. In September 1979, the National Journal reported that her staff is larger than Lloyd Cutler, the Chief Counsel to the President, Assistant for Public Liaison Ann Wexler, and even Jack Watson, the Cabinet Secretary.

Now, the magazine Family Circle recently had an article called "Wonderful Freebies Your Kids Can Send For," and pointed out that the White House is particularly generous with freebies. One of the latest is a 24-page "If You Were President" book filled with color photographs of the President and his family at work. Another is a "Postcard From Amy Carter and Her Dog Grits."

It was interesting to read in the hearings that additional detailees have been needed for the White House to handle an increased influx of mail because of the "Afghanistan situation, the Olympic situation, draft registration, and the Iranian situation."

Perhaps the President would like to loan us some of his detailees to help handle our mail flow from constituents who are outraged over his losing proposals for a 10-cent-a-gallon gas tax, 15 percent withholding of dividends and interest, confusion over the Cuban and Haitian refugees, illegal aliens, a nightmare economy, increasing unemployment, et cetera, et cetera, et cetera.

☐ 1350

Mr. MILLER of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. Conte), the ranking minority member of the Committee on Appropriations.

Mr. CONTE. Mr. Chairman, I rise in support of this bill making appropriations for the various agencies which fall under the jurisdiction of the Subcommittee on Treasury, Postal Service, and General Government.

I will not go into details on the bill, because the chairman (Mr. Steed) and the ranking minority member (Mr. Miller) have already handled that in their report and in their floor statements. I would rather take this time to pay tribute to and express by gratitude to the subcommittee chairman, the gentleman from Oklahoma, Tom Steed.

This is the last regular appropriations bill that Tom Steed will bring to us, because he is retiring at the end of this Congress. Like every bill he has written in his subcommittee, this is a good, sound bill—typical of the work he has constantly produced throughout his long service in this body.

I had the privilege of serving as the ranking minority member of this subcommittee for 5 years while the gentleman from Oklahoma served as chairman. Then, as now, he ran a tight ship. His subcommittee handles the 'nuts and bolts" of our Government. Chairman Steed has always had the ability, the desire, and the dedication to insure that every bolt was in place and that every nut was tightened. And, if you will excuse the pun, he had a way of dealing with and getting rid of many of the nuts.

Chairman Steed has always taken a no-nonsense approach to his duties. He did his homework early and well; and his bill consistently has been one of the first to be brought to the floor for approval. Despite the magnitude and complexity of his subcommittee jurisdiction, Tom's bills have consistently been approved with relatively little controversy, because he has always conducted his hearings and his markups in an open, fair, and nonpartisan manner.

I know that Members on both sides of the aisle are sorry to see Chairman Steed's service come to an end. He will be sorely missed. We know too, however, that his retirement has been well earned and well deserved. We cannot begrudge him his departure, because we all know that he leaves a government in far better shape because of his service to it.

As I said in the special order for Tom Steed on February 26, I am experiencing a very personal sadness over his pending departure, because he has been over the years much more than a coworker to me. He has been a very close, personal friend.

Another Oklahoman, Will Rogers, is well known for his statement that he never met a man he did not like. Well, Tom Steed is famous and respected because he never met a man (or a woman) who did not like him.

The attractiveness of his character has always been reflected in his work. It is reflected in the bill before us, and I urge a resounding vote of approval for it.

Last, Mr. Chairman, I want to say that it is too seldom that we recognize the hard work and dedication of the staff. Chairman Steed has always had a good staff—small but professional and effective. I know that Chairman Steed will not mind if I express my gratitude and appreciation to the man who has been a stalwart on his staff for more years than I can remember—my friend Tex Gunnels. He too has been skilled, fair, and nonpartisan. He has been a real asset to the subcommittee and the full committee, and his service has reflected due credit on his chairman.

In closing, I think one of the nicest things one can say about a man is that he is a good man. In my book the gentleman from Oklahoma (Mr. Steed) and Tex Gunnels are good men.

Mr. MILLER of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. Myers), a member of the committee.

Mr. MYERS of Indiana. Mr. Chairman, I join the many colleagues who are showing their respect and thanks to the four members of this subcommittee who have already expressed their announcement that they are going to retire, the announced retirements of the gentleman from New York (Mr. McEwen) on the minority side; our good friend from New Jersey (Mr. Patten); the gentleman from Connecticut (Mr. Giaimo); and our chairman of the subcommittee, the gentleman from Oklahoma (Mr. Steed).

I had the honor of serving on this subcommittee for some years, and I, too, join with the many friends who thank the gentleman from Oklahoma (Mr. Steed) for his patience when we became members of the committee, for his understanding and allowing us to ask sometimes questions maybe that an old pro like the gentleman from Oklahoma already knew the answers, but was very patient with us; and we certainly will miss Tex Gunnels. This Congress is going to miss these people next year.

I am certain the new chairman, next year, the gentleman from Ohio, Mr. Clarence Miller, will carry on the traditions of this committee in its true form that it has in the past. We wish the new chairman well as he takes on the new responsibility in January. Of the subcommittees of the Committee on Appropriations, this committee has been hit the hardest, losing four out of the seven. I know the job of the gentleman from Ohio (Mr. Miller) will not be an easy one, but he will do a good job.

Mr. Chairman, we all expect each individual in this country to pay his honest, fair share of taxes, and we want to give the IRS the tools to make that possible and to make sure that every individual does pay his taxes, but in recent years I have become increasingly alarmed by some of the tactics used by IRS.

I cite a couple of examples here that I hope this committee next year will examine very closely. I am certainly going to be watching to see what happens with the IRS.

One example is a constituent of mine and a friend who ran a small grain elevator. He bought grain one year and sold it but received payment in the succeeding year. It seems under the IRS rules and regulations, they are required to pay the taxes the year they sell the grain, even though they are paid after handling the grain in the succeeding year. This individual had done this. He had bought grain and sold it, but was not paid until the following year. He paid his taxes the following year.

On a routine audit, it was discovered he had paid taxes on all of the money, but had not paid it the proper year, so he was subject to some question. Finally, under agreement, he met with IRS in Indianapolis.

When he walked into the IRS office to work out the disagreement, he was put in handcuffs, and put in a cell for several hours.

Now, Mr. Chairman, again, this individual went voluntarily into the IRS office, only to be put in handcuffs and put into a cell. This sounds like police state tactics. Certainly, if IRS is going to do this, that is why people are frightened to death. Some even have heart attacks when IRS comes around and wants to look at their books. I do not think this type of treatment is necessary. We do not need to intimidate citizens and mistreat them in this fashion.

Another example, in the State of Illinois, my adjoining State, a friend I knew in the State legislature was accused of not paying enough taxes.

The IRS officials came into the State capital, put this State legislator in handcuffs and took him out of the capital.

Now, I just do not think IRS needs to use police tactics like this. I am going to be watching very closely. If this continues next year, I am going to offer an appropriate amendment here to cut the supervisory money.

I do not blame the agents for using bad judgment. Maybe they get carried away with their authority and their power, but certainly they are not being properly supervised. I hope this subcommittee next year will be watching this and directing the IRS that this is not the kind of tactics this Congress or this country needs from its IRS agents in collecting taxes.

So next year I will be watching. I will be offering an amendment if the IRS agents are not properly supervised.

Mr. STEED. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. Volkmer).

Mr. VOLKMER. Mr. Chairman, contained in the Treasury appropriations bill we are considering today is the funding for the Bureau of Alcohol, Tobacco, and Firearms, the agency charged with enforcement of the Nation's firearms laws. At this time I feel it is appropriate to draw attention to the disturbing and unorthodox methods often used in the past by this agency. Rather than apprehend criminals, BATF has apparently chosen to harass ordinary law-abiding firearms owners. Much of the blame for this rests in the actual wording of the 1968 Gun Control Act. Too much is left deliberately vague and ambiguous, allowing the agency to interpret the law arbitrarily. That is why I introduced H.R. 5225, the Federal Firearms Law Reform Act. Although this bill has not yet been scheduled for action in committee, it has been consponsored by 173 of my colleagues and is sponsored by 57 Members of the other body.

My bill would clearly eliminate many of the abuses of civil rights and liberties committed by BATF. As you consider the appropriation for this agency, I hope you will consider the need to make the necessary changes in the law to prevent such abuses from occurring in the future.

Some of the enforcement practices engaged in by this agency are, quite frankly, shocking. It is hard to believe that any agency of the U.S. Government would treat its citizens in this manner. To give you some idea of the magnitude of the civil liberties abuses I am discussing, at this point I would like to include in the Record an article published in last December's Washingtonian magazine by investigative reporter Joseph Goulden entitled, "The Fat Man and the Gun Collector." I commend this article for your careful consideration:

The Fat Man and the Gun Collector

(By Joseph C. Goulden)

"The Fat Man," other gun dealers and collectors called him. Grossly overweight—"380 pounds easy, maybe even more," one man recalls—he haunted gun shows in the Maryland suburbs. Almost as conspicuous as his girth was his wad of $20, $50, and $100 bills. Dealers estimated he was spending $2,000 or more at a single show.

Someone once asked him why. The Fat Man identified himself as a "horse farmer" from rural Westminster, Maryland, and said he bought pistols and rifles for resale to neighbors willing to pay $50 to $100 above the market price. Dealers found the story plausible. "Farmers in isolated areas don't know values, and they don't want to take the time to look around," says one of them. "They find it's easier to give an order to a regular and let him find it, at a profit."

Twenty-six-year-old Richard Boulin—avid gun collector, Vietnam veteran, onetime Montgomery County policeman—was among those who trusted the Fat Man: "He carried a Maryland driver's license, and he was one of the accepted crowd—not some mental weirdo who walks up to you at a show and talks funny about guns."

Still, the Fat Man was not universally liked. He often asked dealers to bend the law, to let him have guns without the transfer forms the Federal Gun Control Act requires for certain firearms transactions. He could be a pest. He would badger dealers at shows, his wad of bills always ready to furnish extra profit if they would go along with him. He would telephone them at home in the evening, pleading for particular weapons. Many dealers shied away from him.

Three times in the autumn of 1977 Richard Boulin sold weapons to the Fat Man—six pistols and a .22-caliber rifle. Each time he gave the Fat Man a careful explanation: Even though he had a federal firearms dealer's license, the weapons involved came from his private collection, not his business stock. He had obtained each of them before taking out his federal license the previous year. As far as Boulin was concerned, he was making a private sale that did not require the federal paperwork.

Boulin was wrong. First about the Fat Man, who was not a bumpkin earning a few extra weekend dollars buying guns for his rustic friends. He was a government informant, desperately trying to avoid jail on a charge of owning an illegal machine gun. His "employer," the Treasury Department's Bureau of Alcohol, Tobacco and Firearms, charged with enforcing federal gun laws, and been chillingly blunt: Either the Fat Man helped agents "make cases" against other gun dealers, or he would go to the penitentiary. Not much of a choice. So the Fat Man let the BATF agents wire his overstuffed torso with a recording device, and he put the BATF money in his overalls pocket and made overtures to dealers and collectors at gun shows in such places as the Greenbelt Armory and the National Guard hall in Baltimore.

Boulin's second mistake was, innocent intentions notwithstanding, that he violated the law. The hoariest of dicta is that ignorance of the law is no excuse for violating it. In this instance, however, the law that the 26-year-old Boulin transgressed is legal flypaper that not even competent lawyers claim to understand. Further, its enforcing agency, BATF, has deliberately left interpretations vague as to what can and cannot be done under its terms.

Richard Boulin's story is how a federal law enforcement agency used a murky law to destroy a man and to harass hundreds of other Americans who know more about guns than they do about the intricacies of the United States Code.

Gun control is an emotional issue that has animated American politics for years, with neither proponents nor opponents getting any measure of satisfaction. Many citizens support the idea of gun control with the same fervor their hard-drinking granddaddies had for Prohibition: When asked, they're all for keeping guns out of the hands of kooky criminals. In the meanwhile, however, they keep a shotgun in the hall closet and a loaded pistol in the nightstand, and damned be any politician who tries to make off with either. The gun lobby is well financed and organized; the National Rifle Association can kick the electoral stuffing out of unfriendly congressmen, a fact well known to all politicians. Further, given the estimated 100 million to 200 million firearms already loose in America, discerning solons recognize that any prohibitive legislation short of confiscating firearms would be about as effective as a law banning procreation among English sparrows.

Nonetheless, the assassinations of the 1960s did give impetus to the notion that walking-around nuts should not be able to buy a gun as casually as they do cigarettes, and so Congress bestirred itself to pass the Gun Control Act, the federal government's first serious foray into firearms regulation.

The act required anyone "in the business" of selling firearms to acquire a federal license. It banned most interstate sales of firearms between any persons but two licensed dealers; no longer could a Lee Harvey Oswald buy a mail-order rifle through a post-office box. It required all dealer sales to be recorded on a Treasury Department form, the 44–73. It forbade sales to convicted felons, mental incompetents, drug users, and residents of a state other than the seller's.

The act contained a couple of features that critics thought Draconian. Most federal criminal laws provide for prosecution as either felonies or misdemeanors. Not so the Gun Control Act: Any violation of the Gun Control Act is a felony. Nor does the prosecution have to prove criminal intent; even an unwitting technical violation is enough to land a citizen in court.

The National Rifle Association, realizing it was licked in this particular battle, tried to clear up what is considered to be deliberately fuzzy language in the statute. For instance, the act prohibits "engaging in the business without a license." The NRA's executive director, Neal Knox, aware of the brisk trading between collectors with no commercial motivation, wanted a precise definition of what constitutes a "dealer." Recalls Knox, "I had nothing but trouble, nothing but opposition, from Treasury. They said they need vague wording in order to enforce the law, to have maximum discretion.

"As so often happens when an agency is given discretion, it uses that discretion with indiscretion."

Passage of the Gun Control Act came at an opportune time for the Bureau of Alcohol, Tobacco and Firearms, which was about to go out of business as a result of the demise of the moonshine industry. BATF had begun in 1920 as the Prohibition-enforcement arm of the Treasury Department, and over the years—as it shuttled from Treasury to Justice to Internal Revenue, before emerging in 1972 as a full-blown Treasury bureau—its responsibility expanded to include tobacco and then guns. Nonetheless, for most of this time BATF was what Pappy Yokum and other up-the-hollow folks knew as "them infernal revenooer fellers."

Unfortunately for BATF's bureaucratic health, the precipitate rise in sugar prices in the early 1970s did more to wipe out moonshining than any enforcement technique ever devised by a revenue agent. BATF knocked off 2.981 stills in 1972; in 1976, agents had to scratch all over the South to find 609; in 1978, the toll dropped to 361. Clearly BATF had to find other work for its idle hands, and tobacco was not the answer, for the cigarette industry is compact and easily regulated. BATF does spar with smugglers who bring low-tax cigarettes from the Carolinas to northern cities; this campaign has produced a new American word, "buttleggers," but few results. The Mafia is now said to sell one of every five packs of cigarettes smoked in New York City.

BATF found bureaucratic salvation in the Gun Control Act. By the hundreds, it shifted agents from the moonshine beat to guns. But the bureau had a peculiar view of its mission under the law, as a former director, Rex Davis, once revealed in congressional testimony. Davis noted that about 140,000 persons held gun dealer licenses. The bureau wanted to cut down the number to around 40,000, for easier policing. As one disgruntled official of the NRA states, "BATF's enforcement priority is parallel to the way J. Edgar Hoover used to run the FBI. Agents chased teenaged car thieves rather than the Mafia, because they are easier to catch and convict. BATF goes after dealers for picayune technical violations rather than the IRA or domestic terrorist groups. Why? Easy. BATF runs up statistics that look good on paper but don't really reflect any real work."

Gun collectors, for example, are patsies for a clever BATF agent or informant, for reasons inherent in the psyche of any actively acquisitive person. Says Neal Knox of the NRA: "The problem is that some people collect guns in the same way other people collect Ming vases, but Ming vases don't come under federal law. When the guy who is a collector goes out, he may be collecting a particular kind of fine firearm, or he may be collecting a hodgepodge of guns, because his goal is to outwit his fellow collectors.

"He will try to go in like a guy swapping a pocketknife and winding up with a racehorse. He will go in with a bolt-action .22 rifle and hope to come out with a $5,000 Purdy shotgun. It doesn't happen very often, but he has a lot of fun trying."

Richard Boulin certainly had fun—until the Fat man materialized. Boulin's love of guns began when he was a teenager; he read books on them, and subscribed to firearms magazines. During military service, he says, he was the best shot in a 300-man military police unit. After discharge in 1972, he joined the Montgomery County police department.

All the while he collected guns—not just any guns, but the fancy commemorative weapons that manufacturers produce in limited editions, fancily engraved rifles honoring Buffalo Bill or the Texas Rangers or some other historical event or figure. As a sub-specialty, he sought specific serial numbers. He was especially proud of a Golden Spike Winchester commemorative rifle numbered 20,000, last of the production run.

Over the years Boulin accumulated more than five dozen of the commemoratives. "These represented my savings," he says. "My wife and I never bought stocks or stuff like that. Firearms appreciate in value just like antiques. I had thousands of bucks on my walls and in my display cases."

Boulin kept the commemoratives in mint condition. None had ever been fired—a single round through the barrel can cut the value of a collection gun by half. He wore gloves when he handled them, and even then would not touch any metal parts. His neighbors in Gaithersburg knew he collected guns, but he did not show them off.

Boulin did well as a police officer. He volunteers that his record bore two minor blemishes: for wrecking a squad car, and for napping on duty. But he had ambitions beyond a policeman's salary. So in early 1976 he obtained a federal firearms dealer's license, intending to open a part-time gunsmith shop in Damascus.

Initially, business was brisk and profitable. Many of his sales were to fellow Montgomery County policemen, secret-service agents, even an FBI man or two. "I dealt with quality stuff and quality people. The pistols I sold went for $150, $200 each. I wasn't selling Saturday-night specials to common criminals off the street."

But Boulin's dissatisfaction with police work mounted. It climaxed in mid-1976, when two officers working his shift were shot to death in a shopping center. He decided to leave the force and work for his father; an air-conditioning contractor. He also decided to get out of the gun business: The BATF paperwork was onerous, and he wanted to put full time into his new job.

And here Boulin made what even his lawyer, David H. Martin, former chief counsel for the Secret Service, admits was a mistake. As a private collector, Boulin over the years had acquired dozens of guns—pistols, rifles, and shotguns. These he did not enter into the formal bound registry book that federal law requires a dealer to maintain. He had obtained them before acquiring the license; he considered them his private collection, not his business stock.

"Unfortunately," attorney Martin says, "the way BATF applies the law, he is wrong. Once you acquire that federal piece of paper, BATF says you must put everything in the books, and put through the paperwork when you sell it."

So in selling off the remnants of his business stock, several times Boulin let go of one of his collection guns as well. He claims the mistake was an honest one, that he had the "impression that I was allowed to sell to another Maryland resident items from my private collection without going through the mandatory firearms paperwork."

And seven of these sales were to the "collector" that Boulin and other dealers knew as the Fat Man.

At five minutes past ten o'clock on the morning of December 14, 1977, Boulin was walking across the parking lot of his father's business in Silver Spring. He heard cars and looked up to see about ten plainclothesmen, badges on their lapels, and a host of Montgomery County policemen. He recognized one of the plainclothesmen as a BATF agent and asked if he could be of any assistance.

"Are you Richard Boulin?" one of the agents asked.

Yes. Whereupon the agents seized him, thrust him up against the side of his car, and cuffed his hands behind his back. All they would tell him was that he was under arrest for violating the firearms act.

When agents searched Boulin's car they found a loaded pistol. "We're going to charge you with carrying a concealed weapon," he quotes one agent as saying. Boulin protested that he had a Maryland license for the pistol and was permitted to carry it when he had large amounts of money with him. He pointed out that he had more than $1,000 in his wallet, money he intended to use that evening to buy a shotgun for his collection.

The agent was not impressed. "Is that personal money or business money?" one asked. Boulin bit his lip; he did not think a thief would make such a distinction. But he remained silent.

Agents thrust Boulin into the backseat of a car. "I've been an officer, I know when police are deliberately making it rough for a guy. I'm a big man; having to sit twisted in the seat, my hands behind my back, was darned uncomfortable for me, and they knew it."

During the ride to his home an agent said, "We have information you own two trained killer dogs. If they make any moves toward us, we intend to kill them."

Boulin stifled a laugh. "One of the 'killer dogs' was a miniature German shepherd, sweet as pie," he says. "She'll bark, but I don't think she even knows how to bite." The other was a nine-year-old police dog the department had planned to destroy because of a hip ailment. "I liked the dog, I didn't want to see him put to sleep, so I took him in. He was about as vicious as a sparrow."

Boulin made one request. He did not want to be paraded across his lawn handcuffed in front of neighbors. He told the agents he was a former policeman, that he did not intend to run, that he was outnumbered by about a dozen to one. Would they please remove the handcuffs?

"That's your problem," one of the agents said.

Worse was yet to come. At the house, the agents made plain they intended to confiscate Boulin's collector-weapons, which were displayed on wall racks and in cases. He protested that he had federal documentation for each of these weapons and that they had nothing to do with his firearms business. Tough luck, the agents said, and one of them appeared with a stack of canvas mail bags.

Aghast, Boulin pleaded with the agents not to put the valuable guns in such a container. A nick or scratch could devalue each gun by $50 to $100. "You're not dealing with a bunch of Saturday-night specials," Boulin said.

He got no sympathy. After more argument, the agents agreed to put the collectibles in shipping cases Boulin had stored in a barn. Boulin continued to protest the rough handling. One of the agents hushed him. "Don't worry," Boulin remembers his saying, "after the boys in the [BATF] lab in Baltimore get through with them, they won't be worth anything anyway."

By the time the agents finished, they had seized 89 firearms. "Quite an arsenal," one told Boulin. "'Jesus,' I said to myself, 'none of these people has ever *seen* a gun collection before.'"

The agents next drove Boulin to a federal magistrate's office in Rockville for a hearing. During the drive he complained of feeling ill, so they released his handcuffs. He says one of them dared him: "Go ahead and run: I'd like to take a shot at you."

Other BATF agents were busy elsewhere in Maryland the same hour, making further arrests—all on cases stemming from information supplied by the Fat Man. A total of 22 people were picked up. By noon, Washington and suburban radio stations were carrying BATF-supplied news of a "crackdown" on illegal gun dealers trafficking in machine guns and other weapons.

Out on bond, Boulin and his then-lawyer, former US attorney George Beall, were summoned to the federal prosecutor's office in Baltimore. There he met for the first time a BATF agent named William J. McMonagle, who had been using the Fat Man as an informant for four months. McMonagle got right to the point: According to the Fat Man, Boulin had a machine gun, and BATF wanted it. Boulin quotes him as saying, "We are going to send agents out to your house to tear up the walls and the floor."

"I argued and pleaded with them for half an hour," Boulin says. "I told them that I left that sort of stuff in Vietnam, that the last machine gun I touched was in the Montgomery County police department. I finally convinced McMonagle I told the truth."

So the agent tried another tack. That Fat Man had also told BATF that Boulin was selling guns to the Irish Revolutionary Army. "Absurd," retorts Boulin. "I made these sales [to the Fat Man] at the retail price. I would get five, six times the price if I was dumb enough to sell to the IRA—which I'm not. Hell, if I had wanted to make a buck off illegal sales, I wouldn't sell pistols for $150; I could go to New York City and sell them on the street corner for $500."

Boulin knew he was in deep trouble, so he listened to McMonagle and assistant US attorney Marsha Ostrer when they offered him a deal. If he would turn informant for BATF and help make cases against other dealers, perhaps his own problems could be forgotten, or at least minimized; otherwise, he was going to jail.

"I told them I would not do the type of work they did to me—dirty work against an innocent dealer. I also told them, 'If you want me to go after machine guns and the IRA, I will help you.'" So they signed an agreement: Boulin would work as an undercover officer under the direction of McMonagle.

McMonagle's first query stunned Boulin. The agent "knew" of a ring of police officers in both Montgomery and Prince George's counties who were selling illegal machine guns. What did Boulin know about the ring? "Nothing, I never heard of it. I offered to go on the box [take a lie detector test] because I had had no approaches or contacts about any such deals."

McMonagle next showed Boulin photographs, taken with telephoto lens, of ten persons posing with machine guns at a well-known quarry in Prince George's County. He asked Boulin to identify the men. Boulin studied the photo carefully. One of the men he had seen around gun shows, and he vaguely remembered selling him ammunition. He told this to McMonagle. "You're lucky," the agent said, "We knew you had seen him, and sold him ammunition. So you didn't lie this time."

In something of a panic as weeks went by and he could not find anything to report, Boulin asked other gun-collector friends for leads. One man, the finance manager for a foreign car company, helped. He had heard of a person who owned an illegal machine gun. "My friend gave me this name to help me out, and I passed it to BATF. But they said, 'It's not enough. We want more.' But I refused to do dirty work for them. They finally said, 'You are noncooperative.' They canceled the agreement.

"Fine with me. Setting up innocent people goes against my fiber. I won't do it. I know what the arrest did to me. I wouldn't put an innocent guy through that wringer, not even to save my own neck."

Some days after the arrest, Boulin and his wife walked into a Rockville restaurant. He saw two police officers with whom he had worked. He stopped to say hello. One waved him away. "We don't talk to crooks. Get the hell out of here."

He went into a gun store where he had done much business. "Get out of here," the owner said. "I don't want any trouble."

Boulin heard via the grapevine that BATF was going through his record as a policeman, apparently trying to find evidence of illegal gun deals while he was with the department. A friendly lieutenant told him, "They are calling you a 'bad person.'" Boulin asked the lieutenant to testify as a character witness if he came to trial. The lieutenant sounded agreeable, but he called a few days later with an apology: A superior had ordered him to keep out of the case.

Not everyone turned his back on the former cop, however. A onetime colleague, knowing of his plight and of how law enforcement agencies work, telephoned him with a tip. He had the license number of a van being used as a rolling gun/cocaine distributorship. Give BATF the tip, the officer said: maybe the credit will help you. Boulin telephoned McMonagle. I won't talk to you about anything, the agent said and hung up.

But Boulin's main support, financial and psychic, came from the National Rifle Association. His case arose just as the NRA was gearing up a campaign against BATF's enforcement procedures. NRA's membership includes dealers and collectors targeted by BATF, and NRA is not the sort of organization that turns the other cheek.

One thing NRA did was to hire as a consultant Mike Acree, who spent almost four decades in federal law enforcement, mostly with Treasury; he retired as United States commissioner of customs. Acree reviewed scores of gun cases brought by BATF in Maryland and Virginia. He states: "I would say that, conservatively, 75 to 80 percent of those cases were individuals that, in my judgment, would not have fallen into the hands of the law had they not been enticed, inveigled, encouraged to violate some provision of law with which they were totally unfamiliar." Most of these persons—blue-collar workers, truck drivers, farmers—"simply were not sophisticated enough to understand the technicalities of the Gun Control Act."

Acree accused BATF of running a "statistical rat-race kind of operation" and using questionable investigative tactics in which agents effectively persuade dealers to break the law.

One such tactic is the "straw-man purchase." As noted, a licensed dealer may sell only to residents of his own state. BATF sends an agent with out-of-state identification into a store to make a purchase. If the dealer refuses to sell to him, the agent then asks if he can have a local friend buy the gun for him and sign the transfer papers. If the dealer agrees, and makes the sale—click, out come the handcuffs.

A striking "straw man" case that got to court recently required the work of three BATF agents and an undercover officer off and on for the course of a month. The team used electronic surveillance devices—which produced unintelligible recordings—and considerable persuasion to entice Harrison W. Phillips, a Tidewater, Virginia, dealer, into a technical violation of the law. But a federal judge, after listening to BATF's case, threw the bureau out of court.

During a supposedly "routine" investigation of Tidewater-area dealers, BATF had targeted Phillips, who runs a place called Jaxon's in Parksley, Virginia. An out-of-state buyer is essential to straw-man cases, so BATF imported agent William J. Burgess from its office in Wilmington, Delaware. Two local agents fitted Burgess with a body transmitter and body recorder and sent him into Phillip's store with $200 and orders to buy a pistol.

No luck the first day: Phillips wasn't there, and BATF obviously did not wish to bother making a case on a mere clerk. So BATF sent Burgess back the next day. Patricia Burgess (no relation), a Norfolk city police officer working undercover, went along to pose as the BATF man's girlfriend. This time agent Burgess talked with a clerk and offered to buy two pistols. But when he produced his Delaware driver's license the clerk said, "Whoops!" and told him: "We can't sell to you." Another clerk asked if Burgess had any relatives "from around here" who could do the paperwork for him. Burgess mentioned the "Norfolk girlfriend" and said he would return the next day.

On the third trip the BATF team finally managed to buy a pistol. Burgess wanted two; Phillips (rightly) told him the legal limit was one handgun per working week and refused. He also (rightly) refused to let Burgess buy the .25 automatic pistol with his out-of-state license. But because his "girlfriend" stood alongside him at the counter, she was able to make the purchase, filling in the form with her name, Social Security number, and Norfolk address. Phillips wouldn't even take the money from Burgess. He insisted that the woman hand it to him, and in turn he handed her the pistol.

A week later Burgess returned and asked again if he could buy two pistols. Again Phillips refused. And again, he insisted that Patricia Burgess handle the mechanics of the purchase. She's sitting outside in the car, ill; can't I take the forms out to her and let her sign them there? agent Burgess asked. No, replied Phillips, she must come in here. She did, and bought another pistol, a .32 revolver.

Still later in the month, Burgess obtained a Virginia driver's license—using as an address the post office of a fellow agent who lived in Norfolk—and returned to Phillip's store. He tried to buy more firearms, and showed Phillips the new license.

Phillips replied, "I know you're from Delaware. I can't sell you a firearm." He warned Burgess: "You might get sent to jail for what you are doing." Burgess left, empty-handed.

On October 4, 1977, two months after their investigation ended, BAFT agents raided Phillips's shop and charged him on felony counts of selling firearms to a nonresident. They seized his entire stock—"Brownings and good guns," fifty to sixty of them—and stacked them in the trunk of a car.

Phillips's trial took less than a day, in federal court in Norfolk. Judge Dick Kellam, generally regarded as a law-and-order jurist, found his incredulity mounting as testimony proceeded. When the prosecution finished he asked, in astonishment, "That constitutes the evidence?" Yes, replied the assistant U.S. attorney, Raymond A. Jackson.

"Tell me where there is any violation of the statute in all that went on here," pressed Kellam. Jackson had nothing further to say.

"All right, gentlemen," Kellam said. "I'm going to direct a verdict. Bring the jury in."

"You're going to do what, Your Honor?" asked Jackson.

"I'm going to direct the verdict, find the defendant not guilty."

But Phillip's troubles did not end here. He had to get another court order for the return of the seized firearms—many came back rusty and scratched—and then return for another order for the restoration of his dealer's license. "It was very costly," he says of the process, "It cost me over $7,000."

In Senate testimony last summer Richard J. Davis, the assistant Treasury Secretary for enforcement and operations, tried to slough off BATF critics and especially persons who claimed victimization at federal hands. "I think it is important to remember," intoned Davis, "that criminal investigations and enforcement are by nature conflict-oriented. Inevitably, any criminal investigation situation is bound to produce negative reaction from the subjects of investigations." Both Davis and BATF director G. R. Dickerson denied any systematic abuse of the agency's authority.

"Negative reaction" certainly describes the feelings of David A. Moorhead, wounded eight times during the Tet offensive in Vietnam. Moorhead, a tough New Hampshire native, was listed on Army records as a paraplegic. "But I told a full colonel I would be damned if I would stay in a wheelchair, and I walk today."

Moorhead returned to his home in Wentworth, New Hampshire, and at the urging of Veterans Administration counselors took a gunsmith course. "New Hampshire is a very big hunting and fishing area," he says, "and there are very few gunsmiths. It was a job I could do in my home, so I could lie down and rest when I needed to." Moorhead opened his shop, and began collecting firearms as well as selling and repairing them.

BATF inspectors tested him. One undercover agent—"we call them a snitch"—came in and tried to buy a pistol without doing the required federal paperwork. Moorhead double-talked him: when the man left, Moorhead reported him to the local BATF office.

Meanwhile, through what Moorhead calls "some good old Yankee trading," he acquired an Army surplus M–14 rifle, the weapon he had used in the military. The training and maintenance literature that Moorhead saw referred to the M–14 as a rifle. He made no secret of his ownership. He kept it in a display case, and state and local police were among the persons who saw and admired it. He even listed the M–14 among his collateral for a bank loan.

A BATF undercover man saw the M–14 in November of 1975 and talked about it with Ken Drickser, the agent assigned to Wentworth. Drickser is said to have told his colleagues. "If there is one [a machine gun] in Moorhead Sports Shop, it is because he doesn't know it is one. Leave it alone and I will take care of it when I get back from vacation." Drickser left town on his trip.

A few mornings later, Moorhead heard someone banging on the door of his shop. He unlocked the door, and in swooped a raiding party of BATF agents from Boston. They told him he was under arrest for "secretly possessing a machine gun."

Moorhead was puzzled: "It kind of confused me. I never knew I had a machine gun, and my guns I had I never knew I secretly possessed." When he realized what they wanted, he surrendered the M–14.

The agents commenced a search. They found a 37-millimeter flare gun, which is exempt from registration by BATF's own regulations. Moorhead recounts what happened next:

"I said, 'Why are you taking that?'

"He said, 'Well, we are not sure.'

"I said, 'What do you mean you are not sure?'

"He said, 'Well, there are so many laws we can't be expected to know them all.'

"I said, 'You expect me to know them all?'

"He told me ignorance of law is no excuse."

The BATF agents put Moorhead in handcuffs and took him to Concord. His wife wanted to go along "because I was subject to having muscle seizures." They refused but did permit him to take Valium. When she insisted on accompanying her husband, an agent told her she would be subject to a $5,000 fine or five years' imprisonment if she disregarded orders.

BATF agents seized thirteen other persons in four states in the same series of "raids," and the agent in charge of the Boston region said they were "significantly the largest in New England affecting licensed dealers since passage of the Gun Control Act of 1968." The headlines stood two inches tall throughout New England the next morning. The BATF release noted that "more than 100 unrecorded guns" in addition to the "machine gun" were seized from Moorhead's shop.

These, says Moorhead, were "weapons I was keeping in safe storage for local camp owners who didn't want to leave them unguarded in vacant cabins over the winter." He and his wife had listed them in a registry, which they couldn't immediately find during the confusion of the raid.

The BATF publicity was not accidental. The bureau's *Public Affairs Guidelines* manual says good public relations "is a method of overcoming the criminal defense for lack of knowledge of the law, and has a favorable impact on the attitudes of the court, jurors, and prosecutors. . . . And most important of all, it serves to establish and enhance the image and identity of the bureau with all levels of our society."

When Moorhead went on trial the following April, District Judge Hugh H. Bownes listened to testimony, then said, "I think this is a travesty. I am upset. I am really upset." He told the jury:

"I am going to do something that I haven't done since I have been a federal judge, or a state judge, for that matter. I am going to take a case away from the jury after the evidence is all closed. I don't do this because I don't have any confidence in you, but I do it because I think the circumstances require it and the law requires it."

He saw no evidence that the M–14 was a machine gun as defined by law, or that Moorhead knew it possibly could be converted. He said the BATF officers "should have used some common sense and a little compassion." Then he turned to Moorhead:

"I want to say to you, Mr. Moorhead, that, on behalf of the government, I apologize. I don't think this case should have been brought. At most, we have here a technical violation." He told Moorhead to go home.

But no gun shop awaited Moorhead's return. BATF had seized all his business records and stocks. He had to visit the VA hospital frequently for nerve pills "because I just couldn't function; I was just totally—it was just a total daze." He couldn't pay his bills; creditors demanded money. "I finally had my business auctioned off to pay my debts, which didn't clear up everything. I have since cleared up my debts by selling my home and getting this taken care of."

BATF said not a word of apology for the misdirected raid. The agency did return the seized weapons—after the intervention of Moorhead's congressman, James Cleveland.

Federal Judge Herbert Murray, who heard Richard Boulin's case, didn't exactly apologize to him. But he did indicate strongly that he felt the federal government had made a mistake in bringing the young ex-cop into court.

Months after his arrest, Boulin sought support from the National Rifle Association, and received it in the form of David H. Martin, a former Secret Service lawyer now with the firm of Santarelli & Gimer. With the facts not in dispute—BATF had surreptitious tape recordings of Boulin talking with the Fat Man during the sales—Martin decided to try it on a question of law: Did the Gun Control Act make it illegal for a person with a dealer's license to sell from his private collection without doing the federal paperwork? Martin and the U.S. attorney's office in Baltimore submitted stipulated facts during the summer of 1978 to Judge Murray.

Eleven months dragged by without decision, an indication that the case was troubling Murray, a hard-working jurist. His opinion, released August 6 this year, explained why. Under the law, he said, he had "no choice" but to find Boulin guilty. He continued: "The court does this with great reluctance because the potential civil penalties in this case far outweigh the criminality of [the] defendant's conduct."

Murray referred to Boulin's prized gun collection, which BATF still held, with the ultimate intention of having a court declare it forfeit to the government after his conviction. BATF has sought this, with varying success, in countless other cases around the country. Boulin values the seized guns at between $30,000 and $35,000—provided they have not been ruined by haphazard storage and handling by BATF. Murray continued:

"If there were any way that this court could enjoin imposition of those [civil forfeiture] penalties it would do so, for the court believes that the necessary deterrence can be achieved through the criminal penalties available. Further, the court has found Mr. Boulin to be an uncommonly cooperative defendant whose involvement in this case has been an isolated act of wrongdoing in an otherwise lawful and productive career." He urged that the government work out some arrangement whereby the guns could be sold and the proceeds given to Boulin. And he told Martin to bring his client in later for sentencing on the eleven felony counts.

Over beer and hamburgers in a Maryland roadhouse, Boulin talks about his life since the arrest. He is estranged from his father, who was angered by federal agents appearing at his business. He works twelve hours a day, six days a week, piling up savings to support his wife in case he has to go to prison. He drives seventy miles round-trip daily to his present job, which is in sales; all he thinks about on the road is "the case."

He is cutting himself off from a society he believes has wronged him. He talks with his wife about buying a house in rural Maryland—there are some mighty remote areas in the state—"and putting a chain across the driveway and telling everybody to stay the hell out." Most of his old police friends shun him as a "rogue cop." Neighbors avoid him, or speak in strained tones when they encounter him. Sometimes he can't bear to tell his wife about adverse developments. For months she was not aware that he would have to stand trial.

Fantasies, scenarios, awesome schemes for revenge have tumbled through his tormented head: to put his hands on a gun, a big, mean automatic gun, and go to the BATF offices in Baltimore and blast away his tormentors; to use a gun on himself; to disappear; to take what money he has saved against a jail term and simply not be Richard Boulin anymore. "But I'm past that now," he says. "There's no sense in compounding your troubles. What hasn't soaked in yet is that I am a convicted felon. A *felon*. How I'm going to live with that is something I've yet to face."

There are practical penalties to go along with the stigma. Boulin is a bonded employee. When the bond comes up for renewal, he can either admit his conviction—whereupon he loses the bond essential to his work—or he conceals it—whereupon he risks another felony charge for making a false statement. He cannot renew his Maryland state sales license, meaning he can't even sell used cars, much less have a managerial position in a first-line agency. Technically, the mortgage company could demand the full amount owed on his home. "This really worries me. BATF plays dirty; I wouldn't be surprised at all if some agent who has it in for me dropped a dime on me"—that is, notified the mortgage company of his conviction. And, of course, he cannot work as a law enforcement officer.

At age 28, thanks to his government, Richard Boulin is as close to being dead in the water as a man can be.

The Fat Man, meanwhile, is nowhere to be found on the Maryland gun scene. He has disappeared into the folds of the federal government's program to protect informants.

A postscript: Several weeks ago an openly sympathetic Judge Murray praised Boulin's record as soldier and policeman, and said he believed Boulin's protestations that he had not intentionally violated the law.

"On the other hand," the judge continued—and Boulin, standing at a military parade rest, seemed to sag—Congress passed the Gun Control Act with the aim of regulating the circulation of handguns. So Boulin must be punished. Thirty days in jail under a work-release program, so he could continue at his auto agency job, then a period of probation, plus a $500 fine.

Murray repeated what he said in his earlier opinion: that the government should work out an arrangement whereby Boulin got proceeds from the sale of the valuable firearms collection.

Three weeks later BATF still had this suggestion "under advisement," according to lawyer David Martin. Meanwhile, Martin prepared to take the case to the Fifth Circuit Court of Appeals. So Boulin has a year, maybe eighteen months, of freedom left.

I asked Boulin if he had a picture of the gun collection *The Washingtonian* could use to illustrate this article.

He laughed. "BATF took all the pictures," he said. "They called them 'contraband.' I've asked for them back, now that the trial is over, and they just laugh at me."

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Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield at this time to the gentleman from Ohio.

Mr. ASHBROOK. I thank my colleague for that excellent statement, and more than that for his leadership over the years in trying to combat these abuses.

I know that one of the things people forget about and one of the things that would be addressed by the gentleman's proposed legislation, which I support, is that most of us forget so easily.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MILLER of Ohio. Mr. Chairman, I yield 3 additional minutes to the gentleman from Missouri.

Mr. ASHBROOK. Mr. Chairman, if the gentleman will yield further, one of the things that most people forget about the gun law of 1968 is that every infraction results in a felony, whether it is recordkeeping, whether it is something that by every other standard would be considered a misdemeanor or a minor crime, every single mistake, every single infraction under the 1968 act is treated as a felony. By any system of justice, by any system of balance, it is overkill to an extent that it is unneeded. I think that is one of the great abuses that we want to address in this body.

I thank my colleague for his leadership and his work in that area.

Mr. VOLKMER. Mr. Chairman, I would just like to tell the body one other thing that came to my attention just yesterday, and I and my staff are going to start working on it, and that is by a BATF agent himself who is now being harassed and is threatened with being fired simply because he likes guns himself, so we are working on that. It seems that the abuse transcends from the top on down through the supervisory employees.

The other thing I would like to talk about very briefly is that I have an amendment to the bill that will be offered when we get to title IV for the General Services Administraton. It has been brought to my attention by one of my constituents, and we checked it out for sure and found it to be true, that the General Services Administration has been purchasing manual typwriters for supplying Federal offices from the Federal Republic of Germany in East Germany. We do not think that is quite right for our taxpayers' money to be used to be buying typewriters from East Germany, a Communist country, at a time when they are supportive of Russia's invasion of Afghanistan, when we are denying to our farmers the right to sell grain to Russia.

I think it is quite asinine, to say the least, for us to buy manual typewriters for use in Federal offices and in the military from a Communist country, when we have manual typewriters available, being manufactured right here in this country.

Therefore, I plan to offer an amendment which would prohibit GSA from using any funds in this bill to purchase any such manual typewriters from any Communist country.

Mr. Chairman, I yield back the balance of my time.

Mr. STEED. Mr. Chairman, I yield myself such time as I may consume.

I have two things I would like to mention. One is that, first, I am pleased and I appreciate very much the kind and flattering remarks that many of my colleagues have said about me.

I want to say that I am sure one of the things that I will miss a lot more than I can explain will be the breaking up of the association with these fine people I have had through the years, because it really has been a great experience to know them and to work with them.

I think, though, that it would be worthwhile to take a minute here to tell you about one thing in the bill that may be of more than passing concern to quite a few of you. We know the controversy about Saturday delivery of mail has come up. As shown by the records of the Appropriations Committee for June 13, efforts were made to strike funds for Saturday 6-day mail delivery from this appropriations bill when it was before the committee. The proposed amendment was soundly defeated and I am glad to note that it is intended that such mail service continue. In this bill we have under the law three items that permit us to appropriate money to the Postal Service.

The committee has brought here in the bill today the amount of money that the now existing law provides for. One is the money for the public service costs which are set by law. The other is the money it takes to pay some retirement benefits to employees who were retired prior to the time that the Postal Service was created.

The other is an item called Revenue Foregone.

Now, there probably will be some adjustments made in these figures later on. There are some proposals pending that may impact on it, but I would like for the Members to know that as of this time, the bill is in compliance with the now-existing law. If changes are to be made, I think it just makes good sense that we wait until the legislative process has been completed and then we can adjust the bill, if necessary, to comply with it.

The other thing I would like to say is that we have a lot of people here that are always interested in ways to save money and while this may not be a matter of humor to some, there is one item in the bill that offers an opportunity to save some money. We are required by law to appropriate each 4 years an item for what they call "transition of the President." There is $3 million in the bill to pay that item in the event there would be a transition of Presidents after the November election. On the other hand, if there is no transition by virtue of the fact the present incumbent is reelected, the $3 million lapses; so if that is any consolation to anybody, that then occurring will start out by saving $3 million. I thought that would be an item some Members would be interested in.

Mr. Chairman, I reserve the balance of my time. I have no further requests for time.

Mr. MILLER of Ohio. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. Frenzel).

Mr. FRENZEL. Mr. Chairman, I take this time only to register a complaint about the maladministration of this House. For the second straight year the Speaker has been unwilling to consider a customs authorization bill.

This year the authorization bill was passed in April, and received a rule about a month later; but in the following 4 months, the Speaker could not squeeze an hour or two into the schedule so that we might consider it.

This Congress is supposed to stress oversight. The House leadership renders regular lipservice to oversight; but how can we oversee an agency which spends a half a billion dollars and collects $9 billion, if the Speaker cannot even work this bill into his schedule?

Mr. Chairman, I hope the distinguished chairman and ranking member of the subcommittee will support the efforts of the gentleman from Ohio (Mr. Vanik) and myself to include some of the elements of the authorization bill which will never be considered in this House.

Mr. Chairman, I support the amount appropriated for the U.S. Customs Service even though it is $5 million less than the amount recommended by the Ways and Means Committee in the authorizing bill (H.R. 6783). The amount to be appropriated by this bill, $472 million, is the amount requested in the President's budget, a mere 1.6-percent increase over fiscal year 1980.

This is the second year that the budget for the Customs Service has failed to keep pace with inflation. At the same time, the customs workload is expected to increase by 7 to 12 percent as a result of expanded trade, increased travel, and the new requirements of the multilateral trade negotiations. Such an increase cannot possibly be accommodated solely through increased productivity.

The Ways and Means Committee had increased the budget request by $5 million and directed that the moneys be earmarked for additional customs inspectors. This additional manpower, charged with the responsibility of inspecting cargo, especially containers, was estimated to increase customs receipts by approximately $40 million in fiscal year 1981.

Numerous studies have made it clear that increased inspection results in increased revenue and that cutting back on customs personnel is not in the long run cost effective. We all want to see customs officials deliver the best possible services and operate in the most efficient and effective manner. However, if we want them to perform their extraordinary task well, we must support a budget that keeps pace with inflation.

However, the realities of very tight fiscal policy on the part of everyone this year makes the amount contained in this appropriations bill understandable. Because the subcommittee and its distinguished chairman has done its usual fine job, I will support the amount recommended in H.R. 7583 and will not offer any amendment to increase the $472 million figure.

I want to add my thanks and good wishes to the retiring chairman, Tom Steed. I have watched him handle these appropriations year after year with good sense, patience, understanding, and fairness. I join all Members in paying tribute to his service, and wishing him good health and good fishing in his retirement.

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Mr. MILLER of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Ashbrook).

Mr. ASHBROOK. Mr. Chairman, I too want to compliment my good friend from Oklahoma for his long service. I hope he has the deserved years ahead that retirement would bring him. I also hope he can take that fishing trip he mentioned in Kentucky which, of course, is very close to the State of Ohio. He might even venture over into the wild streams of our State for a little fishing.

Mr. Chairman, before the House considers the Treasury appropriations for fiscal year 1981, I would like to call attention to the need for greater scrutiny over the activities of one of the agencies within that Department. I am speaking about the Bureau of Alcohol, Tobacco, and Firearms, known as BATF. Oversight hearings have been held by the Senate Appropriations Committee on two separate occasions. It appears from statements that have been made by credible witnesses, and quotes from the highest of authorities including Federal judges, that the BATF has engaged in an organized nationwide method of enforcement which severely undermines the civil rights and civil liberties of American citizens. It is clear from the testimony of victims of these abuses that severe problems exist within BATF, and although the agency insists that corrective actions have been taken, there has been no evidence that any of the agents who have perpetrated these abuses have been punished in any way.

Perhaps the most glaring example of BATF agent misbehavior was the case of Frank Chismar, a young New York stereo salesman. Mr. Chismar was forced to the side of the road, bodily dragged from the window of his car and brutally beaten by a group of BATF agents who mistook him for someone who had allegedly defrauded a BATF agent in an undercover firearm purchase. Even if these agents had stopped the right man, their actions would have been inexcusable from a law enforcement standpoint. The fact that they apprehended and terrorized the wrong man even more starkly illustrates the problem. Mr. Chismar's injuries were sufficiently severe to necessitate hospitalization. Justifiably angered by BATF's actions, he took his case to the press. To add insult to injury, the agents involved in the beating have filed a libel suit against him.

Another well-known example of BATF's cavalier disregard of basic human rights was the case of David Moorhead, a young Vietnam veteran who began his career as a gunsmith under the Veteran's Administration rehabilitation program. The Federal judge in this case did something which he stated he had never done before—he took the case from the jury, called it a travesty of justice, and apologized to Mr. Moorhead for the mistreatment he had received at the hands of his own Government. In spite of the judges statement, and although the Director of BATF subsequently apologized to Mr. Moorhead before Senator DECONCINI in last year's hearings, to my knowledge BATF has taken no action against the agents involved. I have here a copy of an article on Mr. Moorhead's testimony which appeared in the NRA's newsletter, Reports from Washington, which I ask unanimous consent to print at the conclusion of these remarks.

The most frightening thing about the Moorhead and Chismar cases is that they are not isolated examples of bureaucratic irresponsibility. Rather they are part of an established pattern of civil liberties abuses at the hands of BATF agents. They are part of a veritable litany of victims.

I feel that the appropriations process can be used by Congress in the future as an oversight tool to prevent reoccurrence of such atrocities. However, much of the blame lies not merely with the agency but in the way the 1968 Gun Control Act is constructed. For this reason, I was one of the five original sponsors of H.R. 5225, the Firearms Law Reform Act. The bill now has 109 cosponsors in the House and 43 in the Senate. The House Judiciary Committee's Subcommittee on Crime, of which I am ranking member, is expected to schedule hearings on the enforcement practices of BATF. I will look forward to these hearings as a means of focusing much needed public and congressional attention on a problem which has gone unheeded for too long.

One thing is clear—once the evidence has established the extent and scope of BATF's civil liberties abuses, Congress must take firm corrective action. With this goal in mind, I ask my colleagues on each side of the aisle to take a long hard look at the activities of the Bureau of Alcohol, Tobacco, and Firearms that infringe upon the civil liberties of American gun owners.

ONE BATF VICTIM TELLS HIS STORY

The story of how BATF agents from Boston crushed the budding gunsmithing career of a young New Hampshire man disabled in combat during the Vietnam War unfolded before a U.S. Senate Appropriations subcommittee July 11.

David A. Moorhead of Plymouth, N.H., accompanied by his wife, appeared before Sen. Dennis DeConcini's panel investigating BATF abuses and quietly told his story.

When Moorhead was done, BATF Director G. R. Dickerson was moved to agree an apology was in order. It was a case of "extremely poor judgment," he testified. Assistant Treasury Secretary Richard Davis, never one to give ground, suggested it was "stupidity rather than misconduct."

But it happened.

Moorhead, who eschews the use of a wheelchair despite being partially disabled, was hit by eight bullets while serving as a point man for a 1st Cavalry Division unit during the Vietnam Tet offensive.

Upon his return from Vietnam, Moorhead told the senators, he decided to take advantage of a Veterans Administration rehabilitation program by training as a gunsmith. He said the work could be done at home, an important point since he needed to rest at times during the day, and gunsmithing was a promising vocation in New Hampshire.

Or, rather, it was promising. Enter BATF.

"Just before I was arrested," Moorhead testified, "I had an undercover agent, well, we call them a snitch, try to buy firearms from me without federal paperwork. He got talking to me, and he said: 'By the way, Dave, you don't happen to have any small automatic handguns or something like this that we could buy without paperwork?' "

"I kind of put him off with some answers and stuff like that to kind of please him, and he left, and I reported him to the local ATF agent in Concord."

He didn't know at the time that the "snitch" was an agent, Moorhead said.

But during the man's visit he became aware that Moorhead personally owned an M14 rifle, which Moorhead says "I obtained through some good old Yankee swapping and trading. I traded a canoe for a nice weapon that I learned to fire and was taught by the Army that it was a rifle.

"Everything I've ever seen, Army manuals on how to repair it, and literature I've ever read referred to it as a rifle," Moorhead explained. "I never had even had the slightest inclination it was a machine gun. I never even saw it fired fully automatic in the service," Moorhead said.

Asked by Sen. DeConcini if he considered the M14 a collector's item, Moorhead responded, "Oh yes, definitely." He likened his acquisition of the M14 to a World War II veteran buying an M1 carbine.

After the first visit from the undercover agent, Moorhead related, the man returned with a friend he described as a collector of military weapons. The M14 was inaccessible at that time because it was beyond a newly painted floor, he explained.

"Then on Nov. 12 (1975) they came to my door in the morning with the local sheriff, the high sheriff of Grafton County, who is a disabled veteran himself," Moorhead related. "They shoved him to one side, and they came in through the door and said they had a warrant for my arrest because I was secretly possessing a machine gun.

"It kind of confused me, because I never knew I had a machine gun, and any guns I've ever had, I never knew I secretly possessed them," Moorhead explained.

"When I saw what they wanted, I voluntarily surrendered the M14, and they continued searching my home after the scope of the search warrant had been executed, and they confiscated a 37-millimeter flare gun which is exempt from law under their own definitions.

"I said to him," Moorhead related, " 'Why are you taking that?' And he says, 'Well, I'm not sure if you can have it.' I said, 'What do you mean you're not sure?' He says, 'Well, there are so many laws, we can't be expected to know them all.' And I looked at him and said, 'And you expect me to know them all?' "

"And then he told me ignorance of the law was no excuse.

"They hauled me off to Concord in handcuffs. I asked them why they were handcuffing me, because I offered no resistance whatsoever, and they said that it was a policy so I couldn't jump out of the car at 60 miles an hour," Moorhead said. The agents, who initially handcuffed his hands behind his back, did relent and put his hands in front because of an unhealed chainsaw cut on his arm.

Moorhead said his wife wanted to accompany him to Concord because he was subject to seizures during that period. "They told her that if she did not stay and open the shop so that they could ransack the shop, she could get five years or $5,000 (in fines) or both for not staying."

Upon arriving in Concord, Moorhead, who testified he had "no type of criminal record whatsoever," was put in a holding cell and then forced to post a $10,000 bond.

While Moorhead was being hauled off to Concord, the raiding BATF agents from Boston confiscated more than 100 firearms from his shop, "a lot of them being .22 caliber camp guns that I stored and cleaned for the winter for the Boy Scouts of America camp not too far from me."

Though Moorhead said he had records on the firearms, his wife was unfamiliar with them and couldn't produce them for agents.

Questioned by Sen. James McClure (R-Idaho) about the publicity that accompanied his arrest, Moorhead and his wife read a newspaper clipping that said BATF agents had "confiscated over 100 unrecorded guns, from the office and Moorhead shop."

That kind of publicity was typical of BATF cases, Sen. McClure pointed out.

Moorhead went on trial in U.S. District Court in Concord in April 1976, charged with possession of an unregistered Title II (automatic) weapon. Because of his financial circumstances, Moorhead told the senators, he was represented by a court-appointed attorney making his first appearance in federal court.

Moorhead and his wife offered into evidence the transcript of the last 15 minutes of that court proceeding, presided over by District Court Judge Hugh H. Bownes.

"I think this is a travesty. I am upset, I am really upset," the transcript has Judge Bownes saying.

"Well, I am going to do something that I haven't done since I have been a federal judge, or a state judge for that matter," Judge Bownes said. "I am going to take a case away from the jury after the evidence is all closed.

"I am dismissing the indictment, and I am dismissing it on two grounds," Judge Bownes continued. "I am dismissing it on the grounds that I don't think there is evidence from which the jury could find beyond a reasonable doubt that this was a machine gun as defined in the statute. I am also dismissing it on the further grounds that there is no evidence from which the government has shown at all that the defendant knew or reasonably should have known that this weapon was or could be converted into a machine gun."

Judge Bownes went on to say: "And I want to say to you, Mr. Moorhead, that, on behalf of the government, I apologize. I don't think this case should have been brought. At most, we have a technical violation. And now this man has lost his license as a result of the indictment."

After telling Moorhead's lawyer to try to get his client's federal firearms license restored, Judge Bownes added: "I am upset by the case. This is the first time that it has happened. And I think that on behalf of the law enforcement officials in this case, they should have used some common sense and a little compassion and taken all the facts into consideration."

But for Moorhead, the acquittal came too late. The BATF still had his stock of guns purchased for the hunting season and his records. He was effectively put out of business.

"It ceased to be a rehabilitation at that time," Moorhead told the senators, "because I had to keep going to the VA hospital to get nerve pills and things like this. I couldn't even function. I was totally, just totally dazed.

"You just couldn't believe that this kind of stuff was going on, and because of it I couldn't function—they had taken my license and my records and stuff like this. I couldn't pay my bills, and because I couldn't pay my bills, people were demanding money. So, I finally had my business auctioned off and stuff like this to pay my debts, which didn't clear up everything." He also sold his home.

The Small Business Administration, more compassionate than the BATF, forgave a loan in excess of $13,000 utilized to start his business, Moorhead said. That was just a small part of what his prosecution cost taxpayers.

Despite Judge Bownes' sharp criticism of the BATF's case, the agency still did not return Moorhead's gun stock or the Boy Scout rifles. It was only after Rep. James C. Cleveland, Moorhead's congressman, personally called on then-BATF Director Rex Davis that an Army truck appeared at Moorhead's shop with the guns, he said.

As for the M14, which reportedly had the selector switch cut welded shut and was otherwise altered to preclude automatic fire, that was "administratively forfeited," Mrs. Moorhead said, "and we didn't have the $250 (a type of bond required to contest forfeiture) to fight that."

When Sen. DeConcini commended Moorhead for his "courageous" testimony, Moorhead hastened to warn him that his case wasn't the only one made during that period by BATF agents working New Hampshire.

"I was not the only one that they took in. They took in quite a few others. I think around nine or 14, something like this. I think they had two convictions, if I remember the facts correctly, both men pleaded guilty in each case." One of those defendants, he said, was both elderly and suffering from a bad heart, and thus wanted to avoid the strain of a trial.

"I blame it on the arrogance of the agents out of Boston," Mrs. Moorhead told the senators, assessing the nightmare. If the BATF had left it in the hands of local BATF agents, if they had bothered to check on her husband with the local sheriff, it all could have been avoided. The sheriff, Herbert Ashe, was Moorhead's chief character witness.

BATF Director G. R. Dickerson, under questioning, indicated that the agents involved in the Moorhead case were not reprimanded. "Under our current instructions that kind of action couldn't be taken," he said.

BATF's policy in Title II weapons cases today, he explained, is to secure voluntary abandonment or modification of the firearm in cases where no criminal incident or intent is involved.

Word of that policy apparently hasn't reached some of the BATF troops in the field. Agents in New York recently drove off in a Frewsburg, N.Y., auto dealer's truck with a disabled World War I submarine deck gun mounted on the bed.

The owner, Dave Kerrin, says BATF agents seized the truck and cannon in his absence. "They just walked right into my shop and took the keys," Kerrin has told RFW.

Dickerson did promise, at Sen. DeConcini's request, to review the actions of the agents in the Moorhead case. It is possible, he said, that the agents were not in violation of BATF guidelines existing at the time of the incident.

Though Sen. McClure was to praise Dickerson at the close of the hearings for what appears a new direction charted by the agency, neither Sen. McClure nor DeConcini seemed satisfied that BATF had righted the wrong done Moorhead.

Mr. STEED. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I want to address later comments with regard to the stockpile legislation which we enacted in Congress and the implications involved in the legislation we have today.

At this point, however, I wish to express my very deep appreciation for the wonderful leadership Mr. STEED has given in this Congress. He and I came to Congress at the same time, in the same session and were sworn in at the same time. It has been a distinct pleasure for me to serve with him. I have never seen a man more dedicated to the welfare of our country and more efficient and persistent throughout it all, or with a better sense of humor. He is, indeed, a magnificent statesman, and we are all going to greatly miss him in Congress.

I pay this tribute to him in the sense that I know that all other Members of Congress join me in telling him we feel he has done an excellent job and we congratulate him upon it.

There is one item in this bill that concerns me very much. That item is the appropriation of $100 million to procure critically needed materials to update our national defense stockpile. This is a reduction of approximately $69.9 million from the original administration fiscal year 1981 budget submission. It is my understanding that this reduction was made for purely budgetary reasons—which in my opinion, is in direct conflict with congressional intent of Public Law 96–41.

Members of this House will recall the Congress, last year, enacted new legislation regarding the national defense stockpile. This legislation, known as the Strategic and Critical Materials Stock Piling Revision Act of 1979 (Public Law 96–41), substantially revised and updated sections of the Strategic and Critical Materials Stock Piling Act. Among other provisions, the new act established the "national defense stockpile transaction fund," into which receipts from sales of excess stockpile commodities are deposited. These funds are to be used only for national defense stockpile procurement. As originally envisioned, the fund would not affect budget authority or outlay totals in order to guarantee its independence from the budgetary pressures and manipulations that had adversely impacted the program in the past.

It is a well-known fact that the national defense stockpile program was the subject of misguided directions and was inappropriately used by past administrations for purposes other than national security. To correct the problems associated with the program's past performance and to provide strong congressional guidelines, Congress, with the support of the Carter administration, passed Public Law 96–41. However, subsequent to passage and despite assurances made, the Office of Management and Budget required the presentation of the fund as a line item in the GSA fiscal year 1981 budget. Consequently, the fund affects both budget authority and outlay totals and as a result has been subjected to the same influences as in the past.

I have written to the Director of OMB, Mr. James McIntyre, Jr., informing him that I was distressed to see that among the reductions recommended by him in the fiscal year 1981 budget was the sum of $21 million from the appropriations for stockpile acquisition from the national defense stockpile transaction fund. I pointed out to him that in his letter of April 14 to the President he stated that this reduction was a necessary element in the administration's anti-inflationary program and to achieve a balanced budget. His recommendation as to this particular item is a direct contradiction to the President's previously announced support for the Strategic and Critical Materials Stock Piling Act. In the testimony of the administration witness, and also personally, the President assured the Congress in his support of the policy act that the stockpile program would not suffer the same abuse of previous administrations by using the program to attempt to balance the budget.

I firmly believe that the actions taken by the executive branch regarding the fund and the further reductions by the Appropriations Subcommittee are in direct conflict with the Congressional intent of the act.

Mr. Chairman, it is very hard for me to understand why the subject of appropriations for stockpile acquisitions—appropriations which would be fully funded by the proceeds of stockpile disposals—should even have become an issue in this initial appropriations request. Yet it has become an issue, and this has occurred because of mismanagement on the administration's part, with the result that the very spirit of the law has been disregarded in an attempt to resurrect the old evil of using the stockpile for budgetary purposes.

I am also at a loss to understand why the Appropriations Subcommittee further reduced the request by an additional $48.9 million for purely budgetary reasons in view of the intent of the act as passed by this Congress last year.

I hope that if the Senate Appropriations Committee in its wisdom funds the entire $169.9 million, the House conferees will recede.

Mr. MILLER of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. CORCORAN).

Mr. CORCORAN. Mr. Chairman, I take this time in order to associate myself with the remarks of my colleagues regarding the chairman of the subcommittee, the gentleman from Oklahoma (Mr. STEED). But I also would like to call attention to the leadership he has provided on an important element in the legislation that is pending before us, and that has to do with full funding for the public service subsidy for the U.S. Postal Service.

One of the things I think that has given us pause in the growing power of the Budget Committee has been brought forth by the action that committee took with respect to the public service subsidy for the Postal Service, with particular reference to terminating Saturday mail delivery. It is my view that the Budget Committee should not get involved in line item additions or subtractions to the budget funding proposals of the various agencies, and there is no better evidence of this than with reference to the subject I call the attention of the committee to this afternoon. Because while the Budget Committee has recommended that there be an elimination of Saturday mail, and that there be over a period of 2 or 3 years the complete phased elimination of public subsidies, the point is that with respect to that agency the response and the reaction is entirely different from almost every other agency of Government.

When we cut the Department of Housing and Urban Development by say 10 percent, that is the end of the matter. When we cut the revised Department of Health and Human Services by 5 percent, that is the end of the matter. But if we, as the Budget Committee recommended, I think in an ill-advised fashion, cut funding for the U.S. Postal Service by some 7 percent less than last year's budget, that is not the end of the matter. In fact, what happens is, as is currently the case, they have another means of getting revenue, and that is through raising rates. And that is precisely what they are doing.

So I want to commend the Appropriations Committee for its work in recognizing the folly of eliminating that kind of an appropriation, and particularly eliminating 6-day delivery because it would not work. Furthermore, the agency itself has the opportunity, has the capacity, has the authority simply to take steps to get the money to offset the subsidy loss through its ratemaking procedure. What we have, if we were to follow the recommendations of the administration, follow the recommendations of the Budget Committee, is the ironical situation where we would reduce the subsidy but, in turn, as is currently pending and undoubtedly will occur, the Postal Service would increase first-class rates from 15 to 20 cents.

So at the same time that we would be congratulating ourselves on eliminating a portion of the subsidy, the result would be that the taxpayers, the consumers, the customers of the Postal Service, which include everybody, would have to pay more. In a word, they would be getting less service for more money. We certainly do not need less service and higher prices from the U.S. Postal Service in the same year, or at any time for that matter.

Mrs. SMITH of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. CORCORAN. I yield to the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. Mr. Chairman, I commend my colleague on his statement and join in expressing my appreciation for the service of our subcommittee chairman. I rise in support of my committee's action to retain Saturday mail service.

Far from being a workable alternative as suggested by Postmaster General Bolger, elimination of Saturday mail service is a catastrophic mistake. First and foremost, the elimination of Saturday mail delivery will mean the American people, and particularly the 56 million Americans who live in rural areas, will be denied effective postal service. In fact, the recently released report of the Five-Day Delivery Task Force states:

> We cannot ignore the fact that, over time, customers will realize that the delivery time for mail (especially preferential, important mail) has increased and that service has been degraded.

It is even questionable that the Postal Service can successfully adapt to the elimination of Saturday mail service. The task force report also openly questions this ability. In this regard, referring to Monday "peaking," the task force report says:

> We will have equipment shortages, such as trays, rolling stacks, etc.; we will have locations with inadequate storage space for mail; and we may have problems with the adequacy of capability of our present vehicles and those being planned for future procurements.

Postmaster General Bolger has stated that elimination of Saturday mail "could have an adverse impact on the economy one way or another."

This is so because there would be an added day of delay built in for mail generated on Friday. This is most painfully true for rural residents who get their newspapers delivered by mail and rural businesses that depend on mail for important deliveries. The daily newspaper in rural areas, which normally arrives on Saturday, is really of significant importance. This weekend newspaper contains supermarket advertisements, local government meeting notices, and social activity announcements. It does the rural resident no good to receive this paper on Monday or Tuesday when it contains the time-sensitive material that I have just described.

Further, Mr. Chairman, the Postal Service has filed with the Postal Rate Commission for a 20-cent first-class mail rate. What I cannot understand and what my constituents find incredible is that the Postal Service wants to increase costs and reduce service. It just does not make sense.

I would like to commend the committee for restoring this funding which will prove to save more money than its elimination.

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Mr. CORCORAN. I thank my colleague for her comments because she makes a very good point about the impact of cuts on the rural areas. But we often overlook the impact of such cuts on suburban and urban areas. One of the features, one of the attributes of the public service subsidy is that it permits the Postal Service to locate post offices not on the basis of the most economical way to transport the mails, but for the convenience of the customer. The elimination of the subsidy would not only have an impact on rural America but also on urban America.

● Mr. HANLEY. Mr. Chairman, I wish to extend my congratulations to the distinguished chairman of the Subcommittee on Treasury, Postal Service, and General Government Appropriations, for his outstanding work on this important legislation.

For the past 6 months, the Committee on Post Office and Civil Service has been working hard to insure the continuation of Saturday mail delivery. We have received little support from either the administration or the Committee on the Budget. The Appropriations Committee has restored sanity to the budget process. Rather than wielding a battle-ax to destroy mail delivery, the Appropriations Committee has complied with the law of the land to continue public service appropriations so that the Postal Service can maintain the highest possible standards for efficient, reliable, and daily delivery of mail. Chairman STEED's expertise in postal matters—he has been chairman of the Postal Appropriations Subcommittee for 14 years—has resulted in the best answer for the Postal Service and the American people. Chairman WHITTEN shares the responsibility and the credit for this achievement. In the face of an indifferent administration and ill-informed budget cutting advocates, the steadfast efforts of these two Members has saved the public service appropriations and Saturday mail delivery for millions of Americans. As chairman of the Committee on Post Office and Civil Service, which has fought this battle for years, I extend my most sincere congratulations and appreciation to them.●

Mr. MILLER of Ohio. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Chairman, once again this Congress is addressing the issue of tax exempt status of private schools, an issue we solved temporarily last year by passing the Ashbrook amendment to the fiscal year 1980 Treasury appropriations bill. During floor consideration of the supplemental appropriations bill, the Members of this body reaffirmed their overwhelming show of strength in support of the proposal offered by my distinguished colleague, the gentleman from Ohio (Mr. ASHBROOK).

This year, as one of over 100 Members who have sponsored legislation to deny the Internal Revenue Service any authority to promulgate their regulations to eliminate tax exemption for private and religious schools that were not complying with Federal racial standards, I again rise in support of the Ashbrook and Dornan amendments. In effect these amendments would stop the funds necessary to carry out any policy, procedure, guideline, regulation, standard, or measure which would cause the loss of tax exempt status to private, religious, or church operated schools under the Internal Revenue Code of 1954.

In the past, the Internal Revenue Service has seen fit to take this action without the benefit of public or congressional approval by claiming it to be a matter of defining existing internal guidelines. It makes utterly no sense to create this hardship for private schools. The IRS should do what Congress has mandated and stay out of the legislative process.

It should be stressed that only Congress has the right to legislate a new tax status for traditionally exempt charitable institutions. The responsibility of the IRS is purely to enforce the tax laws, clarify the laws, but not to expand on them. The power of the IRS is being overblown by the new assumption that whatever private activity the IRS does not tax, in fact it refrains from taxing. Tax exemption is being equated with Federal aid. The outgrowth would be to allow the IRS to regulate virtually any activity in society it chooses. All religious activity along with priate education could be seriously affected by the proposed procedures.

If the IRS is not stopped again this year, their action would put thousands of Christian schools in the position of having to prove that they were not guilty of violating the new definitions set forth by the agency and would add an impossible financial burden onto the schools. This ruling would force many schools to close simply because they could not afford the cost of defending themselves or conforming to costly and overbearing guidelines. Christian schools are usually small institutions, supported exclusively by parents of enrolled students and by a local church congregation. These schools are not run as major corporations, with CPA's and general counsels available to interpret, appeal or comply to the latest bureaucratic rulings.

To retain tax exempt status under the proposed procedures, private schools would be required to undertake programs for minority preference in admissions and hiring. The IRS would automatically place thousands of Christian schools in the position of having to prove that they were not guilty of violating the new definition set forth by the agency, which appears contrary to our rule of law, "innocent until proven guilty."

Uniformity, equality and fairness in their application of these regulations would be impossible. No school is to know whether or not they are in fact discriminating until the IRS renders judgment on their school. These procedures also give the IRS the option of selecting which churches are to be allowed to educate their youth as a part of their religious mission.

Furthermore, this plan violates the constitutional separation of church and state, and disrgeards recent Supreme Court rulings which prohibit the use of federally imposed quotas in the schools. Certainly to impose student and faculty quotas on private schools is wrong, and infiltrates a constitutional protected realm. By setting severe compliance standards, and volumes of paperwork, the Federal Government would close more than half of all private schools.

This is not an issue of race. In 1970 the IRS announced that racially discriminatory schools, who did not maintain an open door policy must forfeit their tax exempt status and as a result of this action by the IRS over 100 schools lost their tax exempt status. That action was sufficient and there is no need for regulations of this magnitude and expense.

The long range consequence of this IRS action is indeed frightening, and strikes at the very heart of the first amendment and the future of religious freedom and jeopardizes the future of private education in America. The Internal Revenue Service has undertaken to deal a death blow to private elementary and secondary education and must be stopped.

● Mr. BEDELL. Mr. Chairman, I rise in support of H.R. 7583, fiscal year 1981 Treasury-Postal appropriations, and I ask permission to revise and extend my remarks. In particular, I would like to take a moment to comment on the Postal Service provisions in H.R. 7583. This bill provides $1.6 billion for the Postal Service in fiscal year 1981, which is $250 million more than the administration requested, although still $83.6 million below the fiscal year 1980 appropriation. The difference between the administration's budget request and the provisions in this bill reflect the intent of Congress to maintain the Postal Service subsidy for public service costs.

As you know, Mr. Chairman, the House Budget Committee had proposed to end Saturday mail service as part of an overall Postal Service budget cut of $836 million. I have strongly opposed such a proposal because I feel that it would unduly harm rural areas like northwest Iowa, as well as postal workers and the postal system in general. It is my firm belief that there are many more suitable ways to trim our Postal Service budget, such as eliminating the subsidy for junk mail, correcting inefficient routing methods, and using postal vehicles more efficiently. In this last regard, I cosponsored an amendment to last year's Postal Service authorization bill that would promote the use of gasohol in postal service vehicles. This amendment was approved and is pending in the Senate. In addition, because of my interest in seeing that Saturday mail service continues, I have cosponsored a bill introduced by Representative TOM DASCHLE, House Resolution 307, which would direct the Postal Service to continue providing mail delivery service 6 days per week. This bill is currently awaiting action by the House Post Office and Civil Service Committee.

I am very pleased that today the full House has an opportunity to vote for continued Saturday mail service. There are several important facts with respect to the Postal Service subsidy for public service costs which merit mention. The U.S. Postal Service sorts, moves, and delivers nearly 100 billion pieces of mail annually, more than the rest of the world put together, with an increasing volume earmarked for free or subsidized delivery. Still, according to the National League of Postmasters of the United States, only Canada charges less postage than the U.S. Postal Service, and they receive a direct subsidy from their government of 30.4 percent of their annual volume. By comparison the U.S. Postal Service receives a mere 8.7-percent subsidy for public services rendered. The use of the term "subsidy" in this context is perhaps misleading and incorrectly used when referring to the appropriation for public service costs. Such appropriations are payment for services rendered by the Postal Service which benefit the public, and which are necessary if postal services are to be available to all citizens and if cost is to be fairly apportioned. The Congress of the United States has long recognized that public appropriation funds are essential to the well-being of this great Nation. Mr. Chairman, I am happy to see that the Treasury-Postal Service appropriations bill for fiscal year 1981 contains funding provisions for public services which will enable Saturday mail service to continue. I urge its prompt passage by the House.●

● Mr. ROYBAL. Mr. Chairman, as we consider the Treasury-Postal Service-General Government appropriations bill for fiscal year 1981, I would like to take the opportunity of bringing to the attention of my colleagues the great pleasure it has been for me to work with Chairman TOM STEED. As most of my colleagues know, this is the last bill that TOM STEED will be bringing to the floor as chairman of the subcommittee. TOM STEED is one of the most respected Members of this House. The contributions he has made to the House of Representatives, to the State of Oklahoma, and to this Nation, are many, and his dedication to the work of this subcommittee will never be surpassed. The subcommittee, as well as the whole House of Representatives and the Nation, will miss TOM's talents as a legislator, but I wish him well in his retirement. My sentiments of course extend as well to ED PATTEN, BOB GIAIMO, and BOB MCEWEN, who are also members of the subcommittee and who have announced their forthcoming retirement from the House of Representatives.

Mr. Chairman, as a member of the Treasury Subcommittee for nearly 10 years, I have always been interested in the issue of minority employment in the Federal Government. I have raised this issue year after year with representatives who appear before the subcommittee to defend the administration's budget requests. I wish I could report to my colleagues that my efforts have met with great success. However, the truth of the matter is that minority employment in general, and Hispanic employment in particular, has increased at only a snail's pace. For example, in the 4-year period from 1974 to 1978—the last year for which the Office of Personnel Management has reliable figures—total Hispanic employment increased by only two-tenths of 1 percent, from 3.3 percent in 1974 to 3.5 percent in 1978. At this rate of increase, it will take 130 years before Hispanic employment in the Federal Government reaches parity with current representation of Hispanics in the U.S. population, which is about 10 percent.

Individual agencies under the jurisdiction of the Treasury Subcommittee, I am afraid, are doing no better than the Government as a whole. Total Hispanic employment at the Office of Management and Budget, for example, comes to 8 out of 560 employees, or 1.4 percent of the work force, and four of those Hispanics have been hired within the last year or two. At the Federal Election Commission, the total number of Hispanics comes to less than 1 percent of the entire work force. Although 95 people were hired at the Commission in 1979, not one of them was a Hispanic.

There are some bright spots in this otherwise dismal picture. Hispanic employment in the Treasury Department, for example, increased from 3.8 percent to 4.1 percent between 1978 and 1980. However, the employment of Hispanics at the GS–13 level and above remains a disappointing 1.2 percent. The U.S. Customs Service within the Treasury Department has significantly increased their representation of Hispanics within the last 2 years and has now reached the 6.7 percent mark.

Another issue that I have followed with equal vigor and equal disappointment involves General Services Administration contracting procedures and the amount of Federal contracts awarded to small minority businesses. In 1979, for example, out of a total Federal supply service procurement volume of $1.2 billion, only $18 million, or 1.5 percent, was awarded to small minority businesses. That, however, was in fact a vast improvement over figures from 1978, when only six-tenths of 1 percent of contracts went to minority businesses.

Let me conclude my remarks by stating to my colleagues and to the administration that I will continue my oversight of these issues next year and in the years to come. Needless to say, I hope to have better news in the future than I have reported today. Thank you.●

● Mr. WILLIAMS of Ohio. Mr. Chairman, I rise in support of the amendments offered by the gentleman from Texas (Mr. HANCE). The idea of further taxing the American people at a time when they are already saddled with their largest peacetime tax load in history would be unconceivable.

I strongly oppose the idea of withholding taxes on dividends earned by savings accounts and by bonds. I have already cosponsored a resolution to that effect. However, I wholeheartedly support Mr. HANCE's amendment, which would prevent the Treasury Department from using any of its funds to study or in any way implement a withholding tax on interest and dividends.

Remember, many senior citizens depend on the interest from their life's savings to help them get by. It is the elderly Americans who have worked and suffered to make this Nation great. Let us not forget them. Let us not tax interest and dividends. Let us forbid the executive branch from doing so.

But, not only do we have a moral obligation to the people we represent to prevent this latest tax, but we also have logical and sound economic reasons for doing so. The savings rate in the United States is one of the lowest in the Western World. It is those savings which provide the large amounts of capital that are required for everything from purchasing a home to building a huge manufacturing plant. The President's planned withholding tax would serve, I believe, to discourage savings at a time when we need it the most.

Therefore, our course should be clear. Morally and logically, we must oppose the President's newest tax proposal. We must support Mr. HANCE's amendment to the Postal-Treasury appropriation bill for 1981. I will vote for Mr. HANCE's amendment. I urge my colleagues to do the same.●

● Mr. BEARD of Rhode Island. Mr. Chairman, both the Hance amendment and the Winn amendment to the Treasury appropriations bill would stop President Carter's proposal to withhold 15 percent of interest on dividend income.

First. This is an unfair burden on the public, especially the elderly. It deprives them of the needed use of their money. Because of the limited income of many of the elderly, President Carter's proposal would only deny them their money for a period of months and later return it to them.

Second. This would require the banks to do a great deal of costly recordkeeping.

While the intent of this proposal is to assure that the wealthy pay tax on interest and dividend income, it will be an unfair and costly burden on the elderly and the banks.●

○ Mrs. HECKLER. Mr. Chairman, there has been a great deal of discussion in the courts, in this Chamber, and in the media recently concerning the use of the 1980 Census Bureau data for the purpose of congressional reapportionment.

There is ample evidence that the current census is not accurate. Apart from the serious problem of undercounting our actual population, my other deep concern with the census is that the data potentially includes 15 million illegal aliens who do not pay taxes and flaunt the law of the land.

In fact, the McDade amendment does not even use the term "alien." It merely prohibits the President from using the funds in this appropriations bill for calculating the number of Representatives to which each State is entitled, without discriminating between legal and illegal aliens—and that is not right.

As a matter of principle, I do not believe that those who are in our country illegally deserve the same voice in Congress as natural citizens or legal aliens.

As a practical concern, the interest of the Northeast would be adversely affected by having 15 million illegal persons included in the census count, thereby benefiting the Sunbelt States where the great bulk of the problem exists.●

Mr. MILLER of Ohio. Mr. Chairman, I have no additional requests for time.

Mr. STEED. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Government Financial Operations, $188,000,000.

AMENDMENT OFFERED BY MR. EVANS OF THE VIRGIN ISLANDS

Mr. EVANS of the Virgin Islands. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EVANS of the Virgin Islands: On page 3 after line 17 insert:

PAYMENTS TO THE GOVERNMENTS OF GUAM, VIRGIN ISLANDS, AND AMERICAN SAMOA

For payment, in accordance with section 407 of the Tax Reduction and Simplification Act of 1977, to the Government of the Virgin Islands, $2,000,000, and to the Government of American Samoa, $172,881, to remain available until expended.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. EVANS of the Virgin Islands. I yield to the gentleman from Oklahoma.

Mr. STEED. I thank the gentleman for yielding. The gentleman's amendment picks up an item that we had to leave out when the bill was marked up because the certification had not come through. That has now come through. It is a legitimate amendment. It should be in the bill, and for my part I accept the amendment.

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. EVANS of the Virgin Islands. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. I thank the gentleman for yielding. This side also will accept the amendment.

Mr. EVANS of the Virgin Islands. Mr. Chairman, as pointed out, this payment was required under the Tax Reduction and Simplification Act of 1977. Since the certification had not been presented by the Treasury, it was not included. We have been informed now that this certification is done and that appropriations are in order. I urge acceptance of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from the Virgin Islands (Mr. Evans).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of three hundred passenger motor vehicles for replacement only, including two hundred and ninety for police-type use; operation, and maintenance of aircraft; hire of passenger motor vehicles and aircraft; and awards of compensation to informers as authorized by the Act of August 13, 1954 (22 U.S.C. 401), $472,000,000, of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed $1,000,000 for research and studies shall remain available until expended.

AMENDMENT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Frenzel: On page 5, line 3, insert a colon following the word "expended" and add the following new language: "*Provided*, That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $20,000 without the express written consent of the Commissioner of Customs.".

Mr. FRENZEL. Mr. Chairman, this overtime cap which is provided in my amendment is a feature that exists in the law today. It is an item that is covered on page 12 of the committee report. My amendment, in fact, picks up the sense of the language on page 12 referring to the overtime cap.

In the Customs Service it is necessary under current conditions to incur a great deal of overtime. The Customs Service works very hard at trying to control that overtime. Nevertheless, the Service spent many tens of millions of dollars in overtime pay in the past few years.

This amendment is merely an attempt by the Customs Services Oversight Committee to help it control its overtime by requiring that no individual person receives more than $20,000 of overtime in a calendar year.

The overtime problem, and its deleterious effects on morale and efficiency within the Service is detailed in the Wage and Means Committee report on the authorizing legislation, which now reposes in the Speaker's hip pocket.

Mr. Chairman, I have discussed this amendment with the distinguished chairman of the subcommittee, the gentleman from Oklahoma (Mr. Steed), and it is my hope that this amendment will be accepted.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the distinguished gentleman from Oklahoma.

Mr. STEED. I thank the gentleman for yielding. The gentleman's amendment is very much in compliance with what the committee report discusses on page 12. I would like to read the last paragraph of our comment there.

> The Committee directs that the authority to exceed the ceiling not be delegated below the Commissioner, that each case be authorized in advance, and that the Committees on Appropriations of the House and Senate be advised, on a quarterly basis, of each exception and the reason therefor.

I believe this, for the sake of emphasis, is important to have in the bill at this point, and I think it is a very good amendment because while the cap is necessary, there can be emergency situations where it would be very important to have some flexibility in overtime pay.

Mr. FRENZEL. I thank the gentleman for his comment.

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. I thank the gentleman for yielding. I think the amendment is something that is needed. We need to have some limitation. At one time just a few years ago, we had information that at least three people in the Department were receiving more per year than the Secretary of the Treasury and, therefore, we do need some limitation.

Mr. FRENZEL. I thank the gentleman.

Mr. Chairman, I repeat that the amendment is offered by myself and the gentleman from Ohio (Mr. Vanik), the distinguished chairman of the Subcommittee on Trade of the Committee on Ways and Means.

● Mr. VANIK. Mr. Chairman, I rise as a cosponsor of the amendment with the gentleman from Minnesota. This cap on overtime pay simply continues a limit contained in last year's appropriations bill, with an amendment authorizing the cap to be waived only with the express written consent of the Commissioner of Customs. The cap was deleted from this year's bill, I understand, because it was assumed that the cap contained in the Customs authorization bill would be adopted. We now find that the appropriations bill is moving through the legislative process before the authorization bill. To insure continuation of the cap, I think it is advisable that the limitation be included in the appropriations bill. The Ways and Means Committee recognized that a rigid cap without any flexibility could result in serious administrative burdens costing the public money if Customs were forced to rotate inspectors around the country to replace those who already reached the cap. The committee expects the waiver to be used by the Commissioner of Customs sparingly and it would be reviewed by the committee.

The overtime situation in Customs is simply unacceptable. The cap appears to be the only way that we can force Customs management to find better ways to schedule cargo for processing; it will require OMB to provide the additional manpower needed to process passengers and cargo without unacceptable levels of overtime. A cap is not the long-term solution to the problems confronting Customs—but I believe it can be used to force consideration of better management tools in Customs.

In closing, I would like to point out that the Ways and Means Committee reported H.R. 6783, including authorizations for the Customs Service, the International Trade Commission, and the U.S. Trade Representative on April 22 and a rule was granted June 10 for House consideration. Consequently, I am very disappointed that this authorization bill was not considered prior to the debate on the appropriation.

I urge adoption of the amendment.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. Frenzel).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Frenzel:

On page 5, line 3, insert a colon following the word "expended" and add the following new language: "*Provided*, That none of the funds made available by this Act shall be available for administrative expenses to implement any procedure relating to the time of collection of estimated duties that shortens the maximum 10-day deferment procedure in effect on January 1, 1980.".

Mr. FRENZEL. Mr. Chairman, again the gentleman from Ohio (Mr. Vanik) and I have sought in this amendment to take a feature from the authorization bill which has not been considered, and apparently will not be considered, and to make sure that it is a part of the authorization bill.

The current law provides a maximum 10-day deferment procedure for the collection of customs duties. The Committee on Ways and Means, and, originally, the customs service, had decided that 10 days was the most efficient time period that was best for all parties, including the importers and the Government.

However, since that time the Office of Management and Budget has talked about a speedup procedure to accelerate the payments to 3 days, which in the opinion of the Trade Subcommittee will be more expensive for the Government and more expensive for the importers because it will require additional effort in the handling of many more pieces of paper.

□ 1550

It is our intention by this amendment simply to preserve in effect that which is in the law today and that which has become the custom and the tradition.

When Congress approved the Customs Procedural Reform and Simplification Act in the fall of 1978, one of the principal objectives of the legislation was to have the Customs Service implement a modern concept of merchandise processing and duty collection. Part of this new procedure was a method of collecting estimated duties that would reduce administrative costs and improve overall efficiency of the entry process. The administration was in agreement that, although some costs would be incurred by the 10-day deferment period, the overall result would be cost saving along with better management. Sometime after this bill was signed into law, OMB proposed, as a cash management initiative, that Customs collect estimated duties within 3 days after entry of the merchandise.

The Ways and Means Committee at every opportunity has expressed to OMB and the Treasury Department that any significant reduction in the deferred payment period would be contrary to clear legislative intent in this regard as well as a contradiction of the administration's own earlier testimony. The committee relied on this testimony in approving the Customs Procedural Reform Act last Congress, and it is fair to assume that the importing community relied on this information as well. Yet, Treasury still speaks of reducing the deferred collection period by 1 day each year until a very minimal 3-day period is reached.

The language of my amendment was included in the fiscal year 1981 authorizing bill (H.R. 6783) in order to remove any question of congressional intent and to eliminate the flexibility that has been used to circumvent the will of the Congress through alternative schemes for the collection of these duties. Since the authorizing bill has been delayed, I hope my colleagues will support inclusion of this provision in the appropriations bill at this time.

Mr. Chairman, any deferred payment period less than what is currently in effect will work a hardship on the importers of our country and will create costs that will eventually have to be paid by the consumer. Clear expectations were given to these importers by both the Congress and the administration. Today we have the opportunity to assure ourselves and the public that the will of the Congress will prevail.

Mr. Chairman, I urge my colleagues to support my second amendment.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I rise as a cosponsor of the amendment with the gentleman from Minnesota.

The Trade Subcommittee has been very interested in this issue for the past several years. Three years ago, when we were considering legislation which would greatly modernize customs procedures, officials of the Customs Service outlined an up-to-date method of collecting duties. We were told that this new system has been worked out with the Treasury Department, which felt that it would result in a cost reduction to customs as well as improved efficiency.

After the legislation passed Congress, OMB suddenly proposed a new, accelerated duty collection system which amounted to a contradiction of the newly enacted law. Comments from the private sector and importing community were universal in opposition to the OMB scheme. In response, the Ways and Means Committee report, on the customs authorization for fiscal 1980 expressed "strong disapproval" of the OMB proposal, outlining the relevant legislative history.

Despite this language, the President's budget for fiscal year 1981 reflected the implementation of the OMB scheme, phased in over a number of years. Since the administration ignored the committee's earlier report language, the committee added a specific statutory prohibition in the fiscal year 1981 authorization bill.

The amendment would add that same prohibition to this bill. After studying the issue for 3 years now, Mr. FRENZEL and I are convinced that the proposed acceleration scheme will result in more money being lost in paperwork and inefficiencies than will be gained by the Treasury by faster duty collections.

I urge adoption of this amendment.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Oklahoma.

Mr. STEED. Mr. Chairman, if the legislation now in process had been completed, of course this would have already been taken care of. Since there is some question as to the timing on that, and since this is an important item, I see no objection to making it a part of the bill at this time. It may become unnecessary before the whole process is finished but as of now, I think it is all right and I accept the amendment.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for his contribution and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRENZEL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BAUMAN: On page 5, line 3, strike the period, and insert the following: ": *Provided*, That none of the funds provided or made available herein shall be available to the United States Customs Service to promulgate or implement any rule or regulation, the effect of which, prohibits the importation of goods from the Republic of China which do not bear the name 'Taiwan'."

Mr. BAUMAN. Mr. Chairman, I greatly appreciate the acceptance of this amendment which seeks to protect the Republic of China on Taiwan. It is required because the Carter administration has not lived up to its word as embodied in the Taiwan Act passed by Congress last year. At the direction of the State Department, the Customs Bureau tried earlier this year to prevent the importation of goods from the Republic of China which bore the markings "Republic of China" or "ROC." The regulations which they sought to enforce required that such goods be marked "Taiwan."

Apparently the major concern of President Carter is the sensibilities of the Communist dictators of Red China, and not the commitment to our long-time ally, the Republic of China on Taiwan. While this asinine import markings policy is only a small matter compared to the Carter betrayal of the Republic of China, it is stark evidence of the liberal mentality at work in international affairs.

My amendment will clearly prevent such restrictions being placed on imports from the Republic of China, as it should. May I add a special commendation to both the gentleman from Ohio (Mr. ASHBROOK) and the gentleman from New York (Mr. SOLOMON) for their excellent leadership in protecting the best interests of our ally, the Republic of China, as well as the best interests of the United States.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Oklahoma.

Mr. STEED. Mr. Chairman, we have had an opportunity to examine this amendment. I see no objection to it.

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. Mr. Chairman, I have spoken with the gentleman concerning the amendment. I feel the amendment should be approved.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I thank my colleague for yielding and more than that for offering this amendment.

I am sure my friend, the gentleman from Maryland (Mr. BAUMAN), will recall that several of us, including the gentleman from Maryland, pointed out the litany of events that would be followed by this Government after what the gentleman and I happened to think was the Carter administration's betrayal of the Republic of China. This order regarding labeling of Republic of China exports was just one of those events. I think this whole series of events regarding the Republic of China is one of the saddest chapters in American history. To turn our back on a friend is a cowardly act. It is one more area where our State Department has kicked its friends in the teeth. I appreciate and support this amendment because at least in this one area we can redress some of the grievance that has been caused to these people by intemperate actions by the bureaucracy of this administration.

I wholeheartedly support the amendment and I thank the gentleman for his vigilance in detecting that this is the time and place to offer this amendment.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I was about to offer a very similar amendment. I would just like to point out that the Republic of China is the sixth largest trading partner of the United States. I commend the gentleman for offering the amendment.

In March of this year, the U.S. Customs Service promulgated regulations to halt the import of goods labeled "Made in the Republic of China" or

"Made in ROC." The most recent version of this regulation scheduled to go into effect December 1 reads, and I quote:

> The marking "Republic of China" or the initials "ROC" per se, shall not be accepted as country-of-origin markings.

Quite frankly, I question the wisdom of such directives. I fail to see what the administration could hope to accomplish by instituting this trade restriction other than to curry approval and acquiesce to the wishes and demands of the People's Republic of China.

Taiwan, the Republic of China has been our ally and friend for years, and strong moral arguments could be made that the United States should continue to encourage ties—such as they now are—with the Republic of China, regardless of our interactions with the Communist Chinese.

But the focus of my amendment is not philosophical, it is economic. To those convinced of the need to play out the "China Card" to the fullest, I submit indisputable statistical facts.

Last year, the Republic of China was this Nation's sixth largest trading partner. Our two-way trade with the Republic of China represented $9 billion and U.S. investments in Taiwan for that year were over $80 million.

By contrast, our two-way trade with the People's Republic of China was only $2 billion or 22 percent of our trade with Taiwan, the Republic of China. And estimates indicate it will be decades before the Communist Chinese trade could possibly be comparable to that of Taiwan's.

This amendment then, has a very simple purpose—to protect our trade with the Republic of China. I support this amendment because I believe it is in the best interest of our Nation. This is not a question of real politik. It is a question of sound economic reasoning.

We have already extended most-favored-nation status to Communist China. We have already released to the People's Republic of China $80 million in assets that had been held for 30 years frozen in U.S. banks, only to have the PRC demand interest.

Little, if anything, would be gained by further affront to Taiwan. Therefore, I urge favorable consideration of this amendment which is identical in substance to my amendment and I will withdraw it upon passage of the amendment.

Mr. BAUMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. BAUMAN).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EXAMINATIONS AND APPEALS

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; and hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109 at such rates as may be determined by the Commissioner; $853,000,000.

AMENDMENTS OFFERED BY MR. GEPHARDT

Mr. GEPHARDT. Mr. Chairman, I offer two amendments.

The Clerk read as follows:

Amendments offered by Mr. GEPHARDT: On page 6, line 8, delete "$853,000,000" and insert "$898,000,000" in lieu thereof; and

On page 6, line 18, delete "$536,500,000" and insert "$541,500,000" in lieu thereof.

Mr. GEPHARDT. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. GEPHARDT. Mr. Chairman, I would like to state that my amendments simply add a total of $50 million to enhance the enforcement activities of the Internal Revenue Service primarily in the area of increased audit so that a greater effort is carried on by the Internal Revenue Service and a greater amount of revenue is yielded from that effort.

Mr. Chairman, this would add $45 million to the audit functions of the IRS. It would add $5 million to the investigation and collection function. I arrived at these figures in consultation with the gentleman from Oklahoma (Mr. JONES) and the gentleman from Virginia (Mr. FISHER), both Members being members of the Committee on Ways and Means, and with Internal Revenue Service officials as to what would be needed to enhance their enforcement activities.

Mr. Chairman, I would like to state some facts which I think are important to understand.

The Oversight Subcommittee of the Committee on Ways and Means found in 1976 that $75 billion to $100 billion of legal source income was not reported. Some $35 billion of that went to nonfilers and about $65 billion was underreported.

An IRS study completed last fall concluded that of the amount not reported in 1976, 20 percent derived from capital gains and 50 percent from rents and royalties.

Mr. Chairman, these percentages, compared with 3 percent of unreported wage and salary income. They point out that increasing compliance would not impact more heavily on lower income groups.

Mr. Chairman, I think these following facts are very important: In 1976, IRS audit coverage was 2.59 percent. In other words, of all the returns filed, only 2.59 percent actually went through an audit procedure. It has declined since then to the point where the fiscal year 1981 budget request would provide only 2.07 percent audit coverage. The audit coverage has declined substantially since 1976. If we increase the appropriation for audit by $45 million, we would provide an increase in coverage of somewhere between 2.14 percent and 2.25 percent. Even with this increase we would not be getting back to the audit coverage that we had in 1976.

It is believed by the IRS that this amendment adding $50 million would add $298 million in revenues, having a net $248 million positive impact on the deficit.

Mr. Chairman, I think it is important that we are trying to balance the budget, as we are trying to get to the point where our income meets the outgo that we have adequate enforcement. We are simply asking with this amendment not to increase enforcement but to try to get the enforcement back close to or near the level it was in 1976. I believe it to be a very reasonable approach.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. I yield to my cosponsor, the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Chairman, I thank the gentleman for yielding. I want to underscore two or three points. First of all, this amendment simply carries out the mandate of the first budget resolution for fiscal year 1981. In the conference report on that first budget resolution one of the few items that was specifically mentioned and specifically highlighted was to add $50 million to the enforcement and collection practices of the IRS which would in turn yield approximately $300 million in new revenues. This is part of the first budget resolution which passed in the House of Representatives and the Congress and this amendment is carrying out that mandate.

Second, Mr. Chairman, I would like to mention that I have discussed this matter with the distinguished chairman of the subcommittee, my colleague from Oklahoma, and while he can speak for himself, I think he agrees with the concept and I hope will be able to support the amendment.

Third, it should be noted that this is not any kind of an effort to raise taxes. As a matter of fact, this will have an effect of keeping us from having to raise taxes by insuring that those people who avoid taxes, illegally now, will have closer scrutiny and will be paying their fair share of the tax load.

Mr. Chairman, this is particularly important in my judgment for middle-income taxpayers. It is also particularly to provide the IRS with the tools that they need.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GEPHARDT was allowed to proceed for 3 additional minutes.)

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman continue to yield?

Mr. GEPHARDT. I yield to the gentleman from Oklahoma.

☐ 1440

Mr. JONES of Oklahoma. It is terribly important that we provide the IRS with the tools they need to carry out their enforcement responsibilities. If they do not do it, I think there will be more and more pressure from the administration, from Treasury, to institute a mechanical means of collecting taxes such as withholding of interest and dividends income, or withholding from independent contractors. These mechanical devices of collection I do not believe should pass this Congress.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. I yield to the chairman.

Mr. WHITTEN. Mr. Chairman, I would like to ask the gentleman from Oklahoma, did I understand him to say that the budget resolution provided these funds? It is my understanding that the budget resolution merely sets targets by function and does not deal with line items. One reason we are in trouble with budget resolutions now is the effort on the part of some to provide for specific line items. This is not the intent of the Budget Act and is beyond its authority. Unfortunately this ill-advised practice has caused a lot of our problems.

Mr. JONES of Oklahoma. If the gentleman will yield, the distinguished chairman of the Appropriations Committee is correct. The budget deals in aggregates, but specifically in the conference report on the budget resolution for fiscal year 1981 it mentions that the $50 million that would be added could be used for this purpose, and should be, and would return $300 million in revenues.

Mr. WHITTEN. The gentleman would not say that the report on a concurrent resolution should be stronger than the law?

Mr. JONES of Oklahoma. I think we would all be for the law.

Mr. WHITTEN. The budget resolution deals with aggregate targets, but the gentleman is trying to bolster his argument by saying what the report recommends. The reason we are in our trouble today, in my judgment, with the budget resolution is that efforts have been made to provide for line items, which has greatly contributed to present congressional budgetary problems.

Mr. JONES of Oklahoma. I do not disagree with the gentleman about the need to deal in aggregates. The point is, this matter has been discussed and all I am saying is that I think it is important that we pass this amendment so that we can give the IRS the tools it needs, and we will be able to raise the kind of revenues we need.

Mr. WHITTEN. I was not directing myself to the merits of the amendment. I was just directing myself to what I think is causing a good deal of the whole congressional budgetary problem.

The Budget Act did not provide for a committee, which does not hold detailed budget hearings with numerous witnesses, to make line item decisions or recommendations on individual items. Those decisions were clearly left for the Congress to reach through the regular process in the appropriation bills based on recommendations of the committee that did hold the detailed hearings. I think we have a very dangerous situation here when we stray from the clear intent of the Budget Act

Mr. JONES of Oklahoma. All I am trying to do is discuss the merits of this particular amendment. I think it is meritorious on its own substance, and I urge its passage.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Virginia.

Mr. FISHER. Mr. Chairman, I believe that this is a particularly timely amendment which Congressmen GEPHARDT, JONES, and I are offering today. It is timely because the Congressional Budget Office and the Treasury estimate that by spending this extra $50 million on examinations and appeals and on investigations and collections, the Internal Revenue Service will be able to realize an increase in revenues of at least $300 million. While it may no longer be possible to balance the fiscal year 1981 budget, I do not believe that we should throw up our hands at reducing the potential deficit as much as is possible.

This amendment is also timely because the integrity of the current income tax system is in jeopardy as more and more individuals are willing to take the risk of evading taxes without being detected by the IRS. In fiscal year 1976, 2.59 percent of income, estate, gift tax, and partnership returns were audited by the IRS. If we do not act today, that percentage will be lowered to 2.07 percent for fiscal year 1981. Our amendment would bring the audit percentage to 2.14 percent. Although this percentage will have to be even higher in order to dissuade all people from risking evasion, this is a step in the right direction and a step which we cannot afford to delay.

Furthermore, this amendment is timely in light of the recent discussion of the withholding on interest and dividend income. Although there has not yet been a bill introduced into the House to implement this proposal, there have been hearings held before the Ways and Means Committee, of which Congressmen JONES, GEPHARDT, and myself are members.

As the hearings unfolded, it became apparent to me that the administration's proposal had serious problems with it. Attempts were made to make the withholding system more equitable, but these led to unacceptable complexities. It became clear that the Ways and Means Committee would not report out any withholding legislation.

Nevertheless, the hearings brought out a serious problem. The Treasury estimates that 8 million individuals are not paying their full amount of taxes owed on interest and dividend income. This is a burden on every honest taxpayer and undermines the entire tax system. Part of the problem seems to be that the IRS does not have the money to go after most of these individuals. The consequence is that this "ethos of evasion" will feed upon itself. I have introduced legislation which is designed to have the IRS improve its procedures for insuring compliance with the tax on interest and dividend income. There may not be time to act on this legislation this year. However, at a minimum, I think that we should appropriate more money for examinations and appeals and for investigations and collections, as called for in the amendment we are presenting. I hope that a substantial portion of this will be directed toward achieving greater compliance with the tax on interest and dividend income.

In conclusion, I urge my colleagues to support the Gephardt-Jones-Fisher amendment.

Mr. STEED. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the hearings the gentleman from Florida (Mr. GIBBONS) and the gentleman from Hawaii (Mr. HEFTEL) from the Ways and Means Committee came before our committee and discussed this matter in some detail. For those who are interested further in more information on it, I think it would be interesting for them to look in part I of the Treasury hearings where these presentations were made.

For myself, I have always said that especially in times of unbalanced budgets, the least we could do would be to try to improve and increase our ability to collect the moneys that are due the Government; and that the more efficient an effort we can put in that direction, the better contribution we could make to reduce the deficit.

Over the years, we have had quite a bit of experience with this business of auditing of returns by the IRS. First, the reason that this Federal income tax is so voluntarily complied with has been the fact that people think that there is an audit, that there is a penalty if they do not comply properly, and that it is done in an impartial way so that everybody is treated fairly. Now, there are some who feel that if we begin to audit too many returns we begin to get into a harassment element and where the costs of the audits will begin to exceed the revenues that they create.

There is also a point where, if they go too low, word gets out that it is easy to cheat on your income tax, and it encourages people to try. Where the good point in between those two is I do not really know, but I will say this: Before anyone gets the notion that there are as few audits as these figures would indicate to the uninformed, the IRS now is a highly mechanized service, and they have ways of knowing a whole lot about all the deterrents they have that do not necessarily require an audit for them to know that a return is not correct. I think Members will find that in addition to this regular audit system they use for the percentage talked about here, that there are other audits that are made and that people who have engaged in tax evasion may find that it is not as easy to get by with something as they think.

So, I just throw that out to warn people that they should not get the wrong idea about the volume of auditing that is going on. The amount of money offered here, in my opinion, is still within that range of percentage of audits that will bring in more than it costs. It is still on the right side of that ledger, and for that reason, and in keeping with the things I have always advocated, I have no fault with this amendment. It is small enough to be acceptable in terms of the number of people.

They have personnel ceilings down there, but I do not think this amendment would involve either the amount of money or the number of people employed to cause significant problems with those ceilings. So, I see no objection to it from that standpoint. I recommend its approval.

☐ 1450

Mr. ASHBROOK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment somewhat reluctantly, but I think it is time to point out what I think is a double standard that we have in this body.

I have been very closely associated over the years with the intelligence community. I could not help but think a couple of weeks ago, when I was watching "60 Minutes," about this double standard. I think it was on IRS informers, paid informers, who were in some cases even taking evidence out of banks, and so forth. I remember turning to my wife and saying, "You know, if the IRS had to operate with the same standards that this Congress and the courts in some instances have applied to the FBI and the CIA, they would not hook one single tax cheat."

That is a rather strange double standard. I have heard the words used today, "tools," "resources," and "methods of enforcement." The FBI and the CIA are also in the business of enforcement, and little by little—and I do not think I have to tell the Members this—the liberal community in this country has had an all-out attack on informers, on surveillance, on wiretapping as it relates to our police and the FBI. The FBI is not just looking for tax cheats, but they were looking for subversives, looking for those who would blow up our campuses, and those who would engage in acts of terrorism.

I think it is rather strange that at the same time we find this continuing effort to limit the FBI and the CIA in what I happen to think are the very necessary and important security matters, when it comes to the IRS, the Congress says, "Full speed ahead, boys."

I think before we vote on amendments like this, we ought to ask ourselves the degree to which we are trying, for the American people, to strike any balance when it comes to the tools, resources, methods, and abilities of our law enforcement agencies.

For that particular reason, Mr. Chairman, I am going to oppose this amendment, basically as a protest, because I think it is rather interesting that we would expand the capabilities of the IRS in enforcement power at the very time we are restricting the FBI and the CIA.

Mr. Chairman, I yield back the balance of my time.

Mr. MILLER of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I reluctantly oppose the amendment. I cannot support an additional spending program and then offer a 2-percent reduction at the end of the bill.

Under examinations and appeals, we allowed the IRS $853 million. Now, this amendment would increase that amount $45 million. It would increase investigations and collections $5 million. We did allow $536,500,000 for investigations and collections.

If we say that when we increase that $45 million and $5 million, a total of $50 million, we will take in $300 million, then I ask, why should we not increase it $100 million and take in $600 million?

There seems to be a stopping point somewhere along the line, and we thought in committee that $853 million for examinations and appeals was it. As a matter of fact, we allowed everything under examinations and appeals that IRS had requested, except for less than a half a million dollars. Their request was $853,435,000, so we allowed almost all of what IRS had requested.

Mr. Chairman, I reluctantly oppose the amendment.

Mr. KEMP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise—I was going to say, "reluctantly," but I really do not. I am flat out opposed to this amendment. and I would like to express my opposition to hiring more tax collectors in a rather different way.

The gentleman who is the author of the amendment talked about tax evasion and avoidance, underground economic activity and even bartering to avoid taxes all of which are going on in America today at increasing rates. More tax collectors are not the answer, but lower tax rates and a simplified tax code are the answer.

I am reminded of a few weeks ago when Mortimer Kaplan, the former Director of IRS, in an op-ed article in the New York Times, criticized the tax system in America. He said the tax rates are unfair and that the tax system in effect is not accomplishing what it was designed to accomplish, that is, to raise revenues fairly and efficiently.

President Carter, we all know, was very critical of the tax system 4 years ago. He called it "rotten," and promised reform which never came. Mortimer Kaplan said the rates are so high that people are evading, avoiding, cheating, investing offshore, going underground, bartering and otherwise not paying their full share. Now, I am not against IRS attempts to make sure people, all people, pay their full share.

This appropriation actually raises the amount of money devoted to this goal but my opposition to this amendment is aimed at the concept of hiring more tax collectors.

Professor Gutman at Baruch College in New York said that the rates are so inefficient in raising revenues and that the subterranean economy in America, that part of our economy which is cash and barter, is growing so fast that in fact, he estimates that almost 15 percent of our GNP is in barter and subterranean economic activity and amounts to about $250 billion a year.

I understand the gentleman's attempt to try to hire more agents to cut down on evasion and avoidance and indeed Mortimer Kaplan finished his op-ed article in the Times by saying that the answer to this problem was to hire more agents of the IRS.

I disagree. The real answer is, as I said earlier, to lower the rates, simplify the code and stop devaluating the dollar. The real expert on this type of economic condition in our country where people are finding it more profitable to go out and barter and to evade and avoid at all costs is Professor Gutman, as I mentioned, from Baruch College. He has done a study of this issue for the last several years, and I would like to quote him because I think he says something that might alter the vote on this amendment.

He said recently, "Do we need more auditors in the tax collection process? Probably."

He says, "Do we need more revenue? Obviously we do."

He said, "More auditors will certainly increase tax collections up to a point. If that is the proper cost-benefit concept, then we need more auditors, but is it the proper concept?"

And then he says, "A substantial enforcement effort undoubtedly will increase the degree of political opposition to the tax enforcement system by the many millions of American people."

In other words, by tightening up on the part of the IRS, given the condition of our economy today, by hiring more tax collectors and having more audits and expanding the role of the IRS, we will only cause a bigger tax revolt on our hands. Up to a point, you can get more revenue, but more tax collectors is only going to cause, as is already happening in this country, more subterranean economic activity, more suffering and cheating and more opposition to our tax system. If we really want to exacerbate the tax revolt, we can treat this problem by squeezing the poor taxpayer even more.

But the problem that Kaplan and Gutman and Reagan and nearly everybody is talking about today can only be cured by making the system more fair and lowering the rates. The way to make the system more equitable is to get the rates down to where people believe that the fairness and equity of the tax system is such that it encourages them to participate in the real money economy and not risk the problems that are attendant to going off into the cash or subterranean or barter economy as a device to cheat the tax collector.

In other words, we should create an inducement for people to pay taxes, and this amendment is exactly the opposite way to go.

Mr. PHILIP M. CRANE. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I am glad to yield to my friend, the gentleman from Illinois a real friend of the taxpayers of America.

Mr. PHILIP M. CRANE. Mr. Chairman, I thank my colleague for yielding, and I would like to associate myself with his remarks.

I think that just as the gentleman is familiar with the Laffer curve, one might be able to construct some such curve with respect to escalating levels of taxation and declining levels of personal morality and honesty in terms of observance of the laws on the books.

I would argue that that is not unpredictable either when government is consuming, as it is today at all levels, about 47 percent of the national income.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has expired.

(On request of Mr. PHILIP M. CRANE, and by unanimous consent, Mr. KEMP was allowed to proceed for 2 additional minutes.)

Mr. PHILIP M. CRANE. Mr. Chairman, will the gentleman yield further?

Mr. KEMP. I am happy to yield to the gentleman from Illinois.

Mr. PHILIP M. CRANE. Mr. Chairman, at the point that government is taking better than 50 percent of personal income, then by definition we are no longer a free people, and what transpires at that point in terms of a tax revolt is a legitimate, morally defensible and just reaction to injustice inflicted on overburdened working Americans by their government.

I am not condoning violating laws, to be sure, and I am not suggesting that we should do anything to encourage any American to violate the law. But we are, in this proposal, attacking a symptom and not the cause of the problem, and the gentleman from New York (Mr. KEMP) has been in the vanguard of attacking the cause of that problem for several years.

Mr. KEMP. Mr. Chairman, I appreciate the gentleman's comments, and I would go further and say that I believe the American people and most people in the world will voluntarily pay taxes if they perceive the system is fair and equitable and treats them according to their ability to pay.

Adam Smith in his great book, "The Wealth of Nations," laid down four maxims of taxation. Those were the first three. His fourth maxim was never to raise taxes to the point at which you discourage the industriousness of people.

☐ 1500

In other words, at some point, as the gentleman from Illinois observes, you will lose money, lose revenue, by forcing people out of the real money economy into cash, barter, and massive evasion.

Just to add a footnote, I was in Youngstown, Ohio, last Sunday night, speaking to small business men and women, steelworkers, factory workers, and construction workers. I talked to union leaders who told me that they have trouble getting overtime workers because some workers do not want to work overtime because the after-tax reward for overtime is so low. They end up in about the 50-percent bracket. So the gentleman from Illinois is exactly right.

I would further say that many working people at some time in the year, on the last level of their income, face a 50-percent or such high marginal income tax brackets that it becomes confiscatory and counterproductive. We should bring down the high tax rates in order to make the system work more efficiently, more fairly, and if fashioned correctly can raise more revenues.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has expired.

(By unanimous consent, Mr. KEMP was allowed to proceed for 2 additional minutes.)

Mr. SCHULZE. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to my friend, the gentleman from Pennsylvania, who also shares my strong support of incentive-oriented economic and tax ideas.

Mr. SCHULZE. I thank the gentleman for yielding.

Mr. Chairman, a very astute observer of our economy and our country, Will Rogers, once said that our Tax Code created more cheaters out of Americans than did the game of golf. I have to agree that it was true at that time, and it is more true today. Our Tax Code has created the underground economy. We are fast catching up with Europe, where tax evasion has been raised to the art form. But we have to look inward, we have to say that we are part of the problem, we who have created these taxes. We have to simplify, we have to let the people understand and agree with what their taxes are doing, and we have to let them retain a greater portion of it.

I agree wholeheartedly with the gentleman's remarks, and I would like to associate myself with them.

Mr. KEMP. I appreciate the gentleman's comments.

Mr. Chairman, I would point to Great Britain. One of the favorite sports is finding ways of avoiding paying the confiscatorily high income tax on earnings.

Mr. SCHULZE. If the gentleman will yield further, that is why in Europe they had to go to a value-added tax.

Mr. KEMP. Well, wait a minute. I do not want to go to a value-added tax.

Mr. SCHULZE. But they had to go to that. It was an economic necessity to build in the tax before the individual had the control and responsibility of it.

Mr. KEMP. Well, I say to my friend, that Margaret Thatcher and her advisers in Great Britain did not need to replace the lower marginal tax rates with a near doubling of the value-added tax. Unfortunately, she fell victim to that mentality that believes that if you lower a tax rate you automatically must raise a tax somewhere else.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has again expired.

(On request of Mr. SCHULZE and by unanimous consent, Mr. KEMP was allowed to proceed for 2 additional minutes.)

Mr. KEMP. Mr. Chairman, let me just take my time for a moment to say to my friend from Pennsylvania, for whom I have great admiration, there was no one paying in the 98-percent marginal income tax bracket in Great Britain. In fact, around three-quarters of all of the automobiles that were sold in Great Britain were sold to corporations and then used as nontaxed perks. In Britain, if a company gives you an automobile as a perk, it is untaxed income. If you go out and earn the necessary money to finance a car, you must pay income taxes. A steelworker in Britain for instance, at $6,000, is in about a 40-percent tax bracket. So clearly the working people and middle-management employees in Great Britain, given the steep progressivity of their tax code and a 20-percent inflation rate, are out looking for tax-free perks, and the whole British economy was using incentives, not of income, which is heavily taxed, but nontaxed perks. Evasion abounds in nations that have steeply graduated income tax rates.

In the case of this amendment, if it were introduced in the House of Commons, I think clearly it would be defeated today because the people realize that the only thing to do is to get the tax rates back down to where there is once again a reward and an incentive for investing and working in the United Kingdom.

Mr. SCHULZE. Let me say to the gentleman that I am not an advocate of the value-added tax.

Mr. KEMP. I am sure of that knowing your strong support of investment-oriented tax policies.

Mr. SCHULZE. But it was put in over there because they could not collect.

Mr. KEMP. The British VAT tax was unnecessary.

Mr. SCHULZE. That is right. But it was a political response to the fact that the individuals did not pay their taxes and the politicians wanted to get the money in, and that was the only way they could do it. We should learn from that experience.

Mr. KEMP. I agree we should learn from their experience.

Mr. Chairman, I am in opposition to this amendment because it is fundamentally flawed. It is going to cause more evasion and more suffering. I can tell you this, it will ultimately lose revenue. You are only going to drive people further and further out of the real economy and further cause evasion and cheating. The only real answer is to bring some sanity to our Tax Code, and whether it is my bill or anyone else's bill, we must reform our tax structure through lower rates and stop the inflation that drives people into higher brackets.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has again expired.

(By unanimous consent, Mr. KEMP was allowed to proceed for 1 additional minute.)

Mr. KEMP. The fundamental problem in our tax system is the impact of inflation's collision with the progressivity of the tax code. I figured out the other day that a family of four in New York City, at the poverty level of $6,500, nominal income, at 13 percent inflation, by 1989 will be in the 50-percent marginal tax bracket. If we do not stop inflation and if we do not reduce the steep nature of our tax progressivity as it operates on working-class people, as well as on savers and investors, this Congress could hire three times the IRS agents and only succeed in forcing taxi drivers and truck drivers into the same evasion tactics that are now being practiced by lots of other men and women in our economy.

I strongly oppose this, and I think that this Congress ought to deal with the fundamental problem in this country, which is not only inflation, but the nature of our income-tax system on working people and investors.

Mr. HEFTEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to point out that the Members on the other side of the aisle are speaking about the rate of taxation, which is not at issue.

In 1976, the number of audits were 2.6 percent of the total under their leadership. We are now down to 2 percent. What we are trying to do is just strike a balance between 2 and 2.6 at about 2.3 percent. If you take the report of the committee itself, it tells us that it is estimated that $2 billion in taxes for 5 million persons are simply not paid because we have nonfilers. We have nonfilers not because of the rate of the tax, because this is 1972, but because there are those who will not file and will not pay if the system lets them do so. I think we should not confuse two issues which do not combine for a single issue.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. HEFTEL. I yield to the gentleman from New York.

Mr. KEMP. A few weeks ago my wife tried to hire some help for our home. The woman who has negotiating a salary with my wife predicated her negotiations on being paid in cash and not being paid by check because she would not come to work in our home on a part-time basis if she had to pay the payroll tax. Obviously, we did not hire her, but this is happening more and more today in numerous ways.

Now, the gentleman makes, I think, a good argument insofar as it goes. But do not try to tell the American people that high tax rates and that the tax burden is not a factor in this overall problem that we have, because it is. There are too many people who want to stay outside of the tax system because they do not perceive it to be as fair and equitable as if should be.

Mr. HEFTEL. If I may reclaim my time, I do not think that we are going to enhance America's respect for the tax system by decreasing the amount of surveillance within the system and the extent to which we pursue all taxpayers on a fair and equitable basis. There is no question that if we do not have comparable auditing to that of 1976, as an example, we will invite further degeneration of the taxpayers' willingness to file and to pay their just taxes. There is nothing we are going to accomplish by defeating this amendment. All we will do is invite the public to simply become more inclined to not file and find out if they can get away with it. That is what we want to avoid. That has always been a problem. It was not created because of what has happened to the tax structure in the last 4 years. Those are two different problems.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. HEFTEL. I yield to the gentleman from Ohio.

□ 1510

Mr. VANIK. Mr. Chairman, I support the amendment that is before this Committee. I think that there are some people in America who have a passion about paying any taxes. It has nothing to do with the tax rate. It has nothing to do with the system. They just do not want to pay taxes. There are people we have given medals to whose great claim to fame, in addition to their other talents, was that they did not want to pay any taxes to the U.S. Government.

Now I also want to say that I do not think we ought to decide Tax Code questions on the experience that some people might have in trying to hire servile help around their homes, I think it is a very poor criteria. The reason many of these people want cash or do not want checks is because they are probably receiving a supplementary check from the Government which would be stopped or they receive food stamps that would be stopped if that income disclosure were made.

I think it is incumbent upon everybody, the employer as well as the employee, to be sure that they comply with the spirit of the law. I think that the respect that Americans have for their Tax Code is something we have got to encourage and something we have got to support. I do not think there is anything that a God-fearing American needs to do. We should fortify respect for the tax obligation. I think it is the test of patriotism to do what the law expects one to do. We should fortify respect for the tax laws.

The CHAIRMAN. The time of the gentleman from Hawaii (Mr. HEFTEL) has expired.

(At the request of Mr. KEMP and by unanimous consent, Mr. HEFTEL was allowed to proceed for 2 additional minutes.)

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. HEFTEL. I yield to the gentleman from Ohio.

Mr. VANIK. I want to say that I measure the patriotism of the American citizen not only by his willingness to defend the country when it is subject to attack from abroad, but by defending the country here by paying his fair share of taxes. If we have to pay these allocations, let us do it. I do not think we have to feel that the tax rate has anything to do with the honesty or dishonesty of the American taxpayer. I think if they are going to cheat, that if we pass Kemp-Roth-Reagan tomorrow, I think we will have the same degree, if not an accelerated degree of Americans or group of Americans who feel that there is some terrible thing about giving the Government a little bit of support. Practically no one pays the statutory rate. The gentleman does not pay the statutory rate. Business does not pay the statutory rate. The statutory rate is a figment of the law, and by the time the taxpayer gets through with the normal deduction process and the exemption process, the average taxpayer probably is down to one-half of the effective statutory rate.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. HEFTEL. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

The previous speaker never misses a chance to raise taxes on the American people, notwithstanding his argument against a strawman, this bill increases the funds for IRS audits. Is that not true? Is there a cut in the amount of money in this budget for enforcement or is there an increase over last year?

Mr. HEFTEL. What we are doing without this amendment is cutting the number of audits, cutting the funds available for audits, and regressing from a 2.6 penetration in the audit field from 1976 to 2 percent in 1981. That is not going to increase it to the maximum tax collection.

Mr. PHILIP M. CRANE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened to my distinguished colleague who serves on the Committee on Ways and Means with me, the gentleman from Ohio (Mr. VANIK), and I sympathize very much with some of the remarks he made about patriotic obligations. I know that no one can begin to question the patriotism of either that gentleman or, in my judgment, any gentleman in this House.

However, there was one phrase that he used; namely, that a person should not question paying his fair share that I would like to address. I agree wholeheartedly with such a statement. But what if the situation arises where it is, say, an unfair share, and the people perceive that? This is what triggered a loss of patriotism on the part of the colonies and caused them to make a determination that government had become oppressive. Then made the decision to separate from an oppressive and unjust government.

Thomas Jefferson made the statement that we not only have the right, but the responsibility to rise up in protest against an unfair and unjust government.

I think to try and reconcile the eloquent remarks of the gentleman from Ohio with the remarks and the position taken by my distinguished colleague from New York (Mr. KEMP), that they are not disagreeing on the fundamental principle of paying a fair share to support the just ends of Government.

I think what my colleague from New York is attempting to suggest is that we have reached the point where taxes are becoming increasingly confiscatory, and because of that fact, an increasing number of Americans are choosing to move to alternatives to circumvent the letter of the law.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. PHILIP M. CRANE. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

I appreciate the statement he made. I had based my opposition to this amendment on the premise that taxes should be paid and they should be fair and equitable and distributed according to people's ability to pay. I share that premise. I want to say it again so the gentleman from Ohio will recognize that I am not insincere in my approach to try to make the Tax Code more efficient in what it should do, which is to raise revenue, but hiring more tax collectors for the IRS is not the answer. A recent article in the San Juan Star on the island of Puerto Rico reports that Gov. Carlos Romero Barcelo lowered all rates by 15 percent in 2 years. They found as they reformed their tax code and lowered their rates of taxation on all individual taxpayers on the island of Puerto Rico not only did revenues climb by 13.5 percent but so did the number of people filing tax returns.

Romero, according to the figures from the Treasury Department on the island, said that not only have revenues gone up, because the system now is more efficient, but found there were more taxpayers paying taxes. They had over 110,000 new taxpayers filing returns.

Now what must have happened, he says, and according to his own interpretation of these events, is that as people perceived that the system became more efficient and more equitable and more fair and treated them more justly, they were willing to pay taxes.

I am not against IRS audits, but I think that you will find that as the IRS tightens up and hires more tax collectors and makes more audits and hires more people you are going to find very counterproductive results.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. PHILIP M. CRANE. I yield to the gentleman from Ohio.

Mr. VANIK. I would say that I think most of the free world applauds the high degree of response of the American people to their system of taxation. A good part of that comes about because we have a fairly decent administration of the law by the Service. There are problems. There are abuses, but generally, it is a highly respected system.

I would say that I do not believe that the gentleman would assume that the adoption of his tax proposal would bring more taxpayers into the tax system. I do not think that is the purpose of it.

The other point that I want to make is that the tax we are suffering from most is the inflation tax. That is a per capita tax. When you give taxpayers a 10-percent, across-the-board cut, you are ignoring the per capita inflation burdens which the individual person must carry. For the person supporting dependents, the inflation tax must be multiplied by the additional dependents. We must first provide inflation tax relief to those who support others rather than across the board.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. PHILIP M. CRANE) has expired.

(At the request of Mr. HEFTEL and by unanimous consent, Mr. PHILIP M. CRANE was allowed to proceed for 2 additional minutes.)

Mr. VANIK. Mr. Chairman, will the gentleman yield further?

Mr. PHILIP M. CRANE. I yield to the gentleman from Ohio.

Mr. VANIK. The trouble with an across-the-board cut for everybody is the man with the million-dollar taxable income gets a $100,000 tax break while the average American citizen will get a tax cut of about $240.

Now, I think the inflation that we are all suffering, we suffer on a per capita basis and as a man or a woman supports two or three dependents, their burdens are multiplied two, three, or four times; so I think that the real weight of a tax cut ought to be in the lower areas of income, the lower middle income and the lower income groups who are carrying the giant share of the inflation burden. They ought to have relief first before we start spreading tax cuts across the board.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. PHILIP M. CRANE. I yield to my colleague, the gentleman from New York.

Mr. KEMP. That is fine rhetoric and the gentleman is very good at making that point, but all people need lower rates because everyone is suffering from overtaxation.

I would say to my friend, the gentleman from Ohio and my other colleagues, what happens in 1986 or 1987 when the poor or those with only $12,000 income get inflated into the 50- and 60-percent tax bracket on their work and savings? At what point do you say that you will reduce tax rates? Why not now, for all people.

Besides, the real way to tax the wealth that is not now being taxed is to lower the rates to the point at which wealth is encouraged to leave shelters and loopholes and tax-free bonds and start saving and investing in the economy.

Mr. VANIK. Then I want to say, if we will support the Gephardt proposal here, we may be able to afford that tax changes that the gentleman speaks of. I think we can handle tax cuts if we pick up revenues by getting taxpayers to pay their full share of tax liability under existing law. I do not think we would be running into deficits. I do not think we would be facing today's problem in financing essential programs of the Government if there was a full and complete response to the tax statutes. If this occurred, we could make some provision for tax relief efforts and for essential tax adjustments without using borrowed funds to distribute in tax cuts.

Mr. HEFTEL. Mr. Chairman, will the gentleman yield for a question?

Mr. PHILIP M. CRANE. I am happy to yield to my colleague, the gentleman from Hawaii.

Mr. HEFTEL. I would like to ask if the gentleman thinks we would increase our net tax collections if we eliminated the auditing division of the IRS?

Mr. PHILIP M. CRANE. Of course not.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. PHILIP M. CRANE) has expired.

The question is on the amendments offered by the gentleman from Missouri (Mr. GEPHARDT).

The question was taken; and on a division (demanded by Mr. GEPHARDT) there were—ayes 15, noes 26.

So the amendments were rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 102. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communication in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

AMENDMENT OFFERED BY MR. HANCE

Mr. HANCE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCE: Page 8, after line 22, insert the following:

SEC. 103. None of the funds appropriated by this title shall be used in connection with the study of or implementation of the withholding of any tax on interest or dividend income.

Mr. HANCE. Mr. Chairman, this amendment would prohibit the use of funds in this title in connection with the study or the implementation of withholding of any tax or interest on dividend income.

Essentially it would prevent the withholding of taxes on savings accounts. This is something that I think many of us have received a lot of correspondence on and at a time when we need to be encouraging people to save it does not make good sense to require the withholding of taxes on interest earned on savings accounts.

Mr. HEFTEL. Mr. Chairman, will the gentleman yield?

Mr. HANCE. I yield to the gentleman from Hawaii.

Mr. HEFTEL. Has the gentleman taken into consideration sections 1441 and 34020 which require withholding interest and dividends on nonresident aliens and withholding payment of annuity individuals who have asked for those withholdings to be made?

Mr. HANCE. Yes; we have. That is presently the law and we do not intend to affect the present statute. What we want to prevent is withholding of any taxes on interest that is earned on savings accounts, which would be something entirely new. We do not intend to affect the present law whatsoever.

Mr. HEFTEL. I thank the gentleman.

Mr. WINN. Mr. Chairman, will the gentleman yield?

Mr. HANCE. I yield to the gentleman from Kansas.

Mr. WINN. Mr. Chairman, I commend the gentleman for his amendment. As the gentleman knows, I had a similar amendment on this.

As my colleagues in this Chamber know, I introduced the first concurrent resolution on the House side to put the House and Senate on record in opposition to the ludicrous plan of withholding taxes on interest and dividends. To date, House Concurrent Resolution 344 has gathered the support of over 165 Members of this body. The Senate has a similar proposal with 65 cosponsors.

If my own mail has been any indication, taxpayers throughout the United States are absolutely furious that a withholding tax on interest and dividends would even be considered. These letters and the support of my colleagues demonstrate what my original instincts told me: The withholding plan would impose more regulations, discourage investment in savings, and penalize the small savers and people on fixed incomes who would be deprived of income earned through compounding.

Obviously, we are under a great deal of budgetary pressure to cover what looks like an increasingly large deficit. Movements are underway to determine ways to raise badly needed revenue. Although the Ways and Means Committee has basically said that it would not consider the 15-percent withholding plan, I am still fearful that this pressure will lead the administration, and others, to renew efforts in its behalf.

Mr. Chairman, it is time we stop this proposal. If we deny the use of funds for this purpose, we will show the entire country that Congress means business. We should be encouraging, not discouraging, people to save. This is an absurd means of raising revenue, and must not be allowed to take place.

Congress must concentrate on eliminating wasteful and unnecessary expenditures. We do not need to antagonize the American people by taxing them even more. Congress must indicate its dedication to making the system workable, equitable, and responsible.

Mr. Chairman, I urge my colleagues to consider and support this amendment. It is simple and straightforward, and gets to the bottom line: The withholding of taxes on interest or dividend income must not be implemented.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. HANCE. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I rise in support of the amendment.

● Mr. SYMMS. Mr. Chairman, I thought it appropriate since we are considering the Treasury-Postal appropriations bill today that mention be made to the President's proposal to withhold tax on interest earned on savings accounts and dividend income.

Recently, the House Ways and Means Committee held hearings on the President's proposal and I testified in opposition to it because not only is the President's proposal in direct opposition to the trends that the Congress has been taking to increase incentives to save and invest but it is also in direct opposition to the rhetoric of the current administration. The Carter proposal would eventually do more harm than good to the economy.

First, I believe that having that additional income flowing into the Treasury throughout the year will constitute a strong inducement for Federal agencies to spend more although the overall income from that source would be no greater than it is now. True, the Carter proposal would improve the cash-flow of the U.S. Government, but it would do so at the expense of the saver and investor and the long-range effects would be detrimental to the economy.

Second, there has been widespread recognition of the need to encourage greater savings as a means to curb demand and to increase the pool of capital available for productive investments. The President's proposal would have just the opposite effect since it would be an effective increase in the level of taxation on these sources of revenue and because it would be reflected directly in the level of dividend or interest income received.

Third, withholding would, in the long run, stifle investment. Many individuals follow the practice of taking their dividends in stock when such reinvestment is permitted. If the IRS requires the withholding of 15 percent of that dividend. the individual's investment in the firm's stock would be reduced.

Fourth, there are a great many senior citizens who are living on fixed incomes and who rely on income from investments as a major source of their living expenses. Quarterly withholding, which is a tax increase, would impose a particular hardship on our senior citizens who are having a difficult time making ends meet because of the inflation rate.

Fifth, while it may seem upon first glance that the Carter proposal will only affect instruments which are already subject to reporting requirements, upon careful examination one can determine that the proposal does cover instruments which are not presently reported. Consequently, the expansion of reporting requirements combined with the additional expense involved in periodic withholding payments will add to the operating costs of financial institutions and will most likely increase interest rates.

Sixth, the President has intimated in his proposal that he believes there to be a lack of reporting of interest and dividend income at present. To date, there has never been a hearing nor has the Congress ever addressed this allegation and to my knowledge, the President has not submitted any factual evidence to substantiate his claim. Before the Congress accepts his allegations, I believe it is important to determine if there is a serious problem to be addressed.

If the administration really wanted to encourage the economy, to broaden support of job-producing private business and industry and to curtail inflation-producing spending, a wiser approach would be to increase exemptions allowed on dividend earnings and to extend such exemptions to interest earned.●

● Mr. ALBOSTA. Mr. Chairman, I rise in support of the amendment to prohibit the use of funds to withhold taxes on interest and dividends.

I am a cosponsor of the amendments offered by my colleague from Texas and my colleague from Kansas. In addition, I have cosponsored the resolution expressing the sense of Congress against the withholding of taxes on interest and dividends.

I believe this withholding proposal is absurd. If implemented we will be inundated with new tax forms, procedures and requirements. The total return on our savings would be reduced, because when interest is withheld and sent to the Government, part of the compounding effect that helps a savings account return a higher yield would be lost. And yet another burden would be laid on the elderly community of our Nation—the millions of people on fixed incomes who depend on interest from their savings account to help meet living expenses.

The Treasury says that by imposing withholding—in the same way the Internal Revenue Service already insists that employees withhold income from paychecks—the Government will be able to help balance the Federal budget. The Treasury claims that a 15-percent withholding levy would increase Federal revenue $3.4 billion in the year beginning October 1 and somewhat more than $2 billion in subsequent years.

By its own figures, the lost revenue from people not reporting interest and dividends represents only 10 to 15 percent of the total taxes generated from that form of income. If those figures are turned around, 85 to 90 percent of the American taxpayers are paying their taxes as required. I believe the public interest would be better served by dropping the withholding proposal which would unduly affect 100 percent of the American taxpayers. We should instead concentrate on collecting the taxes from the negligent 10 to 15 percent.

At a recent House Ways and Means Committee hearing on the proposal, the idea was vigorously opposed by the American Bankers Association, the National Savings & Loan League, the U.S. League of the Savings Associations, the U.S. Chamber of Commerce, the National Association of Realtors, and the Credit Union National Association, to name a few. These groups all argued that the proposal would discourage savings, saddle financial institutions with excessive administrative burdens, and increase the financial squeeze on the ailing thrift and housing industries. I could not agree more.

At a time when the savings rate in this country has hit a record low, we in Congress should be examining ways to stimulate savings, not looking at means to diminish the return saving brings to consumers.

Passage of this amendment before us today, to prohibit the Treasury Department from using funds to withhold taxes on interest or dividends, will send a clear message to the Department that the Congress does not want to discourage savings, place a burden on the American elderly public, and cause banks and businesses numerous paperwork problems by withholding taxes on interest and dividends. I urge my colleagues to vote for this important amendment.●

● Mr. RUDD. Mr. Chairman, this is another opportunity for Congress to repudiate the Carter administration's discredited efforts to increase the Federal tax burden in order to balance the Federal budget, while avoiding needed meaningful spending cuts in Federal programs.

When the President submitted his much-heralded 1981 budget revision to Congress last March, he boasted of turning a deficit for next year's budget into a surplus. The President estimated Federal spending of $611.5 billion and tax collections of $628.5 billion, to produce a supposed Federal surplus of $16.5 billion.

This supposed surplus contrasted with a 1981 deficit of $15.8 billion when the President submitted his original 1981 budget to Congress last January. The President was able to create his supposed surplus with a proposed tax increase of $28 billion above the $76 billion in higher taxes estimated in his January budget submission, and with a proposed $4.3 billion reduction in the $52 billion Federal spending increase proposed by the earlier 1981 Carter budget.

The $28 billion in increased tax revenues announced by the President in March were to result from the new oil import tax, estimated to bring in $10.3 billion, the new withholding tax on interest and dividends, estimated to bring in $3.4 billion in 1981 and $8.7 billion through 1983, and higher inflation estimates pushing everyone into higher tax brackets.

Congress has already repudiated the oil import tax, the President's first backdoor attempt to raise additional taxes not originated or approved by Congress. Now we have an opportunity to repudiate the proposed withholding on interest and dividends.

Hopefully, at some time before Congress adjourns this year, we will also have an opportunity to vote on a good tax cut for individual taxpayers and businesses to help counter the inequitable tax bracket creep imposed by inflation and the yet higher social security taxes that are scheduled to take effect next January.

Certainly there is no justification for having banks, savings and loans, credit unions, and other financial institutions withholding taxes on interest and dividends and doing the additional paperwork for the Federal Government. We have always relied on the honesty and integrity of American citizens to pay these taxes when they come due each year, when they file their own annual Federal tax returns. Why make every financial institution perform this additional clerical function for IRS?

The larger issue is the immorality of taking more and more of the people's income through increased taxes, when the mood of the country is clearly in favor of Federal spending cuts and a reduction in already overburdensome taxes, in order to fight inflation and increase American productivity.

As taxes have grown, inflation has soared and productivity has plunged. More and more economists now realize that America needs a supply-side tax cut to help get our country moving again. They recognize that an economic program should cut Government spending, but that such a program is not likely to solve our problems unless it also makes at least a start toward lifting the stifling tax burden.

Certainly this vote will not reduce the stifling tax burden. But it can serve as another needed message to the Carter administration that we do not support the direction which President Carter has charted since the beginning of his term in office toward higher and higher Federal spending, more burdensome taxation, and more onerous Government interference in our everyday lives.

I urge passage of the Hance amendment.●

● Mr. KASTENMEIER. Mr. Chairman, I rise in support of the amendment of the gentleman from Texas, Mr. HANCE, which would prohibit the use of any funds under the Treasury-Postal Service appropriations bill in connection with President Carter's proposal to withhold taxes on interest and dividend income.

When the President unveiled his March 14 program to balance the Federal budget and fight inflation, he announced that he would ask the Congress to enact legislation requiring that 15 percent of interest and dividend income automatically be withheld as soon as it is earned. Treasury Department officials claim that substantial amounts of interest and dividend income go unreported under the current collection system, and that the proposed withholding tax will increase Government revenues by $3.4 billion in 1981, $2.5 billion in 1982 and $2.8 billion in 1983.

While I would applaud efforts to increase compliance with the tax laws, I think that the withholding tax is one of the worst ways the President could have devised to raise additional tax revenues. It runs counter to several of the Carter administration's major economic policies. First, it discourages savings. Second, it penalizes the elderly who depend on the interest they earn on their savings and the dividends they receive from their investments to augment their other sources of income. Finally, during a period when the Congress and executive branch are trying to cut paperwork, this proposal would produce a whole new set of forms for financial institutions and individual taxpayers to contend with.

It is true, as Treasury Department officials claim, that this is not an increase in the tax rates on such income. Rather, it is a requirement that taxes be withheld automatically at a rate of 15 percent as soon as interest and dividend income is earned, with any excess taxes refunded to the taxpayer after he files his return. Currently, tax on interest and dividend income generally is not due until the filing date.

However, the President's proposal will still be a major burden for many senior citizens and others who depend heavily on interest payments and dividends.

These people are just barely making ends meet now. To impose an automatic withholding tax asks for an additional sacrifice from those who are least able to give. This is especially true for those who receive interest which is compounded daily or on another short term basis. The withholding tax will diminish the total income they will ultimately receive.

Administration sources further defend this proposal by pointing out that those who believe they will not have enough income to require them to pay taxes may file certificates to exempt them from the withholding tax. Mr. Speaker, the last thing our senior citizens need is another form to fill out. Anyone who has worked with the elderly knows that they are probably even more intimidated than the rest of us by Government paperwork.

While the White House still supports the withholding tax proposal, it now appears that the administration will not press the issue. On the contrary, the President appears to be willing to let the new withholding tax die a quiet death.

Unfortunately, it is a bit late for that. Senior citizens in my district are extremely disturbed by this issue. I have received over 2,500 letters on the subject, and it is a constant source of discussion when I am in Wisconsin.

It does little good to simply assure our constituents that the proposal has been shelved. The President announced that he will ask the Congress for such a bill, and they can only assume that he will follow through on his request and actively seek its passage.

I think it is time to stop this nonsense and put the taxpayers' minds at ease. If the President is not willing to formally withdraw his support, then the House of Representatives, through the Hance amendment, should go firmly on record against the withholding of tax on interest and dividend income.●

● Mr. DORNAN. Mr. Chairman. I watched with interest the proceedings of the recent Democratic National Convention and the chief issue to emerge during those proceedings, the issue that dominated every other consideration, was jobs. I agree—wholeheartedly. But you are not going to increase the productivity of this now ailing and battered economy by any simple-minded, transfer of resources from the private sector to the public sector whether it is 12 cents, 12 bucks, or 12 billion bucks. You are not going to increase the number of peas in the shell game by merely switching them from one shell to the other. That is just another con game.

The public sector does not make wealth, it takes wealth. The only way that you can achieve solid, permanent and productive employment is to create a sound financial climate that encourages, rather than discourages, savings and investment. And, I might add, you are not going to curb the crushing rates of inflation, now rising again, unless you increase domestic productivity and that, once again, means encouraging, rather than discouraging, savings and investment.

Right now, Mr. Chairman, the United States has the lowest rate of savings of any Western industrial nation. Ben Franklin, whose advice on penny banks is part of American popular wisdom, must be gyrating in his tomb faster than the Federal Government can print funny money. This administration's tax proposal to withhold a part of the already meager earnings that our overtaxed, overregulated, inflation-ridden citizens derive from interest and dividends is yet one more example of the callousness and the blindness of this administration toward a people whose taxes will already be increased almost $90 billion during this next fiscal year.

Estimated revenue from this special tax increase is $3.4 billion in fiscal year

1981. Consider the impact of this on the housing industry. Savings and loans provide the life's blood of housing construction and home purchases. Representatives of savings and loans across the country who are now reporting operating losses, fear a further loss of investment funds for housing. According to calculations of the Alabama League of Savings Associations, a withholding rate of 15 percent, asuming the $28 billion in interest credits projected for 1980, would result in the loss of investment funds to the savings and loan business of approximately $4 billion. The housing industry in this country would lose approximately 85,000 homes from this reduction in available funds.

Surely, in a bloated budget of over $600 billion, this Congress could find $3.4 billion worth of waste that could be cut out of "fat city" rather than to impose this unfair, literally, counter-productive tax. With our economy staggering under high unemployment and high interest rates, and lurching from one double digit inflationary outrage to the next, this Congress could not seriously allow the imposition of yet another tax that can only further evaporate capital funds so vitally needed to create jobs.

So, I am honored to support my good friend and colleague from Texas in his effort to protect savings, and interest, and jobs and housing. How about an overwhelming yes vote to send a clear message to the White House that the Chamber with "the power of the purse" will not tolerate another tax.●

● Mr. LEWIS. Mr. Chairman, I rise in support of my colleague's amendment. The idea of withholding 15 percent of interest earned on savings accounts and dividends is ludicrous, and I strongly oppose such withholding.

Nearly half of all small savers are over 55 years of age. These people need the income from a lifetime of savings and making small investments. It is security, money to get their children through college or to help their children through their own early years, money for health emergencies and for retirement. We as a nation have consistently promoted savings by small investors. Most recently this Congress passed the $200–$400 interest income tax exclusion in an effort to promote an increased flow of savings to our financial institutions. Now the proposed plan would contradict this intent by imposing the 15 percent withholding on interest and dividends. Not only is this further evidence to the average taxpayer of increasing confusion in an increasingly oversized, burdensome government, it just plain does not make sense.

The reasons for imposing the withholding center around increasing revenues in a one-time windfall to balance the fiscal year 1980 budget and to catch those taxpayers that have been failing to report all of their interest income. The Treasury estimates showing that the withholding proposal would bring in an additional $3.4 billion, $1 billion would come from increased compliance with interest income reporting and $2.4 billion would come from earlier collections. Given the proposed option allowing financial institutions to report such withholding on an annual basis, most of the $2.4 billion would not be realized until fiscal year 1982. Second, given the fact that under the proposed withholding plan, 65 percent of the account holders would be exempt, the actual yield to the Treasury would be far less than its estimates.

Tax avoidance and evasion, is, of course, indefensible. The withholding of interest income as a tax compliance device is, however, highly questionable. According to the IRS' own estimate, about 84 percent of all interest and dividend income is reported. By applying improved analysis and audit procedures to the already required Form 1099's, this percentage could be increased. The 84 percent for savers compares to 50 percent of rental income and royalties being repoted and to only 60 percent of self-employment income being reported.

For savings and loan institutions, the proposed withholding plan would cost, according to the U.S. League of Savings Associations, $438 million a year to administer and an additional $330 million in start-up costs the first year. Considering that approximately 23 percent or $230 million of the $1 billion in unreported interest income comes from savings and loans, the cost of collecting the taxes due the first year will be triple the amount of additional tax collected. In following years, collection costs will be twice revenues flowing to the Treasury.

At a time when those small savers depending most on interest and dividends from savings and investments are suffering declining real incomes because of inflation, at a time when our Nation's economy is in great need of savings for new investment, and at a time when the public is more than ever overburdened with government and its redtape, it is ridiculous to improse tax withholding on interest and dividends. Not only will this plan fail to provide the increased revenue its supporters claim, but may cost over twice as much to implement and administer as the added revenue it would produce and will generally discourage savings and investment in the process.

I urge my colleagues to support Mr. WINN's and Mr. HANCE's amendment.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HANCE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WINN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 401, noes 4, not voting 27, as follows:

[Roll No. 454]

AYES—401

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R .W.
Danielson
Dannemeyer
Daschle
Davis, S.C.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McHugh
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Porter
Preyer
Pritchard
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder

Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki

NOES—4

Beilenson
Edwards, Calif.
Giaimo
Stark

NOT VOTING—27

Anderson, Ill.
Carter
Clay
Conyers
Davis, Mich.
Holtzman
Johnson, Colo.
Jones, Tenn.
Leach, La.
Leland
Lungren
McKay
Mavroules
Moffett
Moorhead, Pa.
Murphy, N.Y.
Myers, Pa.
Pickle
Price
Quayle
Roberts
Simon
Waxman
Wilson, C. H.
Wilson, Tex.
Young, Alaska
Zeferetti

□ 1540

Mr. VAN DEERLIN and Mr. GOLDWATER changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ZEFERETTI. Mr. Speaker, I was unavoidably absent because of a meeting at the White House on the Brooklyn Army Terminal for rollcall No. 454. I would have voted "aye" on rollcall No. 454 to prohibit the use of any funds in connection with the withholding of any tax on interest or dividend income.

I ask unanimous consent that this statement follow the rollcall vote.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. I offer an amendment, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN: Page 8, after line 22, insert the following:

SEC. 104. (a) None of the funds appropriated by this Act may be used to disqualify, pursuant to section 411(d)(1)(B) of the Internal Revenue Code of 1954, any plan which has vesting requirements or provides for nonforfeitable rights to benefits, equal to or more stringent than 4/40.

(b) None of the funds appropriated by this Act may be used to issue an unfavorable advance determination letter, pursuant to section 411(d)(1)(B) of the Internal Revenue Code of 1954, with respect to any plan which has vesting requirements or provides for nonforfeitable rights to benefits, equal to or more stringent than 4/40.

□ 1550

Mr. ERLENBORN. Mr. Chairman, the amendment I offer has to do with the vesting requirements under ERISA. When ERISA was being considered back in 1974, there were three major proposals relative to the vesting requirements to be incorporated in that legislation. The principal vesting requirement considered in the Committee in the House was what we call cliff vesting. That is, after 10 years of participation in the plan, one would become 100 percent vested.

In the other body the preferred method was graded vesting so that people would become partially vested after 5 to 8 years. The administration was pushing a concept of age weighted vesting.

When the bill was finally passed in the House, we did what I think was a very reasonable thing, we incorporated all three rules and said the plans would have an opportunity to choose any one of the three.

In the conference it was pointed out that in complying with the literal requirements of the ERISA vesting provisions, there could still be some discrimination in favor of the highly compensated. Therefore in the conference report, we said that the Internal Revenue Service, by regulation, could in addition require faster vesting in some cases. But in no event could the IRS require vesting any faster than what we call 4-40. That is 40 percent vesting after 4 years of participation.

The conference report was quite specific that in no case could vesting any faster or more stringent than 4-40 be required except in the instance where there was actual abuse in the operation of a plan.

The amendment I am offering today is intended to carry out the intent of the Employment Retirement Income Security Act of 1974 in connection with the administration of the vesting requirements added by section 1012(a) of ERISA.

My amendment is necessary because of the disregard of the congressional intent now being shown by the Internal Revenue Service in their proposed vesting regulations published in the Federal Register for April 9 and June 12, 1980.

The volume of constituent letters most congressional offices have received on these proposals confirm the statement made in the June 1980 issue of Pension World that "the storm of protest should equal or surpass anything that has yet been seen on the ERISA battlefront."

Let me state at the outset that the legislative action over this issue should not have become necessary. However, in the past several months the Internal Revenue Service in exercising its regulatory authority has twice chosen to ignore the result intended by Congress that the so-called 4-40 vesting schedule be made acceptable as a safe harbor. That is, a place where one can know that one is in compliance, except where actual abuse is found in accordance with the standards set forth in section 411(d)(1)(A) of the Internal Code. Rather than to carry out the compromise position that was arrived at after considerable discussion by the ERISA conferees in 1974, the regulation writers in the IRS and the Department of the Treasury who hold an unfavorable view of the conferees' action have seized upon a single word in the ERISA conference report and misconstrued its meaning in order to further their own view of what constitutes appropriate public policy in the vesting-nondiscrimination area.

The conferees clearly stated their concern in the conference report "that the law in this area has been administered on a case by case basis without uniform results in fact situations of a similar nature."

As a result, the conferees gave a clear directive to the IRS not to require a vesting schedule any more stringent than 4-40 except "in cases where actual misuse of the plan occurs in operation."

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. ERLENBORN was allowed to proceed for 5 additional minutes.)

Mr. ERLENBORN. The IRS regulations ignore the synonymous meaning of "misuse" and "abuse" in order to disregard the 4-40 vesting as a safe harbor and to require more stringent vesting for plans beyond the "pattern of abuse" situations provided for under section 411(d)(1)(A). The objectionable result of the proposed regulations, including the June 12, 1980 modification, are twofold. First, the regulations if allowed to go into effect as proposed, would totally undermine the expressed congressional desire to achieve a degree of certainty for plan sponsors through the uniform application of the nondiscrimination standards in connection with vesting. In fact, the regulations as amended do not provide a safe harbor for any plan, thus recreating the uncertainty attendant with the discretionary administration by local IRS offices which existed prior to ERISA.

The revenue procedures currently applicable to this area (Rev. Proc. 75-49 and 76-11) provide at least some measure of certainty by guaranteeing a favorable IRS determination letter to those plans adopting 4-40 vesting. The new regulations would negate even this practice and place nearly one-half million pension plans in jeopardy of losing their tax exempt status on a prospective or even a retroactive basis.

Now considering the fact that since ERISA was enacted one-third of the plans existing at that time have terminated, many because of ERISA, we do not want to see that sort of thing happen again allowing the Internal Revenue Service to ignore congressional intent.

Second, the proposed regulations are particularly offensive since the Congress, by means of the conference report, intended to reserve to itself the authority to require more stringent vesting standards in connection with the nondiscrimination rules to the extent that further studies show a need for additional safeguards.

The Department of Treasury and the IRS have ignored the conference report directive to supply the Congress with information as to patterns of benefit loss under the various vesting schedules and, instead, have taken an impatient "we know better" attitude in an attempt to pre-empt congressional authority by regulation.

Mr. Chairman, by offering my amendment I hope to persuade the Department of the Treasury and the IRS to include 4-40 vesting as a safe harbor in their final regulations in connection with section 411(d) (1) (B) of the Internal Revenue Code.

If the agencies still refuse to accept congressional direction in this area, the effect of my amendment will be to insure the continuation of current practice during the period of the fiscal year 1981 Treasury appropriation. That is, first that plans adopting 4-40 or more stringent vesting will continue to be issued favorable advance determination letters as is currently the case under Revenue procedures 75-49 and 76-11, and second, that the IRS, pursuant to section 411(d) (1) (B) of the Internal Revenue Code, will continue in practice not to disqualify a plan in operation as long as the plan has adopted 4-40 or more stringent vesting rules. Of course, the IRS can presently disqualify a plan in operation if the plan is found to have a "pattern of abuse" under section 411(d) (1) (A) of the Internal Revenue Code. It should be noted that while my amendment is to title I of H.R. 7583, the language in section 103 (a) and (b), to the effect that "none of the funds appropriated by this act," is intended to restrict the use of funds with respect to the Treasury Department, the IRS, or any other agency or court to which the bill as enacted applies.

A plan with 4-40 vesting provides that an employee who has completed at least 4 years of service has a nonforfeitable right to a percentage of his accrued benefit derived from employer contributions which percentage is not less than the percentage determined under the following table:

Years of service	*Nonforfeitable percentage*
4	40
5	45
6	50
7	60
8	70
9	80
10	90
11 or more	100

Mr. Chairman, all offices, I am certain, have received much mail, as has mine concerning this. There is great fear in the pension community they would have to terminate existing plans and fail to put into place plans that are being contemplated because of the uncertainty that would be caused by these proposed regulations.

□ 1600

I would hope that my amendment would be adopted, to continue current practice to enforce what is clear congressional intent.

Mr. ASHBROOK. Mr. Chairman, will my colleague yield?

Mr. ERLENBORN. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I thank my colleague for yielding. First of all, I want to thank him for this amendment, and I call attention to the fact that it is a very complicated area, fraught with many problems. I would say to the Members of this body that my colleague from Illinois is one of the few Members of this body who really has a full and comprehensive understanding of it.

I think we are in total agreement. It is a very sad fact that an act that was set out to protect pensions, by machinations, regulations, deadlines and other complications in many ways is working to the detriment of the private pension system and the persons who have pension expectations.

The gentleman's amendment is absolutely necessary or there will be more pensions scuttled and fewer working men and women in America covered by pensions. I think we do need, at the very least, some time for the Congress to address some of these shortcomings. I certainly support this amendment, and as the gentleman has indicated, it is similar to the bill H.R. 7594 that the chairman of the committee, the esteemed gentleman from Kentucky (Mr. PERKINS), and myself have introduced.

I certainly trust that it will carry as an amendment, and support it wholeheartedly.

Mr. ERLENBORN. I thank the gentleman for his contribution.

Mr. Chairman, I ask that the amendment be adopted.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment. First, Mr. Chairman, I think that of all the amendments I have seen, the most undesirable one to be made a part of an appropriation bill would be this one, because it is the technical and complex legislative matter that only legislative committees can hope to cope with properly.

I have a letter from the Secretary of the Treasury in opposition to this amendment. There is no emergency, and the legislative committee still has ample opportunity and jurisdiction to meet all the problems that have been brought up here. I would like, just for the record, to read some of what the Secretary of the Treasury has provided me with just today. The Treasury Department strongly opposes this amendment.

> Proposed Treasury regulations relating to the coordination of vesting and antidiscrimination requirements in these plans have undergone significant changes since they were first published this April. These changes, which reflect public comments, show that the administrative process is responsive and should be allowed to continue. Groups representing major interests in the area have expressed strong support for publication of final regulations incorporating the revisions. In addition, as agreed with the committees having substantive jurisdiction, final regulations—

If necessary—

> in this area will be published only—

I repeat—

> only when Congress is in session so as to allow adequate time to respond.
>
> There have been no Congressional hearings regarding the vesting and antidiscrimination issues addressed by the proposed regulations, although two bills (H.R. 7533 and H.R. 7594) have been introduced that would substantially alter the statutory provisions on which the proposed regulations are based.
>
> The Treasury Department and the Internal Revenue Service are continuing to work with interested parties to develop clear and reasonable guidelines in this area. The amendment proposed by Mr. Erlenborn would seriously interfere with this process and would cause unnecessary confusion in the administration of the tax laws.

In light of this, Mr. Chairman, I think that regardless of what position we may have on this issue, it is obviously a matter that should not be made a part of this law today, and I hope it is defeated.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding. I just would like to make the point that there is nothing new required by this amendment. It will merely continue current law and allow the Congress to address this issue rather than to allow the Internal Revenue Service to amend the law by fiat.

Mr. STEED. By the very terms of the Secretary's letter, the process is working. It is in the hands of the committee, and what the gentleman is doing will stop that process. The gentleman will not help it in any way, so why do we bring it here? Why do we not leave it where it ought to be, where the solution is being worked on? There is not anything final yet. The Secretary said that himself. There will be no final action until Congress is in session, and the gentleman and the other people involved with this will have full opportunity to react to it.

Mr. ERLENBORN. In 1974, when ERISA was passed, it was a clear mandate that the Treasury Department study this and give the information to the Congress. Now, 6 years later, they have failed to do that. They have not given us the information. They are trying to amend the law by regulation. I would like to keep the law as it is until the Congress has a chance to act.

Mr. STEED. But the point is, the Secretary cannot amend the law, according to his letter, until and unless the gentleman has another look at it and passes on it. So, why stop the process when he is trying to do what the gentleman is now complaining about, of no action? The gentleman is not going to ever get any action if we do not let this process continue, and if we do not like what they come up with, we have a right to stop it. The amendment may be a fine thing. I am not saying the gentleman is wrong in his attitude, but this is not the place to solve it.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. FRENZEL. Mr. Chairman, the distinguished chairman of the Appropriations Subcommittee is correct. This bill is not the best place to handle what is obviously a complicated problem. Unfortunately, Mr. Chairman, we do not have any other place to handle it.

The letter which was read in part from the Secretary of the Treasury gives me no consolation whatsoever. Treasury merely says that it will not publish the regulations while we are not in session.

Since we do not have time to work on any bills other than appropriations bills and the budget, we have no opportunity to react to any Treasury regulation published between now and the time we adjourn sine die.

Earlier in this day's program, I indicated that even though the Ways and Means Committee had passed a Customs Service authorization bill 4 months ago, the Speaker had been unable to schedule it. Obviously, we will be unable to schedule such bills as Chairman STEED suggests should be the vehicles for handling this problem.

The gentleman from Illinois, of whose amendment I am a cosponsor, had correctly pointed out that over a period of many years of pension deductibility, the 4/40 test has been a safe harbor test. I firmly believe that it was the intention of the conferees who passed the 1974 ERISA Act that the 4/40 test should continue to be a safe harbor test.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the chairman.

Mr. STEED. If this now is so important, how come you gentleman did not come to our committee in the first place? We had no notice of this during the committee consideration of the bill. How come you did not show at least the interest such as others have shown on problems they had? Why did you not show us that you could not get redress somewhere else or in some other way? I think it is a strange thing on something that you say is so important and has dragged on so long and is brought here now at the last minute in an atmosphere like this.

Mr. FRENZEL. I thank the gentleman for that comment, because he is dead right. We should have come to his committee, but unfortunately this bomb has been dropped on us rather recently by the Treasury.

Of course as good members of the legislative branch, the first thing we tried to do was negotiate with the Treasury. The record in this House and in the other body is full of attempts to get the Treasury to agree to the 4/40 safe harbor test, but it has refused, especially in a recorded dialog with our ex-colleague, the junior Senator from Hawaii (Mr. MATSUNAGA).

So, what we have is the probability of elimination of that safe harbor test. That will be likely to eliminate many of the existing pension plans of smaller employers. Those smaller employers, of course, and the trustees of their plans, have been under enormous pressure already.

When we passed the ERISA bill in the first instance in 1974, about one-third of the existing pension plans in the United States, almost all of them plans of smaller employers, served termination notice and formally terminated.

□ 1610

Several hundred thousand pension plans were terminated. We in the Congress, through our brilliant policymaking, forced those pensions out of existence and thereby denied the employees the protection of those pension plans.

Now, if we do not take advantage of the Erlenborn amendment, we will force more small employer pension plans out of existence and we will deny more pension protection to the working people of the United States.

Mr. Chairman, I urge the adoption of the Erlenborn amendment.

Mr. GEPHARDT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think it is important in this situation to focus on one very important fact, and that is that the Erlenborn amendment goes much, much further than even the conference report language which did come out of conference some months ago. That conference report language said:

> Except in cases where actual misuse of the plan occurs in operation, the IRS is directed not to require a vesting schedule more rapid than 4–40 vesting.

If we adopt the Erlenborn amendment, we are saying that no matter what happens to the plan in practice, no matter if they are firing all their employees after 3 years and 11 months, that plan is still good under IRS rules and under the statute we passed. I do not think anybody here wants that to happen.

I sympathize with what the gentleman from Illinois (Mr. ERLENBORN) and what the gentleman from Minnesota (Mr. FRENZEL) have said. They are right. There has been a tortured process of trying to get the IRS to develop regulations to carry out the intent of Congress. I agree with the gentlemen, but I would say to them the way to remedy that is not to attach this amendment to this appropriatons bill.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. Let me finish my statement first.

Mr. Chairman, the way to remedy that is to attempt to let the process work, as I think it is working. As the gentleman well knows, Senator MATSUNAGA in the other body has been very active in the Senate to try to get this problem resolved. Many of us on the Committee on Ways and Means in the House have tried to get this problem resolved.

The Treasury, after the three cuts, has made three different attempts to promulgate regulations in this area, and because of the attempt of the gentleman and others, those regulations have been drawn back. Now we are in the third set of regulations. We still have more examples of more regulations to come to respond to the objections, many of which the gentleman has made.

I will say to the gentleman that we will have ample opportunity, when that process is complete, to overturn those regulations in the normal process if we think they do not carry out congressional intent. Senator MATSUNAGA has a commitment in writing, I am told, from the Department of the Treasury, to not promulgate those regulations finally except at a time when we are in session and have an opportunity to bring a bill through the Committee on Ways and Means and the Senate Finance Committee.

I would say to the gentleman that I think his concerns are valid, but I think his means of reaching that goal are wrong.

Mr. Chairman, I urge the Members to vote against the amendment.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, let me reiterate that all my amendment will do is to hold the status quo. The gentleman indicated that it goes much beyond that because it would prohibit the disqualification of a plan where there was actual abuse in operation.

I would call the gentleman's attention to the fact that my amendment addresses only section 411(d)(1)(B). Disqualification where there is actual abuse is under section 411(d)(1)(A), and my amendment does not affect that.

So the effect of my amendment will be to hold the status quo until the Congress can act. There is no reason why this Congress should give legislative authority to the Internal Revenue Service. That is what they are attempting to exercise today, without having complied with the ERISA conference report that requires them to study this problem and give us the facts and the figures. They have failed completely to give us that report.

Neither the gentleman's committee nor my committee nor any committee in the other body, in the 6 years that ERISA has been law, has received the report that is required of them under ERISA. I would hold the status quo until they give us that information and let the Congress act and not allow the Internal Revenue Service to pass a new law by regulation.

Mr. GEPHARDT. Mr. Chairman. I would say to the gentleman that I continue to believe the policy we would set by the wording in the amendment is not the kind of policy we want on the books nor that we want the IRS to try to implement.

I agree with the gentleman that perhaps they have not been forthcoming in the past. I believe they are today because of the efforts of the gentleman and others. I say to the gentleman that doing it this way does not serve any purpose.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield further?

Mr. GEPHARDT. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I can understand that the gentleman might not like the policy expressed in my amendment. It happens, however, to be current law. It happens to be the policy enunciated in the ERISA in 1974.

If the gentleman does not like that or if the Internal Revenue Service does not like that, let us change it by law. Let us not allow the Internal Revenue Service by fiat to change the law or the policy.

Mr. GEPHARDT. Mr. Chairman, I disagree with the gentleman that that was the policy expressed in the 1974 law or in the regulations.

● Mr. SYMMS. Mr. Chairman, I rise in opposition to the Internal Revenue Service's proposed regulations concerning the vesting requirement of retirement plans.

It is my understanding that the purpose of retirement plans is to provide benefits at normal retirement to supplement savings, investments and social security. Retirement plans are not, and rightly so, structured to provide substantial amount of benefit for yearly terminations.

It seemed to me that a 4–40 vesting schedule, that is 40 percent in 4 years and then 45 percent in 5, 50 percent in 6 and then 10 percent each additional year with 100 percent after 11 years of service qualifies in almost every situation.

Now, however, the IRS proposed regulation that would require 100 percent vesting in 3 years or a variation; that is, for example a cumulative total of 700 percent vesting by adding up each year's vesting then the plan would be certain of qualifying. However, I believe that the proposals are inadvisable because: First, the statute does not require change; second, the new rule makes inadequate provision for the rewarding of stable, long-term employee service and encourages disruption of the employee/employer relationship; third, the change will have the effect of disqualifying a substantial number of pension plans with what can only be detrimental consequences to the beneficiaries of those plans; it can be expected that a vast number of pension plans will terminate rather than attempt to satisfy these impossible requirements; and fourth, small plans will be affected more than large plans thus, will constitute an unwarranted discrimination against small business.

ERISA provided sufficient protection for participants and 4–40 vesting is not out of line with the intent of ERISA. The law already provides for disqualification if the plan shows a clear pattern of abuse, such as the habitual firing of employees immediately prior to substantial vesting.

If this regulation is implemented, many pension plans will cease to exist and at that time, I am sure that the Members of this body will blame private industry for not adequately taking care of the retirement plans of their employees at which point legislation will probably be introduced to assist employees not provided for by pension plans. It is imperative to stop the cycle before it begins and support the efforts that are being made to prohibit the implementation of the regulation.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ERLENBORN.)

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. GEPHARDT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Eighty-nine Members are present, an insufficient number. A quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 455]

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Chisholm
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Dixon
Donnelly
Dornan
Dougherty
Downey
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kazen
Kemp
Kildee
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McHugh
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Perkins
Petri
Peyser
Porter
Preyer
Pritchard
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Royer
Rudd
Russo
Sabo
Santini
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Stangeland
Stanton
Steed
Stenholm
Stewart
Stockman
Stokes
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzen
Taylor
Thomas
Thompson
Traxler
Trible
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

☐ 1630

The CHAIRMAN. Three hundred and eighty-seven Members have answered to their name, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Missouri (Mr. GEPHARDT) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Five minutes will be allowed for the vote.

The vote was taken by electronic device, and there were—ayes 310, noes 86, answered "present" 1, not voting 35, as follows:

[Roll No. 456]

AYES—310

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Atkinson
Badham
Bafalis
Bailey
Barnard
Barnes
Bauman
Beard, Tenn.
Bedell
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Boggs
Boland
Boner
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carter
Chappell
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson

Dannemeyer
Davis, S.C.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dickinson
Dicks
Dornan
Dougherty
Duncan, Oreg.
Duncan, Tenn.
Early
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fazio
Fenwick
Findley
Fish
Fithian
Flippo
Foley
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Giaimo
Gibbons
Gilman
Ginn
Glickman
Goldwater
Goodling
Gore
Gradison
Gramm
Grassley
Green
Grisham
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hefner
Heftel
Hightower
Hillis
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland

Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Kazen
Kemp
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, Md.
Lott
Lujan
Luken
Lundine
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McHugh
McKinney
Madigan
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mazzoli
Mica
Michel
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nowak
O'Brien
Oakar
Ottinger
Panetta
Pashayan
Patterson
Paul
Perkins
Petri
Peyser
Porter
Preyer
Pritchard

Pursell
Quillen
Rahall
Railsback
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Royer
Rudd
Russo
Santini
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solomon
Spellman
Spence
Stack
Stangeland
Stanton
Stenholm
Stockman
Stratton
Stump
Swift
Symms
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Winn
Wirth
Wolff
Wright
Wyatt
Wylie
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NOES—86

Anderson, Calif.
Ashley
Aspin
AuCoin
Baldus
Beard, R.I.
Beilenson
Blanchard
Bolling
Bonior
Bonker
Brown, Calif.
Burton, John
Burton, Phillip
Carr
Cavanaugh
Chisholm
Collins, Ill.
Corman
Daschle
Dellums

Dixon
Dodd
Donnelly
Downey
Drinan
Eckhardt
Edgar
Edwards, Calif.
Fascell
Ferraro
Fisher
Florio
Ford, Mich.
Ford, Tenn.
Garcia
Gaydos
Gephardt
Gray
Guarini
Hall, Ohio
Hawkins
Heckler

Jones, Okla.
Kastenmeier
Kildee
Long, La.
Lowry
Maguire
Markey
Mattox
Mikulski
Miller, Calif.
Mitchell, Md.
Moakley
Nolan
Oberstar
Obey
Patten
Pease
Rangel
Ratchford
Reuss
Richmond
Rodino

Sabo
Scheuer
Seiberling
Shannon
Solarz
St Germain
Stark

Steed
Stewart
Stokes
Studds
Synar
Thompson
Ullman

Van Deerlin
Vanik
Waxman
Weaver
Weiss
Wolpe
Yates

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—35

Anderson, Ill.
Brooks
Cheney
Clay
Conyers
Davis, Mich.
Dingell
Gingrich
Hinson
Holtzman
Jacobs
Johnson, Colo.

Jones, Tenn.
Kelly
Leach, La.
Lehman
Leland
Lungren
McKay
Mavroules
Moffett
Moorhead, Pa.
Murphy, N.Y.
Myers, Pa.

Pepper
Pickle
Price
Quayle
Roberts
Roybal
Staggers
Wilson, C. H.
Wilson, Tex.
Wydler
Young, Alaska

The Clerk announced the following pairs:

On this vote:

Mr. Jones of Tennessee for, with Mr. Leland against.

Mr. Staggers for, with Mr. Clay against.

Mr. Pepper for, with Mr. Conyers against.

☐ 1640

Mr. CAVANAUGH changed his vote from "aye" to "no."

Mr. ROSE changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WOLFF

Mr. WOLFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Wolff: Page 8, after line 22, insert the following new section:

Sec. 105. (a) None of the funds appropriated by this title may be used to impose or collect—

(1) any interest under section 6601(a) of the Internal Revenue Code of 1954, or

(2) any addition to tax under section 6653(a) of such Code,

with respect to any portion of an underpayment which is attributable to information, advice, or an interpretation, given in writing to the taxpayer by an officer or employee of the Internal Revenue Service acting in his official capacity.

(b)(1) Paragraph (1) of subsection (a) shall apply only for the period ending on the 30th day after the date of notice and demand by the Secretary of the Treasury or his delegate for payment of an amount of underpayment.

(2) Subsection (a) shall not apply to any information, advice, or interpretation—

(A) which is received by the taxpayer on or before the date of the enactment of this Act, or

(B) with respect to which there is a failure by the taxpayer to provide adequate and accurate information.

Mr. WOLFF. Mr. Chairman, I offer this amendment at the behest of 100 Members of the House as well as those taxpayers who have been penalized by the Internal Revenue Service as a result of erroneous advice given by that very agency, the IRS. My amendment will prohibit the use of any funds appropriated within this legislation for the purpose of charging penalties and interest for the underpayment of income taxes, when the error which caused the underpayment resulted from erroneous advice, information, or an interpretation given in writing to the taxpayer by an officer or employee of the IRS.

Indeed, this amendment is neither precipitous nor ill conceived, as I rise in concert with the 100 Members of this body who have cosponsored legislation of similar intent during this Congress. Quite simply, this legislation takes cognizance of the public's justifiable demands for accurate, indisputable advice for the processing of increasingly complex tax forms.

It is only fair that we insist that the Internal Revenue Service be more precise in the advice it renders, by freeing the taxpayer from "paying for" errors made by this agency, while at the same time assuring payment of any revenues to which the Government has a legitimate claim.

A requisite function of any government is to provide accessible, accurate information to the citizens of that government. It is folly to demand an unwavering compliance to the laws and regulations established by that government when the instructions necessary for compliance are fallacious or misleading. We are participating in a reciprocal relationship with the taxpayers of this country, which involves a responsibility on the part of the taxpayer to provide revenues for our Federal Treasury and a responsibility on the part of the Government to provide clear and accurate guidelines for the submission of the revenues.

In a number of circumstances we have fallen short of our responsibility. With the passage of this amendment we can reaffirm our commitment to the provision of sound, accurate advice without fear of financial loss or legal entanglements.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I will be happy to yield to the gentleman from New York.

Mr. ADDABBO. Mr. Chairman, I thank the gentleman for yielding. I commend him for this amendment. Being one of the cosponsors of the legislation, the gentleman from New York (Mr. Wolff) brings to the House a very important correction to an abuse by the Internal Revenue.

I would ask the House to adopt the amendment.

Mr. WOLFF. Mr. Chairman, I thank the gentleman.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I would be happy to yield to the gentleman from North Carolina.

Mr. FOUNTAIN. Mr. Chairman, as one of the cosponsors of the bill to which the gentleman referred, I would like to associate myself with the views which the gentleman has expressed and to state that this is a bureaucratic responsibility amendment. I hope it will pass.

Mr. WOLFF. I thank the gentleman.

Mr. GRADISON. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Ohio.

Mr. GRADISON. Mr. Chairman, I thank the gentleman for yielding.

As a cosponsor of the gentleman's amendment, I also join in support of the proposal, which at bottom is an argument for basic fairness in the tax system.

Mr. WOLFF. I thank the gentleman.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Illinois.

Mr. YATES. As I understand the gentleman's amendment, it requires that the IRS error be made known in writing by an officer or an official of IRS.

Mr. WOLFF. If in the preparation of the return of the individual taxpayer the IRS makes an error in writing to the taxpayer, then there shall be no interest paid on that error.

☐ 1650

Mr. YATES. It seems like a very fair amendment and I will tell the gentleman I intend to support it.

Mr. WOLFF. I thank the gentleman, and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Wolff).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Ashbrook: On page 8, after line 22, insert the following new section:
>
> "Sec. 103. None of the funds made available pursuant to the provisions of this Act shall be used to formulate or carry out any rule, policy, procedure, guideline, regulation, standard, or measure which would cause the loss of tax-exempt status to private, religious, or church-operated schools under section 501(c)(3) of the Internal Revenue Code of 1954 unless in effect prior to August 22, 1978."

POINT OF ORDER

Mr. STOKES. Mr. Chairman, I raise the point of order against the amendment.

The CHAIRMAN. Does the gentleman from Ohio (Mr. Stokes) wish to be heard at this time on the point of order?

Mr. STOKES. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio (Mr. Stokes).

Mr. STOKES. Mr. Chairman, I make a point of order against the proposed amendment on the grounds that it is legislation on an appropriation bill in violation of clause 2 of rule XXI.

Chapter 26, section 11.1 of Deschler's Procedure states:

> When an amendment . . . explicitly places new duties on officers of the government, or implicitly requires them to make investigations, compile evidence or make judgments and determinations not otherwise required of them by law then it assumes the character of legislation and is subject to a point of order.

This amendment would impose additional executive duties. Under the provisions of this amendment the Commissioner and employees of IRS would be required to make a determination as to whether or not "any policy, procedure, guideline, regulation, standard, or measure" that the IRS proposed to "formulate or carry out" would cause the "loss of tax exempt status" of private schools. It would require Federal officials to make new determinations as to the current tax exempt status of each private school, what that tax exempt status was on August 22, 1978 and whether the proposed action would cause the loss of that tax exemption. This amendment places new duties on executive officials to make judgments and determinations not required under existing law.

In addition, Mr. Chairman, rule XXI, clause 2 specifically states that no "amendment changing existing law" shall be in order. The proposed amendment does change existing law. The application of section 501(c)(3) of the Internal Revenue Service Code (title 26 of the U.S. Code) has been modified over the years by court decision.

For example, in Green against Connally in 1971 the Supreme Court held that a segregative private school is not entitled to tax exempt status even though that section of the code says absolutely nothing directly or indirectly about racial discrimination or segregative schools. It is clear, Mr. Chairman, that the Federal courts, through their interpretation of the Constitution, have the authority under the Constitution to change the application of existing law through judicial interpretation. I would maintain that section 501(c)(3) as it was applied on August 22, 1978 has now been changed by Federal court interpretation of that section. I refer specifically to the recent Federal court order Green against Miller, which is referred to as Green II, decided on May 5, 1980. I need not go into the specific details relative to that case, but it is certainly apparent, Mr. Chairman, I think, that this decision has changed the application of section 501(c)(3). Thus, the proposed amendment by the gentleman from Ohio would require that the Internal Revenue Service return to the law as it was interpreted on August 22, 1978. This then would be a change from the interpretation now given that section.

A recent precedent, Mr. Chairman, is the ruling by the Chair on an amendment to the Treasury, Postal Service appropriation bill for 1979 which can be found on page 16656 in the Congressional Record of June 7, 1978. That amendment attempted to prohibit the Internal Revenue Service from determining whether or not an individual is an employee "other than under the audit practices, interpretations, regulations and Federal court decisions in effect on December 31, 1975." The Chair ruled that the amendment would "require a return to the law as it existed prior to" that date and therefore changed existing law and was not in order.

For those reasons, Mr. Chairman, I believe the amendment to be in violation of rule XXI, clause 2, and urge the approval of the point of order.

The CHAIRMAN. Does the gentleman from Ohio (Mr. Ashbrook) wish to be heard on the point of order?

Mr. ASHBROOK. Yes, Mr. Chairman, I do.

As we all know, there are three primary tests of germaneness in the House rules. They are:

First, subject matter. "An amendment must relate to the subject matter under consideration." This amendment deals with the exercise of authority by the IRS, the funding for which is included in H.R. 7583. There is no holding by the Parliamentarian that, in a similar case, would find the amendment to be nongermane.

The second general test is fundamental purpose. "The fundamental purpose of an amendment must be similar to the purpose of the bill, and whether or not the amendment is germane must be judged from the provisions of its text rather than from the motives which circumstances may suggest." Again, there is no ruling by the Parliamentarian that I can find for an amendment similar to this amendment which would indicate the Ashbrook amendment is nongermane.

The third test is committee jurisdiction. "An amendment when considered as a whole must be within the jurisdiction of the committee reporting the bill, although committee jurisdiction over the subject of an amendment and of the original bill is not the exclusive test of germaneness." Both the Ashbrook and Dornan amendments were included in the subcommittee reported fiscal year 1981 appropriations bill, and no one has challenged their germaneness based on not falling within the jurisdiction of the Appropriations Committee.

"The primary tests of germaneness are not exclusive though; an amendment and the matter to which it is offered may be related to some degree under the tests of subject matter, purpose, and jurisdiction, and still not be considered under the precedents." Neither of the precedents cited in either the rules and Deschler's would indicate that the Ashbrook amendment is nongermane.

B, restrictions, qualifications, and limitations sought to be added by way of amendment must be germane to the provisions of the bill. Restrictions on the use of funds in an appropriations bill have been upheld on many occasions. The following are some examples of holdings by the Parliamentarian which are similar to the Ashbrook amendment.

First, to a bill authorizing funds for military procurement and construction, an amendment declaring that none of the funds be used to carry military operations in North Vietnam was held to be germane. Under the test of Mr. Stokes, that certainly required the Secretary of Defense to make certain determinations as to whether or not the funds were to be used in Vietnam as against any other theater of operation.

Second, to a bill appropriating funds for an additional Washington airport, an amendment placing a limit on the amount of the appropriation permitted to be used for the construction of an authorized access road was held to be germane.

Third, to a bill authorizing appropriations for contributions to the United Nations Environment Fund an amendment prohibiting the use of those funds to assist in the construction of North Vietnam was held to be germane as a restriction on the funds authorized by the bill.

Fourth, a bill authorizing appropriations for the National Science Foundation, an amendment prohibiting the use of any funds appropriated to the National Science Foundation for research on a live human fetus outside the womb was held to be a germane restriction on the availability of funds to that agency and was not a reappropriation of those funds.

□ 1500

Fifth, to a bill continuing authority under existing law to make contributions to an international financial organization and authorizing appropriations for those contributions, an amendment adding a further restriction on the use of U.S. contributions to those already contained in that law was held germane.

Last, to a program authorizing Federal financial assistance, an amendment limiting the uses to which those funds may be put was held germane.

"Where a proposition contains broad discretionary power on an executive official, an amendment is germane which directs that official to take certain actions in the exercise of that authority. Similarly, where a provision delegates certain authority, an amendment which pertains to related subject authority is germane." Although the Ashbrook amendment neither directs certain actions by the Commissioner nor confers authority on the Commissioner, a holding of germaneness would be consistent with most of the precedents we have seen because of the Commissioner's authority to act or not act in this situation.

A legislative amendment to an appropriations bill must be germane to the provisions to which it is offered. A limitation must apply solely to the money of the appropriation under consideration and may not be made applicable to money appropriated in other acts. Thus, an amendment to a general appropriations bill providing funds for the Department of Agriculture and included specific allocations of funds for pest control, was held germane when it prohibited the use of funds for use of pesticides prohibited by State or local law.

On the point he made regarding changing existing law, I would call the Chair's attention to Revenue Procedure 7550. It clearly cites the decision that he had indicated that is preserved by this particular ruling, and that ruling is in effect prior to the time that is listed in my amendment. My amendment does not require IRS to make any new judgments not already being made or able to be made pre-August 1978.

Probably the best argument for defeating the point of order on this amendment is that it has been adopted by the House in the fiscal year 1980 Treasury appropriations bill and the fiscal year 1980 supplemental appropriations bill. Likewise, controversial amendments restricting the use of funds appropriated in an appropriations bill have been consistently adopted in the past, the most well known of these, of course, being the Hyde amendment to restrict Federal funds on abortion, and several amendments to restrict the use of Federal funds to support the busing of schoolchildren.

For those reasons, Mr. Chairman, I urge the Chair to overrule the point of order of my friend, the gentleman from Ohio (Mr. Stokes).

The CHAIRMAN. Does the gentleman from New York (Mr. Rangel) seek to be heard further on the point of order?

Mr. RANGEL. I would like to speak in support of the point of order. Mr. Chairman, this amendment is not a limitation on the use of money but actually is legislation. What it does in fact do is to nullify an administrative law court decision after the date that is in the amendment, and it also restricts the IRS from issuing rulings that would allow charitable organizations to allow their contributors to deduct these charitable deductions that are made. So what it actually does is nullify existing law, and by doing that, it nullifies a Federal court decision. In addition to that, Mr. Chairman, this amendment interferes with the nondiscretionary authority of the executive branch of Government. As pointed out by my colleague, the gentleman from Ohio (Mr. Stokes), the courts did not tell the IRS what they could or could not do but mandated by giving guidelines that they must remove the tax exemptions from institutions that were racially discriminating against groups of people.

In addition to that, Mr. Chairman, this amendment violates the separation of powers. There is no question that the judiciary has the obligation, the constitutional responsibility, to review legislation enacted by this Congress and to give their opinions, and if in fact we dislike any opinion given by the court, whether it is the Green case, one or two, or any other judiciary decision, we have the authority to legislate, but we cannot do that with an appropriations bill.

What this amendment would do would place the IRS in the uncomfortable confrontation position of being held in contempt of court by not following out the court's mandates and at the same time put itself in conflict with the laws of the Congress.

I ask the Chair to rule the amendment out of order under the Rules of this House.

The CHAIRMAN. Does the gentleman from California (Mr. Dornan) wish to be heard on the point of order?

Mr. DORNAN. Yes; Mr. Chairman. I would like to speak against the point of order.

I think that we have gone through this with some clarity. If I could refer my colleagues to Deschler's Procedure, chapter 25, section 10.16 to be specific, it says:

> To a paragraph of a general appropriation bill containing funds for expenses of the International Revenue Service, an amendment prohibiting the use of any funds in the bill for financing revenue rulings, letters, or advice not made available to the general public was held in order as a negative limitation which did not affirmatively impose new duties on that agency.

I think this falls within that area.

If I could also direct the Chair to the ruling of the Chair on an amendment of mine quite similar to the Ashbrook amendment, on July 16, 1979, the Chair said, and I quote:

> The Chair is of the opinion that what is involved in the amendment is a particular ruling which applied to a simple case and that, therefore, no new determination has to be made by the IRS. It does not require the IRS to make new rulings or determinations. The amendment does not describe a situation where the IRS must look at every religious contribution to determine if it applies. The amendment is somewhat analogous to that in Deschler's Procedure, chapter 25, section 10.16—

Which I just read—

> which has been held in order. Therefore, the Chair thinks the amendment is in order, and the point of order is overruled.

I believe my amendment specifically is close enough to the Ashbrook amendment that the point of order should be overruled.

The CHAIRMAN (Mr. Preyer). The Chair is prepared to rule.

The gentleman from Ohio (Mr. Stokes) makes the point of order that the amendment offered by the gentleman from Ohio (Mr. Ashbrook) is legislation on an appropriation bill in violation of clause 2, rule XXI.

The amendment would prohibit the use of any funds in the bill to formulate or carry out any rule, policy, procedure, guideline, regulation, standard, or measure which would cause the loss of tax-exempt status to private, religious, or church-operated schools under section 501(c)(3) of the Internal Revenue Code of 1954, unless in effect prior to August 22, 1978.

The gentleman from Ohio (Mr. Ashbrook) has cited precedents relating to germaneness. The Chair is of the opinion that this is not a germaneness question.

The Chair is aware that in a currently binding Federal court order and permanent injunction in the case of Green against Miller, the Internal Revenue Service has been enjoined and restrained from according tax-exempt status to, and from continuing the tax-exempt status now enjoyed by, all Mississippi private schools or the organizations that operate them which have been determined to discriminate racially. This is the uncontroverted status of the law as interpreted by the courts with respect to the authority of the IRS in according tax-exempt status.

As indicated on page 533 of the House Rules and Manual, on June 7, 1978, an amendment by the gentleman from California, (Mr. Panetta) denying the use of funds for the Treasury Department to apply certain provisions of the Internal Revenue Code other than under regulations and court decisions in effect on a prior date was held to be legislation, since requiring an official to apply interpretations no longer current or legal in order to render the appropriation applicable. In the opinion of the Chair, the pending amendment falls within the same category and is, therefore, legislation in violation of clause 2, rule XXI.

The Chair sustains the point of order.

Mr. ASHBROOK. Mr. Chairman, I appeal the ruling of the Chair.

The CHAIRMAN. The gentleman from Ohio (Mr. Ashbrook) appeals the ruling of the Chair.

The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Chairman, on that I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears. Members will record their presence by electronic device.

The call was taken by electronic device.

☐ 1710

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Ohio (Mr. ASHBROOK) for a recorded vote.

Does the gentleman insist upon his demand?

Mr. ASHBROOK. I do, Mr. Chairman.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 182, answered "present" 1, not voting 35, as follows:

[Roll No. 457]

AYES—214

Addabbo
Akaka
Anderson, Calif.
Annunzio
Anthony
Ashley
Aspin
AuCoin
Bailey
Baldus
Barnard
Barnes
Beard, R.I.
Bedell
Beilenson
Benjamin
Bevill
Biaggi
Bingham
Blanchard
Boland
Bolling
Boner
Bonior
Brademas
Brinkley
Brodhead
Brooks
Brown, Calif.
Burlison
Burton, John
Burton, Phillip
Carr
Cavanaugh
Coelho
Collins, Ill.
Conte
Corman
Cotter
D'Amours
Daniel, Dan
Danielson
Davis, S.C.
Dellums
Dicks
Dingell
Dixon
Dodd
Donnelly
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Ertel
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fowler
Fuqua
Garcia
Gephardt
Gibbons
Ginn
Glickman
Gonzalez
Gore
Gradison
Gray
Guarini
Gudger
Hall, Ohio
Hamilton
Hance
Hanley
Harkin
Harris
Hawkins
Heckler
Hefner
Heftel
Hightower
Holland
Hollenbeck
Howard
Hughes
Hutchinson
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Johnson, Calif.
Jones, Okla.
Kastenmeier
Kogovsek
Kostmayer
LaFalce
Lederer
Lehman
Levitas
Lloyd
Long, La.
Long, Md.
Lowry
Lundine
McCormack
McDade
McHugh
Maguire
Markey
Mathis
Matsui
Mattox
Mazzoli
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moffett
Mollohan
Murphy, Ill.
Murtha
Natcher
Neal
Nedzi
Nelson
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Pepper
Perkins
Peyser
Pritchard
Rahall
Railsback
Rangel
Ratchford
Reuss
Richmond
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Russo
Sabo
Santini
Scheuer
Schroeder
Sebelius
Seiberling
Shannon
Sharp
Simon
Skelton
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Stark
Steed
Stewart
Stokes
Studds
Swift
Synar
Thompson
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
White
Whitley
Williams, Mont.
Wilson, Tex.
Wirth
Wolff
Wolpe
Wright
Wyatt
Yates
Young, Mo.
Zablocki
Zeferetti

NOES—182

Abdnor
Albosta
Ambro
Andrews, N.C.
Andrews, N.Dak.
Applegate
Archer
Ashbrook
Atkinson
Badham
Bafalis
Bauman
Beard, Tenn.
Bennett
Bereuter
Bethune
Boggs
Bouquard
Bowen
Breaux
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Butler
Byron
Campbell
Carney
Carter
Chappell
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
Crane, Philip
Daniel, R. W.
Dannemeyer
de la Garza
Deckard
Derrick
Derwinski
Devine
Dickinson
Dornan
Dougherty
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Evans, Del.
Evans, Ga.
Evans, Ind.
Fish
Forsythe
Fountain
Frenzel
Frost
Gaydos
Gilman
Goldwater
Goodling
Gramm
Grassley
Green
Grisham
Guyer
Hagedorn
Hall, Tex.
Hammerschmidt
Hansen
Harsha
Hillis
Hinson
Holt
Hopkins
Horton
Hubbard
Huckaby
Hyde
Ichord
Jeffries
Jenrette
Jones, N.C.
Kazen
Kelly
Kemp
Kildee
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lent
Lewis
Livingston
Loeffler
Lott
Lujan
Luken
McClory
McCloskey
McDonald
McEwen
Madigan
Marks
Marlenee
Marriott
Martin
Michel
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Myers, Ind.
Nichols
O'Brien
Pashayan
Paul
Petri
Porter
Pursell
Quillen
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roth
Rousselot
Royer
Rudd
Satterfield
Sawyer
Schulze
Sensenbrenner
Shelby
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Stenholm
Stockman
Stratton
Stump
Symms
Tauke
Tauzin
Taylor
Thomas
Trible
Vander Jagt
Walker
Wampler
Whitehurst
Whittaker
Whitten
Williams, Ohio
Wilson, Bob
Winn
Wydler
Wylie
Yatron
Young, Fla.

ANSWERED "PRESENT"—1

Preyer

NOT VOTING—35

Alexander
Anderson, Ill.
Bonker
Cheney
Chisholm
Clay
Conyers
Daschle
Davis, Mich.
Giaimo
Gingrich
Holtzman
Johnson, Colo.
Jones, Tenn.
Leach, La.
Leland
Lungren
McKay
McKinney
Mavroules
Moakley
Moorhead, Pa.
Murphy, N.Y.
Musto
Myers, Pa.
Pickle
Price
Quayle
Roberts
Roybal
Staggers
Traxler
Udall
Wilson, C. H.
Young, Alaska

☐ 1730

The Clerk announced the following pairs:

On this vote:

Mr. Jones of Tennessee for, with Mr. Cheney against.

Mr. Staggers for, with Mr. Gingrich against.

Mr. Price for, with Mr. Lungren against.

Mr. Murphy of New York for, with Mr. Young of Alaska against.

Messrs. LOEFFLER, DE LA GARZA, COLEMAN, GRAMM, STENHOLM, HUCKABY, TAUZIN, FOUNTAIN, CHAPPELL, HUBBARD, PURSELL, BENNETT, and MADIGAN changed their votes from "aye" to "no."

Mrs. FENWICK, Mr. ZEFERETTI, and Mr. BONIOR of Michigan changed their votes from "no" to "aye."

So the decision of the Chair does stand as the judgment of the committee.

The result of the vote was announced as above recorded.

☐ 1740

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Chairman, I unavoidably missed the vote on rollcall No. 456. If I had been present, I would have voted "aye."

Mr. BIAGGI. Mr. Chairman, I move to strike the last word.

Mr. BIAGGI. Mr. Chairman, I had intended to offer an amendment to the pending legislation which would have provided for a study to be conducted by the Department of the Treasury aimed at identifying all those handgun bullets capable of penetrating bulletproof vests commonly used by law enforcement officers. However, the amendment did face a point of order, which in all likelihood, would have been sustained.

I would still like to advise my colleagues of my concern in this matter and then engage the chairman in a colloquy on an acceptable substitute arrangement.

A brief history of the issue shows that more and more police departments around the country are acquiring bulletproof vests for added protection. To assist in this effort, the Congress approved legislation last year allowing law enforcement assistance administration funds for the first time to be used to purchase bulletproof vests. The increased use of these vests seems to be working. The number of firearm-related deaths among law enforcement officers between 1975 and 1978 decreased by 28 percent.

However, last summer, I was informed by the New York City Patrolmen's Benevolent Association that—

> The Greater New York Area is becoming a dumping ground for a new powerful bullet that can tear through bulletproof vests.

Based on a thorough and lengthy followup investigation into this matter, I determined there is an entire class of bullets—often referred to as metal- or armor-piercing—which can penetrate bulletproof vests. Furthermore, most of these bullets are available to the public on a nationwide basis. My findings were based largely on communications with numerous recognized experts in the field of ballistics and firearms from both the private and public sector.

Generally, it was agreed, these bullets that can penetrate bulletproof vests are constructed of steel-jacketed lead or hard metal alloys; they are often pointed in shape rather than being flat, rounded, or hollow-pointed; and they are classified as "high velocity."

Unfortunately, while there appears to be a very real danger for law enforcement officers, there is simply no official data to conclusively support this claim.

My amendment would have sought to provide answers where there are questions. It would have enabled us to determine how many of these bullets exist and what is the most appropriate action to eliminate their threat to police officers.

Whenever legislation of this nature is proposed, there is a concern registered about how it relates to the highly emotional issue of gun control. Let me put those concerns to rest. This legislation does not, in any way, contradict my longstanding opposition to gun control. Rather, the problem to be addressed is gun abuse. Earlier this Congress, I sponsored legislation imposing mandatory minimum penalties for those persons convicted of using guns in the commission of a crime. Here again, my objective is crime reduction, with a special emphasis on protecting the lives of our law enforcement officers.

Mr. Chairman, I introduced this proposed amendment in the form of a bill, H.R. 7366, last month on police memorial day. More than 20 of my colleagues have joined me in this important cause as cosponsors. I offered this legislation with a special sensitivity to the need to protect our law enforcement community. I served 23 years on the New York City Police Force and was wounded 10 times. I fully recognize that the protection of our Nation's law enforcement officers is essential if we are to continue to have a highly qualified crime prevention force.

Last year, 158 law enforcement officers were killed in the line of duty and over 40,000 were wounded. We cannot and must not allow this tragedy to persist. I am bringing this issue to the House floor on behalf of those courageous men and women across the Nation who are willing to risk their lives for others.

Mr. Chairman, I would like to engage the chairman, the gentleman from Oklahoma (Mr. STEED), in a colloquy in connection with this issue.

Mr. STEED. Mr. Chairman, if the gentleman will yield, first, there have been many case histories lately that one of the most important things that law enforcement officers have had has been the bulletproof vest. Now we are faced here lately with a number of cases where this very thing the gentleman complains of is beginning to put that sort of protection in doubt.

I would like to thank the gentleman from New York for his action in this important matter and applaud him for his untiring efforts on behalf of the law enforcement community. Let me assure my distinguished colleague that I personally share his concern, and I am anxious to see this dangerous situation addressed as soon as possible, certainly before it can get any worse. To help achieve this goal, I intend to inform the Secretary of the Treasury and his associates of the subcommittee's interest in this study and, further, we will direct the Secretary to develop a preliminary plan for conducting this study and prepare a cost estimate based on the plan so that the subcommittee can go ahead with the funding of it and make sure that there is no unnecessary delay in getting some information on this subject. We do not have enough now to justify legislation, and that is why the study will be of vital importance. The sooner it can be carried on and completed, the better it is going to be. If we fail to do that, I think we will be sitting here watching a very serious and dangerous situation take the lives of a lot of fine law enforcement officers that otherwise might be saved.

Mr. BIAGGI. I want to thank the chairman for his expressed concern and I am grateful to him.

AMENDMENT OFFERED BY MR. DORNAN

Mr. DORNAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORNAN: Page 8, after line 22, insert the following new sections:

SEC. 104. None of the funds appropriated by this title may be used to carry out the proposed revenue procedure 4830–01–M of the Internal Revenue Service entitled "Proposed Revenue Procedure on Private Tax-Exempt Schools" (44 F.R. 9451 through 9455, February 13, 1979, F.R. Document 79–4801), or the proposed revenue procedure 4830–01 of the Internal Revenue Service entitled "Proposed Revenue Procedure on Private Tax-Exempt Schools" (43 F.R. 37296 through 37298, August 22, 1978, F.R. Document 78–23515); or parts thereof.

Mr. STOKES. Mr. Chairman, I reserve a point of order against this amendment.

Mr. RANGEL. Mr. Chairman, I join in a reservation of a point of order.

Mr. DORNAN. Mr. Chairman, this IRS amendment is identical to the amendment I offered, and which successfully passed last year by voice vote, I might add.

Mr. Chairman, in August of 1978, the Internal Revenue Service proposed to eliminate the tax exemptions of private and religious schools that were not in compliance with IRS devised minority requirements. The proposed rulings were somewhat modified in February 1979 but substantively remain unchanged.

To retain tax-exempt status under the proposed procedures, private schools would be required to undertake programs for minority teacher and student preference in admissions and hiring similar to the Bakke case. Extensive paperwork and inspections would be used to monitor eligibility for tax exemptions.

Every private school would be presumed guilty of discrimination until it proved itself innocent. The end result, of course, would be that, if tax-exempt status were denied, most private and religious schools would face immediate closure.

By this action, Mr. Chairman, the IRS is unilaterally usurping Congress constitutional authority to define tax policy. Only Congress has the right to legislate a new tax status for traditionally exempt charitable institutions.

The IRS now claims that it is under court order to remove the tax-exempt status of private schools engaged in racial discrimination. First, the Green against Connally (1971) case upon which it relies was limited solely to segregated academies with no open admissions policies in the State of Mississippi.

Second, in the Green against Miller "Southeast" lawsuit the IRS simply lay down and played dead before the Green plaintiffs. The brief for Treasury Secretary Miller said, in part, about the Ashbrook-Dornan amendments:

> They may overcome only by a court either declaring the riders unconstitutional, or in the alternative, interpreting the two riders narrowly, to permit implementation of new, more stringent rules in this area, when ordered by a court.

Hardly a strident defense of the congressional position.

Any Member who buys this constitutional buck passing theory will find out that a different view of the constitution will prevail among voters this November. It is the Congress who controls the national purse—it is not the courts—and it is not the Internal Revenue Service. Therefore, no Court can, by court order, preempt the Constitution and the legislative intent of this amendment, and the money power of the Congress.

The imposition of racial quotas on private schools, whether by the IRS or a supposed court order, is repugnant to the Constitution and to the spirit and intent of the Brown against Board of Education Decision of 1954.

The IRS already has sufficient authority to deal with private tax-exempt schools which discriminate because of race. The proposed IRS regulations, and Judge Wright's unconstitutional usurpation of Congressional taxing and appropriations powers—thinly disguised as a court order—should be rejected by this body, and in any case, will be rejected by the voters this fall at the Presidential and congressional levels.

Last year, the gentleman from Oregon said:

> I want to tell the Members that it is the intention of the Committee on Ways and Means to face up to this matter at the earliest possible moment, as soon as we are able to find the kind of solution that is responsible, and bring it to the House for consideration.

Unfortunately, the committee has not reported any legislation to the House which would have resolved this impasse. I am not faulting the chairman or the committee, but I simply note this in passing.

Another curious point deserves mention:

On November 26, 1979, Judge Hart ruled against the plaintiffs in Wright against Miller. Hart ruled that the Wright plaintiffs lacked standing because they did not show injury traceable to the defendants (IRS) that would be remedied by a ruling in their favor. Hart also ruled that the case did not "present a case of adversary context," that is, the plaintiff and defendant seemed to be closely allied and, most important, Judge Hart finally noted that the Ashbrook-Dornan amendments had absolutely forbidden the IRS from adopting any new regulations concerning the tax-exempt status of private schools. Although the plaintiffs have appealed, Judge Hart's ruling blocked the IRS from attempting any further regulations.

Yet, the same Judge Hart on May 5, 1980, decided to throw out the Ashbrook-Dornan prohibitions in the second Green against Miller decision. What happened here? Did something transpire on a golf course or country club to which we are not privy? The Constitution is not a weather vane. And yet the IRS does not appeal the second Green against Miller case, or point out the obvious conflict with the first Green against Miller case. Instead, IRS officers throw down a challenge to the congressional power of the purse. The policies being pursued by the IRS and Judge Hart are mutually confusing.

When the renowned constitutional lawyer, William Ball, filed a motion to intervene in the second Green case on behalf of the First Presbyterian Church Day School in Jackson, Miss., Judge Hart, on July 9, 1980, dismissed the motion because the school was supposedly not affected by the order.

□ 1750

That order is as follows:

[U.S. District Court for the District of Columbia, Civil Action No. 1355–69]

ORDER DENYING INTERVENTION

William H. Green, et al., plaintiff, *v.* G. William Miller, et al., defendants.

Upon consideration of a Post-Judgment Motion to Intervene as Parties Defendant by movants First Presbyterian Church, Jackson, Mississippi, and the Association of Christian Schools International (ACSI), et al., and Plaintiffs' Memorandum of Points and Authorities in opposition thereto, and it appearing to this Court that:

(1) The motion is untimely;

(2) The movants lack any protectible interest under the modified permanent injunction entered by this court on May 5, 1980 and clarified on June 2, 1980 because they do not come within the description contained in Paragraph 1 of that order;

(3) To allow intervention would delay and prejudice the rights of the original parties; and

(4) The ACSI seeks to represent the interests of religious schools located outside the State of Mississippi,

It is this 9th day of July 1980,

Ordered, adjudged and decreed that the motion to intervene filed by all the movants viz. Association of Christian Schools International, the First Presbyterian Church, Joe H. Treloar, Reverend William K. Wymond, Mary Elizabeth Blanton, Theresa O. Younce, Judy C. Hand, James L. Moore, Elizabeth B. Moore, David T. Hagerman, Lynn T. Hagerman, S. Kent Dear and Janie C. Dear, be and hereby is denied.

Hon. GEORGE L. HART, Jr.,
U.S. District Judge.

Yet, on July 31, 1980, James E. Griffith, Chief of the Ruling Section for Exempt Organizations at the IRS told Mr. Ball that the school was covered by the order. So which is it?

The IRS letter is as follows:

INTERNAL REVENUE SERVICE,
DEPARTMENT OF THE TREASURY,
Washington, D.C., July 31, 1980.

WILLIAM B. BALL,
Ball & Skelly,
Harrisburg, Pa.

DEAR SIR: This refers to your telephone call of July 17, 1980, in which you inquired as to whether your client, First Presbyterian Church Day School, must submit certain information requested in our letter of June 30, 1980. This information was required as a result of a May 5, and June 2, 1980, order of the U.S. District Court for the District of Columbia which supplemented and modified a previous permanent Court Order. *Green* v. *Connally*, 330 F. Supp. 1150 (D.D.C.), *aff'd sub nom. Coit* v. *Green*, 404 U.S. 997 (1971). First Presbyterian Church and the Association of Christian Schools International (ACSI) moved to intervene as Parties Defendant, but such motion was denied on July 9, 1980.

We have reviewed the Order Denying Intervention, and have concluded that it will be necessary for First Presbyterian Church Day School to submit the requested information.

As we indicated in our June 30 letter, we are operating under time restrictions set by the Court. In order to avoid last minute difficulties which might lead to loss of exempt status, please supply the information requested within 30 days from the date of this letter. If you are unable to supply the necessary information within this period of time, please contact one of the persons whose names are listed above.

We appreciate your continued cooperation in this matter and will contact you if further information is needed.

Sincerely yours,
JAMES E. GRIFFITH,
Chief, Rulings Section 1, Exempt Organizations, Technical Branch.

Mr. Chairman, the Internal Revenue Service maintains that it is compelled by court decisions to ignore the Dornan amendment to the Treasury Appropriations Act.

It has now come to my attention that the IRS has even violated provisions of the Dornan amendment that were not supposedly "ordered" by the court in the sweetheart suit.

The Dornan amendment to the Treasury appropriations bill prohibited funds for implementation of the original proposed revenue procedure of August 22, 1978, the revision of February 3, 1979, "or parts thereof."

The last three words were intended to prevent the IRS from evading the amendment by adopting parts of the proposed revenue procedure until the agency's original scheme was accomplished in bits and pieces.

In the revised proposed revenue procedure of February 9, 1979, section 7 provided for appeals to be handled by the national office rather than by regional directors. This is an example of the very actions that the Dornan amendment was designed to prohibit. And yet it is the national IRS office which has sent letters all over Mississippi.

Small schools with limited financial resources need convenient and inexpensive access to governmental officials that have the authority to jeopardize their survival. Trips to Washington with attorneys can cost $500 to a $1,000 a day. Furthermore, there is no possible way that remote Washington bureaucrats can comprehend "all the facts and circumstances" related to the formation or expansion of schools that are 1,000 miles away.

The IRS maintains that this policy is necessary to insure "uniformity." This claim is further evidence that the IRS proposals are so capriciously conceived that they cannot be administered fairly. There should be no hesitation to entrust regional directors with the implementation of any sound policy. The IRS policies are, of course, unsound. Many, as is this example, are also illegal.

I urge adoption of the amendment.

Additionally, I would like to insert the following letter from Mr. Ball, whom I cited earlier:

JULY 17, 1980.

ERSKINE W. WELLS, SR., Esq.,
Wells, Wells, Marble & Hurst,
Lamar Life Building,
Jackson, Miss.

GREEN V. MILLER

DEAR MR. WELLS: Today we have received in the mail an Order of the U.S. District Court denying intervention by First Presbyterian Church and by Association of Christian Schools International. We enclose a copy of the Order.

You will note that the Order recites that the movants "do not come within the description contained in Paragraph 1" of Judge Hart's injunction order—*i.e.*, the schools in question were not "established or expanded at or about the time the public school districts in which they are located . . . were desegregating." You are further aware that our Response to Plaintiffs' Opposition to our motion to intervene contained proof that First Presbyterian Church Day School was so established. Further, IRS wrote your school June 30, 1980, stating that the May 5, 1980 Order of Judge Hart is applicable to your school.

There are three options now available: (a) to seek reconsideration by Judge Hart of his Order Denying Intervention, or (b) to appeal to the U.S. Court of Appeals for the District of Columbia Circuit, or (c) to take no action and await events.

The first two options obviously involve trying to get the Court to agree that the school is, in fact, an affected, "Paragraph 1" school. The possible disadvantage in that is that you could conceivably, if and when later pursued by IRS, defend on the basis of Judge Hart's determination that yours is not such a school. On this, we can give no assurances, and your guess is as good as ours. I did have telephone conversation today with Donald J. Gavin, Esq., the Department of Justice attorney in the Green case, who responded that he was simply not in a position to comment on the question. A Motion to Reconsider would need to be filed, if it is to be filed, very soon. Similarly, I spoke with Mr. Charles Barret, of IRS, Washington, whose name appears on the Questionnaire For Private Schools mailed to your school June 30, 1980. He said that he was "not sure" that your producing a copy of Judge Hart's July 9 Order would suffice to relieve the school of the obligation to respond to the Questionnaire. He promised to get back to me in case he becomes better informed.

We have 60 days in which to appeal, but appeal involves the possible loss of the same possible immunity of the school.

As we have noted, the third option is to do nothing further at this time. It may be that no further troubles will occur. One of the great difficulties in dealing with the U.S. government is the fact that one can never readily predict its "mind."

A further consideration relates, of course, to ACSI and to other Christian schools in Mississippi (and possibly elsewhere). ACSI can presently be in this case only through its one member school in Mississippi. ACSI had decided to support this case, because it has been the leading organization nationally in opposing IRS control of Christian schools.

I shall look forward to the opportunity to discuss all of this with you by telephone Monday.

Very truly yours,

WILLIAM B. BALL.

P.S.: Upon a Motion For Reconsideration, I would stress the fact that Judge Hart denied our Motion to Intervene before he had seen our Response to Opposition, which had included my affidavit, the certified docket entries, etc. Yet we had filed our Response timely. I further should note that, while his Order was filed July 9, it was not mailed to us until July 15.

POINT OF ORDER

The CHAIRMAN pro tempore (Mr. PANETTA). Does the gentleman from New York (Mr. RANGEL) insist on his point of order?

Mr. RANGEL. Mr. Chairman, I do reserve my point of order.

The CHAIRMAN pro tempore. The gentleman will be recognized for 5 minutes to strike the last word.

Mr. RANGEL. Mr. Chairman, the sponsor of this amendment has heard the arguments and is familiar with the ruling of the Chair and the amendment that preceded it.

Certainly in exchanges that we have had over the months. I do not think that the gentleman or I differ with the objectives which we want, and that is equity and fairness.

What concerns the gentleman from Ohio (Mr. STOKES) and myself and other Members of the Congress is that we not have the appropriations committee or amendments to the appropriations law legislate and do things which the courts have directed that the executive branch should have the constitutional responsibility to carry out.

So while I am hoping I can withdraw my reservation of a point of order, I would like to ask, does anything in the gentleman's amendment conflict with having the IRS conform to court direction orders even if, in fact, what the court has directed may be in whole or in part in the proposals which the gentleman is asking the fund not be made available to enforce?

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from California.

Mr. DORNAN. I am glad my distinguished colleague brought up this point.

The answer is absolutely not. I want to make that part of the legislative history of this Dornan amendment if it passes again this year.

I hope that there is vigorous enforcement of the segregation of bigoted academies in that one particular State, but we should not put a cloud over the rest of the Nation except where there appears to be guilt. What I am trying to do here is to give some breathing room to the private academies, the Jewish and the Christian academies across the country, that are not guilty of any type of racial or any other form of prejudice until we can in this Congress hopefully in the spring, with the gentleman's leadership, establish some guidelines under which the IRS can work here.

I do not attribute any evil motives to the IRS that they want to broaden this to the State of Mississippi.

Mr. RANGEL. Is the gentleman suggesting the IRS can enforce court orders in one particular State and then have another set of standards to enforce tax exemption for 501(c)3's in the rest of the country?

Mr. DORNAN. Because of the peculiar circumstances surrounding the cases in Mississippi where there was a consent decree, an admission of guilt and some precision with the IRS approach, I would say yes. But what was terrifying to many schools across the country who are on the razor's edge of financial stability, was this presumption of guilt until proven innocent. I see no reason why the IRS under a court order with the precision of those orders in Mississippi, why it could not pursue those cases with specificity.

Mr. RANGEL. I do not see how I can withdraw my point of order, if what the gentleman is saying is that the principles as outlined in the Green case, the gentleman would prohibit the use of any funds if those principles are found in any proposed regulations of the IRS.

Mr. DORNAN. Outside of that State.

Mr. RANGEL. Outside of that State. In other words, what the gentleman is suggesting is that the IRS would have two standards, one for the State of Mississippi and another that they may or may not apply to the rest of the Nation.

Mr. DORNAN. Well because of the unusual circumstances again in this State with the admission of guilt and with the very reactive founding of these schools, trying to subvert what had become the law of the land, I find that decision so peculiar and so surgical in its approach that I think I would want the IRS to respect the wishes of this body, which has the power of the purse, before they went on fishing expeditions into other places; but if some other flagrant cases arose somewhere else in the country, then we would have another court decision to deal with.

Mr. RANGEL. I am prepared to withdraw my point of order and support the gentleman's amendment if the gentleman would exclude court decisions and specifically the Green decision from this amendment.

Mr. DORNAN. Yes. I specifically exclude that.

Mr. RANGEL. Not just for the sovereign State of Mississippi but for the Nation.

Mr. DORNAN. But that is all that Green applies to is just the State of Mississippi, where they had observable wrongdoing, with admissions of guilt.

Mr. RANGEL. Mr. Chairman, I think what we are doing is that we are attempting again to legislate on an appropriation bill. It is clear that the proponents of this type of amendment on previous occasions were saying that the IRS has attempted to legislate and to go beyond the scope that the Congress wanted to go and that they were waiting for a court to review the jurisdiction of the IRS to make certain that they would not be doing acts which this Congress has the responsibility to perform.

Now we find that the courts have responded, and they responded specifically not only to the proposed regulations but to the constitutional obligations that we not fund schools that involved themselves in racial discrimination; and certainly no Member of the House, including the proponents of this amendment, would support that. But they have specifically given guidelines. They have directed what the Commissioner of the Internal Revenue would have to do, and the Commissioner would indeed be guilty of contempt if he did not follow those court directions.

□ 1800

It would seem to me that that is one argument as to why my point of order should be sustained; but my second argument would be that certainly it would not be equal protection under the law if what the proponent of this amendment is really saying that if, indeed, a teaching institution found itself losing its tax exemption in Mississippi because of the Green case and then right across the Mississippi River we found a different standard that had been enacted by the IRS, I do not believe that this is what our constitutional fathers really thought was equal protection under the law. It seems to me that we cannot have one standard for one State and another set of standards for another State with regard to property rights involved with tax exemption.

I ask the Chair to rule that the Dornan amendment would be out of order.

The CHAIRMAN pro tempore. Does the gentleman from California wish to respond to the point of order?

Mr. DORNAN. Yes, Mr. Chairman.

I refer again to Deschler's Procedure, chapter 25, section 10.16:

> § 10.16 To a paragraph of a general appropriation bill containing funds for expenses of the Internal Revenue Service, an amendment prohibiting the use of any funds in the bill for financing revenue rulings, letters, or advice not made available to the general public was held in order as a negative limitation which did not affirmatively impose new duties on that agency. 120 CONG. REC. 21029, 21030, 93d Cong. 2d Sess., June 25, 1974 [H.R. 15544].

Under section 10.18:

> § 10.18 While language in a general appropriation bill may not by its terms directly curtail a discretionary authority conferred by law, the Committee on Appropriations may, by refusing to recommend funds for all or part of an authorized executive function, thereby effect a change in policy to the extent of its denial of availability of funds. 120

CONG. REC. 34716, 34717, 93d Cong. 2d Sess., Oct. 9, 1974 [H.R. 16901], where a section in a general appropriation bill prohibiting the use of any funds therein by the Environmental Protection Agency—

As a case example—

"to administer any program to tax, limit or otherwise regulate parking facilities" was held in order as a negative limitation on the use of funds in the bill.

Also, I think section 10.19 supports my amendment:

§ 10.19 It is in order on a general appropriation bill to provide that no part, or only a specified amount, of an appropriation shall be used in a certain way, even though executive discretion be thereby negatively restricted, 118 CONG. REC. 30749, 92d Cong. 2d Sess., Sept. 14, 1972 [H.R. 16593]—

They gave as an example:

where an amendment to a defense appropriation bill providing that not more than a certain amount of funds therein for alteration, overhaul, and repair of naval vessels shall be available for such work in Navy shipyards was held in order as a limitation on the use of funds in the bill.

Application: If I can alleviate the concern of my distinguished colleague, application of one standard for America by amendment; facts can differ from area to area and so a court can find differently in one State or another; but with a different set of facts but the same standard. I do believe in a national standard.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN pro tempore. The Chair will control debate on the point of order.

For what purpose does the gentleman from Ohio rise?

POINT OF ORDER

Mr. STOKES. Mr. Chairman, I make a point of order against the amendment and in support of the point of order of the gentleman from New York (Mr. RANGEL).

The CHAIRMAN pro tempore. The gentleman from Ohio is recognized.

Mr. STOKES. Mr. Chairman, the word "charitable" is used in its common law sense in the Internal Revenue Code. In order to be considered charitable under the common law, an organization must be operated exclusively for religious, educational or other recognized charitable purposes. It must benefit the community. It must not be illegal or contrary to public policy.

In the case of education, the well-established Federal public policy of nondiscrimination in both public and private schools, derived from the 14th amendment to the Constitution and its application in the case of Brown versus Board of Education, subsequent judicial decisions and certain provisions of the Civil Rights Act of 1964. Thus, schools which follow discriminatory admission policies fail to qualify as charitable and, therefore, are not tax exempt.

Under the amendment proposed by the gentleman from California, Mr. Chairman, new duties are imposed upon the Internal Revenue Service. Obviously, we are then legislating upon an appropriations bill.

The trouble I have with the gentleman's amendment is that I really see no difference in terms of the arguments which we made on the previous amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

Obviously, once again we are referring back to the previous law of 1978, while in the interim period we have now had new Federal judicial determinations relative to 501(C).

As the gentleman from New York (Mr. RANGEL) made a very salient point, is the fact that you cannot have Internal Revenue in the posture where they must apply one set of rules and regulations to the State of Mississippi and another set of rules and regulations to the other 49 States.

Obviously, the amendment proposed by the gentleman would create confusion and also would impose new duties and regulations upon the Internal Revenue Service not previously imposed upon them, either by the law or their own regulations.

I would ask that the Chair sustain the motion to strike the amendment.

Mr. MONTGOMERY. Mr. Chairman, I would like to speak on the point of order.

The CHAIRMAN pro tempore. The gentleman from Mississippi is recognized.

Mr. MONTGOMERY. Mr. Chairman, I would like to yield to the gentleman from California for some clarification. The gentleman and I interpreted what the gentleman said that all the private schools in Mississippi had, in effect, pleaded guilty to this charge. As I understand it, that is not correct. Would the gentleman care to comment on that?

The CHAIRMAN pro tempore. The Chair will hear the gentleman further.

Mr. DORNAN. Yes. I thank the gentleman for the opportunity that he has given me to clarify that. If I gave the impression that all of the schools involved in the Green decision pled guilty, that is not true. A small percentage did; although 100 schools had their tax-exempt status removed under current regulations, by no means did they all admit that they were established deliberately as segregationist academies, but many did.

Mr. MONTGOMERY. In Mississippi?

Mr. DORNAN. In Mississippi.

Mr. MONTGOMERY. I thank the gentleman.

The CHAIRMAN pro tempore. Does anyone further wish to speak to the point of order?

If not, the Chair is prepared to rule.

In a similar instance on July 16, 1979, an amendment to this general appropriations bill last year prohibiting the use of funds therein to carry out any ruling of the Internal Revenue Service, which rules that taxpayers are not entitled to certain charitable deductions, was held in order as a limitation, since the amendment was merely descriptive of an existing ruling already promulgated by that agency and did not require a new determination as to the applicability of the limitation to other categories of taxpayers.

In essence, the wording of this amendment is similar to the wording of the amendment which was found in order. The Chair does not see any new duties in any way imposed by the amendment.

With reference to the court order issue, the language of the amendment does not in any way speak to the question of court orders or address the viability of court orders with regard to the agency's actions.

Lastly, with regard to the equal protection clause argument, although those may be constitutional arguments which go to the substance of the amendment, they do not go to the merits of the parliamentary argument.

Therefore, the point of order is overruled.

Does anyone wish to speak further on the amendment?

Mr. GRADISON. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, I serve as the ranking minority member on the oversight subcommittee of the Committee on Ways and Means which has held extensive hearings on this matter. On the basis of these hearings I have come away with the very strong conviction that the basic problem with the regulations proposed by the Internal Revenue Service and addressed by the Dornan amendment is that they would put the Internal Revenue Service in the position of leading, not following, in the development of public policy on this issue.

It seems to me that we have a situation in which the legislative body has not provided clear guidance to the Internal Revenue Service, nor until the Hart ruling was there an especially clear determination on the part of the courts as to what the state of the law would be.

I have supported in the past similar amendments and I am going to support this one, because it seems to me that it has the merit of not prohibiting the Internal Revenue Service from carrying out the order of the court in the Green case, but at the same time sending a clear signal to the Internal Revenue Service that it is their responsibility in this very sensitive area of law to follow, but not lead, in the development of the law.

I am aware that questions have arisen with regard to the differences between the two Green cases.

□ 1810

But I would point out that in the first of the Green cases the court made it clear that a Federal court could fashion a remedy in that area. In other words, while the court did not choose to do so, it specifically indicated, and I quote:

As plaintiffs contend, the legislative history of the Ashbrook and Dornan Amendments apparently allows a federal court to fashion a remedy in this area. However, this Court maintains that, in such an area ripe with legislative history and governmental regulation, it is not the business of a federal court to explicitly thwart the will of Congress or to otherwise fail to carry it out. This Court declines to fashion such a remedy.

My point, Mr. Chairman, is that in the first of the Green cases the court held that the court could fashion a remedy but did not choose to do so. In the second of the Green cases, which I think is the more important ruling because it is the most recent, the same judge held that a permanent injunction should be issued with regard to certain private schools in the State of Mississippi and impose upon the Commissioner of Internal Revenue certain obligations, among them the provision to the court of reports within 120 days of that June ruling.

I believe on the basis of a careful review of both of these decisions that it is clear that the courts can rule. The judge acknowledged that in both cases. The courts did rule in the second case and, in my opinion, based on a review of the Dornan amendment there is nothing in it whatsoever that would prevent the Internal Revenue Service from carrying out the mandate of Judge Hart in the second Green case.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. GRADISON. I am happy to yield to the gentleman from New York.

Mr. RANGEL. The gentleman has presented one of the least emotional arguments in this matter that I have heard from any Member from the floor, and for that reason the gentleman said there is nothing to prohibit the IRS from following the mandate of the *Green* decision.

Did the gentleman, like the sponsor of this amendment, restrict the court's mandate to the State of Mississippi?

Mr. GRADISON. In response to the gentleman I would say that Judge Hart restricted the application of this to the State of Mississippi. That is what his opinion said.

Mr. RANGEL. How would the gentleman, as a member of the Committee on Ways and Means, on which we both serve, respond to the IRS as it reinforces one set of standards for the State of Mississippi and we find another institution in a bordering State losing its tax exemption under a different set of rulings? How would the gentleman call this a national agency and how would he explain how we have this dual standard, one by a court restricting itself to Mississippi and another by IRS not following these proposed regulations?

Mr. GRADISON. In my unemotional response to the gentleman's unemotional question, let me say I would feel a lot more secure about applying this nationwide if it were the ruling of the Supreme Court rather than a single district court, because this is really all we have to go on. I would, however, go further and say that parents in any other State outside of Mississippi who feel that, and have evidence that children have been denied admission on the basis of race can, in my judgment, bring an action similar to the action brought in the Green case and seek relief in those States comparable to the relief granted by Judge Hart in the Mississippi case.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. Gradison) has expired.

(On request of Mr. Volkmer and by unanimous consent, Mr. Gradison was allowed to proceed for 3 additional minutes.)

Mr. GRADISON. I yield to the gentleman from New York.

Mr. RANGEL. Is the gentleman really trying to tell us that as long as a citizen brings a case in several of the different States that he believes that the Internal Revenue Service can use different standards as set out by a Federal court for the facts and circumstances surrounding the standards to determine whether or not tax exemption should be removed from a school?

Mr. GRADISON. I would say that the Internal Revenue Service is using identical standards. Where there is a court order, they are following it. If there is a court order in one State but not in another, they are following a uniform policy.

Mr. RANGEL. Uniform?

Mr. GRADISON. Of course, because they are not leading; they are following the directives of the court. The court did not, in its opinion, extend the ruling to all 50 States, but only to 1.

I might say, as the gentleman may know, I personally suggested to the Commissioner of the Internal Revenue Service that I wished that he or the Justice Department would consider an appeal of this case for one purpose and one purpose only, and that is to try to seek a ruling from a higher court which would, in my judgment, give more weight to the opinion or the ruling of a single judge.

Mr. RANGEL. And I joined with the gentleman in his request. But assuming we were dealing with a chain of schools, a chain of Catholic parochial schools, or Jewish teaching schools, and they were located in the several States, is the gentleman saying, and suppose they had a central headquarters, how would the national organization know whether it is tax exempt if, in fact, in certain States they would be entitled to it, but in Mississippi they would not? How would the gentleman expect the IRS to rule in such a case as that?

Mr. GRADISON. I have not heard the IRS indicate in our meetings with the Commissioner that there would be any difficulty in applying or responding to the ruling of Judge Hart just with regard to the schools of Mississippi. They did raise questions, and I can understand them, and so can the gentleman, with regard to whether that is wise public policy.

But I have never heard them raise a question of whether it is possible to administer this on a basis that would differ from State to State.

Mr. RANGEL. I thank the gentleman.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. GRADISON. I am happy to yield.

Mr. VOLKMER. Did I understand the gentleman to say earlier that he would be for the exemption like in Mississippi nationwide if the Supreme Court had spoken and not the lower court? Is that what the gentleman said?

Mr. GRADISON. That is correct.

Mr. VOLKMER. Does the gentleman disagree, then, with the decision in the Green case?

Mr. GRADISON. I do not believe that the issue is whether I agree with the case or I disagree, or whether the gentleman agrees with it or disagrees. My position is that the Internal Revenue Service has tried to get out in front on this issue by its new proposed regulations. I think it is unwise public policy, unwise indeed in this sensitive area, for them to be in a position of leading rather than following. Therefore, I was happy to see that a court has ruled on this subject, because it then puts the Internal Revenue Service in a position of no longer being able to say there is a void in the law and we have to step into it.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. Gradison) has again expired.

(On request of Mr. Volkmer and by unanimous consent, Mr. Gradison was allowed to proceed for 3 additional minutes.)

Mr. VOLKMER. Will the gentleman yield further?

Mr. GRADISON. I yield to the gentleman.

Mr. VOLKMER. I have reservations about what the IRS is doing also. But I also feel that it is incumbent, really, upon the Congress, and I think it is for us to take the leadership in this activity where some of us disagree with the way IRS has gone about doing what they are doing, even though supposedly for a legitimate purpose. I do not disagree with their end result. It is just a question of methodology.

Surely there is sufficient mind and intellect within the Congress and within the Committee on Ways and Means that we can have legislation. I would have hoped, as was mentioned earlier, we could have legislation by this time, and I think it is incumbent upon the Congress, and I say this to the gentleman from New York and the gentleman from Ohio, that we should not let the courts do it, we should not let the bureaucracy do it. This is an area in which I think we should be vitally concerned. This is an area that I think confronts this whole Nation. We are seeing this happen all over. I think it is something where legislation should really be worked on, and if possible, still this year.

Mr. GRADISON. I would pledge to the gentleman from Missouri, as a member of the Committee on Ways and Means, that I would be very happy to work with any Member on or off of our committee that is interested in this to see if we can come up with a uniform legislative national solution. It would clearly be the best answer. It is, in my judgment, the lack of legislation on this subject which causes the friction to develop about should the executive branch step into the breach, should the court step into the breach, and, therefore, I would say our failure to act is in part an explanation for why we have this problem before us today.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. GRADISON. I am glad to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I would like to

point out to my colleague, as I understand it, the Internal Revenue Service is taking out after every private school in Mississippi, whether they are formed for the purpose of exemption for religious purposes, and that every school in our State has been attacked and their tax exemption has been threatened by the IRS.

□ 1820

Certainly I want the gentleman to comment on that. I know the gentleman from New York (Mr. Rangel) put out a newsletter in which he said that the rules of the IRS should apply nationally to exempt schools established for religious purposes. In Mississippi they are not doing that; they are taking out after the religious schools also.

I thank the gentleman.

Mr. GRADISON. I would respond to the gentleman that Judge Hart's ruling does appear to apply to any Mississippi private school as defined in his ruling, which is relatively broad.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. Montgomery, and by unanimous consent, Mr. Gradison was allowed to proceed for 1 additional minute.)

Mr. GRADISON. Judge Hart's ruling appears—and I have it before me—to apply to any Mississippi private school, and I quote:

> (1) which have been determined in adversary or administrative proceedings to be racially discriminatory or were established or expanded at or about the time the public school districts in which they are located or which they serve were desegregating, and which cannot demonstrate that they do not racially discriminate in admissions, employment, scholarships, loan programs, athletics, and extra-curricular programs.

Mr. MONTGOMERY. I have a letter before me from the Temple Baptist Church that formed their school as strictly a religious school, and the IRS has moved in on this school.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. GRADISON. I will be happy to yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Ashbrook-Dornan amendment. This amendment would prohibit the IRS from using funds to implement any regulation that would cause private, religious, or church-related schools to lose their tax-exempt status.

Many of the schools affected by the IRS procedures are church-related schools. Although they maintain open admission policies, it is only natural that they would seek to maintain close ties with their founding denomination. Most schools are largely funded by the denomination and draw on the church for their philosophical structure. I think it is safe to say that these schools believe they have a dual purpose: Not only to educate academically, but to prepare their students spiritually for the challenges of life. If such schools lose their tax-exempt status, many would be forced to close their doors.

These schools do not attempt to discriminate on a racial basis, their open admission policies demonstrate this, and yet it would be difficult for them to adhere to a racial quota system because their students elect to attend on the basis of faith, not race. Should such schools be required to actively recruit students who do not find themselves in agreement with the basic tenets of the school's orientation? Certainly not. Students whose religious background is similar to the ministry of the given institution will seek admission to the school. Others probably will not seek admission, regardless of race. Should the IRS be allowed to regulate religious belief by this arm-twisting technique?

What the IRS is attempting to do is to equate the tax-exempt status with the idea of Federal assistance. This confusion has been overwhelmingly rejected by Federal courts.

Furthermore, the IRS has, in effect, attempted to "legislate" a decision which should be decided by the judicial or legislative branch. The freedoms of citizens in a democracy are safeguarded by a separation of powers, as authorized by the Constitution. We dare not allow these freedoms to be eroded by executive agencies which cannot be held responsible to the people. In a column for the American Conservative Union, my colleague, Representative Phil Crane, wrote:

> More than denying freedom of choice, the IRS proposal usurps power that rightfully belongs to Congress. By this action, the revenue-collecting arm of the Federal Government casts itself in the role of social engineer and policy maker, a role clearly not intended for it.

Another problem with the IRS proposal is that it shifts the burden of proof from the shoulders of the accuser to the accused. Present procedures require the Government to prove that minorities have been discriminated against. The vague language of the bill would force many schools that are not in violation of any law to file proof with the IRS that they are nondiscriminatory. Historically, individuals have not been called upon to prove their innocence. It should not be the case now.

Finally, we must ask ourselves, and the Internal Revenue Service as well, to examine the danger implicit in continued Government expansion of its already staggering drive for power.

Private schools have traditionally been exempt from taxes because it is the feeling of the American people that in certain instances, and most notably in the realm of religion, it is proper and acceptable to disagree with the state. Indeed, our Constitution guarantees us this right.

Discrimination is a worthy foe. We must combat it. However, this bullying attempt to intimidate private schools out of existence is unwarranted and unproductive. It does not solve the problem. In my opinion, we must seek to discover effective ways to allow private schools to do their most important work, rather than arbitrarily regulate them out of business and alienate countless parties.

Mr. ASHBROOK. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

I would just like to make one quick statement in response to what my friend, the gentleman from Missouri, indicated. The only specific statement of the Supreme Court on this case is as follows, and I quote directly:

> The degree of bureaucratic control that, practically speaking, has been placed in the Service over those in petitioner's position is susceptible of abuse, regardless of how conscientiously the Service may attempt to carry out its responsibilities. Specific treatment of not-for-profit organizations to allow them to seek pre-enforcement review may well merit consideration.

Here is the point:

> But this matter is for Congress, which is the appropriate body to weigh the relevant, policy-laden considerations, such as the harshness of the present law, the consequences of an unjustified revocation of section 501(c) (3) status, the number of organizations in any year threatened with such revocation, the comparability of those organizations to others which rely on the Service's ruling-letter program, and the litigation burden on the Service and the effect on the assessment and collection of Federal taxes if the law were to be changed.

The court has consistently commented on exactly the finding the gentleman is talking about. Our friends in this body who are trying to promote the IRS engage, as many of us do at times, in decision shopping. They find a decision they like, and they go with it, even though it has not been appealed, and even though, as my friend and colleague, the gentleman from Ohio (Mr. Gradison), pointed out in the case of the Hart ruling, it is totally contradictory. I am going to add for the record an example. The IRS has even looked at the Green case, and in one case said, "We want to go by it," and in the other case said, "We do not go by it."

I think the only problem—it is not IRS; it is not the Congress—is Judge Hart's decision. I think the IRS could do what other petitioners have done. They could go into Judge Hart's court and ask for a clarification, because I think there is one thing we can all agree on and that is Judge Hart has a decision on one hand and an order on the other hand, and there are inconsistencies all the way through. In one place he indicates Congress ought to decide; in another place he issus a bench order without a decision.

I do not blame IRS for not knowing what to do, but they have options. They can seek clarification. They can appeal. They can use a defense, in fact, that he has inconsistent decisions that they are supposed to interpret. So IRS has a whole litany of remedies they can fashion. But it all comes down to the same point that the gentleman from Missouri (Mr. Volkmer) has indicated—that Congress is in the policymaking business and Congress should act in this area. I do not know whether some of the Members just want to let the courts take over and have us sit back. Maybe that is the case. At any rate, that is bad policy.

Mr. ASHBROOK. Mr. Chairman, the IRS, and other supporters of its affirmative action proposals, claim that Congress is bound, as it were, by the decision of U.S. District Judge George Hart in the case of Green against Miller, but the IRS claims that it is not bound by the orders of the same judge in the same litigation.

The Service tells us in Congress that the original Hart order of May 5, 1980, which further defined the rights of certain plaintiffs in relation to a particularly defined class of independent schools (otherwise unnamed) in Mississippi is mandatorily applicable by IRS to every independent school in every State of the Union. It says, moreover, that Congress cannot properly exercise its constitutionally exclusive legislative power in contradiction of its ballooned interpretation of the Green order.

By contrast, the Service has, in effect, put Judge Hart on notice that it is not bound by his later order stating that the First Presbyterian School in Jackson, Miss., is not within the class of schools subject to the May 5 Green order. On July 9, 1980, Judge Hart denied a motion to intervene by that school on the primary ground that the school had no "protectable interest" because it did not come within the "description contained in paragraph 1 of (the May 5th) order." Paragraph 1 spoke to schools founded or expanded in the wake of desegregation in the public schools of its locality.

Earlier this month, the IRS wrote the First Presbyterian School in Jackson advising it that it was within the paragraph 1 description and requiring the school to fill out a questionnaire designed to determine if it had affirmatively recruited statutorily defined minorities for its student body and faculty. The Service further advised the school that its tax exemption would be safer if it complied forthwith. Of course it would be permitted to litigate later.

Two things strike me about this.

First, IRS has decided to imperil the school's tax exemption almost as if in retribution for its attempted intervention and in total disregard of the school's rights as established in the finding of the court, and

Second, IRS views itself as the "super court of the United States." The Supreme Court, it claims, can tell us which of our laws are constitutional and what laws we must pass, but the "super court" can tell the Supreme Court which of its orders are enforceable.

I do not think we can permit the unelected bureaucrats to be both legislature and bench. The IRS has invaded the precincts of our exclusive power and as its assault weapon, contemptuously uses, in the worst sense of that word, the judicial system.

It is our responsibility, as representatives of the people, to stand firm against this unconstitutional arrogation of power.

Mr. Chairman, I include the letter and order mentioned herein.

INTERNAL REVENUE SERVICE,
Washington, D.C., July 31, 1980.

Mr. WILLIAM B. BALL,
BALL & SKELLY,
Harrisburg, Pa.

DEAR SIR: This refers to your telephone call of July 17, 1980, in which you inquired as to whether your client, First Presbyterian Church Day School, must submit certain information requested in our letter of June 30, 1980. This information was required as a result of a May 5, and June 2, 1980, order of the U.S. District Court for the District of Columbia which supplemented and modified a previous permanent Court Order. *Green v. Connally*, 330 F. Supp. 1150 (D.D.C.), *aff'd sub nom. Coit v. Green*, 404 U.S. 997 (1971). First Presbyterian Church and the Association of Christian Schools International (ACSI) moved to intervene as Parties Defendant, but such motion was denied on July 9, 1980.

We have reviewed the Order Denying Intervention, and have concluded that it will be necessary for First Presbyterian Church Day School to submit the requested information.

As we indicated in our June 30 letter, we are operating under time restrictions set by the Court. In order to avoid last minute difficulties which might lead to loss of exempt status, please supply the information requested within 30 days from the date of this letter. If you are unable to supply the necessary information within this period of time, please contact one of the persons whose names are listed above.

We appreciate your continued cooperation in this matter and will contact you if further information is needed.

Sincerely yours,

JAMES E. GRIFFITH,
Chief, Rulings Section 1, Exempt Organizations, Technical Branch.

[U.S. District Court for the District of Columbia, Civil Action No. 1355–69]

WILLIAM H. GREEN, ET AL., PLAINTIFFS, *v.* G. WILLIAM MILLER, ET AL., DEFENDANTS

ORDER DENYING INTERVENTION

Upon consideration of a Post-Judgment Motion to Intervene as Parties Defendant by movants First Presbyterian Church, Jackson, Mississippi, and the Association of Christian Schools International (ACSI), et al., and Plaintiffs' Memorandum of Points and Authorities in opposition thereto, and it appearing to this Court that:

(1) The motion is untimely;

(2) The movants lack any protectible interest under the modified permanent injunction entered by this court on May 5, 1980 and clarified on June 2, 1980 because they do not come within the description contained in Paragraph 1 of that order;

(3) To allow intervention would delay and prejudice the rights of the original parties; and

(4) The ACSI seeks to represent the interests of religious schools located outside the State of Mississippi,

It is this 9th day of July 1980,

Ordered, adjudged and decreed that the motion to intervene filed by all the movants viz. Association of Christian Schools International, the First Presbyterian Church, Joe H. Treloar, Reverend William K. Wymond, Mary Elizabeth Blanton, Theresa O. Younce, Judy C. Hand, James L. Moore, Elizabeth B. Moore, David T. Hagerman, Lynn T. Hagerman, S. Kent Dear and Janie C. Dear, be and hereby is denied.

GEORGE L. HART, Jr.,
U.S. District Judge.

[In the U.S. District Court for the District of Columbia, Civil Action No. 76–1426]

INEZ WRIGHT, ET AL., PLAINTIFFS, *v.* G. WILLIAM MILLER,[1] ET AL., DEFENDANTS

RESPONSE OF DEFENDANTS TO SECOND SUPPLEMENTAL MEMORANDUM OF INTERVENOR WAYNE ALLEN IN SUPPORT OF MOTION TO DISMISS AND SUPPLEMENTAL MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS

I. Introduction

Plaintiffs, parents of black school children, brought this action on July 7, 1976, on behalf of themselves and their children whom they represent, challenging the Internal Revenue Service's procedures and guidelines for enforcing the nondiscrimination requirement under Section 501(c)(3) of the Internal Revenue Code.

On October 1, 1976, defendants submitted a motion to dismiss plaintiffs' complaint on eight grounds, including plaintiffs' failure to satisfy the Article III requirements of standing under the decision of the Supreme Court in *Simon* v. *Eastern Kentucky Welfare Rights Organization*, 426 U.S. 26 (1976).[2] In addition to constitutional questions, such as whether it is constitutionally proper for the Federal Government to confer tax exempt status on private schools that discriminate on the basis of race. Furthermore, insofar as the prohibitions may bar defendants from exercising enforcement discretion or from enforcing fully Code Section 501(c)(3)'s nondiscrimination requirement, they may intrude upon the President's duty under Article II of the United States Constitution to see that the laws are faithfully carried out.[8]

Assuming there are such constitutional problems with the two riders, defendants believe they may be overcome only by a court, in a case with proper jurisdiction, either declaring the riders unconstitutional or, in the alternative, interpreting the riders narrowly, to permit the implementation of new, more stringent rules in this area, when ordered by a court.[9] Unless the restrictions are construed in this narrow manner or are declared unconstitutional, defendants doubt that a court can properly mandate them to take actions which conflict with otherwise valid Congressional restrictions on appropriations.[10] See *Doe* v. *Matthews*, 420 F. Supp. 865 (D. N.J., 1976).

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[1] Pursuant to Rule 25(d), Federal Rules of Civil Procedure, Secretary of Treasury G. William Miller is automatically substituted for former Secretaries Simon and Blumenthal.

[2] The Supreme Court has reaffirmed the *Eastern Kentucky* decision in two recent decisions: *Gladstone Realtors* v. *Village of Bellwood*, 47 U.S. Law Week 4377 (S. Ct., April 17, 1979); *Duke Power Co.* v. *Carolina Environmental Study Group*, 438 U.S. 59 (1978). Also see *Tax Analysts & Advocates* v. *Blumenthal*, 566 F. 2d 130 (C.A. D.C., 1977), aff'g a decision by this Court reported at 390 F. Supp. 927; and *American Soc. of Travel Agents* v. *Blumenthal*, 566 F. 2d 145 (C.A. D.C., 1977).

[8] See, e.g., letter from the Attorney General of the United States to Senator Warren G. Magnuson, dated September 4, 1979, reprinted in the September 5, 1979 Congressional Record—Senate, at p. 511831, a copy of which is attached hereto as Exhibit C.

[9] That is, a court might interpret the two riders as prohibiting the IRS from issuing any new rules in this area, absent court directions, but not as prohibiting a court, acting properly within its jurisdiction, to order that more stringent rules in this area be implemented.

[10] See generally, *Glidden Co.* v. *Zdanok*, 370 U.S. 530, 570 (1962); *Reeside* v. *Walker*, 11 How. 272 (1851).

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by my distinguished colleague, the gentleman from California (Mr. DORNAN).

Mr. Chairman, nearly every community that has experienced public school desegregation also has experienced the creation and expansion of private schools that hide discriminatory practices under the guise of "educational excellence" and "charitable intentions". The development of these so-called "segregation academies" has had a severe and negative impact on public school desegregation. This invidious form of educational racism has been allowed by the past practice of the Internal Revenue Service of awarding tax-exempt status to private schools if the schools merely stated that it did not discriminate.

This practice has been challenged in the courts. In Green against Connally, the Supreme Court stated that tax-exemption for private and secondary schools that discriminate on the basis of race is precluded by the Internal Revenue Code, as well as underlying constitutional principles. Under Green, a school is not "educational" or "charitable" as those terms are used in the Internal Revenue Code if it in fact, without regard to intent, discriminates on the basis of race contrary to public policy established by the Constitution and by numerous Federal statutes.

The Supreme Court, the U.S. Commission on Civil Rights, and the Internal Revenue Service all have concluded that the previous IRS policy has been inadequate and ineffective in the enforcement of the Federal policy of nondiscrimination in the field of education.

The regulations proposed by the IRS would provide guidelines to implement the obligation of the IRS to deny tax-exempt status to those private institutions that practice race discrimination. I would like to emphasize that this obligation stems from the Constitution and from laws passed by the Congress.

The proposed IRS procedure for reviewing private schools simply requires that private schools formed or substantially expanded during public school desegregation make some showing of their nondiscriminatory policies and practices. Let me point out that these regulations would not prohibit any private institution from practicing racial discrimination if it wished to do so. These institutions, however, would no longer be subsidized, and indeed should no longer be subsidized, by Federal tax exemptions.

More importantly, this amendment circumvents the enforcement of a long established Federal policy of nondiscrimination on the basis of race.

I do not think, Mr. Chairman, that we ought to place the monkey on the back of the Internal Revenue Service, so to speak. The Internal Revenue Service is merely trying to carry out and promulgate the rules and regulations that they are required by law to promulgate if they are to see that the public policy of nondiscrimination in these institutions is carried out.

It seems to me that the letter received by the gentleman from New York (Mr. RANGEL), from the counsel of the Internal Revenue Service specifically really answers the questions that this amendment is addressed to. It says:

> Nothing in these rules should be interpreted as requiring religious schools to accept students who do not subscribe to the school's religious tenets and beliefs or to proselytize for adherents to their religious faith in order to obtain minority students. Recognition of these religious or other special circumstances will not be given if the school is operated with the intent to exclude minorities.

I think that we ought not try to tie the hands of the Internal Revenue Service by this type of restrictive amendment, and I would urge the defeat of the amendment.

Mr. GOLDWATER. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the Dornan amendment to enjoin the IRS from enforcing its proposed regulations to require church supported, private schools to implement affirmative action programs.

When I first read this proposed regulation in 1978, my first thought was, "Good grief. What next? Are we going to require churches to implement affirmative action missionary programs for converts? Are we going to next require churches or parishes or synagogues to reflect the racial makeup of the geographical community in which they are built? And if the church does not attain this racial or ethnic or sexual quota, is the IRS going to remove its tax exempt status? Would the IRS then suggest that the members of that church could not deduct their tithes?"

No one in their right mind or no one with a modicum of respect or understanding of the first amendment would dream of supporting such an idea.

The Supreme Court in *Lemon* v. *Kurtzman* (403 U.S. 602, 1971) rightly held that church schools are "integral parts of the religious mission" of churches. Whether it is a Jewish school, a fundamentalist Christian school, a Catholic school or a Hare Krishna school, the parents have opted for an education geared toward the religious dogma and values held by that particular religion, and again, the Supreme Court has upheld their right to do so.

As an individual, I can make a subjective judgment about the values of a particular religion. As a legislator, I am prevented from doing so by the Constitution.

Tax exemption is a passive condition. In court decision after court decision, tax exemption passes the "entanglement" test of Government interference or support of religion. That same principle should apply to an arm of the church, which in this case is the church-supported school.

No one would suggest that the church, itself, must meet the criteria of implementing public policy in order to receive the benefits of tax exemption and this tradition of noninterference of Government ought to continue to apply to the church school.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to my colleague from Illinois.

□ 1830

Mr. HYDE. Mr. Chairman, I thank my friend for yielding.

I Just want to say that I hope this House will not give encouragement and nourishment to the principle that you are requiring full groups of people to prove a negative, that they are guilty until proven innocent, until they have the burden of proof. That is what this regulation requires. It is wrong and when you have to do it, you suddenly feel the burden of it.

Now, the parochial Catholic schools are not as touched by this as they have been long established. The Jewish schools are not touched by this because they have been long established but the Christian schools, new schools that are formed, suddenly are guilty. They are guilty and they must prove themselves innocent and they have the burden of proof.

I have always liked the idea, "He who alleges must prove; he who charges must prove." If a school is discriminatory, then you prove it if you charge it, but do not have everyone beating their breasts saying, "I am not discriminating."

The presumption should be of innocence and to permit, by regulation, a reversal of the traditional burdens as proof for whatever salutary goal, is just wrong. It is burdensome, it should not be tolerated and I hope we do not give it encouragement by not supporting the Ashbrook-Dornan amendment.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Ohio.

(At the request of Mr. ASHBROOK and by unanimous consent, Mr. GOLDWATER was allowed to proceed for 2 additional minutes.)

Mr. ASHBROOK. Mr. Chairman, I am glad my friend from Ohio (Mr. STOKES) is on his feet because I think one of the things that has been implicit in the arguments that the gentleman and others have been—you used the word "subsidy" several times—I want to point out and point out very definitely for the record that many of our groups, the American Civil Liberties Union, others, are trying to make tax exemptions the exact equivalent of direct State aid.

Now, let us point out for the record, there is no case law to support this argument. The gentleman continues to refer to subsidies and says that a tax exemption is a subsidy. The court, as a matter of fact, in Walls against Tax Commission in 1970 excludes this argument altogether. I hope we do not interject, as we have time after time, the idea that any tax exemption is a form of a subsidy or direct State aid, because that is not a principle at law, it has never been, and hopefully, never will be.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Ohio.

Mr. STOKES. I thank the gentleman for yielding.

Mr. Chairman, I would like to ask my good friend from the State of Illinois (Mr. HYDE) who made a very eloquent argument here a few moments ago if he would tell me why any institution claiming such a tax exempt status ought not have to prove that, the same way any individual who files an income tax return claiming certain exemptions has to sustain proof of that and is not automatically given such an exemption merely upon the allegation that he is entitled thereto.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Illinois.

Mr. HYDE. There is a difference between being accused of being discriminatory, there is a very unsavory connotation to that, and to have the burden of proving that you are not discriminatory it seems to me is unfair. When we are talking about tax deductions, I think that is one thing but as my friend from Ohio (Mr. ASHBROOK) said the money is not the Government's to hand out as a subsidy.

You should prove exemption but you should not have to prove that you are honest and decent and living up to the Constitution.

Mr. STOKES. Will the gentleman yield further?

Mr. GOLDWATER. I yield to the gentleman from Ohio.

Mr. STOKES. I would just say, Mr. Chairman, it seems to me we are simply being required to give proof of the fact that we are in fact tax exempt as alleged for which we are getting a benefit.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield on that point?

Mr. GOLDWATER. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I would just say to my friend from Ohio if the gentleman's argument is going to be taken seriously, would we not agree, the alarming conclusion, the only way for the Federal Government to have total power is to grant a tax exemption? I do not think anybody and my most liberal friends certainly do not want the Federal Government to bring all of its power with a tax exemption but that seems to be exactly what the gentleman is arguing.

Mr. STOKES. Mr. Chairman, will the gentleman yield further?

Mr. GOLDWATER. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I am merely saying we recognize the fact that many of these so-called private schools and academies were set up to circumvent court ordered desegregation and we know that many of them hide under the title of being private institutions and things of that sort. We are merely saying that in a country where discrimination does exist, that you can discriminate if you want to but you cannot get subsidized by the Federal Government for it. That is all we are saying.

Mr. ASHBROOK. If the gentleman will yield further, could we say the reverse, if you do not discriminate, you are not going to be dragged into a class of discriminators by broadly applied principles. I think that violates every constitutional principal my good friend believes in. To say you are guilty before you prove your innocence.

● Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the Ashbrook-Dornan amendments. These amendments would continue the congressional prohibition on the use of IRS funds for what amounts to executive branch lawmaking. Last year Congress passed these same amendments to the appropriations bill in order to make clear our position to the IRS attempt to dictate rules to determine whether private schools have discriminatory policies. It seems, however, that the agency has not taken us seriously. They are already making public statements about their intention to go ahead with the regulations once the congressional prohibition runs out at the end of the 1980 fiscal year. This could be a death blow to many well-meaning private and religious schools which have merely responded to the growing desire of parents to provide their children with a quality of education better than that being offered by many public school systems. It would be an untenable burden to require these schools to divert from their job of educating the students whose parents pay dearly for this service, in order to convince the IRS they are not discriminating in their enrollment practices when other laws to assure this requirement are already in effect.

I submit that it is again necessary for Congress to keep a Government agency from overstepping its bounds. I hope my colleagues will join me in reaffirming our position on this important issue.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DORNAN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DORNAN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The Chair will announce that this is a regular quorum call followed by a 5-minute vote.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 458]

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Ashbrook
Ashley
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bethune
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Butler
Byron
Campbell
Carney
Carr
Carter
Chappell
Chisholm
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Dixon
Donnelly
Dornan
Dougherty
Downey
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lehman
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Nedzi
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Porter
Pritchard
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Roth
Rousselot
Royer
Rudd
Russo
Sabo
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solomon
Spellman
Spence
St Germain
Stack
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Thomas
Thompson
Traxler
Trible
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

□ 1850

The CHAIRMAN pro tempore. Three hundred and seventy-four Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from California (Mr. Dornan) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair will remind the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 308, noes 85, not voting 39, as follows:

[Roll No. 459]

AYES—308

Abdnor
Addabbo
Albosta
Alexander
Ambro
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Atkinson
Badham
Bafalis
Bailey
Baldus
Barnard
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bennett
Bereuter
Bethune
Bevill
Blanchard
Boggs
Boland
Boner
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brooks
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carter
Chappell
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
de la Garza
Deckard
Derwinski
Devine
Dickinson
Dicks
Dingell
Dodd
Donnelly
Dornan
Dougherty
Duncan, Oreg.
Duncan, Tenn.
Early
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Fary
Fenwick
Findley
Fish
Fithian
Flippo
Florio
Foley
Ford, Mich.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Ginn
Glickman
Goldwater
Goodling
Gore
Gradison
Gramm
Grassley
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Jacobs
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Lott
Lujan
Luken
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
Madigan
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Mattox
Mazzoli
Mica
Michel
Mikulski
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nowak
O'Brien
Oakar
Panetta
Pashayan
Patterson
Paul
Pease
Petri
Porter
Pritchard
Pursell
Quillen
Rahall
Railsback
Regula
Rinaldo
Ritter
Robinson
Roe
Rose
Rostenkowski
Roth
Rousselot
Royer
Rudd
Russo
Santini
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solomon
Spellman
Spence
St Germain
Stangeland
Stanton
Stenholm
Stockman
Stratton
Stump
Swift
Symms
Tauke
Tauzin
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Vander Jagt
Vanik
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Winn
Wolff
Wyatt
Wydler
Wylie
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NOES—85

Akaka
Anderson, Calif.
Ashley
AuCoin
Barnes
Beilenson
Benjamin
Bingham
Bolling
Bonior
Brodhead
Brown, Calif.
Burton, John
Burton, Phillip
Carr
Cavanaugh
Chisholm
Collins, Ill.
Corman
Danielson
Daschle
Dellums
Derrick
Dixon
Downey
Drinan
Eckhardt
Edgar
Edwards, Calif.
Fascell
Fazio
Ferraro
Fisher
Ford, Tenn.
Gonzalez
Gray
Hawkins
Horton
Jeffords
Kastenmeier
Lehman
Long, Md.
Lowry
Lundine
McKinney
Maguire
Matsui
Miller, Calif.
Mitchell, Md.
Moffett
Nolan
Oberstar
Obey
Ottinger
Patten
Pepper
Perkins
Peyser
Rangel
Ratchford
Reuss
Richmond
Rodino
Sabo
Scheuer
Schroeder
Seiberling
Shannon
Simon
Solarz
Stack
Stark
Steed
Stewart
Stokes
Studds
Synar
Ullman
Van Deerlin
Vento
Weiss
Williams, Mont.
Wirth
Wolpe
Yates

NOT VOTING—39

Anderson, Ill.
Aspin
Biaggi
Cheney
Clay
Conyers
Davis, Mich.
Davis, S.C.
Evans, Ind.
Garcia
Giaimo
Gingrich
Holtzman
Ireland
Johnson, Colo.
Jones, Tenn.
Leach, La.
Lederer
Leland
Lungren
McHugh
McKay
Mavroules
Moorhead, Pa.
Murphy, N.Y.
Musto
Myers, Pa.
Pickle
Preyer
Price
Quayle
Rhodes
Roberts
Rosenthal
Roybal
Staggers
Wilson, C. H.
Wright
Young, Alaska

Mr. LONG of Maryland changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1900

AMENDMENT OFFERED BY MR. DORNAN

Mr. DORNAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dornan: Page 8, after line 22, insert the following new sections:

Sec. 103. None of the funds appropriated by this title may be used to carry out any revenue ruling of the Internal Revenue Service which rules that a taxpayer is not entitled to a charitable deduction for general purpose contributions which are used for educational purposes by a religious organization which is an exempt organization as described in section 170(c) (2) of the Internal Revenue Code of 1954.

Mr. STEED. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Panetta, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7583) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1981, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7104, FEDERAL RAILROAD SAFETY AUTHORIZATION ACT OF 1980

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 96-1231) on the resolution (H. Res. 762) providing for the consideration of the bill (H.R. 7104) to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4370, COAL PIPELINE ACT OF 1979

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 96-1232) on the resolution (H. Res. 763) providing for the consideration of the bill (H.R. 4370) to provide certain authorities for the Secretary of the Interior to permit rights-of-way for purposes of certain pipeline transportation systems, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON H.R. 5168, MILITARY PERSONNEL AND COMPENSATION AMENDMENTS OF 1980

Mr. NICHOLS submitted the following conference report and statement on the bill (H.R. 5168) to extend certain expiring provisions of law relating to personnel management of the Armed Forces:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the amendments of the Senate to the bill (H.R. 5168)

Conference Report (H. Rept. No. 96-1233) to extend certain expiring provisions of law relating to personnel management of the Armed Forces, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Military Personnel and Compensation Amendments of 1980".

FLIGHT INCENTIVE PAY

SEC. 2. (a) Section 301 of title 37, United States Code, relating to hazardous duty pay, is amended—

(1) by striking out "(1), (2), or (3)" in subsection (b) and inserting in lieu thereof "(2) or (3)";

(2) by striking out "(b)" before "For the performance of" and inserting in lieu thereof "(2)"; and

(3) by inserting after subsection (a) the following:

"(b)(1) For the performance of the hazardous duty described in clause (1) of subsection (a) of this section, a member is entitled to monthly incentive pay as follows:

"ENLISTED MEMBERS

"Pay grade	Years of service computed under section 205													
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30
E-9	$131	$131	$131	$131	$131	$131	$131	$131	$131	$131	$131	$131	$131	$131
E-8	131	131	131	131	131	131	131	131	131	131	131	131	131	131
E-7	100	106	106	106	113	119	131	131	125	131	131	131	131	131
E-6	88	94	94	100	106	113	119	125	119	125	125	125	125	125
E-5	75	88	88	100	100	106	113	119	119	119	119	119	119	119
E-4	69	81	81	88	94	100	100	100	100	100	100	100	100	100
E-3	69	75	75	75	75	75	75	75	75	75	75	75	75	75
E-2	63	75	75	75	75	75	75	75	75	75	75	75	75	75
E-1	63	69	69	69	69	69	69	69	69	69	69	69	69	69".
E-1 under 4 months	63													
Aviation cadets	63													

(b)(1) The tables in clause (1) of section 301a(b) of such title, relating to aviation career incentive pay for officers, are amended to read as follows:

"Phase I

"Years of aviation service (including flight training) as an officer:	Monthly rate
2 or less	$125
Over 2	156
Over 3	188
Over 4	206
Over 6	306

"Phase II

"Years of service as an officer as computed under section 205:	
Over 18	$281
Over 20	256
Over 22	231
Over 24 but not over 25	206".

(2) The last sentence in such clause is amended by striking out "$160" and "$165" and inserting in lieu thereof "$200" and "$206", respectively.

(3) The table in clause (2) of such section is amended to read as follows:

"Years of aviation service as an officer:	Monthly rate
2 or less	$125
Over 2	138
Over 6	250".

(c) The amendments made by this section shall be effective with respect to incentive pay payable for months after August 1980.

CAREER SEA PAY FOR ENLISTED MEMBERS

SEC. 3. (a) Section 305a(b) of title 37, United States Code, relating to career sea pay, is amended to read as follows:

"(b) The monthly rates for special pay under subsection (a) of this section are as follows:

"Years of sea duty:	Monthly rate
Over 3	$29
Over 5	40
Over 7	52
Over 9	63
Over 10	75
Over 11	86
Over 12	115".

(b) Section 804(a)(2) of the Department of Defense Appropriation Authorization Act, 1979 (Public Law 95-485; 37 U.S.C. 305a note) is repealed.

(c) The amendments made by this section shall be effective with respect to special pay payable under section 305a of title 37, United States Code, for months after August 1980.

VARIABLE HOUSING ALLOWANCE

SEC. 4. (a)(1) Section 403(a) of title 37, United States Code, relating to basic allowance for quarters, is amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end thereof the following new paragraph:

"(2)(A) A member of a uniformed service entitled to basic allowance for quarters is entitled to a variable housing allowance under this paragraph whenever assigned to duty in an area of the United States (other than Alaska or Hawaii) which is a high housing cost area with respect to such member. A member with dependents who is assigned to an unaccompanied tour of duty outside the United States is entitled to a variable housing allowance while serving such tour of duty for any period during which the member's dependents reside in an area of the United States which would qualify the member to receive a variable housing allowance under this paragraph if assigned to duty in that area.

"(B) The monthly amount of a variable housing allowance under this paragraph for any member is the difference between (i) the average monthly cost of housing in that area for members of the uniformed services serving in the same pay grade as that member (as determined under regulations prescribed under subsection (j) of this section), and (ii) 115 percent of the amount of the basic allowance for quarters to which that member is entitled.

"(C) For the purposes of this paragraph, an area shall be considered to be a high housing cost area with respect to a member of a uniformed service whenever the average monthly cost of housing in that area for members serving in the same pay grade as that member (as determined under regulations prescribed under subsection (j) of this section) exceeds 115 percent of the amount of the basic allowance for quarters of that member.".

(2) The heading of section 403 of such title is amended to read as follows:

"§ 403. Basic allowance for quarters; variable housing allowance".

(3) The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

"403. Basic allowance for quarters; variable housing allowance.".

(b) Paragraph (2) of section 403(a) of title 37, United States Code, as added by subsection (a), shall take effect on September 30, 1981.

(c)(1) During fiscal year 1981, a member of a uniformed service entitled to basic allowance for quarters under section 403 of title 37, United States Code, may be paid a variable housing allowance under this subsection whenever assigned to duty in an area of the United States (other than Alaska or Hawaii) which is a high housing cost area with respect to such member. A member with dependents who is assigned to an unaccompanied tour of duty outside the United States may be paid a variable housing allowance under this subsection while serving such tour of duty of any period during which the member's dependents reside in an area of the United States which would qualify the member to receive a variable housing allowance under this subsection if assigned to duty in that area.

(2) The monthly amount of a variable housing allowance under this subsection for any member may not exceed the difference between (A) the average monthly cost of housing in that area for members of the uniformed services serving in the same pay grade as that member (as determined under regulations prescribed under paragraph (4)), and (B) 115 percent of the amount of the basic allowance for quarters to which that member is entitled.

(3) For the purposes of this subsection, an area shall be considered to be a high housing cost area with respect to a member of a uniformed service whenever the average monthly cost of housing in that area for members serving in the same pay grade as that member (as determined under regulations prescribed under paragraph (4)) exceeds 115 percent of the amount of the basic allowance for quarters of that member.

(4) Regulations shall be prescribed for the administration of this subsection in the same manner that regulations are prescribed under subsection (j) of section 403 of title 37, United States Code, for the administration of such section.

TRAVEL AND TRANSPORTATION ALLOWANCES

SEC. 5. (a) Section 404(d) of title 37, United States Code, relating to travel and transportation allowances, is amended—

(1) by striking out "that is not more than 7 cents a mile" in clause (1) and inserting

in lieu thereof "per mile prescribed by the Secretaries concerned"; and

(2) by striking out "of not more than 10 cents a mile" in clause (3) and inserting in lieu thereof "at a rate per mile prescribed by the Secretaries concerned and".

(b) Section 411(b) of such title, relating to travel and transportation allowances, is amended—

(1) by striking out "first-class transportation, including sleeping accommodations," in clause (1) and inserting in lieu thereof "common carrier transportation";

(2) by inserting "and designating areas as high cost areas" after "rates" in clause (2); and

(3) by striking out "first-class transportation" and all that follows in clause (3) and inserting in lieu thereof "transportation and current economic data on the cost of subsistence, including lodging and other necessary incidental expenses relating thereto, when prescribing mileage allowances.".

(c) The amendments made by this section shall be effective with respect to travel and transportation performed after August 31, 1980.

STABILIZATION OF PAY AND ALLOWANCES OF COMMISSIONED OFFICERS WHO PREVIOUSLY SERVED AS ENLISTED MEMBERS OR WARRANT OFFICERS

SEC. 6. (a)(1) Section 907 of title 37, United States Code, relating to the pay and allowances of enlisted members appointed as officers, is amended to read as follows:

"§ 907. Enlisted members and warrant officers appointed as officers: Pay and allowances stablized

"(a) An enlisted member who accepts an appointment as an officer shall, for service as an officer, be paid the greater of—

"(1) the pay and allowances to which he is entitled as an officer; or

"(2) the pay and allowances to which he would be entitled if he were in the last enlisted grade he held before his appointment as an officer.

"(b) A warrant officer who accepts an appointment as a commissioned officer in a pay grade above W-4 shall, for service as such a commissioned officer, be paid the greater of—

"(1) the pay and allowances to which he is entitled as such a commissioned officer;

"(2) the pay and allowances to which he would be entitled if he were in the last warrant officer grade he held before his appointment as such a commissioned officer; or

"(3) in the case of an officer who was formerly an enlisted member, the pay and allowances to which he would be entitled if he were in the last enlisted grade he held before his appointment as an officer.

"(c) For the purposes of this section—

"(1) the pay and allowances of a grade formerly held by an officer include—

"(A) subject to subsection (d) of this section, special and incentive pays under chapter 5 of this title; and

"(B) subject to subsection (e) of this section, allowances under chapter 7 of this title; and

"(2) the rates of pay and allowances of a grade which an officer formerly held are those to which the officer would have been entitled had he remained in that grade and continued to receive the increases in pay and allowances authorized for that grade, as otherwise provided in this title.

"(d) In determining the amount of the pay and allowances of a grade formerly held by an officer, incentive pay for hazardous duty under section 301 of this title, special pay for diving duty under section 304 of this title, for duty at certain places under section 305 of this title, and for sea duty under section 305a of this title, and proficiency pay under section 307 of this title may be considered only so long as the officer continues to perform the duty creating the entitlement to or eligibility for that pay and would otherwise be eligible to receive that pay in his former grade.

"(e) The clothing allowance under section 418 of this title may not be considered in determining the amount of the pay and allowances of a grade formerly held by an officer if the officer is entitled to a uniform allowance under section 415 of this title.".

(2) The table of sections at the beginning of chapter 17 of such title is amended by striking out the item relating to section 907 and inserting in lieu thereof the following:

"907. Enlisted members and warrant officers appointed as officers: Pay and allowances stabilized.".

(b) Section 203 of such title, relating to rates of pay for members of the uniformed services, is amended by adding at the end thereof the following new subsection:

"(d) The basic pay of commissioned officers who are in pay grades O-1, O-2, and O-3 and who are credited with over four years' active service as warrant officers shall be computed in the same manner as the basic pay of commissioned officers in the same pay grades who have been credited with over four years' active service as enlisted members.".

(c) The amendments made by this section shall be effective with respect to periods for which pay and allowances are payable which begin after August 31, 1980.

INCREASE IN BASIC ALLOWANCE FOR SUBSISTENCE

SEC. 7. Effective September 1, 1980, the rates of basic allowance for subsistence authorized by section 402 of title 37, United States Code, as in effect on the day before the date of the enactment of this Act (as prescribed by the President under section 1009 of such title), are increased by 10 percent.

EXPANSION OF AUTHORITY TO MAKE ADVANCE PAYMENTS

SEC. 8. Subsection (a) of section 1006 of title 37, United States Code, relating to advance payments, is amended to read as follows:

"(a) Under regulations prescribed by the Secretary concerned, a member of a uniformed service may be paid in advance—

"(1) not more than three months' pay of such member upon such member's change of permanent station; or

"(2) the amount of an allotment made from such member's pay to a dependent if such member is assigned or scheduled for assignment to sea duty or other duty with a unit or command deployed or to be deployed outside the United States and the allotment is made by such member not more than sixty days before the scheduled date of the assignment of such member to such duty.".

AMENDMENTS TO MAKE CERTAIN RETIREMENT PROVISIONS RELATING TO REGULAR ENLISTED MEMBERS OF THE ARMY AND AIR FORCE APPLICABLE TO RESERVE ENLISTED MEMBERS

SEC. 9. (a)(1) Section 3914 of title 10, United States Code, relating to the retirement of regular enlisted members, is amended to read as follows:

"§ 3914. Twenty to thirty years: Enlisted members

"Under regulations to be prescribed by the Secretary of the Army, an enlisted member of the Army who has at least 20, but less than 30, years of service computed under section 3925 of this title may, upon his request, be retired. A regular enlisted member then becomes a member of the Army Reserve. A member retired under this section shall perform such active duty as may be prescribed by law until his service computed under section 3925 of this title, plus his inactive service as a member of the Army Reserve, equals 30 years.".

(2) Section 3925 of such title, relating to the computation of years of service of enlisted members of the Army in determining eligibility for voluntary retirement, is amended—

(A) by striking out "a regular" in subsection (a) and inserting in lieu thereof "an"; and

(B) by striking out "regular" in the catchline.

(3) The table of sections at the beginning of chapter 367 of such title is amended by striking out "regular" in the items relating to sections 3914 and 3925.

(b)(1) Section 8914 of such title is amended to read as follows:

"§ 8914. Twenty to thirty years: Enlisted members

"Under regulations to be prescribed by the Secretary of the Air Force, an enlisted member of the Air Force who has at least 20, but less than 30, years of service computed under section 8925 of this title may, upon his request, be retired. A regular enlisted member then becomes a member of the Air Force Reserve. A member retired under this section shall perform such active duty as may be prescribed by law until his service computed under section 8925 of this title, plus his inactive service as a member of the Air Force Reserve, equals 30 years.".

(2) Section 8925 of such title, relating to the computation of years of service of enlisted members of the Air Force in determining eligibility for voluntary retirement, is amended—

(A) by striking out "a regular" in subsection (a) and inserting in lieu thereof "an"; and

(B) by striking out "regular" in the catchline.

(3) The table of sections at the beginning of chapter 867 of such title is amended by striking out "regular" in the items relating to sections 8914 and 8925.

(c) The amendments made by this section shall apply with respect to retired pay payable for months beginning after the date of the enactment of this Act.

EXTENSION OF CERTAIN PROVISIONS OF LAW RELATING TO PERSONNEL MANAGEMENT OF THE ARMED FORCES

SEC. 10. (a) Public Law 93-397 (10 U.S.C. 8202 note) is amended by striking out "beginning with October 1, 1974, through September 30, 1979" and inserting in lieu thereof "through September 30, 1982".

(b) Subsections (a) and (b) of section 2 of Public Law 95-377 (92 Stat. 719) are amended by striking out "September 30, 1979" and inserting in lieu thereof "September 30, 1982".

(c)(1) Section 1201(3) of title 10, United States Code, is amended—

(A) by striking out "or" at the end of subclause (B)(ii);

(B) by striking out the period at the end of subclause (B)(iii) and inserting in lieu thereof "; or"; and

(C) by adding at the end of subclause (B) a new item as follows:

"(iv) the disability was incurred in line of duty during the period beginning on September 15, 1978, and ending on September 30, 1982, except that the condition provided for in this item shall not be effective during such period unless the President determines that such condition should be effective during such period and issues an Executive Order to that effect.".

(2) Section 1203(4)(A) of such title is amended—

(A) by striking out "or" at the end of item (i);

(B) by striking out the semicolon at the end of item (ii) and inserting in lieu thereof ", or (iii) incurred in line of duty during the period beginning on September 15, 1978, and ending on September 30, 1982, except that the condition provided for in this item shall not be effective during such period unless the President determines that such condition should be effective during such period and issues an Executive order to that effect;".

(3) Section 1203(4)(C) of such title is amended by striking out "the proximate result of performing active duty nor incurred in line of duty in time of war or national emergency" and inserting in lieu thereof "(i) the proximate result of performing active duty, (ii) incurred in line of duty in time of war or national emergency, nor (iii) incurred in line of duty during the period beginning on September 15, 1978, and ending on September 30, 1982, except that the condition provided for in this item shall not be effective during such period unless the President determines that such condition should be effective during such period and issues an Executive order to that effect".

(d) Section 5703(a)(1) of title 10, United States Code, is amended to read as follows:

"(1) A board to recommend brigadier generals for promotion to the grade of major general, consisting of nine officers holding permanent appointments in the grade of major general or above, except that before October 1, 1982, such a board may consist of nine officers serving in the grade of major general or above.".

(e) Sections 5787c(b)(2) and 5787d(g) of title 10, United States Code, are amended by striking out "September 30, 1979" and inserting in lieu thereof "September 30, 1982".

ESTABLISHMENT OF NAVY CHAPLAIN CORPS AS A STAFF CORPS OF THE NAVY

SEC. 11. (a) Chapter 513 of title 10, United States Code, relating to Bureaus of the Navy, is amended by striking out section 5142 and inserting in lieu thereof the following:

"§ 5142. Chaplain Corps and Chief of Chaplains

(a) The Chaplain Corps is a staff corps of the Navy and shall be organized in accordance with regulations prescribed by the Secretary of the Navy.

"(b) There is in the executive part of the Department of the Navy the office of the Chief of Chaplains of the Navy. The Chief of Chaplains shall be appointed by the President, by and with the advice and consent of the Senate, from officers of the Chaplain Corps in the grade of commander or above who are serving on active duty, who are not on the retired list, and who have served on active duty in the Chaplain Corps for at least eight years.

"(c) An officer appointed as the Chief of Chaplains shall be appointed for a term of four years. However, the President may terminate or extend the appointment at any time.

"(d)(1) The Chief of Chaplains shall perform such duties as may be prescribed by the Secretary of the Navy and by law.

"(2) The Chief of Chaplains shall, with respect to all duties pertaining to the procurement, distribution, and support of personnel of the Chaplain Corps, report to and be supported by the Chief of Naval Personnel.

"(e) The Chief of Chaplains of the Navy is entitled to the same rank and privileges of retirement as provided for chiefs of bureaus in section 5133 of this title.

"§ 5142a. Deputy Chief of Chaplains

"The Secretary of the Navy may detail as the Deputy Chief of Chaplains an officer of the Chaplain Corps in the grade of commander or above who is on active duty, who is not on the retired list, and who has served on active duty in the Chaplain Corps for at least eight years.".

(b) The table of sections at the beginning of chapter 513 of such title is amended by striking out the item relating to section 5142 and inserting in lieu thereof the following:

"5142. Chaplain Corps and Chief of Chaplains.

"5142a. Deputy Chief of Chaplains.".

DEPUTY JUDGE ADVOCATE GENERAL, AIR FORCE

SEC. 12. (a) Section 8072 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) There is a Deputy Judge Advocate General in the Air Force, who is appointed by the President, by and with the advice and consent of the Senate, from officers of the Air Force who have the qualifications prescribed in subsection (b) for the Judge Advocate General. The term of office of the Deputy Judge Advocate General is two years, but may be sooner terminated or extended by the President. An officer appointed as Deputy Judge Advocate General shall be appointed in a regular grade to be determined by the Secretary of Defense.

"(2) When there is a vacancy in the office of the Judge Advocate General, or during the absence or disability of the Judge Advocate General, the Deputy Judge Advocate General shall perform the duties of the Judge Advocate General until a successor is appointed or the absence or disability ceases.

"(3) When paragraph (2) cannot be complied with because of the absence of disability of the Deputy Judge Advocate General, the heads of the major divisions of the Office of the Judge Advocate General, in the order directed by the Secretary of the Air Force, shall perform the duties of the Judge Advocate General, unless otherwise directed by the President.".

(b)(1) The heading of such section is amended to read as follows:

"§ 8072. Judge Advocate General, Deputy Judge Advocate General: Appointment; duties".

(2) The item relating to such section in the table of sections at the beginning of chapter 807 of such title is amended to read as follows:

"§ 8072. Judge Advocate General, Deputy Judge Advocate General: Appointment; duties.".

AUTHORITY TO RETIRE IN A HIGHER GRADE RESERVE OFFICERS WHO HAVE SERVED IN SPECIAL POSITIONS

SEC. 13. (a)(1) Section 3962(a) of title 10, United States Code, relating to retirement in a higher grade for service in special positions, is amended by striking out "Regular" and by striking out "held by him at any time on the active list" and inserting in lieu thereof "in which he served on active duty".

(2) Section 3962(b) of such title is amended by striking out "Regular".

(3) The heading of section 3962 of such title is amended to read as follows:

"§ 3962. Higher grade for service in special positions".

(4) The item relating to section 3962 in the table of sections at the beginning of chapter 369 of such title is amended to read as follows:

"3962. Higher grade for service in special positions.".

(b)(1) Section 8962(a) of title 10, United States Code, relating to retirement in a higher grade for service in special positions, is amended by striking out "Regular" and by striking out "held by him at any time on the active list" and inserting in lieu thereof "in which he served on active duty".

(2) The heading of section 8962 of such title is amended to read as follows:

"§ 8962. Higher grade for service in special positions".

(3) The item relating to section 8962 in the table of sections at the beginning of chapter 869 of such title is amended to read as follows:

"8962. Higher grade for service in special positions.".

(c)(1) The President may, by and with the advice and consent of the Senate, appoint any commissioned officer of a reserve component of the Armed Forces who retired after December 31, 1967 to the retired grade in which such officer could have been retired had such officer retired on or after the date of the enactment of this Act.

(2) The retired pay of any retired officer who is appointed to a higher retired grade under paragraph (1) shall be recalculated as if such officer had retired in the grade to which appointed, but any increase in such retired pay by virtue of such appointment or this subsection shall be effective only with respect to periods beginning on or after the date on which such appointment is made.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: "An Act to extend certain expiring provisions of law relating to personnel management of the Armed Forces, to provide a variable housing allowance for members of the uniformed services to reflect housing costs in different areas of the United States, to improve certain special and incentive pays for members of the uniformed services, and for other purposes.".

And the House agree to the same.

MELVIN PRICE,
BILL NICHOLS,
ROBERT H. MOLLOHAN,
LES ASPIN,
MENDEL J. DAVIS,
BOB WILSON,
DONALD J. MITCHELL,
DAVID F. EMERY,
Managers on the Part of the House.

JOHN C. STENNIS,
SAM NUNN,
HARRY F. BYRD, Jr.,
JOHN CULVER,
J. J. EXON,
JOHN TOWER,
ROGER W. JEPSEN,
JOHN W. WARNER,
WILLIAM S. COHEN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the amendments of the Senate to the bill (H.R. 5168) to extend certain expiring provisions of law relating to personnel management of the Armed Forces, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House amendment to the Senate amendment struck out all of the Senate amendment and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the House amendment and the Senate amendment. The differences between the House amendment, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

BACKGROUND

H.R. 5168, as passed by the House on September 25, 1979, would have extended until September 30, 1980, the currently authorized number of officers in the Air Force in the grades of lieutenant colonel and colonel, and would have enabled the President until September 30, 1980, to authorize the armed forces to continue certain personnel management practices. Among those practices are the promotion of certain Navy officers who have not completed two years of sea duty in their current grade; below-the-zone promotion of Navy officers on a parity with the other services; suspension of unrealistic time-in-grade requirements for promotion of Navy officers; "spot" promotion of certain engineering officers in the Navy; authorization of temporary major generals in the Marine Corps to serve on selection boards considering officers for promotion to the grade of brigadier general; and the retirement of personnel with less than 8 years of service for disabilities that, although incurred in line of duty, are not the proximate result of the performance of active duty.

The Senate Armed Services Committee reported the bill with an amendment that contained the substance of the bill as passed by the House but with amendments that would provide the following:

(1) Authorization for reserve enlisted members of the Army and Air Force to retire on completion of twenty years of active service with an immediate annuity.

(2) Removal of the Office of the Chief of Chaplains from the cognizance of the Chief of Naval Personnel and establishment of a statutory office of Deputy Chief of Chaplains with a minimum grade of rear admiral (lower half).

(3) Authorization of advance pay on establishment of an allotment for dependents if such allotment is made within sixty days before a unit deploys.

(4) Authorization of reserve officers of the Army and Air Force who served on active duty in positions designated by the President to carry the grade of lieutenant general and general to be retired in such grade with pay retroactive to the date of retirement.

The bill as amended by the Senate Armed Services Committee was further amended during debate on the floor of the Senate and as so amended was passed by the Senate. The amendments added during floor debate would modify certain existing elements of military compensation provisions by:

(5) Increasing aviation career incentive flight pay by 25 percent.

(6) Making effective immediately the increase in the rates of sea pay that would have become effective October 1, 1981, and increasing those rates by 15 percent.

(7) Removing the current statutory limit of 10 cents per mile for reimbursement for travel in connection with a permanent change of station.

(8) Increasing the Basic Allowance for Subsistence by 10 percent. In addition amendments were adopted that would authorize the following new elements of military compensation.

(9) A station housing allowance for members in any area of the United States except Hawaii and Alaska equal to the difference between 115 percent of a member's Basic Allowance for Quarters and the average cost of housing in the area in which the member was assigned.

(10) A Selective Reenlistment Bonus for persons reenlisting with over 10 but not more than 14 years of service. Currently that bonus is payable only to persons reenlisting with not more than 10 years of service.

The compensation increases and new entitlements added during Senate floor debate (with the exception of the Selective Reenlistment Bonus) would be effective on January 1, 1980.

Three other amendments were adopted during Senate floor debate:

(11) A "save pay" provision for enlisted members appointed as warrant officers or as commissioned officers and for warrant officers appointed as commissioned officers to insure they would receive at least as much pay as they would have received if not so appointed.

(12) A provision that would establish in statute the Office of Deputy Judge Advocate General of the Air Force with a minimum grade of major general.

(13) A provision stating that sections 202, 203, 205, 207 and 208 of title 18, United States Code, would not apply to a representative of the private sector on the United States delegation to international telecommunications conferences or meeting who is designated to represent or speak for the interests of the United States at such conference or meeting.

On June 17, 1980, the House agreed to the Senate amendments with a further amendment that substituted for the Senate amendment provisions substantially identical to the provisions of H.R. 5168 as originally passed by the House except that September 30, 1982, was specified as the expiration date for the personnel management authorities rather than September 30, 1980.

EXTENSION OF EXPIRING PERSONNEL MANAGEMENT PROVISIONS

Both the Senate amendment to the House bill and the House amendment to the Senate amendment would extend the expiration date of those personnel management authorizations that expired on September 30, 1979. The Senate amendment would extend those expiring authorities until September 30, 1980. The House amendment would extend those authorities until September 30, 1982.

The Senate recedes.

AMENDMENTS (1) THROUGH (4)

The conferees were unanimous in their agreement that the amendments added by the Senate Armed Services Committee (amendments (1) through (4) above) in its consideration of H.R. 5168 were desirable and needed.

However, the House conferees pointed out that the provision of increased retired pay retroactive to 1967 for those reserve officers of the Army and Air Force who would be authorized to receive retired pay based on the grade of lieutenant general and general would be inconsistent with the generally accepted legislative practice of providing new entitlements prospectively only.

The House conferees also pointed out that the Senate report on the Defense Authorization Bill for fiscal year 1981 directed the Secretary of Defense to provide legislative recommendations designed to repeal all minimum grades for flag officers in current law. Given the possibility of such a change in the future and recognizing that authority currently exists to appoint individuals to whatever grade is appropriate, the conferees agreed to delete the requirement for a minimum grade for the Deputy Chief of Chaplains.

The House recedes with an amendment to preclude retroactive payment of retired pay and to delete the requirement for a minimum grade for the Deputy Chief of Chaplains in the Navy.

AMENDMENTS (5) THROUGH (13)

The House conferees were also in unanimous agreement with the need for and desirability of many of the amendments adopted by the Senate during floor debate on H.R. 5168.

However, regarding the effective date of the compensation amendments, the House conferees noted that the Senate amendments were originally adopted on February 4, 1980, and at that time an effective date of January 1, 1980, was not entirely inappropriate. However, in view of the necessarily long delay that has intervened, the conferees agreed that the compensation provisions added during Senate floor debate should be effective on September 1, 1980. All other provisions were made effective October 1, 1980, or the first day of month following the date of enactment.

The Senate amendment authorized a Variable Housing Allowance that would permit the Secretary of Defense to pay the difference between 115 percent of the Basic Allowance for Quarters and the average cost of housing for individuals of a specific grade not residing in government-furnished quarters in a high-cost area in the United States. The House conferees pointed out that the language would not necessarily be interpreted to permit payment of a Variable Housing Allowance to dependents who remain in the United States when their sponsor is assigned overseas. The Senate conferees agreed that the intent of the provision was to cover this situation, and the conferees agreed to clarify the language.

In addition, the House conferees argued that the Variable Housing Allowance should be an entitlement; the Senate amendment provided authority but left the specifics of implementation largely to the Secretary of Defense. The conferees agreed to provide authority to pay a Variable Housing Allowance to members living in high-cost areas whenever and to the extent that the average cost of housing for members of the uniformed services exceeds 115 percent of the Basic Allowance for Quarters during fiscal year 1981 but established an entitlement beginning September 30, 1981, equal to the difference between 115% of the Basic Allowance for Quarters and the average cost of housing on a grade-by-grade basis. The conferees agreed that during fiscal year 1981, in determining whether an area is a high housing cost area with respect to members in any pay grade and in determining the amount of a Variable Housing Allowance in any such area, the secretary concerned may group members by pay grades and dependency status and may average the Basic Allowance for Quarters for different pay grades in such manner as the secretary considers appropriate.

The conferees strongly agree that the Variable Housing Allowance should be an entitlement but that unresolved implementation issues need to be addressed before the precise formula for payment is established in statute. These unresolved issues involve the differential tax advantage impact of the Variable Housing Allowance, establishment of a standard for the Basic Allowance for

Quarters, the effect the Variable Housing Allowance will have on the attractiveness of government quarters, the implications for single personnel required to live in government quarters, and the appropriate groupings for establishing the average cost of housing in a particular area.

It is the unanimous intent of the conferees that, even though the Variable Housing Allowance is not established as an entitlement the first year, the allowance be implemented at generally the same level of funding that would be required if it were an entitlement. It is also the intent and desire of the conferees that the Variable Housing Allowance be implemented effective no later than October, 1980. While the conferees agree that the Variable Housing Allowance shall be implemented fully in fiscal year 1981, the precise formula is left to the determination of the Secretary of Defense. If the entitlement to be created on September 30, 1981, can be improved—and the results of the implementation in fiscal year 1981 can support a change—the Department of Defense should submit legislation early in 1981 to provide the Committees on Armed Services of the Senate and the House of Representatives sufficient time to evaluate the needed changes and report any needed legislative change before October, 1981.

The conferees agreed that the provision modifying the Selective Reenlistment Bonus should be deleted from the conference report since it was included in a broader provision contained in the conference report on H.R. 6974.

The conferees agreed to provide a statutory position for the Deputy Judge Advocate General in the Air Force who is to be appointed by the President, with the advice and consent of the Senate, in a regular grade to be determined by the Secretary of Defense. The provision for appointment in a regular grade is necessary to insure the independence of the incumbent in performing the unique duties of this office. Since the conferees consider it generally undesirable to establish statutory minimum grades, the reference to appointment in the regular grade of major general was deleted. However, the conferees recognize that the law now provides for the appointment of the Deputy Judge Advocates General of the Army and Navy in specific grades. The conferees believe that equity among the services is an important consideration and urge the Secretary of Defense to take this into account in determining the regular grade in which the Deputy Judge Advocate General of the Air Force is to be appointed.

The conferees agreed to delete the provision in the Senate amendment related to private individuals representing the United States at international telecommunications confereneces because a similar provision has previously been enacted as part of other legislation.

The House recedes with amendments.

Melvin Price,
Bill Nichols,
Robert H. Mollohan,
Les Aspin,
Mendel J. Davis,
Bob Wilson,
Donald J. Mitchell,
David F. Emery,
Managers on the Part of the House.

John C. Stennis,
Sam Nunn,
Harry F. Byrd, Jr.,
John Culver,
J. J. Exon,
John Tower,
Roger W. Jepsen,
John W. Warner,
William S. Cohen,
Managers on the Part of the Senate.

U.S. POSITION ON THE MIDDLE EAST

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. Philip M. Crane) is recognized for 60 minutes.

GENERAL LEAVE

Mr. PHILIP M. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order on today.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PHILIP M. CRANE. Mr. Speaker, it has come to my attention that tomorrow the United States has the opportunity to make its Middle East policy clearly known and understood. But the policy is apparently potentially, at least, clouded as a result of rumors circulating that when Bangladesh, which I might note is a nonpermanent member of the Council, introduces a resolution tomorrow, that resolution concerns Israel and it concerns the status of Jerusalem, an issue that we addressed here in this body on June 20 when I introduced an amendment which would have had the effect of putting our Embassy in Jerusalem, as are 40 percent of the embassies now of those countries that recognize Israel. And at the time the resolution will be presented by Bangladesh, it is going to call for, among other things, that all nations with embassies in Jerusalem remove them.

My understanding is, and it is strictly an allegation at this point, that the U.S. representative to the U.N. has been instructed by the administration to abstain on that vote. I do not understand what U.S. interests are served by abstaining. The administration has enunciated its policy very clearly, and I do not understand why we would be inclined to take this position if, in fact, there is truth to the rumor.

□ 1910

The President, after the drafting of the 1980 Democratic platform, made the observation:

> I give you my enthusiastic support for the thrust and ideals expressed in the platform you have adopted.

And he adds further in his statement:

> The platform well states principles of United States foreign policy in the Middle East.

He goes on to say:

> It has been our policy that Jerusalem should remain forever undivided with free access to the holy places for people of all faiths.

The 1980 Democratic platform restates the position taken in the 1976 Democratic platform, namely, that "the Democratic Party recognizes and supports the established status of Jerusalem as the capital of Israel. As a symbol of this stand, the U.S. Embassy," the platform states, "should be moved from Tel Aviv to Jerusalem."

I do not feel that this is a partisan issue. I think one can find in examining the vote on June 20 on the amendment to the appropriation bill that was before this body at that time that there were, in percentage terms, more Republicans who supported that amendment than Democrats.

I do not mean to fault my Democratic colleagues for failing to endorse the amendment at that time, but I would argue that inasmuch as their party has made this solemn commitment now at two conventions in succession, and the President has indicated his wholehearted support for the proposition, that if in fact the rumor is correct, that tomorrow the representative from the United States to the United Nations abstains from casting a vote in opposition to the resolution that is proposed by Bangladesh, that that is inconsistent with the personal commitment that the President of the United States has made.

It is inconsistent with the positions taken by the National Democratic Party at its conventions of 1976 and 1980, and it is inconsistent certainly with the views, I feel, of a majority of members of both parties nationally in this country.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. PHILIP M. CRANE. I will be most happy to yield to my distinguished colleague from New York.

Mr. GILMAN. Mr. Speaker, I wish to commend the gentleman from Illinois (Mr. Philip M. Crane) for his longstanding and continued support for the State of Israel and for his leadership on this issue and for holding this special order.

Once again, we gather here on the floor of the House to discuss the issue of Jerusalem and its role in the larger Middle East peace quest. Just last month we stood together and focused attention on the efforts of those who sought through the U.N. to condemn Israel by the passage of a one-sided resolution on Jerusalem. At that time, the U.S. delegation followed the path of least resistance, once again demonstrating a lack of strong leadership in world affairs by abstaining.

Once again the PLO and Soviet-backed forces have raised their usual hue and cry in seeking not only to condemn Israel, but to strangle her. And once again the United States has indicated its readiness to abstain if given a chance. Once again the world has been shown the major reason why peace and justice have been so elusive. And that reason is the lack of leadership not only by the so-called moderate Arabs, but by the lack of leadership in the U.N. and our own Government.

The resolution of the Jerusalem issue should be relegated to the Camp David negotiating process and not be imposed by the U.N. This has been the underlying premise of the Camp David accords from the beginning. Prime Minister Begin's decision to move his office to East Jerusalem, which has been in Israeli hands for 13 years, does not alter that situation. Neither does it warrant

Saudi Arabian Crown Prince Fahd's tirade and threat of a Moslem holy war.

Where is the moderate leadership for peace in all of this? Certainly it has not been demonstrated by the Arab world where no other nation except Egypt has had the courage to step forward to the negotiating table to seek peaceful ways to resolve its differences. Certainly this moderate leadership is not in the U.N. where, as columnist Philip Geyelin points out in today's Washington Post, there is a "nearly obsessive, often racist campaign" to impose a "settlement" in the Middle East at the expense of Israel's security.

Unfortunately, that sorely needed leadership is not coming from the United States. Our current policies appear to be a vacillation from one side to the other, leaving us nowhere. To quote Mr. Geyelin once again, the problems at the U.N. have "reduced the superpowerful United States to rear-guard blocking actions, by Security Council veto or, * * * by abstaining things to death."

Other related U.S. policies such as keeping our embassy in Tel Aviv and a semi-independent consulate in Jerusalem, have only further contributed to this vexing problem. Dual reporting and mixed signals have too often handicapped U.S. efforts on this issue, not only in Israel, but also at the U.N.

While it is my personal opinion that the United States should fully support a policy that recognizes Jerusalem as the capital of Israel, the future of Jerusalem should and must be fairly settled at the negotiating table as a part of the peace process, and not by the mob rule of the U.N. system.

It should be remembered that throughout Israel's control of the entire city of Jerusalem, universal access to that city's holy places have been guaranteed. Never has the city been more fairly administered for resident, tourist, or religious pilgrim, regardless whether they be Christian, Moslem, or Jew. This is in stark contrast to the earlier Jordanian rule which evicted all Jews from the Old City and when many of the old synagogues there were desecrated or destroyed.

The United States must have the courage and fortitude to fill the leadership vacuum. We must denounce the efforts of those who seek to manipulate this situation. We must also take the opportunity to reassert our leadership and stand up to those who seek to impose their views on the parties to the Camp David peace process. We can only do this if we have the courage not to take cover and abstain, but to stand up when it counts and say, "No."

Mr. Speaker, I request that Mr. Geyelin's Washington Post column of August 19, 1980, be inserted in full at this point in the Record.

UNITED NATIONS: AN OUTRAGE

(By Philip Geyelin)

United Nations, N.Y.—If the United Nations didn't exist, its die-hard supporters regularly insist, it would have to be invented.

Nonsense. You might want to create something utterly different for the 1980s: something a lot less pretentious, perhaps even a lot of independent institutions tightly focused, each in its own way, on the problems of poverty, hunger, economic development, war-and-peace, that are now caught in the United Nations' machinations.

But you would not overexert yourself to reinvent a brawling, sprawling global bureaucracy whose governing bodies routinely violate their own rules—an institution in which a full two-thirds of its 153 General Assembly votes represents less than 10 percent of the world population and for which a small minority of 30 practicing democracies contributes more than two-thirds of the financial support.

The United Nations, in short, is an institutional outrage, a moral swamp. It operates much of the time by the mob rule of a Third World majority in close alliance with its Communist bloc. By its rules and procedures, it reduces the superpowerful United States to rear-guard blocking actions, by Security Council veto or, as one American representative puts it, by "abstaining things to death."

Nothing would seem to better illustrate its bankruptcy as a peacemaker than the current, nearly obsessive, often-racist campaign to impose a "settlement" in the Middle East at the expense of Israel's security. Already the General Assembly, clearly abusing its power, has "ordered" Israeli withdrawal from the occupied territories of the West Bank, Gaza and Jerusalem by Nov. 15. Without even waiting for that deadline, the anti-Israel cabal launched a drive for economic sanctions. Not only is Israel isolated, but so, for all practical purposes, is its only real protector, the United States.

On this much, both American and Israeli officials agree. But when they are all through reciting the United Nations' weaknesses and liabilities, they bring you back, with a resigned but by no means desperate air, to the fact that the United Nations does, after all, exist. The question, then, is not how to reinvent it, but how to live with it. And on this point, they are astonishingly philosophical.

"This travesty damages the United Nations much more than it does Israel," says the Israeli permanent representative to the United Nations, Yehuda Z. Blum, a feisty academic whose scholarship has centered on the juridical rights and wrongs of the Arab-Israeli conflict. "The radicals and the Soviet Union have taken over this organization," he contends, adding that the West "seems to have given up."

He sees Israel as a "whipping boy" for the U.N. majority, a way of assaulting the West while avoiding a head-on confrontation with the countries that pay the bills.

He worries over the long-term effects of a campaign to "de-legitimatize Israel": "After a while, you become a kind of outlaw and people can act differently against an outlaw." But he counts on American veto-power to protect Israel from the worst.

Around the corner, at the U.S. mission, Blum's American opposite number, Donald McHenry, who moved up from No. 2 to replace Andy Young, sees the U.N. preoccupation with Israel as menacing but manageable, and not necessarily a true measure of the United Nations' net worth to the United States.

"The United Nations, in one sense, is a reflection of the world we live in," McHenry argues, "and the fact is that most of the world disagrees with us on the Mideast." He and other officials do not question that the current campaign, by its own extremes, feeds extremism, not least in Israel. But the Americans contend that the Israelis, in their settlement policy and their constant reasertion of their claims to Jerusalem, have made their own contribution to the U.N.'s extremes.

The result is what one American official calls a "poisoning of the U.N. environment" by the constant raising of the Arab-Israeli conflict in every forum. In Nairobi, for example, the lowest bid on a new building for a U.N. subsidiary agency was rejected because it came from an Israeli firm. The radical Arabs have opposed Alexandria, Egypt, as headquarters for the World Health Organization because of the role played in peacemaking with Israel by President Anwar Sadat. Recent international gatherings of U.N. organizations dealing with international labor and women have been torn apart by irrelevant anti-Israeli resolutions.

Yet McHenry points to the U.N.'s overwhelming condemnation of the Soviet invasion of Afghanistan as evidence that there are pluses. Another he cites is the U.N. relief program in Cambodia.

The United Nations, he thinks, still serves useful purposes: as a safety valve; a medium for negotiation when there's a mutual will; a peacekeeping instrument when the parties both want one; a place to deal, to good effect, with hijacking, a Law of the Sea, economic and energy problems, food, health and other problems where some community of interest exists.

Blum, for his part, reports he's constantly asked in Israel: Why be there? His answer comes in two parts. "Membership means belonging to the international community—for Jews, having gotten in, it would be foolhardy to give up." And: "When you've always been on the receiving end of condemnation, the United Nations offers at least a right of reply, even if you know you won't win."

The United Nations' 35-year-old dream dies hard.

Mr. DORNAN. Mr. Speaker, will the gentleman yield?

Mr. PHILIP M. CRANE. I yield to the gentleman from California.

Mr. DORNAN. I thank the gentleman for yielding.

Again, it is an honor to support my distinguished friend and colleague from Illinois and the distinguished gentleman from New York, and also about to speak, the gentleman from Pennsylvania (Mr. Dougherty).

I think that in the Geyelin column that the gentleman from New York (Mr. Gilman) has just submitted in the Record, in Philip Geyelin quoting Yehuda Blum, the Ambassador from Israel to the United Nations, there is one small line that portends a great deal of stress and tragedy in the coming years. He points out that all of the pressure exerted by the majority of nations in the U.N., that third bloc that is so subservient to the Communist bloc, makes Israel an outlaw nation, and it is easier to perform atrocities against an outlaw. The terrorist bombings will not seem to mean as much if it is against this nation that has been pictured as doing so much wrong.

Israel is one of the most decent nations on the face of the Earth. It emerged from the blood bath of nightmarish horror in World War II, and I think that anything the United States can do, even if it stands up to every single solitary nation in the United Nations, other than Israel and itself, it must prevent this scapegoating and isolation of this small, courageous nation.

The portraying of a people or nation as an outlaw is an old scheme used over and over in history to excuse first-degree murder on a mass basis.

I think that support for Israel and its determination to see the Holy City of Jerusalem, which has been the capital for the Jewish people for three millenia, to stand by their side when they need us now is one of the most honorable things that the United States can do as a nation; and the gentleman from Illinois has been in the forefront of that honorable and noble fight.

I congratulate him deeply for the courage he has shown over his years in the House of Representatives and the consistency of his position and the consistency of what he considers friendship to be.

☐ 1920

Mr. PHILIP M. CRANE. I thank the gentleman for those kind expressions, as I do my good friend, the gentleman from New York.

Mr. DOUGHERTY. Mr. Speaker, will the gentleman yield?

Mr. PHILIP M. CRANE. I am happy to yield to my colleague, the gentleman from Pennsylvania.

Mr. DOUGHERTY. Mr. Speaker, I rise with a great deal of distress, having just been advised by the gentleman's comments of the proposed abstention by the United States tomorrow in the U.N. meeting on the Bangladesh resolution.

I think that we have to really put it on the record straight that if the United States abstains tomorrow on that resolution, instead of voting no or, indeed, vetoing the resolution, it simply is a no-guts position.

I think we ought not to dress up the rhetoric in any other way than to say straight out that that kind of a policy by the Carter administration will continue to create the impression in the minds of people of the world that they are a no-guts administration when it comes down to a tough decision. They would rather cast this Nation in the eyes of the world as a wishy-washy nation that goes hat in hand to its Arab neighbors and asks if it may buy some oil.

I suggest that the comments made last year to me by members of the Israeli intelligence, to-wit, that in the near future, indeed in their words, within 3 years there would be another war in the Middle East, the Arabs would go again against the Israelis and the comment made last week by the Arab minister from Saudi Arabia, to-wit, that it was time to launch a holy war against Israel, I think that provides us with, indeed, a reason to pause and question as to where we are going with this no-policy in the Middle East. We recognize it for what it is. I think it is simply another indictment of the Carter administration's policy. Indeed, the failure of the Carter administration to provide decisive leadership is creating an atmosphere that I think is conducive to Arab aggression against Israel. I think that should be noted.

Again, when we take a no-guts position, when we will not stand up and be counted and we will not say, "Hey, this is where it is. This is where the line is drawn. You go no further in trying to aggress Israel."

Then I think we create an atmosphere and that atmosphere is, "Hey, the United States isn't going to be there. Hey, we got the United States with our oil blackmail. Hey, maybe it's now time to launch another holy war," and the end result of that holy war will bring havoc and tragedy to the people of Israel. I think that is something we had better be concerned about.

I think the gentleman in the well, my colleague, the gentleman from Illinois, is to be complimented for again bringing to the attention of the Members of this body and to the public this, as I said, no-guts policy of the current administration.

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. PHILIP M. CRANE. Yes; I am happy to yield to my good friend and colleague, the gentleman from New York.

Mr. WOLFF. Mr. Speaker, I thank the gentleman for yielding.

I just want to compliment the gentleman for again bringing to the attention of the House and the membership and the American people a situation that continues to deteriorate.

I am hopeful that we will not permit this debate or any other to degenerate into a partisan debate, for it is not that and it is not intended in that fashion, and I am sure the gentleman agrees.

I think it is most important, however, that we who understand some of the problems that have existed over the years within the U.N. that is growing more serious as time goes on.

Mr. Speaker, I understand that the United Nations will consider tomorrow a resolution condemning Israel for passage of legislation declaring Jerusalem the undivided capital of Israel, and that this resolution will call upon those nations which have embassies in Jerusalem to move them.

This resolution is yet another in an exhaustive series of anti-Israeli resolutions at the U.N. This one is particularly ridiculous, and in fact all the hoopla made over the Israeli legislation is ridiculous. Israel declared Jerusalem her undivided capital soon after the 1967 war. To reaffirm this in legislation does not mean a thing. For any member of the Israeli Knesset to vote against this legislation would have been impossible, as impossible as any Member of this Congress to vote against motherhood and the Fourth of July. The question of Jerusalem is not even presently under negotiation, according to the Camp David process. Yet the Israelis have frequently made clear that the question of Jerusalem is "negotiable," although their position is to never again have a divided city.

The international mushrooming of this issue is truly incredible. To create international shockwaves over the reaffirmation of a 13-year-old Israeli law is absurd.

It is unfortunate that this legislation had to be brought up at such a delicate time in the autonomy negotiations. However, as I mentioned before, Jerusalem is not under negotiations at the present time. The impact of this legislation was only as great as what was made of it—it changed nothing and changes nothing in the future.

I hope that those countries which have embassies in Jerusalem will not bow to international pressure to remove them. I call upon the President, as I have many times in the past, to move our Embassy to Jerusalem, in accordance with the Democratic platforms of 1976 and 1980.

I also call upon the President to instruct our representative, Donald McHenry to vote against this resolution.

I think if this process continues, if this deteriorating process in the U.N. continues, I think it is about time that the United States took a move and suspended our participation in the General Assembly, which no longer performs the function that it was supposed to by the founding fathers.

I thank the gentleman.

Mr. PHILIP M. CRANE. I want to thank the gentleman from New York for those remarks.

Mr. DOUGHERTY. Mr. Speaker, would my colleague, the gentleman from Illinois, respond for a little colloquy on his comments?

Mr. PHILIP M. CRANE. I yield to the gentleman from Pennsylvania.

Mr. DOUGHERTY. I would ask, does the gentleman from New York not agree that if the United States abstains tomorrow on this resolution that we are again creating a weakened position as relates to America's support of Israel?

Mr. WOLFF. I think that abstaining is a copout and I believe very strongly that a position of abstaining does not answer the question as to what our position really is or should be.

Mr. DOUGHERTY. What I am basically saying, I agree with the gentleman's comments that this is not a partisan issue, but I think that we have to be responsible enough to recognize that if we abstain tomorrow on this kind of a resolution and we take into considertion the comments of Prince Faud of Saudi Arabia about a holy war, that we are creating an atmosphere that says, "Hey, maybe we are not going to be there. Maybe we are not as strongly committed to Israel. Maybe the United States will back off a bit."

I think this creates an atmosphere of an opportunity for the Arabs to do what they have always said they wanted to do, which is destroy the State of Israel.

Mr. WOLFF. Mr. Speaker, would the gentleman yield for me to respond?

Mr. PHILIP M. CRANE. I am happy to yield.

Mr. WOLFF. The reason I said this is not and should not become a partisan issue is because there have been errors that have been made over the years. If the administration that was in power at that time did not stop the Israelis and the French and the British from taking over the Suez Canal, then the situation would not be in existence today. We would not have to worry about where the capital was going to be or anything else like that. The situation that has transpired over the years with lack of support that has been given, even up until the October war, where materiel was withheld from Israel by Mr. Kissinger at that time because he said that he wanted Israel to be placed in a position of being weak enough so that they would listen to reason, which was a very specious reason at that time, that is why I say I do not think we should come down upon the side of one administration or the other; but I do think the issue is important and I am very happy that my colleagues on the other side of the aisle have brought this point to our attention.

Mr. DOUGHERTY. Mr. Speaker, if the gentleman will yield for one more point, I agree with what the gentleman is saying. All I am suggesting is that we as Members of the Congress have got to look to the future. We have got to recognize that if we create a climate without any kind of comment wherein we abstain in the U.N., I do not care which administration does it, and if we abstain in 1981 sometime, we are, in effect, creating a climate that says, "Hey, the United States is not a strong ally for Israel. The United States will not be there. Maybe the opportune time is for the Arabs to do what they have always said they want to do."

☐ 1930

I think we have to be responsible and I think the gentleman from Illinois (Mr. PHILIP M. CRANE) is to be complimented. I think some of us have to say publicly we think an abstention tomorrow is really a bad thing.

Mr. WOLFF. If the gentleman will yield further, it is because of this that I run in my district as an independent voice.

Mr. DOUGHERTY. I thank the gentleman.

Mr. PHILIP M. CRANE. I would like to salute my colleague from New York. I think he is first of all a very eloquent spokesman on behalf of a position that is right morally and consistent with the highest ideals of this country. I wish that there were more that would participate in this kind of a colloquy, because what the gentleman from New York (Mr. WOLFF) has had to say is something totally consistent with his party's position, and it is consistent with the statements that the President himself has made.

The disturbing thing to me is, as the gentleman from Pennsylvania (Mr. DOUGHERTY) has indicated, an abstention vote by the United States on this issue, if it comes up tomorrow before the U.N., communicates that the United States is truly sympathetic with those elements that are hostile to the State of Israel.

Now, I cannot believe, in light of the positions taken by our two parties, that that is the case. It suggests that the administration may feel that this is a sufficiently controversial question that they would rather not run any risks right now, and that they can hide from taking any responsibility for coming out very forcefully and saying, look, the United States does not support such a resolution. The President himself has said that it is an issue to be negotiated between the parties. I have taken that position publicly. In discussions with members of the Israeli Knesset and members of the Begin administration when I was in Israel 2 years ago, I was told that that was essentially their position. I was also told there should be no preconditions to negotiations, that there should be face-to-face negotiations and that there could be no externally imposed settlements.

I am totally sympathetic with that. Apart from being a Member of Congress or a person who might be in a position to act to cast a vote to impose a settlement. I, as a private citizen, would argue that a united Jerusalem is not only in the security interests of Israel, but also the interests of the entire world. I think the Arab world would discover, if they could reach a settlement, they would find an Israeli administration of a consolidated Jerusalem would be a blessing to all religions—Moslems as well as Christians and Jews, and that any fears of being locked out of holy places are groundless fears.

Mr. WOLFF. If the gentleman will yield further, I totally subscribe to what the gentleman is saying. I think as well this is a position that if we abstain tomorrow is further evidence of weakness upon the part of our country in failing to stand up for its own principles.

I think we get few chances in the world where we can evidence support for what we believe in. I not only stand here because of my ethnic background, I stand here as an American, as a Congressman strongly in favor of security interests of our Nation, and I do feel as many have expressed this, that the security interests of our Nation and Israel are tied closely together because if not, if Israel did not exist or ceased to exist, then the Soviets would be able to move through that area with complete immunity and be able to drive down into the subcontinent as well and take over all of the energy resources that exist in the area. The one bar and the one block and impediment to Soviet expansion into that area happens to be Israel at the moment. Anything that we as a nation can do, it seems to me is in our best interest as a nation to stand up and be counted when the time comes.

Mr. PHILIP M. CRANE. I could not agree more with my colleague. As I say, it creates the impression, and I think that is in fact the real state of the case, that we are lacking in leadership, in having a coherent and consistent policy, and that the failure to have such a policy brings disrespect from our allies and contempt from our adversaries. If there were no State of Israel in the Middle East, the United States would be investing vast sums of money to try to develop a State of Israel among those countries that remain.

I would argue further that they are not going to find any country in that entire region, in fact in most areas of the world that share values to the degree Israel does with the United States, that has the democratic tradition that we have here, that we know is not going to sell itself to the highest bidder owing to the integrity of the State of Israel. Finally, man for man, it has a more effective fighting force than any other nation in the world.

So we have a strong and consistent ally, an ally that shares common values and ideals. When we find that happy combination for a nation that is supposed to be providing national leadership, as the gentleman said, and I think the phrase is entirely correct, to "cop-out" on taking the appropriate stand if that resolution comes up for a vote before the United Nations tomorrow, that to me is symptomatic of one of the greatest problems this Nation suffers from internationally in the world today.

Mr. WOLFF. If the gentleman will yield further for a moment, in keeping with the gentleman's thoughts on this, there is as well one element which seems to be overlooked, and that is the instability, the political instability in all of those nations that surround Israel, even those that have been in some fashion friendly to us, including the Saudis. The political instability there certainly does not bode well for us for the future. The one area where there are changes of government and political fights, just as we have them here, that does stand out as one that is stable in form is Israel, which lends further to the security position for us.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. PHILIP M. CRANE. I am happy to yield to my colleague from California.

Mr. ROUSSELOT. First of all, I, too, want to express my gratitude to my colleague from Illinois (Mr. PHILIP M. CRANE) for taking this time to make it clear that there are substantial numbers of Members of this House who agree with the policy that our Nation should establish its Embassy, our U.S. Embassy in Jerusalem. That is the proper place; that is where business is done. We do that in all other nations, and it is wrong not to move ahead with that pledge that several Presidents have made, both parties have made in their platforms. I think we should go ahead and fulfill that commitment.

The fact the gentleman is bringing this up again today will make it clear to an awful lot of people out there, and especially to the appropriate places, that we should go ahead with that process and get it done, that it is long overdue. We should, instead of going through this facade that we do with some kind of a simple facility that really has to report indirectly to Washington and so forth, why not just make it a complete embassy.

The second reason that I am pleased that the gentleman has done this, as many of us are, is to point out how bad many of us feel it is to abstain. We do not vote "present" all of the time in this House when there are critical issues before the House of Representatives. Very few of us will ever "take a walk" on an issue when it is our turn to vote. To have our country saying in advance that it is very likely to abstain on an important issue to one of our key allies in that area is to me just not understandable at all. For this gentleman to take this time to make it clear that there are a very substantial number in this House who believe that that is a mistake, that we do not operate that way here ourselves, that we have to vote "yes" or "no" on the issues before this Congress, and that very seldom does a person vote present on an important legislative issue unless maybe there is a conflict of interest, for example, on banking legislation, a person who is a director of a bank might abstain by voting present, but it is wrong for our Nation, especially at this time, to take that kind of a wishy-washy stance that has been so carefully described here as wrong-headedness. I think it is important to make it clear to the world and to the United Nations delegates that we do not agree with that stand and we think it is a major mistake.

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The third issue has already been alluded to, and that is that it is time that we make it clear that we will not be pushed around by the Soviet bloc nations. They are the ones who are advocating this whole issue of getting people—the various nations—to pull their embassies out of Jerusalem. I think it is a mistake to in any way indicate a backing away when we know that it is the Soviet bloc that is pushing that issue very aggressively. So it does not help for the peace process, as our President talked so extensively about—and we all applaud his willingness and his desire to achieve peace. It does not help the peace process on this kind of an important issue when our representative there is asked to abstain.

So I say to my colleague this will be a clear signal, I believe, that there are an awful lot of people in this House of Representatives who do not intend to have our Nation pushed around by the Soviet bloc nations. We commend the gentleman for taking this time to discuss it and make it clear to the rest of the world, and especially to the United Nations that we do not agree with that attitude about Jerusalem.

Mr. PHILIP M. CRANE. I thank the gentleman for his remarks.

Back at the time we debated the wisdom of televising the proceedings of the House of Representatives I had some misgivings as to the consequence of such a procedure. However, as we discuss this issue which is topical—indeed, vital to our national security interests, and notice that there are no representatives present for this debate from the print medium, then I am grateful for the fact that we have at least some means of assuring that the facts surrounding this issue are going out into many parts of the United States. One would hope that might in turn result in some communication to the White House of public sentiment, before this critical vote comes up tomorrow in the United Nations.

In conclusion, I would like to express my deep appreciation to those colleagues who are concerned with the fate of Israel, who spent the extra few minutes that we took this evening, after a long and tedious day's business on the floor, to participate in a special order on this most important subject.

● Mr. LENT. Mr. Speaker, I thank my colleagues from Illinois (Mr. PHILIP M. CRANE) and New York (Mr. WOLFF and Mr. GILMAN) making possible this discussion here today. They have performed a public service in calling attention to this latest foreign policy blunder by President Carter.

I sincerely hope that our bipartisan efforts here will persuade the President to change his mind and direct our United Nations Ambassador to cast the United States vote against a resolution to be introduced in the Security Council condemning Israel. We must not add to the serious damage already done by previous such blunders by the Carter administration inflicted upon our strongest, most loyal ally in the Middle East with yet another slap at Israel. Time after time in recent months, the President and his key foreign policy advisors have gone out of their way to undercut Israel's position on Middle East issues. They have done their best to make it appear to the world that the United States was punishing its most reliable ally in the Middle East and that the United States was siding with the Arab world in its attitudes toward issues of importance in that part of the world.

Mr. Speaker, there is no issue of more sensitivity nor of more importance to Israel at this time than that of Jerusalem.

As we speak here today, 14 Arab nations are attempting to promote an economic boycott against countries that approve of Israel's policy regarding Jerusalem. If President Carter carries through his order to have the United States abstain from voting on the Security Council resolution condemning Israel, the United States will appear to be bowing to Arab blackmail.

I say the United States must not give even the appearance of bowing to this crude attempt by enemies of Israel to force a change of Israeli policy on Jerusalem. Doing so not only would be detrimental to Israel, but it would weaken American influence in this important area as well.

I call upon President Carter to put the United States in a position of strength—not weakness—in dealing with the Middle East. I call upon President Carter to show the world the United States will not be intimidated by Arab threats of economic boycotts. I call upon the President to stand up and be counted with our loyal ally on this issue of such importance to Israel. I call upon the President to direct that the United States vote against the Security Council resolution.●

Mr. PHILIP M. CRANE. Mr. Speaker, I yield back the remainder of my time.

TRIBUTES TO ABE RIBICOFF AND BOB GIAIMO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

● Mr. COTTER. Mr. Speaker, it is unfortunate for our State of Connecticut, and for the Nation, that two outstanding legislators are retiring from Congress this year—ABE RIBICOFF and BOB GIAIMO. Both men have spent most of their adult lives pursuing distinguished careers in politics, and those whom they served are better off for their involvement.

The recent State convention in Connecticut passed resolutions honoring ABE RIBICOFF and BOB GIAIMO, and expressing its gratitude and appreciation for their years of service. I would like to place these resolutions in the CONGRESSIONAL RECORD at this point for the benefit of all their colleagues throughout their career:

RESOLUTION HONORING CONGRESSMAN ROBERT N. GIAIMO

Whereas, Congressman Robert N. Giaimo has properly earned the title of Dean of the Connecticut Congressional Delegation by serving as Third District Representative with distinction, honor and purpose for 22 consecutive years in the U.S. House of Representatives, an achievement unique in Connecticut history; and

Whereas, Congressman Giaimo, as Chairman of the House Budget Committee, has won national acclaim from economists and wage earners alike for leading the struggle to impose fiscal discipline on the Congress, thereby reducing inflation and setting the framework for the establishment of a sound fiscal policy; and

Whereas, in his long and exceptional career he further distinguished himself by working very effectively as a member of the Appropriations Committee, the Budget Committee, the Education and Labor Committee, the Joint Committee on Congressional Operations, and the Select Committee on Intelligence; and

Whereas, during his tenure Congressman Giaimo has worked diligently and with spectacular results to secure federal assistance for the people and the communities of the Third District; and

Whereas, Robert N. Giaimo, as Congressman and as private citizen, has given many years of exemplary service to the Democratic Party of Connecticut, in the course of which years he served as Chairman of the 1976 Democratic State Convention, has supported the goals and candidates of the Democratic Party at both state and national levels, and by his conduct and good works has inspired countless young people to become involved in the political process for the noblest of reasons—service to others; and

Whereas, Congressman Giaimo is voluntarily retiring from office after 22 eventful years in Washington, a decision we all accept with sincere regret but with thanks and appreciation for his attendant decision to remain active in the affairs of the Democratic Party;

Now, therefore, be it resolved that this Democratic State Convention of 1980 does hereby unanimously express its gratitude and appreciation to Congressman Robert N. Giaimo for providing 22 years of outstanding service to his party, his state and his nation, and does further express the hope and wish that he will honor us with his counsel, his wisdom and his friendship for many years to come.

TRIBUTE AND RESOLUTION TO ABE RIBICOFF

Mr. Chairman, Delegates to this Democratic Convention:

I shall depart from the conventional and ordinary presentation, because my resolution concerns an extraordinary person—an individual who will soon bring down the curtain on 40 years—40 years of dedicated service to his State and his Nation.

Abraham A. Ribicoff—Democrat.

He leaves an enduring legacy for aspiring politicians of all persuasions—that public office is a trust inviolate.

And he has demonstrated that the word "politician" is not an unsavory word—because he has endowed it with enlightenment and noble aspiration—and not crass self interest.

The record will show that he lost but one election in all the years he ran for public office. It is no wonder that this extraordinary performance spurred the legend of the Ribicoff mystique.

It was Abe Ribicoff who had the courage and the foresight to dare to place in nomination for the Vice Presidency of the United States at the 1956 Democratic National Convention the name of a promising inspiring leader—John F. Kennedy.

It was Abe Ribicoff who, four years later, followed in the footsteps of John F. Kennedy, whose spirited words—"Ask not what your country can do for you—Ask what you can do for your country"—these words inspired an entire generation to action and service—and Abraham A. Ribicoff did respond—he did do for his country.

Often times, his was the lonely voice of dissent—The Democratic National Convention of 1968—that tragic night when pent-up emotions of protesting marchers exploded on the streets of Chicago—in a face to face confrontation with the over-reacting protectors of law and order—when referring to these chilling moments on the podium of this historic convention, the Senator from Connecticut sounded the tocsin with the now memorable words—"The truth hurts, doesn't it?"

He has the faculty of withering you with devastating facts when he does not agree with your position—and he can do this without raising his voice. But, he always listens. And, while he might not agree with you, he is never disagreeable. He introduced grace into politics.

I once asked John Bailey how he thought Governor Ribicoff would respond to a legislative proposal which had raised the hackles of many democratic lawmakers in the legislature, and John replied, "We talked about it. But, you know Abe, he'll do as he damn pleases."

It was this independence of mind that was to make Abraham Ribicoff a formidable public servant, respected and trusted by his opponents—loved by his friends.

It was Abe Ribicoff who changed forever the pattern of electioneering in this state.

When he ran for Governor in 1954, he walked up and down the main streets of this state, shaking hands with people, talking with people, addressing himself to issues that were important to people.

Abe never wasted time or energy attacking the opposition. He attacked problems and offered solutions to the people—because he believed in the humanity of people.

There are many here tonight who can recall that electrifying moment in Connecticut political history—the night of October 29, 1954.

On Station WNHC-TV—Abe Ribicoff brought to a close his gubernatorial campaign by reaching out to the voters of this state and touching them in their hearts.

After recounting his humble beginnings—selling newspapers at age ten, peddling milk, working on a road gang, going to school at night—he galvanized his invisible audience across the state with the following—and I quote—"It is the American Dream that any boy, no matter what his economic, social, or religious background might be, has the right to aspire and to achieve anything open to anyone in this great country of ours. We need never fear Communism, Fascism, or Nazism, or any other ISM, as long as boys and girls in America can dream."—unquote——

And so, Ladies and Gentleman of this Convention—

RESOLUTION

Whereas, Abraham A. Ribicoff has for four decades influenced every branch of government by his philosophy and accomplishments: From the Connecticut General Assembly in 1939; to a Municipal Judgeship in Hartford in 1941; to the Congress as Representative in 1948; to the Governorship of Connecticut in 1954 and 1958; to the President's Cabinet as Secretary of Health, Education, and Welfare in 1961; to the Senate of the United States in 1962, where he still stands tall among the great men of our land . . .

Whereas, in the United States Senate he was instrumental in the enactment of the first major car and traffic safety legislation, the first Air Pollution Control Act, the establishment of the Department of Housing and Urban Development, the establishment of the Department of Energy ,and the creation of a Cabinet-level Department of Education . . .

Whereas, he has shown a particular interest in economic foreign policy and the ties between economic issues and international politics and is the Chairman of the Finance Committee's Sub-committee on International Trade . . .

Whereas, he has worked extensively on the problems of nuclear proliferation and the prospects of peace in the Middle East. He is Chairman of the Governmental Affairs Committee and last year served as a member of the United States Mission to the United Nations . . .

Now, therefore, be it resolved that the Democratic Party of the State of Connecticut acknowledges with deep gratitude Abraham A. Ribicoff's distinguished service to his state and to this nation, because he has reaffirmed the country's faith in the best of political leadership.●

HEIGHTENED AWARENESS OF THIS COUNTRY'S PRODUCTIVITY PERFORMANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LaFalce) is recognized for 20 minutes.

● Mr. LaFALCE. Mr. Speaker, until recently, the most neglected economic problem in this country was productivity. Throughout the 1970's, the rate of productivity growth steadily declined; and that trend was transformed into an absolute decline during 1979, which has continued during the first two quarters of 1980.

Despite the key importance of productivity, that declining rate was met with widespread indifference within both the Ford and the Carter administrations. Despite my urging and the urging of some of my colleagues, no national plan on productivity has been considered, much less enacted.

However, that indifference is rapidly dissipating. More and more economists are studying the problem of declining productivity; the Joint Economic Committee is examining the nature and importance of productivity; and the General Accounting Office has established a National Productivity Group to focus increased attention on this crucial problem.

As part of that process, the Banking Subcommittee on Economic Stabilization, on which I serve, held hearings on productivity performance and the American economy during this summer. The witnesses who appeared before the subcommittee included representatives of the administration, independent experts on the U.S. economy, and commentators on two of our major competitors, Japan and the Federal Republic of Germany.

The testimony from the administration was both good and bad. The new Assistant Secretary for Productivity, Technology and Innovation within the Department of Commerce outlined a number of promising programs, which his office will be implementing in the near future. Mr. Jordan S. Baruch convincingly demonstrated that he is very aware of the acute severity of the problem and of the need for bold new steps to address the problem of declining productivity.

On the negative side, the Associate Director of the Office of Management and Budget once again indicated that the administration had no overall policy for dealing with declining productivity. Mr. Wayne G. Granquist reaffirmed the administration's opposition to the establishment of a special national center on productivity, as he has during hearings before my Small Business Subcommittee on General Oversight. He continued to defend the work of the National Productivity Council, which has a total staff allotment of two and which is located in some obscure corner of the OMB.

The Comptroller General of the United States sharply criticized the performance of the administration in the field of productivity and called for national leadership to boost productivity. He emphasized the need for a national plan on productivity and for a real government entity to coordinate productivity improvement efforts in this country. Mr. Elmer Staats stated that his office had almost finished a study of the effectiveness of the National Productivity Council, which I had requested; but he did note that they had found little to praise.

Mr. William Usery, a director of the private-sector American Productivity Center echoed many of the Comptroller General's points. He called on the Federal Government to take the lead in defining and implementing a national plan on productivity. He pointed to the imperative need for increased labor-management cooperation as a key to improving productivity and for a lessening of the adversary relationship between government and business and between labor and management. He noted that the National Productivity Council had been generally uncooperative with his center, which may help explain part of the dismal performance of the council.

A fresh perspective was provided by experts on the Japanese and West German economies. Mr. H. William Tanaka stressed Mr. Usery's point about a lessening of adversary relationships in this country, noting that the average Japanese businessman considered the Japanese Government to be his best friend. He said Japanese companies often pursue more aggressive investment and modernization policies than their American counterparts, but he went on to state that government guidance and cooperation were partially responsible for that difference in Japan. His summary was particularly thought-provoking, Mr. Speaker; and therefore, I want to quote it in toto: "This is the real lesson Japan has to offer us: Not that we should impose government policy on industry, but that coordinated industrial policy achieved as a result of searching for meaningful consensus can heighten American productivity and competitiveness." In other words, a reindustrialization of America through the cooperative efforts of government, business, and labor.

Despite his country's solid productivity performance, Mr. Werner Walbrol, executive director of the German-American Chamber of Commerce, clearly indicated that West Germany had no intention of resting on its laurels. The West German Government has made productivity improvement a top priority goal and is encouraging thorough labor-management cooperation. He stressed the importance of the investment climate and mentioned that German tax polices were designed to encourage increased savings and investments, which is a lesson this country could emulate.

Surprisingly, both Mr. Tanaka and Mr. Walbrol testified that both environmental and safety regulations in Japan and West Germany were as tough, if not more so, as their American counterparts. Mr. Walbrol went on to wryly point out that West Germany had the equivalents of the Clean Air Act and Clean Water Act long before the environment became an issue in the United States.

These hearings have reconfirmed my belief that this country must swiftly design and implement a national plan on productivity. Without a meaningful plan and without cooperation from all parties, the competitiveness of U.S. industry will continue to decline; and the simultaneous battle against inflation and economic stagnation will be lost. If the administration refuses to take the lead, the Congress must stand ready to provide that necessary leadership.●

THE PATENT TERM RESTORATION ACT OF 1980

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Kastenmeier) is recognized for 15 minutes.

● Mr. KASTENMEIER. Mr. Speaker, I am pleased to report that on July 24 the Subcommittee on Courts, Civil Liberties and the Administration of Justice, in reporting H.R. 6933, took what I believe to be a major step in improving the workings of our patent system. Although this session is drawing to a close, the bipartisan cooperation and recognition within the subcommittee that a strong and modern patent system is an essential prerequisite to restoring innovation in America leaves me optimistic that this measure can be enacted into law before Congress adjourns sine die.

Our work to improve the patent system so it provides the incentives to innovation our Founding Fathers envisioned will continue next Congress. Hearings on H.R. 6933 and other patent related legislation identified additional areas in need of legislation and oversight which the subcommittee will expeditiously pursue next Congress.

One area which the press of time made impossible to thoroughly review and process in conjunction with H.R. 6933 concerns the Patent Term Restoration Act of 1980, which I am today introducing for comment. The concept of the bill is: Where Federal premarket testing and review requirements delay commercialization of a patented product, the patent term will be extended by a period equal to the regulatory delay. The proposal was offered as an amendment to H.R. 6933 during subcommittee markup. However, when it appeared that an extensive debate over the wisdom of the amendment was likely, the proponents graciously withdrew it, and I agreed to introduce it separately for later consideration.

The commercial exclusivity period provided by a patent has been substantially reduced for products subject to Federal premarket testing and regulatory review requirements. Over the past several years, Congress has enacted major laws requiring increasingly stringent testing and regulatory review of drugs. medical devices, pesticides, and other chemical substances. These laws have provided important major protections to our citizens and the environment. However, witnesses before the subcommittee argued that there has been an unintended effect of lessening the effective patent life since products covered by such laws may not be marketed until they have been tested and reviewed in accordance with the statutory requirements.

It is alleged that the loss of patent life has been substantial in some industries. For instance, we are told in 1962 it took about 2 years and $4 million to bring a new pharmaceutical product from discovery to marketing; now it takes 8 years and $50 million. This means that for the average new drug, the patent term is almost half over before the inventor can begin to market it. An EPA study in 1977 estimated there may be only 12 or so years left on a patent by the time a pesticide manufacturer has established through long term testing that a pesticide is safe enough to be registered for commercial marketing.

Witnesses before our subcommittee discussed the adverse effect such patent term loss has had on research and innovation. They argued that the rewards for the innovator are declining at the very time research costs are soaring both in terms of dollars and time. Testing techniques have become more time consuming and expensive, and new products are more illusive and difficult to develop. Witnesses stated that in the pharmaceutical field the rate of new pharmaceutical entities introduced has decreased by 62 percent in the last two decades.

It is important, however, to assure that there be a full and fair examination of the arguments for and against this proposal. I know that consumer groups, in particular, may have constructive comments on the measure. For that reason, as chairman of the Courts, Civil Liberties and Administration of Justice Subcommittee, I intend to hold thorough hearings on the legislation early next Congress to assure a thorough understanding of all its ramifications before proceeding further, and I particularly welcome my colleagues' comments and discussions on the legislation.

I insert a section-by-section analysis of the bill at the conclusion of my remarks:

Section-by-Section Analysis of Patent Term Restoration Act

Overview—The bill compensates a patent holder for time lost in which to commercialize the patented product because of Federal premarket testing or regulatory review requirements. This is accomplished by extending the patent by a period of time equal to the time spent doing the testing and undergoing the regulatory review. In no case may the patent be extended by more than 7 years. A product may receive a patent extension only if the relevant regulatory agency permits it to be marketed. Patented products eligible for the extension are human drugs and biologicals, animal drugs and biologicals, food additives, color additives, pesticides, other chemical substances, and medical devices.

The extension applies only to the specific product which is subject to the testing and review requirements. This means that if a single patent covers a generic chemical class, the extension applies only to the chemical entity which has undergone the regulatory review. Moreover, the extension is limited to the particular statutory use of the chemical for which the review was required. For example, a chemical may be used as a drug, and it may also be used in a cosmetic. Because the product does not have to undergo premarket testing and review for the cosmetic use, the patent extension would apply to the chemical when it was used as a drug but not as a cosmetic.

A patent holder obtains the extension by notifying the Commissioner of Patents that his or her patented product has just undergone premarket testing and regulatory review (this is called a "regulatory review period" in the bill). The notice tells the Commissioner how long the review period has lasted. The Commissioner then issues a certificate extending the patent by a period equal to the regulatory review period.

Following is a section by section explanation of the bill.

Section 1.—Section 1 provides that the act will be called the Patent Term Restoration Act.

Section 2—Section 2 contains the Congressional findings and policy. They include findings relating to the importance of the patent system to provide incentives for investment in innovation and new product development. The findings recognize the importance of Federal health and environment laws, but also note that the premarket testing and regulatory review required under such laws may substantially reduce the period of commercial exclusivity for patented products. The Congressional policy is that the term of patents on products subjects to premarket review and testing requirements should be extended to compensate for delays in commercialization resulting from such requirements.

Section 3 adds a new section, section 155, to Title 35 of the U.S. Code. The new section 155 contains three subsections as follows:

Subsection (a)—Subsection (a) provides that a patent applicable to a product subject to a regulatory review period, or a patent applicable to a process for use of such a product, may be extended by a period of time equal to the regulatory review period. In order to obtain the extension, three conditions must be met. First, the patentee must give notice to the Commissioner of Patents. Second, the regulatory review process must have resulted in the removal of restrictions on marketing the product commercially.

Third, the patent must not have expired before the Commissioner receives the required notice.

The subsection limits the extension to the specific product subject to the regulatory review period and to the statutory use for which review was required.

In no event may the patent be extended for more than 7 years.

Subsection (b)—Subsection (b)(1) spells out what must be included in the notice to the Commissioner. The notice must be given to the Commissioner within 90 days after the regulatory review period has ended. The notice must state the date on which the regulatory review period began and ended; it must identify the product and use subject to the regulatory review period; it must contain a statement that the restrictions on marketing have been removed; and it must identify the particular claim of the patent to which the extension applies and how long the extension should be.

Subsection (b)(2) requires the Commissioner to publish the information received in the notice in the Official Gazette of the Patent and Trademark Office.

Subsection (b)(3) requires the Commissioner to issue a certificate to be recorded in the official file of the patent spelling out the details of the extension.

Subsection (b)(4) provides that any extension shall be revoked by the Commissioner if the person subject to the regulatory review period is convicted of submitting false or fraudulent data to obtain the regulatory approval.

Subsection (c)—Subsection (c) defines the products eligible for extension and it defines the regulatory review period for those products.

Products covered are human drugs, animal drugs, food additives, color additives, human or veterinary biological products, pesticides, chemical substances or mixtures, and medical devices.

The following is an explanation of the regulatory review period for each of the products:

Human drug or biological—The regulatory review period begins on the date the patentee submits an investigational new drug application to the FDA, and it ends on the date FDA approves the drug or biological.

Animal drug—The period begins on the date the patentee submits an investigational new drug application to FDA, and it ends on the date FDA approves the drug.

Veterinary biological—The period begins on the date the patentee asks the USDA for permission to begin testing, and it ends on the date USDA approves the biological.

Food additive—The period begins on the date the patentee initiates a major health or environmental effects test on the food additive, and it ends on the date FDA issues a regulation approving the food additive.

Color additive—The period begins on the date the patentee begins a major health or environmental effects test on the additive, and it ends on the data FDA issue a regulation approving the additive.

Pesticide—The period begins on the earlier of the date the patentee initiates a major health or environmental effects test, applies for an experimental use permit, or applies for registration, and it ends on the date EPA registers the pesticide.

Chemical substance or mixture—If EPA has issued a testing rule for the substance or mixture, the regulatory review period begins on the date the patentee begins the required testing. If no testing rule has been issued, then the regulatory review period begins on the date the patentee either submits a premanufacture notice or begins a major health or environmental effects test. The period ends on the date the substance or mixture may be legally manufactured for commercial purposes.

If a patent has not been granted at the time the regulatory review period begins, then the extension period is measured from the time the patent is granted until the end of the regulatory review period. If a product is undergoing regulatory review at the time the bill is enacted, then the regulatory review period will be considered to have started on the effective date of the bill.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. SNOWE (at the request of Mr. RHODES), for August 20, 1980, on account of attending the funeral of former Governor Longley.

Mr. EMERY (at the request of Mr. RHODES), for August 20, 1980, on account of attending the funeral of former Governor Longley.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. LEACH of Iowa) to revise and extend his remarks and include extraneous material:)

Mr. COLEMAN, for 30 minutes, August 20, 1980.

(The following Members (at the request of Mr. WALGREN) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DRINAN, for 5 minutes, today.

Mr. KOSTMAYER, for 5 minutes, today.

Mr. COTTER, for 5 minutes, today.

Mr. LAFALCE, for 20 minutes, today.

Mr. KASTENMEIER, for 15 minutes, today.

Mrs. COLLINS of Illinois, for 60 minutes, August 20, 1980.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SYMMS, immediately preceding the vote on the Hance amendment to the bill H.R. 7583 in the Committee of the Whole today.

Mr. SYMMS, in favor of the Erlenborn amendment, immediately after the remarks of Mr. ERLENBORN.

Mr. RUDD and Mr. ALBOSTA, to revise and extend their remarks in support of the Hance amendment prior to its adoption.

Mr. DORNAN, in support of the Hance amendment to H.R. 7583, immediately following the remarks of Mr. HANCE.

(The following Members (at the request of Mr. LEACH of Iowa) and to include extraneous matter:)

Mr. YOUNG of Florida in five instances.

Mr. MCCLOSKEY in two instances.

Mr. RHODES.

Mr. BROOMFIELD in two instances.

Mr. HYDE.

Mr. WAMPLER.

Mr. GINGRICH.

Mr. PAUL in two instances.

Mr. BEARD of Tennessee in two instances.

Mr. LENT.

Mr. COUGHLIN in two instances.

Mr. BEREUTER.

Mr. DERWINSKI in three instances.

Mr. FINDLEY.

Mr. COLEMAN.

Mr. BOB WILSON in three instances.

Mr. DORNAN in three instances.

Mr. LEWIS.

Mr. SYMMS.

Mr. DANNEMEYER.

Mr. STANTON.

Mr. WHITEHURST.

(The following Members (at the request of Mr. WALGREN) and to include extraneous matter:)

Mr. ROE.

Mr. WALGREN in two instances.

Mr. KILDEE.

Mr. ASPIN.

Mr. BOWEN.

Mr. NOLAN.

Mr. HEFTEL.

Mr. NOWAK.

Mr. CAVANAUGH.

Mr. CONYERS.

Mr. WAXMAN.

Mr. STOKES in two instances.

Mr. MURTHA.

Mr. MAGUIRE.

Mr. LEATH of Texas.

Mr. ROSENTHAL.

Mr. LLOYD.

Mr. BEARD of Rhode Island.

Mr. ALBOSTA.

Mr. PEASE.

Mr. LAFALCE.

Mrs. SPELLMAN.

Mr. AKAKA.

Mrs. COLLINS of Illinois.

Mr. SANTINI in two instances.

Mr. ST GERMAIN.

Mr. ROYBAL in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 762. An act to permit the vessel *Scuba King* to be documented for use in the fisheries and coastwise trade of the United States; to the Committee on Merchant Marine and Fisheries.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1863. An act to authorize the Secretary of Commerce to charter the NS *Savannah* to Patriots Point Development Authority, an agency of the State of South Carolina.

ENROLLED JOINT RESOLUTION SIGNED

Mr. NEDZI, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title which was thereupon signed by the Speaker:

H.J. Res. 589. Joint resolution providing additional program authority for the Export-Import Bank.

ADJOURNMENT

Mr. WOLFF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 43 minutes p.m.), the the House adjourned until tomorrow, Wednesday, August 20, 1980, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees, and delegations traveling under an authorization from the Speaker, concerning the foreign currencies and U.S. dollars utilized by them during the first and second quarters of calendar year 1980 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S.dollar equvalent or U.S. currency [2]
Hon. James Johnson [3]	4/5	4/8	Egypt								
	4/8	4/12	Israel								
	4/12	4/14	Tunisia								
Hon. Richard Nolan	5/23	5/24	Italy	144, 800	172.00					144, 800	172.00
	5/24	5/28	Israel	14, 496	320.00					14, 496	320.00
	5/28	5/31	India	1, 741.50	225.00					1, 741.50	225.00
	5/31	6/3	Pakistan	2, 257.20	228.00					2, 257.20	228.00
Military transportation per person.							3, 679.53				
Committee total											

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] All information for above trip not received yet, supplemental report will follow.

July 30, 1980.

THOMAS S. FOLEY, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency
Delegation to Indian Ocean and Pakistan:											
Byron, Congresswoman Beverly B.	4/3	4/4	Sudan		75.00						75.00
	4/4	4/5	Somalia	464.20	75.00					464.20	75.00
	4/5	4/6	Oman	73.87	216.00					73.87	216.00
	4/7	4/9	Pakistan	1, 504.80	152.00					1, 504.80	152.00
	4/9	4/10	Saudi Arabia	506.20	152.00					506.20	152.00
	4/10	4/11	Kuwait	41/400	154.00					41/400	154.00
	4/11	4/13	Turkey	11, 055	150.00					11, 055	150.00
Transportation, Department of the Air Force.							5, 404.36				5, 404.36
Holt, Congresswoman Marjorie S.	4/3	4/4	Sudan		75.00						75.00
	4/4	4/5	Somalia	464.20	75.00					464.20	75.00
	4/5	4/6	Oman	73.87	216.00					73.87	216.00
	4/7	4/9	Pakistan	1, 504.80	152.00					1, 504.80	152.00
	4/9	4/10	Saudi Arabia	506.20	152.00					506.20	152.00
	4/10	4/11	Kuwait	41/400	154.00					41/400	154.00
	4/11	4/13	Turkey	11, 055	150.00					11, 055	150.00
Transportation, Department of the Air Force.							5, 404.36				5, 404.36
Ichord, Congressman Richard H.	4/3	4/4	Sudan		75.00						75.00
	4/4	4/5	Somalia	464.20	75.00					474.20	75.00
	4/5	4/6	Oman	73.870	216.00					73.870	216.00
	4/7	4/9	Pakistan	1, 504.80	152.00					1, 504.80	152.00
	4/9	4/10	Saudi Arabia	506.20	152.00					506.20	152.00
	4/10	4/11	Kuwait	41/400	154.00					41/400	154.00
	4/11	4/13	Turkey	11, 055	150.00					11, 055	150.00
Transportation, Department of the Air Force.							5, 404.36				5, 404.36
Price, Congressman Melvin	4/3	4/4	Sudan		75.00						75.00
	4/4	4/5	Somalia	464.20	75.00					464.20	75.00
	4/5	4/6	Oman	73.870	216.00					73.870	216.00
	4/7	4/9	Pakistan	1, 504.80	152.00					1, 504.80	152.00
	4/9	4/10	Saudi Arabia	506.20	152.00					506.20	152.00
	4/10	4/11	Kuwait	41/400	154.00					41/400	154.00
	4/11	4/13	Turkey	11, 055	150.00					11, 055	150.00
Transportation, Department of the Air Force.							5, 404.36				5, 404.36
Nedzi, Congressman Lucien N.	4/3	4/4	Sudan		75.00						75.00
	4/4	4/5	Somalia	464.20	75.00					464.20	75.00
	4/5	4/6	Oman	73, 870	216.00					73, 870	216.00
	4/7	4/9	Pakistan	1, 504.80	152.00					1, 504.80	152.00
	4/9	4/10	Saudi Arabia	506.20	152.00					506.20	152.00
	4/10	4/11	Kuwait	41/400	154.00					41/400	154.00
	4/11	4/13	Turkey	11, 055	150.00					11, 055	150.00
Transportation, Department of the Air Force.							5, 404.36				5, 404.36
Schroeder, Congresswoman Patricia.	4/3	4/4	Sudan		75.00						75.00
	4/4	4/5	Somalia	464.20	75.00					464.20	75.00
	4/5	4/6	Oman	73.870	216.00					73.870	216.00
	4/7	4/9	Pakistan	1, 504.80	152.00					1, 504.80	152.00
	4/9	4/10	Saudi Arabia	506.20	152.00					506.20	152.00
	4/10	4/11	Kuwait	41/400	154.00					41/400	154.00
	4/11	4/13	Turkey	11, 055	150.00					11, 055	150.00
Transportation, Department of the Air Force.							5, 404.36				5, 404.36
Stratton, Congressman Samuel S.	4/3	4/4	Sudan		75.00						75.00
	4/4	4/5	Somalia	464.20	75.00					464.20	75.00
	4/5	4/6	Oman	73.870	216.00					73.870	216.00
	4/7	4/9	Pakistan	996.23	100.63					996.23	100.63
	4/9	4/10	Saudi Arabia	506.20	152.00					506.20	152.00
	4/10	4/11	Kuwait	41/400	154.00					41/400	154.00
	4/11	4/13	Turkey	11, 055	150.00					11, 055	150.00

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1980—Con.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Delegation to Indian Ocean and Pakistan—Continued											
Transportation, Department of the Air Force.							5,404.36				5,404.36
Stump, Congressman Robert	4/3	4/4	Sudan		75.00						75.00
	4/4	4/5	Somalia	464.20	75.00					464.20	75.00
	4/5	4/6	Oman	73.870	216.00					73.870	216.00
	4/7	4/9	Pakistan	1,504.80	152.00					1,504.80	152.00
	4/9	4/10	Saudi Arabia	506.20	152.00					506.20	152.00
	4/10	4/11	Kuwait	41/400	154.00					41/400	154.00
	4/11	4/13	Turkey	11,055	150.00					11,055	150.00
Transportation, Department of the Air Force.							5,404.36				5,404.36
Trible, Congressman Paul S., Jr.	4/3	4/4	Sudan		75.00						75.00
	4/4	4/5	Somalia	464.20	75.00					464.20	75.00
	4/5	4/6	Oman	73.870	216.00					73.870	216.00
	4/7	4/9	Pakistan	1,504.80	152.00					1,504.80	152.00
	4/9	4/11	Saudi Arabia	1,012.40	304.00					1,012.40	304.00
	4/11	4/13	Israel	6363	150.00					6363	150.00
Transportation, Department of the Air Force.							3,357.90				3,357.09
Transportation, Department of State.							2,164.50				2,164.50
White, Congressman Richard C.	4/3	4/4	Sudan		75.00						75.00
	4/4	4/5	Somalia	464.20	75.00					464.20	75.00
	4/5	4/6	Oman	73.870	216.00					73.870	216.00
	4/7	4/9	Pakistan	1,504.80	152.00					1,504.80	152.00
	4/9	4/10	Saudi Arabia	506.20	152.00					506.20	152.00
	4/10	4/11	Kuwait	41/400	154.00					41/400	154.00
	4/11	4/13	Turkey	11,055	150.00					11,055	150.00
Transportation, Department of the Air Force.							5,404.36				5,404.36
Wilson, Congressman Bob	4/3	4/4	Sudan		75.00						75.00
	4/4	4/5	Somalia	464.20	75.00					464.20	75.00
	4/5	4/6	Oman	73.870	216.00					73.870	216.00
	4/7	4/9	Pakistan	1,504.80	152.00					1,504.80	152.00
	4/9	4/10	Saudi Arabia	506.20	152.00					506.20	152.00
	4/10	4/11	Kuwait	41/400	154.00					41/400	154.00
	4/11	4/13	Turkey	11,055	150.00					11,055	150.00
Transportation, Department of the Air Force.							5,404.36				5,404.36
Won Pat, Delegate Antonio B.	4/3	4/4	Sudan		75.00						75.00
	4/5	4/6	Oman	73.870	216.00					73.870	216.00
	4/7	4/9	Pakistan	1,504.80	152.00					1,504.80	152.00
	4/9	4/10	Saudi Arabia	506.20	152.00					506.20	152.00
	4/10	4/11	Kuwait	41/400	154.00					41/400	154.00
	4/11	4/13	Turkey	11,055	150.00					11,055	150.00
Transportation, Department of the Air Force.							6,813.42				6,813.42
Wyatt, Congressman Joseph P., Jr.	4/3	4/4	Sudan		75.00						75.00
	4/4	4/5	Somalia	464.20	75.00					464.20	75.00
	4/5	4/6	Oman	73.870	216.00					73.870	216.00
	4/7	4/9	Pakistan	1,504.80	152.00					1,504.80	152.00
	4/9	4/10	Saudi Arabia	506.20	152.00					506.20	152.00
	4/10	4/11	Kuwait	41/400	154.00					41/400	154.00
	4/11	4/13	Turkey	11,055	150.00					11,055	150.00
	4/13	4/14	Italy	65,400	75.00					65,400	75.00
Transportation, Department of the Air Force.							3,981.97				3,981.97
Ford, John J.	4/3	4/4	Sudan		75.00						75.00
	4/4	4/5	Somalia	464.20	75.00					464.20	75.00
	4/5	4/6	Oman	73.870	216.00					73.870	216.00
	4/7	4/9	Pakistan	1,504.80	152.00					1,504.80	152.00
	4/9	4/10	Saudi Arabia	506.20	152.00					506.20	152.00
	4/10	4/11	Kuwait	41/400	154.00					41/400	154.00
	4/11	4/13	Turkey	11,055	150.00					11,055	150.00
Transportation, Department of the Air Force.							5,404.36				5,404.36
Hale, Russel D.	4/3	4/4	Sudan		75.00						75.00
	4/4	4/5	Somalia	464.20	75.00						75.00
	4/5	4/6	Oman	73.870	216.00					73.870	216.00
	4/7	4/9	Pakistan	1,504.80	152.00					1,504.80	152.00
	4/9	4/10	Saudi Arabia	506.20	152.00					506.20	152.00
	4/10	4/11	Kuwait	41/400	154.00					41/400	154.00
	4/11	4/13	Turkey	11,055	150.00					11,055	150.00
Transportation, Department of the Air Force.							5,404.36				5,404.36
Scrivner, Peter C.	4/3	4/4	Sudan		75.00						75.00
	4/4	4/6	Oman	73.870	216.00					73.870	216.00
	4/7	4/9	Pakistan	1,504.80	152.00					1,504.80	152.00
	4/9	4/10	Saudi Arabia	506.20	152.00					506.20	152.00
	4/10	4/11	Kuwait	41/400	154.00					41/400	154.00
	4/11	4/13	Turkey	11,055.20	150.00					11,055.20	150.00
Transportation, Department of the Air Force.							6,814.42				6,814.42
White, Justus P., Jr.	4/3	4/4	Sudan		75.00						75.00
	4/4	4/5	Somalia	464.20	75.00					464.20	75.00
	4/5	4/6	Oman	73.870	216.00					73.870	216.00
	4/7	4/9	Pakistan	1,504.80	152.00					1,504.80	152.00
	4/9	4/10	Saudi Arabia	506.20	152.00					506.20	152.00
	4/10	4/11	Kuwait	41/400	154.00					41/400	154.00
	4/11	4/13	Turkey	11,055	150.00					11,055	150.00
Transportation, Department of the Air Force.							5,404.36				5,404.36
Wincup, G. Kim	4/3	4/4	Sudan		75.00						75.00
	4/4	4/5	Somalia	464.20	75.00					464.20	75.00
	4/5	4/6	Oman	73.870	216.00					73.870	216.00
	4/7	4/9	Pakistan	1,504.80	152.00					1,504.80	152.00
	4/9	4/10	Saudi Arabia	506.20	152.00					506.20	152.00
	4/10	4/11	Kuwait	41/400	154.00					41/400	154.00
	4/11	4/13	Turkey	11,055.00	150.00					11,055	150.00

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1980—Con

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Delegation to Indian Ocean and Pakistan—Continued											
Transportation, Department of the Air Force.							5,404.36				5,404.36
Group expenses in Pakistan, Department of State.									566.77		566.77
Group expenses in Sudan, Department of State.									663.33		663.33
Group expenses in Kuwait, Department of State.									3,389.35		3,389.35
Group expenses in Turkey, Department of State.									614.08		614.08
Group expenses in Oman, Department of State.									1,496.06		1,496.06
Individual travel:											
Schatzman, Frederick A	4/7	4/9	England	54.07	117.00					54.07	117.00
	4/9	4/10	Belgium	49.43	107.00					49.43	107.00
	4/10	4/12	Germany	113.64	246.00					113.64	246.00
Transportation, Department of State.							1,943.00				1,943.00
Transportation, Department of the Air Force.							1,283.70				1,283.70
Nedzi, Congressman Lucien N	6/6	6/13	Poland	20,335.40	674.25					20,355.40	674.25
	6/14	6/18	Germany	554.4	315.00					554.4	315.00
Transportation, Department of State.							1,421.00				1,421.00
Committee totals					18,862.88		103,440.14		6,729.59		129,032.61

[1] Per Diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

July 30, 1980.

MELVIN PRICE, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Stephen J. Verdier	4/14	4/17	Brazil		276.00		61.65				337.65
	4/18	4/19	Peru		150.00		30.00				180.00
							[1] 1,075.00				1,075.00
Michael P. Flaherty	4/22	4/28	Italy		450.00		199.79				649.79
	4/28	4/29	West Germany		94.00						94.00
	4/29	5/1	England		23.00						234.00
	5/1	5/4	Ireland		318.00						318.00
							[3] 2,400.00				2,400.00
Curtis Prins	6/5	6/7	Luxembourg		267.00		[4] 33.90				300.90
							[4] 1,395.00				1,395.00
David Secrest	6/20	6/21	Senegal								
	6/21	6/27	Ivory Coast		833.00						833.00
							[3] 1,559.00				1,559.00
Committee total					2,622.00		6,754.34				9,376.34

[1] Per Diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Transportation paid by State Department.

[4] Pro rata ground transp. and Military aircraft.

July 31, 1980.

HENRY S. REUSS, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]
Hon. Frank Thompson, Jr	6/1	6/6	Switzerland	825.75	500.00	396.40	243.71	0	0-0	1,222.15	743.71
	6/6	6/12	England	321.70	756.00	0	0	0	0	321.70	756.00
			Transoceanic TKT				945.00				945.00
Subtotal											2,444.71
Hon. John Erlenborn	6/22	6/24	Switzerland	489.90	300.00	100 128.39	[3] 1,325.00				
Subtotal											1,765.18
Donald Baker	6/9	6/26	Switzerland	2,794.80	1,700.00		[4] 2,305.00	0	0	2,794.80	1,700.00 [4] 2,305.00
Subtotal											4,005.00

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1980—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[3]	Foreign currency	U.S. dollar equivalent or U.S. currency[3]
Charles Radcliffe	6/15	6/25	Switzerland	1,785.85	1,100.00	180.86	[5] 702.00			1,966.71	702.00 1,211.40
Subtotal											1,913.40
Committee total					4,356.00		5,772.29				10,128.29

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Airfare (roundtrip United States to Munich), 61.23 (rail Munich-Geneva-Munich), 78.95 local transportation.

[4] Does not include unreimbursed cab fares totaling about SF 40 (equivalent $25.00).

[5] Airfare (roundtrip United States to Paris), 111.40 rail (roundtrip Paris to Geneva).

July 24, 1980.

CARL D. PERKINS, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1980

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[3]	Foreign currency	U.S. dollar equivalent or U.S. currency[3]
Berdes, G.	4/4	4/6	Spain		192.00		349.44				541.44
	4/6	4/8	Morocco		150.00		487.68				637.68
	4/8	4/10	Algeria		180.00						180.00
	4/10	4/12	Tunisia		246.00		65.33		170.40		481.73
	4/12	4/14	Malta		150.00				157.76		307.76
Military transportation							6,625.64				6,625.64
Bingham, J. B.	3/31	4/1	Korea		164.00		60.89		40.79		265.68
	4/2	4/3	Japan[2]		184.00		21.49		1,046.91		1,252.40
	4/4	4/12	China (PRC)		675.00		31.92		16.75		723.67
Military transportation							4,402.05				4,402.05
Total					1,941.00		12,044.44		1,432.61		15,418.05
Bonker, D.	3/31	4/1	Korea		164.00		60.89		40.79		265.68
	4/2	4/3	Japan		184.00		21.49		16.20		221.69
	4/4	4/12	China (PRC)		675.00		31.92		16.75		723.67
Military transportation							4,402.05				4,402.05
Bowen, D.	4/4	4/6	Spain		192.00		349.44				541.44
	4/6	4/8	Morocco		150.00		487.68				637.68
	4/8	4/10	Algeria		180.00						180.00
	4/10	4/12	Tunisia		246.00		65.33		170.40		481.73
	4/12	4/14	Malta		150.00				157.76		307.76
Military transportation							6,625.64				6,625.64
	6/2	6/4	France		342.00						342.00
Commercial transportation							2,044.00				2,044.00
Total					2,283.00		14,088.44		401.90		16,773.34
Brady, J. J.	4/4	4/6	Spain		192.00		349.44				541.44
	4/6	4/8	Morocco		150.00		487.68				637.68
	4/8	4/10	Algeria		180.00						180.00
	4/10	4/12	Tunisia		246.00		65.33		170.40		481.73
	4/12	4/14	Malta		150.00				157.76		307.76
Military transportation							6,625.64				6,625.64
Daoust, E.	6/6	6/7	Costa Rica		75.00		31.93		105.35		212.28
	6/7	6/10	Nicaragua		210.00		270.66		40.03		520.69
Military transportation							839.82				839.82
Dunman, T.	3/31	4/1	Korea		164.00		60.89		40.79		265.68
	4/2	4/3	Japan		184.00		21.49		16.20		221.69
	4/4	4/12	China		675.00		31.92		16.75		723.67
Military transportation							4,402.05				4,402.05
Total					2,226.00		13,186.85		547.28		15,960.13
Fascell D. B.	4/7	4/8	St. Lucia		80.00						80.00
	4/8	4/9	St. Kitts		60.00						60.00
	4/9	4/11	Barbados		20.65						20.65
Military transportation							4,982.25				4,982.25
Finley M.	4/7	4/8	St. Lucia		80.00						80.00
	4/8	4/9	St. Kitts		60.00						60.00
	4/9	4/11	Barbados		280.00						280.00
Military transportation							4,982.25				4,982.25
Fithian F.	3/31	4/1	Korea		164.00		60.89		40.79		265.68
	4/2	4/3	Japan		184.00		21.49		16.20		221.69
	4/4	4/12	China (PRC)		675.00		31.92		16.75		723.67
Military transportation							4,402.05				4,402.05
Fox J. E.	6/6	6/7	Costa Rica		72.87		31.93		105.35		210.15
	6/7	6/9	Nicaragua		168.23		270.66		40.03		478.92
Military transportation							839.82				839.82
Total					1,844.75		15,623.26		219.12		17,687.13
Grant, T.	4/4	4/6	Spain		192.00		349.44				541.44
	4/6	4/8	Morocco		150.00		487.68				637.68
	4/8	V/10	Algeria		180.00						180.00
	4/10	4/12	Tunisia		246.00		65.33		170.40		481.73
	4/12	4/14	Malta		150.00				157.76		307.76
Military transportation							6,625.64				6,625.64

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1980—Con

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Gray, W.	4/7	4/8	St. Lucia		80.00						80.00
	4/8	4/9	St. Kitts		60.00						60.00
	4/9	4/11	Barbados		140.00						140.00
Military transportation							4,982.00				4,982.20
	6/1	6/3	Liberia		75.00						75.00
Commercial transportation							3,074.50				3,074.50
Total					1,273.00		15,584.79		328.16		17,185.95
Ingram, G.	3/31	4/1	Korea		164.00		60.89		40.79		265.68
	4/2	4/3	Japan		184.00		21.49		16.20		221.69
	4/4	4/12	China (PRC)		675.00		31.92		16.75		723.67
Military transportation							4,402.05				4,402.05
	6/6	6/7	Costa Rica		75.00		31.93		105.35		212.28
	6/7	6/10	Nicaragua		164.00		270.66		40.03		474.69
Military transportation							839.82				839.82
Ireland, A.	3/31	4/1	Korea		164.00		60.89		40.79		265.68
	4/2	4/3	Japan		184.00		21.49		16.20		221.69
	4/4	4/12	China (PRC)		675.00		31.92		16.75		723.67
Military transportation							4,402.05				4,402.05
Johnson, V.	5/19	5/24	Yugoslavia		375.00						375.00
Commercial transportation							1,082.00				1,082.00
Total					2,660.00		11,257.11		292.86		14,209.97
Lagomarsino, R. J.	3/31	4/1	Korea		164.00		60.89		40.79		265.68
	4/2	4/3	Japan		184.00		21.49		16.20		221.69
	4/4	4/12	China (PRC)		675.00		31.92		16.75		723.67
Military transportation							4,402.05				4,402.05
Majak, R.	3/31	4/1	Korea		164.00		60.89		40.79		265.68
	4/2	4/3	Japan		184.00		21.49		16.20		221.69
	4/4	4/12	China (PRC)		657.00		31.92		16.75		723.67
Military transportation							4,402.05				4,402.05
Mann, J. L.	5/25	5/26	Switzerland		85.33						85.33
Military transportation (White House).							1,476.64				1,476.64
Nelson, S.	4/4	4/6	Spain		192.00		349.44				541.44
	4/6	4/8	Morocco		150.00		487.68				637.68
	4/8	4/10	Algeria		180.00						180.00
	4/10	4/12	Tunisia		246.00		65.33		170.40		481.73
Total					2,899.33		11,411.79		317.88		14,629.00
	4/12	4/14	Malta		150.00				157.76		307.76
Military transportation							6,625.64				6,625.64
Pritchard, J.	4/1	4/3	Japan		276.00		21.49		16.20		313.69
	4/4	4/12	China (PRC)		676.00		31.92		16.75		723.67
Commercial transportation (over).							490.00				490.00
Military transportation (return and in-country).							4,402.05				4,402.05
Rovner, C.	3/31	4/1	Korea		164.00		60.89		40.79		265.68
	4/2	4/3	Japan		184.00		100.15		16.20		300.35
	4/4	4/12	China (PRC)		675.00		31.92		16.75		723.67
Military transportation							4,402.05				4,402.05
Schollaert, J.	5/23	5/24	Italy		172.00		38.40		6.73		217.13
	5/24	5/28	Israel		320.00						320.00
	5/29	5/31	India		225.00		13.96		8.17		247.13
Total					2,841.00		16,218.47		279.35		19,338.82
	5/31	6/3	Pakistan		228.00						228.00
Military transportation							3,679.53				3,679.53
Silver, L.	5/24	5/26	Switzerland		89.05						89.05
Military transportation (White House).							1,476.64				1,476.64
Solarz, S. J.	5/24	5/26	Switzerland		158.50						158.50
Military transportation (White House).							1,476.64				1,476.64
Soriano, R.	6/5	6/8	Luxembourg		267.00		33.90				300.90
Military transportation							697.50				697.50
	6/13	6/15	Germany		182.00						182.00
Commercial transportation (return only).							817.50				817.05
Van Dusen, M.	6/19	6/22	England		252.00		29.70				281.70
Commercial transportation							2,305.00				2,305.00
Total					1,176.55		10,515.96				11,682.51
Zablocki, C. J.	4/4	4/6	Spain		192.00		349.44				541.44
	4/6	4/8	Morocco		150.00		487.68				637.68
	4/8	4/10	Algeria		180.00						180.00
	4/10	4/12	Tunisia		246.00		65.33		170.40		481.73
	4/12	4/14	Malta		150.00				157.76		307.76
Military transportation							6,625.64				6,625.64
Total					918.00		7,528.09		328.16		8,774.25
Grand total for 2d quarter of 1980											151,659.15

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.

[3] Official delegation luncheon hosted by Congressman Bingham total cost (filed under "Other purposes") $1,030.71.

July 30, 1980.

CLEMENT J. ZABLOCKI, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]
Noah M. St. Clair, Jr. (HIS)	6/22	6/25	Canada	300.96	262.50	205.45	179.20			506.41	441.70
Harry L. Sanders (HIS)	6/20	6/25	Canada	300.96	262.50	229.82	200.46			530.78	462.96
David P. Underwood (HIS)	6/22	6/25	Canada	300.96	262.50	205.45	179.20			506.41	441.70
Committee total					787.50		558.86				1,346.36

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

July 21, 1980.

LUCIEN N. NEDZI, Acting Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]
Paul S. Basile	6/22	6/25	England	160-50	382.79						382.79
Commercial transportation							2,302.00				2,302.00
Lionel Van Deerlin (Congressman)	4/3	4/4	Sudan		75.00						75.00
	4/4	4/5	Somalia		75.00						75.00
	4/5	4/6	Oman		216.00						216.00
	4/7	4/9	Pakistan		152.00						152.00
	4/9	4/10	Saudi Arabia		152.00						152.00
	4/10	4/11	Kuwait		154.00						154.00
	4/11	4/13	Turkey		150.00						150.00
Military transportation							5,404.36				5,404.36
Committee total					1,356.79		7,706.36				9,063.15

[1] Per diem constitutes lodging and meals

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HARLEY O. STAGGERS, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S currency [2]
Garner J. Cline, staff	5/28	6/2	Switzerland	959.05	576.00	528.80	321.26			1,487.85	897.26
							2,117.00				2,117.00
Committee total					576.00		2,438.26				3,014.26

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER W. RODINO, Jr., Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]
Cassani, Rudolph	6/21	6/27	United Kingdom	374.12	882.00		661.50				1,543.50
Wallace, Sidney	5/31	6/14	United Kingdom	746.01	1,755.00		875.00				2,630.00
Wyatt, Hon. Joe	4/17	4/18	Germany	302.40	160.00		[3] 1,600.96				1,760.90
	4/19	4/20	Netherlands	169.34	83.00	182.80	[4] 96.72				179.70
Committee total					2,880.00		3,234.18				6,114.18

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Airline ticket, Washington, D.C. to Houston, Tex., returned to State Department.

[4] U.S. Embassy, Munich, Germany, provided train ticket, Munich to Rotterdam, $96.72.

July 24, 1980.

THOMAS L. ASHLEY, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Howard, James J	5/12	5/15	Germany	429.60	240.00	4,482.94	2,664.50			4,912.55	2,904.50
Howard, James J	5/15	5/17	Hungary		180.00		33.63				213.63
D'Amico, Salvatore J	5/12	5/15	Germany	429.60	240.00	4,482.95	2,664.50			4,912.55	2,904.50
D'Amico, Salvatore J	5/15	5/17	Hungary		180.00		33.63				213.63
Committee total					840.00		5,396.26				6,236.26

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

July 30, 1980.

HAROLD T. JOHNSON, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S currency
Hon. Richard Bolling	4/10	4/14	England				2,053.00				2,053.00
Hon. Anthony C. Beilenson	3/31	4/1	Korea	95,120	164.00		60.89		40.79		265.68
	4/2	4/3	Japan	46,184	184.00		100.10		16.20		300.30
	4/4	4/12	China	1,068.46	675.00		31.92		16.75		723.67
Military transportation							4,402.05				4,402.05
Hon. Gillis W. Long	4/4	4/6	Spain	14,016	192.00		349.44				541.44
	4/6	4/8	Morocco	615	150.00		487.63				637.68
	4/8	4/10	Algeria	707.81	180.00						180.00
	4/10	4/12	Tunisia	101.401	246.00		65.33		170.50		481.73
	4/12	4/14	Malta	51.230	150.00				157.76		307.76
Military transportation							6,625.64				6,625.64
Hon. Butler C. Derrick	4/5	4/8	Egypt	157.550	225.00		420.93				645.93
	4/8	4/12	Israel	14,650	293.00		280.00		183.27		756.27
	4/12	4/14	Tunisia	101.401	246.00		60.00		222.02		528.02
	4/14	4/15	Spain	6,815	96.00				100.82		196.82
Committee total					2,801.00		14,936.98		908.01		18,645.99

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

July 31, 1980.

RICHARD BOLLING, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE OF SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Wydler	4/8	4/10	Brazil	8,574.40	184.00					8,574.40	184.00
	4/10	4/12	Argentina	399,684	228.00					399,684	228.00
	4/12	4/13	Colombia	3,420	75.00					3,420	75.00
Commercial air, round trip							2,193.00				
Dugan	4/8	4/10	Brazil	8,574.40	184.00					8,574.40	184.00
	4/10	4/12	Argentina	399,684	228.00					399,684	228.00
	4/12	4/13	Colombia	3,420	75.00					3,420	75.00
Commercial air, round trip							2,193.00				
Wydler	6/15	6/18	Sweden	2,119.70	512.00					2,119.70	512.00
	6/18	6/19	Finland	382.45	106.00					382.45	106.00
Commercial air, round trip							2,145.00				
Dugan	6/15	6/18	Sweden	2,119.70	512.00					2,119.70	512.00
	6/18	6/19	Finland	382.45	106.00					382.45	106.00
Commercial air, round trip							2,145.00				
Committee total					2,210.00		8,676.00				10,886.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

July 30, 1980.

DON FUQUA, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Wyche Fowler, Jr	4/4	4/6	Spain	14,016	192.00		349.44				541.44
	4/6	4/8	Morocco	615	150.00		487.68				637.68
	4/8	4/10	Algeria	707.81	180.00						180.00
	4/10	4/12	Tunisia	101,401	246.00		65.33		170.40		481.73
	4/12	4/14	Malta	51,230	150.00				157.76		307.76

See footnote at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1980—Con.

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar, equivalent or U.S. currency [2]
Transportation by Department of Defense.							6,625.64				6,625.64
	6/3	6/5	France								
	6/5	6/8	Luxembourg	7,588	267.00						267.00
							531.99				531.99
Return transportation by Department of Defense.							731.40				731.40
Hon. Bill Frenzel	3/31	4/1	Korea	95,120	164.00		60.87		40.79		265.66
	4/2	4/3	Japan	46,184	184.00						184.00
	4/4	4/12	China	1,068.46	675.00		31.92		16.75		723.67
Total							4,402.05				4,402.05
Transportation by Department of Defense.											
Hon. James R. Jones	3/31	4/1	Korea	95,120	164.00		60.87		40.79		265.66
	4/2	4/3	Japan	46,184	184.00						184.00
	4/4	4/12	China	1,068.46	675.00		31.92		16.75		723.67
Transportation by Department of Defense.							4,402.05				4,402.05
Hon. Charles A. Vanik	3/31	4/1	Korea	95,120	164.00		60.87		40.79		265.66
	4/2	4/3	Japan	46,184	184.00						184.00
	4/4	4/12	China	1,068.46	675.00		31.92		16.75		723.67
Transportation by Department							4,402.05				4,402.05
Jeanne S. Archibald	4/20	5/4	Romania	12,889.80	1,085.00						1,085.00
	5/4	5/10	Switzerland	957.90	576.00						576.00
							1,258.00				1,258.00
John K. Meagher	4/1	4/3	Japan	69,276	276.00						276.00
	4/4	4/12	China	1,068.46	675.00		31.92		16.75		723.67
Transportation, Washington, D.C., to Japan.							1,175.00				1,175.00
Return transportation, Department of Defense.							2,201.03				2,201.03
Harvey E. Pies	5/7	5/10	Canada	355.04	300.00		159.84				459.84
David B. Rohr	4/20	4/30	Romania	10,038	845.00				72.22		917.22
	4/30	5/1	England	51-09	117.00						117.00
							1,261.00				1,261.00
William Vaughan, Jr.	3/31	4/1	Korea	95,120	164.00		60.87		40.79		265.66
	4/2	4/5	Japan	69,276	276.00						276.00
Transportation by Department of Defense.							2,201.03				2,201.03
Transportation, Japan to Washington, D.C.							927.00				927.00
Mary Jane Wignot	4/13	4/18	Switzerland	854.90	480.00		923.00				1,403.00
Committee total					9,048.00		32,474.69		630.54		42,153.23

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.

July 25, 1980.

AL ULLMAN, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Lester L. Wolff	5/23	5/24	Italy	144,800	172.00					144,800	172.00
	5/24	5/28	Israel	15,496	320.00					14,496	320.00
	5/28	5/31	India	1,741.50	225.00					1,741.50	225.00
	5/31	6/3	Pakistan	2,257.20	228.00					2,257.20	228.00
Hon. Sidney R. Yates	5/23	5/24	Italy	144,800	172.00					144,800	172.00
	5/24	5/28	Israel	14,496	320.00					14,496	320.00
Hon. Leo C. Zeferetti	5/23	5/25	Italy	289,280	344.00		1,196.00			289,280	1,540.00
Hon. James H. Scheuer	5/23	5/24	Italy	144,800	172.00					144,800	172.00
	5/24	5/28	Israel	14,496	320.00					14,496	320.00
	5/28	5/30	India	1,741.50	225.00		1,370.00			1,741.50	1,595.00
Hon. Robert K. Dornan	5/23	5/24	Italy	144,800	172.00					144,800	172.00
	5/24	5/28	Israel	14,496	320.00		1,160.40			14,496	1,480.40
Hon. Richard Nolan	5/23	5/24	Italy	144,800	172.00					144,800	172.00
	5/24	5/28	Israel	14,496	320.00					14,496	320.00
	5/28	5/31	India	1,741.50	225.00					1,741.50	225.00
	5/31	6/3	Pakistan	2,257.20	228.00					2,257.20	228.00
Patrick L. Carpentier	5/23	5/24	Italy	144,800	172.00					144,800	172.00
	5/24	5/28	Israel	14,496	320.00					14,496	320.00
	5/28	5/31	India	1,741.50	225.00					1,741.50	225.00
	5/31	6/3	Pakistan	2,257.20	228.00					2,257.20	228.00
Edward J. Palmer	5/23	5/24	Italy	144,800	172.00					144,800	172.00
	5/24	5/28	Israel	14,496	320.00					14,496	320.00
	5/28	5/31	India	1,741.50	225.00					1,741,50	225.00
	5/31	6/3	Pakistan	2,257.20	228.00					2,257.20	228.00
Roscoe B. Starek III	5/23	5/24	Italy	144,800	172.00					144,800	172.00
	5/24	5/28	Israel	14,496	320.00					14,496	320.00
	5/28	5/31	India	1,741.50	225.00					1,741.50	225.00
	5/31	6/3	Pakistan	2,257.20	228.00					2,257.20	228.00
Jon D. Holstine	5/23	5/24	Italy	144,800	172.00					144,800	172.00
	5/24	5/28	Israel	14,496	320.00					14,496	320.00
	5/28	5/31	India	1,741.50	225.00					1,741.50	225.00
	5/31	6/3	Pakistan	2,257.20	228.00					2,257.20	228.00
C. Robert Pfeifle	5/23	5/24	Italy	144,800	172.00					144,800	172.00
	5/24	5/28	Israel	14,496	320.00					14,496	320.00
	5/28	5/31	India	1,741.50	225.00					1,741.50	225.00
	5/31	6/3	Pakistan	2,257.20	228.00					2,257.20	228.00

See footnote at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1980—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S currency [2]
Susan S. Hardesty	5/23	5/24	Italy	144, 800	172.00					144, 800	172.00
	5/24	5/28	Israel	14, 496	320.00					14, 496	320.00
	5/28	5/31	India	1, 741.50	225.00					1, 741.50	225.00
	5/31	6/3	Pakistan	2, 257.20	228.00					2, 257.20	228.00
James T. Schollaert	5/23	5/24	Italy	144, 800	172.00					144, 800	172.00
	5/24	5/28	Israel	14, 496	320.00					14, 496	320.00
	5/28	5/31	India	1, 741.50	225.00					1, 741.50	225.00
	5/31	6/3	Pakistan	2, 257.20	228.00					2, 257.20	228.00
James DeChaine	5/23	5/24	Italy	144, 800	172.00					144, 800	172.00
	5/24	5/28	Israel	14, 496	320.00					14, 496	320.00
	5/28	5/31	India	1, 741.50	225.00					1, 741.50	225.00
	5/31	6/3	Pakistan	2, 257.20	228.00					2, 257.20	228.00
Benek Geizhals	5/23	5/24	Italy	144, 800	172.00					144, 800	172.00
	5/24	6/1	Israel	14, 496	320.00					14, 496	320.00
Committee total					11, 987.00		3, 726.40				15, 713.40

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

NOTE.—Military transportation costs totaled $55,192.95. Local transportation costs incurred in New Delhi totaled $446.62.

July 31, 1980.

LESTER L. WOLFF, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SPEAKER OF THE HOUSE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 2 AND JAN. 15, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Toby Moffett	1/3	1/7	Lebanon	302	92.64		2, 384.00			302	2, 476.64
Hon. Nick Joe Rahall	1/3	1/7	Lebanon	872	267.48		2, 384.00			872	2, 651.48
Hon. Bob Carr	1/3	1/7	Lebanon	543	166.56		2, 384.00			543	2, 550.56
Hon. Mary Rose Oakar	1/3	1/7	Lebanon	772	236.81		2, 384.00			772	2, 620.81
Hon. Paul McCloskey	1/3	1/7	Lebanon	470	144.17		2, 384.00			470	2, 528.17
Ms. Anne M. Senese	1/3	1/7	Lebanon	362	111.04		2, 384.00			362	2, 495.04
Ms. Barbara Ferris	1/3	1/7	Lebanon	772	236.81		2, 384.00			772	2, 620.81
								130	39.87	130	39.87
Total				4, 093	1, 255.51		16, 688.00	130	39.87	4, 223	17, 983.38
Hon. Toby Moffett	1/7	1/8	Syria	292.50	75.00					292.50	75.00
Hon. Nick Joe Rahall	1/7	1/8	Syria	292.50	75.00					292.50	75.00
Hon. Bob Carr	1/7	1/8	Syria	292.50	75.00					292.50	75.00
Hon. Mary Rose Oakar	1/7	1/8	Syria	1, 680	430.77					1, 680	430.77
Hon. Mary Rose Oakar	1/10	1/15	Syria								
Hon. Paul McCloskey	1/7	1/8	Syria	292.50	75.00					292.50	75.00
Ms. Anne M. Senese	1/7	1/8	Syria	292.50	75.00					292.50	75.00
Ms. Barbara Ferris	1/7	1/8	Syria	1, 755	450.00					1, 755	450.00
Ms. Barbara Ferris	1/10	1/10	Syria								
Total				4, 897.50	1, 255.77					4, 897.50	1, 255.77
Hon. Toby Moffett	1/8	1/11	Israel	8, 064	225.00					8, 064	225.00
Hon. Nick Joe Rahall	1/8	1/11	Israel	8, 064	225.00					8, 064	225.00
Hon. Bob Carr	1/8	1/11	Israel	10, 752	300.00					10, 752	300.00
Hon. Mary Rose Oakar	1/8	1/10	Israel	5, 376	150.00					5, 376	150.00
Hon. Paul McCloskey	1/8	1/10	Israel	5, 376	150.00					5, 376	150.00
Ms. Anne M. Senese	1/8	1/11	Israel	8, 064	225.00					8, 064	225.00
Ms. Barbara Ferris	1/8	1/10	Israel	5, 376	150.00					5, 376	150.00
								38, 778.88	1, 082.00	38, 778.88	1, 082.00
Total				51, 072	1, 425.00			38, 778.88	1, 082.00	89, 850.88	2, 507.00
Hon. Toby Moffett	1/11	1/12	England	50.50	115.00					50.50	115.00
Hon. Nick Joe Rahall	1/11	1/12	England	50.50	115.00					50.50	115.00
Hon. Bob Carr	1/11	1/12	England	50.50	115.00					50.50	115.00
Ms. Anne M. Senese	1/11	1/12	England	50.50	115.00					50.50	115.00
						147.70	336.00			147.70	336.00
Committee total				202.00	460.00	147.70	336.00			349.70	796.00

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amoun t expended.

June 30, 1980.

TOBY MOFFETT, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, FOREIGN AFFAIRS (SPEAKER AUTHORIZED TRIP), U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MARCH 31, AND APRIL 12, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Phil Burton	3/31	4/1	Korea	95,120	164.00		60.89		40.79		265.68
	4/2	4/3	Japan	46,184	184.00						184.00
	4/4	4/12	China	1,068	675.00				16.75		691.75
Military transportation							4,402.05				4,402.05
Committee total					1,023.00		4,462.94		57.54		5,543.48

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

May 8, 1980.

PHILLIP BURTON, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, FOREIGN AFFAIRS (SPEAKER AUTHORIZED TRIP), U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MARCH 31 AND APRIL 12, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency
P. Altman	3/31	4/1	Korea	95,120	164.00		60.89		40.79		265.68
	4/2	4/3	Japan	46,184	184.00						184.00
	4/4	4/12	China	1,068	675.00				16.75		691.75
Military transportation							4,402.05				4,402.05
Committee total					1,023.00		4,462.94		57.54		5,543.48

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

May 6, 1980.

PAULA ALTMAN, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, FOREIGN AFFAIRS (SPEAKER AUTHORIZED TRIP), U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 4 AND APRIL 14, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
K. Jewell	4/4	4/6	Spain		192.00		349.44				541.44
	4/6	4/8	Morocco		150.00		565.00				715.00
	4/8	4/10	Algeria		180.00						180.00
	4/10	4/12	Tunisia		246.00						246.00
	4/12	4/14	Malta		150.00				157.76		307.76
Military transportation							6,625.64				6,625.64
Committee total					918.00		7,540.08		157.76		8,615.84

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

May 9, 1980.

KEITH JEWELL, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, LEADERSHIP TRIP TO MOROCCO, YUGOSLAVIA AND PORTUGAL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 2 AND APRIL 14, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]
Thomas P. O'Neill, Jr	4/2	4/6	Morocco	1,230	300			2,861	698.00	4,091	998.00
	4/6	4/10	Yugoslavia	7,623.80	375			9,818	483.00	17,442	858.00
	4/10	4/14	Portugal	23,500	470			15,169	301.68	38,669	771.68
Military air transport (round trip).							2,988.95				
Dan Rostenkowski	4/2	4/6	Morocco	1,230	300			2,861	698.00	4,091	998.00
	4/6	4/10	Yugoslavia	7,623.80	375			9,818	483.00	17,442	858.00
	4/10	4/14	Portugal	23,500	470			15,169	301.68	38,669	771.68
Military air transport (round trip).							2,988.95				
Sidney Yates	4/2	4/6	Morocco	1,230	300			2,861	698.00	4,091	998.00
	4/6	4/10	Yugoslavia	7,623.80	375			9,818	483.00	17,442	858.00
	4/10	4/14	Portugal	23,500	470			15,169	301.68	38,669	771.68
Military air transport (round trip).							2,988.95				
Silvio Conte	4/2	4/6	Morocco	1,230	300			2,861	698.00	4,091	998.00
	4/6	4/10	Yugoslavia	7,623.80	375			9,818	483.00	17,442	858.00
	4/10	4/14	Portugal	23,500	470			15,169	301.68	38,669	771.68
Military air transport (round trip).							2,988.95				

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, LEADERSHIP TRIP TO MOROCCO, YUGOSLAVIA AND PORTUGAL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 2 AND APRIL 14, 1980—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas Ashley	4/2	4/6	Morocco	1,230	300			2,861	698.00	4,091	998.00
	4/6	4/10	Yugoslavia	7,623.80	375			9,818	483.00	17,442	858.00
	4/10	4/14	Portugal	23,500	470			15,169	301.68	38,669	771.68
Military air transport (round trip).							2,988.95				
Edward Patten	4/2	4/6	Morocco	1,230	300			2,861	698.00	4,091	998.00
	4/6	4/10	Yugoslavia	7,623.80	375			9,818	483.00	17,442	858.00
	4/10	4/14	Portugal	23,500	470			15,169	301.68	38,669	771.68
Military air transport (round trip).							2,988.95				
Joseph McDade	4/2	4/6	Morocco	1,230	300			2,861	698.00	4,091	998.00
	4/6	4/10	Yugoslavia	7,623.80	375			9,818	483.00	17,442	858.00
	4/10	4/14	Portugal	23,500	470			15,169	301.68	38,669	771.68
Military air transport (round trip).							2,988.95				
James H. Scheuer	4/2	4/6	Morocco	1,230	300			2,861	698.00	4,091	998.00
	4/6	4/10	Yugoslavia	7,623.80	375			9,818	483.00	17,442	858.00
	4/10	4/14	Portugal	23,500	470			15,169	301.68	38,669	771.68
Military air transport (round trip).							2,988.95				
Charles Rangel	4/2	4/6	Morocco	1,230	300			2,861	698.00	4,091	998.00
	4/6	4/10	Yugoslavia	7,623.80	375			9,818	483.00	17,442	858.00
	4/10	4/14	Portugal	23,500	470			15,169	301.68	38,669	771.68
Military air transport (round trip).							2,988.95				
C. W. Bill Young	4/2	4/6	Morocco	1,230	300			2,861	698.00	4,091	998.00
	4/6	4/10	Yugoslavia	7,623.80	375			9,818	483.00	17,442	858.00
	4/10	4/14	Portugal	23,500	470			15,169	301.68	38,669	771.68
Military air transport (round trip).							2,988.95				
Joseph Moakley	4/2	4/6	Morocco	1,230	300.00			2,861	698.00	4,091	998.00
	4/6	4/10	Yugoslavia	7,623.80	375.00			9,818	483.00	17,442	858.00
	4/10	4/14	Portugal	23,500	470.00			15,169	301.68	38,669	771.68
Military air transport (round trip).							2,988.95				
Ralph Regula	4/2	4/6	Morocco	1,230	300.00			2,861	698.00	4,091	998.00
	4/6	4/10	Yugoslavia	4,723.80	232.36			9,818	483.00	14,542	715.36
	4/10	4/14	Portugal	21,600	432.00			15,169	301.68	36,769	733.68
Military air transport (round trip).							2,988.95				
Kirk O'Donnell	4/2	4/6	Morocco	1,230	300			2,861	698.00	4,091	998.00
	4/6	4/10	Yugoslavia	7,623.80	375			9,818	483.00	17,442	858.00
	4/10	4/14	Portugal	23,500	470			15,169	301.68	38,669	771.68
Military air transport (round trip).							2,988.95				
James Healey	4/2	4/6	Morocco	1,230	300			2,861	698.00	4,091	998.00
	4/6	4/10	Yugoslavia	7,623.80	375			9,818	483.00	17,442	858.00
	4/10	4/14	Portugal	23,500	470			15,169	301.68	38,669	771.68
Military air transport (round trip).							2,988.95				
Dolores Snow	4/2	4/6	Morocco	1,230	300			2,861	698.00	4,091	998.00
	4/6	4/10	Yugoslavia	7,623.80	375			9,818	483.00	17,442	858.00
	4/10	4/14	Portugal	23,500	470			15,169	301.68	38,669	771.68
Military air transport (round trip).							2,988.95				
Desanie L. Howard	4/2	4/6	Morocco	1,230	300			2,861	698.00	4,091	998.00
	4/6	4/10	Yugoslavia	7,623.80	375			9,818	483.00	17,442	858.00
	4/10	4/14	Portugal	23,500	470			15,169	301.68	38,669	771.68
Military air transport (round trip).							2,988.95				
Freeman Cary	4/2	4/6	Morocco	1,230	300			2,861	698.00	4,091	998.00
	4/6	4/10	Yugoslavia	7,623.80	375			9,818	483.00	17,442	858.00
	4/10	4/14	Portugal	23,500	470			15,169	301.68	38,669	771.68
Military air transport (round trip).							2,988.95				
Ralph Vinovich	4/2	4/6	Morocco	1,230	300			2,861	698.00	4,091	998.00
	4/6	4/10	Yugoslavia	7,623.80	375			9,818	483.00	17,442	858.00
	4/10	4/14	Portugal	23,500	470			15,169	301.68	38,669	771.68
Military air transport (round trip).							2,988.95				
Committee total											

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

May 14, 1980.

THOMAS P. O'NEILL, Jr., Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SPEAKER AUTHORIZED VISIT TO JAPAN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 11 AND MAY 17, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Charles Rose	5/12	5/17	Japan	104,880	460		2,341				2,801
Peter Abbruzzese	5/12	5/17	Japan	104,880	460		2,341				2,801
Committee total					920		4,682				5,602

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

May 21, 1980.

CHARLES ROSE, Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5059. A letter from the Comptroller General of the United States, transmitting his review of the revised deferrals of budget authority contained in the message from the President dated July 30, 1980 (H. Doc. No. 96–348), pursuant to section 1014(c) of Public Law 93–344 (H. Doc. No. 96–358); to the Committee on Appropriations and ordered to be printed.

5060. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the Air Force's intention to convert the refuse collection function to contractor performance at Griffiss Air Force Base, N.Y., pursuant to section 806 of Public Law 96–107; to the Committee on Armed Services.

5061. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the Air Force's intention to convert the instrument flight simulator console operator function to contractor performance at Reese Air Force Base, Tex., pursuant to section 806 of Public Law 96–107; to the Committee on Armed Services.

5062. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the Air Force's intention to convert the refuse collection function to contractor performance at Lowry Air Force Base, Colo., pursuant to section 806 of Public Law 96–107; to the Committee on Armed Services.

5063. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the Air Force's intention to convert the commissary shelf-stocking and custodial services functions to contractor performance at Sheppard Air Force Base, Tex., pursuant to section 806 of Public Law 96–107; to the Committee on Armed Services.

5064. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the Air Force's intention to convert the instrument flight simulator console operator function to contractor performance at Williams Air Force Base, Ariz., pursuant to section 806 of Public Law 96–107; to the Committee on Armed Services.

5065. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the Air Force's intention to convert the commissary shelf-stocking and custodial services functions to contractor performance at Hurlburt Field, Fla., pursuant to section 806 of Public Law 96–107; to the Committee on Armed Services.

5066. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the Air Force's intention to convert the commissary shelf-stocking and custodial service functions to contractor performance at Tyndall Air Force Base, Fla., pursuant to section 806 of Public Law 96–107; to the Committee on Armed Services.

5067. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the Army's intention to convert the motor vehicle maintenance function to contractor performance at Aberdeen Proving Ground, Md., pursuant to section 806 of Public Law 96–107; to the Committee on Armed Services.

5068. A letter from the Comptroller General of the United States, transmitting a report on the status of two contracts for SSN–688-class attack submarines modified under the authority of Public Law 88–504, pursuant to section 821 of Public Law 95–485 (PSAD–80–68, Aug. 18, 1980); to the Committee on Armed Services.

5069. A letter from the Secretary, Council of the District of Columbia, transmitting Council Resolution 3–313, to approve the transfer of jurisdiction over the Old Military Road right-of-way from the District of Columbia to the National Park Service for park purposes; to the Committee on the District of Columbia.

5070. A letter from the Secretary, Council of the District of Columbia, transmitting Council Resolution 3–322, to approve the transfer of jurisdiction of certain areas from the District of Columbia to the National Park Service for park purposes; to the Committee on the District of Columbia.

5071. A letter from the Secretary, Council of the District of Columbia, transmitting Council Resolution 3–389, to accept the transfer of jurisdiction over a portion of U.S. Reservation 343–G from the National Park Service to the District of Columbia for highway purposes; to the Committee on the District of Columbia.

5072. A letter from the Secretary, Council of the District of Columbia, transmitting Council Resolution 3–391, to accept the transfer of jurisdiction over a portion of U.S. Reservation 531 as Eastern Avenue NW., and Piney Branch Road NW., from the National Park Service to the District of Columbia for highway purposes; to the Committee on the District of Columbia.

5073. A letter from the Secretary, Council of the District of Columbia, transmitting Council Resolution 3–392, to accept the transfer of jurisdiction over a portion of U.S. Reservation 531 at Chestnut Street NW., and Eastern Avenue NW., from the National Park Service to the District of Columbia for highway purposes; to the Committee on the District of Columbia.

5074. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to authorize executive agencies, under the direction of the President, to provide assistance for Cuban and Haitian entrants; to the Committee on Foreign Affairs.

5075. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Henry L. Kimelman, Ambassador-designate to Haiti, and by members of his family, pursuant to section 6 of Public Law 93–126; to the Committee on Foreign Affairs.

5076. A letter from the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting a report on the audit of the American Red Cross for the year ended June 30, 1979, pursuant to section 6 of the act of January 5, 1905; to the Committee on Foreign Affairs.

5077. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense services to Saudi Arabia (Transmittal No. 80–87), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5078. A letter from the Assistant Secretary of Housing and Urban Development for Administration, transmitting notice of proposed changes in an existing records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5079. A letter from the Plan Administrator, Farm Credit Banks of New Orleans, transmitting the annual report on the New Orleans farm credit retirement system and production credit associations retirement plans, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950, as amended (92 Stat. 2541); to the Committee on Government Operations.

5080. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend title I of the Reclamation Project Authorization Act of 1972 (Public Law 92–514; 86 Stat. 964); to the Committee on Interior and Insular Affairs.

5081. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting the Corporation's 1979 annual report, pursuant to section 11 of Public Law 92–578; to the Committee on Interior and Insular Affairs.

5082. A letter from the Secretary of Health and Human Services, transmitting the annual report on the National Health Service Corps for calendar year 1979, pursuant to section 336 of the Public Health Service Act, as amended; to the Committee on Interstate and Foreign Commerce.

5083. A letter from the Chairman of the Board, U.S. Railway Association, transmitting an affirmative finding of the Association's Finance Committee, concurred in by the Board of Directors, that it is not reasonably likely that the Consolidated Rail Corporation will be able to become financially self-sustaining without requiring Federal financial assistance substantially in excess of the amounts authorized in section 216 of the Regional Rail Reorganization Act, as amended, pursuant to section 216(c)(2) of the act (90 Stat. 90); to the Committee on Interstate and Foreign Commerce.

5084. A letter from the corporation agent, Legion of Valor of the U.S.A., Inc., transmitting the financial statement of the organization for the year ended April 30, 1980, pursuant to section 3 of Public Law 88–504; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. House Concurrent Resolution 337. Concurrent resolution disapproving certain regulations submitted to the Congress on April 3, 1980, with respect to the adult education State-administered program authorized under sections 304 and 306 of the Adult Education Act, as amended. (Rept. No. 96–1228). Referred to the House Calendar.

Mr. REUSS: Committee on Banking, Finance and Urban Affairs. Report on Monetary Policy for 1980 (Rept. No. 96–1229). Referred to the Committee of the Whole House on the State of the Union.

Mr. NICHOLS: Committee on Armed Services. H.R. 7626. A bill to amend title 37, United States Code, to improve certain special pays and allowances for members of the uniformed services, and for other purposes. (Rept. No. 96–1230). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 762. Resolution providing for the consideration of H.R. 7104. A bill to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes (Rept. No. 96–1231). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 763. Resolution providing for the consideration of H.R. 4370. A bill to provide certain authorities for the Secretary of the Interior to permit rights-of-way for purposes of certain pipeline transportation systems (Rept. No. 96–1232). Referred to the House Calendar.

Mr. NICHOLS: Committee of Conference. Conference report on H.R. 5168 (Rept. No. 96–1233). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STAGGERS (for himself, Mr. Dingell, Mr. Ottinger, Mr. Moffett, Mr. Wirth, Mr. Markey, Mr. Swift, Mr. Maguire, Mr. Gore, and Mr. Leland):

H.R. 7945. A bill to provide financial assistance for the establishment and implementation of energy plans by units of local government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FINDLEY:

H.R. 7946. A bill to create a body corporate known as Daughters of Union Veterans of the Civil War; to the Committee on the Judiciary.

By Mr. CARR:

H.R. 7947. A bill to amend section 102 of title 28, United States Code, to establish an additional Federal judicial district in the State of Michigan; to the Committee on the Judiciary.

By Mr. PHILIP M. CRANE:

H.R. 7948. A bill to amend the Internal Revenue Code of 1954 to reduce income taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 7949. A bill to amend the Internal Revenue Code of 1954 to reduce the tax on capital gains; to the Committee on Ways and Means.

By Mr. HANSEN:

H.R. 7950. A bill to establish a commission to study the monetary role of gold; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HARKIN:

H.R. 7951. A bill to amend title 28 of the United States Code to provide that the counties of Fremont and Page shall be in the western division of the southern judicial district of Iowa; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself and Mr. Sawyer):

H.R. 7952. A bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product; to the Committee on the Judiciary.

By Mr. KOSTMAYER:

H.R. 7953. A bill to provide for assistance to State and local governments for the protection and preservation of certain wild and scenic rivers, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LEVITAS:

H.R. 7954. A bill to provide for a study of the problems of allocating the use of airport facilities; to the Committee on Public Works and Transportation.

By Mr. PAUL:

H.R. 7955. A bill to strengthen the American family and promote the virtues of family life; jointly, to the Committees on Armed Services, Education and Labor, Government Operations, the Judiciary, and Ways and Means.

By Mr. ROSTENKOWSKI (for himself, Mr. Duncan of Tennessee, Mr. Lederer, Mr. Holland, Mr. Stark, Mr. Guarini, Mr. Vander Jagt, Mr. Schulze, Mr. Jacobs, Mr. Gephardt, Mr. Heftel, Mr. Bafalis, Mr. Dingell, Mr. Gore, and Mr. Brown of Ohio):

H.R. 7956. A bill to make various changes in the tax laws; to the Committee on Ways and Means.

By Mr. SHARP:

H.R. 7957. A bill authorizing the President to enter into temporary agreements with foreign nations to limit the importation of automobiles and trucks; to the Committee on Ways and Means.

By Mrs. SPELLMAN:

H.R. 7958. A bill to amend title 5, United States Code, to allow for survivor annuities for former spouses of Federal employees; to the Committee on Post Office and Civil Service.

By Mr. THOMAS:

H.R. 7959. A bill to amend title I of the Elementary and Secondary Education Act of 1965 to permit the Secretary of Education to waive the requirements of subsection (c), (d), or (e) of section 126 of such act in the case of local educational agencies participating in experimental State programs that increase local flexibility in the use of educational funds by consolidating certain categorical educational programs; to the Committee on Education and Labor.

By Mr. ULLMAN:

H.R. 7960. A bill to provide for the setting aside in special trust lands and interests within the Winema National Forest to Edison Chiloquin and for the transfer of moneys otherwise available to Mr. Chiloquin from the Klamath Indian Settlement to the Secretary of Agriculture for the acquisition of replacement lands or interests; to the Committee on Interior and Insular Affairs.

H.R. 7961. A bill to amend the act of June 21, 1949 (30 U.S.C. 28b–28e) to provide for further deferment and for waiver of annual assessment work requirements in certain circumstances; to the Committee on Interior and Insular Affairs.

H.R. 7962. A bill to authorize the Secretary of the Army to convey to the city of Umatilla and to the Port of Umatilla certain real property in Umatilla County, Oreg.; to the Committee on Public Works and Transportation.

By Mr. LEVITAS:

H.J. Res. 596. Joint resolution to designate the week of October 6 through October 12, 1980, as "National Productivity Improvement Week"; to the Committee on Post Office and Civil Service.

By Mr. SHANNON:

H.J. Res. 597. Joint resolution designating August 2, 1981, as "National Day of Peace"; to the Committee on Post Office and Civil Service.

By Mr. BEARD of Rhode Island:

H. Con. Res. 400. Concurrent resolution expressing the sense of Congress with respect to the withholding of income tax on interest and dividend payments; to the Committee on Ways and Means.

By Mr. FISH:

H. Con. Res. 401. Concurrent resolution disapproving the proposed sale to Jordan of 100 M60A3 tanks and related defense articles and services (Transmittal No. 80–82); to the Committee on Foreign Affairs.

By Mr. HORTON:

H. Con. Res. 402. Concurrent resolution requesting the President of the United States to seek the release of Yuriy Shukhevych; to the Committee on Foreign Affairs.

By Mr. MINISH:

H. Con. Res. 403. Concurrent resolution expressing the sense of Congress with respect to certain withholding taxes; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

522. The SPEAKER presented a memorial of the Legislature of the State of California, relative to Indochinese refugees' health services, which was referred jointly, to the Committees on Appropriations, Foreign Affairs, and the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 7963. A bill for the relief of Shinji Oniki; to the Committee on the Judiciary.

By Mr. McDONALD:

H.R. 7964. A bill for the relief of Joyce G. McFarland; to the Committee on the Judiciary.

By Mr. PATTERSON:

H.R. 7965. A bill for the relief of Shabbir Ahmed Bala; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2047: Mr. Sabo.

H.R. 3258: Mr. Nowak.

H.R. 3562: Mr. Kogovsek.

H.R. 3720: Mr. Oberstar.

H.R. 4576: Mr. Lott, Mr. Dornan, Mr. Stack, Mr. Jones of North Carolina, Mr. Preyer, Mr. Lungren, Mr. Porter, Mr. Madigan, Mr. Collins of Texas, Mr. Tauzin, Mrs. Spellman, and Mr. Jenrette.

H.R. 4646: Mr. Wolff and Mr. Fisher.

H.R. 5305: Mr. Beard of Rhode Island and Ms. Mikulski.

H.R. 5610: Mr. Dicks, Mr. Evans of Georgia, Mr. Fithian, Mr. Howard, Mr. Price, and Mr. Wirth.

H.R. 6066: Mr. Marriott.

H.R. 6254: Mr. Erdahl, Mr. Ertel, Mr. Fithian, Mr. Sharp, Mr. Stump, Mr. Yatron, Mr. Chappell, and Mr. Rhodes.

H.R. 6461: Mr. Whitten.

H.R. 6625: Mr. Nowak, Mrs. Chisholm, Mrs. Fenwick, Mr. Florio, Mr. Ottinger, and Mr. Wolpe.

H.R. 6637: Mrs. Holt, Mr. Bauman, Mr. Rousselot, and Mr. Hammerschmidt.

H.R. 6722: Mr. Gaydos, Mr. Hutchinson, and Mr. Panetta.

H.R. 6833: Mr. Robert W. Daniel Jr., Mr. Devine, Mr. Erlenborn, Mr. Frenzel, Mr. Hightower, Mr. Jeffords, and Mr. Robinson.

H.R. 6909: Mr. Rose.

H.R. 7049: Mr. Moffett, Mr. Luken, Mr. Evans of Georgia, and Mr. Fazio.

H.R. 7211: Mr. Mottl, Mr. Coelho, Mr. Bethune, Mr. Erdahl, Mr. Burgener, Mr. Walker, Mr. Traxler, Mr. Butler, Mr. Trible, Mr. Won Pat, Mr. McKay, Mr. Dannemeyer, Mr. Gingrich, Mr. Volkmer, and Mr. Porter.

H.R. 7489: Mr. Simon.

H.R. 7522: Mr. Garcia.

H.R. 7546: Mr. Beard of Rhode Island.

H.R. 7611: Mr. Devine, Mr. Mathis, Mr. Young of Alaska, Mr. Stangeland, Mr. Gibbons, Mr. Whittaker, Mr. Findley, Mr. Bedell, Mr. Carr, Mr. Sebelius, Mr. Moorhead of California, Mr. Forsythe, Mr. Coleman, Mr. Gingrich, Mr. Hansen, Mr. Hyde, Mr. Anderson of California, and Mrs. Bouquard.

H.R. 7646: Mr. Bingham.

H.R. 7663: Mr. Weaver.

H.R. 7688: Mr. Corrada, Mr. Kildee, Mr. Harkin, Mr. Yatron, Mr. Lehman, Mr. Fazio, Mr. Gore, Mr. D'Amours, Mr. Blanchard, Mr. Brown of California, Mr. Goodling, Mr. LaFalce, Mrs. Fenwick, Mrs. Schroeder, Mr. Luken, Mr. Edwards of California, Mr. Neal, Mr. Hollenbeck, Mr. Nowak, Mr. Stenholm, Mr. Garcia, Mr. Maguire, Mr. Wirth, Mr. Carr, and Mr. Marks.

H.R. 7745: Mr. Simon, Mr. Kildee, Mr. Buchanan, and Mr. Wolpe.

H.R. 7773: Mr. Danielson, Mr. Grisham, Mr. Fazio, Mr. Royer, Mr. Shumway, Mr. Goldwater, and Mr. Badham.

H.R. 7850: Mr. Porter, Mr. Weiss, Mr. Gibbons, Mr. Stewart, Mr. Mitchell of Maryland, and Mr. Fazio.

H.J. Res. 56: Mr. Leach of Louisiana.

H.J. Res. 139: Mr. Albosta.

H.J. Res. 230: Mr. Broyhill.

H.J. Res. 511: Mrs. Spellman, Ms. Oakar, Mr. Quillen, Mr. Chappell, Mr. Porter, and Mr. Hightower.

H.J. Res. 516: Mr. ANDREWS of North Carolina, Mr. ANNUNZIO, Mr. BENJAMIN, Mr. GOLDWATER, Mr. GREEN, Mr. HOLT, Mr. JONES of North Carolina, Mr. KAZEN, Mr. LAFALCE, Mr. LENT, Mr. MADIGAN, Mr. MILLER of California, and Mr. SANTINI.

H.J. Res. 594: Mr. AMBRO, Mr. BIAGGI, Mr. BLANCHARD, Mr. BROOKS, Mr. CHENEY, Mr. GARCIA, Mr. GAYDOS, Mr. GRAY, Mr. GUDGER, Mr. HALL of Texas, Mr. HAWKINS, Mr. KASTENMEIER, Mr. LEVITAS, Mr. LONG of Maryland, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. MONTGOMERY, Mr. MURPHY of Pennsylvania, Mr. MURTHA, Mr. PATTERSON, Mr. NEAL, Mr. SANTINI, Mr. VANIK, Mr. VENTO, Mr. WEISS, Mr. WHITTEN, Mr. YATES, Mr. McDADE, Mr. PORTER, Mr. GUARINI, Mr. JOHNSON of California, Mr. GINN, Mr. MOAKLEY, Mr. DICKS, Mr. FASCELL, Mr. FUQUA, Mr. GORE, Mr. McDONALD, Mr. PANETTA, and Mr. RUSSO.

H. Con. Res. 106: Mr. SHARP and Mr. DONNELLY.

H. Con. Res. 134: Mr. ADDABBO, Mr. GRASSLEY, Mr. HORTON, Mr. LEDERER, Mr. MURPHY of New York, Mr. McDADE, Mr. BONIOR of Michigan, and Mr. FORSYTHE.

H. Con. Res. 367: Mr. YATRON, Mr. BONKER, Mr. IRELAND, Mr. PEASE, Mr. GRAY, Mr. HALL of Ohio, Mr. FITHIAN, Mr. BUCHANAN, Mr. GILMAN, Mr. GUYER, Mr. GOODLING, and Mrs. FENWICK.

H. Con. Res. 368: Mr. YATRON, Mr. BONKER, Mr. IRELAND, Mr. PEASE, Mr. GRAY, Mr. HALL of Ohio, Mr. FITHIAN, Mr. BUCHANAN, Mr. GILMAN, Mr. GUYER, Mr. GOODLING, and Mrs. FENWICK.

H. Con. Res. 395: Mr. HUGHES, Mr. GOODLING, Mr. WALGREN, Mr. WON PAT, Mr. ROBERT W. DANIEL, JR., Mr. FRENZEL, Mrs. SCHROEDER, Mrs. CHISHOLM, Mrs. SPELLMAN, Mr. EDGAR, Mr. WOLFF, Mr. HORTON, Ms. MIKULSKI, and Mr. GARCIA.

H. Res. 525: Mr. BEDELL, Mr. BROOMFIELD, Mr. DASCHLE, Mr. HAGEDORN, Mr. HIGHTOWER, Mr. JEFFRIES, Mr. KAZEN, Mr. MARTIN, Mr. MITCHELL of New York, Mr. QUILLEN, Mr. RAILSBACK, Mr. SENSENBRENNER, Mr. STANTON, Mr. TRIBLE, Mr. WAMPLER, and Mr. WILLIAMS of Ohio.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

407. By Mr. STANGELAND: Petition of Louisa K. M. Rice, Fisher, Minn., relative to Hawaiian Native claims; to the Committee on Interior and Insular Affairs.

408. By the SPEAKER: Petition of parliamentary representatives of the Warsaw Pact countries, meeting in Minsk, U.S.S.R., relative to peace; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

FOR A NEW FOREIGN POLICY AND DEFENSE POSTURE

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. COLEMAN. Mr. Speaker, this year the American people and their Government have the opportunity to set a new course for our Nation's foreign policy and defense posture.

There can be no question that the 1980's could well be the toughest test our Nation has faced in the field of diplomacy and world peace. While we wrestle with the complex problems of unemployment, recession, and inflation, we in Congress and the President must not forget that, as one observer said, "the most important social service a government can do for its people is to keep them alive and free."

Let me take just a few moments to discuss what I see to be the problems and possible solutions for the dire situation we now face.

Our Nation has endured humiliation, retreat, and injury abroad at the hands of fanatics and terrorists. American Ambassadors have been shot and killed, and American citizens are still the captives of terrorists in Iran. Our Nation and people have remained exceptionally tolerant and patient in the face of these outrages. But America is growing impatient, the American people are growing angry.

Recent events in Iran and Afghanistan—indeed, in the entire Persian Gulf area—make certain that America no longer has the luxury of considering any place on Earth too remote to affect its own security. The fact is the United States depends heavily on imports for several of the basic minerals vital to a modern economy and military force. Chromium is an example—a necessary ingredient to make stainless steel, for ball bearings, sensitive instruments, missiles, and aircraft engines—92 percent must be imported. Our major sources are South Africa, 33 percent; and the Soviet Union, 25 percent. Most of the known reserves in the world are in South Africa and Zimbabwe. Because of our dependence on Mideast oil supplies the Straits of Hormuz is another critical area—a 12-mile wide waterway through which 40 percent of the free world's oil passes, 20 million barrels a day, 800,000 barrels every hour. Zinc, cobalt, titanium, and numerous other important minerals can only be found in the developing or so-called Third World nations.

Our relationship with these Third World countries must improve. We must become aware of the cultures and languages of countries throughout the world. For too long we have been willing to sit back and let people come to us. Today this is no longer desirable or even possible.

The United States and the Soviet Union are both competing for the hearts, minds, trade, and allegiances of these Third World nations. And make no mistake about it, the Communists want total control of these countries. The Soviet pattern of using their own military force or proxy troops continues unabated. Since 1974 nearly 100 million people have been brought under Communist domination in Angola, Ethiopia, Afghanistan, South Yemen, Mozambique, Laos, Cambodia, and South Vietnam. It is apparent we must reverse and regain the geopolitical momentum. We must again use our national resources in the tradition of a great power.

We must always be aware of the complex interrelationships between what happens in the Far East and the Middle East; between vital resources and the directions of world commerce; between economic productivity and national defense; between a nation's ideology and its will; between national will and the ability of its armed forces to prevent conflict.

The cold reality is that our Nation's military might is being questioned as never before. A decade ago our Nation was unmatched militarily. We were secure and much of the world took shelter under the umbrella of our strength. As we enter the 1980's, for the first time since the end of World War II there are serious questions both at home and abroad about America's competence.

Should we be surprised that our Far East allies question our commitment when the administration publicly announced the withdrawal of U.S. troops from Korea, then waffled, then decided to keep them?

Should we be surprised that our European allies are alarmed and angered after they have acted on our word to develop the neutron bomb then the administration decides not to do so?

Should we be surprised that the Soviets have undertaken an alarmingly aggressive policy worldwide when we consider that the United States has steadily reduced its net expenditures on defense, while the Soviets were engaged in a massive arms buildup? An inventory of the last 2 years shows the White House vetoed congressional authorization of a nuclear aircraft carrier, delayed production of the cruise missile, the Trident submarine and the attack submarine program, as well as opposing the development of the B-1 bomber. Aircraft production has not even covered attrition. Morale in the military has declined as pay for experienced technicians and officers lagged well behind inflation.

Should we be surprised that the Persian Gulf is disintegrating while our leaders narrowly focus their energies on a small band of terrorists and fanatics in Iran?

Should we be surprised that the Soviets have occupied far-off Afghanistan—and are poised on the border of Iran—when the administration finds Soviet combat troops in nearby Cuba acceptable?

And finally, should we be surprised that America and the world now openly question our own military capability as the failed rescue attempt in Iran lays bare the degree of our military equipment preparedness to an amazed world?

These questions, heightened by recent events, must be asked with a sense of urgency in view of the Soviet Union's concerted, deliberate military growth. There is no question, however, that the Soviet objective is clear strategic military superiority.

According to the Department of Defense, in 1979 the Soviet Union spent 50 percent more on defense than we did. The Pentagon now estimates the Soviets are using 11 percent to 14 percent of their gross national product for defense purposes, compared with our own 5 percent.

Soviet strategic nuclear forces have come from a position of substantial numerical inferiority 15 years ago, to one of parity today—with the potential for strategic advantage in the near future. At the same time, the Soviet leadership has increased significantly its ground and tactical forces and greatly expanded its seapower. Unless the United States drastically increases its military budget the Soviets will by 1985 have unquestioned nuclear superiority, overwhelming superiority on the ground and at least equality at sea.

How the Soviets' military power will be used is no mystery in light of recent Soviet activities throughout the world. Soviet adventurism is clearly on the rise, increasingly taking the form of Soviet military intervention. Soviet actions in Angola and Ethiopia in the 1970's and their cynical, blatant occupation of Afghanistan, illustrate this trend with frightening clarity. Unless America acts now the Soviet Union will be No. 1; the United States No. 2.

Ironically, the Soviets as they achieve this superior military position may not even have to resort to its deployment to make war in order to reach their goals. The Soviets have learned that military power is usable not only in wartime, but in peacetime as well. It is also a statement of politi-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

cal power. It announces to their own oppressed peoples dominated by communism that defiance is not a viable alternative.

Let us always remember two things about communism: First, no people has ever freely chosen to live under a Communist regime; and second, no nation continues under Communist control except through force. And in a larger sense the Soviet's military might addresses the world—influencing the behavior and thinking of other nations—sometimes even our own allies—as they hesitate to support the American position to boycott the Olympics or embargo trade in Iran.

As the chairman of the Defense Committee of the West German parliament remarked to me in Bonn earlier this year, the Soviets are a "risk calculated" people—as evidenced in World War II when they would not attack unless they had a 5 to 1 numerical advantage. As the Soviets' military and political might grows, the risks associated with their military aggression decline—witness the invasion of Afghanistan.

These are reasons enough why America must restore the balance of power. As Winston Churchill said in 1934:

> To urge the preparation of defense is not to assert the imminence of war. On the contrary, if war was imminent, preparations for defense would be too late.

As a recent Kansas City Times editorial pointed out—this country has learned through adversity, and with intelligence, time, and good fortune has been able to recover before a tide of disaster becomes irreversible. The next few months will tell whether the United States will have the determination to rebuild and modernize decaying weapon systems at virtually every level. The need is plain. The danger is apparent. The question is whether the will is there.

National will involves more than the use of military power. It includes a basic feeling and faith that what the United States is doing is right and honorable. And that what we represent in the world is worth defending. The boat people of Vietnam and Cambodia, and now the massive exodus from Cuba are recent and poignant examples that when given an opportunity, people will choose freedom over oppression.

If there has been a decline in American will it has not been a failure of the people but of her leaders. Her people want America to be respected; they want America to be secure; they want America to be strong. It is time America's leaders respond to her people and define her purpose, restore her strength, and revitalize her will.

It has been said that spirit gives edge to the sword, the sword preserves the spirit, and freedom will prevail.●

THE CUBANS' FLIGHT TO FREEDOM—WHAT IT REALLY MEANS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. DORNAN. Mr. Speaker, Fidel Castro's sudden change to a liberal attitude toward emigration rights, allowing all of those who want to leave Cuba to do so, has revealed the degree of discontent which prevails in that country.

Within hours of his announcement, an estimated 10,000 Cubans had packed into the Peruvian Embassy. We can only guess the numbers of others who wanted to flee, but were unable to reach sanctuary in time.

As my colleagues well know, over 100,000 Cubans now wait to be resettled in their new home. Now is the time to turn our questions to the reasons they were allowed to flee Castro's perfect society in the first place.

It is my fear that the President, for all of his good intentions, has been used again.

While we welcome these new Americans with open arms, we must recognize that we have played a major role in the reduction of internal pressures and discontent in Castro's Cuba. Fidel may rest safely once again, knowing that for the near future, his dictatorial rule is unchallenged.

Colleagues, now is the time to investigate the numerous human rights violations we all know are occurring in Cuba. I call on the administration to seek establishment of an investigative commission to go to Cuba and determine the extent of the suffering. The Cuban refugees tell shocking tales of cruelty and inhumanity. The world must know, once and for all, the reasons why thousands are fleeing Castro's beautiful workers paradise.●

AN INDEPENDENCE DAY POEM

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. DANNEMEYER. Mr. Speaker, last month, I had the pleasure and honor of attending the Senior Citizens Breakfast sponsored by the City of Orange. While there, I was given a copy of a poem written by one of the members of the group, which captured not only the spirit of the occasion but the deeper meaning of the Fourth of July for each and every one of us. Inasmuch as that deeper meaning is all-too-infrequently captured, I thought I would share Mrs. Elizabeth Grabeel's poem, "Our Country's Flag" with my colleagues and I ask unanimous consent that it be inserted in the RECORD at this time.

OUR COUNTRY'S FLAG

When I was a little child
I loved our glorious flag
I loved to sing such happy songs
I was not known to lag.

And when I to womanhood had grown
I lived on a foreign shore
I lived there under an alien flag
I loved mine more and more.

I read about our heroic past
Twas in the month of July
Our forefathers met together
The heat was very high.

The heat in Philadelphia was great
Arguments were hotter still
They argued and they really quarreled
And this went on until. . .

They had decided to break off
Our attachment to the King
And when they had decided so to do
How the bells did ring.

The bells they rang
The people they did shout
And thus we had our freedom
And that is how it came about.

Then Betsy Ross was visited
She was a seamstress fine
She was prevailed upon to make a flag
They told her line by line.

They wanted flag both blue and white
And it must have some red
And it must have as many stars
As states where blood was shed.

So they decided the flag should have
Stripes both red and white
And stars upon a field of blue
Like the heavens are at night.

Then after they had decided that
They also decided this
That every state should have a star
And that is how it is.

Our country had its freedom
But we had no great big voice
Until the people decided
That everyone should have a choice.

Then the Constitution was established
It gave us human rights just ten
And showed us how we must behave
And we have relished it since then.

Through many wars and skirmishes
We have come out all right
Through elections and appointments
That often give us fright.

But still we maintain our written laws
That our forefathers planned
We've kept our office fully filled
And all are fully manned.

And we have grown and flourished
Abolished slavery too
And other things we've done just right
And continue so to do.

The flag has flown over a true land
It is both yours and mine
And when we're asked to serve we will
Respond and not repine.

And when my son was called upon
To fight on alien shore
My heart was nearly broke but
I loved it more and more.

So many mother's sons bled
And given their willing life
That we may love and work
And freedom be from strife.

So if you ever see the flag
Exposed before your face
Please rise to show your pride
And take your willing place
To work and love and bleed and die
And live in reverence.

And not just sing "God bless the flag"
But give a reason why
That you are proud to live upon

The land of peace and freedom
And ever more shall be
Nor let the hand of anyone
Tear down our liberty.

So our flag we have cherished it
And hold it so very high
And that is why we're here today
On this 4th of July.

So let us all with voices sing
God hold us in your hand
God bless the place on which we live
God bless our native land.●

THE PALESTINE LIBERATION ORGANIZATION: ANTI-AMERICAN SPEARHEAD IN THE MIDDLE EAST

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. LENT. Mr. Speaker, there is a dangerous and still-growing movement in the United States to accept the Palestine Liberation Organization (PLO) as the legitimate representative of the Palestinians in the Middle East. This is fostered by the mistaken belief that the PLO is a bona fide Palestinian organization representing purely Palestinian interests.

Nothing could be further from the truth. In fact, it is clear to anyone who takes the time to scrutinize the dealings of this terrorist organization that the PLO is a close and loyal ally of the Soviet Union. Its members serve in the Middle East as the Cubans do in Africa—as Soviet surrogates. PLO terrorists trained in the Soviet Union and supplied with Soviet weaponry and explosives have played a major role in destabilizing actions throughout the Middle East.

For example, the PLO was instrumental in triggering the civil war which devasted Lebanon in 1975-76.

The PLO also was an important factor in the overthrow of the Shah of Iran. For a decade before the Shah was ousted, some 3,000 of Khomeini's urban guerrillas trained with the PLO in Lebanon. A prominent official in the Khomeini regime, Sadeh Ghtzbadeh, trained with the PLO in South Yemen. And the PLO has been leading efforts to drum up world support for the Iranian seizure of the U.S. Embassy in Tehran and the holding of 53 Americans as hostages. In fact, it is probable the PLO planned and executed the assault on the Embassy. Even today, no other non-Iranian entity has identified itself as closely with the Khomeini regime as the PLO.

In recent months, the PLO has been a faithful echo of the Kremlin propaganda line in supporting the Soviet invasion of Afghanistan. Farouk Kaddoumi, sometimes called the PLO's foreign minister, was quick to defend the Soviet invasion by saying:

> Russia rendered selfless assistance to the government of Kabul.

Later, the PLO tried to cover up this obeisance to Moscow by adopting a position it called positive neutrality, but Kaddoumi's words were never disavowed, and the PLO tried desperately to head off the condemnation of the Soviet Union's Afghanistan invasion at the conference of the Islamic nations in January of 1980.

In pursuing close ties with the Kremlin, PLO leader Yasir Arafat has made 14 publicly announced visits to Moscow in the past dozen years, and has met a number of times with top Soviet officials at other locations.

The PLO boasts publicly about the massive assistance it receives from the Soviets. In an interview with Marilyn Berger, of the Public Broadcasting Service, September 25, 1979, Zehdi Terzi, the PLO's United Nations observer was asked what support the Soviet Union supplies. Terzi answered:

> * * * They give us full support—diplomatic, moral and educational, and they also open their military academies to some of our freedom fighters.

Ms. Berger then asked whether the military equipment is given directly to the PLO. Terzi responded:

> Oh yes, oh yes. We're getting our—those machineguns and RPG's and all that.

Ms. Berger:

> Explosives?

Terzi:

> * * * Explosives, yes.

Writing in New York magazine of September 24, 1979, about a TV documentary on the PLO for the Canadian Broadcasting Corp., Herbert Krosney, documentary producer, stated:

> * * * Since 1974, sources say, as many as 1,000 Palestinians have been sent to the Soviet Union and other Eastern bloc countries for clandestine training in either Russian military or KGB (secret police) camps.

I cite facts such as these, Mr. Speaker, in an effort to awaken Americans to the fact that the Palestine Liberation Organization works tirelessly with the Soviet Union against American interests in the Middle East. I cite these facts to alert my colleagues in the U.S. Congress that we must do more to persuade President Carter and his foreign policy advisers against pursuing their naive attempts to bring the PLO into the Middle East peace negotiations. Nothing could be more disruptive or more dangerous to peace in the area.

I recommend to my colleagues, and indeed, to every American interested in getting a clearer picture of the PLO and its anti-American activities, two recent publications containing a detailed examination of the wide-ranging activities of this terrorist organization.

The Anti-Defamation League of B'nai B'rith has published a special report entitled "The Soviet-PLO Axis". It is a most informative and detailed account of Soviet relations with the PLO.

I also recommend an article entitled "The Facts About Terrorism," by Charles Horner in the June 1980 issue of Commentary. It contains a thorough examination of the roots of terrorist activities worldwide.

I would hope that President Carter and his foreign policy advisers will peruse these two articles most carefully. I am confident that the facts they contain would persuade even the most naive member of the Carter administration to reverse the present efforts to bring the PLO into Middle East peace negotiations.●

H.R. 4805: THE RESEARCH MODERNIZATION ACT OF 1979

HON. ANDREW MAGUIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. MAGUIRE. Mr. Speaker, as a member of the Health and the Environment Subcommittee and as a cosponsor of H.R. 4805, I have been disappointed that there has not been more movement toward a fair hearing and consideration of the Research Modernization Act. This is a humane and innovative bill, one which surely deserves its day in court.

One primary reason for its lack of success is a general misunderstanding of what the bill's purpose is. One of the best explanations of H.R. 4805 which I have run across appeared in a letter to the editor of Science Magazine by Eleanor Seiling of United Action for Animals, Inc.

One point which Ms. Seiling makes is very important. She notes that the Department of Health and Human Services issued a statement of research principles recently wherein the Department said:

> To assure that HEW (now HHS) health research is responsive to public concerns, the public must participate in the setting of research policies and priorities.

As most members know, the public has expressed a greater interest in this legislation—and through that interest learned more about the legislative process—than in most bills this session.

So I commend my colleagues' attention to this letter and the excellent description of the bill that it contains. It appears below:

ANIMALS IN THE LAB

(By Eleanor Seiling)

Broad's article about the Research Modernization Act is titled in a misleading manner. The stated purpose of the bill is to establish a center to develop and coordinate methods of research and testing that do not involve the use of live animals, to develop training programs in the use of these methods, and to disseminate information on such methods. While the humane goal of the bill is to greatly reduce the number of animals in the laboratory through the development and refinement of techniques in which animals are not used, the bill does not call for an end to animal research.

The Center for Alternative Research established by the bill would not be a "clearinghouse," as described by Broad, but would be composed of representatives of each affected agency and would provide for cooperation and coordination among the many federal research and regulatory agencies engaged in research and testing, enabling them to share information and build upon each other's work. This coordination and cooperation are among the criteria established by a Department of Health, Education, and Welfare (HEW) steering committee that proposed program initiatives for health research planning.[1] Because the center would be directed by representatives of the affected agencies, its actions would reflect the scientific priorities of these agencies. The National Toxicology Program functions in much the same way now. It should be noted that a recent statement of health research principles by HEW said: "To assure that HEW health research is responsive to public concerns, the public must participate in the setting of research policies and priorities" (emphasis theirs) (1, p. 191). The enormous constituent response to Congress when H.R. 4805 was introduced indicates the degree of public interest in this matter.

With regard to publication in the Federal Register, the bill provides that the center shall publish in the Register such alternative methods "which meet the regulatory scientific needs of the agencies," which is not different from the present practice.

Because of the large numbers of scientists who have used animals in the laboratory for their entire professional lives, we realize that it is not simply "habit," the term used in the article, but professional orientation, which limits the resources now devoted to the exploration of alternative methods. With the encouragement of increased federal interest in this areas of research, it is envisioned that more scientists will become attracted to the exploration and use of these techniques.

The article does not point out that the National Society for Medical Research (NSMR) has as its offical purpose "protecting the rights of scientic investigators to utilize laboratory animals," and thus it is not entirely objective in its evaluation of this bill. Even with this bias, the NSMR's statement, as reported in the article, noted that "the expense, slow results, and poor réliability of animal tests is making alternatives more and more attractive.* * *"

The bill urges a direction to scientific research in which science has already begun to move, albeit slowly; it provides for a cooperative effort among federal research and regulatory agencies that is already embodied in HEW health research planning; it calls for implementation by the research agencies themselves through their representatives in the center; its severest critic agrees that there is value in the development of alternative methods. I feel the description of its effects upon scientific research as "catastrophic" is unfounded and not supported by the facts.●

TAKING THE DEMOCRATS AT THEIR WORDS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Washington Post, Aug. 17, 1980]

TAKING THE DEMOCRATS AT THEIR WORDS

(By George F. Will)

NEW YORK.—Being inside a convention hall is like being inside an impressionist painting, surrounded by clots of eye-pleasing colors. But much of what was said in Madison Square Garden was of the surrealist school. The strangest flower that bloomed in the Garden was Sen. Pat Moynihan's speech celebrating President Carter's defense and foreign policies.

Once in ancient Greece, an orator whose words were enthusiastically applauded turned to a friend and asked, "Have I said something foolish?" Moynihan's speech was warmly received. The speech was muddy, but a clear thinker is apt to write muddily when he does not believe what he is saying.

Moynihan told the convention: "The Soviet empire has entered a new period of expansion." He did not dwell on the connection between the fact and Carter's policies. But just two months ago, Moynihan said Afghanistan had caused the collapse of what Moynihan believed was properly called "appeasement."

Moynihan told the convention that the Democratic Party has responded to Soviet expansionism "with a sense of the history of our time." It is, evidently, ancient and irrelevant history that two months ago Moynihan said, with uncharacteristic understatement, that his party's recent performance in foreign policy "is scarcely a tale of mastery and success," adding: "One has, to be frank, to wonder whether the president is ready to admit the nature of the threats we face."

Moynihan told that convention that the Carter administration "increased defense spending in each and every one of the past four years." But not relative to Soviet spending. And only by an average of a trivial half a percentage point a year. And after first cutting Ford's last proposed budget authority, Carter took three years to climb back to that level.

Moynihan told the convention that the Carter administration has reversed a decline in defense spending conducted by Republican administrations. The facts are: in fiscal 1968, 38 percent of the defense budget was for Vietnam. All of that was eliminated by 1975. Furthermore, between fiscal 1969 and fiscal 1977 a Democratic Congress, led by senators such as Muskie and Mondale, cut $41 billion in defense budget authority. Yet in spite of that, and exclusive of the wind-down in Vietnam, the Republican administration increased defense spending.

Moynihan told the convention that the Republican platform denounced SALT II and "derides the very quest for nuclear peace." Moynihan's second point is false. His first point is peculiar, considering that, 14 months after the Vienna summit, he still has not clearly endorsed ratification of SALT II.

Well, perhaps these words to the convention were an endorsement: "The present SALT treaty is no more than a photograph of the facts; no arms treaty with the Soviets can be otherwise. But what is more necessary than the facts; what is more needed than the truth?"

Let's see: SALT II is a "photograph" of "facts," and facts are "necessary," therefore . . . Therefore what? The photograph is necessary?

Moynihan waxed indignant about the Republican platform's statement that Carter policies constitute "in effect . . . unilateral disarmament." He said, "If a party is this careless with words, can it be trusted with power?" What the Republicans are—and Moynihan prudently is not—talking about is that the Carter administration has unilaterally:

Cancelled the B1 bomber, delayed MX three years, delayed all cruise missiles two years, delayed Trident submarines two years, delayed Trident I missile development two years, indefinitely postponed Trident II, delayed Pershing II missiles two years, terminated Lance missile production, cancelled the modernization of Minuteman II, closed the Minuteman III production line (and ordered tooling destroyed so the line could not be reopened), withdrawn troops from Korea (perhaps adding to the destabilization that led to the coup), slashed the nuclear warhead program, slashed funding for war-fighting stocks, cut in half the Ford administration's shipbuilding plans and reduced the size of the Army, Navy and Air Force.

Moynihan is my friend and I would cheerfully see him president, but he really should not cite as proof of Democratic steadfastness the 1980 platform provision regarding Jerusalem. It says: "As stated in the 1976 platform, the Democratic Party recognizes and supports 'the established status of Jerusalem as the capital of Israel. . . . As a symbol of this stand, the U.S. Embassy should be moved from Tel Aviv to Jerusalem.' "

The provision says, in effect: We promised it four years ago. We could have done it at any time. We didn't, but words—our words, at least—are cheap, so here they are again.

But if a party is this careless with words, can it be trusted with power?●

TAKING FREEDOM FOR GRANTED: THE GREATEST THREAT TO FREEDOM

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. DORNAN. Mr. Speaker, an examination of voter turnout statistics and comments made by citizens to Federal offices in almost any part of our great Nation will identify a cancer which is growing to fatal proportions. The cancer I refer to is that of citizen apathy in the government process and the failure of many Americans to exercise one of our most fundamental rights under the U.S. Constitution, the right to vote.

I would like to share with my colleagues an essay written by one of my younger constituents, Richard Albertoni of Rancho Palos Verdes. Richard read this essay at the "Palos Verdes Independence Day" celebration. I think he has done an excellent job of recognizing that the greatest threat to freedom in America is taking this freedom for granted.

The essay follows:

THE GREATEST THREAT TO FREEDOM

In 1974 a Lithuanian citizen named Simas Kudirka tried to escape punishment from the Soviet government for reading an American magazine. After receiving no asylum from officers of an American ship, he pleaded with them, saying, "I want America. America free. I want free." Untold numbers of people living outside this country share the feelings of this man. It is sad to think that there are Americans who do not value the freedom they have. Taking freedom for granted could be the greatest threat to it.

One way this can be illustrated is through an examination of voter turnout. Although voting is one of America's most important rights, many of the citizens do not take advantage of it. In a recent local election on the Palos Verdes Peninsula, less than 20% of the registered voters took the time to go to the polls. With over 80% of these people not expressing interest in the contests, the validity of the outcome is questionable. Voting should be a way of obtaining the views of the people, yet with so little participation these people are telling the government that they do not care about the results.

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[1] "Health Research Activities of the Department of Health, Education, and Welfare: Current Efforts and Proposed Initiatives" (Department of Health, Education and Welfare, Washington, D.C., 1979), p. 84.

Another problem is the lack of involvement in government. Most Americans do not write letters to their congressmen or attend public meetings. They do not contribute time or money to political candidates or causes. These forms of activity are very important. Public officials represent the people. They must hear the people's opinions if representative government is to continue.

Learned Hand, who was for years Chief Judge of the Federal Court of Appeals in three eastern states, made this comment that summarizes the need for a positive attitude by citizens in a free country: "Liberty lies in the hearts of men and women. When it dies there, no constitution, no law, no court can save it."●

CAPTIVE NATIONS WEEK

HON. EDWARD J. DERWINSKI

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 19, 1980

● Mr. DERWINSKI. Mr. Speaker, throughout the last several weeks while we were in session, I have been inserting various articles in commemoration of the 21st observance of Captive Nations Week this past July.

In this regard, I would like to include several articles from publications across the country, reporting on the events that were scheduled to celebrate Captive Nations Week. First, a letter which appeared in the Bay City, Mich., Times, by Father Joseph Reitz, pastor of Our Lady of the Lake Church, Houghton Lake; second, an article from the Manchester, N.H., Union-Leader, commenting of the observation of the week; third, the New York News-World carried an article in its July 1 edition on preparations for the week in New York; fourth, the Neighborhood News and Garfield Heights Tribune located in Cleveland, Ohio, made mention of the proclamation by Mayor George V. Voinovich; fifth, articles from the Cincinnati, Ohio, Enquirer and the Ypsilanti, Mich., Press; sixth, a column by Lisa C. Rose appearing in the Cincinnati, Ohio, Post; and seventh, the New York News-World carried an article by Sara Towe on the implications of Captive Nations Week.

These articles follow:

[From the Bay City (Mich.) Times July 18, 1980]

WE STILL TAKE FREEDOM FOR GRANTED

Following on the footsteps of our national independence celebration, there is another commemoration in July, Captive Nations Week.

The week of July 13-19, liberty-loving U.S. citizens again commemorate Captive Nations Week. How many friends, neighbors and associates realize the freedoms they take for granted are denied to millions living under Communism?

In only 60 years Communist imperialism has swallowed up over two million square miles of free nations and territories with a population, close to one billion people, who would never have chosen to live under the hammer and sickle.

Compare these figures to the former territories of the U.S., Great Britain, France and other nations that have sought to implement the principles of self-determination and independence since World War II. More than 60 new, independent countries, with a population of over one billion, have come into existence since the defeat of the Axis powers. Some of those newly-free nations have already fallen to the Communists. Others, as April, 1980's issue of the U.S. Communist Party's theoretical journal, Political Affairs, points out, are on the Kremlin's hit list.

As the world falls to Communism, country by country, Political Affairs predicts that the time will come for the United States to succumb to "the world revolutionary process" and to embrace the inevitable: a Soviet America. "The Party will continue to fulfill its historic role," the Communist document states, "as the leading advanced revolutionary force of our time . . ."

The idea of a Soviet America might seem far-fetched but not to the Communists. More than 40 years ago the late U.S. Communist Party Chairman William Z. Foster—whose ashes are buried in the Kremlin—envisioned such a fate for the United States. So, too, did the late Soviet Party Chairman Nikita Khrushchev in an interview with James Reston of the New York Times:

"Incidentally, how old are you, Mr. Reston?" Khrushchev asked the Times' columnist in 1957. Reston responded: "Forty-eight" and Khrushchev answered: "I think that you can live to see the time when a Communist society is built, and you will then regret that you came to understand the advantages of socialism too late."

As with all the Captive Nations, the same methods will be used to bring about their fall: demonstrations, agitation, infiltration, intimidation, deceit, subversion and finally, total control and enslavement.

To the Communists, total control means forever. Never, in six decades, have Communist China or the Soviet Union granted independence to the country once it has been enslaved under Communist imperialism. If anything, the list of captive nations has grown and even includes, only 90 miles from our shores, Cuba.

Captive Nations Week is observed each year during July. It is done so on the basis of the Captive Nations Week Resolution (Public Law 86-90) which President Dwight D. Eisenhower signed on July 17, 1959.

This week, dedicated to the Captive Nations, don't forget to offer your prayers for all our persecuted brothers and sisters who keep the faith under the most repressive conditions in Communist nations throughout the world.

Fr. Joseph Reitz, Pastor,
Our Lady of the Lake Church,
Houghton Lake.

[From the Manchester (N.H.) Union-Leader, July 16, 1980]

CAPTIVE NATIONS WEEK OBSERVED

July 13 through July 20 is being observed as Captive Nations Week this year. Captive Nations Week started when the 86th Congress in 1959 unanimously passed Public Law No. 86-90, which authorized and requested President Eisenhower to issue a proclamation designating the third week of July that year and years to come as Captive Nations Week.

The New Hampshire Conservative Union will hold the Captive Nations' Observance at Sherwood Inn on Routes 4-202-9 just East of the Epsom Circle at 2:00 p.m. July 20. The public is welcome.

Dr. Alfred Lilienthal, historian and author, will address the gathering. He recently returned from a two month visit to nine middle east countries where he spoke with King Hussein, His Highness the Emir of Quator, the Emit of Bahrein, Pres. Assad and an exclusive interview with Mayor Shaka just before he was hit with a terrorist bomb.

[From the New York News-World, July 1, 1980]

PREPARATIONS BEGIN FOR CAPTIVE NATIONS WEEK

Representatives of 34 captive nations under communism are getting ready to organize Captive Nations Week 1980 in New York City. The Captive Nations Committee of New York includes many countries under Soviet domination from Albania to East Germany, North Korea to Ukraine and they demand freedom for all nations with every increasing voice volume.

This year's demonstration takes place on Sunday, July 13, with the 22nd annual parade on Fifth Avenue. Participating are individuals and groups with nationality, veterans, patriotic, church, political and civic background.

The week-long event extends from July 13 to 20. The opening Sunday program includes 9 a.m.: Assemble at 59th St. & 5th Ave., 9:15: Fifth Avenue parade 59th St. to 50th Street, 10:00 Memorial mass in St. Patrick's cathedral, 11:00: Fifth Ave. parade—50th Street to Central Park Mall (band shell near 72nd Street). 12:00 noon: Ceremonies, honored speakers, and folklore entertainment at Central Park mall.

Captive Nations Week is proclaimed each year by the president of the United States to focus attention on many nations ruled by the bullets of the communist slavemasters. The week-long event is dedicated to the inevitable overthrow of communism. It offers hope to oppressed and enslaved people all over the world for freedom and self-determination.

[From the Neighborhood News & Garfield Heights Tribune (Cleveland, Ohio), July 23, 1980]

JULY 13-20 DECLARED "CAPTIVE NATIONS WEEK"

Mayor George V. Voinovich has declared July 13-20 as "Captive Nations Week" to focus on the cause of human rights.

The mayor emphasized the following in his proclamation:

"The cause of human rights and personal dignity remains a universal aspiration, yet in much of the world, the struggle for freedom, human rights and independence continues. It is appropriate, therefore, that we who value our own precious heritage should manifest an understanding for those to whom these benefits are denied.

"The imperialistic policies of the Soviet Union have led, through direct and indirect aggression, to the subjugation and denial of human rights starting with the nations of Eastern Europe and extending their influence and domination in Latin America, Africa and most recently in Afghanistan.

"It is vital to the national security of the United States and other free nations of the world that the desire of liberty and independence on the part of the people of all conquered nations should be steadfastly kept alive.

"In support of this sentiment, the 86th Congress of the United States passed public law 86-90 establishing the third week in

July as Captive Nations Week and inviting the American people to express their sympathy and support for the just aspirations of Captive Nations and their people."

[From the Cincinnati Enquirer, July 25, 1980]

CAPTIVE NATIONS—OLYMPICS GIVING A NEW COGENCY TO OBSERVANCE

While Afghan athletes flashed word from Moscow they wanted to defect, Cincinnatians in their native East European dress dramatized "Captive Nations Week"—appropriately, if only coincidentally, timed to coincide with the Summer Olympics.

Some 30-odd nations and territories have either been absorbed into the Soviet Union or are under Communist flags of one kind or another. It was to the freedom of the billion-plus individuals under this domination that Cincinnatians from the Ukraine, Latvia, Lithuania and Estonia assembled in ceremony at the Main Library. There they put on display (through Aug. 4) books, letters and other mementoes of their flights to freedom. Eric Soovere, a medical photographer from Estonia, contributed memorable photos. The refugees also contributed books on their countries—relative to their plight—to the library's permanent collection.

But for such refugees and the Captive Nations Week that President Eisenhower proclaimed in 1959 for every third week in July, more Americans might be taken in by the captors' frequent blandishments—whether of Soviet, Chinese, Yugoslav or Cuban origin. The Joint Committee of Soviet-Occupied Nations, formed in Cincinnati after the invasion of Afghanistan, unfortunately has no Afghan representative.

What an honor and thrill it would be to have an Afghan athlete-defector as the first!

[From the Ypsilanti (Mich.) Press, July 18, 1980]

DETROIT ETHNIC FESTIVAL

Detroit.—The city's summer-long series of ethnic festivals will continue this weekend with the captive nations festival. The festivals are held at Hart Plaza on the Detroit riverfront, and feature ethnic food, drink, music and entertainment. Admission is free.

[From the Cincinnati Post, July 25, 1980]

DON'T FORGET ESTONIA, EXILES PLEAD

(By Lisa Cardillo Rose)

Eric Soovere calls his homeland, Estonia, a nation of slaves.

For 700 years, said Soovere, the country's rule changed hands as outsiders vied to capture its vulnerable Baltic Sea coastline. The Estonians were ruled by the Danes, the Germans, the Poles, the Russians and the Swedes, but the nation's identity survived.

Soovere and his wife, Leili, now Clifton residents, believe the 1940 Soviet takeover of Estonia began the cultural genocide of their native land. The country became a republic of the USSR.

Although Russian may have replaced the native language in Estonia's schools, the Sooveres insist the individuality of their country should not be allowed to fade. They tell their story today because they believe Cincinnatians don't recognize the significance of the Soviet invasion of Afghanistan.

"We felt we had to tell the world and Cincinnati that this (Afghanistan) is nothing new. This happened to the Baltic States," said Mrs. Soovere.

The Afghanistan crisis prompted creation in Cincinnati of the Joint Committee of Soviet Occupied Nations. The group, which represents Estonia, Latvia, Lithuania and the Ukraine, now is celebrating Captive Nations Week to spread its message.

The Sooveres lived through one Russian occupation of Estonia in 1939. "What could we do? We were 1.3 million against 180 million," Mrs. Soovere said of the first invasion.

During the 13-month occupation, about 61,000 citizens were deported to Siberia, Soovere said. The country's constitution and parliament were replaced by a political system offering a one-candidate choice in elections.

Then the Nazis invaded, and a three-year German occupation followed.

In September 1944, the Sooveres woke one morning to the sound of Soviet gunfire. Their first experience with the Russians a few years earlier convinced them to pack their belongings and flee, they said.

"We knew we wouldn't have any life under Communism. We just took a chance. We took our baby and fled," said Mrs. Soovere. Others fled too, without money or friends or helpful organizations. "Some of us made it; some didn't."

The Sooveres eventually came to the United States in 1949.

Committee members have been trying to enlist the support of congressmen. A display through Aug. 4 at the Cincinnati Public Library offers books and information on Soviet-occupied nations. And group members have appeared on television and radio this week to discuss their experiences.

[From the New York News-World, July 21, 1980]

CAPTIVE NATIONS URGE U.S. BE STRONG

(By Sara Towe)

In an election year, President Carter didn't dare refuse to sign a Captive Nations Week Proclamation as he has done in the past, said a member of the Americans to Free Captive Nations at their rally beneath the Statue of Liberty yesterday.

More than 200 people listened to speeches and watched the colorful folk dances in a shady area surrounded by posters and banners from at least 10 of the 34 captive nations.

Dr. Valentina Kalynyk, president of the organization for the last 16 years, emphasized that the free world must stand up to Moscow's aggression in order to survive.

Hassan Durrani, claimant to the Afghan throne, called on Carter to recognize a provisional Afghan government.

"If the U.S. government can afford to give $123 million to leftist Nicaragua, it can certainly afford to assist our cause," he said and was applauded loudly.

Another Afghan, Dr. B. A. Zikria, warned that the Soviets will seal the Pakistan and Iran borders after the Olympics and will then work to destabilize those countries.

"Afghanistan is not yet a captive nation," he said. "It cannot be digested by the Soviet Bear. Afghanistan will force the regurgitation of all the captive nations."

The former ambassador of Taiwan, K. C. Dunn, now director of the Coordination Council for North American Affairs, spoke of his small country as the hope for many mainland Chinese.

"Millions of people in communist China look to free China to save them," he said.

Lubomir Ivanov, vice president of Americans to Free Captive Nations, immigrated here in 1944 from Bulgaria after working underground for two years in the Bulgarian National Front, opposing the Communist takeover of his country. He claims the organization still maintains direct contact with representatives in many Bulgarian towns.

"Hope depends on America," he said, condemning detente as a policy which helps the Soviets. "The Soviets and China fight each other today," he said. "But when they come to America they'll come together."●

TRIBUTE TO CONGRESSMAN KEITH SEBELIUS

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1980

● Mr. BEREUTER. Mr. Speaker, in my short tenure as a Congressman, I have come to know my friend and colleague from Kansas, Keith Sebelius, quite well.

My close acquaintance with him is not due only to our service together as members of the Interior Committee, or as members of its National Parks and Insular Affairs Subcommittee, of which he is the ranking minority member. Nor is my close relationship with Keith due only to the fact that we represent similar neighboring districts in the States of Kansas and Nebraska.

While these factors certainly have contributed to my friendship with Keith Sebelius, it is primarily the deep and sincere respect for his knowledge, abilities, and leadership that have led me to consider him one of the most valuable Members of the House of Representatives. There is no Member who has been more helpful to me during my first term in Congress; nor is there anyone whose advice I have sought more frequently.

Keith Sebelius, the man from Kansas' big First District, consistently displays sound judgment in all of his endeavors, and I have quickly learned to consider his thoughts and deeds as being unerringly consistent with the best interests of his Kansas constituents and the Nation. His leadership, advice, and views in the areas of agriculture and national parks have been invaluable to me, as I am sure they have been for other Members of Congress.

Keith Sebelius has brought many fine qualities to this body—dedication, leadership, conscientiousness, and integrity. The people of Kansas and the Nation have good reason to say to Keith: "Good job."

I am, therefore, very pleased to join those people and not only express a resounding good job to Keith, but also to express my best wishes to him as he retires from Congress. Since we will all miss his fine qualities in the House, we hope he visits this Chamber frequently in the years ahead.●

SOUTH BOSTON

HON. JOE MOAKLEY

OF MASSACHUSETTS

Tuesday, August 19, 1980

● Mr. MOAKLEY. Mr. Speaker, recently the Quincy Patriot Ledger carried an outstanding article by a gifted writer, Kathleen Kroll. Ms. Kroll has painted a moving and troubling appeal for those who speak most forcefully for human rights to look a little more closely at how they view one group of neighbors, the residents of South Boston.

Having lived in South Boston all my life, I have been very troubled by the way our town has been portrayed since the onset of racial troubles involving small numbers of people. I have pleaded for fair play and understanding but Ms. Knoll has said it all so well that I wanted to place her excellent article in the RECORD:

SOUTHIE IS MY HOMETOWN

You can't stereotype someone you know, insists my friend Janet. Perhaps she's right, but as I listened to a new acquaintance voice his anti-bigotry, I had a feeling his most laudable intentions were buried in meaningless rhetoric.

"If there's one thing I can't stand, it's someone who stereotypes others," he said with conviction. It was common cocktail party conversation, peppered with anecdotes, culminating in the judgment: "I could never stand those people from South Boston."

The words stung. I had been nodding in agreement, now my eyes flew open, my nostrils flared. I decided quickly not to let the remark go unchallenged.

"Really?" I was restraint itself. "You seem to be enduring me pretty well."

"You? You don't live in South Boston. I didn't mean you."

"I lived there for 27 years. I was brought up there. Who did you mean if not me? My family? My friends? My childhood neighbors?"

This man seemed surprised by my reaction, but he missed no beats. "Oh, but you're obviously not one of them," he replied. "You're different. You're not really like someone from South Boston."

From there I embarked on a soliloquy he is not likely to forget.

Just what is "someone from South Boston" supposed to look like, be like?

I'm not "really like" who? Cardinal Cushing, or his sister who lived around the corner from me? Mayor Collins' sister who lived across the street? The oral surgeon and his sister the nurse who lived across the hall on Sterling Square?

Perhaps he meant the teachers, the politicians. Must be he thinks me different from my three housing project buddies who graduated from Harvard.

Of course, we never realized our designated slot in society; we were oblivious to the image attached to our address we carried. Perhaps we were unaware of our limitations.

But must our achievements be judged inferior because we were not from a "better" town? And a town is what South Boston is to the people who live there.

In Old Harbor Village, residents waited years for a "single" house, then cared for their unit with a sense of pride rivaling homeowners in the finest suburb. Fenced-in gardens abounded. Green thumbs, thank God, are not restricted by Zip Code. I have still seen few show places to equal "Mr. Murray's Botanical Gardens" on Logan Way.

Native South Bostonians are fiercely proud, loyal although often poor. I recall a real ethnic blend of Irish, Lithuanians, Polish, Italians. Just about everything—including blacks. They lived, for the most part, in public housing. Other blacks came in great numbers to swim in Pleasure Bay, to fish at Castle Island.

The first black family moved into our project—across the court from me—in the mid-60s. Busing hadn't yet divided the city.

Their U-Haul-It got stuck between two chain link fences as they backed up to unload furnishings. A group of teenagers happened by, directed the driver through, helped unload, wished the family well, and went on their way.

The new family was readily accepted. Other blacks began moving into other apartments, first into Old Harbor, then Old Colony, then D Street.

We were neighbors, we were individuals, until busing. That was when the thousands of blacks who routinely flocked to the beaches to swim or fish were warned by the media that the people of South Boston weren't people at all, but monsters bent on harm.

South Bostonians were never unified in hatred of the incoming blacks. They were unified in loving their own children.

Those who avoid stereotyping Jews, Hispanics, blacks and women often display raw intolerance for the inhabitants of a given area.

I am a product of my South Boston childhood. And, like most people, I consider myself to be relatively free of racism, sexism, anti-semitism. I am not an oddity. It's society's perception of me, of who I should be, that's incongruous.

Friends I've made since moving to the suburbs seem to think me a "find," opposite from what my upbringing would suggest.

Those of us who grew up there know better. Cardinal Cushing wasn't different. Joe Moakley isn't different. Ted Kennedy's City Point cousins aren't different. We haven't changed. Only our TV image has changed, altered immeasurably by the amplification of the deeds of a few misfits.

How much the biased coverage has harmed South Boston's image is hard for me to decipher, since I had never perceived my neighborhood as being any different from Hingham or Duxbury. We all had beaches, we were the same. Such is the naivete of inner city folk.

In suburbia we have strident opposition to Metco busing programs. We have stones and slurs. What we do not have is minute media coverage of these faults. There are those to be apologized for in every community, regardless of the social strata involved.

As my arguments wound to a close, the man before me stood mute. He sipped wine, exchanged glances with those around us, unswayed. In frustration he shrugged knowingly, palms upturned in mock surrender.

"No sense arguing with you," he said, turning away. "You Southie people are all the same."

As he disappeared in a righteous huff, I couldn't help but wonder where he was from.●

RETAILER INVENTORY REFORM ACT OF 1980

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. NOWAK. Mr. Speaker, I am asking support for H.R. 7851, the Retailer Inventory Reform Act of 1980, which I introduced on July 28. The bill is an initial step in the simplification of the tax law dealing with accounting for inventories. H.R. 7851 is designed to make the last-in first-out (LIFO) inventory method more readily available to retailers.

The report on capital formation and retention, issued by the Small Business Subcommittee on Access to Equity Capital and Business Opportunities, which I chair, made several recommendations designed to aid capital-intensive small businesses, and advised that tax relief should be provided to labor-intensive small businesses. H.R. 7851 is designed with this in mind; it provides relief to the often-forgotten labor-intensive industries.

WHAT THE BILL WOULD DO

The bill allows retail stores to use price indexes published by the Bureau of Labor Statistics when using the retail method of pricing LIFO inventories. In addition, the bill provides that appropriated funds be used in preparing and publishing such indexes.

As discussed below, H.R. 7851 permits retailers to use the same BLS price indexes which are now only available to department stores. The bill makes BLS indexes available to retailers who sell one or more of the following lines of goods:

I. Piece Goods.
II. Domestics and Draperies.
III. Women's and Children's Shoes.
IV. Men's and Boys' Shoes.
V. Infants' Wear.
VI. Women's Underwear.
VII. Women's and Girls' Hosiery.
VIII. Women's and Girls' Accessories.
IX. Women's Outerwear and Girls' Wear.
X. Men's Clothing.
XI. Men's Furnishings.
XII. Boys' Clothing and Furnishings.
XIII. Jewelry.
XIV. Notions.
XV. Toilet Articles and Drugs.
XVI. Furniture and Bedding.
XVII. Floor Covering.
XVIII. Housewares.
XIX. Major Appliances.
XX. Radio and Television.

FEBRUARY AND JUNE HEARINGS

In February and June 1980, the Small Business Subcommittee which I chair, conducted the first hearings ever held on the inventory simplification issue. These hearings were held in response to numerous complaints by small businesses which were experiencing difficulties because of the complex and confusing tax regulations on inventories.

In testimony before the subcommittee, Daniel I. Halperin, Deputy Assistant Secretary of the Treasury for Tax Policy, agreed with the view of many small business advocates on the complexity issue. He stated:

> Small business has a legitimate complaint that the current complexity in the use of LIFO effectively denies them its benefits. The Administration supports the need to simplify the LIFO rules for small business to make them more available.

Internal Revenue Service statistics for 1974 presented at the February hearing, show that 1.1 percent of all retailers and 2.5 percent of all wholesalers use LIFO. H.R. 7851 would reverse these dismal statistics in expanding the use of LIFO to the many small business retailers. Small business' desire for simplification of the inventory accounting rules is not a quest for favorable tax treatment. It is simply an issue of equity.

REASONS FOR NOT USING LIFO

The complexity of the law makes proper compliance with current inventory methods a veritable nightmare. In particular, small businesses find it difficult to administer the detailed recordkeeping required in order to make a proper LIFO election. This recordkeeping requires computation of several inventory pools, the establishment of an accurate statistical index, and the use of inventory layers.

ESTABLISHMENT OF ACCURATE STATISTICAL INDEXES

One means of LIFO simplification suggested in hearings before my subcommittee, is the use of Government produced index for the pricing of small business inventories. In the absence of a Government produced index, a business must develop its own index based upon sound statistical methods. A small business that cannot afford costly statisticians and accountants to develop an index is effectively denied the benefits of LIFO.

Current tax law, however, permits department stores to use price indexes published by the Bureau of Labor Statistics. Smaller retail stores, on the other hand, can use the BLS indexes only if they can establish the accuracy, reliability, and suitability of each index. For example, a shoe store is subject to a tax audit for the use of the same index a department store uses for pricing its line of shoes.

H.R. 7851 extends the use of the BLS price indexes to any retailer with a grouping or line of goods similar to the current groupings used by the department stores.

H.R. 7851 AS AN INITIAL STEP TOWARD INVENTORY REFORM

H.R. 7851 is an initial step toward inventory tax reform. It is designed to initiate congressional discussion of this most important small business issue. Besides inventory reform for retailers, other measures could be initiated that would aid "mom and pop" stores, as well as wholesalers and manufacturers. These reform measures could reduce the number of LIFO pools and layers, as well as allowing small businesses to elect the use of the cash receipts and disbursements method—the cash method—of accounting.

I will continue to study these proposals in order to recommend workable solutions especially designed to accomplish comprehensive inventory reform for all small businesses.●

DEMOCRATIC PLATFORM DESCRIBES FANTASYLAND

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. GINGRICH. Mr. Speaker, the mismanagement of the U.S. economy over the last 4 years has been disgraceful. It has meant hardship, misery, and the loss of hope for millions upon millions of Americans. Now comes the Democratic platform, appearing to emanate from a fantasyland as it, one, takes credit for things it says are fine but which are not and, two, places blame for what it cannot explain on previous administrations and foreign powers.

On page 1 of the platform is something that is flatly untrue. "In 1977," it says, "we inherited a severe recession from the Republicans." That statement is utter nonsense. The last recession ended in April 1975, and 1976 was one of the best economic years of the seventies.

The economy grew by 5.9 percent in real terms. Unemployment in 1976 was nearly 1 percent lower than the year before. Inflation averaged 4.8 percent, the lowest rate we have had in any of the last 8 years. The Democrats did not inherit a recession. They inherited an economy with all the trends moving in the right direction, and promptly proceeded to turn them around.

Says the platform on page 2:

> Two tax cuts have been enacted, in 1977 and 1978, reducing taxes on individuals and business by an amount equal, this year, to about $40 billion.

If you had an expert juggler of figures, he might be able to defend that statement as being true. But even then it is much less than the whole truth.

From fiscal 1978 through 1981, the total money sent to Washington by working Americans will have grown by $245 billion. That's six times the amount of the so-called tax cut bragged about in the Democratic platform. It is about $2,500 in extra taxes for every American in the civilian labor force, and it still was not enough to balance the budget, because Federal spending raced on out of control.

Says the platform on page 3:

> We specifically reaffirm our commitment to achieve all the goals of the Humphrey-Hawkins Full Employment Act within the currently prescribed dates in the Act.

When Humphrey-Hawkins passed Congress in 1978, its goals for 1983 were 3 percent inflation and 4 percent unemployment. But the OMB mid-session review of the 1981 budget, released last month, predicts 7.8 percent inflation and 6.6 percent unemployment in 1983. The Democrats may be making a commitment, but it is not to Humphrey-Hawkins.

On page 8 of the platform, an attempt is made to turn a curse into a blessing:

> In the eight years preceding the first Carter budget, real federal spending had been growing at an average rate of 3 percent each year. By contrast, between fiscal year 1978 and 1981, real federal spending will have declined at an average annual rate of 0.6 percent.

Note the critical placement of the word "real." Because of the catastrophic inflation of 1977-80, totaling 43 percent without compounding, Federal spending could not quite keep up. So the Democrats have not been able to increase the spending of devalued dollars quite as fast as they have increased the rate at which those dollars are devalued. Whether that is something to be described as an accomplishment is debatable, by working Americans if not by the Democratic Platform Committee.

Referring to the years 1977-79, the platform states that—

> Gross National Product increased by 11.8 percent in real terms.

But the nominal rate of growth of the GNP was 39 percent, from $1.621 trillion to $2.313 trillion. Most of this growth was rendered meaningless because of inflation totaling more than 30 percent over the 3 years in question. The issue is not whether the economy managed to grow at all despite escalating regulatory and tax burdens, but how impressive the performance could have been had economic policy been graced with a bit of common sense and competency.

Still referring to 1977-79, the platform says on page 1 that—

> Real after-tax income per person increased by 10.3 percent.

I have a hard time believing this. The Bureau of Labor Statistics reported that the typical U.S. family lost 5.3 percent of its purchasing power in 1979 alone. An even worse decline is in store for 1980. I do not deny that some gains, on the average, were made in 1977 and 1978. But honesty compels us to admit that all of those gains will be lost in 1979 and 1980.

You will not find much mention of the year 1980 in the platform. It is when inflation hit highs not seen since the summer of 1946. It is when nearly 2 million Americans were thrown out of work. To the extent the platform even mentions these unpleasant circumstances, it places responsibility for them on people other than those who have controlled the White House for 42 months and the Congress for 25 years.

But Federal law requires the President's economic advisers to be a little more forthcoming than his platform writers. The mid-session budget review spells out the bad news: The 1980 budget deficit will be the second biggest in American history. The promised balanced budget for 1981 will be $30 billion in the red. Unemployment will leap from 5.9 percent at the end of 1979 to 8.5 percent by this year's end. It is supposed to average, repeat, average 8.5 percent in 1981.

Certain White House people have said the recession was necessary to bring down inflation. Yet the President's advisers forecast a combined inflation rate for 1980-81 totaling 22 percent. If the inflation rate used is the yearly average, rather than the December-to-December figure, we see inflation at 11.4 percent last year and 13.4 percent this year. This is in spite of the recession that we were told would moderate the level of price increases.

Spokesmen for the majority party have announced their intention to tear apart the Republican platform. If I had their record and their platform, I would also seek to focus attention somewhere else. But the Democratic platform, as masterful a piece of creative fiction as it is, cannot obscure the fact that working people are being devastated by what once was the party of working people. We are often told that national party platforms do not mean anything, but the Democrats are the first national party to design their platform with the seeming goal of validating that opinion.●

TRIP TO CHINA: PART I

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. BIAGGI. Mr. Speaker, I recently had the privilege and the pleasure of being invited by the Captive Nations Week Committee and the Asian People's Anti-Communist League to participate in the celebration of the 22d annual observance of Captive Nations Week from July 13-19 in Taipei, Taiwan. In attending this celebration with many governmental leaders from the world over, I was able to see firsthand both the strength of commitment to the intent of Captive Nations Week as well as learn of the current state of affairs in Taiwan since we have normalized relations with the People's Republic of China.

This body, which provided for the observance of Captive Nations Week in Public Law 89-90, recognized the need to keep alive an international dialog on the constant and ever-present danger of Soviet aggression in the world since World War II. The most recent nation forced to accept enslavement by Russian communism, Afghanistan, is a testiment to the fact that our commitment to captive nations should be stronger than ever. The Communist threat of colonial domination, contrary to what many people in the world would have us believe, continues as an ongoing danger to all free peoples of the world.

The Captive Nations Committee, headed in this country by Dr. Lev Dobriansky, along with the World Anti-Communist League, have been tireless in their efforts to keep alive the desire for liberty and independence on the part of subjugated peoples everywhere. This mission runs parallel with that of our own U.S. foreign policy, that being respect for and dedication to the cause of human and civil rights for all people, a policy begun by President Carter. It was the current administration that recognized the need to redevote our efforts to making human rights an integral part of our foreign policy as it is practiced in all parts of the globe.

As a result of President Carter's commitment to human rights in our own foreign policy, Captive Nations Week has taken on a special meaning for all those nations who join with us in their belief that freedom, justice, and democracy should be the foundation upon which all governments should rest.

I arrived in Taiwan on July 13 as one of many distinguished international guests who would participate in the weeklong activities. Joining me on this trip was my youngest son, Mario Jr. The other participants included Dr. Blas J. Celis, Chairman of the National Assembly of Representatives in Panama, Jean-Pierre Graffe, Member of the Belgian Parliament, Jetro M. Mamba, Speaker of the Swaziland Parliament, John Gamble, Member of the Canadian Parliament and Kir Johari, Member of the Malaysian Parliament.

It was truly an educational experience for all of us who participated. While our national and cultural traditions differed greatly, we were united in our belief that communism is a force which must be halted before another nation falls prey to its aggressive tyranny.

I commend to the attention of my colleagues an editorial from the China News which so eloquently states the sentiments of the Taiwanese people regarding the importance of Captive Nations Week in their country.

[From the China News, July 14, 1980]

MORE THAN AFGHANISTAN

Captive Nations Week is here again, and the cynical may well ask to what avail.

More than 20 years after the start of this well-intentioned movement, we have more captive nations than ever.

Afghanistan was recently added to the list as a consequence of Soviet aggression.

That seems to have rekindled some American interest in Captive Nations Week.

On the other hand, less than two years ago, the president of the United States placed the stamp of approval on Communist capture of the Chinese mainland.

The nations of Cambodia and Laos are now the captives of a Hanoi regime that had already swallowed up South Vietnam.

Is Captive Nations Week then to be construed as an exercise in hypocrisy?

When President Carter proclaimed Captive Nations Week, which nations did he have in mind besides Afghanistan?

Did he include Eastern Europe and the captive peoples of the Soviet Union itself?

If the Captive Nations movement is to be more than a propaganda vehicle, it must have the support of those who are prepared to fight for the right of people to choose their national identity and then freely elect their governments.

This is not the case in any country behind the Iron Curtain. The Communists do not allow free elections. They do not permit self-determination of peoples.

The Republic of China's backing of the Captive Nations movement is not a grinding of an anti-Communist ax.

This country opposes Communism not out of political considerations or as a rejection of socialism, but because our own Communists (and all others we are aware of) reject the people's freedom of choice.

We are interested in Afghanistan but only as one country among many.

Today the Soviet Union is reviled by the Communists on the Chinese mainland. Not so long ago the Russian Communists were the big brothers of the Chinese Communists.

The Communist tyranny established on the mainland was not a Chinese product but an export of the Soviet Marxist. Communist usurpation of the mainland was accomplished with weapons supplied by outsiders intervening in Chinese affairs.

If the Captive Nations movement still has validity, it is as a reminder that aggression is still with us and that tyranny continues to expand.

While so many are slaves, how can so few expect to remain free?

While the totalitarians are unrestrained by collective security or even a realistic facing up to what they have already grabbed, how are the remaining uncaptured nations to be safeguarded?

Most of the world has forgotten or deliberately suppresses the fact that the mainland is captive.

The same is true of Eastern Europe and the republics of the Soviet Union. How many Ukrainians, Georgians, Estonians, Latvians, Lithuanians, etc., wish to be ruled from Moscow?

Advocates of liberation for captive nations need to get back to the fundamentals of who is enslaved by whom and the reasons why.

The reasons for enslavement include the cowardice enjoyed in comfort by those who are lucky enough to remain free.

Their own turn is coming closer with each of their brothers who disappears into the slave state system.

While one nation remains captive, the freedom of all the uncaptured will be in jeopardy. Today's count of the captives is rising not falling. Time grows short for the free.●

THE CHINA SYNDROME—1980

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. DORNAN. Mr. Speaker, the press has given coverage to the recent visit of the Senate majority leader, Senator ROBERT C. BYRD, to the People's Republic of China.

Senator BYRD appeared to totally embrace the enthusiasm of the Chinese Communist leadership for the present modernization program in China. Little has been said of the chaotic conditions in China under Mao Tse-tung—(Mao Zedong)—which led to growing difficulties in the economy; many of the same people in control of events now embraced the earlier policies with enthusiasm. The Communists paint a hopeful picture to visitors and the media but the perceptive observer should look deeper than surface impressions.

A recent study by Dr. Donald J. Senese, "Modernizing the Chinese Dragon: The Prospective Impact of Western Aid and Technology on Mainland China," published by the Washington-based Council on American Affairs, point out some of the problems in following a policy to supply mainland China with all of its needs and wants, especially advanced technology.

In the preface to the book, our colleague, Representative RICHARD T. SCHULZE, makes this comment about granting most-favored-nation status to the People's Republic of China:

> The granting of MFN to China represents another misstep along a disastrous foreign policy road as we refuse to recognize the clear lessons of aggressors throughout history and seek to appease every new militant totalitarian power. Once these powers gain what they desire from the West, they tend to drop their words of peace and resume their aggressive stance. We built the Soviet Union into a powerful adversary for the Free World through Western technology and Western financing; we appear to be following the same mistaken course regarding Communist China.

I would like to enter into the CONGRESSIONAL RECORD an article entitled "Warning About Mainland China" which appeared in the July 10, 1980, edition of the China Post:

[From the China Post, July 10, 1980]

WARNING ABOUT MAINLAND CHINA

A recent report issued by the Council on American Affairs of Washington, D.C. warning the U.S. government and American businessmen not to move too quickly to seek closer political ties with Peiping should be heeded.

The 80-page report also warned the United States and other free world nations to use caution in providing Red China with advanced technology, science and agricultural products. The writer of this lengthy report, Donald Senese, is a senior researcher with the House Republican Study Commission. He said in the report that if Western nations rush into Red China just for cash and contracts without "reasonable assurances" of Peiping's peaceful uses of its technology, "they may find disappointments".

Senese warned that "They may find that Red China will not pay the money promised through suspension or cancellation of contracts". It is already common knowledge that the Chinese Communists have resorted to such suspensions or cancellations of many multi-million-dollar contracts concluded with U.S. businessmen who have to suffer their losses in silence as any adverse publicity on those deals will hurt their future chances of doing business with mainland China.

The report also noted that "Even worse, they may find that they have built up a nation economically and militarily that might be a rival in trade or an adversary in international relations". It also categorically refutes the playing of the "China card" to counter the Soviets as a dangerous policy because basically both countries are Communists opposing democracies, capitalism and political freedom. It described the idea of a vast "China mainland market" opening for U.S. investors as "a myth" and a lure to gain support for increased Red China trade. He declared that "There is no mainland market of 900 million people. The China mainland market is not an entity . . . and may well be a myth bringing more disadvantages in the long run than advantages". The fact that the masses on the Chinese mainland are so poverty stricken and starving for simple food and clothings has qualified them as good customers in the commercial sense.

The Chinese Communists have indeed tried to blackmail the United States into supplying them with military supplies, technology and sophisticated scientific equipment in the name of modernization or for the purpose of countering Soviet aggression in Afghanistan. They are also trying their very best in stirring up troubles between the United States and the Soviet hoping to fish in troubled waters when the two super powers should become involved in conflict.

Moreover, the Chinese Communists are also using the United States to subdue their internal unrest and revolt. Hua Kuo-feng might use his meeting with President Jimmy Carter in Tokyo today to strengthen his position in the Chinese Communist power struggle. All such possibilities render the recent warning by Senese more significant and timely. Free people everywhere should beware of Chinese Communist tricks and deceits.●

PERSONAL EXPLANATION

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Ms. HOLTZMAN. Mr. Speaker, I was unable to be present on June 12 and 13. Had I been present, I would have voted as follows:

On June 12:
Rollcall 314, no;
Rollcall 315, yes;
Rollcall 316, no;
Rollcall 317, yes;
Rollcall 321, no.
On June 13:
Rollcall 326, yes;
Rollcall 327, no.●

PHIL BLAZER OF "ISRAEL TODAY"

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. WAXMAN. Mr. Speaker, for 15 years Phil Blazer has hosted "Israel Today," a radio program broadcast in Los Angeles devoted to music, news, and public affairs programing about American Jewry, Israel, and the Middle East. Phil Blazer brings much more than entertainment to his enthusiastic and devoted listeners. His programs are always informative and provocative, making a major and distinctive contribution to Jewish culture in this country, as well as to our understanding of the issues of importance to Israel, the Middle East, and world Jewry. "Israel Today" exists not only on the radio, but in a national magazine Mr. Blazer founded some 7 years ago, and in a television program which is broadcast weekly. Both have also enjoyed outstanding success. I want to congratulate Phil Blazer on this milestone in his career, and express my best wishes for the continued success of "Israel Today." Phil Blazer's valuable service to our community is the subject of an excellent article in the Los Angeles Times, which I am pleased to commend to my colleagues:

[From the Los Angeles Times, July 20, 1980]

"ISRAEL TODAY'S" ACTIVIST-HOST

(By James Brown)

Phil Blazer doesn't fit the mold of a modern-day activist. He's quiet, soft-spoken, with boyish good looks and a casual, friendly manner. There's no fire in his eyes. No tell-tale signs of impassioned commitment. He could be the nice young lawyer or stockbroker who just moved in down the street.

But Blazer, a 36-year-old native of Minnesota, is, in his understated way, a force to be reckoned with—as some of our top-level government officials and media celebrities are most aware.

It was Blazer who organized the two "Black-Tie Protest Dinners" in opposition to the Carter Administration's Mideast policies. It was Blazer who ran interference for the "Stop It Now!" Skytrain to Skokie, Ill., protesting the appearance of the neo-Nazi National Socialist Party of America. And it was Blazer who accompanied the Rev. Jesse Jackson to Israel in hopes of "neutralizing" what he felt to be Jackson's misguided involvement in the Middle East.

On most questions of concern to the Jewish community—locally, nationally and internationally—Phil Blazer is right out front. And he has a multi-media foundation to help lead the attack.

Blazer is the editor and publisher of Israel Today, a national Jewish community news magazine which he founded in January of 1973. He's the host and executive producer of a weekly "Israel Today" television program, which airs locally on Channels 18 and 52.

But Blazer's longstanding base of operations is his radio show, once again entitled "Israel Today," which has been on the air for 15 years now, currently broadcast on Sundays at 10 a.m. on KIEV-AM (870) and at 10 p.m. on KFOX-FM (93.5) in Long Beach.

Essentially, the radio version of "Israel Today" is a compendium of Israeli and Jewish music, comedy and live news broadcasts from Jerusalem and Washington, D.C.

But the format is flexible enough and Blazer's identity and credibility is such that he can focus on the various issues that concern him, soliciting support from his audience in the process.

"I use my radio show very heavily," Blazer says. "There's so much immediacy and mobility to radio. I've done my show from delicatessens from a bicycle, I can be anywhere. But the first time I actively solicited listener support was in 1973 to protest the Arab oil blackmail."

The form of Blazer's protest was to ask his audience to tear up their Standard Oil credit cards in response to Standard's Board chairman sending a letter to company stockholders urging that they be more friendly to the Arabs.

"I had no idea if I'd even get one torn credit card back," Blazer said. "But there ended up being thousands of them coming in, piled up and looking very impressive. That was the first time and it was extremely successful."

Later in 1973, Blazer took to the air again to ask for some financial aid to smuggle a Torah into a Leningrad synagogue. This came about after Blazer had read that the Soviet synagogue had its 12 Torahs confiscated. And once again he was successful—though not without some cloak-and-dagger intrigue at the Soviet customs port.

"We'd asked Rabbi Ellis Sultanik to be our courier," Blazer said, "but the news of what he was going to do had apparently traveled ahead. They asked him, 'Are you the rabbi who's smuggling the Torah into Leningrad?' But then he said, 'What's a Torah?' So they stamped his passport and let him through. That synagogue still uses the Torah we smuggled in."

With this precedent, "Israel Today" has been on the scene for some historic occasions over the past several years—including the first Begin-Sadat meeting in Israel in 1977.

"That was an unbelievable experience," Blazer said. "While I was watching Sadat's plane descending I was standing next to an Israel cameraman who had spent four years in an Egyptian prison. And there he was, speaking Arabic to a group of Egyptian journalists as if nothing had happened. It was one of the most moving experiences of my life."

Two years later, Blazer made some history himself as he broadcast an edition of "Israel Today" from Radio Cairo via satellite, opening that show—tongue firmly in cheek—with a rendition of "My Yiddisher Mama" sung in Arabic. The thought of that moment still brings a smile to his face.

Blazer's broadcasting career actually began on a more conventional note. While still in high school, Blazer hosted a jazz program on KVFM-FM in the San Fernando Valley. "I just walked in cold and asked for a job," he said. "Johnny Magnus was my idol and I tried to pattern myself after him."

While attending Minnesota University, Blazer hosted another jazz program, worked in radio sales and even spent some time at a trail-blazing rhythm and blues station, whose general manager was none other than Wolfman Jack.

It was also during this period that Blazer first got the idea for a program directed toward the Jewish community. "I was driving around one day, listening to this radio program that was hosted by a local rabbi and broadcast in Yiddish, and something just clicked. I thought why not do a similar kind of show but with a younger, less orthodox point of view."

And thus was born "Israel Today," "Actually, the basic format hasn't really changed that much in 15 years," Blazer said. "It has four elements—Israeli music, Jewish music, comedy and the news. I stress the comedy because that's what attracts the younger audience and also because the Jewish community enjoys laughing at itself."

With Blazer's increased activism, though, also came a newfound responsibility. "It's often misconstrued that I speak for the Jewish community," Blazer said, "when in fact I'm just speaking for myself. But I do realize that I have the media—the newspaper, the television show, the radio program—so I have to be very careful when I made a decision.

"I've lost a few nights' sleep over some of those decisions," Blazer continued. "But I've been lucky in this respect. If I had to make any of them over again, I'd do exactly the same. I haven't regretted one thing."●

H.R. 7702

HON. JIM LLOYD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. LLOYD. Mr. Speaker, yesterday's passage of H.R. 7702, the California wilderness bill, is of particular importance to residents of California's 35th Congressional District, as the bill establishes a 44,600-acre Sheep Mountain Wilderness in the Angeles and San Bernardino National Forests. This area is entirely within the district I represent and reflects the proposal contained in the bill, H.R. 5541, which I introduced last October.

One of my first acts as a Congressman in 1975 was to introduce a bill to establish a 52,000-acre Sheep Mountain Wilderness Study Area. I'm very pleased that 5 years later, following the establishment of a study area and an extensive review of its resources by the Forest Service, the process is nearing completion.

The terrain of this land is very steep and rugged, much of it covered by chaparral. It is laced with narrow canyons, which contain several fine trout streams. Located in the San Gabriel Mountains, the highest peak, Mount San Antonio, juts above the timber line to provide a breathtaking view from the desert to the Pacific. This area is also a valuable watershed for the nearby urban region. But the crowning jewel is the herd of Nelson bighorn sheep which ranges over this rugged land only an hour and a half from downtown Los Angeles.

This close proximity of a wilderness area and its herd of wild sheep to an urban, heavily populated area such as Los Angeles is almost miraculous, and a particularly important reason for preserving it as a reminder of southern California's wilderness heritage, and as a refuge from the noise, congestion, and pressure of city living. But in order to enjoy wilderness in the future, we must protect it now, and we must be sure to set aside an area large enough to remain viable in the face of urban expansion pressures, for once this land is gone, it is gone forever.

At the same time, care has been taken in as far as possible to avoid conflicts with established uses. A trail to the top of Mount Baden-Powell was excluded because of the popularity of this hike with local Boy Scouts. Paiute Camp on the eastern boundary was excluded to allow continued access by offroad vehicles. And the northern boundary along Blue Ridge was adjusted southward to avoid any disturbance of plans by the Mountain High ski area to locate a snowmaking reservoir there. All current ski areas were excluded, including Mount Baldy's lift 1A, which has not yet been constructed. In addition, the Wilderness Act requires that all private lands and mineral claims be allowed reasonable access.

The threat of fire in this area is a big concern to persons who live close by, and for that reason I included specific fire suppression and presuppression language in my Sheep Mountain Wilderness bill. While firefighting measures are permitted in wilderness areas, I wished to eliminate any doubt as to the authority of the Forest Service to take steps to lessen this threat. Consequently, I am pleased that H.R. 7702 contains language authorizing necessary fire control activities in wilderness.

The establishment of a Sheep Mountain Wilderness enjoys broad community support from the many people who recognize the precious resource we have in this region and want to see it preserved for their children to enjoy. All too often we have been left to cope with the problems caused by the selfish shortsightedness of individuals and groups who have ruthlessly exploited the land and mutilated its natural beauty. Fortunately, there have also been persons who were farsighted enough to set aside areas of natural beauty as a legacy for us, and who know that if they did not do it, then future generations might never have the chance.

I feel a strong personal commitment to the establishment of the Sheep Mountain Wilderness and urge the Senate to give their approval to the 44,600-acre wilderness as passed by the House.●

EXPORT-IMPORT FOLLIES

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. PAUL. Mr. Speaker, one of the most flagrant examples of corporate welfare is the Export-Import Bank. In its August 25 issue, Fortune magazine published an excellent article on Eximbank by a young economist at Oberlin College.

I would like to call this article to my colleagues' attention, and urge that we cease the process by which foreign countries get goods, international corporations get money, and the American people get the bill.

EXPORT-IMPORT FOLLIES

(By Steven E. Plaut)

The Export-Import Bank continues to make headlines and generate controversy, but nobody in Washington, D.C.—at least, nobody who makes headlines—seems to be asking the right question about this remarkable institution. The question is whether the bank should be put out of business.

The possibility that it should be is one that few policymakers take seriously. The Export-Import Bank, a federal agency that finances exports with low-cost loans, is one of the most sacred of all cows in Washington. In the current period of budgetary stringency, one of the controversies about the bank concerns the extent to which its lending authority for 1980 and 1981 should be increased. The view that it should be held to the 1979 level of $3.7 billion was recently denounced as "outrageous" by Senator Jacob Javits of New York, who appears to have a sizable legislative majority on his side. Secretary of State Edmund Muskie told the Foreign Policy Association several weeks ago that there was a "serious shortage" in Eximbank lending authority and added: "That means fewer American jobs and reduced American profits."

The most intriguing of all the controversies at the bank this year centered on some events suggesting that its high minded concern for exports occasionally gets mixed up with low-minded political considerations. It appears that one day in February, Rupert Murdoch, the Australian businessman, spent the morning at the Eximbank offices pleading for cut-rate financing for some Boeing jets.

Murdoch is the principal owner of Ansett Airlines, one of Australia's largest carriers, and he had his eye on several hundred million dollars' worth of jets, including a number of wide-body 767s. As he left the bank's offices, he indicated that he was going off to have lunch with President Carter. Three days later, Murdoch's New York Post urged its readers to vote for Carter in the impending New York Democratic primary election. One week after this endorsement, the Eximbank approved a preliminary commitment to finance most of Ansett's 767s with a $200-million loan at 8%. This was less than half the prevailing rate on commercial paper and less even than the cost of the same funds to Eximbank itself. The bank also agreed to finance some 727s and 737s that Murdoch wanted at rates around 8.4%. The approval of Murdoch's money was rushed through so quickly that the bank's staff, which normally spends weeks analyzing proposed loans, had only a few days to review the deal.

A GEORGIA CONNECTION

The notion that there might be a political dimension to Eximbank lending decisions was reinforced by some details spotlighted during Senate Banking Committee hearings on the Murdock case. The bank's chairman, John L. Moore Jr., turns out to have been a partner in an Atlanta law firm that had long been politically supportive of both the President and Bert Lance. In the months after the 1976 election, Moore had served as the President's special counsel on ethics and conflicts of interest, and in that capacity he had cleared Lance for appointment as director of the Office of Management and Budget. Although he lacked any training in economics or banking, Moore was soon thereafter named president and chairman of Eximbank.

Other members of the bank's staff also seem to have few visible qualifications but were well placed politically. An anthropologist named Matt Schaffer, who had worked hard in the Carter campaign but who had essentially no business or economics background, was originally hired by the bank to be a special assistant to Moore. Later, incredibly, he became senior vice president of policy, an appointment that says a lot about policy formation at the bank. What he actually did in this capacity is something of a mystery. Schaffer, who recently left the bank, has refused to be interviewed about the subject.

While many politicians are pained by the evidence of politicization at Eximbank, just about all of them defend the bank's overall record and take it as axiomatic that the bank's central purpose is laudable. Who, after all, would deny that it is desirable for the U.S. to increase its exports?

By law, Eximbank would indeed go out of business if its charter were not renewed by Congress every few years. Testimony at the periodic congressional hearings to extend the charter has begun to follow a predictable pattern. Friends of the bank—from the bureaucracy and from special-interest groups that benefit from Eximbank financing—troop in to testify in favor of continuing and expanding the bank's programs. On the other side are academic economists who raise questions about the bank's purpose and call for eliminating some or all of its programs.

At the most recent hearings, in 1978, Professor Arthur Laffer, father of the Laffer Curve, said that he could see no justification for Eximbank's activities and suggested "an activist policy of abolishing the Eximbank." Favorable testimony came from representatives of Boeing, the Aerospace Industries Association of America, Westinghouse, the Machinery and Allied Products Institute, and others.

ARE TRACTORS REALLY TOUGHER?

The case for Eximbank is based on two questionable assumptions. One is that the American financial markets, which are capable of mobilizing billions of dollars for such huge projects as the Alaska pipeline, are curiously incapable of financing exports of tractors, say, and aircraft. The second assumption is that the government is capable of running a bank.

Eximbank directors have long asserted that their own role is essential, but their evidence is unpersuasive. The directors often point to the special kinds of risks in some export ventures, such as exchange risks and the risk of defaults related to political upheaval. But our capital markets routinely finance risky ventures. And if a loan were really so risky that no private lender would touch it on any terms, one must question the wisdom of using a government agency to finance the project with public funds—in effect forcing the taxpayer to bear those risks.

HITTING THE TAXPAYERS TWICE

Eximbank directors have gone to some lengths in denying that the taxpayer bears any costs. They argue that the bank is an independent, profitable agency, and does not receive a dime of tax revenue. The argument is a bit disingenuous. Eximbank gets its money by borrowing at government rates from the Treasury. The funds received by Eximbank should be viewed as another of those "off budget" sources of federal spending that camouflage the true magnitude of the government's deficit—but that must ultimately be made up by taxpayers.

After getting its money from the Treasury, the Eximbank hits the taxpayers a second time by earning an uneconomic return on the money. The bank's figures indicate that its return on net worth was just over 5% in fiscal 1979—less that the return on passbook savings. Even that 5% figure is suspect. As the chart on the facing page makes clear, the bank's reported income would have been much lower in recent years if it reflected the sharp increases in delinquent accounts.

Perhaps the simplest way to view the cost of running the bank is to contrast the interest it earns and the interest if pays out. In the Moore era, the spread has generally been negative. In the first quarter of 1980 it reached minus 4.77% on new loans—an all-time record. In the 1978 annual report, Moore boasted: "Although the prime rate rose dramatically last year, the average cost [to borrowers] of our loans decreased from 8.53% . . . to 8.25%." More recently, when consumers and other businessman were paying up to 20% or more to borrow funds, some foreign buyers were getting American money at 8% or less.

However, the bank's supporters do not really rest their case on the claim of profitability. The case ultimately rests on a presumption that the bank's activities are boosting exports and therefore U.S. economic growth. Given this presumption, it often seems natural to Eximbank's supporters to equate success with the amount of money being shelled out. Moore constantly points out that when he entered office, the bank had only $2 billion of commitments outstanding, while today the figure is over $14 billion. In the 1979 annual report, he remarks, "It can be said that the difference in these figures is one measure of our success in . . . implementing our competitive policies."

In the early postwar years, the bank's supporters could argue that it had an important foreign-policy role—in helping Europe to recover. Today, the bank is in general not concerned with foreign policy; however, it does occasionally turn down loan applications because of State Department objections to, say, an applicant's human-rights record.

What about the argument that those mounting export subsidies are creating economic growth? The argument is a fallacy, a holdover from merchantilist days. When the U.S. government reduces the cost to a foreign buyer by subsidizing a deal, the U.S. is not creating wealth—it is giving away wealth. It is in effect giving away resources that are built into the product. The foreign consumer gets a windfall financed by U.S. taxpayers.

ENGINEERS ON WELFARE

In practice, of course, much of the wealth being transferred does not go abroad; it goes from one class of Americans to another. Exporters generally raise prices and capture part of the Eximbank subsidy for themselves. Eximbank may be viewed as a large welfare agency, handing out largess to export industries. It plays a sort of reverse Robin Hood role when, for example, it transfers wealth to high-income aircraft engineers from middle-income taxpayers.

Finally, it is not even clear that all these income transfers are really boosting exports. What the bank calls "additionality"—the increase in U.S. exports attributable to its own activities—is a very tricky thing to measure. Eximbank reports tend to take additionality for granted, endlessly linking bank loans to the volume of exports being supported and the various numbers of jobs presumably represented by this volume.

While computing Eximbank's additionality with accuracy would be difficult, if not impossible, one may nevertheless venture some guesses as to magnitude. Additionality should measure the increment in U.S. revenues from exports, not the increment in the number of physical units exported. If we export more physical commodities but get less income in the process, we will end up less able than ever to pay for our imports.

Export subsidies undoubtedly increase the number of physical units exported. But not all subsidies cause export revenues to increase. Whether revenues increase or decrease depends on the elasticity of demand for our exports. If there is zero elasticity—that is, the buyer's decisions on volume are unaffected by the price—every dollar of subsidy simply reduces the amount the foreign buyer must spend by one dollar, and U.S. export revenues fall in tandem. Indeed, any elasticity below 1.0—the level at which volume expands just as rapidly as price declines—reduces our export revenues.

Well, what are the relevant elasticities? For many years the commodity most highly subsidized by Eximbank has been aircraft, which generally receives more than one-quarter of all the bank's loans and guarantees (and has received more than one-half so far in fiscal 1980). There are a number of reasons for suspecting that the elasticity of foreign demand for U.S. aircraft has generally been much smaller than 1.0. Until 1974, when the first deliveries of the European Airbus were made, U.S. aircraft exporters had virtually no foreign competition. Even today, there are no foreign competitors for most of our narrow- and medium-body aircraft. Moreover, the very nature of the world airline market—which is dominated by government-owned carriers flying partly to express national pride—suggests that price elasticity is small. It is very likely, then, that Eximbank financing has reduced U.S. export earnings from aircraft sales abroad.

Eximbank subsidies appear to have reduced U.S. export revenues in other areas too. The bank has helped finance 51 foreign nuclear reactors, the demand for which is almost certainly inelastic. Together with aircraft, these account for almost half of all the bank's credits. Eximbank has also developed a reputation for being easy to tap for financing cost overruns, the additionality for which is zero. (That is, the foreign buyer is already committed to the deal but the overrun has increased his financing costs.) Similarly, foreign buyers who have already placed orders for American goods sometimes receive low-interest loans—the additionality here too being obviously zero. Stephen H. Goodman, a former senior vice president for policy analysis at Eximbank, says that the bank today is too often a "lender of first resort."

THE MEANING OF SUCCESS

Even where additionality is not negative, there is no reason to credit an Eximbank loan with "success." Presumably, success should mean more than just increasing export revenues. It should mean increasing them enough so that export earnings more than recover the export subsidy. It can be demonstrated that this point is not reached until the elasticity of foreign demand is at least 2.0—that is, when demand rises twice as rapidly as prices drop. It is impossible to believe that the Eximbank could pass any such test. A recent study by the International Monetary Fund indicates that on average the demand elasticity for U.S. exports has been something like 1.5.

Eximbank officials often argue that their activities are justified because foreign governments subsidize exports. But it is not clear why foreign export subsidies should be thought to justify American mimicry. A country that subsidizes exports simply gives away part of its national resources. The benefits to America from buying cheap imports are the same, whether they are cheap because of foreign efficiency, subsidies, or "dumping."

If the foreign subsidies really did lead to a worsening in our trade deficit, this would be corrected through a small depreciation of the dollar. This would make all U.S. exporters more competitive, not just those with influence at Eximbank, and it would also make imports from abroad less competitive. This depreciation would be at least as effective a tool for creating jobs as export subsidies.

Subsidizing exports does make them more competitive in one sense, but it defeats the purpose for which we want competitive exports in the first place. An individual corporation may, of course, benefit from export sales, but for the U.S. economy as a whole the benefit of exports resides in the foreign exchange they generate—which enables the U.S. to import goods and services. When our exports are more in demand and more valuable, we can buy those imports at lower costs. But when the government subsidizes our exports, each unit of export generates less foreign exchange. True competitiveness is increased only by an increase in American productivity.

There is something especially ludicrous about the manner in which Eximbank goes about "meeting the competition" of its counterparts overseas. Suppose a foreign agency is offering to finance exports to Australia with credit at 8% interest. In its effort to be competitive, Eximbank will mechanically match the terms of the foreign loan—including the interest rate—when it finances U.S. exports to Australia. But there is no reason for the interest rate to be the same when the two loans are in different currencies. To assume that an 8% loan in dollars is equivalent to an 8% loan in marks, francs, or yen is to ignore the fact that the currencies involved have different inflation rates; the nominally uniform 8% conceals sizable differences in real rates. An 8% rate in relatively stable German or Swiss currency might be at or above market rates, while the Eximbank loan could be several percentage points below U.S. rates. Instead of being "competitive," the Eximbank loan would contain a huge additional subsidy.

A GALLING ILLUSION

Griff Ellison, vice president of Eximbank for public affairs, explains this mindless pursuit of nominal parity as necessary because of the naiveté of businessmen: "Despite the very sound economic reasoning that there is a difference between an 8% deutsche-mark rate and an 8% dollar rate, the purchasers out there don't buy it. All they see is the 8%." However, the bank has no evidence to support the unlikely proposition that businessmen are blind to exchange-rate realities. A recent Treasury staff memo criticized Eximbank's policies as "interest-rate illusion at its most galling."

Perhaps the real message in the Eximbank's foolishness about interest rates is that the bank's directors are themselves blind to the economic consequences of their behavior. Why the bank's follies should continue to be funded by American taxpayers is most unclear.●

ACTION NEEDED ON SWINE HEALTH PROTECTION

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. FINDLEY. Mr. Speaker, hog producers throughout this country are very much concerned about a possible invasion of African swine fever which has become established in the Western Hemisphere as close as Cuba and Haiti. This most virulent of foreign hog diseases could create economic havoc in our pork industry if widespread outbreaks should occur. Therefore, I sincerely hope that favorable action will be taken in this session on H.R. 6593, introduced by Mr. Madigan and myself. The disease is spread primarily through infected pork scraps in raw or improperly cooked garbage fed to swine. Except when a State law bans garbage feeding, H.R. 6593 provides that garbage may be fed to swine only if treated to kill disease organisms, in accordance with U.S. Department of Agriculture regulations. It is the intent of this legislation to strengthen the cooperative State-Federal animal health programs that already exist to carry out this program effectively.

The highly respected agricultural magazine, Farm Journal, has carried a number of articles pointing up the seriousness of the potential for African swine fever to gain a foothold in the United States. Following is the most recent article, which appeared in the August column of Hog Extra, Editor John Russell:

YOUR HOG BUSINESS

Garbage feeders oppose bill—Most witnesses at a recent House ag subcommittee hearing endorsed a bill requiring treatment of garbage to kill African swine fever (ASF) virus.

But John D. Villari, representing New Jersey garbage feeders, called "enactment of a federal law both unnecessary and an added expense to taxpayers." Robert Horton, spokesman for the New Jersey Department of Agriculture, said they cannot support the bill in its present form "because the legislation is duplicative and won't really do what it's intended to do." Gene Schlichman testified that National Food and Conservation Through Swine (FACTS) also considers the bill unnecessary.

The bill, H.R. 6593, introduced by Rep. Paul Findley (R., Ill.) and Rep. Ed Madigan (R., Ill.), is co-sponsored by 43 other House members—21 Democrats and 22 Republicans. Identical legislation (S. 2612) has been introduced in the Senate by Sen. Charles Percy (R., Ill.) and Sen. George McGovern (D., S.D.).

Ralph Wennblom, Farm Journal Washington editor, says chances for passing the legislation before Congress adjourns Oct. 3 are only so-so because many other bills are lined up before it.

USDA has dragged its feet, apparently because the Office of Management and Budget hasn't gotten around to making up its mind on the proposed legislation. That, more than any objections by USDA scientists, was believed to be the reason why James O. Lee, Jr., acting administrator of the Animal and Plant Health Inspection Service, testified that "the Department recommends that Congress defer action on this bill until the Administration can more fully review the problem the bill seeks to deal with, and study more completely the possible solutions."

Testifying in favor were spokesmen for the American Veterinary Medical Association, American Farm Bureau Federation, National Cattlemen's Association and National Pork Producers Council.

A letter supporting the bill to your representative and senators would improve its chances considerably. Mention the bill by number.●

H.R. 7262

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. ROSENTHAL. Mr. Speaker, the bill before the House today, H.R. 7262, the Housing and Community Development Act of 1980, will in all probability be the last major housing legislation of this Congress. I find it distressing that this bill excludes any action or discussion of the serious problem of condominium and cooperative conversions that is currently sweeping the urban centers of our Nation.

"Condomania," the virtually uncontrolled conversion of rental apartments to condominiums and cooperatives, is creating a dangerous shortage of rental housing across the entire country and is displacing hundreds of thousands of tenants. The first to feel the impact are elderly and low- and moderate-income tenants. They find themselves competing for a dwindling number of available rental units at ever-increasing prices.

The magnitude of the displacement problem is enormous. In addition to the social and psychological hardships of moving, there are economic penalties as well. Because conversions typically occur in cities with few rental vacancies, they decrease the number of available rental apartments to critically low levels. This raises the rents in remaining buildings. In addition, many tenants faced with the difficult prospect of searching for new housing in a tight market often feel forced to purchase their converted apartment even though they would prefer to rent. Conversions thus deprive tenants of the freedom and mobility they enjoy as renters.

The GAO, in their most recent report on rental housing, stresses that the loss of existing rental units from conversions into condominiums has created a crisis in the national rental market. So few new rental units are being built that any conversions drastically effect rental availability. The GAO concludes that the rental housing problem is so severe that it requires the immediate attention of and action by the Congress and the administration.

The Federal Government clearly has a responsibility to deal with the conversion crisis. Our national housing policy commits the Government to insuring a decent home and suitable living environment for every American family. We are already spending billions of dollars to provide rental housing for the poor, and numerous Federal programs seek to increase the supply of rental housing. Federal leadership in regulating the conversion process in order to preserve and create new rental opportunities clearly has ample policy precedent. Since local and State action has been minimal and inadequate, national legislation must be passed now to halt displacement and prevent the demise of the rental housing industry.

Last year's housing bill included a mandate that HUD conduct a nationwide survey of the condomania phenomenon. This report was recently released and its findings are less than clear. I feel it is of national importance that the Congress not forget the seriousness of this problem. I urge my colleagues and the appropriate House committees to deal with the conversion crisis as expeditiously as possible.●

A FORMER NEW ENGLAND PATRIOT ENDORSES WALGREN SPINAL CORD RESEARCH BILL

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. WALGREN. Mr. Speaker, I am pleased to share with my colleagues a letter I received today from a former professional football player, Darryl Stingley, who was paralyzed during a game and who has written me to endorse the spinal cord regeneration research bill which I and 80 of my colleagues have introduced. His letter is reproduced below:

AUGUST 6, 1980.

Representative DOUG WALGREN,
Cannon House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE WALGREN: In reference to H.R. 4358 Walgren Bill, I, Darryl F. Stingley, former professional football player with The New England Patriots Football Club, now Executive Director of Player Personnel with same organization, recovering from spinal cord injury of August 1978, being of sound mind, and recognizing some of the injustices and lack of support to all spinal cord injury patients, on this date, August 6, 1980, pledge full support to the Walgren Bill mandating the NIH to spend $16 million on spinal cord regeneration research in fiscal 1981.

It is my belief that if these monies were made available for this research, much more can be done in the way of curing spinal cord injuries in America, and allow some unfortunate individuals a right to the so-called "American dream." It is no doubt in my mind that the funds are available for such research. So, I support any means to push the NIH to make this money available as soon as possible; because people are being crippled everyday, and I find that being crippled in today's society is as serious as having any other terminal illness. I believe that support of this bill is more important than our efforts to strengthen our military might, some other seemingly worthless government-financed programs that waste the American dollar, and the support that we give to many of our allies all over the world.

I say, (let the charity begin at home in America) the support of the Walgren Bill 4358 is owed to us as handicapped citizens of this country.

Respectfully yours,

DARRYL F. STINGLEY.●

RALLYING SUPPORT FOR COAL

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. MURTHA. Mr. Speaker, I want to take a moment to congratulate Hills, Glosser Bros., and Wal-Mart for a concentrated program to inform Americans about America's energy problems and the need for more use for coal.

Earlier this year, I met with Mr. Alvin Glosser of Johnstown who expressed interest in this idea, and headed the effort to develop positive advertising on the energy issue. The stores of these companies were also used as centers for signing petitions sent to the President expressing the support of citizens for a strong energy policy.

I insert into the CONGRESSIONAL RECORD an article from Discount Store News which outlines the success of this campaign. I also want to express my congratulations to Mr. Alvin Glosser for the outstanding effort he made in stimulating and developing this campaign.

The article follows:

HILLS, GLOSSER BROS. AND WAL-MART RUN AD DRIVE TO SPARK COAL REVIVAL

As most discounters try to cut their use of expensive imported oil and natural gas, three discount chains have begun campaigns advocating the replacement of foreign fuels with something that can be stamped "Made in the U.S.A.": coal.

Hills, Glosser Brothers and Wal-Mart began their programs in the spring and summer, hitting consumers with a barrage of newspaper advertisements intended to gather grass-roots support for the nation's coal industry. Individual methods went even further than the newspaper campaign, including the airing of numerous television and radio spots, passing of petitions and mailing of almost one million letters to Congressmen and Senators urging a unified coal policy.

"We're in coal country and we see what the depression of that [coal] industry is doing to our economy," explained Hills vice president Stephen A. Goldberger. "Too many of the people in our area are unemployed and it's hurting all of us."

Hills began its campaign in June, placing ads in 81 papers that reached an estimated 3.5 million persons. In addition, 30-second television spots and 60-second radio announcements were aired repeatedly during the month.

Goldberger said more than 600,000 form letters were signed by shoppers at Hills stores during June and July and mailed to various Congressmen and Senators. The total sent is expected to surpass one million letters by August.

Glosser's petitions, which garnered 100,000 signatures, were circulated by members of the United Mine Workers Union, who set up booths in 18 of the chain's 20 stores.

Alvin Glosser, president and chief executive officer, said the company's ads were placed in 21 papers and reached an estimated 900,000 persons.

Wal-Mart began its program in the spring, with a full-page ad in 15 papers throughout the company's trading area. The ad urged the development of synthetic fuels and nuclear energy, as well as coal. Chain cashiers also inserted a four-page pamphlet in shoppers' bags.

Officials of the three chains said the effort, although individually planned by the companies was conceptualized at an NMRI policy session held last January in St. Petersburg, Fla.

Glosser said he hoped the campaigns would convince representatives from areas outside the nation's coal-producing regions of the necessity for a change in the country's energy policy.

"We're not just doing this because it's good business practice" he explained, "We firmly believe that what we're saying is good for the country."●

OBSOLETE EQUIPMENT

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. BEARD of Tennessee. Mr. Speaker, I commend to your attention a recent Wall Street Journal editorial on the use of chemical warfare by the U.S.S.R. and the obsolete equipment used by American soldiers for defense against chemical warfare.

Although reports from Afghanistan indicate that the Russians are using chemical warfare, American soldiers are still relying on a 24-year-old gas mask which is virtually useless. Congress can no longer ignore the fact that our military is unable to protect itself against chemical warfare.

The article reads as follows:

HOLDING OUR BREATH

For two decades now the U.S. has been reluctant to take chemical warfare seriously, perhaps because the Geneva Protocol of 1925 limits its use to instances of retaliation. Either the Soviets view Afghanistan, Cambodia, and Laos as matters of "retaliation" or regard the protocol with a sneer. Either way, reports have filtered out of possible Soviet use of chemical weapons in those places.

The status of U.S. chemical-warfare forces thus takes on renewed importance. They also become a source of distress. Consider, for example, the gas mask: small, ugly, but indispensable. According to a recent article in Defense Week, the ones on which we depend around the world were first employed in 1956 and haven't been changed since. Which isn't particularly cheering when one considers that they are best described as virtually useless. Wearing eyeglasses can cause the mask to leak, and a three-day stubble means the mask won't fit. Never has neatness counted more.

Design problems also prevent the effective use of such standards as the M16 rifle (the sights are distorted), binoculars, night vision goggles, and four of our latest defense weapons. The TOW, for instance, a long-range anti-tank missile which had long been touted as compensation for the Soviet's disparate number of tanks in Europe, can't be used unless the mask is removed. But then gassed soldiers don't function well either.

A new mask has been in the works for 12 years now. Only it still suffers developmental problems and isn't even in the final engineering stage. Its creators at the Army's Human Engineering Laboratory at Edgewood Arsenal haven't a clue as to when it will be ready.

Our inadequacies do not end here, however. According to William Schneider, a defense specialist at the Hudson Institute, while our vehicles, such as tanks and armored personnel carriers, rumble along per usual, the Soviet equivalents are pressurized and come with a complete set of rubberized suits. Fortunately, our allies have not been as negligent as we. Britain supplies some of our forward air bases with what little advanced chemical-warfare equipment we own.

The USSR maintains, trains, and deploys some 60,000 to 80,000 chemical-warfare troops, a sharp contrast to our 3,000. We, in fact, abandoned our chemical-warfare corps in the 1960s, and, symptomatic of our atrophy in this area, can't stage effective training because of a prohibition against gas in open-air situations. What defensive measures we have taken concern warnings not protection.

Chemical warfare doesn't rank high as a political favorite. Appropriations for expensive hardware are far more popular. Yet, as recently demonstrated, chemical warfare looms too real to be ignored. After all, few tactics are more economical, efficient, and terrifying than this grim recourse. It's time we remembered the unglamorous but all-too-essential things.●

SINGING THE PRAISES OF TAX CUTS AND GROWTH IN SINGAPORE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. GINGRICH. Mr. Speaker, what country has a population the size of Baltimore's and a GNP that's 23d largest in the world? What country has given a royal funeral for the Phillips Curve, displaying in 1979 an inflation of 4 percent, an unemployment rate of 3.3 percent, and a whopping 9.3 percent increase in real GNP?

The country is Singapore. It has people moving out of poverty at a quick pace, while 60 percent of its citizens pay no taxes. Industry and enterprise, saving and investment—all are flourishing. The nation-state of Singapore is not perfect, but they believe they can solve their problems and they are solving an amazing amount of them.

I commend to my colleagues an article by James K. Glassman in the July 26, 1980, edition of the New Republic, entitled "Singapore Swing." Glassman's article is witty and full of insights. Singapore should be studied by any American who would like to see our economy breathe again. Mr. Glassman's article follows:

SINGAPORE SWING

By the fifth course, tea-smoked duck, Mr. Tan had gotten almost giddy. He held his hands out about the width of his shoulders, as though indicating the length of the carp he'd caught on the weekend, and he said to the six of us around the table, "I make bars like this. Steel bars and chocolate bars."

I first thought this was some sort of esoteric Chinese joke, but it turned out that Mr. Tan, a refugee who had come to Singapore from Sumatra 30 years ago, was not merely chairman of the Tourist Promotion Board; he was director of National Iron and Steel Mills Ltd. and Allied Chocolate Industries Ltd.—not to mention Hong Leong Finance Ltd., King's Hotel Ltd., City Development Ltd., and a few others. Tan I Tong was, in short, an exemplary product of what Lee Kuan Yew, prime minister of Singapore for the past 15 years, calls "the rugged society," a society that would send chills of delight down the spines of Adam Smith and Milton Friedman.

The six of us around the table that night in a private dining room at the Oberoi Palace Hotel were not exemplary products of the rugged society. In fact, we were a half-dozen American business reporters who had been flown halfway around the world in 13 hours on the Concorde; plied with beluga caviar, lobster, steak, Dom Ruinart champagne, and Cuban cigars; plopped down on this 227-square-mile island 85 miles from the equator in the Malacca Straits; and feted with Chinese banquets for four days. We were guests of the rugged society—as well as of British Airways and Singapore Airways—and recipients of such paraphernalia as alarm clocks, recipe books, bathrobes, and splits of Mumm's Cordon Rouge, which would appear, unbidden, in our rooms in the Hilton at odd hours. Also, we were recipients of masses of statistics, bushels of facts. Between bites of sweet-and-sour prawns and draughts of Tiger beer, we learned, for example, that: Singapore's inflation rate last year was 4.0 percent, its unemployment rate, 3.3 percent. (So much for the Phillips Curve.)

The growth in real GNP was 9.3 percent, compared with 2.0 percent for the US, 4.3 percent for West Germany, and 6.0 percent for Japan. Manufacturing volume was up 24 percent in 1979 over 1978; exports were up 35 percent.

Per capita income is around $3,000, second highest in Asia after Japan. The infant mortality rate is lower than Great Britain's.

With a population of 2,362,700—roughly the size of greater Baltimore—Singapore ranks 23rd in the world in GNP. And it's the third largest port, bigger than New York.

There are 89 banks here, 76 of them foreign. In 1979 they had eight billion dollars in loans outstanding, an increase of 60 percent in two years. There are 3,176 manufacturing establishments, an increase of 20 percent in two years.

All of this gushing commerce has occurred in a country with a rotten climate—hot and humid year-round with the sun straight overhead at 7:30 a.m.—and no natural resources. Singapore's most important indigenous export is orchids; the island imports nearly all of its food except pigs and poultry and a wonderful fruit called durian, which smells vile but is supposed to be a powerful aphrodisiac. Sir James Scott wrote of durian in 1882: "Some Englishmen will tell you that the flavour and odour of the fruit may be realized by eating a 'garlic custard' over a London sewer."

I'll admit that I came to Singapore theologically prepared to enjoy what I saw. They really didn't have to give me the alarm clocks and the sweet-and-sour prawns. As one who actually sees the merit of the Laffer Curve and of Jude Wanniski's version of The Way the World Works, I came as a Reaganite John Reed, as easily impressed as a leftist pilgrim to Lenin's Russia. As governments meddle more and more in Western economies, Southeast Asia is going the other way, becoming a laboratory for the study of capitalism unleashed. Countries like South Korea, Taiwan, Hong Kong, and now Sri Lanka are thriving on low taxes and on hospitality to multinational corporations. Singapore is certainly the most serious—and perhaps the most successful—of this lot. There have been two personal income tax cuts in the past two years. The 50 percent bracket begins at $200,000 of taxable income, compared with $44,700 in the US, and the top bracket for earned or unearned income is 55 percent, beginning at $300,000, compared with 70 percent at $161,300 in this country. Taxes are low across the board; more than 60 percent of the population pays none at all. However, it's not just the tax rates themselves, but the government's attitude toward taxation that's so refreshing. Here we have Mr. Goh Chok Tong, minister for Trade and Industry, in a speech he gave last March entitled

"We Must Dare to Achieve" (Singaporeans have a weakness for slogans):

"We shall be wise to take note of the results on those societies where personal income tax has been used to equalize spendable incomes in the name of progressive taxation. It has blunted the incentive to outperform one's peers; it has levelled the gifted and the industrious down to the mediocre and the indolent. . . . The results have been ruinous for economies like Britain. Overemphasis on dividing up the national cake equally has ended up in smaller pieces of a non-growing cake."

The architect of this tax policy, and of practically everything else in Singapore, is Lee Kuan Yew, founder of the People's Action party 25 years ago and the nation's leader from 1959, when it won autonomy from Britain, through 1963, when it joined Malaya for two acrimonious years as part of Malaysia, until today. Robert Shaplen calls Lee, who was educated at Cambridge, "the most intellectual, astute, irascible, and endurable" of all the leaders of Southeast Asia. There is no personality cult surrounding him—I never saw a picture of Lee during my visit to Singapore, though the Straits Times, the English-language daily, has a penchant for running articles that begin "Prime Minister Lee Kuan Yew yesterday. . . ." Lee's popularity is the result not only of his early suppression of opposition to the PAP but of the munificent products of his regime. Lee's economic policies bear a striking resemblance to Social Darwinism. Several years ago, for example, Lee said frankly that "growth must come before sharing." Still, as income rose, a dramatic redistribution of wealth took place: between 1966 and 1973, those earning the lowest incomes (below 150 Singapore dollars, each worth roughly 50 US cents) fell from 43.5 percent to 25.3 percent of the population.

Curiously, Lee calls his form of government in Singapore "socialist." And there are certain traces of the welfare state around. For instance, nearly 70 percent of the people now live in public housing projects, in which families either rent their apartments at nominal fees (between seven and 15 US dollars a month) or buy them through a nifty arrangement—borrowing against the value they've built up in the Singaporean equivalent of a Social Security fund. An older three-room suburban flat sells for around $8,000; a new, five-room urban one, $30,000. There are government hospitals and schools (though secondary education is not compulsory), a tiny amount of public assistance is available to destitute families, and a few orphanages and day care centers have been set up. But in the rugged society you mostly have to get along on your own. Companies have private workmen's compensation plans, for example, but there is no unemployment insurance.

Somerset Maugham called Singapore "the meetingplace of many races." But the Chinese, most of them one or two generations removed from the mainland, like Lee himself, make up 76 percent of the population. Most of the rest are Malays from the jungles and mountains to the north of Singapore, or Tamils from south India with dark skin and lovely, clear, round eyes. Chinese, especially those with the gumption to emigrate, are said to be particularly hard workers, as though it were in their genes. That was essentially the point that the program "60 Minutes" made in 1978: "The language here is English," intoned Morley Safer. "The prevailing atmosphere is distinctly Chinese—that highly scrutable Chinese business of business, day and night and day, work; always heavily spiced with food—constant snacking, noshing, and nibbling between dealing. Nowhere will you find people not just willing to work but wanting to work the way these people do." Perhaps. But they weren't just born that way. Singaporeans work partly because they get to keep most of the fruits of their labor, and partly because they have no choice.

"What happens," asked one of my colleagues of Yeo Song Teck, director of the Economic Development Board, "if someone is physically able to work but he just won't? Do you let him starve?"

Mr. Yeo, a small, polite man, hissed, "Yes." Then we all went next door to a revolving rooftop restaurant for shark's fin soup, sweet bean-paste pancakes, and more Tiger beer.

Even though there are no price controls, currency controls, tariffs, or requirements that the government take an equity share of private companies, men like Mr. Yeo guide the economy. As Dr. Goh Keng Swee wrote in a 1977 government volume entitled "Socialism That Works": "Taking an overall view of Singapore's economic policy, we can see how radically it differed from the laissez-faire policies of the colonial era. These had led Singapore to a dead end, with little economic growth, massive unemployment, wretched housing, and inadequate education. We had to try a most activist and interventionist approach."

Well, not all that activist. What the government did was to set up huge industrial parks, and to lease the land for factories. It also gave tax breaks—including holidays of up to 10 years from paying the corporate levy of 40 percent—to industries it particularly wanted to encourage. Right now it is favoring businesses that are not labor-intensive and not polluting and that provide jobs requiring technical skills—in other words, semi-conductor plants rather than steel plants. About two-thirds of the manufacturing investment in the country now comes from foreign companies—Hewlett-Packard, General Electric, Timex, Union Carbide, Honeywell, Fairchild, Dunlop, Shell, Mitsubishi, Hitachi, and on and on.

There is a good deal not to like in Singapore. The central city has all the charm of downtown Houston. There's a glaring lack of culture—unless you're a fan of movies like "Iron Bridge Kung Fu" and TV shows like "Palladin" and "The Flintstones." There's a sad paucity of vice here too. The transvestites of Bugis Street are harmless. And the gorgeous, large-breasted Malay women who sit in sparkling silks on benches along Orchard Road outside the Hilton and the Mandarin, whispering at passersby, "You want mushudge?", are vestiges of poorer, happier days. They never seem to get any business; everyone wants to get to sleep early to prepare for tomorrow's money-making.

Singaporeans, in a manner astonishing to Americans, are rule-followers. Their streets and sidewalks are probably the cleanest in the world—it took me a whole day to find a cigarette butt—because there's a $250 fine for litterers. They cut their population growth rate in half, down to 1.3 percent, after the government began sloganeering that "Two Is Enough" and passing a few tax incentives for smaller families. And they unclogged their downtown streets by requiring that cars entering the central business district during the morning rush hour either carry four or more passengers or display a daily permit costing $2.50 to five dollars. Then there's the matter of long hair. It's not illegal, but the people who run the country don't like it. There are signs outside most factories warning, "No admittance to persons sporting long hair," and the official government tourist publication has this to say: "Male visitors are advised to have their hair cut if it reaches below the top of their shirt collar. The authorities frown on long hair. Please note that long-haired persons will be served last at all government departments and offices." It can be a long wait for a stamp.

This atmosphere of prudery and officiousness is particularly disappointing to those of us who like to think that economic competition and diversity make life richer and a lot more fun. It doesn't work that way. Consider, for example, the press. It's licensed and timid, and it runs stories on the front page like this one:

ACS BID TO SNUFF OUT SNOBBERY—BY SIT MENG CHUE

Anglo-Chinese School students were yesterday issued a set of 13 rules designed to snuff out social snobbery when they returned to their classrooms for the new term. . . .

The rules will apply to students of the junior college, the secondary school and both primary schools.

They will come into effect on July 7 and will, among other things, ban the use of briefcases, "expensive" wrist watches, tinted spectacles (unless prescribed by a doctor), jewelry or other decorative items and "expensive" writing instruments.

Sumptuary laws! Perfect for the last bastion of the Protestant ethic, a country that bans *Playboy* and fines people $250 for smoking in elevators. Singapore is not all like this. Paul Theroux, who lived here for three years, wrote in *The Great Railway Bazaar* that there is a fringe, latterly somewhat narrower that it was, where life continues aimlessly, unimpeded by the police or the Ministry of Technology. On this fringe, which is thick with bars, people celebrate Saturday with a curry lunch and drink beer all afternoon . . . and some of the bars have verandas where in the evening a group of drinkers might find a half-hour's diversion in watching a fat gecko loudly gobble a sausage fly.

I missed that part of Singapore, and, after three days of trying, I gave up my search for durian. Now, after the big farewell dinner with Mr. Tan and his steel bars and chocolate bars, I am sitting in the back section of the Concorde, sipping Remy Martin cognac and puffing on a Bolivar (a bit dry, if you must know) and watching the Nile valley slip by outside my window. In a few minutes, we cross the Mediterranean, glide up the Adriatic, coast over Venice and the Alps. I am thinking about Singapore: do rugged societies always prosper? Are prosperous societies always dull? These are tough questions. Steward, another cognac, please.●

PERSONAL EXPLANATION

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Ms. HOLTZMAN. Mr. Speaker, I was unable to be present on May 30. Had I been present, I would have voted as follows:

Rollcall 276, yes.
Rollcall 277, yes.
Rollcall 279, no.
Rollcall 280, yes.
Rollcall 284, yes.

On June 5, I was unable to be present for the following rollcalls. Had I been present, I would have voted:

Rollcall 299, no.
Rollcall 300, yes.
Rollcall 301, yes.●

MR. BLUM'S RESOLUTION

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. NOLAN. Mr. Speaker, I have been corresponding regularly with Mr. Charles E. Blum, of Foley, Minn., since February of this year for the purpose of assisting him to the greatest extent possible in his efforts to promote a three-tiered energy conservation resolution. Mr. Blum has spent hundreds of hours tirelessly championing this resolution in local political meetings, State capitols throughout the Nation, and in the Halls of Congress. This resolution is a nonpartisan effort because it seeks only to conserve gasoline and home heating fuels while reducing inflationary factors caused by spiraling fuel prices.

Mr. Blum's resolution reads as follows:

1. Set a minimum of 92-94 octane for the lowest grade of gasoline sold.
2. Set a minimum Btu standard for maximum efficiency for fuel oil.
3. Establish maximum percentages on profits of oil companies, refiners, wholesalers, gas stations and fuel oil distributors.

Achieving these objectives is merely a question of processing, quality control and the establishment of a reasonable profit margin. No new technologies are involved. No increase in capital investment is required. The only requirement is cooperation between producers, consumers, and government.

To expand further on Mr. Blum's resolution, I offer at this point, a short explanation of each of the three tiers as provided by Mr. Blum:

1. WHAT IS ON THE PUMP IS NOT WHAT YOU GET IN YOUR TANK!

The octane of the gasoline now being pumped may be as low as 83 octane. A minimum of 92 to 94 octane for the lowest grade of gasoline would return octane levels to where they were ten years ago. By raising the octane levels back up, we will get better mileage. My auto owner's manual for my 1979 Ford says the car will run most efficiently on gasoline with an octane rating of 91. It also states that damage to the engine will result if gasoline with an octane rating of 87 or less is used. If your engine pings and knocks, the octane is too low for the engine and premature wear or damage may result. Moreover, inferior octane levels are causing you to use more gasoline while obtaining fewer miles per gallon. By using Premium grade (93 octane), my vehicle has increased in efficiency by 33 percent. I have found similar increases in other vehicles which I have tested. It would appear this situation is reinforced by at least one major gasoline producer which offers the public more engine efficiency with the purchase of its unleaded premium gasoline over its regular grade.

2. WHEN YOU ORDER NO. 2 FUEL OIL YOU DO NOT GET IT!

You get No. 1 and No. 2 mixed (or winter blend) at a higher cost, less efficiency and greater wear on your oil pumps. This mixture is only needed for about 5 percent of our heating needs in Minnesota and then only if the tank is above ground and outside. This practice is causing a gross waste of 3-5 percent of all fuel oil used in the State of Minnesota. And, because No. 1 fuel oil costs more, (greater refining costs) costs go up for both producer and consumer.

3. REGULATE, DON'T DEREGULATE!

In Minnesota, when Bell Telephone or Northern States Power wishes to increase its rates, the utility must appear before the Public Service Commission to justify its request. The PSC is made up of appointed individuals with consumer input. Most often rate increase requests can be justified and are, as such, granted, without placing undue burden on the consumer. These companies are making good profits while under the regulation of the PSC. We need such a Commission to oversee oil companies as well. In fact, six states are currently working on the establishment of such a Commission to control excessive over-pricing of fuels. A Commission of this nature is needed desperately at the national level. This is our only means of restoring accountability in the energy industry. After all, energy is one necessity we can not do without and, therefore, accountability is imperative.

Charles Blum has devoted a great deal of time, effort, and research into this resolution. It is my conviction that we need to look closer at these proposals from a point of saving money, saving fuel, and reigning inflation. I therefore urge my colleagues to examine this proposal closely. To be sure, we are all affected and must look to the best interest of our constituencies as we come to grips with this energy crisis.●

SECTION-BY-SECTION ANALYSIS OF H.R. 7885, THE BIOMASS RESEARCH AND DEVELOPMENT ACT OF 1980

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. HEFTEL. Mr. Speaker, on July 30, Congressman FITHIAN and I introduced H.R. 7885, legislation aimed at accelerating the Department of Energy's research effort into the multifaceted character of biomass energy. Although the comprehensive synfuels legislation just enacted by Congress provides funds for a biomass to alcohol commercialization program, we feel that there are many other biomass technologies which may require further development in order to maximize their energy yield and process efficiency. We hope that our colleagues will join in cosponsoring H.R. 7885 and that the legislation will serve as a springboard for the more rapid demonstration and commercialization of these many and varied biomass technologies.

Mr. Speaker, at this time I present a short summary of the provisions of H.R. 7885 for the RECORD:

Section I—"Biomass Research and Development Act of 1980."

Section II—Congress finds that:

The Nation's energy is diminishing;

The U.S. has become increasingly dependent on oil imports;

There are serious economic and national security consequences of oil imports;

Biomass can contribute substantially to our near and long term energy needs;

The Federal Government has a responsibility to encourage the rapid development of all alternative renewable domestic sources of energy;

Basic research is needed to achieve maximum biomass energy production; and

Because of the multiplicity of biomass feedstocks and processes, a comprehensive and coordinated Federal program is essential if the full potential of biomass as an energy source is to be realized.

The purposes of the legislation are to—

Direct attention to specific applications of biomass for various regions of our nation;

Study new ways to increase the efficiency of biomass energy production;

Reduce the cost of biomass energy to levels competitive with conventional energy sources by the end of fiscal year 1986;

Encourage the development of biomass energy resources and land which is unsuited for cultivating food crops;

Encourage the development of methods of producing energy from agricultural waste products;

Coordinate existing biomass energy programs;

Assure the production of at least 3 quads of energy from biomass (the equivalent of 1½ million barrels of oil daily) by 1986.

Section III—The legislation defines the terms "conventional energy sources", "Federal facility", and "public and private entity".

Section IV—Research, development, and demonstration program:

The legislation establishes a 6 year program of biomass research, development, and demonstration beginning in fiscal year 1981.

The bill sets forth specific areas for RD+D including biomass feedstocks, conversion processes, and end uses.

The legislation provides financial assistance to private industry for the purposes of developing and demonstrating biomass energy systems.

The bill allows the Secretary of Energy to convey title to purchasers of biomass systems and to monitor the systems to get the data needed.

Section V—Biomass Resource Assessment:

The Secretary of Energy is directed to conduct a three year program of biomass resource assessment to—

Conduct activities to validate existing assessments of known biomass resources;

Perform assessments in regions of the U.S. where the use of biomass energy may prove feasible;

Initiate a general site prospecting program;

Establish standard biomass data collection and siting techniques;

Make public information available on the known biomass energy resources of various regions throughout the U.S.

Section VI—Comprehensive Program Management Plan:

Directs preparation of a comprehensive program management plan, to be developed by the Secretary of Energy in consultation with the Department of Agriculture, Environmental Protection Agency, National Science Foundation, and the Tennessee Valley Authority.

Specifically directs that staffing requirements for the program and plans to meet those requirements be a part of the comprehensive plan.

Requires transmission of plan to authorizing committees within nine months after passage of the bill.

Requires updated version of plan to be transmitted to Congress yearly with the Budget, to set forth changes in: objectives of program; elements of program, structure, activities; strategies and commercialization plans, including milestone goals; cost to federal government; and justification of changes.

Section VII—Criteria for Program Selection:

Sets priority goals for project support—

Preference to be given to those projects which make use of land which is unsuited for cultivating food crops, and projects which otherwise minimize competition between energy and food as biomass end uses;

Minimization of operations, maintenance, and capital construction costs;

Bringing costs of biomass energy down to a level competitive with energy costs from conventional energy systems;

Encouragement of private industry cost sharing with the federal government;

Encouragement of use of domestically obtained feedstock;

Encouragement of private sector participation in the program; and

Emphasis to the greatest extent practicable on programs which utilize small-scale biomass technologies and projects with near-term energy potential.

Section VIII—Monitoring, Information Gathering and Liaison:

Requires Secretary to monitor data and disseminate it and to maintain liaison with private industry and scientific community.

Section IX—Studies and Dissemination of Information:

Requires Secretary to make public as much information as possible so as to encourage widespread use of biomass energy.

Requires Secretary to make recommendations, within 18 months, on a program of incentives to users and purchasers, to accelerate commercial application of biomass technologies.

Requires Secretary to make recommendations, within 12 months, on the need for financial assistance to manufacturers of biomass energy systems.

Section X—Federal Biomass Energy Utilization Program:

Sets aside a portion of funds under the bill for federal procurement of biomass systems for power production for Federal facilities.

Section XI—Encouragement and Protection of Small Business:

Requires Secretary to take steps to assure full participation by small businesses.

Requires Secretary to protect trade secrets of small businesses.

Requires Secretary to take steps to assure compliance with antitrust laws.

Section XII—Authorization of Appropriations:

Authorizes $150 million for fiscal year 1981 for activities to be carried out under the Act of which $10 million is to be set aside for the biomass resource assessment program established by Section V and $10 million to be set aside for the federal procurement program to be established by Section X.●

PRESERVING AMERICAN JOBS THROUGH A STRONG DEFENSE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. BROOMFIELD. Mr. Speaker, I am very pleased that a section of the Republican platform is devoted to addressing the problems of insuring the security of energy and raw material access. I have long been concerned about our Nation's dependence on imports for many essential raw materials and the resulting vulnerability of many U.S. industries and, in turn, American jobs, to raw material disruptions.

I most emphatically agree with the platform statement that this problem "can no longer be ignored." The platform validly argues that "reducing reliance on uncertain foreign sources and assuring access to foreign energy and raw materials requires the harmonization of economic policy with our defense and foreign policy." Indeed, the security of energy and raw material access, together with the related problem of protecting foreign markets for American exports, are the two principal reasons why a strong defense is essential for the long-term economic security and prosperity of our Nation.

A disruption in the supply of essential raw materials, or the loss of a market for U.S. exports, would be severely crippling to the U.S. economy. Many U.S. industries would be forced to cut back production, while others would have to shut down entirely. This would cause a considerable increase in both long- and short- term unemployment. Our Nation must not allow this to happen.

As for the status of nonfuel mineral requirements of U.S. industries, 22 of the 24 minerals which are most important to our industries and for which there is a heavy and growing requirement, are obtained primarily through imports. Within this group, there is a net import reliance of between 70 and 100 percent for 17 minerals. While there are substitutes for some of these minerals, employment of these substitutes imposes substantially higher costs to the industries because of increased capital outlays, reduced technical performance standards, and production process conversion time. These minerals are located predominantly in Latin America, Africa, and Southeast Asia.

The Department of the Interior has identified four minerals from this group as being "of most critical importance to U.S. interests." They are cobalt, manganese, chromium, and the platinum group metals.

The United States imports 97 percent of its cobalt supply, a mineral for which there is no substitute as an ingredient in high temperature parts of jet engines and turbines, and in mining and machine tool bits. U.S. industries obtain 65 percent of their cobalt supply from Zaire, a nation which possesses 60 percent of the world supply, and 7 percent from Zambia, which, together with Morocco, lays claim to 16 percent of the world's cobalt supply.

Manganese is an essential component in steel production, for which it is chiefly employed and cannot be substituted. The United States imports 98 percent of its supply of manganese in the form of manganese which we obtain principally from Gabon—36 percent—and ferromanganese, which we obtain mainly from South Africa—30 percent. Collectively, the U.S.S.R. and South Africa possess 80 percent of the world's manganese supply.

Ninety-two percent of our Nation's chromium supply is imported, in the form of chromite and ferrochrome. Our chief suppliers of chromite are South Africa—35 percent—and the U.S.S.R.—18 percent—and of ferrochrome are South Africa—38 percent—and Zimbabwe—23 percent. South Africa and Zimbabwe collectively possess 94 percent of the world's chromium supply. Chromium has no substitute as an ingredient in stainless steel, and is also of critical importance in heat resisting alloys and plating and in the production of surgical equipment and ball bearings.

The platinum group metals are used principally as a catalyst in car exhaust converters. The United States imports 91 percent of its supply, primarily from South Africa—42 percent—and the U.S.S.R—26 percent. The world supply of platinum group metals is principally located in South Africa—71 percent—and the U.S.S.R.—27 percent.

The most striking feature about these four minerals, which are crucial to many U.S. industries, is that the world reserves of these minerals are principally concentrated in just five countries: the Soviet Union, South Africa, Zimbabwe, Zaire and Zambia. This makes U.S. industries vulnerable to economic warfare, which could take the form of trade sanctions or exorbitant price hikes by individual supplier nations or by supply cartels. In addition, given the area of concentration, our Nation's industries are constantly in danger of facing supply disruptions as a result of changes in a supplier nation's attitude and policies toward the United States, or because of political instability within a supplier nation.

The most serious threat to the security of U.S. access to raw materials, however, comes from the Soviet Union. The U.S.S.R. is self-sufficient in most of the nonfuel minerals that the United States has to import from politically uncertain nations. Indeed, the Soviet Union lays claims to 80 percent of the nonfuel mineral resources of all Communist countries, and their reliance on any nonfuel mineral does not exceed 50 percent.

The considerable mineral wealth of the Soviet Union provides Moscow with the capability of waging economic warfare on the United States. This warfare could take many different forms, but our Nation should be particularly prepared for the following. First, the Soviet Union might seize control of important mineral producing countries in the Third World, directly severing the supply line of critical minerals to the United States. Moscow's invasion of Afghanistan has harshly realerted the United States to the threat of such action by the Soviet Union.

Second, the U.S.S.R. may attempt to undermine the internal stability of the critical mineral supplier nations in order to disrupt the supply of essential minerals to the United States. It is by no means inconceivable that the Soviet-Cuban involvement in Africa is motivated by Moscow's desire to deny the U.S. access to the African minerals.

Third, our Nation must be constantly cognizant of the longstanding Soviet obsession to control the world's sealanes, an obsession which may become a reality in the 1980's. Such an occurrence would seriously undermine the ability of the United States to insure secure mineral access, notwithstanding the grave consequences for U.S. foreign policy in general. Moscow has been steadily developing its naval capability toward this end. The head of the Soviet Navy, Admiral Gorshkov, has revealed that the Soviet Union's first major nuclear-powered attack aircraft carrier is now under construction. In addition, the Soviet Union has under construction four new classes of nuclear-powered cruisers and a new class of large logistic ships to enable operations far from the home ports. Moscow has also conducted sea trials of a new titanium-hull submarine that is faster than any U.S. vessel.

Expanding this analysis beyond nonfuel minerals, the Soviet Union also threatens our access to petroleum. The Central Intelligence Agency reported last year that the U.S.S.R. will, in the near future, discontinue exporting oil and be forced instead to import it. Moreover, the CIA report predicted that this change would result in the Soviet Union directly competing with the United States and allied countries for the same sources of oil. This development, together with the recent Soviet invasion of Afghanistan, and the unrest in Iran, makes the oil-rich Near East land mass an area particularly vulnerable to Soviet adventurism. The important sea routes which flank this area have narrow passageways which increase the difficulty of insuring our Nation's access to the oil supplies.

Just as secure access to foreign strategic minerals is vital to our Nation's economy, so is preserving our industry's access to foreign markets for U.S. exports. The most significant U.S. export in this regard is agriculture, in recent years one of the few positive factors in our balance of payments. The American agricultural export industry is huge—almost one harvested U.S. acre in three produces for export—and, due to its size, it greatly benefits the U.S. economy.

The magnitude of the industry has encouraged efficiency in U.S. agricultural production through economics of scale, thereby reducing food costs to U.S. consumers. Moreover, the U.S. agricultural export industry has increased nonfarm income and stimulated off-farm employment to the level whereby approximately 1.2 million full-time civilian jobs are related to U.S. agricultural exports.

The foreign markets for U.S. agricultural exports are concentrated among the Third World nations. Thus, most of the threats to insuring the security of energy and raw material access, identified earlier, would also undermine our industries' access to foreign markets.

The United States is, at present, inadequately prepared to safeguard U.S. businesses from potential events which would threaten the security of energy and raw material access and the preservation of access to foreign markets for U.S. exports. Our Nation must act quickly and decisively to reverse this situation before a major supply disruption occurs or foreign market is lost.

The essential first step we must take to reverse this situation is to strengthen our military power strategically and conventionally, including our ability to quickly project power throughout the world. Our Nation's defense capability must be perceived by Moscow as a credible deterrent to Soviet adventurism. In particular, we must substantially improve our naval forces in order to countervail the longstanding Soviet aspirations toward control over the world's sealanes. The record of the Carter administration in this regard is abysmal. In the last 3 years, the United States has reduced shipbuilding, canceled the B-1 bomber, and delayed the MX missile program, thus weakening defense programs essential to the economic security of our Nation. Moreover, the current administration has failed to address the basic problem of skilled military personnel retention.

Furthermore, immediate steps must be taken to restore the overall integrity and effectiveness of U.S. intelligence. An improved intelligence network is needed to adequately forewarn our Nation about any international events that might adversely affect our economic interests abroad. The substantial dependence of U.S. industries on imported raw materials and foreign markets for U.S. exports make it essential that our Nation has an effective intelligence network to protect our economy from unstabling events.

Finally, the United States needs to face up to the strategic realities of the world as it is. To adequately protect our economic interests abroad in the 1980's, our Nation must place a renewed emphasis upon collective security among the free democratic societies of the world.

I advocate the development of a voluntary alliance of about 10 to 20 seagoing, trading allies with whom we could share political, economic, and military burdens to provide mutual security against the Soviet Union and their satellites and also to maintain a balance of world power favorable to the free nations of the world. The primary purpose of the alliance would be to protect the sealanes linking the great democratic trading nations to the most important suppliers of raw materials resources. In addition, such an alliance would help the member nations preserve their access to foreign markets for exports by better guaranteeing export passage through the strategic chokepoints of the world. In this regard, the Carter administration has revealed little creativity toward the development of such seagoing alliances.

Our Nation must act now to strengthen our military forces, improve our intelligence network and develop a voluntary alliance of the free seagoing, trading nations. In so doing, we would be acting to preserve the long-term economic stability and prosperity of our free enterprise system, and to protect the American jobs that would be lost if key foreign mineral supplies are inaccessible to U.S. industries, or if access to foreign markets is severed.●

ROBERT IRRMANN

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. ASPIN. Mr. Speaker, for over 30 years Beloit College in Wisconsin was fortunate enough to have Robert Irrmann as a professor. This spring, he retired to work on the school archives, and will be sorely missed by faculty, alumnae, and the student body.

At 13 years of age, Irrmann was stricken with polio. During his long hours of confinement, he began to study history and overcame his handicap to become what one colleague called "an old-fashioned spellbinder."

His best tribute came from a former student who said: "He made us intensely aware of how the world has come to be the way it is, for better or worse—and aware that the world is an awfully interesting place."●

CWA's STATEMENT ON JOBS AND ENERGY

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. MOFFETT. Mr. Speaker, several weeks ago, I referred to the excellent statement by the Communica-

tions Workers of America regarding energy policy. I would also like to draw my colleague's attention to CWA's views on the relationship between energy policy and jobs policy. I believe a sound energy policy is critical to the well-being of our economy and the individual workers within it. The views of CWA on this issue are extremely valuable and worthy of careful review and consideration.

ENERGY, JOBS AND THE ECONOMY

Ever since the five month OPEC cartel in 1973, Americans have become increasingly aware of the harmful economic effects of rising energy prices, uncertain supplies and our dependence on foreign oil. Volatile energy prices restrain economic activity, leading to an inequitable distribution of goods and services and loss of jobs.

Economic vitality is the chief determinant of a full employment economy, not energy use. For many years now, certain members of the energy industry have advocated the false belief that growing energy use must parallel national output if we are to achieve and maintain full employment. For example, they would claim that a doubling of energy consumption is required to double the Gross National Product (GNP). However, the historical relationship between energy use and GNP does not support this belief. As can be seen from Table II, the amount of energy per unit of GNP varied widely with economic growth rates from 1950 to 1975.

TABLE II.—RATIO OF ENERGY GROWTH TO ECONOMIC GROWTH IN THE UNITED STATES VARIES

	Unit [1]	Percent [2]
1950 to 1955	0.63	4.3
1955 to 1960	1.10	2.2
1960 to 1965	.81	4.8
1965 to 1970	1.45	3.2
1970 to 1975	.65	2.1

[1] Unit of energy for every unit of GNP.

[2] Economic growth rate.

Source: Herman Franssen, Energy—An Uncertain Future: An Analysis of U.S. and World Energy Projections Through 1990.

Clearly, the data indicates that energy use and aggregate output do not move in lockstep. Reinforcing this conclusion are recent experiments of the National Academy of Science (NAS) with six econometric models. The results show great flexibility in the ratio of the amount of energy consumed to economic output. Therefore, the potential exists for continued economic growth without increasing our energy consumption. In fact, the NAS study concluded that "a strong economy could well exist three or four decades hence with a ratio of energy use to GNP as low as half the present."

INEFFICIENCY AND WASTE

The efficient allocation of energy resources is the best way to redirect our economy onto a path towards growth and full employment. Since the onset of the energy crisis in 1973, Americans have become increasingly aware of energy waste and inefficiencies in transportation, residential and commercial buildings and production. This situation could be alleviated through the exploration and development of all types of energy sources.

In the past, the introduction of improved energy technologies has dramatically reduced energy consumption while contributing to rapid economic growth. For example, in 1900 it took seven pounds of coal to generate one kilowatt hour of electricity. By 1920 this had dropped to three pounds and by the mid-1950's it took less than one pound of coal to generate a kilowatt hour. Similarly, the replacement of steam power by diesel engines for locomotives led to a sixfold improvement in the apparent energy consumption for trains while maintaining GNP growth.

Technological innovations which change the form in which energy is available have also substantially affected energy use. For instance, the widespread introduction of electricity and the internal combustion engine changed America's energy use pattern and rate of consumption. The introduction of electricity increased the overall productive efficiency of the economy, particularly in manufacturing, by replacing the steam engine. In agriculture, the internal combustion engine pushed productivity to levels hardly ever imagined before.

International comparisons suggest areas in which energy waste and inefficiencies could be eliminated in the United States. The transportation sector, for example, reveals the greatest area of waste by the United States when compared to Europe. Not only do American cars use 50 percent more fuel per mile than Europeans, but Americans drive more. A majority of these miles are in the city and reflect the lack of mass transit alternatives.

Another major area of waste is in residential and commercial heating and cooling. Americans use twice as much energy to heat their homes as do the Swedes, even after adjusting for climatic variations and the different sizes of houses. In the United States, residential and commercial buildings require 38 percent of our nation's energy supply, and much of this is wasted. By "plugging the leaks" through such conservation measures as increased efficiency of new appliances, insulation, or improved lighting, we could substantially reduce our energy consumption without changing our lifestyle.

Many industrial production processes are another source of energy waste. Sweden, for example, uses 85 percent as much energy per unit of production as does the United States. This difference reflects consideration of energy-efficient methods in engineering designs.

TOWARDS A NATIONAL ENERGY POLICY

Our national energy policy should ensure adequate, affordable energy supplies to all Americans. In conjunction with this goal, all policies must be coordinated with the aim of achieving and maintaining a full employment economy. We should re-emphasize that employment levels are dependent on overall economic activity, not on energy expansion. Finally, we have an obligation to ensure that the social and economic burdens of achieving our goals be shared equitably by all.

We support the development and expansion of all types of energy alternatives, including coal, solar power, geothermal power, synthetic fuels, wind and tide. Among the existing technologies, conservation will play an indispensable role in our energy future. For increased energy production, coal is the most likely transition fuel to wean us from our dependence on foreign oil. We possess more coal than any other nation, yet we have not used this resource to our best advantage. Nuclear power is embroiled in growing political entanglements which most likely may prevent it from developing beyond its current contribution of energy production. We only support the continued development of nuclear energy plants which have adequate safeguards for society. Unless new developments prove conclusively that nuclear energy is safe, we recommend that no new nuclear plants be built and that existing plants continue until they are phased out by other sources of energy.

A comprehensive, equitable national energy policy should include the following:

(1) Establishment of a quasi-governmental agency such as the TVA to coordinate exploration and development of energy alternatives, regulate imports and serve as a yardstick to measure the performance of energy production in the private sector.

(2) Direct government grants to support weatherization and conservation measures for residential and commercial buildings. Tax credits are fine for the wealthy, but low and middle income families cannot afford the initial costs of conservation improvements.

(3) Grants and subsidies for mass transportion projects should not be sacrificed as a part of ill-conceived budget cuts.

(4) Manpower policies must provide for workers and their families who are adversely affected by changes in existing energy patterns. Intensive consideration should be given to a national program of relocation and training allowances for workers who are displaced and unemployed because of energy policies.

(5) Gas and electric rate structures should be revised to encourage conservation, not consumption.

(6) Conservation and efficiency and not rising prices, should be the chief means of holding down energy consumption. An example of this would be a federal mandate that automobile manufacturers produce only small, four-cylinder cars.●

MEALS ON WHEELS

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Ms. MIKULSKI. Mr. Speaker, Meals on Wheels is a service which is near and dear to my heart. It embodies many of our American ideals. Using volunteers to package and deliver food to shut-ins, this service is offered to those in need at a very low cost.

I am particularly proud of Meals on Wheels of Central Maryland, which provides home-delivered meals in my congressional district as well as other areas of central Maryland. That organization will be celebrating its 20th anniversary in October of this year. Started by the Baltimore chapter of the National Council of Jewish Women in 1960, the service has grown from 40 meals daily to 2,100 meals.

The service is made available through the efforts of many community organizations, including churches, synagogues, and community associations throughout the region. Funds for this agency come from a wide variety of sources, including private donations as well as Federal funds. The donation of volunteer time and mileage represents the largest contribution this agency receives.

This vital service, which is offered so cost-effectively, is one example of how neighbors are helping neighbors. So often we assume that if Government is not doing it, it is not being done. Well, I know for a fact that Meals on Wheels volunteers in my district as well as other parts of the country are

a significant factor in the prevention of unnecessary institutionalization for many disabled Americans. And, I am proud to share with my colleagues the following article from the Baltimore Sun—Wednesday, August 6—which describes what Meals on Wheels means to clients who receive them:

FRIENDSHIP COMES WITH DINNER WHEN MEALS-ON-WHEELS MAKES ITS ROUNDS

(By Isaac Rehert)

Meals-on-Wheels—everybody knows about them by now.

They're the people who deliver prepared food to the housebound—the aged, the handicapped or the convalescing. And they're the housebound people who receive it.

Meals-on-Wheels has been around now for about 20 years, giving food and a friendly visit to its clients and something different but equally valuable to the volunteers who put these meals together.

Here's Frank Butler, 92 years old, who lives with a chihuahua dog named Ricky in a comfortable home in Northwest Baltimore. He's a tall thin gray-haired man with glasses, nearly blind, who never leaves the house unless it's to be taken to church (at Sharp Street Memorial) or shopping.

"I was an educator all my life. Now there's not much I can do. I've been retired since 1957. That's a long time ago, which sure fooled the devil out of the pension board.

"When I graduated from Morgan College in 1910, they offered me the job of principal of the high school in Cambridge. I was a city boy. The only grass I had ever seen was at Druid Hill Park. But it was a job, it paid $800 a year, so I went down there.

"I found that what they called the high school was four grades, 5 through 8, all in one room, and I was to teach all of them. School for Negroes only lasted two quarters, from October to March. And the only books we got were hand-me-downs after the white children were through with them.

"But I guess Negroes were smarter than white children since they didn't need as much education.

"I stayed at Cambridge until 1920, then I moved to Annapolis to establish the Bates High School. My salary there was raised to $1,000.

"My wife, who died in October, would never let me into the kitchen, so I never learned to boil water. Now I'd be helpless without Meals-on-Wheels.

"I love whatever they bring, whether it's chicken or spaghetti, or whatever. The volunteers are nice. I can understand that. They feel they're doing something worthwhile for other people. A lot of satisfaction in that."

Evelyn Mann is a 70-year old diabetic who lives near Hampden. Although she can stand for short periods, most of the time Mrs. Mann stays in her wheelchair. Her front room is her bedroom. In good weather she can get out on her porch to watch the people go by.

"I get along. I have a nice grocer who delivers. I can do my own dishes, although it takes me half an hour. But I've got nothing else to do.

"I've been in and out of the hospital a lot, and it's always a relief to come home. I'm used to being king in my own place, doing what I want when I want to do it. I can't stand it when I'm confined.

"Sometimes people talk about sending me to a nursing home. Not for me. I'm going to fight to stay here—as long as I can, anyway.

"Meals-on-Wheels is a lifesaver. I have breakfast about 6:30 in the morning, when I get up, and they get here about 11:30, and I'm pretty hungry by then.

"I eat the hot meal right away and put the cold food in the refrigerator for my supper.

"It's a comfort knowing somebody is coming. I get along with the neighbors, but I was never one to push myself on people, and there are days I don't get to see anybody. The volunteers are always nice."

For Eddie Rosenfeld, the daily visit from Meals-on-Wheels may have literally been a lifesaver.

Eddie, a well-known artist who just celebrated his 74th birthday and lives on Tyson street, was discovered unconscious one day by a volunteer on his daily rounds. That was about two years ago. But Eddie tells it:

"I'm an epileptic and I guess that morning I forgot to take my pills. They bring the food around 11 o'clock, which is too early, because by supper time I'm starved. And I wish they'd spice it better. Maybe some garlic would give it oomph.

"Anyway, that day, when they came, the door was locked and nobody answered. So they went to a neighbor's and he took them to a store up the street and they came back with a ladder.

"It was my own ladder. I lent it to somebody and never got it back. Now they were using it to get in my second-story window. The windows on the ground floor were locked.

"They found me unconscious on the floor. I was dressed. I guess I had passed out. They got an ambulance and took me to the hospital. I was there a couple of weeks.

"They also brought Meals-on-Wheels to my neighbor Jane Bradshaw when she injured her foot a couple of years ago.

"I wish they wouldn't come so early. It's too long to supper.

"On Fridays I save the hot meal for supper. That's 'cause I have lunch with friends on Fridays. Corned beef, salami, ham and cheese. On Jewish rye bread. Makes a great sandwich.

"We eat the same thing every Friday. With mustard. I keep half a dozen jars of mustard. Want to make sure we don't run out."

You don't have to be old to get Meals-on-Wheels and you don't have to be poor. You just have to be housebound, and the cost runs from $7.50 to $17.50 a week, depending on income.

That covers much of the cost, with the rest paid for by the United Way, Associated Catholic Charities, Associated Jewish Charities, Friends of Meals-on-Wheels and Kitchen Assessments.

At the other end of Meals-on-Wheels are the staff, the people who prepare, pack and deliver the food.

The organization has five offices in the city and surrounding counties and has use of 19 kitchens, most of them in churches.

At the kitchen in Brown Memorial Church at 1316 Park avenue, Barbara Alfriend is the manager, Ethel Mack is the cook, Orville Foster is the general helper and there is a staff of about 70 volunteers.

The main course today is deviled chicken livers in mushroom sauce, which Mrs. Mack is dipping, piping hot, from a huge oven pan into a package made of aluminum foil.

There is a mini-assembly line composed of Beth Joerdens, who puts in the buttered rice, Shirley Foy, who adds carrots and peas, and Dorsey Hinks, who operates the simple machine that seals the package.

"I come in on Wednesdays and Thursdays," Mr. Hinks says, between strokes of his machine. "Before I retired I used to work in a photography corporation in Washington. Then a couple of years ago, somebody asked me if I'd be a volunteer, and I'm glad I did."

"Don't forget, it's a worthy cause too," adds Beth Joerdens. "Older people should remain independent as long as possible, and this helps them to do that."

A kindergarten teacher, Mrs. Joerdens says she has been a Meals-on-Wheels volunteer for 18 years. But she prefers packing to visiting.

"I think it would get to me. I'd get too involved."

Mrs. Foy says she has tried going out on delivery.

"It's really interesting," she said. "People are so glad to see you. They feel you really care about them."

At about 10:45, the delivery people begin to arrive, in pairs, one to drive and one to enter the house. The first are Leon and Josephine Taylor, who have been doing it for eight years.

"This is just a continuation of my work," Mr. Taylor says. "For 40 years I ran a lunch room near Camden Station. Now I'm retired and we live in the Memorial Apartments, not far away. But I'm used to providing people with food. So we come here three mornings a week.

"You have a regular route—14 to 16 each time—so pretty soon you get to know the people. You do them little favors. Like, we have a woman who's nearly blind, and we read her mail to her and thread her needles and deliver letters to the mailbox.

"I don't get too involved, but I do enjoy it."

Helen Kovach and Elsie Hegwood are a second team.

Eleanor Carson recalls the Towson State University professor who is now retired, and Pauline Piper, her teammate, mentions the woman who said to her, "I used to be a volunteer myself for Meals-on-Wheels. But then I broke my leg, and now I'm laid up, and so I'm on the receiving end."

Margaret Robinson explains why she drives in all the way from Ruxton to serve her route with Rodney Hansen.

"You get so much satisfaction. They let you know. Always, you get a big smile, and they show you their treasures. The only complaint you ever hear is that the food is so plentiful.

"The big worry is that they'll have to leave their own homes and enter a nursing home. Recently one of my people got sick and she did go into a nursing home, but then she came back and she was euphoric because she beat them and didn't have to stay."

Now all the volunteers have left, and Mrs. Alfriend tells what it's like running a Meals-on-Wheels kitchen.

"I don't do the actual cooking," she says, "Mrs. Mack does that. But I have to plan and supervise the volunteers. Sometimes, if somebody's missing and I can't find an alternate, I even have to fill in on the assembly line.

"When I took the job, I thought that because I cook for seven at home that would prepare me. But cooking for 70 was something else. But now it's all right."

Each kitchen buys its own supplies, she says, although meals are planned by the central office. That means that on any day all 19 kitchens are serving the same meal. But they don't repeat the same menu for at least six weeks.

Now Mrs. Alfriend also goes home, and it's time for Marcia Weber, director of client service at the central office, to explain where Meals-on-Wheels is now.

"We need volunteers," she says. "We have wonderful teams and they do an excellent job, but we need more of them.

"We'd like to expand our service too—but we can't do a thing without volunteers. People can work as packers or drivers or visitors. And they can work near their homes. Only tell them, please volunteer."

The telephone number is 435-5217.●

EDUCATION FUNDING AND EDUCATORS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. KILDEE. Mr. Speaker, we have devoted much time during this 2d session of the 96th Congress to budgetary and appropriations issues. Some of our recent budget actions such as voting out a balanced budget resolution with a reconciliation clause are unprecedented for this body and have generated confusion and controversy among different constituent groups. I am afraid that many of the supporters of domestic programs, especially social programs, are despairing over whether there is anything they can do at this point to secure adequate appropriations for their programs.

Our colleague, Carl Perkins, chairman of the Education and Labor Committee, has given a great deal of thought to these matters. He recently wrote down some of his ideas on the budget process as it affects education in an article published in the weekly newspaper Education Times. Mr. Perkins offers sound advice in this article to supporters of education on how they should approach the issue of education appropriations this year. I insert this article by Carl Perkins into the Record so that our colleagues, as well as others concerned with education, may benefit from his thinking:

Carl Perkins Comments on the Federal Budget in a Year of Change and Gives Educators Advice About Money and Strategies

Those who have been following the Federal budget process may well believe that Congress has thrown away the rule book this year and is playing a whole new ball game. Moreover, many of you seem to have given up on increased education appropriations and are just waiting to see if your program will be struck out.

There is plenty of evidence to back up this type of attitude. The media has coined a whole new vocabulary to describe this year's budget bickering: phrases like "the new austerity" and "budget-balancing fever." Veteran lobbyists complain that the old alignments don't apply anymore, with liberals and conservatives trying to out-stint each other.

Events are fueling this sense of hopelessness. Congress recently approved a nominally balanced budget, the first since 1969. This budget contains a record peacetime increase in military spending, with little room to negotiate increases in non-entitlement education programs. More importantly, the House and Senate have provided their Budget Committees with a big bat to enforce this fiscal stringency—the so-called "reconciliation" provision.

This provision requires eight House and nine Senate Committees to prepare bills making $6.4 billion worth of cuts in existing programs, so that spending for these programs does not exceed the limits set in the first budget resolution.

This means that Committees must rewrite certain laws to guarantee a much lower level of funding for particular ongoing programs than would have otherwise been made available.

This is the first year Congress has made its first budget resolution binding upon Committees, and the first year the Budget Committee has been given such broad authority to direct cuts in particular programs.

In previous years, spending discrepancies had been resolved in the second budget resolution, which sets final budget targets much later in the year, and individual program levels rested solely in the domain of the authorizing and appropriations committees.

Along with many other representatives, I went to bat against "frontend" reconciliation at every step of the way. But we were defeated by an overwhelming roster of defenders in Congress.

To my deepest regret, the chief casualties of this mandatory reconciliation in the area of education are the child nutrition programs.

It is no wonder, then, that many supporters of education funding are convinced that Congress has turned topsy-turvy, and are willing to concede this year's Federal education budget and hope for better next year.

In my opinion, such an attitude, down-to-earth as it may seem, will work to your detriment.

The budget game might be lost, but the season is not over. A lengthy series with appropriations must still be played.

I say this because even in this year of surprises, some political truisms endure; many of the old rules still hold good.

First, balanced budget or no balanced budget, the Appropriations Committees must, as always, decide how to divide up the pie. For all its rigor, the new budget still has room for increases in some programs, freezes in many, and cuts in several. How these chips fall will be crucial to education.

Second, the fact remains that the Appropriations Committees need not act precisely as the Administration or the Budget Committees wish they would.

I suspect the Appropriations Committees will jealously guard their authority to determine funding levels for individual programs, especially in light of the Budget Committees' efforts to leave them very little else.

In comparison with the influence the budget resolution has stripped from the authorizing committees, this remains an important power. I feel sure the members of Appropriations will exercise it to their best judgment.

Third, politics still dictate that those constituencies who are perceived as being weakest are often targeted for cuts.

Now, as ever, those programs which emerge unscathed are those that are well-insulated by statute, or those whose supporters can stir up feelings of urgent need or political sanctity.

It is interesting to note that in the midst of all these unprecedented budget developments, the arguments have often come down to the same old cliche of "guns versus butter."

My point is that despite recent events, the rules of the game have not changed so drastically that educators cannot have an impact on the final score.

But you will have to rally as never before. If you don't, legislators may peg education as a soft spot in the budget, and take that as a signal to cut not only this year, but possibly for many years to come.

In my view, adequate funding for education programs can be achieved if educators are firm in their support but realistic in their expectations.

This is not the year to push for a 50 percent increase in hope of getting 25 percent, unless you want to be summarily dismissed.

Rather, the emphasis this year is on "savings." Educators would be well-advised to frame their arguments in these terms, perhaps by pointing out how expenditures for education save social welfare costs or how reductions in Federal education support would affect local taxpayers.

Undoubtedly, the economic recession will play a major role in the final budget shakedown. Here again, educators would be wise to emphasize the economic benefits of investing in education, such as increased employment. These counter-inflationary characteristics of education will take on increasing importance if a deep recession upsets the budget balance and a congressional brawl breaks out over how to reconstruct it.

Most importantly, educators must work as a team, regardless of their individual program preferences. Divisiveness could destroy your momentum.

In my opinion, it is never smart for educators to suggest which education programs can be sacrificed. Legislators might take your advice, and you could alienate potential allies.

Unity is more crucial this year, since outside support may be hard to come by. Supporters of other domestic programs are busy with their own battles. And the concern throughout the country about deficit spending has made it politically difficult for legislators, even those friendly to education, to be in favor of increases.

In summary, this year's funding fight has been characterized by unpredictability and confusion. Everyone is feeling his or her way through new rules and restrictions, and no one really knows what the impact of this new severity will be or how long it will last.

However, much of the budget and appropriations process will continue as usual.

Supporters of education funding must not allow themselves to be overwhelmed by what they cannot change and lose sight of what they can.

And, as always, we must never lose sight of the fact that our whole reason for being is to help prepare the youth and adults of this country for the future. If we don't fight to keep this purpose an important one, we will allow short-sighted "economies" to doom the country to a limited future.

So fight we must.●

NICARAGUA'S NEIGHBORS CONTINUE TO EXPRESS FEAR OVER THE COURSE OF THE REVOLUTION

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. BAUMAN. Mr. Speaker, on July 19 the Sandinistas celebrated the first anniversary of the overthrow of Anastasio Somoza in Nicaragua. There is no doubt that Somoza was a controversial figure, and many Nicaraguan's joined in the celebration of his departure. The Sandinista leaders, on the other hand, tried to turn the festivities into a show of support for their leftist policies, and invited Marxist dignitaries from around the world to join in their effort. The result was a sad spectacle, as hundreds of thousands of Nicaraguans cheered their departure from the past while the Sandinistas edged them steadily toward a far more terrifying future.

It was interesting to note, as the celebrations went on, the opinions expressed by Nicaragua's neighbors about the way they see the country going. I have already shared with my colleagues the commentaries made by the press in Panama, a country which provided men and weapons to the Sandinistas. Now, I would like to have my colleagues see what another friend of Nicaragua, Costa Rica, had to say about the July 19 activities. As Central American observers may recall, Costa Rica provided sanctuary and training sites for the Sandinista guerrillas during their war with Somoza.

I think this makes for some interesting reading. The article follows:

[From La Nacion, San Jose, Costa Rica]

NICARAGUA: THE "COMANDANTES'" BETRAYAL

The festivities to celebrate the first anniversary of the Nicaraguan struggle provided a spectacle of total surrender of the Revolution to the Cubans. Fidel Castro not only commanded the center stage but his advisors and security personnel controlled all: the program schedule; the security measures throughout Managua; the designation of orators; the preparations in the Plaza 19th of July; the style and arrangements for the parades and the content of the speeches by the Sandinista "comandantes." Nothing escaped the control of the Cubans. Managua was literally taken over by them, to decide how the first anniversary of the Revolution would be celebrated, as though it were taking place in Havana

Like a viceroy, Fidel Castro set foot in the Latin American hemisphere to symbolize his Bolivarian dream of its conquest on behalf of the Soviet Union, liberating it from Yankee imperialism. During two days, the "comandantes" did nothing except stare at the father and owner of the Revolution with nitwitted and irritating unconditionality. In this first year of the Sandinista government, the veils have been drawn aside and beneath the sheepskin of a pseudo-pluralistic junta, the ears of the wolf have protruded.

Eyewitnesses to the celebrations, known friends of the Sandinista national liberation cause, who believed in the sincerity and good faith of the "comandantes," came away consternated. What the Latin American democracies had done on behalf of the liberation of the Nicaraguan people; the enormous help given by the Andean countries of Venezuela and Panama and the open-arm support of Costa Rica for the Sandinista insurrection, to the point of turning our land into a sanctuary for them, was forgotten in the delirious torrent of enthusiasm and veneration which the military comandantes and their organizations of the masses tributed to the most farcical of Caribbean dictators, whose one great historical feat has been to convert his people into the mercenaries of the Soviet Union.

Nicaragua is one step away from becoming a Marxist-Leninist state. The "comandantes" deceived all the world, all the international forums, and all the friendly governments, but the day came when this deception could no longer be maintained. Castro's lieutenant, the small-time dictator from Grenada, revealed without inhibitions in his diatribe of last Saturday, given from the grandstand in the Plaza 19th of July, the ambitious short-term plans which are already in effect to install Marxist-Leninism in the Caribbean and Central America.

Those who were invited and who hold to democratic ideology were visibly relegated to second place. The celebration of this first year of the Sandinista victory was a festival of "comrades." The days of precarious pluralism, of a negotiated mixed economy, of a fragile and an unstable freedom of the press, are numbered. The "comandantes" know where they are going and what they want. History will have to judge whether it was wise and prudent for Costa Rica to run the risk of an unequal war with Somoza's National Guard, which have cost many lives, in order to serve as a bridge for the designs of Fidel Castro.●

A SALUTE TO LARRY ROBINSON, THE DIAMOND MAN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. STOKES. Mr. Speaker, recently I had the pleasure of attending a program sponsored by the Harvard Business School Club of Cleveland, where Mr. Larry J. B. Robinson, Jr., was honored. Mr. Robinson, one of the most recognized and well-liked business leaders in Cleveland, was honored as the 1980 business statesman by the club. I would like to take this opportunity to familiarize my colleagues with the phenomenal activities of Mr. Robinson.

Many of us may be familiar with the radio commercials for J. B. Robinson Jewelers in which Larry J. B. Robinson, Jr. is the primary spokesperson. Mr. Speaker, Mr. Robinson is just as impressive in the boardroom as he is on the radio. As president of J. B. Robinson Jewelers, he has initiated the company's expansion from 1 store to 55. Sales have increased from $200,000 to over $40 million, with an annual average growth rate in excess of one third. Robinson Jewelers was sold to W. R. Grace in late 1979, a $5 billion conglomerate, with Robinson continuing as president.

Robinson Jewelers, the Nation's fourth largest retail jewelery chain, has stores in seven States, from Illinois to Maryland. Accelerated expansion plans call for an additional 100 stores by 1984.

Robinson attributes much of his company's success to following the tenet of "giving customers what they want," by providing strong guarantees, wide selection and believable advertising. Robinson also surrounds himself with the best possible advisers.

So, Mr. Speaker, it was both inevitable and long overdue for Larry J. B. Robinson, Jr. to be awarded the 1980 business statesman award. Perhaps he summed it up best in his acceptance speech, "Robinson Jewelers is a Cleveland story: Cleveland executives, a Cleveland lawyer, a Cleveland bank and other Cleveland advisers." Mr. Speaker, the only alteration that I would make to that statement is that Robinson Jewelers in addition to a Cleveland story is a story of success. I am sure that his associates will agree that Larry Robinson is an integral part of that success.

But, Mr. Speaker, Larry J. B. Robinson is more than just a business whiz, he is also active in civic affairs in Cleveland. He is immediate past president of the Citizens League, Greater Cleveland's 5,000-member, 83-year-old nonpartisan, good government organization. He served two terms. He also has served as president of America's oldest open forum, the City Club of Cleveland; as president of the Harvard Business School Club of Cleveland and as chairman of the Cleveland Festival of Freedom. Robinson is a director and executive committee member of the Greater Cleveland Growth Association.

Larry Robinson holds masters and doctorate degrees from the Harvard University Graduate School of Business Administration, where he served as a faculty member and was author of several publications. He currently is a member of the alumni boards of both Harvard Business School and Harvard University. This May, he also received the Ohio State University Alumni Award for outstanding public service.

Additionally, Mr. Speaker, Larry Robinson's achievements have been noted by many different organizations. Twice selected as "Ohio Businessman of the Year," Robinson has also received the Liberty Bell Award of the Cleveland Bar Association and the Albert Gallatin Award of the Zurich-American Insurance Cos., both for outstanding public service. He has also received an honorary doctorate from Lake Erie College, the 1979 "Advertising Person of the Year Award" and has been designated "Distinguished Lecturer" by Case Western University School of Management Alumni Association. He has lectured at Loyola and a number of other colleges and universities and has presented papers at two White House Conferences.

With all of his other activities, Mr. Speaker, Larry Robinson still spends considerable time with his family, consisting of his talented wife Barbara, who is president of the Cleveland ballet and their three children Lisa, John, and James.

Mr. Speaker, this last notation probably underscores best Larry Robinson's commitment to business and our future business leaders in this country. He donated the $1,000 cash award from the 1980 business statesman award to Harvard University for research in human behavior and retailing.

In closing, Mr. Speaker, I would like to say that Mr. Robinson in not only an asset to the city of Cleveland, and to his business but also to America. For him, the American dream has come true. The best part of that dream is that through his civic affairs as well as his business and his charitable contributions, he is helping that dream become a reality for other persons.

So, at this time, I would like my colleagues in the U.S. House of Representatives to join me in saluting Mr. Larry J. B. Robinson, Jr., of Cleveland, Ohio.●

PAGE BELCHER

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. RHODES. Mr. Speaker, during the past recess one of our former colleagues, Page Belcher, passed away. He served in the House for nearly a quarter of a century, left his mark on many pieces of legislation, and earned warm friendships on both sides of the aisle.

Page Belcher was in every sense a working Congressman, with a great understanding of the legislative process, and a love for the district that he served. He was instrumental in shaping the major farm bills that came before the Committee on Agriculture, where he was at the time of his retirement from Congress, the ranking minority member.

It was my privilege to serve with Page during most of his tenure in the Congress, and to have his sage counsel and friendship for many years. He was a man who spoke homespun, but could hold his own in the most sophisticated circles and unravel the most involved legislative processes. He loved to go home to Oklahoma and get out among the people. He spoke often of having been out "sitting down on the wagon tongue, listening to what the people have to say." He was a good listener, an effective speaker, and a hard-working legislator, which earned him 12 terms in the House.

I share with my colleagues our sense of loss, and offer condolences to his wife Gladys, his son Page, Jr., and his daughter Mrs. Carol Williams. Those of us who knew him always will remember him fondly. He was truly a public servant, who spent his career in Congress working diligently for his district, Oklahoma, and the Nation.●

THE STRATEGIC METALS THREAT

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. WALGREN. Mr. Speaker, recently the distinguished business editor of the Pittsburgh Press wrote a three-part series of articles on one of the most serious, yet little discussed, threats to the security of this Nation. We all know the damage done by an oil embargo, but few of us recognize how dependent the United States has become on foreign sources of strategic metals: tin, chrome, cobalt, platinum, and manganese. As Mr. William Wylie writes: "The United States, the land of plenty, [has] become a have-not nation in strategic metals." I recommend each of these articles to every Member of Congress.

The articles follow:

SUBMARINE BLOCKADE COULD CRIPPLE U.S. INDUSTRY

(By William H. Wylie)

For the first 150 years of its existence the United States was practically self-sufficient in the materials our society needed.

Even during World War II, this country was able to keep its oil tanks filled from domestic supplies. Although imports of other raw materials were important, Nazi U-boats never were able to get the U.S. by the jugular as they did Great Britain.

There was never a time when the U.S. lacked the ability to fuel the Allied war machine, largely with domestic energy, chemicals, steel, guns, ships, tanks, clothes, food—all it takes to do battle.

E. F. Andrews, vice president-minerals and services for Allegheny Ludlum Industries Inc., was asked if that feat could be duplicated today if unfriendly forces blockaded our shores.

"Today we are totally dependent on foreign sources, principally southern Africa, for chrome, cobalt platinum and manganese," he replied. "There isn't a major corporation in Pittsburgh that wouldn't be impacted if the supply of these metals was cut off," he added.

"We don't know how to make steel without manganese," declared Andrews, one of the nation's best known purchasing executives. And it's impossible to make stainless steel without chome.

The U.S. chrome stockpile would last a year and a half at the most, Andrews said. Successful enemy action at sea would force the specialty steel industry to shut down sometime during that time span.

"Hitler's Third Reich failed because the Allied blockade cut off the supply of chrome," he observed. "The loss of chrome was more critical than the loss of oil."

Andrews believes the U.S. is equally vulnerable today, largely because there is no coordination of strategic materials policies at the federal level.

To make matters worse, the U.S. merchant fleet has been languishing while the Russian bloc nations have been building sea transport, he noted. "All of our tin, chrome cobalt, platinum and manganese have to cross water to reach us," he said.

"While we import 95 percent of our nickel, much of it comes across a friendly border from Canada," he continued. The U.S. could get nickel but those other critical minerals could be cut off.

A few years ago when Andrews testified at a House hearing on the threatened chrome crisis, a congresswoman told him if stainless steel were curtailed, she could "get along without a stainless steel bed pan."

That's the trouble, Andrews said. People think stainless steel is used just to make pretty, shiny stuff, like trim on cars and refrigerators. They don't realize that these uses account for only 6 percent of the market.

Actually, without chrome it would be impossible to build jet aircraft, cars, oil refineries, computers, conventional and nuclear power plants, modern food-processing facilities and hospital operating rooms, he pointed out.

"We'd have to go back to eating pickles out of a wooden keg," he said.

The space program would have been a non-happening.

"You couldn't make a hole in steel or drill an oil well," he continued. "There wouldn't be any plastic because you couldn't crack oil. You couldn't make a gun barrel for a tank, or an armor-piercing shell, or a tank," he added.

The environmental movement would suffer without clean air scrubbers and water purification equipment. None of this anti-pollution gear can be built without specialty steels.

While he doesn't question the innovative ability of the scientific community to cope with these problems, he stresses that there are no quick answers.

The National Research Council, comprised largely of academicians, supports this view. "The council says that with today's technology, if we decided to design away from chrome, it would take as long as 15 years to substitute for it," he said.

Andrews, who for years wrote the economic forecasts for the National Purchasing Managers Association, is hardly surprised by the strategic materials pinch. He recalled the Paley report, which was commissioned in 1952 by President Truman.

"It said that 20 years or so down the road we were going to have a problem," he said. "Nobody but a few nuts like me bothered to read it, so it sat on the shelf. Well, now we have the problem," he added.

Next: How did the U.S. get into this mess?

U.S. ECONOMY'S LIFELINE ANCHORED IN SOUTHERN AFRICA

(By William H. Wylie)

How did the United States, the land of plenty, become a have-not nation in strategic metals?

Four key minerals—chrome, cobalt, platinum and manganese—have to be imported, mostly from southern Africa, because this country has none of them.

Without these vital raw materials, some essential industries—steel, aerospace, oil, petrochemicals, defense etc.—would wind down to a standstill.

The U.S. didn't exactly run out of these strategic metals. Over the years our society became much more sophisticated. Exotic minerals are required to sustain a 20th Century lifestyle that is much more demanding. Industry has been forced to seek them out in the four corners of the world.

The old standbys—iron, coal and wood—that got us through the 18th and 19th Centuries no longer were adequate. As the automobile replaced the horse and buggy, jetliners filled the skies and computers emerged, demand for high-alloy metals grew.

Whether Americans realized it or not, chrome, cobalt, platinum, manganese and other strategic materials began to play an important role in their lives.

"If you wanted cobalt, you bought it in Brussels," E. F. Andrews, vice president-minerals and services for Allegheny Ludlum Industries, said. "The cobalt was in a place called the Belgian Congo."

"If you wanted chrome, you went to London and bought it," he continued. Most of the world's supply of this vital material is in southern Africa (Rhodesia and South Africa)—an area Andrews calls "the Persian Gulf of metals."

Chrome deposits also are found in Russia, Turkey and a hadful of other nations. But Rhodesia by far has the most—a 700-year supply—and until a few years ago, the British had a lock on it.

But as the Third World emerged from the

decolonization trend of the '60s, the map of Africa got a new set of names. The Belgian Congo became Zaire. Angola, Zambia, Botswana, Namibia and Tanzaina gave the Dark Continent new character. More recently, Rhodesia evolved as Zimbabwe and a black regime replaced the white-dominated government.

Along with the new names came a new set of political philosophies, Andrews pointed out. Some countries are friendly to the U.S., others are either Communist or leaning that way because the Russians are hard at work in the area, even to the point of providing Cuban troops.

The delicate political balance of these fledgling nations is made all the more precarious by their financial instability.

At best, the new African states are cautious and distrustful of dealing with the U.S. At worst, they're under the Russian spell.

Mutual feelings of anxiety often snag these relationships, Andrews noted.

"They're afraid of being taken and so are we," he said. Exploitation is the main fear of the Africans while the threat of nationalization haunts American investors. As a result, valuable mineral reserves often remain in the ground instead of being developed.

Interests of the new Third World states often differ from those of the super powers, Andrews said. Unfortunately, the U.S. government hasn't always acted as if it understands African motives.

This is not surprising, considering Africa has never been recognized by the State Department as a prize assignment. Rather, it has been a "burial ground" for diplomats who have fallen out of favor. A stronger diplomatic effort would have made more friends for the U.S. in an area that is critical to American industry.

Ironically, at a time when sources of supply were becoming unstable, changes were occurring in the U.S. that increased demand for strategic metals.

"In the late '60s and early '70s we passed laws that mandated a 25 percent increase in the use of chrome," Andrews observed. The legislation led to installation of catalytic converters on U.S.-made cars, forced coal-fired power plants to clean up their act and tackled water pollution and a host of other problems as the environmental movement shifted from theory to hardware.

Of course, the U.S. is not unique in doing these things. Environmental reformers are at work in all the leading industrial nations of the Free World. As standards of living are upgraded abroad, the pressure intensifies to develop sources of strategic metals.

Every industrial nation needs chrome, cobalt, magnesium, platinum and all of the other exotic minerals that make the world go round today. If this country is to grow and prosper, it will have to keep its supply lines open to southern Africa and other raw materials sources.

Next: Some national planning is needed.

NATIONAL PLANNING URGED TO SAFEGUARD INDUSTRY

(By William H. Wylie)

The "Japanese miracle" is one of the economic wonders of the post-World War II era.

It has made Japan the world's leading exporter. Japanese products, ranging from cars and cameras to steel, are big sellers in nations througout the Western World.

Yet Japan is a "have-not" country whose raw materials deficiencies are far greater than those of its big trading partner, the United States. Japan lacks even the basics of an industrial economy, like iron and coal, while the U.S. is well endowed with both.

Japan imports all of its oil, while the U.S. produces more than half of the petroleum it uses.

It's in the area of strategic materials, like chrome, cobalt, magnesium and platinum, that Japan and the U.S. have a common problem. Both are have-nots.

However, the Japanese very carefully manage their strategic materials, making sure the supply lines are kept open, that political and domestic policies do not interrupt the flow.

Through the Ministry of International Trade and Industry, the Japanese economy enjoys a degree of planning and monitoring that eliminates wasted effort and assures a high rate of productivity. Although Japan does not have a planned economy in the socialist sense, MITI keeps a firm hand on the steering wheel and the throttle.

The concept of economic planning has never been popular with American industrialists. But increasingly they are looking to Washington for guidance on crucial issues, such as energy and strategic materials. Unfortunately, response from the government has fallen short of what is needed at this point.

"The U.S. has no economic planning," E. F. Andrews, vice president—minerals and services for Allegheny Ludlum Industries Inc., observed." "It's a matter of thinking ahead, anticipating your environment," he continued.

"The Japanese do it all the time," he said.

Andrews favors establishment of a national materials policy board—a central agency that would function something like the Federal Reserve Board.

The Fed makes policies that govern the supply of money, he noted. A materials policy board would act to protect the supply of strategic minerals and other commodities essential to industry, he said.

While he doesn't favor controls over commodities, he would like to see priorities established to insure adequate supplies.

"Its first responsibility would be national security," he added.

"The Rhodesian embargo in the late 1960's spotlighted the chrome crisis," Andrews said. The U.S. cut off its major supply of chrome at a time when environmental legislation mandated a 25 percent increase in use of stainless steel, which cannot be made without chrome, he recalled.

A watchdog agency like a national materials policy board could play a key role at such times, he feels.

Andrews cited the cobalt shortage as a classic case of mismanaging a strategic material. He explained:

"For 10 years one-third of the cobalt used in the U.S. was supplied by the national stockpile. We worked down the stockpile without developing new resources. Suddenly it was realized that we didn't have enough cobalt and we started buying heavily overseas.

"As a result, in one year the price of cobalt soared from $4 to $50 a pound."

Sometimes national priorities get in each other's way. Although the U.S. has to import cobalt, some deposits of the strategic material have been discovered in Idaho. Unfortunately, it's on federal land set aside to preserve big horn sheep and can't be mined, Andrews said.

On another subject, he belabored the export of stainless steel scrap. "We are the only nation in the world that does this," he said. It's too valuable a commodity to let get out of the country, he feels.

Titanium production capacity has suffered from Washington's fickleness on aerospace programs. Build the B-1 Bomber, or not? The same uncertainties plagued the Supersonic Transport before it was killed by Congress. Each project would have required lots of titanium.

"There's really no titanium shortage," Andrews said, "just a shortage of production capacity. Rutile (the key raw material) is found everywhere. It's production capacity fluctuations that hurt. Now titanium appears to be the metal of choice." Domestic producers will be able to meet the demand, he feels.

Lawrence Monberg Jr., a Fort Lauderdale, Fla., securities executive who follows metal stocks, believes "the next OPEC-type crisis to hit this country will come in strategic metals." He became aware of the raw materials shortage while researching metals stocks. Alarmed at what he found, he has been spreading the word at stock broker meetings and through newspaper interviews.

He thinks the U.S. must cultivate its already friendly ties with Australia because the "land down under" is loaded with strategic materials.

Andrews agrees that some strategic metals might be cartelled, but not all. "It would have to be a product the world cannot do without," he said. "Chrome, cobalt, manganese and platinum qualify in that respect," he added.

Also, the cartelling country has to be financially sound, be continued. "South Africa is but Zaire isn't. Cobalt is Zaire's cash crop; they have to sell it so it probably couldn't be cartelled."

But chrome is another story, he said. Rhodesia and South Africa have most of the world's chrome but it doesn't number among their leading exports. Chrome probably could be cartelled, he feels.

Unstable Third World governments, the ever-present Russian threat, U.S. deficiency and the growing demands of our sophisticated economy—those are the factors that suggest a national strategic metals policy is an idea whose time has come.●

A TRIBUTE TO THE HONORABLE HAROLD RUNNELS

HON. MARVIN LEATH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. LEATH of Texas. Mr. Speaker, on August 5, 1980, this Congress lost a great statesman, and I lost a dear friend. I didn't know Harold Runnels prior to coming to the Congress in January of 1979, but it didn't take long to meet him. His gentle wit, his ever-present smile, and his outgoing personality made Harold a man respected by all of his colleagues, regardless of their political differences or party.

Harold Runnels was the epitome of the American dream, and his courage exemplified the greatness of our heritage. Harold was living proof that the American system works, and that all it takes to achieve is the desire and determination to do so. He used the free enterprise system to rise from poverty to a man of great resources. Having gained that success in business, he was eager to return something to his Nation and determined to preserve that which he loved—an America strong in individual freedom and a beacon for all men who aspire for a better life.

Harold served the people of New Mexico with distinction and respect. He served his Nation with a patriotic zeal unequaled; and he served his fellow man with honor and dignity. This Nation is better because Harold Runnels passed through it, and our lives are more complete because Harold Runnels touched us.

May God comfort us for our great loss, and may we thank Him daily for giving us Harold Runnels for a brief moment. We loved him dearly, and we will miss him sorely.●

A TV STATION FOR NEW JERSEY

HON. ANDREW MAGUIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. MAGUIRE. Mr. Speaker, the July 1980 Jersey Business Review contains an excellent article describing a situation unique to New Jersey and Delaware about which most Members are unaware. Our two States are the only States in the Union which do not have any VHF television assignment.

This anomaly astonishes Members from other States when they learn about it and invariably I find they wish to do what they can to help. As is immediately apparent, and as the author, Mr. Dean A. Brianik points out, the absence of VHF television has grave economic and political ramifications for our States.

Let us take New Jersey. The citizens in the northern part of the State are better able to recognize Mayor Koch of New York City and the political issues facing local legislators in Albany then they are able to identify their own local political leaders and State officials. They are deprived, for the most part, of local advertising and public affairs programing that is targeted to their own needs. The citizens in southern New Jersey suffer the same fate at the hands of the Philadelphia television programers. New Jersey's businessmen and businesswomen and all of our citizens who want to participate fully in the democratic process are cheated by this situation and it simply must, after all these years, be addressed.

As Mr. Brianik notes, Members of the New Jersey delegation are working tirelessly to rectify New Jersey's television problem in two arenas. Since the 95th Congress, I have introduced legislation which would require the FCC to reallocate a frequency to New Jersey and to Delaware. Such a bill would be in the form of an amendment to the Communications Act of 1934.

Our colleagues in the Senate, Harrison Williams and Bill Bradley, are working administratively and have filed a petition for a rulemaking by the Commission which would have a similar effect in reallocating a VHF frequency.

This is a battle for fairness in allocating TV licenses which is going to continue until we succeed one way or another. I intend to offer a version of my bill as an amendment to legislation pending before the Commerce Committee affecting license renewals. Senators Bradley and Williams are in the midst of filing additional comments in their proceeding before the Commission. New Jersey, specifically, and all States, ultimately, are entitled to service and coverage by a telelvision station they can call their own. New Jersey must not continue to be a media stepchild of the Philadelphia and New York City markets.

[The article follows.]

Garden State TV: The Battle Continues

(By Dean A. Brianik)

New Jersey now has the opportunity to obtain its first VHF commercial TV station since WNTA (Channel 13) folded in the early 1960's. But serious questions remain about whether the state will reap enough benefits to justify the long struggle spent with the Federal Communication Commission (FCC) and the networks to achieve this goal.

On June 4, the FCC stripped the licenses of three RKO television stations, including WOR-TV of New York. Besides setting off a tidal wave of reaction in the broadcasting industry, the FCC action opened up Channel 9 to applicants interested in obtaining an operating license for that frequency—particularly in this state, where the New Jersey Coalition for Fair Broadcasting has been battling to obtain a VHF television station.

The Coalition's executive director Marsha Stern says, "the chances are excellent just excellent, that New Jersey will finally get its own television station," adding it would be "an absolute travesty" if the license were not assigned to a New Jersey community.

Less than a week before the stripping of WOR's license, New Jersey's two Senators, Harrison Williams and Bill Bradley, filed a petition with the FCC, asking the Commission to re-allocate Channel 9 to New Jersey.

Furthermore, legislation has been filed in Congress to amend the Communications Act of 1934, so that each State will be guaranteed at least one VHF commercial television station.

The WOR controversy and the stripping of the station's license has given new hope to the Coalition, which has been trying to obtain a commercial VHF outlet in the state since 1972. They feel the FCC now has the opportunity to license a New Jersey VHF station, without harming the financial interests of other stations located in New York City or Philadelphia.

Jay Ricks, one of the lawyers who drafted the Bradley-Williams petition, summed up the FCC's dilemma: "Although the FCC has never acknowledged this, we believe its reluctance to reassign a station to New Jersey is a reflection of its unwillingness to take away the investment of a licensee." And with this barrier gone, the petition states, no such concern now exists.

The Bradley-Williams petition, if successful, would have the FCC reassign Channel 9 to New Jersey, although a decision concerning which community in the state would get the license would be made at a future date. A successful reassignment petition would also prevent the Channel 9 station's new owners from making plans to operate as a New York City licensee.

The effort to bring VHF commercial television to New Jersey, has focused most attention on the harm the state's political process has suffered by the token news coverage offered by N.Y.-based stations and their "Jersey bureaus." New Jersey residents have been forced to rely on these out-of-state stations for local news which according to an Eagleton Institute Survey, has left viewers ignorant about state politics, while comparatively familiar with those in New York City and Philadelphia.

Considerably less attention, however, has been paid to the economic impact on the state due to the absence of a commercial VHF station.

The situation, Daniel M. Gaby, president of Keyes, Martin & Company—New Jersey's largest advertising agency—once told a congressional committee, "has stunted the growth of hundreds of New Jersey companies, reduced job opportunities, and withered tax revenues." And, others argue, has been a barrier to economic expansion in the state.

In addition, companies now located in New Jersey are often unable to advertise on either New York City or Philadelphia television stations, putting them at a competitive disadvantage with out-of-state companies.

The problem in this instance is one of economics. New York and Philadelphia are the first and fourth largest television markets in the country. Consequently, their advertising rates are also among the highest. But New Jersey comprises only 30 percent of the New York City market audience. As a result, New Jersey companies seeking to advertise on New York City stations must be prepared to spend up to 70 percent of their advertising budgets to reach viewers who may never use their products.

A businessman, in Gaby's words, faces "the Hobson's Choice of either wasting 70 percent of his advertising investment; or forgoing the most powerful and effective advertising medium in the history of mankind."

News coverage given to New Jersey by New York and Philadelphia television stations also has the ability to damage the state's economy. "There are too many misunderstandings concerning New Jersey which place the state in a peculiar position when seen by the rest of the country," complains John Bachalis, president of the New Jersey Business and Industry Association.

Bachalis, who believes "the importance of television is not to impress the business community, but to impress the public and generate understanding of business's problems," also feels out-of-state stations may be slow to understand the economic impact of stories about New Jersey.

For example, he cites a proposal made during the Federal government's Conrail reorganization program that would have eliminated service on a South Jersey freight line that carried sand through the Pine Barrens. On the surface, such a proposal might seem reasonable, especially when it was learned the line was a money-loser. But Bachalis notes the line provided the sand needed to sustain the region's glass manufacturing industry and that a service cutoff would have imperiled "thousands of jobs." The proposal was eventually rejected, but Bachalis says he still believes a New Jersey based commercial station, had one existed, could have made the public more aware of just how seriously the state's economy might have been hurt by the proposal.

Arthur Cox, public relations director for the New Jersey State Chamber of Commerce, contends the situation has given the state no way of interpreting itself to the rest of the country. "We are underinterpreted to the rest of the nation," he notes, "and we would like to see a station that can put our real story to the public in the rest of the country."

Congressman Andrew Maguire (D-Bergen), a leader in the fight to bring a commercial "V" to New Jersey, notes that a reliance on out-of-state television news departments for coverage means major cultural events in the state will go unreported. In testimony before Congress in 1978, Maguire referred to a complaint from the Greater Newark Chamber of Commerce that New York television news crews failed to cover the reopening of the city's opera house, an event that was attended by internationally known opera stars and many of the state's prominent politicians. But according to the testimony, the Chamber noted several weeks later, the New York City TV news crews were there "in abundance" to cover a major fire.

Cox believes a New Jersey-based television station would provide the country with the opportunity to view the state in a different light than what is now shown and omitted on the New York City and Philadelphia stations. "What a home-based television station can do in New Jersey is to create an understanding of the life of the state, because it's important to families who might move here . . . There's no question it will help New Jersey be looked upon more favorably as a place companies will want to look at."

Cox thinks New Jersey can sell itself to industry on matters of bottom line importance such as transportation and tax packages. But the lack of a VHF station, he believes, causes many companies not to even consider New Jersey as a place for expansion, despite the advantages the state offers to industry.

Most business leaders are in agreement the state would make, an excellent market for advertisers. Robert O'Brien, acting financial director for an ad hoc group of New Jersey businessmen seeking to obtain the license lost by WOR, contends there are potentially thousands of companies that would advertise on a New Jersey station.

Speaking from a banker's perspective, O'Brien—who is president of Carteret Savings and Loan and a former member of the Coalition's board—notes only one bank from New Jersey advertises on New York television although there are 220 savings and loans, 20 savings banks, and "score of commercial banks". According to O'Brien, Midlantic Bank officials admit advertising in New York City has "been a very expensive exercise for them, but they feel it's been worth it".

Keyes, Martin's Gaby says the answer to questions about whether a New Jersey commercial television station based in Freehold could be a commercial success is an unequivocal yes . . . It would be able to offer the potential advertiser a price and a cost-per-viewer that would be highly competitive with other forms of media that might be available to the advertisers.

"That station," Gaby concludes, "would be able to offer an advertiser a large audience, a highly-qualified audience with a high level of education. Therefore it would be an attractive buy to local advertisers and retailers, and to national advertisers."

In theory, then, reassigning Channel 9 to a New Jersey community should be the answer to a prayer. In reality, while such a move by the FCC might settle the issue as far as it was concerned, there are doubts about how much can be gained for New Jersey businessmen if the channel is reallocated to the state.

First of all, despite the FCC's decision to strip WOR's license, there is no guarantee the Commission will decide in favor of the Williams-Bradley petition. Dan Gaby believes the petition has less than a 50-50 chance of success.

"The broacasting industry is enormously powerful in Washington and they have fought this thing successfully against efforts by governors, congressmen, and mayors. I'm just not terribly optimistic about their succeeding in this situation," he says.

And, even if Bradley-Williams succeeds in having the FCC transfer Channel 9 to New Jersey, it's not expected the Commission will act on the matter for a year at least. At that time, a successful petition will mean only that Channel 9 itself will be transferred to New Jersey; who will operate the channel will still have to be decided, a process that could take years.

Secondly, in June, the FCC was asked by Multi-State—the company that first challenged WOR's license back in 1972—to grant the firm a construction permit. Granting a construction permit to Multi-State, notes Jay Ricks, "would indicate a lack of enthusiasm for New Jersey's arguments concerning reassignment". As a practical matter, giving the construction permit to the New York City-based Multi-State would be a signal the Bradley-Williams petition has lost, although at this time, Ricks says he has no way of knowing how the FCC will rule on Multi-State's request.

A third factor arises out of a condition in the petition itself. A fundamental premise of the Bradley-Williams petition is that the transmitter for Channel 9 will remain in New York City, "so that Long Island and Connecticut residents who now receive Channel 9 would continue to do so".

The provision was installed because in 1976, the Coalition for Fair Broadcasting has proposed the re-assignment of Channel 7 (WABC) to Freehold, in Monmouth County. One of the arguments used by the commission in rejecting the request was that shifting Channel 7 to Freehold would deprive Long Island and Connecticut residents of services they received from the station.

This concession, though, poses some problems for potential New Jersey based advertisers and their clients. The Channel 9 New Jersey station envisioned by the Bradley-Williams petition will, by necessity, be able to cover only the northern part of the state, and it is generally agreed such a station would have limited benefits for South Jersey businesses.

Ricks characterizes the Bradley-Williams proposal as a beginning for VHF-TV in New Jersey and that reallocating the channel will not be able to meet the needs of the southern part of the state. Ricks' feelings are echoed by the Chamber's Art Cox, while Keyes, Martin's Gaby says flatly, "If the Bradley-Williams petition keeps the transmitter in New York, obviously their problem in South Jersey has not been addressed at all."

The petition does have its defenders. A spokesman for South Jersey Representative James Florio (D-Camden) says the Congressman supports the petition, adding Florio feels it is more important to get a New Jersey VHF station than to debate whether such a station will be able to service the entire state.

O'Brien says while north and south Jersey do have differing interests and concerns, he believes the new owners of a New Jersey-based Channel 9 will try to unify the entire state. He adds a study is underway to determine the feasibility of setting up a relay station in New Brunswick that would pick up Channel 9's signals from New York City and beam them into South Jersey.

The fact that Channel 9's transmitter will stay in New York City gives Gaby another reason to believe the Bradley-Williams petition will not have much effect on New Jersey businesses. Gaby contends the major benefit of re-allocation will be an increase in news and public affairs programming devoted to New Jersey.

New Jersey viewers currently comprise 30 percent of the New York City market. Under the Bradley-Williams petition, keeping the transmitter in New York City will still insure that Channel 9's signal will reach viewers of Long Island and Connecticut.

The question, then, is whether enough New Jersey viewers can be added to a reassigned Channel 9 to make it a viable medium for New Jersey companies to advertise on. Dan Gaby says the answer to that question is no. He concedes a large number of New Jerseyans would tune in for the station's news and public affairs programs, thus providing New Jersey businesses with opportunities to reach a primarily New Jersey audience.

But, he adds, "setting aside that portion of the day, you're not changing anything. To the extent it was unattainable and undesirable to New Jersey advertisers, it continues to be. If you don't change the signal area, you're not making a significant change. That's the reality. I don't think New Jersey should settle for it."

O'Brien concedes New Jersey viewers would still be in a minority on a reassigned channel 9 TV station, but he believes despite this problem, New Jersey businesses will still advertise on the station, because it represents an improvement over having no New Jersey station at all on which to advertise. He also believes a New Jersey station will attract some out of state residents into the Garden State to do business.

New Jersey officials are hopeful the FCC's revocation of WOR's license and the Bradley-Williams reallocation petition may finally pave the way for the return of commercial VHF television to the state.

They believe WOR's legal problems provide the FCC with the opportunity to remove a political albatross, while at the same time limiting the financial uncertainties brought to New York City and Philadelphia TV stations by the Coalition for Fair Broadcasting's efforts to obtain a VHF station for the state.

If Bradley-Williams is accepted, the first step toward New Jersey's VHF-TV rebirth will have occurred. Actual programming from a New Jersey-licensee would still be years away, though, and there are some who doubt the FCC has the power to reassign Channel 9 before the legal proceedings regarding RKO are complete.

If this view proves correct, New Jersey's wait for VHF-TV will be even longer. Multi-State began its challenge to WOR in 1972, and it still has no guarantee of being the next operator of Channel 9. Meanwhile, the file concerning the FCC's relations with RKO's Los Angeles TV station is 15 years old.

Arnold Zucker, executive director of the New Jersey Broadcasters Association, contends the courts will first have to resolve the legal issues raised by the FCC's revoking RKO's television licenses, before the Commission can look at whether to reassign Channel 9 to New Jersey. He believes it will be three to four years before the Commission will even rule on Bradley-Williams, and adds, "You and I will have gray hairs before Channel 9 is ever moved, reallocated to New Jersey, or even assigned to another New York City owner."

At any rate, a commercial VHF television station licensed to a New Jersey community will provide economic benefits to the state in addition to the political benefits that are constantly discussed. New Jersey would gain an outlet to freely present itself to the rest of the country highlighting the state's social, cultural, and recreational life, and thus making the state more attractive to business, or at least helping to increase awareness New Jersey is not just a turnpike connecting New York City and Delaware.

However, there remains the possibility that re-allocating Channel 9 to New Jersey will not solve the underlying problems that have kept New Jersey businesses off New York City and Philadelphia market television screens. A New Jersey station transmitting from either the Empire State Building or the World Trade Center will still reach the same basic audience previously served by WOR.

New Jersey residents, except for newscasts and public affairs programming, will still be a minority audience on a station with a primary duty to serve the Garden State. Under such a situation, businesses within the state will still face a "Hobson's Choice" of spending over half their advertising dollars on non-essential audiences or forgetting about a New Jersey television station as an advertising medium.

Finally, a Channel 9 transmitter based in New York City will be only able to cover the northern part of the state, thus providing considerably fewer benefits to businessmen in South Jersey. There are no current situations similar to WOR-TV in the Philadelphia market and it is quite possible South Jersey may be without a television station of its own for many years to come, despite the needs and concerns that distinguish it from the northern half of the state.

The revocation of WOR's license provided New Jersey with a rare opportunity to obtain the VHF station it has so long sought, at a minimum of discomfort to New York City and Philadelphia stations. The question that needs to be asked is will the struggle have been worth it if re-allocating Channel 9 still fails to provide New Jersey businessmen with a place of their own to advertise.●

TRIBUTE TO JOSEPH YOUNG

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mrs. SPELLMAN. Mr. Speaker, one of the best friends the civil servant ever had retired last week. After 32 years as Federal columnist for the Washington Star, Joseph decided to give up the daily newspaper grind Thursday, July 31, for a more leisurely pace. Of the many tributes that will be paid to this able and respected reporter, none is more significant than the one that appeared in the Washington Post a few days before Joe wrote his last column. It came from Mike Causey, author of the Post's Federal Diary and Joe's chief competitor.

Mr. Speaker, I wish to enter Mike Causey's column in the CONGRESSIONAL RECORD at this point. I also wish to associate myself wholeheartedly with his remarks.

GETTING THE SCOOP ON JOSEPH YOUNG

(By Mike Causey)

This is the kind of news you hate to write.

This time, for sure, I get to scoop archrival Joseph Young of The Washington Star on a major story. And I'm hating every minute of it. This is the bad news:

After cranking out more than 7,000 columns—some of them masterpieces under fire—and lots of front page stories, Joe is calling it quits. He will retire effective Thursday.

Joe's departure from the federal beat is the end of an era spanning three decades, and thousands of big, and little, stories.

Joe, an old Chicago hand, joined the old Evening Star in 1942. He covered the government for a few years then took over the Federal Spotlight column in 1948.

For 32 years, rain, shine, good times and bad, Joe has probed the complicated world of the bureaucracy. He explained—in English, yet—the who, what, when, where and why of big events and little ones. He covered the day-to-day working conditions, and the careers of a lot of people in that time. He earned millions of readers, from clerks to cabinet officers and newspaper reporters who tried to do what Joe does so well.

To the public Joe was more reporter than columnist, more fact than opinion. He helped write the record, from Roosevelt to Carter, and managed to keep a lot of high officials nervous, and honest, with his spotlight.

President Eisenhower cancelled a staff plan that could have wrecked the merit system when Joe broke the story, and Congress got into the act. Lyndon Johnson sought to plug leaks that appeared in Joe's column about plans LBJ had for politicizing top federal jobs. Richard Nixon once asked his news staff to find out "how he (Young) finds out these things."

Joe foretold strikes in government back when that was considered science fiction, and he predicted the four-day week long before Uncle Sam decided to experiment with it. There isn't enough room here to begin to go over what he did.

It is hard to write the federal column in a federal town without making enemies. Even so, Joe's enemies could probably all fit into a telephone booth. Well, maybe two. But this town isn't big enough to hold all the friends, and admirers he made.

Joe could make sense out of a press conference that was jibberish to the attendees, and sometimes even to the people who called the press conference. If there is such a thing as a nose for news, Joe owns one of the best.

Never an Olympic class athlete, Joe could move very fast when necessary. At deadline time Joe could emerge from a room, fake the opposition like a good football running back, and be in the lone telephone booth dictating while his competitors were still fishing for dimes.

The private Joe is even better than Joseph Young the columnist. He acted as father-confessor and teacher to a long-line of reporters trying to understand the federal fudge factory. He didn't have to go out of his way to help the youngsters, but he usually did. Some of the names you may recognize: Like Pulitzer Prize winner Haynes Johnson and Carl Bernstein, to name a couple.

Tom Scanlan, editor of The Federal Times, said Joe served the public well because "he recognized nonsense when some federal bigwig tried to convince him of nonsense. Joe Young is a superior reporter and a superior man."

In typical low-key fashion, Joe planned to announce his retirement quietly Thursday without fanfare. No fair.

Joe has earned a rest from the daily journalistic grind. Few readers, fans or competitors begrudge him his retirement. We just wish he would stick around another 30 years or so.●

MIKE DOUGLAS: A LEADER IN HIS FIELD

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. HYDE. Mr. Speaker, for the past 50 years, Chicagoans like Don McNeil, Dave Garroway, and Hugh Downs have brought the best in entertainment, information, and public service to the American public. Today, another Chicagoan continues that tradition. I want to take this opportunity to salute the trailblazer of the modern talk-variety television program who for 19 years has hosted what is the longest running, continuing program of this type—Mike Douglas.

While still a resident of my Illinois district, Mike started his innovative approach to the talk-variety format television program at WGN-TV studios, which at that time were located next to Chicago's Tribune Tower. The "Mike Douglas Show" is seen today on this same station.

It is always a pleasure to acknowledge the accomplishments of any of my former or present constituents, and I know the people of my district, many of whom grew up with Mike, are delighted with his success and the prestige he brings to his hometown.

Mike's show always stresses excellence. The program, like a talking-newspaper, offers numerous helpful features for viewers with diverse interests and backgrounds. The program frequently features the most important authors and commentators, as well as well-known stars of stage, screen, and television. Commoners and kings, Presidents Ford, Nixon, and Carter, Princess Grace of Monaco, and Walter Cronkite, have rubbed elbows on the show with blue-collar workers and professionals and with leading authorities in the fields of science, medicine, education, and politics.

Through the years, Mike has also afforded the opportunity for numerous unknowns—the young and unheralded—to be heard and seen by his vast audience, thus giving them the first big break they needed to go on to bigger and better things; among them, some of the biggest names in the theatrical field.

Adding to Mike's personal appeal is his sympathy for the underprivileged, whom he has gone out of his way to assist both personally and professionally. Mike's myriad charities are taken care of in a quiet manner and in his Irish family name to avoid publicity. His reticence, however, does not bind me. He has devoted considerable time and effort on behalf of dozens of worthwhile causes such as the National Easter Seal Drive, cancer research, muscular dystrophy, medic alert, diabetes, and dozens of others.

He has been honored by hundreds of organizations including the Freedom

Foundation, Flag Day Association, the Catholic Apostolate to Radio-Television, the B'nai B'rith, and is even an honorary Italian American.

A war veteran, Mike has been cited by numerous patriotic and veterans organizations as well as many Governors and mayors.

As one of the most respected men in the television industry, he possesses several national Emmys, innumerable awards by prestigious television publications, and was singularly honored in the midseventies by the National Association of Television Programing Executives as the "Undisputed Man of the Decade in the Television Industry," the only such award ever bestowed.

His loyal, award-winning staff, including producer, Erni DiMassa, Jr., have remained with him through the years. Mike is a graduate of Proviso High School in my district, a staunch patriot, and a naval veteran of World War II. He is a devoted family man and he and his wife, Genevieve, have three daughters.

I am sure that the people of my community take pride that one of our own is a leader in his chosen field and that his television program is being seen by more people than ever before with the highest ratings in its history. We all welcome the return of our former neighbor to Chicago's WGN-TV, channel 9, and wish Mike continued success.●

CHANGING ELECTION DAY TO SUNDAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. BIAGGI. Mr. Speaker, in an attempt to stimulate our Nation's extremely low voter turnout rate, I have introduced legislation, H.R. 7928, that would change the day of national elections from Tuesday to Sunday for a 6-year trial period.

Evidence clearly shows that voter turnout in Western European democracies where national elections are held on Sundays is far greater than our own. In the most recent elections held in those countries, 91 percent of the West Germans, 90 percent of the Swedes, 88 percent of the Italians, and 87 percent of the French voted.

This contrasts sharply with our own disappointing figures for 1976—a very heated Presidential election year—which show only 54 percent of eligible U.S. voters actually participated. Based on voting age population, the State of Minnesota had the highest turnout with only 71.6 percent, while the District of Columbia was at the other extreme with a dismal 32.8-percent turnout. My home State of New York—with the second highest number of electoral votes—had a below average turnout of only 50.6 percent.

In the 1978 non-Presidential election, the national figures were far worse, with only 34 percent of the eligibles voting.

Due to this increasing lack of voter participation, our democratic society is facing a serious challenge by well-organized extremist and special interest groups. Victories in congressional primaries earlier this year by avowed members of the Ku Klux Klan and the American Nazi Party are prime examples of this dangerous threat.

The only solution to this critical problem is to take prompt and effective measures aimed at getting American voters to express their true will at the polling place. The legislation I am introducing today seeks to help accomplish this crucial goal.

Arguments have been made that there is no one reason for low voter turnout; that there are numerous variables involved, including voter apathy, complicated voter registration procedures, and difficulty getting to the polling place—either due to transportation problems, or an inability to get off work. I concede that these arguments are justified and agree that there is no one solution to the problem. The legislation I offer today simply seeks to address one of these variables, making it easier for working Americans to get to the polling place. Changing election day from Tuesday to Sunday may not totally solve the problem of low voter turnout, but based on the large number of Americans who work during the majority of voting hours, and the success Sunday elections have had in other democracies, I am convinced this proposal will make a favorable difference.

Let me emphasize that this proposal would simply apply for a 6-year trial period beginning with the 1982 election and ending with the Presidential election of 1988. During that time, the Federal Elections Commission would monitor patterns of voter participation. Based on their analysis, the FEC would then submit a report to the President and Congress recommending appropriate actions to increase voter turnout. Special attention would be given to the success or failure of Sunday elections to stimulate voter turnout.

This legislation is also aimed at preventing west coast voter apathy that results when the media declares a Presidential election winner long before many west coast voters have gone to the polls. Under provisions of the bill, polling places throughout the country would be open during the same 9-hour period of 12 noon and 9 p.m. (e.s.t.) for the 1984 and 1988 Presidential elections. I am confident such action would result in increased participation in the Presidential election process, as well as attracting those voters who, if not for the Presidential election, would fail to participate in the State and local election process.

During the early stages of preparing this legislation, I was concerned about the impact such a proposal might have on American church life. In an attempt to address these concerns, I contacted various religious leaders throughout the Nation to obtain their views. Interestingly, the response has been favorable.

In fact, the president of the U.S. Catholic Conference, the Most Reverend John R. Quinn, wrote:

> The proposal for Sunday voting is one that should receive serious study and discussion. I cannot see how it would react negatively on church obligations but might rather emphasize the moral aspects of voter responsibility for all citizens . . . Voting on Sunday, then, could be quite consistent with Catholic social ministry.

An official from the Episcopal Church Center, the Reverend Charles A. Cesaretti, responded:

> The possibility of having Sunday as an election day raises no problems from a religious standpoint. Many States have already repealed their "Blue Laws" or had them declared unconstitutional. Your suggestion will cause a healthy debate and that is most welcome.

Regarding the proposal to establish voting hours on a real-time basis, an official for the United Presbyterian Church in the United States of America, Donald J. Wilson, wrote:

> There would appear to be considerable merit in setting the voting hours on a real-time basis as you propose.

The President of the United Church of Christ, Avery D. Post, added:

> I do want to identify positively with your suggestion that elections be held on a real-time basis.

Mr. Speaker, I will simply let the facts speak for themselves. Our Nation has seen a 62.8 percent voter turnout in the 1960 Presidential election, a 61.9 percent turnout in 1964, 60.9 percent in 1968, 55.5 percent in 1972, and 54.4 percent in 1976. We cannot allow this deterioration in our democratic process to continue. That is why I offered this legislation. That is why I urge that this proposal receive prompt consideration. I am hopeful it will invoke healthy and necessary discussions regarding possible solutions to this critical problem.●

NEWSPAPER COLUMN PINPOINTS UNITED NATIONS' FUTILITY

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. COUGHLIN. Mr. Speaker, for the many of us who have criticized the United Nations for its disintegration to its present bankrupt state, the editorial comment column by Philip Geyelin in today's Washington Post is a welcome analysis.

Mr. Geyelin has dissected the U.N. and has concluded it is "an institutional outrage, a moral swamp." I could not agree with him more. The U.N. has strayed far from its original objectives and has, in fact, become an obstacle rather than a contributor to friendlier relationships among the world's countries.

For far too long, well-meaning but misguided observers in the United States have defended the U.N. and its many questionable actions and activities. The Geyelin column, in short, makes mincemeat of those arguments.

I am pleased to insert the column in the Congressional Record:

United Nations: An Outrage

United Nations, N.Y.—If the United Nations didn't exist, its die-hard supporters regularly insist, it would have to be invented.

Nonsense. You might want to create something utterly different for the 1980s: something a lot less pretentious, perhaps even a lot of independent institutions tightly focused, each in its own way, on the problems of poverty, hunger, economic development, war-and-peace, that are now caught in the United Nations' machinations.

But you would not overexert yourself to reinvent a brawling, sprawling global bureaucracy whose governing bodies routinely violate their own rules—an institution in which a full two-thirds of its 153 General Assembly votes represents less than 10 percent of the world population and for which a small minority of 30 practicing democracies contributes more than two-thirds of the financial support.

The United Nations, in short, is an institutional outrage, a moral swamp. It operates much of the time by the mob rule of a Third World majority in close alliance with its Communist bloc. By its rules and procedures, it reduces the superpowerful United States to rear-guard blocking actions, by Security Council veto or, as one American representative puts it, by "abstaining things to death."

Nothing would seem to better illustrate its bankruptcy as a peacemaker than the current, nearly obsessive, often-racist campaign to impose a "settlement" in the Middle East at the expense of Israel's security. Already the General Assembly, clearly abusing its power, has "ordered" Israeli withdrawal from the occupied territories of the West Bank, Gaza and Jerusalem by Nov. 15. Without even waiting for that deadline, the anti-Israel cabal launched a drive for economic sanctions. Not only is Israel isolated, but so, for all practical purposes, is its only real protector, the United States.

On this much, both American and Israeli officials agree. But when they are all through reciting the United Nations' weaknesses and liabilities, they bring you back, with a resigned but by no means desperate air, to the fact that the United Nations does, after all, exist. The question, then, is not how to reinvent it, but how to live with it. And on this point, they are astonishingly philosophical.

"This travesty damages the United Nations much more than it does Israel," says the Israeli permanent representative to the United Nations, Yehuda Z. Blum, a feisty academic whose scholarship has centered on the juridical rights and wrongs of the Arab-Israeli conflict. "The radicals and the Soviet Union have taken over this organization," he contends, adding that the West "seems to have given up."

He sees Israel as a "whipping boy" for the U.N. majority, a way of assaulting the West while avoiding a head-on confrontation with the countries that pay the bills.

He worries over the long-term effects of a campaign to "de-legitimatize Israel": "After a while, you become a kind of outlaw and people can act differently against an outlaw." But he counts on American veto-power to protect Israel from the worst.

Around the corner, at the U.S. mission, Blum's American opposite number, Donald McHenry, who moved up from No. 2 to replace Andy Young, sees the U.N. preoccupation with Israel as menacing but manageable, and not necessarily a true measure of the United Nations' net worth to the United States.

"The United Nations, in one sense, is a reflection of the world we live in," McHenry argues, "and the fact is that most of the world disagrees with us on the Mideast." He and other officials do not question that the current campaign, by its own extremes, feeds extremism, not least in Israel. But the Americans contend that the Israelis, in their settlement policy and their constant reassertion of their claims to Jerusalem, have made their own contribution to the U.N.'s extremes.

The result is what one American official calls a "poisoning of the U.N. environment" by the constant raising of the Arab-Israeli conflict in every forum. In Nairobi, for example, the lowest bid on a new building for a U.N. subsidiary agency was rejected because it came from an Israeli firm. The radical Arabs have opposed Alexandria, Egypt, as headquarters for the World Health Organization because of the role played in peacemaking with Israel by President Anwar Sadat. Recent international gatherings of U.N. organizations dealing with international labor and women have been torn apart by irrelevant anti-Israeli resolutions.

Yet McHenry points to the U.N.'s overwhelming condemnation of the Soviet invasion of Afghanistan as evidence that there are pluses. Another he cites is the U.N. relief program in Cambodia.

The United Nations, he thinks, still serves useful purposes: as a safety valve; a medium for negotiation when there's a mutual will; a peacekeeping instrument when the parties both want one; a place to deal, to good effect, with hijacking, a Law of the Sea, economic and energy problems, food, health and other problems where some community of interest exists.

Blum, for his part, reports he's constantly asked in Israel: Why be there? His answer comes in two parts. "Membership means belonging to the international community—for Jews, having gotten in, it would be foolhardy to give up." And: "When you've always been on the receiving end of condemnation, the United Nations offers at least a right of reply, even if you know you won't win."

The United Nations' 35-year-old dream dies hard.●

ONE CONSTITUENT'S 7-YEAR WAIT

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. GARCIA. Mr. Speaker, I think it would be safe to state that of the 206 years and the 96 sessions this great legislative body has been in existence, one of its consistent goals and solemn obligations has been to make the Government it represents more sensitive, responsive, and above all, more efficient for those who we attempt to serve—the people. None will doubt that we have come a long way from those early days in Philadelphia. * * * Well, almost none.

Just as it took John Adams 8 days to travel the 300 miles from Philadelphia to Boston in 1776, I have recently received a letter from a gentleman whose complaint to the Equal Employment Opportunity Commission has taken 7 years to acknowledge.

Though I am the first to commend Commissioner Norton for her ceaseless energy and selfless dedication in striving to make the EEOC—15 years old this year—more responsive to those it serves, I am submitting his correspondence for the Record. I hope that it will serve as an important commentary on how far we have come, but also how far we still have to go. Such inexcusable delays can only serve to substantiate an individual's impression of bureaucratic inefficiency, and can greatly discredit such traditionally reputable agencies as the EEOC. Let us all take a lesson from Mr. Rivera's unfortunate predicament.

The letter follows:

Kinderhook, N.Y.,
July 18, 1980.

Mr. Raphael DuBard,
Equal Opportunity Specialist, Equal Employment Opportunity Commission, Buffalo, N.Y.

Dear Mr. DuBard: Have received yours dated June 19, 1980 in response to mine dated April 30, 1973. Thank you.

I was 37 and hopeful, though unemployed, then. I am 45 and cynical now. Where were you? Who are you? You have on record and can see my charges (Form EEOC-5). They were and are, to the best of my knowledge, and powers of expression the facts. The charges are signed and notarized! Do you question the authenticity of the document? Do you think I made a mistake? Do you want me to withdraw the charge? Am I embarrassing someone? Do you have too many cases to handle? (Mine is seven years old. All the cells in my body have been replaced. My youngest, now seven years old, was not even born when I signed that form).

If the necessary question is, do I want you to "proceed" or start the investigation the answer is yes for another 70 years if necessary. I have children and grandchildren to worry about! That form EEOC 293 is completed and enclosed.

However, that cockamamie form—EEOC Form 314 (TEST) #76 "questionnaire" needs much more "testing". If this new form is absolutely required by law then you must inform all minority employees now to keep detailed records of job titles, ethnic and religious background of every co-employee and supervisor in their current employment. And, to keep such data for 7 to 10 years!

Justice delayed is justice denied. While you have delayed on this complaint of a N.Y.S. Agencies discriminatory action, another, the one I am currently employed with has proceeded to refine its form of discrimination by interpreting affirmative action as the advancement of only female whites and orientals in lieu of Blacks or Hispanics—male or female. Additionally the very few professional Blacks and Hispanics within this organization have been passed over for advancement in favor of white males or females from outside the organization.

The crime of your Agencies non-enforcement of Federal law is that you have given a clear signal to State government to continue its biased practices across the board for more than seven years.

Sincerely,

MICHAEL A. RIVERA,
Equal Opportunity Victim.●

WHERE ARE WE GOING, MILITARILY?

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. BOB WILSON. Mr. Speaker, Hon. Jack Maury, who resigned recently as Assistant Secretary of Defense, and who is well known as a specialist in Soviet-American relations and defense matters, has written a very well documented rebuttal to the recent Democratic Party spokesmen who have been trying to rewrite the shameful pages of recent history.

President Carter was elected on a pledge of cutting defense spending at least $5 billion a year, which he then proceeded to do. Now, he wants us to forget that fact. Jack Maury tells it straight about Carter's perilous defense posture. I ask unanimous consent to include as a portion of my remarks Jack Maury's comments in the Washington Post of July 19, 1980.

WHERE ARE WE GOING, MILITARILY?

(By Jack Maury)

On the op-ed page recently, Clayton Fritchey warned us of a "frantic new arms race" resulting from the myth created by our militarists that the Soviet Union has achieved military superiority. In the next paragraph, he cautioned against a "futile effort to establish a superiority of our own," and concluded that there are "laws against shouting 'fire' in a crowded theater, but unfortunately there is no way of restraining panic-making shouts about our national security."

Fritchey quotes several authorities, including David Jones, chariman of the Joint Chiefs of Staff, Defense Secretary Harold Brown, and Maxwell Taylor, former JCS chairman, in support of the contention that the United States remains militarily equal or superior to the Soviet Union. But the military balance is never static. The question is not where we are but where we are going. On this, hear the recent words of those same witnesses:

Jones: "We have been living off the capital of previous investments" while in the case of the Soviets "their momentum will allow them to gain an advantage over the United States in most of the static indicators of strategic forces by the early 1980s. Moreover, because of the lead time in modern weapons programs, this progressive shift in the strategic balance will continue into the latter part of the 1980s" (FY81 Military Posture Statement).

Brown: "The 1979 Soviet military effort was about 50 percent larger than our own" and has "a potential for strategic advantages if we fail to respond with adequate programs" (FY81 Department of Defense Annual Report).

Taylor: ". . . our armed forces in the aggregate are dangerously deficient in their capability to deter conflict, conduct sustained combat overseas even on a limited scale or to provide the military backing necessary to support our foreign policy, present or projected" (The Post, letters, Aug. 3).

There are other witnesses worth hearing on this subject. Gen. Edward Meyer, chief of staff of the Army, told a House subcommittee on May 29 that, except for our forward deployed forces, we have a "hollow Army." At the same hearing, Marine Commandant Robert Barrow, when asked if he considered the FY81 budget adequate, replied, "in a word, no." Speaking to the Naval War College on May 1, Adm. Thomas Hayward, chief of naval operations, reported that the Soviet Navy now has 800 first-line combatants to our 300, is building twice as many modern surface combatants and four times as many submarines as we are, and that the new Soviet ALFA class sub—with its titanium hull and phenomenal speed and depth capability—is far beyond anything we would consider reasonable or affordable. And in considering the significance of this naval balance—or imbalance—remember that the Soviet Union, unlike the United States and its Free World allies, is basically a land power, largely self-sufficient in resources and enjoying overland access to its major allies and trading partners.

Lew Allen, Air Force chief of staff, late last year expressed similar concern: "Most ominous is the unrelenting expansion of Soviet power, which has allowed them to achieve parity in strategic nuclear forces with the United States and threatens to provide military advantage to many areas of conflict."

To be sure, there are, as Fritchey contends, alarmist and hysterical voices in the defense debate, and the national interest is ill served by leading either our allies or our adversaries to conclude that our military establishment is in worse shape than it is. But the authorities I have quoted are by no means irresponsible extremists. They are respected members of an administration dedicated to cooling off rather than heating up the arms race. But they are also occupants of responsible positions in which they have had unique access to the facts and a heavy obligation in acting upon those facts.

Fritchey also invokes the judgment of former defense secretary Robert McNamara, who warns: "To the extent that military expenditure severely reduces the resources available for other essential sectors and social services—and fuels a futile reactive arms race—excessive military spending can erode security rather than enhance it."

This is the same McNamara who guided our course in Vietnam and who, in 1964, had this to say to U.S. News & World Report: "The Soviets have decided that they have lost the quantitative race and they are not seeking to engage us in that contest. It seems that there is no indication that the Soviets are seeking to develop a strategic nuclear force as large as our own."

As to the effects of military spending on our economy, of which McNamara warns, it should be kept in mind that during the Eisenhower administration we were spending twice as large a share of our gross national product on defense as we do today and, in those years, our economy grew vigorously and inflation was, by present standards, negligible. And when McNamara contends that defense spending is at the expense of social services, one is reminded of the words of the late British air marshal, Sir John Slessor: "It is customary in democratic countries to deplore expenditures on armaments as conflicting with the requirements of social services. There is a tendency to forget that the most important social service a government can do for its people is to keep them alive and free."●

THE ROCKOWER MEMORIAL AWARDS COMPETITION IS ANNOUNCED

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. COUGHLIN. Mr. Speaker, I am pleased to report the establishment of the annual Simon Rockower Memorial Writing Competition—honoring a remarkable humanitarian and philanthropist who lived in my congressional district—for member publications of the American Jewish Press Association.

A grant from Rockower Brothers, Inc., Huntingdon Valley, Pa., will enable the American Jewish Press Association to conduct the annual competition. This tribute comes on the anniversary of Mr. Rockower's birth 100 years ago in Austria. He died in 1949 at the age of 69.

The announcement of the competition was made by two press association officials one of whom is Frank Wundohl, of Wycote, Pa., a constituent and editor of the Jewish Exponent in Philadelphia.

I am inserting the copy of the news release that announced the competition that pays tribute to the late Simon Rockower:

WASHINGTON, D.C.—The establishment of the annual Simon Rockower Memorial Writing Competition for member publications and staff of the American Jewish Press Association was announced here today at the AJPA's 38th annual meeting.

AJPA President Frank F. Wundohl, editor of the Jewish Exponent of Philadelphia, and Albert W. Bloom, executive editor of the Pittsburgh Jewish Chronicle, who serves as the association's first vice president (editorial), outlined the details of the program.

"This annual competition, suggested several years ago, is about to become reality because of a generous grant from the firm of Rockower Brothers, Inc., of Huntingdon Valley, Pa., to perpetuate the name of the company's founder," Wundohl said.

"The firm and the Rockower family this year mark Simon Rockower's birth 100 years ago (1880) in Austria, and this grant to establish our annual competition will perpetuate his name," Wundohl said.

He quoted I. Budd Rockower, chairman of the board of the Rockower Brothers firm, who wrote to the AJPA:

"My father was a great man—highly respected, a humanitarian, a philanthropist, a man of outstanding character, a religious man and a gentleman."

The Rockower count 71 progeny—children, grandchildren and great-grandchildren. "One of his avocations," the board chairman's letter went on, "was to bring relatives and friends of relatives to this country. Simon Rockower was a strong man, never humble but possessing of great humility. Among those teachings he left us as his legacy were: 'One of the most important things is a good name'; 'A family should always stay together'; and 'Be proud of your religion and people will respect you, and you will gain self-respect.' "

Budd Rockower's letter also recalled an inscription from the 133rd Psalm "on the wall of the Simon Rockower Lecture Hall at Temple University which eloquently describes my father's practice and teachings, 'Behold, how good and how pleasant it is for brethren to dwell together in unity.' "

Simon Rockower died in 1949 at the age of 69. "I like to remember the words of Thomas Jefferson, eulogizing George Washington. 'Verily, a great man hath fallen this day in Israel,'" Rockower wrote of his father.

Bloom reported that Dr. Norman Lamm, president of Yeshiva University, "has graciously agreed that the University will oversee the annual competition, with Prof. David Mirsky, of the University's English Department, serving as chairman."

Actual competition, Bloom added, is expected to begin in 1981 with entries in six categories covering work in 1980. Those categories include news writing, editorial writing, feature writing, cultural and arts writing, special series, and page one makeup and graphics.

A national advisory committee is being set up to offer recommendations to the AJPA through Yeshiva University.

The AJPA, completing three days of briefings and meetings here, is comprised of some 75 American and Canadian English-language Jewish community weekly and biweekly newspapers and magazines with a combined readership approaching four million.●

ARMS CONTROL AND AMERICAN FOREIGN POLICY CREDIBILITY—AN ARTICLE BY CONGRESSMAN ROBERT DRINAN

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. PEASE. Mr. Speaker, the opinion and commentary section of the Christian Science Monitor of June 6 carried an article by our departing colleague from Massachusetts, Mr. DRINAN, that I think makes a point that all of us are aware of but have done too little to act upon.

Congressman DRINAN argues that no amount of American posturing and quiet diplomacy will lead to a safer world when it is fairly clear that we are talking out of both sides of our mouth: On one hand we urge a safer world through disarmament, peaceful negotiation, and moral persuasion, but on the other hand we are out selling, transferring, or otherwise subsidizing the purchase of military weapons systems like a fraternity house out after new pledges.

If we are serious about arms control, we must come to grips with our schizophrenia.

Mr. Speaker, I commend the article to my colleagues:

WHAT EVER HAPPENED TO ARMS CONTROL?

Credibility is a crucial component in the successful execution of American foreign policy. Yet around the globe today, whether it be Buenos Aires, Paris, or Tel Aviv, our image is characterized as "indecisive," "weak," or "without determination." Our credibility has been tarnished, affecting our ability to maintain our position as a world power. This is nowhere more evident than in our attempt to restrain the world's conventional arms race.

The facts reveal that the United States is and has been the largest arms merchant in the world; the latest figures show that the US holds 39 percent of the world market. This figure is growing. While the rest of the economy is crippled by poor economic conditions, the arms manufacturing business is booming, and getting better. Worldwide arms exports are nearing $25 billion each year with an increase of $5 billion expected annually.

President Carter realized the dangers of conventional arms proliferation early on in his service as the nation's commander in chief. "The virtually unrestrained spread of conventional weaponry threatens stability in every region of the world," he said in May, 1977, as he announced a new arms restraint program.

At the heart of his policy were a number of control mechanisms designed to curb the transfer of sophisticated US weapons to developing nations including (1) setting ceilings on the dollar amount of transfers allowable each fiscal year, (2) refraining from introducing newly developed or advanced weapons systems into a region, and (3) preventing development or significant modification of advanced weapons solely for export. Our friends and allies applauded the new policy as a major step toward a worldwide reduction of conventional arms. The Congress, for its part, endorsed the President's proposal and streamlined legislation to enable the Congress to monitor large sales.

The stated administration goal was to "set a unilateral example of arms restraint for other countries to follow," but this policy has been a dismal failure. The price ceilings for fiscal year 1978 and 1979 have been honored, but only by the statistical mismanagement of actual arms transfers. Twenty-five percent of all US sales were exempted from the price ceiling for technical reasons. Arms agreements signed after the announcement of the policy have included some of the most advanced systems in the US inventory (F-15s, F-16s, AWACs, TOWs). In short, as concluded by a General Accounting Office report issued a year ago, there has been "no credible reduction in sales."

Without a genuine policy signal from Washington, our European allies have never been convinced that the US was serious about arms restraint. Most European officials simply do not believe the US practices what it preaches in the field of arms control, and the facts have proven them right. Led by France, Britain, and West Germany, European producers have dramatically increased their arms exports.

The climate created by the hostage-taking in Iran and the Soviet invasion of Afghanistan has devastated any skeletal remains of arms restraint that may have been underway. In a key reversal, the Carter administration announced in February that it would allow the US aerospace industry to proceed with the long-delayed development of a new, lower-cost fighter plane, the F-X, intended mainly for export. And in another department, then Secretary of State Cyrus Vance told the Senate Foreign Relations Committee that "in the absence of agreed international restraint, we do not plan to reduce further the ceiling on our arms transfers." Instead of taking the lead and encouraging other countries to join our efforts, he retreated to a reactive "them-first" approach.

The United States can improve its unilateral restraint policies and regain a position of leadership. By developing country-by-country arms sale criteria and sticking closely to the arms sale ceiling, real reductions can be achieved.

As the President has indicated, and history has proven, conventional arms sales can be a source of regional instability, rather than the answer to the world's ills. The recent world crises, rather than making the case for pouring in more weapons to already unstable regions of the world, point to the desperate need for arms control. It would behoove our government to choose its policies carefully and adhere to them. The likely result would be an increase in our credibility abroad, and in our safety here at home.●

CANADIAN-AMERICAN RELATIONS: THE NEED FOR A MORE POSITIVE ATTITUDE ON BOTH SIDES

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. LAFALCE. Mr. Speaker, relations between Canada and the United States are easily among the warmest and most cordial in the entire world. No Armed Forces stand on our 3,000-mile border with Canada; and trade between the two countries continues to grow at a brisk rate. Indeed, the actions of the Canadian diplomatic personnel in Tehran demonstrate that the United States probably has no better friend than our neighbor to the North.

Despite that general picture, there remain a number of issues which do not contribute to better relations between the two countries. These issues in and of themselves are not gigantic, but they are vexing and should be resolved. I suspect that the primary reason for that lack of resolution is small mindedness on both sides of the border. A more positive and cooperative attitude in both Washington and Ottawa could significantly help resolve these few remaining disputes and produce even better relations between the two countries.

In an excellent editorial from its August 11 edition, the Buffalo Courier-Express addressed one of those remaining issues and reached the most logical conclusion: "Both countries could be better off with fewer protective tariffs." I heartedly agree, and I want to share that editorial, which is entitled "One Tax Begets Another," with all of my colleagues.

The editorial follows:

ONE TAX BEGETS ANOTHER

President Carter has decided to retaliate against a 1976 Canadian television tax law that prohibits businesses north of the border from taking tax deductions for the cost of advertising on U.S. stations by asking Congress to pass a similar law affecting American businesses on Canadian TV. While we favor free-trade policies in general, the President's escalation of the television advertising dispute may lead to some beneficial results in the long run.

The rationale for the Canadian law in 1976 was that it was necessary to improve the cultural content and economic viability of the Canadian broadcasting system. One has to wonder whether cultural content or money was most on the minds of Canadian lawmakers, however, since the measure has resulted in $100-million in lost revenues for American stations while American programs still are carried unrestricted and at no cost into Canada through cable television. (Canadian advertising revenue for Buffalo stations reportedly has dropped from $9-million to $10-million annually to between $3-million and $4-million.)

Many Canadians have been unsympathetic to American complaints about the television tax, but attitudes concerning another Canadian-American tax issue differ markedly. The Canadian tourist industry continues to press for a suspension of U.S. tax laws which prevent U.S. delegates to Canadian conventions from deducting their expenses for tax purposes—a tax break which the U.S. Senate is in no mood to give until the television dispute is settled, by the way.

At least one voice in Canada has pointed out this inconsistency. A July 24 editorial in the Toronto Globe and Mail said that "either we should recognize that both sides can play at protectionism and accept the game on those terms, or we should simply stop imposing protective policies." We agree. Both countries could be better off with fewer protective tariffs.●

TO FIGHT THE PROPAGANDA WAR

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. BROOMFIELD. Mr. Speaker, on July 31, the Washington Star printed an excellent editorial by Carl Levin entitled "To Fight the Propaganda War." In it, Levin explains why the Evans amendment, which was voted favorably on July 22, is a sorely needed boost for our Nation's Voice of America program. As you know, the Evans amendment authorized an additional $2.1 million to the fiscal year 1981 appropriation for the International Communications Agency to expand by about 6 hours the daily VOA broadcasts in seven key Islamic languages to Southeast Asia, the Middle and Far East, and North Africa. The Soviet invasion of Afghanistan, together with the unrest in Iran, have exacerbated tensions within the volatile Moslem world, and have made a strong Voice of America program to this region essential. The need for an expanded VOA broadcast to the Moslem world is increased by the extensive Soviet radio propaganda campaign in the region.

My enthusiasm over the passage of the Evans amendment derives in part from the fact that the amendment implements the recommendations I made several months ago in a letter to the Appropriations Committee that was cosigned by some of my colleagues on the Foreign Affairs Committee. I have long been a strong advocate of the Voice of America, and it is gratifying to see that many of my colleagues in the House share this view. I submit the Levin editorial for the RECORD.

TO FIGHT THE PROPAGANDA WAR

I suspect that few would argue with the premise that to win understanding and assent one must first communicate.

Yet in the continuing political ideological war between Moscow and the West—particularly for third world alliances—the U.S. clearly is no match for the Soviets. This is not because the U.S. lacks the skills to communicate but because it pursues a non-propaganda policy in its money-starved overseas broadcasting activities.

With ferment in the Moslem world, with an alienated and seemingly rudderless Iranian revolution raging against U.S. policy and with the Soviet invasion of Afghanistan, there is a need to address the Moslem world in an organized, meaningful way. Yet the administration continues to look upon our foreign broadcasting activities as expendable at the altar of a balanced budget.

In an effort to ameliorate this dangerous deficiency in U.S. policy, Rep. Thomas B. Evans Jr., of Delaware, has sought to add $2.1 million to the fiscal '81 appropriation for the International Communications Agency. It would expand by about six hours daily Voice of America broadcasts in seven key Islamic languages to Southwest Asia, the Middle and Far East and North Africa. It is estimated that 500 million Moslems inhabit these regions. They can be reached by existing transmitters, and thus these proposed broadcasts entail no additional expenditures for facilities.

Actually additional transmitters are needed to reach some areas where the Soviets are using not only bullets but propaganda to subvert the population. Careful inquiry will reveal that officials of the National Security Council who want to address this problem are silenced by the administration because of economy strictures.

Presently the U.S. beams news to eastern Europe via Radio Free Europe. Our other broadcasting arm abroad, Radio Liberty, is beamed to the Soviet Union also with news. Our only radio communication to the critical Middle East area, with one exception, is Voice of America, which is limited by statute to disseminating news of events in the United States.

Because of this glaring deficiency, the CIA last May borrowed an Egyptian transmitter to beam propaganda to Iran.

The Evans amendment simply would appropriate $2.1 million to expand the Voice of America news broadcasts to areas where the Soviets are doing some of their most dangerous subversion. Agencies of our government spill more than that before breakfast.

Important as it is, however, this is but a first step in a situation crying for attention. Radio Free Europe and Radio Liberty urgently need to be supplemented with a new broadcasting arm—a Radio Middle East, which would concentrate on the vital oil-producing regions which are so vulnerable to subversion.

At a time when Americans fear that military parity with the Russian bear has slipped away, when we again are asking our youth to register for military service, the least this nation can do is unshackle our foreign broadcast arms—and help spare American youth from again having to lay down their lives in a war that need not be.●

STRATEGIC PETROLEUM RESERVE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. BOB WILSON. Mr. Speaker, one of our former colleagues, Hon. Craig Hosmer of California, has come up with a remarkable little essay about the need for a strategic nuclear reserve.

It makes so much better sense than the ecologically dangerous policy of the strategic petroleum reserve, where we pump oil out of the ground and ship it across country, all at great expense and danger to put it back in the ground as a so-called reserve source.

I include Hosmer's essay as a portion of my remarks.

A STRATEGIC NUCLEAR RESERVE?

If it is true, as various news reports allege, that previously announced U.S. plans to create a "Strategic Petroleum Reserve" (SPR) of approximately one billion barrels of oil have been slowed down, if not shelved, because of opposition from Saudi Arabia, there could be a viable alternative which would prove much more cost-effective in the long run: creation of a Strategic Nuclear Reserve (SNR).

Consider the following facts:

One 1,000 MWe nuclear power station operating at an average 65 percent load factor could provide as much electrical energy annually as any of the following: 10 million barrels of oil; or 2.4 million tons of coal; or 64 billion cubic feet of natural gas; or seven million tons of garbage. At $30 per barrel (a most conservative cost projection), it would cost $30 billion to build a Strategic Petroleum Reserve of one billion barrels of oil.

For the same $30 billion outlay the United States could build 30 nuclear power plants (1,000 MWe capacity each), which collectively would provide the energy equivalent of 300 million barrels of oil per year. In 3⅓ years 30 such plants would produce the energy equivalent of one billion barrels of oil—and after that, during their remaining lifetimes of approximately 35 years, produce the energy equivalent of roughly another 10 billion barrels of oil—a more than tenfold increase in productivity for the same cost, in other words.

During the 3⅓ years postulated to create the energy equivalent of one billion barrels of oil, the 30 nuclear plants in the SNR program would consume about 3,000 tons of enriched uranium. To develop the same energy equivalent, coal plants would have to consume 240,000,000 tons of coal; oil plants, of course, would have to consume one billion barrels of oil. Craig Hosmer.●

CONGRESSIONAL SALUTE TO THE REVEREND CLEMENT M. CARDILLO, S.D.B., ESTEEMED PASTOR OF ST. ANTHONY'S ROMAN CATHOLIC CHURCH, PATERSON, N.J.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. ROE. Mr. Speaker, on Friday evening, August 22, residents of my congressional district, State of New Jersey, will assemble with members of the congregation of St. Anthony's Roman Catholic Church, Paterson, in testimony to the good works of a most distinguished clergyman, esteemed pastor, proficient psychologist, outstanding community leader, and good friend, Rev. Clement M. Cardillo, S.D.B., whose standards of excellence as pastor of St. Anthony's Roman Catholic Church for the past 15 years will be commemorated by all in attendance.

Mr. Speaker, Father Cardillo has served in the vanguard of our community as adviser and counsellor in the fields of education, senior citizens programing, community planning and development, health, youth recreation and character building, and many other charitable and civic endeavors.

In recognition of his exemplary achievements, in service to God and to our people, so unselfishly dedicated to the betterment of mankind, on July 1, 1980, his excellency, the Most Illustrious and Most Reverend Monsignor Frank Rodimer, Bishop of Paterson, appointed Father Cardillo as full-time director of the diocesan consultation services for religious, a position he has held part time since 1967.

Mr. Speaker, there is so much that can be said of the love, affection, and reverence with which Father Cardillo is held by all of us who have had the good fortune to know him.

A native of Port Chester, N.Y., Father Cardillo entered the Salesian Seminary in Newton in 1940 and took his vows in 1944. He was ordained at Bollengo, Italy, in 1954 and said his first Masses at the seminary there, at the Basilica of Mary Help of Christians in Turin, Italy; and in his boyhood parish, Holy Rosary in Port Chester.

His first assignments were that of teaching in West Haverstraw and Goshen, N.Y., and later at Sacred Heart Junior Seminary in Ipswich, Mass., where he later became the superior.

In addition to the academic courses of study that he pursued at Boston College, where he also earned his masters, he participated in internship programs at the Boston Veterans' Administration Hospital and in a public school system in the Boston area. He finished his final academic studies at Columbia University, N.Y. After 1 year of planning and 3 years of research, he completed his dissertation for his doctorate entitled, "Empathy and Personality Traits."

Father Cardillo has been pastor of St. Anthony's since August 1965.

In June 1972 he was awarded his doctorate in psychology from Boston College. He is a licensed psychologist and in 1978 was appointed by the Governor of New Jersey to the State board of psychological examiners, where he now serves as an officer. Former diocesan director of Precana, Father Cardillo is also a member of the American and New Jersey Psychological Associations.

Mr. Speaker, Father Cardillo's long list of exemplary achievements in service to God and his congregation span the needs and concerns of all of our people—young and adults alike. I know that you and all of our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to him for the excellence of his service to his church, our Nation, and all mankind. We do indeed join with the parishioners of St. Anthony's Roman Catholic Church, Paterson, N.J. in saluting an esteemed pastor, outstanding educator, community leader, and great American—the Reverend Clement M. Cardillo, S.D.B.●

MODERN-DAY CIRCUIT PREACHER STILL SERVES COUNTRY CHURCHES

HON. DAVID R. BOWEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. BOWEN. Mr. Speaker, it is my pleasure to know Dr. Charles Granville Hamilton of Aberdeen, Miss. Dr. Hamilton is probably one of the last of the circuit-rider preachers in our country. Recently, the Tupelo Daily Journal in Mississippi featured an article outlining Dr. Hamilton's life work as a minister, and I would like to share that article with you.

MODERN-DAY CIRCUIT PREACHER STILL SERVES COUNTRY CHURCHES

ABERDEEN, MISS.—Not many of the itinerant preachers who used to walk the Old Natchez Trace have anything on Charles Hamilton, a modern-day circuit rider who has delivered some 28,000 sermons in his 55-year ministry.

Walking the backroads of rural Mississippi, Hamilton used to preach at least two sermons every Sunday—sometimes as many as six when he had a car. On Good Friday he regularly gave three three-hour sermons. By his own records—he keeps a log book of every sermon he has ever given—he has preached in 522 churches in 312 states.

Hamilton's staggering output isn't his only claim to fame. He has also read the New Testament an average of once a week for 50 years, once earning a spot in a "Believe It or Not" newspaper feature.

Hamilton has spent much of his life in Aberdeen, a tiny town not far from the locale for William Faulkner's fictional Yoknapatawpha County. But though he does most of his preaching in little country churches and meeting houses, he is no fire-and-brimstone backwoods preacher whose learning goes no further than his Bible.

Hamilton has written and edited more than 30 books of history, religion and poetry. He holds a Ph.D. from Vanderbilt University and has read the New Testament in 26 different languages "so it won't be a matter of rote." In his sermons he freely quotes Kierkegaard, Socrates and George Bernard Shaw as well as Jesus and Paul.

A native of Kentucky, Hamilton's first church was in Sault Ste. Marie, Canada, in 1926. He divided his next several years between preaching and school, earning graduate degrees at Ole Miss, Columbia Seminary in Atlanta and Vanderbilt.

Returning to Mississippi in the 1930's, he served a term in the state Legislature as a Democrat from Monroe County. "But I always came back on Sundays, to preach sermons," he says.

In 1941 he began his radio ministry, "The Quiet Hour," which has been broadcast for 38 straight years. His sermons also appear in pamphlets and in several books.

Hamilton admits he has repeated himself a few times. He estimates he has preached "The Words from the Cross" more than 200 times. "You Can't Steal Home" is another favorite, as is his homily on the 23rd Psalm. His favorite texts are the Gospels and the Psalms.

"I believe in the historic Christian faith. I don't particularly care for sectarianism," says Hamilton, who is Episcopalian.

He also doesn't care much for high-powered churches.

"I like to preach to country people. The big city church is mainly an organization. The minister doesn't have to preach so well if he can run the wheel. In a little church they have to have somebody they can listen to."

Now 74, Hamilton keeps up a serious interest in history and politics in addition to his weekly sermons and pastoral visits. He hopes to attend his 10th Democratic National Convention this summer.

Meanwhile, like the Old Testament prophets and the early American circuit riders, Hamilton has sermons to preach and places to go. A few years ago he was hospitalized with a serious illness. He says he told the Lord that perhaps his work was through. But he had misread the signs.

"When you have done your work the Lord will tell you. You won't have to tell Him."●

JUSTICE WILLIAM O. DOUGLAS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. CONYERS. Mr. Speaker, Justice William O. Douglas was an authentic American hero. He was fond of saying, "The right to dissent is the only thing that makes life tolerable." His individualism, together with his unshakable belief in democratic rule, made him an unmistakably unique—and yet universal—human being and public servant.

The August 1980 issue of Penthouse magazine has captured Justice Douglas' extraordinary presence and role in American history in an article written by Nat Hentoff, entitled: "The Last American: A Eulogy for William O. Douglas." A lifelong student of legal theory and practice, a highly regarded journalist with the Village Voice, and author of numerous books, including the recently published "The First Freedom," Hentoff provides an exceptional glimpse into the life and work of Justice Douglas.

I recommend the article to my colleagues:

THE LAST AMERICAN: A EULOGY FOR WILLIAM O. DOUGLAS

(By Nat Hentoff)

He looked like his old friend Spencer Tracy and was amused when moviegoers, mistaking him for the actor, asked for an autograph. The thing about Tracy, William O. Douglas used to say, was that "he never talked bunk." Also, said the Supreme Court justice of the film star, "I never knew anyone more American than he."

Douglas could have been speaking about himself. Blunt, fearless, he scorned legalistic, euphemistic language. He was the same "Wild Bill," as his law clerks called him, on the bench as he was on the mountains he loved to climb: passionate, clear, and as rebelliously individualistic as the very framers of the Constitution. Indeed, the fiery main theme of the more than 1,200 opinions he wrote during 36 years on the High Court—he served longer than any other justice in our history—was undiluted, revolutionary Americanism.

And that is why he was the most crucially important member of the Court in our time.

But Bill Douglas's value to the nation was far more than as a jurist. He was the last of the truly great men in the public life. In the brilliance and the sweep of his intellect, the boldness of his attacks on illegitimate authority—no matter how high or powerful—Douglas was in the direct line of Thomas Jefferson, James Madison, Frederick Douglass, Eugene Debs, and Sen. Bill Langer, the North Dakota maverick who supported Douglas when hardly anyone else would.

That rugged lineage may emerge again, but as of now there is no one like Douglas in any public office. Our officials are smooth, small in scope, fearful of being too controversial, tailoring their principles to polls. And on the High Court, the majority now treats the First Amendment as if it must be steadily cut down, because the post-Douglas doctrine is that the citizens are subjects of the government, not its masters.

In sum, there is no voice now like that of Douglas when, in 1972, he furiously asked: "since when have we Americans been expected to bow submissively to authority and speak with awe and reverence to those who represent us? The constitutional theory is that we the people are the sovereigns—the state and federal officials only our agents. We who have the final word can speak softly or angrily. We can seek to challenge and annoy, as we need not stay docile and quiet."

This uncompromising Jeffersonian stance got Bill Douglas into a lot of trouble with those, in and out of government, who, if they had to vote on the Bill of Rights now, would condemn it as a profoundly subversive document.

Three times there were moves in Congress to impeach the justice. Once, in 1953, when he stayed the execution of Julius and Ethel Rosenberg. (His brethren immediately overruled him.) Acutely aware of the incendiary popular feeling against these convicted atomic-bomb spies, Douglas figured that his act might lead somebody to "take a shot at me," but he'd be damned if he'd be intimidated. Under the law, he said, the Rosenbergs couldn't be sentenced to death unless the jury had so recommended. And the jury had not. Therefore, Douglas declared with characteristic straightforwardness, "No man or woman should go to death under an unlawful sentence." The Rosenbergs were electrocuted anyway, but Douglas had no complicity in that judicial murder.

In 1966 another impeachment posse went after Douglas because the justice, then 67, had recently taken as his fourth wife 23-year-old Cathleen Heffernan. It was always Douglas's unyielding view that he, like any other citizen, had the right to live his life anyway he chose so long as he didn't break the law. The Bill of Rights, he often said, "was designed to keep the government off the backs of the people." And that meant Bill Douglas, too.

The final impeachment plot came in 1970 and was led by House Minority Leader Gerald Ford, serving as a ventriloquist's dummy for President Richard Nixon and Attorney General John Mitchell, who accurately considered this foremost paladin of the Bill of Rights their natural enemy. The charges included the scandalous fact that Justice Douglas had exercised his First Amendment rights by writing for such "pornographic" magazines as Evergreen Review. Another allegation had to do with a $12,000-a-year retainer Douglas was receiving for his work on a charitable foundation set up to promote international understanding by bringing foreign students to study the workings of American government. The businessman who had funded the project, it turned out, held a mortgage on a Las Vegas hotel and gambling casino. Therefore, Gerald Ford implied, Douglas had ties with The Mob. A House Judiciary Subcommittee entirely cleared Douglas.

Having had his high noon with Nixon, Mitchell, and Ford, Douglas kept on being his controversial self. And he continued to be a loner on the Court, for he never engaged in the customary bargaining there whereby a justice, to persuade enough of his brethren to make a majority, trades off bits and pieces of his own principles. (The process is detailed throughout Woodward and Armstrong's recent book *The Brethren.*) And because Douglas would not dilute his opinions, he was wholly free to play to his greatest strength. As his former law clerk, Harvard Law School Prof. Vern Countryman, says of Douglas: "His capacity to get to the guts of the issue was his most distinguishing characteristic. He wouldn't get enmeshed in technicalities or doctrine. He would always see clearly what the issue was. And powering that extraordinary skill at penetrating to the heart of the matter was Bill Douglas's rage, until death itself, against injustice. As Justice Hugo Black, his longtime ally in many dissents that later become majority opinions, said: "Bill must have come into this world with a rush, and his first cry must have been a protest against something he saw at a glance was wrong or unjust."

For instance, three years after the Nixon Mafia tried to have him thrown off the Court, Douglas became the first member of the High Court in history to stop American bombing of another nation. He didn't stop it for long, because his appalled brethren reversed his decision, but the courage he showed—and the fundmental humanity of his opinion—particularly underscores what Douglas meant to the nation. As will be seen, he was best known for his decisions giving full breathing room to the First Amendment—a body of work that will be a benchmark of liberty of speech and press so long as this country exists. But there was much more to Douglas, as *Holtzman* v. *Schlesinger* reveals.

In 1973 Congresswoman Elizabeth Holtzman of New York and several air force officers serving in Asia sued to force the Secretary of Defense, James Schlesinger, to stop U.S. air operations over Cambodia. Why? Because Congress had not declared war on that hapless country. For years Nixon and Kissinger had secretly been destroying that land, and now it was being done openly. A lower court had agreed with Holtzman and the air force officers, but a Court of Appeals ruled that the bombing must go on until the case went all the way through the judicial system. The Supreme Court, however, was in summer recess, and so the lawyers for Holtzman and the other antibombers went to Douglas to get him to stop the killing. They found him in his beloved Goose Prairie, Wash. (permanent population: eight), a place on the last natural frontier that he considered his permanent home.

Douglas examined all the arguments on both sides and said that, in essence, this was like all other capital cases. That is, when life is about to be lost and there is doubt whether due process has been followed in the imminent taking of that life, a stay of execution must be granted because "death is irrevocable."

Then Douglas spelled it out in language so clear that all citizens could understand: "The classic capital case involves whether Mr. Lew, Mr. Low, or Mr. Lucas should die. The present case involves whether Mr. X [an unknown person or persons] should die. No one knows who they are. They may be Cambodian farmers whose only 'sin' is a desire for socialized medicine to alleviate the suffering of their families and neighbors. Or Mr. X may be the American pilot or navigator who drops a ton of bombs on a Cambodian village. The upshot is that we know that someone is about to die."

So Douglas granted a stay of the bombings. It wasn't up to him, he pointed out, to decide at this juncture whether the bombings were constitutional, but anyway, he let us know what he did think: ". . . Even if the 'war' in Vietnam were assumed to be a constitutional one, the Cambodian bombing is quite a different affair. Certainly Congress did not . . . declare war against Cambodia and there is no one so reckless as to say that the Cambodian forces are an imminent and perilous threat to our shores."

The very next day the other members of the Supreme Court—polled by telephone—decided to let American bombers continue their killing in Cambodia. William Douglas, of course, was the only dissenter.

Douglas so often stood against the majority, in fact, that he filed more dissents—531—than did any other justice since the founding of the Court. But more of his dissents later became the law of the land then did those of any of the other Great Dissenters, including Louis Brandeis and Oliver Wendell Holmes.

Most often Douglas was alone, or in alliance with Hugo Black, in his total resistance to punishing speech or writing—no matter how outrageous, offensive, or "subversive." Of all his dissents, he was proudest of what he said in *Dennis* v. *United States* (1951), when the High Court affirmed the conviction and jailing of 11 Communist party leaders for "teaching" and "advocating" the overthrow of the government by force.

It was a time when much of the nation was transfixed by the fear of communism, and witch-hunts against domestic Reds, real and imaginary, were being conducted with at least as much fervor as in colonial Salem. Yet Douglas unequivocally declared that these Communist party officials were fully protected by the First Amendment because all they had done was to discuss and teach certain books. They had only engaged in "speech, to which the Constitution has given a special sanction. . . . We have deemed it more costly to liberty to suppress a despised minority than to let them vent their spleen. We have above all else feared the political censor. We have wanted a land where our people can be exposed to all the diverse creeds and cultures of the world."

But these were Communists! Precisely, said Douglas, why they, too, should be able to speak freely here. And he quoted, at the end of his dissent, from a 1938 book by the chief Soviet prosecutor, Andrei Vishinsky, The Law of the Soviet State. Vishinsky had warned the citizens of his country: "In our state, naturally, there is and can be no place for freedom of speech, press, and so on for the foes of socialism."

"Our concern," Douglas emphasized, "should be that we accept no such standard for the United States." The quintessential difference between a free nation, as we profess to be, and a totalitarian state, is that here everyone, including a foe of democracy, has the right to speak his mind.

Douglas never got over the anti-Americanism of the majority of his brethren in that case. In 1973, speaking to students at Staten Island Community College in New York, the dauntless First Amendment warrior said of the convicted Communist leaders: "Those defendants were not plotting revolution, handing out grenades, making caches of rifles and ammunition and the like. They were teachers only—men teaching Marxism."

Not only was all political speech protected, said Douglas again and again, but all speech and writing. The First Amendment could not be more clear. There shall be no law "abridging the freedom of speech, or of the press." Period. As Douglas thundered in the 1966 *Fanny Hill* case. "Publications and utterances were made immune from majoritarian control by the First Amendment, applicable to the states by the Fourteenth. No exceptions were made, not even for obscenity" [empahsis added].

Douglas, throughout his long term on the High Court, was appalled that his brethren took it upon themselves to police so-called obscenity. He himself never saw the movies or read the books that came up for decision, "because I have thought the First Amendment made it unconstitutional for me to act as a censor."

Back in 1957, when a majority of the Court first directly ruled that "obscenity" was not protected by the First Amendment, Douglas made his position utterly clear, and he never budged from it. Dissenting in *Roth* v. *United States,* the conservator of individual liberty proclaimed: "Any test that turns on what is offensive to the community's standards is too loose, too capricious, too destructive of freedom of expression to be squared with the First Amendment. Under that test juries can censor, suppress, and punish what they don't like, provided the matter relates to 'sexual impurity' or has a tendency 'to excite lustful thoughts.' This is community censorship in one of its worst forms. If the First Amendment is to mean anything in this field, it must allow protests even against the moral code that the standard of the day sets for the community."

In obscenity cases and every other case that came to him on the Court, Douglas was the strictest of constructionists, interpreting the Constitution as the guarantor of *individual* liberties it was fully intended to be. Or, as James Madison, the principal architect of the First Amendment, had kept emphasizing, the greatest danger to liberty in this free nation is to be found "in the body of the people, operating by the majority against the minority."

And what particularly enrages the majority is protest against its customs, values, and norms of proper behavior. So long as that protest was peaceful, however, Douglas not only supported but also encouraged it. For example, during the rise of the civil-rights movement in the South, students were arrested in a small Florida town for assembling at a jail to protest the official segregation policies. In an opinion dissenting against the upholding of the protesters' convictions, Douglas delivered a classic endorsement of every American's right to take to the streets to exercise his freedom of speech:

"The right to petition for the redress of grievances is not limited to writing a letter or sending a telegram to a congressman; it is not confined to appearing before the local city council, or writing letters to the president or governor or mayor. Legislators may turn deaf ears; formal complaints may be routed endlessly through a bureaucratic maze; courts may let the wheels of justice grind very slowly.

"Those who cannot afford to advertise in newspapers or circulate elaborate pamphlets may have only a more limited type of access to public officials. Their methods should not be condemned as tactics of obstruction and harassment as long as the assembly and petition are peaceable, as these were."

This craggy six-footer from the West, who always looked directly at you with his gray-green eyes, continually insisted that the Constitution exists to nurture dissent and to protect the powerless. It was made to safeguard the heretic from the state and to give the poor at least a shot at justice. He was years ahead of his brethren, for instance, in urging that all criminal defendants be given free counsel if they couldn't afford a lawyer.

The intensity of Douglas's empathy with outsiders, even outcasts, did not come solely from an abstract reading of constitutional history. It came from his own life. As he once said, "I worked among the very, very poor, the migrant laborers, the Chicanos, and the I.W.W.'s [the Wobblies] whom I saw being shot at by the police. I saw cruelty and hardness, and my impulse was to be a force in other developments than cruelty and hardness in the law."

Douglas was born on October 16, 1898, in Maine, Minn. Soon after birth he was taken to California and then to a small town in Washington. His father—a circuit-riding frontier preacher—died there when the boy was six. Three years before, the child had contracted polio, and the doctors had gloomily assured his family that the stricken youngster would never walk again and would be lucky to live to the age of 40. Fatherless, growing up in poverty, Douglas spent much of his childhood forcing his limbs back into full use through hiking and mountain climbing. Along with instilling in him a lifelong tenacity of awesome proportions, this experience turned Douglas into an ardent admirer and protector of what was left of the wondrous wilderness.

An environmentalist before the term was know, Douglas was later, in dissent, to fight against any further exploitation of forests and streams, even claiming that all the forms of natural life should have standing before the Supreme Court to defend their right to exist—"the pileated woodpecker as well as the coyote and bear, the lemmings as well as the trout in the streams."

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No other justice in American history was more active in life or had a wider range of knowledge than Bill Douglas. And because he refused to insulate himself within any one class or age group as he grew older, he never did lose his youthful curiosity and irreverence. Without being sentimental, moreover, Douglas tried to reach out to the young, writing in publications he figured they read. "People of my generation," he explained, "are bankrupt. Politically and philosophically bankrupt. Look at what they've produced: a system that makes war the alternative, a system that's highly stratified, that just pays off great sums of money. This is socialism for the rich. I'd like to reach the minds of the youngsters because this system doesn't have to be this way."

Once, in a recording distributed by Scholastic Magazines and Folkways, Douglas had a chance to speak directly to very young students. His advice essentially was to live as he had: "Learn to live boldly and adventurously, get rid of all the fears that slow people up and inhibit them. Come to the world with an open mind. Don't be afraid of it."

And in the epigraph to the first volume of his autobiography, Douglas, quoting a thirteenth-century Persian poet, added: "All your anxiety is because of your desire for harmony. Seek disharmony; then you will gain peace."

Bill Douglas actively and exultantly pursued disharmony for all his 81 years. The last six were extraordinarily frustrating, however, because a stroke suffered on New Year's Eve, 1974, so incapacitated him that, with great reluctance, he resigned from the Court on November 12, 1975, after striving mightily, in intense pain, to continue his work there. And after he yielded that much to his infirmity, Douglas nonetheless tried to stay on as a "tenth justice." The Constitution, however, had no provision for such an arrangement, even for its most fervent protector, and Douglas was eventually persuaded to withdraw entirely.

His mind would not be confined, though, and Douglas continued writing—finishing the final volume of his autobiography. To be published by Random House this fall, the book, according to sources who have seen it, presents scathing profiles of certain justices, most notably the late Felix Frankfurter and present Chief Justice Warren Burger.

Until the end, Douglas also kept up with his usual wide range of interests, far beyond the Court and the law. In May 1979 for instance, he commented trenchantly in a letter to the Washington Post on what had happened at Three Mile Island: "The message is clear. The benefits of nuclear power are far outweighed by the greater risks imposed upon an unsuspecting public. If we should treat the energy crisis as the 'moral equivalent of war,' then we should view the continued use of nuclear power plants as the 'moral equivalent of suicide.' "

On January 19, 1980, William Orville Douglas, after being hospitalized for a month with pneumonia as well as lung and kidney failure, died at Walter Reed Army Medical Center in Washington. He was 81. His Court opinions fill 118 large volumes—a quarter of the entire production of the Supreme Court from its beginning. But Bill Douglas's opinions—and the thrusting spirit of liberty that powers them—are not just for study by constitutional scholars and historians. He reached; and will keep on reaching, those Americans who continue to refuse, in Louis Brandeis's words, to become "submissive clerks" rather than remain contentiously independent citizens.

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WORKERS' STRIKE IN POLAND

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. DERWINSKI. Mr. Speaker, during the last 2 weeks, the workers' strike in Poland has received a great deal of press attention. The efforts of these workers to improve the living conditions in that country has come as a surprise to most observers. However, it should not have.

I would like to direct the Members' attention to an article that appeared in the AFL-CIO Free Trade Union News of June 1980, by Tadeusz Walendowski, which gives some insight into the unrest in Poland. Mr. Walendowski now resides in Washington, having recently arrived from Poland, where he was active in the human rights movement and as editor of a literary magazine, PULS. His comments follow:

WORKER REPRESSION IN POLAND

(By Tadeusz Walendowski)

On March 18 the corpse of a young man was found in one of the canals running through the Polish port city of Gdansk. He was identified as Tadeusz Szczepanski, a worker-activist, associated with the Founding Committee of the Coastal Free Trade Unions. The mysterious circumstances of his death raise questions of possible secret police involvement as it comes at a time of harsh government actions against the Polish opposition, and especially against dissident workers.

Tadeusz Szczepanski, a driver for the Gdansk electrical plant "Elektromontaz," was 19 years old on the day of his disappearance, January 16, 1980. A day earlier he had been fired from his job because of his participation in a wreath-laying ceremony at the Gdansk shipyard gate on the ninth anniversary of the massacre of workers on the Baltic coast. By detaining 200 to 300 people officials hoped to discourage participation. Despite this, some 5000 took part in the December 1979 demonstration in Gdansk to commemorate the event at which workers were shot to death by police. This event took place at the height of the December 1970 food riots which toppled the previous leader, Gomulka, and brought Gierek to power.

The management of the Gdansk "Elektromontaz" enterprise terminated the employment of 25 workers, who took part in the December 1979 demonstration. The workers responded by organizing themselves. About one-third of the work-force, 170 workers, formed a Workers' Committee. There were a number of public meetings and some arrests, followed by workers making demands beyond the dismissals, which initiated the whole process. The factory's Communist Party organization, along with the secret police, was mobilized into issuing threats and intimidations to quell the workers' unrest. It was about this time that Tadeusz Szczepanski disappeared, only to be found dead two months later.

Since the autumn of 1979 we have seen a serious change in the authorities' approach toward people defending human and civil rights in Poland. The Communist government's previous policy of relative restraint was replaced by one of persecution, police harassment and terror. Especially affected were the activists trying to fight for better living and working conditions among Polish blue collar workers. People who founded free labor unions in Katowice, Gdansk and Szczecin, editors and printers of the underground journal "Robotnik" (Worker), popular workers' leaders—all have become targets of repressive police measures in recent months.

In January and February 1980, more than thirty workers were victims of short term detention (up to 48 hours) and more than twenty had their apartments searched by the police. In ten search cases, copies of "Robotnik" were confiscated along with printing equipment, paper and, very often, personal belongings. It has now become routine procedure for the police to conduct such detention and searches without filing formal charges.

In some cases, however, authorities went even further and have started criminal proceedings based on fabricated charges against worker-activists. This is true in the case of Edmund Zadrozynski, a popular workers' activist from Grudziadz and a co-editor of "Robotnik." Zadrozynski was arrested on July 1, 1979 on several charges—"organizing a criminal gang" was the most serious among them. In February 1980, Zadrozynski was put on trial and sentenced to three years' imprisonment despite the prosecution's inability to produce any proof of criminal conduct. During the trial the only two witnesses who testified against him retracted their testimonies and then, showing obvious signs of police pressure, reverted to their original versions. (Both were kept under arrest during the trial, accused of criminal charges.)

Kazimierz Switon, coal miner from Katowice—a co-founder of the independent Free Trade Union and member of the editorial board of "Robotnik"—was accused and convicted of assaulting four police officers and damaging a police car. He received a one-year prison sentence which was later reduced to the term he had served while awaiting trial, i.e., six months. However, the government can appeal this sentence and reimpose or even increase it. Kazimierz Switon and his family are the constant targets of police harassment and brutality. In February 1980, during numerous illegal interrogations, police officers threatened him with psychiatric hospitalization or deportation.

Czeslaw Chomicki, a worker from Radom who was sentenced to nine years for alleged participation in vandalism during the 1976 food price riots and was later reprieved, now faces new charges and possible reactivation of his suspended sentence. He was arrested on February 14 during a row at a taxi stand. A policeman claims that Chomicki hit a drunken man who was trying to get a taxi outside the queue. All the other witnesses, including the alleged victim, disclaim it. Chomicki was taken to the sobering chamber; when his wife Danuta went to see him there, she was thrown out by a policeman and hit in the face three times. The next day she was not allowed to attend the hearing and was brutally threatened. The judge rejected the defense lawyer's request for a medical examination of Chomicki, and the case postponed. In the event of conviction, Chomicki's previously suspended sentence of nine years may be enforced.

Also in February, Ludwik Werle, a metal worker and activist from Wroclaw who had been prematurely retired from the Railway Repair Works, was illegally interrogated for several hours in the local police headquarters and threatened with a charge of burglarizing the Wroclaw Polish State Railway office. He was later released after his photograph and fingerprints were taken.

What is the reason for all these actions? To begin answering that question we should point out the crisis that presently undermines the Polish economic, social and political life, serious shortages of basic consumer goods, the government's total inability to resolve mounting social problems and to define a policy of necessary political reforms. Discontent and frustration are widespread. On the other hand, we witnessed in Poland during the last three years the growth of a strong and articulate human rights movement and political opposition.

Both the government and the opposition try to gain control or the cooperation of the potentially most powerful social class in Poland, i.e., the blue collar worker. For the government, it is a matter of regaining its once-deadly grip over the industrial workers by means of political and police apparatus penetrating every factory and enterprise. For the opposition, it is a matter of reaching workers with its message of necessary political changes and teaching them how to organize and defend themselves successfully. This fight is in its preliminary stages, but the Polish Communist regime remembers well how profoundly shaken it was by workers' unrest twice during the last decade (in 1970 and 1976). Unable to produce any constructive approach, and afraid of any positive change that would endanger their political monopoly, Polish Communists turn to the methods preferred by every dictatorship—psychological and physical terror.

The situation could be much worse if there were no strong social resistance against such measures. Fortunately, there is the powerful Catholic Church and the Polish human rights movement to speak out on behalf of the persecuted. The other important source of support for the victims of police measures can be Western public opinion.

Poland, with its heavy dependence on Western credits and technology, tries to maintain a relatively better record on human rights than its East European neighbors. Poland's Western friends must be aware of developments in Poland to be able to employ correct and helpful pressures. This is especially true in the present situation when after a period of relative restraint the Polish government seems to be moving closer to its Soviet masters.●

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mrs. COLLINS of Illinois. Mr. Speaker, today the House is expected to vote on the final passage of H.R. 7262, the Housing and Community Development Act of 1980.

As you know, this bill reauthorizes the community development block grant and urban development action grant programs through fiscal year 1983. Further, it eliminates hold-harmless grant provisions and reauthorizes numerous other rental, homeowner, and housing assistance programs in fiscal year 1981. This act establishes a new multifamily rental housing assistance program, amends the temporary mortgage assistance program, increases FHA mortgage limits, revises the section 701 comprehensive planning grant program, and reauthorizes rural housing assistance programs in fiscal year 1981.

Last year, a report on the condition of the housing of black Americans was issued by the Department of Housing and Urban Development. In the report entitled, "How Well Are We Housed?", the answer for blacks was, very badly and much worse than the total population. Over 21 percent of black housing, compared to 10 percent generally, was physically deficient in the basic necessities an individual rightfully expects. Distressingly, many black Americans live with holes in the floor and walls, shared or nonexistent toilet and plumbing facilities, and kitchens without piped water or a refrigerator.

Although the study revealed that renters are twice as likely as homeowners to have deficient housing, 13 percent of all black owner-occupied housing is in this category. With little extra money to spend on home improvements, these persons have and can continue to greatly benefit from the section 312 program, which offers individuals low-cost loans for the rehabilitation of single and multifamily structures.

While H.R. 7262 authorizes the full amount requested by the administration for low-income housing, it does not direct the full amount to that group; instead, a portion will be used to fund middle-income rental housing.

The National Low Income Housing Coalition recently released a memorandum regarding the Housing and Community Development Act and I would like to share portions of that memo with you:

> More than half of all poor families (those with incomes below the poverty level) live in rental housing. There are about eight million poor families or single individuals living alone. About five million of them are renters. Except for assisted housing (about 4 million rural and urban units have been provided for low and moderate income families since 1937), there is almost no decent, affordable housing available to them. Meanwhile, rents at the bottom of the market are rising far more rapidly than incomes.
>
> While we recognize the need for rental housing for all income levels, we urge that low income people be given highest priority and that alternative means be found for funding middle-income programs. In this connection, we support use of Brooke-Cranston funding for rental housing: H.R. 7262 limits it to home ownership.
>
> We strongly oppose the effort to exclude communities with rent control from the new program. If the program is to be enacted at all, it should, as provided in H.R. 7262, be integrated with local housing assistance plans and not encumbered by arbitrary restrictions. There are two basic causes of the rental housing crisis. First is the enormous attractiveness of home ownership for those who can afford it. People who can pay $500 a month for housing (current rent for most new, unsubsidized units) don't rent, they buy. This limits the market for rental units. Second, at the bottom of the income scale, there is an absolute gap between the cost of operating rental housing and the amount low income people can pay. There are already at least 5 million low income renter households paying more than half their incomes for gross rent (including utilities). Many have incomes of less than $400 per month. Several studies have indicated that moderate rent controls have had little or no impact on rental housing production. On the other hand, there are communities—even whole states—where rental production, even without rent control, is at a virtual standstill, except for federally assisted or financed projects.

Mr. Speaker, in light of this, it remains my position that the administration and legislators who stress fiscal conservatism at the expense of critically important low-income housing and employment programs would do well to reconsider their positions before irreversible damage is done to the quality of life in our cities.●

AN INTERNATIONAL CONFRONTATION OVER MINERAL RESOURCES

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. SANTINI. Mr. Speaker, the need for a comprehensive national nonfuel minerals policy is now greater than ever in light of alarming developments concerning Soviet mineral resource behavior. In a dramatic turn of events, the Soviet Union has almost completely cut off exports of critical minerals to the West, in spite of its incessant need for hard currency. In several cases, the Soviet Union is now importing minerals which it was recently exporting.

Nonfuel minerals plays a crucial role in the economic vitality and national defense of our country. Unfortunately, we are increasing our dependence on foreign suppliers for our nonfuel minerals needs, without regard to the long-term consequences. We are jeopardizing our lifestyles and our security by failing to plan ahead for the availability of mineral resources in the future.

I have repeatedly stressed my belief that the conclusions reached in the administration's nonfuel minerals policy review are inaccurate and obfuscate the strategic dependence of the United States on foreign sources for mineral supplies. The review was based on the assumption that in the future the Soviet Union would continue to be self-sufficient in nonfuel minerals and an important supplier to the West. Clearly, this is not the case. In fact, it is more likely that the Soviet Union and the Comecon countries are headed toward confrontation with the United States and its allies over available resources. The failure of the review to properly assess the role of the Soviet Union within the worldwide supply/demand framework of nonfuel minerals is further admonition that the report is a dismal failure.

Mr. Speaker, I am inserting an article from Fortune magazine, dated July 28, 1980, in the RECORD:

RUSSIA'S SUDDEN REACH FOR RAW MATERIALS

(By Herbert E. Meyer)

The U.S. and its allies are on a collision course with the Soviet Union over access to strategic minerals.

This is the conclusion some business leaders and academic experts are drawing from a surprising change now taking place in the Soviet Union's minerals trading pattern. Soviet exports of certain minerals to the West are declining sharply. And the U.S.S.R.—widely regarded in the West as a long-term source of supply—has now begun to import strategic minerals for itself and its allies from countries whose output traditionally has gone mainly to the U.S. and its allies.

This new pattern is bad news for the West. It could well mean that our supplies of strategic minerals will tighten in coming years, sending prices upward and perhaps creating spot shortages. Some leading American businessmen even believe that the Russians have hit on a new, immensely effective technique for crippling Western industrial production, by cutting off supplies of some of the two dozen or so critical materials without which modern civilization cannot exist—and for which the West relies heavily on imports.

THE VIEW FROM PITTSBURGH

The new Soviet trading pattern is especially striking in light of that country's long-standing obsession with self-sufficiency. Until very recently, decades of tremendous effort appeared to have made the Soviet Union self-sufficient in all but about two or three strategic minerals. Only last summer, an interagency study group in the federal government sanguinely observed that although "the U.S.S.R. is an avaricious consumer of its own considerable production, it is also becoming an important supplier to the U.S. and to other market economies."

All that may be changing. Last month, several hundred concerned executives of major U.S. companies, including a sprinkling of chief executives, crowded into a conference entitled "Resource War in 3-D," devoted heavily to an examination of the Soviet Union's new international posture on minerals (the three d's stood for dependency, diplomacy, and defense). One of the speakers at the conference, which was sponsored by the World Affairs Council of Pittsburgh, was Daniel I. Fine, a resources consultant at MIT's Mining and Mineral Research Institute, who told of some disturbing developments.

For years, the Soviet Union has been a major supplier to the West of chrome ore, which is crucial to making stainless steel. But shipments have dropped by 50 percent during the past two years, Fine told the conference. The U.S.S.R. is also one of the leading producers of manganese, essential in steelmaking, and asbestos, used in construction materials. It the case of these, too, exports to the West have fallen sharply. The same is true of the so-called platinum group of precious metals, which also includes palladium, rhodium, and osmium. Several of these have important industrial uses.

A CLAMPDOWN ON NEW CONTRACTS

Fine also reported, on the basis of his extensive contacts with metals traders, that in just the last few months the Russians have virtually stopped signing contracts with the West for the future delivery of several other critical materials. These include nickel, which is used in making stainless and other alloy steels; titanium, widely used in airframes and aircraft engines; vanadium, used among other things as a toughener of structural steel; and lead, which goes into everything from automobile batteries to nuclear shielding.

Meanwhile, said Fine, the U.S.S.R. has begun importing titanium, vanadium, and lead in significant quantities, even though it is still a net exporter of these items. Other new materials on the Soviet Union's buying list include beryllium, another metal toughener; tantalum, used mainly in electronic components; and lithium, needed for aluminum production.

This new pattern in Soviet minerals trading, Fine says, is not a passing phenomenon that can be explained by temporary shortages of key minerals within the U.S.S.R. or short-term speculation by Soviet trading organizations to take advantage of swings in world prices. On the contrary, he contends, "it is more like the beginning of a historic shift. The mineral-resource balance of the U.S.S.R. is following oil into a new era of less-than-self-sufficiency."

MANGANESE AND HOGWASH

To anyone accustomed to thinking of the vast Soviet Union as one of the world's great mineral troves, this development seems downright bizarre. As the chart on page 43 shows, the U.S.S.R. has some of the world's largest reserves of several strategic items, and its undeveloped mineral resources—those not yet discovered or delineated as "reserves"—are still thought to be staggering.

Yet the growing dependence on imports may not be as paradoxical as it appears. In some cases, Soviet reserves may be overstated. Franz R. Dykstra, a Philadelphia minerals consultant, says Soviet Figures on manganese reserves are "hogwash" because of the depletion of known ore bodies by heavy mining over the years. Partly because of this depletion, Dykstra says, the Eastern European block of countries, including the Soviet Union, had to import 400,000 tons of manganese ore last year. This year, he adds, those imports may reach 500,000 to 700,000 tons.

Some segments of the Soviet mining industry are in the same kind of squeeze that is afflicting the Soviet petroleum industry (see "Why We Should Worry About the Soviet Energy Crunch," Fortune, February 25). Production at existing sites is becoming costlier and more difficult as the richest deposits are skimmed off. In recent years, the grade of ore in Soviet chrome and manganese mines has declined, so more and more tons must be blasted and excavated to produce a given amount of metal. At the same time, Soviet efforts to discover and develop new, richer lodes have faltered because of chronic shortages of equipment and labor. No one suggests, however, that the Russians will soon experience a minerals shortfall to match the one that looms in oil.

Nevertheless, the Russians have been scrambling to develop foreign sources of supply. Significantly, they have been moving into Third World projects to fill the vacuum created by the withdrawal of Western mining consortia. In the past several years the Russians have negotiated, either on their own or through CMEA, the Eastern bloc Council of Mutual Economic Assistance, more than 27 technical- and economic-assistance agreements with Third World countries that produce strategic minerals or have deposits. The agreements vary, but in general they feature large-scale Soviet technical aid for exploration and development of new mines, with eventual payment in the form of recovered minerals.

Meanwhile, the Russians and their allies are gaining military footholds in places where they could one day cut off Western access to strategic minerals. One need only glance at a map of Africa to see that the countries containing vast reserves of strategic minerals are precisely those in and around which Russian, East German, and Cuban military personnel are stationed.

To some observers, all this suggests a concerted, long-term effort by the Soviet Union to starve the West of minerals. There are limitations, of course, on how fast the U.S.S.R. could do this without triggering a war. It could not simply buy up minerals right and left, because it has very little hard currency to spare for this purpose. But the Russians could obtain more and more minerals through barter arrangements, at which they are old hands. They may wind up doing more of this anyway, even if they don't plot to cut off the West's supply. They really appear to need minerals from overseas mines, many of which are far more efficient than their own.

THE STOCKPILES ARE LOW

It is scarcely an exaggeration to suggest that the West is every bit as vulnerable to chaos from a cutoff of strategic minerals as it is to an oil cutoff. The U.S. relies on imports for some or all of its consumption of at least 20 strategic minerals; we import 98 percent of our manganese and 90 percent of our chromium. Our allies are self-sufficient in hardly any of these raw materials.

Our ability to cope with any strategic-minerals cutoff, at least in the short run, is dangerously limited. The U.S. government does stockpile these minerals, and each stockpile is supposed to hold a three-year supply. But many now hold less than half the target amount. Our allies are in even worse shape.

A concerted drive is now under way in Europe and Japan, as well as the U.S., to place the strategic-minerals issue high on the public agenda. The drive is being led mainly by business leaders, such as those who gathered in Pittsburgh, rather than by government officials. Many of the executives who attended the Pittsburgh conference are outspoken in their worries about the Soviet Union's new international mineral maneuvers. One participant was Frank Shakespeare, former director of the United States Information Agency and now president of RKO General Inc. Said Shakespeare: "We have got ourselves a problem. When we jostle with Western Europe and Japan for strategic minerals—that's competition. When the Russians get into the act—that's war."●

HOUSE ENDS SAVINGS WITHHOLDING SCHEME

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. ST GERMAIN. Mr. Speaker, vying for "Nonsense of the Year Award," the bureaucracy downtown has been valiantly promoting the idea of withholding income taxes on savings account interest.

The Treasury's plan was certain to create another paper blizzard, further depress an already alarmingly low savings rate among U.S. consumers, and do virtually nothing to improve income tax collections.

Today, the House put to rest these ill-considered plans by prohibiting the use of appropriated funds for the study or implementation of withholding on savings.

Mr. Speaker, as my colleagues know, I have long opposed the withholding of taxes on interest income as something which places unnecessary onerous burdens on the small saver and which creates additional problems in attempts to increase the Nation's level of savings. On May 12 of this year I addressed the National Association of Mutual Savings Banks on this subject and insert in the RECORD excerpts from the speech:

> If we could get all of the elements of the Federal Government pulling together at the same time in the same direction, some of these new initiatives might have meaning. At times it seems like monetary policy, legislative policy, White House policy and regulatory policy are all running off on different routes—something that does nothing to promote long range stability for your industry.
>
> Nowhere is this multi-headed approach more evident than in the policy suggestions on how to encourage more savings. For months, the Congress struggled for a means of promoting more savings; for a means of giving the smaller saver more incentives for leaving funds in depository institutions. We passed a phase-out of Regulation Q that will make savings accounts more attractive; the Ways and Means Committee provided for a $200 exclusion on interest income; and the supervisory agencies came up with more flexible savings instruments.
>
> All of this made a lot of sense against the backdrop of a nation with an alarmingly low savings rate. For example, the Federal Reserve estimates that the savings rate in the U.S. was only 4.3 percent of disposable income during the third quarter of 1979. This was less than half the rate of our neighbor to the north, Canada, during the same period. Compared to savings rates in Europe, the disparity is even greater . . . West Germany had a savings rate of almost 14 percent and the United Kingdom, 17 percent.
>
> Against the background of these numbers and the growing efforts to encourage savings, someone, somewhere in the Carter Administration came up with the brilliant idea that we should suddenly impose a brand new impediment to savings—a 15 percent withholding tax on interest paid on savings account.
>
> With all the tax loopholes, all the tax dodges lying around, the bureaucrats decided this was just the place to start turning the screws, increasing the paperwork and discouraging the small saver.
>
> Presumably the proposal is being made to control evasion of taxes on interest. But, the promoters seldom mention that the Internal Revenue Service already receives from all financial institutions reports of interest payments on the 1099 forms. If these reports, devised by the IRS itself, are utilized and properly placed in the computer program, there is no way that taxes are going to be evaded.
>
> It is entirely possible that the IRS has so fouled up its program that these are not being properly used by the agency. But, the Government ought to get its house in order and it ought not to ask financial institutions and most importantly, savers, to pay the penalty for IRS inefficiency.
>
> The withholding of taxes on interest is a bad idea whose time should never come. The proposal calls for withholding 15 percent across the board—on the little savings account as well as the jumbo CD accounts. This means that the senior citizens who maintain modest savings accounts will have 15 percent of their interest siphoned off by the Federal Government—even though they will at the year's end owe no taxes.
>
> Sure, these savers can file for a refund or they can fill out still another form seeking an exemption from withholding on the grounds they won't owe taxes. But, all of this is extra paperwork and much more onerous than the bureaucrats realize.
>
> In addition to all the little problems this adds for the already harried individual taxpayer, I am also concerned about the drain that this represents from the thrift industry and ultimately from the housing market. At the moment these funds—which would be drained off by withholding payments to the Treasury—remain on deposit in financial institutions. At a time when we are trying to increase the flow of funds, to prop up a sagging housing market, and to make savings more attractive, this withholding proposal is Example Number One of why the people

wonder whether Washington's right knows what its left hand is doing at any given moment.

With this withholding proposal already underway, President Carter on March 31 told those of us who were at the White House for the signing of the omnibus banking bill: "Most significant of all, perhaps, it can help improve our Nation's very low savings rate. Now not much more than 3 percent of earnings go into savings, perhaps the lowest rate in the last 30 years. And of course, this small savings rate has been a major factor in increased inflation. This encouragement of savings is important not only to consumers but also to financial institutions in the breadth of our financial system."

I would urge that the President have his assistants copy his message and make certain that everyone—right down to the lowest bureaucrat—at Treasury and the IRS reads this paragraph. I would like to know how IRS can square their promotion of withholding with the President's very clear policy statement in favor of encouraging savings.

My friends, I do not think the Congress is going to buy withholding on savings accounts or any other idea to discourage savings and make taxpaying any more difficult for the average citizen.●

RETIREMENT INCOME AND THE CPI

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. ALBOSTA. Mr. Speaker, in recent months a number of public officials, including some Members of Congress, have questioned the accuracy of the Labor Department's Consumer Price Index (CPI) as a measure of inflation. One of their concerns is that the index overstates the rates of inflation for certain groups like the elderly. In fact, it has even been suggested that use of the CPI as a mechanism for adjusting Federal programs for the elderly often results in over-compensation for recipients of social security and retirement programs.

For the information of my colleagues, I am submitting for the RECORD a summary of a study conducted by the American Association of Retired Persons and Data Resources Inc. which explains the true cost of living for elderly America. After reviewing this material along with other studies and articles on this issue, I am convinced that we do a great disservice to the older citizens of this country by encouraging the notion that the elderly are somehow getting more than they are entitled to under these programs.

Mr. Speaker, I am very concerned that the Office of Management and Budget appears to be planning to make proposals of this nature prior to consideration of next year's budget resolution. Such a proposal, it seems to me, would fly in the face of our commitments to maintain adequate retirement programs, while needlessly alarming the Nation's elderly that we in Washington are about to reduce their hard-earned benefits on which they depend for their livelihood.

Mr. Speaker, I urge those who will be our conferees on this reconciliation legislation to include language in their report affirming congressional intent to maintain benefits at 100 percent of the Consumer Price Index.

The study follows:

THE DRI (DATA RESOURCES INC.) NRTA-AARP STUDY ON INFLATION AND THE ELDERLY

INTRODUCTION

A recently released report of interest to the elderly has been receiving considerable media attention. This report is the NRTA-AARP-sponsored study entitled "Inflation and the Elderly."

The NRTA-AARP has been very concerned with the impact inflation has been having on the elderly's economic well-being. For this reason, reducing the rate of inflation and protecting the elderly from its impact have been our legislative goals. Recently, media stories have been alleging that, despite inflation, the elderly are making substantial gains in their economic status and have been implying that the elderly can now afford to make sacrifices such as giving up some of the cost-of-living protection provided by the social security system.

This theme—the elderly are doing well in an inflationary environment—seemed to us to distort what we observed to be a steady deterioration in the elderly's economic situation. Therefore, we were motivated to contract with Data Resources, Inc. (DRI) to conduct a thorough study of exactly how inflation has affected the elderly's income, wealth/assets, and expenditure patterns over the past decade. DRI was also asked to forecast how the future economic environment will affect their status.

We believe that the recently released results of the DRI study will be valuable to you in your work as an Association volunteer. The following discussion of the study's results is divided into three sections: income, wealth/assets, and expenditure patterns. Within each of these sections, a historical view and a forecast for the future is presented. The fourth and final section discusses the policy implications which are drawn from the study's results and provides recommendations for future action on relevant legislative issues, such as social security, health care coverage, and the need for increased labor force participation.

INCOME: PAST DECADE

During the period 1967 through 1976, average elderly income managed to keep pace with and slightly exceed the inflation rate. Average elderly income rose at an annual rate greater than the Consumer Price Index (CPI), 7.7 percent versus 6.1 percent. This was in large part due to the significant growth and expansion of Federal programs, especially social security, and the creation of new programs such as Medicare and the Supplemental Security Income (SSI) program. Much of the impetus for those positive changes came from the extremely adverse economic status which the elderly experienced in the mid-1960's when one-third of them were living below the poverty line.

Additionally, whereas in 1955, the average income of those over age 65 was about 55 percent of the average income of the non-elderly, this figure had dropped to 48 percent by 1965, largely because of the decline in elderly labor force participation. Generally, the increases made in the public income programs have helped to raise many elderly over the poverty threshold. In 1976, the percentage of elderly in poverty was about 14 percent and the average income of the elderly relative to the non-elderly was about 52 percent—about where it was in the mid-1950's.

INCOME: FUTURE DECADE

Although discernible gains in the incomes of the elderly have been made during the last decade, this trend is not likely to continue in the future because we are not likely to witness the dramatic growth in government programs benefitting the elderly nor the creation of new and costly programs. But inflation is expected to continue with its attendant erosive effects on the elderly's standard of living. It is projected that the real incomes of the elderly will grow, but at a much slower rate than previously and that the elderly will again lose ground relative to the non-elderly population.

ASSETS/WEALTH: PAST DECADE

For the 1967-1976 period, the elderly fared very poorly when one considers the effect of inflation on their assets: savings, stocks/bonds, private pensions, and home ownership. According to the DRI Study, inflation clearly eroded the assets of the elderly. Interest rates for small savers did not keep pace with inflation. Similarly, the rate of return on stock and bond investments often fell below the rate of inflation. Inflation has also wreaked havoc with private pensions because most plans do not provide automatic or full cost of living adjustments. The non-indexed pension of a 1979 retiree is now worth about one-half of what it was in 1970.

Finally, with regard to assets, the one hedge against inflation for the elderly is commonly considered to be home ownership, an appreciating asset. In 1968, over 60 percent of persons aged 58-63 did own homes. But, although the value (equity) of a home increases during periods of inflation, the only way to realize this gain is to sell the home. Moreover, although equity is being accrued through ownership, the immediate costs of owning a home, particularly fuel and utility costs, property insurances and property taxes, continue to rise at a rate faster than that of the general CPI.

ASSETS/WEALTH: FUTURE DECADE

As long as high rates of inflation continue and the elderly continue to hold dollar denominated assets which are extremely vulnerable to inflation, the future looks bleak. As inflation confiscates the assets and wealth of the elderly, more and more persons will find themselves less able to depend on their own assets and savings for income and instead, will be increasingly dependent on public programs for income support.

EXPENDITURE PATTERNS: PAST DECADE

Since 1970, the cost of living for the elderly has risen faster than the cost of living for non-elderly consumers, increasing at an annual rate of 8.4 percent for the elderly compared to 7.2 percent for the non-elderly. Since the average income of an elderly person is only about one-half that of a non-elderly person, the elderly concentrate their expenditures on the core necessities such as fuel and utilities, medical care and food at home. Over the last decade, rises in prices of these commodities have exceeded the general CPI.

EXPENDITURE PATTERNS: FUTURE DECADE

Again, the future does not look bright for elderly consumers. It appears that rapid price increases in the core necessities will continue to make it difficult for the aged to make ends meet, particularly since energy and health care costs are expected to keep escalating.

POLICY IMPLICATIONS

With this concrete data in hand, we find that a number of policy implications become evident. First, in the current economic environment of high rates of inflation and low economic growth, we cannot expect that public programs will be expanded or new programs will be initiated as occurred in the 1960's and 1970's. The social security system, which is the cornerstone of the elderly's income, is already facing financial difficulties due to adverse economic conditions. In this atmosphere, then, it is essential that present programs at least be maintained at their current levels and protected from action which would result in cutbacks of benefits to the elderly. Any cutbacks, combined with the continuing erosive effect of inflation on the aged's income, would prompt a rapid deterioration in the elderly's standard of living as well as a resurgence of poverty. For this reason, our Associations would oppose any proposed cutbacks, especially Federal taxation of social security benefits or tampering with the cost of living adjustment in social security benefits.

With regard to the expenditure patterns of the elderly, a special Consumer Price Index (CPI) for the elderly ought to be developed and used to index the major income support programs which benefit older persons. The special CPI would be constructed to reflect the aged's specific expenditure pattern which are concentrated on core necessities—food, fuel and medical care. Also, as discussed earlier, medical care, with its escalating costs, is one of the areas in which elderly expenditures are concentrated. The costs of medical care must be contained. As you know, we strongly supported the administration's hospital cost containment legislation, and we are continuing to pursue legislative remedies in this regard. Additionally, changes in Medicare reimbursement practices are sorely needed in order to reduce the out-of-pocket expenditures of the elderly, and the long-term care needs of the elderly must be addressed by the Medicare program.

As has been shown, the elderly are not inflation-proof. If all of these policy changes are made, the elderly of this nation would be substantially aided. However, the mainly compensatory measures do not directly address the root of the problem—the high rate of inflation. In order to better guarantee a secure economic position for the elderly, the rate of inflation must be reduced and not merely by a point or two, but rather reduced substantially to a maximum rate of 3 percent and kept there.●

REDEDICATION OF SOLDIERS' MONUMENT

HON. WILLIAM J. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. STANTON. Mr. Speaker, on July 4, 1980, it was my privilege to participate in the rededication of the Soldiers' Monument in my home city of Painesville, Ohio. This Soldiers' Monument was originally dedicated by Congressman James A. Garfield on July 3, 1880.

The Lake County Historical Society staged a very appropriate ceremony in memory of this great day 100 years ago. The music was provided by the Harvey High School Summer Band of Painesville. Mr. Jack Daniels, a very prominent citizen of Lake County and known as our county historian, did an outstanding job as master of ceremonies. Rev. Dr. Alva W. Taylor, pastor of the Painesville United Methodist Church, gave the opening prayer and benediction. Also participating were Dr. Charles E. P. Simmons, president of Lake Erie College; Commissioner John F. Platz, president of the Board of Lake County Commissioners; Mr. Al Henderson, speaking in the spirit of James A. Garfield; Thorn Pendleton, retiring chairman of the board of Hiram College and myself. Following are brief excerpts from their remarks:

Commissioner John Platz:

We are here today to rededicate this memorial and to once again remind everyone that freedom is not free and all of us have a corresponding duty for each and every right we enjoy * * *. Let us all, here and now, rededicate ourselves to the principles symbolized by this monument * * * let us all remember to do our duty and to honor our nation and the ideals and freedoms it stands for.

Al Henderson, quoting James A. Garfield at the original dedication 100 years ago:

What does the monument mean? Oh, the monument means a world of memories, a world of deeds, a world of tears, and a world of glories * * *. All the blood that was shed, all the lives that were thus devoted, all the grief and tears, at last crystallized itself into granite and rendered immortal the truths for which they died. And it stands here today, and that is what your monument means.

Thorn Pendleton gave a biographical sketch of Garfield:

He was reared in a family dedicated to the beliefs of the Disciples of Christ; his keen mind was attracted to the promise of learning which he saw at the Western Reserve Eclectic Institute, which was the original name of what is now Hiram College * * * Garfield completed two years there. After finishing college in Massachusetts, he returned to become the second president of Hiram, while still in his twenties * * *. He was a distinguished soldier. Enlisting in the Civil War, he rose through the ranks to become a general—and a remarkably able one * * *. Garfield was a statesman. He served his northeastern Ohio district faithfully and imaginatively after the war * * *. It was Garfield's record of ability in government that focused the attention of his party on Garfield when it turned to him in the convention of 1880.

Congressman William Stanton:

If the soldier on this monument could speak, he would tell us this afternoon to love the land for which he and his comrades suffered and died. He would tell us to bring into the service of our country, in peace or in war, a devotion that knows no bounds. This monument is testimony to the millions of Americans who contributed to the glory of our country, who assisted in protecting the rights of humanity, who aided in keeping open the doors of opportunity for the poor and the oppressed of all nations. They went forth under the stars and stripes that stand for the liberty of the human race and our memory of them is a benediction.●

IMPROVING RELATIONS BETWEEN INDUSTRY AND GOVERNMENT

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. RITTER. Mr. Speaker, we all recognize the need for a better working relationship between private industry and the Federal Government. Clearly, it is not only desirable, but vital if the private sector is to remain healthy and productive.

It is always impressive to see when such a mutually beneficial relationship has been reached between industry and Government. This has certainly been the case with the Air Products & Chemicals, Inc. located in my district, in Allentown, Pa.

The history of Air Products & Chemicals, Inc. proves that Government can help to evolve leading edges of private industry with a creative research and development approach; an approach that looks forward to the eventual enterprise being totally independent, providing new jobs and new products for the American people.

Today, an article appeared on the front page of the New York Times business section portraying the development and growth of a healthy and positive relationship between an American industrial innovator and the Federal Government.

I commend this article to the attention of my colleagues:

[From the New York Times, Aug. 19, 1980]

WORKING WITH THE GOVERNMENT

ALLENTOWN, PA.—Edward Donley, chairman and chief executive officer of Air Products and Chemicals Inc., says he firmly believes that government and business can work together to the common benefit of both. The track record of his company supports his theory.

Air Products, a supplier of industrial gases and chemicals that is based in Allentown, Pa., has a long and apparently successful history of joint ventures with the Federal Government. What started as a 17-employee operation in 1940, with annual sales of $8,000, is today an international corporation with 15,000 employees, sales last year of $1.23 billion, and an average compounded annual growth rate of 20 percent over the past decade.

Mr. Donley attributes his company's success to two major factors: the skills to attract and retain top talent, and the ability to convince the Government to finance research projects. Some $10 million to $15 million of this year's $50 million research and development budget is being paid for by the United States Government.

The company's latest such venture is a $1.5 billion demonstration refinery to be built near Newman, Ky., by Air Products and its partner, Wheelabrator-Frye Inc., to produce synthetic fuels from coal. Mr. Donley calls the search for new uses of coal "this decade's No. 1 research priority."

Robert Hardiman, a research analyst with Merrill Lynch, Pierce, Fenner & Smith Inc., said the diversification into synthetic fuels would help assure the company's earnings growth. "With a lot of growth companies," he said, "you assume they will keep doing what they're doing and cross your fingers. Air Products has a major new market that is identifiable."

Air Products is hoping that the project will turn out as well as an earlier venture with the Government. When liquid hydrogen was needed as a rocket fuel for the space program in the 1960's, the company designed and built the country's first plant to produce the gas. The Government got its hydrogen, and Air Products gained the technology that now makes hydrogen one of its most profitable products. Air Products now has a $287 million contract to supply the fuel for a space shuttle.

Under the agreement for the synthetic fuel refinery signed with the Department of Energy this month, Air Products and Wheelabrator-Frye Inc., a Hampton, N.H., energy and environmental concern, will each contribute $45 million, Kentucky will pay $30 million, and the rest of the $1.5 billion project cost will be picked up by the Energy Department.

Construction is to begin next spring; the plant is expected to be on line by 1984. It will produce a synthetic fuel called solvent refined coal (SRC) with the energy equivalent of 20,000 barrels of crude oil daily from 6,000 tons of coal. The sulfur and ash will be removed from the coal, leaving a clean-burning boiler fuel and other useful synthetic products.

About 10 percent of the company's 750 scientists and technologists work on coal-related research and development; the company began research on synthetic fuels about 10 years ago, a spokesman said.

Air Products and its partners will eventually buy out the Government's share and expand the plant fivefold to make synthetic fuels commercially.

Mr. Donley's formula for success is straightforward: Find a project that has the potential to be profitable, think of a way for it to satisfy an objective of a Government agency, and work out a deal whereby the Government pays for the research but eventually pulls out and leaves the field to private industry.

HASTE CONSIDERED NECESSARY

Government participation in the refined coal project is necessary because of the risks, Mr. Donley said. The process, though proven in the laboratory, has not yet been used on so large a scale. According to Mr. Donley, the national policy aimed at quickly cutting dependence on foreign oil necessitates haste.

Air Products says it will seek a Government loan or price guarantees to attract private investment when the time comes to buy the Government's share. In its view, the volatility of the international oil situation makes that necessary. The commerical appeal of synthetic fuels would likely melt away if, for any reason, the price of oil on world markets were to fall.

Wheelabrator-Frye and Air Products have formed the International Coal Refining Company to carry out the SRC project. Other likely partners in the venture include the Aluminum Company of America and the Cities Service Company, both of which are now holding talks with I.C.R. officials.

Even if the SRC process proves to be inferior to others now being tested with Government support by Gulf, Exxon and Ashland Oil, Air Products stands to benefit from the synthetic fuels industry. The basic synthetic fuels process requires huge amounts of oxygen, a mainstay of the company's business. Even the most conservative national synthetic fuels program would require an increase in United States oxygen-producing capacity.

INDUSTRIAL GASES PRODUCTION

The largest part of Air Products' operations, about 47 percent of sales last year, is industrial gases such as oxygen, nitrogen, argon, helium, hydrogen and carbon dioxide. Air Products is the largest producer of industrial gases in Europe, and second-largest in the United States, behind the Linde division of Union Carbide.

Air Products's chemical lines, which account for 32 percent of sales, include petrochemical substances used in adhesives, coatings, textiles, molded plastics and agricultural products. The division's profits and sales rose slightly in 1979, but the company concedes they were not as good as expected, curbed by startup costs for new plants.

Synthetic fuels will be a major part of the company's future operations, Mr. Donley said, but he has already set his sights on new horizons. Among its research projects are other alternative energy sources. It recently finished a study, for instance, of windmills as electricity sources. The mills were efficient, it concluded, but they would not be cost-effective today. That does not concern Mr. Donley, though. An engineer at heart, he is thinking about ways to build a better windmill.●

LOCAL OPTION AMENDMENT GAINS SUPPORT

HON. JOHN J. CAVANAUGH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. CAVANAUGH. Mr. Speaker, yesterday I offered an amendment to H.R. 6417, the Surface Transportation Act of 1980, that would permit local transit agencies to operate door-to-door van programs as part of a multimodal transportation system to meet the special needs of the handicapped. Today I received a letter from Mrs. Kay Neil, whose testimony before the Surface Transportation Subcommittee was perhaps crucial to that subcommittee's adoption of the Cleveland amendment. Mrs. Neil is a member of the President's Committee on the Employment of the Handicapped and the National Architectural and Transportation Barriers Compliance Board as well as former chairman of the Omaha Mayor's Advisory Committee on the Handicapped and the Nebraska Governor's Committee on the Employment of the Handicapped. Her letter is reprinted below:

OMAHA, NEBR.,
August 15, 1980.

Congressman JOHN CAVANAUGH,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CAVANAUGH: As you know, I have worked long and hard regarding the local option amendment which fortunately appears in H.R. 6417.

Congressman Cleveland extended effort and reputation on the existing Section 223 and it is a fine example of the local option. I have also read and studied the Cavanaugh amendment and find it a fine version of the local option. I would be happy to support the Cavanaugh amendment and work for its inclusion.

The end result is that a solid amendment for local option—thusly becoming a part of H.R. 6417—and ending the constant struggle between handicapped groups and the Congress on what is the best way to address and eventually solve transportation for the handicapped and elderly. We need to get on with the actual transporting of these people.

Thank you for taking the time and energy to devote to this very difficult problem.

Sincerely,

MRS. KAY NEIL.●

THE GEOTHERMAL CONNECTION

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. SANTINI. Mr. Speaker, with discussions focusing on means of alleviating our oil and gas dependence, I want to reiterate the positive contribution of geothermal resources in attaining our goal. By 1990, the United States could be producing the equivalent of 180 million barrels of oil from our geothermal resources. The use of geothermal resources for generation of electricity began in 1960 at The Geysers in California with an 11,000 kilowatt plant. It has expanded steadily to the extent that it now produces 800,000 kilowatts.

The following article from the July 16, 1980, Reno Evening Gazette highlights the importance and progress of geothermal development at The Geysers. Numerous other projects are proceeding in other areas of the country, but if we are to realize the full potential of geothermal, we must reduce the roadblacks imposed by Government rules and regulations.

On February 11, 1980, the House expressed its desire to expedite geothermal exploration and development by passing H.R. 6080, which had been carefully drafted to remove the existing impediments. The Senate has sent to the House a different version of our geothermal bill. Although the Senate-passed legislation contains many provisions that would remove impediments, it also contains concepts that would create new impediments. I am hopeful that we can arrive at a final legislative product that speeds the success of geothermal exploration and development.

I urge my colleagues to read the Gazette article on the tremendous potential of geothermal resources:

[From the Reno Evening Gazette, July 16, 1980]

CALIFORNIA SETS GEOTHERMAL POWER EXAMPLE

(By David Einstein)

THE GEYSERS, CALIF.—This rugged area of Northern California was once called the "Gates of Hell," a fitting name for a spot where steam roared from the earth and filled the air with the stench of fire and brimstone.

But the name was coined a century ago, long before scientists understood—or knew how to use—goethermal power.

Today, The Geysers ranks as the largest geothermal installation in the world, producing power that is relatively inexpensive and environmentally safe.

Steam still jets into the air, but now it is harnessed in power plants that produce about 7 percent of the electric capacity of Pacific Gas & Electric, Northern California's major utility.

A complex and costly system of mufflers and deodorizers stifle the roar of the steam and its stink of hydrogen sulfide.

"It's too much of a resource and has too much of a potential that you can't afford not to be in there," said Roger Wall, staff geologist for Aminoil, the Houston-based energy arm of R. J. Reynolds.

Aminoil supplies steam for Unit 13, which PG&E opened at The Geysers in May. From a cautious beginning—an 11,000-kilowatt plant that went on stream in 1960—The Geysers has grown to include 14 plants with a capacity of 800,000 kilowatts.

The 135,000-kilowatt Unit 13 looms like a giant's factory amid the brush and trees some 100 miles north of San Francisco. Two 90,000-horsepower turbines each hour gulp some 2.7 million pounds of steam fed through five miles of pipeline from 21 wells.

Once spent, the steam is condensed in a giant tower and reinjected into the ground. Some 20 percent of the steam that is used—2 million gallons a day—is recycled this way.

Geothermal power is not new. Roman documents 2,000 years old tell of a steam field at what is now Larderello, which was harnessed for industrial heating in the 19th century.

Today, Italy, New Zealand, the Philippines, Russia, Iceland and Japan use geothermal power, while the United States has 24 states where the conditions are right for geothermal energy of some sort. Plants are already in operation or planned in Idaho, New Mexico, Nevada, Utah, Texas and Maryland.

But all other facilities are dwarfed by The Geysers.

Back in 1847, occasional puffs of steam came out of the ground just south of Cobb Mountain in Lake County. Explorer William Bell Elliott told friends after a trip to The Geysers that he thought he had come upon "the gates of hell" themselves.

What he had seen was the result of geological conditions present in only a few areas on Earth, most of them ringing the Pacific Basin.

Here molten rock called magma, which elsewhere, boils some 20 miles beneath the Earth's crust, rises to within five miles of the surface. The magma heats the rock above, and if underground water is present, it will sometimes rise to the surface as hot water or, in rare cases, natural, dry steam.

By not having to use other fuel to heat water to make steam, PG&E estimates it will save the equivalent of 1.4 million barrels of oil a year for Unit 13 alone. PG&E estimates the cost of operating and maintaining Unit 13 will be 50 percent less than for a comparable oil or gas-fueled plant.

Indeed, geothermal power is cheaper than oil or gas, although it costs more than hydroelectric or nuclear, according to PG&E. But it becomes economical only when the machinery to exploit it is in place—and that equipment is tremendously expensive.

To make the steam at The Geysers marketable, wells had to be drilled—wells averaging a depth of 8,500 feet and costing $1 million apiece.

The 21 wells feeding Unit 13, the five miles of pipeline needed to deliver the steam and the system to inject used water back into the reservoir were built by Aminoil for about $40 million.

Unit 13 cost PG&E $52.8 million.

Unlike gas and oil exploration, which can lead to profits in a matter of months, geothermal development takes years. And there is also the risk that wells will not produce at all.

Private companies like Aminoil take the risk, but public utilities like PG&E will not.

"As a regulated public utility, we are responsible for providing reliable electric service to our customers at the most economical cost," said PG&E spokeswoman Jan Miller. "Because drilling operations for oil, gas or geothermal are very high risk and big capital investments, we are essentally prohibited from being involved in these ventures."

One factor which makes geothermal power attractive is that a reservoir like that beneath The Geysers is expected to last at least 30 years.

"You can't say that for gas or oil," said Wall.●

TOWARD A NEW FEDERAL ROLE IN URBAN REDEVELOPMENT—A POLICY OF OPPORTUNITY DEVELOPMENT

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. GARCIA. Mr. Speaker, it is indeed a personal pleasure for me to appear before the Congress today in order to discuss the general state of America's cities.

It is difficult, I think, to offer generalizations about any subject as vast and complex as is the American city. Were someone cheerily to make the blanket statement that our cities are thriving, for example, I would angrily walk with him through the rubble-strewn streets of my congressional district, the South Bronx portion of New York City, and point out as many abandoned buildings, burned-out businesses, truant children, unemployed adults, dilapidated apartment houses, and dangerous street gangs as were necessary to bring tears to his eyes and anguish to his soul.

If that same person were then to tell me with sadness that there is no hope for these inner-city people, I would impatiently walk with him to the numerous self-help projects scattered throughout my district where the black and Hispanic poor—so often denigrated by those in no position to know them—are in reality proving themselves to be the greatest and most unsung heroes of our age as they refashion their community and rebuild their own lives brick by brick and cinderblock by cinderblock. Their heroism in the face of daily crime, a sick economy, bureaucratic inertia, and dogmatic and facile political attitudes toward them would serve to inspire, I am sure, my observant companion.

If that same companion, however, were to argue that such efforts were doomed by the decline evident in all directions, I would walk with him to the nearest subway, sidestepping the litter, the alcoholics, and the occasional drug addict, and ride the train for no more than 5 minutes. There, within the same city and less than 2 miles from the devastated scene which earlier brought tears to his eyes, I would watch my companion's eyes light up with astonished delight as the two of us departed the subway in wondrously awesome and diverse midtown Manhattan. Once there, after walking past the continental sidewalk cafes, the modern skyscrapers, the chic plazas, the fabulously expensive boutiques, the renowned museums, and the exciting Broadway shows, if my companion were to state that my city was truly wonderful, I would take him back to my district, force him to watch a 50-year-old building burn to the ground as a result of arson, make him continue to watch in horror as teenagers and young children hurl rock after rock at the arriving firemen, and then ask him to tell me just how wonderful the city is.

Mr. Speaker, I have known for some time what my imaginary friend has recently learned—it is as useless for any of us to speak of an urban crisis as it is for us to speak of an urban renaissance. I know that each of these phrases has been bandied about and, frankly, I believe that each phrase is as emotionally charged as it is thoroughly void of intellectual substance.

This is not to say, or course, that our patent inability to characterize the state of urban America must of necessity yield to an inability on our part to analyze urban conditions. Far from it. I do believe, however, that if we are to be true to the spirit of our great urban heroes of today—the inner-city residents who thrive on a spirit of community, cooperation, and enterprise—then we must be as precise as is possible in our thinking about what the Federal Government can and cannot do to help our cities. Specifically, we must understand that for certain policy purposes the three areas visited by my imaginary friend—tragically declined, hopefully heroic, and fabulously exciting—are part of the same economic entity and for certain other purposes the three areas are absolutely unique.

As I shall explain in these remarks, when viewed in the former context, national economic policy is of greatest significance. When viewed in the latter context, targeted tax policy is of greatest significance.

Jurisdictionally, of course, the three areas of my city are part of the same metropolis, but I am referring to something more important for our purposes, however. Each seemingly different area is part of the same economy—local, regional, and national—and to the extent that Federal economic policymakers devise policies which pit city against city, State against State, and region against region all of our cities, States, and regions will lose. When growth is encouraged in the Sun Belt through the relocation of businesses formerly located in the Northeast, when mayors must devote their time to lobbying the Federal Government for a share of scarce resources instead of governing their communities, when such policies as planned shrinkage gain currency in cities which face opportunity losses instead of gains, then I submit that all of our cities, large and small, are the losers despite any apparent signs to the contrary in some of those cities.

The great principle of urban development throughout the history of the world, I would argue, is that people move from areas of less opportunity to areas of greater opportunity. I urge the Members of this Congress to keep this principle firmly in mind at all times, just as I urge my fellow members of the House Subcommittee on Housing and Community Development to do likewise. I would contend further that the opportunities need not be economic alone, or even primarily. How else can one explain the eagerness of economically comfortable Jewish scientists to depart the Soviet Union for a rigorous life in Israel other than to conclude that freedom of religion and the right to practice freely their profession is of utmost importance to them? How else can one explain the boatloads of Haitians and Cubans, initially willing to face difficult lives, who nevertheless surge into our country other than to conclude that we offer something which these people never had? Indeed, how else can one explain in its entirety the history of the United States and its cities, villages, and towns other than by reference to this great principle which equates urban development with opportunity development?

Permit me to state my point once again, for it is crucially important. The great principle of urban development throughout the history of the world is that people move from areas of less opportunity to areas of greater opportunity.

Let us not be so blinded by the modern alphabet soup of Government and its programs vitally important as they are—HUD, EDA, IRS, DOT, DOL, UDAG, CDBG, et cetera—that we forget the simple truth that the history of urban development is the history of opportunity development. To the extent that a Government program increases the opportunities of some or all Americans without correspondingly decreasing the opportunities of any Americans, then that program has provided us with an example of the proper role of Government in bringing about American urban development, that is, opportunity enhancement not limited to a particular place but instead resulting in enhanced opportunities facing the Nation as a whole. And, to the extent that we pit any aggregation of Americans against another, to that extent we have American urban antidevelopmental policies.

How do we attain the former and avoid the latter. This, it seems to me, is the most significant question faced by this Congress. It requires a recognition by the members of this committee that the seemingly separate issues of urban redevelopment and the enhancement of national productivity are exactly one and the same.

We attain the former and avoid the latter approach by recognizing that any policy which provides for the economic growth of our entire Nation without accomplishing this at the expense of any part of our Nation is by far the boldest, most innovative, least costly, least bureaucratic, and most efficient urban policy this Nation could possibly hope to devise. There is only one way that the three very different areas of my city which I described earlier can thrive simultaneously as they frankly are not doing now: Through national growth policies designed to make all parts of our land highly productive once again. There is only one way that my city and the Midwestern farm areas which feed it can thrive simultaneously as they frankly are not doing now; through national growth policies designed to make all parts of our land highly productive once again. And there is only one way that the South Bronxes of the United States will ever be able to capture the enterprising spirit of their residents whose affection for their homes is so great that they have not left them during these hard times; through national growth policies designed to make all parts of our land highly productive once again.

This, then, is the first reason for my identification of urban development with opportunity development.

What are some of the policies which must be followed if we are to achieve these National growth policies? Mr. Speaker, I have already stated that any policy which provides for the economic growth of our entire Nation without accomplishing this at the expense of any part of our Nation is such a policy. A few specific examples come to mind:

Strict enforcement of our civil rights statutes provides for the expansion of minority involvement in the Nation's economy and does not require any lessened majority involvement.

Assistance by the Government of already existing regional industries, such as the auto industry, and the employment and business spinoffs derived from such assistance, provide for the economic growth of our Nation when such assistance does not mandate or otherwise make more likely the shift of an industry from one region to another.

Vigorous and fair enforcement by governments of both express and implied contracts lawfully entered into by various parties provides for the mutual, cooperative economic growth of our Nation's consumers and producers without resort to the perversely competitive "either-or" atmosphere which now characterizes public and legal discussion on this subject.

Government loans for new businesses provide for the economic growth of our Nation when, combined with comparable private sector activity, all areas of the country are recipients of loans for new commercial development.

Expanded urban homesteading, shopsteading, and lotsteading programs provide housing, jobs, and site preparation for further developmental activities in places where these now do not exist without depleting scarce resources from other areas which may also require additional housing, jobs, and site preparation.

Finally, a National Development Bank would go far toward providing credit to those living or working in areas which for the most part are not in competition with the recipients of credit from more traditional sources.

It seems to me, therefore, that above all the Federal Government primarily must not view cities as places where the rich or poor or middle-class live—specially developing whichever program it feels best suits the needs of a particular group, important as these programs often are—but rather as places which require exactly the same levels of opportunity as are found everywhere else. To the extent that there are discrepancies in the opportunities which exist within cities—as in my city—or among cities, suburbs, and rural areas, to that extent our Nation as a whole is impoverished. When people migrate from one place to another solely because they face no opportunity for advancement of any sort where they are, our Nation as a whole is impoverished by the lack of choices offered its citizens. But, to the extent that people migrate from one place to another not because they face no opportunities where they are but because they prefer instead the different opportunities found elsewhere, our Nation as a whole is enriched by its diversity of choice.

In other words, stated at its most basic, just as the great principle of urban development is opportunity development, so too is the great principle of opportunity development private sector development. For it is only in the private sector that any lasting sense of accomplishment and belonging will occur, and it is only in the private sector that assets may be accumulated and a Nation's wealth created. Thus, although the maintenance of a vigorous, productive private economy is critically necessary for all Americans if our cities are to thrive, in one respect it is even more necessary for the rural and central city poor. For a productive private sector represents the only institution in society capable of permitting the poor to escape their poverty; a weak private sector simply does not offer them that opportunity.

It is for this reason that I place no stock in the "limits to growth" psychology which has attracted so many policymakers. Although I will readily admit that we may at some point run out of certain natural resources, I refuse to concede for one moment that this fact inexorably implies that we are running out of the human resources to find substitute goods and thereby to enrich our lives. To so imply would be tantamount to accepting that the poor must remain poor forever because they were left out of the economic system when our growth allegedly began to be limited, and this is something I will never do.

If there are no limits to our Nation's growth, and if the private sector alone will provide the opportunities for all citizens to better their—and our—lives by participating in this boundless growth, how then do we more precisely orient our Nation's policies to providing opportunities for the poor to participate in that system and through their participation to develop the areas in which they live?

I think the answer may be found by considering for a moment that opportunity is a dual concept: It exists for people and it occurs in places. When the movies of the 1940's depicted the simple country boy leaving home to make it in the big city, or when the movies of the 1970's depicted the cynical urban gentleman leaving home to find life's meaning on a farm, the same basic fact underlay both stories: an opportunity attracted a person, and the land upon which the opportunity presented itself benefited from the person's presence. Thus, growth requires people to confront real opportunities and those opportunities to be acted upon require a setting.

This is the second reason for my identification of opportunity development with urban development. (The first reason, you will recall, is that in all lands throughout the history of the world people have migrated from areas of less opportunity to areas of greater opportunity.) As opportunities in the cities develop, the land within their borders will develop as well.

Thus, the key to urban development is opportunity development, specifically the development of opportunities within the private sector.

To that end, I have introduced a bill which I would like to discuss briefly with you. That bill, the "Urban Jobs and Enterprise Zone Act of 1980" (H.R. 7563) was drafted jointly by me and a man who in working closely together with me has very quickly become a good friend, our colleague JACK KEMP of New York. I should point out that our mutual draft is a revision of an earlier bill drafted by JACK himself.

I suppose that it is unnecessary to remind you that JACK and I disagree on numerous issues. What we agree wholeheartedly upon, however, is that the key to areawide redevelopment is opportunity development—or, more precisely, the reestablishment of opportunity producing incentives in areas where they no longer exist but once did—and that it is proper for Government to provide incentives to attract businesses to areas which face severe depression, unemployment, and poverty.

For that purpose, in a bipartisan effort that has rapidly attracted many cosponsors from both parties and been greeted warmly in the Nation's press, JACK and I have drafted a bill which, in its essence, would permit the most decayed, poorest, and most underemployed areas of the country to lower a host of personal and business tax rates applicable within them in order to restore incentives for economic activity. These incentives, suffice it to say, now do not exist in these areas for the most part.

Specifically, the Kemp-Garcia bill would:

Allow city and other local governments, including those in the most severely depressed rural and urban areas, to establish enterprise zones with Federal approval.

Require any eligible businesses within the zones which take advantage of the tax reductions to hire at least 50 percent of their workers from within the zones.

Reduce social security payroll taxes on zone employers and employees to encourage hiring of youths and others in hard-core unemployed areas, while providing simultaneously that any temporary shortfalls to the social security trust fund be made up through general revenues.

Reduce capital gains taxes and provide faster depreciation of business assets in order to encourage investment in job-creating businesses within the zones.

Permit the use of cash rather than accrual accounting methods by small firms and an extension of the loss carryforward from 7 to 10 years.

And allow the establishment of duty-free foreign trade zones for the fabrication of imported and exported products.

Safety and health standards would be maintained, of course, as would all existing social programs and regulations. The hope of this legislation, however, is that as the depressed areas encounter enhanced economic opportunities the residents of those areas will be able to get off the welfare rolls and onto the payrolls.

Our bill is still undergoing changes as it becomes circulated more widely to groups and individuals around the country and benefits from additional improvements. At some point, I would enjoy appearing before the House Ways and Means Committee with JACK to present a more systematic exposition of our bill. We intend also to hold hearings on our draft law throughout the Nation, thereby giving the people a chance to discuss its merits.

Nevertheless, whatever technical changes may take place in the future, I believe strongly right now that this targeted tax cut approach, when combined with the nondiscriminatory national growth policies I discussed earlier, should form and will form the basis for a new, more cogent Federal role in the redevelopment of our Nation's urban areas. Only through the provision of economic incentives in areas where none presently exist will these areas be transformed from consumers of Government services to producers of wages and taxes.

Secretary of State Muskie once stated when he was a Senator that—

> The problem of the cities is perhaps the most critical domestic issue with which this country has been confronted since the Civil War, if not since the founding of the Republic.

I would agree with that assessment, Mr. Speaker, but I would add to it ". . . and its solution requires the exact same expansion of economic and personal opportunity which led to the founding of the Republic and its explosion into greatness."●

THE REVOLUTION'S END: AN INTERVIEW WITH CARLOS FRANQUI

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. DERWINSKI. Mr. Speaker, Carlos Franqui was a member of the Communist Youth in Cuba until he joined the Twenty-Sixth of July Movement and became a guerrilla in the hills. He was Fidel Castro's director of propaganda until he broke with the Cuban dictator in 1968 over the latter's support of the Soviet invasion of Czechoslovakia.

In February of this year, R. Bruce McColm, an American journalist, interviewed Franqui in New York, the first such interview he has ever given an American. Reprinted below are some selected remarks from their interview from The American Spectator, Bloomington, Ind. Franqui's comments on the Cuban Revolution are worthy of special note.

THE REVOLUTION'S END: AN INTERVIEW WITH CARLOS FRANQUI

Carlos Franqui was born to peasant parents in 1921. He was involved in Cuban politics from the time he was a teenager, first joining the youth movement of the Cuban Communist Party in 1939. Franqui quit the Party to become one of the first members of the Twenty-Sixth of July Movement in Havana. From 1955 until his imprisonment by Batista in 1957, he was the editor of Revolucion Diario, the organ of the Castro movement. After an exile spent in Mexico, Latin America, and the United States, Franqui joined the guerrillas in the Sierra Maestra and became the director of Radio Rebelde and the movement's newspaper, Revolucion.

When Castro came to power on New Year's Day, 1959, he entrusted Franqui with the archives of the Revolution and appointed him the organizer for the Central Congress of Havana. From the early days of the Castro government, Franqui used his extensive contacts among Europe's illuminati to bring a number of intellectuals to idolize the Revolution. Among the pilgrims were Jean-Paul Sartre, who wrote "On Cuba" after a Franqui sponsored trip, and Simone de Beauvoir. . . .

But, by the late sixties, Carlos Franqui had become a "questionable person" in Cuba because of his public opposition to Castro's dictatorial methods and his strident advocacy of artistic freedom. In 1968, after Castro supported the Soviet invasion of Czechoslovakia, Franqui broke with the regime and went into exile [taking with him] the letters, documents, and various reports which had been in the revolutionary archives.

Franqui: The Revolution has meant 20 years of waiting in line for the Cuban people. It is incredible to think that the 20 main products of Cuba have been strictly rationed for the past 18 years. There's sugar, meat, milk, coffee, tobacco, cigars, rum, oranges, mangoes. Everything has been totally rationed. Even the basic foodstuffs like bananas, cassava, black beans, rice, and beverages are scarce. After 20 more years of the revolution, it's doubtful whether there will be enough food. . . .

The Cuban worker gets up before dawn and has to walk to get a bus to work. Sometimes the bus comes on time, sometimes the worker has to wait hours, and many times the bus doesn't even show up. And even when the worker does get to work, he has to wait hours, sometimes until the early afternoon, for the bricks, wood, or whatever he is working with to show up at the site of his job. Raw materials don't arrive on time, if they arrive at all. Even the final product gets lost, especially in agriculture. Sugar and tobacco just rot. Dilapidated farm machinery rusts in the fields.

Under these conditions, work becomes an absurd obligation. How can you feel excited about work when you can't even do your job? Why should you work when you don't get anything for it, especially when you see government officials enjoying extraordinary privileges? On top of all that, the system doesn't allow profits or the free discussion of labor problems, and it refuses to replace unfair administrations.

. . . Whatever national dignity we regained with the Revolution, has been lost with our total dependence on the Soviets. Moreover, the price paid by the Cuban people for the continuing African wars has been extremely high. After so many years, the Cuban people are fed up with promises. After 20 years, they no longer have any hopes in Castro's system. . . .

[Still,] it is totally naive to think that Castro and his system will fall, at least in the near future. The political structure is too strong: Over a half million people work for the secret police alone. For any change to come about, protest and dissent will have to increase, of course, but this in turn will intensify the repression. . . . The question is whether the present dissatisfaction will lead to a stronger protest or just die away. The responsibility lies with the youth. The youth rebellion will either escalate or be crushed by the government. . . .

There are, of course, many forced labor camps in Cuba. . . . But it is important to remember that nine million Cubans are treated like prisoners. They are totally restricted in terms of movement. A Cuban citizen must carry an identification card or internal passport called an RD-3 card. It lists where you work, where you live, where you come from. Things like that. Anyone found without this card is sent to jail.

. . . Today, when one gets down to it, Cuba is still an island of sugar and slavery.

Russian Communism and Castroism are a cancer of history. I certainly have no nostalgia for the Cuba of the past. But what came later is nothing more than a disease. I have nothing more to say.●

REINDUSTRIALIZE THE WORLD WITH AMERICAN COAL

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. WHITEHURST. Mr. Speaker, J. Michael Gallagher, technical director for the now completed World Coal Study, has recently published an article in which he describes how the cumulative effects of dependence upon oil-high in price, uncertain in supply—have touched off and now reinforce a continuing process of deindustrialization of the world's oil-based economic structure, which has corresponded to the deteriorating performance of the world's economies in general since the first oil impingement in 1973. I am pleased to share this information with my colleagues at this point in the record. The article, "Reindustralize the World with American Coal", from the July 1980, Financier, follows:

REINDUSTRALIZE THE WORLD WITH AMERICAN COAL

Perhaps the most significant consequence of the 1979 oil price explosion has yet to be widely perceived—the dramatically improved competitive position of coal, the world's most abundant energy resource. This competitive edge holds even after paying the costs of high environmental, health and safety standards.

Since one ton of coal produces the energy of 4.8 barrels of crude oil, the $20-per-barrel increase in world oil prices has increased coal's price margin over oil by about $100 per ton. Oil delivered at $35 per barrel is equivalent to coal at $165 per ton, almost five times the average $35 per ton delivered cost of coal in the United States today.

OPEC PROVIDED THE MARGIN

Even more important, the $100-per-ton price margin OPEC has provided is twice that needed to enable coal both to meet high standards of health, safety and environment, and to cover the costs of shipping coal around the world to international markets. Thus, coal can be mined, moved, and used in environmentally acceptable ways in most countries for costs totalling no more than $80 per ton, which is the energy equivalent of $17 per barrel of oil, or less than half the current OPEC price. The corresponding figure in the United States is only $60 per ton.

OPEC has thus priced its oil significantly above the level of a readily available alternative fuel—coal—for the world's large boiler fuel markets.

Increased use of coal can expedite the progressive removal of oil from heating markets to its premium uses as a transport fuel and as a specialized petrochemical feedstock, while simultaneously generating major economies for energy users and providing a moderating influence on future oil price increases. Recent softening of residual fuel oil prices on the spot market may be evidence that this process has already begun.

ECONOMIC OPPORTUNITY ADDED

Thus an economic opportunity has been added to the now widely-recognized strategic imperative of reducing the peril of dependence on a daily flow of 20 million barrels of oil from the Persian Gulf.

How much must coal use expand to realize the necessary restructuring of the world's economies? The final report of the 16-nation World Coal Study (WOCOL), Coal—Bridge to the Future (Ballinger, May 1980) concluded that coal must be the principal replacement for oil in fueling the world's reindustrialization for the next two decades at least.

"The availability of oil in international trade is likely to diminish over the next two decades. Vigorous conservation, the development and rapid implementation of programs for nuclear power, natural gas, unconventional sources of oil and gas, solar energy, other renewable sources, and new technologies will not be sufficient to meet the growing energy needs of the world. A massive effort to expand facilities for the production, transport, and use of coal is urgently required to provide for even moderate economic growth in the world between now and the year 2000.

"Without such increases in coal the world economic outlook is bleak."

The main conclusion of WOCOL is that coal, which already supplies 25 percent of the world's energy, can provide two-thirds of the added energy needed to fuel the industrialized world's economic growth over the next 20 years. This is exactly the share provided by oil over the past 20 years.

Moderate economic growth can be supported if world coal use doubles by the early 1990's and triples by 2000, and steam coal trade expands by 10-15 times. Total world coal trade would approach 1 billion tons by year 2000 under these conditions.

Other important findings:

First, Feasibility: The coal expansion targets are attainable. They require a 5 percent annual expansion rate in the production and use of coal, a rate equaled in the U.S. over the past five years as production grew to a record level of 770 million short tons in 1979.

Second, Reserves: World coal reserves are enormous, 5 times proven world oil reserves and 250 times current world coal production. Only 15 percent of the world's economically recoverable coal reserves would be used by year 2000 even with tripled coal use.

Third, Prices: Coal prices are likely to continue to increase more slowly than those of oil and gas, thereby further widening coal's present price advantage (each 1 percent increase in oil price is now equivalent to $1.65 per ton or a 4 percent coal price increase).

Fourth, Technology: The technology for mining, moving, and using coal is established and steadily improving.

Fifth, Environmental Standards: Without unacceptable increases in cost, coal can be mined, moved, and used in most areas in conformity with high standards of health, safety, and environmental protection by applying available technology.

Sixth, Capital: Investment requirements of the coal expansion are well within the capacity of domestic and international capital markets.

This is not to say that the capital needs are small. The required coal investment program totals $1 trillion of today's dollars over the next twenty years for the OECD nations, which represents only about 3% of the expected aggregate capital formation. The American share would be on the order of $500 billion.

Most of this capital will be needed to build coal-using facilities, principally electric power plants and, increasingly in the 1990's, synfuel plants. Investments in international coal supply chains—mines, railroads, slurry pipelines, export and import terminals, and ships—may total $200 billion, including $40 billion of business for the world's depressed shipyards.

There is little doubt that such a large and sustained program of coal investments, which are economically viable today and would involve mostly private capital, would stimulate significant economic activity and labor employment, while retarding inflation as the US and other nations move from oil to a more economical and secure coal energy base.

Coal can replace declining and insecure oil and do so cleanly and economically.

What's the catch?

A big one: Time.

"Given the long lead times involved both for coal-using and coal-producing projects," WOCOL states, "the required expansion of coal demand and coal trade will be realized only if both producers and consumers are willing to make commitments in the early 1980's. There must be a recognition of the urgent need for coal and determined actions to make it available in time."

As the scale of the price margin provided by OPEC to enable coal to be used cleanly at a bargain price becomes more widely perceived, economic forces will be unleashed to stimulate the necessary coal investment programs. Indeed, they can be economically supported today on the basis of current energy prices, as the following examples illustrate:

1. ELECTRIC UTILITY POWERPLANTS

The oil fuel bill in 1980 for American electric utilities will be about $16 billion—$12 billion more than the cost for an equivalent amount of coal. Replacing oil with coal to fuel a 1000 MWe unit of baseload capacity can save nearly a quarter-billion dollars annually in today's fuel costs.

Thus there now exist strong incentives for utilities to reduce oil use by down-rating oil capacity while operating existing coal plants at high load factors, by use of coal-oil mixtures in existing oil boilers once technical feasibility is assured, and by converting oil plants to coal where possible.

Reacting to those replacement incentives, US utilities in 1979 increased their coal use by 47 million short tons or 10% while reducing oil consumption by 15% or 100 million barrels.

Coal's price margin over oil is now so wide, in fact, that the cost of electricity to American consumers could be lowered in many instances even by totally scrapping an existing oil-fired power plant and replacing it with a new coal plant (with a payback period on investment of about 4 years).

This reflects the straightforward arithmetic that residual fuel oil delivered to US utilities at $30 per barrel translates into a fuel cost alone of 50 mills per kilowatt-hour of electricity generated, or one and one-half times the total cost of generating electricity from a new coal-fired station in the US. Of course, capitalizing on coal's economic opportunities will require prior removal of the current constraints on capital-raising abilities of utilities (e.g. through availability of low-cost loans) as well as reducing the delays now associated with obtaining approvals for new coal plants.

Even in countries where the coal must be imported, the economics now strongly favor accelerated retirement or down-rating of existing oil-electric capacity. This is an especially significant economic opportunity, since many oil-importing nations without abundant coal resources—for example, Japan, Italy, South Korea, and Taiwan—currently generate 60 percent or more of their electricity needs from oil while less than 10 percent is generated by coal.

2. INDUSTRIAL HEATING

All but the smallest cement facilities that are now using oil can be converted to coal within one year, with a payback period on the investment of less than one year. This would save about 500,000 barrels of oil per day in Europe, Japan, and North America and is but the most dramatic of many oil-to-coal replacement opportunities in the industrial heating market.

For large industrial boilers, coal is now the economic choice over oil and gas for new installations. Moreover, as in the case of power plants, there appears to be a growing economic incentive for accelerated reduction of oil use in existing oil boilers.

While oil-to-coal replacement economics are not as overwhelming as for the larger-sized utility boilers, investment payback periods of 3-5 years appear possible at today's prices, when site-specific conditions do not prevent the use of coal facilities.

3. BUNKER FUEL FOR SHIPS

It is conceivable that before long the "thin line of oil tankers stretching from the Persian Gulf to America" will be fueled by coal. It is in fact likely that by the year 2000 no more than a small fraction of the world's merchant fleet will still be fueled by oil, compared with today's worldwide bunker fuel oil use of 2.25 million barrels per day.

Even using very conservative assumptions, new coal-fired ships are now more economic than oil. Moreover, since the lifetime of a ship is typically about 18 years, essentially the entire existing world fleet will be naturally replaced in the 1980's and 1990's.

The first of the new generation of coal ships is expected to be launched in Australia in 1981, with all four of the leading Australian shipping companies now planning to introduce coal-fired ships to major trade routes. Initially, coal-fired ships are expected to carry coal and grain cargoes originating from exporting countries such as Australia, South Africa, Canada, and the United States. Coal-firing for other parts of the world's merchant fleet—general cargo ships and even oil tankers—could grow rapidly thereafter.

4. OIL-TO-COAL REPLACEMENT

Obviously, the opportunities for oil import reductions and economic benefits through oil-to-coal re-industrialization programs in the 1980's are enormous.

OECD countries now burn 12 million barrels of oil a day in utility power plants, industry boilers, and ships alone. Replacing even half of this oil with coal by 1990 would reduce OECD oil import needs by 25% while saving nearly $50 billion annually in fuel and foreign exchange costs. The benefits from accelerated coal use will be even larger if, as expected, coal's price advantage over oil continues to widen.

The U.S.—with its enormous coal resources—has the opportunity to lead itself and its allies out of the cycle of oil-based de-industrialization. Indeed, without U.S. coal resources and U.S. leadership there can be no re-industrialization, for two reasons:

First: The U.S. is the world's largest oil importer, and only by using our coal to significantly reduce our needs for OPEC oil can we regain the confidence of our allies and reestablish our economic strength, while adjusting to the declining availability of world oil supplies.

Second: The U.S. has the world's largest coal reserves, and only if we export large amounts can countries of Western Europe and Japan obtain the coal they will need for re-industrialization.

Such a prospective American position of energy leadership marks a signal reversal of current relationships with our allies—from active competition for scarce and expensive OPEC oil supplies to cooperative sharing, at a profit, of our abundant and inexpensive coal supplies. Not since the late 1940's and the time of European reconstruction has there been such an urgent need to revitalize international industrial structure, with such singular dependence on U.S. resources.

In 1980 that U.S. resource is coal, which can become our largest source of foreign exchange as coal exports fuel the re-industrialization of our allies' economies.

Since the US has the opportunity to provide 30-40 percent of the total worldwide demand of a billion tons of coal trade, annual revenues of $10-$15 billion or more are possible by year 2000. This compares with $11 billion from grain exports today.

Even higher earnings will accrue if coal prices increase above today's level of $35 per ton or $7 per barrel oil equivalent.

A strong national commitment to coal, evidenced by realistic plans and programs, is required in the U.S. in order to achieve the coal-based re-industrialization. I believe that a bold program of action on four fronts can overcome the major obstacles.

Reduce Investment Uncertainties—By stabilizing the environmental standards for coal mining, reclamation, transportation and use.

Stimulate Coal-Use Investments—By providing investment incentives (e.g., investment tax credits, low-interest loans, accelerated depreciation) to accelerate replacement of oil-using equipment with coal equipment by the nation's electric utilities and industries, and to stimulate the development of a new synfuels industry.

Eliminate Delays—By expediting the process of obtaining approvals for new coal mines and coal-using plants; for leasing Western coal lands; and for building modern coal ports on the East, Gulf, and West Coasts.

Ensure Competitive Transport—By supporting the expansion of coal transportation capacity, including a combination of slurry pipelines, and rail and barge facilities.●

CONFRONTATION IN POLAND

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 19, 1980

● Mr. RITTER. Mr. Speaker, I am greatly concerned, as I am sure my colleagues are, about an extremely serious problem facing the Polish People's Republic—the present strikes in the Baltic seaports and industrial region of that country. This situation is rapidly reaching crisis proportions. More than 100 factories are now thought to be affected, and shipping from the ports of Gdansk, Gdynia, and Sopot is at a standstill. In the shipyards and beyond, some 100,000 workers have walked out on their jobs as of yesterday.

The Polish workers' 16-point list of grievances is an unprecedented challenge to the Communist system established in that nation for the last 35 years. An editorial by Flora Lewis which appeared in today's New York Times accurately describes the significance of the confrontation of workers with the Communist government, not only for the future of Poland, but for the future of East-West relations as well. I insert the Lewis editorial into the CONGRESSIONAL RECORD for the benefit of my colleagues.

WHEN WORKERS UNITE

(By Flora Lewis)

PARIS, Aug. 18—The strikes in Poland are moving to a climax. So far, there has been perfect order on both sides. The Government has refrained from any use of force and the workers have not rioted or looted or damaged property. It is an extraordinary situation. Anything can happen.

Whatever the outcome, it is now clear that the crisis will be another important milestone in the Communist world and, therefore, in East-West relations.

The significance of the confrontation was reflected in two items in the papers here. One was a wry little note about a premier telling strikers that the working class would suffer from their actions—an apparent reference to a six week-old strike of French fishermen that is blocking channel ports. But, it went on, this was happening not only in capitalist France but also in Communist Poland.

And a French Communist wrote a long appeal in Le Monde asking support from his party for Polish workers, saying that they are seeking no more than French workers demand and that they have the same right of fraternal sympathy as Bolivian miners and Miami blacks. Of course, the Communist paper L'Humanité takes no such stand.

The issue goes to the core of the ideology. Strikes normally are not allowed in Communist countries, nor is collective bargaining, on the grounds that the workers own the means of production and cannot act against themselves. In theory, they are the masters and have no bosses to challenge.

The theory matters, even though it is not practised, because the whole Communist hierarchy bases its power on the claim of being the leadership and the only legitimate voice of the working class. There is no other ground for legitimacy except the possession of force, and even that would be put into question if a Communist regime ordered the "people's army" and the "people's police" into action against a demonstratively authentic mass movement of the people.

The Polish regime must take into account how obedient its men under arms would be in such a case, and the use of Soviet troops would almost surely provoke armed resistance, however futile.

There are many levels to the impasse, many layers of cynicism and mistrust accreted over two generations. The director of Polish radio and TV, Maciej Szczepanski, a hard-liner and a man of critical importance in this deadlock between the regime and the ruled, provided an illuminating little example when I talked with him last month.

He spoke proudly of the number of production deals he had made with West European and American TV. One was for a series of Sherlock Holmes plays, and a copy of Baker Street has been built in Warsaw. The arrangement brings urgently needed hard currency. Asked why the Western networks choose to film in Poland, he said that the facilities were good, and, after a pause, that of course they didn't face the kind of union and tax problems they have in the West.

Now, Polish workers are asking not only for more wages, and food in the shops to spend them on, but for the right to organize and to negotiate. In effect, they are telling the rulers to forget their fine theories and recognize the right to bargain.

The fact is that major groups of Poles have already seized these rights. This is unprecedented and astonishing in the circumstances. Their solidarity was forged on the factory floor, with spontaneous leadership.

Four years ago, after strikes that were quickly and bloodily suppressed in Radom, a small group mostly of intellectuals formed the Workers' Social Self-Defense Committee (KOR) to support those who were imprisoned or fired. Now, factory committees are sprouting in shop after shop, including the huge industrial complexes near the Baltic, and they communicate with KOR. Suddenly there is coordination for what is becoming a vast movement.

That is obviously one reason the authorities have cut telephone and telex lines with Gdansk, where the biggest strikes are taking place. It is another mistake. Jacek Kuron, KOR's main spokesman, has been saying for weeks that the regime should seek to deal with the workers through organizations because nobody will be able to control them if their pent-up anger explodes unorganized.

He is a responsible man, a moderate and a patriot. Communist officials say they simply cannot accept free unions, but it is in everybody's interest that the Polish regime heed Kuron's warning. If it does, and the chance for settlement has not already been lost, Poland may be able to overcome its crisis and develop a more reasonable form of socialism. That would be a historic example, with far-reaching effects.

If nothing is done until too late, there is likely to be violent upheaval, possibly Soviet intervention. It would be a tragedy not only for all directly concerned, but for what hopes remain of mending fractured East-West relations. Poland on top of Afghanistan would be too much. Washington, as well as Moscow, has a stake in how Polish workers are treated as they seek to carry out the old Marxist injunction to unite.●

SENATE—*Wednesday, August 20, 1980*

(Legislative day of Thursday, June 12, 1980)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

O Thou, Giver of every good and perfect gift, help us to use these precious moments of each day to renew our spiritual vitality, our sense of direction and the purpose of all our striving. Forgive us for rushing to Thee in moments of desperation when the lesson of life is that they who wait upon the Lord shall renew their strength, they shall mount up on wings as eagles, they shall run and not be weary, walk and not faint. Give us strength to walk when we must and to wait when it is wise. When we cannot achieve the ultimate objective, help us to do what can be done, for small deeds done are better than great deeds planned. Help us through this day, O Lord, and prepare us for all the days yet to come, that each moment may be lived under the shelter of Thy love, and for the glory of Thy holy name. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 20, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. BURDICK thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

U.S.-ASIA-PACIFIC POLICY

Mr. ROBERT C. BYRD. Mr. President, this Nation's relations with east Asia and the Pacific region are a critical element of our foreign policy. The east Asia-Pacific area has seen profound political and economic changes during the past decade, and U.S. policy has been challenged to adjust positively to those changes. Central to our interests are relations with Japan, with our other allies, and with the People's Republic of China.

The most basic change has been in our relations with China, the world's most populous nation. The importance of China in world affairs and the fortuitous improvement in United States-Chinese relations make it essential that the American people understand precisely how our Presidential candidates view our relations with China.

President Carter's policies are well known. Continuing the normalization process begun under his two Republican predecessors, the President extended full diplomatic recognition to the People's Republic of China. He has directed a gradual, steady growth in our relations with China. Earlier this year, our relations were further solidified through the United States-China trade agreement and the granting of most-favored-nation—MFN—trade status to China.

While President Carter's position is clear, the views of the Republican Presidential candidate on this subject can best be described as hazy and uncertain.

On a matter of such importance, the American people need to know where the Presidential candidates stand. Mr. Reagan has a responsibility to make his views known in clear terms.

Mr. Reagan has expressed on many occasions his reservations about normalizing relations with China. Recently, there have been indications that he may be attempting to back off somewhat from his earlier assertions that he would restore "official relations" with Taiwan.

But last week, when he was supposed to be clarifying his position, Mr. Reagan raised more questions. Again, he said he favored an "official Government relationship" with Taiwan, although he said he was not calling for diplomatic recognition, and that he did not intend to break relations with the People's Republic of China.

An aide to Mr. Reagan insisted that the Republican candidate had not called for government-to-government relations with Taiwan, despite Mr. Reagan's call for official relations.

This has been a consistent pattern. Mr. Reagan makes a statement calling for "official" relations with Taiwan, and then his aide "clarifies" his remarks, leaving even more doubt about what the candidate's true position is.

On May 18, while campaigning in Michigan, Mr. Reagan said, referring to our relations with Taiwan:

> I would make it an official liaison office so that they knew they had a governmental relation.

When asked if he would be prepared to inaugurate a two-China policy, he said:

> We had a two-Germany policy, and do have, and there doesn't seem to have been any conflict about that or any problem with it.

He said he thought a "two-China policy" would "be something very much worth exploring."

Mr. Reagan said:

> I want to have the best relations and have the Republic of China, the free Republic of China, know that we consider them an ally and that we have official relations with them.

Later, on June 20, in a briefing on Reagan's foreign policy, Richard V. Allen, a foreign policy adviser for Reagan, was reported as saying that Reagan believed that—

> At the minimum, there should be a retention of some official relationship between the United States and Taiwan.

I visited the People's Republic of China in early July, and I found considerable apprehension there about Mr. Reagan's statements and about what his policies might be if he were elected. I assured the Chinese leaders that I thought the American people and the Congress favored the continuum in U.S. policy toward the People's Republic of China that had been carried out during three administrations—Republican and Democratic. I said that I did not believe that this country favored turning back the clock in our relations with China.

At the conclusion of my trip, I called for candidate Reagan to make clear his views on U.S. relations with the People's Republic of China. Despite statements made by the candidate and his aides, I do not believe he has yet done so.

On July 10, during the Republican Convention in Detroit, his aide, Mr. Allen, again spoke on the subject, attempting to clarify the candidate's position. This time, Mr. Allen said that suggestions that Reagan might advocate a two-China policy were "simply not accurate."

I am encouraged by Mr. Allen's apparent repudiation of Mr. Reagan's earlier statements. But the Republican nominee's own views remain obscure.

Vice-Presidential candidate George Bush is presently visiting China. I hope

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

this can be interpreted as a recognition by the current Republican leadership of the importance of China in today's world and for future U.S. foreign policy interests. Prior to his departure, Mr. Bush was quoted as saying that he intended to use the trip—

> To articulate as best I can the objectives of a Reagan foreign policy.

Some articulation would certainly be welcome. But, again, this is not Mr. Reagan speaking, and it is well known that there were sharp differences between Mr. Reagan and Mr. Bush during the Republican primary campaigns. Even though Mr. Bush served as the head of the U.S. liaison office in Beijing before the opening of full diplomatic relations, his positions on relations with the People's Republic of China have not been clear cut either.

Mr. Reagan's Asia-Pacific policy—or his lack of a policy—has caused considerable consternation in Asia. A respected regional journal, the Far Eastern Economic Review, recently reported that:

> Following a briefing of Washington diplomats by Reagan foreign-policy aide Richard Allen, the diplomats could only conclude that the former California governor has predilections but no policy.

The Far Eastern Economic Review reported that:

> The most troubling of Reagan's predilections is for restoring some form of official American recognition to Taiwan.

A report in the July 11 edition of the magazine continued:

> Reagan is committed to some form of upgraded relationship with Taiwan. On the campaign trail the candidate typically concludes his stump speech with a promise of "no more Taiwans."
>
> Allen modified the candidate's stance to suggest that the United States would establish a liaison office of Taipei with a status identical to the liaison office which the United States maintained in Peking prior to normalization.

The article comments that a move such as that suggested by Mr. Allen "would be interpreted by China, and perhaps explained by a Reagan administration, as a form of official relationship."

In assessing Mr. Reagan's probable Asia-Pacific policy, the Review reported:

> His two major addresses on foreign relations barely mention the region, except to congratulate the private enterprise, thrift, and hard work of the people of Taiwan.

The article noted that Mr. Reagan defended himself against charges that he knew little about foreign policy by recalling that he had had an extensive discussion with "the King of Siam."

Apparently, Mr. Reagan was referring to the King of Thailand, a nation which is a close ally of the United States. Perhaps, because of his background, Mr. Reagan was recalling the musical, "The King and I," which is based on Margaret Landon's "Anna and the King of Siam," a story based on the 19th century monarchs. The country's name was changed from Siam to Thailand in 1939.

IMPORTANT ISSUES

The issues at stake in our Asia-Pacific policy are too important to be left hazy and vague.

The fact is that through the provisions of the Taiwan Relations Act, strengthened by Congress, we have maintained close ties with Taiwan. And the economy of Taiwan and United States-Taiwan trade are flourishing. Taiwan continues to prosper.

In 1979, after the United States had formally recognized the PRC, Taiwanese exports to the United States broke the $5-billion barrier, climbing to $5.6 billion, and constituting 35 percent of Taiwan's total external trade. Already, in the first 6 months of 1980, the export figure has reached $3.2 billion—a 26-percent jump over the same period last year.

Imports from the United States were $3.38 billion last year, a $1 billion increase over the previous year. Thus far during 1980 they have leaped by almost 50 percent more.

Putting these figures in context, it should be recalled that 10 years ago, two-way trade between the United States and Taiwan totaled only $700 million.

As the Christian Science Monitor recently reported:

> The economic relationship can continue to boom, and Taiwanese officials are confident it will do so.

In Mr. Reagan's comments on Taiwan, he chooses to ignore a very basic point: There was no way we could maintain an "official relationship" with Taiwan and still proceed with normalization and the building of strong ties with China.

If such a "two-China" policy were to be pursued, I fear that it would seriously undermine the increasingly important relationship which we have steadily and gradually built with the PRC. China would look upon any change in the current "unofficial" relationship between the United States and Taiwan as a direct affront.

The Republican candidate needs to clarify his position on this vital matter. And in doing so, he might be well advised to re-read the Shanghai Communique, agreed to by President Nixon in 1972, and subsequently the basis for normalization. The communique states:

> The United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is part of China. The U.S. Government does not challenge that position. It reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Chair.

Mr. President, I thank the majority leader for his statement this morning. I expect there are many issues on which we agree and some on which we disagree. Much of the content of his statement would not find a significant disagreement on this side of the aisle. But I fear that there is an overtone of criticism of Governor Reagan, the Republican Presidential nominee, with which we would all disagree.

I do not think, nor do I know of anyone on this side of the aisle who thinks either our candidate for President or Vice President believe that we should resume a policy of two Chinas. I do not believe that. I think Governor Reagan does not believe that. I think his statements on the matter would indicate as much.

I do not believe he wishes, nor do I wish, to try to turn the clock back to a previous era.

Instead, I believe we should go forward. I think Governor Reagan believes we should go forward, forward in elaborating and extending the good relationships which are growing and emerging between the United States and the People's Republic of China.

Having said that, I have no quarrel whatsoever with those who say that President Carter's treatment of Taiwan was shabby.

As one distinguished public servant from a previous administration said, we could have had that deal a long time ago; that is, we could have had a normalization of relations with the People's Republic of China at the expense of severing of relationships with Taiwan.

I do not believe we should have an "official relationship with Taiwan" in the commonly accepted sense. I do not believe that, notwithstanding what I think of as shabby treatment by the Carter administration of Taiwan, we can go back and undo it. That course is set and fixed. We must build on it as best we can.

Mr. President, the Presidential campaigns produce meaningful and significant debate on many issues, including the foreign policy of this country. It is highly proper and wholly anticipated that statements such as this, that is, a simple statement by Governor Reagan that we ought to improve our official relationships with Taiwan, which may not be precisely what he had in mind, will be thought of as one of the key elements in a Presidential campaign.

We know that slips of the tongue, or statements which are less than accurate in reflecting a person's thoughts or position, are not the province of one candidate. I recall hearing President Carter at the Democratic National Convention, speaking of our former colleague, the former Senator and Vice President of the United States, as Hubert Horatio Hornblower, referring, of course, to the late Senator Hubert Humphrey.

I understand that. I understand that we simply cannot make a single statement by either candidate or a misinterpretation of that statement, the criterion by which we judge his competence or fitness to be President of the United States.

I will look forward, as the majority leader will, I am sure, to further statements by Governor Reagan on what he proposes as our Far Eastern policy. The majority leader will not be surprised to know that I—and I see my friend from Illinois (Mr. PERCY), who is a member of the Foreign Relations Committee—may be so bold as to suggest what we think that policy ought to be.

I fully expect in the future we will have a more definitive statement of the Reagan foreign policy in the Pacific Basin and in Eastern Asia. I expect there will be no lack of clarity in that statement as it evolves and develops, and it will not be a significant issue in this campaign.

I have a high regard for Governor Reagan. I think he is an exceptional candidate for President. I believe he understands the necessity to build a foreign policy that will serve us in the decade of the 1980's and beyond. As proof of that, I would offer one personal observation.

During the week when the Democratic Convention was in session in New York, it was my privilege to travel to Europe, to visit our NATO neighbors, and to receive their briefing on the status of that alliance—a visit, by the way, which will be the subject of a report which I will later file and ask consent to be published as a Senate document.

I consulted with the Secretary of State, our former colleague, Mr. Muskie, before making that trip, and I consulted with Governor Reagan.

I indicated to him that I was certain his foreign policy with respect to NATO, with respect to arms limitation, and with respect to the modernization of theater nuclear weapons, would be matters of great interest to our friends in Europe.

Governor Reagan authorized me, not as a spokesman, but as a friend and associate, to say that an accurate portrayal of his views on NATO were that he believes it essential to the preservation of peace and stability, that he supports a strong defense, strong enough to withstand any threat, and to say that, notwithstanding his opposition to the ratification of the SALT II treaty (and I opposed that treaty—thinking it inadequate under present day circumstances), he believes there is a moral imperative requiring great nations to continue the negotiations to try to reduce the risk of nuclear war.

I cite that example only because I believe that foreign policy is neither created nor stated in a single instance. In the course of this campaign there will be statements on China. There will be statements on Japan, no doubt, and others on Taiwan. There will be statements about NATO, about Germany, France, and England, on the status of our defense generally and our alliances in particular.

Mr. President, the campaign in 1980 for President, I judge, probably will be more meaningful in terms of a debate of our foreign policy and national defense than any campaign we have seen since 1960, the time of the debate between former President Nixon—then Vice President Nixon—and then Senator KENNEDY, on the so-called missile gap.

I expect that there will be other mornings when we will discuss other aspects of the Carter policy and the Reagan policy; and the majority leader and I will do our best, I am sure, in our meager way and according to our talents, to clarify the positions of our respective candidates.

So I have absolute confidence that the people of this country will hear and understand the statements of our candidates in toto and not based on a single effort, a single statement, a single interpretation or a single aspect of that policy.

Mr. PERCY. Mr. President, I asked the distinguished minority leader to yield not for the purpose that I originally asked him to yield, to give a speech or a short statement on tax policy, but to comment on his remarks on the statement of the majority leader with respect to the Reagan speech.

I was not in the Chamber to hear the entire statement of our distinguished majority leader, but I know of the work he has done to strengthen our relationship with a fourth of the human race.

I look back 14, 15, or 16 years ago, when I ran for election against a beloved friend of mine, a former professor of mine at the University of Chicago, Paul Douglas. I disagreed with him on two things: First, the way we had entered the Vietnam war, without a real goal and objective clearly in mind, and we sort of stumbled along for years. Second, he was a founding member of an organization of a million Americans to keep Red China, as he called it, out of the U.N.

I felt that keeping the People's Republic of China out of the U.N. was a really backward policy. I felt that what we should do was to bring that country, representing almost one quarter of the human race, into the community of nations, have them sit in that council, and just let the world see two Communist countries—the People's Republic of China and the Soviet Union—competing with one another out in the open.

As a delegate to the United Nations, I later watched exactly what I had said 15 years earlier would happen at the U.N. We did not see a monolith of communism against the rest of the world. There was a split in the Communist world for the whole world to see, and there was evident bitterness existing between those two countries.

With respect to Governor Reagan's comments in connection with Taiwan, I have the privilege of serving on the Foreign Relations Committee with Senator HELMS. We do not always agree on every issue, but we do come together on many issues after consultation with one another. I have been honored to serve on the Reagan Foreign Policy Advisory Committee, under the chairmanship of our distinguished colleague Senator WARNER, who is in the Chamber at this moment.

Mr. President, with respect to Taiwan, I feel there is no question that Governor Reagan wants to protect the rights of the people of Taiwan but also wants a relationship with the People's Republic of China.

I made it very clear last year that I felt that the administration was wrong in the way in which it proceeded in making arrangements with the People's Republic of China and Taiwan.

First of all, I felt that there should have been consultation with at least the Senate. Second, I did not agree with the proposal that the United States state in the Taiwan Relations Act that we would view with mere grave concern any use of force against the people of Taiwan.

We wrung our hands with grave concern about Czechoslovakia and Hungary and we did nothing about it. It was my view that we should make it eminently clear to the People's Republic of China that we intended to do something about it if force was ever used against Taiwan.

The Senator from Illinois submitted an amendment, fought for it, but failed by only eight votes to get in the legislation language stating that an effort to resolve the Taiwan issue by other than peaceful means would be considered a threat to the security interests of the United States. The legislative history and the debate on that amendment in the Senate sent a clear message to the People's Republic of China that the continued peace and prosperity of Taiwan is of the utmost importance to the American people.

That is not to say that we do not want a good relationship with the People's Republic of China, but I believe it defines more clearly how strongly we feel about some things, just as the Chinese always have laid it right on the line and said how strongly they feel about certain things.

So I feel that these policies can be and will be worked out. We are not going to turn the clock back, and I do not believe Governor Reagan intended to do that. What he is saying very clearly is what I agree with—that an adequate defense is the best way to preserve peace. It is a deterrent. No temptation should ever be given an adversary to move in because they perceive a vulnerability or weakness or lack of will in the United States of America. They should recognize that any time our national security interest is threatened—in the Middle East or wherever it may be—we have the will, we have the might, and we must have the capability.

When a President of the United States says, "In the Gulf, this far and no farther," it means nothing if we do not have the capability, and the wherewithal to move that capability where it is needed.

That is why I back and support what the administration is doing in establishing three bases in the Persian Gulf area, with enough naval power to make certain we can protect and defend our interests there.

That is why I am asking the Japanese and NATO to step up their own efforts now. We cannot extend our operations in the gulf and increase our presence there without putting a strain on our capabilities in other areas, unless our allies step up their investment in their own self-defense.

Mr. President, I thank my distinguished colleague for the opportunity to comment on this colloquy.

Mr. ROBERT C. BYRD. Mr. President, my distinguished friend, the minority leader, has stated that in his opinion President Carter's treatment of Taiwan was "shabby." That can be a genuinely-held viewpoint.

I do not think it was "shabby." I think it was a step in the normalization process that had been first set in motion by Mr. Nixon and I think wisely so.

Under the terms of the treaty, of course, either side, upon giving a year's notice to the other party, could withdraw from the treaty, and that was done after due notice.

The distinguished minority leader also has indicated that there will be times when candidates will, by the "slip of the tongue," misstate their positions. I agree with that.

May I say that this is one Senator who has never hesitated to support a Republican President against my own party position if I thought that the Republican President's position was in the interests of the United States, as I did when I offered an amendment during the Vietnam war to clarify then-President Nixon's position and duty under the Constitution, which would require him to take whatever action was necessary to protect the lives of American servicemen. I offered the amendment to support President Nixon's actions in bombing the Viet Cong enclaves on the Cambodian side of the border.

Nor have I hesitated to criticize my own President if I thought he was wrong. Nor have I ever departed from the realization that I can be wrong in both instances.

But I think that the thrust of the distinguished minority leader's response is to the effect, if I interpret it correctly, that we should not base criticism on a "single statement" by either candidate or upon a "slip of the tongue." That is precisely what I am talking about.

Mr. Reagan has repeatedly from time to time indicated—at least I have interpreted his statements thusly—that there should be some "official" status accorded to Taiwan and therein "hangs a tale."

I think it would be very detrimental to our policy of normalization with the People's Republic of China if we turned the clock back by according some "official" status to Taiwan.

The PRESIDING OFFICER (Mr. BOREN). The Senator's time has expired.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished minority leader yield me some additional time?

Mr. BAKER. Mr. President, I yield. I do have 5 minutes under the order. Mr. President, I yield 4 of those minutes to the distinguished majority leader.

Mr. ROBERT C. BYRD. I thank the distinguished minority leader for his courtesy, which is characteristic of him.

I think that any degree of "official" status accorded to Taiwan would be detrimental to our policy of normalization which was begun under what I considered at the time to be a courageous act by Mr. Nixon. I felt that he was probably the one man who could initiate the normalization process. I think it would be detrimental to that policy which he initiated and this I am sure would set back our relations with the People's Republic. The American people are entitled to know what his position is.

I am delighted to hear the distinguished minority leader state, as I thought I heard him say, that he does not believe that there should be any "official relationship" with Taiwan. That is precisely my own position. I hope that is also Mr. Reagan's position. That seems to be the position of his aide who has on a number of occasions attempted to clarify Mr. Reagan's position. But one cannot be sure that that is Mr. Reagan's position. That is what has me concerned. I am sure it has the People's Republic of China concerned, and I am sure that the American people are concerned. They want to hear from the candidate's own lips precisely what his position is. Is he talking about "official relationship" with Taiwan or is he not? Perhaps it was a slip of the tongue the other day when he was present at the departure of Mr. Bush for the People's Republic. Maybe it was a slip of the tongue. Perhaps it arose from some misunderstanding on the part of Mr. Reagan of just precisely what "official relationship" means. Perhaps it was not meant to convey what the term connotes, but in any event that is what we are waiting to hear. This is the sole thrust of my statement this morning.

Let us hear from Mr. Reagan what Mr. Reagan means. Does he indeed mean that he would restore an "official" relationship with Taiwan? If he is talking about a liaison office with Taiwan, that is a form of official relationship. That lends officiality, government to government, and that is what has those of us disturbed who do not want to see the clock turned back, who do not want to see the normalization process delayed, impeded, or set on an opposite course.

It is not a "single" statement that puzzles us. It is not an inadvertent single slip of a tongue. It is the continued zigging and zagging on this point that I hope that Mr. Reagan will clarify.

I thank the distinguished minority leader for his courtesy in yielding to me, and I also say again that I am pleased that he, if I have not misstated his position, believes as I do, that we should continue the normalization process and that there should not be a restored relationship which connotes or establishes governmental officiality between this country and Taiwan.

Mr. BAKER. Mr. President, once again I thank the majority leader and he does correctly understand me. I said earlier that I thought President Carter and his administration had not treated Taiwan wisely or well, but that is behind us. The fact is we did normalize relations with China and we simply and wisely must build on it now. I think we should build on it. We cannot turn the clock back.

I guess the rub here and the essence of the dialog today is what is meant by an official relationship.

I said earlier I do not believe that Governor Reagan meant to imply official in the commonly accepted sense but rather something that would protect the rights of the people of Taiwan and would not interfere wth the future course of normalization.

The majority leader is right. This is an issue on which there should be further discussion, and I trust there will be, and I fully expect that Governor Reagan and his spokesmen will have more to say on this subject in the next few days. I hope so, and I pledge that I will do my best to see that there is a worthwhile, meaningful discussion of this issue in the course of this campaign.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, that Senators may speak therein up to 5 minutes each, and that the period not extend beyond 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TAX REDUCTION

Mr. PERCY. Mr. President, the Senate Finance Committee this week will put the finishing touches on a tax reduction package which I hope the full Senate will consider expeditiously. I want to commend the members of the committee for acting so quickly and decisively on the tax cut question.

As 1 of 37 Republican Senators, led by Senators DOLE, ROTH, and BAKER, who urged the Senate to adopt a tax cut package last June, I am particularly pleased that action now appears imminent and that the committee has agreed that the tax cut should take effect on January 1, 1981.

However, Mr. President, the $25 billion to $30 billion size of the tax cut the Finance Committee is considering should not be looked upon as excessive or even adequate. A tax cut of this size is not really a tax cut at all from present levels. Taxes will increase by almost $90 billion in the next fiscal year. A cut of the magnitude being considered by the committee will not even come close to that figure.

According to figures prepared by the Joint Committee on Taxation, individual income tax liability is expected to increase by $35 billion between calendar year 1980 and calendar year 1981. Some $15 billion is attributable to automatic tax increases which result as inflation pushes taxpayers into higher tax brackets.

In January 1981, the social security tax on employers and employees is scheduled to rise from $138.5 billion in 1980 to $160.6 billion in 1981. Of this increase, $16 billion results from scheduled increases in the rate and the base of the tax. We must offset these tax hikes.

It is my hope that the committee will approve as part of the package significant reform of our tax depreciation system for business investment, such as that included in the Tax Reduction and Job Creation Act of 1980; namely, the 10-5-3 proposal. The adoption of this measure or a similar one is absolutely essential if we are to rebuild the capital base of our economy and create jobs for the future. This must be a matter of highest priority.

The tax changes being considered now by the Finance Committee have been urgently needed for several years. Over a year ago my good friend, Senator JAVITS, spearheaded an effort within the Republican Policy Committee to draw up an effective anti-inflation tax program. Senator JACK DANFORTH and I cochaired a task force to evaluate proposals for spurring capital formation and productivity.

All 41 Republican Senators joined in endorsing the economic program in July 1979 and in introducing tax cut legislation. Senator JAVITS is to be strongly commended for his foresight in focusing national attention on tax reform. Our recommendations in that statement of over a year ago were: First, to stimulate savings by enacting a savings interest exclusion and widening the present dividend exclusion. Second, to spur investment and productivity by accelerating depreciation allowances. In fact, our Republican plan incorporated the Capital Cost Recovery Act now under discussion in the Finance Committee. Third, to increase spending for research and development of new products and processes, we recommended R. & D. tax credits.

Each of these elements, as well as others, are now under discussion in the Finance Committee. Their passage will begin to revitalize the economy, building on the success of the 1978 Revenue Act.

Mr. President, we must also continue our work to stimulate capital formation by further reducing the tax on capital gains. Senator CRANSTON and I have introduced legislation to cut the maximum effective rate of the capital gains tax from 28 to 21 percent for both individuals and business. This measure builds upon the success of one of the most effective investment incentive proposals ever enacted by the Congress—the 1978 capital gains tax cut.

I wish to point out that Senator SCHWEIKER has also introduced worthy legislation to cut capital gains tax.

I would like to pay tribute to the late Congressman Bill Steiger for his leadership of the successful 1978 capital gains tax cut effort.

That tax reduction did not cost the Treasury a dime. The best estimates are that by reducing the maximum effective tax rate on capital gains from 49.1 percent to 28 percent we have actually increased the flow of funds to the Treasury by almost $1 billion. We can and should build upon that success by further reducing the tax on capital gains. This would also serve to divert funds from tax shelters to productive investments which will create jobs.

I urge the Finance Committee to include a further cut in its tax package.

Finally, Mr. President, individual income taxes must be reduced to offset the massive increases which will be imposed next year. Most economic experts agree that the recovery from the recession next year will be sluggish, largely due to the increase in the burden that taxpayers will be forced to bear.

Meanwhile, Mr. President, Federal spending continues to grow by leaps and bounds. According to statistics compiled by the Congressional Budget Office, the Federal budget will increase from $493.7 billion in fiscal year 1979 to $580.3 billion in fiscal year 1980, representing a 7.8-percent real growth in spending after adjusting for inflation. For fiscal year 1981, Federal spending under the first budget resolution will climb to $631.4 billion.

Those who argue that we cannot afford a tax cut, that it will be inflationary, are, in my judgment, overlooking the real culprit, runaway Federal spending. It must be reduced and reduced drastically.

Clearly, the time to act is now. Again, I commend the Finance Committee for initiating this important legislation and I urge its members to adopt a tax reduction package that will provide for a speedy economic recovery next year and will lay a firm foundation for the growth and prosperity of our economy in future generations.

We need to forge a new compact between business and Government to try to reduce the purely adversary relationship that has predominated for so long. Japan's and West Germany's economies are strong because the Governments in those countries promote job creation and economic stability. This cooperative attitude is a large part of their success story. We should carefully study their economies and see what elements of this partnership will work on these shores.

Tax incentives for investment and productivity are a good way to begin to move in this direction. A coalition of labor, business, government, and consumers will help the economy immensely and will keep the economic pie growing.

We know tax incentives work, as I outlined in a recent letter to Senator LONG.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the letter that I sent on August 12, 1980, to Senator LONG, chairman of the Finance Committee.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, D.C., August 12, 1980.

Hon. RUSSELL B. LONG,
Chairman, Finance Committee, U.S. Senate, Washington, D.C.

DEAR RUSSELL: As the Finance Committee prepares to consider tax reduction proposals next week, I want to take this opportunity to share with you my thoughts about the structure of the Senate tax package. My feelings are strongly reinforced after in-depth discussions with business, labor and banking leaders the past several weeks.

I have cosponsored and support the tax reduction proposals embodied in S. 2878, which provides for a 10 per cent across-the-board cut in individual income taxes and the 10–5–3 tax depreciation plan for business. It is clear to me that investment incentives in the form of faster write-offs for business must be enacted as soon as possible as a matter of highest priority. Furthermore, we should act to offset the tremendous increase in the individual tax burden, estimated to rise by $40 billion next year alone due to inflation and Social Security tax hikes.

The major purpose of this letter, however, is to urge the Committee to include in its tax package a further reduction in the capital gains tax. Senator Cranston and I have introduced legislation, S. 2923, which would cut the maximum effective tax rate from 28 to 21 per cent. The Cranston-Percy bill builds upon the success of one of the most effective investment incentive proposals ever enacted by Congress, namely the 1978 capital gains tax cut.

I gave the 1978 capital gains tax reduction my full support. I have always felt that Federal revenues—as well as private sector jobs—would increase as a result of the additional economic activity generated by a tax reduction. In a detailed letter to President Carter over two years ago, I strongly recommend that he reverse his opposition to the proposed Steiger-Hansen capital gains tax cut.

Regretfully, the Treasury Department never really understood how this type of tax cut would work. They strongly opposed the 1978 capital gains tax reduction because of a projected $2.2 billion static revenue loss. Later the Department acknowledged that there might be an actual increase in tax receipts, as a result of the cut, of $573 million in 1979 and $535 million in 1980. More recently, these estimated revenue increases were revised upward again by the Treasury to $900 million in each year.

Clearly, these statistics, along with evidence from recent studies, show that the 1978 capital gains tax cut was an effective element in stimulating investment and in generating additional revenues for the Treasury.

According to statistics compiled by a recognized expert, Oscar S. Pollock of the New York investment house of Ingalls and Snyder, the 1978 cut improved the value of common stocks and encouraged risk-taking. The value of equities rose from $1,086 billion in 1978 to $1.245 billion in 1979. New capital raised by venture capital firms skyrocketed in 1978 and 1979, increasing from $39 million in 1977 to $570 million in 1978 and $319 million last year. Aided by this new capital, disbursements of venture capital firms rose from $100 million in 1977 to $550 million in 1978 and $1 billion in 1979. New capital raised through initial public stock offerings also showed vast improvement, climbing from $153 million in 1977 to $250 million in 1978 and $506 million last year.

In his study, Mr. Pollock criticizes the Treasury for its overly conservative estimates of revenue gains from the 1978 capital gains tax cut. Although the Treasury's most recent estimates are almost twice that of its original projections, Mr. Pollock believes even they are too low.

The Treasury Department, according to Mr. Pollock, bases its figures on an unusually low effective capital gains tax rate, one computed on an income distribution with a lower percentage of high income taxpayers than should be expected in 1979 and 1980. This, coupled with the omission of the effects of "bracket creep" on individual tax rates, results in a lower effective capital gains tax rate. The consequence is that tax revenues are considerably underestimated.

Similar evidence gathered by the Securities Industry Association (SIA) also supports the view that investment tax cuts are economically stimulative. According to SIA, major stock market indices have shown impressive gains since the 1978 tax cut. Both the Standard & Poor's 500 Index and the N.Y. Stock Exchange Common Stock Index made healthy advances in 1979, rising by 12.3 percent and 15.5 percent, respectively. The American Stock Exchange and NASDAQ indices—reflecting smaller, potentially high-growth companies—rose even more dramatically last year, by over 64 percent and 28 percent, respectively. The first six months of 1980 have shown continued strengths in each of these markets.

According to SIA, capital raised by smaller companies—those having a net worth of under $5 million—was virtually non-existent in the first half of 1978: only $1.2 million was raised by a single issuer. By contrast, in the second half of 1978, when it looked like Congress would pass the tax cut, there were initial offerings by 20 small companies totaling $128 million. By 1979, these offerings had risen to $182.7 million, the highest level since 1972.

An SIA survey conducted late last year by Opinion Research Corporation found that one-fourth of those surveyed reported new or increased investment because of the reduction in capital gains taxes. One in 10 of the survey group reported capital gains realizations as a result of the law change. This survey underscores the positive effect of this tax cut on investment and mobility of capital and bolsters the empirical evidence.

The economy needs investment-oriented tax cuts such as S. 2923, the Cranston-Percy bill. The 1980 Joint Economic Committee Report points out that the malaise in the economy was attributable in part to the absence of a healthy level of capital formation. The Committee's report also noted that the Bureau of Labor Statistics has found that "the 1973–78 slowdown is dominated by the effects of reduced capital formation."

Our country's effort to generate capital differs markedly from other major industrial countries. According to the latest OECD data, U.S. investment amounted to only 15.6 per cent of gross domestic product (GDP) in 1979. When compared with our major trading partners, we are dead last in this category; even Great Britain reinvests more of its national output than we do. Interestingly, the French are reinvesting as much as the Germans and have initiated sweeping new investment incentives in the last two years. Over this period of time, activity in the French stock exchange has jumped 60 per cent. Over a million new French investors have appeared, half of them estimated to be in the market for the first time.

Additionally, an SIA-commissioned study by Arthur Andersen comparing international tax levies on capital, is a valuable analysis that has been submitted to your committee. It shows that U.S. taxation of investment in stocks exceeds that of other major industrial nations.

Cutting taxes is, of course, only part of a larger program to arrest our slide in productivity and reinvigorate the economy. The Governmental Affairs and Judiciary Committees have reported legislation making widespread changes in the Federal regulatory process. This legislation, which is also urgently needed, will make sure that regulations are cost-effective before they are implemented. The legislation will indirectly contribute to the formation of capital by reducing regulatory costs to business, thereby freeing up scarce resources for productive investments.

It is now time for us to write the second chapter to the 1978 Revenue Act by reducing capital gains taxation even further. The record shows the reduction has worked amazingly well. I know of your interest in reducing this tax even further and I stand ready to work with your Committee in any way I can.

Warm personal regards,

Charles H. Percy,
U.S. Senator.

HUMAN RIGHTS

Mr. PERCY. Mr. President, article 13 of the Universal Declaration of Human Rights stipulates that everyone has the right to leave any country including his own.

However, we know that many countries violate this stipulation. Among them is the Soviet Union which acts as though it owns its citizens. By political fiat and bureaucratic arbitrariness, most Soviet citizens who wish to emigrate are denied that basic human right.

On July 25, 1980, my own Congressman, John Edward Porter of Illinois, and his colleague, William Lehman of Florida, introduced a concurrent resolution, House Concurrent Resolution 389, on this subject, and—as amended by Representative Clement Zablocki—it was agreed to by the House of Representatives on July 31, 1980.

The resolution calls attention to the case of Vladimir Kislik, a distinguished Soviet scientist who was not allowed to emigrate with his wife and son in 1973 and who has since been subjected to constant harassment, including threats, surveillance, interrogations, beatings, and commitment for a time to a mental hospital. The resolution calls on the President to urge the Soviet Union to allow Kislik and other Soviet human rights activists to emigrate, and recommends that the plight of such activists be raised at the Madrid review conference on the Helsinki accords, to be held in Madrid starting on November 11.

Kislik's case is an example of the deprivation of freedom suffered by innumerable Soviet citizens who have applied for exit permission but whose applications have been denied. It is not only unjust, but also cruel, for a government to violate so clearly the provisions of the Final Act of the Conference on Security and Cooperation in Europe relating to the reunification of families, and article 12 of the International Covenant on Civil and Political Rights which guarantees the right of emigration.

The concurrent resolution has been received from the House and referred to the Committee on Foreign Relations where I hope it will be considered promptly.

THE DEATH OF ALBERT HERMANN

Mr. BAKER. Mr. President, it was with great sadness that I noted this morning the passing of Albert B. Hermann, a longtime official of the Republican National Committee and a longtime friend of all of us on this side of the aisle.

For more than four decades, A. B. Hermann has been active in Republican politics—at first in Milltown, N.J., later on the staff of the late Senator Warren Barbour of New Jersey, and, since 1949, at the Republican National Committee.

Prior to his service to the Republican Party, A. B. spent 10 years as a major league baseball player for the old Boston Braves.

During his tenure at our national committee, he served as its executive director, its campaign director, an assistant to the Republican National Chairman, and, at the time of his death yesterday, as chairman of the Republican National Speakers' Bureau.

Throughout that time, he served as a key adviser to 14 national chairmen, 3 Presidents, and countless Republican candidates and officeholders.

A. B.'s wise counsel over the years has been an invaluable assistance to so many of us. And his tireless, enthusiastic endeavors in behalf of a better government and a better life for all Americans has been an inspiration to us all.

We on this side of the aisle, particularly, but all of us in Government, as well, have lost a good friend. We shall not soon forget him.

And I know I speak for each Member of the Senate in expressing my heartfelt condolences to A. B.'s wife, Sylvia, his daughters, and other relatives.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business has expired.

TONNAGE MEASUREMENT SIMPLIFICATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the pending business, Calendar 937, H.R. 1197, which the clerk will state by title.

The legislative clerk read as follows:

A bill (H.R. 1197) to simplify tonnage measurement of certain vessels.

The Senate resumed consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I understand that Mr. Melcher is conducting a hearing or participating in a committee meeting of some sort and will not be able to come to the floor until about 12:15. May I ask the distinguished Senator from Virginia (Mr. Warner) if he has anything to say?

May I say that the distinguished Senator from Montana (Mr. Melcher) can be assumed that no action will be taken in his absence that will prejudice his position or that of Mr. Metzenbaum, who is on the floor.

In the meantime, Mr. Warner, one of the cosponsors of the amendment—as a matter of fact, the chief cosponsor—is prepared to speak, and I am prepared to yield the floor to anyone who wishes to speak. Through the cloakroom Mr. Melcher will be advised that no action will be taken.

Mr. METZENBAUM. Mr. President, I appreciate, on behalf of Mr. Melcher and myself, the fact that the majority leader is protecting our position on the floor. He and I are in committees, and we appreciate that very much.

The PRESIDING OFFICER (Mr. Exon). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I rise in support of the amendment of the distinguished majority leader in which he very thoughtfully characterizes me as the principal cosponsor. The amendment is now being referred to as the Byrd-Warner amendment.

In fairness to my colleagues and others interested in this legislation, I want to address two matters that have come before the Senate this morning bearing on this issue: First, the letter dated August 18, 1980, from Secretary of Interior Cecil D. Andrus addressed to all Members of the Senate; and, the second, an editorial appearing in the Washington Post today entitled "No Time to Strip the Mining Act."

First, the letter from the Secretary of Interior addressed to each Senator reads as follows:

U.S. Department
of the Interior,
Office of the Secretary,
Washington, D.C., August 18, 1980.

Hon. John Warner,
U.S. Senate,
Washington, D.C.

Dear Senator Warner: The Department of the Interior is now in the final stages of completing its review of programs submitted by 24 coal producing States under the landmark Surface Mining Control and Reclamation Act of 1977. The prompt review and the granting of primacy to the States in the regulation of surface mining has been a major goal of my Department, and that process will soon be completed. I have approved the programs of Montana and Texas, so they have full power to regulate surface coal mining. It is now quite likely that eight or more States will receive approval shortly. Large parts of many other State programs will be approved in September. By January, I will have made final decisions on all State proposals, and I expect that most of them will gain primacy under the Act. Even though the State program review process will be completed in the next five months, a last minute effort is being made to pass a revised version of S. 1403 which could delay that process for years. Such a radical step is both unwarranted and unwise.

S. 1403 was originally considered by the Senate a year ago to accomplish three goals: (1) extend the deadline for submission of State programs, (2) delay implementation of the Federal lands program, and (3) eliminate the existing statutory requirement that State programs be consistent with the Department's regulations.

I shared the Senate's concern over the first two problems: but these have already been accomplished and no longer require Congressional action. As a result of judicial and administrative changes in the deadlines, all States had time to submit programs. I adopted regulations to delay implementation of the Federal lands program to coincide with the approval of State programs. Legislative changes are no longer needed in these two areas.

Only the third provision of S. 1403—eliminating Federal regulations—has not been implemented because it is totally unproductive. The attempt to eliminate the requirement that State programs must be consistent with the Department's regulations runs completely counter to the intent of the original Act. Congress knew that the Department needed to adopt regulations to insure that the environmental purposes of the Act are met. The legislative history is clear that the general language of the Act must be supplemented by regulations to insure its full implementation.

Our experience with the Act confirms the wisdom of this legislative history. The Department's regulations were adopted after careful consideration and lengthy public participation and have been subjected fully to judicial scrutiny. They set the basic regulatory yardstick for measuring all State programs. Removal of the regulations will throw questions of basic statutory interpretation resolved by those regulations into 24 separate district courts across the country. The law will be interpreted differently in Kentucky than in Tennessee, in Illinois than in Indiana. Prime farmland provisions, for example, could be interpreted with wide variation, thus critically weakening the important protection that Congress gave to our Nation's agricultural productivity.

The harmful effects of eliminating these regulations should not be underestimated. The differing court-imposed interpretations of the statute could last for years while the judiciary struggles to resolve the conflicts. States with strong laws would be penalized; those with weak ones would be rewarded. The lack of definitive standards will cause the coal industry great uncertainty. We know from long experience that prudent coal industry management will hesitate to invest in new mines while standards remain unsettled. The Nation cannot afford this delay.

The deletion of the Department's regulations will also cause untold delay and confusion in the process of approving State Programs. Under S. 1403, each provision of the State program would have to be individually scrutinized and lengthy documentation compiled to be certain that my final decision withstands judicial challenge. New hearings would have to be held to allow industry, States and the public to reevaluate each State program. This alone would take months. Litigation by citizens, the industry and perhaps even the States, would mushroom if S. 1403 becomes law. Again, this means more delay. The bill cannot help but delay the passage of power to the States: State program approvals will be tied up; meanwhile dual State/Federal regulation will be extended.

This is the opposite of what the Department and the Congress have sought—turning reclamation authority over to States that have adopted strong regulatory programs. S. 1403 would similarly delay the use of the abandoned mine land fund to reclaim thousands of acres of orphan lands stripped of vegetation, polluted by acid drainage from abandoned mines, and scarred by subsidence, gob piles and other hazards.

One year ago, the Senate received many letters from States accusing the Office of Surface Mining of being inflexible and insensitive to States' concerns. The States said that the path to primacy was rocky, if not impassable. As a result, we redoubled our efforts to work with the States. We revised our regulations to give States more time to submit programs. At the request of the Western States, we changed the schedule for the implementation of the Federal lands program to coincide with the approval of State programs. We made great efforts to demonstrate the flexibility in the regulations and to show the States how to gain approval of alternative regulations. These efforts have produced good results. All States that wished to submit programs were able to do so on time. Two State programs have been approved and several more approvals are imminent. Other States are making great progress. The process has been flexible. Wyoming's program, which is near approval, has hundreds of variations from OSM's regulations. Kentucky's program, which is in the initial review process, also has countless differences which may well be approvable. All States contain some variations and over a hundred alternative State regulations have been proposed specifically to meet local conditions perceived by the States themselves. These accomplishments have been realized by following the law that Congress passed in 1977 and with the active participation of the public, the States and the coal industry.

In five months, without S. 1403, we will know the results of the State program approval process. If changes are needed, they can be made then. By contrast, if the bill becomes law, we will move into an unknown arena and begin a process that could cost us years without giving us any benefits. The best interests of States, the industry and the public will be served by completing, without change, the process the Congress began in 1977.

Sincerely,

Cecil D. Andrus,
Secretary.

Mr. President. those of us in favor of this legislation have a burden to rebut those assertions.

Further. the editorial in the Washington Post this morning reads as follows:

Passage of the historic Surface Mining Control and Reclamation Act, requiring restoration and reclamation of the land after it has been stripped for coal, took years and years of congressional effort. Development of regulations by the Interior Department to put the law into effect took several more years. Administrative and judicial challenges to some of these regulations occupied more time, and most have now been settled. Finally, affected state governments have finished or are in the final stages of working out individual programs tailored to each one's situation, but meeting the minimum standards of the federal law.

It may seem inconceivable that after all this, just a few yards from the finish line, anyone would try to call off the whole business and start over. But this is exactly what Senate Majority Leader Robert Byrd is attempting to do—and by means of a tactical maneuver.

A year ago Sen. Byrd and other coal-state members succeeded in passing a bill that would have erased the specific requirements of the federal law and allowed each state to set its own strip mining rules. Opposition in the House killed that bill. Sen. Byrd this time has attached his bill as an amendment to a merchant marine bill that has already passed the House.

As Senate forces lined-up yesterday for a filibuster and cloture vote battle, opposition to the Byrd amendment was heard from a new quarter—one that should give the senators some second thoughts. The governors of Montana, Wyoming and North Dakota, three states that together account for the vast majority of western coal, all voiced their opposition to the measure. Noting that each of their states had, after years of work with the Department of the Interior, finally neared agreement on regulatory programs, the governors warned that passage of the Byrd amendment would only produce more delay, confusion and new problems.

National strip mining standards to prevent the kind of devastation that has been visited on Appalachia are necessary—and inevitable—if coal is to play a major part in the country's energy future. The federal standards have been debated and scrutinized down to the last comma. They will allow profitable strip mining and still protect the land. Further shortsighted, last-minute opposition will only delay the time when mining of the West's immense coal reserves can begin.

Mr. President, my rebuttal to those series of allegations is as follows.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. WARNER. Yes, I yield to the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator has just read the editorial which stated, I believe, regarding the bill which was passed by the Senate last September, that opposition in the House "killed" that bill. Is that not what the editorial says?

Mr. WARNER. I just sent the editorial to the desk. Let me refresh my recollection.

Mr. ROBERT C. BYRD. Does the Senator know of any vote by the full House? Would the Senator state for the RECORD as to whether or not the House has ever had an opportunity to vote up or down on that bill?

Mr. WARNER. Quite the contrary, it is my understanding that the chairman of the committee of the House to which this particular piece of legislation has been sent has very skillfully, by means of a parliamentary maneuver, thwarted the members of his committee in their effort. I understand that the majority of that committee, 25 in number, have asked that the matter be taken up by the committee, but he has within his authority, apparently, the parliamentary control such that even a majority of his committee cannot address the measure passed by this body.

Mr. ROBERT C. BYRD. So the House, indeed, has not had an opportunity, as a body, to vote on that bill up or down and thus kill the bill?

Mr. WARNER. That is my understanding.

Mr. ROBERT C. BYRD. The editorial also refers to the bill of last September as "a bill that would have erased the specific requirements of the Federal law and allowed each State to set its own strip mining rules."

Is that an accurate statement?

Mr. WARNER. Not to my understanding.

Mr. ROBERT C. BYRD. That the bill would have "erased" the specific requirements of the Federal law?

Mr. WARNER. That has not been our intention and it is not, in my judgment, the purport of the amendment that we have submitted.

Mr. ROBERT C. BYRD. Does not the package of amendments that were passed last September, which constitute the same amendment which the distinguished Senator and other Senators joined with me in introducing in this instance—require that the States comply with Federal law; not that the Federal law be erased, but that States comply with Federal law?

Mr. WARNER. That is precisely right. The Federal law stays in place.

Mr. ROBERT C. BYRD. And as to allowing "each State to set its own strip mining rules," that would sound as though the amendments which are now being offered, which are the identical amendments to those passed last year, would simply leave the matter up to the States. Each individual State could set its own strip mining rules, according to the editorial.

One would easily get the impression from reading this line in the editorial that if the amendments which are now before the Senate are adopted, then Federal law is set aside because the bill would have "erased" the specific requirements of the Federal law, and each State would then be simply on its own. Is that an accurate interpretation of the verbiage?

Mr. WARNER. That interpretation is possible, and I certainly hope our colleagues are not persuaded in that direction because it is not what we are endeavoring to do.

Mr. ROBERT C. BYRD. Under the pending amendment, the States would be able to define their mining and reclamation plans, to formulate such plans, based on the Federal law and the requirements therein. It is my understanding that there are 115 performance standards set forth in the Federal law. The States would have to conform to those requirements, and any plan drawn up by a particular State would still have to have the approval of the Secretary of the Department of the Interior, through the Office of Surface Mining. So the State is not allowed to just go hither, thither, and yon on its own, ignoring the Federal law, and just set up its own plan willy-nilly. That plan, under the amendments before the Senate, would have to conform with the Federal law which was written by the elected representatives of the people. There are 115 performance standards in that law. But in addition, the States are now being asked to conform to 550 pages of additional regulations that have been formulated by Federal bureaucrats.

Mr. WARNER. Many of which have been struck down by the Federal courts.

Mr. ROBERT C. BYRD. Yes.

So there is the level set forth by the Federal law below which no State could go. Am I correct?

Mr. WARNER. Absolutely correct. As a matter of fact, the Federal law will be the cohesiveness between all the States, providing a floor and the fabric through which the States will then adopt their own regulations.

Mr. ROBERT C. BYRD. The amendments would allow the various States that have terrain unique to themselves to draw up plans, mining and reclamation plans, that take into consideration the particular terrain and other differences that exist among the States, and those plans would still have to be approved by the Secretary of the Interior, working through OSM. Is that correct?

Mr. WARNER. That is correct.

Mr. ROBERT C. BYRD. West Virginia, which is very mountainous and hilly, and Kentucky, which is the same, and Virginia have different problems than those that are encountered in surface mining in States which are quite level in their terrain. Is that correct?

Mr. WARNER. That is absolutely correct. I think we can take, as they say in the courts, judicial notice that much of the area being strip mined in North Dakota and Montana is quite level.

Mr. ROBERT C. BYRD. Yes. So it is not unreasonable for the States in drawing up their reclamation plans to be allowed to take into consideration the unique terrain and other differences that justify some differentiation in the plans.

Mr. WARNER. That was the intent of Congress.

Mr. ROBERT C. BYRD. That was the intent of Congress.

Mr. WARNER. We did not wish to penalize any particular State because of its God-given topography.

Mr. ROBERT C. BYRD. I thank the distinguished Senator. This should be helpful in clarifying the questions that may be raised by a reading of the editorial.

Mr. WARNER. I think it was incumbent to raise the editorial. As a matter of fact, we are the first this morning to bring up this editorial. We should clearly explain why we feel it could be misinterpreted.

Mr. ROBERT C. BYRD. Mr. President, I believe that the American people have had their bellies full of regulations if I sense the temper of the American people, and as I listen to my colleagues who have talked with their constituents. The American people are being overly burdened by too many regulations, too much redtape, and too many reports required to be filed by this agency, that agency, and other agencies. The reports are often overlapping. They are redundant. They are duplicative. They are costly.

It seems to me that this is an effort, as we propose this amendment, to recognize some of the differing problems that confront the States by topography, and terrain, and to try to relieve them of some of the duplication, unnecessary repetition, some of the burdensome bureaucratic regulations that bear heavily upon them, which increase the cost of coal, and which, in many instances, are so unduly burdensome as to force coal mines to close.

Perhaps I am the only Senator in this body who can speak from the standpoint of having grown up in coal mining communities, having been the adopted son of a coal miner, and having lived back in the days when we did not have many of the modern pieces of machinery one finds in the mines today. Safety was one of the things in those days which was not given the attention, the priority, it should have been given. The same can be said of the treatment of the environment.

If one looks at the hills in West Virginia, one will find many of them shamefully scarred. But if one studies the matter and examines it further, one will find that those scars have existed for many, many years and are the result of mining which was carried out years ago, before the very strict surface mining law enacted by the West Virginia Legislature went into effect.

So there are two sides to this question. I want to see a proper balance. I do not want to see the hills and mountains of West Virginia ravaged so disgracefully as they have been, with no orderly reclamation, no plans for reclamation, with no thought or effort given to restoring them to their original contour and beauty.

But West Virginia now has a very strict strip-mining law, and this country has an energy problem. It is not an energy problem that can wait 10 years or 20 years or 30 years; it is an energy problem that has to be dealt with now. If tomorrow morning's headlines were to state that Persian Gulf oil has suffered a cutoff, this country would be in a very difficult position and so would our allies—Japan, West Germany, France, Italy, and others. So the energy problem is very real and there must be, as I say, a balance between dealing with our environmental needs and our energy problem. Those of us who support this amendment are not attempting to destroy the Federal law, the strip-mining law. We are simply attempting to make it possible for States to apply that law in a reasonable way that will deal with the environment and, at the same time, allow us to deal with our energy problem.

The Federal law goes untouched. The performance standards in that law go untouched. Am I correct? I ask the distinguished Senator from Virginia.

Mr. WARNER. That is correct. Mr. President, we addressed that very point in a letter the majority leader and I prepared for our colleagues on August 6. On the second page, we said:

> Our amendment does not weaken the environmental requirements of the Surface Mining Act. It will not overturn any of the Act's very specific protection for the environment, nor will it allow states to ignore, reject, or circumvent the Act's environmental provisions. Further,

I do not know how we can be more explicit. I certainly join the distinguished majority leader in the effort to see that we do preserve the progress made to date respecting environment and we continue.

Over the recent recess, I forwent plans for trips and vacation to go to coal country, as I did last Thursday and Friday, in Virginia, and spent a half-day down in a deep mine shaft, 1,000 feet below the surface of the good Earth, working right there, side by side, with the miners.

Might I say, parenthetically, in my judgment, they earn every nickel that they receive for that dangerous work.

Later that day and throughout the next day, I visited the surface mining areas of Virginia, where thousands upon thousands of people are out of work because of the inconsistency between the Federal and State regulations. They have thrown up their hands. They place upon us the responsibility to untangle this confusion. I think our amendment does precisely that.

Mr. President, the leader and I have been joined on the floor by our distinguished colleague (Mr. HATFIELD), who wishes to participate in this colloquy.

Mr. ROBERT C. BYRD. May I ask the Senator just to yield briefly first?

Mr. WARNER. Yes.

Mr. ROBERT C. BYRD. Mr. President, we have seen, as I was about to indicate earlier, the pendulum swing. Congress has acted to provide laws that protect the safety and the welfare of coal miners, whereas, in an earlier day, their safety and welfare were not given a great deal of priority.

Mr. RANDOLPH. Will the majority leader yield?

Mr. ROBERT C. BYRD. Congress has acted in the same way to protect the land against the hazards that, in an earlier day, were allowed to damage and destroy much of the environment. So the pendulum has swung. But in some instances, it has swung too far with respect to surface-mining regulations, may I say.

We are asking that the law be the guiding light, that it be the watchtower by which States may be guided in their promulgation of mining and reclamation plans. We are not asking that the law be set aside. We are not asking that the law be erased. We are merely referring to the burdensome regulations that inhibit surface coal mining, that inhibit some of the States and some of the industry from dealing with the energy problem regulations that result in the unemployment to which the distinguished Senator from Virginia has just alluded, regulations that increase the price of energy, with a resulting direct impact on inflation and which is one of the key factors in inflation.

Mr. President, we have to have bureaucrats. I am not against bureaucrats per se. "Bureaucrat" is not a bad word, per se. Many bureaucrats provide a very important service; we could not do without them. But I tell my friends, if people will talk with the persons who work in the mines and the persons who attempt to operate the mines in my State, they will find that there have been too many regulations, too much redtape, too much paperwork, too much reporting required. It has been wasteful, costly, and has resulted in impeding the production of energy in West Virginia. I think the same condition can probably be said with respect to other States.

This is an attempt to bring about a balance between environmental problems and energy problems.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. HATFIELD. Mr. President, on March 27 of this year, I presented a series of memoranda internal to the Federal Office of Surface Mining, which depicted what was, in my view, a serious infraction of statutes which prohibit lobbying by Federal employees with public moneys. At my request, the Comptroller General reviewed, in a preliminary fashion, these allegations of misconduct and has reported back to me.

The GAO is necessarily circumspect in its review of the OSM lobbying activity because of possible criminal violations. It is my understanding that the GAO will be forwarding its report to the Department of Justice along with supportive evidence.

The report is timely. It supplies valuable insight on OSM activities regarding these very amendments to the Surface Mining Act. The GAO concludes, essentially, that it is difficult to conclude much of anything because of conflicting stories by OSM officials and representatives of environmental groups. Perhaps the Department of Justice is, after all, the only body which can get the truth.

In any event let me excerpt for my colleagues several items from the August 13 report of the Comptroller General.

Before doing that, Mr. President, I ask unanimous consent that the report in its entirety be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., August 13, 1980.

Subject: Alleged Unauthorized Use of Appropriated Moneys by Interior Employees (CED)-80-128).

Hon. MARK O. HATFIELD,
Ranking Minority Member, Committee on Energy and Natural Resources, U.S. Senate.

DEAR SENATOR HATFIELD: This is in response to your March 24, 1980, letter requesting our Office to investigate the possible unauthorized use of appropriated funds by the Department of the Interior's Office of Surface Mining (OSM). In your letter, you asked that we investigate allegations that OSM misused appropriated moneys by conducting illegal lobbying activities to defeat pending legislation in the House of Representatives.

You gave us certain documents which suggested to you that OSM employees might have violated 18 U.S.C. 1913 (a criminal matter) by engaging in the organization and operation of lobbying efforts with public interest groups to detrimentally affect legislation pending before a House committee. You also said that some of the public interest groups with which OSM had contact were not registered lobbyists as required by Federal law. You specifically asked us to verify the existence of these and other documents and information which would be of value in addressing allegations of unauthorized use of appropriated moneys (a civil matter).

Our review disclosed evidence that OSM employees were actively involved in trying to defeat S. 1403, pending legislation regarding coal mining activities. Most of these activities, in our opinion, did not constitute unauthorized use of appropriated moneys. Some information suggests that there may have been some activities that did constitute unauthorized use of appropriated moneys. However, other information indicates there were no such activities. Since there was conflicting information concerning such activities, we cannot conclude that any violations of appropriation act restrictions occurred. With respect to whether 18 U.S.C. 1913 was violated, we can not express an opinion because criminal matters are beyond our jurisdiction.

BACKGROUND

The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq., calls for strong environmental controls to guide the coal mining industry and to strengthen certain State and Federal standards for surfact coal mining and reclamation. It established the Office of Surface Mining Reclamation and Enforcement (hereafter referred to as the Office of Surface Mining) under the Department of the Interior to implement the provisions of the act.

S. 1403, which the Senate passed on September 11, 1979, would:

Postpone for 12 months the date for submitting State surface mining programs for Federal approval,

Postpone the date for implementing the surface mining control program on Federal lands to coincide with the date for implementing the State program, and

Add language to the act which specifies that a State program need only comply with the provisions of the act itself and not with the regulations issued by OSM pursuant to the act.

OSM and the Department opposed these amendments. They opposed the extension provisions because a 7-month extension already granted had provided adequate time to the States to develop their programs and further delays would cause unnecessary environmental degradation. The second provision was opposed as unnecessary because it could be accomplished by a change in the regulations. They opposed the third provision because it could result in years of litigation of the many issues in the act which were clarified in the regulations and could lead to court challenges of the Secretary's eventual approval or disapproval of a State's program.

On October 4, 1979, S. 1403 was referred to the House Subcommittee on Energy and the Environment, Committee on Inerior and Insular Affairs, where it is now pending.

DISCUSSION

Our review of documents in OSM's files and our talks with former and present OSM employees and with representatives of interested groups indicate that OSM employees were actively involved in trying to defeat S. 1403. We noted evidence of situations where OSM employees contacted Members of Congress and their staffs, State government officials, and interested groups to make known the agency's position opposing S. 1403. Most of these activities did not, in our opinion, violate Federal appropriation act prohibitions on lobbying activities of Government agencies.

As discussed below, we believe Federal prohibitions on lobbying activities of Federal agencies are aimed at agency efforts to generate grassroots support of, or opposition to, pending legislation so as to influence the votes of Members of Congress. Federal antilobbying statutes do not, in our opinion, prohibit dissemination to the public of information that may include the disseminating agency's position on pending legislation. Thus, agency personnel would not necessarily be violating these laws by meeting with interested groups and expressing the agency's position on pending legislation. Nor do we think Federal law prohibits efforts by agency personnel to persuade Members of Congress to vote on pending legislation in a particular way. Interior employees, therefore, did not violate Federal anti-lobbying statutes by directly contacting Members of Congress or members of their staffs in order to influence the Members' positions on pending legislation.

Section 304 of the Department of the Interior's appropriation acts for fiscal years 1979 and 1980, Public Law 95-465, October 17, 1978, and Public Law 96-126, November 27, 1979, respectively, prohibits lobbying activities as follows:

"No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete, in accordance with 18 U.S.C. 1913."

Another anti-lobbying appropriation provision is also pertinent—section 607(a) of the Treasury, Postal Service, and General Government Appropriations Act, 1979, and the same act for 1980, Public Law 95-429, October 10, 1978, and Public Law 96-74, September 29, 1979, respectively, provides:

"No part of any appropriation contained in this *or any other Act*, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress." (Emphasis added.)

The language of both sections 304 and 607(a) shows the same apparent objective of prohibiting agencies from attempting to influence legislation through public persuasion. Using words like "public" in section 304 and "publicity" in section 607(a) indicates the prohibition to be against contacts with members of the public, as opposed to contacts with Members of Congress. We have not previously had occasion to interpret section 304, but when interpreting section 607 (a) we have not viewed expenditures incurred in connection with direct contact with Members of Congress as violating this provision. (See B-178648, September 21, 1973; and B-164497(5), March 10, 1977.) Rather, the prohibition of both sections, in our view, applies only to expenditures involving appeals addressed to the public.

When interpreting section 607(a), we have consistently recognized that an agency has a legitimate interest in communicating with the Congress, as well as with the public, regarding its policies and activities. See our September 21, 1973, and March 10, 1977, decisions. This view is, we believe, necessary because of the legitimate public information functions of an agency. Thus, public officials may report on and discuss the activities and policies of their agencies and of the administration. Expenditures of appropriated funds for dissemination of information in those categories is lawful.

It must be recognized that to the extent that the policy of an agency is embodied in pending legislation, discussion by officials of that policy will explicitly or implicitly refer to such legislation and will presumably support or oppose it. An interpretation of section 607(a) which strictly prohibited expenditures of appropriated funds for dissemination of views on pending legislation would consequently preclude virtually any comment by officials on administration or agency policy, a result which, as noted above, we do not believe was intended.

We have held that the section 607(a) prohibition does apply to agency suggestions to the public that they contact their elected representatives and indicate their position on pending legislation (B-178648, September 21, 1973). See also B-128938, July 12, 1976; and B-116331; May 29, 1961, both of which involved agency exhortations to the public to contact Members of Congress regarding pending legislation. We think section 304 covers similar activities plus, perhaps, more subtle public appeals—that is, public information campaigns which, although they do not involve direct suggestions to the public that they should contact elected representatives to let them know their feelings regarding pending legislation, would tend to promote public support of or opposition to such legislation. (See S. Rept. 95-276, pp. 4 to 5, 1977.) However, in the present case we did not find information indicating more subtle public appeals that might violate the broader aspects of section 304. Nevertheless, we did find some information indicating that there may have been activities that violated sections 304 and 607(a).

The remaining pertinent anti-lobbying statutes. 18 U.S.C. 1913 and the Federal Regulation of Lobbying Act, 2 U.S.C. 261 *et seq.*, are both criminal laws, enforcement of which is the responsibility of the Department of Justice and the courts. Section 1913 of the Criminal Code, 18 U.S.C. 1913, prohibits lobbying activities as follows:

"No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

"Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment."

Because enforcement of criminal statutes is beyond our jurisdiction, we generally do not express an opinion whether they have been violated. See, for example, 20 Comp. Gen. 488 (1941); B-178648, September 21, 1973; B-128938, July 12, 1976; and B-164497 (5), March 10, 1977.

We did find some information that suggests the possibility that some OSM employees may have engaged in activities that may have violated appropriations acts (sections 304 and 607 previously discussed) lobbying restrictions. However, where there was information about an action that might have constituted a violation, it was either insufficient or conflicted with other information so as to preclude us from concluding that a violation had occurred. Examples of such activities follow.

A previously terminated Special Assistant to the Director told us that OSM had a meeting at which it was agreed that an OSM official would go forward with a program that included contacting environmental groups to have these groups bring pressure on their Representatives to oppose S. 1403. Others who attended the meeting said they did not recall such an agreement.

A former Assistant to the Director for Congressional and Legislative Affairs stated in a memorandum that he met with representatives of interested groups to map out a House lobbying strategy and assign tasks. All the interested groups we talked to regarding this matter said no strategy was mapped out nor were tasks assigned. However, one individual recalls that the OSM official suggested what people could do to stop S. 1403 and which Member of Congress might be persuaded to vote against S. 1403. According to the memorandum, members of the House Committee on Interior and Insular Affairs were to be contacted urging them to publicly oppose S. 1403 before it got too far in the House. According to documents we received from this individual, information was passed out by the OSM official listing Representatives to contact who might be persuaded to vote against S. 1403 on the House side.

The former Assistant to the Director for Congressional and Legislative Affairs said, in the same memorandum, that he and another Federal employee had met with representatives of some 30 national conservation groups and asked them to get mailings out to their local affiliates right away. The conservation groups we contacted said they could not recall whether or not they were asked.

In testimony given before the Subcommittee on Energy and the Environment, House Committee on Interior and Insular Affairs, March 31, 1980, the Director, OSM, said that suggestions by an OSM employee to have interested groups lobby their Representatives to defeat S. 1403 were not implemented. While our review revealed no conclusive information that any of the suggestions to conduct unlawful lobbying activities were ever implemented, some of the above information tended to show that some of the suggestions may have been implemented.

During the review, we interviewed the former Assistant to the Director for Congressional and Legislative Affairs to obtain his recollection of the memorandum he wrote. After our interview, we sent him a summary of the interview and asked him to make any changes necessary to make the summary factually correct. Upon advice of his lawyer, he has refused to provide us confirmation of what he told us during the interview. Also, he does not plan to furnish us with more specifics regarding the statement in his memorandum "* * * to map out a House lobbying strategy and assign tasks." In addition, he has not furnished us with a statement of what records he kept of meetings and what became of them.

In your letter you also requested us to:

Determine whether OSM employees permitted public interest group representatives to obtain access to and use of Government FTS telephones and computers for lobbying, and

Determine whether certain public interest groups were registered lobbyists.

We found no indications that OSM employees permitted public interest group representatives to use OSM FTS telephones or computers for lobbying.

During the March 31, 1980, House Subcommittee hearings, some concern was expressed that OSM had a "hot line" to an interest group. We found no evidence of such a direct line to any interest group. According to OSM's Assistant Director for Management and Budget, except for two toll-free lines used to provide coal mine operators with information on certain exemptions from coverage under a new regulatory program and advice on how to comply with quarterly fee payments to the abandoned mine land reclamation fund, the only special telephone equipment used by OSM is a recording and answering device for announcing job vacancies.

A draft letter was prepared for signature by representatives of five interest groups requesting Senators "* * * to resist any consideration of S. 1403 on the Senate floor at this time and to vote against the bill if it does come up for a roll-call." We subsequently verified with two Senators' offices that the letter was sent out in final to the Senators and dated July 31, 1979. According to every interest group we contacted, the letter was not designed by nor did it originate in OSM. These interest groups said that OSM never drafted any letters for them but that environmental groups themselves drafted letters and sent them around to other groups for approval.

As requested, we contacted the Office of the Clerk in the House and the Senate Office of Public Records to ascertain whether the five organizations were registered as lobbyists as required by Federal law. We found that two of the five organizations were not registered lobbyists and that none of the individuals who worked for these organizations were registered. However, we did not ascertain whether these organizations are subject to the registration requirements because this is a matter on which we have no audit authority.

CONCLUSION

We found documents in OSM's files indicating that OSM was actively involved in trying to defeat S. 1403. Most activities, however, did not, in our opinion, violate the lobbying restrictions discussed above. The former Assistant to the Director for Congressional and Legislative Affairs memorandums indicate that OSM was directly lobbying Members of Congress to defeat S. 1403, action that we do not consider to be in violation of Federal law. The memorandums also indicate that OSM had met with interested groups, action which, in and of itself, also does not constitute a violation of Federal laws.

Some information suggests that OSM urged interested groups to lobby their Representatives to prevent S. 1403 from going any further in the House. However, while some of the records we reviewed and some interviews we had tend to support the conclusion that some OSM employees may have engaged in unlawful activities to promote public opposition to S. 1403, we do not believe that information is sufficient for us to conclude that violative activities did take place.

AGENCY COMMENTS AND OUR EVALUATION

Interior officials stated that there is no basis to conclude that OSM employees violated Federal laws prohibiting lobbying activities. They stated that the general tone of the draft report was misleading because several statements, if taken out of context, could leave the reader with the impression that there may have been wrongdoing even though the evidence did not support such a conclusion.

We agree with Interior officials that the evidence is not conclusive. However, some of the information tends to indicate that some actions on the part of OSM employees may have constituted unauthorized use of appropriated moneys.

Our review was performed primarily at OSM headquarters in Washington, D.C. We reviewed various documents at OSM's files and talked with former and present OSM employees. We also discussed the allegations with officials of many different interest groups. With the exception of the former Assistant to the Director for Congressional and Legislative Affairs, all parties fully cooperated in our review.

Unless you publicly announce the contents of this report, we plan no further distribution of the report until 10 days from the date of the report. At that time, we will send copies to interested parties and make copies available to others upon request.

Sincerely yours,

ELMER B. STAATS,
Comptroller General
of the United States.

Mr. HATFIELD. Bear in mind, Mr. President, that when the auditors make an investigation of this type, especially, the legal department of the GAO must review the initial findings. I have had the opportunity, through staff, to be informed about the statements made in the original, initial report by the auditors before its being reviewed by the legal department, which indicated a far harder-hitting report than what we have before us here after it had been carefully sifted and reviewed by the legal department of the GAO.

That is understandable, because, as I indicated, if there are possible criminal violations, that is a matter to protect the rights of all parties and should be carried out through the Justice Department.

But let me excerpt for just a few moments some of the report that refers specifically to my question that I raised as to the possibility of violation of statutes in relation to public moneys being utilized for lobbying. I quote:

> Our review disclosed evidence that OSM employees were actively involved in trying to defeat S. 1403, pending legislation regarding coal mining activities. Most of these activities, in our opinion, did not constitute unauthorized use of appropriated moneys. Some information suggests that there may have been some activities that did constitute unauthorized use of appropriated moneys.
>
> With respect to whether 18 U.S.C. 1913 was violated, we cannot express an opinion because criminal matters are beyond our jurisdiction.

I further excerpt on page 3:

> Our review of documents in OSM's files and our talks with former and present OSM employees and with representatives of interested groups indicate that OSM employees were actively involved in trying to defeat S. 1403. We noted evidence of situations where OSM employees contacted Members of Congress and their staffs, State government officials, and interested groups to make known the agency's position opposing S. 1403.

Now, on page 6, these statements:

> We did find some information that suggests the possibility that some OSM employees may have engaged in activities that may have violated appropriations acts (sections 304 and 607 previously discussed) lobbying restrictions. However, where there was information about an action that might have constituted a violation, it was either insufficient or conflicted with other information so as to preclude us from concluding that a violation had occurred. Examples of such activities follow.
>
> A previously terminated Special Assistant to the Director told us that OSM had a meeting at which it was agreed that an OSM official would go forward with a program that included contacting environmental groups to have these groups bring pressure on their Representatives to oppose S. 1403. Others who attended the meeting said they did not recall such an agreement.
>
> A former Assistant to the Director for Congressional and Legislative Affairs stated in a memorandum that he met with representatives of interested groups to map out a House lobbying strategy and assign tasks. All the interested groups we talked to regarding this matter said no strategy was mapped out nor were tasks assigned. However, one individual recalls that the OSM official suggested what people could do to stop S. 1403 and which Member of Congress might be persuaded to vote against S. 1403.
>
> In testimony given before the Subcommittee on Energy and the Environment, House Committee on Interior and Insular Affairs, March 31, 1980, the Director, OSM, said that suggestions by an OSM employee to have interested groups lobby their Representatives to defeat S. 1403 were not implemented. While our review revealed no conclusive information that any of the suggestions to conduct unlawful lobbying activities were ever implemented, some of the above information tended to show that some of the suggestions may have been implemented.
>
> During the review, we interviewed the former Assistant to the Director for Congressional and Legislative Affairs to obtain his recollection of the memorandums he wrote.

He has refused to provide us confirmation of what he told us during the interview.

Lastly, on page 9:

Some information suggests that OSM urged interested groups to lobby their Representatives to prevent S. 1403 from going any further in the House. However, while some of the records we reviewed and some interviews we had tend to support the conclusion that some OSM employees may have engaged in unlawful activities to promote public opposition to S. 1403, we do not believe that information is sufficient for us to conclude that violative activities did take place.

We agree with interior officials that the evidence is not conclusive. However, some of the information tends to indicate that some actions on the part of OSM employees may have constituted unauthorized use of appropriated moneys.

CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, I send a cloture motion to the desk.

The **PRESIDING OFFICER.** The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Amendment No. 1972 to H.R. 1197.

Robert C. Byrd, John W. Warner, Thad Cochran, Alan Cranston, Walter D. Huddleston, Jennings Randolph, John Glenn, Jim Sasser, Lloyd Bentsen, David L. Boren, Howard Baker, Wendell H. Ford, John Heinz, John Tower, Paul Laxalt, David Pryor, Claiborne Pell.

Mr. MELCHER addressed the Chair.

The **PRESIDING OFFICER.** Did the Chair understand that the Senator from Oregon yielded the floor?

Mr. HATFIELD. I do yield the floor.

The **PRESIDING OFFICER.** The Chair recognizes the Senator.

Mr. MELCHER. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, later during the consideration of the pending amendment, possibly this afternoon, I will speak on this subject and express my support for the effort being made by many Senators, certainly with the leadership of the majority leader. The important colloquy between the majority leader (Mr. ROBERT C. BYRD) and the Senator from Virginia (Mr. WARNER), which took place a few minutes ago is my reason for commenting at this time. I wanted to observe that I have had, perhaps, the unusual opportunity to serve on two committees of this Senate that are basically concerned with matters that are under consideration in connection with the pending amendment.

My membership on the Committees on Environment and Public Works and Labor and Human Resources has given me the opportunity and the responsibility to actively participate in matters of great concern and commitment to me—on environmental issues, and on the health and safety of America workers, including coal miners.

I remind my colleagues that in 1969, the Labor and Public Welfare Committee was assessing the need to address health and safety in our Nations workplaces. Because of the high incidence of accidents and fatalities in our coal mines, I advocated, and the committee agreed to give priority to coal mine health and safety—to push for legislation within 1 year—laying aside for the moment a comprehensive national safety and health law. We succeeded in addressing that critical problem and enacted the Coal Mine Safety and Health Act in 1969. Subsequently, in 1970, the committee worked to legislate, and the Congress enacted, the Occupational Safety and Health Act of 1970.

We were intensely committed to drafting and passing legislation to bring greater security to the coal miners, to assure, so far as possible a safe and healthful workplace, in an industry which is admittedly hazardous and which, in the past, presented undue risk to those who work in the mines.

I come now to the Committee on Environment and Public Works. It has been my privilege and responsibility to work within the structure of that committee during my entire service in the Senate, as it has been on the prior committee I have mentioned, now something more than 22 years.

On that committee my record is that of a vigorous advocate of improving air and water quality, promoting the safe handling of toxic and other wastes, and protecting the environment. In that committee we developed, over a period of time, legislation to clean air, to purify the water, to take care of many problems impeding the quality of American life. In doing that, the record will indicate that what we did was very important in the developing history of industrial progress in this Nation.

So I am able to look at matters such as the pending amendment in a positive way. I have a history of concern for the problems of the coal mining communities. I have fought for environmental improvements and for the health and safety of miners, and I have worked for improved production and improved markets for coal.

Having said that, I want to say that I have no fear of being associated with the pending amendment. Having worked for environmental legislation—the record shows it over and over again—I reject attacks on the pending amendment or its sponsors as antienvironmental. It is not that. I do not want to violate sound practices for mining or reclamation. I do not seek to desecrate the land, nor will I tolerate it. What we seek today is realism. This amendment is a response to an unrealistic regulatory campaign which is underway, the effect of which is to prevent us from having needed flexibility in the States.

In later remarks, I will be able to state more fully my position on the proposed legislation. I only wanted to follow the helpful comments between the majority leader and the Senator from Virginia (Mr. WARNER) when they were discussing the unreasoned regulatory efforts which conflict with the reality known to many of us who come from coal-producing States.

There is nothing provincial in a Senator from West Virginia standing with others from coal-producing States and speaking in the Senate of what they know about surface mining or deep mining. These matters are important to the entire Nation. It is not in any sense provincial, because we are intensely interested, as I know all Senators are interested, in the production of energy alternatives to imported petroleum.

So, during this debate, although we will be vigorous in our viewpoints, I am sure we will work together so far as possible, and I hope that the amendments pending at the desk will be agreed to.

I thank my able colleague for giving me the opportunity to make a comment at this time.

Mr. MELCHER. Mr. President, at one time in Congress, an era that may be passing, most Members in voting for the environment was like voting for apple pie, motherhood or voting against heroin or organized crime.

Since I became a Member of Congress in 1969, I have watched closely and have participated directly in many of the environmental issues addressed by the Nation during these past 11 years. A great number of those issues have been fought out in Congress with considerable success for needed prudent and strong environmental law.

One of those successes has been that wherever coal strip mining is done the passage of the nationwide law for application of minimum standards for land reclamation and water protection.

The bill on a nationwide basis was necessary but was bitterly fought and twice vetoed—once by President Nixon and once by President Ford—and finally passed and signed into law by President Carter in 1977.

When two Presidents veto a bill and the persistence of Congress keeps pressing for it and passing it, there is no need for me to exaggerate the emphasis that: coal companies, people in coal communities, and the public at large fought a determined battle on whichever side they backed.

In recognition of the various aspects of land reclamation and water protection, the act is detailed but still reflects responsible flexibility.

The act passed both Houses of Congress by wide margins. It was and is vitally necessary to avoid future degradation of land and water when coal is strip mined. It is such basic environmental protection that in my judgment—shared, I believe, by many others—that it was the most significant environmental act of the past decade.

The swing away from environmental protection was clearly demonstrated by the vote on S. 1403 in the Senate almost a year ago—September 11, 1979, to be exact—when the bill to nullify Federal regulations of the Strip Mine Act passed by a vote of 69 to 26. It has not been acted upon by the House, and now this amendment before the Senate is the same as S. 1403 and is a second attempt in the Senate to find a bill to successfully gut the Strip Mine Act.

It is a cause of alarm to me that Members of Congress are ready to vote to dismantle land reclamation and water protection of strip mining, but the trend is obvious. The pendulum is swinging back to a weaker stance by Congress on basic and necessary environmental safeguards.

Unfortunately, there is a developing trend to overemphasize some easy votes as being big environmental victories. For many—I believe most—Members of Congress, both House and Senate, the vote on the Alaskan lands bill is an easy affirmative vote. After all, the redtape or frustration that results or is compounded by that bill is not only remote geographically from the rest of the States but also is not perceived by the public in the other 49 States as being any drawback whatsoever in comparison with the positive argument of preserving the magnificent grandeur of much of the spectacular environment of our largest State.

There was a pronouncement by the White House that the passage of the Alaskan lands bill is the most significant environmental vote of the past decade. I question that. In any case, for most Members of Congress it was an easy environmental vote—it was like voting for sunshine.

Well, sunshine soldiers have had a long tradition in America. Let us find out if there are more than "sunshine soldiers" in resisting the present attempt to go backward on coal strip mining to the situation we had when States vied with each other to attract coal mining ventures by not having reclamation standards that were more stringent than those in neighboring States. It was a situation of watering down from one State to the other, in order for no State to have stronger reclamation standards than an adjoining State, and therefore a compounding, a dangerous compounding, of weaker and weaker reclamation standards in individual States.

Prior to the 1977 passage of the act, coal strip mining for more than 50 years resulted in massive cumulative degradation of land and water that left scars on scores of thousands of acres of land and ruined water in a thousand watersheds. It was a national disgrace.

To end that the act was passed in 1977. Now, 2 years later, just 2 short years later, at the behest of some coal-producing States, a longer timeframe was sought to present their State programs to the Department of the Interior's Office of Surface Mining, as required in the act. That move blossomed into a very far-reaching revision of the act by simply nullifying the Federal regulations and substituting regulations of each individual State.

That is the effort I described in S. 1403, which was passed last September. It is the same in the amendments before the Senate now.

The need for additional time was admitted last September by the Department of the Interior. The additional time has been allowed, and that urgency does not exist now.

The coal States have progressed in developing their reclamation programs. Two State programs, Montana and Texas, have been approved. Another dozen State programs will be completed and approved in 4½ months. Ten other coal-producing States remain that are in a less advanced stage of program approval. But in none of these 24 coal-producing States, which will run their reclamation programs, is there any reason to believe that they will not successfully complete their program applications for approval some time in 1981.

So who wants to completely revise the system? The coal companies that belong to the National Coal Association have requested that the law be changed in this manner.

Some Governors of Eastern coal mining States support this revision.

In contrast to those eastern Governors, Governor Judge of Montana, Governor Herschler of Wyoming, and Governor Link of North Dakota have vigorously opposed the amendment. They have notified us during the last 2 days that they vigorously oppose this amendment. These three Governors, representing the Fort Union coal deposit States with most of the Western coal production, point out that the revision of the law at a time when their States have virtually completed all of the necessary work to complete their programs will be totally to their disadvantage.

To revise the law now will set back, not help, their procedures to secure a completed reclamation program.

Not to be ignored is the length of time it takes to develop such a program. There have been, since the passage of the act in 1977, the promulgation of some 600 Federal regulations. There was a procedure called for under the act that any regulation that was challenged as to the validity under the law, the challenge would arise in the Federal district court here in the District of Columbia. Any appeal from that would go to an appellate court here in the District. That procedure was specific. It was long argued over, and I am not sure this procedure is correct rather than allowing a challenge to occur in a Federal court in each State. But that is what we decided on. We would have the same courts looking at these regulations and not have a series of Federal courts across the country reviewing them. The hope was that we arrive at some consistency.

Having gone through that long process of promulgating these regulations and then having them either reviewed and found to be adequate or not to be challenged, and therefore we have to assume that no one thinks they are inadequate for carrying out the provisions of the act, to revise the law now and to say that only State regulations would be reviewed will set us back into a new series of court cases. It would seem like it would be a never-ending process or at least another 2- or 3-year process where each individual State would promulgate their own regulations, then to be challenged in the district court in that particular State. Whatever the outcome of that was if someone wanted to appeal that ruling of the lower Federal court that appeal would go to the appellate court, whichever appellate court they fitted into, then it would be reviewed there.

In all fairness looking at perhaps a 3-year process of having individual State's regulations reviewed in different courts. I do not think we are going to get any uniformity that way, and that is why the Governors of Montana, North Dakota, and Wyoming have so vigorously said:

> Do not revise the law at this time. You will only make it worse. We have gone through a long, hard, tedious process to get our programs in order. We are well down the road. Do not change the rules now.

I think that makes sense. I hope when the Senate votes on cloture tomorrow it will keep that in mind. There needs to be an adequate and thorough understanding by every Senator and by the public at large just what is at stake in this very fine sounding amendment which seems to say we are going to strike some redtape, we are going to make things simpler; while in reality it is going to make the entire reclamation program even more complicated.

That is so much for the redtape that is involved.

Wanting to stretch this process out into 24 different States through their Federal court in that State and then go through the process of having the regulations challenged there and then in the appellate court, I do not believe that eliminates any amount of redtape. I think that only compounds it and makes it much worse.

But the second point and perhaps the most significant point, at least in my judgment, is that we are getting back into that old rut where we would have a State make their set of regulations less stringent than in an adjoining State and so that coal companies would not say to the State with the stronger, more stringent regulations:

> If you are going to have that kind of law, it behooves us to move over to the neighboring State for our mining venture because their law is not so stringent and we can comply with it easily.

We went all through that. As I have said during 50 years of cumulative strip mining in this country where the various States had less stringent regulations and did not have adequate land and water protection we ended up in a national disgrace with the the old spoil banks where nothing grows, with the toxic streams and the ruined waterways, with erosion and degradation of our countryside in the worst manner.

We have passed the law to prevent that from happening again and now we have this attempt to go back into the same process that did allow it to happen prior to 1977.

I hope the Senate will not cave into this. I do not think it will be in the interest of the public and certainly will not be in the interest of the coal-producing States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, when the Surface Mining Control and Reclamation Act was passed in 1977, it was properly referred to as a landmark in responsible stewardship of our lands. The bill recognized that increased reliance on the Nation's coal resources carries with it the threat that thousands of acres of strip mined land will be left with only a lick and a promise for a return to complete productivity.

The prospect of a heritage of devastated farm and ranch lands, robbed of their productivity after the drag lines and shovels have moved on, was unacceptable in 1977 and it is unacceptable today.

That, Mr. President, is the fundamental reason that I rise in opposition to the amendment which is proposed today to the Surface Mining Control and Reclamation Act. The intent of Congress was clear in 1977. While the responsibility for reclamation enforcement properly lies with the States, a minimal standard for reclamation activities is properly the concern of the Nation. In keeping with this congressional intent, Federal regulatory guidelines are absolutely imperative if the Reclamation Act is not to be emasculated.

I would be less than candid, however, if I did not acknowledge that the road to implementation of State regulatory schemes has not been somewhat rocky. Frustration with the Federal Office of Surface Mining was deeply felt by the States as they attempted to meet deadlines imposed by the act for development of the regulatory programs. In September of last year when the precursor of this amendment, S. 1403, was under consideration on the floor of the Senate, this concern was high in the minds of many Senators who voted in support of it.

At that time, six States were unable even to meet the original deadline for submission of the regulatory plans.

That was 1979, however, not 1980. As a result of a judicial extension of the deadline, all 24 coal producing States have now submitted their plans to the Secretary of the Interior. Four States, of which I am proud to say Montana is one, have already won conditional or full approval of their plans by the Secretary. Eight or more States are anticipated to have their plans approved very shortly and Secretary Anderson states:

> By January, I will have made final decisions on all state proposals and I expect that most of them will gain primacy under the Act.

Thus, Mr. President, the results of this amendment's extension of the deadline for submission of State regulatory plans will serve one purpose alone: Unfortunate and unnecessary delay in the implementation of reclamation programs across the Nation. Worse still, the amendment might wipe out countless hours of diligent effort by State and Federal officials to devise regulatory plans which conform to the intent of the Reclamation Act while still addressing the conditions unique to individual States.

Of course, the right of States to chart their own course in the reclamation of strip mined lands is an argument frequently advanced by the supporters of the amendment. This argument, nonetheless, unfortunately overlooks two critical points.

The first point is that, in enacting the Surface Mining Control and Reclamation Act, Congress has already provided for the flexibility necessary to meet the peculiar needs of each State's coal mining regions. Through the use of "State windows" in the regulatory programs, the States are able to modify their reclamation activities to best address their individual requirements. In addition, the regulations of the Office of Surface Mining presently include more than 100 opportunities for selection of alternatives in the regulatory program most suitable for a given State. The result, quite simply, is that Virginia is not forced into the same mold as Montana. The differences in regulatory programs can be extensive and yet remain consistent with the common denominator provided by the Federal regulations.

The second point in response to the States' rights issue, Mr. President, is that enactment of this amendment should not be considered to grant the States carte blanche in writing regulatory programs. This was precisely the point of the Surface Mining Control and Reclamation Act when it was passed—national standards, uniformly interpreted, were felt to be critical to the protection of our Nation's lands.

As a result of the passage of this amendment, the obligation of the States to comply with the Reclamation Act will not be vitiated. It will only be confused. The Reclamation Act demands interpretation. And, as sure as I stand here, without the guidance of Federal regulations, our courts of law will be jammed with suits testing State regulatory programs to determine if they measure up to the expectations of the act.

These courts, scattered throughout the land, will be faced with the most undesirable job of examining and interpreting complex and technical rules for which the judicial system has little expertise. The result, inevitably, will be delay and uncertainty for the coal industry. Such a scenario can only be expected to hinder the Nation's development of our vital coal resources. We must not, therefore, mandate that the district courts in 24 States from Wyoming to West Virginia and from Indiana to Texas don the mantle of regulators for the surface mining industry of the Nation.

Most importantly, out of this welter of law suits and State regulatory programs devised without the basic structure of the Federal regulatory program for guidance, I fear that our coal-producing States might well end up in the regrettable position of undercutting each other on their demands for reclamation as the coal industry shops around for most advantageous mine sites. Make no mistake, I believe that the States should have a free hand in determining their own destinies as far as coal production is concerned. Efforts to attract industry can properly be made through tax incentives, provisions for local services, and transportation networks among others.

The one attraction which we cannot afford and must not tolerate is the use of weakened land reclamation standards 50 or 100 years down the line, future generations will likely care little for the energy needs of today as alternative forms of energy are tapped. They will, however, still need the corn of Iowa, the beef from Wyoming and the wheat of North Dakota. If States are allowed today to outbid each other by development of regulatory schemes for reclamation which do not reach a minimal Federal standard, the results for the future will be most regrettable.

Finally, Mr. President, I am not here to argue that the Strip Mine Act is not without flaws. State and industry officials have raised a variety of reasonable objections to the act and to the regulations which have been promulgated under it. However, I will argue and argue forcefully that now is not the time to address these problems and this amendment is not the method.

By January 3 of the coming year, the results will all be in on the efforts of our States to develop reclamation programs. At that time, we should provide thorough review of the Strip Mine Act and respond with appropriate amendments.

Rather than performing the necessary corrective surgery on the act, the amendment which we consider today would hack away at the very essence of our carefully crafted Surface Mining Act. The Governors of Montana, Wyoming, and North Dakota—the States with the most coal development—have recognized the damage to be caused by this amendment. They have expressed their opposition and we should do no less.

I urge you to join me in resisting this amendment and in preserving intact the Surface Mining Control and Reclamation Act.

Thank you, Mr. President.

STRIP MINING

● Mr. NELSON. Mr. President, I first introduced legislation to halt the abuses of strip mining 15 years ago, in 1965. At that time, massive strip mining operations were ravaging and polluting vast acreages. That original bill was reintroduced in 1968, 1970, and 1971. In 1973, many of its provisions were included in a bill which was passed by Congress but vetoed by the President. Finally, after 12 years of effort, the Surface Mining and Reclamation Act of 1977 was enacted. In it, Congress clearly stated a national commitment to ending this incredible destruction of the land. Those of us who had worked so long were finally successful in our efforts to check this destruction because the American public had forcefully and vocally demonstrated their concern for protecting the environment.

Last year, in September 1979, the Senate passed a measure, S. 1403, which would effectively gut the strip mining law that took so many years to enact. I voted against S. 1403 then, and I will vote against it again.

Today we are being asked to vote on this bill a second time, in the form of an amendment to an unrelated bill. This is a tactical maneuver to discharge S. 1403 from the House Interior Committee because the committee has chosen not to report the bill. I am opposed to this amendment both as a tactical maneuver and much more importantly, because it would seriously impair the effectiveness of the strip mining act.

This is neither the appropriate means nor the time to amend the Strip Mining Act. It is not an appropriate means because it would eliminate the Federal regulations which have been promulgated by the Department of the Interior to implement the act. This unprecedented action would undermine all the progress we have made so far toward mitigating the impacts of strip mining. It would result in months of lost Federal and State effort, and require the States to start over again in a new and inadequately defined regulatory situation. It would undoubtedly throw the task of interpreting the regulatory situation, as defined by the statute alone, to the courts. It would mean that this task of interpreting the statute would be carried out by 24 separate district courts, rather than a single court, as is presently the case when lawsuits are brought against the regulations.

It would eliminate the national standard for strip mine reclamation and replace it with 24 separate interpretations which could easily lead to differing standards among the States, providing a competitive edge to those States with more lenient interpretations. Thus, States which have demonstrated their desire to be careful environmental stewards by passing strong standards would be penalized, and those with weaker standards would be rewarded. This is not the kind of lesson the Congress should be giving to the States.

Furthermore, this is not the time to amend the act. According to Secretary of the Interior, Cecil Andrus, the process of reviewing and approving the State reclamation programs will soon be completed. In a letter dated August 18, 1980, the Secretary states that "we will soon know the results of the State program approval process" in 5 months. It seems to me that we would be far better off to allow this process to be completed between now and next January than to disrupt the entire process at this time, delaying it for years.

This ill-timed and environmentally hazardous amendment is unwarranted and I urge its defeat.●

The PRESIDING OFFICER (Mr. BRADLEY). Who yields time?

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 1:30 p.m. today.

There being no objection, the Senate, at 1:14 p.m., recessed until 1:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BRADLEY).

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I rise in strong support of the Byrd amendment we are considering today because it would help make it possible for us to release at last the vast reserves of coal which we have so long left idle in the ground. Our dependence on foreign oil is increasing daily even as we identify new coal reserves which could relieve that situation. Yet we have not moved swiftly and expeditiously to utilize those domestic reserves and to put to work the experienced miners we have on hand to make our coal available for powering our cities and towns and their industries.

One of the reasons that progress has been slow has been the regulatory snarl surrounding the Surface Mining Act. That useful and needed act, designed by Congress to insure that surface mining proceeds in an orderly way, consistent with good environmental practice and the differing conditions in each State, has not always been interpreted in ways which serve congressional intent. We made clear in the act that the primary governmental responsibility for developing and enforcing regulations for surface mining and reclamation should remain within the State. When we saw last September that this intent was not being carried out, we passed S. 1403 by an overwhelming margin, 68 to 26.

We did not make a mistake then. We did the right thing. We did not allow any State to circumvent any of the Surface Mining Act's environmental provisions—103 strong, stringent provisions—and neither would, I emphasize, the present form of S. 1403 which we see today as an amendment. It is very close, if not identical to S. 1403. On the contrary, the Office of Surface Mining under this amendment will retain its oversight of State regulations to insure that State regulations comply with the environmental standards and accompanying provisions of the act.

It has been argued by some, and very erroneously in my judgment, that this amendment we are considering would give the States more time to submit their plans, time which those in opposition argue is unnecessary. In fact, however, the amendment does not provide more time to the States but rather to the Office of Surface Mining, so that we can get a full and thorough and careful review of any State proposed regulations which differ from the permanent Federal regulations. We need this extra time to insure that State regulations comply fully with the environmental provisions of the Surface Mining Act.

It has also been argued by some that the amendment would "gut" the act and would throw all of these decisions into the court system. It is, to my mind, hard to imagine how the amendment would "gut" the act when it clearly retains the requirements that the States must comply with the Surface Mining Act and the standards in it and that OSM will review State plans to insure that they comply.

The argument others make is that we should not take any action now, that we should wait, that we should delay.

The argument for delay is not a useful or persuasive one. The time is now to take this action. In my judgment, it was overdue last fall, when we passed S. 1403, by a vote of 68 to 26, and passage of the amendment now will give the States a last chance to tailor their surface mining and reclamation plans to their own circumstances, it seems to me.

Mr. President, this is a useful and necessary amendment, to insure that the States retain the primary governmental control and flexibility over their own operations while equally insuring Federal oversight so that every State will be required to comply with the environmental controls of the Surface Mining Act. I urge my colleagues to support this amendment.

Mr. MELCHER. Will the Senator yield?

Mr. HEINZ. I am pleased to yield to the Senator.

Mr. MELCHER. I thank my friend from Pennsylvania for yielding.

First of all, did I understand the Senator to say that there had been a lack of increase in coal production due to the complexity of the regulations surrounding the Strip Mining Act?

Mr. HEINZ. It is this Senator's view that there is tremendous uncertainty in the approval of these regulations, that as a result of the uncertainty and, as the Senator from Montana knows, the large number of cases in the court, in excess of 2 dozen cases, I am told, where in each and every instance where a district court or a lower court has made a decision that the decision has been against the Office of Surface Mining, if my information is correct, that this, as one measure of the uncertainty, has to make it less attractive for people than we would otherwise want to go into the inherently risky process of going into business and mining coal.

So it is this Senator's contention that our coal mining is not everything it could be at a time when we need more of it.

Mr. MELCHER. I might point out that the coal production from 1973 through 1979, and projected production in 1980, shows that coal production in the United States through that time increased, 589 million tons, to a projected tonnage of 825 million for this year.

As a matter of fact, in my State, and I suspect in almost every State, there is more coal available than can be sold, due to the softness of the market, not for the lack of miners or the lack of operations.

Mr. HEINZ. I do not quarrel with the Senator's figures. As he knows, I am not claiming we are not mining more coal today than we did in 1973. That was not my point, as I know he understands.

My concern is that we are importing half of our oil, or nearly so. We have had a little relief this year in oil imports. Our percentage is down a little bit because we are having, most unfortunately for all our working people, a recession, and, in times of recession, imports are off.

But notwithstanding that, since 1973, the other fact is that we have increased our dependence on imported oil, since 1973, from what was then about a 30-percent or 34-percent dependence, when the Senator and I both served in the House together, to roughly a 45-percent to 47-percent dependence toward the end of last year. It is that trend that worries me.

It is true that there is at the present time, because of the recession, a slackening in the demand for coal, at least certain kinds of coal. At the same time, there is demand, unmet, for other kinds of coal that we have not been able to mine. The Senator knows that there is not enough low sulfur coal, that there still is a great demand, and there will be a growing demand for the lower sulfur coals as we successfully, it is hoped, convert from imported oil to coal.

Mr. MELCHER. When the Senator talks about low sulfur coal, he is talking about the coal we are mining in Montana.

Mr. HEINZ. We also mine some in Pennsylvania—not as much as in Montana. Montana is the OPEC of low sulfur coal.

Mr. MELCHER. We have been laying off miners in operating mines where they are mining that low sulfur coal, but yet cannot sell it. The market is soft. There is more coal available than can be sold.

These are approved mines; they have everything going for them; no problem with the act, no problem with anything, except that they cannot sell the coal. They have been laying off miners and in many instances putting the mine operations on short hours.

I recognize the frustration and the redtape involved with all these rules and regulations, but I do not think the Senator can make the case that it slowed down coal mining operations, because it has not. More coal is available than we can use.

The Senator has made another point, and I ask him this: I have no quarrel with anybody who says that the States need a little more time to submit their programs and their plans. If all this amendment did was to say that we are going to give plenty of time for that procedure, there would not be any opposition from me nor, I believe, from anybody else in this Chamber. It would go sweeping through.

What the bill does is to go backward and say that the Federal regulations do not count. Just get your State regulations in order; and, having done that, if there is a challenge to any of those series of State regulations, it has to be brought to a Federal court in that particular State.

So, rather than stepping up the procedure just to get through with all this rigamarole of approving the Federal regulations and getting them in place and getting the States to match them, we take a step backward and say, "Forget about the Federal regulations. They are nullified. Just get your State regulations out. If they are challenged, go to the Federal district court in that particular State and start the whole procedure."

Mr. HEINZ. Mr. President, will the Senator yield?

Mr. MELCHER. I yield. I thank the Senator for yielding to me. The Senator still has the floor.

Mr. HEINZ. Is it not a fact that the current situation leads to an enormous amount of litigation, but with a difference? There are numerous Federal regulations which many of us contend go far beyond the intent of the Surface Mining Act, in which the Senator was deeply involved, and he did an excellent job of drafting it. I compliment the Senator for his work on that legislation. As a matter of fact, he and I had an opportunity for many years to work on that legislation in both bodies, and we finally got it. I trust that neither his enthusiasm nor mine has diminished for the legislation. Mine has not, because it was modeled in large part after the Pennsylvania law, which was something of a landmark.

The Pennsylvania law, after which we modeled the surface mining acts would have to be almost totally rewritten, under present regulations, which seems to me to be strange; and it does not have much to do with the act. It has to do with the way OSM has interpreted the act and the regulations that have been forthcoming. The result is that there have been some 30 challenges, as I recollect, to what OSM has told States to do.

Those challenges are coming either from States or operators. As a result, the burden of getting anything done is with OSM. In order to get OSM to be more reasonable with respect to meeting the actual intent of the act, a very heavy burden is placed on people not of the Federal Government.

I cannot quarrel totally with the Senator from Montana in that that burden certainly would be somewhat alleviated by this amendment, as I see it. Instead of people having to take on the Federal Government in district courts throughout the United States, redundantly so, the Federal Government would have the choice of returning that favor, to be in a position necessary to do that.

I honestly feel that those people who fear a sea of litigation are really seeing nightmares and specters that do not actually exist and will not come to pass, in reality.

So I wonder whether the Senator from Montana really feels that there would be more litigation under this amendment than we have now, or are likely to have now, under the present circumstances, given the fact that there seems to be so much of it.

Mr. MELCHER. Under the terms of the act, any challenge of the regulations promulgated by the Secretary must be brought to one court; and then, if it is going to be appealed, it must be brought into the appellate court in the District. It was done that way deliberately, right or wrong, to put the action in one court, in one area.

I answer the Senator from Pennsylvania by saying, yes, I believe there would be a great deal more litigation. We were challenged, for example, in the State of Montana on whether or not the regulations were adequate—and in the State of Wyoming and the State of North Dakota.

For that reason, those three Governors have said, "We have shed blood, sweat, and tears getting as far as we have. Don't change the rules again, or we're going to have a new round of revision."

The Senator from Pennsylvania did yeoman duty on the bill when he was in the House, as he has done in the Senate, and I have enjoyed working with him in the House and in the Senate. He talks about the State of Pennsylvania and its reclamation program.

The Director of the Office of Strip Mining is a very fine former director of reclamation for strip mining in the State of Pennsylvania, Walter Hiney. I visited often with Mr. Hiney during his battle as director of the office of strip mining, and I asked him whether all this was going to be cleared up finally, and he assured me that it was. I assume that that includes the State of Pennsylvania.

Mr. HEINZ. The Senator, quite correctly, marks an irony.

I recall very well that the President nominated Mr. Hiney for the job at OSM. Indeed, I went down and testified in favor of Mr. Hiney. I am willing at this point to retract all the kind words I said about him, because he has proved to be, much against my judgment, somebody who has got into the power position, the power trip, in Washington, and I believe he has been carried away.

I still wish to think he is a decent and fine man. I just think when he moved from Harrisburg to Washington he got Potomac fever and the disease has not yet abated.

Mr. MELCHER. I thank the Senator for his comments.

That was the very argument that the Pennsylvanians made in backing the strip mine bill, and they formed a very solid bloc in the House of Representatives. When we were working on the bill, during that time, the very profound and dramatic argument that the Pennsylvanians made was that their strip mine reclamation standards were stronger than many adjoining States and they wished that we would have a national law so that all of the mine standards would be the same throughout the country.

Based on that argument I hope that we retain the bill as it is without the amendment offered by Senator BYRD and others.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I

should like to make certain observations, and reaffirm commitments in support of the pending amendment which I and several other Senators have cosponsored.

I think that any Senator must be responsible in a matter of this kind, when he has become knowledgeable in a specific subject over a period of years, to make it clear he comes from a State that has a direct interest in the issue which is being debated.

West Virginia is a bituminous coal mining area of this country. In 1979, we produced 112 million tons, second in the Nation. In fact, the Appalachian region produces more than 65 percent of the coal which is mined in the United States of America.

We have had two types of coal mining in America: the deep mining and the surface mining. In our State surface mining industry we employ approximately 5,400 men and women. In both deep and surface mining we employ 52,000 men and women.

So, from the standpoint of Appalachia, particularly, and West Virginia as a State with which I am most familiar with coal mining practices, all of us in the Senate want, I am sure, to continue to undergird the production of necessary coal; coal which, in a very substantial degree, can stop the flow of petroleum from overseas.

It has been said, and the figures vary from time to time, that we are importing approximately 50 percent of all the oil used in this country, whether it be refined to gasoline or other products, including home heating oil.

We do know that more than $90 billion will be spent in the this year—the money of Americans—to pay for imported petroleum.

That petroleum, I say to my colleagues, came in large degree from countries that have unstable internal governmental structures. In many instances the petroleum on which we rely comes from areas of the world where there is open animosity to the United States of America.

Having said that, I want to go immediately to the subject at hand and the effort that we must make in the United States to see the production of coal is not unduly hampered by unrealistic regulations which deter the production of this product throughout the United States.

In the State of West Virginia, we have a very good surface mining and rehabilitation law. We believe it to be the equal and to surpass, in many instances, the provisions of the Federal act which was passed in the Congress.

Certainly, the career I have had in the Senate and prior to that in the House, but especially in the Senate, I say to my very good friend from Ohio (Mr. METZENBAUM); in those two committees, Environment and Public Works and Labor and Human Resources, I have helped to frame what I believe to be constructive legislation in the fields of purification of the air, the cleaning of our water, solid waste disposal programs, and to protect the health and safety of our coal miners.

Mr. METZENBAUM. Will my friend from West Virginia yield for a question?

Mr. RANDOLPH. Yes; indeed.

Mr. METZENBAUM. The Senator has, indeed, been a great leader in purifying the air, cleaning up the water we drink, and his record is one that is exemplary in being a friend of the environment.

Is there any other Federal law that provides or makes it possible to have different standards for different States with respect to cleaning up the air or the water?

Because, in this instance, the strip mining legislation——

Mr. RANDOLPH. I wish the Senator would say surface mining. We know that strip mining is a word spoken in a derogatory manner. It is not an accurate terminology of the actual mining practice.

Mr. METZENBAUM. I yield to the Senator in his prerogative to call it surface mining. But the miners, the companies, in Ohio have, indeed, stripped the land bare. They have made it so pitiful that one would want to cry when we see the spoiled banks and the deep ditches that were left.

I can only think of it in an area of strip mining.

Surface mining, I think, is something that might go down 2 inches, 3 inches, 4 inches, or even 2 feet. But when we talk about digging down, and with the tremendous pieces of equipment, I think of it as strip mining.

But coming back to my question and my point, it is that we do not have separate rules and regulations for protecting the environment in other areas. We have a uniform set of procedures.

In this instance, we do not even have total uniformity.

The Secretary of the Interior has already advised us that by January he will have approved just about every States rules and regulations and laws. But, at least, it provides some uniformity, some Federal interest.

Does it not worry the Senator that some States that may not be like his and mine—and I do not know enough about mine as the Senator does about mine—may very well engage in that race to the bottom, the race to see if they can have the weakest strip mining laws, and that we do so much better if we have some element of uniformity as is provided for under the present law, enacted just a few short years ago?

Mr. RANDOLPH. I can join my colleague in the feeling that uniformity, of course, may have a strong element of substance in it.

I say to my colleague that I have long believed that we can have unity without uniformity in this country. There is a place for flexibility.

In most of the statutes upon the books, Federal in nature, there has been a flexibility in the administration of the law. In fact, I am sure that my colleague will admit, from his own experience, that many times he has felt that an agency downtown is not carrying the law we passed and is not expressing the intent of Congress. Some agencies on occasion by interpretation, have brought in that which was not applicable or the intent in the law.

So, although I can join the Senator from Ohio to a certain degree, I cannot join the premise that he sets forth that we have unanimity. I repeat that we can have unity without unanimity. I believe that is good logic within the Senate of the United States, whatever the issue.

I remind the Senator from Ohio, because he mentioned the Clean Air Act, on how the Environmental Protection Agency coordinates its activities with the States. Based upon the nature of what was being regulated, Congress has mandated different relationships be established between the Environmental Protection Agency and the States.

Under the Clean Air Act and its amendments, the Environmental Protection Agency has various relationships with the States in establishing regulations. In the case of automobile emissions, a detailed national standard has been established, and there is only one standard and one set of regulations. If the 50 States each established their own standards, the automobile manufacturers would be in an impossible position of trying to comply with 50 sets of regulations. Congress recognized the environmental diversity of the country has little to do with controlling auto emissions. The Environmental Protection Agency alone except in California, a special case, sets the regulatory standard and is in charge of enforcement.

In the next example, the Environmental Protection Agency has an entirely different relationship to the States because Congress recognized a different set of environmental circumstances.

Due to the diversity of climate and terrain, Congress decided that the States should establish their own regulations on what the specific sulfur emissions should be for a specific stationary source in order to meet the national standard. The Environmental Protection Agency has established the national ambient air quality standard. Based upon unique set of environmental factors each State establishes its own specific regulations to meet the national standard. Then, the powerplant adopts a pollution control strategy to meet that State regulation. For example, installing scrubbers or burning low-sulfur coal or oil. Thus, depending on a set of environmental considerations Congress determines the Environmental Protection Agency's relationship to the States.

In the case of surface mining, Congress finds and declares under section 101(f) "that because of diversity in terrain, climate, biological, chemical, and other physical conditions * * * the primary governmental responsibility for developing * * * regulations for surface mining and reclamation operations subject to this act should rest with the States." To me, Congress understands the different relationships a Federal regulatory authority should have with the States. In the case of surface mining it is clear to me that the Office of Surface Mining's role should be similar to the Environmental Protection Agency's role concerning stationary sources of pollution. It should be one of oversight, while the prime role of developing detailed regulations should be left with the States.

Those who claim that these amendments will gut or destroy the surface mine law should closely examine how the Environmental Protection Agency has successfully established its relationship with the States in areas where there is a need for taking into account differences due to climate and terrain. Through the enactment of these amendments, the Office of Surface Mining will successfully do the same.

Mr. METZENBAUM. Is that not the very argument for not changing the law? That is quite similar to what we had in this particular legislation before my friend from West Virginia and some of my other friends changed it.

Mr. RANDOLPH. Sometimes it is necessary to have a statutory thrust on Capitol Hill. This is one instance in which I believe it is not only justified but also realistic to do so. I believe we could debate this back and forth for a long time.

Mr. METZENBAUM. I will not interrupt my colleague.

Mr. RANDOLPH. I am happy to have the interruption, because I value the counsel of my colleague.

There is only a river between us. At one time, there was no game fish in the Ohio River; yet, because of the purification of the waters, you can fish now in the Ohio River.

Take West Virginia, for example: On the east side of the Ohio River is a huge steel mill which employs 14,000 workers from Ohio as well as West Virginia. You can cast your line in there within a half mile of the steel mill; and if you are an angler of some expertise, you can catch a fairly good amount of bass and other fish, not damaged because of pollution.

I often have enjoyed fishing in many streams. West Virginia is the mother of rivers.

We have worked in West Virginia not to desecrate the land but to make the land usable. There are some places, I say to my colleague from Ohio—we speak of the lands as if they were all productive lands that are now being mined—where there are thousands and thousands of acres that are rubble. Yet, because of the mining operations upon them, the land actually has been improved, not only from the standpoint of the cover that comes to replace the rubble after the surface mining has taken place, but also, schoolhouses are built or a housing project comes into being. These are the opportunities we have in connection with the use of land.

Mr. President, I state again I support the purpose and intent of this amendment. In doing so, I make clear that, as a Senator from West Virginia, I support the Surface Mining and Reclamation Act to help assure the Appalachian States will continue to be healthy, safe places to work and to sustain the scenic beauty inherent to our region of the country.

My major concern, as I worked on the act in 1976 and 1979, was to make sure that the environmental objective was accomplished, while guaranteeing that the coal industry could and would continue to increase production. If ever there was a time when that production needs to be increased, it is now.

Congress designed the surface mining law to insure equitable and uniform regulation of the industry through the use of what I call—and I am sorry that my colleague from Ohio is not present at this time to hear this—the "State window" concept. Flexibility was built into the statute to provide latitude in implementing the legislation.

The provisions of the amendment now pending do nothing—do nothing, I repeat—to lessen the intent of Public Law 95-87. It will do the following, which I underscore and comment on at the present time:

It will extend the deadline for approval of State surface mine reclamation programs from January 3, 1981, to October 3, 1981. This provision will not weaken the act or change the intent of Congress. In fact, it will strengthen the opportunity for compliance with the will of Congress. Most important, it will insure that the States have an adequate and fair opportunity to become the prime regulatory authority. That was our initial intention, and no one can stand in the Senate and say otherwise.

The pending amendment would delete section 503(a)(7) of the 1977 act which requires that the States' permanent programs have laws and regulations consistence with this act and the Secretary's rules and regulations. Instead, the amendment we have here requires only that State programs be consistent with the act itself. This provision allows the States to assume the role that the Senate wanted placed in the legislation and which these States deserve.

The result would be State programs with flexibility, as I have said to the Senator from Ohio (Mr. METZENBAUM), free from what I call a Federal regimentation that has developed in Washington, D.C.

Mr. President, this Nation is implementing programs which will place primarily reliance on coal based on synthetic fuel technology. Coal, as my colleagues have heard me say, hundreds of times, is America's most abundant fossil fuel resource. Its expanded short- and long-term use cannot be denied. Most of the second generation coal liquefaction and gasification technologies that are now being tested will convert about 1 ton of coal into 2.5 to 3 barrels of synthetic products. According to the Department of Energy, a 1 million barrel per day synfuels industry would consume 156 million tons of coal per year or about one-quarter of current use.

Most of our analysts agree that a major part of the increased production will come not from the deep mines but from the surface mines. Many of the increases in production of the coal mining industry since 1961 have been generated by the new production from surface mines. In 1961 coal from underground mines composed 67.7 percent of all the coal mined in the United States of America. Now, underground mining constitutes about 40 percent of total U.S. production.

My able colleague from Hawaii is in the Chamber and I do not know how much West Virginia coal is being used in Hawaii—he puts up a zero—but I will tell him our West Virginia coal is going to Japan. Exports of steam coal are and will continue to increase.

Mr. MATSUNAGA. Japan is the land of my ancestors.

Mr. RANDOLPH. To increase these exports dramatically, of course, we need to deepen and widen the channels, not only in Virginia in the Hampton Roads-Norfolk section, but we need it in the ports just outside of Baltimore, Md.

I remember on a previous occasion we passed in this Senate legislation through the Public Works Committee, which called for a project in Virginia which did give us that wider channel, deeper channel which in turn gave those ships of greater capacity from France and Italy the opportunity to come in and to take out our coal. We need to have a renewed program of that kind. It is very important that we have it. Presently the ships out at sea are waiting to dock and load. In addition we need to improve other parts of our coal delivery system, principally our rail lines and locks on our internal waterways, to guarantee continued foreign markets.

So when we are talking today about flexibility within the structures of the States, I say to my colleague from Hawaii and others who are listening in their offices, I hope that they will realize that when we are talking about adequate production from surface mining and how important it is, it must be coupled with advances in other policy areas to achieve the result of domestic reliance on an internal, abundant resource rather then one external to our Nation.

Approximately one-half of U.S. coal production comes from surface mining the coal seams which lie fairly close to the Earth's surface.

The average overburden in the East is 100 feet with seam thickness of 4 feet as opposed to Western overburden depths of 35 feet with seams ranging from an average of 35 to 100 feet.

New mines must be developed which meet the standards of the surface mining law. We must see that this law does not continue to be in turmoil. We cannot force the States that will be responsible for running their reclamation programs into constant confrontation, and that is what is taking place, with the Federal Office of Surface Mining, over constantly changing reclamation standards.

Do other costs in the coal cycle remain constant? No. They are escalating. Freight rates, mining equipment costs, leasing costs, these are precipitously on the rise. Essential black lung benefits are paid in part as an internal cost to aid the coal miners who contract black lung. Pneumoconiosis is the correct name.

The Congress gave priority treatment to this matter in 1969 when we passed the Black Lung legislation which became law 1 year sooner than the occupational safety and health law applying on a more general basis throughout the country. We believed in the miner and gave to him, and now her, the opportunity to work under safe and healthy conditions. A younger work force is increasing training costs, and large severance taxes are required in many States for various reasons. With these requirements on the modern coal industry, we must assure that mining operations can produce this mineral in a safe, efficient, and environmentally sound manner, rather than having to devote its primary efforts in an overabundance of paperwork compliance imperfectly implemented within agencies and often poorly coordinated between the agencies of the Federal Government.

Mr. President, I am concluding these remarks. I feel very deeply about what I have said. I hope on tomorrow we will have sufficient strength among Senators to invoke cloture. Some people think when we have cloture we have stopped debate. We do not stop debate when we have cloture. We are simply saying by voting cloture that we begin to shorten the debate period. Each Senator has 1 hour which he can use, so there would be 100 hours if Senators will use that amount of time. We cannot, of course, except under certain circumstances, take our time and transfer it to another Senator.

I say to the able Presiding Officer, the Senator from Kentucky (Mr. Ford), that I have been very vigorous in what I have said here today, that I have spoken factually about the matters that are before us.

Before closing I say that the Office of Surface Mining—and that is the Federal entity in this particular case—seems to be attempting to preempt—preempt, Mr. President—many of the State-developed reclamation programs.

The Office of Surface Mining and some within its structure, seemed to desire the several States to operate their programs as if they were identical; a point which was expressed by my colleague, Senator Metzenbaum. They are not identical, they cannot be identical, because each seam of coal, each condition of surface mining in a particular area, is different from the other. So the regulations developed by the Federal office here are found wanting in the realism which we must have.

After submitting our State plan in March, and after the West Virginia State Legislature passed a measure to assure the program's conformity with State law; after months of working with the regional office of the Office of Surface Mining in Charleston, W. Va., we asked the Federal OSM for the final approval of our plan. On May 23, the Federal OSM office sent back to the State of West Virginia 28 pages of modifications which must be made before approval of a West Virginia plan can be granted.

Some tell me, and I have reason to believe them, this effort will require still further legislative changes in the State law. This is far from the cooperative and coordinated Federal effort needed.

I strongly endorse these provisions which we propose as modifications which must be made in a regulatory program so that the coal industry with all its facets in this country can with a positive approach, not a negative approach, not an unreasoned approach, an overregulated approach, affect the industry's ability to produce the large quantities of coal that we must have not only to stabilize but to strengthen the energy economy of the United States, and serve well the 230 million inhabitants of this Republic.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Ford). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, in reply to both the letter forwarded by Secretary Andrus and the editorial in the Washington Post today, both of which I have included as a part of today's Record, I should like to make the following response.

Secretary Andrus' letter describes the effort to pass this amendment as a "radical step * * * both unwarranted and unwise" and one which could delay full implementation of the Surface Mining Control and Reclamation Act of 1977 for years.

Secretary Andrus' unfortunate characterization of this amendment is not accurate. I urge my colleagues to refer to the letter of August 6 sent to all Senators by Senator Byrd of West Virginia, myself, and Senator Jennings Randolph, together with some 20 or more of our colleagues.

That letter faithfully sets forth what this amendment will accomplish. I ask unanimous consent that the letter be printed in the Record in its entirety.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Office of the Majority Leader,
Washington, D.C., August 6, 1980.

Dear Colleague: We are writing to urge your support of Amendment No. 1496, offered on Friday, August 1, by Senators Robert C. Byrd, Warner, Randolph, and others. The amendment, to H.R. 1197 (Cal. No. 937), a bill to simplify the tonnage measurements of certain vessels, affects the implementation of the Surface Mining Control and Reclamation Act of 1977. The text of the amendment is nearly identical to S. 1403, a bill which passed the Senate on September 11, 1979, by an overwhelming 68–26 vote.

The purpose of our amendment is to uphold the integrity of the Surface Mining Act by allowing the states to assume their proper place in the regulation of surface mining. Section 101(f) of the Act states that:

". . . because of the diversity in terrain, climate, biologic, chemical, and other physical conditions in areas subject to mining operations, the *primary governmental responsibility* for developing, authorizing, issuing, and enforcing regulations for surface mining and reclamation operations subject to this Act *should rest with the States.*"

By providing flexibility to the states as they attempt to comply with the Act, our amendment allows the Surface Mining Act to work as it was intended to by the Congress. Most states have already submitted their reclamation plans to OSM for review. Adoption of this amendment would send a clear signal to OSM that the Senate favors reasonable and flexible surface mining regulations, and does not wish to see the purposes of the Act frustrated during review of states' plans.

Rational development of abundant American coal resources will bolster our economy and enhance our national security, by reducing the amount of foreign oil imported by this country. This amendment will help insure that the Surface Mining Act will encourage coal production in a safe and reasonable manner.

Our amendment does not weaken the environmental requirements of the Surface Mining Act. It will not overturn any of the Act's very specific protections for the environment, nor will it allow states to ignore, reject, or circumvent the Act's environmental provisions. Further, the enforcement provisions of the Act will remain in effect, inasmuch as the federal government will retain its present oversight authority to insure state and private compliance with the environmental provisions of the Act.

We urge you to support the amendment when the Senate returns to consideration of H.R. 1197. A fact sheet on the amendment is attached. If you would like to cosponsor the amendment, or have questions concerning it, please contact us, or have your staff call David Pratt at 224–7013, or Roger Sindelar at 224–6682.

Sincerely,

John Warner, John Heinz, Vice-Chairman, Senate Coal Caucus, Howard Baker, Robert C. Byrd, Jennings Randolph, Wendell Ford, Chairman, Senate Coal Caucus, Walter D. Huddleston, Henry Bellmon, John Tower, Richard Schweiker, Charles H. Percy, Ted Stevens, Robert Dole, John Glenn, Birch Bayh, Pete Domenici, Roger W. Jepsen, David L. Boren, J. Bennett Johnston, J. James Exon, Howard Heflin, Jake Garn, Strom Thurmond, Orrin G. Hatch, Robert Morgan, Harry F. Byrd, Jr., Lloyd Bentsen, Donald W. Stewart, Mark O. Hatfield, Thomas F. Eagleton, Quentin N. Burdick.

Fact Sheet on Amendment No. 1496

(Surface Mining Act Amendments)

Unprinted Amendment No. 1496 to H.R. 1197 affects the Surface Mining Act as follows:

First, the amendment retains the requirement that states must comply with the Surface Mining Act, but removes the requirement that they comply with the rules and regulations issued by the Secretary of the Interior and the Office of Surface Mining. This change will insure that the Surface Mining Act is the standard by which state mining and reclamation plans are judged. The states would not be required to duplicate almost every detail of the federal regulations issued by OSM in order to obtain approval of their reclamation plans, as is currently the case.

Each state will be able to refine its own mining and reclamation plan based on its own unique circumstances. Under the amendment, a state will be in compliance with the law if its mining and reclamation program is consistent with the 115 detailed performance standards contained in the Surface Mining Act itself.

Second, the amendment extends the deadlines for approval or disapproval of a state plan, and for industry compliance with the state plan, to October 3, 1981, and June 3, 1982, respectively. These extensions will provide OSM with additional time to review state programs which may propose regulations different from the permanent federal regulations.

Third, the amendment provides that a reclamation policy for federally-owned lands in any state will not be finalized until after the Secretary of the Interior has acted on that state's reclamation plan for non-federal land. This provision will prevent the states from being preempted in shaping their own reclamation plans, and is particularly important to any state with a large amount of federal land within its boundaries.

Fourth, the amendment specifies that state officials have the primary responsibility for mine inspection. However, if the Secretary of the Interior disapproves a state reclamation plan, federal inspectors would assume the primary responsibility for inspections. At present, federal inspectors may preempt state regulatory officials in most mine inspection activities carried out under the Surface Mining Act.

Mr. WARNER. I believe that a thoughtful reading of this letter will clearly demonstrate that this amendment is critical if the integrity of the Surface Mining Act is to be upheld by allowing the States to assume their proper place in the regulation of an industry which is so vital to this Nation, an industry that was very eloquently characterized here moments ago by my distinguished colleague from West Virginia, Senator JENNINGS RANDOLPH.

In fact, a careful review of this amendment and the original act will show clearly that if anything has been unwarranted and unwise in the implementation of this important legislation, it has been the overreaching regulatory excesses of the Federal Office of Surface Mining. That particular Government agency is now under scrutiny, as pointed out by our colleague from Oregon, Mr. HATFIELD. And that is further impetus behind the effort to once again have this body adopt S. 1403, which, in our judgment, will remedy those excesses.

This amendment makes absolutely no substantive changes in the basic 1977 statute. All of the statutory environmental standards remain intact. And, very importantly, nothing in the amendment affects or diminishes Secretary Andrus' ultimate responsibility to review State program applications to determine whether State laws and regulations do in fact meet the requirements of the act. In other words, Secretary Andrus would continue under the amendment to retain full authority as originally authorized by the statute to approve or disapprove State programs.

Earlier today the distinguished majority leader right on this spot dealt with that question in detail and assured every Member of the Senate that in no way would this particular amendment detract, denigrate or otherwise remove the authority of the Secretary of the Interior in his performance under the Mining Act.

If the State-proposed regulations were found lacking by the Secretary, he would and, in fact, must disapprove those regulations and reject—I repeat, reject—the State program.

The Office of Surface Mining's permanent regulations would not be eliminated by the amendment. They would continue to remain available as a basis for comparison by the Secretary with a State program submittal, as well as for implementation of Federal lands and implementation of a Federal program in those States which either fail to gain regulatory authority or choose not to do so.

Secretary Andrus says that out of the 24 coal-producing States which have managed to submit State programs to the Interior Department, he has now approved the programs of Montana and Texas so they have full power to regulate surface coal mining.

He goes on to say that it is quite likely that eight or more States will receive approval shortly. Large parts of many other State programs will be approved in September. And by January he will have made final decisions on all State proposals, and expects that most of them will gain primacy under the act. This is a rosy report, in my judgment, yet one which must be received with some degree of skepticism based upon not only OSM's lack of total candor in the past (with which many Senators I am sure are familiar), but also recent press reports relating complaints by the Environmental Policy Institute that the majority of State program submittals are deficient in many important respects.

And I submit to Senators that this rosy report is symptomatic of the problem which makes Senate passage of the amendment so imperative.

The Office of Surface Mining has continuously advised the Senate as well as the other body that its implementation of an act so carefully crafted by the Congress was proceeding smoothly.

The facts, particularly those in the Federal court system, demonstrate otherwise.

OSM has missed every statutory deadline mandated by the Congress, causing uncertainty for the States and the industry.

Judicial scrutiny of OSM's regulatory program has resulted in dozens and dozens of regulations being invalidated by the same Federal courts which have generally been so supportive of the efforts of executive branch agencies to implement landmark pieces of environmental protection legislation enacted by the Congress in the past 10 years. Frankly, OSM's regulatory program is in a shambles. Although Secretary Andrus states that the State program review process will be completed in the next 5 months, the revision of discarded and discredited Federal regulations ordered by the courts will result in a long, drawn-out process of new reviews and rereviews of State programs over the next few years. The amendment under consideration will not delay this process. If anything it will help cut through the Gordian knot of the regulations in limbo as a result of court scrutiny.

Contrary to Secretary Andrus' belief, the States need the additional time authorized by the amendment if they are to cope with the massive changes in OSM's regulations mandated by the Federal courts.

Momentarily, Mr. President, I will refer to a chart which specifically delineates the court decisions that have taken place thus far.

And, most importantly, the amendment would prevent OSM from requiring State program applications to be mirror images of the Federal rules. In effect OSM has said "we have interpreted the law and have written hundreds of pages of regulations, and you, Mr. Governor, can take our rules or forfeit the right to regulate surface mining in your State."

This specific language in the Surface Mining Act which OSM has used to reach this result is contained in section 503(a)(7). This provision—which the amendment would delete—requires State program applications to contain "rules and regulations consistent with the regulations issued by the Secretary pursuant to this act."

With its characteristic candor, OSM representatives have told the States and the Congress that there is sufficient administrative flexibility in the so-called "State window" rule to achieve the same results which the amendment would grant. Allow me to read for you the key provision of this rule which can be found at 30 CFR 731.13. This is the subsection of the OSM regulations which requires any State wishing to deviate from a Federal program to show "that the proposed alternative will be in accordance with the applicable provisions of the act and consistent with the regulations of this chapter."

In a decision on July 10, the U.S. Court of Appeals for the District of Columbia Circuit in overturning massive portions of the OSM regulations dealing with mine permit requirements pierced this Catch 22 charade which the Office of Surface Mining has been so vigorously touting.

The Court of Appeals in describing the discretion remaining to the States through the so-called "State window" provision of the regulations said:

> The language of this provision, however, is deceptively comforting. Elsewhere, the regulations define "consistent with" as meaning "no less stringent than and meeting the applicable provisions of the regulations" the Secretary has issued. Thus, there is little room for states to maneuver. The "window" would be more accurately described as a one-day mirror.

Mr. President, I urge the adoption of this amendment.

Mr. President, I would like to bring further reasoning, which I hope my colleagues will find persuasive, to bear on my request.

Here are some basic facts about the amendment submitted by Senator BYRD and myself.

The States need more time to comply with the act.

Because of the massive changes in OSM's program mandated by the Federal courts, the State program review process cannot be completed in the next 5 months as asserted by Secretary Andrus.

Dozens of regulations have been declared illegal during judicial review of OSM's program. The courts have ordered OSM to rewrite these regulations. The agency has barely started this long process of revision.

As OSM obeys court orders to rewrite the regulations, it will set off new rounds of changes in State programs and Federal reviews of these changes. This process will be piecemeal, time consuming, and it will be years before there is any real certainty as to how to comply with the program.

The Byrd amendment resolves this problem by giving the States until October 1981 to make necessary changes in their programs and by using the congressionally mandated statutory provisions for environmental protection as the nationwide standard for compliance.

The effect of the Byrd amendment is to cut through the Gordian knot of an OSM program in shambles as a result of Federal court scrutiny of the overreaching regulatory excesses of OSM.

The OSM regulations will not be eliminated by passage of the Byrd amendment.

The Secretary will retain his authority to use the regulations as a guide for the approval of State programs. A State must formulate its program to comport with the provisions and environmental standards found in the Surface Mining Act. The Secretary's regulations set forth his interpretation of the statutory requirements to which the courts will accord great weight. The Secretary and the courts will use the regulations as a measuring stick in the State program approval process.

The State programs must, at a minimum, meet the standards mandated by the act. If the State programs were found deficient by the Secretary—using the OSM regulations as a measuring stick—he would, and in fact must, disapprove those regulations and reject the State program.

The Secretary will retain his authority to enforce the OSM regulations on Federal lands and in those States where a State program is either not approved or has not been submitted.

The Byrd amendment insures that the OSM regulations will only be used as a measuring stick and not as a tool for requiring State regulations to be mirror images of the Federal rules. The result will be a real achievement of State primacy as contemplated by the act.

Mr. President, I should like to refer to several of the regulations which have been addressed by the courts and, in opinions, those regulations have, in one way or another, been vitiated. I am referring to regulations in 30 CFR, the first regulation being 715.17(a), regulation 717.17(a).

The description of the regulations and how they are affected by the court action are set forth in a table which I ask unanimous consent to have printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

REGULATION AFFECTED ON SECTION NO. IN 30 CFR	DESCRIPTION OF REGULATION AND HOW AFFECTED BY COURT ACTION	ACTION BY SECRETARY OR COURT; ANTICIPATED OSM RULEMAKING ACTIVITY
715.17(a) 717.17(a)	Water quality standards and effluent limitations—Court ruled that: (a) to the extent that the EPA variance provisions from effluent limits apply to surface coal mining operations, they must be included in the interim regulations, and (b) to the extent that EPA affords an exemption to surface mining operations for pollutants already in water when it comes onto the mine site, such a provision must be incorporated in the regulations. (A third issue raised by the industry with regard to EPA's "rainfall exemption" was mooted by OSM's notice of suspension issued on December 31, 1979 (44 Fed. Reg. 77447)).	Remanded by Court to Judge Flannery to determine whether the general variance, and "net gross" basis of measurement regulations are applied by EPA to coal mines and must therefore become part of OSM's interim regulatory program. (p. 38 of May 2 opinion)
715.19(e)(1)(vii)(A)	Use of explosives—blasting procedures—required that blasting not be conducted within 1000 feet of any building used as a dwelling, school, church, hospital or nursing facility. Court held that the Secretary could not expand the 300 foot distance limitation on blasting set forth in the Act.	Invalidated by Court. Remanded to Secretary for revision. p. 21 of May 2 opinion)
715.19(e)(2)(ii)	Use of explosives—blasting standards—required that the maximum peak particle velocity of the ground motion in any direction must not exceed 1 inch per second at the immediate location of any dwelling, public building, school, church, or commercial or institutional building. Court held that the regulation lacked necessary substantiation and was thus arbitrary and capricious.	Invalidated by Court. Remanded to Secretary for revision. (p. 23 of May 2 opinion)
716.7(a)(2)	Prime farmlands—grandfather exemption. Court held that the grandfather exemption is a three-part protective provision (allowing exemptions for (1) any permit issued prior to August 3, 1977; (2) any revisions or renewals thereof; and (3) any existing surface mining operations for which a permit was issued prior to August 3, 1977) and invalidated the regulation insofar as it improperly reduced the prime farmland grandfather rights established by section 510 (d)(2) of the Act.	Invalidated by Court. Remanded to Secretary for revision. (p. 26 of May 2 opinion)
700.11(b)	Applicability of permanent program regulations—two acre exemption	Suspended by the Secretary—proposed rule published 2/6/80 (45 F.R. 8241) Language involving physically unrelated sites to be deleted.
701.5	Definition of "mine plan area"—Court found definition to have the effect of improperly requiring permit applicants to submit information for areas outside of the permit boundaries. Its use was suspended in Parts 779, 780, 783 and 784.	Definition remanded by the Court for revision. (pp. 35–36 of Feb. 26 opinion; pp. 57–58 of May 16 opinion).

REGULATION AFFECTED ON SECTION NO. IN 30 CFR	DESCRIPTION OF REGULATION AND HOW AFFECTED BY COURT ACTION	ACTION BY SECRETARY OR COURT; ANTICIPATED OSM RULEMAKING ACTIVITY
701.5 816.150–.176	Road classification system—Sec. 701.5 assigns "Class I" standards, the most strict, to all roads used for coal haulage; "Class II" standards to other roads planned to be used for six months or longer; and minimal "Class III" standards to non-haulage roads to be used less than six months. Court held that the road classification system "lacks sufficient support in the record" and that the Secretary had not afforded the public an adequate opportunity to comment.	Remanded by the Court for new rulemaking. Sections 816.150–.176. suspended. (pp. 32–36 of May 16 opinion)
701.5	Alluvial Valley Floors—definition of "unconsolidated stream laid deposits holding streams"—upheld by Court but interpreted to mean that ephemeral streams incapable of supporting irrigation should not be considered as part of an alluvial valley floor.	No revision necessary. (pp. 46–48 of Feb. 26 opinion)
701.11(e)(1)(i) and (ii)	Existing structures—gave the Secretary the discretion not to exempt pre-existing structures from reconstruction to design standards even if they met performance standards.	Suspended by the Secretary—proposed rule published 2/6/80 (45 F.R. 8241)—if the regulatory authority makes the findings required by § 786.21(a)(1) or (a)(2)(i), then an exemption from reconstruction requirements *shall* be granted.
732.15(b)(7) 840.13(a)	Criteria for approval of State programs—enforcement authority—regulatory imposition of a civil penalty point system on the States is inconsistent with the Act.	Remanded by the Court for revision. (pp. 14–15 of Feb. 26 opinion; pp. 56–57 of May 16 opinion).
741.21(a)(4)	Review of permit applications—time limits for review of permits on Federal lands.	No regulations exist to suspend—An amendment will be proposed to provide time limits for review of permits on Federal lands under sec. 514(b) of the Act—possibly affected by postponement of Federal lands program on 12/31/79 (44 F.R. 77440)
761.5	Definition of "public road"—any thoroughfare open to the public for passage of vehicles.	Suspended by the Secretary—proposed rule published 2/6/80 (45 F.R. 8241)—scope of the definition narrowed—limited to a thoroughfare which has been and is being used by the public for vehicular travel.
761.5(a)(2)(i)	Definition of "valid existing rights"—Court held that operators who had made a good faith attempt to obtain all permits before the August 3, 1977 cutoff date will qualify for the valid existing rights exception, regardless of whether all permits had in fact been obtained by that date.	Remanded by the Court for revision. (p. 28 of Feb. 26 opinion)
761.5(c)	Valid existing rights—established a national rule for interpreting documents relied upon to establish valid existing rights.	Suspended by the Secretary—proposed rule published 2/6/80 (45 F.R. 8241)—where a State has case law establishing some other standard for interpreting documents which convey mineral rights, this law will be used to interpret documents executed in that State.
Subchapter D (741.13, 741.17, 741.21, 741.24)	National Historic Preservation Act.	Suspended by the Secretary—amendment will be proposed to clarify that the National Historic Preservation Act (including its protection of properties eligible for listing on the *National Register*) applies to OSM permitting and mine plan approval activities on Federal lands.
Subchapters F and G (761.11(c), 761.12(f), 779.12(b), 779.24(i), 783.12(b), 783.24(i), 786.19(e)).	National Register of Historic Places—places eligible for listing thereon.	Suspended by the Secretary—an amendment will be proposed to delete the limitation on surface mining operations conducted under approved State programs which will adversely affect places *eligible for listing on* the National Register of Historic Places.
Subchapters D, F and G		Suspended by the Secretary—amendment will be proposed to clarify the regulations and preamble as necessary with respect to implementation of Sec. 522(e)(3) of the Act. Revisions will be proposed, 1) to require approval of only the agency or agencies with legal jurisdiction over parks and historic sites, and 2) to interpret Sec. 522(e)(3) as applying only to publicly-owned places listed on the *National Register* rather than *any* places so listed.
761.12(e)	Waivers—implements Sec. 522(e)(5) of Act which prohibits surface coal mining operations within 300 feet of an occupied dwelling unless waived by the owner of the dwelling.	Suspended by the Secretary—proposed rule published 2/6/80 (45 F.R. 8241)—1) waivers obtained after August 3, 1977, remain effective against subsequent knowing purchasers; 2) after passage of the Act, a new waiver is not required.

REGULATION AFFECTED ON SECTION NO. IN 30 CFR	DESCRIPTION OF REGULATION AND HOW AFFECTED BY COURT ACTION	ACTION BY SECRETARY OR COURT; ANTICIPATED OSM RULEMAKING ACTIVITY
766.11(b)(3) and (b)(5)	Coal exploration—general requirements—exploration of less than 250 tons—required the notice of intent for exploration operations to include a map of the exploration area and an explanation of the operator's basis for entering that area. Court found these requirements unauthorized by the Act.	Remanded by the Court for revision. (p. 54 of May 16 opinion)
779.20 780.16 783.20 784.21	Permit application—fish and wildlife resources information—these regulations were found by the Court to lack authority in the Act and were suspended. The regulations required permit applications to contain a study of fish and wildlife and to include a fish and wildlife reclamation plan. (See also U.S. Court of Appeals decision of July 10)	Remanded by the Court for revision. (pp. 38–39 of Feb. 26 opinion)
779.21 783.21	Permit application—land-use information—required permit applications to provide soil information for lands other than prime farmlands. Court held that Act requires permit applications to contain soil surveys only for prime farmlands. (See also U.S. Court of Appeals decision of July 10)	Remanded by the Court for revision. (pp. 39–40 of Feb. 26 opinion)
779.27(b)(4) 783.27(b)(4)	Permit applications—prime farmland investigation. (See also U.S. Court of Appeals decision of July 10)	Suspended by the Secretary—OSM will publish an interpretative rule regarding the phrase "other factors" in these sections as being limited solely to those factors contained in the Secretary of Agriculture's regulations for identification of prime farmland.
783.14(a)(1)	Underground mining permits—geology description—required detailed analyses of test borings for all strata. (See also U.S. Court of Appeals decision of July 10)	Suspended by the Secretary—proposed rule published 4/16/80 (45 F.R. 25990)—requirements for geology description in a permit application for an underground mining operation are narrowed to only those areas where the overburden will be removed down to the level of the coal seam.
783.22, 784.15, and 817.133	Underground mining permit applications—postmining land use—although upheld by the Court, regulations were clarified. According to the Secretary's interpretation (as blessed by the Court) an underground operator need not project post-mining land use for distant time periods. He need not propose an alternative use as part of the initial permit application, but may apply for such via the permit revision procedure when the "coal extraction phase" nears completion. (See also U.S. Court of Appeals decision of July 10)	No revision necessary. (pp. 13–14 of May 16 opinion)—OSM will publish an interpretation of these regulations to allow an operator to apply through the permit revision or renewal procedures of 30 CFR 788.12–785.15 for regulatory authority approval of an alternative post-mining land use toward the end of the life of an underground mine rather than obtaining such approval in the original permit, if the original permit demonstrates that the land will be returned to its premining land use capability as required by 30 CFR 817.133(a).
783.25(c),(h) & (1)	Underground mining permit applications—cross sections, maps and plans—required cross sections, maps and plans as part of the informational requisites of an underground permit application. Court found these regulations procedurally defective, primarily because of a deficient preamble. (See also U.S. Court of Appeals decision of July 10).	Remanded by the Court for revision. (pp. 14–15 of May 16 opinion)
785.17(a)	Special category permits—prime farmlands grandfather clause.	Suspended by the Secretary—proposed rule published 4–16–80 (45 F.R. 25992)—proposed amendment provides for protection mandated by sec. 510(d)(2) regarding "existing surface mining operations." (See May 2 opinion of U.S. Court of Appeals, D.C. circuit).
785.17(b)(3) 823.14(c)	Moist bulk density standard for prime farmland soil compaction—established a "moist bulk density" test for determining whether compaction of replaced soil horizons on prime farmlands is excessive.	Suspended by the Secretary—until a standard for soil compaction is proposed and adopted, OSM will implement the permanent program prime farmland standards by requiring that prime farmland permit applications demonstrate and operators mine so that excessive compaction is avoided in replacement of the soil under Sections 508(a)(4)–(5), 510(d)(1) and 515(b)(7) of the Act.
785.17(b)(8)	Special category permits—prime farmlands—made revegetation success on prime farmlands dependent upon meeting a high management level standard. Court found that the Act requires high management yields only with respect to the informational requirements of the reclamation plan, and that permit approval and bond release are dependent upon achieving revegetation equivalent to the surrounding non-mined prime farmland.	Remanded by the Court for revision. (pp. 4–5 of May 16 opinion).

REGULATION AFFECTED ON SECTION NO. IN 30 CFR.	DESCRIPTION OF REGULATION AND HOW AFFECTED BY COURT ACTION	ACTION BY SECRETARY OR COURT; ANTICIPATED OSM RULEMAKING ACTIVITY
785.19(d)(2)(iii) and (iv)	Special category permits—alluvial valley floors—required that permit applications to mine on alluvial valley floors contain, among other things, hydrologic data for "a full year."	Remanded for revision with direction from the Court that the Secretary make it clear that the hydrologic data in question could be collected over a shorter period of time or could consist of extrapolations from existing data (p. 56 of Feb. 26 opinion)
785.19(e)(1)(ii)	Special category permits—Alluvial Valley Floors—purported to implement the hydrologic damage prohibition of Sec. 510 (b)(5)(B) of the Act. Court held that the Secretary's attempt to extend the hydrology requirements to include the statutory exemptions (undeveloped range land and small farm acreage) was invalid.	Remanded by the Court for revision. (pp. 52–53 of Feb. 26 opinion)
785.19(e)(2)	Special category permits—Alluvial Valley Floors—these regulations set forth OSM's test for the small acreage exemption for mining on alluvial valley floors. Court held that the regulation unlawfully converted the statutory exemption for "such small acreage as would have a negligible impact" on farming into a total ban on mining by requiring the operator to show that *no* decrease in the expected annual income of a farm would occur.	Remanded by the Court for revision. Court cited with approval a quotation from the legislative history suggesting that the disturbance of 60/1,000 acres would qualify for the exemption. (p. 51 of Feb. 26 opinion)
786.5	Definition of "irreparable damage to the environment"—defined the term, for purposes of the permit review and approval provisions, as "any damage to the environment that cannot be or has not been corrected by actions of the applicant."	Suspended by the Secretary—proposed rule published 2/6/80 (45 F.R. 8241)—proposed amendment deletes the phrase "or has not been" to reflect the plain meaning of the word "irreparable."
805.13(d)	Period of liability-bonding.	Suspended by the Secretary—an amendment will be proposed to this section to refer to the revegetation requirements of 30 CFR 816.111(a).
806.12(e)(6)(iii) 806.12(g)(7)(iii)	Performance bonding—required a permittee to cease mining operations immediately upon the incapacity of this surety due to bankruptcy, insolvency, or loss of license.	Suspended by the Secretary—proposed rule published 1/24/80 (45 F.R. 6028) proposed change will allow for expeditious substitution of new performance bond coverage by the operator without requiring immediate cessation of all operations.
807.11(e)	Procedures for seeking release of performance bond—informal conferences—court held that these regulations must include a provision for access to the mine site pursuant to sec. 513(b) of the Act.	Remanded by the Court for revision. (pp. 41–42 of Feb. 26 opinion)
808.12(c)	Bond liability—required that liability under any bond, including separate bond increments or indemnity agreements applicable to a single operation shall exted to the entire permit area "with respect to protection of the hydrologic balance:"	Suspended by the Secretary—proposed rule published 1/24/80 (45 F.R. 6028)—language regarding "with respect to protection of the hydrologic balance" deleted.
808.14(b)	Performance bond forfeiture criteria and procedures—determination of forfeiture amount—regulations allowed the regulatory authority to penalize the permittee upon forfeiture by retaining the entire amount of the performance bond, even if only part of the bond was necessary to pay for reclamation.	Regulation remanded with a direction from the Court that any forfeiture procedure require reimbursement of the portion of the bond not spent for reclamation. (pp. 44–45 of Feb. 26 opinion)
816.42(a)(1) and 816.42(a)(7)	Hydrologic balance: Water quality standards and effluent limitations—made lands under reclamation subject to effluent limitations. Court did not find adequate technical support for the Secretary's contention that sediment control measures for reclaimed lands are identical to those for currently mined lands.	Remanded by the Court for revision. (pp. 19–20 of May 16 opinion)
816.42(b) 817.42(b)	Hydrologic balance: water quality standards and effluent limitations—established a rainfall exemption from compliance with TSS effluent limitations only during the actual occurrence of a 10-year, 24-hour storm.	Suspended by the Secretary—new rule will be proposed to provide an appropriate exemption from compliance with the total suspended solids effluent limitations during precipitation events. Pending completion of this rulemaking, EPA's rainfall exemption at 40 CFR 434.22(c), 434.32(b), and 434.42(b) will be applicable to surface coal mining and reclamation operations.
816.46(b) 817.46(b)	Hydrologic balance: sedimentation ponds—prescribed a minimum sediment storage volume for sedimentation ponds.	Suspended by the Secretary—an amendment will be proposed to provide new design requirements for minimum sediment storage volume of sedimentation ponds.
816.46(c) 817.46(c)	Hydrologic balance: Sedimentation ponds required a 24-hour detention time for sedimentation ponds and thus necessitated extremely large ponds.	Suspended by the Secretary—OSM will repropose requirements for the theoretical detention time standard for water in sedimentation ponds, as well as measures which can be taken to reduce the theoretical detention time.

REGULATION AFFECTED ON SECTION NO. IN 30 CFR.	DESCRIPTION OF REGULATION AND HOW AFFECTED BY COURT ACTION	ACTION BY SECRETARY OR COURT; ANTICIPATED OSM RULEMAKING ACTIVITY
816.46(d) 817.46(d)	Hydrologic balance: sedimentation ponds—required a dewatering device for sedimentation ponds which had a discharge rate to achieve and maintain the required theoretical detention time.	Suspended by the Secretary—amendments will be proposed to the design criteria for sedimentation pond dewatering divides which are related to the sediment storage volume and theoretical detention time.
816.46(h) 817.46(h)	Hydrologic balance: sedimentation ponds—required operators to clean out sedimentation ponds when sediment reaches 60 percent of the sediment storage capacity.	Suspended by the Secretary—amendments will be proposed to the required frequency of sediment removal from sedimentation ponds.
816.65(f)	Use of explosives: surface blasting requirements—established distance limits for blasting.	Remanded by the Court for revision. Court based its decision on the May 2 opinion of the U.S. Court of Appeals for the D.C. Circuit. (p. 26 of May 16 opinion)
816.83(a) 817.83(a)	Coal processing waste banks: water control measures—required the construction of underdrains for all waste embankments and made no provision for alternatives in appropriate situations.	Suspended by the Secretary—proposed rule published 4/16/80 (45 F.R. 25990)—proposal provides an exemption from the subdrainage requirement if the operator can demonstrate to the regulatory authority that a subdrainage system is not required to insure structural integrity and water quality.
816.95 817.95	Air resources protection—require operators to take appropriate control measures to limit fugitive dust. Court held that the Secretary's authority to regulate air pollution is limited to air pollution relating to erosion.	Remanded by the Court for revision. (pp. 27–29 of May 16 opinion)
816.103(a) 817.103(a)	Acid-forming and toxic-forming materials—required cover for all hazardous materials with at least four feet of non-toxic, noncombustible materials.	Suspended by the Secretary—proposed rule published 2/6/80 (45 F.R. 8241)—amended to provide in the alternative for either cover or *treatment* of acid-forming or toxic-forming materials.
816.115 817.115	Revegetation: Grazing—required that an operator who proposed range or pasture land as a post-mining land use must *actually use* the land for grazing for at least the last two years of bond liability. Court held that OSM had no authority to require such actual use by operators.	Remanded by the Court for revision. (pp. 58–59 of Feb. 26 opinion)
816.116(b) 817.116(b)	Revegetation: standards for success—delayed beginning the 5 or 10 year period of the operator's responsibility for revegetation success until vegetation equalled the approved standard (generally 90 percent of the natural cover in the area). Court held that Sec. 515(b)(20), which initiates the responsibility period at the earlier point in time when seeding and related work are completed, is the correct standard.	Remanded by the Court for revision. (pp. 59–61 of Feb. 26 opinion).
816.133(b)(1) 817.133(b)(1)	Postmining land use—required an operator to restore previously mined but unreclaimed land to the "highest and best use . . . compatible with surrounding areas." Court noted that the Act gives the operator an option to restore land *either* to its condition prior to any mining or to a higher or better use and held that the regulations improperly eliminate the first option.	Remanded by the Court for revision. (pp. 55–56 of May 16 opinion).
816.133(c)(4) 817.133(c)(4)	Postmining land use—required, as a condition of approval of an alternative postmining land use, that "letters of commitment" accompany the permit application and demonstrate "that financing, attainment, and maintenance of the post-mining land use are feasible." Court held that these regulations were unauthorized by the Act and substantially exceeded anything that could be required under the Act.	Remanded by the Court for revision. (pp. 62–63 of Feb. 26 opinion).
816.133(c)(9)(1) 817.133(c)(9)(1)	Postmining land use—required operators proposing to change pre-mining land uses of range, fish and wildlife habitat, forest land, hay land, or pasture to post-mining crop land use to submit a firm written commitment to provide sufficient crop management after bond release to assure that the proposed post-mining crop land use remains practicable and reasonable. Court ruled that OSM was not authorized to require a "firm written commitment" with respect to these future activities, but could only require an operator to demonstrate a "reasonable likelihood" of sustaining such a land use.	Remanded by the Court for revision. (pp. 62–63 of Feb. 26 opinion)

REGULATION AFFECTED ON SECTION NO. IN 30 CFR.	DESCRIPTION OF REGULATION AND HOW AFFECTED BY COURT ACTION	ACTION BY SECRETARY OR COURT; ANTICIPATED OSM RULEMAKING ACTIVITY
817.52(a)(1)	Hydrologic balance: surface and ground water monitoring—required monitoring of ground water for recharge capacity.	Suspended by the Secretary—proposed rule published 4/16/80 (45 F.R. 25990)—proposal eliminates the requirement for underground mine operators to monitor the effects of underground mining activities on the recharge capacity of reclaimed lands.
817.54	Hydrologic balance: water rights and replacement—required underground mine operators to replace the water supply of land owners if the mining operation contaminates, diminishes, or interrupts that water supply. Court held that water replacement applies only to surface coal mining operations and there is no statutory authority to apply it to underground mines.	Remanded by the Court for revision. (pp. 36–37 of May 16 opinion)
817.101(b)(1) 817.102	Backfilling and grading—general requirements—applied the approximate original contour regulations to underground mining. Court held that surface disturbances become settled and revegetated during the long duration of an underground mine, and found it "duplicitous" in this situation to require the removal of previously settled and revegetated land only to achieve the purpose of a second revegetation.	Remanded for revision with a direction from the Court to provide "some flexibility for settled fills that have become revegetated." (pp. 17–18 of May 16 opinion)
817.116	Revegetation—standards for success.	Suspended by the Secretary—proposed rule published 4/16/80 (45 F.R. 25990)—proposal adds a provision that, for underground mine permit areas of 40 acres or less in locations with an average annual precipitation of more than 26 inches, certain specified performance standards may be used as an alternative to reference areas to measure revegetation success.
823.11(c) 823.15(b) 823.15(c)	Prime farmlands—performance standards—revegetation-required that an operator *actually farm* any prime farmland portion of a permit area for varying numbers of years in order to demonstrate revegetation. Court ruled that OSM was not authorized to command operators to engage in farming. OSM's only authority is to require the operator to demonstrate the postmining *capability* of prime farmlands to meet pre-mining productivity levels. Such capability can be demonstrated by soil surveys.	Remanded by the Court for revision. (pp. 58–59 of Feb. 26 opinion)
Part 823	Prime farmlands—performance standards—required underground mining operations to comply with the prime farmland provisions. Although the Court upheld the applications of prime farmland requirements to underground mining, Part 823 was suspended as applied to underground mining.	Remanded for revision with direction from the Court that the Secretary exempt from Part 823 those surface facilities which are actively used over extended periods but which affect a minimal amount of land. (pp. 1–3) of May 16 opinion)

Mr. WARNER. Mr. President, this compilation clearly documents a long history of action by the Federal courts in turning aside, one way or another, regulations issued by the OSM—clearly again, pointing out the complexity facing any State with respect to how to comply with the regulations issued by OSM.

Mr. President, we have heard from opponents of the Byrd-Warner amendment that the amendment is not needed because OSM is dealing with the various State plans that have been submitted to it in a fair and expeditious manner. The opponents have pointed out some examples of OSM's fair treatment. But, Mr. President, there are other States which have been having extreme problems with OSM, which this amendment will correct.

I vividly recall from yesterday the distinguished Presiding Officer here today, Senator FORD of Kentucky, in a colloquy with our colleague from Montana, to my recollection pointing out the difficulty that his State, Kentucky, had experienced when they, in good faith, tried to comply with the regulations promulgated by OSM.

I should like to comment for a moment on the problems experienced by my own State, the Commonwealth of Virginia. I shall read a letter written to me by Virginia's Department of Conservation and Economic Development, Division of Mined Land Reclamation, which oversees the enforcement of Virginia's strip-mining action. The letter is dated May 30, 1980, addressed to Senator JOHN W. WARNER, U.S. Senate. It reads as follows:

DEAR SENATOR WARNER: I am enclosing OSM Region I comments on Virginia's permanent program for your information. These comments are being thoroughly reviewed by the Department and Division staff. I am certain that you will recognize the difficulty in trying to address these comments by the June 15th deadline. We did not receive these comments until May 27, 1980.

The Secretary of the Interior must approve or disapprove our program by September 3, 1980 based on all material received from Virginia by June 15, 1980. It is likely that Virginia's program will be disapproved on September 3, 1980. If this occurs, Virginia will have until November 15, 1980 to submit a revised program including law, regulations and other content requirements. November 15th is the latest date OSM will accept corrections or additions to Virginia's program. OSM will conduct another public hearing and the Secretary will finally approve or disapprove Virginia's program not later than January 3, 1981.

The Office of Surface Mining has told the states, the courts and the public that states can recognize their particular terrain, etc. by alternative regulations. You will note that OSM has effectively denied Virginia's alternatives, thereby proving that there is no "state window". The congressional intent has been ignored by OSM. In almost every case where Virginia changed OSM's words in the regulations, OSM has determined the change unacceptable. We intend to uphold our belief that the proposed alternatives are necessary and that they are technically supported.

We are requesting a meeting with OSM to ask for official clarification on these comments. Any clarification that changes the intent of these comments will be brought to your immediate attention.

Sincerely yours,

Danny R. Brown,
Commissioner.

Virginia's commissioner further wrote a letter to the OSM Deputy Regional Director, Mr. Patrick B. Boggs, in response to OSM's comments on Virginia's strip mining plan.

It is unusual for Mr. Brown to use such strong language but after listening to Mr. Brown's letter, we can understand his reasons for such language. I will quote from Mr. Brown's June 9 letter addressed to Mr. Patrick B. Boggs, Deputy Regional Director, Office of Surface Mining, Charleston, W. Va.

Dear Pat: This is a response to your letter of transmittal which we received on May 27, 1980 containing Region I comments on the Virginia Regulatory program. We begin our response by noting that you have provided Virginia with only 17 days to make the modification which you are requiring. Even if we had found Region I's comments to be clear and well founded, it would have been extremely difficult if not impossible for Virginia to make these changes within this period. We were very disappointed, however, that the majority of the comments lacked any rationale in support of statements presented. Although a number of the problems we have with the comments were discussed at our June 4 and 5, 1980 meeting, the majority of the comments were presented in a manner which makes it difficult if not impossible to fashion an appropriate response. While we welcome OSM constructive comments and criticism, we have great difficulty with this type of comment that lacks any substantiation or back up data.

As you are aware, the program development effort and your participation in that effort is not new to this process. We have met with both you, your I & E staff, and your Technical Services staff on a number of occasions and felt that we had resolved or at least identified those issues of departure between your interpretation of the requirements of Section 731.14 of your regulations and our interpretation.

The areas where we require further clarification and justification for your comments were discussed at our June 4 and 5 meetings. We will not itemize those areas at this time. The public record of that meeting should satisfy our mutual needs in that area.

There are a number of typographical errors identified in your comments and in our review. These errors as identified in Attachment A will be corrected in Virginia's regulations.

We mutually agreed that a number of the statements identified in your comments were either based on a misunderstanding of Virginia's law, regulations or program, or misunderstanding within your staff. At this time, we do not feel that it is necessary to respond further to these areas.

Based on our understanding and your agreement, comments on the following areas require a further clarification on your part prior to justifying response on our part. These are as listed in Attachment B.

With respect to those deficiencies identified specifically on pages 2, 3, 6, and 8 of the program narrative, comments that were based upon your reading of the OSM state program review guide and policy statements, we feel that the comments are totally deficient. This document was available to your staff prior to the complete analysis and comment which preceded our March 3, 1980 formal submittal. After our meeting with Region I in November and December as well as several meetings prior to that, we completely rewrote the narrative descriptions for all program processes and procedures as identified under Section 731.14 of your regulations in accordance with our meetings.

It was our understanding at that time that the review document prepared by you contained a thorough and complete analysis of our program narrative. We feel confident that the program narrative as prepared in response to your previous comments and submittal on March 3, 1980 contains a full and adequate description of the proposed state program in accordance with the requirements of the regulations.

Merely to recite sentences from a guidance document that was fully considered by your staff previous to your prior comments without supporting justification, identifying specific deficiencies in the program narrative with a reasoned supporting analysis, provides us inadequate justification to rewrite the program narrative at this late date in the process of program development.

Similarly, the comments on Virginia's proposed alternative regulations are grossly inadequate. Although we have not had sufficient time to review your latest comments on the alternative regulations given to us at the June 4 and 5 meeting, we can only conclude at this time that your agency has failed to address fully the proposed alternative regulations presented by Virginia and supporting documentation. Repeatedly in your comments, you offer unsubstantiated and totally arbitrary opinions stating that various proposed regulations are unacceptable.

These opinions are not supported by sufficient analysis to permit our review and determination of the validity of the comments made. Many of your responses to the proposed alternatives indicated a lack of understanding and adequate review of the proposal presented.

After over 4 months of your review, we cannot comprehend why there are still a number of alternatives which are unacceptable to you without your giving any substantive or firm reasons beyond your opinion that they are unacceptable.

We have supplied you with a detailed justification and supporting documentation for every proposed alternative presented. Your comments fail to provide any support for a finding that the presented justification and alternative is deficient and inadequate. It is impossible for us to respond to comments on your part that are based on undocumented and unsupported opinion without any showing why the documentation and supporting analysis justifying the proposed alternative is inadequate.

We understand that the latest comments of your technical service staff analysis may provide some additional explanation supporting your statements in your comments. However, our initial review of that document leads us to believe that it contains the same deficiencies and lack of supporting analysis that are omitted from your formal comments.

We would like you and your staff to remember that unlike some of the other States you may be dealing with, the process of program development in Virginia is not a newly initiated endeavor. We have repeatedly met with you and your staff, have held public hearings, held two formal public comment periods and have participated in an active program of public participation in program development since September of 1978.

We have committed our resources and efforts to an active program to assure appropriate and/or complete opportunity for participation by all parties prior to March 3, 1980 formal submittal deadline. To ignore the program development efforts on the part of your staff, the interested public, work committees, and ourselves to date would be an insult to all parties involved. We cannot accept the proposition that OSM can unilaterally change the ground rules and program requirements this late in the process of program development.

You and your staff were fully aware from the very inception of our program development efforts that proper timing and complete review on your part was necessary for the development of an adequate program for Virginia.

We feel that our efforts on the program development task have been fully accomplished. In making this effort, the Commonwealth of Virginia has spared no expense, initiation, or effort to fully comply with the requirements of the permanent program regulations and your suggestions. The resources, time, money, and energy necessary for program development were carefully allocated to allow us to fully participate with you and respond to your concerns and comments prior to March 3, 1980. We did this as a result of your constant urging and assurance that the review process would be complete and meaningful.

The Commonwealth has a responsibility to get on with its primary functions of enforcing the regulatory program and assuring adequate protection of the environment and the public health and safety. We cannot continue to allocate scarce resources to responding to frivolous comments at this time. It became obvious to us as a result of our June 4 and 5 meetings that on numerous important issues the Regional staff has failed to be provided adequate guidance from Washington. We sympathize with your dilemma with respect to the lack of action in Washington. However, we cannot accept the lack of preparation and analysis on the part of either your staff or the staff in Washington which requires us to alter our program submittal in response to phantom deficiencies.

While we will continue to make every effort to work closely with the Regional Office on all aspects of the regulatory program both during the interim and permanent status of that program, we trust that you will understand that we need comments and suggestions that are reasonable, understandable and supported. Otherwise, it will become impossible for us to evaluate properly those comments and to phrase an appropriate response.

We are enclosing as Attachment C a copy of legislation passed by the 1980 General Assembly that clarifies the Right of Entry questions. Also, we are enclosing a copy of the Virginia Conflict of Interest Act as you requested. You agreed that our response to your Attachment R–1 is no longer required.

Mr. Fred W. Walker, Director of the Department of Conservation and Economic Development, has reviewed these comments and concurs with our position.

Sincerely,

Danny R. Brown,
Commissioner.

Mr. President, here is a clear case of a bona fide effort on the part of a Governor and his appropriate subordinate officials to comply with the OSM regulations. That effort has not been successful and, as a consequence of that lack of success, there are thousands upon thousands, and, each day that goes by, hundreds more are added to the payroll of the unemployed miners in Virginia—men, and I might add women.

Mr. President, I visited a mine last week, 1,000 feet below the surface of the Earth. I was pleased to see that there are women working in those mines, side by side with men, accepting the rigors of that labor and the hazards of that employment, which are quite substantial, Mr. President.

I am very proud of the record of the ever-increasing number of women that are going into mining.

So, when I say men and women out of work, I do not mean women simply in clerical positions. I mean women working side by side in every way in the mining industry.

This is but one example of one State's problems with OSM's implementation of the Surface Mining Act of 1977.

We heard of the case yesterday, Mr. President, of Kentucky. We have heard today of West Virginia's case—from the two distinguished Senators. I am certain there are other Senators who will state for the record the experience that they, their Governor, and other State officials, have encountered in a good-faith effort to comply with OSM's implementation of the Surface Mining Act of 1977.

Mr. President, I again urge my colleagues to give very careful consideration to the Byrd-Warner amendment, and that as we proceed in what I hope will be an orderly legislative process to address this amendment, that we, the mining industry, our respective States, and the whole of the Nation can count on their support.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NEED FOR REASONABLE SURFACE MINING REGULATIONS

Mr. ROBERT C. BYRD. Mr. President, certain points have arisen in the debate which require clarification and elucidation. An editorial in the Washington Post of today, August 20, contains misleading and inaccurate statements. In the interest of fairness and accuracy, I believe these points should be clarified.

The Post editorial states with complete accuracy that some of the regulations issued by the Office of Surface Mining have been challenged administratively and in the courts. The editorial goes on to say that most of these challenges have been settled. That is misleading, as serious legal challenges to the heart of OSM's regulations are by no means complete. Many of the challenges to the Office of Surface Mining's regulations have been consolidated into one suit. That particular litigation is far from over, and is subject to appeal at more than one level.

This point is important because the opponents of the amendment would have Senators believe that the OSM regulatory system is in good shape. The OSM regulatory program is in fact in a shambles. Dozens of regulations have been suspended or sent back to OSM for improvement or clarification. The regulations which have been suspended or remanded include the most important parts of OSM's program. Those bureaucrats simply have not been able to do the job in a fair and effective manner.

The Post editorial states that S. 1403, the bill passed by the Senate last year to deal with the same regulatory problems, would have "erased the specific requirements of the Federal law." That statement is not factual. Not one hair of the specific environmental protections contained in the Federal law would be touched by this amendment, which has been offered by Mr. WARNER and me and other Senators. That point must be stressed, and proponents of the amendment have repeated—until we are almost blue in the face—that the environmental provisions of the act would remain in place.

The "Dear Colleague" in support of the amendment sent out by myself and 30 other Senators on August 6 makes that point clearly. The distinguished Senator from Virginia, Mr. WARNER, carried on a colloquy earlier today which stated that fact.

There is a real need for this amendment. The Interior Department needs more time to review State programs. OSM's regulatory program is in such disarray that a fair and sensible review for all States will probably take longer than Interior Department officials have asserted. It would be unfortunate if the Interior Department opposed this amendment, which extends the deadline for approval or disapproval of State plans, and then come back to the Congress later this year to ask for such an extension.

What does OSM fear? Under the amendment, the Secretary of the Interior will retain every bit of his authority to use the regulations as a guide for the approval of State programs.

The administration opposes this amendment. The administration is on record as supporting coal, more use of coal, greater production of coal. How does the administration square that position with the position it takes in opposing this amendment?

The Secretary of the Interior has sent letters to Members of the Senate, opposing this amendment. The administration, I understand, has lobbied against the amendment.

Mr. MELCHER. Mr. President, will the Senator yield on that point?

Mr. ROBERT C. BYRD. Not yet.

The administration has lobbied against this amendment and has lobbied against cloture. How does the administration speak with a forked tongue—for coal, for greater production and use of coal, and then against this amendment?

I yield to the Senator from Montana.

Mr. MELCHER. I thank the majority leader for yielding. I want to answer that question: How is more coal to be mined without the amendment, under the existing law?

Clearly, the answer to that, from where I come, from the Fort Union deposit, is that it is a judgment of our States, including our Governors, that if we interfere with this law now, revise this law now by the adoption of this amendment, it will set us back.

Our program has been approved. That of Wyoming is almost approved, and so is North Dakota's. Those three States are united in lobbying the administration, lobbying Congress, lobbying every coal company, lobbying the public, and saying, "Don't do this. It has taken us over a year and a half to get where we are; and if you are going to change the rules now, you are going to start a whole new ball game that is going to cause us untold grief, more confusion, and probably some new lawsuits."

Mr. ROBERT C. BYRD. I thank the Senator. He is a very conscientious Senator, a very able Senator, and he very capably represents the great State of Montana and his people. He will continue to do that, and his voice will continue to be a strong voice and one that will be heard and listened to.

Yet, I say most respectfully to the Senator that his State of Montana, the State of Wyoming, and the State of North Dakota—great States though they are—are not the only coal-producing States in this country. I represent a coal-producing State, also.

The story the Senator tells cannot be said in the case of West Virginia. Those same Department of the Interior officials, those same OSM officials, negotiated with the officials of my State for months with respect to a plan.

The West Virginia State Legislature, in both houses of which I served 34 years ago, passed a law recently, based upon the negotiations that had been conducted with the same bureaucrats; passed a law based on those negotiations; took the word of those bureaucrats at face value and passed a law which the State of West Virginia was told would comply with the requirements. What happened? The same bureaucrats said that the law did not comply, and they rejected parts of it that had been agreed upon in negotiations with OSM. That is what we are talking about.

So the distinguished Senator and his State may, indeed, have reached some accord with the Interior Department, but not so with the State of West Virginia whose officials sat for days and negotiated for months in good faith with the bureaucrats downtown and now the Secretary of the Interior sends around a letter to Senators urging them to vote against those amendments. The OSM got busy and negotiated with West Virginia last fall when the Senate passed this bill. Yes, when the Senate passed the surface mining amendments last September those fellows down there in OSM got busy. They negotiated with the officials of West Virginia. But when the bill was blocked in the House, those same OSM officials rejected the law that had been passed by the State of West Virginia based on the understanding of West Virginia officials reached after months of negotiations with the Federal bureaucrats.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Not yet. I want to deal just a little further with this.

So other Senators who have had the same experience—the Kentucky Senators can speak for themselves—other Senators have had this same experience or who feel that they may have to face the same experience and whose coal industry leaders and whose coal miners have already had problems under the redtape, the reporting, the reams of regulations formulated by bureaucrats who have never seen the outside of a coal mine much less the inside—they have decided we should try and pass these amendments again and send them over to the House of Representatives.

So what is back of this effort? We have an administration, that says we should produce more energy, that we should produce more coal, we should export more coal, burn more coal, now fighting an amendment that will make it possible to produce more coal. The Secretary of the Interior may be sending around another letter later this year asking that the deadline for approval or disapproval of State plans be extended.

Yes, I yield.

Mr. MELCHER. I thank the majority leader for yielding.

I say, as I said previously both last September and within the last couple of days, the only thing that was necessary was to extend the deadline to allow States to have more time to submit their program.

This Senator does not and I do not think any Senator in the entire 100 would oppose it because it is reasonable. I think there is plenty of sympathy for that and I do not even think we have to amend the law. I think that is exactly what is happening. These deadlines are going to be extended whether we amend the law or not.

Second, there are things that need to be corrected in the bill. I would agree. But when I was in the House of Representatives I often met with coal miners from Eastern States, including West Virginia and Kentucky, and discussed with them whether they thought there should be revisions in the bill before final passage and attempted to work out arrangements that would comply with what many of us felt were legitimate concerns and legitimate requests.

If there are still failures in the act that need to be corrected, and I am sure there are, I, as one member of the committee having jurisdiction, am more than willing to address those problems.

But what I ask of the majority leader is to address those problems to make revisions in the act itself, need we go to the extent of just saying the Federal regulations are out for all of the States, and then permit the States to write their own regulations? Will they be adequate and will they be tested against the law to see whether they are adequate without the guidance of Federal regulations? Need we go that far?

Mr. ROBERT C. BYRD. No; if the Senator is addressing me, the answer is "No." And we do not propose to go that far.

We propose to leave intact the 115 performance standards that were laid out in the law that was written by the duly elected representatives of the people of this country. We propose to leave those intact, 115 of them.

What we also propose is that the States be able to formulate their own State mining and reclamation plans in conformity with those standards that are specified in the act, but that they not have to go along and add 550 pages, reams of regulations, layer on layer that have been formulated by Federal bureaucrats who have never seen the outside of a coal mine and would not know the outside of a coal mine if they saw one let alone not having seen the inside of a coal mine, who know nothing about the problems, about the filling out of report after report after report after report, form after form of paperwork, redtape, gobbledygook, redundancies, repetitions, duplications, all at great cost that drive some coal mines out of business and let me tell Senators something: It costs something to mine coal these days. It is a high risk enterprise and when coal mines close down, coal miners are thrown out of work. That adds to unemployment compensation at a cost to the taxpayers, food stamps at a cost to the taxpayers, welfare programs at a cost to taxpayers. And so we simply want to bring to the regulatory process a little reason and a little realism.

I have no personal quarrel with the distinguished Senator. He is making a very honorable and valiant effort on behalf of the position that he takes and the viewpoint that he holds, and we cannot always agree on everything.

I must say that there is no Member of this body for whom I have a greater respect than for the distinguished Senator from Montana (Mr. MELCHER) or the distinguished Senator from Ohio (Mr. METZENBAUM). They have a right to their viewpoint just as I have a right to mine.

I am not quarreling with them. I simply base my own viewpoint on the experience that my people have had under these regulations in West Virginia, and that is the reason I am trying to do something to rectify what I consider to be a very unrealistic, unreasonable position that has been taken by bureaucrats in OSM as a result of which unreasonable and onerous burdens have been placed on the people of my State and the people of the other States who operate and work in surface mining operations.

So, Mr. President, in closing may I say that a State will still have to comply with the strict standards of the act and can add its own program on top of the act which may be more stringent than the act. In no case may a State construct a program which falls below the solid bedrock of the Surface Mining Act.

I hope my colleagues will carefully examine the points I have addressed, and vote for cloture and passage of our amendment on tomorrow.

Mr. PERCY. Mr. President, few Senators in this Chamber have the high privilege I have of representing a State that is abundant and rich in its possession of two of America's most treasured natural gifts: fertile deep farmland and bituminous coal. Illinois is this country's No. 1 agricultural exporting State, with well over $2 billion in crop exports annually. Illinois is also America's fourth largest coal State, with almost $1 billion of the Nation's total $15 billion industry but possesses the largest reserve of bituminous coal in the Nation. All through the stretches of Illinois' central basin, in the beautiful heartland of the State, these precious gifts—prime farmland and coal are found on the same plots of land.

I feel strongly that American coal must return to its former prominence as a major domestic fuel source, and as a primary alternative to imported oil. I am especially concerned that Illinois' high-sulfur coal industry, which dropped 25 percent in production between 1970 and 1978, be able to prosper unimpeded by a reckless maze of excessive Federal restraints.

I am also concerned that no coal be produced in Illinois, or elsewhere, at the expense of our precious and irreplaceable farmlands. I deeply believe that if we destroy our farmlands, we are likely to destroy one of the greatest assets and strengths of our Nation.

For this reason, Mr. President, I introduced in 1977 one of my proudest achievements as a Senator, the prime farmland amendment to the Surface Mining Control and Reclamation Act, Public Law 95–87.

The prime farmlands provision of this law—section 510(d)(1)—requires that a soil survey be conducted before issuance of a strip mine permit whenever an inspection indicates that prime farmland may be affected by a strip mining operation. After such a finding, the proper State regulatory agency can only issue its permit for mining after it has consulted with the U.S. Department of Agriculture, pursuant to regulations issued by the Secretary of the Interior with USDA concurrence.

The State agency must be able to find that the mine operator can restore farmland "to equivalent or higher levels of yield as nonmined prime farmland in the surrounding area," within a reasonable period of time. If such a finding cannot be made, no permit can be issued.

Mr. President, on September 11, 1979, I entered into a lengthy colloquy in this Chamber with Senators HATFIELD, FORD, and MELCHER, over the precise effect that passage of S. 1403—a nearly identical provision to the amendment we are considering today—would have on prime farmlands. I endorsed S. 1403 at that time only when my conversations with these distinguished colleagues convinced me that the measure could have absolutely no weakening effect on the prime farmland provisions of the 1977 Surface Mining Act.

Since last fall, however, a number of constituents from my State, and certain of my colleagues in the Senate whose States also have coal reserves under prime farmland, reemphasized some real and legitimate questions over this measure's effect on our precious farmlands. These questions deserve direct and thorough answers, and I feel a responsibility to obtain some answers in this Chamber now.

I see the distinguished Senator from Kentucky is now on the floor. I would like to ask him, if I may, to explain exactly what effect amendment No. 1959, the Byrd amendment, will have on our Nation's most significant and irreplaceable farmland.

Mr. FORD. I say to my good friend from Illinois, in answer to his question: Absolutely none. We are in no way changing the very specific requirements that the 1977 act sets out concerning farmland reclamation. In fact, in section 515(7) of the act, the Secretary of the Interior is directed to develop regulations for soil removal and replacement.

In the same section, mine operators are required to segregate the soil, replace and regrade the root zone material in the soil.

As the Senator from Illinois has pointed out, his important prime farmlands amendment in Public Law 95-87 requires the State regulatory agency to find that the area surrounding the mining zone can reach equivalent or higher yields as nonmine areas. In no way does the Byrd amendment impact upon this.

There have to be differences allowed between States, however, and the 1977 act intended this, but the Office of Surface Mining apparently has forgotten it. We are only trying to reaffirm the primacy of individual State agencies.

Mr. PERCY. Some opponents of amendment No. 1959 have argued quite forcefully that passage of this legislation might have made sense a year ago, but it does not make sense now.

It was clear in 1979, as it had been in the previous years following passage of the strip mining law, that States needed more time to develop their compliant regulations. Congress was awfully late in providing funds to the Department of the Interior for creation of the Office of Surface Mining. Once that agency got going, it took an unduly long time to publish preliminary and final regulations. The time extension given States in S. 1403 clearly was needed.

In 1980, however, we have seen Federal court action extending States compliance deadlines. We have seen all 24 coal producing States submit their compliance plans within the new time limit. We have seen four States given either full or conditional approval of these plans by OSM; 12 to 14 States are expected to receive OSM approval by September, and perhaps as many as 20 will receive approval by next year.

With this progress, in so short a period of time, many people now ask us "why?" Why must this dramatic, controversial move which not only would further extend the States deadlines for compliance plan submission but would also remove the requirement that State plans meet Federal regulations, be offered now?

Mr. FORD. But every State has not completed its program. At least one major State is held up in court. One major producing State's legislature has not passed enabling legislation.

Even Kentucky is only an emergency filing, effective up to October 9, 1980.

Furthermore, some environmental groups are alleging that hundreds of deficiencies exist in the submittals. And we need a change because the courts have piece-by-piece rejected the Department's regulations.

Mr. PERCY. I thank the Senator. Let me now determine something very specifically from you, if I may. By passing amendment No. 1959, are we in any way preventing the Secretary of Interior from approving or disapproving a State agency reclamation plan?

Mr. FORD. Mr. President, this is a very important question I want all Members of this body to understand and appreciate: the answer is "no." Nothing in this amendment affects or diminishes the Secretary of Interior's authority to review State program applications to determine whether they meet the requirements of the act. If a State plan is found to be lacking by the Secretary, he may and in fact must disapprove those regulations and the State program. This authority is found in section 201 of the 1977 act.

The permanent program regulations will not be voided. They will remain as a basis for comparison by the Secretary with State program submittals, as well as for implementation on Federal lands, and in those States which either fail to gain regulatory approval or which choose not to develop their own plans.

Mr. PERCY. I thank the Senator very much.

Mr. President, I think that a very good case can be made, and should be made, that the spirit of Public Law 95-87 giving States primacy in developing their own regulations in compliance with the act is actually enhanced by passage of this Byrd amendment. Current OSM regulations have given the Secretary of Interior a strict set of enforcement standards with the power of law. These may have little or no relevance to the many unique and unavoidable peculiarities of a State's geography or biology. In some way, these regulations have made it more difficult for the Secretary to work objectively with State agencies; they have prevented him from really looking at that State's individual needs. By passing the Byrd amendment, a Secretary will not have quite the same constraints of comparing State regulations with an idealized, and perhaps unrealistic, set of Federal standards. Those Federal standards will still be there, but as advisory guidelines, not as law. States will, finally, have an even hand in fashioning their strip mine regulations to their own needs, as the 1977 act intended.

Mr. President, I am deeply aware of the controversy that surrounds this piece of legislation. I cannot fail to note the New York Times editorial from Tuesday morning, which criticizes amendment No. 1959 in tones that are markedly severe.

I emphasize, however, that this has not been a brash, or impulsive initiative by any Members of the Senate who have worked to pass amendment No. 1959. The Senate last fall gave its decisive support to the nearly identical S. 1403 by a vote of 68 to 26. The history of our efforts to have this measure brought up for debate and a vote in the House is quite clear: it has been bottled-up in the House Interior Committee for 10 months, and there is absolutely no hope that the chairman of that committee will release it, so that the House of Representatives can work its will on this legislation.

Since our first vote on this measure, Mr. President, I have met repeatedly with coal industry groups, State regulatory agency officials, and farming representatives, in Illinois and in Washington. I have been as diligent as I know how to be in appraising the precise effect of this measure in my State, and in the Nation.

I am highly reluctant, as the Senate well knows, to embark on a path of legislative veto. If this measure really had the effect of wiping out the regulations of the Office of Surface Mining, and wiping out the intent of the 1977 act, I simply could not support it. If I felt this measure might in any way harm Illinois' prime farmlands, I simply could not support it. I know that many of my constituents do feel that this will be the net effect of amendment No. 1959. I understand and appreciate their feelings.

A number of my own colleagues, with prime farmland in their own States of the 18 million acres that exist in this Nation, have spoken to the Senator from Illinois about their concerns.

But I am convinced that such will not be the case. Instead of gutting the 1977 Surface Mining Control and Reclamation Act, we are here trying to reassert the spirit of that act, the spirit that clearly gave States the right and encouragement to design their own reclamation regulations. We are not removing the power of the Secretary of Interior to approve these State plans. That is essential. We are giving States an evenhanded role for the first time in working to draft regulations suited to their needs.

It is argued that passing amendment No. 1959 will throw the job of interpreting the 1977 act into the court system. I think it is very clear that our courts have already received an inordinate number of suits contesting the propriety of the OSM regulations: Four court cases have already risen challenging OSM's excessive regulations; 78 OSM regulations have been overturned or remanded.

It is argued that passage of amendment No. 1959 will shift the burden of interpreting the 1977 act away from a single U.S. district court here in Washington to as many as 24 separate courts around the country; each with their own conflicting and possibly subjective perspectives.

I respond that we can and must have more faith in the flexibility of our Federal court system: we must in fact encourage our Federal district courts to take independent, objective appraisals of individual State regulations, as they see fit. These courts have a special understanding of the substantial and unique needs of States within their jurisdiction.

These differences between States cannot be lost sight of: they were emphasized repeatedly in our debate on the 1977 act; they are the foundation of that act.

Mr. President, just as I pledge my support for amendment No. 1959 today I also pledge my absolute commitment to oversee and evaluate the effects of this legislation on land reclamation. We all must work tirelessly to insure that the 1977 Surface Mining Act is enforced in full, and as intended, so that America can move steadily and quickly toward coal utilization and energy independence.

Mr. President, the present procedural situation on amendment No. 1959 should be fully understood. Presently, Senators are precluded from amending this legislation, because of the second degree amendment which was introduced by the distinguished majority leader, Mr. Byrd, yesterday afternoon.

While I stand in support of this legislation, Mr. President, I feel that it could be made stronger by the addition of a simple amendment regarding the "grandfathering" of prime farmlands from the 1977 Surface Mining Act's provisions. I prepared an amendment on this subject matter, and was prepared to introduce it.

The spirit and letter of my amendment, I believe, would be accepted by the Senate. It is in total accord with the intent of the Office of Surface Mining, and the 1977 act, and I have been informed by several Senators who are managing amendment No. 1959 that they have no problem with its concept either. Simply stated, my amendment would require all prime farmlands that have been strip mined to adhere to the stiff provisions of the 1977 act—that is, section 510(d)(1)—if they have not been mined by August 3, 1982. There would be no grandfathering of these lands under any conditions after this date.

This 1982 deadline for grandfathering is a sunset date that many States have already adopted, either in statute or in regulation. The OSM has proposed a 1982 end to grandfathering in its permanent regulations, now under review. It is fully in keeping with the spirit of our 1977 act that only lands with mining permits or permit renewals before passage of the act be exempted from the prime farmlands reclamation provisions of the act, and that these lands be exempted only for a reasonable period of time. Five years after passage of Public Law 95-87—1982—is a very reasonable amount of time.

Mr. President, my home State of Illinois, with more prime farmland than any State in the country, was among the first to adopt this 1982 sunset. I have communicated with Illinois' Bureau of Mines and Minerals in the past 24 hours, and have received assurances from them that they fully intend to adhere to this deadline, even should amendment No. 1959 be successful. I would like to submit for the Record a copy of a letter I received this morning from Mr. Douglas Downing, supervisor of the land reclamation division of Illinois' Bureau of Mines and Minerals, in which he affirms Illinois' total commitment to prime farmland reclamation and a 1982 grandfathering sunset.

That is why I feel that this colloquy is so important so that the courts have a clear direction from the framers of this legislation.

I feel strongly that a secure farmland reclamation program depends on a strong grandfathering sunset that is not abused by any State. While I would prefer to see an amendment guaranteeing a 1982 deadline passed, I know that the legislative history of this act, from the beginning, is fully consistent with my amendment. I expect Illinois to respect the 1982 deadline it has established, and to work to retain that deadline in the event it is someday challenged in court. Additionally, should the need exist in the future, I reserve my right to come before my colleagues here again, to again amend the 1977 Surface Mining Act to guarantee a 1982 deadline for grandfathering.

Mr. President, I ask at this time that a statement and a fact sheet from the Bureau of Mines and Minerals in Illinois on prime farmlands be printed in the Record, along with a copy of my proposed amendment to this legislation.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement to Senator Charles Percy From the Illinois Department of Mines and Minerals on Prime Farmland and Cropland Reclamation

The State of Illinois has consistently and historically advocated quality reclamation. We have every intention of promulgating and enforcing a law and regulations which carry out the requirements of P.L. 95-87. Two specific examples will prove that Illinois had the goal of good reclamation before the federal law was passed, and that we continue to impose requirements in excess of the federal law to insure retention of agricultural capability on the maximum number of acres.

First, in 1976, Illinois enacted Rule 1104, developed by soils scientists of international reputation from the University of Illinois and other Illinois schools. Rule 1104 has been adopted by the Illinois legislature for the permanent program, even though the federal law doesn't require it. During the permanent program, under Rule 1104 standards, operators will be required to return to rowcrop capabality, land which does not meet the definition of prime farmland, but which is nevertheless capable of producing rowcrops. By contrast, the federal regulations merely require that such land be revegetated. Since there are approximately 1,023,181 acres of land in Illinois mining counties which would be subject to Rule 1104 standards but not to prime farmland requirements, this means that Illinois would require a return to rowcrop capability for over one million acres more than would federal law alone.

Second, the State of Illinois was the originator of the idea to limit prime farmland grandfathering to 1982. Such a limitation has been placed on every single exemption granted by Illinois despite the fact that no time limitation is contained in the Federal Act or has ever been contained in adopted federal regulations. However, OSM has adopted this idea and is now proposing it as part of its proposed exemption regulations.

To date, Illinois has issued permits for approximately 2,700 acres upon which a prime farmland restoration plan has been submitted and approved. The federal prime farmland standards will apply. More acreage will be subject to these standards as time goes on, since Illinois has always interpreted the grandfather clause as a transition exemption only, as is obvious from the 1982 limitation. Of the acreage grandfathered by Illinois under the federal Act and regulations, only about 12,000 acres of it will actually be mined. Rule 1104 standards apply to grandfathered land. It's time that the facts be made known concerning the reclamation which will be required of grandfathered land in Illinois. The exempted land will have a minimum of eight inches of topsoil saved and replaced. Under the federal prime farmland rules, only a minimum of six inches would have to be saved and replaced. The entire rooting media of exempted land will be 4′ deep. Under the federal prime farmland rules, the rooting media would be 4′ also, unless there was a root inhibiting zone, or fragipan, within the premining surface 4′, in which case the prime farmland rules only require rooting media to the depth of the premining fragipan. Finally, the exempted land will have a rooting media of a mixture of the B–C horizon. Under the prime farmland rules, a mixture of the B–C horizon is specifically allowed. The exempted land will be released from bond only when capability to achieve 90 percent of premining yield is shown.

Illinois is adopting the prime farmland standards and will enforce them, because there is a negligible difference between those standards and Rule 1104 standards, except for the many acres of fragipan soils in Southern Illinois. However, we will continue to apply Rule 1104 standards to restore the rowcrop capable land that is left out of the federal prime farmland requirements.

Douglas Downing,
Supervisor, Land Reclamation Division, Illinois Department of Mines and Minerals.

Fact Sheet: Grandfathering in Illinois

(Approximate acreage)

Total Acres Grandfathered* To Date (8/80) 29,903.

Prime Farmland Grandfathered, 16,059.

Prime Farmland Grandfathered which is planned to be mined, 12,143.

Federal Prime Farmland Restoration Plan—Approvals to Date, (approximate acreage), 2,700.

Grandfathered land—1104 Reclamation Standards, Minimum of 8″ topsoil salvaged Root Zone 4′ deep.

Federal Prime Farmland Reclamation Standards. Minimum of 6″ topsoil salvaged, Root zone 4′ deep, or less if root inhibiting zone, in which case root zone restored only to depth where premining root inhibiting zono existed.

Root zone of B/C mixture. Texture requirements for root zone: Maximum of 40% clay content.

Root zone B over C or B/C mixture. None.

Prime Farmland and Rule 1104 Land, Illinois Mining Counties (Approximate Acreage):

Prime Farmland, 2,049,800.

Row Crop in Excess of Prime Farmland, 1,025,181.

Prime Farmland Plus Row Crop, 3,074,981.

Amendment No. —

At the end of the amendment intended to be proposed by Mr. Byrd (Amendment No. 1959) add the following new subsection:

(e) Section 510(d)(2) of such Act is amended by striking the word "Nothing" at the beginning and inserting in lieu thereof: "Prior to August 4, 1982, nothing".

Mr. ROBERT C. BYRD. I ask unanimous consent that the 1 hour under rule XXII be equally divided between—that half the time be under the control of Mr. Melcher and Mr. Metzenbaum, and that the other half be under the control of Mr. Warner and myself.

Mr. MELCHER. Mr. President. may I pose a parliamentary inquiry before we act on the request?

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*For convenience, exemptions are requested and granted or denied for entire permit areas, without specifically delineating prime farmland soils within the permit areas. In other words, this figure represents both prime farmland and non-prime farmland.

Mr. ROBERT C. BYRD. Yes, I withhold the request.

Mr. MELCHER. Under the rule what will be the effect of coming in at 10 o'clock tomorrow and the opportunity to file amendments of a secondary nature?

The PRESIDING OFFICER (Mr. HEFLIN). All amendments, secondary amendments, have to be filed 1 hour before the vote begins. It would begin at the end of a live quorum, when the live quorum starts at 11 o'clock.

Mr. MELCHER. So the effect of that—a further parliamentary inquiry—is that between 11 and, say, 11:20, whenever the live quorum is present, up until that time—between 10 and 10:15, the practical effect is that amendments can be filed and be in order under the rule.

The PRESIDING OFFICER. The Senator is correct, if his calculations of the time are correct, and depending upon that the rule is 1 hour before the vote.

Mr. MELCHER. Yes, I thank the Chair.

Mr. ROBERT C. BYRD. I believe the distinguished Senator said between the hour of 10 and 10:20. I believe he means between 10 and 11:20.

Mr. MELCHER. Mr. President, parliamentary inquiry. Is it not my understanding that the amendments must be at the desk 1 hour prior to the vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. MELCHER. If the vote is at 11:15 the amendments had better be there by 10:15.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I now repeat my request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, first of all, I want to make the point that the pending amendment on the strip mining bill goes much beyond extending the deadline to allow States to get their programs in. If that were the only question there would not be any debate on this Senate floor. It would be granted.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. MELCHER. Yes, I yield.

Mr. ROBERT C. BYRD. I will not interrupt the Senator again. I do not want it to be implied that the amendments which have been offered by Mr. WARNER, other Senators, and myself merely extend that deadline. I do not imply that, and I do not want anyone to infer that from anything I said. That is only a part of what the amendments do, and I was simply saying a moment ago that in view of the opposition of the able Secretary of the Department of Interior to the amendments, as expressed in correspondence which he has sent around to Senators, it would be unfortunate if at some later time this year the Interior Department has to come back and ask for legislation that extends the deadline for approval or disapproval of a State's plans, especially when that is one of the results that would be achieved by the amendments. But by no means does that comprise the total goal of the amendment.

I thank the distinguished Senator.

Mr. MELCHER. I thank the majority leader. By no means is that the only part of it. If that were the only part of it there would be no problem.

The second part is more significant, whether or not setting aside the Federal regulations and letting State regulations stand is productive. I do not think it is.

The point is made that this will slow down the passage of the act and the involvement of the redtape, which has been mentioned, will slow down coal production. Such is not the case. The act was passed in 1977, and since then coal production has increased some 20 percent in the United States. So the act itself has not slowed down coal production. There is plenty of coal available, in fact, more than what we can use. In my State it is because there is more available than we can use and not because of the market there that some of our miners have been laid off. It has nothing to do with the act. We have complied with it. We do not want it tampered with. Montana, Wyoming, and North Dakota are all saying do not change it.

Mr. President, I want to make a parliamentary inquiry. I want to inquire as to what was the pending business yesterday when the cloture motion was filed on the substitute to this bill. What was the immediate question?

The PRESIDING OFFICER. The pending question was on unprinted amendment 1505.

Mr. MELCHER. Mr. President, I have a further parliamentary inquiry. At what point would it be in order to make a point of order that when the cloture motion was filed on the substitute, the substitute was not the pending business, the pending business having been a perfecting amendment to the original text proposed to be stricken by the substitute?

The PRESIDING OFFICER. At any time up until a vote is made a point of order could be made.

Mr. MELCHER. Mr. President, I make that point of order and ask for the ruling of the Chair.

The PRESIDING OFFICER. Under the precedents of the Senate, a cloture motion is eligible to be filed on the bill or any amendment pending thereto. Unprinted amendment 1503 was such an amendment and, therefore, a cloture motion was properly filed.

Mr. MELCHER. A further parliamentary inquiry. Since we do not have available the precedent that the Chair is reciting, could I be advised what precedent that is?

The PRESIDING OFFICER. This was a procedure followed on an antitrust bill that was filed 4 years ago.

Mr. MELCHER. Might I inquire of the Chair if that precedent was an amendment to the original text and the cloture motion was sought on a substitute; if the pending business was an amendment to the original text and the cloture petition was filed on the substitute?

The PRESIDING OFFICER. The Chair would have to call for a copy of that precedent to cite the specifics of it. If the Senator wishes, we will get a copy.

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I would just like to comment on the parliamentary inquiry or on the ruling of the Chair. What is the matter pending before the Senate?

The PRESIDING OFFICER. The pending question is on agreeing to printed amendment 1974.

Mr. ROBERT C. BYRD. What is the measure before the Senate?

The PRESIDING OFFICER. The pending business before the Senate is House bill 1197, with a substitute amendment No. 1972 pending thereto, and a perfecting amendment No. 1973 to which is pending another perfecting amendment No. 1974.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, paragraph 2 of rule XXII states as follows, in part:

> Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate.

Now, the rule does not say "question pending before the Senate." The question pending before the Senate at this time is on the adoption of my amendment introduced on behalf of myself, Mr. WARNER, and other Members, to the amendment in the first degree to the bill.

The Chair was correct, in my opinion, in ruling that the cloture motion was valid and was validly offered.

Obviously, the import of the point of order raised by Mr. MELCHER is that my cloture motion could only be offered to the question now pending before the Senate; to wit, the amendment in the second degree, amendment No. 1974.

Mr. President, if that point of order were to be sustained, it would mean that the cloture motion could not be entered on the underlying measure, the bill itself, for example, but could only be offered on the amendment now pending in the second degree; that a cloture motion would not be valid if offered on the perfecting amendment in the first degree, amendment No. 1973; that cloture could not be offered against the substitute; and that cloture could not be offered against the bill. All of the precedents that I am aware of would not sustain that point of order.

Mr. MELCHER. Will the Senator yield?

Mr. ROBERT C. BYRD. I would like to finish my thought. I will yield in a moment.

I am not saying that the Senator from Montana is questioning the Chair's ruling, but I am simply stating my opinion in support of the Chair because if it is the intent of the distinguished Senator to appeal the Chair's ruling, I want to make this statement which I would hope would help uphold the Chair's ruling.

In order for an amendment to be offered, there has to be some basic vehicle to which that amendment is offered. Obviously, one cannot call up an amendment to nothing. There has to be an underlying bill or resolution. There has to be an underlying vehicle. And many times in the past, while amendments are pending, cloture motions have been offered to the bill or to the resolution to which the pending amendments are offered.

In this instance, a cloture motion could have been offered to the bill, and could yet be offered to the bill, even though an amendment in the second degree is immediately pending before the Senate. As a matter of fact, the opponents of the amendment themselves considered for a while, and they may still be considering, the offering of a cloture motion to the bill which, if agreed to by 60 Senators prior to the vote on a cloture motion on the substitute, would have rendered the substitute invalid in that it would not then be germane to the bill.

The same argument goes in support of the validity of a cloture motion on the substitute. A valid cloture motion could be offered to the pending amendment in the second degree. It could be offered to the perfecting amendment in the first degree. It could be offered to the substitute—and it has been offered to the substitute—and if invoked by 60 Senators will not only embrace the substitute but it will also embrace all amendments to the underlying measure, the bill, and all motions in relation thereto.

Mr. Ford has just reminded me that cloture was obtained on the committee substitute for the Alaska lands bill last week.

For the purpose merely of expressing my support of the Chair and my reasons therefor, not necessarily in anticipation of an appeal of the ruling of the Chair by the distinguished Senator from Montana, I have made this statement. I yield the floor.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Reading on page 212 of Senate procedure:

> A cloture motion is applicable only to the "measure, motion, or other matter pending before the Senate, or the unfinished business," pending at the time it is filed without regard to whether or not it had been laid aside.

The cloture motion was filed on the substitute. The Chair has responded to the immediate question concerning the pending business, amendment No. 1505, which is not the substitute. What is being proposed here is sort of a shortcut to cover every base so that if you file cloture it is going to cover everything.

Rules are not made that way, I do not believe. I do not think they should be. Mr. President, I am appealing the ruling of the Chair.

Mr. ROBERT C. BYRD. Does the Senator now appeal the ruling of the Chair?

Mr. MELCHER. Yes.

Mr. ROBERT C. BYRD. Mr. President, I move to table that appeal.

Mr. MELCHER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the appeal of the ruling of the Chair. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. Church), the Senator from Iowa, (Mr. Culver), the Senator from Alaska (Mr. Gravel), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Tennessee (Mr. Sasser), the Senator from Illinois (Mr. Stevenson), the Senator from Alabama (Mr. Stewart), the Senator from Georgia (Mr. Talmadge), and the Senator from Georgia (Mr. Nunn) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. Goldwater) is necessarily absent.

The PRESIDING OFFICER (Mr. Tsongas). Are there other Senators who wish to vote on this issue?

The result was announced—yeas 74, nays 15, as follows:

[Rollcall Vote No. 361 Leg.]

YEAS—74

Armstrong
Baker
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cochran
Cohen
Cranston
Danforth
DeConcini
Dole
Domenici
Durkin
Eagleton
Exon
Ford
Garn
Glenn
Hatfield
Hayakawa
Heflin
Heinz
Hollings
Huddleston
Javits
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
McGovern
Mitchell
Morgan
Moynihan
Nelson
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Schmitt
Schweiker
Simpson
Stafford
Stennis
Stevens
Thurmond
Tower
Tsongas
Wallop
Warner
Williams
Young
Zorinsky

NAYS—15

Baucus
Bumpers
Chafee
Durenberger
Hart
Hatch
Helms
Humphrey
Jackson
McClure
Melcher
Metzenbaum
Proxmire
Stone
Weicker

NOT VOTING—11

Church
Culver
Goldwater
Gravel
Inouye
Kennedy
Nunn
Sasser
Stevenson
Stewart
Talmadge

So the motion to lay on the table the appeal of the ruling of the Chair was agreed to.

The PRESIDING OFFICER. By this vote, the decision of the Chair stands as the judgment of the Senate.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, there will be no more rollcall votes today. The Senate will go out shortly, go over until 10 o'clock tomorrow morning.

Mr. President, the vote on the motion to invoke cloture, for the information of Senators who are present, will occur at around 15 or 20 minutes after 11 o'clock tomorrow, or thereabouts.

If cloture is invoked, which I anticipate will probably happen, the Senate then will remain on the pending business to the exclusion of all other business until the final action is concluded thereon.

This would mean there would be several rollcall votes tomorrow. I suggest that Senators be prepared to stay into the evening in the event it becomes necessary.

There are over 200 amendments at the desk. I hope not all those amendments would be called up and that the Senate could, at a reasonable hour on tomorrow, or on Friday, complete work on this bill.

There is other work to be done. But in the event it is necessary to stay into the evening, the leadership is prepared to do that, and I hope that Senators will likewise be prepared to do so.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, that Senators may speak therein up to 5 minutes each, and that the period not extend beyond 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR JOHN CULVER

Mr. ROBERT C. BYRD. Mr. President, there is increasing and justifiable concern about our Nation's military readiness.

The equipment failures experienced during the attempted rescue mission in Iran earlier this year and other demonstrated shortcomings have underlined some of the significant problems facing our Armed Forces.

One member of the Senate has been pointing to these problems for years and has been working to improve our readiness posture.

The senior Senator from Iowa, Mr. Culver, as a member of the Senate Committee on Armed Services, has consistently called attention to the inadequacy of U.S. military readiness and has been a leader in efforts to overcome the problems which have plagued our preparedness.

John Culver's foresight was evident in the spring of 1975, when he first called attention to shortfalls in U.S. military readiness. The Senate approved his amendment requiring an annual report on readiness, which became permanent law in 1977.

Following an April 1975 inspection trip, Senator Culver called for an effective conventional defense posture in our North Atlantic Alliance. He urged greater standardization of weapons and greater coordination on doctrine and tactics among the allies. These proposals were incorporated into the Culver-Nunn amendments in 1976, and helped serve as a basis for NATO's long-term defense program.

In addition to his vigorous leadership on the military readiness issue, as chairman of the Armed Services Committee's Subcommittee on Research and Development, the Senator from Iowa has pressed the Pentagon to emphasize less complex equipment and pay greater attention to built-in reliability. He has stressed the importance of maintaining the readiness of existing equipment rather than spending more and more for new and unproven unequipment.

John Culver is continually working to see that our armed services are supplied with reliable and well-maintained equipment and that we have sufficient quick-reaction capability in case of crisis.

The Senator from Iowa brings a nononsense approach to this vital interest. He realizes that highly sophisticated military equipment is of little value if we do not provide the funding for operation and maintenance of the equipment—and if we do not have sufficient spare parts. This commonsense view of our military needs makes John Culver an exceptionally valuable member of the Armed Services Committee.

Senator Culver also was among the first to warn about the consequences of mushrooming foreign military sales, recognizing the need for careful congressional monitoring of such sales. He pointed to the potential destabilizing impact of large-scale arms transfers. And he noted that in some cases the foreign military sales program had compounded our readiness problems by transferring new equipment to foreign governments before the needs of our own troops had been met.

John Culver has made a special contribution to our Nation in drawing attention to the problems of military readiness. But this is only one of the areas in which he provides outstanding service to Iowa and the Nation.

In addition to his membership on the Committee on Armed Services, Senator Culver is a member of the Environment and Public Works Committee, the Judiciary Committee, and the Small Business Committee.

Just as he has been an effective advocate for a stronger readiness posture, he has been effective in Washington as a fighter for Iowa's interests. He has been a strong friend of the family farmer and was coauthor of the 1977 farm bill amendment to prohibit large nonfarm corporations and trusts from receiving payments under commodity programs. He authored the 1978 rural clean water program, a new cost-sharing program to help farmers address the related problems of soil erosion and water pollution.

He was a sponsor of the 1978 amendment which increased Federal assistance for repair and replacement of unsafe bridges and permitting this assistance to be used for local bridge work. As a result of this measure, Federal bridge aid to Iowa increased from $3 million to $15 million annually.

The record clearly demonstrates that John Culver has consistently fought to solve Iowa's rail transportation problems, to increase Federal support for gasohol, and to ease excessive redtape, paperwork, and regulation for small business. He has worked to improve the quality of living for the elderly and for the interests of working men and women.

Those of us who have served with John Culver in the Senate and worked with him on the critical issues facing our Nation know him to be a dedicated and effective Senator, a strong voice for national security and for the interests of the people of Iowa.

SENATOR ROBERT C. BYRD'S ADDRESS TO THE DEMOCRATIC NATIONAL CONVENTION

Mr. ROBERT C. BYRD. Mr. President, last Thursday evening, I had the privilege of addressing the Democratic National Convention in New York City. I ask unanimous consent that the text of my remarks on that evening be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Senator Robert C. Byrd

My fellow Democrats, my fellow Americans, I come before you tonight to tell you my beliefs—beliefs that were forged in the wild and beautiful hills of West Virginia and—for the past 28 years, in the halls of Congress.

I believe that the United States of America is still the freest, still the strongest, and still the greatest nation on Earth.

I believe that the people of America have more courage, more resourcefulness, more talent, more ingenuity, more determination than any other people anywhere.

They are not afraid to face the future. They are not afraid of hardship, and of sacrifice.

I know. I grew up in the coal country of West Virginia, where life can be as rough and sparse as anywhere else in this great country.

But my people—your people—faced adversity. They toiled and struggled through bank failures and mine closings; through depression and poverty, hunger, sorrow, and war.

But they emerged stronger than ever, under the leadership of a great Democratic administration, under the great President Franklin D. Roosevelt and under the equally great President Harry S. Truman.

I believe that Franklin D. Roosevelt and Harry S. Truman believed in people and that the American people want leaders who believe in them—not leaders who look down on them from a platform of privilege.

I believe they want leaders who can hear the voice of the people—above the voice of the moneyed interests—leaders who will tell them the truth—not the peddlers of quick-fixes and snake oil remedies.

The American people will not believe that a simple wave of a wand will end inflation and unemployment.

They will not believe the Reagan rhetoric that promises a massive tax cut, a balanced Federal budget, and increased defense spending at one and the same time.

They will not believe the Reagan far right rhetoric that says America is weak and that she is number two in military might. That is wrong, it is misleading, it is a disservice to America, and it is dangerous, and the Soviet Union as well as our allies had better not believe it.

The American people will not believe the negative literature that distorts and lies about the voting records of Democratic Senators and Congressmen and asks for your money through the mail.

They will not believe the purveyors of fear who—for short-term political benefit—would tear our country down. On a statue in Atlanta, Georgia, are inscribed these words:

> Who saves his country saves himself, saves all things, and all things saved do bless him; who lets his country die, lets all things die, dies himself ignobly, and all things dying curse him!

The Democratic Party will work to save our country, and the record of the Democratic Party should be our battle cry. Under the Carter administration more Americans are at work today than ever before in any administration since the beginning of this republic.

Since 1977, it has been the Carter administration working with the Democratic Congress that—for the first time in our Nation's history—has forged a comprehensive national energy policy, reformed the civil service system, created a new Department of Education, and strengthened the Western alliance.

It is the Democratic Party that has shown compasssion for the unemployed worker, for the coal miner with black lung disease, for the ghetto youth, for the veteran, for the retired worker and his widow—it is the Democratic Party that has opened its arms to the poor and the disadvantaged, and that has brought to its bosom the minorities of this country—it is the Democratic Party that has fought to remove the stigma of second-class citizenship from the women of America, and it is the Democratic Party that will continue to lead the fight to reduce our dependence on foreign oil.

It is the Democratic Party that will provide the tax incentives whereby America's industrial plants will be revitalized and American goods can once again compete in world markets.

It is the Democratic Party that will continue to work for sensible arms control—to reduce the threat of nuclear destruction—but at the same time prudently modernize and improve our Nation's and our allies' defenses.

I believe that the United States of America needs Jimmy Carter and Walter Mondale, not Ronald Reagan and George Bush to lead those battles. I believe that this country needs a Democratic United States Senate and House of Representatives to win those battles.

I believe our country is too vigorous—and—too young—to be stopped in its tracks. Yesterday is gone. It is the Democrats—under Franklin Roosevelt, Harry S. Truman, John F. Kennedy, Lyndon Johnson, and Jimmy Carter, yes and Ted Kennedy—who have looked to the future—rather than to an idealized past that never was, and never will return.

Our party faces an uphill fight against Ronald Reagan, big money, and deceitful propaganda. And the American people are not going to believe that deceitful propaganda that they see in the advertisements and the literature that goes into millions of homes that distorts and tells lies about the voting records of Democratic Senators and Members of the House of Representatives.

It is a time to unite, not to divide. It is a time to look forward, not backward. It is a time to work, not to rest. And it is a time to remember, not to forget the ideals for which our party stands.

Ideals are like stars. You will not succeed in touching them with your hands. But like the sea-faring man on the desert of waters, you choose them as your guides, and, following them, you reach your destiny.

With the ideals of our Democratic Party to guide us, and with faith in the work that must be done, we shall reach our destiny: Victory in November for Jimmy Carter and a Democratic United States Senate and House of Representatives, and a future of hope, prosperity, and peace for all Americans.

GENOCIDE AND RACISM

Mr. PROXMIRE. Mr. President, day after day I have been speaking on behalf of the Genocide Convention. Often I wonder if my colleagues understand why this gesture is necessary and, more importantly, why this treaty is necessary. One answer, Mr. President, is racism. It is here, it is alive in this country, it is present around the world. And historically, its ultimate expression has been genocide.

Racial and ethnic minority groups always live under the threat of violence. We are not yet free of this phenomenon even in the United States, where groups such as the American Nazi Party and the Ku Klux Klan continue to threaten a minority.

Given this sad reality, I must say to my colleagues that the Genocide Convention is a necessary reminder of the horror that resulted from racial and ethnic prejudice. We must not forget that genocide is only prejudice carried to a terrible extreme.

With the remarkable longevity of pseudo-biological theories of racial supremacy, the need for a fundamental affirmation of the basic rights of all peoples is as important now as it has ever been. The racism that motivated Hitler differs more in degree than in kind from the racism that has survived the holocaust unmoderated. We are therefore called upon to pass the Genocide Convention in the hope that it will be a deterrent as well as a reminder of horrors that might reappear.

We should not forget that acts of genocide have begun innocently enough. The German people, after all, did not vote Hitler into power on the basis of a pledge on his part to exterminate 6 million Jews. His persecution of the Jews, leading ultimately to genocide, began as a mere "cleansing of the body politic" that still sounds so refreshing to some today. It was nothing more than a swift if brutal series of logical steps that brought the Nazi regime to the utter barbarity of the extermination camps. The movement that began in the name of racial purity found its ultimate expression in a speech by Heinrich Himmler in which he said:

> Whether other peoples live in plenty or starve to death interests me only insofar as we need them as slaves for our culture.

Mr. President, we need only recall the horrors of the SS state to realize the importance of this document. To carry out its ideological mandate, that state sought a victory over man's own conscience in order to achieve a victory over all moral and religious scruples. Hitler's racist doctrines demanded an inverted morality which glorified the awful tasks of mass murder. Can we take the chance that such a horrible inversion of normal standards of human conduct and decency will never again recur?

As long as prejudice lingers, the answer is no. We cannot afford to forget the dream of those who lived not more than a generation ago. Their society, according to one noted historian, was to consist of "garrisons, watchtowers—in whose shadows a generation of master personalities would pursue the Aryan blood cult and the breeding of the new god man."

The Genocide Convention is not a stale, ahistorical document, Mr. President. It responds to events in the recent past. And, most importantly, it is concerned with attitudes that were present in the Nazi period and are still present today.

I do not say—and I think it is vital that we make it clear that racism is not genocide. Of course it is not. But it is a manifestation of the extremes to which racism can push a people, as it pushed Adolph Hitler to plan and premeditate and execute the murder of 6 million Jews in Europe in the horrible genocide of the World War II period.

Mr. President, until we live in a world free from hate and prejudice, we cannot afford to cast aside the Genocide Convention. We must maintain our vigilance.

EXIMBANK FINANCING OF SPANISH NUCLEAR POWER PLANT

Mr. PROXMIRE. Mr. President, I call to the attention of my colleagues a communication I have received from the Export-Import Bank pursuant to section 2(b) (3) (iii) of the Export-Import Bank Act of 1945, as amended, notifying the Senate of a proposed financial guarantee of private loans of $40,443,650 to support U.S. exports needed for completion of a nuclear powerplant in Spain. Section 2(b) (3) (iii) of the act requires the Bank to notify the Congress of each proposed loan or financial guarantee or combination thereof for the export of technology, fuel, equipment, materials, or goods or services to be used in the construction, alteration, operation or maintenance of nuclear power, enrichment, reprocessing, research or heavy water production facilities at least 25 days of continuous session of the Congress prior to the date of final approval. Upon expiration of this period, the Bank may give final approval to the transaction unless the Congress adopts legislation to preclude such approval.

In this case, the Bank proposes to provide a financial guarantee of private loans of $40,443,650 to Iberduero, S.A. for completion of the Sayago Nuclear Powerplant in Northern Spain. The Eximbank guarantee would facilitate the export of $62,221,000 of U.S. goods and services to be used to complete the plant. Eximbank authorized a direct credit in 1975 to facilitate U.S. exports for the construction, operation and initial care fuel load of the Sayago plant. The additional financing backed by Eximbank's guarantee is required to meet cost increases due to a moratorium from late 1975 to early 1980 on licensing of the project by the Spanish Government and from inflation during the delay, and to cover additional engineering services for the project.

Mr. President, I ask unanimous consent that the letter from Eximbank and accompanying information pertaining to this transaction be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPORT-IMPORT BANK OF THE UNITED STATES,
Washington, D.C., July 29, 1980.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Pursuant to Section 2(b) (3) (iii) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the United States Senate with respect to the following transaction involving U.S. exports to Spain:

A. Description of transaction:

1. Background and purpose:

On December 18, 1975, Eximbank authorized a direct credit of $148,115,000 to Iberduero, S.A. to facilitate the export of goods and services from the United States to Spain for the construction, operation and initial core fuel load of the Sayago and Punta Endata Nuclear Power Plants in Northern Spain. On October 26, 1976, the amount of the credit was reduced to $72,435,000 as a result of the elimination of the Punta Endata Plant from the scope of the project.

Iberduero has now requested and Eximbank is prepared to provide additional support in the form of a financial guarantee of private loans of $40,443,650 for the Sayago Nuclear Power Plant. Iberduero requires this additional financing for cost escalation resulting from a moratorium, from late 1975 to early 1980, on licensing of the project by the Spanish Government and from general inflationary factors during the interim. Also, Iberduero intends to acquire additional U.S. engineering services for the project.

2. Identity of the borrower:

Iberduero, S.A. was created in 1944 as a result of a merger of two electric utility companies. Headquartered in Bilbao, it is the largest electric utility and one of the largest privately owned industrial enterprises in Spain. The utility accounts for more than 20 percent of Spain's electricity sales.

3. Nature and Use of Goods and Services:

The principal goods and services to be exported from the United States will consist of a nuclear steam supply system and components, such as a turbine generator set. In addition, United States firms will perform various related technical services in connection with the design, installation, fuel fabrication and startup operations of the plant.

4. Safety and Safeguard Aspects:

Exports of the nuclear equipment and services will be made within the framework of two agreements: (1) the bilateral "Agreement on Atomic Energy: Cooperation for Civil Uses" between the United States and Spain of August 16, 1957, as amended, and (2) the trilateral agreement "Atomic Energy: Application of Safeguards by the IAEA to the United States-Spain Cooperation Agreement" among the United States, Spain and the International Atomic Energy Agency on December 9, 1966, as amended Eximbank will require as a condition precedent to disbursement under this guaranteed loan confirmation from the Department of State that exports to Spain for this transaction will be consistent with Section 128 of the Atomic Energy Act of 1954, as amended. In addition, prior to export of the equipment and fuel, licenses must be obtained from the Nuclear Regulatory Commission.

5. Executive Branch Approval:

In accordance with established procedures, Eximbank requested through the Department of State the views of the Executive Branch on the proposed transaction. State's Bureau of Oceans and International Environmental and Scientific Affairs advised that the Executive Branch has no objection to Eximbank's proceeding with this transaction.

B. Explanation of Additional Eximbank Financing:

1. Reasons:

	Amount	Percent of U.S. costs
Cash	$21, 777, 350	35
Private loans guaranteed by Eximbank	40, 443, 650	65
Total	62, 221, 000	100

The Eximbank guarantee of $40,443,650 will facilitate the export of $62,221,000 of U.S. goods and services. The additional costs for which Iberduero is requesting financing are required under contracts with United States suppliers of the nuclear steam supply system, the turbine generator set and the nuclear fuel fabrication services. Also, some additional engineering services are being acquired from U.S. participants in the project. For these reasons, Eximbank feels it is appropriate to provide its guarantee support for financing of these costs.

2. The Financing Plan:

The additional costs of the United States goods and services are $62,221,000, which will be financed as follows:

(a) Eximbank Charges:

A guarantee fee of 0.5% per annum on the disbursed portion of the private loans guaranteed by Eximbank and a guarantee commitment fee of 0.125% per annum on the undisbursed portion of the private loans guaranteed by Eximbank will be charged. All fees are payable semiannually.

(b) Repayment Terms:

The private loans guaranteed by Eximbank will be repaid by Iberduero as follows: (1) the portion allocated to the nuclear plant equipment costs will be repaid in 20 semiannual installments beginning January 1, 1989 (which is 6 months after the estimated start of commercial operations of the plant); and (ii) the portion allocated to the fuel fabrication and engineering services will be repaid in 6 semiannual installments beginning January 1, 1989.

Attached is certain additional information on Eximbank activity in and economic data on Spain.

Sincerely,

JOHN L. MOORE, Jr.

Attachment.

EXIMBANK EXPOSURE IN SPAIN (AS OF FEB. 29, 1980)

	Outstanding	Undisbursed
Direct loans	$928, 461, 906. 28	$212, 285, 727. 02
CFF loans	913, 246. 26	440, 303. 00
Financial guarantees	190, 501, 744. 36	155, 629, 689. 69
Bank guarantees and other	1, 794, 367. 44	1, 017, 196. 08
Insurance:		
Medium term	587, 807. 22	4, 630, 721. 45
Short term	42, 757, 732. 49	0
Total exposure	1, 165, 016, 804. 05	374, 003, 637. 24

DEFAULTS AND RESCHEDULINGS

In the past ten years there have been no defaults or reschedulings of Export-Import Bank direct credits for U.S. export sales in Spain.

SPAIN

Area (100 km^2)	514. 8
Population (mid-1978):	
Population density (per square kilometer)	74
GDP per capita (1978)	$3, 940
GDP (1978):	
Expenditures of GDP (percent):	
Private consumption	68
Government	11
Capital formation	20
Exports	16
Imports	−15
Origin of GDP:	
Primary sector	9
Industry	27
Construction	9
Services	55

	1976	1977	1978	1979[1]	1980
GDP data:					
Nominal (billions)	$104. 5	$115. 8	$147. 1	$159. 5	
Growth rate (real GDP) (percent)	3. 0	2. 6	2. 5	1. 8	1. 4
Fiscal and monetary data:					
Government deficit (millions)	$330	$720	$4, 337	$5, 297	
Deficit as percent of GDP	. 3	. 6	2. 9	2. 7	
Increase in money supply (percent)	20. 7	19. 4	16. 4	18. 3	
Savings ratio (percent)	10. 3	9. 1	12. 9	11. 1	11. 0
Price data (percent):					
CPI	14. 9	24. 5	19. 7	16. 5	16. 0
WPI	15. 3	17. 1	14. 0	(2)	
Labor data (percent):					
Wages (bill)	21. 3	26. 5	23. 5	16. 0	17. 0
Unemployment rate	5. 3	6. 3	8. 2	10. 1	
Productivity	3. 2	3. 3	4. 6	(2)	
External debt (end of period) (millions):					
Total debt outstanding	$10, 235	$12, 959	$14, 727	[3] $15, 863	
Public	$4, 949	$6, 790	$6, 961	[3] $6, 849	
Private	$5, 286	$6, 169	$7, 766	[3] $9, 014	

	1976	1977	1978	1979[1]	1980
Debt service ratio (public debt only) (percent)	16. 7	12. 7	8. 3	(2)	
Total debt/GDP (percent)	9. 8	11. 2	10. 9	10. 0	
Balance of payments:					
Exports, f.o.b	$8, 989	$10, 552. 2	$13, 527	$18, 549	(2)
Imports, f.o.b	−16, 316	−16, 624. 8	−17, 541	−23, 019	(2)
Trade balance	−7, 327	−6, 072. 6	−4, 015	−4, 470	−$7, 900
Tourism (net)	2, 679	3, 486	4, 921	5, 421	5, 700
Net services	3, 033	3, 560	4, 072	6, 132	6, 000
Transfers (net)	1, 152	1, 152	1, 452	1, 705	(2)
Current account balance	−4, 294	−2, 512	1, 509	1, 662	−1, 800
Capital account balance	2, 492	2, 393	1, 984	510	2, 500
Overall balance	−1, 802	−118	3, 493	2, 172	700
Reserves (millions):					
Foreign exchange	4, 704	5, 977	10, 112	13, 224	
Gold (average London price)	1, 781	2, 133	2, 806	9, 862	

[1] Estimated.
[2] Not available.
[3] September.

Sources: IMF, IFS, OECD survey, and Boletin Estavistico Banco de Espana.

Note: Exchange rate (peseta per U.S. dollar): 1976—66.903; 1977—75.967; 1978—76.663; 1979—67.551.

NEWTON MEMORIAL HOSPITAL CENTER FOR MENTAL HEALTH

Mr. WILLIAMS. Mr. President, on Saturday, August 9, 1980, I had the honor and privilege of participating in the dedication ceremony for the Newton Memorial Hospital Center for Mental Health in Newton, N.J.

This ceremony marked the dedication of a mental health center that was born as a result of a community's concern for and response to the needs of its citizens suffering from mental illness. As I was listening to the speech given by the new center's medical director, Dr. M. Nicolai Nielsen, I became aware of the uniqueness of this health care facility. Not dependent on Federal dollars for its creation, it was built out of love, understanding, creativity, ingenuity and industriousness of the citizens and institutions in the community. The private and public sectors collaborated to generate the necessary funding to build a facility to serve the citizens of Sussex County.

I believe that this example of community support and initiative is a lesson for us all. Therefore, for the benefit of my friends and colleagues in Congress who were not able to be present with us on Saturday, I will incorporate in the RECORD the excellent and sensitive address given by Dr. M. Nicolai Nielsen, honoring the dedication of the new center for mental health in Newton, N.J.

I ask unanimous consent to have Dr. Nielsen's remarks printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ADDRESS OF DR. M. NICOLAI NIELSEN, M.D.

First, let me personally welcome all of you who have gathered here on this very special day dedicating the Newton Memorial Hospital Center for Mental Health, but let us step back from the festivity a moment and ask—why special? Is not this just another building, another expansion—another technology in our ever growing armamentarium of health care services?

The constitution of the United States begins so eloquently by stating, "We the People . . ." and then speaks of our inalienable rights. This concept, this marvelous concern for the individual as well as the collected group is the very fabric of American life. Well, this mental health center did not appear as a result of a judicial order. There was no Federal mandate to do this—or else! This mental health center was not planned for this community . . . it was desired, designed and built by this community. You the citizens of Sussex County crossed all those multitudinous gaps that exist between institutions, political groups, professionals, community groups and leaders—crossed those gaps so that now a facility exists wrought from the view and responsive to the views and problems of Sussex County.

I know and you know . . . there were arguments, debates, never total agreement—but there was always mutual support. There were really no destructive confrontation after confrontation, but on-going dialogue. And so this center, this complex mix of medical, psychological, economic, political fiscal forces now exist. That is worthy of your civic pride—not only in this age when there appears so often such alienation between the citizens and their institutions. But, I can inform you that many mental health centers never were born, and many more demised, because their citizens could not dream, understand, develop and modify. Your accomplishment is a substantial political statement. This collaborative undertaking between the private and the public sector, both desirous of improving the quality of life for the citizens of Sussex . . . both going essentially only on faith and trust says something about we, the people, a believable society . . . a believable Government . . . a believable community agency.

This architecture you will tour today—yes, it harmonizes with the rest of the hospital . . . yes, we think its' esthetic . . . yes, it's a lovely setting, but, more importantly, it is an attempt to architecturally realize how we the people interact—and to facilitate and to foster as helpful an interaction between all who are under its roof. We have tried to create a feeling that people matter . . . a non-threatening, inviting, friendly, home like atmosphere, peace and quite and yet a lot of activity everywhere. A family situation—almost—a family whose task it is to assist our patients live and work in a larger family outside.

Our patients are essentially no different than you and I . . . they have the same needs and problems, but also some special needs which will vary from patient to patient, so . . . we have tried to create a building that will be good to people, because then they can be good to themselves, and more willingly accept the multiple models of care we hope to provide. As most of you know there will now be an inpatient psychiatric unit for the first time in Sussex County. Not a unit that hospitalizes for negative reasons, but one that hospitalizes for positive reasons. By that . . . I means to secure a special treatment to grapple better with a very difficult differential diagnosis . . . to protect a person from the effects of his illness. It will be a unit that will flexibly attempt to deal with that low self-esteem and despair that all patients so deeply feel regardless of their diagnosis.

There is much I could say about the programs we now have. Our evolving solid base of clinical services, our outpatient clinic, our day hospital, our twenty-four hour coverage, our Sussex House and or new inpatient unit. And, there is much more that I could say about the challenges . . . those problems of the very, very young, and . . . those of the very, very old. The dilemmas of the alcoholic who always falls between medicine and psychiatry . . . the cracks in the bureaucratic systems we daily grapple with . . . the funding challenges for the future . . . the obstacles that we meet to providing quality care . . . the poorly understood chronic but, let me postpone that for another day.

You see . . . when all is said and done—people, patients, numbers, productivity, theories funding, treatment programs, future expansion—there is one threat that runs through all of this. And that is a faith. All the great religious leaders spoke of it in different words . . . in psychiatry, we speak of this faith as that man can learn . . . that many can adapt . . . that new solutions to old unsettled conflicts are possible . . . that in an ever increasing complex era with more and more rapidly changing forces, man can find his place and live with yet another man . . . that man as an individual person has great worth . . . a belief in reason . . . A belief in truth over illusion . . . a belief that man can free himself from his illusions, understand his tragedy, and with that wisdom choose more freely and productively. That restrained love can be released, and that destructive hate can be re-channeled in more healthy ways.

William James spoke of our key problem being the conflict between the constructive and destructive forces in our world. The existence of this building and your presence here today speak to the choice that this community has made and we the staff—the trustees of this . . . your faith . . . hope that we can protect it . . . nourish it . . . and, use it creatively as Sussex County grows in the decade of the eighties ahead.

FCC AGAINST RKO: BUREAUCRATIC OVERKILL?

Mr. HELMS. Mr. President, I was in the broadcast business for many years before I was elected to the Senate. In all those years, I cannot recall a more unusual action on the part of the Federal Communications Commission than the decision involving RKO General, Inc., the owner of several television stations around the country.

The FCC has ruled, in a comparative renewal proceeding, that RKO is no longer qualified to hold a broadcast license for its stations in Boston, New York, and Los Angeles. This denial was based on certain reciprocal trade practices as well as alleged improprieties of RKO's parent company, General Tire & Rubber Co.

In the hearing, Mr. President, the Commission found that certain questionable actions of GTR somehow influenced the conduct of RKO as a broadcast licensee. To do this, the Commission examined dealings which occurred 20 years ago—matters which were settled in a court-approved decree in 1970. Thus, it seems that questionable actions of the past, for which neither RKO nor its parent GTR was found guilty, will prevent RKO from continuing to broadcast in three large service areas. This is in spite of the company's fine record of service as a broadcaster over the past 35 years.

FCC Commissioner James H. Quello dissented in the case. In his opinion, he referred to the Commission action as "gross bureaucratic overkill," which "represents the most harsh and unwarranted punishment in the history of communications." I am inclined to agree.

I commend Commissioner Quello's statement to my colleagues. He paints, in very graphic words, a grim picture for an important segment of our private enterprise system, which our Federal bureaucrats seem determined to destroy.

Mr. President, I ask unanimous consent that the text of Commissioner Quello's dissenting statement be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

DISSENTING STATEMENT OF FCC COMMISSIONER JAMES H. QUELLO

In re RKO General, Inc. (WNAC-TV), Boston, Massachusetts Comparative Renewal Proceeding (Dos. 18759–61).

The Commission majority by a 4–3 decision has determined that RKO General is not qualified to remain a broadcast licensee. This example of gross bureaucratic overkill represents the most harsh and unwarranted punishment in the history of communications.

This decision immediately affects RKO's television stations in Boston, New York and Los Angeles. The decision may also affect its other television station in Memphis, as well as its twelve radio stations throughout the country. The decision, even though subject to appeal, has already adversely affected some 45,000 innocent stockholders. The stock sold off 4¼ points, about 19 percent, with initial loss in value of approximately 95 million dollars the day after the decision was announced. And the decision, premised on inferences, will further levy a sanction involving several hundred millions of dollars. Not only does the punishment not fit the crime, the conclusions do not fit the record.

In order to find RKO unqualified to remain a licensee the majority has concocted a tenuous nexus between RKO and its parent company, General Tire and Rubber Company. The web of guilt by association is spun from a paucity of factual evidence and a plethora of inferences. The reversal of the Administrative Law Judge's decision is based on unproven charges and unsupported staff conclusions.

The majority has determined that RKO cannot be trusted to serve the public interest as a broadcast licensee. In order to make such determination there must be a nexus between the misconduct perceived by the FCC majority and anticipated future broadcast operations. Yet, such a requisite nexus is obviated in this case by specific legal restrictions, i.e., the Justice Department's trade relations consent decree and the SEC consent decree. Further, the single overlapping officer of GTR and RKO, Thomas F. O'Neill, has stated on the record that he intends to resign his positions as a director and Chairman of the Board of GTR upon a determination by the Commission that RKO is qualified to remain a broadcast licensee. In the face of these factors, I fail to see any evidence of record—or even an inference, for that matter—that RKO's future conduct as a broadcast licensee would not be in the public interest.

The Commission gave RKO the opportunity to submit mitigating evidence in response to the Report of the Special Review Committee of the GTR Board of Directors. The only matter raised in the Report relating to broadcasting was the trade and barter transactions of RKO. The Report concluded that RKO's policy was to utilize barter consideration properly in the conduct of its business. No material violations of this policy were found. The Report did find incomplete and unreliable documentation and record keeping with respect to accounting and reporting of barter transactions. In mitigation, RKO has shown that investigations conducted since the Report have produced much more copious documentation of the disposition of barter considerations than was initially obtained, and that an ongoing IRS audit has indicated that its audit did not involve fraud. Thus, RKO's submissions have reasonably satisfied the questions raised in the Report with respect to it.

The majority infers misrepresentations to the Commission by virtue of RKO's filing of financial reports (FCC Form 324) which did not include an accurate total value of tradeout and barter transactions. RKO has since supplied a detailed description of barter and trade transactions, company policy in recordation of the transactions, the reasons for excluding its memorandum method of accounting from financial reports other than those submitted to FCC, and emphasized the continuing concern that such records be accurately compiled and reflected for FCC reporting purposes. John B. Fitzgerald, controller for RKO, stated in his affidavit that, as to the alleged inaccuracies on the 324 Reports ". . . I had no knowledge that any errors existed at the time the reports were certified by me as being true and correct to the best of my knowledge, information and belief." Mr. Fitzgerald indicates his personal knowledge of errors in the barter and trade estimates reported to the Commission came as a result of both the Special Review Committee's investigation and his subsequent request for each RKO station to review its 324 reports to determine whether there had in fact been errors. In RKO's detailed showing with respect to the barter and trade practices, I find a wealth of material indicating good faith efforts and certainly no intent to file inaccurate or misleading financial information with respect to any RKO station. At most, there was a failure by omission, not commission.

Contrary to the conclusion of the majority, I do not believe the record establishes that the questioned activities of GTR in any way influenced the conduct of RKO as a broadcast licensee. And while this Commission may consider alleged misconduct attributable to a broadcast licensee's parent corporation, the end result in this case is that investigation by the appropriate federal authorities of the overseas activities as well as domestic political contributions of GTR or its subsidiaries resulted in consent decrees with no judicial finding of guilt. Further, the activities investigated did not affect the broadcast performance of RKO General, nor were the audiences of the RKO stations in any way defrauded, deceived or poorly served.

RKO broadcast operations are virtually autonomous. Admittedly GTR has de jure control of RKO; however, by long established policy the GTR Board has placed de facto control of RKO broadcast-related operations and other business activities in the RKO Board of Directors. The Chairman of the Board of RKO, T. F. O'Neil, has for 18 years been the only interlocking director between RKO and its parent, and there have been no other overlapping officers or other employees between GTR and RKO.

The record reflects that T. F. O'Neil has played only a limited role in the affairs of GTR, and that he was in no way involved in the questioned activities of GTR and its other subsidiaries. Mr. O'Neil has stated that he did not even know of such questionable matters at the time of their occurrence but learned of them only as a result of subsequent reports. The record does not reflect to the contrary nor has Mr. O'Neil's affidavit been controverted, and the majority has no basis on which to believe otherwise except as a matter of speculation. I find it difficult to establish a nexus between RKO and GTR based on such tenuous inferences.

In order to bulwark its strained conclusion as to the nexus between GTR and RKO, the majority reaches back to matters arising nearly 20 years ago. The Department of Justice filed a civil complaint against General Tire and RKO General in 1967, charging those companies with engaging in anti-competitive practices. The complaint alleged that General Tire and its subsidiaries—including RKO—had engaged in reciprocal trade dealings from at least 1961 to 1967 and that those activities violated the Sherman Antitrust Act.

It is interesting to note that the Department's complaint was apparently the first case dealing with the issue of whether reciprocal trade dealings, standing alone, violated the antitrust laws. RKO General Inc. (KHJ-TV), 8 FCC 2d 632, 633 n. 4 (Rev. Bd. 1967). The civil suit initiated by the Justice Department was terminated in 1970 by virtue of a court-approved consent decree.

There was no judicial finding of guilt. The FCC Administrative Law Judge noted that all phases of reciprocal dealings allegedly engaged in by General Tire and subsidiaries were explored in the Boston proceeding. In assessing the record, the ALJ considered the following factors: (1) the relevant legal and economic concepts were in a state of flux during the time covered by the record here involved; (2) neither responsible public officials nor the courts had given any definite rulings of the applicability of the antitrust statutes; and (3) there was no certainty at the time of their occurrence that General Tire's trade relations practices were improper. Accordingly, the ALJ concluded there was no present basis for charging General Tire or its subsidiaries with knowing and willful misconduct and, hence, no basis either to disqualify or to assess a comparative demerit against RKO.

By virtue of the consent decree GTR and its subsidiaries were precluded throughout the 1970's from those reciprocal trade practices which might be questionable. And if an inference is to be drawn, certainly the logical conclusion is that GTR and its subsidiaries—including RKO—will refrain from questionable trade practices in the future. The door closed on this matter in 1970. Yet the majority seizes upon the alleged misconduct—which I emphasize, was not judicially determined to be improper or illegal—and draws adverse inferences from this isolated and remote period in time. Guilty once—guilty forever? Guilty? Of what?

The majority further attacks the character of RKO on the dubious grounds of "lack of candor." This conclusion is premised on the failure of RKO to advise the Commission of the issuance in 1976 of a formal order of investigation by the Securities and Exchange Commission. In my opinion, the question was not whether RKO should report the fact of the SEC investigation, but rather when. I do not necessarily fault RKO for employing a policy of "minimal disclosure" in light of the adversarial interests at that time. I do not believe that the SEC investigation was a "formal proceeding" from which there stemmed the obligation under Section 1.65 of the Commission's rules to make full disclosure.

The majority likewise makes much of RKO's "lack of candor" in filing of its financial reports (Form 324) which did not accurately reflect barter and trade transaction totals. As I have pointed out, this filing was made in good faith and the subsequent determination that the barter and trade totals were not complete does not automatically create a lack of candor.

I place great weight on the findings and conclusions of the ALJ who heard this case and was intimately familiar with the totality of details. And, interestingly, his conclusion that RKO was qualified to remain a broadcast licensee is supported by the Commission's Broadcast Bureau which likewise concluded that RKO's renewal of license for WNAC-TV may be granted. And, finally, three Commissioners have concluded also that RKO is qualified to remain a broadcast licensee. In short, the case is not as adversely conclusive as the majority seeks to make it appear.

From a practical standpoint it seems to me that future broadcast performance of RKO will continue to be in the public interest, augmented by new procedures designed to shore up minor deficiencies in its past operations. Upon grant of the license renewal for WNAC-TV, T. F. O'Neil would resign his positions as a director and Chairman of the Board of GTR, thus obviating even the hint of corporate nexus. Most importantly, RKO has committed the sale of WNAC-TV to New England Television Corporation upon the grant of license renewal. This would promote the Commission's goal of increasing minority ownership of broadcast stations, since eight of the proposed transferee shareholders are black citizens with a 12.9 percent ownership interest, four of whom would be directors. Certainly this is a much more desirable and justifiable resolution of the matter than the multi-million dollar penalty which the majority seeks to inflict.

To contrast the moralistic posturing of the majority with the conclusions of the Special Review Committee, I quote from the final paragraph of the Report's conclusion:

"Finally, the conduct which has been criticized must be viewed in context. General Tire is a large company. Its Annual Report for 1976 shows assets of more than $1.5 billion, sales of more than $2.1 billion, and net income of more than $100 million. The Company has prospered under its present management and thousands of sound, proper actions must have been taken for every questionable or improper one. The Committee believes that the final judgment of permanent injunction entered May 10, 1976 with the Company's consent together with appropriate implementation of the recommendation should result in needed changes."

In the face of this statement the majority continues to insist that the "sins" of GTR, although years old, demand expiation and the GTR's subsidiary, RKO General, will be held liable for such wrongdoing. I fail to understand how the majority can attribute once-removed wrongdoings to future broadcast performance of RKO General.

Today's action is bureaucratic overkill at its worst. It is significant to note that the two major offenses of which GTR and RKO have been accused, the improprieties of GTR and reciprocal trade practices, have been disposed of by consent decrees. Yet the majority has imposed an unbelievably punitive sanction by determining that RKO is no longer qualified to hold broadcast licenses for its television stations in Boston, New York and Los Angeles. The majority will undoubtedly insure that this finding of "disqualification" will extend eventually to the other thirteen broadcast licenses of RKO when they are subject to renewal, even though it "seeks comments" on the matter.

Even assuming, arguendo a degree of misconduct on the part of RKO (and I tend to categorize any such misconduct as errors in judgment), the Commission has repeatedly stated it will consider countervailing factors to overcome or eliminate doubt concerning the effect of the conduct on the applicant's future public interest performance as a broadcast licensee. Yet the majority has given little weight to balancing RKO's excellent record as a broadcaster for over 35 years. RKO is a veritable pioneer in the broadcasting industry and, as such, evidenced its willingness to accept the financial losses involved in such pioneering in order to advance the state of the art. It constructed and has continuously operated FM broadcast stations from the earliest days of FM broadcasting—the financial losses of such early operations are well known. RKO pioneered in the operation of subscription television at substantial financial costs and made the knowledge and experience thus achieved available to the Commission. RKO has been active in the field of radio from a technical standpoint and has been responsible for many technical developments. RKO has contributed to educational broadcasting through financial gifts and the making of equipment and program material available to educational stations. It has contributed to the development of new program sources for television. Such contributions certainly enhance the qualifications of RKO, not only as an experienced broadcast licensee but as a contributor to the public interest in broadcast communication. These factors, coupled with RKO's long-established and consistent autonomy, and the court's continuing jurisdiction to enforce the injunctive provisions of the consent judgment, support a reasoned judgment that the record before this Commission is sufficient for a finding that RKO is a qualified broadcast licensee.

Finally, I believe a strong, valid argument can be made that the same standard of proof should have been applied as in a revocation proceeding. It is most significant that the Commission did not decide the case on comparative issues, but solely upon the character qualifications of the licensee. This case was initially presented as a comparative renewal case, but the principal issue became the fundamental qualifications of the licensee to remain in the broadcasting business.

The majority has lost sight of the comparative aspects as between the contending parties. Instead, they have focused on the conduct of RKO generally in its trade practices of 20 years ago, and on the corporate nexus between GTR and RKO—not RKO the licensee of WNAC–TV applying for renewal, but RKO General, licensee of 16 broadcast stations and subsidiary of GTR.

All but ignored are the comparative aspects of RKO as licensee of WNAC–TV, and the focus is on its general qualifications to be a broadcast licensee. This is tantamount to revocation of the privilege to continue to do business. The cost of such revocation will amount to several hundred million dollars in broadcast properties now licensed to RKO General. The cost of such revocation includes the unwarranted drop in value of pertinent stock, to the dismay of innocent stockholders. A further cost of revocation of RKO's privilege to engage in radio and television broadcasting will be unmeasured adverse impact on the lives of hundreds of people now employed in RKO studio and television stations—loss of jobs, transfers, embarrassment, bewilderment, resentment. Those who supply software and harware to the RKO broadcast operations face uncertainty of this market in future dealings, with the prospect of curtailment or cancellation of business relations. And the revocation of RKO's privilege of conducting its 35-year broadcast business will impact deleteriously on hundreds of thousands of RKO station listeners and viewers who rely on the service that the stations provide to them and their communities, not in hyper-technical punishment of the corporate licensee of the stations.

My point is that the decision of the majority is in essence a revocation action, not a comparative hearing evaluation and award. The majority's decision has in fact revoked RKO's privilege to continue to do business as a broadcast licensee.

I question the substantiality of the evidence relied upon by the majority in arriving at such a far-reaching decision. Preponderance of the evidence does not appear to be the appropriate standard applicable in a case of this magnitude.

I suggest that a "clear and convincing" standard of proof should be required before we deny RKO the privilege of continuing the broadcast business it has built over the years. I find support for this view in a recent case involving revocation of a broadcast license, wherein the court held that for the FCC to revoke a broadcast license, a "preponderance of evidence" is not enough. The evidence must be "clear and convincing." Sea Island Broadcasting Corporation of S.C. v. FCC, Case No. 76–1735 (January 14, 1980). The Commission there unsuccessfully argued that loss of a broadcast license does not amount to a potential deprivation of a livelihood, as in a cited precedent, since the former licensee may still obtain a job in the broadcasting industry and the revocation of one license "would not necessarily result in the loss of any other broadcasting station's license held by such a licensee."

The court was not persuaded by this argument, stating ". . . The broadcaster who loses his license may get other jobs in the industry, but he has certainly lost a business."

The court held in the Sea Island case that revocation of an FCC license must be governed at the agency level by a "clear and convincing" standard of proof.

Although the RKO case does not technically involve a revocation proceeding, the actual character and effect of this case is one of multiple license revocations. Most assuredly RKO, by the majority's dictates, "has lost a business"—sixteen businesses could be the ultimate loss.

The appropriate standard of proof in a case of this magnitude should have been that of "clear and convincing" evidence. The very nature of the unprecedented sanction, the harshest in the history of the FCC, demands most substantial grounds in justification.

The record could not possibly establish "clear and convincing" evidence. In fact, I do not believe the record can even support the majority's conclusion based on a "preponderance of evidence." However, I remain convinced that the most stringent standard of proof must be utilized before we strip three and possibly sixteen broadcast licenses from a licensee with a 35-year broadcasting record of development, investment, innovation and continued meritorious service in the public interest.

The incredibly harsh findings that RKO General lacks the requisite qualifications to remain a broadcast licensee indicates a mindset that equates bigness with badness. Under these circumstances, all large, multifaceted corporations who own broadcast properties should be on notice that all of their dealings must be not only legal but above any possible reproach. Such a rigid standard with no allowance for human error is virtually unattainable, a fact which could make large corporate owners—and their stockholders—an endangered species.

I dissent—emphatically!

SALES OF U.S. GOLD—SOME EDUCATIONAL CORRESPONDENCE

Mr. HELMS. Mr. President, I was privileged to serve on the Foreign Policy and National Defense Subcommittee of the Republican Platform Committee with the Honorable Earl E. T. Smith. This gracious, energetic gentleman was U.S. Ambassador to Cuba during the turbulent period of 1957–59 and he therefore has wide experience to support his strong views on defense and foreign affairs.

During the work of our subcommittee, the Ambassador mentioned his interest in America's policy toward gold, and he said he was deeply concerned about the myopia presently afflicting U.S. policymakers with regard to gold.

One piece of legislation which I introduced last year would require that the U.S. Congress specifically approve any sale of U.S. gold. At the present time, the Secretary of the Treasury has full authority to dump our gold at will.

Hearings were held on my bill, S. 1963, and the Treasury Department reiterated a number of tired old arguments which have been used for years. I suspect that they are kept somewhere in the Treasury Building in a file cabinet in a folder labeled, "Gold: Arguments Against." The folder is dusted off every so often, and the appropriate knee-jerk recitations are incorporated into letters or speeches as the situations warrant. The responses have changed little. They have not varied from the arguments Keynes and his followers laid down generations ago.

One of the most important questions relates to the strategic importance of our gold reserves. Military leaders, whenever asked in recent years, have responded to this question by mentioning the electrical uses of gold for missile switching systems and the like. They have not mentioned the international economic necessity of gold in times of extreme crisis. The Treasury Department, of course, has in recent years, been of one voice—gold is to be downplayed.

It was, therefore, most interesting to me to receive copies of correspondence Ambassador Smith had with the Treasury Department in 1978 concerning the sale of U.S. gold.

Ambassador Smith wrote to the President in April of 1978, when the Treasury announced the beginning of a major sale of U.S. gold. He concluded his letter by asking, "If we continue to sell our remaining gold reserves, what will we use for money in the event of war?"

Treasury responded, "Your concerns regarding the adequacy of U.S. gold stocks for national security purposes, including financing international transactions during wartime, are unwarranted."

Addressing Ambassador Smith in this way was as if some teenager was telling Richard Petty that he knew more about stock car racing and that his "concerns" were "unwarranted."

The Treasury Department response continued, "gold is no longer an important medium of payment for international transactions because it is a very risky asset that is subject to wide fluctuations in price." It would have been more accurate had the Treasury bureaucrat used the word "dollar" instead of the word "gold," for under present monetary policy it has been the dollar that has had "wide fluctuations" in price. The fluctuations, sadly have always been in one general direction: down.

The Ambassador pointed out in his letter that the West German central bank had to expend $11 billion in deutsch marks in a 4-month period to stem the collapse of the value of the dollar. And Treasury says that it is gold's price that fluctuates. The contention brings to mind the Yiddish word, "chutzpah," meaning gall or audacity; the classical example of which is the fellow, after killing his parents, throws himself on the mercy of the courts because he's an orphan.

Now the Treasury has consistently said, since its "demonetization" of gold effort began in earnest in the early 1970's, that gold's price is too volatile. Yet, the Treasury officials themselves have implied that one of the purposes of selling U.S. gold is to destabilize the gold market. The rationale for this is that the Treasury does not want to give people a convenient alternative to a depreciating dollar. Instead of making the dollar "as good as gold," the Treasury has attempted to make gold as unstable as the dollar.

Treasury's allegation that gold is no longer an important medium of payment for international transactions is basically a restatement of provisions in the revised charter of the International Monetary Fund. This provision, pushed through by the United States, removed gold as one required means of settling international debts. The Treasury allegation, however, totally ignores the fact that the United States is the only major nation to sell off portions of its reserves. The only other nation in recent years to sell some of its gold reserves was Portugal during a massive crisis in its government and economy. One foreign economic commentator called the U.S. sales "bizarre" since there was so little justification.

Finally, the Treasury letter states that gold would be of little use in wartime because it would be difficult to "sell large quantities quickly to meet financing requirements."

The Treasury seems to think that the gold would be used as a means of raising dollars, but it is the dollars that may not be wanted in wartime. It is the universal money—gold—that is our last refuge.

As Ambassador Smith responded, "May I remind you, that in wartime, gold has been most useful and paper money has proven to be generally unacceptable."

Mr. President, I believe that the wrongheadedness of present policy toward gold requires congressional action to remove Treasury's power to sell gold. It is clear that this power has been used arbitrarily and to the great detriment of the United States.

Mr. President, I ask unanimous consent that the correspondence between Ambassador Earl Smith and the Department of the Treasury be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

APRIL 21, 1978.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Administration's decision to sell 1,800,000 ounces of gold over a period of six months could be consummated in a matter of two or three hours on any given day, thereby giving the United States Treasury immediate use of approximately $300,000,000—thus saving the Treasury approximately $10,000,000 in interest over a six month period.

The sale of this gold is infinitesimal inasmuch as Germany, from November to the end of January, expended approximately $11,000,000,000 in an effort to stem the falling dollar.

The future of this country should be guarded with the retention of our gold bullion. The United States government sold its silver reserves at $1.29 per ounce. Presently, silver is selling at $5.00 per ounce. If we continue to sell our remaining gold reserves, what will we use for money in the event of war?

Respectfully,
EARL E. T. SMITH,
Formar U.S. Ambassador to Cuba, during Castro-Communist Revolution, 1957–59.

DEPARTMENT OF THE TREASURY,
Washington, D.C., May 30, 1978.

Mr. EARL E. SMITH,
North Ocean Boulevard,
Palm Beach, Fla.

DEAR MR. SMITH: Your letter of April 21 to President Carter, expressing your opposition to the United States gold sales, has been refered to the Treasury Department.

The regularly scheduled sales of 1.8 milllion ounces of gold over a six month period which began May 23 will have the effect of reducing the United States trade deficit, either by increasing the exports of gold or by reducing the imports of this commodity. These auctions will be modest and are part of a general effort by the Administration to reduce the trade deficit. The sales will also further the United States desire to continue progress toward the elimination of the international monetary role of gold.

It should be pointed out that the sale of this gold is not a reflection on the strength of the dollar, which depends not on our holdings of gold or other commodities but on our fundamental economic performance. This means following sensible economic policies by keeping inflation under control, conserving energy, and improving the vitality and efficiency of the United States economy. The President's programs are designed to accomplish these objectives.

Your concerns regarding the adequacy of U.S. gold stocks for national security purposes, including financing international transactions during wartime, are unwarranted. Current production from domestic sources exceeds the amount of gold used by defense-related industries and our present stocks are much larger than would be required for this purpose for the foreseeable future. Furthermore, gold is no longer an important medium of payment for international transactions because it is a very risky asset that is subject to wide fluctuations in price. The private market for gold is narrow and volatile, thus making it difficult to sell large quantities quickly to meet financing requirements. These deficiencies of gold would be especially compelling during wartime.

Sincerely yours,
JERRY H. NISENSON,
Deputy Director for Gold Market Activities, Office of Foreign Exchange Operations.

JUNE 6, 1978.

JERRY H. NISENSON,
Deputy Director for Gold Market Activities, Office of Foreign Exchange Operations, Department of the Treasury, Washington, D.C.

DEAR MR. NISENSON: In response to your letter of May 30, for the record, may I point out that the United States Government has been selling its reserves of gold at various prices from $35.00 per ounce up to the present price of $182.00 per ounce. If this is demonetization of gold, it has proven to be a very unsuccessful operation and should be given reconsideration.

In your letter of May 30, you state:

"Gold is no longer an important medium of payment for international transactions because it is a very risky asset that is subject to wide fluctuations in price. The private market for gold is narrow and volatile, thus making it difficult to sell large quantities quickly to meet financing requirements. These deficiencies of gold would be especially compelling during wartime."

I would be happy to supply you the names of important American bankers who can arrange in a few days the purchase of all the gold reserves presently held by the United States Treasury.

I would further like to point out that in the event of war, gold will not be a liability but would be a necessary asset to purchase the desperately needed imports. May I remind you that in wartime, gold has been most useful and paper money has proven to be generally unacceptable.

Very truly yours,
EARL E. T. SMITH,
Former U.S. Ambassador to Cuba, 1957–59.

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 11:13 a.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 1140. An act to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1980 and 1981, and for other purposes;

S. 1863. An act to authorize the Secretary of Commerce to charter the nuclear ship Savannah to Patriots Point Development Authority, an agency of the State of South Carolina; and

H.J. Res. 589. Joint resolution providing additional program authority for the Export-Import Bank.

The enrolled bills and joint resolution were subsequently signed by the Acting President pro tempore (Mr. BURDICK).

At 1:14 p.m., a message from the House of Representatives delivered by Mr. Berry, announcd that the House has passed the following bill, with amendments in which it requests the concurrence of the Senate:

S. 1996. An act to authorize the Secretary of Agriculture to encourage the efficient use of wood and wood residues through pilot projects and demonstrations and a pilot wood utilization program.

The message also announced that the House has passed the following bill, with amendments in which it requests the concurrence of the Senate:

S. 1998. An act to provide for the United States to hold in trust for the Tule River Indian Tribe certain public domain lands formerly removed from the Tule River Indian Reservation.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5381. An act to amend the Federal Property and Administrative Services Act of 1949 to reform contracting procedures and contract supervision practices of the Federal Government, and for other purposes;

H.R. 6665. An act to implement the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, and for other purposes;

H.R. 7130. An act to designate the building known as the U.S. Courthouse and Federal Building in Syracuse, New York, as the "James M. Hanley Federal Building";

H.R. 7139. An act to suspend for not exceeding one year the duty on certain wrapper tobacco;

H.R. 7212. An act to ratify a settlement agreement in a land dispute between the Pamunkey Indian Tribe and the Southern Railway Company, and for other purposes;

H.R. 7702. An act to designate certain public lands in the State of California as wilderness, and for other purposes; and

H.R. 7859. An act to provide general assistance to local educational agencies for the education of Cuban and Haitian refugee children, and to provide special impact aid to such agencies for the education of Cuban and Haitian refugee children and Indochinese refugee children, and to provide assistance to State educational agencies for the education of Cuban and Haitian refugee adults.

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 5381. An act to amend the Federal Property and Administrative Services Act of 1949 to reform contracting procedures and contract supervision practices of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

H.R. 6665. An act to implement the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 7130. An act to designate the building known as the United States Courthouse and Federal Building in Syracuse, New York, as the "James M. Hanley Federal Building"; to the Committee on Environment and Public Works.

H.R. 7139. An act to suspend for not exceeding one year the duty on certain wrapper tobacco; to the Committee on Finance.

H.R. 7212. An act to ratify a settlement agreement in a land dispute between the Pamunkey Indian Tribe and the Southern Railway Company, and for other purposes; to the Select Committee on Indian Affairs.

H.R. 7702. An act to designate certain public lands in the State of California as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 7859. An act to provide general assistance to local educational agencies for the education of Cuban and Haitian refugee children, and to provide special impact aid to such agencies for the education of Cuban and Haitian refugee children and Indochinese refugee children, and to provide assistance to State educational agencies for the education of Cuban and Haitian refugee adults; to the Committee on Labor and Human Resources.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 20, 1980, he had presented to the President of the United States the following enrolled bills:

S. 1140. An act to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1980 and 1981, and for other purposes; and

S. 1863. An act to authorize the Secretary of Commerce to charter the NS *Savannah* to Patriots Point Development Authority, an agency of the State of South Carolina.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and referred as follows:

POM-831. A resolution adopted by the Congress of the Federated States of Micronesia; to the Committee on Appropriations:

"CONGRESSIONAL RESOLUTION No. 1–99, C.D. 1

"Whereas, United States Public Law No. 94–255 authorized the appropriation of $8 million for the construction of college facilities to serve the Micronesian community; and

"Whereas, a master plan has been developed for the construction of such facilities at a site in the Palikir region of the state of Ponape; and

"Whereas, the facilities of the Community College of Micronesia, the primary academically oriented branch of the College of Micronesia, are in such a dilapidated state that the accreditation of the Community College of Micronesia is currently in jeopardy; and

"Whereas, it is the sense of the First Congress of the Federated States of Micronesia, Third Regular Session, that the College of Micronesia offers a program of instruction in a setting which makes the College uniquely suited for meeting the relevant needs of the Micronesian people in several key fields of study; and

"Whereas, it is the further sense of this Congress that the effectiveness of the College is being severely handicapped by the lack of even minimal facilities; and

"Whereas, it is the further sense of this Congress that the current site of the Community College of Micronesia is too small and poorly suited for the construction of facilities even minimally adequate to meet the needs for an academically oriented postsecondary institution within Micronesia; now therefore,

"Be it resolved by the First Congress of the Federated States of Micronesia, Third Regular Session, that the United States Government is hereby respectfully requested to expedite the appropriation of the funds authorized by United States Public Law 94–255 for the construction of facilities for the College of Micronesia, to include the construction of facilities for the Community College of Micronesia at the site for which plans have already been developed in the Palikir region of the state of Ponape; and

"Be it further resolved that certified copies of this resolution be transmitted to United States Senators Warren Magnuson, Milton Young, Robert C. Byrd, Thadeus Stevens, Henry Jackson, Mark Hatfield, J. Bennett Johnston, Jr., Daniel K. Inouye, and Spark Matsunaga; Members of the United States House of Representatives Jamie Whitten, Silvio Conte, Sidney Yates, Joseph McDade, Morris Udall, Phillip Burton, Robert Duncan, Donald Clausen, Robert Lagomarsino, Daniel Akaka, Cecil Heftel, George Miller and Antonio B. Won Pat; United States Department of the Interior Assistant Secretary for Territorial and International Affairs, Wallace Green; Trust Territory High Commissioner Adrian P. Winkel; the President of the Federated States of Micronesia; and the Acting Chancellor of the College of Micronesia."

POM-832. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works:

"HOUSE CONCURRENT RESOLUTION No. 255

"Whereas, over the past several months intensive discussions have taken place regarding the ultimate responsibility for damages which will result from piledriving activities in the construction of the Morgan City-Berwick floodwalls by the United States Army Corps of Engineers; and

"Whereas, potential damages exceed the financial capability of any local governing body to guarantee such liabilities and it is likewise impractical that an insurance policy could be obtained to provide for the same liabilities; and

Whereas, the United States Army Corps of Engineers refuses to accept this liability since federal legislation calls for a hold-harmless guarantee from local interests; and

"Whereas, floodwall deficiencies average approximately ten feet or more and construction must begin promptly to relieve flood threats to the populous Morgan City-Berwick area and the expanding industries located therein.

"Therefore, be it resolved by the House of Representatives of the Legislature of the state of Louisiana, the Senate thereof concurring, that the Congress of the United States is hereby memoralized to take all action necessary and appropriate to provide for assumption of liability by the federal government of any and all damages resulting from piledriving activities in the course of construcing sufficient floodwalls to relieve flood threats to the municipalities of Morgan City and Berwick and the surrounding area in south Louisiana.

"Be it further resolved that copies of this Resolution be forwarded to all members of the Louisiana Congressional delegation and to the clerk of the House of Representatives and to the secretary of the Senate of the United States Congress."

POM-833. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION No. 80

"Whereas, the purpose of title XIX of the Social Security Act, enacted by the Social Security Amendments of 1965 is to provide effective medical assistance to aged, blind, and permanently or totally disabled persons whose income is insufficient to meet the costs of necessary medical care and services; and

"Whereas, to determine eligibility for such assistance, federal regulations require applicants and recipients to take all necessary steps to obtain any annuities, pensions, retirement and disability benefits to which they are entitled; and

"Whereas, the law sets forth a maximum allowable income limit of six hundred and twenty-four dollars and sixty cents and in a substantial number of cases recipients of social security benefits exceed the limit by a scant sum and are rendered ineligible for Medicaid; and

"Whereas, such persons are still medically needy and would otherwise qualify for assistance except for their slightly higher income; and

"Whereas, this creates a serious health care dilemma for such persons who are least able to secure much needed medical care, particularly in these times of rampant inflation.

"Therefore, be it resolved by the House of Representatives of the legislature of Louisiana, the Senate thereof concurring, that the Louisiana Legislature does hereby memorialize the Congress of the United States to consider modifying the general financial eligibility requirements for Medicaid by excluding social security benefits from those requirements.

"Be it further resolved that copies of this Resolution be transmitted to the clerk of the United States House of Representatives, the secretary of the United States Senate, and to each member of the Louisiana Congressional Delegation."

POM–834. A joint resolution adopted by the Northern Marianas Commonwealth Legislature; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION No. 2–2

"Whereas, the Commonwealth of the Northern Mariana Islands was established by U.S. Public Law No. 94–241; and

"Whereas, during the separate administration of the Northern Marianas from the Trust Territory administration, a transitional period from April 1976 to December 1977, the Northern Marianas received a U.S. Congressional grant in the amount of $1.5 million for the preparation of comprehensive economic development and physical development master plans; and

"Whereas, these plans have been duly prepared consistent with the general desires of the elected leaders of the Commonwealth of the Northern Marianas; and

"Whereas, the Commonwealth of the Northern Mariana Islands will be receiving basic grants from the United States for the operation of the Government and for the development of social, and economic infrastructure which will progressively promote a higher standard of living for the people comparable to the American economic community; and

"Whereas, portions of such grant funds are intended by U.S. Public Law No. 94–241 to be expended to develop the economic resources needed to meet the financial responsibilities of self-government; and

"Whereas, in order to achieve those goals and objectives the available funds must be carefully programmed and utilized; and

"Whereas, it is the sense of the Northern Marianas Commonwealth Legislature that it should be committed to use the funds in the most prudent and rational manner to achieve long-term economic and social developments; and

"Whereas, the basic Socio-Economic and Physical Development Master Plans which have been completed are intended to be used as development guidelines to accomplish the goals and objectives of this legislature; and

"Whereas, such plans define, in general, the desires of the Legislature for sound economic and social developments; and

"Whereas, the Legislature considers the recommendations of the plans, in general, to be realistic and will bring about positive and beneficial social and economic developments; now, therefore,

"Be it resolved by the Second Northern Marianas Commonwealth Legislature, First Regular Session, 1980, that the Legislature hereby endorses such plans entitled 'Socio-Economic Development Plan for the Northern Mariana Islands,' and 'Physical Development Master Plan for the Commonwealth of the Northern Mariana Islands,' as the basic policy guidelines for social, economic, and infrastructure developments in the Commonwealth of the Northern Mariana Islands; and

"Be it further resolved that the Legislature retains the option to revise, improve, or delete any portion of the plans which in the Legislature's judgment is not consistent with its goals and objectives and with the prevailing social, economic or budgetary conditions of the Commonwealth of the Northern Mariana Islands; and

"Be it further resolved that the President shall certify and the Senate Clerk shall attest to the adoption hereof and thereafter transmit certified copies to the appropriate committees and subcommittees of the United States Congress, and to the Governor of the Commonwealth of the Northern Mariana Islands."

POM–835. A resolution adopted by the Congress of the Federated States of Micronesia; to the Committee on Energy and Natural Resources:

"CONGRESSIONAL RESOLUTION No. 1–101, C.D. 1

"Whereas, Section 2 of United States Department of Interior Secretarial Order No. 3039, effective April 25, 1979, delegated to three political subdivisions of the Trust Territory, including the Federated States of Micronesia, executive, legislative and judicial functions of the Government of the Trust Territory of the Pacific Islands; and

"Whereas, Section 3 of the said Secretarial Order provides that the High Commissioner of the Trust Territory of the Pacific Islands, under the general supervisory authority of the Secretary, shall continue to exercise all authority necessary to carry out the obligations and responsibilities of the United States of America under the 1947 Trusteeship Agreement; and

"Whereas, the said Secretarial Order provides that the High Commissioner shall make grants of financial assistance to the new governments, including the Federated States of Micronesia and, as appropriate, to their political subdivisions in such amounts as may be appropriated; and

"Whereas, since April 25, 1979, the effective date of the said Secretarial Order 3039, funding of both the Government of the Federated States of Micronesia and of the political subdivisions thereof, including the governments of the states of Truk, Ponape, Yap and Kosrae has been grossly inadequate to enable these governments to carry out the obligations and responsibilities of the United States of America under the 1947 Trusteeship Agreement; and

"Whereas, as a result of this insufficient funding, essential social services in the Federated States of Micronesia have been drastically curtailed; and

"Whereas, in the state of Truk, because of the above referred financial crisis, the working hours of state employees have been reduced to six hours a day from the usual eight hours, with the result that persons in desperate need of government services, particularly medical services, are being refused service, resulting in unnecessary suffering, and possibly death; and

"Whereas, because of this said insufficiency of funding, transportation services to outer island communities have been seriously curtailed, resulting in suffering in those communities; and

"Whereas, because of the said insufficient funding to the Government of the Federated States of Micronesia and to its political subdivisions, the terms of the said Secretarial Order 3039 and the obligations and responsibilities of the United States under the terms of the 1947 Trusteeship Agreement are being breached, including the obligations under Article 6 of the Agreement to improve the means of transportation and communication, to protect the health of the inhabitants of the Trust Territory, and to promote our economic advancement and self-sufficiency; and

"Whereas, the said insufficiency of funding and resulting breach of Trusteeship obligations and responsibilities seriously impairs the ability of the Government of the Federated States of Micronesia and its political subdivisions to implement the financial management and economic development necessary to the realization of self-sufficiency and self-government of the people of the Federated States of Micronesia contemplated in the Draft Compact of Free Association dated January 14, 1980; now therefore,

"*Be it resolved* by the Congress of the Federated States of Micronesia, that the Governments of the United States of America and the Trust Territory of the Pacific Islands be advised that substantial increases in financial aid to the Government of the Federated States of Micronesia and of the states of Truk, Ponape, Yap and Kosrae are urgently required if these governments are to carry out the functions contemplated in Secretarial Order 3039, if the Trusteeship obligations and responsibilities of the United States are to be met, and if the self-sufficiency and self-government of the people of the Federated States of Micronesia upon which the Draft Compact of Free Association, dated January 14, 1980, is to be realized; and

"*Be it further resolved* that certified copies of this resolution be transmitted to the President of the United States of America; the Chairman of the Trusteeship Council of the United Nations; the Secretary of the Interior of the United States; the President of the Senate of the United States; the Speaker of the House of Representatives of the United States; the High Commissioner of the Trust Territory of the Pacific Islands; the President of the Federated States of Micronesia; the Governors of the states of Truk, Ponape, Yap and Kosrae; and the Speaker of the legislatures of the states of Truk, Yap, Ponape and Kosrae."

POM–836. A joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works:

"ASSEMBLY JOINT RESOLUTION No. 72

"Whereas, The recent heavy storms caused heavy runoff in our streams and rivers; and

"Whereas, Sustained high flows in the rivers has caused extensive damage to levees, banks, riparian habitat, and Class 1 agricultural land; and

"Whereas, Large oak and eucalyptus trees and other riparian vegetation washed into the river by this erosion are plugging up the channel, reducing its carrying capacity, and further aggravating the problem; and

"Whereas, An enormous amount of eroded soil is carried down the river, increasing turbidity and filling the channels; and

"Whereas, The United States Army Corps of Engineers Bank Protection Project would alleviate much of such erosion problems; and

"Whereas, The corps cannot continue this urgently needed work without state support; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California declares its support for the bank protection efforts of the United States Army Corps of Engineers and memorializes the crops to hasten its efforts to protect our river banks; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Chief of the United States Army Corps of Engineers, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM–837. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources:

"ASSEMBLY JOINT RESOLUTION No. 75

"Whereas, The Legislature of this state is aware of the emergency condition developing in California's educational system occasioned by the dramatic increase in recent and continuing arrivals of people in need of elementary and secondary basic skills from other states and other countries; and

"Whereas, The people of the State of California have assumed a disproportionate share of the responsibility for providing critical, high cost, educational services to these adult citizens and refugees; and

"Whereas, In a survey of certain adult competencies done by the NOMOS Institute of Hawaii for the Department of Education of this state, those who were raised in homes where a language other than English was spoken, or who had at least one foreign-born parent, showed more deficiencies than any other group in the performance of certain basic competencies; and

"Whereas, Highly impacted public adult schools in the state have experienced dramatic increases in Indochinese refugee population at an estimated 7,000 to 9,000 immigrants a month; and

"Whereas, These conditions require that school districts provide intensive and specialized educational assessment, instructional, and counseling services from qualified linguistic specialists, specially trained teachers, and counselors, as well as specialized instructional materials; and

"Whereas, The provision of these services imposes an unusual, intolerable burden on the already strained budgets of our California school system; and

"Whereas, Part of this burden has been imposed as a direct result of the humanitarian response of the federal government to the plight of Indochinese refugees; and

"Whereas, An effective and appropriate instrument under which to immediately fund adult educational assistance is already in existence under Section 306 of Public Law 91–230, known as the Adult Education Act, now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California memorializes the Congress of the United States to give immediate and urgent consideration by way of increased appropriations, to the provision of immediate funding to cover the critical educational expenses of these citizens and refugees in order that our Nation can more appropriately fulfill our commitment to a literate populace in this democracy; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM–838. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources:

"ASSEMBLY JOINT RESOLUTION No. 80

"Whereas, 140,000 Indochinese refugees are accepted each month for resettlement in the United States; and

"Whereas, The greatest percentage of the refugees in the United States have initially resettled in California; and

"Whereas, Many of those refugees who first settled in other states eventually move to California; and

"Whereas, The medical screening of Indochinese refugees for tuberculosis, leprosy, venereal disease, and enumerated mental defects and disorders, as conducted by federal agencies, while the refugees are still abroad or on arrival at ports of entry to the United States is inadequate to detect the diseases carried by, and to determine the overall physical condition of, the refugees; and

"Whereas, Refugees enter the United States without having undergone a complete physical examination or having been educated in personal hygiene and general health care, as practiced in the United States; and

"Whereas, The failure to detect disease, diagnose physical condition, and educate the refugees may have a long-range adverse impact on the physical well-being of the general population; and

"Whereas, For the purpose of providing assistance to the Indochinese refugees, the State Departments of Health Services and Social Services have entered into an agreement with the Department of Health and Human Services, concerning health and mental health care services for such refugees, pursuant to the Indochina Migration and Refugee Assistance Act of 1975 (P.L. 94–23 as amended by P.L. 94–313, P.L. 95–145, and H.R. 12509) and Special Appropriations for Assistance to Refugees from Laos, Cambodia and Vietnam (P.L. 94–23), as amended by Foreign Assistance Appropriation Act (P.L. 94–330); now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress, and specifically The Conference Committee on the Refugee Act of 1979, to make every effort to ensure that funds appropriated for the purpose of implementing these agreements entered into between the State Departments of Health Services and Social Services and the United States Department of Health and Human Services be expeditiously provided to those counties which contain large numbers of Indochinese aliens; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to Representative Elizabeth Holtzman, Chairperson of The Conference Committee on Refugee Act of 1979, and to each Senator and Representative from California in the Congress of the United States."

POM–839. A petition from a private citizen, relating to national security; to the Committee on Armed Services.

POM–840. A petition from a private citizen, relating to national security; to the Committee on Armed Services.

POM–841. A petition from a private citizen, relating to national security; to the Committee on Armed Services.

POM–842. A petition from a private citizen, relating to national security; to the Committee on Armed Services.

POM–843. A petition from a private citizen, relating to national security; to the Committee on Armed Services.

POM–844. A petition from a private citizen, relating to national security; to the Committee on Armed Services.

POM–845. A petition from a private citizen, relating to national security; to the Committee on Armed Services.

POM–846. A petition from a private citizen, relating to national security; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PROXM'RE, from the Committee on Banking, Housing, and Urban Affairs, with amendments:

S. 1953. A bill to authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to Louis L'Amour (Rept. No. 96–906).

LOUIS L'AMOUR GOLD MEDAL

Mr. PROXMIRE. Mr. President, from the Committee on Banking, Housing, and Urban Affairs, I report favorably a bill which would authorize the President to award a gold medal to author Louis L'Amour in recognition of his contributions to the Nation through his historically based novels depicting the old West. The legislation would also permit the manufacture of bronze duplicates for sale to the general public.

This legislation is reported with two technical amendments: the first one would authorize in fiscal year 1982 the sum of $20,000 to manufacture the gold medal; the second amendment would require the Treasury to attempt to recover the cost of the gold medal through the sale of the bronze duplicates.

Mr. President, my good friend and colleague, MILTON YOUNG of North Dakota, introduced this bill to honor Mr. L'Amour who is the alltime bestselling author of Western novels, and I am happy to be able to report it favorably today.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JACKSON, from the Committee on Energy and Natural Resources:

Lindsay D. Norman, Jr., of Maryland, to be Director of the Bureau of Mines.

John David Hughes, of Texas, to be a Member of the Federal Energy Regulatory Commission.

(The above nominations from the Committee on Energy and Natural Resources were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. JACKSON. Mr. President, today the Committee on Energy and Natural Resources ordered favorably reported the nominations of Lindsay D. Norman, Jr., of Maryland, to be Director of the Bureau of Mines, and John David Hughes, of Texas, to be a member of the Federal Energy Regulatory Commission for the term expiring October 20, 1983.

Mr. President, I ask unanimous consent that the biographies of Mr. Norman and Mr. Hughes be printed in the RECORD.

There being no objection, the biographies were ordered to be printed in the RECORD, as follows:

LINDSAY D. NORMAN, JR.

Lindsay D. Norman, Jr., was appointed Acting Director of the Bureau of Mines on April 11, 1979. He had been the Bureau's Assistant Director for Program Development and Evaluation since August 23, 1978.

Dr. Norman was born October 14, 1937, at Drexel Hill, Pennsylvania. He was awarded three degrees from the University of Maryland; a B.S. degree in metallurgy and chemical engineering (1960), an M.S. degree in metallurgy and nuclear engineering (1964), and Ph.D. degree in materials science and physics (1969). While attending graduate school, he joined the Bureau of Mines on October 31, 1960, as a metallurgical engineer at the College Park (Maryland) Metallurgy Research Center. As a research supervisor, he became associated with research projects concerned with extractive metallurgy, energy conversion, and mathematical simulation.

His original work on mathematically interpreting the statistical geometrics of fine particle systems was acclaimed as a major step forward in the theoretical understanding of powder metallurgy. In recognition of his scientific accomplishments, he received the Bureau's Superior Performance Award in 1968, was inducted into the National Metallurgy Honor Society, was listed in American Men and Women of Science, and was an invited lecturer before numerous university faculties and student groups. During his active research career, Dr. Norman authored numerous publications on minerals processing, materials development, and environmental protection in minerals and materials operations.

In 1970, Dr. Norman transferred to the Bureau's headquarters staff for Metallurgy Research where he assisted in the development of the Bureau's metallurgy program. From 1971 to 1975, he served as the Bureau's Special Assistant for Environmental Activities and was the Bureau's chief adviser on all mineral-related matters concerning development, research, legislation, and regulations. During this period, Dr. Norman received a Presidential commendation for his efforts as chairman of a blue ribbon panel that identified major technological opportunities in minerals. He also successfully chaired several interagency study groups for the Federal Science Council, Department of the Interior, and the National Research Council.

In 1973, Dr. Norman's minerals expertise was further recognized when the United Nations requested his assistance in developing mining guidelines for the Third World Nations. He also, in 1974, played a key role as Departmental representative in developing the National Plan for Project Independence.

From 1975 to 1978, he served as the Bureau's first Chief, Division of Planning and Evaluation. In this position, he developed and managed the Bureau's long-range planning efforts and directed program evaluation activities. Prior to assuming his present responsibilities, he served as Assistant Director for Program Development and Evaluation where he was the principal architect and designer of the Bureau's plans, programs, and budgets.

Throughout Dr. Norman's active research and management career he has performed numerous consulting assignments as an expert on mining and minerals technology. He has received several awards for his achievements including, in 1978, the Department of the Interior's Meritorious Service Award and Silver Medal. Moreover, he has received contemporary recognition in Who's Who in America, Dictionary of International Biography, and Men of Achievement. He is a member of the American Institute of Mining, Metallurgical, and Petroleum Engineers.

Dr. Norman is married to the former Janet L. Davenport. They live in Harwood, Maryland, with their three children, Todd, Julie, and Lindsay.

JOHN DAVID HUGHES

Information compiled February 10, 1980.

Birthdate: April 24, 1935, Lubbock, Texas.

Married: Karin Lofgren Hughes, Malmo, Sweden.

Children: 2; ages 9 and 13 years, Stefan and Erik.

Height: 6′ 1″.

Weight: 165 lbs.

Business address: Attorney General of Texas, Energy Division, P.O. Box 12548, Capitol Station, Austin, Texas 78711.

Home address: 3133 Honeytree Lane, Austin, Texas 78746.

Office telephone: 512/475–3016.

Home telephone: 512/327–1189.

Bar Admissions: Admitted to Supreme Court of Texas, 1964; admitted to Federal District Court, Northern District of Texas, 1964; admitted to U.S. Court of Appeals, Fifth Circuit, 1964; admitted to U.S. Court of Appeals, D.C. Circuit, 1975; admitted to U.S. Supreme Court, 1973.

Other courts and commissions: U.S. Tax Court, 1965; Interstate Commerce Commission, 1965; Federal Maritime Commission, 1974.

Military Service: U.S. Army, Capt., Active Duty 1961–1963. Adjutant and Detachment Commander, Battalion Legal Officer, 428th Medical Battalion, Fort Benning, Georgia.

Education: Preparation Education: Lubbock High School, Lubbock, Texas, graduated 1953, Kemper Military School & College, Booneville, Mo. 1953–54.

College Education: The University of Texas at Austin (B.B.A.) 1958.

Legal Education: American University Law School, Washington, D.C., J.D., 1961. Activities: Moot Court Competition, Senior Class Representative Students Bar Association; Delegate to American Law Students Association National Convention, Washington, D.C., 1960.

Legal Fraternity: Delta Theta Phi.

Public Offices: Assistant County Attorney, Lubbock, Texas—1964. Assistant Attorney General, State of Texas, 1974 to present.

PRESENT POSITION

Upon assumption of office January 1, 1979, Attorney General Mark White appointed me to be Chief of a newly created Energy Division consisting initially of three sections: Public Utilities, Transportation, and Land and Mineral Resources. Land and Mineral Resources entails the representation of the General Land Office of Texas and The University of Texas Permanent Fund, the stewards of the mineral and royalty interests from both oil and natural gas produced from such lands. This section also represents both the Oil and Gas and the newly created Surface Strip Mining Divisions of the Texas Railroad Commission.

Later I added a Federal Energy Section to the Division to handle the increasing activity experienced by the State with the Federal Energy Regulatory Commission and Department of Energy relative to the implementation of national energy legislation. This has involved primarily rules and regulations promulgated under the Natural Gas Policy Act, federal gasoline and crude oil allocation programs, essential agricultural use priority hearings, and electrical interconnection proceedings pursuant to the Public Utility Regulatory Act.

I have headed a litigation team challenging Amtrak route designations in three states, preparation of testimony for the Attorney General before the House Surface Transportation Subcommittee on such subject, preparation and presentation of testimony in May before Senator Russell Long's Senate Commerce Subcommittee on Surface Transportation dealing with rail deregulation.

I am currently involved in a lawsuit with the States of Louisiana and Oklahoma challenging the constitutionality of the Natural Gas Policy Act of 1978. I am in charge of our intervention in U.S. Federal Court in Kansas which is a multidistrict litigation proceeding involved with the determination of the validity of rules issued by the Department of Energy defining and designating "stripper well" categories for crude oil. I am currently working with the Railroad Commission in a parallel proceeding before the Federal Energy Regulatory Commission dealing with natural gas stripper wells.

My administrative duties include the preparation of zero based budgeting estimates for our division for submission to the State Legislative Budget Board, submission of numerous legal and personnel memoranda, attendance at monthly staff conferences with the Attorney General and other division chiefs, interviews with prospective attorneys and legal secretaries, preparation of a monthly litigation report, and screening of voluminous incoming documents, correspondence and assorted publications. We currently have pending in our division 520 District Court cases, 19 U.S. District Court cases, 14 Texas Court of Civil Appeals cases, 6 Texas Supreme Court cases, 6 U.S. Appeals Court cases, and 21 cases before Federal and State administrative agencies.

PRIOR POSITIONS IN THE ATTORNEY GENERAL'S OFFICE

On March 1, 1976, I was designated Chief of the Transportation and Public Utilities Division of the Attorney General's Office for the State of Texas, by Attorney General John L. Hill. Prior to this time, I had been serving as Assistant Chief of the Division, having been appointed Assistant Attorney General on January 1, 1974. My duties were principally the supervision and direction of 8 attorneys and support staff of 4 secretaries and two debriefing clerks in the administration and representation of the Texas Railroad Commission, the oil and gas and motor carrier regulatory agency for the State, to include litigation and appeal before district and appellate courts of the State of gas utility orders relative to rates, conservation and curtailments.

I have appeared in several natural gas irrigation curtailment and service category proceedings before the Federal Energy Regulatory Commission. I have appeared before the Interstate Commerce Commission in three Southern Pacific Railroad abandonments of service and am currently involved as a protestant for the State of Texas in the San Antonio-Burlington Northern coal rate proceeding as well as an injunction proceeding in the U.S. Court of Appeals for the Fifth Circuit representing the consumer interests of Texas in a contract rate dispute between Southwestern Electric Power Company and the Burlington Northern. I was responsible for the environmental comments and co-authored the statement of fact and argument as well as the appeal of the I.C.C.'s decision.

In this division's representation of the Public Utility Commission of Texas, which began rate regulation of telephone, electric, sewer and water utilities September 1, 1976, I was given the responsibility by the Attorney General to organize and staff a division to represent this new state agency. I have devoted much of my time to their work to include intervention and personal participation in protesting two Southwestern Bell Telephone rate and tariff restructure proceedings, the first of which I had the lead responsibility for defending in district court when it was appealed by Bell.

I worked on the briefs and assisted the Attorney General during the appeal before the Court of Civil Appeals. We successfully defended before the Supreme Court the issues of first impression concerning trial de novo and original cost rate base. We represent the Texas Aeronautics Commission relative to intrastate air carrier and airport service in Texas, and I represented the Commission before the U.S. Court of Appeals for the Fifth Circuit in the Texas International-DFW litigation with Southwest Airlines.

Upon joining the office in January, 1974, I was given the responsibility for representing the port authorities of Texas in extensive ongoing proceedings before the Federal Maritime Commission, as well as an ancillary injunction in Federal District Court at Beaumont to enjoin cargo diversion from the Gulf ports and oral argument of the appeal of the injunction before the U.S. Court of Appeals for the Fifth Circuit.

I have participated in numerous environmental proceedings to include an application for a preliminary injunction in U.S. District Court in Washington, D.C. to enjoin the Federal Maritime Commission for faliure to comply with the National Environmental Policy Act; drafting of comments on behalf of the State of Texas relative to Draft Environmental Impact Statements, Threshold Assessment Surveys, and for rulemaking procedures relative to Revised Guidelines under the National Environmental Policy Act of 1969, both before the Interstate Commerce Commission and the Federal Maritime Commission.

The Texas Deepwater Port Authority is our newest client, and this office worked extensively on a declaratory order concerning an ancillary tariff issue before the Federal Energy Regulatory Commission pusuant to an application for license from the Department of Transportation to operate an offshore terminal for crude oil.

PAST PROFESSIONAL EXPERIENCE

My former experience was of a general civil practice in contrast with my current specialization in administrative law for the past five years. I briefly served as an Assistant County Attorney, Lubbock, Texas upon my admission to the Texas Bar on April 1, 1964. I joined a nine-member law firm, Evans, Pharr, Trout & Jones in Lubbock, Texas on November 15, 1964, gaining litigation experience in the defense of personal injury liability and health and accident policy suits for various insurance companies. From 1968 to 1973, my practice was in the areas of corporate, trust, probate and taxation.

My assignments also entailed working with other members of the firm for clients with banking, transportation and commercial litigation matters, which included the representation of the Texas Commerce Bank of Lubbock. I left the firm to specialize in state and federal administrative law in Austin.

PAPERS AND LECTURES DELIVERED BEFORE INSTITUTES AND SEMINARS

Third Western Transportation Law Seminar, Association of Interstate Commerce Commission Practitioners, "Energy and Transportation: Implications of Ratemaking Policy Concerning Sources of Energy," Houston, Texas, March 4, 1980.

Seminar Panelist, "Future of Energy and Impact on Labor, Consumers, and Business Growth," Graduate School of Business, The University of Texas, Austin, March 31, 1979.

Addresses before the Texas Industrial Traffic League, 1977–78.

Lecturer, Recent Legislative Changes in Texas Seminar, Default, Foreclosure and Filing, Article 9, Uniform Commercial Code"; joint presentation with Professor John Krahmer, Texas Tech University School of Law, Lubbock, Texas, October 12, 1973.

Lecturer, Farm and Ranch Institute, "Partnerships and Corporations"; Texas Tech University School of Law, Lubbock, Texas, September 26, 1970.

Lecturer, Lubbock Chapter of Certified Life Underwriters, "Professional Corporations and Latest Revenue Rulings"; Lubbock, Texas, November 20, 1969.

Instructor in Commercial Law, American Institute of Banking, Lubbock, Texas, Spring Semester, 1966 and Spring Semester, 1967.

Articles published: "Creditors' Self-Help Remedies Under UCC Section 9–503: Violative of Due Process in Texas?", St. Mary's Law Journal, Vol. 5, No. 4, Winter 1973–74.

Continuing legal education, including short courses, seminars and institutes attended: 13th Annual Taxation Conference, University of Texas School of Law, Austin, Texas. October 21–23. 1965.

Uniform Commercial Code Short Course, with Professors Broucher and Hogan. Southwestern Legal Foundation SMU Law School, Dallas, Texas, June 27–July 1, 1966.

Personal Injury Litigation Institute, Southwestern Legal Foundation, SMU Law School, Dallas, Texas, November 9–10, 1967.

Medical Legal Institute. Texas Tech University, Lubbock, Texas, September 28, 1968.

Federal Taxation Short Course. Southwestern Legal Foundation, SMU Law School, Dallas, Texas, October 7–11, 1968.

First Annual Criminal Advocacy Institute, Practicing Law Institute, Las Vegas, Nevada, January 24–25, 1969.

22nd Annual Institute on Federal Taxation, University of Southern California, Law Center, Los Angeles, California, October 15–17, 1969.

Foreign Tax Havens, Practicing Law Institute, Miami, Florida, December 3–4. 1973.

Texas Administrative Procedure Act Workshop, Attorney General and Secretary of State of Texas, Austin, Texas, September 25, 1975.

Conference on New Federal Rules of Evidence, University of Texas School of Law, Austin, Texas, November 13 and 14, 1975.

Public Utility Seminar, Baylor University and State Bar of Texas, Austin, Texas, December 3, 1976.

Natural Gas Policy Act of 1978 Conference, The University of Texas School of Law, Houston, Texas, January 26–27, 1979.

Third Annual Interstate Commerce Commission, Practitioners Western Transportation Law Seminar, Houston, Texas, March 2–5, 1980.

HONORS AND PROFESSIONAL RATING

Selected for WHO'S WHO IN THE SOUTH AND SOUTHWEST, 1974–1979; BV (high rating by Martindale-Hubbell on April 1, 1971, the highest rating for a lawyer practicing less than ten years. No such ratings are made for Assistant Attorneys General.

BAR ASSOCIATION OFFICES AND MEMBERSHIPS

Member of the State Bar of Texas; Public Utility Section, Secretary-Treasurer, 1977–1978; Vice-Chairman, 1978–79; Chairman, 1979–1980; Travis County Texas Bar Association.

Federal Energy Bar Association; ICC Practitioners Association; Penal Reform Committee, American Bar Association, 1979; and Lubbock County Bar Association, Director 1968–71.

REFERENCES

John L. Hill, Esq., Hughes & Hill, 1200 American Bank Tower, Austin, Texas.

Honorable Mark White, Attorney General of Texas, Supreme Court Building, Austin, Texas.

Honorable John Poerner, Chairman, Railroad Commission of Texas, P. O. Box 12967, Capitol Station, Austin, Texas.

Honorable George Cowden, Chairman, Public Utility Commission of Texas, 7800 Shoal Creek Blvd., Austin, Texas.

Honorable Charles W. Duncan, Jr., Secretary, Department of Energy, 1000 Independence Ave., SW, Washington, D.C.

Honorable Charles D. Mathews, District Judge, Travis County Courthouse, Austin, Texas.

William L. Slover, Esq., Michael Loftus, Esq., 1224 17th St., N.W., Washington, D.C.

Charles B Jones, Esq., John Flygare, Esq., Jones, Trout, Flygare, Moody & Brown, P.O. Box 2426, Lubbock, Texas.

Mr. Carl Snavely, Snavely, King, Harris & Associates, 1747 Pennsylvania Avenue, N.W., Suite 450, Washington, D.C.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WEICKER:

S. 3044. A bill to designate the U.S. Federal Building in Hartford, Conn., as the "Abraham A. Ribicoff Federal Building"; to the Committee on Environment and Public Works.

By Mr. TSONGAS (for himself and Mr. KENNEDY):

S. 3045. A bill to provide for the establishment of the Boston African American National Historic Site in the Commonwealth of Massachusetts, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PERCY (for himself, Mr. STEVENSON, and Mr. THURMOND):

S. 3046. A bill to amend the Safe Drinking Water Act to extend the period for which variances may be provided in the case of contaminant level and treatment technique requirements of national primary drinking water regulations, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BENTSEN:

S. 3047. A bill entitled the "Tax Reduction Act of 1980"; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WEICKER:

S. 3044. A bill to designate the U.S. Federal building in Hartford, Conn., as the "Abraham A. Ribicoff Federal Building"; to the Committee on Environment and Public Works.

ABRAHAM A. RIBICOFF FEDERAL BUILDING

● Mr. WEICKER. Mr. President, it is my distinct honor to introduce today a bill which would designate the Federal building in Hartford, Conn., as the "Abraham A. Ribicoff Federal Building."

ABE RIBICOFF has dedicated his entire life to the service of the people of his State and of his Nation. As the only active American to have served as a State legislator, judge, Congressman, Governor, Cabinet officer, and U.S. Senator, ABE has worked tirelessly to provide this country with a government that is responsive to the needs and aspirations of the people it serves. During 17 years in the Senate, his leadership has resulted in the establishment of the Department of Housing and Urban Development, the Department of Transportation, the Department of Energy, and the Department of Education.

Throughout his distinguished career, ABE has been a dynamic advocate of improved health care, expanded educational opportunities, increased international trade, and regulatory and government reform. He has served admirably as the chairman of the Governmental Affairs Committee and is a highly influential member of the Finance Committee, the Joint Economic Committee, and the Joint Committee on Taxation.

Over his lifetime of public service, ABE RIBICOFF has earned the respect of his colleagues in both parties and the admiration of all who have come to know him as a man of integrity and compassion. I am proud to have served in this body with ABE RIBICOFF. I believe the expeditious passage of this measure will serve as a small token of the appreciation and heartfelt thanks of the American people for the illustrious service of ABRAHAM A. RIBICOFF.●

By Mr. TSONGAS (for himself and Mr. KENNEDY):

S. 3045. A bill to provide for the establishment of the Boston African American National Historic Site in the Commonwealth of Massachusetts, and for other purposes; to the Committee on Energy and Natural Resources.

● Mr. TSONGAS. Mr. President, I am pleased to introduce, along with Senator KENNEDY, legislation to establish the Boston African American National Historic Site in Boston, Mass.

The 18th and 19th century structures there effectively tell the story of the free African American community on Beacon Hill in Boston.

The centerpiece of the site is the Meeting House, the oldest black church in the United States. The three-story Federalist structure was built by black artisans in 1806 for the use of the then-1,200 member black community. The Boston Musuem of Afro-American History has already acquired this fine structure and has begun its extensive and complete restoration.

In 1834, the Meeting House witnessed the founding of the New England Abolitionist Society and served as the center for the impassioned oratory of William Lloyd Garrison, Wendell Phillips, Charles Sumner, Henry Wilson, and Anson Burlingame.

This same site also tells the story of the first black regiment in the Civil War, a regiment recruited in Boston. Today, a bronze bas-relief by the sculptor, Augustus St. Gaudens, stands across from the Massachusetts State House, on the Freedom Trail, commemorating this regiment's contribution in the Civil War. A short distance from the Meeting House is the home of George Middleton, the black colonel who led the Bucks of America, a black company, in the Battle of Bunker Hill. Additional structures call to mind the history of integrated education in the United States, the emergence of black entrepreneurs as a part of the community, the presence of the first black instructor at the Harvard Dental School, and the uniqueness of the free African American community in the United States.

The 12 individual structures and monuments, all located within three blocks of each other, present a compact siting for memorializing within the National Park Service system the black heritage as it developed in Boston in the early days of our Nation's history.

Many tourists already visit well-known sites such as Plymouth Rock, Lexington, Concord, and the Old North Church that tell the story of America's fight for independence, both from the British and from slavery. The structures on Beacon Hill tell the story of black America's past in religion, education, politics, commerce, and the healing arts. The national historic site will make available this important story to visitors, both from our Nation and across the world.

We have a unique and timely opportunity to preserve this history for future generations. Private foundation funds and contributions have already begun this work, but a Federal presence is now necessary to produce a complete interpretive history of the free African American community and maintain it as a part of our American heritage.●

By Mr. PERCY (for himself, Mr. STEVENSON, and Mr. THURMOND):

S. 3046. A bill to amend the Safe Drinking Water Act to extend the period for which variances may be provided in the case of contaminant level and treatment technique requirements of national primary drinking water regulations, and for other purposes; to the Committee on Environment and Public Works.

SAFE DRINKING WATER ACT

Mr. PERCY. Mr. President, I am today introducing legislation, cosponsored by Senator STEVENSON and Senator THURMOND, to amend the Safe Drinking Water Act to extend the period of State authority to issue exemptions from Environmental Protection Agency Safe Drinking Water Standards. Under the Safe Drinking Water Act, States are authorized to exempt water systems from compliance with EPA standards for economic reasons. This authority expires on January 1, 1981, and communities across the country will be forced to make major investments in equipment if legislation similar to that which I propose today is not enacted during this session of Congress. Illinois EPA officials estimate that is will cost $275 million, excluding annual operating expenses, to comply with the EPA standards in Illinois alone, and that some water systems will be forced to increase water rates for the average family by as much as $88 a month.

I do not oppose the concept underlying the Safe Drinking Water Act and, indeed, I fully support maintaining drinking water standards with a safe margin of health. My concern is that although Congress mandated that revised standards be issued by 1978, EPA has failed to issue such standards on time and water systems are being asked to comply with interim standards. Systems should not be forced to spend millions of dollars on expensive equipment to comply with interim standards, when revised standards, which may require different equipment, are to be issued soon.

Under the Safe Drinking Water Act, the EPA was to issue interim standards shortly after Congress enacted the legislation and the National Academy of Sciences was to review the interim standards and recommend studies for the EPA to conduct to issue revised standards. This process was to be completed by 1978, leaving 3 years for the systems to comply with the 1981 deadline.

The EPA, however, was slow in issuing interim standards; the NAS was, thus, delayed in reviewing the interim standards; and, EPA, which was to issue the revised regulations 2 years ago, has yet to conclude the studies recommended by NAS. The EPA interim standards may be too low, or too high. They may not be strict enough. But, the EPA should move expeditiously to establish revised standards, before requiring. the systems to spend large sums to comply with interim standards. Such expenditures on equipment of unknown benefit reduce the funds available for expenditures of known benefit.

The EPA proposed similar legislation during the last Congress and, Mr. President, I ask unanimous consent that EPA testimony regarding such legislation be printed in the RECORD following my remarks. The EPA, however, has now developed in place of such legislation, a policy termed, "The Small Systems Strategy." While this administrative remedy does acknowledge the problem of system compliance with EPA standards, the EPA proposal fails to fully resolve the dilemma facing water systems. Under the EPA remedy, for example, water system officials would be forced to break the law and be open to civil suit in following the EPA strategy.

The States have been responsible in issuing exemptions to the EPA standards. The legislation which I am introducing today will extend that authority until 1988, leaving time for EPA to conclude tests, issue regulations, and provide time for the water systems to comply with the regulated standards. This legislation, and the companion measure in the House introduced by Representative McCLORY, were recommended by the Illinois EPA. I would like to take this opportunity to thank Mr. Ira Markwood of the Illinois EPA and of the Conference of State Sanitary Engineers where he holds the position of chairman of the water supply committee. At his suggestion, this legislation also includes a provision permitting the States to use discretion to determine that the best technology, treatment techniques, or other means need not be constructed and in place before a variance may be granted.

Mr. President, I urge the Senate to act expeditiously on this matter so that communities will not make large expenditures to comply with the 1981 compliance deadline. I ask unanimous consent that the legislation which I am introducing today be printed at this point in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 3046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) section 1416 of the Public Health Service Act (42 U.S.C. 300g–5) is amended—

(A) by striking out the words "exemption" and "exemptions" in each place they appear (including the heading of such section) and substituting in each such place the terms "interim variance" and "interim variances" respectively;

(B) by striking out "exempt" in subsections (a) and (f) and substituting in each place "grant an interim variance to";

(C) by striking out "exempt" in subsection (d)(2)(A)(i); and

(D) by striking out "exempt public water systems" in subsection (d)(2)(A)(iii) and substituting "public water systems granted interim variances".

(2) Title XIV of the Public Health Service Act is amended by striking out the terms "exemption" and "exemptions" and substituting the terms "interim variance" and "interim variances" respectively each place they appear in the following sections: 1413(a)(4), 1414(a)(1)(A), 1414(a)(2), 1414(b), 1414(c), 1414(f)(2), 1443(c)(1), 1448(b), and 1449(b).

(b) Paragraph (2) of section 1416(b) of such Act (42 U.S.C. 300g–5(b)(2)) is amended to read as follows:

"(2(A) A schedule prescribed pursuant to this subsection may, where necessary in the judgment of the State and consistent with subsection (a)(3), require compliance during the period of the interim variance with contaminant levels or treatment techniques which are less stringent than those required under the standard with respect to which such interim variance is granted.

"(B) A schedule prescribed pursuant to this subsection shall require final compliance with each containment level and treatment technique requirement with respect to which the interim variance was granted as expeditiously as practicable (as the State may reasonably determine) but not later than the later of—

"(i) January 1, 1988, or

"(ii) the date seven years after such requirement takes effect,

except that where the State granting the interim variance determines that the public water system has entered into an enforceable agreement to become part of a regional public water system, for purposes of applying this paragraph, the date referred to in clause (i) shall be January 1, 1992, and the seven-year period referred to in clause (ii) shall be nine years.".

(c) Section 1415(a)(1)(A) of such Act (42 U.S.C. 300g–4(a)(1)(A)) is amended by inserting the following after the first sentence thereof: "The State having primary enforcement responsibility may, in its discretion, determine that the best technology, treatment techniques, or other means need not be constructed and in place before a variance may be granted under this subparagraph.".

Statement of Thomas C. Jorling, Assistant Administrator for Water and Waste Management, Environmental Protection Agency

ATTACHMENT IV: SUMMARY OF PROPOSED AMENDMENT TO THE SAFE DRINKING WATER ACT

Exemptions

We propose that the statutorily imposed compliance deadlines of 1981 and 1983 be changed. Among the reasons for this recommendation are the difficulties being experienced by some utilities, particularly in small communities, in achieving compliance, and the fact that it took longer to promulgate the interim regulations than anticipated in the Act. We believe that the seven- and nine-year exemption periods provided for the revised regulations should also apply to the interim regulations. This added flexibility should not delay compliance where it is feasible, but rather simply provide more time where it is necessary.

Mr. THURMOND. Mr. President, I am pleased to join with the distinguished Senator from Illinois (Mr. Percy) on the introduction of this bill to extend the period in which States may exempt local water systems from Environmental Protection Agency standards promulgated pursuant to the Safe Drinking Water Act.

In my State, the South Carolina Department of Health and Environmental Control has issued exemptions to some 60 water systems, mostly located in small communities. Under the current provisions of the act, these 60 water systems will be out of compliance with Federal standards on January 1, 1981, if natural fluorides in their water are not removed. The steps necessary to remove fluoride are costly. If removal is mandated, the average bill paid by consumers in these water systems will more than double on a per monthly basis.

The safe level of fluoride concentration is the subject of much debate. As there is substantial cost involved in removing natural fluoride and as there is considerable disagreement as to the public health risk involved, I fully support reasonable postponements in implementation of the fluoride standards until the Environmental Protection Agency has initiated and completed appropriate studies from which to establish appropriate standards.

Mr. President, I hope that prompt action will be taken on this matter in order that hundreds of small communities in South Carolina, Illinois, and other States will be spared what may prove to be an unnecessary, inordinate expense of water system modification.

By Mr. BENTSEN:

S. 3047. A bill entitled the "Tax Reduction Act of 1980"; to the Commttee on Finance.

INDIVIDUAL INCOME TAX REDUCTIONS

● Mr. BENTSEN. Mr. President, for more than a year now I have maintained that tax cuts, properly structured and targeted, need not be inflationary.

Two days ago I introduced an anti-inflationary tax cut proposal, oriented toward the supply side of our economy, that was carefully designed to increase productivity, innovation, and investment in America. That sort of tax cut, Mr. President, does not fan the fires of inflation; it strikes instead at the basic, root causes of the problem and strengthens our hand to deal with it in the future.

Today I am proposing an income tax reduction that will provide relief to the hard-pressed wage earners and consumers of this country.

Unlike the traditional tax cuts we have seen ever since World War II, my proposal is not designed to stimulate consumption and increase demand in the system. It is not another costly, misguided attempt to spend our way out of a recession.

My legislation accomplishes two important objectives: it preempts the substantial, pending increases in the social security payroll tax for employees scheduled to take effect next year. And it substantially relieves a glaring inequity in our tax structure, the so-called "marriage penalty" that places an unfair tax burden on millions of Americans.

The proposal I am introducing today would result in individual tax cuts of about $14 billion in calendar year 1981, increasing to some $25 billion in 1985.

During the next calendar year $8.2 billion in tax cuts would go to offsetting the employee portion of the social security payroll tax. That figure would increase to $14 billion by 1985.

Another $5.3 billion in 1981 benefits would go toward reducing the marriage penalty by permitting the spouse with the lower income to claim a 10-percent deduction, up to a maximum of $3,000. Elimination of the unfair and widely resented marriage penalty would result in an $11 billion tax reduction by 1985.

Mr. President, my legislation would increase the zero bracket amount from $2,300 to $2,600 for a single taxpayer and from $3,400 to $3,900 for a married couple (filing jointly).

I frankly wish we could be more generous with income tax reductions. Even with the $14 billion in tax cuts for individuals I have proposed for next year, inflation and bracket creep will still increase the tax burden on most Americans. It is a sad comment on the state of our economy when we can cut taxes by $14 billion and not diminish the average tax bill in this country.

But those are the facts, Mr. President, and we have got to live with them. It is also a fact that half of this tax cut should go to the supply side of our economy so that we can produce goods and services more efficiently.

I am prepared to work within the constraints of the possible $14 billion in noninflationary income tax relief, which is a very real possibility and will be welcomed by the American people who—by all accounts—understand the overriding necessity of controlling inflation and restoring stability to our economy.

The legislation I am proposing today will help serve those important national objectives while providing an important and welcome measure of relief next year for the taxpayers of America.●

ADDITIONAL COSPONSORS

S. 2437

At the request of Mr. Hayakawa, the Senator from Mississippi (Mr. Cochran), and the Senator from Nevada (Mr. Laxalt) were added as cosponsors of S. 2437, a bill to amend section 4067 of the Revised Statutes to define further the circumstances under which certain aliens within the United States may be treated as alien enemies.

S. 2623

At the request of Mr. Goldwater, the Senator from North Carolina (Mr. Morgan) was added as a cosponsor of S. 2623, a bill to incorporate the U.S. Submarine Veterans of World War II.

S. 2823

At the request of Mr. Boschwitz, the Senator from New Hampshire (Mr. Humphrey) was added as a cosponsor of S. 2823, a bill to amend the Internal Revenue Code of 1954 to provide certain tax incentives for businesses in depressed areas.

S. 2987

At the request of Mr. Boren, the Senator from Texas (Mr. Bentsen) was added as a cosponsor of S. 2987, a bill granting the consent of Congress to the Southern States Energy Compact, and for related purposes.

S. 3040

At the request of Mr. Bentsen, the Senator from New York (Mr. Moynihan), and the Senator from California (Mr. Cranston) were added as cosponsors of S. 3040, a bill to amend the Internal Revenue Code of 1954 to provide faster tax deductions for depreciation and larger investment tax credits in order to help combat inflation and increase the U.S. position in world trade.

AMENDMENTS SUBMITTED FOR PRINTING

TONNAGE MEASUREMENT SIMPLIFICATION ACT—H.R. 1197

AMENDMENT NO. 1976

(Ordered to be printed and to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to H.R. 1197, an act to simplify the tonnage measurement of certain vessels.

AMENDMENTS NOS. 1977 THROUGH 2001

(Ordered to be printed and to lie on the table.)

Mr. METZENBAUM submitted 25 amendments intended to be proposed by him to H.R. 1197, supra.

AMENDMENTS NOS. 2002 THROUGH 2078

(Ordered to be printed and to lie on the table.)

Mr. METZENBAUM submitted 77 amendments intended to be proposed by him to amendment No. 1972 proposed to H.R. 1197, supra.

AMENDMENTS NOS. 2079 THROUGH 2092

(Ordered to be printed and to lie on the table.)

Mr. METZENBAUM submitted 14 amendments intended to be proposed by him to amendment No. 1972 proposed to H.R. 1197, supra.

AMENDMENTS NOS. 2093 THROUGH 2186

(Ordered to be printed and to lie on the table.)

Mr. METZENBAUM submitted 94 amendments intended to be proposed by him to amendment No. 1973 proposed to H.R. 1197, supra.

AMENDMENTS NOS. 2187 THROUGH 2204

(Ordered to be printed and to lie on the table.)

Mr. MELCHER submitted 18 amendments intended to be proposed by him to H.R. 1197, supra.

AMENDMENTS NOS. 2205 THROUGH 2222

(Ordered to be printed and to lie on the table.)

Mr. MELCHER submitted 18 amendments intended to be proposed by him to amendment No. 1972 proposed to H.R. 1197, supra.

AMENDMENTS NOS. 2223 THROUGH 2239

(Ordered to be printed and lie on the table.)

Mr. METZENBAUM submitted 17 amendments intended to be proposed by him to amendment No. 1973 proposed to H.R. 1197, supra.

AMENDMENTS NOS. 2240 THROUGH 2248

(Ordered to be printed and to lie on the table.)

Mr. METZENBAUM submitted 9 amendments intended to be proposed by him to amendment No. 1972 proposed to H.R. 1197, supra.

AMENDMENT NO. 2249

(Ordered to be printed and to lie on the table.)

Mr. ROBERT C. BYRD submitted an amendment intended to be proposed by him to H.R. 1197, supra.

AMENDMENT NO. 2250

(Ordered to be printed and to lie on the table.)

Mr. ROBERT C. BYRD submitted an amendment intended to be proposed by him to an amendment to H.R. 1197, supra.

AMENDMENT NO. 2251

(Ordered to be printed and to lie on the table.)

Mr. ROBERT C. BYRD submitted an amendment intended to be proposed by him to amendment No. 1972 proposed H.R. 1197, supra.

AMENDMENT NO. 2252

(Ordered to be printed and to lie on the table.)

Mr. ROBERT C. BYRD submitted an amendment intended to be proposed by him to an amendment to amendment No. 1972 proposed to H.R. 1197, supra.

COMMUNICATIONS ACT AMENDMENTS OF 1980—S. 2827

AMENDMENT NO. 2253

(Ordered to be printed and referred to the Committee on Commerce, Science, and Transportation.)

Mr. WILLIAMS (for himself and Mr. BRADLEY) submitted an amendment intended to be proposed by them, jointly, to S. 2827, the Communications Act Amendments of 1980.

Mr. WILLIAMS. Mr. President, since 1961, the State of New Jersey has not had its own VHF television station.

This is a unique situation, which has placed the people of New Jersey at a unique disadvantage. One can hardly overestimate the importance and the impact of television in our society. The great majority of Americans rely primarily on television for news and information about public affairs in their communities. For New Jerseyans, all the news and information provided on major television stations must come from out of State.

Many of us in New Jersey have been working to rectify this unfair situation. Since 1971, I have served as a co-chairman of the New Jersey Coalition for Fair Broadcasting, a citizens group which was formed to advocate New Jersey's cause.

In 1974, the coalition petitioned the Federal Communications Commission for relief. We were heartened by the Commission's initial finding that:

> New Jersey's television needs and its overall circumstances constitute a special case warranting unique and responsive action by the Commission.

Unfortunately, the actions which the Commission has taken on New Jersey's behalf have not been responsive to our needs. The Commission has asked New York and Philadelphia stations to pay more attention to New Jersey, to little avail. It has proposed adding six new UHF stations to New Jersey and is looking into whether it can require networks to affiliate with those stations.

However, New Jersey already has a number of UHF stations, including one with network affiliation. As any New Jerseyan can attest, UHF stations simply cannot compete with the giant New York and Philadelphia VHF's in terms not only of programing but of geographic range and picture quality. What New Jersey needs is its own VHF station, located in New Jersey, with a primary obligation to serve the people of New Jersey.

In the past, the Commission has refused to give our State a VHF station because, in order to do so, it would have had to take a frequency away from an otherwise qualified out-of-State licensee.

However, a recent Commission decision in an unrelated case has removed this obstacle. On January 24, the Commission decided to deny the license renewal application of the licensee of three major television stations, including channel 9 in New York. While New Jersey's needs were not a factor in the decision, it nevertheless presents the Commission with an excellent opportunity to resolve New Jersey's problem.

I have joined Senator BRADLEY in petitioning the Commission to seize this opportunity by reallocating channel 9 from New York to New Jersey.

In addition, I am today submitting an amendment to S. 2827, the "Communications Act Amendments of 1980." This amendment would set forth the policy that each State should have at least one VHF station. It would require that if a VHF station becomes available in a State that already has other VHF stations, the Commission must allocate the available license to a State without a station, if it is technically feasible to do so.

I am pleased that Senator BRADLEY is joining me in sponsoring this amendment. In the House, Congressman ANDREW MAGUIRE has introduced a bill along the same lines with a number of other Members of the New Jersey congressional delegation.

S. 2827, which would revise our communications laws, is currently pending before the Committee on Commerce, Science, and Transportation. Both Senator BRADLEY and I testified at the hearings preceding the introduction of this bill. I was delighted to note that both the distinguished Communications Subcommittee chairman, Senator HOLLINGS, and the able ranking minority member, Senator GOLDWATER, expressed strong interest in New Jersey's problem. I certainly hope as they and other members of the committee continue their deliberations on S. 2827, they will give full consideration to a legislative remedy for New Jersey, such as the amendment we submit today.

Mr. President, I ask unanimous consent that the text of the amendment be printed in the RECORD at the conclusion of Senator BRADLEY's remarks.

Mr. BRADLEY. Mr. President, I am pleased to join today with my senior colleague, Senator WILLIAMS, in offering an amendment to S. 2827 which would rectify a long-standing inequity suffered by the citizens of New Jersey. The purpose of this amendment is to allocate to our State, and to Delaware, if the circumstances arise, a commercial VHF television channel.

In testimony before the Communications Subcommittee last year, Senator WILLIAMS and I detailed the unique deprivation that New Jersey and Delaware citizens suffer. In an era when most citizens get their news and entertainment primarily from television, and when television is a central instrument in the spreading of culture and cultural information, only the citizens of these two States are deprived of a television outlet oriented and obligated to their own communities.

For the other Members of this body, this will be difficult to understand. They know that when events occur in their communities, the citizens of their States are informed rapidly and thoroughly through television. When their legislature meets, or when community groups raise concerns, or when there is a city council meeting, that news is broadcast on television. Citizens are stimulated to speak out, leaders comment, and stations editorialize.

So, too, when local businesses wish to advertise, they buy time during local programing. Local television offers a unique opportunity for local affairs—political, social, cultural, and many other types—to be brought vividly to homes around the State.

But this happens only when the television is local. Out-of-State stations pay very little attention to what happens in communities in other States, unless it has national significance.

This is as it should be. Under law, and quite naturally so, television licensees have a primary obligation to serve the needs of the communities to which they are licensed and to which they belong. They have little or no obligation to serve other communities, except incidentally.

For these reasons, New Jersey television viewers get very little from their neighboring VHF stations about what happens in New Jersey. Most of what they hear is what the New York stations put out about New York, and what the Philadelphia stations put out about Philadelphia. It is ironic, but well established by polls, that New Jerseyans often know more about what goes on in their neighboring States than they know about events in New Jersey.

The effort to correct this situation has enlisted the New Jersey delegation, the Governor, State officials, and private citizens for more than a decade. It has resulted in a little improvement, but just a little. The FCC has admitted that New Jersey is deprived of essential television service. And they have made at least face-saving efforts at encouraging the stations in New York City and Philadelphia to increase coverage devoted to New Jersey. But these are palliatives, gestures by the FCC to get the heat off. Even the Commission acknowledges they are second-best solutions.

The best, and really the only acceptable solution is to have at least one VHF commercial frequency reallocated to a New Jersey community. Senator WILLIAMS and I, supported by other New Jerseyans, have formally petitioned the FCC to accomplish this through formal rulemaking. This conceivably may happen quickly, but anyone who is familiar with the FCC knows that it might take forever, or at least seem that long.

We have introduced this amendment to the forthcoming reform of the Communications Act to speed that process up considerably. This simple amendment merely states that should the FCC decide to revoke, or fail to renew an existing license for a commercial frequency in New York or Philadelphia, and if technically feasible, that frequency should be assigned to a community in New Jersey.

As we contemplate with our petition to the FCC, it is perfectly possible to implement this amendment so that no viewer in any other community in any other State now receiving the channel in question would have his service impaired or denied. All that would happen is that the license would be reassigned to an operator broadcasting from New Jersey, with a primary obligation to serve that New Jersey community and the overall State.

I am pleased to join with my senior colleague in the sponsorship of this amendment, just as I was pleased to join with him in submitting the petition to the FCC. It is our hope that through the combination of these efforts, effective action by the FCC will be forthcoming in the very near future.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 2253

On page 112, between lines 7 and 8, insert the following:

"(g) In order to carry out the intent of subsection (b) of this section, it shall be the policy of the Commission to assign channels for very high frequency television broadcasting in a manner which ensures that not less than one such channel shall be licensed to a commercial station located in each state, if technically feasible. If the Commission at any time on or after January 1, 1980, declines to renew, or revokes, the license of any very high frequency commercial television station whose authorized channel of operation is assigned to a state with more than one such assignment, it shall, if technically feasible, assign such channel to a state in which no very high frequency television broadcasting station is operating commercially."

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE INVESTIGATING ACTIVITIES OF INDIVIDUALS REPRESENTING INTERESTS OF FOREIGN GOVERNMENTS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the subcommittee investigating the activities of individuals representing the interests of foreign governments of the Committee on the Judiciary be authorized to meet during the sessions of the Senate today, August 20; Thursday, August 21; and Friday, August 22.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, August 21, to vote on pending nominations and other committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, August 21, to hear administration officials on NATO and Western security in the 1980's.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMPROVEMENTS IN JUDICIAL MACHINERY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, August 22, to hold an oversight hearing on the public integrity section of the Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PRIME MINISTER HAUGHEY'S ADDRESS ON NORTHERN IRELAND

● Mr. KENNEDY. Mr. President, since taking office 8 months ago, Irish Prime Minister Charles Haughey has been a powerful and effective proponent of the peaceful unification of Ireland. His strong stand against violence and in support of a negotiated settlement has been particularly welcome to all those seeking a just and lasting peace in Northern Ireland.

In a recent address before the Fianna Fail Party, Prime Minister Haughey reemphasized his longstanding commitment to the goal of Irish unity. He reiterated his belief that the conflict in Northern Ireland is not merely an "internal" matter, that it must instead be raised to "a new intergovernmental level that will bring permanent peace and stability to the peoples of Ireland and Britain." The Prime Minister also renewed his call to the British Government to express its interest in a united Ireland and to participate in the process for achieving that goal.

At the same time, Prime Minister Haughey strongly condemned the continued violence on both sides in Northern Ireland. He restated his belief that Irish unity can never be achieved by violent means, which serve only "to perpetuate division and hatred" and "to delay Irish unity." And in a special message to all Irish-Americans, Prime Minister Haughey affirmed that:

> There flows unambiguously from our total rejection of violence a corresponding rejection of the action of individuals and organizations at home, in the United States or elsewhere, who provide financial or any other support for the cause of violence. . . . The situation in Ireland is such today that no individual, whether private citizen or elected member of Congress, should by any statement or association, lend support to those whose actions serve only to delay Irish unity.

Mr. President, I strongly support the approach taken by Prime Minister Haughey. His recent address is an important reminder to all Irish-Americans that it is the Irish Government and others seeking a peaceful solution—and not those associated with bloodshed and violence—that must receive our constant encouragement and support. I ask that the full text of Prime Minister Haughey's remarks be printed in the RECORD.

The text follows:

TEXT OF SPEECH BY A TAOISEACH (PRIME MINISTER OF IRELAND), MR. CHARLES HAUGHEY, T.D., TO MEMBERS OF THE FIANNA FAIL POLITICAL PARTY AT THE METROPOLE HOTEL, CORK, ON SUNDAY, JULY 27, 1980

Since taking office as Taoiseach I have, on a number of occasions, fully set out Government policy on Northern Ireland and Irish unity. In statements in the Dail and elsewhere and in press, radio and television interviews I have dealt with the major aspects of our policy. I believe that no reasonable person can be in any doubt as to where we stand, what our objectives are and how we seek to achieve them.

Despite this, however, recent statements by the leaders of the Opposition parties indicate that they seem to have been able to persuade themselves that there is some element of doubt or ambiguity about our policy and in particular with reference to its application in the United States. For our part, to put it no stronger, we are entitled to question whether this approach on the part of the Opposition parties is likely to serve the national interest or to promote the peace and reconciliation which all responsible people are seeking to achieve.

On the 13th December last, in the debate on the nomination of the Government, I said:

"We totally reject the use of force as a means of achieving that end."

Later in that speech, I said:

"We are determined that the principle of the rejection of force will be clearly translated into practice."

In the course of my speech to the Fianna Fail And Theis on 16th February last, I said:

"All but a tiny minority understand that violence can never bring a solution and that it serves only to perpetuate division and hatred."

Again in the course of my speech in the Dail on 29th May, I said:

"We totally reject force as a means of obtaining our aim. We seek our objective only by peaceful means."

I cannot, therefore, accept that there can be any genuine doubt in any quarter as to our attitude to violence whether it is politically motivated or sectarian in origin. We condemn and reject all such violence-whoever commits it and for whatever purpose.

The principles I have stated have been translated fully into action. The strength and equipment of the Gardai (Police) devoted to fighting this kind of violence has been increased. There have been innovations in organisation and improvements in methods which have shown results. There has been widespread recognition of the successes of our security forces in the seizure of arms and explosives and in bringing those responsible for crimes of violence to justice. This is not to say that the Government is yet satisfied with the position.

We are dealing with a type of terrorism that is difficult to suppress fully and no government anywhere has been entirely successful in the area of security. We are determined, however, to take all the measures necessary for this purpose. A recent meeting between the Minister for Justice, the Attorney General, the Garda (Police) Commissioner and myself was devoted to ensuring that all the measures necessary to combat armed robbery and murder will be intensified and it was confirmed at that meeting that whatever resources are required for this purpose will be provided. The Garda Commissioner will shortly submit a plan outlining what additional measures can be taken to deal as comprehensively and effectively as possible with the situation.

That is the record of what we have said and done here in Ireland. I believe that it is equally clear that there flows unambiguously from our total rejection of violence a corresponding rejection of the action of individuals and organisations at home, in the United States or elsewhere, who provide financial or any other support for the cause of violence.

That is our position and it has been so from the outset. A response to press queries, issued on my behalf as far back as 20th December last, underlined that the Government would continue to advocate that no support or encouragement should be given to any organisation in the United States which sends to Ireland funds which may be used in the promotion of a violent campaign in this country.

When I came to office, I indicated that there would be no departure from the fundamental policies of Fianna Fail on Irish unity. I have consistently maintained that the problem of Northern Ireland cannot be solved by security measures alone nor solely in the context of Northern Ireland. The whole situation must be raised to a new intergovernmental level that will bring permanent peace and stability to the peoples of Ireland and Britain.

I have made clear the view of the Government that any definitive settlement should take into account relations between North and South in Ireland, between Ireland and Britain, and between both parts of the community in Northern Ireland. I have suggested that the way would be opened towards political progress if the British Government were to declare their interest in Irish unity by consent and in peace, and their readiness to participate in the progress for achieving it. These are the essential elements of a policy designed to achieve peace in Northern Ireland. This policy was fully supported by the SDLP, representing a substantial body of opinion in Northern Ireland when I met them in Dublin last Thursday week.

The SDLP are deeply concerned, and we fully share that concern, about the increasing number of sectarian killings in Northern Ireland. We condemn these wanton murders, whoever commits them and urge that every possible effort be made to prevent them until a political settlement can bring permanent and lasting peace.

I believe that our policy on Northern Ireland is fully supported by the great majority of Irish people everywhere, not least among those 20 million Americans of Irish birth or descent. They subscribe to our view that Irish unity is the only eventual answer to the political problems of our country and I know that the vast majority of them favour the use of peaceful political means to attain that end.

It was clear as long ago as the mission of the late President De Valera in 1919, that the world of Irish-American politics and organisations is a vibrant and complex one. It has been so throughout this century. A variety of different causes and personalities exist. Groups and organisations come together, diverge and merge again. Alliances form and reform in a constantly changing pattern. It is a situation which must be handled on a practical basis from day to day with skill and discretion by those who are closely in touch with developments.

Clearly, there are individuals and organisations in a country as large and diverse as America whose outlook and actions will not be in line with the policy of the Government here on Northern Ireland. My belief is that these organisations and individuals are misguided and that many persons who subscribe to them do so out of genuine sympathy with the goal of Irish unity but without realising the channels into which their subscriptions may be diverted. To the extent that some of them provide financial or moral support with full knowledge of the nature of the campaign involved we must deplore their actions.

And yet the sort of simple, ritualistic condemnations now demanded are not enough. We must seek to understand the sentiments and traditional loyalties of our compatriots in America and their feelings as exiles.

It can be no part of our policy to deflect any Irish-American from supporting the achievement of Irish unity or expressing that support. On the contrary we welcome and encourage it.

But we must separate that legitimate wish and aspiration clearly from any whisper of support for violence and terrorism. That is the real task in America today.

That is the distinction which we must make and continue to make. What is required is not mere condemnation as such but effective action to provide those who are in sympathy with the objectives of Irish unity with an alternative—a clearly defined Irish Government policy to which they can dedicate themselves. This is a need also stressed by our friends among the major political leaders in the United States: a clear objective and a policy which Irish-Americans can support and evidence that progress is being made towards that objective, through the implementation of that policy.

For over a hundred years, those charged with the leadership of our people have recognized the potential influence of that great number of Americans of Irish origins and have sought to harness it to help in the attainment of national objectives. We acknowledge and pay tribute to so many of the American-Irish who have laboured on Ireland's behalf. In recent years, we have been fortunate in having the support of major U.S. Congressional and State leaders—Speaker Tip O'Neill, Senators Edward Kennedy and Patrick Moynihan, Governor Hugh Carey, Congressman Thomas Foley and many others—who share our approach and objectives and who have made a substantial and greatly valued contribution in promoting progress towards these aims. I have, during the week, received encouraging and sustaining messages of support for the policy which I have enunciated from those leaders.

There can be no doubt that all American men and women of Irish birth and descent wish our country well and that Ireland's welfare is close to their hearts. But free American citizens do not welcome dictation. What is required is leadership and guidance. Experience has shown that repeated denunciations by government leaders of the type now sought can be to some extent counter-productive, particularly in a country where the freedom of the individual to decide for himself is so highly valued and cherished.

I would not wish to present any organisation sponsoring or supporting violence with gratuitous publicity which, however adverse, may have the very opposite effect to that intended. The efforts of the Government will be directed primarily at promoting our own positive policies on as wide a front as possible. By winning support for them everywhere we can isolate the men of violence.

Nevertheless, since opposition spokesmen have provided these peripheral organisations with the sort of free publicity on which they thrive, I believe that not much more harm can be done by dealing with specific organisations on this one occasion. There is clear and conclusive evidence available to the Government here from security and other sources that NORAID has provided support for the campaign of violence and indeed direct assistance in its pursuit. On the basis of these activities, it stands condemned and I appeal to all in America who have the interests of Ireland at heart not to give this body any support, financial or moral.

The evidence available to us also of the associations that exist between NORAID and the Irish National Caucus casts grave suspicion on the latter organisation. That is not to say that there are not among the members of that body or its supporters, many fine people who are not aware of its undesirable associations. It is important that they should be aware of the realities. The situation in Ireland today is such that no individual, whether private citizen or elected member of Congress, should by any statement or association, lend support to those whose actions serve only to delay Irish unity. I say now to all supporters of the bodies I have mentioned that they should carefully consider whether the cause they profess to serve would not now best be served by uniting in firm support of the policy of the Irish Government which is directed towards bringing about the unity and prosperity of the Irish people.

Our wish is to see all Americans of Irish descent and their friends rally behind the positive policies of the Government, satisfied that they have an objective worthy of support and convinced of the reality of our prospects of success through peaceful, political means. And I wish to send this message to all our friends in that great democracy and especially to our own kin. We at home draw great strength and encouragement from your close interest in Ireland and are grateful for your support for our efforts to unite our people and to promote their welfare. It is our deepest wish that you will always continue to do so.●

DEMING, N. MEX., SPONSORS THE WORLD'S RICHEST DUCK RACE

● Mr. DOMENICI. Mr. President, the town of Deming, N. Mex. has once again shown its true character as a community which is brimming with American patriotism and a flair for ingenuity and innovation. Deming will be sponsoring the Great American Duck Race, called the "World's Richest Duck Race" August 23 and 24, with 200 to 400 ducks from around the Nation expected to participate in the event.

Mr. President, I ask that the article entitled, "Town Going Quackers Over Big Duck Race," which appeared in the Washington Star on Tuesday, August 19, be printed in the Record.

The article follows:

Town's Going Quackers Over Big Duck Race

Deming, N.M.—President Carter is invited, but Russian ducks are banned. Realtor Steve Marlowe calls himself the Chief Quacker. And a 69-year-old woman has her sights set on becoming Duck Queen, a competition in which the contestant's waddle is as important as her looks.

Residents of Deming have gone quackers over the Great American Duck Race, to be held this weekend in the Courthouse Park—renamed Duck Downs for the event.

And their daffiness is contagious, evidenced by interest from New York to Los Angeles and from Boston to Mexico.

"I guess it's the 100-degree weather and all these political races," said Marlowe, organizer of the race that he expects to draw 200 to 400 ducks from across the nation. "I think people are grabbing at the first diversion that comes along."

But there will be excitement as well as novelty, said Marlowe, whose tongue has been planted firmly in cheek since announcement of the "World's Richest Duck Race" was made several weeks ago.

"We expect a world record to be set," he said, noting that the present mark for racing ducks is 2.7 seconds over a 16-foot course.

Deming, a town of 12,000 in southwestern New Mexico, has lined up behind its duck races.

Fifty-five sponsors, mostly businesses, have each paid $100 in sponsor fees. A woman from Albuquerque even sponsored a racing heat with her money.

A beautician's shop is offering a free ducktail haircut to any race committee member who will wear it on racing day. The city's newspaper, the Deming Headlight, has run front-page stories on the event with such headlines as "Duck Dash 'Billed' Richest." And radio station KOTS proclaimed Deming home of the world's richest duck race.

Contestants already are lined up for the Duck Queen contest, to be held the night before the racing championship, and for such awards as Best Dressed Duck.

The interest spread quickly when news of the race was carried nationwide by newspapers and broadcast stations.

A Los Angeles-area radio station sponsored a "Name Our Racing Duck" contest and said it would send a feathered entrant to Deming. A yacht club in San Carlos, Mexico, will send a duck contingent—if it can clear U.S. Customs.

Marlowe explained to listeners on an all-night talk show in Boston about how to train ducks, how to run a duck race and where exactly Deming, N.M., is.

"We had someone call us from Port Arthur, Tex., saying they were having trouble training their ducks," Marlowe said. "They said, 'Every time we try to put a saddle on them, it just squashes them.' "

Part of the fun is taking a jab at neighbors in Ruidoso, where the All-American Futurity—billed as the world's richest horse race with a total purse of $1.28 million—is run each Labor Day.

Nothing that the Great American Duck Race's inaugural purse of $1,000 falls short of Ruidoso's, Harold Cousland, editor of the Deming Headlight, said: "We'll catch up next year."

An appointments secretary to President Carter wrote to say he was certain Carter would be busy that weekend even though, Marlowe noted, Russian ducks have been banned from the competition unless Soviet troops had been pulled out of Afghanistan by Aug. 18, the deadline for registration.●

TRIBUTE TO BEATRICE V. HAWKINS

● Mr. HAYAKAWA. Mr. President, I would like to commend a very special constituent and dedicated American, Beatrice V. Hawkins, for her many achievements, successes, and contributions during her long lifetime. In addition to her 35 years as an English teacher at Whittier Union High School and her outstanding service in many community organizations, she has worked tirelessly for 25 years for every Republican candidate for all local, State, and Federal offices. She has organized three Republican federated women's clubs, making the Leisure World Republican Women, Federated, the largest club in the United States. She has also served on the Republican State Central Committee, the Los Angeles County Federation of Republican Women, the Orange County Federation of Republican Women, the California State Federation, and the Southern Division of the State Federation. She was an alternate to the 1964 San Francisco National Republican Convention, assistant to the national committeewoman at the Republican National Convention in 1968, and an alternate to the 1976 Republican National Convention. She has ceaselessly shared her time, energy, and talent for organization with her community and her party; and can certainly serve as an inspiration to all Americans.●

PRESIDENT SAID TAIWAN DEFENSE OPTIONS REMAIN OPEN

● Mr. GOLDWATER. Mr. President, a colloquy was held this morning among some of my colleagues regarding Governor Reagan's statements on Taiwan.

Now, it would be interesting to know what any Senators, who have raised questions about Governor Reagan's remarks, would think about the public statement President Carter made on this subject on February 10 last year.

At a press conference with news editors, President Carter volunteered the statement, without being specifically asked, that the United States could go to war against Communist China to defend Taiwan. In contrast, Governor Reagan has never threatened Peking with "war."

President Carter is quoted as saying that his policy does nothing to prohibit "interposing the American Pacific Fleet between the island and the mainland," if Taiwan is endangered.

President Carter added that there is nothing in his policy to prevent the United States "from even going to war" to protect Taiwan.

When he testified before the Senate Foreign Relations Committee at hearings on the Taiwan Relations Act, General Jones, Chairman of the Joint Chiefs of Staff, discussed this statement by the President and said that he deliberately wanted to point out that the option of going to war to protect Taiwan is not prevented by our new relations with the People's Republic.

So I think people who might wish to criticize Governor's Reagan's comments on Taiwan might go back and have a look at what President Carter said. If President Carter could put us on record as being ready to go to war to help Taiwan, and it did not cause any disruption in relations with Red China, I should think there is nothing in any of Governor Reagan's statements that could possibly give offense to the People's Republic more than this press statement of President Carter.

Mr. President, President Carter's remarks were printed as a frontpage story in the Washington Post of February 11, 1979, and I ask that the relevant part may be printed in the Record.

The excerpt follows:

Carter Says U.S. Could Go to War To Help Taiwan

(By Don Oberdorfer)

President Carter, in remarks released by the White House yesterday, said the United States retains the option of using the Seventh Fleet or even of going to war to protect Taiwan against a future challenge from the People's Republic of China.

Carter's statement in a Friday news conference with out-of-town editors was by far the strongest he has made along these lines since the normalization of diplomatic relations with Peking.

The comment, volunteered in response to a more general question about China, appeared to be directed at the congressional drive to enact a resolution of U.S. support for Taiwan's future security.

Carter has opposed the enactment of legislation on the defense of Taiwan as unnecessary. In recent days, however, the administration has indicated that it will not object to congressionally sponsored resolutions that do not contradict the recent understandings between Washington and Peking.

When Carter was asked on Dec. 19 about possible use of U.S. force to defend Taiwan, he said "we would certainly be deeply concerned" if China should attack Taiwan. He added that further comment would be "absolutely unnecessary speculation" because no such attack is likely.

In his latest comment, Carter said U.S. policy "does nothing to prohibit a future president or a future Congress, if we feel that Taiwan is unnecessarily endangered, from interposing the American Pacific Fleet between the island and the mainland.

"And there is certainly nothing to prevent a future president or Congress from even going to war, if they choose, to protect the people of Taiwan or to protect any other people . . . that we look on with favor," he said.

Administration officials said regular U.S. naval patrolling of the straits between the mainland and Taiwan was stopped several years ago, but that movement of ships in transit through the straits as a matter of convenience has continued on an irregular basis.

Speaking to the out-of-town editors, Carter dismissed suggestions that the United States might be placing too much faith in 74-year-old Vice Premier Teng Hsiao-ping. Carter said that though leadership in Peking inevitably will change, he depicted the Chinese policy leading toward normalization of relations with Washington as a "unanimous decision" strongly supported by Premier Hua Kuo-feng.●

SENATOR GAYLORD NELSON SPEAKS ON SENIOR CITIZEN ISSUES

● Mr. EAGLETON. Mr. President, as chairman of the Senate Labor and Human Resources Subcommittee on Aging, I have a particular interest in the issues which are of most concern to senior citizens. The Aging Subcommittee has legislative responsibility for the Older Americans Act, which includes authorization for the nutrition program for the elderly, employment and training programs for older Americans, as well as the authorization for the State and area agencies on aging and the various social services provided through these local agencies.

Today, I would like to take this opportunity to make special note of the support my good friend and colleague—Senator Gaylord Nelson—has provided to these programs affecting older Americans. Senator Nelson serves on the Committee on Labor and Human Resources, as well as on the Finance Committee, which have jurisdiction over most programs serving the Nation's elder population.

Throughout his public service career, Senator Nelson has clearly established himself as a true friend of and fighter for older Americans. The National Council of Senior Citizens recently recognized Senator Nelson for his superior voting record on the issues of greatest concern to senior citizens.

In addition to his excellent voting record on senior citizen issues, Senator Nelson has been a leader on a variety of issues that have significant impact on the daily lives of older citizens. For example, Senator Nelson authored the resolution Congress recently adopted to prevent the taxation of social security benefits.

Last year, Senator Nelson was the Senate sponsor of the administration's bill to contain hospital costs and save taxpayers $40 billion over the next 5 years. Gaylord Nelson has worked tirelessly to make generic drugs safe and effective, while saving consumers and the Government's medicare and medicaid programs millions of dollars.

Senator Nelson's legislative initiatives have resulted in an energy-assistance program to help older Americans pay residential utility bills and weatherize homes.

In 1965, he authored the highly successful Green Thumb employment program for older Americans. Senator Nelson also has worked to strengthen and expand elderly nutrition congregate meal sites and home delivered meals, provide home-care services as an alternative to nursing homes, and was a major sponsor of legislation providing older Americans with a one-time $100,000 tax exemption when they sell their home. All of these issues illustrate Senator Nelson's commitment to older Americans.

Since 1977, Senator Nelson has served as chairman of the Senate Finance Subcommittee on Social Security. In this capacity, Senator Nelson has served as the leader and the expert in the Senate on the Nation's social security program. Senator Nelson was the author of the resolution that both the Senate and the House have approved which opposes the taxation of social security benefits. The Nelson resolution also makes it clear that this Congress has no intention of imposing a tax on social security benefits.

Mr. President, earlier this month, an important senior citizen event took place in Wisconsin that will be of interest to anyone concerned with the issues and problems confronting the Nation's senior citizens.

Two years ago, senior citizens throughout the State of Wisconsin effectively joined forces and formed a very dynamic coalition to advocate the interests of Wisconsin's older citizens. This coalition, the Wisconsin Coalition of Aging Groups, recently held its annual convention at the University of Wisconsin-Stout in Menomonie, Wis.

Senator Gaylord Nelson was one of the featured speakers at the coalition's convention. I wanted to make Senator Nelson's speech available to my Senate colleagues because it is an excellent speech, one that contains many important facts and valuable information on several issues which are of great concern to older Americans, particularly social security and health care issues.

Mr. President, I ask that the text of Senator Nelson's remarks to the convention of the Wisconsin Coalition of Aging Groups be printed in the record.

The text follows:

Address of Senator Gaylord Nelson

I am very honored and pleased to join you today at this third annual convention of the Wisconsin Coalition of Aging Groups. Since your founding convention was held two years ago in Oshkosh, the Coalition has provided a strong and effective voice for older Wisconsin citizens.

Over the past several years, older Americans in Wisconsin and across the nation have become much more involved in public policy-making and especially with those issues affecting the lives of senior citizens. Your participation has had a remarkable impact. Today, more than any other time in our history, governments at all levels—national, state and local—have focused their attention and resources on problems associated with growing older.

The continued participation of senior citizens in developing public policy will be the key to whether the needs of older Americans remain priorities—as indeed they should.

At the beginning of 1980, the estimated 25 million older Americans made up over 11 percent of the population—every ninth American. Future projections are that the number of older persons in the U.S. population will increase to record high levels as will the percentage of older people in our society.

As a nation, therefore, we will become increasingly reliant upon our older population for its experience, counsel and active participation in every phase of American life.

SOCIAL SECURITY

As many of you know, I have the privilege of serving as the chairman of the Senate Finance Subcommittee on Social Security. This is a major responsibility—one that keeps me in daily contact with the Social Security program.

Social Security is the largest and most important social program in the country. In my judgment, Social Security is also the most successful social program in our nation's history. For millions of retired and disabled workers and their families, and for millions of survivors of deceased workers, Social Security has made the difference between living in relative comfort or living in poverty.

Social Security touches the lives of nearly all Americans, particularly those who are 65 years and over. For at least one-half of all retired couples and for as many as seven out of ten retirees who are single, widowed or divorced, Social Security is the source of most of their retirement income. And for millions of older Americans, Social Security is their only source of income.

Since the Social Security program was established by the Congress some 45 years ago, Social Security benefits have prevented widespread poverty and dependency from afflicting the nation's retirees, disabled workers, and the survivors of former wage earners. Throughout the history of the Social Security program, the Congress has been responsible for insuring that the program is adequately financed, expanding coverage to nearly all Americans, improving benefit levels, and making sure that present and future beneficiaries can count on receiving the benefits to which they are entitled.

As Chairman of the Social Security Subcommittee in the Senate, I would like to set the record straight on a couple of Social Security-related matters that have been worrying many Wisconsin seniors. The first of these relates to the question of whether Social Security benefits will be taxed.

SOCIAL SECURITY BENEFITS WILL NOT BE TAXED

Based on the conversations I have had with many senior citizens around the state and the volume of mail my office has received from current and prospective Wisconsin retirees, I know Wisconsin seniors are very alarmed about recent reports that the Federal government may begin taxing social security benefits.

Last December, the Social Security Advisory Council, a panel that oversees the operations of the Social Security program, recommended to the Congress that one-half of every individual's Social Security benefits be subject to Federal income tax. Although this proposal was only a recommendation and, as such it did not alter existing law in any way with respect to the tax-exempt status of Social Security benefits, it needlessly alarmed many Americans. The Advisory Council's recommendation created anxiety among older Americans who are retired and living on fixed incomes, and it also caused great concern among many persons who have been in the labor force for many years and are about to retire.

According to the Advisory Council's own estimates (based on 1978 data), taxing one-half of social security benefits would affect 10.6 million tax returns (or approximately 15 million individuals) of the 24.2 million individuals who received social security cash benefits. The impact of this taxation would have increased the average tax liability of those taxpayers affected by $350 in 1978. Collectively, this would mean that social security beneficiaries would have to pay an additional $3.7 billion in taxes.

Ever since social security retirement benefits began over 40 years ago, they have been exempt from Federal taxation. It would be unfair and unjust to change this exemption and diminish social security benefits by subjecting any portion of them to Federal taxation.

Hundreds of Wisconsin citizens wrote to me about the Advisory Council's recommendation to tax social security benefits. These letters eloquently expressed the difficulties of living on a fixed income, as do the majority of social security beneficiaries, and trying to pay for life's basic necessities—food, housing, and clothing. To these people, the suggestion that a portion of their financial resources should be taken away by the Federal government in the form of new taxes, quite understandably, created anxiety and concern.

In response to this situation, I introduced a resolution opposing the Advisory Council's recommendation that one-half of Social Security benefits be taxed. The resolution also stated that the Congress would not enact legislation to implement the Advisory Council's recommendation.

Several days ago the Senate unanimously passed the Nelson resolution. The House has also recently passed a resolution identical to the Senate resolution.

The passage of this legislation provides all Americans, particularly older Americans, with the assurance that this Congress opposes the taxation of social security benefits and, therefore, will not enact legislation to tax social security benefits. Social security beneficiaries can now rest assured that the Federal government has no plans to tax their benefits.

THE FUTURE OF THE SOCIAL SECURITY PROGRAM IS SECURE

The second social security matter which has been worrying many older citizens is related to recent news stories that the Social Security program is in serious financial trouble. These stories have implied that Social Security beneficiaries should anticipate that their future benefits will be reduced or possibly curtailed.

Nothing could be further from the truth. In my judgment, Social Security is the most secure of any public or private retirement program. The problem with stories of this nature is that they do not reflect practical realities.

Congress continually reviews the Social Security program and takes whatever steps are necessary to ensure its financial stability. In 1977, the Congress enacted legislation to put the retirement and survivors and disability insurance trust funds on a sound financial basis, using the most current economic and demographic projections available at that time, through the years 2038 and 2008 respectively. The hospital insurance trust fund was provided with sufficient funding through the year 1988.

When the financing plan for the Social Security program is developed, it is based on actuarial and economic projections which are calculated by the foremost experts in this field. The business of making projections, however, does involve some guesswork simply because human beings lack the ability to see exactly what will happen in the future.

The experts who made the projections for the 1977 social security financing legislation did not calculate that the United States would experience in 1979 and 1980 the highest rate of inflation in this century and very high unemployment levels. These factors have had a previously unanticipated impact on the Social Security program.

Social Security is really made up of three separate insurance programs and three separate trust funds: (1) retirement and survivors insurance, (2) disability insurance, and (3) hospital insurance. At any point in time, these three programs and the trust funds may be in various financial circumstances. Recently, for instance, it became clear that the tax rate assigned to the disability program was overfinancing that program and the tax rate assigned to the retirement program was underfinancing that program. In response to this, the House and Senate have both passed legislation which reallocates the tax rates between the disability insurance fund and the retirement and survivors insurance fund.

Next year, the Congress will again examine the social security financing mechanism. At this time, proposals to permit interfund borrowing, infuse general revenues, and others will be considered. This financing review will take place, as it does every year for the basic purpose of maintaining social security's strength, stability and vitality in the future.

The government simply would not permit Social Security benefits to be in jeopardy. Thirty-five million Americans depend on receiving their Social Security benefits each month; social security is the cornerstone of the nation's retirement policy. Social Security is the one program whose future is secure.

HOSPITAL INSURANCE SHOULD NOT BE FINANCED BY THE SOCIAL SECURITY PAYROLL TAX—GENERAL REVENUES SHOULD BE USED

In my judgment, the time has come for general revenues to be used to partially finance social security. This alternative financing scheme is long overdue.

When the 1977 social security amendments were considered by the Senate Finance Committee, I proposed that general revenues be used to partially finance social security hospital insurance benefits. My proposal was rejected in the Finance Committee by only one vote. It is now time to again consider using general revenues to partially finance social security.

I have proposed legislation (S. 2804) which would partially finance the non-wage related aspect of the present Social Security program—health insurance—with general revenues. Health insurance benefits would continue, of course, under my proposal but they would be financed through the use of general revenues.

In fiscal year 1980, the social security trustees estimate that the health insurance program will cost $24.8 billion. Under my legislation, about one-third of this fund would be supported by general revenues, or $9.8 billion.

The National Advisory Council on Social Security, the American Association of Retired Persons (AARP), other senior citizen organizations, labor and various social security experts have all recommended that hospital insurance be at least partially financed by general revenues.

The original designers of the social security program did not intend the payroll tax to support three separate programs. When the social security program was enacted some 45 years ago, the payroll tax supported only retirement insurance. Disability insurance coverage was not provided until 1957 and hospital insurance was not provided until 1964. The original designers of the Social Security program did envision and plan that at some point general revenues would also be used to finance the program.

The use of general revenues for financing part of the social security program, in my opinion, is long overdue. Retirement benefits are a fairly accurate reflection of the contributions made by a worker, and these contributions reflect the wages upon which the social security tax is levied over the period of a worker's life. Retirement benefits should continue to be financed by the payroll tax. Hospital insurance benefits, however, do not bear the same close relationship to a worker's payroll contributions, and therefore, need not continue to be financed by the payroll tax to maintain equity on an individual basis in social security.

Whether a person gets sick, is admitted to a hospital and uses social security hospital insurance benefits is strictly an incidence of an individual's good health or lack of it, and not of the payroll taxes that have been paid over their working years. Yet, everyone covered by social security, whether healthy or not, is obligated to contribute payroll taxes in proportion to their annual earnings.

Ultimately, the hospital insurance program will become part of a broader health insurance program. In my judgment, there is no compelling reason to continue financing health insurance through social security payroll taxes.

The legislation I have authored would implement the 1979 Social Security Advisory Council's recommendation that the hospital insurance program be financed partly by general revenues. The infusion of general revenues would make it possible to reduce the payroll tax that currently finances hospital insurance benefits and reallocate that portion of the payroll tax to support the disability and retirement benefit programs. Reallocation of the hospital insurance tax rate to the retirement and disability programs would forestall the scheduled increase next year in the payroll tax.

By forestalling next year's planned increases in social security taxes, the legislation I have proposed would provide necessary and meaningful relief to taxpayers, and have the added benefit of reducing inflationary pressures in the economy.

THE IMPACT OF INFLATION ON THE ELDERLY

Inflation remains one of the nation's most serious problems. Inflation creates enormous havoc on every family's budget, but it is particularly devastating to older Americans who, by and large, live on limited and fixed incomes. Our government must continue to give this problem its foremost attention, and take steady and persistent actions which will reduce the rate of inflation.

It is my judgment, however, that reducing the once-a-year cost-of-living adjustment to social security recipients—as some officials have suggested—would not be helpful to efforts to reduce inflation.

Earlier this year, in the midst of Congressional attempts to balance the budget, it was suggested that the annual cost-of-living adjustment provided to social security beneficiaries overcompensates them for inflation. The consumer price index, which is the basis for the current cost-of-living adjustment, takes into account price increases associated with the purchase of houses. Because the elderly usually purchased their homes many years ago or are now renting, it was argued that the consumer price index (CPI) and cost-of-living adjustments overstate the actual inflation rate. Therefore, it was reasoned, only a portion of the cost-of-living adjustment should be provided to social security beneficiaries.

Any senior citizen trying to get by on social security benefits or another form of fixed income, knows that in reality cost-of-living adjustments don't overcompensate for actual inflation. First of all, social security cost-of-living adjustments lag way behind the time that inflation is actually experienced. The 14.3 percent increase in social security benefits provided last month actually compensated beneficiaries for last year's inflation. Cost-of-living adjustments for the inflation that senior citizens are now facing won't be made until July 1981.

Secondly, social security income essentially enables one to purchase the basic necessities—food, shelter, health care, utilities, and clothing. Any senior citizen can tell you from firsthand experience that the prices of necessities often increase at a much greater rate than overall price increases measured by the CPI.

I believe the Congress must thoroughly examine the cost-of-living adjustment currently provided to social security beneficiaries. This examination would resolve the question of whether social security beneficiaries are being overcompensated for inflation and also assess the cost to older Americans of purchasing life's basic necessities.

One suggestion that ought to be explored is the establishment of an elderly index to measure increases in the cost-of-living for older Americans. An elderly index based on the expenditures of the elderly, would provide an accurate measurement of the price increases experienced by older persons, and perhaps be the most accurate way to index benefits.

HEALTH CARE

One of the most important areas of concern to older Americans, and an area in which I have a great personal interest, is health care. I currently serve on the two committees in the Senate with responsibility for all health care issues—the Finance Committee and the Labor and Human Resources Committee.

More than any other group in our society, older people need and use medical care.

Although the health and hospital insurance provided by Medicare has done much to reduce out-of-pocket medical expenses for senior citizens, the coverage provided by Medicare remains far less than what most older people need.

Too many of our nation's older citizens live in constant fear that they will become sick or injure themselves, and require medical treatment which they must pay for and can't afford.

In my judgment, one of our nation's most pressing needs is enactment of a workable program of national health insurance which will provide comprehensive protection of older Americans against illness and chronic impairment.

The kind of comprehensive health protection that older Americans need and deserve, however, will not be possible until the nation contains the current high cost of health care.

Over the past three years, I have worked very closely with the American Association of Retired Persons and the National Council of Senior Citizens to enact hospital cost containment legislation. The limiting of hospital costs would save taxpayers 40 billion dollars over the next five years and help to make a system of national health insurance much more affordable.

ALTERNATIVES TO INSTITUTIONALIZATION

All too often our society accepts institutionalization as the only feasible living arrangement for those who are 65 years or older. Senior citizens clearly prefer alternatives to nursing home placement, and the government has an obligation to make sure that alternatives are available. In many cases, it is not only more humane but also more economically and medically desirable to provide community and supportive services which enable older persons to remain in their own homes rather than a nursing home.

I am a co-sponsor of a long-term health care bill which would establish a comprehensive system of noninstitutional long-term care services. The services provided for in this legislation would insure that senior citizens receive the social and medical services necessary to help them avoid placement in nursing homes or hospitals unless absolutely needed. The legislation would require that a pre-admission screening assessment be made before a person could be institutionalized and would mandate that a variety of supportive services be available, including home health, homemaker-home health aide, adult day care, and respite care services.

Although it appears unlikely that the Congress will act on this bill yet this year, long-term care legislation must be a priority item early next session. We must find ways to help older Americans remain participants and contributors to our society. This is what older Americans want and what our nation needs. Providing alternatives to institutionalization is an excellent way to enable senior citizens to remain participants and contributors to our daily life.

OTHER ISSUES

There are many other issues of vital concern to older citizens that I would like to discuss with you today, but time doesn't permit this and you have a very ambitious agenda yet to complete.

Let me say that employment opportunities for senior citizens, elderly nutrition, transportation services, and housing for the elderly are all issues that are very important, and are issues in which I will continue to be actively involved on your behalf.

The theme of the Coalition's convention—"Together We Count"—couldn't be more accurate. Together you do count. Each and every one of you here today and all the senior citizens across the state are very important. When you make your voices heard, you really do count. And, together we can make a difference for senior citizens throughout Wisconsin and across the nation.

Thank you very much for the opportunity to join you here today.●

THE ALASKA LANDS BILL

● Mr. DURENBERGER. Mr. President, the compromise Alaska lands bill passed yesterday by the Senate is not perfect. On an issue as difficult and complex as the use and protection of more than 100 million acres of natural resources we are bound to have as many opinions as we have Senators.

However, as a person who is concerned with the wise use of our natural resources, I am satisfied with this compromise and I support this important piece of legislation.

The compromise achieves a good balance between resource conservation and resource exploration and development. Most importantly, the bill puts these important national decisions in the hands of the Congress, rather than allowing them to be made only by the President as they have been in the past.

My familiarity with the issues we addressed in the Alaska lands bill goes back to before my election to the Senate and has been intensified and expanded during my year and a half in the Senate. I approached the important decisions we made as a conservationist. My many years of experience in these issues have taught me that the overwhelming majority of persons involved in these issues are also conservationists. I do not know of a single person who wants to destroy the land, to deny future generations the opportunity to take advantage of what God has so generously bestowed on our country. Our differences come in the means we choose to achieve conservation.

I have approached the Alaska lands bill, not with the goal of "locking up" more than 100 million acres of natural resources out of the 375 million acres of Alaska land. My priority is not to keep out miners, oil drillers, sport hunters, or loggers.

The issue before us was the wise use and custody of these great national natural resources. That issue became clouded by rhetoric and propaganda, but the central question never changed.

My experience in natural resource management has made it clear to me that a wide variety of individuals and entities are worthy custodians. The custodial conservation role can be played by private owners of land who value that property both for what is on it and what is under it, and practice the necessary land management techniques that guarantee conservation.

The role can be played by government, whether it is at the local, State, or Federal level.

And, combinations of public and private bodies can fulfill the role. Alaska can follow the path of many other States, responsibly integrating public and private ownership for the benefit of all.

Alaskan Natives, under the Native Claims Settlement Act, will own and manage 44 million acres. The State will own and manage more than 100 million acres while another 1 million acres are in private hands. These interests, working with the Federal Government, will not lock up Alaska; instead, this compromise bill opens Alaska to the concerns of all persons.

This compromise, as I said, is not perfect. It does, however, protect the rights of the State of Alaska; it assures sportsmen of the opportunity to enjoy the bounty of this area; it guarantees the future of important industries in the State, including logging; it provides for resource exploration and development; and it assures tomorrow's generations that they will have the same advantages we enjoy today.

The important point for us to agree on in the final legislation that will emerge from the Congress is that natural resource ownership, management, development, and conservation can and does take many different forms. We in the Senate were asked to draw conservation boundary lines for millions of acres of Alaska lands, and on those questions there are bound to be 100 different opinions in the U.S. Senate.

Yet, that was our task and we had to accomplish it by relying on the best advice available to us as well as our own judgment. My distinguished colleague from Alaska, TED STEVENS, did an outstanding job in providing us with guidance. He has worked hard and long to effect a compromise that will be acceptable to both his constituents and his colleagues in the Senate. Without his untiring efforts we would not have a bill today. As Senator STEVENS indicated in his remarks on the compromise bill:

> I believe this is the best job we can accomplish under the circumstances. The bill responded to 81 percent of the consensus points established by the Alaskan Legislature. What is involved from here on is trust . . . This bill is better than the status quo and I expect to see it passed.

While others sought only to thwart any progress, Senator STEVENS has provided us with a valuable lesson in leadership.

In the end, though, the decision is an individual one. I did not have the opportunity to draw the boundary lines on every vote, nor did I get to approve where lines were drawn by the Energy Committee or by those who worked out the compromise. I offered amendments to the committee bill and to the amendments of others.

I can only choose the best option among those available. My understanding of the issues, my experience, and my conscience determined my support for the compromise bill.●

SELECTION OF PHILIP TONE AS SPECIAL COUNSEL

Mr. PERCY. Mr. President, I commend Senator BAYH and Senator THURMOND for their selection of former Federal Judge Phil Tone as chief special counsel for the special subcommittee to investigate persons representing foreign governments.

I had the pleasure and honor of suggesting to the President of the United States the nomination of Phil Tone, first, to be a district court judge and subsequently for appointment to the circuit court of appeals. He is an absolutely outstanding person of judicial temperament, great intelligence, fair in judgment, and absolutely nonpartisan and "passionate about the law."

Mr. President, I ask unanimous consent to have printed in the RECORD an article on Phil Tone which appeared in this morning's New York Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPECIAL COUNSEL TO SENATE PANEL: PHILIP WILLIS TONE

(By Judith Miller)

WASHINGTON, Aug. 19.—Virtually everyone who has had any dealings with Philip W. Tone, the newly appointed special counsel to the Senate subcommittee investigating the Billy Carter affair, agrees that the Senate panel could not have selected a better person to supervise the investigation—everyone, that is, except James R. Thompson, the Republican Governor of Illinois.

"I think he's overqualified for the job," Mr. Thompson quipped, adding to the tributes.

Republican and Democratic lawyers in Chicago, Mr. Tone's home town, describe the new special counsel, a member of the law firm of Jenner & Block and a former Federal judge, in superlatives.

"He's a warm, quiet, very strong man who has been one of the most highly respected members of the bar and the bench," said Tyrone C. Fahner, the new Attorney General of Illinois.

FAIR-MINDED AND DECISIVE

"He's top-drawer in every way," agreed Thomas A. Foran, the former Democratic prosecutor and now a partner in the law firm of Foran, Wiss & Schultz.

Those who have argued cases before Judge Tone when he sat on the Federal District Court or the United States Court of Appeals describe him as fair-minded, decisive and an expert in the rules of evidence.

It seems clear that Mr. Tone will need all of these qualities and talents if he is to succeed in pulling together the Senate panel's investigation of the relationships between President Carter's brother and Libya, and the way in which the Carter Administration handled those relationships.

The panel, according to several Senate aides, has been hurt by a lack of focus and sense of investigative priorities since its creation on July 24.

KEY IS TO FIND EVIDENCE

Mr. Tone does not underestimate the task he has accepted for the fee of $200 a day. "Our greatest challenge will be digging out information," he said in a brief interview today. "It's a lot easier to present evidence than to find it."

Philip Willis Tone was born in Chicago on April 9, 1923. He received his bachelor's degree from the University of Iowa in 1943 and a law degree from Yale Law School in 1948. He was a Supreme Court law clerk from 1948 until 1950, when he joined Jenner & Block, and, in the next 22 years, handled some of the firm's most difficult cases.

In 1972 President Nixon appointed him a Federal district judge, and two years later named him to the United States Court of Appeals for the Seventh Circuit, where he remained until he returned to Jenner & Block last April.

In 1975 Judge Tone's name was on President Ford's list of five finalists for the Supreme Court seat eventually filled by Associate Justice John Paul Stevens.

He said he left the appellate bench because he wanted to have a more "active life," and "preferred advocacy" to the cloistered existence of a judge.

Mr. Tone, a conservatively dressed man with a shock of white hair, bushy eyebrows, red cheeks and a warm smile, has not taken a formal leave of absence from his law firm, but intends to remain in Washington until the end of the investigation.

RIGOROUS WORKING SCHEDULE

The committee's working schedule is rigorous—the top staff worked last week from 8 A.M. to about midnight. Mr. Tone, who lives with his wife, Gretchen, at their home in Park Ridge, a suburb of Chicago, acknowledges that he will have little time for reading or for golf, in which he has a handicap of 11 strokes.

Mr. Tone's children, however, note that their father is no stranger to hard work.

"I would say that he is passionate about the law," said his son, Jeffrey, a law clerk for Justice Stevens. "He has always worked extremely hard, but there's nothing that he loves doing quite as much."

The passion apparently is contagious: both Jeffrey and his brother, Michael, are lawyers, and their sister, Susan, plans to enter law school this year.

MILITARY PERSONNEL AND COMPENSATION AMENDMENTS OF 1980—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. NUNN I submit a report of the committee of conference on H.R. 5168 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the amendments of the Senate to the bill (H.R. 5168) to extend certain expiring provisions of law relating to personnel management of the Armed Forces, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 19, 1980.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TULE RIVER INDIAN LANDS

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. MELCHER I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1998.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1998) entitled "An Act to provide for the United States to hold in trust for the Tule River Indian Tribe certain public domain lands formerly removed from the Tule River Indian Reservation", do pass with the following amendment:

Strike out all after the enacting clause, and insert: That all right, title, and interest in lands owned by the United States and administered by the United States Forest Service, as described in section 2, which were removed from the Tule River Indian Reservation pursuant to the Act of May 17, 1928 (45 Stat. 600-601) are declared to be held in trust by the United States for the Tule River Indian Tribe and to be part of the Tule River Indian Reservation.

SEC. 2. The lands referred to in section 1 are the following:

MOUNT DIABLO MERIDIAN, CALIFORNIA
TOWNSHIP 21 SOUTH, RANGE 31 EAST

Section 16:

That portion lying south of the hydrographic divide between the South Fork of the Middle Fork of the Tule River and the South Fork of the Tule River and westerly of a northerly prolongation of the eastern boundary of the Tule River Indian Reservation.

Section 17:

That portion lying south of the hydrographic divide between the South Fork of the Middle Fork of the Tule River and the South Fork of the Tule River.

Section 18:

That portion of the northeast quarter northeast quarter lying south of the hydrographic divide between the South Fork of the Middle Fork of the Tule River and the South Fork of the Tule River.

South half northeast quarter.

Southeast quarter northwest quarter.

Section 20:

East half northeast quarter.

Southwest quarter northeast quarter.

South half northeast quarter.
Section 21:
Northwest quarter northwest quarter.
Section 28:
Tract 48.

SEC. 3. (a) Nothing in this Act shall deprive any person of any valid existing right-of-way, lease, permit, or other right or interest which such person may have in any of the lands described in section 2.

(b) The transfer under the first section of this Act shall be subject to such right-of-way through lands in section 16 as the Secretary of Agriculture considers necessary to provide access to United States Forest Service lands located east of section 16. Such right-of-way shall be located and used in such manner as the Secretary of Agriculture determines to be appropriate.

SEC. 4. The Secretary of the Interior shall promptly cause to be published in the Federal Register a description of the lands transferred pursuant to this Act and a description of the boundaries of the Tule River Indian Reservation, as modified by the transfer made pursuant to this Act.

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. MELCHER I move that the Senate concur in the House amendment.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. MELCHER I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2055.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2055) entitled "An Act to establish a reservation for the Confederated Tribes of Siletz Indians of Oregon", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. Subject to all valid liens, rights-of-way, reciprocal road rights-of-way agreements, licenses, leases, permits, and easements existing on the date of the enactment of this Act, all right, title, and interest of the United States in the following parcel of land (consisting of approximately three thousand six hundred and thirty acres and located in the State of Oregon) is held in trust for the Confederated Tribes of Siletz Indians of Oregon:

(1) In township 9 south, range 9 west, Willamette meridian—

(A) in section 13 the southeast quarter of the northwest quarter;

(B) in section 14 the northeast quarter of the northeast quarter;

(C) in section 15 lot 2;

(D) in section 20 the east half of the east half of northeast quarter and the east half of the northeast quarter of the southwest quarter;

(E) in section 21 the south half of the northeast quarter, southeast quarter of the northwest quarter, and the northeast quarter of the southwest quarter;

(F) in section 22 the north half of the northwest quarter of the northeast quarter, the northeast quarter of the northwest quarter, and the south half of the northwest quarter;

(G) in section 23 lots 3, 4, and 5, the southwest quarter of the northeast quarter, and the northwest quarter of the southeast quarter;

(H) in section 24 the northeast quarter of the southwest quarter;

(I) in section 25 lots 3 and 7, the southeast quarter of the northeast quarter, the southeast quarter of the northwest quarter, the east half of the southwest quarter, and the southeast quarter;

(J) in section 26 the southeast quarter;

(K) in section 27 the south half of the northeast quarter of the northeast quarter, the south half of the northeast quarter, the south half of the southwest quarter of the northwest quarter, the southeast quarter of the northwest quarter, and the north half of the southeast quarter;

(L) in section 31 lot 20 and the southeast quarter of the northeast quarter;

(M) in section 32 the north half of lot 21;

(N) in section 34 the east half of the west half of the northwest quarter, the east half of the northeast quarter of the southeast quarter, the east half of the southwest quarter of the southeast quarter, and the southeast quarter of the southeast quarter;

(O) in section 35 the north half of the southwest quarter, the southwest quarter of the southwest quarter, the northwest quarter of the southeast quarter, and the southeast quarter of the southeast quarter; and

(P) in section 36 the southwest quarter of the southeast quarter.

(2) In township 10 south, range 9 west, Willamette meridian—

(A) in section 2 the north half of lot 7 and the north half of lot 8;

(B) section 3 lots 1, 2, 3, and 14;

(C) in section 4 the east half of the east half of the southwest quarter, the east half of the southeast quarter, the east half of the northwest quarter of the southeast quarter, the southwest quarter of the northwest quarter of the southeast quarter, and the southwest quarter of the southeast quarter;

(D) in section 6 the east half of the southwest quarter of the southwest quarter;

(E) in section 8 lot 3;

(F) in section 9 lots 1, 2, and 3 and the east half of lot 4;

(G) in section 13 the southwest quarter of the southeast quarter;

(H) in section 15 lot 1;

(I) in section 16 the southeast quarter of the southeast quarter;

(J) in section 17 lot 4;

(K) in section 18 lot 1;

(L) in section 20 lot 11;

(M) in section 21 lots 5 and 8;

(N) in section 22 lots 4, 5, and 17;

(O) in section 24 lots 1, 2, and 12;

(P) in section 25 the west half of the northeast quarter; and

(Q) in section 26 the southwest quarter of the southeast quarter.

(3) In township 10 south, range 10 west, Willamette meridian—

(A) in section 13 the east half of the northwest quarter;

(B) in section 14 the southeast quarter of the southwest quarter;

(C) in section 15 the south half of the northeast quarter and the east half of the southeast quarter of the northwest quarter;

(D) in section 20 of lot 1 lying south of the southern boundary of the former Siletz Indian Reservation;

(E) in section 23 lots 6 and 7; and

(F) in section 24 lot 8.

(4) In township 10 south, range 8 west, Willamette meridian—

(A) in section 18 the southeast quarter of the northwest quarter and the southeast quarter of the southeast quarter;

(B) in section 20 the south half of the southeast quarter;

(C) in section 22 the southwest quarter of the northeast quarter; and

(D) in section 30 lot 1.

SEC. 2. The Secretary of the Interior, acting at the request of the Confederated Tribes of Siletz Indians of Oregon, shall accept (subject to all valid liens, rights-of-way, licenses, leases, permits, and easements existing on the date of the enactment of this Act) any deed or other instrument conveying to the United States the following parcel of land (consisting of approximately thirty-eight and forty-four one hundredths acres and located in the State of Oregon in the northeast quarter of section 9 and the southeast quarter of section 4 in township 10 south, range 10 west, Willamette meridian) conveyed to the city of Siletz on July 27, 1956 (known as Government Hill), and hold such land in trust for the Confederated Tribes of Siletz Indians of Oregon:

Beginning at a ¾-inch iron pipe at the northeast corner of section 9, township 10 south, range 10 west, Willamette meridian, in Lincoln County, Oregon. Said point being the true point of beginning; thence north 0 degrees 36 minutes 9 seconds east, 658.81 feet to a found 2-inch iron pipe; thence north 88 degrees 41 minutes 18 seconds west, 653.16 feet; thence south 1 degree 30 minutes 45 seconds west, 681.49 feet to a found ¾-inch iron pipe, thence south 89 degrees 17 minutes 43 seconds west, 564.83 feet to a stone marked with an "X", said point lying north 89 degrees 47 minutes east, 100.26 feet from a stone marked with an "X" at the northwest corner of the northeast quarter northeast quarter of section 9, township 10 south, range 10 west, Willamette meridian; thence south 0 degrees 6 minutes east, 660.48 feet to a 2-inch iron pipe; thence south 89 degrees 31 minutes west, 100.00 feet; thence south 59 degrees 43 minutes 18 seconds east, 1,298.82 feet; thence north 89 degrees 45 minutes east, 54.20 feet, to a point lying south 89 degrees 45 minutes west, 165.00 feet from a 1-inch pipe at the southeast corner of the northeast quarter northeast quarter of section 9, township 10 south range 10 west, Willamette meridian; thence north 0 degrees 34 minutes west, 598.98 feet; thence north 89 degrees 45 minutes east, 165.00 feet; thence north 0 degrees 34 minutes west, 730.79 feet to the point of beginning.

The Secretary of the Interior is directed to pay to the city of Siletz, Oregon, upon adequate documentation, an amount equal to the costs and expenses, not to exceed $5,000, incurred by the city of Siletz, Oregon, in connection with its consideration of, and planning for, the conveyance of said parcel, and in conveying said parcel to the United States.

SEC. 3. The parcel of land described in section 1 and any land described in section 2 conveyed to the Secretary of the Interior shall constitute the reservation of the Confederated Tribes of Siletz Indians of Oregon and shall be subject to the Act of June 18, 1934 (25 U.S.C. 461 et seq.), and the provisions reapplied to such tribes pursuant to section 3 of the Siletz Indian Tribe Restoration Act (25 U.S.C. 711 et seq.). Such lands shall be subject to the right of the Secretary of the Interior to establish, without compensation to such tribes, such reasonable rights-of-way and easements as are necessary to provide access to or to serve adjacent or nearby Federal lands.

SEC. 4. The establishment of the Siletz Reservation or the addition of lands to the reservation in the future, shall not grant or restore to the tribe or any member of the tribe any new or additional hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, on such reservation beyond the rights which are declared and set forth in the final judgment and decree of the United States District Court for the District of Oregon, in the action entitled Confederated Tribes of Siletz Indians of Oregon against State of Oregon, entered on May 2, 1980. Those rights as declared and set forth in the May 2, 1980, final judgment and decree shall constitute the exclusive and final determination of all tribal rights to hunt, fish, or trap that the Siletz Tribe or its members possess.

SEC. 5. The State of Oregon shall have civil and criminal jurisdiction with respect to the reservation constituted pursuant to section 3 and to any individual on the reservation, in accordance with section 1360 of title 28, United States Code, and section 1162 of title 18, United States Code.

● Mr. HATFIELD. Mr. President, I rise today in support of S. 2055, a bill to establish a reservation for the Confederated Tribes of Siletz Indians of Oregon.

This legislation is the result of a coordinated effort by the Siletz Tribe, the city of Siletz, the State of Oregon and the Department of the Interior to meet requirements of the Siletz Restoration Act of 1977. These groups developed a reservation plan required by the act of 1977 which I introduced on November 28, 1979, as S. 2055. Today we are considering House substitute language to that bill.

A land base is of great import to Siletz tribal members. Unemployment among Siletz Indians in Lincoln County is 44 percent. Over one-third of Siletz families have incomes below the U.S. poverty level. Substandard housing and health conditions have resulted in high incidence of serious health problems. A reservation would provide an economic foundation as well as a land base to address these issues. A medical and dental clinic will be constructed on the new reservation and a timber sales operation will be undertaken by the tribe to insure financial stability.

The reservation will be comprised of a 38-acre tract known as Government Hill in the city of Siletz, and 3,630 acres of BLM land. Government Hill, once the tribual headquarters, will resume that function and the BLM land will provide an annual income to the tribe of approximately $600,000 through timber sales.

Two amendments were added by the House to S. 2055 as originally introduced. One provides that a sum no larger than $5,000 will be paid to the city of Siletz by the Secretary of the Interior for the transfer of Government Hill from the city to the tribe.

More importantly, the House addressed the issue of tribal hunting and fishing rights in a different manner than the Senate-passed version. The language of S. 2055, as introduced, stated that "The establishment of the Siletz Reservation or the addition of lands to the reservation in the future, shall not grant or restore to the Tribe or any member of the Tribe and hunting, fishing, or trapping right of any nature, including any indirect of procedural right or advantage, on such reservation." The question of whether or not hunting and fishing rights survived the tribe's termination in 1954 has never been determined. Testimony at the hearing on this bill established that the language on the rights question was entirely neutral in that no special rights were taken from the tribal members through this legislation, nor were any granted to them. My intention in this bill was not to affect any future settlement of that issue.

However, since introduction of S. 2055, the Siletz Tribe and the State of Oregon Department of Fish and Wildlife sat down to negotiate once and for all, what rights the tribe possesses. They reached a reasonable accord and the U.S. District Court for the District of Oregon issued a consent decree on May 2, 1980, which outlines the final judgment of the rights. The establishment of a reservation still does not create any special rights for the tribe, because the rights originated in the U.S. District Court, not in this bill. However, the bill with the substitute language from the House does refer to the consent decree as the final word on tribal rights.

I urge my colleagues to support this bill so the Siletz Tribe can join the ranks of all the other federally recognized tribes and have a land base of their own to better their social and economic status as well as preserve their rich cultural heritage.●

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. MELCHER I move that the Senate concur in the House amendment.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR THE RECOGNITION OF SENATOR PROXMIRE ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Friday, after the two leaders have been recognized under the standing order, Mr. PROXMIRE be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. The Senate will come in at 10 a.m. tomorrow.

The 1 hour under the cloture rule will be equally divided between the proponents and the opponents.

Mr. President, I ask unanimous consent that the time of the two leaders on tomorrow under the standing order be vitiated. I have not cleared this with Mr. BAKER, but if he wishes to retain his 10 minutes under that standing order I will be glad to yield it to him from the time under my control on tomorrow.

So the 1 hour, at the end of 1 hour, or at 11 a.m., the clerk will call the roll to establish a quorum and upon the establishment of a quorum at around 11:15 or 11:20 or thereabouts, the automatic rollcall would begin on the motion to invoke cloture.

I hope cloture will be invoked tomorrow, in which event the Senate can proceed with no other business until final action is concluded on the substitute. I hope Senators will have amendments, serious amendments, and will call them up and we can dispose of them.

I also hope that the 200 or so amendments that are at the desk will not be called up in their entirety. There will be rollcall votes on tomorrow following the cloture vote undoubtedly, especially in the event that vote is successful.

There could very well be, and probably will be, a good many rollcall votes tomorrow afternoon and evening and on into Friday and until such time as action on the measure is completed.

The Senate will not be in on Saturday of this week. I believe I stated that earlier in the week, that Senators should anticipate a long day tomorrow, very lengthy session tomorrow, if need be, and a session on Friday with rollcall votes.

The PRESIDING OFFICER. Did the Chair understand at the beginning of the Senator's statement he had made some unanimous-consent request? The Senator mentioned Senator BAKER.

Mr. ROBERT C. BYRD. Yes. I ask unanimous consent that the time of the two leaders on tomorrow be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in recess until the hour of 10 o'clock tomorrow morning.

The motion was agreed to; and at 5:34 p.m., the Senate recessed until Thursday, August 21, 1980, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, August 20, 1980*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, our help in ages past, our hope for years to come, we place before You the petitions of our hearts, asking that You would purify our motives and desires, forgive any lack of vision or sensitivity, and bless that which is noble and good. May we be drawn together by our common concern for righteousness and peace and by the needs of all people. Though we may differ in the means of achieving worthy goals, may we still feel the bonds of unity and common purpose as we stand under Your judgment, aware of Your promises and ready to use our abilities in service to others. In Your holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 505

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Harold Runnels, late a Representative from the State of New Mexico.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 507. An act to authorize Federal participation in stream rectification, Trinity River Division, Central Valley project, California, and for other purposes; and

H.R. 5164. An act to amend certain inspection and manning laws applicable to small vessels carrying passengers or freight for hire, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2126. An act relating to certain leases involving the Secretary of the Interior and the Northern Cheyenne Indian Reservation;

S. 2412. An act to amend the Solid Waste Disposal Act to further encourage the use of recycled oil; and

S. 2623. An act to incorporate the U.S. Submarine Veterans of World War II.

COUNTDOWN FOR PEACE—77 DAYS UNTIL NOVEMBER 4

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHBROOK. Mr. Speaker, the countdown for peace continues. Yesterday I indicated there were 78 days remaining until the election. We hope we can continue the peaceful foreign policy of this Nation, a foreign policy which started in the previous Republican administrations and has been continued through the Carter administration.

Mr. Speaker, while many of us would not agree with the foreign policy of this administration, I think we have to concede at least Mr. Carter for the most part has presided over a country at peace. Obviously we have been attacked here and there but that could have happened in any administration.

Mr. Speaker, as I indicated yesterday there is a feeling abroad in this land that it is not impossible that, if the political polls indicate that this administration is in trouble, there might be some questionable effort to involve this country in some military intervention in October. Whether or not that is the case, I certainly hope it does not happen and we again remind you, Mr. President, that the American people want peace. Do not involve us in any overseas affairs that could militarily implicate our young men and young women.

Mr. Speaker, the countdown for peace is on: 77 days remain. Let us keep our country out of war, Mr. President. Do not even consider it, no matter how gloomy your personal prospects look in October.

DEMONSTRATIONS BY IRANIAN STUDENTS

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, the demonstrations by the Iranian students throughout this country are a breach of visa rights. In my opinion those Iranians who demonstrate against this country should be deported immediately.

For that reason, I am introducing a concurrent resolution expressing the sense of Congress that the Attorney General and the Commissioner of Immigration and Naturalization should act promptly to deport all aliens who have engaged in unlawful or disorderly activities in the United States.

Mr. Speaker, I am incensed and Americans are absolutely appalled that the 192 Iranian demonstrating students were released by the INS without even verifying their true identities.

These so-called students made claim to a current visa, but incredibly INS did not adequately check to make sure that the visa belonged to the person in question.

There are approximately 7,800 Iranian "students" in the United States. By demonstrating, many of these are openly advocating the violent overthrow of our Government and should be considered as foreign agents, especially in light of recent FBI evidence showing that Khomeini has been pumping money into the United States supporting such protestors.

It is an appalling fact that President Carter has legal remedies at his disposal right now to deport these revolutionary students. The President must enforce the laws passed by this body; laws designed to protect the safety of our citizens.

I invite my colleagues to join with me in sponsoring this resolution.

CURRENT CONDITIONS FOR A TAX CUT

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, a lot has been said in recent days about a tax cut being irresponsible and inflationary. In some circumstances it is and in some circumstances it is not. The surprising part of the recent discussion is that so little time is spent analyzing our current circumstances, and so much time is spent in claiming oversimplified and immutable effects flowing from a tax cut, even ignoring the variations possible in the types of cuts.

In Government, almost everything is a trade off. Taxes are a trade off against Government spending or Government borrowing. Nobody would claim that Government spending or Government borrowing were irresponsible and inflationary under all circumstances, but they can be. Spending and borrowing should be more controversial than tax cutting, but the way some people talk you would think they were a more desirable tradeoff than letting folks keep a little of their own earnings or savings.

What are the circumstances in which we have to look at these trade offs right now? Taxes are the highest they have

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ever been, at least on the Federal level. There has been massive growth in Government spending, without exception, in recent years. The economy has moved precipitously into recession. Savings are the lowest they have ever been, and our productivity shows no growth, because those in a position to do so have little incentive to invest. The profile of the income tax shows sharp progressivity, because everybody has been pushed by inflation into a higher bracket. Corporate and farm profits are overstated by underdepreciation. Plant utilization is sagging, so that unit prices are going up due to obsolescence and unused capacity.

I do not know about you, but these seem to me like the classic conditions for a responsible, noninflationary tax cut.

CUBAN REFUGEES

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, today I am introducing a sense of the Congress resolution which calls upon the President to direct the immediate canvassing of all unsponsored Cuban refugees.

Rather than sit idly by as American lives and property are endangered by another round of airline hijackings, why do not we determine now, which refugees wish to remain in this country and obey our laws.

For the ones who do not wish to remain, they do not have to hijack an airplane—we will send them back free of charge.

Mr. Speaker, I believe that once again the United States is being duped by Fidel Castro.

To draw attention away from the dismal failures of his regime, it appears that he has sent a number of Cubans here with express orders to return to Cuba in a highly sensational manner so that he can claim that America is a nightmare and Cuba is the land of milk and honey.

Mr. Speaker, let us thwart the cynical propaganda game Castro is playing. But more importantly, let us act now to protect American lives by ferreting out those refugees who wish to return and send them back to Cuba.

I urge my colleagues to support this resolution.

SUBSIDIZING JAPANESE CONTRACTOR

(Mr. BEARD of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEARD of Tennessee. Mr. Speaker, through what is surely an oversight, one of the primary intentions of the synfuels bill is being hampered. I have learned that the Department of Energy intends to guarantee a $250 million loan to a Japanese firm that was the apparent low bidder on a $1.5 billion coal gasification demonstration plant in North Dakota.

One of the major obstacles that we must overcome is our technology gap in nontraditional energy production. After nearly a century of only directing our efforts toward the exploitation of oil and gas, Congress has finally mandated that we begin a research and development effort to reverse our course. And yet—after passing a $20 billion synfuels bill that supposedly covers every loophole, we are in effect subsidizing Japanese efforts to gain the expertise this country so desperately needs for its energy security.

I would hope this can be corrected by the Senate when it considers the Department of the Interior's appropriation for the fiscal year 1981 budget. If not, we should see that the appropriate congressional oversight committees begin an immediate investigation.

IMPROPER PERSONNEL PRACTICES IN FEDERAL CROP INSURANCE CORPORATION

(Mr. COLEMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN. Mr. Speaker, several months ago, I and my colleagues in the House were shocked by allegations of sexual harrassment and improper personnel practice made against three top officials of the Federal Crop Insurance Corporation. I was especially alarmed by the allegation that these officials had created a bureaucratic "boneyard" or "turkey farm" in the Kansas City FCIC office.

The Secretary of Agriculture promised us a prompt, thorough, and objective investigation into these allegations. He promised us that such practices would not be tolerated and those who were responsible would be punished.

Mr. Speaker, we now have the Secretary's report. That report confirms that a number of unlawful personnel management actions were perpetrated by the Manager, Deputy Manager, and the Assistant to the Manager of FCIC. That report confirms a sexual liaison between one of these officials and an FCIC female employee. That report describes "many instances where the social conduct of these three officials, at or in conjunction with FCIC meetings, created the appearance of impropriety."

The Secretary of Agriculture has called for the firing of the Deputy and Assistant Manager.

But the FCIC Manager, a longtime friend of the Secretary, was given special treatment. He was called by a member of the Secretary's staff and advised to apply for disability retirement before the investigation results were made public and charges were filed against him as a consequence. In fact, by some accounts, a number of calls were placed to the FCIC Manager advising him just how and where to do this.

Mr. Speaker, the accused Manager filed for disability retirement on August 6, 1980. A report condemning his stewardship—and calling for the firing of his top two assistants—was made public on August 12, 1980. Conceivably, Mr. Speaker, the man most responsible for the unlawful personnel practices in the FCIC will not be punished. Conceivably, Mr. Speaker, that man may be rewarded with an early retirement at the taxpayers expense.

I am calling today for public hearings to thoroughly examine the USDA's handling of the FCIC scandal.

PERMISSION FOR SUBCOMMITTEE ON HEALTH AND LONG-TERM CARE OF THE SELECT COMMITTEE ON AGING TO MEET DURING 5-MINUTE RULE

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that the Subcommittee on Health and Long-Term Care of the Select Committee on Aging may have a hearing on nursing shortages in the country, during proceedings under the 5-minute rule today.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON S. 390, ANTITRUST PROCEDURAL IMPROVEMENTS ACT OF 1980

Mr. MAZZOLI submitted the following conference report and statement on the Senate bill (S. 390) to expedite and reduce the cost of antitrust litigation, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 96–1234)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 390) to expedite and reduce the cost of antitrust litigation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Antitrust Procedural Improvements Act of 1980".

CIVIL INVESTIGATIVE DEMANDS FOR PRODUCTS OF DISCOVERY

SEC. 2. (a) Section 2 of the Antitrust Civil Process Act (15 U.S.C. 1311; 76 Stat. 548) is amended—

(1) in subsection (g), by striking out "; and" at the end thereof and inserting in lieu thereof the following: ", and any product of discovery;";

(2) in subsection (h), by striking out the period at the end thereof and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraph:

"(i) The term 'product of discovery' includes without limitation the original or duplicate of any deposition, interrogatory, document, thing, result of the inspection of land or other property, examination, or admission obtained by any method of discovery in any judicial litigation or in any administrative litigation of an adversarial nature; any digest, analysis, selection, compilation, or any derivation thereof; and any index or manner of access thereto; and".

(b)(1) Section 3(a) of the Antitrust Civil Process Act (15 U.S.C. 1312(a)) is amended by adding at the end thereof the following new sentence: "Whenever a civil investigative demand is an express demand for any product of discovery, the Attorney General or the Assistant Attorney General in charge of the Antitrust Division shall cause to be served, in any manner authorized by this section, a copy of such demand upon the person from whom the discovery was obtained and notify the person to whom such demand is issued of the date on which such copy was served.".

(2) Section 3(b) of that Act (15 U.S.C. 1312(b)) is amended by adding at the end thereof the following new sentence:

"Any such demand which is an express demand for any product of discovery shall not be returned or returnable until twenty days after a copy of such demand has been served upon the person from whom the discovery was obtained.".

(3) Section 3(c) of that Act (15 U.S.C. 1312 (c)) is amended—

(A) by inserting "(1)" immediately after "(c)";

(B) by striking out "(1)" and inserting in lieu thereof "(A)";

(C) by striking out "(2)" and inserting in lieu thereof "(B)"; and

(D) by adding at the end thereof the following new paragraph:

"(2) Any such demand which is an express demand for any product of discovery supersedes any inconsistent order, rule, or provision of law (other than this Act) preventing or restraining disclosure of such product of discovery to any person. Disclosure of any product of discovery pursuant to any such express demand does not constitute a waiver of any right or privilege, including without limitation any right or privilege which may be invoked to resist discovery of trial preparation materials, to which the person making such disclosure may be entitled.".

(4) Paragraph (3) of section 4(c) of that Act (15 U.S.C. 1313(c)(3)) is amended by inserting immediately after "transcripts" the second place it appears the following: ", and, in the case of any product of discovery produced pursuant to an express demand for such material, of the person from whom the discovery was obtained".

(5) Section 5 of that Act (15 U.S.C. 1314) is amended—

(A) by amending subsection (b) to read as follows:

"(b)(1) Within twenty days after the service of any such demand upon any person, or at any time before the return date specified in the demand, whichever period is shorter, or within such period exceeding twenty days after service or in excess of such return date as may be prescribed in writing, subsequent to service, by any antitrust investigator named in the demand, such person may file and serve upon such antitrust investigator, and in the case of an express demand for any product of discovery upon the person from whom such discovery was obtained, a petition for an order modifying or setting aside such demand—

"(A) in the district court of the United States for the judicial district within which such person resides, is found, or transacts business; or

"(B) in the case of a petition addressed to an express demand for any product of discovery, only in the district court of the United States for the judicial district in which the proceeding in which such discovery was obtained is or was last pending.

"(2) The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court, except that such person shall comply with any portions of the demand not sought to be modified or set aside. Such petition shall specify each ground upon which the petitioner relies in seeking such relief and may be based upon any failure of such demand to comply with the provisions of this Act, or upon any constitutional or other legal right or privilege of such person.";

(B) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(C) by inserting immediately after subsection (b) the following new subsection:

"(c) Whenever any such demand is an express demand for any product of discovery, the person from whom such discovery was obtained may file, at any time prior to compliance with such express demand, in the district court of the United States for the judicial district in which the proceeding in which such discovery was obtained is or was last pending, and serve upon any antitrust investigator named in the demand and upon the recipient of the demand, a petition for an order of such court modifying or setting aside those portions of the demand requiring production of any such product of discovery. Such petition shall specify each ground upon which the petitioner relies in seeking such relief and may be based upon any failure of such portions of the demand to comply with the provisions of this Act, or upon any constitutional or other legal right or privilege of the petitioner. During the pendency of such petition, the court may stay, as it deems proper, compliance with the demand and the running of the time allowed for compliance with the demand."; and

(D) in subsection (d), as that subsection has been redesignated by subparagraph (B), by inserting immediately after "such person" the following: ", and, in the case of an express demand for any product of discovery, the person from whom such discovery was obtained.".

SANCTIONS FOR ATTORNEY DELAY

SEC. 3. Section 1927 of title 28, United States Code, is amended—

(1) by striking out "as to increase costs"; and

(2) by striking out "such excess costs" and inserting in lieu thereof "the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct".

PREJUDGMENT INTEREST

SEC. 4. (a)(1) Section 4 of the Clayton Act (15 U.S.C. 15) is amended by adding at the end thereof the following new sentences: "The court may award under this section, pursuant to a motion by such person promptly made, simple interest on actual damages for the period beginning on the date of service of such person's pleading setting forth a claim under the antitrust laws and ending on the date of judgment, or for any shorter period therein, if the court finds that the award of such interest for such period is just in the circumstances. In determining whether an award of interest under this section for any period is just in the circumstances, the court shall consider only—

"(1) whether such person or the opposing party, or either party's representative, made motions or asserted claims or defenses so lacking in merit as to show that such party or representative acted intentionally for delay, or otherwise acted in bad faith;

"(2) whether, in the course of the action involved, such person or the opposing party, or either party's representative, violated any applicable rule, statute, or court order providing for sanctions for dilatory behavior or otherwise providing for expeditious proceedings; and

"(3) whether such person or the opposing party, or either party's representative, engaged in conduct primarily for the purpose of delaying the litigation or increasing the cost thereof.".

(2) Section 4A of the Clayton Act (15 U.S.C. 15a) is amended by adding at the end thereof the following new sentences: "The court may award under this section, pursuant to a motion by the United States promptly made, simple interest on actual damages for the period beginning on the date of service of the pleading of the United States setting forth a claim under the antitrust laws and ending on the date of judgment, or for any shorter period therein, if the court finds that the award of such interest for such period is just in the circumstances. In determining whether an award of interest under this section for any period is just in the circumstances, the court shall consider only—

"(1) whether the United States or the opposing party, or either party's representative, made motions or asserted claims or defenses so lacking in merit as to show that such party or representative acted intentionally for delay or otherwise acted in bad faith;

"(2) whether, in the course of the action involved, the United States or the opposing party, or either party's representative, violated any applicable rule, statute, or court order providing for sanctions for dilatory behavior or otherwise providing for expeditious proceedings;

"(3) whether the United States or the opposing party, or either party's representative, engaged in conduct primarily for the purpose of delaying the litigation or increasing the cost thereof; and

"(4) whether the award of such interest is necessary to compensate the United States adequately for the injury sustained by the United States.".

(3) Section 4C(a)(2) of the Clayton Act (15 U.S.C. 15c(a)(2)) is amended by adding at the end thereof the following new sentences: "The court may award under this paragraph, pursuant to a motion by such State promptly made, simple interest on the total damage for the period beginning on the date of service of such State's pleading setting forth a claim under the antitrust laws and ending on the date of judgment, or for any shorter period therein, if the court finds that the award of such interest for such period is just in the circumstances. In determining whether an award of interest under this paragraph for any period is just in the circumstances, the court shall consider only—

"(A) whether such State or the opposing party, or either party's representative, made motions or asserted claims or defenses so lacking in merit as to show that such party or representative acted intentionally for delay or otherwise acted in bad faith;

"(B) whether, in the course of the action involved, such State or the opposing party, or either party's representative, violated any applicable rule, statute, or court order providing for sanctions for dilatory behavior or otherwise providing for expeditious proceedings; and

"(C) whether such State or the opposing party, or either party's representative, engaged in conduct primarily for the purpose of delaying the litigation or increasing the cost thereof.".

(b) The amendments made by this section shall apply only with respect to actions commenced after the date of the enactment of this Act.

APPLICATION OF COLLATERAL ESTOPPEL

SEC. 5. (a) Section 5(a), the Clayton Act (15 U.S.C. 16(a)) is amended—

(1) by striking out "or by the United States under section 4A,";

(2) by striking out "or to judgments or decrees entered in actions under section 4A"; and

(3) by inserting at the end thereof the following new sentence: "Nothing contained in this section shall be construed to impose any limitation on the application of collateral estoppel, except that, in any action or proceeding brought under

the antitrust laws, collateral estoppel effect shall not be given to any finding made by the Federal Trade Commission under the antitrust laws or under section 5 of the Federal Trade Commission Act which could give rise to a claim for relief under the antitrust laws.".

(b) The amendments made by this section shall not apply with respect to any actions brought by or on behalf of the United States under the antitrust laws before the date of the enactment of this Act.

MERGER JURISDICTION

Sec. 6. (a) Section 7 of the Clayton Act (15 U.S.C. 18) is amended—

(1) by striking out "corporation" each place it appears in the first and second paragraphs and inserting in lieu thereof "person" in each such place;

(2) by striking out "corporations" in the second paragraph and in the first sentence of the third paragraph and inserting in lieu thereof "persons"; and

(3) by inserting "or in any activity affecting commerce" after "commerce" each place it appears in the first three paragraphs.

(b) The amendments made by this section shall apply only with respect to acquisitions made after the date of the enactment of this Act.

USE OF AGENTS BY THE DEPARTMENT OF JUSTICE

Sec. 7. (a) (1) Section 2 of the Antitrust Civil Process Act (15 U.S.C. 1311), as amended by adding at the end thereof the following new paragraph:

"(j) The term 'agent' includes any person retained by the Department of Justice in connection with the enforcement of the antitrust laws.".

(2) Paragraphs (2) and (3) of section 4(c) of the Antitrust Civil Process Act (15 U.S.C. 1313(c) (2) and (3)) are amended by striking out "official or employee" each place it appears and inserting in lieu thereof "official, employee, or agent" in each such place.

(b) Section 1905 of title 18, United States Code, is amended by inserting after "thereof," the first place it appears the following: "or agent of the Department of Justice as defined in the Antitrust Civil Process Act 15 U.S.C. 1311–1314),".

And the House agree to the same.

Peter W. Rodino,
John F. Seiberling,
R. L. Mazzoli,
Harold L. Volkmer,
Robert McClory,
Tom Railsback,
Managers on the Part of the House.

Edward M. Kennedy,
H. M. Metzenbaum,
Max Baucus,
Strom Thurmond,
C. McC. Mathias,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 390) to expedite and reduce the cost of antitrust litigation, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the House amendment. The differences between the Senate bill and the House amendment and the substitute agreed to in conference are noted below except for clerical corrections, conforming changes made necessary by agreements reached by the managers, and minor drafting and clarifying changes.

CIVIL INVESTIGATIVE DEMANDS

With respect to section 2, the managers on the part of the House and the managers on the part of the Senate agreed to accept the language of the House amendment with the exception of the disagreement concerning the definition of the term "product of discovery". The Senate bill said that the discovery had to have taken place "in any litigation". The House amendment said "in any judicial or administrative litigation".

In order to resolve this difference and in order to clarify the purpose of this provision, the managers agreed to the substitute language "in any judicial litigation or in any administrative litigation of an adversarial nature".

Although "administrative litigation of an adversarial nature" is not a term of art in administrative law and is not otherwise statutorily defined, the managers intend that this term apply to those administrative proceedings which are adversarial in nature and format, and in which the agency or other party obtained the product or discovery by agency or civil discovery process that allowed the discovered party to raise objections and be heard on such objections. Parties in such proceedings generally are entitled to procedural safeguards such as those governing adjudications set forth in the Administrative Procedure Act (5 U.S.C. 554). Thus the term "administrative litigation of an adversarial nature" would not include rulemaking or licensing proceedings unless in such proceedings discovered parties were accorded formal procedural safeguards, including the right to object and be heard on such objections. The term "administrative litigation of an adversarial nature" would also not cover information gathering programs or purely investigatory proceedings in which information is obtained by the United States or any governmental agency pursuant to laws or regulations providing for the filing of forms or reports. Such information is not obtained in "litigation" by "any method of discovery".

SANCTIONS FOR ATTORNEY DELAY

The House amendment contained no provision imposing sanctions for attorney delay. As a compromise the managers on the part of the House and the managers on the part of the Senate agreed to amend section 1927 of title 28, United States Code, in one respect—to broaden the range of increased expenses which an attorney who engages in dilatory litigation practices may be required by the judge to satisfy personally. Section 1927 currently refers to "excess costs", a phrase construed to cover only the narrow category of taxable costs, such as filing fees. The amendment agreed to by the managers expands the category of expenses the judge might require an attorney to satisfy personally to include "excess costs, expenses, and attorneys' fees reasonably incurred because of such [dilatory] conduct.". The managers agreed that if an attorney does violate the existing standard covering dilatory conduct, and by such conduct causes the other parties to incur expenses and fees they otherwise would not have incurred, the attorney should be required to satisfy personally this full range of excess costs attributable to such conduct.

The high standard which must be met to trigger section 1927 insures that the provision in no way will dampen the legitimate zeal of an attorney in representing his client. The amendment to section 1927 is one of several measures taken in this legislation to deter unnecessary delays in litigation. The purpose of deterring delay would be more effectively achieved if judges warn attorneys in anticipation of a violation of section 1927 rather than simply waiting for violations to occur and imposing the sanctions provided. However, the managers decided not to require a warning as a matter of law because a violation might not necessarily be committed in the presence of the judge and because such a requirement might be viewed as license to engage in dilatory conduct until such warning is given. Such a requirement would thus have had a counterproductive effect.

The managers intend that judges applying section 1927 will safeguard the rights of an attorney who may be held in violation of the section. Before sanctioning an attorney under section 1927, the court is to afford the attorney all appropriate protections of due process available under the law.

The managers on the part of the Senate agreed to recede from all other changes made to section 1927 by the Senate bill. The managers are of the opinion that litigation can be expedited if courts give greater attention to the availability of section 1927, as amended.

PREJUDGMENT INTEREST

The managers on the part of the Senate agreed to accept the provision of the House amendment dealing with prejudgment interest. This prejudgment interest provision provides substantial disincentives for parties to engage in litigation tactics which unduly delay the progress of antitrust suits. The provision also expressly allows the award of prejudgment interest to the United States to compensate it adequately for antitrust injury.

The managers agreed to a technical amendment that makes clear that not only the plaintiff, but also any other party asserting an antitrust claim may receive prejudgment interest if the same conditions are met.

COLLATERAL ESTOPPEL

The managers on the part of the House and the managers on the part of the Senate agreed to the provision of the House bill dealing with collateral estoppel with two modifications. First, the managers agreed to eliminate the language in the House bill expressly limiting the collateral estoppel effect of all administrative agency findings under the antitrust laws. Second, the managers agreed to retain the word "other" which now modifies the word "party" in section 5 (a) of the Clayton Act.

The managers on the part of the House were particularly concerned that the Senate provision might be construed to permit the application of collateral estoppel to findings of the Federal Trade Commission. Accordingly, the managers agreed to retain the House provision on administrative findings but to limit its scope to the Federal Trade Commission.

The managers agreed to retain the word "other" in section 5(a) of the Clayton Act. Retention of that word does not limit the availability of collateral estoppel to the Federal Government in a subsequent civil damage proceeding under section 4A of the Clayton Act.

The managers agreed that the "at least" language added to section 5(a) by the Senate was unnecessary and perhaps confusing. Therefore, it was deleted.

The managers agreed that the prospectivity language of the House provision adopted by the Conference Committee is intended to make clear that these amendments to section 5(a) do not affect pending private suits. The collateral estoppel effect, if any, of government judgments obtained prior to enactment of this Act is to be determined according to the principles of law existing prior to enactment.

MERGER JURISDICTION

The managers on the part of the House and the managers on the part of the Senate agreed to the provision of the House amendment dealing with section 7 of the Clayton Act. The corresponding provision of the Senate bill did not include language permitting the Department of Justice and private parties to challenge anticompetitive mergers involving business entities engaged in any activity "affecting" interstate commerce.

PETER W. RODINO,
JOHN F. SEIBERLING,
R. L. MAZZOLI,
HAROLD L. VOLKMER,
ROBERT MCCLORY,
TOM RAILSBACK,
Managers on the Part of the House.

EDWARD M. KENNEDY,
H. M. METZENBAUM,
MAX BAUCUS,
STROM THURMOND,
C. MCC. MATHIAS,
Managers on the Part of the Senate.

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS, 1981

Mr. STEED. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7583) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1981, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma (Mr. STEED).

☐ 1020

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 354, nays 2, answered "present" 3, not voting 73, as follows:

[Roll No. 460]

YEAS—354

Abdnor
Addabbo
Akaka
Albosta
Alexander
Anderson, Calif.
Andrews, N.Dak.
Annunzio
Archer
Ashbrook
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carr
Carter
Cheney
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Dickinson
Dicks
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harsha
Hawkins
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ireland
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Loeffler
Long, La.
Long, Md.
Lowry
Lujan
Luken
McClory
McCormack
McDade
McDonald
McEwen
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mazzoli
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Porter
Preyer
Price
Pritchard
Pursell
Quillen
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Royer
Rudd
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Skelton
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Solomon
Spellman
Spence
Stack
Stangeland
Stanton
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Symms
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Williams, Mont.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—2

Lloyd
Mitchell, Md.

ANSWERED "PRESENT"—3

Burton, John
Chappell
Ottinger

NOT VOTING—73

Ambro
Anderson, Ill.
Andrews, N.C.
Anthony
Applegate
Ashley
Aspin
Beilenson
Biaggi
Bolling
Burton, Phillip
Cavanaugh
Chisholm
Daschle
Davis, S.C.
Devine
Dingell
Dixon
Dodd
Donnelly
Eckhardt
Emery
Ford, Mich.
Ford, Tenn.
Garcia
Giaimo
Gilman
Gingrich
Goldwater
Harris
Heckler
Holtzman
Ichord
Jacobs
Johnson, Colo.
Jones, Tenn.
Leach, La.
Lott
Lundine
Lungren
McCloskey
McHugh
McKay
Mathis
Mavroules
Mica
Moffett
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Nedzi
Nolan
Pickle
Quayle
Rahall
Roberts
Roybal
Sebelius
Simon
Snowe
St Germain
Staggers
Stark
Swift
Tauzin
Whitten
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Wydler
Young, Alaska

☐ 1030

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 7583, with Mr. PREYER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, August 19, 1980, the Clerk had read through line 22, page 8, and pending was an amendment offered by the gentleman from California (Mr. DORNAN).

The Chair recognizes the gentleman from California (Mr. DORNAN) for 5 minutes in support of his amendment.

Mr. DORNAN. Mr. Chairman, this very clear amendment identical to my amendment which passed last year, has as its basis an unfair IRS ruling against parents who had their child in a Lutheran church school in a Houston parish. I will read from a column in the May 25, 1979, Washington Post religion section, written by Marjorie Hyer, page B-10.

> Is a church member entitled to a tax deduction for contribution to his church if his child attends a parochial school financed solely by all the members of the congregation? "No" says the IRS, which has ruled that a Texas Lutheran is not entitled to deductions on his income taxes unless his contributions exceed "the fair market value of the child's education." . . . What is unusual about the Texas Lutheran case is that the parish school charges no tuition. It is financed solely by funds solicited from church members, whether or not they have any children in the school . . . The IRS concedes in a statement of facts accompanying its ruling in the Texas case, that no student was admitted by reason of any contribution made, nor was any child denied acceptance by the school for the total lack of contributions. Funds are solicited on the basis of what a person could afford to give rather than on a per capita basis.

I would like to read partly from the 1954 revenue ruling 54-580, under which we have lived in this country for a quarter of a century:

> The amounts paid in the present instant case likewise were made for the benefit of a particular child or children, and therefore

> cannot be regarded as contributions or gifts to organizations involved in operating the schools. However, payments made to or for the use of such organizations in carrying out their general purposes and not in any earmarked for the benefit of particular children would constitute deductible contributions under section 23-0 of the Code.

Mr. Chairman, at this point I would like to read part of a letter from the Honorable Senator EAGLETON, who carried this amendment in the Senate last year and who has a tough reelection race this year, to the Honorable Jerome Kurtz, current Commissioner of the IRS, dated May 10, 1979:

> The impact of this ruling on private church schools could be devastating. Very few of these schools make ends meet through tuition. . . . Beyond the immediate financial impact on church schools, I am concerned over the possible logical extension of this ruling as regards the concept of deductible charitable contributions in general. . . . For example, a tornado strikes a town, destroying numerous homes and public buildings. The Red Cross, a charitable organization, provides food and temporary shelter for homeless citizens. Several of these citizens, motivated by gratitude for this fine work, make contributions to the Red Cross.
>
> A homeowner lives in an area served by a volunteer fire department. Although he pays nothing in taxes for the service, he benefits from the department's fire protection. He contributes $50 to the department's annual fund drive. I think you will agree that each of these contributions would qualify as a legitimate charitable deduction. But under Revenue Ruling 79-99, a contribution made in the same spirit by a parent to the Epstein Hebrew Academy would not qualify for a deduction, even though the Hebrew Academy is a bona fide charitable organization.

This ruling is unfair for another reason.

All of us here, I presume, pay State income taxes. If we had these taxes withheld from our paycheck during the course of the year, we could deduct them from our Federal income taxes. Yet, did not some of our sons and daughters go to public school? Paid for with these taxes? And is that not a personal benefit?

So, according to this IRS theory, you can pay certain taxes and derive an incidental personal benefit, and declare this as a deduction on the 1040. But if you make a contribution to a group which is tax exempt, and derive an incidental benefit, you cannot deduct it. This is patently unfair.

Again, court orders and IRS rulings cannot supersede the taxing authority of the Congress. The Members here should be aware that this amendment was not contested on the Senate floor last year. I urge its adoption.

Mr. STEED. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the history of this amendment was, as everybody recalls, last year it was voted into the bill by a very overwhelming vote of the House, and as a result of that the subcommittee included it as a part of the bill when we marked up this year; but then it was taken out in the full Committee on Appropriations and, therefore, it comes here without the amendment in it.

Since that time we have been in receipt of a letter from the Secretary of the Treasury which may indicate to the gentleman sponsoring this amendment that he has had more success than maybe the record would show. I would like to read into the record the present official status of this issue as a result of his amendment last year:

> Similar legislation was passed last year as part of the fiscal year 1980 Treasury Appropriations bill (Pub. L. 96-74). This legislation was prompted by concerns that Rev. Rul. 79-99 might be interpreted to disallow a deduction for any contribution to an organization from which the donor receives a service. In light of these concerns, earlier this year the IRS issued Rev. Rul. 80-77 (copy enclosed) which makes it clear that traditional contributions to organizations that provide services from which the donor does receive some benefit, like the Red Cross, a volunteer fire department, the Girl Scouts, and a combined charity fund whose members include a home for the elderly, are deductible.
>
> In addition, during the past several months, the Office of Tax Policy has been meeting with representatives of secular and nonsecular school groups to discuss, with a view to issuing a new revenue ruling, their specific concerns regarding Rev. Rul. 79-99. As is indicated by the enclosed copy of a recent letter from Mr. Wilfred R. Caron, General Counsel of the United States Catholic Conference, considerable progress has been made toward issuance of a ruling that will resolve these concerns.
>
> For the above reasons, the Treasury Department believes that an amendment extending the current prohibition on enforcement of the 1979 ruling is unnecessary and would be counterproductive . . .

Now, in a letter from Mr. Caron addressed to Mr. Daniel J. Halperin, Deputy Assistant Secretary for Tax Policy, dated July 24, 1980, he said:

> This will formally confirm the representations which George Reed made to you on June 30, 1980, concerning your proposal with respect to Revenue Rule 79-99 . . .
>
> We are satisfied that your proposal clarifies Revenue Rule 79-99 in a manner which substantially overcomes the problems with which we have been concerned, particularly in light of your receptivity to the substitution of the word "significant" for the word "reasonable" at line 12 of page 3, and to the substitution of "the absence of significant potential sources of revenue other than contributions by parents of children attending the school, which sources may be used to provide for operations of the school" for "the inability of the school to operate without substantial contributions by many parents of children attending the school . . ."

□ 1040

He said:

> We have examined the proposal which Mr. Striebeck made to you by letter dated July 7, 1980 on behalf of the Lutheran Church-Missouri Synod. In our view that proposal is meritorius and deserves favorable action. However, we shall support your proposal, modified as stated above, even if Mr. Striebeck's proposal is not accepted.

I wanted to make that a part of the record.

I have no recommendations to make on the amendment, but I just thought that the Members ought to know what the true situation is, and they can use their own judgment as to whether they think we ought to continue with the amendment or not.

I do think the gentleman from California (Mr. DORNAN) is due recognition of the fact that he has, at least in the eyes of some of those mostly concerned, cured most of this problem already.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from California.

Mr. DORNAN. I thank the gentleman for yielding.

Mr. Chairman, I appreciate that. I was not aware of this. It looks like we will get it resolved, but my amendment is so simple and clear that I think passing it on a voice vote will only shore up this process of relieving the small schools of something that they have engaged in honorably for 100 years or more.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DORNAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PHILIP M. CRANE

Mr. PHILIP M. CRANE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. PHILIP M. CRANE: Page 8, after line 22, insert the following:
>
> SEC. 108. None of the funds appropriated by this title shall be available to disqualify any organization from any exemption under section 501(c)(3) of the Internal Revenue Code of 1954 by reason that such organization publishes or distributes voters' guides relating to any political campaign.

Mr. PHILIP M. CRANE. Mr. Chairman, the Internal Revenue Service is threatening to deprive charitable and nonprofit organizations of their tax-exempt status for engaging in constitutionally protected speech. The IRS has definitely overstepped its bounds by declaring that voter education literature, such as voting guides, issue scorecards, or candidate questionnaires are political tracts "on behalf of (a) candidate for public office." Clearly this unauthorized action is a blow to tax-exempt organizations which play a critical role in our system of government by informing their memberships on major policy issues.

Section 501(c) of the Internal Revenue Code of 1954, which grants tax exemptions to 20 classes of organizations, prohibits one tax-exempt class, "charitable and nonprofit associations," from engaging in overt political activity. The IRS, however, has historically tried to stretch that prohibition out of proportion. Early in 1978, the IRS tried to ban all voter guides as violative of the clause in section 501(c)(3) against overt participation or intervention in political campaigns on behalf of any candidate. This action (Revenue Ruling 78-160) elicited a tremendous outcry from organizations around the Nation. Consequently, the IRS ceremoniously reported their revocation of this earlier ruling and replaced it with a slightly modified policy (Revenue Ruling 78-248) disqualifying any organization that publishes a voter's guide on "a narrow range of issues." With a political season approaching, this IRS policy jeopardizes the tax status of countless tax-exempt organizations which will issue voter education materials in 1980. They should not have to risk losing their tax exemptions for merely exercising their right to communicate with their own memberships during this crucial season of public policy choice.

FIRST AMENDMENT

The first amendment states unequivocally that—

> Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.

On its face, this IRS action conflicts with the first amendment. By threatening organizations with a severance of their financial lifeline, the IRS is abridging their free speech, hampering their freedom of the press, and obstructing the communication processes essential to their peaceable assemblies and petition to the Government.

In a Supreme Court interpretation of the first amendment, a California statute was declared unconstitutional because it denied a tax exemption for engaging in certain forms of speech. *Speiser* v. *Randall* 357 U.S. 513 (1958). In the words of the Court, " a discriminatory denial of a tax exemption for engaging in speech is a limitation of free speech." *Speiser* v. *Randall,* supra at 513. In a related case, the Court stated that although the Government has no obligation to grant tax exemptions to charitable organizations, once it has decided to do so, it cannot impose conditions upon such exemptions which discourage or deter the free exercies of first amendment rights. *Sherbert* v. *Verner,* 374 U.S. 398, 405 (1963).

An even more recent case presents another persuasive case against the IRS action. In 1976, the Supreme Court reviewed the Federal Election Campaign Act (FECA) in the case of *Buckley* v. *Valeo,* 519 F. 2d 821 (D.C. Circuit 1975) (en banc), aff'd in part, rev'd in part 424 U.S. 1 (1976). The Buckley case questioned section 437(a) of the FECA as an inhibition on free speech. Section 437(a) required a report to the FEC from any organization acting to influence "the outcome of an election, or who publishes or broadcasts to the public any material referring to a candidate * * * advocating the election or defeat of such candidate, setting forth the candidate's position on any public issue, his voting record, or other official acts." 2 U.S.C. 437(a). The activities covered by section 437(a) are identical to those covered by the IRS rulings in question under my amendment, namely, "setting forth the candidates' position on any public issue, his voting record, or other official acts." The court of appeals unanimously held this provision of the FECA unconstitutional because it abridged public debate on important issues. The Supreme Court did not entertain arguments to question this appeals court ruling.

In still another line of cases, the Supreme Court has held that the phrase "expenditures by a political committee" in the FECA did not apply to expenditures by an independent body which did not explicitly advocate the election or defeat of a candidate. 424 U.S. at 44. In footnote 52, the court explained that this express advocacy was the use of the words "vote for," "elect," "Smith for Congress," or the like. This case established the principle that speech or publications which do not explicitly advocate a political outcome cannot be considered "participation in a political campaign" without violating the first amendment. Yet the IRS ruling construes voter education programs as political activities.

In three different ways, the IRS ban on voter education materials tramples both the spirit and letter of the first amendment. First, the Supreme Court has declared that the first amendment will not allow the denial of tax exemptions as a penalty for engaging in free speech. The IRS rulings would deny exemptions for voter education forms of speech. Second, the court of appeals has held—without Supreme Court objection—that any speech which merely sets forth candidates' public positions cannot be abridged without endangering open public debate. The IRS ruling would forbid just this kind of public issue communication. Third, the Supreme Court has made it clear that speech which does not expressly advocate a partisan outcome cannot be considered political. The IRS would classify as "political statements on behalf of or in opposition to a candidate" voter education communications which simply report votes and other public knowledge without explicit advocacy.

STATUTORY PROBLEMS

In addition to these constitutional problems, the IRS rulings also create other legal problems. Under section 501 (c), 20 different kinds of organizations receive tax exemptions. Yet only clause (3) under 501(c) contains the language "which does not participate in or intervene in—including the publishing or distributing of statements—any political campaign on behalf of any candidate for public office." Charitable and nonprofit organizations under clause (3) are thus not on equal footing with civic leagues, recreational clubs, fraternal and lodge associations, voluntary employee organizations, veterans organizations, and other tax exempt bodies. Conceivably, these organizations might have a public policy interest antagonistic to charitable and nonprofit associations. The civic leagues, clubs, fraternal associations, and so forth, could publish vote surveys and questionnaires to inform their members of the issue. The charitable and nonprofit organizations would be restrained from competing on equal footing in the marketplace of ideas.

The unusual legislative history of the unfortunate 501(c) (3) language explains in part IRS misconstruction of congressional intent. The language was tacked on to a tax bill in 1953 by the Senate minority leader, Lyndon B. Johnson, on the Senate floor. Allegedly irritated by opposition from a nonprofit organization in his 1952 Senate campaign, Senator Johnson secured approval for the language without a committee hearing or debate on the Senate floor. Without the guidance of committee reports or floor debate, the IRS proceeded to stretch its interpretation beyond the parameters of the Constitution and congressional intent. In light of this history, Congress should withhold funds for enforcement of this language until it has an opportunity to give IRS more explicit guidance in the implementation of this measure.

INTERPRETATION PROBLEMS

Finally, looking at the IRS ruling itself clarifies the dilemma it creates for a nonprofit or charitable organization which distributes voter education materials. The IRS rulings maintain that any publication that concentrates on "a narrow range of issues" will be considered "political" and jeopardize the publisher's tax exemption. How can these organizations be expected to interpret the words "narrow range?" How narrow is "narrow?" Is it too narrow for a tax foundation to inform its members only about tax issues? What about a conservation organization focusing on environmental issues only? Or a church talking only about moral and spiritual issues? As you can clearly imagine, the vagueness of this standard chills all attempts to exercise speech rights. When "narrowness" is the criterion, they are afraid to publish fearing that their message may be construed to be too "narrow" according to some imaginary yardstick at IRS.

BROAD COALITION

With this understanding, perhaps my colleagues can appreciate the reason for the broad coalition in favor of my amendment and opposed to these IRS enforcement proceedings. Let me quote some of those who stand with me:

National Wildlife Federation General Counsel Joel Thomas has said that:

> An oil industry trade association can send missives to its members, since that kind of association is allowed political activity. But the NWF won't be able to tell its 3.5 million members about it.

Dr. Elvis Stahr, counselor and past president of the National Audubon Society said:

> It's hard for our people who are interested in issues to know if they're accomplishing anything or not when they write in.

According to the United Church of Christ Legislative Council Barry W. Lynn:

> Our constitutional rights haven't just been chilled, they've been frozen.

"How narrow is narrow?" asked Maudine Cooper, Washington vice president of the National Urban League.

In my ardor to explain the dubious constitutional and legal aspects of this matter, I have not yet mentioned another important point. This is an appropriations bill. We must be concerned about saving taxpayer money. Certainly anytime we can reduce the IRS load, we will be saving money in two ways. In the first place, we have saved IRS attorneys the extra expensive time and effort of devising some strained reasoning to enforce their questionable rulings on voter education programs. Simultaneously, we have saved numerous taxpayers the financial burden of defending their rights of speech against IRS scrutiny. With that to commend this amendment, I urge its immediate passage.

☐ 1050

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. PHILIP M. CRANE. I am happy to yield to my colleague.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(At the request of Mr. Peyser, and by unanimous consent, Mr. Philip M. Crane was allowed to proceed for 2 additional minutes.)

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. PHILIP M. CRANE. Yes, indeed.

Mr. PEYSER. Mr. Chairman, I thank the gentleman for yielding.

I have some questions on this that I would appreciate an answer to.

Does the gentleman's amendment, for instance, preclude the IRS from restricting the activity of a very partisan group that qualified under 501(c)(3) that could in effect, put out literature that would be basically attacking a political person running for office? Would they be able to do such a thing under the gentleman's amendment?

Mr. PHILIP M. CRANE. If they are endorsing or opposing a specific candidate, they could very well lose tax exemption, even under the provisions of my amendment.

If, on the other hand, they are simply endorsing a position held by that organization without reference to a specific candidate other than indicating where he stands on their issues, they would continue to be able to publish voters' guides without losing their tax exemption.

Mr. PEYSER. Well, if the gentleman will yield further, I can fully understand, for instance, something like the League of Women Voters guide, which I find is an important vehicle for voters throughout the country, because the voters' guide merely asks a series of questions that they determine to be important and they ask each candidate simply to respond and the league in no way either shapes or forms what those answers mean or how they should be interpreted by their membership.

I guess what concerns me, and freedom of speech given to every organization, the real thing that concerns me is whether the taxpayers ought to pay for that if it is really directed at a very specific issue which casts a political candidate in a negative light. As the gentleman and I know, there are many ways we can do this without endorsing a candidate.

Would it be the gentleman's intention that an organization, I do not care whether it is the Audubon or Wildlife, could put out a publication that the taxpayers pay for that says, in effect, that these are the issues that we support. Here are the positions of the two people running for this office.

Would that be all right as far as the gentleman is concerned?

Mr. PHILIP M. CRANE. Yes, indeed, it would. In fact, as the gentleman knows, many organizations do that right now, many of which I score zero on; but it seems to me that is their legitimate right.

I would question the assumption that the idea of a tax exemption is a public subsidy. I do not accept the idea that that is, in fact, a public subsidy.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, basically there is some merit in this idea, but it also, I think, has some angles that might be very undesirable.

It is a classic example of what we have been putting up with ever since we brought this bill to the floor. It is another case of having matters brought here for adjudication that should and properly could be better handled by the legislative committees, because there is a variation in this area that is hard to cover in just a brief restriction as proposed here.

Now, for instance, one angle to this is that we are faced with a budget resolution that will knock out $100 million from the revenue foregone funds that are in this bill for the Postal Service. This item will impose additional revenue foregone shortages on the Postal Service; how much it is, I do not know, but it could be a rather substantial additional revenue foregone type of cost to the Postal Service at the very time we are cutting them out of what the law now says they are entitled to have. I do not know whether it is serious enough to defeat the amendment, but I think the Members ought to know that that is one of the problems in this thing that we are doing.

How do we justify taking the money away from the Post Office on the one hand and then imposing additional revenue foregone burdens on them on the other?

Now, here is what could happen. If the Postal Service, if this finally is the decision and they are required to do more revenue foregone type service and have less remuneration for it, then all they can do is to go back on the mailer and raise his rates; so you might be defeating your very purpose by making all these people pay more than they are now paying; so I think these are some of the things that make it a little difficult to know how to handle this, because only in the legislative committees could all these angles be properly handled and taken care of.

So as far as I am concerned, since I am not a candidate, I know that there are certain organizations that have been flooding my district for years with derogatory information about me and misinterpreting my votes, but I do not care about it. It is not going to bother me anymore. but I have some colleagues here that ought to be concerned about it.

Mr. PHILIP M. CRANE. Mr. Chairman, will the gentleman yield?

Mr. STEED. Yes.

Mr. PHILIP M. CRANE. On the question of cutbacks for the Postal Service and what burden this might impose on the Postal Service, it seems to me that that is, relatively speaking, inconsequential when there is an issue involved as profound as free speech.

I cited several court references to court interpretations already on this idea of infringement of freedom of speech; but I would argue further that there are economies that could offset some of those burdens that the Postal Service might be plagued with that could come in terms of Treasury expenditures, too; so I do not know what economies by getting Treasury off this kick or IRS off this kick, I do not know what the economies would amount to, anymore than I know what the additional cost burdens might be imposed on the Postal Service.

Mr. STEED. There is a whole world of angles of different adjustments that could be made, but you would have to do it in the legislative process, not in the appropriations process.

Now, I do not think there is any threat anywhere by the IRS or anyone else to cut off free speech. The whole matter here is who is going to pay for the use of the free speech, right? That is what is what is involved here. We have been doing it in sort of a double-barreled way. The mailer pays some and then we pay the difference in what we call revenue foregone. The law that created the Postal Corporation provides for that; but in spite of that, the Budget Committee now is recommending that $100 of that $600 million of revenue foregone that the Post Office Department is entitled to receive under the existing law be rescinded. That means they are going to have to go back to the mailers to get that $100 million. If these people are involved in it, they are also going to be the people that are going to have to ante up some more money.

I just thought this ought to be brought in here to show what all we get into when we get into this sort of an area.

Mr. PHILIP M. CRANE. Mr. Chairman, would the chairman yield further?

Mr. STEED. Yes.

Mr. PHILIP M. CRANE. The question I would ask is, What is the price of denial of free speech to organizations that are going to be disadvantaged in competing with organizations say that hold a contrary point of view?

Mr. STEED. According to that, there would be no limit to who could do what, because they would say, "Well, I would like to do a whole lot of things, but I don't have the money, so you give me the money so I can have free speech."

Mr. DOUGHERTY. Mr. Chairman, I move to strike the last word.

Would the gentleman from Illinois (Mr. Philip M. Crane) enter into a colloquy with me on the gentleman's amendment?

Mr. PHILIP M. CRANE. Yes, indeed.

Mr. DOUGHERTY. It is my understanding that currently the diocesan newspaper for the Archdiocese of Philadelphia may not publish a voters guide because they are under the threat of losing their IRS recognition as a nonprofit organization; so in effect, the gentleman's amendment would say that the Catholic Standard and Times, which is the local diocesan newspaper, could indeed include a voters guide which would simply list the response candidates have made to a variety of issues that are asked by the newspaper.

Mr. PHILIP M. CRANE. Indeed, it would. In fact, under the current IRS interpretation, the concept of a narrow range of issues is one that opens up a Pandora's box as far as the application of IRS proceedings against any organization.

The National Urban League, for example, said, "We are just going to go ahead and do what we have been doing until we get hit by the IRS."

But as one of the quotations I indicated suggested, this has not had just a chilling effect, it is a freezing effect on the actions of many groups, inhibiting their legitimate right to express their point of view on issues, in my estimation.

Mr. DOUGHERTY. Well, then, I have a conflict. How can the League of Women Voters publish a voters' guide and yet the diocesan newspaper cannot?

Mr. PHILIP M. CRANE. Well, there is where I think we get into the inequities of what the IRS ruling has created, because they are going to make discretionary judgments, obviously. This means that we are putting a power in the hands of IRS to slap this group down, but to approve this group's actions. Who gets into a definition of a term as vague as "a narrow range of issues?"

□ 1100

As the gentleman already noted here, religious and moral and spiritual issues to a church, I am confident, would be defined by the IRS as a narrow range of issues.

Mr. DOUGHERTY. Then I would have to say, Mr. Chairman, I would rise in support of the gentleman's amendment. It seems to me we are allowing the IRS to assault the freedom of religion in addition to the freedom of press if under current IRS regulations we are allowing the IRS to say to the League of Women Voters, "You are neutral," whatever neutral is, "you can publish a voter's guide and not lose your IRS status." But then to say, "But you, the Catholic Standard and Times of the Archdiocese of Philadelphia, because you are a 'religious newspaper', don't you dare publish a voter's guide because you may lose your IRS status." It seems to me that we have a responsibility as Members of this body to see that the IRS does not discriminate against those who happen to have some religious affiliation and choose to publish a voter's guide, just like the League of Women Voters does and, therefore, I would rise in support of the gentleman's amendment.

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. DOUGHERTY. I yield to the gentleman from New York.

Mr. PEYSER. I thank the gentleman for yielding. I guess the point I am getting at, when one compares the League of Women Voters Guide, which I think anybody on examination would say is totally nonpartisan because they do not put an opinion one way or another, they simply let the candidate express exactly what he wants to express, the difference is when any tax-exempt special-interest group lines up two or three votes that they have expressed their own preference for, then puts them before the public, they have entered the political arena at the taxpayers' expense.

Mr. DOUGHERTY. If I may reclaim my time and respond to the gentleman, the fact of the matter is I do not know how one can consider a diocesan newspaper blatantly a special interest group.

Mr. PEYSER. I am not talking about a diocesan newspaper.

Mr. DOUGHERTY. I can only deal with what I specifically know and I only have experience with, and I have seen in my own district. But I will tell the gentleman that until a year ago the diocesan newspaper would list the candidates' response on perhaps 10 or 12 issues, no editorial comment by the newspaper, no saying that we will support this candidate's position because he did this or anything like that. What they said, in effect, was we asked the candidates where they stand on 10 or 12 issues and the candidates say this is their position or the candidates say no response. So I would say to the gentleman from New York that I think it is an abridgement of the freedom of religion to by IRS flat all of a sudden say well, you are a religious organization and therefore you are discriminatory. I would support the amendment.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. DOUGHERTY. I yield to the gentleman.

Mr. ADDABBO. I thank the gentleman for yielding. I would ask the gentleman in the case he has described has the IRS taken away their charitable deductions?

Mr. DOUGHERTY. No. What has happened is the paper has decided not to publish a voters guide because they are afraid of losing their IRS status.

Mrs. FENWICK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take much time. I would like to point out that the League of Women Voters has no tax exemption. The only part of the League of Women Voters that has a tax exemption is the educational fund which does not publish anything about any candidate but is concerned with education both here and abroad, and mostly abroad.

I also would like to point out that when the questions are framed by a group, and I am now not speaking of any religious group but of a group which is very much opposed to certain defense projects, they phrase their questions in any way they choose, and they require that you answer. This particular group were nonprofit, and had no tax deductibility, but was using another group's tax deductibility. In a little paragraph at the end of the letter asking for support was written, "If you wish to make a larger tax-deductible gift, make it payable to—" mentioning a religious organization.

I brought this to the attention of the Internal Revenue Service. It seems clear that if such an organization—I am now speaking of this particular antidefense organization—chooses its own questions, its own way of framing them, it has a right to be nonprofit and should have remained nonprofit, and no contribution should have been tax deductible because the group was obviously conducting with these voter guides the kind of political action which is not entitled to tax deductibility.

Mr. PHILIP M. CRANE. Mr. Chairman, will the gentlewoman yield?

Mrs. FENWICK. I yield to the gentleman.

Mr. PHILIP M. CRANE. The amendment I have introduced does not address the concern the gentlewoman has, which I think is a very legitimate one.

Mrs. FENWICK. I am saying, if I understand the gentleman's amendment, and I am reading from it, it certainly should disqualify an organization if questionnaires on political questions addressed to candidates, are published in political campaigns. That should disqualify them.

Mr. PHILIP M. CRANE. If the gentlewoman will yield further, the ruling by the IRS that my amendment addresses is that ruling that would deny tax exemption to those organizations that publish voter guides on a "narrow range of issues." That is the question, whether you can make that kind of discriminatory distinction.

Mrs. FENWICK. The amendment, as I read it, simply says that they cannot use any of these funds to disqualify an organization from exemption of the Internal Revenue Code by reason of their publishing or distributing voters guides relating to a political campaign. That is precisely what they should be prohibited from doing if they wish tax exemption.

Mr. PHILIP M. CRANE. If the gentlewoman will yield further, one can argue that any organization that enjoys tax exemption, that publishes a voters guide or so-called scorecard of how individual Members have voted, should lose its tax exemption. Is that what the gentlewoman thinks?

Mrs. FENWICK. Yes. If they are going to publish questionnaires and answers to questionnaires which they have framed, requiring that people answer them, and publish them in the time of a political campaign, yes, I certainly think so.

Mr. PHILIP M. CRANE. If the gentlewoman will yield further, if that is what, indeed, you are requiring, then you are going vastly beyond what the IRS has already done.

Mrs. FENWICK. That may be. All I can say is I know from my own experience what they can do, and I am talking about now a nonprofit organization, and it is not a religious organization. I have been bombarded by them and I know what they can do. Apparently they can, and have, borrowed the tax exemption of other organizations which are supposed to be tax exempt and used them to disseminate their publications.

Mr. PHILIP M. CRANE. I can share the gentlewoman's consternation, particularly because of my biases on the defense question. But on the other hand, as I indicated in my earlier remarks, in the California case the Supreme Court was very unequivocal in its statement that one could not jerk tax exemption from an organization simply because they did not like what they had to say.

Mrs. FENWICK. I agree with that. That I entirely agree with. I certainly do not always agree with what people are saying, but they have every right to say it. The only thing I think is wrong is that material used in a political campaign should not get a tax deduction.

AMENDMENT OFFERED BY MR. PEYSER TO THE AMENDMENT OFFERED BY MR. PHILIP M. CRANE

Mr. PEYSER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. PEYSER to the amendment offered by Mr. PHILIP M. CRANE: On line 2 of said amendment following the word "any" add the following: "politically non-partisan".

Mr. PEYSER. Mr. Chairman, in its present form the gentleman from Illinois' (Mr. PHILIP M. CRANE) amendment is practically encouraging publicly subsidized, tax-subsidized organizations. In other words, 501(c)(3) organizations to enter actively the political arena. This is something that I do not believe any of us really support.

I was not aware, and I have tried to check just while the gentleman has been talking, I did not know of any effort that the IRS has made at this time, this year, to cut back on any of the organizations that the gentleman is talking about at this time from publishing their guides and putting out their questionnaires.

□ 1110

However, I believe that in essence the whole concept of 501(c)(3) is not that organizations, whether it is the Audubon or any other organization, defense funds or peace funds, or whatever they may be, should be in a position to enter the political arena at taxpayers expense. That is not what the organization was formed for. So by the insertion of the words "politically nonpartisan," this problem would be eliminated. It would seem to me that if we were to accept this Crane amendment at all, and I would oppose it even if my amendment is passed it should be amended to guarantee that these organizations stay out of the political arena.

Mr. TAUKE. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I will be glad to yield to the gentleman from Iowa.

Mr. TAUKE. I thank the gentleman for yielding. I am surprised at the gentleman's reference to the League of Women Voters as an organization that does not take stands on issues. The League of Women Voters in my particular State takes a stand on a variety of issues.

Mr. PEYSER. If the gentleman will yield back to me a minute, it is not a question of the organization taking stands, but when the organization, the League of Women Voters, sends out their voter guide, there is nothing in that voter guide that sets forth any position of the League of Women Voters. It simply says, here are a series of questions, and here are the answers that the candidates have given. There is nothing showing a preference. There is nothing saying, we feel strongly on this issue, or nothing of that nature. They are recognized as an organization who addresses a multitude of issues but not in their voter guide.

Mr. TAUKE. Then the gentleman is suggesting that the Audubon Society should not be able to ask six or seven questions and disseminate and publish those answers?

Mr. PEYSER. Oh, not at all, not at all. The question that comes up here is where the organizations publish voting lists of their specific issues that they address, in other words, issues that they address themselves and are totally identified with, and then they ask, what is your vote?

Mr. TAUKE. The League of Women Voters very clearly states where it is on a variety of issues. For example, in my home State of Iowa, it has been in the forefront on the equal rights amendment. It has been in the forefront on a variety of other issues. They ask the same questions.

Mr. PEYSER. Let me have back my time. The gentleman will notice in the Voters' Guide of the League of Women Voters, there is nothing about ERA.

Mr. TAUKE. The League has a position on it in the State of Iowa.

Mr. PEYSER. All right. Let me tell the gentleman regarding the Voters' Guide that I have gotten from the League of Women Voters. The gentleman is suggesting to me that in the Voters' Guide this year that he received from the League of Women Voters it asked a question about ERA? I would question that because the guide that I have gotten is a National Voters' Guide. It talks about, how do you feel about inflation? Or, what are your thoughts on inflation? What are your thoughts on two or three issues? They have nothing to do with the areas of positions, or anything else, of the League of Women Voters. I think if the gentleman will look at it himself, he will not find any question about ERA.

But I think, if I may come back to what we are really getting at here, it seems to me that, one, if we leave alone the situation as it exists today, it is being monitored, and these organizations I believe are trying to show a certain amount of restraint in what they do. If we were to pass the Crane amendment, this is simply like saying to these organizations come into the political arena. You can get in it and endorse candidates; you can do whatever you want, and you do not need to say, "I support it."

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. PEYSER was allowed to proceed for 3 additional minutes.)

Mr. PEYSER. It is just like saying that we can set our questions up in such a way where our position is so clear by what we have already stated, and even in the literature that goes out stating what our position is, that it is obvious whom we endorse without saying so.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding. I just want to say one thing. One cannot give $10 to the League of Women Voters and have it tax deductible, so all of this talk about what happens in Iowa or anywhere else with the League of Women Voters—it is not tax deductible. The only thing that is tax deductible in the League of Women Voters is their educational funding, which has nothing to do with any issue except the education of children, mostly abroad.

Mr. PEYSER. I thank the gentlewoman.

Mr. PHILIP M. CRANE. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Illinois.

Mr. PHILIP M. CRANE. I thank the gentleman for yielding. If I can go back to the point that my amendment really addresses, it is the ruling by IRS that employs the language "a narrow range of issues." I think this is the crux of it. It really does not have anything to do with the League of Women Voters. The League of Women Voters covers the waterfront on its issues. What this language does is create, as I mentioned before, a chilling effect with those organizations that deal with, by definition, "a narrow range of issues." I mean if we are talking about the Audubon Society, the National Wildlife Federation, the National Urban League, or any church-related group, they are dealing potentially under the language of this IRS ruling with "a narrow range of issues." That is what this amendment is designed to prevent them from doing, because it is an infringement on their freedom of speech, amongst other things.

Mr. PEYSER. My amendment, if the gentleman will yield back to me, would do no harm to what the gentleman is saying, but it just insures that these organizations are, as the amendment says, politically nonpartisan, so that they will not put out literature that is obviously partisan and have the taxpayer pay for it.

Mr. PHILIP M. CRANE. Will the gentleman yield on that point?

Mr. PEYSER. I will be glad to yield.

Mr. PHILIP M. CRANE. I thank the gentleman for yielding. How does one define a politically partisan organization?

Mr. PEYSER. I would say a politically partisan organization is one that has established a clear position and comes out and says, "We support PHILIP CRANE because we like the way he voted on such and such an issue."

Mr. PHILIP M. CRANE. I do not think that that kind of action under existing law would be permissible by a tax-exempt body.

Mr. PEYSER. I would agree that they would not have to say, "We support PHILIP CRANE." They would simply say, "We support the people who voted this way, and here is the voting list, and PHILIP CRANE voted one way and JOHN ASHBROOK voted another way, and obviously, therefore, we are endorsing PHILIP CRANE."

Mr. PHILIP M. CRANE. If the gentleman will yield further, is that not a a part of the objective of any organization preparing information for its membership to understand where candidates stand on issues of vital concern to that organization?

Mr. PEYSER. I have no objection to this being presented, as long as it is presented in a factual way that simply says, here are a number of issues, and here is how the person voted. I do not see any problem right now with the IRS regulation.

POINT OF ORDER

Mr. PHILIP M. CRANE. Mr. Chairman, I would like to make a point of order on the amendment offered by the gentleman from New York (Mr. PEYSER) only because I am troubled with this language "politically nonpartisan."

It seems to me that the injection of this language imposes additional duties on the IRS in the administration of its responsibilities. As a result, I would make a point of order against the amendment.

The CHAIRMAN. The Chair will inform the gentleman from Illinois that the point of order comes too late, debate having been had on the amendment.

Mr. PHILIP M. CRANE. I thank the Chair.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PEYSER) to the amendment offered by the gentleman from Illinois (Mr. PHILIP M. CRANE).

The question was taken; and on a division (demanded by Mr. PHILIP M. CRANE) there were—ayes 21, noes 13.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PHILIP M. CRANE) as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PHILIP M. CRANE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 461]

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carter
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Derrick
Derwinski
Dickinson
Dicks
Dixon
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Edwards, Okla.
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCormack
McDade
McDonald
McEwen
McHugh
McKinney
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Perkins
Petri
Peyser
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Royer
Rudd
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Solomon
Spellman
Spence
Stack
Stangeland
Stanton
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont
Williams, Ohio
Wilson, Bob
Winn
Wirth
Wolff
Wolpe
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

☐ 1130

The CHAIRMAN. Three hundred and eighty Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Illinois (Mr. PHILIP M. CRANE) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Five minutes will be allowed for the vote.

The vote was taken by electronic device, and there were—ayes 205, noes 188, not voting 39, as follows:

[Roll No. 462]

AYES—205

Abdnor
Albosta
Ambro
Anderson, Calif.
Andrews, N. Dak.
Applegate
Archer
Ashbrook
Atkinson
Badham
Bafalis
Bauman
Beard, R.I.
Beard, Tenn.
Bereuter
Bethune
Bevill
Boner
Bouquard
Bowen
Breaux
Brinkley
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Butler
Byron
Campbell
Carney
Carter
Chappell
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conte
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
de la Garza
Deckard
Derrick
Derwinski
Dickinson
Dornan
Dougherty
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Erdahl
Erlenborn
Evans, Del.
Evans, Ga.
Evans, Ind.
Findley
Fisher
Fithian
Forsythe
Fuqua
Goldwater
Goodling
Gore
Gradison
Gramm
Grassley
Green
Grisham
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hansen
Harsha
Heckler
Hightower
Hillis
Hinson
Holland
Holt
Hopkins
Horton
Hubbard
Hutchinson
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenrette
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lent
Lewis
Livingston
Loeffler
Lott
Lujan
Luken
Lungren
McClory
McDade
McDonald
McEwen
Marks
Marlenee
Marriott
Mica
Michel
Miller, Calif.
Mitchell, N.Y
Montgomery
Moore
Moorhead, Calif.
Mottl
Myers, Ind.
Nichols
Oakar
Pashayan
Paul
Petri
Porter
Pursell
Quayle
Quillen
Railsback
Regula
Rhodes
Ritter
Robinson
Roe
Rostenkowski
Roth
Rousselot
Royer
Rudd
Russo
Santini
Satterfield
Sawyer
Scheuer
Schulze
Sebelius
Sensenbrenner
Sharp
Shelby
Shuster
Smith, Nebr.
Snyder
Solomon
Spence
Stangeland
Stanton
Stenholm
Stockman
Stratton
Stump
Symms
Tauke
Taylor
Thomas
Udall
Van Deerlin
Vander Jagt
Walker
Wampler
Waxman
Weiss
White
Whitehurst
Whittaker
Whitten
Williams, Ohio
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Yatron
Young, Fla.
Zeferetti

NOES—188

Addabbo
Akaka
Alexander
Annunzio
Anthony
Ashley
Aspin
AuCoin
Bailey
Baldus
Barnard
Barnes
Bedell
Beilenson
Benjamin
Bennett
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Bonior
Bonker
Brademas
Brodhead
Brooks
Brown, Calif.
Burlison
Burton, John
Burton, Phillip
Carr
Cavanaugh
Chisholm
Clay
Coelho
Collins, Ill.
Conable
Conyers
Corman
D'Amours
Danielson
Daschle
Davis, S.C.
Dellums
Dicks
Dixon
Donnelly
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
English
Ertel
Fary
Fascell
Fazio
Fenwick
Ferraro
Fish
Flippo
Florio
Foley
Fountain
Fowler
Frenzel
Frost
Garcia
Gaydos
Gephardt
Gibbons
Ginn
Glickman
Gonzalez
Gray
Guarini
Gudger
Hall, Ohio
Hanley
Harkin
Harris
Hawkins
Hefner
Heftel
Hollenbeck
Howard
Huckaby
Hughes
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kostmayer
LaFalce
Lehman
Leland
Levitas
Lloyd
Long, La.
Long, Md.
Lowry
Lundine
McCloskey
McCormack
McHugh
McKinney
Maguire
Markey
Martin
Matsui
Mattox
Mazzoli
Mikulski
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Natcher
Neal
Nelson
Nolan
Nowak
O'Brien
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Perkins
Peyser
Preyer
Price
Pritchard
Rangel
Ratchford
Reuss
Richmond
Rinaldo
Rodino
Rose
Rosenthal
Sabo
Schroeder
Seiberling
Shannon
Simon
Skelton
Smith, Iowa
Solarz
Spellman
Stack
Stark
Steed
Stewart
Stokes
Studds
Swift
Synar
Thompson
Traxler
Ullman
Vanik
Vento
Volkmer
Walgren
Watkins
Weaver
Whitley
Williams, Mont.
Wirth
Wolff
Wolpe
Yates
Young, Mo.
Zablocki

NOT VOTING—39

Anderson, Ill.
Andrews, N.C.
Devine
Dingell
Dodd
Emery
Ford, Mich.
Ford, Tenn.
Giaimo
Gilman
Gingrich
Holtzman
Ichord
Johnson, Colo.
Jones, Tenn.
Leach, La.
McKay
Madigan
Mathis
Mavroules
Moorhead, Pa.
Murphy, N.Y.
Myers, Pa.
Nedzi
Pepper
Pickle
Rahall
Roberts
Roybal
Shumway
Snowe
St Germain
Staggers
Tauzin
Trible
Wilson, C. H.
Wilson. Tex.
Wright
Young, Alaska

☐ 1140

The Clerk announced the following pairs:

On this vote:

Mr. Jones of Tennessee for, with Mr. Murphy of New York against.

Mr. Emery for, with Mr. Pepper against.

Mr. Devine for, with Mr. Staggers against.

Mrs. Snowe for, with Mr. Dingell against.

Mr. Trible for, with Mr. Rahall against.

Mr. Gilman for, with Mr. Nedzi against.

Mr. JACOBS and Mr. JENRETTE changed their votes from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments to this section of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II

U.S. POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for public service costs and for revenue foregone on free and reduced rate mail, pursuant to 39 U.S.C. 2401 (b) and (c), and for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund and to postal employees for earned and unused annual leave as of June 30, 1971, pursuant to 39 U.S.C. 2004, $1,593,217,000: *Provided*, That no funds appropriated herein shall be available for implementing special bulk third-class rates for "qualified political committees" authorized by Public Law 95-593, other than the National, State, or congressional committee of a major or minor party as defined in Public Law 92-178, as amended.

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: On page 9, beginning on line 13, strike out all after "Public Law 95-593" through "as amended" on line 15.

Mr. GLICKMAN. Mr. Chairman, I offer this amendment, along with my distinguished colleague, the gentleman from Illinois (Mr. DERWINSKI).

The amendment would prohibit the use of funds appropriated in this bill for subsidizing postal rates for the State and national committees of our political parties. We offered this amendment last year. It was amended on the floor last year to restrict this subsidy only to the Republican and Democratic national parties.

☐ 1150

We at that time said by restricting that subsidy you would probably run into constitutional problems, and we did, because within the last couple months a Federal judge has ruled that it is unconstitutional to restrict a postal subsidy to the two major parties only. And, by the way, the parties can mail these matters out at 3 cents a letter. It is unconstitutional to selectively say that only the Republicans and Democrats can get this subsidy. And the court implicitly said that the Nazis, the Socialist Workers Party, the Communist Party also ought to be eligible for this subsidy. And what we are doing in this amendment is to strike the language of the bill which permits the use of this 3-cent postal rate for political parties.

There are several reasons why we are doing this. In the first place, our national political parties, which are supposedly the bastions for fiscal integrity and the balanced budget, have run to Uncle Sam and demanded the same kind of subsidy that many special-interest groups have. "We cannot afford the 15-cent postal rate, we cannot afford the 9-cent bulk mail rate. Give us the same rate that nonprofits have."

And Uncle Sam did that last year. In fact, we in the Congress did it last year in a method which I will tell the Members about. That is at the same time when our parties' platforms called for fiscal integrity, called for retaining Saturday mail deliveries, called for no giving up of any portions of the kind of postal service we have, and called for doing our best to keeping the postal rates for our constituents no higher than 15 cents. And it just seems intolerable that our parties are here getting a subsidy to mail out at bulk rate, at 3 cents per letter, which we have given them the chance to do.

Second, this subsidy just came into existence at the end of 1978 in a little-reviewed bill called the Overseas Voting Rights Act, which passed this House on suspension of the rules. The bill giving our parties this subsidy never was reported out of the Post Office and Civil Service Committee, and it just seems that our parties have survived mighty well for the last 200 years without a postal subsidy at the expense of the taxpayers of this country.

Now, the cost of this subsidy to the taxpayers is a matter of considerable debate. Appropriations requests since it was initially authorized have totaled over $40 million. But the Congress did not appropriate any of the over $18 million requested by the Postal Service in a supplemental for the fiscal year 1979 budget, and we cut the $24.7 million request in fiscal year 1980 to $4 million. Now, I have received letters from the Postal Service indicating that the cost to them was only $1 million in 1979 and for the first 6 months of this year it will be about $1.3 million.

By the way, in the budget reconciliation bill, which we may or may not get to this House, it recommends eliminating this subsidy, indicating that they think it will cost about $25 million in fiscal year 1981.

Now, I want to talk to the Members for a moment about how this got into the Federal law. It was included in the Overseas Voting Rights Act Amendments of 1978, which won final approval in the closing days of the last Congress. That bill, with the provision authorizing this subsidy, was reported to the House floor by the Committee on House Administration. It was never reported out by the Committee on Post Office and Civil Service. It was approved under suspension of the rules, with no debate whatsoever on this amendment.

Similarly, the provision was adopted by the Senate quietly under a unanimous-consent agreement. And during the 2 years since the subsidy was authorized, it has had less than a shining history. In fact, reports from two States that I am aware of indicate that the subsidy has been abused, to the embarrassment of both major parties.

Under normal Postal Service procedures, use of a special mailing rate to mail materials for other than the authorized organizations is termed a "cooperative mailing," and is, in simple terms, illegal. Now situations have arisen in which each of our major parties have been using this reduced rate authorized for their State parties to mail out information on behalf of individual candidates. Expansion of that practice would not only be contrary to the statutory intent but would also greatly inflate the cost of this subsidy.

Now, I have introduced legislation to repeal this subsidy. Its elimination is in the Budget Reconciliation Act, if we ever get the bill. But what we are talking about here is a subsidy of 6 cents per letter for each piece mailed by the State and national committees of our parties.

The CHAIRMAN. The time of the gentleman from Kansas (Mr. GLICKMAN) has expired.

(By unanimous consent, Mr. GLICKMAN was allowed to proceed for 3 additional minutes.)

Mr. GLICKMAN. I realize that many of you, including myself, have received letters from the leaders of our respective State parties, urging you to oppose this amendment. But I would remind you that this subsidy allows the political parties treatment more favorable than that extended to worthwhile groups such as your local Kiwanis, Rotary, and Lions Clubs, civic improvement associations, and chambers of commerce.

I would close with this point: Many people say that if you eliminate the subsidy, it is the death of the two-party system, it is the death to our parties. Nonsense. Not only have our parties survived for a long period of time without this subsidy but that I think goes against the basic grain when we are talking about reducing spending.

Second, I hear, "Well, labor unions get this subsidy. Here is Howard Jarvis, the tax-cutters' champion, who mails out at 3 cents a letter. The National Right To Work Committee gets a subsidy. And if you do not give political parties a subsidy they cannot compete in the marketplace."

My answer to that is twofold. First, I think we need to review these other subsidies. I think some of them ought to be eliminated. But we do not have that opportunity here. My point is that the taxpayers of this Nation, mailing out at 15 cents per letter, deserve what I call consistent and responsible treatment by our political parties who have not needed this until the end of 1978. How can we justify giving lipservice to keeping a 15-cent first-class mail rate and keeping Saturday mail delivery and other current postal service, and at the same time permitting our political parties the "franchise" of a postage rate one-fifth of what our constituents pay? How can our respective political parties, who give lipservice to a balanced budget, prevent that possibility from happening by approving self-serving advantages to the Republican and Democratic Parties? And finally, because of the recent Federal court decision, how can we justify giving this same postal privilege to the Communist party, the Socialist Workers party, and the American Nazi party? I submit we cannot justify any of these things.

Mr. ERTEL. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Pennsylvania.

Mr. ERTEL I thank the gentleman for yielding.

I support his amendment. I think it makes sense to do what he is saying, to eliminate this kind of subsidy. We have chosen in this House not to subsidize campaigns, political campaigns, and now we are doing it in a different manner.

But let me ask the gentleman a question. The gentleman indicated that an individual candidate is mailing under this privilege by going to the national committee or the State committee. I have been advised that this is illegal. Is the gentleman sure that this is going on? And if so, that is an illegal practice, from what I have been told.

Mr. GLICKMAN. Only from press reports in two States I have seen that indicate that it is going on. It is hearsay, though. I have no firm evidence myself. But if it does go on, the gentleman is correct, it is illegal.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to my colleague, the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I would like to ask this question: Is there not a recent court decision involving this phraseology in the law?

Mr. GLICKMAN. That is correct; because we limited this subsidy only to our two national parties last year, a case was filed in a Federal District Court in New York. I believe JOHN ANDERSON was a party to that case, because he said, "I am not eligible for this subsidy and the parties are." A Federal district judge ruled—and it is on appeal now—that it violates the first amendment to discriminate on the basis of the size of the party by giving postal subsidies only to the two major parties. Therefore, the judge implicitly said, all parties should be eligible, including splinter parties, Communist, Socialist Workers, as well as JOHN ANDERSON.

The CHAIRMAN. The time of the gentleman from Kansas (Mr. GLICKMAN) has expired.

(On request of Mr. SKELTON and by unanimous consent, Mr. GLICKMAN was allowed to proceed for 3 additional minutes.)

Mr. SKELTON. Then as I understand it, according to the court ruling, all political parties, not just the Democratic Party or the Republican Party, would be entitled to this subsidy; is that correct?

Mr. GLICKMAN. That is my understanding of the court decision.

Mr. SKELTON. Let us look at the spectrum of political parties in this Nation. Can the gentleman list a few of them that might well be eligible under this subsidy?

Mr. GLICKMAN. I have listed, of course, some of the splinter parties. You also have the Libertarian Party. In fact, there are many parties starting up.

Mr. SKELTON. How about the Nazi Party?

Mr. GLICKMAN. The Nazi Party, I believe, could qualify under the Postal Service regulations that have been promulgated, assuming——

Mr. SKELTON. How about the Communist political party?

Mr. GLICKMAN. It would qualify and has qualified before this section of this act was put in last year.

Mr. SKELTON. I thank the gentleman very much.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to my friend, the gentleman from Illinois.

Mr. HYDE. I want to say to my friend that he is on the right track. I think the excessive subsidies for the mail service are one of the reasons we are bankrupt as far as the Postal Service is concerned.

On the other hand, it does not seem fair, to me, to deprive the political parties of this subsidy while continuing this subsidy for many other groups which use this discounted postage to get letters around, attracting Members of Congress, sometimes not accurately, in my own case. Why should they continue—and they have money in their treasury—to avail themselves of political mailings at a subsidy while we are depriving it to the two major parties? Why not get rid of them all, all of these subsidies where politics are involved? Why does the gentleman only go part of the way?

Mr. GLICKMAN. I go part of the way because that is the provision of the bill we are amending. We were advised last year that if we expanded it in the appropriations bill, it would have been legislating on that bill. Frankly, I agree with the gentleman. I think the excessive use of postal subsidies is obscene, particularly in dealing with the kinds of political mailouts we are talking about. But if we do not make a start here with the political parties, we will never start anywhere, because it seems to be very difficult to get legislation out of the Post Office Committee which review these postal subsidies.

Mr. HYDE. My enthusiasm for the concept the gentleman is so eloquently advocating would be heightened if we were getting rid of all of the subsides which are used for political purposes, not just the two major parties.

□ 1200

Mr. GLICKMAN. I remind my colleagues, other organizations on the other side, like the National Right to Work Committee, use the same subsidy for the same reasons.

Mr. HYDE. Absolutely.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Maryland.

Mr. BAUMAN. Could the gentleman tell me how I should vote on his amendment if I want to make sure JOHN ANDERSON gets no subsidy at all?

Mr. GLICKMAN. The gentleman would have to vote "aye" very, very vigorously.

Mr. BAUMAN. I just wanted to clarify that.

Mr. STEED. Mr. Chairman, I move to strike the requisite number of words.

My purpose in taking the floor here, I think there is some information that the Members need to understand what we are talking about here.

One, this applies only to the 1981 fiscal year. There are no funds in this bill specifically allocated for this purpose, the reason being that most of the 1981 fiscal year will not be involved in any political campaign. Since the bill was marked up and brought to the House, a court decision has been made that the original law that provides only the Democratic and Republican committees were entitled to this help applied specifically to JOHN ANDERSON and to a number of other minority candidates, that changed the whole ball game.

For this year, the point where this opinion applies, this 1980 year, there was $4 million in the fund. About $2 million had already been expended to subsidize Democratic and Republican Party mailings before the court order was issued. There is about $2 million left in the fund—there probably is not now—but about $2 million now is not only available to the Republican and Democratic Parties, but to all these others. They are now receiving that benefit. Under the law when that $2 million is gone, the Postal Service then has to assess any and all of them for the cost of their mailing. There will be no money in the October part of the campaign or all of next year specifically allocated for this purpose, because there is none in this bill.

What you are doing here will have no effect whatsoever in 1980, because the thing you are complaining about, all these others getting in on the act; they are already in on the act. They are only in the act to the extent of the part of the $2 million they can get. When that is gone, there is not anything else for this year.

I think the Members ought to understand that this is not quite as devastating an issue as you might think, because under the court ruling, you have no choice. Any money you appropriate will have to be divided among all eligible political committees.

Now, to show you the difference, the estimates they gave us for this year where the campaign has been going on was $4 million, because it was restricted to the two major parties. They were going along very well within that budget. When you open it up to all these other people, the estimates then on the cost jumps up significantly. Since that has not been appropriated yet, I do not think we have to worry about it.

I just wanted the Members to understand what they are voting on. There is no way you can save any money doing this, because it is already beyond our control, and since there is no money specifically allocated in the 1981 bill, we can make all the restrictions we want to; but we are just restricting zero. You would not have any problem at all about all these others getting in on the act unless you decided to appropriate some more money for this purpose. There is no way you can appropriate that money without letting in all other eligible political committees because of the court decision.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Kansas.

Mr. GLICKMAN. I have a letter from the Postal Service, Government Relations Department, which said that there is no money specifically allocated to this subsidy in the bill, but they indicate the total amount of funding in the fiscal 1981 budget request to cover all subsidies is $782 million.

For third-class bulk nonprofit mail, which embraces political party mailings, the amount is about $420 million. Separate estimates were not developed on the proportion of this subsidy that would be associated with the qualified political mailings.

What I am saying is, although the gentleman is correct in saying that they have estimated around $4 million, it is included within the larger subsidy figure. So it is quite possible, even if its use goes up, they may be able to go into this aggregate subsidy figure and go over the $4 million.

Mr. STEED. That is true, but under the court ruling, that will only apply between now and the end of this fiscal year. The next fiscal year, if the gentleman's amendment prevails, there will be no subsidy for anybody for any purpose.

What we are talking about here today applies only to the 1981 budget which starts next October 1.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, last year, I sounded a warning against the consequences we were inviting by providing reduced third-class mailing rates to the State and national committees of the major political parties.

It does not make sense to me to ask the taxpayers to defray the cost of political activities. The funding of Presidential elections is generous. To tell our two major parties they can make as many mailings as they desire and then present us with a bill is not good business.

Even if we were not facing any budgetary considerations, we are faced with another problem. A U.S. district judge has held unconstitutional the existing law which limits the reduced mail rates for the State and national committees of major parties. The court action was the result of a lawsuit by the National Libertarian Party, the Free Libertarian Party, the Peace and Freedom Party, the Socialist Party of America, and as intervenors, JOHN ANDERSON's campaign committee. Therefore, the U.S. Postal Service now is accepting applications for reduced rates from minor political parties.

As the result of this decision by a U.S. district judge in New York, the Communist Party, the Nazi Party, or any other organization masquerading as a political organization can qualify for reduced mail rates for political mailings.

While I can see little justification for subsidizing the political mailings of our two major parties, I am unalterably opposed to providing subsidized rates for the political propaganda messages of organizations like the Communist Party and the Nazis. At the same time, I recognize we might be doing an injustice to our two major parties which have planned mails and schedules on the basis of existing law.

Additionally, the Post Office and Civil Service Committee, in compliance with reconciliation instructions, voted to repeal the legislative authority for reduced rates for mailings of the two major parties.

Our form of government has thrived on the independence of a strong, two-party system. When we inject Government subsidies into the process we are taking a major step toward undercutting that independence. More often than not, whenever the Government offers a crutch in the form of a subsidy it follows up with a club of restrictive regulations.

Common sense dictates that we refrain from providing the Government with any type of leverage, no matter how small, which could influence the content of political mailings.

I would like to have the attention of the gentleman from Maryland who expressed concern over the fact that Mr. ANDERSON's campaign would benefit.

If the gentleman is worried about Mr. ANDERSON being subsidized, he must remember that Mr. ANDERSON is the candidate of the media. Every time the gentleman subscribes to the Washington Post or New York Times or other publications he is indirectly subsidizing Mr. ANDERSON, who is the creature of those entities.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Maryland.

Mr. BAUMAN. I read the cloakroom copy of the Post. I never pay for it.

Mr. DERWINSKI. That is carrying a conservative attitude to the extreme.

Mr. VANDER JAGT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think the colloquy that we have had thus far points up very dramatically the difficulty of trying to legislate something that is very complicated as a sort of a rider to an appropriations bill.

The way the law now stands without the proposed amendment, we merely afford to each of the two political parties the same mailing rate as lots of other single-issue groups, like labor unions, gun lobbies, Common Cause and a whole host of others.

If we adopt this amendment, what we in effect are saying is that we will charge the two great political parties about three times as much as any other single-interest group to mail a political message. At a time when every analyst, every Democrat and every Republican, every liberal and every conservative agrees that what we need in our American political system is the strengthening of the two parties not the weakening of them, this amendment would have exactly the opposite effect in a very unfair way.

I urge the overwhelming defeat of the amendment.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding.

What the gentleman is saying is that all these other groups that target various issues continue to enjoy the subsidy of which our colleague comments and which Mr. GLICKMAN wants to eliminate. Mr. GLICKMAN's amendment would discriminate against our basic party organization then?

Mr. VANDER JAGT. Precisely.

Mr. ROUSSELOT. That certainly sounds unfair. I cannot believe we would do that in midstream of the election process. Maybe the gentleman from Kansas can explain why he wants to discriminate against our two parties.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from Kansas.

Mr. GLICKMAN. I love our two parties. I love the gentleman's party very much. I love my party very much, but I am sure that the gentleman does not want to subsidize the Nazi Party, the Communist Party, or the Socialist Workers Party, because it is very, very likely that, based upon the judgment of the Federal district judge in New York, which is being applied right now, that one cannot limit it just to our two basic parties because that denies new parties the right to that kind of postal rate.

☐ 1210

That is one reason why unless we do change the law by my amendment right now that those parties will immediately become eligible for these kinds of postal subsidies.

Now, I disagree with the gentleman on some of the other things of merit that we talked about, but I do not think that is particularly relevant. What is relevant here is that unless this amendment is adopted, we are giving the Nazi, the Communist, the Socialist Workers Parties and some other fringe parties that I might not find as objectionable, this kind of taxpayer subsidy at a time when our taxpayers may see a 20-cent first-class postal rate next year.

Mr. VANDER JAGT. The gentleman from Kansas raises a rather emotional argument that really amounts to a tempest in a teapot. During the year 1979 under the previous legislation, the Nazi Party, the Communist Party, and all the other parties that the gentleman refers to were qualified for this subsidy and altogether it came to $2,000.

Now, to correct a $2,000 problem, the gentleman would wreak havoc with the heart of our two-party system. On top of that, the decision was a decision by a Federal district court in New York. As the gentleman knows, we have all kinds of Federal courts and all kinds of opinions. This decision, I am convinced, will be reversed, though it was not appealed because, by the time the decision would be rendered, it would be moot; but certainly the language in the law as it now stands was taken from Buckley against Valeo, the Supreme Court decision. I cannot imagine the Supreme Court, basically the same Court, reversing itself. So the language of the existing law will certainly be upheld.

So we are talking about virtually a nonissue, when all these parties in 1979 when they were fully qualified had a $2,000 subsidy. To correct that mistake, the gentleman would throw into havoc our two-party system, for which he professes such love.

Mr. GLICKMAN. Mr. Chairman, would my colleague yield?

Mr. VANDER JAGT. I would be happy to yield to the gentleman.

Mr. GLICKMAN. In the first place, the two-party system survived mightily from 1776 under a variety of names to 1978. Whammo, this legislation gets in without any notice to the Members, except those who actively participated.

Second of all, the Postal Service just notified parties approximately 14 months ago that they were eligible for the subsidy; so these minor parties just are not clued into it yet. Believe you me, they will be clued into it, because everybody wants to take advantage of this.

Mr. VANDER JAGT. The gentleman refers to the health of the two political parties without this advantage. That was before much of the reforms that we have passed. We are now in a new ball game. I think the gentleman will agree with me that every analyst agrees that what America needs is the strengthening, not the weakening, of our two-party system. This provision has brought in literally hundreds of thousands of people to participate in the Democratic and Republican Parties. We ought to continue that process and not stop it.

Mr. JOHN L. BURTON. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, as a person on the Committee on House Administration, someone who was formerly chairman of the State party in California, who is one of the persons who helped put this provision in the law, I think it is a good provision. They have special rates.

I would like to have the attention of the author. They have special rates on radio and television at times of election for political advertisement, because they think it is important that people running for office be able to get some sort of message to the people. I believe having the political parties the same right that countless—countless other organizations have to mail at this type of rate is perfectly proper. I think it is in the best interests of our society in a free and open democrat, with a small "d," election.

Worrying about JOHN ANDERSON, I do not even know if JOHN ANDERSON is a party. I do not think he is running as a party. That is not the issue. If the Committee on Post Office and Civil Service wants to do something about subsidized mail, I think they have the ability to pass laws.

Right now in the middle of the game, near the end of the game, you are changing the rules, as one of the persons said, I think our good friend, the gentleman from Illinois (Mr. DERWINSKI), that several of the parties have budgeted based on this provision in law. I know that several political parties in our State, the Democratic Party as well as the Republican Party, have used this process to start doing mailings.

Now you are saying all of a sudden, "whack," cut it off right before the election. If you want to change the law, change the law. You had a long time to change the law; but to single out this issue at this time I do not think makes sense.

I do not think there is anything in the world wrong with having the most important part of our country's process, that is the election, give the people the ability to send out mail at the same rate that God knows how many other institutions are using.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. JOHN L. BURTON. Is the gentleman signing for me or asking me to yield?

Mr. GLICKMAN. Both.

Mr. JOHN L. BURTON. I yield to the gentleman.

Mr. GLICKMAN. Well, in the first place, the gentleman talks about the open and democratic process. The Committee on Post Office and Civil Service never even reported out a bill to do what the gentleman is talking about today. It came out of the gentleman's committee.

Mr. JOHN L. BURTON. What I am saying is if the Post Office Committee wants to do something about subsidized mail, they ought to report out a bill.

Mr. GLICKMAN. What I am saying is that it was through the gentleman's committee's action about 18 months ago, that a bill came here under suspension of the rules to do this kind of thing and it did not come through the open democratic process where it could be debated on the floor.

Mr. JOHN L. BURTON. It surely did. It only took one-third of the membership, plus one, to defeat it. Do not tell me that the gentleman from Kansas did not read the bill?

Mr. GLICKMAN. I apparently did not read the bill carefully enough.

Mr. JOHN L. BURTON. Does the gentleman from Kansas mean to tell me he did not read the bill, with all the files the gentleman carries?

Mr. GLICKMAN. As did neither 96 percent of the other Members of this House.

Second of all, I disagree philosophically. I think that most of the subsidies are what is causing our postal rates to go up all the time.

Mr. JOHN L. BURTON. Fine. I take back my time. That is what I am saying. Deal with that problem, but right now in the middle of the game, the gentleman is changing the rules as far as these parties are concerned.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. JOHN L. BURTON. I yield to my friend, the gentleman from California.

Mr. CORMAN. Mr. Chairman, I agree with everything the gentleman has said. I find it particularly obnoxious that we raise the horror of the Nazi Party. If I vote for this subsidy, I am not voting for the Nazi Party.

Now, the other thing that disturbs me is the reach we are making to legislate on appropriation bills. If the gentleman can make a decent case before the Committee on Post Office and Civil Service to change the postal subsidies, let him do it; but I am just a little bit tired of us trying to write new tax laws, new postal laws, everything in the book on appropriation bills.

I urge a no vote on the amendment.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. JOHN L. BURTON. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate my colleague yielding. I do not want to ruin his day by saying I agree with what he said, but in any regard——

Mr. JOHN L. BURTON. That is why I yielded to the gentleman. I could see it in the gentleman's eyes.

Mr. ROUSSELOT. The gentleman could see it in the glow in my eyes?

Many times party organizations do more than just try to promote their own candidates. In many cases they just try to get people to vote and to register.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. JOHN L. BURTON was allowed to proceed for an additional 5 minutes.)

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield further?

Mr. JOHN L. BURTON. Yes. I would be happy to yield.

Mr. ROUSSELOT. So that all this mail is not used just for the promotion of candidates, but in many cases to perform the worthwhile function of getting individual citizens to register and to vote. In many cases, the mail is one of the better ways to reach those potential voters. I do not think we should believe that just because this appropriation bill lowers the mail cost for political parties that reduction is all an unworthy subsidy. In many cases the incentive to mail to voters performs the function of informing who the candidates are, what they stand for and why people should be registered to vote.

As a former activist in the Democratic Party in California, the gentleman in the well can state, whether that is the case?

Mr. JOHN L. BURTON. That is the case, and I would say that if there is a problem with subsidies overall, I think that is the duty of that committee to come out with legislation.

First of all, I heard a figure of I do not know how many millions and millions of dollars that we were talking about. I think that the fairest approach and the soundest approach to this problem is to see how this works for this election year. To cut it off at this time while maybe the Republican Party has something already at the post office ready to go; the Democratic Party has something that is at the printer that is 2 weeks late and, therefore, gets cut off, or vice versa, is eminently unfair and not the way to go about it.

If you want to deal with this, let us see how it works. Let us see if there are abuses. If you want to deal with all those countless other organizations that are subsidized, let us see how that works. It took one-third of the membership plus one to defeat this bill, if it was such an onerous piece of legislation that came up under suspension of the rules.

□ 1220

Mr. GLICKMAN. Mr. Chairman, will my esteemed colleague yield?

Mr. JOHN L. BURTON. I am happy to yield.

Mr. GLICKMAN. In the first place, this debate has been interesting because I find people very flexible, flexible on being on a lot of sides of subsidy issues, and also on the issue of let us not cut the program in the middle of the year. A lot of us say well, the place to start is during the beginning of the next fiscal year, and that is where this starts.

Mr. JOHN L. BURTON. The next fiscal year starts 6 weeks before the election, and if that is not in the middle of the game, then the gentleman should tell me what is.

Mr. GLICKMAN. The Post Office Committee has recommended in the budget reconciliation process as part of its own cost-cutting measure that this item be axed.

Now, let me just raise one other point. My colleague from California (Mr. CORMAN) raised the issue of let us not legislate on an appropriation bill. That is a red herring because it is in the bill now. It provides, however, that the funds are available, but no funds may be made available except to the Democratic and the Republican parties. That is an unconstitutional provision on its face, and I have come here to strike it from the bill.

Mr. JOHN L. BURTON. I would just like to close by saying that it has been in the law for 18 months. The gentleman is coming up to a period where in effect he is saying that people have utilized this, people have come to rely upon this, people have come to say that it is in this budget or it is in that budget and they have fixed things accordingly, and now the gentleman would say for a 6-week period from October 1 to November 5 or 6 that all of a sudden it is going to be cut off, and all we are going to see is a flurry of activity happening at the Post Office between now and November.

If the gentleman would like to amend his amendment to say that no funds shall be used for this after say November the 15th or whatever it is, then we would not be changing the rules in the middle of the game. In addition, we would then have time to see the effects of this. I think that at least would be a fair approach to it.

But also they have rates on radio and television that are cheaper than commercial rates for political advertising because they think it is important that the American people be able to get some sort of message and not have it on the auction block.

If the gentleman would like to have his amendment say no funds shall be used after November 15 of this year, that at least would carry the program through, which I think is really fair. I think that is a fair approach to it. Then we could deal with the whole problem. I do not think that the proposal is bad at all but that at least would let it run through this election year and that would give us a chance to see what the cost of the measure is.

The CHAIRMAN. The time of the gentleman from California has again expired.

(By unanimous consent Mr. JOHN L. BURTON was allowed to proceed for 1 additional minute.)

Mr. JOHN L. BURTON. If the gentleman would accept an amendment like that, I think we could all agree. Otherwise, what we are really saying is everybody, Democrats, Republicans, rush down there before October 1 and do something. I would think my good friend from Michigan (Mr. VANDER JAGT) would agree that if there were a date of November 15 that it would not be changing the rules and it would give us a chance to see how it worked. Otherwise we are going to see so much overtime between now and October 1 that it does not make sense.

Therefore, without that amendment I would urge a strong no vote on this proposal.

Mr. MILLER of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had an opportunity to discuss this amendment with the author of the amendment yesterday, but since then I have obtained additional information.

It was mentioned a few minutes ago that the gentleman from California (Mr. CORMAN) raised a red herring concerning the fact that we would have an authorization on an appropriations bill. All of the work we have done in the last several hours on this bill, a couple of hours today and at least 4 hours yesterday, was really authorizations on an appropriations bill, and writing legislation on the House floor. Since the Members have come up with this particular phrase of "None of the funds available under this or any other Act shall be available for such-and-such," we now find all kinds of line items. Everything that someone is concerned about will be put after that sentence. Then we move into legislating on an appropriation bill.

I would hope the author of the amendment would take into consideration that up until now the Federal Election Commission has allocated over $8 million for the two political parties for their political conventions, and has allocated over $30 million to 10 candidates for President. If we want to solve this problem it appears that we should work through the Federal Election Commission if we are going to have a subsidy of approximately 9 cents per letter.

I would hope that we could work in that direction through the Federal Election Commission. They do have the money. They have at the present time over $67 million that is available under the checkoff system. People will check off on their income tax return as to whether they would give $1 or $2 to be allocated for the political purposes that we speak of.

I believe that is the right road to go.

We would be pulling the rug out from under the political parties that have had plans for mailings under the present law. Therefore, I feel that the amendment should be defeated.

Mr. ERTEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I may have the attention of the chairman of the subcommittee, I have some questions because I think this is a bit confused in my mind as to exactly what the procedure is now, assuming the amendment does not pass, and what would happen if the amendment does pass. If I could ask a series of questions, maybe the chairman could elucidate and clarify this for me.

Under the present situation, until October 1, the next fiscal year, it is my understanding that every defined group who comes within the definition of a political party gets a subsidized mailing under the existing law which we would not affect in this bill at all, is that correct?

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. ERTEL. I yield to the gentleman.

Mr. STEED. Let me say it this way: In the bill under the three items that we are allowed to appropriate to the Postal Service under law, it comes to a total of $1,593,217,000. The court order on this point says none of the funds contained herein, which refers solely to the amount of money in this bill.

In addition to this, the Postal Service has more than $18 billion of their own money that is not under our jurisdiction. The court order does not apply to that money at all. They could go ahead and use that money out of the money not in this bill, but money they have otherwise and not be in violation of the court order.

Mr. ERTEL. So the court has ordered this money be available through the end of this fiscal year to any defined political party, whether it is the Republicans, Democrats, Socialists, Libertarians, whatever?

Mr. STEED. Only the amount of money that is taken out of this part of the Postal Service appropriations.

Mr. ERTEL. That was $4 million?

Mr. STEED. That was $4 million, and there was about $2 million left. Now with everybody else in the act I have no late reading on how long that will last.

Mr. ERTEL. There was $2 million that was left until the end of the fiscal year, which could be used by any of these defined groups?

Mr. STEED. That is right.

Mr. ERTEL. Assuming the $2 million is used up tomorrow, which could be conceivable, with a tremendous number of mailings, but which is probably not realistic, what happens at that point? Once that $2 million is used up and we still have time between now and the end of the fiscal year, what would happen if the Republican Party mailed a nationwide mailing and the Democratic Party mailed a nationwide mailing when that $2 milion was used up? What would happen, actually happen to that mail?

Mr. STEED. Then the Postal Service has to charge the mailers for the full rate.

Mr. ERTEL. In other words, they could come back and assess the Republican Party for $500,000, or come back and assess the Democratic Party for $500,000?

Mr. STEED. And all other mailers involved in this.

Mr. ERTEL. And if they go back and assess the Libertarian Party, which may have no money, what happens then?

Mr. STEED. That is between them and the mailer.

Mr. ERTEL. Then really what it amounts to is that we have then subsidized the Libertarian Party because, if they do not have money, and the Postal Service has already delivered thousands, we being the U.S. taxpayers pay, is that correct?

□ 1230

Mr. STEED. It depends on what ability the Postal Service has to get blood out of a turnip, I suppose.

Mr. ERTEL. We know they cannot get blood out of a turnip.

Mr. STEED. Or they will have to lose it.

Mr. ERTEL. Let me finish, and then I will yield further. So at that point we do have a hiatus, and this subsidy is not in effect. In all realistic probability we have got a hiatus somewhere here. Now let us go to this bill as it is written without the amendment. The bill says that we will provide a subsidy without any limit because it comes from the general subsidy, from the $600 million. Under the bill, the Democratic and the Republican Parties could use whatever they want from the beginning of the new fiscal year on, is that correct, so long as all the subsidies do not exceed the total amount in the bill?

Mr. STEED. The only way the Postal Service could give any subsidy, if this amendment is adopted, is to use their own funds of $18 billion. They could not touch anything in this bill, and the only amount in this bill is $1,593,217,000.

Mr. ERTEL. That is an adequate sum of money, though, to subsidize this.

Mr. STEED. But that is broken down in three items. Part of it, $736 million, is for public service; $68 million is for the pensions of people who had retired out before the Corporation was created; and the remainder of $789 million is for revenue foregone, which is where this would come in.

Mr. ERTEL. And that $736 million is general subsidy, and they could take that money this next fiscal year and use that.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. ERTEL was allowed to proceed for 3 additional minutes.)

Mr. STEED. If the gentleman will yield, let me say this. If the amendment is defeated, then they can use this money.

Mr. ERTEL. They can use that money if the amendment is defeated.

Mr. STEED. If not, they cannot.

Mr. ERTEL. Let me ask one more question of the chairman, the gentleman from Oklahoma (Mr. STEED). We have to consider the court order's implication on this present appropriation, which present appropriation limits the subsidy to the Democratic and the Republican Parties. As I understand that decision, it says you cannot limit it to the two major parties, and you have to give it to this whole umbrella of groups who call themselves political parties. Frankly, I would think that is a good decision constitutionally. So what we are saying is we have $789 million, which, without this amendment, can be used by these groups during the whole next fiscal year, and we do not know what the limit is.

Mr. STEED. No.

Mr. ERTEL. If the Libertarian Party mails tremendously, if the Communist Party mails tremendously, or the Socialist Party, or any group defined as a "party," we may have a tremendous umbrella of people coming under this provision and using up that subsidy.

Mr. STEED. Yes, and the point is that because of these various angles and these various problems, it is impossible to solve a problem of this kind in an appropriations bill. That is why we have always protested about trying to legislate in an appropriations bill, trying to meet a situation here in the middle of a campaign that could not be met any other way because of the lack of legislation.

Mr. ERTEL. Let me ask this question. If we pass this amendment, what we are saying is that that $4 million in the old appropriation which ends at the end of this fiscal year, will end this subsidy once and for all.

Mr. STEED. For anything either for this year or next year.

Mr. CORCORAN. Mr. Chairman, will the gentleman yield?

Mr. ERTEL. I yield to the gentleman from Illinois.

Mr. CORCORAN. I thank the gentleman for yielding. One of the unfortunate aspects of the amendment that is pending is the concern that has been expressed about the Communist Party and the Nazi Party and all of these other terrible parties.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. CORCORAN, and by unanimous consent, Mr. ERTEL was allowed to proceed for 2 additional minutes.)

Mr. CORCORAN. If the gentleman will yield further, the effect would be that those particular parties that we do not want to give taxpayers' funds to would be eligible to receive the funds, because the legislation that has come from the Appropriations Committee to the Committee of the Whole would limit the participation and the privilege to partake of this subsidy to the major political parties as defined in the Campaign Election Act. So therefore I think it is very important that this particular amendment be defeated because the objective of the maker of the amendment in fact, should the amendment be adopted, would be reversed.

Mr. ERTEL. Let me just sav I cannot answer what is the objective of the gentleman from Kansas whether he intends us to enfranchise or not those other fringe groups, but the court decision appears to me, from my colloquy with the gentleman from Oklahoma (Mr. Steed) to put all of those groups into the subsidy category, and we have no limit on it in the new legislation, and that can go anywhere up to $598 million.

Mr. STEED. If the gentleman will yield, if the gentleman recalls, last year we got into this problem of who all was going to be eligible, and it was eliminated from the bill when it was first on the House floor. But the language in here this year was put into it to take care of that situation. Then the court order comes along and makes that language invalid. Now we have been here the whole year and have had no relief from the legislative committee. We have done the best we could in the absence of any other relief for it. So this is why this thing is here in the shape it is in today, because the legislative committees did not take any action.

Mr. ERTEL. I thank the gentleman for his comments.

Mr. Chairman, I yield back the remainder of my time.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, over a year ago, last July in 1979, we had a very similar debate to this. The House at that time wisely decided to amend the amendment of the gentleman from Kansas by the addition of language provided by the gentleman from Michigan (Mr. Ford) and that took care of our appropriation bill for that year.

The only thing that is different this year, the only different condition that confronts the House today, is that a district court made a ruling based on last year's law.

We are now considering a new law, this year's appropriation bill. The attack on the old law will expire when the old law expires, and anybody who wants additional mailing privileges will have to resue under the new law.

The reason that the United State did not appeal in this case was because the old law was going to expire anyway. So I submit that the district court ruling is not very important. It is a consideration but not a prime consideration in the matter before us.

Again, I am prejudiced here. Like the distinguished gentleman from California (Mr. Burton), I served on the committee that created the original law. The committee acted for one reason and one reason only—to equate the political parties' mailing cost with those of other exempt organizations which were getting a cheap subsidized mailing rate to serve political purposes.

Not more than half an hour ago, or maybe a little more, this House voted to sustain the exemptions of some of those nonparty groups. Our vote assured that they would not be subject to any taxes, and will operate under taxpayer subsidies. It also insured that their subsidized mailings to conduct political activities would be continued. We cannot do less for the political parties. There is simply no way.

So, Mr. Chairman, the arguments that obtained last year obtain again this year. The amendment of the gentleman from Kansas (Mr. Glickman) should be soundly defeated.

Mr. Chairman, I yield back the remainder of my time.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the real issues involved here have been discussed on this floor very thoroughly during the consideration of legislation in the Committee on Post Office and Civil Service several years ago. As a matter of fact, this House has on at least three occasions overwhelmingly adopted the principle of subsidizing mailing by legitimate, orthodox political parties. The first time we did it, as a matter of fact, goes back so far that we were concerned about a party led by a gentleman from Alabama who was then a third party threat, and we tailored the language under those circumstances so that there would be no question that he would be entitled and his party would be entitled to the mailing.

This legislation had trouble on the Senate side. But I do not often find myself so completely in agreement with the gentleman from Minnesota (Mr. Frenzel) as I do now, who puts his finger on exactly what the gentleman from Kansas (Mr. Glickman) is trying to do to us. This is a fraud and a hoax on the people of the country and on this House if we go along with his amendment, because he is not going to stop people from mailing political literature at third class, nonprofit rates. He is only going to stop some people from mailing political literature at third class, nonprofit rates. From now until November your constituents and mine are going to be inundated by mail, slick, packaged mail that is going to come out, a good deal of it, from right across the river here, soliciting money, advocating the defeat of a specified list of Members. And I see some of those Members here, including one who just told me he thought I ought to vote for the amendment because he thought the Republicans got more benefit out of this than the Democrats.

□ 1240

That is preposterous. We need the welfare on our side, not them. They have money coming out of their ears on that side. They do not need this to stay alive and run their campaign but we, the party of the people, on this side, need this very badly.

The fact is that every organization from the left to the right that enjoys the privilege of sending third-class nonprofit mail will continue to enjoy their privilege if you adopt the gentleman's amendment.

We will say to the American people that every group, some very admirable to some of us and some that we consider kind of kook organizations, will continue mailing and the taxpayers will subsidize that but heaven forbid they should subsidize mailings by your State Democratic or Republican committee or my State Democratic or Republican committee.

What are we saying here? Are we saying there is something un-American about the traditional two-party system in this country? Are we ashamed of the fact that we have two parties that represent the interest of the people and will be representing them right up to and through the coming election? I think it is a hoax and a cruel hoax on the American people to suggest we are saving money by cutting back on the use of third class nonprofit mail when you do this selectively.

Mr. Chairman, if the gentleman wants to be serious about this, what we ought to do is cut out third cost nonprofit mail altogether. If, indeed, it is not a proper way in which to use the taxpayers' money, why pick on the Democratic and Republican Parties? Why do we not get all the other people who are taking advantage of it? The gentleman is not going to do that because I suggest that some of the kook groups are on one side of the aisle and some are on the other side of the aisle and maybe it is easier to tangle with the Democratic and Republican National Committees and your State committees than to tangle with these single issue groups.

Mr. Chairman, I think it is totally wrong for us to be legislating on an appropriations bill, trying to reverse the legislative acts of this Congress taken several times over the last 2 years.

Mr. Chairman, my staff is handing me some of the typical material mailed at third class nonprofit rates by these single issue groups. All of this bulky material. I hesitate to identify this because I do not know how many of my colleagues they support. I do know there is a list that is circulated this way with 55 of my Democratic colleagues' names on it as a hit list that is going to continue to be circulated with this low cost nonprofit third class rate after the gentleman's amendment is adopted—if it is adopted.

To suggest that we are going to save $25 million, incidentally, is also ridiculous; $25 million would cover 500 million pieces of mail. My investigation tells me that both political parties combined in this election year, which is the peak of the season, are likely to mail during this entire calendar year of 1980 about 75 million pieces of mail. One would have to mail 500 million pieces of mail only from the two parties, not from all the other users, just the two parties, to save the amount of money the gentleman from Kansas (Mr. Glickman) is talking about. I ask that we turn back this hoax and vote against the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. Glickman).

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GLICKMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 96, noes 310, not voting 26, as follows:

[Roll No. 463]

AYES—96

Anderson, Calif.
Ashbrook
Atkinson
Baldus
Barnard
Bauman
Bedell
Beilenson
Bowen
Brinkley
Cavanaugh
Collins, Tex.
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daschle
Deckard
Derwinski
Dornan
Edwards, Okla.
Ertel
Evans, Ga.
Evans, Ind.
Fenwick
Ferraro
Findley
Fish
Flippo
Fowler
Gibbons
Glickman
Gore
Gradison
Gramm
Hall, Tex.
Hance
Hanley
Harkin
Harris
Heckler
Heftel
Hightower
Hollenbeck
Hopkins
Hubbard
Hughes
Hutchinson
Hyde
Jacobs
Jenkins
Jenrette
Kelly
Kogovsek
Leach, Iowa
Leath, Tex.
Levitas
Lundine
McDonald
Maguire
Mattox
Mica
Miller, Calif.
Mitchell, N.Y.
Mottl
Murphy, Pa.
Nelson
Obey
Panetta
Paul
Petri
Porter
Rose
Santini
Schroeder
Sebelius
Sensenbrenner
Sharp
Shelby
Simon
Skelton
Solomon
Stenholm
Studds
Stump
Volkmer
Walgren
Watkins
White
Whittaker
Williams, Ohio
Wilson, Tex.
Wirth
Wyatt
Yatron
Young, Mo.

NOES—310

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashley
AuCoin
Badham
Bafalis
Bailey
Barnes
Beard, R.I.
Beard, Tenn.
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Brademas
Breaux
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
Daniels, R. W.
Danielson
Dannemeyer
Davis, Mich.
Davis, S.C.
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dodd
Donnelly
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
English
Erdahl
Erlenborn
Evans, Del.
Fary
Fascell
Fazio
Fisher
Fithian
Florio
Foley
Ford, Mich.
Forsythe
Fountain
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gingrich
Ginn
Goldwater
Gonzalez
Goodling
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hamilton
Hammerschmidt
Hansen
Harsha
Hawkins
Hefner
Hillis
Hinson
Holland
Holt
Horton
Howard
Huckaby
Hutto
Ichord
Ireland
Jeffords
Jeffries
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Lederer
Lee
Lehman
Leland
Lent
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lungren
McClory
McCloskey
McCormack
McDade
McEwen
McHugh
McKinney
Madigan
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mavroules
Mazzoli
Michel
Mikulski
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Murphy, Ill.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Ottinger
Pashayan
Patten
Patterson
Pease
Pepper
Perkins
Peyser
Preyer
Price
Pritchard
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rosenthal
Rostenkowski
Roth
Rousselot
Royer
Rudd
Russo
Sabo
Satterfield
Sawyer
Scheuer
Schulze
Seiberling
Shannon
Shumway
Shuster
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stewart
Stockman
Stokes
Stratton
Swift
Symms
Synar
Tauzin
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Walker
Wampler
Waxman
Weaver
Weiss
Whitehurst
Whitley
Whitten
Williams, Mont.
Winn
Wolff
Wolpe
Wright
Wylie
Yates
Young, Fla.
Zablocki
Zeferetti

NOT VOTING—26

Anderson, Ill.
Aspin
Devine
Emery
Ford, Tenn.
Giaimo
Gilman
Holtzman
Johnson, Colo.
Jones, Tenn.
Leach, La.
McKay
Mathis
Moorhead, Pa.
Murphy, N.Y.
Myers, Pa.
Pickle
Pursell
Roberts
Roybal
Snowe
Tauke
Wilson, Bob
Wilson, C. H.
Wydler
Young, Alaska

☐ 1300

Mr. KINDNESS and Mr. HANSEN changed their votes from "aye" to "no."

Messrs. OBEY, LEVITAS, and HEFTEL, and Mrs. HECKLER changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to this section of the bill?

If not, the Clerk will read.

The Clerk read as follows:

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For expenses necessary for the White House Office as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105, and other personal services as authorized by 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $17,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $20,373,000.

AMENDMENT OFFERED BY MR. M'DADE

Mr. McDADE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McDADE: On page 10, after line 23, add the following paragraph:

None of the funds appropriated or otherwise made available in this Act shall be obligated or expended to calculate or transmit, pursuant to Section 2a of Title 2 of the United States Code, the number of Representatives in Congress to which each State shall be entitled under the twentieth decennial census.

Mr. McDADE. Mr. Chairman, may I say in the beginning that I join with so many of my colleagues in recognizing the distinguished service of this subcommittee chairman. We have served together for 16 years on the Committee on Appropriations, and this is the first time that I have offered an amendment to his bill. I regret that I do so, and I want him to know that all of us are grateful for his service to his country. It is a better country because of his service in this House.

Mr. Chairman, I am constrained to offer this amendment today because frankly I am shocked and indeed fearful that if the Congress does not take a stand on this issue, we may very well be counted out by as many as 20 million aliens which the Census Bureau is factoring into a nationwide count in an effort to determine how many seats each State gets in the House of Representatives.

Mr. Chairman, the Census Bureau is currently finalizing its nationwide count, a count which will determine how many Representatives each State will send to this body in future Congresses. By every ethical, moral, and political standard, that count should be based on one overriding principle, and that is that each citizen of this Nation is entitled to equal representation and an equal voice in this House.

But that principle is being threatened today by the bureaucrats in the Census Bureau. They threaten to erase from this Chamber the immortal words of Alexander Hamilton, who said, "Here, sir, the people rule." And unless we stand up and be counted, representative government, in this country, will be threatened as well.

Let us examine the problem and try to get a focus on just exactly how deep it is. We know for a fact, because of immigration requirements, that there are 5 million registered aliens in this Nation. That is 5 million. That represents a population larger than 36 States of this Union. These 5 million aliens are being counted for purposes of congressional reapportionment even though they have not sworn any kind of allegiance to this Nation.

Now, that is just the top of the pyramid. Add to this total perhaps as many as 15 million—that is the high figure—additional aliens euphemistically called "undocumented aliens." What we really mean by that is they are here contrary to law and without any sanction whatsoever. They have not forsworn their allegiance to any foreign soverignty or potentate. This is a larger population group in this country than 49 of the 50 States.

Let me tell the Members something else that I am sure they probably know. These people do not pay any taxes. Obviously, for them to file a declaration of tax returns would be an open invitation to deportation—something which they fervently hope would not occur to them. But the Census Bureau proposes to count both groups, despite the fact, as I have said, that they have not forsworn allegiance to foreign governments, foreign princes, or foreign potentates. The Census Bureau proposes to give them full parity with citizens of this country.

I ask my colleagues, by what kind of tortured logic do we delegate such awesome power to the Census Bureau? This is an incredible power—think of it—to count as full-fledged citizens of this country 20 million aliens, perhaps all of the 20 million illegal aliens who are currently in this Nation.

We all know that the 14th amendment to the Constitution provides that Representatives shall be apportioned among the several States. Title 13 of the United States Code states that the Secretary of Commerce shall take a census every 10 years, and that same statute requires the tabulation of the census and then a report to the President of the United States by the Secretary of Commerce. Then, under statutes passed by this body, the President is required to send that data to this House, which in turn must provide to the Governor of each State, through the Clerk's office, a certificate of the number of Representatives to which State is entitled.

The CHAIRMAN. The time of the gentleman from Pennsylvasia (Mr. McDADE) has expired.

(By unanimous consent, Mr. McDADE was allowed to proceed for 5 additional minutes.)

Mr. McDADE. Mr. Chairman, what I hope to do with this amendment is to say to the people downtown, "Don't send apportionment data to this House based upon the distortion of 20 million aliens in this Nation." The adoption of this amendment will be a clear signal to the people downtown that we are not going to accept that kind of faulty data.

We are all aware of the current controversy about the census, about the undercount, the overcount, the appeals, and everything that is taking place.

To make matters worse, the Census Bureau has used tax dollars to encourage illegal aliens to be counted in the census. Accordingly, the New York Times in an article dated July 2 said:

> Officials of INS said they would continue the policy of severely restricting raids to seize illegal aliens.

The article further states that these restraints were fostered 3 months ago in an effort to cooperate with illegal aliens—to foster this cooperation. The Census Bureau has taken it upon itself to foster that cooperation.

□ 1310

When an alien becomes a citizen—which I think all of us agree is the highest privilege our Nation can bestow—that new citizen has to take an oath. Let us listen to what he has to say:

> I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the armed forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law, and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.

How many of the 20 million aliens in this country have taken that oath? The answer is none. Not one. None of them have renounced formally their allegiance to any foreign state, to any prince or to any potentate. They have not sworn to defend the Constitution of this Nation or our laws.

Let me ask you this: How many of them do you believe would bear arms for the United States of America? But they, millions of them, are going to shape the makeup of this House of Representatives unless we stop it.

How many of them file tax returns? I have already told you. None. Because to do so is a ticket to deportation.

Two hundred years ago, our forefathers carved a new nation, a nation that depends to this day upon the most accurate wishes of its citizenry.

I sympathize deeply, and I think all of us do, with the plight and the predicament of the many millions of aliens who come to our shores seeking a new life; but until their citizenship is secured, their influence upon the apportionment of this House is absolutely wrong. It dilutes and diminishes the citizenship rights of millions of Americans. I do not believe we can allow this to happen. We have an opportunity, indeed we have a duty, to put a stop to this action right here and now. And, remember, this may be our last chance, because this census only occurs every 10 years, and the next one is scheduled for 1990.

I urge the Members of this House to preserve full citizenship for those in this country who have earned it. We can do that by adopting this amendment.

We are all here because of votes of citizens of this country, citizens who vote, who pay taxes, who bear arms for their country, individuals who accept and proudly bear the burdens of their citizenship, but who also deserve its rewards. And one of the most sacred rights that our citizens possess and that cannot be diluted, diminished, or demeaned by unwarranted delegation of authority to the Census Bureau is the right to vote for Members of Congress and the right to be equally represented in this body.

I urge the adoption of this amendment.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I want to associate myself with my distinguished dean's remarks. He is right on target, really. In a country that depends on so many things and calls upon citizens to do so many things, it seems to me that it is just outrageous to count illegal aliens for the purpose of apportionment, or for other purposes, for that matter.

Mr. McDADE. I thank my colleague for his remarks.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this amendment, which has the intent of preventing the counting of illegal aliens in the census for the purpose of congressional redistricting by prohibiting the expenditure of money under this bill by the Office of the President for the submitting of reapportionment data to the Congress.

The counting of illegal aliens in the census is an issue that has long been of concern to me. As we know, census figures are used by the Federal Government for the distribution of $50 billion in Federal moneys each year, and affect planning at all levels of government. When these figures for certain cities and States are inflated by the counting of illegal aliens who have flocked to those areas, these cities and States stand to reap an extra and unfair advantage when Federal money is divvied up. By the same token, those States which do not have substantial illegal alien populations, such as my own State of Vermont, are discriminated against.

Moreover, and more to the point in terms of this amendment, States with high numbers of illegal immigrants also stand to benefit when congressional redistricting takes place because their population counts are exaggerated. This padding of the counts raises serious constitutional questions. While the argument can be made that States experiencing an influx of illegal aliens require some additional Federal assistance to deal with the problem, I am convinced that no sound argument can be presented for increased congressional representation for those States on this account.

Accordingly, I have introduced legislation, H.R. 6577, which would require the Secretary of Commerce, in each decennial census, to specify the number of aliens in each State, and provide that illegal aliens not be counted for the purposes of the apportionment of Representatives in Congress. This bill is now pending before the Post Office and Civil Service, and Judiciary Committees, and although it was unfortunate that the committees did not see fit to favorably consider this measure prior to census day this year, I am encouraged that we have at least focused attention on this important issue.

In addition, as the gentleman from Pennsylvania knows, because he is a party to the suit, the Federation for American Immigration Reform, otherwise known as FAIR, has taken the Department of Commerce to court over this illegal alien issue. I am also a coplaintiff, as are a number of our colleagues here in the House. Further, a number of States have filed briefs as friends of the court, including Vermont, Kentucky, and West Virginia.

On June 19, the Supreme Court denied jurisdiction over an immediate appeal of the adverse decision handed down by the D.C. District Court in this matter, but the case is still very much alive in the

Court of Appeals for the District of Columbia.

In closing, States and Members of this body have recognized that millions of Americans may lose some of their constitutional rights if illegal immigrants are included in the rapportionment base, and I would hope that we would adopt this sensible, equitable amendment today and prevent the administration from submitting reapportionment data until it represents an accurate count of U.S. citizens.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. McDade) has expired.

(By unanimous consent, Mr. McDade was allowed to proceed for 3 additional minutes.)

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I am just reading the gentleman's amendment here, and I do not find illegal aliens mentioned in the gentleman's amendment.

Can the gentleman tell me how we work them in?

Mr. McDADE. Sure. The legislative history of what we are going to vote on is whether or not we are going to include illegal aliens in a report that the President, by statute drawn by us, must send to this body.

We are unable to include that phrase because if we did so we would be involving ourselves in legislation which on an appropriation bill, as my friend well knows, is inappropriate. But the limitation on the sending of that report, together with the legislative history of the debate centered upon the question of whether illegal aliens should have full citizenship and a right to be counted for purposes of reapportioning this House, will obviously take care of it.

Mr. VOLKMER. Well, wait a minute, though. I see what the gentleman is trying to do. But the way I read this, the report cannot be sent if basically we take this.

Mr. McDADE. That is right.

Mr. VOLKMER. But does not the Constitution require the report to be sent?

Mr. McDADE. No. What the Constitution requires is a census every 10 years which, as the gentleman knows, is in progress. Now, underneath that Constitution the Congress has legislated in three different areas. The first is, of course, the census. The second is to say that after that census is taken, a report shall be submitted to the President. And that is what my amendment goes to. It says to the next President, "Do not submit to the House any data from the census that includes" illegal aliens.

Mr. VOLKMER. No. It says, "Do not submit to the House any data," period.

Mr. McDADE. That is exactly right. What we are trying to do, may I say to my friend, is to prevent illegal aliens from being represented in this body. And this is the only way that we can do it.

Mr. VOLKMER. The way I read this is that you are saying, "We do not want the information that you have taken this time to gather sent to us by the President." That is on all citizens and everything else.

Mr. McDADE. The gentleman could not be less correct, let me say, as the debate takes place.

Mr. VOLKMER. The gentleman is saying that I should write in here, if the gentleman will yield further, illegal aliens only.

Mr. McDADE. No. May I say that, as the author of the amendment, when people want to look at the amendment and try to understand what its purposes are, they look at the intent of the individual who offered the amendment. You are speaking to the man who wrote and who is offering the amendment. And I am saying that my intention is to prevent the President from sending to us data that includes illegal aliens as if they were citizens of the United States for purposes of reapportionment. That is what the issue is. That covers it.

Mr. GARCIA. Mr. Chairman, I move to strike the last word.

(By unanimous consent, Mr. Garcia was allowed to proceed for 5 additional minutes.)

Mr. GARCIA. Mr. Chairman, I rise in strong opposition to the gentleman's amendment.

The amendment offered would prohibit the President from transmitting to Congress the decennial census figures for apportionment purposes. The amendment would overturn a long line of practical and constitutional precedents. It is a legislative ploy to sanction a policy the courts have repeatedly deemed impermissible under our Constitution.

Mr. Chairman, the Constitution, article 1, section 2, clause 3, requires an enumeration of the entire population every 10 years. The 14th amendment which amended this section states in pertinent part that:

> Representatives shall be apportioned among the several states according to their respective numbers, counting the whole numbers of persons . . .

The key word, which governs who shall be counted is "person." The constitutional draftsmen deliberately refrained from limiting the enumeration to just citizens. This was part of the concessions of the "Great compromise" of the Constitutional Convention.

As my colleagues recall, the great compromise produced our representative form of government and was predicated upon the notion that this body—the House of Representatives was the Chamber of the people. As such, it was intended to redress grievances and represent the hopes and dreams of the people. The Supreme Court underscored this position in its 1964 decision in *Wesberry* v. *Sanders* (376 U.S. 1, 13 (1964)). In that case the Court declared that:

> The debates at the Constitutional Convention and the State ratifying conventions make clear that when the delegates agreed that the House should represent "people," they intended that in allocating Congressmen the number assigned to each State should be determined solely by the number of the State's inhabitants.

Following adoption of the compromise, the Convention agreed to Randolph's proposal for a periodic census to insure "fair representation of the People," a proposal that was endorsed by Mason as assuring that "numbers of cohabitants" should always be the measure of representation in the House.

This, Mr. Chairman, has been the guiding principle the Census Bureau and its predecessor agencies have discharged for nearly 200 years. Their mission has been, and continues to be, to count every person. In this regard, citizens and noncitizens enjoy equal status. On census day anyone in this country is entitled to be counted and shall not be excluded from the census.

This right to be counted was the subject of a lawsuit brought by a group called the Federation for American Immigration Reform (FAIR) and by a few Members of this body late last year in the Federal District Court for the District of Columbia. This 11th-hour appeal to the court challenged the constitutionality of the Census Bureau's plans to include undocumented persons in the total census counts transmitted to the President and subsequently used by the States to reapportion congressional districts.

The court dismissed their arguments that the inclusion of undocumented persons would somehow dilute the constitutional mandate of equal representation and undermined the principle of one man, one vote.

In its decision the court stated:

> The language of the Constitution is not ambiguous. It requires the counting of the "whole number of persons" for reapportionment purposes and while illegal aliens were not a component of the population at the time the constitution was adopted, they are clearly "persons".
>
> We see little on which to base a conclusion illegal aliens should now be excluded, simply because persons with their legal status were not an element of our population at the time our constitution was written.

According to the court equal representation is only a rough goal in national apportionment. It means, "equal representation for equal numbers of people"—nothing more nothing less.

Mr. Chairman, the court also recognized the practical limitations involved when it stated that—

> The complaint was filed only a few short months before the statutorily required date of the census, when any changes would inevitably result in disruption of the process, delay and expense. Three years ago, Congress was advised of the subjects to be covered, and two years ago it was provided the specific questions which would be asked.
>
> There would be no justification for our exercise of equitable powers to respond to plaintiffs eleventh hour challenge to those subjects and questions.

The court did acknowledge "some effect" on apportionment." However, it declared that the lawsiut failed to "demonstrate where the effect would fall so that we would be able to find a 'concrete injury'."

Mr. Chairman, I submit that this is the underlying problem with the gentleman's amendment. It seeks to carve out an exemption from the 1980 census for this body to redress a speculative injury.

Mr. Chairman, the issue is not representation. The issue is counting persons. In that, the Constitution's language is clear and unequivocating: all persons regardless of citizenship shall be counted.

If we are going to exclude persons from the census and subsequently deny them from being included in the apportionment base upon which this body—the Peoples Chamber is drawn, then the proper course of action is by amending the Constitution.

I urge my colleagues to defeat the McDade amendment.

☐ 1320

Mr. COUGHLIN. Mr. Chairman, I rise in support of the amendment.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I thank the gentleman for yielding.

I tried to get the gentleman to yield to me on a constitutional issue.

I want to say I was a party plaintiff to that lawsuit downtown, as were Members on both sides of the aisle.

What the court ruled was that since the census had not taken place yet, we did not have standing to sue, and besides that, said the court, we have a legislative remedy. We have the power to legislate this problem.

Now, let me focus on the 14th amendment, which the gentleman referred to. The 14th amendment was adopted in about 1868, and it said, count all persons, but what the gentleman did not mention to this body is the following phrase, when the Founding Fathers said, "excluding nontaxpaying Indians." We did not have an immigration policy when the 14th amendment was adopted. We were welcoming every immigrant to these shores as the Nation continued to grow and expand. The Founding Fathers never thought of an illegal alien. They were themselves aliens in this new nation that was being carved out.

When they wrote that amendment, 100 years of history elapsed before we ever adopted or even looked at the question of limiting entry into the United States of America.

So let me say to this body that in my judgment, having looked at the legal precedents, having had the Library of Congress research the problem, we do not need a constitutional amendment to solve this problem. We could simply say to the Census Bureau, "You may not count illegal aliens."

Instead of that, the gentleman's comment has not done that. They have given the broadest possible grant to power to the Census Bureau that I must say I have seen in the 18 years I have been here. They have given a billion dollars in taxpayer money to conduct a census. Then they say the Secretary shall conduct a census in such manner as he deems fit.

The issue today, gentlemen, is who is going to decide who sits in this body and how people's voting rights are recognized and how this body is apportioned in the next census.

I say to my colleagues this is the last opportunity for us until 1990 to say citizens only shall be given the right to be counted for purposes of apportionment and for purposes of voting power in this body. I say to this body that if one follows the gentleman's logic to its conclusion, one could have a district in the United States of America—in fact, we almost had one at one time in Key West, Fla., where everybody who resided there would not be a citizen except the Member who happened to get elected from that congressional district. That is where the gentleman's logic takes us.

I say to my colleagues this amendment should be adopted. We should adopt it now, and we can by a simple legislative act, frame the issue of whether illegal aliens were within the minds of our Founding Fathers.

There are procedures to bring three-judge courts together hurriedly to hear constitutional arguments. We can have it done thoroughly, and we can have it done promptly. We can have the issue disposed of.

Mr. HYDE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I commend my colleague for offering his amendment and support it unequivocally.

I recently tabulated the results of my annual questionnaire, and want to share with my colleagues the responses to a question: "Do you support the U.S. Census Bureau's efforts to have illegal aliens living in the United States included in the 1980 census, as a base for reapportionment of congressional and State legislative districts, and to increase Federal aid and revenue sharing to those areas with high concentrations of illegal aliens?"

Those responding "yes" were 15 percent; those responding "no" were an overwhelming 79 percent, with 6 percent undecided.

Obviously, my constitutents and I share the same conviction that being an American citizen must continue to mean something under our Constitution—at least the principle of one man, one vote.

The Justice Department, however, thinks differently. The Justice Department asserts that the Constitution grants foreign citizens residing here illegally a legal right to representation in Congress, and maintains that States could constitutionally permit illegal aliens to vote for Congress and, presumably, the Presidency.

Justice claims that once an illegal alien has secured a residence, he or she has achieved the same right to be counted as a citizen.

The Justice Department has been strangely supportive of illegal aliens to the point of suspending enforcement of the law in some important respects.

The Attorney General, chief legal officer of the United States, decided to partially suspend enforcement of the law, and on November 26, instructed the INS Commissioner that his agents were not to seek out illegal aliens in their places of residence. The only enforcement of the law is at places of employment. Consequently, illegal aliens not apprehended at the border face little chance of apprehension once in the United States.

In March, the Attorney General further partially suspended enforcing the law, by instructing the INS Commissioner that his agents could not enter homes or workplaces without a search warrant, court order, or approval of a U.S. attorney. Included in the order were instructions not to act on anonymous tips unless the source would be willing to testify during legal proceedings. My colleagues will all recall a recent murder that took place in this city a few months ago—an INS informant was publicly named and promptly murdered.

The effort to search out and count illegal aliens in the 1980 census reached such epic proportions that the Attorney General even recorded radio and television commercials pledging that census data on illegal aliens "will not be sought by, accepted by or divulged to the Immigration and Naturalization Service or any other arm of the Department of Justice." Mr. Civiletti followed that by partially suspending enforcement of the law in order to encourage illegal aliens to participate in the census. Millions of dollars were spent on promotional campaigns across the country encouraging them to be counted.

If illegal aliens are included in the 1980 census as a base for reapportionment, we will witness a decade-long erosion of the Constitution at every level of government, diluting the votes of some citizens, inflating the votes of others through malapportionment. The political balance will shift even more from the suburbs to the large cities, as more illegal aliens reside in the cities where greater anonymity exists and serves as a protective shield.

This concerted effort to count illegal aliens in the census is a step toward legitimizing their presence. Does this then mean the Carter administration's undocumented alien plan will gradually take effect? Why not? They will have been counted, the Justice Department and the Immigration and Naturalization Service is not fully enforcing the law, the Justice Department urges that they be included in the base for reapportionment, and, if this philosophy continues, they might well end up voting in the 1982 elections.

This should not be. The framers of our Constitution determined that all "persons" should be counted. Illegal aliens were not an issue when that document was written. Illegal aliens are an issue now. American citizens have one single, exclusive right that no one else in this world has—the right, in a free democracy, to elect individuals to represent them in the Congress of the United States.

If the one-man, one-vote principle no longer holds true for American citizens, being a citizen loses one remaining distinction, and our political base is eroded by those who are in this country illegally.

I urge adoption of the McDade amendment. It does not diminish in any way the flow of Federal funds to those communities now supporting illegal aliens. It simply prohibits the count of illegal aliens for the purposes of redistricting.

Enough is enough. We spend millions

every year supporting illegal aliens. We do not know how many are here—estimates range from 2 million to 12 million. The Chicago INS office will not even provide an estimate of the numbers in the Chicago area. My questions to the Washington INS office have gone unanswered.

Citizenship should count for something. This modest amendment reasserts this principle.

□ 1330

Mr. GARCIA. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Yes; I yield to my friend.

Mr. GARCIA. One man, one vote, there is no problem with that. I would like to repeat that to the gentleman from Illinois, because the fact is that the persons the gentleman is talking about do not vote. They will not have the privilege to vote.

Mr. HYDE. I understand that, but they will have the privilege of being counted in to determine the size of congressional districts.

If the North Korean Army were to invade Seattle and have 500,000 troops, they would get a Congressman, would they not? Of course, they would. And is that not nonsense? So by indirection, certainly, and just as effectively, we have negatived the one man, one vote concept.

I just say that citizenship ought to mean something and it ought to mean that you as a citizen are to be counted for purposes of formulating and outlining political districts, whether they are for the State legislature or for Congress. This amendment does not say do not count them. It simply says for purposes of reapportionment they shall not be considered.

I submit again, the gentleman says the word "person." Obviously "person" does not include woman. Otherwise, why the furor for ERA? We have the word "person" in the Constitution where it says no person shall be deprived of equal protection of the law. Obviously, that word does not include women, else why are we pushing for ERA? So the word "person" is, indeed, elastic and subject to interpretation. I confess to some bewilderment in this area, as we use the term "chairperson" to specifically include women.

I submit that the erosion of the concept of being a citizen, the weakening of the idea of one man, one vote, is inherent in counting illegal aliens for purposes of reapportionment.

Now, I might just say parenthetically, the term undocumented persons really fascinates me. I have often analogized it to a drugpusher being termed an unlicensed pharmacist, or perhaps a bank robber being called a holder not in due course. I do not mean to say that illegal aliens are akin to drugpushers or bank robbers, but the use of the term, the euphemism is fascinating, because these people are here illegally, they are in violation of the law. Being undocumented is a consequence of their illegal presence.

I think this is a great amendment. I think we had better start right now to get our laws straight on who should count for purposes of political districts. That is all. For revenue sharing, for welfare, for all those good things that come on a per capita basis, count them. They are people. They are persons, but do not count them so you will have a Congressman here representing 200 citizens and 470,000 undocumented persons. I do not think that is what the forefathers envisioned.

Mr. GARCIA. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I would be delighted to yield to my friend.

Mr. GARCIA. Mr. Chairman, is the gentleman from Illinois saying that in the terms of Federal reimbursement back to particular States that these people are now persons and when it comes to apportionment and counting them, they are no longer persons?

Mr. HYDE. Yes, that is right.

Mr. GARCIA. In other words, the gentleman is having it both ways.

Mr. HYDE. No. I am saying that if they are there and they are human beings and they are hungry, they have to be fed and clothed and sheltered, regardless. You do that to somebody in jail. I do not want to deprive cities of the Federal reimbursements they need, because they must deal with these problems, and also the counties and States. That is another problem, but I am concerned about counting them the same as citizens, else why become citizens? Why go through all that hassle to become a citizen?

Would the gentleman tell me? I yield to my friend, the gentleman from New York. Why become a citizen if there is really no advantage to it?

Mr. GARCIA. Well, the gentleman from Illinois gives me an opportunity to really break through some of the misnomers. For some of the people that may be listening to this debate, when the gentleman said that illegal aliens could sit in this body, that is a misstatement.

Mr. HYDE. I did not say illegal citizens could sit in this body.

Mr. GARCIA. The gentleman did not say it?

Mr. HYDE. I am asking the gentleman to respond to a question. If the gentleman is going off on other subjects he can get his own time. Maybe someone else will give it to the gentleman.

I am asking, why become a citizen if there is really no advantage, if you are going to be counted for political reapportionment?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(At the request of Mr. GARCIA, and by unanimous consent, Mr. HYDE was allowed to proceed for 2 additional minutes.)

Mr. GARCIA. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Yes.

Mr. GARCIA. If we give these people who are here today the same as our grandparents or great grandparents the opportunity to become citizens, I hasten to tell the gentleman that they would all jump at the opportunity. They want to be able to participate as citizens. They do not want to be hiding behind and under trees and in the hills of San Clemente. They do not want to be hiding on the other side of the Laredo.

Mr. HYDE. Well, if I may say, I welcome that. My problem is that everybody who wants to become a citizen cannot and we give an advantage to those who break the law. We have a Filipino, for example, who has a brother and a sister in this country, who thus has a fifth preference, but he must wait 10 years to get in. That is unfair. I do not want to encourage that unfairness.

Mr. GARCIA. But the gentleman from Illinois asked me a specific question, the question of citizenship.

Mr. HYDE. Yes.

Mr. GARCIA. And I responded.

Mr. HYDE. And I commented on the gentleman's response.

Mr. GARCIA. Given the opportunity, they would be delighted to be citizens.

Mr. HYDE. Mr. Chairman, if I have any time left, I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I appreciate the gentleman yielding.

I just want to respond to one statement, when the gentleman said the North Korean army might occupy part of Seattle.

We have a couple of other more realistic examples. Just for example, the Cuban situation that we have now, we continue to be duped by the likes of Fidel Castro in bringing these refugees in. We opened up our arms to these people and Castro deliberately infiltrated them with Communists so that they could now say what a lousy place this is to live, they hijack American planes to bring attention to their efforts to get back to Cuba.

Mr. HYDE. Is the gentleman saying these people should not be counted and have their own Congressman, is that what the gentleman is saying?

Mr. SOLOMON. That is exactly what I am saying.

Mr. HYDE. That is what I thought the gentleman said.

Mr. SOLOMON. That is a good example, with all these Cuban refugees centralized in one area and can you imagine all the Iranian illegal aliens here and having a representative of the Ayatollah Khomeini sitting on this floor of Congress. It is outrageous and I hope this amendment does pass.

Mr. COURTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition, and very frankly, I think the debate has gone off on a semiwhimsical tangent in terms of talking about people sent from Iran having a representative in this body. I do not think that can be any further from the actual truth.

There is another good reason to oppose this amendment without getting into the constitutional arguments, and I will leave the interpretation of the Constitution to my good friend and articulate spokesman on that document, the gentleman from Illinois (Mr. DERWINSKI) who will speak after me.

There is a very practical reason why this amendment should not be passed. The amendment, very frankly, would mean that we have spent approximately $1 billion in order to have a census during the past 6 months, that that $1 billion has not only been appropriated, it has been actually spent during the last number of months. All of that money, without regard to the purposes of reapportioning this body, is going to be thrown out the window if this amendment passes. The practical effect of this amendment, and I do not think we can forget it, would be that the Census Bureau wil be then charged either by this body, or by the courts of the United States of America, to go back out and count all 200 million plus people in this country all over again, adding the question: "Are you illegal or are you legal?"

The practical result of the passing of this amendment would be that we would be throwing away valuable information that we have received and that the information could not be used for reapportionment purposes. Those purposes, of course, are necessary every 10 years.

The result, as I suggested, would be that this body then would have to go forward and appropriate millions of additional dollars to recount the American population.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I thank my distinguished friend for yielding.

Let me say to the gentleman that, indeed, the billion dollars has been appropriated and the authorization came through the gentleman's subcommittee and that grant of authority that I said is so broad, which says the Secretary may conduct the census in any manner he deems proper was sanctioned by the subcommittee that brought this to us.

Now, unless we take action today we will not have another opportunity until 1990.

Mr. COURTER. Mr. Chairman, if I can reclaim my time, I just wonder where this Congress was during the past 10 years. It seems to me, for example, we gave that authority for a particular agency to build, let us say, a tank, and after they spent a billion dollars in building the tank, we looked at it and said, no, what we really want is a truck.

We should, a number of years ago, have authorized and charged the Census Bureau with an added responsibility, but we did not. It seems to me that what we have to do now is use the information that we have, and paid for so dearly.

Very frankly, I agree with the position that the Constitution should be changed such that illegal aliens should not be counted for the purposes of reapportionment.

□ 1340

But that is a separate issue. I will cosponsor such legislation when the same is sponsored. I can understand the merits of those people that argue that illegal aliens should not, in fact, be counted for apportionment purposes.

But, to thrust this type of decision now, after $1 billion has been appropriated and spent, seems rather ridiculous.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield again to the gentleman.

Mr. McDADE. If we stop these inexorable proceedings from going forward, the inexorable count of every illegal alien as if he were a citizen, which is potentially what we are talking about, a radical realinement of this House of Representatives, then we may get the constitutional amendment the gentleman seeks. This is the last ship to leave port that we can act on. We may not see this again until 1990. The gentleman's committee could have inserted one sentence that said "Do not count illegal aliens," when they gave that broad grant of authority to the Secretary of Commerce to do the Census. That committee could have put a sentence in that said "Do not count illegal aliens."

Mr. COURTER. The point is that every sitting person in this body had an opportunity to amend any type of authorization bill during the past number of years in order to insert that requirement. That either was not done, not attempted or failed in its attempt. I was not here, so I do not suggest I know the answer.

The point is that we have spent $1 billion, and we have to use that $1 billion. If the gentleman's amendment passes we have to go forward once again and recount all Americans, not by sampling techniques but by actually counting everybody and adding the additional query as to legal status.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(At the request of Mr. McDADE, and by unanimous consent, Mr. COURTER was allowed to proceed for 2 additional minutes.)

Mr. McDADE. Will my friend yield?

Mr. COURTER. I yield one more time to the gentleman from Pennsylvania.

Mr. McDADE. I simply want to point out to the gentleman that this does not go to the census. The census is being taken. What this goes to is the report that subsequently is required by statute to be submitted to this House, and this House, through its Clerk, then reports to the Governors of the various States how many Members of Congress they are entitled to for purposes of congressional reapportionment. This amendment goes to the report of the President and says "You may not submit it with illegal alien information in it." That is all it does.

Mr. COURTER. I take back the balance of my time merely to point out the fact that the gentleman from Pennsylvania has not answered basically the thrust of my argument, that if his amendment passes we are going to tax the American people another $1 bililon to do it all over again; some amendment, some justice.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words, and rise to oppose the amendment.

Mr. Chairman, it is with reluctance, that I oppose the amendment. I am not going to discuss the constitutional issues. I was impressed by the comments and analysis of the gentleman from New York (Mr. GARCIA) and the learned comments of the gentleman from Pennsylvania (Mr. McDADE). As a nonlawyer I am inclined to think that if Mr. Carter be reelected President he could do well to consider the gentleman from New York for the Supreme Court. If Mr. Reagan is elected, I would recommend the gentleman from Pennsylvania be considered.

Now, having put them to rest in that fashion, I would like to address the practicality of the issue. The practicality is that illegal aliens are not going to be counted whether you have another count or whether you base it on this count. Illegal aliens are a sub rosa society, and they were not around when the census taker came by. If they had received forms in the mail they did not return them, because they do not want to be identified. That is a fact of life.

Now, that is also a human element. They are protecting their unfortunate position. So I do not see any reason for delaying the formal procedure that is going to be followed because there is not any logical way we could identify the illegal aliens in the country using the census mechanism.

The problem is this: As long as we have, which we do have now, a complete breakdown in the effectiveness of the Immigration and Nationalization Service, this problem of illegal aliens is going to remain with us. It is not the Census Bureau that is responsible for the influx of these aliens. If we want to find the culprit, it is not the House Post Office and Civil Service Committee. It is probably the Judiciary Committee. If they concentrated on writing a workable immigration law, that might help.

The other cure would be if the Agriculture Committee would come back with something like the old bracero program when we had the bracero program, whereby the migrant farmworkers from Mexico came across under conditions governed by our two countries, we did not have that illegal alien problem to the degree we have it now. Ceasar Chavez would not be able to organize as many farmworkers if the bracero program were in operation. For political reasons, the Johnson administration scuttled the bracero program. That is when the floodgates opened and the illegal aliens started to pour into this country.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. McDADE. I want to commend my friend on his comments about the lack of an immigration policy in this country, about possibly doing something to reinstitute the bracero program. I think we should have much closer ties, for example, with Mexico about how we handle that problem.

But I want to say to my friend first of all he agrees I am sure that my amendment does not go to the census or stop it from proceeding. I do not think one can say with any degree of reasonableness that we are going to have to redo the entire census.

Mr. DERWINSKI. If I understand the

gentleman's amendment, we would have to retake the census before we permitted the President to transmit the figures to us needed for reapportionment.

Mr. McDADE. May I explain this to my friend?

Mr. DERWINSKI. Yes.

Mr. McDADE. It does not do that. It says to the President, after the Census Bureau has distributed information to him in accordance with title 13, I think it is, that is under the jurisdiction of the gentleman's committee, and he then reports to us, that he may not report to us with respect to the number of aliens in this country. He may not include that for purposes of congressional apportionment.

The reason we are doing that is to try to protect the full citizenship of individuals in the country.

Mr. DERWINSKI. If I understand correctly, what the gentleman is really speaking to is his hope that sometime down the road he could, either by legislation or constitutional amendment, exclude illegal aliens or perhaps, if I understand him, any alien from consideration as far as a population basis for membership in this body?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(At the request of Mr. McDADE, and by unanimous consent, Mr. DERWINSKI was allowed to proceed for 2 additional minutes.)

Mr. DERWINSKI. May I just point out that the real flaw in the gentleman's amendment—by the way, I completely concur with his intent and commend him for forcing the House to concentrate on this subject—but the facts of life are when the Census Bureau provides these figures to the President they will not be able to give him any data of how many illegal aliens are involved.

Mr. McDADE. If my friend will yield, he is correct. I have talked about all aliens. Until people become citizens for purposes of reapportionment of this House, they ought not be counted.

We can get 5 million instantly, 5 million aliens who register every year, and that is the number that the Immigration Service will tell us are in the country but not citizens. But they are being counted for purposes of apportionment. We can exclude that 5 million in 2 minutes, because the records are already there.

Now, after the other method, I agree with the gentleman. It is much more difficult and I sympathize, as does the gentleman from Illinois, about the plight of many of these people. But there are ways in which I believe this Congress can come to grips with it. The gentleman has suggested many of them.

What I say is that we must not dilute the rights of the citizens of the United States to have full and unfettered equally representative voting powers in this Congress. Unless we stop this inexorable march toward a count of 20 million aliens, then that is exactly what we are going to do. We are going to dilute their citizenship and voting rights.

□ 1350

Mr. DERWINSKI. May I just remind the gentleman in 1950, 1960, and in 1970 these conditions did not exist.

Mr. McDADE. That is right.

Mr. DERWINSKI. Second, as much as I agree with the gentleman's concern, I do not believe his amendment really provides the cure he seeks.

Mr. McDADE. Will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. McDADE. I agree with him fully. It is not a total answer to the problem, but I think it airs the problem before the House. It stops this inexorable march toward a possible count of as many as 20 million aliens, illegal and otherwise, in this country for the purpose of inclusion in the census data used in apportioning this House.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DERWINSKI was allowed to proceed for 1 additional minute.)

Mr. DERWINSKI. I would like to repeat that the gentleman is to be commended for bringing this issue to the floor. The problem cannot be solved here, in my judgment. If the Committee on the Judiciary would work on our immigration laws, perhaps that is where the cure could start.

Mr. ARCHER. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Texas.

Mr. ARCHER. I thank the gentleman for yielding. It seems to me that in some ways we have lost contact with the central point involved in this debate. I thought this country stood for the principle of "one man, one vote." Supposedly the Supreme Court has said that, but if you happen to be a citizen who lives in proximity to aliens, your representation in the Congress is increased to 3, 4, or 5 times beyond what the citizen living not in proximity to aliens in this country has.

Mr. DERWINSKI. Not at all, not at all.

Mr. ARCHER. Of course.

Mr. DERWINSKI. The gentleman's point would be correct if the aliens were being counted, but the facts of life are that the aliens are, logically, avoiding the census. The illegal aliens are not being counted.

Mr. ARCHER. That is what I was going to ask the gentleman, if he had yielded earlier, because the Census Bureau is imputing residents to vacant buildings or buildings where no one has responded to their questionnaire.

Mr. LEACH of Iowa. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the amendment.

Mr. Chairman, I personally support the notion that government is a citizenship function and believe reapportionment should be related to the residence of citizens, not aliens. But the fact is it is too late to affect the 1980 census. Congress could have acted and did consider requiring citizenship criteria for the 1980 census but failed to do so. To use the metaphor of the gentleman from Pennsylvania, the ship has not only gone out but it has sunk.

What this amendment does is attempt after the fact to apply criteria that unfortunately were not considered during the census process. For the administration to be denied the right to implement this census on whatever grounds requires the taking of a new census, one that in all probability would be thrown out by the courts. I say this because the Constitution clearly requires a decennial census and a full head count, not two decennial censuses and a partial head count.

The gentleman from Pennsylvania (Mr. McDADE) has done a very important service by bringing this issue to the attention of the House, but the only way to deal with his concerns is through a constitutional amendment requiring reapportionment to be based on a citizen head count. I happen to agree with the gentleman philosophically on this point and have in fact introduced such an amendment for which I invite cosponsorship. But I would like to stress that passage today of the McDade amendment will cause a delay in restructuring the House, making 1982 redistricting impossible, as well as the expenditure of hundreds of millions of dollars for purposes the courts may well rule futile.

Finally, it should be stressed that while a delay could cause a theoretical opportunity for Congress to act to restrict aliens from the reapportionment count, it also could cause opportunity for Congress to pass legislation demanding that arbitrary undercounts be added to head count figures. Just as real people can be subtracted from the counts, so phantom citizens can be added.

In other words, a new Congress and new administration could exacerbate the very problem this amendment attempts to address.

In my judgment, the greatest prospect for fairness for all concerned lies in accepting the procedures undertaken in the 1980 census without political tinkering. The problem is that to authorize up or down adjustments to census figures is to allow for the possibility of political manipulation of those figures. This raises the possibility of a nefarious statistical gerrymandering of America of a far greater magnitude than that damage that some State legislatures habitually wreak. In a society that is ever-moving an honest ballot box must reflect an honest head count. The legitimacy of our Government cannot be maintained without such a head count.

I would, therefore, urge my colleagues to stick with the Census Bureau methodology for 1980 and move on to consider the proposed question of whether apportionment should be based on citizenship for 1990.

Abide by the Constitution, and reject the McDade amendment today, then change the Constitution and apply the McDade logic to the next decennial census in 1990.

Mr. GARCIA. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I would be happy to yield to the gentleman from New York.

Mr. GARCIA. I thank the gentleman for yielding.

I think we have a serious problem in terms of the future of the census and how we go about counting people. I believe there has been some legitimate argument put forth in terms of the process, and I would suggest to my colleagues on both sides of the aisle that based on what we have gone through in 1980, and seeing that we are still living with the 1790 mandate in terms of the Constitution, I would have no problem, no problem whatsoever, in overhauling the Bureau of the Census to make it more representative of the year 1980, or the decade of the 1980's. The system that we have presently in terms of counting people is obviously ancient.

I think that the gentleman from Illinois is correct. Any person who thinks that illegal aliens came forth blooming and blossoming, saying, "I want to be counted," is just crazy, because they want no part of it. They ran and they hid. I think that the issue is persons who are noncitizens being counted in a census, and I would be the first to tell the gentleman from Iowa (Mr. LEACH) that I was not opposed to counting persons who were noncitizens—and I use the constitutional backing for the word "persons." I want to be frank with the gentleman, but I think there is a serious problem in terms of how we enumerate and how we go through the process.

I would suggest to all of us, whether we are for counting of all persons or against it, the bottom line breaks down to the fact that we as a body must start to focus very sharply on how we go through the process, because the lawsuits that are going to be put forth by the masses of this country, whether it is in New York, Los Angeles, Seattle, or Miami, are real.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. GARCIA, and by unanimous consent, Mr. LEACH of Iowa was allowed to proceed for 1 additional minute.)

Mr. GARCIA. If the gentleman will yield further, we may be boxed in with the census, and we may find ourselves where the figures of 1980 are such that the apportionment of Federal dollars, as well as the apportionment of congressional and legislative seats, is outdated, and we are going to be in continuing trouble.

I thank the gentleman for yielding.

Mr. LEACH of Iowa. I yield back the remainder of my time.

Mr. STEED. Mr. Chairman, I move to strike the necessary number of words. I wonder if we can get some agreement on time on this. We have debated this a long time, and we have a lot more amendments to come.

Mr. Chairman, I need to say a few words in explanation to bring this, I think, into better focus. First, I want to say that I consider the author of this amendment one of my favorite Members, and I appreciate his kind words, and I reciprocate the warmth of his friendship. I think he has an amendment here that is a very important amendment.

The question has been asked as to why we did not raise a point of order to it. In my opinion, it is not subject to a point of order. There is some question in my mind that it may be in violation of the Constitution, but that would not be something we could settle here.

Mr. Chairman, in the beginning this subcommittee and the Postmaster General tried our best to convince the Congress and the administration that this census should have been taken by the postal service. It is a matter of fact known that the postal service already has a census. They had it yesterday; they will have it today; they will have it tomorrow; and they could have done this job at a fraction of the cost that has already been spent. They have spent all of their money. They still need a lot more money. They have not finished the census. This is the fourth Federal census I have witnessed as a Member of this House, and they have ended up in a mess. We thought this year maybe we could get something we could live with. But the howls that have gone up throughout the country indicate that there is something wrong with the system that we use in taking the Federal census. That is water under the bridge, so we are faced here now with what the results of this thing that we have been doing are going to be.

This amendment does not have anything to do with aliens. If you read it in terms of where it puts us at this point, it says that the results now obtained cannot be certified as required by law. The reason this amendment stops where it does is every dollar that the people who must comply with the law spend to transmit census information is contained in this bill, and if they are restricted from using funds in this bill, that means there is nothing they can do. They cannot even mimeograph a sheet of paper under the terms of this amendment if it has to do with certifying census figures.

□ 1400

This is a very binding amendment.

Because of the rules of the House, I talked with the authors of the amendment and they were prevented, in order not to be subject to a point of order, from putting in the amendment a lot of the language that would have made it much easier for everybody to cope with. This, again, becomes a classic example of what we get into every time we try to legislate in an appropriations bill and yesterday and today all I have seen is one legislative committee after another trying to solve its problems in this appropriations bill while they might have done the people a greater service had they performed their own duties and settled these problems in the proper forum.

Mr. Chairman, the only thing I can say is, I sympathize with the point being made here. It is an important point. I do not know what the answer to it is. If it is the will of the House to adopt this amendment, the only thing I can suggest is that the other body does not have the restrictions on what language they can put in an appropriations bill as we have it, and maybe they can take this amendment and broaden it out to where they can cope with some of the problems that have been discussed here today.

Mr. Chairman, if we do nothing at all that means there will be no reapportionment of Congress and I am not sure that some of the Members will be too disappointed about that. I can give you a personal note about what can happen to you in redistricting. In my 21st year of service in Congress I found the district I had was gone and I had a brand new one. There are all sorts of things that can happen to a person in redistricting. However, that is a matter we cannot settle here today, either.

Mr. Chairman, I have no personal recommendation. I will abide by the will of the House.

Mr. BEARD of Tennessee. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the gentleman from New York if the gentleman would respond: I think the subject has been discussed and debated adequately. I do have one point that is somewhat associated with this but that may be in a different direction. I am concerned about it.

Mr. Chairman, is the gentleman from New York aware, as I think most Members are, of a law passed in 1948 dealing with lobbying by Federal agencies with appropriated moneys?

> No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation—

This then goes on to talk about prison penalties, fines, et cetera.

Mr. Chairman, is the gentleman somewhat aware of that law regarding the Federal agencies not able to lobby the Members of Congress?

Mr. GARCIA. The gentleman is correct.

Mr. BEARD of Tennessee. Did the gentleman react in any way at all as I did when I received a letter from the U.S. Department of Commerce, the Assistant Secretary of Commerce, the first paragraph of which it says:

> The Census Bureau strongly opposes the McDade amendment to the FY '81 appropriation bill for Commerce, State, Judiciary, and other agencies.

The document then goes on and gives a page of reasons for the opposition.

Mr. Chairman, my first reaction was to be highly disturbed because in my opinion it was a direct violation of the law we have passed to prohibit this.

Mr. GARCIA. If I may respond to the gentleman, I think one of the problems they probably had on that is that they were probably responding to our inquiries or inquiries made by other Members of Congress.

Mr. BEARD of Tennessee. Mr. Chairman, this was a form letter sent to me and every other Member in the House.

Mr. GARCIA. Mr. Chairman, then in that event I cannot speak to it.

Mr. BEARD of Tennessee. Mr. Chairman, I would like a commitment from the committee chairman that the people who are responsible for this will be brought before the committee and questioned to see if there was a violation of this law. We made the law and I think it is time we start enforcing some of the laws we write.

Mr. GARCIA. As soon as I see what

the gentleman from Tennessee has, I will be delighted to respond.

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. BEARD of Tennessee. Certainly I yield to the gentleman from New York.

Mr. PEYSER. One thing I do not understand. We have agencies in government expressing points of view on legislation all the time. In fact we request it of them. I am wondering if this is not very much the case. In any number of instances we request: What will this kind of amendment do as far as the agency is concerned and does it make good sense to you, the agency. The agency responds and says, we think it is a good amendment or a bad amendment. I do not see the trouble of that.

Mr. STEED. Did the gentleman just walk in or what?

Mr. PEYSER. No, I was listening to the gentleman.

Mr. BEARD of Tennessee. Mr. Chairman, I just recited the law that is on the books that was developed by Congress. If it is a bad law we should remove it. The fact is, unsolicited, I received a statement from the Census Bureau starting off—

> "The Census Bureau strongly opposes the McDade amendment to the FY '81 appropriation bill.

It does not say: We are concerned or, in response to some Members' questions. It just comes to me as it went to every Member of Congress: The Census Bureau: We strongly oppose Joe McDade's amendment.

Mr. Chairman, this is in direct violation of the law.

Mr. PEYSER. Mr. Chairman, if the gentleman will yield, I have no reason to defend the Census Bureau on this and I would hazard a guess if the gentleman inquires of them the gentleman would find they received a number of inquiries from Members in Congress and they simply put this response out. I would suspect that is what happened.

Mr. BEARD of Tennessee. Mr. Chairman, if I were a betting man I would wager the gentleman's guess is somewhat hazardous; I doubt if anybody did write, I doubt if there were five or six people who did write asking how the McDade amendment would affect this bill. I do not think it called for them coming out saying: We strongly oppose the McDade amendment. I think their action is very irresponsible and I would like a commitment of the chairman.

Mr. GARCIA. I will make my inquiries of the Bureau of the Census. I know I was among those who made inquiry. This amendment was not a new amendment. It was supposed to have come up about a month ago. We were familiar with it. We were pressing. The gentleman from Pennsylvania can correct me if I am wrong, but it is not an issue that just came up today.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to speak in support of this amendment. I would like to respond to a few points that have been made during the course of the debate. It seems to me we have gone off on some tangential issues here. For example, the gentleman from New Jersey, I believe it was, said this was going to involve us in a total retaking of the census, resulting in additional billions of dollars in appropriations. I think there would indeed have to be a redetermination of the question of whether a person was or was not an alien.

Mr. Chairman, I think that begs the question. The question here really is what is right. What did we mean by one man one vote? Even though it may involve an additional procedure, some additional expense to come up with a count, I think we have that obligation and that responsibility to make that determination of what we meant and what the Supreme Court meant by one man one vote.

Mr. Chairman, I also wanted to address the points raised by the gentleman from Illinois to the effect that this is all a tempest in a teapot because, in fact, none of the illegal aliens are being counted.

Mr. Chairman, I cannot agree with that supposition because all of us know that the Census Bureau made a herculean effort to make sure that aliens both legal and illegal were counted. There were foreign language broadcasts in areas where it could be suspected there were a great many illegal aliens. I think it is spurious to assume that none of these illegal aliens are being included in this census count. I think that the opposite is true, that there is going to be a tremendous inequity here because a great number of them will be counted.

Mr. Chairman, the simple fact is, if the Census Bureau completes the census process according to present plans, illegal aliens can and probably will significantly affect the reapportionment of congressional seats. We are talking here about an issue that is going to affect this body for the next 10 years. It is not one that we can just shove under the rug and say: We will take care of it by a constitutional amendment, or something like that. This is the time we must act on this issue. This is the last time we have an opportunity to act.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I will be happy to yield to the gentleman from Pennsylvania.

Mr. McDADE. The gentleman expresses a point with great eloquence: This is our last opportunity. If we want to try to cure this problem with additional statutory legislation with a constitutional amendment, the way to do it is to stop this process upon which we have all agreed. I have heard no one say they agree illegal aliens should be counted. If we just stop it right now we will get a remedy, I assure you.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I will be happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I think the gentleman makes a very important point when he says that the Census Bureau went to great efforts to get aliens to register. Am I correct that they not only put out foreign language broadcasts but they also informed the people during those broadcasts there would be absolutely no penalty of law, there would be no attempt to determine who they were and that they went to great extent to make certain that illegal aliens could participate in the census without fear of anything being done against them at all?

□ 1410

Mr. CLINGER. The gentleman is absolutely correct. In fact, it is my understanding that, in effect, the Director of the Census Bureau practically unilaterally suspended the immigration laws during the period the Census was being taken by saying that there would be no effort to deport people who were here illegally.

Mr. GARCIA. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I would be happy to yield.

Mr. GARCIA. Mr. Chairman, just let me, if I may, because I want the record to be clear, I know that there are those of us who made serious efforts to count all persons. We do not deny that. I also would like the gentleman to know that we have not been nearly as successful as we had hoped we would be. We counted some but we did not count nearly all. It is important that we understand that.

The other point is that 1980 was significantly different than any other census because, for the first time, we were talking about the Federal apportionment, of dollars going back to the individual States. I think the Bureau of Census would have been negligent had they not counted all persons. It would have hurt the gentleman's State as well as other States. I think that argument against the Bureau of the Census should not be made.

Mr. CLINGER. If I may reclaim my time, certainly I think this should be made very clear; we are not talking in this amendment about Federal largesse or the need to support those illegal aliens who are in need of food, housing, and so forth. I think the Census Bureau should conduct a dual count. They should have done a count for purposes of reapportionment and a count for purposes of Federal disbursement. There has to be that significant distinction made.

We are not here talking about cutting off Federal funding to areas that have high proportions of illegal aliens. We are talking about the fact, Mr. Chairman, that the elected Representatives in these districts will not be held accountable to illegal aliens on election day. However, there will be an incentive for them to maintain weak immigration laws and enforcement to distort their influence in Congress and in their States.

The best interests of their voting constituents may further exacerbate the social and economic problems of nonvoting, undocumented workers and their families.

I think this is a point that has not been brought out here, the accountability of the elected Member to a constituency of which a great many of them are not able to vote in favor of or against the policies he is representing.

Mr. STEED. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. McDade).

The question was taken; and on a division (demanded by Mr. McDade) there were—ayes 36; noes 22.

Mr. ERTEL. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. The gentleman asks for a recorded vote.

Mr. ERTEL. Mr. Chairman, I withdraw my request for a recorded vote.

PARLIAMENTARY INQUIRY

Mr. GARCIA. Mr. Chairman, just a parliamentary inquiry.

Am I in a position to make mention that a quorum is not present?

Mr. Chairman, I withdraw the request.

Mr. GONZALEZ. Mr. Chairman, I demand a recorded vote, and I make the point of order that a quorum is not present.

□ 1420

Mr. OTTINGER. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman, if he wishes to demand a vote, may do so.

Mr. GONZALEZ. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman has the right to ask for a recorded vote or make the point of order that a quorum is not present.

POINT OF ORDER

Mr. OTTINGER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from New York (Mr. Ottinger) will state his point of order.

Mr. OTTINGER. The point of order, Mr. Chairman, is that the gentleman was not on his feet to make such a request at the appropriate time.

The CHAIRMAN (Mr. Preyer). The Chair will state that the gentleman was relying on another gentleman being on his feet and making the point of order, and he would have the right under these circumstances to renew the point of order, since the Chair has not finally announced the result of the vote.

Mr. GONZALEZ. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Texas (Mr. Gonzalez) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 189, not voting 21, as follows:

[Roll No. 464]

AYES—222

Abdnor
Albosta
Alexander
Ambro
Andrews, N.C.
Andrews, N.Dak.
Anthony
Applegate
Archer
Ashbrook
Ashley
Atkinson
Badham
Bailey
Barnard
Bauman
Beard, R.I.
Beard, Tenn.
Benjamin
Bereuter
Bethune
Bevill
Boner
Bouquard
Bowen
Breaux
Brinkley
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carter
Cheney
Cleveland
Clinger
Coleman
Collins, Tex.
Conte
Corcoran
Coughlin
Daniel, Dan
Daniel, R. W.
Daschle
Davis, Mich.
Davis, S.C.
Deckard
Derrick
Dickinson
Donnelly
Dougherty
Duncan, Oreg.
Duncan, Tenn.
Early
Edwards, Ala.
Edwards, Okla.
Emery
English
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fenwick
Findley
Fish
Fithian
Florio
Forsythe
Fountain
Fowler
Gaydos
Gingrich
Ginn
Glickman
Goodling
Gore
Gradison
Grassley
Gray
Grisham
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hansen
Harsha
Heckler
Hefner
Hillis
Hinson
Holt
Hubbard
Huckaby
Hughes
Hutchinson
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Jones, N.C.
Jones, Tenn.
Kelly
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Latta
Lederer
Lee
Lent
Levitas
Lewis
Livingston
Loeffler
Long, Md.
Lott
Lujan
Luken
McDade
McDonald
McKinney
Marks
Marlenee
Marriott
Martin
Mathis
Mazzoli
Michel
Miller, Ohio
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nichols
O'Brien
Oakar
Pashayan
Paul
Pease
Perkins
Petri
Porter
Preyer
Pursell
Quayle
Quillen
Rahall
Railsback
Ratchford
Regula
Rinaldo
Ritter
Robinson
Rose
Roth
Rousselot
Royer
Rudd
Russo
Santini
Satterfield
Sawyer
Schulze
Sebelius
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Skelton
Smith, Nebr.
Snyder
Solomon
Spence
Stangeland
Stanton
Symms
Tauke
Tauzin
Taylor
Trible
Vander Jagt
Volkmer
Walgren
Walker
Wampler
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Winn
Wolpe
Wydler
Wylie
Yatron
Young, Fla.
Zablocki

NOES—189

Addabbo
Akaka
Anderson, Calif.
Annunzio
Aspin
AuCoin
Bafalis
Baldus
Barnes
Bedell
Beilenson
Bennett
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Bonior
Bonker
Brademas
Brodhead
Brooks
Brown, Calif.
Burton, John
Burton, Phillip
Carr
Chappell
Chisholm
Clausen
Clay
Coelho
Collins, Ill.
Conable
Conyers
Corman
Cotter
Courter
Crane, Daniel
Crane, Philip
D'Amours
Danielson
Dannemeyer
de la Garza
Dellums
Derwinski
Dicks
Dingell
Dixon
Dodd
Dornan
Downey
Drinan
Eckhardt
Edgar
Edwards, Calif.
Erdahl
Erlenborn
Fary
Fascell
Fazio
Ferraro
Fisher
Flippo
Foley
Ford, Mich.
Frenzel
Frost
Fuqua
Garcia
Gephardt
Gibbons
Gilman
Goldwater
Gonzalez
Gramm
Green
Guarini
Hance
Hanley
Harkin
Harris
Hawkins
Heftel
Hightower
Holland
Hollenbeck
Hopkins
Howard
Hutto
Johnson, Calif.
Jones, Okla.
Kastenmeier
Kazen
Kemp
Kildee
LaFalce
Leach, Iowa
Leath, Tex.
Lehman
Leland
Lloyd
Long, La.
Lowry
Lundine
Lungren
McClory
McCloskey
McCormack
McEwen
McHugh
Madigan
Maguire
Markey
Matsui
Mattox
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moffett
Murphy, Ill.
Nedzi
Nelson
Nolan
Nowak
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pepper
Peyser
Price
Pritchard
Rangel
Reuss
Rhodes
Richmond
Rodino
Roe
Rosenthal
Rostenkowski
Sabo
Scheuer
Schroeder
Shannon
Simon
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Staggers
Stark
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Synar
Thomas
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vanik
Vento
Watkins
Waxman
Weaver
Weiss
White
Wilson, Tex.
Wirth
Wolff
Wright
Wyatt
Yates
Young, Mo.
Zeferetti

NOT VOTING—21

Anderson, Ill.
Cavanaugh
Devine
Ford, Tenn.
Giaimo
Holtzman
Horton
Johnson, Colo.
Leach, La.
McKay
Mavroules
Moorhead, Pa.
Murphy, N.Y.
Myers, Pa.
Pickle
Roberts
Roybal
Snowe
Wilson, Bob
Wilson, C. H.
Young, Alaska

□ 1440

Mr. OBERSTAR and Mr. CHARLES WILSON of Texas changed their votes from "aye" to "no."

Messrs. GRAY, LOTT, WOLPE, and KOSTMAYER changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. MOFFETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to discuss something rather unusual for this legislation, and that is the Postal Service, which it seems we have gotten away from.

Already in this debate there has been some discussion about the responsibility of the Postal Service when making decisions regarding the locating or relocating of post offices.

My concern stems from some recent experiences in the rural part of my own district. These concerns relate to Postal Service decisions on relocation.

Now, I am aware, as are the rest of the Members, that the Postal Service is obliged to make relocation decisions based on such important factors as efficiency and cost effectiveness and cost savings.

My concern, however, relates to the impact of relocation decisions on the essential character of many small towns.

It is my belief and the belief of many of my constituents that in some cases the charming aspect of rural communities is being harmed by relocation decisions that do not consider such factors as historic preservation and the need to prevent unplanned chaotic growth.

In the town where I reside, Litchfield, for example, the Postal Service is planning on moving the post office from an older building in the center of town to a new building and new location outside of town.

Again, Mr. Chairman, I recognize the need for cost effectiveness, but in some of these decisions there is a social cost which in a sense can ruin the essential character of a rural community if it is not considered.

□ 1450

I also recognize, I might say to the distinguished chairman of the subcommittee, that were I to offer an amendment to mandate that the Postal Service weigh such factors as historic preservation in their relocation decisions, it would probably be subject to a point of order. We have certainly had enough extraneous amendments introduced on this bill.

I know that the chairman, the gentleman from Oklahoma, has a real appreciation for what our rural communities and their often charming centers have to offer.

It is my hope, Mr. Chairman, that we can make some legislative history here to at least push the Postal Service in the direction of making a somewhat broader decision, that is, taking a broader view of the impact of their decisions on relocation in rural communities.

Mr. Chairman, I yield to the distinguished chairman of the subcommittee.

Mr. STEED. Mr. Chairman, first off, let me say that we have reaffirmed from the Postal Service what their policies are. First off, they are bound by the provisions of the Historic Preservation Act. The Postal Service complies with the provisions of the OMB circular A-95 concerning contact and consultation with local officials with respect to the siting of postal or other Federal buildings. The Postal Service has in the past been quite sensitive to the historical character of certain of its facilities and considers this as an important factor in decisions to relocate. Such a substantive amendment which has nothing to do with the appropriation of funds to the Postal Service does not belong in an appropriation bill.

But here is what I can tell the gentleman. I have had several case histories of cases like this. In every instance I found the Postal Service to be very cooperative in getting them worked out. I do not know of a single time when they have turned down the preservation of a truly historic structure.

My suggestion would be that the gentleman get a brief together, including perhaps some photographs and one of the most persuasive things of all to the postal powers, would be petitions of the patrons and to get his material together and I would be glad to go with the gentleman and I am sure we can call it to the attention of the Postmaster General, if it has not been adjudicated locally.

The reason is that sometimes the people in the field are working under fairly strict regulations and they may not be willing to take some controversial matters in their own hands; but if you get higher up in the postal management, you will find that you get a more sympathetic ear all the time; so I do not believe the gentleman will have any trouble in making his case and getting a very favorable response.

Mr. MOFFETT. I thank the chairman for his remarks.

I might say that I think the chairman would agree with me that in many of the small towns the post office is much more than a place to pick up your mail or to leave your mail off. It is a meeting place. It is the hub of the town.

As I said earlier, while I realize that cost effectiveness is very, very important and the most important thing in their making relocation decisions, it still seems to me and many of my constituents, and I am sure it is true for many of the others who have rural communities, that if decisions are made without regard to a larger view of the social benefits that in fact the essential character of many of these towns really is diminished, if not destroyed; so I thank the gentleman for his consideration.

I would just hope that the message to the Postal Service is not that we want them to make any dramatic changes here, but that we want them to be really considerate of this concern.

Mr. STEED. I can assure the gentleman that the Postmaster General is probably the most cooperative in this field of anybody I have ever served with.

Mr. ERTEL. Mr. Chairman, I move to strike the appropriate number of words.

Mr. Chairman, I originally planned to offer an amendment to limit expenditures for the First Lady's staff. I have decided not to do so, because I am convinced that the motivation and purpose of the amendment would be misinterpreted. In a Presidential election year, even an entirely appropriate reduction in the size of the White House staff is sure to take on political overtones. For that reason, I am taking this opportunity to urge Mrs. Carter to voluntarily roll back the size of her staff.

Public Law 95-570 specifically authorizes staff for the spouse of the President as part of the authorized appropriations for the White House Office. The administration has used this authority to establish a generous staff complement for the First Lady. According to Hugh Carter, Special Assistant to the President for Administration, the First Lady has a staff of 21 persons receiving annual salaries totaling $658,130. This figure is expected to rise to over $700,000 in fiscal year 1981 when the First Lady's staff size expands to 26 positions.

Mrs. Carter's staff is several times larger than that of previous First Ladies. Both Mrs. Eisenhower and Mrs. Kennedy had but one full time staff person. Mrs. Johnson and Mrs. Nixon limited themselves to two staff assistants.

Mrs. Carter's current staff size rivals that of the Vice President and her staff salaries exceed those of a congressional staff by more than 2 to 1.

The individuals on the staff of the First Lady assist her in planning and giving receptions, luncheons and dinners, tours, press conferences, interviews, speeches and policy briefings. One must ask why the Domestic Policy Staff and the White House Press Office cannot provide Mrs. Carter with the support she requires in carrying out policy briefings and responding to press inquiries. These two offices already give such assistance to the President; why do these functions need to be duplicated in the Office of the First Lady? Were Mrs. Carter to rely on these other Presidential advisers, she would have no need for such a high paid staff to help her carry out her other more ceremonial responsibilities.

Mr. Chairman, although the First Lady provides a valuable service to the country, she should reduce the size of her staff voluntarily.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. ERTEL. I would be happy to yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I would like to compliment my colleague on his remarks. I have received so many letters from hard-pressed people in my district, Democrat and Republican, asking me why on earth $650,000 is necessary for the staff of the wife of our Chief Executive; but like the gentleman in the well, I hesitate in the middle of a political campaign to bring this up as a partisan matter. I trust it will be taken to heart by our First Lady and that that staff will be reduced. Certainly no such sums should be devoted to it.

Mr. ERTEL. Mr. Chairman, I thank the gentlewoman for her comments.

The CHAIRMAN. Are there further amendments to this section of the bill? If not, the Clerk will read.

The Clerk read as follows:

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For expense necessary to carry out the provisions of the Federal Election Campaign Act Amendments of 1976, $9,283,000

AMENDMENT OFFERED BY MR. DORNAN

Mr. DORNAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORNAN: Page 14, after line 15, insert the following: "For expenses necessary to carry out the provisions of the Federal Election Campaign Act Amendments of 1976, $8,195,000, of which not more than $1,700,000 may be expended by the office of General Counsel.".

Mr. DORNAN. Mr. Chairman, had this bill been offered in a timely fashion earlier this year, this might have been thoroughly aired as to all the aspects that relate to politics, the FEC, and the pursuit of justice. The amendment I am offering reduces the appropriation to the Federal Election Commission by $88,000.

☐ 1500

Why $88,000? This happens to be the sum of $52,000, roughly the salary of the FEC General Counsel, and $36,000, the sum which represents the highest fine ever contemplated in the half-decade history of the Federal Election Commission.

Now, the FEC General Counsel's name is Charles Steele, as some of my colleagues may know. Regarding the above FEC fine, not a penny has ever been collected of that $36,000 fine. It is almost a year old now.

This situation that has developed at the FEC has been pending since September 6, 1979. What makes it so difficult to fathom is the fact the FEC Counsel, Mr. Steele, had in his possession for 2 months, a $2,000 check given on October 15, 1979, in partial payment of this $36,000 fine which was later arbitrarily reduced to $18,000. He never cashed the check. And finally it was canceled in December 1979, giving us this zero figure of payment on the largest fine in the history of the FEC. A very pathetic case of stewardship.

For your information, Charles Steele is the lawyer who tried the FEC case against a tax-watching group in Long Island which had spent $135 for printing and circulating the voting records of a certain Member of Congress. I do not know whether their piece was accurate or not, but that is not relevant to the case at hand. I am told that a freedom-of-information request yielded the information that the FEC spent over $50,000 to go after this $135 case, and they lost in the U.S. court of appeals. Regarding the General Counsel's zealous prosecution, or perhaps "persecution" is more appropriate. The court, on February 5 of this year, said the following:

> The insensitivity of First Amendment values displayed by the FEC in proceeding against these defendants compels me to add a few words about what I perceive to be the disserving legacy of the Federal Election Campaign Act . . . I confess I find this episode somewhat perverse. It is disserving because citizens of this Nation should not be required to account to this court for engaging in debate of political issues. . . . Buckley vs. Valeo imposed upon the FEC the weighty, if not impossible obligation to exercise its powers in a manner harmonious with the system of free expression. Our decision today should stand as an admonition to the Commission that at least in this case it has failed abysmally to meet this awesome responsibility.

That was the U.S. Court of Appeals.

Mr. Steele's performance has not improved with age, title or a few more months' more experience with the FEC. He succeeded the prior General Counsel William Oldaker on November 1, 1979. For the information of the Members, Mr. Oldaker was demoted and suspended from duty for 5 weeks for falsifying public records when he worked as a lawyer for the Denver branch of the Equal Employment Opportunity Commission in 1973. Also, just prior to Mr. Oldaker's leaving the FEC, and going to work for a Member of the other body, Senator KENNEDY, on October 29, 1979, Mr. Oldaker dismissed a complaint brought by the Carter campaign against groups making independent expenditures on behalf of Senator EDWARD M. KENNEDY. Was his judgment perhaps sweetened by a KENNEDY job offer that he went to just a few weeks later? Who knows? But the circumstances do not look good.

Even now the FEC is pursuing frivolous independent expenditure lawsuits similar to those it had lost in the past, and has even demanded from a gun owner's PAC that they turn over their membership list from a separate though similarily interested group.

Additionally, the FEC has knowingly and willingly let an elected Federal official keep over $1,150 in illegal corporate campaign contributions, which moneys were originally embezzled from a corporation from my State of California.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. DORNAN was allowed to proceed for 3 additional minutes.)

Mr. DORNAN. I want to repeat that line, listen to it well, every Member of this body.

The FEC, through its Office of General Counsel, has allowed an elected Federal official, just like ourselves, to keep for over 1 year, $1,150 of acknowledged illegal corporate campaign contributions. The corporation—whatever it did is somewhat unclear—laundered $13,000 into my opponent's campaign and $23,150 of illegal corporate money into this elected Federal official's campaign coffers. Some of this $23,150 may have been given in cash.

And now a convicted felon down at the Talladega Prison in Alabama, whom I hope has turned over a new leaf, denies that this Federal official ever returned the money to him. I direct my colleagues to read the relevant Jack Anderson columns. I was told while at the Talladega Federal prison in Alabama in the presence of an FBI agent and an assistant U.S. district attorney from Birmingham that my young opponent merely went through the motions of returning illegal $1,000 corporate campaign contributions. I was told that this $13,000 was returned. The money never left California. It was reloaned to my young opponent by his original Alabama benefactor. And in the face of all this the Speaker of this body is going out to campaign for my jobless opponent on September 12.

This scandal is going to be brought before this House again, and again and again until I see justice done.

The FEC knowingly and willingly, all of the Commissioners are aware of this case and one of them told me, "It was hardly our shining hour." All the Commissioners are aware of it. I have had personal confrontations in the FEC General Counsel's office with Mr. Steele, with their press secretary, Mr. Eisland, who has literally been an extension of a public relations arm for my opponent's campaign, has given "soft," misleading, and false statements to the press, has told the press statements of fact that he knew to be untrue. For example, he has told the press Mr. Carey Peck, my opponent, acted properly in first accepting the 13 $1,000 sequentially numbered cashier's checks purchased with corporate money. Mr. Eisland has told the press that the money has been returned. Yet the FEC has no records which prove this. Young Peck has alternately said that he did and then did not send thank you notes to these peculiar $1,000 donors from Alabama. I will bet he sent out thank you notes to his other $1,000 donors. All of us will try to solicit the wife of a $1,000 donor. Young Peck did not. My colleagues all know how we treat the $1,000 donor, with the respect they are due as a maximum donor.

All of this seedy case, with the distinguished and elegant actor, Gregory Peck, interviewing a young executive about to be fired because his home was being used as the lure in a sting where almost $1 million was embezzled from California, laundered in Alabama, and reflushed into the campaigns of an elected Federal official and a congressional candidate, is whitewashed by the FEC who sweeps the whole thing under the rug and then spends $50,000 going after a $135 violation on Long Island.

I will read from the FEC conciliation agreement, MUR–970, signed September 6, 1979, which is public record I urge you to check, by the way. Six documents in the FEC were denied to me under the Freedom of Information Act because they claimed a criminal investigation is ongoing. Depending upon who you talk to, it turns out there is no criminal investigation ongoing. But the Justice Department tells me one day there is an inquiry, and the next day there is an unofficial investigation.

In late April I flew down to Talladega, Ala., to meet this young, 28-year-old scam artist who it must be admitted had all the cards in life stacked against him and who embezzled $1 million from the ITEL Corp. in California. I am blocked from seeing him by a Justice Department U.S. attorney for the northern district of Alabama.

He tells me there is a criminal investigation of the elected Federal official and that I cannot question this prisoner about this particular elected official. Then lo and behold, 2 days after I confront this elected Federal official in his office, he is on an airplane with Justice Department help, and he gets to see the felon.

The CHAIRMAN. The time of the gentleman from California (Mr. DORNAN) has again expired.

(By unanimous consent, Mr. DORNAN was allowed to proceed for 3 additional minutes.)

Mr. DORNAN. He gets to see the felon who is jerked out of bed in his prison cell. He gets to see him alone, and probably intimidates him as I have been informed by FBI anonymous phone calls which are coming to my office tipping me off, whistle-blowing, and informing me of a major Justice Department/FEC scandal. I feel like I am involved in some sort of a deja vu over Watergate with the individuals charged in this case, as well as the political party.

In this FEC MUR–970, from which I will quote and paraphrase, it says, "The respondent"—that is the felon in Talladega who has just been sprung temporarily, "made contributions totaling $23,150 to the 1978 Campaign Committee, friends of a high elected Federal official. That is A.

"B. Respondent was refunded $22,000 from the friends of 'the high elected Federal official' on May 11, 1979." He says he refunded it. That he did not return the $22,000. Now, I say prove it; the FEC does not have a copy of the check either, but the FEC makes a statement of fact—that the money was returned. FEC Commissioner Harris told me that it was the usual practice of the FEC to have a front and back copy of such checks. The FEC never asked for the proof. It was all on supposition, on the word of this felon, sitting in the former General Counsel's office, the office of William Oldaker, and "the elected Federal official."

"C. Respondent utilized corporate funds," phony corporate funds, for laundering political money, stolen from Dennis Mining Supply and Equipment Co., "to make all contributions to the 1978 Federal campaign of "the high elected Federal official" and Carey Peck.

Let us subtract the $22,000 supposedly returned in illegal corporate money from $23,150, illegal corporate money, and what do you have?

□ 1510

You have the FEC and its General Counsel in effect making a gift of $1,150 of illegal corporate money to a "high elected Federal official" because the FEC has never asked for the return of this money which is illegal corporate money according to law and FEC statement. The FEC refuses to ask for the return of this money, no matter how many personal confrontations I have had with the press secretary, Fred Ireland, the General Counsel, Mr. Steele himself, and I have had to meet with every one of the six commissioners on this, to no satisfaction in my seeking of justice.

Mr. LEWIS. Mr. Chairman, will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from California.

Mr. LEWIS. I appreciate my colleague's yielding. As the gentleman may know, I have reviewed this matter.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DORNAN was allowed to proceed for 2 additional minutes.)

Mr. LEWIS. If the gentleman will yield, unless I am mistaken, there is an error there, and the gentleman's amendment should read $9,195,000 instead. I think there is a subtraction error that I think the gentleman may wish to change.

Mr. DORNAN. Yes. I did correct it at the desk. Some of the copies I passed out were wrong, and the figures in the amendment the Clerk read would be not more than $1,700,000 to be expended by the Office of the General Counsel, and the figure that I am reducing it by is $88,000 which would leave $9,195,000.

Mr. LEWIS. That is correct. Did I understand the gentleman to say that the candidate for public office in California received eight sequential $1,000 checks?

Mr. DORNAN. Thirteen. With some gaps, 13 sequentially numbered checks. Cashiers checks all drawn on the same Alabama bank. The last five were in exact sequence, all delivered at my young opponent's father's house, who held a big dinner at Chasin's Restaurant in Beverly Hills.

Mr. LEWIS. Do I understand that the candidate from California further indicated that once he recognized the unusual circumstances, he returned those checks?

Mr. DORNAN. No. In March 1979, after a national broadcast over ABC's coast-to-coast "20–20" show was put on, the fellow I mentioned down at Talladega, who admitted to spreading around $50,000 as a "bag man" in the coal scandals of Alabama; then the word got around California, but 3 more months still went by. Then my opponent claims the money was returned. But now the original donor who was fined by the FEC now claims it was turned in and handed back in cash to my opponent.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. LEWIS, and by unanimous consent, Mr. DORNAN was allowed to proceed for 2 additional minutes.)

Mr. LEWIS. If the gentleman will yield further, it is my understanding from the newspapers the candidate indicated he had returned the money. Does the gentleman know that the public record that has been presented in Congress or to the committee verifies that that money has been returned?

Mr. DORNAN. No. The FEC file contains no copies of either check from my congressional candidate or the high elected Federal officer. An amazing thing has taken place with both the liberal press in California, because of the impeccable reputation of my opponent's father, Gregory Peck. Because of the father's impeccable record, no one in the press has been willing to touch this with a 10-foot pole except Jack Anderson, and his people have admitted to me that even they were pressured by calls from Gregory Peck's lawyer not to touch this.

Mr. LEWIS. The gentleman may be interested to know that the Oversight Subcommittee of the House Committee on Administration has been reviewing the work of the FEC. In a recent hearing this question was raised specifically relative to the Senator who was involved. At that hearing a member of the press expressed some interest in this matter. I asked him if it was on the public record within the FEC that the candidate involved in California had returned the checks that we are discussing. He indicated that he would be willing to investigate that himself. We requested the FEC to present such data and information available to the committee. This was about a month ago. As of this moment we have yet to hear from the FEC.

From my view, to say the least, it is unusual for any candidate for public office to receive from out of State 13 sequentially numbered checks for $1,000 apiece and not to follow up and write a thank-you letter to the sender, and then later suggest that he returned the money because of unusual circumstances, and have that not be part of the public record when it is the responsibility of the FEC to follow such questions. It is a part of our code of ethics, the statutes of the House, and the job of the House Committee on Administration to follow through on questions of this nature. As of this moment the FEC has failed to follow through on our request.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DORNAN was allowed to proceed for 2 additional minutes.)

Mr. DORNAN. But after this exchange here and seeing some of the innuendos which have surfaced I am going to withdraw my amendment for what I think should be an obvious reason. At this time in the legislative schedule an amendment like this might hinder final passage because of a difficult conference situation. Also I want to believe in the Federal Election Commission and I believe in disclosure. I think we opened a can of worms years ago with trying to limit or adjust expenditures. The independent committees are showing that now—somebody's money to purchase a paid speech, whether it is a sound truck, a megaphone, a radio commercial, a TV commercial, or buying a newspaper ad. Very few people like to stand up on a soap box in Hyde Park in London. You have to pay for a speech.

I think the present spending limitation is a can of worms. But a fine lawyer from the Sacramento Bee said, "Show me a Congressman's FEC forms, or a Congresswoman's FEC forms, and I will show you a skeleton of their campaign. I will learn more about that candidate by analyzing who is supporting him than I will learn if I follow him on the campaign trail for 3 weeks, with careful rhetoric all geared to the latest poll, and being careful even with the best of us who accentuate the positive and stay away from negative issues."

I believe in disclosures. I want disclosures. But I think with these sleazy 13 sequentially numbered cashier's checks, it is a much bigger situation in Alabama, with 35 Federal indictments against major coal corporations for stealing our land—taxpayer-owned land, and mining coal that belongs to us and the U.S. taxpayers, and it all was flooded down the drain through inept Justice Department investigations in Alabama. The Alabama press has been critical of this whole episode. And a Federal judge in Alabama has sealed the case from State prosecutors.

What I have done here is just lifted up a rock and seen the tip of the iceberg.

Mr. Chairman, I will withdraw the amendment so that it cannot be used against me politically. Upon reflection, I do not want anybody to say that I am trying to cripple the enforcement efforts of the FEC. I want more disclosure. If the General Counsel will do its job for the six commissioners over there, the only even-numbered commissioners in this city, the only one that has an affirmative action test with three Republicans and three Democrats, we would not have to have a situation like this.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DORNAN was allowed to proceed for 1 additional minute.)

The CHAIRMAN. The gentleman from California (Mr. DORNAN) has also asked unanimous consent to withdraw his amendment.

Is there objection to the request of the gentleman from California?

Mr. FLIPPO. Reserving the right to object, if I might reserve the right to object and I shall not object, the gentleman is making some statements in regard to his opinion of the Federal court's action on the matter regarding Alabama, and he is speaking with great conviction. I wonder if the gentleman has been following the trials taking place in Alabama in regard to this matter. I wish the gentleman would refrain from referring to the Senator from Alabama, and give the Senator an opportunity to do what he needs to do to explain the situations. He does not need to be tried by the Jack Andersons of this world. We have a proper court procedure and a way to proceed in that regard.

I would hope that the gentleman would refrain from bringing up the name of any official from Alabama, or any other State official's name up, in a manner that would tend to encourage people to believe that they had done something wrong, when no such thing exists or it has not been proven in a court of law. I know the gentleman's high regard for court proceedings.

Mr. DORNAN. If the gentleman will yield, I believe I have discovered a major coverup; a terribly inept, if not illegal obstruction of justice by Justice Department people assigned to the fair State of Alabama. I gave the Senator mentioned before a face-to-face opportunity, alone in his office, to explain his involvement but he would not do so.

Mr. FLIPPO. Mr. Chairman, I ask that the gentleman's words be taken down.

The CHAIRMAN. The gentleman may not refer to Members of the other body.

Mr. FLIPPO. Mr. Chairman, I would ask that the gentleman's words be taken down.

I will yield to what the gentleman wants, then.

☐ 1520

The CHAIRMAN. The Chair will state to the gentleman from California (Mr. DORNAN) that under the rules of the House it is not in order to refer to Members of the other body and in the light of that the Chair would ask the gentleman from California if he wishes to withdraw his remarks concerning the Member of the other body.

Mr. DORNAN. Mr. Chairman, as of about a year-and-a-half ago, videotape records of House proceedings have been made. Taking that into consideration I will accede to the Chair's suggestion and remove all statements in the written RECORD pertaining to Members of the other body.

The CHAIRMAN. The gentleman will proceed. The gentleman has agreed to remove all the statements in question from the RECORD. Otherwise the Chair would exercise his authority under section 374 of Jefferson's Manual to rule reserve his point of order?

Does the gentleman from Alabama still reserve his point of order?

Mr. FLIPPO. Mr. Chairman, I no longer reserve the right to object.

Mr. WAXMAN. Mr. Chairman, I reserve an objection.

The CHAIRMAN. The gentleman from California is recognized on his reservation.

Mr. WAXMAN. Mr. Chairman, and my colleagues, I am not familiar with the allegations being made. This amendment has been offered for the purpose of our colleague using the time of the House of Representatives to engage in a good number of accusations attacking the integrity of men in public office and those who would seek to be in public office and those who have assisted them. The gentleman may be absolutely correct; I just do not know. It does, however, seem to me quite curious to have an amendment offered for the sole purpose of using the time of the House to air all these accusations. If there are accusations of serious moment they ought to be brought to the proper authorities: the law enforcement authorities, if a crime is committed; the Federal Election Commission which has jurisdiction over the questions of violations of the law should that be involved.

Mr. Chairman, I just wanted to take this opportunity to say this strikes me as curious and gives me a great deal of hesitancy to see that an amendment would be offered solely for the purpose of discussing other matters than what is proposed in the amendment and that relates to the gentleman's campaign for reelection.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I would like to yield to hear further from the gentleman.

Mr. DORNAN. I understand the gentleman's antipathy, but I ask the gentleman to walk in my mocassins for a moment and experience what the real essence of the word frustration is: I have pursued all the proper channels, with no satisfaction.

I spent a whole day at a Federal penitentiary in Alabama.

I had in-depth meetings with Justice Department officials.

I had a breakfast with five FBI agents.

I met face to face with each commissioner of the FEC.

I could go on and on.

And then there were the anonymous calls from FBI agents to press people into my office talking about Justice Department coverups and things being deliberately ordered not investigated because they were politically embarrassing.

Mr. Chairman, I have brought this to the press, I have had private meetings with many reporters, and each has conceded to me there is a major governmental scandal here.

Mr. WAXMAN. Mr. Chairman, I will reclaim my time by saying there must be other ways to do what the gentleman proposes. It is awfully self-serving for the gentleman to use the opportunity of the floor of the House of Representatives to make all of these accusations in order to benefit the gentleman's personal reelection.

Mr. DORNAN. That is not why I am pursuing this. Were the Members of Congress who used this well for Watergate self-serving?

Mr. WAXMAN. Mr. Chairman, I think it is improper. If the gentleman has serious charges he has to make, this is not the place to make them unless one would assume it is being done for demagogic purposes.

Mr. DORNAN. I assure the gentleman it is not.

Mr. WAXMAN. Or for reelection purposes.

Mr. Chairman, I withdraw my reservation of objection.

Mr. DORNAN. Mr. Chairman, I ask unanimous consent for an additional minute to respond to the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from California? If not, the gentleman is recognized for 1 additional minute.

There was no objection.

Mr. DORNAN. I assure the gentleman it was not done for demagogic purposes. I have lived with the knowledge of this scandal for over a year. I sincerely intended to offer this amendment 4 months ago, 3 months ago, 2 months ago. As I said in my opening remarks, seven times this bill has been removed from the floor for political reasons of the majority, that I do not understand. It is a shame that the bill has been jockeyed around so much, because it has also cost a lot of good lobbying citizens air fare back and forth trying to be here to talk to us about the bill. Why it was pushed off, I do not know, but because it has now entered the 77-day period before the election I do not want to be demagogically and falsely accused of being against the FEC, which I am not, or against disclosure in which I in fact wholeheartedly believe. So, I withdraw my amendment and ask unanimous consent to revise and extend my remarks.

Mr. AMBRO. Mr. Chairman, reserving the right to object, Mr. Chairman, you know, the fervor and passion that my friend in the well develops on every issue seems to give what the gentleman says an aura of credibility but it seems to me what the gentleman did should be the subject of a special order and not getting in the well making the kind of statement rather than submitting an amendment he now seeks through unanimous consent to withdraw and then leaving without rebuttal.

I just arrived here, but the gentleman did cite, for example, this whole business of the counsel of the FEC spending $50,000 on a TRIM case on Long Island which case involved a $135 expenditure by a local TRIM committee.

The New York Times reported that Mr. Robbins, the National Director of TRIM, admitted there were 275 TRIM committees spread around the country, that 190 of these distributed literature prior to the 1976 general elections, the one in question, and Mr. Robbins admitted to the Times that the TRIM committee was the political arm of the John Birch Society; that the organization's activities were coordinated through National TRIM Headquarters in Belmont, Mass., which, coincidentally, is the national headquarters of the John Birch Society.

Mr. Chairman, Mr. Robbins admitted that the basic brochure distributed by a local TRIM committee—that is the first three pages—was prepared by the National TRIM Headquarters and then distributed to local committees for insertion of a voting record that purports to demonstrate the local incumbents' dedication to reduced spending and taxes on the opposite page.

The local committee that was the subject of this case cited by my friend in the well claims it spent $135 to inform friends and neighbors but that the committee's activities—in this case the distribution of 10,000 pamphlets or pieces of literature, cost no more than $135.

Now, Mr. Chairman, if my friend in the well can tell me where anyone in this Nation can print and distribute 10,000 pieces of literature for $135, I think that would be a great contribution to each of us with respect to this campaign.

More importantly, though, the $50,000 was spent on a local test case. This case involved TRIM committees located in 190 districts throughout the United States. So I think it is a bit of a deception to say that this money was spent wantonly to the tune of $50,000. The area where my friend in the well and I agree is that the counsel's office was inept enough to lose this case. It should have been won by them and this whole TRIM operation should have been stopped. But that is the point I wanted to make.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. AMBRO. I will yield to the gentleman from California.

Mr. DORNAN. The gentleman has made an appealing if not compelling case that the U.S. Court of Appeals ruled improperly.

I—you might find this interesting—have also been victimized by a TRIM brochure doing a 180 degree turn with some of my votes. I mean completely reading the record reversed.

My point, though, is if the FEC came meekly before a Senate committee and allowed themselves to be excoriated and reprimanded like little children by the senior Senator from Oregon and did not make a proper defense in the TRIM case then they are doubly guilty. They were inept in prosecuting their court action and they were inept in explaining to the Senate, as I read the Senate testimony, of the case that the gentleman just made.

What I am saying is, if the FEC would spend that much money on a $135 case, how can they limply, weakly tell me they are going to allow a Member of the U.S. Congress to keep illegal corporate funds stolen from California when every one of their records admit that it is wrong.

The FEC sees a $1,150 violation, admits that it is a violation, and does not spend a cent or lift a finger to correct that violation. Yet, they spent tens of thousands of dollars prosecuting a $135 alleged violation. I think you can understand my frustration when, after pointing out the violation to the FEC, they still refuse to act.

Mr. AMBRO. Mr. Chairman, if I may, I would like to say that I have no competence to discuss the other matters the gentleman in the well is talking about but I did want to make a point with respect to TRIM committees and this case being a test case for all of those in the United States with respect to this group. I did not want it to go unnoticed in the record that these, in fact, were the realities.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The gentleman from New York (Mr. AMBRO) withdraws his reservation of objection.

Mr. DORNAN. Mr. Chairman, I thank the gentleman for his additions.

The CHAIRMAN. Is there objection to the request of the gentleman from California (Mr. DORNAN) to withdraw his amendment? If not, the amendment is withdrawn.

Mr. DORNAN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DORNAN. Mr. Chairman, I reserve a point of order in opposition to the Member's words against me.

□ 1530

To suggest that someone's remarks are demagogic is impugning the motives of that Member. I could have had my good colleague's words taken down. I reserve the point of order, but add that I am emotionally concerned about a 1-year coverup by the Federal officials who are charged with investigating these matters here. Please have some sympathy, if not empathy, for my position. That is why I do not mind your initial and quick analysis of my motives here. It is understandable, but wrong.

Mr. WAXMAN. Will the gentleman yield?

Mr. DORMAN. I will be glad to yield.

The CHAIRMAN. The gentleman has no standing to raise the point of order at this point. Debate has intervened. There is no other amendment before the committee, and the Chair will ask the Clerk to read.

The Clerk read as follows:

CONTRIBUTIONS TO INTERNATIONAL BUFFER STOCKS

For the United States contribution, pursuant to the International Natural Rubber Agreement, 1979, for the acquisition of natural rubber for the buffer stock, $88,000,000, to remain available until expended.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to strike the last word to clarify the last conversation that went on on the floor. I would not in any way want to attack a colleague's motives. I pointed out in my remarks that I was reacting to what I was hearing for the first time on the House floor.

What I was hearing on the House floor, and by the person who was articulating it, had a very self-serving purpose for that person, our colleague. That raises a question in my own mind whether some of those comments were being made as forcefully as they were in what might have appeared demagogic to someone realizing that it is so self-serving for the person making them. But I point that out, and I would not want to accuse anyone of anything improper. I want to express that fact to the gentleman, that I am in no way attacking his motives. You obviously are expressing yourself very forcefully, with a great deal of emotion. You express sincerity. I will give you the benefit of those strong feelings.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I will be pleased to yield to the gentleman.

Mr. DORNAN. This is a very gray area, because even by innuendo I believe I would have cause to take down your words. However, I admit that hearing this material at first blush, it appears to be outrageous, almost unbelievable. That an organization funded to the tune of $11 million could be so inept makes it appear that there might be other motives than inability for its inaction.

Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman.

Mr. JOHN L. BURTON. Is it not true that anything said on the floor of the House in debate is not grounds for suit of libel or slander if in fact it is libelous?

Mr. WAXMAN. That is certainly true, and that is why this kind of discussion that really had no bearing on the bill that is before us raised in my mind whether the remarks that were being made, that were as a colleague points out, involve charges that are outrageous, raises in my mind whether this ought more appropriately be pursued in the court, by a prosecutor, somewhere outside of the confines of this Chamber.

Mr. JOHN L. BURTON. If the gentleman will continue to yield, I never want you to put yourself in my moccasins.

Mr. WAXMAN. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

Limitations on Availability of Revenue

The revenues and collections deposited into the fund pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Government agencies (including space adjustments) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings and moving; repair and alteration of federally owned buildings, including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by purchase contract, in the aggregate amount of $1,690,784,000 of which (1) not to exceed $108,557,000 shall remain available until expended for construction of additional projects as authorized by law at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

AMENDMENTS OFFERED BY MR. STEED

Mr. STEED. Mr. Chairman, I offer a series of amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. Steed: On page 16, line 1, delete "$1,690,784,000" and "$108,557,000" and insert in lieu thereof "$1,598,019,000" and "$15,795,000" respectively.

On page 16 delete lines 7 through 9.

On page 18 delete lines 4 and 5.

On page 19 delete lines 14 through 16.

On page 21 line 10 delete "$1,690,781,000" and insert in lieu thereof "$1,598,019,000".

Mr. STEED. Mr. Chairman, these amendments deal with construction and alteration projects that were contained in the supplemental bill, and so they are no longer needed in this bill. The purpose of the amendment is to delete matters the House has already acted on.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Oklahoma (Mr. Steed).

The amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read.

Mr. MILLER of Ohio (during the reading). Mr. Chairman, I ask unanimous consent that the repairs and alterations section of the bill be considered as read.

The CHAIRMAN. Is the gentleman asking that the remainder of the section be read?

Mr. MILLER of Ohio. Yes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. Are there amendments to the section?

If not, the Clerk will read.

The Clerk read as follows:

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138, $716,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ottinger: On page 25, line 21, strike "$716,000" and insert instead "$595,000".

□ 1540

Mr. OTTINGER. Mr. Chairman, this amendment cuts $121,000 from the expenses and allowances of former Presidents. It is designed to conform to a bill, H.R. 7713, which I introduced and which is sponsored in the Senate by Senators Chiles, Pryor, and Percy. The bill is designed to eliminate some of the abuses that have been occurring in excessive expenditures by former Presidents.

In specifics, the former Presidents at the present time, in addition to very handsome pensions—in the case of former President Nixon, $85,000 a year and in the case of former President Ford, $106,000—in addition to Secret Service protection and franking privileges have been spending the taxpayers' money, supposedly for official expenses, in the case of former President Nixon, at the rate of $338,000 a year, and in the case of former President Ford, at the rate of $333,000 a year for supposed official expenses. Total payments for former Presidents come to the staggering figure of $22 million last year, up from $4 million just a decade ago.

I support giving former Presidents their full pensions. H.R. 7713 does provide for cutting back Secret Service protection if it is not needed after 8 years. The bill provides for a central library, rather then individual libraries for each President which presently cost taxpayers $12.5 million per year. With respect to allowances for official expenditures, H.R. 7713 provides that they will be gradually rolled back after the first 4 years after a President has served, first, to $300,000 a year, which is very substantial, and after that, in the next year, down to $250,000, which is what former President Nixon would be entitled to at this time, and eventually down to just $200,000 per year. It seems to me that that is still a very handsome allowance.

Let me outline for the Members some of the abuses that have taken place. In the case of former President Nixon, in the $338,000 for expenses the taxpayers were asked to foot—and this is supposedly for official expenses—there were included five color television sets; $480 for newspapers and magazines; $518 a month for auto expenses for him and his staff; and some $14,570 for travel for his staff, with a request this year for some $35,000 for travel. The taxpayers even paid for repairs to Nixon's golf cart. Expenditures like these clearly were not intended by Congress to be paid to former Presidents as official office expenses.

In the case of former President Ford, there is included in the $333,000 official allowance last year: $23,485 for long-distance telephone calls. Presumably some of those might have been for campaign purposes. It is awfully hard to build up that big a telephone bill with just official calls. There is included $2,242 for plants to decorate his office and even $100 per month for a service for watering those plants; $889 for a coffee set; $979 for newspapers and magazines; and some $29,000 for travel for himself and his staff. And so it goes.

Mr. Chairman, I just think that is excessive. These happen to be two former Presidents who are Republicans, but this is not a partisan matter. It will apply equally to President Carter when he leaves office. It is a question of trying to keep some sense of order and balance with respect to the reimbursable expenses of all former Presidents, and, of course, my amendment addresses itself to all former Presidents.

What we do is we seek to cut back President Ford, as it would be under the legislation, to $300,000 a year for official expenditures and cut back former President Nixon to $250,000. I think that is reasonable, President Nixon now having been out of office for more than 4 years.

In addition, I hope GSA will do a much better job in the future of monitoring allowable expenses. There is a provision in this bill directing GSA to monitor expenditures of former Presidents and to disallow any that are inconsistent with the intent of the appropriations. GSA should certainly disallow this kind of clearly inappropriate expenditures.

Mr. Chairman, I hope that the Members will support this amendment.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. OTTINGER. I will be glad to yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, I want to commend the gentleman on his new found concern for the expenditure of taxpayers' money. Some of us have been concerned about such spending for a great length of time.

But the gentleman, in the course of his remarks, rather casually tossed off the semicharge that former President Ford was perhaps engaging in the use of official funds, taxpayers' funds, for political purposes. Does the gentleman have any proof of that charge?

Mr. OTTINGER. Mr. Chairman, I have none whatsoever. It is just the fact that the enormous size of that phone bill means it must have included calls all over the country, and it seems hard to do that if it was not involved in his very extensive political activities in the last 2 or 3 years. That is a supposition which is not at all important from the point of view of the amendment. I would be glad to make that absolutely clear. I do not have any evidence of that at all.

Mr. BAUMAN. Then it is just one of the more titillating statements the gentleman made.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this item, of course, affects Members in different ways, but, after all, it is the law of the land. It was created by act of Congress at the insistence of this House, and this subcommittee has tried to respond to it, like it always does, when the mandates of the Congress have been made known.

We have gone into some of these stories we hear and the charges that have been made, and we believe that some of them have been distorted and are out of context.

The General Services Administration supervises the expenditure of this money that these former Presidents receive, and they assure us that everything that has been allowed has been in compliance with criteria that surrounds the appropriation and the need for this money. Because of that and with the acquiescence of both of the two former Presidents, a reduction of $82,000 was made in this item, and that is the sort of adjustment that comes from these ongoing consultations between them and the GSA. This is the exact amount that was asked for by the Carter administration in the budget request, and I know of no legitimate reason why we should welsh now under the established law and the mandate of the Congress by taking any personal spite out on either one of these men.

Mr. Chairman, I hope the House will maintain its prerogative here and defeat this amendment.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I would like to make it clear that there is no personal spite. The amendment would, of course, apply to any future former President.

Mr. STEED. Mr. Chairman, there are probably other areas in the bill and other instances where the gentleman could have made just as good a case for reductions under the budget, and this one is one that could involve some personal animosities. So the gentleman cannot blame anyone for the reaction that there might be something like that involved.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, without comment on the merits of this amendment itself, if the cuts were made, the available funds would be reduced in amount for any future former President, and it is conceivable that we very shortly may have yet another former President.

Mr. STEED. Of course, Mr. Chairman, the gentleman is correct. There is a program set up about the phasing out of some of this. We follow that very closely. I know of no one who has ever wanted a detailed account of how the GSA supervises these accounts of the expenses of former Presidents who found that GSA is reluctant to let anyone get what they wanted. It is all very much above board.

Mr. Chairman, it is established by law, and I just do not believe it would be proper to make changes in it here at this point in time

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. Mr. Chairman, I would like to state the volume of dollars concerned here. We reduced the amount of the request by $82,000, and we are under last year's appropriation by $43,500 for the allowances and office staff for former Presidents.

Mr. JACOBS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think that a lot of American citizens are under the mistaken belief that when a public official goes out of office, he or she goes out of office. This is an example of a practice by the U.S. Government contrary to that assumption.

A number of years ago, when the Speaker of the House, Mr. McCormack, retired from the office, there was a bill before the House to give the former Speaker this kind of office facility, they said, to carry on the residual work of the Speaker after the Speaker left office.

□ 1550

I do not believe I take a back seat or should take a back seat to any Member of this body or any former Members of this body, in terms of affection for Mr. McCormack; but, as I recall, I may have been the only Member of my party to vote against that provision of an office for a former officeholder.

No former President of the United States, contemporarily, is destitute, by a long shot. And most of the handsome income commanded by former Presidents is a consequence of the fact that they have been given the privilege of serving in that high office. They are in demand. A former Governor of Indiana used to say, "It is a poor day in this business when you cannot pick up a free meal." Well, it is a poor day in the life of an ex-President when he cannot pick up a free meal and at the same time pick up several thousand dollars for saying either a few well- or ill-chosen words at that meal.

The only question I want to lay before the committee is: What is the purpose of this office for a former officeholder? Is it not, in essence, to handle the overhead for the speaking engagements? Does it really make sense, with the tremendous cost of government, the tremendous cost of the White House, to ask the American people to pay for a sitting President, and on top of that to pay the honoraria scheduling expenses—clearly expenses not needed for service to the United States—of former Presidents?

Ex-Presidents have handsome pensions.

All I ask is that we be modest about this thing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OTTINGER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1600

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from New York (Mr. OTTINGER) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. None of the funds available under this Act or under section 111 of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended for the procurement by purchase, lease or any other arrangement, in whole or in part, of any or all the automatic data processing system, data communications network, or related software and services for the joint General Services Administration-Department of Agriculture MCS project 97–72 contained in the Request for Proposal CDPA 74–14, any successor to such project, or any other common user shared facilities authorized under section 111 of the Federal Property and Administrative Services Act of 1949.

AMENDMENT OFFERED BY MR. PEASE

Mr. PEASE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PEASE: Page 27, after line 17, insert the following new section:

SEC. 4. None of the funds appropriated by this title may be used by the General Services Administration before January 1, 1981, to dispose of any United States owned agricultural land which is determined by the Administrator of the General Services Administration to be surplus.

□ 1610

Mr. JOHN L. BURTON. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The gentleman from California reserves a point of order.

Mr. PEASE. Mr. Chairman, it is no secret that our agricultural economy is the envy of the world and that the American farmers, through their productivity, make the biggest contribution toward redressing our serious balance-of-payments problems. But forces are at work within our society and isolated decisions about agricultural lands with potentially grave consequences are actually being made now at a time when the crucial importance of this resource is practically invisible to most Americans. Consider the following:

Secretary of Agriculture Bob Bergland has stated, "In my lifetime, we have paved over the equivalent of all the cropland in Ohio. Before this century is out, we will pave over an area the size of Indiana."

One million acres of prime American farmland has been converted to nonagricultural use per year during the past decade.

Three to five million acres per year is the rate at which all U.S. farmland is being converted to nonagricultural use.

Just last month the Assistant Secretary of Agriculture for Natural Resources and Environment, M. Rupert Cutler, wrote a compelling article for the New York Times calling attention to our need to act to avert a crisis developing because of the rapid loss of agricultural land.

[From the New York Times, July 1, 1980]

THE PERIL OF VANISHING FARMLANDS

(By M. Rupert Cutler)

WASHINGTON.—America is on the brink of a crisis in the loss of agricultural land that may soon undermine our ability to produce sufficient food for ourselves and other nations of our hungry world.

Every day in the United States, four square miles of the nation's prime farmlands are shifted to uses other than agriculture. Visualize a strip of land a half-mile wide stretching from New York to California. That's a million acres—the amount of prime farmland irreversibly lost to agriculture every year through urban sprawl.

Florida, producer of half the world's grapefruit and one-fourth of the world's oranges, will lose all of its unique and prime lands in less than 20 years if the current conversion rate continues. New Hampshire and Rhode Island also are destined to lose all of their prime agricultural land.

The status and availability of our agricultural lands are being examined in the National Agricultural Lands Study, being carried out by a Federal inter-agency task force led by President Carter's Council on Environmental Quality and the Department of Agriculture. Ten other Federal agencies are participating.

The study's projection for an imminent wipeout of unique and prime farmlands in Florida, New Hampshire and Rhode Island is based upon its analysis of the Agriculture Department's 1967 conservation-needs inventory and the Soil Conservation Service's 1977 national-resource inventories, which showed acres converted to urban, industrial, transportation and water uses in every state.

If conversion continues at the 1967–1977 rate, grave losses are foreseen in other states. West Virginia will lose 73 percent of its prime farmland in less than a generation; Connecticut, 70 percent; Massachusetts, 51 percent, Maryland and New Mexico, 44 percent; Vermont, 43 perecnt; Utah, 35 percent; Virginia, 24 percent; Washington, 23 percent; and Pennsylvania, 21 percent. New York and California, both top agricultural producers, will lose 16 and 15 percent, respectively, and New Jersey, 9 percent.

Why should we be concerned?

Prime farmland is the best land for farming. It is flat or gently rolling, and susceptible to little soil erosion. It is our most energy-efficient land, producing the most food with the least fuel, fertilizer and labor.

Prime, flat acres are also the easiest, least expensive to build upon. Despite soaring costs, the land is still a speculator's bargain in many regions. But the nation and the world may pay a devastating price for today's quick profits on development dollars.

Consider this observation by Allen Hidlebaugh, resource inventory specialist in the inter-agency task force: "Even in America's agricultural heartland—the Corn Belt states—there is cause for concern. We anticipate a total or 3.2 million acre prime farmland loss in Iowa, Illinois, Indiana, Ohio and Missouri combined if present trends continue to the year 2000. The annual loss will equal 480 million bushels of corn—at $2.50 a bushel a permanent loss of $1 billion a year every year by the century's end."

Florida's State Commissioner of Agriculture, Doyle Connor, says: "Every time a highway or retirement homes are built on Florida farmland, we increase the likelihood of our dependence on other nations for food. Already the U.S. is importing vegetables from Mexico and South America. Today we are experiencing deprivation because of our dependence on foreign oil. Is the next deprivation food?"

What is the solution? With varying success, 48 states are attempting to protect their agricultural land. Sophisticated and effective farmland-retention programs are under way in Oregon and Wisconsin. New York is the first state to have organized agricultural districts, thereby protecting more than six million acres—well over half the state's best agricultural land. At high cost, Connecticut, Massachusetts and New York have purchased the development rights of prime farmland. Zoning and preferential taxation are in effect in many states; usually this merely delays rather than prevents conversion.

Because there is no national policy to protect prime farmlands, some Federal agencies have recognized a need for action. In 1978, the Agriculture Department and the Environmental Protection Agency adopted policies limiting the adverse impacts of their actions on prime farmlands. Other Federal agencies are developing similar policies.

An approach worth serious consideration may be a requirement that a Federal project include the cost of acquiring the development rights of agricultural lands that are equal in productive capacity to land lost through the projects action. In all likelihood, this would result in the selection of project sites with little or no adverse impact on prime farmlands.

Perhaps the greatest need of all is for public education. People must fully understand the irreplaceable value of prime farmlands, and the ominous meaning of the war between the bulldozer and the plow. When farmland goes, food goes. Asphalt is the land's last crop.

Many other countries do much more than America to preserve ownership of land among their own citizens, particularly agricultural land. For example, most of the OPEC countries have laws prohibiting foreigners from buying any public or private lands within their borders. I am including with this statement a chart demonstrating how much easier it is for foreign visitors to buy American agricultural land than is the case in many other countries including our allies such as Japan.

COMPARATIVE LEGAL REQUIREMENTS GOVERNING PURCHASES OF LAND BY FOREIGN NATIONALS IN SEVERAL DIFFERENT COUNTRIES

Iraq, Kuwait, Qatar, Libya, Saudi Arabia: These nations prohibit foreigners from purchasing public or private land.

Portugal, Belgium, United Kingdom: No restrictions are placed on aliens who wish to purchase public or private land.

Argentina: Aliens are required to register with the government if purchasing public or private land.

Austria: All Austrian states restrict foreign ownership of agricultural and forestry land, and the majority of them restrict alien ownership of all public or private land. Aliens must obtain a permit from the state government to purchase public or private land that is available to foreigners.

Brazil: Aliens are not allowed to own land along national borders. Aliens are not allowed to own agricultural land without permission from the government. Foreigners are allowed to purchase all other public or private land that is for sale.

France, West Germany: Aliens are allowed to purchase public or private land if there exists a reciprocal relationship with the country the alien is from.

Guatemala: Foreigners must obtain a permit from the government before purchasing public or private land. Aliens cannot buy land within 3 kilometers of oceans, lakes, or rivers. Foreigners cannot buy land 50 kilometers of a border line, unless they obtain special permission from the government.

Mexico: Foreigners can purchase public and private land with permission from the Government. Under no circumstance may an alien acquire direct ownership of lands or waters within a zone of 100 kilometers along the frontiers and 50 kilometers along shores of the country.

Japan: Foreigners may acquire public and private land after obtaining the approval of the government.

Canada: Strict screening procedures are used by the government to check aliens who wish to buy public or private land. The Canadian provinces also impose their own restrictions on foreigners who want to buy public or private land.

Switzerland: Aliens must obtain a permit from the government. Foreigners are not allowed to buy land near military installations.

SOURCES

Foreign Investment in U.S. Agricultural Land—How it Shapes Up. G.A.O., July 30, 1979.

Land Ownership by Nonresidents in certain Foreign Countries, Carleton W. Kenyon, Law Library of Congress, November 28, 1979.

Concern for our shrinking agricultural land is growing. Unfortunately, as is too often the case, some U.S. Government agencies are working at cross purposes. Although the 1969 National Environmental Policy Act, an August 1976 memorandum from the President's Council on Environmental Quality, and the U.S. Department of Agriculture's current policy all ask Federal agencies to analyze the effects of their activities on prime agricultural land and to make a special effort to protect these lands from conversion to other uses, the General Services Administration (GSA) has not gotten the message. Even now, while the National Agricultural Land Study (NALS) is under way, the GSA is continuing to sell prime agricultural land for nonagricultural uses.

Specifically, in 1979, GSA sold at public auction or transferred to local governments/nonprofit organizations approximately 14,340 acres of land valued at $165 million (some of its prime agricultural land) with little regard for returning to agricultural use the surplused Federal land. Those Americans who were farming the land prior to its being acquired by the U.S. Government find it very difficult to reacquire the same land when it is surplused by GSA when they have to compete in public auction with foreign investors and/or commercial developers.

It seems to me that the time has come when fresh consideration ought to be given to current policy with regard to the disposal of surplus Federal land, including the practice of selling land to the highest bidder at public auction, and to the advisability of altering current policy to encourage returning agricultural land no longer needed by the U.S. Government to agricultural production in American hands. My amendment merely requires the GSA to postpone any pending disposal of surplus U.S.-owned agricultural land pending the completion and submission to the Congress of the NALS next January. This is a fair and prudent step for us to take to insure that the U.S. Government, including the House, will have the necessary information to carry out a thoughtful evaluation of current land disposal policies (administered by GSA) with an eye toward keeping agricultural land in agricultural use primarily in American hands.

A similar provision designed to raise congressional awareness of this problem was approved earlier this session. But the bill it was included in was defeated for other reasons. I hope you will support this modest amendment.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I would be happy to yield to my friend, the gentleman from Vermont.

Mr. JEFFORDS. First, I want to commend the gentleman for the amendment. I think it is an excellent one.

I would like to clear up the definition of agricultural land. I know there were some problems expressed earlier in the year when a similar issue came up about the definition.

It is my understanding that the gentleman's amendment utilizes or embodies the definition already in existing law which takes a rather narrow definition of agricultural land; is that correct?

Mr. PEASE. Yes, I thank the gentleman for asking the question. It is true that there is a definition in the statutes already of agricultural land which provides that it must be agricultural land used for agricultural purposes.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(At the request of Mr. JEFFORDS, and by unanimous consent, Mr. PEASE was allowed to proceed for 2 additional minutes.)

Mr. JEFFORDS. Mr. Chairman, if the gentleman will yield further, in other words, for legislative history purposes, it is the gentleman's intent that the lands referred to as presently being used for agricultural purposes could not be then sold for other than agricultural purposes; is that correct?

Mr. PEASE. Yes; a typical situation is one in which the Government bought land say for a buffer area around a Government installation from farmers, leased the land back to the farmers so they could continue farming it. Now the Government decides that it no longer needs the land for buffer purposes and gives it to GSA to sell. GSA's policy is to sell it to the highest bidder at public auction without regard to keeping it in agricultural use.

Mr. JEFFORDS. I again commend the gentleman and point out that the Agriculture Committee did extensive work in this area and they found in the hearings that one of the biggest culprits, if not the biggest culprit in this area, was the Federal Government and the fact that even though there has been a memorandum, as the gentleman pointed out, that it is the policy of several agencies really to run against that overall stated policy and has: First, allowed a lot of Federal land or a lot of land, not necessarily Federal, to be converted unnecessarily.

Second, I think it is important to set as a matter of policy within the Federal Government, and this, which this will tend to do, and so it may be more important symbolically than actually what the gentleman is doing. I certainly commend the gentleman for his amendment.

Mr. PEASE. Mr. Chairman, I thank the gentleman for his contribution.

Could I have the attention of the chairman of the subcommittee, the gentleman from Oklahoma (Mr. STEED)?

Mr. STEED. Yes. Will the gentleman yield?

Mr. PEASE. I would be happy to yield to my friend.

Mr. STEED. The gentleman from California has reserved a point of order, so I will yield at the present time to him to make whatever move he wants to.

I have discussed this with the gentleman. Personally, I have no objection to it, but I am not familiar enough with it to try to use the time of the gentleman from California.

The CHAIRMAN. Does the gentleman from California (Mr. JOHN L. BURTON) insist on his point of order?

POINT OF ORDER

Mr. JOHN L. BURTON. Mr. Chairman, I insist on my point of order, that it is legislation on an appropriation bill. As the distinguished gentleman from Ohio said, if we want to change policy, it explicitly places new duties on the GSA to have them make investigations, compile evidence, make a determination, is this agricultural land or not, as discussed in the colloquy between the gentleman from Vermont and the gentleman from Ohio.

There is no definition of agricultural land as it goes in the hierarchy of how the GSA has to do business. This would change their whole way of doing business.

For instance, under the present law there are airports, and airports have a certain top priority. If, in fact, part of the land around that airport was used for such things as hay cropping, they would then have to make a determination at each and every airport, is there hay cropping here before we can turn this over to a local community for a dollar?

I am not out of sympathy with what the gentleman wants to accomplish. My Subcommittee on Government Operations will be happy to work with the gentleman to try to solve this problem; but clearly, this is legislation on an appropriation bill imposing a new duty.

Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. PEASE. Yes, I do, Mr. Chairman.

We have had any number of amendments similar to this before us which have been upheld by the Chair. This does not impose new duties on the Administrator of GSA. It merely prohibits him from using any of the funds in this bill to dispose of U.S. owned agricultural land.

There is a definition in the statute in the Agricultural Foreign Investment Disclosure Act of agricultural land.

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Therefore, I feel that it is not imposing new duties on an Administrator and is in order.

Mr. JOHN L. BURTON. Mr. Chairman, may I be heard further?

Clearly, there may be a definition in the law. They have to go through every piece of surplus property and then make a determination as to what that property is and what is going on, and the clearest case would be what I mentioned before with airports. I believe clearly it would impose new duties upon them and, in fact, if anybody has a piece of surplus property in their district that they are interested in, they know there will be a new duty imposed upon them.

The CHAIRMAN. Does the gentleman from Ohio wish to address this point? Does the GSA have to make a determination whether land is suitable for agricultural purposes or is it simply a question of looking at the land and determining if it is being used for farming or agricultural purposes?

Mr. PEASE. Mr. Chairman, in the Agricultural Foreign Investment Disclosure Act of 1979 there is a definition of agricultural land. It says under section 3508, definitions:

> For the purposes of this chapter, the term "agricultural land" means any land located in any one or more States and used for agricultural, forestry or timber production purposes.

In other words, it is not sufficient that it would be suitable for, it must be used or in the process of being used for agricultural purposes under the definition in the existing law.

Mr. JOHN L. BURTON. If I may, Mr. Chairman, that is in the law. The Administrator of GSA would have to look through every piece of property in its jurisdiction, in its inventory and then see if it fits the statute of law. It is not under their law, it is defined and it is in another code section, and they would have to go through every piece of surplus property to make this determination. That is certainly an added burden on them.

The CHAIRMAN. The Chair is prepared to rule. The Chair is of the opinion that the amendment, that there is nothing in the Federal Property and Administration Services Act which would confer authority on GSA to determine whether certain U.S. owned lands are agricultural lands, and the Chair would sustain the point of order.

The statute cited by the gentleman from Ohio contains a definition under title 7, United States Code, with respect to agricultural land owned by foreigners and reported to the Secretary of Agriculture, and not to federally owned land.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLKMER: Page 27, after line 17, insert the following new section:

SEC. 4. None of the funds appropriated by this Act may be used to purchase any manual typewriter manufactured in the German Democratic Republic (East Germany), the Union of Soviet Socialist Republics, the Polish People's Republic, the Socialist Republic of Czechoslovakia, the People's Republic of Hungary, the Socialist Republic of Romania, the People's Republic of Bulgaria, the Socialist Federal Republic of Yugoslavia, the People's Socialist Republic of Albania, the People's Republic of China, the Republic of Cuba, the Socialist Republic of Vietnam, Democratic Kampuchea (Cambodia), the Lao People's Democratic Republic (Laos), the Socialist People's Libyan Arab Jamahiriya (Libya), the Democratic People's Republic of Korea (North Korea), the People's Democratic Republic of Yemen (South Yemen), the Republic of Iraq, and the Republic of Afghanistan.

Mr. VOLKMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the requset of the gentleman from Missouri?

There was no objection.

Mr. VOLKMER. Mr. Chairman, this amendment merely would prohibit GSA from purchasing manual typewriters from Eastern Germany and other Communist bloc nations.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Oklahoma.

Mr. STEED. Mr. Chairman, I concur in the amendment offered by the gentleman. I find no objection to it, and as far as I am personally concerned, I accept the amendment.

Mr. VOLKMER. I thank the gentleman.

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. We have no objection to the amendment on this side and we accept it.

Mr. VOLKMER. I thank the gentleman and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. VOLKMER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to this section?

If not, the Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

THIS ACT

AMENDMENT OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REGULA: On page 32, after line 2, add a new section as follows:

SEC. 501. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

And renumber the following sections accordingly.

Mr. REGULA. Mr. Chairman, this amendment has been included on all fiscal year 1981 appropriations bills that we have passed so far. I urge my colleagues to continue supporting this provision as a first step in correcting the waste and abuse resulting from the Federal Government's extensive use of private consulting services.

Included in the bill we are considering today is an appropriation of over $2 billion for the Internal Revenue Service. I would like to share with my colleagues an example of the use of consulting services by the IRS which was described in the recent series on consultants in the Washington Post:

> On April 10 of last year the Internal Revenue Service announced that it had awarded a $114,676 contract to CSR Inc. The purpose of the contract was "to conduct a general taxpayer opinion survey."
>
> Some 60 questions posed at 5,000 households around the country probed taxpayers' opinions on how well the IRS collects taxes.
>
> None of the questions sought to learn whether the taxpayers were happy about how the federal government is spending their money.

We do not need to conduct a poll to find out how taxpayers feel about the way their tax dollars are being spent. They are eager to share their frustration with us. I receive letters every day from irate constituents complaining of wasteful government spending and demanding a better accounting of the money appropriated to the various Federal agencies.

Requiring public disclosure of all consultant contracts is a vital step in making agencies accountable to the American public for the money they spend.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Oklahoma, the chairman of the committee.

Mr. STEED. Mr. Chairman, with regard to the matters covered in this amendment, if there is any need for this amendment, it would be very valuable and it does no harm. As far as I am concerned, I accept the amendment.

Mr. REGULA. I thank the chairman.

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. Mr. Chairman, it is a good amendment and has been accepted on many of the other appropriation bills. We accept the amendment also.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 507. None of the funds available under this Act shall be available for administrative expenses in connection with the transfer of any functions, personnel, facilities, equipment, or funds out of the United States Customs Service unless such transfers have been specifically authorized by the Congress.

Mr. KAZEN. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I take this time before we finish the bill to very briefly ask the distinguished chairman of the subcommittee a question.

However, before I do that I also want to add my sentiments to those that have already been expressed by our colleagues in great appreciation for the tremendous work that the distinguished gentleman from Oklahoma has done on this subcommittee and on behalf of this country.

I believe that the gentleman from Oklahoma has been one of the most effective and one of the most able Members to ever serve in this body, and that covers a lot of ground. But that is just the way I feel about him, and I think that the people of this country owe the State of Oklahoma and the people of his district a great debt for having sent him to the Congress for lo these many years.

I, and the rest of my colleagues, will be very sorry to see him go. I want him to know that I will personally miss his attendance at this Congress.

Having said that, Mr. Chairman, I would like to ask the distinguished gentleman how the bill treats the customs inspectors and customs agents in this bill.

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Specifically, how does the bill deal with the numbers of Customs people for this next fiscal year?

Mr. STEED. First off, let me express my appreciation to the gentleman for his interest and very kind remarks. I do appreciate them. Second, let me say that when it comes to hard work on the Customs Service, the gentleman from Texas that I am addressing has always been one of the Members who has worked very closely with us, both with a lot of information and in helping us know a lot about the needs of the Service. I think we can assure him that we have made some adjustments upwards in the work force of the Customs Service this year with the assumption that what we have done, based upon what they have told us, will enable them to man all of the stations that they need to, and that are opening up throughout the country from time to time.

But down on the Mexican border there has been some shortage of help. We believe that beginning with the new fiscal year they will have available to them the personnel they need to properly man these stations and treat the people crossing our borders in a more efficient manner. I know that the gentleman is aware of the fact that in other years we have tried to increase the work force, but we have met internal opposition to it. But I think finally we have gotten to a place where they are really going to let the Customs Service have the people that it really needs to do the job.

The gentleman knows, of course, there is a constant increase in the work load of the Customs Service. There will be an astronomical number of people crossing our borders this coming year in vehicles, ships, planes, trucks, cars, and air flights. The good side of it is that this agency brings in a lot of money. So the money we spend for them to do their work properly returns up to 20 to 1 on what we spend. So this is a good investment to have an efficient Customs Service.

Mr. KAZEN. I am grateful for the attention that the gentleman's subcommittee has given this particular agency because, as he says, the customs inspectors, the first line people at our border, are the ones that bring in the money. I understand that over 95 percent of the money that is collected goes into the Treasury, and the Department only costs about 5 cents out of every dollar, so they more than pay their way as far as this Government is concerned.

I am also very gratified, and I appreciate the fact that the gentleman has from year to year assured me, that there has been enough money put into this bill to hire the necessary number of customs inspectors to do the job adequately, but somewhere down the line OMB has refused to spend this money the way that this committee and this Congress would have liked for them to do. Let me ask the gentleman this question. When the authorization bill was before us, there was a lot of discussion on authorizing additional positions. How did we fare in the appropriation in relation to the authorization that was passed on this floor?

Mr. STEED. I think if the gentleman checks the report, he will see that we provide in the report that a major share of these additional slots that we are funding for them be put in the Inspector Service because that is where the real manpower need is, and that is where the real action is.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. KAZEN was allowed to proceed for 2 additional minutes.)

Mr. STEED. If the gentleman will yield further, we did not want them diverting this manpower into less productive sources, so we provided for once that a majority of these new slots be in the Inspection Service where they are needed.

Mr. KAZEN. I appreciate this information, and I commend the gentleman for having directed that these inspectors be hired and that the money be spent for inspectors. I know that down on the border in my district, at both Laredo and Eagle Pass on the Mexican border, there is going to be need for additional people, particularly in Laredo where a new bridge is going to be open 24 hours a day and must be manned, together with the fact that they are building a tremendous complex, a racing complex where the horse racing and dog racing and all of these things are going to be opened up. Since Texas does not have horse racing, we are going to have a tremendous influx of tourists down there, and we have got to be able to cope with that particular fact. We are going to have to have additional personnel at that bridge, both there and with the increased traffic between the United States and Mexico. Mexico being our fourth best customer in the world, we look forward to having closer and better commercial relationships, as well as friendly relationships, with our sister nation to the south.

Mr. STEED. Of course, the gentleman knows that with the tremendous oil and gas reserves that have been discovered and developed in Mexico, and now that we are on friendlier terms with them since we have material that they need and they have so much that we need, most experts predict that in the years ahead there will be constantly increasing intercourse between the two nations and that Mexico henceforth is going to be one of our most important neighbors.

Mr. KAZEN. The gentleman is absolutely correct, and I commend him for having put these provisions in this bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 508. None of the funds available under this Act shall be available for administrative expenses for the purpose of transferring the border control activities of the United States Customs Service to any other agency of the Federal Government.

AMENDMENT OFFERED BY MR. MILLER OF OHIO

Mr. MILLER of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Ohio: Page 35, after line 2, add:

SEC. 510. Of the total budget authority provided in this Act, for payments not required by law, 2 per centum shall be withheld from obligation and expenditure; *Provided*, That of the amount provided in this Act for each appropriation account, activity, and project, for payments not required by law, the amount withheld shall not exceed 5 per centum.

Mr. MILLER of Ohio. Mr. Chairman, I certainly will not take the 5 minutes. I think everyone is aware of the 2-percent amendment that I have offered on most of the appropriation bills. It is 2-percent reduction of nonmandatory spending in the bill on all nonmandatory items. The nonmandatory spending that amounts to approximately 50 percent of the bill or about $4.5 billion. That is about a $90 million reduction when we calculate the 2-percent amendment.

I have heard it stated on the floor before that we are offering an across-the-board reduction amendment. It is in no way, no way, an across-the-board reduction amendment. It would only touch the nonmandatory spending items. Then, again, it does not necessarily need to touch all of those. In conference those items can be stacked up with the high-priority items at the top and the low-priority items at the bottom, and 5 percent can be removed from the low-priority items. That means that the important nonmandatory items do not need to be touched, not one penny removed—not 1 penny needs to be removed from those high-priority nonmandatory items. This is the way the system works. There is $9.69 billion in the bill. It is up $851 million. I am reluctant to offer the amendment because of the fact that my good chairman, the gentleman from Oklahoma (Mr. STEED), has been very kind and has allowed me to speak in committee, not necessarily to win many votes within the committee, but he has allowed me ample time. For that reason I am reluctant to offer the amendment, but I offered it on the other bills, and I feel that I should offer it on the bill on which I am the ranking minority member.

Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman from California.

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Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman from California.

Mr. JOHN L. BURTON. I thank my good friend for yielding.

I always get a little bit confused. You have 2 percent and then you have 5 percent. Now, it is 2 percent across the board but no more than 5 percent of any one item. Is that how that works?

Mr. MILLER of Ohio. It is 2 percent on the total nonmandatory items. There is approximately $4.5 billion in nonmandatory items in the bill. Two percent of that alone is $90 million.

Mr. JOHN L. BURTON. But no more than 5 percent of any one item. Therefore, if you had two 5 percents that would be equal to five 2 percents and, therefore, you could take 5 percent out of two items instead of 2 percent out of five items, if it worked that way?

Mr. MILLER of Ohio. Would the gentleman repeat the last part?

Mr. JOHN L. BURTON. The last part was that if you took 5 percent out of two items that would be the equivalent of taking 2 percent out of five items.

Mr. MILLER of Ohio. That is correct.

Mr. JOHN L. BURTON. Therefore, an aggregate of 2 percent of five items which would not really equal 10 percent but no more than 5 percent as long as it did not exceed 2 per centum of the nonmandatory items, is that right?

Mr. MILLER of Ohio. Of the nonmandatory items in total.

Mr. JOHN L. BURTON. In total?

Mr. MILLER of Ohio. In total.

Mr. JOHN L. BURTON. But you could not go over 5 per centum?

Mr. MILLER of Ohio. On any one-line item, that is nonmandatory. That means you can deduct more on a low-priority item and not deduct any on the high-priority item.

Mr. JOHN L. BURTON. But never more than 5 percent, even on a low priority?

Mr. MILLER of Ohio. That is correct.

Mr. JOHN L. BURTON. So, then, two 5 per centums would equal five 2 per centums?

Mr. MILLER of Ohio. Two 5 percents

would equal five 2 percents, providing all line items are for the same amount.

Mr. JOHN L. BURTON. Yes.

Mr. MILLER of Ohio. Yes.

Mr. JOHN L. BURTON. Mr. Chairman, I thank the gentleman for his elucidation.

Mr. MILLER of Ohio. Mr. Chairman, I am not sure that we straightened it out. As a matter of fact, this does not help the understanding of the plain language of this amendment. Let me read the amendment again:

> Of the total budget authority provided in this Act, for payments not required by law, 2 per centum shall be withheld from obligation and expenditure; *Provided*, That of the amount provided in this Act for each appropriation account, activity, and project, for payments not required by law, the amount withheld shall not exceed 5 per centum.

Now, that certainly is not a complicated amendment.

Mr. JOHN L. BURTON. Mr. Chairman, I really believe this is the first time that many of our colleagues have understood it. Of course, the gentleman and myself have had several in camera conversations on this where I think many of our colleagues, especially newer fellows like the gentleman from New Jersey (Mr. PATTEN)—I do not think the gentleman ever fully comprehended it.

Mr. MILLER of Ohio. I thank the gentleman. Mr. Chairman, I request a yea vote on the amendment and I yield back the balance of my time.

Mr. PATTEN. You cannot enumerate your costs of future poultry until the processes of incubation have fairly materialized.

Mr. JOHN L. BURTON. I have always agreed with that, but nevertheless if the gentleman from Ohio was here on the floor, he could take care of that.

Mr. STEED. Mr. Chairman, after all of the long hours I have spent in committee with the gentleman from Ohio (Mr. MILLER) and the great cooperation that the gentleman has given me it is not a very happy duty to have to oppose the gentleman's amendment. I will say this, that on some bills this would work better than it will in this case. We have 64 items in here and some of them are in terms of money, very small items. Most of the money in this area, in some of the very large items, with a 5-percent limitation it might make some difficulties but I do think I can say this that if the gentleman from Ohio had had the opportunity to exert the same economies on all our appropriation bills that he has had on this one, we would not need the 2-percent reduction. The gentleman would already have saved that amount of money because I know of no one who works on these bills who has a better eye as to where we are getting something for our money and where we are not and if you read our hearings, you will find that his searching mind makes this evident over and over again.

I realize that the gentleman is trying to be consistent on this bill with all the others, but I do think that it is fair to him and that the Members would like to know that the rejection of the gentleman's amendment, here, would not prevent him from having made some very worthwhile economies for the taxpayers in this bill. It is just unfortunate that the gentleman has not had the same opportunity to wield his influence on some of the others. I know on many of them he and I see eye to eye so much that it would not be safe for some of these programs around here if they would turn them over to us.

The gentleman has been a very fine ranking minority Member and I will probably never have a better opportunity to tell him again how much I appreciate the work he has done with me and the help he has given me.

There is so much demand on our time. We compiled over 90 hours of hearings on this one bill. The gentleman from Ohio was very busy on two other subcommittees at the same time, but the gentleman always gave me priority and I never had to delay any of my work because of the gentleman's failure to cooperate. It has been a great service he has rendered and one I will always appreciate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. MILLER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. LEVITAS

Mr. LEVITAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. LEVITAS: Page 35, after line 2, insert the following:
>
> SEC. 510. No part of any of the funds appropriated by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

Mr. LEVITAS. Mr. Chairman, the amendment I am offering would prevent the use of any funds by the departments and agencies funded by this bill for the implementation of any regulations or actions which have been vetoed by Congress using the specific veto procedures provided by applicable law.

A number of the activities funded under this bill are subject to a legislative veto. This bill provides funds for the Executive Office of the President, the General Services Administration, and the Federal Election Commission, all of which are subject to a legislative veto for some of their activities. For example, the President is subject to a legislative veto for actions taken under the Executive Reorganization Act, the Impoundment Control Act, and the Arms Export Control Act, to name just a few. The Administrator of GSA is subject to congressional veto under the Presidential Recordings and Materials Preservation Act and the Federal Election Commission is subject to a veto of its regulations.

The basic issue here, however, transcends the question of legislative veto. Even the few Members who still do not support legislative vetoes, surely must support the doctrine of following the law when legislative vetoes are enacted and then duly exercised.

I have offered this amendment because the administration has stated its intention not to follow the law. This approach has been the position of the administration concerning legislative vetoes. But, this unfortunate circumstance became concrete after Congress recently vetoed four sets of regulations proposed by the Department of Education. In response, the administration, through Attorney General Civiletti and Secretary Hufstedler, announced a decision to ignore those vetoes. In short, the administration has said it will not follow the law, providing for legislative veto of these regulations, as it was duly enacted by Congress and signed by the President.

However, the problem is not just with the Department of Education. It is the general policy of the administration. If they are willing to disregard the law in one case, they will do so in others, according to their own statements. Hence, in the case of the Executive Office, the General Services Administration, and other agencies covered by this bill where lgeislative vetoes exist, we must be sure the law is followed.

The administration's action makes the issue one of whether or not we in Congress are going to allow the law to be ignored. I do not believe any Member of Congress can stand by and allow our mandates to be treated in such a cavalier fashion. The Constitution of the United States requires the President of the United States to faithfully execute the laws. He is not given the authority to pick and choose those laws he wants to implement and those that he does not want to implement.

It is not for the executive branch to decide which laws will be enforced. There is a very important case that illustrates that point, Kendall against United States, decided by the Supreme Court in 1838. In that instance, the President of the United States directed the Postmaster General not to pay a certain sum required to be paid by Congress to a contractor with the Post Office, and in issuing the writ of mandamus, the Court said:

> To contend that the obligation imposed on the President to see the laws faithfully executed implies a power to forbid their execution is a novel construction of the Constitution and entirely inadmissable.

No; the President of the United States does not have the power or the right or the prerogative not to enforce the laws. Where such disputes exist the proper forum for resolving them lies within the court system and ultimately within the jurisdiction of the Supreme Court. The administration's questions about this provision of the law should be resolved in that arena, not by noncompliance.

Mr. Chairman, this is a simple proposition. Once a legislative veto has been exercised, it is a disobedience of the law by those charged with the responsibility of executing the law to disregard it, and I do not think we ought to give them money to disobey the law. The only way we can effectively enforce these provisions of the law is to provide a limitation for funding so that no funds can be used for purposes of implementing disapproved or vetoed actions.

That is the reason I have offered this amendment, Mr. Chairman. We are facing a significant challenge to our constitutional powers, and we must rise to meet it. My amendment will do so in a simple direct fashion. I urge every member of this body to support its passage.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I will be happy to yield to the gentleman from Oklahoma.

Mr. STEED. Mr. Chairman, I have gone over this amendment and personally I will accept the amendment.

The issue of the constitutionality of the legislative veto is unresolved. If the courts do uphold the right of the legislative veto, then amendments of this sort would not be necessary. If the legislative veto is not upheld then language such as this is the only mechanism which can make agencies respond to congressional action.

☐ 1650

Mr. LEVITAS. I thank the distinguished gentleman from Oklahoma. Again, he has demonstrated the great wisdom and perception which he has brought to this body and to the chairmanship of his committee. He has hit the nail right on the head. This is the only way, until the courts have acted, that the Congress can make sure that the law is followed.

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I will be happy to yield to my colleague from Ohio.

Mr. MILLER of Ohio. Mr. Chairman, we have had the amendment before on the other appropriation bills. I believe, as the gentleman does, that we have entirely too many regulations that are written by the bureaucracy. I believe that we should be able to disapprove regulations. We have no problems with the amendment on this side, and we accept the amendment.

Mr. LEVITAS. I thank my colleague from Ohio. It is encouraging for the American people to see this bipartisan support of a fundamental principle of government which should be respected—that laws are to follow by those charged with executing them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. LEVITAS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title V?

If not, the Clerk will read.

The Clerk read as follows:

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

AMENDMENT OFFERED BY MR. QUAYLE

Mr. QUAYLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUAYLE: On page 35, after line 4, add the following new section:

SEC. 601. No part of any of the funds appropriated by this Act may be used to impose any income tax on any American hostage held in Iran on the date of enactment of this Act or the spouse of such hostage, with respect to the earned income (within the meaning of section 43(c)(2) of the Internal Revenue Code of 1954) of such hostage which is attributable to the period of time within which such hostage was held in Iran.

And renumber the sections accordingly.

Mr. STEED. Mr. Chairman, I reluctantly do so, but I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

The Chair recognizes the gentleman from Indiana (Mr. QUAYLE) for 5 minutes in support of his amendment.

Mr. QUAYLE. Mr. Chairman, if the gentleman wants to pursue his point of order, perhaps we can talk about it, but this is a very noncontroversial amendment. It essentially relieves the income tax burden to those hostages that are being held in Iran. I offer it on behalf of myself and the gentleman from New York (Mr. GILMAN).

It does very little as far as impact to the Treasury. We are talking about 52 people. We are talking about not enforcing the income tax only during their captivity.

Second, Mr. Chairman, I would only say that though the Iran situation is somewhat on the pages and not reported early on the news anymore, this is one way we can continue to demonstrate our concern. I urge adoption of this, and I would hope that the chairman would not insist on his point of order, although I do not think a point of order would lie against this amendment.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. QUAYLE. I yield to the gentleman from Indiana.

Mr. DORNAN. Mr. Chairman, I vigorously support this amendment, and remind our colleagues of the history of our prisoners of war in Vietnam. Every prisoner there—at one point including all the missing-in-action, who numbered over 2,000—all of their families received relief from income tax. In the case of Army Major Thompson, the duration of this relief was 1 week short of 9 years. The B-52 crews lost in the last few days of that unfortunate conflict, were there for far less than 300 days and were relieved of that part of their income tax burden.

There may be over 55 Americans held in Iran—there is a young lady journalist, Cynthia Dwyer to think about and two businessmen whose whereabouts the State Department cannot confirm. So, we should leave this provision open-ended for whatever number of hostages are there, and remember that a week from this Friday they will have been there 300 days.

I hope we can get a unanimous vote on this, or acclamation by voice vote.

Mr. QUAYLE. I thank the gentleman for his contribution. I would hope the House would unanimously support this by voice vote. There is no use to have a recorded vote because I would think that everyone would be in agreement on doing something for the hostages during their captivity. They have an additional 25 percent because of the hazardous duty, but doing this small token for our hostages in Iran, I would hope that there would not be any controversy.

Mr. DORAN. Will the gentleman yield further?

Mr. QUAYLE. I will be glad to.

Mr. DORNAN. Many of these family members have already expended large sums for air fare, traveling to Europe to meet with heads of governments to plead for some intervention in this tragedy. They have spent far more, a great many of the families, than they or their loved ones would ever get back in that relief of the income tax burden for whatever period of days the hostages are there.

Mr. HEFTEL. Mr. Chairman, will the gentleman yield?

Mr. QUAYLE. I will be glad to yield.

Mr. HEFTEL. Mr. Chairman, there is total support for the gentleman's proposal, but is he aware of H.R. 7085, which treats the subject fully and would permanently protect all Americans who might be subjected to the same conditions that have occurred to our 52 hostages?

Mr. QUAYLE. I am aware of the gentleman's legislation. As a matter of fact, I am a cosponsor of it, as is the gentleman from New York (Mr. GILMAN), with whom I offer this amendment jointly. But, I would like to just give an incentive to those committees that have yet to report that bill out, and if it would go through the legislative process and we could get that bill out, the language in this particular appropriation bill, at some time if the gentleman's bill becomes law, would not be needed. But, right now we do not have that alternative. It has been referred to three separate committees in the House.

We are running under a time shortage anyway, and talking about recessing October 4 and coming back. So, I thank the gentleman for his support. I support his position, and I would hope that there would be no controversy on this very minor amendment.

Mr. HEFTEL. Let me then continue, if I may. The International Relations Committee has in fact held their hearings and favorably acted upon it. The Post Office and Civil Service Committee has signed off. The chairman of the Ways and Means Committee has guaranteed hearings and movement, so that within a week or two we will have this bill reported out to the floor. He has asked that instead of going forward with the bill that the gentleman and the esteemed gentleman from New York have proposed, that we rely on the full legislative approach which is embodied in H.R. 7805.

Does the gentleman feel as though he still wants to go forward with the proposal as opposed to going forward with the full legislative treatment of the problem?

Mr. QUAYLE. Let me say to the gentleman that his legislation—and I commend him for what he has done—is far more substantive than what we are trying to do right here. But I have seen, and I have been aware of the priority of this House, and that particular bill to my knowledge, unless the Speaker has said so, is not on that list.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(At the request of Mr. HEFTEL and by unanimous consent, Mr. QUAYLE was allowed to proceed for 2 additional minutes.)

Mr. QUAYLE. I have no reason to doubt that perhaps the chairmen of these committees are willing to move forward, but we are under a time constraint and I would rather do something than nothing. I think there is the risk that we take, that if we do not do anything right now, that there is a chance that this very good piece of legislation—and once it reaches the floor I am sure it would come under suspension of the rules and get passed—but it just might happen. I know the gentleman knows the inner workings of this, and that this is an election year and things may not get through in those final hours.

So, adopting my amendment is being on the safe side. At least, we are speaking out now on a very serious matter and doing a little something for those people being held over in Iran.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. QUAYLE. I yield to the gentleman from New York.

☐ 1700

Mr. GILMAN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Indiana (Mr. QUAYLE). I am pleased to have worked with the gentleman in the development of this important amendment.

Mr. Chairman, today is the 289th day of captivity for the American hostages in Iran.

While the IRS has generously permitted the hostages to defer filing their 1979 returns—and this is all they can do under current law—I believe that the hostages and their families deserve better. The amendment we are offering today suspends the enforcement of the tax laws with respect to our hostages' earnings while held in Iran, by denying to the IRS the authority to spend funds for the enforcement.

You may be interested to know that beyond their regular income those of the hostages who are State Department employees now only receive an additional 25 percent of their annual salaries as a "hazardous pay allowance" for being stationed at a "hardship post." Hardship post indeed. As for the military personnel held prisoner, they and their families presently are receiving nothing besides their normal salaries by way of extra compensation.

Contrast this with the treatment of military and civilian Government employees taken prisoner during the Vietnam war. By Act of Congress, they were exempted from taxation, through an amendment to section 112 of the Internal Revenue Code.

Given the present situation in Iran, I believe that hardship allowances do not adequately address the needs of the hostages and their families. While our first priority must remain the safe return of the hostages, I feel that we should pause now and recognize that the hostage families have special needs which must be addressed.

We can to some extent address those needs today, by passing this amendment.

The first thing this amendment will do is prevent the hostages from being met by the IRS man as they descend the stairs of their rescue plane—or their families being bothered by the tax man all year next year. If the families can convince the State Department to cease withholding their taxes, the IRS would not be able to object.

Mr. Chairman, I have introduced legislation, H.R. 7074, to change the Internal Revenue Code and forgive these taxes directly. I have joined in cosponsoring another bill, H.R. 7085, introduced by the gentleman from Florida (Mr. FASCELL), which would not only provide this exemption but also provide educational, travel, and medical allowances to hostage families, invoke the Soldiers' and Sailors' Civil Relief Act to protect the hostages and provide a number of other, related, benefits.

Regrettably, that bill, while cosponsored by 57 of my colleagues (including Mr. QUAYLE) has been the subject of hearings in only one of the three committees to which it has been referred. Incidentally, the administration indicated in its testimony that it favored H.R. 7085.

Even if this amendment is accepted today, I would hope that the bill I have referred to is passed—to provide relief on a permanent basis. Even that bill, of course, will not fully recompense the hostages and their families for the mental anguish and other damage done by the Iranian terrorists.

Nevertheless, I urge my colleagues to take this first step and support this amendment today.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. QUAYLE) has expired.

(On request of Mr. HEFTEL, and by unanimous consent, Mr. QUAYLE was allowed to proceed for 1 additional minute.)

Mr. HEFTEL. Mr. Chairman, will the gentleman yield?

Mr. QUAYLE. I yield to the gentleman from Hawaii.

Mr. HEFTEL. Mr. Chairman, I want to be sure that we give credit to the gentleman from Florida (Mr. DANTE FASCELL) who is the original author of this legislation. I wanted to be sure that we include that in this colloquy, and I thank the gentleman for yielding.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Oklahoma (Mr. STEED) insist on his point of order?

Mr. STEED. I do, Mr. Chairman.

Mr. Chairman, I do not yield to anybody as having more depth of understanding, sympathy, and desire to help these hostages than I do, but before we break our arms patting ourselves on the back trying to help them, let us be sure that that is what we are doing and not doing something that could be more harmful to them than helpful.

The amendment, I think, is in direct violation of the rule, rule XXI, clause 2, that says we cannot legislate in an appropriation bill. This amendment obviously changes existing law. Specifically, it amends title 26 of the United States Code, the Internal Revenue Code, by exempting certain citizens who are now legally obliged to pay taxes.

There is more to this business of trying to help these people in this field than what this just one thing can do. This bill only begins to be effective on October 1; it only goes for just 1 year. The hostages have been there in one fiscal year, and they will be involved in tax liability after this fiscal year.

Now, if we really want to help them—and I am strongly in favor of it—the legislative bill that is now in the process of being created takes care of all these things that cannot be reached in this bill. If we are going to help them, we ought to help them all the way, not just part of the way.

The Treasury Department is supporting this legislation. They are not trying to keep this from happening. They would have to be refunded some of the money they have had to pay. They would have to be refunded money for many things. The members of the legislative committee are aware of all this.

I say to the Members, let us hold our temper here long enough to let the proper way to deal with this problem be inclusive and total so that we will have really done something worthwhile for these people instead of just holding out a carrot to them as a partial solution, with the result that after it is all over it may be more costly to them than it would be if we left them alone.

The difficulty of trying to do these things in an appropriation bill has been exhibited over and over again, and in this case there is no way in my opinion that we can make this amendment effective unless we violate and change existing law.

Therefore, Mr. Chairman, I think the amendment is subject to a point of order, and I urge the Chair to so rule.

The CHAIRMAN. Does the gentleman from Indiana (Mr. QUAYLE) wish to be heard on the point of order?

Mr. QUAYLE. Yes, I do, Mr. Chairman.

Mr. Chairman, I am sorry that the subcommittee chairman has insisted upon his point of order against this amendment. I am aware of the very restrictive rules of the House of Representatives, and the gentleman is perfectly within his right to raise a point of order against this amendment. I would hope that the chairman of the full committee would not sustain the point of order.

Many times in appropriation bills we do have amendments that prohibit the use of appropriations for particular matters. This matter happens to be an outstanding and exceptional one. We are talking about the hostages in Iran. So I would only say that this is not that much different than other appropriations amendments that we have had on these bills that prohibit the appropriations from being expended for certain purposes.

That is what this amendment does, and again I am sorry that this point of order has been raised against this very noncontroversial amendment that is going to do something now for the innocent Americans being held hostage in Iran.

Mr. GILMAN. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Indiana (Mr. Quayle) and ask the distinguished subcommittee chairman if he would consider withdrawing his point of order against this amendment.

Mr. STEED. Mr. Chairman, the gentleman is asking me to do something in this instance which I cannot do. I have to insist on orderly procedure.

Besides that, there is the fact that I think we are defeating ourselves and really not helping these people if we sidetrack the legislative bill now in process. That bill has the full support of the administration and the Treasury Department, and I cannot see, with the interest that is evident in this particular thing, that anybody would want to block that legislation from taking place. The way appropriation bills have been going, I think that legislation would have a better chance of becoming final law than this one does.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The Chair controls the time. Is the gentleman debating the point of order? The Chair is prepared to rule on the point of order unless the gentleman from New York (Mr. Gilman) wishes to be heard.

Mr. GILMAN. I wish to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GILMAN. Mr. Chairman, I was seeking to ask the distinguished subcommittee chairman to reconsider his decision with regard to his objection under the point of order.

This legislation does not preclude the other legislation. It would supplement the substantive legislation, of which both the gentleman from Indiana (Mr. Quayle) and I are cosponsors. We certainly want to see that legislation adopted, but we are concerned that it may not be reached in this session despite some of the assurances we have had.

We recognize the limitation of time, and we would like to send a signal to the Nation that the Congress is concerned about trying to do something of this nature to help our hostages, as minimal as this gesture is.

Mr. Chairman, I would hope that the gentleman would reconsider his decision, withdraw his objection, and permit us to consider this amendment at this time.

Mr. STEED. Mr. Chairman, if the gentleman will yield, I am sure the gentleman understands that the responsibility I have as chairman of the subcommittee puts a burden on me and forces me sometimes to do things that are not the happiest. If I made an exception here, where would I stop?

Many times a very appealing situation arises where it would be nice to shunt aside the rules. If I thought I was doing some irreparable harm, I would be tempted to even violate my responsibility, but I do not think I am. I think the procedure I am asking the Members to follow is the one way to do a complete and a total and a really helpful thing for these hostages.

Mr. Chairman, I am sure that all of us are in total accord in wanting that done.

Mr. GILMAN. Mr. Chairman, may I ask the distinguished subcommittee chairman if the gentleman will give us his assurance that he will be supportive of our endeavor to bring this other measure to the floor during this session?

Mr. STEED. Absolutely. I not only support it, but I will help in any way I possibly can to do that, because I think it would be an outrage if we let that piece of legislation go by the boards. The Lord knows we are spending a lot of time on things that cannot come within a Texas mile of being as important as that one is.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for his response.

The CHAIRMAN (Mr. Preyer). The Chair is prepared to rule.

The Chair is of the opinion that the amendment offered by the gentleman from Indiana (Mr. Quayle) is a restriction on the funds appropriated to the IRS under this bill—a restriction on the use of funds for a specific purpose—to collect tax from a certain and ascertainable class of people, and, therefore, it is a negative withholding of funds. The amendment does not change existing law or obligations thereunder but only goes to the use of funds in the collection process during the fiscal year.

Therefore, the amendment is in order under the precedents of the House, and the point of order of the gentleman from Oklahoma (Mr. Steed) is not sustained.

The question is on the amendment offered by the gentleman from Indiana (Mr. Quayle).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 613. (a) No part of the funds appropriated for the fiscal year ending September 30, 1981, by this Act or any other Act, may be used to pay the salary or pay of any individual in any office or position in an amount which exceeds the rate of salary or basic pay payable for such office or position on September 30, 1980, by more than the overall average percentage increase in the General Schedule rates of basic pay, as a result of any adjustments which take effect during such fiscal year under section 5343 of title 5, United States Code, if such adjustment is granted pursuant to a wage survey (but only with respect to prevailing rate employees described in section 5342(a)(2)(A) of that title).

(b) The limitations on the availability of funds imposed by this section shall not restrict the payment of any rate of basic pay which does not exceed $4.62 per hour, if such rate of basic pay would be payable were it not for this section.

(c) For the purpose of administering any provision of law, rule, or regulation which provides premium pay, retirement, life insurance, or any other employee benefit, which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

□ 1710

AMENDMENT OFFERED BY MR. HARRIS

Mr. HARRIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Harris: Page 43, after line 5, insert the following:

Sec. 614. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract in full compliance with such Act and regulations promulgated thereunder.

Mr. HARRIS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HARRIS. Mr. Chairman, the amendment I am offering today is a simple amendment, yet it would have the effect of insuring that contract actions which violate existing law and regulations will not be funded through appropriations under this act. It has been drafter in order to conform to the House rules in that it merely requires adherence to existing law and regulations.

An investigation by my subcommittee has exposed numerous instances of agency noncompliance with revised OMB Circular A–76, which is executive branch policy guidance for acquiring commercial or industrial products and services and OMB Circular A–120, which provides guidelines for the use of consulting services. These revised guidelines were issued by the Office of Federal Procurement Policy under authority granted by Public Law 93–400.

A–76 requires that determinations concerning the source of commercially available products and services shall be based on the results of a rigorous, uniform cost-comparison analysis. The purpose of this policy is to insure that the taxpayers receive the best return on their tax dollars.

Recently, Department of Energy officials informed my subcommittee that a $5 million support service contract was let in May of 1980 without the benefit of the required cost-comparison analysis. DOE officials were unable to explain why the requirement was ignored a full year after its effective date. This is just one of many examples which my investigation has uncovered.

At the same hearing we discovered that the Department of Energy was improperly using contract consultants in the formulation of national policy in violation of Circular A–120. Most shocking of all was the revelation that these very same consultants who were improperly influencing national energy policy have undisclosed ties with the energy industry and th OPEC oil cartel.

Noncompliance with existing requirements is not limited to the Department of Energy. GSA spent a quarter of a million dollars more than necessary on a contract because of restrictive personnel ceilings in direct violation of A–76. HEW awarded 1,203 contracts during the 5-month period subsequent to the effective date of A–76. None of these actions were based on the required cost-comparison analysis.

The list goes on and on.

Perhaps the most frustrating problem I have encountered in my year and a half investigation of Federal contracting is the lack of complete and accurate information concerning the extent of the Government's contracting activity. Although regulations require procurement actions to be reported to a central repository (Federal Procurement Data Center), a recent GAO report prepared at my request shows that agencies have not fulfilled this requirement.

In fact, when I requested a list of contractual obligations for fiscal year 1979 for all executive agencies, HUD was listed as showing no contractual obligations for that year.

I can understand why an agency can have start-up difficulties in establishing a new program. But I cannot understand or condone noncompliance with a direct legislative mandate fully 5 years after that mandate was enacted into law.

The amendment I am offering would have the effect of requiring adherence to legislative mandate and executive regulation in these vital areas. It is time for this Congress to use its power over the pursestrings to insure that its mandates are effectively implemented. I urge my colleagues to support this amendment.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to my colleague, the gentleman from Oklahoma (Mr. STEED), the distinguished chairman.

Mr. STEED. Mr. Chairman, this is a problem; and this is one approach to try to cope with it. I have no objection to the amendment, and I urge its acceptance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. HARRIS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HARRIS

Mr. HARRIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRIS: Page 43, after line 5, insert the following:

SEC. 615. In the case of any agency which has, for the period beginning on October 1, 1980, and ending on July 31, 1981, obligated less than 80 percent of the funds appropriated to such agency under this Act for the fiscal year ending September 30, 1981, the amount of funds which shall be available to such agency and which may be apportioned to such agency under section 3679 of the Revised Statutes of the United States (31 U.S.C. 665) for the period beginning August 1, 1981, and ending September 30, 1981, shall be reduced by an amount equal to 80 percent of the funds appropriated to such agency under this Act for the fiscal year ending September 30, 1981, reduced by the amount of funds obligated by such agency under this Act during the period beginning on October 1, 1980, and ending on July 31, 1981.

Mr. HARRIS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HARRIS. Mr. Chairman, I rise to offer an amendment to H.R. 7583, the Treasury, Postal Service, and General Government fiscal year 1981 appropriations bills. My amendment would establish firm controls over wasteful yearend spending sprees by limiting agency spending to 20 percent during the last 2 months of the fiscal year.

My Subcommittee on Human Resources has conducted an intensive investigation and received testimony from a wide variety of groups, individuals, and Government agencies concerning the problem of yearend spending. The subcommittee's probe was revealed that funds appropriated for specific programs are not being rationally obligated to achieve the congressionally intended objective. Rather, much of the funds are being pushed out in the final weeks of the fiscal year on questionable contracts, grants, and other spending.

GAO investigations, done at my request, are documenting the fact that funds are being diverted from the purpose laid out by Congress, causing millions, perhaps billions, of dollars to be wasted on unnecessary projects and purchases during the last 2 months of the fiscal year. Federal agencies operate under a "use it or lose it" policy which reflects a fear that their budget will be cut the following year unless all funds are expended. Former Treasury Secretary Blumenthal has stated that yearend spending amounts to agencies "literally pushing money out the door with a wheelbarrow."

The administration has expressed concern about this wasteful yearend spending and has repeatedly issued directives to agencies in an effort to curb the abuses. Each summer since 1977, President Carter and OMB Director James McIntyre have urged agencies to avoid yearend spending sprees. Despite these directives, the yearend spending remains a major abuse.

In fiscal year 1979, seven major Federal agencies spent more than 20 percent of their single year appropriations in the last 2 months of the fiscal year; 47.2 percent at HUD—$16 billion, 41.7 percent at EPA—$2.2 billion, 22.9 percent at HEW—$14.3 billion, 30.3 percent at Commerce—$907 million, 23.1 percent at Interior—$1.3 billion, 22.1 percent at Postal Service—$3.2 billion and 22.8 percent at DOT—$1.4 billion. If these seven agencies had limited spending to 20 percent in the last 2 months of the fiscal year, they could have saved $13 billion. I am convinced that a substantial portion of this amount could have been returned to the Treasury with minimal adverse effect on congressionally mandated programs.

In addition, I recently received a GAO study which I requested because of my concern that in-house capability was not being considered prior to contracts being let for consulting services. While the report showed the in-house capability was indeed not considered in many instances, it also noted that 54 percent of the consulting contracts examined were awarded during the final quarter of the fiscal year. In fact, 35 percent of those actions were initiated during the final 90 days. Senator PRYOR and I have been working closely on the widespread problem with consultant services and we hope to introduce legislation in this area later this month.

I have also requested a major GAO study specifically on yearend spending which is due to be completed in June. An interim report which I received from the GAO on May 1, documented further evidence of the serious problem of yearend spending at HUD. According to GAO, HUD has been overstating its legal commitments at the end of a fiscal year and then canceling them later. The HUD procedure reflects the "use it or lose it" attitude of Federal agencies to commit any remaining funds at yearend so that Congress will not trim their budget the following year. It has also allowed HUD to create a multibillion-dollar surplus of funding authority at a time when Congress is struggling to trim Federal expenditures and balance the budget.

Quite simply, the flurry of obligations at the end of the fiscal year is a very poor management practice. Increased yearend obligational activity places Government negotiators in a very poor bargaining position and results in contracts and grants being let and goods being purchased without adequate consideration. This "rush" to award contracts and grants seriously impairs the objectiveness as well as the thoroughness of the proposal evaluation process. In addition, I am particularly concerned that a large number of the contracts being let at the end of the year are sole-source to big firms ostensibly based on "unique qualifications" and "time exigency." This type of yearend giveaway effectively bars firms without the "connections" and is "wired" against small businesses, which do not have the "inside track."

Direct congressional action to halt the yearend spending sprees must be taken. The waste clearly has not been eliminated administratively. As a matter of fact, it appears that while OMB has been monitoring outlays, it has been ignoring obligation rates. It makes no sense to me for OMB to check funds already "spent" while ignoring the even more important task of monitoring funds which could be saved. As a result, the practice of obligating "use it or lose it" funds at the end of the fiscal year has continued unabated.

Congressional support to limit yearend spending has been widespread. The House and Senate Budget Committees have included language in the fiscal year 1980 second concurrent resolution stating:

> The conferees are very concerned about wasteful government spending which may result from agency practices of obligating substantial amounts of funds during the last weeks and months of the fiscal year in order to avoid lapse of unneeded funds at the

> year end . . . the conferees urge the appropriate committees to consider the need for language in FY 81 spending bills to control the obligation rates for federal programs or consider alternative legislative remedies for this program.

The conferees for the second budget resolution clearly felt Congress must take action to eliminate year-end spending abuses in all Federal agencies. In the report on the budget for fiscal year 1981, the House Budget Committee reaffirmed its concern about year-end spending and recognized that it is an area where savings can be made.

In addition, the Department of Defense has had a year-end spending limitation on its annual appropriation bill since 1953. And the Department of Health, Education, and Welfare had a year-end spending limitation in its fiscal year 1980 appropriation bill. Finally, my legislation—H.R. 4717 and H.R. 7287—to control year-end spending has bipartisan support from over 75 Members.

A year-end spending limitation has also been endorsed by the General Accounting Office in recent testimony before the Government Operations Committee:

> We support the temporary use of a limitation on yearend spending as a means of conveying Congress' concern—not only with yearend spending itself—but with the need to strengthen the budget execution procurement process.

At a time when Congress is struggling to trim Federal expenditures and balance the budget, we cannot ignore this uncontrolled area of Federal spending. The abuse in year-end spending is widely recognized—let us not let it continue in fiscal year 1981. I strongly urge your support of my amendment to H.R. 7583, the Treasury, Postal Service and General Government fiscal year 1981 appropriations bill.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to my colleague, the gentleman from Oklahoma.

Mr. STEED. Mr. Chairman, let me say to the gentleman that this again is another problem that has been crying out for correction. I am not right sure that his amendment answers all of it. I have no objection to it at this stage. There is some more information we hope to get, and it may be necessary to make some alteration in it later on. But I am sure that, as long as it is in the direction of making it more effective, it will be acceptable; so for now I think the acceptance of the amendment is proper.

Mr. HARRIS. Mr. Chairman, may I say to my colleague that he has stated the situation, as usual, exactly correctly. I do wish to offer what little assistance I might give and the assistance of my subcommittee in working out language that may be more applicable in conference, if that is necessary, especially waiver type of language. But I do feel strongly, as I know my colleague does, that this type of amendment should go into our appropriation bill.

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. Mr. Chairman, I have some reservations about the amendment. As an example, many times the agencies will be working and negotiating on a contract for perhaps the first 10 months of the fiscal year. They will be fine-tuning this contract and then actually entering into the contract in the last 60 days of the fiscal year. This could have an effect on them.

Has the gentleman taken that into consideration?

Mr. HARRIS. Mr. Chairman, I would like to make the point that, as we have had our hearings and conducted our investigations, this was often the first response that we got from the agencies. But as we went over some of the permanent agencies—now, I can understand such a situation with a new agency or a fairly new agency, but in dealing with an agency that has operated year after year, and I have to be frank here, the Department of Housing and Urban Development—for some strange reason, every year 47 percent of their expenditures occur in the last 2 months of the fiscal year, sometimes over 25 percent in the last month. In the case of other agencies, this similar pattern occurs. You simply must ask why, year after year, that tremendous expenditure is loaded into the last month or two.

Now, there are cases where some expenditures are made appropriately in the last 2 months of the fiscal year. This is only a 20 percent limitation. But let me say to my colleague that if, indeed, a waiver provision of some sort is necessary to work into this language, I will certainly support it coming out of conference. I do think that this type of language at this point in time should be adopted by this House.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. HARRIS) has expired.

(By unanimous consent, Mr. HARRIS was allowed to proceed for 2 additional minutes.)

Mr. MILLER of Ohio. If the gentleman will yield further, in the northern part of the United States we have construction work and we are in the season for construction work during August and September. That is pretty close to the last 60 days we are talking about. During that period of time, then contracts can be entered into or then work can be done to try to complete the work before cold weather. What kind of a problem do we have there?

Mr. HARRIS. I believe we have none. As we worked on construction contracts, it is qiute obvious that construction to be done in August and September should not be entered into contract in August and September. Usually those are contracts that are and should be entered into in March and April, at the beginning of the construction season.

I must say that there is evidence that we do have practices of waiting until the last minute to see how much money you have left and then shoveling it out whether you need that construction work or not.

Mr. MILLER of Ohio. If the gentleman will yield there, that I am definitely opposed to, yes. I understand the problem. Just so that we are not creating more problems than we are solving.

Mr. HARRIS. May I say to the gentleman that it is not just my opinion, but it is the opinion of the General Accounting Office, which supports this type of an amendment; it is the opinion of Secretary Blumenthal, it is the opinion of my subcommittee, and it has been the opinion of this House by a vote of 350 to 52 that this type of an amendment should be applied to an appropriation bill.

□ 1720

Mr. MILLER of Ohio. I thank the gentleman.

Mr. HARRIS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. HARRIS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ASHBROOK: On page 42, after line 6, insert the following new section:
>
> "SEC. 614. None of the funds made available pursuant to the provisions of this Act shall be used to formulate or carry out any rule, policy, procedure, guideline, regulation, standard, or measure which would cause the loss of tax-exempt status to private, religious, or church-operated schools under section 501(c)(3) of the Internal Revenue Code of 1954 unless in effect on the date of the enactment of this Act into law."

Mr. ASHBROOK. Mr. Chairman, contrary to what Mr. PREYER said, the Green order of May 5 is not the "uncontroverted status of the law," because it is contradicted by the Wright opinion in November 1979.

Unlike the 1978 Panetta amendment which Mr. PREYER in the chair cited as precedent for his ruling, the Ashbrook amendment does not require officials to apply interpretations no longer current or legal. It does not say that officials must apply regulations that were in effect before a certain date, but that they may not formulate or carry out regulations not in effect before that date. Unlike the Panetta amendment, it is negative, not positive.

Nevertheless, changing the date removes any conceivable pretext for the claim that the Ashbrook amendment is changing existing law. The new version of the amendment does not challenge the May 5 Green order, although I personally believe that that order contradicts the first amendment, the 1954 Internal Revenue Code, and the November 1979 Wright opinion.

Mr. Chairman, this amendment is different from the one I introduced yesterday, in that changing the effective date of the application of the amendment from August 22, 1978, to the date of enactment of this act changes the effect of the amendment. It changes it so that it does not address or seek to alter the order of Judge Hart in the Green case or the implementation of that order in the State of Mississippi.

That was the single issue which was the basis for the ruling of the Chair yesterday that my amendment—with the August 22, 1978, date—constituted legislation on an appropriations bill in violation of clause 2 of rule XXI. The chairman in his ruling cited the decision of Judge Hart in Green against Miller which restrains the IRS from containing to grant a tax exempt status to private schools in the State of Mississippi until they can prove they are nondiscriminatory. Mr. PREYER in the Chair said that this "is the uncontroverted status of the law as interpreted by the courts" and that my amendment would require "an official to apply interpretations no longer current or legal in order to render the appropriation applicable" and, therefore constituted legislation.

This amendment would not do that. This amendment would not effect the enforcement of Judge Hart's order. But that order applies only to private schools in the State of Mississippi. The IRS under my amendment would not be permitted to apply it to the whole Nation as though it were a final order of the U.S. Supreme Court.

That is a critical difference. I lost an appeal to the ruling of the Chair yesterday so that precedent will stand. But I must say that in my opinion it was both mistaken, based on the precedents, and unfortunate as a future precedent. In effect, it accorded to the unappealed order of a single U.S. district court judge the status of legislation, holding it the "uncontroverted status of the law." If this House is truly interested in retaining its power to legislate, nothing could be more pernicious to that constitutional power than Mr. PREYER's ruling yesterday on my amendment. No agency of the executive branch—and this is particularly true of the IRS—will apply a ruling of even a U.S. circuit court of appeals which it does not like beyond the scope of that circuit. HEW has had three U.S. circuit courts of appeal rule that the title IX sex discrimination does not reach employment practices of educational institutions, and they still apply the rejected regulations in the parts of the Nation outside the jurisdiction of these three circuits. Even after the U.S. Supreme Court refused to review those decisions, HEW would not regard them as "the uncontroverted status of the law," to use the words of Mr. PREYER.

But the reverse is not true. If an agency of the executive branch likes a court ruling, it will apply it to the entire Nation if it possibly can. That is what IRS undoubtedly would like to do with the Hart decision, and that is why this amendment is necessary. The order would stand and could be enforced, but not beyond the actual reach of the order itself. And that is not only an entirely proper and rational outcome; it is absolutely necessary to protect the remaining shreds of integrity of the legislative power of Congress from further encroachments by the judiciary and the bureaucrats.

Finally, in order to absolutely insure that the IRS does not apply to all 50 States the conflicting ruling/order of 1 Federal judge affecting 1 State, we need to adopt the language of this amendment in addition to the Dornan amendment which we adopted yesterday by a vote of 308 to 85. The Dornan amendment would prohibit the use of Federal funds to implement certain specific IRS regulations and rules which place an absolutely intolerable burden of proof on private schools to show that they are nondiscriminatory. My amendment goes to the implementation of—

> Any rule, policy, procedure, guideline, regulation, standard, or measure which would cause the loss of tax exempt status to private, religious, or church-operated schools under section 501(c)(3) which was not in effect prior to the date of enactment of this Act.

This amendment provides complete protection against the determined and unfair attack of IRS against America's private and church-related schools. It is a substantially different amendment from the one I offered yesterday, it fully meets the criteria laid down in the ruling of the Chair for compliance with clause 2 of rule XXI, it is a necessary compliment to the Dornan amendment.

Mr. Chairman, I offer this amendment because the appropriations process offers us the only practical way to resist the Internal Revenue Service's direct assault on private and religious schools. That unfortunate fact is just as compelling today as it was 11 months ago, when this House voted by an overwhelming margin to add this exact language—identical word for word to what the clerk has just read—to the Treasury appropriations bill for fiscal year 1980.

The revenue procedures proposed by the IRS in August of 1978 and February of 1979 constituted—and still constitute, since they are an ever-present threat as long as the current administration remains in office and refuses to repudiate them—an attack not only on the burgeoning independent school movement, but indeed also on the powers and prerogatives of Congress, and on the Contitution itself.

The simple fact of the matter is that no legislative enactment of Congress has ever authorized the IRS, or any other Federal agency, to create a minority quota system for nonpublic schools; or to shift the burden of proof so that schools would be considered guilty of racial discrimination unless they proved themselves innocent; or to make first amendment rights depend on how long a religious denomination's schools have existed, or on the form of ecclesiastical organization dictated by the denomination's theological convictions.

As attorney William Ball concludes in a letter to me dated June 16 of this year:

> Numerous provisions of the proposals were the plainest possible violations of the Free Exercise and Establishment clauses of the First Amendment. They represented also wide-open delegations of powers of Congress, under loose and indefinite standards, to administrative officials. In large part the proposals were ultra vires—simply home-made law having not the slightest basis in Congressional enactments.

The implicit factual assumptions behind the IRS proposals are just as shaky as its legal and constitutional premises, and have grown even shakier during the 2 years since the first version of the proposals was published. There has always been a strong Catholic private school base in this country. Everyone who has an interest in elementary and secondary education has been struck by the dramatic recent growth in Protestant fundamentalist school enrollements. Total enrollment in these Bible-oriented Christian schools climbed by perhaps 118 percent from 1965 to 1975, and if anything has accelerated since then—even while enrollment in the traditional public schools has been declining.

The South happens to be the original heartland for many of these evangelical movements, and many observers at first made the mistake of seeing these schools as a new form of "segregation academy." But there is now a growing consensus that such is not the case.

Denis Doyle, formerly with the Office of Economic Opportunity and now at the Brookings Institution—neither of which could be described as a bastion of racist apologetics—noted in the Washington Star a few weeks ago that—

> Many observers argue that the recent growth of private school enrollment is a form of "white flight," a reaction to court-ordered busing. The evidence does not support this, however. Historically, middle-class blacks have been over-represented in private schools. Most private schools in fact, have exemplary records in terms of racial integration. . . . if there is a common denominator to the move toward private education, it is a search for intellectual, physical and moral "standards."

A recent article in the public-school oriented journal, Phi Delta Kappan, was even more telling. Two scholars at the University of Wisconsin found that fundamentalist schools have been growing rapidly in rural Wisconsin, where race is not a factor. Even in the Louisville, Ky., fundamentalist schools, only 1 of the 68 families surveyed was using the schools as a temporary "haven" to avoid forced busing. In both Kentucky and Wisconsin, Christian parents gave the same reasons for withdrawing their children from the public schools: Low academic standards, lack of discipline, and their belief that public schools promote "a philosophy of secular humanism that these parents found inimical to their religious beliefs."

Compare these empirical findings with the IRS view that if most of a private school's enrollment growth has come as a result of transfers from public rather than private schools, this fact in itself constitutes evidence of racial discrimination. It would be hard to imagine a rule of evidence that could be more carefully contrived to sustain a presumption of guilt, or that could more clearly reflect simple prejudice against any form of education that is not controlled by the State. Unless we are willing to place our Nation's traditions of religious pluralism at the mercy of such simple-minded prejudices, it is essential that we pass this amendment.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Oklahoma.

Mr. STEED. I have gone over the amendment and listened to what the gentleman has had to say. In view of what the committee has done on related matters, I think this is in conformance with that policy, and therefore, I have no objection to the gentleman's amendment.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding.

I would like to just ask a question. Would the gentleman be happy if we added at the end of this, "unless any such school is operated contrary to law"?

In other words, we certainly do not want the Internal Revenue Service giving exemption to one of those schools that were set up in great speed where desegregation orders were put into effect.

Would it nullify or in any way damage the intent? Because surely what we are saying here is we do not want the Internal Revenue Service barging in and making its decision as to what the law is.

Mr. ASHBROOK. Which is precisely what they want to do.

Mrs. FENWICK. That is what we do not want.

Mr. ASHBROOK. I am afraid that amendment would be capricious in that I have already pointed out they shop and pick and choose what they want to apply.

As I was just saying, they will take one decision unappealed and try to apply it. On the other hand, they will take a circuit court decision and not apply it somewhere else.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. ASHBROOK) has expired.

(At the request of Mrs. FENWICK and by unanimous consent Mr. ASHBROOK was allowed to proceed for 1 additional minute.)

Mrs. FENWICK. If the gentleman will continue to yield, in other words, we could refer to the antidiscrimination law, and that would clearly nail it down as to what law we are talking about, that all these schools, of course, must be in compliance with the law in order to get tax exemption.

Mr. ASHBROOK. When the gentlewoman is saying laws, it is like talking about public policy; there are many laws. There are laws that relate to freedom of religion and freedom of speech.

Mrs. FENWICK. I am talking about desegregation laws.

Mr. ASHBROOK. When the gentlewoman is talking about a school that is not a religious school, she is talking about their rights under the first amendment. What the gentlewoman and I might think the law means, bureaucrats might think something else, which is the exact point I was trying to make.

Mrs. FENWICK. What I am afraid this amendment may do is to make it possible for schools which are operating contrary to law to receive tax exemption, and they should not get it.

Mr. ASHBROOK. This amendment has nothing to do with whether or not they receive tax exemption. If my friend will read it, it talks in terms of being able to take their exemption away from them.

Mrs. FENWICK. I know.

Mr. ASHBROOK. They have all these parities before they can get exemption.

Mrs. FENWICK. Suppose they have it and they are operating contrary to law?

Mr. ASHBROOK. There is an orderly process which was followed in Mississippi where the courts or IRS can become involved. I did not change that in any way.

Mrs. FENWICK. I think we ought to add that.

Mr. ASHBROOK. I would oppose that, I would say to my friend from New Jersey, although I appreciate her offer to help.

Mr. RANGEL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I suppose early this morning the sponsor of this amendment did not understand when I asked whether he had any more amounts in that area. The gentleman said he did not.

□ 1730

Mr. ASHBROOK. That is not the case. I have always had this amendment ready to offer. Your office has known this.

Mr. RANGEL. Well, I spoke with the gentleman earlier. Then I misunderstood the gentleman.

Mr. ASHBROOK. The gentleman's assistant has been on the floor and asked me when it was going to be offered. So I do not want the record to show that there was any effort to do otherwise.

Mr. RANGEL. I want the record to show that I misunderstood the gentleman or I would have raised a point of order on the amendment.

In any event, it seems to me that what the gentleman is trying to do is say that notwithstanding any court case, notwithstanding the fact that it has been clearly shown that existing regulations of IRS have been ineffective, that because the gentleman knows that at least 20 schools have been found to discriminate against minorities and yet because of the ineffective regulations, they still enjoy tax exemption, that the gentleman is saying that notwithstanding any cause of discrimination, that unless there are some regulations on the books now that none of the funds should be made available to carry out any new regulations.

The gentleman knows full well that the court has given direction to the IRS. In the debate yesterday, which I do not have to go into, the gentleman knows that many of the people in IRS could be held in contempt of court if they do not abide by the court order.

The gentleman also knows that there has not been time for the IRS to prepare regulations following those court guidelines, and yet the gentleman is saying that the IRS should do nothing unless they have already had the regulations on the books as of the date of enactment of this law.

It seems to me that the gentleman had a victory yesterday as relates to allowing institutions to do what they want; but I think this is much broader in nature because all you have to do is make certain you want to discriminate, put a cross on top of the building and because you have labeled it as a church-operated school, there is absolutely nothing that can be done under this amendment.

I am not saying that this is what the gentleman's objective is. I do not believe that it really is that, but I do not see any reason why we should really tie the hands of the IRS and not make the Congress fulfill its commitment to enact the guidelines that we think should be done, rather than to run away from the problem and take away funds from the IRS, knowing that they are under court mandate.

For these reasons, I hope that this amendment will be defeated.

Mr. RUDD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment of the gentleman from Ohio to the Treasury appropriations bill was adopted in that bill last year by a vote of 297 to 63 and was added to the fiscal year 1980 supplemental appropriations bill by a vote of 326 to 81.

So apparently a majority of the House feels that it was in order, or at least had substance to it.

The amendment is equally necessary to this 1981 Treasury appropriations bill before us today. The amendment is well known. Its purpose is simple and direct. It is to prohibit the Internal Revenue Service from implementing regulations to restrict the tax exempt status of private schools, regulations first proposed on August 22, 1978, but never implemented, to review the tax exempt status of private schools, including religious-affiliated schools, based on alleged discriminatory practices.

The IRS classified a "reviewable school" as one which did not have significant minority enrollment, which was formed or substantially expanded at the time of public school desegregation in the community.

The regulations would have granted to the IRS the authority to measure the ethnic composition of the schools against the ethnic composition of the surrounding community. No recognition would be given to the simple fact that often religious schools attract students from their own faith only, which have nothing to do with geographical boundaries.

The IRS proposals called for active and vigorous minority recruitment programs, including scholarships or other financial assistance to minority students and the hiring of minority teachers or professional staff, as well as minority-oriented curriculum and minority participation in the founding of the school or on the school board as a demonstration of nondiscrimination.

These criteria place the burden of proof of guilt or innocence upon the schools themselves, which is anathema and contrary to our Nation's whole concept and history of justice.

IRS Commissioner, Mr. Jerome Kurtz, stated that such sweeping action as the IRS proposed to take derived from the "broad national policy announced in the 1964 Civil Rights Act."

But once the IRS is allowed to begin enforcing its interpretation of "broad national policy," it can only be a matter of time before the IRS is embroiled in other controversies where it has neither the statutory authority nor the expertise to operate. I am referring to such agencies as OSHA.

It should be clear that no executive agency can adopt such policies unless specifically directed to do so by the Congress of the United States. This constistitutional doctrine has not deterred the IRS from drafting administrative procedures which are so open-ended in their requirements that they allow unelected bureaucrats to make up the law as they go along, bureaucrats that are not responsive to the Congress or to anyone else.

This amendment is the most effective manner that I can think of in which the Congress can express its total disagreement with the meddlesome intentions of the IRS, and I urge adoption of the amendment.

Mr. ASHBROOK. Mr. Chairman, will my colleague yield?

Mr. RUDD. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I would just say, and I would hope to have the attention of my friend, the gentleman from New York (Mr. RANGEL), the record clearly shows that what the gentleman from New York (Mr. RANGEL) said is not exactly accurate.

First, it was not the Ashbrook amendment, but the IRS's own decision, its own decision that caused it to suspend examinations of private schools under Revenue Procedure 7550 from July of 1978 to the present.

Now, for that authority I refer to a letter from Assistant Commissioner S. A. Winborne, himself, on July 11, 1980:

> IRS has deliberately chosen not to use the tools that were available to them.

To my way of thinking, they are crying "Wolf." They want this broader mandate. They have plenty of tools to address every situation that was brought up by the gentleman from New York (Mr. RANGEL) and our colleague from New Jersey.

Second, they have options even in the face of the Ashbrook and Dornan amendment. They can seek clarification. The plaintiffs in the case went in and sought a clarification of the orders. Are we to say that the IRS cannot go in and seek clarification. What if IRS is, indeed, brought into contempt, as my colleague, the gentleman from New York, has indicated? They have an opinion and they have an order. They have an opinion by Judge Hart that seems to be inconsistent. All they have to do is ask Judge Hart what he really meant. So they are not left without options.

Then lastly, I do not think we ought to roll over quite so easily as some of our friends want to.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

(By unanimous consent, Mr. RUDD was allowed to proceed for 2 additional minutes.)

Mr. RUDD. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. ASHBROOK. The power of the purse, which many of us have thought to be an important part of the Constitution, just a few months ago was upheld in the so-called abortion case. No Federal judge really has the power to decide what Congress shall or shall not fund.

Article I, section 9, clause 7 of the Constitution clearly gives it to the Congress. I would say, let us not give up that power as easily as some of those in this body would suggest. I do not think there is anything inconsistent with this amendment.

The IRS is not in a dilemma. Judge Hart is. They can proceed if they would only go by the tools they already have and the fact that they do not want it speaks to the IRS and not to the Ashbrook and Dornan amendments.

Mr. PANETTA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I could have the attention of the author of the amendment with regard to this particular proposal, I just wanted to clarify the gentleman's intent was since Congress has already passed the Dornan amendment which I thought was directed at the issues which have concerned the Members with regard to the development of regulations imparting the tax-exempt status of private schools.

The concern I have in this particular instance is whether, in fact, these regulations would prevent the IRS from responding to the court order in the Green case.

Mr. ASHBROOK. Not in the Green case, no, because the Green case has been decided. We specifically said the Green case as it relates to Mississippi is not touched by my amendment. I do not believe I could under the parliamentary situation, under the ruling yesterday. What we are talking about in this amendment is an effort by the IRS to expand the Green decision to 49 States where there are no litigants, but just to throw out regulations; so specifically I do not have any intention to overrule the Mississippi rules and I do not believe we could.

Mr. PANETTA. I agree with the gentleman. It is my understanding, obviously, that if the court makes that determination that we would not be in a position to be able in any way inhibit the court's direction to the IRS.

I guess what I would ask of the author of the amendment is what are the distinctions between this amendment and the Dornan amendment that was adopted by the House yesterday?

□ 1740

Mr. ASHBROOK. The Dornan amendment, as I understand it, would prohibit the use of Federal funds to implement certain specific IRS regulations and rules. My amendment goes to the implementation of any rule, policy, procedure, guideline, regulation, standard or measure which would cause the loss of tax exempt status to private religious or church oriented schools. In other words, he has hit a specific regulation and mine is talking about the implementation of future regulations.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I am pleased to yield.

Mr. RANGEL. Would it be safe to describe the difference as between the Dornan amendment and the gentleman's amendment, the Dornan amendment talks about restricting funds for certain specific proposed regulations.

Mr. ASHBROOK. Already on the books.

Mr. RANGEL. Which you and he disapprove of; you are talking about restricting funds for any regulation, good or bad, when you do not even know whether they are going to be proposed or not, that they cannot enforce it at all?

Mr. ASHBROOK. That may be a little overstatement, but it would not be far from correct.

Mr. RANGEL. I would not want to do that, but the gentleman does not even know what he is restricting?

Mr. ASHBROOK. We do not know what IRS is going to implement, that is correct.

Mr. RANGEL. And you do not care whether it is good law or bad law, good regulation or bad regulation, you do not want the IRS to have any money to enforce any law that would cause any of these institutions, whether they discriminate or not, to lose their tax exemption?

Mr. ASHBROOK. I would phrase it differently. We do not want to give IRS a blank check to charge throughout the 49 States in the way that they have already indicated in the regulations that they have tried to promulgate and would, indeed, promulgate without this amendment.

Mr. RANGEL. But Mr. DORNAN specifically said he did not want a blank check, he did not want those regulations which you and he and the Congress had read. You are saying you do not care what they are, you have not read them, you do not even know what they are going to propose, and you do not even know whether it is necessary but you do not want any religious school to lose its tax exemption because they are charged with discrimination. That does not sound like it makes good law.

Mr. ASHBROOK. That is not accurate. What I am saying is that they will not lose their tax exempt status on vague regulations yet to be propounded which are not on the books now.

Mr. RANGEL. You do not even know what they are?

Mr. ASHBROOK. There are regulations on the books now that can be used for the exact situation the gentleman is talking about, but we are not kidding each other. We know what the IRS wants to promulgate. We know what they would like to put into effect. I am saying no, they cannot do that with Federal funds at this point.

Mr. RANGEL. I want the record to show that I do not know what they would like to put into effect.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I am pleased to yield.

Mrs. FENWICK. It seems to me whatever they have on the books now is not good enough if they were down there and found in 20 schools in Mississippi, and obviously the regulations the Internal

Revenue Service now has are not sufficient.

Mr. ASHBROOK. If my colleague will yield, of course that was not the point in Mississippi. They were granted the tax-exempt status under the laws and regulations that are on the books. They engaged in policies later which litigants came into court to try and remove. They were removed. That can be done now. There is no guarantee if you give somebody a tax-exempt status that they are going to continue for the next 1, 10, 20 years to abide by the regulations. I am not trying to prevent that. The IRS and the court, indeed, have moved into areas like that, just as they did in Mississippi.

Mr. PANETTA. My concern, Mr. Chairman, is in three areas: The first is that while this indicates that the IRS could still respond to a court order, the fact is that it is very broad and that it would prohibit them to develop any rule, policy, procedure, guideline, regulation, standard or measure which in any way would cause the loss of tax-exempt status to private religious or church oriented schools. I think that is extremely broad.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. PANETTA was allowed to proceed for 2 additional minutes.)

Mr. PANETTA. The concern there is that the IRS has to make determinations with regard to whether this kind of exemption ought to be provided to private schools and it may, indeed, require that other regulations unrelated to discrimination would be prohibited. While regulations relating to race are the concern the gentleman has brought forth and others have, but let us assume the IRS has to develop other proposals that relate to the tax exemption status where fraud is involved. This, in effect, would prevent them from moving even with regard to these additional rules.

Second, it seems to me that the Dornan amendment was more than adequate in dealing with those particular problems, because the fact is the IRS did prepare those procedures. They were directed at these concerns. We know those procedures concerned a number of Members of the Congress, and for that reason we have asked that the IRS not proceed with those procedures, but at least they were defined procedures. We know what the IRS did, and we directed the amendment at that.

Third, I think that generally again, with the Congress taking the position of adding these kinds of amendments to an appropriation bill, we are, in effect, legislating what I believe ought to be done in the authorizing committees in dealing with this entire issue relating to what rules and regulations we will allow the IRS to issue in this area.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I am pleased to yield.

Mrs. FENWICK. I have had private assurances, and I would like it on the record, that nothing, nothing, if this amendment should fail, no Jewish yeshiva and no Catholic school and no Protestant school is going to be affected.

Mr. PANETTA. I thank the gentlewoman and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

☐ 1800

The CHAIRMAN. One hundred Members have answered to their name, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Ohio (Mr. ASHBROOK) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 300, noes 107, not voting 25, as follows:

[Roll No. 465]

AYES—300

Abdnor
Akaka
Albosta
Alexander
Ambro
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Atkinson
Badham
Bafalis
Bailey
Barnard
Bauman
Beard, Tenn.
Bedell
Bennett
Bereuter
Bethune
Bevill
Blanchard
Boggs
Boland
Boner
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brooks
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carter
Chappell
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Derrick
Derwinski
Dickinson
Dicks
Dingell
Dodd
Donnelly
Dornan
Dougherty
Duncan, Tenn.
Early
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Findley
Fish
Fithian
Flippo
Florio
Foley
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gibbons
Gingrich
Ginn
Glickman
Goldwater
Goodling
Gore
Gradison
Gramm
Grassley
Green
Grisham
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hammerschmidt
Hance
Hanley
Harkin
Harris
Harsha
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Tenn.
Kazen
Kelly
Kemp
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Lott
Lujan
Lungren
McClory
McDade
McDonald
McEwen
Madigan
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Mattox
Mavroules
Mazzoli
Mica
Michel
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nelson
Nichols
O'Brien
Oakar
Oberstar
Pashayan
Paul
Pepper
Perkins
Petri
Peyser
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roe
Rose
Rostenkowski
Roth
Rousselot
Royer
Rudd
Russo
Santini
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Skelton
Smith, Iowa
Smith, Nebr.
Snyder
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stenholm
Stockman
Stratton
Stump
Symms
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vanik
Volkmer
Walker
Wampler
Watkins
Waxman
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Yatron
Young, Fla.
Young, Mo.
Zeferetti

NOES—107

Addabbo
Anderson, Calif.
Ashley
Aspin
AuCoin
Baldus
Barnes
Beilenson
Benjamin
Biaggi
Bingham
Bolling
Bonior
Brademas
Brodhead
Brown, Calif.
Burton, John
Carr
Cavanaugh
Chisholm
Clay
Coelho
Collins, Ill.
Conyers
Corman
Davis, S.C.
Dellums
Dixon
Downey
Drinan
Duncan, Oreg.
Eckhardt
Edgar
Edwards, Calif.
Fascell
Fazio
Fenwick
Ferraro
Fisher
Ford, Mich.
Garcia
Gephardt
Gonzalez
Gray
Guarini
Hamilton
Hawkins
Jeffords
Jones, Okla.
Kastenmeier
Kildee
LaFalce
Lehman
Long, Md.
Lowry
Lundine
McCloskey
McCormack
McHugh
McKinney
Maguire
Matsui
Mikulski
Miller, Calif.
Mitchell, Md.
Moffett
Nedzi
Nolan
Nowak
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Rangel
Ratchford
Reuss
Richmond
Rodino
Rosenthal
Sabo
Scheuer
Schroeder
Seiberling
Shannon
Sharp
Simon
Solarz
Steed
Stewart
Stokes
Studds
Swift
Synar
Thompson
Ullman
Van Deerlin
Vento
Walgren
Weaver
Weiss
Williams, Mont.
Wirth
Wolpe
Yates
Zablocki

NOT VOTING—25

Anderson, Ill.
Beard, R.I.
Burton, Phillip
Devine
Ford, Tenn.
Giaimo
Gilman
Hansen
Holtzman
Johnson, Colo.
Leach, La.
Leland
Luken
McKay
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Pickle
Roberts
Roybal
Snowe
Stark
Wilson, C. H.
Young, Alaska

☐ 1820

The Clerk announced the following pairs:

On this vote:

Mr. Murphy of New York for, with Mr. Stark against.

Mr. Devine for, with Mr. Leland against.

Messrs. DICKS and JOHNSON of California changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: Page 43, after line 5, insert the following:

"SEC. 614. No funds appropriated by this Act shall be available to pay for an abortion or the administrative expenses in connection with any health plan under the Federal Employees Health Benefit Program which provides any benefits or coverage for abortions under such negotiated plans after the last day of the contracts currently in force."

Mrs. SCHROEDER. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentlewoman from Colorado (Mrs. SCHROEDER) reserves a point of order against the amendment.

The gentleman from Ohio (Mr. ASHBROOK) is recognized for 5 minutes in support of his amendment.

Mr. ASHBROOK. Mr. Chairman, this amendment is the next logical step in the right direction—leading ultimately to shutting off the tap to the free flow of abortion funding. There are millions of American citizens who strongly object to their tax dollars being used to pay for abortion—an act they see as morally and constitutionally reprehensible, the killing of a human life.

Perhaps, this is strong language, and some might claim it is emotional language, but it is a more realistic and accurate description of what Federal funds are paying for than a phrase like "termination of pregnancy." After all, a pregnancy can be, and usually is, terminated by a live birth. And that is certainly not what happens in an abortion. Let us not be distracted by euphemisms and fine-sounding labels. Let us recognize the stark reality that the product of every successful abortion is a dead baby. That is what Federal tax dollars are paying for through the appropriations for any program that provides this so-called service.

The battle over the Hyde amendment has been going on since 1976, but this year the question of its constitutionality was finally resolved by the Supreme Court. The Court's June 30 decision in Harris against McRae has determined that such action by the Congress is indeed constitutional. Congress does have exclusive authority over the Federal purse.

The question of abortion funding, like the slavery issue of more than a century ago, once brought to the point of resolution, allows for no middle ground. Either the Government pays for this practice or it does not. I believe the will of the people through their elected Representatives, the Members of this body, has already been expressed through the passage of the Hyde amendment to Labor/HEW appropriations, which affects the medicaid program, the channel through which the bulk of abortion funding flows.

Just as there was no halfway point between slavery and nonslavery, there can be no halfway point between the cutoff of funds for abortion and the use of Federal tax money to subsidize that practice. Nor can we stop funds for abortion channeled through one program and at the same time allow them to flow freely through another. Such an omission on our part would not only create inequities, but would also violate the basis of the Hyde amendment; namely, that citizens should not be required to pay for a practice which the Congress deems to be improper use of Federal funds.

Other programs funnel Federal tax dollars into the abortion business. In the amendment I have just offered we are dealing with the question of the funding of abortions and abortion-related administrative costs through the various health plans under the Federal health benefit programs. This amendment would eliminate such funding. By denying tax-dollar funds for abortion for these health plans, we demonstrate that we are willing to practice what we preach. We would show quite clearly that it is not that we would bring hardship on the poor, but, rather, that we wish to eliminate a greater injustice—the double abuse to citizens who must daily not only witness the fact of legalized abortion in their country, but who are also required to pay for it. This is a gross imposition on the consciences of millions of taxpayers.

This amendment would not deny Federal employees or their families the option of obtaining an abortion under law, for, as now determined by the Supreme Court, this option is theirs. It only denies them the tax money to help pay for it. We are merely lifting the requirement for taxpayer participation in the act.

Some might argue that Federal employees have a choice of which health benefit plan they want and can select a plan that does not include abortion coverage. But it is not a question of employee contributions to a particular health plan; it is a matter of the tax dollars that go into the Federal contributions to these plans. Almost $2 billion of Federal funds are poured annually into all of these plans to subsidize the employee contributions, regardless of which plan employees select. This money helps to pay for more than 20,000 abortions each year.

In recent months the Supreme Court allowed the Dooling order to stand while it considered the constitutionality of the Hyde amendment, thus allowing money not appropriated by Congress to be drawn from the U.S. Treasury to pay for abortions. Now, the administration, through the technicality of a Court rule, has chosen not to discontinue funding abortions, thus ignoring the Hyde amendment which was lawfully passed by Congress and declared constitutional by the Court.

The money is still flowing. This is not just "management inefficiency" in the extreme; it is an unbelievable indifference to the law of the land as determined by Congress and confirmed by the Supreme Court.

If we are to be consistent in our policy on this matter, we have no choice but to shut off the tap to the free flow of Federal money for abortion wherever we find it.

POINT OF ORDER

The CHAIRMAN. Does the gentlewoman from Colorado (Mrs. SCHROEDER) wish to be heard on her point of order?

Mrs. SCHROEDER. I do, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentlewoman.

Mrs. SCHROEDER. Mr. Chairman, I make a point of order that this amendment constitutes legislation in an appropriation bill. This limitation changes existing law, and imposes new duties on administrative officials.

This amendment changes current law in a variety of ways. Section 8904 of title 5, United States Code, lists the authorized content of a Federal employee health plan. This amendment, in effect, amends this section to add an exclusion. By doing so, the amendment changes the benefits provided to Federal employees. Directly on point is the precedent found in section 9.8 of chapter 26 of Deschler's Procedure, holding that language in a general appropriation bill changing the allowances and benefits due overseas employees of the Foreign Claims Settlement Commission was held to be legislation and not in order (106 CONGRESSIONAL RECORD 17899, 86th Congress, 2d session, August 26, 1960).

There are other ways in which this amendment changes the basic law. Throughout the development of Federal labor-relations law culminating in passage of the Civil Service Reform Act of 1978, a careful balance was worked out on labor organization rights. Congress did not go along with providing an agency shop in which dues would be required from bargaining unit members, but did allow labor organizations to offer health plans exclusively to their members as a membership and fund-raising device. This amendment would strip one of the attractive features out of these plans and would thereby deny labor organizations one of the rights which they fought hard for during civil service reform.

Employees now have the option of buying medical benefits either for themselves or for themselves and their family. Take the case of a female worker who buys coverage for herself alone. Since this amendment provides no exception from the prohibition on abortion to save the life of the mother, the effect of the amendment could be to deprive life-saving medical care to the participant who bought the medical coverage for herself.

This amendment, in this case, would transform the fundamental purpose of the health benefit program from one which is supposed to benefit the employee who pays for the plan to one which is being ordered to serve one group's perception of what is best for society. I submit that this change in the theory of the health benefit program is profound.

This amendment imposes considerable new duties on the Office of Personnel Management. The general rule on this is well stated in section 11.3 of chapter 26 of Deschler's Procedure:

> It is not in order, in an appropriation bill, to impose additional duties on an executive officer or to make the appropriation contingent upon the performance of such duties.

Currently, virtually all the health plan contracts for 1981 are written, signed and sealed. Most provide abortion health services or indemnification for abortions. The adoption of this amendment would force the renegotiation of these contracts in the very limited time prior to the beginning of the open session in October. The administrative burdens are so high, in fact, that I am not certain they can be discharged in time.

Those familiar with gynecology are aware of the fact that a medically necessary D. & C. can be difficult to distinguish from an abortion, particularly in the early months of pregnancy. This amendment would require the Director of the Office of Personnel Management to police the operations of each health plan to distinguish between two similar operations. This is another serious duty imposed by this amendment.

Another side of this question of administrative duties has to do with changing the authority of a Federal official. Please refer to Deschler's Procedure section 21.5 or chapter 26 wherein is cited the ruling that a provision of a general appropriation bill changing existing law by restricting the contract authority of the Housing and Home Finance Administrator under the Housing Act was ruled out of order. (107 CONG. REC. 19730, 87th Cong. 1st Session, September 15, 1961). Here, as there, the contracting authority of an executive official is being altered. Similarly, sections 20.6 and 13.3 of chapter 26 of Deschler's Procedure stand for the proposition that changing the authority of a Federal official renders an amendment out of order. Here, the plenary authority of the Director of the Office of Personnel Management to negotiate health plans is limited by a requirement that he negotiate plans having a certain type of coverage. By tying the Director's hands in this way, the amendment is seriously changing the contracting authority of an executive official.

For these reasons, I assert that the amendment offered is not in order on this appropriation bill.

Mr. Chairman, I insist on my point of order.

☐ 1830

The CHAIRMAN. Does the gentleman from Ohio (Mr. ASHBROOK) wish to be heard on the point of order?

Mr. ASHBROOK. Yes; Mr. Chairman, I definitely do.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, if we read the amendment, the amendment very clearly is a limitation on expenditures, it is a limitation consistent with previous limitations that have been upheld by this Chair.

As I say, it does not require any affirmative actions.

My colleague, the gentlewoman from Colorado, refers to abortions that are in current health benefits programs. I know of no federally protected right that anyone would have for an abortion that comes under a Federal employees' health benefit program.

The truth of the matter is that since June 30, the Supreme Court upheld the right of this Congress to withhold funds. This has been the stated purpose. The Hyde amendment originally withheld funds for activities that up to that time had been legal. There is nothing new about that.

For all of these reasons, I would urge that the Chair overrule the point of order.

The CHAIRMAN. Does the gentleman from New York (Mr. PEYSER) wish to be heard on the point of order?

Mr. PEYSER. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from New York.

Mr. PEYSER. Mr. Chairman, further on the point of order, I would like to restate and emphasize, because I think it is vital, that the fact that the premium must be readjusted distinctively calls for a new action and an additional action on the part of the administrator, and it would seem to me that on an appropriation bill we cannot call for an additional action on the part of anyone else, and certainly in the area of a readjustment and recalculation of premiums is a totally new function that would be put into this bill if that amendment would be allowed to stand.

I would hope that the point of order of the gentlewoman from Colorado would be sustained.

The CHAIRMAN. Does the gentleman from Maryland (Mr. BAUMAN) desire to be heard on the point of order?

Mr. BAUMAN. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, the language before us in the amendment offered by the gentleman from Ohio has been alleged by the gentlewoman from Colorado to be legislation on an appropriation bill, not a proper limitation, and with numerous examples she argues that new duties are imposed upon the executive branch as a result of this language.

I think a careful analysis of the language before us will show that this is, in fact, a proper limitation, with the intent only of restricting the use of funds in this appropriation bill. It does not impose any additional new burdens or duties on any executive officer.

If the chair will examine the specific limitations that are embodied in the language, he will find that it would require nothing more than incidental determinations which have been held in the past to be perfectly adequate and within the rule allowing limitations on expenditures.

I would cite to the Chair chapter 25, section 10.4, Deschler's Procedure, where it was ruled in the 86th Congress that:

> Where the manifest intent of a proposed amendment is to impose a limitation on the use of funds appropriated in the bill, the fact that the administration of the limitation will impose certain incidental but additional burdens on executive officers does not destroy the character of the limitation.

In this case, the amendment forbids the use of Federal funds to pay for an abortion or the administrative expenses in connection with any health plan under the Federal employees' health benefit program providing abortions. Those health plans at the present time are well known, are available, their contents are fully known, and no new determinations must be made.

Further than that, the funds are not to be expended for any health plan which provides any benefits or coverage for abortions. The benefits and coverage of each of these health plans are well known and in fact are published in booklets given to employees of the Federal Government before they make their choice.

And, lastly, the argument of renegotiation of contracts is spurious. That will simply not have to happen because this appropriation bill does not take effect until October 1, the new fiscal year's first day, and this amendment clearly goes only to new contracts, not those contracts currently in force, on the last day of the contracts currently in force. The amendment would not disturb any existing contracts and, manifestly, too, the Government has no right to make contracts now, before October 1, when this appropriation bill and the funds in it would pass into law.

So for these reasons I would argue that the amendment is a proper limitation within the rules of the House that is appropriate on an appropriation bill. I urge rejection of the point of order.

☐ 1840

The CHAIRMAN. Does the gentleman from California (Mr. DORNAN) wish to be heard on the point of order?

Mr. DORNAN. Yes, I do, Mr. Chairman, to speak against the point of order.

Mr. Chairman, I fully expect things to move very quickly after the Chair rules on this point of order. I think we are all so well aware of this issue except for this unusual twist of the fact that Congressmen and their staffs are still able to have abortions paid for, with tax money while welfare recipients and military people are not, that I wanted to just read an opening paragraph on my remarks, the closing paragraph of which relates in a general sense to the rule of order.

According to an October 10, 1979 article in the Baltimore Sun, by Thomas B. Edsel, approximately 20,000 abortions were paid for last year by Government-sponsored health insurance programs. These Government plans include the Congress and the White House staff. That is why this point of order is so important that there is nothing in this amendment that forbids any Federal employees who wish to have an elective abortion with their own money. They simply cannot compel the public to pay for it. It is well within the prerogatives of an appropriations bill, and I submit the remainder of my remarks for the record.

The CHAIRMAN. Does the gentlewoman from Maryland (Mrs. SPELLMAN) wish to be heard on the point of order?

Mrs. SPELLMAN. I do, Mr. Chairman.

Mr. Chairman, as the chair of the subcommittee which has jurisdiction over the Federal employee health benefits program, I would say the whole question is moot. The gentleman from Ohio is asking that the 1 percent of the fund which goes into the administration not be permitted to be put in for any program which might contain abortion. He is asking that the 60 percent contributed by the Federal Government not be used for any abortion procedure.

I maintain that there are no Federal funds being used either for administration or for the medical procedure of abortion. I maintain that those functions are funded with the 40 percent which Federal employees pay for their share of the program. Thus, since there is no Federal money involved in the procedures, I submit the amendment is moot.

The CHAIRMAN. Does the gentlewoman from Colorado (Mrs. SCHROEDER) wish to be heard further on the point of order?

Mrs. SCHROEDER. I would like to add several things in countering some of the amendments on the other side.

The precedents that were cited, I think, we glossed over the fact that the duties, the real bright line there was whether you were adding incidental duties or substantial duties. I think these are very substantial additional duties and not incidental. I think that makes a big difference. I think there is also some misunderstanding about the whole open-season concept of the Federal contracts. There are at least 88 different contracts that are negotiated. Open season goes into effect. People have chances to move from one program to another. That must start on October 1. The employees must be notified of the different plans available before they make that decision, and so the fact that none of these would be affected is really incorrect.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The gentlewoman from Colorado makes the point of order that the amendment offered by the gentleman from Ohio (Mr. ASHBROOK), is legislation on an appropriation bill in violation of clause 2, rule XXI. The gentlewoman cites statutory provisions relating to the discretionary authority conferred upon the Office of Personnel Management in contracting with health insurance carriers to establish health benefit plans for Federal employees, and also to administer the health benefits fund. The gentlewoman then cites precedents to the effect that it is not in order on a general appropriation bill to directly limit executive discretionary authority, to directly change entitlement benefits or to directly change contracts entered into pursuant to law, or otherwise impose new duties not required by existing law by requiring new investigations or judgments to be made. All of the precedents examined by the Chair standing for the proposition asserted by the gentlewoman from Colorado involve situations where the Chair was able to discern from the language of the amendment itself, rather than from resulting circumstances which might derive from the enactment of the amendment, that a change in law would necessarily result from the amendment.

On the other hand, the great weight of precedent in the House, not only with respect to the denial of availability of funds in a gentral appropriation bill for abortions but also for any other purpose otherwise authorized by law, indicates that it is permissible as a limitation to negatively deny the availability of funds although discretionary authority may be indirectly curtailed or although contracts may remain unsatisfied thereby. And, while new determinations, which the gentlewoman suggests would necessarily have to be made in order to properly administer the funded program within the terms of the amendment cannot be foreclosed as possibilities, the Chair sees no language in the amendment itself which would require those new findings to be made. Such was the essence of the decision of the Chair on July 17, 1979, where to the D.C. appropriation bill a substitute amendment providing that none of the funds in the bill provided by the Federal payment to the District shall be used to perform abortions was held not to constitute legislation.

The Chair rules therefore that the amendment is in order, and the point of order is overruled.

Mr. ANDREWS of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, would the author of the amendment, the gentleman from Ohio, please reply to a question?

May I inquire as to whether the gentleman would withhold funds for abortions for all Federal employees regardless of the reason for the abortion?

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Carolina. I yield to the gentleman from Ohio.

Mr. ASHBROOK. That is correct, as the language reads.

Mr. ANDREWS of North Carolina. In other words, if it was a tubular pregnancy, and the life of the prospective mother were in jeopardy, nevertheless, the funds would not be provided?

Mr. ASHBROOK. Well, there are strict exceptions. Even now the removal of a cancerous uterus is not legally an abortion, it is a life-saving medical procedure and would be provided even if there was no "life of the mother" exception. In the past, however, the "life of the mother" exception has led to the broadest and most liberal interpretations so that just about any abortion that was termed "medically necessary" was considered life threatening. That has been the sad story with bureaucracy.

Mr. ANDREWS of North Carolina. In other words, this is not like the Hyde amendment where certain exceptions are made?

Mr. ASHBROOK. Under the rules, I have to write my amendment so it will not be legislation on an appropriations bill, as my friend well knows.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Carolina. I yield to the gentleman from Illinois.

Mr. HYDE. The difficulty with adding the life-of-the-mother exception here is that it would then be subject to a point of order as legislating on an appropriation. It would call for additional duties by a doctor. Therefore, we cannot do that here in face of a point of order. Such an exception can be put in in conference as it has been done before, but it cannot be done here, because that is an additional duty and hence would make the amendment subject to a point of order. But it does not exclude that being added in in conference. That is the way the Hyde amendment has always gone.

Mr. ANDREWS of North Carolina. But our votes go much further than the amendment the gentleman has offered to several prior bills?

Mr. HYDE. Well, the original Hyde amendment also is simply no funds for abortion, because to add the life-of-the-mother exception, which I support, would make it impossible to present the amendment to the House, because it then is subject to a point of order, because then it is legislating, because it imposes additional duties.

I would suggest to the gentleman that he be confident that the life-of-the-mother exception will be put in when it reaches conference.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that the colloquy that just went on indicates how foolish it is to legislate on an appropriation bill under the guise of a limitation. It is always necessary in order to make a change in policy to deal with much deeper questions than the mere negativing of the use of funds.

☐ 1850

I do not know when this body is going to stand up and say that from now on we are not going to do policy matters under the guise of the limitations on an appropriations bill.

I think the Chair was absolutely correct in his ruling; but the trouble is that under our rules we permit a limitation on an appropriations bill, no matter what far and wide sweeping requirements are, in fact, involved, as long as those requirements are not specified in the amendment.

Mr. VOLKMER. The Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I feel basically as the gentleman does; but I look upon it as a breakdown in the legislative process from the legislative committees. We have had amendments here earlier with limitations in regard to private schools and the IRS. The Committee on Ways and Means has known of this problem for over a year, but we have no bill.

On the funding of abortions, we did pass the CHAP bill with the Hyde language. It went to the Senate, where it still lies; so the Congress is not acting; so for those who feel strongly, and so far a majority of the Members on many of these issues have felt strongly on this and have voted for these limitations, it feels that the legislative committees should come forth with the legislation and let the will of the Congress operate. Let the House and the Senate operate.

Mr. ECKHARDT. If I can reclaim a portion of my time, I would like to say this. I have seen in so many cases this body fail to offer an amendment at the time when it should have been offered on an authorization bill, when the committee that has knowledge of the subject matter, as the gentlewoman from Maryland so eloquently showed that she had, is not what this is about.

We come in here when the bill is in the Appropriations Committee, put limitations on it with very little knowledge of whether the limitation has any meaning at all on the bill to which it is attached: Like a provision that there shall be no functional teats on a boar hog.

Mr. BAUMAN. Mr. Chairman, I would ask that the gentleman's words be taken down, unless he withdraws them. Yes, I do, unless he wishes to withdraw them.

Mr. ECKHARDT. I wish to withdraw them. I will withdraw them.

Mr. BAUMAN. I ask unanimous consent that the gentleman be permitted to withdraw the word "demagogic."

The CHAIRMAN. Without objection, the words are withdrawn.

There was no objection.

Mr. ASHBROOK. Mr. Chairman, will my colleague yield?

Mr. ECKHARDT. Yes, I yield to the gentleman from Ohio.

Mr. ASHBROOK. My colleague is one of the more constitutionally minded Members of this body. I think he would certainly recognize that there is something to be said for a uniform application of the law. We have had a decision since June 30. There has been no effort on the part of this Congress to make any uniform application of the law as it relates to funding for abortions.

Those of us who want uniformity are left with no other alternative except to offer amendments on legislation as it comes up, be it on an appropriation bill or an authorizing bill.

I would ask my friend, who is a great scholar, what legislation could this amendment be offered to that the gentleman suggested a little bit earlier? I would have been glad to offer it if there had been a vehicle. There is simply no authorizing legislation in this area where we can offer this amendment. Is my colleague to say, therefore, we wait forever, for 6 months, a year, 2 years, 5 years?

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield back to me——

Mr. ASHBROOK. Yes. I thank my colleague for yielding.

Mr. ECKHARDT. Perhaps when it is impossible to get the committee which is concerned with the subject to take up the matter, it may not be worth dealing with.

Do we no longer have respect for the committees of this House with respect to what is important for legislation? I think we are forgetting that.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. Yes, I yield to the gentlewoman.

Mrs. SCHROEDER. I think the gentleman from Texas is making an excellent, excellent point. I think that everybody would have to concede that the gentlewoman from Maryland, who chairs the committee in charge of this jurisdiction, is one of the most conscientious Members here. I think it might be interesting if the gentleman from Texas asked the gentlewoman from Maryland whether she has held up any of these or whether there has been any request for those kind of hearings. If the gentleman could yield to the gentlewoman from Maryland, I think that might be a very interesting question to pose.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. ECKHARDT was allowed to proceed for 2 additional minutes.)

Mr. ECKHARDT. Mr. Chairman, I yield to the gentlewoman from Maryland.

Mrs. SPELLMAN. I can tell the gentleman that in the four years that I have headed that subcommittee we have had no requests for legislation of this sort. This is the very first time the matter is being proposed.

Mr. ECKHARDT. Mr. Chairman, I would like also to ask of the gentlewoman from Maryland, does this amendment actually have any effect, other than to raise an issue on the question of abortion as a proposition that one favors abortion or does not favor it; does it have any effect with respect to the flow of funds under this bill?

Mrs. SPELLMAN. No. As a matter of fact, I would like to address the House on this whole question and it will have nothing at all to do with whether one favors abortion or does not favor abortion. It concerns the logic of the proposal, the logistics of it.

I say in all sincerity that in my opinion the question is moot. Federal employees' pay 40-percent of the cost for the health care program and we are talking about one percent of the funds for administration—one percent of the funds. And one medical procedure which represents even less than 1 percent of the funding.

Can it not be said that of the 40 percent that they contribute, the 2 percent comes from that contribution?

How can the gentleman from Ohio prove that the Federal Government today is paying that 1 percent of the administrative funds? How can he show that the Federal Government's money is paying for abortion procedures?

In my statement to the House to explain just what the whole program means, I think that I can point out that what is being proposed here is something so new and so different that surely we need hearings to determine what the effect will be in the long term with regard to the whole matter of selecting benefits.

The CHAIRMAN. The time of the gentleman from Texas (Mr. ECKHARDT) has expired.

The Chair recognizes the gentleman from Oklahoma (Mr. STEED).

Mr. STEED. Mr. Chairman, we have had a long, hard day. We have waded through a great many amendments and the hour is getting late.

Now, this is a subject that everybody has heard discussed in this Chamber over and over again. I do not think all the talking on Earth is going to change a vote.

Now, I would like to ask just once, I have been patient with everybody all day. I ask you to do me a favor now. Let us put a 20-minute limitation on the debate on this and get on with our business.

Mr. DORNAN. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. STEED. No. I want to get this over with now. The gentleman has had plenty of time today. I have been patient with him. We are not going to change anything, so why do we not go ahead and settle this.

Mr. DORNAN. Mr. Chairman, would the chairman yield for 5 seconds?

Mr. STEED. Mr. Chairman, I move that all debate on this amendment and all amendments thereto end in 15 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Oklahoma (Mr. STEED).

The motion was agreed to.

PREFERENTIAL MOTION OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Chairman, I offer a preferential motion.

PARLIAMENTARY INQUIRY

Mr. PEYSER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PEYSER. Mr. Chairman, does the time for the preferential motion come out of the 15 minutes that we have just agreed to?

The CHAIRMAN. The Chair informs the gentleman that it does not come out of the preferential motion.

The Clerk will report the motion.

The Clerk read as follows:

> Mr. BAUMAN moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. BAUMAN. Mr. Chairman, I regret that I had to use this device and I more than sympathize with the gentleman from Oklahoma in his desire to try to expedite this matter. We have been on this bill for a great long time and matters of far lesser consequence in the view of some of us have been debated for hours, but I think this issue does deserve some serious discussion.

I would like to point out exactly what this amendment entails. It extends the same position that this House has in the past endorsed by an overwhelming majority to the Federal Government health plans and the employees who benefit under those plans. In other words, if you feel strongly that the Government should not finance abortions under the medicare programs that we provide for the indigent and those who qualify, it is not logically inconsistent, but in fact, it is compelling to extend such a restriction to those who would be financially able to finance medical care which might include abortion as their choice.

The object of this amendment is to prevent taxpayers' funds in any way from being used to support abortions.

I would point out to the House that despite the arguments that have just been made, that under the Federal employees' insurance programs, much of which is covered under Blue Cross and Blue Shield, there were about 20,000 abortions performed last year. This program covers about 10 million civilian Federal workers, although there are no specific figures regarding the Congress of the United States.

☐ 1900

These health programs, which are provided to Federal employees, are paid for by a combination of Government and employees.

Mrs. SCHROEDER. Mr. Chairman, point of order.

Mr. BAUMAN. Mr. Chairman, I believe I have the floor and I have not yielded.

POINT OF ORDER

Mrs. SCHROEDER. Mr. Chairman, a point of order.

Mr. Chairman, I do not believe the gentleman is discussing his preferential motion.

The CHAIRMAN. The entire bill is debatable on a preferential motion.

Mr. BAUMAN. Mr. Chairman, the health programs which I am discussing providing for Federal employees are paid for by a combination of Government and employee contributions. Medicaid provides free abortions for poor women only under restrictions Congress has adopted and I believe we should extend the same restrictions to other laws.

Let me give my colleagues a few examples if they would like to know precisely what we are talking about. This amendment does not involve 1 percent of anything. Of more than half of the total Federal civilian work force, 5½ million or 54 percent are covered by Blue Cross and Blue Shield, a plan to which the Government contribution is 55 percent and the employee contribution is 45 percent. The remainder are covered by a variety of other health plans.

What this amendment simply says is, no taxpayer funds will be used to pay for these health plans or in connection with the administration of the expenses of these health plans.

May I please address one point that I think was very correctly raised by the gentleman from North Carolina (Mr. ANDREWS) about the life-of-mother exception. This amendment does not go into the specific medical care provided. It goes to the insurance policies and the coverage under those insurance policies for the beneficiaries. There is nothing that would prevent a beneficiary of current health plans of the Government, if they are denied under this amendment, the one so-called benefit of abortion, which I hardly think can be called a benefit, from using their own financial resources to provide an abortion under whatever circumstances. So it would be hardly appropriate to include those exceptions in this amendment.

I mildly regret, in response to those who have mentioned it, the gentleman from Texas and others, who do have a distaste for the repetition of this issue, it is, in fact, an issue that will not go away. The right to life is an issue that concerns millions of Americans, many of them yet unborn, and to many of us it is the paramount issue that faces us in this Congress.

However many arguments we may hear about the need for hearings, I think all of us know the issue of life is embodied in this, and I strongly urge the adoption of this amendment.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the author of the amendment.

Mr. ASHBROOK. I am glad my colleague will yield, and I am also glad that the gentlewoman from Maryland (Mrs. SPELLMAN) is on her feet. The gentlewoman from Maryland continually mentioned the 1-percent administration expense. What she is not mentioning is the approximate 60 percent that the taxpayers are paying. The 1 percent is for administration, yes, but the abortion is performed out of the money that the 60 percent pays. So I want the record to show that we are also very much concerned about the 60 percent that the taxpayers pay in health plans. Let us not forget the 60 percent.

Mrs. SPELLMAN. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentlewoman from Maryland.

Mrs. SPELLMAN. Mr. Chairman, would the gentleman explain how the provisions for abortion under his amendment differ from those that are in existence today?

The CHAIRMAN. The time of the gentleman from Maryland (Mr. BAUMAN) has expired on the preferential motion.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman has has 5 minutes in opposition to the preferential motion.

Mrs. SPELLMAN. Mr. Chairman, will the gentleman yield?

Mr. STEED. Mr. Chairman, I first want to yield to the gentlewoman from Maryland so that she may finish her question.

Mrs. SPELLMAN. I thank the gentleman and the chairman. May I ask the gentleman from Maryland (Mr. BAUMAN) a question? Could the gentleman explain what the differences are between his amendment and the provisions for abortion as they exist today in the FEHB?

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Maryland.

Mr. BAUMAN. I would have to reply to the gentlewoman that it is not my amendment, it is the amendment of the gentleman from Ohio (Mr. ASHBROOK). I am glad to give the gentlewoman my interpretation of the language, but I think the author of the amendment might be the appropriate person.

Mrs. SPELLMAN. I will ask the author of the amendment, then, could he tell us how his amendment differs from the abortion provisions as they exist today under the Federal employee insurance programs?

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman.

Mr. ASHBROOK. It is my understanding it is exactly what the gentleman from Illinois (Mr. HYDE) said, that what we are restricting would be any type of abortion, because that is the parliamentary situation which makes it possible. We could not do it otherwise.

Mrs. SPELLMAN. Would the gentleman be good enough to tell me——

Mr. ASHBROOK. Is the gentlewoman talking about private insurers?

Mrs. SPELLMAN. Would the gentleman be good enough to tell our colleagues what the present abortion provisions are in the Federal employee insurance programs today?

Mr. ASHBROOK. There is a wide range I think as our colleague well knows. First of all, the Office of Personnel Management——

Mrs. SPELLMAN. Is abortion on demand available?

Mr. ASHBROOK. Yes. The OPM does not require abortion coverage as a condition of being a Federal health insurer. In some cases insurance companies do carry it. In some cases they do not.

I happen to know for a fact that Georgetown, which participates in the plan, does not provide abortions. So a person that has a health plan at Georgetown could not get an abortion. Other hospitals do. So there is a wide variety, as the gentlewoman well knows.

Mrs. SPELLMAN. There is, as I very well know.

But can the gentleman tell me whether he is aware of any provision which sets limits on abortions today?

Mr. ASHBROOK. That I do not know.

Mrs. SPELLMAN. I think the gentleman really needs to know what is in the program today before he starts amending it, and that is why we need hearings on this issue.

Mr. ASHBROOK. We do not have to know what is in the program if we say we do not want any abortions. I do not agree with the gentlewoman at all.

Mrs. SPELLMAN. I am not sure that the House is ready to say it does not want any, even to save the life of a woman, but we will get into that in a bit.

Mr. ASHBROOK. If my colleague will yield, I think she knows when it comes back in conference that it will have the language which is always adopted by this body, which cannot be adopted now under the rule.

Mr. STEED. Mr. Chairman, this is a pro forma amendment that has served its purpose, and I yield back the balance of my time and ask for a vote.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Maryland (Mr. BAUMAN).

The preferential motion was rejected.

The CHAIRMAN. At the time of the preferential motion and the limitation was placed on debate, the Chair observed eight Members standing. Each Member standing will be recognized for approximately 1 minute and 50 seconds.

(By unanimous consent, Mr. STEED yielded his time to Mrs. SPELLMAN.)

The CHAIRMAN. The Chair recognizes the gentlewoman from Maryland (Mrs. SPELLMAN).

Mrs. SPELLMAN. Mr. Chairman, it always pains me to have to speak on the subject of abortion because I get shot at from both sides. I do not take an extreme position on either side.

But as the chair of the subcommittee which has jurisdiction over this program, I feel I must speak, and my comments have nothing at all to do with abortion or antiabortion positions. Before we can act on this amendment my colleagues have to understand what the program is.

This is a private health program. The Federal employees are one party to the program and the employer is the other. The employer happens to be the Federal Government. To use the figures of my colleague from Maryland (Mr. BAUMAN), 45 percent of the money is paid by the Federal employee—55 percent by the employer. The Government has very little involvement in the program. It does only two things.

One, it negotiates a level of benefits. It does not decide what kind of medical programs or what particular medical procedures will be covered. It determines the level of benefits and the Federal employee then buys whichever one of the 104 different programs best fits the needs of the family.

There is this requirement, however, and I think it is important that the gentleman from Ohio (Mr. ASHBROOK) understand it. Title 5 requires that all carriers participating in the Federal program pay only for such services as are medically necessary. As are medically necessary. With those words abortion on demand is automatically excluded.

□ 1910

Rape and incest victims are included in the coverage today only if such procedures are medically necessary. Of course, services are provided when a person's life is endangered. That is today's health coverage. There have been no hearings to determine what happens once we, the Federal Government, start picking and choosing what may or may not be in these programs. We don't do that today. It would be a new procedure. So I ask, can you imagine saying to people that because they work for the Federal Government they may not use their own money to save their own lives? Surely it is not our intent to deny medical help to Federal employees and/or their wives, and daughters, or to Members of Congress and/or their wives and daughters, if their lives are threatened, or in the event of rape. Besides that I would say to you that we would have a very difficult time determining which procedures are coming from the 45 percent of the money contributed by the Federal employee.

Surely this question deserves consideration before we act. Surely it is important enough that the sponsor should have brought it to the attention of the committee where hearings could have been held. Surely, we should legislate responsibly.

I would certainly urge that we oppose this amendment—and not on a pro or antiabortion basis because that does not enter into the picture. Remember, when you vote you are determining only the question of whether Federal employees may use their own health funds for medically necessary abortions, as they may today, or whether they are to be forbidden to use their own health funds even to save their lives or to save their sanity after rape or incest.

Mr. CARTER. Mr. Chairman, will the gentlelady yield?

Mrs. SPELLMAN. I yield to the gentleman from Kentucky.

Mr. CARTER. I thank the gentlelady for yielding for just one question. I would like to ask the gentlewoman if she does not believe that this policy should take care of any mother whose life would be in danger, or any child if that child had been raped. Does she feel these cases should be taken care of?

Mrs. SPELLMAN. Without any question.

Mr. CARTER. I thank the gentlelady. Today I was sitting with the proponent of this amendment at lunch and he stated that if his daughter were raped he would pay, himself, the bill to see that she did not carry the child.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DORNAN).

Mr. DORNAN. Mr. Chairman, I rise in support of this amendment.

According to an October 10, 1979 article in the Baltimore Sun, by Thomas B. Edsall, approximately 20,000 abortions were paid for in the prior year by the Government-sponsored health insurance programs. These Government plans include the Congress, the White House staff, employees of the District of Columbia, Government-owned corporations, the rest of the Executive bureaucracy, and the Judiciary of the United States, including the Supreme Court and its staff—which started this whole nightmare in the first place.

We in this Congress have cut off most taxpayer funded abortions for welfare recipients and the military. I think that it is high time we cut off this "perk" for ourselves.

I address the Members of this body who normally vote for abortion funding. Do you want to go back to your district and face an opponent who will ask, "Why did you vote to keep free abortions for yourself and your staff?"

On the particular matter of this amendment which I support, I know that proabortion forces will perhaps make a major point about the lack of an explicit exception clause. To that, I simply note—the hippocratic oath which had been the guide of medicine for centuries, never had an exception clause. In addition, Dr. Jasper Williams, a black physician whose practice involves the poor and disadvantaged in the inner city of Chicago, stated on the McNeil-Lehrer program:

> I have been in practice now since 1957. I've lost two patients who were mothers delivering babies in that period of time. One from a pulmonary embolism, and one from an amniotic fluid embolism. Neither of these patients could have foreseen that that was what was going to happen to them, nor could any physician have foreseen. I know of no condition at the present time where the true life endangerment with adequate care, from the kind of medical treatment that's presently available and the kind of physicians who are not there able to help, that would require abortion.

And again, no one would enter into a health insurance contract which did not pay for operations necessary to save their life. It's that clear.

There is nothing in the law which requires that Federal employees must receive abortion coverage. In fact, I have checked with the Office of Personnel Management and they do not require a health insurance carrier to offer abortion as a condition for eligibility to enter into a contract with the Federal Government for its employees and some subscribed plans do not cover abortion. Abortion is simply considered part of the "preferred benefits" package. By providing that this particular coverage will terminate with the expiration of the current health care contracts which will be in effect until the last pay period of 1980, there can be an orderly transfer of the programs and implementation of this policy.

Any Federal employees who wish to have an abortion with their own money are not forbidden by this amendment to do so. They simply cannot compel the public to pay for it. These same health insurance carriers now under Government contract can, if they wish, enter into private arrangements with Federal employees, or anybody else, for abortion coverage. That is not prohibited by this amendment. Recall please my proabortion colleagues, that the Supreme Court in 1973 said that abortion was "a private matter." If abortion is a private matter, it needs no public funding.

I urge adoption for the so-called unwanted babies who face a termination of their lives in their own mothers wombs and therefore urge adoption of the Ashbrook amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, just a few minutes ago one of my good friends and colleagues on the floor said, "Peter, why do you not leave it alone? You are not going to change one vote." Maybe he is right, but I am not convinced that we are simply robots in this House who hear the word "abortion" and then everybody says, "You know, I am going to vote for it. I voted for it all these times."

This is a different issue. You are conceivably condemning young women to death in this motion. Do not let anyone tell you, oh, they will fix it up later on. They may or may not. I do not see how you can vote for this issue. We are not only violating a contractual arrangement that we have with our Federal employees, we are actually saying to them, to the young women—of which there are hundreds of thousands involved—look, we do not care what happens to you; take your chances because you are not going to have this coverage under the bill.

I think it is time at least to show the American public that this Congress is willing to measure each vote on abortion, and this one deserves to be roundly defeated, and that is what we ought to do.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. Bauman).

Mr. BAUMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. Hyde).

To the majority side, I say thanks for the hissing, gentlemen. It is very parliamentary. I love it. I love it.

Mr. HYDE. I thank the gentleman for yielding.

I think there are some misconceptions about what this amendment does. No one is going to be denied an abortion and be condemned to death. Presumably a Federal employee is paid well enough to purchase her own abortion. This simply says the Federal dollars will not pay the premiums to supply an abortion. It is consistent with trying to get the Federal Government out of subsidizing abortions.

We are roundly criticized for making war on the poor, for denying poor women abortions while we subsidize well-paid Federal employees' abortion.

The gentlewoman from Colorado inserted in the Record some years ago—and I shall never forget it—an editorial from the New Republic which said they would not dare attack anybody but poor women. They will not touch the Defense Department; they will not touch Federal employees. Well, we are touching them. We are trying to save their unborn children, and it is that simple. Anybody who wants the coverage can get it, with no tax dollars involved from the Federal Government. It is that simple. If we deny federally subsidized abortions for poor women, let us do it for well-paid Government employees as well. That proves we are against abortion, not against poor people, and we are for unborn children.

Mr. BAUMAN. Mr. Chairman, I would only add this one statistic, and that is from a vice president of Blue Shield who pointed out that they have total coverage in the House of 70 percent of its membership and 61 percent of the other body. I suspect that if we are sincere on this abortion issue, we will want to apply to ourselves the same rules that we have applied to others who receive Federal programs.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. Volkmer).

Mr. VOLKMER. Mr. Chairman, I will not take the full minute. I rise in support of the amendment, and I urge the Members to vote for it.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Ashbrook).

Mr. ASHBROOK. Mr. Chairman, I have two quick points. First of all, let us lay one thing to rest. Abortion is not just another medical service for employees' benefit. The Supreme Court went out of its way in a June 30 decision to say the following:

> Abortion is inherently different from other medical procedures because no other procedure involves the purposeful termination of a potential life.

So to try and say we are talking about a vast array of medical services and denying services or benefits is wrong.

Second, let us think about the tears that are being shed because the employee is paying about 40 percent of the cost. Where are those same tears when HEW comes into Cleveland with the Federal Government only contributing 8 or 10 percent of the money with the local people contributing 90 percent, and they try and tell them how to run their schools? Where are the tears in Chicago—where are the tears for the people in Chicago—when the Federal bureaucrats come in and because they contribute a little bit of money, tell the city of Chicago what their hiring policies must be for police? On and on and on the litany could go. Is it not strange, with a 60-percent payment of the Federal taxpayers we all of a sudden see all of these tears about the poor person who is contributing 40 percent and we in the government might in some small way put some proviso on how those funds will be spent?

Mr. Chairman, my amendment is offered for several other reasons.

Establish a uniform and consistent Federal policy in the area of funding of abortions. What is denied the poor should not at the same time be provided with tax moneys to Federal and congressional employees who have the capacity to provide their own funds, or obtain private insurance coverage for such services.

The traditional "life of the mother" exception is not provided in this amendment in order to avoid the parliamentary problems in legislating on an appropriations bill as well as because such employees are not indigent and can obtain such life-saving abortions, if necessary, with their own funds or under their own private insurance coverage.

Moreover on June 30, the U.S. Supreme Court upheld the constitutionality of the Hyde amendment and signaled the end in this Nation to State and Federal funding of abortions and the purpose of this amendment is to further promote this policy.

This amendment in no way will deny such employees the right to obtain, finance or contract for such coverage of abortion, but merely withdraws Federal participation through the use of taxpayer funds as this Congress has already done under the medicaid program, the DOD CHAMPUS program, District of Columbia Federal payment, and the Peace Corps employees.

The number of abortions paid for in this appropriations bill is not insignificant. The Baltimore Sun of October 30, 1979, indicates that research shows that more than 20,000 such abortions were paid for with taxpayer funds for Federal employees and members of Congress, their families, and staffs.

The CHAIRMAN. The Chair recognizes the gentlewoman from Colorado (Mrs. Schroeder).

Mrs. SCHROEDER. Mr. Chairman, I just want to point out several things. I guess maybe some of us feel very strongly about this because, granted, abortion is different. There is a true conflict here. As a woman who has also been a child, I understand that conflict. We are talking about the potential life of the mother and the potential life of a child. None of us should be playing God in that instance, I do not think, in deciding which one is going to survive. We should not be all child, and we should not be all mother. It should be a very difficult thing that should be left to the woman and her doctor to discuss.

But the real issue here is all 100 programs are under title V, and the qualifier under title V is that any procedure must be medically necessary. This is not abortion on demand.

I have also been an insurance attorney, and I want to tell you that the Hyde amendment is not in an insurance clause.

☐ 1920

While people are telling you, "Do not worry, the life of the mother will be taken care of," let me read to you what the amendment says:

> No funds appropriated in this Act shall be available to pay for an abortion.

Flat out, no funds, period, no exemption.

What you are saying to a woman—and I remind you the majority of women in Federal service are in the lowest paying jobs—is, while you are paying for insurance coverage to cover things that are medically necessary, we are not going to allow you to have this even if it is medically necessary, you have to go allocate some other way.

Mr. Chairman, I think this is very different from the issues we have had before and in the past because that person is contributing the money and under the law we allow them to negotiate it, not us.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Ashbrook).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 170, not voting 34, as follows:

[Roll No. 466]

AYES—228

Abdnor
Albosta
Ambro
Andrews, N.Dak.
Annunzio
Applegate
Archer
Ashbrook
Aspin
Atkinson
Badham
Bafalis
Bailey
Barnard
Bauman
Beard, R.I.
Bedell
Benjamin
Bereuter
Bethune
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bouquard
Bowen
Breaux
Brinkley
Broomfield
Brown, Ohio
Burgener
Burlison
Byron
Campbell
Carney
Cavanaugh
Chappell
Cheney
Clausen
Clinger
Coleman
Collins, Tex.
Conte
Corcoran
Cotter
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
de la Garza
Deckard
Derwinski
Donnelly
Dornan
Dougherty
Duncan, Tenn.
Early
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Evans, Ga.
Evans, Ind.
Fary
Fithian
Fountain
Fuqua
Gaydos
Gephardt
Gibbons
Gingrich
Goldwater
Goodling
Gore
Gradison
Gramm
Grassley
Grisham
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hanley
Harsha
Heckler
Hightower
Hillis
Hinson
Holt
Hopkins
Hubbard
Huckaby
Hutto
Hyde
Ichord
Ireland
Jeffries
Jenkins
Jones, Tenn.
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lent
Lewis
Livingston
Loeffler
Long, La.
Lott
Lujan
Lungren
McClory
McDade
McDonald
McEwen
McHugh
Madigan
Markey
Marriott
Mathis
Mazzoli
Michel
Miller, Ohio
Minish
Mitchell, N.Y.
Moakley
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Pashayan
Patten
Paul
Perkins
Petri
Porter
Price
Quayle
Quillen
Rahall
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roe
Rostenkowski
Roth
Rousselot
Royer
Rudd
Russo
Santini
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Skelton
Smith, Iowa
Smith, Nebr.
Snyder
Solomon
Spence
St Germain
Stangeland
Stanton
Stenholm
Stump
Symms
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Vander Jagt
Vanik
Volkmer
Walker
Wampler
Watkins
White
Whitehurst
Whittaker
Whitten
Williams, Ohio
Winn
Wyatt
Wydler
Wylie
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NOES—170

Addabbo
Akaka
Alexander
Anderson, Calif.
Andrews, N.C.
Anthony
Ashley
AuCoin
Baldus
Barnes
Beilenson
Bennett
Bingham
Blanchard
Bolling
Bonker
Brademas
Brodhead
Brooks
Brown, Calif.
Broyhill
Burton, John
Burton, Phillip
Butler
Carr
Carter
Chisholm
Clay
Cleveland
Coelho
Collins, Ill.
Conable
Conyers
Corman
Coughlin
Danielson
Daschle
Davis, S.C.
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dodd
Downey
Drinan
Duncan, Oreg.
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Ertel
Evans, Del.
Fascell
Fazio
Fenwick
Ferraro
Findley
Fisher
Flippo
Florio
Foley
Ford, Mich.
Forsythe
Frenzel
Frost
Garcia
Ginn
Glickman
Gonzalez
Gray
Green
Guarini
Gudger
Hall, Ohio
Hance
Harkin
Harris
Hawkins
Hefner
Heftel
Holland
Hollenbeck
Horton
Howard
Hughes
Hutchinson
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kostmayer
LaFalce
Lehman
Leland
Lloyd
Long, Md.
Lowry
Lundine
McCloskey
McCormack
McKinney
Maguire
Marks
Marlenee
Martin
Matsui
Mattox
Mica
Mikulski
Miller, Calif.
Mineta
Moffett
Mollohan
Neal
Nolan
Obey
Ottinger
Panetta
Patterson
Pease
Pepper
Peyser
Preyer
Pritchard
Pursell
Railsback
Rangel
Ratchford
Reuss
Richmond
Rose
Rosenthal
Sabo
Scheuer
Schroeder
Seiberling
Shannon
Simon
Solarz
Spellman
Stack
Staggers
Steed
Stewart
Stockman
Stokes
Stratton
Studds
Swift
Synar
Thompson
Ullman
Van Deerlin
Vento
Walgren
Waxman
Weaver
Weiss
Whitley
Williams, Mont.
Wilson, Tex.
Wirth
Wolff
Wolpe
Yates

NOT VOTING—34

Anderson, Ill.
Beard, Tenn.
Buchanan
Devine
Fish
Ford, Tenn.
Fowler
Giaimo
Gilman
Hansen
Holtzman
Johnson, Colo.
Leach, La.
Levitas
Luken
McKay
Mavroules
Mitchell, Md.
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Nedzi
Pickle
Roberts
Rodino
Roybal
Snowe
Stark
Udall
Wilson, Bob
Wilson, C. H.
Wright
Young, Alaska

□ 1930

The Clerk announced the following pairs:

On this vote:

Mr. Murphy of New York for, with Mr. Levitas against.

Mr. Hansen for, with Mr. Mitchell of Maryland against.

Mr. Devine for, with Mr. Stark against.

Mr. STOCKMAN and Mr. DUNCAN of Oregon changed their votes from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

● Mr. ALBOSTA. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

In June, the U.S. Supreme Court reaffirmed the constitutionality of the Hyde amendment and the ability of Congress to appropriate or not appropriate funds. Before the passage of the Hyde amendment in 1976, the Federal Government paid for over 300,000 abortions annually under the medicaid program. When the Supreme Court decision is implemented, that number will be reduced to 2,000.

Even with the Supreme Court decision we cannot feel relieved that the Federal Government has stopped funding abortions, because most employees of our Government are covered by health insurance policies that provide coverage for abortions. As an employee benefit, the Federal Government pays for as much as 75 percent of the premium, in effect, subsidizing abortions for its employees.

Blue Cross and Blue Shield revealed that about 20,000 abortions were performed last year under the Federal employees health insurance program. I do not advocate the cutting back of medically necessary benefits for our Federal employees. In fact, in the Post Office and Civil Service Committee, I have been in the forefront of efforts to bring the Federal employee health plans into comparability with private plans to include such services as dental care.

However, according to the Supreme Court, and I quote:

> Abortion is inherently different from other medical procedures, because no other procedure involves the purposeful termination of a potential life.

In light of this feeling by the Court, I believe the logical, consistent and humane action to take would be to exclude coverage of abortions from a health plan that our Government subsidizes.●

● Mr. DERWINSKI. Mr. Chairman, the Appropriations Committee is to be commended for acting reasonably and responsibly in providing the U.S. Postal Service with a $736 million public service subsidy which will insure continuation of 6-day mail delivery and other postal services. As the Appropriations Committee points out, the subsidy payment is clearly set forth in the 1970 Postal Reorganization Act. The Appropriations Committee simply followed the letter of the law in voting an appropriation which has not been repealed.

That stands in sharp contrast with the action of our Budget Committee and its reconciliation mechanism. In its well-meaning effort to produce a balanced budget, the Budget Committee apparently put a premium on producing artificial numbers rather than engaging in thoughtful application of budgetary discipline. Even with that unrealistic format, the budget already is badly out of balance.

If the Post Office and Civil Service Committee followed with precision the recommendations of the Budget Committee it would have reduced the postal public service subsidy by $500 million. A reduction of that magnitude would have forced the Postal Service to trim its mail delivery schedule from 6 days to 5 days a week. Subsequently, our committee with some questionable juggling and grave misgivings came up with postal reductions of $466 million, including a $250 million reduction in the public service subsidy. Presumably, the smaller reduction in the public service subsidy will save 6-day delivery for another year, but the Postal Service still may be forced to make cutbacks in other areas to offset the reduction in revenue.

In an effort to save 6-day delivery, our committee was forced to make other postal cuts which will have confusing, if not unhealthy, consequences. The $100 million reduction in the revenue foregone appropriation for nonprofit, third class mail already has touched off a blizzard of protests from fraternal, religious, eduactional, charitable, and other nonprofit organizations. The reduction in the revenue foregone appropriation will result in a rate increase for mail users who earlier had been granted subsidized rates to assist them in vital fundraising operations. To add to the confusion, the rate case now before the Postal Rate Commission calls for an average decrease of 5.7 percent in nonprofit, third-class rates. No wonder the third-class, nonprofit mailer is concerned and confused.

Some of the other cuts voted by our committee were strictly illusory. Faced with the mandate of the Budget Committee, our Committee's only recourse was to some budgetary cosmetology.

The Appropriations Committee, on the other hand, deserves an overwhelming vote of support for dealing realistically and responsibly with the postal issue. It concerned itself with facts rather than magic potions.●

● Mr. BIAGGI. Mr. Chairman, I rise to oppose the amendment, offered by my colleague from Pennsylvania (Mr. McDade) which as he states has the express intention of excluding illegal aliens from the official census report filed with this House which is in turn used by the States in determining reapportionment.

I express my opposition notwithstanding my own long struggle to have legislation enacted which would have slowed the relentless influx of illegals into this Nation. Throughout the past 8 years, various proposals have been introduced aimed at strengthening our border patrol capacities and making it a crime to hire illegal aliens. Unfortunately, none of this legislation has passed.

Consequently, we are faced with the realities of an illegal alien population estimated to be anywhere between 8 and 10 millilon persons. It is essential for the census to take them into acount for two reasons. The first is to help hard-pressed States and localities receive necessary amounts of Federal aid to help them recoup the losses they incurred in providing services to illegals. Second, illegal aliens must be factored into the report which determines the makeup of congressional districts—for without them—certain districts would suffer artificially severe population decreases thus shifting the entire complexion of this body.

The point has been raised and rather effectively I might add that there have been ample opportunities over the past few years to address this concern—yet no move was made. Now we find ourselves threatened with an amendment which if adopted could almost negate the entire census effort.

As it is, the great mayor from my home city of New York has raised some concerns about undercounting in this year's census. This amendment would only compound this problem and make it worse. The amendment should be defeated.●

● Mr. DIXON. Mr. Chairman, I rise in opposition to this unjustified mischievous amendment, which I am convinced will only indicate a retreat from our Nation's commitments to school desegregation and a fair system of taxation.

As early as 1967, the U.S. Civil Rights Commission noted with alarm the establishment of private, segregated academies to perpetuate racial injustice in the South. As desegregation efforts rightfully expanded nationwide, the growth of this practice has become increasingly troublesome, frustrating, and costly, both in terms of lost opportunities for our children and in terms of resources diverted away from our public school system.

The attractiveness of private schools among opponents of desegregation stems, in large part, from their tax-exempt status as "charitable" organizations, as conferred by section 501(c)(3) of the Internal Revenue Code. However, it should be self-evident that there is nothing "charitable" about racial discrimination, or about impeding the enforcement of what for a quarter of a century has been the law of the land. Congress recognized as much in enacting section 501(i) of the Revenue Act of 1976, which revoked the tax-exempt status of discriminatory private social clubs.

After substantial deliberation and experimentation, abetted by considerable litigation and congressional oversight, the IRS finally approved, in 1978, what were intended as final regulations to deal with this difficult question. These regulations are still inoperative, however, due to a restriction placed on the expenditure of IRS funds during consideration of the fiscal 1980 Treasury-Postal Service bill. When the House adopted this restriction, we were told by its sponsor that it was merely a "stopgap" action which would allow Congress and the courts time to properly consider the matter. Last May, the D.C. District Court, in Green against Miller, established standards which will require the IRS to proceed with its reevaluation of the tax-exempt status of discriminatory private schools in Mississippi. The readoption of this amendment will, as a result, only weaken our commitment to desegregation, while endorsing a dual system of system and forcing an unnecessary confrontation with the judiciary.

Neither the court order nor the 1978 regulations presume the guilt of, or place an unreasonable burden of proof on, individual private schools. Instead, they are limited to schools which have already been judged, through established judicial and administrative procedures, to be discriminatory, or whose existence or subsequent growth is immediately traceable to the implementation of a public school desegregation plan. Even if a school falls within either of these two categories, their tax-exempt status would not be revoked until after a review of all of the facts and circumstances of the case. These "reviewable" cases are estimated to involve no more than 30 percent of the Nation's private schools.

The issue, then, is not one of weakening educational quality. It is not a question of undermining the Nation's private school system, interfering with the free exercise of religion, or abdicating our congressional responsibilities. It is a question of maintaining and strengthening our commitment to the elimination of discrimination, which this body so proudly reaffirmed during debate on the fair housing amendments earlier this session.

I urge the defeat of this amendment.●

□ 1940

Mr. ADDABBO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we reach the conclusion of this bill, let me state to the Members that for the last 2 years or so I have sat at the right hand of one of the finest chairmen this House has ever known, the chairman of this subcommittee, the gentleman from Oklahoma (Mr. Steed).

[Applause, the Members rising.]

Mr. ADDABBO. Mr. Chairman, I know the standing ovation our friend and colleague, the gentleman from Oklahoma (Mr. Steed) has just received fully conveys the feelings the Members of this House have for this gentleman who has given this House 32 years of great service. I might also say that he is one of the few Members of this House who ever received a vote for President at a Democratic Convention.

Tom, I am so proud of you. We all wish you well.

We also wish the best to our colleagues, the gentleman from New Jersey (Mr. Patten), the gentleman from Connecticut (Mr. Giaimo), and the gentleman from New York (Mr. McEwen), who will also be leaving this committee after the close of this session. To each one of you, we wish you well.

Mr. STEED. Mr. Chairman, at another and more favorable time I will try to find a way to tell you people how much I love you, how much I have enjoyed working with you, and how much it pains me to take this leave. After all these amendments and this recent event on the floor, I think you fellows will do everything you can to prevent me from making my last important motion on this floor.

Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Preyer, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7583) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1981, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. PHILLIP BURTON. Mr. Speaker, in the sunny spirit of the Constitution as well as the sunny spirit of our country, I demand a separate vote on the so-called McDade amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 10, after line 23, add the following paragraph:

None of the funds appropriated or otherwise made available in this Act shall be obligated or expended to calculate or transmit, pursuant to section 2a of title 2 of the United States Code, the number of Representatives in Congress to which each State shall be entitled under the twentieth decennial census.

The SPEAKER. The question is on the amendment.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PHILLIP BURTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

RECORDED VOTE

Mr. PHILLIP BURTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 176, not voting 34, as follows:

[Roll No. 467]

AYES—222

Abdnor
Albosta
Alexander
Ambro
Andrews, N.C.
Andrews, N. Dak.
Anthony
Applegate
Archer
Ashbrook
Ashley
Atkinson
Badham
Bailey
Barnard
Bauman
Benjamin
Bereuter
Bethune
Bevill
Blanchard
Boggs
Boner
Bouquard
Bowen
Breaux
Brinkley
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carter
Cheney
Cleveland
Clinger
Coleman
Collins, Tex.
Conte
Corcoran
Cotter
Coughlin
Daniel, Dan
Daniels, R. W.
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Derrick
Dickinson
Donnelly
Dougherty
Duncan, Oreg.
Duncan, Tenn.
Early
Edwards, Ala.
Edwards, Okla.
Emery
English
Ertel
Evans, Ga.
Evans, Ind.
Fenwick
Findley
Fithian
Florio
Ford, Mich.
Forsythe
Fountain
Gaydos
Gingrich
Ginn
Glickman
Goodling
Gore
Gradison
Grassley
Gray
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Harsha
Heckler
Hefner
Hillis
Hinson
Holland
Holt
Hubbard
Huckaby
Hughes
Hutchinson
Hyde
Ichord
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Jones, N.C.
Jones, Tenn.
Kelly
Kindness
Kogovsek
Kostmayer
Kramer
Latta
Lederer
Lent
Levitas
Livingston
Loeffler
Long, La.
Long, Md.
Lott
Lujan
McDade
McDonald
McKinney
Madigan
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Mazzoli
Michel
Miller, Ohio
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nichols
O'Brien
Oakar
Pashayan
Paul
Pease
Perkins
Petri
Porter
Preyer
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Ratchford
Regula
Rinaldo
Ritter
Robinson
Rose
Roth
Rousselot
Royer
Rudd
Russo
Santini
Satterfield
Sawyer
Schulze
Sebelius
Seiberling
Sensenbrenner
Sharp
Shumway
Shuster
Skelton
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Staggers
Stangeland
Stanton
Symms
Tauke
Tauzin
Taylor
Trible
Vander Jagt
Vanik
Volkmer
Walgren
Walker
Wampler
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Winn
Wolpe
Wydler
Wylie
Yatron
Young, Fla.
Zablocki

NOES—176

Addabbo
Akaka
Anderson, Calif.
Annunzio
Aspin
AuCoin
Bafalis
Baldus
Barnes
Beard, R.I.
Bedell
Beilenson
Bennett
Biaggi
Boland
Bolling
Bonior
Bonker
Brademas
Brodhead
Brooks
Brown, Calif.
Burton, John
Burton, Phillip
Carr
Cavanaugh
Chappell
Chisholm
Clausen
Clay
Coelho
Collins, Ill.
Conable
Conyers
Corman
Courter
Crane, Daniel
Crane, Philip
D'Amours
Danielson
Dannemeyer
Dellums
Derwinski
Dicks
Dingell
Dixon
Dodd
Dornan
Downey
Drinan
Eckhardt
Edgar
Edwards, Calif.
Erdahl
Erlenborn
Fary
Fascell
Fazio
Ferraro
Fisher
Flippo
Foley
Frenzel
Frost
Fuqua
Garcia
Gephardt
Gibbons
Goldwater
Gonzalez
Gramm
Green
Grisham
Guarini
Hance
Hanley
Harkin
Harris
Hawkins
Heftel
Hightower
Hollenbeck
Hopkins
Horton
Howard
Hutto
Ireland
Johnson, Calif.
Jones, Okla
Kastenmeier
Kazen
Kemp
Kildee
LaFalce
Lagomarsino
Leach, Iowa
Leath, Tex.
Lee
Lehman
Leland
Lewis
Lloyd
Lowry
Lundine
Lungren
McClory
McCormack
McEwen
McHugh
Maguire
Matsui
Mattox
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Moffett
Nelson
Nolan
Nowak
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pepper
Peyser
Price
Reuss
Rhodes
Richmond
Rodino
Roe
Rosenthal
Rostenkowski
Sabo
Scheuer
Schroeder
Shannon
Shelby
Simon
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Synar
Thomas
Thompson
Traxler
Ullman
Van Deerlin
Vento
Watkins
Waxman
Weaver
Weiss
White
Wilson, Tex.
Wirth
Wolff
Wyatt
Yates
Young, Mo.
Zeferetti

NOT VOTING—34

Anderson, Ill.
Beard, Tenn.
Bingham
Devine
Evans, Del.
Fish
Ford, Tenn.
Fowler
Giaimo
Gilman
Hansen
Holtzman
Johnson, Colo.
Leach, La.
Luken
McCloskey
McKay
Mavroules
Mitchell, Md.
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Nedzi
Pickle
Rangel
Roberts
Roybal
Stark
Udall
Wilson, Bob
Wilson, C. H.
Wright
Young, Alaska

□ 2000

The Clerk announced the following pairs:

On this vote:

Mr. Beard of Tennessee for, with Mr. Murphy of New York against.

Mr. Devine for, with Mr. Gilman against.

Mr. Hansen for, with Mr. McCloskey against.

Until further notice:

Mr. Mitchell of Maryland with Mr. Evans of Delaware.

Mr. Giaimo with Mr. Fish.

Mr. Bingham with Mr. Bob Wilson.

Mr. Rangel with Mr. Young of Alaska.

Mr. Stark with Mr. Ford of Tennessee.

Mr. Wright with Mr. Fowler.

Mr. Udall with Mr. Roberts.

Ms. Holtzman with Mr. Pickle.

Mr. Leach of Louisiana with Mr. Moorhead of Pennsylvania.

Mr. Nedzi with Mr. Myers of Pennsylvania.

Mr. McKay with Mr. Luken.

Mr. Mavroules with Mr. Roybal.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 253, nays 143, not voting 36, as follows:

[Roll No. 468]

YEAS—253

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Ashley
Aspin
Atkinson
Bailey
Baldus
Barnes
Beard, R.I.
Bedell
Beilenson
Benjamin
Bevill
Biaggi
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brooks
Broomfield
Brown, Ohio
Buchanan
Burlison
Byron
Carney
Cavanaugh
Chisholm
Clay
Clinger
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
D'Amours
Danielson
Daschle
Davis, Mich.
de la Garza
Dellums
Derrick
Derwinski
Dickinson
Dicks
Dingell
Dixon
Dodd
Dougherty
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Evans, Ga.
Fary
Fascell
Fazio
Ferraro
Findley
Flippo
Florio
Foley
Ford, Mich.
Forsythe
Fuqua
Garcia
Gaydos
Gibbons
Gingrich
Ginn
Gonzalez
Goodling
Gore
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hamilton
Hammerschmidt
Hanley
Harris
Harsha
Hawkins
Heckler
Hefner
Hightower
Heftel
Hillis
Hinson
Hollenbeck
Hopkins
Horton
Howard
Hubbard
Huckaby
Hutchinson
Hutto
Hyde
Ireland
Jeffords
Johnson, Calif.
Jones, N.C.
Jones, Okla
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kostmayer
LaFalce
Leach, Iowa
Lederer
Lehman
Livingston
Lloyd
Long, La.
Long, Md.
Lott
Lundine

McClory
McCormack
McDade
McEwen
McHugh
McKinney
Madigan
Markey
Marks
Marlenee
Marriott
Matsui
Mazzoli
Mica
Mikulski
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Nichols
Nowak
O'Brien
Oakar
Oberstar
Ottinger
Patten
Pepper
Perkins
Peyser
Porter
Preyer
Price
Quillen
Rahall
Railsback
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Sabo
Santini
Sawyer
Scheuer
Sebelius
Shannon
Shelby
Simon
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
St Germain
Stack
Staggers
Stangeland
Stanton
Steed
Stewart
Stokes
Stratton
Swift
Synar
Tauzin
Thompson
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Wampler
Watkins
Waxman
White
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Winn
Wolff
Wolpe
Yates
Yatron
Young, Mo.
Zablocki
Zeferetti

NAYS—143

Anderson, Calif.
Applegate
Archer
Ashbrook
AuCoin
Badham
Bafalis
Barnard
Bauman
Bennett
Bereuter
Bethune
Brodhead
Brown, Calif.
Broyhill
Burgener
Burton, John
Burton, Phillip
Butler
Campbell
Carr
Carter
Chappell
Cheney
Clausen
Cleveland
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, S.C.
Deckard
Donnelly
Dornan
Downey
Edgar
Edwards, Calif.
Ertel
Evans, Ind.
Fenwick
Fisher
Fithian
Fountain
Frenzel
Frost
Gephardt
Glickman
Goldwater
Gradison
Gramm
Grassley
Gray
Hall, Tex.
Hance
Harkin
Holland
Holt
Hughes
Ichord
Jacobs
Jeffries
Jenkins
Jenrette
Kelly
Kemp
Kindness
Kogovsek
Kramer
Lagomarsino
Latta
Leath, Tex.
Lee
Leland
Lent
Levitas
Lewis
Loeffler
Lowry
Lujan
Lungren
McDonald
Maguire
Martin
Mathis
Mattox
Michel
Miller, Calif.
Moffett
Moorhead, Calif.
Mottl
Neal
Nelson
Nolan
Obey
Panetta
Pashayan
Patterson
Paul
Pease
Petri
Pritchard
Pursell
Quayle
Richmond
Ritter
Rousselot
Royer
Rudd
Russo
Satterfield
Schroeder
Schulze
Seiberling
Sensenbrenner
Sharp
Shumway
Shuster
Skelton
Spence
Stenholm
Stockman
Studds
Stump
Symms
Tauke
Taylor
Thomas
Traxler
Trible
Walker
Weaver
Weiss
Whitehurst
Wirth
Wyatt
Wylie
Young, Fla.

NOT VOTING—36

Anderson, Ill.
Beard, Tenn.
Bingham
Devine
Evans, Del.
Fish
Ford, Tenn.
Fowler
Giaimo
Gilman
Hansen
Holtzman
Johnson, Colo.
Leach, La.
Luken
McCloskey
McKay
Mavroules
Mitchell, Md.
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Nedzi
Pickle
Rangel
Roberts
Roybal
Stark
Udall
Vander Jagt
Wilson, Bob
Wilson, C. H.
Wright
Wydler
Young, Alaska

☐ 2010

The Clerk announced the following pairs:

Mr. Rangel with Mr. Beard of Tennessee.

Mr. Murphy of New York with Mr. Fish.

Mr. Moorhead of Pennsylvania with Mr. Young of Alaska.

Mr. Giaimo with Mr. McCloskey.

Mr. Nedzi with Mr. Bob Wilson.

Mr. Roberts with Mr. Wydler.

Mr. McKay with Mr. Hansen.

Mr. Myers of Pennsylvania with Mr. Gilman.

Mr. Mitchell of Maryland with Mr. Evans of Delaware.

Mr. Udall with Mr. Devine.

Mr. Stark with Mr. Vander Jagt.

Mr. Wright with Mr. Charles H. Wilson of California.

Mr. Bingham with Mr. Roybal.

Mr. Leach of Louisiana with Mr. Pickle.

Ms. Holtzman with Mr. Ford of Tennessee.

Mr. Fowler with Mr. Mavroules.

Mr. Luken with Mr. Murphy of Illinois.

Mr. DASCHLE changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

☐ 2020

EDUCATION IMPROVEMENT ACT OF 1980

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, on July 18, 1980, I introduced H.R. 7882, Education Improvement Act of 1980, a bill to consolidate and simplify the administration of Federal aid for elementary and secondary education authorized by the Elementary and Secondary Education Act of 1965, as amended, in order to eliminate unnecessary paperwork and undue Federal interference in our schools. My remarks, which relate the reasons for introducing H.R. 7882, are printed on pages 20570–20571 of the July 30 CONGRESSIONAL RECORD.

I will solicit your cosponsorship of H.R. 7882 in a "Dear Colleague" later this week and will reintroduce the bill with additional cosponsors during the next few weeks. Additional facts on the bill and a detailed summary of the provisions of the bill follow:

THE EDUCATION IMPROVEMENT ACT OF 1980—FACT SHEET

1. What it does:

Consolidates, streamlines, and simplifies the flow of Federal dollars into states and local school districts under most of the programs authorized by the Elementary and Secondary Education Act of 1965 (ESEA).

Reduces Federal supervision and control over the schools, giving state and local authorities greater discretion to pursue their own educational priorities.

Continue to recognize the special educational needs of children from low-income families and to allocate Federal funds to meet those needs on the basis of the formula in Title I of ESEA.

Reverses the 15-year trend toward greater complexity and convolutedness in the ESEA statute and regulations, a trend which has created labyrinthine administrative procedures and paperwork burdens which strangle educational excellence.

2. General Outline:

The Education Improvement Act has three titles:

Title I provides financial assistance to meet the special needs of educationally deprived children—like the old ESEA Title I, but in simplified form.

Title II consolidates the Federal education programs contained in the old ESEA titles II through IX, including basic skills improvement, library resources, guidance, counseling, testing, special projects, community education, gifted-talented education, women's educational equity, and ethnic-heritage studies. It allocates funds among the States according to school-age population.

Title III contains general administrative provisions, which curtail the Education Secretary's power to impose detailed regulations on education programs.

3. What it does not change:

The Education Improvement Act makes no changes in the Federal statutes for handicapped education, vocational education, impact aid, and post-secondary programs, and the Act treats private school children exactly as they are treated in current law.

4. Effect on Federal Bureaucracy and Red Tape:

Eliminates vast portions of Federal regulations—more than 1400 pages of the Code of Federal Regulations are devoted to education; the Federal Register published more than 400 pages' worth of changes in this material during the nine months ending in June of 1980. Much of this indigestible mass would be made obsolete by the Education Improvement Act.

Reduces paperwork burden on State governments and local school districts. The National Center for Education Statistics estimates that state and local educators will spend at least 9,495,967 man-hours during the 1980–81 academic year filling out pieces of paper mailed from Washington . . . nearly 5,000 man-years.

Slashes the huge Federal education bureacurary. Excluding consultants, part-time employees, and employees of the overseas schools serving U.S. military dependents, the new Department of Education has a payroll of 5,166 full-time permanent employees. The Education Improvement Act would make many of these positions superfluous, shifting the center of gravity out of Washington into the state capitals and local school districts.

SUMMARY

TITLE I—FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN

Purpose. Title I provides financial assistance to State and local educational agencies to meet the special needs of educationally deprived children, on the basis of entitlements calculated under title I of the Elementary and Secondary Education Act (ESEA) but does so in a manner which eliminates burdensome and unproductive paperwork and frees the schools of Federal supervision, direction, and control.

Authorization. Provides for such sums as are necessary for each of the five fiscal years the bill is authorized. This is identical to current title I ESEA authorization levels.

Authorized Programs. State and local educational agencies are authorized to use payments under this title for programs and projects (including the acquisition of equipment and, where necessary, the construction of school facilities) which are designed to meet the special educational needs of educationally deprived children.

Programs Operated by Local Educational Agencies. Consistent with existing title I of the Elementary and Secondary Education Act, grants would be made to local educational agencies on the basis of the number of educationally deprived children. The basic title I formula, using population data from the 1970 census and the Orshansky poverty definition, has been retained. One hundred percent of the children from families receiving AFDC payments in excess of poverty are also counted under this provision.

Title I of the Education Improvement Act also contains special incentive grants for local educational agencies located in States which are operating State compensatory education programs. The amount of the grants and the payment and use of funds is identical to that which is outlined in the current title I of the Elementary and Secondary Education Act.

Title I of the Education Improvement Act also contains the concentration grant program which is currently in operation under title I of the Elementary and Secondary Education Act. The purpose of this program is to provide additional assistance to local educational agencies and counties with especially high concentrations of children from low-income families to enable those LEAs to provide more effective programs of instruction, especially in the basic skills of reading, writing and mathematics. The eligibility for and the amount of the concentration grants are identical to the provisions outlined in title I of the Elementary and Secondary Education Act.

Programs Operated by State Educational Agencies. Title I of the Education Improvement Act also continues existing programs under title I of the Elementary and Secondary Education Act which are operated by State educational agencies. These include programs for migratory, handicapped and neglected and delinquent children.

Approval of Applications. Local educational agencies must apply for grants under title I from State educational agencies for periods of not more than three years. The State educational agency must approve applications which provide that the programs applied for are to be conducted in areas having high concentrations of educationally deprived children; are based on an annual assessment of educational need which identifies these educationally deprived children; are of sufficient size, scope, and quality to give reasonable promise of meeting the special educational needs of these children; and make provision for services to educationally deprived children attending private elementary and secondary schools in accordance with Section 107 of the bill.

Participation of Children Enrolled in Private Schools. The private school provision in title I is similiar to that in the Elementary and Secondary Education Act.

Maintenance of Effort. The maintenance of effort provision of title I is identical to that in title I of ESEA, except that the waiver for unforeseen circumstances is a decision to be made by the State educational agency, as opposed the Secretary of Education.

Assurance Clauses. Title I contains excess costs, comparability of services, and supplement, not supplant provisions which are similar to those in title I—ESEA.

TITLE II—CONSOLIDATION OF FEDERAL PROGRAMS FOR ELEMENTARY AND SECONDARY EDUCATION

Purpose. Title II consolidates the program authorizations contained in titles II through IX of the Elementary and Secondary Education Act into a single authorization of grants to states for the same purposes set forth in those titles. The basic responsibility for determining the educational needs and priorities of each and for the administration of funds made available under this title is vested in the state educational agency.

Authorization. $1 million for FY 1982 and such sums for the succeeding four fiscal years.

State allotments. After reserving an amount, not to exceed 1 percent, for payments to the territories and an amount, not to exceed 5 percent, for the Secretary, the states receive an allotment which bears the same ratio to the amount of the remainder of the title II funds as the school age population of the state bears to the school age population of the United States.

State application. Any state which desires to receive grants under the title must file an application with the Secretary which provides for an advisory council, the planned allocation of funds among the three parts of the title, the dissemination of information, the criteria to be used for the distribution of funds to the LEAs, and assurances that there will be compliance with specific requirements of the title.

Basic Skills Improvement(Part A). Funds can be used by a state and local educational agencies to develop and implement a comprehensive and coordinated program designed to improve elementary and secondary school instruction in the basic skills of reading, mathematics, and written and oral communications.

Not less than 70 percent of the funds must be allocated to LEAs. The remaining funds may be used by the SEA to make grants and enter into contracts with agencies to carry out the activities for basic skills improvement.

Applications by LEAs must emphasize planning and implementation activities at the school building level and include teachers, administrators, parents, and all other available resources.

Educational Improvement and Support Services (Part B). Authorizes SEAs to carry out selected activities from among the full range of programs and projects formerly authorized under titles IV, V, VI, and VII of ESEA. These activities include the acquisition of school library resources, textbooks, and other printed and published and instructional materials; the development of programs designed to improve local educational practices and particularly activities designed to address educational problems such as the education of children with special needs; support and technical assistance for programs for children of limited English proficiency; programs designed to assist LEAs, upon their request, to more effectively address educational problems caused by the isolation or concentration of minority group children in certain schools; comprehensive guidance, counseling and testing programs; and programs and projects to improve the planning, management and implementation of educational programs.

Special Projects (Part C). Authorizes SEAs to carry out selected activities from among the programs and projects formerly authorized under titles III, VIII, and IX of ESEA. These include special projects such as metric education, arts education, consumer education, employment education, environmental education, health education, law-related education, correction education, biomedical science education, and population education; the use of public education facilities as community centers operated by a LEA in conjunction with other local government agencies and community organizations; gifted and talented programs; educational proficiency standards; women's educational equity programs; safe schools programs; and ethnic heritage programs.

General Provisions. Maintenance of effort and supplement—not supplant requirements are similar to those in title I.

Private Schools. Requirements are similar to those which currently exist in title I of ESEA.

Secretary's Discretionary Funds. Not more than 5 percent of the title II funds may be used to provide a national source for gathering and disseminating information, carrying out research and demonstration projects, improving the training of teachers and other instructional personnel, and assisting state and local education agencies in the implementation of the programs under this act.

TITLE III—GENERAL PROVISIONS

Federal Regulations. The Secretary is authorized to issue regulations relating to those duties specifically assigned to the Secretary, relating to the proper fiscal accounting for funds appropriated under the Act; and which are deemed necessary to reasonably assure that there is compliance with the specific requirements of the Act. The Secretary may not issue new regulations in any other matter relating to the details of planning, developing, implementing, and evaluating programs and projects by SEAs and LEAs.

Withholding of Payments. This section is similar to that contained in Section 186 of ESEA, except that no provision is made for a compliance agreement.

Judicial Review. The filing and appeal requirements are the same as those contained in ESEA–I, but unlike ESEA–I, filings of fact by the Secretary shall not be considered conclusive. This bill provides that a SEA shall be presumed to have complied with the Act, but that the findings of fact by the Secretary, if supported by the weight of evidence, may overcome such a presumption.

Definitions. Similar to those in ESEA.

PRESERVATION FIGHT GOES ON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WYLIE) is recognized for 5 minutes.

Mr. WYLIE. Mr. Speaker, on Monday an amendment I offered to the Housing and Community Development Act of 1980 regarding historic preservation and the urban development action grant program was adopted. Carrie Johnson, a writer for the Washington Post, has written an excellent article describing the scenario that led to this compromise amendment. I am inserting the article into the RECORD for historic reference because it does outline a number of important aspects of this vital issue.

PRESERVATION FIGHT GOES ON

(By Carrie Johnson)

Rep. Chalmers P. Wylie (R-Ohio) did not expect much fuss about his amendment to the housing bill.

He simply wanted to keep historic preservation disputes from snarling the popular, $675-million-per-year Urban Development Action Grant (UDAG) program.

His plan to curtail reviews, especially by the Advisory Council on Historic Preservation, was encouraged by the National League of Cities, welcomed at the Department of Housing and Urban Development and accepted by the House banking committe early in May.

So Wylie was taken back by the storm of protest from the Interior Department, national and Ohio-based preservation groups, and Rep. John Seiberling (D-Ohio), the House champion of preservation programs.

"Inadvertently," Wylie said recently, he had stepped into the middle of a nationwide controversy over two questions: How should new projects fit into old cities? And who decides?

At first the amendment brought out the hostilities between the preservation and development camps. Wylie, Seiberling and key lobbyists finally worked out a compromise to be offered on the House floor. Its key provision would make cities address preservation problems before sending action grant proposals to HUD. The compromise would also accelerate UDAG-related nominations to the National Register of Historic Places and leave the advisory council's review role intact.

The last holdout was HUD. A final tense meeting last week was required to convince Assistant Secretary Robert C. Embry Jr. and others that the compromise would not embroil them in more local fights.

Ironically, that same day HUD withdrew a $14.2-million UDAG commitment toward a downtown shopping mall in Pittsfield, Mass., because local preservation and prodevelopment factions had reached a stalemate. That shelved a project that had been regarded as a victory for cities in 1977 when the state blocked the developer's original plan for a regional mall outside town.

The wrangling over projects and turf has been intensified by a trend that all the wranglers support; the fast-growing movement to conserve cities and enhance the fabric of settled communities.

Many preservation groups have embraced the general conservation themes. Over 650 communities now have preservation ordinances, ranging from simple landmark-labeling programs to elaborate protective-codes in the District of Columbia, New York City and elsewhere.

Investors, too, have found new value in old places. The 1976 and 1978 federal tax laws, providing incentives for restoring and reusing historic structures and disincentives for demolishing them, have spurred over 2,000 projects so far.

In Boston, Seattle, Providence, Savannah and many other cities, restoration and development have been blended with great success. But problems have also multiplied as historic, designations have become more economicaly valuable and politically charged.

One result has been a swarm of controversies such as the one over the future of Colonial Village, the 45-year-old garden-apartment complex in Arlington that a Mobil Oil Company subsidiary acquired in 1977.

A tenants' group has been seeking historic-district status for most of the project, "not to punish Mobil but to guide the development plans," tenant Brian Ford said recently.

Though Mobil has pledged to preserve many buildings, the tenants are seeking state landmark status for them. State recognition, which Mobil opposes, often leads to a National Register nomination that would bring the tax provisions into play.

Such fights have made local officials demand a larger role in deciding what should be preserved. The tax changes "have turned what was originally little more than an honor roll of historic buildings into a planning and zoning instrument" divorced from local government, St. Louis Mayor James Conway told a Senate subcommittee this spring.

Conway had a specific complaint. A historic designation covering over 60 buildings in downtown St. Louis had been launched toward the National Register by a preservation group before city officials learned of it this year. Similar problems have occurred in Lansing, Mich., Denver and other areas.

Another irritant to urban officials has been the federal advisory council, which has power to review, though not veto, any federal undertaking affecting resources on or eligible for the National Register. The council was created in 1966 to stop the destruction of historic properties by urban renewal, highway construction or other federal projects.

Preservation groups regard the council as a vital court of appeal. Many urban officials see it as a meddlesome gadfly "that likes to hold up projects and redesign them," one HUD official said.

The UDAG program, emphasizing local and private initiatives and fast federal action, has brought the council under more fire. It has been embroiled in the bitter fight over a convention center in Charleston, S.C.; in the unsuccessful effort to save Hudson's, the landmark department-store building in Detroit; in a wrangle over a mall in Wausau, Wis.; and in the politically supercharged hassle over demolition of the century-old Will Sales building in Louisville.

Robert Garvey, the council's executive director, maintained in an interview that most of the critics have missed the mark. "We seldom interfere with a well-made local decision," he said. "The trouble is that most cities are still being planned by developers."

From HUD's perspective, Embry has argued that preservationists' fears about UDAG are overblown. Over 80 of the roughly 700 projects so far involve preservation, he has said, while the conflicts, though highly publicized, have been few.

"UDAG may well be the best program in the country," Preservation Action president Nellie Longsworth said this week. "Still, it's a little curious that the Wylie amendment came along if there's so little conflict."

All sides agree that the Wylie compromise, if it endures, may be a guide for changes in the basic federal preservation programs, which are up for renewal this year. The trend toward more local control is already apparent. The big disagreement will be about how much authority mayors should have.

One observer, J. Thomas Black of the Urban Land Institute, said more cities need to learn to "map" important resources, while preservation groups should acknowledge that "there are times when a building has to give way." He warned that constant squabbles could deter developers and "kill the spark of urban reinvestment."

THE POLISH WORKERS STRIKE—LABOR FIGHTS FOR ITS RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

● Mr. KEMP. Mr. Speaker, the workers' strike in Poland has been labeled by the Polish Government as a purely economic strike, brought on by an increase in the state-regulated price of meat on July 1. Polish Communist Party leader Edward Gierek is trying to quell the stories that keep surfacing that it is something much, much more—a demand for workers' rights, a frustration over the repeated denial by the governernment, a people bursting with anger over the repeated denial by the government of the people's right to practice their religion, to have free access to the public media, and to maintain freely organized trade unions. The government has much to lose by admitting that these claims are true.

Although the world is watching with concern and apprehension the fate of the courageous workers who have rebelled, as yet unaware of the massive troop buildup Polish President Henryk Jablonski has ordered to the outskirts of strike-paralyzed Gdansk, yet we watch with pride and with fervent hope that this time, labor will win for all Polish people.

The story of the labor movement internationally is steeped in historical clashes between ordinary citizens and governments which have wished their needs would just go away. In Great Britain after the French Revolution, Parliament passed the Combination Acts of 1799 and 1800 declaring unions to be criminal conspiracies against the public." Luckily, good sense prevailed, and Great Britain, like the rest of the free world, recognized the basic right of workers to join together in pursuit of better living conditions; the ability to present grievances without fear of personal reprisal; fair wages for an honest day's work; and the basic right of modern unionism, the collective bargaining system.

The tension in Poland today brings us to the abrupt realization of what a society is like where trade unionism is not allowed—a place where workers have no legal right to dispute the uncompromising authority of centralized power. It is for this reason that the leader of the Polish strikers, Lech Walesa, an electrician at the Lenin Shipyard in Gdansk, said today:

> We are the first true representatives of the workers in our nation. Our main aim is to create free trade unions independent of the party and the government because only then the interest of the nation and the interest of the workers can be objectively defended. Until we have free trade unions, a strike is the only means of defense.

The peace between Polish workers and the Polish Government has been an uneasy one since the end of World War II. In 1956 locomotive workers in Poznan revolted; in 1970 port workers in Gdansk-Gdynia and Szczecin rioted, only to be quelled when Government troops fired into the crowds and killed 55 people.

Today the workers are more organized, and not to be silenced. What began as a spontaneous demand for higher wages has now turned into a sophisticated demand for political, as well as economic, rights.

The Polish Government, as a result, has not been eager to meet this defiance with military violence. Its tactics have been to refuse to meet with the unified strike committee that now represents over 130 factories in the tri-city region around Gdansk, and to try to break the fledgling free trade movement in its infancy.

Though the Soviet Union has come forward with a brisk denunciation of the Polish revolt, stating "only as a socialist country can Poland be free and independent," our State Department remains strangely silent. Soviet troops conduct maneuvers outside Poland, yet the United States says nothing about the inviolability of Polish borders.

As the world watches the courageous challenge of the Polish workers to their Communist state, we should cheer the courage of the people of the Gdansk shipyards in their determination to break the facade of government-run, official "unions" in favor of truly representative trade unions with the power of the people on their side. We watch the tenuous standoff in that city on the Baltic Sea, and think of the words of Lenin, whose statue broods over the makeship headquarters of the shipyard workers:

> It is true that liberty is precious—so precious that it must be rationed.

Today I was pleased to join with my colleague from Pennsylvania, Representative Don Ritter, in introducing a Sense of the Congress resolution supporting the right of the Polish people to settle their own affairs free of external interference, and stating that the Polish people have the right to form independent trade unions with the right to bargain and to strike. I urge my colleagues to join in this effort, and to make known the position of the U.S. Congress that the people of Poland have the right to determine their own fate, and to pursue their own right to liberty without interference from the Soviet Union.

As a Member of Congress representing Polonia in the Buffalo area, I was honored to travel extensively throughout Poland in 1972. I was impressed with the courage, determination, love of God, country, family, and America among all Polish people. The desire for political and economic freedom is growing stronger day by day and now is the time for the United States to send a signal of solidarity with Polish labor's courageous stand on behalf of all freedom-loving Poles.●

NO EXCUSE FOR RAISING THE PRIME RATE NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 10 minutes.

● Mr. REUSS. Mr. Speaker, Chase Manhattan Bank raised its prime lending rate to 11.25 percent yesterday on the same day that the Department of Commerce reported a near-record decline in gross national product of 9 percent for the second quarter, and corporate profits plunged a near-record 18.2 percent. Unemployment continues at nearly 8 percent.

We are still in a recession. We need to stimulate, not discourage, bank lending and business investment. A hike in the prime rate now is damaging and unjustified.

The Federal Reserve, recognizing that our economy needs stimulus, eliminated credit controls only last month. Among the beneficiaries of the Fed's action are the Nation's big banks. They have had reserve requirements reduced. Their profit margins have increased. Surely some of these benefits could be passed on to the consumers and business.

If banks are raising prices because lendable funds are growing more scarce, they should address that problem by restraining loans for corporate takeovers, commodity speculation and foreign ventures and do more lending instead to small business, farmers, and companies trying to invest in new productivity and jobs. Most banks did so while the Federal Reserve's credit restraint program was in force. There is no reason to abandon that sensible approach.

If banks in their own minds are using last week's $8.5 billion jump in growth of the money supply as an excuse to raise rates, they should get off that kick. One week's figures do not a trend make, as the Nation's big bankers well know.

It would also be interesting to know what the banks' real lending rates are to their biggest customers. The Federal Reserve reported to the House Banking Committee recently that during the first quarter of 1980, while the prime rate was soaring to 20 percent, the big New York banks were making two-thirds of their loans at less than the prime rate. Some big borrowers were getting as much as 6 percent off the prime, while customers with less clout were forced to pay more than the alleged "prime" rate. Could the current hike in the prime rate be setting the stage for another round of "falsie" rates? I urge the Federal Reserve to keep a close eye on this.

Given the need for inflation-fighting investment, the Nation's banks can now perform a public service by not following Chase's misconceived lead.●

SENATOR KENNEDY'S EFFORTS NOT IN VAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Phillip Burton) is recognized for 5 minutes.

● Mr. PHILLIP BURTON. Mr. Speaker, I intend to fully support President Carter's reelection bid now that the Democratic Convention has worked its will. I supported Senator Kennedy during the nominating campaign and would like to share with my colleagues an article which essentially reflects my views on Ted Kennedy's candidacy. Although Senator Kennedy did not win the nomination, this article by Albert Shanker, president of the United Federation of Teachers, in the August 17, New York Times explains why the Senator's effort was not in vain.

The article follows:

> As soon as the votes were counted and it was absolutely clear that Ted Kennedy would not get the Democratic Party nomination, I had a strange experience. Every few hours I would meet someone who asked me, "Now aren't you sorry you supported Ted Kennedy?" The question shocked me. (I assume that when they said "you," they also meant the American Federation of Teachers.)
>
> Of course I was sorry that Kennedy didn't win the nomination, but why should I be sorry that I supported him?
>
> So, for all those whom I didn't bump into but who would have asked the same question, my answer is: No, I am not sorry I supported Ted Kennedy. And why don't you consider what would have happened if Ted Kennedy had not run?
>
> If Kennedy had not run, President Carter and the Democratic Party, in their efforts to defeat Ronald Reagan and the Republican Party, would have moved closer to the positions taken by the latter. That's the nature of American politics. Had this happened, the Democratic Party, in scrambling for some Republican and Conservative votes, would have moved farther and farther away from its own natural base and constituency—workers, the poor, minorities, women, liberals, city people, the young, the elderly. To pick up a few votes on the right it might have tuned out and turned off millions of supporters it usually takes for granted.
>
> Editorial writers would have had a field day. They would have commented on how American politics had changed. They would have noted that the questions of jobs, education, health care, aid to our cities were no longer issues. They would have said that these concerns had virtually disappeared . . . had become part of the politics of the past, of nostalgia and sentiment.
>
> Even with Ted Kennedy's strong showing, many commentators are saying that the fact that Kennedy didn't win shows that the issues have changed, that America's commitment to social justice is gone. But they are wrong.
>
> These issues are value, and the Kennedy campaign kept them in focus. It mustered strong opposition to the idea that we should balance the budget by slashing aid to elementary and secondary education, cutting health services or reducing aid to college students in a way that would make it impossible for many of them to pull themselves out of poverty through education Even as the delegates were gearing up for the platform fight, and surely after Senator Kennedy's extraordinary address to the convention, the delegate rebellion was clear. Delegates demanded changes in the platform in spite of enormous pressures that were brought to bear on them. They demanded and won planks that—
>
> Stress the need for a sharing of economic burdens and benefits among all Americans—and economic policies that are fair to workers, the elderly, women, the poor, minorities "and the majority who are middle income Americans." (Minority Report Number 2)
>
> Pledge a "$12 billion anti-recession jobs program, providing at least 800,000 additional jobs, including full funding of the counter-cyclical assistance program for the cities, a major expansion of the youth employment and training program to give young people in inner cities new hope, expanded training programs for women and displaced homemakers to give these workers a fair chance in the workplace, and new opportunities for the elderly to contribute their talents and skills." (Minority Report No. 3. While President Carter demurred on some of the details in this plank, he promised to announce a program that would address its spirit and goals. And editorial writers who have already written off this plank as inflationary should begin to understand that every 1 percent of unemployment in this country costs the federal government $25 billion in uncollected taxes and in programs to sustain the unemployed—so, in fact, there could be a net savings.)
>
> Promise not to pursue a policy of high interest rates and unemployment as a means to fight inflation and to take no action—"no fiscal action, no monetary action, no budgetary action"—whose effect will be "a significant increase in unemployment." (Minority Report No. 4)
>
> Pledge that "for the sole or primary purpose of fiscal restraint," the Democratic Party "will not support reductions in the funding of any programs whose purpose is to serve the basic human needs of the most needy in our society—programs such as employment, income maintenance, food stamps, and efforts to enhance the educational, nutritional or health needs of children." (Minority Report No. 5)

Guarantee a job to every American able to work as "our single highest domestic policy." (Minority Report No. 9)

Those who say that party platforms don't mean anything are missing the point. When masses of delegates rebel against the leadership to demand these points, they are expressing the views of millions of voters, the concerns of voters on these issues. The delegates were really saying that Ted Kennedy didn't make it because of some early stumbles in the campaign, because of Chappaquiddick, because of the rallying 'round the President during the hostage crisis—but that Kennedy was right on the issues. Those who still doubt that should remember that it was Kennedy who won the primaries in New York, Pennsylvania, California, New Jersey—electoral strongholds that the Democrats will have to win in November if they are to retain the White House.

No, I am not sorry I supported Ted Kennedy. All of his supporters have reason to be proud. He activated the greatest labor participation in the history of Democratic conventions, provided for the only substantive debate on the issues at the convention, and was key to the labor victories on jobs and social issues. He changed the course of the campaign and the country with his race. Every candidate and party will have to move toward him and his issues, embrace many of who came out to vote for him, in spite of his ideas and express his compassion if they want to gain the support of the millions his handicaps in this race.●

HOUSE JOINT RESOLUTION 379—WORKING MOTHER'S DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DELLUMS) is recognized for 5 minutes.

● Mr. DELLUMS. Mr. Speaker, 17 million women with children under the age of 18 are part of the American labor force. Studies have found that by the end of this decade, working women who are also with young children will be the norm, not the exception to the norm.

The challenges that these women face are enormous. Most continue to maintain the household; to cook, clean, shop, chauffer, help with homework, scold, and praise. No small consideration in itself is that these women add to their tasks all the pressures and responsibilities of a career or job outside of the home. In effect, they hold two jobs. And many other people do as well. But the great difference is that being a mother, as one of the jobs, is not one that ends at the sound of a whistle, or when the papers have been dealt with; it is continuous.

Mothers who maintain a job outside the home cannot simply go home and retreat behind closed doors to rest after an exhausting day at the office. If nothing else, they are needed to listen and to love. Even while away from home these women cannot stop being a mother. Children become ill, must be shuttled to and from appointments, some must be nursed. Those too young for school must be taken there and home, and when classes are over, they must be cared for. All this at hours which often conflict with a traditional business schedule, and with few adequate day-care centers or other alternatives to mother.

Perhaps the greatest source of anguish for a woman who combines work with motherhood is a sense of guilt—the fear that she is neglecting her children, not giving enough because she is not always physically present, and the feeling of loss—the hope that she is not missing all the little things she could otherwise share with her children as they grow.

Society has ignored the special needs of the woman who is both employed and a mother, and has failed to recognize and acknowledge the great contributions she has made to American life. A reordering of our priorities, and adjustment to accommodate their lifestyles is long overdue. And it is time that Congress at least declares a national day in her honor.●

UNREST IN POLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 20 minutes.

● Mr. LAFALCE. Mr. Speaker, as it did in 1956 and 1970, Poland is once again being racked by a series of sweeping strikes throughout the country, despite the fact that strikes are illegal in nature. These strikes, which began as a protest against higher food and meat prices, have now taken on political characteristics. For example, the strikers in the Baltic ports are now demanding independent trade unions, free from the control of the Communist Party

The fact that these strikes brought Party Chairman Edward Gierek back from his vacation in the Crimea is not surprising, because it was the last series of strikes in 1970 which put Chairman Gierek in power. He faces a very tricky task of trying to placate an increasingly independent working class within Poland, without antagonizing his "friends" in Moscow. His other "friends" in other Soviet bloc countries are also concerned by events in Poland, because a fever against Soviet domination could conceivably spread to their own countries.

Periodic unrest in Poland is not surprising. Perhaps no one nationality hates the Russians more than the Poles. The Poles remain one of the most independent peoples in the world, and certainly the most restive within the Soviet bloc. The existence and strength of the Polish Catholic Church as a counterweight to the Community Party is also unique and serves as a rallying point for the majority of Poles. The election of John Paul II and his triumphant return to his mother country certainly contributed to a more independent spirit among the Polish people.

The immediate cause of the strikes was the Government's announcement of increases in food and meat prices, which are a very important issue in Polish urban centers. For example, Chairman Gomulka was booted out in 1970, after his announced rise in prices brought national riots and strikes; and Chairman Gierek was only able to restore order by rescinding those price hikes.

However, he may not have that luxury this time; because Poland is in deep economic straits. In order to help develop its economy, Poland borrowed billions of dollars from Western banks; and those loans seemed a good idea at the time. Since then, Poland has been subjected to substantial increases in the cost of oil from the Soviet Union, which previously had supplied oil to its satellites at very low prices. In addition, Poland has experienced the usual problems, associated with Communist centrally planned economies: bureaucratic foul-ups, low productivity, poor economic growth, and supply bottlenecks. Poland's supposed ace-in-the-hole, which is coal, has failed it, because coal prices have not kept pace with oil prices.

As a result, Poland is now having severe difficulties in financing those old Western loans, which is precisely why Chairman Gierek reduced the Government subsidies on food and meat prices. Interestingly enough, Chancellor Helmut Schmidt of West Germany recently pressured a number of West German banks to loan additional amounts to Poland, as a preparation for the now canceled visit of Chairman Gierek to Bonn.

At this point in time, there can be little certainty about the outcome of the current crisis in Poland. Perhaps a compromise will be reached, or perhaps there will be an open revolt. In the case of Soviet intervention, as in Hungary in 1956 and Czechoslovakia in 1968, there is some question about the role of the Polish army, because it conceivably might resist a Soviet invasion. One hopes for a peaceful and progressive resolution of the conflict, but one can not automatically expect one.

However, the lesson of the unrest in Poland is clear. It extends far beyond the price of Polish hams in the marketplaces of Lublin and Cracow and the price of bread in the stores of Gdansk and Wraclow. It goes to the very heart and nature of the Soviet empire, which is based on the might of the Red Army, fear of the KGB, and cooperation from local Communist parties.

Nearly 2 months of unrest in Poland demonstrate that the Soviet empire is certainly not a voluntary empire. Unlike the United States, the Soviet Union does not have allies; it has satellites, whose populations are not enamored with their membership in the Soviet Union.

Mr. Speaker, I salute the brave and independent spirit of the Polish people; and I sincerely hope that the Polish strikers are able to achieve their just demands without bloodshed. ●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 5 minutes.

● Mr. DRINAN. Mr. Speaker, during the session of Monday, August 18, I was unavoidably absent from the House of Representatives to address the annual meeting of the Massachusetts Teachers Association. Had I been present for rollcall No. 452, the Annunzio amendment to alter eligibility standards for homeownership assistance under the Housing and Community Development Act of 1980, H.R. 7262, I would have voted "no." ●

ANNOUNCEMENT OF HEARING ON HAZARDOUS SUBSTANCES EXPORT POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 5 minutes.

Mr. BINGHAM. Mr. Speaker, I wish to announce a hearing of the Subcommittee on International Economic Policy and Trade, which I have the honor to chair, on the administration's draft hazardous substances export policy, which was published in the Federal Register on August 12, 1980.

The hearing will take place on Tuesday, September 9, at 2 p.m., in room 2255, Rayburn House Office Building.

Persons wishing to present views on the policy should contact Carol Rovner, staff assistant, Subcommittee on International Economic Policy and Trade, room 707 HOB, annex No. 1, U.S. House of Representatives, Washington, D.C 20515, (202) 225-3246.●

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the special order on today by the gentlewoman from Illinois (Mrs. COLLINS).

The SPEAKER. pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GRISHAM) to revise and extend their remarks and include extraneous material:)

Mr. ASHBROOK, for 30 minutes, today.

Mr. WYLIE, for 5 minutes, today.

Mr. KEMP, for 10 minutes, today.

Mr. DORNAN, for 10 minutes, today.

Mr. CAMPBELL, for 15 minutes, August 21.

(The following Members (at the request of Mr. TAUZIN) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. REUSS, for 10 minutes, today.

Mr. PHILLIP BURTON, for 5 minutes, today.

Mr. DELLUMS, for 5 minutes, today.

Mr. LAFALCE, for 20 minutes, today.

Mr. DRINAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ECKHARDT, to revise and extend his remarks at that point in which they appeared in the bill (H.R. 7583) just passed.

(The following Members (at the request of Mr. GRISHAM), and to include extraneous matter:)

Mr. LAGOMARSINO.

Mr. DERWINSKI in five instances.

Mr. DORNAN.

Mr. ASHBROOK in three instances.

Mrs. SNOWE.

Mr. ROYER.

Mr. MICHEL in two instances.

Mr. FINDLEY.

Mr. GILMAN.

Mr. EVANS of Delaware in two instances.

Mr. MCCLOSKEY in two instances.

Mr. HINSON.

Mr. KEMP in two instances.

Mr. DECKARD.

Mr. ROUSSELOT in two instances.

Mr. EDWARDS of Oklahoma.

Mr. WILLIAMS of Ohio.

Mrs. COLLINS of Texas in three instances.

(The following Members (at the request of Mr. TAUZIN) and to include extraneous matter:)

Mr. BAILEY.

Mr. IRELAND.

Mr. DRINAN.

Mr. HAMILTON in five instances.

Mr. EDWARDS of California.

Mr. BOLLING in two instances.

Mr. GAYDOS.

Mr. ROE.

Mr. MILLER of California.

Mr. STOKES.

Mr. COELHO.

Mr. BEARD of Rhode Island.

Mr. JOHN L. BURTON.

Mr. SANTINI.

Mr. ROSENTHAL.

Mr. LAFALCE in five instances.

Mr. AMBRO.

Mr. VENTO.

Mr. KOSTMAYER.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2126. An act relating to certain leases involving the Secretary of the Interior and the Northern Cheyenne Indian Reservation; to the Committee on Interior and Insular Affairs;

S. 2412. An act to amend the Solid Waste Disposal Act to further encourage the use of recycled oil; to the Committee on Interstate and Foreign Commerce; and

S. 2623. An act to incorporate the U.S. Submarine Veterans of World War II; to the Committee on the Judiciary.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 659. An act for the relief of the Black Hills Area Council of the Boy Scouts of America;

S. 1140. An act to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1980 and 1981, and for other purposes;

S. 1626. An act for the relief of H. F. Mulholland and the estate of John Oakason; and

S. 1730. An act to declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

ADJOURNMENT

Mr. TAUZIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Thursday, August 21, 1980, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5085. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of the Netherlands for permission to transfer certain U.S.-origin defense equipment to Turkey, pursuant to section 3 (d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5086. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Tunisia (Transmittal No. 80-90), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5087. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the intention of the American Institute in Taiwan to offer to sell certain defense equipment to the Coordination Council for North American Affairs (Transmittal No. 80-91), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee of Conference. Conference Report on S. 390 (Rept. No. 96-1234). And ordered to be printed.

Mr. RODINO: Committee on the Judiciary. H.R. 7540. A bill to improve the Federal judicial machinery by clarifying and revising certain provisions of title 28, United States Code, relating to the judiciary and judicial review of international trade matters, and for other purposes; with amendment (Rept. No. 96-1235). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOLEY: Committee on Agriculture. House Concurrent Resolution 393. Resolution extending to the Forest Service, U.S. Department of Agriculture, the appreciation of the Congress on the seventy-fifth anniversary of the founding of the agency. (Rept. No. 96-1236). Referred to the House Calendar.

Mr. FUQUA: Committee on Science and Technology. H.R. 6889. A bill entitled the "Methane Transportation Research, Development, and Demonstration Act of 1980"; with amendment (Rept. No. 96–1237). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Iowa: Committee on Small Business. H.R. 6722. A bill to amend the Small Business Act to provide special loan guarantees to small business concerns for the acquisition of motor fuel service stations, to require the divorcement of such stations from operation by certain producers and refiners of motor fuels, to control sales by producers and refiners of motor fuels, and for other purposes; with amendment (Rept. No. 96–1238, Pt. I). And ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL:

H.R. 7966. A bill to provide procedures for certain cases of death or disqualification of persons eligible to be selected as President or Vice President by the Congress; to the Committee on House Administration.

By Mr. COELHO:

H.R. 7967. A bill to provide that the U.S. District Court for the Eastern District of California shall be held at the Modesto-Ceres metropolitan area, in addition to those places currently provided by law; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 7968. A bill to amend the Internal Revenue Code of 1954 to provide a refundable income tax credit for expenses paid for energy audits of residences; to the Committee on Ways and Means.

By Mr. DODD:

H.R. 7969. A bill to amend the Wild and Scenic Rivers Act to designate a certain portion of the Salmon River in the State of Connecticut for potential addition to the wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. HARSHA:

H.R. 7970. A bill to authorize the Secretary of Agriculture to make payments to producers of the 1980 crop of soybeans for losses caused by natural disasters; to the Committee on Agriculture.

H.R. 7971. A bill to provide soybean producers with the same protection from natural disasters as producers of wheat and feed grains; to the Committee on Agriculture.

By Mr. HEFTEL:

H.R. 7972. A bill to amend title XVIII of the Social Security Act to provide for an independent Provider Payment Review Board to review disputes on cost reimbursement under the medicare program between providers of services and the Secretary of Health and Human Services, and for other purposes; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. JENKINS:

H.R. 7973. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of certain shale oil property as energy property for purposes of the energy investment credit; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself, Mr. Danielson, Mr. Mazzoli, Mr. Gudger, Mr. Harris, Mr. Carr, Mr. Railsback, Mr. Moorhead of California, and Mr. Sawyer):

H.R. 7974. A bill to revise the composition of the judicial councils of the Federal judicial circuits, to establish a procedure for the processing of complaints against Federal judges, and for other purposes; to the Committee on the Judiciary.

By Mr. LaFALCE:

H.R. 7975. A bill to amend the Internal Revenue Code of 1954 to eliminate the marriage penalty by providing that all individuals shall use the income tax rates applicable to joint returns and that community property laws shall not apply for Federal income tax purposes; to the Committee on Ways and Means.

By Mr. PASHAYAN:

H.R. 7976. A bill to amend the Agricultural Fair Practices Act of 1967; to the Committee on Agriculture.

By Mr. RODINO (by request):

H.R. 7977. A bill to implement the "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction" by prohibiting the development, production, stockpiling, transferring, acquisition, retention, and possession of biological weapons, and for other purposes; to the Committee on the Judiciary.

H.R. 7978. A bill to create a Cuban/Haitian Entrant status and for other purposes; jointly, to the Committees on the Judiciary and Education and Labor.

H.R. 7979. A bill to provide for seabed boundary agreements between the United States and any coastal State and the immobilization of the seabed boundary of any State; jointly, to the Committees on Interior and Insular Affairs, the Judiciary, and Merchant Marine and Fisheries.

By Mr. SANTINI:

H.R. 7980. A bill to provide hospital care facilities operated by the Veterans' Administration within a reasonable distance of veterans with service-connected disabilities who live in the area of Las Vegas, Nev.; to the Committee on Veterans' Affairs.

By Mr. UDALL (for himself, Mr. Dingell, Mr. Symms, and Mr. Brown of Ohio):

H.R. 7981. A bill to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes; to the Committee on Interior and Insular Affairs.

Mr. UDALL (for himself, Mr. Eckhardt, Mr. Johnson of California, and Mr. Breaux):

H.R. 7982. A bill to provide certain authorities for the Secretary of the Interior to permit rights-of-way for purposes of certain pipeline transportation systems; jointly, to the Committees on Interior and Insular Affairs, and Public Works and Transportation.

By Mr. VANDER JAGT (for himself, Mr. Pickle. Mr. Frenzel. Mr. Archer, Mr. Shannon, and Mr. McCloskey):

H.R. 7983. A bill to amend the Internal Revenue Code of 1954 to provide a credit against tax for certain research and experimental expenditures. and for other purposes; to the Committee on Ways and Means.

By Mr. ALBOSTA (for himself, Mr. Brodhead, and Mr. Brademas):

H.J. Res. 598. Joint resolution authorizing the President to enter into negotiations with foreign governments to limit the importation of automobiles and trucks into the United States; to the Committee on Ways and Means.

By Mr. DODD (for himself, Ms. Holtzman, Mr. Maguire, Mr. Wolpe, Mr. Lehman, Mr. Scheuer, Mr. Stark, Mr. Ford of Tennessee, Mr. Matsui, Mr. AuCoin, Mr. Bingham, Mr. Conyers, Mr. Ambro, Mr. Blanchard, Mr. Oberstar, Mr. Pepper, Mr. Drinan, Mr. Garcia, Mr. Roe, Mr. Beilenson, Mr. Porter, Mr. Fazio, Mr. Cleveland, Mr. Whitehurst, Mr. Corman, Mr. Rodino, Mr. Yates, Mr. Waxman, Mr. Edwards of California, Mr. Horton, Mr. Evans of the Virgin Islands, Ms. Mikulski, Mr. Ottinger, Mr. Richmond, Mr. Gray, and Mr. Dougherty):

H. Con. Res. 404. Concurrent resolution expressing the sense of the Congress that the President should convey to the Soviet Government the deep concern of the Congress and the American people for the fate of Raoul Wallenberg and that the U.S. delegation to the Madrid Conference on Security and Cooperation in Europe should urge consideration of the case of Raoul Wallenberg at that meeting by the signatories to the Helsinki Final Act; to the Committee on Foreign Affairs.

By Mr. MARLENEE:

H. Con. Res. 405. Concurrent resolution expressing the sense of the Congress with respect to the prompt deportation or removal from the United States of aliens who have engaged in unlawful or disorderly activities in the United States; to the Committee on the Judiciary.

By Mr. RITTER (for himself, Mr. Hyde, Mr. Murtha, Mr. McDonald, Mr. Jeffords, Mr. Stockman, Mr. Myers of Indiana, Mr. Garcia, Mrs. Fenwick, Mr. Clinger, Mr. Solomon, Mr. Coughlin, Mr. Butler, Mr. Robinson, Mr. Bethune, Mr. Montgomery, Mr. Leach of Iowa, Mr. Fascell, Mr. Dougherty, Mr. Beard of Tennessee, Mr. Edwards of Alabama, Mr. McEwen, Mr. Archer, Mr. Stanton, Mr. Hinson, Mr. Courter, Mr. Stangeland, Mr. Goodling, Mr. Petri, Mr. Green, Mr. Fish, Mr. Hollenbeck, Mr. Buchanan, Mr. Kemp, Mr. Pashayan, Mrs. Spellman, Mr. Whitten, Mr. Flippo, Mr. Leath of Texas, Mr. Hefner, Mr. Ginn, Mr. Lagomarsino, Mr. Moorhead of California, Mr. Thomas, Mr. Philip M. Crane, Mr. Daniel B. Crane, Mr. Marks, Mr. Lujan, Mr. McKinney, Mr. Horton, Mr. Broomfield, Mr. Guyer, Mr. Conte, Mr. Erdahl, Mr. Tauke, Mr. Forsythe, Mr. Rangel, Mr. Shannon, Mr. Winn, Mr. Sebelius, Mr. Whittaker, Mr. Jeffries, Ms. Oakar, Mrs. Bouquard, Mr. Biaggi, Mr. Barnard, Mr. Michel, Mr. Perkins, Mr. Rosenthal, Mr. Railsback, Mr. McDade, Mr. Walker, Mr. Badham, Mr. Frenzel, Mr. Rhodes, Mrs. Holt, Mr. Wylie, Mr. Pease, Mr. Benjamin, Mr. Dellums, Mr. Clay, Mr. Stokes, Mr. Atkinson, Mr. Mottl, Mr. Musto, Mr. Yatron, Mr. Florio, Mr. Ambro, Mr. Lederer, Mr. Gaydos, Mr. Murphy of Pennsylvania, and Mr. Dornan):

H. Con. Res. 406. Concurrent resolution expressing the sense of the Congress that the people of the Polish People's Republic should be permitted by other nations to settle their internal affairs by themselves without external intervention; to the Committee on Foreign Affairs.

By Mr. SOLOMON (for himself, Mr. Marlenee, Mr. Stangeland, Mr. McEwen, Mr. Bafalis, Mr. Roth, Mr. Beard of Tennessee, Mr. Symms, Mr. Hansen, Mr. Ashbrook, Mr. Rudd, and Mr. Jeffries):

H. Con. Res. 407. Concurrent Resolution calling upon the President to take action to resolve the Cuban refugee situation; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. PHILLIP BURTON introduced a bill (H.R. 7984) for the relief of Guadalupe Antonio Pino, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1572: Mr. Conyers.

H.R. 1600: Mr. McDonald, Mr. Moore, Mr. Luken, Mr. Emery, Mr. Lee, Mr. Frenzel, Mrs. Holt, Mr. Brown of Ohio, Mr. Forsythe, and Mr. Hansen.

H.R. 1644: Mr. Albosta.

H.R. 3764: Mr. Marriott.

H.R. 4646: Mr. Ambro.

H.R. 4805: Mr. Beard of Rhode Island, Mr. John L. Burton, Mr. Ratchford, and Mr. Ford of Tennessee.

H.R. 5401: Mr. Williams of Ohio, Mr. Charles H. Wilson of California, Mr. Wolpe, Mr. Weiss, Mr. Leland, Mr. Stanton, Mr. Evans of the Virgin Islands, Mr. Sabo, Mr. Murphy of Illinois, Mr. Clay, Mr. Reuss, Mrs. Schroeder, Mr. Mazzoli, Mr. Rangel, Mr. Dellums, Mr. Leach of Louisiana, Mr. Ford of Tennessee, Mr. Broomfield, Mr. Moakley, and Mr. Regula.

H.R. 6171: Mr. Ford of Tennessee, Mr. Lent, Mr. Lagomarsino, Mr. Addabbo, Mr. Maguire, Mr. Ottinger, Mr. Garcia, Mr. Musto, Mr. Rodino, and Mr. Moffett.

H.R. 6181: Mr. Fish.

H.R. 6215: Mr. Marlenee.

H.R. 6286: Mr. Corrada, Mr. Hughes, Mr. Kindness, Mr. Lederer, Mr. Lott, Mr. Lungren, Mr..Pepper, Mr. Rhodes, Mr. Shumway, Mrs. Spellman, Mr. Whitehurst, and Mr. Winn.

H.R. 6617: Mr. Markey.

H.R. 6709: Mr. Anthony.

H.R. 6889: Mr. Nelson, and Mr. Fish.

H.R. 6959: Mr. Breaux, Mr. Hughes, and Mr. Lowry.

H.R. 7176: Mr. Weiss, and Mr. Bereuter.

H.R. 7286: Mr. Fithian.

H.R. 7287: Mr. Goldwater, and Ms. Mikulski.

H.R. 7290: Mr. Clinger.

H.R. 7475: Mr. Hillis, Mr. Railsback, Mr. Quayle, Mr. Porter, Mr. Akaka, Mr. Robinson, Mr. Montgomery, Mr. Derrick, Mr. Cavanaugh, Mr. Evans of the Virgin Islands, Mr. Corrada, Mr. Whitehurst, Mr. Bevill, Mr. Kindness, Mr. Obey, Mr. Davis of South Carolina, Mr. Lott, Mr. Spence, Mr. Glickman, Mr. Heftel, Mr. Sabo, Mr. Oberstar, Mr. Young of Alaska, Mr. Evans of Indiana, Mr. Jenrette, Mr. Long of Maryland, Mr. Jacobs, Mr. Roe, Mr. Natcher, Mr. Nichols, Mr. Brinkley, Mr. Sensenbrenner, Mr. Wyatt, Mr. Bedell, Mr. Musto, Mr. Vento, Mr. Forsythe, Mr. Mitchell of New York, Mr. Courter, Mr. Sharp, Mr. Fithian, Mr. Cleveland, and Mr. Hyde.

H.R. 7560: Mr. Mitchell of Maryland, and Mr. Ratchford.

H.R. 7643: Mr. Garcia, Mr. Robert W. Daniel, Jr., Mr. Gingrich, Mr. Marriott, and Mr. LaFalce.

H.R. 7654: Mr. Hughes, and Mr. Royer.

H.R. 7709: Mr. Frenzel.

H.R. 7732: Mr. Edwards of California.

H.R. 7753: Mr. Pritchard.

H.R. 7770: Mr. Gray.

H.R. 7773: Mr. Edwards of Oklahoma.

H.R. 7789: Mr. Mollohan, Mr. Coughlin, and Mr. Garcia.

H.J. Res. 511: Mr. McCormack, Mr. Corcoran, and Mr. Ambro.

H.J. Res. 594: Mr. Whitehurst, Mr. Florio, Mr. Ford of Michigan, Mr. Lungren, Mr. Simon, Mr. Smith of Iowa, Mr. Dornan, Mr. Royer, Mr. Hughes, Mr. Akaka, Mr. Staggers, Mr. Nedzi, Mr. Mollohan, Mr. Bailey, Mr. Cotter, Mr. Roybal, Mr. Fary, Mr. Jones of North Carolina, Mr. Early, Mr. Stump, Mr. Kazen, Mr. Stokes, Mr. Patten, Mr. Natcher, Mr. Fountain, Mr. Sharp, Mr. Mottl, Mr. Beard of Rhode Island, Mr. Breaux, Mr. Zablocki, Mr. Dellums, Mr. Dan Daniel, Mr. Barnard, Mr. Rousselot, Mr. Dingell, Mr. McHugh, Mr. Rose, Mr. Lujan, Mr. Thompson, and Mr. Stratton.

H. Con. Res. 57: Mr. Lungren.

H. Con. Res. 134: Mr. Mitchell of New York, Mr. Yatron, Mr. Russo, and Mr. Corrada.

H. Con. Res. 361: Mr. Hammerschmidt, Mr. Hyde, and Mr. Leach of Louisiana.

H. Res. 635: Mr. Gore, Mr. Roe, Mr. Seiberling, Mr. Traxler, Mr. Walgren, and Mr. Watkins.

H. Res. 689: Mr. Corman, Mr. Shannon, Mr. Campbell, Mr. Jenrette, Mr. Anderson of California, Mr. Lundine, Mr. Rahall, Mr. Martin, Mr. Cotter, Mr. Evans of Delaware, Mr. Matsui, Mr. Gilman, Mr. Mitchell of New York, Mr. Sebelius, Mr. Ambro, Mr. Applegate, Mr. Gradison, Mr. Robinson, Mr. AuCoin, Mr. Clausen, Mr. Gingrich, Mr. Moffett, Mr. Heftel, Mr. Breaux, Mr. Volkmer, Mr. Pickle, Mr. Emery, Mr. Fary, Mr. Ford of Tennessee, Mr. Erlenborn, Mr. Forsythe, Mrs. Boggs, Mr. Derwinski, Mr. Atkinson, Mr. Fithian, Mr. Duncan of Oregon, and Mr. Hefner.

H. Res. 729: Mr. Gramm, Mr. Collins of Texas, Mr. Whitehurst, Mr. Walker, Mr. Stangeland, Mr. Kramer, Mr. Forsythe, Mr. Montgomery, Mr. Robinson, Mr. Jenkins, Mr. Hopkins, Mr. Hagedorn, Mr. Rudd, Mr. Sebelius, Mr. Dannemeyer, Mr. Erlenborn, Mr. Frenzel, Mr. Goldwater, Mr. Hansen, Mr. Butler, Mr. Kelly, and Mr. McDonald.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6721

By Ms. FERRARO:

—Section 205(b) of the amendment is amended to read as follows:

(b) Purposes for Which Trust Fund Available.—Subparagraph (A) of paragraph (1) of section 208(f) of the Airport and Airway Revenue Act of 1970 is amended by inserting before the semicolon at the end thereof the following: ", or incurred under the provisions of the Airport and Airway Improvement Act of 1980 (as such provisions were contained in such legislation as reported by the House Committee on Public Works and Transportation)."

EXTENSIONS OF REMARKS

SHCHARANSKY TRIAL REMEMBERED

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. DRINAN. Mr. Speaker, just 5 days prior to the opening of the 1980 summer Olympics in Moscow, the second anniversary of the trial of Anatoly Shcharansky was remembered across from the Soviet Embassy. Over 100 concerned individuals gathered to protest Soviet inaction in his case.

As a leader of the Helsinki Monitoring Group in Moscow, Shcharansky established himself as a human rights activist and committed proponent of Soviet compliance with the Helsinki Final Act. In a year when the cosignators of the Helsinki accords will meet to review each nation's record of compliance, it is indeed disturbing that Shcharansky remains incarcerated in a Soviet labor camp.

In recalling the trial, one is struck by the insensitivity of the Soviet authorities to the requirements of Soviet and international law to protect the defendant against unfair prosecution. As one example of Soviet disregard for minimum standards of judicial procedure, Soviet officials refused to allow Shcharansky's lawyer, Harvard law professor Alan Dershowitz, to represent him at the trial. Dershowitz did, however, submit testimony to the Soviet court on Shcharansky's behalf.

With the Madrid review conference of the Helsinki accords in mind, I bring to the attention of my colleagues the closing statement that Prof. Alan Dershowitz submitted to the Soviet court. In his statement, Dershowitz concludes that the significance of the court's decision goes beyond its immediate impact on Shcharansky himself to the implications that it has for the integrity of the entire Soviet judicial system.

The statement follows:

THE CLOSING ARGUMENT BY ANATOLY SHCHARANSKY'S LAWYER IN ABSENTIA

Shortly after the arrest of Anatoly Shcharansky, his wife—Avital—asked me to serve as his American lawyer. I accepted with a profound sense of responsibility but with little hope of affecting the outcome of the case. Shortly thereafter, Shcharansky's mother, Ida Milgrom, sent me a written message from the Soviet Union asking me to try to represent Shcharansky at his Moscow trial. I agreed to try, but again without much hope. My pessimism, it turns out, was well founded: repeated requests to attend Shcharansky's trial and appeal have been rebuked. I have decided, however, to submit to the Soviet Court the following closing argument that I would have made on Shcharansky's behalf had I been allowed to represent him. I have also submitted the argument to the court that has jurisdiction to hear an appeal from Shcharansky's conviction. (A more detailed and technical legal brief will be submitted as well.)

HONORABLE JUDGES: I am here to speak on behalf of a man who has already been declared guilty by the official Soviet press and by numerous high ranking officials of the Soviet communist Party and Government. But under Soviet law, Anatoly Shcharansky is entitled to a fair trial and an unbiased verdict from Your Honors. I am acutely aware of the burden under which you labor: I know—as you know only too well—that no judge in the half century of this nation's history has ever voted to acquit a defendant charged with a political crime such as treason. But I ask you to throw off your yokes and to act as honorable members of the legal profession: by rendering a true and honest judgment.

Who was the defendant, Anatoly Shcharansky, before his arrest on April 15, 1977?

Anatoly Shcharansky was the voice of the Jewish Emigration movement. It was he who served as the public communication link between the Jewish refusniks—those whose requests to emigrate from the Soviet Union had not been granted—and the outside world. His every act was out in the open: it was his purpose to let the Soviet authorities know that his voice—which, in reality, was the articulate translation of thousands of other refusnik voices—was being listened to in Europe and in the United States. He did nothing in secret: that was neither his method nor his purpose.

The Soviet authorities now claim that this open, public spokesperson was, in reality, a secret operative of the American Central Intelligence Agency, that he was stealing Soviet military secrets and covertly passing them on to American agents, diplomats and reporters.

If the charges were not so serious, they would be comic indeed. Imagine how incompetent an American intelligence agency would have to be to have engaged someone like Shcharansky as a spy. His phone obviously tapped, his every movement openly surveilled, his roommate a KGB plant, Shcharansky was the worst possible candidate for the espionage game. Imagine how incompetent the Soviet counterespionage apparatus would have to be to have let someone like Shcharansky—a man who had publicly declared his allegiance to Israel and who had demanded the right to emigrate there—have access to military secrets.

Shcharansky was not a spy. United States President Carter did not lie when he publicly assured the world that he had inquired deeply within the C.I.A. and the State Department and had determined that Shcharansky never had any connection with the C.I.A. Shcharansky did not work for the C.I.A., not did he have access to any military secrets.

The only information to which he had any access at all was computer technology, since that was the field in which he had worked several years prior to his arrest. But the Soviet Union imports virtually all of its computer technology from the United States, under an assurance—made binding by American law—that this technology will never be put to any direct or indirect military use. For the Soviet Union now to claim that Shcharansky had access to military secrets is for that nation's leaders to boast that they are defying the express conditions under which they have been allowed to import computer technology. If this prosecution succeeds, it cannot be long before the American Congress revokes the Soviet Union's privilege to import American technology for military uses expressly forbidden by American law.

The prosecutor has made much of the information that Shcharansky gave to Robert Toth, the reporter for the Los Angeles Times. But there is nothing secret either about the information or about the fact that Shcharansky turned it over to Toth. Shcharansky never gave background or off-the-record interviews to the press; he was always identified by name in the press reports as the source of the information. Indeed, on one occasion when an American newsman came to pick him up for an interview in a small family car, Shcharansky insisted that the reporter return in the large American car which was clearly identified as belonging to an American newspaper. Are these the actions of a secret spy trying to conceal his relationship to the press?

And what was the nature of the information he turned over to Toth and others? It was simply the names and places of employment of refusniks whose emigration requests had been turned down by the Soviet emigration authorities on the ground that they had worked in jobs involving state secrets. Each such refusnik had received a notification from the Soviet authorities and each was free to communicate that fact to the press—as many did. All Shcharansky did was to collate this public information and transmit it—in convenient form—to the American press in order to demonstrate that no state secrets were involved, that the Soviet excuses for denying exit visas were pretextual. This was his right under Soviet law and under the Helsinki Accords. the irony is that if any Soviet secrets were revealed at all—and Toth denies that any were—they were revealed by the Soviet emigration authorities themselves when they sent public notices to refusniks declaring that the factories, research ships, and laboratories in which these refusniks had worked were involved in "state secrets". Shcharansky cannot legally be convicted of revealing "secrets" that had already been revealed by the Soviet authorities.

But what of Anatoly Shcharansky, the man, the husband, the son? We do not know what remains of the 29 year old smiling man who was carried away to a KGB prison on March 15, 1977. Between that date and July 10, 1978—a period of nearly 16 months—Anatoly Shcharansky was a non-person in the Soviet Union. Nobody—not his mother, not his lawyer, not his wife—was allowed to communicate with him in any way; nobody knew his physical or mental condition; nobody knew what his captors were doing to him in the secrecy of this KGB fortress. Nobody knew, for sure, whether he was alive or dead.

Then, on July 10, 1978, he was taken to a courtroom for his trial—a trial which under Soviet law must be open to the public. But who has been allowed to attend this public trial? Not the American or western press, though Shcharansky has become a household word through much of the world. Not

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

American diplomats, though that country is charged with being the recipient of Shcharansky's espionage. Not any of Shcharansky's friends or supporters, though they are willing to testify on his behalf. Not even his mother—who had not laid eyes on him for 16 months—was allowed to enter the courtroom during the trial. The pretense for excluding his mother was that the prosecution claimed that it intended to call her as a witness; needless to say, it never called her nor allowed her to see her son. Indeed, the prosecutor—and the court—have been unwilling to call as witnesses those people who have most direct knowledge of the alleged "crimes" of Anatoly Shcharansky. Where was Robert Toth, the journalist to whom Shcharansky allegedly passed secrets? He has declared his willingness to come to the Soviet Union to state under oath what he has already written in the American press, namely that none of the material given to him by Shcharansky ws classified as secret under the Soviet regulations. Where was the testimony of Professor Vitaly Rubin, who allegedly recruited Shcharansky's KGB roommate into the C.I.A.? Efforts to submit the deposition of Rubin and other crucial witnesses who are now outside the Soviet Union have been rebuffed. Shcharansky has also been denied the right to call witnesses who are in the Soviet Union in his defense.

Why are the prosecutors so afraid of these witnesses? Why are they so afraid of the western press? Why are they so afraid of the numerous distinguished lawyers from around the world who have requested permission to observe the trial? Why are they so afraid of allowing Shcharansky to be defended by a Soviet lawyer of his choice? Why are they so afraid of letting the truth come out? The answer, Honorable Judges, is as obvious to you as it is to the rest of the world: the truth is that these charges of treason against Anatoly Shcharansky are wholly false; Anatoly Shcharansky is an innocent man.

You know that, and the world knows that you know it. It is you who are on trial. Will you follow the orders of your party and government? Will you do what every Soviet judge before you has done? Or will you act so as to merit the truly honorable title of "judge"?

When your country and mine brought the Nazi judges to trial at Nuremberg, one German judge—in defense of his decision to allow an innocent Jew to be executed—argued in defense of his judicial misconduct that he had believed that by following the party's orders in one case he could slow down the process of genocide. The Nuremberg judges—from your country and mine—rejected his defense and jointly proclaimed that on the day that justice was perverted by the deliberate conviction of the initial innocent victim, the irreversible first step toward judicial genocide and holocaust had been taken. I implore you to search your consciences before you take a similar tragic first step here.

The fate of one human being is in your hands, but much more is at stake: the future of civilization may hang in the balance.●

THE MEANS TO DEFEND AMERICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. HAMILTON. Mr. Speaker, I insert my Washington report for Wednesday, August 13, 1980, into the Congressional Record:

The Means To Defend America

During a series of recent public meetings in the Ninth District I have been impressed by the growing interest of Hoosiers in America's defense posture. Often it is not enough to answer their question with an overall assessment of our defense effort. They want to know precisely what steps we are taking in response to growing Soviet military power and the dangerous world in which we live. One frequent question is: Do the men and women of our armed forces have the modern weaponry they need to defend America?

Spending for armament, both to procure and to research, develop, test, and evaluate new weapons, has been rising steadily over the past several years. If Congress accepts the President's latest request for a defense budget, funding for procurement will reach $40.6 billion next year, a real increase of 6 percent. Funding for research, development, testing, and evaluation (which often drives future defense spending) would hit $16.5 billion, a real jump of 13 percent. Thus, the President is proposing that one-half of all extra defense funding go to armament. Such funding would make up 35.3 percent of the overall defense budget. The funds that Congress ultimately approves will bring advanced strategic, tactical nuclear, and conventional weapons into the active arsenal. Congress will certainly approve, and may very well increase, the President's totals.

All three "legs" of our strategic triad—land-based missiles, sea-based missiles, and manned bombers—can anticipate improvement in the near future. In response to the growing power and accuracy of the Soviet nuclear threat, we are proceeding with full-scale development of the land-based MX mobile missile system. Some 200 highly sophisticated MX ballistic missiles will be deployed in 4,600 shelters in the western states, thereby reducing their vulnerability to a pre-emptive Soviet strike. The MX system will be fully ready by 1989. At sea, our strategic forces are being upgraded with the addition of advanced submarines and sea-based missiles. Nine new Trident submarines are authorized through next year, with five more to follow by 1985. These vessels are faster and quieter than those they replace, and they are armed with the new Trident I, a nuclear-tipped ballistic missile that carries a heavy payload over great distances. By 1982, the Trident I will also be placed in 12 of our older Poseidon submarines. Better strategic capabilities are in the making as well for our manned bomber forces. Improved avionics will help our older B-52's and F-111's penetrate Soviet air defenses. Moreover, by 1990 each of 151 of the former aircraft will be equipped with 20 air-launched cruise missiles. These small, subsonic drones will enable the B-52's to stand outside defense perimeters and strike with extreme accuracy against targets deep inside the Soviet Union.

Tactical nuclear weapons are smaller and less powerful than their strategic cousins, but they do provide us and our allies with an effective deterrent in the European theater of operations. We are moving ahead with development of the Pershing II and the ground-launched cruise missile. The former, 108 of which will be deployed in Europe, is a land-based ballistic missile of intermediate range, and it can carry a neutron warhead. The latter, 464 of which will be stationed alongside the Pershing II, differs from the cruise missile carried by the B-52 primarily in its manner of launch. Both these missiles threaten targets in the Soviet Union. Other important tactical nuclear weapons are two new atomic artillery shells now under development for the Army. These 8-inch and 155-millimeter projectiles will give our troops a potent nuclear capability at short range, and if fitted with neutron warheads they would offer a strong defense against the armored columns of the Soviet Union. Another tactical nuclear weapon under development is the Navy's Tomahawk, a cruise missile designed to knock out Soviet ports and shore facilities from far at sea.

Conventional weapons are also being improved. In the Army, the XM-1 main battle tank is coming on line, as are two new combat vehicles for the mechanized infantry. The Army is improving its principal anti-tank missile, the TOW, and it has a new light anti-tank weapon, the Viper. A laser-guided projectile, a general support rocket system, and an advanced attack helicopter will also strengthen the Army against Soviet armor. Air defense will be bolstered with the addition of a better anti-aircraft missile, a new portable anti-aircraft system, and a superior air defense gun. In the Air Force, the emphasis is on continued procurement of high-performance interceptors. The Air Force's main fighter, the F-15, gives us a definite edger over the Soviets in long-range, air-to-air combat. The F-16, a fighter valuable in close air-to-air engagements and against targets on the ground, fulfills a broader range of needs. For support of troops, the durable A-10 has been designed to operate over hostile territory. Air Force purchases of all three aircraft will soon be complete. Also slated for procurement are a modular guided weapon system, a high-speed anti-radiation missile, an improved "dogfight" missile, and a new radar-guided missile. In the Navy, the building of ships has the highest priority. A fourth nuclear-powered carrier will join the fleet in 1983. Ten of 35 new attack submarines have already been commissioned. Advanced guided-missile frigates and destroyers, the latter with an elaborate air defense system, are currently in production. While no final decision has been made on the procurement of a new fighter for the Navy, the F/A-18 is the frontrunner.

I agree with Hoosiers who have expressed their insistence that our armed forces have the modern weaponry they need to assure our national security. As in the past, I will see that our armed forces can do their job with the very best tools available. ●

CHARLES TROZZO HONORED

HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. BAILEY. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following: Mr. Speaker, it is a pleasure to bring to your attention an outstanding businessman, Charles Trozzo of Herminie in the 21st District, who has made outstanding contributions to the community both professionally and civically.

His varied business interests over the past 75 years, not only have been highly successful but have set fine examples for others in the community. From managing his father's small grocery store back in 1914 to assuming duties as the president of the First National Bank in 1972, Mr. Trozzo has displayed the wisdom and perseverance necessary to survive and succeed—especially during the Depression when so many businesses failed. His dedication and motivation are to be admired and applauded.

Although his professional achievements are many, his civic accomplishments are even more numerous. He is a member of St. Edward's Church and its Holy Name Society. To add to the list, he is a 50-year charter member of the Herminie Volunteer Fire Co. and is extremely active in the American Legion, Veterans of Foreign Wars, Knights of Columbus, and the Lions Club.

Again Mr. Speaker, I hope you will join with me in offering sincere congratulations to Mr. Trozzo on his many fine accomplishments and, perhaps most importantly, on his many fine character traits of which honesty, integrity, and determination are prevalent.●

PROBLEMS WITH THE ALL-VOLUNTEER FORCE

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. BEARD of Tennessee. Mr. Speaker, much of our national attention has been focused recently on the state of readiness of the U.S. Armed Forces. For several years now, I have been investigating the complex, multifaceted problems associated with the All-Volunteer Force and its capability to defend our country in a time of war.

One aspect of this issue that has not received adequate public exposure is the effect that soaring personnel costs are having on the "nuts and bolts" of readiness capabilities.

For anyone who is concerned with the U.S. ability to sustain any kind of major war effort, I recommend the following article to their close attention:

A HIDDEN READINESS PROBLEM: MEDICAL SUPPLIES AND PERSONNEL RUNNING SHORT

(By Richard Barnard)

In the debate over military readiness, most of the attention has been focused on deployment problems and military hardware—such as multi-million dollar aircraft grounded for lack of spare parts. But a close look at the more mundane aspects of military readiness reveals a more haunting specter: U.S. servicemen and women dying during a war in Europe owing to chronic shortages of medical supplies and advance planning. The Defense Department's contingency plans for care of the wounded during an extended conflict in Europe are based on stockpiles of medical supplies which, in some cases, do not exist.

In recent interviews with Defense Week, several of the Pentagon's senior health care officials revealed that:

The Defense Department's war plans for Europe predict a fast, intensive, heavy-armor conflict with higher casualty rates than U.S. forces experienced in previous wars. Over the last five years, casualty forecasts have risen repeatedly as the war plans were routinely updated. Yet war reserve stocks of some medical supplies—such as field dressings and certain drugs—have been allowed to deplete over the last three years due to lack of funding.

The Army is short of many of the medical supplies which it should store in Europe for the first days of a conflict. The Air Force, which has far fewer people in Europe, is in relatively better shape. "In the event of war," said a top DOD official, "this lack [of supplies in the U.S. and Europe] would leave someone with some rather ruthless decisions to make about allocations."

European Command officials, who would operate the medical supply system during a war, are not involved in peacetime preparations such as selecting the types and amounts of supplies to be stockpiled, or planning how they would be allocated.

There is a severe shortage of space in Germany for storage of medical supplies (not to mention bombs and bullets). This is one reason why the Army stores much of its war reserve medical supplies in a single warehouse in Pirmasens, Germany, rather than near its combat units. Most Air Force stockpiles are located at or near Air Force bases.

The services' plans for raising the quantity of medical supplies to the levels needed in a war rely partly on the "surge capability" of private industry to rapidly produce large amounts of materiel on short notice. In some cases, that capability does not exist.

A general with more than 26 years of experience in military medical care told Defense Week that these shortcomings "lay the groundwork for a potential disaster" should a conflict occur.

Stockpiling medical supplies is difficult and complex. The Defense Department maintains two basic types of war reserve medical stockpiles. Medical supplies which would be needed for the first 30 days of a conflict are supposed to be purchased and stored by each service. Some of these supplies are prepositioned in Europe. Stockpiles for an additional five months of conflict are the responsibility of DOD's Defense Personnel Support Center (DPSC). They are stored in U.S. defense depots such as the giant warehouse in Mechanicsburg, Pa.

The medical stock lists include hundreds of items from dressings and scalpels to stretchers and pharmaceuticals. For example, the Army's stock list contains 18 different line items of procaine penicillin, from huge bottles for field hospitals to small auto-injectors for medical corpsmen assigned to line units.

To further complicate matters, narcotics must be secured, many drugs must be refrigerated and dozens of items must be rotated out of the stockpiles as they near the end of their shelf life. Most are placed in the services' operational stocks or sold to other government agencies. When that happens, DPSC is supposed to buy new supplies to keep the stockpiles at prescribed levels. But that hasn't occurred for at least three years, according to John Roberts, who buys and maintains medical supplies at the DPSC office in Philadelphia, Pa.

"There has been no funding for a long time, and the stocks have been allowed to dwindle down," said Roberts. He declined to discuss supply budgets or stockpile levels, saying such information is classified.

Maj. Gen. William Augerson, Deputy Assistant Defense Secretary for Health Resources and Programs, said war reserve stockpiles have been given a low priority in recent years, compared to other medical programs such as the peacetime operation of the services' 160 hospitals and 300 clinics.

The supply shortages at DPSC leave the military services—particularly the Army—in a precarious position because their own war reserve stockpiles for the first 30 days of a conflict are far below adequate levels, according to several sources. Senior Army officials have admitted during closed congressional hearings that some of the Army's battalion aid stations in Europe are assigned insufficient and outdated supplies. Rather than maintain their own stockpiles to tide them over for the first 30 days of a conflict, the Army relies heavily on the medical stocks which are supposed to be in the DPSC warehouses. "Their plan is to swamp DPSC with stacks of computer order cards at the first sign of a conflict," a medical official explained.

"The cards are already punched."

Since DPSC stocks are themselves depleted, however, it is questionable how many of the Army's orders would be filled. Army officials declined to be interviewed because, they said, most information about war reserve stockpiles is classified.

The Army's reliance on DPSC's medical stockpiles in the U.S. poses another problem: moving them to Europe. Nifty Nugget, a war game exercise conducted in 1978, showed that transporting medical supplies to Europe interfered with the movement of vital combat units.

Part of the services' stockpiling rationale is based on the presumed "surge capability" of medical suppliers to rapidly produce large amounts of supplies on short notice. Calculating the surge capability of some manufacturers is, by all accounts, a very tricky business.

"We tried that during Vietnam," said a DOD official, "and found that the drug makers turn out a year's supply of amyl nitrite [an antidote for chemical poisoning], for example, then convert their factories and produce a year's supply of something else. So if you come in at the wrong time asking for the wrong stuff, you're out of luck." Other officials noted that a reliance on surge capability for some hard goods—stretchers or hospital supplies, for example—might work.

Another medical supply problem, according to several officials, is that the services are ordering most items based on their experiences in past wars rather than on their projected needs for the next one. "Medical practice changes constantly," said a Pentagon official, "and our war script keeps changing. But, to some extent, we're still stockpiling on the basis of three bandages for every soldier." DOD's Maj. Gen. Augerson said: "We hope to develop a methodology which will enable us to base our stockpiling on casualty projections [derived from combat scenarios]. But a lot of people think it's needless to have a major go at this because we won't get the money for it."

Lack of supplies and a poorly coordinated supply system are only two of several serious medical readiness problems facing the Defense Department. Severe shortages of ambulances, hospital beds, certain medical specialists, nurses and corpsmen would spell a lack of medical care for U.S. combatants in a conflict with the Warsaw Pact.

By one estimate, for example, the Army and Air Force would face a shortage of about 4,000 general surgeons and 3,000 operating room nurses. Only 30 percent of the regular Army medical units which are authorized the manpower and equipment for CI—the highest readiness rating attainable—have achieved that rating. Many of the Army's ambulances and trucks are "red-lined" because of broken axles or missing doors.

These supply, equipment and personnel shortages mean that DOD's evacuation policy would be severely downgraded during a conflict. Soldiers with vascular or chest wounds, for example, would be evacuated within four or five days rather than 15.

During the 1968 Tet offensive in Vietnam, early evacuation meant startling increases in infection and morbidity rates among the wounded, according to a series of "after-action" reports to Lt. Gen. Leonard Heaton, then Army Surgeon General.

Another result of early evacuation is that seasoned soldiers who could be treated and returned to combat are instead sent to the U.S., with corresponding declines in the combat readiness of front line units. "And you're not going to replace them with draftees from Fort Dix," says a congressional expert on military medicine. "It takes months to train a tank mechanic."

John Moxley, who was named Assistant Defense Secretary for Health Affairs in June 1979, says medical readiness "is my number one priority." He has established a medical readiness office within DOD, sought large budget increases for medical supplies and equipment, and instituted a series of planning conferences with the military surgeons general and senior medical officers in Europe. The Army and Air Force surgeons general each have made several improvements, including the purchase of some of the ambulances, field hospitals and air transportable medical suites which are needed.

But Moxley admits that the services "are presently unable to provide adequately medical support" under likely combat scenarios. "There's no question that stockpiles are a real problem," he told Defense Week.

The solution, most officials agree, is not to run out and buy several million dollars' worth of medical supplies and load them on a boat for Europe. First, DOD must devise a method for determining the types and amounts of supplies to purchase.

Initial efforts are underway at Fort Sam Houston, Texas. European Command officials should be involved, however. An Army officer said: "It's rather stupid to think we can run the system in peacetime and turn it over to [the European Command] in wartime in the belief that things will run smoothly."

An obvious second step is to increase the stockpiles. In the past, the services were reluctant to spend money on medical stockpiles, said several officials, because the materiel simply sits in a warehouse. Also, operational budgets usually get first priority.

The fiscal year 1981 budget for war reserve medical supplies is up substantially over the fiscal year 1980 budget. But at the present rate of spending, it will be several years before the stockpiles are adequate. Said a senior DOD official:

"The spending that's going to be required seems massive to some people. But we're talking about the price of a couple of [$24 million] F-14s."

The Air Force's 1981 budget for war reserve medical supplies will be increased by an estimated 35 percent over the 1980 figure. In addition, the Air Force has requested $5.8 million for hospital beds, casualty staging areas and other new equipment for the treatment of combat casualties. The Army did not respond to Defense Week's request for budget information. DOD officials said the Army's 1981 budget contains $48 million for replacement of obsolete equipment (some of which will go to units in Europe) and $7.1 million for minor medical equipment and four field hospitals to be stored in Europe.●

FOREIGN POLICY SHOULD BE BIPARTISAN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. DERWINSKI. Mr. Speaker, Secretary of State Edmund Muskie's partisanship is undermining and endangering the foreign policy of the United States.

Historically, the Secretary of State has stayed above political debate. Foreign policy is supposed to be bipartisan, but Secretary Muskie obviously is willing and eager to get into the political campaign. This poses a terrible political risk for our country in foreign policy, which, unfortunately, is a major weakness of the Carter administration.

The Secretary was highly visible at the recent Democratic National Convention, and he also announced that he would speak in support of the Strategic Arms Limitation Treaty and make it a campaign issue against Ronald Reagan, the Republican Presidential nominee.

The State Department personally conferred with Muskie while he was in New York and assisted him with the foreign policy portion of his convention speech.

The Secretary indicated the trend of his thinking in a preconvention appearance before the House Foreign Affairs Committee. At the time the Secretary said he thought the treaty could become a campaign issue, but he was far less assertive than he was at the convention.

There are numerous foreign affairs issues before Congress. Muskie's blatant partisanship endangers many programs, politicizes foreign policy, and defies diplomatic history and tradition. The willingness to do irreparable damage to our State Department and our foreign policy underscores the complete desperation of the Carter administration.●

MX MISSILE FOLLY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. EDWARDS of California. Mr. Speaker, I would like to bring to my colleagues' attention the following article which appeared in the San Jose Mercury. The article addresses the folly of the MX missile, a lesson which Congress has yet to learn.

I was disappointed this year when the Congress decided to vote the funds necessary to go ahead with development and construction of the MX. I was disappointed again this month when the Democratic platform adopted at the convention endorsed the development of the MX, stating that its development will "enhance the survivability of our land-based intercontinental ballistic missile force."

I recognize, as the editorial points out, that it is unrealistic to think that we could stop development of the MX at this time. Defense is going to be one of the more debated topics in this election year and everyone wants to be viewed as strong on defense issues. However, if we are going to deploy the new MX missile let's do it in a viable fashion.

The Air Force currently plans on deploying this missile on the land in a sort of shell game involving a linear grid. This system would be expensive and impractical. There is a cheaper and simpler method available to us. We should more closely consider the idea of utilizing small conventional submarines off our coastlines as the base from which to launch these missiles. Let's not make the mistake we made earlier with the Minuteman missiles.

There is no reason why an efficient use of our defense money cannot be consistent with a strong defense image. If we must strengthen our defense, let us do it prudently.

I commend the editorial to my colleagues:

$30 BILLION (OR MORE) DINOSAUR

It is not campaign rhetoric, but simple fact that there is a growing military threat from the Soviet Union. Russian missiles are more accurate than they used to be, and more of them have multiple warheads.

This means our land-based ICBMs—1,000 Minuteman missiles in hardened silos on the Great Plains—are increasingly vulnerable to Soviet attack.

The Carter administration's answer, at least in part, is to build a new, larger land-based missile called the MX.

The plan is to build 200 MX missiles and hope the Soviets could hit no more than 100 of them. At least 100 would survive, the theory goes, because all 200 would be shuttled secretly among 4,600 shelters scattered around Nevada and Utah. The Russians would have to guess which 200 shelters contained real missiles and which 4,400 contained only dummies.

Among scientists and policy-makers who are committed to a strong nuclear deterrent, there's divided opinion as to whether we really need the MX. Even if the Soviets knocked out all of our Minuteman ICBMs, the U.S. would lose only one-fourth of our nuclear warheads; the other three-fourths are on bombers or submarines, and not nearly so vulnerable.

And, the anti-MX argument goes, even if we do need to replace Minuteman, it should not be with land-based missiles, which are dinosaurs.

Under political pressure from Ronald Reagan's vague call for nuclear "superiority," Carter has refused simply to write-off land-based missiles as redundant. The president is right to seek a response to our increasing vulnerability to Soviet attack—both in terms of politics and of national defense—but the nature of the response is open to question.

One option would have been to increase our stock of airborne cruise missiles and submarine-based Polaris and Poseidon missiles. The latter course, however, gets into inter-service rivalries and jealousies; Minuteman is an Air Force weapon, while Polaris and Poseidon belong to the Navy, Carter seems determined to build the MX, which would belong to the Air Force, and to base it on land.

We have misgivings about whether the MX ought to be built at all. Given the political realities of an election year, however, it may be unrealistic to expect the president and Congress to halt the MX program now; engineering studies have been funded, and the missile is scheduled for flight tests in 1983.

But it's too late to stop the MX, it is not too late to change the enormously expensive, technically and politically impractical, and ultimately dangerous plan to base it on land.

The land-based plan involves a gargantuan shell game, with a playing board twice the size of New Jersey. It means building twice as many missiles as we need, on the assumption that the Soviets could hit half of them. It involves building 4,600 hardened shelters, linked by concrete drag strips; the previous "racetrack" configuration has now been abandoned and replaced by a linear grid.

The grid system also involves building 4,400 dummy missiles, each with precisely the same radar-detection characteristics as the real thing. All of this would cost $30 billion, according to the administration, and $60 billion, according to some other estimates.

Attempting to hide missiles on land amounts to trying to beat the Soviets on their own turf. They have vast land areas in Siberia; we have Nevada and Utah, whose residents are less than enthusiastic. The Russians have a closed society; we have an open one, where secrecy is vastly more difficult to maintain.

But a land-based MX system is not only impractical. It also challenges the Soviets—in the absence of a SALT II weapons limitation—simply to build as many warheads as they need to knock out all our shelters.

That's dangerous. So is the fact that the land-based MX system would be an easy target in its construction stages, when there would be few enough missiles and shelters for the Soviets to hit them all with their present missile force.

There is a cheaper, simpler, more practical and less dangerous alternative. The MX missiles can be mounted on small, conventionally-powered submarines deployed close to our own coastlines. This is a serious option, with considerable backing from reputable experts.

President Carter and the Pentagon should give it another look, before committing us to another land-based system which almost certainly would turn out, like Minuteman, to be another dinosaur.●

TRIBUTE TO COROTHY GAGE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. LAGOMARSINO. Mr. Speaker, I wish to bring to the attention of my colleagues the record of community service performed by my constituent, Mrs. Corothy Gage, of Oxnard, Calif. Labor Day, September 1, 1980, marks the 25th year of Mrs. Gage's active participation in the Ventura County muscular dystrophy organization.

Mrs. Gage is the parent of three afflicted children and one healthy one. Her family was the first to be used in a research program at UCLA into the background and family involvement of muscular dystrophy.

Mrs. Gage pioneered the Ventura County Association of Muscular Dystrophy and is currently serving full time as county chairman. In addition, she has worked tirelessly for the muscular dystrophy telethon for the past 15 years.

I wish to join with the Ventura County Muscular Dystrophy Association in commending Mrs. Corothy Gage for dedicated efforts in fighting muscular dystrophy.●

SPARE PARTS FOR IRAN'S OIL INDUSTRY FACILITIES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. HAMILTON. Mr. Speaker, in correspondence with the Department of State, I sought clarification of recent reports that Iran was able to buy spare parts for surface facilities of its oil industry in Western Europe because of loopholes in the sanctions and that some $150 million of equipment has been purchased this year.

The State Department, in its reply, states that there have been no such purchases since the April 7, 1980, embargo on exports on Iran.

Attached are a July 21, 1980, New York Times article on the matter, my letter to the State Department of July 22, 1980, and the Department's reply of August 6:

IRAN BUYING OIL PARTS FROM WEST

(By R. W. Apple, Jr.)

LONDON, July 20.—Despite Western economic sanctions aimed at forcing the release of American hostages held in Iran, that country's oil industry currently is buying $150 million worth of spare parts a year from industrial nations.

Oil industry sources confirmed that the purchases were being carried out through Iranian Oil Services, known as IROS, a London-based, nonprofit organization that is still owned by a consortium of 14 Western oil companies.

Voting control of the organization, however, rests with only three European-owned companies: British Petroleum, which holds 40 percent of IROS; the Royal Dutch-Shell Group, which has 14 percent, and the Compagnie Française des Pétroles, which has 6 percent. The remaining 40 percent is held by 11 big United States companies.

Of the United States companies, Exxon, Gulf, Mobil, Standard Oil of California and Texaco, each owns a 7 percent interest. The remaining 5 percent is shared between Atlantic Richfield, American Independent, Getty, Charter, Conoco and Standard Oil of Ohio.

Industry sources say Iran's purchases in the West are possible because of loopholes in the sanctions, which were enacted with great reluctance by the European Economic Community earlier this year under pressure from President Carter.

Unlike the American measures, the European sanctions permit the extension of sales and service contracts that existed when the sanctions were voted, and European companies hold majority control of IROS.

Because the American companies are minority shareholders of IROS, an official of one said, they can do little to intervene in the sales beyond insuring that no American equipment is being supplied to Iran.

The products being purchased are believed to be coming from Japan, Britain and Western Europe, although 25 percent of the consortium's sales prior to the seizure of the American Embassy in Teheran came from American suppliers.

TRANSFER OF OWNERSHIP

While the Iranians may take some delight in defeating the sanctions, they stand to be embarrassed at having to rely on a purchasing agent owned by companies they have denounced as exploiters of Iranian wealth. Efforts to transfer ownership of IROS to the Iranian Government have remained bogged down in negotiations.

British newspapers speculated that the large orders reflected some changes in the pattern of Iranian oil operations, but this could not be confirmed. Iranian production has been estimated at 1.5 million barrels a day.

At the moment, the sources said, Iranian production is lower than necessary because of the country's pricing policy, which is costing Iranian crude its place in the world market. Iranian crude has been tagged at $35-a-barrel since April, significantly higher than world prices for comparable types of crudes.

The British Foreign Office had no official comment on the purchases, but officials said privately that they violated no laws because of the exceptions provided for in the sanctions.

JULY 22, 1980.

Hon. EDMUND MUSKIE,
Secretary of State, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: There has been recent reporting that Iran has been able to buy spare parts for surface facilities of its oil industry in Western Europe because of loopholes in the sanctions and that some $150 million of equipment is being purchased.

I would like to know the accuracy of these reports and have the following questions answered: Does the United States support such sales of spare parts or not? If not, what are we doing to stop them? What countries are involved in selling this equipment? What loopholes are there in the sanctions? What equipment has been delivered since January 1980? Is it or isn't it in our national interest to have Iran maintain higher levels of oil exports? Will these purchases enable a higher level of oil exports by Iran or not?

I appreciate your consideration of these questions and look forward to your reply.

With best regards.

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on
Europe and the Middle East.

DEPARTMENT OF STATE,
Washington, D.C., August 6, 1980.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and on the Middle East, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: Thank you for your letter of July 22, 1980, concerning allegations that oil industry spare parts have recently been made available to Iran.

The $150 million figure to which you refer is reportedly the value of purchases this year—but prior to our April 7 embargo on exports to Iran—of U.S.-origin equipment by Iran Oil Services in London. Recent press reports mistakenly claim these IROS purchases were made subsequent to our embargo. IROS states that it has not purchased any U.S.-origin oil equipment since the embargo was imposed.

All goods except food, medicine, medical supplies and donations of used clothing are covered by the U.S. embargo; oil field equipment is not excepted. It is possible that some equipment or spare parts may be reaching Iran from countries not imposing sanctions. (We, the EC, Canada and Japan are the principal sanction-imposing countries.) Such equipment, when available, comes at a substantial premium and is not always what Iran actually seeks.

The United States as a matter of energy policy supports increasing world oil production to insure supplies adequate to consumer needs. Under current oil market conditions, the constraints imposed on Iranian oil production by U.S. and allied sanctions do not appear to have caused any hardship to consumers. As you know, we have also prohibited imports of Iranian oil, while the Japanese and the U.K. are refraining from buying Iranian oil because the Iranians are charging prices higher than justified by market conditions. To date, the oil companies of all three countries have successfully replaced Iranian oil through purchases elsewhere.

Sincerely,

J. Brian Atwood,
Assistant Secretary for
Congressional Relations.●

TWO-FACED FOREIGN POLICY OF CARTER ADMINISTRATION IMPERILS ISRAEL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. ASHBROOK. Mr. Speaker, first let me commend my distinguished colleague from Illinois, Congressman Crane, for obtaining the special order yesterday so that we could reflect for a moment on the never-ending string of failures by the Carter administration in the field of foreign policy—specifically, the administration's failure to stand by our Nation's commitment to our friends in Israel. Phil Crane has been a leader in the battle to restore commonsense to U.S. foreign policy and I applaud his efforts again today.

As my colleagues have pointed out, the Democratic platform, adopted only last week in New York, states unequivocally, "that we recognize and support the established status of Jerusalem as the capital of Israel." Now we learn that the Security Council of the United Nations may tomorrow consider a resolution which will condemn the state of Israel for its stand on Jerusalem. We also learn that our President, the very same President who only a few days ago embraced his party's platform, will instruct the U.S. Ambassador to abstain. Now that's what I call a real commitment to the Democratic platform.

Mr. Speaker, the two-faced foreign policy orchestrated on a daily basis by the Carter administration has all but destroyed our credibility with friends and allies around the world. This latest betrayal has only reinforced that sentiment in the minds of those friends and allies and in the minds of those who have so often pointed out the doubletalk, doublethink and hypocrisy which thrives in the Carter administration.

It is not too late, and in a bipartisan spirit, I urge the President to reconsider his decision and instruct our ambassador to vote "No" should the Security Council consider the resolution condemning Israel tomorrow.

Again, I commend Congressman Crane for taking the lead on this issue and I yield back the balance of my time. ●

TRIP TO CHINA: PART II

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. BIAGGI. Mr. Speaker, I would like to continue my discussion today on my recent trip to Taiwan to participate in a week long international celebration of Captive Nations Week begun by this body in a 1959 resolution signed by President Eisenhower.

During my stay, I had the opportunity to make two major speeches, one at the Ming Chuan College before a distinguished group of Chinese educators and a second speech at the Strength for Anti-Communism Rally, which was the highpoint of the week's festivities.

As the ranking New York member on the House Education and Labor Committee, it was a personal pleasure for me to have the opportunity to discourse with educators from another culture and orientation. As a visiting professor in my own New York City's University system, I am particularly committed to the advancement of higher education for all peoples of the world. It is essential for our own personal enrichment that we continue to promote learning as a lifelong practice.

My second speech at the captive nations rally provided me with the opportunity to reiterate my dedication to the cause of releasing from enslavement peoples of captive nations from all over the globe. More importantly, it provided me with the opportunity to express to the people of Taiwan that we in the U.S. Congress are still committed to maintaining the economic and political integrity of Taiwan.

I commend to my colleagues' attention the text of my speech at that rally which was placed in the July 30 Record by our distinguished colleague from Illinois, Ed Derwinski, who has been tireless in his efforts to promote the intent and activities of Captive Nations Week.

My remarks during the rally centered around both my legislative record with regard to United States-Taiwan relations as well as the current state of Taiwan since normalization of our relations with the People's Republic. To recapitulate the major points of my address:

I supported H.R. 2479 which implemented the normalization agreements between the People's Republic and the United States only after amendments to the bill were approved which solidified our defense commitments to the security of Taiwan;

I reported that after more than 1 year after the implementation of this legislation, the State Department reported that United States-Taiwanese relations have remained steadfast;

Improved relations have been demonstrated by Taiwan's overall foreign trade, increasing 31 percent from 1978 levels, tensions being relaxed in the Taiwan Strait, U.S. travel to Taiwan increasing by 60 percent in 1979, and total U.S. arms sales to Taiwan in 1980 expected to be $280 million;

In conclusion, both economic and political stability are in order in Taiwan today. This situation has been fostered by our unwavering commitment to insuring that the Taiwanese remain free from Communist enslavement.

My personal observations while Taiwan served to reinforce the comments of the State Department. This country currently enjoys a level of prosperity previously unknown to it. The people of Taiwan are hard-working and dedicated to the cause of national unity and prosperity. The gains which have been made are in large part due to the leadership exhibited by Taiwan's President Chiang Ching-kuo and Premier Sun Yun-suan in carrying out the visions of the late President Chiang Kai-shek in working to eliminate what he called pernicious communism from the world community.

Our democratic tradition has been the guiding source of inspiration to many countries in the world who are seeking to pry themselves from the Communist grip. We should be unwavering in our commitment to people of captive nations everywhere. The recent taking of Afghanistan by the Soviet Union is proof positive that the threat of communism to the free world is as strong as ever. In this 21st annual year of the observance of Captive Nations Week, let us take time to remind ourselves that the freedom which we enjoy today can only be preserved if we work to insure that our defense capabilities remain strong and our will to remain a beacon of freedom for all the world is maintained.

I insert for the benefit of my colleagues a copy of an editorial from the China Post on the Captive Nations Week rally I attended on July 17 which provides a good example of the pulse of the Taiwanese on this issue.

Captive Nations Week Rally

The people of the Republic of China held yesterday afternoon a Captive Nations Week mass rally to commemorate the Captive Nations Week movement initiated by the U.S. Congress.

The Congressional resolution passed in 1959 and signed into law by U.S. President Dwight Eisenhower clearly stated that "the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds between the United States and other peoples" and "since 1918 the imperialistic and aggressive policies of Russian Communism have resulted in the creation of a vast empire which poses a direct threat to the security of the United States and of all the free people of the world". The resolution therefore calls for keeping alive the desire for liberty and independence on the part of the people of these conquered nations.

Unfortunately, those lofty goals by liberation of the conquered nations remain a forlorn hope after 21 years of struggle. On the contrary, the Captive Nations list grew longer and longer as the policies of coexistence and phony detente were pursued by the short-sighted politicians of the Western nations who thought they could purchase a temporary peace by sacrificing some smaller nations. Thus the three Indochinese nations with more than 35 million freedom-loving people were permitted to be conquered by the North Vietnamese Communists with the assistance of the Soviets and the Chinese Communists. Angola was permitted to be conquered by Cuban troops acting as the spearhead of the Soviets who are trying to penetrate into Africa. Ethiopia also became a victim of the Communists. The Soviet invasion of Afghanistan is but the latest aggressive war openly waged by the Soviets in defiance of the free world.

Dr. Ku Cheng-kang, honorary chairman of the World Anti-Communist League and chairman of the Captive Nations Week rally, pointed out: "the gravest mistake committed by the free nations in handling international affairs in the 70s is the policy to ally with the Chinese Communists to check the Soviet Union. Those who pursued the policy overlooked the wickedness of the Communists who are all similarly bent on world communization. They underestimated Peiping's international united front operation and mistook the regime as a possible major partner for the containment of Moscow. But the Reds were permitted to grow more rampant. The free world has suffered serious consequences and faces endless troubles."

The Chinese Communists were able to utilize the policy of the Nixon/Carter administrations not only to save themselves from Soviet threats and domestic opposition to their despotic rule but also to turn around to expand their influence in Indochina and other regions to become a dominant factor in those regions. In one word, they were able to play the America card instead of being used by the United States to counter the Soviets. The latest threats or conflicts along the border regions of Indochina are the direct results of Chinese Communist rampancy.

The presence of more than 100 anti-Communist leaders at the Captive Nations Week rally from 29 nations representing five continents is a clear sign of universal awareness of the impending danger in the world situation with its accent in the Asian and Pacific region. They realize that concerted actions are needed to counter the Communist threats instead of empty words or declarations. Free people must join together resolutely to liberate the captive people behind the iron curtain and destroy the iron curtain from within.

The people on the Chinese mainland are already demanding freedom, democracy and to learn from Taiwan. They are asking to live under the Three Principles of the People so that they may enjoy freedom, democracy, economic prosperity and human rights similar to those of Taiwan. This is the best chance to uproot Communism from the Chinese mainland as the people are already taking steps to overthrow the Peiping regime. Once the Chinese mainland is freed from the Chinese Communist rule, peace and order will quickly be restored by the government and people of the Republic of China and there will be less danger and apprehension for the future peace and security of this region.●

DEREGULATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. HAMILTON. Mr. Speaker, I insert my Washington report for Wednesday, August 20, 1980, into the CONGRESSIONAL RECORD:

DEREGULATION

There is a recurring theme in my contacts with residents of Southern Indiana: Hoosiers want less government interference in their lives and less government regulation of the economy. Major steps have been taken in the past few years to do just those things. I consider this trend toward deregulation one of the most significant developments in government today. Several important sectors of the economy are undergoing gradual deregulation. The record shows some modest success even though the deregulation effort itself is complex and the opposition of the groups who benefit from regulation is strong.

The drive to reduce the economic regulation of various industries is supported by those who prefer the efficiency of competition and reliance on the forces of the marketplace to the mandates of the government. The premise behind deregulation is simple: a naturally competitive industry will perform better than a government-controlled one.

Economic reality has spurred the effort to deregulate, in three basic ways. First, the large cost of compliance with regulation has undoubtedly added to the rate of inflation. Second, it is likely that opening an industry to all newcomers will increase overall pressures for higher productivity and lower prices. Third, deregulation is an appropriate response to specific changes in economic conditions. Some regulatory structures are obsolete because the problems they were formed to address have been eliminated. Others have been left behind by technological advances in such industries as communications.

Today people are discussing the quality of regulation, as well as the quantity of it. New approaches are being applied to regulations to evaluate their effectiveness: if the costs of regulation are excessive when compared to the benefits, avoid imposing regulation; if the marketplace is working reasonably well, cut back on existing regulation.

Congress has recently taken up landmark initiatives to deregulate several industries to various degrees. The common threads linking these initiatives are more replacement of government control with competition, easier entry into the market for newcomers, and greater flexibility in rate-setting so that prices fluctuate with demand. The following are noteworthy:

Airline deregulation: With a lifting of many government restrictions in 1978, the airlines were the first of the transportation industries to be deregulated. This action, to be completed by 1985, takes the government out of the business of regulating the routes airlines could fly and the rates they could charge. There are signs that the deregulation is effective. Average fares have remained well below the increase in the cost of living, and the airlines have realized higher profits and improved productivity.

Trucking deregulation: Last month Congress enacted a trucking deregulation bill. Regulated by the Interstate Commerce Commission (ICC) since the 1930's, the trucking industry will be freed of many of the regulations that inhibit fuel-saving and efficient operation. The new law also makes it easier for new trucking companies to enter the business, and gives companies more freedom to raise or lower freight rates. It is estimated that substantial reductions in shipping costs will result.

Financial institution deregulation: Under a new law passed just this year, consumers will earn more on their passbook accounts as the ceilings on interest rates are gradually lifted, and then eliminated entirely over the next six years. Consumers may benefit as well from the continuation of services currently offered by financial institutions including automatic fund transfers and NOW accounts.

Railroad deregulation: Under almost total ICC regulation since 1887 and faltering financially with a collective rate of return on activities of less than 1 percent during the last few years, the railroad industry is the focus of a major deregulation move. Under consideration are provisions to exempt many rate increases from ICC supervision, except where there is no effective competition, and to allow railroads to make rate, route, and service decisions based on market conditions without long regulatory delays.

Communications deregulation: The communications industry has been swept by technological change, but regulation of the industry has served to curb innovation and efficiency. Both the House and Senate are considering bills which would open up long-distance telephone services to competition and eliminate arrangements that discourage innovation.

The success of deregulation is not guaranteed, particularly not in today's rapidly changing world. However, in my view, deregulation is often worthwhile precisely because of the inability of government agencies to predict tomorrow's technology and to control change. A decentralized marketplace, freed of excessive regulation, is the most powerful, resilient, and flexible system available to produce and allocate the goods and services we all need.●

PROMISES, PROMISES: CARTER PROMISES FADE INTO OBLIVION. WHAT HAPPENED TO PROMISE TO CUT WHITE HOUSE STAFF?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. ASHBROOK. Mr. Speaker, in 1976 the American people listened to the Democratic nominee travel throughout the land and promise to reduce Government agencies and to bring the White House staff down to a minimum. He accused President Ford of having a bloated White House staff. What has happened since that time?

My good friend, the gentleman from Illinois, Mr. Hyde, developed some rather interesting data which is worth repeating. Mr. Hyde really blew the whistle on the White House gang.

The distinguished keynote speaker at the Democratic Convention uttered, in 1975, a ringing declaration that we ought to be rolling back the levels of power at the White House, we ought to be rolling back the numbers of high-level positions at the White House.

I do not need to remind my colleagues that it was candidate Carter who promised to cut the White House staff by one-third but who, as President, asks for and receives funds for the most expensive White House in history.

Of course, the President claims he reduced his staff by one-third, but the numbers show otherwise.

The current reported staffing level at the White House is 351, including 26 positions for the First Lady. But the new Office of Administration has a burgeoning staff of 131 employees.

Now, the Office of Administration was created in 1977 under Mr. Carter's first reorganization plan to centralize administrative support to all the organizations within the Executive Office of the President. While this is not necessarily a bad idea, I am not alone in my concern over its rapidly growing size.

Quite frankly, I think we have been treated to more of this administration's creative mathematics. Let us look at the totals: 351 employees on the staff of the White House, with a 1981 appropriation of $20,373,000; 131 employees on the staff of the Office of Administration, with an appropriation of $12 million. Combine these, and we see that Jimmy Carter's support staff now totals 482, with an appropriation of $32,373,000.

Now, in the same manner that our budget conceals billions of dollars in off-budget items, the personnel available to the Executive Office of the President takes some searching and addition. We should include: Special Assistant to the President, staff of 27; Council of Economic Advisers, staff of 36; Council on Wage and Price Stability, staff of 233; Domestic Policy Council, staff of 50; National Security Council, staff of 64; Office of Management and Budget, staff of 571; and Office of Federal Procurement Policy, staff of 45.

Adding the staff figures I have just listed, we arrive at a total of 1,026 staff, with an appropriation of $44,797,000, which does not include funds for the Council on Wage and Price Stability due to a delay in the authorizing legislation.

Adding all these figures together, we arrive at a grand total of 1,508 support staff for the President, with a 1981 appropriation of $77,170,000. This does not include those persons detailed to the White House by other agencies.

I have a particular empathy for our Vice President. He is permitted a staff of 27, while the First Lady has 26, a 20 percent increase in the staff of Mrs. Ford. In September 1979, the National Journal reported that her staff is larger than Lloyd Cutler, the Chief Counsel to the President, Assistant for Public Liaison Ann Wexler, and even Jack Watson, the Cabinet Secretary.

Now, the magazine Family Circle recently had an article called "Wonderful Freebies Your Kids Can Send For," and pointed out that the White House is particularly generous with freebies. One of the latest is a 24-page "If You Were President" book filled with color photographs of the President and his family at work. Another is a "Postcard From Amy Carter and Her Dog Grits."

It was interesting to read in the hearings that additional detailees have been needed for the White House to handle an increased influx of mail because of the "Afghanistan situation, the Olympic situation, draft registration, and the Iranian situation."

Mr. Speaker, perhaps the President would like to loan us some of his detailees to help handle our mail flow from constituents who are outraged over his losing proposals for a 10-cent-a-gallon gas tax, 15 percent withholding of dividends and interest, confusion over the Cuban and Haitian refugees, illegal aliens, a nightmare economy, increasing unemployment, et cetera, et cetera, et cetera.●

THE SOLID SOUTH

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. IRELAND. Mr. Speaker, last week, at the Democratic Convention, those who attended were graced by the eloquent speech presented by a distinguished son of the South and a good friend, Hon. Ronnie G. Flippo of Alabama.

I have inserted a copy of this speech in the Record today for all my colleagues who did not have the opportunity to hear these inspiring words.

Thank you, Mr. Speaker.

The speech follows:

Speech of Hon. Ronnie G. Flippo

It is a great privilege to speak as a son of the South—a region whose people have helped shaped this great party. For much of the history of this country, we have been the solid South—solid for the progress and prosperity of the Democratic Party. This affiliation of our region with this great party is with cause and merit. When the Democratic Party has been flexible enough and broad enough to speak to the needs of all of the people, the South has responded. No area of the country has been more faithful to the party in yeomen service to its higher purpose. The people of the South have labored long and hard in the Democratic vineyards through the years.

Occasionally, as a region we have been lured by a siren song of bewitching sweetness to stray from the fold. When we have yielded to that, rather than sweet, the taste has always proven to be bitter for our people, as well as for the nation.

As we gather here tonight, we are not here to blame the other party for all the ills of the nation. We are not here to claim that if the American people will elect us Democrats to office we will solve every problem overnight. You know that cannot be done. You have heard the other party promise it will give everyone everything they want and still balance the budget. The rhetoric of the other party does not address reality. If it were that simple, we would have embraced that agenda long ago, for we know the pain of our people is great. You had enough propaganda in July. We are here because we believe each American will be better served by the Democratic Party as we deal with the problems of the future because each American has been better served by the Democartic Party as we addressed the problems of the past.

The Democratic Party is the party of reality. The Democratic Party is the party of the people. Winston Churchill said, "The truth is incontrovertible, panic may resent it; ignorance may deride it; malice may distort it; but there it is." There is one incontrovertible truth in American political history; the Democratic Party is the party of the people. We do not fear the people, we do not fear the facts. We do not fear the future.

The great progress which we have achieved in this country has been due to the hard work of the American people and the policies and programs proposed by Democrats which provided equal opportunity for all. These policies and programs did not spring from some theorist's brain. Rather they grew naturally out of our party's grasp of one simple truth: that the chain is no stronger than its weakest link, that the nation's strength and wealth is less than it could be, less than it should be, so long as one section or one segment of our population is held back, its potential left undeveloped or idle. It is this simple truth that has underlain our party's domestic policies over the years. It has been our party, the Democratic Party, that has held open the door of opportunity for all those who were victims of poverty and injustice, whatever their region, whatever their color.

In the 1930's, the South was called "The Nation's number one economic problem." Today, primarily because of Democratic programs, it is the nation's number one economic opportunity." I stress opportunity because the South still lags behind the rest of the nation in wages, in industrialization, in community services, in most of those things by which we measure the promise of the good life in America. We in the South do not ask for policies which guarantee equality of economic condition. Rather, we support Democratic policies which guarantee equality of economic opportunity.

One cannot travel in my state or in yours without seeing reminders of the progress we have made as a result of Democratic initiatives; public schools following the depression days of the early 1930's, hospitals and libraries serving small towns and rural areas, better housing for our people, mighty dams for conservation and power to lift some of the burden from the backs of our people, the opportunity for productive jobs so we could nurture our families and help them grow in prosperity and independence. All this was the result of policies advanced by Democratic Presidents and Congresses.

Still, some ask, why should we again support the Democratic Party and the Democratic nominee for President of the United States. When I travel throughout my state and the nation, I know the answer. Democratic programs are intended to increase prosperity and decrease despair.

On the farm and in the factory, in the city and in the countryside, from New England to California and from the Dakotas to the Gulf of Mexico, there is a higher level of prosperity and well-being for more Americans than at any time in our nation's past. And yet, I know that we Americans are in no mood to count either our blessings or our pocketbooks. In the expression of Will Rogers . . . "The fact that the nation as a whole is prosperous does not mean that the whole nation is prosperous." In our prosperity we feel frustrations and some know despair. There is a lot of difference between frustration and despair.

Frustration is a land-owning farmer not getting a decent price for his crops. Despair is a tenant farmer with no crops to sell, being dirt poor and having hungry children, and no insurance and no Democratic disaster program.

Frustration is watching inflation eat up your Social Security check or, if you are younger, paying Social Security taxes out of your shrinking paycheck. Despair is having no Social Security check or, if you are younger having to choose between the needs of your children and the needs of your aging parents, as was necessary before the Democrats passed the Social Security program.

Frustration is rising medical costs. Despair is being old and sick and not being able to afford a doctor or hospitals before Medicare.

Frustration is trying to find a job that fits the skill or training you have and having to live on unemployment to tide you over. Despair is having no skill or training and no unemployment to tide you over and no one seeming to know or care.

Frustration is being a minority and not being treated like a first class citizen.

Frustration is a bread-winning mother having to leave a small child to earn a bare living.

Frustration is a small businessman whose taxes are used to support the something for nothing crowd who won't help themselves.

There are many other examples.

Some of our despair has been eased by Democratic programs and some remain. Serious frustrations continue to bother us in our real world existence. But think which party shows understanding of the problems of people and brings compassion to their solution.

With these constant reminders of progress, any region or any people who have struggled for so long and with such success would be poorly advised to forget their heritage and their future interest and desert the banner under which the struggle has been waged.

Few of us can totally agree with any product forged in the fires of conflict and compromise. Disagreement and dissent are insufficient reason to abandon our cause. Unless we stay to participate, we certainly have no voice in the party which has been the instrument of our success.

The dogmas of the quiet past are inadequate to the turbulent present and more threatening future. We cannot afford to retreat from the reality of people's problems.

No, it is not merely historic obligation that is the tie that binds us to our party. It is our recognition that the world is less than it could be and that there is room for the highest aspirations of all the people. It is also our recognition that the Democratic Party has enjoyed its greatest accomplishments when it has made room for a diversity of concerns including the sometimes more moderate positions embraced by the South. What's really at stake is whether we can rise to the challenge created by the winds of change or whether in defiance of history, we choose to retreat when the nation calls so clearly.

We have faith in the strength of our political heritage and a great appreciation of the importance and strength of our spiritual heritage as well. Any weaknesses in our spiritual faith cannot be compensated for by politicians however able. We know that government is not in the business of dispensing religion, but government by example, shares in the setting of the moral standards of our nation. If the nation's leaders do not demonstrate integrity in their ideals and actions, they will surely destroy the moral standards which guard us from decay. We must have leaders who share the same certainty of faith and commitment of purpose as the American people. We must now begin the task of rebuilding our nation and we must do so with the same vision and resourcefulness which gave this country birth. And we can best do that under the party of the people.

It can be a future filled with opportunity for all. But it will be so only if we work to make it so. And we can begin in 1980 by re-electing a Democratic Congress and a Democratic President.●

TECHNOLOGY TRANSFER: PART IV—INEQUALITY OF U.S.-U.S.S.R. "STUDENT" EXCHANGE PROGRAMS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. FINDLEY. Mr. Speaker, in a statement in the July 23, 1980, CONGRESSIONAL RECORD (page 19363), I expressed concern that the United States, via federally funded U.S.-U.S.S.R. academic exchange programs, "is enabling Soviet citizens to come to this country to acquire critical technological know-how and understanding of vital scientific processes. Much of what these Soviet scientists and engineers study here has a dual-use potential; that is, it has military as well as peaceful applications."

These exchange programs continue at full tilt despite the Soviet invasion of Afghanistan and restrictions placed on other aspects of U.S. technology transfer to the Soviet Union.

I noted, in particular, the disturbing disparity in the research topics pursued by the Soviet and the American exchange students during their 10 month academic programs. The 43 American graduate students participating in 1978-79, for example, studied history, literature, music or other liberal arts topics in the Soviet Union while 36 of the 43 Soviet graduate students and young faculty members who came to the United States, on the other hand, studied science, most notably, physics and chemistry.

To illustrate this latter point, I am inserting into today's RECORD, the lists of the American and Soviet exchange students participating in the academic exchange program during the 1978-79 school year with their topics and place of study.

As I have previously noted, the disparity in the topics is very unsettling. No attempt at reciprocity in the exchange of scientific and technological information exists. The Soviets have outdone themselves in gleaning critical scientific knowledge from us and we have let them do it.

SOVIET PARTICIPANTS, 1978-79 U.S.-U.S.S.R. GRADUATE STUDENT/YOUNG FACULTY EXCHANGE WITH THE MINISTRY OF HIGHER AND SPECIALIZED SECONDARY EDUCATION OF THE U.S.S.R.

Ali Akhmedov, Candidate of Sciences in Mathematics, Department of Mechanics & Mathematics, Faculty of the Theory of Functions & Functional Analysis, Azerbaidzhan State University. At the Department of Mathematics, University of Wisconsin. Problems of completeness and expansion of eigen and adjoint elements in compact operators depending on spectral and perturbation parameters.

Yelena Andrunas, Candidate of Historical Sciences, Faculty of Journalism, Moscow State University. At the Annenberg School of Communications, University of Pennsylvania. Concentration and technology in mass media in the United States.

Marat Arslanov, Candidate of Physical & Mathematical Sciences, Docent, Department of Theoretical Cybernetics, Kazan' State University. At the Department of Mathematics, University of Illinois, Urbana-Champaign. Recursive function theory.

Vytautas Barzdaitis, Candidate of Technical Sciences, Assistant, Department of Mechanical Engineering, Kaunas Polytechnic Institute. At the Department of Mechanics & Structures, School of Engineering & Applied Science, University of California, Los Angeles. Dynamics of stepping motors; system dynamics.

Vladimir Batyuk, Candidate of Chemical Sciences, Senior Scientific Worker, Faculty of Chemistry, Moscow State University. At the Department of Chemistry, Massachusetts Institute of Technology. Structural and dynamic studies of chemical solid systems.

Yuri Belkin, Candidate of Technical Sciences, Docent Department of Ship Hydrodynamics, Leningrad Shipbuilding Institute. At the Department of Naval Architecture, University of California, Berkeley. Application of computer graphic systems to automated ship design and problems of nonstationary ship hydrodynamics.

Valdimir Brusnitsyn, Graduate Student, Department of International Economics, Faculty of Economics, Moscow State University. At the Department of Economics, University of California, Berkeley. Multinational corporations and the U.S. merchant fleet.

Nikolai Bukharin, Junior Scientific Worker, Department of Quantum Electronics, Leningrad M.I. Kalinin Polytechnic Institute. At the Division of Information Engineering, University of Iowa. Coherent optical and holographic processing of signals, including investigation of operative devices for inserting information into optical systems, and devices for correlative processing of signals.

Dmitri Chegodayev, Candidate of Technical Sciences, Docent, Department of Aircraft Engine Design, Kuibyshev Aviation Institute. At the Department of Mechanical & Aerospace Engineering, Syracuse University. Gas bearings in vibroisolation of generating mechanical vibrations; dynamic states of gas packets and hydrodynamic resistance.

Valdimir Cherny, Candidate of Physical & Mathematical Sciences, Department of General Physics, All-Union Correspondence Institute of Engineering. At the Department of Electrical Engineering & Computer Science, University of California, Berkeley. analysis of optical waveguides.

Aleksandr Chizhov, Candidate of Technical Sciences, Department of Technical Tool Construction, Faculty of Tool Construction, Moscow N.E. Bauman Higher Technical School. At the School of Mechanical Engineering, Georgia Institute of Technology. Manufacture of non-metallic materials by free abrasive.

Vladimir Chuvychin, Candidate of Technical Sciences, Senior Scientific Worker, Laboratory of Protective Relaying and Automation of Electrical Power Systems, Faculty of Electrical Engineering, Riga Polytechnic Institute. At the Department of Electrical Engineering, West Virginia University. Electrical power system relaying.

Aleksandr Gaponenko, Candidate of Biological Sciences, Research Institute of Biology, Rostov State University. At the Department of Biology, University of Oregon. Research on plant protoplasts, chloroplast transplantation, and plant regeneration.

Angalida Ionova, Candidate of Technical Sciences, Department of Electrical Machines, Faculty of Aviation Control Systems, Moscow S. Ordzhonikidze Institute of Aviation. At the Department of Electrical Engineering, University of Pittsburgh. Theoretical and experimental study of low-temperature dipole systems.

Mukhtar Khamrayev, Candidate of Economic Sciences, Docent, Department of Statistics, Tashkent Institute of the National Economy. At the Department of Economics, Colorado State University; and the Department of Agricultural Economics, University of Arizona. Water resource project evaluation.

Mati Kilp, Docent, Faculty of Mathematics, Tartu State University. At the Department of Mathematics, University of California, Berkeley. Algebraic automata theory.

Nikolai Kolesnik, Candidate of Technical Sciences, Docent, Department of the Theory of Metallurgical Processes, Zaporozhye Industrial Institute. At the Department of Metallurgical Engineering, Ohio State University. Study of metal oxide catalysts carburization by carbon-containing gases.

Nikolai Koroteyev, Candidate of Physical & Mathematical Sciences, Assistant, Faculty of Physics, Moscow State University. At the Ginzton Laboratory of Applied Physics, Stanford University. Research in laser physics, nonlinear optics and spectroscopy; development of coherent active Raman spectroscopy (CARS) by means of tunable lasers.

Yuri Kostarchuk, Candidate of Physical & Mathematical Sciences, Docent, Department of Higher Mathematics & Theoretical Mechanics, Kiev Polytechnic Institute, Branch in Chernigov. At the Department of Mathematics, University of Texas, Arlington. Partial differential equations of elliptical type on manifolds.

Pavel Krasutsky, Candidate of Chemical Sciences, Department of Organic Chemistry and Technology of Organic Substances, Faculty of Chemical Technology, Kiev Polytechnic Institute. At the Frick Chemistry Laboratory, Princeton University. Kinetics and thermodynamics of 3.7-dimethylenebicyclo-[3.3.1]-nonane reactions.

Viktor Kureichik, Candidate of Technical Sciences, Senior Scientific Worker, Section on Automation of Homogeneous Computer Design, Taganrog Institute of Radio Engineering. At the Department of Electrical & Computer Engineering, Syracuse University. Graph theory in computer-aided circuit design.

Yuri Kuz'min, Candidate of Physical & Mathematical Sciences, Faculty of Physics, Latvian State University. At the Computer-Based Education Research Laboratory, University of Illinois, Urbana-Champaign. Automation of experiments in physics; programming of dialog systems (PLATO).

Georgy Kvesitadze, Candidate of Biological Sciences, Senior Scientific Worker, Department of Enzymes of Microorganisms, Institute of Plant Biochemistry, Academy of Sciences of the Georgian SSR. At the Department of Biochemistry, University of Pennsylvania. Enzyme purification: immobilization and stabilization of beta-glucosidase.

Yuri Laryushin, Candidate of Economic Sciences, Docent, Department of Political Economy, Kishinyov State University. At the Department of Economics, Iowa State University, and the Harvard University Graduate School of Business. Vertical integration in agribusiness; federal stimulation and regulation in agribusiness in the United States.

Yevgeny Latush, Candidate of Physical & Mathematical Sciences, Department of Microwave Electronics, Faculty of Physics, Rostov State University. At the Department of Electrical Engineering, Colorado State University. Metal vapor lasers.

Leonid Loshmanov, Candidate of Technical Sciences, Moscow Institute of Engineering Physics. At the Department of Materials Science & Engineering, Massachusetts Institute of Technology. Ceramic engineering: high-melting compounds (carbides, nitrides, oxides, etc.) and their alloys.

Aleksandr Mal'tsev, Candidate of Physical & Mathematical Sciences, Chairman, Department of Bionics & Statistical Radiophysics, Gor'ky State University. At the School of Physics, Georgia Institute of Technology. Theoretical and experimental research on stochastic and adaptive systems; analysis and computer simulation of a class of nonlinear adaptive filters; comparison of the efficiency of linear and nonlinear filters.

Amirullah Mamedov, Candidate of Physical & Mathematical Sciences, Semiconductor Research Laboratory, Faculty of Physics, Azerbaidzhan State University. All the Department of Electrical Engineering, University of Nebraska, Lincoln. Optical properties of ferroelectrics.

Vladimir Milovankin, Candidate of Economic Sciences, Department of Modeling of Socioeconomic Systems, Central Economic-Mathematical Institute, Academy of Sciences of the USSR. At the Department of Government & Politics, University of Maryland. Application of quantitative methods to the analysis and forecasting of social and economic processes.

Nikolai Narozhny, Candidate of Physical & Mathematical Sciences, Moscow Institute of Engineering Physics. At the Department of Physics & Astronomy, University of Rochester. Theoretical physics of photons and electrons: radiative corrections of quantum processes in intense fields; two level atoms in one mode laser fields.

Valentin Negruk, Candidate of Biological Sciences, A. N. Belozersky Laboratory of Biochemistry and Molecular Biology, Moscow State University. At the Department of Plant Pathology, University of California, Riverside. Genome structure of plant viruses; base sequence analysis in nucleic acids.

Mikhail Polyakov, Candidate of Economic Sciences, All-Union Research Institute of Cybernetics. At the Department of Agricultural Economics, Michigan State University. Computerized farm management information systems.

Vitaly Rogozhin, Candidate of Juridical Sciences, Senior Teacher, Department of Soviet Law, All-Union Correspondence Institute of Finance and Economics. At the Department of Actuarial Sciences, Temple University. American law and administration in the field of social security and social insurance.

Valery Shudra, Candidate of Technical Sciences, Department of the Economics & Organization of Production, Kiev Polytechnic Institute. At the Department of Economics, University of Colorado, Boulder. Studies in the operational reliability of production systems.

Yuri Smigunov, Candidate of Economic Sciences, Docent, Department of the Economics & Organization of Management, Tallinn Polytechnic Institute. At the Department of Management & Systems Analysis, College of Business, University of Texas, Arlington. Modern methods of management in production, and their application.

Valery Taranchuk, Candidate of Physical & Mathematical Sciences, Belorussian State University. At the Department of Mathematics, University of Colorado, Boulder. Numerical simulation of multidimensional flows through nonhomogeneous porous media.

Igor' Tkachenko, Candidate of Physical & Mathematical Sciences, Department of Theoretical Physics, Faculty of Physics, Odessa State University. At the Department of Physics, University of Maryland. Statistical physics of fluids and plasmas.

Vladimir Voyeikov, Candidate of Biological Sciences, Department of Bioorganic Chemistry, Faculty of Biology, Moscow State University. At the Duke University Medical Center. Study of the adenylate cyclase system of animal cells.

Sergi Yegorov, Candidate of Biological Sciences, Department of Molecular Biology, Faculty of Biology, Moscow State University. At the Department of Physiological Chemistry, University of Wisconsin. Modern methods of purification of phosphohydrolases from microorganisms.

Vladimir Yugov, Candidate of Technical Sciences, Department of Thermodynamics & Heat Transfer, Faculty of Power Machine Construction, Moscow N.E. Bauman Higher Technical School. At the Candidate of Mechanical Engineering, University of Minnesota. Computation of fluid flow and heat transfer; computation of boundary layer flows.

Yuri Zaparovanny, Candidate of Physical & Mathematical Sciences, Docent, P. Lumumba Peoples' Friendship University. At the Department of Physics & Astronomy, Hunter College of the City University of New York. Theoretical physics: quantum mechanics.

Sergi Zapol'sky, Candidate of Juridical Sciences, Sverdlovsk Juridical Institute. At the School of Law, University of Texas, Austin. Federal financial legislation in the United States, and legal norms used in the regulation of financial relations.

Anatoly Zolotukhin, Candidate of Technical Sciences, Department of Development & Exploitation of Oil Fields, Moscow I.M. Gubkin Institute of the Petrochemical and Gas Industry. At the Department of Petroleum Engineering, Stanford University. Mathematical modeling in petroleum engineering.

AMERICAN PARTICIPANTS, 1978-79 U.S.-U.S.S.R. GRADUATE STUDENT/YOUNG FACULTY EXCHANGE WITH THE MINISTRY OF HIGHER AND SPECIALIZED SECONDARY EDUCATION OF THE U.S.S.R.

Bruce F. Adams, Graduate Student, Department of History, University of Maryland. Ten months at Moscow State University. Russian criminology, 1880-1917: an intellectual and practical history.

Bonnie C. Carey, Graduate Student, Department of Slavic Languages & Literatures, University of North Carolina. Ten months at Moscow State University. The heroine in the Russian fairy tale.

Ellon D. Carpenter, Graduate Student, Department of Music, University of Pennsylvania. Ten months at the Moscow P.I. Chaikovsky State Conservatory. Russian music theory in the Soviet Union: its historical bases, intellectual traditions, and current manifestations.

George Cheron, Graduate Student, Department of Slavic Languages & Literatures, University of California, Los Angeles. Eleven months at Moscow State University. Mikhail Kuzmin and Russian drama, 1906-1936.

Edith W. Clowes, Graduate Student, Department of Slavic Languages & Literatures, Yale University. Ten months at Moscow State University. Friedrich Nietzsche in Russia, 1890-1910.

Richard A. Crecco, Graduate Student, Department of History, Princeton University. Ten months at the Institute of History of the USSR, Academy of Sciences of the USSR, and at Leningrad State University.

The formation and social characteristics of the working class in Russia: the southern and Ural regions, 1880-1914.

Jacqueline D. Cukierman, Lecturer, Department of Germanic & Slavic Languages, University of Connecticut. Ten months at Leningrad State University. The Soviet newspaper feuilleton of the 1920's: a literary workshop.

Brian L. Davies, Graduate Student, Department of History, University of Chicago. Ten months at Moscow State University. Provincial administration in 17th-century Muscovy: the voyevoda system.

Joanna L. deVaron, Graduate Student, Department of Slavic Languages & Literatures, University of California, Los Angeles. Eleven months at Moscow State University. Kotoshikhin's O Rossii: examination of the syntax of a 17th-century memoir.

Thomas A. Drain, Graduate Student, Department of Architecture, University of California, Berkeley. Ten months at the Institute of History of the USSR, Academy of Sciences of the USSR. Critical edition with commentary of the autobiography (autograph manuscript) or Paisy Velichkovsky.

Ruth A. Dudgeon, Ph.D. in History, Independent Researcher. Ten months at Leningrad State University. Higher education for women and the state in Russia, 1905-1918.

William L. Duggan, Jr., Graduate Student, Department of History, Columbia University. Ten months at Moscow State University. The Progressists and Russian politics, 1905-1914.

Thomas S. Fallows, Graduate Student, Department of History, Harvard University. Ten months at Moscow State University. Forging the zemstvo movement: local democracy in Russia, 1890-1905.

William Fuller, Graduate Student, Department of History, Harvard University. Ten months at Moscow State University. Civil-military relations in imperial Russia, 1890-1914.

Tatiana A. Goerner, Graduate Student, Department of Slavic Languages & Literatures, Columbia University. Twelve months at Leningrad State University. The literary face of the chinovnik in Russian literature and vaudevilles of the 1830's and 1840's.

Dudley J. Hagen, Graduate Student, Department of Slavic Languages & Literatures, University of California, Los Angeles. Ten months at Moscow State University. Russian translation of the yarlyqs [decrees] of the Golden Horde.

Nicholas P. Hayes, Assistant Professor, Department of History, University of Texas, El Paso. Ten months at the Institute of History of the USSR, Academy of Sciences of the USSR, and at Moscow State University. The problem of Smenave-khovstvo ["Changing Landmarks"] in the period of the New Economic Policy, 1921-1928.

Heather J. Hogan, Graduate Student, Department of History, University of Michigan. Ten months at Lennigrad State University. Labor and management in conflict: the St. Petersburg metal-working industry, 1890-1917.

Hugh D. Hudson, Jr., Graduate Student, Department of History, University of North Carolina. Ten months at Moscow State University. A history of the Demidov family, Russian industrialists, in the 18th century.

Daniel H. Kaiser, Visiting Assistant Professor, Department of History, University of Chicago. Six months at the Institute of History of the USSR, Academy of Sciences. Marriage and the family in medieval and early modern Russia.

James J. Kenney, Jr., Assistant Professor, Department of History, St. Mary's College of Maryland. Six months at Leningrad State University. Political attitudes behind the assassination of Tsar Paul I.

James H. Krukones, Graduate Student, Department of History, University of Michigan. Ten months at Leningrad State University. An official "publication for the people": the newspaper Sel'sky Vestnik [Village Herald] 1881-1917.

Stephany Kyriakos, Graduate Student, Department of History, Yale University. Ten months at the Institute of Russian Literature (Pushkinsky dom), Academy of Sciences of the USSR. The Church and the emancipation of the Russian peasantry, 1855-1865.

Judith G. Lefkowitz, Graduate Student, Department of History, University of California, Berkeley. Ten months at Leningrad State University. Popular education in Russia, 1870-1905: Sunday and evening schools for workers.

Constance A. Link, Graduate Student, Department of Slavic Languages & Literature, Indiana University. Six months at Leningrad State University. Artistic devices in the Russian and Bulgarian lament.

Nancy Lubin, Graduate Student, Faculty of Social Sciences, Oxford University. Ten months at Leningrad State University. Utilization of labor resources in Central Asia.

Timothy R. Mixter, Graduate Student, Department of History, University of Michigan. Ten months at Leningrad State University. Russian migrant (otkhozhiye) agricultural laborers, 1861-1917.

W. Vladimir Morosan, Graduate Student, School of Music, University of Illinois, Urbana-Champaign. Seven months at the Moscow P. I. Chaikovsky State Conservatory. Performance practice in Russian choral music of the late 19th and early 20th centuries.

Robert L. Nichols, Assistant Professor, Department of History, St. Olaf College. Ten months at the Institute of History of the USSR, Academy of Sciences and at Moscow State University. Filaret, Orthodoxy, and the reign of Nicholas I: research in archives.

Deborah L. Pearl, Graduate Student, Department of History, University of California, Berkeley, Twelve months at Moscow State University. Political literature for the people: a study of the development and impact of the literature of propaganda used by Russian Populists and Marxists, 1870-1905.

R. D. Rucker, Graduate Student, Department of History, Columbia University. Ten months at Leningrad State University. Political power and the industrial working class in Russia, October 1917-June 1918.

Rochelle G. Ruthchild, Professor, Department of Feminist Studies, Goddard College, Cambridge (Massachusetts). Ten months at Leningrad State University. Oral history and archival research about the Russian women's movement, 1905-1917.

Andrea C. Southard, Graduate Student, Department of Theatre, University of Kansas. Seven months at the State A.V. Lunacharsky Institute of Dramatic Arts, Moscow. Nikolai Okhlopkov: a survey of his artistic career.

Carol B. Stevens, Graduate Student, Department of History, University of Michigan. Ten months at Moscow State University. The politics of grain supply in Russia, 1640-1725: four urban test cases.

Philip A. Tanzar, Graduate Student, Department of History, University of Chicago. Ten months at Moscow G. V. Plekhanov Institute of the National Economy. Prices and price policies during the New Economic Policy.

Barbara A. Tegzes, Graduate Student, Department of Slavic Languages & Literatures, Brown University. Ten months at Leningrad State University. A stylistic analysis of the fiction of Leonid Leonov, 1929-1935.

Gary J. Thurston, Associate Professor, Department of History, University of Rhode Island. Ten months at Moscow State University. Russian popular theatre in the Silver Age.

Robert W. Thurston, Graduate Student, Department of History, University of Michigan. Ten months at Moscow State University. Urban problems and government in Moscow, 1906-1914.

Francis W. Wcislo, Graduate Student, Department of History, Columbia University. Ten months at Leningrad State University. The Stolypin program of local reforms: bureaucracy and nobility in conflict, 1905-1914.

Robert P. Woods, Graduate Student, Department of Slavic Languages & Literatures, Indiana University. Ten months at Moscow State University. Prepositional government in Russian: the semantic foundations of syntactic structures.

Denise J. Youngblood, Graduate Student, Department of History, Stanford University. Ten months at the All-Union State Institute of Cinematography, Moscow. Soviet silent cinema, 1919-1935.

Margaret C. Ziolkowski, Post-Doctoral Researcher, Department of Slavic Languages & Literatures, Yale University. Ten months at Moscow State University. The stylistic development of Old Russian knyazheskiye zhitya.

Anthony A. Zmaila, J.D., School of Law, St. Louis University. Ten months at Leningrad State University. Products liability in the USSR.●

THE 15-PERCENT WITHHOLDING TAX

HON. EDWARD P. BEARD

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. BEARD of Rhode Island. Mr. Speaker, both the Hance amendment and the Winn amendment to the Treasury appropriations bill would stop President Carter's proposal to withhold 15 percent of interest and dividend income.

First, this is an unfair burden on the public, especially the elderly. It deprives them of the needed use of their money. Because of the limited income of many of the elderly. President Carter's proposal would only deny them their money for a period of months and later return it to them.

Second, this would require the banks to do a great deal of costly recordkeeping.

While the intent of this proposal is to assure that the wealthy pay tax on interest and dividend income, it will be an unfair and costly burden on the elderly and the banks.●

IN PRAISE OF THE FAYETTE COUNTY DEVELOPMENT COUNCIL

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. MURPHY of Pennsylvania. Mr. Speaker, today I wish to recognize an organization located within my congressional district in Fayette County, Pa. This organization is the Fayette County Development Council, which is celebrating its 25th anniversary and is a prime example of how an organization can utilize the Federal grant program to its optimum and provide benefits to the people it serves.

The Fayette County Development Council's aim when founded 25 years ago, was to stimulate and coordinate economic development in Fayette County, Pa. Fortunately, the council not only adhered to their original objective, but expanded upon it. To date, the council has been instrumental in obtaining and coordinating many projects in the county that have led to a better economic and social environment for the residents of Fayette County.

In the area of recreation, the council was the driving force in helping to establish "Friendship Hill," the home of Albert Gallatin, as a national park site. It also assisted in the development of the Great Meadows Amphitheater. As a result of these activities, the residents of Fayette County can boast that their county now has two national park sites within its boundaries and the finest outdoor amphitheater in southwestern Pennsylvania.

In the area of industrial development, the Fayette County Development Council has been instrumental in luring various industries into the county and has now undertaken the development of the Fairchance Industrial Site, which when completed, will offer prospective industries a 311-acre site for possible location. Furthermore, the Council has aided many communities in their quest for Federal financial assistance, which has resulted in many local communities realizing badly needed water systems, community projects, the introduction of the Fayette County Penn State Campus and health facilities such as the Fayette County Community Health Services Center and the Lafayette Manor County Home. In this area alone, this has meant an influx of more than 10 million Federal dollars into Fayette County.

Finally, I think it is important to point to the fact that this organization's success is due to several factors; the degree of professionalism that exists within the staff, the cooperation that exists between the council and other levels of government; and finally, but most important, the active role the council's 250 members and its officers play in the council's operations. The members as well as the officers have provided long hours of work without restitution and with little praise.

I am confident that the Fayette County Development Council will continue its role as a leader in the upgrading of the economic and social environment of Fayette County and will one day celebrate its 50th anniversary and proudly claim further achievements.

In conclusion, I urge my colleagues to review this organization's achievements and realize that the Federal grant program can be successful when it is put in the hands of a competent agency, such as the Fayette County Development Council.●

TAX REDUCTION WITHOUT INFLATION

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. ROUSSELOT. Mr. Speaker, as a Member of Congress who has been fighting for incentive tax rate reductions since the autumn of 1976, I would like to call the attention of my colleagues to the recent political economy column in the Wall Street Journal by Paul Craig Roberts.

As a member of the congressional staff, Dr. Roberts helped us to work out the new supply side approach to tax policy. He went on to become associate editor of the Wall Street Journal, and now he is a senior professor at the Georgetown University Center for Strategic and International Studies.

In his article he shows how we can cut tax rates without the risk of inflation. Since many Members have explained their opposition to tax reduction in terms of their fears about inflation, they might now want to reconsider their position. I submit Dr. Roberts' article, "Dawdling With Incentives," for the RECORD:

[From the Wall Street Journal, Aug. 7, 1980]

DAWDLING WITH INCENTIVES

(By Paul Craig Roberts)

Senate Finance Committee Chairman Russell Long has settled the debate about whether the Reagan-Kemp tax cut is good politics by announcing that the Senate is going to pass a tax cut before the election. Many hands are now at work to shape its structure. If we are to avoid the deficits and inflation that tax cuts are said to cause, we will have to avoid a tax bill that adds to immediate spending power but delays (through phasing-in) the real production incentives.

From an economic standpoint it is easy to have an incentive tax cut that doesn't add to the deficit and inflationary pressures. You simply design it not to lose any revenues in the first place. All you have to do is to lower the marginal tax rates on personal income and simultaneously reduce the personal exemption or some of the deductions and credits. That way the average tax rate, or the amount of taxes people pay on existing earnings, doesn't change. The government doesn't lose any revenues, yet everyone still has an incentive to increase his work effort and savings as a result of getting to keep a larger percentage of additional income.

A tax cut of this kind would be a revenue raiser because it expands the tax base without lowering the average tax rate. But a Congress that is still dominated by Keynesian thinking is unlikely to legislate a pure incentive tax cut, and, even if it were, an election year calls for a more visible form of tax cutting. The Keynesian teaching that the purpose of cutting taxes is to increase spending goes well together with the political instinct to cut the average tax rate on existing earnings—the larger paycheck is clearly visible.

The goal of the Kemp-Roth bill is to increase production incentives by lowering marginal tax rates, but it doesn't attempt to prevent the average tax rate from falling too. It would leave the private sector with larger paychecks at existing production levels. Whether or not this would add to immediate spending power before the incentive effects have time to increase supply depends on the behavior of the Congress and the Federal Reserve. Congress can avoid a deficit (and pressure on the Fed to finance it by printing money) if it offsets the larger paychecks by holding down the growth in its own spending.

The real problem will come from those politicians who are primarily interested in redistributing income, whether through spending programs or the tax code. They are already busy arguing that Kemp-Roth isn't fair, because it treats taxpayers equally. A fair tax cut, they claim, is one that takes tax dollars paid at the upper end and hands them back at the lower end through rebates and earned income credits. Since a relatively few people at the top pay most of the income taxes collected (the top 10% account for 50% of the revenues), the vote-buying inclination naturally leads Congress to show its compassion before it does anything that might aid the better-off elements.

That means Congress—especially if it doesn't want to hold down its own spending—can find itself with a big deficit before it gets around to the incentive part of the tax cut, which it then phases in to avoid worsening the deficit. The result, of course, would be to immediately increase spending while postponing the production incentives. The pressure that this would put on the price level could result in Congress phasing out the promised incentives before they took effect.

The idea of phasing in incentives has been receiving enough attention lately to warrant a close look at it from a supply side perspective. Martin Feldstein recently argued on this page that Congress can improve current incentives "by enacting now a schedule of future tax cuts." People would begin working and investing more today in anticipation of the lower tax rates in the future, and the growth in the tax base would generate the revenues to pay for the subsequent tax cuts.

What we have here is the responsible economist's version of the "Laffer curve." Instead of getting the revenues back after you cut taxes, you get them back before you cut taxes. Politicians are always attracted by the prospect of something for nothing, and they will find the "Feldstein curve" enticing as it allows all of the benefits of tax cuts before they go into effect. But the question is: Will it work?

Professor Feldstein is right that people's current actions will be affected if they expect their tax rates to be lower in the future, but the effect may be the opposite of what he supposes. Remember, a reduction in marginal tax rates changes relative prices. It makes both leisure and current consumption more expensive in terms of - forgone income, causing people to shift into work out of leisure and into investment out of current consumption.

However, if you know that the prices of leisure and current consumption are not going to rise now but at a future date, you might decide to enjoy them while they are still cheap and wait until the price (tax rate) actually changes before you work harder and save more. If people respond in this way, then the promise of lower tax rates in the future would cause GNP and tax revenues to be lower in the present.

Now you get the picture: a Congress that rushes to buy votes with some sort of tax handouts and seizes on the Feldstein argument to delay the needed incentives. Consumption and leisure then boom while work and output fall. As the deficit rises and pressure on the price level mounts, people decide that the critics were right after all—tax cuts are inflationary.

The key to a successful tax cut is one that raises the price of leisure and current consumption right now, not in some future year. Announcing a future tax cut can produce the opposite of the desired results as people withhold income until the future period when its after-tax value is greater—just as expected higher oil prices cause OPEC to withhold oil by keeping it in the ground.

Professor Feldstein is right, however, that the tax cut won't work if it doesn't produce more savings and a higher real growth rate. That's why we need a tax cut that doesn't dawdle before it goes into effect.●

ROPES OF SAND: AMERICA'S FAILURE IN THE MIDDLE EAST

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. McCLOSKEY. Mr. Speaker, a constituent of mine, Wilbur Crane Eveland, has written a memoir that I believe should be required reading for congressional committees and Members dealing with the CIA charter. Mr. Eveland's rich experience in the Mideast, as accounted in "Ropes of Sand: America's Failure in the Middle East," is extracted in the following review printed in the Chicago Tribune.

[Extract from a Chicago Tribune Book World Review of July 13, 1980]

ROPES OF SAND: AMERICA'S FAILURE IN THE MIDDLE EAST

(Reviewed by David Schoenbaum)

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"Ropes of Sand," Wilbur Eveland's memoir of his life as a spook who came in from the heat, is a history of some of the consequences. If Kuniholm's theme is the misunderstood success of the Truman Doctrine, Eveland's is the misunderstood failure of Truman's decision to support partition of Palestine in November 1948, and to recognize the new state of Israel a half-year later.

An alumnus of wartime military intelligence who stumbled into a postwar career as an Arabist, a special relationship with the CIA's Allen Dulles, and a second career in the oil business, Eveland sees Middle Eastern history as a series of American capitulations to Israeli provocations, in which the Arabs, with all their acknowledged fecklessness and corruption have been the aggrieved party.

For want of the Palestinian solution the United States could and should have imposed, the author claims, American policy helped the Russians penetrate a region where they never had a chance, lost control of Arab nationalism, made itself a hostage to Israel, oil companies, and Arab wild men.

The aggressive candor of his views is one of the two great virtues of an opinionated and often fascinating book. Eveland should be required reading for Congressional committees charged with energy, defense, foreign policy, and—eloquent ambiguity—"Intelligence oversight," as well as for anybody nostalgic for the Eisenhower era.

Revealingly, only two heroes emerge from his story. One is Camille Chamoun, the old Lebanese Christian patrician, struggling in Eveland's view to save his precariously balanced aquarium of a country from the consequences of Israeli rapacity, Arab cynicism, and American manipulations. The second is John Foster Dulles, whose wrongheaded greatness Eveland now regards as a major source of later disasters.

The author's other great and timely virtue is as a reminder of what happens when the CIA, to use a current phrase, is unleashed. Its very publication delayed by a CIA demand to review it, his book is an anthology of forgotten duplicity, mindless cleverness, and sheer folly, that reads in places like a James Bond novel by S. J. Perelman.

Eveland's account of leaving Beirut with a trunkful of money to buy a new Syrian government in Damascus could probably be read aloud at parties. His account of playing ventriloquist with the New York Times' Sam Pope Brewer should be read in the current Senate debate on the CIA charter. So should his recollection of how an unleashed CIA helped turn Egypt's Gamal Abdul Nasser into an unguided missile, and then missed the coup in Iraq in 1958, an event as dramatic as the unanticipated revolution in Iran 20 years later.

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WHO CONTROLS SOLAR ENERGY?

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. MILLER of California. Mr. Speaker, we must maximize our use of domestic sources of energy in order to reduce its dependence on foreign sources of oil. One major untapped source is solar energy in all of its forms, including solar water and space heaters and photovoltaic solar cells to generate electricity. Along with conservation, solar energy may well be among our major energy hopes for the future.

Several articles have recently been published indicating that many small solar energy companies are being purchased by large oil companies. These authors raise the disturbing possibility that solar energy development could be hindered by parent companies which have an interest in our continued dependence on oil as our major energy resource. I believe it is equally important to preserve economic diversity competition in the solar industry.

I would like to share with my colleagues one of these recent stories concerning the usurpation of the solar market by oil companies. I would like to add a footnote to this issue: According to another recent article on the same subject, the solar company mentioned in the beginning of this article which was holding out against being bought by oil companies has now been purchased by Standard Oil of Indiana.

The article follows:

RIPPING OFF THE SUN

(By Richard Munson)

Not a month goes by without one large corporation or another offering Tony Clifford a lot of money. Corporate executives want to work more closely with Tony. In fact, they want to own his company.

Tony produces solar cells, technically called photovoltaics. In a world of rising energy prices, Tony's ability to convert abundant sunlight into electricity is admired, even relished.

But Tony is rare among his kind. So far, he and his colleagues at Solarex have resisted the large sums the big oil companies tempt them with. They have remained independent. The other firms producing solar cells have not. Of the nine major photovolotaics firms, eight have been purchased by large corporations, five of those by major oil companies. Between them, Exxon and ARCO will soon control more than half the industry.

But the photovoltaic cell is not the only solar technology being absorbed by giant energy firms. Twelve of the top twenty-five solar companies are controlled by firms with annual sales greater than $1 billion, including Exxon, General Electric, General Motors, Alcoa, and Grumman. Such giants as Westinghouse, Bechtel, and Lockheed are not far behind.

Solar technologies are becoming big business. Last year Business Week published a special report on "The Coming Boom in Solar Energy." Governor Jerry Brown projects that solar "will be a $4 billion to $7 billion industry by the 1980s" in California alone.

The solar community is divided on the issue of large corporate involvement. On one side are solar advocates who believe that only large companies, especially large oil firms, can offer the investment capital needed to develop solar energy equipment. Some of the oil companies see their roles as more than those of financiers. According to Jo Graves, senior vice president of Exxon's Ventures Corporation, "The management skills, financial resources, and research and development capabilities of companies such as Exxon can be effectively brought to bear on bringing solar energy to fruition."

But others in the solar community believe that the solar transition should amount to more than a simple substitution of windmills for coal-fired plants, of photovoltaic cells for nuclear reactors, and of solar collectors for oil derricks. They also share E. F. Schumacher's contention that solar energy is a "technology with a human face, conducive to decentralization." The Mid-Peninsula Conversion Project goes so far as to assert that "control of solar energy by large corporations would reduce its job-creation potential, keep costs higher than would otherwise be possible, retain low public accountability, provide environmentally destructive energy, tie up massive amounts of capital, and suppress innovative programs capable of responding to community needs."

Many of the Government's antitrust experts are also skeptical of oil company involvement. Alfred Dougherty, director of the Federal Trade Commission's Bureau of Competition, is concerned that the oil firms would suppress the development of solar energy. "If [oil] companies control substantial amounts of substitute fuels, and they act in their rational self-interest, they may slow the pace of production of alternative fuels in order to protect the value of their oil and gas reserves," Doughtery says. "Any decision an oil company makes concerning the production or development of substitute fuels would logically take into account its effect on the value of the company's existing oil and gas reserves and related capital assets."

But Congressional investigators believe that even if the oil firms do not actually suppress development, large firms would retard innovation. A recent report of the House Small Business Antitrust Subcommittee states that "smaller business is not only a prolific producer of innovation, but a more efficient producer than larger business as well."

Government officials also fear that oligopolies or monopolies within the solar industry will raise the costs of solar equipment. According to John Shenefield, Assistant Attorney General in the Antitrust Division, the practice is not unusual. "An industry without competition, or a firm or groups of firms with an ability to force up the price of a product by restricting its supply—an ability we call 'market power'—will usually do so."

But the most significant argument against the oil companies' involvement in solar technology development was presented by the Federal Trade Commission: "The trend toward diversified energy companies, if allowed to continue, threatens to limit decision-making in the crucial energy market to a few powerful firms." The giant oil companies already control a dangerously high percentage of this country's energy resources. According to recent Congressional studies, the eight largest oil companies control 64 percent of all proven oil reserves, 60 percent of all natural gas, and 45 percent of all known uranium reserves.

The intensity of this concern about such concentration of power reflects the oil firms' past practices. That history is most succinctly stated by the FTC's Dougherty: "The oil companies' substantial political and economical power . . . has apparently been abused in a variety of ways, ranging from bribery to political intervention in the internal affairs of foreign nations."

The large oil companies' approach to solar technology development reflects apparent contradictions. On the one hand, these companies play a subtle political game. Since the technology enjoys such widespread popular support, they do not publicly oppose a solar vision. Instead, they usually claim that solar technology should not be supported above conventional energy sources because it cannot make any significant energy contribution in this century. This attempt at a self-fulfilling prophecy has been promoted by several major oil firms. Mobil Oil, for example, launched an expensive media campaign shortly after Sun Day to convince Americans that "a solar powered economy is a lovely idea and a worthy goal, but still a long, long way off."

In 1978, the Shell Oil Company projected that solar sources could contribute only 6 percent of U.S. energy by the year 2000. (Solar sources already contribute 5 percent and, according to a Federal interdepartmental task force, the United States could obtain 25 to 30 percent of its energy from solar sources by the year 2000.) Pacific Gas and Electric, a large California investor-owned utility, recently spent $900,000 to present the same anti-solar message.

Despite these public criticisms of solar's potential, the giant energy firms seem to be hedging their bets. The investments Exxon, ARCO, Shell, and Chevron have made in photovoltaic firms are relatively minor items in their portfolios. But the size and nature of the investments indicate that controlling a major portion of the solar industry is the goal.

Besides absorbing other companies, the oil firms have made less conspicuous moves to gain control of the solar industry's growth. Most rankling are the proprietary claims on the resources necessary for the solar transition, especially copper.

According to the Federal Trade Commission, "the availability of copper at stable prices will be essential to the orderly growth of the American solar heating and cooling industry over the next decade." If President Carter's modest goal of 2.5 million solar home collectors is to be met by 1985 (with an average collector size of 250 square feet), between 256,000 and 512,000 short tons of copper will be required. This demand alone equals 33 percent of all U.S. copper production in 1974, and the oil companies are determined not to let such an opportunity slip through their hands. Through recent acquisitions, the oil industry has increased its control to 63 percent of all domestic copper production.

The large corporations have also misguided the Government, luring Federal and public financing away from the development of the decentralized applications that Schumacher endorsed. Indeed, when it comes to solar projects, some firms are trying to convince the Government that "large is beautiful."

Perhaps the largest of these yellow elephants is the solar or microwave satellite. "Sunsat," as the seventy-two square-mile (larger than Manhattan) satellite is called, would beam microwave radiation down to huge reception-and-relay stations on Earth. Sunsat's supporters pointedly say that there is no night in space and that a single space station could produce almost twice the output of the Grand Coulee Dam. Many of the largest aerospace firms (including Boeing, Lockheed, McDonnell-Douglas, General Electric, Westinghouse, and Martin Marietta) are actively lobbying for Federal money to cover the initial investments in Sunsat.

Its critics contend that the microwaves are harmful, that the $60 billion price tag is too high, that the satellite would be difficult to protect from sabotage or enemy attack, and that the energy required to build and launch the satellite would exceed the amount it could produce for many years. But more important, the solar/microwave satellite is yet another centralized technology whose power is controlled by a few elite manufacturers and technicians.

Another outsized project is being constructed in California's Mojave Desert. The Barstow "power tower" consists of 2,200 giant mirrors that focus sunlight on a boiler atop a 500-foot concrete tower. The $130 million project is being constructed by McDonnell-Douglas and will produce electricity for Southern California Edison. despite the White House Office of Science and Technology's comment that the project is "economically unpromising," the Department of Energy continues to spend approximately 15 per cent of its total solar budget for the "power tower."

Regrettably, Federal support of the solar work of large corporations is pervasive. Some solar advocates contend the Department of Energy is, in effect, giving the solar industry to the large energy firms.

Of course, the Department has long been known to prefer large corporations to small. In fact, only 2.6 per cent of the agency's prime contracts in 1977 went to small businesses. On the other hand, the top ten firms accounted for approximately 47 per cent of the contract money.

The trend toward large firms continues in DOE's solar programs, despite the feasibility of turning over much development work to small businesses. According to the Critical Mass Energy Project, 88.7 per cent of DOE's funds for solar research and development during 1978 went to big businesses. A full 70 percent of the expenditures were received by such well-known firms as Rockwell International, Martin Marietta, General Electric, McDonnell-Douglas, and Westinghouse Electric.

In addition to funding research, DOE has been charged by Congress with purchasing solar equipment for Federal buildings and Government installations. Through these procurements, the Government can help shape the growth of the solar industry. But small businesses are suspicious of the unrealistically low bids some large corporations are making for Government contracts, and fear that the oil companies will take on development work at a loss to gain control of the industry. According to Roger Little of the small Spire Corporation, "It just might be that the DOE procurement program forces us to sell out to some oil company."

Even Government programs for demonstrating solar collectors at homes throughout the country have been steered to the larger firms. Almost 70 percent of the $6 million available through the Department of Housing and Urban Development's solar demonstration program for 1977 went to seven major corporate solar manufacturers. All but two were solar subsidiaries of large American corporations, including Exxon, Asarco, and Grumman. Some of the longtime solar pioneers were excluded from the program because, ironically, their systems were too cheap.

Harry Thomason is a good example of a pioneer neglected by the Government. In 1958, Thomason build his first solar home, and he now installs the same collector at approximately one-third to one-sixth the cost of other solar heating systems. After years of prodding, the Department of Energy spent $198,000 to test Thomason's system, finding it just as efficient as higher-priced collectors. Despite the revolutionary conclusions, the Federal Government withheld the report for several years and refused to give Thomason any contracts.

The next few years will probably determine the direction of our energy transition from the use of petroleum-based fuels. The arguments favoring a turn toward solar energy are well known. But those advantages are most clear when compared with our other energy choices. Denis Hayes of the Solar Lobby points out:

"Tapping some energy sources demands ever-increasing centralization, solar sources are best used at dispersed locations. Some dangerous sources can be permitted widespread growth only under authoritarian regimes; solar energy can lead to nothing more dangerous than a leaky roof. Some energy sources invite profiteering cartels; solar sources would tend to narrow the gap between rich and poor—both within and among countries. Some energy sources will tend to reduce the size of the workforce; solar sources promise large numbers of new jobs. Some energy sources involve technologies that baffle all but a few specialists; solar energy can be harnessed by individual home owners with simple devices built of local materials."

To make the solar transition, the Federal Government must give renewable energy technologies a fair shake in the energy marketplace. Either the huge subsidies ($14 billion in 1979 alone) the Government now gives to conventional energy sources must be eliminated—unlikely, given the strength of the vested interests promoting coal, oil, and nuclear power—or equivalent incentives must be granted solar energy.

Although solar energy is not a social and environmental panacea, it does provide us with an important opportunity: We can mold the growing solar industry to serve the public interest. That interest is perhaps best expressed by the FTC's Alfred Dougherty: "The goal is to limit or diffuse centralized economic power and to increase the number of decision-making units in the market."

The effort to prevent the formation of centralized power in a new industry has never been made before. Public interest advocates and the Government's antitrust attorneys usually confront entrenched oligopolies or monopolies in lengthy and costly legal battles. The next few years offer our best opportunity to mold the growing solar industry to serve the public interest.

Prevention of centralized power requires promoting small businesses while preventing Government from aiding large corporations to control new industries. Although many opportunities for helping small business will occur on the state and local level, the Federal Government must wield its unique power to direct needed capital to small firms. In 1978, Congress approved $75 million in direct and guaranteed loans for small businesses wishing to enter some aspect of the solar market. Citizen groups are now lobbying Congress to appropriate more money and to have the Small Business Administration aggressively promote the program.

Citizen groups are also working on a variety of other measures to promote small solar firms. Solar Lobby, for example, recently released its 1980 Counter Budget, calling for a doubling of the Carter Administration's proposed solar effort and directing more of the funding toward commercialization projects managed by small businesses. Solar advocates are lobbying DOE to expand its Massachusetts test program that provides venture capital to small solar firms through a separate financing corporation. And later this year, they will lobby the Congressional Small Business Committees to draft legislation to ensure that small firms receive a larger portion of DOE's research grants and procurement contracts.

At the same time, citizen groups will lobby to kill additional appropriations for such centralized solar applications as the solar/microwave satellite. Last year, the groups successfully blocked a budget increase in the Senate Energy Committee on the very day the large aerospace firms were holding a party across town to celebrate their earlier victory in the House.

One of the strongest protections against big business domination of the solar industry is to have the Government restrict the giant energy firms from participating in the solar markets. The Justice Department already has a program that effectively stops the major oil companies from acquiring more Federal coal lands. Later this year, citizen groups will work with committees headed by Senator Edward Kennedy and Representative Morris Udall to investigate legislation that would divest oil companies of their solar energy holdings.

Some solar advocates believe even more dramatic actions should be taken to prevent big corporations from casting a shadow over the sun. According to William Winpisinger, president of the International Association of Machinists (AFL-CIO), "If we don't get a handle on private industry profiteering we should nationalize all forms of energy."

The transition to an economy based on decentralized solar technologies will not be smooth or painless—for Tony Clifford or for the rest of us. Competing energy sources will be vigorously championed by powerful vested interests. And bureaucratic inertia, political timidity, and conflicting corporate designs will work against a rapid transformation. But the movement for solar energy and for local control of our energy future grows stronger after each OPEC price increase, each nuclear accident, and each shortage of some petroleum-based fuel.●

SOVIETS JAM VOICE OF AMERICA

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. EVANS of Delaware. Mr. Speaker, at approximately 9 a.m. this morning our Voice of America broadcasts to the Soviet Union were jammed for the first time since 1973.

This jamming of our signal to the Soviet Union was reported by our Embassy there and by other key monitoring stations in and around the Soviet Union.

I believe this highlights the need for revitalizing and strengthening our international broadcasts. Recently I proposed and the House passed an amendment adding $2.1 million to the Voice of America for expanding broadcasts in seven key languages by a total of 6 hours daily. Today's jamming underlines that fact that this first step must be followed by a continuing intent to strengthen this vital aspect of our national security.

Mr. Speaker, we do not know exactly why the Russians chose today to begin jamming our Voice of America broadcasts. Perhaps the spreading workers' strike in Poland or the difficult time the Soviet Army is having fighting the Afghan rebels explain this new jamming effort. Whatever the reason, it is obvious our signal is getting through and having considerable impact. We must continue to strengthen our broadcasts to tell the world about the truth embodied in our ideals of freedom and the ideological bankruptcy of the Soviet Union.●

A STRATEGY OF THE NAVY

HON. MICKEY EDWARDS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. EDWARDS of Oklahoma. Mr. Speaker, as one who has been concerned about the serious decline in strength of the U.S. Navy—especially in light of Soviet expansion and the buildup of the Soviet Navy—I was very interested to note an illuminating discussion of the future role of the Navy in the August 1980, issue of the Proceedings of the U.S. Naval Institute. Written by Adm. Stansfield Turner, the article stresses the importance of having a clearly articulated strategic concept as a basis for deciding what kind of configuration is needed for our naval forces. Simply put, Admiral Turner's proposal is to let strategy guide our decisions regarding types and quantities of ships and naval aircraft, and not vice versa.

Admiral Turner discerns three principal components of naval strategy: strategic deterrence, defense of the Atlantic sealanes, and power projection in the Indian Ocean. In this context, he summarizes the problems which must be addressed if we are to carry out such a strategy effectively and with the best use of our naval resources, with special emphasis on the future role of naval aviation.

Underscoring the unique flexibility inherent in the deployment of naval forces—such deployments, for example, can be carried out without necessarily impinging on the territory of other countries—Admiral Turner observes that the Navy has a vital role to play in protecting U.S. interests in the Indian Ocean, where, he points out—

> The Navy presents the single means of positioning our forces near enough to this nexus of American interests to be able to respond to crises quickly and to the exact degree dictated by the circumstances.

This being the case, it is very disturbing to realize that if the trends evidenced in the shipbuilding plans of the last several years are not reversed, we will not be able to maintain our Navy even at its present reduced level of about 450 ships. Admiral Turner warns that "we are not growing in ships and the story in aircraft is much the same," and he concludes that "the numbers clearly show that time is running out on the U.S. Navy and with it the security of our country."

Clearly, there is much work to be done, and this article is helpful and constructive in highlighting the factors to be considered in shaping a Navy which is adequate to secure the future of America as a strong, free, and prosperous country. I commend it to my colleagues as a timely and insightful contribution to the discussion of these concerns.

The article follows:

THINKING ABOUT THE FUTURE OF THE NAVY

(By Adm. Stansfield Turner, U.S. Navy, Retired)

In the years since World War II, aviation has emerged as the Navy's primary element. It is the area in which we are farthest ahead of the Soviet Navy, and it represents our only effective means of responding at great distance and quickly to new long-range missile threats. Naval aviation is vital to protecting our convoys and military forces at sea; vital to denying an enemy free use of the sea; and vital to projecting power by means of amphibious assault and air strikes.

Because this is the case, all segments of the Navy bear great responsibility to prepare naval aviation soundly for the future.

To do that well, there must exist a strategic concept, an objective, an understanding of what aviation must be prepared to do in the next two decades for the Navy to fulfill its role in national security. In what circumstances will the role of naval aviation be sea control? In what circumstances will it be power projection? Will the same aviation Navy be able to fulfill the needs of both functions?

I start with the fundamental premise that sea control is the primary role for naval aviation. Twice in this century, in World Wars I and II, the vital security of the United States was challenged by the potential loss of Europe to hostile forces. Our ability to maintain control of the North Atlantic sealanes against a formidable and determined German U-boat threat permitted us to resupply our European Allies and to move our own forces and supplies to the battle zones. The Allied victory in the Battle of the Atlantic was decisive in our ability to turn back the tide of aggression on the continent of Europe. Today, aside from the strategic role of our nuclear-powered ballistic missile submarines, keeping sea-lanes open remains the single most important reason for having a navy. The most important sea-lanes remain those of the Atlantic.

We tend not to think about the control of sealanes very much anymore, and some even denigrate its importance. We talk today of the unlikelihood of a third prolonged, conventional war in Europe, hence of ever having to wrest control of the Atlantic again. But that is far from an original insight. The short-war thesis was the conventional wisdom in 1914 and again in 1939. It was wrong both times. Another war in Europe may well be over in less than 30 days. If so, control of the Atlantic will be irrelevant. But, if war comes to Europe and if our short-war prediction is not correct, both sides will immediately focus their entire effort on the North Atlantic umbilical. It would be very unwise to build the U.S. Navy on the assumption that we can predict whether a war will be long or short. That choice may very well not be ours to make. If that estimate should prove wrong, and if the Navy were not ready to main a sustained sea control effort, the country's basic security would be at risk. All Chiefs of Naval Operations, all Secretaries of Defense know in their inner recesses that being able to meet the threat to our use of the sea is the core reason for having a navy. And if war comes, they will not be likely to divert the Navy to any other task until this key issue is resolved.

Yet, despite the importance of sea control, since World War II the only combatant use of the U.S. Navy has been in power projection in the Third World. Unfortunately, this tends to hypnotize us and for years has caused us to try to fit our naval power projection capabilities into our military strategy for war in Europe. It will not work. The contribution of power projection by the Navy to a major war in Europe can be only marginal. It is marginal first because of sheer numbers. The number of aircraft which we can bring to bear from the sea is insignificant in comparison with available land-based tactical aircraft. It is marginal secondly because for mutual defense it would require three or four carriers in any high-risk area where we would have to go to check power on the continent. No Chief of Naval Operations or Secretary of Defense would risk one half to two thirds of the Atlantic Fleet carrier force for a peripheral force augmentation of this kind.

Many people do not agree that carriers are essential to winning the battle for sea control. Too often sea control is relegated to P-3 patrol planes, destroyers, and submarines. But they cannot do it alone. When the sea control threat is broken down, its most dangerous component is long-range missiles launched from aircraft, ships, or submarines, perhaps 50 to 100 miles from our force. To counter these, sea-based aircraft are absolutely essential. To detect an incoming aircraft or even a surface ship closing the force, radar antennas or other sensors need to be high in the sky. Even the detection of nuclear submarines requires a radar platform aloft.

One of the most important advantages we have in the contest for sea control is that the enemy must clearly identify his target. The enemy aircraft, ship, or submarine must close our force enough and use enough of his sensors to ensure that he knows what he is targeting. This gives us a detection opportunity as well as the opportunity to have some hope of reacting quickly enough with aircraft to counter that threat. This takes neither large numbers of aircraft carriers nor larger quantities of weapons. But it does require a sea-based aviation capability to lift sensors aloft and to be able to respond quickly at long distances. Therefore, we must rely on carrier aircraft to accomplish this sea control task for many years to come.

Assuming, then, that our carrier fleet has a primary mission of sea control, what kind of carriers do we want? The answer is "lots." They will have to be in lots of places. They will have to be able to suffer attrition, because that is the basic nature of sea control warfare. But I will come back to that question of what kind of carriers in a moment.

The Navy cannot be built solely to satisfy the requirements of sea control even if it is the highest priority mission. Although power projection may be of lesser ultimate consequence that sea control we may be called upon more frequently to carry it out. Carriers have been used nearly exclusively in power projection for the past 35 years. Will that continue to be the case? If we set aside strategic deterrence and the possible NATO conflict, the Navy's next most important contribution to national security will be in the Indian Ocean. Today and for the foreseeable future, the country will have vital national interests which must be protected in that area. The absence of proximate American or allied land bases excludes most static military options such as in-place armies or air forces. The Navy presents the single means of positioning our forces near enough to the nexus of American interest to be able to respond to crises quickly and the exact degree dictated by the circumstances.

It is axiomatic that where we have a vital national interest we must also be able to deploy adequate military power. But today we cannot bring adequate military power to bear in the Indian Ocean and Persian Gulf area. Recently, the Chief of Naval Operations summed up this situation accurately when he said, "We have a three-ocean commitment and a one-and-a-half ocean navy." And you and I are the ones who are clearly culpable. Over the past 20 years, we in the Navy have failed to lay out and forcefully express a sound strategic concept for the Navy while others, outside the Navy, with a faulted but more persuasively argued concept, have prevailed. As a result, monies to build the kind of Navy we need have not been forthcoming.

We need three capabilities to be ready to defend our interests in the Indian Ocean. First, we must be confident of sufficient sea control capability to get there and be able to stay there. Second, we need the ability to put forces ashore—to control some of the territory if necessary. Third, we need the ability to use air power to defend forces that have been inserted and to conduct air strikes. Only the Navy and the Marine Corps can do these jobs. While the Army and the Air Force can help, our sister services will always be peripheral forces in this ocean theater because of the territorial inhibitions I have already mentioned.

It is a long way around the periphery of the Indian Ocean from the Strait of Malacca, to India, down the East Coast of Africa, to the Cape of Good Hope. To cover this area we will need lots of carriers and lots of amphibious ships. Without numbers, the odds of being close enough to a crisis are too low. Ships are slow in terms of political decision-making. If one makes a political decision today, even if the whole naval task force can sustain a speed of 20 knots, it takes more than 22 days to steam from Norfolk to the Persian Gulf. It is even farther for a Sixth Fleet carrier from the Eastern Mediterranean. The primary characteristic for carriers, then, is quantity.

How do we get a lot of carriers? We get them—perhaps 24 carriers or more—by building them smaller with fewer and less sophisticated aircraft. Will smaller carriers and less sophisticated aircraft do the job? Yes. First, because sea control in the Atlantic and power projection in remote areas do not call for the great numbers of aircraft or weapons per deck with which we now operate. In neither case will we face the Vietnam practice of dumping large amounts or ordnance over long periods of time.

Secondly, we can go to lesser sophistication because power projection in the future will not require aircraft with performance as high as that in the past. We are surely approaching the day of real-time, remotely controlled, unmanned, electronic and photo sensors. Such sensors will allow us to remotely guide unmanned weapons to fixed or moving targets at any distance. Therefore, high-performance aircraft for penetrating and evading air defenses will be less necessary. We will simply stand off. Even for the air defense interceptor role, the day of the dog fight died with the AWG-9 radar and the Phoenix missile. Weapons will do the maneuvering in the future. Therefore, initially at least, we will need lots of *Essex* (CV-9)-size carriers with catapults, generating toward 25,000-ton carriers with vertical and short takeoff and landing (V/STOL) aircraft. There is a nice coincidence here. The proliferation of small carriers will help us to be where we need to be in the Indian Ocean in times short of general war, and the same carriers would be capable of shifting to the Atlantic in great numbers in time of general war.

More emphasis on sea control means not only that we need different kinds of carriers and aircraft, but it also means that we need to change our operating habits. We need increased flexibility in flight operations. We need to get away from cyclical operations and on to flexible deck operations. Who knows when more strike or interceptor aircraft might be needed? We need to get away from 12 hours on and 12 hours off flying and become self-sufficient throughout a 24-hour day because the threat will exist for 24 hours. If any skipper wants to count on his sister carriers to defend him for his 12 hours off, I think he will change his mind when the chips are down. We need to get away from thinking about alfa strikes and think in terms of maintaining and being able to augment a certain number of fighter antisubmarine aircraft stations around every carrier and having a quick-reaction attack aircraft potential.

I hardly expect unanimous agreement with this philosophy. I may well be wrong. Perhaps we do need large carriers and high-performance aircraft. There are certainly good reasons for them. Hulls are cheap, so why not build them big? Big decks are safer and more flexible. Plenty of fuel and supplies are needed when we must go deep into remote areas. Cutting down the logistics train is always desirable. The seakeeping qualities of large carriers are needed in the North Atlantic in winter. Large carriers are better for defending themselves than small. But notice please. These are all tactical arguments. Well the naval aviator may be concerned with them because of whose life will be at stake with the lesser performance aircraft and smaller carriers that I think we should have. But the first question, the key question, must be what the strategic concept is behind what is becoming a small force of large carriers with high-performance aircraft. What will the U. S. Navy need to accomplish in the 1980s and 1990s that will require *Nimitz* (CVN-68)-class ships that cannot be accomplished by smaller carriers? Only after we establish our strategic goals by defining the kinds and amounts of air power that we believe the nation will need from the sea can we address tactical issues like sea-keeping and self-defense.

Let me emphasize that cheap is not cost-effective if it will not do the job. Of all the arguments for large carriers, the best, in my opinion, is that it may take a large ship to handle all of the defensive weaponry that will be needed. But even with that argument in mind, I come down on the other side, on the side of numbers rather than size. Numbers give room for attrition. Numbers help confuse enemy targeting. Larger numbers mean smaller sizes which mean smaller radar and heat signatures to confuse enemy targeting. Highly miniaturized, lethal, defensive weapons are in the offing and will make a small carrier a viable defensive bet.

What then is the minimum-size carrier which is defensible under my strategic concept? What is the minimum size under your strategic concept? To make that judgment we must have a strategic concept to start with. A strategic concept is the foundation of logic which gives coherence to an otherwise complex and confusing plan of ship and plane sizes and types. It is a vital first step, not only for knowing exactly what we are going to be called upon to do in the years ahead, but for being able to sell those convictions to the Congress and to the American public so that an appropriate Navy can be adequately funded.

In the past decade, the Navy has dwindled from just less than 1,000 ships to about 450. It has gone from about 2,700 combat aircraft to about 1,700. But what is more important is that the rate of ship and aircraft procurement over the past decade will not sustain a Navy even as small as today's. All the talk of increasing the size of the Navy in the years ahead, and the projected funding level that has been sent to the Congress, is a loser. It is possible that there may be a temporary upsurge in numbers for a few years, but over the longer run, the mathematics of inadequate procurement spells shrinkage. If we take the number of ships that we have actually procured over the last ten years and which are programmed for the next five, it averages about 15 ships a year. Average ship life, minesweeper to carrier, is about 22 years; 22 times fifteen is 330. We are today, for the last decade, for the next five, planning to sustain a Navy of 330 ships. If 22 is too conservative, make it 25. You now have a 375-ship Navy. Stretch it to 30 years. You now have a 450-ship Navy, the same as we have today. We are not growing in ships, and the story in aircraft is much the same.

What this tells us in unequivocal terms is that the Congress of the United States and the American public do not believe that the United States requires a Navy of even 12 large carriers filled with sophisticated aircraft. They are not giving us the wherewithal to maintain such a Navy. I can only conclude that the strategic concept that we have used to support our requests for large carriers and their aircraft has not been persuasive. Accordingly, it is the responsibility of each of us who cares about our Navy and its role in the security of this country to address this issue of strategy.

If we do nothing, the Navy will continue to shrink, and naval strategy will have to shrink with it. Perhaps you will tend toward my strategy—strategic deterrence first, defense of the Atlantic sea-lanes second, and power projection in the Indian Ocean third—the first with ballistic missile submarines and cruise missiles, the latter two with larger numbers of less expensive carriers. But, it will be to no avail to buy those small ships and lower performance aircraft if they cannot do the job. So, perhaps instead you will want to refurbish the strategy for larger carriers and persuade the Congress that it should fund 12, 15, or 18 of them with full complements of high performance aircraft. I submit, however, that after more than two decades of effort in that direction, we should recognize that it is an uphill battle. Whichever route you choose, defining the job to be done is the primary challenge we face. In my view, that is the heart of turning the corner on the decline of the U.S. Navy that we have witnessed in the past decade. The numbers clearly show that time is running out on the U.S. Navy and with it, the security of our country.●

MENTAL HEALTH SYSTEMS ACT

HON. JON HINSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. HINSON. Mr. Speaker, as the greatest nation in the world, we in the United States must continue to demand that all types of health care remain available for each and every American who needs it.

Our means of achieving this goal is a source of great disagreement which divides us along liberal and conservative lines. There are those of us who believe that the Federal Government is responsible to be chief provider of all types of health care systems while some of us believe this function is more appropriately handled in the private sector. We who take the private sector approach oppose H.R. 7299, the Mental Health Systems Act.

I happen to believe, that to continue in the direction which H.R. 7299 would take us would be an exercise of irresponsibility. Can we really contribute to the mental health of our citizens by killing our Nation's economy?

I commend for my colleagues' attention the dissenting views of the minority members of the Committee on Interstate and Foreign Commerce, from which this legislation was referred. These views parallel my reasons for opposing H.R. 7299.

The dissenting views on H.R. 7299 follow:

DISSENTING VIEWS ON H.R. 7299—MENTAL HEALTH SYSTEMS ACT OF 1980

Many millions of dollars have been spent over the years to build staff and operate Community Mental Health Centers. The large bulk of those millions has come from the federal government. As with so many programs which extend back in time—in this case to 1963—the original concept was to offer formula grants to the states to induce them to replace the traditional inadequate institutions with smaller, community-based facilities. It was the theory that diagnosis and treatment of mental disorders and, particularly, incipient mental disorders could be more effectively treated in the more familiar surroundings of the "home town." There was nothing wrong with this theory, and where states created the required mental health plan and established a series of community centers, the results ranged from satisfactory to spectacular. Had the program stopped there, it would have been one of the more inspired efforts in federal legislation.

One who has followed federal grant programs in any detail could already guess what came next. The states immediately came back to Congress with the plaintive plea that although the bricks and mortar were most welcome, they (the states and communities) did not have the wherewithal to hire the necessary professional staffs. So a new kind of grant was invented to support initial staffing. This support was to continue for four years on a descending scale and then phase out. Need we say what happened? This assistance was eventually extended for as much as eight years and expanded to include other than professional staffs. Support of continuing operations has been running over $200 million a year and will continue to do so for some years. This money is nowhere reflected in the legislation, but it will nonetheless be expended in addition to any sums set forth in this bill.

Aside from the staffing support, the programs being now carried on under the Community Mental Health Centers Act received appropriations in fiscal year 1980 totaling $65.473 million. The bill proposes $78 million for these activities in fiscal year 1981. Beginning in fiscal year 1982, however, new programs are added which approximately double the fiscal year 1981 proposed authorization. The need today is to balance the budget—not to double our spending. These additional activities do little, if anything, to enhance the quality and effectiveness of mental health care.

In fact, beyond failing to enhance mental health care, the bill can, and undoubtedly will, fragment and frustrate such efforts. New authorities overlap and outright duplicate some existing authorities. By creating new categories of need, the bill undermines the basic purpose of the overall program to achieve comprehensive, community-based mental health services.

In addition to the past programs, and the new ones aimed at diagnosis and treatment of mental health ailments, this bill would start the federal government upon an entirely new tack with projects to prevent mental illness. The possible ramifications of such efforts can be frightening from both a philosophical and a fiscal point of view. The $2.287 billion already spent will appear like the proverbial drop in the bucket. It might occur to many that the very best thing the federal government can do to help prevent mental illness in the population is to strive to keep a very low profile.

Present programs seem to be working reasonably well. Whether the taxpayers should be asked to maintain without diminution those programs under present circumstances is certainly open to question. To ask them to double the outlays in this one area at this time is unconscionable. A simple renewal of authorization at existing levels is the most that can be justified.

Samuel L. Devine.
James M. Collins.
Gary A. Lee.
Tom Corcoran.
William E. Dannemeyer.
Dave Stockman.●

TRIBUTE TO H. F. "BERT" BOECKMANN II

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. ROUSSELOT. Mr. Speaker, H. F. "Bert" Boeckmann II is a man who not only truly believes, but has proven, that this is a land of opportunity. The San Fernando Valley Business & Professional Association will be honoring H. F. "Bert" Boeckmann II, for his contributions to both business and the community at its 17th annual Free Enterprise Award dinner September 6 in California. I ask my colleagues to join with me in paying tribute to this outstanding individual and I would like to review some of his noted accomplishments.

Under the leadership of Bert Boeckmann, the Galpin Ford dealership in San Fernando Valley, Calif. has grown from a small facility on a 1-acre lot, into a bustling enterprise known as Galpin Ford Square on 13 acres employing over 250 people. It is widely known that Mr. Boeckmann is a pacesetter in the automotive industry, as he has introduced many firsts in his own dealership which have gone on to national popularity. Perhaps the best known of these, the "Surfer Van," made its initial debute as a "Galpinized special" back in the late 1960's. It quickly became a household word and even today remains a best seller nationwide.

Boeckmann's reputation as an industry leader and ethical businessman brings large numbers of auto dealers to visit him each year. They come not only from the United States, but from all over the world, including England, Japan, Canada, Australia, France, Germany, and Mexico. Giving of his time and expertise to assist those in his own field reveals the measure of the man—true concern for others and a willingness to share a goodly portion of his own success.

His financial expertise, coupled with organizational and administrative excellence, has enabled Bert Boeckmann to be a founding director and member of the Board of Investment Savings & Loan. Additionally, he serves as vice president and director of World of Communications, Inc. Mr. Boeckmann has served on the executive board of the San Fernando Valley Business & Professional Association, an organization devoted to promoting the free enterprise system. Further, he served as trustee of both the West Valley Hospital and the Northridge Hospital Foundation. Mr. Boeckmann is a principal supporter of 4-H Clubs and Future Farmers of America. Valley Presbyterian School has recognized Boeckmann's character by naming a building in his honor, "Galpin Hall."

Concern about our dependence on foreign oil, and the potential chaos of such a situation, led Bert Boeckmann to form Future Fuels of America, a company converting vehicles to run on 100 percent synthetic fuel and providing the fuel—Methanol X—to operate them.

The doors of the fledgling company were barely opened when the Bank of America placed the first fleet order of converted vehicles. Together, they made history on March 7, 1980, when the first truckload of synthetic-powered fleet vehicles were delivered to the Bank of America regional offices in San Francisco.

Boeckmann has been recognized and honored by more than 300 governmental representatives and local civic, charitable, and philanthropic organizations. These include citations, accolades, and/or resolutions from Gov. Ronald Reagan, the California State Senate, the California State Assembly, Los Angeles County Board of Supervisors, Los Angeles City Mayors Sam Yorty and Tom Bradley, and the Los Angeles City Council. In 1969, Mr. Boeckmann received one of the most prestigious automobile industry honors in the Nation when he was selected to receive the Brand Names Foundation Retailer-of-the-Year Award. In 1974, he won this award a second time, making him the first auto dealer ever to do so. He achieved further national recognition when he was named a Time Magazine Quality Dealer, and is one of the few auto dealers in the country to receive an Automotive Organizational Team Distinguished Service Citation, and as such, was entered into their hall of fame in October 1979.

Boeckmann was named "1979 Man of the Year" by the New Horizons of California Questers, a rehabilitation organization for the mentally handicapped and received the award at a dinner in his honor. He recently was presented an award by Iron Eyes Cody for his continued support and assistance to underprivileged and handicapped American Indian children.

March 1980, Boeckmann received the March of Dimes Humanitarian Award. Because of his tremendous support and guidance, the March of Dimes has established the H. R. Boeckmann II, Visiting Professorship in Medicine, which will help conquer birth defects by bringing outstanding, world renown doctors to the Los Angeles area for the purpose of sharing their expertise and knowledge.

On behalf of the 5,700 Ford dealers in the United States, Mr. Boeckmann recently served as National Dealer Council chairman, and as such, acted as their spokesman to the Ford Motor Co. Mr. Boeckmann currently serves as a director of the Motor Car Dealers Association of Southern California. He is past president of the Ford Dealers Association, the Ford Dealers Advertising Association, and is a director of the National Automobile Dealers Association. In 1979 he was appointed by Governor Brown as a director of the State of California New Motor Vehicle Board and currently serves in that capacity.

Mr. and Mrs. (Jane) Boeckmann are currently cochairpersons of the San Fernando Valley Cultural Society Foundation, an organization devoted to the improvement of cultural life in the San Fernando Valley. Residents of Encino, they have five children, two daughters and three sons.

As you have heard by these accomplishments in business and in the community, Mr. Speaker, Bert Boeckmann has demonstrated what can be done to benefit mankind by using the opportunities provided in the free market system in the United States. Please join with me and the residents of the San Fernando Valley as they honor him at the Free Enterprise Award Dinner for his unselfish devotion to business and the community.●

PRESIDENT LENORA MOSELY

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. BONER of Tennessee. Mr. Speaker, I want to bring to the attention of my colleagues a young lady in Nashville who was recently elected as president of Girls Nation, sponsored by the American Legion Auxiliary. Lenora was elected governor of Tennessee's Girls State earlier this summer.

Lenora's election marks the third time in the last 4 years that a Tennessee girl has been elected president of Girls Nation. In addition to her sister, Melody, who was elected in 1977, Barbara Neligan of Chattanooga was elected to the honor in 1978. There have been a total of five presidents of Girls Nation from Tennessee. Rusty Russ was elected in 1955 and Judy Qualls Cartwright, Athens, was elected in 1957. The Girls Nation program is 34 years old and all girls who attend it are the product of their home State's Girls State program. The State of Tennessee has an unusually outstanding history of accomplishment at Girls Nation and this is directly attributable to the fact that for the past 25 years Mrs. Edgar "Velma" Green of Lewisburg has been the director of Tennessee's Volunteer Girls State. It is my privilege to recognize Mrs. Green for the positive influence and example she has been to literally thousands of young Americans in the State of Tennessee. Lenora's accomplishments give one shining example of this.

Girls State and Girls Nation conduct programs founded on the principles of the American governmental process on the local, State, and Federal levels. The participants follow this process by choosing elected officials from these girls to serve as senators, representatives, as well as other elected capacities. The entire program is sponsored by the American Legion Auxiliary with assistance from other civic and veterans' organizations.

While maintaining a straight A average at McGavock High School in Nashville, Tenn., Lenora is very active in high school drama and the drill corps. She performs as a vocalist in a school jazz ensemble and has been selected to participate in the Governor's program for gifted students. She plans a career in medicine.

Of special note, Lenora's mother was a delegate to the first Arkansas Girls State in 1943. It is obvious that the entire family is very active in the affairs of government and they set an example for many other American families to assert their sense of civic pride. I am honored to know Lenora and her family.●

WORKPLACE FATALITIES

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. GAYDOS. Mr. Speaker, our Nation's occupational safety and health laws are essential to the well-being of countless workers throughout this country. Having many blue-collar workers in my district, I am deeply concerned with the attempts to undermine their right to occupational safety and health protection. For instance, the Multiemployer Pension Plan Amendments Act of 1980, which was brought to the floor of the House prior to the past recess, contains two damaging amendments attached by the Senate. First, the Boren amendment, and second, the Wallop amendment. The Boren amendment would exempt from OSHA coverage those employers with 10 or fewer employees who have an occupational injury lost workday rate which is less than the national average. The Wallop amendment would exempt sand and gravel, surface stone, surface clay, and colloidal phosphate operations from the jurisdiction of MSHA. While my purpose here is not to discuss these amendments in detail, I would like to point out that both these amendments could effectively deprive tens of thousands of workers of the essential safety and health protections specifically guaranteed by the Occupational Safety and Health Act of 1970 and the Federal Mine Safety and Health Act of 1977.

More specifically, I would like to discuss some workplace tragedies which have occurred fairly recently. All of these fatalities have one thing in common—the victims died of electrocution. Electrical hazards are common to most workplaces throughout this country, including mining operations. They can also be found at both large and small businesses. This pervasive and indiscriminate type of workplace hazard clearly points out the harm which could be done by denying workers occupational safety and health protection.

On May 5, 1980, a 32-year-old employee of an excavating company in Alpena County, Mich., was electrocuted when he came in contact with a live wire while working with a crew moving a house.

On May 7, 1980, a 57-year-old employee of a Rocky Mount, N.C., oil company was electrocuted when a crane came in contact with a high power line at a construction site.

On May 16, 1980, an employee of the city waterworks department in Alexander City, Ala., was electrocuted and a coworker severely burned when the lift boom of the truck they were using to lay pipe touched an electrical wire hanging overhead.

On May 19, 1980, a 36-year-old employee and a 63-year-old employee of a Bloomington, Ind., steel company were electrocuted when the crane they were operating hit an overhead high-voltage power line.

On June 5, 1980, a 23-year-old employee of a farm products supply company in Madras, Oreg., was electrocuted when the bed of a truck he was operating struck a power line.

The above examples clearly demonstrate the fatal consequences that can result from hazardous work environments. It was in response to these types of tragedies that Congress passed the Occupational Safety and Health Act of 1970 and the Federal Mine Safety and Health Act of 1977. For those who are quick to criticize and alter these acts, I feel compelled to stress that those damaging amendments which have been proposed could eventually lead to an increase in the number of work related deaths.●

COMPUTER TECHNOLOGY AS A LEARNING TOOL

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. LaFALCE. Mr. Speaker, in today's technological society, increasing use and reliance is placed on computer technology. The computer has become a household friend and we use it daily whether we know it or not. One of the most interesting uses of a computer, however, is using computer learning as a teaching tool for children. Experiments are currently being conducted using computers to transform the way that a child learns.

Although some schools are already utilizing computers, they are doing so in a very conventional and routine manner and usually with high school-aged children. While this is certainly an innovation, it does not begin to touch upon the the real potential for computer technology as a learning tool for even the youngest children. Typically, in those schools where computers are used, the child is given only a few minutes with the computer—hardly enough time to encourage creativity or to make the child comfortable with using the computer.

A new approach to this type of learning is being promoted by Seymour Papert, a professor of mathematics and education at the Massachusetts Institute of Technology. Mr. Papert recently conducted what I find to be a fascinating experience with a group of teachers, introducing them to a new computer language, called LOGO, which is more suited to children's learning capabilities. The teachers participating in this experiment were all volunteers, in many cases taking unpaid vacation time to take part in the experiment which gives some perspective on their commitment to this new learning tool.

The computer can offer limitless potential for learning and, it is turning out that children are among the fastest learners. I do not think we can ignore the important part that computer technology plays in our everyday lives today, and the increasing importance it will have for our future and that of our children. I cannot think of a better way to introduce children to computer learning than in school, and at an early age. The computer should become as familiar a tool to today's child as the pencil was to school-age children before them. We are at our most creative period of our lives as children—unhampered by knowledge of what we cannot do, and filled only with the awe of what we can do as we discover the world open before us through learning. What better way to expand that world than through new technologies such as the computer. The following article which appeared in the August 12 edition of the New York Times presents an interesting discussion of the use of computer technology in elementary and junior high school children.

ABOUT EDUCATION

NEW TOOLS PRESENT TEACHING CHALLENGE

(By Fred M. Hechinger)

"I feel I'm on the edge of the world and I'm afraid I'm going to fall off." The young woman in this alarming situation was not high on drugs but on a computer experiment. She was one of 15 elementary and junior high school teachers who have spent the past three weeks in an intensive computer immersion.

The experiment is sponsored by the New York Academy of Sciences in cooperation with the Association for Computing Machinery. At the end of the summer, the teachers will return with their computers to their schools in Community Districts 2 and 3 of Manhattan and Community District 9 in the Bronx to become a vanguard in transforming the way children learn.

The computer language they are learning, called Logo, is both easier to master and, in the sponsors' view, more powerful than other computer languages. (They will, however, also get a working knowledge of Basic, a more widely used computer language.) The Texas Instruments equipment they are using is advanced, but leaders of the group expect that future equipment will be even better and will become a standard learning tool.

The power of such a tool may be divined from the fact that the teachers—13 from public schools and one each from the private Bank Street and Fieldstone Schools—are unpaid volunteers who are giving up their vacations and possible earning time. They grumble when asked to shut off their machines, and at least two group members were seen furtively working at the computer during a pre-lunch lecture.

The experiment challenges both schools without computers and schools that use computers in a routine manner known as computer-assisted instruction. One of the pioneers of the new approach is Seymour Papert, a professor of mathematics and education at the Massachusetts Institute of Technology. He compares the way computers are now used in schools to when the first movies were made by simply setting up a camera in front of a stage and photographing a play. "The first reaction of educators is to couple the new technology to their old methods of instruction," he said.

When Dr. Papert spoke to the 15 teachers last week, he said that Logo's virtue was that it had "no threshold, no ceiling." In other words, a child may learn it at almost any age, and it offers limitless potential for children, teachers, scientists and mathematicians.

Dr. Papert, who spent six years working with Jean Piaget, applies to the computer the great master's theories about children. Children, Piaget observed, acquire some of the most difficult knowledge—speaking, listening, walking and so on—without being formally taught. "It's depressing," said Dr. Papert, "how little of this continues in school."

He finds the conventional use of the computer on the current educational scene about as depressing. Much of it, he feels, promotes a style of learning that gives the impression of a child being programmed by the computer. The Logo approach, he said, tries to do exactly the opposite by letting children "teach," or program, the computer, thereby putting them in control of their own learning.

For example, the Logo computer includes among its symbols so-called "sprites," such as balls, planes, turtles and trucks. When asked what would happen if a child wanted a dog, which is not part of the computer's cast of characters, Dr. Papert showed how simple it is to "make" one by ordering the computer to put a few lines into a dog shape. Next, the computer is taught that the particular shape represents a dog. Presto, the child has taught the computer to produce a dog for future use.

Dr. Papert rejects the idea that most people are naturally poor at mathematics any more than they are naturally poor at speaking French. Let any of them live in France, and they will become adept in French. Just so, he believes, with mathematics. Create "mathland" for them, with mathematics as the language spoken there, and they will no longer be stumped by it. No school activity, said Dr. Papert, is as devoid of meaning to children as "the parody of mathematics known as school math."

At the heart of the Papert view is the comparison of computer and pencil. The pencil, he said, is always present. It can be used to scribble, doodle, draw, write, figure. "I see the computer in the life of the child as equally ubiquitous and equally versatile," he said.

But in the typical school, he said, a child may have 10 minutes of "computer time." The only thing you can do in such limits is to reinforce the existing curriculum, usually with drills. The computer thus becomes a modern substitute for the old flashcards used to teach letters or numbers. In such limited time, Dr. Papert said, the child can't be creative. If there were limited "pencil time," the pencil could not be used creatively either.

The point that Dr. Papert makes—grasped enthusiastically by the 15 teachers—is that the computer should be available whenever it seems useful.

Under the Logo program, the computer would also become a standard instrument to teach writing. Currently, children do little editing or rewriting of what they have scribbled out. The first draft usually becomes the final copy, especially since corrections and erasures can create a messy product. By contrast, the copy on the computer screen can be edited, improved and rethought much more easily.

"Society has a very poor track record in making intelligent use of new technologies," Dr. Papert said. The system reacts by defending its traditional ways.

Dr. Papert is convinced that the teachers' enthusiasm illustrates the gains that would flow from the proper use of computers. But he said he is aware that "people in school don't have much technological imagination," and industry won't produce the right kind of machines until there's a demand for them. No place in the world, he added, is there a graduate program where people can at the same time become fluent in children and computers, in computer competency and human sensitivity.

"It's an evolutionary process," he said. "You can't create the demand overnight, but we can create a spearhead to persuade industry that it's worthwhile to move forward. This program does not have the critical mass, but it is turning on enough people to move from one or two classrooms to setting up, perhaps in a year, a pilot school."

He dreams, he admitted, of using the new technology not "to improve" the curriculum but "to replace it with something better," something that will transform the nature of learning itself.●

MSGR. MARTIN J. FLYNN CELEBRATES GOLDEN JUBILEE

HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. AMBRO. Mr. Speaker, on Sunday, the 21st of September, I will be joining with the parishoners of St. Patrick's Roman Catholic Church in Huntington, N.Y., to celebrate Rt. Rev. Msgr. Martin J. Flynn's 50 years of priestly service. A golden anniversary is always an auspicious occasion, but when it marks 50 years of service to God and to the spiritual needs of man, it is particularly meaningful.

In common with many Long Islanders, Monsignor Flynn was born in Brooklyn. He was ordained a priest in 1930 after completing his seminary studies in Rome. He pursued graduate studies at several institutions of higher learning here and abroad leading to doctoral degrees in both theology and philosophy. After serving as a professor of philosophy at the Immaculate Conception Seminary in Huntington, N.Y. for almost 20 years, Monsignor Flynn assumed pastoral duties, first at St. Rosalie's in Hampton Bays, and, since 1963, at St. Patrick's.

As a student, a teacher, and a devoted spiritual leader, Martin J. Flynn has served his church, his parishoners, and his community with wisdom, with fervor, and with love. On September 21, it will be our privilege to try to return these gifts.

Mr. Speaker, on March 17, 1976, I had the very special honor of introducing Monsignor Flynn to you and to my colleagues to deliver the opening prayer in the House of Representatives and a joint session of Congress. He concluded his meaningful invocation with that moving Gaelic blessing, which I would like to wish to him:

May the road rise up to meet you
And the wind be always at your back,
And may the Lord hold you in the hollow of
His hand. ●

LACK OF VA INPATIENT HOSPITAL FACILITIES

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. SANTINI. Mr. Speaker, I rise to introduce legislation which would allow the Veterans' Administration to contract for the use of privately or publicly owned facilities in Las Vegas, Nev., and to utilize such facilities for the purpose of providing hospital care to veterans with service-connected disabilities.

There are presently more than 100,000 veterans living in southern Nevada, western Arizona, southern Utah, and eastern California. These individuals are presently isolated from facilities which provide inpatient care; they must travel to Veterans' Administration facilities in Reno, Nev.; Phoenix, Ariz.; or Los Angeles, Calif. This travel is often perilous to the veteran's health. In addition, these individuals are removed from their families and friends, often to the detriment of their recuperation.

There is an opportunity to solve this problem at minimal cost to the Federal Government. There is presently a hospital in Las Vegas which has an empty wing of approximately 58 beds. The hospital is willing to lease this wing to the VA for use as an inpatient facility for veterans. However, present regulations prohibit the VA from using private hospitals except for emergencies. The legislation I am introducing today would allow the VA to lease the wing, thus saving the expense of constructing a new facility.

Mr. Speaker, southern Nevada has the largest veteran population in the United States which is not served by an inpatient facility. We have an excellent opportunity to remedy this situation. I urge speedy consideration of this measure, which will offer medical care to our deserving veterans in Nevada, Utah, Arizona, and California.●

PRODUCTIVITY DECLINE: THE ROLE OF THE MANAGERS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. LaFALCE. Mr. Speaker, yesterday, the General Accounting Office convened a seminar on productivity and product quality in Japan and the United States. One of the themes that emerged from that seminar was the role of managers in both countries.

In Japan, managers often will remain with a firm for the duration of their careers, a fact which encourages them to take a long-term approach to their company's welfare. In the United States, managers change jobs regularly, a fact which encourages them to take a short-term approach to their company's welfare.

In Japan, managers usually are production personnel, who are very familiar with the actual workings of their business at the plant level. In the United States, managers are often lawyers or financial managers, who are more familiar with the company's books than with the company's actual operation.

The impact of those two differences on each country's productivity performance may be difficult to measure, but I believe that it is no coincidence that Japan's productivity rate is growing at a healthy rate, while the U.S. rate is actually declining. Richard Reeves has reached that same conclusion and outlined his reasons for that conclusion in an insightful article in the August 10 edition of the Buffalo Evening News, entitled "Productivity Sold Out for Profits." I want to share that article with all of my colleagues, as we approach the serious problem of declining productivity in this country.

The article follows:

PRODUCTIVITY SOLD OUT FOR PROFITS

NEW YORK.—Who's killing the American economy? OPEC? The government? Lazy workers?

None of the above, according to two professors at Harvard Business School. American business is committing suicide in a mindless race for short-term profits, write Robert H. Hayes and William J. Abernathy in the current issue of the Harvard Business Reviews.

Their prose is not as sensational as that. "In our judgment", they say, there is "prime evidence of a broad managerial failure—a failure of both vision and leadership—that over time has eroded both the inclination and the capacity of U.S. companies to innovate."

"The conclusion is painful but must be faced," Hayes and Abernathy continue. "Responsibility for this competitive listlessness belongs not just to a set of external conditions but also to the attitudes preoccupations and practices of American managers."

The two academics statistically track the parallel decline of American productivity and the rise of financial managers and lawyers to the top ranks of American business—and the fall of production people—and then report foreign observations about diminishing Americans economic influence.

This is what they heard from Japan:

"Instead of meeting the challenge of the changing world, American business today is making small, short-term adjustments by cutting costs and by turning to the government for temporary relief . . . Success in trade is the result of patient and meticulous preparations, with a long period of market preparation before the awards are available . . . To undertake such commitments is hardly in the interest of a manager who is concerned with his or her next quarterly earnings reports."

And this from Canada:

"Inventors, scientists, engineers and academics, in the normal pursuit of scientific knowledge, gave the world in recent times the laser, Xerography, instant photography and the transistor. In contrast, worshipers of the marketing concept have bestowed upon mankind such products as new-fangled potato chips, feminine hygiene deodorants and the pet rock."

Our industrial machine is increasingly being driven by accountants and lawyers—the bottom-line folk, the merger moguls, the profit-center pirates. They don't know where they're going and they're taking the rest of us with them. They do, however, know they're lost—so they blame oil producers and government taxes and regulations.

Their whining, though, hardly explains why West German productivity is now four times American productivity. The Germans, after all, import all their oil and German business taxes and regulations are heavier and heavier-handed than American ones.

The difference, to a significant degree, is the myopia of American managers. "When executive suites are dominated by people with financial and legal skills," Hayes and Abernathy write, "it is not surprising that top management should increasingly allocate time and energy to such concerns as cash management and the whole process of corporate acquisitions and mergers."

Joan Didion wrote years ago that the highest art form in Hollywood was "the deal." Now that same numbers mania has spread to all of American industry. The bosses, the ones who do the most complaining and finger-pointing, are part of the problem, not part of the solution.

The problem is that the United States has more and more trouble selling its products abroad—and, increasingly, at home—because we are not making anything particularly new or well. We're just making deals. That's all many of the new managers know how to do.●

WHERE ARE WE GOING MILITARILY?

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. EVANS of Delaware. Mr. Speaker, on Monday, August 18, Gov. Ronald Reagan made several important observations regarding our national defense in a speech before the Veterans of Foreign Wars National Convention in Chicago.

One very important observation which he made related to the nature of national defense as a function of government. Said Governor Reagan:

> Our Government must stop pretending that it has a choice between promoting the general welfare and providing for the common defense. Today they are one and the same.

The following day, August 19, the Washington Post on its op ed page published an extremely timely article by Jack Maury, former Assistant Secretary of Defense entitled, "Where Are We Going, Militarily?" Mr. Maury clearly points out that the military balance in the world is never static. The question, as he says is not where we are but where we are going. He goes on to detail what are extremely disturbing trends for the future of our country.

I include Mr. Maury's article in the RECORD.

WHERE ARE WE GOING, MILITARILY?

On the op-ed page recently, Clayton Fritchey warned us of a "frantic new arms race" resulting from the myth created by our militarists that the Soviet Union has achieved military superiority. In the next paragraph, he cautioned against a "futile effort to establish a superiority of our own," and concluded that there are "laws against shouting 'fire' in a crowded theater, but unfortunately there is no way of restraining panic-making shouts about our national security."

Fritchey quotes several authorities, including David Jones, chairman of the Joint Chiefs of Staff, Defense Secretary Harold Brown, and Maxwell Taylor, former JCS chairman, in support of the contention that the United States remains militarily equal or superior to the Soviet Union. But the military balance is never static. The question is not where we are but where we are going. On this, hear the recent words of those same witnesses:

Jones: "We have been living off the capital of previous investments" while in the case of the Soviets "their momentum will allow them to gain an advantage over the United States in most of the static indicators of strategic forces by the early 1980s. Moreover, because of the lead time in modern weapons programs, this progressive shift in the strategic balance will continue into the latter part of the 1980s" (Fiscal Year 81 Military Posture Statement).

Brown: "The 1979 Soviet military effort was about 50 percent larger than our own" and has "a potential for strategic advantages if we fail to respond with adequate programs" (Fiscal Year 81 Department of Defense Annual Report).

Taylor: ". . . our armed forces in the aggregate are dangerously deficient in their capability to deter conflict, conduct sustained combat overseas even on a limited scale or to provide the military backing necessary to support our foreign policy, present or projected" (The Post, letters, Aug. 3).

There are other witnesses worth hearing on this subject. Gen. Edward Meyer, chief of staff of the Army, told a House subcommittee on May 29 that, except for our forward deployed forces, we have a "hollow Army." At the same hearing, Marine Commandant Robert Barrow, when asked if he considered the fiscal year 1981 budget adequate, replied, "in a word, no." Speaking to the Naval War College on May 1, Adm. Thomas Hayward, chief of naval operations, reported that the Soviet Navy now has 800 first-line combatants to our 300, is building twice as many modern surface combatants and four times as many submarines as we are, and that the new Soviet ALFA class sub—with its titanium hull and phenomenal speed and depth capability—is far beyond anything we would consider reasonable or affordable. And in considering the significance of this naval balance—or imbalance—remember that the Soviet Union, unlike the United States and its Free World allies, is basically a land power, largely self-sufficient in resources and enjoying overland access to its major allies and trading partners.

Lew Allen, Air Force chief of staff, late last year expressed similar concern: "Most ominous is the unrelenting expansion of Soviet power, which has allowed them to achieve parity in strategic nuclear forces with the United States and threatens to provide military advantage to many areas of conflict."

To be sure, there are, as Fritchey contends, alarmist and hysterical voices in the defense debate, and the national interest is ill served by leading either our allies or our adversaries to conclude that our military establishment is in worse shape than it is. But the authorities I have quoted are by no means irresponsible extremists. They are respected members of an administration dedicated to cooling off rather than heating up the arms race. But they are also occupants of responsible positions in which they have had unique access to the facts and a heavy obligation in acting upon those facts.

Fritchey also invokes the judgment of former defense secretary Robert McNamara, who warns: "To the extent that military expenditure severely reduces the resources available for other essential sectors and social services—and fuels a futile reactive arms race—excessive military spending can erode security rather than enhance it."

This is the same McNamara who guided our course in Vietnam and who, in 1964, had this to say to U.S. News & World Report: "The Soviets have decided that they have lost the quantitative race and they are not seeking to engage us in the contest. It seems that there is no indication that the Soviets are seeking to develop a strategic nuclear force as large as our own."

As to the effects of military spending on our economy, of which McNamara warns, it should be kept in mind that during the Eisenhower administration we were spending twice as large a share of our gross national product on defense as we do today and, in those years, our economy grew vigorously and inflation was, by present standards, negligible. And when McNamara contends that defense spending is at the expense of social services, one is reminded of the words of the late British air marshall, Sir John Slessor: "It is customary in democratic countries to deplore expenditures on armaments as conflicting with the requirements of social services. There is a tendency to forget that the most important social service a government can do for its people is to keep them alive and free."•

THE UNIVERSITY OF SAN FRANCISCO'S 125TH ANNIVERSARY

HON. JOHN L. BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

• Mr. JOHN L. BURTON. Mr. Speaker, as an alumnus of the University of San Francisco, it is my special privilege to bring to the attention of my colleagues in the House that the University of San Francisco, the first institution of higher education in that city, is celebrating its 125th anniversary this October.

It is a distinctive honor to have this opportunity to focus national attention on the accomplishments and spirit of achievement which have characterized this great, private institution during the past 125 years.

The University of San Francisco, 1 of 28 Jesuit colleges and universities in this Nation, is celebrating its founding in October 1855.

As the third oldest college in California and San Francisco's first institution of higher education, the university has served a unique role in the development of the West. During the gold rush days, university chemists were noted for perfecting the scientific process of assaying gold ore brought to the new city at the golden gateway of America. During the 19th century, USF again led the way in experiments with the new scientific field of electric illumination. Later its noted scientific laboratories worked with one of the first samples of radium bromide shipped to the United States. In the 1870's the Smithsonian Commission rated the university as possessing one of the finest and most complete collections of scientific equipment in the country.

An elegant campus constructed in San Francisco's civic center before the turn of the century was totally destroyed by the 1906 earthquake and fire. Undaunted, the Jesuit fathers set up temporary facilities up the street in an abandoned shirt factory and classes resumed the following Monday. With the generous support of its friends in the community the university continued to operate in these humble quarters until the present campus was occupied in 1927.

Today, the University of San Francisco enrolls 6,500 men and women from throughout the country and from 80 other nations. It is a beacon of freedom, independence, and scholarship to the entire world. Housed within its 51-acre campus next to Golden Gate Park on a hilltop overlooking the city and the Pacific Ocean, the university academic program is centered around 8 colleges and professional schools which offer 90 majors.

Its colleges of liberal arts and sciences are recognized for their continued tradition of excellence in the long history of outstanding scholarship for which Jesuit educators have been noted for over four centuries. Its college of business administration educates many of the leaders of this great finance and commercial center of the West. The school of law numbers among its alumni over 110 judges currently serving in the local, State and national court system. Its school of nursing, among the largest in California, is consistently ranked among the highest quality programs in the Nation. Its evening college offers programs leading to degrees in numerous fields for those working adults unable to attend traditional, daytime programs. Its school of continuing education is among the leaders in the West in providing flexible professional programs leading to undergraduate and graduate degrees so that full-time employed men and women can meet educational requirements for advancement in their careers. The school of education is one of the State's largest centers for training of public and private schoolteachers and administrators. It houses the National Center for Research on Private Education and an outstanding program in multicultural education.

The contributions of the university's alumni to national life include winning three Pulitzer Prizes in the last 5 years, educating several U.S. congressmen and scores of municipal leaders including two former mayors of the city and county of San Francisco. Two of its alumni currently serve in key leadership roles in the California State Legislature. Its spirit of leadership has been equally demonstrated in the field of sports. USF teams have won 10 national championships in the last 30 years, including national soccer championships in 1975, 1976, and 1978. National athletic championships have also been in tennis, fencing, and basketball.

Private institutions such as the University of San Francisco are precious national resources which are greatly responsible for creating and sustaining our Nation's spirit of independence and great tradition of educational pluralism. The trustees, faculty, students, alumni and administrators of the University of San Francisco carry with them the four-century-old tradition of scholarship and excellence which are internationally known hallmarks of a Jesuit education. This tradition has produced great scholars who, most significantly, were also great citizens—Voltaire, Descartes, and Teilhard de Chardin. The University of San Francisco proudly proclaims its dedication in teaching not only for personal responsibility and development but for social and community responsibility. The motto of the university, sculpted beneath the symbolic phoenix on its administration building states "pro urbe et universitate"—for city and university.

On this occasion of its 125th anniversary the people of the United

States take note of the independently financed and managed University of San Francisco as a unique and valuable national resource, and wish it well in its continuing quest for excellence.●

IN REVIEW—THE GAS ALLOCATION PROGRAM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. GILMAN. Mr. Speaker, I would like to draw the attention of my colleagues to an important program which, for a variety of reasons, has lost front page attention. I am speaking about the Department of Energy's gasoline allocation system.

As you may recall, at the request of myself and several other Members of Congress, the GAO completed a report entitled "Gasoline Allocation: A Chaotic Program in Need of Overhaul," April 23, 1980, explaining why the Department of Energy's gasoline allocation program was ineffective in managing the shortages experienced all across our country last summer. In that report, GAO made a number of recommendations to the Department of Energy including:

Formulating a cost-effective and administratively workable alternative to a fixed-base period, giving special attention to the adoption of a modified rolling-base period.

Establishing an information gathering and analysis system which could provide reliable data on the distribution of gasoline supplies and which could use the reports to evaluate whether there are serious imbalances in supply between States or regions, and to determine what adjustments to individual prime suppliers' allocation fraction would best correct such imbalances.

Establishing a system for obtaining data on the use of the State set-aside program, including analyses which will highlight problems and the need for DOE action.

Partially, in response to the GAO report, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE), proposed several revisions—printed in the Federal Register of June 12, 1980 at page 40078—that would:

Revise ERA's Guidelines for making allocation assignments to new motor gasoline retail outlets.

Allow resellers and refiners increased flexibility to reassign base period volumes of company operated and closed independent retail outlets.

Revise prospectively the current unusual growth adjustment. In addition to those proposed allocation system revisions, the Department of Energy has decided to install a computerized tracking system in all of their offices, with the intent of expediting the application of local allocation decisions.

Unfortunately, a closer look at the proposed changes reveals nothing more than cosmetic surgery on a body that has long since ceased to breathe. In fact, the allocation system and its accompanying regulations are not accomplishing any significant conservation and are not encouraging the conservation of energy. It is obvious that the past crisis of fuel shortages due to an ineffective allocation system, by its very nature, must and will repeat itself. Notwithstanding the present adequate supply situation, the Federal allocation system, as it stands today, including the proposed changes, is still highly susceptible to local shortages even when, in fact, no nationwide fuel shortage exists.

Furthermore, should there be any increase in the consumption of gasoline, or even a return to past levels, shortages will once again crop up all over the country. For example, if the yearly growth in consumption returned to the rate witnessed during the first part of 1979, we would see an increase in consumption between 10 and 14 percent from current levels. A resurge in demand of this sort could spark off regional and national shortages.

Quite apart from the allocation program's inability to minimize and to avoid economic disruption and unnecessary interference with market mechanisms, it does not insure New York State or the Northeast region with an equitable allotment of gasoline. The formula for assessing the unusual growth adjustment, including the most recent proposal, still favors those States—like the Southeast and Southwest—with an increase in per capita consumption, while holding gasoline supplies back from those areas in cold weather regions—like the Northeast—which have successfully held down the consumption of their gasoline. New York State may also suffer additional shortages due to supplier pullouts and/or the closing of a significant number of retail stations.

Mr. Speaker, needless to say, the current allocation proposals are of little comfort and help in terms of preparing us for what will invariably befall us should the existing allocation system remain in place. I urge my colleagues to take a close look at the GAO report date April 23, 1980, and then compare it with the recent proposals by the Department of Energy.●

FISCAL RESPONSIBILITY

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. COLLINS of Texas. Mr. Speaker, the Federal Government continues to spend this country deeper into debt. Congress needs to take a close look at its rapid rate of spending and the effect this is having on the American taxpayer.

Present estimated outlays for fiscal year 1981 are $611.8 billion, and based on past estimates we can anticipate actual outlays of $635 billion in fiscal year 1981. This represents a 189-percent increase over its 1971 level of $211.4 billion in just 10 years. It took 185 years to raise the annual Federal budget to a spending level of $100 billion. It took only 9 more years to double that figure to $200 billion. Six years later it reached $400 billion in fiscal year 1977; by the end of fiscal year 1979, the outlays in the Federal budget exceeded $500 billion; and the fiscal year 1981 budget will boost outlays vastly over $600 billion.

Over the past 25 years, the Federal budget has increased 768 percent. The national debt for fiscal year 1981 is estimated to be $926.8 billion. Approximately 11 percent of the fiscal year 1981 budget, $72 billion, will go to pay just the interest on our national debt. That is over $197 million per day or about $345 per person per year.

Since 1970, individual income taxes have increased 214 percent and corporate income taxes have increased 104 percent. The tax burden on personal income will rise from 11.2 percent in 1980 to 23.3 percent in 1985. This represents an increase of 108 percent in just 5 years. Without a tax cut, working Americans will pay $530 more in 1980 and $870 more in 1981 just to sustain the Federal budget.

We had the first half-trillion-dollar budget in fiscal year 1979. This is more money than most of us can comprehend. Let us look at what a half trillion dollars really is:

Half a trillion dollar bills lined up end to end would encircle the Earth at the Equator over 1,900 times.

Half a trillion one dollar bills would extend to the moon and back over 99 times.

Taped together on a flat blanket, they would cover almost 1.2 million acres.

Bundled up, the dollar bills would fill a warehouse 47 feet wide, 20 feet high, and 4 miles long.

Half a trillion pennies would weigh more than 150 million tons.

Half a trillion silver dollars would create a stack as high as nearly 3 million Empire State Buildings.

Half a trillion silver dollars could pay the entire Nation's personal income taxes for about 4 years.

The size of the Federal Government has grown completely out of hand. Between 1816 and 1979, the population multiplied a little over 25 times, from 8.6 to 219.5 million. During the same period of time, the Federal bureaucracy multiplied over 597 times, from 4,837 civilian employees to 2.8 million civilian employees. Between 1930 and 1979, the population grew 78.5 percent while the Federal bureaucracy grew 380 percent.

From 1959 to 1979, the number of public employees grew more than 100 percent from 7.7 million to more than 15.6 million, while private industry jobs grew only 43 percent, from 57 million to 81.5 million. Between 1960 and 1979 the average annual income for a Federal Government employee rose 230 percent from $4,975 to $16,386, while the average annual income of a private industry employee increased by only 170 percent, from $4,195 to $11,435.

The Federal paperwork burden is over $100 billion a year which equals $470 for each man, woman, and child in the United States. The total direct costs of regulations have increased 115 percent over the last 5 years. In 1974, it took $2.2 billion to run Government agencies, and by 1979 it was $4.8 billion. In 1978, Americans spent more than 785 million hours filling out Federal forms. From 1970 to 1979, there was a 25-percent increase in the major economic regulatory agencies that increased their spending by 266 percent. During this same time, there was a 50-percent increase in social agencies that increased their spending by 423 percent.

By September, the four annual budgets that the Carter administration has controlled are expected to show a combined deficit of $187.1 billion. Carter's cumulative deficit is the greatest for one President since the 12 years of Franklin D. Roosevelt, when the Government spent $196.9 billion while battling the Great Depression and World War II.

Congress must place a limit on the amount of money it spends. The American taxpayers cannot continue to bear the burden of the overloaded bureaucracy. We need a constitutional amendment mandating it. Congress can no longer ignore the pleas of Americans for less government, less taxes, and less regulation.●

JERUSALEM, THE HEART OF THE JEW

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. ROSENTHAL. Mr. Speaker, a most distinguished and learned rabbi in New York City, Dr. I. Usher Kirshblum, the spiritual leader of the Jewish Center of Kew Gardens Hills, has written a valuable essay about the meaning of Jerusalem for Jews throughout the history of the Jewish people. This sensitive personal memoir reflects the feelings of millions throughout the world. I am proud to offer it to my colleagues for the history it ably presents, the faith it proclaims, and the beauty of its expression.

The essay follows:

JERUSALEM, THE HEART OF THE JEW

(By I. Usher Kirshblum)

My parents were devout Zionists. The word, Palestine, never existed in their vocabularies. To them that particular dot on the map of the Middle East was either Eretz Israel or the Holy Land, holy because in its center lay its heart, the holy city of Jerusalem.

I was rocked in the cradle of Zionism. Before tucking me to sleep my mother sang to me sweet lullabies of Zion and Jerusalem. One night I was startled by a weeping and wailing voice. It was not a bad dream. As I crept out of my bed I found my mother sitting on the floor, in the corner of the kitchen, with a lit candle in one hand and prayerbook in the other, swaying back and forth. Tears were wending down her cheeks as she was sobbing out her prayers. I was too young then to understand what my mother was doing. But as I grew older I learned that every week-day night, at the midnight hour, my mother would arouse herself from her sleep and offer special prayers of lamentation over the destruction of the holy Temple and Jerusalem.

The houses of the city of Bialystok, where I was born, were by no means pretentious. The interior walls, more often than not, were whitewashed rather than painted. One day my father took me along to visit the home of one of the wealthiest Jews of the City. My eyes kept staring at its multi-colored walls. As we were about to leave the palatial home, a large unpainted spot near the bottom of the door caught my attention. My curiosity was soon satisfied by my father. "My son, what you noticed was not recklessness on the part of the house painter. It is a tradition among Jews to leave a spot near the door unpainted in order to serve as a reminder that we must not rejoice fully with the beauty and comforts of our home but to recall the destruction of the Temple and Jerusalem."

As soon as I learned to read Hebrew I was taught to pray, thrice daily, and whenever praying to face East, toward Jerusalem. The more prayers I learned the more I recognized that our ancient, tear-stained prayerbook was studded with petitions for the rebuilding of Jerusalem, our holy city.

The Day of Atonement is the holiest day in the life of the Jew. From sunset to sunset he afflicts his body and soul through a twenty-four hour fast. The most gripping moment arrives when all the prayers are concluded and the entire Congregation, standing on its feet in dead silence, awaits the final, prolonged blast of the Shofar which will proclaim the end of the fast. I can still remember how at that sacred moment I clung tenaciously to my father. His eyes were tightly closed and with his hands raised heavenward he blended his voice with the resounding voices of the rest of the Congregation as all fervently exclaimed, "Next year in Jerusalem."

There is not a happier night than the Seder night. During the first night of Passover, the most humble of homes is converted into a palace, where the father becomes king, the mother queen and the children princes. That night is filled with laughter, joy and song. But it also has its very serious moments when, toward the end of the Seder, the entire family bursts forth in the proclamation, "Next Year in Jerusalem."

More than 2,500 years have passed since the holy Temple and Jerusalem were destroyed by the Babylonians. Another people would have long forgotten that day. But not the Jew! Each year, on the Eve of Tisha B'Av, the ninth day of Ab, the Jew begins a twenty-four hour fast. On that evening the Synagogue is shrouded in darkness, except for the light of a candle here and there. Sitting himself down on the floor or on a low bench, like a mourner during Shivah, he recites the Book of Lamentation which describes the destruction of the holy city of Jerusalem.

No joy can compare with that of the groom under the canopy as he stands next to his beloved bride. At the end of the wedding ceremony a glass is placed before him. "Break it with your right foot," the Rabbi instructs him. As the glass is shattered shouts of "Mazel Tov" break forth. In truth, the breaking of the glass is not a symbol for good luck but, again, as a reminder of the destruction of the Temple in Jerusalem.

Day and night, upon rising and retiring, in joy and in sorrow, even in death Jerusalem is on the heart, soul and mind of the Jew. My father and mother never lived to see an Israel Reborn. But they took Jerusalem with them to the grave. They procured from Jerusalem two little bags of sand, which they guarded like the most precious jewels. They kept those bags for the inevitable day. Before potsherds were placed upon their mortal eyes, the holy soil of Jersusalem was strewn all over their bodies—the closest way for them to have reached the holy city.

Surely Jerusalem is holy to Christians and Moslems—and the State of Israel respects and protects their holy shrines. But is there another people, nation and religion which can match the Jew's love and concern for Jerusalem? Is Jerusalem holier to the Catholic than the Vatican? Is Jerusalem more sacred to the Moslem than Mecca and Medina? For the Jew there is no substitute for Jerusalem. Take that holy city away from him and you have severed his heart.

The Psalmist, in Chapter 137, describes the scene how the Jews defied the Babylonian captors who ordered them to sing some songs of Zion. Instead of singing they raised their voices in a pledge, "If I forget you, O Jerusalem, let my right hand forget her cunning! Let my tongue cleave to the roof of my mouth, if I do not remember you, if I do not set Jerusalem above my highest joy!" That ancient pledge has been repeated for centuries by Jews the world over. And today, no less than when they stood by the waters of Babylon, the Jews in America stand ready to make the ancient pledge by the waters of the Potomac. No power on earth can wrest Jerusalem away from them. For Jerusalem is not only the capital of the State of Israel but also the heart of the Jew throughout the world.●

CONGRESSIONAL SALUTE TO OUR NATION'S AVIATION PIONEERS DURING NEW JERSEY AVIATION WEEKEND'S AMELIA EARHART SUMMER'S DAY CELEBRATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. ROE. Mr. Speaker, on Saturday, August 23, as an integral part of New Jersey Aviation Weekend, the residents of my congressional district and State of New Jersey will assemble with Mr. Andrew Waldman, president, and other members of the Lincoln Park Flying Service at a special program for New Jersey aviation enthusiasts and the people of the Lincoln Park area commemorating the 48th anniversary of Amelia Earhart's historic transcontinental flight from Los Angeles to Newark in 1932—a 19-hour and 5-minute nonstop flight of approximately 2,600 miles.

Mr. Speaker, as the cradle of research and industry in our Nation, New Jersey's role in the development of aviation has been vast and magnificent, and the Amelia Earhart Summer's Day Celebration will recognize the contributions—past and present—of our highly adventurous New Jersey aviation pioneers.

This most historic event at Lincoln Park Airport commemorating our country's innovators in aviation has received statewide recognition and the Governor of New Jersey has issued a proclamation designating August 23-24, 1980, as New Jersey Aviation Weekend. The proclamation reads as follows:

STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT—PROCLAMATION

Whereas the first landing of an aircraft in the Western Hemisphere occurred in New Jersey in 1793, pre-dating the flight of the Wright Brothers at Kittyhawk by more than 110 years; and

Whereas the Garden State has played a vital role in the experimentation and development of aviation and in aeronautical achievements from the hot-air balloon to space rocketry and space exploration, having an economic impact today in excess of 1.5 billion dollars annually and providing more than 26,000 jobs; and

Whereas women have contributed significantly to the progress and growth of aviation, such progress including the historic 1932 transcontinental flight of Amelia Earhart from Los Angeles to Newark; and

Whereas in commemoration of the 48th anniversary of that flight, the Amelia Earhart Summer's Day celebration at Lincoln Park Airport will serve as a showcase for the spirit of adventure and imagination of New Jersey's aviation pioneers;

Now, therefore, be it, *Resolved,* That I, Brendan Byrne, Governor of the State of New Jersey, do hereby proclaim August 23-24, 1980 as New Jersey Aviation Weekend in the Garden State, in recognition of the work and accomplishments of all the New Jerseyans who have remarkable contribution to the history of aviation.

Mr. Speaker, this public announcement calling upon the people of New Jersey to observe the weekend of August 23 with appropriate activities offers an excellent vehicle for varied expressions of pride and appreciation for the many outstanding achievements that aviation has contributed to the quality of our American way of life. The Amelia Earhart Summer's Day Celebration in Lincoln Park this weekend will bring together a reunion of aviation pioneers whom the people of our country can be most proud of and its exhibit of vintage and unusual aircraft will display a showcase of the spirit of adventure and imagination of New Jersey's aviation pioneers.

It is also significant to note that the program committee has combined with its Amelia Earhart Anniversary Commemoration and other festivities a search of the many other aviation pioneers and historymakers of Amelia Earhart's day. With your permission I would like to insert at this point in our historic journal of Congress an interesting article authored by Gaye Gavely, public relations director of the Lincoln Park Airport Amelia Earhart Summer's Day Celebration, which provides an excellent profile and heartwarming story of one of New Jersey's great aviation pioneers, Ed Gorski, who will be attending the celebration. The article reads, as follows:

ED GORSKI, AMELIA EARHART'S PERSONAL MECHANIC, TO ATTEND CELEBRATION IN HER HONOR ON AUGUST 23 AT LINCOLN PARK AIRPORT

Behind every successful pilot who made history and fired the imaginations and envy of people the world over during aviation's pioneering days, there were the unsung heroes who made the flights possible—the aircraft mechanics who not only placed their reputations on the line, but literally held the fate of the daring pilots in their hands.

Ed Gorski, of Kinnelon and former owner of Lincoln Park Airport, has the distinction of being the personal mechanic for many of aviations' greats, including Amelia Earhart and her early historic flights.

Was Ed Gorski aware back then that he was participating in perhaps the most exciting era of American and world history? Had he any idea that he was, in fact, an aviation pioneer?

"No, not really," comments Gorski very casually. "To me it was a job. And I pursued it and participated wherever my services were needed. It didn't mean anything to me. At that time, I had no idea that aviation would mushroom into the sizable industry that it is today. Of course, now we do know that it progressed very rapidly in a short span, but who gave it any thought at that time—especially at an earlier age?"

Gorski's role in aviation development carried him so far beyond being an aircraft mechanic that both he and his wife, Julia, were elected to the New Jersey Aviation Hall of Fame in 1972. Jointly, they are credited for the survival of the current day Teterboro Airport during the money-scarce depression era.

Gorski got involved in aviation when he "happened to meander down to Teterboro one day and Clarence Chamberlin (one of the finest pilots of the era) and a couple other pilots were working on various aircraft of World War I vintage and needed some assistance. They asked me if I wanted to work with them."

At the time, Gorski was just fifteen.

Years later, when the time came that "people had the transatlantic fever" and Amelia Earhart was one of them, Gorski was asked by Bernt Balchen to work along on her endeavor to be the first woman to fly the Atlantic solo.

Balchen was a personal friend of Amelia Earhart's who was an expert in aircraft engineering and who had become her advisor. Their flight preparation efforts were headquartered at Teterboro Airport where Gorski and other mechanics worked on installing a new supercharged 500-horsepower Wasp engine from Pratt & Whitney into Earhart's Lockheed Vega.

On May 20, 1932, coincidentally five years to the day after Charles Lindbergh soloed the Atlantic to Paris, Gorski accompanied Bernt Balchen and Amelia Earhart to Harbour Grace, Newfoundland, from where she was to depart for her solo transatlantic flight. Gorski went along to Harbour Grace to do the final tuning of her aircraft engine. It was, after all, the plane, as much as Earhart's courage and navigation ability, that had to come through with the best possible performance.

Gorski recalls feeling confident that day that Earhart "would make it. We were all rooting for her." He also recalls that Earhart was calm that day. "She was always a calm person. Never over-excited about anything that I know of."

Her calm demeanor seems to have persisted when, fifteen hours and eighteen minutes after her departure from Harbour Grace, Earhart landed in a dairy pasture in Londonderry, Ireland, and is reported to have grinned at the farmer who was first to reach her aircraft and said, "I've come from America."

Only three months after flying the Atlantic, Earhart established the woman's nonstop transcontinental speed record—the event being commemorated by Lincoln Park Airport's celebration on August 23.

Gorski recalls that Earhart's first attempt at that record was unsuccessful. He had gone to Los Angeles—taking an "awful, long ride on the train both ways"—to fine tune her aircraft engine. The flight was planned from West to East to take advantage of the usually healthy tailwinds coming from West to East. But Earhart had to land in Columbus, Ohio, because she had run into head winds which depleted her fuel. When she set out the second time and successfully completed the flight in August of 1932, Gorski did not participate. He was unwilling to make that horrid train ride again.

Ed Gorski takes his participation in the accomplishments of the greats like Earhart, Admiral Byrd and others in stride. "It was my job. And I did it."

Mr. Speaker, I appreciate the opportunity to call your attention to New Jersey's observance and celebration dedicated to our most elegant aviation history and particularly the Amelia Earhart Summer Day's Celebration at Lincoln Park. We are indeed proud of America's aviation pioneers and the opportunity to honor and celebrate the richness of their outstanding contributions to the fortunes and destiny of our Nation.●

EDUCATIONAL AGENDA FOR THE 1980'S

HON. JOHN J. LAFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. LAFALCE. Mr. Speaker, educating our children has always been of prime importance to the American people. We pride ourselves on having a fine educational system which is equitable to all. Yet, in recent years, there has been a trend away from the well-rounded education—the education of a renaissance man—and movement toward minimum competency standards and back to basics. While job skills are certainly important in preparing today's student for the modern world, I think that it is a mistake to place all the emphasis in learning on such basic skills to the detriment of the more traditional knowledge about science, social studies, literature, and the arts.

What should our goals be for the future of education? What should the agenda be for the schools of the 1980's? What will our commitments to educational goals and universal schooling be? Data from a recent study prepared by John Goodlad, the dean of the graduate school of education at the University of California and director of research for the Institute of the Development of Educational Activities states that parents overwhelmingly still want their schools to educate their children in a comprehensive manner, and to encourage development of intellectual, social, vocational, and personal development in addition to job training and survival skills. In addition, it is important that all students receive the benefit of a comprehensive education and are taught in such a way as to develop their full capabilities.

The U.S. commitment to schooling ranks among the highest in the world. Almost 90 percent of our students complete high school—far more than most other nations. The challenge that we face now is to continue to make our schools more educative and to develop cumulative, well-developed curriculums to meet every student needs. This is not an easy task and is not only the responsibility of the teacher and student. Rather it is the responsibility of the communities, the parents, the administrators, and citizens in general—even those who are not directly connected with the schools. I believe that we as a Nation can rise to the challenge of education in the 1980's and would like to share with my colleagues the following article, also written by John Goodlad, which discusses how we can meet the challenge of education in the 1980's, using some of the data from a study of schooling to give direction to where we must go from here. The article follows:

HOW FARES THE COMMON SCHOOL?

What should the schools' agenda in the 1980's be? I would plead for one made up of interconnected elements and one around which policymakers, educators, students, and parents might unite in concerted planning and action. Presumably, this would be the agenda of our new Department of Education, too.

Space limits me to a discussion of only part of this agenda: our commitments to educational goals and universal schooling, the "commonness" of the so-called common school, and the role of nurturing pedagogy in the educational sustenance of the young.

I became increasingly aware of the urgency of these elements when I was involved in conducting two large school-based projects over the past 14 years. The first, involving a consortium of 18 schools (The League of Cooperating Schools) confirmed for me both the importance and the difficulty of focusing on the totality of each individual school as the unit of improvement for our schools. The second, an inquiry into practice in 38 schools in seven major regions of the United States (A Study of Schooling) confirmed for me the urgency and authenticity of the elements I have chosen.

This paper is not a summary of the findings from either project. Conclusions and interpretations from the first already have been presented in several volumes. I am now preparing a summary volume based on the second, to be published in 1981. Additional volumes on selected themes and topics will appear later. The experience and data from both projects provide a backdrop for what follows.

Several years ago, on the pages of this journal, I observed that the American people have steadily expanded both their custodial and their educational expectations for schools. In recent years, however, we have been informed that people just want the schools to provide job training and to teach survival skills such as the ability to balance a checkbook and read the newspaper. This analysis strikes me as one more of those that misjudge the popular will and conventional wisdom.

Data from our Study of Schooling support my contention that parents still want their schools to educate comprehensively for the intellectual, vocational, social, and personal development of their children. Of course, they want their offspring to be able to read, write, spell, and manipulate numbers with some proficiency, but they also want them to be knowledgeable about science, social studies, literature, and the arts.

We educators would be well advised to develop comprehensive curriculums designed specifically to ensure that all students are caught up in curricular and instructional processes designed to cultivate their full capabilities and sensitivities. To fail to do so—whether in the name of back to basics or minimum competency—is to fail to fulfill a critical part of this nation's commitment to universal schooling. Other data from A Study of Schooling, to which I turn shortly, raise in my mind some disturbing questions about the degree to which life in schools even modestly mirrors our rhetorical definitions of, and expectations for, education.

Among the world's countries, we rank high in our commitment to universal schooling. Today, 85 percent of Whites and 75 percent of Blacks complete high school. We must not give up on our effort to do better in the quantitative sense. But the time has come to look long and hard at the qualitative aspects of our continuing drive for universal schooling. The data we are getting from achievement and proficiency tests and records of job placement, while not entirely useless, do not and will not answer the most fundamental questions about the quality of the education we provide. We must look directly at programs and practices in each school and ask ourselves if we like what goes on there.

Providing programs of instruction that comprehensively enhance the intellectual, social, vocational, and personal development of children and youths is no small accomplishment. Indeed, we are currently giving very little attention to the development of cumulative well-balanced curriculums and the construction of school programs according to creative blueprints. The neglect shows.

Partly in the name of individual differences in students' learning abilities, we frequently place secondary students in different learning tracks. It seems reasonable to assume that the levels of these tracks represent different levels of complexity in a sequential, cohesive body of subject matter. Those in the lower tracks presumably will encounter the subject matter covered in the upper tracks in succeeding semesters or years. I doubt that such assumptions are reflected in practice.

The 13 high schools selected for A Study of Schooling differ in size, socioeconomic status and ethnicity of students, location, and the like. Eight of them tracked students in four of the basic subjects: mathematics, English, social studies, and science. The remaining five tracked in three of these four subjects. Frequently, the content and materials taught in the lower and upper tracks differed so much that they appeared to be different subjects rather than different levels of the same subjects. Further, few data suggest that teachers are using special pedagogical procedures designed to assist with the presumed learning difficulties of those in the lower tracks. Rather than providing for individual differences, are we perhaps giving up on individuals?

Often students in our sample of high schools appeared to be divided into programs that were largely academic or largely vocational. Academically oriented students were taking some vocational courses as electives, not as a carefully conceived component of general education. Vocationally oriented students were enrolled in academic courses to meet minimum requirements for graduation, not to fulfill a requirement of a well-balanced curriculum. Moreover, these students frequently took their academic courses together and not in classes with their academically oriented peers. For the most part, vocationally oriented students have little chance of switching to predominantly academic programs.

Apparently assuming that some students are incapable of progressing in academic subjects beyond the bare minimums, we take comfort in the assumption that they are being prepared for jobs. But what jobs? The record on placing students in jobs for which the schools prepared them should elicit no cheers. Moreover, the prospect that many vocational trainees will have limited job mobility and will be unemployed is downright depressing.

One wonders, too, how many will have had appropriate education for effective parenthood and citizenship. Settling for too little for many of our young people is an injustice to them. It also means that we are settling for too little for our society. Getting more young people into school gives us grounds for satisfaction only if we can be sure that *all* of them receive quality education there.

Some of us have extolled the virtues of the so-called common school: a school commonly attended by rich and poor, White and Black, where students commonly encounter a curricular core and where their different talents and aspirations are commonly attended to through uncommon curricular offerings and pedagogical methods and techniques. The common school, I fear, fares badly today. Threatened externally by voucher plans and special interests, it has crumbled internally because of our misinterpreting the meaning of individual differences and because of our failing to take seriously Bruner's inspiring thesis that ". . . any subject can be taught in some intellectually honest form to any child at any stage of development."

Restoring some commonness to the common school is a top agenda item for the 1980's. The task should return us to some of the hard thinking about curriculum and instruction in which we have engaged so very little since the mid-1960's.

To provide for the intellectual, social, vocational, and personal development of children and youths demands a balanced curriculum that comprehensively meets these goals. It also calls for planning, scheduling, and counseling to ensure that all students participate in this curriculum. Students are not participating if they are enrolled but spend many school days on the streets. Nor are they participating when we give up on them early, succumbing to self-fulfilling prophecies about their limited expectations. Nor are they participating if we fail to engage their interests and abilities in meaningful learning.

In our study, teachers ranked high the praising and encouraging of students as a way of increasing their learning. But in practice we found precious little praise in classrooms—a finding with which some other researchers agree. We found more in the primary than in the upper grades. We observed twice as many instances of teachers' praising, encouraging, and correcting with guidance and of positive student-teacher interactions at the early elementary level as at the senior high school level.

We asked students in our sample to answer some questions about their views of themselves. Interestingly, their general self-concepts rose with each successive grade, while their academic self-concepts dropped—especially markedly from grades six through nine. Is there a relationship between the support teachers give students in their learning and students' self-concepts regarding their school work? And do both commonly decline as one moves upward through the grades?

We asked students in grades four through 12 to rate school subjects on how much they liked them, how important they were, and how difficult they were. Consistently, students said they liked the arts the best, with physical education and vocational/career education vying for second and third places. Overall, none of the subjects usually considered academic rose above fourth place at either the junior or senior high levels. Mathematics placed third at the upper elementary level, where vocational/career education was not included in the list of choices.

Interestingly, these three most-liked subjects are usually more action-oriented than the academic subjects. I do not wish to convey the impression that classes in the academic subjects should be converted into a whirlwind of activity, but far too many classrooms from the fourth grade up rely on homogenized textbooks and workbooks and on a narrow range of teaching techniques. Even in the arts—the most-liked subject—something deadly seems to happen to the exciting potential of drama, dance, music, and the visual arts as they enter the classroom. We desperately need a pedagogical renaissance at all levels of schooling and in all fields.

Our data also convey the impression that large numbers of junior and senior high school students are preoccupied with, and favorably impressed by, interests and activities other than academic ones. We asked the 13,700 junior and senior high school students in our sample to choose from six classifications of students the ones they perceived to be most popular. When we averaged the results from each school, "good-looking students" (37 percent) and "athletes" (23 percent) together accounted for 60 percent of the junior high choices. This combination averaged a whopping 78.6 percent in the senior high schools. The category "smart students" fared badly in the popularity sweepstakes. The average choosing this category was 13.5 percent for junior highs and a low 7 percent for senior highs.

Data on student participation in extracurricular activities and their choice of "the one best thing I like about this school" support the importance of games and peers at the adolescent level. The choice of "sports teams" from among six categories of extracurricular activities was 53 percent at the junior and 43 percent at the senior high level. When students were given 12 alternatives for responding to the "best thing" question, "my friends" and "sports activities" were the top choices—together averaging 52 percent in the junior and 46 percent in the senior high schools. At both levels, "nothing" (7.6 percent and 8.3 percent, respectively) outranked "classes I'm taking" (7 percent) and "teachers" (5 percent and 3.4 percent).

There were interesting school-to-school differences. At one junior high, only 2.4 percent of our sample chose smart students as the most popular whereas 79 percent chose either good-looking students or athletes as most popular. Students in one junior high deviated from those in the others by perceiving smart students to be the most popular, the proportion (37 percent) equaling the total for athletes and good-looking students. But in only one other junior high were smart students on a par with athletes and good-looking students in the popularity ratings. And at the senior level, the category athletes was the runaway choice.

Do these findings surprise us? After all, we're a very sports-minded nation. And we are all aware of the self-conscious primping engaged in by both boys and girls as they enter puberty. Bruno Bettelheim has questioned whether students who are going through puberty take academic work seriously in the heterosexual environment of the school.

Would we prefer that these findings were reversed so that smart students became the dominant group in popularity? How might we proceed toward such a goal? By finding ways to give visibility and rewards to students who excel in scholarship and artistic performance? By separating the sexes for schooling during adolescence?

Clearly, secondary school students are preoccupied with many things. Academically bright students probably are able to take in stride the nonacademic ethos of schools. But what about that larger group for whom school is a rite of passage made tolerable by sports and the opportunity to interact daily with their peers? What must we do if we want all students to enjoy a systematic, sustained, deliberate process of educational development?

In light of the data presented here, I don't see any actions, planned or taking place, that offer any real prospect of addressing what I conclude to be, at best, a poor academic and intellectual atmosphere in many of our secondary schools. Instead, the recent preoccupations with proficiency examinations, behavioral objectives, and simplistic pedagogical formulas appear to me to be puny responses to an institutional problem of great social significance and complexity.

We have been told that parents in particular are dissatisfied with schools. Our data suggest otherwise. Given the opportunity to grade their school on a five-point scale from A to E, the parents in 11 of our 13 elementary schools gave an average grade of B; the parents in the other two schools, an average grade of C. At the junior high level, 11 schools received an average grade of B; and one school, an average of C. At the senior high level, nine schools were marked B; and four, C. Except at the elementary school level, parents gave schools marks higher than teachers and students did.

Our data show that principals, teachers, and parents surveyed in A Study of Schooling would give more influence in decision making to groups close to the local school, such as parent-teacher organizations or teachers or advisory councils. They would give less to superintendents, board members, and state and federal lawmakers. Parents do not want to take authority away from the principals and teachers in individual schools, but they want less influence on the school from more distant lawmakers and from teachers' unions. They place themselves below the principal, teachers, superintendent, and even the board in regard to groups who should have the most influence.

But principals and teachers in our sample are less chary about placing themselves in the most powerful roles. Both teachers and principals believe the superintendent, principal, and board (in that order) exert the most influence now in making decisions for their specific schools. Both would change this order. The teachers believe they should have the most influence on decisions for their schools, with the principal and superintendent in second and third positions. Principals would place themselves in the position of top influence, followed by the superintendent and the teachers.

The real question concerning power and influence is Who should have responsibility and authority for what decisions?

As I see it, the challenge of making our schools more educative extends to entire communities. Administrators, teachers, parents, and citizens not directly connected with the schools as well as students must participate in finding solutions. Nonetheless, if only because educators are employed to provide good education in schools, they must provide much of the leadership. I believe that we have little other than ourselves and our own capabilites to fear.

At this stage of analyzing the data from A Study of Schooling, I am convinced that the findings will provide a specific, compelling agenda for making our schools more educative. Dare I predict that we all will join in bringing to this agenda for the eighties the best ideas emerging from inquiry and experience? Or will political and legal matters continue to consume most of our precious time and energy as they did in the seventies?●

BEPS ARE UNNECESSARY FOR ENERGY SAVINGS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. COLLINS of Texas. Mr. Speaker, while the Department of Energy has been creating a complicated structure of weighting factors, prescriptive standards, design energy budgets, and new regulations for builders, Mr. Fred Ryals of Richardson, Tex., has built an energy-efficient home which uses much less energy than a house of comparative size while saving as much as $1,000 a year in energy costs. All without the confused intervention of Federal Government and BEPS.

Mr. Ryals used the "Arkansas" concept when he built his home last year—a construction developed by Arkansas Power & Light, among others. This design includes: Limiting window surface to only 8 percent of the wall space, using an energy efficient heat pump, caulking every crack and crevice, sealing all outlets and switches with foam rubber and installing thermal windows. Texas Power & Light has metered the home's energy use for a year and has arrived at a comparison between Ryals' home of 2,950 square feet and a home nearby with 2,800 square feet with a solar water heater. From June 27 to July 23 of last year, the comparison house consumed 3,720 kilowatt hours of electricity and Ryals' house used 2,523 kWh for a similar period. This summer, the standard house had a kWh reading of 4,680 for the month ending July 9; the Ryals' home used only 2,960 kWh for the 30-day period ending July 8.

In the first 12 months, Ryals paid a grand total of $142 for heating and $200 for air-conditioning. And his home includes a swimming pool and two water heaters. At this rate, Mr. Ryals will recover the costs from these special designs in less than 3 years. According to Mr. Marvin Thedford, Texas Power & Light's supervisor of technical services research, similar energy savings can be achieved for less costs to the average homeowner by utilizing just some of the "Arkansas" ideas.

Incidentally, the energy consumption of Mr. Ryals' home is 60 percent less than the energy consumption design maximum as proposed under BEPS.

Once again, the innovative individual and private industry have easily accomplished what the Federal Government keeps trying to mandate with complex, confusing and costly redtape. This is living proof that we should not add BEPS to further burden the building industry. Private industry is already accomplishing better energy savings.●

ERRORS IN BUILDING DAMS ON OHIO ADMITTED BY UNITED STATES

HON. H. JOEL DECKARD

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. DECKARD. Mr. Speaker, last October I joined in a group lawsuit against the U.S. Army Corps of Engineer in the hopes of bringing to the attention of the public and my congressional colleagues the highly questionable practices of the corps in obtaining private lands for Ohio River flowage easements. I have openly protested these practices on the floor of the House—July 2, 1980—and will maintain my interest in seeking an investigation by the House Government Operations Subcommittee on Environment, Energy, and Natural Resources.

Recent events on this matter have developed and are most aptly stated in a piece by Richard D. Lyons in today's New York Times, which I encourage you to read and digest for future consideration of the funding proposals for corps projects.

[From the New York Times, Aug. 20, 1980]

Errors in Building Dams on Ohio Admitted by U.S.

(By Richard D. Lyons)

Washington, Aug. 19.—The Justice Department has admitted in court papers in response to a damage suit that the Army Corps of Engineers made a series of mistakes and misrepresentations in building dams and dredging channels along the Ohio River that led to soil erosion and property damage. A Government lawyer, however, said that the admission was made in error and that he intended to ask the judge to allow him to change it.

Unless the Government position is changed, the case could have implications going beyond the Ohio River because the Corps of Engineers has built similar dams and deepened channels in rivers across the country, and similar complaints of damages have resulted.

The admissions of fault are in papers filed a week ago with the United States Court of Claims by four landowners, including Boone County, Ky., asking for $25 million in damages. But in a bizarre twist, the Justice Department attorney who signed the admissions said they were a mistake.

"I made a mistake, it's that simple," Hubert M. Crean said. "When it was stated that the allegations of the plaintiffs are admitted, it should have said that the allegations were denied." Mr. Crean said that he intended to go back to court to ask the judge to change the word to reflect the Government's position.

But environmentalists and spokesmen for the landowners contended that the Justice Department was attempting to withdraw the admissions now that it realizes that they might pave the way for litigation against by other landowners along hundreds of miles of American rivers. One estimate placed the potential cost of successful claims against the Government at more than $500 million.

"There are 10,000 landowners along the Ohio where these dams have gone in and it's anyone's guess as to how many would sue, and how much they could collect," said Norman E. Hay of Indianapolis, the attorney for the four whose suit led to the admissions. They are among 120 persons who have filed suits in the last five years.

Mr. Hay said he found it inconceivable that Mr. Crean could have made such a serious error as he said.

But Maj. Gen. Vald Heiberg, a spokesman for the Corps of Engineers who supervised the Ohio River division of the Corps from 1975 to 1978, when asked about the admissions, said, "I would be surprised if in fact they said that."

"There was no evidence that came to my attention during the three years that I was in the Ohio River division that we engaged in misrepresentation," General Heiberg said late this afternoon, adding, "We have a very pored-over, looking-at, and technically correct report that concludes the dams we built were not contributory to the erosion," he said.

He acknowledged, however, that many landowners in the area have long charged the Corps with misrepresentation concerning the project. Several dozen land-owners living along the Ohio River in Kentucky, Indiana and Ohio have already filed suits charging that the Corps of Engineers had engaged in "fraud and misrepresentations" in acquiring land and easements, often under threat of condemnation, for the replacement of dams along the river.

Most of the suits contend that the Corps condemned and bought a flowage easement on land in the 1960's on the basis of a 12-foot deep channel, when only a nine-foot channel had been authorized by Congress.

The easement gives the Corps the right to occasionally or permanently inundate the land, but does not give the Government ownership. The plaintiffs argued that the deepened channel led to severe erosion of the land, which under the easement they expected to be able to continue farming, and that the erosion violated their Constitutional rights as landowners.

In the town of Brandenburg, Ky., west of Louisville, landowners along the river contend that the deepened channel has led to the erosion of as much as 300 feet of land.

Two years ago near Rockhaven, Ky., the soil erosion was so severe that 52 cars of a Louisville & Nashville freight train slid into the river after the riverbanks eroded the tracks.

The four litigants in whose case the papers were filed are Representative H. Joel Deckard; Charles E. Keller Jr. of Loveland, Ohio; Brig. Gen. Thurman Owens, U.S. Marine Corps Ret., and his wife Phyllis M. Owens, of Florence, Ky., and Boone County, Ky. the county contends that it has lost about $10 million worth of highways along the south bank of the Ohio River because of soil erosion. The others filed claiming erosion or misrepresentation of the highwater mark.

SIMILAR PROJECTS ELSEWHERE

In the past, officers of the Corps of Engineers have conceded that the lawsuits filed by landowners along the Ohio could have far-reaching implications because similar projects have been built along the Missouri, the Yazoo, the Red and other rivers.

"There is no doubt that this is a very important and significant lawsuit," Lieut. Gen. J. W. Morris, head of the corps, said several years ago.

The Corps of Engineers project on the Ohio entailed building 14 dams that raised the level of the river and made it a reliable year-round barge route.

The 14 dams, which cost $2.3 billion, helped expand the use of the Ohio River to the point that it carries about 150 million tons of freight a year, more than the St. Lawrence Seaway and the Panama Canal combined.

Environmentalists have contended that the dams were unneeded, because they helped mainly the barge operators, and that they severely damaged the local ecology. Interest in the issue was stirred by John Flynn, publisher of Hard Times in Marengo, Ind., who has written about the project for five years.●

ALASKA LANDS BILL

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. VENTO. Mr. Speaker, I am most pleased to see that the Senate has completed action on the Alaska lands bill. It has not been an easy task. The House passed H.R. 39 during the 95th Congress, but the Senate chose not to act. This Congress, however, we took no chances. We sent over one of our leading experts on the subject, Senator Tsongas, to insure the passage of a bill. Paul did an excellent job and now that his task is complete, we will welcome him back to the friendly confines of the House anytime.

While we can commend the Senate for acting, the bill that they passed is not perfect and major differences between the House and Senate versions exist.

Unfortunately the Senate has chosen to ignore the imperfections in their bill and the efforts of the House. We are now presented with a "take it or leave it" proposal. But before we surrender our legislative responsibility to produce a balanced bill which treats fairly the national and State interests in the development and management of Federal lands in Alaska, we must review the Senate end product and compare it with H.R. 39 as overwhelmingly passed by the House.

There are many differences between these two proposals. At this time, I would like to bring to my colleagues' attention some of the major points of disagreement.

WILLIAM O. DOUGLAS ARCTIC WILDLIFE RANGE

Under H.R. 39, the 1960 range and the southern additions are designated as wilderness with the coastal plain also protected as wilderness. In addition, oil and gas exploration is not allowed. In contrast, the Senate bill opens the coastal plain caribou calving grounds to private seismic exploration after 2 years and does not designate additions to the existing range as wilderness.

ADMIRALTY ISLAND

The House recognized the unique character of Admiralty Island by designating the entire island as wilderness and providing for the Shee Atika Native Corp. to select land of equal or greater value elsewhere in the Tongass National Forest. The Senate unfortunately did not provide this needed protection for Admiralty Island. Indeed by conveying 19,000 acres on Admiralty to Shee Atika for logging and excluding 21,000 acres from wilderness for Noranda's Green Creek mining operation, the integrity of the entire island is threatened.

MISTY FJORDS

One of the most valuable areas in all of Alaska is Misty Fjords. When the House considered H.R. 39, special attention was given to the issues in this area. Under the House passed bill, the Misty Fjords National Monument was entirely protected as wilderness. However, recognizing the molybdenum resource in the area, provisions were made in the House bill to allow for the development of that resource, while the Senate bill excludes 149,000 acres from wilderness including the Wilson and Blossom Rivers, highly productive salmon streams.

Mr. Chairman, the Alaska lands issue is of the utmost national resource. The decision which Congress will make will affect the land management policies for years to come. The House overwhelmingly approved a balanced bill. We now owe it to the American people to review the Senate bill closely before acting. At this time, I would like to bring to my colleagues' attention a recent Minneapolis Tribune editorial on this matter.

The editorial follows:

AN ALASKA PLOY THE HOUSE SHOULD REJECT

Since 1978, the Senate has stalled on defining the status of federal lands in Alaska. It has missed its own deadlines, been easily intimidated by threats of filibuster and this year delayed decision until the crowded time between conventions and campaigns. By contrast, the House has dealt twice with competing priorities of development and conservation for America's last and largest wilderness frontier. Last year and the year before, the House debated the questions that the Senate ducked, and passed carefully balanced bills setting long-range policy for some 100 million acres of nationally owned Alaska lands. This summer, the Senate has succumbed again to procedural entanglements woven by Alaska's Sen. Mike Gravel. And now some Senate leaders seek to escape the snarl by asking the House to forget its two years' work and rubber-stamp whatever law the Senate alone constructs.

That is an offer the House should reject. It is wrong on substantive grounds and procedural alike. For procedure, some in the Senate want the House to adopt an Alaska-lands bill exactly as the Senate may pass it this summer. That maneuver would make unnecessary a conference committee compromise of House-Senate differences and thus deny Gravel a chance for further filibustering later in the session. Without the maneuver, Senate leaders argue, Congress may adjourn again without further action on the Alaska lands.

But why should timetable troubles created by the Senate make the House give up its voice in major legislation? If the Senate's bill on Alaska lands were similar in substance to that from the House, a parliamentary end-run around conference-committee discussion might be justified. However, the Alaska-lands policy now proposed for a Senate vote widely departs from conservation principles that the House has twice endorsed. Despite the Senate's 2-to-1 margins supporting such principles in recent test votes, Senate leaders have caved in to Gravel's tactics and made a weak bill worked out in private, the only one eligible for a roll-call on the floor. Most senators may dislike the bill, but vote for it anyway just to be rid of the issue.

For the House to accept passively such a pseudo-solution would be to jettison scores of congressmen's long work and hard thought on Alaska-lands policy. It would also sacrifice a prudent balance—economic and environmental—between long range conservation and rapid development of natural resources. The House should hold firm. The Senate should pass a bill that House and Senate conferees can work on together. And if stalling tactics on the Senate floor again abort a policy for national lands in Alaska, the Senate, not the House, should get the blame.●

HOUSE PERMITS ABORTION COVERAGE FOR CONGRESS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. DORNAN. Mr. Speaker, I submit for the RECORD, Thomas Edsall's article in the Baltimore Sun of October 30, 1979, that was quoted from so extensively in today's debate on taxpayer-funded abortions for Federal workers. The final vote of 228 to 170 against abortion was a major victory for those who respect and cherish all human life.

The article follows:

HOUSE PERMITS ABORTION COVERAGE FOR CONGRESS

(By Thomas B. Edsall)

WASHINGTON.—The House of Representatives, which has repeatedly voted to deny federal funds for abortions for poor women, has left untouched a federal health insurance program that includes full abortion coverage for members of Congress, their families and staff.

Under the federal employees' program, most of which is carried through Blue Cross and Blue Shield, about 20,000 abortions were performed last year. The program covers all 10 million civilian federal workers, and no specific figures for members of Congress or their staffs were available.

The health program provided to federal employees is paid for by a combination of government and employee contributions. Medicaid provides free abortions for poor women, but Congress permits them only when they are necessary to protect the health of the mother or in cases of rape or incest.

In what has become one of the bitterest annual fights in Congress, the House has insisted since 1976 on adding this antiabortion restriction to the Health, Education and Welfare (HEW) appropriation bill.

This restriction, known as the Hyde amendment, went into effect in August, 1977, and has produced a major reduction in the number of abortions financed through the Medicaid program.

The principal sponsor of the anti-abortion amendment, Representative Henry J. Hyde (R, Ill.), said he had been unaware of the fact that the insurance policies covering members of Congress and other federal workers included coverage for abortions. "I hadn't thought of that," he said, adding "that's an area that ought to be looked at."

Similarly, Representative Robert E. Bauman (R, 1st Md.), another leading opponent of abortions, said, "Frankly, I never really thought about it," when asked about the federal employee program. He said his main concern has been with HEW, which had been financing most of the abortions.

Representative Robert K. Dornan (R, Calif.), another leader of the anti-abortion wing, said he had been unaware until very recently that federal employees' health insurance coverage included abortion fees. "I didn't learn about it until two days after the Treasury bill [the measure containing the money for the health plan] was approved by the House." Mr. Dornan vowed that he would attempt to amend the measure next year.

Supporters of Medicaid-financed abortions contend that a cutoff discriminates against the poor who are dependent on public sources for medical care, while persons with higher incomes are either covered by private health plans or can afford to pay for the operation themselves.

"In terms of its effect, the new Hyde amendment is tantamount to a constitutional amendment outlawing abortion for the poor," Representative Louis Stokes (D, Ohio) has argued on the House floor. "It means that with regard to the poor, the government has instituted its own judgment, its own concept of morality and judgment which we do not and cannot impose on the more affluent women in this country."

In the case of the Medicaid program, the Hyde amendment has resulted in a reduction of abortions paid for by the federal government from 294,600 in the 1977 fiscal year down to 4,860 in the 15-month period ending June 30, 1979.

In nine states—where 60 percent of the abortions have been performed—state governments have agreed to pick up the full cost of Medicaid abortions.

In the remaining states, poor women who want abortions are paying for the operation themselves, going to clinics giving free abortions or having the children.

More than half of the total federal civilian work force, 5.5 million or 54 percent, is covered by Blue Cross and Blue Shield through plans in which the government contribution is 55 percent and the employee contribution is 45 percent. The remainder are covered by a variety of other plans in which employees contribute.

James Gillman, a Blue Cross-Blue Shield vice president in charge of federal employees' plans, said a total of 70 percent of the House is covered under the system and 61 percent of the Senate.

The plan, he said, offers blanket coverage for abortion: "If an abortion is done, it will be covered."

In 1978, Mr. Gillman said, Blue Cross-Blue Shield paid for a total of 10,267 abortions, indicating that just under double that number were performed for all employees since Blue Cross-Blue Shield covers just over half the work force.

In the same period, Mr. Gillman said, his plan paid the cost of 50,961 births. The figures suggest that among federal employees, just over 1 in 6 pregnancies are terminated by abortion; nationally, the Alan Guttmacher Institute estimates that 3 out of 10 pregnancies are ended by abortion.●

INTRODUCTORY REMARKS

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. HEFTEL. Mr. Speaker, I am pleased to join with several of my distinguished colleagues on the Ways and Means Committee—Mr. Pickle, Mr. Duncan of Tennessee, and Mr. Martin—to introduce legislation intended to produce seriously needed changes in conducting appeals of certain determinations under medicare.

In particular, this legislation would make a number of changes to section 1878 of the Social Security Act, to strengthen the ability of medicare providers to obtain impartial review of intermediary decisions by the Provider Reimbursement Review Board (PRRB). In addition, providers will be allowed to obtain judicial review of adverse decisions by the PRRB and the Secretary of the Department of Health and Human Services (DHHS) in a manner that will be more equitable and less costly to the medicare program than under current law.

In the Social Security Act Amendments of 1972, Congress created the PRRB to provide a specific administrative process for deciding appeals by providers from decisions of the medicare fiscal intermediary. Unfortunately, the sound intentions of Congress never have been effectuated, due primarily to fundamental weaknesses that were built into the statute.

Specifically, under current law providers may not seek judicial review of regulations or policies of DHHS until after the provider has gone through a long, tortuous process of preparing and filing cost reports; awaiting a decision by the fiscal intermediary; and appealing that decision to the PRRB, which must declare what everybody already knows—that the PRRB has no authority under law to decide issues regarding the validity of DHHS policies and regulations. Medicare (and thus all taxpayers) must pay a significant portion of the huge costs of conducting this needless, always fruitless litigation exercise. Our bill would change this situation by allowing the provider to obtain immediate judicial review in such cases—namely, those in which the PRRB has no authority to decide the case.

Also, under present law the Secretary can unilaterally decide to review—and reverse—decisions of the PRRB. This "own motion review" process, predictably, has been applied by the Secretary in a manner which suggests, on its face, a large degree of arbitrariness, or unfair treatment of providers. For example, during the period 1975–79, DHHS affirmed or declined to review 99 percent of issues the PRRB determined in favor of DHHS but only about 60 percent of decisions in favor of providers. Once again, a proportionate share of this additional step in the appeals process is borne directly by our taxpayers, and other costs are passed on to others who must pay for health care services. Our bill would remove this unilateral review by the Secretary, which serves to create unnecessary delays and costs for providers who may have just grievances. Under our proposal, both the provider and the Government would be permitted to seek judicial review directly after an adverse determination by the PRRB.

In addition, our bill would achieve a number of necessary administrative reforms, long overdue, designed to enable the Board to act more efficiently. The demoralizing, unfortunate backlog of cases which has plagued the appeals process in recent years would thus be greatly reduced or eliminated entirely.

In essence, we believe it is important to recognize that providers under medicare perform a valuable service for the Government. Moreover, because they provide necessary, often vital services to people, they generally are unwilling or unable simply to refuse to serve medicare beneficiaries. It is therefore incumbent upon Congress to insure that these providers—including hospitals, nursing homes, and home health agencies—are not subjected to arbitrary procedures when challenging denials of payment by fiscal intermediaries that act as agents for the Federal Government. The Ways and Means Health Committee became well aware of these problems when it considered—and adopted—a provision in H.R. 3990 proposed by Mr. Duncan which would have achieved certain of the objectives we now seek in our proposed legislation.

Mr. Speaker, if our medicare program is to continue as the major vehicle for protecting and financing the health care needs for our elderly and disabled citizens, Congress must act to insure that equitable, cost-effective procedures and due process exist. Irrational, nonproductive procedures must be corrected. Our proposal seeks to accomplish such important changes. We look forward to a hearing on this initiative and the issues it raises in the very near future, and would urge all of our colleagues to give this matter the serious consideration it deserves.●

NATIONAL WILD AND SCENIC RIVERS SYSTEM

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. KOSTMAYER. Mr. Speaker, yesterday I introduced legislation, the State Wild and Scenic Rivers Planning and Preservation Act—H.R. 7953—to encourage and enhance efforts for free-flowing river preservation at the State and local level. As a member of the National Parks and Insular Affairs Subcommittee, I have followed closely the administration and growth of our National Wild and Scenic Rivers System. I feel this is an excellent program which serves a vitally important purpose. I am particularly encouraged that in his various environmental messages, President Carter has seen fit to propose numerous additions to our Wild and Scenic Rivers System and to direct the Department of the Interior and its Heritage Conservation and Recreation Service to inventory our Nation's rivers to determine other suitable additions to the system. The chairman of the National Parks Subcommittee, our colleague Phillip Burton, has acted decisively on these recommendations and under his leadership, many important additions to the System have been designated, including two sections of the Delaware River in my own State of Pennsylvania.

As significant as the recent strides we have made are, it seems clear that this federally administered program will never be able to provide the necessary protection for more than a select group of our Nation's rivers. The great bulk of the responsibility will have to be shouldered at the State and local level. There are indeed many circumstances in which the job of river preservation can simply be better done at the State and local level.

Congress recognized this when it passed the National Wild and Scenic Rivers Act in 1968 by providing for both State administered and federally administered components. The fact that there are now still only 23 federally administered components of the 12-year-old system is disappointing; far more disappointing is the fact that there are only 6 State-administered components. In retrospect the reason becomes all too clear that while the act does provide for State-administered rivers, it provides virtually no incentive for the States to undertake such efforts. The legislation which I have introduced today would remedy that situation by establishing a modest, but effective, program of assistance to the States for river preservation. This legislation would also make several technical changes in the Wild and Scenic Rivers Act to remove hindrances to State action.

My own State of Pennsylvania is a good example. Federal designation of any of the several outstanding rivers and streams wholly within Pennsylvania has been resisted chiefly out of a preference for State action. But while a State river preservation program was enacted in Pennsylvania in 1972, and a very impressive inventory of Pennsylvania rivers conducted, only very recently have any rivers actually been placed under protection. If there had been any sort of encouragement or assistance to the rivers program rather than the rivers program having to compete with all other natural resources efforts for funding, I think we would have seen far greater progress. This bill will provide the kind of assistance needed and could spark a major effort in the States to compliment the Federal program.

Mr. Speaker, I am submitting a section-by-section analysis of this legislation and urge my colleagues to join me as cosponsors of the State Wild and Scenic Rivers Planning and Preservation Act.

The analysis follows:

SECTION-BY-SECTION ANALYSIS, H.R. 7953

Section 1: Short Title, "State Wild and Scenic Rivers Planning and Preservation Act."

Sec. 2: Creates a program of assistance to the states for establishing and administering river preservation programs.

Over half of the states have no river preservation program at all. Most of those which do exist are understaffed, underfunded, and/or do not provide any real significant protection for rivers. Land use regulation and other non-acquisition means of protecting river corridor lands is a capability of the states which is far less expensive and generally more acceptable to local land owners than is acquisition, the only option available to federal programs. Limited federal and state funds could go much farther and be more effective if directed to state and locally administered riparian zoning programs. The only presently available federal assistance, the Land and Water Conservation Fund is directed primarily at acquisition; the LWCF cannot be used for administering such programs, and while it perhaps could be, it has not ever been used for planning for river preservation.

Assistance under this program could also be utilized to protect and preserve lands along rivers of the national wild and scenic system, again taking advantage of the greater speed, cost efficiency, and acceptability of state and local non-acquisition programs.

Sec. 3: Establishes a program of special assistance to state and local governments for the acquisition of key riverfront parcels.

This special assistance would be available to state and local parties only if surrounding lands are being adequately protected by nonfederal means. Such a program gains added leverage for the federal dollar and enhances the special river preservation capabilities of nonfederal programs.

Both this program and that of Section Two would require 20 percent nonfederal matching funds.

Sec. 4: Establishes a program of loans and loan guarantees for acquisition and subsequent resale for compatible purposes of lands associated with protected rivers.

Nonprofit citizen organizations as well as state and local agencies would be eligible for this program if they have a demonstrated capability and commitment for river preservation. Private and specialized state and local agencies have frequently proven capable of greater effectiveness in land acquisition for preservation purposes than federal agencies. Land prices often skyrocket or land is incompatibly developed while federal programs wait for authorization and appropriation of acquisition funds. Citizen organizations can move quickly and with greater flexibility in dealing with concerns of individual land owners as well as enjoy a more sympathetic relationship with land owners. This program will provide important interim protection before state or federal acquisition in some cases; in other cases it will keep the land in private ownership and productivity but directed into uses which are compatible with the values of the river. No condemnation authority would be granted by this program.

Sec. 5: Directs federal agencies to avoid adversely impacting river segments receiving assistance under this act or protected by federal, state or local programs.

This is a simple consistency provision to keep an unrelated federal action from unnecessarily damaging a protected river. This section is similar to the agency mandate in the President's Environmental Message of August 2, 1979.

Sec. 6: Directs the Secretary of the Interior to promulgate guidelines for providing assistance under this Act and for acceptance of state-administered rivers into the National Wild and Scenic Rivers System.

Sec. 7: Clarifies that the various protections of the National Wild and Scenic Rivers Act do apply to state-administered rivers approved by the Secretary of the Interior, as well as to rivers specifically designated by Congress.

This section also clarifies that preliminary permits—as well as licenses—for hydroelectric projects are covered by the water project provisions of the Act for study rivers.

Sec. 8: Allows acquisition of State lands within National Wild and Scenic Rivers by exchange as well as by donation.

The present limit to donation only for State owned lands prevents consolidation of scattered State and Federal parcels into managable units and discourages the States from acquiring any lands along rivers which might be designated under the national system. By allowing for donation, the law should encourage state participation.

Sec. 9: Allows for subsequent resale with appropriate restrictive covenants of lands purchased within Wild and Scenic River corridors.

Purchase and sale back is a valuable device for protecting a parcel's natural values while keeping it under private management and productivity. This provision simply stipulates that this is an available option for less-than-fee acquisition under the Wild and Scenic Rivers Act.

Sec. 10: Provides for authorization of Wild and Scenic River Studies by resolution of the House Interior and Insular Affairs Committee or the Senate Energy and Natural Resources Committee.

The National Wild and Scenic River system is rather cumbersome in that not only does Congress specifically authorize each addition to this system, but if a river is to be officially studied for possible inclusion in this system an Act of Congress is necessary to authorize the study. This provision would delegate that responsibility to the committees which handle wild and scenic legislation. Interim protections of the Act would not apply to study rivers designated under this section unless so stipulated by both the House and Senate Committee.

Sec. 11: Directs the Secretary of the Interior to study what if any actions are necessary to insure adequate public rights of access to our nation's rivers.●

MODERNIZING U.S. BANKING LAWS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. LaFALCE. Mr. Speaker, one of the most important tasks facing the Committee on Banking, Finance and Urban Affairs in the 1980's will be a complete reexamination of this country's many laws and regulations on the conduct of banking. The committee has already embarked on that task with the passage of the Financial Institutions Deregulatory Act of 1980, which introduced some important changes in the banking industry.

A symbol of that task has been the growing number of speeches delivered by leaders of the banking industry concerning the future nature of financial institutions during the 1980's and 1990's. Indeed, the White House is now studying a wide-ranging study of the McFadden Act, which prohibits interstate bank branching. That study has been made even more timely by the recent spate of foreign acquisitions of U.S. banks, which has prompted hearings in September by the Banking Subcommittee on Financial Institutions Supervision, Regulation, and Insurance.

The latest foray into this important debate has been the editorial from the August edition of the Financier, entitled "Untangle U.S. Banking Laws." I want to share that thought-provoking editorial with all of my colleagues, as we address the important issue of the future of our banking system.

The editorial follows:

UNTANGLE U.S. BANKING LAWS

Banking regulations in the US are terribly askew when one of the nation's bigger and sounder banks can muscle itself up to giant size only by selling a majority interest to an even bigger foreigner, as Crocker of California has just done with Midland of the UK;

Or when First Penn, which not so long ago was in Crocker's class but has lately gone into a steep slide, had to be salvaged by a preservation loan hastily put together by the FDIC and 27 large banks from all over the country;

Or even when Marine Midland of New York, sound enough but needing capital for growth, sold a majority interest to Hong Kong and Shanghai.

The troubling element in these situations is that Federal and state banking laws made impossible the logical and preferable resolution of each—affiliation or takeover by a US bank or holding company.

The fact that foreign institutions were involved in two of those deals—in two of the largest takeovers in banking history, as it happens—is not nearly so important as the fact that American banks could not even be considered.

It is important, though, that what is simplistically perceived as a threat of takeover from abroad had caused Congress to pass a brief moratorium on foreign purchases of American banks. The Hong Kong-Marine Midland deal had prompted it in the first place; the Midland-Crocker deal took place within days after it expired; and now there is urgent talk in Washington about reviving the moratorium.

THE NEED FOR ROOM TO GROW

But that is begging the question. The complexities and size of finance today require institutions to match, and for that they need room to grow greater than what is now allowed—to extend their range and maintain their competitive edge in a world full of immensely skillful, ever expanding competitors. So also the public interest requires a mechanism for the rescue of banks in difficulty in the most efficient manner—and that means the right for a strong bank to reach out and succor another in trouble.

So instead of Congress trying to play Canute against a foreign tide, with moratoriums against foreign takeovers, it ought to start paying attention to opening up the maze of American banking laws that prevent rational response.

And Congress should also bear in mind that at a time when U.S. financial institutions are often acting in the national interest in rough, complex and vital international finance, the possibility of foreign Government retaliation, even tacit disapproval, of U.S. protectionist action should be avoided.

Congress has before it proposals to modernize the McFadden Act and the Bank Holding Company Act. McFadden is the philosophical core; in its essence, it prevents commercial banks from branching across state lines. It was created before the Depression, as a form of defense by those who feared concentration of banking power, in the classic American struggle.

It has been bypassed in various ways: Holding companies, bank expansion beyond the traditional acceptance of deposits and making of loans, and particularly by electronic banking.

But McFadden, and some of its precepts embodied in subsequent legislation, does effectively preclude a bank from one state taking over a bank in another—either as a rescue mission, or as a logical strengthening of service and extension of market.

GEOGRAPHIC BATTLEMENTS DEFENDED

The geographic battlements are still being vigorously defended, however, by many of the nation's more than 14,000 commercial banks, which understandably have a fear of being swallowed up by giant outsiders.

They make an earnest case that local commitment, a permanent presence in and understanding of the community, is more important than efficiency, which may or may not be much better, and certainly will not be as personal.

That case is perfectly reasonable, but it misses the point of the need for expansion—most of the large banks that would like to cross state lines for growth purposes are interested primarily in serving large corporate customers. So the smaller banks, with their deep roots and personal relationships, may not be in such jeopardy as they fear.

Moreover, there is among some of them a genuine reluctance to engage in serious competition, and to remain the only game in town. Righteous zeal in such instances is suspect.

And the case for fencing out strong banks is breached wide in the First Penn episode, which, although a matter of state law, is instructive. If one of the strong banks in Pittsburgh, say, had wanted to help, it could not have done so—Pennsylvania, with its local variation of McFadden, prohibits banks from branching beyond counties contiguous to that of the home office.

CONGRESS HAS BEEN BRIEFED

The threat to banking thus comes not from incursions from abroad, but lies in the anachronistic tangle of laws at home. Congress knows this perfectly well; the Banking Committees of both House and Senate have been fully briefed. Indeed, the President was committed to give Congress by September of last year detailed recommendations on changes in the banking laws.

Obviously, both Administration and Congress are caught up in more pressing matters for the next few weeks. But if either wishes to appear credible, they will cut out the nonsense about threats from abroad, and get on with the business of opening the way for banking progress at home.●

SETTING PRIORITIES FOR RESEARCH AND DEVELOPMENT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. BROWN of California. Mr. Speaker, the important role of science and technology in meeting our Nation's needs is generally recognized and accepted. What is not as fully appreciated is the crucial question of priorities. In the United States, unlike most of our economic competitors, our research and development priorities are skewed toward military, and not civilian, purposes. The contrast with Japan is most illustrative—while they spend only half as much for all R. & D., since they spend nearly none for military R. & D., Japan spends nearly as much as the United States for civilian purposes, which is what positively impacts economic growth and competitiveness.

The Congress has two choices on how it will enhance civilian R. & D.—first, we can simply increase our allocation, or second, we can transfer funds from the military sectors. To do neither would be a serious mistake.

An interesting commentary on this topic follows:

[From the Washington Post, Aug. 12, 1980]

RESLICING R. & D.

(By Daniel S. Greenberg)

The reindustrializers are chanting that we've got to spend more on research and development. But we already are spending more—more than we used to spend and far more than our foreign industrial competitors. What ought to be talked about is a new carve-up of the bountiful R&D pie, but since that might involve losses for longtime beneficiaries, it is simply easier to call for more.

The cries that regularly come out of R&D bear no relation to the volume of wealth that government and corporations put into the "knowledge" industry. The official custodian of R&D statistics, the National Science Foundation, recently tabulated next year's spending: $66 billion—which means for the sixth consecutive year, money for R&D is outpacing inflation by a respectable average of 4 percent. That $66 billion is close to double what the United States was spending as recently as 1975 and, as the statisticians say, is "at least twice the total amount spent by any other major Western country or Japan."

The growth comes from a steady increase in government spending, impelled more by the needs of high-technology society than any party ideology. Gerald Ford started to repair the damage the Vietnam economy did to the research enterprise, and Jimmy Carter has continued that effort. Along with the growth of government money, there's been a boom in industry-financed research—so much so that, contrary to the widespread impression, Washington is no longer the main provider of money for these activities: industry has been expanding its role at a rapid pace—25 percent annually since 1975—and now holds a slight lead. Even in university-based fundamental science, for which the government remains the financial mainstay, the growth of support has comfortably out-distanced inflation, regardless of what we hear from the statesmen of science, for whom a trimmed-down grant is the modern-day version of the persecution of Galileo.

Like much else in American society, who gets what is less the product of rational assessment than the consequence of who got there first and dug in. Throughout most of the postwar years, no matter how much the U.S. government spent on research, defense always took about 50 percent directly, plus another 10 percent or so in slices from the civilian space and nuclear budgets. West Germany spends about 10 percent on military research; Japan far less than that. Much of that defense R&D money has gone into high-technology turkeys, such as the break-the-bank F18 fighter.

Less visible than such colossal fiascos, but also of immense cost, is the Defense Department's nationwide network of aging laboratories, many of which are rated by knowledgeable researchers as obsolete, bush-league establishments that survive for pork-barrel purposes. The same can be said of major aspects of the laboratory empire that originated under the old Atomic Energy Commission—huge, hot- and cold-war spawned establishments that now in large part busy themselves with trying to appear useful.

While they regularly collect their checks from Washington, the opportunities for new activities in today's static economy are sparse. President Carter's technocrats responded enthusiastically to his request for designs to boost industrial innovation, only to find his budget-makers paring their recommendations to insignificant levels. The Global 2000 report projects a cataclysmic imbalance between world population and resources if present trends persist. But governmental and industrial expenditures for contraceptive research have actually declined in recent years, partly because there's no organized constituency for this research. With no discretionary money in the government's R&D treasury, promising scientific opportunities remain unexplored.

The call for more R&D spending, when we've already got plenty, but much of it in the wrong places, invites curiosity about the drumbeating for reindustrialization, in whose name it is being proposed that we diminish the useful distance that exists between government and industry and academe and industry, and that workers' incomes be restrained to finance new industrial plant.

But just looking at the R&D segment raises doubts about the need for so grand an economic convulsion. What ails R&D is a kind of hereditary rights system that is incompatible with getting the most out of the monumental amounts that we already spend.●

CHILEAN PRODUCE WELCOME IN U.S. MARKETS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. COELHO. Mr. Speaker, Chilean fresh fruits have been on the east coast grocery shelves for years and now are increasingly appearing on those of the west coast. One might think that this would be an encroachment on the western fruitgrowers' markets, but oddly enough, many of the farmers are very happy about the trade and none seem to be hurt by it.

The explanation for this lies in the difference in seasons in the Northern and Southern Hemispheres. The Chilean summer is during the U.S. winter; therefore, the fruit harvests are separated by months. Due to the perishable nature of the fresh fruit, the Chilean fruit is not in competition with its American counterpart. The president of a major California fruit cooperative recently pointed out that Chilean imports "keep fresh fruits before the U.S. consumers and that means we do not have to reacquaint them with fresh fruit when the first shipments begin in late May."

Between 1973 and 1979, U.S. imports of Chilean fruit increased over eightfold. Today, the United States buys 35 percent of Chile's fresh fruit exports. This, in part, has led to the revitalization of this South American country's economy from its 1971-76 depression.

Chile is an importer of U.S. agricultural commodities, although purchases have declined in recent years. The United States is expected to capture a greater share of the Chilean grain markets as the Argentinian grain supplies tighten and the prices rise. If we are to keep these avenues of trade open, tariffs must be kept to a minimum.

This trade is beneficial to both the United States and Chile, and is a thriving example of the virtue of free trade. The imported goods satisfy American consumer preferences without taking profits away from the American farmer. Protectionism, all too prevalent in today's world, clearly would have been to no one's benefit in this instance. This trade is a classic example of comparative advantage—each nation producing what it is best at and freely trading. In the end, this leads to more goods being available to everyone, and at lower prices.●

POT OF GOLD FOR THE JOBLESS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. MICHEL. Mr. Speaker, it is difficult to come up with an appropriate adjective or series of adjectives to describe the Democratic National Convention, which consumed most of prime-time television last week. One of the highlights of the convention was the speech by Senator KENNEDY spelling out his solutions for the ills of our economy, and while his speech did generate some excitement for at least a few hours, those of us serving here in the Congress recognize his message as just more of the same bad medicine which has brought the economy to its present weakened condition.

Another reaction to the Senator's speech caught my eye in a column written by the popular columnist for the Chicago Sun-Times, Mr. Mike Royko, and I ask that his column be inserted in the RECORD so that all of our colleagues can see the reaction to Senator KENNEDY's remarks by one of the most widely read members of the print media.

POT OF GOLD FOR THE JOBLESS

THAT TED, HE'S RICH

(By Mike Royko)

NEW YORK.—It's said that Teddy Kennedy, being a multimillionaire, doesn't have to carry money. Not even credit cards. He has flunkies who pick up the tab. Or somebody mails him a bill.

When you're that rich, money lacks reality. It's not something you jingle in your pockets to reassure yourself. And it isn't a weekly paycheck. It's some vague number that your accountants send you every month or so.

So it isn't surprising that Kennedy—who has never had to work for a living—would come up with the wildest, the most preposterous economic idea to emerge from either 1980 political convention.

Much to Ronald Reagan's delight, I'm sure, Kennedy bullied this nervous Democratic convention into a platform position that says any American who wants a job will be given a job by the federal government.

On the face of it, that sounds so nice. It's something out of the 1930s Depression era. You can just see tattered, footsore working stiffs walking up to some government office and being given jobs that provide dignity, honor and satisfaction. For background music, Woodie Guthrie will do nicely.

But let's play with the numbers.

There are 8.2 million unemployed people in this country. Now, what would happen if they all took the Democratic Party up on its convention pledge? And what would happen if the federal government actually tried to follow through on Kennedy's job plan?

Let's start with the salary for this federally guaranteed job. None of the Kennedy people said how much these jobs will pay. So let's be really tightfisted and make it a bone-bare $10,000 a year. Anything less than that and they'd probably choose welfare.

If the government provided all 8.2 million unemployed people with $10,000-a-year jobs, it would cost $82 billion a year.

Actually, it would come to more than that. By the time you added Social Security benefits, workman's comp, etc., the figure would reach $120 billion a year. That's what a top economist tells me.

It doesn't take a mathematical whiz to figure out what that would cost American taxpayers.

Every man, woman and child in this country would have to pay an extra $120 a year in taxes. For a family of four, it would be almost $500 a year more than they are paying now.

Obviously, no president and no Congress is going to raise the taxes of every family in America by $500. Not unless they want a revolution. So the options would be to cut something out of the budget, or increase the federal deficit.

About all that you could cut to make up this kind of money would be the defense budget. And nobody is going to do that. We wouldn't even have a Coast Guard.

So we go to a bigger federal deficit. Print more paper money. Funny money, you can call it.

This would triple the federal deficit. And by putting this much funny money into the economy, we would increase the inflation rate to about 20 percent a year.

Ah, that Kennedy is a genius. With one flamboyant gesture—to show that he is a friend of the American working man—he finds a way to reduce the buying power of every American working man by about one-fifth.

Kennedy didn't say what kinds of federal jobs these would be. But based on the past performance of the government's CETA program, we could end up with one helluva lot of crossing guards, neighborhood opera troupes, subway patrols and people picking gum off park benches.

The problem with providing make-work jobs is that the federal bureaucrats create these jobs. Since they can't think of anything to do themselves, they have a hard time finding useful chores for someone else.

And that leads us to other fun figures.

For example, do you know how long it would take to process the job applications of all of these 8.2 million unemployed people?

Well, if you allow one hour per person, which seems reasonable, it would take something like 975 years.

I'm not sure what that figure means, but it does give you some idea of how many federal employees you'd have to hire if you were going to provide all of those jobs. It could be that the new bureaucracy needed to process the jobs might, in itself, create the jobs.

And consider the paperwork. It's reasonable to assume that each job-seeker would fill out an application. If each application was only one foot long—a modest size, considering how passionately federal bureaucrats love their offical forms—then the paperwork would stretch about 1,553 miles.

That's the distance from Chicago to Key West. Why, the filing cabinets needed to store the job application forms might create a big enough industry to absorb the unemployed.

Many Democrats will leave this convention depressed because they have Jimmy Carter as their candidate.

But it could be worse. The candidate could have been Kennedy. Then they would leave not only depressed, but flat broke.●

THE ANDERSON DIFFERENCE?

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. DORNAN. Mr. Speaker, the conventions are over now, and the campaigns for the Presidency have already begun. In the coming weeks the American voters and the world press will focus their attention on the upcoming election and the men and women running for office. Because this election will be decided on the issues, the proven record of the major candidates become very important.

Governor Reagan has a proven track record as chief executive of the most populous State in the Union. The American people are all too familiar with Jimmy Carter's record as President over the past 4 years. However, the 1980 election will present the voters with a third option, the independent candidacy of Representative JOHN ANDERSON. Congressman ANDERSON has no party platform to outline his stands on the issues; his proven record is the only way for the American people to judge where he stands.

The Nation's voters and the press realize this and the process of examination has already begun. The following editorial, by Richard Reeves, examines the Anderson candidacy and track record. I submit it for my colleagues' review, for the RECORD:

[From the Los Angeles Herald-Examiner, July 31, 1980]

BUT WHAT DOES ANDERSON STAND FOR?

SAN RAFAEL.—John Anderson began his independent campaign for president here by demonstrating that he can draw a crowd. Unfortunately, he also demonstrated that he has very little to tell them that they don't already know.

More than 2,000 people paid $5 each to hear him at the Marin Veterans Memorial Building and another 300 were turned away for lack of space. Anderson told them that there were more than a few things wrong with President Carter and Ronald Reagan. They applauded as Anderson artfully tore apart Carter's record and the Republican platform. But when he was finished, someone shouted. What is your platform?"

The truth is that he doesn't have one. And he may not have the time or energy to develop one in time. In his first major campaign swing through California, Anderson spent, according to his staff, about 75 percent of his time fund-raising. And much of the campaign's energy is being drained in legal and organizational struggles to get his name on the ballot in various states.

It's Catch-22. To become a serious candidate, an independent has to raise millions of dollars in amounts of $1,000 or less and run a gauntlet of deliberately restrictive state election laws. That leaves no time to be serious about issues. Anderson is giving speeches; he is not saying anything different.

"For a candidacy of specifics," said Ove Johannson, a Swedish correspondent following Anderson, "this sounds pretty general to me."

Indeed it does. In Los Angeles, meeting the press the next day between fund-raisers, the candidate answered almost every question by attacking Carter or Reagan, usually both. When he was asked what he would do about Southern California's concern with illegal Mexican immigration, he said he would wait for a report being prepared for the government by the Rev. Theodore Hesburgh, the president of Notre Dame University.

The Hesburgh report—all federal reports these days seem to be Hesburgh reports—isn't due to be completed until the spring of 1981. So Anderson's answer was safe, but his candidacy isn't going anywhere with safe answers.

He has to say something—a lot of things that will make people uncomfortable. He is trying to break up a political system, and you can't do that by sounding like other politicians.

Anderson failed inside the system. He ran in 11 Republican primaries and lost 11 times. To establish his own legitimacy, he has to persuasively challenge the legitimacy of the entire political system. Otherwise, he will just be a media phenomenon. The press created a new kind of Anderson candidacy after Republican voters rejected the old one, the traditional one.

But the press has very few votes. Anderson has to become something more than an admirable curiosity to voters in San Rafael and thousands of other places. He has to tell them why they should make him president; they already have some feeling about why Carter and Reagan should not be.

In the end, he probably won't be able to do that. First, because the laws and public financing of the two major parties leave him almost no time to really think about being president. Second, because he is terribly flawed as a candidate. The researching of his record has begun and it doesn't look good.

Next month's issue of The American Lawyer, for instance, stabs at Anderson's past actions on civil rights and gun control. In 1963, the magazine reports, he was inserting letters in the Congressional Record arguing that Southern Negroes were "totally unprepared for equality" and might be happy under "a paternalistic autocracy." In 1978, Anderson's congressional campaign advertisements said he was opposed to gun control—advertisements he now says were "a staff error." But the files of his hometown newspaper, the Rockford, Ill., Register-Star, indicate that he was, in fact, arguing against gun control in debates during that campaign two years ago.

The independent candidacy is a great idea. That's why Anderson was drawing crowds in California. But it may be an idea who's time is not coming in 1980.●

MORE COMMENTARY ON THE MILITARIZATION OF SPACE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. BROWN of California. Mr. Speaker, on several previous occasions, I've attempted to convey to my colleagues the dangers of further militarization of space and some of the alternatives to this trend. A recent article in the excellent new publication by the American Association for the Advancement of Science, Science 80, is an interesting summary of the situation.

While the article stresses the point of view of military leaders, and only briefly addresses concerns of arms control experts, it does make it clear that space wars will occur simultaneously with nuclear war on the planet Earth.

Frankly, I can see no sense in developing antisatellite weapons to wipe out surveillance systems unless one believes a nuclear war can be won. As one who rejects that concept, and finds it difficult to believe that anyone can truly expect to wage and win a nuclear war, I see our entrance into antisatellite warfare as an extremely alarming escalation of the arms race, and one that can only lead to nuclear war.

I commend the following article to my colleagues:

[From Science 80, Sept./Oct. 1980]

WAR IN SPACE

MILITARY SATELLITES AND EXOTIC WEAPONRY THREATEN TO TURN SPACE INTO THE NEXT BATTLEGROUND

(By Robert C. Toth)

When the Iranian crisis broke last winter, President Jimmy Carter ordered a special task force to steam at flank speed into the Indian Ocean. Soon after, the Soviet Union launched a nuclear powered radar satellite to spy on the naval force. The fact that the 38 ships in this emergency flotilla had a periodic Soviet "tail" with the capability to guide a missile attack against them made this satellite a tempting target if hostilities had broken out.

"Space can no longer be a sanctuary," argues a high-ranking naval officer, "If push comes to shove, I want the capability to take him [the enemy satellite] out before the missiles come in."

Within the next year or two, the President faces a crucial decision, whether or not to test a new conventional weapons system designed to destroy such satellites. Other, far more exotic anti-satellite weapons, called A-SATs in the military jargon, are also under high priority development. They include high powered lasers and particle beam weapons that conjure images straight out of Star Wars. Such weaponry no longer belongs to the land of fantasy. It is fast becoming fact.

Off and on over the past 12 years, the Soviet Union has orbited at least 15 hunter-killer satellites in tests designed to perfect its own anti-satellite weaponry. The latest test took place last spring. The Soviet satellite Cosmos 1174 maneuvered within several miles of its orbiting target, but apparently was a failure. According to some analysts, it was not close enough to damage the target had the killer satellite been commanded to explode into a hail of shrapnel. Other Soviet A-SAT tests have been extremely accurate and are of great concern to U.S. policy makers.

The early promise to make space a peaceful scientific arena foundered not so much on the military's doctrinaire appetite for the high ground but because satellites have been given such expanded military roles over the past two decades (see table). Great reliance has been placed on vital reconnaissance satellites like the U.S. "Big Bird" and KH-11 that have made possible the monitoring of strategic arms agreements without on-site inspection. Early warning satellites in geosynchronous orbits some 23,000 miles out can detect the telltale exhausts from a Soviet missile just 60 seconds after launch. Military use of navigation satellities, weather satellites, and communications satellites has proliferated. For example, nearly 70 percent of all military messages are transmitted via satellite circuits.

"We were pushed into space too fast, mostly to save money," says one defense department insider. "Satellites are very cost-effective for many missions." But the apparent economic benefits of such technology have been at the expense of greater vulnerability, continues the official. "We have now got to face up to the real costs of these satellites, which include the costs of ensuring that they are there when needed." An aircraft carrier costs one billion dollars to build and another one and one-half billion dollars to defend with ships, submarines, and other systems. The same economic logic should be applied to military satellites, argues the official, "otherwise space will be our Achilles' heel, if it isn't already."

Moscow has argued that space is an extension of the atmosphere in terms of national sovereignty. In various statements, the Soviets have let it be known that only those reconnaissance spacecraft protected under the Strategic Arms Limitation Treaty have the right of safe passage overhead. The capability to knock down other satellite intruders may have spurred Soviet work on A-SAT technology, as well as the recognition that the U.S. military's increased reliance on space facilities had increased this country's vulnerability.

Seven test flights of the Soviet hunter-killer satellites were conducted between 1968 and 1971. The Pentagon did not react strongly then because Soviet guidance seemed too poor for the A-SATs to use conventional warheads, and nuclear warheads were unsuitable. Besides being banned by the 1967 treaty forbidding "weapons of mass destruction" in space, nuclear warheads produce radiation that can disrupt friendly as well as enemy satellites. But in the second test series between 1975 and 1978, the Soviets demonstrated a weapon that homed in by radar close enough for the shrapnel from its conventional explosive charge to destroy the target.

Two years ago, Defense Secretary Harold Brown concluded that the Soviets possessed an "operational" A-SAT system that could deny the United States access to low orbits—out to about 300 miles. The Soviets "also have several efforts underway to improve upon and complement this system," William J. Perry, director of DOD's research and engineering, told Congress last February, just weeks before the Soviets resumed testing a 600-mile-high killer. Testing at this altitude and higher indicates that the USSR hopes to take aim on the Navy's vital transit navigation satellites, several high-flying reconnaissance spacecraft, as well as the forthcoming Space Shuttle. After about 1985, if expendable boosters are phased out as now planned, the shuttle will be the only way to put any large U.S. satellite, including any "directed energy" A-SAT weapons, into orbit.

The Department of Defense is spending $150 million on space defense this year under three programs, the most significant of which is anti-satellite weaponry.

The primary U.S. A-SAT system under development is a missile slung under the wing of an F-15 fighter. Its warhead is drum-shaped, about 13 inches long and 12 inches in diameter, and only weighs about 35 pounds.

Location of the target satellite will be radioed to the F-15's pilot and into the aircraft's guidance system, along with orders to take the F-15 into an intercept trajectory. A two-stage rocket will boost the A-SAT close to the target, after which the weapon's terminal guidance will take over, homing in on the "black body" infrared radiation emitted by the target. All objects with temperatures above absolute zero (−459.4 degrees Fahrenheit) radiate such heat rays. The sensor, through a small on-board computer, will direct the final maneuvers of the weapon, firing propellants in dozens of small tubes mounted around the cylinder's periphery. These minirockets also will provide thrust for final maneuvers and lethal ramming of the target. Ground tests of the system are to be completed this year; flight tests for which targets already have been ordered could run as early as 1981 or 1982.

This A-SAT missile, however, will be able to do only half the job. It will be able to destroy defenseless enemy satellites. But it will not be capable of intercepting a Soviet A-SAT aimed at a U.S. target because the U.S. tracking system cannot predict its orbit with sufficient precision and speed. Thus the quest for exotic weapons that fire at the speed of light.

Because of its virtually instantaneous, speed-of-light velocity, a laser weapon does not need to lead a target by much. A laser fired from the ground against a 100-mile-high satellite would reach the target in less than a thousandth of a second, during which time the satellite would travel a mere 20 feet in its orbit. The laser beam is pointed by moving mirrors to reflect its light, permitting rapid changes of direction to new targets. Another plus is the absence of recoil because of the massless photons "fired" by the laser.

Lasers and satellites entered the world about the same time. Invented in 1960, the laser is unique and powerful because it emits coherent light—light waves that are perfectly aligned, like soldiers marching in close order. By contrast, ordinary light is noncoherent, its waves marching out of step and in different directions.

Light and other forms of electromagnetic radiation are radiated when energy is lost from within an atom, ion, or molecule. Its wavelength depends on the specific event that released the energy, when an electron orbiting a nucleus "drops" from a higher to a lower state, for example, or when the bonds holding atoms in a chemical compound reduce their bending and oscillating motions. In earlier lasers, an intense pulse of ordinary light was discharged into a crystal to "pump" electrons to higher, unstable states from which they decayed to emit a weak but coherent beam.

Lasers have since grown thousands of times more powerful. Most high energy devices today are "gas dynamic lasers" in which two gases are burned to create a new gas at very high temperature. As this new gas cools, its molecules radiate laser light. For example, carbon monoxide and oxygen burn to form carbon dioxide. The two oxygens are connected to the central carbon atom by bonds, comparable to rubber bands, that stretch outward very rapidly at high temperatures. On cooling, the bonds contract and energy is radiated at a wavelength of precisely 10.6 microns (one micron is a millionth of a meter), an invisible, infrared beam. This ray is collected by two mirrors that face each other and reflected into a lens that focuses it into a narrow intense beam.

Industrial lasers that emit continuous beams of 20,000 watts are available. The military is working toward weapon systems lasers with power outputs of 2.5 million and 5 million watts (megawatts). A 10,000-watt laser can slice through a one-inch-thick steel plate at the rate of several inches per minute. A 2.5-megawatt laser would be capable of destroying fast-moving aircraft and air-to-air missiles.

So far the defense department has spent more than $1.3 billion on laser weapon development, with another $196 million budget this year in what is the Pentagon's most heavily funded research effort today. Another one billion dollars is planned to be spent over the next five years perfecting such weapons.

Lasers already have chalked up some demonstration kills. In 1973, the Air Force downed a winged drone with a laser beam; the Army destroyed winged and helicopter drones in flight in 1976, and the Navy destroyed an antitank missile in flight in 1978.

This fall, the Air Force plans to shoot down air-to-air missiles with a carbon dioxide gas dynamic laser carried aboard a modified jet tanker aircraft in the most realistic test so far of the laser as a weapon. Housed in the forward cargo section of the plane, this monster laser reportedly packs one million watts of power. It fires its beam from just behind the cockpit of the KC-135. A 23-inch telescope is used to focus the beam on the target missile. Air Force Secretary Hans Mark describes the tests as a "proof of concept" comparable to General Billy Mitchell's sinking of a battleship with bombs in 1921, a demonstration that revolutionized warfare.

The primary difficulty with a laser is that air absorbs and scatters its beam, defocusing it and sapping its energy. For these reasons, Secretary Mark believes that "laser weapons will not be practical below 25,000 feet because of difficulties in propagating the beam through the atmosphere. We see the weapons operating around 35,000 feet, where 99 percent of the water vapor is below you, and there are essentially no clouds."

Laser A-SATs in space would be far more efficient and flexible than ground based weapons. A prime location would be a geosynchronous orbit, 22,300 miles up. Many vital national security satellites are there. Laser A-SATs could conceivably defend a flock of unarmed satellites and be on duty about 1995, defense officials estimate. Development costs probably would run over $15 billion for 8 to 12 such battle stations that could look down and control all of near-earth space.

For all their power, such laser space forts would not be powerful enough to destroy rising ICBMs with their refractory nose cones and thick-walled rockets. Another, although less likely, candidate to be used as an ICBM death ray is the particle beam weapon (PBW) that fires charged or neutral particles out of accelerators (once called atom smashers). The particles (electrons, protons, neutrons) can pass through thick barriers into targets. Their beam spreads less in space than laser light but the particle beam weapons are enormous and require tremendous power.

Shooting particle beams through the atmosphere is more difficult than laser beams; in fact, it has been suggested that lasers can be used to bore holes through the air for the PBWs to follow. Charged particles also are deflected by the earth's magnetic field. Neutral particles are unaffected, but taking the charge off robs the particle beam of significant velocity.

The director of the Department of Defense's Advanced Research Projects Agency (DARPA), Robert R. Fossum, told Congress earlier this year that particle beams "offer great potential for military weapon applications, including antiship missile defense and defense of hardened sites against nuclear threats." DARPA is spending $23.4 million studying the potential this year. It has also convened a panel of experts to examine PBWs. Wolfgang Panofsky, director of the Stanford Linear Accelerator Center and a panel member, said going into the review that PBWs seemed "a very unlikely application" of the technology. Even so, some military specialists claim that the Soviets are further along in the development of particle beam weapons and have tested them at a secret installation at Semipalatinsk in the central Soviet Union. The issue is murky at best.

In more pedestrian realms, DOD is also working to improve space surveillance and increase spacecraft survivability.

Identifying the more than 4,500 objects in space is much harder than generally realized. Those is geosynchronous orbit are almost invisible to ground observers. They include a half-dozen "dark" craft sufficiently close to U.S. satellites to be worrisome. The nearest one is registered as Soviet rocket "tankage," which drifts to within 50 miles of a defense communication satellite. The fear is that such "zombies" might move close to their U.S. neighbors in a crisis and explode. The possibility that space already is mined is remote, but it will be less so in the future. Some satellites already may be booby-trapped to prevent detailed internal inspection or their loss to an enemy.

Efforts to enhance spacecraft survivability include improving security at ground links and building satellites out of materials more resistant to attack. Devices that sense laser light can be attached to the skin of satellites to trigger maneuvering rockets. Decoys can be deployed to confuse radar. Solar panels will be replaced with nuclear isotope power sources. Structural materials with greater heat resistance and better reflecting and refracting properties are being sought. Tantalum, tungsten, boron metals, and fiber glass plastics are promising.

But with all the talk of space wars, U.S. officials publicly maintain there is little reason to send men into space on military missions. Even so, space soldiers are already scheduled to be there as a part of NASA's Shuttle program. The Pentagon won the right to have military astronauts fly the craft when on military missions, to launch it from Vandenberg Air Force Base in California, even to establish a new Space Operations Center for controlling military Shuttle flights as well as security satellites and their payloads.

The Soviets regularly have been rocketing men to their Salyut stations for the past decade, most likely for military reconnaissance. They have announced plans to establish a permanent, orbital station. Some analysts expect this to be a 12-man, space station launched into orbit during the mid-1980s. The Soviets clearly believe that humans can fulfill important military missions in space.

Many think that the best hope for slowing militarization of space is in an A-SAT treaty. However, former CIA deputy director and assistant director at the Arms Control and Disarmament Agency (ACDA) Herbert Scoville Jr. warns that "no comfort should be taken in the theory that an A-SAT treaty will move warfare away from the earth and spare mankind from the horrors of a nuclear holocaust. An attack on reconnaissance or communication satellites will inevitably be viewed as the preamble to further aggression on earth. A conflict in space, if it occurs, will only be the first stage of a much broader war."

Once high powered lasers are perfected, and certainly once they get into orbit, the prospects for space war increase greatly. Effective laser A-SAT systems on both sides would be destabilizing, according to one argument, much as effective antiballistic missile (ABM) systems would be, by tempting first strikes. Laser A-SATs in space might also destroy the ABM treaty, opening up a race for those weapons as well.

Some experts maintain that lasers will not work as advertised. One skeptic, Richard Garwin of Harvard, quips that "the easiest way to kill someone with a laser is to drop it on them." Perhaps. But at this point, their technological momentum seems irresistible. U.S. technology, in all of the ancillary systems (adaptive optics, pointing and tracking), if not in lasers themselves, is thought to be five years ahead of the Soviets'. This is an advantage the military hopes to press hard in its new theater of operation: space.●

IMPACT OF BOYCOTT ON THE OLYMPICS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. DERWINSKI. Mr. Speaker, I was especially pleased to see an editorial in the Economist Newspapers, which serve suburban Cook and Will Counties, Illinois, on the impact of the U.S. boycott on the Moscow Olympics. The intent of the Soviets to use the Olympic games as a propaganda ploy was evident in the millions of dollars spent by that government to refurbish and construct several Olympic stadiums and to paint a colorful picture of Soviet life. However, the United States succeeded in reducing the Moscow Olympics to a minor league athletic event and thus, minimizing the great propaganda show.

Therefore, I would like to direct special attention to the before mentioned editorial which appeared in the August 13 edition of the Economist publications:

EVIDENCE THAT BOYCOTT HURT

More evidence that the United States boycott of the Moscow Olympics achieved its purpose is action taken by the Kremlin against Western correspondents and diplomats less than a week after the end of the Games.

On Aug. 4, the day after the Olympics ended, Kevin Klose, Moscow correspondent for the Washington Post, was called to appear at 10:30 a.m., Aug. 5, at the Moscow prosecutor's office as a witness in a legal proceeding. Klose inquired what it was all about, as he knew of no legal case in which he could be involved and was due to leave at 8 a.m., Aug. 5, on an excursion ticket to New York that could not be changed.

When informed of Klose's plans, Moscow authorities offered to let Klose appear before 10 p.m. on Aug. 4. When Klose protested further that he would prefer to leave as scheduled without testifying, the prosecutor's office relented, though reserving the right to call him in Sept. 10 when Klose is scheduled to return to Moscow. He did leave without incident and is now in the United States. Since his arrival in Moscow in mid-1977, Klose has been criticized by the Soviet press for alleged ties to the CIA and for writing about strikes in Soviet cities. The move was seen as an effort to put Klose under psychological pressure, and to warn him and his colleagues they were under surveillance.

In other criticism, the newspaper Soviet Russia objected to Olympic Games reporting by the Moscow correspondents of the Christian Science Monitor and the Baltimore Sun as "wicked nonsense."

U.S. diplomats received their warning in an article Aug. 6 in the national weekly organ of the Writers' Union, the Literary Gazette often used for KGB attacks on Westerners. Judy Mandel and her husband James, who works for the State Department's Foreign Buildings Office in Moscow, were alleged to have said in a private home in Uzbekistan that an atomic bomb should have been dropped on Iran long ago.

The U.S. Embassy said this was not the first time U.S. diplomats had been "vilified with lies and half-truths in the Soviet press." Note that the alleged remark had been made in a "private home." The KGB is, indeed, everywhere.●

TRIBUTE TO MARION MILLER

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. DORNAN. Mr. Speaker, on Saturday night, August 23, the Beverly Hills Republican Club will hold a banquet in honor of an outstanding American and patriot, Mrs. Paul Miller. Although I will be unable to attend, I wanted to take this opportunity to congratulate her for her unselfish devotion to America, as well as to remind you here of the outstanding work Marion Miller has done.

I am sure many of you have heard of the service Marion Miller has done for her country. As the most decorated woman in America, she is well known from coast to coast. Her account of her activities as a counterspy for the FBI has been published in the Reader's Digest, and her story was dramatized on national television, with a future President playing the role of her husband. Few people have such a claim to fame.

But I want to take a moment to recap Marion's dramatic career as a secret agent as a reminder of the service she has done for us all.

In 1947, Marion and Paul Miller bought a home in Rancho Park, in Los Angeles, where Paul set up shop as a poster artist. Marion gave music lessons in the living room.

By October 1950, they had two small children. That month, Marion received a letter from a group called the Los Angeles Committee for the Protection of Foreign Born inviting her to an organizational meeting. In the letter, the United States was labeled a "police state," and the Justice Department was said to be full of Fascists using Gestapo methods. Suspecting the committee to be a Communist front organization, her husband suggested that she mail it to the FBI.

A week, later, a special agent of the FBI arrived on the Miller doorstep to discuss the letter. He told Marion that the Bureau suspected the committee of being a Communist front, but lacked sufficient evidence to label it a subversive organization. He asked her to attend the meeting and report back to the FBI.

One evening seemed a small enough sacrifice to Marion, and she agreed to go.

The meetings turned out to be exactly what the Millers expected. Speaker after speaker attacked the United States, charging it with using germ warfare and committing atrocities in Korea.

Shocked by what she had witnessed, Marion went home and wrote a complete report for the FBI. Little did she suspect that the Bureau would like her report so much that they would ask her to join their organization as an informant.

Marion thought carefully about the assignment before she accepted. As a double agent, she would have to pretend to support ideas which in reality she abhorred. And once she joined the Communist Party, she feared getting in so deep that she would lose all contacts with old friends and associates.

But, thinking of the American soldiers then dying for the cause of freedom in Korea, aware that someday her own son might be in their place, she decided to become a counterspy.

Marion joined the Los Angeles Committee for the Protection of Foreign Born in November 1950, and put in many long hours doing clerical work at their dinghy headquarters in downtown Los Angeles. In 2 months, she was made a member of the executive committee, and soon was invited to join the Communist Party. Since the party could not tolerate split-households, Paul Miller joined as well.

The Millers devoted all their free time to assignments, study classes, picket lines, fund drives, and propaganda campaigns. Their home was thrown open to party functionaries who used it to entertain at all hours of the day or night. Their presence alienated the Millers' old friends.

In order to insulate their children from the influence of their "comrades," the Millers sent them to Sunday school at the local temple, and tried to teach them to uphold the values they were publicly attacking.

Soon, however, the Millers' comrades began to put pressure on them to involve their children in Communist youth activities. The strain was becoming so great that Marion developed ulcers, and she took a leave of absence from both her Communist organizing and her spying activities.

By the end of 1955, the FBI told Marion that they had enough information to prove that the committee was a Communist front group. In October, Marion spent 5 days in Washington as a witness before the Subversive Activities Control Board Examiner. As a result of her testimony, the Examiner found that the Los Angeles Committee for the Protection of Foreign Born and other such groups throughout the country were subversive groups, and a recommendation was made to require them to register with the Attorney General as a Communist front organization.

Marion thought her ordeal was over, her job done. But that was not to be. As soon as she arrived home, her husband showed her a sheet headed "An Open Letter" which she recognized immediately as the work of her former colleagues in the Communist underworld.

The letter, a vicious personal attack on the Millers, calling them informers and distorting Marion's testimony to make her appear to have libeled innocent foreign born people, was distributed to every family in the neighborhood.

The smear campaign began to work. That very night, Marion's young son Paul asked her if she was a spy. She began receiving anonymous obscene telephone calls, and hate mail poured into their mailbox.

One night, a rock was thrown through their living room window with a note threatening them, and suggesting they leave town. The next day, Paul Miller reported the incident to the police, and they promised protection. But even that would not mend the good relations they once had with surrounding neighbors.

Paul decided that the only way to do that was to let people know what they had done in Washington. By the following afternoon, their story and photos were on the front pages. Their telephone rang off the hook again, but this time they heard messages of congratulations. They received a letter from J. Edgar Hoover and a telegram from President Eisenhower.

But most gratifying to the Millers were the calls from friends and neighbors, who were ashamed at turning their backs on them, and begged forgiveness.

Now everyone knows of the truly heroic work done by Marion and Paul Miller. Marion has been seated and honored by civic and patriotic organizations ever since. And she has also remained an active participant in the political process. As an undercover agent, she learned what to expect from those who advocate totalitarian rule. Ever since, she has been a tireless worker on behalf of the cause of freedom and democratic values we cherish.

In closing, I just want to say thanks, Marion, for a job well done.●

ISSUES OF THE 1980 CAMPAIGN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 20, 1980

● Mr. HAMILTON. Mr. Speaker, I insert my Washington report for Wednesday, August 6, 1980, into the CONGRESSIONAL RECORD:

ISSUES OF THE 1980 CAMPAIGN

About this time every election year I begin to ask myself what the real issues are in the campaign. By "real issues" I do not necessarily mean the ones that people inquire about most frequently. Rather, I mean those which have moved to the top of the nation's agenda whether or not they have been widely publicized. Although they may not always be "glamorous" enough to grab headlines, the real issues are what we should be grappling with in this country during this election season.

As I review recent presidential campaigns, I am struck by how often the candidates took up the wrong issues or, at least as it turned out, failed to discuss issues that later became important. In 1964, Lyndon Johnson and Barry Goldwater talked about social security and the use of nuclear weapons, but Vietnam and urban decay were the matters that dominated Mr. Johnson's second term. In 1968, Richard Nixon and Hubert Humphrey debated Vietnam and the programs of the Great Society, but they left key concerns—inflation and East-West detente—aside. George McGovern and Mr. Nixon did not really speak of energy, unemployment, or Watergate in 1972. Gerald Ford and Jimmy Carter said little about relations with the Soviet Union and nothing at all about Iran in 1976.

Now a new presidential campaign is upon us. Before Mr. Carter, Ronald Reagan, and independent challenger John Anderson go at one another in earnest on the issues of their choosing, let me indicate the basic questions I think the candidates should be addressing.

What can be done to restore the effectiveness of government? To my mind, no single issue is more important than this. The failure of government to gain the support and confidence of the people remains the most impressive shortcoming of our political life today. It arises in almost every public meeting I have, in almost every piece of correspondence that comes across my desk. How can we organize and administer government so that it can do its job efficiently for the next four years? It is not sufficient for the candidates to answer the question by referring to their own personal skills or by reciting a list of the problems and complications they see. They must tell us how they are going to build the coalitions and shape the policies necessary to the governance of a very diverse and open democracy.

What is the proper role of government? Closely related to the effectiveness of government is the role that government ought to play. The trend in America over the last several decades has been to increase power at the federal level as a way to move against social and economic problems nationwide. The candidates, I suspect, will probably not favor continuing the trend, so the issue for them then becomes the change that they would bring about. Which federal responsibilities must be eliminated? Which should be transferred to other units of government? How do we go about making such changes? Behind these deceptively simple questions lies a whole host of others. To what extent should the taxing and spending powers of government be invoked to correct economic problems? How is the power of government to be used to achieve social justice? There are also questions about the distribution of power within the federal government itself. Do the candidates want to bolster the authority of the President, or do they want Congress, a separate but equal branch of government under the Constitution, to be more assertive?

What role should the United States play in the world? Rhetoric about "not being pushed around"—all too common in presidential campaigns—may draw applause on the stump, but it really does not help to answer the fundamental question. At a minimum, the candidates must be asked to spell out how they see the responsibilities of this country in organizing world peace, dealing with nations of the Third World, mediating conflicts in the Middle East and elsewhere, responding to the crises in Latin America, supporting human rights, and countering Soviet adventurism. Without exception, the candidates will claim that the United States should be a superpower, but what does the claim mean? What is the mission of a superpower in the last 20 years of the century? What face should the American superpower present to the world? Are the candidates willing to acknowledge to the voters that such a role implies a heavy burden?

What are the intentions of our principal adversary, the Soviet Union? This is the question to be put to the candidates to test their views of the central dilemma of American foreign policy: how to deal with the Soviet Union. Do the candidates believe that the Soviet Union is an expansionist, opportunistic, or defensive power? Do they interpret Soviet adventurism as a sign of internal strength or a mask for domestic weakness? How the candidates answer will probably determine what kind of decisions they would make both on national defense and on relations with allies and other countries.

We should not expect the candidates to answer these four questions completely. They are too difficult, and the answers simply are not obvious. Most of us could not give answers to our own satisfaction, and some of us would have doubts about a candidate who answered too glibly. Nonetheless, as we consider the knowledge, experience, and character of the candidates in the 1980 presidential campaign, we may hope that these four questions will at least set the bounds of the debate.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, August 21, 1980, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 22

9:30 a.m.

Judiciary

Improvements in Judicial Machinery Subcommittee

To resume closed hearings on the Public Integrity Section, Criminal Division, of the Department of Justice.

5110 Dirksen Building

10:00 a.m.

Budget

Business meeting to continue consideration of proposed Second Concurrent Resolution revising the Congressional Budget for the Federal Government for fiscal years 1981, 1982, and 1983.

6202 Dirksen Building.

Commerce, Science, and Transportation

To hold hearings on the nominations of Reuben W. Askanase, of Texas, to be a member of the Board of Directors of the Corporation for Public Broadcasting; Thomas R. Donahue, of the District of Columbia, to be a member of the Communications Satellite Corporation; Alfredo A. Cantu, of Colorado, Marcus B. Crotts, of North Carolina, and James M. Rosser, of California, each to be a member of the U.S. Metric Board; and Rear Adm. Herbert R. Lippold, Jr., to be Director of the National Ocean Survey, National Oceanic and Atmospheric Administration.

235 Russell Building

Environment and Public Works

Water Resources Subcommittee

Business meeting, to continue markup of a proposed amendment to authorize additional water resources and supply project studies, and navigation, flood control, beach erosion, and dam safety projects to S. 1641, Water Resources and Development Act (pending on Senate Calendar).

4200 Dirksen Building

Finance

Business meeting, to continue markup of proposed legislation to reduce taxes.

2221 Dirksen Building

Judiciary

Subcommittee to continue hearings on matters relating to its investigation of individuals representing the interests of foreign governments.

318 Russell Building

Labor and Human Resources

To hold hearings on the nomination of John C. Truesdale, of Maryland, to be a member of the National Labor Relations Board.

4232 Dirksen Building

Joint Economic

To hold hearings on the Consumer Price Index figures for the month of July.

6226 Dirksen Building

AUGUST 25

9:00 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To hold oversight hearings on the Department of Labor's investigation of the Teamsters' Central States pension fund.

3302 Dirksen Building

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold oversight hearings on the scope of airline safety, focusing on how to minimize human factor failures.

235 Russell Building

10:00 a.m.

Energy and Natural Resources

Parks, Recreation, and Renewable Resources Subcommittee

To hold hearings on S. 2807, and the substance of H.R. 7411, bills designating the United First Parish Church in Quincy, Massachusetts, as the Adams National Historic Site and the substance of H.R. 7434, to establish the Boston African American National Historic Site in Massachusetts.

3110 Dirksen Building

Joint Economic

Priorities and Economy in Government Subcommittee

To hold hearings on the C-5A wing modification program, focusing on the wing problems and other structural defects of Air Force aircraft and their budgetary and economic consequences.

5300 Dirksen Building

2:00 p.m.

Judiciary

To hold hearings on the nomination of Norman P. Ramsey, to be U.S. District Judge for the District of Maryland.

2228 Dirksen Building

AUGUST 26

8:00 a.m.

Agriculture, Nutrition, and Forestry

Rural Development Subcommittee

To hold oversight hearings on the socioeconomic effects of nuclear waste sites on nearby rural areas and small communities.

324 Russell Building

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To continue oversight hearings on the scope of airline safety, focusing on how to minimize human factor failures.

235 Russell Building

Governmental Affairs

Governmental Efficiency and the District of Columbia Subcommittee

To hold hearings on S. 3025, proposed Inspector General Act, focusing on the organization of audit and investigative units at the Departments of Justice, State and Treasury, the Agency for International Development, and the International Development Cooperation Agency.

6226 Dirksen Building.

Labor and Human Resources

To hold oversight hearings to examine the effectiveness of current workers' compensation programs in dealing with occupational disease claims, and to explore alternatives to the present compensation systems (S. 381, 1827, and 2847).

4232 Dirksen Building

10:00 a.m.

Energy and Natural Resources

To hold hearings on H.R. 7330, authorizing funds for fiscal year 1981 for certain insular areas of the United States; S. 2735, proposed Territorial Assistance Act; and S. 2992, to provide for a review of current energy needs of U.S. trust territories, and to analyze potential applications of sail-assisted technology to reduce energy cost for inter-island transportation.

3110 Dirksen Building

Governmental Affairs

Permanent Subcommittee on Investigations

To continue oversight hearings on the Department of Labor's investigation of the Teamsters' Central States pension fund.

3302 Dirksen Building

Judiciary

To hold hearings on pending nominations.

2228 Dirksen Building

Veterans' Affairs

To hold joint oversight hearings with the Select Committee on Small Business on the implementation of small business loan programs for veterans

recommended by the White House Conference on Small Business.
412 Russell Building

Select on Indian Affairs
Business meeting, to mark up S. 2829, authorizing funds for the settlement of Indian claims in the State of Maine.
5110 Dirksen Building

Select on Small Business
To hold joint oversight hearings with the Committee on Veterans' Affairs on the implementation of small business loan programs for veterans recommended by the White House Conference on Small Business.
412 Russell Building

AUGUST 27

9:00 a.m.
Finance
Health Subcommittee
To hold hearings on S. 2809, to provide for a comprehensive system of noninstitutional long-term care services for the elderly and disabled.
2221 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue oversight hearings on the scope of airline safety, focusing on how to minimize human factor failures.
235 Russell Building

Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To continue hearings on S. 3025, proposed Inspector General Act, focusing on the organization of audit, investigation, and inspection units in the Department of Defense.
6226 Dirksen Building.

Judiciary
To hold hearings on the nomination of Matt Garcia, of Texas, to be Commissioner of Immigration and Naturalization.
2228 Dirksen Building

Labor and Human Resources
To continue oversight hearings to examine the effectiveness of current workers' compensation programs in dealing with occupational disease claims, and to explore alternatives to the present compensation systems (S. 381, 1827, and 2847).
4232 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To resume markup of a proposed amendment to authorize additional water resources and supply project studies, and navigation, flood control, beach erosion, and dam safety projects to S. 1641, Water Resources and Development Act (pending on Senate calendar).
4200 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To continue oversight hearings on the Department of Labor's investigation of the Teamsters' Central States pension fund.
3302 Dirksen Building

SEPTEMBER 4

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on the federal regulatory reform policy of the Administrative Law Judge system, focusing on its operation within the agencies and departments under the Committee's jurisdiction.
235 Russell Building

10:00 a.m.
Energy and Natural Resources
Energy Resources and Materials Production Subcommittee
To hold hearings on S. 2717, to facilitate and encourage the production of oil from tar sand and other hydrocarbon deposits.
3110 Dirksen Building

SEPTEMBER 5

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on the federal regulatory reform policy of the Administrative Law Judge system, focusing on its operation within the agencies and departments under the Committee's jurisdiction.
235 Russell Building

10:00 a.m.
*Labor and Human Resources
To hold oversight hearings on the implementation of the home energy assistance program.
4232 Dirksen Building

SEPTEMBER 9

9:30 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on S. 2913, authorizing funds through fiscal year 1983 for the Federal Aid Highway Program.
4200 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Energy Resources and Materials Production Subcommittee
To hold hearings on S. 2858, to allow the Department of the Interior to lease additional lands for the purpose of oil shale mining.
3110 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to markup title II, providing financial assistance to meet basic and employment skills needs of secondary school youth of S. 2385, proposed Youth Act.
4232 Dirksen Building

SEPTEMBER 10

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To resume oversight hearings on the implementation of the Education For All Handicapped Children Act (Public Law 94-142).
4232 Dirksen Building

SEPTEMBER 12

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to resume markup of title II, providing financial assistance to meet basic and employment skills needs of secondary school youth of S. 2385, proposed Youth Act.
4232 Dirksen Building

SEPTEMBER 16

10:00 a.m.
Labor and Human Resources
To hold oversight hearings on the implementation of certain compensation programs for longshoremen.
4232 Dirksen Building

SEPTEMBER 17

10:00 a.m.
Labor and Human Resources
To hold hearings on S. 1608, 1609, and 2400, bills providing certain assistance to employees who suffer employment loss due to closings and relocations of business concerns.
4232 Dirksen Building

SEPTEMBER 18

10:00 a.m.
Labor and Human Resources
To continue hearings on S. 1608, 1609, and 2400, bills providing certain assistance to employees who suffer employment loss due to closings and relocations of business concerns.
4232 Dirksen Building

CANCELLATIONS

AUGUST 26

9:30 a.m.
Judiciary
Business meeting, to consider pending legislation and nominations.
2228 Dirksen Building

10:00 a.m.
Select on Indian Affairs
To hold hearings on S. 2952, to provide for a settlement of judgment funds to the Seminole Indian nation by the Indian Claims Commission.
5110 Dirksen Building

SEPTEMBER 11

9:00 a.m.
Special on Aging
To hold hearing to examine proposals for possible changes to the social security system.
5110 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, August 21, 1980*

The House met at 10 a.m., and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
August 20, 1980.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Thursday, August 21, 1980 and Friday, August 22, 1980.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O almighty God, in whom we live and move and have our being, graciously receive our praise for the promises that You have given us and for all the benefits of Your creation. We acknowledge that we have been blessed with gifts both spiritual and material, and we pray that we will use our gifts for the glory of Your name and in service to humankind. May we use wisely our resources and nurture the land about us, conserving our abundance for the generations. Remind us, O God, that we are stewards of the gifts of the Earth and the blessings of the spirit that we may truly be Your people in word and in deed. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5168) entitled "An act to extend certain expiring provisions of law relating to personnel management of the Armed Forces."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1998. An act to provide for the United States to hold in trust for the Tule River Indian Tribe certain public domain lands formerly removed from the Tule River Indian Reservation; and

S. 2055. An act to establish a reservation for the Confederated Tribes of Siletz Indians of Oregon.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 299. An act to amend title 5, United States Code, to improve Federal rulemaking by creating procedures to analyze the availability of more flexible regulatory approaches for small entities, and for other purposes.

POLISH WORKERS DESERVE MORE THAN A "NO COMMENT" FROM OUR GOVERNMENT

(Mr. MOTTL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOTTL. Mr. Speaker, on behalf of Polish Americans in my district and across the Nation, I would like to call attention to the courage and persistence of thousands of Polish workers who are at this moment demanding political freedom from Communist tyrants.

These workers are living testament to the durability and appeal of the basic human rights that we so often take for granted in the United States. The right to speak freely. The right to an uncensored press. The right to bargain with one's employer.

The Polish workers are risking their jobs, what little freedom they have, and possibly even their lives for the cause of liberty and personal dignity.

Their actions deserve better than a no comment from our own Government. We owe these workers our full moral support for their perilous struggle.

U.S. POSTAL SERVICE STILL NOT LAUNCHED ON INTELPOST

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker, for the past 2 years, the U.S. Postal Service has been working with the U.S. International Record Carriers and the Federal Communications Commission to initiate a 1-year experimental use of the international electronic communications system known as Intelpost. Despite the best efforts of the Postal Service and some of the carriers involved, agreement has not been reached on tariff provisions which would permit the United States to enter this important communications field. In the meantime, both Canada and the United Kingdom, using American equipment and software, have successfully undertaken Intelpost service between London and Toronto.

It is a sad commentary upon our efforts that our friends and neighbors, the British and the Canadians, have already begun an experimental program while our Postal Service is still on the launching pad. I am pleased therefore to advise the House that Postmaster General Bolger has decided to initiate a trial program to use communications lines between the United States and Canada and, subsequently, utilizing Canadian postal facilities for Intelpost communications, with the United Kingdom. This program will begin in 2 weeks, on September 2, 1980.

I am fearful that in the field of electronic communications the Congress is fiddling while Rome is burning: on the one hand, we demand improved service from our Postal Service; and with the other hand, some Members have taken strong steps to prohibit the Postal Service from rapidly and effectively developing a responsible and useful role in electronic communications. We cannot have it both ways, and I urge my colleagues to support the Postmaster General's foresighted efforts in the field of electronic communications.

I congratulate the Postmaster General on the new program to be initiated next month.

COAL MINING MUST BE SUPPORTED

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, the administration has taken a stand in favor of increased use of coal. Therefore it is very difficult to accept what is actually happening in the coal industry. The facts are that more mines are closing; over 35,000 miners are laid off; and energy costs are skyrocketing, with $90 to $100 billion being spent annually for OPEC oil. There is no logical reason for this. But what are we in Congress and those in the administration doing to resolve this idiocy? Nothing.

The Environmental Protection Agency's overkill attitude on air standards is killing America and its industries by mandating nonproductive costs. And who pays for this "road to Utopia" as perceived by the environmentalists? Who pays for the unnecessary higher energy costs, unemployment compensation, more food stamps, and more welfare? You guessed it—the American taxpayer and the American consumer.

Immediate action must be taken by cutting back on regulations and proceeding with a commonsense approach to our environmental problems. This will do more to lessen our unemployment and energy problem than any proposed jobs program and cost less at the same time.

THE REGULATORY REFORM BILL AND H.R. 1776—LEADERSHIP URGED TO HAVE COMMITTEES REPORT THEM OUT

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, I take this occasion somewhat sadly once again to urge the leadership of this House to cause the regulatory reform bill to be reported out of the Committee on the Judiciary and for the Committee on Rules to report out H.R. 1776 providing for a legislative veto of agency rules and regulations, which bill has over 230 cosponsors.

The administration has had a commendable record of deregulation in many areas. However, if the administration's efforts cause the House and the other body not to have the opportunity to vote on meaningful regulatory reform, then there will be a hollow sound to the claims of great achievement in the area of deregulation and regulatory reform. I believe these important and widely supported reform bills are being held up by the administration. One simple telephone call from the White House could send them flying on their way.

Mr. Speaker, it will be an embarrassment to the leadership of the House—and to the administration—if these bills are not voted on in this session. The time to act on this is immediately.

COUNTDOWN FOR PEACE—76 DAYS UNTIL NOVEMBER 4

(Mr. ROUSSELOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSSELOT. Mr. Speaker, the countdown for peace still goes on. There are 76 days remaining until the November 4 election. We wish to once again say that we are watching with great interest in this countdown for peace that there will be no diversionary military tactics utilized by the President in this political campaign to try to make us believe there is some great national emergency.

Because of recent newspaper reports that there are all kinds of subrosa activities planned in a military way, some of us in this House are watching very carefully to make sure that this countdown for peace remains until November 4. We do not want some type of extraneous or unnecessary military tactics to be utilized for political purposes before the election, Mr. President.

A SENSE OF CONGRESS RESOLUTION EXPRESSING SUPPORT FOR THE POLISH PEOPLE

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, we in Congress should express the fervent hope of millions of Americans—that an end to the civil strife in Poland may be found peacefully and without foreign interference.

I have introduced a resolution expressing the sense of Congress that the people of the Polish nation should be permitted to settle their internal affairs by themselves, without external intervention. Yesterday afternoon some 100 Members of both parties signed that resolution. I urge all my colleagues, today, to join with us in this expression of support for the Polish people.

Polish workers are striking for the right of working men and women to have a say in conditions under which they work and live. Their conviction is that labor is not just a cog in the machine of production, but made up of human beings. Let us hope that all parties respect the rights of those workers as this very human saga unfolds. Let the Polish people settle the fate of the Polish nation.

□ 1010

IF THE ELECTION IS DEADLOCKED

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, political pundits and constitutional scholars alike have endlessly dissected the problems associated with this year's Presidential election being thrown to the House. But they have apparently overlooked altogether a glaring loophole that could send our system into a tailspin.

Current law makes no provision for replacement of a candidate—Presidential or Vice-Presidential—who dies or is disqualified during the 3-week period between inconclusive voting of the electoral college and balloting by the House and Senate.

Although the Constitution calls on Congress to provide by law for this contingency, to date we have done nothing. A major political party could be left without a candidate. Moreover, the will of the people could be denied solely because we neglected our duty.

I have, therefore, introduced legislation, H.R. 7966, to close this gap in our Presidential election process.

I urge my colleagues to consider the dangerous consequences of postponing this constitutional challenge and needlessly risking the disenfranchisement of millions of Americans. We should act now. To delay could make the Presidency itself a tarnished prize.

CONSIDERATION OF 1981 BUDGET

(Mr. KRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KRAMER. Mr. Speaker, Abraham Lincoln once said you can fool some of the people all of the time, and all of the people some of the time, but not all of the people all of the time. However, that has not kept the Democratic leadership from trying. After repeatedly promising the American people a balanced budget, the Speaker has announced he will not even allow the House to consider the 1981 budget until after the November 4 election. This, of course, robs the voters of being able to judge whether Congress—and more specifically, Members on the majority side of the aisle—have lived up to their promise to get serious about tackling inflation. And I am sure this would suit the Democratic leadership just fine.

Yesterday, the House was in session 10½ hours, and not 1 minute was spent on the budget. Today represents another opportunity. If, by October 4, we have still failed to complete work on the second budget resolution, I will oppose the recess and urge my colleagues to do the same. The question we face is this: Which is more important, going home to campaign to save our jobs, or staying here and doing our jobs?

WE MUST KEEP THE VOICE OF AMERICA STRONG

(Mr. COURTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTER. Mr. Speaker, the Soviets have violated another international agreement. Yesterday, they began jamming Voice of America broadcasts for the first time since 1973. This outrageous violation of the Helsinki Agreements should remind us that the Soviets are not interested in negotiating in good faith or honoring their commitments. It should also remind us of the true tyrannical nature of a regime that is afraid of letting its own people know the truth. This time, the Kremlin is afraid that the Soviet people will hear about the recent strikes in Poland that come in the wake of several massive strikes in the Soviet Union itself.

Mr. Speaker, if we in the United States stand for anything, we stand for the freedoms and human rights that working people all over the world are struggling for. And if we are serious about representing these principles to the world, we must keep the Voice of America strong—stronger than the jammers of those who would hide the truth and crush human rights.

THOSE TERRIBLE AMENDMENTS THE DEMOCRATIC MAJORITY DISLIKES

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHBROOK. Mr. Speaker, we have heard a lot of complaints this week about what some Members of the majority call "legislating on appropriation bills." There are even rumors going around that if what passes for the majority party right now controls this Congress in January, they will move to change the rules and limit the right of the people's Representatives to reflect the will of the people.

Let us recap what we did last week in some of these amendments:

We voted to block the use of tax dollars to finance abortions for Federal employees.

We voted to protect religious schools from harassment by the IRS.

We voted to prohibit President Carter's plan to withhold Federal taxes on interest from savings from going into effect.

We voted to prevent the Customs Service from hamstringing trade with Free China.

We voted to prevent the counting of illegal aliens in the census.

Mr. Speaker, these are terrible things that we accomplished this last week.

Mr. Speaker, the majority party has learned the hard way that the only way to thwart the will of the American people is to change the rules and to make this House less democratic.

I say, go ahead, my liberal Democratic friends, go out and tell the American people what we did this last week was a terrible, terrible thing to do. I want to sit back and listen to the arguments you make. I also want to hear their response.

Fortunately, there is a major obstacle to this strategy, and that obstacle is now only 76 days away. It is called Election Day. I can understand why the present majority leadership would want to make it harder for this House to reflect the popular will. But I hope they do not succeed, and I do not think they are going to.

THE "IRRESPONSIBLE" KEMP-ROTH BILL

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, one of the frustrating things about service in this body is the gap between talk and action. There are a few who genuinely oppose a tax cut at this time, although their sincerity is muted by the sensitivity of the political season. I think they are wrong, and that their delaying a tax cut until next year will result in a difficult-to-administer cut the middle of next year which will be much more inflationary as the economy begins to come back than it would be now during the economic downturn. But my concerns today are not addressed to them: Rather to those who are playing games with an issue vital to America's hard-pressed taxpayers.

The primary game being played is a negative one, and it is being played at the highest level. It is called "Kick the Irresponsible Kemp-Roth Bill." Kemp-Roth has been around a long time. It seeks, through three annual 10 percent income tax cuts, to stabilize tax rates at a lower level. It represents one way to get marginal rates and the total Federal tax burden—now the highest ever—closer to an acceptable level. There are other ways, but many Republicans have been pushing this one. Now calling a proposal "irresponsible," repeating the word until it becomes part of the title, is an old political technique, designed to avoid having to discuss the merits of the issue or to come up with a proposal of your own. I do not think the principle, or the timing, or the goal of Kemp-Roth is irresponsible, but that is beside the point. In an effort to get the dialogue onto a more constructive level, our candidate for President has proposed only the first year's step of Kemp-Roth now, plus depreciation reform. You would think nothing had happened, as the opposition continues to cluck-cluck about "irresponsibility."

Well, let us get on with it. If the majority party does not like this kind of tax cut, what will you do? Or do you really like high taxes and big government?

A TAX CREDIT FOR PURCHASE OF AMERICAN AUTOMOBILES

(Mr. WILLIAMS of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Ohio. Mr. Speaker, foreign automobile manufacturers have captured 28 percent of the market in our country and our own auto industry is in trouble. Thousands of auto workers are laid off while hundreds of dealers are desperately trying to stay in business. That is why, today, I am introducing legislation to help the auto industry and its employees. The bill will give buyers of American-made highway vehicles a tax break as an incentive to buy American-made cars. The bill provides that any individual who buys an American-made car will receive a Federal income tax credit equal to 10 percent of the State sales tax paid on that vehicle. The credit will be granted as a nonrefundable credit, to individuals only, and for a period lasting from 1981 through 1984. The purpose of the legislation is to provide a reasonable, short-term breather for the American auto industry as it recovers from the assault on its markets by foreign-made vehicles. I believe that the 4-year period encompassed in this bill is critical and that during that time our own domestic auto industry can grow strong enough to compete effectively on its own. I am confident that the American worker and American industry can produce a product unexcelled anywhere in the world and that given time and opportunity, their product can compete with anything a foreign competitor can manufacture. I therefore urge my colleagues to examine my bill, and to support this effort to help breathe life into our crippled auto industry. Aside from the welcome news to taxpayers that this bill provides, it is a concrete step toward making the purchase of American-made automobiles even more attractive and I commend this bill as worthy of your support.

REGULATORY REFORM LEGISLATION

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, I would like to commend the gentleman from Georgia (Mr. LEVITAS) for his remarks of a few moments ago in which he spoke out in favor of moving regulatory reform legislation. I think it is absolutely essential that this House does something about regulatory reform. I think we need to move the legislation to which the gentleman referred.

However, I do differ with the gentleman on the record of the Carter administration in this regard. This is the first administration in the history of this country which in its first term produced more than 100,000 pages of new regulations. That is an absolutely disastrous record for the American working people and one that must be redressed in reform legislation.

MILITARY STRENGTH NECESSARY

(Mr. TRIBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRIBLE. Mr. Speaker, yesterday before the American Legion Convention Ronald Reagan issued a telling indictment of the vacillation, inconsistency, and irrationality of the Carter administration's defense policies. The accuracy of these charges is undeniable. The consequences of the administration's policies has been a steady deterioration of America's military strength.

Like most Americans, Ronald Reagan knows that to remain free and to live in peace, me must remain strong. Weakness only invites adventurism on the part of our adversaries.

Like most Americans, Ronald Reagan knows that military strength does not result from decisions to cancel that B-1 bomber, stop production of the Minuteman III missile, slow the Trident program, or allow our Navy to sink into desuetude.

Most importantly, Ronald Reagan knows that our most pressing national security problem lies with people, not weapons. He knows that the military is losing unprecedented numbers of highly trained and skilled personnel who are the mainstay of our modern services.

Hardware alone is inadequate to insure our security, and Governor Reagan outlined a comprehensive plan to attract and retain these critically needed men and women. He has provided an exemplary response to those who have accused him of wanting to "shoot first" and a challenge to the Congress to do what is necessary to stem the exodus of quality people from the armed services.

OPPOSITION TO SALE OF M60 TANKS TO JORDAN

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISH. Mr. Speaker, on Tuesday, August 19, I introduced a resolution of disapproval of the proposed sale of 100 M60A3 tanks to Jordan. It is my understanding that the House Foreign Affairs Committee does not plan to take this matter up before the August 25 deadline for disapproving the sale.

I am astounded at the actions of the Carter administration in acceding to the Jordanian request at a time when that country is committed to a boycott of Egypt and its leader continues to publicly denounce the Camp David peace process. Just last week, Jordan's Prime Minister stated in an interview that Security Council Resolution 242 was no longer acceptable to Jordan, leading me to strongly doubt the perception of Jordan as a moderate Arab State.

We are giving a reward to Jordan for doing absolutely nothing. We are fueling the offensive capabilities of a country which can and may use these weapons against Israel.

With the recent wave of anti-Israeli resolutions at the United Nations, we can ill afford to be lending even tacit approval to the failure of an Arab State to take any positive steps toward peace in the Middle East. The Carter administration's policy of selling offensive arms without a country's genuine commitment to seek peace in the region must cease.

This unwarranted sale is apparently going to occur. I am disappointed that my colleagues in the House and Senate have for the most part failed to take action to prevent this sale of tanks. I urge those who are friends of Israel and those who seek peace in the Middle East to oppose any future additions to the Jordanian armed forces without a simultaneous commitment to peace by King Hussein and the Jordanian people.

☐ 1020

UNITED STATES ABSTAINS ON U.N. SECURITY COUNCIL VOTE ON JERUSALEM

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise again today to express my concern about the increasing instances of our Nation's "abstentionism" in the United Nations on critical issues, such as yesterday's Security Council action censuring Israel on its stance on Jerusalem by a vote of 14 to 0. While our Secretary of State Muskie made a significant statement before the vote in the Security Council he did not commit the United States and once again we ended up abstaining.

Before that vote, I was joined by 18 of my colleagues in the House of Representatives in a message to Secretary Muskie urging him not to abstain but to "courageously confront this issue and lead the fight for peace in the Middle East by voting 'no' on this divisive resolution."

To bring peace in these troubled times, it is incumbent upon our Nation to assert strong leadership in the international arena and not to tarnish our role by vacillation and abstentionism.

Mr. Speaker, at this point in the RECORD, I wish to insert the full text of our joint message to the Secretary of State on U.N. Resolution 478:

AUGUST 20, 1980.

Hon. EDMUND MUSKIE,
Secretary of State,
c/o Donald McHenry,
799 United Nations Plaza,
New York, N.Y.

DEAR MR. SECRETARY: In the Security Council deliberations on the punitive resolution on Jerusalem originally offered by the representative from Bangladesh, the undersigned Members of Congress urge you to consider the full impact of this critical issue. The United States and her allies can ill afford to allow the continued drift of our interests to the whims of radical elements in the United Nations. The United States must more effectively demonstrate our leadership role in the free world. Accordingly, we urge you to courageously confront this issue and lead the fight for peace in the Middle East by voting no on this divisive resolution.

Benjamin A. Gilman, John Buchanan, Philip M. Crane, Edward J. Derwinski, Robert K. Dornan, Charles F. Dougherty, Millicent Fenwick, Hamilton Fish, Jr., Tennyson Guyer, Robert J. Lagomarsino, Norman F. Lent, Matthew F. McHugh, Dan Quayle, Benjamin S. Rosenthal, John H. Rousselot, Stephen J. Solarz, Lester L. Wolff, Sidney R. Yates.

THE 1-MINUTE SPEECH

(Mr. MITCHELL of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL of Maryland. Mr. Speaker, my colleagues, while listening to the 1 minute speeches, to some of them, I was reminded of a little ditty I learned as a child.

Between dawn and the darkness of midnight
When the daylight begins to lower.
Comes a pause in the day's occupation
That is known as the children's hour.

So many of these speeches are now becoming puerile, partisan statements that I think that is why that little ditty flashed in my mind as I listened.

The 1-minute speech—of merit in some instances, purely puerile in others—the 1-minute speech is really a peach, but nobody knows what it means. It is used primarily and unfairly to vent one's political spleen.

THE BRAVE AND COURAGEOUS POLISH PEOPLE

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, during my first trip to Poland, the first of several trips, about 15 years ago, I asked to see the Warsaw Ghetto. I was taken to an area where there was a nice memorial, but it was really just a massive vacant lot. Then, I went into a small museum off the city center square. There, I saw a large photograph of the great city of Warsaw in the summer of 1945. There was nothing there, just snow. The site was blanketed with a recent snowfall, rolling low hills as far as the eye could see with a few jagged sticks haphazardly sticking out of the endless white.

Warsaw rose like a Phoenix from this rubble of the great holocaust. Although some people in this country have had a lot of fun making jokes at the expense of the Polish people over the last decade, I think we are about to see again a serious repeat of Polish history. We are about to see what an incredibly courageous people our Polish brothers and sisters are, and what their thousand year history truly represents. True grit.

We have a cliche, "You can't keep a good man down."

Well, you cannot keep good people down, and I hope this people's House finds an imaginative way to respond imaginatively and forcefully to what will probably be a period of awful suffering as the great Polish people once again rise up and demand their freedom. This yearning for liberty will continue probably among the peoples of all the captive nations as long as they are crushed under Communist totalitarian rule.

Mr. Speaker, the strikes in Poland are growing and include at least 150,000 workers. It is especially significant that Pope John Paul II has broken his careful silence and has told pilgrims at the Vatican that "we here in Rome are united with our fellow Poles."

Whatever the outcome of the current crisis, certain facts will forever stand forth as testimony to an unadulterated truth: The communism of Poland, like communism in virtually every other country, is not a "worker's movement." The Polish Communist Government, which now sits in power only because it can call upon an invading reserve of the Kremlin's massive military strength, is not a "worker's government." The so-called People's Democracy, the phrase that Communist propagandists always use to describe the Polish State, is anything but a "People's Democracy," a fact bluntly admitted by Politburo member Jan Szydlak who yesterday rejected the workers' demands for greater political freedom with the remark: "The Communists do not intend to give up their power, nor to share it with anyone else." I have never heard a better description of political conditions in Poland. Never.

Mr. Speaker, let us all join together in this House and show moral support for the brave Poles, a people whose history is itself a celebration of national independence, a triumphant religious faith, and great courage in the face of adversity.

God save Poland.

SOVIETS JAM VOICE OF AMERICA BROADCASTS AGAIN

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, for many years the Soviet Union regularly jammed the Voice of America broadcasts within their country, and then in 1973 the jamming stopped. Yesterday, Ambassador John Rinehart, Director of the International Communications Agency, informed me that the jamming has begun again. Apparently in response to the Polish situation, the Soviet Union is jamming not only the Voice of America but the British Broadcasting Co. and the West German broadcasting operation.

We are therefore reminded that their motto appears to be, "Do not let the people know the truth lest the truth should make them want to be free."

We see once again who the bad guys with the black hats really are in the world.

WORKING MOTHERS' DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from the further consideration of the joint resolution (H.J. Res. 379) to provide for the designation of August 31, 1980, as "Working Mothers' Day," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mrs. COLLINS of Illinois. Mr. Speaker, reserving the right to object, on July 23, 1979, I introduced House Joint Resolution 379 to honor working mothers by designating the Sunday before Labor Day—this year August 31, as Working Mothers' Day.

It is important that all Americans recognize the importance of working mothers and express true appreciation for their unique and substantial contributions to the growth of the American economy and strength of the American family.

According to the U.S. Women's Bureau, one of the most striking demographic changes in the post-World War II era is the increase in labor force participation of women with children under age 18. Since the period immediately preceding World War II, the number of working mothers has increased more than tenfold. In March 1979 their numbers exceeded 16 million: 52.9 percent of all mothers are in the labor force; 43.7 percent of all mothers with children under age 6 are in the work force; and 39 percent of all mothers with children under age 3 are in the labor force.

I heartily concur with Milton Lieberman, publisher of McCall's "Working Mother," magazine who said that—

> Working mothers with young children will soon be the rule rather than the exception. A recent study by the Urban Institute indicated that two out of three mothers would be working by the end of this decade.

The May 19, 1980, issue of Newsweek magazine focused on the problems, the joys, the anxieties, the headaches, and the tears of women leading two lives, one at home and one at work.

As the Representative of the Seventh Congressional District of Illinois, I can tell you that in my district, there is a very large population of working mothers. Mothers who have, out of sheer necessity, worked all of their lives both in the labor force and at home. This is not a new phenomenon—I remember all too clearly (years ago) trying to further my education by attending night classes at Northwestern University, working to help support my family while at the same time trying to make sure my son was properly cared for during the day.

The woman of 1980 has the same duties and responsibilities to perform as the working mother of 30 years ago. That typically involves maintaining some semblance of an orderly, neat household preparing children for school or play, talking to imaginary friends with their children, breaking up fights, fixing lunches for school, leaving work to take the kids to the doctor for measles shots, and staying home nursing them till they are well, buying school clothes, taking the girls to ballet class after school and the boys to little league practice, and over all preparing their youngsters to be good citizens. Along with fixing a gourmet meal for the husband's boss who just called saying he would be right over, that is only a glimpse of a working mother's day.

God knows, they deserve a day in their honor.

● Mr. STOKES. Mr. Speaker, I would like to thank the gentlewoman from Illinois, Congresswoman Collins, for taking out this special order and thereby permitting me to offer my support for House Joint Resolution 379 which would designate August 31 as Working Mothers' Day.

No one can deny that we are experiencing a major transformation in the traditional division of labor. Increasingly larger numbers of women, including women with children, are entering the labor force. The fact that 52.9 percent of all mothers were employed in 1978 as compared to 34 percent in 1950 is indicative of this major social and economic change. As inflation outstrips gains in real income and as the legitimacy of women as individuals becomes more widely recognized, we can expect to see even greater participation of women with children in the labor force.

Yet, in the wake of such a pronounced shift in the labor statistics, we must remember that in many communities, working mothers have never been the exception, but always the rule. In my own district, a significant proportion of the women have worked all of their lives while raising children, as did their mothers and their mothers' mothers. I need only to reflect on my own childhood to note the challenge facing working mothers. Not only did my own mother work full time while raising two children, but she devoted the remainder of her time and energy to instilling in her children pride, ambition, and dignity.

Out of necessity, many women unselfishly accept this dual role without question and without public recognition of their extraordinary responsibilities. Because mothers that work in these communities are not breaking from tradition but are the norm; we have failed to pay proper tribute to their exceptional efforts and contributions.

Mr. Speaker, we now have the opportunity to rectify this situation. Accordingly, I lend my full support to House Joint Resolution 379 so that we may publicly recognize not only the unique contributions of mothers currently entering the work force, but to finally honor the generations of working mothers who have, until now, been denied this special tribute as well.●

● Ms. MIKULSKI. Mr. Speaker, I rise in support of House Joint Resolution 379 designating August 31, 1980 as Working Mothers' Day. It is time that we recognized that all mothers work.

From the beginning of our history when settlers first came to this continent, there have been mothers working in the fields—both black women and white—planting and harvesting crops. Immigrant mothers worked 12 hours a day in the textile mills of New England and the garment factories of the New York ghettoes. Their daughters and granddaughters keep the assembly lines going in food canneries and electronic plants.

American mothers today are working in the factory, the office, the construction site, the fast food chain, and then go home and put in a second shift in the kitchen. The work of mothers has helped to build this country.

We claim to honor motherhood, and the very young—but we spend hundreds of millions of dollars on Mothers' Day cards and then skimp on child care all year long. We claim to be a child-centered society yet programs to meet the health needs of children are overlooked and underfinanced. The values we explicitly claim to honor, we implicitly deny by our actions.

The value of having a Working Mothers' Day is to bring to the attention of the American public the significant contribution that this group makes—to our Nation's economy, to our families, and to the future citizens of this country.●

● Mrs. HOLT. Mr. Speaker, as many of us are aware, an extraordinary change in the character of family life and the work force is occurring very rapidly. More than half of all mothers are in the work force, including almost 44 percent of all mothers with children under the age of 6. There has been a dramatic rise in the number of single-parent households.

Economic circumstances require mothers to work and they carry heavy responsibilities. Regardless of the quality of care they have arranged for their children while they work, they still worry about their children during those hours of separation. They are expected to perform with efficiency in the jobs they have taken, and they have all the responsibilities attendant upon maintaining the home.

Perhaps society generally, and especially employers, do not fully comprehend the strength required of women who are simultaneously fulfilling the roles of mother, homemaker, and breadwinner. I happen to believe that working mothers are performing admirably and demonstrating great courage and strength of character.

Women have not lost their sense of responsibility for nurturing future generations. They know that the future of our civilization depends upon the love and values they bestow upon their children. They have a powerful attachment to this traditional calling, and it is not easy to make it fit with the economic necessity of working outside the home.

Mr. Speaker, I have been pleased to cosponsor House Joint Resolution 379 to designate August 31 as Working Mothers' Day. I believe the Nation should salute their courage and moral strength, and I believe a national day in their honor would increase public awarness of their contributions and their needs.●

● Mrs. CHISHOLM. Mr. Speaker, 2 years ago in recognition of the 17 million working mothers in this country, the Governors of 46 States issued proclamations declaring September 3, 1978, Working Mothers' Day. In part, this action was initiated by a suggestion from McCall's magazine that the important role played by women in the workforce be recognized by the Government, business, and the media.

Recognition of a day for working mothers by States was followed by another suggestion that the Sunday before Labor Day be declared a national holiday by a joint resolution of Congress.

Now nearly 2 years after the first Working Mothers' Day, my colleague, Congresswoman CARDISS COLLINS from Illinois, is sponsoring House Joint Resolution 379 which would designate the Sunday before Labor Day as Working Mothers' Day.

The significance of this day and of working mothers is that raising children and homemaking are no longer considered as roles that women assume in lieu of working outside of the home, but something done in addition to these traditional roles. For many of the 17 million women working outside of the home, supplementing the family income is a necessity: However, for others it is a choice. But whatever the reason, these women deserve special recognition.

House Joint Resolution 379 already has the support of a number of Members of the House; but in order for this measure to pass, additional support is needed. I strongly urge my colleagues to support this measure in recognition of the tremendous efforts made by mothers who work in addition to raising children.●

● Mr. MITCHELL of Maryland. Mr. Speaker, I am proud to participate in the effort to recognize the working mothers of this Nation. As a cosponsor of Representative CARDISS COLLINS' House Joint Resolution 379, to designate August 31, 1980, as Working Mothers' Day, I wish to express my support for the contribution of those 17 women who play a dual role in the economic growth of our country.

Today's family must face the perils of spiraling prices for necessities, to include the basic costs of education, energy, health care, and food. For many families the incomes of both the husband and wife are essential for the maintenance of their preferred standard of living. For others, both incomes are very critical for the mere survival of the family. In addition, a closer look at the rising number of female-headed households, where the mother is the sole family supporter, makes the plight of the working mother one which requires aid and sensitivity from the public and private sector workplaces.

Our working mothers make a unique contribution to this society. They are continuing to nuture our future leaders while simultaneously helping to maintain and improve the national economic posture. The commemoration of their role is not only a recognition of these viable contributions. Such a tribute will bring additional, much needed emphasis to such issues as adequate day-care facilities, flexible working schedules, and educational and job training programs. All of these issues must be readdressed so that the implementation of initiatives in these areas will prioritize the accommodation and encouragement of our working mothers.

Admittedly, I am of the belief that commemorative days do not serve to address the core issues. They cannot unless we insure that they do. It is reassuring to know that the purpose of commemorating our working mothers through a law is not a mere commercial effort. Its aim is to, among other things, reiterate the critical challenges faced by the working mothers, and its impact will hopefully add momemtum to private and public workplace efforts to be more responsive to these challenges.

Again, I am proud to join my colleagues in endorsing this tribute to working mothers.●

● Mrs. HECKLER. Mr. Speaker, it is more appropriate now than ever before to set aside a day to honor working mothers. Fifty-one percent of adult American women work outside the home, and almost 53 percent of all mothers in this country are a part of the labor force.

Most women work because the family budget needs her second income to survive. Working mothers do not shed homemaking and parenting responsibilities, they merely add the demands of a job to those of being a wife and mother. So I would hope that as we recognize working mothers, we begin to reckon with the many special problems these women face in the work place.

There is the problem of unfair salary standards—

The women's average salaries are only 60 percent of men's.

Even though more women are joining the work force at higher levels, in the last 20 years, their salaries have decreased relative to men's.

There is the problem of day care—

There are 6 million working mothers with preschool children, yet our country has fewer licensed day-care slots today than in 1945.

Working mothers give a great deal of themselves, and it is crucial that policymakers give greater attention to the emotional and financial pressures working women experience. Only then will women begin to receive fair compensation for their contributions.

I hope we see a Working Mothers' Day in 1981.

I hope we see ERA ratification in 1982.

Mothers who choose not to work outside the home as well as those who do stand to benefit from ERA ratification. Only a constitutional amendment can compel Government agencies to enforce women's rights. Only the ERA will give the court a mandate to fight sex discrimination.

The future is not something to be awaited—it must be achieved.

I congratulate the working mother who not only achieves but is so willing to share her achievements with her family.●

Mrs. COLLINS of Illinois. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The clerk read the joint resolution, as follows:

H.J. RES. 379

Whereas more than sixteen million American women are employed outside the home and have children under the age of eighteen;

Whereas these working mothers are making unique and substantial contributions, to both the growth of the economy and the strength of the American family; and

Whereas working mothers deserve special recognition for fulfilling their exceptional responsibilities in the home and in the world of commerce: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating August 31, 1980, as "Working Mothers' Day", and calling upon families, individual citizens, labor and civic organizations, the media, and the business community to acknowledge the importance of the working mother and to express appreciation for her role in American society.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

The SPEAKER pro tempore. Without objection, all Members may have 5 legislative days within which to extend their remarks prior to passage of this legislation.

There was no objection.

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980

Mr. ASHLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7262) to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation and related programs, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. ASHLEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were yeas 375, nays 5, answered "present" 2, not voting 50, as follows:

[Roll No. 469]

YEAS—375

Addabbo
Akaka
Albosta
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Archer
Ashbrook
Ashley
Aspin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Dellums
Derrick
Derwinski
Devine
Dicks
Dixon
Dodd
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Fountain
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Leland
Levitas
Lewis
Livingston
Loeffler
Long, La.
Long, Md.
Lowry
Lujan
Lundine
McClory
McCormack
McDade
McEwen
McHugh
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Panetta
Pashayan
Patten
Paul
Pease
Pepper
Perkins
Petri
Peyser
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Ratchford
Regula
Reuss
Richmond
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Royer
Rudd
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Walker
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—5

Dickinson
Lloyd
McDonald
Mitchell, Md.
Wilson, Bob

ANSWERED "PRESENT"—2

Lent
Ottinger

NOT VOTING—50

Abdnor
Ambro
Anderson, Ill.
Applegate
Atkinson
AuCoin
Breaux
Carr
Conyers
Deckard
Dingell
Donnelly
Eckhardt
Evans, Ga.
Ford, Mich.
Ford, Tenn.
Forsythe
Fowler
Frenzel
Giaimo
Hansen
Holtzman
Johnson, Colo.
Leach, La.
Lott
Luken
Lungren
McCloskey
McKay
Mathis
Mavroules
Moffett
Mollohan
Moorhead, Pa.
Murphy, N.Y.
Myers, Pa.
Nedzi
Obey
Patterson
Pickle
Rangel
Rhodes
Roybal
St Germain
Symms
Vander Jagt
Wampler
Wilson, C. H.
Wilson, Tex.
Young, Alaska

□ 1040

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 7262, with Mr. ICHORD in the chair.

The CHAIRMAN. The Chair will announce that when the Committee of the Whole rose on Monday, August 18, 1980, title II was open for amendment at any point.

Are there further amendments to title II?

AMENDMENT OFFERED BY MR. WYLIE

Mr. WYLIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYLIE: Page 44, after line 15—

Section 203 is amended by adding the following new subsection:

"(O) Notwithstanding any other provision of law, assistance under this section shall not be made available if the unit of general local government, with jurisdiction over the area in which the project is to be located, has any law, ordinance or other measure which would control rents on projects built after the date of enactment of this subsection."

Mr. WYLIE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WYLIE. Mr. Chairman, I read from page 34, at line 18, of the bill in support of my amendment. There it says that the purpose of this section is to increase the Nation's stock of rental housing and thereby reduce rental charges paid by tenants for such housing.

Fact 1: Since the early 1970's, new rental housing production has declined.

Fact 2: Rental housing construction has declined more in the cities with rent control ordinances than in those cities without rent control ordinances.

Fact 3: Section 203 calls for a new program designed to increase the Nation's stock of rental housing.

Fact 4: Section 203(e) specifically provides that on any project assisted by this new section of law, the Secretary of HUD shall fix the rents to provide a reasonable return on the investment.

In other words, the committee thinks that rent controls are bad for new Government housing programs but they are all right as applied to the private builder, who would build without Government assistance. Obviously, builders in rent-control cities will build under the Government subsidy program if it is approved. And just as obviously, most builders could not afford to build under this new program, which could help the moderate-income person, because of unfair competition in the cities where there are rent-control ordinances.

Query: Why should the taxpayers of the city of Columbus, or any other city without rent-control ordinances, pay out hard-earned tax dollars to build Government-sibsidized rental units in Washington, D.C., and New York City or any other city which discourages local initiative?

Query: Why should my constituents pay out hard-earned tax dollars to take the pressure off of local politicians who refuse to face up to the problems that they have created by their own adherence to a concept which has long since proven to be without validity.

I say "without validity" because former Secretary of HUD, Mrs. Patricia Harris, commissioned a task force to study the problem of rental housing in New York City.

☐ 1050

That task force reported the problem is rent controls. Secretary Landrieu testified before the Senate Committee on Banking, and more recently spoke before the U.S. Conference of Mayors and in both instances said that rent controls stifle construction of new rental housing units. Even our own committee report is critical of rent controls. I refer to page 34 of that report.

Even the Washington Post supports my amendment in an editorial on June 11, 1980, where it was said:

> The main reason to keep rent control appears to be political: many people regard politicians who oppose it as enemies of the poor. What is needed now is for strong politicians to stand up to the myths surrounding rent control in the District and say no to extending this bad law.

My amendment would not apply to rent controls on any existing structure. It would apply only to new multifamily units and only if a city seeks to utilize the new program.

That statement in committee prompted my good friend, the chairman of the Subcommittee on Housing and Community Development, the gentleman from Ohio (Mr. Ashley), to say in opposing my amendment that "Rent control is a fundamental disincentive to the provision of rental housing throughout the country."

His question was whether the prohibition would be of sufficient effectiveness.

The chairman then suggested that it would be like going after an elephant with a BB gun. Well, that may be true, but a BB gun is better than empty-handed, and the history books are full of stories of David and Goliath. I think this is one of those instances.

Mr. Chairman, we must start somewhere and some time. There is no time like the present, and it will send an important signal to communities around the country.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. Wylie) has expired.

(By unanimous consent, Mr. Wylie was allowed to proceed for 1 additional minute.)

Mr. WYLIE. There is no time like the present, and it will send an important signal to communities around the country. You have got to help us to help yourself. It is time to get your own house in order and stop looking to the Federal Government to do it all. To cities with rent control, if you want the new program, you cannot have rent controls on new units. You cannot have it both ways.

I urge adoption of my amendment.

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from New York.

Mr. PEYSER. I thank the gentleman for yielding.

I am trying to understand the gentleman's amendment. What would the impact of this be, in areas that I represent, both in New York City and Westchester County where there are many, local communities as well as the city of New York, that do have rent control programs due to the tremendous shortage of rental space in these communities. In Westchester County, for instance, there are areas—and I am not arguing the pros and cons of rent controls at this time—but there are areas that are at less than 2-percent vacancy throughout an entire area.

Would the gentleman's amendment then preclude any of these communities from participating in this program that is aimed at stimulating middle income building.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. Wylie) has again expired.

(At the request of Mr. Peyser and by unanimous consent, Mr. Wylie was allowed to proceed for 2 additional minutes.)

Mr. PEYSER. If the gentleman will continue to yield, would this then in effect eliminate the right of middle-income people, who are the beneficiaries of this particular program, from participating? Is that what would happen?

Mr. WYLIE. No. I am really glad the gentleman asked that question, because that goes to the nub of the problem. As I said, the former Secretary of HUD, Mrs. Harris, commissioned a task force to study the problem of rental housing in New York because there was a lack of rental housing. The report came back from the task force that the problem is rent controls.

Now, what my amendment would simply do is say that New York City or any other community with rent controls cannot take advantage of this new multifamily housing initiative program unless they refrain from applying their rent control ordinance to new units. The purpose is to stimulate multifamily housing initiative programs in the communities through the private sector as well.

Now, in the city of New York, for example, a person with a projected income of up to $42,000 can qualify as a tenant under this new multifamily housing initiative program.

In the District of Columbia, people up to $48,000 in income would be eligible 2 years from now.

I say that if we really want the program to work, that we do not impose rent controls on the private sector. Now, the people who have got this amendment together at HUD and in our committee recognized the problem of rent controls and say rent controls will not apply to this Government program, that the Secretary of HUD will fix the rents in New York City and Washington, D.C., if they take advantage of this program; but if a private builder wants to do the same thing, rent controls will apply to them, which means private builders will not build multifamily housing initiative programs unless they can qualify for the Government subsidy.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. Wylie) has again expired.

(At the request of Mr. Peyser and by unanimous consent, Mr. Wylie was allowed to proceed for 3 additional minutes.)

Mr. PEYSER. If the gentleman will continue to yield, it seems to me that what the gentleman is asking for, as I understand it, would be literally an overnight decontrol or removal of rent control apartments in places like New York City and other areas that are terrifically impacted for lack of rental housing.

Mr. WYLIE. No.

Mr. PEYSER. I thought the gentleman said they would not be able to participate in this program unless——

Mr. WYLIE. This amendment would not apply to any existing structure. It would not apply to any existing program unless the city of New York attempted to qualify under this new program.

Mr. PEYSER. That is what I mean. With the new program, they would not be able to——

Mr. WYLIE. It will not go into effect for at least 2 years. It will take that much time. There is a considerable amount of lead time. What they have to decide is do we want to try to qualify under this multifamily housing initiative program which we are putting into effect, or do we want to continue as we are? Do we want to continue with business as usual and come to the Federal Government, to try to help bail them out of their housing programs?

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Ohio.

Mr. STANTON. I thank the gentleman for yielding.

I think it is important for the gentleman from New York to clearly understand the contents of this amendment.. If this amendment should pass, the city of New York with its existing programs of rent controls on existing apartments would not be impacted. This amendment would have no effect on them whatsoever, even into the future.

I think that to reply to the gentleman's question, this amendment would not affect existing units under rent control regardless if they take the new program or not. This amendment goes strictly to the new program, and there would be no rent controls on those new programs. It is a very limited type of lifting of rent controls.

Mr. WYLIE. If I might respectfully modify that——

Mr. STANTON. Or other new construction.

Mr. WYLIE. I might modify that just a little bit.

If the city of New York wants to take advantage of this new multifamily housing initiative program, then the city would have to change its rent control ordinance.

Mr. STANTON. Prospectively.

Mr. WYLIE. What he is saying, though, is that it is prospective. If there is rent control on a unit in the city of New York right now, rent controls would continue on that particular unit. It does not affect any existing structure, retroactively or prospectively.

Mr. PEYSER. If the gentleman will yield, new housing that is built in the city today for the most part does not come under the rent controls. When somebody is building new housing——

Mr. WYLIE. Then it would have no application.

Mr. PEYSER. I do not understand what you are saying.

Mr. WYLIE. What we are saying is if this is good for the goose, it is good for the gander. If it is good for the Federal Government to be out from under rent controls then it is right for a nonsubsidized developer.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. WYLIE) has again expired.

(By unanimous consent, Mr. WYLIE was allowed to proceed for 1 additional minute.)

Mr. WYLIE. What this would say, I say to the gentleman from New York, is that under this deep subsidy program which is going to be financed at interest rates of not more than 7½ percent, that the Government would not have rent controls applied to it. So the builder, the Government, and everybody concerned could realize a return on their investment.

□ 1100

But at the same time, we are saying that it is not good for the private builder, because if he participates in a program like this, rent controls would apply to him. If he uses his own money and not Government money, then he would have rent control. I say that is counterproductive. We need the private sector. We want the private sector in multifamily housing initiatives.

Mr. GREEN. Mr. Chairman, I rise to oppose the amendment.

I think we ought to start with the premise that by and large rent controls have been adopted in those communities which have the greatest shortage of rental housing. The political concern that gives rise to rent control occurs because there are shortages, which in turn generate prices escalating at a very rapid rate. It is those shortages that cause communities to adopt rent control.

Now, it seems rather bizarre that we would take a program designed to alleviate rental housing shortages and deny it to those very communities where those rental housing shortages are the greatest. It seems even more bizarre that we would penalize local communities for having some system of rent regulation when, in fact, all the apartment projects that are developed under the FHA multifamily programs in fact under Federal law and regulation have their own system of rent regulation; the landlord in an FHA insured apartment project is not free to set rents any way he wants. He is subject to Federal Government regulation of what those rents will be.

It does seem peculiar that the Federal Government, having decided to have a system of rent regulation in its own housing programs, would then go and tell communities that we can do it, but you cannot.

So I say that this is a very, very peculiar amendment indeed. I would strongly urge its defeat.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I would be delighted to yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I thank my colleague for yielding.

I am interested in the gentleman's thesis that rent control is usually implemented to help shortages. I can tell the gentleman that in Santa Monica, Calif., when they introduced rent control, a lot of places were torn down. It creates the shortage.

Mr. GREEN. If the gentleman will let me reclaim my time, I am not suggesting to anyone in this Chamber that I think that rent control has no problems with it. That certainly is not the case and we are all aware of those problems.

I am simply saying that by and large communities adopted it because they have a problem in the rental housing market and to deny to those communities that have that problem in the most aggravated form a program that is designed to deal with that problem seems to me to be perverse.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I am delighted to yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, would the gentleman concede that there seems to be an inconsistency, however, when we say under this multifamily housing initiative program that if you want to qualify, Mr. Project Builder, for this deep Government subsidy, then rent controls will not apply, so that you are guaranteed that you will realize a profit on your investment and the Federal Government will get its investment back.

Now, is there not an inconsistency there,

Mr. GREEN. I do not see any inconsistency there. That is what is true today of all the FHA programs. The Secretary of HUD has asserted the right and that right has thus far been upheld in the courts to preempt local rent control when that threatens the health of federally insured projects; so there is nothing very novel about that provision in this bill.

Mr. WYLIE. Well, it has not worked in the city of New York or the city of Washington, D.C., obviously, because these are the two cities with the greatest number of shortages of rental housing units.

Mr. GREEN. Well, if the gentleman will let me reclaim my time, the fact of the matter is that there have been a few cases in New York City that I am aware of where FHA insured projects have been preempted by the Secretary, but there are many, many cases where those projects are existing under the dual regime of the New York City rent regulations and the FHA rent regulations.

The point I want to make is that it seems hypocritical of us to say that local governments should not be able to have some form of rent regulation when every FHA project that we have is, in fact, under federally imposed rent regulations.

If we can do it, why cannot the local governments do it?

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I would be delighted to yield to the gentleman from New York.

Mr. PEYSER. First, I would like to say that there is probably no one any more qualified to really speak on this subject than the gentleman in the well right now.

Mr. GREEN. I thank my colleague.

Mr. PEYSER. Due to his background and work in HUD as a regional director formerly in New York.

I think that what the gentleman is saying is perfectly true. This immediately establishes some inequities, real inequities.

I would like to ask the gentleman in the well, in the gentleman's opinion on this amendment, does the gentleman feel this amendment would cure any of the problems that we are again presented with today in shortages of rent if that amendment were to go through?

Mr. GREEN. No. I do not see how the amendment could be effective. It is basically a very small experimental program that it is addressed to. It seems to me odd not to permit that program to work in those communities that have the greatest need for it.

Mr. PEYSER. Then my assumption is correct, that the communities would be denied this new program that do have this rent control situation because of the problem at this time if we pass this amendment.

Mr. GREEN. Unless they should choose to change their own laws and I frankly think the number of units that any one community would get under this program would scarcely be an inducement for that.

The CHAIRMAN. The time of the gentleman from New York has expired.

(At the request of Mr. WYLIE, and by unanimous consent, Mr. GREEN was allowed to proceed for 2 additional minutes.)

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I would be happy to yield to the gentleman from Ohio.

Mr. WYLIE. May I respectfully suggest that the Secretary of HUD, Mr. Landrieu, disagrees with the gentleman; is that a fair statement?

Mr. GREEN. I think it is safe to say that the Secretary of HUD is not a proponent of rent control. I am not aware whether or not he is a supporter of this amendment.

Mr. WYLIE. Well, he testified that rent controls are counterproductive if we are talking about increasing the Nation's rental housing stock. That is the purpose of this whole new section; right?

Mr. GREEN. But I would nonetheless point out that he administers considerable numbers of multifamily housing programs, every one of which has Federal rent control.

Mr. WYLIE. But that does not make it right; that is the point I want to make.

Mr. GREEN. Well, I would say that those Federal rent limitations in FHA insured housing projects have worked out quite well. I have not seen any problems in those programs arising from their rent ceilings.

Mr. WYLIE. Mr. Chairman, if the gentleman will yield further, that goes to the argument that I think the chairman of the subcommittee, the distinguished gentleman from Ohio (Mr. ASHLEY) has made, that that is like fighting an elephant with a BB gun. What I am saying is that better a BB gun than nothing at all. I think we need to start off in that direction. We have statistics that show that in rent control cities there is more of a housing shortage of rental units than there are in other cities. For instance, in Columbus, Ohio, we do not have a rent control ordinance and we do not have the shortages there.

Mr. GREEN. If I may reclaim my time, of course, that is true. I am conceding that; but I am saying that they have the rent control ordinance because they have the shortage. It would be very bizarre if they were not the communities that have the greatest shortage of housing, because otherwise why would they have rent control?

Mr. WYLIE. Well, if the gentleman will yield further, I guess we are back to that chicken-and-egg proposition. They have rent controls because of the shortage. I am saying there is a shortage because of rent controls.

Mr. GREEN. I guess that is where the gentleman and I disagree.

Mr. ASHLEY. Mr. Chairman, I rise in opposition to the amendment.

I share the concern of my friend, the gentleman from Ohio, about the effects of rent control and the effects that these kinds of controls have had on the provision of rental housing in our Nation's communities. What he says is absolutely so, at least in my view, and as a matter of fact, in the view of our subcommittee. We made clear what our views were and, to the best of my knowledge, not a single member of the committee disagreed.

On page 34 of the committee report, we say:

> Though the Committee is sympathetic with the concerns of local government it believes that rent control actually acts contrary to the interests of tenants. It discourages development of new rental housing and encourages the conversion of rental housing to condominium or cooperative use. In doing so it places increased pressures on the rental market and significantly narrows the housing opportunities of all families. It appears to the Committee that the most responsible response of local governments to the decline in rental housing is to provide greater inducements for its construction. In some areas restrictive zoning and land use controls have been the source of the pressures on rents which have ultimately caused the local governments to institute rent control. The Committee believes that local governments must address themselves to the underlying reasons for increases in rent and not simply add to the problem by instituting rent control.

So, while I agree with the proponent and the author of the amendment about the impact of rent control, I must say that I think his argument is an inappropriate way or an inappropriate effort to restrict the availability of the new multifamily housing initiative.

□ 1110

At the outset let me say that any housing assisted under this new rental program, would be exempt from rent control. That has been discussed and we stipulate that.

But my friend from Ohio argues that his amendment is necessary to induce communities to exempt housing constructed in the future from any rent controls. The question I have is whether this is the case. I wish it were. I do not think it is.

The fact is that the small amount of funding available for this new rental program would create scant inducement indeed to local governments to exempt any housing from rent controls. We have approximately, unfortunately, about 200 communities in the United States that have rent controls, including some of our largest cities—New York, Los Angeles, Boston and a number of others. Under the Wylie amendment if these communities do not change their rent control laws they would be unable to make use of the program.

It seems to me the effect would be to worsen an already bad situation. The gentleman is right, rent controls came along because supply and demand in terms of rental housing gets out of kilter. What he says is that unless we take off rent controls for the future, no new program. All that does is to worsen the supply situation.

So while I agree with his opposition to rent control and share it, I must say that I do not share or agree with his amendment, because I think that it misjudges the fundamental supply-demand equation that is responsible for rent control in the first place.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to my friend.

Mr. WYLIE. I thank the gentleman for yielding. I understand that the gentleman from Ohio, my friend, Mr. ASHLEY, wanted to have more money in the bill for this program when it was first started, and I would have supported that. What we are trying to do now is to start what, in effect, is a demonstration or a model program to see how well it will work.

Mr. ASHLEY. That is true.

Mr. WYLIE. It is a very modest program at best, and I agree with that. We have said if we want this new multifamily housing program to work that a city should not be allowed to impose rent controls on new rental units. So I guess we are back to the chicken and the egg proposition again. I think that rent controls are the reason for the shortage in multifamily rental housing units, and I am suggesting that if we release the valve just a little bit maybe that will encourage the private sector to participate a little bit more, and maybe we will prime the pump with this new program and get some of these new programs going.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent Mr. ASHLEY was allowed to proceed for 1 additional minute.)

Mr. ASHLEY. If I thought that the gentleman's amendment would cause 5 communities of the 200 in the country that have rent controls to change their ways, I would not resist the amendment. But, I do not think it is going to have that effect in one community.

Mr. WYLIE. The gentleman thinks they will turn down this program?

Mr. ASHLEY. Absolutely, because I think that the political pressures for continuing rent controls far outweigh the benefits that will accrue by reason of this program. There are different kinds of pressures there, there are different kinds of pressures.

Mr. WYLIE. Let us give them a little bit of help here. I understand the political pressures in some of those cities. So we are saying we will give you a little help. If they want to qualify under this program they will have to refrain from establishing rent control ordinances on new rental units. Then they can go to the voters and say we want some of that Federal money too, we have a shortage of rental housing in our community.

Mr. ASHLEY. I believe the amendment is self-defeating. The communities are not going to respond as the gentleman wishes. That means the availability of the program will be in the communities that do not have rent control and whose vacancy rates are not as low. Their rental situation is not as dire as in the communities that do have rent control, so it really is a self-defeating amendment.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words, and to the great surprise of everyone, I am sure, I rise in support of this amendment offered by the gentleman from Ohio (Mr. WYLIE).

Mr. Chairman, it is beyond me how my colleagues on this committee, a few of them have expressed themselves, can in this report itself express great concern over rent controls on page 33 of the committee report. I would like to go on to page 34 of this very report from this very committee, and I will quote. It says flatly that rent controls "discourage development of new rental housing and encourages the conversion of rental housing to condominum or cooperative use."

Then my good colleague from Ohio,

who usually is the epitome of reason, stands up and turns around——

Mr. ASHLEY. Which colleague?

Mr. ROUSSELOT (continuing). And opposes this fine amendment after putting that right here in this report. I do not understand it.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I would be honored to yield.

Mr. ASHLEY. The language the gentleman cites——

Mr. ROUSSELOT. Yes, is very specific.

Mr. ASHLEY (continuing). Was put in the report at my insistence.

Mr. ROUSSELOT. I appreciate that.

Mr. ASHLEY. I just read that language 3 minutes ago.

Mr. ROUSSELOT. I know.

Mr. ASHLEY. So the fact that the gentleman now alludes to it and asks my attention, I am really very familiar with the language. There is nothing inconsistent here as the gentleman suggests.

Mr. ROUSSELOT. Well, it sounds like it is inconsistent.

Mr. ASHLEY. We do not like rent controls. The majority of the committee did not believe when we considered the Wylie amendment twice that to condition the elimination of future rent control would advance the program in any way whatsoever because it was our feeling that the communities would reject that kind of a condition.

Mr. ROUSSELOT. But I think the gentleman's committee report and testimony, and especially from the Secretary himself, indicated that rent control was getting in the way of producing rental housing. I would think the gentleman would just with open arms, on the basis of this clear quote in this report, accept this fine amendment of a good colleague from the gentleman's committee who is trying to help him out.

Mr. RHODES. Mr. Chairman, will the gentleman from California yield?

Mr. ROUSSELOT. Of course I will yield.

Mr. RHODES. I think the gentleman from California is making a very important point, and I just suggest to my friend from Ohio that if he knows rent control is bad, and if the majority of the committee knows rent control is bad, then the city officials of those 200 communities around the country that still have rent control probably know that it is bad, too.

Mr. ROUSSELOT. And they would want and welcome this.

Mr. RHODES. And they would like to get rid of rent control. Maybe they do not have the political courage to do it, maybe they need a curtain rod up their backs, and would this not provide that kind of a curtain rod?

Mr. ROUSSELOT. I think that it would give them a little stimulus in the right direction.

Mr. RHODES. It would give them an incentive, a reason for doing what they know they should be doing anyway.

Mr. ROUSSELOT. I do not know how they would feel about the curtain rod, but maybe it would do just that very thing. I think the gentleman from Arizona makes an excellent point.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. Of course I yield.

Mr. STANTON. The gentleman in his opening remarks said that none of us would be too surprised at the gentleman's stand on this amendment. But I think that the House would be surprised to hear the present Secretary of HUD's remarks on rent control; if the gentleman will yield just a minute, I want to read an excerpt from a speech he made in Seattle just a couple of months ago.

Mr. ROUSSELOT. The Secretary of HUD?

Mr. STANTON. This is the Secretary of HUD.

Mr. ROUSSELOT. He was a very responsible local elected official.

Mr. STANTON. Here is what he has to say.

Mr. ROUSSELOT. I would like to hear it.

Mr. STANTON. The Secretary says:

> Across this country I see some movement towards rent control. I understand the reason why, I understand the problems that give occasion to its consideration, but I also understand what it does in a free economic system, and that is when it prevents the reasonable hope of profit, then you kill the supply side of housing. If the trend continues there will be no public or at least multifamily housing built in this nation without governmental assistance.

In conclusion, let me add something.

Mr. ROUSSELOT. This is the Secretary of HUD.

Mr. STANTON. Here is another remark from the HUD secretary on that referring to what the gentleman said:

> I have yet to see someone, an elected official under rent control that is for it, and very few that are out of rent control that are not against it.

The Secretary said further:

> Politicians did not build this country, I did not build or help even to rebuild even the City of New Orleans. What was done was done by the private sector, and if it is going to be rebuilt, it is going to be rebuilt by the private sector, but what you and I can do together to create an environment that is conducive to the operation of the private sector, rather than one that is prohibitive.

That is what we should do, as proposed by the HUD Secretary.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. ROUSSELOT was allowed to proceed for 2 additional minutes.)

Mr. ROUSSELOT. I thank the ranking member of this distinguished committee, and I hope we can persuade our good colleagues.

Mr. STANTON. Not only that, but I would hope we could move for a vote soon.

Mr. ROUSSELOT. I would just like to conclude by saying to my colleagues that without this amendment, which would not apply to already existing units, the Federal Government will be undertaking a Sisyphean task.

□ 1120

I would remind my colleagues that it was Sisyphus who was forever condemned to roll a large stone up a hill only to see it roll back down. Surely we must have learned something in the millenniums since Sisyphus.

I just hope that the chairman of this subcommittee, my former chairman, will see the light that the Secretary of HUD has tried to give us and understand that our fine colleague, the gentleman from Ohio (Mr. WYLIE), is trying to help him with this amendment.

Mr. LUNDINE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise reluctantly in opposition to this amendment. I have never advocated rent control. I have been a local official and I have never supported rent control. I do not represent any city that has rent control. This amendment, however, in my judgment, would be a serious impediment to the purpose of the new rental initiative program.

Mr. Chairman, it is estimated that 32,000 units of housing for people in this country next year might be made available under this new rental initiative. We should not preclude all cities with rent control from participating. Whether rent control is a good idea or a bad idea, the fact of the matter is this kind of a program is designed for an area with low vacancy rates, acute need for housing and relatively high rent structures, to begin with.

Furthermore, my colleagues in this committee should realize that local rent control does not apply to this program. In other words, we are not constructing new housing with Federal money and allowing rent control ordinances to apply to this program. It will work the same in Columbus, Ohio, in Jamestown, N.Y., as it will in New York City and the District of Columbia. That is to say the rents under this program are controlled but they are controlled by the Secretary of HUD.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. LUNDINE. Certainly I will yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, the point I was attempting to make is, that in New York City or in Washington, D.C., or in any of the other rent controlled cities, developers will go to this Government-subsidized program, whereas in Columbus, Ohio, where we do not have rent control, the private builders will enter this multifamily housing field, utilizing their own money.

There is no way a private investor can compete with this program as it is now constituted. It allows rent subsidies for families earning up to $48,000 in Washington, D.C. That is the point I wanted to make.

Mr. LUNDINE. Mr. Chairman, I ask the gentleman from Ohio would it not be private developers whether it was in Columbus or if it was in Washington, D.C.? In either case it is the private developer who is building under the same program and the same rent structure.

Mr. WYLIE. That is exactly right but the private developer in Washington, D.C., who would not be out from under rent control unless it is for developments under this program.

Mr. LUNDINE. On his other units that he might own, you mean?

Mr. WYLIE. It would be unfair competition with the private developer who does not utilize this program. In Columbus, Ohio, there would be competition because they would both be out from under rent control.

Mr. LUNDINE. Mr. Chairman, I know that the gentleman from Ohio has proposed this amendment at the subcommittee and full committee level and is really trying to improve the program, as our distinguished colleague from California so dramatically pointed out. The gentleman is really trying to be helpful. However, it is my judgment, what is going to happen if the Wylie amendment is adopted, we will build no housing under this rental program, simply because it is areas like Philadelphia and New York—it is not my district, it is not probably the gentleman's district—I am not so sure of that because I am not sure of the local conditions, but it is the very area where you have very low vacancy rates where they will utilize this program.

If the amendment of the gentleman is adopted, I will predict it will go unused and at a time when this country desperately needs an infusion of rental housing units, that would seem to me to be unfortunate, although I understand the intent of the gentleman is only to improve the bill.

Mr. WYLIE. Exactly, and I appreciate that comment, if the gentleman would yield.

I think the gentleman from Arizona (Mr. RHODES), our minority leader, picked up on an argument which I made a little earlier and that is that a lot of politicians, I think at the local level would like to have an excuse to vote against rent control ordinances.

Mr. Chairman, I think this would utilize the incentive approach. They can go to their constituency and say: In order for us to qualify under this new program of the Federal Government, we have to repeal our rent control ordinance as it would apply to future projects.

Then it seems to me we would be on the road to relieving the shortage.

Mr. LUNDINE. Mr. Chairman, if I could reclaim my time, even if the political analysis of the gentleman is correct and if the gentleman from Ohio (Mr. ASHLEY) is completely wrong in his analysis, it seems to me that the net result, at least in the first year of this program—and the gentleman even admitted it will not get going for 2 years—will be that we will build less rental housing in America and it does not seem to me that 1981 is the year to do that.

Ms. OAKAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is with reluctance that I oppose my good friend from Ohio, my colleague and friend, because the gentleman from Ohio (Mr. WYLIE) is really one of the finest members of our subcommittee. However, I have heard much negative discussion about rent control which seems to have been the focus of the argument, as opposed to the amendment itself and I do want to make a few comments about rent control.

I am not so sure that senior citizens in this country would say that rent control is all that bad. You know, when the average woman in this country who is 65 or over lives on $249 a month and she sees her rent escalating, if her apartment has not gone condo and thrown her out literally because of so many rental properties going condo, when she sees these prices and the senior male sees these prices escalating particularly in terms of rent, I am not so sure that rent control is all that bad. I think we need to put a ceiling on rents upon occasion, for the person on fixed income. The woman who is head of the household and the senior citizen who cannot afford decent rental property are some of the individuals who have such a difficult time.

Mr. Chairman, as long as we have gotten into a philosophical discussion about the merits or demerits of rent control, I think we ought to talk in terms of some positive notions about it.

Mr. Chairman, my city of Cleveland does not have rent control. I am not so sure we should not because I know so many people who cannot afford to live in decent rental property any more because the whim of the landlord sometimes controls their destiny.

Mr. WYLIE. Mr. Chairman, will the gentlewoman yield?

Ms. OAKAR. I will be happy to yield to the gentleman from Ohio.

Mr. WYLIE. I thank the gentlewoman for yielding. I appreciate the complimentary remarks about my participation on the Subcommittee on Housing and Community Development.

Mr. Chairman, is the gentlewoman aware that my amendment would not apply to any single individual who is now renting a unit? It would not apply to a single senior citizen who is now in a rental unit. It has no application to that. I want to make that clear. It would only apply to this future projects.

Mr. Landrieu, Mrs. Harris, all the task forces we have gotten together on this, say that in order to increase multifamily housing units, which we need to do in this country to increase supply and thereby decrease the cost, if there is adequate supply, the cost will come down. What we need really to do is to get away from rent control ordinances. So I think what rent controls will do is put a ceiling on and as soon as they come off a little the ceiling goes up, they come off a little more, the ceiling goes up. What we need to do is increase the supply. It is like increasing the supply of apples. If we have more apples, each individual apple is cheaper. As long as we keep a price on the apple, the price is never going to come down.

□ 1130

Ms. OAKAR. Well, I understand the gentleman's amendment, but in view of the fact that there are so many people on waiting lists, waiting for new and decent housing, we have to think of the future. So, I do not want to just think of those who are living in some kind of rent controlled and subsidized housing; I still want to think in terms of those who are in need of decent housing in the future, and there are thousands of Americans who fit that bill.

Mr. PEYSER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am a little reluctant to take the well after my friend from California has spoken on this issue. I have really been impressed with the great skills that he has been demonstrating in recent months in his theatrical oratory. As a matter of fact, I have felt that since the gentleman from Pennsylvania, Mr. Flood, left the Congress, we have had sort of a void that is now being filled by my good friend from California. I probably should take some lessons from my daughter Penny Peyser who is a talented professional actress, so that I could compete more effectively with my friend.

But, be that as it may, I will try to address some remarks here that I think are critical to what this amendment speaks of. We have been talking about New York City. New York City, I want to mention, is just one community. As the Members heard the chairman say, there are over 200, and I mean over 200, communities because I do not think the chairman has the most recent figures.

For instance, in Westchester County, which I represent, along with New York City, there have been 6 villages, villages that range in size from 6,500 up to 8,000, 9,000, 10,000 people, that have been forced within this last year or two to impose a rent control in their communities. The reason they have been forced to do this is that there are no rental units available—zero rental housing available, and the rents on renewal were suddenly going up, in some cases as high as 100 percent.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I will be glad to yield to my friend.

Mr. WYLIE. What is the median income of Westchester County?

Mr. PEYSER. The median income of Westchester County now, I believe, is $21,000.

Mr. WYLIE. Twenty-one thousand dollars, so a person making approximately $31,000 could qualify under this program. Now, under this program a person qualifying with $31,000 income would not have rent control applied to him or her. The gentleman understands that?

Mr. PEYSER. I understand the gentleman's amendment and the point that I tried to make clear is that the community must get rid of rent control or lose middle-income multifamily housing.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to my colleague.

Mr. GREEN. Mr. Chairman, I do think we ought to qualify that statement. I think we ought to say that under this program that person with the income of $31,000—and presumably there will be some people with incomes lower than that in the program also—will not be subject to locally imposed rent control, but that person will have the benefit of federally imposed rent control because the rents of these projects under this program are controlled by the Federal Government, as the rents in all other FHA-insured apartment projects.

Mr. PEYSER. I think the gentleman's point was made very clearly before and is very important, which is that we are dealing with controls in these Federal properties. This amendment, honestly, would strike a blow at middle-income people who are looking for rental units all over this country, because many of the people who are involved are the very people who live in and around 200 programs in communities that have had to impose some form of rent control.

It is for that reason that I cannot understand why the gentleman from Ohio would want to pursue this effort, because he has certainly been a proponent of aid to middle-income programs and a supporter of middle-income programs; and yet, he is going to take away from middle-income people if his amendment were to pass.

Mr. WYLIE. Mr. Chairman, if the gentleman would yield further, I am still in support of the people with lower incomes and moderate incomes, trying to find a place for them to live. The point I was making with Mr. GREEN a while ago was that the Secretary of HUD, in effect, becomes the czar as far as rent controls are concerned. But the whole idea in here of giving the Secretary of HUD authority to impose rents is so that he can make them high enough so that the government would not lose money on its investment. Without my amendment, we would continue to reward cities with rent control.

Mr. PEYSER. Not at all, because as the gentleman realizes, the Secretary would use his judgment to protect and supply an adequate return, but also to protect the people. So, there is a control without any question.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. PEYSER was allowed to proceed for 2 additional minutes.)

Mr. PEYSER. I would like to say also, in deference to local officials, we speak of local officials, and I had the opportunity of being a mayor for 8 years before 1970 when I came to this Congress. I think local officials can stand up very well to many things, they use good judgment when they are right on the scene and they know the problems that their people are facing. This I do not think is a way of saying to local officials, "Here is a way to get off the hook."

What it is saying to local officials is that they are going to have to take the pressure and stand by their convictions and deny middle-income people in their community the opportunity of partaking in this program. I think they will do that because I think they do have the courage to do it, but I think it is wrong for us to force this kind of an amendment that will deny middle-income Americans, who live in these communities all over the country, the opportunity of participating because, as the chairman said, this program will actually go nowhere in these communities unless this amendment is defeated.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I want to commend the gentleman in the well for his statement.

I, Mr. Chairman and Members, oppose this amendment. We do not have rent control in the communities I represent, but I do not think we should start to set precedents, especially on this small but I think important middle-income housing initiative that has been created here.

I think trying to superimpose our will in getting involved in this rent control issue, where over 200 communities have acted, where obviously rent control is a problem, however, we ought not to predicate this Federal program with this qualification. I think it would be a mistake. We already in fact do, through rent ceilings and so forth, set at the Federal level some sort of rent limitation. We ought not preclude State and local municipalities who feel it is important to deal with the rising costs of rental housing or housing generally in their communities to be limited in terms of receiving those funds.

First, the bill contains an exemption from all rent control laws for units constructed by this new program. Indeed if the existing language was not placed in the bill it is highly questionable that we could make this program work under rent control. Therefore, I think the gentleman's concern regarding the feasibility of this program has already been addressed.

Second, approximately 200 communities across the country have some form of rent control. A close examination of these communities will reveal that these are precisely the communities which can benefit from this program. Typically, local officials enact rent control laws when vacancy rates drop to the 2- to 3-percent range. It is not coincidence that these are also the characteristics of the communities which will be most likely to be able to use this new initiative.

The gentleman contends that this amendment will provide incentive for communities to repeal their rent control laws. Putting aside the policy question of using Federal housing programs to try to force the repeal of rent control, I think the gentleman's amendment lacks the muscle to force these changes. The new initiative contains only 40,000 units. Spreading these units across the Nation we will find only a small number in each community. The threat of holding back these few units is not sufficient to counteract the very real and intense pressures placed upon local officials to retain rent control laws. What will be the effect of this amendment? I maintain that rent control will continue.

The low- and middle-income families will continue to be forced to look for housing in communities where rent control has inhibited new construction. And finally, those same families will be penalized by exclusion from this new program because of actions by their local government.

Mr. Chairman, this new initiative is a small demonstration program which holds great promise for the future. It should not be encumbered by restrictions which will preclude its use in 200 cities across the Nation.

I do not think all the wisdom resides here in Washington, D.C., with the issue of rent control or in meeting housing needs. Local community and State community participation in meeting housing needs is very important, and should not be preempted.

Mr. PEYSER. I hope the amendment is defeated.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, members of the committee, I rise in opposition to the amendment before the body at this moment. I would like to share briefly with you a few thoughts.

In my capacity as the chairperson of the District of Columbia Committee, we held a number of hearings on the problems of urban centers, including Washington, D.C. One of the significant problems that has come forward is the issue of affordable housing, and the fact that affordable housing is becoming a major crisis in this country.

In looking at the reason why we are having significant problems with respect to rental housing is that any perusal of Federal law indicates that the laws do not support people who build rental housing.

☐ 1140

The laws do not support people who own rental housing, and the laws do not support people who rent. Let us look at the laws. Clearly and unequivocally, the laws do not support people who rent, people who build rental housing, people who own rental housing, or people who manage rental housing.

It would seem to me that any rational human being would attempt to address this problem by looking at the Federal laws that preclude affordable housing and begin to talk about the development of a national policy with respect to this issue and not by this kind of a shotgun approach that penalizes human beings at the local level.

I am shocked and surprised at my distinguished colleague for even offering this amendment when we consider how rent control becomes a reality at the local level. Let us look at this. First of all, a city council puts in a rent control measure if (a) the local city council adopts it—and that is the democratic process within the framework of our form of government—or there may be an initiative on the ballot where the people of that community decided, yea or nay, on the issue of rent control. That is again an expression of the democratic procedure in a democratic society.

What the gentleman's amendment would do is say to the people and/or their representatives in local communities in the United States, a great democracy, "We will penalize you for expressing your legitimate right to say what you believe ought to be policy as you address significant problems." It would say to the city council, "How dare you express yourself at the local level as you attempt to deal with critical problems?" Or it would say to the community where it is placed on the ballot, "You people"—in Berkeley or Oakland or any city in Ohio or New York—"what right do you have to express yourselves? We at the Federal level will penalize you people for expressing yourselves."

I am shocked and appalled at this amendment because it strikes at the very foundation of our right to express ourselves as we attempt to address critical problems at the local level.

To summarize, Mr. Chairman, (a) the issue of afforable housing is a significant problem. Rental housing units are just very scarce. Housing is one of the foremost items of inflation in the American economy. Yes, there is an issue here. This is a significant problem, and this body should deal with it.

As the various communities are asking for rent control as an outcry of a frustration and expression for the need of this country to address the issue at the national level, we should deal with the problem intelligently, after hearing the screams of the people at the local level, and say, "Yes, let us develop national policy."

This amendment says, "We will slap you down for attempting to say to our communities and our Government, 'Look, there is an issue here.' "

What is the gentleman from Ohio saying to the people?

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I am going to yield in a moment, but let me finish first.

What is the gentleman from Ohio saying to the people in the local communities who go to the polls and vote overwhelmingly for rent control in their communities? "We will penalize you because you didn't do what the community next door did when it went to the polls and voted overwhelmingly to not have rent control."

We either have to live within the framework of democratic procedures or the democratic process or we do not. It seems to me our responsibility as Federal officials is not to punish human beings for attempting to deal with the problem.

What we should do is look at our own laws, and I suggest to all the Members of this body that we look at the Federal laws and see that they do support people who own rental housing and that they support people who build rental housing. If we want to create greater numbers of rental housing units, then let us review the laws and rewrite the laws and see that we do support those who rent, those who build rental housing, and those who own rental housing. Then we will not have to worry about each city and dealing with the issue of rent control one city at a time as we address national policy.

Mr. Chairman, I now yield to the distinguished gentleman from Ohio (Mr. Wylie).

Mr. WYLIE. Mr. Chairman, I thank the gentleman for yielding.

What the gentleman is saying, the way I interpret it, is that it is fine for politicians at the local level to express themselves.

The CHAIRMAN. The time of the gentleman from California (Mr. Dellums) has expired.

(By unanimous consent, Mr. Dellums was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, I continue to yield to my colleague, the gentleman from Ohio.

Mr. WYLIE. Then, Mr. Chairman, the gentleman is saying, "We are going to put a floor or a low ceiling on rents for you so they will be cheaper for you," and then they will come to the Federal Government to bail them out. That, I think, is the thrust of the gentleman's argument, if I may respectfully say so.

So I would like to comment further and refer to an editorial from the Washington Post to which I referred a little earlier.

Mr. DELLUMS. Mr. Chairman, I yield further to the gentleman for the purposes of reading the item.

Mr. WYLIE. Mr. Chairman, the editorial states:

> But in considering ways to extend rent control, without first judging what effect it has had on the city, politicians and officials are avoiding a key question. It is: is rent control good for the city? And the answer is that it is not. . . . Proponents of rent control say the statistics are deceptive. They claim that developers were not building apartment buildings before rent control went into effect, that most landlords are not abandoning buildings and that rent control has helped to stabilize the city because many poor people would otherwise be displaced by the wealthier people who are now deciding to live in the city.
>
> These arguments are not convincing. It does not matter if developers were not building apartment buildings at a great rate when rent control went into effect. It does matter that they are not building them now when the need is great.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for his contribution, and I would reclaim my time.

I simply suggest to the gentleman from Ohio (Mr. Wylie) that we do not have to at this particular moment, as I see it, debate the question of the pros and cons of rent control, but if we will consider this, we will see that the issues of rent control, as has been put forth in various communities, is a significant expression of frustration on the part of these people absent national policy in this area.

That is what I am suggesting here. We need national policy, and to develop national policy we need to evaluate and review the laws which, as I indicated before—and I hate to be redundant—do not support rental housing, do not support those who own rental housing, and do not support those who build rental housing. This is becoming a critical issue in this country. We cannot sidestep it by penalizing local communities.

We must address ourselves to the critical issue and adopt a national policy that begins to generate affordable housing.

Mr. Chairman, I am simply suggesting unequivocally to my colleague that his amendment, in my estimation, with all due respect to the gentleman, is grossly undemocratic.

The CHAIRMAN. The time of the gentleman from California (Mr. Dellums) has expired.

(By unanimous consent, Mr. Dellums was allowed to proceed for 1 additional minute.)

Mr. DELLUMS. Mr. Chairman, to continue, I say that because I believe that people at the local level who are the mayors and the city council members have just as much integrity as we do, and they have a right to address issues as they see them. Certainly that is true of those communities that have adopted rent control because there has been an initiative on the ballot.

And here we are saying to the various people in our various communities, "You do not have a right to express yourselves."

Let us deal with the issue. This amendment is not the appropriate way in which to do it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Wylie).

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. WYLIE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when the quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

☐ 1200

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Ohio (Mr. Wylie) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 162, not voting 31, as follows:

[Roll No. 470]

AYES—239

Albosta
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Anthony
Applegate
Archer
Ashbrook
Atkinson
AuCoin
Badham
Bafalis
Barnard
Bauman
Beard, Tenn.
Bedell
Bennett
Bereuter
Bethune
Bevill
Boner
Bouquard
Bowen
Breaux
Brinkley
Broomfield
Brown, Calif.

Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Cavanaugh
Chappell
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
de la Garza
Deckard
Derwinski
Devine
Dickinson
Dicks
Dornan
Dougherty
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Fenwick
Findley
Flippo
Foley
Forsythe
Fountain
Frenzel
Fuqua
Gaydos
Gephardt
Gibbons
Gingrich
Ginn
Glickman
Goldwater
Goodling
Gradison
Gramm
Grassley
Grisham
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hammerschmidt
Hance
Harris
Harsha
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Holt
Hopkins
Horton
Hubbard
Huckaby
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Jones, N.C.
Jones, Okla.
Kelly
Kemp
Kindness
Kogovsek
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Levitas
Lewis
Livingston
Loeffler
Lott
Lujan
Lungren
McClory
McCloskey
McDade
McDonald
McHugh
McKinney
Madigan
Marks
Marlenee
Marriott
Martin
Mathis
Mattox
Mazzoli
Mica
Michel
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Myers, Ind.
Neal
Nelson
Nichols
O'Brien
Panetta
Pashayan
Paul
Petri
Porter
Preyer
Pritchard
Quayle
Quillen
Rahall
Railsback
Regula
Rhodes
Ritter
Roberts
Robinson
Roth
Rousselot
Royer
Rudd
Santini
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
St Germain
Staggers
Stanton
Senholm
Stockman
Stratton
Stump
Tauke
Tauzin
Taylor
Thomas
Trible
Udall
Ullman
Volkmer
Walker
Wampler
Watkins
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Winn
Wyatt
Wydler
Wylie
Yatron
Young, Fla.
Young, Mo.

NOES—162

Addabbo
Akaka
Ambro
Annunzio
Ashley
Aspin
Bailey
Baldus
Barnes
Beard, R.I.
Beilenson
Benjamin
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Bonior
Bonker
Brademas
Brodhead
Brooks
Burton, John
Burton, Phillip
Carr
Carter
Chisholm
Clay
Coelho
Collins, Ill.
Conte
Conyers
Corman
Cotter
D'Amours
Danielson
Davis, Mich.
Dellums
Derrick
Dixon
Dodd
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Evans, Ind.
Fary
Fascell
Fazio
Ferraro
Fish
Fisher
Fithian
Florio
Ford, Mich.
Frost
Garcia
Gilman
Gonzalez
Gore
Gray
Green
Guarini
Hamilton
Hanley
Harkin
Hawkins
Heckler
Hollenbeck
Howard
Hughes
Johnson, Calif.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kostmayer
LaFalce
Lederer
Lehman
Leland
Lent
Lloyd
Long, La.
Long, Md.
Lowry
Lundine
McCormack
McEwen
Maguire
Markey
Matsui
Mikulski
Miller, Calif.
Mineta
Minish
Moakley
Moffett
Murphy, Ill.
Murtha
Musto
Natcher
Nedzi
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Patten
Patterson
Pease
Pepper
Perkins
Peyser
Price
Pursell
Reuss
Richmond
Rinaldo
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Russo
Sabo
Scheuer
Schroeder
Seiberling
Shannon
Sharp
Simon
Solarz
Stack
Stark
Steed
Stewart
Stokes
Studds
Swift
Synar
Thompson
Traxler
Van Deerlin
Vanik
Vento
Walgren
Weaver
Weiss
Williams, Mont.
Wirth
Wolff
Wolpe
Wright
Yates
Zablocki
Zeferetti

NOT VOTING—31

Abdnor
Anderson, Ill.
Davis, S.C.
Dingell
Donnelly
Ford, Tenn.
Fowler
Giaimo
Hansen
Holtzman
Johnson, Colo.
Leach, La.
Luken
McKay
Mavroules
Mitchell, Md.
Mollohan
Moorhead, Pa.
Murphy, N.Y.
Myers, Pa.
Pickle
Rangel
Ratchford
Roybal
Spellman
Stangeland
Symms
Vander Jagt
Waxman
Wilson, C. H.
Young, Alaska

☐ 1210

The Clerk announced the following pairs:

On this vote:

Mr. Mollohan for, with Mr. Mitchell of Maryland against.

Mr. Abdnor for, with Mr. Rangel against.

Mr. Hansen for, with Mr. Ratchford against.

Mr. Stangeland for, with Mr. Waxman against.

Mr. Young of Alaska for, with Mr. Roybal against.

Mr. Vander Jagt for, with Mr. Dingell against.

Mr. Symms for, with Mrs. Spellman against.

Mr. BREAUX and Mr. AMBRO changed their votes from "aye" to "no."

Messrs. BREAUX, HORTON, BURLISON, and HEFTEL changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 1220

Mr. MINISH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to engage in a colloquy with the distinguished chairman of the committee.

Mr. Chairman, in order to insure that the cities of New Jersey are able to use the section 8 units awarded them under the neighborhood strategy area program, the Housing Finance Agency of New Jersey has been assisting the cities in the production of these units. I am concerned that because of this assistance New Jersey as a whole will be penalized and that their regular section 8 allocation will be reduced. The New Jersey Housing Finance Agency has done a commendable job in financing and building section 8 units. I hope they will continue to get their full allocation apart from the NSA program.

I would like to ask the chairman what his version of this statement is.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. MINISH. I am happy to yield.

Mr. ASHLEY. Mr. Chairman, let me say to my good friend and colleague on the Banking Committee, the gentleman from New Jersey, he has described the situation whereby the New Jersey State Housing Finance Agency has assisted cities in his State with the financing of section 8 housng units in neighborhood strategy areas within these cities.

The section 8 units that are made available to cities as part of their NSA areas come from the central office reserve fund and are not charged against a community's regular allocation of assisted housing. The State housing finance agencies receive a separate allocation of assisted housing funds.

What concerns the gentleman is the situation that his State housing finance agency in assisting cities in their NSA's would have these assisted housing units charged against the State's assisted housing allocation.

I think all of us applaud the initiative of the New Jersey State Housing Finance Agency in providing this assistance to these cities' neighborhood strategy areas and I would agree with him that this participation of the State agency in a city's NSA housing program should not be charged against the State's assisted housing allocation but should come out of the central office reserve fund, or from the city's own allocation.

Mr. MINISH. I thank the distinguished gentleman and yield back the balance of my time.

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VENTO: Page 63, after line 12, insert the following:

RESTRICTION ON USE OF ASSISTED HOUSING

SEC. 214. (a) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not make financial assistance available for the benefit of any nonimmigrant student-alien.

(b) For purposes of this section—

(1) the term "financial assistance" means financial assistance made available pursuant to the United States Housing Act of 1937, section 235 or 236 of the National Housing Act, section 101 of the Housing and Urban Development Act of 1965, or section 203 of this Act; and

(2) the term "nonimmigrant student-alien" means (A) an alien having a residence in a foreign country which he or she has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who is admitted to the United States temporarily and solely for purpose of pursuing such a course of study at an established institution of learning or other recognized place of study in the United States, particularly designated by him or her and approved by the Attorney General after consultation with the Department of Education of the United States, which institution or place of sudy shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn, and (B) the alien spouse and minor children of any such alien if accompanying him or her or following to join him or her.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore (Mr. Dan Daniels). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Chairman, I rise to offer an amendment to prohibit nonimmigrant student-aliens from receiving Federal housing assistance. Stated simply, this amendment would prohibit the Department of Housing and Urban Development from providing housing assistance for the benefit of those individuals who are admitted to study in this country pursuant to 8 U.S.C. 1101(a)(15)(F). This amendent is specifically directed at only those foreign students and would not affect the eligibility of resident aliens, foreign born spouses of American citizens, naturalized citizens or refugees admitted on political or humanitarian grounds. It is offered in response to a situation where these students are receiving the benefit of our scarce Federal housing assistance programs to the exclusion of the people that this program was intended to serve.

This situation was brought to my attention by articles written by John Kostouros and published by the Minneapolis Tribune. These articles focused on just one apartment complex in Minneapolis where almost 30 percent of the assisted units were occupied by foreign students while the waiting lists for these apartments are from 3 to 5 months. As a member of the Subcommittee on Housing and Community Development, I have spent considerable time in trying to develop and gain congressional support for programs to meet the housing needs of low- and moderate-income families. I was shocked and more than a little angry to learn of this apparent loophole in our housing and immigration laws.

The Immigration and Naturalization Service feels that they cannot bring sanctions against these students because neither requesting nor receiving this assistance is illegal. The Minneapolis HUD area office attempted to prohibit this assistance, however, it was the opinion of HUD central that no statutory requirements exist by which they can eliminate these people from the program. This amendment gives the Department the authority to rectify this situation which is clearly contrary to the intent of Congress.

I am sure that my colleagues will agree that, considering the current crisis situation in housing and particularly in rental housing, the Federal Government has the responsibility to direct these assistance programs to those families most in need.

The availability of housing in the St. Paul area is fairly typical of the Nation as a whole. The St. Paul HRA receives approximately 100 units of section 8 housing a year. This is in an area of 300,000 people and a vacancy rate of less than 2 percent. This has resulted in a waiting list of more than 900 families. This translates into a waiting period of more than 3 months for the most available type of units and in excess of more than 18 months for families with a large number of children.

This amendment is not intended as a punitive action nor is it intended to single out one nationality or group of students. Indeed the current situation that allows these foreign students to receive subsidies works to the direct disadvantage of many truly needy immigrants as well as native born Americans. In St. Paul, 52 percent of the families on the waiting list for publicly assisted housing are Indochinese refugees. It is indeed ironic that these students, who sign an affidavit which certifies that they are financially able to support themselves for their entire period of study, receive this assistance to the exclusion of others.

I have checked with the chairman of the subcommittee, Mr. Ashley, and he has no opposition to this amendment.

I urge my colleagues to support this amendment.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding. I want to congratulate him for his leadership on this matter.

He attended to this matter on the current appropriation several weeks ago, but that was a temporary cure. This amendment on the authorizing legislation is a better amendment. It is permanent, and it targets the problem more exactly.

I know there is no opposition to it, but if the gentleman needs some good conservative support, I want to stand up and be counted.

Mr. VENTO. I appreciate my colleague's support and encouragement.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the Chairman of the subcommittee.

Mr. ASHLEY. The gentleman from Minnesota (Mr. Vento) who does yeoman work on the subcommittee, has discussed this with both sides. There is no problem with the amendment for good reason. The amendment makes eminently good sense. It is consistent with the law. It corrects a situation which we do not want to embarrass us, and it is a situation that should be corrected.

I am sorry that it has arisen. It should not have arisen, and this will take care of it. I congratulate the gentleman and am happy to accept his amendment.

Mr. VENTO. I thank the gentleman.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I am happy to yield to the gentleman.

Mr. STANTON. Mr. Chairman, I am pleased to tell the gentleman that we are pleased to accept the amendment and compliment him on this amendment.

Mr. VENTO. I thank the gentleman and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. Vento).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LUNDINE

Mr. LUNDINE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Lundine: On page 44, after line 15, insert the following:

(p) Section 213(d) of such Act is amended by inserting the following new sentence before the last sentence thereof: "Any amounts allocated, for use under section 203 of the Housing and Community Development Act of 1980, to an area or community within a State which are not likely to be utilized within a fiscal year may, in the discretion of the Secretary, be utilized, in accordance with the appropriate housing assistance plans, with respect to newly constructed and substantially rehabilitated units in such area or community under section 8 of the United States Housing Act of 1937."

Mr. LUNDINE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LUNDINE. Mr. Chairman, I have joined with my colleague from New York (Mr. Richmond and Mr. Garcia) in offering an amendment to title II to permit funding allocated for the proposed middle-income rental program under section 203 to be converted for use under section 8, if it is determined that these allocations cannot be used during the fiscal year.

The amendment addresses a concern expressed by developers and bankers, as well as representatives of nonprofit housing agencies, that the proposed middle-income program will not be implemented, because of high costs and numerous disincentives to private involvement, and will tie up funding that otherwise could be used to provide needed rental housing for low- and moderate-income families during fiscal 1981.

The amendment simply provides that, in the event HUD determines that funding allocated to a community for the middle-income program will not be used prior to the close of the fiscal year, the unused funding can be made available within the community for section 8 new construction and substantial rehabilitation. This area fungibility insures that funding will be committed to meet housing needs during fiscal year 1981 even if the new program proves unworkable. It also protects communities attempting the program from losing vital Federal support for local housing needs.

CONTINUED CONCERNS

I continue to hold serious reservations concerning specific aspects of the proposed middle-income program. During subcommittee consideration of this proposal, I joined with a number of my colleagues in expressing concern about the equity problem inherent in shifting funding from low- and moderate-income households to higher income groups. At a time when the section 8 program is serving only a small percentage of households eligible for low-income housing assistance, a further dilution of program funds in this manner is certainly questionable from a policy standpoint. This expansion of section 8 assistance to middle-income households also runs counter to current congressional efforts to target Federal assistance to persons most in need.

I also continue to be concerned that restrictions in the program will discourage participation by private lenders and developers. The program has restrictions on tenant makeup, rent levels, rates of return and project use which have discouraged private participation in Federal housing programs in the past. Added to this are new provisions permitting the phaseout of Federal subsidies after only 10 years and a requirement to repay subsidies during a period of up to 40 years. While I fully understand that these restrictions provide important safeguards on the use of Federal funds, they are not conducive to private participation in the program.

I should clarify, however, that even with these reservations, I view the proposed middle-income program as a serious and innovative effort to deal with the pressing need to increase the Nation's rental housing stock. The chairman of the Housing Subcommittee is to be commended for his efforts in developing and sponsoring the program. It is one of the few positive efforts I have seen which attempts to deal with what is becoming a national rental housing "crisis."

I recognize, Mr. Chairman, that it is too easy to criticize new proposals as unworkable without ever trying them. I am also forced to recognize that we have few other alternatives at hand for dealing with the rental housing problem. For these reasons, I support implementation of the middle-income rental program on the demonstration basis provided in the legislation. By limiting the new initiative to 32,000 units, a minimum of section 8 funding is diverted from low- and moderate-income housing programs, while still providing sufficient funding to test the concepts of the program. Given the current decline in rental housing construction, I think it is important that this new approach to stimulating rental housing construction at least be tried.

EXCESSIVE COSTS

While I support the demonstration program, I continue to think that high costs and numerous restrictions on private involvement will undermine the program's feasibility in many areas. Assessments of feasibility depend as much on the program's acceptance by potential tenants as it does on acceptance by potential lenders and developers. Given the small subsidy involved and the resulting high rents in most projects, I am not entirely sure that such acceptance will be present.

Under the proposal, Federal subsidies can reduce interest rates for a project to as low as 7½ percent—a level that in most areas will not reduce costs enough to provide rents that are within the reach of the target population. In New York City, for example, recent cost estimates for one- and two-bedroom apartment projects show per unit costs in excess of $65,000. The level of rent required to make such a project feasible, even with interest rates as low as 7½ percent, would amount to $780 per month.

In most parts of the city, the level of income required to pay such rents would be well above the income limits in the bill. A family earning $25,000 per year, for example, would have to pay 37 percent of its unadjusted, before tax income to pay this level of rent. The proposal, however, requires tenants to pay only 20 to 30 percent of income for rent.

New York City, I might add, is precisely the type of area the program is supposedly designed to assist. According to the committee report, the program is to be directed to areas with low vacancy rates or "high need for housing" to replace units which are deteriorating or being abandoned. New York City currently has one of the lowest rental vacancy rates in the Nation, caused, to a large extent, by the large number of substandard rental units that are destroyed or abandoned each year.

The problem of high feasibility costs and low family income is not unique to New York City. A study released in May by the Congressional Research Service shows that the problem exists throughout the country. Based on an average per unit cost of $40,000, the study estimated that necessary rents for assisted projects throughout the Nation would average at least $483 per month. At a rent income ratio of 25 percent, payment of such rents would require annual income in excess of $23,000. This level of income, the report notes, is considerably above the median income figures for all sections of the country.

The problem is particularly acute in rural communities, where the ratio of housing development costs to household income is significantly higher than in metropolitan areas. These higher costs can be attributed to such factors as the smaller number of units per project and additional transportation costs for construction materials. At the same time, median income figures for rural areas are $4,000 lower than the comparable median figures for metropolitan areas in all regions of the country.

PROJECT FEASIBILITY

What the CRS study points out, Mr. Chairman, is that the proposed program will, of necessity, be directed to potential tenants in the upper income levels of the target population and to lower income households which are willing to pay a large proportion of their incomes for rent. In both instances, the study questions whether this type of tenant acceptance exists. Recent studies have shown that middle-income families, when rents reach the levels in question, will choose, when possible, to purchase homes or condominiums for the tax and other ownership benefits that are available. Those middle-income families who do not purchase their housing have shown little willingness to pay more than 20 percent of their incomes for rent. In 1977, the last year for which data is available, only 6 percent of households with incomes between $15,000 and $19,000 paid 25 percent or more of their incomes for rent, with 13 percent paying 20 to 25 percent. For families with incomes in the $20,000 to $25,000 range—the income group most likely to participate in the program—these percentages drop to only 2 percent and 6 percent, respectively.

Tenant acceptance of the program is also an important factor in determining whether private developers and financial institutions will choose to participate in the program. Assessments of marketability are important in determining feasibility. Equally important, however, are considerations of profitability. Private participation is based on estimates of financial return, tax benefits, and investment appreciation. While these factors have been present in the section 8 program, not all are present in the proposed middle-income program.

Under the new program, rates of return are subject to limitation by HUD and tax benefits are available only if a project is financed by State agencies or is insured under section 221(d)(3). The opportunity to realize appreciation on the investment is also restricted by provisions phasing out Federal subsidies after 10 years and prohibiting alternative use of the projects for a period of up to 40 years. Many developers feel, with justification, that restrictions such as these will choke off the type of investment capital needed to make the program work.

NEEDED AMENDMENT

I am confident that solutions to the problems I have briefly described will be worked out over time. We cannot assume that the new middle-income program will experience a quick and easy startup. On the contrary, the experience of the section 8 program illustrates that as much as 3 years may be required for HUD to develop workable regulations that will permit the necessary developer "acceptability" to emerge.

In the meantime, however, Congress has an obligation to see that rental housing construction does not cease due to transitional difficulties or delays. Considering the growing shortage of rental units, it would be a mistake to let funds go unused next year when additional section 8 units could be easily provided. The loss of any new rental units would put even greater pressure on the housing supply situation, as well as cause construction costs to rise even higher once production does begin.

The amendment we are offering seeks to insure that needed housing continues to be provided during fiscal year 1981, even if the proposed program cannot be implemented as currently designed. It provides HUD with the authority to permit communities which have been allocated funding for middle-income units to use this funding for contracts under section 8 when it becomes clear that all or part of the units cannot be provided.

I must emphasize, Mr. Chairman, that this is discretionary authority which can be implemented only by the HUD Secretary, and only upon his determination that, for whatever reasons, an approved project will not proceed to construction. The Secretary would be authorized to provide all or part of the funding authority in question for section 8 new construction or substantial rehabilitation, as provided for in appropriate housing assistance plans.

In addition to insuring that housing funds will be used during the fiscal year in communities with acknowledged rental housing needs, the amendment would protect communities, which have made the effort to attempt the program, from loss not only of its effort in meeting the requirements of the program, but also from the loss of funds that the community could have expected to have received had it not attempted the new initiative.

In short, the amendment is designed to insure that the middle-income units can be converted back to section 8 in a timely and orderly fashion should HUD determine that the program cannot be implemented. Because the program is untested, I think it is important that this local fungibility be provided to insure that as much housing assistance as possible is provided during the coming fiscal year.

I urge my colleagues to adopt the amendment.

□ 1230

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LUNDINE. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think all of us can agree with the fungibility of the new program. In fact the legislation provides for that.

The difference, and the difference with which I would disagree, which the gentleman brings to this committee today, is that, indeed, we give someone a reward for not executing properly the agreement they make with regard to the new rental housing program.

Mr. LUNDINE. Mr. Chairman, the gentleman is well aware this is a new program. The gentleman knows it took 3 years for the first section 8 units to get on the line. All I am saying is why should that resource be unused during that period of time.

Mr. VENTO. If the gentleman will continue to yield, I am saying we really want to create—we know it is a demonstration program at this point—do we want to create an incentive for communities that do not execute properly in terms of the commitment, so that they somehow get an extra bite converting these units to section 8, over and above other communities that may have chosen well to design a section 8 program and not get involved in making this type of middle income housing commitments.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. VENTO, and by unanimous consent, Mr. LUNDINE was allowed to proceed for 2 additional minutes.)

Mr. LUNDINE. Only if the Secretary in his discretion makes that decision and the gentleman knows the HUD Secretary is not going to allow a community to apply for this middle-income rental assistance, not move forward, and then allow them to convert when they never had any intention of using it for this purpose. That is not the way the program will be administered.

Mr. VENTO. If the gentleman will continue to yield, I think the gentleman has created an incentive, a basis, as it were, for that community not to go forth. In other words, I think the risk of them losing the middle-income initiative might be a better incentive for them to go forward.

Mr. LUNDINE. It might also be that it could be wasted.

The gentleman talks about repooling but the gentleman is very familiar, all this means is that these rental programs have been included under the same general authorization as section 8. The gentleman knows as well as do I that repooling will not occur within fiscal year 1981.

Mr. VENTO. If the gentleman would continue to yield, you know the repooling idea is not a new one. We used it with section 8. We know we have the conduit problem in terms of getting the housing initiative established. We ought not to convert this to some sort of entitlement program, that, if we make this commitment to a community and they cannot perform within the contract then you are going to let them convert to section 8, a real benefit or reward for not executing.

Mr. LUNDINE. Let me answer that one question. This is not an entitlement argument. It is simply where a community makes the application. In HUD's discretion it has allocated the unit. Then, because of financing or developer or some other reason, they cannot go forwad with this program, it allows "in his discretion" the Secretary to determine that they should have some housing in that community.

I cannot believe that my colleague who is so committed to better housing in America would want to see it wasted.

Mr. VENTO. If the gentleman will yield on that point, I am certainly committed to housing but I am also committed to some degree of equity between communities. If a community makes a contract and agreement to go forward with this new middle-income housing initiative, we ought to let them do that. We ought not to then suggest that if they cannot make it work, they will exclusively be granted authority to convert to section 8, why should other communities be excluded from these section 8 units at that point?

Mr. LUNDINE. What if no one in that community will finance it? Then we have to wait for a year and a half or 2 years.

Mr. VENTO. Then we can convert it to section 8 and let all compete. I guess we are talking about the problems of turnaround but let us not create an incentive for that purpose by passing this amendment.

Mr. ASHLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to speak in opposition to this amendment.

Mr. Chairman, after having listened to the colloquy over the last 10 minutes I still have no idea why the amendment is necessary. The committee bill, let me say, clearly states that assistance provided under the new multifamily program will only be allocated to communities who have specifically demonstrated in their HAP plan a need for this type of rental housing.

Once these funds have been targeted to areas that have a need for the new program, the Secretary is provided with the greatest possible flexibility to assure the financial feasibility and the marketability of the project. The gentleman's amendment says that if a community cannot use an allocation under the new program, that in the discretion of the Secretary it can be converted into section 8. That is not the purpose of the program. The purpose of the program is to increase the supply of rental housing. It is not in a given locality to either increase the supply of moderate-income housing or to make that available in section 8. That does make an entitlement program or very close to it.

The report points out that in the event the units under the new program cannot be reserved in a given area—here is the exact language:

> Not later than July 1, 1981, the Secretary shall determine the aggregate number of units for which commitments can basically be anticipated under the new program during that fiscal year and any funds not anticipated to be used in this program should be made available for use in the section 8 new or substantial rehabilitation program.

□ 1240

So, there are not going to be any idle funds sitting around there year after year, as the gentleman has suggested—not at all. These funds are going to be used for the purpose made clear in the program, or they are going to be made use of in section 8. That is the long and short of it. That is what was agreed on in the subcommittee, with both sides of the aisle agreeing. Notwithstanding the gentleman's plea to the contrary, that is what we agreed upon in the full committee. That is the position, I think, of both my colleagues from Ohio as well as myself.

Mr. LUNDINE. Mr. Chairman, will the gentleman yield on that point?

Mr. ASHLEY. Of course.

Mr. LUNDINE. I thank the gentleman for yielding. I wonder if the chairman is aware of the CRS study which indicates that on the average funds that are not used under existing programs take 2 years to be recalled and to actually be used.

Mr. ASHLEY. Let me reclaim my time and say that is precisely why we said, "not later than July 1, 1981."

We do not want that to happen. We are making provisions that that will not happen. We have had testimony from Assistant Secretary Lawrence B. Simons, of HUD, that that will not happen if this language is included to give specific guidelines to the administration.

That language has been included, so the gentleman's amendment, in my view, is unnecessary. It is not just unnecessary, it is positively harmful because what it says is that the Secretary shall be under pressure if units under the new program cannot be used under the new program, to convert those to section 8.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, I rise in opposition to this amendment and can only reiterate what the chairman has said. I do not understand why this amendment is really necessary.

Second, let me point out, at one time this was a lot larger program than it is today. It is now a pilot program.

Third, let me point out that money has not yet been appropriated. After it has been appropriated, we should not allow the Secretary to change the use for which such funds may have been appropriated. I not only oppose it, but I see no necessity for this amendment.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I rise in opposition to the amendment and just support the argument of the distinguished ranking minority member of the committee and the distinguished chairman of this committee in this area. It seems to me, to appropriate funds for a particular purpose, and then have those funds diverted to another purpose would be a mistake.

Mr. RICHMOND. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from New York.

Mr. RICHMOND. Mr. Chairman, I rise in support of the amendment to section 213(d) and commend my New York colleague (Mr. Lundine) for offering it.

This amendment will be of great value to New York City because it adds the element of flexibility to the use of housing moneys.

The Lundine amendment, which I cosponsored, provides that in areas of the United States, where funds allocated to the middle-income program cannot be used, the Secretary of HUD would be authorized to use these funds for section 8 for new construction or substantial rehabilitation.

In this way, we would not face an interruption of housing production similar to the unfortunate experience of the Nixon housing moratorium of 1973, which impacted so severely on New York City. Nor, would any locality potentially lose housing moneys simply because the new middle-income program could not be made to work in that particular area.

The rental housing crisis is especially severe in New York City, which has a vacancy rate of less than 2 percent. Section 8 has been successful in meeting the needs of low- and moderate-income families in New York City and elsewhere and the program should not be interrupted unless another proven program is ready as a viable replacement.

My colleagues and I of the New York delegation have heard the opinions of the New York builders, bankers, professionals, and community agencies, comprising the New York Housing Conference, that the middle-income initiatives demonstration program will result in rents that middle-income New Yorkers cannot afford.

Neither the housing industry in New York City nor the low- and moderate-income New Yorkers can endure the loss of any significant portion of housing assistance moneys.

Therefore, I urge approval of the Lundine amendment which would assure that if the middle-income program cannot work in a particular area, that area would not be forced to forgo a portion of its housing assistance funds.

Mr. GARCIA. Mr. Chairman, as we today consider title II of the Housing and Community Development Act of 1980, I would like to offer briefly a few thoughts on the new multifamily housing initiative program. I believe my remarks are particularly timely in light of the action by the Senate in removing this program from its version of the 1980 housing and community development bill.

Numerous studies have shown that this Nation suffers an acute deficiency in the number of units available for rental occupancy. This deficiency has been referred to by several speakers time and time again. I would contend however that this is only part of the full story, because the shortage becomes even more acute when we consider only units which are decent, safe, and sanitary. In certain sections of the United States such as the one I represent—the south Bronx portion of New York City—there is an overwhelming proportion of substandard units which comprise much of the rental market. In other words, bad as the deficiency of rental units available for occupancy is, it is worse in many of the poorest neighborhoods.

This is a painful fact of life for many in our country, especially for those who are poor. Most poor people live in apartments. They are thus the group most directly affected by the present general unavailability of adequate rental housing.

When I first came to Congress 2 years ago I set for myself several goals, as I am sure many other Representatives also did. One of the major goals I set for myself was to work—in any way I could—to assure better housing and neighborhoods for the American people.

Toward that end, I will support any program and any new endeavor which offers the promise of expanding our supply of housing, rental, or otherwise.

This new multifamily housing initiative program, developed carefully by Chairman Ashley and his staff of the Housing Subcommittee—a subcommittee on which I serve—is such a program. Reduced in the full Banking Committee from the original level to what is presently essentially a demonstration project, I believe that this new experimental approach to resolving our crisis in rental housing is now a good one.

Frankly, on several occasions I had voiced reservations about attempting a new Federal approach to rental housing without any prior experience with the program which might enable us to determine just how good an approach it was. With the acceptance by the Banking Committee of the amendment offered by my good friend and colleague Les AuCoin, we now have a good, solid demonstration program. I now believe that the new program should be tried and I support it, with one amendment.

I am cosponsoring an amendment offered by Stan Lundine which would permit the secretary to restore any section 8 moneys waived by any community which has elected to try this new multifamily housing initiative program. However, this restoration of funds should take place only after a sufficiently long period of time has passed to indicate that the economy of the neighborhood in which a building subsidized under the new program is incapable of sustaining the program. It is thus my intent that a substantial period of time, such as 6 months, should go by during a fiscal year before the Secretary uses his discretion to determine whether the new multifamily housing initiative program is workable in any locality.

HUD requires the various localities which desire to participate in certain of its programs to submit a housing assistance plan which, among other things, must accurately assess the housing assistance needs of lower-income persons residing in the community and project how those needs realistically will be met by the private and public sectors. To the extent that a locality notifies HUD of its intention that a certain number of section 8 certified people will be housed by this new program, of course, it follows that the locality is not making commitments for those people under the present section 8 program. Therefore, without this amendment, if the new program does not work after a substantial period of time has passed, these lower-income persons could face an even more difficult housing situation than before the new program was instituted. This is because some of these people will be cut out of the section 8 program, at least temporarily.

In order to rectify this situation, representatives Lundine, Richmond, and I therefore have proposed an amendment to permit the Secretary of HUD to restore section 8 moneys waived by any locality in which the new multifamily rental program has not worked. This is, it seems to me, the only fair way to reconcile a program which Chairman Ashley has convinced me is a good new solution to our Nation's rental housing crisis with a legitimate guarantee to our poorer constituents that the new program, should it fail, will not serve to worsen their housing plight.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. Lundine).

The amendment was rejected.

AMENDMENT OFFERED BY MR. PATTERSON

Mr. PATTERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Patterson: On page 48, line 15, add the following new sentences: "In making such assistance available, the Secretary shall, to the maximum extent possible and consistent with the purposes of this subsection, give preference to persons who have at no time had a present ownership interest in a principal residence in which such persons resided during the 3-year period ending on the date which a mortgage under this section is executed. For the purpose of this subsection, the term principal residence shall not include substandard housing."

Mr. PATTERSON. Mr. Chairman, my amendment, which was read in its entirety to the membership, is commonly called the first-time home buyers preference. In effect, it is a preference to individuals who have not held homeownership for a period of 3 years, whether or not they are first-time home buyers.

It would attach to the revised section 235 program, which is a program that states that its purpose is—from section 235(a)(1)—"assisting families in acquiring homeownership * * *."

That is, not "moving up" into a second residence or trading up, if you will, but acquiring homeownership.

My colleagues, I do not need to tell you that there is a grave danger in this society today in regard to homeownership. Eighty-five percent of the people who do not own a home today cannot qualify to buy a home. Only those who have already been able to purchase a home by income status or by the fact that they bought their home years ago can hold the homeowner status. Inflation has cut so deeply that young families in particular cannot purchase a home. A study by the U.S. League of Savings Associations nearly places the first-time home buyer on the "endangered species" list. They point out that while inflation has swollen assets of those repeat purchasers, those who bought a home, gathered equity, bought another, sold, bought, and moved up, one who has not yet bought a home has virtually been shut out of the market. They finance our homes, and they should know.

In the last 2 years alone, new home buyers have shrunk by more than 50 percent. It should also be apparent to my colleagues that there is a severe competitive disadvantage to the new home buyer. The one who already owns a home has established credit and is able to purchase a second home much more easily than one who has not established credit. When there is a stack of applications before a savings and loan executive, he is certainly going to be at a disadvantage.

I could cite many, many more reasons for my amendment. Here are some facts. The law's purpose is to help families acquire homeownership.

The amendment is easy to administer. The Assistant Secretary of HUD in committee said that he could approve my amendment. There was another amendment offered by Mr. Wylie which called, not for preference, but restriction to first-time home buyers, and I would hope that Mr. Wylie supports this amendment.

It is easy to administer because the definition of first-time home buyer comes from the section 245 program and it is not a new definition. Also, all the customer has to do is fill out one piece of paper that says he has not owned a home in 3 years. It is easy to administer and meets the purpose of the law.

It is flexible because again it is a preference; it is not a mandate. We are saying that the Secretary, if he cannot find that there are enough first-time home buyers in a given market area, that the program is available to those who are not first-time home buyers. So, there is a preference, not a mandate, and it allows a good deal of flexibility.

I would close by asking my colleagues if they really want to federally subsidize a second home purchaser who has equity in his home, and then look into the eyes of one who wishes to become a first-time home buyer who cannot qualify to buy a conventionally financed home with 13 or 14 percent interest rates and say, "We will get you later on; maybe you need to continue to rent for a number of years."

The program is a good one. We have already cut it by two-thirds. It is down to $40 million. It is a very, very small program. The reason for this amendment is even more important today than it was when it was three times this large, and that is simply because we must target Federal moneys to the people who need them the most, and the people who need section 235 housing the most are not those who already own. The people who need it are the first-time home buyers.

Mr. ASHLEY. Mr. Chairman, I rise in opposition to the gentleman's amendment, which would direct the Secretary to give a preference under the revised section 235 program to first-time buyers.

While all of us are sensitive to the problems facing first-time home buyers in today's housing market, let me make clear to the Members that the preeminent concern of the committee in revising the section 235 program was to provide immediate relief to the depressed single-family homebuilding industry. The latest figures on housing starts for June are 1,208,000 units at an annual rate. This is 36 percent below the annual rate for June of 1979.

Homebuilders across the country are experiencing far more difficulty this time than in the last housing downturn of 1974–75, and for many builders the most severe drop in construction activity since the end of World War II. Inflation, high construction loan interest rates and mortgage interest rates, skyrocketing material costs, and the resulting consumer-buyer resistance have placed our homebuilding industry in a depression.

The fundamental purpose of the revised 235 program is to provide a stimulus to new home construction. In order to maximize the benefit derived from this program, it is essential that the program be implemented as rapidly as possible.

My concern is that adding restrictions such as the gentleman proposes will only cause administrative delays in implementation of the revised program, and diminish the beneficial impact of this relief. The Department shares these concerns that the gentleman's amendment would cause administrative delays in the program's implementation. I, therefore, urge defeat of this amendment.

Mr. PATTERSON. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. Yes, I am happy to yield to the gentleman from California.

Mr. PATTERSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think we agree on the purpose of the amendment, which is to assist homeowners in acquiring homeownership. We agree that my amendment pursues that objective?

Mr. ASHLEY. Yes.

Mr. PATTERSON. Second, our objective is to stimulate the building industry?

Mr. ASHLEY. Yes.

Mr. PATTERSON. Mr. Chairman, I have only one difference, I believe, with my subcommittee chairman on this issue. That one difference is that I do not see how filing one more piece of paper certifying that one has not owned a home in 3 years delays in any way implementation. This is not the Wylie amendment. It is not mandatory; it is a preference, and I do not see how that delays it.

Mr. ASHLEY. Mr. Chairman, I will explain that to the gentleman.

Our 235 program is on the books at the present time. It is ready to go. With the gentleman's amendment, it would be necessary to draft a new regulation and an administrative layer of redtape to cover those who are carrying out the program. That just stands to reason.

We do not have a first-time home buyer limitation or preference at the present time. The gentleman's amendment would impose this preference. What we are trying to do is bring immediate relief to the very depressed home building industry. We do not want to bring that about in 2, 3, or 5 years; we want to bring it about right now.

Mr. PATTERSON. Mr. Chairman, if the gentleman will yield further, I would certainly understand that it is true that 3, 4, 5, or 6 months ago the housing industry was severely depressed. But in the Washington Post on August 19, just 2 days ago, they pointed out that in the last 2 months the home building activity grew considerably; 15 percent last month, and in June 30 percent, on an annualized basis.

So in the last 2 months it has grown 30 and 15 percent. That is a definite rebound.

Mr. ASHLEY. Mr. Chairman, if the gentleman will permit me to continue, home building activity was down 36 percent, so what the gentleman is saying is that we are still in a very, very weak position as far as the industry is concerned.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. Ashley) has expired.

(On request of Mr. Hughes, and by unanimous consent, Mr. Ashley was allowed to proceed for 1 additional minute.)

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, I am not a member of the committee, as the distinguished subcommittee chairman well knows, but I have another concern about the Patterson amendment. That would be this: What assurance do we have that those who have not owned a home in the last 3 years are the most needy or deserving?

In fact, if we afford a preference to those people, it might be that we are according housing to the people who are the least in need.

Mr. ASHLEY. Mr. Chairman, by virtue of the fact that they have never owned a home, this gives them a preference regardless of their situation of need. It gives them a preference over perhaps a one-time homeowner family which has a very desperate need.

So, of course, the gentleman is entirely right, that real equities are not necessarily in balance at all. In fact, it might be just the reverse. To give a preference to first-time home buyers sounds as if it is according a degree of fairness. Just exactly the reverse might be true, and in many cases it would be true.

Mr. Chairman, the gentleman from New Jersey (Mr. Hughes) is right in pointing that out.

Mr. STANTON. Mr. Chairman, I move to strike the last word, and I rise in quick opposition to the amendment.

Mr. Chairman, this amendment is well met. It has been around with us for a number of years, as my friend, the gentleman from California (Mr. Patterson), knows. It has created within the subcommittee—and I am not sure about the full committee—a lot of discussion on who would qualify, whether it would be a man, a wife, both single, one married and one divorced, or one who had a home and one who did not. All these problems could come up at that particular time.

But the particular reason for opposition, Mr. Chairman, is, as the subcommittee chairman has stated, that this is a very limited type of program. It is very limited in scope, and I would urge a "no" vote on our side of the aisle.

Mr. PATTERSON. Mr. Chairman, will the gentleman yield?

Mr. STANTON. I yield to the gentleman from California.

Mr. PATTERSON. Mr. Chairman, I am certain that the gentleman from Ohio (Mr. Stanton) knows that his party in its 1980 platform has a first-time home buyer's preference.

Mr. STANTON. Yes.

Mr. PATTERSON. I would certainly want the gentleman to recognize that.

Mr. STANTON. I have the platform right in front of me. I want my friend, the gentleman from California, to know that I am more interested in my platform than he is.

Mr. PATTERSON. I would certainly hope so.

Mr. STANTON. It expresses itself to the issue more reasonably and more relevantly when addressing the subject of rehabilitated units.

Mr. Chairman, I appreciate the gentleman's pointing that out, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Califronia (Mr. Patterson).

The question was taken, and on a division (demanded by Mr. Patterson) there were—ayes 5, noes 10.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. HUBBARD

Mr. HUBBARD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Hubbard: Page 63, after line 12, insert the following:

TENANT PARTICIPATION IN MULTIFAMILY HOUSING PROJECTS

Sec. 215. Section 202(b)(1) of the Housing and Community Development Amendments of 1978 is amended by striking out "owner's action" and inserting in lieu thereof "owner's request for rent increase, conversion of residential units to commercial use, partial release of security, or major physical alterations".

Mr. HUBBARD. Mr. Chairman, during the committee deliberations on this bill I offered this amendment which would have eliminated section 202(b)(1) of the Housing and Community Development Act of 1978, which requires that occupants be involved in major management decisions of certain Government-assisted projects.

In my opinion, the tenant participation provisions are indeed a disincentive to multifamily investment. But before I go any further, let me assure the Members that my amendment is less comprehensive and far-reaching than that which would have been introduced today by our absent colleague, the distinguished gentleman from California (Mr. Rousselot), who had an amendment deleting this section entirely. My amendment, as the chairman of the subcommittee knows, does not go nearly that far.

□ 1300

In fact, my amendment would stipulate that tenants should be given an opportunity to comment on rent increases, conversion of use from residential units to commercial space, a partial release of security such as the sale of land that was a playground or a parking lot, and major physical alterations. However, Mr. Chairman, I would urge my colleagues to act favorably upon this amendment, which would see to it that in the future at least the owners of these multiple-family housing units would have the right to make their own decisions regarding management plans and agreements, on changes in ownership or management, and prepayment of the mortgage by the owners. It indeed seems reasonable that the owners of these multifamily units should at least have the right to determine ownership and management.

The Secretary of Housing and Urban Development, the Honorable Moon Landrieu, testified before our subcommittee and agreed that tenant participation is a disincentive to multifamily investment.

Our distinguished chairman of the subcommittee, just moments ago, at 1 p.m., said:

> We want to bring relief to a very depressed homebuilding industry.

I would agree with him, and I trust that he would agree that this amendment would indeed help bring some relief and lessen some of the redtape and regulations facing those who would build, own, and manage these multifamily housing units.

Again I say that the Secretary of HUD agrees that tenant participation is nowadays a disincentive, and the people in the industry say that it is a disincentive. During the committee debate, I asked that the industry and HUD come to some mutually beneficial understanding. Such a meeting did take place between industry representatives and Assistant Secretary Simons earlier this month.

I could go on with much conversation, but I realize the hour is growing late. I would ask, Mr. Chairman, that the amendment be adopted. We realize that this amendment simply says to HUD that it is to require tenant comment in those decisions which most directly affect the tenants, not as to who owns and manages the property, et cetera.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. HUBBARD. I yield to the distinguished ranking minority member of our full committee, the gentleman from Ohio.

Mr. STANTON. I appreciate the gentleman's yielding.

Mr. Chairman, the gentleman from Kentucky brings up a subject that has come up before our committee for a number of years now, and I would have to call it a problem—not a question, but a problem of what is and what is not tenant participation. It is obviously a major problem. It has obviously been abused in many cases as a result of the present language that is in the bill.

Now, I wonder if the gentleman from Kentucky could not stick with me for a minute. The gentleman from California (Mr. Rousselot) originally had an amendment that would strike tenant participation from these multifamily projects. His would have wiped out tenant participation. And I was opposed to that. But I think what the gentleman from Kentucky is doing—spelling out specifically what the duties are, what the responsibilities are—that this makes sense.

Am I correct on that, that the gentleman is attempting to spell out more specifically where tenants can become involved? Am I correct on that?

Mr. HUBBARD. Yes, sir. I am as much interested in consumer protection and also protecting the rights of the tenants as the gentleman from Ohio and other Members of Congress. However, at the same time we cannot just wipe out the rights of those who own the multifamily units.

Mr. STANTON. That is right. So I think the gentleman is trying to reach a happy medium, and I applaud the gentleman for his amendment.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. HUBBARD. I yield to the distinguished gentleman from Ohio.

The CHAIRMAN pro tempore. The time of the gentleman from Kentucky (Mr. Hubbard) has expired.

(On request of Mr. Wylie and by unanimous consent, Mr. Hubbard was allowed to proceed for 2 additional minutes.)

Mr. WYLIE. Mr. Chairman, I want to

congratulate the gentleman in the well for his amendment. I think this does present a reasoned approach to solving what I perceive to be a rather difficult problem.

Two years ago, Congress did pass a law which provided for tenant participation in public housing projects. The idea was sound, but the regulations of the Department expanded on that concept. And now tenants, as the gentleman has suggested, are actually getting into the decisionmaking of how these projects should be run, which I think is going a little bit too far.

So I think, as the gentleman from Ohio (Mr. Stanton) suggested, rather than striking the whole section on tenant participation, that the gentleman does strike a happy medium, and as I say, I congratulate the gentleman for his amendment and I support it.

Mr. HUBBARD. I thank the gentleman from Ohio for his remarks.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. HUBBARD. I yield to my friend and colleague, the distinguished gentleman from Oregon (Mr. AuCoin).

(On request of Mr. AuCoin, Mr. Hubbard was allowed to proceed for 3 additional minutes.)

Mr. AuCOIN. I appreciate the gentleman's yielding.

Mr. Chairman, I never find great pleasure in disagreeing with my friend, the gentleman from Kentucky, because he knows that I have enjoyed service with him on the Banking Committee and also on other committees of the Congress. But I have a real problem with the gentleman's amendment. I will claim my own time in a minute or two, but I want to ask the gentleman this question:

Inasmuch as the gentleman's amendment would amend section 202(b)(1) of the 1978 law, and inasmuch as there are no permanent regulations that have yet been developed by HUD to implement that provision, and inasmuch as we have an oversight procedure within this committee to review and comment on and change regulations promulgated by that agency, why is it that the gentleman feels that this amendment is needed? The gentleman fails to give the agency a chance to develop final regulations so that we can see exactly what we have on hand in the implementation of section 202(b)(1). For this reason, the gentleman's amendment is premature.

Mr. HUBBARD. I thank the gentleman for raising that point and, actually, it is an advantage to my argument because I would answer by saying that, although the regulations could be expected to be changed, because of the number of comments opposing them, we must recognize that HUD, even now, is implementing a law passed by this Congress in the 1978 housing bill.

As mentioned before, we should be primarily interested at this point in spurring additional housing and, as the chairman of our subcommittee said, to help the depressed homebuilding industry

The Secretary of HUD, my colleague from Oregon will remember, has recognized this point and testified to that fact, and I believe that this Congress should accept the Secretary's analysis of the problem.

I would further add to the comments of my friend from Oregon that the statute is discouraging future investment in rental housing because of sponsors who see tenant participation as a hindrance to efficient, economical project management. Regulations implementing the tenant participation statute have not been published in final form. The gentleman is correct. But HUD has published regulations and received almost 400 letters in response to the regulations, and most of these responses, as you would guess, were in opposition to the regulations.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield further?

Mr. HUBBARD. I yield to the gentleman from Oregon.

Mr. AuCOIN. It is true that the agency has offered proposed regulations, it is true that there have been a number of comments on those regulations; but more importantly it is also true that the agency indicated that it intends to make major changes in its final regulations. I would say again that I think the gentleman's amendment is premature at best. Beyond that, he intends to strike something which gives tenants not "management authority" over these projects but an opportunity to comment to the Secretary in the same manner as the management of these projects comments to the Secretary. But at the very least, why does not the gentleman wait for the final regs before striking the language?

Mr. HUBBARD. The gentleman from Oregon would agree that HUD already requires tenant participation in other areas. For example, in HUD-owned projects, HUD area offices can require tenant participation in the management operations of these projects. There are problems created as a result of these requirements. As an incentive to the homebuilding industry, as a solution to these problems and for the owners of multifamily housing units, I urge the adoption of the amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Kentucky (Mr. Hubbard) has again expired.

(On request of Mr. Campbell and by unanimous consent, Mr. Hubbard was allowed to proceed for 3 additional minutes.)

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. HUBBARD. I yield to my distinguished colleague, the gentleman from South Carolina.

Mr. CAMPBELL. I thank the gentleman for yielding.

Mr. Chairman, I want to get it very clear—we have been a little confused back and forth in the debate—exactly what we are talking about with this amendment.

It is my understanding that the gentleman does not seek to disenfranchise tenants from patricipation in any major decisions, such as what the commercial use would be, release of security, this sort of thing, and I understand it is to be merely an attempt to remove tenant participation from minor items that, through regulation, could cause a great deal of confusion as to tenant-landlord relationships, tenant-Secretary relationships. Is this a correct assumption of what the gentleman is doing?

Mr. HUBBARD. The gentleman from South Carolina is correct. I appreciate the gentleman's helpful supplemental remarks.

Mr. CAMPBELL. If the gentleman will yield further, I certainly will support the gentleman's amendment. I think it is absolutely correct.

□ 1310

Mr. HUBBARD. In closing, Mr. Chairman, I would say to my colleagues who are on the floor and who will get a chance in a moment to vote "aye" hopefully on this amendment, keep in mind that this amendment is an innocuous amendment. It does not prevent tenants from commenting on rent increases or conversion of use from residential units to commercial space or making major physical alterations to the building or the property. Indeed this amendment does give the property owners the right to at least own the property, have a management plan and prepay the mortgage on the property without approval of the tenants.

I urge my colleagues to give me an "aye" vote on this amendment.

Mr. ASHLEY. Mr. Chairman, I rise in opposition to this amendment.

Two years ago, Mr. Chairman, the committee required that for HUD-assisted, multifamily projects, where the HUD Secretary's written approval is required with respect to an owner's action and the Secretary deems it appropriate, tenants are to be informed of such actions and have a chance to comment.

The gentleman from Kentucky would amend existing law to specify which actions tenants should be able to comment on.

The amendment should be rejected, Mr. Chairman, because the report language on the 1978 housing bill clearly provides direction as to which actions on the part of the owner should be subject to tenant comment. It clearly states the committee's intent that the HUD Secretary not require tenant input in all of the Secretary's decisions affecting a project, such as a release from residual receipts accounts, but only with respect to major actions affecting tenants such as rent increases, change in ownership or management, conversion of use, release of security, demolition or major physical alterations to the project. The report further directs the Secretary to consider the tenant comments in a timely manner in order to avoid delay and undue burden on the project owners.

Now it seems to me, Mr. Chairman, the purpose of my colleague's amendment is to do much more than simply clarify the committee's intent here. In its definition of major action affecting tenants, the gentleman's amendment would not include a change of project ownership or management which would have a significant impact on tenants, nor would it include conversion to condominium use.

Are not these major actions sufficiently important for the tenants to be notified and given an opportunity to respond? I really fail to see how the gentleman can argue that tenants would not be affected by such actions. I simply do not understand the gentleman's purpose in excluding these actions.

Let me say, Mr. Chairman, that HUD is cognizant of the concerns that have been expressed that tenant participation requirements should not cause delays or burdens as far as the management and operation of these projects is concerned.

During the full committee markup of this year's bill, Assistant Secretary Simons indicated that the Department is sensitive to the comments that have been raised by project owners and managers concerning the proposed rules on tenant participation and that the Department will be reviewing the proposed rules to assure that they are consistent with legislative intent.

I would further point out, as I believe has already been pointed out, that our committee, with its legislative review process, is in an absolutely timely perfect position to review whether or not the regulations in this instance are consistent with the intent of the committee as expressed 2 years ago.

I am very fond of my friend from Kentucky. He is an able legislator. The fact of the matter is that what we are seeking to do if we adopt this amendment, what the effect will be, will be to weaken the interest of tenants. These are the legitimate interests of tenants, not the larded-on interests that go beyond legitimacy, but such interests as I indicated earlier having to do with the change of project ownership or management or conversion to condominium use.

Nobody can argue that the tenants should not be advised of these kinds of actions. Let us keep the balance between tenant and project owner in some kind of reasonable balance. The gentleman's amendment would not do that. It comes down very heavily and heavyhanded against the legitimate rights of tenants, and the amendment should be defeated.

Mr. HUBBARD. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Kentucky.

Mr. HUBBARD. I thank the gentleman for yielding.

The gentleman is aware, of course, that the owners of these multifamily housing units, realtors across the Nation and others are very interested in this particular amendment which would see to it, yes, that tenants still have the right to comment on rent increases and conversion of the use from residential units to commercial space and major physical alterations. But the tenant, surely the gentleman would agree, should not dictate who owns the property.

Mr. ASHLEY. Tenants have an interest in the ownership of the project in which they live. I do not think that only a person enjoying homeownership is the only person who has concern and interest in the ownership of his dwelling.

Mr. HUBBARD. Hopefully, the Members of this House, on behalf of the people who own and manage these housing units, should at least give them the right to own the property without tenants' approval.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. ASHLEY) has expired.

(By unanimous consent, Mr. ASHLEY was allowed to proceed for 1 additional minute.)

Mr. ASHLEY. There is no suggestion that the tenants will be able to vote on anything. We are talking about a simple notification of owner's actions and the ability to comment on those actions. That is all we are talking about. There is no approval that is required by the tenants. It is only a question of whether or not they should be informed, and what the gentleman is saying is that they should be denied information on the ownership of where they live, denied information with respect to plans for conversion to condominium or other use. We are really trying to keep a balance of interest here, and let us be clear that there is an interest on the part of the Congress here as well as on the part of the tenants and the owners, because it was through the support of the taxpayer, through the Federal program, that these rental units were made available in the first place.

The amendment is a pernicious amendment. Its purpose is not a legitimate and proper purpose. The amendment should be defeated.

Mr. AuCOIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the chairman of the subcommittee (Mr. ASHLEY) has focused on one of the crucial issues of this argument—whether or not we are going to limit tenant opportunities to comment to the Secretary in their own best interests, while allowing management to comment on a smorgasbord of areas. There is no limitation here on anything that management might comment on to have the Secretary to take into account in his policymaking. There is only a limitation on the question of the tenants.

I would simply raise the question, What are these projects for? What have we created Government-assisted housing for? We have created it because of people who are unable to get housing in the private market. These people have needs not only to be sheltered, and sheltered safely and in a sanitary way, but they deserve an opportunity, it seems to me, to have their day in court.

If management is going to make representations to the Secretary, then tenants should have a similar opportunity.

It is wrong to say that the law allows tenants to "manage" these projects. It just simply is not the case. It is a question of tenants having a day in court before the decisions are made. I would suggest to my colleagues it is also a question of giving the Secretary the kind of information and the breadth of information that is necessary from a variety of sources to make sound policy judgments. I think the Secretary needs to have information of this kind. I think the Secretary will make better policy judgments with information of this kind, and I do not think we ought to give one side of the particular argument carte blanche and then limit the options and the right to speak on the part of tenants who need and deserve the shelter and in whose name we built the shelter.

□ 1320

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from New York.

Mr. PEYSER. Mr. Chairman, I thank the gentleman for yielding.

I support very much the gentleman's argument and the argument advanced by the chairman of the subcommittee.

This really is not a battle that we are discussing of tenants against landlords or who are the good guys or who are the bad guys. This is simply a matter of saying that tenants really are entitled to receive basic rights and to take rights away from them through a legislative act would certainly seem to me not to be in the best interests of the whole housing program.

Mr. Chairman, I would hope the amendment would be defeated.

Mr. AuCOIN. Mr. Chairman, I appreciate the gentleman's comments.

I would add that no one ever promised owners that they would not have some degree of Government regulations to deal with in the course of building and operating these projects. They understand that by entering into agreements with HUD in the first place.

I must say, that the developers and operators are not without benefits of their own from this program. Take a look at the tax-sheltered treatment of income. Take a look at the depreciation schedules. Take a look at the incomes from these projects.

Let us not pretend that managers are without benefits themselves.

All we are saying is this: let the people in whose names we built these structures, in whose names we are providing the shelter, have an opportunity to comment on some things that are going to make a very important difference in their lives—conversion to condominiums, change of ownership, basic things that can drastically alter the kind of shelter that tenants will have in years to come.

The amendment ought to be defeated and I urge my colleagues to do so.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Kentucky (Mr. HUBBARD).

The question was taken; and on a division (demanded by Mr. HUBBARD) there were—ayes 10, noes 14.

So the amendment was rejected.

The CHAIRMAN pro tempore. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. COUGHLIN

Mr. COUGHLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COUGHLIN: On page 63, after line 12, add the following new section:

SEC. 215. (a) Section 8(f)(1) of the United States Housing Act of 1937 is amended by striking out "80" both places it appears and inserting in lieu thereof "50".

(b) The amendments made by this subsection do not affect the eligibility to receive assistance under section 8 of such Act on the part of any family or person occupying housing subject to an annual contributions contract on the effective date of this section.

Mr. COUGHLIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. COUGHLIN. Mr. Chairman, I want to join in congratulating the distinguished chairman and the ranking minority member and all the members of the committee on a bill that does go a long way toward trying to rationalize our assisted housing programs and, indeed, from my vantage point on the HUD appropriating committee, those programs are in very drastic need of rationalizing. There is a real, real need, as I see it, from at least my vantage point, to do two very important things. The first is to allocate scarce resources to the most needy people, because resources are scarce.

Second, we need to target our housing resources to the most deteriorating neighborhoods, the neighborhoods most in need of housing help.

Let us realize, Mr. Chairman, that these are very expensive programs. The Congressional Budget Office estimates that one unit of new section 8 housing, assuming a 30-year commitment, will cost between $161,200 and $343,000—one unit.

Assuming a 40-year commitment, it would cost between $242,000 and $710,300 for one unit of assisted housing. That assumes only a 7.3-percent inflation rate and we know what kind of inflation rate we have today.

Now, this means, at least in my judgment, when you have the cost of assisted housing being of that magnitude that we should target that housing to the most needy people in our society, because there just is not enough money to provide it for every one.

My amendment would reduce the eligibility standard for assisted housing from the current 80 percent of median income—yes, I said 80 percent of median income, down to 50 percent of median income.

Let us look at what that means. Currently, 40 percent, about 40 percent of all the families in the United States are eligible for assisted housing. Now, that has got to be ridiculous. In 1981 at a cost of some $6.3 billion, we will assist 3.5 million families, leaving 30 million families eligible for assistance, but not assisted.

Now, an eligibility standard that does that has got to be absurd. Even at 50 percent of median eligibility level, some 15 million families would be eligible for assisted housing and we are still only providing assistance to some 3.5 million.

All we are seeking to do in this amendment is to try to provide some rationality in the eligibility standards that we hold out to people for assistance in housing. This would, first, target a housing assistance to the most needy people.

I might say, it has the support of the National Low-Income Housing Coalition.

Second, it would modify the overpromise of the present eligibility standard. Indeed, to only provide assistance to 3 million families, but hold out the hope for assistance to 30 million families has got to be overpromise at its worst.

Third, it would have to eliminate the present lottery system, the lottery system of assisted housing under which two families can be living side by side, as they are in my district, with identical incomes, one receiving assistance and the other not receiving assistance because the assistance just goes by lottery.

Mr. Chairman, this is a significant amendment. It is significant because we are facing difficult times fiscally. It is significant because we should not be promising and holding out the promise to people of assistance when we know the money is not going to be there to provide that assistance.

The cost of our housing programs is going right through the ceiling. The cost of providing an individual unit of housing is going right through the ceiling. To the extent that we can say we will target that housing to those who most need it, that we will not overpromise, and that we will not just have a lottery on who gets housing and who does not, to me if we can move in that direction it is the right direction to move.

Mr. Chairman, I urge support for the amendment.

Mr. STANTON. Mr. Chairman, will the gentleman yield,

Mr. COUGHLIN. I would be happy to yield to my distinguished colleague.

Mr. STANTON. Mr. Chairman, I appreciate the gentleman yielding, especially in light of the fact that the gentleman knows I fundamentally disagree with him on this amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania has expired.

(At the request of Mr. STANTON, and by unanimous consent, Mr. COUGHLIN was allowed to proceed for 3 additional minutes.)

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I am happy to yield to the gentleman.

Mr. STANTON. Mr. Chairman, let me explain to the gentleman and to the House what is my recollection of the last housing conference in the last Congress on this subject.

□ 1330

We argued already in the House, and I think almost unanimously, that idealistically the program should be for the poorest of the poor. That makes a lot of sense, and I am sure the gentleman is motivated toward this idealism in his amendment. There is no question about that. But the more thought one gives to it, the more doubts one has. This change will leave a tremendous gap in our housing programs. And what we are going to do is prepare ourselves for another new program for those people that are above the 50 percent of median income and we were going to be starting another new program. That was partly the incentive for some in the other body for lowering the eligibility for the program. We were right in that regard because that is what came about, and that is why we had the chairman of our committee come out with another all-new program.

What I am afraid of is that we are getting back into a situation where section 8 serves only public housing eligibles. Originally, section 8 was to replace both public housing and the 236 programs. What we will do is to create a gap if we go to this lower level. What I am afraid we are going to do is just have the lowest of the low in these projects instead of having some low- and moderate-income people in it. I appreciate the gentleman yielding to bring those points out.

Mr. COUGHLIN. The important thing to me is we are talking about providing assisted housing to people, subsidizing their rents. The question is to what level, to what income level do we subsidize people's rents? We cannot even provide rental subsidies for those who are at the bottom of the income ladder, so why are we providing income subsidies to those who are well up the income ladder? We are really saying we will have those at the bottom of the income ladder subsidize those further up the income ladder, which does not make an iota of sense.

Therefore, to justify opposing the amendment on the basis we will have to create some other new program for which we do not have enough money does not make sense. We do not even have enough money for this program. We certainly do not have enough money for this program when it can provide subsidies to those earning up to 80 percent of the median income.

Mr. STANTON. If the gentleman will yield further, I want to compliment the gentleman for giving me the opportunity to point out a couple of these items. I am glad the gentleman yielded and I appreciate him receiving them.

Mr. COUGHLIN. I thank the distinguished ranking Member.

Mr. ASHLEY. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment.

Mr. Chairman, the gentleman proposes we reduce the income eligibility for section 8 rental assistance from 80 percent of median income to 50 percent. What he is asking the Congress to do is to allow the withdrawal of a long-term commitment to helping a very significant group of low income, not upper income, but low-income citizens to live in decent, safe and sanitary housing.

The income group that he is asking us to exclude is comprised primarily of the working poor. These families have been hit very hard by inflation, and their housing costs are enormous.

The gentleman argues that at the 80 percent of median limit 40 percent of all American families could qualify for assistance under this program. Theoretically he is right, but let us examine this assertion a little more closely.

Clearly the section 8 program is the end of the low-income renters. Of the 38 million families whose income is below 80 percent of median, only 18 million are low-income renters. These comprise 19 percent of all households, not the 40 percent that the gentleman has referred to. Actually only 10 to 11 million of these renter households pay more than 25 percent of their income for rent or live in substandard housing.

It is for this group that the section 8 program was designed, and the statute makes this absolutely clear.

Let us take a closer look at the people low 80 percent of median, only 18 million tleman's amendment. Six and one-half million low-income renters have incomes between 50 and 80 percent of median; 18 percent of these are elderly; 27 percent are families and 10 percent are large families containing more than five members. About half of this group is bearing an excessive rental cost burden or living in substandard housing. These are the people, many of the people who would be ineligible for assistance if the gentleman's amendment is approved, the elderly and the working poor.

As these families struggle to improve their lives and to meet the rising costs of food, gasoline, and basic necessities and this is the question we have to ask, Are we prepared to deny them access to assisted housing?

I urge my colleagues not to take this step. I fail to see—I fail to see what benefits will be gained through adoption of this amendment.

Under existing law the majority of section 8 assistance already goes to the very low income. Recent HUD figures indicate that only 6.7 percent of all low-income housing residents have incomes between 50 and 80 percent of the area median, 6.7 percent. Now that is what this amendment is aimed at.

But it is very important for assisted housing programs to retain the flexibility to assist the people in this income group, particularly when they have special needs. These needs may include excessive medical costs, being displaced by community development or condominium conversion activity, or the inability to afford housing for a large family.

I am also concerned, Mr. Chairman, about the impact of the amendment on the necessity for increased Government outlays. Most of the section 8 tenants pay 25 percent of their income for rent. The Federal Government pays the difference, as the gentleman knows, between the tenant contribution and the market rent. Those renters whose income is between 50 and 80 percent of median pay more rent than those renters who are very low income. The Federal subsidy paid on behalf of very low renters is substantially greater, therefore, than that paid for renters whose income is above 50 percent of the median. If we limit section 8 to public housing renters, only those whose income is below 50 percent of median, or below, then clearly more Federal funds will be needed to house the same number of people.

Let me finish this point because I think it is important. The Department estimates that this change will increase outlays in the program by $388 million over the next 5 years, certainly not an inconsiderable sum for an amendment which purports to save money.

By passing this amendment we would also lose the capacity to achieve another valuable goal, and that is to encourage an income-affected federally assisted housing project in many communities where there is local opposition to assisted projects, and give an increase to the very low income families who are eligible to be assisted. The 80-percent limit permits assistance to be given to a broad range of lower income residents.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(At the request of Mr. COUGHLIN and by unanimous consent Mr. ASHLEY was allowed to proceed for 3 additional minutes.)

Mr. ASHLEY. Finally, if I may just conclude, the Federal housing laws are already now currently carefully structured to provide a variety of mechanisms to assist individuals in all income groups to meet their housing costs. Those of upper income, ourselves included, who get tax break after tax break if we own our homes, the largest Federal benefit is provided primarily to moderate- and high-income homeowners, and that is undeniable, the income tax deductions for interest and so forth. The bill before us improves the 235 home ownership program for families whose income is below 120 percent of median, and creates a program designed to stimulate the construction of reasonably priced rental housing for families whose income is between 80 and 150 percent of median.

Given these housing programs which provide significant amounts of Federal assistance to moderate and higher income families, it strikes me as being very inequitable to amend the Federal housing law to prevent our working but poor families whose incomes fall between 50 to 80 percent of median to be eligible for assistance that can help them find decent, safe, and sanitary housing.

For these reasons I strenuously hope that we defeat the amendment.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the author of the amendment.

Mr. COUGHLIN. The Chairman has just made my point. I said the purpose of this amendment is to be able to help the working poor and the elderly. But the chairman said correctly that only 6.7 percent of the people on assisted housing are between 50 and 80 percent of median income so we are not helping the working poor and elderly who are under 50 percent of the median income now because we are not providing assistance for all of them.

Mr. ASHLEY. Those under 50 percent are not really the working poor; they are the elderly who are incapacitated or unemployed persons who have families.

Mr. COUGHLIN. They make under 50 percent of the median.

Mr. ASHLEY. They represent over 90 percent of 5.8 tenants. The gentleman's amendment is largely being accomplished by the laws as they stand at the present time.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman.

Mr. VENTO. If my memory serves, there is a preference for those of low income in the law right now insofar as being eligible for this particular program. That is already in the law. So the fact of the matter is generally what we are talking about is someone who may start out on a lower income and get up beyond 50 percent, and as soon as they get a job or additional income, then they would be denied their subsidy. This of course acts as a disincentive for individuals to work and is an unfair treatment of the working poor.

☐ 1340

The average subsidy per month for those families earning less than 50 percent is $196 a month. That is the average. For those over 50 percent, between 50 and 80 percent, it is an average of $84 in subsidy per month. So there is a $112 difference and that is, of course, wherein, if you are going to limit it to those of less than 50 percent median income, I assume you are going to have these slots filled, then the cost of this particular program between 1981 and 1985—and the gentlemen on the Committee on Appropriations should be very concerned about that—would be an additional $388 million.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. ASHLEY was allowed to proceed for 3 additional minutes.)

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Missouri.

Mr. VOLKMER. I just heard the gentleman from Minnesota say something that concerned me and I heard earlier, listening to the gentleman's discussion on this amendment, one of the arguments against the amendment is that if we reduce it to 50 percent we are going to be helping too many poor people because it is going to cost too much money because the amount of the subsidy will increase because the number of people in the program under 50 percent will increase.

Mr. Chairman, I do not think that is the way to look at the amendment if we are going to help poor people.

Mr. ASHLEY. That is one of the impacts.

Mr. VOLKMER. Is that against an amendment that helps the poor people?

Mr. ASHLEY. You see at 80 percent of median, we are not talking about upper income America. We are talking about very needy Americans who are not making median income in the area of the gentleman or in my area. As a matter of fact, it is only 80 percent.

A query: Is it equitable to say to someone earning 55 percent of median income in the gentleman's area, "No assistance housing for you." But to say to someone earning 48 percent, "Yes, you are eligible." Even though the level of need may be identical.

Mr. VOLKMER. Mr. Chairman, this is a question that has concerned me in this entire discussion and it has not been answered: How many people do we have in this country who are under 50 percent of median income who want housing who cannot get housing right now?

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Minnesota.

Mr. VENTO. I cannot answer the gentleman's question. I think housing needs have been very, very stringent but I would point out to the gentleman if we have more dollars to spend surely we can put them into additional section 8 units if we are going to spend $388 million. The question is, How do you package these particular programs in order to meet that need? Do you do it by tightly limiting the eligibility for the program and walk away from the commitment that has been made to those in our society? That is really what this amendment in a sense does. Surely those units are going to be open but we will have less housing with this particular amendment in terms of a public participation in section 8. That really is what the net effect of this amendment is because I assume if we were to adopt an amendment like this that we would be spending a greater concentration of money in terms of providing less people with the assistance. In other words, we have other programs like the public housing programs, other programs that are not of a section 8 character that are designed and do indeed attempt to meet needs.

Section 8 housing is an idea which has really worked. It is discouraging to see as successful a program such as section 8, which admittedly is an expensive program, begin to get chopped up as it is on the floor here today with this particular amendment, because the passage of this would I think take this program a step backward in terms of meeting housing needs across this Nation. There would not be the willingness to accept the program that has this strict a limitation on the housing program.

Indeed one of the strong points that we can point to is that section 8 is so well received—housing and shelter for a greater cross section of our particular communities and neighborhoods, and, therefore, this housing has generally been more acceptable.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(At the request of Mr. Volkmer and by unanimous consent, Mr. Ashley was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Mr. Chairman, I am trying to get an answer to my question.

Mr. ASHLEY. There are 7 million households having an income of less than 50 percent of the median. There are 3.3 million families or households between 50 and 80 percent of median income.

Mr. VOLKMER. They only have about 3 million units in the section 8, total throughout the United States; is that not correct?

How many under 50 percent of our people do not have subsidized housing?

Mr. ASHLEY. Who do not have it?

Mr. VOLKMER. The gentleman is correct.

Mr. ASHLEY. There are approximately 7 million people in housing need.

Mr. VOLKMER. People under 50 percent median income.

Mr. ASHLEY. That is correct.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Chairman, I think what we have tried to do as comprehensively as possible is address the poor and the near poor. The people who really do not qualify for many programs in our country, particularly when it relates to housing, are those who are near poor and what we are trying to do is maintain a program for those people who really have a hard time making it and they have needs for some kind of assistance.

Mr. ASHLEY. The gentlewoman is absolutely right.

The gentleman from Ohio (Mr. Stanton) well remembers at the time the section 8 program was drafted we spent many hours with the then Secretary of HUD, James Lynn, to determine the range of family income that should constitute eligibility. It was absolutely agreed there is a Federal responsibility to assist families up to 80 percent of median income through the assistance program of public housing and the section 8 program.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. Ashley was allowed to proceed for 2 additional minutes.)

Mr. ASHLEY. Mr. Chairman, I think this is an important point. If the amendment of the gentleman is well taken, then why 50 percent? If we want to direct our resources to where they can be said to be most needed, then why not to 40 or 35 or 20 percent, since there are more families eligible than there are resources available.

My point is that in the future, if the amendment of the gentleman is adopted and becomes law, these elderly, between 50 percent and 80 percent, those who have incomes between 50 and 80 percent of the median, will not be eligible for the housing under discussion. They are going to become a public charge and, as I indicated a moment ago, their level of need is in many instances greater than the family earning 45 to 49 percent of median income.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, I appreciate the gentleman yielding. The gentleman is absolutely right. We spent hours determining what is the fair and equitable thing to do. I must say to the gentleman from Pennsylvania (Mr. Coughlin) I started out with, fundamentally, the same argument, that the poorest of the poor should be helped first, but then when you get analyzing if you find that these figures could be a little bit misleading.

When we take 80 percent of the median income of this country, you are speaking about approximately $12,800. At 50 percent you are speaking of $8,000, and as already stated all but 6.7 percent of the people in these section 8 projects are at 50 percent or below.

Also, someone pointed out with regard to the gentleman's amendment, eventually you are going back to the Committee on Appropriations for money if an amendment like this is adopted.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. Ashley was allowed to proceed for 1 additional minute.)

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, the gentleman argues that we have to allow more higher income people eligibility when we have not satisfied the assistance for those of lower incomes. That is the sum and substance of what the gentleman argues.

Mr. ASHLEY. But you see, you are really going to have to bump shoulders, and I know the gentleman has, with people earning 75 percent of median income. That is the person you are going to knock out of assisted housing units in favor of somebody earning 35 or 40 percent. In bumping shoulders with these people, what I find, is because of family situations, because of age, because of a variety of circumstances, health, all the rest, that these are families whose needs are exactly as great as those, in many instances, in the area up to 50 percent of median income.

Mr. Chairman, I urge the amendment be defeated.

☐ 1350

Mr. GREEN. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the amendment.

Mr. Chairman, although I oppose this amendment, I do want to congratulate the gentleman from Pennsylvania for raising the issues he has raised today, because I think they are very important issues and ones that this House is going to have to take a good look at in the years immediately ahead. Our housing programs have developed differently from some of our other social programs. If one is a low-income person in need of medical assistance and qualifies for medicaid, he gets medicaid. Anyone who applies for food stamps and is eligible gets food stamps. Anyone who applies for welfare and is eligible gets welfare. But, as the gentleman from Pennsylvania points out, there are large numbers of persons who are eligible for housing assistance who do not get Federal housing assistance, and that does produce some very real inequities, as the gentleman from Pennsylvania has indeed noted.

My problem is that I think there are valid historical reasons why the housing programs have developed this way, and I do not think the solution to the problems of those programs that the gentleman from Pennsylvania proposes would work. I think the reason our housing programs developed this way is that what we saw in this country in 1937, when our predecessors passed the first public housing in the National Housing Act of 1937, was that the country had large amounts of substandard housing. Therefore the 1937 act sought to replace that substandard housing. Indeed, that original public housing law actually contained a provision that before a municipality could qualify to get units of public housing from the Federal Government, that municipality actually had to destroy a like number of substandard units within the municipality.

In other words, the program was very much designed as a production-oriented program to replace the substandard units in the country with units that would meet our housing standards. It is because our housing programs in general continue to be production programs that we have the dilemmas that the gentleman from Pennsylvania has raised today.

While in rural America we still have that kind of bad housing, I think in urban America the nature of the housing problem may indeed have changed. Many of the buildings which are substandard today are buildings which were built, and if maintained would still be, in perfectly good condition; but, because of the lack of reinvestment in them they are going down the drain in abandonment. That, I think, is our major urban housing problem today.

The difficulty I see with the amendment of the gentleman from Pennsylvania is twofold. First, there is a financial point that has been raised, and that is, if you lower the incomes of people in the present production-oriented housing programs, they are going to cost more, not less, because the Federal Government is going to have to make up more of the actual cost of operating that housing.

The second problem that I see with the amendment before us is that all of our experience with those projects specially built for low-income people has been that if you do not have a diversity of incomes within the low-income range, if you put only the poorest of the poor in those projects, the projects become much more difficult to manage, and that is where you get the Pruitt-Igoes of this country.

So, I think that while the gentleman from Pennsylvania is addressing very important issues of equity in our housing programs, issues which I think this Congress is going to have to take a look at, and though I think there are real issues as to whether the housing problem is what it was when we started our housing subsidies in 1937, I do not think the amendment resolves those issues. I think it will create additional problems with our existing production-oriented programs, and I therefore urge its defeat.

Mr. GARCIA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I will not take the 5 minutes, but I would like to address myself to this problem because I think my district, the South Bronx, probably represents more in terms of urban decay than any other district in the country. I would say to the gentleman from Pennsylvania that although there may continue to be some problems with section 8 housing, the fact of the matter is that I would hope that this not be the way we try to resolve this problem.

One of the reasons why we have failed in many areas of New York and other large metropolitan areas is because we were not able to retain a mixture of various income groups within a community. It becomes increasingly difficult for people to keep their roots in a community and to keep a community stable unless we have varied income levels.

What I say to the gentleman from Pennsylvania is the following: In areas like mine, where people are working and they are economically marginal, what we essentially will be saying to them under the gentleman from Pennsylvania's amendment is that they no longer can live in the housing that they presently enjoy. Let me state that of those who are presently living in the New York City housing under the umbrella of the New York City Housing Authority fall into that 50- to 80-percent category.

I will tell the Members that what we should be trying to do is to retain those people, because that is the stabilizing factor within a community. If we lose them, we are going to end up in a situation of continued deterioration.

If we went through with this amendment and it was adopted, we would find ourselves in a situation where the stability of a community, especially a poor community, will be evaporated.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I think one of the reasons this amendment has the support of the National Low-Income Housing Commission is that the 50 percent of median income level still leaves a great deal of flexibility in terms of income growth or breadth in terms of income of people who would receive housing assistance. Under the section 8 approach, which is an approach that goes unit-by-unit, you do not necessarily have to have everybody in the housing assisted, so all we are really saying is that the assistance itself should be provided to the most needy people, not to a broad segment of people.

Mr. GARCIA. Responding to the gentleman from Pennsylvania, I will tell him that in the 13 years I spent as a New York State legislator, one of the biggest mistakes that we made in terms of housing legislation was that of income level, because the people who were the root of the South Bronx community were forced to move out. They were like a keel on a ship, and it was so important. It was partially the fault in this particular case in the State of New York, because the New York State Legislature and their requirements, but I would say that the ideal situation to rebuild any community in urban America is to have the mixes in terms of incomes.

Mr. COUGHLIN. If the gentleman will yield further, the amendment does not preclude a mix in terms of incomes.

Mr. GARCIA. I appreciate that, but the way it is written, it would have a defeating effect. I know the gentleman's intentions are good.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I want to agree with my colleague from New York, and of course oppose this amendment. I think it does destroy that cutting edge where we find people wanting to go back to work, and they find that because they earn a little more income they simply lose eligibility.

There is not a case to be made that all of the section 8 assistance is being concentrated between 50 and 80 percent. The fact is, that many of these projects are solely section 8 projects and we are changing the whole character of the program by virtue of this amendment. We are reneging on this commitment. I guess that those who cannot learn from history are destined to relive it, and that is what this amendment would force us to do. It would cause, I think, the demise of what is a successful program, perhaps too expensive a program, but I think it is precisely the wrong direction.

The CHAIRMAN pro tempore. The time of the gentleman from New York has expired.

(At the request of Mr. VENTO and by unanimous consent, Mr. GARCIA was allowed to proceed for 1 additional minute.)

Mr. VENTO. We have had no hearings on this. I would certainly recommend listening to the gentleman from Pennsylvania, who does such a good service on the Appropriations Committee, to hear what the arguments and rationale for this are and what its impact would be on section 8, but I do not know of one witness we have that testified on changing the eligibility criteria to meet it. No doubt, I understand the genesis, if I might predict what the genesis of the Low-Income Coalition is with regard to this, which is because they feel we are not giving the type of commitment to housing, and there is a desperate situation. But, the remedy is not in walking away from the commitment. The remedy lies in a different direction, perhaps with greater impetus in terms of our commitments rather than walking away from commitments and changing a sucessful program to something that would be less than successful.

I thank the gentleman for yielding.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. COUGHLIN).

The question was taken, and on a division (demanded by Mr. COUGHLIN) there were—ayes 13; noes 18.

□ 1510

Mr. COUGHLIN. Mr. Chairman, I demand a record vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. The Chair will count. Twenty-one Members are present, an insufficient number. A quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No 471]

Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Anthony
Applegate
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Dixon
Dodd
Dornan
Dougherty
Downey
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Harkin
Harris
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McHugh
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Regula
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rosenthal
Rostenkowski
Roth
Royer
Rudd
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Synar
Taylor
Thomas
Thompson
Traxler
Trible
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Wylie
Yates
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

□ 1410

The CHAIRMAN pro tempore. Three hundred and seventy-nine Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Pennsylvania (Mr. COUGHLIN) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 71, noes 326, not voting 35, as follows:

[Roll No. 472]

AYES—71

Archer
Ashbrook
Badham
Bafalis
Bauman
Beard, Tenn.
Bennett
Bereuter
Butler
Cheney
Cleveland
Clinger
Collins, Tex.
Corcoran
Coughlin
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Derwinski
Devine
Dickinson
Erlenborn
Forsythe
Gibbons
Goldwater
Goodling
Gradison
Gramm
Hall, Tex.
Holt
Hutto
Jacobs
Jeffries
Kindness
Kramer
Lagomarsino
Loeffler
Lujan
Lungren
McDonald
McEwen
Marlenee
Miller, Ohio
Moorhead, Calif.
Mottl
Nelson
O'Brien
Paul
Quayle
Quillen
Rhodes
Robinson
Rudd
Satterfield
Schulze
Sebelius
Shumway
Shuster
Snyder
Spence
Stangeland
Stenholm
Stockman
Stump
Taylor
Trible
Walker
Whitehurst
Young, Fla.

NOES—326

Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Anthony
Applegate
Ashley
Aspin
Atkinson
AuCoin
Bailey
Baldus
Barnard
Barnes
Beard, R.I.
Bedell
Beilenson
Benjamin
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Chisholm
Clausen
Clay
Coelho
Coleman
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Courter
D'Amours
Danielson
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Dellums
Derrick
Dicks
Dixon
Dodd
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Gore
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hamilton
Hammerschmidt
Hance
Hanley
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hyde
Ireland
Jeffords
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kogovsek
Kostmayer
LaFalce
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Long, La.
Long, Md.
Lott
Lowry
Lundine
McClory
McCloskey
McCormack
McDade
McHugh
McKinney
Madigan
Maguire
Markey
Marks
Marriott
Martin
Mathis
Matsui
Mattox
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moore
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nedzi
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Porter
Preyer
Price
Pritchard
Pursell
Rahall
Railsback
Regula
Reuss
Richmond
Rinaldo
Ritter
Roberts
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Royer
Russo
Sabo
Santini
Sawyer
Scheuer
Schroeder
Seiberling
Sensenbrenner
Sharp
Shelby
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Solarz
Solomon
Spellman
St Germain
Stack
Staggers
Stanton
Stark
Steed
Stewart
Stokes
Stratton
Studds
Swift
Synar
Tauke
Thomas
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Wampler

Watkins
Waxman
Weaver
Weiss
White
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Wylie
Yates
Young, Mo.
Zablocki
Zeferetti

NOT VOTING—35

Abdnor
Anderson, Ill.
Annunzio
Boggs
Dingell
Donnelly
Fowler
Giaimo
Hansen
Holtzman
Ichord
Jenkins
Johnson, Colo.
Leach, La.
Luken
McKay
Mavroules
Mollohan
Moorhead, Pa.
Murphy, N.Y.
Myers, Pa.
Nichols
Pickle
Rangel
Ratchford
Rousselot
Roybal
Shannon
Symms
Tauzin
Vander Jagt
Wilson, Bob
Wilson, C. H.
Yatron
Young, Alaska

☐ 1420

Mr. NELSON changed his vote from "no" to "aye."

Mr. SOLOMON and Mr. HINSON changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1430

The CHAIRMAN pro tempore. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUGHES: Page 63, after line 12, insert the following:

SEC. 214. Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not make available any assistance pursuant to any commitment made pursuant to the United States Housing Act of 1937 or any other provision of law with respect to the 25 housing units which are proposed to be constructed as part of a "Turn-Key III" project and which are to be located at the intersection of Mill and Chestnut Streets in Vineland, New Jersey; except that the Secretary may make available such assistance with respect to such units to the extent needed to close out the project.

Mr. HUGHES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HUGHES. Mr. Chairman, the amendment I am offering has the very narrow and limited purpose of preventing HUD approval of a single, specific proposed turnkey III housing project located at Mill and Chestnut Streets in the city of Vineland, N.J., in my congressional district and first approved in 1971.

I know that an amendment of this type is somewhat out of the ordinary. Yet, the project I am referring to is also out of the ordinary, because the houses that will be built are going to cost the taxpayer's approximately $25,000 more per unit than the fair market value of some of the nicest housing in the city of Vineland. As a result, the project has become a major source of controversy, an embarrassment to both the local housing authority and to HUD, a disservice to the low-income people it is supposed to help, and a blatant waste of hundreds of thousands of taxpayers' dollars.

The project I am referring to is for 25 single-family homes to be built on an unimproved site way out on the edge of the city. To be usable, the site will require the construction of streets, sidewalks, curbing, sewage, 10-inch water mains, street lights, and other major improvements such as landscaping. It is located on a planned four-lane highway, not far from the city landfill and two sewage treatment plants.

When it is finally completed, the total cost of the project will be in excess of $72,000 per house.

In contrast, you can buy a very nice home in Vineland today—a home anyone would be proud to live in—for between $40 and $50,000.

In fact, in a recent edition of the local newspaper, the average price of all houses listed for sale that day was $41,821. Of all those homes, only two were priced in excess of $50,000, and just one was listed at a price higher than the $72,000 pricetag that is placed on these newly constructed low-income homes.

One of the homes for sale that particularly caught my eye was a three-bedroom ranch with central air conditioning and a fireplace, on an acre of land, and it was selling for $25,000 less than the per unit cost of the planned low-income houses—houses which will not even have basements.

The high cost of these new low-income homes compared to the prevailing housing price is bad enough. But the story gets worse. While HUD is considering the application for this project, there are at least 100 boarded up homes in the city of Vineland, all owned by the Federal Government, that could be rehabilitated and put to good use at just a fraction of the cost of the proposed new construction. Many of these homes are large, well-constructed, and in good locations.

Mr. Chairman, the people of Vineland just can not understand why low-income homes are being built for a cost of $72,000 each when some of the nicest real estate in the city is selling for a third less, and the Federal Government owns 100 existing homes that are sitting vacant and useless. The situation strains credibility and is undermining support for the entire housing program. They perceive it as a waste of taxpayers dollars, and they are right.

The local housing authority would like to solve this problem, but as individuals, they are fearful of doing so because they may be sued by the developer. HUD is attempting to exercise some oversight, but under their regulations, the cost to date is not seen as excessive, even though it is 50 percent higher than some of the best homes in the city.

So, the buck must stop here. In the final analysis, it is our responsibility to see that such turkeys are not built with taxpayers money.

That is what my amendment seeks to do.

I urge my colleagues to agree to my amendment.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I would be happy to yield to the distinguished chairman of the subcommittee.

Mr. ASHLEY. Mr. Chairman, the gentleman has been good enough to discuss the problem with us and over a period of some weeks and, indeed, some months, we have been working together on this with the cooperation of the Department of Housing and Urban Development.

It is a rather complex fact situation, as the gentleman points out. The original approval of these 25 units goes back to 1971. These newly constructed family units were requested, of course, by the local housing authority at that time. As the gentleman has indicated, because of delays of one kind or another over a period of years the cost of these units rose very substantially. The local housing authority, because of changes in circumstances as much as anything else, began to have some considerable second thoughts as to the advisability of proceeding with these 25 units.

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey has expired.

(By unanimous consent, Mr. HUGHES was allowed to proceed for 3 additional minutes.)

Mr. HUGHES. Mr. Chairman, I continue to yield to the gentleman from Ohio.

Mr. ASHLEY. My concern, and I think the gentleman has been very fair in his exposition of the situation, is that we try to look at this objectively. In initiation of the request of the applications for the units came from the housing authority. There has been intervening circumstances of a wide variety in the ensuing 8 or 10 years. The facts, as the gentleman states, are entirely accurate, that the cost of these units today is very substantial, particularly in light of the fact that there does apparently exist a reservoir or inventory of existing units that can be used for precisely the same purpose, namely, the housing of eligible low income families in public housing.

This being the situation, I asked the Departement to review the situation. The Department responded to that request with alacrity, and confirmed the gentleman's analysis that this particular project is really not economically feasible, and that there are better alternatives available today. The Department is willing to support the withdrawal of the application for the units in question.

That being the case, and because the gentleman's amendment is very tightly drawn to cover only the situation that exists in his district, I would urge that the gentleman withdraw his amendment. I suggest this because the amendment will have no consequence that has not already been achieved by the gentleman's own efforts.

Mr. HUGHES. Mr. Chairman, I want to thank the chairman and his staff and the officials at HUD for working with me on this particular project. I have no doubt but that the pressure that has been brought to bear by the chairman and myself and others at this point has, I think, borne fruit. For that reason, it is my intent to withdraw the amendment under the circumstances, since the project will now not be approved by HUD.

I want to commend the subcommittee chairman, however, and through him the committee for the trend that I see evolving, the effort to try to rehabilitate particularly older housing stock; that is the right direction. In this particular instance, and I am sure the situation is repeated throughout the country, we should be rehabilitating older housing stock where we can.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

(By unanimous consent, Mr. HUGHES was allowed to proceed for 2 additional minutes.)

Mr. ASHLEY. Mr. Chairman, if the gentleman will yield further on that point. The gentleman from Ohio (Mr. STANTON) and I, the minority as well as those of us on the majority, are convinced that we have an impelling requirement to make maximum use of our existing stock of houses to provide decent, safe, and sanitary shelter for those who cannot afford it on the private market before we use the resources of the taxpayers of the country to subsidize the building of new housing.

□ 1440

We have gone in that direction in a very crucial way in this bill by putting a limitation on the funding that shall be available for new construction as distinguished from the funding for existing and rehabilitated housing.

It was not very many months ago that about $2 out of every $3 went for new construction. What my colleagues will find today is that about $1 out of every $3 in the bill before us will go for new construction. There is an insistence in this legislation that communities be responsive to the need to provide shelter for their less affluent citizens and use existing shelter as the first recourse before suggesting and getting support from HUD for new construction.

Mr. HUGHES. I wonder if I might just offer another suggestion. The gentleman and the ranking minority member are experts unquestionably in the housing field. I am not. I am not on the Housing Subcommittee. But, it seems to me an amendment such as I prepared and was going to offer, but will now not offer, which would put some kind of a cap on the cost of new housing construction where existing housing exists in a community might be desirable. I had proposed an amendment which I would limit the cost of newly constructed housing to 150 percent of the cost of similar existing housing that the same community provided, and this was a very important provision, that dwelling units of equal or better quality are already available in this same community at a lower cost.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(By unanimous consent Mr. HUGHES was allowed to proceed for 2 additional minutes.)

Mr. HUGHES. I think that would do what the gentleman has indicated is the trend and the drift of our new housing policy. I commend the committee for that policy change because I think it is the right direction, and I would like to appear, perhaps in the early part of next year, before the gentleman's subcommittee and testify on behalf of some formula, some cap that we could place on our public housing programs that would insure that we are, indeed, getting the best bang for the dollar.

Mr. ASHLEY. If the gentleman will yield further, I would urge him to introduce that legislation. I am not in a position, nor is anybody on the committee, to commit himself in advance with respect to legislation as described by the gentleman. It is necessary, however, for our subcommittee and, indeed, this Congress and the next Congress to address themselves to the issue and to the particular legislative device the gentleman suggests.

So I can assure the gentleman that there will be hearings and that the gentleman's legislative proposal, if it is offered, will be given very serious consideration at the appropriate time.

Mr. HUGHES. I thank the gentleman and ask unanimous consent to withdraw my amendment.

Mr. Chairman, I ask unanimous consent to withdraw the amendment at this time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OFFERED BY MR. COUGHLIN

Mr. COUGHLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COUGHLIN: On page 63, after line 12, insert the following new section:

SEC. 214. To prevent the displacement of poor, elderly, and minority families from existing neighborhoods in urban areas, the Secretary of Housing and Urban Development may not make available more than 25 percent of the financial assistance under federally assisted housing programs in urban areas in non-impacted areas, leaving at least 75 percent of such funding made available in urban areas for deteriorating neighborhoods. For the purposes of this section, the term "federally assisted housing programs" means programs authorized by the United States Housing Act of 1937, sections 235 and 236 of the National Housing Act, section 101 of the Housing and Urban Development Act of 1967, or section 202 of the Housing Act of 1959.

Mr. COUGHLIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. COUGHLIN. Mr. Chairman, one of the anomalies of our housing program, at least as it has existed to date, has been an insistence by the Department of Housing and Urban Development on not building housing in areas where it is both needed and wanted, but on building housing in areas where it is not needed and not wanted.

In the city of Philadelphia, for example, and I know my colleague, the gentleman from Philadelphia (Mr. GRAY) held a colloquy on this area yesterday, the Department has insisted on 50 percent of the housing being built in what are called impacted areas, and 50 percent being built in nonimpacted areas. The result of that policy has been that instead of building housing, assisted housing and repairing old housing in deteriorating neighborhoods, we are doing it in stable neighborhoods.

As I said when we discussed the previous amendment, one of the very real needs, it seems to me, in our housing program is to target the very scarce resources that we have to improving by rehabilitating the deteriorated neighborhoods that we have in our Nation, and not necessarily to adding housing to what are already stable neighborhoods.

The amendment I would propose would say that a maximum of 25 percent of available funds will be used in so-called nonimpacted areas, leaving 75 percent of the funds available for so-called impacted areas. This is in order to prevent the displacement of the poor and the elderly and minority families from existing neighborhoods in urban areas and providing for the assistance that they need in their own neighborhoods to improve those neighborhoods.

I have discussed this question at length with the Secretary of Housing and Urban Development, and he has assured me that the site selection procedures that are currently in existence are, indeed, undergoing a very thorough review. I am confident that the Secretary of Housing and Urban Development is, indeed, undertaking that review and that there will, indeed, be a change in the way the site selection procedure works at this time.

I know that last time this bill was on the floor, in a colloquy with the distinguished chairman of the committee, my colleague (Mr. GRAY) was assured by the chairman of the committee that the committee would look to this kind of a revision in the site selection procedures that would insure that 75 percent of our housing funds, or something in that neighborhood, would go to deteriorating areas, to areas where they were most needed to improving existing neighborhoods, and to help prevent the displacement of the poor, the elderly, and the minorities. I think that colloquy with the chairman of the subcommittee was a most important colloquy.

At the same time, it seems to me that we can give further guidance to the Secretary of Housing and Urban Development through adoption of an amendment of this sort which would indicate the sentiment of this Congress to the Secretary that a majority of the funds should, indeed, go to improving the deteriorating neighborhoods, and not to destabilizing stable neighborhoods.

It is in that context that I offer this amendment, and I would hope to have some response from the chairman of the committee in terms of any further assurance that we may receive that the committee will push ahead to the kind of site selection procedures that would assure that the majority of the funds, the substantial majority of the funds, would go for use in the poorer neighborhoods and deteriorating neighborhoods of our Nation.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I am happy to yield.

Mr. ASHLEY. The gentleman has been in constant attendance during debate on the measure before us.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(At the request of Mr. ASHLEY and by unanimous consent Mr. COUGHLIN was allowed to proceed for 2 additional minutes.)

Mr. COUGHLIN. I yield to the gentleman.

Mr. ASHLEY. The previous discussions that have occurred with respect to site selection criteria, and the imminence of new regulations, the gentleman will remember, with respect to the selection criteria that will be forthcoming from the Department, I should think within the week, 10 days or 2 weeks—that is my understanding and I am getting a better fix on that at this very moment—I suppose the general thrust of the gentleman's amendment is one that is widely supported.

I think the gentleman's amendment goes too far and is too rigid, and for that reason it has to be opposed I suspect by the Members of the minority as well as the majority. But again I say that we in our communities and in our travels to other cities throughout the country, to other communities throughout the country have been well aware of the consequences of the site selection criteria that have been imposed up to the present time.

□ 1450

These criteria produce strange and bizarre results. The subcommittee has been insistent in bringing to the attention of the Department the need for the new regulations. The Department has been responsive. As I have done before I would commend to the gentleman the language on page 34 of the report under the paragraph captioned "Selection of Sites for Low Income Housing."

The gentleman understands, I am sure, when I read the language, the committee believes a balance can be struck between two sets of objectives. One is to make sure that in areas that are impacted that assisted housing—that the opportunity in the community for families who need assisted housing shall be available outside of areas of impaction as well as areas within the impacted area.

We must also be aware of the fact that there are difficulties that have been presented by court cases. This Congress has spoken on many occasions with respect to fair housing legislation, civil rights legislation, educational opportunities. All of these touch upon the opportunity for housing within the community so that the objectives that HUD has got to try to satisfy are not a single set of objectives but rather a proliferation of objectives as articulated by the Congress.

Mr. Chairman, I agree with the gentleman, the committee reflected in the report language that HUD has got to review and articulate anew the site selection criteria. It is on the verge of doing so. I can assure the gentleman that the regulations that will be proposed by HUD will show every indication of being satisfactory, at least on both sides of the aisle as far as our committee is concerned and I would urge the gentleman to withhold further legislative action until such time in the immediate future when the committee will have an opportunity to review those regulations.

Mr. DOUGHERTY. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Pennsylvania.

Mr. DOUGHERTY. Mr. Chairman, I compliment the gentleman on his amendment. I appreciate the comments that were made by the chairman of the committee but we have incidences in Philadelphia where HUD has forced a one on one construction of section 8 housing in impacted and nonimpacted areas. This has resulted in some disasters.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(At the request of Mr. DOUGHERTY and by unanimous consent, Mr. COUGHLIN was allowed to proceed for 2 additional minutes.)

Mr. DOUGHERTY. Will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Pennsylvania.

Mr. DOUGHERTY. In my district, for example, HUD has built a 518-unit housing complex that now today, 6 years after it was constructed, looks like an absolute bombed out town in World War II with about 15 percent occupancy out of 518 units. It stands in the community as an absolute disaster as to what can be done when HUD rushes in under some formula which says you have to do this in some section of the city because it is nonimpacted and balance it out and all that bit.

I would compliment the gentleman on his amendment. I recognize the difficulties that are involved and I certainly think if we are going to solve the problems of housing in urban America, particularly in urban Philadelphia a 3-to-1 type situation is much fairer for all of our citizens and I compliment the gentleman on his amendment.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the distinguished ranking minority member.

Mr. STANTON. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I would think if the gentleman would offer four additional amendments, I would support all four of them. But I could not support the last one and I really in all honesty cannot support this one. Mr. Chairman, there are two things of which I am sure. First of all, the site selection criteria is a major national problem. Second, the gentleman has done an extremely good job along with our colleague from Pennsylvania (Mr. GRAY).

I am sure the gentleman's amendment would be ideal for the city of Philadelphia. After listening to the remarks of the gentleman from Pennsylvania (Mr. GRAY) and the gentleman from Pennsylvania (Mr. COUGHLIN) I know it has to be good for Philadelphia. However, we do not know whether it is good for the rest of the country. That is why we have tried to stay away from the specific 25–75 mix.

All I can say is, as the chairman of our subcommittee has so eloquently put it, we have made site selection criteria the No. 1 item for our committee consideration. We are waiting for further information from HUD on it.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(At the request of Mr. GARCIA and by unanimous consent, Mr. COUGHLIN was allowed to proceed for 2 additional minutes.)

Mr. GARCIA. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from New York.

Mr. GARCIA. Mr. Chairman, I would agree with everything the gentleman has said. I believe, that 75 percent should go into these impact areas, again, to repeat what I said when I debated and voted against the gentleman's last amendment, there are communities throughout this country that need a great deal and we have not focused in on it. The gentleman's amendment focuses very specifically in terms of what we need in urban America.

My colleague from Pennsylvania, from the city of Philadelphia, described his district. Well if the gentleman can imagine his district, look at the south Bronx. We have made national headlines over the last several years with all the political candidates coming into the south Bronx, taking pictures and then running.

I have listened to the subcommittee chairman very carefully. The gentleman from Ohio is a good chairman. HUD is supposed to come down with some new regulations. I stand here supporting the gentleman's amendment. I think the amendment is essential, needed and long overdue. I want to associate myself with the remarks the gentleman made earlier.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I will be happy to yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I, too, would like to associate myself with the remarks of the gentleman in the well as well as with the remarks of the gentleman from New York (Mr. GARCIA). The gentleman from New York is talking through experience. What we have to combat is a theory which has nothing to do with what people want. We had a tremendous struggle with HUD last year. The gentleman from New York (Mr. RANGEL) was clear as is the gentleman from New York (Mr. GARCIA) now. The theory of spatial deconcentration does not necessarily accord with what people want. If we are trying to bring happiness and some decent living for people in the impacted areas where most of the difficulties are, surely we must pay some attention to their desires. Also, we must pay attention to what the people want in all the other parts of this country.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. COUGHLIN was allowed to proceed for 1 additional minute.)

Mrs. FENWICK. Will the gentleman continue to yield?

Mr. COUGHLIN. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I would like to support the gentleman's amendment, concur in the remarks of the gentleman in the well and in the remarks of the gentleman from New York (Mr. Garcia).

Mr. DOUGHERTY. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Pennsylvania.

Mr. DOUGHERTY. Mr. Chairman, I rise to associate myself with the comments of the gentleman from New York.

AMENDMENT OFFERED BY MR. YOUNG OF MISSOURI AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. COUGHLIN

Mr. YOUNG of Missouri. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Young of Missouri as a substitute for the amendment offered by Mr. Coughlin: On page 63, after new section 214, insert the following new section:

Sec. 215. The Secretary of the Department of Housing and Urban Development shall not exclude from consideration for financial assistance under federally assisted housing programs proposals for housing projects solely because the site proposed is located within an impacted area. For the purposes of this section, the term "federally assisted housing programs" means programs authorized by the United States Housing Act of 1937, sections 235 and 236 of the National Housing Act, section 101 of the Housing and Urban Development Act of 1967, or section 202 of the Housing Act of 1959.

Mr. YOUNG of Missouri. Mr. Chairman, I would like to compliment the gentleman from Pennsylvania (Mr. Coughlin) and the committee for their activity on this particular amendment and what they are trying to do with the whole bill.

I want to offer a substitute amendment to the amendment offered by the gentleman from Pennsylvania (Mr. Coughlin).

I feel that HUD's policy which prohibits subsidized housing from being built in so-called impacted areas defeats one of the major goals of the community development program—which is to aid low- and moderate-income people—because it prohibits low-income housing from being located where it would be most effective.

Central cities have a lot to offer low- and moderate-income residents in the way of transportation, jobs, shopping areas, and a variety of other public services. This is where low-income housing is needed. However, because HUD labels most of these urban centers as "impacted areas," the Department will not approve subsidized housing for these areas.

Instead, HUD insists that communities promote "spatial deconcentration," pushing this housing out into the suburbs. These suburban areas do not have the jobs, transportation, or other public services which are needed by the residents of subsidized housing. It appears to me that HUD's policy of "spatial deconcentration" is working at cross-purposes with its policy which requires that communities locate subsidized housing in areas where public facilities and services are readily available.

HUD's current policy has adversely affected my district's efforts to provide subsidized housing for its low- and moderate-income residents. A prime example of this can be found in one of the cities in my district, Kinloch, Mo., which is suffering from a shortage of decent housing. This city has applied to HUD for subsidized housing. But, HUD has responded that the Department would be extremely reluctant to place any additional subsidized housing in the city of Kinloch because the city is already impacted by low-income concentrations. Here is a city which wants and needs subsidized housing, but cannot get it. We need to rebuild this city, but HUD will not help us.

I think that Congress should enact legislation allowing subsidized housing to be located in the decayed parts of our cities. Such a policy would revitalize these urban centers, while providing the residents of this housing with a central location where they have immediate access to a variety of public services and jobs.

□ 1500

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Missouri. I yield to my colleague.

Mr. VOLKMER. Mr. Chairman, I wish to commend the gentleman from Missouri for offering this amendment, and also commend the gentleman from Pennsylvania for the earlier amendment for which this is a substitute. I have some reservations about setting out into the law the exact formula as proposed by the gentleman from Pennsylvania, understanding that HUD is coming out with regulations on site selection and will change them as far as impacted areas.

But, I do agree with the gentleman that we should have some language in the law itself which says that just because an area is impacted, it cannot be a site selection. That basically is what the gentleman's amendment does, and that would permit HUD to, in the gentleman's instance, to go into Kinloch, where, as the gentleman has said, they need housing; the poorer people need housing—to go in and provide the housing. Is that not correct?

Mr. YOUNG of Missouri. That is right, and I appreciate the comments of the gentleman from Missouri. He knows the area almost as well as I do, and this is a community that has been there for years and years.

Mr. VOLKMER. And we have had difficulty with the St. Louis region in providing housing in the St. Louis area for these types of people. The housing has been promoted in the past, has been in areas a great distance away. The latest proposal, as I understand it, is what is known as Earth City, which is about 25 miles away.

Mr. YOUNG of Missouri. There is no transportation or other services available.

Mr. VOLKMER. There is no transportation. They have to move out there with no public transportation out there whatsoever, and so I wish to commend the gentleman for offering this amendment.

Mr. YOUNG of Missouri. I thank the gentleman.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Missouri. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I support the gentleman's amendment and agree with the thrust of the original amendment offered by the gentleman from Pennsylvania (Mr. Coughlin). Although it might be a little bit restrictive in that it did provide for percentages, I think the gentleman's amendment does clear that up.

Mr. YOUNG of Missouri. That was the only problem I had with that particular amendment.

Mr. WYLIE. I would just like to ask the question here from a parliamentary standpoint; the gentleman offered an amendment on page 63 after line 12, and said section 214. The amendment of the gentleman from Missouri says page 63 after new section 214, insert the following section 215.

Mr. YOUNG of Missouri. It is possible that is a clerical error or typographical error. I am really not quite sure.

The CHAIRMAN pro tempore (Mr. White). The time of the gentlefrom Missouri has expired.

(At the request of Mr. Volkmer and by unanimous consent, Mr Young of Missouri was allowed to proceed for 2 additional minutes.)

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Missouri. I yield to the gentleman from Ohio.

Mr. ASHLEY. I am advised that the form of the amendment is correct, and there will be the necessary motions made about conforming language. There will not be any problem.

Mr. WYLIE. The question I have is whether this was added on to Congressman Coughlin's amendment and whether this is a substitute for it, and it has been explained that this is a substitute and that clears it up.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Missouri. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I have looked at the gentleman's substitute and I think it, indeed, does go in the same direction that I had hoped to go. I believe it is more acceptable to the members of the committee, and as a consequence I am willing to accept the gentleman's substitute with the caveat that if it does not affect the purpose I think we both seek, we will be back to try to effectuate the purpose we want.

Mr. YOUNG of Missouri. I appreciate that, and as soon as I saw the gentleman's amendment I was very, very interested in that; but, if we can work this out or we can have the impacted areas paid attention to in this whole country, I think it will be beneficial to HUD and the recipients.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Missouri. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, I appreciate the gentleman yielding. I just want to add my appreciation for the gentleman's cooperation. We have had it earlier, and it really is a tough subject matter before the committee and has been for a long time. We are back with it, and we appreciate the gentleman's support and have no objection to the amendment.

Mr. YOUNG of Missouri. I thank the gentleman.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Missouri. I yield to the gentleman from Pennsylvania.

Mr. GRAY. Mr. Chairman, I would like to thank the gentleman for his substitute amendment and simply take a moment to define what I say is the problem we are facing. It is a twofold problem that really addresses certain major urban areas, probably the top 20 to 30 urban areas of American where we have a site selection criteria that does not make it possible to provide housing in certain neighborhoods where there is a great need, where there is an availability of land, simply because of a site selection criteria that mandates one in an impacted area, one in a nonimpacted area.

The CHAIRMAN pro tempore. The time of the gentleman from Missouri has again expired.

(At the request of Mr. Gray and by unanimous consent, Mr. Young of Missouri was allowed to proceed for 5 additional minutes.)

Mr. GRAY. As a result of that criteria, in many of America's major cities—my own city of Philadelphia—Baltimore, New York, Cleveland, Detroit, Los Angeles, as well as in St. Louis, what we are finding is simply that there are areas that need housing. There is land available, and this Federal policy, which is a regulation, is contributing to displacement or recycling, which makes it possible for people to come in and to develop high-cost housing and do what we have come to know as gentrification, and forcing overcrowding in outlying areas and really not giving a people a choice as to where they want to live. That is one problem.

On the other hand, there is another problem which many of us are concerned about, and I know that the distinguished chairman of the subcommittee is concerned about and many of my colleagues, and I am concerned about. That is the need to provide opportunities for integrated housing and fair housing opportunities throughout our Nation. I am aware that there are some who would like to read into this discussion the possibility of using this vehicle as a way of preventing the development of low-income housing and moderate-income housing, particularly in some communities and in some suburban communities. And so, what we have here is basically two problems, two concerns.

□ 1510

On the one hand, I feel that HUD ought to look very carefully at its displacement by the site selection criteria in those 20 major urban areas, and yet we ought to maintain the goal that this Congress has voted over and over again to maintain, that of equal housing opportunity as well as integration.

I have been in conversation this week with the Secretary of Housing and Urban Development, and he has assured us that there are new regulations that are coming out which will address themselves to this first problem which is the concern expressed by my colleague, the gentleman from Pennsylvania (Mr. Coughlin), and the concern expressed by the gentleman from Missouri (Mr. Young) in his substitute.

So I think that if this is going to happen, if HUD is going to use new rents and if HUD is going to apply it to those particular urban areas in a way that is in line with the directives of this Congress, those of meeting the needs of low-income housing people in urban areas but at the same time providing fair housing opportunities in our communities, I would hope that HUD would do this and that we would not have language that would be absolutely binding but would express the consent of this body in the direction we want to go.

I think that the gentleman's amendment, as the distinguished chairman of the subcommittee has indicated, does do that without binding HUD to a specific figure.

There is a question that I raise, however. I understand the intention of my colleague, the gentleman from Pennsylvania (Mr. Coughlin), and I know his motives, which I think are very good, because the gentleman has been concerned with this issue, along with myself, for several months. The problem, though, becomes this: When we say it should be 75 and 25, when we say not more than 25, what happens to a community that wants to make it 65–35 or 70–30?

So I would hope that with the passage of this substitute amendment, which basically gives us the language and the direction and the concern expressed on the first problem, HUD will move forward quickly to reevaluate its site selection criteria and, therefore, come up with a flexible regulation that allows itself to be addressed to those major urban communities.

Mr. Chairman, I thank my colleague, the gentleman from Missouri (Mr. Young) for offering his substitute.

The CHAIRMAN pro tempore. The time of the gentleman from Missouri (Mr. Young) has expired.

(By unanimous consent, Mr. Young of Missouri was allowed to proceed for 2 additional minutes.)

Mr. YOUNG of Missouri. Mr. Chairman, may I say this to the gentleman from Pennsylvania (Mr. Gray): I appreciate his comments, and I think that if this amendment is adopted, it will let HUD in our regions take a look at what we have tried to do under this amendment. When there are developments, like in St. Louis County, when there is the development of housing assistance programs, they can take this into consideration in their development of housing assistance programs, because this can fit in very, very easily. I think it will be beneficial for the areas that we represent, the SMSA areas around Philadelphia, New York, St. Louis, Detroit, and other places.

Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. Gray) for his kind comments, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Missouri (Mr. Young) as a substitute for the amendment offered by the gentleman from Pennsylvania (Mr. Coughlin).

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Coughlin), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. MILLER OF OHIO

Mr. MILLER of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Miller of Ohio: Page 63, after line 12, insert the following:

SECTION 8 MAXIMUM RENT

Sec. 216. Section 8(c)(1) of the United States Housing Act of 1937 is amended by inserting "for existing units" after "except that the maximum monthly rent" in the second sentence.

Mr. MILLER of Ohio. Mr. Chairman, the intent of this amendment is to reduce the amount of rent subsidies under section 8, and I am convinced that it can be done without harming the truly needy. I believe we can reduce HUD's discretionary latitude, actually allowing more housing for truly poor people in the long run. This, attempt to do something to reduce section 8 and call attention to its excesses is not new.

I have offered budget-reduction amendments in the appropriation bills for HUD previously. As a matter of fact my 2-percent amendment to the fiscal year 1981 HUD appropriations bill was acceptable by the House recently, reducing that bill by about $530 million.

I remember 4 years ago requesting from the chairman of the Appropriations Committee information on the maximum amount of section 8 rent subsidy available to one family for just 1 month. I was not able at that time to get an answer. I contacted HUD, and I found out that it was approximately $1,000 per month, per family.

As to my amendment, Mr. Chairman, let me say initially that it will not go nearly far enough. It will reduce by 10 percent what the HUD Secretary can add to section 8 rent limits. In reality my amendment will cap section 8 payments for one family, for 1 month, at $1,238.

Frankly, I would prefer reducing section 8 payments to $200, or even less, but I have to be practical. I would like to offer an amendment eliminating the Secretary's discretionary authority altogether. But, at this point at least, I will offer the language before the House.

Under current law, the HUD Secretary has the authority to increase section 8 rent levels by up to 20 percent above the section 8 rent limit. It is important to point out to my House colleagues that HUD, by regulatory interpretation under this program, can increase section 8 rent subsidy limits by a possible 35 percent.

If my 10-percent amendment is adopted, we could start with the base for fair market rent limits, in New York, at approximately $990 a month and increase that subsidy by a possible 25 percent. Under this example, the hardworking, everyday taxpayer would still be socked with a possible $1,238 monthly rent subsidy bill. Currently, the maximum rent subsidy that could be paid by HUD is about $1,379 a month for the same apartment. My amendment saves the taxpayers money by reducing the Secretary's ability to fatten section 8 subsidies for new section 8 housing.

It is unfortunate that the Secretary has such discretionary latitude in the first place. This is a commonsense, cost-saving amendment intended to bring some reason to potential fiscal madness.

HUD's generosity with our tax money is bringing the section 8 program to the point of financial disaster with respect to the amounts and levels of costs paid for by the American taxpayers to subsidize rents for low-income people under this program. The Reader's Digest recently published an article on this subject which has been read by millions of taxpayers and which, in summary, reinforces the need for this Congress to exercise its responsibility today in controlling this section 8 program.

Additionally, the GAO has completed and published a comprehensive investigation dated June 6, 1980, and entitled: "Section 8 Subsidized Housing—Some Observations on Its High Rents, Costs, and Inequities." In its investigation, among other excesses, the GAO found:

Expenditures for the section 8 program were running at a rate of about $2 billion annually. The 1980 budget authority has obligated the Federal taxpayer to spend $128 billion so far.

Fair market rents have been allowed to increase by 53 percent over a 4-year period (1976-80) for the section 8 new construction program, while the Consumer Price Index for construction costs has only increased by 28 percent over the same period.

Sixty-eight percent of HUD's approved projects in the GAO sample were exceeding the published fair market rents by as much as 120 percent.

In the Committee on Appropriations, every time I offer a 2- or 5-percent reduction on a bill, we always have people say, "Not this program." When I was offering the 2-percent reduction in the appropriation for HUD, opponents said, "You should not do it in the appropriation process. You should do it in the authorization bill.' That is why I am here. This is the HUD authorization bill. But it is being said again: "You should not reduce spending here. Don't cut this particular program."

At some point the Congress has to face the economic importance of tightening the budget belt and saying "No." It might not be popular, but it is necessary, and it is overdue.

Permit me to stress, again, the limited depth of this amendment: It only addresses one-third of the section 8 rent limit increase presently available to the Secretary of HUD. It trims a possible 35 percent rent subsidy sweetener to 25 percent. It takes a possible monthly rental subsidy in one major metropolitan city from a $1,379 monthly subsidy down to $1,238. As I said before, such discretionary latitude should be reduced to zero, but I will take the first step in the journey toward that goal by asking the House to demonstrate its genuine willingness to save tax dollars by supporting this amendment.

In the fiscal year 1981 HUD Appropriations Committee report, I included additional views on the section 8 housing program. I want to make my remarks from that report a part of this debate on the program's authorization:

The housing subsidy program under Section 8 of Title II of the Housing and Community Development Act of 1974 has become "a program which is costly and serves only a fraction of the households in need" says a report of the Comptroller General.

The report, "Section 8 Subsidized Housing—Some Observations on its High Rents, Costs, and Inequities" (CED-80-59, June 6, 1980), says that government subsidized rents have "risen at rates and to levels which could in the future provoke serious challenges to the very existence of the program". The report cites recent subsidized rent increases of 121 percent in San Francisco, 95 percent in Cincinnati, and 72 percent in Atlanta. Subsidized rent increases in 17 cities sampled averaged 53 percent for the four years evaluated.

Information developed from the Fair Market Rent schedule as published in the Federal Register indicates some of the rents authorized by HUD in the cities included:

City	Structure type	Sec. 8 rent limits (per month)
Boston, Mass	Elevator high rise (3 bedrooms)	$718
New York, N.Y	do	1,022
Washington, D.C	Elevator high rise (2 bedrooms)	600
Miami, Fla	do	531
Chicago, Ill	do	642
Cincinnati, Ohio	do	539
Los Angeles, Calif	do	854
San Francisco, Calif	do	924

The HUD Secretary is granted the authority to increase rent levels by up to 35 percent, which if applied to the New York City project would raise the level from $1,022 per month to $1,379 per month (for a three or more bedroom apartment). The estimated total federal taxpayer subsidy for this same unit over the life of the subsidy contract is now projected to be $350,960 (assume a 20 year Section 8 contract term). If one assumes the construction in New York City of a 100 unit rental apartment project that is to be subsidized by Section 8 Rental Assistance at the current rent, the American taxpayer will have paid $35,000,000 in subsidized rent over a 20 year period for this single apartment building.

Under the law, a subsidy can be provided for renters whose incomes are 80 percent of the median of the area. The taxpayer pays the landlord the difference between the tenant contribution (usually 15 percent to 25 percent of the gross income) and the contract rent. The only federal criterion for participation is income. Forty percent of the U.S. households could qualify. If a family has no income, they make no tenant contribution and the taxpayer will pay the entire rent, plus a utility allowance.

The report states that "although gross rents are not supposed to exceed fair market rents except in special circumstances, they were found to be higher in 68 percent of the projects GAO sampled."

GAO also says that "the magnitude of currently established fair market and gross rents suggests high potential annual subsidy payments for some units. HUD estimated for fiscal year 1979 the average annual unit cost (not considering any tenant contribution toward rent) for the existing housing segment of the program to be $2,670; for new construction about $4,300; and for substantial rehabilitation about $4,700." GAO analysis also disclosed that some families are receiving housing subsidies as high as $5,000 to $7,000 per year and even higher.

According to GAO, at the end of fiscal year 1979, "over 750,000 existing, newly constructed, and substantially rehabilitated housing units were occupied by tenants being assisted by Section 8. Expenditures were running at the rate of about $2 billion annually. Budget authority for these units, and an additional 250,000 units which are expected in fiscal year 1980, has been set at about $128 billion."

Some of the apartments seem to provide more than just adequate housing for the poor. For example, in some of the buildings cited in the report, tenants could enjoy indoor swimming and parking, and tennis courts. GAO's observations indicated that HUD has "a generous attitude regarding features and amenities not normally expected in subsidized housing. Such housing is costly to produce, involves high rents and invites resentment on the part of the taxpaying public who see their subsidized neighbors living in better accommodations than they themselves can afford."

The report says further that "most of the housing presently provided by Section 8 is from the costly new construction/substantial rehabilitation program segments. The high cost of this housing has, in many instances, blocked the achievement of a program goal of promoting economically mixed housing. The housing is often so costly that moderate and even middle income unassisted households cannot afford to live in it."

The inequities of the Section 8 programs are further "exacerbated by the disparities in the quality of housing provided under the program. Some families are assisted with housing modest in nature, while others are assisted with housing which, at least, approaches the luxury category," says GAO.

The Comptroller General has provided recommendations on how to tighten up the program which include:

Outlining reasons why Section 8 costs must be curbed and why greater enforcement and equity are needed,

Improving procedures for establishing fair market rents,

Improving procedures for verifying tenants income,

Increasing tenant contributions toward rents,

Finding ways to reduce subsidized housing costs.

If all new HUD assisted housing payments were terminated on September 30, 1981, the Federal government, and thus the taxpayer, would still be contractually obligated to pay out almost $250 billion for the existing project rent subsidy commitments. This, added to the $120 billion already spent, brings the program cost up to $370 billion for the 1.6 million units.

Congress needs to clean things up as well. The program was created by the Congress and we should provide oversight and direction. Many of us can begin by reading this GAO report.

□ 1520

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. Miller) has expired.

(By unanimous consent, Mr. Miller of Ohio was allowed to proceed for 1 additional minute.)

Mr. MILLER of Ohio. I have used this poster in my hand many times, at times when we have been talking about cutting spending. I have it with me today and I have had one like it on my office wall:

> There are 1,000 other programs that could be cut, but don't cut this one.

Its message is clear.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman from Ohio.

Mr. STANTON. Put that sign just a little bit to one side of the microphone and it would show up better.

Mr. MILLER of Ohio. Very good. I trust my colleagues will take note of its message.

Mr. STANTON. I thank the gentleman.

Mr. VENTO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to, first of all, commend the gentleman from Ohio for his presentation and his concern about cutting costs and saving programs, but the net effect of this particular amendment would not do that.

First of all, the authority that we are talking about with regard to the Secretary to raise section 8 new construction up to 20 percent is a very narrow one and has been in existence for some 4 years. It provides that the regional office has the opportunity to actually target those high-cost areas and raise the section 8 fair market rents by 10 percent, if that is for the additional 10 percent, if that is necessary in the judgment of the area office, it has to take the personal signature of the Secretary to raise that to a total of 20 percent over the fair market rent of a specific area.

I think there are a number of factors in high-cost areas, of course, that result or cause these particular types of increases in the section 8 program. One, of course, could be high land costs, it could be high construction costs. But without this flexibility in the absence of the discretion on the part of the area office, on the part of the Secretary to raise this subsidy, what we would be left with, the only way we could make the section 8 housing program work in those areas, would be to raise the entire area's fair-market rent and, on top of that, another 10 percent in the area office. So the net effect of this would be to provide a higher ceiling on a more general basis to obtain the same figure to make the program work.

The fact is that the 20-percent increase that is provided with regard to the section 8 program here in the high-cost areas, in other words, is provided so that the section 8 for this particular program would work. The committee well recognizes that there are different economic circumstances that exist in each area, and there are some unique ones. In order for the section 8 program to work, we would obviously have to have some redress and some means to pay a higher cost in these specific areas. I do not think there is any secret about it. There are big communities, like New York, communities in certain specific areas where the costs are high, where this happens to be a concern. I am sympathetic, obviously, with the concerns that prompted the gentleman to offer this amendment. The committee has been sensitive to the need to control the costs of our housing assistance program. This has been one of the primary reasons for the committee's new multifamily housing initiative and the shift of resources in this provison of low-income housing, section 8.

You know, the section 8 program based on fair-market rents, really the reason we are having a high-cost problem with that is because rents in general have gone up. And when we take a fair-market rent, we are taking the average of rents throughout the area. Generally they are very high. But I think the gentleman from Ohio well knows that the problems with increased housing are going to be reflected in the types of commitments that we have to make in the section 8 program. What we are trying to do is to target this 20 percent, I would point out to the gentleman, which permits us to target these programs to these high-cost areas so we do not have to do in a general way to make the section 8 program work.

So I would commend my colleague for his concern with regard to dollar spending, but I think he is missing the target with regard to what the net impact of this is, and we are going to defeat this amendment so that we can actually, in essence, save some dough.

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. With the amendment, I would like to explain to the gentleman that there is still 25 percent discretionary possibility under the June 1980 HUD regulations for special adjustments by the Secretary. Thirty-five percent he has now. My amendment would only reduce that 10 percent and only for section 8 new construction. So he would still have 25 percent discretionary authority as a result of this regulatory device.

Mr. VENTO. The reason that we have the discretionary authority now is because, in judgment, it is necessary, and the Secretary has signed off in a number of instances. We have not found the abuse in this particular program. Obviously, we do find these high costs, and it is justified.

Mr. JONES of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. I think I am correct when I state that the rental units under this section include the cost of utilities.

Mr. VENTO. Yes, they do.

Mr. JONES of North Carolina. Then there is the escalation. Although I am very sympathetic with the gentleman from Ohio in attempting to place a cap, I expect that he better include in his amendment a cap on the cost of utilities.

Mr. VENTO. Well, of course, they reflect all of these costs.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I am puzzled, and I would just like to clear something up. As I understand it, the maximum subsidized rent that can be paid is $1,375; is that correct?

Mr. VENTO. The staff informs me, and I have to refer to these able assistants, that in one specific market area it is possible for that high a rent for that number of units could actually be made.

Mrs. FENWICK. I just want to know what the maximum would be. Now, included within that figure is the 25-percent of the family's income, correct? Or is the family's income added to that?

Mr. VENTO. It assumes zero contribution. That is the maximum subsidy. That assumes zero contribution. It assumes the largest family unit with zero contribution.

Mrs. FENWICK. Wait a minute, now. I am not making my question clear. I am not talking about contributions. I am talking about what is the maximum rent that can be paid to the landlord, and as I understand it, it is $1,379 to include utilities; is that correct?

Mr. VENTO. That is I assume correct if the article that you are referring to is accurate.

The CHAIRMAN pro tempore. The time of the gentleman from Minnesota (Mr. Vento) has expired.

(By unanimous consent, Mr. Vento was allowed to proceed for 1 additional minute.)

Mr. VENTO. That figure would be correct. It likely assumes the largest possible family unit. It assumes absolutely no income contribution would be made in that particular instance, and I might point out that it is not a figure dreamed up over in HUD. It is one based on the fair market value and the discretionary decisions made at both the regional level, and made at the Secretary's office level, to meet housing needs in those areas. It is regrettable that housing costs are that high, but nevertheless that is what they are.

Mrs. FENWICK. This is in New York, I presume, or in San Francisco, and there are people working and living in those cities on $1,379 a month. That is what they live on. This is a subsidy. How did HUD ever get to such a high subsidy?

Mr. GARCIA. Mr. Chairman, will the gentleman yield at this point?

Mr. VENTO. I yield to the gentleman from New York.

Mr. GARCIA. Mr. Chairman, I would like to respond to that question, if I may.

Mrs. FENWICK. Yes.

The CHAIRMAN pro tempore. The time of the gentleman from Minnesota (Mr. Vento) has again expired.

(On request of Mr. Garcia and by unanimous consent, Mr. Vento was allowed to proceed for 2 additional minutes.)

Mr. GARCIA. If the gentleman will yield, that is probably the most gross example of all. We are talking specifically about Manhattan Plaza, which has been a black eye on so many of us, even those of us from New York. Manhattan Plaza, so far as many of us are concerned, should never have been built in the first place. But that is at the other end of the road.

Mrs. FENWICK. But how is it possible that HUD is allowed to spend like this? I think this project is the one that Herman Badillo spoke to me about, and that builder is going to make $44 million. What is he making it out of?

Mr. GARCIA. Mr. Chairman, in response to the gentlewoman from New Jersey, I am not saying that the gentleman from Ohio is wrong in terms of Manhattan Plaza. That truly has been a black eye on many of us, and it causes us to get into this type of debate. But that is not the example we should be stating here on this floor.

Mrs. FENWICK. I know.

Mr. GARCIA. And I could not agree more with the memo that the gentleman from Ohio sent out to all of us stating that as an example, because those of us from New York were opposed to that as well.

Mrs. FENWICK. I know.

Mr. VENTO. Mr. Chairman, let me just reclaim my time here, and I want to clear up one point. This amendment does not deal with that problem at all, in terms of fair-market rent. All that the amendment deals with is cutting that down, in other words, making it not available to have housing in these areas. Hopefully, we will not make the mistake of subsidizing a section 8 again like Manhattan Plaza. That is already history. That will continue. But what this does is preclude the development of economically moderately priced section 8 housing in New York that is desperately needed and in other areas that are high-cost areas. So my plea would be to reject this amendment. This amendment does nothing at all with that particular problem.

I would also point out to my colleagues that the maximum subsidy is only 20 percent over fair-market rent. There is no 25 percent figure. I do not know where my colleague from Ohio has obtained that from, but that is not accurate, and I want to make that clear. It is 10 percent over and above fair-market rent at the regional level that can be approved, and 10 percent above that, personally over the signature of the Secretary.

The CHAIRMAN pro tempore. The time of the gentleman from Minnesota (Mr. Vento) has again expired.

(On request of Mrs. Fenwick and by unanimous consent, Mr. Vento was allowed to proceed for 1 additional minute.)

Mrs. FENWICK. If the gentleman will yield, as long as we allow HUD to pay $1,379 per month, they are going to do it somewhere.

□ 1530

Mr. VENTO. I appreciate the gentlewoman's comments, but this amendment does not deal with the problem that is being referred to.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentlewoman from Ohio.

Ms. OAKAR. What we are doing within the framework of the discretion of the Secretary is saying that essentially, unfortunately or otherwise, housing markets differ across the country, that it is more expensive in one area of the country than it is in another area of the country. We have to be realistic, just as you know I could live probably on a smaller cost of living in Cleveland than I could in Washington.

The problem is that unless we give the Secretary that discretion, we are not really allowing for different market values across the country. It would be very, very wrong not to allow that kind of discretionary power, assuming that we have somebody who is running HUD who has integrity. I think this certainly is the case.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Oregon.

Mr. AuCOIN. I want to add to what the gentlewoman from Ohio said.

The CHAIRMAN pro tempore (Mr. White). The time of the gentleman from Minnesota (Mr. Vento) has expired.

(At the request of Mr. AuCoin and by unanimous consent, Mr. Vento was allowed to proceed for 1 additional minute.)

Mr. AuCOIN. If the gentleman will continue to yield, I would hope that my colleagues would understand a very simple truth, and that truth is that even in high-cost areas there are low-income people who are in need.

With limitations placed on the Department as would be proposed by this amendment, HUD would be crippled in its ability to respond to the needs of those people who happen to reside in those high-cost areas. Just because an area is a high-cost area does not mean there are no people in need in those areas. There are people in need in those areas. All you have to do is visit a city like New York to find that to be the case, and it is the case in other areas, San Francisco and other areas as well.

Mr. VENTO. I appreciate the gentleman's comments in support.

I want to remind the gentleman that the only way to address this problem if this amendment were successful would be to raise the level of fair market across the board, which would increase the total cost of this particular section 8 program.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. Miller).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. MILLER of Ohio. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 473]

Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman

Cotter
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, R. W.
Dannemeyer
Daschle
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Dodd
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Harkin
Harris

Hawkins
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McHugh
Madigan
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.

Moakley
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Royer
Rudd
Russo
Sabo
Santini
Satterfield
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wylie
Yates
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

☐ 1540

The CHAIRMAN pro tempore. Three hundred and seventy-three Members have answered to their names, a quorum is present and the committee will resume its business.

☐ 1550

RECORDED VOTE

The CHAIRMAN pro tempore (Mr. White). The pending business is the demand of the gentleman from Ohio (Mr. Miller) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Five minutes will be allowed for the vote.

The vote was taken by electronic device and there were—ayes 204, noes 183, not voting 4, as follows:

[Roll No. 474]

AYES—204

Anderson, Calif.
Andrews, N.Dak.
Anthony
Applegate
Archer
Ashbrook
Atkinson
Badham
Bafalis
Bauman
Beard, Tenn.
Bedell
Bennett
Bereuter
Bethune
Bevill
Bouquard
Bowen
Breaux
Brinkley
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Butler
Byron
Campbell
Carney
Carter
Chappell
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
Daniel, R. W.
Dannemeyer
Daschle
Derrick
Derwinski
Devine
Dickinson
Dornan
Dougherty
Duncan, Tenn.
Early
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Fenwick
Findley
Flippo
Foley
Forsythe
Fountain
Gibbons
Gingrich
Glickman
Goldwater
Goodling
Gradison
Gramm
Grassley
Grisham
Gudger
Guyer
Hagedorn
Hall, Tex.
Hammerschmidt
Hance
Harkin
Harsha
Hightower
Hillis
Hinson
Holt
Hopkins
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jeffords
Jeffries
Jenkins
Jenrette
Jones, Okla.
Kastenmeier
Kelly
Kemp
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lent
Levitas
Livingston
Loeffler
Long, Md.
Lott
Lujan
Lungren
McClory
McCormack
McDade
McDonald
McEwen
Madigan
Marks
Marlenee
Marriott
Martin
Mazzoli
Mica
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
O'Brien
Pashayan
Paul
Pease
Perkins
Petri
Porter
Pritchard
Pursell
Quayle
Quillen
Regula
Rhodes
Ritter
Roberts
Robinson
Roth
Rudd
Santini
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Stenholm
Stockman
Stump
Tauke
Taylor
Thomas
Traxler
Trible
Van Deerlin
Vanik
Volkmer
Walgren
Walker
Wampler
Watkins
White
Whitehurst
Whittaker
Whitten
Williams, Ohio
Wilson, Tex.
Wydler
Wylie
Young, Fla.

NOES—183

Addabbo
Akaka
Albosta
Alexander
Ambro
Andrews, N.C.
Annunzio
Ashley
Aspin
AuCoin
Bailey
Baldus
Barnard
Barnes
Beard, R.I.
Beilenson
Benjamin
Bingham
Blanchard
Boland
Bolling
Boner
Bonior
Bonker
Brademas
Brodhead
Brooks
Brown, Calif.
Burlison
Burton, John
Burton, Phillip
Carr
Cavanaugh
Chisholm
Clay
Coelho
Collins, Ill.
Conte
Conyers
Corman
Cotter
D'Amours
Danielson
de la Garza
Deckard
Dellums
Dicks
Dixon
Dodd
Downey
Drinan
Duncan, Oreg.
Eckhardt
Edgar
Edwards, Calif.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Ferraro
Fish
Fisher
Fithian
Florio
Ford, Tenn.
Frenzel
Frost
Garcia
Gaydos
Gephardt
Gilman
Ginn
Gonzalez
Gore
Gray
Green
Guarini
Hall, Ohio
Hamilton
Hanley
Harris
Hawkins
Heckler
Holland
Hollenbeck
Horton
Howard
Hutchinson
Jacobs
Johnson, Calif.
Jones, N.C.
Jones, Tenn.
Kazen
Kildee
LaFalce
Lederer
Lehman
Leland
Lewis
Lloyd
Long, La.
Lowry
McCloskey
McHugh
McKinney
Maguire
Markey
Mathis
Matsui
Mattox
Mavroules
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Murphy, Ill.
Musto
Nedzi
Nelson
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pepper
Peyser
Preyer
Price
Rahall
Rangel
Reuss
Richmond
Rinaldo
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Royer
Russo
Sabo
Scheuer
Seiberling
Simon
Skelton
Solarz
Spellman
St Germain
Stack
Staggers
Stark
Stewart
Stokes
Stratton
Studds
Swift
Synar
Thompson
Udall
Ullman
Vento
Waxman
Weaver
Weiss
Whitley
Williams, Mont.
Wirth
Wolff
Wolpe
Wright
Wyatt
Yates
Young, Mo.
Zablocki
Zeferetti

NOT VOTING—45

Abdnor
Anderson, Ill.
Biaggi
Boggs
Crane, Philip
Daniel, Dan
Davis, Mich.
Davis, S.C.
Dingell
Donnelly
Ford, Mich.
Fowler
Fuqua
Giaimo
Hansen
Hefner
Heftel
Holtzman
Ichord
Johnson, Colo.
Leach, La.
Luken
Lundine
McKay
Michel
Mollohan
Moorhead, Pa.
Murphy, N.Y.
Myers, Pa.
Nichols
Pickle
Railsback
Ratchford
Rousselot
Roybal
Shannon
Steed
Symms
Tauzin
Vander Jagt
Wilson, Bob
Wilson, C. H.
Winn
Yatron
Young, Alaska

The Clerk announced the following pairs:

On this vote:

Mr. Nichols for, with Mr. Biaggi against.

Mr. Tauzin for, with Mr. Murphy of New York against.

Mr. Abdnor for, with Mr. Ford of Michigan against.

Mr. Michel for, with Mr. Dingell against.

Mr. Philip M. Crane for, with Mr. Ratchford against.

Mr. Hansen for, with Mr. Mollohan against.

Mr. Rousselot for, with Mr. Roybal against.

Mrs. SCHROEDER changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BUCHANAN

Mr. BUCHANAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Buchanan: Page 63, after line 12, insert the following new section:

PAYMENT OF NON-FEDERAL SHARE

Sec. 217. The United States Housing Act of 1937 is amended by adding at the end thereof the following new section:

"PAYMENT OF NON-FEDERAL SHARE

"Sec. 15. Any of the following may be used as the non-Federal share required in connection with activities undertaken under Federal grant-in-aid programs which provide social, educational, employment, and other services to the tenants in a project assisted under this Act, other than under section 8:

"(1) annual contributions under this Act for operation of the project; or

"(2) rental or use-value of buildings or facilities paid for, in whole or in part, from development, modernization, or operation cost financed with loans or debt service annual contributions under this Act."

Mr. BUCHANAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

☐ 1600

Mr. BUCHANAN. Mr. Chairman, I yield to the gentleman from New York (Mr. Biaggi).

PERSONAL EXPLANATION

Mr. BIAGGI. Mr. Chairman, I was unable to vote on this last amendment, the amendment offered by Mr. Miller of Ohio. Had I voted, Mr. Chairman, I would have voted in the negative.

Mr. BUCHANAN. Mr. Chairman, I am offering a technical amendment to clarify that certain public housing resources may continue to be counted as the non-

Federal share for certain programs. The amendment would allow the common practice of public housing agencies using their facilities or the funds they receive from various sources as the local in-kind or cash contributions required as a match by certain Federal programs.

The Atlanta regional office of the Health and Human Services Department recently ruled that public housing agencies are no longer able to use their funds or facilities as local matches. To date, the ruling has only materialized in my State of Alabama, where several public housing authorities have been denied title XX services because of HHS's revised interpretation about the eligibility of their facilities. It is reasonable to assume that this ruling will soon be applied nationwide because there has always been uncertainty over how to categorize the resources of public housing authorities.

The title XX program, which provides funding for a variety of social service programs, requires a local match that can either be cash or an in-kind contribution. Public housing authorities have provided a match for services to their tenants either from operating funds or through the use of their facilities. For example, in my district the Birmingham Housing Authority has provided the building in which day care or senior citizen programs are located. This authority has been able to claim the fair market value of the donated space as a certified public expenditure, which is used to help meet the local matching requirement.

This type of arrangement has been occurring for a number of years, with the full understanding of the Department of Housing and Urban Development and the Department of Health, Education, and Welfare (now HHS). However, the recent ruling by the Atlanta regional office of HHS determined that public housing resources are Federal moneys, and has called into question the present arrangement.

My amendment clarifies the situation and without such a clarification a large number of public housing authorities will be forced to cut back or eliminate a range of services they currently provide to their residents. Such Federal programs as title XX often provide project residents with their only opportunity to secure decent nutrition or adequate health care, or the child day care they need to allow them to get and hold jobs. These services help public housing residents avoid placement in a nursing home and allow other residents to work rather than remain on the welfare rolls.

The Department of Health and Human Services as well as the Department of Housing and Urban Development are in favor of this amendment. It would clear up a technical matter that would aid the housing authorities while achieving better coordination of Federal resources which serve the low-income tenants of public housing projects. I, therefore, urge the adoption of my amendment.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, the gentleman has been gracious and, may I say, most kind in waiting to present this amendment for almost a day and a half.

Mr. Chairman, we have no objection to this amendment. It could, to a degree, be considered a technical amendment. I applaud the gentleman for bringing this to the attention of the committee. We accept the amendment on this side.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Ohio.

Mr. ASHLEY. Mr. Chairman, I rise in support of the gentleman's amendment. The amendment would permit public housing agencies to use operating subsidies or the rental-use values of their projects as the required local match under Federal programs which provide social, educational, or employment services to public housing tenants.

I think this is a useful amendment, and one that will assure that these essential services are provided to needy, elderly persons and families living in public housing. I would like to point out that the gentleman's amendment is consistent with the way that the community development block grant program operates. Under existing law, local communities can use their CDBG funds as the local match for other Federal grant programs.

I urge my colleagues to support this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Alabama (Mr. BUCHANAN).

The amendment was agreed to.

Mrs. SPELLMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to enter into a colloquy with the subcommittee chairman. I would like to take this opportunity to congratulate the chairman of the Subcommittee on Housing and Community Development. As usual, the gentleman's subcommittee has produced a piece of legislation of which we can all be proud. It clearly shows a forward thinking approach to our urban problems.

I am particularly pleased with the provisions in this legislation which are designed to address one of the most pressing problems facing our cities and counties today. This is the problem of deteriorating public housing. The low-rent public housing program is the oldest housing assistance program this Nation has. It has produced over 1 million units of serviceable, affordable housing throughout the country, and has provided a resource which over time has been invaluable for families and individuals.

But despite its successes, and they are many, in some communities public housing has fallen on hard times. The physical condition of the units has deteriorated to the point where they cannot be inhabited. Sometimes, this has been the fault of poor management. More often, however, I believe it has been the result of extensive wear and tear, insufficient funding to maintain the properties as well as they should have been, and simply old age. Whatever the reason, it is a scandal that we have permitted the situation to reach this point.

The legislation introduced by my colleague from Ohio and approved by the committee provides a remedy to this situation.

I want to congratulate the subcommittee chairman, Mr. ASHLEY, on the proposal for the comprehensive improvement of the physical condition and management of public housing. It is a remarkable piece of policymaking, filling a vital need with a constructive program. Through this effort, thousands of units of publicly-owned-and-operated housing will be saved as a low-income housing resource for years to come.

I would like to take this opportunity to engage my colleague from Ohio in a colloquy about one aspect of this program. While I am pleased at the overall effort shown here, I believe that there should be some clarification as to the role which can be played in this new program by local governments.

It is clear from the statute and report that public housing agencies are assumed to be the primary vehicles through which we will revitalize our existing public housing stock. I think this is correct and appropriate, since they are responsible for managing that housing in the first place. But, I think we would be remiss if we did not make an effort to recognize more fully the growing and important role of local government in contributing to the improvement and maintenance of assisted housing.

I would like to ask the chairman if it is not the intention of the committee to foster cooperative relationships between local governments and public housing agencies in the development of comprehensive improvement strategies. Am I correct in assuming the committee expects the regulations for this program to address the issue of local government/Public Housing Agency cooperation in a positive way? Is it not our intent and resolve that local governments co-ordinate their efforts to improve public housing and its surrounding neighborhoods with the efforts of public housing authorities under the new modernization program?

Mr. ASHLEY. Would the gentlewoman yield?

Mrs. SPELLMAN. I yield to the gentleman from Ohio.

Mr. ASHLEY. Mr. Chairman, I want to thank the gentlewoman from Maryland for her positive remarks on the new program.

I would say it is most certainly the intent of the committee that local government play a very positive role in the new comprehensive improvement program. Under this new program, public housing authorities are to consult with local governments as well as with the tenants of the public housing projects in developing their comprehensive improvement strategy. It is fully expected that local governments will be able to share their considerable expertise with public housing authorities in developing these plans. Moreover, I concur with the gentlewoman that local governments can make a substantial contribution of other resources to efforts under the new program. It is most important that local community development and economic development strategies be used to complement public housing modernization efforts. Where local governments do make a commitment of resources to assist this effort, this should be taken into account in a positive way by the HUD Secretary.

In response to the gentlewoman, I completely concur with the gentlewoman's interpretation of the intent behind this new program and I am confident that the regulations will affirm the intent the gentlewoman has described and brought to the attention of the committee.

Mrs. SPELLMAN. I thank the chairman, and I yield back the balance of my time.

The CHAIRMAN pro tempore. Are there further amendments to title II?

If not, the Clerk will designate title III.

Title III reads as follows:

TITLE III—PROGRAM AMENDMENTS AND EXTENSIONS

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS

SEC. 301. (a) Section 2(a) of the National Housing Act is amended by striking out "October 1, 1980" in the first sentence and inserting in lieu thereof "October 1, 1981".

(b) Section 217 of such Act is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1981".

(c) Section 221(f) of such Act is amended by striking out "September 30, 1980" in the fifth sentence and inserting in lieu thereof "September 30, 1981".

(d) Section 235(m) of such Act is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1981".

(e) Section 236(n) of such Act is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1981".

(f) Section 244(d) of such Act is amended by—

(1) striking out "September 30, 1980" in the first sentence and inserting in lieu thereof "September 30, 1981"; and

(2) striking out "October 1, 1980" in the second sentence and inserting in lieu thereof "October 1, 1981".

(g) Section 245(a) of such Act is amended by striking out "September 30, 1980" where it appears and inserting in lieu thereof "September 30, 1981".

(h) Section 809(f) of such Act is amended by striking out "September 30, 1980" in the second sentence and inserting in lieu thereof "September 30, 1981".

(i) Section 810(k) of such Act is amended by striking out "September 30, 1980" in the second sentence and inserting in lieu thereof "September 30, 1981".

(j) Section 1002(a) of such Act is amended by striking out "September 30, 1980" in the second sentence and inserting in lieu thereof "September 30, 1981".

(k) Section 110(a) of such Act is amended by striking out "September 30, 1980" in the second sentence and inserting in lieu thereof "September 30, 1981".

EXTENSION OF FLEXIBLE INTEREST RATE AUTHORITY

SEC. 302. (a) Section 3(a) of Public Law 90–301 is amended by striking out "October 1, 1980" and inserting in lieu thereof "October 1, 1981".

AMENDMENTS TO THE PROGRAM ESTABLISHED BY THE EMERGENCY HOME PURCHASE ASSISTANCE ACT OF 1974

SEC. 303. (a) Section 3(b) of the Emergency Home Purchase Assistance Act of 1974 is amended by striking out "October 1, 1980" and inserting in lieu thereof "October 1, 1981".

(b) Section 313 of the National Housing Act is amended—

(1) by striking out "mortgages" in the first sentence of subsection (a)(1) and inserting in lieu thereof "mortgages and securities";

(2) by striking out "mortgages (1) which cover more than four-family residences" and all that follows through "(2)" in the first sentence of subsection (b) and inserting in lieu thereof "(1) securities guaranteed by the Association and backed by mobile home and lot, or mobile home, loans or advances of credit insured under title I of the National Housing Act, or (2) mortgages";

(3) by inserting "or guaranteed under title V of the Housing Act of 1949" before "or by qualified" in the first sentence of subsection (b);

(4) by striking out "or to finance" and all that follows through "Act" in subsection (b)(A);

(5) by striking out "$42,000" and all that follows in subsection (b)(B) and inserting in lieu thereof "$60,000, or $67,500 in Alaska, Hawaii, Guam, and any other geographical area where the Secretary authorizes such increased amount on the basis of a finding that cost levels so require;";

(6) by striking out "the lesser of (i) 7½ per centum per annum, or (ii)" in subsection (b)(C);

(7) by striking out "$48,000" and all that follows in subsection (b)(D) and inserting in lieu thereof "105 per centum of the amount described in paragraph (B) of this subsection; and";

(8) by adding the following new sentence at the end of subsection (b): "A security may be purchased under this section only if all of the mobile home and lot, or mobile home, loans or advances of credit backing such security (i) finance the acquisition of residences (including lots on which such residences are located) which will be the principal residences of the borrowers, and (ii) involve an interest rate not in excess of that which the Secretary may prescribe, taking into account the cost of funds and administrative costs under this section, but in no event shall such rate exceed the rate set by the Secretary and applicable to loans and advances of credit insured under title I of the National Housing Act, and no State or local usury law or comparable law establishing interest rates or prohibiting or limiting the collection or amount of discount points or other charges in connection with loan or advance of credit transactions or any State law prohibiting the coverage of insurance required by the Association shall apply to such transactions under this section.";

(9) by inserting "or securities" after "mortgages" the first time it appears in subsection (d)(2);

(10) by inserting "or securities" after "mortgages" in subsection (f)(1);

(11) by striking out "enactment of this section" in subsection (e) and inserting in lieu thereof "the issuance of the commitment to purchase the mortgage"; and

(12) by striking out subsection (h).

RESEARCH AUTHORIZATIONS

SEC. 304. The second sentence of section 501 of the Housing and Urban Development Act of 1970 is amended by striking out "and not to exceed $50,300,000, for the fiscal year 1980" and inserting in lieu thereof "not to exceed $50,300,000 for the fiscal year 1980, and not to exceed $50,000,000 for the fiscal year 1981".

FEDERAL HOUSING ADMINISTRATION GENERAL INSURANCE FUND

SEC. 305. Section 519(f) of the National Housing Act is amended by striking out all that follows "General Insurance Fund not to exceed" and inserting in lieu thereof "$1,738,000,000.".

AUTHORIZATION FOR FLOOD INSURANCE STUDIES

SEC. 306. Section 1376(c) of the National Flood Insurance Act of 1968 is amended by striking out "and not to exceed $74,000,000 for the fiscal year 1980" and inserting in lieu thereof "not to exceed $74,000,000 for the fiscal year 1980, and not to exceed $61,600,000 for fiscal year 1981".

AUTHORITY TO PROTECT FEDERAL GOVERNMENT'S INTERESTS IN CERTAIN SITUATIONS

SEC. 307. (a) Section 306(g) of the Federal National Mortgage Association Charter Act is amended—

(1) by striking out "Any Federal, State, or other law to the contrary notwithstanding, the" in the fourth sentence and inserting in lieu thereof "The"; and

(2) by inserting after the fourth sentence the following new sentence: "No State or local law, and no Federal law (except Federal law enacted expressly in limitation of this subsection after the effective date of this sentence), shall preclude or limit the exercise by the Association of (A) its power to contract with the issuer on the terms stated in the preceding sentence, (B) its rights to enforce any such contract with the issuer, or (C) its ownership rights, as provided in the preceding sentence, in the mortgages constituting the trust or pool against which the guaranteed securities are issued.".

(b) Title V of the National Housing Act is amended by adding the following new section at the end thereof:

"PROTECTION OF RIGHTS AND INTERESTS

"SEC. 530. Neither the holder of a mortgage insured under title II of this Act and covering five or more dwelling units, nor the Secretary as insurer or holder of such a mortgage insured or formerly insured under this Act, shall be precluded, limited, or delayed in the exercise of any rights or remedies provided in the mortgage or in any contract or agreement governing the maintenance or operation of the property secured by the mortgage, by the provisions of any Federal law, except Federal law enacted expressly in limitation of this section after its effective date.".

INCREASE IN GOVERNMENT NATIONAL MORTGAGE ASSOCIATION MORTGAGE PURCHASE AUTHORITY

SEC. 308. Section 305(c) of the Federal National Mortgage Association Charter Act is amended by inserting the following before the period at the end thereof: ", and by $900,000,000 on October 1, 1980".

INCREASE IN AMOUNTS WHICH MAY BE INSURED UNDER MULTIFAMILY AND INSTITUTIONAL AUTHORITIES IN THE NATIONAL HOUSING ACT TO COVER THE COST OF SOLAR ENERGY SYSTEMS

SEC. 309. (a) Section 213 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(p) Notwithstanding any other provision of this section, the project mortgage amounts which may be insured under this section may be increased by up to 20 per centum if such increase is necessary to account for the increased cost of the project due to the installation of a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act).".

(b) Section 220(d)(3)(B)(iii) of such Act is amended by striking out "; and" at the end thereof and inserting in lieu thereof ": *Provided further*, That the mortgage amounts which may otherwise be insured under this subparagraph may be further increased by up to 20 per centum if such increase is necessary to account for the increased cost of the project due to the installation of a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act); and".

(c) Section 221 of such Act is amended by adding at the end thereof the following new subsection:

"(k) The Secretary may, with respect to any project insured under subsection (d)(3) or (d)(4), to increase the mortgage amounts which may be insured under those subsections by up to 20 per centum if such increase is necessary to account for the increased cost of the project due to the installation of a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act).".

(d) Section 231(c)(2) of such Act is amended by inserting the following before the semicolon at the end thereof ": *Provided*, That the mortgage amounts which may be insured under this section may be increased by up to 20 per centum if such increase is necessary to account for the increased cost of the project due to the installation of a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act)".

(e) Section 232(d)(2) of such Act is amended to read as follows:

"(2) The mortgage shall involve a principal obligation in an amount not to exceed 90 per centum of the estimated value of the property or project, including—

"(A) equipment to be used in the operation of the home or facility or combined home and facility when the proposed improvements are completed and the equipment is installed; or

"(B) a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act).".

(f) Section 234 of such Act is amended by adding at the end thereof the following new subsection:

"(j) The blanket mortgage amounts which may be insured under subsection (e) may be increased by up to 20 per centum if such increase is necessary to account for the increased cost of a project due to the installation of a solar energy system (as defined in subparagraph (3) of the last pargraph of section 2(a) of this Act).".

(g) Section 242(d)(2) of such Act is amended to read as follows:

"(2) The mortgage shall involve a principal obligation in an amount not to exceed 90 per centum of the estimated replacement cost of the property or project including—

"(A) equipment to be used in the operation of the hospital, when the proposed improvements are completed and the equipment is installed; and

"(B) a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act).".

(h) Section 1101(c)(2) of such Act is amended by inserting after "the boundaries of the property," the following: "a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act),".

DEFINITION OF MORTGAGE IN THE NATIONAL HOUSING ACT

SEC. 310. Section 201(a) of the National Housing Act is amended by striking out "having a period of not less than fifty years to run from the date the mortgage was executed" and inserting in lieu thereof "having a period of not less than ten years to run beyond the maturity date of the mortgage".

SECTION 220 MORTGAGE INSURANCE IN AREAS OF CONCENTRATED COMMUNITY DEVELOPMENT ACTIVITIES

SEC. 311. (a) Section 220(d)(1)(A) of the National Housing Act is amended by inserting after "pursuant to section 117 of the Housing Act of 1949" the following: ", or (v) an area, designated by the Secretary, where concentrated community development activities under title I of the Housing and Community Development Act of 1974 are being or will be carried out".

(b) Section 220(d)(3)(B)(iv) of such Act is amended by inserting after "urban renewal plan" the following: "or, where appropriate, with community development activities carried out under title I of the Housing and Community Development Act of 1974".

TEMPORARY MORTGAGE ASSISTANCE PAYMENTS

SEC. 312. Section 230 of the National Housing Act is amended to read as follows:

"TEMPORARY MORTGAGE ASSISTANCE PAYMENTS AND ACQUISITION OF MORTGAGES TO AVOID FORECLOSURE

"SEC. 230. (a)(1) Upon receiving notice of the default of any mortgage covering a one-, two-, three-, or four-family residence insured under this Act, the Secretary (for the purpose of avoiding foreclosure of the mortgage, and notwithstanding the fact that the Secretary has previously approved a request of the mortgagee for an extension of the time for curing the default and of the time for commencing foreclosure proceedings or for otherwise acquiring title to the mortgaged property, or has approved a modification of the mortgage for the purpose of changing the amortization provisions by recasting the unpaid balance) may make all or part of the monthly payments due under the mortgage directly to the mortgagee on behalf of the mortgagor, if such default was caused by circumstances which are beyond the mortgagor's control and render the mortgagor temporarily unable to correct a mortgage delinquency and to resume full mortgage payments. Payments may be made only in accordance with the provisions of this subsection and shall be subject to any additional requirements the Secretary may prescribe.

"(2) No payments may be provided under this subsection unless the Secretary has determined that such payments are necessary to avoid foreclosure and that there is a reasonable prospect that the mortgagor will be able—

"(A) to resume full mortgage payments upon termination of assistance under this subsection;

"(B) to commence repayment of the payments made under this subsection at a time designated by the Secretary; and

"(C) to pay the mortgage in full by its maturity date or by a later date for completing the mortgage payments previously approved by the Secretary under section 204(a) of this Act.

"(3) Payments under this subsection may be in an amount determined by the Secretary up to the amount of the principal, interest, taxes, assessments, ground rents, hazard insurance, mortgagee's expenses in connection with payments or repayments under this subsection, and mortgage insurance premiums due under the mortgage, and the initial payment may include an amount necessary to make the payments on the mortgage current. Payments may not exceed amounts which the Secretary determines to be necessary to supplement the amounts, if any, which the mortgagor is capable of contributing toward the mortgage payments.

"(4) Payments under this subsection may be provided for a period of not to exceed eighteen months, inclusive of any period of default for which payments are provided. Such period may be extended, in the Secretary's discretion, for not to exceed eighteen months where the Secretary has determined that such extension is necessary to avoid foreclosure and that there is a reasonable prospect that the mortgagor will be able to make the payments and repayments specified in paragraph (2) of this subsection. The Secretary shall establish procedures for periodic review of the mortgagor's financial circumstances for the purpose of determining the necessity for continuation, termination, or adjustment in the amount of the payments. Payments shall be discontinued at any time when the Secretary determines that, because of changes in the mortgagor's financial circumstances, the payments are no longer necessary to avoid foreclosure or that there is no longer a reasonable prospect that the mortgagor will be able to make the payments and repayments specified in paragraph (2) of this subsection.

"(5) All payments shall be secured by a lien on the property and by such other obligation as the Secretary may require. Payments shall be repayable upon terms and conditions prescribed by the Secretary, and such terms and conditions shall include requirements for repayment of any amount paid by the Secretary toward a mortgagee's expenses in connection with the payment or repayments made under this subsection. The Secretary shall establish interest charges on payments made under this subsection; such charges shall be at a rate (A) not less than the current average yield on outstanding marketable obligations of the United States of medium term issued during the six months preceding the making of the initial payment on behalf of the mortgagor concerned, and (B) not more than the maximum interest rate applicable with respect to mortgages insured pursuant to section 203(b) of this Act. Such charges shall be payable notwithstanding any provision of any State constitution or law or local law which limits the rate of interest on loans or advances of credit.

"(6) Payments under this subsection may be made without regard to whether the Secretary has previously taken action to avoid mortgage acquisition or foreclosure, except that payments may be provided on behalf of a mortgagor previously assisted under this section only in cases in which full mortgage payments (and any repayments to the Secretary which may have been requested) have been made by such mortgagor for at least 12 months from the time such previous assistance under this section was terminated.

"(b)(1) When the Secretary receives notice of a default described in subsection (a)(1) and makes a determination that assistance under subsection (a) would be impracticable in the case of the mortgagor, the Secretary (for the purpose of avoiding foreclosure of the mortgage, and notwithstanding the facts described in the parenthetical material of subsection (a)(1) and the fact that payments have been made under subsection (a) with respect to the mortgage) may acquire the mortgage and security therefor upon payment of the insurance benefits in an amount equal to the unpaid principal balance of the mortgage plus any unpaid mortgage interest and reimbursement for such costs and attorney's fees as the Secretary finds were properly incurred in connection with the defaulted mortgage and its assignment to the Secretary, and for any proper advances theretofore made by the mortgagee under the provisions of the mortgage. After the acquisition of such mortgage by the Secretary, the mortgagee shall have no further rights, liabilities, or obligations with respect thereto. The provisions of section 204 relating to the issuance of debentures incident to the acquisition of foreclosed properties shall apply with respect to debentures issued under this subsection, and the provisions of section 204 relating to the rights, liabilities, and obligations of a mortgagee shall apply with respect to the Secretary when the Secretary has acquired an insured mortgage under this section, in accordance with and subject to regulations (modifying such provisions to the extent necessary to render their application for such purpose appropriate and effective) which shall be prescribed by the Secretary.

"(2) The Secretary may provide assistance, to a mortgagor whose mortgage has been acquired under paragraph (1) of this subsection, through forebearance of interest or principal, or both, or through other means, for a period of not more than eighteen months after acquisition of the mortgage, if the mortgagor has not been assisted under subsection (a) within twelve months of the date of such acquisition and if the Secretary determines that there is a reasonable prospect that the mortgagor will be able to meet the conditions described in subsection (a)(2). Such period may be extended, in the Secretary's discretion, for not to exceed eighteen months where the Secretary has determined that such extension is necessary to avoid foreclosure and that there is a reasonable prospect that the mortgagor will be able to meet the conditions described in subsection (a)(2). Such assistance (including any expenses of the Secretary incurred in connection with providing such assistance) shall be repayable upon terms and conditions prescribed by the Secretary and shall be subject to the same interest rate chargeable for repayments of assistance made under subsection (a). Such rate shall be payable notwithstanding any provision of any State constitution or law or local law which limits the rate of interest on loans or advances of credit.

"(c) All expenditures made under this section shall be made from the insurance fund chargeable for insurance benefits on the mortgage covering the property to which the payments made relate, and any payments received under this section shall be credited to such fund.

"(d) The Secretary shall, to the extent practicable, provide home ownership counseling to persons assisted under this section."

REPORT OF HOUSING PRODUCTION GOALS

Sec. 313. Section 1603 of the Housing and Urban Development Act of 1968 is amended—

(1) by striking out "January 20 of each year" and inserting in lieu thereof "March 15 of every other year beginning with calendar year 1981";

(2) by inserting after "preceding year" in paragraph (1) the following: "In the case of the report due in calendar 1981 and the preceding two years in the case of subsequent reports";

(3) by inserting after "current year" in paragraph (2) the following: "and sets general objectives for such activity during the next year";

(4) by striking out "objective" in paragraph (3) and inserting in lieu thereof "objectives": and

(5) by inserting after "current year" in paragraph (7) the following: "and, as feasible, the next year".

FOR THE RELIEF OF THE CITY OF SPRINGFIELD, ILLINOIS

Sec. 314. Notwithstanding the provisions of title VII of the Housing Act of 1961 or any other law, the transactions under which land acquired by the city of Springfield, Illinois, in connection with Open-Space Projects Numbered Ill.—OSC-171 (DL) and Numbered Ill.—OSC-246 (DL) was transferred by such city to the United States Department of the Interior for the Lincoln Home National Historic Site shall be deemed to have been made in accordance with all provisions of title VII of such Act and of any other law and with any regulations or other requirements in implementation thereof.

EXTENSION ON DEADLINE FOR ENERGY CONSERVATION STANDARDS FOR NEW BUILDINGS

Sec. 315. Paragraphs (1) and (2) of section 304(a) of the Energy Conservation Standards for New Buildings Act of 1976 are amended by striking out "within 6 months after the date of publication of the proposed standards" in the last sentence of each such paragraph and inserting in lieu thereof "by August 1, 1982,".

LIMITS ON MORTGAGE AMOUNTS WHICH MAY BE PURCHASED UNDER CERTAIN SECONDARY FINANCING PROGRAMS

Sec. 316. (a) Section 302(b)(2) of the Federal National Mortgage Association Charter Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The corporation shall establish limitations governing the maximum principal obligation of conventional mortgages purchased by it. Such limitations shall not exceed a maximum limitation of $93,750 for a mortgage of a single-family residence, $120,000 for two-family dwelling units, $145,000 for three-family units, and $180,000 for four-family dwelling units; except that such maximum limitation shall be adjusted as of January 1 of each year beginning with 1981. Each such adjustment shall be made by adding to such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage of increase during the 12-month period ending with the previous October in the Federal Home Loan Bank Board series for average prices for new and existing homes. The foregoing limitation may be increased by not to exceed 50 per centum with respect to properties located in Alaska, Guam, and Hawaii. With respect to mortgages of property comprising five or more family dwelling units, such limitations shall not exceed 125 per centum of the limitations established under section 207(c)(3) of the National Housing Act.".

(b) Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The Corporation shall establish limitations governing the maximum principal obligation of conventional mortgages purchased by it. Such limitations shall not exceed a maximum limitation of $93,750 for a mortgage of a single-family residence, $120,000 for two-family dwelling units, $145,000 for three-family dwelling units, and $180,000 for four-family dwelling units; except that such maximum limitation shall be adjusted as of January 1 of each year beginning with 1981. Each such adjustment shall be made by adding to such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage of increase during the 12-month period ending with the previous October in the Federal Home Loan Bank Board series for average prices for new and existing homes. The foregoing limitation may be increased by not to exceed 50 per centum with respect to properties located in Alaska, Guam, and Hawaii. With respect to mortgages of property comprising five or more family dwelling units, such limitations shall not exceed 125 per centum of the limitations established under section 207(c)(3) of the National Housing Act.".

SUPPLEMENTARY LOANS

Sec. 317. Section 241(e)(1) of the National Housing Act is amended by inserting after "multifamily housing project" the following: "if such meters are purchased or installed in connection with other energy conserving improvements or with a solar energy system or the project meets minimum standards of energy conservation established by the Secretary.".

MORTGAGE LIMITS

Sec. 318. (a) Section 203(b)(2) of the National Housing Act is amended by striking out everything through "or $107,000 in the case of a four-family residence;" and inserting in lieu thereof the following:

"(2) Involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve) in an amount not to exceed $75,000 in the case of property upon which there is located a dwelling designed principally for a one-family residence; or $84,440 in the case of a two-family residence (whether or not such one- or two-family residence may be intended to be rented temporarily for school purposes); or $102,210 in the case of a three-family residence, or $118,880 in the case of a four-family residence;".

(b) Section 220(d)(3)(A)(i) of such Act is amended—

(1) by striking out "$67,500" and inserting in lieu thereof "$75,000";

(2) by striking out "$76,000" and inserting in lieu thereof "$84,440";

(3) by striking out "$92,000" and inserting in lieu thereof "$102,210";

(4) by striking out "$107,000" and inserting in lieu thereof "$118,880"; and

(5) by striking out "$8,250" and inserting in lieu thereof "$9,165".

(c) Section 222(b)(2) and section 234(c) of such Act are amended by striking out "$67,500" in each such section and inserting in lieu thereof "$75,000".

LIMITS ON LOANS FOR MOBILE HOMES AND LOTS

Sec. 319. (a) Section 2(b) of the National Housing Act is amended—

(1) by striking out "$18,000 ($27,000 in the case of a mobile home composed of two or more modules)" in the first sentence and inserting in lieu thereof "$20,000 ($30,000 in the case of a mobile home containing two or more modules)";

(2) by striking out subparagraph (A) of the second paragraph and inserting in lieu thereof "(A) involve an amount not exceeding $26,675 ($36,675 in the case of a mobile home composed of more than two modules); and";

(3) by striking out subparagraph (A) of the third paragraph and inserting in lieu thereof "(A) involve an amount not exceeding $30,550 ($40,550 in the case of a mobile home composed of two or more modules); and";

(4) by striking out "$6,250 in the case of an undeveloped lot, or (ii) $9,375" in the fourth paragraph and inserting in lieu thereof "$6,950 in the case of an undeveloped lot, or (ii) $10.425"; and

(5) by adding the following new sentence at the end of the last paragraph: "In other high-cost areas, the Secretary may, by regulation, increase any such dollar amount limitation to—

"(1) $29.500 (or $38.500 with respect to a mobile home composed of two or more modules) in the case of a mobile home and an undeveloped lot;

"(2) $35.575 (or $44.575 with respect to a mobile home composed of two or more modules) in the case of a mobile home and a developed lot; and

"(3) $11.750 (or $17,450 with respect to a developed lot) in the case of a lot on which to place a mobile home.".

TITLE INSURANCE RELIEF

Sec. 320. Section 203 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(p)(1) Notwithstanding any other provision of this section or any other section of this title, the Secretary is authorized to insure, and to commit to insure, under subsection (b) of this section as modified by this subsection a mortgage which meets both the requirements of this subsection and such criteria as the Secretary by regulation shall prescribe to further the purpose of this subsection, in any community where the Secretary determines that—

"(A) temporary adverse economic conditions exist throughout the community as a direct and primary result of outstanding claims to ownership of land in the community by an American Indian tribe, band, or nation; and

"(B) such ownership claims are reasonably likely to be settled, by court action or otherwise; and

"(C) fifty or more individual homeowners were joined as parties defendant or were members of a defendant class prior to March 1, 1980, in litigation involving claims to ownership of land in the community by an American Indian tribe, band, group, or nation pursuant to a dispute involving the Trade and Intercourse Act of 1790, or any similar State or Federal law.

"(2) A mortgage shall be eligible for insurance under subsection (b) of this section as modified by this subsection without regard to limitations in this title relating to marketability of title, or any other statutory restriction which the Secretary determines is contrary to the purpose of this subsection, but only if the mortgagor is an owner-occupant of a home in a community specified in paragraph (1). The Secretary, in connection with any mortgage insured under subsection (b) as modified by this subsection, shall have all statutory powers, authority, and responsibilities which the Secretary has with respect to other mortgages insured under subsection (b), except that the Secretary may modify such powers, authority, or responsibilities where the Secretary deems such action to be necessary because of the special nature of the mortgage involved. Notwithstanding section 202 of this title, the insurance of a mortgage under subsection (b) of this section as modified by this subsection shall be the obligation of the Special Risk Insurance Fund created pursuant to section 238 of this title.".

NEIGHBORHOOD REINVESTMENT CORPORATION

SEC. 321. (a) Section 608(a) of the Neighborhood Reinvestment Corporation Act is amended by striking out "and", and by inserting the following before the period at the end thereof: ", and not to exceed $13,500,000 for fiscal year 1981".

(b) Section 603(a) of such Act is amended by striking out "National".

(c) Section 606(a)(1) of such Act is amended by striking out "supervising" in the first sentence and inserting in lieu thereof "monitoring".

STUDY

SEC. 322. (a) The Secretary of Housing and Urban Development shall study the feasibility of utilizing manufactured and other appropriate types of housing (other than the traditional type of site-built housing), to the extent practicable, in carrying out housing programs for Indians and Alaskan Natives.

(b) The Secretary shall, not later than eighteen months after the date of the enactment of this Act, transmit a report to the Congress containing the findings and conclusions of such study, including a comparison of the costs and benefits of utilizing the traditional type of site-built housing and of utilizing other types of housing in situations in which either type of housing could be used.

FEDERAL NATIONAL MORTGAGE ASSOCIATION AUTHORITY

SEC. 323. (a) Section 302(b)(2) of the Federal National Mortgage Association Charter Act is amended by adding at the end thereof the following sentence: "For the purposes of this section, the term 'conventional mortgages' shall include a mortgage, lien, or other security interest on the stock or membership certificate issued to a tenant-stockholder or resident-member of a cooperative housing corporation, as defined in section 216 of the Internal Revenue Code of 1954, and on the proprietary lease, occupancy agreement, or right of tenancy in the dwelling unit of the tenant-stockholder or resident-member in such cooperative housing corporation.".

(b) Section 302(b) of such Act is amended by adding at the end thereof the following:

"(4) The corporation is authorized to purchase, service, sell, lend on the security of, and otherwise deal in loans and advances of credit secured by mortgages or other liens against mobile homes."

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION AUTHORITY

SEC. 324. Section 305 of the Federal National Mortgage Association Charter Act is amended by adding the following new subsection at the end thereof:

"(k) If the Association holds any mortgage secured by property which was conveyed to the mortgagor by the Public Housing Administration pursuant to the Lanham Act (42 U.S.C. 1521 et seq.) and if, in so covering such property, the purchase price exceeded the Public Housing Administration's fair market value appraisal of such property, the Association may reduce the remaining amount of principal and interest due on such mortgage to the extent that the purchase price exceeded the appraisal."

TIME OF PAYMENT OF PREMIUM CHARGES

SEC. 325. Title V of the National Housing Act, as amended by section 307(b) of this Act, is amended by adding the following new section at the end thereof:

"TIME OF PAYMENT OF PREMIUM CHARGES

"SEC. 531. In carrying out the provisions of titles I, II, IV, VII, VIII, IX, X, and XI pertaining to the payment of loan or mortgage insurance premium charges by a financial institution, other mortgages, or agent thereof to the Federal Government in connection with a loan or mortgage insurance program established pursuant to any of these titles, the Secretary shall require that payment of such premiums be made promptly upon their receipt from the borrower; except that the Secretary may approve payment of such premiums within twelve months of such receipt if the financial institution, mortgagee, or agent thereof pays interest, at a rate specified by the Secretary, to the insurance fund for the period beginning twenty days after receipt from the borrower and ending upon payment of the premiums to the Federal Government."

ELIMINATION OF SECTION 8 CONDITION ON GOVERNMENT NATIONAL MORTGAGE ASSOCIATION PURCHASE OF CERTAIN MULTIFAMILY MORTGAGES

SEC. 326. Section 302(b)(1) of the Federal National Mortgage Association Charter Act is amended—

(1) by striking out "(1)" in the second sentence; and

(2) by striking out ", and (2)" and all that follows through "1937" in the second sentence.

COMMITTEE AMENDMENTS

The CHAIRMAN pro tempore. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: On page 65, line 5, insert "(a)" after "302.".

On page 65, after line 7, insert the following new subsection:

(b) Section 3(a) of such Act is amended—

(1) by inserting the following after "finds necessary to meet the mortgage market," in the first sentence thereof: "taking into consideration the yields on mortgages in the primary and secondary markets,";

(2) by inserting the following after "finds necessary to meet the loan market" in the second sentence; ", taking into consideration the yields on home improvements and mobile home loans";

(3) by inserting ", no less frequently than quarterly," after "to set" in the first and second sentences; and

(4) by adding the following new sentence at the end thereof: "In setting such rates, the Secretary shall seek to minimize discount points and uncertainty and speculation in connection with mortgage and loan transactions insured under the National Housing Act."

Page 68, strike out line 14 and insert in lieu thereof the following:

(12) by striking out subsection (h) and inserting in lieu thereof the following new subsection:

"(h) In carrying out the provisions of this section, the Association shall, to the extent practicable, purchase mortgages secured by dwelling units which contribute to the conservation of land and energy resources."

Page 76, line 5, insert after "resume full mortgage payments" the following: "within thirty-six months after the beginning of the period for which such payments are provided or".

Page 78, line 1, strike out "shall" and insert in lieu thereof "may".

Page 78, line 4 strike out "shall" and insert in lieu thereof "may".

Page 78, line 5, strike out "such charges shall be" and all that follows through "(B) not more than" in line 8 and insert in lieu thereof "except that such charges shall not exceed a rate which is more than".

Page 80, line 19, strike out "(including" and insert in lieu thereof "(which may include".

Page 81, after line 2, insert the following new paragraph:

"(3) In carrying out paragraph (1), the Secretary may acquire a mortgage, with respect to which assistance was being provided under subsection (a) immediately prior to such acquisition, for the sole purpose of extending the term of repayment under the mortgage so that the mortgagor will be able to make the full payments on the mortgage."

Mr. ASHLEY (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendments be considered as read, printed in the RECORD, and that they be considered en bloc.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. WYLIE. Mr. Chairman, reserving the right to object, I will not object if the gentleman will exclude from considering the amendments en bloc the amendment found on page 93 referring to Assistant for Hispanic Affairs.

Mr. ASHLEY. Mr. Chairman, if the gentleman would yield, I would amend my unanimous consent request that the committee amendments be considered en bloc to be exclusive of the amendment just referred to by the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio (Mr. ASHLEY), as modified?

There was no objection.

The CHAIRMAN pro tempore. The

question is on the remaining committee amendments en bloc.

The committee amendments were agreed to.

☐ 1610

The CHAIRMAN. The Clerk will report the last committee amendment.

The Clerk read as follows:

> Committee amendment: Page 93, line 11, insert the following:
>
> ASSISTANT FOR HISPANIC AFFAIRS
>
> SEC. 327. Section 4 of the Department of Housing and Urban Development Act of 1965 is amended by adding the following new subsection at the end thereof:
>
> "(e) There shall be in the Department an Assistant for Hispanic Affairs who along with his or her professional staff shall be responsible for coordinating and assisting in the development of housing and community development programs as they relate to Hispanics. The Assistant for Hispanic Affairs shall be designated not later than sixty days after the date of enactment of this subsection."

Mr. WYLIE. Mr. Chairman, I rise in opposition to the committee amendment.

Mr. Chairman, on page 93 at line 12 is an amendment providing for an Assistant to the Secretary of HUD for Hispanic Affairs. Now, I thought this was some kind of a joke when I first heard about it, except that the amendment was adopted in committee. This would require the Secretary of HUD—and I say require—it would mandate the Secretary of HUD to hire an Assistant for Hispanic Affairs.

Now, an amendment like this flies in the face of everything sacred to the melting pot concept that has helped to make America great. It writes into law a concept of a permanent nationality group in America. Now, if we are going to adopt an amendment like this, I would like to include the Germans. I have a lot of Germans in my district. I would like to include the Italians. There are a lot of Italians in my district. What about the Greeks and the Irish? My wife happens to be Irish, so I want to include her. I am Scotch-Irish, so maybe we ought to include the Scotch. I had an amendment drafted to include the Ukrainians also, I say to Mr. VANIK, and all these other groups.

I thought I might be misunderstood, and I do not want to be misunderstood. I am not for creating all these assistants to the HUD Secretary. As a matter of fact, what I really would like to do would be to order HUD to reduce some of its hiring and to hire fewer employees, and not more.

Now, an editorial which appeared in the Citizen Journal, which is a Scripps-Howard newspaper and is circulated in my district, I think makes the point here. It refers to a regulation adopted by the Secretary of Education, Shirley Hufstedler, by which she committed herself to provide for bilingual education in all of the Nation's public schools. This Scripps-Howard editorial says:

> Preserving native customs and traditions is a good thing, but it can be overdone in the American melting pot. There is reason to suspect that separatism may follow the spread of bilingual education. The Quebec Separatist movement is an example of the problems caused by too much emphasis on maintaining separate customs and languages. The English language is one of the glues that holds the United States together. The sooner a child learns it, the better equipped he or she will be to function in our society and become a productive member of it.

Now, to be sure, this does not deal directly with bilingual education, but the analogy is there. Now, it would not be so bad except that the Secretary of HUD has already thought of this, and just recently, back in May, appointed Eva Guevara, formerly in the administration of Mayor Marion Barry, as a Special Assistant for Hispanic Affairs for Sterling Tucker, the Assistant Secretary for Housing and Urban Development for Fair Housing and Equal Opportunity.

I am for equal opportunity; we are all for equal opportunity, but let us make it truly equal opportunity. Let us not make it special opportunity, and that is what this amendment does. It is special legislation for a special group, and I think it is a very mischievous amendment and would therefore urge my colleagues to vote to delete this amendment from the bill.

Ms. OAKAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, again I do not like to disagree with my good friend from Ohio. This is an add-on in the bill, but the committee felt it was very, very necessary.

I would just like to say, I do not know that we are a melting pot as was stated by the gentleman from Ohio. I think we are a mosaic of various cultures, and there are many, many people, particularly Spanish-speaking people, who have particular problems not only with language, but in terms of income. In fact, one of the most deprived groups of people has been Spanish-speaking people.

Many of them qualify for subsidized housing, but never are able to take advantage of it because they have a language difficulty and simply not informed adequately about the program. The committee recognized that while we have addressed ourselves in part to the native American difficulties, we felt the need for at least the extension of this particular bill, that there be a person who would be called an Assistant to the Department of Housing for Hispanic Affairs, to address the special needs of Spanish-speaking people.

Unless we address these needs in terms of housing comprehensively, by having an assistant to assist the needs of Hispanics, we may see again a whole segment of society deprived. I, for one, feel that this is a minimal kind of professional staff that HUD should have. If HUD does not address the problem comprehensively, then we have to create a position to take a look at this problem.

This is a very small thing to do to provide one job slot to meet the housing needs of Hispanics. I do not think it is fair to compare, for example, various ethnic groups who are Anglo-Saxon, for example, with Hispanics, who are minorities, who view English as a second language and most of the time happen to be poor. Once we reconcile the problems that Spanish-speaking people have in terms of housing we will not need one person on the staff of HUD raised to the level of an assistant to deal with this problem. But we need this position now. It is a real problem. It is a difficulty, and it is the least we should do.

Mr. WYLIE. Mr. Chairman, will the gentlewoman yield?

Ms. OAKAR. I will be happy to yield.

Mr. WYLIE. I respect the gentlewoman from Cleveland, Ohio, very much, and I respect the viewpoint which she espouses. Would she suggest that we include an assistant to the Secretary for Hungarian Affairs?

Ms. OAKAR. If I felt they were deprived and in need of a special assistant, of course.

Mr. WYLIE. But there is an assistant to the Secretary for Minority Affairs.

Ms. OAKAR. I think, though, that we have had such an influx of people coming to this country who happen to be Spanish-speaking, who view English as a second language, and they are minorities, quite honestly I do not think that it is fair to compare apples and oranges. We all understand there is a terrific difference in terms of the problems the Spanish-speaking people face in this country. I happen not to be Spanish-speaking, but I feel the need to defend this section of the bill because I think there was much thought put behind it.

☐ 1620

And I think that would be an interim kind of activity, but let us give the Spanish-speaking people an opportunity to have someone in the Department who understands that they have a comprehensive need in terms of housing.

Mr. WYLIE. Mr. Chairman, will the gentlewoman yield again?

Ms. OAKAR. I am happy to yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, that is precisely the point I make. There are a lot of Spanish-speaking people coming into the United States right now, and I think if they are going to come here, there ought to be some emphasis on their learning the English language.

Now, when they come to America, under this bill—and this is a housing bill—I assume they are coming here to buy a house or rent a house or do something like that, and therefore, they are going to make a permanent residence here. So if they are going to be permanent residents of the United States, what is wrong with having them governed by the same laws that govern every other resident of the United States? Why should they be singled out?

Ms. OAKAR. People do not learn another language instantly. Whether they know a language or not, one of the first needs of a people is a place to live. Besides we are not only speaking of the recent arrival of Spanish-speaking people. We are speaking of the millions of Spanish-speaking—some who have been here for years—who have a great need for decent housing.

Mr. BLANCHARD. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the committee amendment.

Mr. Chairman, let me simply say that I have a very high regard for the gentleman from Ohio (Mr. WYLIE), who is offering his opposition to the amendment, but we are not really talking about just another group or for that matter a quota or some sort of ethnic slot. We are talking about a group of people who live here already and which includes some 20 million Americans.

Heretofore, these 20 million Americans were unrecognized. Their needs however are every bit as deep and substantial as are those of other groups that are already served by HUD's programs. Perhaps they are not served as well as they should be, but some of their needs are already served by the Department.

The committee amendment does not create an Assistant Secretary for Hispanic Affairs. Rather, it was very carefully drafted, and simply sets up an Assistant to the Secretary to coordinate and assist him in developing current housing programs as they relate to the Hispanic Americans. That is something which the people in Michigan and perhaps Ohio certainly can appreciate. Ohio perhaps does not have a large number of Hispanic Americans, but many parts of the country do have large numbers of Hispanic Americans and in this respect it is a very critical problem.

I would say that we will find that Hispanic Americans may constitute the largest minority group in the Nation by the end of this decade. Many other ethnic groups are already in the mainstream and the Federal programs we have enacted for them now work out rather smoothly.

Mr. Chairman, that is why we adopted the amendment, and that is why I support the amendment.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. BLANCHARD. I am happy to yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, let me ask, what is so different about the way Hispanics live than the way other nationalities live? This is a housing bill, I remind the gentleman.

Mr. BLANCHARD. Mr. Chairman, I think if the gentleman were to have in front of him a survey of income characteristics, housing characteristics, needs, and conditions and concentrations of Hispanics, he would find a world of difference. It is not just that they have a different language, but there is a world of difference in their conditions and these differences justify such a position.

The fact that HUD has apparently not responded very well in previous years to the critical problems of this group is why this position was established. I am mindful of the fact that we do not go around creating Assistant Secretaries every other day for one group or another. This position is simply—and I quote—"an Assistant for Hispanic Affairs who along with his or her professional staff shall be responsible for coordinating and assisting in the development of housing and community development programs as they relate to Hispanics."

Mr. Chairman, I do not think we are wrong in legislating in this regard. It is done to help resolve a very, very serious problem.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. BLANCHARD. I am happy to yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, the point I wanted to make is that there are people here from Vietnam. There must be 100,000 Asian-Americans on the west coast who have very difficult housing problems and who congregate together.

Would the gentleman support an amendment if I offered an amendment to provide an Assistant to the Secretary for Asians?

Mr. BLANCHARD. Mr. Chairman, this, I repeat, does not create an Assistant Secretary.

Mr. WYLIE. It says, "There shall be in the Department an Assistant for Hispanic Affairs . . ."

I just want to do the same thing for these other people if they have the same kinds of problems.

Mr. BLANCHARD. Mr. Chairman, I do not believe that comparing such groups to one that includes 20 million Americans, is a sound analogy.

Mr. WYLIE. It is a matter of degree?

Mr. BLANCHARD. Yes, I think legislation oftentimes is a matter of degree. But we are talking about what will be the largest minority of Americans by the end of the decade, one which very few of us have recognized until recent years.

I am from Michigan and of Anglo-Saxon stock, but I can tell the Members that I was amazed when I saw the data on the large, large number of Hispanic Americans.

Mr. Chairman, I support the amendment, and I yield back the balance of my time.

Mr. ASHLEY. Mr. Chairman, I would like to get an idea as to time. This issue has been pretty well debated, and obviously there are no surprises. I am curious as to how many Members wish to speak.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude at 20 minutes to 5.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. ASHBROOK. Mr. Chairman, reserving the right to object, may I ask, how long has this amendment been debated? I think it has only been on for about 10 minutes.

Mr. ASHLEY. No, Mr. Chairman, the gentleman is mistaken. We have been on this amendment about 25 minutes.

Mr. ASHBROOK. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. Members standing at the time the unanimous consent request was agreed to will be recognized for 1 minute each.

(By unanimous consent, Mr. AuCOIN and Ms. OAKAR yielded their time to Mr. GARCIA).

Mr. EVANS of Indiana. Mr. Chairman, I ask unanimous consent that I may be allowed to yield my time to the gentleman from New York (Mr. GARCIA).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. ASHBROOK. Mr. Chairman, reserving the right to object, if we are going to stand up and deprive other Members of their time at this point by making these requests, I think I will object. I will not object at this time, but I think I will object in the future.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

(By unanimous consent, Mr. WEISS yielded his time to Mr. GARCIA).

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New York (Mr. GARCIA).

Mr. GARCIA. Mr. Chairman, I would like to say to the gentleman from Ohio that I am completely shocked because, after having a conversation with the gentleman from New Mexico, I was under the impression that this would not be taking place on this floor, and I would say to the gentleman that unless he has forgotten his own conversation with the gentleman from New Mexico, I would like to refresh his memory.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, may I ask what was the conversation that I had with the gentleman from New Mexico?

Mr. GARCIA. That in fact the gentleman would not be opposing this amendment.

Mr. WYLIE. I never said that at any time. I said that I was going to offer another amendment to provide all these other assistants to the Secretary, as a kind of a joke, to load up the canoe and sink it. But I thought that could be misunderstood, so I took another approach, a rather different approach.

Mr. Chairman, I think the amendment is bad, and I think it should be stricken.

Mr. GARCIA. Mr. Chairman, I would like to say that obviously the gentleman from Ohio has had a great deal of difficulty understanding the needs of a specific community within this country. It is a community that is new and growing, a community that we have seen, over the past several months arriving in this country.

Whether some of us appreciate the fact that they are arriving here or not is not the point. The point is that Cubans are arriving on our shores.

We have always had an assistant to the Secretary at HUD for Hispanic Affairs. Now, as a member who has been sitting on the committee much longer than I, this should be common knowledge.

☐ 1630

After the census is completed, I would say to the Members that this person who represents a very heavy Hispanic district, there are places in this country which will show for the first time a heavy concentration of Hispanics. If you go to the State of New Mexico, or if you go to the State of Texas, where the housing is different than that of an urban setting such as my district. What we are trying to do is to get HUD to move and to have the type of facilities there that would encourage HUD, not discourage HUD, to move ahead and help these particular people at this time in our history.

I would hope some day that we do not need an assistant for Hispanic affairs at HUD. But at this particular moment in our history, we do. We are living in an age today that is totally different than at any other time in the history of this country. And when you think that the census figures are going to show, without any doubt, that there are upward of 20 million Hispanics who are presently residents of this country, whether they be living here in the mainland or whether they be living in the Commonwealth of Puerto Rico, which also have their own separate housing problems, I know that this particular amendment is justified.

Yes; I may come at it from an emotional point of view because I am one of five Members of this Congress who are of Spanish origin, but it just seems to me that we are not looking for anything more than anybody else; we are just looking to bring ourselves up to a point where we are totally equal. And when that point comes, let us eliminate the Special Assistant to the Secretary position. I really think that, knowing the gentleman from Ohio and serving on the committee as long as I have with him, this is so out of character because I know he has always been fair and I know he has always been a person who has put his best foot forward. About 20 percent—at this present time—of Hispanics living in this country are living in inadequate housing—you can see it for yourselves, you know the figures, you know the statistics, you have been on the Housing Subcommittee. The need for this position is real. Hispanics in 1980 have needs that are real.

I would say to you that if we did have a problem in terms of other groups such as housing Vietnamese or those persons who are arriving here from the Far East or from Asia, I have no problem in giving them a hand. Let us do that here.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, I think we all understand the issue involved here. We all know that, logically, if this section has any merit at all, there should be thousands of special assistants at HUD and at every other Federal agency that renders any services to groups that can be subdivided into minorities or ethnic groups. If one has them there should be special assistants for all of them. Otherwise, this is a special-interest amendment for one group which has no historic background greatly different from other groups that have historic backgrounds to be considered for special treatment.

If we need, as the gentleman from Ohio says, one of these Hispanic assistants, we need one for Asian-Americans, for blacks, for every other ethnic group. But we already have an Assistant for Minority Affairs at HUD, and if indeed HUD is not addressing the needs of the Hispanic community, I think the gentleman's committee should find that out and fire the Secretary and get rid of the people who have been shirking these duties. Government services should be provided on a nondiscriminatory basis. This amendment is discrimination. This amendment discriminates and it singles out one class for different and special treatment. Maybe they in some way need it, but if Hispanics need it, it is my humble impression that many other groups do as well. I think we ought to commend the gentleman from Ohio (Mr. WYLIE) and reject this amendment for what it is.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from California (Mr. PATTERSON).

Mr. PATTERSON. Mr. Chairman, I would like to concur with the gentlewoman from Ohio, the gentleman from Michigan and the gentleman from New York who have stated, I think, quite adequately the views here that we hold. We are not giving special status or stature to one particular group. The fact is that this is the decade of the 1980's. If not today, in a very short period of time the Hispanic population in this country will be larger than any other minority group. So it is timely for such an assistant in HUD. We have done it in other areas, affirmative action, is one example. The numbers are there. Twenty million today. And the fact that there is a language barrier, a different culture and a different religious background in many cases in the Hispanic community. I think it is very important that we consider favorably and approve this amendment which was approved in the committee. I ask for its support.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I want to say to my colleague, the gentleman from Ohio (Mr. WYLIE), who absolutely needs no defense, that it was unfortunate that our friend, the gentleman from New York, implied that you had been fair up to now, Mr. WYLIE, but because you offered this amendment you are no longer fair.

No. 1, this is a good amendment. It is a valid amendment. My colleague from Ohio is one of the fairest Members of this body, and I think he has offered an amendment we can all support.

I have been on the Education and Labor Committee for 20 years, and one of the worst pieces of legislation we have is bilingual education. It started out to help minorities, particularly Hispanics, to speak English. Before long, it was not to help Hispanics to speak English; it was to teach them geography in Spanish, to teach their own culture in Spanish and their language as a prime language as well as English.

I think we had better watch out, because if we are not careful, we are going to move to a two-language country. I think that is what a lot of bureaucrats have in mind. This is a one-language country. If they want to move into the mainstream, if they want the upward mobility that we promise, then learn the English language. The more we go in the direction of helping people in their own language forever and ever and ever, they will not understand English. We do not need more bureaucracy. We need less.

We should support Representative WYLIE and defeat this amendment.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I rise in support of the committee amendment and would point out that certainly we can go back and look at our history, in terms of immigrants and those who have had different cultures and different language; but the problem is that we are comparing apples and oranges. This is the 20th century, and this particular phenomenon is somewhat unique. Indeed, in many of our communities, even though those with a significant Hispanic population have been in those communities for some time, we still find them somewhat isolated. It speaks to the fact that we have need of a special outreach to deal with a phenomenon that is occurring in the latter part of the 20th century. I think we would be remiss if we did not deal with that and recognize the special problems of Hispanics in meeting housing needs. No new personnel or programs are created by this amendment—only a focus on a very special need.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, the argument has been made that this person is needed to coordinate the Hispanic affairs within the Department of Housing and Urban Development. Now, what is so special about Hispanic affairs? What is so special about Hispanic housing? What is so special as far as the FHA housing program is concerned? What is so special about the elderly housing program as far as the Hispanics are concerned?

Now, it has been mentioned that there are people in Housing and Urban Development now who are there as special assistants for Hispanic affairs. There are two. That is correct. Monsignor Baroni has one in his shop, and I mentioned Eva Guevara-Erb, who works for Mr. Sterling Tucker.

The point I am making is that this should not be a statutory position, that we should not single the Hispanics out in the law and say that they should have special treatment over all other nationalities. It seems to me that the same laws that govern other U.S. citizens should also govern the Hispanic people.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Ohio (Mr. ASHLEY).

Mr. ASHLEY. Mr. Chairman, the issues have been well and thoroughly debated. The committee position has been well expressed by the gentleman from New York (Mr. GARCIA), the gentlewoman from Ohio (Ms. OAKAR), and others. Those who dissent from that point of view have also been heard from.

□ 1640

The CHAIRMAN pro tempore. The question is on the committee amendment.

The question was taken; and the

Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WYLIE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 218, not voting 56, as follows:

[Roll No. 475]

AYES—158

Addabbo
Akaka
Alexander
Anderson, Calif.
Annunzio
Ashley
Aspin
Atkinson
AuCoin
Baldus
Barnes
Benjamin
Bereuter
Biaggi
Bingham
Blanchard
Bolling
Bonior
Brademas
Brinkley
Brodhead
Brooks
Broomfield
Burgener
Burton, John
Carr
Carter
Cheney
Chisholm
Clausen
Clay
Coelho
Collins, Ill.
Conte
Conyers
Corman
Cotter
Danielson
Dellums
Dixon
Dornan
Downey
Drinan
Eckhardt
Edwards, Calif.
Fary
Fascell
Fazio
Fisher
Fithian
Florio
Ford, Mich.
Ford, Tenn.
Frost
Garcia
Gilman
Gonzalez
Gray
Green
Grisham
Guarini
Hance
Harkin
Hawkins
Heftel
Hollenbeck
Horton
Howard
Kastenmeier
Kazen
Kildee
Kogovsek
Lagomarsino
Leach, Iowa
Lederer
Leland
Lent
Lewis
Lloyd
Loeffler
Long, La.
Lowry
Lujan
McClory
McHugh
Maguire
Markey
Marks
Matsui
Mattox
Mavroules
Mikulski
Miller, Calif.
Mineta
Mitchell, Md.
Moffett
Murphy, Ill.
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patterson
Pease
Pepper
Peyser
Porter
Price
Rahall
Rangel
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Sabo
Santini
Scheuer
Schroeder
Seiberling
Sensenbrenner
Simon
Smith, Iowa
Smith, Nebr.
Stack
Staggers
Stanton
Stark
Stewart
Stokes
Swift
Synar
Thomas
Thompson
Traxler
Udall
Van Deerlin
Vanik
Vento
Weaver
Weiss
Williams, Ohio
Wirth
Wolpe
Wright
Wyatt
Wydler
Zablocki
Zeferetti

NAYS—218

Albosta
Ambro
Andrews, N.C.
Andrews, N. Dak.
Anthony
Applegate
Archer
Ashbrook
Badham
Bafalis
Bailey
Barnard
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Bennett
Bethune
Bevill
Boland
Boner
Bonker
Bouquard
Bowen
Breaux
Brown, Calif.
Brown, Ohio
Buchanan
Burlison
Butler
Byron
Campbell
Carney
Cavanaugh
Chappell
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, R. W.
Dannemeyer
Daschle
Davis, S.C.
Deckard
Derrick
Derwinski
Dickinson
Dicks
Dougherty
Duncan, Oreg.
Duncan, Tenn.
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fenwick
Ferraro
Findley
Fish
Flippo
Foley
Forsythe
Fountain
Frenzel
Fuqua
Gaydos
Gephardt
Gibbons
Gingrich
Ginn
Glickman
Goldwater
Goodling
Gore
Gradison
Gramm
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hanley
Harris
Harsha
Heckler
Hightower
Hillis
Hinson
Holland
Holt
Hopkins
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kelly
Kindness
Kostmayer
Kramer
LaFalce
Latta
Leath, Tex.
Lee
Lehman
Levitas
Livingston
Long, Md.
Lott
Lungren
McCloskey
McCormack
McDonald
McKinney
Madigan
Marlenee
Marriott
Martin
Mathis
Mazzoli
Mica
Miller, Ohio
Minish
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nelson
Patten
Paul
Perkins
Petri
Preyer
Pritchard
Quayle
Quillen
Regula
Roberts
Robinson
Roth
Royer
Russo
Satterfield
Sawyer
Schulze
Sebelius
Sharp
Shelby
Shumway
Shuster
Skelton
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
Stangeland
Stenholm
Stockman
Stratton
Studds
Stump
Tauke
Taylor
Trible
Ullman
Volkmer
Walgren
Walker
Wampler
Watkins
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Wilson, Tex.
Winn
Wolff
Wylie
Yates
Young, Fla.
Young, Mo.

NOT VOTING—56

Abdnor
Anderson, Ill.
Boggs
Broyhill
Burton, Phillip
Crane, Philip
Daniel, Dan
Davis, Mich.
de la Garza
Devine
Dingell
Dodd
Donnelly
Early
Fowler
Giaimo
Grassley
Hall, Ohio
Hansen
Hefner
Holtzman
Ichord
Johnson, Colo.
Kemp
Leach, La.
Luken
Lundine
McDade
McEwen
McKay
Michel
Moakley
Mollohan
Moorhead, Pa.
Murphy, N.Y.
Myers, Pa.
Nedzi
Nichols
Pickle
Pursell
Railsback
Ratchford
Rousselot
Roybal
Rudd
Shannon
St Germain
Steed
Symms
Tauzin
Vander Jagt
Waxman
Wilson, Bob
Wilson, C. H.
Yatron
Young, Alaska

☐ 1650

The Clerk announced the following pairs:

On this vote:

Mr. Murphy of New York for, with Mr. Nichols against.

Mr. Ratchford for, with Mr. Michel against.

Mr. de la Garza for, with Mr. Abdnor against.

Mr. Roybal for, with Mr. Tauzin against.

Messrs. RHODES, STANTON, MAGUIRE, WEAVER, and AKAKA, and Mrs. SMITH of Nebraska changed their votes from "no" to "aye."

Mr. BEILENSON, Mr. ULLMAN, and Mrs. HECKLER changed their votes from "aye" to "no."

So the committee amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. ASHLEY

Mr. ASHLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHLEY: Page 93, immediately after line 22, insert the following new section:

FORECLOSURE OF LOANS UNDER THE SECTION 203 (K) REHABILITATION LOAN INSURANCE PROGRAM

SEC. 328. Section 203(k)(5) of the National Housing Act is amended by striking out the second sentence and inserting in lieu thereof the following: "Insurance benefits paid with respect to loans secured by a first mortgage and insured under this subsection shall be paid in accordance with section 204, except that all references in section 204 to the Mutual Mortgage Insurance Fund shall be construed as referring to the General Insurance Fund. Insurance benefits paid with respect to loans secured by a mortgage other than a first mortgage and insured under this subsection shall be paid in accordance with paragraphs (6) and (7) of section 220(h), except that reference to "this subsection" in such paragraphs shall be construed as referring to this subsection.".

Mr. ASHLEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

☐ 1700

Mr. ASHLEY. Mr. Chairman, a provision contained in section 203(k) of the National Housing Act, the FHA insurance program for rehabilitation loans, precludes mortgagees from foreclosing upon defaulted loans insured under this provision. In case of default, mortgagees must assign the mortgage to HUD in order to obtain insurance benefits, with HUD having ultimate foreclosure responsibility.

This procedure was contained in section 203(k) prior to its revision in the housing and community development amendments of 1978. Since the original section 203(k) program was basically designed to provide insurance for rehabilitation loans secured by second mortgages, these requirements reflected the fact that it is frequently not desirable to proceed immediately to foreclose on second lines.

Under the revised section 203(k) program—with its significantly increased loan limits—it is anticipated that insured loans will be secured primarily by first mortgages. Since foreclosure of such mortgages can most effectively be carried out by mortgagees, rather than the secretary, my amendment would permit mortgagees to foreclose upon defaulted mortgages representing a first lien, under the same terms and conditions as apply to the basic FHA section 203(b) home mortgage insurance program. My amendment would not affect existing assignment/foreclosure procedures in the case of section 203(k) loans secured by a second mortgage. I urge the adoption of my amendment.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. Of course I yield to the gentleman from Ohio.

Mr. STANTON. This is the amendment that we have discussed. Am I right that section 203, allows the mortgagee to really expedite the procedure, and all it is is a procedural change; am I correct?

Mr. ASHLEY. The gentleman is absolutely correct. I have said this was a technical amendment, but as the gentleman has said, because he has reviewed it, the amendment really falls closer to the definition of a procedural amendment.

Mr. STANTON. Mr. Chairman, I would urge the adoption of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHLEY).

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. HANLEY

Mr. HANLEY. Mr. Chairman, I offer two amendments.

The Clerk read as follows:

Amendments offered by Mr. HANLEY: On page 88, line 25, strike the word "March" and insert in lieu thereof "April".

On page 89, line 3, insert the words "Articles of Confederation," after the words "involving the".

Mr. HANLEY. Mr. Chairman, these two amendments are designed to clarify the language of section 320 of the bill before us today. This section was offered in committee in order to give HUD the statutory authority it said it needed in order to extend FHA mortgage insurance to properties located in areas for which ownership was challenged by an American Indian tribe based on alleged violations of State and Federal treaties and laws prior to 1800. In the interim since the committee action on this bill, it has been discovered that the language lacks the specificity needed to include the suit which inspired the original amendment.

In order to more exactly define the suits relevant to the Central New York area, the slight change of my amendments is necessary. While the suit was filed prior to March 1, 1980, the class was not certified until March 7, 1980. So, to be sure that the matter includes that case, I ask that the committee accept the modification of the date to "April 1, 1980."

The same is true in the second part of the amendment—that is, that the certainty of reference to this suit is assured with the added phrase "Articles of Confedertaion" so that there is not any doubt that the Oneida suits are included in this relief measure.

Mr. Chairman, not to consume the time of the committee for long, I just want to clarify with the gentleman from Ohio a matter in the current bill dealing with Indian land claims and the current landowners' title status as far as HUD and the FHA are concerned. I understand the language to apply to any land in a disputed area which is the subject of a class action by 50 or more individuals. I think that this is the understanding of the committee as well. I just want to clarify that the word "community" in section 320 is an inclusive term meant to define the area of the suit, not individual communities in a restrictive sense. Certainly, we mean to protect those in a disputed area, even though they may not reside in a community in which 50 or more homeowners have been made party to a suit.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. HANLEY. I am delighted to yield to the chairman.

Mr. ASHLEY. Mr. Chairman, let me say that I have had an opportunity to discuss this, as I believe the minority has. The gentleman is correct in that the committee does not intend to deprive residents of small towns of the benefits of this protection for FHA mortgage acceptance. Marketability of title in Indian claim areas should be assured to all homeowners and landowners regardless of the size of the suing party in any single community. In the cases which the gentleman referred to in New York, the suit covers lands in hundreds of communities and millions of acres. Just as the cases themselves will resolve matters for all within the disputed area, so should this enabling of the FHA to accept title apply to all equally.

Mr. HANLEY. I appreciate the chairman's understanding and his willingness to accept the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. HANLEY).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. STANTON

Mr. STANTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STANTON: Page 91, strike out lines 13 through 18, and insert in lieu thereof the following:

(b) Section 302(b)(3) of such Act is amended to read as follows:

"(3) The corporation is authorized to purchase, service, sell, lend on the security of, and otherwise deal in loans or advances of credit for the purchase and installation of home improvements, including energy conserving improvements or solar energy systems described in the last paragraph of section 2(a) of the National Housing Act and residential energy conservation measures as described in section 210(11) of the National Energy Conservation Policy Act and financed by a public utility in accordance with the requirements of title II of such Act, or for the purchase of a mobile home. To be eligible for purchase, any such loan or advance of credit (other than a loan or advance made with respect to energy conserving improvements or solar energy systems or for residential energy conservation measures) shall be secured by a lien against the property being improved or the mobile home or shall be insured under title I of the National Housing Act.".

Mr. STANTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. STANTON. Mr. Chairman, under existing law, the Federal National Mortgage Association has authority to purchase loans for energy conserving improvements and solar energy systems. However, such energy improvements and systems normally involve "home improvements." This amendment clarifies FNMA's authority to purchase home improvement loans by specifically extending FNMA's purchase authority to all types of home improvement loans. This amendment would not change existing law which makes it discretionary with the corporation as to whether loans must be secured to be eligible for purchase by the corporation insofar as loans for energy conserving improvements or solar energy systems are concerned, but would make the taking of a security interest mandatory with respect to all other home improvement loans except for those insured under title I of the National Housing Act. This amendment makes no substantive changes to the current provision of H.R. 7262 relating to mobile homes.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. STANTON. I yield to the gentleman.

Mr. ASHLEY. Mr. Chairman, I rise in support of the amendment of the distinguished ranking minority member of the committee. This amendment would provide FNMA with the authority to purchase home improvement loans. As I have said before, I believe that this type of authority is important for the corporation to have, particularly during a period when we are so anxious to see homeowners install energy conserving improvements in their homes.

A similar amendment was a subject of our conference discussions on S. 132, but was dropped because of a dispute with the Senate over whether the Secretary of HUD should exercise control over the new home improvement purchase program. It is my view that when the Congress approves a program for the Federal National Mortgage Association, the Secretary of HUD should not be in a position to second guess the Congress. It is my hope that in conference we will be able to persuade the Senate to agree to the provision as offered by my good friend from Ohio.

I, therefore, join him in support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. STANTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. AU COIN

Mr. AuCOIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. AuCOIN: Page 93, after line 22, add the following:

SEC. 328. Section 234(c) of the National Housing Act is amended by inserting the following after "Act)" in the first sentence thereof: "or the project was approved for guarantee insurance or direct loan under chapter 37 of title 38, United States Code".

Mr. AuCOIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. AuCOIN. Mr. Chairman, I offer this amendment on behalf of the gentleman from Pennsylvania (Mr. MOORHEAD) a member of the committee, who is unavoidably detained and unable to be on the floor today.

The amendment provides that the FHA may insure individual mortgages in condominium projects approved by the Veterans' Administration on the same terms which FHA insures units in condominiums which it, FHA, has approved.

The VA now has the authority to insure loans in FHA approved condominiums. This would grant FHA the same authority. It would eliminate the need for duplicative processing by two Federal agencies and reduce the time and cost of producing moderate income family homes. HUD supports this amendment.

I hope that the majority and the minority will accept it.

□ 1710

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the chairman of the subcommittee.

Mr. ASHLEY. I appreciate the gentleman's yielding. I am pleased to support the amendment. It has been discussed on both sides of the aisle, and it is a worthy amendment and should be supported. As the gentleman has already indicated, it is supported by the Department. I would urge its adoption.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from Ohio.

Mr. STANTON. I thank the gentleman for yielding. We are pleased to accept this worthy amendment.

Mr. AuCOIN. I thank the gentleman.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oregon (Mr. AuCoin).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BETHUNE

Mr. BETHUNE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bethune: Page 81, line 13, insert the following before the period: "; except that payments made pursuant to subsection (a) of this section may only be made to the extent approved in appropriation Acts".

Mr. BETHUNE. Mr. Chairman, the purpose of my amendment is to require that section 312, temporary mortgage payments, be subject to such limits as imposed by an appropriating act.

The main reason for making this new and untested broad authority to the Secretary of HUD subject to appropriations, is that it creates a new form of entitlement program, whereby FHA homeowners will be forced, without their knowledge or permission, and indeed, even without any congressional oversight, to pay for mortgage and related costs of other FHA homeowners who are in default, as decided by HUD.

While the TMAP approach on initial reading, as it appears in H.R. 7262 looks complicated, the end result is really quite simple. FHA homeowners are required to pay 1½ percent of the unpaid balance of their loan each month as premiums. These funds are deposited by HUD in the mortgage insurance funds.

The TMAP provision of this bill would allow the Secretary of HUD to use these funds to actually make full payments of homeowners, who for a variety of reasons, are unable to pay their FHA mortgages. Up to 36 months of full mortgage payments could be siphoned out of the insurance funds for defaulted homebuyers.

There are no limitations or controls on the amount of funds that can be used under this program in H.R. 7262, and there has been no data or evidence to support the premise that even after HUD assumes all mortgage obligations for as long as 36 months, the default will be cured and a claim under the mortgage insurance contract would not have to be paid in any event.

What is more, the TMAP program as proposed here may be unnecessary because under existing law (section 204 of the National Housing Act) the Secretary of HUD has all of the authority, including outright forgiveness of the loan, needed to respond to the problem, except the added feature proposed here to actually make payments directly on behalf of a defaulting mortgagor.

Mr. Chairman, I submit that this program could expose the Federal Government and the taxpayer to great risk and increased liability. It could also create incentives for HUD and participating private lenders to do an even poorer job of loan processing and underwriting. Without some limits on its initial activty, the Congress is, in effect, giving the Secretary of HUD a blank check. Inasmuch as this is a new program with many unknown risks, and since the House Appropriations Committee saw fit to include a $6 million limit on TMAP activity for fiscal year 1981 in its report language to accompany the HUD and independent agencies appropriation bill approved by this House, I believe it is only prudent to require that TMAP be subject to approval in appropriation acts.

Mr. Chairman, I would like to emphasize that my amendment will not kill the program—all it does is retain the right of the Congress to protect the purse and maintain proper oversight. I urge adoption of my amendment.

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment to section 312 of H.R. 7262, as offered by my colleague from Arkansas (Mr. Bethune). I commend him for this effort to halt the massive surrender of the legislative process to what has become the fourth branch of the Federal Government—the seldom seen, but ever so influential, decisionmakers tucked away in the folds of the bureaucracy.

I recognize the social relevance of this bill and, with some effort I understand the intent of section 312. In reality, however, intent and honorable objectives quickly give way to heavily regulated policies and provisions that end up in costly programs administered by Washington's great unelected masses.

Section 312 of this bill—the temporary mortgage assistance program—is another example of a nice idea turned sour. Existing law permits HUD to assist homeowners who are in default on insured mortgages to avoid foreclosure. To do so, however, HUD must purchase the mortgage from the lender. In fiscal year 1981, it is estimated that as much as $55 million will be spent to purchase mortgages.

The committee offers the TMAP as a less costly alternative to help homeowners who are temporarily having financial difficulties. Under it, HUD will make monthly mortgage payments, temporarily. Once back on his feet, the mortgagor will, ideally, repay HUD for the temporary bailout. It is a nice idea.

But what concerns me beyond the obvious fact that many recipients of this help will never repay HUD, is that the section gives the Secretary new, broad bail-out authority.

The program creates a new form of entitlement grant, amounting to a backdoor income transfer mechanism, whereby middle income FHA homeowners will be forced to pay for all mortgage and related costs of other FHA homeowners who are in default, as decided by HUD.

The TMAP provision allows the Secretary of HUD to use mortgage insurance funds to actually make all of the payments for homeowners who fail to meet mortgage payments for a period of up to 36 months.

We have been given no information to support the premise that even after HUD assumes all mortgage obligations the default will, in fact, be corrected.

The TMAP program, as proposed in H.R. 7262 is actually unnecessary because under existing new section 204 of the National Housing Act the Secretary of HUD has all of the authority, including outright forgiveness of the loan, needed to respond to the problem except the additive feature proposed here to actually make payments directly on behalf of a defaulting mortgagor.

Mr. Chairman, I submit that this program, if approved, exposes the Federal Government even more housing liability than necessary. It will also create negative incentives for both HUD and private lenders to do a more thorough job of underwriting in approving such loans.

Mr. Chairman, I urge adoption of this amendment.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the distinguished chairman of the House subcommittee.

Mr. ASHLEY. I thank the gentleman for yielding. I want to congratulate the gentleman on his persistence. As he indicated, his amendment did not prevail in committee, and he has described it accurately. I do not believe that there is enormous justification for it, if I may be frank about it, but I think I would have a very difficult time defending the position that the committee took at the time it was considered in the committee. We must face certain realities. One of the realities, as I see it, is that the gentleman is going to prevail on his amendment. I think the time of the House could be spared, and for that reason I am going to accept the gentleman's amendment at this time.

Mr. BETHUNE. I thank the Chairman.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Ohio.

Mr. STANTON. I appreciate the gentleman's yielding. I compliment the gentleman from Arkansas (Mr. Bethune). The chairman said he has been persistent, but he has also been right. I think this was borne out by the letters we all received by the chairman and the ranking minority members who spoke out in the Appropriations Committee, and support the gentleman's amendment, and I urge adoption of the amendment.

Mr. BETHUNE. I thank the gentleman.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Arkansas (Mr. BETHUNE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. EVANS OF INDIANA

Mr. EVANS of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Indiana: Page 93, after line 22, insert the following new section:

SEC. 330. (a) The National Housing Act is amended by striking out "mobile home" each place it appears and inserting in lieu thereof "manufactured home".

(b) Section 235(a)(2)(B) of such Act is amended by striking out "mobile homeowner" and "mobile homeowner's" and inserting in lieu thereof "manufactured homeowner's", respectively.

(c) The United States Housing Act of 1937 is amended by striking out "mobile home" each place it appears and inserting in lieu thereof "manufactured home".

(d) Title VI of the Housing and Community Development Act of 1974 is amended by striking out "Mobile Home" each place it appears and inserting in lieu thereof "Manufactured Home" and by striking out "mobile home" each place it appears, other than in section 601, and inserting in lieu thereof "manufactured home".

(e) Section 601 of the Housing and Community Development Act of 1974 is amended by striking out "Mobile Home" and inserting in lieu thereof "Manufactured Housing".

(f) Section 501(e)(4) of Public Law 96-221 is amended by striking out "mobile home" and inserting in lieu thereof "manufactured home".

(g) In adopting regulations and procedures in accordance with this section, the Secretary shall have discretion to take actions in a manner which he deems necessary to insure that the public is fully aware of the distinctions between the various types of manufactured housing.

Mr. EVANS of Indiana (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. EVANS of Indiana. Mr. Chairman, the amendment I am offering is simple in its content and is directed to eliminate confusion surrounding manufactured housing.

The manufactured housing industry, related industries, and the general public find themselves in a difficult situation when it comes to the definition of a manufactured home. There is a great deal of confusion over this housing terminology—the American public, national newspapers, and even Government agencies misconstrue what manufactured housing actually is—a home built in a manufacturing plant, under very precise and effective national construction standards, transported and assembled on a permanent site. It is not a recreational vehicle, it is not a travel trailer, it is not a Winnebago, and it is not a modular or prefab home as many misconstrue.

The term "mobile home" is outmoded and inappropriate for several reasons. First of all, these homes are "mobile" only in the sense that they must be transportable from the factory to the permanent homesite on which they are placed.

Second, the use of the term "mobile" connotes an image of a product similar to a "travel trailer" or a recreational vehicle. This image has negatively impacted on the desire and even the ability of low- and moderate-income purchasers of manufactured housing to invest in this form of housing.

Third, this name change would not in any way affect the national construction standards for "mobile homes." Nor, would it affect "modular home" exemptions from the national standards.

What this name change would do, however, is more accurately described to consumers, Government officials, and others, exactly what form of housing millions of Americans have already chosen to live in today—a home built in a manufacturing plant, to a national construction standard, and then transported and assembled on site. The need for such a change is obvious and long overdue.

Congress has already set a precedent in changing the name in the conference report on H.R. 4986, page 35(e)(1) defines the term "residential manufactured home" as a "mobile home" as defined in section 603(b) of the National Mobile Home Construction and Safety Standards Act of 1974.

The Banking Committee of the other body in their version of this bill, H.R. 7262, has already included this name change.

Our Housing subcommittee has previously discussed the merits of such a name change, and deferred action on this for months awaiting a report from HUD on the consequences of such a change. While HUD has never officially reported back, from discussions I have had with HUD staff, the Department sees no major problems with updating the terminology associated with manufactured housing.

In addition, on a State level, only four States presently tax these type of homes as personal property. All other States treat these type of homes as real property and are taxed on the same basis as structured homes.

In closing, from my investigation and from the information I have gotten from HUD there are no negative effects and would not haye any bearing on the stringent safety and production standards involving the manufactured housing industry. Millions of our citizens are turning to homes built in manufacturing plants because of their reasonable costs and comfortable living conditions and I believe it is therefore time we give this important form of housing its proper and meaningful definition.

I urge the adoption of this amendment.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Indiana. Yes, I will be glad to yield to my distinguished chairman.

Mr. ASHLEY. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from Indiana (Mr. EVANS). He is a very hard-working member of the committee, and he has been particularly persevering as far as this amendment is concerned. I suspect that the mobile home manufactured housing industry may possibly have some participants in the State of Indiana; if so, they are well represented.

Mr. Chairman, this amendment appears to be only an innocuous change in nomenclature, the replacement of the term "mobile home" with the term "manufactured housing" wherever it appears in the National Housing Act and the National Mobile Home Construction and Safety Standards Act. While I am supporting this change, I am concerned that the change be accomplished in a rational and gradual manner to assure that any possible confusion for the public is obviated.

Confusion is possible because for some people the term "manufactured home" generally applies to factory-built modular or panelized homes and even precast concrete homes that comply with FHA minimum property standards for "site built" homes or with local government codes for such homes. This type of home is always classified as realty and when built to FHA standards can qualify for the 203(b) insurance limits. "Mobile homes" are also factory-built homes, but they are built to a different standard, the Federal one required by the National Mobile Home Construction and Safety Standards Act. Many local jurisdictions do not classify this structure as realty. Because of these significant differences in construction quality and code compliance, the amendment clarifies the authority of the Secretary of HUD to make the public fully aware of the distinctions between various types of factory-built housing.

The change in the nomenclature would require exensive changes related to the FHA title I and title II insuring authorities, as well as the National Mobile Home Construction and Safety Standards Act. The changes would affect 36 separate sets of existing Federal regulations, and 15 interpretive bulletins, 35 cooperative State agreements, 27 State monitoring contracts, 35 State statutes and the implementing regulations, the Interstate Land Sales Full Disclosure Act, and the Depository Institutions Deregulation and Monetary Control Act of 1980. I expect the Secretary to move carefully in implementing these changes. They may take several years to accomplish, particularly since many States will have to conform their laws to the relevant Federal laws.

With these provisos, I submit that the change in nomenclature is a recognition that mobile homes are an integral and important part of the industry that produces factory-built homes. This change also reflects reality. This type of factory-built home is not truly mobile. In fact, in most cases, once a manufactured home is attached to a permanent foundation it is never moved again.

However, I want to make it absolutely clear that this change does not narrow or broaden the jurisdiction of the National Mobile Home Construction and Safety Standards Act. The same type of structure that was covered by the act before this name change will be covered after this name change. The only change is that what we once referred to as a "mobile home" will be known as a "manufactured home."

With these clarifications, I accept the amendment proposed by my colleague and I urge its adoption.

Mr. EVANS of Indiana. I thank my chairman very much for his support, and I thank him and his staff for working with me on this amendment.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Indiana. I would be glad to yield to the gentleman from Ohio.

Mr. STANTON. I appreciate the gentleman's yielding. As the chairman has said, the gentleman has been most persistent and most cooperative. I am pleased to accept this amendment, and I am delighted that we can get this done.

Mr. EVANS of Indiana. I very much appreciate the support I have gotten from the gentleman's side of the aisle also.

Mr. Chairman, I move adoption of this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. EVANS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL: On page 93, after line 22, add the following new section:

EXTENSION OF HUD MINIMUM PROPERTY STANDARDS LOCAL ACCEPTABLE STANDARDS FOR MASONRY CONSTRUCTION

SEC. 331. Pending effective date of the final rule for Building Energy Performance Standards, any final rule published for effect by the Department of Housing and Urban Development pertaining to increases in thermal requirements for the HUD minimum property standards shall provide for the continuation of any local acceptable standards exemptions, approved by the Department of Housing and Urban Development as of June 8, 1979, which are applicable to masonry construction.

Mr. UDALL. Mr. Chairman, I offer this amendment on behalf of myself and the distinguished minority leader, the gentleman from Arizona (Mr. RHODES) and others of the Arizona delegation, and a large group of my Florida colleagues.

This makes no permanent change in the law right now. HUD for some time has been developing thermal standards, insulation standards. The requirement as originally written would have provided double concrete block or masonry walls all over the country, and it is well known that it is not as cold in Miami as in Minnesota in the winter, so HUD granted a temporary variance to Arizona and Florida until final regulations were shaped. This simply provides the existing variance will be continued until such time as the permanent standards are established.

I urge adoption of the amendment.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the chairman.

Mr. ASHLEY. I thank the gentleman for yielding. I want to say that the gentleman has worked very hard and very cooperatively with the committee on this amendment. We have been enormously concerned with the whole area of building energy performance standards. The gentleman is more concerned perhaps or is focusing on one aspect of that, namely, with regard to masonry construction. The committee has been concerned that there be equitable treatment as between masonry construction and other types of construction. The majority is willing to agree to this amendment with the firm understanding that it postpones regulations only with respect to masonry construction only until finalization of the regulations with regard to the building energy performance standards.

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The gentleman and I have discussed this. I believe that is clear. I believe it is clear from the gentleman's remarks and it is on that basis that we agree.

Mr. UDALL. The chairman has been very fair, we accept the gentleman's conditions and we will take our chances with the permanent standards when and if they are promulgated.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to my colleague from Arizona.

Mr. RHODES. Mr. Chairman, I thank the gentleman for introducing this amendment. I hope it will be adopted. I also hope, however, that we can get the sympathetic understanding of the members of this committee as far as promulgation of the regulations mentioned by the gentleman from Ohio are concerned. Thus far I must say we have had very little in the way of either notice or sympathy from the Department of Housing and Urban Development. There is a special problem that has to do with at least the States of Florida and Arizona and as a matter of fact I am persuaded by those who do building in our part of the world that the standards which at least have apparently been advanced as those which might well be the final form would be absolutely ludicrous in result.

If the gentleman from Arizona in the well and the gentleman from Ohio have an understanding as to the scope of this amendment, I would not want to interrupt it but I certainly would not want to have it understood that whatever those regulations say will be all right with me because they may not be.

Again, Mr. Chairman, I plead with the committee for its understanding and sympathetic help.

Mr. UDALL. The gentleman outlines my concerns. This is not a trivial matter. The application and enforcement of the proposed new standards would make a difference of $1,000 in the construction of an average concrete block home and that is something of real consequence.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I would like to associate myself with the comments of both the gentlemen from Arizona and say I appreciate their taking the initiative on this very important issue that affects not only the State of Arizona but the State of Florida.

Mr. KELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the 1979 housing bill invalidated a regulation of the Department of Housing and Urban Development which would have been particularly harmful to Florida. That regulation would have increased thermal requirements for masonry construction in a costly, inefficient and discriminatory manner.

I introduced the original invalidating amendment in the Banking Committee, spoke here on the floor in support of the amendment, and fought in the conference committee with the Senate to insure that the wishes of this body would be upheld.

My deep involvement in this issue stems from the need to protect the homebuying public and the homebuilders of Florida from the bureaucratic abuses of HUD. The effect of the invalidated HUD regulation would have been to deny builders a full range of conservation options that are more efficient in Florida, which has totally different insulating and building problems than the industry nationwide. Florida's home energy consumption goes principally for staying cool, while most other States have the problem of staying warm.

Then-Secretary of HUD Patricia Harris frankly admitted that no cost-benefit analysis had been done of the effect that those regulations would have on masonry wall construction. She also admitted that HUD had not considered the insulating capacity of masonry or concrete walls or the need for cooling versus heating and had acted without this vital support data, although such data was being developed by other government agencies. HUD simply did not know whether its regulation would result in greater or lesser efficiency when applied to certain types of construction in different sections of the country.

That it would have increased the price of homes is certain. The Congress wisely saved the homebuilders of Florida from the difficulties the HUD regulations would have caused.

My two major purposes in this effort are: First, to protect the industry from bad regulations which are inflexible; and second, to protect the industry from different sets of regulations designed to conserve energy, which are inconsistent.

At the time that HUD was bringing out its regulations, other agencies of the Federal Government were doing studies with an eye toward issuing their own regulations. The Department of Energy, the Farmer's Home Administration, and the National Bureau of Standards all were conducting and analyzing studies on the energy issues dealt with in the HUD regulations. We have no assurances that the coordination between these agencies which was required by last year's legislation has been carried out.

Two things are clear:

Government must speak to the housing industry of Florida with one voice—there should be only one set of energy regulations.

Government must not impose regulations on Florida, which is primarily a cooling State, based on conserving energy where heating is the main problem.

This is vital to Florida, where the vast majority of home construction is cement block. Certain characteristics of masonry construction, notably the time-lag factor which causes masonry walls to delay the pass-through of warmer air from the outside, reduce the need for air-conditioning and lower consumption levels. Considerations such as these form the basis of the masonry thermal variance for Florida, but were not specifically provided for in the regulations.

This thermal variance is again in jeopardy at the hands of HUD. I have been advised that the upcoming issuance of final HUD minimum property standards once again will not provide for the masonry thermal variance needed by Florida. The cost to the purchaser of a home in my State could be as much as $1,000 per house, without accomplishing conservation or efficiency.

Mr. Chairman, I support this amendment because it will maintain the present status until all studies by the agencies involved have been completed and the Federal Government will come forward with one regulatory standard which will be binding on all Federal agencies and departments and which will give the homebuilding industry greater flexibility to accomplish maximum efficiency under local conditions.

● Mr. RUDD. Mr. Chairman, I rise in support of the amendment to title III of H.R. 7262, the Housing and Community Development Act, as offered by the gentleman from Arizona, Morris Udall, chairman of the Committee on Interior and Insular Affairs.

The amendment would retain the existing local acceptable standard for masonry residential construction in Arizona and Florida until such time as the building energy performance standards for construction of new buildings are developed and implemented to supersede them.

Without this amendment HUD-proposed minimum property standards would have the net effect of destroying Arizona's masonry industry and eliminating over 7,500 jobs by requiring additional unneeded insulation on masonry structures.

The amendment recognizes the unique climatological conditions that exist in Arizona and Florida which make masonry construction an effective thermal barrier without additional insulation. In Arizona, masonry is the preferred residential building material with over 75 percent of the 40,000 homes built annually in southern and central Arizona constructed of masonry brick, and in general use throughout the State.

Without this amendment, the economic impact of the proposed minimum property standards will be devastating on the 17 masonry plants and 382 masonry contractors in Arizona. The proposed MPS would force new home buyers to pay for unneeded additional insulation and make masonry construction noncompetitive with other construction media.

I ask for the support of my colleagues for this needed and reasonable amendment.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. Udall).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Brown of Ohio: Page 82, line 24, insert "(a)" after "Sec. 315.".

Page 83, strike out line 4 and insert in lieu thereof the following: "by April 1, 1983".

Page 83, after line 4, insert the following new subsections:

(b) Section 304(a)(1) of such Act is amended by inserting the following new sentences after the first sentence thereof: "Interim performance standards for new commercial buildings shall be promulgated by August 1, 1981, and, for at least the 12-month period beginning on such date, the Secretary of Energy shall conduct a demonstration project utilizing such standards in at least two geographical areas in different climatic regions of the country. Prior to the effective date of final performance standards promulgated pursuant to this paragraph and not later than 180 days after completing such demonstration project, such Secretary shall transmit to both Houses of the Congress a report containing an analysis of the findings and conclusions made as a result of carrying out such project, including at least an analysis of the effect such standards would have on the design, construction costs, and the estimated total energy savings (including the types of energy) to be realized from utilizing such energy standards in commercial buildings."

(c) Section 304(a)(2) of such Act is amended by inserting the following new sentences after the first sentence thereof: "Interim performance standards for new residential buildings shall be promulgated by August 1, 1981, and, for at least the 12-month period beginning on such date, the Secretary of Energy shall conduct a demonstration project utilizing such standards in at least two geographical areas in different climatic regions of the country. Prior to the effective date of final performance standards promulgated pursuant to this paragraph and not later than 180 days after completing such demonstration project, such Secretary shall transmit to both Houses of the Congress a report containing an analysis of the findings and conclusions made as a result of carrying out such project, including at least (A) an analysis of the impact of such standards on builders (especially on small builders) and on the cost of constructing such buildings and the impact of such cost on the ability of low- and moderate-income persons to purchase or rent such buildings, and (B) an analysis of the estimated total energy savings (including the types of energy) to be realized from utilizing such standards in residential buildings."

(d) Section 306 of such Act is amended by striking out "final performance standards" and all that follows and inserting in lieu thereof the following: "interim performance standards promulgated pursuant to section 304(a). Upon the effective date of the final performance standards promulgated pursuant to such section, the head of each such agency shall adopt such procedures as may be necessary to assure that construction of any Federal building meets or exceeds the applicable final performance standards."

(e) Section 526 of the National Housing Act is amended by striking out ", until such time as the energy conservation performance standards required under the Energy Conservation Standards for New Buildings Act of 1976 become effective" in the second sentence.

Mr. BROWN of Ohio (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Chairman, I have an amendment to section 315 of H.R. 7262, the Housing Community Development Act of 1980. I have worked out some conflicts over this amendment with the distinguished chairman of the House Banking-Housing Subcommittee, my colleague from Ohio (Mr. Ashley). I should note for my colleagues that this amendment is broadly supported by nearly every element, management and labor, of the American housing, and by building, coal, and utility industries. It is endorsed by both the Building and Construction Trades Department, AFL–CIO, and the U.S. Chamber of Commerce.

Section 315 of the committee-passed bill provides a 2-year extension of the building energy performance standards (BEPS). This extension is widely regarded as necessary by business and labor, is recommended by the Council on Wage and Price Stability, and is incorporated in both this bill and a similar bill recently passed by the other body.

My amendment would require the DOE to use an extended period of time to demonstrate BEPS—not in computers—but in a real world demonstration program, prior to issuing final rules.

In language that was carefully worked out with my colleague from Ohio (Mr. Ashley), my amendment would:

First. Require the Department of Energy to issue interim regulations for BEPS by August 1, 1981, which will apply to all new Federal buildings.

Second. Require the Department of Energy to conduct a real world demonstration program for at least 12 months, or four full seasons, using the interim regulations for all building types.

Third. At the conclusion of the pilot program, and before issuing final regulations, the DOE must report to Congress with their findings and conclusions on: First, the energy savings realized; second, the cost of compliance; third, the impact of the cost on the ability of low- and moderate-income persons to buy or rent new homes; and fourth, the impact of BEPS on small builders.

Fourth. Require the Department of Energy to promulgate final regulations for BEPS and to submit them to Congress by April 1. 1983.

Fifth. Clarify that when BEPS are promulgated, they will not automatically apply to federally assisted housing or replace HUD minimum property standards.

Many are concerned today that BEPS may well destroy the American dream by making housing too expensive for the majority of families and that BEPS will not save much if any, energy in the process. Before BEPS has the force of Federal law, we should be able to have answers to the question: How much money will BEPS cost new homeowners to save what amount of energy?

When originally enacted in 1976, the BEPS program was conceived to foster energy conservation in buildings by setting a performance standard; for example, so many Btu used per square foot, rather than the conventional prescriptive standard; for example, an R value requirement for insulation. The change was thought to inspire innovation and free builders to use whatever designs, materials and appliances they chose, so long as the performance standard was met. Congress endorsed the concept for development, but wisely reserved judgment on whether to require the adoption of BEPS by State and local code officials until it examined the final rules.

As these performance standards have come back from DOE, they do not free builders but entrap them in a regulatory hall of mirrors. As now proposed, BEPS will require each building designer to calculate an "energy budget" of so many Btu's per square foot, in accordance with the regulations for each of 78 climatic zones. Devising energy budgets, and their enforcement by local building permitting authorities, under these BEPS regulations depends on a series of calculations so complex that computers will be necessary for all builders and officials.

Apparently overlooked by DOE is the simple fact that many of America's homes are built by small contractors and not by teams of architects or designers.

In addition, there are serious inconsistencies in the regulatory energy budgets themselves. I am sure my colleagues would acknowledge that Dallas and Fort Worth have the very same climate, and yet, the same house tested in Dallas under BEPS demonstrated a markedly different energy budget when tested in nearby Fort Worth.

The DOE has issued proposed rules and the overwhelming verdict is that those regulations are riddled with serious problems and are nowhere near their final form. The National Institute of Building Sciences (a congressionally chartered group of construction business and labor) has stated that BEPS is "neither complete nor technically sound." The President's Council on Wage and Price Stability conducted a detailed review of BEPS and concluded that it was so fraught with problems that it should be canceled, or if not canceled, completely overhauled. These regulations are not ready for the real world.

At this time, the construction industry, particularly the home building sector, is suffering its worst recession since the Great Depression. According to the National Association of Home Builders, less than 10 percent of American families can now afford to buy a home of their own—down from 45 percent in recent years. According to the National Association of Realtors, we are suffering a crisis in the affordability of all homes, pushing hundreds of thousands out of the market with every increase in the price of the average house. The real world is not ready for these regulations.

Mr. Chairman, energy conservation at today's cost of energy pays for itself. Of course, if you buy more conservation than you need, you can waste money. No one would willingly do that. But the DOE has written the BEPS program so that the first buyer of a new home must pay for 30 years of conservation at the front end. This, in academic circles, is known as "life-cycle costing." To the average American family, particularly new families, it may well mean a life cycle without a home. In addition, "Life-cycle costing" assumes that no improvements in a home's heating and cooling systems will ever be made during the life of the structure. As such, BEPS may act more to freeze technology in energy conservation than to encourage it.

Another unnecessary cost-escalator written into BEPS is a regulatory device known as "the weighting factors". What the weighting factors do is require a new building using electric heating and cooling to be three times more energy efficient than a new building using oil or natural gas.

When most of us think of saving energy, we think of saving our most precious fuels. But, the weighting factors encourage the consumption of oil and gas, and discourage the use of electricity, even though more than 70 percent of America's electricity is currently generated by fuels other than oil and gas.

In my State of Ohio, 97 percent of all electricity is generated by coal. To Ohio, these weighting factors would be an unconscionable burden—in effect, eliminating the choice of electricity through an artificial escalation in its cost over gas by a factor of 3 to 1.

To the Nation, the weighting factors—however the DOE may disguise them—are entirely at odds with our national move to coal and other domestic resources.

The weighting factors are a DOE invention which attempt to expand the BEPS program—endorsed by Congress to cover energy consumption in buildings—to a Fuel Use Act-type regulation covering the production and use of fuel types. Nowhere in the BEPS statute was DOE authorized to devise such a regulation. We expressed no preference for saving one particular form of energy over another in 1976, nor do we do so now. I would seriously doubt that this or any other Congress would devise a scheme to require the consumption of oil over the consumption of coal. Mr. Chairman, the problems associated with the weighting factors are so serious they should be eliminated from the BEPS program.

My amendment specifies that one of the essential elements of the DOE report on BEPS after the pilot program is an analysis of which types of energy were saved. This is included for the reason: to let the Congress know the effect of BEPS upon the conservation of different sources of energy. It is in no way an endorsement of the weighting factors or any other regulatory device to control off-site energy consumption or conservation. The BEPS program was conceived as a building energy program, and not a fuel use regulation.

Originally thought to save the equivalent of some 6 million barrels of oil a day, or 15 percent of our projected consumption, BEPS in its current form is estimated to save only 216,000 barrels a day. That amount of savings is just not worth the price: for the average new homebuyer, BEPS would mean an extra $3,200; and for the building industry as a whole, it would mean an added burden of $6 billion in the first year of implementation.

As I have illustrated, Mr. Chairman, we are in the midst of a housing affordability crisis. The implementation of BEPS in its present form would worsen this already serious problem. This amendment addresses the affordability issue head-on. It directs the DOE to further analyze the effect of BEPS on the ability of low- and moderate-income families to purchase new housing in this Nation. The essential question is whether BEPS encourage innovative construction and conservation or whether the regulatory burden they impose is so great that the goal is never achieved. Until the results are in, it would be unconscionable for the Federal Government to press ahead with the implementation of these energy performance standards.

BEPS must go back to the drawing board. The administration should revamp its program to fit the real world rather than attempting to change the world. Make them simple to follow, make them coordinated with existing standards and practices—and DOE will make them acceptable—and therefore effective.

The demonstration programs—one each for all types of commercial and all types of residential buildings—should be administered with these goals in mind. DOE should begin the actual construction phase for the pilot program as soon as possible after enactment. The primary requirement of this amendment is the collection of four full seasons' worth of performance and cost data over a period of at least 12 months in buildings of all types. Only if reliable and thorough data is collected, and later analyzed and assimilated, can we be assured BEPS will be improved.

In addition, Mr. Chairman, my amendment removes from the National Housing Act a certain phrase which has been subject to some misconstruction. It is my understanding that Congress did not intend to allow the automatic implementation of BEPS through the Housing Act, but rather provided a specific process for implementation through the original statute. Mr. Chairman, I want to express my appreciation for the welcome expertise of my colleague from Ohio (Mr. ASHLEY) on this particular aspect of the amendment.

In the interim it is important to note that progress on energy conservation will still be made during the period BEPS is tested and refined. In fact, 44 States have already adopted a tough conservation standard, ASHRAE 90–75R, into their building codes. The housing and commercial building industries have not waited for regulations, I should add. New homes, for example, are using 30 percent less energy today than those built just 5 years ago.

Mr. Chairman, it is important to note that this pilot program is widely endorsed by both business and labor. Under my amendment, the demonstration of BEPS is carefully planned to make the regulations understandable and effective by giving them a thorough testing under real-world conditions. Unless we adopt this amendment, we are likely to continue to receive more bankrupt promises and burdensome regulations from DOE.

Thank you, Mr. Chairman.

Mr. Chairman, the following material will further the understanding of my colleagues of the BEPS program—and the necessity for my amendment:

FACT SHEET ON PROPOSED BUILDING ENERGY PERFORMANCE STANDARDS (BEPS)

BEPS are too complex.—Require architects and computer programmers to assist in each design.

BEPS are too costly.—Add $3,200 to average new home cost; $6 billion nationwide implementation cost in first year.

BEPS won't save much energy.—DOE estimate of savings is 216,000 barrels per day by 1990; less than 2 percent of original prediction in 1976.

BEPS is biased against electricity.—"Weighting Factors" in BEPS favor scarce oil and gas over electricity by a factor of 3 to 1.

BEPS is biased against small homes.—The "budget numbers" measure energy per square foot; this is usually a greater burden on small houses and first time home buyers.

BEPS discourages passive solar.—Three computer programs are needed to incorporate solar energy, and such a procedure is too complex for practical use.

BEPS assume all houses are airconditioned.—One-third of new homes built have no air conditioning and are penalized by BEPS.

BEPS weather data is faulty.—San Francisco and Minneapolis would require the same levels of insulation, while Dallas and Fort Worth require different levels; for Seattle, even 20'' of ceiling insulation won't meet BEPS.

BEPS has no relation to actual energy use.—Actual utility metered data indicates BEPS prediction of energy use is off by 50 percent in some areas.

General consensus that BEPS are flawed.—President's Council on Wage and Price Control said the need for BEPS would be reassessed and they should be delayed at a minimum; NIBS said BEPS should be delayed until the technical and implementation issues have been resolved.

BROWN AMENDMENT TO H.R. 7262—HOUSING AND COMMUNITY DEVELOPMENT ACT

AMENDMENT TO PROVIDE A DEMONSTRATION BEPS PROGRAM BEFORE FINAL RULES ARE ISSUED BY DOE

The Brown amendment requires DOE, during the two-year extension period provided by the House Committee bill, to conduct a thorough demonstration project of the proposed Building Energy Performance Standards to test these regulations in action rather than in computer simulation, the only test conducted to date by DOE.

The Brown amendment would:

1. Require the Department of Energy to issue interim regulations for BEPS by August 1, 1981, which will apply to all new federal buildings.

2. Require the Department of Energy to conduct a real world demonstration program for at least 12 months, or four full seasons, using the interim regulations for all building types.

3. At the conclusion of the pilot program, and before issuing final regulations, require the DOE to report to Congress with their findings and conclusions on (1) what are the energy savings realized, (2) what is the cost of compliance, (3) what is the impact of the cost on the ability of low and moderate income persons to buy or rent new homes, and (4) what is the impact of BEPS on small builders.

4. Require the Department of Energy to promulgate final regulations for BEPS and to submit them to Congress by April 1, 1983.

5. Clarify that when BEPS are promulgated, they will not automatically apply to Federally assisted housing or replace HUD Minimum Property Standards.

The Brown amendment is supported in full by those listed below:

Building and Construction Trades, AFL–CIO.
Natl. Assn. of Home Builders.
Intl. Brotherhood of Electrical Workers.
Natl. Coal Assn.
Natl. Assn. of Realtors.
Edison Electric Institute.
Natl. Conference of States on Bldg., Codes & Standards.
American Consulting Engineers Council.
Natl. Assn. of Home Manufacturers.
Intl. Union of Bricklayers & Allied Craftsmen.
Intl. Masonry Institute.
U.S. Chamber of Commerce.
Natl. Society of Professional Engineers.
Air Conditioning and Refrigeration Institute.
Building Owners & Managers Assn.
Natl. Assn. of Industrial and Office Parks.
Air Conditioning Contractors of America.
Natl. Forest Products Assn.
Brick Institute of America.
Ntl. Concrete Masonry Assn.

Mr. MARKS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Pennsylvania.

Mr. MARKS. Mr. Chairman, we support the amendment of the gentleman from Ohio and I congratulate the gentleman for taking the initiative in this area.

Mr. BROWN of Ohio. Mr. Chairman, I appreciate the support of the gentleman from Pennsylvania.

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Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I thank the gentleman for yielding. I would like to congratulate the gentleman from Ohio and the chairman of the subcommittee for agreeing on a solution to this very difficult problem. I think we are all totally convinced that energy conservation is the way to go. My district—Davis, Calif., included—has this up next to religion in importance, but there is no question that the Department of Energy, by allocating only four people to develop these standards, has done an atrocious job. We will be setting back the cause of energy conservation if we move ahead with these terribly complex and difficult to implement regulations.

We must develop regulations, as we have at the local and State level, which can be understood by people on the job site, by local building inspectors, that will do the job the Department of Energy was supposed to have prepared us for.

Mr. Chairman, I would like to call my colleagues' attention, in particular, an excellent analysis of the BEPS standards as recently proposed by the DOE, performed by Bill Kopper, an energy consultant, city councilmember, and law student from Davis, Calif. His comments on the DOE proposal are worthy reading for anyone who wants a combined legal-practical feeling for this complex problem. They appeared in the UC Davis Law School Review for the spring of 1980, vol. 13, No. 2, and I will place them in the Extension of Remarks section in today's RECORD.

I would like to particularly emphasize Mr. Kopper's feeling that no matter what codes we implement or how we implement them, great effort must be made to educate local officials, and this educational effort will require substantial Federal commitments. BEPS represents an attempt to do all at once something which, in the case of comparable health and safety codes, has taken generations to evolve.

Similarly, Mr. Chairman, I would like to impress on the Members the importance of decentralizing the BEPS process as much as possible. A national effort like this must not be strangled in a national-scale bureaucracy. The real work will be done on job sites by builders, building inspectors, and financial institutions under the guidance of local zoning officials. When the final BEPS standards arrive on this floor in 2 years, perhaps and hopefully sooner, I would hope that Congress is very mindful of these institutional problems and incorporate into the enforcement program as much local prerogative as possible, as well as options whereby States at least can efficiently take over the promulgation and enforcement job of the Federal Government. They know their terrain better; they are closer to the real work.

Mr. Chairman, I had hoped to speak today in strong support of the building energy performance standards developed by the Department of Energy. Simple energy conservation offers more energy independence to the American people at less cost to our economy and lifestyle than any other source of energy we might promote. Certainly when we look at the costs of new development technologies, their environmental tradeoffs, and the pure political dilemma of choosing between them in a constrained budget year, whatever energy we can save becomes triply important.

Beyond plain public awareness of the need to save energy, building codes are the keystone to a conservation strategy. I have in my office the printed results of a California-wide competition to develop attractive and practical passive solar designs for residential and commercial buildings. The results are enormously heartening; following minimum solar designs we could reduce by half the energy it takes to heat and cool homes by the year 1991, and 70 percent by the year 2000. Similarly dramatic statements come from other sources. Quantifications about what BEPS should save are risky and debateable. The estimates depend on what we would otherwise use. However, heating and cooling buildings consumed 28 quads of energy in 1977, 37 percent of total national consumption. Even if BEPS would not save a full half—and I believe it would—we can conclude safely enough that BEPS represents an enormous potential.

I have the privilege of representing Davis, Calif., in this Congress. Davis is a relatively small town, distinguishable from others by its political willingness to experiment in a number of ways. Its most highly publicized experiment has been its community-wide energy conservation programs. The cornerstone of that program has been a simple building code, developed with $116,000 in grants in 1974. Davis was ahead of its time. Needless to say, its local builders were very nervous at the prospect of strange new rules. They said that the code would be too complex, that it would cost too much, that its objectives were not worth the effort, that the projected effects were more theoretical than real. Davis implemented the code over these objections, held seminars for architects, builders, and building inspectors, and now Davis builders are among its most enthusiastic backers.

Davis' energy code applies to new houses only. Not that many new houses are built each year in Davis. Nevertheless, between 1975 and 1978 the average home citywide used 8.1 less electricity and 22.5 percent less natural gas. In new subdivisions with a substantial number of homes designed according to the code, energy use per unit has indeed dropped to half the city average. Much of the change can be attributed to conservation awareness on the part of Davis people; how a building is used is as important as the building itself. However, much of the reduced consumption should be credited to the conservation building code itself. Were we to extrapolate these savings across the country—which, again, used 28 quads of energy to heat and cool buildings in 1977—I think we would have a fair measure of what we have lost by not having a BEPS to implement today.

The almost tragic fact is that BEPS as presented by the DOE cannot be implemented. Its basic unworkability is a tremendous and fatal flaw, a flaw that transcends whatever disputes may exist about the stiffness or leniency of the standards themselves. The people who do the building in the United States will not know how to implement what the DOE has proposed, even if they agreed with it.

The DOE took what is known as a "performance standard" approach to the codes. That is, it divided the country into 18 climatic regions and assigned "energy budgets" to buildings of 17 various kinds within the regions. An energy budget limits the amount of energy that building can consume per square foot.

On paper this looks like a good approach. A designer can put together the building using whatever materials and in whatever configuration he wants as long as the end product performs properly.

The main problem, however, is that computers must test a proposed design against the standard or else very elaborate manual procedures must be undertaken. Few computers are programed to do this. Massive backlogs would occur. Centralized energy performance testing cuts awkwardly across the existing institutional lines of the local building inspection process. It is certainly too much for any but the most sophisticated design engineers; the average small builder and the average building inspector would throw up their hands. We would have a revolution on ours. Any attempt to integrate an energy conservation factor into building codes on a national basis will require extensive educational programs. I believe performance standards would require education beyond our ability. The alternative, manual approaches share these difficulties.

The DOE should have given us standards expressed in what are known as "prescriptive" terms. Prescriptive standards should be developed to be the equivalent of the performance standards. The advantage of prescriptive standards is that they are relatively simple: they prescribe materials and thicknesses and orientation and so forth. The people who build the vast majority of buildings in this country can follow an energy conservative prescriptive program. Some work would be required to develop them for the various regions of the country, but not as much as is required to develop and implement sensitive performance standards. Some work would be required to educate the builders, but nowhere near as much as would be required to make them wise in the ways of computers. In short, prescriptive standards could deliver enormous energy savings.

The DOE did not prepare prescriptive standards to complement the performance ones partly because Congress originally directed the DOE to take the performance approach. The Congress has said, however, that States can implement their own prescriptive standards if they are equivalent, and the DOE itself has said it intends on developing prescriptive equivalents. I would hope the Congress would support the DOE's belated efforts in this regard, and am glad to see the Banking Committee has so recommended in its report.

I would also hope that the DOE and the OMB would give some evidence that they really take BEPS, or conservation, seriously. I do not blame the people who actually worked on BEPS. As a supporter of this administration in general, it dismayed me to hear that the maximum slots ever allocated the DOE by the OMB for this program was 10, only 7 of which were ever filled, and now only 3 are filled. Conservation rhetoric aside, virtually no commitment was made to BEPS. Government-wide hiring freezes do not explain this extraordinary disregard for its potential. I suspect that DOE would be hard put to show us another program with the potential for saving 14 quads by 1990 which has been so extraordinarily neglected. It is difficult to choose which of the potential world crises might next stretch us further over the barrel of imported oil. Clearly, however, the degree of our pain will be proportional to the time lost by this negligence.

The Deputy Assistant Secretary for Conservation has just announced an ambitious program to improve BEPS, develop equivalent prescriptive standards, and set about disseminating the information nationwide. Her schedule would advance the program beyond what the Congress would require in the amendment now before it. Though this amendment is necessary given the problems to date, I would hope that the DOE can press ahead on this expedited schedule. I would also hope that the DOE and OMB will determine the number of staff this program could use to its maximum advantage and actually fill all those slots, so that we do not again end up with something that is short of the implementable beyond the time it is due.

Thank you.

Mr. BROWN of Ohio. I appreciate the gentleman's comments.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the ranking Republican member on the Housing Committee.

Mr. STANTON. Mr. Chairman, I want the gentleman in the well to know that this business of building standards has been a tough one to resolve, and I want to compliment the gentleman in the well because he has worked longer and harder than anyone I know of in the House, really, to try to resolve this issue.

I was most pleased that he worked with the chairman of our subcommittee in resolving this particular problem. What the gentleman brings forth today is really the Brown-Ashley amendment that we have before us.

I compliment the gentleman on the amendment, and am pleased to accept it.

Mr. BROWN of Ohio. I thank the gentleman.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the chairman of the committee.

Mr. ASHLEY. Mr. Chairman, this amendment represents a negotiated compromise between the very able gentleman in the well, Mr. BROWN of Ohio, Mr. STANTON of Ohio, Mr. DINGELL of Michigan, Mr. OTTINGER of New York, myself, and others; therefore, it is nothing less than a minor miracle.

Mr. BROWN of Ohio. It does not compete with the virgin birth.

Mr. Chairman, I appreciate the compliments of the chairman. He is very kind. You are all lovable fellows, particularly when I get my way.

Mr. ASHLEY. Mr. Chairman, I rise in support of the amendment proposed by my colleague from Ohio (Mr. BROWN). I also thank the gentleman for working cooperatively to modify his original proposal. The amendment he is now proposing requires the Department of Energy to conduct a demonstration program to test the use of the building energy performance standards in various areas of the country, but also assures that there will be adequate public scrutiny of the standards used in the demonstration. In addition, the amendment addresses the concerns of several of our colleagues who want the Department of Energy to issue effective and workable standards as soon as possible.

The amendment would do the following:

First. It requires the Department of

Energy by August 1, 1981, to issue interim regulations, which will be applicable to all newly constructed Federal buildings;

Second. It requires the Department of Energy to conduct a demonstration program using the interim regulations for at least 12 months and, before issuing final regulations, to report to Congress regarding the effectiveness of the demonstration;

Third. It requires the Department of Energy to promulgate final regulations and to submit them to Congress by April 1, 1983, at which time Congress will consider whether sanctions are necessary to assure adoption of the standards; and

Fourth. It makes absolutely clear that when the standards are promulgated, they will not automatically apply to or replace HUD minimum property standards.

Let there be no doubt that in approving this amendment, this body will be reaffirming its commitment to the development of an effective energy conserving building standard. When the Banking Committee provided an additional 2 years for the Department of Energy to issue final regulations, we did so because it was abundantly clear that a practical and effective version of BEPS could not be issued by August 1980. The Department has already received 1,400 pages of public testimony on the standards. Time is needed to review the testimony and integrate the findings into the standard. Critical research projects relating to the standards have not yet been completed. These projects range from a comparison of BEPS with an upgraded prescriptive standard, such as ASHRAE 90–75, to integrating the cost-benefit principle into the commercial building standard. Amazingly, the Department has only assigned three people to this critical program. Clearly, more time and more people are necessary to accomplish a task of this complexity.

I believe the amendment my colleague is proposing will enhance the credibility and the effectiveness of these energy conserving standards. First, by requiring the interim performance standards to apply to all new Federal buildings, the Federal Government will be showing its willingness to take the lead in demonstrating the feasibility of the performance approach. By monitoring the application of these standards to Federal buildings, the Department of Energy can fulfill the requirement of conducting a commercial building demonstration. The key issues in applying these standards to commercial buildings are the difficulty of integrating these standards into the design of the building and the cost impact of this integration.

Second, the residential building demonstration will provide Congress with valuable information regarding what changes in building practice and design costs will be necessary to comply with the standards. The impact on a resident's ability to afford these new energy efficient buildings should take into account both the increased purchase price as well as the reduced utility costs.

These demonstrations should also examine whether it would be more effective to use a prescriptive or component standard, such as an upgraded version of Ashrae 90–75. Builders and code officials are already familiar with the prescriptive approach and 44 States have already adopted this approach. I wholeheartedly agree with my colleague from Ohio that before the Department recommends to Congress whether any incentive or any sanction should be created to assure the adoption of BEPS, Congress should have the benefit of the demonstration results.

Third, by publishing an interim standard by August 1, 1981, the Department of Energy will be making available to the public a standard which represents the best judgment of the agency. Prior to issuing the interim standard, it is expected that the Department will seek the assistance of the National Institute of Building Sciences and will consult with the practical experts—the architects, builders, and local code officials—who will have to actually use those standards.

After such consultation and after reviewing the volumes of public testimony received on the proposed rule and the additional research that will be completed in the next year, the Department will be in a better position to recommend an effective energy performance standard. Publishing an interim rule would permit architects, engineers, builders, local jurisdictions and possibly even States to use, on a voluntary basis, what, at that point, would really be a model performance standard.

Finally, this amendment makes absolutely clear that nothing in law would require the HUD minimum property standards to automatically incorporate BEPS once BEPS are promulgated as final. Some individuals have interpreted the amendment to section 526 of the National Housing Act that was approved in the 1978 National Energy Act to require that incorporation. This was never the intention of the amendment. Section 526 only requires HUD to increase the energy conserving requirements of the minimum property standards, and to periodically revise those requirements, at least until the date of final promulgation of BEPS.

A separate provision of existing law requires that any change to the minimum property standards is subject to congressional review according to the procedures established in section 7(o) of the Department of Housing and Urban Development Act. Let me be absolutely clear that, under existing law, once BEPS are promulgated they become effective immediately only for Federal buildings—not for federally financed, insured, or assisted buildings. Only if both Houses of Congress approve sanctions would BEPS be required to be applied to all buildings receiving Federal financial assistance. The fourth part of the amendment clarifies this intent by deleting any reference to BEPS in section 526 of the National Housing Act.

In conclusion, this amendment is designed to be responsive to those Members who want a performance standard to be issued by the Federal Government as soon as possible and to those that believe a demonstration project should be conducted before Congress considers recommending, or requiring through sanctions, that the standards be adopted on a national basis.

I urge my colleagues to support the adoption of the amendment offered by the gentleman from Ohio.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio has expired.

(At the request of Mr. OTTINGER and by unanimous consent, Mr. BROWN of Ohio was allowed to proceed for 5 additional minutes.)

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to my colleague.

Mr. WYLIE. Mr. Chairman, I thank the gentleman for yielding. I just wanted to applaud the gentleman for the good work he has done on this amendment. As he stated, the American dream of home ownership has become quickly an endangered species, and it is estimated that these building energy peformance standards would add at least $3,200 to the cost of each house.

I think the amendment addresses the issue squarely. I think it would be unconscionable for the Federal Government to go ahead with the implementation of this regulation at a time like this, when housing is so costly.

I support the gentleman's amendment enthusiastically.

Mr. BROWN of Ohio. I appreciate the gentleman's remarks.

Mr. LOEFFLER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Texas.

Mr. LOEFFLER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio and ask unanimous consent to revise and extend my remarks.

Should the proposed building energy performance standards, or BEPS, become effective, our national efforts to promote energy conservation will entail an enormous amount of Federal involvement in building design, construction, and management. Testing of BEPS is absolutely essential in order that we determine before the fact whether the costs outweigh the benefits and whether the current program is developing into a responsible, effective, and flexible means to conserve energy.

Certainly, better energy conservation is everyone's goal, and the rising cost of all energy is sending a clear and convincing signal to the American people that saving energy saves money, and reduces somewhat our critical dependence on foreign imports. Past experience has indeed taught us that, as energy costs rise, necessary changes will be made as the marketplace directs; as a matter of fact, new home energy efficiency has increased some 30 percent since 1973 alone.

I strongly believe that, unencumbered by unnecessary Government intervention, the marketplace will determine the value and efficiency of each type and form of energy, and I am pleased that we have recently taken steps to adopt policies to make energy prices reflect their true cost. Furthermore, individuals designing and using a building should be guided by standards that encourage energy conservation based on what is most economical and efficient for that particular building.

However, the BEPS rules as submitted require that a building using electric heating and cooling systems be three times more energy efficient than a building using oil, or gas heat, even though more than 70 percent of electric power is currently generated from fuels other than oil or gas. These so-called "weighting factors" will therefore not only encourage the construction of new buildings that use more, rather than less, oil and natural gas, but they will also insure that new buildings, which can use coal, hydropower, or nuclear indirectly through electricity, will use less of these domestically produced energy resources. It is difficult to imagine a result that is more directly at odds with national energy policy.

DOE has itself stated that—

> The use of weighting factors will not significantly affect the overall energy savings expected to be achieved by the standards.

The question then arises as to whether they are really necessary at all, and I feel sure that, during the review of the standards provided by the Brown amendment, a serious analysis of this issue will prove that weighting factors should not be a part of new energy efficiency standards.

When building energy efficiency standards were first proposed, the Department of Energy suggested that the country could save as much as 6 million barrels of oil per day by 1990 through such a program.

Yet, current DOE estimates indicate that total compliance with the present BEPS standards would yield little more than 200,000 barrels per day savings—less than 2 percent of total U.S. consumption. In achieving this modest goal, residential construction costs would increase at least 3 to 5 percent. In fact, a recent survey of San Antonio, Tex., 1980 housing outlook indicated that the BEPS program would add more than $4,000 to the cost of the least expensive home. This will price even more families out of the new home market, a market already depressed by present economic conditions. In addition, these costs in turn reflect the severe impact which the drastic changes involved in the design and construction criteria of BEPS will have on the average homebuilder in this country, who has neither the money nor the expertise to fully understand and implement the BEPS standards because of their unproven nature.

Mr. Chairman, it is critically important that we have an opportunity to analyze the effect of the BEPS standards before we make them mandatory on all new construction in this country, and I strongly urge my colleagues to support the Brown amendment.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I thank the gentleman for yielding.

I also support the gentleman's substitute which is a compromise in which I participated. I originally had intended to offer an amendment calling for a simple 1-year delay in the promulgation of the BEPS standards. However, I am persuaded in the spirit of compromise that the agreement reached by Mr. Brown of Ohio, Mr. Dingell, Mr. Ashley, and myself does present a workable approach to achieving the goal of BEPS, while easing the birth pains that will accompany their introduction; and the unquestioned inadequacies which existed with BEPS as they were originally promulgated both in terms of consultation with the industry and in terms of making regulations which were practicable for small homebuilders and others.

I would like to again use the gentleman's time to engage in a colloquy with the gentleman from Ohio (Mr. Ashley) to clarify some things that I think are very important as a part of this understanding. I think it is very important that the staff and the job resources devoted to BEPS be increased. Until just recently, there were only three members of the Department of Energy who were devoting themselves to trying to promulgate the standards and work with builders all over the country, and that was clearly inadequate. It is my feeling that at least 20 full-time professionals would be needed and $10 million in contract funds per year in order to be able to carry this out adequately.

Second, that the Department of Energy understand that it has to work with the building community to correct the technical and structural deficiencies in the current BEPS, and simplify the computer codes to be more accessible to the average builder. If we do not get the active cooperation of the building industry, this is not going to fly.

Third, develop the needed alternative paths to satisfy requirements of BEPS including equivalent prescriptive standards, manuals of accepted practice, subsystem and component performance standards.

Fourth, help HUD and ASHRAE to revise their existing standards to equivalent with BEPS.

Fifth, work with the States to assure their cooperation and acceptance of standards.

Sixth, initiate the needed educational and training programs for building code officials, design officials, builders and other members of the building community.

Seventh, prepare a set of alternative options to the sanctions called for in the Energy Conservation and Production Act of 1976 (Public Law 94-385) for implementation of BEPS. The sanctions at the present time are so harsh as not to be capable of realistic implementation.

□ 1740

Eighth. Improve cooperation between the solar and conservation programs so that the latest state-of-the-art in modeling solar energy, and especially passive solar, can be worked into BEPS.

Ninth. Develop a plan for carrying out and evaluating the 12-month demonstration program, and issue the RFP for the demonstration program, at least 6 months before the interim regulations are issued.

In order to have this demonstration really working effectively, ideally they should take a good number of houses presently on the drawing board so we can get some experience that will be meaningful out of the demonstration that was the principal contribution of the gentleman from Ohio (Mr. Brown).

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. Brown) has expired.

(On request of Mr. Ottinger, and by unanimous consent, Mr. Brown of Ohio was allowed to proceed for 2 additional minutes.)

Mr. OTTINGER. Mr. Chairman, will the gentleman yield further?

Mr. BROWN of Ohio. Yes; I would be happy to yield further to the gentleman from New York (Mr. Ottinger). I have not seen the material from which he is reading, and I am unaware of the significance of the colloquy.

I think I probably agree with most of what I have been able to hear as to what the gentleman has discussed.

But it might be better, if it is going to go on indefinitely, for the gentleman from Ohio (Mr. Ashley) to get his own time.

Mr. OTTINGER. Mr. Chairman, I can do it on my own time.

Mr. BROWN of Ohio. I would be glad to yield to the gentleman to complete his presentation.

Mr. OTTINGER. Since I was supporting the gentleman's amendment, I thought he would yield.

Mr. BROWN of Ohio. Surely. I am delighted to have the gentleman's support, and I am happy to yield.

Mr. OTTINGER. The development of a plan for carrying out and evaluating the 12-month demonstration program. I think we went over that.

Tenth. Be more aggressive in pursuing the authorities granted by the Energy Policy and Conservation Act of 1975 (Public Law 94-136, section 362 (c)).

I think that the dates contained in the substitute are outer limits. I am convinced the Department could issue its interim regulations perhaps in as short a time as 4 months in advance of the date set, complete and evaluate a demonstration program in 15 months, and promulgate the final standards by August 1982. This amendment allows an accelerated approach if indeed the Department of Energy is capable of doing so.

Mr. Chairman, I would like to ask the gentleman from Ohio (Mr. Ashley) if he feels that these recommendations are in accordance with the agreement as he understands it.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I will be glad to yield to the gentleman from Ohio.

Mr. ASHLEY. Mr. Chairman, I appreciate the gentleman from Ohio's yielding to me.

I would like to say that I have had an opportunity to look at the comments, and I can associate myself with the suggestions of the gentleman from New York (Mr. Ottinger). I think that they are well taken. I certainly thank him for his contribution to the compromise that is before us, thanks to the good offices of the gentleman from Ohio (Mr. Brown).

I must say that I am not quite as optimistic as my friend, the gentleman from New York (Mr. Ottinger), about the Department's ability to accelerate the revised timetable for promulgation of the final regulation, but that is just a difference of opinion between the gentleman and myself.

I certainly join the gentleman in urging the Department to issue approved standards just as soon as the outstanding problems are solved.

Mr. OTTINGER. Mr. Chairman, I want to make sure that I understand this. There is nothing in this amendment to prohibit their going forward faster?

Mr. BROWN of Ohio. Mr. Chairman, I will reclaim my time so that I can conclude.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. Brown) has expired.

(On request of Mr. Ashley, and by unanimous consent, Mr. Brown of Ohio was allowed to proceed for 30 additional seconds.)

Mr. BROWN of Ohio. Mr. Chairman, the gentleman from Ohio (Mr. Ashley) is certainly generous.

Mr. Chairman, I join the gentleman from New York (Mr. Ottinger) in being as hopeful as possible that the Government can operate as quickly and as efficiently and with as much intelligence as possible, and given what they did originally with BEPS, that certainly is being terribly hopeful.

Mr. PATTERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to engage the chairman of our subcommittee in colloquy on this matter to discuss NIBS' role in the promulgation of BEPS.

Back in 1974, we included in the Housing and Community Development Act provision for the National Institute of Building Sciences. Our purpose was to create in NIBS an authoritative national source to advise both the public and private sectors on scientific and technological matters relating to building codes and regulations.

The Energy Conservation and Production Act of 1976, wherein the building energy performance standards program was created, specifically directed that the performance standards be developed in consultation with NIBS. As a coordinator for input from consumers, code enforcement officials and the building industry regarding building standards NIBS' role in this process is very important.

I note that the amendment proposed by Mr. Brown amends the 1976 act to provide for publication of interim performance standards by August of 1981, several demonstration projects to field test the interim standards and publication of final standards by April 1983. Also, the amendment provides for a report to the Congress on the test results, taking into consideration several important factors.

I ask my colleague the chairman of the subcommittee if it is not the intention of this amendment that the Department of Energy and HUD continue to use the services of the National Institute of Building Sciences where appropriate in order to maximize as fully as possible the participation of both the public and private sectors of the entire building community. I would also hope that NIBS could be involved in assisting DOE to carry out the demonstration projects as well as in its final report to Congress with respect to such projects.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. PATTERSON. I am delighted to yield to the subcommittee chairman.

Mr. ASHLEY. Mr. Chairman, let me answer the gentleman in the affirmative.

It was our understanding that many of the shortcomings in the proposed standards, especially those relating to their extreme complexity and lack of adaptability by enforcing jurisdictions, resulted from insufficient participation by the public and private sectors of the building community in the standards development process.

I am pleased to see that the services of the National Institute of Building Sciences are now being used to obtain this participation as Congress intended. We fully expect that NIBS' involvement will be continued where appropriate throughout the process proposed in the Brown amendment.

Mr. PATTERSON. Mr. Chairman, I thank the gentleman for his very succinct and very capable explanation, and I yield back the balance of my time.

Mr. GOLDWATER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by our distinguished colleague from Ohio, Bud Brown. I know that my fellow Members of the House have received a great deal of material from the building industry and other interested groups on the subject of the Department of Energy's proposed building energy performance standards or, as they are more commonly known, the BEPS program. I will make my statement brief as I have made my position known in earlier Record inserts.

I do not think that anyone would quibble with the fact that this country needs to become energy self-sufficient. This goal can be accomplished two ways: produce more fossil and synthetic fuels and save energy where possible to be used where necessary. The conservation-based BEPS concept, first conceived in 1976, is a good one. It can be made better, and the 1-year extension plus demonstration project approach addressed by the Brown amendment will help solve the very real problems the building industry has with BEPS as proposed by the Department of Energy last November.

The Brown amendment is supported by an industry coalition of over 1 million individuals including utility companies, engineering societies, builders associations, contractors groups, materials suppliers and similar groups. These groups oppose the proposed regulations as unworkable, expensive, and hypothetical. As a matter of fact, there are very few elements of the building industry which do not support the idea of a 1-year extension of the effective date of promulgation of the regulations, coupled with a real-life demonstration project. I recommend that you refer to my statement on page E3467 of the Congressional Record of July 21, 1980, for an overview of the industry's debate on the topic.

As our colleague from Ohio has described, these "performance standards" are a real departure from the building and design industry's norm of "prescriptive standards" traditionally employed when constructing a building to comply with State and local building codes. The theory when the legislation was first drafted was to avoid preempting existing building codes and to allow for maximum flexibility and innovation in energy conservation design. As proposed by DOE, the standards assign energy consumption budgets for all new buildings constructed after BEPS take effect. These budgets are designated energy consumption figures of 1,000 Btu's per square foot per year. The standards also assign standard building operating conditions; a complex standard evaluation technique based upon complicated computer simulation and a fuel use weighting factor concept. At Congress' option after final regulations are adopted, any building not designed to meet the BEPS would be liable for Federal sanctions of prohibition to access to Federal financing such as FHA, FmHA, VA and so forth.

Although the technical aspects of the BEPS concept have been closely and thoroughly studied, no implementation strategy for the program has been developed. The impact of increased housing costs, design liability and national fuel use policy on the economy remain unanswered questions. Obviously, these are persuasive arguments for delaying implementation of the regulations. Additionally, the BEPS concept is still very hypothetical; no actual buildings have been constructed according to BEPS energy budget and operating conditions requirements. Because of this, I feel demonstration projects in representative climates and seasons need to be conducted to determine the overall workability of the program.

I would like to briefly address the demonstration project portion of the Brown amendment to emphasize a number of points. These demonstration projects will put BEPS to a rigorous test. When the regulations are revised, DOE standards should be made to fit the real world, not the other way around. I am particularly concerned that the demonstration projects show that, as promised, the BEPS regulations are understandable to the average builder and will not cause delay and undue expense in the traditional construction process. The housing industry is hard hit enough today without layering on major price increases and work stoppages due to unworkable Federal regulations.

It has been estimated that, as proposed, BEPS requirements would increase the price of a new house by an average of $3,200. This does not sound excessive until you realize that some half-million first-time homebuyers could be cut out of the market because of the up-front cost of the BEPS program. I look to the demonstration projects to give us the real story on these cost estimates. Computer simulation is clearly not enough.

Beyond this, I would like an effective demonstration project to include some of the following points. I think the gentleman from New York (Mr. Ottinger) covered most of them, but I will discuss them, and I would assume, unless there is some objection by the author of the amendment or the chairman of the subcommittee, that these kinds of things would be looked at and undertaken during the 1-year demonstration project.

□ 1750

One would be to demonstrate the relative merits of State prescriptive standards and the Department of Energy's performance standards approach.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Ohio.

Mr. ASHLEY. I am following what the gentleman has said, and in all truthfulness, this is the first time I have been privileged to hear the expression of his views. I did hear him say that if there was no objection by the author of the amendment, or those who participated in the compromise, that the views of the gentleman might be considered as expressing some kind of congressional intent.

I hope the gentleman did not quite mean that, because it is quite difficult in a complex area to follow precisely the implication of some several suggestions that the gentleman will be making and to comment intelligently upon them, since it will have been the first time that I, for one, will have been exposed to those.

Mr. GOLDWATER. I can understand the gentleman's apprehension, although I am sure he is very much aware of this program. These particular four or five points are certainly not new to him, inasmuch as he was able to accept the recommendations of my colleague, the gentleman from New York (Mr. OTTINGER). It just seems to me that one of the points that the gentleman from New York (Mr. OTTINGER) made was in fact a comparative analysis between the State's prescriptive approach and the Department of Energy's performance standard approach.

I would assume that the gentleman would agree with that.

Mr. ASHLEY. If the gentleman will proceed, I will do my best to follow what he is saying and will make such comments as I feel are necessary to the appropriate time.

Mr. OTTINGER. If the gentleman will yield to me at this point, that really is not exactly what I said, what is represented. I think there needs to be prescriptive standards for small builders. They do not have the ability to do the technical work that is necessary to follow out the performance standards in many situations. There ought to be alternative performance standards for more sophisticated builders.

Mr. GOLDWATER. The point I thought the gentleman was making was that most States prescribe specific standards. Under the Department of Energy's BEPS approach, we are talking about performance standards, and there is a definite difference in approach. It seems to me that if we are going to demonstrate these concepts, then an analysis should be made between the two approaches to find out which is the better approach.

The CHAIRMAN. The time of the gentleman from California (Mr. GOLDWATER) has expired.

(By unanimous consent, Mr. GOLDWATER was allowed to proceed for 3 additional minutes.)

Mr. OTTINGER. If the gentleman will yield further, I think the conclusion will be that both are appropriate, prescriptive standards for some kinds of builders and performance standards for others.

Mr. GOLDWATER. I think it is important that that be considered in this demonstration.

The second point that I think probably should be considered is to demonstrate that BEPS are really basically simple to understand and easy to comply with. I think we can all agree with that one.

The third thing I think we ought to be demonstrating is ways to encourage simple passive solar applications. I think the gentleman will agree with that. I am sure the chairman, who obviously is not listening, would agree also.

The fourth point that I think is important in this demonstration is that we demonstrate that the BEPS standards are energy efficient and cost effective for the new home buyer and other new building owners. I think that is commonsense, and I do not think the chairman would disagree with that.

Now, one problem that I have and I think ought to be discussed here is whether these studies should be accomplished by actually constructing examples of each of the 22 building types specified in the BEPS regulations. I think this is an important consideration, and I would be interested in knowing whether the chairman and Mr. BROWN agree with this or not that in the six areas where the demonstrations are going to be taking place that they build and construct 22 buildings types specified by the BEPS regulations.

I do not know whether that is contemplated by the Brown amendment or whether there is any agreement on it, but I think it is an important point because we are talking about a lot of dollars.

Mr. ASHLEY. If the gentleman will yield, is the gentleman saying that he wants to see 22 types of buildings built as part of the demonstration?

Mr. GOLDWATER. Well, under the Brown amendment it would appear to me that if you are going to demonstrate the BEPS approach, the proposed DOE regs specify 22 building types. And the question I would raise is: Under this amendment, are we requiring the Department of Energy to build 22 of these types in each of the six areas?

Mr. ASHLEY. The answer to that, surely, is "no."

Mr. GOLDWATER. Well, then I think we should decide on how far we go with this demonstration, whether it is a sample of the 22, or how do you demonstrate these proposals if, in fact, you do not demonstrate them?

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. It was not my original purpose that every possible kind of house would be built in every possible climatic area simply because of the cost of that kind of a demonstration. It was my thought that various houses in the climatic areas over the year period should be built and, quite frankly, that sample I think will demonstrate that the BEPS proposals are a little whacky in some of the areas.

The CHAIRMAN. The time of the gentleman from California (Mr. GOLDWATER) has again expired.

(By unanimous consent, Mr. GOLDWATER was allowed to proceed for 2 additional minutes.)

Mr. BROWN of Ohio. If the gentleman will yield further, probably they are not going to contribute to what I think the gentleman in the well and the gentleman who is the chairman of the committee and other people on the committee want, and that is that the average American will be able to buy a reasonably energy-efficient house and that that house will not be priced out of the market because of the effort to achieve energy efficiency through some complicated scheme that merely adds to the price and does not add to the efficiency or to the serviceability of the house in other ways.

The fact is, the gentleman in the well well knows, and I think the chairman knows, that the BEPS proposals were simply too complex and too convoluted for the average builder to use.

Mr. GOLDWATER. The point is, you are calling for a demonstration, and BEPS is proposing 22 building types. The question that I think needs to be resolved, either in the discussions with the Department of Energy or here on the floor, is: Do you, in the six demonstration areas of New Mexico, Florida, Vermont, Massachusetts, New York, and California, build in each area, 22 samples of those proposals, or do you leave that up to the discretion of DOE to do the best they can?

Mr. BROWN of Ohio. We are going to leave it to the discretion of DOE to build samples of these types in various areas through the 1-year period, I mean through the quarters of the year, in the hope that without building every type in every area in every quarter, they will have a pretty good idea of whether there is a real, practical possibility that the BEPS proposal as proposed can be accomplished and not totally frustrate homeownership in this country. I think they will discover that they have to modify the BEPS proposals if they use an intelligent sample.

Mr. ASHLEY. If the gentleman will yield, I have no quarrel with what the gentleman is saying. In response to the gentleman, let me say that it is my understanding that there are 22 types of commercial buildings.

The CHAIRMAN. The time of the gentleman from California (Mr. GOLDWATER) has again expired.

(On request of Mr. ASHLEY and by unanimous consent, Mr. GOLDWATER was allowed to proceed for 1 additional minute.)

Mr. ASHLEY. We have hospitals, we have office buildings, we have restaurants, a variety, 22 in all, commercial buildings.

My thought is—and I think it is the

understanding of those who participated in this agreement—you do not have to test each and every one of those in the demonstration process. By monitoring the application of the standards to Federal buildings, the Department of Energy can fulfill the requirement of conducting a commercial building demonstration. The key issue in applying these standards to commercial buildings is the difficulty of integrating, as the gentleman from Ohio (Mr. Brown) has said, these standards into the design of the building and the cost impact of this integration. But in a well constructed demonstration, you do not have to go to all 22 types in order to get the information that is necessary.

Mr. GOLDWATER. In other words, we leave a certain amount of discretion with the monitoring to get a good sample.

Mr. ASHLEY. The gentleman is right. Exactly.

Mr. BROWN of Ohio. And I might say to the gentleman in the well that I rather think that the gentleman from Ohio (Mr. Ashley), the gentleman from Ohio (Mr. Brown), the gentleman from Michigan (Mr. Dingell), the chairman of our Energy Committee, and others, will be following this with some precision.

Mr. GOLDWATER. I thank the gentleman.

As one final observation I would like to recognize the valuable service provided by the National Institute of Building Sciences in their effort to study the proposed BEPS rulemaking and indentify its many weaknesses. NIBS has provided leadership and a forum to discuss ways of salvaging the BEPS initiative. Existing law requires the administration to confer with NIBS on this proposal and I hope that we can expect this statutory requirement to be completely complied with.

In closing, I want to commend both the gentleman from Ohio; chairman of the Housing Subcommittee and another distinguished colleague, and the ranking minority member of the House Commerce Energy Subcommittee for their leadership in the area of further study of the BEPS program. I understand that these gentlemen have worked very closely with one another on the language of this amendment.

I feel very strongly that the real key to the success of the BEPS concept lies in a thoughtful application of such demonstrations and analyses of the proposed regulations.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. Brown).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WYLIE

Mr. WYLIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Wylie: Page 93, after line 22, insert the following new section:

NEGOTIATED INTEREST RATES UNDER SECTION 203

Sec. 331. Section 3(a) of Public Law 90–301 is amended—

(1) by inserting "(1)" after "Sec. 3. (a)";

(2) by inserting ", except those provided for in paragraph (2)," in the first sentence after "for all purposes"; and

(3) by adding the following new paragraph at the end thereof:

"(2) Notwithstanding any other provision of law, the Secretary may provide that the interest rate applicable to mortgages insured under section 203(b) of the National Housing Act shall be an interest rate specified in a commitment agreement which is negotiated between the mortgagor and mortgagee and which commits the mortgagee to such specified rate for at least 30 days after the date on which it is entered into; except that—

"(A) the number of mortgages which are insured in accordance with this paragraph in any fiscal year may not exceed—

"(i) the number of mortgages which exceeds 10 percent of all mortgages insured under such section 203 during the preceding fiscal year, or

"(ii) 50,000 mortgages,

whichever is greater; and

"(B) the provisions of this paragraph shall not apply with respect to mortgages insured in accordance with section 245 of the National Housing Act.".

Mr. WYLIE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

☐ 1800

Mr. WYLIE. Mr. Chairman, this amendment would establish on an experimental basis a program whereby 10 percent or 50,000 FHA mortgages, whichever is greater, would be negotiated as far as the interest rate is concerned. The lender would be required to commit for at least 30 days to work out closing details.

Stated another way, my amendment would allow up to 10 percent of the FHA loans to float with the market. Because FHA insured loan points are so high right now and particularly because the FHA rate is so much lower than the conventional rate, we are hearing rumors that lenders in certain areas of the country are not following through with their FHA commitments in order to force HUD to increase the rate again.

Now, a free-floating FHA rate would eliminate this kind of problem and remove HUD from the political maneuvers now taking place. But if any of this body has ever represented an FHA seller or have been an FHA seller, one can understand the emotion and frustration which can be engendered at a real estate closing when the lending officer comes in at the last minute and says, "I am sorry. I have to add three points or four points or at least count eight points to the loan charge."

In my last FHA case as a practicing lawyer, and I handled several, the seller, my client, and the purchaser had negotiated a house transfer at a certain price. I made up a closing statement for him. My client was to receive a certain check in x amount. I told him that since this was an FHA mortgage, the loan officer would show up at the last minute with an adding machine tape just before he got his check and say, "We are going to have to add so many points, and you, Mr. Seller, are going to have to pay them.

"Now, if you are game," I said to my client, "I will say the purchase price is x dollars, and we will start to walk out." Whereupon, the purchaser's attorney will say, "But the buyer cannot absorb the points. The seller must absorb the points."

I will say, "That is fine, but my client was expecting to get x amount of dollars at today's closing. That is what he needs to buy his new house, and we are leaving."

And just as we got to the door, sure enough, the attorney for the purchaser, who needed the house because he was moving in from out of town, caught up with me, and he said: "That is fine. We will give you a check for x amount of dollars."

Now, I do not know who paid the points to this day, but somebody paid the points besides my seller. In any event, the attorney on the other side has never forgiven me for that, but my client, the seller, thought I was great.

Now, that sums up the problem or the aggravation of the problem that is very pronounced in today's volatile market.

In recent times, the points have varied from 8 to 10. That is not uncommon, and FHA rates have changed numerous times in the last several months.

Now, by allowing the borrower/purchaser to negotiate a rate that is binding for 1 month, we can avoid this. This amendment would simply say that on 10 percent of the FHA loans or 50,000 mortgages, whichever is greater, we will allow a negotiated rate. We will allow the interest rate to float with the market.

Now, I think it is important for another point. Right now, because of the volatile market, two prices are quoted. They quote one purchase price, if it is a conventional mortgage. They quote another higher price if it is an FHA mortgage, to take care of the points.

Now, this has the effect of increasing the price of houses in a particular neighborhood, because houses are priced according to comparables in the neighborhood.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. Wylie) has expired.

(By unanimous consent, Mr. Wylie was allowed to proceed for 1 additional minute.)

Mr. WYLIE. Points inflate the real estate market; it inflates the price of the house, and in the process, it inflates future sales in the neighborhood. So my amendment would be an anti-inflationary amendment.

It is supported by the National Association of Realtors, the American Bankers Association, the Mortgage Bankers Association of America, the National Association of Mutual Savings Banks, and the U.S. League of Savings Associations.

Mr. STANTON. Mr. Charman, will the gentleman yield?

Mr. WYLIE. I yield to my friend from Ohio, the ranking minority member.

Mr. STANTON. Mr. Chairman, I rise in strong support of this amendment.

What the gentleman is doing is on a modest pilot program. We are speaking about taking 10 percent of the share of the total FHA-insured mortgages, allowing them to have a floating rate. As the gentleman has said, his amendment is endorsed by such outstanding organizations as the Mutual Savings Banks, the American Bankers Association, the Realtors, the U.S. Savings & Loan Associations, and the Mortgage Bankers Association.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. WYLIE) has again expired.

(At the request of Mr. STANTON and by unanimous consent, Mr. WYLIE was allowed to proceed for 1 additional minute.)

Mr. STANTON. If the gentleman will continue to yield, maybe this was not so important a year or two ago, an amendment of this type, but with the fluctuating mortgages that we have had in this particular year, I think the time has come for an amendment on an experimental-type basis, as the gentleman has provided, on only 10 percent of the total FHA business. I feel very strongly on the matter, Mr. Chairman, that this is a very good amendment.

I compliment the gentleman and hope his amendment will pass.

Mr. WYLIE. I thank the gentleman for his very significant support. I think the present situation does create artificial expectation in the housing market on the part of the consumer. I think this test program will prove the point I have attempted to make.

I yield back the balance of my time.

Mr. ASHLEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I oppose the amendment because it would provide that 10 percent of the FHA loans made in fiscal year 1981 would carry a negotiated interest rate. The rate set would be negotiated between the lender and the borrower rather than being set by the Secretary, as under existing law.

Let me say that I have no serious quarrel with my friend from Ohio. We have discussed this in committee. My position has prevailed up to the present time. The gentleman is not trying to involve all FHA lending. He would take 10 percent and set proportion of loans aside to see what happens when the rate is permitted to float.

My problem, frankly, is that when the Congress has made clear its intent over the past three decades that in return for the Government's assumption of risk, which is considerable, the home buyer utilizing the FHA-insured guaranteed loan should have the benefit of an established maximum interest rate.

This is the tradeoff that is involved: The Government provides the insurance, the guarantee, and in return for that, it says there should be a fixed interest rate, so that the home buyer will be able to know precisely where he stands. These maximum interest rates obviously help assure that Federal credit underwriting will not contribute to unreasonable interest rate levels.

Mr. Chairman, in addition, there are a number of other issues that are involved in this amendment. The principle perhaps is that the viability of FHA and the VA programs rely, to a large extent, on the ability to sell their mortgages in the secondary market. This is enormously difficult with a floating rate, with different conditions, negotiated out on an individual, case-by-case basis. It is going to be enormously more difficult to package such mortgages so that they can be sold in the secondary market.

□ 1810

So on balance, Mr. Chariman, I would urge that the amendment be defeated. I do not believe that it is going to provide information, facts or data, that will be useful. If I thought so, I would be supporting the amendment. I do not think so and for that reason I am opposed to the amendment at this time.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from New York.

Mr. GREEN. I appreciate the chairman yielding, but I would point out with respect to the point that the chairman made as to the difficulty of packaging mortgages that in fact Fannie Mae does conduct conventional mortgage programs so that they do seem to have been able to deal with this problem in the conventional sector.

Mr. ASHLEY. That is true, but I say that this will complicate and obviously make more difficult the packaging of mortgages for sale in the secondary market. The gentleman certainly cannot deny that.

Mr. GREEN. That is a problem that can be overcome.

Mr. ASHLEY. But it will increase the cost and it will increase the time involved. I do not think that the amendment is going to produce that kind of benefit.

Mr. GREEN. If the chairman will yield again, I am saying not only that it can be overcome, but it has been overcome and that Fannie Mae does, in fact, buy packages of conventional mortgages.

Mr. ASHLEY. I am advised that they do not buy packages of mortgages, they buy individual mortgages.

Mr. GREEN. In any event, they buy mortgages and this does seem to work in the conventional market. If there is a problem, then I think we should have this experiment and see if this is different from the conventional market as it is now functioning.

Mr. ASHLEY. Let me say, the gentleman was present at the hearings on this. This is an amendment that was offered. It is an amendment on which we listened to testimony from the Department. The gentleman's comments that he makes now were made at that time. The Department testified at some length that they did not think this was an advisable amendment and the committee accepted that view.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment, I think, has been discussed and I do not intend to take the full 5 minutes; but it raises serious questions of equity. The amendment would institute a system where in spite of the fact that all of the loans are the same credit risk in terms of insurance, 90 percent of the borrowers would have the benefit of a maximum interest rate, or I should say the negative impact of a maximum interest rate, while 10 percent would be treated in a different manner. The 10-percent FHA mortgages would all be at different and various terms, different interest rates, different points and so forth.

I think the fact is if we are looking at equity here, we would not approach it in that manner. The FHA provides an important fiscal tool which indicates the Government's policy toward credit availability. It also provides an index for the home buyer to use in terms of the desirability of his long term loan.

I have had constituents in my area and am myself concerned about the fact that they ended up paying a high rate, or excessive points, but I think the issue was considered by the committee in response to the gentleman's concerns. The committee approved language which directs the Department to more frequently address the FHA rate.

I think that since we have done this, I feel we should evaluate the method before we endorse just one means of stabilizing this FHA program and just create 10 percent more in disparities. What are the terms of those loans—all different and in itself a problem.

I just think it raises all sorts of questions which I do not think are fair. I think that we should not do that, because of the different risks and the different drain on the insurance pool, if for no other reason.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I would be happy to yield to my colleague, the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I thank the gentleman for yielding.

What my amendment is intended to do would be to allow on an experimental basis a negotiated interest rate between the borrower-purchaser and the FHA lender.

Now, the negotiated interest rate then would be binding on the parties for 30 days. After 30 days, all bets would be off; but I think that by allowing this on this very modest experimental basis, we could find out if a negotiated FHA interest rate arrangement can work.

I happen to think it will work, but there would not be that many mortgages involved.

I think that one of the problems we have in the FHA lending field today and one of the reasons for the discomfort as far as FHA loan participants are concerned, is the fact that right now these points are added at the last minute and nobody really knows what the points will be; so I think that situation is hurting the FHA housing market and I think it is hurting the housing market in general. The people who sell and build houses think it is hurting them.

Mr. VENTO. Mr. Chairman, if I can reclaim my time, does the gentleman's amendment deal with points?

Mr. WYLIE. Yes, my amendment would deal with points in that it would permit an arrangement where points could be negotiated out of the rate.

Mr. VENTO. I would agree with the idea of having some degree of stability. I think there is a problem in the sense that you have to pay the highest FHA rates that exist between the time you close, between the time you sign the earnest money and the time you close on the contract, and that is the problem.

I think that what we are doing here with the amendment, after we have made some good progress in the committee, and I want to commend the gentleman for his attentiveness, is that we are then weighing in on the side of this particular strategy, and the gentleman may very well have the best strategy that the Secretary can come up with; but I would rather leave the Secretary with the discretion, with the fact that we have instructed him and get some commitments along those lines, rather than adopt the gentleman's amendment at this particular time.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to my colleague, the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, I appreciate the gentleman yielding. Just quickly, I would be remiss to the committee members, and I should have done this earlier, not to point out that joining us is the gentleman from Ohio (Mr. WYLIE) on this amendment, the gentleman from Georgia (Mr. BARNARD) and the gentleman from North Carolina (Mr. NEAL).

I appreciate the gentleman allowing me to say that.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. WYLIE).

The question was taken; and the Chairman being in doubt, the committee divided, and there were—ayes 9, noes 9.

Mr. WYLIE. Mr. Chairman, I reluctently demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 476]

Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Bolling
Boner
Bonior
Bonker
Bouquard
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Buchanan
Burgener
Burlison
Burton, John
Butler
Byron
Campbell
Carney
Carr
Carter
Chappell
Cheney
Chisholm
Clausen
Clay
Clinger
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Deckard
Dellums
Derrick
Derwinski
Dickinson
Dicks
Dixon
Dornan
Dougherty
Downey
Duncan, Oreg.
Duncan, Tenn.
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Frenzel
Frost
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Harkin
Harris
Harsha
Hawkins
Heftel
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lungren
McClory
McCormack
McDonald
McHugh
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mazzoli
Mica
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Porter
Preyer
Price
Pursell
Rahall
Rangel
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rose
Rosenthal
Roth
Royer
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
Stack
Staggers
Stangeland
Stanton
Stark
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Wylie
Yates
Young, Fla.
Young, Mo.

☐ 1830

The CHAIRMAN pro tempore. Three hundred and fifty-two Members have answered to their names, a quorum is present, and the Committee will resume its business.

The pending business is the demand of the gentleman from Ohio (Mr. WYLIE) for a recorded vote.

PARLIAMENTARY INQUIRY

Mr. STANTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. STANTON. Mr. Chairman, the parliamentary inquiry is as follows: Would it be possible, before this vote is taken, for me to be able to ask the majority leader what the procedure is for the balance of the evening after this vote is over? Could I do this by unanimous consent?

The CHAIRMAN pro tempore. Without objection, the gentleman will be recognized for that purpose.

There was no objection.

Mr. STANTON. Mr. Chairman, I take this time in order to ask the majority leader if he could announce to the House the schedule for this evening, after the pending Wylie amendment, and perhaps for tomorrow.

Mr. WRIGHT. If the gentleman will yield, I believe the chairman has already announced the vote on the Wylie amendment will be a 5-minute vote by arrangement agreed to by the manager of the bill, the gentleman from Ohio (Mr. ASHLEY), and the ranking minority members involved. We have agreed that this will be the last recorded vote this evening. Here is the arrangement that everyone involved seems to find satisfactory, and that is that two or three relatively noncontroversial amendments would be discussed and debated and either accepted or rejected by voice vote. Then the Levitas amendment might become the pending order of business to be offered, and the gentleman from Georgia (Mr. LEVITAS) recognized to offer the Levitas amendment after the others had been taken care of, save for three—the Levitas amendment and the amendment to be offered by the gentleman from Virginia (Mr. BUTLER), and the gentleman from Tennessee (Mr. DUNCAN). The purpose would be to preserve by unanimous consent 20 minutes of debate on the Levitas amendment for tomorrow, to be divided 10 minutes to each side, and to vote on the Levitas amendment, and then to come to the Butler amendment. I would hope that we could get a unanimous-consent agreement as to how much time might be allotted to that, perhaps 30 minutes to the Butler amendment, and then if we could allot 30 minutes to the Duncan amendment we could finish this bill by noon tomorrow. Then we could come to the Mental Health Systems Act and try to finish it in order that we may adjourn by 3 o'clock tomorrow. If that schedule holds, we can finish both bills this week and go home with clear consciences.

I ask unanimous consent, then, Mr. Chairman, that tonight after the offering and debating of the Levitas amendment, debate might be confined to 20 minutes on the Levitas amendment tomorrow, to be equally divided between the two sides, the proponents and opponents, and that following that, the debate on the amendment to be offered by the gentleman from Virginia (Mr. BUTLER) may be confined to 30 minutes to be equally divided, and that following that the debate on the amendment to be offered by the gentleman from Tennessee (Mr. DUNCAN) may be confined to 30 minutes, that no other debate on this bill might be authorized, that all debate would be confined to those three amendments, and votes having been taken on those amendments then we would proceed, without intervening motion except for a motion to recommit as provided in the rule, to vote on the bill.

☐ 1840

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas relating to the three amendments?

Mr. LEVITAS. Mr. Chairman, I reserve the right to object.

Mr. Chairman, I reserve the right to object to inquire about the understanding of the majority leader, that it is understood that even though the gentleman from Georgia will offer his amendment tonight and will be recognized to speak to the amendment that, notwithstanding that, the gentleman from Georgia will be entitled to be recognized tomorrow during the 20 minutes reserved for this purpose.

Mr. WRIGHT. I think under every precedent it would have to be agreed to tomorrow, the 20 minutes remaining to be debated on the amendment offered by the gentleman from Georgia would be divided between the gentleman from Georgia or his designee, 10 minutes, and 10 minutes to the chief opponents of the amendment, I would presume the manager of the bill.

Mr. STANTON. Mr. Chairman, reserving the right to object, this is the agreement that has been worked out with the minority and I hope that there is unanimous consent.

Mr. LEVITAS. Mr. Chairman, I withdraw my reservation of objection.

Mr. STANTON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas (Mr. WRIGHT)?

There was no objection.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Ohio (Mr. WYLIE) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 296, noes 68, not voting 68, as follows:

[Roll No. 477]

AYES—296

Akaka
Albosta
Alexander
Ambro
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Ashbrook
Atkinson
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Benjamin
Bennett
Bereuter
Bethune
Bevill
Boner
Bonior
Bouquard
Bowen
Breaux
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Clausen
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, R. W.
Dannemeyer
Daschle
Deckard
Derrick
Derwinski
Dickinson
Dicks
Dixon
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Foley
Forsythe
Fountain
Frenzel
Frost
Gaydos
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Goodling
Gore
Gradison
Gramm
Grassley
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Harris
Harsha
Heckler
Heftel
Hillis
Hinson
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kindness
Kogovsek
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lent
Levitas
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lungren
McClory
McCormack
McDonald
McHugh
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Mattox
Mavroules
Mazzoli
Mica
Miller, Calif.
Miller, Ohio
Mineta
Moffett
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nelson
Nowak
O'Brien
Oberstar
Ottinger
Panetta
Pashayan
Paul
Pease
Perkins
Petri
Peyser
Porter
Preyer
Pritchard
Pursell
Rahall
Regula
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rose
Roth
Royer
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solomon
Spellman
Spence
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stockman
Stratton
Studds
Stump
Synar
Tauke
Taylor
Thomas
Traxler
Trible
Udall
Ullman
Vanik
Volkmer
Walker
Wampler
Watkins
Weaver
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wyatt
Wylie
Young, Fla.
Young, Mo.

NOES—68

Addabbo
Anderson, Calif.
Ashley
Aspin
AuCoin
Beilenson
Biaggi
Bingham
Bolling
Bonker
Brademas
Brodhead
Burton, John
Chisholm
Clay
Collins, Ill.
Corman
Danielson
Dellums
Eckhardt
Edwards, Calif.
Fascell
Florio
Ford, Mich.
Ford, Tenn.
Garcia
Gephardt
Gonzalez
Gray
Hanley
Harkin
Hawkins
Holland
Johnson, Calif.
Kildee
Kostmayer
LaFalce
Lehman
Leland
Matsui
Mikulski
Minish
Mitchell, Md.
Nedzi
Oakar
Obey
Patten
Patterson
Pepper
Price
Rangel
Reuss
Rosenthal
Simon
Solarz
Stack
Stewart
Stokes
Swift
Thompson
Van Deerlin
Vento
Walgren
Waxman
Weiss
Wright
Wydler
Yates

NOT VOTING—68

Abdnor
Anderson, Ill.
Archer
Blanchard
Boggs
Boland
Broyhill
Burton, Phillip
Cleveland
Cotter
Crane, Philip
Daniel, Dan
Davis, Mich.
Davis, S.C.
de la Garza
Devine
Dingell
Dodd
Donnelly
Early
Fowler
Fuqua
Giaimo
Hansen
Hefner
Hightower
Holtzman
Ichord
Johnson, Colo.
Leach, La.
Lewis
Lundine
McCloskey
McDade
McEwen
McKay
Michel
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Nichols
Nolan
Pickle
Quayle
Quillen
Railsback
Ratchford
Richmond
Rostenkowski
Rousselot
Roybal
Rudd
Russo
Shannon
St Germain
Symms
Tauzin
Vander Jagt
Wilson, Bob
Wilson, C. H.
Yatron
Young, Alaska
Zablocki
Zeferetti

Mrs. SCHROEDER changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BRADEMAS

Mr. BRADEMAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. BRADEMAS: On page 93, at the end of line 22, add the following new section:
>
> AMENDMENT RELATING TO MOBILE HOMES
>
> SEC. 332. (a) Section 603(6) of the Housing and Community Development Act of 1974 is amended by striking out "eight body feet more in width and in thirty-two body feet or more in length" and inserting in lieu thereof "more than eight body feet in width, is more than forty body feet in length in the traveling mode, or contains four hundred or more square feet when erected on site".

☐ 1850

Mr. BRADEMAS. Mr. Chairman, the amendment I am offering today—on behalf of myself and my colleague from Indiana, Mr. QUAYLE—to H.R. 7262, the Housing and Community Development Act of 1980, addresses a problem that is confronting the country's recreational vehicle industry.

During the last year, the recreational vehicle industry has suffered tremendously. Nationally, motor home plants in Georgia, Idaho, Michigan, and my home State of Indiana have been closed indefinitely because of rising fuel costs and high interest rates. Hundreds of people have lost their jobs in the industry itself and in other, related industries.

Mr. Chairman, the unemployment statistics in this industry are of staggering proportions. In the State of Indiana alone, where the recreational vehicle industry is a vital part of the economy, over 2,700 people have lost their jobs during the past year.

Mr. Chairman, the amendment I am offering today, if passed, will have a direct impact in alleviating the economic hardships under which the manufacturers in the recreational vehicle industry have been forced to operate.

My amendment centers around a dispute between the manufacturers in the RV industry and the Department of Housing and Urban Development. Specifically, the amendment concerns the minimum size definition of a mobile home.

Under the National Mobile Home Construction and Safety Standards Act of 1974 and current Department of Housing and Urban Development regulations, a motor home structure which is 32 body feet or longer and 8 body feet or wider as measured when erected on site is defined as a mobile home, and it must therefore be built in conformance with certain construction codes and standards. On the other hand, Mr. Chairman, motor homes that are "self-contained" with respect to outside utilities are exempt from these standards, for they are considered to be recreational vehicles by definition.

Mr. Chairman, this size-based definition, and the concomitant self-containment exemption, have created problems for the manufacturers of small motor homes commonly referred to as "park models." These park models are intended to serve as recreational vehicles. However, the Department of Housing and Urban Development has defined them as mobile homes both because of their size and because they do not meet the self-containment requirement of the recreational vehicle definition. As a consequence, these park model units have been subject to certain construction regulations that were not originally intended for them.

Park models have been among the most popular selling kinds of recreational vehicles in the country. The manufacture of park models has been the key in many instances to the economic survival of a number of recreational vehicle firms that have been adversely affected by high energy costs. However, the continued application of unnecessary restrictions on the construction of park model units could be a devastating blow to these firms.

Mr. Chairman, my amendment to H.R. 7262 serves to rectify the problems that are associated with the current definitions of mobile homes and recreational vehicles. It assures that from now on, park models will be classified as recreational vehicles rather than mobile homes. This result is accomplished by simply redefining mobile home as a motor home structure more than 8 body feet in width, more than 40 body feet in length in the traveling mode, or containing 400 or more square feet when erected on site.

Mr. Chairman, the legislative remedy I am proposing is the simplest, and most effective, way of solving this problem. I respectfully urge my colleagues to support this amendment.

AMENDMENT OFFERED BY MR. ASHLEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BRADEMAS

Mr. ASHLEY. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHLEY as a substitute for the amendment offered by Mr. BRADEMAS: Strike out all the material in the Brademas amendment and insert in lieu thereof the following: Page 93, after line 22, insert the following:

MOBILE HOME DEFINITION

SEC. 332. Section 603(6) of the Housing and Community Development Act of 1974 is amended—

(1) by striking out "is eight body feet or more in width and is thirty-two body feet or more in length" and inserting in lieu thereof ", in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet"; and

(2) by inserting the following after the semicolon at the end thereof: "except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this title;".

Mr. ASHLEY (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHLEY. Mr. Chairman, I have a substitute to the amendment offered by the gentleman from Indiana. Existing law provides that no mobile home that is 8 feet by 32 feet or larger may be sold in the United States unless it meets the construction and safety standards established under the National Mobile Home Construction and Safety Standards Act. Obviously, the primary reason for establishing Federal standards was to assure that mobile homes would meet minimum construction and safety standards. Just as purchasers of FHA-insured homes are assured that their homes have received a Federal badge of approval because they meet the Federal minimum property standards, purchasers of mobile homes have much the same confidence when they purchase mobile homes which have also received the Federal badge of approval.

The basic problem with my colleague's amendment is that it creates a loophole in the standards for mobile homes large enough to be used as long-term residences. The Brademas amendment, however, would exempt structures whose square footage is less than 400 square feet. The existing FHA title I program exempts mobile homes used as permanent residences whose dimensions are less than 8 feet by 40 feet or 320 square feet. The Housing Subcommittee has received no evidence that would justify expanding the exemption beyond 320 square feet.

The substitute I am offering has responded to some of the gentleman's concerns. First, like his, my substitute modifies the scope of the National Mobile Home Construction and Safety Standards Act to exempt a category of structures which, because of their small size, are likely to be used only for short-term recreational purposes. Experience has shown that structures whose dimensions are less than 8 feet by 40 feet are small enough to be taken for a weekend hunting or camping trip. Therefore, my substitute would require the Federal standards to apply only to mobile homes, which are 8 body feet or more in width, or 40 body feet more in length or, when erected on site are 320 or more square feet. All units that fall within the new definition are likely to be used as homes and all of these structures should be built to meet the Federal standards.

Second, my substitute recognizes that the definition of a mobile home in existing law is so inartfully drafted that it applies only to mobile homes whose minimum dimensions must be both 8 feet wide and 32 feet long. A structure that is 7½ feet wide and 45 feet long or 12 feet wide and 30 feet long is thus not subject to the act. My substitute, like my colleagues, rectifies this anomaly by covering mobile homes based on minimum width, minimum length, or minimum square footage.

Third, the minimum square footage established by my substitute, unlike the amendment proposed by my colleague from Indiana, is based on the product of the dimensions of width and length; 8 feet by 40 feet equals 320 square feet not 400 square feet as proposed by my colleague. Why does the Brademas amendment seek to increase the exemption to 400 square feet? It is very simple. Certain mobile home manufacturers build structures which measure 8 by 40 feet while being transported from the factory to the site. Once located on site, a substantial addition is "tipped out" of the structure and set up on a foundation. Each individual tip-out can add as little as 16 square feet or as much as 48 square feet to the living space of a mobile home, and some models provide as many as three such tip-outs. Obviously these extensions add to the total square footage of the structure and make it even more likely that such a structure will be used as a home. The Brademas amendment, however, says that these tip-out extensions do not count—thus exempting structures from construction and safety standards that clearly should be covered.

My substitute also addresses an issue not contemplated by the gentleman's amendment by permitting a manufacturer of smaller mobile homes to participate voluntarily in the Federal program and to receive certification for compliance with the Federal standards.

For many manufacturers the Federal seal, indicating a mobile home has been inspected and meets the Federal standard, is a valuable certification. It gives consumers some assurance of product quality. HUD has had several requests to participate in the Federal program from manufacturers who build smaller structures. Unfortunately, the existing law does not permit voluntary participation in the program. My amendment would permit voluntary participation if the manufacturer complies with the established standards and files a certification required by the Secretary.

Mobile homes account for approximately 20 percent of the housing starts in this country and are a major source of housing for low-income citizens and older Americans. The Mobile Home Act was passed because Congress believed that these people had a right to be sure that they were buying well-built, safe homes. The proposed amendment would take this right away from many mobile home buyers who buy park model homes whose square footage is extended by the addition of so-called tip-outs. That is not a good enough reason to take away such a valuable right. Every mobile home owner—whether the home is large or small—should have some certainty that the structure he lives in is a safe place to live. If my colleagues amendment passes, some homeowners will not be sure their homes are safe. I urge you to reject the amendment proposed by my colleague and to approve my substitute.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I will be happy to yield to my friend from Ohio.

Mr. STANTON. Mr. Chairman, I rise in support of the substitute amendment offered by the gentleman from Ohio. It would be my hope and understanding that our friend from Indiana would accept this substitute.

☐ 1900

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. STANTON. Yes, I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I have not taken that position, I should say to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, as I say, I would hope he would because of the problems—and this was covered first with my friend, the gentleman from Indiana (Mr. QUAYLE)—concerning which I understand the original amendment was offered. The gentleman in the well has, I think, come up with a very substantial and adequate substitute that still prevails and, I think, keeps the principles which I can go for.

Mr. Chairman, while I could not go for the original amendment, the substitute is certainly agreeable to our side of the aisle.

Mr. ASHLEY. I appreciate that.

Mr. STANTON. I want the gentleman in the well to know that he does have our support.

Mr. ASHLEY. Mr. Chairman, I appreciate that very much.

● Mr. QUAYLE. Mr. Chairman, I rise in support of the Brademas amendment to H.R. 7262, the Housing and Community Development Act, to clear up a dispute that has threatened the future of the recreational vehicle industry which is very important to my home State—Indiana.

This legislation is necessary due to the vague language contained in the Mobile Home Construction Act of 1974. In 1975, the RV industry petitioned HUD for clarification, but received no definitive reply until 1979 when HUD issued a preliminary rule saying that park model travel trailers, which range in size from 250 to 500 square feet, were in violation of the Mobile Home Code. HUD requested that park models no longer be produced.

However, this is an impossible request for the RV industry. If RV's are built to meet the Mobile Home Code, then RV's lose their most important asset—mobility. Currently, a park model is built to be towed by a light truck that does not require a special permit. But mobile homes average 14 by 72 feet and towing costs exceed $1 a mile, set up costs average $750 per unit. Actually mobile homes are not very mobile—only 2 percent of all mobile homes are moved after their initial delivery and placement on a site.

Escalating gasoline prices have also encouraged families to park their RV's at one location for a season, then move to another location which they visit on weekends. If the vehicle is built like a mobile home, these units would be unable to move to new locations.

HUD's demand that park model production cease is unreasonable because the customers of the RV industry have never requested these alterations. They do not want to purchase a permanent home or they would spend their dollars more efficiently and purchase a more spacious mobile home, getting more for their money.

The dimensions specified by this amendment would also prevent RV's from meeting the size of a single-family home according to HUD and building code standards—400 square feet.

RV customers, who are looking for a vacation home, do not want a permanent residence. Therefore, they do not need a 150-volt generator and a large holding tank which are required as part of a mobile home. RV's are built to hook up to electrical outlets. The alterations to be required of RV's would add $1,500 to the cost of a vacation residence, just at a time when RV consumers are looking for value.

Contrary to the views expressed by some Members, RV's must go through a vigorous test by conforming to the Federal Motor Vehicle Safety Standards in accordance with National Highway Transportation Safety Administration and the American National Standards for Recreational Vehicles. This is the only nationally recognized consensus standard and has more than 500 specifications that fill a 105-page book and cover electrical, plumbing, and heating systems of the RV. It was established by an American National Standards Committee under the aegis of the American National Standards Institute (ANSI).

I would urge my colleagues to support this legislation to help relieve the unemployment lines in the Midwest and the South. Hundreds of people are threatened with the loss of jobs. Workers at RV and mobile home plants in Imlay City, Mich.; Ellaville, Ga.; Payette, Idaho; and Bremen, Mishawaka, and Elkhart, Ind., have already received pink slips and many plants have closed indefinitely. In Middlebury, Ind., one plant is operating at less than 40 percent capacity. It started on a small farm in Indiana in 1963 with just 40 employees. It grew to 320 employees at its peak in the late 1970's, but now there are only 143 people on the payroll and the average line worker's income is only one-third to one-half of what it was in 1978.

I ask consideration of this amendment to relieve the RV industry of the maze and overlap of Federal regulations under which it now falls.●

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHLEY) as a substitute for the amendment offered by the gentleman from Indiana (Mr. BRADEMAS).

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. BRADEMAS), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VENTO: Page 93 after line 22, add the following new section:

AMENDMENT TO FEDERAL HOME LOAN MORTGAGE CORPORATION AUTHORITY

SEC. 328. Section 305(a) of the Federal Home Loan Mortgage Corporation Act is amended by adding the following new paragraph at the end thereof:

"(4) The Corporation may not refuse to purchase a residential mortgage solely on the basis that, under the terms of such mortgage, the mortgagee consents to the subsequent transfer of the real estate if the mortgagor continues, after such transfer, to be obligated for repayment of the entire remaining indebtedness."

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Chairman, this is a very straightforward amendment.

What we have encountered as a problem in my home State with the Federal Home Loan Mortgage Corporation is their refusal to purchase in the securities market various instruments because of a Minnesota law which provides for the transferability of the mortgage from one owner to another. This amendment would simply say that the Corporation could not refuse to purchase a residential mortgage solely on the basis that under the terms of the mortgage the mortgagee consents to transfer the real estate. Indeed the mortgagor retains the right, of course, to continue the obligation or receive repayment for the indebtedness.

This would simplify a problem we have had on the assignability or the transferability of mortgages in the State. Freddie Mac had been buying the paper up until the time that had been put into the State law.

We have very good risk rates in the State, so we had hoped that we could have avoided this by negotiation, but we could not.

Therefore, Mr. Chairman, I offer this amendment to the legislation, and I understand it is acceptable to the subcommittee chairman as well as to the ranking minority member, the gentleman from Ohio (Mr. STANTON).

Mr. Chairman, this is a simple and straightforward amendment which would put the Federal Home Loan Mortgage Corporation back in the business of purchasing mortgages in several States. Currently, Freddie Mac is providing a secondary mortgage market to State chartered S. & L.'s in States that prohibit due-on-sale clauses. Minnesota enacted legislation which prohibited due-on-sale clauses when: First, the assumption was to be undertaken by a person who meets the standards of creditworthiness normally used by persons in the leveling business; and second, or when the original homeowner remains liable for the full value of the mortgage.

Assumptions have been a common method of home purchase in my State and in much of the Midwest. Ever since its creation, Freddie Mac has purchased mortgages originated in Minnesota. However, when this practice was codified by the legislature, Freddie Mac notified the State that they would not purchase from savings and loans chartered in Minnesota. Minnesota has one of the lowest default rates of any State in the Nation. This common practice has not led to problems with the security of participation certificates in the past. Nor has Freddie Mac demonstrated that it will lead to any problems in the future.

I view the action of Freddie Mac to be heavyhanded and one which was taken without proving a need for this restriction. In this time of high interest rates, I think we will see use of this method of home purchasing increase by creditworthy buyers. However, should the assumption face unanticipated financial difficulties in the future, the mortgage and the value of Freddie Mac's mortgage pool is still secured by the value of the property.

Mr. Chairman, I urge your acceptance of my amendment.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, I appreciate the gentleman's yielding.

The gentleman from Minnesota (Mr. VENTO) is correct. We have looked at his amendment. We do have a considerable number of questions that I am not going to bother to bring up tonight, but I would hope that the gentleman would work with us after accepting this amendment.

I do not think we could go any further. This is an immediate problem, and if the amendment is accepted, before we get to conference I am sure we could get together on this.

Mr. Chairman, on that basis we are willing to accept the amendment.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's willingness to work with me.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the chairman of the subcommittee.

Mr. ASHLEY. Mr. Chairman, I echo the statement just made by my colleague, the gentleman from Ohio (Mr. STANTON).

This is kind of a nebulous area at this time on the whole question of assumptions and how they should be treated. I understand that Freddie Mac and Fannie Mae are involved in controversies at this time.

Frankly, I am not going to interpose an objection to the gentleman's amendment, mainly because he is enormously cooperative, and there will be time between now and the conference for us to work with those agencies to shape good legislation.

I do not mean to prejudge the gentleman's amendment at all. My point is that were we to oppose the amendment, it would pretty clearly take away the ability of the gentleman to be heard until next year, and I am not sure that would serve a good public purpose.

So, Mr. Chairman, I am going to support the amendment, just as my colleague, the gentleman from Ohio (Mr. STANTON), has, on the basis and with the understanding that we can work further together on this in the immediate future.

Mr. VENTO. Mr. Chairman, I appreciate the cooperation and the expressions of support I have received this evening.

I just want to point out that the transferability of mortgages is an important tool, especially at times when we get rising interest rates or high interest rates, because with the basic fee which the individual assumes when he is putting down a higher down payment, there are all sorts of positive things that can flow from that.

But when they maintain a generally lower interest rate, I think that is the basic argument, and I want to see that viable option in my State. I am sure other Members do in their States also.

Mr. Chairman, I appreciate the cooperation, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. VENTO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: On page 70, strike out line 9 and all that follows through line 21.

Mr. EDWARDS of California. Mr. Chairman, the amendment I offer is to strike subsection (307(b)) page 70 so as to continue in effect policies Congress adopted in the enactment of the Bankruptcy Reform Act of 1978. Since nothing has happened since that time to justify changing the policies, it is appropriate to eliminate section 307(b) since it would make such a change.

The purpose of section 307(b) is to give to the Secretary of the Department of Housing and Urban Development the power to foreclose a mortgage that is federally insured or guaranteed if the mortgagor has defaulted and then subsequently becomes a debtor in bankruptcy. This power to foreclose under such circumstances may sound perfectly reasonable, but it flies in the face of what is standard and generally accepted procedure in the event of the filing of a petition in bankruptcy.

When a bankruptcy petition is filed, an automatic stay is triggered. That is, a kind of injunction. All actions which would affect the financial affairs and property of the debtor are stopped. Creditors may not take any action that would diminish the value of the debtor's bankruptcy estate. There are several exceptions to this, but these are not relevant.

The automatic stay protects the estate so that the largest amount of property is available to satisfy creditors' claims, if it is a liquidation proceeding. On the other hand, if it is a reorganization proceeding, the automatic stay prevents creditors from removing from the estate property the debtor will need to accomplish whatever reorganization is proposed. If the Secretary of HUD has the power to foreclose, this will remove from the debtor's estate a most important asset. Not only would this prevent the debtor from being able to reorganize, but materialmen who have provided either labor or materials and who must look to satisfying their liens from that property would be precluded from that.

Nothing since the enactment of the Bankruptcy Code has happened to justify section 307(b). HUD's responsibilities under the National Housing Act have not in any way been adversely affected by the Bankruptcy Code as it presently is written. The code is carefully crafted to balance the interests of debtors and creditors. No other creditor has an advantage such as HUD would have if section 307(b) is adopted. Not only would this be an advantage, it would be a preference; and this is quite contrary to Congress intentions in the code.

Mr. Chairman, I understand that the reason for the subcommittee's proposing of section 307(b) is to assure that bankruptcy is not a guise in which a mortgagor-contractor will be able to evade his responsibilities under the National Housing Act.

Now, I am not going to say that such a thing could not happen. However, I am going to assure my friend, the gentleman from Ohio, that that is most unlikely.

First, we need not concern ourselves with a liquidation proceeding since HUD will be able to recover the property to the extent of its claim. Second, in a reorganization, the debtor and his creditors do not develop a reorganization plan through collusion and conspiracy; this is an arm's length bargaining and negotiating process. The reorganization plan represents what the parties see as that which is in each of their respective best interests. This means, among other things, that keeping the business going with little or no shift in business objective is the most desirable thing. This is so because any such shifts usually entail getting the creditors to put up more money or getting new creditors to put up additional capital, which is difficult; or, taking time to make the necessary adjustments, which means continuing to lose money.

More important than these reasons, however, is the fact that a number of the provisions in the Bankruptcy Code limit the type of plan that a court can confirm. These requirements will place before the bankruptcy court the standards of the National Housing Act which govern the debtor's performance. I can assure the gentleman from Ohio that these will be given the appropriate consideration they deserve, by the bankruptcy court.

Mr. Chairman, I know and understand how important it is that assisted rental units for low-income persons be retained for such use—and that the massive financial commitment of American taxpayers in assisted projects be protected. These objectives of national housing policy can, and I am confident will, be given appropriate consideration by bankruptcy courts. However, should this not be the case, I can assure the gentleman from Ohio that as chairman of the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, the subcommittee with jurisdiction over bankruptcy matters, we will quickly afford an opportunity for consideration of changes to the bankruptcy code to deal with these matters. And, I can also assure the gentleman that I will be pleased to work with him in seeking to assure that bankruptcy and housing policies are effectively reconciled.

For these reasons, Mr. Chairman, there is no need for section 307(b) and, therefore, I urge the adoption of this amendment.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, I appreciate the gentleman's yielding.

Once again, when we get into this field of bankruptcy, we are very pleased to have the expertise of the gentleman in the well. The gentleman's amendment has been thoroughly covered with the staff and with all the minority Members, and we are very pleased to accept it.

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman very much.

□ 1910

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Ohio.

(On request of Mr. Ashley and by unanimous consent, Mr. Edwards of California was allowed to proceed for 3 additional minutes.)

Mr. ASHLEY. Mr. Chairman, the gentleman from California has stated on behalf of the Judiciary Committee the concerns that his committee has with regard to the provision in H.R. 7262 that would protect the rights to the provision in H.R. 7262 that would protect the rights of HUD to foreclose on an insured rental project without regard to the provisions of the Bankruptcy Act of 1978.

Let me state to the gentleman that it was not the intent of my committee to impinge upon the jurisdiction of the Judiciary Committee. What we wanted to do in section 307(b) was to assure that a very important housing policy direction was maintained. The taxpayers of this country have billions of dollars invested in these insured projects and billions of dollars committed to rental subsidy payments for low- and moderate-income people. In addition, we are insistent that we maintain these thousands of units of rental housing for low- and moderate-income people in the housing stock.

We were concerned that builders/developers would use bankruptcy proceedings to relieve them of their responsibilities to maintain these rental units for low- and moderate-income people, and in a bankruptcy reorganization conceivably the use of these rental projects could be converted to condominiums or luxury rentals. That was the sole purpose of our efforts with regard to section 307(b). The gentleman accurately states that we have only had a little over a year's experience with the Bankruptcy Reform Act and that an opportunity should be afforded the Judiciary Committee to review the concerns of the Banking Committee as they are reflected in this provision.

I am pleased that the gentleman can assure me that we, on my committee and the Department of Housing and Urban Development and other interested parties, will be afforded the opportunity to suggest changes in the Bankruptcy Act that reflect our Federal housing policy, that our assisted housing units are maintained for low- and moderate-income people, and that the Federal taxpayers investment in these projects are not dissipated in a bankruptcy reorganization.

If the gentleman can assure me of prompt consideration of our concerns, I will withdraw my opposition from his amendment to strike section 307(b) and accept his amendment.

Mr. EDWARDS of California. I thank the chairman of the subcommittee very much, and I assure the gentleman that, in the event that any of the events that we both would regret would take place, we would immediately take action in cooperation with the gentleman's subcommittee and rectify the bankruptcy law.

Mr. ASHLEY. I thank the gentleman, and I thank him, too, for his cooperation in the last week or 10 days in the discussions that have led to this exchange.

Mr. Chairman, under the circumstances, I accede to the amendment offered by the gentleman from California.

Mr. EDWARDS of California. I thank the gentleman.

The CHAIRMAN pro tempore. There being no further discussion, the question is on the amendment offered by the gentleman from California (Mr. Edwards).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LEVITAS

Mr. LEVITAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Levitas: Page 93, after line 22, insert the following:

LEGISLATIVE VETO

Sec. 334. Add to section 7 of the Department of Housing and Urban Development Act, a new subsection to read as follows:

"(p)(1) Notwithstanding any other provision of law, simultaneously with prescribing any rule or regulation by the Secretary under this Act or any other Act, the Secretary shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in paragraph (2), the rule or regulation shall not become effective, if—

"(A) within 90 calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That Congress disapproves the rule or regulation promulgated by the Secretary of Housing and Urban Development dealing with the matter of ————————, which rule or regulation was transmitted to Congress on ——————,', the blank spaces therein being appropriately filled; or

"(B) within 60 calendar days of continuous session of Congress after the date of promulgation, one House of Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House within 30 calendar days of continuous session of Congress after such transmittal.

"(2) If, at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a rule or regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule or regulation, and neither House has adopted such a resolution, the rule or regulation may go into effect immediately. If, within such 60 calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule or regulation may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided in paragraph (1).

"(3) For the purposes of paragraphs (1) and (2) of this subsection—

"(A) continuity of session is broken only by an adjournment of Congress sine die;

"(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of 30, 60, and 90 calendar days of continuous session of Congress; and

"(C) the term 'rule or regulation' does not include the setting of interest rates pursuant to section 3 of Public Law 90–301.

"(4) Congressional inaction on, or rejection of, a resolution of disapproval under this subsection shall not be deemed an expression of approval of the rule involved."

Mr. LEVITAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEVITAS. Mr. Chairman, I will not take a great deal of time this evening to debate this particular provision. Let me explain what it does.

This is a legislative veto provision which will give the Congress of the United States the final say-so as to which rules and regulations issued by the Department of Housing and Urban Development under the Housing and Urban Development Act will go into effect. It reserves to the elected and accountable lawmakers the ultimate responsibility of deciding whether the regulations which have the force and effect of law shall go into effect or not. It is identical with language which was adopted by this body in 1978, it is identical with language which has been adopted by the House on numerous occasions with respect to other agencies.

Now, it is certainly a matter well known that the Housing and Urban Development Department is already subject to a form of legislative review which has, in most circumstances, worked well and in other circumstances has not seemed to work out as well as it should because it required legislative action, the passing of laws by both Houses of Congress, signed by the President, in order to reverse or change a regulatory position taken by the Department of Housing and Urban Development.

The amendment which I offer is not in any way to derogate from the existing legislative review process which is already in place. It simply adds one other mechanism which gives a right of veto to regulations which are reviewed. The present mechanism which the Congress has put into place with respect to the Department of Housing and Urban Development permits a review but does not ultimately permit the Congress to veto the regulations if they are disagreed with by the Congress.

It seems to me that the people of the United States, through their elected officials, ought to have the final say-so about regulations which have the force and effect of law, and that laws ought not be imposed upon the public through a series of decisions made by people who are unelectable and unaccountable to the American public.

Frankly, I find it very hard to understand why Members of this body, elected by the people, are so willing and eager in many instances to turn over to the unelected bureaucrats these decisions.

This proposal I make in no way takes away, impinges or changes the existing mechanism for legislative review which the committee has. It simply says that the next time the Department of Energy or the Department of Housing and Urban Development come back with new BEPS regulations which do not do the job, which are going to be burdensome, or new insulation standards which do not do the job, which are burdensome, and they ignore the efforts of your committees to make changes in them, that we have the ultimate and effective weapon, which is a veto over those regulations. And for that reason, Mr. Chairman, I urge support of the amendment.

Mr. STANTON. Mr. Chairman, I rise in opposition to the gentleman's amendment. It is not that I oppose the one-house veto, for the RECORD will show that I supported our former colleague from Michigan, Garry Brown in 1978, when he offered it and the House passed virtually the identical amendment 244 to 140.

Instead, I oppose this amendment because we have a legislative review process established for HUD's regulations which has proved to be quite effective. The chairman has done an excellent job in explaining how the current process works so I will not get into that, but, I would say that in certain ways the existing legislative review process is more efficient than that outlined in the gentleman's amendment.

I would also point out that the author of the original House approved amendment, Garry Brown, recently testified before a subcommittee in the other body that he was pleased with the review process for HUD's regulations.

As the chairman has indicated, we have made use of the legislative review process several times since its adoption in 1978. Changes made in the HUD regulations have been significant and I believe the committee has been responsive to complaints from members who are not on the committee. At least, I am not aware of any major problems with HUD's regulations which have not been adequately addressed under the current review procedure.

In light of this fact, Mr. Chairman, I would urge the defeat of this amendment.

Mr. ASHLEY. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Georgia. His amendment would impose a legislative veto on all regulations of the Department of Housing and Urban Development. In present law we already have a highly successful legislative review procedure which this Congress has used over the past 2 years to assure that the regulations of the Department of Housing and Urban Development are consonant with the law and the legislative intent. It strikes me that the gentleman's amendment is completely unnecessary.

I would like to review for a moment with the Members the legislative review process. This process which was developed in conference 2 years ago with bipartisan support provides that the committees of jurisdiction in the House and Senate will have the opportunity to review all of the regulations of the Department of Housing and Urban Development before they are issued in the Federal Register. Over the last 2 years, the committee has reviewed over 80 separate regulations in this fashion. Where the committee has found that the Department has not adequately reflected congressional intent, it has brought this to the attention of the Department and in all but one instance the Department sought to correct the error—I believe a remarkable record.

The procedure also requires that all regulations which are issued in final form may not take effect for 20 legislative days after their publication. If the committee passes a resolution of disapproval during this time the regulations may not go into effect for a period of 90 days. This deferral period allows the Congress to take legislative action to permanently bar the issuance of the regulations. I am pleased to say that the committee has only had to resort to this step once in the last 2 years. I might add that the legislative review procedure recognizes that there are circumstances during which the reviews should be waived to allow the department to promptly issue regulations.

The process by which the legislative review procedure is waived requires a consensus among the chairman and ranking members of the House and Senate Banking Committees. In this way, the procedure recognizes the need to flexibly deal with the needs of the public while protecting against the issuance of regulations which do not meet legislative intent. Overall, it is my belief that this procedure represents a responsible and effective means to assure that the regulations of the Department of Housing and Urban Development fully and adequately reflect the requirements of the law and of the intent of Congress.

But what about the amendment offered by the gentleman from Georgia? His procedure does not allow for the prior review of regulations. His procedure contemplates only confrontation and not conciliation. His procedure allows no flexibility to permit the immediate issuance of regulations. Rather, he requires that no regulations may take effect for at least 60 days after promulgation—that is 60 days of continuous session of Congress. Let me give you an example of what sort of problem that would cause. If the Congress were to adjourn sine die on October 4—as I hope it will, no regulation issued by the Department of Housing and Urban Development after October 4 could take effect until at least March 20 of 1981—6 months hence. It does not seem to me that this makes a whole lot of sense.

The overriding problem with the procedure suggested by the gentleman is that it leaves no room for compromise. It leaves no room for conciliation. It is designed purely for confrontation. Our experience with the current law has shown that conciliation and quiet discussion is by far the most effective means to assure that the regulations of this Department, and I might suggest other Departments, are consonant with the law and legislative intent. I want to add that this judgment is one that is shared by both the majority and minority of the Banking Committee.

I would be remiss if I did not also point out that there is some real concern about the constitutionality of the gentleman's amendment.

Mr. Chairman, I see no reason to burden the highly effective and successful legislative review process with the 1-House veto offered by the gentleman. Our experience has shown that each of the concerns expressed by the gentleman are more than adequately met through existing law.

● Mr. EVANS of the Virgin Islands. Mr. Chairman, I rise in support of the Housing and Community Development Act of 1980 (H.R. 7262). This bill reflects favorably the hard work and diligent bipartisan effort put forth by the members of the Committee on Banking, Finance and Urban Affairs.

Special commendation must be given to the chairman of the committee, HENRY REUSS, as well as the ranking Republican on both the full Committee and the Subcommittee on HUD, BILL STANTON. Commendation must also go out to the chairman of the Subcommittee on HUD, TOM ASHLEY. The joint cooperation exhibited by these distinguished Members constituted a significant impetus in getting H.R. 7262 reported to the House floor.

Of fundamental importance to my district, the U.S. Virgin Islands, is our inclusion in H.R. 7262 under the definition of "city". This is extremely beneficial to the U.S. Virgin Islands, and I wish to express my appreciation again to my good friends and colleagues, the distinguished gentleman from Delaware, TOM EVANS, Jr., and the distinguished gentleman from Arkansas, ED BETHUNE, who lent their gracious support to my request for inclusion in the urban development action grant program (UDAG) as an eligible entity.

The UDAG program is an excellent means of aiding severely distressed cities and urban counties in combating the effects of recession, inflation, and other negative economic factors. For some time now, the Virgin Islands have experienced a most critical housing situation, which has forced the Virgin Islands Housing Authority into a rather precarious operating situation. The population of the Virgin Islands has exploded over the last decade, and the demand for housing assistance has soared. Therefore, the inclusion of the Virgin Islands in the UDAG program will go a long way in improving the bleak housing situation in my district.

Accordingly, I urge my House colleagues to support wholeheartedly this piece of legislation and vote for its passage.

Thank you.●

Mr. ASHLEY. Mr. Chairman, I move that the Committee do now rise.

□ 1920

Accordingly the Committee rose; and the Speaker pro tempore (Mr. NATCHER) having assumed the chair, Mr. WHITE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7262) to amend and extend certain Federal laws relating to housing, community, and neighborhood development and preservation and related programs, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ASHLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the bill, H.R. 7262, just considered.

The SPEAKER pro tempore (Mr. WHITE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 1097, AUTHORIZING FUNDS FOR IMPLEMENTATION OF NATIONAL TOURISM POLICY

Mr. FLORO. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 1097) "an act to establish a national tourism policy, a Cabinet level coordinating council and a nonprofit corporation as an implementing agency to carry out the national tourism policy", with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? The Chair hears none and, without objection, appoints the following conferees: Messrs. STAGGERS, FLORIO, and SANTINI, Ms. MIKULSKI, Messrs. MURPHY of New York, MATSUI, BROYHILL, MADIGAN, and LEE.

There was no objection.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be permitted to sit tomorrow, Friday, August 22, 1980, during the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

REPORT ON H.R. 7998, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES, FOR FISCAL YEAR 1981

Mr. NATCHER, from the Committee on Appropriations, submitted a privileged report (Rept. No. 96–1244) on the bill (H.R. 7998) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 1981, which was referred to the Union Calendar and ordered to be printed:

Mr. BAUMAN reserved all points of order on the bill.

MODIFYING BOUNDARY OF WHITE RIVER NATIONAL FOREST OF COLORADO

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1967) to modify the boundary of the White River National Forest in the State of Colorado, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause, and insert:

That the exterior boundary of the White River National Forest in the State of Colorado is hereby modified to include additional areas of approximately two thousand four hundred and sixteen acres and sixteen thousand six hundred and twenty-seven acres, respectively, as shown on the United States Department of Agriculture, Forest Service map entitled "Boundary Modifications, White River National Forest," dated September 1979.

SEC. 2. Except as provided in section 3 of this Act, all lands owned by the United States in the areas described in section 1 of this Act are hereby added to the White River National Forest, and except as provided in section 4 hereof, shall be administered in accordance with the laws, rules, and regulations applicable thereto.

SEC. 3. The tracts of land identified in sales applications, Bureau of Land Management, serial numbers C–14117 and C–28389, shall not become a part of the White River National Forest unless such applications are denied, and if they are denied in accordance with the laws, rules, and regulations applicable thereto, such lands shall become part of the national forest and be administered in accordance with section 2 of the date of issuance of the denial.

SEC. 4. Except as provided in this section, nothing in this Act shall affect the validity or term of any existing withdrawal, right-of-way, license, lease, easement, or prospecting permit issued pursuant to the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.) covering lands transferred by this Act. Any other existing permit or grazing authorization covering lands transferred by this Act is hereby canceled effective December 31 of the year following enactment of this Act. During the period between enactment of this Act and said December 31, such permit or grazing authorization shall continue grazing authorization to the agency which initially issued the permit or grazing authorization. On or before said December 31, the holders of such permit or grazing authorization may apply for a new permit or grazing authorization to the agency which acquires administrative jurisdiction of the land which such prior authorizations cover. The provisions of section 402(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(g)) shall not apply to the termination of any grazing authorization pursuant to this section.

SEC. 5. For the purpose of section 6 (renumbered section 7 by the Act of July 11, 1972, 56 Stat. 459) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 903. as amended; 16 U.S.C. 4601–9) the boundary of the White River National Forest, as modified by section 1 of this Act, shall be treated as if it were the boundary of that forest on January 1, 1965.

SEC. 6. The provisions of this Act shall take effect on the date of enactment of this Act.

The Clerk read the House amendment to the Senate amendment, as follows:

Strike section one and in lieu thereof insert the following:

"SECTION. 1. The exterior boundary of the White River National Forest in the State of Colorado is hereby modified to include additional areas of approximately thirty-two thousand three hundred and seven (32,307) acres and three thousand eight hundred and forty-one (3.841) acres, in Eagle and Pitkin Counties, respectively, as generally depicted on the maps entitled 'Boundary Modification, White River National Forest, Colorado,' (Minturn Addition and Aspen Addition) dated July 1980."

Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AUTHORIZING FEDERAL PARTICIPATION IN STREAM RECTIFICATION, TRINITY RIVER DIVISION CENTRAL VALLEY PROJECT, CALIFORNIA

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 507) to authorize Federal participation in stream rectification, Trinity River Division, Central Valley project, California, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 4, strike out "of the Bureau".

Page 2, lines 10 and 11, strike out "Bureau of Reclamation" and insert "Water and Power Resources Service".

Page 2, line 14, strike out "1981" and insert "1982".

Page 3, line 3, strike out "Bureau of Reclamation" and insert "Water and Power Resources Service".

Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota?

Mr. WRIGHT. Mr. Speaker, reserving the right to object, this does not have anything to do with the Melones Dam, does it?

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Minnesota.

Mr. VENTO. It does not. H.R. 507 passed the House on a suspension of the rules on October 22, 1979. It authorizes the Secretary of the Interior to construct certain works on the Trinity River in California to mitigate damage to fish and wildlife resources caused primarily by federally constructed works on the river. The Senate amendments are all technical in nature. One delays the effective date of the authorization in the bill to the beginning of fiscal 1982, rather than fiscal year 1981. The other amendments change the references in the bill from the Bureau of Reclamation to the Water and Power Resources Service, conforming to a recent change in the name of the Bureau of Reclamation.

Mr. WRIGHT. I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

INCREASING APPROPRIATIONS CEILING FOR TITLE I OF COLORADO RIVER BASIN SALINITY CONTROL ACT

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 496) an act to increase the appropriations ceiling for title I of the Colorado River Basin Salinity Control Act (the act of June 24, 1974; 88 Stat. 266), to increase the appropriations authorization for the Small Reclamation Projects Act of 1956 (70 Stat. 1044), and for other purposes with Senate amendments to the House amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments to the House amendments, as follows:

In lieu of the matter proposed to be inserted by the House engrossed amendment to the text of the bill, insert:

That the Act of June 24, 1974 (hereafter referred to as the "Act"), is hereby amended as follows:

SECTION 1. Section 101(b)(2) is amended, by inserting "(A)" after (2), by deleting the last sentence of the paragraph, and by adding thereafter the following:

"(B) The Secretary is authorized to use electrical power and energy available from the Navajo Generating Station which is in excess of the Central Arizona Project pumping requirements for the purpose of supplying power and energy requirements of the desalting plant and protective pumping well field constructed pursuant to title I of the Act: *Provided*, That revenues credited to the Lower Colorado River Basin Development Fund shall not be diminished below those amounts which would have accrued had the power been marketed at the rate determined by the Secretary of Energy for the sale of power from the Navajo Generating Station to utilities and public entities, as a result of the use of power and energy for the desalting, protective pumping works, and other uses authorized by law, and that power and energy from the Navajo Generating Station shall be used first to meet the pumping requirements of the Central Arizona Project and after those needs have been met, for the desalting and protective pumping facilities constructed pursuant to title I of the Act, and finally for other uses: *Provided further*, That prior to obtaining power from the Navajo Generating Station under the authority of this subsection, the Secretary shall complete an analysis of alternative sources of supply, including but not limited to the possibility of developing an agreement with the Republic of Mexico whereby the United States (or a non-Federal entity) would enter into contractual arrangements with Mexico for a sufficient supply of power to operate the desalting plant, the regulatory pumping fields and appurtenant facilities.

"(C) Effective October 1, 1979, and to such extent and in such amounts as are provided in advance in appropriation Acts, the Secretary of the Interior is authorized to purchase supplemental power and energy as required for the purposes of supplying the power and energy requirements of the desalting plant and protective pumping well field.".

SEC. 2. Section 101(c) is amended by inserting ", Colorado River waters used for the mitigation of fish and wildlife habitat losses" after "from the desalting plant" in two places.

SEC. 3. Section 103(a) of the Act is amended by adding a new subsection (4) as follows:

"(4) Effective October 1, 1979, and to such extent and in such amounts as are provided in advance in appropriation Acts, enter into contracts under the terms and conditions of the Act of June 17, 1902 (43 U.S.C. 371 et seq.) as amended and supplemented for the delivery of water from said well field to entities within the United States for municipal and industrial or irrigation purposes: *Provided*, That such contracts for municipal and industrial purposes shall contain terms and conditions as substantially provided in section 9(c)(1) of the Reclamation Project Act of 1939, and that contracts for replacement irrigation water supplies to prevent damage to existing water users on privately developed lands include water charges no greater than if such water users had continued to pump their own wells without the United States lowering the water table and that the acreage limitation and related provisions of the Reclamation Law will not be applicable to such privately developed lands: *Provided further*, That no contract shall be entered which will impair the ability of the United States to continue to deliver to Mexico on the land boundary at San Luis and in the Limitrophe Section of the Colorado River downstream from Morelos Dam approximately one hundred and forty thousand acre-feet annually, consistent with the terms contained in Minute No. 242 of the IBWC.".

SEC. 4. A new section 106 shall be added to the Act, as follows, and succeeding sections shall be renumbered accordingly:

"SEC. 106. The Secretary is hereby authorized to administer and dispose of lands and interests in lands acquired, and facilities constructed under this title, and revenues received in connection with this authority shall be credited to the general fund of the Treasury.".

SEC. 5. Section 108 of the Act is changed to section 109 and effective October 1, 1979, is amended by striking the first sentence and inserting in lieu thereof "There is hereby authorized to be appropriated the sum of $356,400,000 for the construction of the works and accomplishment of the purposes authorized in sections 101, 102, 103, and 110.

of which $3,579,000 is authorized for mitigation of fish and wildlife losses associated with replacement of the Coachella Canal in California, and $6,960,000 is authorized for mitigation of fish and wildlife losses associated with the Desalting Complex Unit and the Protective and Regulatory Pumping Unit in Arizona, based on January, 1979, prices plus or minus such amounts as may be justified by reason of ordinary fluctuation in construction costs involved therein, and such sums as may be required to operate and maintain such works and to provide for such modifications as may be made pursuant to section 104. In order to provide for the utilization of significant improvements in desalinization technologies which may have been developed since the Bureau's evaluation, the Secretary is directed to evaluate such cost effective improvements and implement such improved designs into the plant operations when the evaluation indicates that cost savings will result: *Provided, however,* That no more than five percent of the amount authorized to be appropriated is used for these purposes."

Sec. 6. A new section 110 shall be added to the Act, as follows:

"Sec. 110. Effective October 1, 1979, and to such extent and in such amounts as are provided in advance in appropriate Acts, in order to provide measures determined by the Secretary of the Interior to be appropriate to mitigate loss of fish and wildlife habitat associated with other measures taken under this title:

"(a) The Secretary is authorized to—

"(1) acquire lands by purchase, eminent domain, or exchange;

"(2) dispose of land facilities, and equipment;

"(3) construct, operate, maintain, and make replacements of facilities: *Provided however,* That no funds will be provided for operation, maintenance, or replacement of non-Federal facilities.

"(b) All costs authorized by this section are nonreimbursable.".

Sec. 7. A new section 111 shall be added to the Act, as follows:

"Sec. 111. As used in this title:

"(a) Navajo Generating Station means—

"(1) the United States entitlement to a portion of the output of power and energy from the Navajo Generating Station, Page, Arizona, pursuant to United States participation in that generating station;

"(2) in the event that said United States entitlement is integrated with other generating facilities, then Navajo Generating Station means that amount of power and energy from the integrated system which is attributable to the United States Navajo entitlement;

"(3) when the Navajo Generating Station is replaced at the end of its useful life or an alternative resource is established, then Navajo Generating Station means an amount of power and energy equivalent to the present United States entitlement from Navajo, from the replacement resource.

"(b) All terms used herein that are defined in the Colorado River Compact shall have the meanings therein defined.".

Sec. 8. The Small Reclamation Projects Act of 1956 (70 Stat. 1044) as amended, is further amended as follows:

(a) Effective October 1, 1980, section 10, as amended, is further amended by deleting "$400,000,000" and inserting in lieu thereof the amount of "$600,000,000".

(b) Subsection (c) of section 5, as amended, is further amended by adding the following: "Except that portion of said allocation attributable to furnishing benefits to a facility operated by an agency of the United States, which portion shall bear no interest;".

Amend the amendment of the House to the title of the bill so as to read: "An Act to increase the appropriations ceiling for title I of the Colorado River Basin Salinity Control Act (the Act of June 24, 1974; 88 Stat. 266), to increase the appropriations authorization for the Small Reclamation Projects Act of 1956 (70 Stat. 1044), and for other purposes.".

Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments to the House amendments be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota?

There was no objection.

A motion to reconsider is laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

Washington, D.C.,
August 21, 1980.

Hon. Thomas P. O'Neill, Jr.,
Speaker, House of Representatives,
Washington, D.C.

Dear Mr. Speaker: This is to notify you that I have received a subpoena issued by a United States District Court, commanding my attendance at a judicial proceeding scheduled for August 22, 1980. The subpoena requires that I or a duly authorized representative testify and produce certain records maintained by my office.

The subpoena is available in my office for inspection by Members of the House.

Sincerely,
Edmund L. Henshaw, Jr.,
Clerk,
U.S. House of Representatives.
By W. Raymond Colley,
Deputy Clerk.

□ 1950

The SPEAKER pro tempore (Mr. White). Under a previous order of the House, the gentleman from South Caroline (Mr. Campbell) is recognized for 15 minutes.

Mr. CAMPBELL. Mr. Speaker, the possibility that the 1980 Presidential election may ultimately be decided in the House of Representatives and the U.S. Senate makes for lively speculation on the part of politicians and political pundits alike. Should no candidate receive a majority in the electoral college, the Constitution provides procedures that could result in everyone from the third place finisher to the Vice President becoming President of the United States. Albeit unpredictable in its results, the procedures exist to meet almost any contingency in the event the election is thrown to Congress. Now, I say "almost" because Congress has so far ignored a contingency expressly described in the 20th amendment to the Constitution.

Section 4 of the 20th amendment calls on Congress to provide for the possibility that a candidate for President or Vice President could die or be disqualified between the inconclusive voting of the electoral college and the balloting by the House and Senate—a period of some 3 weeks. Section 4 of the 20th amendment reads:

> The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

By not implementing this section of the 20th amendment, Congress has limited itself to consideration of the surviving candidates for President and Vice President in the event of a deadlocked election. With the loss of a candidate, a major political party could be left without a candidate in the crucial election before Congress, and the will of the people could be denied solely because Congress did not do its duty. In 1932, during debate on the proposed 20th amendment, Representative Ralph Lozier vividly described this constitutional deficiency and called on Congress to address the problem. He said:

> In 1924 suppose there had been a deadlock in the Electoral College, no candidate having a majority. Then the election would have been thrown into the House . . . Also, suppose that between the time of the meeting of the Electoral College and the time the House met to elect a President, President Coolidge had died. Under the Constitution, you Republicans, voting by States when your names were called, would have been in a very serious predicament. Mr. Coolidge being dead, you would not have had the privilege of voting for some other Republican for President, although the Republicans might have had, as they did have, a tremendous popular majority in the November, 1924, Presidential election. You would have been bound by the straight-jacket provisions of the Constitution and been compelled to vote for either John W. Davis or Robert M. LaFollette.

If the House is in a straitjacket, the Senate is in even a worse predicament: Since the Senate may choose from among only two candidates for Vice President, the survivor is the only person then eligible to be chosen.

Perhaps the reason Congress has not acted is because the contingency described in section 4 of the 20th amendment is remote. The period in which it could take place is short—approximately 3 weeks. In 1980–81 the period would be 22 days, from the meeting of the electoral college on December 15, 1980, to the balloting by the House and Senate, which would begin immediately after the counting of electoral votes on January 6, 1981. What is more, in the 48 Presidential elections held between 1788 and 1976, no Presidential or Vice-Presidential candidate had died between the meeting of the electors and the counting of electoral votes. And, in addition, only two Presidential elections, in 1800 and 1824, have ever gone to the House and only one Vice-Presidential election, in 1836, to the Senate. Thus, the probability that legislation implementing section 4 would ever become operational is small. Unfortunately in the last few years we have learned to expect the unexpected. In the 1960's we saw our youngest President shot down, the youngest President in history. We saw candidates for President in the 1960's shot down. In the last election where there were three candidates that appeared that would throw the election to the House of Representatives, one was shot as a candidate in a later election. He did not die, but the contingency was there. It is unfortunate that we have to face such questions. For Congress to fail to address a serious omission in our Presidential election process despite clear constitutional authority to do so would be irresponsible.

To address this gap in our election laws, I have introduced H.R. 7966. Briefly, I am proposing that should a candidate for President die or be disqualified between the time the electoral college deadlocks and the balloting by the House, the Vice-Presidential running mate of that candidate shall be automatically elevated to consideration by the House for President. The newly elevated candidate shall then appoint a person to be considered by the Senate for Vice President. Additionally, my bill provides that should the Vice-Presidential candidate die or be disqualified, the Presidential candidate shall name a replacement for consideration for Vice President by the Senate. Finally, should both the Presidential and Vice-Presidential candidates die or be disqualified, the party national committee shall name replacements.

The approach I have outlined would parallel the procedure followed in the case of the death of the President-elect, when, according to section 3 of the 20th amendment, the Vice President-elect succeeds to the Presidency. Elevating the Vice-Presidential candidate for consideration by the House for President follows the natural line of Presidential succession.

One problem with this approach is that the Constitution does not recognize the political relationship of the Vice-Presidential running mate. To remedy this, I have included in the bill a workable and constitutionally significant definition of a running mate:

> The person who received a majority of electoral votes for Vice President from electors who voted for such presidential candidate.

The role of the party national committee in the case of the death of both the Presidential and Vice-Presidential candidate is not without precedent. Under present law, should a party's nominee die after the election, but before the voting of the electoral college, that party's national committee can recommend a substitute candidate to the electors. My bill would simply extend this principle to provide that the national committees could name persons to replace the deceased or disqualified candidates for President and Vice President who were eligible in the contingent election before the House and Senate.

It is true that an independent candidate might not have an established national committee in place to fill such vacancies and, even if some national committee did exist, it probably would not play the same continuing role in American politics played by the national committees of the major parties. To a greater extent than a party, however, an independent candidacy—by definition—seeks support of a personality rather than a continuing philosophy. Any replacement of an independent candidate for President and Vice President, then, would alter the original nature of the candidate's appeal.

No election procedure is perfect. But I believe the approach outlined in my bill is the clearest, most logical procedure to meet the contingency described in section 4 of the 20th amendment. My bill is designed, moreover, to go beyond the strict language of section 4 in providing for the disqualification as well as the death of a candidate. To meet these contingencies, I believe that elevating the Vice-Presidential candidate for consideration by the House for President is the approach that would generate the least amount of criticism and, perhaps most importantly, would best safeguard the legitimacy of the subsequent administration.

Should Congress do nothing—should we wait until the actual contingency arises to implement section 4 of the 20th amendment—Congress would be forced to meet during a period when it is not traditionally in session; that is, between the meeting of the electors in mid-December and the counting of the electoral votes on January 6—a period spanning the final days of one Congress and the early days of the next. Moreover, Congress would be facing questions to be decided in connection with the contingent election itself. Awaiting an actual situation before acting will necessarily inject perceptions of political advantages or disadvantages into the implementation debate, thus increasing the potential for dissatisfaction with both the process and the result.

I urge my colleagues to consider the dangerous consequences of postponing our constitutional responsibility and needlessly risking the effective disenfranchisement of millions of Americans. We should act now. To do nothing until or unless the contingency arises could make the presidency itself a tarnished prize.

□ 1940

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, early yesterday I was detained in New York State by important business relating to the threatened closing of a medical facility for the retarded causing me to miss three record votes. I take this opportunity to announce my position on them:

Rollcall No. 460, motion to go into the Committee of the Whole House to continue work on the Treasury-Post Office Appropriation. I would have voted "yes."

Rollcall No. 461 was a quorum call.

Rollcall No. 462, the Crane amendment, as amended, provided that the IRS would be prohibited from removing the tax exempt status from any politically nonpartisan organization because it publishes voters' guides relating to political campaigns. Had I been present, I would have voted "yes."

Rollcall No. 463, the Glickman amendment, would have provided that political parties could not use bulk rates to mail letters. Had I been present, I would have voted "yes."

SOVIET DAY OF SHAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DERWINSKI) is recognized for 5 minutes.

● Mr. DERWINSKI. Mr. Speaker, with its invasion and occupation of Afghanistan, the Soviet Union has once again reaffirmed its quest for world domination. Another incident of Soviet aggression occurred just 12 years ago today when the Soviet military forces crushed the reform-minded government of Alexander Dubcek of Czechoslovakia by invading this country and occupying it with military troops.

Although the invasion of Czechoslovakia by the Soviet Army and forces of Eastern European satellite states contravened the independence of a sovereign state and denied its people the right of self-determination, it is important to note that there exists a strong yearning for freedom and a strong nationalistic spirit in the people of Czechoslovakia. As a member of the Interparliamentary Union, I attended a delegation meeting in 1979, held in Prague. I came away with a great respect for the people and their obvious patience and resiliency, but one's heart goes out to them as we think of the constant oppressiveness and pressure under which they must live. Peaceful dissent is not permitted. To express an unpopular view is to invite retaliation in the form of physical violence of imprisonment.

This is especially evident by the continued activities of those brave men and women who continue to oppose the violations of their human rights by the Soviet-imposed Government of Czechoslovakia. They demanded restoration of their fundamental civil and political rights in a manifesto, "Charter 77." This was followed by "Petition 78" which was developed for the practical purpose of supporting the signers of Charter 77.

The signatories of these two human rights manifestos and their supporters are still being persecuted by the Communist government. Based on reports from Western European newspapers, the Czech regime is highly displeased with the Charter 77 document, and is monitoring the actions of the nearly 1,000 signatories. To express an unpopular view in any Soviet-occupied country may lead to police reprisals and imprisonment. Reports have verified that such action is being used on those signers of the human rights manifestos.

Czechoslovakia, between World War I and World War II was a progressive and thriving democracy. But this democratic structure of government was eliminated by the Communist takeover in 1948, when the Soviets seized absolute control.

On August 21, 1968, a day which has been appropriately called the "Soviet Day of Shame," Russian troops dealt the final deathblow to the liberalization that was developing in that small country. Although a Soviet satellite for 21 years prior to this invasion, Czechoslovakia had always maintained a degree of self-government. Thus, this Soviet military occupation violated not only the sovereignty of Czechoslovakia, but it also was a transgression of international law. This illegal act of unprovoked aggression was, in addition, an infraction of the United Nations Charter.

The continued presence of Soviet troops even today is a continuing violation against the rights of a small country for self-determination and self-destiny.

It is of paramount importance for us to encourage the brave people of Czechoslovakia in their ongoing struggle for their fundamental rights. We must continue to publicize and object to the heavy-handed reprisals which are a way of life under Communist regimes.

Therefore, I join with the millions of freedom loving people throughout the world in supporting the people of Czechoslovakia in their effort to achieve the withdrawal of Soviet troops. May they some day regain the freedom that was once theirs.●

H.R. 7102 IS SOUND AND RESPONSIBLE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HAMMERSCHMIDT) is recognized for 5 minutes.

● Mr. HAMMERSCHMIDT. Mr. Speaker, this body recently passed H.R. 7102, the Veterans' Administration Health Care Personnel Act of 1980, by a vote of 406 to 1. After similar overwhelming support in the Senate, the measure was sent to the President. I have heard from a number of sources that the President intends to veto this important legislation. It not only strains my credulity, but it would be a great disservice to our dedicated Veterans' Administration health care professionals, and to those veterans they serve.

H.R. 7102 was adopted by the Veterans' Affairs Committee after 3 years of extensive oversight and analysis into the retention problems in VA medical facilities. It would establish, among other things, a permanent pay plan for physicians and dentists that would elevate VA health care professionals to a level commensurate with other Federal health care personnel. It would establish a scholarship program for doctors, dentists, and nurses that would eventually pay for itself. It also incorporates significant cost-saving provisions that would, finally, cause the overall legislation to have a negative cost to our taxpayers.

The only thing I can say in summary, Mr. Speaker, is that H.R. 7102 has all of the ingredients of sound and responsible legislation. I can only wonder if this in itself plays a part in the President's temptation to veto it.●

UNSCIENTIFIC APPROACH USED IN POLICYMAKING DECISIONS AFFECTING FOOD SUPPLY BY FDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MARTIN) is recognized for 9 minutes.

Mr. MARTIN. Mr. Speaker, it is difficult to refrain from saying that we told you so, but it was a welcome announcement this week from the Food and Drug Administration and the Department of Agriculture that they now are convinced the use of nitrite in meats is not a danger after all. This false alarm episode should focus attention on Government agencies which are too quick to "cry wolf" when making pronouncements about suspected potential dangers to the public health.

Two years ago, these two agencies came out charging to ban nitrite from our food supply. They cited a rat overdose study, conducted at MIT by Dr. Paul Newberne, as raising the possibility that the use of nitrite as a food preservative could lead to cancer in humans, even though Dr. Newberne himself wrote that his evidence was inconclusive.

At the time, a number of my colleagues joined with me in expressing our concern about the unscientific approach used in making a hasty policy decision affecting the future of a significant portion of our food supply. Nothing in the Department of Agriculture pronouncement acknowledged that removal of sodium nitrite from all meat would greatly increase the risk of botulism from eating spoiled meat. In her crusade to ban nitrite, Agriculture Assistant Secretary Carol Foreman ignored the difficulty of disciplining Americans to keep their hot dogs and other pork products thoroughly frozen at a picnic or ball game—their only alternative for preventing food poisoning. And she ignored the fact that only 2 percent of the body's normal exposure to nitrite comes from cured meat. The other 98 percent is formed naturally, some of it in the saliva, and most of it by digestion of protein nitrogen in the intestines, sources not under the jurisdiction of the Agriculture Department.

The Newberne study, on the surface, had obvious flaws. These should have been recognized by the "experts" at FDA and Agriculture before foolish and alarming edicts were issued. These flaws were either overlooked, or ignored in a classic case of bureaucratic arrogance, even after Representative WAMPLER and I and other Members of Congress and members of the scientific community repeatedly asked for a calmer reexamination of the evidence in the case.

Mr. Speaker, I know that I speak for many of my colleagues when I say that we are concerned about the approach Government uses in deciding what is safe and unsafe in our food supply, as it did in the case of saccharin and nitrite. The cancer scare of the week has turned the public off. Therein lies the greatest danger. When a real threat to the public's health comes along, the public may not be listening because they have heard the cry of wolf too many times before. There are some real wolves out there. Until Congress gives the bureaucrats clear direction, and devises a sound scientific system for regulating potential carcinogens, consumers and producers will be ill served by a haphazard evaluation of our food supply. Various bills have been introduced in the Congress to deal with setting standards for evaluating relative risks in our food supply. The remaining time will not allow hearings and legislative action in this Congress, but we should make the issue one of our priority items for business next year. I plan to reintroduce legislation next year for that purpose, similar to my current bill providing for relative risk assessment, which in 1978 had 201 cosponsors. I was pleased to learn that the distinguished gentleman from California (Mr. WAXMAN) chairman of the Commerce Subcommittee on Health, has expressed his interest in pursuing this matter in the next Congress on a priority basis.

As for the FDA and Department of Agriculture's low-key announcement that they will not try to ban nitrite, that stands in stark contrast to their earlier crusading zeal. It would have been refreshing to hear them admit they goofed, and then volunteer to work with us in devising a new policy to deal with food safety in the future, with greater respect for the safeguards inherent in the procedures of scientific peer review. In the meantime, I say to officials at the two agencies, please get in line. Your crow is being served. With salt for the wounds, pepper for spice, saccharin for sweetness, and caffeine for wakeful alertness, we can now confidently recommend protein for the lower digestive tract.

THE SOVIET DAY OF SHAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, today Americans of Czechoslovak descent and freedom-loving people around the world commemorate the 12th anniversary of the unprovoked invasion of Czechoslovakia in 1968. This outrageous act, led by Soviet totalitarian oppressors for the sole purpose of suppressing all of Czechoslovakia's moves toward freedom and liberty, repudiated and negated almost every article in the United Nations Declaration of Human Rights.

At this point in the RECORD, I wish to include an appeal by the Czechoslovak National Council of America in commemoration of this tragic day as well as excerpts from a foreign policy resolution approved by the Council's national convention, held in my own city of Chicago on June 7–8, 1980:

Excerpts

(From a Foreign Policy Resolution approved by the Council's National Convention, held in Chicago on June 7–8, 1980)

1. Present situation in the world is determined by relations between two superpowers—the United States and the Soviet Union. In this encounter, the United States represents the positive values of liberty, human rights, peace, national self-determination and economic progress.

2. In its foreign policy the United States must distinguish between forcibly imposed political leaders and the real will of the people.

3. We repudiate a foreign policy based on the continued recognition of exclusive Soviet interests in Central and Eastern Europe. This area is also a sphere of legitimate interests of the United States and Western Europe.

4. In its relations with the Soviet Union, the United States has the moral obligation to uphold the ideals and to enforce the realization of human rights and self-determination of the nations of Central and Eastern Europe. These human and national rights will be secured only through free elections which must be preceded by a withdrawal of the armies of occupation of the Soviet Union. The nations of Central and Eastern Europe are, culturally and historically, an organic part of the democratic world and a free Czechoslovakia is one of the foundation stones of a future Europe.

5. United States relations with the Soviet Union, whether called "detente" or by any other name, should not mean concessions only on our part. The Soviet Union should not be allowed to commit aggression and to perpetuate oppression, and to enjoy, at the same time, all the advantages of cooperation with the West. The United States must not permit the Soviet Union to take advantage of the so-called peaceful co-existence to destroy the free world.

6. Economic strength by itself is not sufficient for the conduct of a foreign policy which the United States ought to follow. That requires, unconditionally, also military strength. We, therefore, support increased military strength and preparedness of the United States.

Freedom Is Indivisible

On this sad occasion of the twelfth anniversary of the brutal Soviet-led invasion and occupation of peaceful and freedom-loving Czechoslovakia, we American citizens of Czech, Slovak and Subcarpatho-Ruthenian descent, again remind the entire world of this Soviet violation of key principles of international law incorporated into the Charter of the United Nations.

The brutal Soviet aggression and occupation:

(1) violated the sovereignty of a member state of the United Nations (Article 2, Section 1);

(2) was carried out in violation of Article 2, Section 4, which prohibits the use of military force in the relations between individual members of the United Nations;

(3) violated the principle of self-determination of peoples (Article 1, Section 2);

(4) was in conflict with Article 2, Section 7, which prohibits outside intervention in matters essentially within the domestic jurisdiction of any state;

(5) was in conflict with a number of resolutions of the General Assembly of the United Nations, particularly with Resolution 2131 (XXI) adopted at the meeting of December 21, 1965, upon the Soviet Union's own motion, prohibiting any intervention in the domestic affairs of any state and guaranteeing its independence and sovereignty.

The continued Soviet occupation of Czechoslovakia is another crime against the right of a small country to determine its own destiny and aspirations. The invasion was an intervention by the forces of reactionary communism to prevent the Czechs and Slovaks from establishing their own social order that did not endanger anyone and sought to contribute to the building of bridges across the discords of a divided world and to lend aid to a better understanding and cooperation among all nations on the basis of true progress and humanity.

The people of Czechoslovakia have not resigned themselves to these aggressive plans of Moscow. The day of August 21 is being commemorated in Czechoslovakia as a Day of Soviet Shame in a mighty and disciplined resistance against Soviet pressure. We are joining our friends in Czechoslovakia in asking the entire civilized world to support the people of Czechoslovakia in their effort to achieve "The withdrawal of Soviet troops from Czechoslovakia."●

FITHIAN JOBS PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Fithian) is recognized for 5 minutes.

● Mr. FITHIAN. Mr. Speaker, I rise to speak about a five-point jobs for Americans plan which I have proposed—a plan which would attack the serious economic crisis now facing this country. We must act now and use this crisis to catapult this country forward in the battle to increase jobs and job security and to modernize industry.

The problems of rising unemployment, inflation, and declining productivity are all related. Our battle must be fought on all their fronts. Especially hard hit have been the auto and steel industries. Indiana, where one of every four jobs is auto related, now has the second highest unemployment rate in the country.

I will not stand by while economists and others debate. I am standing up for the people of Indiana with a plan of action. The five-point jobs for Americans plan would go a long way toward reducing unemployment and fighting inflation. The key is to make our economy more productive, more efficient and more competitive. I have been working on some of the key elements of my jobs for Americans plan for some time. Included also is a solid package which can make a good start toward turning our economy around.

I would like to speak briefly to each of the five key points in the plan.

The first point is "jobs now." We can revitalize old jobs and create new ones through a targeted tax cut to get industry moving, increase productivity and modernize. I support a targeted tax cut to take effect within the next year. It is estimated that this proposal would create 300,000 new jobs by 1985 and revitalize thousands of jobs now idle.

The tax cut must be specifically aimed at getting our factories moving again. It must not be a hand-out to the big corporations. It must be used to help put people back to work.

Another tax bill we must enact is H.R. 4646, the Capital Cost Recovery Act. Its 10–5–3 formula would help industry modernize through more rapid depreciation. This bill now has the support of more than 300 Congressmen.

Another good bill is H.R. 5394, which provides a rapid write-off of federally required expenses such as pollution control devices.

Point No. 2 is "American steel for a strong America."

One of the biggest problems we face right now is foreign steel imports. We must not allow basic steel production for America's needs to become dependent on foreign production. Our national security depends on our ability to produce the steel we need. During the first 6 months of 1980, imports of Japanese steel rose 18 percent. In order to give our own industry a chance to get moving again, we must reduce imports.

To do this, we must have a new trigger price mechanism and strong anti-dumping legislation. A package of bills—H.R. 7069, House Joint Resolution 580 and House Resolution 747—would give us the clout we need to offset steel imports and would create a new marketing agreement with Japan to permanently reduce imports.

Point No. 3 is "American cars for American families."

The auto industry affects 1 out of 7 families nationwide and one of every four families in Indiana. Whatever hurts the auto industry hurts Indiana. One of the biggest problems today is the growing number of imported cars. One-fourth of the cars now brought in this country are Japanese. In order to get our economy moving again, we must encourage Americans to buy American products. A package of bills to "buy American" would get us started:

H.R. 7424, to allow a tax credit of $500 per U.S. car bought. The credit would increase to $750 per car if the car exceeded the vehicle fleet average fuel standards by 20 percent or more;

H.R. 7532, which would impose an excise tax on imported cars made in a country whose imports account for more than 10 percent of the new autos sold in the United States during the preceding year. Since Japanese cars already make up 25 percent of the U.S. market, they would be subject to this excise tax;

H.R. 5311, which says that on projects over $10,000 in Federal funds we must buy American.

Point No. 4 is "jobs, not redtape."

We must cut through the burden of redtape and Government regulations which is breaking the back of American industry and putting people out of work. Specifically, I propose amendments to the Clean Air Act and directions to the Environmental Protection Agency to ease regulations on air and water pollution controls when these regulations cost jobs.

Many jobs are lost when the company spends its available capital to remove the last few percent of pollutants at a time when plant modernization is desperately needed. Nobody argues that we should return to the days of Pittsburgh's unbreathable air. But as we approach the ability to remove more than 90 percent of air pollutants we must weigh carefully the cost of removing the last few percent—cost in terms of dollars, but also in terms of jobs.

I have cosponsored several bills to extend the time for implementation of the Clean Air Act and to ease certain standards. H.R. 7286, H.R. 7050, and H.R. 7634 are among the bills included in my five-point jobs for Americans plan.

Point No. 5 is "invest in America."

Because we must look to the future as well as to today, I am backing legislation to increase investment here in America. This investment can come from foreign companies, building plants here with American resources and creating jobs for American workers. Investment must come from savings—much of it from Americans' individual savings.

House Concurrent Resolution 380 encourages the Japanese to build auto production plants here in the United States. And there is no better place than the Midwest, where we have the resources and the people to do the job.

To encourage Americans to invest here at home, I supported the $200 interest exemption for small savers which became law earlier this year. Up to $200 in interest earned on a savings account is now free from Federal income tax. But much more is needed. I cosponsored legislation to allow as much as $1,000 in interest income to go untaxed and would support legislation which would exempt up to $5,000 in savings interest income.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. ALBOSTA) is recognized for 5 minutes.

● Mr. ALBOSTA. Mr. Speaker, following rollcall vote No. 452 on August 18, I offered the personal explanation that had I been on the House floor, I would have voted "yes." Unfortunately I misspoke myself. Had I been on the House floor for rollcall vote No. 452, I would have voted "no." I apologize for any misunderstanding this may have caused. ●

LEGISLATION EXTENDING AUTHORIZATIONS FOR FEDERAL CONTRIBUTION TO RURAL TELEPHONE BANK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of Tennessee. Mr. Speaker, today I am introducing legislation to extend the authorizations for the Federal contribution to the Rural Telephone Bank. This bill would allow the annual $30 million Federal purchase of class A stock to continue for another 10 years. The $30 million contribution would be adjusted relative to the Consumer Price Index and repayment by the bank of the Federal capital seed money would be delayed until after September 30, 1995.

The Rural Telephone Bank has proven to be a vital source of loan funds for developing and upgrading telephone service in rural America. The Nation's rural telephone companies borrow money from the bank at intermediate interest rate levels and repay over 30 to 40 years. Eventually, the borrowers of the bank will repurchase the federally owned stock resulting in a lending institution owned by the borrowers.

Without the appropriations authorized by this legislation, the Rural Telephone Bank would have to increase substantially its effective interest rate, thus disqualifying many telephone company borrowers of this loan program. Studies have shown that the result would be a higher net cost to the Federal Treasury. By extending this authorization, the bank could continue to make loans to improve rural telecommunications facilities and thus improve the overall quality of life of rural Americans.●

THE NEED FOR PRODUCTIVITY—"NATIONAL PRODUCTIVITY IMPROVEMENT WEEK"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 5 minutes.

● Mr. LEVITAS. Mr. Speaker, all of us are concerned about the inflation that is eating away at our wages and salaries, our lifestyles, our savings, our entire economy. And we all have ideas about how to go about combatting this pernicious problem.

However, there is a weapon in our economic arsenal that has been too long overlooked, and it is a weapon that most of us can agree on. What is more, it is a weapon which individual citizens, business enterprises and governments—local, State, and Federal—can pick up and use. This unheralded weapon is productivity improvement.

Productivity is a comparison—comparing the values of what is produced with what is needed to produce it. In other words, productivity is input compared with output. Productivity encompasses the contributions of all resources of production: Technology, capital, energy, and the human effort and skills needed to manage them. A nation or an industry advances by using less of these resources to turn out more products and services.

This has been true throughout American history; our ability to produce more in less time and with fewer resources has helped raise our standard of living.

This natural yielding of more benefits from improved use of resources works well when allowed to function. The problem comes when increases in productive output or quality fail to cover increases in the cost of labor or other resources used. This creates inflationary prices, because when productivity falters while a producer's costs go up, there is often no other choice—the producer must charge more for its goods or services in order to stay in business.

Thus at least one major remedy for inflationary ills is to increase American productivity, which for the past entire decade has lagged sadly behind increases of other industrial nations.

Since World War II, America has watched other countries close the gap on its productivity leadership. In 1950, for instance, one U.S. worker produced as much as seven workers in Japan and as much as three in Germany. By 1977, it took fewer than 3 Japanese or 1.3 Germans to match 1 American. And by early in 1979 the productivity path of America not only sputtered, but showed a downward turn.

There are several things we can do to improve productivity over the long run—tax incentives and fewer governmental restrictions to encourage more research, development, and capital investment and better training of workers to give some examples—but there is one thing that we can do to get the ball rolling and that is to stress the relationship of productivity to inflation by bringing it to the attention of the American people.

The American Institute of Industrial Engineers is again sponsoring the "National Productivity Improvement Week," to focus more attention on this vital subject. AIIE chapters all over the Nation are participating in this event. The theme is "increased productivity cuts inflation," and posters extolling this fact will be on bulletin boards throughout hundreds of communities. They will also be contacting the media—newspapers, radio, television, and others—to help explain the importance of productivity improvement and help turn this around for America.

I have introduced House Joint Resolution 596, to proclaim October 6 to 12 as "National Productivity Improvement Week" and I invite each of you to join me in this effort.

The Joint Economic Committee in a report on productivity and inflation said:

> A rising rate of productivity growth can reduce inflation over time and will generate greater incentives to capital formation and productivity growth.
>
> * * * * *
>
> The time has come to end the long neglect of lagging productivity growth in the analysis of economic events—not only in the analysis of real growth over the longer run, but the dynamic process of accelerating inflation.

I urge each of you to join in this effort.●

VIETNAM ERA VETERAN STAN PEALER, DAV NATIONAL COMMANDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ROBERTS) is recognized for 5 minutes.

● Mr. ROBERTS. Mr. Speaker, on July 28, 1980, the membership of the Disabled American Veterans at their 59th National Convention in Honolulu, Hawaii, elected Mr. Stan Pealer to be their new national commander. Mr. Pealer is the second Vietnam-era veteran to hold that position. He served in the U.S. Navy from 1961 to 1966, at which time he received his retirement due to disability. At age 37 he is one of the youngest men ever to lead this national association of wartime disabled veterans.

During the coming year Mr. Pealer will lead an organization whose ranks have grown by well over 120,000 members in the past 3 years to a record setting 670,000 service-connected disabled veterans.

Part of the great success the DAV has achieved over the years stems from its clear and responsible support of issues which directly affect all American veterans, most notably those disabled in service to this country. But also, early on, the DAV recognized the value and potential of the Vietnam veteran in particular. The DAV has become one of the leading advocates in this country for those who served during our last and longest war.

Vietnam veterans presently comprise almost one-third of the 30 million veterans in the United States today. The DAV has worked to meet that same ratio with a membership including 159,000 Vietnam-era veterans. The organization has actively sought Vietnam-era veterans for membership and has promoted those who served during the Vietnam era through its ranks from the post to the national level.

The DAV has established a nationwide outreach and counseling program, "The Forgotten Warriors Project," specifically designed to meet the needs of Vietnam veterans. A vast majority of the DAV's outstanding corps of service officers are also Vietnam-era veterans.

Mr. Speaker, I applaud the DAV's insight and the direction it has shown in Mr. Pealer's nomination and election. For the benefit of my colleagues I would like to submit the full text of his convention acceptance speech for the Record.

Address by Stan Pealer, National Commander of the Disabled American Veterans Before the 59th DAV National Convention, July 28, 1980

In electing me as your national commander, you've asked me to accept the most challenging responsibilities I've ever faced in my life. As I prepare to assume those duties, I want to express the deep gratitude I feel toward each of you. Yet, I don't think words could convey the happiness you've given me.

In taking on the responsibilities you've placed on my shoulders, I also feel a keen sense of humility. Great men—leaders of strength and vision—have preceded me in the office of national commander of the DAV. As I recall the achievements of these leaders, I pledge to you that I'll strive to follow worthily in their footsteps.

At the present time we're going through some of the toughest years in the history of veterans' affairs. We must be bold in defending the rights and benefits our nation's disabled veterans have earned with blood and sacrifice. The attacks on our benefits and services in recent years have been intense and have caused serious harm to many veterans' programs.

The most severe damage has been done to the VA health care system. I know you will join me in demanding that America's disabled veterans be given only the highest quality medical care.

I'm angered over the way the Carter administration and its Office of Management and Budget have carved away at VA medical programs during the past 3½ years. I'm angered that eligible veterans are being turned away at the doors of our VA hospitals and clinics.

The Carter administration showed its true feelings about the VA medical system a couple of months ago when the President attempted to use VA hospitals to treat ailing Cuban refugees while denying treatment to American veterans. Undoubtedly, we face years of difficult struggle in repairing the damage caused by such callous insensitivity to the needs of disabled and sick veterans.

In an era of tightened federal spending, we also face difficult times in our battle to win improved benefits for America's service-connected disabled veterans and their families.

Our benefits must receive full and adequate cost-of-living protection, and more must be done to assist several categories of severely disabled veterans. Our nation owes its wartime disabled a solemn debt. That debt must not be neglected.

In addition to benefit and rehabilitation programs, our nation owes disabled veterans a solid commitment to job placement and training. The need for effective employment programs is particularly keen among veterans disabled during the Vietnam War . . .

Ever since I left the Navy in 1966 due to disability, I've firmly believed that the DAV is the greatest veterans' organization in the United States of America. No other veterans' group has done more for our country's wartime disabled and their families.

And, certainly, no other organization of any type has paid closer attention to the concerns of my generation of veterans—the veterans of the Vietnam era.

The DAV funded the well-known "Forgotten Warrior" research project that brought the needs of Vietnam veterans into sharp, national focus. And, when the DAV initiated its Vietnam Veteran Outreach Program nearly two years ago, we became the first organization to address those needs on a nationwide basis.

Recent public opinion polls indicate that the American people are today feeling a more positive attitude toward the veterans of the Vietnam War period.

I'm convinced that the research we funded, as well as our outreach program, have been critical factors in turning public attitudes about Vietnam veterans around. I also believe that other DAV activities at the chapter, department, and national levels have encouraged this positive development.

However, though public opinion is changing for the better, the vast majority of Vietnam era veterans still feel unable to express the same kind of pride in their military service that World War II veterans felt.

The numerous reasons why such pride didn't develop among Vietnam era veterans have been thoroughly covered in DAV Magazine and elsewhere. Further, I don't think there's any group more sensitive to the feelings of Vietnam era veterans than the DAV.

That's why we have a constructive role to play in helping Vietnam veterans rebuild their pride in having served their country in time of war. Certainly, this is an important goal of our Vietnam Veteran Outreach Program. But this is a goal to which all of us can contribute by pointing out the reasons why Vietnam era veterans should feel pride.

Two of the myths that were most damaging to the pride of Vietnam veterans have been destroyed by history.

The first myth, perpetrated by the anti-war movement during the Vietnam War years, was that Vietnamese communists were the "good guys" . . . and that anyone associated with America's battle against the communists was tainted by guilt.

Since the U.S. withdrawal from Vietnam, the communists in Southeast Asia have used the cruelest means—including starvation of entire populations—to impose a hated dictatorship on the peoples of Vietnam, Laos, and Cambodia. They're now attempting to extend their imperialist control through aggression against Thailand.

To have fought against people capable of such inhuman barbarism is not a cause for shame. It is a cause for pride.

The second myth is that the American fighting man in Vietnam was somehow responsible for the failure of American foreign policy in Southeast Asia. However, it has been well documented that the troops our country fielded in Vietnam were the best-trained, best-educated, most disciplined forces we've ever sent into combat.

Our country's failures in Vietnam were the result of weak-willed decisions made by political and military leaders in Washington, D.C. Our troops in Vietnam had a job to do, and they did it well. This, too, is a cause for pride.

In the DAV, veterans of all wars are united in an effort to make sure those who fought in Southeast Asia receive their full measure of respect and gratitude. Further, we've struggled in a united front to meet the needs of these veterans.

That effort has paid off. One out of four eligible Vietnam era veterans is now a member of the DAV. And—as an organization of disabled veterans from all wars united to the good of all—the DAV will fight the battles we face in the future.

We will continue to build and strengthen our membership. We will strive for the readjustment of all of our nation's veterans. We will battle to maintain and improve VA medical programs. We will fight to protect the benefits and employment rights our sacrifices have earned.

And, we will win, because we're united in our determination to achieve victory.●

BE KIND TO MAILMEN

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

● Mr. HANLEY Mr. Speaker, unfortunately without justification the U.S. Postal Service endures much in the way of criticism. General reflections usually are targeted on isolated errors, and rarely is public attention focused on the excellent service it generally provides. Thus, when in the course of time I read something laudatory, I am indeed heartened. Recently, such an article appeared in the August 4, 1980, issue of Newsweek magazine entitled, "Be Kind to Mailmen," and authored by Walter Harris of Brookfield, N.H. I commend its reading to my colleagues:

Be Kind to Mailmen

Every few years, the news media give nationwide coverage to a letter mailed twenty years earlier that has finally been delivered. No one is expected to be shocked, dismayed or angry, but simply reconfirmed in their belief that if you want to get a message to your uncle in Kansas, you would do better putting it in a bottle dropped off the coast of New Zealand than trusting it to the U.S. Postal Service, which has replaced Brooklyn as the No. 1 automatic laugh getter. Although working for a year as a substitute RFD carrier has not bound my identity to the postal system's esteem, seeing the operation from the other side of the mail slot has sensitized me to the injustice so gleefully being heaped on what I have discovered to be the best of our democratic institutions.

The postal system is more "of the people, by the people, for the people" than any other institution, large or small, public or private, capitalist or socialist, that comes to mind. It is a model of egalitarianism. Not only does junk mail fall alike on the just and the unjust, but letters sent by princes travel no faster than those of paupers; and no one, because of race, color, creed or, unfortunately, penmanship, is anywhere denied access to this multimillion-dollar network, whose vital terminals are rusty metal boxes with dangling lids and a sanctity defended by the FBI. The system is monumental in its personal utility. For half the cost of a candy bar, I can maintain a friendship 3,000 miles away; for the price of a beer, I can simultaneously send my thoughts—airmail—to Chile, Chad, China and Czechoslovakia. It warms me to think that the postal system is the one contemporary American institution that our Founding Fathers could look upon without reaching for a stiff drink. Even among current ideologues—from paranoid reactionaries to ruthless radicals—none has suggested that the idea of our central postal system or its essential mode of operation be changed.

Accomplices: Perhaps the postal system's virtues are at the roots of its derision. It is one bit of America not easily politicized or burdened with quasi-religious overtones, which makes it a dependably inoffensive source of jokes. Also, the postal system is intimately familiar to everyone, and postal personnel are the only Federal employees most people see regularly, making them seem like handy accomplices to every government-provoked irritation.

The origin of some complaints is obvious. I have mushed my share of magazines, misdelivered letters and left packages that later drowned: mail-carrier heaven is, no doubt, a very lonely place. Nevertheless, considering the hundreds of thousands of normal, imperfect people involved and the hundreds of millions of daily opportunities for error, even a hundred thousand mistakes or delays per day would rank the system as a highly efficient operation. If you compare the percentage of mishandled mail to the percentage of defective parts on a new car or the percentage of other products that fall far short of expectation, the postal system is a paragon of performance. Still, a superior army can lose a battle and suffer less humiliation than a post office that misplaces a letter. (Incidentally, mail is still dutifully delivered even after an embarrassing delay; perhaps if other government operations left their errors so open to scrutiny, Americans would be distracted somewhat from their grumbling about the Postal Service.)

Consider, too, the effort the system makes to compensate for the carelessness of its clients. A lot of mail is improperly addressed, which slows delivery and increases costs; but it is delivered. First-class postage guarantees that even when faced with mysterious names, unknown addresses and envelopes dipped in sludge, postal employees will make every effort to make delivery, showing far more concern for the item than whoever mailed it did. Far from being Laurel and Hardy Enterprises, the postal system is a highly reliable, well-tuned delivery mechanism operated by people under statutory command to speed Aunt Hilda's tea-cake recipe to its destination in spite of all the monkey wrenches Aunt Hilda may inadvertently drop into the works.

Postal customers get a lot for their 15 cents, but they will never get perfection. However, even if mail service were perfect, hostility toward the system would probably remain, probably because people are really bothered by the mail itself and simply take out their frustrations on those who deliver it. Despite the attention it gets, the problem is not junk mail. The real problem results from most of us treating our mailbox like Aladdin's lamp, which the mail carrier has only to stroke with love letters, winning contest entries, job offers or good news of some sort to make our wishes come true. The mailbox is the locus of hope. But since good news is, at best, a sometime thing, its daily expectation typically ends in daily disappointment. The mail carrier is the potential instrument of salvation for millions of dull days, and he and the system he serves constantly fail to live up to this expectation. Delivering today's batch of bills, circulars and promotional offers a day or two sooner would not mitigate people's underlying resentment of a system that constantly reminds them: nothing new today.

Quaint: In the space age, with its home computer terminals and instant global communication, there is something medieval about dragging sacks of paper around the country. The system itself, no matter how well it works, is rather quaint, and things that are quaint are never taken seriously. But before this simple, inexpensive and highly democratic system is displaced by instantaneous computer-relayed printouts on the family's electronic entertainment center, we should stop swapping jokes about the postal system long enough to assess carefully its utilitarian and egalitarian virtues. Besides, I would rather not get Aunt Hilda's tea-cake recipe on a cathode-ray tube or computer print-out. There is more than quaintness in my wish to keep Aunt Hilda—scented envelopes, scratchy writing and all—as part of her communication. I'll be patient if it takes a couple of days to haul her around.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Tauzin (at the request of Mr. Wright), after 2 p.m. today and August 22, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, premission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Martin) to revise and extend their remarks and include extraneous material:)

Mr. Derwinski, for 5 minutes, today.

Mr. Hammerschmidt, for 5 minutes, today.

Mr. Martin, for 10 minutes, today.

(The following Members (at the request of Mr. Garcia) to revise and extend their remarks and include extraneous material:)

Mr. Bingham, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 15 minutes, today.

Mr. Fithian, for 5 minutes, today.

Mr. Albosta, for 5 minutes, today.

Mr. Addabbo, for 10 minutes, today.

Mr. Jones of Tennessee, for 5 minutes, today.

Mr. Levitas, for 5 minutes, today.

Mr. Roberts, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Garcia to insert his remarks at the conclusion of debate on the Lundine amendment to section 213(d).

(The following Members (at the request of Mr. Martin) and to include extraneous matter:)

Mr. Royer.
Mr. Derwinski in five instances.
Mr. Moorhead of California.
Mr. Solomon.
Mr. Devine.
Mr. Whitehurst in two instances.
Mr. Hyde.
Mr. Bereuter.
Mr. Dougherty.
Mr. Williams of Ohio.
Mr. McCloskey.
Mr. Conte.
Mrs. Heckler.
Mr. Daniel B. Crane.
Mr. Quayle.
Mr. Ashbrook.
Mr. Dornan.

(The following Members (at the request of Mr. Garcia) and to include extraneous matter:)

Ms. Oakar.
Mr. Edwards of California.
Ms. Holtzman.
Mr. McDonald in two instances.
Mr. Simon.
Mr. Gray.
Mr. Musto.
Mr. Preyer.
Mr. Rosenthal.
Mr. Fazio.
Mr. Waxman.
Mr. Drinan.
Mrs. Schroeder.
Mr. Long of Maryland.
Mr. Luken in two instances.
Mr. Ottinger in two instances.
Mr. Harris.

ADJOURNMENT

Mr. GARCIA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 47 minutes p.m.) the House adjourned until tomorrow, Friday, August 22, 1980, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5088. A letter from the Deputy Secretary of Defense, transmitting notice that he has authorized deficiencies to be incurred for the necessities of the current fiscal year in the appropriations for "Operation and Maintenance Marine Corps Reserve" and "Family Housing, Defense", pursuant to section 3732 (b) of the Revised Statutes, as amended; to the Committee on Appropriations.

5089. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting a report for industrial mobilization in the interest of the national defense, covering the period October 1979 through March 1980, pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

5090. A letter from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to provide authority for additional nominations for consideration for appointment to the U.S. Military, Naval, and Air Force Academies; to the Committee on Armed Services.

5091. A letter from the Secretary of the Navy, transmitting notice of the Navy's intention to transfer the obsolete aircraft carrier ex-*Intrepid* (ex CVA 11) to the Intrepid Museum Foundation, Inc., New York, N.Y., pursuant 10 U.S.C. 7308; to the Committee on Armed Services.

5092. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice that a decision has been made to convert the transient aircraft maintenance function at Vandenburg Air Force Base, Calif., to contractor performance, pursuant to section 806 of Public Law 96–107; to the Committee on Armed Services.

5093. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice that a decision has been made to convert the commissary shelf-stocking and custodial service functions at Williams Air Force Base, Ariz., to contractor performance, pursuant to section 806 of Public Law 96–107; to the Committee on Armed Services.

5094. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice that a decision has been made to convert the schoolbus operation function at Grand Forks Air Force Base, N. Dak., to contractor performance, pursuant to section 806 of Public Law 96–107; to the Committee on Armed Services.

5095. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice that a decision has been made to convert the commissary shelf-stocking and custodial service function at Homestead Air Force Base, Fla., to contractor performance, pursuant to section 806 of Public Law 96–107; to the Committee on Armed Services.

5096. A letter from the Director, Federal Emergency Management Agency, transmitting the stockpile report for October 1979–March 1980, pursuant to section 11 of the Strategic and Critical Materials Stock Piling Act, as amended; to the Committee on Armed Services.

5097. A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting the annual report of the Council for fiscal year 1979; to the Committee on Banking, Finance and Urban Affairs.

5098. A letter from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Self-Government and Governmental Reorganization Act to clarify the limitations on the legislative authority of the Council of the District of Columbia; to the Committee on the District of Columbia.

5099. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend authorizations of appropriations for programs under the Older Americans Act of 1965; to the Committee on Education and Labor.

5100. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of Jordan for permission to transfer certain U.S.-origin defense equipment to the Government of Lebanon, pursuant to section 3(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5101. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

5102. A letter from the Assistant Secretary of the Treasury for Legislative Affairs, transmitting various project performance audit reports prepared by the International Bank for Reconstruction and Development and the Asian Development Bank, pursuant to section 301(e)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

5103. A letter from the Director, U.S. International Communication Agency, transmitting the first annual report of the Agency, covering the period April 1, 1978, through September 30, 1979, pursuant to section 1008 of the U.S. Information and Educational Exchange Act of 1948, as amended, and section 108(b) of the Mutual Educational and Cultural Exchange Act of 1961, as amended; to the Committee on Foreign Affairs.

5104. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting the final report of the Federal cash management project; to the Committee on Government Operations.

5105. A letter from the Deputy Assistant Secretary of Defense (Administration), tranmitting notice of a proposed new records system for the Defense Nuclear Agency, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5106. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new records system for the Defense Nuclear Agency, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5107. A letter from the Director of Administration, Department of Energy, transmitting notice of proposed changes in two existing records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5108. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during July 1980, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

5109. A letter from the Clerk, U.S. House of Representatives, transmitting his quarterly report of receipts and expenditures for the period April 1 through June 30, 1980, pursuant to section 105(a) of Public Law 88–454, as amended (H. Doc. No. 96–359); to the Committee on House Administration and ordered to be printed.

5110. A letter from the Acting Deputy Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of certain judgment funds of the Mississippi and Lake Superior Bands of Chippewa Indians for the White Earth Reservation group in Minnesota and the Red Cliff Band of Chippewa in Wisconsin, pursuant to section 2(a) and 4 of Public Law 93–134; to the Committee on Interior and Insular Affairs.

5111. A letter from the Secretary of Health and Human Services, transmitting notice of a delay until early summer 1981 in the submission of the report on a study of the State laws, practices, and systems relating to investigations of sudden and unexplained infant deaths, required by section 1121(c)(2) of the Public Health Service Act; to the Committee on Interstate and Foreign Commerce.

5112. A letter from the Secretary of Health and Human Services, transmitting notice of the Department's intention to consolidate the annual report on the health consequences of smoking for 1981 with the report on studies of cigarettes required by section 403 of Public Law 95–626; to the Committee on Interstate and Foreign Commerce.

5113. A letter from the Assistant Secretary of Energy for Conservation and Solar Energy, transmitting notice of a 2-month delay in submission of the report on preliminary energy audits of certain Federal buildings, required by August 15, 1980, by section 547(b) of the National Energy Conservation Policy Act; to the Committee on Interstate and Foreign Commerce.

5114. A letter from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting monthly reports for May 1980 on changes in market shares for refined petroleum products and retail gasoline, pursuant to section 4(c)(2)(A) of the Emergency Petroleum Allocation Act of 1973; to the Committee on Interstate and Foreign Commerce.

5115. A letter from the Acting Associate Executive Director for Information Management, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of April 30, 1980, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

5116. A letter from the Secretary, Interstate Commerce Commission, transmitting notice that the Commission is unable to render a final decision in No. 37030, *Peabody Coal Co.* v. *Illinois Central Gulf Railroad Co.*, within the Commission's determination to extend the time period for action, pursuant to 49 U.S.C. 10327(k); to the Committee on Interstate and Foreign Commerce.

5117. A letter from the Secretary of Commerce, transmitting the annual report of the Maritime Administration for fiscal year 1979; to the Committee on Merchant Marine and Fisheries.

5118. A letter from the Secretary of Transportation, transmitting the annual report for calendar year 1979 on the Coast Guard's administration of section 5 of the Ports and Waterways Safety Act of 1972, as amended, pursuant to section 4417a(19) of the Revised Statutes; to the Committee on Merchant Marine and Fisheries.

5119. A letter from the Assistant Secretary of the Army (Civil Works), transmitting the fifth annual report recommending deauthorization of various water resources projects, pursuant to section 12 of the Water Resources Development Act of 1974, as amended (H. Doc. No. 96–360); to the Committee on Public Works and Transportation and ordered to be printed.

5120. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on New Rochelle-Echo Bay Harbors, N.Y., in final response to resolutions of the House Committee on Public Works adopted July 29, 1955, and August 15, 1961; to the Committee on Public Works and Transportation.

5121. A letter from the Administrator of

General Services, transmitting a prospectus proposing continued occupancy under a succeeding lease of space located at 1755 Jefferson Davis Highway, Arlington, Va.; to the Committee on Public Works and Transportation.

5122. A letter from the Administrator of General Services, transmitting a prospectus proposing the acquisition of space by lease at 2500 Wilshire Boulevard, Los Angeles, Calif.; to the Committee on Public Works and Transportation.

5123. A letter from the Administrator of General Services, transmitting a prospectus proposing the acquisition of space by lease at 4727 Wilshire Boulevard, Los Angeles, Calif.; to the Committee on Public Works and Transportation.

5124. A letter from the Administrator of General Services, transmitting a prospectus proposing continued occupancy under a succeeding lease of space located at 1030 15th Street NW., Washington, D.C.; to the Committee on Public Works and Transportation.

5125. A letter from the Comptroller General of the United States, transmitting a report of how substantial reductions in support costs may be achieved in the Air Force's logistics support planning for the F–16 aircraft (LCD–80–89, Aug. 20, 1980); jointly, to the Committees on Government Operations and Armed Services.

5126. A letter from the Comptroller General of the United States, transmitting a report recommending additional improvements to alleviate the continuing problems associated with Indochinese refugee protection, care, and resettlement (ID–80–46, Aug. 19, 1980); jointly, to the Committees on Government Operations, Foreign Affairs, and the Judiciary.

5127. A letter from the Comptroller General of the United States, transmitting a report that the Urban Mass Transportation Administration needs to justify each planned people-mover demonstration program objective (CED–80–98, Aug. 19, 1980); jointly, to the Committees on Government Operations and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 7434. A bill providing for the establishment of the Boston African American National Historic Site in the Commonwealth of Massachusetts, and for other purposes; with amendments (Rept. No. 96–1239). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 7411. A bill authorizing the Secretary of the Interior to accept the conveyance of the United First Parish Church in Quincy, Mass., and authorizing the Secretary to administer the United First Parish Church as a national historic site, and for other purposes; with amendment (Rept. No. 96–1241). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. H.R. 7865. A bill providing for an accelerated and coordinated program of light water nuclear reactor safety research, development, and demonstration, to be carried out by the Department of Energy; with amendment (Rept. No. 96–1242). Referred to the Committee of the Whole House on the State of the Union.

Mr. NATCHER: Committee on Appropriations. H.R. 7998. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1981, and for other purposes (Rept. No. 96–1244). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 7380. A bill establishing the Big Sur Coast Area in the State of California; with amendment, and referred to the Committee on Agriculture for a period ending not later than August 22, 1980 for consideration of such provisions of the bill and amendment as fall within that committee's jurisdiction under clause 1(a), rule X (Rept. No. 96–1240, pt. 1). Ordered to be printed.

Mr. ASHLEY: Committee on Merchant Marine and Fisheries. H.R. 6959. A bill providing for the conservation and enhancement of the salmon and steelhead resources of Washington State, assistance to the treaty and nontreaty harvesters of those resources, and for other purposes; with amendments and referred to the Committee on Interior and Insular Affairs for a period ending not later than September 10, 1980, for consideration of such provisions of the bill and amendments as fall within its jurisdiction under clause 1(k), rule X (Rept. No. 96–1243, pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MARRIOTT:

H.R. 7985. A bill to amend the Internal Revenue Code of 1954 to allow an individual a deduction for certain contributions to an account the proceeds from which are used to purchase a principal residence for such individual; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 7986. A bill to authorize the discharge of dredged or fill material as part of Federal projects for the construction of the Fernandina Harbor jetties, Florida, and the portion of the Intracoastal Waterway between St. Mary's River and St. John's River, Fla.; to the Committee on Public Works and Transportation.

H.R. 7987. A bill to amend title 28 of the United States Code to limit the jurisdiction of courts established by Congress under article III of the Constitution of the United States over State cases; to the Committee on the Judiciary.

By Mr. DELLUMS:

H.R. 7988. A bill to establish an Office of the Attorney General for the District of Columbia, to transfer prosecutorial authority for local offenses and custodial responsibility for prisoners convicted of local offenses to the District of Columbia government, to provide for the local appointment of the judges of the District of Columbia courts, and for other purposes; to the Committee on the District of Columbia.

By Mr. FISHER:

H.R. 7989. A bill entitled: "The Tax Reduction Act of 1980"; to the Committee on Ways and Means.

By Mr. JEFFORDS:

H.R. 7990. A bill to amend the Railroad Retirement Act of 1974 to permit certain postretirement employment on the same basis as is permitted under the social security system; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Tennessee:

H.R. 7991. A bill entitled: "The Rural Telephone Bank Amendment Act of 1980"; to the Committee on Agriculture.

By Mr. KEMP:

H.R. 7992. A bill to amend the Internal Revenue Code of 1954 to repeal the estate and gift taxes; to the Committee on Ways and Means.

By Mr. MOFFETT:

H.R. 7993. A bill to amend the Wild and Scenic Rivers Act to designate a certain portion of the Farmington River in the State of Connecticut for potential addition to the Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. PORTER:

H.R. 7994. A bill to amend the Internal Revenue Code of 1954 to reduce the rate of tax on capital gains for individuals and corporations; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 7995. A bill to extend authorizations of appropriations for the developmental disabilities programs under the Developmental Disabilities Assistance and Bill of Rights Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS of Ohio:

H.R. 7996. A bill to amend the Internal Revenue Code of 1954 to provide individuals a credit against income tax for 10 percent of the State and local general sales taxes imposed on their purchase of certain new American-made highway vehicles; to the Committee on Ways and Means.

By Mr. BENNETT (for himself and Mr. Chappell):

H.R. 7997. A bill to amend title 28 of the United States Code and the rules governing section 2254 cases in the U.S. district courts to change the types of hearings which a magistrate may conduct and to change the jurisdiction for the consideration of, and the standards for the granting of, writs of habeas corpus by Federal courts upon the application of persons in custody pursuant to judgments of State courts; to the Committee on the Judiciary.

By Mr. NATCHER:

H.R. 7998. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

By Mr. LEHMAN (for himself, Mr. Long of Maryland, Mr. Yates, and Mr. Dixon):

H. Con. Res. 408. Concurrent resolution to disapprove the proposed sale to Jordan of 100 M–60A3 tanks (transmittal No. 80–82); to the Committee on Foreign Affairs.

By Mr. WOLFF (for himself, Mr. Buchanan, Mr. Bennett, Mr. Gilman, Mr. Guyer, Mrs. Fenwick, Mr. Wolpe, Mr. Lagomarsino, Mr. Barnes, Mr. Bonker, Mr. Addabbo, Mr. Drinan, Mr. Dickinson, Mr. Yates, Mr. Ford of Tennessee, Mr. Evans of the Virgin Islands, Mr. Harris, Mr. Leach of Iowa, Mr. Courter, Mr. Benjamin, Mr. Lowry, Mr. Stack, Mr. Waxman, Mr. Horton, Mr. Blanchard, Mr. Dodd, Mr. Pepper, Mr. Fish, Mr. Dornan, Mr. Archer, Mr. Brodhead, Mr. Ottinger, Mr. Weiss, Mrs. Holt, Mr. Thompson, Mr. Bowen, and Mr. Moorhead of California):

H. Con. Res. 409. Concurrent resolution expressing the deep concern of the Congress about the deprivation by the Soviet Union of the right of Christians to freedom of religion and, in particular, about the situation of the seven Pentecostals now living in the U.S. Embassy in Moscow, and their families; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

523. The SPEAKER presented a memorial of the Legislature of the Treasury of Guam, relative to postal service for library materials destined for Guam, which was referred jointly, to the Committees on Interstate and Foreign Commerce and Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. Akaka, Mr. Boner of Tennessee, Mr. Brown of California, Mr. Heftel, Ms. Oakar, and Mr. Reuss.

H.R. 365: Mrs. Heckler.

H.R. 1598: Mr. Beard of Tennessee.

H.R. 2279: Ms. Oakar, Mr. Annunzio, Mr. Goodling, Mr. Murphy of New York, and Mr. Hughes.

H.R. 2536: Mr. Carr.

H.R. 5225: Mr. Fithian.

H.R. 5303: Mr. Leach of Iowa.

H.R. 5543: Mr. Cheney.

H.R. 5947: Mr. Collins of Texas.

H.R. 6254: Mr. Myers of Indiana.

H.R. 6540: Mr. Brademas.

H.R. 6654: Mrs. Fenwick and Mr. Roe.

H.R. 6782: Mr. Gingrich.

H.R. 7046: Mr. Wolpe and Mr. Fazio.

H.R. 7245: Mr. Collins of Texas.

H.R. 7310: Mrs. Spellman.

H.R. 7333: Mrs. Spellman.

H.R. 7390: Mr. Andrews of North Dakota and Mr. Tauke.

H.R. 7391: Mr. Ratchford and Mr. Anderson of Illinois.

H.R. 7434: Mr. Traxler, Mr. Mitchell of Maryland, Mr. Brown of Ohio, Mr. Richmond, Mr. Drinan, Mr. Corrada, Mr. Stokes, Mr. Gingrich, Mr. Dellums, Mr. Leland, Mr. Fauntroy, Mrs. Spellman, Mr. Rodino, Mr. Donnelly, Ms. Mikulski, Mr. Gray, Mr. Gradison, and Mr. Dixon.

H.R. 7489: Mr. Gray.

H.R. 7532: Mr. Vento and Mr. Fithian.

H.R. 7533: Mr. Martin and Mr. Bafalis.

H.R. 7538: Mr. Hyde.

H.R. 7555: Mr. Goodling.

H.R. 7580: Mr. Murtha.

H.R. 7610: Mr. Whitehurst and Mr. Forsythe.

H.R. 7655: Mr. Taylor.

H.R. 7773: Mr. Burgener, Mr. Lagomarsino, and Mr. Livingston.

H.R. 7793: Mr. Fish.

H.J. Res. 159: Mr. Edwards of Oklahoma, Mr. Weaver, Mr. Pepper, Mr. Sebelius, Mr. Wolff, Mrs. Holt, Ms. Oakar, Mr. Lujan, Mr. Ottinger, Mr. Erdahl, Mr. Dodd, Mr. Hammerschmidt, Mr. Kramer, and Mr. Conte.

H.J. Res. 219: Mr. Barnes and Mr. Leath of Texas.

H.J. Res. 594: Mr. Green, Mr. Marriott, Mr. Findley, Mr. Conyers, Mr. Dougherty, Mr. Albosta, Mr. Alexander, Mr. Applegate, Mr. Ashley, Mr. Atkinson, Mr. AuCoin, Mr. Barnes, Mr. Bennett, Mr. Bevill, Mr. Boland, Mr. Brown of California, Mr. Broyhill, Mr. John L. Burton, Mr. D'Amours, Mr. de la Garza, Mr. Edwards of California, Mr. Edwards of Alabama, Mr. Flippo, Mr. Gonzalez, Mr. Hamilton, Mr. Hanley, Mr. Harris, Mr. Heftel, Mr. Ichord, Mr. Ireland, Mr. Jenrette, Mr. Jones of Tennessee, Mr. Jones of Oklahoma, Mr. Kildee, Mr. Lehman, Mr. Leland, Mr. Long of Louisiana, Mr. Lundine, Mr. Maguire, Mr. Mathis, Mr. Miller of California, Mr. Moffett, Mr. Musto, Mr. Nolan, Mr. Nowak, Mr. Ottinger, Mr. Rahall, Mr. Rangel, Mrs. Schroeder, Mrs. Spellman, Mr. Stark, Mr. Symms, Mr. Ullman, Mr. Van Deerlin, Mr. Waxman, Mr. White, Mr. Whitley, Mr. Wirth, Mr. Wylie, Mr. Myers of Indiana, Mr. Carney, Mr. Gilman, Mr. Shannon, Mr. Yatron, Mr. Wydler, and Mr. Baldus.

H. Con. Res. 134: Mr. Broomfield and Mr. Florio.

H. Con. Res. 288: Mr. Addabbo, Mr. Richmond, Mr. Brinkley, Mr. Reuss, Mr. Jacobs, Mr. Wolpe, Mr. Evans of the Virgin Islands, Mr. Murphy of Illinois, Mr. Horton, Mr. Hawkins, Mr. Simon, Mr. Markey, Mr. Roe, Mr. Fascell, Mr. Scheuer, Mr. Murphy of Pennsylvania, Mr. Rhodes, Mr. Cavanaugh, Mr. Conyers, Mr. Brodhead, Mr. Marks, Mr. Ottinger, Mr. Weiss, Mr. Bevill, Mr. Van Deerlin, Mr. Blanchard, Mr. Bedell, Mr. Rangel, Mr. Edwards of Oklahoma, Mr. Rahall, Mr. Florio, Mr. Edwards of California, Mr. Anderson of California, Ms. Chisholm, Mr. Panetta, Mr. Fauntroy, Mr. Fish, Mr. Long of Maryland, Mr. Frost, Mr. Kostmayer, Mr. Gray, Mr. Sabo, Mr. Corrada, Mr. Daschle, Mr. Carter, Mr. Stark, Mr. Porter, Mr. Mineta, Ms. Mikulski, Mr. Fisher, Mr. Kildee, Mr. Vento, Mr. Hyde, Ms. Spellman, Mr. Waxman, Mr. Bolling, and Mr. Brown of Ohio.

H. Con. Res. 301: Mr. Florio.

H. Con. Res. 376: Mr. Fithian and Mr. Stack.

H. Con. Res. 396: Mr. Winn and Mrs. Fenwick.

H. Con. Res. 406: Mr. Marlenee, Mr. Campbell, Mr. Kramer, Mr. Williams of Ohio, Mr. Ashley, Mr. Hanley, Mrs. Collins of Illinois, Mr. Rostenkowski, Mr. Fisher, Mr. Mica, Mr. Lent, Mr. Lee, Mr. Pritchard, Mr. de la Garza, Mr. Broyhill, Mr. Bingham, Mr. Fountain, Mr. Wolff, Mr. Wright, Mr. Gingrich, Mr. Regula, Mr. Moore, Mr. Nelson, Mr. Blanchard, Mr. Weaver, Mr. Fazio, Mr. Nedzi, Mr. Mavroules, Mr. Stenholm, Mr. Moffett, Mr. Annunzio, Mr. Boland, Mr. Walgren, and Mr. Porter.

H. Res. 634: Mr. Coelho, Mr. Fascell, Mr. Fazio, and Mr. Lundine.

H. Res. 689: Mr. Obey, Mr. McKinney, Mr. Nowak, Mr. Dellums, Mr. Barnes, Mr. Gaydos, Mr. Johnson of Colorado, Mr. Zablocki, Mr. Vanik, Mr. Duncan of Tennessee, Mrs. Bouquard, and Mr. Hanley.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

409. By the SPEAKER: Petition of the 46th Annual Convention of the National Federation of Business and Professional Women's Clubs, Inc., Omaha, Nebr., relative to equal treatment of men and women in draft registration; to the Committee on Armed Services.

410. Also, petition of the Board of Supervisors, Imperial County, Calif., relative to the program under section 235 of the National Housing Act; to the Committee on Banking, Finance and Urban Affairs.

411. Also, petition of the annual meeting of the National Council of Juvenile and Family Court Judges, Pittsburgh, Pa., relative to reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974; to the Committee on Education and Labor.

412. Also, petition of the City Council, New York, N.Y., relative to repeal of the Federal Unemployment Compensation Amendments of 1976; to the Committee on Ways and Means.

413. Also, petition of United Auto Workers Local No. 662, Anderson, Ind., relative to restrictions on Japanese automobile exports to the United States; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3904

By Mr. ASHBROOK:

(Amendment to the substitute amendment offered by Mr. Thompson of New Jersey to the Senate amendment to H.R. 3904.)

—Add the following new section:

STONE MINING OPERATIONS.

Section 3(h) (1) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 802 (h) (1)), as amended by the Federal Mine Safety and Health Amendments Act of 1977, is amended by inserting after "preparation facilities." the following new "sentence: "Such term shall not include any surface mining of stone, clay, colloidal phosphate, or sand and gravel.".

—Add the following new section:

OCCUPATIONAL SAFETY AND HEALTH ACT AMENDMENTS

Section 4 of Occupational Safety and Health Act of 1970 (29 U.S.C., Section 653) is amended by adding the following new subsection:

"(C) Nothing in this Act shall authorize the Secretary to administer or enforce any standard, duty, regulation, or order with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost work day case rate—at the most precise Standard Industrial Classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics except—

"(1) to take any action authorized by this Act with respect to any employer or group of employers within such category whom the Secretary determines to be engaged in an activity involving very substantial occupational hazards;

"(2) to provide requested consultation, technical assistance, educational and training services, and to conduct surveys and studies;

"(3) to conduct inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

"(4) to take any action authorized by this Act with respect to imminent dangers;

"(5) to take any action authorized by this Act with respect to health hazards;

"(6) to investigate an employment accident which is fatal or results in hospitalization of one or more employees, and take any action pursuant to such investigation authorized by this Act;

"(7) to take any action authorized by this Act with respect to complaints of discrimination against employees for exercising rights under this Act.".

—Add the following new section:

GOVERNMENT CONTRACTORS' AFFIRMATIVE ACTION REQUIREMENTS

Section 718 of the Civil Rights Act of 1964 is amended by inserting "(a)" after the secprograms of government contractors and thereof the following new subsection:

"(b) In administering any executive order relating to equal employment opportunity programs of government contractors and subcontractors, and any rules and regulations issued pursuant to such order, no provisions requiring affirmative action programs or activities shall apply to any contractor or subcontractor who at all times during the twelve-month period preceding the awarding of the contract or subcontract employed five or fewer employees (including all employees of all firms owned or controlled by the contractor or subcontractor) and who at all times during the term of the contract or subcontract will employ five or fewer employees: *Provided*, That nothing in this subsection shall make inapplicable provisions of any such executive order requiring a commitment to refrain from or a prohibition of employment discrimination because of race, color, religion, sex or national origin, together with remedies for such discrimination, and requiring all contractors to include affirmative action provisions and provide enforcement assistance with respect to any subcontract with a subcontractor who employs more than five employees as described in this paragraph.".

By Mr. THOMPSON:

—In lieu of the matter proposed to be inserted by the Senate amendment to the bill (H.R. 3904), insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Multiemployer Pension Plan Amendments Act of 1980".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

TABLE OF CONTENTS

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings and declaration of policy.

TITLE I—AMENDMENTS TO TITLE IV OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Sec. 101. Amendment of the Employee Retirement Income Security Act of 1974.
Sec. 102. Multiemployer guarantees; aggregate limit on guarantees.
Sec. 103. Termination for multiemployer plans.
Sec. 104. Employer withdrawals; merger or transfer of plan assets or liabilities; reorganization; minimum contribution requirement for multiemployer plans; financial assistance; benefits after termination; enforcement.
Sec. 105. Premiums.
Sec. 106. Annual report of plan administrator.
Sec. 107. Contingent employer liability insurance.
Sec. 108. Transition rules and effective dates.

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954

Sec. 201. Amendment of the Internal Revenue Code of 1954.
Sec. 202. Multiemployer plans in reorganization.
Sec. 203. Minimum funding requirements.
Sec. 204. Excise taxes.
Sec. 205. Deductibility of employer liability payments.
Sec. 206. Minimum testing requirements.
Sec. 207. Definition of multiemployer plan.
Sec. 208. Related technical amendments.
Sec. 209. Withdrawal liability payments funds.
Sec. 210. Effective date.

TITLE III—AMENDMENTS TO TITLE I OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Sec. 301. Amendment of the Employee Retirement Income Security Act of 1974.
Sec. 302. Definition of multiemployer plan.
Sec. 303. Minimum testing requirements.
Sec. 304. Minimum funding requirements.
Sec. 305. Application of interested party rules to withdrawal liability payment funds.
Sec. 306. Liquidated damages with respect to delinquent contributions.
Sec. 307. Actuarial standards.
Sec. 308. Exemptions from prohibited transactions.
Sec. 309. Fiduciary duties.
Sec. 310. Refund of certain withdrawal liability payments.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Amendment of the Employee Retirement Income Security Act of 1974.
Sec. 402. Related technical amendments.
Sec. 403. Conforming amendments.
Sec. 404. Clerical amendments.
Sec. 405. Action taken before regulations are prescribed.
Sec. 406. Pension Benefit Guaranty Corporation put on budget.
Sec. 407. Church plans.
Sec. 408. Deductibility of payments to plan by a corporation operating public transportation system acquired by a State.
Sec. 409. Treatment of certain severance pay arrangements and supplemental retirement income payments as welfare plans.
Sec. 410. Refund of mistaken contributions.
Sec. 411. Definition of employee pension benefit plan.
Sec. 412. Studies by Pension Benefit Guaranty Corporation and Secretary of Labor.
Sec. 413. Study by General Accounting Office; hearings required.
Sec. 414. Treatment of certain retirement benefits.
Sec. 415. Increase in length of service in Armed Forces required for ex-servicemen to be eligible for unemployment benefits.
Sec. 416. Cessation of extended benefits when paid under an interstate plan in a State where extended benefit period is not in effect.

SEC. 3. FINDINGS AND DECLARATION OF POLICY.

(a) The Congress finds that—

(1) multiemployer pension plans have a substantial impact on interstate commerce and are affected with a national public interest;

(2) multiemployer pension plans have accounted for a substantial portion of the increase in private pension plan coverage over the past three decades;

(3) the continued well-being and security of millions of employees, retirees, and their dependents are directly affected by multiemployer pension plans; and

(4)(A) withdrawals of contributing employers from a multiemployer pension plan frequently result in substantially increased funding obligations for employers who continue to contribute to the plan, adversely affecting the plan, its participants and beneficiaries, and labor-management relations, and

(B) in a declining industry, the incidence of employer withdrawals is higher and the adverse effects described in subparagraph (A) are exacerbated.

(b) The Congress further finds that—

(1) it is desirable to modify the current multiemployer plan termination insurance provisions in order to increase the likelihood of protecting plan participants against benefit losses; and

(2) it is desirable to replace the termination insurance program for multiemployer pension plans with an insolvency-based benefit protection program that will enhance the financial soundness of such plans, place primary emphasis on plan continuation, and contain program costs within reasonable limits.

(c) It is hereby declared to be the policy of this Act—

(1) to foster and facilitate interstate commerce,

(2) to alleviate certain problems which tend to discourage the maintenance and growth of multiemployer pension plans,

(3) to provide reasonable protection for the interests of participants and beneficiaries of financially distressed multiemployer pension plans, and

(4) to provide a financially self-sufficient program for the guarantee of employee benefits under multiemployer plans.

TITLE I—AMENDMENTS TO TITLE IV OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

SEC. 101. AMENDMENT OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference is to a section or other provision of the Employee Retirement Income Security Act of 1974.

SEC. 102. MULTIEMPLOYER GUARANTEES; AGGREGATE LIMIT ON GUARANTEES.

Subtitle B of title IV is amended by inserting at the end thereof the following new sections:

"MULTIEMPLOYER PLAN BENEFITS GUARANTEED

"SEC. 4022A. (a) The corporation shall guarantee, in accordance with this section, the payment of all nonforfeitable benefits (other than benefits becoming nonforfeitable solely on account of the termination of a plan) under a multiemployer plan—

"(1) to which section 4021 applies, and

"(2) which is insolvent under section 4245(b) or 4281(d)(2).

"(b)(1)(A) For purposes of this section, a benefit or benefit increase which has been in effect under a plan for less than 60 months is not eligible for the corporation's guarantee. For purposes of this paragraph, any month of any plan year during which the plan was insolvent or terminated (within the meaning of section 4041(a)(2)) shall not be taken into account.

"(B) For purposes of this section, a benefit or benefit increase which has been in effect under a plan for less than 60 months before the first day of the plan year for which an amendment reducing the benefit or the benefit increase is taken into account under section 4244A(a)(2) in determining the minimum contribution requirement for the plan year under section 4243(b) is not eligible for the corporation's guarantee.

"(2) For purposes of this section—

"(A) the date on which a benefit or a benefit increase under a plan is first in effect is the later of—

"(i) the date on which the documents establishing or increasing the benefit were executed, or

"(ii) the effective date of the benefit or benefit increase;

"(B) the period of time for which a benefit or a benefit increase has been in effect under a successor plan includes the period of time for which the benefit or benefit increase was in effect under a previously established plan; and

"(C) in the case of a plan to which section 4021 did not apply on September 3, 1974, the time periods referred to in this section are computed beginning on the date on which section 4021 first applies to the plan.

"(c)(1) Except as provided in subsection (g), the monthly benefit of a participant or a beneficiary which is guaranteed under this section by the corporation with respect to a plan is the product of—

"(A) 100 percent of the accrual rate up to $5, plus 75 percent of the lesser of—

"(i) $15, or

"(ii) the accrual rate, if any, in excess of $5, and

"(B) the number of the participant's years of credited service.

"(2) Except as provided in paragraph (6) of this subsection and in subsection (g), in applying paragraph (1) with respect to a plan described in paragraph (5)(A), the term '65 percent' shall be substituted in paragraph (1)(A) for the term '75 percent'.

"(3) For purposes of this section, the accrual rate is—

"(A) the monthly benefit of the participant or beneficiary which is described in subsection (a) and which is eligible for the corporation's guarantee under subsection (b), except that such benefit shall be—

"(i) no greater than the monthly benefit which would be payable under the plan at normal retirement age in the form of a single life annuity, and

"(ii) determined without regard to any reduction under section 411(a)(3)(E) of the Internal Revenue Code of 1954; divided by

"(B) the participant's years of credited service.

"(4) For purposes of this subsection—

"(A) a year of credited service is a year in which the participant completed—

"(i) a full year of participation in the plan, or

"(ii) any period of service before participation which is credited for purposes of benefit accrual as the equivalent of a full year of participation;

"(B) any year for which the participant is credited for purposes of benefit accrual with a fraction of the equivalent of a full year of participation shall be counted as such a fraction of a year of credited service; and

"(C) years of credited service shall be determined by including service which may otherwise be disregarded by the plan under section 411(a)(3)(E) of the Internal Revenue Code of 1954.

"(5)(A) A plan is described in this subparagraph if—

"(i) the first plan year—

"(I) in which the plan is insolvent under section 4245(b) or 4281(d)(2), and

"(II) for which benefits are required to be suspended under section 4245, or reduced or suspended under section 4281, until they do not exceed the levels provided in this subsection,

begins before the year 2000; and

"(ii) the plan sponsor has not established to the satisfaction of the corporation that, during the period of 10 consecutive plan years (or of such lesser number of plan years for which the plan was maintained) immediately preceding the first plan year to which the minimum funding standards of section 412 of the Internal Revenue Code of 1954 apply, the total amount of the contributions required under the plan for each plan year was at least equal to the sum of—

"(I) the normal cost for that plan year, and

"(II) the interest for the plan year (determined under the plan) on the unfunded past service liability for that plan year, determined as of the beginning of that plan year.

"(B) A plan shall not be considered to be described in subparagraph (A) if—

"(i) it is established to the satisfaction of the corporation that—

"(I) the total amount of the contributions received under the plan for the plan years for which the actuarial valuations (performed during the period described in subparagraph (A)(ii)) were performed was at least equal to the sum described in subparagraph (A)(ii); or

"(II) the rates of contribution to the plan under the collective bargaining agreements negotiated when the findings of such valuations were available were reasonably expected to provide such contributions;

"(ii) the number of actuarial valuations performed during the period described in subparagraph (A)(ii) is—

"(I) at least 2, in any case in which such period consists of more than 6 plan years, and

"(II) at least 1, in any case in which such period consists of 6 or fewer plan years; and

"(iii) if the proposition described in clause (i) (I) is to be established, the plan sponsor certifies that to the best of the plan sponsor's knowledge there is no information available which establishes that the total amount of the contributions received under the plan for any plan year during the period described in subparagraph (a)(ii) for which no valuation was performed is less than the sum described in subparagraph (A)(ii).

"(6) Notwithstanding paragraph (2), in the case of a plan described in paragraph (5)(A), if for any period of 3 consecutive plan years beginning with the first plan year to which the minimum funding standards of section 412 of the Internal Revenue Code of 1954 apply, the value of the assets of the plan for each such plan year is an amount equal to at least 8 times the benefit payments for such plan year—

"(A) paragraph (2) shall not apply to such plan; and

"(B) the benefit of a participant or beneficiary guaranteed by the corporation with respect to the plan shall be an amount determined under paragraph (1).

"(d) In the case of a benefit which has been reduced under section 411(a)(3)(E) of the Internal Revenue Code of 1954, the corporation shall guarantee the lesser of—

"(1) the reduced benefit, or

"(2) the amount determined under subsection (c).

"(e) The corporation shall not guarantee benefits under a multiemployer plan which, under section 4022(b)(6), would not be guaranteed under a single-employer plan.

"(f)(1) No later than 5 years after the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, and at least every fifth year thereafter, the corporation shall—

"(A) conduct a study to determine—

"(i) the premiums needed to maintain the basic-benefit guarantee levels for multiemployer plans described in subsection (c), and

"(ii) whether the basic-benefit guarantee levels for multiemployer plans may be increased without increasing the basic-benefit premiums for multiemployer plans under this title; and

"(B) report such determinations to the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives and to the Committee on Finance and the Committee on Labor and Human Resources of the Senate.

"(2)(A) If the last report described in paragraph (1) indicates that a premium increase is necessary to support the existing basic-benefit guarantee levels for multiemployer plans, the corporation shall transmit to the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives and to the Committee on Finance and the Committee on Labor and Human Resources of the Senate by March 31 of any calendar year in which congressional action under this subsection is requested—

"(i) a revised schedule of basic-benefit guarantees for multiemployer plans which would be necéssary in the absence of an increase in premiums approved in accordance with section 4006(b),

"(ii) a revised schedule of basic-benefit premiums for multiemployer plans which is necessary to support the existing basic-benefit guarantees for such plans, and

"(iii) a revised schedule of basic-benefit guarantees for multiemployer plans for which the schedule of premiums necessary is higher than the existing premium schedule for such plans but lower than the revised schedule of premiums for such plans specified in clause (ii), together with such schedule of premiums.

"(B) The revised schedule of increased premiums referred to in subparagraph (A)(ii) or (A)(iii) shall go into effect as approved by the Congress by concurrent resolution.

"(C) If an increase in premiums is not approved, the revised guarantee schedule described in subparagraph (A)(i) shall go into effect on the first day of the second calendar year following the year in which such revised guarantee schedule was submitted to the Congress.

"(3)(A) If the last report described in paragraph (1) indicates that basic-benefit guarantees for multiemployer plans can be increased without increasing the basic-benefit premiums for multiemployer plans under this title, the corporation shall submit to the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives and to the Committee on Finance and the Committee on Labor and Human Resources of the Senate by March 31 of the calendar year in which congressional action under this paragraph is requested—

"(i) a revised schedule of increases in the basic-benefit guarantees which can be supported by the existing schedule of basic-benefit premiums for multiemployer plans, and

"(ii) a revised schedule of basic-benefit premiums sufficient to support the existing basic-benefit guarantees.

"(B) The revised schedules referred to in subparagraph (A)(i) or subparagraph (A)(ii) shall go into effect as approved by the Congress by a concurrent resolution.

"(4)(A) The succeeding subparagraphs of this paragraph are enacted by the Congress as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, but applicable only with respect deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of concurrent resolutions (as defined in subparagraph (B)). Such subparagraphs shall supersede other rules only to the extent that they are inconsistent therewith. They are enacted with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any rule of that House.

"(B) For purposes of this subsection, 'concurrent resolution' means only a concurrent resolution, the matter after the resolving clause of which is as follows: 'That the Congress favors the proposed schedule described in ———— transmitted to the Congress by the Pension Benefit Guaranty Corporation on ————.', the first blank space therein being filled with 'section 4022A(f)(2)(A)(ii) of the Employee Retirement Income Security Act of 1974', 'section 4022A(f)(2)(A)(iii) of the Employee Retirement Income Security Act of 1974', 'section 4022A(f)(3)(A)(i) of the Employee Retirement Income Security Act of 1974', or 'section 4022A(f)(3)(A)(ii) of the Employee Retirement Income Security Act of 1974' (whichever is applicable), and the second blank space therein being filled with the date on which the corporation's message proposing the revision was submitted.

"(C) The procedure for disposition of a concurrent resolution shall be the procedure described in section 4006(b)(4) through (7).

"(g)(1) The corporation may guarantee the payment of such other classes of benefits under multiemployer plans, and establish the terms and conditions under which those other classes of benefits are guaranteed, as it determines to be appropriate.

"(2)(A) The corporation shall prescribe regulations to establish a supplemental program to guarantee benefits under multiemployer plans which would be guaranteed under this section but for the limitations in subsection (c). Such regulations shall be proposed by the corporation no later than the end of the 18th calendar month following the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980. The regulations shall make coverage under the supplemental program available no later than January 1, 1983. Any election to participate in the supplemental program shall be on a voluntary basis, and a plan electing such coverage shall continue to pay the premiums required under section 4006 (a)(2)(B) to the revolving fund used pursuant to section 4005 in connection with benefits otherwise guaranteed under this section. Any such election shall be irrevocable, except to the extent otherwise provided by regulations prescribed by the corporation.

"(B) The regulations prescribed under this paragraph shall provide—

"(i) that a plan must elect coverage under the supplemental program within the time permitted by the regulations;

"(ii) unless the corporation determines otherwise, that a plan may not elect supplemental coverage unless the value of the assets of the plan as of the end of the plan year preceding the plan year in which the election must be made is an amount equal to 15 times the total amount of the benefit payments made under the plan for that year; and

"(iii) such other reasonable terms and conditions for supplemental coverage, including funding standards and any other reasonable limitations with respect to plans or benefits covered or to means of program financing, as the corporation determines are necessary and appropriate for a feasible supplemental program consistent with the purposes of this title.

"(3) Any benefits guaranteed under this subsection shall be considered nonbasic benefits for purposes of this title.

"(4)(A) No revised schedule of premiums under this subsection, after the initial schedule, shall go into effect unless—

"(i) the revised schedule is submitted to the Congress, and

"(ii) a concurrent resolution described in subparagraph (B) is not adopted before the close of the 60th legislative day after such schedule is submitted to the Congress.

"(B) For purposes of subparagraph (A), a concurrent resolution described in this subparagraph is a concurrent resolution the matter after the resolving clause of which is as follows: 'That the Congress disapproves the revised premium schedule transmitted to the Congress by the Pension Benefit Guaranty Corporation under section 4022A(g)(4) of the Employee Retirement Income Security Act of 1974 on ——————.', the blank space therein being filled with the date on which the revised schedule was submitted.

"(C) For purposes of subparagraph (A), the term 'legislative day' means any calendar day other than a day on which either House is not in session because of a sine die adjournment or an adjournment of more than 3 days to a day certain.

"(D) The procedure for disposition of a concurrent resolution described in subparagraph (B) shall be the procedure described in paragraphs (4) through (7) of section 4006(b).

"(5) Regulations prescribed by the corporation to carry out the provisions of this subsection, may, to the extent provided therein, supersede the requirements of sections 4245, 4261, and 4281, and the requirements of section 418E of the Internal Revenue Code of 1954, but only with respect to benefits guaranteed under this subsection.

"(h)(1) Except as provided in paragraph (3), subsections (b) and (c) shall not apply with respect to the nonforfeitable benefits accrued as of July 29, 1980, with respect to a participant or beneficiary under a multiemployer plan—

"(1) who is in pay status on July 29, 1980, or

"(2) who is within 36 months of the normal retirement age and has a nonforfeitable right to a pension as of that date.

"(2) The benefits described in paragraph (1) shall be guaranteed by the corporation in the same manner and to the same extent as benefits are guaranteed by the corporation under section 4022 (without regard to this section).

"(3) This subsection does not apply with respect to a plan for plan years following a plan year—

"(A) in which the plan has terminated within the meaning of section 4041A(a)(2), or

"(B) in which it is determined by the corporation that substantially all the employers have withdrawn from the plan pursuant to an agreement or arrangement to withdraw.

"AGGREGATE LIMIT ON BENEFITS GUARANTEED

"SEC. 4022B. (a) Notwithstanding sections 4022 and 4022A, no person shall receive from the corporation pursuant to a guarantee by the corporation of basic benefits with respect to a participant under all multiemployer and single employer plans an amount, or amounts, with an actuarial value which exceeds the actuarial value of a monthly benefit in the form of a life annuity commencing at age 65 equal to the amount determined under section 4022(b)(3)(B) as of the date of the last plan termination.

"(b) For purposes of this section—

"(1) the receipt of benefits under a multiemployer plan receiving financial assistance from the corporation shall be considered the receipt of amounts from the corporation pursuant to a guarantee by the corporation of basic benefits except to the extent provided in regulations prescribed by the corporation, and

"(2) the date on which a multiemployer plan, whether or not terminated, begins receiving financial assistance from the corporation shall be considered a date of plan termination.".

SEC. 103. TERMINATION FOR MULTIEMPLOYER PLANS.

Subtitle C of title IV is amended by inserting after section 4041 the following new section:

"TERMINATION OF MULTIEMPLOYER PLANS

"SEC. 4041A. (a) Termination of a multiemployer plan under this section occurs as a result of—

"(1) the adoption after the date of enactment of the Multiemployer Pension Plan Amendments Act of 1980 of a plan amendment which provides that participants will receive no credit for any purpose under the plan for service with any employer after the date specified by such amendment;

"(2) the withdrawal of every employer from the plan, within the meaning of section 4203, or the cessation of the obligation of all employers to contribute under the plan; or

"(3) the adoption of an amendment to the plan which causes the plan to become a plan described in section 4021(b)(1).

"(b)(1) The date on which a plan terminates under paragraph (1) or (3) of subsection (a) is the later of—

"(A) the date on which the amendment is adopted, or

"(B) the date on which the amendment takes effect.

"(2) The date on which a plan terminates under paragraph (2) of subsection (a) is the earlier of—

"(A) the date on which the last employer withdraws, or

"(B) the first day of the first plan year for which no employer contributions were required under the plan.

"(c) Except as provided in subsection (f)(1), the plan sponsor of a plan which terminates under paragraph (2) of subsection (a) shall—

"(1) limit the payment of benefits to benefits which are nonforfeitable under the plan as of the date of the termination, and

"(2) pay benefits attributable to employer contributions, other than death benefits, only in the form of an annuity, unless the plan assets are distributed in full satisfaction of all nonforfeitable benefits under the plan.

"(d) The plan sponsor of a plan which terminates under paragraph (2) of subsection (a) shall reduce benefits and suspend benefit payments in accordance with section 4281.

"(e) In the case of a plan which terminates under paragraph (1) or (3) of subsection (a), the rate of an employer's contributions under the plan for each plan year beginning on or after the plan termination date shall equal or exceed the highest rate of employer contributions at which the employer had an obligation to contribute under the plan in the 5 preceding plan years ending on or before the plan termination date, unless the corporation approves a reduction in the rate based on a finding that the plan is or soon will be fully funded.

"(f)(1) The plan sponsor of a terminated plan may authorize the payment other than in the form of an annuity of a participant's entire nonforfeitable benefit attributable to employer contributions, other than a death benefit, if the value of the entire nonforfeitable benefit does not exceed $1,750. The corporation may authorize the payment of benefits under the terms of a terminated plan other than nonforfeitable benefits, or the payment other than in the form of an annuity of benefits having a value greater than $1,750, if the corporation determines that such payment is not adverse to the interest of the plan's participants and beneficiaries generally and does not unreasonably increase the corporation's risk of loss with respect to the plan.

"(2) The corporation may prescribe reporting requirements for terminated plans, and rules and standards for the administration of such plans, which the corporation considers appropriate to protect the interests of plan participants and beneficiaries or to prevent unreasonable loss to the corporation.".

SEC. 104. EMPLOYER WITHDRAWALS; MERGER OR TRANSFER OF PLAN ASSETS OR LIABILITIES; REORGANIZATION; MINIMUM CONTRIBUTION REQUIREMENT FOR MULTIEMPLOYER PLANS; FINANCIAL ASSISTANCE; BENEFITS AFTER TERMINATION; ENFORCEMENT.

Title IV is amended—

(1) by striking out the heading for subtitle E and inserting in lieu thereof the following:

"Subtitle F—Transition Rules and Effective Dates";

and

(2) by inserting after subtitle D the following new subtitle:

"Subtitle E—Special Provisions for Multiemployer Plans

"PART 1—EMPLOYER WITHDRAWALS

"WITHDRAWAL LIABILITY ESTABLISHED

"SEC. 4201. (a) If an employer withdraws from a multiemployer plan in a complete withdrawal or a partial withdrawal, then the employer is liable to the plan in the amount determined under this part to be the withdrawal liability.

"(b) For purposes of subsection (a)—

"(1) The withdrawal liability of an employer to a plan is the amount determined under section 4211 to be the allocable amount of unfunded vested benefits, adjusted—

"(A) first, by any de minimis reduction applicable under section 4209,

"(B) next, in the case of a partial withdrawal, in accordance with section 4206,

"(C) then, to the extent necessary to reflect the limitation on annual payments under section 4219(c)(1)(B), and

"(D) finally, in accordance with section 4225.

"(2) The term 'complete withdrawal' means a complete withdrawal described in section 4-203.

"(3) The term 'partial withdrawal' means a partial withdrawal described in section 4205.

"DETERMINATION AND COLLECTION OF LIABILITY; NOTIFICATION OF EMPLOYER

"SEC. 4202. When an employer withdraws from a multiemployer plan, the plan sponsor, in accordance with this part, shall—

"(1) determine the amount of the employer's withdrawal liability,

"(2) notify the employer of the amount of the withdrawal liability, and

"(3) collect the amount of the withdrawal liability from the employer.

"COMPLETE WITHDRAWAL

"SEC. 4203. (a) For purposes of this part, a complete withdrawal from a multiemployer plan occurs when an employer—

"(1) permanently ceases to have an obligation to contribute under the plan, or

"(2) permanently ceases all covered operations under the plan.

"(b)(1) Notwithstanding subsection (a), in the case of an employer that has an obligation to contribute under a plan for work performed in the building and construction industry, a complete withdrawal occurs only as described in paragraph (2), if—

"(A) substantially all the employees with respect to whom the employer has an obligation to contribute under the plan perform work in the building and construction industry, and

"(B) the plan—

"(i) primarily covers employees in the building and construction industry, or

"(ii) is amended to provide that this subsection applies to employers described in this paragraph.

"(2) A withdrawal occurs under this paragraph if—

"(A) an employer ceases to have an obligation to contribute under the plan, and

"(B) the employer—

"(i) continues to perform work in the jurisdiction of the collective bargaining agreement of the type for which contributions were previously required, or

"(ii) resumes such work within 5 years after the date on which the obligation to contribute under the plan ceases, and does not renew the obligation at the time of the resumption.

"(3) In the case of a plan terminated by mass withdrawal (within the meaning of section 4041A(a)(2)), paragraph (2) shall be applied by substituting '3 years' for '5 years' in subparagraph (B)(ii).

"(c)(1) Notwithstanding subsection (a), in the case of an employer that has an obligation to contribute under a plan for work performed in the entertainment industry, primarily on a temporary or project-by-project basis, if the plan primarily covers employees in the entertainment industry, a complete withdrawal occurs only as described in subsection (b)(2) applied by substituting 'plan' for 'collective bargaining agreement' in subparagraph (B)(i) thereof.

"(2) For purposes of this subsection the term 'entertainment industry' means—

"(A) theater, motion picture (except to the extent provided in regulations prescribed by the corporation), radio, television, sound or visual recording, music, and dance, and

"(B) such other entertainment activities as the corporation may determine to be appropriate.

"(3) The corporation may by regulation exclude a group or class of employers described in the preceding sentence from the application of this subsection if the corporation determines that such exclusion is necessary—

"(A) to protect the interest of the plan's participants and beneficiaries, or

"(B) to prevent a significant risk of loss to the corporation with respect to the plan.

"(4) A plan may be amended to provide that this subsection shall not apply to a group or class of employers under the plan.

"(d)(1) Notwithstanding subsection (a), in the case of an employer who—

"(A) has an obligation to contribute under a plan described in paragraph (2) primarily for work described in such paragraph, and

"(B) does not continue to perform work within the jurisdiction of the plan,

a complete withdrawal occurs only as described in paragraph (3).

"(2) A plan is described in this paragraph if substantially all of the contributions required under the plan are made by employers primarily engaged in the long and short haul trucking industry, the household goods moving industry, or the public warehousing industry.

"(3) A withdrawal occurs under this paragraph if—

"(A) an employer permanently ceases to have an obligation to contribute under the plan or permanently ceases all covered operations under the plan, and

"(B) either—

"(i) the corporation determines that the plan has suffered substantial damage to its contribution base as a result of such cessation, or

"(ii) the employer fails to furnish a bond issued by a corporate surety company that is an acceptable surety for purposes of section 412, or an amount held in escrow by a bank or similar financial institution satisfactory to the plan, in an amount equal to 50 percent of the withdrawal liability of the employer.

"(4) If, after an employer furnishes a bond or escrow to a plan under paragraph (3)(B)(ii), the corporation determines that the cessation of the employer's obligation to contribute under the plan (considered together with any cessations by other employers), or cessation of covered operations under the plan, has resulted in substantial damage to the contribution base of the plan, the employer shall be treated as having withdrawn from the plan on the date on which the obligation to contribute or covered operations ceased, and such bond or escrow shall be paid to the plan. The corporation shall not make a determination under this paragraph more than 60 months after the date on which such obligation to contribute or covered operations ceased.

"(5) If the corporation determines that the employer has no further liability under the plan either—

"(A) because it determines that the contribution base of the plan has not suffered substantial damage as a result of the cessation of the employer's obligation to contribute or cessation of covered operations (considered together with any cessation of contribution obligation, or of covered operations, with respect to other employers), or

"(B) because it may not make a determination under paragraph (4) because of the last sentence thereof,

then the bond shall be cancelled or the escrow refunded.

"(6) Nothing in this subsection shall be construed as a limitation on the amount of the withdrawal liability of any employer.

"(e) For purposes of this part, the date of a complete withdrawal is the date of the cessation of the obligation to contribute or the cessation of covered operations.

"(f)(1) The corporation may prescribe regulations under which plans in industries other than the construction or entertainment industries may be amended to provide for special withdrawal liability rules similar to the rules described in subsections (b) and (c).

"(2) Regulations under paragraph (1) shall permit use of special withdrawal liability rules—

"(A) only in industries (or portions thereof) in which, as determined by the corporation, the characteristics that would make use of such rules appropriate are clearly shown, and

"(B) only if the corporation determines, in each instance in which special withdrawal liability rules are permitted, that use of such rules will not pose a significant risk to the corporation under this title.

"SALE OF ASSETS

"SEC. 4204. (a)(1) A complete or partial withdrawal of an employer (hereinafter in this section referred to as the 'seller') under this section does not occur solely because, as a result of a bona fide, arm's-length sale of assets to an unrelated party (hereinafter in this section referred to as the 'purchaser'), the seller ceases covered operations or ceases to have an obligation to contribute for such operations, if—

"(A) the purchaser has an obligation to contribute to the plan with respect to the operations for substantially the same number of contribution base units for which the seller had an obligation to contribute to the plan;

"(B) the purchaser provides to the plan for a period of 5 plan years commencing with the first plan year beginning after the sale of assets, a bond issued by a corporate surety company that is an acceptable surety for purposes of section 412 of this Act, or an amount held in escrow by a bank or similar financial institution satisfactory to the plan, in an amount equal to the greater of—

"(i) the average annual contribution required to be made by the seller with respect to the operations under the plan for the 3 plan years preceding the plan year in which the sale of the employer's assets occurs, or

"(ii) the annual contribution that the seller was required to make with respect to the operations under the plan for the last plan year before the plan year in which the sale of the assets occurs,

which bond or escrow shall be paid to the plan if the purchaser withdraws from the plan, or fails to make a contribution to the plan when due, at any time during the first 5 plan years beginning after the sale; and

"(C) the contract for sale provides that, if the purchaser withdraws in a complete withdrawal, or a partial withdrawal with respect to operations, during such 5 plan years, the seller is secondarily liable for any withdrawal liability it would have had to the plan with respect to the operations (but for this section) if the liability of the purchaser with respect to the plan is not paid.

"(2) If the purchaser—

"(A) withdraws before the last day of the fifth plan year beginning after the sale, and

"(B) fails to make any withdrawal liability payment when due,

then the seller shall pay to the plan an amount equal to the payment that would have been due from the seller but for this section.

"(3) (A) If all, or substantially all, of the seller's assets are distributed, or if the seller is liquidated before the end of the 5 plan year period described in paragraph (1) (C), then the seller shall provide a bond or amount in escrow equal to the present value of the withdrawal liability the seller would have had but for this subsection.

"(B) If only a portion of the seller's assets are distributed during such period, then a bond or escrow shall be required, in accordance with regulations prescribed by the corporation, in a manner consistent with subparagraph (A).

"(4) The liability of the party furnishing a bond or escrow under this subsection shall be reduced, upon payment of the bond or escrow to the plan, by the amount thereof.

"(b) (1) For the purposes of this part, the liability of the purchaser shall be determined as if the purchaser had been required to contribute to the plan in the year of the sale and the 4 plan years preceding the sale the amount the seller was required to contribute for such operations for such 5 plan years.

"(2) If the plan is in reorganization in the plan year in which the sale of assets occurs, the purchaser shall furnish a bond or escrow in an amount equal to 200 percent of the amount described in subsection (a) (1) (B).

"(c) The corporation may by regulation vary the standards in subparagraphs (B) and (C) of subsection (a) (1) if the variance would more effectively or equitably carry out the purposes of this title. Before it promulgates such regulations, the corporation may grant individual or class variances or exemptions from the requirements of such subparagraphs if the particular case warrants it. Before granting such an individual or class variance or exemption, the corporation—

"(1) shall publish notice in the Federal Register of the pendency of the variance or exemption,

"(2) shall require that adequate notice be given to interested persons, and

"(3) shall afford interested persons an opportunity to present their views.

"(d) For purposes of this section, the term 'unrelated party' means a purchaser or seller who does not bear a relationship to the seller or purchaser, as the case may be, that is described in section 267(b) of the Internal Revenue Code of 1954, or that is described in regulations prescribed by the corporation applying principles similar to the principles of such section.

"PARTIAL WITHDRAWALS

"SEC. 4205. (a) Except as otherwise provided in this section, there is a partial withdrawal by an employer from a plan on the last day of a plan year if for such plan year—

"(1) there is a 70-percent contribution decline, or

"(2) there is a partial cessation of the employer's contribution obligation.

"(b) For purposes of subsection (a)—

"(1) (A) There is a 70-percent contribution decline for any plan year if during each plan year in the 3-year testing period the employer's contribution base units do not exceed 30 percent of the employer's contribution base units for the high base year.

"(B) For purposes of subparagraph (A)—

"(i) The term '3-year testing period' means the period consisting of the plan year and the immediately preceding 2 plan years.

"(ii) The number of contribution base units for the high base year is the average number of such units for the 2 plan years for which the employer's contribution base units were the highest within the 5 plan years immediately preceding the beginning of the 3-year testing period.

"(2) (A) There is a partial cessation of the employer's contribution obligation for the plan year if, during such year—

"(i) the employer permanently ceases to have an obligation to contribute under one or more but fewer than all collective bargaining agreements under which the employer has been obligated to contribute under the plan but continues to perform work in the jurisdiction of the collective bargaining agreement of the type for which contributions were previously required or transfers such work to another location, or

"(ii) an employer permanently ceases to have an obligation to contribute under the plan with respect to work performed at one or more but fewer than all of its facilities, but continues to perform work at the facility of the type for which the obligation to contribute ceased.

"(B) For purposes of subparagraph (A), a cessation of obligations under a collective bargaining agreement shall not be considered to have occurred solely because, with respect to the same plan, one agreement that requires contributions to the plan has been substituted for another agreement.

"(c) (1) In the case of a plan in which a majority of the covered employees are employed in the retail food industry, the plan may be amended to provide that this section shall be applied with respect to such plan—

"(A) by substituting '35 percent' for '70 percent' in subsections (a) and (b), and

"(B) by substituting '65 percent' for '30 percent' in subsection (b).

"(2) Any amendment adopted under paragraph (1) shall provide rules for the equitable reduction of withdrawal liability in any case in which the number of the plan's contribution base units, in the 2 plan years following the plan year of withdrawal of the employer, is higher than such number immediately after the withdrawal.

"(3) Section 4208 shall not apply to a plan which has been amended under paragraph (1).

"(d) In the case of a plan described in section 404(c) of the Internal Revenue Code of 1954, or a continuation thereof, the plan may be amended to provide rules setting forth other conditions consistent with the purposes of this Act under which an employer has liability for partial withdrawal.

"ADJUSTMENT FOR PARTIAL WITHDRAWAL

"SEC. 4206. (a) The amount of an employer's liability for a partial withdrawal, before the application of sections 4219(c) (1) and 4225, is equal to the product of—

"(1) the amount determined under section 4211, and adjusted under section 4209 if appropriate. determined as if the employer had withdrawn from the plan in a complete withdrawal—

"(A) on the date of the partial withdrawal, or

"(B) in the case of a partial withdrawal described in section 4205(a) (1) (relating to 70-percent contribution decline), on the last day of the first plan year in the 3-year testing period,

multiplied by

"(2) a fraction which is 1 minus a fraction—

"(A) the numerator of which is the employer's contribution base units for the plan year following the plan year in which the partial withdrawal occurs, and

"(B) the denominator of which is the average of the employer's contribution base units for—

"(i) except as provided in clause (ii), the 5 plan years immediately preceding the plan year in which the partial withdrawal occurs, or

"(ii) in the case of a partial withdrawal described in section 4205(a) (1) (relating to 70-percent contribution decline), the 5 plan years immediately preceding the beginning of the 3-year testing period.

"(b) (1) In the case of an employer that has withdrawal liability for a partial withdrawal from a plan, any withdrawal liability of that employer for a partial or complete withdrawal from that plan in a subsequent plan year shall be reduced by the amount of any partial withdrawal liability (reduced by any abatement or reduction of such liability) of the employer with respect to the plan for a previous plan year.

"(2) The corporation shall prescribe such regulations as may be necessary to provide for proper adjustments in the reduction provided by paragraph (1) for—

"(A) changes in unfunded vested benefits arising after the close of the prior year for which partial withdrawal liability was determined,

"(B) changes in contribution base units occurring after the close of the prior year for which partial withdrawal liability was determined, and

"(C) any other factors for which it determines adjustment to be appropriate,

so that the liability for any complete or partial withdrawal in any subsequent year (after the application of the reduction) properly reflects the employer's share of liability with respect to the plan.

"REDUCTION OR WAIVER OF COMPLETE WITHDRAWAL LIABILITY

"SEC. 4207. (a) The corporation shall provide by regulation for the reduction or waiver of liability for a complete withdrawal in the event that an employer who has withdrawn from a plan subsequently resumes covered operations under the plan or renews an obligation to contribute under the plan, to the extent that the corporation determines that reduction or waiver of withdrawal liability is consistent with the purposes of this Act.

"(b) The corporation shall prescribe by regulation a procedure and standards for the amendment of plans to provide alternative rules for the reduction or waiver of liability for a complete withdrawal in the event that an employer who has withdrawn from the plan subsequently resumes covered operations or renews an obligation to contribute under the plan. The rules may apply only to the extent that the rules are consistent with the purposes of this Act.

"REDUCTION OF PARTIAL WITHDRAWAL LIABILITY

"SEC. 4208. (a) (1) If, for any 2 consecutive plan years following the plan year in which an employer has partially withdrawn from a plan under section 4205(a) (1) (referred to elsewhere in this section as the 'partial withdrawal year'), the number of contribution base units with respect to which the employer has an obligation to contribute under the plan for each such year is not less than 90 percent of the total number of contribution base units with respect to which the employer had an obligation to contribute under the plan for the high base year (within the meaning of section 4205(b) (1) (B) (ii)), then the employer shall have no obligation to make payments with respect to such partial withdrawal (other than delinquent payments) for plan years beginning after the second consecutive plan year following the partial withdrawal year.

"(2) (A) For any plan year for which the number of contribution base units with respect to which an employer who has partially withdrawn under section 4205(a) (1) has an obligation to contribute under the plan equals or exceeds the number of units for the highest year determined under paragraph (1) without regard to '90 percent of', the employer may furnish (in lieu of payment of the partial withdrawal liability determined under section 4206) a bond to the plan in the amount determined by the plan sponsor (not exceeding 50 percent of the annual payment otherwise required).

"(B) If the plan sponsor determines under paragraph (1) that the employer has no further liability to the plan for the partial withdrawal, then the bond shall be cancelled.

"(C) If the plan sponsor determines under paragraph (1) that the employer continues to have liability to the plan for the partial withdrawal, then—

"(i) the bond shall be paid to the plan,

"(ii) the employer shall immediately be liable for the outstanding amount of liability due with respect to the plan year for which the bond was posted, and

"(iii) the employer shall continue to make the partial withdrawal liability payments as they are due.

"(b) If—

"(1) for any 2 consecutive plan years following a partial withdrawal under section 4205(a) (1), the number of contribution base units with respect to which the employer has an obligation to contribute for each such year exceeds 30 percent of the total number of contribution base units with respect to which the employer had an obligation to contribute for the high base year (within the meaning of section 4205(b) (1) (B) (ii), and

"(2) the total number of contribution base units with respect to which all employers under the plan have obligations to contribute in each of such 2 consecutive years is not less than 90 percent of the total number of contribution base units for which all employers had obligations to contribute in the partial withdrawal plan year;

then, the employer shall have no obligation to make payments with respect to such partial withdrawal (other than delinquent payments) for plan years beginning after the second such consecutive plan year.

"(c) In any case in which, in any plan year following a partial withdrawal under section 4205(a) (1), the number of contribution base units with respect to which the employer has an obligation to contribute for such year equals or exceeds 110 percent (or such other percentage as the plan may provide by amendment and which is not prohibited under regulations prescribed by the corporation) of the number of contribution base units with respect to which the employer had an obligation to contribute in the partial withdrawal year, then the amount of the employer's partial withdrawal liability payment for such year shall be reduced pro rata, in accordance with regulations prescribed by the corporation.

"(d) (1) An employer to whom section 4202(b) (relating to the building and construction industry) applies is liable for a partial withdrawal only if the employer's obligation to contribute under the plan is continued for no more than an insubstantial portion of its work in the craft and area jurisdiction of the collective bargaining agreement of the type for which contributions are required.

"(2) An employer to whom section 4242(c) (relating to the entertainment industry) applies shall have no liability for a partial withdrawal except under the conditions and to the extent prescribed by the corporation by regulation.

"(e) (1) The corporation may prescribe regulations providing for the reduction or elimination of partial withdrawal liability under any conditions with respect to which the corporation determines that reduction or elimination of partial withdrawal liability is consistent with the purpose of this Act.

"(2) Under such regulations, reduction of withdrawal liability shall be provided only with respect to subsequent changes in the employer's contributions for the same operations, or under the same collective bargaining agreement, that gave rise to the partial withdrawal, and changes in the employer's contribution base units with respect to other facilities or other collective bargaining agreements shall not be taken into account.

"(3) The corporation shall prescribe by regulation a procedure by which a plan may by amendment adopt rules for the reduction or elimination of partial withdrawal liability under any other conditions, subject to the approval of the corporation based on its determination that adoption of such rules by the plan is consistent with the purposes of this Act.

"DE MINIMIS RULE

"SEC. 4209. (a) Except in the case of a plan amended under subsection (b), the amount of the unfunded vested benefits allocable under section 4211 to an employer who withdraws from a plan shall be reduced by the smaller of—

"(1) ¾ of 1 percent of the plan's unfunded vested obligations (determined as of the end of the plan year ending before the date of withdrawal), or

"(2) $50,000,

reduced by the amount, if any, by which the unfunded vested benefits allowable to the employer, determined without regard to this subsection, exceeds $100,000.

"(b) A plan may be amended to provide for the reduction of the amount determined under section 4211 by not more than the greater of—

"(1) the amount determined under subsection (a), or

"(2) the lesser of—

"(A) the amount determined under subsection (a) (1), or

"(B) $100,000,

"reduced by the amount, if any, by which the amount determined under section 4211 for the employer, determined without regard to this subsection, exceeds $150,000.

"(c) This section does not apply—

"(1) to an employer who withdraws in a plan year in which substantially all employers withdraw from the plan, or

"(2) in any case in which substantially all employers withdraw from the plan during a period of one or more plan years pursuant to an agreement or arrangement to withdraw, to an employer who withdraws pursuant to such agreement or arrangement.

"(d) In any action or proceeding to determine or collect withdrawal liability, if substantially all employers have withdrawn from a plan within a period of 3 plan years, an employer who has withdrawn from such plan during such period shall be presumed to have withdrawn from the plan pursuant to an agreement or arrangement, unless the employer proves otherwise by a preponderance of the evidence.

"NO WITHDRAWAL LIABILITY FOR CERTAIN TEMPORARY CONTRIBUTION OBLIGATION PERIODS

"SEC. 4210. (a) An employer who withdraws from a plan in complete or partial withdrawal is not liable to the plan if the employer—

"(1) first had an obligation to contribute to the plan after the date of enactment of the Multiemployer Pension Plan Amendments Act of 1980,

"(2) had an obligation to contribute to the plan for no more than the lesser of—

"(A) 6 consecutive plan years preceding the date on which the employer withdraws, or

"(B) the number of years required for vesting under the plan,

"(3) was required to make contributions to the plan for each such plan year in an amount equal to less than 2 percent of the sum of all employer contributions made to the plan for each such year, and

"(4) has never avoided withdrawal liability because of the application of this section with respect to the plan.

"(b) Subsection (a) shall apply to an employer with respect to a plan only if—

"(1) the plan is not a plan which primarily covers employees in the building and construction industry;

"(2) the plan is amended to provide that subsection (a) applies;

"(3) the plan provides, or is amended to provide, that the reduction under section 411(a) (3) (E) of the Internal Revenue Code of 1954 applies with respect to the employees of the employer; and

"(4) the ratio of the assets of the plan for the plan year preceding the first plan year for which the employer was required to contribute to the plan to the benefit payments made during that plan year was at least 8 to 1.

"METHODS FOR COMPUTING WITHDRAWAL LIABILITY

"SEC. 4211. (a) The amount of unfunded vested benefits allocable to an employer that withdraws from a plan shall be determined in accordance with subsection (b), (c), or (d) of this section.

"(b) (1) Except as provided in subsections (c) and (d), the amount of unfunded vested benefits allocable to an employer that withdraws is the sum of—

"(A) the employer's proportional share of the unamortized amount of the change in the plan's unfunded vested benefits for plan years ending after April 28, 1980, as determined under paragraph (2),

"(B) the employer's proportional share, if any, of the unamortized amount of the plan's unfunded vested benefits at the end of the plan year ending before April 29, 1980, as determined under paragraph (3); and

"(C) the employer's proportional share of the unamortized amounts of the reallocated unfunded vested benefits (if any) as determined under paragraph (4).

If the sum of the amounts determined with respect to an employer under paragraphs (2), (3), and (4) is negative, the unfunded vested benefits allocable to the employer shall be zero.

"(2) (A) An employer's proportional share of the unamortized amount of the change in unfunded vested benefits for plan years ending after April 28, 1980, is the sum of the employer's proportional shares of the unamortized amount of the change in unfunded vested benefits for each plan year in which the employer has an obligation to contribute under the plan ending—

"(i) after such date, and

"(ii) before the plan year in which the withdrawal of the employer occurs.

"(B) The change in a plan's unfunded vested benefits for a plan year is the amount by which—

"(i) the unfunded vested benefits at the end of the plan year; exceeds

"(ii) the sum of—

"(I) the unamortized amount of the unfunded vested benefits for the last plan year ending before April 29, 1980, and

"(II) the sum of the unamortized amounts of the change in unfunded vested benefits for each plan year ending after April 28, 1980, and preceding the plan year for which the change is determined.

"(C) The unamortized amount of the change in a plan's unfunded vested benefits with respect to a plan year is the change in unfunded vested benefits for the plan year, reduced by 5 percent of such change for each succeeding plan year.

"(D) The unamortized amount of the unfunded vested benefits for the last plan year ending before April 29, 1980, is the amount of the unfunded vested benefits as of the end of that plan year reduced by 5 percent of such amount for each succeeding plan year.

"(E) An employer's proportional share of the unamortized amount of a change in unfunded vested benefits is the product of—

"(i) the unamortized amount of such change (as of the end of the plan year preceding the plan year in which the employer withdraws); multiplied by

"(ii) a fraction—

"(I) the numerator of which is the sum of the contributions required to be made under the plan by the employer for the year in which such change arose and for the 4 preceding plan years, and

"(II) the denominator of which is the sum for the plan year in which such change arose and the 4 preceding plan years of all contributions made by employers who had an obligation to contribute under the plan for the plan year in which such change arose reduced by the contributions made in such years by employers who had withdrawn from the plan in the year in which the change arose.

"(3) An employer's proportional share of the unamortized amount of the plan's unfunded vested benefits for the last plan year ending before April 29, 1980, is the product of—

"(A) such unamortized amount; multiplied by—

"(B) a fraction—

"(i) the numerator of which is the sum of all contributions required to be made by the employer under the plan for the most recent 5 plan years ending before April 29, 1980, and

"(ii) the denominator of which is the sum of all contributions made for the most recent 5 plan years ending before April 29, 1980, by all employers—

"(I) who had an obligation to contribute under the plan for the first plan year ending on or after such date, and

"(II) who had not withdrawn from the plan before such date.

"(4)(A) An employer's proportional share of the unamortized amount of the reallocated unfunded vested benefits is the sum of the employer's proportional shares of the unamortized amount of the reallocated unfunded vested benefits for each plan year ending before the plan year in which the employer withdrew from the plan.

"(B) Except as otherwise provided in regulations prescribed by the corporation, the reallocated unfunded vested benefits for a plan year is the sum of—

"(i) any amount which the plan sponsor determines in that plan year to be uncollectible for reasons arising out of cases or proceedings under title 11, United States Code, or similar proceedings.

"(ii) any amount which the plan sponsor determines in that plan year will not be assessed as a result of the operation of section 4209, 4219(c)(1)(B), or section 4225 against an employer to whom a notice described in section 4219 has been sent, and

"(iii) any amount which the plan sponsor determines to be uncollectible or unassessable in that plan year for other reasons under standards not inconsistent with regulations prescribed by the corporation.

"(C) The unamortized amount of the reallocated unfunded vested benefits with respect to a plan year is the reallocated unfunded vested benefits for the plan year, reduced by 5 percent of such reallocated unfunded vested benefits for each succeeding plan year.

"(D) An employer's proportional share of the unamortized amount of the reallocated unfunded vested benefits with respect to a plan year is the product of—

"(i) the unamortized amount of the reallocated unfunded vested benefits (as of the end of the plan year preceding the plan year in which the employer withdraws); multiplied by

"(ii) the fraction defined in paragraph (2)(E)(ii).

"(c)(1) A multiemployer plan, other than a plan which primarily covers employees in the building and construction industry, may be amended to provide that the amount of unfunded vested benefits allocable to an employer that withdraws from the plan is an amount determined under paragraph (2), (3), (4), or (5) of this subsection, rather than under subsection (b) or (d). A plan described in section 4203(b)(1)(B)(i) (relating to the building and construction industry) may be amended, to the extent provided in regulations prescribed by the corporation, to provide that the amount of the unfunded vested benefits allocable to an employer not described in section 4203(b)(1)(A) shall be determined in a manner different from that provided in subsection (b).

"(2)(A) The amount of the unfunded vested benefits allocable to any employer under this paragraph is the sum of the amounts determined under subparagraphs (B) and (C).

"(B) The amount determined under this subparagraph is the product of—

"(i) the plan's unfunded vested benefits as of the end of the last plan year ending before April 29, 1980, reduced as if those obligations were being fully amortized in level annual installments over 15 years beginning with the first plan year ending on or after such date; mutiplied by

"(ii) a fraction—

"(I) the numerator of which is the sum of all contributions required to be made by the employer under the plan for the last 5 plan years ending before April 29, 1980, and

"(II) the denominator of which is the sum of all contributions made for the last 5 plan years ending before April 29, 1980, by all employers who had an obligation to contribute under the plan for the first plan year ending after April 28, 1980, and who had not withdrawn from the plan before such date.

"(C) The amount determined under this subparagraph is the product of—

"(i) an amount equal to—

"(I) the plan's unfunded vested benefits as of the end of the plan year preceding the plan year in which the employer withdraws, less

"(II) the sum of the value as of such date of all outstanding claims for withdrawal liability which can reasonably be expected to be collected, with respect to employers withdrawing before such plan year, and that portion of the amount determined under subparagraph (B)(i) which is allocable to employers who have an obligation to contribute under the plan in the plan year preceding the plan year in which the employer withdraws and who also had an obligation to contribute under the plan for the first plan year ending after April 28, 1980; multiplied by

"(ii) a fraction—

"(I) the numerator of which is the total amount required to be contributed under the plan by the employer for the last 5 plan years ending before the date on which the employer withdraws, and

"(II) the denominator of which is the total amount contributed under the plan by all employers for the last 5 plan years ending before the date on which the employer withdraws, increased by the amount of any employer contributions owed with respect to earlier periods which were collected in those plan years, and decreased by any amount contributed by an employer who withdrew from the plan under this part during those plan years.

"(D) The corporation may by regulation permit adjustments in any denominator under this section, consistent with the purposes of this title, where such adjustment would be appropriate to ease administrative burdens of plan sponsors in calculating such denominators.

"(3) The amount of the unfunded vested benefits allocable to an employer under this paragraph is the product of—

"(A) the plan's unfunded vested benefits as of the end of the plan year preceding the plan year in which the employer withdraws, less the value as of the end of such year of all outstanding claims for withdrawal liability which can reasonably be expected to be collected from employers withdrawing before such year; multiplied by

"(B) a fraction—

"(i) the numerator of which is the total amount required to be contributed by the employer under the plan for the last 5 plan years ending before the withdrawal, and

"(ii) the denominator of which is the total amount contributed under the plan by all employers for the last 5 plan years ending before the withdrawal, increased by any employer contributions owed with respect to earlier periods which were collected in those plan years, and decreased by any amount contributed to the plan during those plan years by employers who withdrew from the plan under this section during those plan years.

"(4)(A) The amount of the unfunded vested benefits allocable to an employer under this paragraph is equal to the sum of—

"(i) the plan's unfunded vested benefits which are attributable to participants' service with the employer (determined as of the end of the plan year preceding the plan year in which the employer withdraws), and

"(ii) the employer's proportional share of any unfunded vested benefits which are not attributable to service with the employer or other employers who are obligated to contribute under the plan in the plan year preceding the plan year in which the employer withdraws (determined as of the end of the plan year preceding the plan year in which the employer withdraws).

"(B) The plan's unfunded vested benefits which are attributable to participants' service with the employer is the amount equal to the value of nonforfeitable benefits under the plan which are attributable to participants' service with such employer (determined under plan rules not inconsistent with regulations of the corporation) decreased by the share of plan assets determined under subparagraph (C) which is allocated to the employer as provided under subparagraph (D).

"(C) The value of plan assets determined under this subparagraph is the value of plan assets allocated to nonforfeitable benefits which are attributable to service with the employers who have an obligation to contribute under the plan in the plan year preceding the plan year in which the employer withdraws, which is determined by multiplying—

"(i) the value of the plan assets as of the end of the plan year preceding the plan year in which the employer withdraws, by

"(ii) a fraction—

"(I) the numerator of which is the value of nonforfeitable benefits which are attributable to service with such employers, and

"(II) the denominator of which is the value of all nonforfeitable benefits under the plan

as of the end of the plan year.

"(D) The share of plan assets, determined under subparagraph (C), which is allocated to the employer shall be determined in accordance with one of the following methods which shall be adopted by the plan by amendment:

"(i) by multiplying the value of plan assets determined under subparagraph (C) by a fraction—

"(I) the numerator of which is the value of the nonforfeitable benefits which are attributable to service with the employer, and

"(II) the denominator of which is the value of the nonforfeitable benefits which are attributable to service with all employers who have an obligation to contribute under the plan in the plan year preceding the plan year in which the employer withdraws;

"(ii) by multiplying the value of plan assets determined under subparagraph (C) by a fraction—

"(I) the numerator of which is the sum of all contributions (accumulated with interest) which have been made to the plan by the employer for the plan year preceding the plan year in which the employer withdraws and all preceding plan years; and

"(II) the denominator of which is the sum of all contributions (accumulated with interest) which have been made to the plan (for the plan year preceding the plan year in which the employer withdraws and all preceding plan years) by all employers who have an obligation to contribute to the plan for the plan year preceding the plan year in which the employer withdraws; or

"(iii) by multiplying the value of plan assets under subparagraph (C) by a fraction—

"(I) the numerator of which is the amount determined under clause (ii) (I) of this subparagraph, less the sum of benefit payments (accumulated with interest) made to participants (and their beneficiaries) for the plan years described in such clause (ii) (I) which are attributable to service with the employer; and

"(II) the denominator of which is the amount determined under clause (ii) (II) of this subparagraph, reduced by the sum of benefit payments (accumulated with interest) made to participants (and their beneficiaries) for the plan years described in such clause (ii) (II) which are attributable to service with respect to the employers described in such clause (ii) (II).

"(E) The amount of the plan's unfunded vested benefits for a plan year preceding the plan year in which an employer withdraws, which is not attributable to service with employers who have an obligation to contribute under the plan in the plan year preceding the plan year in which such employer withdraws, is equal to—

"(i) an amount equal to—

"(I) the value of all nonforfeitable benefits under the plan at the end of such plan year, reduced by

"(II) the value of nonforfeitable benefits under the plan at the end of such plan year which are attributable to participants' service with employers who have an obligation to contribute under the plan for such plan year; reduced by "(ii) an amount equal to—

"(I) the value of the plan assets as of the end of such plan year, reduced by

"(II) the value of plan assets as of the end of such plan year as determined under subparagraph (C); reduced by

"(iii) the value of all outstanding claims for withdrawal liability which can reasonably be expected to be collected with respect to employers withdrawing before the year preceding the plan year in which the employer withdraws.

"(F) The employer's proportional share described in subparagraph (A) (ii) for a plan year is the amount determined under subparagraph (E) for the employer, but not in excess of an amount which bears the same ratio to the sum of the amounts determined under subparagraph (E) for all employers under the plan as the amount determined under subparagraph (C) for the employer bears to the sum of the amounts determined under subparagraph (C) for all employers under the plan.

"(G) The corporation may prescribe by regulation other methods which a plan may adopt for allocating assets to determine the amount of the unfunded vested benefits attributable to service with the employer and to determine the employer's share of unfunded vested benefits not attributable to service with employers who have an obligation to contribute under the plan in the plan year in which the employer withdraws.

"(5) (A) The corporation shall prescribe by regulation a procedure by which a plan may, by amendment, adopt any other alternative method for determining an employer's allocable share of unfunded vested benefits under this section, subject to the approval of the corporation based on its determination that adoption of the method by the plan would not significantly increase the risk of loss to plan participants and beneficiaries or to the corporation.

"(B) The corporation may prescribe by regulation standard approaches for alternative methods, other than those set forth in the preceding paragraphs of this subsection, which a plan may adopt under subparagraph (A), for which the corporation may waive or modify the approval requirements of subparagraph (A). Any alternative method shall provide for the allocation of substantially all of a plan's unfunded vested benefits among employers who have an obligation to contribute under the plan.

"(C) Unless the corporation by regulation provides otherwise, a plan may be amended to provide that a period of more than 5 but not more than 10 plan years may be used for determining the numerator and denominator of any fraction which is used under any method authorized under this section for determining an employer's allocable share of unfunded vested benefits under this section.

"(D) The corporation may by regulation permit adjustments in any denominator under this section, consistent with the purposes of this title, where such adjustment would be appropriate to ease administrative burdens of plan sponsors in calculating such denominators.

"(d) (1) The method of calculating an employer's allocable share of unfunded vested benefits set forth in subsection (c) (3) shall be the method for calculating an employer's allocable share of unfunded vested benefits under a plan to which section 404(c) of the Internal Revenue Code of 1954, or a continuation of such a plan, applies, unless the plan is amended to adopt another method authorized under subsection (b) or (c).

"(2) Sections 4204, 4209, 4219(c) (1) (B), and 4225 shall not apply with respect to the withdrawal of an employer from a plan described in paragraph (1) unless the plan is amended to provide that any of such sections apply.

"(e) In the case of a transfer of liabilities to another plan incident to an employer's withdrawal or partial withdrawal, the withdrawn employer's liability under this part shall be reduced in an amount equal to the value, as of the end of the last plan year ending on or before the date of the withdrawal, of the transferred unfunded vested benefits.

"(f) In the case of a withdrawal following a merger of multiemployer plans, subsection (b), (c), or (d) shall be applied in accordance with regulations prescribed by the corporation; except that, if a withdrawal occurs in the first plan year beginning after a merger of multiemployer plans, the determination under this section shall be made as if each of the multiemployer plans had remained separate plans.

"OBLIGATION TO CONTRIBUTE; SPECIAL RULES

"Sec. 4212. (a) For purposes of this part, the term 'obligation to contribute' means an obligation to contribute arising—

"(1) under one or more collective bargaining (or related) agreements, or

"(2) as a result of a duty under applicable labor-management relations law, but

does not include an obligation to pay withdrawal liability under this section or to pay delinquent contributions.

"(b) Payments of withdrawal liability under this part shall not be considered contributions for purposes of this part.

"(c) If a principal purpose of any transaction is to evade or avoid liability under this part, this part shall be applied (and liability shall be determined and collected) without regard to such transaction.

"ACTUARIAL ASSUMPTIONS, ETC.

"Sec. 4213. (a) The corporation may prescribe by regulation actuarial assumptions which may be used by a plan actuary in determining the unfunded vested benefits of a plan for purposes of determining an employer's withdrawal liability under this part. Withdrawal liability under this part shall be determined by each plan on the basis of—

"(1) actuarial assumptions and methods which, in the aggregate, are reasonable (taking into account the experience of the plan and reasonable expectations) and which, in combination, offer the actuary's best estimate of anticipated experience under the plan, or

"(2) actuarial assumptions and methods set forth in the corporation's regulations for purposes of determining an employer's withdrawal liability.

"(b) In determining the unfunded vested benefits of a plan for purposes of determining an employer's withdrawal liability under this part, the plan actuary may—

"(1) rely on the most recent complete actuarial valuation used for purposes of section 412 of the Internal Revenue Code of 1954 and reasonable estimates for the interim years of the unfunded vested benefits and

"(2) in the absence of complete data, rely on the data available or on data secured by a sampling which can reasonably be expected to be representative of the status of the entire plan.

"(c) For purposes of this part, the term 'unfunded vested benefits' means with respect to a plan, an amount equal to—

"(A) the value of nonforfeitable benefits under the plan, less

"(B) the value of the assets of the plan.

"APPLICATION OF PLAN AMENDMENTS

"Sec. 4214. (a) No plan rule or amendment adopted after January 31, 1981, under section 4209 or 4211(c) may be applied without the employer's consent with respect to liability for a withdrawal or partial withdrawal which occurred before the date on which the rule or amendment was adopted.

"(b) All plan rules and amendments authorized under this part shall operate and be applied uniformly with respect to each employer, except that special provisions may be made to take into account the creditworthiness of an employer. The plan sponsor shall give notice to all employers who have an obligation to contribute under the plan and to all employee organizations representing employees covered under the plan of any plan rules or amendments adopted pursuant to this section.

"PLAN NOTIFICATION TO CORPORATION OF POTENTIALLY SIGNIFICANT WITHDRAWALS

"SEC. 4215. The corporation may, by regulation, require the plan sponsor of a multiemployer plan to provide notice to the corporation when the withdrawal from the plan by any employer has resulted, or will result, in a significant reduction in the amount of aggregate contributions under the plan made by employers.

SPECIAL RULES FOR SECTION 404(C) PLANS

"SEC. 4216. (a) In the case of a plan described in subsection (b)—

"(1) if an employer withdraws prior to a termination described in section 4041(a)(2), the amount of withdrawal liability to be paid in any year by such employer shall be an amount equal to the greater of—

"(A) the amount determined under section 4219(c)(1)(C)(i), or

"(B) the product of—

"(i) the number of contribution base units for which the employer would have been required to make contributions for the prior plan year if the employer had not withdrawn, multiplied by

"(ii) the contribution rate for the plan year which would be required to meet the amortization schedules contained in section 4243(d)(3)(B)(ii) (determined without regard to any limitation on such rate otherwise provided by this title)

except that an employer shall not be required to pay an amount in excess of the withdrawal liability computed with interest; and

"(2) the withdrawal liability of an employer who withdraws after December 31, 1983, as a result of a termination described in section 4041A(a)(2) which is agreed to by the labor organization that appoints the employee representative on the joint board of trustees which sponsors the plan, shall be determined under subsection (c) if—

"(A) as a result of prior employer withdrawals in any plan year commencing after January 1, 1980, the number of contribution base units is reduced to less than 67 percent of the average number of such units for the calendar years 1974 through 1979; and

"(B) at least 50 percent of the withdrawal liability attributable to the first 33 percent decline described in subparagraph (A) has been determined by the plan sponsor to be uncollectible within the meaning of regulations of the corporation of general applicability; and

"(C) the rate of employer contributions under the plan for each plan year following the first plan year beginning after the date of enactment of the Multiemployer Pension Plan Amendments Act of 1980 and preceding the termination date equals or exceeds the rate described in section 4243(d)(3).

"(b) A plan is described in this subsection if—

"(1) it is a plan described in section 404(c) of the Internal Revenue Code of 1954 or a continuation thereof; and

"(2) participation in the plan is substantially limited to individuals who retired prior to January 1, 1976.

"(c)(1) The amount of an employer's liability under this paragraph is the product of—

"(A) the amount of the employer's withdrawal liability determined without regard to this section, and

"(B) the greater of 90 percent, or a fraction—

"(i) the numerator of which is an amount equal to the portion of the plan's unfunded vested benefits that is attributable to plan participants who have a total of 10 or more years of signatory service, and

"(ii) the denominator of which is an amount equal to the total unfunded vested benefits of the plan.

"(2) For purposes of paragraph (1), the term 'a year of signatory service' means a year during any portion of which a participant was employed for an employer who was obligated to contribute in that year, or who was subsequently obligated to contribute.

"APPLICATION OF PART IN CASE OF CERTAIN PRE-1980 WITHDRAWALS

"SEC. 4217. (a) For the purpose of determining the amount of unfunded vested benefits allocable to an employer for a partial or complete withdrawal from a plan which occurs after April 28, 1980, and for the purpose of determining whether there has been a partial withdrawal after such date, the amount of contributions, and the number of contribution base units, of such employer properly allocable—

"(1) to work performed under a collective bargaining agreement for which there was a permanent cessation of the obligation to contribute before April 29, 1980, or

"(2) to work performed at a facility at which all covered operations permanently ceased before April 29, 1980, or for which there was a permanent cessation of the obligation to contribute before that date, shall not be taken into account.

"(b) A plan may, in a manner not inconsistent with regulations, which shall be prescribed by the corporation, adjust the amount of unfunded vested benefits allocable to other employers under a plan maintained by an employer described in subsection (a).

"WITHDRAWAL NOT TO OCCUR MERELY BECAUSE OF CHANGE IN BUSINESS FORM OR SUSPENSION OF CONTRIBUTIONS DURING LABOR DISPUTES

"SEC. 4218. Notwithstanding any other provision of this part, an employer shall not be considered to have withdrawn from a plan solely because—

"(1) an employer ceases to exist by reason of—

"(A) a change in corporate structure described in section 4062(d), or

"(B) a change to an unincorporated form of business enterprise,

if the change causes no interruption in employer contributions or obligations to contribute under the plan, or

"(2) an employer suspends contributions under the plan during a labor dispute involving its employees.

For purposes of this part, a successor or parent corporation or other entity resulting from any such change shall be considered the original employer.

"NOTICE, COLLECTION, ETC., OF WITHDRAWAL LIABILITY

"SEC. 4219. (a) An employer shall, within 30 days after a written request from the plan sponsor, furnish such information as the plan sponsor reasonably determines to be necessary to enable the plan sponsor to comply with the requirements of this part.

"(b)(1) As soon as practicable after an employer's complete or partial withdrawal, the plan sponsor shall—

"(A) notify the employer of—

"(i) the amount of the liability, and

"(ii) the schedule for liability payments, and

"(B) demand payment in accordance with the schedule.

"(2)(A) No later than 90 days after the employer receives the notice described in paragraph (1), the employer—

"(i) may ask the plan sponsor to review any specific matter relating to the determination of the employer's liability and the schedule of payments,

"(ii) may identify any inaccuracy in the determination of the amount of the unfunded vested benefits allocable to the employer, and

"(iii) may furnish any additional relevant information to the plan sponsor.

"(B) After a reasonable review of any matter raised, the plan sponsor shall notify the employer of—

"(i) the plan sponsor's decision,

"(ii) the basis for the decision, and

"(iii) the reason for any change in the determination of the employer's liability or schedule of liability payments.

"(c)(1)(A)(i) Except as provided in subparagraphs (B) and (D) of this paragraph and in paragraphs (4) and (5), an employer shall pay the amount determined under section 4211, adjusted if appropriate first under section 4209 and then under section 4206 over the period of years necessary to amortize the amount in level annual payments determined under subparagraph (C), calculated as if the first payment were made on the first day of the plan year following the plan year in which the withdrawal occurs and as if each subsequent payment were made on the first day of each subsequent plan year. Actual payment shall commence in accordance with paragraph (2).

"(ii) The determination of the amortization period described in clause (i) shall be based on the assumptions used for the most recent actuarial valuation for the plan.

"(B) In any case in which the amortization period described in subparagraph (A) exceeds 20 years, the employer's liability shall be limited to the first 20 annual payments determined under subparagraph (C).

"(C)(i) Except as provided in subparagraph (E), the amount of each annual payment shall be the product of—

"(I) the average annual number of contribution base units for the period of 3 consecutive plan years, during the period of 10 consecutive plan years ending before the plan year in which the withdrawal occurs, in which the number of contribution base units for which the employer had an obligation to contribute under the plan is the highest, and

"(II) the highest contribution rate at which the employer had an obligation to contribute under the plan during the 10 plan years ending with the plan year in which the withdrawal occurs.

For purposes of the preceding sentence, a partial withdrawal described in section 4205(a)(1) shall be deemed to occur on the last day of the first year of the 3-year testing period described in section 4205(b)(1)(B)(i).

"(ii)(I) A plan may be amended to provide that for any plan year ending before 1986 the amount of each annual payment shall be (in lieu of the amount determined under clause (i)) the average of the required employer contributions under the plan for the period of 3 consecutive plan years (during the period of 10 consecutive plan years ending with the plan year preceding the plan year in which the withdrawal occurs) for which such required contributions were the highest.

"(II) Subparagraph (B) shall not apply to any plan year to which this clause applies.

"(III) This clause shall not apply in the case of any withdrawal described in subparagraph (D).

"(IV) If under a plan this clause applies to any plan year but does not apply to the next plan year, this clause shall not apply to any plan year after such next plan year.

"(V) For purposes of this clause, the term 'required contributions' means, for any period, the amounts which the employer was obligated to contribute for such period (not taking into account any delinquent contribution for any other period).

"(iii) A plan may be amended to provide that for the first plan year ending on or after April 29, 1980, the number '5' shall be substituted for the number '10' each place it appears in clause (i) or clause (ii) (whichever is appropriate). If the plan is so amended, the number '5' shall be increased by one for each succeeding plan year until the number '10' is reached.

"(D) In any case in which a multiemployer plan terminates by the withdrawal of every employer from the plan, or in which substantially all the employers withdraw from a plan pursuant to an agreement or arrangement to withdraw from the plan—

"(i) the liability of each such employer who has withdrawn shall be determined (or redetermined) under this paragraph without regard to subparagraph (B), and

"(ii) notwithstanding any other provision of this part, the total unfunded vested benefits of the plan shall be fully allocated among all such employers in a manner not inconsistent with regulations which shall be prescribed by the corporation.

Withdrawal by an employer from a plan, during a period of 3 consecutive plan years within which substantially all the employers who have an obligation to contribute under the plan withdraw, shall be presumed to be a withdrawal pursuant to an agreement or arrangement, unless the employer proves otherwise by a preponderance of the evidence.

"(E) In the case of a partial withdrawal described in section 4205(a), the amount of each annual payment shall be the product of—

"(i) the amount determined under subparagraph (C) (determined without regard to this subparagraph), multiplied by

"(ii) the fraction determined under section 4206(a) (2).

"(2) Withdrawal liability shall be payable in accordance with the schedule set forth by the plan sponsor under subsection (b) (1) beginning no later than 60 days after the date of the demand notwithstanding any request for review or appeal of determinations of the amount of such liability or of the schedule.

"(3) Each annual payment determined under paragraph (1) (C) shall be payable in 4 equal installments due quarterly, or at other intervals specified by plan rules. If payment is not made when due, interest on the payment shall accrue from the due date until the date on which the payment is made.

"(4) The employer shall be entitled to prepay the outstanding amount of the unpaid annual withdrawal liability payments determined under paragraph (1) (C), plus accrued interest, if any, in whole or in part, without penalty. If the prepayment is made pursuant to a withdrawal which is later determined to be part of a withdrawal described in paragraph (1) (D), the withdrawal liability of the employer shall not be limited to the amount of the prepayment.

"(5) In the event of a default, a plan sponsor may require immediate payment of the outstanding amount of an employer's withdrawal liability, plus accrued interest on the total outstanding liability from the due date of the first payment which was not timely made. For purposes of this section, the term 'default' means—

"(A) the failure of an employer to make when due, any payment under this section, if the failure is not cured within 60 days after the employer receives written notification from the plan sponsor of such failure, and

"(B) any other event defined in rules adopted by the plan which indicates a substantial likelihood that an employer will be unable to pay its withdrawal liability.

"(6) Except as provided in paragraph (1) (A) (ii), interest under this subsection shall be charged at rates based on prevailing market rates for comparable obligations, in accordance with regulations prescribed by the corporation.

"(7) A multiemployer plan may adopt rules for other terms and conditions for the satisfaction of an employer's withdrawal liability if such rules—

"(A) are consistent with this Act, and

"(B) are not inconsistent with regulations of the corporation.

"(8) In the case of a terminated multiemployer plan, an employer's obligation to make payments under this section ceases at the end of the plan year in which the assets of the plan (exclusive of withdrawal liability claims) are sufficient to meet all obligations of the plan, as determined by the corporation.

"(d) The prohibitions provided in section 406(a) do not apply to any action required or permitted under part.

"APPROVAL OF AMENDMENTS

"SEC. 4220. (a) Except as provided in subsection (b), if an amendment to a multiemployer plan authorized by any preceding section of this part is adopted more than 36 months after the effective date of this section, the amendment shall be effective only if the corporation approves the amendment, or, within 90 days after the corporation receives notice and a copy of the amendment from the plan sponsor, fails to disapprove the amendment.

"(b) An amendment permitted by section 4211(c) (5) may be adopted only in accordance with that section.

"(c) The corporation shall disapprove an amendment referred to in subsection (a) or (b) only if the corporation determines that the amendment creates an unreasonable risk of loss to plan participants and beneficiaries or to the corporation.

"RESOLUTION OF DISPUTES

"SEC. 4221. (a) (1) Any dispute between an employer and the plan sponsor of a multiemployer plan concerning a determination made under sections 4201 through 4219 shall be resolved through arbitration. Either party may initiate the arbitration proceeding within a 60-day period after the earlier of—

"(A) the date of notification to the employer under section 4219(b) (2) (B), or

"(B) 120 days after the date of the employer's request under section 4219(b) (2) (A).

The parties may jointly initiate arbitration within the 180-day period after the date of the plan sponsor's demand under section 4219(b) (1).

"(2) An arbitration proceeding under this section shall be conducted in accordance with fair and equitable procedures to be promulgated by the corporation. The plan sponsor may purchase insurance to cover potential liability of the arbitrator. If the parties have not provided for the costs of the arbitration, including arbitrator's fees, by agreement, the arbitrator shall assess such fees. The arbitrator may also award reasonable attorney's fees.

"(3) (A) For purposes of any proceeding under this section, any determination made by a plan sponsor under sections 4201 through 4219 and section 4225 is presumed correct unless the party contesting the determination shows by a preponderance of the evidence that the determination was unreasonable or clearly erroneous.

"(B) In the case of the determination of a plan's unfunded vested benefits for a plan year, the determination is presumed correct unless a party contesting the determination shows by a preponderance of evidence that—

"(i) the actuarial assumptions and methods used in the determination were, in the aggregate, unreasonable (taking into account the experience of the plan and reasonable expectations), or

"(ii) the plan's actuary made a significant error in applying the actuarial assumptions or methods.

"(b) (1) If no arbitration proceeding has been initiated pursuant to subsection (a), the amounts demanded by the plan sponsor under section 4219(b) (1) shall be due and owing on the schedule set forth by the plan sponsor. The plan sponsor may bring an action in a State or Federal court of competent jurisdiction for collection.

"(2) Upon completion of the arbitration proceedings in favor of one of the parties, any party thereto may bring an action, no later than 30 days after the issuance of an arbitrator's award, in an appropriate United States district court in accordance with section 4301 to enforce, vacate, or modify the arbitrator's award.

"(3) Any arbitration proceedings under this section shall, to the extent consistent with this title, be conducted in the same manner, subject to the same limitations, carried out with the same powers (including subpena power), and enforced in United States courts as an arbitration proceeding carried out under title 9, United States Code.

"(c) In any proceeding under subsection (b), there shall be a presumption, rebuttable only by a clear preponderance of the evidence, that the findings of fact made by the arbitrator were correct.

"(d) Payments shall be made by an employer in accordance with the determinations made under this part until the arbitrator issues a final decision with respect to the determination submitted for arbitration, with any necessary adjustments in subsequent payments for overpayments or underpayments arising out of the decision of the arbitrator with respect to the determination. If the employer fails to make timely payment in accordance with such final decision, the employer shall be treated as being delinquent in the making of a contribution required under the plan (within the meaning of section 515).

"(e) If any employer requests in writing that the plan sponsor make available to the employer general information necessary for the employer to compute its withdrawal liability with respect to the plan (other than information which is unique to that employer), the plan sponsor shall furnish the information to the employer without charge. If any employer requests in writing that the plan sponsor make an estimate of such employer's potential withdrawal liability with respect to the plan or to provide information unique to that employer, the plan sponsor may require the employer to pay the reasonable cost of making such estimate or providing such information.

"REIMBURSEMENTS FOR UNCOLLECTIBLE WITHDRAWAL LIABILITY

"SEC. 4222. (a) By May 1, 1982, the corporation shall establish by regulation a supplemental program to reimburse multiemployer plans for withdrawal liability payments which are due from employers and which are determined to be uncollectible for reasons arising out of cases or proceedings involving the employers under title 11, United States Code, or similar cases or proceedings. Participation in the supplemental program shall be on a voluntary basis, and a plan which elects coverage under the program shall pay premiums to the corporation in accordance with a premium schedule which shall be prescribed from time to time by the corporation. The premium schedule shall contain such rates and bases for the application of such rates as the corporation considers to be appropriate.

"(b) The corporation may provide under the program for reimbursement of amounts of withdrawal liability determined to be uncollectible for any other reasons the corporation considers appropriate.

"(c) The cost of the program (including such administrative and legal costs as the corporation considers appropriate) may be paid only out of premiums collected under such program.

"(d) The supplemental program may be offered to eligible plans on such terms and conditions, and with such limitations with respect to the payment of reimbursements (including the exclusion of de minimis amounts of uncollectible employer liability, and the reduction or elimination of reimburements which cannot be paid from collected premiums) and such restrictions on withdrawal from the program, as the corporation considers necessary and appropriate.

"(e) The corporation may enter into arrangements with private insurers to carry out in whole or in part the program authorized by this section and may require plans which elect coverage under the program to elect coverage by those private insurers.

"WITHDRAWAL LIABILITY PAYMENT FUND

"SEC. 4223. (a) The plan sponsors of multiemployer plans may establish or participate in a withdrawal liability payment fund.

"(b) For purposes of this section, the term 'withdrawal liability payment fund', and the term 'fund', mean a trust which—

"(1) is established and maintained under section 501(c)(22) of the Internal Revenue Code of 1954,

"(2) maintains agreements which cover a substantial portion of the participants who are in multiemployer plans which (under the rules of the trust instrument) are eligible to participate in the fund,

"(3) is funded by amounts paid by the plans which participate in the fund, and

"(4) is administered by a Board of Trustees, and in the administration of the fund there is equal representation of—

"(A) trustees representing employers who are obligated to contribute to the plans participating in the fund, and

"(B) trustees representing employees who are participants in plans which participate in the fund.

"(c)(1) If an employer withdraws from a plan which participates in a withdrawal liability payment fund, then, to the extent provided in the trust, the fund shall pay to that plan—

"(A) the employer's unattributable liability,

"(B) the employer's withdrawal liability payments which would have been due but for sections 4208, 4209, 4219, or 4225,

"(C) the employer's withdrawal liability payments to the extent they are uncollectible.

"(2) The fund may provide for the payment of the employer's attributable liability if the fund—

"(A) provides for the payment of both the attributable and the unattributable liability of the employer in a single payment, and

"(B) is subrogated to all rights of the plan against the employer.

"(3) For purposes of this section, the term—

"(A) 'Attributable liability' means the excess, if any, determined under the provisions of a plan not inconsistent with regulations of the corporation, of—

"(i) the value of vested benefits accrued as a result of service with the employer, over

"(ii) the value of plan assets attributed to the employer, and

"(B) 'unattributable liability' means the excess of withdrawal liability over attributable liability.

Such terms may be further defined, and the manner in which they shall be applied may be prescribed, by the corporation by regulation.

"(4)(A) The trust of a fund shall be maintained for the exclusive purpose of paying—

"(i) any amount described in paragraph (1) and paragraph (2), and

"(ii) reasonable and necessary administrative expenses in connection with the establishment and operation of the trust and the processing of claims against the fund.

"(B) The amounts paid by a plan to a fund shall be deemed a reasonable expense of administering the plan under sections 403(c)(1) and 404(a)(1)(A)(ii), and the payments made by a fund to a participating plan shall be deemed services necessary for the operation of the plan within the meaning of section 408(b)(2) or within the meaning of section 4975(d)(2) of the Internal Revenue Code of 1954.

"(d)(1) For purposes of this part—

"(A) only amounts paid by the fund to a plan under subsection (c)(1)(A) shall be credited to withdrawal liability otherwise payable by the employer, unless the plan otherwise provides, and

"(B) any amounts paid by the fund under subsection (c) to a plan shall be treated by the plan as a payment of withdrawal liability to such plan.

"(2) For purposes of applying provisions relating to the funding standard accounts (and minimum contribution requirements), amounts paid from the plan to the fund shall be applied to reduce the amount treated as contributed to the plan.

"(e) The fund shall be subrogated to the rights of the plan against the employer that has withdrawn from the plan for amounts paid by a fund to a plan under—

"(1) subsection (c)(1)(A), to the extent not credited under subsection (d)(1)(A), and

"(2) subsection (c)(1)(C).

"(f) Notwithstanding any other provision of this Act, a fiduciary of the fund shall discharge the fiduciary's duties with respect to the fund in accordance with the standards for fiduciaries prescribed by this Act (to the extent not inconsistent with the purposes of this section), and in accordance with the documents and instruments governing the fund insofar as such documents and instruments are consistent with the provisions of this Act (to the extent not inconsistent with the purposes of this section). The provisions of the preceding sentence shall supersede any and all State laws relating to fiducaries insofar as they may now or hereafter relate to a fund to which this section applies.

"(g) No payments shall be made from a fund to a plan on the occasion of a withdrawal or partial withdrawal of an employer from such plan if the employees representing the withdrawn contribution base units continue, after such withdrawal, to be represented under section 9 of the National Labor Relations Act (or other applicable labor laws) in negotiations with such employer by the labor organization which represented such employees immediately preceding such withdrawal.

"(h) Nothing in this section shall be construed to prohibit the purchase of insurance by an employer from any other person, to limit the circumstances under which such insurance would be payable, or to limit in any way the terms and conditions of such insurance.

"(i) The corporation may provide by regulation rules not inconsistent with this section governing the establishment and maintenance of funds, but only to the extent necessary to carry out the purposes of this part (other than section 4222).

"ALTERNATIVE METHOD OF WITHDRAWAL LIABILITY PAYMENTS

"SEC. 4224. A multiemployer plan may adopt rules providing for other terms and conditions for the satisfaction of an employers' withdrawal liability if such rules are consistent with this Act and with such regulations as may be prescribed by the corporation.

"LIMITATION ON WITHDRAWAL LIABILITY

"SEC. 4225. (a)(1) In the case of bona fide sale of all or substantially all of the employer's assets in an arm's-length transaction to an unrelated party (within the meaning of section 4204(d)), the unfunded vested benefits allocable to an employer (after the application of all sections of this part having a lower number designation than this section), other than an employer undergoing reorganization under title 11, United States Code, or similar provisions of State law, shall not exceed the greater of—

"(A) a portion (determined under paragraph (2)) of the liquidation or dissolution value of the employer (determined after the sale or exchange of such assets), or

"(B) the unfunded vested benefits attributable to employees of the employer.

"(2) For purposes of paragraph (1), the portion shall be determined in accordance with the following table:

"If the liquidation or dissolution value of the employer after the sale or exchange is—	The portion is—
Not more than $2,000,000	30 percent of the amount
More than $2,000,000, but not more than $4,000,000	$600,000, plus 35 percent of the amount in excess of $2.000.000.
More than $4,000,000, but not more than $6,000,000	$1,300,000, plus 40 percent of the amount in excess of $4,000,000.
More than $6,000,000, but not more than $7,000,000	$2,100,000, plus 45 percent of the amount in excess of $6,000,000.
More than $7,000,000, but not more than $8,000,000	$2,550,000, plus 50 percent of the amount in excess of $7,000,000.
More than $8,000,000, but not more than $9,000,000	$3,050,000, plus 60 percent of the amount in excess of $8,000,000.
More than $9,000,000, but not more than $10,000,000	$3,650,000. plus 70 percent of the amount in excess of $9,000,000.
More than $10,000,000	$4,350,000, plus 80 percent of the amount in excess of $10,000,000.

"(b) In the case of an insolvent employer undergoing liquidation or dissolution, the unfunded vested benefits allocable to that employer shall not exceed an amount equal to the sum of——

"(1) 50 percent of the unfunded vested benefits allocable to the employer (determined without regard to this section), and

"(2) that portion of 50 percent of the unfunded vested benefits allocable to the employer (as determined under paragraph (1)) which does not exceed the liquidation or dissolution value of the employer determined—

"(A) as of the commencement of liquidation or dissolution, and

"(B) after reducing the liquidation or dissolution value of the employer by the amount determined under paragraph (1).

"(c) To the extent that the withdrawal liability of an employer is attributable to his obligation to contribute to or under a plan as an individual (whether as a sole proprietor or as a member of a partnership), property which may be exempt from the estate under section 522 of title 11, United States Code, or under similar provisions of law, shall not be subject to enforcement of such liability.

"(d) For purposes of this section—

"(1) an employer is insolvent if the liabilities of the employer, including withdrawal liability under the plan (determined without regard to subsection (b)), exceed the assets of the employer (determined as of the commencement of the liquidation or dissolution), and

"(2) the liquidation or dissolution value of the employer shall be determined without regard to such withdrawal liability.

"(e) In the case of one or more withdrawals of an employer attributable to the same sale, liquidation, or dissolution, under regulations prescribed by the corporation—

"(1) all such withdrawals shall be treated as a single withdrawal for the purpose of applying this section, and

"(2) the withdrawal liability of the employer to each plan shall be an amount which bears the same ratio to the present value of the withdrawal liability payments to all plans (after the application of the preceding provisions of this section) as the withdrawal liability of the employer to such plan (determined without regard to this section) bears to the withdrawal liability of the employer to all such plans (determined without regard to this section).

"PART 2—MERGER OR TRANSFER OF PLAN ASSETS OR LIABILITIES

"MERGERS AND TRANSFERS BETWEEN MULTIEMPLOYER PLANS

"SEC. 4231. (a) Unless otherwise provided in regulations prescribed by the corporation, a plan sponsor may not cause a multiemployer plan to emerge with one or more multiemployer plans, or engage in a transfer of assets and liabilities to or from another multiemployer plan, unless such merger or transfer satisfies the requirements of subsection (b).

"(b) A merger or transfer satisfies the requirements of this section if—

"(1) in accordance with regulations of the corporation, the plan sponsor of a multiemployer plan notifies the corporation of a merger with or transfer of plan assets or liabilities to another multiemployer plan at least 120 days before the effective date of the merger or transfer;

"(2) no participant's or beneficiary's accrued benefit will be lower immediately after the effective date of the merger or transfer than the benefit immediately before that date;

"(3) the benefits of participants and beneficiaries are not reasonably expected to be subject to suspension under section 4245; and

"(4) an actuarial valuation of the assets and liabilities of each of the affected plans has been performed during the plan year preceding the effective date of the merger or transfer, based upon the most recent data available as of the day before the start of that plan year, or other valuation of such assets and liabilities performed under such standards and procedures as the corporation may prescribe by regulation.

"(c) The merger of multiemployer plans or the transfer of assets or liabilities between multiemployer plans, shall be deemed not to constitute a violation of the provisions of section 406(a) or section 406(b)(2) if the corporation determines that the merger or transfer otherwise satisfies the requirements of this section.

"(d) A plan to which liabilities are transferred under this section is a successor plan for purposes of section 4022A(b)(2)(B).

"TRANSFERS BETWEEN A MULTIEMPLOYER PLAN AND A SINGLE-EMPLOYER PLAN

"SEC. 4232. (a) A transfer of assets or liabilities between, or a merger of, a multiemployer plan and a single-employer plan shall satisfy the requirements of this section.

"(b) No accrued benefit of a participant or beneficiary may be lower immediately after the effective date of a transfer or merger described in subsection (a) than the benefit immediately before that date.

"(c)(1) Except as provided in paragraphs (2) and (3), a multiemployer plan which transfers liabilities to a single-employer plan shall be liable to the corporation if the single-employer plan terminates within 60 months after the effective date of the transfer. The amount of liability shall be the lesser of—

"(A) the amount of the plan asset insufficiency of the terminated single-employer plan, less 30 percent of the net worth of the employer who maintained the single-employer plan, determined in accordance with section 4062 or 4064, or

"(B) the value, on the effective date of the transfer, of the unfunded benefits transferred to the single employer plan which are guaranteed under section 4022.

"(2) A multiemployer plan shall be liable to the corporation as provided in paragraph (1) unless, within 180 days after the corporation receives an application (together with such information as the corporation may reasonably require for purposes of such application) from the multiemployer plan sponsor for a determination under this paragraph—

"(A) the corporation determines that the interests of the plan participants and beneficiaries and of the corporation are adequately protected, or

"(B) fails to make any determination regarding the adequacy with which such interests are protected with respect to such transfer of liabilities.

If, after the receipt of such application, the corporation requests from the plan sponsor additional information necessary for the determination, the running of the 180-day period shall be suspended from the date of such request until the receipt by the corporation of the additional information requested. The corporation may by regulation prescribe procedures and standards for the issuance of determinations under this paragraph. This paragraph shall not apply to any application submitted less than 180 days after the date of enactment of the Multiemployer Pension Plan Amendments Act of 1980.

"(3) A multiemployer plan shall not be liable to the corporation as provided in paragraph (1) in the case of a transfer from the multiemployer plan to a single-employer plan of liabilities which accrued under a single-employer plan which merged with the multiemployer plan if, the value of liabilities transferred to the single-employer plan does not exceed the value of the liabilities for benefits which accrued before the merger, and the value of the assets transferred to the single-employer plan is substantially equal to the value of the assets which would have been in the single-employer plan if the employer had maintained and funded it as a separate plan under which no benefits accrued after the date of the merger.

"(4) The corporation may make equitable arrangements with multiemployer plans which are liable under this subsection for satisfaction of their liability.

"(d) Benefits under a single-employer plan to which liabilities are transferred in accordance with this section are guaranteed under section 4022 to the extend provided in that section as of the effective date of the transfer and the plan is a successor plan.

"(e)(1) Except as provided in paragraph (2), a multi-employer plan may not transfer liabilities to a single employer plan unless the plan sponsor of the plan to which the liabilities would be transferred agrees to the transfer.

"(2) In the case of a transfer described in subsection (c)(3), paragraph (1) of this subsection is satisfied by the advance agreement to the transfer by the employer who will be obligated to contribute to the single-employer plan.

"(f)(1) The corporation may prescribe by regulation such additional requirements with respect to the transfer of assets or liabilities as may be necessary to protect the interests of plan participants and beneficiaries and the corporation.

"(2) Except as otherwise determined by the corporation, a transfer of assets or liabilities to a single-employer plan from a plan in reorganization under section 4241 is not active unless the corporation approves such transfer.

"(3) No transfer to which this section applies, in connection with a termination described in section 4041A(a)(2) shall be effective unless the transfer meets such requirements as may be established by the corporation to prevent an increase in the risk of loss to the corporation.

"PARTITION

"SEC. 4233. (a) The corporation may order the partition of a multiemployer plan in accordance with this section.

"(b) A plan sponsor may apply to the corporation for an order partitioning a plan. The corporation may not order the partition of a plan except upon notice to the plan sponsor and the participants and beneficiaries whose vested benefits will be affected by the partition of the plan, and upon finding that—

"(1) a substantial reduction in the amount of aggregate contributions under the plan has resulted or will result from a case or proceeding under title 11, United States Code, with respect to an employer;

"(2) the plan is likely to become insolvent;

"(3) contributions will have to be increased significantly in reorganization to meet the minimum contribution requirement and prevent insolvency; and

"(4) partition would significantly reduce the likelihood that the plan will become insolvent.

"(c) The corporation may order the partition of a plan notwithstanding the pendency of a proceeding described in subsection (b)(1).

"(d) The corporation's partition order shall provide for a transfer of no more than the nonforfeitable benefits directly attributable to service with the employer referred to in subsection (b)(1) and an equitable share of assets.

"(e) The plan created by the partition is—

"(1) a successor plan to which section 4022A applies, and

"(2) a terminated multiemployer plan to which section 4041A(d) applies, with respect to which only the employer described in subsection (b)(1) has withdrawal liability, and to which section 4068 applies.

"(f) The corporation may proceed under section 4042 (c) through (h) for a decree partitioning a plan and appointing a trustee for the terminated portion of a partitioned plan. The court may order the partition of a plan upon making the findings described in subsection (b)(1) through (4), and subject to the conditions set for in subsections (c) through (e).

"ASSET TRANSFER RULES

"SEC. 4234. (a) A transfer of assets from a multiemployer plan to another plan shall comply with asset-transfer rules which shall be adopted by the multiemployer plan and which—

"(1) do not unreasonably restrict the transfer of plan assets in connection with the transfer of plan liabilities, and

"(2) operate and are applied uniformly with respect to each proposed transfer, except that the rules may provide for reasonable variations taking into account the pofer on the multiemployer plan. Plan rules authorizing assets transfers consistent with the requirements of section 4232(c)(3) shall be considered to satisfy the requirements of this subsection.

"(b) The corporation shall prescribe regulations which exempt de minimus transfers of assets from the requirements of this part.

"(c) This part shall not apply to transfers of assets pursuant to written reciprocity agreements, except to the extent provided in regulations prescribed by the corporation.

"TRANSFERS PURSUANT TO CHANGE IN BARGAINING REPRESENTATIVE

"SEC. 4235. (a) In any case in which an employer has completely or partially withdrawn from a multiemployer plan (hereafter in this section referred to as the 'old plan') as a result of a certified change of collective bargaining representative occurring after April 28, 1980, if participants of the old plan who are employed by the employer will, as a result of that change, participate in another multiemployer plan (hereafter in this section referred to as the 'new plan'), the old plan shall transfer assets and liabilities to the new plan in accordance with this section.

"(b)(1) The employer shall notify the plan sponsor of the old plan of a change in multiemployer plan participation described in subsection (a) no later than 30 days after the employer determines that the change will occur.

"(2) The plan sponsor of the old plan shall—

"(A) notify the employer of—

"(i) the amount of the employer's withdrawal liability determined under part 1 with respect to the withdrawal,

"(ii) the old plan's intent to transfer to the new plan the nonforfeitable benefits of the employees who are no longer working in covered service under the old plan as a result of the change of bargaining representative, and

"(iii) the amount of assets and liabilities which are to be transferred to the new plan, and

"(B) notify the plan sponsor of the new plan of the benefits, assets, and liabilities which will be transferred to the new plan.

"(3) Within 60 days after receipt of the notice described in paragraph (2)(B), the new plan may file an appeal with the corporation to prevent the transfer. The transfer shall not be made if the corporation determines that the new plan would suffer substantial financial harm as a result of the transfer.

Upon notification described in paragraph (2), if—

"(A) the employer fails to object to the transfer within 60 days after receipt of the notice described in paragraph (2)(A), or

"(B) the new plan either—

(i) fails to file such an appeal, or

(ii) the corporation, pursuant to such an appeal, fails to find that the new plan would suffer substantial financial harm as a result of the transfer described in the notice under paragraph (2)(B) within 180 days after the date on which the appeal is filed,

then the plan sponsor of the old plan shall transfer the appropriate amount of assets and liabilities to the new plan.

"(c) If the plan sponsor of the old plan transfers the appropriate amount of assets and liabilities under this section to the new plan, then the amount of the employer's withdrawal liability (as determined under section 4201(b) without regard to such transfer and this section) with respect to the old plan shall be reduced by the amount by which—

"(1) the value of the unfunded vested benefits allocable to the employer which were transferred by the plan sponsor of the old plan to the new plan, exceeds

"(2) the value of the assets transferred.

"(d) In any case in which there is a complete or partial withdrawal described in subsection (a), if—

"(1) the new plan files an appeal with the corporation under subsection (b)(3), and

"(2) the employer is required by section 4219 to begin making payments of withdrawal liability before the earlier of—

"(A) the date on which the corporation finds that the new plan would not suffer substantial financial harm as a result of the transfer, or

"(B) the last day of the 180-day period beginning on the date on which the new plan files its appeal,

then the employer shall make such payments into an escrow held by a bank or similar financial institution satisfactory to the old plan. If the transfer is made, the amounts paid into the escrow shall be returned to the employer. If the transfer is not made, the amounts paid into the escrow shall be paid to the old plan and credited against the employer's withdrawal liability.

"(e)(1) Notwithstanding subsection (b), the plan sponsor shall not transfer any assets to the new plan if—

"(A) the old plan is in reorganization (within the meaning of section 4241(a)), or

"(B) the transfer of assets would cause the old plan to go into reorganization (within the meaning of section 4241(a)).

"(2) In any case in which a transfer of assets from the old plan to the new plan is prohibited by paragraph (1), the plan sponsor of the old plan shall transfer—

"(A) all nonforfeitable benefits described in subsection (b)(2), if the value of such benefits does not exceed the withdrawal liability of the employer with respect to such withdrawal, or

"(B) such nonforfeitable benefits having a value equal to the withdrawal ability of the employer, if the value of such benefits exceeds the withdrawal liability of the employer.

"(f)(1) Notwithstanding subsection (b) and (e), the plan sponsors of the old plan and the new plan may agree to a transfer of assets and liabilities that complies with sections 4231 and 4234, rather than this section, except that the employer's liability with respect to the withdrawal from the old plan shall be reduced under subsection (c) as if assets and liabilities had been transferred in accordance with this section.

"(2) If the employer withdraws from the new plan within 240 months after the effective date of a transfer of assets and liabilities described in this section, the amount of the employer's withdrawal liability to the new plan shall be the greater of—

"(A) the employer's withdrawal liability determined under part 1 with respect to the new plan, or

"(B) the amount by which the employer's withdrawal liability to the old plan was reduced under subsection (c), reduced by 5 percent for each 12-month period following the effective date of the transfer and ending before the date of the withdrawal from the new plan.

"(g) For purposes of this section—

"(1) 'appropriate amount of assets' means the amount by which the value of the nonforfeitable benefits to be transferred exceeds the amount of the employer's withdrawal liability to the old plan (determined under part 1 without regard to section 4211(e)), and

"(2) 'certified change of collective bargaining representative' means a change of collective bargaining representative certified under the Labor-Management Relations Act, 1947, or the Railway Labor Act.

"PART 3—REORGANIZATION; MINIMUM CONTRIBUTION REQUIREMENT FOR MULTIEMPLOYER PLANS

"REORGANIZATION STATUS

"SEC. 4241. (a) A multiemployer plan is in reorganization for a plan year if the plan's reorganization index for that year is greater than zero.

"(b)(1) A plan's reorganization index for any plan year is the excess of—

"(A) the vested benefits charge for such year, over

"(B) the net charge to the funding standard account for such year.

"(2) For purposes of this part, the net charge to the funding standard account for any plan year is the excess (if any) of—

"(A) the charges to the funding standard account for such year under section 412(b)(2) of the Internal Revenue Code of 1954, over

"(B) the credits to the funding standard account under section 412(b)(3)(B) of such Code.

"(3) For purposes of this part, the vested benefits charge for any plan year is the amount which would be necessary to amortize the plan's unfunded vested benefits as of the end of the base plan year in equal annual installments—

"(A) over 10 years, to the extent such benefits are attributable to persons in pay status, and

"(B) over 25 years, to the extent such benefits are attributable to other participants.

"(4)(A) The vested benefits charge for a plan year shall be based on an actuarial valuation of the plan as of the end of the base plan year, adjusted to reflect—

"(i) any—

"(I) decrease of 5 percent or more in the value of plan assets, or increase of 5 percent or more in the number of persons in pay status, during the period beginning on the first day of the plan year following the base plan year and ending on the adjustment date, or

"(II) at the election of the plan sponsor, actuarial valuation of the plan as of the adjustment date or any later date not later than the last day of the plan year for which the determination is being made,

"(ii) any change in benefits under the plan which is not otherwise taken into account under this subparagraph and which is pursuant to any amendment—

"(I) adopted before the end of the plan year for which the determination is being made, and

"(II) effective after the end of the base plan year and on or before the end of the plan year referred to in subclause (I), and

"(iii) any other event (including an event described in subparagraph (B)(i)(I) which, as determined in accordance with regulations prescribed by the Secretary, would substantially increase the plan's vested benefit charge.

"(B)(i) In determining the vested benefits charge for a plan year following a plan year in which the plan was not in reorganization, any change in benefits which—

"(I) results from the changing of a group of participants from one benefit level to another benefit level under a schedule of plan benefits as a result of changes in a collective bargaining agreement, or

"(II) results from any other change in a collective bargaining agreement,

shall not be taken into account except to the extent provided in regulations prescribed by the Secretary of the Treasury.

"(ii) Except as otherwise determined by the Secretary of the Treasury, in determining the vested benefits charge for any plan year following any plan year in which the plan was in reorganization, any change in benefits—

"(I) described in clause (i)(I), or

"(II) described in clause (i)(II) as determined under regulations prescribed by the Secretary of the Treasury,

shall, for purposes of subparagraph (A)(ii), be treated as a change in benefits pursuant to an amendment to a plan.

"(5)(A) For purposes of this part, the base plan year for any plan year is—

"(i) if there is a relevant collective bargaining agreement, the last plan year ending at least 6 months before the relevant effective date, or

"(ii) if there is no relevant collective bargaining agreement, the last plan year ending at least 12 months before the beginning of the plan year.

"(B) For purposes of this part, a relevant collective bargaining agreement is a collective bargaining agreement—

"(i) which is in effect for at least 6 months during the plan year, and

"(ii) which has not been in effect for more than 36 months as of the end of the plan year.

"(C) For purposes of this part, the relevant effective date is the earliest of the effective dates for the relevant collective bargaining agreements.

"(D) For purposes of this part, the adjustment date is the date which is—

"(i) 90 days before the relevant effective date, or

"(ii) if there is no relevant effective date, 90 days before the beginning of the plan year.

"(6) For purposes of this part, the term 'person in pay status' means—

"(A) a participant or beneficiary on the last day of the base plan year who, at any time during such year, was paid an early, late, normal, or disability retirement benefit (or a death benefit related to a retirement benefit), and

"(B) to the extent provided in regulations prescribed by the Secretary of the Treasury, any other person who is entitled to such a benefit under the plan.

"(7) For purposes of paragraph (3)—

"(A) in determining the plan's unfunded vested benefits, plan assets shall first be allocated to the vested benefits attributable to persons in pay status, and

"(B) the vested benefits charge shall be determined without regard to reductions in accrued benefits under section 4244A which are first effective in the plan year.

"(8) For purposes of this part, any outstanding claim for withdrawal liability shall not be considered a plan asset, except as otherwise provided in regulations prescribed by the Secretary of the Treasury.

"(9) For purposes of this part, the term 'unfunded vested benefits' means with respect to a plan, an amount (determined in accordance with regulations prescribed by the Secretary of the Treasury) equal to—

"(A) the value of nonforfeitable benefits under the plan, less

"(B) the value of assets of the plan.

"(c) Except as provided in regulations prescribed by the corporation, while a plan is in reorganization a benefit with respect to a participant (other than a death benefit) which is attributable to employer contributions and which has a value of more than $1,750 may not be paid in a form other than an annuity which (by itself or in combination with social security, railroad retirement, or workers' compensation benefits) provides substantially level payments over the life of the participant.

"(d) Any multiemployer plan which terminates under section 4041A(a)(2) shall not be considered in reorganization after the last day of the plan year in which the plan is treated as having terminated.

"NOTICE OF REORGANIZATION AND FUNDING REQUIREMENTS

"SEC. 4242. (a)(1) If—

"(A) a multiemployer plan is in reorganization for a plan year, and

"(B) section 4243 would require an increase in contributions for such plan year,

the plan sponsor shall notify the persons described in paragraph (2) that the plan is in reorganization and that, if contributions to the plan are not increased, accrued benefits under the plan may be reduced or an excise tax may be imposed (or both such reduction and imposition may occur).

"(2) The persons described in this paragraph are—

"(A) each employer who has an obligation to contribute under the plan (within the meaning of section 4201(h)(5)), and

"(B) each employee organization which, for purposes of collective bargaining, represents plan participants employed by such an employer.

"(3) The determination under paragraph (1)(B) shall be made without regard to the overburden credit provided by section 4244.

"(b) The corporation may prescribe additional or alternative requirements for assuring, in the case of a plan with respect to which notice is required by subsection (a)(1), that the persons described in subsection (a)(2)—

"(1) receive appropriate notice that the plan is in reorganization,

"(2) are adequately informed of the implications of reorganization status, and

"(3) have reasonable access to information relevant to the plan's reorganization status.

"MINIMUM CONTRIBUTION REQUIREMENT

"SEC. 4243. (a)(1) For any plan year for which a plan is in reorganization—

"(A) the plan shall continue to maintain its funding standard account while it is in reorganization, and

"(B) the plan's accumulated funding deficiency under section 302(a) for such plan year shall be equal to the excess (if any) of—

"(i) the sum of the minimum contribution requirement for such plan year (taking into account any overburden credit under section 4244(a)) plus the plan's accumulated funding deficiency for the preceding plan year (determined under this section if the plan was in reorganization during such year or under section 302(a) if the plan was not in reorganization), over

"(ii) amounts considered contributed by employers to or under the plan for the plan year (increased by any amount waived under subsection (f) for the plan year).

"(2) For purposes of paragraph (1), withdrawal liability payments (whether or not received) which are due with respect to withdrawals before the end of the base plan year shall be considered amounts contributed by the employer to or under the plan if, as of the adjustment date, it was reasonable for the plan sponsor to anticipate that such payments would be made during the plan year.

"(b)(1) Except as otherwise provided in this section, for purposes of this part the minimum contribution requirement for a plan year in which a plan is in reorganization is an amount equal to the excess of—

"(A) the sum of—

"(i) the plan's vested benefits charge for the plan year, and

"(ii) the increase in normal cost for the plan year determined under the entry age normal funding method which is attributable to plan amendments adopted while the plan was in reorganization, over

"(B) the amount of the overburden credit (if any) determined under section 4244 for the plan year.

"(2) If the plan's current contribution base for the plan year is less than the plan's valuation contribution base for the plan year, the minimum contribution requirement for such plan year shall be equal to the product of the amount determined under paragraph (1) (after any adjustment required by this part other than this paragraph) and a fraction—

"(A) the numerator of which is the plan's current contribution base for the plan year, and

"(B) the denominator of which is the plan's valuation contribution base for the plan year.

"(3)(A) If the vested benefits charge for a plan year of a plan in reorganization is less than the plan's cash-flow amount for the plan year, the plan's minimum contribution requirement for the plan year is the amount determined under paragraph (1) (determined before the application of paragraph (2)) after substituting the term 'cash-flow amount' for the term 'vested benefits charge' in paragraph (1)(A).

"(B) For purposes of subparagraph (A), a plan's cash-flow amount for a plan year is an amount equal to—

"(i) the amount of the benefits payable under the plan for the base plan year, plus the amount of the plan's administrative expenses for the base plan year, reduced by

"(ii) the value of the available plan assets for the base plan year determined under regulations prescribed by the Secretary of the Treasury,

adjusted in a manner consistent with section 4241(b)(4).

"(c)(1) For purposes of this part, a plan's current contribution base for a plan year is the number of contribution base units with respect to which contributions are required to be made under the plan for that plan year, determined in accordance with regulations prescribed by the Secretary of the Treasury.

"(2)(A) Except as provided in subparagraph (B), for purposes of this part a plan's valuation contribution base is the number of contribution base units for which contributions were received for the base plan year—

"(i) adjusted to reflect declines in the contribution base which have occurred (or could reasonably be anticipated) as of the adjustment date for the plan year referred to in paragraph (1),

"(ii) adjusted upward (in accordance with regulations prescribed by the Secretary of the Treasury) for any contribution base reduction in the base plan year caused by a strike or lockout or by unusual events, such as fire, earthquake, or severe weather conditions, and

"(iii) adjusted (in accordance with regulations prescribed by the Secretary of the Treasury) for reductions in the contribution base resulting from transfers of liabilities.

"(B) For any plan year—

"(i) in which the plan is insolvent (within the meaning of section 4245(b)(1)), and

"(ii) beginning with the first plan year beginning after the expiration of all relevant collective bargaining agreements which were in effect in the plan year in which the plan became insolvent,

the plan's valuation contribution base is the greater of the number of contribution base units for which contributions were received for the first or second plan year preceding the first plan year in which the plan is insolvent, adjusted as provided in clause (ii) or (iii) of subparagraph (A).

"(d)(1) Under regulations prescribed by the Secretary of the Treasury, the minimum contribution requirement applicable to any plan for any plan year which is determined under subsection (b) (without regard to subsection (b)(2)) shall not exceed an amount which is equal to the sum of—

"(A) the greater of—

"(1) the funding standard requirement for such plan year, or

"(ii) 107 percent of—

"(I) if the plan was not in reorganization in the preceding plan year, the funding standard requirement for such preceding plan year, or

"(II) if the plan was in reorganization in the preceding plan year, the sum of the amount determined under this subparagraph for the preceding plan year and the amount (if any) determined under subparagraph (B) for the preceding plan year, plus

"(B) if for the plan year a change in benefits is first required to be considered in computing the charges under section 412(b)(2)(A) or (B) of the Internal Revenue Code of 1954, the sum of—

"(i) the increase in normal cost for a plan year determined under the entry age normal funding method due to increases in benefits described in section 4241(b)(A)(ii) (determined without regard to section 4241(b)(4)(B)(i)), and

"(ii) the amount necessary to amortize in equal annual installments the increase in the value of vested benefits under the plan due to increases in benefits described in clause (i) over—

"(I) 10 years, to the extent such increase in value is attributable to persons in pay status, or

"(II) 25 years, to the extent such increase in value is attributable to other participants.

"(2) For purposes of paragraph (1), the funding standard requirement of any plan year is an amount equal to the net charge to the funding standard account for such plan year (as defined in section 4241(b)(2)).

"(3)(A) In the case of a plan described in section 4216(b), if a plan amendment which increases benefits is adopted after January 1, 1980—

"(i) paragraph (1) shall apply only if the plan is a plan described in subparagraph (B), and

"(ii) the amount under paragraph (1) shall be determined without regard to paragraph (1)(B).

"(B) A plan is described in this subparagraph if—

"(i) the rate of employer contributions under the plan for the first plan year beginning on or after the date on which an amendment increasing benefits is adopted, multiplied by the valuation contribution base for that plan year, equals or exceeds the sum of—

"(I) the amount that would be necessary to amortize fully, in equal annual installments, by July 1, 1986, the unfunded vested benefits attributable to plan provisions in effect on July 1, 1977 (determined as of the last day of the base plan year); and

"(II) the amount that would be necessary to amortize fully, in equal annual installments, over the period described in subparagraph (C), beginning with the first day of the first plan year beginning on or after the date on which the amendment is adopted, the unfunded vested benefits (determined as of the last day of the base plan year) attributable to each plan amendment after July 1, 1977; and

"(ii) the rate of employer contributions for each subsequent plan year is not less than the lesser of—

"(I) the rate which when multiplied by the valuation contribution base for that subsequent plan year produces the annual amount that would be necessary to complete the amortization schedule described in clause (i), or

"(II) the rate for the plan year immediately preceding such subsequent plan year, plus 5 percent of such rate.

"(C) The period determined under this subparagraph is the lesser of—

"(i) 12 years, or

"(ii) a period equal in length to the average of the remaining expected lives of all persons receiving benefits under the plan.

"(4) Paragraph (1) shall not apply with respect to a plan, other than a plan described in paragraph (3), for the period of consecutive plan years in each of which the plan is in reorganization, beginning with a plan year in which occurs the earlier of the date of the adoption or the effective date of any amendment of the plan which increases benefits with respect to service performed before the plan year in which the adoption of the amendment occurred.

"(e) In determining the minimum contribution requirement with respect to a plan for a plan year under subsection (b), the vested benefits charge may be adjusted to reflect a plan amendment reducing benefits under section 412(c)(8) of the Internal Revenue Code of 1954.

"(f)(1) The Secretary of the Treasury may waive any accumulated funding deficiency under this section in accordance with the provisions of section 303(a).

"(2) Any waiver under paragraph (1) shall not be treated as a waived funding deficiency (within the meaning of section 303(c)).

"(g) For purposes of making any determination under this part, the requirements of section 302(c)(3) shall apply.

"OVERBURDEN CREDIT AGAINST MINIMUM CONTRIBUTION REQUIREMENT

"SEC. 4244. (a) For purposes of determining the minimum contribution requirement under section 4243 (before the application of section 4243 (b)(2) or (d) the plan sponsor of a plan which is overburdened for the plan year shall apply an overburden credit against the plan's minimum contribution requirement for the plan year (determined without regard to section 4243 (b) (2) or (d) and without regard to this section).

"(b) A plan is overburdened for a plan year if—

"(1) the average number of pay status participants under the plan in the base plan year exceeds the average of the number of active participants in the base plan year and the 2 plan years preceding the base plan year, and

"(2) the rate of employer contributions under the plan equals or exceeds the greater of—

"(A) such rate for the preceding plan year, or

"(B) such rate for the plan year preceding the first year in which the plan is in reorganization.

"(c) The amount of the overburden credit for a plan year is the product of—

"(1) one-half of the average guaranteed benefit paid for the base plan year, and

"(2) the overburden factor for the plan year.

The amount of the overburden credit for a plan year shall not exceed the amount of the minimum contribution requirement for such year (determined without regard to this section).

"(d) For purposes of this section, the overburden factor of a plan for the plan year is an amount equal to—

"(1) the average number of pay status participants for the base plan year, reduced by

"(2) the average of the number of active participants for the base plan year and for each of the 2 plan years preceding the base plan year.

"(e) For purposes of this section—

"(1) The term 'pay status participant' means, with respect to a plan, a participant receiving retirement benefits under the plan.

"(2) The number of active participants for a plan year shall be the sum of—

"(A) the number of active employees who are participants in the plan and on whose behalf contributions are required to be made during the plan year;

"(B) the number of active employees who are not participants in the plan but who are in an employment unit covered by a collective bargaining agreement which requires the employee's employer to contribute to the plan, unless service in such employment unit was never covered under the plan or a predecessor thereof, and

"(C) the total number of active employees attributed to employers who made payments to the plan for the plan year of withdrawal liability pursuant to part 1, determined by dividing—

"(i) the total amount of such payments, by

"(ii) the amount equal to the total contributions received by the plan during the plan year divided by the average number of active employees who were participants in the plan during the plan year.

The Secretary of the Treasury shall by regulation provide alternative methods of determining active participants where (by reason of irregular employment, contributions on a unit basis, or otherwise) this paragraph does not yield a representative basis for determining the credit.

"(3) The term 'average number' means, with respect to pay status participants for a plan year, a number equal to one-half the sum of—

"(A) the number with respect to the plan as of the beginning of the plan year, and

"(B) the number with respect to the plan as of the end of the plan year.

"(4) The average guaranteed benefit paid is 12 times the average monthly pension payment guaranteed under section 4022A(c)(1) determined under the provisions of the plan in effect at the beginning of the first plan year in which the plan is in reorganization and without regard to section 4022A(c)(2).

"(5) The first year in which the plan is in reorganization is the first of a period of 1 or more consecutive plan years in which the plan has been in reorganization not taking into account any plan years the plan was in reorganization prior to any period of 3 or more consecutive plan years in which the plan was not in reorganization.

"(f)(1) Notwithstanding any other provision of this section, a plan is not eligible for an overburden credit for a plan year if the Secretary of the Treasury finds that the plan's current contribution base for the plan year was reduced, without a corresponding reduction in the plan's unfunded vested benefits attributable to pay status participants, as a result of a change in an agreement providing for employer contributions under the plan.

"(2) For purposes of paragraph (1), a complete or partial withdrawal of an employer (within the meaning of part 1) does not impair a plan's eligibility for an overburden credit, unless the Secretary of the Treasury finds that a contribution base reduction described in paragraph (1) resulted from a transfer of liabilities to another plan in connection with the withdrawal.

"(g) Notwithstanding any other provision of this section, if 2 or more multiemployer plans merge, the amount of the overburden credit which may be applied under this section with respect to the plan resulting from the merger for any of the 3 plan years ending after the effective date of the merger shall not exceed the sum of the used overburden credit for each of the merging plans for its last plan year ending before the effective date of the merger. For purposes of the preceding sentence, the used overburden credit is that portion of the credit which does not exceed the excess of the minimum contribution requirement (determined without regard to any overburden requirement under this section) over the employer contributions required under the plan.

"ADJUSTMENTS IN ACCRUED BENEFITS

"SEC. 4244A. (a)(1) Notwithstanding sections 203 and 204, a multiemployer plan in reorganization may be amended in accordance with this section, to reduce or eliminate accrued benefits attributable to employer contributions which, under section 4022A(b), are not eligible for the corporation's guarantee. The preceding sentence shall only apply to accrued benefits under plan amendments (or plans) adopted after March 26, 1980, or under collective bargaining agreements entered into after March 26, 1980.

"(2) In determining the minimum contribution requirement with respect to a plan for a plan year under section 4243(b), the vested benefits charge may be adjusted to reflect a plan amendment reducing benefits under this section or section 412(c)(8) of the Internal Revenue Code of 1954, but only if the amendment is adopted and effective no later than 2½ months after the end of the plan year, or within such extended period as the Secretary of the Treasury may prescribe by regulation under section 412(c)(10) of such Code.

"(b)(1) Accrued benefits may not be reduced under this section unless—

"(A) notice has been given, at least 6 months before the first day of the plan year in which the amendment reducing benefits is adopted, to—

"(i) plan participants and beneficiaries,

"(ii) each employer who has an obligation to contribute (within the meaning of section 4212(a)) under the plan, and

"(iii) each employee organization which, for purposes of collective bargaining, represents plan participants employed by such employer,

that the plan is in reorganization and that, if contributions under the plan are not increased, accrued benefits under the plan will be reduced or an excise tax will be imposed on employers;

"(B) in accordance with regulations prescribed by the Secretary of the Treasury—

"(i) any category of accrued benefits is not reduced with respect to inactive participants to a greater extent proportionally than such category of accrued benefits is reduced with respect to active participants,

"(ii) benefits attributable to employer contributions other than accrued benefits and the rate of future benefit accruals are reduced at least to an extent equal to the reduction in accrued benefits of inactive participants, and

"(iii) in any case in which the accrued benefit of a participant or beneficiary is reduced by changing the benefit form or the requirements which the participant or beneficiary must satisfy to be entitled to the benefit, such reduction is not applicable to—

"(I) any participant or beneficiary in pay status on the effective date of the amendment, or the beneficiary of such a participant, or

"(II) any participant who has attained normal retirement age, or who is within 5 years of attaining normal retirement age, on the effective date of the amendment, or the beneficiary of any such participant; and

"(C) the rate of employer contributions for the plan year in which the amendment becomes effective and for all succeeding plan years in which the plan is in reorganization equals or exceeds the greater of—

"(i) the rate of employer contributions, calculated without regard to the amendment, for the plan year in which the amendment becomes effective, or

"(ii) the rate of employer contributions for the plan year preceding the plan year in which the amendment becomes effective.

"(2) The plan sponsors shall include in any notice required to be sent to plan participants and beneficiaries under paragraph (1) information as to the rights and remedies of plan participants and beneficiaries as well as how to contact the Department of Labor for further information and assistance where appropriate.

"(c) A plan may not recoup a benefit payment which is in excess of the amount payable under the plan because of an amendment retroactively reducing accrued benefits under this section.

"(d)(1)(A) A plan which has been amended to reduce accrued benefits under this section may be amended to increase or restore accrued benefits, or the rate of future benefit accruals, only if the plan is amended to restore levels of previously reduced accrued benefits of inactive participants and of participants who are within 5 years of attaining normal retirement age to at least the same extent as any such increase in accrued benefits or in the rate of future benefit accruals.

"(B) for purposes of this subsection, in the case of a plan which has been amended under this section to reduce accrued benefits—

"(i) an increase in a benefit, or in the rate of future benefit accruals, shall be considered a benefit increase to the extent that the benefit, or the accrual rate, is thereby increased above the highest benefit level, or accrual rate, which was in effect under the terms of the plan before the effective date of the amendment reducing accrued benefits, and

"(ii) an increase in a benefit, or in the rate of future benefit accruals, shall be considered a benefit restoration to the extent that the benefit, or the accrual rate, is not thereby increased above the highest benefit level, or accrual rate, which was in effect under the terms of the plan immediately before the effective date of the amendment reducing accrued benefits.

"(2) If a plan is amended to partially restore previously reduced accrued benefit levels, or the rate of future benefit accruals, the benefits of inactive participants shall be restored in at least the same proportions as other accrued benefits which are restored.

"(3) No benefit increase under a plan may take effect in a plan year in which an amendment reducing accrued benefits under the plan, in accordance with this section, is adopted or first becomes effective.

"(4) A plan is not required to make retroactive benefit payments with respect to that portion of an accrued benefit which was reduced and subsequently restored under this section.

"(e) For purposes of this section, 'inactive participant' means a person not in covered service under the plan who is in pay status under the plan or who has a nonforfeitable benefit under the plan.

"(f) The Secretary of the Treasury may prescribe rules under which, notwithstanding any other provision of this section, accrued benefit reductions or benefit increases for different participant groups may be varied equitably to reflect variations in contribution rates and other relevant factors reflecting differences in negotiated levels of financial support for plan benefit obligations.

"INSOLVENT PLANS

"SEC. 4245. (a) Notwithstanding sections 203 and 204, in any case in which benefit payments under an insolvent multiemployer plan exceed the resource benefit level, any such payments of benefits which are not basic benefits shall be suspended, in accordance with this section, to the extent necessary to reduce the sum of such payments and the payments of such basic benefits to the greater of the resource benefit level or the level of basic benefits, unless an alternative procedure is prescribed by the corporation under section 4022A(g)(5).

"(b) For purposes of this section, for a plan year—

"(1) a multiemployer plan is insolvent if the plan's available resources are not sufficient to pay benefits under the plan when due for the plan year, or if the plan is determined to be insolvent under subsection (d);

"(2) 'resource benefit level' means the level of monthly benefits determined under subsections (c) (1) and (3) and (d)(3) to be the highest level which can be paid out of the plan's available resources;

"(3) 'available resources' means the plan's cash, marketable assets, contributions, withdrawal liability payments, and earnings, less reasonable administrative expenses and amounts owed for such plan year to the corporation under section 4261(b)(2); and

"(4) 'insolvency year' means a plan year in which a plan is insolvent.

"(c)(1) The plan sponsor of a plan in reorganization shall determine in writing the plan's resource benefit level for each insolvency year, based on the plan sponsor's reasonable projection of the plan's available resources and the benefits payable under the plan.

"(2) The suspension of benefit payments under this section shall, in accordance with regulations prescribed by the Secretary of the Treasury, apply in substantially uniform proportions to the benefits of all persons in pay status (within the meaning of section 4241(b)(6)) under the plan, except that the Secretary of the Treasury may prescribe rules under which benefit suspensions for different participant groups may be varied equitably to reflect variations in contribution rates and other relevant factors including differences in negotiated levels of financial support for plan benefit obligations.

"(3) Notwithstanding paragraph (2), if a plan sponsor determines in writing a resource benefit level for a plan year which is below the level of basic benefits, the payment of all benefits other than basic benefits must be suspended for that plan year.

"(4)(A) If, by the end of an insolvency year, the plan sponsor determines in writing that the plan's available resources in that insolvency year could have supported benefit payments above the resource benefit level for that insolvency year, the plan sponsor shall distribute the excess resources to the participants and beneficiaries who received benefit payments from the plan in that insolvency year, in accordance with regulations prescribed by the Secretary of the Treasury.

"(B) For purposes of this paragraph, the term 'excess resources' means available resources above the amount necessary to support the resource benefit level, but no greater than the amount necessary to pay benefits for the plan year at the benefit levels under the plan.

"(5) If, by the end of an insolvency year, any benefit has not been paid at the resource benefit level, amounts up to the resource benefit level which were unpaid shall be distributed to the participants and beneficiaries, in accordance with regulations prescribed by the Secretary of the Treasury, to the extent possible taking into account the plan's total available resources in that insolvency year.

"(6) Except as provided in paragraph (4) or (5), a plan is not required to make retroactive benefit payments with respect to that portion of a benefit which was suspended under this section.

"(d)(1) As of the end of the first plan year in which a plan is in reorganization, and at least every 3 plan years thereafter (unless the plan is no longer in reorganization), the plan sponsor shall compare the value of plan asset (determined in accordance with section 4243(b)(3)(B)(ii)) for that plan year with the total amount of benefit payments made under the plan for that plan year. Unless the plan sponsor determines that the value of plan assets exceeds 3 times the total amount of benefit payments, the plan sponsor shall determine whether the plan will be insolvent in any of the next 3 plan years.

"(2) If, at any time, the plan sponsor of a plan in reorganization reasonably determines, taking into account the plan's recent and anticipated financial experience, that the plan's available resources are not sufficient to pay benefits under the plan when due for the next plan year, the plan sponsor shall make such determination available to interested parties.

"(3) The plan sponsor of a plan in reorganization shall determine in writing for each insolvency year the resource benefit level and the level of basic benefits no later than 3 months before the insolvency year.

"(e)(1) If the plan sponsor of a plan in reorganization determines under subsection (d)(1) or (2) that the plan may become insolvent (within the meaning of subsection (b)(1)), the plan sponsor shall—

"(A) notify the Secretary of the Treasury, the corporation, the parties described in section 4242(a)(2), and the plan participants and beneficiaries of that determination, and

"(B) inform the parties described in section 4242(a)(2) and the plan participants and beneficiaries that if insolvency occurs certain benefit payments will be suspended but that basic benefits will continue to be paid.

"(2) No later than 2 months before the first day of each insolvency year, the plan sponsor of a plan in reorganization shall notify the Secretary of the Treasury, the corporation, and the parties described in paragraph (1)(B) of the resource benefit level determined in writing for that insolvency year.

"(3) In any case in which the plan sponsor anticipates that the resource benefit level for an insolvency year may not exceed the level of basic benefits, the plan sponsor shall notify the corporation.

"(4) Notice required by this subsection shall be given in accordance with regulations prescribed by the corporation, except that notice to the Secretary of the Treasury shall be given in accordance with regulations prescribed by the Secretary of the Treasury.

"(5) The corporation may prescribe a time other than the time prescribed by this section for the making of a determination or the filing of a notice under this section.

"(f)(1) If the plan sponsor of an insolvent plan, for which the resource benefit level is above the level of basic benefits, anticipates that, for any month in an insolvency year, the plan will not have funds sufficient to pay basic benefits, the plan sponsor may apply for financial assistance from the corporation under section 4261.

"(2) A plan sponsor who has determined a resource benefit level for an insolvency year which is below the level of basic benefits shall apply for financial assistance from the corporation under section 4261.

"PART 4—FINANCIAL ASSISTANCE

"FINANCIAL ASSISTANCE

"SEC. 4261. (a) If, upon receipt of any application for financial assistance under section 4245(f) or section 4281(d), the corporation verifies that the plan is or will be insolvent and unable to pay basic benefits when due, the corporation shall provide the plan financial assistance in an amount sufficient to enable the plan to pay basic benefits under the plan.

"(b)(1) Financial assistance shall be provided under such conditions as the corporation determines are equitable and are appropriate to prevent unreasonable loss to the corporation with respect to the plan.

"(2) A plan which has received financial assistance shall repay the amount of such assistance to the corporation on reasonable terms consistent with regulations prescribed by the corporation.

"(c) Pending determination of the amount described in subsection (a), the corporation may provide financial assistance in such amounts as it considers appropriate in order to avoid undue hardship to plan participants and beneficiaries.

"PART 5—BENEFITS AFTER TERMINATION

"BENEFITS UNDER CERTAIN TERMINATED PLANS

"SEC. 4281. (a) Notwithstanding sections 203 and 204, the plan sponsor of a terminated multiemployer plan to which section 4041A(d) applies shall amend the plan to reduce benefits, and shall suspend benefit payments, as required by this section.

"(b)(1) The value of nonforfeitable benefits under a terminated plan referred to in subsection (a), and the value of the plan's assets, shall be determined in writing, in accordance with regulations prescribed by the corporation, as of the end of the plan year during which section 4041A(d) becomes applicable to the plan, and each year thereafter.

"(2) For purposes of this section, plan assets include outstanding claims for withdrawal liability (within the meaning of section 4001(a)(12)).

"(c)(1) If, according to the determination made under subsection (b), the value of nonforfeitable benefits exceeds the value of the plan's assets, the plan sponsor shall amend the plan to reduce benefits under the plan to the extent necessary to ensure that the plan's assets are sufficient, as determined and certified in accordance with regulations prescribed by the corporation, to discharge when due all of the plan's obligations with respect to nonforfeitable benefits.

"(2) Any plan amendment required by this subsection shall, in accordance with regulations prescribed by the Secretary of the Treasury—

"(A) reduce benefits only to the extent necessary to comply with paragraph (1);

"(B) reduce accrued benefits only to the extent that those benefits are not eligible for the corporation's guarantee under section 4022A(b);

"(C) comply with the rules for and limitations on benefit reductions under a plan in reorganization, as prescribed in section 4244A, except to the extent that the corporation prescribes other rules and limitations in regulations under this section; and

"(D) take effect no later than 6 months after the end of the plan year for which it is determined that the value of nonforfeitable benefits exceeds the value of the plan's assets.

"(d)(1) In any case in which benefit payments under a plan which is insolvent under paragraph (2)(A) exceed the resource benefit level, any such payments which are not basic benefits shall be suspended, in accordance with this subsection, to the extent necessary to reduce the sum of such payments and such basic benefits to the greater of the resource benefit level or the level of basic benefits, unless an alternative procedure is prescribed by the corporation in connection with a supplemental guarantee program established under section 4022A(a)(2).

"(2) For purposes of this subsection, for a plan year—

"(i) the plan has been amended to reduce benefits to the extent permitted by subsection (c), and

"(ii) the plan's available resources are not sufficient to pay benefits under the plan when due for the plan year; and

"(B) 'resource benefit level' and 'available resources' have the meanings set forth in paragraphs (2) and (3), respectively, of section 4245(b).

"(3) The plan sponsor of a plan which is insolvent (within the meaning of paragraph (2)(A)) shall have the powers and duties of the plan sponsor of a plan in reorganization which is insolvent (within the meaning of section 4245(b)(1)), except that regulations governing the plan sponsor's exercise of those powers and duties under this section shall be prescribed by the corporation, and the corporation shall prescribe by regulation notice requirements which assure that plan participants and beneficiaries receive adequate notice of benefit suspensions.

"(4) A plan is not required to make retroactive benefit payments with respect to that portion of a benefit which was suspended under this subsection, except that the provisions of section 4245(c)(4) and (5) shall apply in the case of plans which are insolvent under paragraph (2)(A), in connection with the plan year during which such section 4041A(d) first became applicable to the plan and every year thereafter, in the same manner and to the same extent as such provisions apply to insolvent plans in reorganization under section 4245, in connection with insolvency years under such section 4245.

"PART 6—ENFORCEMENT

"CIVIL ACTIONS

"SEC. 4301. (a)(1) A plan fiduciary, employer, plan participant, or beneficiary, who is adversely affected by the act or omission of any party under this subtitle with respect to a multiemployer plan, or an employee organization which represents such a plan participant or beneficiary for purposes of collective bargaining, may bring an action for appropriate legal or equitable relief, or both.

"(2) Notwithstanding paragraph (1), this section does not authorize an action against the Secretary of the Treasury, the Secretary of Labor, or the corporation.

"(b) In any action under this section to compel an employer to pay withdrawal liability, any failure of the employer to make any withdrawal liability payment within the time prescribed shall be treated in the same manner as a delinquent contribution (within the meaning of section 515).

"(c) The district courts of the United States shall have exclusive jurisdiction of an action under this section without regard to the amount in controversy, except that State courts of competent jurisdiction shall have concurrent jurisdiction over an action brought by a plan fiduciary to collect withdrawal liability.

"(d) An action under this section may be brought in the district where the plan is administered or where a defendant resides or does business, and process may be served in any district where a defendant resides, does business, or may be found.

"(e) In any action under this section, the court may award all or a portion of the costs and expenses incurred in connection with such action, including reasonable attorney's fees, to the prevailing party.

"(f) An action under this section may not be brought after the later of—

"(1) 6 years after the date on which the cause of action arose, or

"(2) 3 years after the earliest date on which the plaintiff acquired or should have acquired actual knowledge of the existence of such cause of action; except that in the case of fraud or concealment, such action may be brought not later than 6 years after the date of discovery of the existence of such cause of action.

"(g) A copy of the complaint in any action under this section or section 4221 shall be served upon the corporation by certified mail. The corporation may intervene in any such action.

"PENALTY FOR FAILURE TO PROVIDE NOTICE

"SEC. 4302. Any person who fails, without reasonable cause, to provide a notice required under this subtitle or any implementing regulations shall be liable to the corporation in an amount up to $100 for each day for which such failure continues. The corporation may bring a civil action against any such person in the United States District Court for the District of Columbia or in any district court of the United States within the jurisdiction of which the plan assets are located, the plan is administered, or a defendant resides or does business, and process may be served in any district where a defendant resides, does business, or may be found.".

SEC. 105. PREMIUMS.

(a) Section 4006(a) is amended to read as follows:

"(a)(1) The corporation shall prescribe such schedules of premium rates and bases for the application of those rates as may be necessary to provide sufficient revenue to the fund for the corporation to carry out its functions under this title. The premium rates charged by the corporation for any period shall be uniform for all plans, other than multiemployer plans, insured by the corporation with respect to basic benefits guaranteed by it under section 4022, and shall be uniform for all multiemployer plans with respect to basic benefits guaranteed by it under section 4022A. In establishing annual premiums with respect to plans, other than multiemployer plans, paragraphs (5) and (6) of this subsection (as in effect before the enactment of the Multiemployer Pension Plan Amendments Act of 1980) shall continue to apply.

"(2) The corporation shall maintain separate schedules of premium rates, and bases for the application of those rates, for—

"(A) basic benefits guaranteed by it under section 4022 for single-employer plans,

"(B) basic benefits guaranteed by it under section 4022A for multiemployer plans,

"(C) nonbasic benefits guaranteed by it under section 4022 for single-employer plans,

"(D) nonbasic benefits guaranteed by it under section 4022A for multiemployer plans, and

"(E) reimbursements of uncollectible withdrawal liability under section 4222.

The corporation may revise such schedules whenever it determines that revised schedules are necessary. Except as provided in section 4022(f), in order to place a revised schedule described in subparagraph (A) or (B) in effect, the corporation shall proceed in accordance with subsection (b)(1), and such schedule shall apply only to plan years beginning more than 30 days after the date on which the Congress approves such revised schedule by a concurrent resolution.

"(3)(A) Except as provided in subparagraph (C), the annual premium rate payable to the corporation by all plans for basic benefits guaranteed under this title is—

"(i) in the case of a single-employer plan, for plan years beginning after December 31, 1977, an amount equal to $2.60 for each individual who is a participant in such plan during the plan year;

"(ii) in the case of a multiemployer plan, for the plan year within which the date of enactment of the Multiemployer Pension Plan Amendments Act of 1980 falls, an amount for each individual who is a participant in such plan for such year equal to the sum of—

"(I) 50 cents, multiplied by a fraction the numerator of which is the number of months in such year ending on or before such date and the denominator of which is 12, and

"(II) $1.00, multiplied by a fraction equal to 1 minus the fraction determined under clause (i),

"(iii) in the case of a multiemployer plan, for plan years beginning after the date of enactment of the Multiemployer Pension Plan Amendments Act of 1980, an amount equal to—

"(I) $1.40 for each participant, for the first, second, third, and fourth plan years,

"(II) $1.80 for each participant, for the fifth and sixth plan years,

"(III) $2.20 for each participant, for the seventh and eighth plan years, and

"(IV) $2.60 for each participant, for the ninth plan year, and for each succeeding plan year.

"(B) The corporation may prescribe by regulation the extent to which the rate described in subparagraph (A)(i) applies more than once for any plan year to an individual participating in more than one plan maintained by the same employer, and the corporation may prescribe regulations under which the rate described in subparagraph (A)(iii) will not apply to the same participant in any multiemployer plan more than once for any plan year.

"(C)(i) If the sum of—

"(I) the amounts in any fund for basic benefits guaranteed for multiemployer plans, and

"(II) the value of any assets held by the corporation for payment of basic benefits guaranteed for multiemployer plans,

the amount of basic benefits guaranteed by the corporation under this title for multiemployer plans which were paid out of any such fund or assets during the preceding calendar year, the annual premium rates under subparagraph (A) shall be increased to the next highest premium level necessary to insure that such sum will be at least 2 times is for any calendar year less than 2 times greater than such amount during the following calendar year.

"(ii) If the board of directors of the corporation determines that an increase in the premium rates under subparagraph (A) is necessary to provide assistance to plans which are receiving assistance under section 4261 and to plans the board finds are reasonably likely to require such assistance, the board may order such increase in the premium rates.

"(iii) The maximum annual premium rate which may be established under this subparagraph is $2.60 for each participant.

"(iv) The provisions of this subparagraph shall not apply if the annual premium rate is increased to a level in excess of $2.60 per participant under any other provisions of this title.

"(D)(i) Not later than 120 days before the date on which an increase under subparagraph (C)(ii) is to become effective, the corporation shall publish in the Federal Register a notice of the determination described in subparagraph (C)(ii), the basis for the determination, the amount of the increase in the premium, and the anticipated increase in premium income that would result from the increase in the premium rate. The notice shall invite public comment, and shall provide for a public hearing if one is requested. Any such hearing shall be commenced not later than 60 days before the date on which the increase is to become effective.

"(ii) The board of directors shall review the hearing record established under clause (i) and shall, not later than 30 days before the date on which the increase is to become effective, determine (after consideration of the comments received) whether the amount of the increase should be changed and shall publish its determination in the Federal Register.

"(4) The corporation may prescribe, subject to approval by the Congress in accordance with this section or section 4022A(f), alternative schedules of premium rates, and bases for the application of those rates, for basic benefits guaranteed by it under sections 4022 and 4022A based, in whole or in part, on the risks insured by the corporation in each plan.

"(5)(A) In carrying out its authority under paragraph (1) to establish schedules of premium rates, and bases for the application of those rates, for nonbasic benefits guaranteed under sections 4022 and 4022A, the premium rates charged by the corporation for any period for nonbasic benefits guaranteed shall—

"(i) be uniform by category of nonbasic benefits guaranteed,

"(ii) be based on the risks insured in each category, and

"(iii) reflect the experience of the corporation (including experience which may be reasonably anticipated) in guaranteeing such benefits.

"(B) Notwithstanding subparagraph (A), premium rates charged to any multiemployer plan by the corporation for any period for supplemental guarantees under section 4022A(g)(2) may reflect any reasonable considerations which the corporation determines to be appropriate.".

(b) Section 4006(b) is amended—

(1) by striking out "Committee on Labor and Public Welfare" each place it appears and inserting in lieu thereof "Committee on Labor and Human Resources";

(2) in paragraph (1)—

(A) by striking out "coverage"; and

(B) by striking out "(B) or (C)" and inserting in lieu thereof "(C), (D), or (E)"; and

(3) in paragraph (3), by striking out "coverage".

(c) Section 4006 is further amended by

adding at the end thereof the following new subsection:

"(c)(1) Except as provided in subsection (a)(3), and subject to paragraph (2), the rate for all plans for basic benefits guaranteed under this title with respect to plan years ending after September 2, 1974, is—

"(A) in the case of each plan which was not a multiemployer plan in a plan year, an amount equal to $1 for each individual who was a participant in such plan during the plan year, and

"(B) in the case of each plan which was a multiemployer plan in a plan year, an amount equal to 50 cents for each individual who was a participant in such plan during the plan year.

"(2) The rate applicable under this subsection for the plan year preceding September 1, 1975, is the product of—

"(A) the rate described in the preceding sentence; and

"(B) a fraction—

"(i) the numerator of which is the number of calendar months in the plan year which ends after September 2, 1974, and before the date on which the new plan year commences, and

"(ii) the denominator of which is 12.".

SEC. 106. ANNUAL REPORT OF PLAN ADMINISTRATOR.

Section 4065 is amended—

(1) in paragraph (1), by striking out "and"; and

(2) in paragraph (2), by striking out the period and inserting in lieu thereof "except to the extent the corporation waives such requirement, and "; and

(3) by adding after paragraph (2) the following new paragraph:

"(3) in the case of a multiemployer plan, information with respect to such plan which the corporation determines is necessary for the enforcement of subtitle E and requires by regulation, which may include—

"(A) a statement certified by the plan's enrolled actuary of—

"(i) the value of all vested benefits under the plan as of the end of the plan year, and

"(ii) the value of the plan's assets as of the end of the plan year,

"(B) a statement certified by the plan sponsor of each claim for outstanding withdrawal liability (within the meaning of section 4001(a)(12)) and its value as of the end of that plan year and as of the end of the preceding plan year, and

"(C) the number of employers having an obligation to contribute to the plan and the number of employers required to make withdrawal liability payments.".

SEC. 107. CONTINGENT EMPLOYER LIABILITY INSURANCE.

Section 4023 (as in effect immediately before the date of the enactment of this Act) is repealed.

SEC. 108. TRANSITION RULES AND EFFECTIVE DATES.

(a) Sections 4081 and 4082 are redesignated as sections 4401 and 4402, respectively.

(b) Section 4402 (as redesignated) is amended by striking out subsection (d) and inserting in lieu thereof the following new subsection:

"(d) Notwithstanding any other provision of this title, guaranteed benefits payable by the corporation pursuant to its discretionary authority under this section shall continue to be paid at the level guaranteed under section 4022, without regard to any limitation on payment under subparagraph (C) or (D) of subsection (c)(4).".

(c)(1) Section 4402 (as redesignated) is further amended by striking out subsection (e) and adding in lieu thereof the following new subsections:

"(e)(1) Except as provided in paragraphs (2), (3), and (4), the amendments to this Act made by the Multiemployer Pension Plan Amendments Act of 1980 shall take effect on the date of the enactment of that Act.

"(2)(A) Except as provided in this paragraph, part 1 of subtitle E, relating to withdrawal liability, takes effect on April 29, 1980.

"(B) For purposes of determining withdrawal liability under part 1 of subtitle E, an employer who has withdrawn from a plan shall be considered to have withdrawn from a multiemployer plan if, at the time of the withdrawal, the plan was a multiemployer plan as defined in section 4001(a)(3) as in effect at the time of the withdrawal.

"(3) Sections 4241 through 4245, relating to multiemployer plan reorganization, shall take effect, with respect to each plan, on the first day of the first plan year beginning on or after the earlier of—

"(A) the date on which the last collective bargaining agreement providing for employer contributions under the plan, which was in effect on the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, expires, without regard to extensions agreed to on or after the date of the enactment of that Act, or

"(B) 3 years after the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980.

"(4) Section 4235 shall take effect on April 29, 1980.

"(f)(1) In the event that before the date of enactment of the Multiemployer Pension Plan Amendments Act of 1980, the corporation has determined that—

"(A) an employer has withdrawn from a multiemployer plan under section 4063, and

"(B) the employer is liable to the corporation under such section,

the corporation shall retain the amount of liability paid to it or furnished in the form of a bond and shall pay such liability to the plan in the event the plan terminates in accordance with section 4041A(a)(2) before the earlier of April 29, 1985, or the day after the 5-year period commencing on the date of such withdrawal.

"(2) In any case in which the plan is not so terminated within the period described in paragraph (1), the liability of the employer is abated and any payment held in escrow shall be refunded without interest to the employer or the employer's bond shall be cancelled.

"(g)(1) In any case in which an employer or employers withdrew from a multiemployer plan before the effective date of part 1 of subtitle E the corporation may—

"(A) apply section 4063(d), as in effect before the amendments made by the Multiemployer Pension Plan Amendments Act of 1980, to such plan,

"(B) assess liability against the withdrawn employer with respect to the resulting terminated plan,

"(C) guarantee benefits under the terminated plan under section 4022, as in effect before such amendments, and

"(D) if necessary, enforce such action through suit brought under section 4003.

"(2) The corporation shall use the revolving fund used by the corporation with respect to basic benefits guaranteed under section 4022A in guaranteeing benefits under a terminated plan described in this subsection.".

(2)(A) For the purpose of applying section 4205 of the Employee Retirement Income Security Act of 1974 in the case of an employer described in subparagraph (B)—

(i) "more than 75 percent" shall be substituted for "70 percent" in subsections (a) and (b) of such section,

(ii) "25 percent or less" shall be substituted for "30 percent" in subsection (b) of such section, and

(iii) the number of contribution units for the high base year shall be the average annual number of such units for calendar years 1970 and 1971.

(B) An employer is described in this subparagraph if—

(i) the employer is engaged in the trade or business of shipping bulk cargoes in the Great Lakes Maritime Industry, and whose fleet consists of vessels the gross registered tonnage of which was at least 7,800, as stated in the American Bureau of Shipping Record, and

(ii) whose fleet during any 5 years from the period 1970 through and including 1979 has experienced a 33 percent or more increase in the contribution units as measured from the average annual contribution units for the calendar years 1970 and 1971.

(3)(A) For the purpose of determining the withdrawal liability of an employer under title IV of the Employee Retirement Income Security Act of 1974 from a plan that terminates while the plan is insolvent (within the meaning of section 4245 of such Act), the plan's unfunded benefits shall be reduced by an amount equal to the sum of all overburden credits that were applied in determining the plan's accumulated funding deficiency for all plan years preceding the first plan year in which the plan is insolvent, plus interest thereon.

(B) The provisions of subparagraph (A) apply only if—

(i) the plan would have been eligible for the overburden credit in the last plan year beginning before the date of the enactment of this Act, if section 4243 of the Employee Retirement Income Security Act of 1974 had been in effect for that plan year, and

(ii) the Pension Benefit Guaranty Corporation determines that the reduction of unfunded vested benefits under subparagraph (A) would not significantly increase the risk of loss to the corporation.

(4) In the case of an employer who withdrew before the date of enactment of this Act from a multiemployer plan covering employees in the seagoing industry (as determined by the corporation), sections 4201 through 4219 of the Employee Retirement Income Security Act of 1974, as added by this Act, are effective as of May 3, 1979. For the purpose of applying section 4217 for purposes of the preceding sentence, the date "May 2, 1979," shall be substituted for "April 28, 1980," and the date "May 3, 1979" shall be substituted for "April 29, 1980". For purposes of this paragraph, terms which are used in title IV of the Employee Retirement Income Security Act of 1974, or in regulations prescribed under that title, and which are used in the preceding sentence have the same meaning as when used in that Act or those regulations. For purposes of this paragraph, the term "employer" includes only a substantial employer covering employees in the seagoing industry (as so determined) in connection with ports on the West Coast of the United States, but does not include an employer who withdrew from a plan because of a change in the collective bargaining representative.

(d) For purposes of section 4205 of the Employee Retirement Income Security Act of 1974—

(1) subsection (a)(1) of such section shall not apply to any plan year beginning before April 29, 1982,

(2) subsection (a)(2) of such section shall not apply with respect to any cessation of contribution obligations occurring before April 29, 1980, and

(3) in applying subsection (b) of such section, the employer's contribution base units for any plan year ending before April 29, 1980, shall be deemed to be equal to the employer's contribution base units for the last plan year ending before such date.

(e)(1) In the case of a partial withdrawal under section 4205 of the Employee Retirement Income Security Act of 1974, an employer who—

(A) before December 13, 1979, had publicly announced the total cessation of covered operations at a facility in a State (and such cessation occurred within 12 months after the announcement),

(B) had not been obligated to make contributions to the plan on behalf of the employees at such facility for more than 8 years before the discontinuance of contributions, and

(C) after the discontinuance of contributions does not within 1 year after the date of the partial withdrawal perform work in the same State of the type for which contributions were previously required,

shall be liable under such section with respect to such partial withdrawal in an amount not greater than the amount determined under paragraph (2).

(2) The amount determined under this paragraph is the excess (if any) of—

(A) the present value (on the withdrawal date) of the benefits under the plan which—

(i) were vested on the withdrawal date (or, if earlier, at the time of separation from service with the employer at the facility),

(ii) were accrued by employees who on December 13, 1979 (or, if earlier, at the time of separation from service with the employer at the facility), were employed at the facility, and

(iii) are attributable to service with the withdrawing employer, over

(B)(i) the sum of—

(I) all employer contributions to the plan on behalf of employees at the facility before the withdrawal date,

(II) interest (to the withdrawal date) on amounts described in subclause (I), and

(III) $100,000, reduced by

(ii) the sum of—

(I) the benefits paid under the plan on or before the withdrawal date with respect to former employees who separated from employment at the facility, and

(II) interest (to the withdrawal date) on amounts described in subclause (I).

(3) For purposes of paragraph (2)—

(A) actuarial assumptions shall be those used in the last actuarial report completed before December 13, 1979,

(B) the term "withdrawal date" means the date on which the employer ceased work at the facility of the type for which contributions were previously required, and

(C) the term "facility" means the facility referred to in paragraph (1).

(f) Title IV is amended by adding at the end thereof the following new section:

"ELECTION OF PLAN STATUS

"Sec. 4303. (a) Within one year after the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, a multiemployer plan may irrevocably elect, pursuant to procedures established by the corporation, that the plan shall not be treated as a multiemployer plan for any purpose under this Act or the Internal Revenue Code of 1954; if for each of the last 3 plan years ending prior to the effective date of the Multiemployer Pension Plan Amendments Act of 1980—

"(1) the plan was not a multiemployer plan because the plan was not a plan described in section 3(37)(A)(iii) of this Act and section 414(f)(1)(C) of the Internal Revenue Code of 1954 (as such provisions were in effect on the day before the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980); and

"(2) the plan had been identified as a plan that was not a multiemployer plan in substantially all its filings with the corporation, the Secretary of Labor and the Secretary of the Treasury.

"(b) An election described in subsection (a) shall be effective only if—

"(1) the plan is amended to provide that it shall not be treated as a multiemployer plan for all purposes under this Act and the Internal Revenue Code of 1954, and

"(2) written notice of the amendment is provided to the corporation within 60 days after the amendment is adopted.

"(c) An election described in subsection (a) shall be treated as being effective as of the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980.".

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954

Sec. 201. Amendment of the Internal Revenue Code of 1954.

Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference is to a section or other provision of the Internal Revenue Code of 1954.

Sec. 202. Multiemployer Plans in Reorganization.

(a) General Rule.—Part I of subchapter D of chapter 1 (relating to pension, profit sharing, stock bonus plans, etc.) is amended by inserting at the end thereof the following new subpart:

"Subpart C—Special Rules for Multiemployer Plans

"Sec. 418. Reorganization status.
"Sec. 418A. Notice of reorganization and funding requirements.
"Sec. 418B. Minimum contribution requirement.
"Sec. 418C. Overburden credit against minimum contribution requirement.
"Sec. 418D. Adjustments in accrued benefits.
"Sec. 418E. Insolvent plans.

"Sec. 418. Reorganization Status.

"(a) General Rule.—A multiemployer plan is in reorganization for a plan year if the plan's reorganization index for that year is greater than zero.

"(b) Reorganization Index.—For purposes of this subpart—

"(1) In general.—A plan's reorganization index for any plan year is the excess of—

"(A) the vested benefits charge for such year, over

"(B) the net charge to the funding standard account for such year.

"(2) Net charge to funding standard account.—The net charge to the funding standard account for any plan year is the excess (if any) of—

"(A) the charges to the funding standard account for such year under section 412(b)(2), over

"(B) the credits to the funding standard account under section 412(b)(3)(B).

"(3) Vested benefits charge.—The vested benefits charge for any plan year is the amount which would be necessary to amortize the plan's unfunded vested benefits as of the end of the base plan year in equal annual installments—

"(A) over 10 years, to the extent such benefits are attributable to persons in pay status, and

"(B) over 25 years, to the extent such benefits are attributable to other participants.

"(4) Determination of vested benefits charge.—

"(A) In general.—The vested benefits charge for a plan year shall be based on an actuarial valuation of the plan as of the end of the base plan year, adjusted to reflect—

"(i) any—

"(I) decrease of 5 percent or more in the value of plan assets, or increase of 5 percent or more in the number of persons in pay status, during the period beginning on the first day of the plan year following the base plan year and ending on the adjustment date, or

"(II) at the election of the plan sponsor, actuarial valuation of the plan as of the adjustment date or any later date not later than the last day of the plan year for which the determination is being made.

"(ii) any change in benefits under the plan which is not otherwise taken into account under this subparagraph and which is pursuant to any amendment—

"(I) adopted before the end of the plan year for which the determination is being made, and

"(II) effective after the end of the base plan year and on or before the end of the plan year referred to in subclause (I), and

"(iii) any other event (including an event described in subparagraph (B)(i)(I)) which, as determined in accordance with regulations prescribed by the Secretary, would substantially increase the plan's vested benefit charge.

"(B) Certain changes in benefit levels.—

"(i) In general.—In determining the vested benefits charge for a plan year following a plan year in which the plan was not in reorganization, any change in benefits which—

"(I) results from the changing of a group of participants from one benefit level to another benefit level under a schedule of plan benefits as a result of changes in a collective bargaining agreement, or

"(II) results from any other change in a collective bargaining agreement,

shall not be taken into account except to the extent provided in regulations prescribed by the Secretary.

"(ii) Plan in reorganization.—Except as otherwise determined by the Secretary, in determining the vested benefits charge for any plan year following any plan year in which the plan was in reorganization, any change in benefits—

"(I) described in clause (i)(I), or

"(II) described in clause (i)(II) as determined under regulations prescribed by the Secretary,

shall, for purposes of subparagraph (A)(ii), be treated as a change in benefits pursuant to an amendment to a plan.

"(5) Base plan year.—

"(A) In general.—The base plan year for any plan year is—

"(i) if there is a relevant collective bargaining agreement, the last plan year ending at least 6 months before the relevant effective date, or

"(ii) if there is no relevant collective bargaining agreement, the last plan year ending at least 12 months before the beginning of the plan year.

"(B) Relevant collective bargaining agreement.—A relevant collective bargaining agreement is a collective bargaining agreement—

"(i) which is in effect for at least 6 months during the plan year, and

"(ii) which has not been in effect for more than 36 months as of the end of the plan year.

"(C) Relevant effective date.—The relevant effective date is the earliest of the effective dates for the relevant collective bargaining agreements.

"(D) Adjustment date.—The adjustment date is the date which is—

"(i) 90 days before the relevant effective date, or

"(ii) if there is no relevant effective date, 90 days before the beginning of the plan year.

"(6) Person in pay status.—The term 'person in pay status' means—

"(A) a participant or beneficiary on the last day of the base plan year who, at any time during such year, was paid an early, late, normal, or disability retirement benefit (or a death benefit related to a retirement benefit), and

"(B) to the extent provided in regulations prescribed by the Secretary, any other person who is entitled to such a benefit under the plan.

"(7) Other definitions and special rules.—

"(A) Unfunded vested benefits.—The term 'unfunded vested benefits' means, in connection with a plan, an amount (determined in accordance with regulations prescribed by the Secretary) equal to—

"(i) the value of vested benefits under the plan, less

"(ii) the value of the assets of the plan.

"(B) Vested benefits.—The term 'vested benefits' means any nonforfeitable benefit (within the meaning of section 4001(a)(8) of the Employee Retirement Income Security Act of 1974).

"(C) Allocation of assets.—In determining the plan's unfunded vested benefits, plan assets shall first be allocated to the vested benefits attributable to persons in pay status.

"(D) Treatment of certain benefit reductions.—The vested benefits charge shall be determined without regard to reductions in accrued benefits under section 418D which are first effective in the plan year.

"(E) Withdrawal liability.—For purposes of this part, any outstanding claim for withdrawal liability shall not be considered a plan asset, except as otherwise provided in regulations prescribed by the Secretary.

"(c) Prohibition of Nonannuity Payments.—Except as provided in regulations prescribed by the Pension Benefit Guaranty Corporation, while a plan is in reorganization a benefit with respect to a participant (other than a death benefit) which is attributable to employer contributions and which has a value of more than $1,750 may not be paid in a form other than an annuity which (by itself or in combination with social security, railroad retirement, or workers' compensation benefits) provides substantially level payments over the life of the participant.

"(d) Terminated Plans.—Any multiemployer plan which terminates under section 4041A(a)(2) of the Employee Retirement Income Security Act of 1974 shall not be considered in reorganization after the last day of the plan year in which the plan is treated as having terminated.

"Sec. 418A. Notice of Reorganization and Funding Requirements.

"(a) Notice Requirement.—

"(1) In general.—If—

"(A) a multiemployer plan is in reorganization for a plan year, and

"(B) section 418B would require an increase in contributions for such plan year,

the plan sponsor shall notify the persons described in paragraph (2) that the plan is in reorganization and that, if contributions to the plan are not increased, accrued benefits under the plan may be reduced or an excise tax may be imposed (or both such reduction and imposition may occur).

"(2) Persons to whom notice is to be given.—The persons described in this paragraph are—

"(A) each employer who has an obligation to contribute under the plan (within the meaning of section 4212(a) of the Employee Retirement Income Security Act of 1974), and

"(B) each employee organization which, for purposes of collective bargaining, represents plan participants employed by such an employer.

"(3) Overburden credit not taken into account.—The determination under paragraph (1)(B) shall be made without regard to the overburden credit provided by section 418C.

"(b) Additional Requirements.—The Pension Benefit Guaranty Corporation may prescribe additional or alternative requirements for assuring, in the case of a plan with respect to which notice is required by subsection (a)(1), that the persons described in subsection (a)(2)—

"(1) receive appropriate notice that the plan is in reorganization.

"(2) are adequately informed of the implications of reorganization status, and

"(3) have reasonable access to information relevant to the plan's reorganization status.

"Sec. 418B. Minimum Contribution Requirement.

"(a) Accumulated Funding Deficiency in Reorganization.—

"(1) In general.—For any plan year in which a multiemployer plan is in reorganization—

"(A) the plan shall continue to maintain its funding standard account, and

"(B) the plan's accumulated funding deficiency under section 412(a) for such plan year shall be equal to the excess (if any) of—

"(i) the sum of the minimum contribution requirement for such plan year (taking into account any overburden credit under section 418C(a)) plus the plan's accumulated funding deficiency for the preceding plan year (determined under this section if the plan was in reorganization during such plan year or under section 412(a) if the plan was not in reorganization), over

"(ii) amounts considered contributed by employers to or under the plan for the plan year (increased by any amount waived under subsection (f) for the plan year).

"(2) Treatment of withdrawal liability payments.—For purposes of paragraph (1), withdrawal liability payments (whether or not received) which are due with respect to withdrawals before the end of the base plan year shall be considered amounts contributed by the employer to or under the plan if, as of the adjustment date, it was reasonable for the plan sponsor to anticipate that such payments would be made during the plan year.

"(b) Minimum Contribution Requirement.—

"(1) In general.—Except as otherwise provided in this section for purposes of this subpart the minimum contribution requirement for a plan year in which a plan is in reorganization is an amount equal to the excess of—

"(A) the sum of—

"(i) the plan's vested benefits charge for the plan year; and

"(ii) the increase in normal cost for the plan year determined under the entry age normal funding method which is attributable to plan amendments adopted while the plan was in reorganization, over

"(B) the amount of the overburden credit (if any) determined under section 418C for the plan year.

"(2) Adjustment for reductions in contribution base units.—If the plan's current contribution base for the plan year is less than the plan's valuation contribution base for the plan year, the minimum contribution requirement for such plan year shall be equal to the product of the amount determined under paragraph (1) (after any adjustment required by this subpart other than this paragraph) multiplied by a fraction—

"(A) the numerator of which is the plan's current contribution base for the plan year, and

"(B) the denominator of which is the plan's valuation contribution base for the plan year.

"(3) Special rule where cash-flow amount exceeds vested benefits charge.—

"(A) In general.—If the vested benefits charge for a plan year of a plan in reorganization is less than the plan's cash-flow amount for the plan year, the plan's minimum contribution requirement for the plan year is the amount determined under paragraph (1) (determined before the application of paragraph (2)) after substituting the term 'cash-flow amount' for the term 'vested benefits charge' in paragraph (1)(A).

"(B) Cash-flow amount.—For purposes of subparagraph (A), a plan's cash-flow amount for a plan year is an amount equal to—

"(i) the amount of the benefits payable under the plan for the base plan year, plus the amount of the plan's administrative expenses for the base plan year, reduced by

"(ii) the value of the available plan assets for the base plan year determined under regulations prescribed by the Secretary,

adjusted in a manner consistent with section 418(b)(4).

"(c) Current Contribution Base; Valuation Contribution Base.—

"(1) Current contribution base.—For purposes of this subpart, a plan's current contribution base for a plan year is the number of contribution base units with respect to which contributions are required to be made under the plan for that plan year, determined in accordance with regulations prescribed by the Secretary.

"(2) Valuation contribution base.—

"(A) In general.—Except as provided in subparagraph (B), for purposes of this subpart a plan's valuation contribution base is the number of contribution base units for which contributions were received for the base plan year—

"(i) adjusted to reflect declines in the contribution base which have occurred (or could reasonably be anticipated) as of the adjustment date for the plan year referred to in paragraph (1).

"(ii) adjusted upward (in accordance with regulations prescribed by the Secretary) for any contribution base reduction in the base plan year caused by a strike or lockout or by unusual events, such as fire, earthquake, or severe weather conditions, and

"(iii) adjusted (in accordance with regulations prescribed by the Secretary) for reductions in the contribution base resulting from transfers of liabilities.

"(B) Insolvent plans.—For any plan year—

"(i) in which the plan is insolvent (within the meaning of section 418E(b)(1)), and

"(ii) beginning with the first plan year beginning after the expiration of all relevant collective bargaining agreements which were in effect in the plan year in which the plan became insolvent,

the plan's valuation contribution base is the greater of the number of contribution base units for which contributions were received for the first or second plan year preceding the first plan year in which the plan is insolvent, adjusted as provided in clause (ii) or (iii) of subparagraph (A).

"(3) Contribution base unit.—For purposes of this subpart, the term 'contribution base unit' means a unit with respect to which an employer has an obligation to contribute under a multiemployer plan (as defined in regulations prescribed by the Secretary).

"(d) Limitation on Required Increases in Rate of Employer Contributions.—

"(1) In general.—Under regulations prescribed by the Secretary, the minimum contribution requirement applicable to any plan for any plan year which is determined under subsection (b) (without regard to subsection (b)(2) shall not exceed an amount which is equal to the sum of—

"(A) the greater of—

"(i) the funding standard requirement for such plan year, or

"(ii) 107 percent of—

"(I) if the plan was not in reorganization in the preceding plan year, the funding standard requirement for such preceding plan year, or

"(II) if the plan was in reorganization in the preceding plan year, the sum of the amount determined under this subparagraph for the preceding plan year and the amount (if any) determined under subparagraph (B) for the preceding plan year, plus

"(B) if for the plan year a change in benefits is first required to be considered in computing the charges under section 412(b)(2)(A) or (B), the sum of—

"(i) the increase in normal cost for a plan year determined under the entry age normal funding method due to increases in benefits described in section 418(b)(4)(A)(ii) (determined without regard to section 418(b)(4)(B)(ii)), and

"(ii) the amount necessary to amortize in equal annual installments the increase in the value of vested benefits under the plan due to increases in benefits described in clause (i) over—

"(I) 10 years, to the extent such increase in value is attributable to persons in pay status, or

"(II) 25 years, to the extent such increase in value is attributable to other participants.

"(2) Funding standard requirement.—For purposes of paragraph (1), the funding standard requirement for any plan year is an amount equal to the net charge to the funding standard account for such plan year (as defined in section 418(b)(2)).

"(3) Special rule for certain plans.—

"(A) In general.—In the case of a plan described in section 4216(b) of the Employee Retirement Income Security Act of 1974, if a plan amendment which increases benefits is adopted after January 1, 1980—

"(i) paragraph (1) shall apply only if the plan is a plan described in subparagraph (B), and

"(ii) the amount under paragraph (1) shall be determined without regard to subparagraph (1)(B).

"(B) Eligible plans.—A plan is described in this subparagraph if—

"(i) the rate of employer contributions under the plan for the first plan year beginning on or after the date on which an amendment increasing benefits is adopted, multiplied by the valuation contribution base for that plan year, equals or exceeds the sum of—

"(I) the amount that would be necessary to amortize fully, in equal annual installments, by July 1, 1986, the unfunded vested benefits attributable to plan provisions in effect on July 1, 1977 (determined as of the last day of the base plan year); and

"(II) the amount that would be necessary to amortize fully, in equal annual installments, over the period described in subparagraph (C), beginning with the first day of the first plan year beginning on or after the date on which the amendment is adopted, the unfunded vested benefits (determined as of the last day of the base plan year) attributable to each plan amendment after July 1, 1977; and

"(ii) the rate of employer contributions for each subsequent plan year is not less than the lesser of—

"(I) the rate which when multiplied by the valuation contribution base for that subsequent plan year produces the annual amount that would be necessary to complete the amortization schedule described in clause (i), or

"(II) the rate for the plan year immediately preceding such subsequent plan year, plus 5 percent of such rate.

"(C) Period.—The period determined under this subparagraph is the lesser of—

"(i) 12 years, or

"(ii) a period equal in length to the average of the remaining expected lives of all persons receiving benefits under the plan.

"(4) Exception in case of certain benefit increases.—Paragraph (1) shall not apply with respect to a plan, other than a plan described in paragraph (3), for the period of consecutive plan years in each of which the plan is in reorganization, beginning with a plan year in which occurs the earlier of the date of the adoption or the effective date of any amendment of the plan which increases benefits with respect to service performed before the plan year in which the adoption of the amendment occurred.

"(e) Certain Retroactive Plan Amendments.—In determining the minimum contribution requirement with respect to a plan for a plan year under subsection (b), the vested benefits charge may be adjusted to reflect a plan amendment reducing benefits under section 412(c)(8).

"(f) Waiver of Accumulated Funding Deficiency.—

"(1) In general.—The Secretary may waive any accumulated funding deficiency under this section in accordance with the provisions of section 412(d)(1).

"(2) Treatment of waiver.—Any waiver under paragraph (1) shall not be treated as a waived funding deficiency (within the meaning of section 412(d)(3)).

"(g) Actuarial Assumptions Must Be Reasonable.—For purposes of making any determination under this subpart, the requirements of section 412(c)(3) shall apply.

"Sec. 418C. Overburden Credit Against Minimum Contribution Requirement.

"(a) General Rule.—For purposes of determining the contribution under section 418 B (before the application of section 418B (b)(2) or (d)), the plan sponsor of a plan which is overburdened for the plan year shall apply an overburden credit against the plan's minimum contribution requirement for the plan year (determined without regard to section 418B(b)(2) or (d) and without regard to this section).

"(b) Definition of Overburdened Plan.—A plan is overburdened for a plan year if—

"(1) the average number of pay status participants under the plan in the base plan year exceeds the average of the number of active participants in the base plan year and the 2 plan years preceding the base plan year, and

"(2) the rate of employer contributions under the plan equals or exceeds the greater of—

"(A) such rate for the preceding plan year, or

"(2) Number of active participants.—The number of active participants for a plan year shall be the sum of—

"(A) the number of active employees who are participants in the plan and on whose behalf contributions are required to be made during the plan year;

"(B) the number of active employees who are not participants in the plan but who are in an employment unit covered by a collective bargaining agreement which requires the employees' employer to contribute to the plan unless service in such employment unit was never covered under the plan or a predecessor thereof, and

"(C) the total number of active employees attributed to employers who made payments to the plan for the plan year of withdrawal liability pursuant to part I of subtitle E of title IV of the Employee Retirement Income Security Act of 1974, determined by dividing—

"(i) the total amount of such payments, by

"(ii) the amount equal to the total contributions received by the plan during the plan year divided by the average number of active employees who were participants in the plan during the plan year.

The Secretary shall by regulations provide alternative methods of determining active participants where (by reason of irregular employment, contributions on a unit basis, or otherwise) this paragraph does not yield a representative basis for determining the credit.

"(3) Average number.—The term 'average number' means, with respect to pay status participants for a plan year, a number equal to one-half the sum of—

"(A) the number with respect to the plan as of the beginning of the plan year, and

"(B) the number with respect to the plan as of the end of the plan year.

"(4) Average guaranteed benefit.—The average guaranteed benefit paid is 12 times the average monthly pension payment guaranteed under section 4022A(c)(1) of the Employee Retirement Income Security Act of 1974 determined under the provisions of the plan in effect at the beginning of the first plan year in which the plan is in reorganization and without regard to section 4022A (c)(2).

"(5) First year in reorganization.—The first year in which the plan is in reorganization is the first of a period of 1 or more consecutive plan years in which the plan has been in reorganization not taking into account any plan years the plan was in reorganization prior to any period of 3 or more consecutive plan years in which the plan was not in reorganization.

"(f) No Overburden Credit in Case of Certain Reductions in Contributions.—

"(1) In general.—Notwithstanding any other provision of this section, a plan is not eligible for an overburden credit for a plan year if the Secretary finds that the plan's current contribution base for any plan year was reduced, without a corresponding reduction in the plan's unfunded vested benefits attributable to pay status participants, as a result of a change in an agreement providing for employer contributions under the plan.

"(2) Treatment of certain withdrawals.—For purposes of paragraph (1), a complete or partial withdrawal of an employer (within the meaning of part 1 of subtitle E of title IV of the Employee Retirement Income Security Act of 1974) does not impair a plan's eligibility for an overburden credit, unless the Secretary finds that a contribution base reduction described in paragraph (1) resulted from a transfer of liabilities to another plan in connection with the withdrawal.

"(g) Mergers.—Notwithstanding any other provision of this section, if 2 or more multiemployer plans merge, the amount of the overburden credit which may be applied under this section with respect to the plan resulting from the merger for any of the 3 plan years ending after the effective date of the merger shall not exceed the sum of the used overburden credit for each of the merging plans for its last plan year ending before the effective date of the merger. For purposes of the preceding sentence, the used overburden credit is that portion of the credit which does not exceed the excess of the minimum contribution requirement determined without regard to any overburden credit under this section over the employer contributions required under the plan.

"Sec. 418D. Adjustments in Accrued Benefits.

"(a) Adjustments in Accrued Benefits.—

"(1) In general.—Notwithstanding section 411, a multiemployer plan in reorganization may be amended, in accordance with this section, to reduce or eliminate accrued benefits attributable to employer contributions which, under section 4022A(b) of the Employee Retirement Income Security Act of 1974, are not eligible for the Pension Benefit Guaranty Corporation's guarantee. The preceding sentence shall only apply to accrued benefits under plan amendments (or plans) adopted after March 26, 1980, or under collective bargaining agreements entered into after March 26, 1980.

"(2) Adjustment of vested benefits

charge.—In determining the minimum contribution requirement with respect to a plan for a plan year under section 418B(b), the vested benefits charge may be adjusted to reflect a plan amendment reducing benefits under this section or section 412(c)(8), but only if the amendment is adopted and effective no later than 2½ months after the end of the plan year, or within such extended period as the Secretary may prescribe by regulation under section 412(c)(10).

"(b) Limitation on reduction.—

"(1) In general.—Accrued benefits may not be reduced under this section unless—

"(A) notice has been given, at least 6 months before the first day of the plan year in which the amendment reducing benefits is adopted, to—

"(i) plan participants and beneficiaries,

"(ii) each employer who has an obligation to contribute (within the meaning of section 4212(a) of the Employee Retirement Income Security Act of 1974) under the plan, and

"(iii) each employee organization which, for purposes of collective bargaining, represents plan participants employed by such an employer,

that the plan is in reorganization and that, if contributions under the plan are not increased, accrued benefits under the plan will be reduced or an excise tax will be imposed on employers;

"(B) in accordance with regulations prescribed by the Secretary—

"(i) any category of accrued benefits is not reduced with respect to inactive participants to a greater extent proportionally that such category of accrued benefits is reduced with respect to active participants,

"(ii) benefits attributable to employer contributions other than accrued benefits and the rate of future benefit accruals are reduced at least to an extent equal to the reduction in accrued benefits of inactive participants, and

"(iii) in any case in which the accrued benefit of a participant or beneficiary is reduced by changing the benefit form or the requirements which the participant or beneficiary must satisfy to be entitled to the benefit, such reduction is not applicable to—

"(I) any participant or beneficiary in pay status on the effective date of the amendment, or the beneficiary of such a participant, or

"(II) any participant who has attained normal retirement age, or who is within 5 years of attaining normal retirement age, on the effective date of the amendment, or the beneficiary of any such participant; and

"(C) the rate of employer contributions for the plan year in which the amendment becomes effective and for all succeeding plan years in which the plan is in reorganization equals or exceeds the greater of—

"(i) the rate of employer contributions, calculated without regard to the amendment, for the plan year in which the amendment becomes effective, or

"(ii) the rate of employer contributions for the plan year preceding the plan year in which the amendment becomes effective.

"(2) Information required to be included in notice.—The plan sponsors shall include in any notice required to be sent to plan participants and beneficiaries under paragraph (1) information as to the rights and remedies of plan participants and beneficiaries as well as how to contact the Department of Labor for further information and assistance where appropriate.

"(c) No Recoupment.—A plan may not recoup a benefit payment which is in excess of the amount payable under the plan because of an amendment retroactively reducing accrued benefits under this section.

"(d) Benefit Increases Under Multiemployer Plan in Reorganization.—

"(1) Restoration of previously reduced benefits.—

"(A) In general.—A plan which has been amended to reduce accrued benefits under this section may be amended to increase or restore accrued benefits, or the rate of future benefit accruals, only if the plan is amended to restore levels of previously reduced accrued benefits of inactive participants and of participants who are within 5 years of attaining normal retirement age to at least the same extent as any such increase in accrued benefits or in the rate of future benefit accruals.

"(B) Benefit increases and benefit restorations.—For purposes of this subsection, in the case of a plan which has been amended under this section to reduce accrued benefits—

"(i) an increase in a benefit, or in the rate of future benefit accruals, shall be considered a benefit increase to the extent that the benefit, or the accrual rate, is thereby increased above the highest benefit level, or accrual rate, which was in effect under the terms of the plan before the effective date of the amendment reducing accrued benefits, and

"(ii) an increase in a benefit, or in the rate of future benefit accruals, shall be considered a benefit restoration to the extent that the benefit, or the accrual rate, is not thereby increased above the highest benefit level, or accrual rate, which was in effect under the terms of the plan immediately before the effective date of the amendment reducing accrued benefits.

"(2) Uniformity in benefit restoration.—If a plan is amended to partially restore previously reduced accrued benefit levels, or the rate of future benefit accruals, the benefits of inactive participants shall be restored in at least the same proportions as other accrued benefits which are restored.

"(3) No benefit increases in year of benefit reduction.—No benefit increase under a plan may take effect in a plan year in which an amendment reducing accrued benefits under the plan, in accordance with this section, is adopted or first becomes effective.

"(4) Retroactive payments.—A plan is not required to make retroactive benefit payments with respect to that portion of an accrued benefit which was reduced and subsequently restored under this section.

"(e) Inactive Participant.—For purposes of this section, the term 'inactive participant' means a person not in covered service under the plan who is in pay status under the plan or who has a nonforfeitable benefit under the plan.

"(f) Regulations.—The Secretary may prescribe rules under which, notwithstanding any other provision of this section, accrued benefit reductions or benefit increases for different participant groups may be varied equitably to reflect variations in contribution rates and other relevant factors reflecting differences in negotiated levels of financial support for plan benefit obligations.

"Sec. 418E. Insolvent Plans.

"(a) Suspension of Certain Benefit Payments.—Notwithstanding section 411, in any case in which benefit payments under an insolvent multiemployer plan exceed the resource benefit level, any such payments of benefits which are not basic benefits shall be suspended, in accordance with this section, to the extent necessary to reduce the sum of such payments and the payments of such basic benefits to the greater of the resource benefit level or the level of basic benefits, unless an alternative procedure is prescribed by the Pension Benefit Guaranty Corporation under section 4022A(g)(5) of the Employee Retirement Income Security Act of 1974.

"(b) Definitions.—For purposes of this section, for a plan year—

"(1) Insolvency.—A multiemployer plan is insolvent if the plan's available resources are not sufficient to pay benefits under the plan when due for the plan year, or if the plan is determined to be insolvent under subsection (d).

"(2) Resource benefit level.—The term 'resource benefit level' means the level of monthly benefits determined under subsections (c) (1) and (3) and (d)(3) to be the highest level which can be paid out of the plan's available resources.

"(3) Available resources.—The term 'available resources' means the plan's cash, marketable assets, contributions, withdrawal liability payments, and earnings, less reasonable administrative expenses and amounts owed for such plan year to the Pension Benefit Guaranty Corporation under section 4261(b)(2) of the Employee Retirement Income Security Act of 1974.

"(4) Insolvency year.—The term 'insolvency year' means a plan year in which a plan is insolvent.

"(c) Benefit Payments Under Insolvent Plans.—

"(1) Determination of resource benefit level.—The plan sponsor of a plan in reorganization shall determine in writing the plan's resource benefit level for each insolvency year, based on the plan sponsor's reasonable projection of the plan's available resources and the benefits payable under the plan.

"(2) Uniformity of the benefit suspension.—The suspension of benefit payments under this section shall, in accordance with regulations prescribed by the Secretary, apply in substantially uniform proportions to the benefits of all persons in pay status (within the meaning of section 418(b)(6)) under the plan, except that the Secretary may prescribe rules under which benefit suspensions for different participant groups may be varied equitably to reflect variations in contribution rates and other relevant factors including differences in negotiated levels of financial support for plan benefit obligations.

"(3) Resource benefit level below level of basic benefits.—Notwithstanding paragraph (2), if a plan sponsor determines in writing a resource benefit level for a plan year which is below the level of basic benefits, the payment of all benefits other than basic benefits shall be suspended for that plan year.

"(4) Excess resources.—

"(A) In general.—If, by the end of an insolvency year, the plan sponsor determines in writing that the plan's available resources in the insolvency year could have supported benefit payments above the resource benefit level for that insolvency year, the plan sponsor shall distribute the excess resources to the participants and beneficiaries who received benefit payments from the plan in that insolvency year, in accordance with regulations prescribed by the Secretary.

"(B) Excess resources.—For purposes of this paragraph, the term 'excess resources' means available resources above the amount necessary to support the resource benefit level, but no greater than the amount necessary to pay benefits for the plan year at the benefit levels under the plan.

"(5) Unpaid benefits.—If, by the end of an insolvency year, any benefit has not been paid at the resource benefit level, amounts up to the resource benefit level which were unpaid shall be distributed to the participants and beneficiaries, in accordance with regulations prescribed by the Secretary, to the extent possible taking into account the plan's total available resources in that insolvency year.

"(6) Retroactive payments.—Except as provided in paragraph (4) or (5), a plan is not required to make retroactive benefit payments with respect to that portion of a benefit which was suspended under this section.

"(d) Plan Sponsor Determination.—

"(1) Triennial test.—As of the end of the first plan year in which a plan is in reorganization, and at least every 3 plan years thereafter (unless the plan is no longer in reorganization), the plan sponsor shall compare the value of plan assets (determined in accordance with section 418B(b)(3)(B)(ii)) for that plan year with the total amount of benefit payments made under the plan for that plan year. Unless the plan sponsor determines that the value of plan assets exceeds 3 times the total amount of benefit payments, the plan sponsor shall determine whether the plan will be insolvent in any of the next 3 plan years.

"(2) Determination of insolvency.—If, at any time, the plan sponsor of a plan in reorganization reasonably determines, taking into account the plan's recent and anticipated financial experience, that the plan's available resources are not sufficient to pay benefits under the plan when due for the next plan year, the plan sponsor shall make such determination available to interested parties.

"(3) Determination of resource benefit level.—The plan sponsor of a plan in reorganization shall determine in writing for each insolvency year the resource benefit level and the level of basic benefits no later than 3 months before the insolvency year.

"(e) Notice Requirements.—

"(1) Impending insolvency.—If the plan sponsor of a plan in reorganization determines under subsection (d) (1) or (2) that the plan may become insolvent (within the meaning of subsection (b)(1)), the plan sponsor shall—

"(A) notify the Secretary, the Pension Benefit Guaranty Corporation, the parties described in section 418A(a)(2), and the plan participants and beneficiaries of that determination, and

"(B) inform the parties described in section 418A(a)(2) and the plan participants and beneficiaries that if insolvency occurs certain benefit payments will be suspended, but that basic benefits will continue to be paid.

"(2) Resource benefit level.—No later than 2 months before the first day of each insolvency year, the plan sponsor of a plan in reorganization shall notify the Secretary, the Pension Benefit Guaranty Corporation, the parties described in section 418A(a)(2), and the plan participants and beneficiaries of the resource benefit level determined in writing for that insolvency year.

"(3) Potential need for financial assistance.—In any case in which the plan sponsor anticipates that the resource benefit level for an insolvency year may not exceed the level of basic benefits, the plan sponsor shall notify the Pension Benefit Guaranty Corporation.

"(4) Regulations.—Notice required by this subsection shall be given in accordance with regulations prescribed by the Pension Benefit Guaranty Corporation, except that notice to the Secretary shall be given in accordance with regulations prescribed by the Secretary.

"(5) Corporation may prescribe time.—The Pension Benefit Guaranty Corporation may prescribe a time other than the time prescribed by this section for the making of a determination or the filing of a notice under this section.

"(f) Financial Assistance.—

"(1) Permissive application.—If the plan sponsor of an insolvent plan for which the reserve benefit level is above the level of basic benefits anticipates that, for any month in an insolvency year, the plan will not have funds sufficient to pay basic benefits, the plan sponsor may apply for financial assistance from the Pension Benefit Guaranty Corporation under section 4261 of the Employee Retirement Income Security Act of 1974.

"(2) Mandatory application.—A plan sponsor who has determined a resource benefit level for an insolvency year which is below the level of basic benefits shall apply for financial assistance from the Pension Benefit Guaranty Corporation under section 4261 of the Employment Retirement Income Security Act of 1974.

"(g) Financial assistance.—Any amount of any financial assistance from the Pension Benefit Guaranty Corporation to any plan, and any repayment of such amount, shall be taken into account under this subpart in such manner as determined by the Secretary.".

(b) Clerical Amendment.—The table of subparts for part I of subchapter D of chapter 1 is amended by adding at the end thereof the following new subpart:

"Subpart C. Special rules for multiemployer plans.".

Sec. 203. Minimum Funding Requirements.

Section 412 (relating to minimum funding standards) is amended—

(1) in subsection (b), by striking out "(40 plan years in the case of a multiemployer plan)" and "(20 plan years in the case of a multiemployer plan)" each place they appear;

(2) by adding at the end of subsection (b) the following new paragraphs:

"(6) Certain amortization charges and credits.—In the case of a plan which, immediately before the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, was a multiemployer plan (within the meaning of section 414(f) as in effect immediately before such date)—

"(A) any amount described in paragraph (2)(B)(ii), (2)(B)(iii), or (3)(B)(i) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the amount arose;

"(B) any amount described in paragraph (2)(B)(iv) or (3)(B)(ii) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments (until fully amortized) over 20 plan years, beginning with the plan year in which the amount arose;

"(C) any change in past service liability which arises during the period of 3 plan years beginning on or after such date, and results from a plan amendment adopted before such date, shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the change arises; and

"(D) any change in past service liability which arises during the period of 2 plan years beginning on or after such date, and results from the changing of a group of participants from one benefit level to another benefit level under a schedule of plan benefits which—

"(i) was adopted before such date, and

"(ii) was effective for any plan participant before the beginning of the first plan year beginning on or after such date,

shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the change arises.

"(7) Special rules for multiemployer plans.—For purposes of this section—

"(A) Withdrawal liability.—Any amount received by a multiemployer plan in payment of all or part of an employer's withdrawal liability under part 1 of subtitle E of title IV of the Employee Retirement Income Security Act of 1974 shall be considered an amount contributed by the employer to or under the plan. The Secretary may prescribe by regulation additional charges and credits to a multiemployer plan's funding standard account to the extent necessary to prevent withdrawal liability payments from being unduly reflected as advance funding for plan liabilities.

"(B) Adjustments when a multiemployer plan leaves reorganization.—If a multiemployer plan is not in reorganization in the plan year but was in reorganization in the immediately preceding plan year, any balance in the funding standard account at the close of such immediately preceding plan year—

"(i) shall be eliminated by an offsetting credit or charge (as the case may be), but

"(ii) shall be taken into account in subsequent plan years by being amortized in equal annual installments (until fully amortized) over 30 plan years.

The preceding sentence shall not apply to the extent of any accumulated funding deficiency under section 418B(a) as of the end of the last plan year that the plan was in reorganization.

"(C) Plan payments to supplemental program or withdrawal liability payment fund.—Any amount paid by a plan during a plan year to the Pension Benefit Guaranty Corporation pursuant to section 4222 of such Act or to a fund exempt under section 501(c)(22) pursuant to section 4223 of such Act shall reduce the amount of contributions considered received by the plan for the plan year.

"(D) Interim withdrawal liability payments.—Any amount paid by an employer pending a final determination of the employer's withdrawal liability under part 1 of subtitle E of title IV of such Act and subsequently refunded to the employer by the plan shall be charged to the funding standard account in accordance with regulations prescribed by the Secretary.

"(E) For purposes of the full funding limitation under subsection (c)(7), unless otherwise provided by the plan, the accrued liability under a multiemployer plan shall not include benefits which are not nonforfeitable under the plan after the termination of the plan (taking into consideration section 411(d)(3))."; and

(3) by adding at the end thereof the following new subsection:

"(j) Certain Terminated Multiemployer Plans.—This section applies with respect to a terminated multiemployer plan to which section 4021 of the Employee Retirement Income Security Act of 1974 applies, until the last day of the plan year in which the plan terminates, within the meaning of section 4041A(a)(2) of that Act.

"(k) Financial Assistance.—Any amount of any financial assistance from the Pension Benefit Guaranty Corporation to any plan, and any repayment of such amount, shall be taken into account under this section in such manner as determined by the Secretary.".

Sec. 204. Excise Taxes.

Section 4971 (relating to taxes on failure to meet minimum funding standard) is amended—

(1) by striking out "last sentence" in subsection (c) and inserting in lieu thereof "last two sentences"; and

(2) by adding at the end of subsection (d) the following new sentence: "In the case of a multiemployer plan which is in reorganization under section 418, the same notice and opportunity shall be provided to the Pension Benefit Guaranty Corporation.".

Sec. 205. Deductibility of Employer Liability Payments.

Subsection (g) of section 404 (relating to certain employer liability payments considered as contributions) is amended to read as follows:

"(g) Certain Employer Liability Payments Considered as Contributions.—

"(1) In general.—For purposes of this section, any amount paid by an employer under section 4062, 4063, or 4064, or part 1 of subtitle E of title IV of the Employee Retirement Income Security Act of 1974 shall be treated as a contribution to which this section applies by such employer to or under a stock bonus, pension, profit-sharing, or annuity plan.

"(2) Controlled group deductions.—In the case of a payment described in paragraph (1) made by an entity which is liable because it is a member of a commonly controlled group of corporations, trades, or businesses, within the meaning of subsection (b) or (c) of section 414, the fact that the entity did not directly employ participants of the plan with respect to which the liability payment was made shall not affect the deductibility of a payment which otherwise satisfies the conditions of section 162 (relating to trade or business expenses) or section 212 (relating to expenses for the production of income).

"(3) Coordination with subsection (a).—Any payment described in paragraph (1) shall (subject to the last sentence of subsection (a) (1) (A)) be deductible under this section when paid.".

Sec. 206. Minimum Vesting Requirements.

Section 411 (relating to minimum vesting standards) is amended—

(1) by adding at the end of subsection (a) (3) the following new subparagraphs:

"(E) Cessation of contributions under a multiemployer plan.—A right to an accrued benefit derived from employer contributions under a multiemployer plan shall not be treated as forfeitable solely because the plan provides that benefits accrued as a result of service with the participant's employer before the employer had an obligation to contribute under the plan may not be payable if the employer ceases contributions to the multiemployer plan.

"(F) Reduction and suspension of benefits by a multiemployer plan.—A participant's right to an accrued benefit derived from employer contributions under a multiemployer plan shall not be treated as forfeitable solely because—

"(i) the plan is amended to reduce benefits under section 418D or under section 4281 of the Employee Retirement Income Security Act of 1974, or

"(ii) benefit payments under the plan may be suspended under section 418E or under section 4281 of the Employee Retirement Income Security Act of 1974.";

"(II) to the extent permitted in regulations prescribed by the Secretary, a partial withdrawal described in section 4205(b) (A) (i) of such Act in conjunction with the decertification of the collective bargaining representative, and

"(ii) with any employer under the plan after the termination date of the plan under section 4048 of such Act."; and

(5) in subsection (d) (6), by striking out "section 412(c) (8)" and inserting in lieu thereof "section 412(c) (8), or section 4281 of the Employee Retirement Income Security Act of 1974".

Sec. 207. Definition of Multiemployer Plan.

(a) Section 414 (relating to definitions and special rules) is amended by striking out subsection (f) and inserting in lieu thereof the following:

"(f) Multiemployer Plan.—

"(1) Definition.—For purposes of this part, the term 'multiemployer plan' means a plan—

"(A) to which more than one employer is required to contribute.

"(B) which is maintained pursuant to one or more collective bargaining agreements between one or more employee organizations and more than one employer, and

"(C) which satisfies such other requirements as the Secretary of Labor may prescribe by regulation.

"(2) Cases of common control.—For purposes of this subsection, all trades or businesses (whether or not incorporated) which are under common control within the meaning of subsection (c) are considered a single employer.

"(3) Continuation of status after termination.—Notwithstanding paragraph (1), a plan is a multiemployer plan on and after its termination date under title IV of the Employee Retirement Income Security Act of 1974 if the plan was a multiemployer plan under this subsection for the plan year preceding its termination date.

"(4) Transitional rule.—For any plan year which began before the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, the term 'multiemployer plan' means a plan described in this subsection as in effect immediately before that date.

"(5) Special election.—Within one year after the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, a multiemployer plan may irrevocably elect, pursuant to procedures established by the Pension Benefit Guaranty Corporation and subject to the provisions of section 4403 (b) and (c) of the Employee Retirement Income Security Act of 1974, that the plan shall not be treated as a multiemployer plan for any purpose under such Act or this title, if for each of the last 3 plan years ending prior to the effective date of the Multiemployer Pension Plan Amendments Act of 1980—

"(A) the plan was not a multiemployer plan because the plan was not a plan described in section 3(37) (A) (iii) of the Employee Retirement Income Security Act of 1974 and section 414(f) (1) (C) (as such provisions were in effect on the day before the date of the enactment of tht Multiemployer Pension Plan Amendments Act of 1980); and

"(B) the plan had been identified as a plan that was not a multiemployer plan in substantially all its filings with the Pension Benefit Guaranty Corporation, the Secretary of Labor and the Secretary.".

Sec. 208. Related Technical Amendments.

(a) Sections 401(a) (12) and 414(l) are each amended by striking out the last sentence and inserting in lieu thereof the following: "The preceding sentence does not apply to any multiemployer plan with respect to any transaction to the extent that participants either before or after the transaction are covered under a multiemployer plan to which title IV of the Employee Retirement Income Security Act of 1974 applies."

(b) Subsection (d) of section 4975 is amended—

(1) by striking out "or" at the end of paragraph (12);

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof a semicolon; and

(3) by inserting after paragraph (13) the following new paragraphs:

"(14) any transaction required or permitted under part 1 of subtitle E of title IV or section 4223 of the Employee Retirement Income Security Act of 1974, but this paragraph shall not apply with respect to the application of subsection (c) (1) (E) or (F); or

"(15) a merger of multiemployer plans, or the transfer of assets or liabilities between multiemployer plans, determined by the Pension Benefit Guaranty Corporation to meet the requirements of section 4231 of such Act, but this paragraph shall not apply with respect to the application of subsection (c) (1) (E) or (F).".

(c) Section 412(a) is amended by adding at the end thereof the following new sentence: "In any plan year in which a multiemployer plan is in reorganization, the accumulated funding deficiency of the plan shall be determined under section 418B.".

(d) Section 413(b) (6) is amended by adding at the end thereof the following new sentence: "For purposes of this subsection and the last sentence of section 4917(a), an employer's withdrawal liability under part 1 of subtitle E of title IV of the Employee Retirement Income Security Act of 1974 shall not be treated as a liability for contributions under the plan.".

(e) Section 401(a) (2), as amended by section 411(b) of this Act, is amended by inserting ", or the return of any withdrawal liability payment determined to be an overpayment within 6 months of such determination" after "501(a)".

Sec. 209. Withdrawal Liability Payment Funds.

(a) Subsection (c) of section 501 (relating to list of exempt organizations) is amended by adding at the end thereof the following new paragraph:

"(22) A trust created or organized in the United States and established in writing by the plan sponsors of multiemployer plans if—

"(A) the purpose of such trust is exclusively—

"(i) to pay any amount described in section 4223 (c) or (h) of the Employee Retirement Income Security Act of 1974, and

"(ii) to pay reasonable and necessary administrative expenses in connection with the establishment and operation of the trust and the processing of claims against the trust,

"(B) no part of the assets of the trust may be used for, or diverted to, any purpose other than—

"(i) the purposes described in subparagraph (A), or

"(ii) the investment in securities, obligations, or time or demand deposits described in clause (ii) of paragraph (21) (B).

"(C) such trust meets the requirements of paragraphs (2), (3), and (4) of section 4223 (b), 4223(h), or, if applicable, section 4223 (c) of the Employee Retirement Income Security Act of 1974, and

"(D) the trust instrument provides that, on dissolution of the trust, assets of the trust may not be paid other than to plans which have participated in the plan or, in the case of a trust established under section 4223(h) of such Act, to plans with respect to which employers have participated in the fund.".

(b) Subsection (e) of section 4975 (relating to tax on prohibited transactions) is amended by adding at the end thereof the following new paragraph:

"(9) Section made applicable to withdrawal liability payment funds.—For purposes of this section—

"(A) In general.—The term 'plan' includes a trust described in section 501(c) (22).

"(B) Disqualified person.—In the case of any trust to which this section applies by reason of subparagraph (A), the term 'disqualified person' includes any person who is a disqualified person with respect to any plan to which such trust is permitted to make payments under section 4223 of the Employee Retirement Income Security Act of 1974.".

(c) (1) Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

"Sec. 194. Contributions to Employer Liability Trusts.

"(a) Allowance of Deduction.—There shall be allowed as a deduction for the taxable year an amount equal to the amount—

"(1) which is contributed by an employer to a trust described in section 501(c) (22) (relating to withdrawal liability payment fund) which meets the requirements of section 4223(h) of the Employee Retirement Income Security Act of 1974, and

"(2) which is properly allocable to such taxable year.

"(b) Allocation to Taxable Year.—In the case of a contribution described in subsection (a) which relates to any specified period of time which includes more than one taxable year, the amount properly allocable to any taxable year in such period shall be determined by prorating such amounts to such taxable years under regulations prescribed by the Secretary.

"(c) Disallowance of Deduction.—No deduction shall be allowed under subsection (a) with respect to any contribution described in subsection (a) which does not relate to any specified period of time.".

(2) The table of sections for such part VI

is amended by adding at the end thereof the following new item:

"Sec. 194. Contributions to employer liability trusts.".

SEC. 210. EFFECTIVE DATE.

(a) Except as otherwise provided in this section, the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) Subpart C of part I of subchapter D of chapter 1 of such Code (as added by this Act) shall take effect, with respect to each plan, on the first day of the first plan year beginning on or after the earlier of—

(1) the date on which the last collective-bargaining agreement providing for employer contributions under the plan, which was in effect on the date of the enactment of this Act, expires, without regard to extensions agreed to after such date of enactment, or

(2) 3 years after the date of the enactment of this Act.

(c) The amendments made by section 209 shall apply to taxable years ending after the date of the enactment of this Act.

TITLE III—AMENDMENTS TO TITLE I OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

SEC. 301. AMENDMENT OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

Whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference is to a section or other provision of the Employee Retirement Income Security Act of 1974.

SEC. 302. DEFINITION OF MULTIEMPLOYER PLAN.

(a) Section 3 is amended by striking out paragraph (37) and inserting in lieu thereof the following:

"(37)(A) The term 'multiemployer plan' means a plan—

"(i) to which more than one employer is required to contribute,

"(ii) which is maintained pursuant to one or more collective bargaining agreements between one or more employee organizations and more than one employer, and

"(iii) which satisfies such other requirements as the Secretary may prescribe by regulation.

"(B) For purposes of this paragraph, all trades or businesses (whether or not incorporated) which are under common control within the meaning of section 401(c)(1) are considered a single employer.

"(C) Notwithstanding subparagraph (A), a plan is a multiemployer plan on and after its termination date if the plan was a multiemployer plan under this paragraph for the plan year preceding its termination date.

"(D) For purposes of this title, notwithstanding the preceding provisions of this paragraph, for any plan year which began before the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, the term 'multiemployer plan' means a plan described in section 3(37) of this Act as in effect immediately before such date.".

"(E) Within one year after the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, a multiemployer plan may irrevocably elect, pursuant to procedures established by the corporation and subject to the provisions of sections 4403 (b) and (c), that the plan shall not be treated as a multiemployer plan for all purposes under this Act or the Internal Revenue Code of 1954 if for each of the last 3 plan years ending prior to the effective date of the Multiemployer Pension Plan Amendments Act of 1980—

"(i) the plan was not a multiemployer plan because the plan was not a plan described in section 3(37)(A)(iii) of this Act and section 414(f)(1)(C) of the Internal Revenue Code of 1954 (as such provisions were in effect on the day before the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980); and

"(ii) the plan had been identified as a plan that was not a multiemployer plan in substantially all its filings with the corporation, the Secretary of Labor and the Secretary of the Treasury.".

SEC. 303. MINIMUM VESTING REQUIREMENTS.

Section 203 is amended—

(1) by inserting after subsection (a)(3)(D) the following new subparagraph:

"(E)(i) A right to an accrued benefit derived from employer contributions under a multiemployer plan shall not be treated as forfeitable solely because the plan provides that benefits accrued as a result of service with the participant's employer before the employer had an obligation to contribute under the plan may not be payable if the employer ceases contributions to the multiemployer plan.

"(ii) A participant's right to an accrued benefit derived from employer contributions under a multiemployer plan shall not be treated as forfeitable solely because—

"(I) the plan is amended to reduce benefits under section 4244A or 4281, or

"(II) benefit payments under the plan may be suspended under section 4245 or 4281".

(2) in subsection (b)(1)(E), by striking out "and";

(3) in subsection (b)(1)(F), by striking out the period and inserting in lieu thereof "; and"; and

(4) by inserting after subsection (b)(1)(F) the following new subparagraph:

"(G) in the case of a multiemployer plan, years of service—

"(i) with an employer after—

"(I) a complete withdrawal of such employer from the plan (within the meaning of section 4203), or

"(II) to the extent permitted by regulations prescribed by the Secretary of the Treasury, a partial withdrawal described in section 4205(b) (2)(A)(i) in connection with the decertification of the collective bargaining representative; and

"(ii) with any employer under the plan after the termination date of the plan under section 4048.".

SEC. 304. MINIMUM FUNDING REQUIREMENTS.

(a) Section 301 is amended by adding at the end thereof the following new subsections:

"(c) This part applies, with respect to a terminated multiemployer plan to which section 4021 applies, until the last day of the plan year in which the plan terminates, within the meaning of section 4041A(a)(2).

"(d) Any amount of any financial assistance from the Pension Benefit Guaranty Corporation to any plan, and any repayment of such amount, shall be taken into account under this section in such manner as determined by the Secretary of the Treasury.".

(b) Section 302 is amended—

(1) in subsection (b), by striking out "(40 plan years in the case of a multiemployer plan)" and "(20 plan years in the case of a multiemployer plan)" each place they appear;

(2) by inserting at the end of subsection (b) the following new paragraphs:

"(6) In the case of a plan which, immediately before the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, was a multiemployer plan (within the meaning of section 3(37) as in effect immediately before such date)—

"(A) any amount described in paragraph (2)(B)(ii), (2)(B)(iii), or (3)(B)(i) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the amount arose;

"(B) any amount described in paragraph (2)(B)(iv) or (3)(B)(ii) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments (until fully amortized) over 20 plan years, beginning with the plan year in which the amount arose;

"(C) any change in past service liability which arises during the period of 3 plan years beginning on or after such date, and results from a plan amendment adopted before such date, shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the change arises; and

"(D) any change in past service liability which arises during the period of 2 plan years beginning on or after such date, and results from the changing of a group of participants from one benefit level to another benefit level under a schedule of plan benefits which—

"(i) was adopted before such date, and

"(ii) was effective for any plan participant before the beginning of the first plan year beginning on or after such date,

shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the increase arises.

"(7) For purposes of this part—

"(A) Any amount received by a multiemployer plan in payment of all or part of an employer's withdrawal liability under part 1 of subtitle E of title IV shall be considered an amount contributed by the employer to or under the plan. The Secretary of the Treasury may prescribe by regulation additional charges and credits to a multiemployer plan's funding standard account to the extent necessary to prevent withdrawal liability payments from being unduly reflected as advance funding for plan liabilities.

"(B) If a plan is not in reorganization in the plan year but was in reorganization in the immediately preceding plan year, any balance in the funding standard account at the close of such immediately preceding plan year—

"(i) shall be eliminated by an offsetting credit or charge (as the case may be), but

"(ii) shall be taken into account in subsequent plan years by being amortized in equal annual installments (until fully amortized) over 30 plan years.

The preceding sentence shall not apply to the extent of any accumulated funding deficiency under section 418B(a) of the Internal Revenue Code of 1954 as of the end of the last plan year that the plan was in reorganization.

"(C) Any amount paid by a plan during a plan year to the Pension Benefit Guaranty Corporation pursuant to section 4222 or to a fund exempt under section 501(c)(22) of such Code pursuant to section 4223 shall reduce the amount of contributions considered received by the plan for the plan year.

"(D) Any amount paid by an employer pending a final determination of the employer's withdrawal liability under part 1 of subtitle E of title IV and subsequently refunded to the employer by the plan shall be charged to the funding standard account in accordance with regulations prescribed by the Secretary.

"(E) For purposes of the full funding limitation under subsection (c)(7), unless otherwise provided by the plan, the accrued liability under a multiemployer plan shall not include benefits which are not nonforfeitable under the plan after the termination of the plan (taking into consideration section 411(d)(3) of the Internal Revenue Code of 1954)."; and

(3) by adding at the end of subsection (a) the following new paragraph:

"(3) In any plan year in which a multiemployer plan is in reorganization, the accumulated funding deficiency of the plan shall be determined under section 4243.".

Sec. 305. Application of Interest Party Rules to Withdrawal Liability Payment Funds.

Paragraph (14) of section 3 is amended by adding at the end thereof the following new sentence: "Any person who is a party in interest with respect to a plan to which a trust described in section 501(c)(22) of the Internal Revenue Code of 1954 is permitted to make payments under section 4223 shall be treated as a party in interest with respect to such trust.".

Sec. 306. Liquidated Damages With Respect to Delinquent Contributions.

(a) Part 5 of subtitle B of title I is amended by adding after section 514 the following new section:

"DELINQUENT CONTRIBUTIONS

"Sec. 515. Every employer who is obligated to make contributions to a multiemployer plan under the terms of the plan or under the terms of a collectively bargained agreement shall, to the extent not inconsistent with law, make such contributions in accordance with the terms and conditions of such plan or such agreement.".

(b) Section 502 is amended by—

(1) redesignating subsections (b)(1) and (2) as subsection (b)(1) (A) and (B), and adding at the end thereof the following new paragraph:

"(2) The Secretary shall not initiate an action to enforce section 515.";

(2) redesignating subsection (g) as paragraph (1) of such subsection and inserting "(other than an action described in paragraph (2))" between "title" and "by" in such redesignated paragraph (1), and adding at the end thereof the following new paragraph:

"(2) In any action under this title by a fiduciary for or on behalf of a plan to enforce section 515 in which a judgment in favor of the plan is awarded, the court shall award the plan—

"(A) the unpaid contributions,

"(B) interest on the unpaid contributions,

"(C) an amount equal to the greater of—

"(i) interest on the unpaid contributions, or

"(ii) liquidated damages provided for under the plan in an amount not in excess of 20 percent (or such higher percentage as may be permitted under Federal or State law) of the amount determined by the count under subparagraph (A),

"(D) reasonable attorney's fees and costs of the action, to be paid by the defendant, and

"(E) such other legal or equitable relief as the court deems appropriate.

"For purposes of this paragraph, interest on unpaid contributions shall be determined by using the rate provided under the plan, or, if none, the rate prescribed under section 6621 of the Internal Revenue Code of 1954.".

Sec. 307. Actuarial Standards.

Section 103(d) is amended by redesignating paragraphs (10) and (11) as paragraphs (11) and (12) and by adding after paragraph (9) the following new paragraph:

"(10) A statement by the actuary which discloses—

"(A) any event which the actuary has not taken into account, and

"(B) any trend which, for purposes of the actuarial assumptions used, was not assumed to continue in the future,

but only if, to the best of the actuary's knowledge, such event or trend may require a material increase in plan costs or required contribution rates.".

Sec. 308. Exemptions From Prohibited Transactions.

(a) Section 408(b) is amended by adding at the end thereof the following:

"(10) Any transaction required or permitted under part 1 of subtitle E of title IV.

"(11) A merger of multiemployer plans, or the transfer of assets or liabilities between multiemployer plans, determined by the Pension Benefit Guaranty Corporation to meet the requirements of section 4231.".

(b) Section 408 is amended by adding at the end thereof the following new subsection:

"(f) Section 406(b)(2) shall not apply to any merger or transfer described in subsection (b)(11).".

Sec. 309. Fiduciary Duties.

Section 404(a)(1)(D) is amended by inserting "or title IV" after "this title".

Sec. 310. Refund of Certain Withdrawal Liability Payments.

Section 403(c) is amended—

(1) by striking out "or (3)" in paragraph (1) and inserting in lieu thereof ", (3), or (4)"; and

(2) by adding at the end thereof the following new paragraph:

"(4) In the case of a withdrawal liability payment which has been determined to be an overpayment, paragraph (1) shall not prohibit the return of such payment to the employer within 6 months after the date of such determination.".

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Amendment of the Employee Retirement Income Security Act of 1974.

Whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference is to a section or other provision of the Employee Retirement Income Security Act of 1974.

Sec. 402. Related Technical Amendments.

(a)(1) Section 4001 is amended—

(A) in subsection (a)(2), by inserting "(other than a multiemployer plan)" after "more than one employer";

(B) by striking out subsection (a)(3) and inserting in lieu thereof the following:

"(3) 'multiemployer plan' means a plan—

"(A) to which more than one employer is required to contribute,

"(B) which is maintained pursuant to one or more collective bargaining agreements between one or more employee organizations and more than one employer, and

"(C) which satisfies such other requirements as the Secretary of Labor may prescribe by regulation,

except that, in applying this paragraph—

"(i) a plan shall be considered a multiemployer plan on and after its termination date if the plan was a multiemployer plan under this paragraph for the plan year preceding such termination, and

"(ii) for any plan year which began before the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, the term 'multiemployer plan' means a plan described in section 414(f) of the Internal Revenue Code of 1954 as in effect immediately before such date;";

(C) by striking out subsection (a)(6) and inserting in lieu thereof the following:

"(6) 'basic benefits' means benefits guaranteed under section 4022 (other than under section 4022(c)), or under section 4022A (other than under section 4022A(g));";

(D) in subsection (a)(7), by striking out the period and inserting in lieu thereof "or 4022A(g);";

(E) by inserting at the end of subsection (a) the following new paragraphs:

"(8) 'nonforfeitable benefit' means, with respect to a plan, a benefit for which a participant has satisfied the conditions for entitlement under the plan or the requirements of this Act (other than submission of a formal application, retirement, completion of a required waiting period, or death in the case of a benefit which returns all or a portion of a participant's accumulated mandatory employee contributions upon the participant's death), whether or not the benefit may subsequently be reduced or suspended by a plan amendment, an occurrence of any condition, or operation of this Act or the Internal Revenue Code of 1954;

"(9) 'reorganization index' means the amount determined under section 4241(b);

"(10) 'plan sponsor' means, with respect to a multiemployer plan—

"(A) the plan's joint board of trustees, or

"(B) if the plan has no joint board of trustees, the plan administrator;

"(11) 'contribution base unit' means a unit with respect to which an employer has an obligation to contribute under a multiemployer plan, as defined in regulations prescribed by the Secretary of the Treasury; and

"(12) 'outstanding claim for withdrawal liability' means a plan's claim for the unpaid balance of the liability determined under part 1 of subtitle E for which demand has been made, valued in accordance with regulations prescribed by the corporation.";

(F) by adding the following new paragraphs at the end of subsection (c)(1) (as redesignated):

"(2) For purposes of this title, 'single-employer plan' means, except as otherwise specifically provided in this title, any plan which is not a multiemployer plan.

"(3) For purposes of this title, except as otherwise provided in this title, contributions or other payments shall be considered made under a plan for a plan year if they are made within the period prescribed under section 412(c)(10) of the Internal Revenue Code of 1954.

"(4) For purposes of subtitle E, 'Secretary of the Treasury' means the Secretary of the Treasury or such Secretary's delegate.".

(2) Section 4003 is amended—

(A) in subsection (a), by striking out "determine whether any person has violated or is about to violate" and inserting in lieu thereof "enforce";

(B) in subsection (e)(1), by striking out "redress violations of" and inserting in lieu thereof "enforce", and

(C) in subsection (f) by inserting at the end thereof the following new sentence: "In any suit, action, or proceeding in which the corporation is a party, or intervenes under section 4301, in any State court, the corporation may, without bond or security, remove such suit, action, or proceeding from the State court to the United States District Court for the district or division embracing the place where the same is pending by following any procedure for removal now or hereafter in effect."

(3) Section 4007(a) is amended by inserting at the end thereof the following new sentence: "The corporation may waive or reduce premiums for a multiemployer plan for any plan year during which such plan receives financial assistance from the corporation under section 4261, except that any amount so waived or reduced shall be treated as financial assistance under such section.".

(4) Section 4021(a) is amended by inserting in the last sentence "unless otherwise specifically indicated in this title," before "a successor plan".

(5) Subtitle B of title IV is amended by inserting after section 4022B (as added by section 102 of this Act) the following new section:

"PLAN FIDUCIARIES

"Sec. 4023. Notwithstanding any other provision of this Act, a fiduciary of a plan to which section 4021 applies is not in violation of the fiduciary's duties as a result of any act or of any withholding of action required by this title.".

(6) Section 4042 is amended—

(A) in the last sentence of subsection (a), by striking out "such small" and inserting in lieu thereof "terminated";

(B) by redesignating subsection (b) as subsection (b)(1) and inserting at the end thereof the following new paragraphs:

"(2) Notwithstanding any other provision of this title—

"(A) upon the petition of a plan administrator or the corporation, the appropriate United States district court may appoint a trustee in accordance with the provisions of this section if the interests of the plan participants would be better served by the appointment of the trustee, and

"(B) upon the petition of the corporation, the appropriate United States district court shall appoint a trustee proposed by the corporation for a multiemployer plan which is in reorganization or to which section 4041A (d) applies, unless such appointment would be adverse to the interests of the plan participants and beneficiaries in the aggregate.

"(3) The corporation and plan administrator may agree to the appointment of a trustee without proceeding in accordance with the requirements of paragraphs (1) and (2).";

(C) in the first sentence of subsection (c), by striking out "and" after "interests of the participants" and inserting in lieu thereof "or";

(D) in subsection (c), by striking out "further" each place it appears and inserting in lieu thereof "unreasonable";

(E) in subsection (d)(1)(A)—

(i) by striking out "and" in clause (iv);

(ii) by redesignating clause (v) as clause (vi) and by striking out the period at the end of such clause and inserting in lieu thereof "; and";

(iii) by inserting after clause (iv) the following new clause:

"(v) in the case of a multiemployer plan, to reduce benefits or suspend benefit payments under the plan, give appropriate notices, amend the plan, and perform other acts required or authorized by subtitle (E) to be performed by the plan sponsor or administrator;"; and

(iv) by inserting after clause (vi) (as redesignated) the following new clause:

"(vii) to require the plan sponsor, the plan administrator, any contributing or withdrawn employer, and any employee organization representing plan participants to furnish any information with respect to the plan which the trustee may reasonably need in order to administer the plan.";

(F) in subsection (d)(1)(B)(i), by striking out "allocation requirements of section 4044" and inserting in lieu thereof "requirements of this title";

(G) in subsection (d)(1)(B)(iv), by striking out ", except to the extent that the corporation is an adverse party in a suit or proceeding";

(H) in subsection (d)(2)(B), by striking out "and";

(I) in subsection (d)(2)(C), by striking out the period and inserting in lieu thereof a comma; and

(J) by inserting after subsection (d)(2)(C) the following new subparagraphs;

"(D) each employer who is or may be liable to the plan under section part 1 of subtitle E,

"(E) each employer who has an obligation to contribute, within the meaning of section 4212(a), under a multiemployer plan, and

"(F) each employee organization which, for purposes of collective bargaining, represents plan participants employed by an employer described in subparagraph (C), (D), or (E).".

(7) Section 4044 is amended—

(A) in subsection (a), by inserting "single-employer" before "defined benefit plan";

(B) in subsection (c), by inserting "single-employer" before "plan occurring during" and before "plan occurring after"; and

(C) in subsection (d)(1), by inserting "single-employer" before "plan may be distributed".

(8) Section 4048 is amended—

(A) by inserting "(a)" before "For";

(B) by inserting "of a single-employer plan" after "date of termination"; and

(C) by adding at the end thereof the following new subsection:

"(b) For purposes of this title, the date of termination of a multiemployer plan is—

"(1) in the case of a plan terminated in accordance with the provisions of section 4041A, the date determined under subsection (b) of that section; or

"(2) in the case of a plan terminated in accordance with the provisions of section 4042, the date agreed to between the plan administrator and the corporation (or the trustee appointed under section 4042(b)(2), if any), or, if no agreement is reached, the date established by the court.".

(b)(1) Section 208 is amended by striking out the last sentence and inserting in lieu thereof the following: "The preceding sentence shall not apply to any transaction to the extent that participants either before or after the transaction are covered under a multiemployer plan to which title IV of this Act applies.".

(2) Section 403(a)(1) is amended by striking out "title" and inserting in lieu thereof "Act".

(3) Section 3002 is amended by adding at the end thereof the following new subsection:

"(e) The Secretary of the Treasury shall consult with the Pension Benefit Guaranty Corporation with respect to any proposed or final regulation authorized by subpart C of part I subchapter D of chapter 1 of the Internal Revenue Code of 1954, or by sections 4241 through 4245 of this Act, before publishing any such proposed or final regulation.".

SEC. 403. CONFORMING AMENDMENTS.

(a) Section 4005 is amended—

(1) by striking out the second sentence of subsection (a) and inserting in lieu thereof the following: "One of the funds shall be used with respect to basic benefits guaranteed under section 4022, one of the funds shall be used with respect to basic benefits guaranteed under section 4022A, one of the funds shall be used with respect to nonbasic benefits guaranteed under section 4022 (if any), and the remaining fund shall be used with respect to nonbasic benefits guaranteed under section 4022A (if any), other than subsection (g)(2) thereof (if any).";

(2) in subsection (b)(2)(A), by inserting "or 4022A" after "4022";

(3) by striking out subparagraph (B) of subsection (b)(2) and redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively; and

(4) by adding at the end thereof the following new subsections:

"(d)(1) A fifth fund shall be established for the reimbursement of uncollectible withdrawal liability under section 4222, and shall be credited with the appropriate—

"(A) premiums, penalties, and interest charges collected under this title, and

"(B) earnings on investments of the fund or on assets credited to the fund.

The fund shall be available to make payments pursuant to the supplemental program established under section 4222, including those expenses and other charges determined to be appropriate by the corporation.

"(2) The corporation may invest amounts of the fund in such obligations as the corporation considers appropriate.

"(e)(1) A sixth fund shall be established for the supplemental benefit guarantee program provided under section 4022A(g)(2).

"(2) Such fund shall be credited with the appropriate—

"(A) premiums, penalties, and interest charges collected under section 4022A(g)(2), and

"(B) earnings on investments of the fund or on assets credited to the fund.

The fund shall be available for making payments pursuant to the supplemental benefit guarantee program established under section 4022A(g)(2), including those expenses and other charges determined to be appropriate by the corporation.

"(3) The corporation may invest amounts of the fund in such obligations as the corporation considers appropriate.

"(f)(1) Amounts in any fund established under this section may be used only for the purposes for which such fund was established and may not be used to make loans to (or on behalf of) any other fund or to finance any other activity of the corporation.

"(2) None of the funds borrowed under subsection (c) may be used to make loans to (or on behalf of) any fund other than a fund described in the second sentence of subsection (a).

"(3) Any repayment to the corporation of any amount paid out of any fund in connection with a multiemployer plan shall be deposited in such fund.".

(b) Section 4007(a) is amended by striking out the second sentence.

(c) Section 4022 is amended—

(1) in the section heading, by inserting "SINGLE-EMPLOYER PLAN" before "BENEFITS GUARANTEED";

(2) in subsection (a)—

(A) by inserting ", in accordance with this section," after "guarantee"; and

(B) by inserting "single-employer" before "plan which terminates"; and

(C) by striking out the words "the terms of";

(3) in subsection (b)(1), by striking out "(8)" and inserting in lieu thereof "(7)"; and

(4) by striking out paragraph (5) of subsection (b) and redesignating paragraphs (6), (7), and (8) of such subsection as paragraphs (5), (6), and (7), respectively.

(d) Section 4041 is amended—

(1) in the section heading, by striking out "TERMINATION BY PLAN ADMINISTRATOR" and inserting in lieu thereof "TERMINATION OF SINGLE-EMPLOYER PLANS";

(2) in subsection (a), by inserting "single-employer" after "termination of a"; and

(3) by striking out subsection (g).

(e) Section 4046 is amended—

(1) in paragraphs (2) and (3)—

(A) by inserting "or 4022A" after "4022"; and

(B) by inserting "basic" before "benefits"; and

(2) in paragraph (3), by striking out "4022(b)(5)" and inserting in lieu thereof "4022B".

(f) Section 4061 is amended to read as follows:

"AMOUNTS PAYABLE BY THE CORPORATION

"SEC. 4061. The corporation shall pay benefits under a single-employer plan terminated under this title subject to the limitations and requirements of subtitle B of this title. The corporation shall provide financial assistance to pay benefits under a multiemployer plan which is insolvent under section 4245 or 4281(d)(2)(A), subject to the limitations and requirements of subtitles B, C, and E of this title. Amounts guaranteed by the corporation under sections 4022 and 4022A shall be paid by the corporation only out of the appropriate fund. The corporation shall make payments under the supplemental program to reimburse multiemployer plans for uncollectible withdrawal liability only out of the fund established under section 4005(e).".

(g) Section 4062(a) is amended by striking out "plan (other than a multiemployer plan)" and inserting in lieu thereof "single-employer plan".

(h) Section 4063 is amended—

(1) in the first sentence of subsection (a), by inserting "(other than a multiemployer plan)" after "makes contributions"; and

(2) in the second sentence of subsection (d), by inserting "(other than a multiemployer plan)" after "of a plan".

(i) Section 4064(a) is amended by inserting "(other than a multiemployer plan)" after "plan under which more than one employer makes contributions".

(j) Section 4066 is amended by inserting "(other than a multiemployer plan)" after "more than one employer".

(k) Subsection (f) of section 4003 is amended by striking out "Any" and inserting in lieu thereof "Except as provided in section 4301(a)(2), any".

(l) Section 4002(b)(3) is amended by inserting "and such other bylaws, rules, and regulations as may be necessary to carry out the purposes of this title" after "Act".

SEC. 404. CLERICAL AMENDMENTS.

The table of contents in section 1 is amended—

(1) by striking out the items relating to sections 4022 and 4023 and inserting in lieu thereof the following new items:

"Sec. 4022. Single-employer plan benefits guaranteed.
"Sec. 4022A. Multiemployer plan benefits guaranteed.
"Sec. 4022B. Aggregate limit on benefits guaranteed.
"Sec. 4023. Plan fiduciaries.";

(2) by striking out the item relating to section 4041 and inserting in lieu thereof the following new items:

"Sec. 4041. Termination of single-employer plans.
"Sec. 4041A. Termination of multiemployer plans.

and

(3) by striking out all after the items relating to section 4068 and inserting in lieu thereof the following new items:

"Subtitle E—Special Provisions for Multiemployer Plans

"PART 1—EMPLOYER WITHDRAWALS

"Sec. 4201. Withdrawal liability established.
"Sec. 4202. Determination and collection of liability; notification of employer.
"Sec. 4203. Complete withdrawal.
"Sec. 4204. Sales of assets.
"Sec. 4205. Partial withdrawals.
"Sec. 4206. Adjustment for partial withdrawal.
"Sec. 4207. Reduction or waiver of complete withdrawal liability.
"Sec. 4208. Reduction or abatement of partial withdrawal liability.
"Sec. 4209. De minimis rule.
"Sec. 4210. No withdrawal liability for certain temporary contribution obligation periods.
"Sec. 4211. Methods for computing withdrawal liability.
"Sec. 4212. Obligation to contribute; special rules.
"Sec. 4213. Actuarial assumptions, etc.
"Sec. 4214. Application of plan amendments.
"Sec. 4215. Plan notification to corporation of potentially significant withdrawals.
"Sec. 4216. Special rules for section 404(c) plans.
"Sec. 4217. Application of part in case of certain pre-1980 withdrawals.
"Sec. 4218. Withdrawal not to occur merely because of change in business form or suspension of contributions during labor dispute.
"Sec. 4219. Notice, collection, etc., of withdrawal liability.
"Sec. 4220. Approval of amendments.
"Sec. 4221. Resolution of disputes.
"Sec. 4222. Reimbursements for uncollectible withdrawal liability.
"Sec. 4223. Withdrawal liability payment fund.
"Sec. 4224. Alternative method of withdrawal liability payments.
"Sec. 4225. Limitation on withdrawal liability.

"PART 2—MERGER OR TRANSFER OF PLAN ASSETS OR LIABILITIES

"Sec. 4231. Mergers and transfers between multiemployer plans.
"Sec. 4232. Transfers between a multiemployer plan and a single-employer plan.
"Sec. 4233. Partition.
"Sec. 4234. Asset transfer rules.
"Sec. 4235. Transfers pursuant to change in bargaining representative.

"PART 3—REORGANIZATION; MINIMUM CONTRIBUTION REQUIREMENT FOR MULTIEMPLOYER PLANS

"Sec. 4241. Reorganization status.
"Sec. 4242. Notice of reorganization and funding requirements.
"Sec. 4243. Minimum contribution requirement.
"Sec. 4244. Overburden credit against minimum contribution requirement.
"Sec. 4244A. Adjustments in accrued benefits.
"Sec. 4245. Insolvent plans.

"PART 4—FINANCIAL ASSISTANCE

"Sec. 4261. Financial assistance.

"PART 5—BENEFITS AFTER TERMINATION

"Sec. 4281. Benefits under certain terminated plans.

"PART 6—ENFORCEMENT

"Sec. 4301. Civil actions.
"Sec. 4302. Penalty for failure to provide notice.
"Sec. 4303. Election of plan status.

"Subtitle F—Transition Rules and Effective Dates

"Sec. 4401. Amendment to Internal Revenue Code of 1954.
"Sec. 4402. Transition rules and effective dates.
"Sec. 4403. Election of plan status.".

SEC. 405. ACTION TAKEN BEFORE REGULATIONS ARE PRESCRIBED.

(a) Except as otherwise provided in the amendments made by this Act and in subsection (b), if the way in which any such amendment will apply to a particular circumstance is to be set forth in regulations, any reasonable action during the period before such regulations take effect shall be treated as complying with such regulations for such period.

(b) Subsection (a) shall not apply to any action which violates any instruction issued, or temporary rule prescribed, by the agency having jurisdiction but only if such instruction or rule was published, or furnished to the party taking the action, before such action was taken.

SEC. 406. PENSION BENEFIT GUARANTY CORPORATION PUT ON BUDGET.

(a) Paragraph (2) of section 4002(g) is amended to read as follows:

"(2) The receipts and disbursements of the corporation in the discharge of its functions shall be included in the totals of the budget of the United States Government. The United States is not liable for any obligation or liability incurred by the corporation.".

(b) The amendment made by subsection (a) shall apply to fiscal years beginning after September 30, 1980.

SEC. 407. CHURCH PLANS.

(a) Section 3(33) is amended to read as follows:

"(33)(A) The term 'church plan' means a plan established and maintained (to the extent required in clause (ii) of subparagraph (B)) for its employees (or their beneficiaries) by a church or by a convention or association of churches which is exempt from tax under section 501 of the Internal Revenue Code of 1954.

"(B) The term 'church plan' does not include a plan—

"(i) which is established and maintained primarily for the benefit of employees (or their beneficiaries) of such church or convention or association of churches who are employed in connection with one or more unrelated trades or businesses (within the meaning of section 513 of the Internal Revenue Code of 1954), or

"(ii) if less than substantially all of the individuals included in the plan are individuals described in subparagraph (A) or in clause (ii) of subparagraph (C) (or their beneficiaries).

"(C) For purposes of this paragraph—

"(i) A plan established and maintained for its employees (or their beneficiaries) by a church or by a convention or association of churches includes a plan maintained by an organization, whether a civil law corporation or otherwise, the principal purpose or function of which is the administration or funding of a plan or program for the provision of retirement benefits or welfare benefits, or both, for the employees of a church or a convention or association of churches, if such organization is controlled by or associated with a church or a convention or association of churches.

"(ii) The term employee of a church or a convention or association of churches includes—

"(I) a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, regardless of the source of his compensation;

"(II) an employee of an organization, whether a civil law corporation or otherwise, which is exempt from tax under section 501 of the Internal Revenue Code of 1954 and which is controlled by or associated with a church or a convention or association of churches; and

"(III) an individual described in clause (v).

"(iii) A church or a convention or association of churches which is exempt from tax under section 501 of the Internal Revenue Code of 1954 shall be deemed the employer of any individual included as an employee under clause (ii).

"(iv) An organization, whether a civil law corporation or otherwise, is associated with a church or a convention or association of churches if it shares common religious bonds and convictions with that church or convention or association of churches.

"(v) If an employee who is included in a church plan separates from the service of a church or a convention or association of churches or an organization, whether a civil law corporation or otherwise, which is exempt from tax under section 501 of the Internal Revenue Code of 1954 and which is controlled by or associated with a church or a convention or association of churches, the church plan shall not fail to meet the requirements of this paragraph merely because the plan—

"(I) retains the employee's accrued benefit or account for the payment of benefits to the employee or his beneficiaries pursuant to the terms of the plan; or

"(II) receives contributions on the employee's behalf after the employee's separation from such service, but only for a period of 5 years after such separation, unless the employee is disabled (within the meaning of the disability provisions of the church plan or, if there are no such provisions in the church plan, within the meaning of section 72(m)(7) of the Internal Revenue Code of 1954) at the time of such separation from service.

"(D)(i) If a plan established and maintained for its employees (or their beneficiaries) by a church or by a convention or association of churches which is exempt from tax under section 501 of the Internal Revenue Code of 1954 fails to meet one or more of the requirements of this paragraph and corrects its failure to meet such requirements within the correction period, the plan shall be deemed to meet the requirements of this paragraph for the year in which the correction was made and for all prior years.

"(ii) If a correction is not made within the correction period, the plan shall be deemed not to meet the requirements of this paragraph beginning with the date on which the earliest failure to meet one or more of such requirements occurred.

"(iii) For purposes of this subparagraph, the term 'correction period' means—

"(I) the period ending 270 days after the date of mailing by the Secretary of a notice of default with respect to the plan's failure to meet one or more of the requirements of this paragraph; or

"(II) any period set by a court of competent jurisdiction after a final determination that the plan fails to meet such requirements, or, if the court does not specify such period, any reasonable period determined by the Secretary on the basis of all the facts and circumstances, but in any event not less than 270 days after the determination has become final; or

"(III) any additional period which the Secretary determines is reasonable or necessary for the correction of the default.

whichever has the latest ending date.".

(b) Section 414(e) of the Internal Revenue Code of 1954 (defining church plan) is amended to read as follows:

"(e) Church Plan.—

"(1) In general.—For purposes of this part, the term 'church plan' means a plan established and maintained (to the extent required in paragraph (2)(B)) for its employees (or their beneficiaries) by a church or by a convention or association of churches which is exempt from tax under section 501.

"(2) Certain plans excluded.—The term 'church plan' does not include a plan—

"(A) which is established and maintained primarily for the benefit of employees (or their beneficiaries) of such church or convention or association of churches who are employed in connection with one or more unrelated trades or businesses (within the meaning of section 513); or

"(B) if less than substantially all of the individuals included in the plan are individuals described in paragraph (1) or (3)(B) (or their beneficiaries).

"(3) Definitions and other provisions.—For purposes of this subsection—

"(A) Treatment as church plan.—A plan established and maintained for its employees (or their beneficiaries) by a church or by a convention or association of churches includes a plan maintained by an organization, whether a civil law corporation or otherwise, the principal purpose or function of which is the administration or funding of a plan or program for the provision of retirement benefits or welfare benefits, or both, for the employees of a church or a convention or association of churches, if such organization is controlled by or associated with a church or a convention or association of churches.

"(B) Employee defined.—The term employee of a church or a convention or association of churches shall include—

"(i) a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, regardless of the source of his compensation;

"(ii) an employee of an organization, whether a civil law corporation or otherwise, which is exempt from tax under section 501 and which is controlled by or associated with a church or a convention or association of churches; and

"(iii) an individual described in subparagraph (E).

"(C) Church treated as employer.—A church or a convention or association of churches which is exempt from tax under section 501 shall be deemed the employer of any individual included as an employee under subparagraph (B).

"(D) Association with church.—An organization, whether a civil law corporation or otherwise, is associated with a church or a convention or association of churches if it shares common religious bonds and convictions with that church or convention or association of churches.

"(E) Special rule in case of separation from plan.—If an employee who is included in a church plan separates from the service of a church or a convention or association of churches or an organization described in clause (ii) of paragarph (3)(B), the church plan shall not fail to meet the requirements of this subsection merely because the plan—

"(i) retains the employee's accrued benefit or account for the payment of benefits to the employee or his beneficiaries pursuant to the terms of the plans; or

"(ii) receives contributions on the employee's behalf after the employee's separation from such service, but only for a period of 5 years after such separation, unless the employee is disabled (within the meaning of the disability provisions of the church plan or, if there are no such provisions in the church plan, within the meaning of section 72(m)(7)) at the time of such separation from service.

"(4) Correction of failure to meet church plan requirements.—

"(A) In general.—If a plan established and maintained for its employees (or their beneficiaries) by a church or by a convention or association of churches which is exempt from tax under section 501 fails to meet one or more of the requirements of this subsection and corrects its failure to meet such requirements within the correction period, the plan shall be deemed to meet the requirements of this subsection for the year in which the correction was made and for all prior years.

"(B) Failure to correct.—If a correction is not made within the correction period, the plan shall be deemed not to meet the requirements of this subsection beginning with the date on which the earliest failure to meet one or more of such requirements occurred.

"(C) Correction period defined.—The term 'correction period' means—

"(i) the period ending 270 days after the date of mailing by the Secretary of a notice of default with respect to the plan's failure to meet one or more of the requirements of this subsection;

"(ii) any period set by a court of competent jurisdiction after a final determination that the plan fails to meet such requirements, or, if the court does not specify such period, any reasonable period determined by the Secretary on the basis of all the facts and circumstances, but in any event not less than 270 days after the determination has become final; or

"(iii) any additional period which the Secretary determines is reasonable or necessary for the correction of the default,

whichever has the latest ending date.".

(c) The amendments made by this section shall be effective as of January 1, 1974.

Sec. 108. Deductibility of Payments to Plan by a Corporation Operating Public Transportation System Acquired by a State.

(a) For purposes of subsection (g) of section 404 of the Internal Revenue Code of 1954 (relating to certain employer liability payments considered as contributions), as amended by section 205 of this Act, any payment made to a plan covering employees of a corporation operating a public transportation system shall be treated as payment described in paragraph (1) of such subsection if—

(1) such payment is made to fund accrued benefits under the plan in conjunction with an acquisition by a State (or agency or instrumentality thereof) of the stock or assets of such corporation, and

(2) such acquisition is pursuant to a State public transportation law enacted after June 30, 1979, and before January 1, 1980.

(b) The provisions of this section shall apply to payments made after June 29, 1980.

Sec. 409. Treatment of Certain Severance Pay Arrangements and Supplemental Retirement Income Payments as Welfare Plans.

Paragraph (2) of section 3 is amended—

(1) by striking out "The" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), the",

(2) by striking out "(A)" and inserting in lieu thereof "(i)",

(3) by striking out "(B)" and inserting in lieu thereof "(ii)", and

(4) by adding at the end thereof the following new subparagraph:

"(B) The Secretary may by regulation prescribe rules consistent with the standards and purposes of this Act providing one or more exempt categories under which—

"(i) severance pay arrangements, and

"(ii) supplemental retirement income payments, under which the pension benefits of retirees or their beneficiaries are supplemented to take into account some portion or all of the increases in the cost of living (as determined by the Secretary of Labor) since retirement,

shall, for purposes of this title, be treated as welfare plans rather than pension plans. In the case of any arrangement or payment a principal effect of which is the evasion of the standards or purposes of this Act applicable to pension plans, such arrangement or payment shall be treated as a pension plan.".

Sec. 410. Refund of Mistaken Contributions.

(a) Paragraph (2)(A) of section 403(c) is amended to read as follows:

"(2)(A) In the case of a contribution, or a payment of withdrawal liability under part 1 of subtitle E of part IV—

"(i) made by an employer to a plan (other than a multiemployer plan) by a mistake of fact, paragraph (1) shall not prohibit the return of such contribution to the employer within one year after the payment of the contribution, and

"(ii) made by an employer to a multiemployer plan by a mistake of fact or law (other than a mistake relating to whether the plan is described in section 401(a) of the Internal Revenue Code of 1954 or the trust which is part of such plan is exempt from taxation under section 501(a) of such Code), paragraph (1) shall not prohibit the return of such contribution or payment to the employer within 6 months after the plan administrator determines that the contribution was made by such a mistake.".

(b) Paragraph (2) of section 401(a) of the Internal Revenue Code of 1954 (relating to exclusive benefit of employees and beneficiaries) is amended by inserting before the semicolon at the end thereof the following: "(but this paragraph shall not be construed, in the case of a multiemployer plan, to prohibit the return of a contribution within 6 months after the plan administrator determines that the contribution was made by a mistake of fact or law (other than a mistake relating to whether the plan is described in section 401(a) or the trust which is part of such plan is exempt from taxation under section 501(a))).".

(c) The amendment made by this section shall take effect on January 1, 1975, except that in the case of contributions received by a collectively bargained plan maintained by more than one employer before the date of enactment of this Act, any determination by the plan administrator that any such contribution was made by mistake of fact or law before such date shall be deemed to have been made on such date of enactment.

Sec. 411. Definition of Employee Pension Benefit Plan.

(a) Section 201 of the Employee Retirement Income Security Act of 1974 is amended by adding at the end thereof the following new subsection:

"(8) Any plan, fund or program under which an employer, all of whose stock is directly or indirectly owned by employees, former employees or their beneficiaries, proposes through an unfunded arrangement to compensate retired employees for benefits which were forfeited by such employees under a pension plan maintained by a former employer prior to the date such pension plan became subject to this Act.".

(b) Section 301(a) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end thereof the following new paragraph:

"(10) Any plan, fund or program under which an employer, all of whose stock is directly or indirectly owned by employees, former employees or their beneficiaries, proposes through an unfunded arrangement to compensate retired employees for benefits which were forfeited by such employees under a pension plan maintained by a former employer prior to the date such pension plan became subject to this Act.".

(c) Section 403(b) of ERISA is amended by adding at the end thereof the following new paragraph (6):

"(6) Any plan, fund or program under which an employer, all of whose stock is directly or indirectly owned by employees, former employees or their beneficiaries, proposes through an unfunded arrangement to compensate retired employees for benefits which were forfeited by such employees under a pension plan maintained by a former employer prior to the date such pension plan became subject to this Act.".

Sec. 412. Studies by Pension Benefit Guaranty Corporation and Secretary of Labor.

(a)(1) The Pension Benefit Guaranty Corporation shall conduct a separate study with respect to—

(A) the advantages and disadvantages of establishing a graduated premium rate schedule under section 4006 of the Employee Retirement Income and Security Act of 1974 which is based on risk, and

(B) the necessity of adopting special rules in cases of union-mandated withdrawal from multiemployer pension plans.

(2) The Corporation shall report to the Congress the results of the studies conducted under paragraph (1), including its recommendations with respect thereto.

(b)(1) The Secretary of Labor shall study the feasibility of requiring collective bargaining on both the issues of contributions to, and benefits from, multiemployer plans.

(2) The Secretary shall submit a report on the study conducted under paragraph (1) to the Congress within 3 years of the date of the enactment of this Act.

Sec. 413. Study by General Accounting Office; Hearings Required.

(a)(1) The Comptroller General of the United States shall conduct a study of the effects of the amendments made by, and the provisions of, this Act on—

(A) participants, beneficiaries, employers, employee organizations, and other parties affected by this Act, and

(B) the self-sufficiency of the fund established under section 4005 of the Employee Retirement Income Security Act of 1974 with respect to benefits guaranteed under section 4022A of such Act, taking into account the financial conditions of multiemployer plans and employers.

(2)(A) The Comptroller General shall report to the Congress no later than June 30, 1985, the results of the study conducted under paragraph (1), including his recommendations with respect thereto.

(B) The report submitted under subparagraph (A) shall be made available to the public.

(b) In conducting the study under subsection (a)(1), the Comptroller General shall consult with the Committees on Finance and Labor and Human Resources of the Senate and the Committees on Education and Labor and Ways and Means of the House of Representatives.

(c) The committees described in subsection (b) shall conduct hearings on the report and recommendations submitted under subsection (a)(2).

(d) For purposes of conducting the study required by this section, the Comptroller General, or any of his duly authorized representatives, shall have access to and the right to examine and copy any books, documents, papers, records, or other recorded information—

(1) within the possession or control of the administrator or the sponsor of any plan, and

(2) which the Comptroller General or his representative finds, in his own judgment, pertinent to such study.

The Comptroller General shall not disclose the identity of any individual in making any information obtained under this subsection available to the public.

Sec. 414. Treatment of Certain Retirement Benefits.

(a) General Rule.—Paragraph (15) of section 3304(a) of the Internal Revenue Code of 1954 (relating to requirements for approval of State laws) is amended by striking out the semicolon at the end thereof and inserting in lieu thereof the following:

"except that—

"(A) the requirements of this paragraph—

"(i) shall not apply to any amount paid under the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding provisions of prior law), and

"(ii) shall apply to any other pension, retirement or retired pay, annuity, or similar periodic payment only if—

"(I) such pension, retirement or retired pay, annuity, or similar payment is under a plan maintained (or contributed to) by a base period employer (as determined under applicable law), and

"(II) services performed for such employer by the individual during the base period (or remuneration for such services) affect eligibility for, or increase the amount of, such pension, retirement or retired pay, annuity, or similar payment, and

"(B) the State law may provide for limitations on the amount of any such a reduction to take into account contributions made by the individual for the pension, retirement or retired pay, annuity, or other similar periodic payment;".

(b) Effective Date.—The amendment made by subsection (a) shall apply to certifications of States for 1981 and subsequent years.

Sec. 415. Increase in Length of Service in Armed Forces Required for Ex-Servicemen to be Eligible for Unemployment Benefits.

(a) General Rule.—Subparagraph (A) of section 8521(a)(1) of title 5 of the United States Code is amended by striking out "90 days or more" and inserting in lieu thereof "365 days or more".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to determinations of Federal service in the case of individuals filing claims for unemployment compensation on or after October 1, 1980.

Sec. 416. Cessation of Extended Benefits When Paid Under an Interstate Claim in a State Where Extended Benefit Period Is Not in Effect.

(a) General Rule.—Section 202 of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the end thereof the following new subsection:

"Cessation of Extended Benefits When Paid Under an Interstate Claim in a State Where Extended Benefit Period Is Not in Effect

"(c)(1) Except as provided in paragraph (2), payment of extended compensation shall not be made to any individual for any week if—

"(A) extended compensation would (but for this subsection) have been payable for such week pursuant to an interstate claim filed in any State under the interstate benefit payment plan, and

"(B) an extended benefit period is not in effect for such week in such State.

"(2) Paragraph (1) shall not apply with respect to the first 2 weeks for which extended compensation is payable (determined without regard to this subsection) pursuant to an interstate claim filed under the interstate benefit payment plan to the individual from the extended compensation account established for the benefit year.

"(3) Section 3304(a)(9)(A) of the Internal Revenue Code of 1954 shall not apply to any denial of compensation required under this subsection."

(b) Effective Date.—

(1) In general.—The amendment made by subsection (a) shall apply to weeks of unemployment beginning after October 1, 1980; except that such amendment shall not be a requirement of any State law under section 3304(a)(11) of the Internal Revenue Code of 1954 for any week which begins before June 1, 1981.

(2) Special rule for certain states.—In the case of any State the legislature of which does not meet in a regular session which begins during calendar year 1981 and before April 1, 1981, paragraph (1) shall be applied by substituting "June 1, 1982" for "June 1, 1981".

H.R. 6915

By Mr. KRAMER:

—On page 161 of the committee print, delete lines 11, 12, and 13, and renumber accordingly.

—On page 159 of the committee print, on line 38, strike "class C", and insert "class B", and on line 40, strike "class D", and insert "class C'.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the second calendar quarter 1980:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19....... ◀

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report. ◀

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B. American Bus Association, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Dawson, Riddell, Fox, Holroyd & Wilson, 723 Washington Building, Washington, D.C. 20005.
B. Beneficial Corp., Wilmington, Del.

A. Dawson, Riddell, Fox, Holroyd & Wilson, 723 Washington Building, Washington, D.C. 20005.
B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y. 10022.

A. Dawson, Riddell, Fox, Holroyd & Wilson, 723 Washington Building, Washington, D.C. 20005.
B. Dial Financial Corp., 207 Ninth Street, Des Moines, Iowa 50307.

A. Dawson, Riddell, Fox, Holroyd & Wilson, 723 Washington Building, Washington, D.C. 20005.
B. Hormel Foundation, Austin, Minnesota 55912.

A. Dawson, Riddell, Fox, Holroyd & Wilson, 723 Washington Building, Washington, D.C. 20005.
B. The Kellogg Co., Battle Creek, Mich. 49016.

A. Dawson, Riddell, Fox, Holroyd & Wilson, 723 Washington Building, Washington, D.C. 20005.
B. W. K. Kellogg Foundation, Battle Creek, Mich. 49016.

A. Dawson, Riddell, Fox, Holroyd & Wilson, 723 Washington Building, Washington, D.C. 20005.

B. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105.

A. Dawson, Riddell, Fox, Holroyd & Wilson, 723 Washington Building, Washington, D.C. 20005.

B. United States Brewers Association, Inc., 1750 K Street NW., Washington, D.C. 20006.

A. Dawson, Riddell, Fox, Holroyd & Wilson, 723 Washington Building, Washington, D.C. 20005.

B. The Williams Co., One Williams Center, Tulsa, Okla. 74101.

A. George K. Degnon Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.

B. National Association of Children's Hospitals and Related Institutions, 1601 Concord Pike, Suite 34, Independence Mall, Wilmington, Del. 19803.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Suite 310, Washington, D.C. 20036.

B. Continental Grain Co., 277 Park Avenue, New York, N.Y. 10017.

A. Dell, Craighill, Fentress & Benton, 888 17th Street NW., Suite 1200, Washington, D.C. 20006.

B. Consejo Estatal de Desarollo, Carratera A Tecate No. 1, Apartado 1798, Tijuana, Baja Calif.

A. Stephen De Maria, P.O. Box 3498, San Francisco, Calif. 94119.

B. Bendix Forest Products Corp., P.O. Box 3498, San Francisco, Calif. 94119.

A. O. Mark De Michele, Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.

B. Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.

A. Edward A. Dent, 3115 N Street NW., Washington, D.C. 20007.

B. Americans for the National Voter Initiative Amendment, 3115 N Street NW., Washington, D.C. 20007.

A. Catherine B. deSibour, 1700 Pennsylvania Avenue NW., No. 580, Washington, D.C. 20006.

B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.

A. Miller D. Dial, 1025 Connecticut Avenue NW., Suite 402, Washington, D.C. 20036.

B. CF Industries, Inc. and Energy Cooperative, Inc., Salem Lake Drive, Long Grove, Ill. 60047.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. Government of Liberia, Monrovia, Liberia.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. Mitsubishi International Corp., 1111 19th Street NW., Washington, D.C. 20037.

A. Nancy Dietz, 45 Everett Street, Newton Center, Mass. 02159; 46 Austin Street, Newtonville, Mass. 02160.

B. Action for Children's Television (ACT), 46 Austin Street, Newtonville, Mass. 02160.

A. Theodore Douglas, 2501 59th Street, St. Louis, Mo.

B. Brotherhood of Missouri Painters & Allied Traders, 2501 59th Street, St. Louis, Mo.

A. Mary Jo Dressel, 460 Bartola Street, Pittsburgh, Pa. 15243.

B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

A. Evan M. Dudik, The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

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A. Dennis J. Earhart, 1753 Euclid Street NW., Washington, D.C. 20009.

B. Bonneville Associates, Inc. (for Federal Research Committee, Box 8144, Salt Lake City, Utah 84108), 200 East South Temple, Suite No. 300, Salt Lake City, Utah 84111.

A. Dennis J. Earhart, 1753 Euclid Street NW., Washington, D.C. 20009.

B. Bonneville Associates, Inc. (for Roncalio & Associates, Box 1707, Cheyenne, Wyo. 82001), 200 East South Temple, Suite No. 300, Salt Lake City, Utah 84111.

A. George H. Eatman, Pacific Resources, Inc., 1990 M Street NW., Suite 560, Washington, D.C. 20036.

B. Pacific Resources, Inc., 733 Bishop, Honolulu, Hawaii 96813.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., No. 460, Washington, D.C. 20006.

B. Sheet Metal & Air Conditioning Contractors' National Association, 8224 Old Courthouse Rd., Vienna, Va. 22180.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., No. 460, Washington, D.C. 20006.

B. DGA International, 1225 19th Street NW., Washington, D.C. (for SOFREAVIA—75 Rue La Boetie, 75008 Paris, France).

A. Ed Edmondson, Box 11, Muskogee, Okla. 74401.

B. IU International Management Corp., 1500 Walnut Street, Philadelphia, Pa. 19102.

A. Elam, Burke, Jeppesen, Evans & Boyd, P.O. Box 1559, Boise, Idaho 83701.

B. Boise Redevelopment Agency, Boise, Idaho 83701.

A. H. J. Elam III, 1201 Maple Street, Greensboro, N.C. 27405.

B. Cone Mills Corp., 1201 Maple Street, Greensboro, N.C. 27405.

A. Employers Reinsurance Corp., 21 West 10th Street, Kansas City, Mo. 64105.

A. Energy Decisions, Inc., 2550 M Street NW., Washington, D.C. 20037.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C. 20037.

B. National Health Federation, P.O. Box 688, Monrovia, Calif. 91016.

A. M. Dale Ensign, Sinclair Oil Corp., 1100 17th Street NW., Suite 406, Washington, D.C. 20036.

B. Sinclair Oil Corp., P.O. Box 1677, Englewood, Colo. 80150.

A. Epstein Becker Borsody & Green, Suite 900, 1140 19th Street NW., Washington, D.C. 20036.

B. American Association of Professional Standard Review Organizations, Suite 214, Cabin John Mall, 11325 Seven Locks Road, Potomac, Md. 20854; American Association of Foundations for Medical Care, Suite 214, 11325 Seven Lock Road, Potomac, Md. 20854.

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A. David Fasken, c/o Whitaker & Brooks, 608 First National Bank Building, Midland, Tex. 79701.

A. Roger D. Feldman, 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20036.

B. LeBoeuf, Lamb, Leilby & MacRae, 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20036 (for Ad Hoc Rail Shippers Group, c/o LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue NW., Washington, D.C. 20036).

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B. National Nutritional Foods Association, 7727 South Painter Avenue, Whittier, Calif. 90602.

A. Jack Ferguson Associates, Inc., 203 Maryland Avenue NE., Washington, D.C. 20009.

B. Alascom, 949 East 64th Avenue, Pouch 6607, Anchorage, Alaska 99502.

A. Jack Ferguson Associates, Inc., 203 Maryland Avenue NE., Washington, D.C.

B. Alaska International Industries, 3201 C Street, Suite 600, Anchorage, Alaska 99503.

A. David M. Fitzgerald, 1700 North Moore Street, No. 1610, Arlington, Va. 22209.

B. Goodyear Tire & Rubber Co., 1144 East Market Street, Akron, Ohio 44316.

A. David M. Fitzgerald, 1700 North Moore Street, No. 1610, Arlington, Va. 22209.

B. Litton Data Systems, P.O. Box 7601, Van Nuys, Calif. 91409.

A. Victor E. Fitzmaurice, Union Oil Co. of California, 1100 Connecticut Avenue NW. (Suite 800), Washington, D.C. 20036.

B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

A. Howard W. Fogt, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.

B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Foley, Lardner, Hollabough & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.

B. First Wisconsin National Bank of Milwaukee, 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.

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A. Ebert E. Fournace, 3706 Eaton Road NW., Canton, Ohio 44708.

B. American Electric Power Service Corp., Two Broadway, New York, N.Y. 10004.

A. Lewis R. Freeman, Jr., Society of the Plastics Industry, 1724 H Street NW., Washington, D.C. 20006.

B. The Society of the Plastics Industry, 355 Lexington Avenue, New York, N.Y. 10017.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Suite 1000, Washington, D.C. 20037.

B. Davy McKee, 6200 Oak Tree Boulevard, Cleveland, Ohio 44131.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Doyon, Ltd., First and Hall Streets, Fairbanks, Alaska 99701.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Suite 1000, Washington, D.C. 20037.

B. The Miccosukee Tribe of Indians of Florida, P.O. Box 440021, Tamiami Station, Miami, Fla. 33144.

A. Barry A. Friedman, Wilner & Scheiner, 2021 L. Street NW., Washington, D.C. 20036.

B. American Society of Travel Agents, 711 Fifth Avenue, New York, N.Y. 10022.

A. Friends of the Earth, 530 Seventh Street SE., Washington, D.C. 20003.

A. Cary F. Fulbright, 1425 K Street NW., Washington, D.C. 20005.

B. Hill and Knowlton, Inc. (For The Navajo Nation, Window Rock, Ariz. 86515), 633 Third Avenue, New York, N.Y. 10017.

A. Fulbright & Jaworski, 1150 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. Kenneth Lewis, 3300 NW. Yeon Avenue, Portland, Oreg. 97210.

A. David H. Fyock, 1001 Broad Street, Johnstown, Pa. 15907.

B. GPU Service Corp., 100 Interpace Parkway, Parsippany, N.J. 07054.

A. Gardner, Carton & Douglas, 1875 I Street NW., No. 1050, Washington, D.C. 20006.

B. Zeigler Coal Co., 1700 North Moore Street, Arlington, Va. 22209.

A. General Instrument Corp., 1775 Broadway, New York, N.Y. 10019.

A. George & George, 1701 Pennsylvania Avenue NW., Suite 540, Washington, D.C. 20006.

B. Pepsico, Inc., Purchase, N.Y. 10577.

A. Gerard, Byler & Associates, 1100 17th Street NW., Washington, D.C. 20036.

B. Commissioned Officers Association of the U.S. Public Health Service, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Gerard, Byler & Associates, Inc., 1100 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. The Tulalip Tribes, 6700 Totem Beach Road, Marysville, Wash. 98270.

A. Theresa M. Gibson, American Express Co., 1700 K Street NW., Washington, D.C. 20006.

B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. Susan Gilbert, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. Mark W. Gillaspie, Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.

B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.

A. Jonathan D. Goldberg, Goldberg & Pedley, 2800 First National Tower, Louisville, Ky. 40202.

B. Chevron Agents Association, Inc., P.O. Box 4027, Hopkinsville, Ky. 42240.

A. Paul J. Gomez, National Association of Home Manufacturers, 6521 Arlington Boulevard, Falls Church, Va. 22042.

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A. Robert K. Gray, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017. (For: Health Insurance Association of America, Washington, D.C.)

A. Mark Grayson, Hill & Knowlton, 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y.

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B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. (For: RKO General, Washington, D.C.)

A. Mark Grayson, Hill & Knowlton, 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. (For: Seattle First National Bank, Washington, D.C.)

A. Mark Grayson, Hill & Knowlton, 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. (For: Uniroyal, Washington, D.C.)

A. The Great Atlantic & Pacific Tea Co., Inc., Two Paragon Drive, Montvale, N.J. 07645.

A. James J. Greeves, Energy Decisions, Inc., 2550 M Street NW., Washington, D.C. 20037.

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A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. American President Lines, 1950 Franklin Street, Oakland, Calif. 94612.

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B. Matson Navigation, 333 Market Street, San Francisco, Calif. 94105.

A. John R. Groundwater, Jr., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

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B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. Jerome A. Guth, 703 Curtis Street, Middletown, Ohio 45043.

B. Armco, Inc., 703 Curtis Street, Middletown, Ohio 45043.

A. Craig Hackler, 400 North Capitol Street NW., Suite 320, Washington, D.C. 20001.

B. Cadillac Fairview U.S., Inc., c/o The Corporation Trust Co., 100 West 10th Street, Wilmington, Del. 19801.

A. Craig Hackler, 400 North Capitol Street NW., Suite 320, Washington, D.C. 20001.

B. California Westside Farmers, 955 L'Enfant Plaza North, SW., Room 1101, Washington, D.C. 20024.

A. George Hackler, 400 North Capitol Street NW., Suite 320, Washington, D.C. 20001.

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A. James S. Hahn, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

A. Clarice Haigh, Rural Route 2, Box 233, West Point, Iowa 52656.

B. National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.

B. Central Texas Grain Products Marketing Cooperative, Box 184, Hutto, Tex. 78634.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.

B. Grain Products Alcohol Cooperatives, One Pleasant Valley Plaza, 2200 Hidden Valley Drive, Little Rock, Ark. 72212.

A. Phillip J. Hanson, 8602 East 92d Street, Kansas City, Mo. 64138.

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B. The Sugar Association, Inc., 1511 K Street NW., Washington, D.C. 20005.

A. Robert L. Harness, Monsanto Co., 1101 17th Street NW., Suite 604, Washington, D.C. 20036.

B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.

A. Hartford Fire Insurance Co., Hartford Plaza, Hartford, Conn. 06115.

A. Edwin Harold Harvey, 1016 16th Street NW., Washington, D.C. 20036.

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B. E Street Associates, Washington, D.C.

A. Lon H. Heibeck, 400 North Third Street, Harrisburg, Pa. 17101.

B. Pennsylvania State Education Association, 400 North Third Street, Harrisburg, Pa. 17101.

A. William R. Hesse, Fahlgren & Ferriss, 1901 L Street NW., Washington, D.C. 20036.

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A. E. Joseph Hillings, P.O. Box 44, Winter Park, Fla. 32790.

B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.

A. Elmo R. Hoffman, 215 East Central Boulevard, Orlando, Fla. 32801.

B. Hoffman, Hendry, Stoner, Sims & Sawicki, 215 East Central Boulevard, Orlando, Fla. 32801. (For: Global Exploration & Development Corp., 1414 Collins Avenue, Lakeland, Fla. 33801.)

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A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. National Farmers Organization, Inc., Corning, Iowa 50841.

A. Marcus A. Hollabaugh, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.

B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. John H. Holloman III, O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Coal Consumers Alliance, 414 Nicollet Mall, Minneapolis, Minn. 55401.

A. Moses D. Holmes, Jr., National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

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A. Geo. A. Hormel & Co., Box 800, Austin, Minn. 55912.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.

B. Master Contracting Stevedore Association of the Pacific Coast, Inc., c/o Mr. M. M. Stewart, 3415 11th Avenue SW., P.O. Box 24868, Seattle, Wash. 98134.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.

B. Paccar, Inc., 777 106th Avenue NE., Bellevue, Wash. 98009.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.

B. Pacific Rim Trade Association, c/o Rockey/Marsh Public Relations Counselors, 1990 Southwest Fifth Avenue, Portland, Oreg. 97201.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.

B. Totem Ocean Trailer Express, Inc., 1100 Olive Way, Seattle, Wash. 98101.

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B. International Business Machines Corp., Old Orchard Road, Armonk, N.Y. 10504.

A. Vester T. Hughes, Jr., 1000 Mercantile Dallas Building, Dallas, Tex. 75201.

B. Barber Oil Corp., 245 Park Avenue, New York, N.Y. 10017.

A. Vester T. Hughes, Jr., 1000 Mercantile Dallas Building, Dallas, Tex. 75201.

B. Cornell Oil Co., 5440 Harvest Hill Road, Suite 200, Dallas, Tex. 75230.

A. Hunker-Fedric, P.O. Box 1837, Roswell, N. Mex. 88201.

B. David Faskin, Whitaker & Brooks, 608 First National Bank Building, Midland, Tex. 79701.

A. A. Truman Hunt, Jr., Mississippi Petroleum Council, 215 Lamar Life Building, P.O. Box 42, Jackson, Miss. 39205.

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A. Robert C. Hunt, Cooperative Food Distributors of America, 1910 K Street NW., Suite 700, Washington, D.C. 20006.

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A. Hydeman, Mason & Goodell, 1220 19th Street N.W., Washington, D.C. 20036.

B. States Line, 320 California Street, San Francisco, Calif. 94104.

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A. International Association of Bridge, Structural & Ornamental Ironworkers, AFL–CIO, 1750 New York Avenue NW., Washington, D.C. 20006.

A. International Longshoremen's Association, 815 16th Street NW., Suite 104, Washington, D.C. 20006.

A. Investors Public Affairs Committee, 2033 M Street NW., Washington, D.C.

A. Jaeckle, Fleischmann & Musel, 700 Liberty Bank Building, Buffalo, N.Y. 14202.

B. Samuel Strapping, Ltd., 2630 Dixie Road, Mississuasa, Ontario, Canada.

A. John T. Jarvis, United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

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A. Jenkins & Gilchrist, 2200 First National Bank Building, Dallas, Tex. 75202.

B. American College of Emergency Physicians, P.O. Box 61911, Dallas, Tex. 75261.

A. David M. Jenkins, 1775 K Street NW., Suite 315, Washington, D.C. 20006.

B. Cutter Laboratories, Inc., 2200 Powell Street, Emeryville, Calif. 94608.

A. Theodore Johnson & Co., 786 National Press Building, Washington, D.C. 20045.

B. Coalition to Halt Automotive Theft, 786 National Press Building, Washington, D.C. 20045.

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A. Kanney Marketing Services, 90 Plant Avenue, Hauppauge, N.Y. 11787.

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A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

B. The Keefe Co. (for Trans World Airlines), 1625 Massachusetts Avenue NW., W505, Washington, D.C. 20036.

A. William F. Kennedy, General Electric Co., Fairfield, Conn. 06431.

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A. J. H. Kent, Kent & O'Connor, Inc., 1919 Pennsylvania Avenue, Suite 300, Washington, D.C. 20006.

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B. Alden Corrugated Container Corp., 1 Church Street, New Bedford, Mass. 02741.

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A. Peter M. Kirby, 723 Washington Building, Washington, D.C. 20005.

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A. Ronald K. Kolins, 420 International Square, 1875 Eye Street NW., Washington, D.C. 20006.

B. Dia-Compe, Inc., P.O. Box 798, Cane Creek North, Fletcher, N.C.

A. Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20006.

B. Southern Overseas Corp., P.O. Box 2110, Wilmington, N.C. 28402.

A. Louis C. Kramp & Associates, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Harrah's, Inc., P.O. Box 10, Reno, Nev. 89504.

A. Margaret L. Krome, National Legal Aid and Defender Association, 1625 K Street NW., 8th Floor, Washington, D.C. 20515.

B. National Legal Aid and Defender Association, 1625 K Street, 8th Floor, Washington, D.C. 20515.

A. John R. Kupferer, National Association of Home Manufacturers, 6521 Arlington Boulevard, Falls Church, Va. 22042.

B. National Association of Home Manufacturers, 6521 Arlington Boulevard, Falls Church, Va. 22042.

A. Dan Kuykendall, c/o DK Consultants, Inc., P.O. Box 40841, Washington, D.C. 20016.

B. Alpha 21 Corp., P.O. Box 4605, Midland, Tex. 79701.

A. Dan Kuykendall, c/o DK Consultants, Inc., P.O. Box 40841, Washington, D.C. 20016.

B. Grocery Manufacturers of America, 1010 Wisconsin Avenue NW., Washington, D.C.

A. James H. Lake, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

B. Nelson & Harding, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036 (for Western Growers Association).

A. B. A. Landy, 2700 Virginia Avenue NW., Washington, D.C. 20037.

A. Lane and Edson, 1800 M Street NW., Suite 400 South, Washington, D.C. 20036.

B. National Association of Home Manufacturers, 6521 Arlington Boulevard, Falls Church, Va. 22042.

A. League To Save Lake Tahoe, 2197 Lake Tahoe Boulevard, P.O. Box 10110, South Lake Tahoe, Calif. 95731.

A. Christine Le Blanc, 307 North Cushing Street, South Bend, Ind. 46616.

B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41071.

A. LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20036.

B. Ad Hoc Rail Shippers Group, 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20036.

A. Lee, Toomey & Kent, 1200 18th Street NW., Washington, D.C. 20036.

B. Specialty Advertising Association International, 1404 Walnut Hill Lane, Irving, Tex. 75062.

A. Legislative Associates, Inc., 1625 Massachusetts Avenue NW., Suite 505, Washington, D.C. 20036.

B. National Association of Temporary Services, 1001 Connecticut Avenue NW., Suite 932, Washington, D.C. 20036.

A. Joanna S. Lehane, 1120 19th Street NW., Suite 333, Washington, D.C. 20036.

B. Motor and Equipment Manufacturers Association, 1120 19th Street NW., Suite 333, Washington, D.C. 20036.

A. Leighton Conklin Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Milicom, Inc., Suite 5500, 153 East 53rd Street, New York, N.Y. 10022.

A. Leighton Conklin Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Professional Air Traffic Controllers Organization, 444 North Capitol Street NW., Washington, D.C. 20001.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. American Electric Power Service Corp., Two Broadway, New York, N.Y. 10004.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Boston Edison Co., 800 Boylston Street, Boston, Mass. 02199, et al.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Don Langenegger, Estate of Blanca Rosa Langenegger, Lanegger AG. Service, Inc., P.O. Box 575, First and Warehouse Avenue, Sunnyside, Wash. 98944.

A. Robert John Levering, 560 N Street SW., No. N502, Washington, D.C. 20024.

B. Direct Selling Association, 1730 M Street NW., Suite 610, Washington, D.C. 20036.

A. Lillick, McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036; 2 Embarcadero Center, San Francisco, Calif. 94111.

B. Pacific Maritime Association, 635 Sacramento Street, San Francisco, Calif. 94120.

A. Charles E. Lipsen, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

B. Hoffman, Hendry, Stoner, Sims & Sawicki, 215 East Central Boulevard, Orlando, Fla. 32801. (For: Global Exploration & Development Corp., 1414 Collins Avenue, Lakeland, Fla. 33801.)

A. Nira Hardon Long, Smothers, Douple, Gayton & Long, 1800 M Street NW., Suite 880 South, Washington, D.C. 20036.

B. National Black Media Coalition, 2027 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Robert S. Long, Clark Oil & Refining Corp., 1025 Connecticut Avenue NW., Suite 202, Washington, D.C. 20036.

B. Clark Oil & Refining Corp., 8530 West National Avenue, Milwaukee, Wis. 53227.

A. Claudia J. Louis, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. Charles Emmet Lucey, McDermott, Will & Emery, 1101 Connecticut Avenue NW., Suite 1201, Washington, D.C. 20036.

B. Food Fair, Inc., 6500 North Andrews Avenue, Ft. Lauderdale, Fla. 33309.

A. David C. Main Jr., Epstein, Becker, Borsody & Green, 1140 19th Street NW., Suite 900, Washington, D.C. 20036.

B. Epstein, Becker, Borsody & Green, 1140 19th Street NW., Suite No. 900, Washington, D.C. 20036 (for American Association of Professional Standard Review Organizations and American Associations of Foundations for Medical Care).

A. F. Anthony Maio, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.

B. First Wisconsin National Bank of Milwaukee, 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

A. Richard J. Mannix, Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.

B. The Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.

A. Philip N. Margolius, Suite 1105, Bender Building, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. Young Women's Christian Home, 235 Second Street NE., Washington, D.C. 20005.

A. Ronald Anthony Marks, 685 Northwest Eighth Street, Gresham, Oreg. 97030.

A. Chalmers Marquis, 475 L'Enfant Plaza, SW., Washington, D.C. 20024.

B. Association for Public Broadcasting, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

A. Marshall, Bratter, Greene, Allison & Tucker, 430 Park Avenue, New York, N.Y. 10022.

B. Cadillac Fairview U.S., Inc., c/o The Corporation Trust Co., 100 West 10th Street, Wilmington, Del. 19801.

A. Rose McCullough, Sierra Club, 715 South 14th Street, Lincoln, Nebr. 68508.

B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.

A. W. Curt McGee, 711 Ridge Drive, McLean, Va. 22101.

B. Bechtel National, Inc., 1620 I Street NW., Suite 703, Washington, D.C. 20006.

A. Christine E. McKechnie, 2550 M Street NW., Suite 770, Washington, D.C. 20037.

B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.

A. John McNally, Clean Water Action Project, 1341 G Street NW., Washington, D.C. 20005.

B. Clean Water Action Project, 1341 G Street NW., Washington, D.C. 20005.

A. Edward A. Merlis, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.

B. Tele-Press Associates, Inc., 342 East 79th Street, New York, N.Y. 10021 (for Japan Fisheries Association).

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.

B. Coalition of United States Citizens Award-Holders Against Czechoslovakia.

A. Harold E. Mesirow, Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Rotan Mosle, Inc., 1500 South Tower Pennzoil Place, Houston, Tex. 77002.

A. Harold E. Mesirow, Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Three R Trust, 702 Moody National Bank Tower, Galveston, Tex. 77550.

A. Andrice J. Michaels, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Association of Private Pension and Welfare Plans, Inc., 1725 K Street NW., Suite 801, Washington, D.C. 20006.

A. Richard L. Miller, 1700 North Moore Street, 20th floor, Rosslyn, Va. 22209.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

A. John G. Milliken, 2550 M Street NW., Suite 500, Washington, D.C. 20037.

B. Winston & Strawn, 2550 M Street NW., Suite 500, Washington, D.C. 20037 (for La-Choy Food Products, P.O. Box 220, 901 Stryker Street, Achbold, Ohio 43502).

A. Minerals Exploration Coalition, Inc., 790 West Tennessee Avenue, Suite 103, Denver, Colo. 80223.

A. Thomas B. Miranda, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Moery & Co., 1230 Kensington Road, McLean, Va. 22101.

B. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.

A. Kurt Mohay, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, Inc., 1957 E Street NW., Washington, D.C. 20006.

A. Gina A. Mondres, American Council for Free Asia, 418 C Street NE., Carriage House, Washington, D.C. 20002.

B. American Council for Free Asia, 418 C Street NE., Carriage House, Washington, D.C. 20002.

A. Powell A. Moore, 1155 15th Street NW., No. 424, Washington, D.C. 20005.

B. Rheinmetall GMBH, Ulmmenstrasse 125, 4000 Dusseldorf, FRG.

A. Motor & Equipment Manufacturers Association, 1120 19th Street NW., Suite 333, Washington, D.C. 20036.

A. Richard J. Muller, Chrysler Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Chrysler Corp., 12000 Lynn Townsend Drive, Highland Park, Mich. 48288.

A. Clifford M. Naeve, 2550 M Street NW., Suite 770, Washington, D.C. 20037.

B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.

A. Bernard Nash, Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.

B. Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y. 10019.

A. Bernard Nash, 1015 18th Street NW., Washington, D.C. 20036.

B. General Electric Co., 3125 Easton Turnpike, Building WS-23, Fairfield, Conn. 06431.

A. Maureen Nash, 6738 Allview Drive, Columbia, Md. 21046.

B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

A. Frances E. Nathan, New York Public Library, 8 East 40th Street, New York, N.Y. 10016.

B. New York Public Library, Fifth Avenue and 42d Street, New York, N.Y. 10018.

A. National Association of Home Manufacturers, 6521 Arlington Boulevard, Falls Church, Va. 22042.

A. National Association of Private Enterprise (Asociación Nacional de la Empresa Privada ANEP) Alameda Roosevelt 2827, San Salvador, El Salvador.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.

B. Toy Manufacturers of America, Inc., 200 Fifth Avenue, New York, N.Y. 10010.

A. National Family Farm Coalition, 918 F Street NW., Washington, D.C. 20004.

A. National Manufactured Housing Federation, 1310 New Hampshire Avenue NW., Suite 1007, Washington, D.C. 20036.

A. National Premium Sales Executives, Inc,. 1600 Route 22, Union, N.J. 07083.

A. National Venture Capital Association, 2030 M Street NW., Washington, D.C. 20036.

A. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

A. Stanley Nehmer, Suite 600, 1320 19th Street NW., Washington, D.C. 20036.

B. Lead-Zinc Producers Committee, Suite 600, 1320 19th Street NW., Washington, D.C. 20036.

A. Denis M. Neill, 6305 Blackwood Road, Bethesda, Md. 20034.

B. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.

A. Elizabeth Colette Nelson, Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Washington, D.C. 20001.

B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Washington, D.C. 20001.

A. Sharon Newsome, Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.

B. Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. David Fasken, c/o Hunker-Fedric, Box 1837, Roswell, N. Mex. 88201.

A. Patrick C. O'Connor, Kent & O'Connor, Inc., 303 East Wacker Drive, Suite 1910, Chicago, Ill. 60601.

B. American Supply Association, 221 North LaSalle Street, Chicago, Ill. 60601.

A. Austin P. Olney, 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20036.

B. LeBoeuf, Lamb, Leiby & MacRae, (for Ad Hoc Rail Shippers Group), 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20036.

A. Donald K. O'Neill, TRW, Inc., 2030 M Street NW., Washington, D.C. 20036.

B. TRW, Inc., Suite 800, 2030 M Street NW., Washington, D.C. 20036.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. Allegheny County Commission, 119 Courthouse, Room 101, Pittsburgh, Pa. 15219.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. Chicago Board of Trade Clearing Corp., 141 West Jackson, Chicago, Ill. 60604.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. Republic National Bank of New York, Fifth Avenue at 40th Street, New York, N.Y. 10018.

A. Michel Orban, American Express Co., 1700 K Street NW., Washington, D.C. 20006.

B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. Robert H. Overmyer, 818 C Street SE., Washington, D.C. 20037.

B. Committee for Humane Legislation, 11 West 60th Street, New York, N.Y. 10003.

A. John David Padgett, 729 South Leaf Drive, Virginia Beach, Va. 23462.

B. The Conservative Caucus, 7777 Leesburg Pike, Falls Church, Va. 22043.

A. William G. Painter, Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.

B. Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.

A. John N. Parker, 1100 Connecticut Avenue NW., Suite 620, Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

A. Renee Parsons, 530 Seventh Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 530 Seventh Street SE., Washington, D.C. 20003.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. American Pharmaceutical Association, 2215 Constitution Avenue NW., Washington, D.C. 20037.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. The Business Round Table, 1801 K Street NW., Washington, D.C.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Dillingham Corp., P.O. Box 3288, Honolulu, Hawaii 96801.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. International Cogeneration Society, 1111 19th Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Korf Industries, Inc., 2900 NCNB Plaza, Charlotte, N.C.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. The Merchants National Bank of Mobile, Merchants National Bank Building, P.O. Box 2527, Mobile, Ala. 36622.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. National Association of Chain Drug Stores, 413 North Lee Street, Alexandria, Va. 22314.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. SSIE Council to Protect Earned Employment Rights, Smithsonian Science Information Exchange, 1730 M Street NW., Washington, D.C. 20036.

A. Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.

A. Humberto R. Pena, Bristol-Myers Co., 1155 15th Street NW., Washington, D.C. 20005.

B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.

B. Boise Redevelopment Agency, Boise, Idaho 83701.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.

B. TRAIN (Transportation by Rail for Agriculture & Industrial Needs), No. 200, 1776 F Street NW., Washington, D.C. 20006.

A. Todd A. Peterman, American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.

B. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.

A. Peterson, Engberg & Peterson, 1730 M Street NW., Washington, D.C. 20036.

B. Federated Research Corp., 421 Seventh Avenue, Pittsburgh, Pa. 15219.

A. Marshall A. Pharr, 6103 Adirondak, Amarillo, Tex. 79106.

B. Southwestern Public Service Co., P.O. Box 1261, Amarillo, Tex. 79170.

A. Susan L. Phillips, Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

A. Paul E. Pierce, 2021 K Street NW., Suite 303, Washington, D.C. 20006.

B. Service Station Dealers of America, Inc., 2021 K Street NW., Suite 303, Washington, D.C. 20006.

A. Pierson Semmes Crolius and Finley, 1054 31st Street NW., Washington, D.C. 20007.

B. Edgington Oil Co., Inc., 2400 East Artesia Boulevard, Long Beach, Calif. 90805.

A. Pierson Semmes Crolius and Finley, 1054 31st Street NW., Washington, D.C. 20007.

B. Independent Refiners' Association of California, 900 Wilshire Boulevard, Los Angeles, Calif. 90048.

A. Pillsbury, Madison & Sutro, Suite 450, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Venture Capital Association, 2030 M Street NW., Washington, D.C. 20036.

A. Ronald L. Plesser, Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.

B. Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y. 10019.

A. Michael A. Poling, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.

B. American Waterways Shipyard Conference, Suite 1101, 1600 Wilson Boulevard, Arlington, Va. 22209.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.

B. Employers Reinsurance Corp., 21 West 10th Street, Kansas City, Mo. 64105.

A. Robert A. Propf, Geo. A. Hormel & Co., 203 20th Street SW., Austin, Minn. 55912.

B. Geo. A. Hormel & Co., Box 800, Austin, Minn. 55912.

A. John V. Rainbolt, 1800 K Street NW., Suite 926, Washington, D.C. 20006.

B. MidAmerican Commodity Exchange, 125 West Jackson Boulevard, Chicago, Ill. 60604.

A. Craig J. Rancourt, 5 Washington Street, Biddeford, Maine 04005.

B. American Association of Classified School Employees, 6805 Oak Creek Drive, Columbus, Ohio 43229.

A. Howard W. Randolph, Jr., Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.

A. Carol Raulston, American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Charlotte T. Reid, 200 North Pickett Street, Alexandria, Va.

B. Volunteer Trustees of Not-for-Profit Hospitals, 2550 M Street, Suite 405, Washington, D.C. 20037.

A. Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.

B. Northeast Utilities Service Co., P.O. Box 270, Hartford, Conn. 06101.

A. Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.

B. South Carolina Electric & Gas Co., P.O. Box 764, Columbia, S.C. 29202.

A. Thomas K. Reinhard, International Trading Associates, Inc., 2033 M Street NW., Suite 802, Washington, D.C. 20036.

B. International Trading Associates, Inc., 2033 M Street NW., Suite 802, Washington, D.C. 20036.

A. Richard A. Rice, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

B. National Lifestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

A. Douglas B. Richardson, 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.

B. Council of Energy Resource Tribes, 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.

A. Willi Roelli, Coffee, Sugar & Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.

B. Coffee, Sugar & Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.

A. Teno Roncalio, P.O. Box 1707, Cheyenne, Wyo. 82001.

B. Northwest Alaskan Pipeline Co., 1801 K Street NW., Washington, D.C. 20036, and Colorado Interstate Gas Co., P.O. Box 1087, Colorado Springs, Colo. 80944.

A. Teno Roncalio, P.O. Box 1707, Cheyenne, Wyo. 82001.

B. State of Wyoming, Capitol Building, Cheyenne, Wyo. 82002.

A. Thomas Root, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Rose, Schmidt, Dixon, Hasley, Whyte & Hardesty, 1575 I Street NW., Suite 500, Washington, D.C. 20005.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

A. Michael J. Rourke, 2 Paragon Drive, Montvale, N.J. 07645.

B. The Great Atlantic & Pacific Tea Co., Inc., 2 Paragon Drive, Montvale, N.J. 07645.

A. Ruder & Finn, 2020 K Street NW., Suite 270, Washington, D.C. 20006.

B. National Distillers and Chemical Corp., 99 Park Avenue, New York, N.Y. 10016.

A. Barry Russell, 1101 Sixteenth Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 Sixteenth Street NW., Washington, D.C. 20036.

A. Henry Ruth, Suite 800, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue, Suite 800, Washington, D.C. 20007.

A. Robert P. St. Louis, 2550 M Street NW., Suite 225, Washington, D.C. 20037.

B. Congoleum Corp., P.O. Box 1232, Milwaukee, Wis. 53201.

A. Sammons Enterprises, Inc., 403 South Akard, Dallas, Tex. 75202.

A. Henry J. Sandri, Jr., Suite 600, 1320 19th Street NW., Washington, D.C. 20036.

B. Lead-Zinc Producers Committee, Suite 600, 1320 19th Street NW., Washington, D.C. 20036.

A. Lawrence H. Sawyer, General Mills, Inc., 1200 New Hampshire Avenue NW., Suite 370, Washington, D.C. 20036.

B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.

A. Kenneth D. Schanzer, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

A. Harry K. Schwartz, 1800 M Street NW., Suite 400 South, Washington, D.C. 20036.

B. City of Philadelphia, Department of Commerce, 1650 Municipal Services Building, Philadelphia, Pa. 19107.

A. Harry K. Schwartz, 1800 M Street NW., Suite 400 South, Washington, D.C. 20036.

B. Pennsylvania Manufactured Housing Association, P.O. Box 248, New Cumberland, Pa. 17070.

A. Deirdre S. Searles, Datapoint Corp., 7900 Callahan Drive, San Antonio, Tex. 78284.

B. Datapoint Corp., 9725 Datapoint Drive, San Antonio, Tex. 78284.

A. SENSE, Inc., Suite 421, 1010 Vermont Avenue NW., Washington, D.C. 20005.

A. Sarah Setton, 1511 K Street NW., Washington, D.C. 20005.

B. The Sugar Association, Inc., 1511 K Street NW., Washington, D.C. 20005.

A. Seward & Kissel, 1737 H Street NW., Washington, D.C. 20006.

B. A. W. Jones Co., 26 Broadway, New York, N.Y.; Avalon, 140 Broadway, New York, N.Y.; Jubilee, 140 Broadway, New York, N.Y.

A. Lynn E. Shapiro, Epstein Becker Borsody & Green, 1140 19th Street NW., Suite 900, Washington, D.C. 20036.

B. Epstein Becker Borsody & Green, 1140 19th Street NW., Suite 900, Washington, D.C. 20036.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. The General Contractors Association, N.Y., 60 East 42d Street, New York, N.Y. 10017.

A. Kathleen Dillon Sheekey, 1012 14th Street NW., Suite 901, Washington, D.C. 20005.

B. Consumer Federation of America, 1012 14th Street NW., Suite 901, Washington, D.C. 20005.

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B. National Family Farm Coalition, 918 F Street NW., Washington, D.C. 20004.

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A. Carlton R. Sickles, 1003 K Street NW., Washington, D.C. 20001.
B. United Van Bus Delivery Co., Minneapolis, Minn.

A. Mark A. Siegel, 12614 Laurie Drive, Silver Spring, Md. 20904.
B. Couzens Distribution System, 6600 South River Road, Hodgkins, Ill. 60525.

A. Leslie D. Simon, 1801 K Street NW., Washington, D.C. 20006.
B. International Business Machines Corp., Old Orchard Road, Armonk, N.Y. 10504.

A. Richard M. Skutt, 1366 Joliet Place, Detroit, Mich. 48207.
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B. National Association of Housing Cooperatives, 1012 14th Street NW., No. 805, Washington, D.C. 20005.

A. Slover & Loftus, 1224 17th Street NW., Washington, D.C. 20036.
B. Western Coal Traffic League, Denver, Colo. 80110.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. Kansas City, Mo., through Federal Relations Associates, 400 North Capitol Street NW., Suite 368, Washington, D.C. 20001.

A. Kathleen Gramp Smith, 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.
B. Council of Energy Resource Tribes, 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.

A. Barrett Stambler, Solar Lobby, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Solar Lobby, 1001 Connecticut Avenue NW., No. 510, Washington, D.C. 20036.

A. William N. Steele, 1700 North Moore Street, Rosslyn, Va. 22209.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Rule of Law Committee, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Michelle Sternfeld, National Association of Truck Stop Operators, Inc., Suite 501, 700 North Fairfax Street, Alexandria, Va. 22313.
B. National Association of Truck Stop Operators, Inc., Suite 501, 700 North Fairfax St., Alexandria, Va. 22313.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Warburg, Pincus Capital Corp., 277 Park Avenue, New York, N.Y. 10017.

A. J. Mitchell Summers, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Armco, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Peter B. Summerville, Hill and Knowlton, 1425 K Street NW., Washington, D.C. 20005.
B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.
B. Gulf & Western Industries, Inc., One Gulf & Western Plaza, New York, N.Y. 10023.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Sandersville Railroad Co., P.O. Box 269, Sandersville, Ga. 31082.

A. Sutin, Thayer & Browne, P.O. Box 1945, Albuquerque, N. Mex. 87103.
B. Taxation & Revenue Department, P.O. Box 630, Santa Fe, N. Mex. 87509.

A. William W. Suttle, American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. A. B. Swindell IV, P.O. Box 2635, Raleigh, N.C. 27602.
B. North Carolina Railroad Association, P.O. Box 2635, Raleigh, N.C. 27602.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006).

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio, 45202 (for Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910).

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Washington Magazine, Inc., ℅ Frank Bernstein, Conaway & Goldman, 1300 Mercantile Bank & Trust Building, Baltimore, Md. 21201).

A. Dennis J. Taylor, Bennett & Taylor, 3238 Prospect Street NW., Washington, D.C. 20007.
B. Committee on Federal Contracting Practices, 1730 Pennsylvania Avenue NW., No. 1200, Washington, D.C. 20006.

A. Dennis J. Taylor, Bennett & Taylor, 3238 Prospect Street NW., Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Washington, D.C. 20007.

A. B. W. Teague, Central Power and Light Co., P.O. Box 2121, Corpus Christi, Tex. 78403.
B. Central Power and Light Co., P.O. Box 2121, Corpus Christi, Tex. 78403.

A. Bryan Thomas, 1467 A Atkins Avenue, Lancaster, Pa. 17603.
B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

A. Charles P. Thompson, Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.
B. Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.

A. Thompson, Hine & Flory, 900 17th Street NW., Washington, D.C. 20006.
B. Seaboard Allied Milling Corp., P.O. Box 19148, Kansas City, Mo. 64141; Dixie-Portland Flour Mills, Inc., P.O. Box 17236, Memphis, Tenn. 38117; ADM Milling Co., P.O. Box 7007, Overland Park, Kans. 66207.

A. William R. Thornhill, P.O. Box 2511, Houston, Tex. 77001.
B. Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, Tex. 77001.

A. D. Whitney Thornton II, Sullivan & Beauregard, 1800 M Street NW., Suite 925, Washington, D.C. 20036.
B. Flyer Industries Ltd., Box 245, Transcona P.O., Winnipeg, Manitoba, Canada R2C 3T4.

A. Victor Thuronyi, 6830 North Fairfax Drive, Arlington, Va. 22213.
B. Taxation with Representation, 6830 North Fairfax Drive, Arlington, Va. 22213.

A. Judith M. Tiehen, 1405 Madison Street, Bellevue, Nebr. 68005.
B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

A. Edward Tonat, 6723 Brigadoon Drive, Bethesda, Md. 20034.
B. Robert Goff & Associates Inc., 607 Bremer Building, St. Paul, Minn. 55101.

A. Leonard M. Trosten, 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20036.
B. LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20036 (for Ad Hoc Rail Shippers Group).

A. Updike, Kelly & Spellacy, 1111 19th Street NW., Washington, D.C. 20036.
B. Danbury Airways, Inc.

A. David T. Van Camp, Chevron, U.S.A., Inc., 1700 K Street NW., Suite 1204, Washington, D.C. 20006.
B. Chevron, U.S.A., Inc. (a subsidiary of Standard Oil of California), 1700 K Street NW., Suite 1204, Washington, D.C. 20006.

A. C. D. Van Houweling, P.O. Box 69, Centreville, Va. 22020.
B. National Pork Producers Council, Des Moines, Iowa 50306.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Committee on Status and Transition, Seventh Palauan Legislature, P.O. Box 8, Koror, Palau, Western Caroline Islands 96940.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Florida Agriculture Coalition, Inc., 249 Royal Palm Way, Palm Beach, Fla. 33480.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 1000 16th Street NW., Washington, D.C. 20036.

A. A. Randall Vehar, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Coalition of United States Citizen Award-Holders Against Czechoslovakia.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Washington, D.C. 20036.
B. Labor-Industry Coalition for International Trade, ℅ Alan Wm. Wolff, Suite 1100, 1660 L Street NW., Washington, D.C. 20036.

A. Karen Lynn Vigneux, 125 West Locust Street, DeKalb, Ill. 60115.
B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

A. Walter D. Vinyard, Jr., Alston, Miller & Gaines, 1800 M Street NW., Washington, D.C. 20036.
B. Hartford Fire Insurance Co., Hartford, Conn. 06115.

A. Linda Wade, Sierra Club, 2410 Beverly Boulevard, Suite 2, Los Angeles, Calif. 90057.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Airco, Inc., 100 Mountain Avenue, Murray Hill, N.J. 07974.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Can Co., American Lane 1A9, Greenwich, Conn. 06830.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Anheuser-Busch, Inc., 727 North First Street, St. Louis, Mo. 63102.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Ashland Chemical, P.O. Box 2219, Columbus, Ohio 43216.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. BASF Wyandotte Corp., 100 Cherry Hill Road, Parsippany, N.J. 07054.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Board of Trade of the City of Chicago, 141 West Jackson Boulevard, Chicago, Ill. 60604.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Board of Trade Clearing Corp., 141 West Jackson Boulevard, Chicago, Ill. 60604.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Chicago Mercantile Exchange, 444 West Jackson Boulevard, Chicago, Ill. 60606.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Commodity Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Crown Zellerbach Corp., 1 Bush Street, San Francisco, Calif. 94119.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue, NW., Washington, D.C. 20006.
B. FMC Corp., 2000 Market Street, Philadelphia, Pa. 19103.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue, NW., Washington, D.C. 20006.
B. Hercules, Inc., 910 Market Street, Wilmington, Del. 19899.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue, NW., Washington, D.C. 20006.
B. Kaiser Aluminum & Chemical Corp., 900 17th Street, NW., Suite 1000, Washington, D.C. 20006.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue, NW., Washington, D.C. 20006.
B. Olin Corp., 120 Lake Ridge Road Stamford, Conn. 06904.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue, NW., Washington, D.C. 20006.
B. Owens Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43569.

A. Jean M. Wallace, 1370 Bluejay Drive, Pittsburgh, Pa. 15243.
B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

A. Maureen Walls, 2102 Rhawn Street, Philadelphia, Pa. 19152.
B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

A. Eleanor Walters, 317 Pennsylvania, SE., Washington, D.C.
B. Environmental Policy Center, 317 Pennsylvania Avenue, SE., Washington, D.C.

A. Barbara Wanner, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Richard D. Warden, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 1757 N Street NW., Washington, D.C. 20036.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.

A. Jack R. Wehrly, Dow Corning Corp., 1800 M Street NW., Suite 710 South, Washington, D.C. 20036.
B. Dow Corning Corp., Midland, Mich. 48640.

A. Western Coal Traffic League, 1224 17th Street NW., Washington, D.C. 20036.

A. F. Helmut Weymar, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, Eighth Floor, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, Eighth Floor, New York, N.Y. 10048.

A. Curtis E. Whalen, P.O. Box 44, Winter Park, Fla. 32790.
B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.

A. June M. Whelan, Suite 810, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Union Pacific Corp., 345 Park Avenue, New York, N.Y. 10022.

A. Clem White, DSM, North America and Affiliates, P.O. Box 1483, Augusta, Ga.
B. DSM, North America, Inc., Nipro, Inc. and Columbia Nitrogen Corp., P.O. Box 1483, Augusta, Ga.

A. Bennett C. Whitlock, Jr., American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Wickham & Craft, Suite 1100, 1050 17th Street NW., Washington, D.C. 20036.
B. Association of Oil Pipe Lines, Suite 1208, 1725 K Street NW., Washington, D.C. 20006.

A. N. Faye Widenmann, Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.
B. Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Consolidated Foods Corp., 135 South La-Salle Street, Chicago, Ill 60603.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Krause Milling Co., P.O. Box 1156, Milwaukee, Wis. 53201.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Newport Pharmaceuticals International Inc., 1590 Monrovia Boulevard, Newport Beach, Calif. 92660.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Olympia & York Developments Limited, 1 1st Canadian Place, Toronto, Ontario, Canada.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Olympia & York Equity Corp., 245 Park Avenue, New York, N.Y.

A. Margie R. Williams, 415 Second Street NE, Suite 300, Washington, D.C. 20002.
B. National Association of Wheat Growers, 415 Second Street NE., Washington, D.C. 20002.

A. Louise V. Winstead, Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

A. Patrick Witmer, 1322 Meadowbrook Lane, Lancaster, Pa. 17603.
B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

A. Wolf, Block, Schorr & Solis-Cohen, 1100 Connecticut Avenue NW., No. 920, Washington, D.C. 20036.
B. The Meadville Corp., 44 West Lancaster Avenue, Ardmore, Pa. 19003.

A. Women's Party for Survival, Santa Barbara Chapter, % J. Rothlein, 2306 Cliff Drive, Santa Barbara, Calif. 93109.

A. Edward A. Woolley, 30 Rockefeller Plaza, Suite 3420, New York, N.Y. 10112.
B. CTI Container Transport International, Inc., 445 Hamilton Avenue, White Plains, N.Y. 10601, et al.

A. John Andrew Young, Suite 207, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Nueces County Navigation District No. 1, 222 Power Street, Corpus Christi, Tex.

A. Thomas K. Zaucha, Cooperative Food Distributors of America, 1910 K Street NW., Suite 700, Washington, D.C. 20006.
B. Cooperative Food Distributors of America, 1910 K Street NW., Suite 700, Washington, D.C. 20006.

A. R. L. Dusty Zaunbrecher, 1412 16th Street NW., Washington, D.C. 20036.
B. International Association of Fish and Wildlife Agencies, 1412 16th Street NW., Washington, D.C. 20036.

A. Jerome M. Zeifman, National Senior Citizens Law Center, 1424 16th Street NW., Suite 300, Washington, D.C. 20036.
B. National Senior Citizens Law Center, 1424 16th Street NW., Suite 300, Washington, D.C. 20036.

A. Frances Zwenig, Center to Protect Workers' Rights, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
B. Center to Protect Workers' Rights, 815 16th Street NW., Suite 603, Washington, D.C. 20006.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the second calendar quarter 1980:

File One Copy With the Secretary of the Senate and File Two Copies With the Clerk of the House of Representatives:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

Place an "X" Below the Appropriate Letter or Figure in the Box at the Right of the "Report" Heading Below:

"Preliminary" Report ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"Quarterly" Report: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19______ ◄

REPORT

Pursuant to Federal Regulation of Lobbying Act

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Note on Item "A".—(a) In General. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) Separate Reports. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. Organization or Individual Filing:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

Note on Item "B".—*Reports by Agents or Employees*. An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. Employer.—State name, address, and nature of business. If there is no employer, write "None."

Note on Item "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. Legislative Interests, and Publications in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

NOTE ON ITEM "D."—(*a*) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $________Dues and assessments
2. $________Gifts of money or anything of value
3. $________Printed or duplicated matter received as a gift
4. $________Receipts from sale of printed or duplicated matter
5. $________Received for services (e.g., salary, fee, etc.)

6. $________TOTAL for this Quarter (Add items "1" through "5")
7. $________Received during previous Quarters of calendar year

8. $________TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $________TOTAL now owed to others on account of loans
10. $________Borrowed from others during this Quarter
11. $________Repaid to others during this Quarter

12. $________"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": ________

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through __________________, 19____)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $________Public relations and advertising services
2. $________Wages, salaries, fees, commissions (other than item "1")
3. $________Gifts or contributions made during Quarter
4. $________Printed or duplicated matter, including distribution cost
5. $________Office overhead (rent, supplies, utilities, etc.)
6. $________Telephone and telegraph
7. $________Travel, food, lodging, and entertainment
8. $________All other expenditures

9. $________TOTAL for this Quarter (Add "1" through "8")
10. $________Expended during previous Quarters of calendar year

11. $________TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $________TOTAL now owed to person filing
13. $________Lent to others during this Quarter
14. $________Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

A. Robert J. Aagre, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $1,040. E. (9) $243.40.

A. Paul C. Abenante, Suite 850, 2020 K Street NW., Washington, D.C. 20006.

B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.

D. (6) $195. E. (9) $4.25

A. Thomas G. Abernethy, 3973 Stuart Place, Jackson, Miss. 39211.

B. United States Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.

D. (6) $1,500.

A. Abourezk, Shack & Mendenhall, 1129 20th Street NW., Suite 500, Washington, D.C. 20036.

B. Eazor Express, Inc., Eazor Square, Pittsburgh, Pa. 15201.

D. (6) $275.

A. Abourezk, Shack & Mendenhall, 1129 20th Street NW., Suite 500, Washington, D.C. 20036.

B. Kootznoowoo, Inc., P.O. Box 116, Angoon, Alaska 99820.

A. Abourezk, Shack & Mendenhall, 1129 20th Street NW., Suite 500, Washington, D.C. 20036.

B. Seneca-Cayuga Tribe of Oklahoma, P.O. Box 1283, Miami, Okla. 74354.

A. Abourezk, Shack & Mendenhall, 1129 20th Street NW., Suite 500, Washington, D.C. 20036.

B. Ukpeagvik Inupiat Corp., P.O. Box 427, Barrow, Alaska 99723.

D. (6) $85.

A. James P. Abraham, 231 North Macomb Street, Valentine, Nebr. 69201.

B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

E. (9) $313.

A. Albert E. Abrahams, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611 and 925 15th Street NW., Washington, D.C. 20005.

D. (6) $5,875. E. (9) $413.43.

A. ACLI International Inc., 717 Westchester Avenue, White Plains, N.Y. 10604.

A. Action for Children's Television, 46 Austin Street, Newtonville, Mass. 02160.

D. (6) $20,579.26. E. (9) $4,522.59.

A. Actors Equity Association, 165 West 46th Street, New York, N.Y. 10036.

D. (6) $2,500. E. (9) $2,500.

A. Bruce Adams, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $6,400.02.

A. John J. Adams, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.

A. John J. Adams, 1919 Pennsylvania Avenue NW., Suite 700, Washington, D.C. 20006.

B. Vepco, Seventh and Franklin Streets, Richmond, Va.

D. (6) $552.50.

A. Kenneth R. Adams, Volkswagen of America, Inc., 475 L'Enfant Plaza SW., Suite 2430, Washington, D.C. 20024.

B. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092.

D. (6) $300.

A. Raymond T. Adams, 1725 K Street NW., Suite 909, Washington, D.C. 20006.

B. The Superior Oil Co. and Superior Farming Co., 1725 K Street NW., Washington, D.C. 20006.

A. Thomas L. Adams, Jr., 1101 15th Street NW., Washington, D.C. 20005.

B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. Hobson H. Adcock, Pepsico, Inc., 700 Anderson Hill Road, Purchase, N.Y. 10577.

B. Pepsico, Inc., 700 Anderson Hill Road, Purchase, N.Y. 10577.

D. (6) $600.

A. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.

D. (6) $14,245.05.

E. (9) $14,215.05.

A. Donald G. Agger, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France), 1225 19th Street NW., Washington, D.C. 20036.

A. Donald G. Agger, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20005.), 1225 19th Street NW., Washington, D.C. 20036.

A. Donald G. Agger, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Government of Morocco, Rabat, Morocco), 1225 19th Street NW., Washington, D.C. 20036.

A. Donald G. Agger, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Sofreavia, 75 rue la Boetie Paris 8eme, France), 1225 19th Street NW., Washington, D.C. 20036.

A. Robert S. Agman, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $1,187.50. E. (9) $10.51.

A. Agreement 10109, 1 World Trade Center, Suite 2811. New York, N.Y. 10049.

E. (9) $27.90.

A. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

D. (6) $15,643. E. (9) $20.

A. Randolph H. Aires, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.

B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.

D. (6) $650. E. (9) $30.30.

A. G. Colburn Aker, Hill & Knowlton, Inc., 1425 K Street NW., No. 1000, Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Alaska Interstate Co., 2200 Post Oak Tower, 5051 Westheimer Road, Houston, Tex. 77056.

D. (6) $100.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Alaskan Petrochemical Co., 3700 Buffalo Speedway, Houston, Tex. 77098.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., No. 400, Washington, D.C. 20036.

B. American Petroleum Partners, 350 N Saint Paul, Dallas, Tex. 75201.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., No. 400, Washington, D.C. 20036.

B. Brooklyn Industrial Development Corp., 2 Belmont Avenue, Rye, N.Y. 10580.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. City of Houston, City Hall, Houston, Tex. 77001.

D. (6) $15,000.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. The Coastal Corp., 9 Greenway Plaza, Houston, Tex. 77046.

D. (6) $25,000.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Contract Carrier Conference, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $300.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Deloitte, Haskins & Sells, 1114 Avenue of the Americas, New York, N.Y. 10036.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. E & J Gallo Winery, P.O. Box 1130. Modesto, Calif. 95353.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Energol Corp., Inc., P.O. Box 91246 Seattle, Wash. 98108.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Filmways, Inc., 2049 Century Park East, Los Angeles, Calif. 90067.

D. (6) $3,000.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. General Cryogenics, Inc., 2524 Rodney Lane, Dallas, Tex. 75229.

D. (6) $200.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Goldston Oil Corp., P.O. Box 22568, Houston, Tex. 77027.

D. (6) $750.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Leaseway Transportation Corp., 21111 Chagrin Boulevard, Cleveland, Ohio 44122.
D. (6) $300.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Louisiana Alcohol Fuel Co., 1102 Sixth Street, New Orleans, La. 70115.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. MAPCO, Inc., 1800 South Baltimore Avenue, Tulsa, Okla. 74119.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Metropolitan Transit Authority of Harris County, P.O. Box 61429, Houston, Tex. 77208.
D. (6) $15,000.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. New Energy Corp. of Indiana, 915 15th Street NW., Suite 200, Washington, D.C. 20005.
D. (6) $1,000.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Northwest Alaskan Pipeline Co., 1801 K Street NW., No. 901, Washington, D.C. 20006.
D. (6) $300.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Northwest Pipeline Co., 314 East Second South, Salt Lake City, Utah 84111.
D. (6) $150.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Ringling Bros. Barnum & Bailey Combined Shows, Inc., 1015 18th Street NW., Washington, D.C. 20036.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Saber Refining Co., 1700 Houston Natural Gas Building, Houston, Tex. 77002.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Shearson Loeb Rhoades, 15 Wall Street, Ninth Floor, New York, N.Y. 10005.
D. (6) $500

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Sun Company, Inc., 1608 Walnut Street, Philadelphia, Pa. 19103.
D. (6) $1,000.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Sun Pipe Line Co., P.O. Box 2039, Tulsa, Okla. 74102.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Sun Ship, Inc., Morton Avenue, Chester, Pa. 19013.
D. (6) $400.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Texas Bankers Association, 203 West Tenth Street, Austin, Tex. 78701.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Valley View Bank, P.O. Box 30100, Dallas, Tex. 75230.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Vickers Petroleum Corp., P.O. Box 2240, Wichita, Kan. 67201.
D. (6) $500.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Waterman Steamship Corp. 1133 15th Street NW., Suite 1130, Washington, D.C. 20005.
D. (6) $400.

A. Alaska Coalition, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $25,829.27. E. (9) $29,801.48.

A. Joan H. Albert, National Association of Casualty & Surety Agents, 600 Pennsylvania Avenue SE., Suite 202, Washington, D.C. 20003.
B. National Association of Casualty & Surety Agents, 5225 Wisconsin Avenue NW., Washington, D.C. 20015.
D. (6) $1,325. (9) $99.35.

A. James J. Albertine, Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $300.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 N Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Air Florida, A.M.F.P.O. 592337, Miami, Fla. 33159.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 N. Fort Myer Drive, Suite 1204, Rossyln, Va. 22209.
B. American Fishing Tackle Manufacturers Association, 2625 Clearbrook Drive, Arlington Heights, Ill. 60005.
D. (6) $4,500.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 N. Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Associated Industries of Florida, 203 S. Adams Street, Tallahassee, Fla. 23202.
D. (6) $3,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. The Brunswick Corp., 1 Brunswick Plaza, Skokie, Ill. 60076.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Computer Sciences Corp., 650 North Sepulveda Boulevard, El Segundo, Calif. 90245.
D. (6) $3,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. The Continental Group, Inc., 1 Harbor Plaza, Stamford, Conn.
D. (6) $5,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Newspaper-Broadcaster Committee, P.O. Box 3412, San Francisco, Calif. 94119.
D. (6) $7,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Pan American World Airways, Inc., Pan Am Building, New York, N.Y. 10017.
D. (6) $3,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Pratt & Whitney Aircraft Group, 400 Main Street, East Hartford, Conn.
D. (6) $12,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Tampa Electric Co., P.O. Box 111, Tampa, Fla. 33601.
D. (6) $1,500.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Tampa Port Authority, P.O. Box 2192, Tampa, Fla. 33601.
D. (6) $3,600.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Jim Walter Corp., P.O. Box 22601, Tampa, Fla. 33622.
D. (6) $3,000.

A. Alderson, Ondov, Leonard & Sween, 105 East Oakland Avenue, Austin, Minn. 55912.
B. The Hormel Foundation, Austin, Minn. 55912.

A. Claude D. Alexander, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $154.36.

A. Donald C. Alexander, Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.
B. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800 N, Washington, D.C. 20036.
D. (6) $7.50.

A. Donald C. Alexander, 1800 M Street NW., Suite 800-N, Washington, D.C. 20036.
B. Morgan, Lewis & Bockius, 1800 M Street NW., Suite 800-N, Washington, D.C. 20036. For Evans Products, 1121 SW. Salmon Street, Portland, Oreg. 97208.
D. (6) $400.

A. Willis W. Alexander, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,500. E. (9) $19.26.

A. Barbara Alger, 728 Hardin, Aurora, Ill. 60506.
B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.
E. (9) $181.

A. Maxton M. Allcox, Brotherhood of Maintenance of Way Employes, 400 First Street NW., Room 801, Washington, D.C. 20001.
B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.
D. (6) $22,806.48.

A. Robert D. Allen, 2845 Summit Drive, Hillsborough, Calif. 94010.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
E. (9) $5,795.90.

A. Alliance to Save Energy, 1925 K Street NW., Suite 507, Washington, D.C. 20006.

A. Jonathan Alter, The Save the Dunes Council, 308 Second Street, Washington, D.C.
B. The Save the Dunes Council, Box 114, Beverly Shores, Ind. 46301.
D. (6) $1,925. E. (9) $697.46.

A. Richard H. Altman, 444 North Capitol Street NW., Suite 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., Suite 412, Washington, D.C. 20001.
D. (6) $1,100.

A. Ricardo R. Alvarado, 6108 Fort Hunt Road, Alexandria, Va. 22307.
B. Lockheed Corp., P.O. Box 551, Burbank, Calif.
D. (6) $1,660. E. (9) $481.74.

A. Robert Alvarez, Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,499.99.

A. Amalgamated Transit Union, AFL–CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. John O. Ambler, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
E. (9) $63.58.

A. American Academy of Family Physicians, 1740 West 92d Street, Kansas City, Mo. 64114.
E. (9) $5,980.79.

A. American Arts Alliance, 424 "C" Street NE., Washington, D.C. 20002.
D. (6) $32,445. E. (9) $56,994.90.

A. American Association for Respiratory Therapy, 1720 Regal Row, Dallas, Tex. 75235.
D. (6) $2,552. E. (9) $9,610.76.

A. American Association of Foundations for Medical Care, 11325 Seven Locks Road, Potomac, Md. 20854.

A. American Association of Homes for the Aging, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.
D. (6) $2,822. E. (9) $2,822.

A. American Association of Meat Processors, 224 East High Street, Elizabethtown, Pa. 17022.
D. (6) $54.38. E. (9) $44.05.

A. American Association of Ophthalmology, 1100 17th Street, NW., Washington, D.C. 20036.
E. (9) $10,111.01.

A. American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Potomac, Md. 20854.
E. (9) $51.16.

A. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. American Bankers Association, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.
D. (6) $28,233.33. E. (9) $28,233.33.

A. American Congress on Surveying and Mapping, 210 Little Falls Street, Falls Church, Va. 22046.
D. (6) $1,024.15. E. (9) $3,009.70.

A. American Council for Capital Formation, 1919 Pennsylvania Avenue NW., No. 201, Washington, D.C. 20006.
D. (6) $5,647. E. (9) $2,154.02.

A. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
E. (9) $1,748.01.

A. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068; 425 13th Street NW., Washington, D.C. 20004.
D. (6) $73,579. E. (9) $73,579.

A. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
E. (9) $43,547.77.

A. American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $2,500. E. (9) $2,500.

A. American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va. 22102.

A. American Hellenic Institute, Public Affairs Committee, Inc., 1730 K Street NW., No. 903, Washington, D.C. 20006.
B. American Hellenic Institute, Public Affairs Committee, Inc., 1730 K Street, No. 903, Washington, D.C. 20006.
D. (6) $500. E. (9) $270.

A. American Honey Producers Association, P.O. Box 368, Minco, Okla. 73059.
D. (6) $6,030.40. E. (9) $6,398.88.

A. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $11,907.15. E. (9) $4,717.17.

A. The American Humane Association, P.O. Box 1266, Denver, Colo. 80201.
E. (9) $1,000.

A. American Institute of Merchant Shipping, 1625 K Street NW., Suite 1000, Washington, D.C. 20006.
E. (9) $1,257.50.

A. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $58,761. E. (9) $67,991.92.

A. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
E. (9) $4,018.

A. American League for Exports and Security Assistance, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $28,986.33. E. (9) $28,986.33.

A. American Maritime Association, 17 Battery Place, New York, N.Y., 10004; 1612 K Street NW., Washington, D.C. 20001.

A. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1700 North Moore Street, Arlington, Va.
D. (6) $4,873.95. E (9) $4,763.95.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,208.75. E. (9) $28,498.47.

A. American Movers Conference, 1117 North 19th Street, P.O. 9204, Arlington, Va. 22209.
E. (9) $2,025.28.

A. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
D. (6) $150,492.11. E. (9) $45,781.28.

A. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.
D. (6) $8,709.20. E. (9) $8,709.20.

A. American Optometric Association, c/o Dr. Wendell D. Waldie, 3111 Aloma, Wichita, Kans. 67211.
D. (6) $1,183.17. E. (9) $1,183.17.

A. American Orthotic and Prosthetic Association, 1444 N Street NW., Washington, D.C. 20005.

A. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
D. (6) $23,645. E. (9) $12,013.69.

A. American Petroleum Institute, 2101 L Street, NW., Washington, D.C. 20037.
D. (6) $170,855. E. (9) $260,001.

A. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $2,471.54. E. (9) $2,471.54.

A. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.
E. (9) $14,736.16.

A. American Postal Workers Union, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $2,780,026.94. E. (9) $165,932.14.

A. American Public Transit Association, 1225 Connecticut Avenue NW., Washington. D.C. 20036.
D. (6) $4,700. E. (9) $13,744.

A. American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. The American Radio Relay League, Inc., 225 Main Street, Newington, Conn. 06111.
D. (6) $4,984,926.

A. The American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $19,013.79. E. (9) $19,013.79.

A. American Society for Medical Technology, 1725 DeSales Street NW., No. 403, Washington, D.C. 20036.
D. (6) $2,300. E. (9) $2,227.

A. American Soybean Association, 1575 I Street NW., No. 360, Washington, D.C. 20005.
D. (6) $4,125. E. (9) $808.10.

A. American Subcontractors Association, 815 15th Street NW., Washington, D.C. 20005.

A. American Surveys, Embassy Square, Suite 901, 2000 N Street NW., Washington, D.C. 20036.
B. National Customs Brokers & Forwarders Association of America, Inc., 1 World Trade Center, Suite 1109, New York, N.Y. 10048.
D. (6) $249.78. E. (9) $275.94.

A. American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

D. (6) $42,065.28. E. (9) $42,065.28.

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A. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington, D.C. 20005.

E. (9) $165.

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A. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

D. (6) $7,947. E. (9) $1,834.

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A. American Waterways Shipyard Conference, Suite 1101, 1600 Wilson Boulevard, Arlington, Va. 22209.

E. (9) $125.

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A. Americans for the National Voter Initiative Amendment, 3115 N Street NW., Washington, D.C. 20007.

D. (6) $15,080. E. (9) $12,473.

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A. Morris J. Amitay, 444 North Capitol Street NW., Washington, D.C. 20001.

B. American Israel Public Affairs Committee, 444 North Capitol Street NW., Washington, D.C. 20001.

D. (6) $8,124.99.

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A. John G. Ams, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500. E. (9) $741.30.

—

A. Edward Andersen, The National Grange, 1616 H Street NW., Washington, D.C. 20006.

B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $750.

—

A. Anthony L. Anderson, Sun Company, Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.

B. Sun Company, Inc., 100 Matsonford Road, Radnor, Pa. 19087.

D. (6) $4,934. E. (9) $56.

—

A. Anderson & Pendleton, 1000 16th Street NW., Suite 701, Washington, D.C. 20036.

B. Embassy of Chile, 1732 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $3,750. E. (9) $44.69.

—

A. Robert L. Anderson, Deere & Co., John Deere Road, Moline, Ill. 61265.

B. Deere & Co., John Deere Road, Moline, Ill. 61265.

D. (6) $100.

—

A. Sally M. Anderson, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $45.

—

A. Wayne C. Anderson, Nabisco, Inc., 1629 K Street NW., Washington, D.C. 20006.

B. Nabisco, Inc., E. Hanover, N.J. 07936.

D. (6) $3,000. E. (9) $2,586.46.

—

A. William C. Anderson, 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $38.50.

—

A. Laureen Andrews, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $2,018. E. (9) $4.

A. Robert C. Angel, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $300.

—

A. Jack R. Angell, United Gas Pipe Line Co., 1101 17th Street NW., Washington, D.C.

B. United Gas Pipe Line Co., P.O. Box 1478, Houston, Tex. 77001.

—

A. J. Donald Annett, Texaco Inc., 1050 17th Street NW., No. 500, Washington, D.C. 20036.

B. Texaco Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.

D. (6) $200.

—

A. Tobias Anthony, Research-Cottrell, Inc., 1800 K Street NW., Suite 720, Washington, D.C. 20006.

B. Research-Cottrell, Inc., P.O. Box 1500, Somerville, N.J.

E. (9) $323.72.

—

A. Leonard Appel, Woods, Villalon, Hollengreen & Lindeman, 425 13th Street NW., Suite 1032, Washington, D.C. 20004.

B. Everett Terminal Co., Inc., and Peet Gardner Timber Co., Inc., P.O. Box 1478 Hewitt Avenue Marine Terminal, Everett, Wash. 98206.

E. (9) $161.31.

—

A. John D. Aquilino, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $779. E. (9) $9.11.

—

A. John Archer, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

—

A. Roy A. Archibald, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $953. E. (9) $1,264.

—

A. W. Stanley Armstrong, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $50.08. E. (9) $9.

—

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Family Corp., 1902 Wynnton Road, Columbus, Ga. 31906.

D. (6) $840.

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A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Iron & Steel Institute, 1000 16th Street NW., Washington, D.C. 20036.

D. (6) $1,400.

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A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $9,999.99.

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A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Realty Committee, 2033 M Street NW., Washington, D.C. 20036.

D. (6) $1,050.

—

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Quintana Petroleum Corp., P.O. Box 3331, Houston, Tex. 77001.

D. (6) $656.00.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

D. (6) $656.

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A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Securities Industry Association, 20 Broad Street, New York, N.Y. 10005.

D. (6) $612.

—

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Federation of Apparel Manufacturers, 450 Seventh Avenue, New York, N.Y. 10001.

D. (6) $750. E. (9) $6.05.

—

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Maritz, Inc., 1355 North Highway Drive, Fenton, Mo. 63026.

D. (6) $8,000. E. (9) $96.47.

—

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.

B. MFA Mutual Insurance Co., 1817 West Broadway, Columbia, Mo. 65201.

D. (6) $1,000.

—

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.

B. National Coordinating Committee for Multiemployer Plans, 816 16th Street NW., Suite 603, Washington, D.C. 20006.

D. (6) $15,000. E. (9) $1,010.

—

A. Arnold & Porter, 1229 19th Street NW. Washington, D.C. 20036.

B. Table Grape Growers Association, Boulevard Transversal Km 4.5, Hermosillo, Sonora, Mexico.

E. (9) $18.25.

—

A. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.

D. (6) $17,728. E. (9) $78.26.

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A. Associated Credit Bureaus, Inc., 6767 Southwest Freeway, Houston, Tex. 77074.

E. (9) $287.85.

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A. Associated Employers, Inc., 6009 Rittiman, Plaza, San Antonio, Tex. 78218.

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A. Associated Third Class Mail Users, Suite 607, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $600. E. (9) $600.

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A. Association for the Advancement of Invention and Innovation, Suite 605, 1735 Jefferson Davis Highway, Arlington, Va. 22202.

D. (6) $7,750. E. (9) $5,290.25.

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A. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.

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A. Association of American Publishers, 1707 L Street NW., Washington, D.C. 20036.

D. (6) $5,630.37. E. (9) $5,630.37.

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A. Association of American Railroads, American Railroads Building, 1920 L Street NW., Suite 720, Washington, D.C. 20036.

D. (6) $28,035.26. E. (9) $28,035.26.

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A. Association of American Veterinary Medical Colleges, 1522 K Street NW., Suite 828, Washington, D.C. 20005.

E. (9) $225.

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A. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

E. (9) $595.33.

A. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.
D. (6) $3,000. E. (9) $5,465.

A. The Association of Private Pension and Welfare Plans, Inc., 1725 K Street NW., Suite 801, Washington, D.C. 20006.
E. (9) $200.

A. The Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.
D. (6) $3,573.50. E. (9) $3,573.50.

A. Assure Competitive Transportation, Inc., 10 S. LaSalle Street, Suite 1600, Chicago, Ill. 60603.
D. (6) $1,430. E. (9) $1,118.32.

A. George J. Aste, United Airlines, 1825 K Street NW., No. 607, Washington, D.C. 20006.
B. United Airlines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $500.

A. Carl E. Atkins, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $200. E. (9) $17.

A. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
E. (9) $2,775.50.

A. Deborah Marie Atwood, P.O. Box 937, Ferndale, Wash. 98248.
B. Intalco Aluminum Corp., P.O. Box 937, Ferndale, Wash. 98248.
D. (6) $1,120. E. (9) $1,737.32.

A. James A. Austin, American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, Va. 22209.
B. American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $2,500.

A. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.
E. (9) $1,281.50.

A. Walter C. Ayers, Virginia Petroleum Council, 1809 Staples Mill Road, Richmond, Va. 23230.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $300. E. (9) 56.96.

A. Craig H. Baab, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $117.40.

A. Dale R. Babione, The Boeing Co., 1700 North Moore Street, Rosslyn, Va. 22209.
B. The Boeing Co., 1700 North Moore Street, Rosslyn, Va. 22209.
D. (6) $275. E. (9) $27.85.

A. Bache Halsey Stuart Shields, Inc., 100 Gold Street, New York, N.Y. 10038.
E. (9) $1,200.

A. William Douglas Badger, 12695 Castile Court, Woodbridge, Va. 22192.
B. Christian Action Council, Inc., 788 National Press Building, Washington, D.C. 20045.
D. (6) $3,750. E. (9) $1,799.13.

A. Baer Marks & Upham, 299 Park Avenue, New York, N.Y. 10017.
B. Commodity Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Carl E. Bagge, Coal Building, Washington, D.C. 20036.
B. National Coal Association, Coal Building, Washington, D.C. 20036.
D. (6) $2,224. E. (9) $344.15.

A. Charles Bailey, 8001 Braddock Road, Suite 600, Springfield, Va. 22160.
B. National Right to Work Committee, 8001 Braddock Road, Suite 600, Springfield, Va. 22160.

A. George F. Bailey, Jr., P.O. Box 21, Montgomery, Ala. 36101.
B. Alabama Railroad Association, P.O Box 21, Montgomery, Ala. 36101.
D. (6) $242.46. E. (9) $556.24.

A. William W. Bailey, 1050 17th Street NW., Suite 1050, Washington, D.C. 20036.
B. Merck & Co., Inc., Box 2000, Rahway, N.J. 07065.
D. (6) $1,000. E. (9) $224.75.

A. Judith L. Baird, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $250.

A. John Baize, 1575 I Street NW., No. 360, Washington, D.C. 20005.
B. American Soybean Association, 1575 I Street NW., No. 360, Washington, D.C. 20005.
D. (6) $437.49. E. (9) $75.01.

A. Edward R. Bajer, 1015 15th Street NW., No. 802, Washington, D C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $450.

A. Baker & Botts, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Houston Lighting & Power Co., P.O. Box 1700, Houston, Tex. 77001.

A. Baker & Botts, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex. 77002.

A. Baker & Daniels, Suite 590S, 1800 M Street NW., Washington, D.C. 20036.
B. Coalition for Safe Drinking Water, 1220 Waterway Boulevard, Indianapolis, Ind. 46202.

A. Baker & Daniels, Suite 590S, 1800 M Street NW., Washington, D.C. 20036.
B. The Consumer Bankers Association, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $5,000.

A. Baker & Daniels, Suite 590S, 1800 M Street NW., Washington, D.C. 20036.
B. Indiana Toll Road Commission, P.O. Box 748, South Bend, Ind. 46624.

A. Baker & Daniels, Suite 590S, 1800 M Street NW., Washington, D.C. 20036.
B. Rock Island Refining Corp., P.O. Box 68007, Indianapolis, Ind. 46268.
D. (6) $629.

A. Emil F. Baker, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. George C. Baker, 220 South Clovis Avenue, Fresno, Calif. 93727.
B. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.
D. (6) $562.50. E. (9) $562.62.

A. Baker & McKenzie, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Baldwin Knauf, Iphofen, West Germany.
D. (6) $1,676.50. E. (9) $823.50.

A. Baker & McKenzie, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Magnatex Industries, Inc., 1 Marienfeld Place, Midland, Tex. 79701.

A. Thomas J. Balch, 48 Thornwood Drive, Poughkeepsie, N.Y. 12603.
B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.
E. (9) $161.35.

A. Richard L. Baldwin, 225 Main Street, Newington, Conn. 06111.
B. The American Radio Relay League, Inc., 225 Main Street, Newington, Conn. 06111.
D. (6) $10,500.

A. Donald Bale, Center to Protect Workers' Rights, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
B. Center to Protect Workers' Rights, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
D. (6) $9,999.99. E. (9) $889.18.

A. Jacqueline Balk-Tusa, 1625 I Street NW., Suite 809, Washington, D.C. 20006.
B. Boise Cascade Corp., 1625 I Street NW., Suite 809, Washington, D.C. 20006.
D. (6) $11,430.

A. Ballard,, Spahr, Andrews & Ingersoll 1101 Connecticut Avenue NW., No. 406, Washington, D.C. 20036.
B. Alaska Housing Finance Corp., Plaza 201 East 3d Avenue, Anchorage, Alaska 99510.

A. Ballard, Spahr Andrews & Ingersoll, 1101 Connecticut Avenue NW., No. 406, Washington, D.C. 20036.
B. Idaho Housing Agency, 405 South 8th Street, Suite 395, Boise, Idaho 83701.

A. Sheila MacDonald Bamberger, 311 First Street NW., Washington, D.C. 20001.
B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.
D. (6) $2,500. E. (9) $28.30.

A. Samuel J. Baptista, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Robert O. Barker, National Association of Manufacturers, 801 Northland Towers West, Southfield, Mich. 48075.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Thomas H. Barksdale, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $5,200. D. (9) $181.74.

A. Donna R. Barnako, National Council of Health Centers, 2600 Virginia Avenue NW., Suite 915, Washington, D.C. 20037.
B. National Council of Health Centers, 2600 Virginia Avenue NW., No. 915, Washington, D.C. 20037.
D. (6) $812.50. E. (9) $44.50.

A. John H. Barnard, Jr., 803 Ironbark Place, Orinda, Calif. 94563.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.
D. (6) $1,600. E. (9) $150.99.

A. Roger H. Barnard, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

A. Barnes, Richardson & Colburn, 1819 H Street NW., Washington, D.C. 20006.

B. Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers, c/o Mr. Robert A. Cornog, Macwhyte Co., 2906 14th Street, Kenosha, Wisc. 53140.

E. (9) $247.41.

A. Barnes, Richardson & Colburn, 1819 H Street NW., Washington, D.C. 20006.

B. John W. Thatcher, c/o Banana Supply Co., Inc., 3030 NE Second Avenue, Miami, Fla. 33137.

D. (6) $1,000.

A. Barnett, Alagia & Carey, 1627 K Street NW., Washington, D.C. 20006.

B. American School Food Service Association, 4101 East Iliff Avenue, Denver, Colo. 80222.

D. (6) $17,634.40. E. (9) $847.01.

A. Barnett, Alagia & Carey, 1627 K Street NW., Washington, D.C. 20006.

B. Florida Fruit & Vegetable Association, 4401 East Colonial Drive, Orlando, Fla. 32814.

D. (6) $8,213.40.

A. Barnett, Alagia & Carey, 1627 K Street NW., Washington, D.C. 20006.

B. Florida Tomato Exchange, 4401 East Colonial Drive, Orlando, Fla. 32814.

D. (6) $2,074.30.

A. Barnett, Yingling & Shay, Suite 940, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Citibank, N.A., 399 Park Avenue, New York, N.Y. 10043.

D. (6) $625. E. (9) $116.

A. Barnett, Yingling & Shay, Suite 940, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Crocker National Bank, 1 Montgomery Street, San Francisco, Calif. 94104.

A. James C. Barr, Credit Union National Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. Credit Union National Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $300. E. (9) $114.98.

A. Richard L. Barr, Iowa Railway Association, 620 Capital City Bank Building, Des Moines, Iowa 50309.

B. Iowa Railway Association, 620 Capital City Bank Building, Des Moines, Iowa 50309.

E. (9) $473.82.

A. Robert W. Barrie, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

D. (6) $2,500.

A. Barrier Islands Coalition, Suite 4500, 122 East 42d Street, New York, N.Y. 10168.

D. (6) $35. E. (9) $4,774.38.

A. Thea Rossi Barron, 106 Little Falls Street, Falls Church, Va. 22046.

B. Right to Life Crusade Inc., Box 2703. Tulsa, Okla. 74101.

D. (6) $4,500. E. (9) $84.99.

A. David S. Barrows, 1201 S. W. 12th Suite 300, Portland, Oreg. 97205.

B. Association of Oregon and California Land Grant Counties, Douglas County Court House, Roseburg, Oreg. 97470.

D. (6) $1,200.

A. Leonard Barson, 600 New Jersey Avenue NW., Washington, D.C. 20001.

B. Institute for Public Representation, 600 New Jersey Avenue NW., Washington, D.C. 20001.

D. (6) $1,275.

A. Linda Leigh Bartlett, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

D. (6) $1.60.

A. Richard A. Barton, Direct Mail/Marketing Association, 1730 K Street, Suite 905, Washington, D.C. 20006.

B. Direct Mail Marketing Association, Inc., 6 East 43d Street, Twelfth Floor, New York, N.Y. 10017.

D. (6) $1,400. E. (9) $300.

A. Lawrence R. Baskerville, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $450.

A. James P. Bass, 1101 17th Street NW., Washington, D.C. 20036.

B. American Airlines, Inc., 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $290.

A. Barbara Bassuener, American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Robert E. Bates, Jr., Mobil Oil Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,125.

A. W. H. Bates, Suite 2600, 2345 Grand, Kansas City, Mo. 64108.

D. (6) $2,100. E. (9) $351.78.

A. Laurie C. Battle, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.

B. U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.

D. (6) $3,250.

A. Lynne D. Battle, College Placement Council, Inc., 1101 Connecticut Avenue NW., Suite 705, Washington, D.C. 20036.

B. College Placement Council, Inc., P.O. Box 2263, Bethlehem, Pa. 18001.

A. John F. Battles, Massachusetts Petroleum Council, 11 Beacon Street, Boston, Mass. 02108.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Batzell, Nunn & Bode, 1015 15th Street NW., Suite 1100, Washington, D.C. 20005.

B. Emergency Small Independent Refiners Task Force, 1015 15th Street NW., Suite 1100, Washington, D.C. 20005.

D. (6) $500.

A. Batzell, Nunn & Bode, 1015 15th Street NW., Suite 1100, Washington, D.C. 20005.

B. Independent Terminal Operators Association, 1015 15th Street NW., Washington, D.C. 20005.

D. (6) $500.

A. Batzell, Nunn & Bode, 1015 15th Street N.W., Suite 1100, Washington, D.C. 20005.

B. Mt. Airy Refining Co., International Energy Building, 265 North Belt East, Suite 150, Houston, Tex. 77060.

D. (6) $500.

A. Gary L. Bauer, Direct Mail/Marketing Association, Inc., 1730 K Street NW., Suite 905, Washington, D.C. 20006.

B. Direct Mail/Marketing Association, Inc., 6 East 43d Street, 12th Floor, New York, N.Y. 10017.

A. Karen J. Bauer, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Kathleen A. Bauer, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Richard H. Bauer, Suite 810, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Union Pacific Corp., 345 Park Avenue, New York N.Y. 10022.

D. (6) $500. E. (9) $2,108.66.

A. Robert J. Baughman, 1444 N Street NW., Washington, D.C. 20005.

B. American Orthotic and Prosthetic Association, 1444 N Street NW., Washington, D.C. 20005.

A. Tina Marts Beach, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

D. (6) $84.

A. Bruce A. Beam, American Electric Power Service Corp., 1801 K Street NW., Suite 1041, Washington, D.C.

B. American Electric Power Service Corp., 2 Broadway, New York, N.Y. 10004.

D. (6) $164.40. E. (9) $270.70.

A. John E. Bearer, 1001 Broad Street, Johnstown, Pa. 15907.

B. GPU Service Corp., 100 Interpace Parkway, Parsippany, N.J. 07054.

D. (6) $590.48. E. (9) $673.40.

A. Donald S. Beattie, Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.

B. Railway Labor Executives' Association, 400 First Street NW., Suite 804, Washington. D.C. 20001.

D. (6) $2,885.80.

A. Christine T. Beatty, 1730 Rhode Island Avenue NW., Suite 612, Washington, D.C. 20036.

B. St. Joe Minerals Corp., 250 Park Avenue. New York, N.Y. 10017.

D. (6) $3,600.

A. Edwin L. Behrens, 1801 K Street NW., Suite 230, Washington, D.C. 20006.

B. The Procter & Gamble Co., 301 East Sixth Street, Cincinnati 45201.

D. (6) $152.50.

A. Max J. Beilke, National Association for Uniformed Services, 903 South Highland Street, Arlington, Va. 22204.

B. National Association for Uniformed Services, 903 South Highland Street, Arlington, Va. 22204.

D. (6) $889.75.

A. Alexander B. Bell, 9618 Cottrell Terrace, Silver Spring, Md. 20903.

B. United Associaiton of Journeymen &

Apprentices of the Plumbing & Pipe Fitting Industry of the United States and Canada, 901 Massachusetts Avenue NW, Washington, D.C. 20001.
D. (6) $3,750. E. (9) $140.15.

A. J. Raymond Bell, 2113 S Street NW., Washington, D.C. 20008.
B. National Association of Theater Owners, 1500 Broadway, New York, N.Y. 10036.
D. (6) $6,000. E. (9) $8.60.

A. Winston Everett Bell, P.O. Box 5463, Las Vegas, Nev. 89102.

A. T. A. Bellissimo, 2100 Conn. Avenue, NW, Washington, D.C. 20008.
B. Household Finance Corp., HFC International Headquarters, 2700 Sanders Road, Prospect Heights, Ill. 60070.
D. (6) $1,248. E. (9) $91.72.

A. C. Thomas Bendorf, 3615 Overcreek Drive, Columbia, S.C. 29206.
B. The Association of Trial Lawyers of America, 1050 31st Street, NW, Washington, D.C. 20007.
D. (6) $3,000. E. (9) $100.

A. C. Robert Benedict, 643 Pennsylvania Avenue SE, Washington, D.C. 20003.
B. American Osteopathic Hospital Association, 930 Busse Highway, Park Ridge, Ill. 60068.
D. (6) $405. E. (9) $197.68.

A. Beneficial Management Corporation of America, 1300 Market Street, Wilmington, Del. 19899.

A. Bruce Benefield, TRW Inc., 2030 M Street, NW., Washington, D.C. 20036.
B. TRW Inc., Suite 800, 2030 M Street, NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Kenneth U. Benjamin, Jr., American Medical Association, 1776 K Street, NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill., 60610.
D. (6) $2,887.50. E. (9) $76.32.

A. W. M. Benkert, American Institute of Merchant Shipping, 1625 K Street, NW., Suite 1000, Washington, D.C. 20006.
B. American Institute of Merchant Shipping, 1625 K Street, NW., Suite 1000, Washington, D.C. 20006.
D. (6) $1250. E. (9) $7.50.

A. Douglas P. Bennett, Bennett & Taylor, 3238 Prospect Street NW., Washington, D.C. 20007.
B. Jacques Borel Enterprises, Inc., 555 Madison Avenue, New York, N. Y. 10022.
D. (6) $1,000.

A. Douglas P. Bennett, Bennett & Taylor, 3238 Prospect Street NW., Washington, D.C. 20007.
B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.
D. (6) $1,500.

A. James M. Bennett, Jos. Schlitz Brewing Co., 235 West Galena Street, Milwaukee, Wis. 53212.
B. Joseph Schlitz Brewing Co., 235 West Galena Street, Milwaukee, Wis. 53212.
D. (6) $150. E. (9) $364.

A. Paul Bennett, Union of Concerned Scientists, 1725 I Street NW., Suite 601, Washington, D.C. 20006.
B. Union of Concerned Scientists, 1384 Massachusetts Avenue, Cambridge, Mass. 02238.
D. (6) $104.

A. William C. Bennett, Jr., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $405.

A. Walter L. Benning, 14901 Ritchie Road, Centreville, Va. 22020.
B. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.
D. (6) $1,000. E. (9) $120.

A. John C. Bennison, American Society of Travel Agents, 1300 19th Street NW, Washington, D.C. 20036.
B. American Society of Travel Agents, Inc., 711 Fifth Avenue, New York, N.Y. 10022.
D. (6) $5,000.

A. Frederick S. Benson III, International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $50. E. (9) $50.

A. James E. Benton, New Jersey Petroleum Council, 170 West State Street, Trenton, N.J. 08608.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $60.

A. David A. Beren, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Mfrs. & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Rebecca J. Berg, 1730 Rhode Island Avenue NW., No. 213, Washington, D.C. 20036.
B. Brown & Root, Inc., 1730 Rhode Island Avenue NW., No. 213, Washington, D.C. 20036.
D. (6) $250.

A. Paul C. Bergson, 2550 M Street NW., Washington, D.C. 20037.
B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.
D. (6) $428.57. E. (9) $10.

A. Jane W. Bergwin, Consumers Power Co., 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.
B. Consumers Power Company, 212 W. Michigan Avenue, Jackson, MI 49201.
D. (6) $200.

A. David Berick, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,000. E. (9) $64.

A. Peggy Berk, Peter Small & Associates, Inc., 400 Madison Avenue, New York, N.Y. 10017.
B. Peter Small & Associates, Inc., 400 Madison Avenue, New York, N.Y. 10017 (for William M. Mercer, Inc., 1211 Avenue of the Americas, New York, N.Y. 10036).

A. Ellen Berman, Consumer Energy Council of America, 1990 M Street NW., Suite 620, Washington, D.C. 20036.
B. Consumer Energy Council of America, 1990 M Street NW., Suite 620, Washington, D.C.
D. (6) $500. E. (9) $35.25.

A. Jason S. Berman, Warner Communications Inc., 1776 K Street NW., Washington, D.C.
B. Warner Communications Inc., 75 Rockefeller Plaza, New York, N.Y. 10019.
D. (6) $7,500.

A. William R. Berman, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. David C. Bernabucci, National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Suite 700, Washington, D.C. 20036.
B. National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Suite 700, Washington, D.C. 20036.
D. (6) $50.

A. Charles Bernhardt, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $10.24. E. (9) $5.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Centre National Interprofessional De L' Economic Laitiere, 8 Rue Danielle Casanova, 75002 Paris, France.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20036.
B. Cheese Importers Association, 460 Park Avenue, New York, N.Y. 10022.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., No. 670, Washington, D.C. 20006.
B. The Great Western Sugar Co., P.O. Box 5308, Denver, Colo. 80217.
D. (6) $4,275. E. (9) $38.60.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Meat Products Group, American Importers Association, 11 West 42d Street, New York, N.Y. 10036.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Orkin Exterminating Co., Inc., 2170 Piedmont Road NE., Atlanta, Ga. 30324.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Western Radiological Group, Armacost Management Services, Inc., 2044 Armacost Avenue NW., Los Angeles, Calif. 90025.

A. Max N. Berry, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Committee to Assure the Availability of Casein, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Robert A. Best, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
B. American League for Exports and Security Assistance, Inc., Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $7,500. E. (9) $250.

A. Robert A. Best, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
B. Archer-Daniels-Midland Co., Decatur, Ill. 62525.
D. (6) $1,500.

A. Robert A. Best, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

B. Theo. H. Davies & Co., Ltd., P.O. Box 3020, Honolulu, Hawaii 96802.
D. (6) $1,000.

A. Robert A. Best, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
B. Pullman Swindell, 441 Smithfield Street, Pittsburgh, Pa. 15222.
D. (6) $2,500. E. (9) $250.

A. Robert L. Bevan, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $500.

A. Beveridge, Fairbanks & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $500.

A. Beveridge, Fairbanks & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C.
D. (6) $12,400. E. (9) $77.

A. Beveridge, Fairbanks & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. New England Electric System, 20 Turnpike Road, Westborough, Mass. 01581.
D. (6) $2,040. E. (9) $92.

A. Beveridge, Fairbanks & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. New England Fish Co., Pier 89, Seattle, Wash. 98119.

A. Beveridge, Fairbanks & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Union Mines, 9 West 57th Street, New York, N.Y. 10019.
D. (6) $750.

A. Steven L. Biegel, 1015 15th Street NW., Suite 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., Suite 802, Washington, D.C. 20005.
D. (6) $575.

A. Thomas E. Biery, Mid-Continent Oil & Gas Association, 1919 Pennsylvania Avenue NW., Suite 503, Washington, D.C. 20006.
B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.
D. (6) $1,130. E. (9) $126.12.

A. Walter J. Bierwagen, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Billig, Sher & Jones, 2033 K Street NW., Washington, D.C. 20006.
B. The Adherence Group, Inc., 21 West Street, New York, N.Y. 10006.
E. (9) $1.89.

A. Billig, Sher & Jones, 2033 K Street NW., Suite 300, Washington, D.C. 20006.
B. Agreement 10109, One World Trade Center, Suite 2811, New York, N.Y. 10049.
E. (9) $27.90.

A. Billig, Sher & Jones, 2033 K Street NW., Washington, D.C. 20006.
B. Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912.
D. (6) $1,000.

A. Ken Billington, 6537 24th Avenue NE., Seattle, Wash. 98115.
B. Public Power Council, 1310 Main Street, Vancouver, Wash. 98666.
D. (6) $8,200. E. (9) $3,017.93.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.
B. Alascom, Inc., 949 East 36th Avenue, Anchorage, Alaska 99502.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.
B. Calista Corp., 516 Denali Street, Anchorage, Alaska 99501.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.
B. Coastal Corp., Nine Greenway Plaza, Houston, Tex. 77046.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.
B. Cook Inlet Regional Corp., 2525 C Street, Anchorage, Alaska 99509.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.
B. MAPCO, Inc., 1800 South Baltimore Avenue, Tulsa, Okla. 74119.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.
B. The Municipality of Anchorage, 623 West 6th Avenue, Anchorage, Alaska 99501.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.
B. Sealaska Corp., One Sealaska Plaza, Juneau, Alaska 99801.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.
B. Skan-Kon International, Inc., P.O. Box 57, Fort Yukon, Alaska 99740.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.
B. Westinghouse Corp., 1801 K Street NW., Washington, D.C. 20006.

A. Robert Bird, General Mills, Inc., 1200 New Hampshire Avenue NW., Suite 370, Washington, D.C. 20036.
B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.
D. (6) $1,600. E. (9) $221.60.

A. C. Thomason Bishop III, National Association of Manufacturers, 704 Lisburn Road, Camp Hill, Pa. 17011.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $212.50.

A. Bison and Wenning, 1625 Eye Street NW., Washington, D.C. 20006.
B. National Association of Retail Grocers of the United States, 820 Reston International Center, Reston, Va. 22091.
D. (6) $200. E. (9) $13.75.

A. Neal R. Bjornson, National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $2,500.

A. Margaret Ann Black, 1524 South Western Avenue, Park Ridge, Ill. 60068.
B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.
E. (9) $348.

A. Brent Blackwelder, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,499.99.

A. Donna C. Blair, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $200.

A. Richard W. Blake, 1156 15th Street NW., Washington, D.C. 20005.
B. American Sugarbeet Growers Association, 1156 15th Street NW., No. 1019, Washington, D.C. 20005.

A. Robert W. Blanchette, Alston, Miller & Gaines, 1800 M Street NW., Washington, D.C. 20036.
B. Board of Trade Clearing Corp., 141 West Jackson Boulevard, Chicago, Ill.

A. Robert W. Blanchette, Alston, Miller & Gaines, 1800 M Street NW., Washington, D.C. 20036.
B. RCA Global Communications, Inc., 60 Broad Street, New York, N.Y.
D. (6) $125.

A. Helen K. Blank, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Children's Defense Fund.
D. (6) $481. E. (9) $41.70.

A. Paul M. Blanton, P.O. Box 980, Fort Worth, Tex 76101.
B. Texas Electric Service Co., P.O. Box 970, Fort Worth, Tex. 76101.
D. (6) $93.68. E. (9) $35.30.

A. Joseph H. Blatchford, Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Suite 670, Washington, D.C. 20006.
B. Constructora Nacional de Carros de Ferrocarril, S.A., San Lorenzo No. 925, 5° Piso, México, D.F., México.
E. (9) $400.

A. Joseph H. Blatchford, Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Suite 670, Washington, D.C. 20006.
B. National Association of Private Enterprise (Asociación Nacional de la Empresa Privada-ANEP), Alameda . Roosevelt 2827, San Salvador, El Salvador.

A. Joseph H. Blatchford, Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Suite 670, Washington, D.C. 20006.
B. North American Car Corp., 222 So. Riverside Plaza, Chicago, Ill. 60606.
D. (6) $12,500. E. (9) $660.41.

A. David Blatt, 818 18th Street NW., Suite 750, Washington, D.C. 20006.
B. Municipal Labor Committee, 140 Park Place, New York, N.Y. 10007.
D. (6) $6,731.23. E. (9) $4,012.11.

A. Jerald Blizin, Hill & Knowlton, Inc., 1425 K Street NW., No. 1000, Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. L. Thomas Block, Irving Trust Co., 1 Wall Street, New York, N.Y. 10015.

B. Irving Trust Co., 1 Wall Street, New York, N.Y. 10015.

D. (6) $500. E. (9) $100.

A. Peter L. Blocklin, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $660.

A. H. E. Blomgren, 1310 New Hampshire Avenue NW., Suite 1007, Washington, D.C. 20036.

B. National Manufactured Housing Federation, 1310 New Hampshire Avenue NW., Suite 1007, Washington, D.C. 20036.

D. (6) $12,500.01.

A. Douglas M. Bloomfield, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

D. (6) $11,250.

A. Mark Bloomfield, American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $937.35.

A. Blount International, Ltd., P.O. Box 4577, Montgomery, Ala. 36101.

E. (9) $2,930.21.

A. Albert H. Blumenthal, Phillips, Nizer, Benjamin, Krim & Ballon, 40 West 57th Street, New York, N.Y. 10019.

B. American Bobst Holdings, Inc., 146 Harrison Avenue, Roseland, N.J.

D. (6) $1,443.75. E. (9) $70.09.

A. Wayne F. Boan, National Association of Manufacturers, 601 North Vermont Avenue, Los Angeles, Calif. 90004.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $1,300.

A. William J. Boardman, Wheelabrator-Frye, Inc., 2550 M Street NW., Washington, D.C. 20037.

B. Wheelabrator-Frye, Inc., Liberty Lane, Hampton, N.H. 03842.

A. Boat Owners Association of the United States, 880 S. Pickett Street, Alexandria, Va. 22304.

D. (6) $5,672.78. E. (9) $9,466.68.

A. Robert Z. Bohan, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

D. (6) $296.24. E. (9) $100.70.

A. Patricia M. Boinski, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

D. (6) $100.

A. Robert J. Bolger, National Association of Chain Drug Stores, Inc., 413 North Lee Street, Alexandria, Va. 22314.

B. National Association of Chain Drug Stores, Inc., 413 North Lee Street, Alexandria, Va. 22314.

D. (6) $1,650.

A. Jeffrey W. Bolotin, Alston, Miller & Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.

B. RCA Global Communications, Inc., 60 Broad Street, New York, N.Y.

A. M. Warren Bolton, 2500 DeKalb Pike, Norristown, Pa. 19404.

B. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa. 19404.

A. A. Dewey Bond, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.

B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1700 North Moore Street, Arlington, Va.

D. (6) $500.

A. Edward N. Bond, 1700 North Moore Street, Rosslyn, Va. 22209.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $750. E. (9) $551.75.

A. L. H. Bonin, Jr., 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Gulf Oil Corp., Pittsburgh, Pa. 15230.

D. (6) $2,400.

A. Sharon Lee Bonitt, Shell Oil Co., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.

D. (6) $500.

A. Boothe, Prichard & Dudley, 4103 Chain Bridge Road, Fairfax, Va. 22030.

B. Vulcan Materials Co., 1 Metroplex, P.O. Box 7497, Birmingham, Ala. 35209.

D. (6) $17,217.50. E. (9) $688.70.

A. Laurence D. Bory, 1015 15th Street NW., No. 802, Washington, D.C. 20005.

B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.

D. (6) $750.

A. The Boston Shipping Association, Inc., 223 Lewis Wharf, Boston, Mass. 02110.

E. (9) $6,841.29.

A. G. Stewart Boswell, American Apparel Manufacturers Association, Inc., 1611 N. Kent Street, No. 800, Arlington, Va. 22209.

B. American Apparel Manufacturers Association, Inc., 1611 N. Kent Street, No. 800, Arlington, Va. 22209.

D. (6) $2,339.40. E. (9) $356.25.

A. Charles G. Botsford, The Botsford Co., 1730 M Street NW., No. 515, Washington, D.C. 20036.

D. (6) $1,500. E. (9) $121.

A. A. D. Bourland, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

D. (6) $3,000. E. (9) $3,700.

A. Frank J. Bowden, Jr., Associated Petroleum Industries of Pennsylvania, P.O. Box 925, Harrisburg, Pa. 17108.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $401.22. E. (9) $136.15.

A. David W. Bowers, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.

B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.

D. (6) $1,000.

A. Robert R. Bowers, West Virginia Petroleum Council, Suite 714, Atlas Building, Charleston, W.Va. 25301.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $360. E. (9) $264.36.

A. Deborah Bowker, National Association of Postal Supervisors, P.O. Box 23456, L'Enfant Station, Washington, D.C. 20024.

B. National Association of Postal Supervisors, P.O. Box 23456, L'Enfant Plaza Station, Washington, D.C. 20024.

D.(6) $2,884.62.

A. Edward L. Bowley, American Postal Workers Union, AFL-CIO, 817 14th Street NW., Washington, D.C. 20005.

B. American Postal Workers Union, AFL-CIO, 817 14th Street NW., Washington, D.C. 20005.

D. (6) $11,345.02. E. (9) $3,587.65.

A. Joan Costain Bowyer, Phelps Dodge Corp., 1015 15th Street NW., Washington, D.C. 20005.

B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.

D. (6) $150.

A. John G. Boyd, IBM Corp., 1801 K Street NW., Washington, D.C. 20006.

B. International Business Machines, Old Orchard Road, Armonk, N.Y. 10504.

D. (6) $216. E. (9) $40.70.

A. J. Patrick Boyle, North Washington at Madison, Alexandria, Va. 22314.

B. United Fresh Fruit & Vegetable Association, North Washington at Madison, Alexandria, Va. 22314.

D. (6) $125.84. E. (9) $55.60.

A. Cynthia H. Braddon, National Newspaper Association, 1627 K Street NW., No. 400 Washington, D.C. 20006.

B. National Newspaper Association, 1627 K Street NW., No. 400, Washington, D.C. 20006

A. Robert E. Bradford, 1750 K Street NW., Washington, D.C. 20006.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $2,000.

A. Bradley, Arant, Rose & White, 1500 Brown-Marx Building, Birmingham, Ala. 35203.

B. Blount International, Ltd., P.O. Box 4577, Montgomery, Ala. 36101.

D. (6) $1,280. E. (9) $416.90.

A. Frank W. Bradley, 1700 K Street NW., Washington, D.C. 20006.

B. Chevron USA, Inc., a subsidiary of Standard Oil Co. of California, 1700 K Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Gene M. Bradley, The Boeing Co., 170
North Moore Street, 20th floor, Rosslyn, V
98124.

A. Mitchell H. Bradley, American Society Wash. 98124.

D. (6) $358. E. (9) $449.50.

A. Mitchell H. Bradley, American Society of Mechanical Engineers, 2029 K Street NW., Washington, D.C. 20006.

B. American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 10017.

A. Wayne W. Bradley, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $500. E. (9) $362.10.

A. Charles N. Brady, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Charles G. Bragg, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $500. E. (9) $93.59.

A. Raymond F. Bragg, Jr., American Petroleum Refiners Association, 1200 18th Street NW., Suite 607, Washington, D.C. 20036.
B. American Petroleum Refiners Association, 1200 18th Street NW., Suite 607, Washington, D.C. 20036.
D. (6) $100.

A. Stuart J. Brahs, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $348.01.

A. S. Gail Bramblett, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $1,689.80. E. (9) $103.

A. David C. Branand, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $18.55.

A. Wallace E. Brand, 1523 L Street NW., Washington, D.C. 20005.
B. Jack M. Solens, P.O. Box 5760, Sherman Oaks, Calif. 91413.

A. T. Edward Braswell, Jr., National Association of Service Contractors, 1511 K Street NW., Suite 1100, Washington, D.C. 20005.
B. National Association of Service Contractors, 1511 K Street NW., Suite 1100, Washington, D.C. 20005.

A. T. Edward Braswell, Jr., Corcoran, Youngman & Rowe, 1511 K Street NW., Suite 1100, Washington, D.C. 2005.
B. Newport News Shipbuilding & Drydock Co., 4101 Washington Avenue, Newport News, Va. 23607.
D. (6) $3,750.

A. Edward T. Breathitt, Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.
B. Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.
D. (6) $1,000.

A. John Henry Brebbia, Alston, Miller & Gaines, 1800 M Street NW., Washington, D.C. 20036.
B. Board of Trade Clearing Corp., 141 West Jackson Boulevard, Chicago, Ill. 60604.

A. John Henry Brebbia, Alston, Miller & Gaines, 1800 M Street NW., Washington, D.C. 2003C.
B. RCA Global Communications, Inc., 60 Broad Street, Room 700, New York, N.Y. 10004.

A. Breed, Abbott & Morgan, 1875 I Street NW., Suite 1000, Washington, D.C. 20006.
B. Associated Hospital Services of New York, 80 Lexington Avenue, New York, N.Y.
E. (9) $5.30.

A. Breed, Abbott & Morgan, 1875 Eye Street NW., Washington, D.C. 20006.
B. Lasker, Stone & Stern, 20 Broad Street, New York, N.Y.

A. Breed, Abbott & Morgan, 1875 I Street NW., Suite 100, Washington, D.C. 20006.
B. The Lefrak Organization, 97–77 Queens Boulevard, Forest Hills, N.Y.
E. (9) $272.34.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. The Air Transport Association, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $800.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. American Car Rental Association, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.
D. (6) $1,250.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. Committee for Effective Tax Incentives, 1634 I Street NW., 8th floor, Washington, D.C. 20006.
D. (6) $3,000.

A. Bregman, Abell, Solter, & Kay, 1900 L Street, NW., Suite 610, Washington, D.C. 20036.
B. Hilton International, Inc., 301 Park Avenue, New York, N.Y. 10022.
D. (6) $500.

A. Bregman, Abell, Solter & Kay, 1900 L Street, NW., Suite 610, Washington, D.C. 20036.
B. Trans World Airlines, 1000 16th Street, NW., Suite 704, Washington, D.C. 20036.
D. (6) $2,000.

A. Bregman, Abell, Solter & Kay, 1900 L Street, NW., Suite 610, Washington, D.C. 20036.
B. Truck Renting and Leasing Association, 1750 Pennsylvania Avenue, Suite 1303, Washington, D.C. 20006.
D. (6) $1,250.

A. Bregman, Abell, Solter & Kay, 1900 L Street, NW., Suite 610, Washington, D.C. 20036.
B. The Washington Psychiatric Society, 1700 18th Street, NW., Washington, D.C.

A. Michael J. Brennan, International Association of Bridge, Structural and Ornamental Iron Workers, AFL–CIO, 1750 New York Ave., NW., Washington, D.C. 20006.
B. International Association of Bridge, Structural, and Ornamental Iron Workers, AFL–CIO.
D. (6) $8,580. E. (9) $440.

A. Edward J. Brenner, Suite 605, 1735 Jefferson Davis Highway, Arlington, Va. 22202.
B. Association for the Advancement of Invention and Innovation, Suite 605, 1735 Jefferson Davis Highway, Arlington, Va. 22202.

A. Miles H. Bresee, Jr., 170 Altura Way, Greenbrae, Calif. 94904.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. John B Brewer, American Movers Conference, 1117 N. 19th Street, P.O. Box 9204, Arlington, Va. 22209.
B. American Movers Conference, 1117 N. 19th Street, P.O. Box 9204, Arlington, Va. 22209.

A. Carolyn Brickey, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,416.67.

A. Bill Brier, 1025 Connecticut Avenue NW., Suite 402, Washington, D.C. 20036.
B. CF Industries, Inc.; Energy Cooperative, Inc., Salem Lake Drive, Long Grove, Ill. 60047.
D. (6) $500.

A. Claude S. Brinegar, 461 South Boylston Street, Los Angeles, Calif. 90017.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
D. (6) $112.

A. Belva B. Brissett, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 171 N. Street NW., Washington, D.C. 20036.
D. (6) $1,406.25 E. (9) $390.69.

A. Ellen Broadman, Consumers Union, 1511 K Street NW., No. 1033, Washington, D.C. 20005.
B. Consumers Union, 256 Washington Street, Mt. Vernon, N.Y. 10550.

A. Lawrence P. Brodie, 6700 Sorrell Street, McLean, Va. 22101.
B. Icicle Seafoods, Inc., 4241 21st Street, Seattle, Wash. 98199.
D. (6) $1,062 (9) $58.25.

A. David A. Brody, Anti-Defamation League of B'nai B'rith, 1640 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Anti-Defamation League of B'nai B'rith, 823 U.N. Plaza, New York, N.Y. 10017.
D. (6) $1,600.

A. Michael D. Bromberg, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.
B. Federation of American Hospitals, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.
D. (6) $4,500.

A. Henry W. Brook, Nuclear Fuel Services, Inc., Suite 600, 6000 Executive Boulevard, Rockville, Md. 20852.
B. Nuclear Fuel Services, Inc., Suite 600, 6000 Executive Boulevard, Rockville, Md. 20852.

A. Dale E. Brooks, Chevron U.S.A. Inc., 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A. Inc., a subsidiary of Standard Oil Co. of California, 1700 K Street NW., Washington, D.C. 20006.
D. (6) $300.

A. E. R. Brooks, P.O. Box 841, Abilene, Tex. 79604.
B. West Texas Utilities Co., P.O. Box 841, Abilene, Tex. 79604.

A. Phillip W. Brooks, Volunteer State Oil Committee, Third National Bank Building, 18th Floor, Nashville, Tenn. 37219.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,050. E. (9) $1,407.41.

A. Carol L. Bros, National Women's Political Caucus, 1411 K Street NW., Suite 1110, Washington, D.C. 20005.
B. National Women's Political Caucus, 1411 K Street NW., Suite 1110, Washington, D.C. 20005.
D. (6) $2,729. E. (9) $1,263.18.

A. Daniel T. Bross, United Gas Pipe Line Co., 1101 17th Street NW., Washington, D.C. 20036.
B. United Gas Pipe Line Co., P.O. Box 1478, Houston, Tex. 77001.
D. (6) $1,314. E. (9) $530.56.

A. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express

& Station Employees, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $33,446. E. (9) $33,446.

A. Donald G. Brotzman, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $10,000.

A. Charles B. Brown, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.

D. (6) $560. E. (9) $39.85.

A. Charles T. Brown, Cities Service Co., Box 100, Miami, Ariz. 85539.

B. Cities Service Co., Box 100, Miami, Ariz. 85539.

A. David S. J. Brown, 1101 17th Street NW., Suite 604, Washington, D.C. 20036.

B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.

D. (6) $450. E. (9) $121.63.

A. Ellen S. Brown, 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.

B. Council of Energy Resource Tribes, 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.

A. J. D. Brown, 2600 Virginia Avenue NW., Washington, D.C.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.

D. (6) $150.

A. Jesse B. Brown, Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.

B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.

D. (6) $99.

A. Karen H. Brown, 1750 K Street NW., Washington, D.C. 20006.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $500.

A. Larry L. Brown, 1007 9th Street NW., Austin, Minn. 55912.

B. Geo. A. Hormel & Co., Box 800, Austin, Minn. 55912.

D. (6) $295. E. (9) $500.

A. Michael F. Brown, American Frozen Food Institute, 1919 Pennsylvania Avenue NW., No. 603, Washington, D.C. 20006.

B. American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va. 22102.

A. Theoran Brown, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $2,140.

A. Brown, Todd & Heyburn, 1600 Citizens Plaza, Louisville, Ky. 40202.

B. Brown & Williamson Tobacco Corp., 1600 W. Hill Street, Louisville, Ky. 40232.

E. (9) $322.72.

A. Vincent D. Brown, Nebraska Petroleum Council, P.O. Box 95063, 334 S. 13th Street, Lincoln, Nebr. 68509.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $600. E. (9) $716.57.

A. William E. Brown, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich. 48121.

D. (6) $960. E. (9) $276.06.

A. Thomas H. Brownell, P.O. Box 3999, Seattle, Wash. 98124.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $1,510. E. (9) $3,465.12.

A. Brownstein Zeidman and Schomer, 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

B. International Foodservice Manufacturers Association, 875 North Michigan Avenue, Suite 3460, Chicago, Ill. 60611.

A. Brownstein Zeidman and Schomer, 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

B. International Franchise Association, 1025 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20036.

A. Brownstein Zeidman and Schomer, 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

B. Mortgage Guaranty Insurance Corp., MGIC Plaza, Milwaukee, Wis., 53201.

A. Brownstein Zeidman and Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. New York City Housing Development Corp., 42 Broadway–10 Floor, New York, N.Y. 10004.

A. Brownstein Zeidman and Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. New York City Urban Development Corp., 1515 Broadway, New York, N.Y. 10036.

A. Brownstein Zeidman and Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. New York State Mortgage Loan Enforcement and Administration Corp., 11 West 42d Street, New York, N.Y. 10036.

A. Richard L. Brubacher, Minnesota Petroleum Council, 300 Northern Federal Building, St. Paul, Minn. 55102.

B. American Petroleum Institute, 2101 L Street, NW., Washington, D.C. 20037.

E. (9) $32.40.

A. Kathryne M. Bruner, 2021 K Street NW., Suite 709, Washington, D.C. 20006.

B. General Atomic Co., San Diego, Calif.

D. (6) $700. E. (9) $95.05.

A. Michael E. Brunner, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.

B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007 (1700 North Moore Street, Arlington, Va.).

D. (6) $3,000. E. (9) $263.95.

A. Robert O. Brunner, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $311.54. E. (9) $50.11.

A. J. Charles Bruse, 1700 Pennsylvania Avenue NW., No. 750, Washington, D.C. 20006.

B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. J. Charles Bruse, 1700 Pennsylvania Avenue NW., No. 750, Washington, D.C. 20006.

B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

A. Harvey F. Bush, 2006 Washington Street, San Francisco, Calif. 94109.

B. Bechtel Inc., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Garry Bryant, 806 15th Street NW., Suite 600, Washington, D.C. 20005.

B. Migrant Legal Action Program, Inc., 806 15th Street NW., Suite 600, Washington, D.C. 20005.

D. (6) $5,497.03. E. (9) $6,717.69.

A. Ronald B. Buckhalt, National Utility Contractors Association, 815 15th Street NW., Suite 838, Washington, D.C. 20005.

B. National Utility Contractors Association, 815 15th Street NW., Suite 838, Washington, D.C. 20005.

D. (6) $1,600. E. (9) $1,479.92.

A. Robert D. Buehler, B. F. Goodrich Co., 1800 K Street NW., Suite 929, Washington, D.C. 20006.

B. The B. F. Goodrich Co., Akron, Ohio 44318.

D. (6) $400.

A. Douglas W. Bulcao, American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue, Suite 300, Washington, D.C. 20036.

B. American Textile Manufacturers, Inc., 1101 Connecticut Avenue, Suite 300, Washington, D.C. 20036.

D. (6) $1,400. E. (9) $52.73.

A. Susan K. Bunning, 1107 West Galbraith Road, Cincinnati, Ohio 45231.

B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

E. (9) $215.

A. Lawrence E. Burch 1735 Jefferson Davis Highway, No. 903, Arlington, Va. 22202.

B. Potato Chip/Snack Food Association, 1735 Jefferson Davis Highway, No. 903, Arlington, Va. 22202.

A. Norman D. Burch, 1333 New Hampshire Avenue NW., Suite 520, Washington, D.C. 20036.

B. College of American Pathologists, 7400 North Skokie Boulevard, Skokie, Ill. 60077.

D. (6) $5,220. E. (9) $59.

A. David G. Burden, 200 E. Randolph Drive, Chicago, Ill. 60601.

B. Standard Oil Co. (Indiana), 200 E. Randolph Drive, Chicago, Ill. 60601.

D. (6) $1,144.80. E. (9) $2,181.26.

A. Paul F. Burdett, 10 Emerson Court, Severna Park, Md. 21146.

B. Richardson-Merrell, Inc., Ten Westport Road, Wilton, Conn. 06897.

E. (9) $15.

A. William J. Burhop, Air Transport Association, 1709 New York Avenue NW., Washington, D.C. 20006.

B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

D. (6) $2,000.

A. Burke & Burke, 529 Fifth Avenue, New York, N.Y. 10017.

B. J. Reynolds Barnes (for Eleanor A. Clark), 111 American Building, 621 SW. Morrison Street, Portland, Oreg. 97205; John Poinier, 382 Springfield Avenue, Summit, N.J. 07701.

E. (9) $547.65.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Mont. 59701.

B. Montana Power Co., Butte, Mont. 59701.

E. (9) $99.68.

A. Burley & Dark Leaf Tobacco Export Association, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.

D. (6) $36,824.32. (9) $909.52.

A. Phillip C. Burnett, 1918 N. Parkway, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

A. David G. Burney, United States Tuna Foundation, 2040 Harbor Island Drive, Suite 208, San Diego, Calif. 92101.

B. United States Tuna Foundation, 2040 Harbor Island Drive, Suite 208, San Diego, Calif. 92101.

D. (6) $6,000. E. (9) $3,000.

A. Charles S. Burns, Phelps Dodge Corp., 1015 15th Street, NW., Washington, D.C. 20005.

B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.

D. (6) $1,200.

A. Gerrie Bjornson Burns, B. F. Goodrich Co., 1800 K Street NW., Suite 929, Washington, D.C. 20006.

B. The B. F. Goodrich Co., Arkon, Ohio 44318.

D. (6) $100.

A. Timothy F. Burns, Chemical Manufacturers Associations, 1825 Connecticut Avenue NW., Wasihngton, D.C. 20009.

B. Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $300.

A. James L. Burridge, 13605 Glenhurst Road, Travilah, Md. 20760.

B. FMC Corp., 1627 K Street NW., Washington, D.C. 20006.

D. (6) $1500. E. (9) $126.30.

A. Theresa Burt, 1010 Vermont Avenue NW., Washington, D.C. 20005.

B. OPERA America, 1010 Vermont Avenue NW., Washington, D.C. 20005.

D. (6) $225.69. E. (9) $653.99.

A. Busby, Rehm & Leonard, 1629 K Street NW., Suite 1100, Washington, D.C. 20006.

B. Ad Hoc Committee of Lead Consumers, 1629 K Street NW., Suite 1100, Washington, D.C. 20006.

D. (6) $3,840. E. (9) $81.81.

A. Busby, Rehm & Leonard, 1629 K Street NW., Suite 1100, Washington, D.C. 20006.

B. Automobile Importers of America, Inc., 1735 Jefferson Davis Highway, Suite 1002, Arlington, Va. 22202.

A. Nicholas J. Bush, Exxon Corp., 1899 L Street NW., Suite 1100, Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

E. (9) $598.71.

A. Business Products Council Association, P.O. Box 35047, Fayetteville, N.C. 28303.

A. Business Executives Move for New National Priorities, 901 North Howard Street, Baltimore, Md. 21201.

D. (6) $1,439. E. (9) $573.77.

A. James J. Butera, National Association of Mutual Savings Banks, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10163.

D. (6) $2,968.75. E. (9) $630.99.

A. John W. Butler, 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.

B. Council of Energy Resource Tribes. 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.

A. H. E. Butt Grocery Co., P.O. Box 9216, Corpus Christi, Tex. 78408.

E. (9) $192.75.

A. Helen B. Byrd, 730 24th Street NW., Apartment 403, Washington, D.C. 20037.

B. National Parks and Conservation Association, 1701 18th Street NW., Washington, D.C. 20009.

A. John W. Byrnes, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs (for American Family Mutual Insurance Co.), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John W. Byrnes, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs (for Cabot Corp.), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John W. Byrnes, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs (for Insurance Association of Connecticut), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John W. Byrnes, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs (for Republic of the Philippines), 1775 Pennsylvania Avenue, Washington, D.C. 20006.

A. Cable, McDaniel, Bowie & Bond, 900 Blaustein Building, Baltimore, Md. 21201.

B. Crown Central Petroleum Corp., 1 North Charles Street, P.O. Box 1168, Baltimore, Md. 21203.

A. Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW., Suite 700, Washington, D.C. 20036.

B. Mocatta Metals Corp., 4 World Trade Center, Suite 5200, New York, N.Y. 10048.

E. (9) $477.50.

A. Alan Caldwell, Del Monte Corp., 1825 K Street NW., Washington, D.C. 20006.

B. Del Monte Corp., 1 Market Plaza, San Francisco, Calif. 94119.

D. (6) $1,000. E. (9) $50.

A. Califano, Ross & Heineman, 1575 I Street NW., Washington, D.C. 20005.

B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

D. (6) $275. E. (9) $20.90.

A. Califano, Ross & Heineman, 1575 I Street NW., Washington, D.C. 20005.

B. Quality Care, Inc., 100 North Centre Street, Rockville Centre, N.Y. 11570.

E. (9) $50.

A. F. Patricia Callahan, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.

B. Sears, Roebuck, & Co., Sears Tower, Chicago, Ill. 60684.

A. Peter E. Callanan, Honeywell, Inc., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Honeywell Inc, Honeywell Plaza, Minneapolis, Minn. 55408.

D. (6) $800. E. (9) $325.

A. Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500–D, Atlanta, Ga. 30342.

D. (6) $21,802. E. (9) $9,423.

A. Gordon L. Calvert, Box 34–531, Washington, D.C. 20034.

B. Commercial Collection Agency Section, Commercial Law League of America, 222 West Adams Street, Chicago, Ill. 60606.

D. (6) $2,000. E. (9) $11.90.

A. Victoria R. Calvert, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue N.W., Washington, D.C. 20036.

D. (6) $1,324.

A. Arthur E. Cameron, 499 South Capitol Street SW., Suite 110, Washington, D.C. 20003.

B. Ferro Corp., Cataphote Division, P.O. Box 2369, Jackson, Miss. 39205; General Steel Industries, Inc., Flex-O-Lite Division, P.O. Box 4366, St. Louis, Mo. 63123.

D. (6) $3,000.

A. Arthur E. Cameron, 499 South Capitol Street SW., Suite 110, Washington, D.C. 20003.

B. Gulf & Western Industries, Inc., 600 New Hampshire Avenue NW., Washington D.C. 20037.

D. (6) $4,000.

A. Arthur E. Cameron, 499 South Capitol Street SW., Suite 110, Washington, D.C. 20003.

B. LFE Corp., 1601 Trapelo Road, Waltham, Mass. 02154.; Safetran Systems Corp., 7721 National Turnpike, Louisville, Ky. 40214.

D. (6) $3,750.

A. Arthur E. Cameron, 499 South Capitol Street SW., Suite 110, Washington, D.C. 20003.

B. Prismo Universal Corp., 300 Lanidex Plaza, Parsippany, N.J. 07054.

D. (6) $5,499.

A. C. Russell Campbell, Jr., Suite 900, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. General Telephone & Electronics Corp., 1 Stamford Forum, Stamford, Conn. 06904.

D. (6) $1,500.

A. Carl C. Campbell, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $346.15.

A. J. Phil Campbell, Jr., Box 31, Route 1, Watkinsville, Ga. 30677.

B. Gold Kist, Inc., P.O. Box 2210, Atlanta, Ga. 30301.

D. (6) $75. E. (9) $40.

A. Jerry L. Campbell, 831 Chestnut Street, Chattanooga, Tenn. 37402.

B. Tennessee Valley Public Power Association, 831 Chestnut Street, Chattanooga, Tenn. 34702.

A. Thomas D. Campbell, 1000 16th Street NW., Suite 500, Washington, D.C. 20036.

B. Standard Oil Co., (Indiana), 200 East Randolph Drive, Chicago, Ill. 60680.

D. (6) $1,500. E. (9) $320.69.

A. Alyce D. Canaday, Pacific Power & Light Co., 918 16th Street NW., Washington, D.C. 20006.

B. Pacific Power & Light Co., Public Service Building, Portland, Oreg. 97204.

D. (6) $522. E. (9) $689.57.

A. Robert P. Canavan, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $1,592.40. E. (9) $104.

A. Paul W. Cane, 5 Corte Alegra, Greenbrae, Calif., 94904.

B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. W. Dean Cannon, Jr., 9800 South Sepulveda Boulevard, Suite 500, Los Angeles, Calif. 90045.

B. California Savings & Loan League, 9800 South Sepulveda Boulevard, Suite 500, Los Angeles, Calif. 90045.

D. (6) $3,000. E. (9) $1,497.35.

A. David L. Cantor, 1111 19th Street NW., 9th Floor, Washington, D.C. 20036.

B. Edison Electric Institute, 1111 19th Street NW., 9th Floor, Washington, D.C. 20036.

D. (6) $310.

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C. 20036.

B. Aetna Life & Casualty Co., 151 Farmington Avenue, Hartford, Conn. 06115.

D. (6) $14,405.50. E. (9) $413.40.

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C. 20036.

B. American Family Life Assurance Co. of Georgia, P.O. Box 1459, Columbus, Ga. 31902.

D. (6) $423.50.

A. Marvin H. Caplan, Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $6,364.55. E. (9) $240.19.

A. Ronald A. Capone, Kirlin, Campbell & Keating, 1150 Connecticut Avenue NW., No. 800, Washington, D.C. 20036.

B. Council of European & Japanese National Shipowners' Association, 30/32 St. Mary Axe, London, EC3A 8ET England.

D. (6) $8,400. E. (9) $505.42.

A. Charles E. Capron, 2401 Calvert Street NW., No. 905, Washington, D.C. 20008.

A. Arnold P. Caputo, 7600 Tremayne Place, No. 302, McLean, Va. 22101.

B. National Concrete Masonry Association, 2302 Horse Pen Road, Herndon, Va. 22070.

D. (6) $75. E. (9) $171.

A. Isaac R. Caraco, 4532 Park Monaco, Calabasas Park, Calif. 91302.

B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Denise A. Cardman, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.

B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.

D. (6) $400. E. (9) $50.

A. Carella, Bain, Gilfillan & Rhodes, Gateway I, Suite 2404, Newark, N.J. 07102.

B. Wagner Electric Corp., 100 Misty Lane, Parsippany, N.J. 07054.

A. Norval E. Carey, 2021 K Street NW., Suite 709, Washington, D.C. 20006.

B. General Atomic Co., San Diego, Calif.

D. (6) $1,950. E. (9) $156.48.

A. Warren H. Carey, Phillips Petroleum Co., 1825 K Street NW., Suite 1107, Washington, D.C. 20006.

B. Phillips Petroleum Co., Bartlesville, Okla.

A. David Carley, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

B. Association for Public Broadcasting, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

D. (6) $250. E. (9) $16.

A. Peter Carlson, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $3,375.

A. Thomas H. Carmody, Blue Ribbon Sports, Inc., 507 Second Street NE., Washington, D.C. 20002.

B. Blue Ribbon Sports, Inc., 3900 South West Murray Boulevard, Beaverton, Oreg. 97005.

D. (6) $2,500. E. (9) $1,300.

A. Chapin Carpenter, Jr., Magazine Publishers Association, 1629 K Street NW., No. 603, Washington, D.C. 20006.

B. Magazine Publishers Association, 575 Lexington Avenue, New York, N.Y. 10022.

D. (6) $1,500.

A. Jack M. Carpenter, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $47.84. E. (9) $18.75.

A. Richard M. Carrigan, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $1,884.80. E. (9) $197.90.

A. John R. Carson, 20 Chevy Chase Circle, Washington, D.C. 20015.

B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.

D. (6) $8,000.

A. Harlon B. Carter, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $1,875.

A. Joseph L. Carter, Jr., Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D..C 20036.

D. (6) $931.92. E. (9) $208.31.

A. James P. Carty, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $500.

A. Donato Caruso, Lorenz, Finn, Giardino & Lambos, 25 Broadway, Suite 1755, New York, N.Y. 10004.

B. New York Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.

D. (6) $6,000. E. (9) $330.

A. David H. Casey, 101 Constitution Avenue, NW., Washington, D.C. 20001.

B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.

D. (6) $7,600. E. (9) $2,271.65.

A. Jim Casey, 1629 K Street NW., Suite 800, Washington, D.C. 20006.

B. Amfac Nurseries, Inc., 121 South Hill Drive, Brisbane, Calif. 94005.

D. (6) $1,200. E. (9) $96.

A. Jim Casey, 1629 K Street NW., Suite 800, Washington, D.C. 20006.

B. Belle Fourche Irrigation District, Newell, S. Dak. 57760.

D. (6) $1,000. E. (9) $85.

A. Jim Casey, 1629 K Street NW., Suite 800, Washington, D.C. 20006.

B. C. & B. Cattle Co., Route 1, Box 223, Hansen, Idaho 83334.

D. (6) $4,000 E. (9) $329.

A. Jim Casey, 1629 K Street NW., Suite 800, Washington, D.C. 20006.

B. Committee on Power for the Southwest, Inc., 400 South Broadway, Suite 3, Edmond, Okla. 73034.

D. (6) $2,000. E. (9) $167.

A. Jim Casey, 1629 K Street NW., Suite 800, Washington, D.C. 20006.

B. Garrison Diversion Conservancy District, P.O. Box 140, Carrington, N. Dak.

D. (6) $1,500. E. (9) $117.

A. Jim Casey, 1629 K Street NW., Suite 800, Washington, D.C. 20006.

B. Salt River Valley Water Users Association, P.O. Box 1980, Phoenix, Ariz. 85001.

D. (6) $300. E. (9) $33.

A. Jim Casey, 1629 K Street NW., Suite 800, Washington, D.C. 20006.

B. Twin Falls Canal Co., P.O. Box 326, Twin Falls, Idaho 83301.

D. (6) $3,000. E. (9) $234.

A. John S. Casey, P.O. Box 266, Heflin, Ala. 36264.

B. Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.

A. James B. Cash, Jr., 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,000.

A. Allen R. Caskie, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

D. (6) $80.

A. Eugene I. Casraiss, Jr., United Automobile, Aerospace, Agricultural Implement Workers of America (UAW), 1757 N Street NW., Washington, D.C. 20036.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 E. Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $8,111.66. E. (9) $101.20.

A. Daniel J. Cassidy, 1001 Connecticut Avenue NW., No. 1120, Washington, D.C. 20036.

B. Chemical Specialties Manufacturers Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. Gerald S. J. Cassidy, Schlossberg-Cassidy & Associates, Inc., 955 L'Enfant Plaza SW., Suite 1401, Washington, D.C. 20024.

B. National Frozen Food Association, 1019 19th Street NW., Washington, D.C. 20036.

D. (6) $1,150. E. (9) $22.

A. John L. Castallani, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $875. E. (9) $32.60.

A. Rita L. Castle, Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.

B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.

D. (6) $150. E. (9) $466.50.

A. Joseph E. Cavanagh, International Brotherhood of Electrical Workers, 1125 15th Street NW., Washington, D.C. 20005.

B. International Brotherhood of Electrical Workers, AFL–CIO–CLC, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $2,675.

A. Frank R. Cawley, P.O. Box 2351, Falls Church, Va. 22042.

B. Agricultural Publishers Association, Inc., P.O. Box 2351, Falls Church, Va. 22042.

D. (6) $128.64. E. (9) $128.64.

A. Dorothy D. Cecelski, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $3,250.

A. Cederberg & Associates, 7100 Sussex Place, Alexandria, Va. 22307.

B. Grumman Corp., 1600 Wilson Boulevard, Arlington, Va.

D. (6) $1,500.

A. Cederberg & Associates, 7100 Sussex Place, Alexandria, Va 22307.

B. Martin Marietta Corp., Rockville, Md.

D. (6) $1,200.

A. Cederberg & Associates, 7100 Sussex Place, Alexandria, Va. 22307.

B. RCA, 1901 North Moore Street, Arlington, Va.

D. (6) $1,000.

A. Cederberg & Associates, 7100 Sussex Place, Alexandria, Va. 22307.

B. United Technologies, 1125 15th Street NW., Washington, D.C.

D. (6) $1,200.

A. Central States Resource Center, P.O. Box 477, Urbana, Ill. 61801.

D. (6) $5,100. E. (9) $6,605.49.

A. CF Industries, Inc./Energy Cooperative, Inc., Salem Lake Drive, Long Grove, Ill. 60047.

E. (9) $1,000.

A. Owen R. Chaffee, 203 Yoakum Parkway, No. 1012, Alexandria, Va. 22304.

B. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.

D. (6) $1,000. E. (9) $140.

A. Henry Chajet, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $175.84.

A. John A. Chambers, Satra Corp., 1050 17th Street NW., Suite 680, Washington, D.C. 20036.

B. Satra Corp., 1211 Avenue of the Americas, New York, N.Y. 10036.

D. (6) $3,200. E. (9) $800.

A. Thomas Champion, 1111 19th Street NW., Washington, D.C. 20036.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $1,365. E. (9) $370.

A. Ed Chandler, 7901 Westpark Drive, McLean, Va. 22102.

B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.

D. (6) $3,750. E. (9) $500.

A. William U. Chandler, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $2,499.99.

A. William C. Chapman, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $3,000. E. (9) $3,868.40.

A. David F. Chavkin, National Health Law Program, 1424 16th Street NW., Suite 304, Washington, D.C. 20036.

B. National Health Law Program, 2639 S. La Cienega Boulevard, Los Angeles, Calif. 90034.

D. (6) $390.55. E. (9) $616.62.

A. Leslie Cheek III, Crum and Forster Corp., 1120 Connecticut Avenue, NW., Suite 1142, Washington, D.C. 20036.

B. Crum & Forster Corp., Madison Avenue at Canfield Road. P.O. Box 2387, Morristown, N.J. 07960.

D. (6) $14,500. E. (9) $1,004.

A. Jane Cheever, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

B. First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. Jane Cheever, First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

B. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $5,000. E. (9) $3,000.

A. Chemical Specialties Manufacturers Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $74.55. E. (9) $74.55.

A. Chemtex Fibers, Inc., 850 Third Avenue, New York, N.Y. 10022.

A. Children's Rights, Inc., 3443 17th Street NW., Washington, D.C. 20010.

D. (6) $246.50. E. (9) $240.89.

A. Phillip R. Chisholm, National Oil Jobbers Council, 1707 H Street NW., 11th floor, Washington, D.C. 20006.

B. National Oil Jobbers Council, 1707 H Street NW., 11th floor, Washington, D.C. 20006.

D. (6) $6,125. E. (9) $661.11.

A. James R. Choukas-Bradley, Schlossberg-Cassidy & Associates, Inc., 955 L'Enfant Plaza SW., Suite 1401, Washington, D.C. 20024.

B. National Frozen Food Association, 1019 19th Street NW., Washington, D.C. 20036.

A. Hal M. Christensen, 1101 17th Street NW., Washington, D.C. 20036.

B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $3,000.

A. Chugach Electric Association, Inc., P.O. Box 3518, Anchorage, Alaska 99501.

E. (9) $6,942.46.

A. Donald T. Chunn, Route 2, Box 89, Columbia, Tenn. 38401.

B. Title Associates, Inc., Route 2, Box 89, Columbia, Tenn. 38401.

A. Cigar Association of America, Inc., 1120 19th Street NW., Washington, D.C. 20036.

E. (9) $345.74.

A. Citizens Committee for the Right to Keep and Bear Arms, 1601 114th Southeast, Suite 151, Bellevue, Wash. 98004.

D. (6) $165,498.18. E. (9) $16,686.72.

A. Citizens for Government Fairness, P.O. Box 1336, Brawley, Calif. 92227.

D. (6) $91,111.23. E. (9) $92,660.05.

A. Citizens for the Management of Alaska Lands, Inc., 840 K Street NW., No. 205, Anchorage, Alaska 99501.

D. (6) $103,701.10. E. (9) $76,761.01.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.

B. Ashland Oil, Inc., 1401 Winchester Avenue, Ashland, Ky.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.

B. Crown Central Petroleum Corp., 1 North Charles, P.O. Box 1168, Baltimore, Md. 21203.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.

B. International Petroleum Refining & Supply, Sdad., Ltda., 1270 Avenue of the Americas, Suite 2308, New York, N.Y. 10020.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.

B. International Processors, 4100 One Shell Square, New Orleans, La. 70139.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.

B. Seaview Petroleum Co., P.O. Box 231. Blue Bell, Pa. 19422.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.

B. Toyota Motor Sales, U.S.A., 2055 West 190th Street, Torrence, Calif. 90504.

A. Norman M. Clapp, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.

B. Cooperative League of the USA, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.

D. (6) $5,400. E. (9) $684.84.

A. James W. Clark, Jr., American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, c/o Dr. Wendell D. Waldie, 3111 Aloma, Wichita, Kans. 67211.

D. (6) $123.12. E. (9) $119.14.

A. Kimball Clark, Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $862.36. E. (9) $405.52.

A. Thomas R. Clark, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

D. (6) $10.95.

A. Vernon A. Clark, 1899 L Street NW., Suite 403, Washington, D.C. 20036.

B. Outdoor Advertising Association of America, Inc., 1899 L Street NW., Suite 403, Washington, D.C. 20036.

D. (6) $750. E. (9) $172.

A. Donald M. Clarke, International Harvester Co., 1707 L Street NW., Washington, D.C. 20036.

B. International Harvester Co., 1707 L Street NW., Washington, D.C. 20036.

D. (6) $1,250. E. (9) $314.49.

A. Wade P. Clarke, Jr., Deere & Co., John Deere Road, Moline, Ill. 61265.

B. Deere & Co., John Deere Road, Moline, Ill. 61265.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Industrial Health Council, 1075 Central Park Avenue, Scarsdale, N.Y. 10583.

D. (6) $50. E. (9) $3.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Columbia Nitrogen Corp., P.O. Box 1483, Augusta, Ga. 30903; and Nipro, Inc., P.O. 1483, Augusta, Ga. 30903.
E. (9) $9.75.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Sporting Arms and Ammunition Manufacturers Institute, 420 Lexington Avenue, New York, N.Y. 10017.
D. (6) $750.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Synthetic Organic Chemical Manufacturers Association, 1075 Central Park Avenue, Scarsdale, N.Y. 10583.
D. (6) $60.

A. Ronald D. Clements, 1111 19th Street St. NW., Washington, D.C. 20036.
B. The Edison Electric Institute, 1111 19th St., NW., Washington, D.C. 20036.
D. (6) $1,975. E. (9) $640.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Avco Corp., 750 Third Avenue, New York, N.Y. 10017.

A. Clifford & Warnke, 815 Connecticut Avenue, Washington, D.C. 20006.
B. Coffee, Sugar and Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.
D. (6) $2,920. E. (9) $730.

A. Clifford & Warnke, 815 Connecticut Avenue, Washington, D.C. 20006.
B. Joint Corporate Committee on Cuban Claims, c/o Lone Star Industries, Inc., P.O. Box 5050, Greenwich, Conn. 06830.
D. (6) $900. E. (9) $270.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. National Tour Brokers Association, Inc., 120 Kentucky Avenue, Lexington, Ky. 40502.
E. (9) $31.70.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Warner-Lambert Co., 201 Tabor Road, Morris Plains, N.J. 07950.

A. Dexanne B. Clohan, American Medical Association, 1776 K Street NW., Washington D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $1,112.05.

A. The Coalition for Full Nuclear Accountability, Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $6,164.38. E. (9) $6,164.38.

A. Coalition of Automotive Associations, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.

A. Coalition to Halt Automotive Theft, 786 National Press Building, Washington, D.C. 20045.
D. (6) $6,400. E. (9) 9,430.25.

A. Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.
D. (6) $6,956.77. E (9) $6,956.77.

A. Thomas B. Coates, Connecticut Petroleum Council, 410 Asylum Street, Hartford, Conn. 06103.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $300. E. (9) $377.48.

A. Richard B. Cobb Petroleum Council of Georgia, 230 Peachtree Street NW., Suite 1500, Atlanta, Ga. 30303.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $274. E. (9) $567.65.

A. The Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.
E. (9) $2,570.31.

A. John J. Coffey, 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A. Inc., 1700 K Street NW., Washington, D.C. 20006.
D. (6) $650.

A. David Cohen, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $11,749.99. E. (9) 67.75.

A. Cohen & Uretz, 1775 K Street NW., 4th Floor, Washington, D.C. 20006.
B. Estate of Sylvia S. Buring, 1837 Harbor Avenue, Memphis, Tenn. 38113.
E. (9) $427.63.

A. Cohen & Uretz, 1775 K Street NW., Washington, D.C. 20006.
B. Wometco Enterprises, Inc., 306 North Miami Avenue, Miami, Fla. 33138.
D. (6) $4,950. E. (9) $65.58.

A. Herbert B. Cohn, Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036
B. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800, North, Washington, D.C. 20036.
D. (6) $140.

A. Cole Corette & Bradfield, 1200 17th Street NW., Washington, D.C. 20036.
B. Lubar & Youngstein, 29 St. John Street, London SWIA 1HB England.
D. (6) $2,058.15. E. (9) $85.20.

A. E. William Cole, Union Oil Co. of California, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
D. (6) $600. E. (9) $80.

A. Eleanor Cole, UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.
B. UBA, Inc., 1800 M Street NW., Suite 460 South, Washington, D.C. 20036.
D. (6) $1,000.

A. Ken W. Cole, Standard Oil Co. (Indiana), P.O. Box 3092, Houston, Tex. 77001.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

A. Robert E. Cole, 1660 L Street NW., Washington, D.C.
B. General Motors Corp., 1660 L Street NW., Washington, D.C.
D. (6) $2,500. E. (9) $2,296.93.

A. Stacey W. Cole, New Hampshire Petroleum Council, 23 School Street, Concord, N.H. 03301.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (9) $315.28. E. (9) $201.54.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Cardio Pulmonary Contractors Association, 2550 M Street NW., Washington, D.C. 20037.
D. (6) $3,000.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. College of American Pathologists, 7400 North Skokie Boulevard, Skokie, Ill. 60076.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. National Association of Truck Stop Operators, P.O. Box 1285, Alexandria, Va. 22313.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. National Pharmaceutical Alliance, 2550 M Street NW., Washington, D.C. 20037.
D. (6) $7,500.

A. Marvin K. Collie, 2201 First City National Bank Building, Houston, Tex. 77002.
B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002 (for University of Texas System, 201 West 7th Street, Austin, Tex. 78701).

A. Calvin J. Collier, Hughes Hubbard & Reed, 1660 L Street NW., Washington, D.C. 20036.
B. Bristol-Myers Co., 345 Park Avenue, New York; N.Y. 10022.

A. Calvin J. Collier, Hughes Hubbard & Reed, 1660 L Street NW., Washington, D.C. 20036.
B. Pfizer, Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $27.50.

A. John M. Collier, 4436 Perrier Street, New Orleans, La. 70115.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $9,047.70.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Allegheny Ludlum Industries, Inc., Two Oliver Plaza, Pitsburgh, Pa. 15222.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., No. 308, Washington, D.C. 20007.
B. American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va. 22102.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Ferrous Scrap Consumers Coalition, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
D. (6) $500.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $150.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Republic of China, Taipai, Taiwan.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

B. Tool and Stainless Steel Industry Committee, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

A. Bruce D. Collins, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $412.50.

A. George R. Collins, IUE–AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.

B. IUE–AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.

D. (6) $600. E. (9) $300.

A. Mary M. Collins, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.

B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.

D. (6) $500.

A. Paul L. Collins, American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.

B. American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.

D. (6) $1,345.41. E. (9) $225.47.

A. Robert B. Collyer, UBA, Inc., 1800 M Street NW., Suite 460 South, Washington, D.C. 20035.

B. UBA, Inc., 1800 M Street NW., Suite 460 South, Washington, D.C. 20035.

D. (6) $1,000.

A. Colorado Railroad Association, 420 Denver Club Building, Denver, Colo. 80202.

A. W. Kent Combs, IBM Corp., 1801 K Street NW., Washington, D.C. 20006.

B. International Business Machines Corp., Old Orchard Road, Armonk, N.Y. 10504.

D. (6) $1,125.39. E. (9) $35.50.

A. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800 N, Washington, D.C. 20036.

D. (6) $251.25. E. (9) $251.25.

A. Committee for Do-It-Yourself Household Moving, 1100 17th Street NW., Suite 1000, Washington, D.C. 20036.

A. Committee for Effective Capital Recovery, 1901 L Street NW., Suite 303, Washington, D.C. 20036.

D. (6) $1,817.64. E. (9) $1,817.64.

A. Committee for Effective Tax Incentives, One Farragut Square, 8th Floor, Washington, D.C. 20006.

A. Committee for Humane Legislation, 2101 L Street, NW., Washington, D.C. 20037.

D. (6) $49,831.77. E. (9) $26,042.89.

A. Committee for Limit of Oil Import, 400 Newport Center Drive, Suite 508, Newport Beach, Calif. 92660.

D. (6) $147. E. (9) $147.

A. Committee of Urban Program Universities, 1300 19th Street NW., No. 220, Washington, D.C. 20036.

D. (6) $12,750. E. (9) $10,340.47.

A. Committee to Assure the Availability of Casein, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $5,000.

A. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $858,894. E. (9) $291,671.49.

A. Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.

E. (9) $47.77.

A. Lance Compa, 1411 K Street NW., Suite 410, Washington, D.C. 20005.

B. United Electrical, Radio & Machine Workers of America (UE), 11 East 51st Street, New York, N.Y. 10022.

D. (6) $4,248.32. E. (9) $97.50.

A. Computer & Communications Industry Association, 1500 Wilson Boulevard, Suite 512, Arlington, Va. 22209.

D. (6) $6,225.05. E. (9) $18,187.76.

A. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

E. (9) $2,700.

A. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $30,319.68. E. (9) $30,319.68.

A. Raymond F. Conkling, Texaco, Inc., 1050 17th Street NW., Washington, D.C. 20036.

B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.

D. (6) $300.

A. Robert J. Conner, Chrysler Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Chrysler Corp., 12000 Lynn Townsend Drive, Highland Park, Mich. 48288.

D. (6) $500. E. (9) $1,025.21.

A. Stephen N. Conner, Route 1, Box 165, Easton, Md. 21601.

B. Ministry of Foreign Affairs, Kingdom of Saudi Arabia, % Royal Embassy of Saudi Arabia, 1520 18th Street NW., Washington, D.C.

E. (9) $1,563.42.

A. Albert J. Conners, Air Force Sergeants Association, Inc., 4235 28th Avenue, Marlow Heights, Md. 20031.

B. Air Force Sergeants Association, 4235 28th Avenue, Suite 713, Washington, D.C. 20031.

A. John J. Connolly, American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

B. American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

D. (6) $1,050.

A. Jerry C. Conners, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Consolidated Edison Co. of New York, Inc., 4 Irving Place, New York, N.Y. 10003.

E. (9) $447.50.

A. Consolidated Natural Gas Service Co., Inc., 4 Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $2,500.

A. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.

E. (9) $17,534.

A. Constructora Nacional de Carros de Ferrocarril, S:A., San Lorenzo No. 925, 5° Piso, Mexico, D.F. Mexico.

A. Consumer Energy Council of America, 1900 M Street NW., Suite 620, Washington, D.C. 20036.

E. (9) $902.70.

A. Consumers Union of U.S., Inc., 256 Washington Street, Mount Vernon, N.Y. 10550.

E. (9) $9,326.80.

A. Continental Group, Inc., 1 Harbor Plaza, Stamford, Conn. 06902.

A. Contract Carrier Conference of American Trucking Associations, Inc., 1730 Rhode Island Avenue NW., Suite 801, Washington, D.C. 20036.

D. (6) $10,000. E. (9) $8,511.82.

A. Control Data Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.

E. (9) $408.16.

A. John T. Conway, 410 First Street SE., Washington, D.C.

B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.

D. (6) $6,562. E. (9) $449.57.

A. Alexandra W. Cook, EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $273.38. E. (9) $142.33.

A. Charles F. Cook, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $249.99. E. (9) $18.50.

A. Frederick N. Cook, Vermont Petroleum Association, P.O. Box 566, Montpelier, Vt. 05602.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $750. E. (9) $487.34.

A. K. Richard Cook, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

D. (6) $550.

A. Cook, Purcell, Hansen & Henderson, 1015 18th Street NW., 11th floor, Washington, D.C. 20036.

B. Aleutian/Pribilof Islands Association, Inc., 1689 C Street, Anchorage, Alaska 99501.

A. Cook, Purcell, Hansen, & Henderson, 1015 18th Street NW., 11th floor, Washington, D.C. 20036.

B. American Motorcycle Association, P.O. Box 141, Westerville, Ohio 43081.

D. (6) $395.

A. Cook, Purcell, Hansen, & Henderson, 1015 18th Street NW., 11th floor, Washington, D.C. 20036.

B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.

D. (6) $1,800.

A. Cook, Purcell, Hansen, & Henderson, 1015 18th Street NW., 11th floor, Washington, D.C. 20036.

B. B.A.T. Industries, Limited, P.O. Box 345, Windsor House, 50 Victoria Street, London SW1H ONL England.

D. (6) $22,537.50 E. (9) $83.74.

A. Cook, Purcell, Hansen, & Henderson, 1015 18th Street NW., 11th floor, Washington, D.C. 20036.

B. Bank of Louisville, 500 West Broadway, Louisville, Ky. 40202.

A. Cook, Purcell, Hansen, & Henderson, 1015 18th Street NW., 11th floor, Washington, D.C. 20036.

B. Citizens Deposit Bank, P.O. Box 8, Vanceburg, Ky. 41179.

D. (6) $333.33.

A. Cook, Purcell, Hansen, & Henderson, 1015 18th Street NW., 11th floor, Washington, D.C. 20036.

B. Consolidated Natural Gas Co., Four Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $2,300. E. (9) $35.35.

A. Cook, Purcell, Hansen, & Henderson, 1015 18th Street NW., 11th floor, Washington, D.C. 20036.
B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $750.

A. Cook, Purcell, Hansen, & Henderson, 1015 18th Street NW., 11th floor, Washington, D.C. 20036.
B. Harley Davidson Motor Co., Inc., P.O. Box 652, Milwaukee, Wis. 53201.
D. (6) $375.

A. Cook, Purcell, Hansen & Henderson, 1015 18th Street NW., Washington, D.C. 20036.
B. N. C. Machinery, Box 3562, Seattle, Wash. 98124.
D. (6) $500.

A. Cook, Purcell, Hansen & Henderson, 1015 18th Street NW., Washington, D.C. 20036.
B. Ohio Valley Improvements Association, Inc., 401 Carew Tower, Cincinnati, Ohio 45202.
D. (6) $1,540.

A. Cook, Purcell, Hansen & Henderson, 1015 18th Street NW., Washington, D.C. 20036.
B. Roadway Express, Inc., P.O. Box 471, 1077 Gorge Boulevard, Akron, Ohio 44309.
D. (6) $13,571.88.

A. Cook, Purcell, Hansen & Henderson, 1015 18th Street NW., Washington, D.C. 20036.
B. St. George Tanaq Corp., Aleutian/Pribilof Island Association, Inc., 1689 C Street, Anchorage, Alaska 99501.
D. (6) $300.

A. Cook, Purcell, Hansen & Henderson, 1015 18th Street NW., Washington, D.C. 20036.
B. Texas Gas Transmission Corp., 3800 Frederica Street, Owensboro, Ky. 42301.
D. (6) $2,000.

A. Cook, Purcell, Hansen & Henderson, 1015 18th Street NW., Washington, D.C. 20036.
B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $2,200.

A. Cook, Purcell, Hansen & Henderson, 1015 18th Street NW., Washington, D.C. 20036.
B. The Tobacco Institute, 1875 I Street NW., Eighth Floor, Washington, D.C. 20006.
D. (6) $20,750. E. (9) $126.06.

A. Robert M. Cook, 4900 Oak Street, Kansas City, Mo. 64112.
B. Livestock Marketing Association, 4900 Oak Street, Kansas City, Mo. 64112.
D. (6) $3,750. E. (9) $200.46.

A. Eileen D. Cooke, American Library Association, 110 Maryland Avenue NE., Box 54, Washington, D.C. 20002.
B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $1,029.

A. Paul E. Cooney, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. First Wisconsin National Bank of Milwaukee, 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

A. Paul E. Cooney, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Benjamin Y. Cooper, Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va. 22209.
B. Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va. 22209.
D. (6) $3,500. E. (9) $37.64.

A. Edward Cooper, 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Janet Cooper, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $867.88. E. (9) $6.

A. Joshua W. Cooper, 626 South Lee Street, Alexandria, Va. 22314.
B. Portsmouth-Kittery Armed Services Committee, Inc., Box 1123, Portsmouth, N.H. 03801.
D. (6) $1,400. E. (9) $282.13.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Council of Forest Industries, 1055 West Hastings Street, Vancouver 1, Canada.
D. (6) $3,000.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Footwear Division, Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $9,000. E. (9) $2.

A. Cooperative League of the USA, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
D. (6) $14,240. E. (9) $6,991.06.

A. Darrell Coover, National Association of Independent Insurers, 499 South Capitol Street SW., Suite 401, Washington, D.C. 20003.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $2,000. E. (9) $197.

A. Ann G. Corcoran, National Audubon Society, 12002 Glen Road, Potomac, Md. 20854.
B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.
D. (6) $4,779.99. E. (9) $1,362.

A. John F. Corcoran, Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.
B. Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.
D. (6) $1,000.

A. Samuel C. Corey, Sr., 2500 DeKalb Pike, Norristown, Pa. 19404.
B. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa. 19404.

A. Samuel C. Corey, Jr., 2500 DeKalb Pike, Norristown, Pa. 19404.
B. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa. 19404.

A. Bennett J. Corn, Coffee, Sugar & Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.

A. Corn Refiners Association, Inc., 1001 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,357. E. (9) $1,496.

A. Donald E. Cornett, Exxon Corp., 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

A. Mary Marcotte Corrigan, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW, Washington, D.C. 20036.
D. (6) $750. E. (9) $0.40.

A. Richard L. Corrigan, 1015 15th Street NW., No. 802, Washington, D.C. 20005 .
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $875.

A. Alfred W. Cors, Jr., 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $536.

A. Allan D. Cors, 1800 K Street NW., Suite 1104, Washington, D.C. 20006.
B. Corning Glass Works, Corning, NY. 14830.
D. (6) $300.

A. R. H. "Dick" Cory, 1510 American Bank Tower, Austin, Tex. 78701.
B. Central and South West Services, Inc., One Main Place, Suite 2700, Dallas, Tex. 75250.
D. (6) $1,137. E. (9) $1,286.08.

A. John E. Cosgrove, Public Employee Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Public Employee Department, AFL-CIO,, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $11,755.53.

A. Cosmetic, Toiletry & Fragrance Association, Inc., 1133 15th Street NW., No. 1200, Washington, D.C. 20005.

A. Clark R. Cosse III, 5644 Hawthorne Place, New Orleans, La. 70124.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $7,750.02.

A. James R. Costello, Jr., American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue, Suite 300, Washington, D.C. 20036.
B. American Textile Manufacturers Institute, 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.
D. (6) $500. E. (9) $101.30.

A. Michael E. Costello, 1660 L Street NW., Suite 901, Washington, D.C. 20036.
B. Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Tex. 77001.
E. (9) $425.62.

A. Diane M. Costenoble, 815 16th Street NW., Washington, D.C. 20006.
B. Food and Beverage Trades Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $199.71. E. (9) $20.85.

A. Cotton Farmers Association, 700 Texas Center, 900 Washington, Waco, Tex. 76703.
D. (6) $2,156.50. E. (9) $2,726.80.

A. Paul J. Coughlin, Jr., Union Pacific Corp., 815 Connecticut Avenue NW., Suite 810, Washington, D.C. 20006.
B. Union Pacific Corp., 345 Park Avenue, New York, N.Y. 10022.
D. (6) $1,250. E. (9) $100.

A. Council for a Competitive Economy, 410 First Street SE., Washington, D.C. 20003.
D. (6) $1,230. E. (9) $7,662.87.

A. Council for a Livable World, 11 Beacon St., Boston, Mass. 02108.
E. (9) $9,175.66.

A. Council for Rural Development, c/o Greater Boston Development, One Boston Place, Boston, Mass. 02108.

A. Council of Energy Resource Tribes, 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.
D. (6) $3,609. E. (9) $500.

A. Council of State Chambers of Commerce, 499 S. Capitol Street SW., Suite 412, Washington, D.C. 20003.
D. (6) $940.05. E. (9) $1,827.12.

A William R. Courtney, P.O. 844, Temple, Tex. 76501.
B. Tribal Council of the Coushatta Tribe of Louisiana, c/o Ernest Sickey, chairman, P.O. Box 988, Elton, La. 70532.

A. James H. Cousins, National Savings and Loan League, 1101 15th Street NW., Washington, D.C. 20005.
B. National Savings and Loan League, 1101 15th Street NW., Washington, D.C. 20005.
D. (6) $1,000. E. (9) $66.45.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. American Association of Oral and Maxillofacial Surgeons, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $6,500. E. (9) $14.50.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. American Watch Association, 10 East 40th Street, New York, N.Y. 10016.
D. (6) $400. E. (9) $10.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Bristol Bay Native Corp., P.O. Box 220, Anchorage, Alaska 99510.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Houdaille Industries, Inc., One Financial Plaza, Fort Lauderdale, Fla. 33394.
D. (6) $2,401.25.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Hugo Neu, 380 Madison Avenue, New York, N.Y. 10017 and Hugo Neu & Sons, Inc., 380 Madison Avenue, New York, N.Y. 10017.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Interbank Card Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $610. E. (9) $10.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
E. (9) $26.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Irving Trust Co., 1 Wall Street, New York, N.Y. 10015.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Lydall, Inc., 615 Parker Street, Manchester, Conn. 06040.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. National Committee for Limited Profit Housing, c/o HRH Construction Corp., 515 Madison Avenue, New York, N.Y. 10022.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. New York State Urban Development Corp., 1 Astor Plaza, New York, N.Y. 10036.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Penjerdel Corp., 1617 JFK Boulevard, Philadelphia, Pa. 19103.
D. (6) $250.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Securities Industry Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

A. Eugene S. Cowen, 2759 Unicorn Lane NW., Washington, D.C. 20015.
B. American Broadcasting Corp., 1150 17th Street NW., Washington, D.C. 20036.
D. (6) $120.70.

A. Cowper & Madson, 712 Eighth Avenue, Fairbanks, Alaska 99701.
B. State of Alaska.
D. (6) $3,357.10.

A. Archibald Cox, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,916.65. E. (9) $237.36.

A. C. Bryan Cox, P.O. Box 139, Kansas City, Mo. 64141.
B. Kansas City Life Insurance Co., P.O. Box 139, Kansas City, Mo. 64141.

A. Charles S. Crawford, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. William D. Crawford, Brotherhood Railway Carmen of the United States and Canada, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood Railway Carmen of the United States and Canada, 4929 Main Street, Kansas City, Mo. 64112.
D. (6) $1,470.

A. Credit Union National Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Aldene E. Creech, National Association of Realtors, 925 15th Street NW., Washington, D.C.
B. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611; 915 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $37.61.

A. Kathryn Hilton Creech, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $125.

A. Max Creinin, 6543 North Hoyne Avenue, Chicago, Ill. 60645.

A. Joseph M. Cribben, 6900 Valley Brook Drive, Falls Church, Va. 22042.
B. United Association of Journeymen & Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, 901 Massachusetts Avenue NW., Washington, D.C. 20001.
D. (6) $1,750. E. (9) $30.

A. Byron M. Crippin, Jr., 303 20th Street SW., Austin, Minn. 55912.
B. Geo. A. Hormel & Co., Box 800, Austin, Minn. 55912.
D. (6) $438. E. (9) $488.

A. Richard E. Cristol, 5775 Peachtree-Dunwoody Road, Suite 500–D, Atlanta, Ga. 30342.
B. The Robert H. Kellen Co., 5775 Peachtree-Dunwoody Road, Suite 500–D, Atlanta, Ga. 30342. (For Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500–D, Atlanta, Ga. 30342.)
D. (6) $396.

A. Critical Mass Energy Project, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $400. E. (9) $261.25.

A. Croatian National Congress, 565 Fifth Avenue, New York, N.Y. 10017.

A. P. H. Croft, American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.
D. $1,450. E. (9) $248.82.

A. Robert W. Cromartie, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $75.

A. Charles H. Cromwell, Inc., 6709 Georgia Street, Chevy Chase, Md. 20015.
B. General Electric Co., Aircraft Engine Division, 777 14th Street NW., Suite 1000, Washington, D.C. 20005.
D. (6) $1,000. E. (9) $100.

A. Charles H. Cromwell Inc., 6709 Georgia Street, Chevy Chase, Md. 20015.
B. Hughes Helicopters, 1140 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20006.
D. (6) $1,000. E. (9) $100.

A. Charles H. Cromwell Inc., 6709 Georgia Street, Chevy Chase, Md. 20015.
B. Motorola, Inc., 1766 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $500. E. (9) $50.

A. Charles H. Cromwell Inc., 6709 Georgia Street, Chevy Chase, Md. 20015.
B. Northrop Corp., 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. $1,000. E. (6) $100.

A. Charles H. Cromwell Inc., 6709 George Street, Chevy Chase, Md. 20015.
B. Vought Corp., 1045 Jefferson Davis Highway, Suite 612, Alexandria, Va. 22202.
D. (6) $500. E. (9) $50.

A. Donald A. Crosier, Nebraska Petroleum Council, P.O. Box 95063, 334 South 13th Street, Lincoln, Nebr. 68509.
B. American Petroleum Institute, 2101 L Street, NW., Washington, D.C. 20037.

A. David T. Crow, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $1,428.60.

A. Jack A. Crowder, American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue, Suite 300, Washington, D.C. 20036.
B. American Textile Manufacturers, Inc., 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.
D. (6) $2,000. E. (9) $76.10.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Associated Gas Distributors, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.
D. (6) $937.50. E. (9) $30.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $206.50. E. (9) $10.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Control Data Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Pacific Southwest Airlines, 3225 North Harbor Drive, San Diego, Calif. 92101.

A. David C. Crowley, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.
B. American Association of Homes for the Aging, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.
D. (6) $450. E. (9) $25.

A. Kenneth R. Crowley, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.

A. Anne M. Cullather, 1707 L Street NW., Suite 515, Washington, D.C. 20036.
B. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.
D. (6) $3,000. E. (9) $150.

A. Barry M. Cullen, International Paper Co., 1620 Eye Street NW., No. 700, Washington, D.C. 20006.
B. International Paper Co., 1620 Eye Street NW., No. 700, Washington, D.C. 20006.
D. (6) $210.

A. Edward M. Cummins, One United Drive, Fenton, Mo. 63026.
B. United Van Lines, Inc., One United Drive, Fenton, Mo. 63026.
D. (6) $20,000. E. (9) $6,361.31.

A. John T. Curran, 905 16th Street NW., Washington, D.C. 20006.
B. Laborers International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $12,075. E. (9) $420.30.

A. Carl T. Curtis, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Green Field Transport Co., Inc., et al, P.O. Box 1235, Fort Dodge, Iowa 50501.
E. (9) $186.32.

A. Carl T. Curtis, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C.
B. Don Rich Co., 372 Franklin Avenue, Redlands, Calif. 92373.

A. Henry G. Curtis, 2121 Fifth Avenue, Seattle, Wash. 98121.
B. Industrial Customers of BPA, 464 Lloyd Building, 700 Northeast Multnomah Street, Portland, Oreg. 97232.

A. William K. Dabaghi, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,950.

A. Fred L. Dahl, 10808 South Glen Road, Potomac, Md. 20854.
B. Bechtel Power Corp., 1620 Eye Street NW., Washington, D.C. 20006.

A. William Kay Daines, American Retail Federation, Inc. 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
D. (6) $600. E. (9) $44.

A. Terese C. D'Alessio, Media General, Inc., Rm. 402, 2020 North 14th Street, Arlington, Va. 22201.
B. Media General, Inc., 333 East Grace Street, Richmond, Va. 23219.
D. (6) $50.00. E. (9) $12.97.

A. Donald W. Dalrymple, American Cyanamid Co., 1575 I Street NW., Suite 220, Washington, D.C. 20005.
B. American Cyanamid Co., (for Lederle Laboratories, Pearl River, N.Y. 10965), Wayne, N.J. 07470.
D. (6) $2,387.50 E. (9) $711.56.

A. James G. Dalton, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $2,000.

A. John M. Damgard, ACLI International Inc., 1735 I Street NW., No. 716, Washington, D.C. 20006.
B. ACLI International Inc., 717 Westchester Avenue, White Plains, N.Y. 10604.

A. Tracy Danese, P.O. Box 529100, Miami, Fla. 33152.
B. Florida Power & Light Co., P.O. Box 529100, Miami, Fla. 33152.
D. (6) $704. E. (9) $55.59.

A. John E. Daniel, Johns-Manville Corp., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Johns-Manville, P.O. Box 5108, Denver, Colo., 80217.
D. (6) $100.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., Washington, D.C. 20006.
B. Japan Lumber Importer's Association, Tokyo, Japan.

A. David S. Danielson, American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o Dr. Wendell D. Waldie, 3111 Aloma, Wichita, Kans. 67211.
D. (6) $43.24. E. (9) $90.81.

A. Dan Danner, 1747 Pennsylvania Avenue, NW., Suite 702, Washington, D.C. 20006.
B. ARMCO, 1747 Pennsylvania Avenue NW., Suite 702, Washington, D.C. 20006.
D. (6) $300. E. (9) $210.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
D. (6) $228.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Stewart Capital Corp., 485 Madison Avenue, New York, N.Y. 10022.
D. (6) $1,600.

A. William H. Darden, 1620 I Street NW., Washington, D.C. 20006.
B. Reynolds Metals Co., 6601 West Broad Street, Richmond, Va. 23261.
D. (6) $750. E. (9) $30.

A. F. Gibson Darrison, Jr., 4960 Sentinel Drive, Sumner, Md. 20016.
B. American Chiropractor Association, 2200 Grand Avenue, Des Moines, Iowa 50312.

A. Diane Davenny Darneille, Schering-Plough Corp., 1100 17th Street NW., No. 1206, Washington, D.C. 20036.
B. Schering-Plough Corp., 2000 Galloping Hill Road, Kenilworth, N.J. 07033.
D. (6) $230. E. (9) $157.

A. Thomas Roger Dart, Alabama Petroleum Council, P.O. Box 4220, Montgomery, Ala. 36195.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $635.94. E. (9) $590.35.

A. Philip J. Daugherty, Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $6,369.55. E. (9) $486.24.

A. John B. Davenport, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. The Robert H. Kellen Co., 5775 Peachtree-Dunwoody Road, Suite 500–D, Atlanta, Ga. 30342. (For: Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500–D, Atlanta, Ga. 30342.)
D. (6) $135.50.

A. Larry C. Davenport, Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suit 500–D, Atlanta, Ga. 30342.
B. The Robert H. Kellen Corp. for Calorie Control Council, 5775 Peachtree-Dunwood Road, Suite 500–D, Atlanta, Ga. 30342.
D. (6) $1,449.

A. Daniel I. Davidson, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Northern California Power Agency, 700 Kiely Boulevard, Santa Clara, Calif. 95051, and the Cities of Alameda, Biggs, Gridley, Healdsburg Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Ukiah, Calif. and Associate Member Plumas-Sierra Rural Electric Cooperative.

A. David R. Davis, Indian Petroleum Council, 714 Harrison Building, Indianapolis, Ind. 46204.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $437. E. (9) $464.43.

A. Edward M. Davis, American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
D. (6) $3,713.45 E. (9) $205.20.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, P.O. Box 185, Denver, Colo. 80201; Suite 400, 1300 19th Street NW., Washington, D.C. 20036.
B. Colorado Counties, Inc., 1500 Grant Street, No. 301, Denver, Colo. 80203.
D. (6) $420. E. (9) $353.14.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, 950 17th Street, Denver, Colo. 80202; Suite 400, 1300 19th Street NW., Washington, D.C. 20036.
B. Northern Colorado Water Conservancy District, P.O. Box 679, Loveland, Colo. 80537.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, 950 17th Street, Denver, Colo. 80202; Suite 400, 1300 19th Street NW., Washington, D.C. 20036.

B. John T. Oxley, c/o R. B. Jowell, Route 2, Box 151, Owasso, Okla. 74055.

D. (6) $2,712. E. (9) $2,279.57.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, 950 17th Street, Denver, Colo. 80202; Suite 400 1300 19th Street NW., Washington, D.C. 20036.

B. Purgatoire River Water Conservancy District, 430 East Main Street, Trinidad, Colo. 81082.

D. (6) $2,904. E. (9) $2,440.96.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, P.O. Box 185, Denver, Colo. 80202, Suite 400, 1300 19th Street NW., Washington, D.C. 20036.

B. Sport and Culture, U.S.A., Inc., 10 West Broadway, Suite 810, Salt Lake City, Utah 84101.

D. (6) $1,488. E. (9) $1,252.60.

A. Kenneth E. Davis, Rohm & Haas, 1899 L Street NW., Suite 807, Washington, D.C. 20036.

B. Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105.

D. (6) $500.

A. Ovid R. Davis, The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

D. (6) $895. E. (9) $1,233.02.

A. R. Hilton Davis, Chamber of Commerce of U.S.A., 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $402.50. E. (9) $6.40.

A. Robert W. Davis, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich.

D. (6) $720. E. (9) $367.55.

A. Walter L. Davis, United Food and Commercial Workers International Union, 1775 K Street NW., Washington, D.C. 20006.

B. United Food & Commercial Workers International Union, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $750.

A. William Lee Davis, 299 Park Avenue, New York, N.Y. 10171.

B. Westvaco Corp., 299 Park Avenue, New York, N.Y. 10171.

D. (6) $781.25. E. (9) $844.96.

A. P. M. Davison, Jr., North Dakota Railway Lines, 418 East Rosser Avenue, P.O. Box 938 Bismarck, N. Dak. 58501.

B. North Dakota Railway Lines, 418 East Rosser Avenue, P.O. Box 938, Bismarck, N. Dak. 58501.

A. J. Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.

B. Electronic Industries Association, 2001 Eye Street NW., Washington, D.C. 20003.

A. J. Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.

B. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C. 20006.

A. Dealer Bank Association, 1800 K Street NW., Suite 1014, Washington, D.C. 20006.

D. (6) $4,938. E. (9) $4,938.

A. John Russell Deane III, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.

B. Coalition of Automotive Associations, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.

A. John Russell Deane III, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.

B. Specialty Equipment Market Association, c/o John Russell Deane III, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.

A. Deaver & Hannaford, Inc., 2030 M Street NW., Suite 403, Washington, D.C. 20036.

B. Americans for the Voter Initiative, 3115 N Street NW., Washington, D.C. 20007.

D. (6) $1,450. E. (9) $105.

A. Deaver & Hannaford, Inc., 2030 M Street NW., Suite 403, Washington, D.C. 20036.

B. National Venture Capital Association, 2030 M Street NW., Suite 403, Washington, D.C. 20036.

D. (6) $7,000. E. (9) $1,163.53.

A. Mark A. de Bernardo, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $620.

A. Robert L. Debo, Missouri Oil Council, 428 East Capitol, Suite 203, Jefferson City, Mo. 65101.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $20.

A. Mark O. Decker, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $45.

A. Winston M. Decker, 1522 K Street NW., Suite 828, Washington, D.C. 20005.

B. American Veterinary Medical Association, 1522 K Street NW., Suite 828, Washington, D.C. 20005.

D. (6) $165.

A. Winston M. Decker, 1522 K Street NW., Suite 828, Washington, D.C. 20005.

B. Association of American Veterinary Medical Colleges, 1522 K Street NW., Suite 828, Washington, D.C. 20005.

D. (6) $225.

A. George K. Degnon Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.

B. Association of State and Territorial Health Officials, 1015 15th Street NW., Washington, D.C. 20005.

D. (6) $400. E. (9) $826.30.

A. DeHart Associates, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Recording Industry Association of America, Inc., 1633 Broadway, New York, N.Y. 10019.

D. (6) $5,687.50. E. (9) $176.19.

A. John W. Delaney, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. John Delaney, First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

B. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. Robert B. Delano, American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.

D. (6) $836.

A. Myra J. DeLapp, Security Pacific National Bank, 1901 L Street NW., Suite 702, Washington, D.C. 20036.

B. Security Pacific National Bank, 333 South Hope Street, Los Angeles, Calif. 90071.

D. (6) $1,260.

A. Dell, Craighill Fentress & Benson, 888 17th Street, No. 1200, Washington, D.C. 20006.

B. Governor Roberto de la Madrid, Gobernador de Baja California, P.O. Box 286, San Ysidro, Calif. 92073.

A. Dell, Craighill, Fentress & Benton, Suite 1200, 888 17th Street NW., Washington, D.C. 20006.

B. Sr. Jesus Almeida N., Mexican National Confederation of Livestock Producers, 16th Street, Chihuahua, Chihuahua, Mexico.

A. Cartha D. DeLoach, 700 Anderson Hill Road, Purchase, N.Y. 10577.

B. PepsiCo, Inc., 700 Anderson Hill Road. Purchase, N.Y. 10577.

D. (6) $600. E. (9) $33.40.

A. Joseph J. Del Quaglio, 1874 East 28th Street, Brooklyn, N.Y. 11229.

A. Stephen L. DeMaria, P.O. Box 3498, San Francisco, Calif. 94119.

B. Bendix Forest Products Corp., P.O. Box 3498, San Francisco, Calif. 94119.

D. (6) $2,000. (9) $20.

A. O. Mark De Michele, Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.

B. Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.

E. (9) $21,156.30.

A. Bradford T. Dempsey, 512 West Maple Avenue, No. 210, Vienna, Va. 22180.

A. George H. Denison, 4837 Del Ray Avenue, Washington, D.C. 20014.

B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

D. (6) $1,200.

A. Ray W. Denison, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $14,412.60. E. (9) $489.84.

A. John H. Denman, Missouri Oil Council, 428 East Capitol, Suite 203, Jefferson City, Mo. 65101.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $20.

A. Daniel B. Denning, Gulf Oil Corp., 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.

A. Edward A. Dent, 3115 N Street NW., Washington, D.C. 20007.

B. Americans for the National Voter Initiative Amendment, 3115 N Street NW., Washington, D.C. 20007.

. (6) $2,000.

A. Wells Denyes, Eastman Chemical Products, Inc., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Eastman Chemical Products, Inc., P.O. Box 431, Kingsport, Tenn. 37662.

D. (6) $615. E. (9) $88.45.

A. Department for Professional Employees, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $7,857.35. E. (9) $7,857.35.

A. Derrel B. DePasse, Container Corporation of America, 1100 Connecticut Avenue NW., No. 540, Washington, D.C. 20036.

B. Container Corporation of America, 1100 Connecticut Avenue NW., No. 540, Washington, D.C. 20036.

D. (6) $9,750. E. (9) $4,950.

A. Claude J. Desautels, 1899 L Street NW., Suite 400, Washington, D.C. 20036.

B. Flavor and Extract Manufacturers Association of the United States, 900 17th Street NW., Washington, D.C. 20006.

D. (6) $500.

A. Claude J. Desautels, 1899 L Street NW., Suite 400, Washington, D.C. 20036.

B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

A. R. Daniel Devlin, Trans World Airlines, Inc., 1000 16th Street NW., Washington, D.C. 20036.

B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016.

D. (6) $350.

A. Dewey, Ballantine, Bushby, Palmer & Wood, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Edgar Schwaibold, 307 North Harrison Street, Ludington, Mich. 49431.

D. (6) $430. E. (9) $20.

A. Dewey, Ballantine, Bushby, Palmer & Wood, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Stewart Capital Corp., 485 Madison Avenue, New York, N.Y. 10022.

A. Ralph B. Dewey, Pacific Gas and Electric Co., 1050 17th Street NW., No. 1180, Washington, D.C. 20036.

B. Pacific Gas and Electric Co., 77 Beale Street, San Francisco, Calif. 94106.

D. (6) $809.25. E. (9) $622.93.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France.

D. (6) $3,741.89. E. (9) $5,818.70.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20036.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. Government of Morocco, Rabat, Morocco.

D. (6) $5,525. E. (9) $2,584.35.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. Sofreavia, 75 rue la Boetie, Paris 8eme, France.

E. (9) $9,467.26.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. Thompson-CSF, 178 Boulevard Gabriel Peri, 92240 Malakoff, France.

E. (9) $340.

A. Charles J. DiBona, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $1,875.

A. John M. Dickerman, John Dickerman & Associates, Inc., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Lumber & Building Material Dealers Association, 1990 M Street NW., Suite 350, Washington, D.C.

D. (6) $6,000. E. (9) $586.15.

A. Dickinson, Wright, McKean, Cudlip & Moon, Suite 801, 1901 L Street NW., Washington, D.C. 20036.

B. Michigan Job Development Authority, P.O. Box 30227, Lansing, Mich. 48901.

E. (9) $2,792.13.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. American Fisheries Defense Committee, 2101 L Street NW., 10th floor, Washington, D.C. 20037.

D. (6) $1,350.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. Capeway Seafoods, Inc., 16 Front Street, New Bedford, Mass. 02742.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. Custom Automotive Sound Association, Inc., Suite 1000, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $1,000.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. Government of Liberia, Monrovia, Liberia.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. Hi-Energy Research & Development Corp., 1830 Flametree Way, Hemet, Calif. 92343.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. L-5 Society, 1620 North Park, Tucson, Ariz. 85719.

D. (6) $308.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. Marine Engineers Beneficial Association, 444 North Capitol Street, Washington, D.C. 20001.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. Mitsubishi International Corp., 1111 19th Street NW., Washington, D.C. 20037.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. National Federation of Societies for Clinical Social Work, 167 Araca Road, Babylon, N.Y. 11702.

D. (6) $500.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. Tennessee Gas Transmission Co., P.O. Box 2511, Houston, Tex. 77001.

A. J. R. Dierker, 1150 17th Street NW., Suite 500, Washington, D.C. 20036.

B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.

A. Nancy Dietz, 45 Everett Street, Newton Center, Mass. 02159; 46 Austin Street, Newtonville, Mass. 02160.

B. Action for Children's Television (ACT), 46 Austin Street, Newtonville, Mass. 02160.

D. (6) $634.65. E. (9) $212.12.

A. Paula A. Dilley, Marathon Oil Co., 1800 M Street, NW., Washington, D.C. 20036.

B. Marathon Oil Co., Findlay, Ohio 45840.

A. Timothy V. A. Dillon, 1850 K Street NW., No. 380, Washington, D.C. 20006.

B. Westlands Water District, P.O. Box 5222, Fresno, Calif. 93755.

D. (6) $4,265.42. E. (9) $339.42.

A. Michael F. Dineen, Lumbermens Mutual Casualty Co., Suite 206, 600 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.

D. (6) $1,800.

A. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.

E. (9) $5,205.02

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.

D. (6) $54,873.47. E. (9) $54,873.47.

A. J. L. Disque, 556 Morris Avenue, Summit, N.J. 07901.

B. CIBA-GEIGY Corp., 556 Morris Avenue, Summit, N.J. 07901.

D. (6) $1,020. E. (9) $715.

A. Steven P. Doehler, 1725 K Street NW., Suite 1402, Washington, D.C. 20006.

B. Mortgage Insurance Companies of America, 1725 K Street NW., Suite 1402, Washington, D.C. 20006.

D. (6) $2,500.

A. H. A. Doersam, 517 Powell Drive, Annapolis, Md. 21401.

B. Household Finance Corp., HFC International Headquarters, 2700 Sanders Road, Prospect Heights, Ill. 60070.

D. (6) $3,025. E. (9) $1,453.02.

A. Hollis M. Dole, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Dana B. Dolloff, International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

B. International Paper Co., 1620 I Street, NW., Suite 700, Washington, D.C. 20006.

D. (6) $500. E. (9) $485.63.

A. Julie Domenick, Municipal Labor Committee, 818 18th Street NW., Suite 750, Washington, D.C. 20006.

B. Municipal Labor Committee, 140 Park Place, New York, N.Y. 10007.

D. (6) $9,650.03. E. (9) 1,381.83.

A. Domestic Petroleum Council Trade Association, 1101 Connecticut Avenue NW., No. 500, Washington, D.C. 20036.

D. (6) $500. E.(9) $500.

A. Domestic Wildcatters Association, 900 First City National Bank Building, Houston, Tex. 77002.

D. (6) $50,000. E. (9) $60,071.82.

A. Richard M. Donaldson, 1700 Guildhall Building, Cleveland, Ohio 44115.

B. The Standard Oil Co. (Ohio), Guildhall Building, Cleveland, Ohio 44115.

A. John J. D'Onofrio, 1125 University Building, 910 16th Street, Denver, Colo. 80202.

B. Ute Mountain Ute Tribe, Towaoc, Colo. 81334.

D. (6) $1,112.50.

A. William J. Donovan, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

D. (6) $300. E. (9) $339.35.

A. Francis X. Dooley, 525 School Street SW., Washington, D.C. 20024.

B. American Road & Transportation Builders Association, 525 School Street SW., Washington, D.C. 20024.
D. (6) $3,000. E. (9) $148.75.

A. Joseph W. Dorn, Kilpatrick & Cody, Suite 400, 2033 K Street NW., Washington, D.C. 20006.
B. Kilpatrick & Cody, 2033 K Street NW., Suite 400, Washington, D.C 20006 (For Furniture Rental Association of America.)
D. (6) $980. E. (9) $76.02.

A. James A. Dorsch, 1750 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; New York office: 919 Third Avenue; Chicago office: 332 South Michigan Avenue.

A. Dean R. Dort II, Deere & Co., Suite 401, 1629 K Street NW., Washington, D.C. 20006.
B. Deere & Co., John Deere Road, Moline, Ill. 61265.
D. (6) $1,125.

A. Leo D. Dougherty, 18700 Walkers Choice Road, Suite 404, Gaithersburg, Md. 20760.
B. American Postal Workers Union, AFL-CIO, 817 14th Street NW, Washington, D.C. 20005.
D. (6) $7,144.86. E. (9) $411.66.

A. H. Eugene Douglas, 1970 Chain Bridge Road, McLean, Va. 22102.
B. Memorex Corp., San Tomas at Central Expressway, Santa Clara, Calif. 95052.
D. (6) $5,000.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. Alaska Public Television, Inc., 3211 Providence Drive, Anchorage, Alaska 99504, et al.
D. (6) $11,150. E. (9) $511.15.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. Hampton Roads Energy Co., Security Marine Terminal Co., Suite 202, Central Office Building, 330 County Street, Portsmouth, Va. 23704.

A. Jane L. Downey, American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.
B. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.
D. (6) $208.33.

A. Richard Morgan Downey, American Speech and Hearing Association, 10801 Rockville Pike, Rockville, Md. 20852.
B. American Speech and Hearing Association, 10801 Rockville Pike, Rockville, Md. 20852.
D. (6) $7,250.

A. John C. Doyle, Jr., 317 Pennsylvania Avenue SE, Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE, Washington, D.C. 20003.
D. (6) $2,499.99.

A. John P. Doyle, Jr., Bell Helicopter Textron, 1666 K Street NW., Suite 300, Washington, D.C. 20006.
B. Bell Helicopter Textron, 1666 K Street NW, Suite 300, Washington, D.C. 20006.
D. (6) $3,221.87. E. (9) $1,828.87.

A. Robert H. Doyle, 1120 Connecticut Avenue NW, Suite 310, Washington, D.C. 20036.
B. Water Quality Association, 477 East Butterfield Road, Lombard, Ill. 60148.
D. (6) $997.50.

A. Robert H. Doyle, 1120 Connecticut Avenue NW, Suite 310, Washington, D.C. 20036.
B. Water Systems Council, 221 North LaSalle Street, Chicago, Ill. 60601.

A. Nancy Drabble, 215 Pennsylvania Avenue SE, Washington, D.C. 20003.
B. Congress Watch, 215 Pennsylvania Avenue SE, Washington, D.C. 20003.
D. (6) $3,750.

A. James E. Drake, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $3,726.

A. Andrew Drance, Media General, Inc., 2020 14th Street, Room 402, Arlington, Va. 22201.
B. Media General, Inc., 333 East Grace Street, Richmond, Va. 23219.
D. (6) $534.66. E. (9) $107.98.

A. Anthony V. Dresden, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Mary Jo Dressel, 460 Bartola Street, Pittsburgh, Pa. 15243.
B. National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.
E. (9) $97.

A. Drinkler Biddle & Reath, 1901 L Street NW., Washington, D.C. 20036.
B. Phoenix Steel Corp., 4001 Philadelphia Pike, Claymont, Del. 19703.
D. (6) $2,220.

A. Kevin J. Driscoll, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Thomas E. Drumm, Jr., 4613 Great Oak Road, Rockville, Md. 20853.
B. Macmillan, Inc., 4613 Great Oak Road, Rockville, Md. 20853; 866 Third Avenue, New York, N.Y. 10022.
D. (6) $400. E. (9) $270.

A. Evelyn Dubrow, International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
D. (6) $8,775. E. (6) $4,797.68.

A. Morgan D. Dubrow, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $132.

A. Henry A. Dudley, 1737 H Street NW., Washington, D.C. 20006.
B. Republic of Turkey, 1606 23d Street NW., Washington, D.C. 20008.
D. (6) $2,100. E. (9) $1,043.08.

A. Francis J. Duggan, Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $943.20. E. (9) $393.13.

A. Jeffrey M. Duke, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Evelyn Dukovic, 3 East 85th Street, New York, N.Y. 10028.
B. Morality In Media, Inc., 475 Riverside Drive, Suite 239, New York, N.Y. 10115.
D. (6) $543.70.

A. Mervin E. Dullum, Delta Air Lines, Inc., 1629 K Street NW., Room No. 204, Washington, D.C. 20006.
B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.
D. (6) $200. E. (9) $31.85.

A. Duncan, Weinberg & Miller, 1775 Pennsylvania Avenue NW., No. 1200, Washington, D.C. 20006.
B. "Delaware 5."

A. Duncan, Weinberg & Miller, 1775 Pennsylvania Avenue NW., No. 1200, Washington, D.C. 20006.
B. East Bay Regional Park District, 11500 Skyline Boulevard, Oakland, Calif. 94169.

A. Duncan, Weinberg & Miller, 1775 Pennsylvania Avenue NW., No. 1200, Washington, D.C. 20006.
B. Iva May Harvey, Route 7, Box 117, Blythe, Calif. 92225.

A. Duncan, Weinberg & Miller, 1775 Pennsylvania Avenue NW., No. 1200, Washington, D.C. 20006.
B. Huron-Clinton Metropolitan Authority, 3050 Penobscot, Detroit, Mich. 48226.

A. Duncan, Weinberg & Miller, 1775 Pennsylvania Avenue NW., No. 1200, Washington, D.C. 20006.
B. Mid-West Electric Consumers Association, P.O. Box 5089, Evergreen, Colo.
D. (6) $170.

A. Duncan, Weinberg & Miller, 1775 Pennsylvania Avenue NW., No. 1200, Washington, D.C. 20006.
B. Kenai Natives Association, Inc., P.O. Box 1210 Wildwood, Kenai, Alaska 99611.

A. Duncan, Weinberg & Miller, 1775 Pennsylvania Avenue NW., No. 1200, Washington, D.C. 20006.
B. Adolph Kizas, 5715 Timothy Place, Alexandria, Va. 22303.

A. Duncan, Weinberg & Miller, 1775 Pennsylvania Avenue NW., No. 1200, Washington, D.C. 20006.
B. Koniag, Inc., P.O. Box 746, Kodiak, Alaska.

A. Duncan, Weinberg & Miller, 1775 Pennsylvania Avenue NW., No. 1200, Washington, D.C. 20006.
B. Western Fuels Association, Inc., 1835 K Street NW., No. 412, Washington, D.C. 20006.

A. Louise C. Dunlap, 317 Pennsylvania SE., Washington. D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $300. E. (9) $217.

A. James W. Dunlop, Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.
B. Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.

A. Douglas G. Dunn, InterNorth, 1015 15th Street NW., Suite 900, Washington, D.C. 20005.
B. InterNorth, 1015 15th Street NW., Suite 900, Washington, D.C. 20005.
D. (6) $1,500.

A. Mari Lee Dunn, American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $198.72.

A. James A. Dupree, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $3,650. E. (9) $1,103.10.

A. Joseph L. Duran, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. L. L. Duxbury, Burlington Northern Inc., 413 New Jersey Avenue SE., Washington, D.C. 20003.
B. Burlington Northern Inc., 176 East Fifth Street, St. Paul, Minn. 55101.
D. (6) $2,250. E. (9) $442.59.

A. Denis J. Dwyer, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
D. (9) $225.

A. Jean F. Dye, 12700 Lake Avenue, Lakewood, Ohio 44107.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.
E. (9) $553.15.

A. Dennis J. Earhart, 1753 Euclid Street NW., Washington, D.C. 20009.
B. Bonneville Associates, Inc. (for Federal Research Committee, Box 8144, Salt Lake City, Utah 84108), 200 East South Temple, Suite No. 300, Salt Lake City, Utah 84111.
D. (6) $42.90.

A. Dennis J. Earhart, 1753 Euclid Street NW., Washington, D.C. 20009.
B. Bonneville Associates, Inc. (for Roncalio & Associates, Box 1707, Cheyenne, Wyo. 82001), 200 East South Temple, Suite No. 300, Salt Lake City, Utah 84111.
D. (6) $230.10.

A. Dennis J. Earhart, 1753 Euclid Street NW., Washington, D.C. 20009.
B. Bonneville Associates, Inc., (for Western Regional Council, Box 8144, Salt Lake City, Utah 84108), 200 East South Temple, Suite No. 300, Salt Lake City, Utah 84111.
D. (6) $838.50.

A. Jack D. Early, The Madison Building, Suite 514, 1155 15th Street NW., Washington, D.C. 20005.
B. National Agricultural Chemicals Association, 1155 15th Street NW., Suite 514, Washington, D.C. 20005.
D. (6) $212.50. E. (9) $32.

A. Roy W. Easley, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
D. (6) $33.

A. East-West Trade Council, 1700 Pennsylvania NW., Washington, D.C. 20006.
D. (6) $35.

A. Patricia S. Ebaugh, St. Joe Minerals Corp., 1730 Rhode Island Avenue NW., Suite 612, Washington, D.C. 20036.
B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $1,375.

A. Donald R. Ebe, Goodyear Tire & Rubber Co., 1800 K Street NW., Suite 800, Washington, D.C. 20006.
B. Goodyear Tire & Rubber Co., Akron, Ohio 44316.
D. (6) $1,200.

A. Robert E. Ebel, ENSERCH Corp., 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.
B. ENSERCH Corp., 301 South Harwood Street, Dallas, Tex. 75201.
D. (6) $1,450. E. (9) $1,031.

A. Harold F. Eberle, Independent Insurance Agents of America, Inc., 1120 19th Street NW., Suite 503, Washington, D.C. 20039.
B. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.
D. (6) $3,870.20.

A. Linda B. Ebner, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $537.

A. N. Boyd Ecker, Mobil Oil Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 E. 42d Street, New York, N.Y. 10017.
D. (6) $1,500. E. (9) $56.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.
B. American Seat Belt Council, P.O. Box 467, New Rochelle, N.Y. 10801.
D. (6) $9,000. E. (9) $2,782.84.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.
B. Nestle Corp., Inc., 100 Bloomingdale Road, White Plains, N.Y. 10605.
D. (6) $6,000.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., No. 460, Washington, D.C. 20006.
B. Sheet Metal and Air Conditioning Contractors' National Association, 8224 Old Courthouse Road, Vienna, Va., 22180.
D. (6) $12,000. E. (9) $482.36.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., No. 460, Washington, D.C. 20006.
B. DGA International, 1225 19th Street NW., Washington, D.C. 20036. (For Airbus Industrie, 31700 Blasnae, Toulouse, France.)
D. (6) $3,660.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., No. 460, Washington, D.C. 20006.
B. DGA International, 1225 19th Street NW., Washington, D.C. 20036 (For Sofreavia, 75 Rue La Boetie, 75008 Paris, France.
D. (6) $9,300.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., No. 460, Washington, D.C. 20006.
B. Republic of Haiti, Port-au-Prince, Haiti and Embassy of Haiti, 4400 17th Street NW., Washington, D.C. 20011.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., No. 460, Washington, D.C. 20006.
B. Republic of Uganda, Embassy of Uganda, 5909 16th Street NW., Washington, D.C. 20011.
D. (6) $30,000. E. (9) $185.36.

A. William R. Edgar, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
B. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
D. (6) $3,900.

A. Helen H. Edge, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $305.73.

A. Arthur B. Edgeworth, Jr., United States League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $4,750.

A. Edison Electric Institute, 1111 19th Street NW., Ninth Floor, Washington, D.C. 20036.
D. (6) $24,230.25. E. (9) $57,635.55.

A. Stephen L. Edmiston, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $7,835.

A. Edwards Associates, 507 Second Street NE., Washington, D.C. 20003.
B. Portland General Electric Co., 121 Southwest Salmon Street, Portland, Oreg. 97204.

A. J. Rodney Edwards, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Macon T. Edwards, National Cotton Council of America, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $2,343.75. E. (9) $37.71.

A. William A. Edwards, 250 Old Country Road, Mineola, N.Y. 11501.
B. Long Island Lighting Co., 250 Old Country Road, Mineola, N.Y. 11501.
D. (6) $6,000. E. (9) $1,490.88.

A. Paul S. Egan, National Legislative Commission, 1608 K Street NW., Washington, D.C. 20006.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind. 46206.
D. (6) $4,569. E. (9) $32.50.

A. H. Brent Egbert, Bank America Corp., 1800 K Street NW., Suite 920, Washington, D.C. 20006.
B. BankAmerica Corp., Bank of America Center, San Francisco, Calif.

A. Eggers & Greene, 1407 Main Street, Suite 335, Dallas, Tex. 75202.
B. The LTV Corp., P.O. Box 225003, Dallas, Tex. 75265.
D. (6) $3,000. E. (9) $446.65.

A. Charles E. Ehrhart, Ralston Purina Co., 1800 K Street NW., Suite 924 Washington, D.C. 20006.
B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.
D. (6) $400. E. (9) $134.

A. J. C. B. Ehringhaus, Jr., 1875 I Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, 1875 I Street NW., Washington, D.C. 20006.

A. Sara Ehrman, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $7,875.

A. H. J. Elam III, 1201 Maple Street, Greensboro, N.C. 27405.
B. Cone Mills Corp., 1201 Maple Street, Greensboro, N.C. 27405.

A. Timothy L. Elder, Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
D. (6) $300. E. (9) $486.

A. Electronic Data Systems Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
E. (9) $2016.10.

A. George K. Eliades, Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.
B. Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.
D. (6) $100. E. (9) $275.

A. Clifford Elkins, No. 810, 1100 17th Street N.W., Washington, D.C. 20007.
B. Delaware and Hudson Railway Co., 40 Butler Street, Albany, N.Y. 12207.
D. (6) $12,000. E. (9) $5,200.

A. J. Burton Eller, Jr., National Cattlemen's Association, 425 13th Street NW., Suite 1020, Washington, D.C. 20004.
B. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.
D. (6) $1,000. E. (9) $15.06.

A. Charles W. Elliott, Wisconsin Petroleum Council, 25 West Main Street, Room 703, Madison, Wis. 53703.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $682.52. E. (9) $549.08.

A. John Doyle Elliott, 5500 Quincy Street, Hyattsville, Md. 20784.
E. (9) $137.95.

A. Kimberly Elliott, 444 N. Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders and Contractors, Inc., 444 N. Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) $4,875.

A. Steven G. Ellis, 1800 M Street NW., 750 South, Washington, D.C. 20036.
B. Burson-Marsteller (for Superior Ball Division, Lydall Inc.), 1800 M Street NW., 750 South, Washington, D.C. 20036.

A. Perry R. Ellsworth, National Council of Agricultural Employers, 435 Southern Building, 1425 H Street NW., Washington, D.C. 20005.
B. National Council of Agricultural Employers, 435 Southern Building, 1425 H Street NW., Washington, D.C. 20005.
D. (6) $1,200.

A. Joseph T. Elvove, 54 Surfwatch Drive, Kiawah Island, S.C. 29928.
B. Publicker Industries, Inc., 777 West Putnam Avenue, Greenwich, Conn. 06830.
D. (6) $9,600. E. (9) $5,621.19.

A. Law Offices of Northcutt Ely, Watergate 600 Building, Washington, D.C. 20037.
B. Ocean Mining Associates, Gloucester Point, Va.
D. (6) $6,000.

A. Emergency Committee for American Trade, 1211 Connecticut Avenue NW., Suite 801, Washington, D.C. 20036.
D. (6) $13,045.38. E. (9) $11,869.83.

A. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.
E. (9) $1,477.92.

A. Employee Relocation Council, 1627 K Street NW., Suite 600, Washington, D.C. 20006.
E. (9) $3,696.32.

A. Lowell J. Endahl, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $125.

A. Energy Consumers & Producers Association, P.O. Box 1726, Seminole, Okla. 74868.
D. (6) $33,449.34. E. (9) $19,128.03.

A. Energy Decisions, Inc., 2550 M Street NW., Washington, D.C.
E. (9) $2,083.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C. 20037.
B. National Health Federation, P.O. Box 688, Monrovia, Calif. 91016.
D. (6) $3,000.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C. 20037.
B. York Barbell Co., York, Pa. 17405.
D. (6) $1,950. E. (9) $468.82.

A. Ralph Engel, 1001 Connecticut Avenue NW., No. 1120, Washington, D.C. 20036.
B. Chemical Specialties Manufacturers Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. Lewis A. Engman, 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $2,500.

A. Patricia Hanahan Engman, Bristol-Myers Co., 1155 15th Street NW., Washington, D.C. 20005.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.
D. (6) $1,700.

A. M. Dale Ensign, Husky Oil Co., 1800 M Street NW., Suite 295, Washington, D.C. 20036.
B. Husky Oil Co., P.O. Box 380, Cody, Wyo. 82414.
D. (6) $500. E. (9) $68.25.

A. M. Dale Ensign, Sinclair Oil Corp., 1100 17th Street NW., Suite 406, Washington, D.C. 20036.
B. Sinclair Oil Corp., P.O. Box 1677, Englewood, Colo. 80150.
D. (6) $500. E. (9) $136.50.

A. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $36,613.90. E. (9) $42,503.29.

A. James R. Enyart, Monsanto Co., 1101 17th Street NW., Suite 604, Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindberg Boulevard, St. Louis, Mo. 63166.
D. (6) $500. E. (9) $79.10.

A. Epstein Becker Borsody & Green, 1140 19th Street NW., 9th Floor, Washington, D.C. 20036.
B. American Association of Professional Standard Review Organizations, Suite 214, Cabin John Mall, 11325 Seven Locks Road, Potomac, Md. 20854. American Association of Foundations for Medical Care, Suite 214, 11325 Seven Locks Road, Potomac, Md. 20854.
D. (6) $3,585.

A. Vickie L. Erickson, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $600.

A. Mary Ann Eriksen, 800 West First Street, Los Angeles, Calif. 90012.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $300. E. (9) $100.

A. John M. Erskine, Jr., 1108 Lavaca, Suite 400, Austin, Tex. 73701.
B. Standard Oil Co. (Indiana), P.O. Box 3092, Houston, Tex. 77001.
D. (6) $547.94. E. (9) $826.60.

A. Jerry N. Ervin, Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.
B. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

A. George T. Esherick, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $280. E. (9) $284.

A. John T. Estes, Allied Chemical Corp., 1150 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.
B. Allied Chemical Corp., P.O. Box 3000-R, Morristown, N.J. 07960.
D. (6) $1,360. E. (9) $480.

A. David C. Evans, 1150 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. Brick Institute of America, 1750 Old Meadow Road, McLean, Va. 22101.

A. Joseph O. Evans, 4401 Lee Highway, Apartment 21, Arlington, Va. 22207.

A. Evans Products Co., 1121 SW Salmon Street, Portland, Oreg. 97205.
E. (9) $2,600.18.

A. Robert D. Evans, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Fawn K. Evenson, 1611 North Kent Street, Suite 900, Arlington, Va. 22209.
B. American Footwear Industries Association, 1611 North Kent Street, Arlington, Va. 22209.
D. (6) $900. E. (9) $340.85.

A. Robbie Exley, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $12.27. E. (9) $105.

A. Michael Faden, Union of Concerned Scientists, Inc., 1725 I Street NW., Suite 601, Washington, D.C. 20006.
B. Union of Concerned Scientists, Inc., 1384 Massachusetts Avenue, Cambridge, Mass. 02238.
D. (6) $600.

A. Robert R. Fahs, Cargill, Inc., 1050 17th Street NW., 12th Floor, Washington, D.C. 20036.

B. Cargill, Inc., P.O. Box 9300, Minneapolis, Minn. 55440.

D. (6) $2,500. E. (9) $5.50.

A. Dale W. Fallat, First Federal Building, 5740 Southwyck Boulevard, Toledo, Ohio 43614.

B. The Andersons, P.O. Box 119, Maumee, Ohio 43537.

D. (6) $525.

A. Far West Ski Association, 3325 Wilshire Boulevard, Suite 1340, Los Angeles, Calif. 90010.

E. (9) $1,606.11.

A. Thomas B. Farley II, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $6,000. E. (9) $229.65.

A. The Farmers' Educational and Cooperative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.

D. (6) $130,116.50 E. (9) $60,333.14.

A. Robert S. Faron, LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue NW., Washington, D.C.

B. LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue NW., Washington, D.C.; 140 Broadway, New York, N.Y.

D. (6) $22.50.

A. John W. Farquhar, 1750 K Street NW., Washington, D.C. 20006.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $1,500.

A. Dolores L. Farr, American Nurses' Association, 1030 15th Street NW., No. 408, Washington, D.C. 20005.

B. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.

D. (6) $2,640. E. (9) $120.25.

A. Penelope S. Farthing, 1700 Pennsylvania Avenue NW., No. 750, Washington, D.C. 20006.

B. Allstate Enterprise, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. Penelope S. Farthing, 1700 Pennsylvania Avenue NW., No. 750, Washington, D.C. 20006.

B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

A. David Fasken, Whitaker & Brooks, 608 First National Bank Building, Midland, Tex 79701.

E. (9) $7,500.

A. Clinton Fawcett, The Coastal Corp., Nine Greenway Plaza, Houston, Tex. 77046

B. The Coastal Corp., Nine Greenway Plaza, Houston, Tex. 77046.

A. Jane Fawcett-Hoover, The Procter & Gamble Manufacturing Co., 1801 K Street NW., No. 230, Washington, D.C. 20006.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

D. (6) $14.58.

A. Federation of American Controlled Shipping, 50 Broadway, New York, N.Y. 10004.

D. (6) $1,797.40. E. (9) $1,797.40.

A. Federation of American Hospitals, 1111 19th Street NW., Suite 402, Washington, D.C 20036.

D. (6) $9,000. E. (9) $9,000.

A. Leon Felix, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $953. E. (9) $239.

A. Kenneth E. Feltman, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $400.

A. C. W. Fendrich, Research-Cottrell, Inc., P.O. Box 1500, Somerville, N.J. 08876.

B. Research-Cottrell, Inc., P.O. Box 1500, Somerville, N.J. 08876.

A. Steve Fendt, 405 Sherman Street, Fond du Lac, Wis. 54935.

B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

E. (9) $97.

A. Bernard Fensterwald, Jr., Committee for Humane Legislation, Inc., 2101 L Street NW., Suite 203, Washington, D.C. 20037.

B. Committee for Humane Legislation, Inc., 11 West 60th Street, New York 10023.

D. (6) $7,000. E. (9) $2,189.13.

A. Bernard Fensterwald, Jr., 2101 L Street NW., Suite 203, Washington, D.C. 20037.

B. National Nutritional Foods Association, 7747 South Painter Avenue, Whittier, Calif. 90602.

D. (6) $5,550. E. (9) $332.50.

A. Edward T. Fergus, Bache Halsey Stuart Shields, Inc., 100 Gold Street, New York, N.Y. 10038.

B. Bache Halsey Stuart Shields, Inc., 100 Gold Street, New York, N.Y. 10038.

D. (6) $700.

A. Jack Ferguson Associates, Inc., 203 Maryland Avenue NE., Washington, D.C. 20002.

B. Alascom, 949 East 64th Avenue., Pouch 6607, Anchorage, Alaska 99502.

A. Jack Ferguson Associates, Inc., 203 Maryland Avenue NE., Washington, D.C. 20002.

B. Alaska International Industries, 3201 C Street, Suite 600, Anchorage, Alaska 99503.

A. Jack Ferguson Associates, Inc., 203 Maryland Avenue NE., Washington, D.C. 20002.

B. Northwest Alaskan Pipeline Co., P.O. Box 1526, Salt Lake City, Utah. 84810.

D. (6) $300.

A. Jack Ferguson Associates, Inc., 203 Maryland Avenue NE., Washington, D.C. 20002.

B. U.S. Borax & Chemical Corp., 3075 Wilshire Boulevard, Los Angeles, Calif. 90010.

D. (6) $4,050. E. (9) $90.

A. James H. Ferguson, American Society for Personnel Administration, 1140 Connecticut Avenue, Suite 609, Washington, D.C. 20036.

B. American Society for Personnel Administration, 30 Park Drive, Berea, Ohio. 44017.

D. (6) $5,000. E. (9) $4,483.

A. John L. Festa, American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Blaine Fielding, American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Gary W. Fields, American Bankers Association, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $200.

A. Manuel D. Fierro, 1155 15th Street NW., Washington, D.C. 20005.

B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

D. (6). $4,000. E. (9) $145.

A. Herbert A. Fierst, 610 Ring Building, 1200 18th Street NW., Washington, D.C. 20036.

B. Council of Forest Industries of British Columbia, 1500/1055 West Hastings Street, Vancouver V6E 2H1, British Columbia, Canada.

D. (6) $11,250. E. (9) $622.50.

A. Fifth Pro-Life Congressional District Action Committee, c/o Mr. John Kelley, 1120 Michigan Boulevard, Dunedin, Fla. 33528.

E. (9) $65.

A. Stanley R. Fike, 511 Boston Avenue, Takoma Park, Md. 20012.

D. (6) $450.

A. Matthew P. Fink, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $294. E. (9) $91.07.

A. Sheldon I. Fink, Sonnenschein Carlin Nath & Rosenthal, 8000 Sears Tower, Chicago, Ill. 60606.

B. First Wisconsin Mortgage Trust, 233 South Wacker Drive, Chicago, Ill. 60606.

D. (6) $2,480. E. (9) $938.06.

A. Thomas D. Finnigan, Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

E. (9) $25.05.

A. M. J. Fiocco, 1909 K Street NW., Suite 410, Washington, D.C. 20006.

B. National Industrial Traffic League, 1909 K Street NW., Suite 410, Washington, D.C. 20006.

D. (6) $2,500. E. (9) $49.05.

A. Laurie Ann Fiori, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $317.31. E. (9) $166.25.

A. H. Barney Firestone, 10 South LaSalle Street, Suite 1600, Chicago, Ill. 60603.

B. ACT-Assure Competitive Transportation.

E. (9) $265.68.

A. First Class Mailers Association, 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.

E. (9) $43.

A. First Congressional District Action Committee, 6 Maxfield Court, Barrington, R.I. 02806.

D. (6) $500. E. (9) $456.38

A. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

E. (9) $2,629.05.

A. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. Michael D. Fischer, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006. (For Republic of the Philippines.)

A. Richard L. Fischer, Standard Oil Co. (Indiana), 1000 16th Street NW., Suite 500, Washington, D.C. 20036.

B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60680.

D. (6) $528. E. (9) $50.74.

A. David M. Fitzgerald, 205 The Strand, Alexandria, Va. 22314.

B. Goodyear Aerospace Corp., 1210 Massillon Road, Akron, Ohio 44315.

D. (6) $9,999. E. (9) $42.

A. David M. Fitzgerald, 205 The Strand, Alexandria, Va. 22314.

B. Litton Data Systems, P.O. Box 7601, Van Nuys, Calif. 91409.

D. (6) $15,000. E. (9) $65.

A. Hilliard J. Fjord, 602 Main Street, Room 600, Cincinnati, Ohio 45202.

B. The Ohio River Co., 580 Walnut Street, Suite 1400, Cincinnati, Ohio 45202.

D. (6) $1,500. E. (9) $309.90.

A. Susan G. Flack, American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.

D. (6) $2,000. E. (9) $12.

A. James J. Flanagan, New England Power Service Co., 25 Research Drive, Westborough, Mass. 01581.

B. New England Power Service Co., 25 Research Drive, Westborough, Mass. 01581.

D. (6) $829.17. E. (9) $196.80.

A. M. Kendall Fleeharty, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $1,000. E. (9) $34.

A. Robert P. Fogarty, NAM, 3499 Ridgewood Drive, Columbus, Ohio 43220.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Howard W. Fogt, Jr., Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.

B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Foley & Lardner, 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

B. Smith Barney, Harris Upham & Co., Inc., 1345 Avenue of the Americas, New York, N.Y. 10019.

E. (9) $2,374.60.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Family Mutual Insurance Co., 3099 East Washington Avenue, Box 7430, Madison, Wis. 53707.

D. (6) $535. E. (9) $0.75.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Cabot Corp. & Subsidiaries, 125 High Street, Boston, Mass. 02110.

D. (6) $8,085. E. (9) $24.93.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.

B. First Wisconsin National Bank of Milwaukee, 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

E. (9) $259.88.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Insurance Association of Connecticut, 60 Washington Street, Hartford, Conn. 06106.

D. (6) $500. E. (9) $13.03.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Republic of the Philippines.

D. (6) $13,343.22.

A. Food and Beverage Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $9,470.60. E. (9) $9,470.60.

A. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

E. (9 $20,617.63.

A. Gordon Forbes, 303 Hanover Building, 480 Cedar Street, St. Paul, Minn. 55101.

B. Minnesota Railroads Association.

D. (6) $750. E. (9) $1,335.90.

A. E. David Foreman, Jr., Foreman & Associates, Suite 601, 1776 K Street NW., Washington, D.C. 20006.

B. Ogden Corp., 277 Park Avenue, New York, N.Y. 10017.

D. (6) $30,000.

A. Forest Farmers Association, Box 95385, Atlanta, Ga. 30347.

A. Forest Industries Committee on Timber Valuation and Taxation, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $398.72. E. (9) $398.72.

A. James W. Foristel, American Association of Ophthalmology, 1100 17th Street NW., Washington, D.C. 20036.

B. American Association of Opthalmology, 1100 17th Street NW., Washington, D.C. 20036.

D. (6) $6,250. E. (9) $50.

A. Ira N. Forman, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

D. (6) $7,998.98.

A. Sallie H. Forman, National Broadcasting Company, Inc., 1800 K Street NW., Washington, D.C. 20006.

B. National Broadcasting Co., Inc., 1800 K Street NW., Washington, D.C. 20006.

D. (6) $850. E. (9) $155.26.

A. Robert U. Foster, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Shipbuilders Council of America, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

D. (6) $10,000. E. (9) $419.06.

A. Ebert E. Fournace, 3706 Eaton Road NW., Canton, Ohio 44708.

B. American Electric Power Service Corp., 2 Broadway, New York, N.Y. 10004.

A. Richard J. Fox, Standard Oil Co. (Indiana), 1000 16th Street NW., No. 503, Washington, D.C. 20036.

B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

D. (6) $1,050. E. (9) $165.49.

A. Donald Fraher, 810 18th Street NW., Washington, D.C. 20006.

B. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.

D. (5) $3,946.14. E. (9) $50.68.

A. Joseph L. Fraites, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y 10048.

A. William C. France, National Motorsports Committee of ACCUS, 1701 K Street NW., No. 1204, Washington, D.C. 20006.

B. National Motorsports Committee of ACCUS, 1701 K Street NW., No. 1204, Washington, D.C. 20006.

A. Walter L. Frankland, Jr., 1717 K Street NW., Washington, D.C. 20006.

B. Silver Users Association, Inc., 1717 K Street NW., Washington, D.C. 20006.

D. (6) $1,074.90. E. (9) $101.38.

A. Thomas C. Franks, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500. E. (9) $593.96.

A. Welby M. Frantz, American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.

B. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.

D. (6) $1,333.

A. Charles L. Frazier, National Farmers Organization, 475 L'Enfant Plaza SW., No. 2250, Washington, D.C. 20024.

B. National Farmers Organization, Corning, Iowa, 50841.

D. (6) $3,269. E. (9) $2,366.85.

A. Donald A. Frederick, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $2,250.

A. Robert M. Frederick, The National Grange, 1616 H Street NW., Washington, D.C. 20006.

B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $4,212.50.

A. Leslie E. Freed, American Can Co., 1660 L Street NW., Suite 201, Washington D.C. 20036.

B. American Can Co., American Lane, Greenwich, Conn. 06830.

E. (9) $486.44.

A. James O. Freeman, U.S. League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.

D. (6) $2,992.50. E. (9) $24.25.

A. Linda J. Freeman, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $237.50.

A. Pamela B. Freer, International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.

B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.

D. (6) $4,610. E. (9) $449.88.

A. Verrick O. French, National Retail Merchants Association, 1000 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

D. (6) $550. E. (9) $15.

A. Gregory N. Friberg, Associated Builders & Constructors, Inc., 444 North Capitol Street NW., No. 409, Washington, D.C. 20001.

B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., No. 409, Washington, D.C. 20001.

A. George L. Frick, Delaware Oil Men's Association, 20 East Division Street, Dover, Del. 19901.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Susan Fridy, National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $1,575. E. (9) $66.77.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue, Suite 1000, Washington, D.C. 20037.

B. Automotive Dismantlers & Recyclers of America, 1000 Vermont Avenue NW., Washington, D.C. 20006.

D. (6) $175.35.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Beth Israel Medical Center, 10 Nathan Perlman Place, New York, N.Y. 10003.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Suite 1000, Washington, D.C. 20037.

B. Dr. Halla Brown, 2475 Virginia Avenue NW., Washington, D.C. 20037.

E. (0) $78.81.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Suite 1000, Washington, D.C. 20037.

B. Davy McKee, 6200 Oak Tree Boulevard, Cleveland, Ohio 44131.

D. (6) $5,746.80, E. (9) $423.60.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Metlakatla Indian Community, P.O. Box 8, Metlakatla, Alaska 99926.

D. (6) $1,395. E. (9) 11.50.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. The Nez Perce Tribe, Lapwai, Idaho.

D. (6) $1,096. E. (9) $10.30.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Oglala Sioux Tribe of the Pine Ridge Reservation, Pine Ridge, S. Dak. 57770.

E. (9) $13.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Pueblo of Laguna, Laguna, N. Mex.

D. (6) $2,785. E. (9) $17.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Suite 1000, Washington, D.C. 20037.

B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

E. (9) $5.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Suite 1000, Washington, D.C. 20037.

B. Mrs. Daisy Schott, 1 North Ravine Road, Great Neck, N.Y. 11023, et al.

E. (9) $172.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Southern Brooklyn Community Organization, Borough Park Community Development Corp., 4520 18th Avenue, Brooklyn, N.Y. 11204.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C. 20005.

B. National Tire Dealers and Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.

D. (6) $2,000.

A. Barry A. Friedman, Wilner & Schneider, 2021 L Street NW., Washington, D.C. 20036.

B. American Society of Travel Agents, Inc., 711 Fifth Avenue, New York, N.Y. 10022.

A. Charlotte E. Friedman, American Association of School Administrators, 1801 N. Moore Street, Arlington, Va. 22209.

B. American Association of School Administrators, 1801 N. Moore Street, Arlington, Va. 22209.

E. (9) $14.05.

A. James M. Friedman, 650 Terminal Tower Building, Cleveland, Ohio 44113.

B. Cleveland Electric Illuminating Co., 55 Public Square, Cleveland, Ohio 44113.

A. Joseph B. Friedman, 810 18th Street NW., Washington, D.C. 20006.

B. Lucas, Friedman & Mann, 810 18th Street NW., Washington, D.C. 20006. (For: Republic of the Philippines.)

A. Margery Sinder Friedman, 1800 M Street NW., Suite 800–N, Washington, D.C. 20036.

B. Morgan, Lewis & Bockius, 1800 M Street NW., Suite 800–N, Washington, D.C. 20036. (For Evans Products, 1121 S.W. Salmon Street,, Portland, Oreg. 97208.)

D. (6) $100.

A. Gay H. Friedmann, Southern California Gas Co., 1150 Connecticut Avenue NW., Suite 717, Washington, D.C. 20036.

B. Southern California Gas Co., 720 West Eighth Street, M.L. 1208, Los Angeles, Calif. 90017.

D. (6) $5,310.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.

D. (6) $61,329. E. (9) $21,263.

A. Charles H. Fritts, 2009 North 14th Street, Suite 600, Arlington, Va. 22201.

B. New Bedford Seafood Council, Inc., 17 Hamilton Street, New Bedford, Mass. 02740.

D. (6) $6,600. E. (9) $259.70.

A. Charles H. Fritzel, National Association of Independent Insurers, 499 South Capitol Street SW., No. 401, Washington, D.C. 20003.

B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.

D. (6) $300. E. (9) $170.

A. Robert D. Fritz, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employees, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employees, 3 Research Place, Rockville, Md. 20850.

D. (6) $800. E. (9) $900.

A. Jeffrey A. Fritzlen, Tenneco Inc., 490 L'Enfant Plaza East, SW, Washington, D.C. 20024.

B. Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001.

D. (6) $1,000.

A. Cornelius F. Froeb, Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.

B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.

D. (6) $380.

A. Gordon H. Fry, Cigar Association of America, Inc., 1120 19th Street NW., Suite 410, Washington, D.C. 20036.

B. Cigar Association of America, Inc., 1120 19th Street NW., Suite 410, Washington, D.C. 20036.

D. (6) $7.20.

A. Gary F. Fulbright, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Fulbright & Jaworski, 1150 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. Kenneth Lewis, 3300 North West Yeon Avenue, Portland, Oreg. 97210.

D. (6) $1,653.75. E. (9) $156.87.

A. Full Employment Action Council, 815 15th Street NW., Washington, D.C. 20005.

D. (6) $3,300. E. (9) $20,241.92.

A. Richard G. Fuller, National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.

B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.

D. (6) $487.50.

A. Ronald K. Fuller, San Diego Gas & Electric Co., 1150 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.

B. San Diego Gas & Electric Co., 101 Ash Street, San Diego, Calif. 92101.

D. (6) $1,200. E. (9) $105.

A. Fulton Energy Corp., 2833 Maple Lane, Fairfax, Va. 22030.

A. Claudia R. Fuquay, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.

B. National Food Processors Association, 1133 20th Street NW., Washington, DC. 20036.

D. (6) $500. E. (9) $110.85.

A. Nancy H. Fussell, Boeing Co., 1700 North Moore Street, Rosslyn, Va. 22209.

B. Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) 632.50. E. (9) $722.03.

A. David H. Fyock, GPU Service Corp., 1001 Broad Street, Johnstown, Pa. 15907.

B. GPU Service Corp., 100 Interpace Parkway, Parsippany, N.J. 07054.

D. (6) $3,850. E. (9) $2,225.85.

A. G–4 Children's Coalition, 9309 Delfield Street, Chevy Chase, Md. 20015.

D. (6) $12.50. E. (9) $0.50.

A. Marc P. Gabor, Amalgamated Clothing & Textile Workers Union, 815 16th Street NW., Suite 310, Washington, D.C. 20006.

B. Amalgamated Clothing & Textile Workers Union, 770 Broadway, New York, N.Y. 10003.

D. (6) $2,187.50. E. (9) $183.95.

A. Terry Gabrielson, 490 L'Enfant Plaza SW., No. 3202, Washington, D.C. 20024.

B. Transcontinental Gas Pipe Line Corp., 2700 South Post Oak Road, Houston, Tex. 77001.

D. (6) $450.

A. James E. Gaffigan, American Hotel & Motel Association, 1101 Connecticut Avenue NW., Suite 1006, Washington, D.C. 20036.

B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $761.54.

A. Norman S. Gaines, RJR Industries, Inc., 2550 M Street NW., Suite 770, Washington, D.C. 20037.

B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.

D. (6) $619. E. (9) $1,661.40.

A. Michael R. Gale, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

D. (6) $6,874.98.

A. Mark J. Gallagher, 1707 L Street NW., No. 400, Washington, D.C. 20036.

B. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., No. 400, Washington, D.C. 20036.

D. (6) $4,707. E. (9) $1,066.

A. William R. Ganser, Jr., 4804 Folse Drive, Metairie, La. 70002.

B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.

D. (6) $1,658.50.

A. Robert M. Gants, National Constructors Association, 1101 15th Street NW., Washington, D.C. 20005.

B. National Constructors Association, 1101 15th Street NW., Washington, D.C. 20005.

A. M. D. Garber, Jr., Phillips Petroleum Co., 2101 L Street NW., 6th Floor, Washington, D.C. 20037.

B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. Gardner, Carton & Douglas, 1875 I Street NW., Suite 1050, Washington, D.C. 20006.

B. Committee on Truck Shippers, 1875 I Street NW., Washington, D.C. 20006.

D. (6) $77.50. E. (9) $4.

A. Gardner, Carton & Douglas, 1875 I Street NW., Suite 1050, Washington, D.C. 20006.

B. Council of Industrial Boiler Owners, 11222 Silverleaf Drive, Fairfax Station, Va. 22039.

D. (6) $62.50. E. (9) $5.50.

A. Gardner, Carton & Douglas, 1875 I Street NW., No. 1050, Washington, D.C. 20006.

B. Elmer W. Kneip, 911 West Fulton Street, Chicago, Ill.

A. Gardner, Carton & Douglas, 1875 I Street NW., Suite 1050, Washington, D.C. 20006.

B. Heizer Corp., 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $129. E. (9) $6.

A. Gardner, Carton & Douglas, 1875 I Street NW., Suite 1050, Washington, D.C. 20006.

B. Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.

D. (6) $25.

A. Gardner, Carton & Douglas, 1875 I Street NW., No. 1050, Washington, D.C. 20006.

B. Peoples Gas Co., 1875 I Street NW., Washington, D.C. 20006.

A. Gardner, Carton & Douglas, 1875 I Street NW., Suite 1050, Washington, D.C. 20006.

B. Sealed Power Corp., 2001 Sanford Street, Muskegon, Mich. 49443.

D. (6) $239.25. E. (9) $25.

A. Gardner, Carton & Douglas, 1875 I Street NW., No. 1050, Washington, D.C. 20006.

B. Ziegler Coal Co., 1700 North Moore Street, Arlington, Va. 22209.

A. Robert P. Gardner, Standard Brands Foods Co., 1899 L Street NW., Suite 505, Washington, D.C., 20036.

B. Standard Brands Foods Co., Standard Brands, Inc., 625 Madison Avenue, New York, N.Y. 10022.

D. (6) $700.

A. Sherwin Gardner, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

D. (6) $31. E. (9) $1.

A. Wendell P. Gardner, Jr., 1211 Connecticut Avenue NW., No. 802, Washington, D.C. 20036.

B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.

D. (6) $336. E. (9) $2.

A. Theodore J. Garrish, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.

B. National Outdoor Coalition, 8387 Tamarind Avenue, Fontana, Calif. 92335.

D. (6) $344.96. E. (9) $199.30.

A. James J. Garry, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. E. June Garvin, Ohio Petroleum Council, 88 East Broad, Suite 1960, Columbus, Ohio 43215.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. W. Bradford Gary, Anheuser-Busch Co., Inc., 1211 Connecticut Avenue NW., Suite 502, Washington, D.C. 20036.

B. Anheuser-Busch Co., Inc., 721 Pestalozzi Street, St. Louis, Mo. 63118.

E. (9) $10.

A. Gas Appliance Manufacturers Association, Inc., 1901 North Fort Myer Drive, Arlington, Va. 22209.

E. (9) $79.85.

A. Lillian B. Gaskin, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.

B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.

D. (6) $400. E. (9) $50.

A. Philip Gasteyer, United States League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.

D. (6) $2,100.

A. James A. Gavin, Tenneco Inc., 490 L'Enfant Plaza East, SW., Washington, D.C. 20024.

B. Tenneco Inc. P.O. Box 2511, Houston, Tex. 77001.

A. Margaret L. Gehres, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $3,230. E. (9) $192.34.

A. Robert C. Gelardi, Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.

B The Robert H. Kellen Co., 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342; (For: Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.

D. (6) $1,490.

A. Robert C. Gelardi, Infant Formula Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.

B. Robert H. Kellen Co., 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342 (for: Infant Formula Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342).

D. (6) $500.

A. Morton A. Geller, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.

E. (9) $4,500.

A. General Instrument Corp., 1775 Broadway, New York, N.Y. 10019.

D. (6) $800. E. (9) $280.

A. Georgia Association of Petroleum Retailers, Inc., 315 West Ponce de Leon Avenue, 933 First National Bank Building, P.O. Box 789, Decatur, Ga. 30031.

E. (9) $2,500.

A. Gerard, Byler & Associates, Inc., 1100 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. Ak-Chin Indian Community Council, Route 2 Box No. 27, Maricopa, Ariz. 85239.

D. (6) $508.

A. Gerard, Byler & Associates, Inc., 1100 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. Colville Business Council, Box 150, Nespelem, Wash. 99155.

D. (6) $1,088. E. (9) $22.70.

A. Gerard, Byler & Associates, Inc., 1100 Seventeenth Street NW., Suite 1100, Washington, D.C. 20036.

B. Commissioned Officers Association, U.S. Public Health Service, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $300. E. (9) $43.46.

A. Gerard, Byler & Associates, Inc., 1100 Seventeenth Street NW., Suite 1100, Washington, D.C. 20036.

B. Inter-Tribal Council of Arizona, 124 W. Thomas Road, Phoenix, Ariz.

D. (6) $200. E. (9) $5.75.

A. Gerard, Byler & Associates, Inc., 1100 Seventeenth Street NW., Suite 1100, Washington, D.C. 20036.

B. Makah Tribal Council, P.O. Box 115, Neah Bay, Wash. 98357.

A. Gerard, Byler & Associates, Inc., 1100 Seventeenth Street NW., Suite 1100, Washington, D.C. 20036.

B. The Minnesota Chippewa Tribe, P.O. Box 217, Cass Lake, Minn. 56633.

D. (6) $338. E. (9) $15.

A. Gerard, Byler & Associates, Inc., 1100 Seventeenth Street NW., Suite 1100, Washington, D.C. 20036.

B. Papago Tribe of Arizona, Box 837, Sells, Ariz. 85634.

D. (6) $250. E. (9) $27.25.

A. Gerard, Byler & Associates, Inc., 1100 Seventeenth Street NW., Suite 1100, Washington, D.C. 20036.

B. The Tulalip Tribes, 6700 Totem Beach Road, Marysville, Wash. 98270.

D. (6) $160. E. (9) $5.

A. Joseph G. Gerard, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich.

D. (6) $999. E. (9) $850.43.

A. Louis Gerber, 1925 K Street NW., Washington, D.C. 20006.

B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

D. (6) $4217.40. E. (9) $37.

A. Llewellyn H. Gerson, North Washington at Madison, Alexandria, Va. 22314.

B. United Fresh Fruit & Vegetable Association, North Washington at Madison, Alexandria, Va. 22314.

A. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif.

E. (9) $18,856.32.

A. Dorothy F. Gevinson, Procter & Gamble Manufacturing Co., 1801 K Street NW., No. 230, Washington, D.C. 20006.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

D. (6) $19.

A. Wayne Gibbens, Mid-Continent Oil & Gas Association, 1919 Pennsylvania Avenue NW., Suite 503, Washington, D.C. 20006.

B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.

D. (6) $3,080. E. (9) $55.

A. Anne Marie Gibbons, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.

D. (6) $400.

A. John A. C. Gibson, Coal Building, Washington, D.C. 20036.

B. National Coal Association, Coal Building, Washington, D.C. 20036.

D. (6) $10,625. E. (9) $2,334.27.

A. Theresa M. Gibson, American Express Co., 1700 K Street NW., Washington, D.C. 20006.

B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. Thomas F. Gibson, 1750 Old Meadow Road, McLean, Va. 22102.

B. Brick Institute of America, 1750 Old Meadow Road, McLean, Va. 22102.

A. William L. Gifford, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

A. Norma J. Gilbert, 1776 K Street NW., Suite 200, Washington, D.C. 20006.

B. Motorola, Inc., 1776 K Street NW., Suite 200, Washington, D.C. 20006.

D. (6) $1,250. E. (9) $108.80.

A. Arthur P. Gildea, 274 Glenfield Court, Cincinnati, Ohio 45238.

B. National Conference of Brewery & Soft Drink Workers, 1400 Renaissance Drive, Park Ridge, Ill. 60068.

A. Michael Gildea, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $11,518.30. E. (9) $91.81.

A. John E. Giles, 1600 I Street NW., Washington, D.C. 20006.

B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Neal P. Gillen, American Cotton Shippers Association, 1707 L Street NW., Suite 460, Washington, D.C. 20036.

B. American Cotton Shippers Association, 1707 L Street NW., Suite 460, Washington, D.C. 20036.

D. (6) $15,000. E. (9) $1,011.67.

A. Michael J. Giuffrida, 1019 19th Street NW., No. 800, Washington, D.C.

B. National Frozen Food Association, Inc., One Chocolate Avenue, P.O. Box 398, Hershey, Pa. 17033.

D. (6) $1,656.

A. David W. Givens, Indiana National Corp., One Indiana Square, No. 501, Indianapolis, Ind. 46266.

B. Indiana National Corp., One Indiana Square, No. 501, Indianapolis, Ind. 46266.

A. George L. Gleason, American Nuclear Energy Council, 410 First Street SE., Washington, D.C.

B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.

D. (6) $3,500. E. (9) $136.14.

A. John P. Gleason, Jr., 1750 Old Meadow Road, McLean, Va. 22102.

B. Brick Institute of America, 1750 Old Meadow Road, McLean, Va. 22102.

A. Law Offices of Thomas W. Gleason, One State Street Plaza, New York, N.Y. 10004.

B. International Longshoremen's Association, AFL–CIO, 17 Battery Place, New York, N.Y. 10004.

A. The Glenmede Trust Co., 229 South 18th Street, Philadelphia, Pa. 19103.

A. Elmer G. Gleske, Flight Safety International, 1629 K Street NW., Suite 400, Washington, D.C. 20006.

B. Flight Safety International, Marine Air Terminal, LaGuardia Airport, Flushing, N.Y. 11371.

D. (6) $450. E. (9) $50.

A. Godfrey Associates, Inc., 918 16th Street NW., S–501, Washington, D.C. 20006.

E. (9) $39.

A. Godfrey Associates, Inc., 918 16th Street NW., S–501, Washington, D.C. 20006.

B. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

D. (6) $2,500. E. (9) $39.

A. Horace D. Godfrey, 918 16th Street NW., S–501, Washington, D.C. 20006.

B. Godfrey Associates, Inc., 918 16th Street NW., S–501, Washington, D.C. 20006.

D. (6) $2,500. E. (9) $39.

A. J. F. Godfrey, P.O. Box 186, Fort Worth, Tex. 76101.

B. The Western Co. of North America, P.O. Box 186, Fort Worth, Tex. 76101.

D. (6) $16.

A. Patrick L. Godfrey, National Association of Manufacturers, 711 Court A, Tacoma, Wash. 98402.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Judith M. Goff, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C.

D. (6) $281.

A. Harvey S. Gold, Velsicol Chemical Corp., 1015 15th Street NW., Suite 909, Washington, D.C. 20005.

B. Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611.

D. (6) $200. E. (9) $240.41.

A. Howard S. Goldberg, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Airbus Industrie, Avenue Lucien Servantry, 31700 Blagnac, France), 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $4.33.

A. Howard S. Goldberg, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20005), 1225 19th Street NW., Washington, D.C. 20036.

A. Howard S. Goldberg, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Sofreavia, 75 rue la Boetie, Paris 8eme, France), 1225 19th Street NW., Washington, D.C. 20036.

A. Alan J. Goldenberg, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Carl Goldfield, American Public Power Association, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.

D. (6) $500.

A. William M. Goldstein, Morgan, Lewis & Bockius, 123 South Broad Street, Philadephia, Pa. 19109.

B. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800 N, Washington, D.C. 20036.

A. Jack Golodner, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. Actors Equity Association, 165 West 46th Street, New York, N.Y. 10036.

D. (6) $2,500. E. (9) $358.84.

A. Jack Golodner, 815 16th Street NW., Washington, D.C. 20006.

B. Department for Professional Employees, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $2,625.

A. Alfonso J. Gonzalez, National Association of Social Workers, Inc., 1425 H Street NW., Suite 600, Washington, D.C. 20005.

B. National Association of Social Workers, Inc., 1425 H Street NW., Suite 600, Washington, D.C. 20005.

D. (6) $9,000. E. (9) $620.

A. Ruth Gonze, American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

D. (6) $1,000.

A. Don A. Goodall, American Cyanamid, 1575 I Street NW., Suite 220, Washington, D.C. 20005.

B. American Cyanamid Co., Wayne, N.J. 07470.

D. (6) $390. E. (9) $144.15.

A. Charles E. Goodell, DGA International Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (For: European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20036.)

A. Charles E. Goodell, DGA International Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (For: Government of Morocco, Rabat, Morocco.)
D. (6) $275.

A. Charles E. Goodell, DGA International Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (For: Sofreavia, 75 rue la Boetie, Paris 8eme, France.)

A. Charles E. Goodell, DGA International Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (For: Thomson-CSF (AVS), 178 Boulevard, Gabriel Péri, 92240 Malakoff, France.)

A. Vance V. Goodfellow, 307 Fourth Avenue South, P.O. Box 15047, Minneapolis, Minn. 55415.
B. Crop Quality Council, 307 Fourth Avenue South, P.O. Box 15047, Minneapolis, Minn. 55415.
D. (6) $8,672.58.

A. Robert F. Goodwin, Meredith Corp., 1850 K Street NW., Suite 275, Washington, D.C. 20006.
B. Meredith Corp., 1850 K Street NW., Suite 275, Washington, D.C. 20006.
D. (6) $40. E. (9) $26.40.

A. Benjamin Gordon, 2000 P Street NW., No. 708, Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.

A. Michael S. Gordon, Mittelman & Gordon, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Dellwood Foods, Inc., 170 Saw Mill Road, Yonkers, N.Y. 10701.
D. (6) $26,812.50. E. (9) $1,163.34.

A. Sara Ann Gordon, No. 809, 1901 North Fort Myer Drive, Arlington, Va. 22209.
B. Texas Hospital Association, Austin, Tex., American Protestant Hospital Association, Chicago, Ill.

A. Irmgard Gordos, Route 2, Peschangs Trailer Court, Jefferson City, Mo. 65101.
B. American Security Council.

A. Frank D. Gorham III, RJR Industries, Inc., 2550 M Street NW., Suite 770, Washington, D.C. 20037.
B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.

A. Ann M. Gosier, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $15.38. E. (9) $0.95.

A. Peter J. Gossens, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
B. National Association of Independent Colleges & Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
D. (6) $10,130.94. E. (9) $208.86.

A. George B. Gould III, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $9,326.77.

A. Donald E. Graham, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $600.

A. Lawrence T. Graham, American Hotel & Motel Association, 1101 Connecticut Avenue, Suite 1006, Washington, D.C. 20036.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $761.54.

A. Edward Shawn Grandis, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $1,500.

A. John F. Grant, Printing Industries of America, 1730 North Lynn Street, Arlington, Va. 22209.
B. Printing Industries of America, 1730 North Lynn Street, Arlington, Va. 22209.
D. (6) $3,800.

A. William W. Grant, Utah International Inc., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Utah International Inc., 550 California Street, San Francisco, Calif. 94104.
E. (9) $518.28.

A. James L. Granum, Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.
B. Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.
D. (6) $1,000.

A. Michael R. Graul, Law Offices of Sheldon I. London, 1725 DeSales Street NW., Suite 401, Washington, D.C. 20036.
B. American Hardware Manufacturers Association, 117 East Palatine Road, Palatine, Ill. 60067.
D. (6) $1,000.

A. James A. Gray, 7901 Westpark Drive, McLean, Va. 22102.
B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.
D. (6) $968.76. E. (9) $25.00.

A. Robert K. Gray, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Robert K. Gray, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for: Distilled Spirits Council of the U.S., Washington, D.C.).

A. Robert K. Gray, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for: Health Insurance Association of America, Washington, D.C.).

A. Robert K. Gray, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for: Motorola, Washington, D.C.).

A. Martha W. Gray, 1101 Sixteenth Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 Sixteenth Street NW., Washington, D.C. 20036.
E. (9) $19.85.

A. Mark E. Grayson, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Mark E. Grayson, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for: Health Insurance Association of America, Washington, D.C.).

A. Mark E. Grayson, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for: RKO General, Washington, D.C.).

A. Mark E. Grayson, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for: Seattle First National Bank, Seattle, Wash.).

A. Mark E. Grayson, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for: Uniroyal, Washington, D.C.).

A. Samuel A. Grayson, Union Pacific Railroad Co., 611 Idaho Building, 216 North Eighth, Boise, Idaho 83702.
B. Union Pacific Railroad Co., 1416 Dodge Street, Omaha, Nebr. 68179.

A. The Great Western Sugar Co., P.O. Box 5308 T.A., Denver, Colo. 80217.
E. (9) $4,351.01.

A. The Greater Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.

A. Donald R. Greeley, Celanese Corp., 1101 17th Street NW., Suite 307, Washington, D.C. 20036.
B. Celanese Corp., 1211 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $750. E. (9) $96.80.

A. George R. Green, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $900.

A. James W. Green, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $2,156.40. E. (9) $204.10.

A. Mark Green, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $1,076.92.

A. Alison E. Greene, March of Dimes, Suite 600, 1707 H Street NW., Washington, D.C. 20006.
B. March of Dimes Birth Defects Foundation, 1275 Mamaroneck Avenue, White Plains, N.Y. 10605.
D. (6) $1,500. E. (9) $234.43.

A. Robert M. Greening, Jr., Public Power Council, 1310 Main Street, Vancouver, Wash. 98666.
B. Public Power Council, 1310 Main Street, Vancouver, Wash.
D. (6) $1,750. E. (9) $2,503.

A. James J. Greeves, 2550 M Street NW., Washington, D.C.
B. Energy Decisions, Inc., 2550 M Street NW., Washington, D.C.
E. (9) $2,083.

A. Saunders Gregg, Entex, Inc., P.O. Box 2628, Houston, Tex. 77001.
B. Entex Inc., P.O. Box 2628, Houston, Tex. 77001.
D. (6) $1,375. E. (9) $2,337.42.

A. William G. Greif, Bristol-Myers Co., 1155 15th Street NW., Washington, D.C. 20005.

B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.

D. (6) $15,000.

A. Edward F. Greissing, Jr., Upjohn Co., 1660 L Street NW., No. 205, Washington, D.C. 20036.

B. Upjohn Co., 7000 Portage Road, Kalamazoo, Mich. 49001.

A. Lori Gribbin, Rohm & Haas Co., 1899 L Street NW., No. 807, Washington, D.C. 20036.

B. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105.

D. (6) $500. E. (9) $401.59.

A. Harold H. Griffin, Family Health Program, Inc., 1050 17th Street NW., No. 320, Washington, D.C. 20036.

B. Family Health Program, Inc., 9930 Talbert Avenue, Fountain Valley, Calif. 92708.

D. (6) $2,750. E. (9) $374.64.

A. Edward D. Griffith, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

D. (6) $500.

A. A. Jack Grimes, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.

B. National Pest Control Association, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.

A. Robert J. Grimm, 9 West 57th Street, New York, N.Y. 10019.

B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

D. (6) $100.

A. Gary M. Grobman, No. 826 201 I Street SW., Washington, D.C. 20024.

B. Smith & Howard Associates, Suite 704, 1735 I Street NW., Washington, D.C. 20006.

D. (6) $700. E. (9) $12.

A. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

D. (6) $19,983.28. E. (9) $19,983.28.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. Aetna Life & Casualty, 151 Farmington Road, Hartford, Conn. 06115.

D. (6) $50. E. (9) $5.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Bally Manufacturing Corp., 2640 West Belmont Avenue, Chicago, Ill. 60618.

A. Groom & Nordberg, 1775 Pennsylvania Avenue, NW., Suite 450, Washington, D.C. 20006.

B. Connecticut General Insurance Co., Hartford, Conn. 06115.

D. (6) $50. E. (9) $5.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. Eli Lilly & Co., 307 East McCarty Street, Indianapolis, Ind. 46206.

D. (6) $100. E. (9) $7.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $50. E. (9) $5.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.

D. (6) $300. E. (9) $8.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. John Hancock Mutual Life Insurance Co., P.O. Box 111, Boston, Mass. 02117.

D. (6) $50. E. (9) $5.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. Natomas Co., 601 California Street, San Francisco, Calif. 94108.

D. (6) $100. E. (9) $7.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. Phoenix Mutual Life Insurance Co., 1 American Row, Hartford, Conn. 06115.

D. (6) $50. E. (9) $5.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. The Prudential Insurance Co. of America, Prudential Plaza, Newark, N.J. 07101.

D. (6) $50. E. (9) $5.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. The Travelers, 1 Tower Square, Hartford, Conn. 06115.

D. (6) $50. E. (9) $5.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. Western Conference of Teamsters Pension Trust Fund, P.O. Box 7880, San Fancisco, Calif. 94102.

D. (6) $500. E. (9) $10.

A. David B. Gross, Shell Oil Co., Suite 200, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Shell Oil Co., 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.

D. (6) $1,000.

A. Nina G. Gross, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,250. E. (9) $57.77.

A. Frank N. Grossman, Santa Fe Industries, Inc., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Santa Fe Industries, Inc., 224 South Michigan Avenue, Chicago, Ill. 60604.

D. (6) $1,500. E. (9) $300.

A. Jerome Grossman, Council for a Livable World, 11 Beacon Street, Boston, Mass. 02108.

B. Council for a Livable World, 11 Beacon Street, Boston, Mass. 02108.

D. (6) $4,170.39.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.

D. (6) $1,466.25. E. (9) $1,466.25.

A. Gail Pardue Grubb, 1101 15th Street, Suite 205, Washington, D.C. 20005.

B. Home Health Services & Staffing Association, 1101 15th Street NW., Suite 205, Washington, D.C. 20005.

D. (6) $1,500.

A. Kenneth A. Guenther, Independent Bankers Association of America, 1625 Massachusetts Avenue NW., No. 202, Washington, D.C. 20036.

B. Independent Bankers Association of America, 1168 South Main Street, Sauk Centre, Minn. 56378.

D. (6) $15,000. E. (9) $187.30.

A. Kenneth J. Guido, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $963.

A. Jerome R. Gulan, National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.

B. National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.

D. (6) $4,500.

A. Jerome R. Gulan, Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.

B. Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.

D. (6) $2,500.

A. Gun Owners of America, Inc., 101 South Whiting Street, Alexandria, Va. 22301.

D. (6) $47,016.74. E. (9) $45,168,16.

A. Thomas M. Gunn, P.O. Box 516, St. Louis, Mo. 63166.

B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.

A. David Gusky, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington D.C. 20036.

D. (6) $7,586.80.

A. Susan L. Gustafson, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Richard C. Guthrie, 2640 Vulcan Drive, Harvey, La. 70058.

B. Avondale Shipyards, Inc., P.O. Box 50280, New Orleans, La. 70150.

D. (6) $6,422.40.

A. Robert F. Guthrie, 815 16th Street NW., Washington, D.C. 20006.

B. Department for Professional Employees, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $3,721.

A. Maria Faller Gwaltney, 1730 K Street NW., No. 903, Washington, D.C. 20006.

B. American Hellenic Institute Public Affairs Committee, Inc., 1730 K Street NW., No. 903, Washington, D.C. 20006.

D. (6) $500. E. (9) $270.

A. C. James Hackett, American Plywood Association, P.O. Box 11700, Tacoma, Wash. 98411.

B. American Plywood Association, P.O. Box 11700, Tacoma, Wash. 98411.

A. James M. Hacking, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $461.54. E. (9) $212.20.

A. Craig Hackler, 400 North Capitol Street NW., Suite 320, Washington, D.C. 20001.

B. Cadillac Fairview U.S., Inc., c/o The Corporation Trust Co., 100 West 10th Street Wilmington, Del. 19801.

A. Craig Hackler, 400 North Capitol Street NW., Suite 320, Washington, D.C. 20001.

B. California Westside Farmers, 955 L'Enfant Plaza North SW., Room 1101, Washington, D.C. 20024.
D. (6) $300.

A. Craig Hackler, 400 North Capitol Street NW., Suite 320, Washington, D.C. 20001.
B. John Finlayson, 147 Cat Rock Road, Cos Cob, Conn. 06904.

A. Craig Hackler, 400 North Capitol Street NW., Suite 320, Washington, D.C. 20001.
B. National Living Centers, 777 South Post Oak Road, Suite 600, Houston, Tex. 77056.

A. George Hackler, 400 North Capitol Street NW., Suite 320, Washington, D.C. 20001.
B. Cadillac Fairview U.S., Inc., c/o The Corporation Trust Co., 100 West 10th Street, Wilmington, Del. 19801.

A. Loyd Hackler, American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $222.40.

A. William G. Haddeland, Minnesota Petroleum Council, 300 Northern Federal Building, St. Paul, Minn. 55102.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Ronald H. Hagen, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $288.46. E. (9) $47.45.

A. Bruce N. Hahn, 9300 Livingston Road, Washington, D.C. 20022.
B. National Tooling & Machining Association, 9300 Livingston Road, Washington, D.C. 20022.

A. Clarice Haigh, Rural Route 2, Box 233, West Point, Iowa 52656.
B. National Youth Pro-Life Coalition, P.O. Bcx 67, Newport, Ky. 41072.
E. (9) $194.

A. Thomas F. Hairston, Union Oil Co. of California, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
E. (9) $608.99.

A. Haley, Bader & Potts, 1730 M Street NW., Washington, D.C. 20036.
B. Pilots Rights Association, P.O. Box 7000-367, Redondo Beach, Calif. 90277.
D. (6) $1,391.25. E. (9) $552.94.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. Agri-Business Inc., 11411 Rendezvous, San Antonio, Tex. 78216.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. American Energy Inc., Forman, N. Dak. 58032.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. Grain Products International, Inc., Forman, N. Dak. 58032.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. Kansas Grain & Feed Dealers Association, 1722 North Plum, Hutchison, Kans., 67501.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. M&M/Mars Division of Mars, Inc., High Street, Hackettstown, N.J. 07840.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. New England Mutual Life Insurance Co., 501 Boylston Street, Boston, Mass. 02117.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. Tobacco Tax Council, P.O. Box 8269, 5407 Patterson Avenue, Richmond, Va. 23226.

A. Hall, Estill, Hardwick, Gable, Collingsworth & Nelson, 1750 K Street NW., Suite 350, Washington, D.C. 20006.
B. The Williams Cos., P.O. Box 2400, Tulsa, Okla. 74101.

A. Richard F. Hall, Union Oil Company of California, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
D. (6) $600. E. (9) $303.22.

A. Joseph Halow, North American Export Grain Association, Inc., 1800 M Street NW., Suite 610–N, Washington, D.C. 20036.
B. North American Export Grain Association, Inc., 1800 M Street NW., Suite 610–N, Washington, D.C. 20036.
D. (6) $450.

A. HALT, Inc., 10 E Street SE., Washington, D.C. 20003.
D. (6) $1,100. E. (9) $1,100.

A. Jerald V. Halvorsen, Allied-General Nuclear Services, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Allied-General Nuclear Services, P.O. Box 847, Barnwell, S.C. 29812.
E. (9) $123.68.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Belize Sugar Industries, Limited, Belize City, Belize.
E. (6) $42.96.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Beneficial Foundation, 1300 Market Street, Wilmington, Del.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Government of Republic of Panama, Compania Azucarera La Estrella, S.A., and Azucarera Nacional, S.A., Panama City, Panama.
D. (6) $3,000. E. (9) $170.29.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
E. (9) $6.39.

A. Hamel, Park, McCabe & Saunders, 1776 F Street, NW., Washington, D.C. 20006.
B. State of Alaska.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Sugar Association of the Caribbean, Port of Spain, Trinidad.
D. (6) $8,750. E. (9) $576.50.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. United Student Aid Funds, Inc., 200 East 42d Street, New York, N.Y. 10017.

A. James L. Hamilton III, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $192.50.

A. Philip W. Hamilton, 1901 L Street NW., Suite 711, Washington, D.C. 20036.
B. Hamilton & Associates, Inc., 1901 L Street NW., Suite 711, Washington, D.C. 20036.

A. Stanley Hamilton, Common Carrier Conference-Irregular Route, 1616 P Street NW., Washington, D.C. 20036.
B. Common Carrier Conference-Irregular Route, 1616 P Street NW., Suite 204, Washington, D.C. 20036.
D. (6) $500. E. (9) $50.

A. Thomas A. Hammer, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Nelson & Harding, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036. (For: MPBXL Corporation.)
D. (6) $225.

A. Thomas A. Hammer, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Nelson & Harding, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036. (For: The National Campground Owners Association.)

A. Thomas A. Hammer, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Nelson & Harding, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036. (For: Sun-Maid Growers of California.)
D. (6) $300.

A. Thomas A. Hammer, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Nelson & Harding, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036. (For: Western Growers Association.)
D. (6) $500.

A. Jerry M. Hamovit, c/o Melrod, Redman & Gartlan, 1801 K Street NW., Suite 1100K, Washington, D.C. 20006.
B. Melrod, Redman & Gartlan, 1801 K Street NW., Suite 1100K, Washington, D.C. 20006. (For: Georgetown Harbour Associates.)
D. (6) $375. E. (9) $2.50.

A. Robert N. Hampton, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $2,089.

A. Donald K. Hanes, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $244.

A. George J. Hanks, Jr., Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

A. Hansell, Post, Brandon & Dorsey, 3300 First National Bank Tower, Atlanta, Ga. 30383.

B. Pfizer, Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006, and Bristol Myers Co., 1155 15th Street NW., Washington, D.C. 20005.

A. J. E. Hansen, Brotherhood of Railroad Signalmen, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Railroad Signalmen, 601 W. Golf Road, Mount Prospect, Ill. 60056.

D. (6) $350.

A. Phillip Hanson, National Youth Pro-Life Coalition, 8602 East 92d Street, Kansas City, Mo. 64138.

B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

E. (9) $299.

A. William E. Hardman, 9300 Livingston Road, Washington, D.C. 20022.

B. National Tooling & Machining Association, 9300 Livingston Road, Washington, D.C. 20022.

D. (6) $13,846.14. E. (9) $5,713.31.

A. Eugene J. Hardy, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $2,500.

A. Andrew E. Hare, 8001 Braddock Road, Suite 600, Springfield, Va. 22160.

B. National Right to Work Committee, 8001 Braddock Road, Suite 600, Springfield, Va. 22160.

D. (6) $250. E. (9) $197.

A. Charles N. Harkey, Beneficial Management Corp., of America, 1700 North Moore Street, 1925 Rosslyn Center Building, Arlington, Va. 22209.

B. Beneficial Management Corp. of America, 1300 Market Street, Wilmington, Del. 19839.

A. Bryce L. Harlow, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

D. (6) $23.34.

A. Donald L. Harlow, 310 Riley Street, Falls Church, Va. 22046.

B. Air Force Sergeants Association, Inc., 4235 28th Avenue, Suite 713, Marlow Heights, Md. 20031.

A. Robert E. Harman, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

A. John L. Harmer, 10 East South Temple, Suite 696, Salt Lake City, Utah 84133.

D. (6) $15,000. E. (9) $4,729.50.

A. C. Wayne Harmon, Gulf Oil Corp., 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.

D. (6) $250. E. (9) $106.29.

A. Wiley C. Harrell, Anheuser-Busch Cos. Inc., 1211 Connecticut Avenue NW., Suite 502, Washington, D.C. 20036.

B. Anheuser-Busch Companies, Inc., 721 Pestalozzi Street, St. Louis, Mo. 63118.

E. (9) $10.

A. Michael T. Harrigan, 2033 M Street NW., Washington, D.C. 20036.

B. U.S. Olympic Committee, 1750 East Boulder, Colorado Springs, Colo. 80909.

A. Toni Harrington, American Honda Motor Co., Inc., 955 L'Enfant Plaza SW., Washington, D.C. 20024.

B. American Honda Motor Co., Inc., 100 West Alondra Boulevard, Gardena, Calif. 90247.

D. (6) $150. E. (9) $70.82.

A. Harris, Beach, Wilcox, Rubin & Levey, Two State Street, Rochester, N.Y. 14614. and 1730 M Street NW., Washington, D.C. 20036.

B. United Societies of Physiotherapists Inc. 950 Franklin Avenue, Garden City, N.Y. 11530.

D. (6) $2,652. E. (9) $397.12.

A. Robert H. Harris, General Electric Co., 777 14th Street NW., Washington, D.C.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

D. (6) $145.

A. Robert L. Harris, 818 Connecticut Avenue NW., Washington, D.C. 20006.

B. The Aluminum Association, 818 Connecticut Avenue NW., Washington, D.C. 20006.

E. (9) $250.

A. Jim Harrison, Committee of Urban Program Universities, 1300 19th Street NW., No. 20, Washington, D.C. 20036.

B. Committee of Urban Program Universities, 1300 19th Street NW., Washington, D.C. 20036.

D. (6) $5,750. E. (9) $554.01.

A. Richard Hart, National Association of Manufacturers, 601 North Vermont, Los Angeles, Calif. 90004.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $600.

A. William C. Hart, 1625 I Street NW., Washington, D.C. 20006.

B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.

A. Hartford Fire Insurance Co., Hartford Plaza, Hartford, Conn. 06115.

E. (9) $7,100.

A. Charles D. Hartman, Texaco, Inc., 1050 17th Street NW., Suite 500, Washington, D.C. 20036.

B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.

D. (6) $590.34.

A. Robert S. Hartmann, Hill & Knowlton, 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Norman B. Hartnett, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.

D. (6) $16,074. E. (9) $1,069.41.

A. Clifford J. Harvison, National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Walter A. Hasty, Jr., 1801 K Street NW., Suite 230, Washington, D.C. 20006.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45201.

D. (6) $270.

A. Rodney E. Haugh, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $480.

A. Mary W. Haught, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.

B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.

D. (6) $700. E. (9) $59.45.

A. Charles W. Havens III, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.

B. Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.

A. Sidney G. Hawkes, The Mead Corp., 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Mead Corp., Mead World Headquarters, Courthouse Plaza Northeast, Dayton, Ohio 45463.

D. (6) $475. E. (9) $107.15.

A. John H. Hawkins, Jr., Alabama Power Co., 600 North 18th Street, Birmingham, Ala. 35291.

B. Alabama Power Co., 600 North 18th Street, Birmingham, Ala. 35291.

D. (6) $8,814. E. (9) $465.35.

A. Paul M. Hawkins, 1750 K Street NW., Washington, D.C.

B. Health Insurance Association of America, 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. Peter M. Hayes, Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.

B. Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.

E. (9) $9,159.57.

A. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.

D. (6) $254.18. E. (9) $254.18.

A. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.

A. Patrick B. Healy, 30 F Street NW, Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $543.75.

A. Robert L. Healy, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

D. (6) $300.

A. Heavy Specialized Carriers Conference, Inc., 1155 16th Street NW., Washington, D.C. 20036.

A. William H. Hecht, 1875 I Street NW., Suite 800, Washington, D.C. 20006.

B. The Tobacco Institute, 1875 I Street NW., Washington, D.C. 20006.

D. (6) $1,250.

A. Jay Hedlund, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $5,749.98. E. (9) $34.45.

A. John F. Heilman, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.

D. (6) $11,266. E. (9) $560.68.

A. Steven B. Hellem, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $2,500.

A. Thomas R. Hendershot, Obermayer, Rebmann, Maxwell & Hippel, 2011 I Street NW., Suite 500, Washington, D.C. 20006.

B. Petroleum Heat & Power Co., 3000 Peltz Street, Philadelphia, Pa. 19145.

D. (6) $3,267.

A. Thomas R. Hendershot, Obermayer, Rebmann, Maxwell & Hippel, 2011 I Street NW., Suite 500, Washington, D.C. 20006.

B. Philadelphia Gas Works, 1518 Walnut Street, Philadelphia, Pa. 19105.

D. (6) $303.56.

A. Thomas R. Hendershot, Obermayer, Rebmann, Maxwell & Hippel, 2011 I Street NW., Suite 500, Washington, D.C. 20006.

B. Slurry Transport Association, 490 L'Enfant Plaza East SW., Suite 3210, Washington, D.C. 20024.

D. (6) $6,590.

A. Carol C. Henderson, American Library Association, 110 Maryland Avenue NE., Box 54, Washington, D.C. 20002.

B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.

D. (6) $571.

A. Douglas F. Henderson, Rocky Mountain Oil & Gas Association, 1155 15th Street NW., Suite 314, Washington, D.C. 20005.

B. Rocky Mountain Oil & Gas Association, 345 Petroleum Building, Denver, Colo. 80202.

E. (9) $160.74.

A. John B. Henderson, Textron, Inc., 1666 K Street NW., Suite 300, Washington, D.C. 20006.

B. Textron, Inc., 40 Westminster Street, Providence, R.I. 02903.

D. (6) $1,990. E. (9) $276.53.

A. Richard Dean Henderson, Private Truck Council of America, Inc., 1101 17th Street NW., Washington, D.C. 20036.

B. Private Truck Council of America, Inc., 1101 17th Street NW., No. 310, Washington, D.C. 20036.

E. (9) $20.

A. Henkel & Lemon, 229 Peachtree Street NE., 2500 Peachtree Center, Cain Tower, Atlanta, Ga. 30303.

B. Colonial Life & Accident Insurance Co., P.O. Box 1365, Columbia, S.C. 29201.

D. (6) $964.50. E. (9) $337.

A. Henkel & Lemon, 229 Peachtree NE., Suite 2500, Atlanta, Ga. 30303.

B. The National Association of Pension Consultants and Administrators, Inc., Suite 300—Three Piedmont Center, Atlanta, Ga. 30305.

D. (6) $890.

A. Henkel & Lamon, 229 Peachtree Street NE., 2500 Peachtree Center, Cain Tower, Atlanta, Ga. 30303.

B. Small Business Council of America, Inc., 702 Longfellow Building, 1201 Connecticut Avenue NW., Washington, D.C. 20036.

A. Edmund P. Hennelly, Mobil Oil Co., 150 East 42d Street, New York, N.Y. 10017.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,500.

A. Thomas M. Hennessy, Getty Oil Co., 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.

D. (6) $10,213. E. (9) $301.97.

A. George F. Hennrikus, Jr., Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.

B. Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.

D. (6) $3,954.

A. Donald A. Henriksen, 515 South Flower Street, Los Angeles, Calif. 90071.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Lawrence R. Herman, Independent Insurance Agents of America, Inc., 1120 19th Street NW., Suite 503, Washington, D.C. 20036.

B. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.

D. (6) $1,817.32.

A. Lyla M. Hernandez, American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Potomac, Md. 20854.

B. American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Potomac, Md. 20854.

E. (9) $8.76.

A. Herrick, Allen, Davis & Bailey, 1701 K Street NW., Suite 706, Washington, D.C. 20006.

B. Amusement & Music Operators Association, 35 East Wacker Drive, Suite 1940, Chicago, Ill. 60601.

D. (6) $1,897.50.

A. Esther Herst, 1343 F Street NE., Washington, D.C. 20002.

B. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, Los Angeles, Calif. 90017.

D. (6) $3,055.

A. William R. Hesse, Fahlgren & Ferriss, 1901 L Street NW., Washington, D.C. 20036.

B. Fahlgren & Ferriss, Inc., 1901 L Street NW., Washington, D.C. 20036.

A. Heublein, Inc., Munson Road, Farmington, Conn. 06032.

E. (9) $16,741.58.

A. Ted A. Heydinger, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $1,958. E. (9) $152.10.

A. Andrew I. Hickey, Jr., Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.

D. (6) $16,625. E. (9) $1,308.53.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Commonwealth Edison Co., 1 First National Plaza, Chicago, Ill. 60603.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. First Chicago Corp., 1 First National Plaza, Chicago, Ill. 60670.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.

D. (6) $500.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Northwest Industries, Inc., 6300 Sears Tower, Chicago, Ill.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Peoples Energy Corp., 122 South Michigan Avenue, Chicago, Ill. 60603.

D. (6) $3,900.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

A. Paul T. Hicks, Rhode Island Petroleum Association, 154 Francis Street, Providence, R.I. 02903.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $100.

A. J. Thomas Higginbotham, Mellon Bank N.A., Pittsburgh, Pa. 15230.

B. Mellon Bank N.A. and Mellon National Corp., Mellon Square, Pittsburgh, Pa. 15230.

D. (6) $2,000.

E. (9) $10.

A. Kevin M. Higgins, 9 West 57th Street, New York, N.Y. 10019.

B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

A. J. Eldred Hill, Jr., UBA, Inc., 1800 M Street NW., Suite 460 South, Washington, D.C. 20036.

B. UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.

D. (6) $2,000.

A. Hill & Knowlton, Inc., 1425 K Street NW., No. 1000, Washington, D.C. 20005.

B. Florists' Transworld Delivery Association, P.O. Box 2227, Southfield, Mich. 48037.

A. Morton A. Hill, 980 Park Avenue, New York, N.Y. 10028.

B. Morality In Media, Inc., 475 Riverside Drive, Suite 239, New York, N.Y. 10115.

A. James D. Hittle, 3137 S. 14th Street, Arlington, Va. 22204.

B. Vought Corp., Dallas, Tex.

D. (6) $4,000. E. (9) $385.03.

A. Sheila K. Hixson, 1101 17th Street NW., Washington, D.C. 20036.

B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $1,000.

A. Lawrence S. Hobart, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

D. (6) $1,000.

A. Claude E. Hobbs, Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $3,200. E. (9) $102.

A. Robert J. Hobbs, National Consumer Law Center, 11 Beacon Street, Boston, Mass. 02108.

B. National Consumer Law Center, Inc., 11 Beacon Street, Boston, Mass. 02108.

A. Howard E. Hoelter, c/o Illinois Petroleum Council, P.O. Box 5034, Springfield, Ill. 62705.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $660. E. (9) $726.95.

A. Glen D. Hofer, 1800 Massachusetts Avenue NW., Washington, D.C.

B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $2,689.

A. Irvin A. Hoff, 20 Live Oak Road, Hilton Head Island, S.C. 29928.

B. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.

D. (6) $375. E. (9) $170.52.

A. Ellen S. Hoffman, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Children's Defense Fund of the Washington Research Project, Inc.

D. (6) $1,664. E. (9) $131.70.

A. Elmo R. Hoffman, 215 East Central Boulevard, Orlando, Fla. 32801.

B. Hoffman, Hendry, Stoner, Sims & Sawicki, 215 East Central Boulevard, Orlando, Fla. 32801 (for Global Exploration & Development, 1414 Collins Avenue, Lakeland, Fla. 33801).

E. (9) $1,014.07.

A. Hoffman, Hendry, Stoner, Sims & Sawicki, 215 East Central Boulevard, Orlando, Fla. 32801.

B. Global Exploration & Development Corp., 1414 Collins Avenue, Lakeland, Fla. 33801.

E. (9) $1,382.38.

A. Herbert E. Hoffman, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.

B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.

D. (6) $400. E. (9) $50.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Council of European & Japanese National Shipowners' Associations, 30/32 St. Mary Avenue, London EC3A 8ET, England.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $3,494.50.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Energy Transportation Systems, Inc., 50 Beale Street, San Francisco, Calif. 94106.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. National Farmers Organization, Inc., Corning, Iowa 50841.

E. (9) $59.44.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. National Rehabilitation Association, 1522 K Street NW., Washington, D.C.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Vinland National Center, 3675 Ihduhapi Trail, Loretto, Minn. 55357.

E. (9) $131.72.

A. Richard F. Hohlt, United States League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.

D. (6) $4,625. E. (9) $77.50.

A. Bruce E. Holbein, Digital Equipment Corp., 111 Powdermill Road, B/79, Maynard, Mass. 01754.

B. Digital Equipment Corp., 111 Powdermill Road, Maynard, Mass. 01754.

D. (6) $7,500. E. (9) $897.56.

A. Marcus A. Hollabaugh, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.

B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Kelly Holley, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. John H. Holloman III, O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Coal Consumers Alliance, 414 Nicollet Mall, Minneapolis, Minn. 55401.

A. John H. Holloman III, O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pfizer, Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John H. Holloman III, O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Sperry-Rand Corp., 3333 Pilot Knob Road, St. Paul, Minn.

A. John H. Holloman III, O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

A. Wendell M. Holloway, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich.

D. (6) $2,456. E. (9) $1,502.35.

A. Lee B. Holmes, United States League of Savings Associations, 1709 New York Avenue NW., No. 801, Washington, D.C. 20006.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.

D. (6) $6,900.

A. Peter E. Holmes, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 96431.

D. (6) $750.

A. Holt Cicatiello Neiswanger, Inc., 1441 Irving Street, Rahway, N.J. 07065.

B. New York Mercantile Exchange, Four World Trade Center, New York, N.Y. 10048.

D. (6) $6,000. E. (9) $637.16.

A. E. Y. Holt, Jr., National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

A. Linwood Holton, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

D. (6) $200.

A. Fortescue W. Hopkins, Box 218, Daleville, Va. 24083.

B. Graham-White Manufacturing Co., Graham-White Sales Co., P.O. Box 1099, Salem, Va. 24153.

D. (6) $3,300.

A. Hormel Foundation, Austin, Minn. 55912.

A. Geo. A. Hormel & Co., Box 800, Austin, Minn. 55912.

E. (9) $3,596.

A. Robert Jack Horn, 1819 H Street NW., Suite 960, Washington, D.C. 20006.

B. The Detroit Edison Co., 2000 Second Avenue, Detroit, Mich. 48226.

D. (6) $358. E. (9) $55.

A. Michael E. Horrell, 410 First Street SE., Washington, D.C.

B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.

D. (6) $1,023.75. E. (9) $1.84.

A. Houdaille Industries, Inc., 1 Financial Plaza, Fort Lauderdale, Fla. 33394.

E. (9) $70,497.27.

A. Thomas B. House, American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va. 22102.

B. American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va. 22102.

A. Houston Natural Gas Corp., P.O. Box 1188 Houston, Tex. 77001.

E. (9) $2,501.08.

A. Donald L. Howell, First City National Bank Building, Houston, Tex. 77002.

B. Vinson & Elkins, First National Bank Building, Houston, Tex. 77002 (for Slurry Transport Association).

D. (6) $406.25. E. (9) $27.87.

A. Joe L. Howell, 17000 Pennsylvania Avenue NW., No. 750, Washington, D.C. 20006.

B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., No. 750, Washington, D.C. 20006

B. Allstate Insurance Cos., Allstate Plaza, Northbrook, Ill. 60062.

A. John B. Howerton, ASARCO, Inc., 1730 Rhode Island Avenue NW., Suite 206, Washington, D.C. 20036.

B. ASARCO, Inc., 120 Broadway, New York, N.Y. 10271.

D. (6) $1,500.

A. Karl Hoyle, Credit Union National Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. Credit Union National Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $300. E. (9) $285.86.

A. Tony R. Huerta, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $4,462.98.

A. David Emery Hughes, Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine. 04112.

B. Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine. 04112.

D. (6) $200.

A. Hughes Hubbard & Reed, 1660 L Street NW., Washington, D.C. 20036.

B. Pepsi Cola Bottlers Association, 3100 East Oakland Park Boulevard, Fort Lauderdale, Fla. 33308.

D. (6) $750. E. (9) $8.

A. Peter W. Hughes, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $560.77. E. (9) $38.40.

A. Robert S. Hughes, American Association of Foundations for Medical Care, 11325 Seven Locks Road, Potomac, Md. 20854.

B. American Association of Foundations for Medical Care, 11325 Seven Locks Road, Potomac, Md. 20854.

A. Vester T. Hughes, Jr., 1000 Mercantile Dallas Building, Dallas, Tex. 75201.

B. Sammons Enterprises, Inc., 403 South Akard, Dallas, Tex. 75202.

A. William F. Hughes, Jr., 11 Hills Avenue, East Hampton, Conn. 06424.

B. Northeast Utilities Service Co., Selden Street, Berlin, Conn. 06037.

A. William G. Hughes, National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.

B. National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.

D. (6) $107.71.

A. Edward L. Huie, Suite 415, Wheaton Plaza North, Wheaton, Md. 20902.

B. National Association of Air Traffic Specialists, Suite 415, Wheaton Plaza North, Wheaton, Md. 20902.

D. (6) $6,780.62. E. (9) $1,480.96.

A. David C. Hull, National Cotton Council of America, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $225. E. (9) $2.06.

A. Gregory A. Humphrey, American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.

B. American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.

D. (6) $10,174.08. E. (9) $165.

A. Hunker-Fedric, P.O. Box 1837, Roswell, N. Mex. 88201.

B. David Fasken, c/o Whitaker & Brooks, 608 First National Bank Building, Midland, Tex. 79701.

E. (9) $3,461.87.

A. A. Truman Hunt, Jr., c/o Mississippi Petroleum Council, P.O. Box 42 Jackson, Miss. 39205.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $680. E. (9) $935.21.

A. Acacia G. Hunt, Suite 850, 2020 K Street NW., Washington, D.C. 20006.

B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.

D. (6) $71.25. E. (9) $3.65.

A. Harriet Hunt, 83 Second Street, San Francisco, Calif. 94105.

B. The Trust for Public Land, 82 Second Street, San Francisco, Calif. 94105.

D. (6) $936. E. (9) $728.51.

A. Richard M. Hunt, NL Industries, Suite 1009/Connecticut Building, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. NL Industries, Inc., 1230 Avenue of the Americas, New York, N.Y. 10020.

D. (6) $2,968.

A. Robert C. Hunt, Cooperative Food Distributors of America, 1910 K Street NW., Suite 700, Washington, D.C. 20006.

B. Cooperative Food Distributors of America, 1910 K Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $162.27. E. (9) $297.50.

A. Kenneth Hunter, Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.

B. Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.

D. (6) $3,750. E. (9) $19.02.

A. Michael M. Hunter, International Telephone & Telegraph Corp., 1707 L Street NW., Washington, D.C. 20036.

B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.

D. (6) $1,500. E. (9) $50.

A. Milton F. Huntington, c/o Maine Petroleum Association, 283 Water Street, Augusta, Maine 04330.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $660. E. (9) $810.

A. Hunton & Williams, c/o George C. Freeman, Jr., P.O. Box 1535, Richmond, Va. 23212.

B. Business Roundtable, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $4,537.50. E. (9) $625.02.

A. Hunton & Williams, c/o George C. Freeman, Jr., P.O. Box 1535, Richmond, Va. 23212.

B. Edison Electric Institute, 1140 Connecticut Avenue NW., Washington, D.C 20036.

D. (6) $11,475. E. (9) $129.48.

A. John Edward Hurley, 1101 New Hampshire Avenue NW., No. 107, Washington, D.C. 20037.

A. John Edward Hurley, 1101 New Hampshire Avenue NW., No. 107, Washington, D.C. 20037.

B. National Association for Free Enterprise, 1101 New Hampshire Avenue NW., No. 107, Washington, D.C. 20037.

A. Benjamin Melvin Hurwitz, Coastal Corp., 1333 New Hampshire Avenue NW., Suite 205, Washington, D.C. 20036.

B. Coastal Corp., Nine Greenway Plaza, Houston, Tex. 77046.

D. (6) $600. E. (9) $45.

A. John F. Hussey, Monsanto Co., 1101 17th Street NW., Washington, D.C. 20036.

B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.

D. (6) $500. E. (9) $87.45.

A. Dewey M. Hutchins, Jr., Eastman Kodak Co., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Eastman Kodak Co., 343 State Street, Rochester, N.Y. 14650.

D. (6) $400. E. (9) $170.

A. Philip A. Hutchinson, Jr., Volkswagen of North America, Inc., 475 L'Enfant Plaza, SW., Suite 2450, Washington, D.C. 20024.

B. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092.

D. (6) $250.

A. Randy Huwa, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $4,399.99.

A. Robert D. Hynes, Jr., National Broadcasting Co., Inc., 1800 K Street NW., Washington, D.C. 20006.

B. National Broadcasting Co., Inc., 1800 K Street NW., Washington, D.C. 20006.

D. (6) $500. E. (9) $265.69.

A. John Iaccio, Seafarers International Union, AGLIW District, 815 16th Street NW., Room 510, Washington, D.C. 20006.

B. Seafarers International Union, AGLIW District, 815 16th Street NW., Room 510, Washington, D.C. 20006.

D. (6) $2,125.

A. Independent Bankers Association of America, 1625 Massachusetts Avenue NW., Suite 202, Washington, D.C. 20036.

B. Independent Bankers Association of America, 1168 South Main Street, Sauk Centre, Minn. 56378.

D. (6) $82,889. E. (9) $55,440.13.

A. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.

D. (6) $19,833.24. E. (9) $25,045.83.

A. Independent U.S. Tanker Owners' Committee, 1612 K Street NW., No. 510, Washington, D.C. 20006.

A. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $23,278.80. E. (9) $23,278.80.

A. Infant Formula Council, 5775 Peachtree-Dunwoody Road, Suite 500–D, Atlanta, Ga. 30342.

D. (6) $2,445. E. (9) $767.

A. Nancy J. Ingalsbee, 3325 Wilshire Boulevard, Suite 1340, Los Angeles, Calif. 90010.

B. Far West Ski Association, 3325 Wilshire Boulevard, Suite 1340, Los Angeles, Calif. 90010.

D. (6) $435. E. (9) $1,041.77.

A. Andrea L. Innes, Coal Building, Washington, D.C. 20036.

B. National Coal Association, Coal Building, Washington, D.C. 20036.

D. (6) $7,125. E. (9) $799.56.

A. Deborah A. Insley, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $2,500. E. (9) $484.56.

A. Insurance Economics Society of America, 3000 Dundee Road, Suite 101, Northbrook, Ill. 60062.

D. (6) $19,130.54. E. (9) $959.45.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.

E. (9) $29,135.64.

A. International Maritime Associates, Inc., 1800 K Street NW., Washington, D.C. 20006.

A. International Union of Bricklayers and Allied Craftsmen, 815 15th Street NW., Washington, D.C. 20005.

A. International Union, United Automobile Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson, Detroit, Mich. 48214.

D. (6) $72,597.77. E. (9) $72,597.77.

A. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.

E. (9) $1,745.25.

A. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, St. Paul, Minn. 55101.

D. (6) $10,817.55. E. (9) $11,704.05.

A. William A. Irvine, 1725 K Street NW., Suite 607, Washington, D.C. 20006.

B. Associated Third Class Mail Users, 1725 K Street NW., Suite 607, Washington, D.C. 20006.

D. (6) $600.

A. Joseph S. Ives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C.

D. (6) $130.

A. Robert A. Jablon, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. Fort Pierce Utilities Authority of the City of Fort Pierce, Fla. et al.

D. (6) $100.

A. Mercer L. Jackson, National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Suite 700, Washington, D.C. 20036.

B. National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Suite 700, Washington, D.C. 20036.

D. (6) $41. E. (9) $60.

A. Mary Jo Jacobi, 3M, 1101 15th Street NW., Washington, D.C. 20005.

B. Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, Minn. 55101.

D. (6) $1,600.

A. Jaeckle, Fleischmann & Mugel, 700 Liberty Bank Building, Buffalo, N.Y. 14202.

B. Samuel Strapping, Ltd.

A. Robert L. James, BankAmerica Corp., 1800 K Street NW., Suite 920, Washington, D.C. 20006.

B. BankAmerica Corp., BankAmerica Center, San Francisco, Calif.

D. (6) $31.25. E. (9) 94.52.

A. Leslie A. Janka, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International Inc. (for Government of Morocco, Rabat, Morocco), 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $200.50. E. (9) $175.56.

A. Leslie A. Janka, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Thomson-CSF (AVS) 178 Boulevard Gabriel Peri, 92240 Malayfloff, France), 1225 19th Street NW., Washington, D.C. 20036.

A. Barbara Diane Steigler Jarrell, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $2,500. E. (9) $146.42.

A. Thomas Destry Jarvis, 520 Tennessee Avenue, Alexandria, Va. 22305.

B. National Parks & Conservation Association, 1701 18th Street NW., Washington, D.C. 20009.

D. (6) $611.04. E. (9) $40.

A. Joseph A. Jeffrey, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $32.97.

A. Joseph S. Jenckes, Abbott Laboratories, 1730 M Street NW., Suite 808, Washington, D.C. 20036.

B. Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064.

A. Linda Jenckes, 1750 K Street NW., Washington, D.C.

B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.

D. (6) $254.18. E. (9) $14.05.

A. Jenkens & Gilchrist, 2200 First National Bank Building, Dallas, Tex. 75202.

B. American College of Emergency Physicians, P.O. Box 61911, Dallas, Tex. 75261.

D. (6) $1,414. E. (9) $422.04.

A. James C. Jennings, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Jennings, Strouss & Salmon, 111 West Monroe, Phoenix, Ariz. 85003.

B. Shamrock Foods Co., 2228 North Black Canyon Road, Phoenix, Ariz. 85009.

A. Chris L. Jensen, Florida Petroleum Council, 111 North Gadsden Street, Tallahassee, Fla. 32301.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. A. W. Jessup, Exxon Corp., 1899 L Street NW., No. 1100, Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

E. (9) $181.04.

A. Guy E. Jester, J. S. Alberici Construction Co., 2150 Kienlen Avenue, St. Louis, Mo. 63121.

B. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.

A. Charles E. Joeckel, Jr., Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.

D. (6) $8,327. E. (9) $1,222.32.

A. Ronald P. Johnsen, Columbia Gas System Service Corp., 1625 I Street NW., Washington, D.C. 20006.

B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.

D. (6) $175. E. (9) $379.54.

A. Bruce T. Johnson, Bowery Savings Bank, 110 East 42nd Street, New York, N.Y. 10017.

B. Bowery Savings Bank, 110 East 42nd Street, New York, N.Y. 10017.

D. (6) $11,880. E. (9) $9,548.19.

A. David H. Johnson, Mississippi Petroleum Council, P.O. Box 42, Jackson, Miss. 39205.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $550. E. (9) $824.24.

A. H. Bradley Johnson, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $142.84. E. (9) $19.

A. Jess Johnson, Jr., Shell Oil Co., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Shell Oil Co., 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.

D. (6) $500.

A. John B. Johnson, Alabama Petroleum Council, P.O. Box 4220, Montgomery, Ala. 36195.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $941.19. E. (9) $878.34.

A. Reuben L. Johnson, 1012 14th Street NW., Washington, D.C. 20005.

B. The Farmers' Educational and Cooperative Union of America (National Farmers Union), Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.

D. (6) $8,938.44. E. (9) $282.68.

A. Richard W. Johnson, Jr., Non Commissioned Officers Association of the U.S.A., 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.

B. Non Commissioned Officers Association of the U.S.A. (NCOA), P.O. Box 33610, San Antonio, Tex. 78233.

D. (6) $3,097.26. E. (9) $304.93.

A. Spencer A. Johnson, Paperboard Council, 1800 K Street NW., No. 600, Washington, D.C. 20006.

B. Paperboard Packaging Council, 1800 K Street NW., No. 600, Washington, D.C. 20006.

A. Stanley L. Johnson, Texaco, Inc., 1050 17th Street NW., Washington, D.C. 20036.

B. Texaco Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.

D. (6) $200.

A. Theodore Johnson & Co., 786 National Press Building, Washington, D.C. 20045.

B. Coalition to Halt Automotive Theft, 786 National Press Building, Washington, D.C. 20045.

D. (6) $8,126.88.

A. William Johnson, Consumers Power Co., 1333 New Hampshire Avenue NW, Suite 1120, Washington, D.C. 20036.

B. Consumers Power Co., 212 W. Michigan Avenue, Jackson, Mich. 49201.

D. (6) $600.

A. James D. Johnston, GMC, 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $3,600. E. (9) $2,821.97.

A. Joint Corporate Committee on Cuban Claims, c/o Lone Star Industries, Inc., P.O. Box 5050, Greenwich, Conn. 06830.

D. (6) $2,000. E. (9) $1,170.

A. James E. Jones, Jr., Alliance of American Insurers, 1776 F Street NW., Washington, D.C.

B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $800. E. (9) $50.

A. James E. Jones, Appalachian Power Co., 40 Franklin Road SW., Roanoke, Va. 24022.

B. Appalachian Power Co., 40 Franklin Road SW., Roanoke, Va. 24022.

A. Martha E. Jones, 4 Loma Alta, Lakeland, Fla. 33803.

B. Florida Phosphate Council, P.O. Box 5530, Lakeland, Fla. 33803.

A. Norvill Jones, Reynolds Metals Co., 1620 Eye Street NW., Washington, D.C. 20006.

B. Reynolds Metals Co., 6601 West Broad Street, Richmond, Va. 23261.

D. (6) $250.

A. Randall T. Jones, National Cotton Council of America, 1030 15th Street NW., Suite 700, Washington, D.C.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $1,068.75.

A. De Soto Jordan, EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $435.30. E. (9) $53.75.

A. Donald L. Jordan, Alliance of American Insurers, 1776 F Street NW., Washington, D.C.

B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $1,000. E. (9) $100.

A. James V. Jordan III, P.O. Box 2563, Birmingham, Ala. 35202.

B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.

A. Jeffrey H. Joseph, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $1,365. E. (9) $60.

A. Linda Kline Joseph, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

D. (6) $4,258.80.

A. Ellen Josephson, National Legal Aid and Defender Association, 1625 K Street NW., Eighth Floor, Washington, D.C. 20006.

B. National Legal Aid and Defender Association, 1625 K Street NW., Eighth Floor. Washington, D.C. 20006.

D. (6) $7,000. E. (9) $53.55.

A. James N. Juliana, Braniff International, 1750 New York Avenue NW., Suite 340, Washington, D.C. 20006.

B. Braniff International, Braniff Boulevard, P.O. Box 61747, Dallas-Fort Worth Airport, Tex. 75261.

D. (6) $412.38.

A. Robert E. Juliano, Hotel & Restaurant Employees & Bartenders International Union, 1875 I Street NW., Suite 450, Washington, D.C. 20003.

B. Hotel & Restaurant Employees & Bartenders International Union, 120 East Fourth Street, 13th Floor, Cincinnati, Ohio 45202.

D. (6) $9,999.96. E. (9) $1,101.31.

A. Ruth E. Jurman, Glass Packaging Institute, 1800 K Street NW., Washington, D.C. 20003.

B. Glass Packaging Institute, 1800 K Street NW., Washington, D.C. 20006.

A. H. Richard Kahler, 1850 K Street NW., Suite 925, Washington, D.C. 20006.

B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.

D. (6) $2,500. E. (9) $1,819.46.

A. Ann P. Kahn, National Congress of Parents & Teachers, 9202 Ponce Place, Fairfax, Va. 22030.

B. National Congress of Parents & Teachers, 700 North Rush Street, Chicago, Ill. 60611.

E. (9) $11.60.

A. Donald J. Kaniewski, Laborers' International Union of N.A., AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.

B. Laborers' International Union of N.A., AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.

D. (6) $5,224.98. E. (9) $259.75.

A. Richard T. Kaplar, 1909 K Street NW., Suite 300, Washington, D.C. 20006.

B. Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.

A. Charles W. Karcher, Room 1702 Midland Building, Cleveland, Ohio 44115.

B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Gene Karpinski, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $3,416.66.

A. Joseph E. Karth, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

B. American League for Exports and Security Assistance, Inc. (ALESA), Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

D. (6) $12,000.

A. Joseph E. Karth, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

B. Archer-Daniels-Midland Co., Decatur, Ill. 62525.

D. (6) $2,500.

A. Joseph E. Karth, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

D. (6) $3,000. E. (9) $1.207.50.

A. Joseph E. Karth, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

B. Pullman Swindell, Division of Pullman, Inc., 441 Smithfield Street, Pittsburgh, Pa. 15222.

D. (6) $1,500.

A. Lawrence W. Katz, 8003 Westpark Drive, McLean, Va. 22102.

B. Satellite Business Systems, 8003 Westpark Drive, McLean, Va. 22102.

D. (6) $1,200. E. (9) $38.70.

A. Linda E. Katz, 1111 19th Street NW., Washington, D.C. 20036.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $1,776. E. (9) $257.26.

A. Kathryn Kavanagh-Baran, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $3,637.99.

A. Everett E. Kavanaugh, Cosmetic, Toiletry & Fragrance Association, Inc., 1133 15th Street NW., No. 1200, Washington, D.C. 20005.

B. Cosmetic, Toiletry & Fragrance Association, Inc., 1133 15th Street, NW., No. 1200, Washington, D.C. 20005.

A. Thomas O. Kay, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $2,500. E. (9) $1,047.96.

A. William J. Keating, 725 15th Street NW., Washington, D.C. 20005.

B. National Grain & Feed Association, P.O. Box 28328, Washington, D.C. 20005.

D. (6) $22.50.

A. Howard B. Keck, 555 South Flower Street, Los Angeles, Calif. 90071.

B. Superior Oil Co., 555 South Flower Street, Los Angeles, Calif. 90071.

E. (9) $300.

A. Keck, Mahin & Cate, 8300 Sears Tower, 233 South Wacker Drive, Chicago, Ill. 60606.

B. Schwinn Bicycle Co., 1856 North Kostner Avenue, Chicago, Ill. 60639.

D. (6) $240.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.

A. Patricia Keefer, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $4,249.99.

A. Robert C. Keeney, North Washington at Madison, Alexandria, Va. 22314.

B. United Fresh Fruit & Vegetable Association, North Washington at Madison, Alexandria, Va. 22314.

D. (6) $180.30 E. (9) $111.80.

A. Keiki Kehoe, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $3,750. E. (9) $14.38.

A. Jefferson D. Keith, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.

B. National Pest Control Association, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.

A. Robert H. Kellen Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.

B. Robert H. Kellen Co., 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342 (for Calorie Control Council).

D. (6) $1,773.

A. Candace Keller, Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.

B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.

D. (6) $1,450.

A. Don Kellermann, Times Mirror Co., 1629 K Street NW., No. 801, Washington, D.C. 20006.

B. Times Mirror Co., Times Mirror Square, Los Angeles, Calif. 90053.

D. (6) $18,175. E. (9) $500.

A. John B. Kelley, 1025 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.

B. Avco Corp., 1275 King Street, Greenwich, Conn. 06830.

D. (6) $1,500.

A. Michael T. Kelley, Houston Natural Gas Corp., 1700 North Moore Street, Suite 919, Arlington, Va. 22209.

B. Houston Natural Gas Corp., 1700 North Moore Street, Suite 919, Arlington, Va. 22209.

D. (6) $169.83. E. (9) $75.55.

A. Paul J. Kelley, 2727 North Central Avenue, Phoenix, Ariz. 85004.

B. U-Haul International, Inc., 2727 North Central, Phoenix, Ariz. 85004.

D. (6) $2,500. E. (9) $24.70.

A. Ty Kelley, National Association of Chain Drug Stores, Inc., 413 North Lee Street, Alexandria, Va. 22314.

B. National Association of Chain Drug Stores, Inc. (NACDS), 413 North Lee Street, Alexandria, Va. 22314.

D. (6) $1,500.

A. Stephen S. Kellner, 1001 Connecticut Avenue NW., Suite 1120, Washington, D.C. 20036.

B. Chemical Specialties Manufacturers Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $39.85. E. (9) $34.70.

A. Carol A. Kelly, American Textile Manufacturers Institute, 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

B. American Textile Manufacturers Institute, 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

D. (6) $234. E. (9) $101.95.

A. Ernest B. Kelly III, Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.

B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.

D. (6) $1,000. E. (9) $257.50.

A. Harold V. Kelly, 1101 15th Street NW., Washington, D.C. 20005.

B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. James J. Kennedy, Jr., Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.

D. (6) $7,000. E. (9) $1,106.

A. Jeremiah J. Kenney, Jr., Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

A. Peter B. Kenney, National Broadcasting Co., Inc., 1800 K Street NW., Washington, D.C. 20006.

B. National Broadcasting Co., Inc., 1800 K Street NW., Washington, D.C. 20006.

D. (6) $1,360. E. (9) $253.07.

A. Robert T. Kenney, Texaco, Inc., 1050 17th Street NW., Washington, D.C. 20036.

B. Texaco Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.

A. Richard E. Kent, Evans Products Co., 1121 Southwest Salmon Street, Portland, Oreg. 97205.

B. Evans Products Co., 1121 Southwest Salmon Street, Portland, Oreg. 97205.

D. (6) $23.32. E. (9) $905.16.

A. Vytantas Kerbelis, 69 Cottage Street, Bar Harbor, Maine 04609.

B. ARAS (Psychomotor Domain of Self), 69 Cottage Street, Bar Harbor, Maine 04609.

D. (6) $600.

A. Paul A. Kerschner, National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $571.16. E. (9) $57.43.

A. Robert M. Ketchel, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co. 777 14th Street NW., Washington, D.C. 20005.

A. Gilbert W. Keyes, P.O. Box 3999, Seattle, Wash. 98124.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $781.74. E. (9) $944.65.

A. Earline A. Keyser, 7352 Lee Highway, Falls Church, Va. 22046.

B. Bechtel Power Corp., 1620 I Street NW., Washington, D.C. 20006.

A. Dennis M. Kies, 2900 Power & Light Building, Kansas City, Mo. 64105.

E. (9) $1,469.67.

A. William S. Kies, Jr., 1750 K Street NW., Washington, D.C. 20006.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $750.

A. Daniel L. Kiley, 8 North Jefferson Street, Roanoke, Va. 24042.

B. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042.

D. (6) $1,028. E. (9) $848.81.

A. Kilpatrick & Cody, Suite 400, 2033 K Street NW., Washington, D.C. 20006.

B. Furniture Rental Association of America, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

E. (9) $2,587.40.

A. Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.

E. (9) $915.87.

A. Richard H. Kimberly, Kimberly-Clark Corp., 3390 Peachtree Road NE., Executive Suite, Atlanta, Ga. 30326.

B. Kimberly-Clark Corp., 401 North Lake Street, Neenah, Wis. 54956.

D. (6) $59.68. E. (9) $359.12.

A. Charles L. King, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

D. (6) $280.

A. Edward H. King, Walgreen Co., 200 Wilmot Road, Deerfield, Ill. 60015.

B. Walgreen Co., 200 Wilmot Road, Deerfield, Ill. 60015.

A. G. J. King, U.S. Air, Inc., Washington National Airport, Washington, D.C. 20001.

B. U.S. Air, Inc., Washington National Airport, Washington, D.C. 20001.

D. (6) $1,000.

A. King & Spalding, 2500 Trust Co. Tower, Atlanta, Ga. 30303 and 1800 M Street NW., Suite 825, Washington, D.C. 20036.

B. Branch & Associates, Inc., Suite 1630, 400 Colony Square, Atlanta, Ga. 30361.

A. King & Spalding, 2500 Trust Co. Tower, Atlanta, Ga. 30303 and 1800 M Street NW., Suite 825, Washington, D.C. 20036.

B. Palm Beach Civic Association, Inc., 235 South County Road, Palm Beach, Fla. 33480.

A. King & Spalding, 2500 Trust Co. Tower, Atlanta, Ga. 30303.

B. Tri-South Mortgage Investors, 1532 Dunwoody Village Parkway, Atlanta, Ga. 30338; Great American Management & Investment, 2850 Equitable Building, Atlanta, Ga. 30303; CMEI, Inc., 300 Interstate North Atlanta, Ga. 30339.

D. (6) $3,993.

A. Roger P. Kingsley, 10801 Rockville Pike, Rockville, Md. 20852.

B. American Speech-Language-Hearing Association, 10801 Rockville Pike, Rockville, Md. 20852.

E. (9) $10.

A. Francis L. Kinney, 76 Pheasant Run, Newington, Conn. 06111.

B. Northeast Utilities Service Co., Selden Street, Berlin, Conn. 06037.

A. Alan G. Kirk II, Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.

B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.

D. (6) $130.65.

A. Sally A. Kirkpatrick, Alliance of American Insurers, 1776 F Street NW., Washington, D.C.

B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $588. E. (9) $79.

A. Saul B. Klaman, National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $207.69.

A. Catherine B. Klarfeld, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006. (for: Republic of the Philippines)

A. Catherine B. Klarfeld, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.

B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Terrence H. Klasky, Independent Bankers Association of America, 1625 Massachusetts Avenue NW., No. 202, Washington, D.C. 20036.

B. Independent Bankers Association of America, 1168 South Main Street, Sauk Centre, Minn. 56378.

D. (6) $10,000. E. (9) $715.67.

A. Richard P. Kleeman, Association of American Publishers, Inc., 1707 L Street NW., Suite 480, Washington, D.C. 20036.

B. Association of American Publishers, Inc., 1707 L Street NW., Suite 480, Washington, D.C. 20036.

A. Jerry D. Klepner, Natonal Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.

B. National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.

D. (6) $12,000. E. (9) $1,203.80.

A. Joann Klimschot, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $3,637.99.

A. Richard A. Kline, 1100 17th Street NW., Suite 313, Washington, D.C. 20036.

B. Council of Active Independent Oil & Gas Producers, 1100 17th Street NW., Suite 313, Washington, D.C. 20036.

D. (6) $5,781.

A. William H. Knapp, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $180. E. (9) $17.50.

A. Gary D. Knight, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $23.85. E. (9) $11.50.

A. Peter E. Knight, Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.

D. (6) $5,200. E. (9) $350.67.

A. John C. Knott, Burlington Northern, Inc., Burlington Northern Station, Casper, Wyo. 82601.

B. Burlington Northern, Inc., 176 East Fifth Street, St. Paul, Minn. 55101.

A. C. Neal Knox, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $1,400.

A. John S. Knox, Jr., 166 16th Street NW., Atlanta, Ga. 30318.

B. The Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.

D. (6) $300.

A. Philip M. Knox, Jr., 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.

B. Sears, Roebuck & Co., Sears Tower Chicago, Ill. 60684.

A. Ruth E. Kobell, 1012 14th Street NW., Washington, D.C. 20005.

B. The Farmers' Educational and Co-Operative Union of America (National Farmers Union), Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.

D. (6) $5,803.83. E. (9) $123.50.

A. Bradley R. Koch, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $132.50.

A. George W. Koch, 1010 Wisconsin Avenue NW., Washington, D.C. 20007.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Washington, D.C. 20007.

D. (6) $118.05.

A. Robert M. Koch, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

E. (9) $6.48.

A. Stanley E. Kolbe, Jr., The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20003.

D. (6) $2,749.30.

A. Ronald K. Kolins, 420 International Square, 1875 I Street NW., Washington, D.C. 20006.

B. Dia-Compe, Inc., Cane Creek Road, P.O. Box 793, Fletcher, N.C.

D. (6) $1,000.

A. Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20006.

B. Aeron Marine Shipping Co., Triad Office Center, 2001 Marcus Avenue, Lake Success, N.Y. 11042.

D. (6) $17,615.

A. Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20006.

B. Colt Industries, Inc., 430 Park Avenue New York, N.Y. 10022.

A. Nicholas Kominus, 1001 Connecticut Avenue, Washington, D.C. 20036.

B. United States Cane Sugar Refiners' Association, 1001 Connecticut Avenue Washington, D.C. 20036.

D. (6) $1,125. E. (9) $15.35.

A. Stephen Koplan, 815 16th Street NW., Washington, D.C. 20006.

B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $12,596.10. E. (9) $76.

A. Horace R. Kornegay, Suite 800, 1875 I Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, 1875 I Street NW., Washington, D.C. 20006.

D. (6) $125. E. (9) $13.50.

A. Kenneth S. Kovack, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.

B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $7,978.36.

A. Michael J. Kowalsky, Cigar Association of America, Inc., 1120 19th Street NW., Washington, D.C. 20036.

B. Cigar Association of America, Inc., 1120 19th Street NW., Washington, D.C. 20036.

D. (6) $36. E. (9) $11.40.

A. E. J. Krabacher, Cincinnati Milacron, Inc., 4701 Marburg Avenue, Cincinnati, Ohio 45209.

B. Cincinnati Milacron, Inc., 4701 Marburg Avenue, Cincinnati, Ohio 45209.

D. (6) $720. E. (9) $880.

A. Mylio S. Kraja, National Legislative Commission, 1608 K Street NW., Washington, D.C. 20006.

B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind. 46206.

D. (6) $8,283. E. (9) $1,140.63.

A. Amos Kramer, Kansas Petroleum Council 1414 Merchants Bank Building, Eighth and Jackson Streets, Topeka, Kans. 66612.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $503. E. (9) $535.20.

A. Louis C. Kramp & Associates, 1919 Pennsylvania Avenue NW., Suite 301, Washington, D.C. 20006.

B. Harrah's, Inc., P.O. Box 10, Reno, Nev. 89504.

D. (6) $600.

A. Louis C. Kramp & Associates, 1919 Pennsylvania Avenue, Suite 301, Washington, D.C. 20006.

B. Holiday Inns, Inc., 3742 Lamar Avenue, Memphis, Tenn. 38118.

D. (6) $4,450.

A. Louis C. Kramp & Associates, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Association of Homes for Children, 200 South Tyron Street, Suite 1500, Charlottee, N.C. 28202.

D. (6) $2,000.

A. Louis C. Kramp & Associates, 1919 Pennsylvania Avenue NW., Suite 301, Washington, D.C. 20006.

B. ServiceMaster Industries, Inc., 2300 Warrenville Road, Downers Grove, Ill. 60515.

D. (6) $3,000..

A. Raymond R. Krause, 1700 Pennsylvania Avenue NW., No. 580, Washington, D.C. 20006.

B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.

D. (6) $450. E. (9) $175.08.

A. Lawrence E. Kreider, Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

A. Krivit & Krivit, 101 Duddington Place SE., Washington, D.C.

B. City of Compton, Compton, Calif.

D. (6) $2,500.

A. Kroger Co., 1014 Vine Street, Cincinnati, Ohio.

E. (9) $6,014.75.

A. L. Wayne Krug, Union Oil Co. of California, 1100 Connecticut Avenue NW. (Suite 800), Washington, D.C. 20036.

B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

E. (9) $187.99.

A. James S. Krzyminski, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $644.

A. Anthony L. Kucera, American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va.

B. American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va.

D. (6) $200.

A. Lloyd R. Kuhn, Aerospace Industries Association, 1725 DeSales Street NW., Washington, D.C. 20036.

B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.

D. (6) $12,978.

A. Thomas R. Kuhn, American Nuclear Energy Council, 410 First Street SE., Washington, D.C.

B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.

D. (6) $3,750.01. E. (9) $217.22.

A. Daniel M. Kush, CertainTeed Corp., 1627 K Street NW., Suite 610, Washington, D.C. 20006.

B. CertainTeed Corp. P.O. Box 860, Valley Forge, Pa. 19482.

D. (6) $500. E. (9) $91.87.

A. Kutak Rock & Huie, 1650 Farnam Street, Omaha, Nebr. 68102.

B. E. F. Hutton & Co., Inc., 1 Battery Park Plaza, New York, N.Y. 10004.

A. Kysor Industrial Corp., 1 Madison Avenue, Cadillac, Mich. 49601.

E. (9) $8,836.70.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $5,979. E. (9) $5,437.

A. Laborers' International Union, 905 16th Street NW., Washington, D.C. 20006.

E. (9) $24,067.42.

A. Phillip Ray Lackey, 823 15th Street, NW., Suite 1001, Washington, D.C. 20005.

B. International Masonry Institute, 823 15th Street NW., Suite 1001, Washington, D.C. 20005.

D. (6) $3,750. E. (9) $2,480.

A. Philip A. Lacovara, Hughes Hubbard & Reed, 1660 L Street NW., Washington, D.C. 20036.

B. Bristol-Myers Co., 1155 15th Street NW., Washington, D.C. 20036.

A. Philip A. Lacovara, Hughes Hubbard & Reed, 1660 L Street NW, Washington, D.C. 20036.

B. Merck & Co., Inc., P.O. Box 2000, Rahway, N.J. 07065.

A. Philip A. Lacovara, Hughes Hubbard & Reed, 1660 L Street NW., Washington, D.C. 20036.

B. Pfizer, Inc., 1700 Pennsylvania Avenue NW, Washington, D.C. 20006.

D. (6) $450. E. (9) $5.

A. Bruce C. Ladd, Jr., 4406 Franklin Street, Kensington, Md. 20795.

B. Laclede Gas Co., 720 Olive Street, St. Louis, Mo. 63101.

D. (6) $7,500. E. (9) $76.

A. Walter B. Laessig, 1015 15th Street NW., Suite 1100, Washington, D.C. 20005.

B. National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $3,768.75. E. (9) $222.40.

A. Sarah M. Laird, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

B. League of Women Voters of the United States, 1730 M Street, Washington, D.C. 20036.

D. (6) $4,209. E. (9) $77.

A. Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio 44113.

A. James H. Lake, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

B. National Potato Council, 1001 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

A. James H. Lake, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

B. Nelson & Harding, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036 (for Western Growers Association).

D. (6) $400.

A. David F. Lambert III, Suite 1101, 2001 Jeff Davis Highway, Arlington, Va. 22202.

B. Automotive Occupant Protection Association, Suite 1101, 2001 Jeff Davis Highway, Arlington, Va. 22202.

D. (6) $10,000.

A. David M. F. Lambert, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. Jewish Employment Vocational Services, 1727 Locust Street, St. Louis, Mo. 63103.

A. David R. Lambert, The National Grange, 1616 H Street NW., Washington, D.C. 20006.

B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $1,648.

A. C. Peter Labros, Lorenz, Finn, Giardino & Lambos, 25 Broadway, Suite 1755, New York, N.Y. 10004.

B. New York Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.

D. (6) $6,000. E. (9) $460.

A. Stephen K. Lambright, Anheuser-Busch, Inc., 1211 Connecticut Avenue NW., Suite 502, Washington, D.C. 20036.

B. Anheuser-Busch Cos., Inc., 721 Pestalozzi Street, St. Louis, Mo. 63118.

E. (9) $10.

A. A. M. Lampley, United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

A. David W. Landsidle, National Association of Manufacturers, 1719 Route 10, Parsippany, N.J. 07504.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $600. E. (9) $63.24.

A. Karl S. Landstrom, 510 North Edison Street, Arlington, Va., 22203.

B. Geothermal Resources International, Inc., 4676 Admiralty Way, Suite 503, Marine del Rey, Calif. 90291.

D. (6) $750. E. (9) $10.

A. B. A. Landy, 2700 Virginia Avenue NW., Washington, D.C. 20037.

E. (9) $182.50.

A. Lane & Edson, 1800 M Street NW., Suite 400, South, Washington, D.C. 20036.

B. City of Baltimore, Mayor William Donald Schaefer, Office of the Mayor, 250 City Hall, Baltimore, Md. 21202.

D. (6) $2,000.

A. Lane and Edson, Suite 400 South, 1800 M Street NW., Washington, D.C. 20036.

B. Council of State Housing Agencies, Suite 514, 1133 15th Street NW., Washington, D.C. 20005.

D. (6) $450.

A. Lane and Edson, Suite 400 South, 1800 M Street NW., Washington, D.C. 20036.

B. National Association of Home Manufacturers, 6521 Arlington Boulevard, Falls Church, Va. 22042.

D. (6) $2,000. E. (9) $13.88.

A. Lane and Edson, Suite 400 South, 1800 M Street NW., Washington, D.C. 20036.

B. National Leased Housing Association, Suite 400 South, 1800 M Street NW., Washington, D.C.

D. (6) $450.

A. Laurence F. Lane, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.

B. American Association of Homes for the Aging, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.

D. (6) $975. E. (9) $38.

A. R. Josh Lanier, 400 North Capitol Street, Suite 323, Washington, D.C. 20001.

B. Leggett, Lanier & Associates, 400 North Capitol Street, Washington, D.C. 20001. (For Shellfish Institute of North America, 400 North Capitol Street, Washington, D.C. 20001.)

D. (6) $4,500.

A. Robin W. Lanier, National Retail Merchants Association, 1000 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

D. (6) $100. E. (9) $5.

A. James J. LaPenta, Jr., LIUNA, 905 16th Street NW., Washington, D.C. 20006.

B. Laborers' International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.

D. (6) $3,903.09. E. (9) $309.30.

A. Wayne R. LaPierre, Jr., 1600 Rhode Is-Avenue NW., Washington, D.C. 20036.

B. National Rifle Association, 1600 Rhode land Avenue NW., Washington, D.C. 20036.

D. (6) $675.

A. Clifford C. LaPlante, General Electric Co., 777 14th Street NW., Suite 1000, Washington, D.C. 20005.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

D. (6) $637.50.

A. J. Stephen Larkin, International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $500. E. (9) $89.90.

A. Reed E. Larson, 8001 Braddock Road, No. 600, Springfield, Va. 22160.

B. National Right to Work Committee, 8001 Braddock Road, Springfield, Va. 22160.

A. Lawrence C. Laser, Cities Service Co., 1660 L Street NW., No. 207, Washington, D.C. 20036.

B. Cities Service Co., 1660 L Street NW., No. 207, Washington, D.C. 20036.

A. Glenn T. Lashley, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Theodore A. Lattanzio, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $648.

A. Louis F. Laun, 260 Madison Avenue, New York, N.Y. 10016.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Dennis Lavallee, National Association of Plumbing, Heating, Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.

B. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.

D. (6) $200. E. (9) $31.

A. Charles B. Lavin, Jr., American Subcontractors Association, 815 15th Street NW., Washington, D.C. 20005.

B. American Subcontractors Association, 815 15th Street NW., Washington, D.C. 20005.

A. Kathryn Lavriha, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $2,381. E. (9) $39.

A. Jane A. Lawlor, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Ivan L. Lawyer, GCC Beverages, Inc., 7777 NW. 41st Street, Miami, Fla. 33166.

B. GCC Beverages, Inc., 7777 NW. 41st Street, Miami, Fla. 33166.

D. (6) $4,769.24. E. (9) $1,860.60.

A. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $22,209. E. (9) $22,209.

A. Kevin R. Leary, National Parking Association, 1101 17th Street NW., Washington D.C. 20036.

B. National Parking Association, 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $4,167.

A. John I. Le Berre, 900 17th Street NW., Washington, D.C. 20006.

B. Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.

D. (6) $200. E. (9) $22.

A. Christine Le Blanc, 307 North Cushing Street, South Bend, Ind. 46616.

B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

E. (9) $193.50.

A. LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue N.W., No. 1100, Washington, D.C. 20036.

B. Ad Hoc Rail Shippers Group, 1333 New Hampshire Avenue NW., No. 1100 Washington, D.C. 20036.

E. (9) $263.

A. LeBoeuf, Lamb, Leiby & MacRae, 140 Broadway, New York, N.Y., 1333 New Hampshire Avenue NW., Washington, D.C.

B. Underwriters at Lloyd's London, c/o Wm. G. Hockensmith, 409 McClure Building, Frankfurt, Ky. 40601; c/o John Smith; Lord, Bissell & Brook, 115 South LaSalle Street, Chicago, Ill. 60603.

D. (6) $53.55. E. (9) $22.50.

A. Robert B. Leflar, 2000 P Street NW., No. 708, Washington, D.C. 20036.

B. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.

A. Leggett, Lanier & Associates, 400 North Capitol Street, Washington, D.C. 20001.

B. Shellfish Institute of North America, 400 North Capitol Street, Suite 323, Washington, D.C. 20001.

D. (6) $11,250. E. (9) $6,900.

A. Joanna S. Lehane, 1120 19th Street, No. 333, Washington, D.C. 20036.

B. Motor and Equipment Manufacturers Association, 1120 19th Street NW., No. 333, Washington, D.C. 20036.

A. William T. Lehner, Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.

B. Montgomery Ward & Co., Inc., 1 Montgomery Ward Plaza, Chicago, Ill. 60671.

E. (9) $50.

A. Robert Leibner, American Frozen Food Institute, 1919 Pennsylvania Avenue NW., Suite 603, Washington, D.C. 20006.

B. American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va. 22102.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., No. 800, Washington, D.C. 20036.

B. Adhesive and Sealant Council, Inc., 1500 North Wilson Boulevard, Room 1117, Arlington, Va. 22209.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Alarm Industry Telecommunications Committee of the National Burglar & Fire Alarm Association, 1101 Connecticut Avenue, NW., Washington, D.C. 20036.

D. (6) $11,773.37. E. (9) $7,914.75.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., No. 800. Washington, D.C. 20036.

B. American Association of Nurse Anesthetists, 619 West Higgins Road, Park Ridge, Ill. 60068.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., No. 800, Washington, D.C. 20036.

B. American Dental Assistants Association, 666 North Lake Shore Drive, No. 1130, Chicago, Ill. 60611.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Washington, D.C. 20036.

B. American Express Co., 1700 K Street, NW., No. 702, Washington, D.C. 20006.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., No. 800, Washington, D.C. 20036.

B. City & Regional Magazine Association, 2033 M Street NW., No. 800, Washington, D.C. 20036.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., No. 800, Washington, D.C. 20036.

B. Clorox Co., 1221 Broadway, Oakland, Calif. 94612.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Delex International, Inc., 1111 19th Street, Arlington, Va. 22209.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Washington, D.C. 20036.

B. Federation of Apparel Manufacturers, 450 Seventh Avenue, New York, N.Y. 10001.

D. (6) $4268.63. E. (9) $3841.76.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Washington, D.C. 20036.

B. Fireman's Fund American Life Insurance Co., 1600 Los Gamos Drive, San Rafael, Calif. 94911.

D. (6) $8188.57. E. (9) $7369.71.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. First Boston Corp., 20 Exchange Place, New York N.Y. 10005.

D. (6) $500. E. (9) $100.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Washington, D.C. 20036.

B. General Atomic Co., 2021 K Street, NW., No. 709, Washington, D.C. 20006.

D. (6) $4480.32. E. (9) $4032.29.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Greater Boston Real Estate Board, 24 School Street, Boston, Mass. 02108.

D. (6) $500. E. (9) $50.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., No. 800, Washington, D.C. 20036.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., No. 800, Washington, D.C. 20007.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., No. 800, Washington, D.C. 20036.

B. Intraocular Lens Manufacturers Association, 1420 Crestview Avenue, Seal Beach, Calif. 90740.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Washington, D.C. 20036.

B. MCI Communications Corp., 1150 17th Street NW., Washington, D.C. 20036.

D. (6) $29,650.14. E. (9) $26,685.12.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Milicom, Inc., Suite 5500, 153 East 53d Street, New York, N.Y. 10022.

D. (6) $1,584.50. E. (9) $940.81.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. National Association of Small Business Investment Corp., 618 Washington Building, Washington, D.C. 20035.

D. (6) $10,000. E. (9) $100.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., No. 800, Washington, D.C. 20036.

B. National Cable Television Association Inc., 918 16th Street NW., Washington, D.C. 20006.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., No. 800, Washington, D.C. 20036.

B. National Glass Dealers Association, 1000 Connecticut Avenue NW., No. 802, Washington, D.C. 20036.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Washington, D.C. 20036.

B. National Manufactured Housing Federation, 2033 M Street NW., Washington, D.C. 20036.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., No. 800, Washington, D.C. 20036.

B. Professional Air Traffic Controllers Organization, 444 North Capitol Street NW., Washington, D.C. 20001.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Savings Banks Association of Massachusetts, 50 Congress Street, Boston, Mass. 02109.

D. (6) $1,000. E. (9) $150.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Washington, D.C. 20036.

B. TRT Telecommunications Corp., 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $7,622.45. E. (9) $4,305.09.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., No. 800, Washington, D.C. 20036.

B. Turner Broadcasting System, Inc., 1018 West Peachtree Street NW., Atlanta, Ga. 30309.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., No. 800, Washington, D.C. 20036.

B. Whey Products Institute, 130 North Franklin Street, Chicago, Ill. 60606.

A. Joseph L. Leitzinger, 900 Fourth Avenue, Seattle, Wash. 98164.

B. Simpson Timber Co., 900 Fourth Avenue, Seattle, Wash. 98164.

D. (6) $128. E. (9) $556.

A. Daniel W. Lenehan, 15 Brook Street, Cohasset, Mass. 02025.

B. The Boston Shipping Association, Inc., 223 Lewis Wharf, Boston, Mass. 02110.

D. (6) $4,860. E. (9) $1,555.15.

A. Earl T. Leonard, Jr., The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

D. (6) $955. E. (9) $2,137.11.

A. Lloyd Leonard, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $2,970. E. (9) $46.

A. Rodney E. Leonard, Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.

B. Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.

E. (9) $8.

A. Charles Leppart, Jr., The Procter & Gamble Manufacturing Co., 1801 K Street NW., No. 230, Washington, D.C. 20006.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45201.

D. (6) $172.01.

A. Richard L. Lesher, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States of America, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $525. E. (9) $11.61.

A. Dale Lestina, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Stret NW., Washington, D.C. 20036.

D. (6) $1,884.80. E. (9) $186.

A. Ernest M. LeSueur, 1700 North Moore Street, 1925 Rosslyn Center Building, Arlington, Va. 22209.

B. Beneficial Management Corp. of America, 1300 Market Street, Wilmington, Del. 19899.

A. Joseph Letorney, National Education Association, 112 Union Street, South Weymouth, Mass. 02190.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $953. E. (9) $216.50.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. American Electric Power Service Corp., 2 Broadway, New York, N.Y. 10004.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Boston Edison Co., 800 Boylston Street, Boston, Mass. 02199.

E. (9) $144.30.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Consolidated Edison Co. of New York, Inc., 4 Irving Place, New York, N.Y. 10003.

D. (6) $367.50.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Cooperative for American Relief Everywhere, Inc., 660 First Avenue, New York, N.Y. 10016.

D. (6) $775. E. (9) $17.50.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Holy Cross Hospital, 15031 Rinaldi Street, Mission Hills, Calif. 91345.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Don Langenegger, Estate of Blanca Rosa Langenegger, Lanegger, AG. Service, Inc., P.O. Box 575, First & Warehouse Avenue, Sunnyside, Wash. 98944.

D. (6) $400. E. (9) $20.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. National Association for Hospital Development, 1700 K Street NW., Washington, D.C. 20006.

D. (6) $240.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. National Council of Community Hospitals, 1735 I Street NW., Suite 710, Washington, D.C. 20006.

D. (6) $1,997.50.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. TOSCO Corp., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $300.

A. Robert J. Levering, 560 N Street SW., Washington, D.C. 20024.

B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $300. E. (9) $100.

A. Carl Levin, Burson-Marsteller, 1800 M Street NW., 750 South, Washington, D.C. 20036.

B. Meenan Oil Co., Inc., 44 East 23d Street, New York, N.Y. 10010.

A. Harry LeVine, Jr., General Electric Co., 777 14th Street NW., Washington, D.C.

B. General Electric Co., 3135 Eastern Turnpike, Fairfield, Conn.

D. (6) $405.

A. Manuel Levine, 6404 Elray Drive, Suite E, Baltimore, Md. 21209.

B. Wood, Lucksinger & Epstein, 1 Houston Center, Suite 1600, Houston, Tex. 77002.

D. (6) $1,458.90. E. (9) $7.

A. Roger N. Levy, IIAA, 1120 19th Street NW., Suite 503, Washington, D.C. 20036.

B. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.

D. (6) $2,374.30.

A. Charles L. Lewis, American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.

B. American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.

D. (6) $214. E. (9) $65.50.

A. E. David Lewis, Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.

B. Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.

D. (6) $130. E. (9) $205.

A. Robert G. Lewis, 1012 14th Street NW., Washington, D.C. 20005.

B. The Farmers' Educational and Co-Operative Union of American (National Farmers Union) Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.

D. (6) $617.15. E. (9) $13.46.

A. Wm. J. Lhota, Ohio Power Co., 301 Cleveland Avenue SW., Canton, Ohio 44702.

B. Ohio Power Co., 301 Cleveland Avenue SW., Canton, Ohio 44702, a subsidiary of American Electric Power Co., Inc., 2 Broadway, New York, N.Y. 10004.

D. (6) $1,527.10. E. (9) $1,487.83.

A. Herbert Liebenson, National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.

B. National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.

D. (6) $5,625.

A. Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.

B. Small Business Legislative Council, 1604 K Street NW., Washington, D.C.

A. William C. Lienesch, 238 10th Street SE., Washington, D.C. 20003.

B. National Parks & Conservation Association, 1701 18th Street NW., Washington, D.C. 20009.

D. (6) $1,543.50. E. (9) 60.40.

A. Lillick, McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Neptune Orient Lines, Inc., Neptune Building, 13 Trafalger Street, Singapore 0207.

D. (6) $8,453.20. E. (9) $271.68.

A. Lillick, McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036; 2 Embarcadero Center, San Francisco, Calif. 94111.

B. Pacific Maritime Association, 635 Sacramento Street, San Francisco, Calif. 94120.

D. (6) $4,442.50. E. (9) $807.04.

A. Edward J. Lincoln, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $100.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Lake Superior District Power Co., 101 West Second Street, Ashland, Wis. 54806.

D. (6) $331.99.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Madison Gas & Electric Co., 100 North Fairchild Street, Box 1231, Madison, Wis. 53701.

D. (6) $736.66.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. The Metropolitan Sanitary District of Greater Chicago, 100 East Erie Street, Chicago, Ill. 60611.

D. (6) $5,586.72.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Northern States Power Co., 100 North Barstow Street, Eau Claire, Wis. 54701.

D. (6) $995.76.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Oregon Department of Transportation, Transportation Building, Salem, Ore.

D. (6) $3,000.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. State of Illinois, Department of Transportation, 2300 South Dirksen Parkway, Springfield, Ill. 62764.

D. (6) $5,525. E. (9) $49.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. State of Illinois, Department of Transportation, Division of Water Resources, 2300 South Dirksen Parkway, Springfield, Ill. 62764.

D. (6) $2,362.50. E. (9) $36.20.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Superior Water, Light & Power Co., 1230 Tower Avenue, Superior, Wis. 54880.

D. (6) $199.56.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Wisconsin Electric Power Co., 231 West Michigan, Milwaukee, Wis. 53201.

D. (6) $3,229.97.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Wisconsin Power & Light Co., Madison, Wis.

D. (6) $1,382.37.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Wisconsin Public Service Corp., P.O. Box 700, Green Bay, Wis. 54305.
D. (6) $2,048.67.

A. Robert G. Litschert, 1111 19th Street NW., Washington, D.C. 20036.
B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $909. E. (9) $443.68.

A. Andrew Litsky, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $550.

A. William F. Little, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $362.50. E. (9) $266.65.

A. Roy Littlefield, 1343 L Street NW., Washington, D.C. 20005.
B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.
D. (6) $1,670. E. (9) $110.

A. Theodore M. Littman, 260 Chinook Drive, Placentia, Calif. 92670.
B. Rockwell International, 12214 Lakewood Boulevard, Downey, Calif. 90241.
D. (6) $79. E. (9) $70.

A. David A. Litvin, Kennecott Corp., 1111 19th Street NW., Suite 310, Washington, D.C. 20036.
B. Kennecott Corp., 10 Stamford Forum, Stamford, Conn. 06904.
D. (6) $500. E. (9) $599.70.

A. E. F. Livaudais, Jr., Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $50.

A. Livestock Marketing Association, 4900 Oak Street, Kansas City, Mo. 64112.
E. (9) $3,950.46.

A. H. Richard Lloyd, Jr., General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
D. (6) $200.

A. Nils A. Lofgren, Motor Vehicle Manufacturers Association of the U.S., Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.
B. Motor Vehicle Manufacturers Association of the U.S., Inc., 300 New Center Building, Detroit, Mich. 48202.
E. (9) $160.

A. Law Offices of Sheldon I. London, 1725 DeSales Street NW., Suite 401, Washington, D.C. 20036.
B. American Hardware Manufacturers Association, 117 East Palatine Road, Palatine, Ill. 60067.
D. (6) $1,500.

A. Long, Aldridge, Heiner, Stevens & Sumner, 134 Peachtree Street, Suite 1900, Atlanta, Ga. 30043.
B. Cable Atlanta, Inc., 1036 West Peachtree, Atlanta, Ga. 30309.
D. (6) $2,731. E. (9) $6.74.

A. Robert W. Long, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $215.61. E. (9) $3.

A. John H. Lonnquist, Jr., Johns-Manville Corp., 1025 Connecticut Avenue NW., Suite 214, Washington, D.C. 20036.
B. Johns-Manville Corp., P.O. Box 5108, Denver, Colo. 80217.
D. (6) $100.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Association of Bituminous Contractors, 2020 K Street NW., Washington, D.C. 20006.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Classroom Publishers Association, 2020 K Street NW., Washington, D.C. 20006.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Industrial Diamond Association, 59 East Main Street, Mooretown, N.J. 08057.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. National Association of Casualty & Surety Agents, 5225 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Optical Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Textile Rental Services Association of America, 1250 Hallandale Beach Boulevard, Hallandale, Fla. 33009.

A. Lord, Day & Lord, 25 Broadway, New York, N.Y. 10004.
B. Phosphate Chemicals Export Association, Inc., 200 Park Avenue, New York, N.Y. 10017.
D. (6) $16,221.75. E. (9) $2,259.49.

A. Philip J. Loree, 50 Broadway, New York, N.Y. 10004.
B. Federation of American Controlled Shipping, 50 Broadway, New York, N.Y. 10004.
D. (6) $200. E. (9) $135.

A. Judith A. Lorenson, 1960 Lake Clay Drive, Chesterfield, Mo. 63017.
B. Chromalloy American Corp., 120 South Central Avenue, St. Louis, Mo. 63105.
D.(6) $7,500.

A. Robert E. Losch, Losch & DePuy, 1716 New Hampshire Avenue NW., Washington, D.C. 20009.
B. American Dredging Co., P.O. Box 190, Camden, N.J. 08101 et al.
D. (6) $17,500. E. (9) $2,849.71.

A. Robert E. Losch, Losch & DePuy, 1716 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Pelican Terminal Corp., 500 Jefferson Building, Suite 2025, Houston, Tex. 77002; and Port of Galveston (Galveston Wharves), P.O. Box 328, Galveston, Tex. 77550.
D. (6) $10,000. E. (9) $2,060.98.

A. James F. Lovett, Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $500. E. (9) $200.

A. James P. Low, American Society of Association Executives, 1575 I Street NW., Washington, D.C. 20005.
B. American Society of Association Executives, 1575 I Street NW., Washington, D.C. 20005.

A. Robert C. Lower, Alston, Miller & Gaines, 1200 C & S National Bank Building, Atlanta, Ga. 30303.
B. Board of Trade Clearing Corporation, 141 West Jackson Boulevard, Chicago, Ill. 60604.

A. William C. Lowrey, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Gerald M. Lowrie, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $4,000.

A. Freddie H. Lucas, General Motors Corp., 1660 L Street NW., Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $286.20.

A. Lucas, Friedman & Mann, 810 18th Street NW., Suite 202, Washington, D.C. 20006.
B. Coushatta Tribe of Louisiana, c/o Ernest Sickey, Elton, La. 70532.

A. Lucas, Friedman & Mann, 810 18th Street NW., Washington, D.C. 20006.
B. Republic of the Philippines.
D. (6) $1,030.35.

A. Charles Emmet Lucey, McDermott, Will & Emery, 1101 Connecticut Avenue NW., Suite 1201, Washington, D.C. 20036.
B. Catholic Press Association, 119 North Park Avenue, Rockville Centre, New York, N.Y. 11570.

A. Charles Emmet Lucey, McDermott, Will & Emery, 1101 Connecticut Avenue NW., Suite 1201, Washington, D.C. 20036.
B. National League for Nursing, Ten Columbus Circle, New York, N.Y. 10019.

A. William F. Ludlam, Sr., American Revolution Bicentennial Adm. Licensees Association, P.O. Box 5282, Virginia Beach, Va. 23455.
B. American Revolution Bicentennial Adm. Licensees Association, P.O. Box 10, Cocoa Beach, Fla. 32931.
E. (9) $2,337.

A. Kathy K. Luhn, 1899 L Street NW., Suite 403, Washington, D.C. 20036.
B. Outdoor Advertising Association of America, Inc., 1899 L Street NW., Suite 403, Washington, D.C. 20036.
D. (6) $58. E. (9) $15.

A. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.
E. (9) $2,850.20.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.
B. Federation of American Controlled Shipping, 50 Broadway, New York, N.Y. 10004.
D. (6) $600. E. (9) $42.37.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.
B. National Product Liability Council, 20 N. Wacker Drive, Chicago, Ill. 60606.
D. (6) $450. E. (9) $34.39.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Pennsylvania Power & Light Co., Two North Ninth Street, Allentown, Pa. 18101.

D. (6) $3,072. E. (9) $303.43.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Shanghai Power Co., 100 West 10th Street, Wilmington, Del. 19801.

D. (6) $697.63. E. (9) $38.92.

A. Milton F. Lunch, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Mary J. Lynch, Health Industry Manufacturers Association, 1030 15th Street NW., Suite 1100, Washington, D.C. 20006.

B. Health Industry Manufacturers Association, 1030 15th Street NW., Suite 1100, Washington, D.C. 20005.

A. Mary J. Lynch, Textron Corp., 1666 K Street NW., Suite 300, Washington, D.C. 20006.

B. Textron Corp., 1666 K Street NW., Suite 300, Washington, D.C. 20006.

A. William T. Lyons, CIBA-GEIGY Corp., 1747 Pennsylvania Avenue NW., Suite 700, Washington, D.C. 20006.

B. CIBA-GEIGY Corp., Ardsely, N.Y. 10502.

D. (6) $2,250. E. (9) $1,413.21.

A. Timothy C. MacCarthy, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.

B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.

D. (6) $132.

A. Russell MacCleery, 1343 L Street NW., Washington, D.C. 20005.

B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.

D. (6) $900. E. (9) $273.

A. Jack A. MacDonald, National Council of Health Centers, 2600 Virginia Avenue NW., Suite 915, Washington, D.C. 20037.

B. NCHC, 2600 Virginia Avenue NW., No. 915, Washington, D.C. 20037.

D. (6) $862.50. E. (9) $35.

A. A. Everette MacIntyre, 1900 L Street NW., Suite 710, Washington, D.C. 20046.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

D. (6) $5,775.

A. James E. Mack, National Confectioners Association, 5101 Wisconsin Avenue, Suite 506, Washington, D.C. 20016.

B. National Confectioners Association, 36 South Wabash Avenue, Chicago, Ill. 60603.

D. (6) $19,875. E. (9) $302.61.

A. James E. Mack, Peanut Butter & Nut Processors Association, 5101 Wisconsin Avenue, Suite 504, Washington, D.C. 20016.

B. Peanut Butter & Nut Processors Association, 5101 Wisconsin Avenue, Suite 504, Washington, D.C. 20016.

D. (6) $12,499.98. E. (9) $207.76.

A. James H. Mack, 7901 Westpark Drive, McLean, Va. 22102.

B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va., 22102.

D. (6) $7,820.09. E. (9) $500.

A. John P. Mackey, Ad Hoc Committee in Defense of Life, Inc., 810 National Press Building, Washington, D.C. 20005.

B. Ad Hoc Committee in Defense of Life, Inc., 150 East 35th Street, New York, N.Y. 10016.

D. (6) $7,650.72. E. (9) $3,826.65.

A. Marion M. MacRae, 1800 K Street NW., Suite 920, Washington, D.C. 20006.

B. BankAmerica Corp., BankAmerica Center, San Francisco, Calif.

D. (6) $38.06. E. (9) $36.70.

A. Thomas J. Mader, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $566.66.

A. Edward C. Maeder, DGA International, Inc., 2550 M Street NW., Washington, D.C. 20037.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Government of Morocco, Rabat, Morocco).

D. (6) $1,980. E. (9) $450.75.

A. Susan G. Magaw, 1735 Jefferson Davis Highway, Suite 903, Arlington, Va. 22202.

B. Potato Chip/Snack Food Association, 1735 Jefferson Davis Highway, Suite 903, Arlington, Va. 22202.

D. (6) $300. E. (9) $7.80.

A. John F. Mahoney, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $3,710. E. (9) $215.11.

A. Robert L. Maier, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C.

A. David C. Main, Jr., Epstein, Becker, Borsody & Green, 1140 19th Street NW., Suite 900, Washington, D.C. 20036.

B. American Association of Foundations for Medical Care, Cabin John Hall, Suite 214, 11325 Seven Locks Road, Potomac, Md. 20854.

D. (6) $250.

A. F. Anthony Maio, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., No. 1000, Washington, D.C. 20006.

B. First Wisconsin National Bank of Milwaukee, 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

A. Andre Maisonpierre, Alliance of American Insurers, 1776 F Street NW., Washington, D.C.

B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $250. E. (9) $25.

A. David L. Mallino, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.

B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $7,978.36.

A. J. Wilson Malloy, Jr., Eastman Chemical Products, Inc., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Eastman Chemical Products, Inc., P.O. Box 431, Kingsport, Tenn. 37662.

D. (6) $800. E. (9) $26.

A. Carter Manasco, 5932 Chesterbrook Road, McLean, Va. 22101.

B. National Coal Association, 1130 17th Street NW., Washington, D.C. 20036.

D. (6) $6,249.99. E. (9) $77.90.

A. Forbes Mann, 1155 15th Street NW., Suite 1004, Washington, D.C. 20005.

B. The LTV Corp., 1525 Elm Street, Dallas, Tex. 75222.

D. (6) $2,000. E. (9) $50.

A. James H. Mann, 810 18th Street NW., Washington, D.C. 20006.

B. Lucas, Friedman & Mann, (for Republic of the Philippines), 810 18th Street NW., Washington, D.C. 20006.

A. Richard J. Mannix, Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.

B. Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.

A. Armand G. Manson, 1666 K Street NW., Suite 300, Washington, D.C. 20006.

B. Bell Aerospace Textron, 1666 K Street NW., Suite 300, Washington, D.C. 20006.

D. (6) $2,470.

A. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Arlington, Va. 22202.

D. (6) $2,500. E. (9) $310.

A. March for Life., Inc., P.O. Box 2950, Washington, D.C.

D. (6) $7,034.06. E. (9) $5,674.98.

A. Charles T. Marck, The Dow Chemical Co., 1800 M Street NW., Suite 700 South, Washington, D.C. 20036.

B. The Dow Chemical Co., Midland, Mich. 48640.

D. (6) $1,000. E. (9) $250.

A. Robert V. Mariani, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.

D. (6) $1,600. E. (9) $1,800.

A. Thomas P. Marinis, Jr., 2228 First City National Bank Building, Houston, Tex. 77002.

B. Vinson & Elkins (for University of Texas System, 201 West Seventh Street, Austin, Tex. 78701), 2100 First City National Bank Building, Houston, Tex. 77002.

A. David J. Markey, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

D. (6) $2,000. E. (9) $652.63.

A. Lawrence D. Markley, P.O. Box 3518, Anchorage, Alaska 99501.

B. Chugach Electric Association, Inc., P.O. Box 3518, Anchorage, Alaska 99501.

D. (6) $3,426. E. (9) $3,516.46.

A. John Marlin, 307 West Nevada, Urbana, Ill. 61801.

B. Central States Resource Center, Box 477, Urbana, Ill. 61801.

D. (6) $2,687.49. E. (9) $617.23.

A. Howard Marlowe, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $13,374.20. E. (9) $323.78.

A. D. V. Maroney, Jr., Amalgamated Transit Union, AFL–CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Chalmers Marquis, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
B. Association for Public Broadcasting, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $250. E. (9) $30.

A. Marshall, Bratter, Greene, Allison & Tucker, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Abbotts Dairies Division of Fairmont Foods Co., 333 W. Loop North, Houston, Tex. 77024.

A. Marshall, Bratter, Greene, Allison & Tucker, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. ADP Pension Services, Inc., 180 Newport Center Drive, Newport Beach, Calif. 92663.
D. (6) $1,300.

A. Marshall, Bratter, Greene, Allison & Tucker, 430 Park Avenue, New York, N.Y. 10022.
B. Cadillac Fairview U.S., Inc., c/o The Corporation Trust Co., 100 W. 10th Street, Wilmington, Del. 19801.
E. (9) $907.

A. Marshall, Bratter, Greene, Allison & Tucker, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $9,804.30. E. (9) $235.63.

A. Marshall, Bratter, Greene, Allison & Tucker, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, N.Y. 10022.

A. C. Travis Marshall, 1776 K Street NW., Washington, D.C. 20006.
B. Motorola Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $45.

A. J. Paull Marshall, Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $387.82. E. (9) $285.24.

A. David O. Martin, Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.
B. Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.
D. (6) $175. E. (9) $122.07.

A. John B. Martin, Jr., National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $392.31. E. (9) $47.75.

A. Katherine E. Martin, Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $272. E. (9) $310.63.

A. Thomas A. Martin, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $225.

A. Steven A. Martindale, DGA International, Inc., 1220 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Government of Morocco, Rabat, Morocco), 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $100.

A. Reynaldo L. Martinez, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $953. E. (9) $431.

A. Joseph J. Martyak, Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

A. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.
E. (9) $340.32.

A. W. A. Mason, Southwestern Electric Power Co., 442 Ontario, Shreveport, La.
B. Southwestern Electric Power Co., P.O. Box 21106, Shreveport, La. 71156.
D. (6) $96.76.

A. Cliff Massa III, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $250.

A. William F. Massmann, Dr. Pepper Co., P.O. Box 225086, Dallas, Tex. 75265.
B. Dr. Pepper Co., P.O. Box 225086, Dallas, Tex. 75265.

A. Charles D. Matthews, 1100 17th Street NW., No. 410, Washington, D.C. 20036.
B. National Ocean Industries Association, 1100 17th Street NW., No. 410, Washington, D.C. 20036.
D. (6) $2,048.20. E. (9) $165.50.

A. Herbert S. Matthews, Box 72, Mechanicsville, Md. 20659.
B. Martin Marietta Aerospace, 6801 Rockledge Drive, Bethesda, Md. 20034.
D. (6) $6,150. E. (9) $86.75.

A. Robert A. Matthews, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $623.80.

A. Joanne E. Mattiace, Sears, Roebuck and Co., 1211 Connecticut Avenue NW., No. 802, Washington, D.C. 20036.
B. Sears, Roebuck and Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $45. E. (9) $2.

A. C. V. & R. V. Maudlin, 1111 E Street NW., Washington, D.C.
B. Georgia Power Co., 270 Peachtree Street, Atlanta, Ga.

A. C. V. & R. V. Maudlin, 1111 E Street NW., Washington, D.C.
B. Joint Government Liaison Committee, 1111 E Street NW., Washington, D.C.

A. Anthony F. Mauriello, N.Y.S. Petroleum Council, 551 Fifth Avenue, Room 718, New York, N.Y. 10176.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Samuel L. Maury, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $136.04. E. (9) $39.73.

A. Thomas H. Maxedon, Kentucky Petroleum Council, 4010 Dupont Circle, Louisville, Ky. 40207.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $190.18.

A. Albert E. May, Council of American-Flag Ship Operators, 1625 K Street NW., Washington, D.C. 20006.
B. Council of American-Flag Ship Operators, 1625 K Street NW., Washington, D.C. 20006.
D. (6) $3,000. E. (9) $4.48.

A. James C. May, Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Washington, D.C. 20007.
D. (6) $685. E. (9) $21.

A. Mayer, Brown & Platt, c/o James L. Mitchell, 888 17th Street NW., Washington, D.C. 20006.
B. Aerospace Industries of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.
B. The ERISA Industry Committee, Suite 500, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.
B. The Nokota Co., P.O. Box 1633, 316 North Fifth Street, Bismarck, N. Dak. 58501.
D. (6) $531.25.

A. Mays, Valentine, Davenport & Moore, No. 1200, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Henry T. Gage, Suite 118, 10630 Harper Street, Harperswood, Mich. 48225.

A. MBPXL Corp., 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
E. (9) $225.

A. Douglas E. McAllister, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $32.97. E. (9) $5.85.

A. William J. McAuliffe, Jr., American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

A. Ann McBride, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $7,500. E. (9) $101.50.

A. Gardner McBride, BOMA International, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.
B. BOMA International, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $21.

A. John A. McCahill, 2033 M Street NW., Washington, D.C. 20036.
B. U.S. Olympic Committee, 1750 East Boulder, Colorado Springs, Colo. 80909.

A. Julie P. McCahill, The Mead Corp., 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Mead Corp., Mead World Headquarters, Courthouse Plaza NE., Dayton, Ohio 45463.

A. William C. McCamant, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $300.

A. A. R. McCammon, Tennessee Railroad Association, 916 Nashville Trust Building, Nashville Trust Building, Nashville, Tenn. 37201.
B. Class I Railroads in Tennessee.
E. (9) $729.30.

A. John A. McCart, Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $3,251.40.

A. McCarty & Noone, 490 L'Enfant Plaza East, Suite 3306, Washington, D.C. 20024.
B. American Medical Technologists, 710 Higgins Road, Park Ridge, Ill. 60068.
D. (6) $249.54. E. (9) $24.95.

A. McCarty & Noone, 490 L'Enfant Plaza East, Suite 3306, Washington, D.C. 20024.
B. National Association of Small Business Investment Companies, 618 Washington Building, Washington, D.C. 20005.
D. (6) $1,500. E. (9) $488.25.

A. James R. McCaul, 1800 K Street NW., Washington, D.C. 20006.
B. International Maritime Associates, Inc., 1800 K Street NW., Washington, D.C. 20006.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.
B. The Coca-Cola Co., P.O. Box 1734, Atlanta, Ga. 30301.
E. (9) $102.46.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.
B. Estate of Chester H. Roth, Parker, Chapin, Flattau & Kimpl, 530 Fifth Avenue, New York, N.Y. 10036.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.
B. Hercules, Inc., 910 Market Street, Wilmington, Del. 19899.
D. (6) $500. E. (9) $8.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.
B. Mobil Corp., 150 East 42d Street, New York, N.Y. 10017.
E. (9) $493.44.

A. Joel C. McConnell, Jr., Independent Bankers Association of America, 1625 Massachusetts Avenue NW., No. 202, Washington, D.C. 20036.
B. Independent Bankers Association of America, 1168 South Main Street, Sauk Centre, Minn. 56378.
D. (6) $8,000. E. (9) $1,000.

A. Richard M. M. McConnell, National Association of Federal Credit Unions, 111 North 19th Street, Suite 700, Arlington, Va. 22209.
B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

A. John L. McCormick, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,499.99.

A. Molly McCormick, Philadelphia Electric Co., 2301 Market Street, S23-1, P.O. Box 8699, Philadelphia, Pa. 19101.
B. Philadelphia Electric Co., 2301 Market Street, P.O. Box 8699, Philadelphia, Pa. 19101.
D. (6) $1,500. E. (9) $886.19.

A. Sally McCormick, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $2,273.74.

A. E. L. McCulloch, Brotherhood of Locomotive Engineers, 400 First Street NW., Suite 819, Washington, D.C. 20001.
B. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland, Ohio 44114.
D. (6) $284.60. E. (9) $85.20.

A. Albert L. McDermott, American Hotel & Motel Association, 1101 Connecticut Avenue NW., Suite 1006, Washington, D.C. 20036.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $1,510.27.

A. Marianne McDermott, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20025.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Edward T. McDonald, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.
D. (6) $2,040. E. (9) $2,070.

A. Michael D. McDonald, Maryland Petroleum Association, 60 West Street, Annapolis, Md. 21401.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Patrick J. McDonough, American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
B. American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
D. (6) $3,483. E. (9) $1,152.17.

A. Joseph A. McElwain, Montana Power Co., 40 East Broadway, Butte, Mont. 59701.
B. Montana Power Co., Butte, Mont. 59701.
E. (9) $39.

A. Darryl D. McEwen, Society of American Florists, 901 North Washington Street, Alexandria, Va. 22314.
B. Society of American Florists and Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.

A. Paul J. McGeady, 27 Hampton Place, Nutley, N.J. 07110.
B. Morality In Media, Inc., 475 Riverside Drive, Suite 239, New York, N.Y. 10115.
D. (6) $2,881.62. E. (9) $189.

A. W. Curt McGee, 711 Ridge Drive, McLean, Va. 22101.
B. Bechtel National, Inc., 1620 I Street NW., No. 703, Washington, D.C. 20006.

A. P. Anne McGhee, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW, Washington, D.C. 20006.
D. (6) $450.

A. Robert M. McGlotten, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $13,050.60. E. (9) $838.60.

A. Margaret C. McGrail, The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $3,980.

A. Christopher C. McGrath, N.Y.S. Petroleum Council, 551 Fifth Avenue, Room 718, New York, N.Y. 10176.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Jerome J. McGrath, Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $500.

A. Peter E. McGuire, National Association of Retired and Veteran Railway Employees, Inc., 400 First Street NW., Washington, D.C. 20001.
B. National Association of Retired and Veteran Railway Employees, Inc., P.O. Box 6060, Kansas City, Kans. 66106; H&RE&BIU, 1875 I Street NW., Washington, D.C. 20006., International Union of Police Association, 422 First Street SE., Washington, D.C. 20006.
D. (6) $5,999.98. E. (9) $458.45.

A. John J. McHale, Jr., Conrail, 1817 Biltmore Street NW., Washington, D.C. 20009.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $1,605.

A. Clarence M. McIntosh, Jr., Railway Labor Executives' Association, 400 First Street NW., Suite 804, Washington, D.C. 20001.
B. Railway Labor Executives' Association, 400 First Street NW., Suite 804, Washington, D.C. 20001.
D. (6) $1,178.29.

A. Lyndley R. McIntosh, American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
D. (6) $1,823.79. E. (9) $125.99.

A. Robert S. McIntyre, Public Citizens' Tax Reform Research Group, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Public Citizens' Tax Reform Research Group, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $937.50.

A. Philip A. McKeaney, American Federation of Teachers, AFL–CIO, 11 DuPont Circle NW., Washington, D.C. 20036.
B. American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
D. (6) $7,213.38. E. (9) $99.

A. Christine E. McKechnie, 2550 M Street NW., Suite 770, Washington, D.C. 20037.
B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.

A. William F. McKenna, 1800 M Street NW., Washington, D.C. 20036.
B. Silver, Freedman, Housley, Taff & Goldberg, 1800 M Street NW., No. 950N, Washington, D.C. 20036.

A. Janet E. McKenzie, Allied-General Nuclear Services, 1150 Connecticut Avenue NW., Suite 702, Washington, D.C. 20036.
B. Allied-General Nuclear Services, P.O. Box 847, Barnwell, S.C. 29812.

A. Susan M. McKenzie, National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.

B. National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.

D. (6) $5,964. E. (9) $375.25.

A. William Colm McKeveny, Chadbourne, Parke, Whiteside & Wolff, 30 Rockefeller Plaza, New York, N.Y. 10112.

B. American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. C. A. "Mack" McKinney, National Headquarters, Marine Corps League, 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.

B. National Headquarters, Marine Corps League, 911 North Kenmore Street, Suite 221, Arlington, Va. 22201.

E. (9) $30.

A. C. A. "Mack" McKinney, Noncommissioned Officers Association of the U.S.A., 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.

B. Noncommissioned Officers Association of the U.S.A., (NCOA), P.O. Box 33610, San Antonio, Tex. 78233.

D. (6) $6,259.29. E. (9) $6,305.46.

A. James D. McLaughlin, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,355. E. (9) $770.48.

A. John S. McLees, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $860.93. E. (9) $187.10.

A. William F. McManus, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., Easton Turnpike, Fairfield, Conn. 06431.

D. (6) $410.

A. Jane Pierson McMichael, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

D. (6) $11,524.80. E. (9) $17,597.99.

A. C. W. McMillan, National Cattlemen's Association, 425 13th Street NW., Suite 1020, Washington, D.C. 20004.

B. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.

D. (6) $1,500.

A. James R. McMullen, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

E. (9) $107.01.

A. William G. McMurtrie, 8150 Leesburg Pike, Vienna, Va. 22180.

B. William H. Sullivan, Jr., 1 Federal Street, 29th Floor, Boston, Mass. 02110.

D. (6) $2,500.

A. John McNally, Clean Water Action Project, 1341 G Street NW., Suite 200, Washington, D.C. 20005.

B. Clean Water Action Project, 1341 G Street NW., Suite 200, Washington, D.C. 20005.

D. (6) $1,075. E. (9) $15.

A. Craig L. McNeese, Houston Lighting & Power Co., P.O. Box 1700, Houston, Tex. 77001.

B. Houston Lighting & Power Co., P.O. Box 1700, Houston, Tex. 77001.

D. (6) $1,025. E. (9) $1,123.59.

A. James A. McPherson, MoArk Basins Flood Control & Conservation Association, P.O. Box 1160, Kansas City, Kans. 66117.

B. MoArk Basins Flood Control & Conservation Association, P.O. Box 1160, Kansas City, Kans. 66117.

A. Joseph J. Meder, Interlake, Inc., 1050 17th Street NW., Suite 1160, Washington, D.C. 20036.

B. Interlake, Inc., 2015 Spring Road, Commerce Plaza, Oak Brook, Ill. 60521.

D. (6) $7,380. E. (9) $2,416.25.

A. David Olan Meeker, Jr., FAIA, The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

D. (6) $1,500.

A. William H. Megonnell, Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $1,125. E. (9) $94.50.

A. Louis L. Meier, Jr., American Society of Civil Engineers, 1625 I Street NW., Washington, D.C. 20006.

B. American Society of Civil Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.

D. (6) $550. E. (9) $185.

A. Kenneth A. Meiklejohn, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.

B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $13,050.60.

A. F. A. Meister, Jr., 1611 North Kent Street, Arlington, Va. 22209.

B. American Footwear Industries Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

D. (6) $350. E. (9) $15.

A. R. Otto Meletzke, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

D. (6) $700.

A. Memorex Corp., 1970 Chain Bridge Road, McLean, Va., 22102.

B. Memorex Corp., San Tomas at Central Expressway, Santa Clara, Calif. 95052.

D. (6) $9,000.

A. Howard N. Menaker, American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, c/o Dr. Wendell D. Waldie, 3111 Aloma, Wichita, Kans. 67211.

D. (6) $20.18. E. (9) $20.54.

A. Ellis E. Meredith, American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

A. Ted H. Meredith, 6030 Warwick Court, New Orleans, La. 70114.

B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.

D. (6) $3,515.40.

A. Edward A. Merlis, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.

B. New Milwaukee Lines.

A. Edward A. Merlis, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.

B. Tele-Press Associates, Inc., 342 East 79th Street, New York, N.Y. 10021 (for: Japan Fisheries Association).

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.

B. Central Gulf Lines, Inc., 2 Canal Street, International Trade Mart, New Orleans, La. 70130.

D. (6) $1,250. E. (9) $101.11.

A. Edward L. Merrigan, 6000 Connecticut Avenue, Washington, D.C. 20015

B. Coalition of United States Citizen Award-Holders Against Czechoslovakia.

E. (9) $533.95.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.

B. National Association of Recycling Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.

D. (6) $3,055.55. E. (9) $2,312.94.

A. Lawrence C. Merthan, Zuckert, Scoutt & Rasenberger, 888 17th Street NW., Washington, D.C. 20006.

B. 3M Co., 3M Center, St. Paul, Minn. 55101.

D. (6) $1,945. E. (9) $546.79.

A. Harold E. Mesirow, Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Distribution Systems, Inc., 2950 Merced Street, San Leandro, Calif. 94577.

D. (6) $2,177.50. E. (9) $228.93.

A. Harold E. Mesirow, Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Foss Launch and Tug Co.; Foss Alaska Line, 660 West Ewing Street, Seattle, Wash. 98119.

D. (6) $8,362.50. E. (9) $324.35.

A. Harold E. Mesirow, Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Pacific Cruise Conference, 311 California Street, San Francisco, Calif. 94104.

A. Harold E. Mesirow, Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Rotan Mosle, Inc., 1500 South Tower Pennzoil Place, Houston, Tex. 77002.

E. (9) $124.53.

A. Harold E. Mesirow, Esq., Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Stencel Aero Engineering Corp., P.O. Box 5836, Ashville, N.C. 28803.

A. Harold E. Mesirow, Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Three R Trust, 702 Moody National Bank Tower, Galveston, Tex. 77550.

E. (9) $6.50.

A. M. Barry Meyer, 818 Connecticut Avenue NW., Washington, D.C. 20006.

B. The Aluminum Association, 818 Connecticut Avenue NW., Washington, D.C. 20006.

E. (9) $50.

A. James G. Michaux, Federated Department Stores, Inc., 1801 K Street NW., Suite 903, Washington, D.C. 20006.

B. Federated Department Stores, Inc., 7 West Seventh Street, Cincinnati, Ohio 45202.

D. (6) $500.

A. Ronald A. Michieli, National Cattlemen's Association, 425 13th Street NW., Suite 1020, Washington, D.C. 20004.

B. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.

D. (6) $1,000.

A. Michigan Knife Co., 120 Pere Marquette Street, Big Rapids, Mich. 49307.

A. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.

D. (6) $5,072.58. E. (9) $5,742.32.

A. Joy Midman, National Association of Private Psychiatric Hospitals, 1701 K Street NW., Washington, D.C. 20006.

B. National Association of Private Psychiatric Hospitals, 1701 K Street NW., Suite 1205, Washington, D.C. 20006.

D. (6) $325.

A. Migrant Legal Action Program, Inc., 806 15th Street NW., Washington, D.C. 20005.

D. (6) $27,181.50. E. (9) $27,181.50.

A. Roy H. Millenson, Association of American Publishers, 1707 L Street NW., Room 480, Washington, D.C. 20036.

B. Association of American Publishers, 1707 L Street NW., Room 480, Washington, D.C. 20036.

D. (6) $2,050. E. (9) $151.01.

A. A. Stanley Miller, 910 16th Street, Room 402, Washington, D.C. 20006.

B. Federation of American Controlled Shipping, 50 Broadway, New York, N.Y. 10004.

D. (6) $200.

A. Miller Associates, Inc., 2500 Q Street NW., Washington, D.C. 20007.

B. Tosco Corp., 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.

D. (6) $1,500. E. (9) $47.

A. C. John Miller, 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $15.80.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., S-800, Washington, D.C. 20006.

B. The Association of Private Pension & Welfare Plans, Inc., 1725 K Street NW., S-801, Washington, D.C. 20006.

D. (6) $11,143.25.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. H. E. Butt Grocery Co., P.O. Box 9216, Corpus Christi, Tex., 78408.

D. (6) $192.75.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. California Savings & Loan League, 9800 South Sepulveda Boulevard, Los Angeles, Calif. 90045.

D. (6) $6,451.25.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Investors Diversified Services, Inc., IDS Tower, Minneapolis, Minn. 55402.

D. (6) $2,500.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Lincoln National Life Insurance Co., 1301 South Harrison Street, Fort Wayne, Ind. 46801.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Lockheed Corp., Burbank, Calif. 91520.

D. (6) $660.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Nuclear Fuel Services, Inc., Suite 600, 6000 Executive Boulevard, Rockville, Md. 20852.

D. (6) $4,895.

A. Clinton R. Miller, National Health Federation, 212 West Foothill Boulevard, Monrovia, Calif. 91016.

B. National Health Federation, 212 West Foothill Boulevard, Monrovia, Calif. 91016.

D. (6) $228. E. (9) $1,198.24.

A. Robert H. Miller, Tenneco Inc., 490 L'Enfant Plaza East SW., Suite 2202, Washington, D.C. 20024.

B. Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001.

E. (9) $87.50.

A. Christine Topping Milliken, 1717 Massachusetts Avenue NW., No. 503, Washington, D.C. 20036.

B. National Association of Independent Colleges and Universities, 1717 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $8,104.74. E. (9) $133.62.

A. John G. Milliken, 2550 M Street NW., Suite 500, Washington, D.C. 20037.

B. Winston & Strawn, 2550 M Street NW., Suite 500, Washington, D.C. 20037 (for La-Choy Food Products, P.O. Box 220, 901 Stryker Street, Achbold, Ohio 43502).

D. (6) $70. E. (9) $22.50.

A. John F. Mills, 1875 I Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, 1875 I Street NW., Washington, D.C. 20006.

D. (6) $240. E. (9) $13.

A. Wayne L. Millsap, Suite 2300, Clayton Inn Center, 7777 Bonhomme, Clayton, Mo. 63105.

B. Taylor Group, 555 Brown Road, St. Louis, Mo.

A. Edward J. Milne, Jr., 1111 19th Street NW., Washington, D.C. 20036.

B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $429. E. (9) $198.01.

A. Clarence Mitchell, Jr., Washington Bureau, NAACP, 1025 Vermont Avenue NW., Suite 820, Washington, D.C. 20009.

B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.

D. (6) $3,125.

A. Thomas F. Mitchell, Georgia-Pacific Corp., 1875 I Street NW., Washington, D.C. 20006.

B. Georgia-Pacific Corp., 900 SW. Fifth Avenue, Portland, Oreg. 97204.

E. (9) $310.

A. Bruce E. Mizer, Public Power Council, 1310 Main Street, P.O. Box 1307, Vancouver, Wash. 98666.

B. Public Power Council, 1310 Main Street, P.O. Box 1307, Vancouver, Wash. 98666.

D. (6) $2,585. E. (9) $2,621.15.

A. Mocatta Metals Corp., 4 World Trade Center, Suite 5200, New York, N.Y. 10048.

E. (9) $264.

A. Michael S. Moe, Tenneco Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

B. Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001.

A. Moery and Co., 1230 Kensington Road, McLean, Va. 22102.

B. Surrey and Morse, 1156 15th Street NW., Washington, D.C. 20005.

D. (6) $50. E. (9) $6.

A. Robert M. Moliter, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

A. Michael J. Molony, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $60.

A. C. Manly Molpus, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.

B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007 (1700 North Moore Street, Arlington, Va.).

D. (6) $1,000.

A. Elizabeth R. Monro, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Michael Monroney, TRW Inc., Suite 800, 2030 M Street NW., Washington, D.C. 20036.

B. TRW Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $1,000.

A. Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., Suite 530, Washington, D.C. 20036.

B. Montgomery Ward & Co., Inc., One Montgomery Ward Plaza, Chicago, Ill. 60671.

E. (9) $100.

A. G. Merrill Moody, Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $150. E. (9) $130.75.

A. Alan J. Moore, The Atchison, Topeka and Santa Fe Railway Co., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Atchison, Topeka and Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill. 60604.

D. (6) $1,000.

A. Moore McCormick Resources, 1 Landmark Square, Stamford, Conn.

E. (9) $3,045.

A. Powell A. Moore, 1155 15th Street NW., No. 424, Washington, D.C. 20005.

B. Rheinmetall GMBH, Ulmmenstrasse 125, 4000 Dusseldorf, Federal Republic of Germany.

D. (6) $255.

A. Powell A. Moore, 1155 15th Street NW., No. 424, Washington, D.C. 20005.

B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.

D. (6) $300.

A. Powell A. Moore, 1155 15th Street NW., No. 424, Washington, D.C. 20005.

B. Thomson-CSF, Division of Equipments Avioniques, 178bd Gabriel-Peri, 92240 Malakoff, France.

D. (6) $340.

A. Morality In Media, Inc., 475 Riverside Drive, Suite 239, New York, N.Y. 10115.

D. (6) $4,625.25. E. (9) $4,625.25.

A. Earl J. Morgan, 1150 17th Street NW., No. 500, Washington, D.C. 20036.

B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.

A. Jo V. Morgan, Jr., The American Humane Association, 1050 17th Street NW., Washington, D.C. 20036.

B. The American Humane Association, P.O. Box 1266, Denver, Colo. 80201.

D. (6) $1,000.

A. Morgan, Lewis & Bockius, 1800 M Street NW., Suite 800N, Washington, D.C. 20036.

B. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800N, Washington, D.C. 20036.

D. (6) $251.25. E. (9) $147.50.

A. Morgan, Lewis & Bockius, 1800 M Street NW., Suite 800-N, Nashington, D.C. 20036.

B. Knoll Fine Chemicals, Inc., 120 East 56th Street, New York, N.Y. 10022.

A. Robert E. Morin, Society of Real Estate Appraisers, 2600 Virginia Avenue NW., Suite 901, Washington, D.C. 20037.

B. Society of Real Estate Appraisers, 645 North Michigan Avenue, Chicago, Ill. 60611.

D. (6) $2,400. E. (9) $11,354.

A. Victor G. Morris, 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.

B. Montgomery Ward & Co., Inc., 1 Montgomery Ward Plaza, Chicago, Ill. 60671.

E. (9) $50.

A. Helen Dubino Morrison, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Helen Dubino Morrison, Hill and Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017; (for Distilled Spirits Council of the United States, Inc., 425 13th Street NW., Washington, D.C. 20004).

A. Helen Dubino Morrison, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for: The Navajo Nation).

A. John C. Morrison, 907 South Saint Asaph, Alexandria, Va. 22314.

B. Vietnam Veterans Memorial Fund, Inc.

A. William C. Morrison, 2001 North Adams Street, Arlington, Va. 22201.

B. Meat Importers Council of America, Inc., 1901 North Fort Myer Drive, Arlington, Va. 22201.

D. (6) $875.

A. Lynn E. Mote, InterNorth, 1015 15th Street NW., Suite 900, Washington, D.C. 20005.

B. InterNorth, 2223 Dodge Street, Omaha, Nebr. 68102.

D. (6) $2,000.

A. Motor and Equipment Manufacturers Association, 1120 19th Street NW., No. 333, Washington, D.C. 20036.

A. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich.

D. (6) $1,663. E. (9) $1,663

A. William G. Mullen, National Newspaper Association, 1627 K Street NW., No. 400 Washington, D.C. 20006.

B. National Newspaper Association, 1627 K Street, NW., No. 400, Washington, D.C. 20006.

A. John P. Mulligan, Tuna Research Foundation, Inc., 1101 17th Street NW., Washington, D.C. 20036.

B. Tuna Research Foundation, Inc., 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $1,375.

A. Robert M. Mulligan, 910 17th Street, NW., Washington, D.C. 20006.

B. International Association of Ice Cream Mfrs. & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Albert E. Mullin, Jr., Digital Equipment Corp., 111 Powdermill Road, B/79, Maynard, Mass. 01754.

B. Digital Equipment Corp., 111 Powdermill Road, Maynard, Mass. 01754.

D. (6) $3,750.

A. Tracy Mullin, National Retail Merchants Association, 1000 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.

B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

D. (6) $100. E. (9) $15.

A. Robert J. Mullins, 1012 14th Street NW., Washington, D.C. 20005.

B. Farmers' Educational and Co-Operative Union of America (National Farmers Union), Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.

D. (6) $6,138.44.

A. Daniel J. Mundy, Building & Construction Trades Department, 815 16th Street NW., Suite 603, Washington, D.C. 20006.

B. Building & Construction Trades Department, 815 16th Street NW., Suite 603, Washington, D.C. 20006.

D. (6) $12,124.97. E. (9) $3,645.42.

A. Municipal Labor Committee, 140 Park Place, New York, N.Y. 10007.

D. (6) $43,676.67. E. (9) $43,676.67.

A. David C. Murchison, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Selected Morticians, 1616 Central Street, Evanston, Ill.

D. (6) $525. E. (9) $3.50.

A. Richard E. Murphy, 2020 K Street NW., No. 200, Washington, D.C. 20006.

B. Service Employees International Union, AFL-CIO, CLC, 2020 K Street NW., No. 200, Washington, D.C. 20006.

A. Richard W. Murphy, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.

B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.

D. (6) $625. E. (9) $65.70.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. Chicago, Milwaukee, St. Paul & Pacific Railroad, 516 West Jackson Boulevard, Chicago, Ill. 60606.

D. (6) $500.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Cleveland Cliffs Iron Co., 1460 Union Commerce Building, Cleveland, Ohio 44115.

D. (6) $150.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.

D. (6) $400.

A. D. Michael Murray, Suite 1128, 1120, Connecticut Avenue NW., Washington, D.C. 20036.

B. Iron Ore Lessors Association, 1500 First National Bank Building, St. Paul, Minn. 55101.

D. (6) $400.

A. D. Michael Murray, Suite 1128, 1120, Connecticut Avenue NW., Washington, D.C. 20036.

B. The LTV Corp., P.O. Box 5003, Dallas, Tex. 75222.

D. (6) $500.

A. D. Michael Murray, Suite 1128, 1120, Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Industrial & Office Parks, 1700 North Moore Street, Suite 1010, Arlington, Va. 22209.

D. (6) $450.

A. D. Michael Murray, Suite 1128, 1120, Connecticut Avenue NW., Washington, D.C. 20036.

B. National Council of Coal Lessors, Inc., 1150 One Valley Square, Charleston, W. Va. 25301.

D. (6) $400.

A. William E. Murray, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $179.50

A. Harold D. Muth, 1600 Wilson Boulevard Suite 1101, Arlington, Va. 22209.

B. The American Waterways Operators, Inc. (AWO), 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

D. (6) $300. E. (9) $15.

A. Fred J. Mutz, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,500. E. (9) $25.

A. Gary D. Myers, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.

B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.

D. (6) $500. E. (9) $3,050.66.

A. J. Walter Myers, Jr., Forest Farmers Association, P.O. Box 95385, Atlanta, Ga. 30347.

B. Forest Farmers Association, P.O. Box 95385, Atlanta, Ga. 30347.

A. Kenneth D. Naden, National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $1,288.

A. Law Offices of Timothy D. Naegele, Suite 1208, 1850 K Street NW., Washington, D.C. 20006.

B. BayBanks, Inc., 175 Federal Street, Boston, Mass. 02110.

A. Law Offices of Timothy D. Naegele, Suite 1208, 1850 K Street NW., Washington, D.C. 20006.

B. Republic National Bank of New York, Fifth Avenue at 40th Street, New York, N.Y. 10018.

A. Gerald P. Nagy, National Home Furnishings Association, 900 17th Street NW., Suite 514, Washington, D.C. 20006.
B. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.
D. (6) $840.

A. Naman, Howell, Smith, Lee & Muldrow, 700 Texas Center, 900 Washington, Waco, Tex. 76703.
B. Cotton Farmers Association, 700 Texas Center, 900 Washington, Waco, Tex. 76703.
D. (6) $1,350.63. E. (9) $51.43.

A. Maureen Nash, 6738 Allview Drive, Columbia, Md. 21046.
B. National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.
E. (9) $97.

A. Nassau, Beer, Boltz & Bennia, 1666 K Street NW., Suite 701, Washington, D.C. 20006.
B. City of Pontiac, Mich.

A. Frances E. Nathan, New York Public Library, 8 East 40th Street, New York, N.Y. 10016.
B. New York Public Library, Fifth Avenue and 42d Street, New York, N.Y. 10018.
D. (6) $3,750. E. (9) $100.

A. Hardy L. Nathan, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $244.50. E. (9) $244.50.

A. National Air Carrier Association, 1730 M Street NW., Suite 710, Washington, D.C. 20036.

A. National Associated Businessmen, Inc., 1000 Connecticut Avenue NW., Suite 615, Washington, D.C. 20036.
D. (6) $544.50. E. (9) $405.12.

A. National Association for Free Enterprise, 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.

A. National Association for Neighborhood Schools, Inc., P.O. Box 14887, Columbus, Ohio 43214.

A. National Association for Uniformed Services, 903 South Highland Street, Arlington, Va. 22204.
D. (6) $51,884.70. E. (9) $2,410.12.

A. National Association of Air Traffic Specialists, Suite 415, Wheaton Plaza North, Wheaton, Md. 20902.
D. (6) $143,715.11. E. (9) $8,261.58.

A. National Association of Chain Drug Stores, Inc., 413 North Lee Street, Alexandria, Va. 22314.
E. (9) $6,600.

A. The National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.
E. (9) $270.34.

A. National Association of Furniture Manufacturers, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.
D. (6) $1,750. E. (9) $1,230.

A. National Association of Independent Colleges and Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
D. (6) $104,793.01. E. (9) $105,289.05.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $2,355,505.55. E. (9) $144,465.79.

A. The National Association of Manufacturers, 1776 F Street NW, Washington, D.C. 20006.
D. (6) $69,168.73. E. (9) $69,168.73.

A. National Association of Mutual Insurance Companies, 7931 Castleway Drive, Indianapolis, Ind 46250.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $12,167.10. E. (9) $12,167.10.

A. The National Association of Pension Consultants and Administrators, Inc., 3 Piedmont Center, Suite 300, Atlanta, Ga. 30042.
D. (6) $2,350. E. (9) $1,329.65.

A. National Association of Personnel Consultants, 1012 14th Street NW., 15th Floor, Washington, D.C. 20005.
D. (6) $3,430.18. E. (9) $7,844.

A. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.
D. (6) $546. E. (9) $546.

A. National Association of Private Enterprise (Asociación Nacional de la Empresa Privada-ANEP), Alameda Roosevelt 2827, San Salvador, El Salvador.

A. National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Suite 700, Washington, D.C. 20036.
D. (6) $4,100. E. (9) $4,142.15.

A. National Association of Realtors, Inc., 430 North Michigan Avenue, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.
E. (9) $39,574.87.

A. National Association of Wheat Growers, 415 Second Street NE., Suite 300, Washington, D.C. 20002.
D. (6) $10,618.78. E. (9) $30,595.56.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
D. (6) $38,485. E. (9) $4,437.75.

A. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
E. (9) $1,500.

A. National Business Aircraft Association, 1 Farragut Square South, Washington, D.C. 20006.

A. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $5,106. E. (9) $5,163.65.

A. National Campground Owners Association, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

A. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.
E. (9) $3,515.06.

A. National Coalition for Marine Conservation, Inc., P.O. Box 23298, Savannah, Ga. 31403.
D. (6) $16,031. E. (9) $14,463.79.

A. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, Los Angeles, Calif. 90017.
D. (6) $3,683.86. E. (9) $6,636.56.

A. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., No. 400, Washington, D.C. 20036.
D. (6) $10,975. E. (9) $5,938.

A. National Committee on Small Issue Industrial Development Bonds, Box 1, 900 South, 1800 M Street NW., Washington, D.C. 20036.
D. (6) $1,000. E. (9) $855.

A. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $8,694.82. E. (9) $8,694.82.

A. National Council of Agricultural Employers, 435 Southern Building, 1425 H Street NW., Washington, D.C. 20005.
D. (6) $4,935. E. (9) $1,950.

A. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $49,740. E. (9) $45,604.

A. National Council of Health Centers, 2600 Virginia Avenue NW., Suite 915, Washington, D.C. 20037.
D. (6) $3,633.68. E. (9) $2,516.16.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. International Rectifier Corp., 9220 Sunset Boulevard, Los Angeles, Calif. 90060.
D. (6) $7,500. E. (9) $486.06.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Southern Railway System, P.O. Box 1808, Washington, D.C. 20013.
D. (6) $7,200. E. (9) $254.12.

A. National Education Association, 2101 16th Street NW., Washington, D.C. 20036.
D. (6) $177,077.77. E. (9) $177,077.77.

A. National Electrical Manufacturers Association, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $301.17. E. (9) $301.17.

A. National Family Farm Coalition, 918 F Street NW., Washington, D.C. 20004.
D. (6) $290.25. E. (9) $9,810.45.

A. National Federation of Federal Employees, c/o Sadie E. Seeley, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $15,031.03. E. (9) $15,031.03.

A. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $4,625. E. (9) $2,908.06.

A. National Grain and Feed Association, 725 15th Street NW., Washington, D.C. 20005.

A. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $11,250. E. (9) $6,610.50.

A. National Guard Association of the U.S., 1 Massachusetts Avenue NW., Washington, D.C. 20001.
D. (6) $6,782. E. (9) $3,241.55.

A. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.
E. (9) $1,705.

A. National Industrial Traffic League, 1909 K Street NW., S-410, Washington, D.C. 20006.
D. (6) $3,750. E (9) $3,009.05.

A. National Leased Housing Association, Suite 400 S, 1800 M Street NW., Washington, D.C. 20036.
D. (6) $450. E. (9) $450.

A. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
D. (6) $5,846.88. E. (9) $5,846.88.

A. National Manufactured Housing Federation, Inc., 1310 New Hampshire Avenue NW., Suite 1007, Washington, D.C. 20036.
D. (6) $20,776.

A. National Maritime Council, 1748 N Street NW., Washington, D.C. 20036.
D. (6) $230,877.91. E. (9) $52,282.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $7,064.44. E. (9) $7,064.44.

A. National Motorsports Committee of ACCUS, 1701 K Street NW., Suite 1204, Washington, D.C. 20006.
D. (6) $5,000.

A. National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.
D. (6) $11,000. E. (9) $5,381.08.

A. National Oil Jobbers Council, Inc., 1707 H Street NW., 11th floor, Washington, D.C. 20006.
D. (6) $187,404.12. E. (9) $29,632.09.

A. National Parking Association, 1101 17th Street NW., Washington, D.C. 20036.
E. (9) $5,370.77.

A. National Pest Control Association, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.

A. National Pork Producers Council, P.O. Box 10383, Des Moines, Ia. 50306.
E. (9) $61.25.

A. National Potato Council, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

A. National Product Liability Council, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $425. E. (9) $9,914.48.

A. National Realty Committee, Inc., 2033 M Street NW., Washington, D.C. 20036.
D. (6) $2,033. E. (9) $2,033.

A. National Rehabilitation Association, 1522 K Street NW., Suite 1120, Washington, D.C. 20005.
E. (9) $4,500.

A. National Retail Merchants Association, 11 West 31st Street, New York, N.Y. 10001.
E. (9) $3,785.

A. National Right to Life Committee, Inc., 529 14th Street NW., No. 341, Washington, D.C. 20045.
D. (6) $63,836.27. E. (9) $7,465.95.

A. National Right to Work Committee, 8001 Braddock Road, Suite 600, Springfield, Va. 22160.
D. (6) $3,700. E. (9) $3,700.

A. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
E. (9) $3,550.68.

A. National Savings and Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.
D. (6) $16,500. E. (9) $130.12.

A. National School Transportation Association, 9001 W. Braddock Road, Springfield, Va. 22151.
D. (6) $3,385.73. E. (9) $3,385.73.

A. National Security Traders Association, 55 Broad Street, New York, N.Y. 10004.
E. (9) $2,295.07.

A. National Selected Morticians, 1616 Central Street, Evanston, Ill. 60201.
D. (6) $1,195. E. (9) $1,211.

A. National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
D. (6) $5,000. E. (9) $2,028.15.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $12,500. E. (9) $15,450.

A. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $39,606.82.

A. National Tax Equality Association, 1000 Connecticut Avenue NW., Suite 615, Washington D.C. 20036.
D. (6) $4,430.50. E. (9) $6,849.96.

A. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $13,067.51.

A. National Tire Dealers & Retreaders Association, 1343 L Street NW., Washington, D.C. 20005.
D. (6) $5,843. E. (9) $5,843.

A. National Turkey Federation, Reston International Center, Suite 302, Reston, Va. 22091.
D. (6) $3,000. E. (9) $3,000.

A. National Water Resources Association, 955 L'Enfant Plaza North SW., Suite 1202, Washington, D.C. 20024.
D. (6) $5,184. E. (9) $7,840.

A. National Wheel & Rim Association, 4836 Victor Street, Jacksonville, Fla. 32207.

A. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.
D. (6) $14,692.90. E. (9) $9,282.74.

A. Alexander W. Neale, Jr., Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $2,700.

A. Alan M. Nedry, 1111 19th Street NW., Suite 303, Washington, D.C. 20036.
B. Southern California Edison Co., P.O. Box 800, Rosemead, Calif. 91770.
D. (6) $100. E. (9) $50.

A. Mary Elizabeth Neese, National Savings and Loan League, 1001 15th Street NW., Suite 400, Washington, D.C. 20005.
B. National Savings & Loan League, 1001 15th Street NW., Suite 400, Washington, D.C. 20005.
D. (6) $1,000. E. (9) $63.67.

A. Denis M. Neill, 6305 Blackwood Road, Bethesda, Md. 20034.
B. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $1,560.

A. Elizabeth Colette Nelson, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders and Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) 4,225.

A. Robert W. Nelson, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Sharon L. Nelson, Consumers Union of United States, Inc., Suite 1033, 1511 K Street NW., Washington, D.C. 20005.
B. Consumers Union of United States, Inc., 256 Washington Street, Mt. Vernon, N.Y. 10550.
D. (6) $6,375. E. (9) $40.

A. A. S. Nemir Associates, Suite 1230, Pennsylvania Building, Washington, D.C. 20004.
B. Brazilian Sugar & Alcohol Institute, Rio de Janeiro, Brazil.
E. (9) $260.18.

A. Network, 806 Rhode Island Avenue NE., Washington, D.C. 20018.
D. (6) $26,172.59. E. (9) $23,472.02.

A. E. John Neumann, Baltimore Gas & Electric Co, 1100 Connecticut Avenue NW., No. 820, Washington, D.C.
B. Baltimore Gas & Electric Co., Gas & Electric Building, P.O. Box 1475, Baltimore, Md. 21203.
D. (6) $1,475.52. E. (9) 96.39.

A. Robert B. Neville, 311 First Street NW., Washington, D.C. 20001.
B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.
D. (6) $2,500.

A. Jane Nevins, 101 G Street SW., Apartment A508, Washington, D.C. 20024.
B. Friends of New Melones, 343 East Main Street, Suite 524, Stockton, Calif. 95202.
D. (6) $2,500. E. (9) $1,944.17.

A. Louis H. Nevins, National Association of Mutual Savings Banks, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
D. (6) $4,375. E. (9) $1,155.22.

A. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.

A. New York Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.
E. (9) $7,250.

A. Bill Newbold, Bill Newbold & Associates, 1901 North Fort Myer Drive, No. 809, Arlington, Va. 22209.
B. Bill Newbold & Associates (for American Protestant Hospital Association, 1 Woodfield Place, Suite 311, 1701 East Woodfield Drive, Schaumburg, Ill. 60195).
D. (6) $10,000.02.

A. Bill Newbold, Bill Newbold & Associates, 1901 North Fort Myer Drive, No. 809, Arlington, Va. 22209.
B. Bill Newbold & Associates (for Arkansas Hospital Association, 1501 North University, Suite 400, Little Rock, Ark. 72207).
D. (6) $1,500.

A. Bill Newbold, Bill Newbold & Associates, 1901 North Fort Myer Drive, No. 809, Arlington, Va. 22209.
B. Bill Newbold & Associates (for National Council on Synthetic Fuels Production, 1901 North Fort Myer Drive, No. 809, Arlington, Va. 22209).

A. Bill Newbold, Bill Newbold & Associates, 1901 North Fort Myer Drive, No. 809, Arlington, Va. 22209.
B. Bill Newbold & Associates (for Texas

Children's Hospital, St. Lukes Episcopal Hospital, P.O. Box 20269, Houston, Tex. 77025).
D. (6) $3,000.

A. Bill Newbold, Bill Newbold & Associates, 1901 North Fort Myer Drive, No. 809, Arlington, Va. 22209.
B. Bill Newbold & Associates (for Texas Hospital Association, P.O. Box 15587, Austin, Tex. 78761).
D. (6) $3,000.

A. Kathryn L. Newman, 1101 15th Street NW., Washington, D.C. 20005.
B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. Thomas E. Newman, National Association of Manufacturers, 1719 Route 10, Parsippany, N.J. 07054.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $250.

A. Janet G. Newport, National Oil Jobbers Council, 1707 H Street NW., 11th Floor, Washington, D.C. 20006.
B. National Oil Jobbers Council, 1707 H Street NW., 11th Floor, Washington, D.C. 20006.
D. (6) $3,875. E. (9) $54.65.

A. Sharon Newsome, Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.
B. Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.
D. (6) $450. E. (9) $23.

A. M. Ray Niblack, 1101 15th Street NW., Washington, D.C. 20005.
B. American Bankers Insurance Group, 600 Brickell Avenue, Miami, Fla. 33131.
D. (6) $1,500. E. (9) $159.05.

A. Nicholas John Nichols, American Institute of Certified Public Accountants, 1620 Eye Street NW., Washington, D.C.
B. American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $4,000. E. (9) $2,379.09.

A. F. Clayton Nicholson, Box 15, Route 1, Henryville, Pa. 18322.
B. Northern Helex Co., 2223 Dodge Street, Omaha, Nebr. 68102.
D. (6) $2,700. E. (9) $643.40.

A. John B. Nicholson, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $216.30.

A. Donald R. Niemi, Caterpillar Tractor Co., 100 NE Adams Street, Peoria, Ill. 61629.
B. Caterpillar Tractor Co., 100 NE Adams Street, Peoria, Ill. 61629.
D. (6) $850. E. (9) $1,168.86.

A. Patrick J. Nilan, American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $12,170.39. E. (9) $6,080.02.

A. NL Industries, Inc., 1230 Avenue of the Americas, New York, N.Y. 10020.
E. (9) $3,865.26.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. H. Christopher Nolde, Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
B. Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $300.

A. M. Kathryn Nordstrom, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $52.50.

A. Richard B. Norment IV, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $280.

A. Richard G. Norris, 8826 Santa Fe Drive, Shawnee Mission, Kans. 66201.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60680.
D. (6) $300. E. (9) $511.

A. North American Car Corp., 222 South Riverside Plaza, Chicago, Ill. 60606.
E. (9) $12,814.59.

A. North American Export Grain Association, Inc., 1800 M Street NW., Suite 610–N, Washington, D.C. 20036.
E. (9) $450.

A. North American Telephone Association, 1030 15th Street NW., Suite 360, Washington, D.C. 20008.
D. (6) $30,374.78. E. (9) $30,374.78.

A. J. Hallock Northcott, Minnesota Mining & Manufacturing Co., 1101 15th Street NW., Washington, D.C. 20005.
B. Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, Minn. 55144.
D. (6) $1,000.

A. Northeast Utilities Service Co., Selden Street, Berlin, Conn. 06037.
E. (9) $1,633.98.

A. Northern Tier Pipeline Co., 1835 K Street NW., Washington, D.C. 20006.

A. Clifford R. Northup, Credit Union National Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Credit Union National Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $300. E. (9) $278.57.

A. Northwest Energy Options, 1022 Northeast 68th, Seattle, Wash. 98115.
D. (6) $45.55. E. (9) $45.55.

A Morgan Norval, 1202 S Washington Street, Alexandria, Va. 22314.
B. Citizen Committee for the Right to Keep and Bear Arms, 1601 114th Southeast, Suite 191, Bellevue, Wash., 98009.
D. (6) $400.

A. Nossaman, Krueger & Marsh, 445 South Figueroa Street, Los Angeles, Calif. 90071 and 1140 19th Street NW., Suite 600, Washington, D.C. 20006.
B. Montco, Billings, Mont. 59107, Nance Cattle Co., Birney, Mont. 59012.
D. (6) $4,003.50. E. (9) $64.32.

A. Nossaman, Krueger & Marsh, 445 South Figueroa Street, Los Angeles, Calif. 90071 and 1140 19th Street NW., Suite 600, Washington, D.C. 20036.
B. Ocean Energy Council, Box 57198, Washington, D.C. 20037.

A. Nuclear Fuel Services, Inc., Suite 600, 6000 Executive Boulevard, Rockville, Md. 20852.

A. Franklin W. Nutter, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.

A. Mark J. Nuzzaco, 7901 Westpark Drive, McLean, Va. 22102.
B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.
D. (6) $3,125.01. E. (9) $250.

A. Donald A. Nyberg, the Standard Oil Co. (Ohio), 1050 17th Street NW., Suite 650, Washington, D.C. 20036.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.
D. (6) $100.

A. Seward P. Nyman, 20 Chevy Chase Circle, Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.
D. (6) $850.

A. Hubert K. O'Bannon, 1544 33d Street NW., Washington, D.C. 20007.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $1,284.

A. George O'Bea, Jr., 815 16th Street NW., Suite 304, Washington, D.C. 20006.
B. United Paperworkers International Union, 815 16th Street NW., Suite 304, Washington, D.C. 20006.

A. Coleman C. O'Brien, United States League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $3,800. E. (9) $50.85.

A. John F. O'Brien, Connecticut Petroleum Council, 410 Asylum Street, Room 626, Hartford, Conn. 06103.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Raymond O'Brien, International Telephone & Telegraph Corp., 1707 L Street NW., Washington, D.C. 20036.
B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.
D. (6) $300. E. (9) $50.

A. Rosemary L. O'Brien, 1025 Connecticut Avenue NW., Suite 402, Washington, D.C. 20036.
B. CF Industries, Inc./Energy Cooperative, Inc., Salem Lake Drive, Long Grove, Ill. 60047.
D. (6) $500.

A. G. H. Ochenrider, Grumman Aerospace Corp., 1600 Wilson Boulevard, Arlington, Va. 22209.
B. Grumman Aerospace Corp., Bethpage, N.Y. 11714.
D. (6) $2,500. E. (9) $679.

A. William B. O'Connell, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $8,750. E. (9) $1,619.85.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Abt Associates, Inc., Cambridge, Mass. 02138.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.

B. American Clinical Laboratory Association, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.

D. (6) $3,200. E. (9) $44.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Family Life Assurance Co., P.O. Box 1459, Columbus, Ga. 31902.

D. (6) $1,500.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Institute of Certified Public Accountants, 1620 I Street NW., Washington, D.C. 20006.

D. (6) $4,550.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., No. 800, Washington, D.C. 20006.

B. American Public Transit Association, 1225 Connecticut Avenue NW., No. 200, Washington, D.C. 20036.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.

B. Automotive Parts & Accessories Association, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $187.50.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.

B. Blyth Eastman Dillon & Co., 1221 Avenue of the Americas, New York, N.Y. 10020.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Borden, Inc., 277 Park Avenue, New York, N.Y. 10017.

D. (6) $4,867.59.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.

B. Charles River Breeding Laboratories, Inc., 251 Ballardvale Street, Wilmington, Mass. 01887.

D. (6) $841.25.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washintgon, D.C. 20006.

B. Commonwealth of Puerto Rico, 734 15th Street NW., Washington, D.C. 20005.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $1,730.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. David Fasken, c/o Hunker-Fedric, Box 1837, Roswell, N. Mex. 88201.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. First National Monetary Corp., 4000 Town Center, 15th Floor, Southfield, Mich. 48075.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., No. 800, Washington, D.C. 20006.

B. Hennepin County, 2400 Government Center, Minneapolis, Minn. 55415.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Hospital Financing Study Group, New York, N.Y.

D. (6) $4,000.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Investment Co. Institute, 1775 K Street NW., Suite 800, Washington, D.C. 20006.

D. (6) $262.50.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.

B. Investors Diversified Services, Inc., Suite 2900, IDS Tower, Minneapolis, Minn. 55402.

D. (6) $262.50.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. JWK International Corp., 7617 Little River Turnpike, Annandale, Va. 22003.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Association of Health Career Schools, 11687 Bellagio Road, Suite 16, Los Angeles, Calif. 90049.

D. (6) $105.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Coal Consumers Alliance, 414 Nicollet Mall, Minneapolis, Minn. 55401.

D. (6) $11,282.50.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Committee for Quality Health Care, New York, N.Y.

D. (6) $1,250.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. John Nuveen & Co., Inc., 209 South LaSalle Street, Chicago, Ill. 60604.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pfizer, Inc., 1700 Pennsylvania Avenue NW., Washington, D.C.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Securities Industry Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

D. (6) $3,950.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.

B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

D. (6) $300.

A. L. L. O'Connor, 20 North Wacker Drive, Chicago, Ill. 60606.

B. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Leonard F. O'Connor, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. John B. O'Day, 3000 Dundee Road, No. 101, Northbrook, Ill. 60062.

B. Insurance Economics Society of America, 8000 Dundee Road, Suite 301, Northbrook, Ill. 60062.

D. (6) $450.

A. Larry A. Oday, Combined Insurance Company of America, Suite 630, 1819 H Street NW., Washington, D.C. 20006.

B. Combined Insurance Company of America, 5050 Broadway, Chicago, Ill. 60640.

D. (6) $750.

A. Thomas A. O'Day, Alliance of American Insurers, 1776 F Street NW., Washington, D.C.

B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $675. E. (9) $138.90.

A. T. J. Oden, National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $2,250.

A. Robert C. Odle, Jr., International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $135. E. (9) $120.

A. Ashton J. O'Donnell, 89 Fair Oaks Lane, Atherton, Calif. 94025.

B. Bechtel Inc., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Bradford C. Oelman, Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio. 43659.

B. Owens-Corning Fiberglas Corp. Fiberglas Tower, Toledo, Ohio. 43659.

A. Neil H. Offen, 1730 M Street NW., Washington, D.C. 20036.

B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $1,000. E. (9) $310.52.

A. Joseph L. Ogiony, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $45.

A. Jane O'Grady, 815 16th Street NW., Washington, D.C. 20006.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $12,574.50.

A. Bartley O'Hara, 25 Louisiana Avenue NW., Washington, D.C. 20001.

B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.

D. (6) $9,874.98.

A. James G. O'Hara, Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. American Federation of Teachers, 11 Dupont Circle NW., Washington, D.C. 20036.

A. James G. O'Hara, Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20036.

B. General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

A. Matthew D. O'Hara, General Mills, Inc., 1200 New Hampshire Avenue NW., Suite 370, Washington, D.C. 20036.

B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.

D. (6) $109.30.

A. Alvin E. Oliver, 725 15th Street NW., Washington, D.C. 20005.

B. National Grain and Feed Association, P.O. Box 28328, Washington, D.C. 20005.

D. (6) $30.

A. Charles E. Olson, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $1,884.80. E. (9) $158.

A. Nancy J. Olson, Johns-Manville Corp., 1025 Connecticut Avenue NW., No. 214, Washington, D.C. 20036.

B. Johns-Manville Corp., P.O. Box 5108, Denver, Colo. 80217.

D. (6) $400. E. (9) $15.02.

A. Roy E. Olson, 260 Madison Avenue, New York, N.Y. 10016.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Samuel Omasta, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.

B. AMAX, Inc., AMAX Center, Greenwich, Conn. 06830.

D. (6) $2,225.

A. O'Melveny & Myers, 1800 M Street NW.. Washington, D.C. 20036.

B. Bank of America, Bank Investments Securities Division, Bank of America Center, 10th Floor, San Francisco, Calif. 94104.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.

B. Blyth Eastman Dillon & Co., 555 California Street, San Francisco, Calif. 94104.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.

B. Citizens For Government Fairness, P.O. Box 269, El Centro, Calif. 92243.

D. (6) $1,090.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.

B. Dean Witter Reynolds, Inc., 45 Montgomery Street, San Francisco, Calif. 94104.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.

B. Hawaiian Sugar Planters Association, 1511 K Street NW., Washington, D.C.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.

B. INA Corp., 1850 K Street NW., Suite 840, Washington, D.C. 20036, and INA Health Care Group, 4525 Harding Road, Nashville, Tenn. 37205.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.

B. Smith Barney, Harris Upham & Co., 350 California Street, San Francisco, Calif. 94104.

A. R. E. Omohundro, National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.

B. National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.

D. (6) $128.

A. Donald K. O'Neill, TRW, Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.

B. TRW, 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $1,000.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. Allegheny County Commission, 119 Courthouse, Room 101, Pittsburgh, Pa. 15219.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. California Westside Farmers, Security Bank Building, 1030 Fulton Mall, Fresno, Calif.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. CDECO Maritime Dredging Co., Post Office Box 1488, Mansfield, Ohio 44901.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. Chicago Board of Trade Clearing Corp., 141 West Jackson, Chicago, Ill. 60604.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. Council on Energy Resource Tribes, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. Dorchester Gas Corp., Post Office Box 31049, Dallas, Tex.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. Holly Corp., 2001 Bryan Tower, Dallas, Tex. 75201.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. Houston Natural Gas Corp., 1700 North Moore Street, Suite 919, Arlington, Va. 22209.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. Massachusetts General Hospital, Fruit Street, Moseley Building, Boston, Mass. 02114.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. Motorola, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. Paraho Development Corp., 300 Enterprise Building, Grand Junction, Colo. 81501.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. Republic National Bank of New York, 5th Avenue at 40th Street, New York, N.Y. 10018.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. Texas Oil & Gas Corp., Fidelity Union Tower Building, Dallas, Tex. 75201.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. Texas Utilities Services, Inc., 2001 Bryan Tower, Dallas, Tex. 75201.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20036.

A. Philip C. Onstad, Control Data Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.

B. Control Data Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.

D. (6) $50. E. (9) $358.16.

A. Daniel P. Oppenheim, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Selected Morticians, 1616 Central Street, Evanston, Ill.

D. (6) $270. E. (9) $3.50.

A. Charles Orasin, 810 18th Street NW., Washington, D.C. 20006.

B. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.

D. (6) $2,746.17.

A. Michel Orban, American Express Co., 1700 K Street NW., Washington, D.C. 20006.

B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. Kevin P. O'Rourke, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Selected Morticians, 1616 Central Street, Evanston, Ill. 60201.

D. (6) $400. E. (9) $9.

A. J. Denis O'Toole, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $880.

A. Roland A. Ouellette, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $3,600. E. (9) $3,384.11.

A. Joseph A. Overton III, TRW, Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.

B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $1,000.

A. Thomas J. Owens, 207 Olympic National Building, Seattle, Wash. 98104.

B. Dollar Savings Bank, 4th and Smithfield, Pittsburgh, Pa. 15230; Washington Mutual Savings Bank, P.O. Box 834, Seattle, Wash. 98111.

D. (6) $20,280. E. (9) $9,107.98.

A. William H. Owens, Jr., 1101 17th Street NW., Washington, D.C. 20036.

B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $1,000.

A. John D. Padgett, 729 South Leaf Drive, Virginia Beach, Va. 23462.

B. The Conservative Caucus, Suite 305, 7777 Leesburg Pike, Falls Church, Va. 22043.

D. (6) $2,162.50. E. (9) $62.50.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa. 19035.

B. Campbell Soup Co., Campbell Place, Camden, N.J. 08101.

A. W. D. Page, American Plywood Association, P.O. Box 11700, Tacoma, Wash. 98411.

B. American Plywood Association, P.O. Box 11700, Tacoma, Wash. 98411.

A. Steven J. Paggioli, Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $9. E. (9) $5.25.

A. William G. Painter, Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.

B. Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.

D. (6) $1,562.25. E. (9) $14.50.

A. Henry S. Palau, The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.

B. The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.

D. (6) $627.

A. Diane M. Palmer, 1200 Northwestern Bank Building, Minneapolis, Minn. 55480.
B. Northwest Bancorporation, 1200 Northwestern Bank Building, Minneapolis, Minn. 55480.
D. (6) $350. E. (9) $126.

A. John N. Pannullo, National Utility Contractors Association, 815 15th Street NW., Suite 838, Washington, D.C. 20005.
B. National Utility Contractors Association, 815 15th Street NW., Suite 838, Washington, D.C. 20005.
D. (6) $800. E. (9) $500.

A. Fred Panzer, The Tobacco Institute, 1875 I Street NW., Suite 800, Washington, D.C. 20006.
B. The Tobacco Institute, 1875 I Street NW., Suite 800, Washington, D.C. 20006.
D (6) $375. E. (9) $150.

A. Paperboard Packaging Council, 1800 K Street NW., Suite 600, Washington, D.C. 20006.

A. G. Oliver Papps, New Jersey Petroleum Council, 170 West State Street, Trenton, N.J. 08608.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $60.

A. Herschell E. Parent, Arkansas Petroleum Council, 302 Commercial National Bank, Little Rock, Ark. 72201.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Ann L. Parenteau, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

A. Carl A. Parker, 449 Stadium Road, Port Arthur, Tex. 77640.
B. Government of Republic of Liberia, Monrovia, Liberia.

A. Douglas L. Parker, 600 New Jersey Avenue NW., Washington, D.C. 20001.
B. Institute for Public Representation, 600 New Jersey Avenue NW., Washington, D.C. 20001.

A. John N. Parker, Mobil Oil Corp., 1100 Connecticut Avenue NW., Suite 620, Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $800.

A. Parkinson & Associates, 1640 30th Street NW., Washington, D.C. 20007.
B. Committee for Equitable Crop Insurance Legislation (CECIL), 1640 30th Street NW., Washington, D.C. 20007.
D. (6) $4,000. E. (9) $4,593.86.

A. Tom E. Paro, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
D. (6) $334.33. E. (9) $28.33.

A. Linda K. Parson, Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.

A. Jack Partridge, Jr., 1014 Vine Street, Cincinnati, Ohio 45201.
B. Kroger Co., 1014 Vine Street, Cincinnati, Ohio 45201.
D. (6) $1,500. E. (9) $427.37.

A. Robert D. Partridge, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $465.

A. Alan K. Parver, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.
B. American Association of Homes for the Aging, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.
D. (6) $840. E. (9) $25.

A. Richard M. Patterson, Dow Chemical Co., 1800 M Street NW., Suite 700S, Washington, D.C. 20036.
B. The Dow Chemical Co., Midland, Mich. 48640.
D. (6) $500. E. (9) $239.50.

A. Thomas Patterson, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $231.

A. William H. Patterson, General Electric Co., 777 14th Street NW., Suite 1000, Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $120.

A. Kenton H. Pattie, National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
D. (6) $2,656.25.

A. David J. Pattison, 1750 K Street NW., Washington, D.C. 20006.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Adhoc Committee on §602, 1575 Eye Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Alaska Housing Financial Corp., P.O. 1020, Anchorage, Alaska 99510.
D. (6) $3,940.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Imported Automobile Dealers Association, 1129 20th Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Maritime Association, 1612 K Street NW., Washington, D.C.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Pharmaceutical Association, 2215 Constitution Avenue NW., Washington, D.C. 20037.
D. (6) $1,005.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Society of Association Executives, 1575 Eye Street NW., Washington, D.C. 20005.
D. (6) $1,200.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Armco Steel Corp., General Offices, Middletown, Ohio 45042.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20037.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Bath Iron Works Corp., 700 Washington Street, Bath, Maine 04530.
D. (6) $5,500. E. (9) $42.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Benamy International, Inc., 3937 Oakcliff Industrial Court NE., Atlanta, Ga. 30340.
D. (6) $352.50.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Bixby Ranch Co., 523 West Sixth Street, Los Angeles, Calif. 90014.
D. (6) $1,200.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Bradford National Corp., 80 Pine Street New York, N.Y.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Business Round Table, 1801 K Street NW., Washington, D.C.
D. (6) $3,655.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. California Westside Farmers, 9555 L'Enfant Plaza North SW., Room 1101, Washington, D.C. 20024.
D. (6) $15,111.25. E. (9) $108.50.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Castle & Cooke, Inc., P.O. Box 3928, San Francisco, Calif.
D. (6) $255.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Central American Sugar Council, 2550 M Street NW., Washington, D.C. 20037.
D. (6) $520.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Chrysler Corp., P.O. Box 1919, Detroit, Mich. 48288.
D. (6) $12,641.25. E. (9) $81.25.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Committee of Railroad Shippers, 2550 M Street NW., Washington, D.C. 20037.
D. (6) $22,915. E. (9) $1,124.70.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Council of State Chambers of Commerce, 1028 Connecticut Avenue NW., Suite 1018, Washington, D.C. 20036.
D. (6) $680. E. (9) $90.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Diagnostic Imaging & Therapy Systems Division, 2101 L Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Dillingham Corp., P.O. Box 3288, Honolulu, Hawaii 96801.
D. (6) $3,400.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Donaldson, Lufkin & Jenrette, Inc., 140 Broadway, New York, N.Y. 10005.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. E.G.G. Industries, 2550 M Street NW., Washington, D.C., and The Essec Co., Lawrence, Mass.
D. (6) $510.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Handicraft Designs, Inc., 87 Commerce Drive, Talford, Pa. 18969.
D. (6) $352.50.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Hoboy Industry of America, 319 East 54th Street, Elmwood, N.J. 07407.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Institute of Electrical and Electronics Engineers, 2029 K Street NW., Washington, D.C. 20037.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Institute of Scrap Iron and Steel, Inc., 1627 K Street NW., Washington, D.C. 20006.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. International Cogeneration Society, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $700. E. (9) $50.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Korf Industries, Inc., 2900 NCNB Plaza, Charlotte, N.C.
D. (6) $2,050. E. (9) $120.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Loop, Inc., 1010 Common Street, 250 Bank of New Orleans Building, New Orleans, La. 70112.
D. (6) $4,070.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Louisiana Pacific Corp., 1300 Southwest Fifth Avenue, Portland, Oreg. 97201.
D. (6) $1,572.50.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Mars. Inc., 1651 Old Meadow Road, McLean, Va. 22101.
D. (6) $12,165. E. (9) $121.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. The Merchants National Bank of Mobile, Merchants National Bank Building, P.O. Box 2527, Mobile, Ala. 36622.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Mocatta Metals Corp., 35 Broad Street, New York, N.Y. 10004.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Multi Mineral Corp., 330 North Belt East, Houston, Tex. 77060.
D. (6) $15,600.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. National Association of Chain Drug Stores, 413 North Lee Street, Alexandria, Va. 22314.
D. (6) $1,005.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. National Marine Manufacturers Association, 401 North Michigan Avenue, Chicago, Ill. 60601.
D. (6) $750.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Northwest Energy Corp., 315 East 200 South, Salt Lake City, Utah 84111.
D. (6) $15,350.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Ocean Minerals Co., 465 North Bernardo, Mountain View, Calif. 94040.
D. (6) $32,547.50.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. OSG Bulk Ships, Inc., 1114 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $400.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Penn Central Corp., 1725 K Street NW., Washington, D.C. 20006.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Pepsico, Inc., Purchase, N.Y. 10577.
D. (6) $8,190. E. (9) $170.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Jack Philip & Son, Inc., 724 Dupont Plaza Center, Miami, Fla. 33131.
D. (6) $4,420.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Pyrotechnic Signal Manufacturers Association, Inc., 1730 K Street NW., Suite 1300, Washington, D.C. 20006.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Retail Tax Committee, 2550 M Street NW., Washington, D.C. 20037.
D. (6) $1,450. E. (9) $190.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. St. Joe Minerals Co., 1730 Rhode Island Avenue NW., Suite 911, Washington, D.C. 20036.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. SSIE Council to Protect Earned Employment Rights, Smithsonian Science Information Exchange, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $2,696.25. E. (9) $102.50.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. State of Alaska, Suite 345, 444 North Capitol Street, Washington, D.C.
D. (6) $9,600.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. State of Louisiana, Department of Conservation, P.O. Box 44275, Baton Rouge, La. 70804.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Tax Corp. of America, 2441 Honolulu Avenue, Montrose, Calif. 91020.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. United Brands Co., 1271 Avenue of the Americas, New York, N.Y. 10020.
D. (6) $340. E. (9) $15.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. U.S. Industries, Inc., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $340.

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A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

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A. Andrew R. Paul, Suite 920, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Gulf & Western Management Co., 600 New Hampshire Avenue NW., Washington, D.C. 20037.
D. (6) $200. E. (9) $42.88.

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A. Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Mass Retailing Institute, 570 Seventh Avenue. New York, N.Y. 10018.
D. (6) $110. E. (9) $2.

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A. Beth Peacock, 1707 L Street NW., Suite 450. Washington, D.C. 20036.
B. General Foods, 1707 L Street NW., Suite 450, Washington, D.C. 20036.
D. (6) $1,765.

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A. Law Offices of Jack Pearce, Suite 1200, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. California Synfuels Research Corp., Torrance, Calif. 90503.
E. (9) $5,456.20.

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A. Law Offices of Jack Pearce, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Current, P.O. Box 5983, Chicago, Ill.
E. (9) $1,198.24.

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A. Frank Pecquex, Seafarers International Union, 815 16th Street NW., Room 510, Washington, D.C. 20006.
B. Seafarers International Union, 815 16th Street NW., Room 510, Washington, D.C. 20006.
D. (6) $3,000. E. (9) $335.

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A. James M. Peirce, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $1,317.16.

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A. Pennsylvania Power & Light Co., 2 North 9th Street, Allentown, Pa. 18101.
E. (9) $3,375.43.

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A. Dominic V. Pensabene, 1700 K Street NW., Washington, D.C. 20006.
B. Chevron USA Inc., (a subsidiary of Standard Oil Co. of California), 1700 K Street NW., Washington, D.C. 20006.
D. (6) $400.

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A. Gregory M. Pensabene, Santa Fe Industries, Inc., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Santa Fe Industries, Inc., 224 South Michigan Avenue, Chicago, Ill. 60604.
D. (6) $1,140.

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A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.
B. The Glenmede Trust Co. (for Pew Memorial Trust), 222 South 18th Street, Philadelphia, Pa. 19103.

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A. PepsiCo, Inc., 700 Anderson Hill Road, Purchase, N.Y. 10577.
E. (9) $1,233.40.

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A. Elinor Peretsman, 55 Tain Drive, Great Neck, N.Y. 11021.
B. United Action for Animals, Inc., 205 East 42d Street, New York, N.Y. 10017.
D. (6) $1,155. E. (9) $872.97.

A. Perito, Duerk, Carlson and Pinco, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.
B. Foremost-McKesson, Inc., Crocker Plaza, 1 Post Street, San Francisco, Calif. 94100.
D. (6) $635. E. (9) $9.

A. Perito, Duerk, Carlson & Pinco, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.
B. National District Attorneys Association, 666 N. Lake Shore Drive, Suite 1432, Chicago, Ill. 60611.
D. (6) $430. E. (9) $33.03.

A. Tony Perkins, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $50.

A. Jeffry L. Perlman, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $1,200. E. (9) $276.50.

A. John P. Perrin, American Osteopathic Association, 1611 N. Kent Street, Suite 803–A, Arlington, Va. 22209.
B. American Osteopathic Association, 1611 N. Kent Street, Suite 803–A, Arlington, Va. 22209.
D. (6) $2,218.65. E. (9) $115.60.

A. Susan Perry, American Public Transit Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Public Transit Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,500.

A. Tom E. Persky, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $250.

A. Peterson, Engberg & Peterson, 1730 M Street NW., Washington, D.C. 20036.
B. Communicating for Agriculture, Inc., Law Office Building, Box 677, Fergus Falls, Minn. 56537.
D. (6) $2,500. E. (9) $16.90.

A. Peterson, Engberg & Peterson, 1730 M Street NW., Washington, D.C. 20036.
B. Federated Research Corp., 421 7th Avenue, Pittsburg, Pa. 15219.
E. (9) $97.26.

A. Kenneth Peterson, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $13,050.60. E. (9) $296.04.

A. Mary B. Peterson, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $2,252.78.

A. Michael J. Petrina, Jr., 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $4,000. E. (9) $53.35.

A. Paul F. Petrus, Mobil Oil Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42nd Street, New York, N.Y. 10017.
D. (6) $1,200.

A. John E. Pflieger, Time Inc., 888 16th Street NW., Washington, D.C. 20006.
B. Time Inc., Time & Life Building, Rockefeller Center, New York, N.Y. 10020.
D. (6) $1,700. E. (9) $68.20.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $14,732.60. E. (9) $14,732.60.

A. Marshall A. Pharr, 6103 Adirondack, Amarillo, Tex. 79106.
B. Southwestern Public Service Co., P.O. Box 1261, Amarillo, Tex. 79170.
D. (6) $1,025. E. (9) $204.36.

A. John P. Philbin, Mobil Oil Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,500.

A. John D. Phillips, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
B. National Association of Independent Colleges and Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
D. (6) $13,671.75. E. (9) $392.60.

A. Mark W. A. Phillips, 507 Second Street NE., Washington, D.C. 20002.
B. The Confederated Tribes of Warm Springs, Warm Springs, Oreg. 97761.
D. (6) $10.

A. Mark W. A. Phillips, 507 Second Street NE., Washington, D.C. 20002.
B. The Navajo Nation, Window Rock, Ariz. 86515.

A. Susan L. Phillips, Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D..C 20006.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $1,026.

A. Phosphate Chemicals Export Association, Inc., 200 Park Avenue, New York, N.Y. 10017.
E. (9) $17,336.24.

A. Sam Pickard, Monsanto Co., 1101 17th Street NW., Suite 604, Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $500. E. (9) $159.30.

A. Pierce, Atwood, Scribner, Allen, Smith & Lancaster, 1 Monument Square, Portland, Maine 04101.
B. Great Northern Paper Co., 75 Prospect Street, Stamford, Conn. 06901, et al.
D. (6) $720. E. (9) $40.

A. Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
D. (6) $1,260. E. (9) $45.27.

A. Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Edgington Oil Co., Inc., 2400 East Artesia Boulevard, Long Beach, Calif. 90805.
D. (6) $325. E. (9) $616.07.

A. Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Independent Refiners' Association of California, 900 Wilshire Boulevard, Los Angeles, Calif. 90048.
E. (9) $17.31.

A. Pillsbury, Madison & Sutro, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Venture Capital Association, 2030 M Street NW., Washington, D.C. 20036.
E. (9) $38.

A. Pilots Rights Association, P.O. Box 7000–367, Redondo Beach, Calif. 90277.
D. (6) $9,738. E. (9) $6,881.24.

A. Linda Pinegar, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C.
D. (6) $875.

A. Pitney Bowes, 69 Walter H. Wheeler, Jr. Drive, Stamford, Conn. 06926.

A. Peter K. Pitsch, Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., Suite 530, Washington, D.C. 20036.
B. Montgomery Ward & Co., Inc., 1 Montgomery Ward Plaza, Chicago, Ill. 60671.
E. (9) $50.

A. Plains Cotton Growers, Inc., P.O. Box 3640, Lubbock, Tex. 79452.

A. Robert Plett Associates, Ltd., 1200 18th Street NW., Washington, D.C. 20036.

A. Mike Podhorzer, 1012 14th Street NW., Suite 901, Washington, D.C. 20005.
B. Consumer Federation of America, 1012 14th Street NW., Suite 901, Washington, D.C.
D. (6) $1,250. E. (9) $75.

A. J. Francis Pohlhaus, NAACP, 1025 Vermont Avenue NW., Suite 620, Washington, D.C. 20005.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $3,150.

A. Michael A. Poling, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

A. Richard J. Pollack, American Nurses' Association, 1030 15th Street NW., Suite 408, Washington, D.C. 20005.
B. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.
D. (6) $2,585. E. (9) $253.51.

A. Frances A. Pollak, Goodyear Tire & Rubber Co., 1800 K Street NW., Suite 800, Washington, D.C. 20006.
B. Goodyear Tire & Rubber Co., Akron, Ohio. 44316.
D. (6) $1,000.

A. Richard P. Pollock, Critical Mass Energy Project, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Critical Mass Energy Project, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $261.25.

A. Judith A. Pond, Ralston Purina Co., 1800 K Street NW., Suite 924, Washington, D.C. 20006.
B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.
D. (6) $200. E. (9) $104.

A. Henry E. Poole, 9 West 57th Street, New York, N.Y. 10019.
B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.
D. (6) $100. E. (9) $314.

A. Raymond K. Pope, AMFAC, Inc., 1639 K Street NW., Suite 800, Washington, D.C. 20006.
B. AMFAC, Inc., 50 O'Farrell Street, San Francisco, Calif. 94108.
D. (6) $3,145. E. (9) $160.

A. Port of Seattle, P.O. Box 1209, Seattle, Wash. 98111.
E. (9) $1,406.40.

A. Joan E. Porte, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $1,250.

A. Phillip Porte, Phillip Porte & Associates, Inc., 1301 South Arlington Ridge Road, Suite 208, Arlington, Va. 22202.
B. American Association for Respiratory Therapy, 1720 Regal Row, Dallas, Tex. 75235.
D. (6) $2,700.

A. Phillip Porte, Phillip Porte & Associates, Inc., 1301 South Arlington Ridge Road, Suite 208, Arlington, Va. 22202.
B. National Association of Medical Directors of Respiratory Care, 2606 Hospital Boulevard, Box 5280, Corpus Christi, Tex. 78405.
D. (6) $1,500.

A. Porter, Wright, Morris & Arthur, 1776 G Street NW., Suite 501, Washington, D.C. 20006.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20006.
D. (6) $120.

A. John Post, the Business Roundtable, 1828 L Street NW., Washington, D.C. 20036.
B. The Business Roundtable, 200 Park Avenue, New York, N.Y.
D. (6) $200. E. (9) $40.

A. Alonzo M. Poteet, Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.
B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $2,500. E. (9) $24.44.

A. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
E. (9) $228.

A. Edmond A. Potter, NCR Corp., 2301 Research Boulevard, Rockville, Md. 20850.
B. NCR Corp., 1700 S. Patterson Boulevard, Dayton, Ohio 45479.
E. (9) $175.

A. Potter International, Inc., 900 17th Street NW., Suite 300, Washington, D.C. 20006.
B. Rockwell International, Inc., 600 Grant Street, Pittsburgh, Pa. 15219.
D. (6) $10,000. E. (9) $4,500.

A. Potter International, Inc., 900 17th Street NW., Suite 300, Washington, D.C. 20006.
B. Western Shipbuilding Association, P.O. Box 3976, San Francisco, Calif. 94119.
D. (6) $3,000.

A. Ramsay D. Potts, Shaw, Pitman, Potts & Trowbridge, 1800 M Street NW., 900–S., Washington, D.C. 20036.
B. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20036.
D. (6) $600.

A. John M. Powderly, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C., 20006.
B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $7,978.36.

A. Powell, Goldstein, Frazer & Murphy, 1333 New Hampshire Avenue NW., Suite 970, Washington, D.C. 20036.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

A. Richard M. Powell, International Association of Refrigerated Warehouses, 7315 Wisconsin Avenue, Washington, D.C. 20014.
B. International Association of Refrigerated Warehouses, 7315 Wisconsin Avenue, Washington, D.C. 20014.
E. (9) $200.

A. Robert D. Powell, 734 15th Street NW., Suite 401, Washington, D.C. 20005.
B. National Business Aircraft Association, 1 Farragut Square South, Washington, D.C. 20005.

A. Carlton H. Power, 1918 N. Parkway, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $115.50. E. (9) $8.46.

A. John (Jay) Power, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor & Congress of Industrial Orgnizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $10,330.10.

A. William D. Powers, National Housing Law Project, 1016 16th Street NW., Suite 800, Washington, D.C. 20036.
B. National Housing Law Project, 2150 Shattuck Avenue, Suite 300, Berkeley, Calif. 94704.
D (6) $6,900. E. (9) $60.

A. Prather Seeger Doolittle & Farmer, 1101 16th Street NW., Washington, D.C. 20036.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20036.

A. Prather Seeger Doolittle & Farmer, 1101 16th Street NW., Washington, D.C. 20036.
B. Bankers' Association for Foreign Trade, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Prather Seeger Doolittle & Farmer, 1101 16th Street NW., Washington, D.C. 20036.
B. The First National Bank of Chicago. One First National Plaza, Chicago, Ill. 60670.
D. (6) $4,000.

A. William C. Prather, United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $1,000.

A. James T. Prendergast, 250 East 87th Street, New York, N.Y. 10028.
B. Staff Builders, Inc., 122 East 42d Street, New York, N.Y. 10017.

A. Brainard E. Prescott, 670 Main Street, East Aurora, N.Y. 14052.
B. Security New York State Corp., One East Avenue, Rochester, N.Y. 14638.
D. (6) $1,750. E. (9) $716.95.

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France), 1225 19th Street NW., Washington, D.C. 20036.

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20005), 1225 19th Street NW., Washington, D.C. 20036.

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for Government of Morocco, Rabat, Morocco), 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $28.85.

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for Govern- 75 rue la Boetie Paris 8eme, France), 1225 19th Street NW., Washington, D.C. 20036.

A. Paul F. Preston, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.
D. (6) $2,625. E. (9) $172.23.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. American Waterways Shipyard Conference, Suite 1101, 1600 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $125.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Bonneville Power Administration, Suite 310, Lloyd Building, 700 Northeast Multromak Street, Portland, Oreg., 97232.
D. (6) $12,396. E. (9) $172.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Moore McCormack Resources, One Landmark Square, Stamford, Conn.
D. (6) $2,940. E. (9) $105.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $75. E. (9) $2.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Northern Tier Pipeline Co., 1835 K Street NW., Suite 801, Washington, D.C. 20006.
D. (6) $26.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Organization for the Protection and Advancement of Small Telephone Companies, 1104 Gary Court, Wheaton, Ill. 60187.
D. (6) $20,315. E. (9) $590.41.

A. Preston, Thorgrimson, Ellis & Holman 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Seattle Trust & Savings Bank, 804 Second Avenue, Seattle, Wash. 98104.
D. (6) $1,558.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, Tex. 77001.
D. (6) $900. E. (9) $3.50.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.

B. TRAIN (Transportation by Rail for Agricultural and Industrial Needs), 1776 G Street NW., Suite 500, Washington, D.C. 20006.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.

B. Transportation Institute, 923 15th Street NW., Washington, D.C.

D. (6) $4,710. E. (9) $38.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.

B. Western Resource Alliance, Star Route Box 98, Eastsound, Wash.

D. (6) $132. E. (9) $7.75.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.

B. Wometco Enterprises, Inc., 306 North Miami Avenue, Miami, Fla. 33128.

D. (6) $516.50. E. (9) $18.50.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C. 20005.

B. Association of Bank Holding Cos., 730 15th Street NW., Washington, D.C. 20005.

D. (6) $756.25.

A. Patricia Pride, Financial Accounting Standards Board, 1129 20th Street NW., Washington, D.C. 20036.

B. Financial Accounting Standards Board, High Ridge Park, Stamford, Conn. 06905.

D. (6) $163.37. E. (9) $30.95.

A. Arnold J. Prima, Jr., The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

D. (6) $1,200.

A. Gwenyth Pritchard, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

D. (6) $2,250. E. (9) $40.

A. Jerry C. Pritchett, Mechanical Contractors Association of America, Inc., 5530 Wisconsin Avenue NW., Washington, D.C. 20015.

B. Mechanical Contractors Association of America, Inc., 5530 Wisconsin Avenue NW., Washington, D.C. 20015.

A. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Pro Life/Congressional District 11, P.O. Box 727, San Carlos, Calif. 94070.

D. (6) $2,234. E. (9) $701.

A. Pro-Life Congressional District Action Committee No. 12. 761 Encina Grande Drive, Palo Alto, Calif. 94036.

D. (6) $42. E. (9) $34.55.

A. Robert A. Propf, 203 20th Street SW., Austin, Minn. 55912.

B. George A. Hormel & Co., Box 800, Austin, Minn. 55912.

D. (6) $450. E. (9) $425.

A. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C.

E. (9) $2,343.75.

A. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Noristown, Pa.

A. Jerry Z. Pruzan, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

D. (6) $300.

A. Public Citizens' Tax Reform Research Group, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $937.50 E. (9) $1,551.96

A. Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $27,857.82. E. (9) $26,879.79.

A. David E. Pullen, Johns-Manville Corp., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Johns-Manville Corp., P.O. Box 5108, Denver, Colo. 80217.

D. (6) $600. E. (9) $19.13.

A. Jack I. Pulley, Dow Corning Corp., Midland, Mich. 48640.

B. Dow Corning Corp., Midland, Mich. 48640.

A. Purcell & Nelson, 1776 F Street NW., Suite 300, Washington, D.C. 20006.

B. The Business Roundtable, 200 Park Avenue, Suite 2222 New York, N.Y. 10017.

A. Earle W. Putnam, 515 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Howard Pyle III, RJR Industries, Inc., 2550 M Street NW., Suite 770, Washington, D.C. 20037.

B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.

D. (6) $120.88.

A. Mark C. Pyle, P.O. Box 3731, Washington, D.C. 20007.

B. Retail Bakers of America, Presidential Building, 6525 Belcrest Road, Suite 250, Hyattsville, Md. 20782.

D. (6) $1,000.

A. Robert N. Pyle, P.O. Box 3731, Washington, D.C. 20007.

B. American Fur Industry, 101 West 30th Street, New York N.Y. 10001.

D. (6) $3,000.

A. Robert N. Pyle, P.O. Box 3731, Washington, D.C. 20007.

B. Independent Bakers Association, P.O. Box 3731, Washington, D.C. 20007.

D. (6) $3,000.

A. Clifford H. Raber, 1 McDonald's Plaza, Oak Brook, Ill. 60521.

B. McDonald's Corp., 1 McDonald's Plaza, Oak Brook, Ill. 60521.

A. David Racer, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. Alex Radin, American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

D. (6) $563.89.

A. Robert A. Ragland, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $200.

A. Richard W. Rahn, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $1,081.80. E. (9) $186.42.

A. Railway Labor Executives' Association, 400 First Street NW., Suite 804, Washington, D.C. 20001.

D. (6) $48,250. E. (9) $48,250.

A. Railway Progress Institute, 700 N. Fairfax Street, Alexandria, Va. 22314.

A. Randall, Bangert & Thelen, 1625 K Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

A. Randall, Bangert & Thelen, 1625 K Street NW., Washington, D.C. 20006.

B. The Business Roundtable, 1801 K Street NW., Washington, D.C. 20006.

D. (6) $433.

A. Randall, Bangert & Thelen, 1625 K Street NW., Washington, D.C. 20006.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Washington, D.C. 20007.

D. (6) $3,500.

A. Donald A. Randall, 1625 K Street NW., Washington, D.C. 20006.

B. Automotive Service Councils, Inc., 188 Industrial Drive, Suite 112, Elmhurst, Ill. 60126.

D. (6) $825.

A. Donald A. Randall, 1625 K Street NW., Washington, D.C. 20006.

B. National Association for Milk Marketing Reform, 1625 K Street NW., Washington, D.C. 20006.

D. (6) $1,150.

A. Gary B. Randall, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $148.

A. Wm J. Randall, Suite 821, 1515 Jefferson Davis Highway, Arlington, Va. 22202.

B. City of Independence Missouri, 103 North Main Street, Independence, Mo.

D. (6) $1,500. E. (9) $1,300.

A. Wm J. Randall, Suite 821, 1515 Jefferson Davis Highway, Arlington, Va. 22202.

B. Keith Artman and Soil Inc., Route 1, Box 188, Excelsior Springs, Mo. 64024 and Clifford R. Kirby, 6916 Lake Drive, Ragtown, Mo. 64133.

A. Wm J. Randall, Suite 821, 1515 Jefferson Davis Highway, Arlington, Va. 22202.

B. United States Railway Association, 955 L'Enfant Plaza (North) NW., Washington, D.C.

D. (6) $3,000. E. (9) $390.

A. R. Ray Randlett, 1150 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Allied Chemical Corp., P.O. Box 3000-R, Morristown, N.J. 07960.

D. (6) $110.

A. Arthur G. Randol III, Exxon Corp., 1899 L Street NW., No. 1100, Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y. 10020.

E. (9) $59.04.

A. Howard W. Randolph, Jr., Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.

D. (6) $320. E. (9) $360.

A. D. Michael Rappoport, P.O. Box 1980, Phoenix, Ariz. 85001.

B. Salt River Project, P.O. Box 1980, Phoenix, Ariz. 85001.

D. (6) $1,125. E. (9) $3,654.37.

A. Carol Raulston, American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. B. P. Rauwerda, Neratoom, B.V., P.O. Box 93244, 2509 AE Den Haag, Holland.

B. Neratoom, B.V., P.O. Box 93244, 2509 AE Den Haag, Holland.

A. G. David Ravencraft, Ashland Oil, Inc., 1025 Connecticut Avenue, Suite 507, Washington, D.C. 20036.

B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.

D. (6) $2,000.

A. W. Randall Rawson, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

E. (9) $56.57.

A. G. William Ray, 815 15th Street NW., Suite 610, Washington, D.C. 20005.

B. National Community Action Agency Executive Directors Association, 815 15th Street N.W., Suite 610, Washington, D.C. 20005.

D. (6) $6,766.54. E. (9) $9,997.66.

A. J. Gene Raymond, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

D. (6) $867.88.

A. Sydney C. Reagan, 10 Duncannon Court, Glen Lakes, Dallas, Tex. 75225.

B. Southwestern Peanut Shellers Association, 10 Duncannon Court, Glen Lakes, Dallas, Tex. 75225.

D. (6) $150.

A. Susan E. Recce, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $625. E. (9) $31.08.

A. Robert E. Redding, Shippers National Freight Claim Council, Suite 310, 910 17th Street NW., Washington, D.C. 20006.

B. Shippers National Freight Claim Council, 120 Main Street, Huntington, N.Y. 11743.

D. (6) $90. E. (9) $10.

A. Dwight C. Reed, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

D. (6) $150.25. E. (9) $13.

A. John H. Reed, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.

B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.

D. (6) $8,628. E. (9) 78.26.

A. Reed, Smith, Shaw & McClay, 1150 Connecticut Avenue, Washington, D.C. 20036.

B. The Great Atlantic & Pacific Tea Co., 2 Paragon Drive, Montvale, N.J. 07645.

D. (6) $12,330. E. (9) $253.75.

A. Thomas M. Rees, 1101 Connecticut Avenue NW., Suite 403, Washington, D.C. 20036.

B. American Savings & Loan Association, 9465 Wilshire Boulevard, Beverly Hills, Calif. 90212.

A. Thomas M. Rees, 1101 Connecticut Avenue NW., Suite 403, Washington, D.C. 20036.

B. Fluor Corp., 1627 K Street NW., Washington, D.C. 20006.

A. Thomas M. Rees, 1101 Connecticut Avenue NW., Suite 403, Washington, D.C. 20036.

B. Great Western Savings & Loan Association, 8484 Wilshire Boulevard, Beverly Hills, Calif. 90212.

A. Thomas M. Rees, 1101 Connecticut Avenue NW., Suite 403, Washington, D.C. 20036.

B. Home Savings & Loan Association, 3731 Wilshire Boulevard, Beverly Hills, Calif. 90212.

A. Thomas M. Rees, 1101 Connecticut Avenue NW., Suite 403, Washington, D.C. 20036.

B. Imperial Resources Association, P.O. Box 119, Brawley, Calif. 92227.

A. Don T. Reeves, 245 Second Street NE., Washington, D.C. 20002.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.

D. (6) $3,712.

A. J. Ronald Reeves, US Air, Inc., Washington National Airport, Washington, D.C. 20001.

B. US Air, Inc., Washington National Airport, Washington, D.C. 20001.

D. (6) $2,000. E. (9) $110.14.

A. John T. Reggitts, Jr., 95 Route 2 Boonton Avenue, Boonton, N.J. 07005.

A. Frank D. Register, National Association of Retail Grocers of the United States, Inc., 11800 Sunrise Valley Drive, Reston, Va. 22091.

B. National Association of Retail Grocers of the United States, Inc., 11800 Sunrise Valley Drive, Reston, Va. 22091.

D. (6) $50. E. (9) $1,003.40.

A. David M. Reicher, Foley & Lardner, 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

B. Foley & Lardner (for Smith Barney, Harris Upham & Co., Inc.), 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

E. (9) $956.

A. Charlote T. Reid, 1776 K Street NW., Washington, D.C. 20006.

B. Motorola Inc., 1776 K Street NW., Washington, D.C. 20006.

D. (6) $3,000.

A. Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.

B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $56.

A. Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.

B. Northeast Utilities Service Co., P.O. Box 270, Hartford, Conn. 06101.

E. (9) $3.50.

A. Reid & Priest, 40 Wall Street, New York, N.Y. 10005.

B. Shanghai Power Co., P.O. Box 50, Boise, Idaho 83728.

A. Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.

B. South Carolina Electric & Gas Co., P.O. Box 764, Columbia, S.C. 29202.

D. (6) $68. E. (9) $1.75.

A. Jerry E. Reider, 1745 Jefferson Davis Highway, Arlington, Va. 22202.

B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

A. John A. Reilly, Private, 25th Floor, 530 Fifth Ave., New York, N.Y. 10036.

B. Estate of Bert N. Adams, et al.

E. (9) $5.

A. Thomas K. Reinhard, International Trading Associates, Inc., 2033 M Street NW., Suite 802, Washington, D.C. 20036.

B. International Trading Associates Inc., 2033 M Street NW., Suite 802, Washington, D.C. 20036.

E. (9) $192.45.

A. Harry O. Reinsch, 1319 Jones Street, Apartment 902, San Francisco, Calif. 94109.

B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. W. W. Renfroe, 69 Fountain Place-Wilkinson Street, Frankfort, Ky. 40601.

B. Kentucky Railroad Association, 69 Fountain Place-Wilkinson Street, Frankfort, Ky. 40601.

E. (9) $324.66.

A. Diane Rennert, 1707 L Street NW., Washington, D.C. 20036.

B. Association of American Publishers, 1707 L Street NW., Washington, D.C. 20036.

D. (6) $950. E. (9) $628.05.

A. Research-Cottrell, Inc., P.O. Box 1500, Somerville, N.J. 08876.

E. (9) $323.72.

A. Research To Prevent Blindness, Inc., 598 Madison Avenue, New York, N.Y. 10022.

E. (9) $4,285.

A. The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.

D. (6) $5,880.

A. Forrest I. Rettgers, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. John H. Reurs, 25 Broadway, New York, N.Y. 10004.

B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.

A. Allan R. Rexinger, The Proprietary Association, 1700 Pennsylvania Avenue N.W., Suite 700, Washington, D.C. 20006.

B. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $2,218.75. E. (9) $125.

A. Austin T. Rhoads, 910 17th Street NW., Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

E. (9) $986.63.

A. Rice Genocide Research, P.O. Box 7307, Washington, D.C. 20044; and 3046 Roosevelt, Detroit, Mich. 48216.

E. (9) $211.35.

A. M. Lee Rice, 277 Park Avenue, New York, N.Y. 10017.

B. Ogden Corp., 277 Park Avenue, New York, N.Y. 10017.

D. (6) $595.

A. Theron J. Rice, Conoco Inc., 1025 Connecticut Avenue, No. 1000, Washington, D.C. 20036.

B. Conoco, Inc., High Ridge Park, Stamford, Conn. 06904.

A. Alan H. Richardson, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

D. (6) $1,000.

A. Douglas B. Richardson, 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.

B. Council of Energy Resource Tribes, 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.

A. K. O. Richardson, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.

D. (6) $2,480. E. (9) $2,790.

A. Bruce Rickerson, American Society of Civil Engineers, 1625 I Street NW., No. 607, Washington, D.C. 20006.

B. American Society of Civil Engineers, 345 East 47th Street, New York, N.Y. 10017.

D. (6) $3,000.

A. Lowell J. Ridgeway, North Dakota Petroleum Council, Box 1395, Bismarck, N. Dak. 58501.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $532. E. (9) $993.42.

A. E. Philip Riggin, National Legislative Commission, 1608 K Street NW., Washington, D.C.

B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.

D. (6) $6,107. E. (9) $328.65.

A. Douglas V. Rigler, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006 (for Republic of the Philippines).

A. John S. Rippey, 730 15th Street NW., Washington, D.C. 20005.

B. Association of Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.

D. (6) $687.50. E. (9) $11.75.

A. Carol A. Risher, Association of American Publishers, Inc., 1707 L Street NW., Suite 480, Washington, D.C. 20036.

B. Association of American Publishers, Inc., 1707 L Street NW., Suite 480, Washington, D.C. 20036.

D. (6) $1,200. E. (9) $35.75.

A. Nancy J. Risque, the Standard Oil Co. (Ohio), 1050 17th Street NW., Suite 650, Washington, D.C. 20036.

B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. James E. Ritchie, 499 South Capitol Street SW., Suite 400, Washington, D.C. 20003.

B. Gaming Industry Association of Nevada, Inc., 1 East First Street, No. 1007, Reno, Nev. 89501.

D. (6) $2,800. E. (9) $545.82.

A. James E. Ritchie, 499 South Capitol Street SW., Suite 400, Washington, D.C. 20003.

B. National Association of Off-Track Betting, Post Office Box 446, Batavia, N.Y. 14020.

A. James E. Ritchie, 499 South Capitol Street SW., Suite 400, Washington, D.C. 20003.

B. Nevada Resort Association, 732 East Sahara Avenue, Las Vegas, Nev. 89104.

D. (6) $4,200. E. (9) $818.72.

A. E. Stanley Rittenhouse, 300 Independence Avenue SE., Washington, D.C. 20003.

B. Liberty Lobby, Inc., 300 Independence Avenue SE., Washington, D.C. 20003.

D. (6) $100. E. (9) $34.85.

A. RJR Industries, Inc., 1100 Reynolds Boulevard, Winston-Salem, N.C. 27105.

E. (9) $5,266.97.

A. Robert L. Roach, 12801 River Road, Potomac, Md.

B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.

D. (6) $3,750. E. (9) $2,012.

A. Roadside Business Association, 9001 West Braddock Road, Springfield, Va. 22151.

D. (6) $2,180.88. E. (9) $2,180.88.

A. Perry A. Roberts, 8100 Florissant, St. Louis, Mo. 63136.

B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

E. (9) $1,118.17.

A. William S. Roberts, National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Corporative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Betty S. Robinson, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), 1757 N Street NW., Washington, D.C. 20036.

B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW, 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $7,961.66. E. (9) $82.60.

A. Charles A. Robinson, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $322.82.

A. Jerome Robinson, Florida Restaurant Association, 2700 North 34th Avenue, Unit J, Hollywood, Fla. 33021.

B. Florida Restaurant Association, 1065 Northeast 125th Street, Suite 409, Miami, Fla. 33161.

A. Howard W. Robison, 3903 Franklin Street, Kensington, Md. 20795.

B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.

D. (6) $2,407.

A. Antoinette K. Roche, General Atomic Co., 2021 K Street NW., Suite 709, Washington, D.C. 20006.

B. General Atomic Co., San Diego, Calif.

D. (6) $500. E. (9) $25.

A. Betty P. Rocker, Seafarers International Union of North America, 815 16th Street NW., Washington, D.C.

B. Seafarers International Union of North America, 675 Fourth Avenue, Brooklyn, N.Y. 11232.

D. (6) $2,500. E. (9) $200.50.

A. Thomas G. Roderick, 1101 16th Street NW., Washington, D.C. 20036.

B. Consolidated Natural Gas Services Co. Inc., 4 Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $2,500.

A. Rodey, Dickason, Sloan, Akin & Robb, P.O. Box 1888, Albuquerque, N. Mex. 87103.

B. Navajo Tribe, Window Rock, Ariz. 86515.

D. (6) $452.84. E. (9) $365.14.

A. Quincy Rodgers, General Instrument Corp., Suite 320, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.

B. General Instrument Corp., 1775 Broadway, New York, N.Y.

D. (6) $800. E. (9) $280.

A. Willi Roelli, Coffee, Sugar & Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.

B. Coffee, Sugar & Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.

A. Bruce N. Rogers, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $2,500. E. (9) $1,579.46.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C. 20005.

B. Association of Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500.

A. James T. Rogers, 1750 K Street NW., Washington, D.C. 20006.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $600.

A. Margaret Rogers, Printing Industries of America, 1730 North Lynn Street, Arlington, Va. 22209.

B. Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va. 22209.

D. (6) $1,000. E. (9) $50.

A. Terrence L. Rogers, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

D. (6) $7,095.20. E. (9) $75.

A. Rogers & Wells, 1666 K Street NW., Washington, D.C. 20006.

B. The Gregg Company, Ltd., P.O. Box 430, Hackensack, N.J. 07602.

A. Richard A. Rohrbach, 1625 I Street NW., No. 809, Washington, D.C. 20006.

B. Boise Cascade Corp., 1625 I Street NW., No. 809, Washington, D.C. 20006.

D. (6) $17,655. E. (9) $1,625.

A. Kenneth S. Rolston, Jr., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Teno Roncalio, Box 1707, Cheyenne, Wyo. 82001.

B. Northwest Alaskan Pipeline Co., 1801 K Street NW., Washington, D.C. 20036; Colorado Interstate Gas Co., P.O. Box 1087, Colorado Springs, Colo. 80944.

D. (6) $3,000.

A. Teno Roncalio, Box 1707, Cheyenne, Wyo. 82001.

B. State of Wyoming, Capitol Building, Cheyenne, Wyo. 82002.

D. (6) $1,500.

A. Tatiana Roodkowsky, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $2,500. E. (9) $23.28.

A. James E. Rooks, Jr., 1216 16th Street NW., Washington, D.C. 20036.

B. Speiser, Krause Madole, 1216 16th Street NW., Washington, D.C. 20036 (for Mrs. Vera C. Clemente, No. 36 Roberto Street, Ext. San Augustin, Rio Piedras, Puerto Rico 00926, et al.).

A. Nicholas Roomy, Jr., Appalachian Power Co., P.O. Box 1986, Charleston, W. Va. 25327.

B. Appalachian Power Co., P.O. Box 1986, Charleston, W. Va. 25327.

D. (6) $661.52. E. (9) $949.46.

A. Kevin M. Rooney, 1111 19th Street NW., Washington, D.C. 20036.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $1,028. E. (9) $846.54.

A. Joyce Roop, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $2,250.

A. Mark A. Root, 1100 17th Street NW., Suite 302, Washington, D.C. 20036.

B. Samuel E. Stavisky & Associates Inc., 1100 17th Street NW., Suite 302, Washington, D.C. (for Broadcast Music Inc. (BMI), 320 West 57th Street, New York, N.Y., 10019)

E. (9) $15.

A. John C. Roots, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071 .

D. (6) $250.

A. Rose, Schmidt, Dixon, Hasley, Whyte & Hardesty, 1575 Eye Street NW., Washington, D.C. 20005.

B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.

D. (6) $39,585. E. (9) $808.91.

A. Rose, Schmidt, Dixon, Haslev, Whyte & Hardesty, Suite 500, 1575 Eye Street NW., Washington, D.C. 20005.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $508.20. E. (9) $3.75.

A. Rose, Schmidt, Dixon, Hasley, Whyte & Hardesty, 1575 Eye Street NW., Washington, D.C. 20005.

B. Institute of Makers of Explosives, 420 Lexington Avenue, New York, N.Y. 10017.

D. (6) $40,100. E. (9) $2,687.76.

A. Walda W. Roseman, National Public Radio, 2025 M Street NW., Washington, D.C. 20036.

B. National Public Radio, 2025 M Street NW., Washington, D.C. 20036.

D. (6) $11,500. E. (9) $159.46.

A Burt Rosen, National Association of Independent Insurers, 499 South Capital Street SW., Suite 401, Washington, D.C. 20003.

B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.

D. (6) $3,750. E. (9) $112.

A. Albert B. Rosenbaum III, National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Arthur F. Rosenfeld, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $580.50. E. (9) $7.

A. Harvey Rosenfield, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $2,400.

A. Robert W. Ross, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $1,500. E. (9) $51.80.

A. Seymour N. Ross, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for: Thomson-CSF (AVS), 178 Boulevard, Gabriel Peri, 92240 Malakoff, France), 1225 19th Street NW., Washington, D.C. 20036.

A. William F. Ross, SC Petroleum Council, 716 Keenan Building, Columbia, S.C. 29201.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $214. E. (9) $463.22.

A. Alan J. Roth, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. Fort Pierce Utilities authority of the city of Fort Pierce, Gainesville-Alachua County Regional Electric Water and Sewer Utilities, Sebring Utilities Commission, cities of Homestead, Kissimmee, Lakeland, Starke, Tallahassee, Fla.

A. Barry N. Roth, The Williams Co., 1750 K Street NW., Suite 350, Washington, D.C. 20006.

B. The Williams Co., P.O. Box 2400, Tulsa, Okla. 74101.

D. (6) $100.

A. Marcus Roth, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $3,421.37.

A. Donald D. Rounds, South Dakota Petroleum Council, P.O. Box 669, Pierre, S. Dak. 57501.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. William C. Rountree, 1050 17th Street NW., Suite 650, Washington, D.C. 20036.

B. The Standard Oil Co. (Ohio), Midland Building, Cleveland Ohio 44115.

D. (6) $50.

A. Rouss & O'Rourke, Lawyers Building, 231 East Vermijo, Colorado Springs, Colo. 80903.

B. Union Nacional de Productores de Azucar, S.A. de C.V., UNPASA, Balderas 36, Mexico, D.F., Mexico.

D. (6) $2,400. E. (9) $2,881.11.

A. Eugene F. Rowan, J. C. Penney Co., Inc., 1156 15th Street NW., Washington, D.C. 20005.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

A. James C. Rowland, Jr., Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

E. (9) $555.90.

A. John W. Rowland, 515 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. George S. Royal, American Movers Conference, 1117 North 19th Street, P.O. Box 92041, Arlington, Va. 22209.

B. American Movers Conference, 1117 North 19th Street, P.O. Box 92041, Arlington, Va. 22209.

A. Kathryn Coe Royce, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $625.

A. James S. Rubin, 1150 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Allied Chemical Corp., P.O. Box 3000–R, Morristown, N.J. 07960.

D. (6) $4,162.50.

A. Leonard H. Ruppert, N.J. Petroleum Council, 170 West State Street, Trenton, N.J. 08608.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $20.

A. Albert R. Russell, P.O. Box 12285, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

A. Barry Russell, 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $64.

A. Robert M. Russell, 2170 Piedmont Road NE., Atlanta, Ga. 30324.

B. Orkin Exterminating Co., 2170 Piedmont Road NE., Atlanta, Ga. 30324.

D. (6) $624. E. (9) $1,482.

A. Wally Rustad, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $50.

A. Henry Ruth, Suite 800, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue, Suite 800, Washington, D.C. 20007.

A. Herman Max Ruth. PBM 71990, Atlanta, Ga. 30315.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.

B. American Association of Bioanalysts, International Society of Clinical Lab Tech, 614 Paul Brown Building, St. Louis, Mo.

D. (6) $300.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.

B. American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $500. E. (9) $61.30.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.

B. American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $700. E. (9) $65.20.

A. Ella Marice Ryan, J. C. Penney Co., Inc., 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $150.

A. John F. Ryan, International Telephone & Telegraph Corp., 1707 L Street NW., Washington, D.C. 20036.
B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.

A. Lynn Ryan, Gulf Oil Corp., 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $150. E. (9) $64.06.

A. Arthur B. Sackler, National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.
B. National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.
D. (6) $2,200. E. (9) $36.50.

A. Robert P. St. Louis, the Boeing Co., 1700 North Moore Street, Rosslyn, Va. 22209.
B. Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $750. E. (9) $87.66.

A. Robert P. St. Louis, 2550 M Street NW., Suite 225, Washington, D.C. 20037.
B. Congoleum Corp., P.O. Box 1232, Milwaukee, Wis. 53201.
D. (6) $750. E. (9) $376.16.

A. Frank Max Salinger, Truck Trailer Manufacturers Association, 2430 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. Truck Trailer Manufacturers Association, 2430 Pennsylvania Avenue NW., Washington, D.C. 20037.
D. (6) $600. E. (9) $52.38.

A. Sammons Enterprises, Inc., 403 South Akard, Dallas, Tex. 75202.

A. Whitney G. Sampson, 9002 Greenwillow Drive, Houston, Tex. 77096.
B. American Association of Ophthalmology, 1100 17th Street NW., Washington, D.C. 20036.
D. (6) $2,812.50. E. (9) $664.74.

A. Frank P. Sanders, The Signal Companies, Inc., 1575 I Street NW., Washington, D.C. 20005.
B. The Signal Companies, Inc., 9665 Wilshire Boulevard, Beverly Hills, Calif. 90212.
D. (6) $600.

A. Charles E. Sandler, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $5,000.

A. David Sandler, 2233 Wisconsin Avenue NW., Washington, D.C. 20007.
B. National Council of Community Mental Health Centers, 2233 Wisconsin Avenue NW., Washington, D.C. 20007.
D. (6) $3,000. E. (9) $150.

A. Peter G. Sandlund, Room 315, 1725 I Street NW., Washington, D.C. 20006.
B. Council of European & Japanese National Shipowners' Associations, 30-32 St. Mary Axe, London EC3A 8ET, England.
D. (6) $300.

A. Albert C. Saunders, 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $4,000. E. (9) $34.25.

A. Henry Schacht, California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106.
B. California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106.
D. (6) $3,600. E. (9) $1,931.65.

A. Mark Schacht, 806 15th Street NW., Suite 600, Washington, D.C. 20005.
B. Migrant Legal Action Program, Inc., 806 15th Street NW., Suite 600, Washington. D.C. 20005.
D. (6) $5,909.94. E. (9) $7,402.54.

A. Jerome D. Schaller, Minnesota Mining & Manufacturing Co., 1101 15th Street NW., Washington, D.C. 20005.
B. Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, Minn. 55144.
D. (6) $10,000.

A. Herbert Y. Schandler, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
B. American League for Exports and Security Assistance, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $8,000. E. (9) $$374.60.

A. Jay T. Scheck, Jr., Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $499.69. E. (9) $384.50.

A. Gerard F. Schiappa, 1730 M Street NW., Suite 905, Washington, D.C. 20036.
B. Building Development Counsel, 1629 K Street NW., Washington, D.C. 20006.

A. Patricia Schifferle, Friends of the River, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Friends of the River, 401 San Miguel Way, Sacramento, Calif. 95819.
D. (6) $600. E. (9) $520.

A. Jacques T. Schlenger, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.
B. Maryland Savings—Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.
E. (9) $340.32.

A. Kenneth Schlossberg, Schlossberg-Cassidy & Associates, Inc., 955 L'Enfant Plaza SW., Suite 1401, Washington, D.C. 20024.
B. National Frozen Food Association, 1019 19th Street NW., Washington, D.C. 20036.
D. (6) $1,150. E. (9) $22.

A. Allan D. Schlosser, 1000 Connecticut Avenue NW., Washington, D..C 20036.
B. United States—Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $400.

A. Richard M. Schmidt, Jr., 1333 New Hampshire Avenue NW., Suite 600, Washington. D.C. 20036.
B. Association of American Publishers, Inc. 1707 L Street NW., Suite 480, Washington, D.C. 20036.
D. (6) $500.

A. Mahlon C. Schneider, The Pillsbury Co./Green Giant Co., 608 Second Avenue South, Minneapolis, Minn. 55402.
B. The Pillsbury Co./Green Giant Co., 608 Second Avenue South, Minneapolis, Minn. 55402.
D. (6) $250. E. (9) $1,002.90.

A. Andrew A. Scholtz, Coffee, Sugar & Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.

A. Michael M. Schoor, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $2,500.

A. Marsha Schramm, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Domestic Petroleum Council Trade Association, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

A. Robert I. Schramm, 1725 K Street NW., Suite 909, Washington, D.C. 20006.
B. The Superior Oil Co. and Superior Farming Co., 1725 K Street NW., Washington, D.C. 20006.

A. A. Kolbet Schrichte, 311 First Street NW., Washington, D.C. 20001.
B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.

A. N. Donald Schroeder, Maryland Petroleum Association, 60 West Street, Annapolis, Md. 21401.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $200. E. (9) $146.82.

A. Stanley W. Schroeder, Gas Appliance Manufacturers Association, Inc., 1901 North Fort Myer Drive, Arlington, Va. 22209.
B. Gas Appliance Manufacturers Association, Inc., 1901 North Fort Myer Drive, Arlington. Va. 22209.
E. (9) $79.85.

A. Mark Schultz, 1615 H Street NW., Washington. D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $2,000. E. (9) $49.87.

A. William B. Schultz, Public Citizen Litigation Group, Suite 700, 2000 P Street NW., Washington, D.C. 20036.
B. Public Citizen, Inc., Box 19404, Washington, D.C. 20036.
D. (6) $420. E. (9) $10.

A. Robert L. Schulz, c/o Iowa Petroleum Council, 1012 Fleming Building, Des Moines, Iowa 50309.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $78. E. (9) $70.50.

A. Donald H. Schwab, Veterans of Foreign Wars of the U.S. 200 Maryland Avenue NE., Washington, D.C. 20002.
B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $4,250. E. (9) $451.11.

A. Schwabe, Williamson, Wyatt, Moore & Roberts, 1200 Standard Plaza, Portland, Oreg. 97204.
B. American Greyhound Track Operators Association, 139 Southeast 14th Lane, Miami, Fla. 33131.
D. (6) $5,000. E. (9) $859.10.

A. Schwabe, Williamson, Wyatt, Moore & Roberts, 1200 Standard Plaza, Portland, Oreg. 97204.

B. Clatskanie People's Utility District, P.O. Box 216, Clatskanie, Oreg. 97016.

D. (6) $26,219. E. (9) $5,318.24.

A. Schwabe, Wiliamson, Wyatt, Moore & Roberts, 1200 Standard Plaza, Portland, Oreg. 97204.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $15,000. E. (9) $3,331.23.

A. Schwartz & Connolly, Inc., 1747 Pennsylvania Avenue NW., Suite 650, Washington, D.C. 20006.

B. Owens-Illinois, Toledo, Ohio.

D. (6) $6,677.50. E. (9) $68.83.

A. David H. Schwartz, c/o Melrod, Redman & Gartlan, 1801 K Street NW., Suite 1100K, Washington, D.C. 20006.

B. Melrod, Redman & Gartlan, (for Georgetown Harbour Associates), 1801 K Street NW., Suite 1100K., Washington, D.C. 20006.

D. (6) $375. E. (9) $2.50.

A. Harry K. Schwartz, 1800 M Street NW., Suite 400 South, Washington, D.C. 20036.

B. City of Philadelphia—Department of Commerce, 1650 Municipal Services Building, Philadelphia, Pa. 19107.

D. (6) $600.

A. Harry K. Schwartz, 1800 M Street NW., Suite 400 South, Washington, D.C. 20036.

B. Pennsylvania Manufactured Housing Association, P.O. Box 248, New Cumberland, Pa.

A. Richard Schwartz, BOAT/U.S., 880 South Pickett Street, Alexandria, Va. 22304.

B. Boat Owners Association of The United States, 880 South Pickett Street, Alexandria, Va. 22304.

D. (6) $2,500.

A. Tiberio Schwartz, Phillips, Nizer, Benjamin, Krim & Ballon, 40 West 57th Street, New York, N.Y. 10019.

B. American Bobst Holdings, Inc., Harrison Avenue, Roseland, N.J.

D. (6) $30.

A. Carl F. Schwensen, 415 Second Street NE., Suite 300, Washington, D.C. 20002.

B. The National Association of Wheat Growers, 415 Second Street NE., Washington, D.C. 20002.

D. (6) $3,368.62.

A. William F. Schwind, Jr., Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.

B. Marathon Oil Co., Findlay, Ohio 45840.

A. Scientific Apparatus Makers Association, 1101 16th Street NW., Washington, D.C. 20036.

D. (6) $6,798.57. E. (9) $4,550.72.

A. Michael Sciulla, BOAT/U.S., 880 South Pickett Street, Alexandria, Va. 22304.

B. Boat Owners Association of The United States, 880 South Pickett Street, Alexandria, Va. 22304.

D. (6) $2,500.

A. H. B. Scoggins, Jr., 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $21.50.

A. David A. Scott, American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Earl W. Sears, P.O. Box 12285, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $562.50. E. (9) $16.42.

A. Pamela Sederholm, SMACNA, 8224 Old Courthouse Road, Vienna, Va. 22180.

B. Sheet Metal & Air Conditioning Contractors' National Association, 8224 Old Courthouse Road, Vienna, Va. 22180.

D. (6) $800.

A. H. Richard Seibert, Jr., National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $897.43.

A. Stanton P. Sender, Sears, Roebuck & Co., 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.

D. (6) $780. E. (9) $12.50.

A. SENSE, Inc., Suite 421, 1010 Vermont Avenue NW., Washington, D.C. 20005.

D. (6) $2,500. E. (9) $4,194.73.

A. SENSE, Inc., Suite 421, 1010 Vermont Avenue NW., Washington, D.C. 20005.

B. Quinault Indian Nation, P.O. Box 189, Taholah, Wash. 98587.

A. Service Station Dealers of America, Inc., 2021 K Street NW., Suite 303, Washington, D.C. 20006.

E. (9) $7,952.68.

A. Seven Months Session for Congress, 7201 Wood Hollow Drive, No. 337, Austin, Tex. 78731.

E. (9) $442.

A. J. Richard Sewell, Florida Power & Light Co., 1111 19th Street NW., (Suite 1102), Washington, D.C. 20036.

B. Florida Power & Light Co., P.O. Box 529100, Miami, Fla. 33152.

D. (6) $1719. E. (9) $223.42.

A. Seyfarth, Shaw, Fairweather & Geraldson, 1111 19th Street NW., Suite 500, Washington, D.C. 20036.

B. Dresser Industries, Inc., P.O. Box 718, Dallas, Tex. 75221.

A. Seyfarth, Shaw, Fairweather & Geraldson, 1111 19th Street NW., Suite 500, Washington, D.C. 20036.

B. Trans-Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

A. Robert L. Shafer, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.

D. (6) $250. E. (9) $94.

A. Yvonne L. Shafer, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $904. E. (9) $870.95.

A. James M. Shamberger, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.

B. Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.

E. (9) $7.56.

A. Shamrock Foods Co., 2228 North Black Canyon Road, Phoenix, Ariz. 85009.

A. Lloyd D. Shand, Monsanto Co., 1101 17th Street NW., Washington, D.C. 20036.

B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.

D. (6) $400. E. (9) $34.94.

A. David Lewis Shapiro, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $1,481. E. (9) $10.

A. Harry D. Shapiro, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.

E. (9) $340.32.

A. John J. Sharkey, Delta Air Lines, Inc., 1629 K Street NW., Room 204, Washington, D.C. 20006.

B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.

D. (6) $936.50. E. (9) $64.35.

A. Karen Dolmatch Shaw, 1800 K Street NW., Suite 920, Washington, D.C. 20006.

B. BankAmerica Corporation, BankAmerica Center, San Francisco, Calif.

D. (6) $437.64. E. (9) $613.18.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW. (900–S), Washington, D.C. 20036.

B. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW. (900–S), Washington, D.C. 20036.

B. Atlas Minerals Div. (Atlas Corp.), P.O. Box 1207, Moab, Utah 84532.

D. (6) $372.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

B. Cayman Turtle Farm, Ltd., P.O. Box 645, Grand Cayman Island, Cayman Islands, British West Indies.

D. (6) $850.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW. (900–S), Washington, D.C. 20036.

B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

B. Institute of Foreign Bankers, 200 Park Avenue, New York, N.Y. 10017.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW. (900–S), Washington, D.C. 20036.

B. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW. (900–S), Washington, D.C. 20036.

B. National Committee on Small Issue Industrial Development Bonds, Box 1, 1800 M Street NW. (900–S), Washington, D.C. 20036.

D. (6) $855.

A. Russell H. Shay, Sierra Club, 1107 9th Street, Sacramento Calif. 95814.

B. Sierra Club 530 Bush St., San Francisco, Calif. 94108.

D. (6) $511.87. E. (9) $274.87.

A. Maureen Shea, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $6,687.49. E. (9) $86.55.

A. Shearman & Sterling, 53 Wall Street, New York, N.Y. 10005.

B. Citibank, N.A., 399 Park Avenue, New York, N.Y. 10022.

D. (6) $4,580.60. E. (9) $767.90.

A. John J. Sheehan, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.

B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $10,548.34.

A. John P. Sheffey, National Association for Uniformed Services, 903 South Highland Street, Arlington, Va. 22204.

B. National Association for Uniformed Services, 903 South Highland Street, Arlington, Va. 22204.

D. (6) $529.68.

A. Jonathan R. Sheiner, 4 Irving Place, New York, N.Y. 10003.

B. Consolidated Edison Co. of New York, Inc., 4 Irving Place, New York, N.Y.

D. (6) $447.50.

A. Jowanda Shelton, 2101 L Street NW., Washington, D.C. 20037.

B. Committee for Humane Legislation, 11 West 60th Street, New York, N.Y. 10023.

D. (6) $2,000.

A. Jay P. Sherman, 918 F Street NW., Washington, D.C. 20004.

B. National Family Farm Coalition, 918 F Street NW., Washington, D.C. 20004.

D. (6) $3,750. E. (9) $107.23.

A. Dale Sherwin, 1735 I Street NW., No. 717, Washington, D.C. 20006.

B. A. E. Staley Manufacturing Co., 2200 Eldorado Street, Decatur, Ill. 62525.

D. (6) $1,500. E. (9) $150.

A. Nelson Shields, 810 18th Street NW., Washington, D.C. 20006.

B. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.

D. (6) $5,822.42.

A. Russell L. Shipley, Jr., 1430 K Street NW., Suite 1000, Washington, D.C. 20005.

B. National Candy Wholesalers Association, Inc., 1430 K Street NW., Suite 1000, Washington, D.C. 20005.

D. (6) $70.

A. Harvey A. Shipman, The Penn Central Corp., 1776 G Street NW., Suite 502, Washington, D.C. 20006.

B. The Penn Central Corp., 245 Park Avenue, 44th Floor, New York, N.Y. 10017.

A. Fred B. Shippee, American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Suite 800, Arlington, Va. 22209.

B. American Apparel Manufacturers Association, 1611 North Kent Street, Suite 800, Arlington, Va. 22209.

A. Mary Frances Shlagel, Union Oil Co. of California, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

A. W. Ray Shockley, American Textile Manufacturers Institute, 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

B. American Textile Manufacturers Institute, 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

D. (6) $2,550. E. (9) $5.

A. Debbie Leilani Shon, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $1,394.40. E. (9) $77.80.

A. Donald S. Shook, 1025 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.

B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.

D. (6) $225. E. (9) $35.

A. G. Scott Shotwell, 1619 Massachusetts Avenue, Washington, D.C. 20036.

B. National Forest Products Association, 1619 Massachusetts Avenue, Washington, D.C. 20036.

D. (6) $2,475.

A. Richard G. Shoup, Suite 810, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Union Pacific Corp., 345 Park Avenue, New York, N.Y.

D. (6) $2,850. E. (9) $1,293.87.

A. Barbara A. Shuman, Chevron U.S.A. Inc., 1700 K Street NW., Suite 1204, Washington, D.C. 20006.

B. Chevron U.S.A. Inc., a subsidiary of the Standard Oil Co. of California, 1700 K Street NW., Suite 1204, Washington, D.C. 20006.

D. (6) $100.

A. Candice J. Shy, ENSERCH Corp., 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.

B. ENSERCH Corp., 301 S. Harwood Street, Dallas, Tex. 75201.

D. (6) $1,023. E. (9) $827.

A. Carlton R. Sickles, 1003 K Street NW., Washington, D.C. 20001.

B. United Van Bus Delivery Co., 2601 32d Avenue South, Minneapolis, Minn. 55406.

E. (9) $25.58.

A. Richard H. Siemsen, 8100 Florissant, St. Louis, Mo. 63136.

B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

E. (9) $359.75.

A. Bernard H. Sieracki, Illinois Petroleum Council, 79 West Monroe Street, Suite 514, Chicago, Ill. 60603.

B. American Petroleum Institute, 2101, L Street NW., Washington, D.C. 20037.

D. (6) $450. E. (9) $553.70.

A. Daniel W. Sigelman, 2000 P Street NW., Suite 708, Washington, D.C. 20036.

B. Health Research Group, 2000 P Street NW., Suite 708, Washington, D.C. 20036.

A. Mark Silbergeld, Consumers Union, 1511 K Street NW., Suite 1033, Washington, D.C. 20005.

B. Consumers Union, 256 Washington Street, Mt. Vernon, N.Y. 10550.

D. (6) $2,000.

A. David Silver, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $252. E. (9) $139.95.

A. Barbara A. Silverman, 2500 DeKalb Pike, Norristown, Penn.

B. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Penn. 19404.

A. Althea T. L. Simmons, NAACP, Suite 820, 1025 Vermont Avenue NW., Washington, D.C. 20005.

B. National Association for the Advancement of Colored People, 1780 Broadway, New York, N.Y. 10019.

D. (6) $4,000.

A. Mark Simon, 815 16th Street, Washington, D.C. 20006.

B. Food and Beverage Trades Department AFL–CIO, 815 16th Street, Washington, D.C. 20006.

D. (6) $205.08.

A. Stanley C. Simon, Simon, Twombly & Terry, Two Turtle Creek Village, Dallas, Tex. 75219.

B. The Southland Corp., 2828 North Haskell Avenue, Dallas, Tex. 75204.

D. (6) $519.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $1,187.50. E. (9) $110.79.

A. Robert C. Singer, The Soap and Detergent Association, 475 Park Avenue South, New York, N.Y. 10016.

B. The Soap and Detergent Association, 475 Park Avenue South, New York, N.Y. 10016.

A. Thomas K. Singer, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.

D. (6) $785.15. E. (9) $13.30.

A. Donald E. Sinville, 227 North Street, Manchester, N.H. 03104.

B. Public Service Co. of New Hampshire, Manchester, N.H. 03105.

D. (6) $250.

A. William J. Skinner, 815 15th Street NW., Washington, D.C. 20005.

B. United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Md. 20852.

D. (6) $405.50. E. (9) $198.70.

A. Barney J. Skladany, Jr., Mobil Oil Co., 100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,125.

A. Carstens Slack, Phillips Petroleum Co., 1825 K Street NW., Washington, D.C. 20006.

B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. F. Slatinshek & Associates, Inc., 427 North Lee Street, Alexandria, Va. 22314.

B. Grumman Aerospace Corp., Bethpage, N.Y. 11714. United Technologies, 1125 15th Street NW., Washington, D.C. 20005. General Dynamics Corp., Pierre LacLede Center, St. Louis, Mo. 63105.

D. (6) $550.

A. Matthew B. Slepin, National Association of Housing Cooperatives, 1012 14th Street NW., Suite 805, Washington, D.C. 20005.

B. National Association of Housing Cooperatives, 1012 14th Street NW., Suite 805, Washington, D.C. 20005.

D. (6) $250. E. (9) $20.

A. William T. Slider, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $2,500. E. (9) $571.31.

A. David Peter Sloane, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $450.

A. Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.

D. (6) $3,000. E. (9) $1,612.57.

A. Peter Small & Associates, Inc., 400 Madison Avenue, New York, N.Y. 10017.

B. William M. Mercer, Inc., 1211 Avenue of the Americas, New York, N.Y. 10036.

A. Small Producers for Energy Independence, 1000 Sutton Place, Wichita, Kans. 67202.

D. (6) $72,527.25. E. (9) $5,881.

A. Smathers, Symington & Herlong, Suite 400, 1700 K Street NW., Washington, D.C. 20006.

B. American Horse Council, Suite 300, 1700 K Street NW., Washington, D.C.

D. (6) $5,500.

A. Smathers, Symington & Herlong, Suite 400, 1700 K Street NW., Washington, D.C. 20006.

B. American Inland Waterway Committee, 7733 Forsyth Boulevard, St. Louis, Mo.

D. (6) $3,500.

A. Smathers, Symington & Herlong, Suite 400, 1700 K Street NW., Washington, D.C. 20006.

B. Florida East Coast Railway Co., One Malaga Street, St. Augustine, Fla. 32084.

D. (6) $5,000.

A. Smathers, Symington & Herlong, Suite 400, 1700 K Street NW., Washington, D.C. 20006.

B. Goldman Sachs, 55 Broad Street, New York, N.Y. 10004.

D. (6) $1,500.

A. Smathers, Symington & Herlong, Suite 400, 1700 K Street NW., Washington, D.C. 20006.

B. Kansas City, Mo., c/o Federal Relations Associates, 400 North Capitol Street NW., Suite 368, Washington, D.C. 20001.

D. (6) $666.

A. Smathers, Symington & Herlong, Suite 400, 1700 K Street NW., Washington, D.C. 20006.

B. Penzoil Co., Houston, Tex. 77001.

D. (6) $6,000.

A. Smathers, Symington & Herlong, Suite 400, 1700 K Street NW., Washington, D.C. 20006.

B. Republic of South Africa, 3501 Massachusetts Avenue NW., Washington, D.C. 20008.

D. (6) $7,500.

A. Donald E. Smiley, Exxon Corp., 1899 L Street NW., Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

E. (9) $24.

A. Arthur J. Smith, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.

B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.

D. (6) $500.

A. Smith, Barney Real Estate Corp., 1345 Avenue of the Americas, New York, N.Y. 10105.

A. Carl Edward Smith, EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $406.05. E. (9) $289.29.

A. Gordon L. Smith, 1425 K Street NW., No. 1000, Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 1425 K Street NW., No. 1000, Washington, D.C. 20005.

A. J. Kenneth Smith, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.

B. Sun Co. Inc., 100 Matsonford Road, Radnor, Pa. 19087.

D. (6) $3,480. E. (9) $82.50.

A. Kathleen Gramp Smith, 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.

B. Council of Energy Resource Tribes, 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.

A. Michael P. Smith, New York State Bankers Association, 485 Lexington Avenue, New York, N.Y. 10017.

B. New York State Bankers Association, 485 Lexington Avenue, New York, N.Y. 10017.

D. (6) $656. E. (9) $1,306.50.

A. P. Daniel Smith, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $612.50. E. (6) $117.05.

A. Smith & Pepper, 1776 K Street NW., Washington, D.C. 20006.

B. Southern Satellite Systems, Inc., P.O. Box 45684, Tulsa, Okla.

D. (6) $423.25. E. (9) $12.

A. Robert Bland Smith, Jr., American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

D. (6) $140.

A. Suzanne J. Smith, American Can Co., 1660 L Street NW., Suite 201, Washington, D.C. 20036.

B. American Can Co., American Lane, Greenwich, Conn. 06830.

E. (9) $85.75.

A. Talbott C. Smith, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $3,000. E. (9) $29.82.

A. William H. Smith, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers. Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. Wayne H. Smithey, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.

D. (6) $2,750. E. (9) $1,106.17.

A. Arthur V. Smyth, 1625 I Street NW., No. 902, Washington, D.C. 20006.

B. Weyerhaeuser Co., Tacoma, Wash. 98477.

D. (6) $1,700. E. (9) $36.

A. Frank B. Snodgrass, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.

B. Burley and Dark Leaf Tobacco Export Association, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.

D. (6) $909.52.

A. Snyder & Ball Associates, Inc., 1700 N. Moore Street, Suite 1610, Arlington, Va. 22209.

B. Aerojet-General Corp., 9100 East Flair Drive, El Monte, Calif. 91734.

A. Snyder & Ball Associates, Inc., 1700 N. Moore Street, No. 1610, Arlington, Va. 22209.

B. DSP Inc., 1700 N. Moore St., Arlington, Va. 22209.

A. Snyder & Ball Associates, Inc., 1700 North Moore Street, Suite 1610, Arlington, Va. 22209.

B. Gould, Inc., 10 Gould Meadows, Rolling Meadows, Ill. 60008.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C. 20002.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.

D. (6) $4,522.

A. J. R. Snyder, United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

E. (9) $1,000.

A. John M. Snyder, 600 Pennsylvania Avenue SE., Suite 205, Washington, D.C. 20003.

B. Citizens Committee for the Right to Keep and Bear Arms, Bellefield Office Park, 1601 114th Street SE., Suite 151, Bellevue, Wash. 98004.

D. (6) $5,700.

A. Society for Animal Protective Legislation P.O. Box 3719, Georgetown Station, Washington, D.C. 20007.

D. (6) $13,677.11. E. (9) $16,565.07

A. Michael L. Solomon, 5726 Thomas Edison Court, Alexandria, Va. 22310.

B. National Apartment Association, 1825 K Street NW., Suite 604, Washington, D.C. 20006.

D. (6) $1,750.

A. Vincent R. Sombrotto, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $3,011.88.

A. Frederick Somers, Seafarers International Union, 815 16th Street NW., Room 510, Washington, D.C. 20006.

B. Seafarers International Union, 815 16th Street NW., Room 510, Washington, D.C. 20006.

D. (6) $3,000. E. (9) $1,014.43.

A. Edmund T. Sommer, Jr., Council of American-Flag Ship Operators, 1625 K Street NW., Suite 1200, Washington, D.C. 20005.

B. Council of American-Flag Ship Operators, 1625 K Street NW., Suite 1200, Washington, D C. 20006.

D. (6) $362.50. E. (9) $8.75.

A. S. L. Sommer & Associates, Inc., 1701 North Fort Myer Drive, Suite 1208, Arlington, Va. 22209.

B. Northrop Corp., 1701 North Fort Myer Drive, Suite 1208, Arlington, Va. 22209.

D. (6) $2,200. E. (9) $3,561.36.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20035.

B. Assiniboine and Sioux Tribes, Fort Peck Indian Reservation, Poplar, Mont. 59225.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.

B. Confederated Tribes of the Colville Indian Reservation, Nespelem, Washington, 99155.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.
B. Houlton Band of Maliseets, c/o Mr. Clair A. Sabattis, P.O. Box 223, Houlton, Maine 04730.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.
B. Shoshone Indian Tribe, Wind River Indian Reservation, Fort Washakie, Wyo. 82514.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.
B. Standing Rock Sioux Tribe, Fort Yates, N. Dak. 58538.

A. Mary Sophos, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $375. E. (9) $25.25.

A. Roberta L. Sorensen, 1611 North Kent Street, Suite 803–A, Arlington, Va. 22209.
B. American Osteopathic Association, 1611 North Kent Street, Suite 803–A, Arlington, Va. 22209.
D. (6) $760. E. (9) $190.35.

A. Shelby E. Southard, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Cooperative League of the U.S.A., 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
D. (6) $1,250. E. (9) $205.60.

A. Southern Satellite System, Inc., P.O. Box 45684, Tulsa, Okla. 74145.
E. (9) $435.25.

A. Larry M. Speakes, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Philip J. Spear, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.
B. National Pest Control Association, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.

A. Frank J. Specht, Schenley Distillers, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.
B. Schenley Distillers, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

A. Specialty Equipment Market Association, 11540 East Slauson Avenue, Whittier, Calif. 90606.

A. John F. Speer, Jr., 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Speiser, Krause & Madole, 1216 16th Street NW., Washington, D.C. 20036.
B. Mrs. Vera C. Clemente, No. 36 Roberto Clemente Street, Ext. San Agustin, Rio Piedras, P.R. 00926; Mrs. Margarita Cardona Matias, Yagrumo AD–3, Valle Arriba Heights, Carolina, P.R.; Mrs. Maria Lozano, 519th Street QC–1, Urb. Country Club, Rio Piedras, P.R.
E. (9) $32.41.

A. George Spiegel, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Northern California Agency, 770 Kiely Boulevard, Santa Clara, Calif. 95051; cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Ukiah, Calif., and associate member Plumas-Sierra Rural Electric Cooperative.

A. Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Northern California Power Agency.

A. Larry N. Spiller, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $900.

A. Joseph L. Spillman, Jr., 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $200.

A. Frederick C. Spreyer, Pacific Resources, Inc., 1990 M Street NW., Suite 560, Washington, D.C. 20036.
B. Pacific Resources, Inc., 733 Bishop Street, P.O. Box 3379, Honolulu, Hawaii 96813.
D. (6) $500.

A. Earl C. Spurrier, 1101 17th Street NW., Suite 604, Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $100. E. (9) $16.80.

A. Squire, Sanders & Dempsey, 21 Dupont Circle NW., Washington, D.C. 20036.
B. American Society of Anesthesiologist, 515 Busse Highway, Park Ridge, Ill. 60068.
D. (6) $103.

A. Squire, Sanders & Dempsey, 21 Dupont Circle NW., Washington, D.C. 20036.
B. National Collegiate Athletic Association, U.S. Highway 50 and Nall Avenue, P.O. Box 1906, Shawnee Mission, Kans. 66222.
D. (6) $422.50. E. (9) $226.69.

A. Squire, Sanders & Dempsey, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Public Securities Association, One World Trade Center, New York, N.Y. 10048.

A. Squire, Sanders & Dempsey, 21 Dupont Circle NW., Washington, D.C. 20036.
B. United States Wrestling Federation, 405 West Hall of Fame Avenue, Stillwater, Okla.
D. (6) $97.50.

A. Staff Builders, Inc., 122 East 42d Street, New York, N.Y. 10017.

A. Elvis J. Stahr, Martin Dale, North, Greenwich, Conn. 06830.
B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.
D. (6) $13,650. E. (9) $3,612.

A. Lynn Stalbaam, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $2,343.75. E. (9) $35.17.

A. Joe A. Stamm, The Standard Oil Co. (Ohio), 1050 17th Street NW., Suite 650, Washington, D.C. 20036.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.
D. (6) $125.

A. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.
E. (9) $1,775.

A. David P. Stang, 1629 K Street NW., Washington, D.C. 20006.
B. J. Ray McDermott & Co., Inc., 1010 Common Street, New Orleans, La., 70160.
D. (6) $277.50.

A. David P. Stang, 1629 K Street, NW., Washington, D.C. 20006.
B. Ocean Minerals Co., P.O. Box 4531, Mountain View, Calif. 94040.
D. (6) $329.97.

A. David P. Stang, 1629 K Street NW., Washington, D.C.
B. Fred J. Russell, P.O. Box 54228, Los Angeles, Calif. 94040.

A. David P. Stang, 1629 K Street NW., Washington, D.C. 20006.
B. Zapata Corp., 711 Louisiana Avenue, Houston, Tex. 77001.
D. (6) $113.42.

A. Michael J. Stanton, Motor Vehicle Manufacturers Association of the U.S., Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.
B. Motor Vehicle Manufacturers Association of the U.S., Inc., 300 New Center Building, Detroit, Mich. 48202.
D. (6) $58.

A. Melvin L. Stark, Suite 321, 1707 L Street NW., Washington, D.C. 20036.
B. Hartford Fire Insurance Co., Hartford Plaza, Hartford, Conn. 06115.
D. (6) $6,000.

A. Walter M. Starke, P.O. Box 2563, Birmingham, Ala. 35202.
B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.

A. John M. Starrels, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Charles D. Statton, 2130 Oaks Drive, Hillsborough, Calif. 94010.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Samuel E. Stavisky, 1100 17th Street NW., Suite 302, Washington, D.C. 20036.
B. Samuel E. Stavisky & Associates Inc., 1100 17th Street NW., Washington, D.C. 20036; (Broadcast Music Inc. (BMI), 320 West 57th Street, New York, N.Y. 10019).
E. (9) $65.

A. Samuel E. Stavisky & Associates Inc., 1100 17th Street NW., Suite 302, Washington, D.C. 20036.
B. Broadcast Music Inc. (BMI), 320 West 57th Street, New York, N.Y. 10019.
D. (6) $600. E. (9) $80.

A. Randolph J. Stayin, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202. (For: American Hospital Association, 444 North Capitol Street, Washington, D.C. 20001).

A. Randolph J. Stayin, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202. (For: Machinery Dealers National Association 1110 Spring Street, Silver Spring, Md. 20910).
D. (6) $2,092.75. E. (9) $17.96.

A. Randolph J. Stayin, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202. (For: Special Committee for Workplace Product Liability Reform, 1800 Massachusetts Avenue NW., No. 708, Washington, D.C. 20036).

A. Eugene H. Stearns, American Petroleum Institute, 1200 Harger Road, Suite 323, Oak Brook, Ill. 60521.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. John L. Steele, Time Inc., 888 16th Street NW., Washington, D.C. 20006.
B. Time Inc., Time & Life Building, Rockefeller Center, New York, N.Y.
D. (6) $2,000. E. (9) $150.

A. Theodore P. Stein, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $2,539.99.

A. Charles W. Stellar, American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Potomac, Md. 20854.
B. American Association of Professional Standards Review Organizations, 11325 Seven Locks, Road, Potomac, Md. 20854.

A. Mary E. Stenberg, American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
B. American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
D. (6) $1,145.06. E. (9) $84.21.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Nuclear Insurers, 270 Farmington Avenue, Farmington, Conn. 06032.
D. (6) $1,050. E. (9) $7.50.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Committee for Effective Capital Recovery, 1901 L Street NW., Suite 303, Washington, D.C. 20036.
E. (9) $1,817.64.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Forest Industries Committee on Timber Valuation and Taxation, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $398.72.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Robert College of Istanbul, Turkey, 380 Madison Avenue, New York, N.Y. 10017.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Rule of Law Committee, Suite 800, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Talley Industries, Inc., P.O. Box 849, Mesa, Ariz. 85201.
D. (6) $500. E. (9) $100.

A. Richard W. Sternberg, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $120.

A. Stewart Capital Corp., 485 Madison Avenue, New York, N.Y. 10022.
E. (9) $1,600.

A. Robert B. Stewart, Getty Oil Co., 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.
D. (6) $2,944. E. (9) $119.25.

A. LaVerne Still, National Cotton Council, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $273.75.

A. John Stillwagon, Coffee, Sugar & Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.

A. Edward W. Stimpson, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
B. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
D. (6) $600.

A. Lisa Stolp, 1101 Connecticut Avenue NW., Washington, D.C.
B. Vinson & Elkins (for Continental Resources Co.), 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036.
D. (6) $1,790. E. (9) $15.50.

A. Adam D. Stolpen, Pitney Bowes, Inc., 1101 30th Street NW., Suite 203, Washington, D.C. 20007.
B. Pitney Bowes, Inc., 69 Wheeler Drive, Stamford, Conn. 06926.

A. George W. Stone, National Farmers Union, Denver, Colo. 80251; (National Farmers Union) 1012 14th Street NW., Washington, D.C. 20005.
B. The Farmers' Educational and Co-Operative Union of America (National Farmers Union), Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $8,750. E. (9) $359.53.

A. William M. Stover, Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
B. Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $1,000.

A. David E. Strachan, National Association of Personnel Consultants, 1012 14th Street NW., 15th Floor, Washington, D.C. 20005.
B. National Association of Personnel Consultants, 1012 14th Street NW., 15th Floor, Washington, D.C. 20005.
D. (6) $4,200. E. (9) $44.

A. J. Stephen Street, 1806 Barbee Street, McLean, Va.
B. Shipbuilders Council of America, 600 New Hampshire Avenue NW., Suite 420, Washington, D.C. 20037.
D. (6) $10,750. E. (9) $182.26.

A. Roger J. Stroh, North Washington at Madison, Alexandria, Va. 22314.
B. United Fresh Fruit & Vegetable Association, North Washington at Madison, Alexandria, Va. 22314.
D. (6) $61.52. E. (9) $16.05.

A. George W. Strong, Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
D. (6) $600. E. (9) $255.20.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Bank Hapoalim, B.M., 50 Rothschild Boulevard, Tel Aviv, Israel.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C.
D. (6) $11,500.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. J. Aron & Co., Inc., 160 Water Street, New York, N.Y. 10038.
E. (9) $4.25.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Mrs. Patsy Perry, 70 Glen Cove Road, Roslyn Heights, N.Y.
E. (9) $4.75.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Puerto Rico Federal Affairs Administration, 734 15th Street NW., Washington, D.C. 20005.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Union Fidelity Life Insurance Co., 4850 Street Road, Trevose, Pa. 19050.
D. (6) $2,000. E. (9) $3.75.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Warburg, Pincus Capital Corp., 277 Park Avenue, New York, N.Y. 10017.
E. (9) $5.

A. Norman Strunk, United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States League of Savings Association, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $1,312.50.

A. Walter B. Stults, NASBIC, 618 Washington Building, Washington, D.C. 20005.
B. National Association of Small Business Investment Companies, 618 Washington Building, Washington, D.C. 20005.
D. (6) $1,000.

A. Eugene F. Sturgeon, 182 Crater Lane, Kensington, Conn. 06037.
B. Northeast Utilities Service Co., Selden Street, Berlin, Conn. 06037.
D. (6) $499.85. E. (9) $1,134.13.

A. Sullivan & Cromwell, 125 Broad Street, New York, N.Y. 10004; 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. AMAX, Inc., AMAX Center, Greenwich, Conn. 06830.

A. Sullivan & Cromwell, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Goldman, Saches & Co., 55 Broad Street, New York, N.Y. 10004.
D. (6) $3,000.

A. Sullivan & Cromwell, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. INCO, Ltd., Toronto-Dominion Center, Toronto, Ontario, Canada M5K 1E3.

A. Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, Ill. 60603.
E. (9) $22.

A. Harold R. Sullivan, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Jim Sullivan, 1717 Massachusetts Avenue, No. 503, Washington, D.C. 20036.
B. National Association of Independent Colleges and Universities, 1717 Massachusetts Avenue NW., No. 503, Washington, D.C. 20036.
D. (6) $12,793.71. E. (9) $67.60.

A. Roger H. Sullivan, Hawaiian Sugar Planters' Association, 723 Washington Building, Washington, D.C. 20005.

B. Hawaiian Sugar Planters' Association, Aiea, Hawaii 96701.

A. Sullivan & Worcester, 1025 Connecticut Avenue NW., Washington, D.C.

B. Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.

D. (6) $4,800. E. (9) $15.89.

A. J. Mitchell Summers, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Armco, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $351. E. (9) $217.

A. Clyde W. Summerville, the Boeing Co., 1700 North Moore Street, Rosslyn, Va. 22209.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $1,296. E. (9) $171.05.

A. Peter B. Summerville, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Duward F. Sumner, Jr., Professional Insurance Agents, 400 North Washington Street, Alexandria, Va. 22314.

B. Professional Insurance Agents, 400 North Washington Street, Alexandria, Va. 22314.

D. (6) $250. E. (9) $350.

A. Sun-Maid Growers of California, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

E. (9) $300.

A. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.

B. Government of the Republic of Zaire, Kinshasha, Zaire.

D. (6) $8,199.50. E. (9) $136.75.

A. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.

B. Gulf & Western Industries, Inc., One Gulf & Western Plaza, New York, N.Y. 10023.

D. (6) $250. E. (9) $7.50.

A. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.

B. U.S. Pipe & Foundry Co., 3300 First Avenue North, Birmingham, Ala. 35202.

D. (6) $680. E. (9) $50.48.

A. Susman, Stern, Heifetz, Lurie, Sheehan, Popkin & Chervitz; 7733 Forsyth Boulevard, 22d Floor, St. Louis, Mo. 63105; and 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. American Inland Waterways Committee, 7733 Forsyth Boulevard, 22d Floor, St. Louis, Mo. 63105.

D. (6) $25,000.

A. Susman, Stern, Heifetz, Lurie, Sheehan, Popkin & Chervitz; 7733 Forsyth Boulevard, 22d Floor, St. Louis, Mo. 63105; and 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. Midland Enterprises, Inc., 1400–580 Building, Cincinnati, Ohio 45202.

D. (6) $3,750.

A. Susman, Stern, Heifetz, Lurie, Sheehan, Popkin & Chervitz; 7733 Forsyth Boulevard, 22d Floor, St. Louis, Mo. 63105, and 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. The Valley Line, 120 South Central, Clayton, Mo. 63105.

D. (6) $3,750.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006

B. American Industrial Clay & Georgia Kaolin Division of Yaca Engineering Corp., 511 Westminster Avenue, Elizabeth, N.J. 07207.

D. (6) $12.50. E. (9) $147.75.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Anglo-American Clay Corp., P.O. Box 471, Sandersville, Ga. 31082.

D. (6) $12.50. E. (9) $147.75.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Connecticut Mutual Life Insurance Co., 140 Garden Street, Hartford, Conn. 06115.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Consumer Credit Insurance Association, 307 North Michigan Avenue, Chicago, Ill. 60601.

E. (9) $20.20.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Engelhard Minerals & Chemicals Corp., 299 Park Avenue, New York, N.Y. 10017.

D. (6) $12.50. E. (9) $147.75.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Equifax Inc., P.O. Box 4081, Atlanta, Ga. 30302.

D. (6) $2,572.50. E. (9) $285.62.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Estate of T. Cartter Lupton, c/o Miller & Martin, Volunteer State Life Building, Chattanooga, Tenn. 37402.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Freeport Kaolin Division of Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.

D. (6) $12.50. E. (9) $147.75.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. J. M. Huber Corp., Thornall Street, Edison, N.J. 08817.

D. (6) $12.50. E. (9) $147.75.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.

D. (6) $5,000. E. (9) $100.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Kansas Farm Bureau Life Insurance Co., 2321 Anderson Avenue, Manhattan, Kans. 66502; Farm Bureau Mutual Insurance Co., KFB Insurance Co., Manhattan, Kans. 66502.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Kentucky Farm Bureau Mutual Insurance Co., 120 South Hubbard Lane, Louisville, Ky. 40207. And FB Insurance Co., 120 South Hubbard Lane, Louisville, Ky. 40207.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Lifetime Communities, Inc., 3740 Beach Boulevard, Suite 202, Jacksonville, Fla. 32207.

D. (6) $2,966. E. (9) $86.40.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Massachusetts Mutual Life Insurance Co., 1295 State Street, Springfield, Mass. 01111.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Mullite Co. of America, Andersonville, Ga. 31711.

D. (6) $12.50. E. (9) $147.75.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Mutual Benefit Life Insurance Co., 520 Broad Street, Newark, N.J. 07107.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Mutual Life Insurance Co. of New York, 1740 Broadway, New York, N.Y. 10019.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Mutual of Omaha Insurance Co., Dodge at 33d Street, Omaha, Neb. 68131.

D. (6) $1,695. E. (9) $64.10.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. National Association of Life Companies, Suite 1060, Tower Place, 3340 Peachtree Road NE., Atlanta, Ga. 30326.

D. (6) $469.12. E. (9) $94.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. National Home Life Assurance Co., Liberty Park, Frazer, Pa. 19355.

D. (6) $310.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. New England Mutual Life Insurance Co., 501 Boylston Street, Boston, Mass. 02117.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Nord Resources Corp., Ole Town Park, 29 Iron Gate Drive, Dayton, Ohio 45459.

D. (6) $12.50. E. (9) $147.75.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Northwestern Mutual Life Insurance Co., 720 East Wisconsin Avenue, Milwaukee, Wis. 53202.

A. Sutherland, Asbill & Brennan, 3100 First National Bank Tower, Atlanta, Ga. 30303; and 1666 K Street NW., Washington, D.C. 20006.

B. Oglethorpe Power Corp., 2888 Woodcock Building, Atlanta, Ga. 30341.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Process Gas Consumers Group, 1666 K Street NW., Suite 800, Washington, D.C. 20006.

D. (6) $1,638. E. (9) $50.60.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Sandersville Railroad Co., P.O. Box 269, Sandersville, Ga. 31082.

D. (6) $675. E. (9) $460.43.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Southern Farm Bureau Life Insurance Co., P.O. Box 78, Jackson, Miss. 39205; Southern Farm Bureau Casualty Insurance Co., P.O. Box 1985, Jackson, Miss. 39205; Mississippi Farm Bureau Mutual Insurance Co., Jackson, Miss. 39205.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Texas Scottish Rite Hospital for Crippled Children, c/o Butler, Binion, Rice, Cook & Knapp, Esperson Building, Houston, Tex. 77002.

D. (6) $2,500.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Thiele Kaolin Co., Kaolin Road, Sandersville, Ga.

D. (6) $12.50. E. (9) $147.75.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. United Farm Bureau Family Life Insurance Co., 130 East Washington Street, Indianapolis, Ind. 46204, and United Farm Bureau Mutual Insurance Co., 130 East Washington Street, Indianapolis, Ind. 46204.

A. Sutin, Thayer & Browne, P.O. Box 1945, Albuquerque, N. Mex. 87103.

B. Office of the Attorney General, State of New Mexico, P.O. Drawer 1508, Santa Fe, N. Mex. 87501.

A. W. Thomas Suttle, 204 G Street SW., Washington, D.C. 20024.

B. The Institute of Electrical & Electronics Engineers, Inc., 1111 19th Street NW., Suite 608, Washington, D.C. 20036.

D. (6) $1,280. E. (9) $480.

A. William W. Suttle, American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue NW., No. 415, Washington, D.C. 20036.

D. (6) $625. E. (9) $18.60.

A. Irving W. Swanson, 11212 Farmland Drive, Rockville, Md. 20852.

B. Harris Corp., 2600 Virginia Avenue NW., Suite 800, Washington, D.C. 20037.

D. (6) $15,400. E. (9) $342.63.

A. David A. Sweeney, 25 Louisiana Avenue NW., Washington, D.C. 20001

B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.

D. (6) $12,150.

A. John L. Sweenev, 13931 Esworthy Road, Germantown, Md. 20767.

B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.

D. (6) $6,420.

A. John R. Sweeney, 800 Solar Building, 1000 16th Street NW., Washington, D.C. 20036.

B. Bethlehem Steel Corp., Bethlehem, Pa. 18018.

A. Rosemarie Sweeney, American Academy of Family Physicians, 475 L'Enfant Plaza West, SW., Suite 2970, Washington, D.C. 20024.

B. American Academy of Family Physicians, 1740 West 92d Street, Kansas City, Mo. 64114.

D. (6) $1,500. E. (9) $672.67.

A. Richard Preston Swigart, 1660 L Street NW., Suite 201, Washington, D.C. 20036.

B. American Can Co., American Lane, Greenwich, Conn. 06830.

E. (9) $849.11.

A. Michael T. Swinehart, National Association of Manufacturers, 1422 West Peachtree Street NW., Suite 612, Atlanta, Ga. 30309.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

E. (9) $607.89.

A. Howard Symons, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $2,750.01.

A. Lewis M. Taffer, American Express Co., 1700 K Street NW., Washington, D.C. 20006.

B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister (for American Hospital Association, 444 North Capitol Street, Washington, D.C. 20001), Dixie Terminal Building, Cincinnati, Ohio 45202.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister (for Cincinnati Stock Exchange, 205 Dixie Terminal Building, Cincinnati, Ohio 45202), Dixie Terminal Building, Cincinnati, Ohio 45202.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister (for Family Leisure Centers, 1718 Young Street, Cincinnati, Ohio 45210), Dixie Terminal Building, Cincinnati, Ohio 45202.

D. (6) $200.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister (for Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006), Dixie Terminal Building, Cincinnati, Ohio 45202.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister (for Grocery Manufacturers of America, 1010 Wisconsin Avenue NW., Washington, D.C. 20007), Dixie Terminal Building, Cincinnati, Ohio 45202.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister (for Hanna-Barbera's Marineland, Box 937, Rancho Palos Verdes, Calif. 90274), Dixie Terminal Building, Cincinnati, Ohio 45202.

D. (6) $100. E. (9) $2.25.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister (for Hanna-Barbera Productions, Inc., 3400 Cahuenga Boulevard, Los Angeles, Calif. 90068), Dixie Terminal Building, Cincinnati, Ohio 45202.

D. (6) $300.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister (for Machinery Dealers National Association, 110 Spring Street, Silver Spring, Md. 20910), Dixie Terminal Building, Cincinnati, Ohio 45202.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister (for Sisters of Charity of Cincinnati, Ohio, Mount St. Joseph, Ohio) Dixie Terminal Building, Cincinnati, Ohio 45202.

E. (9) $142.45.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister (for Special Committee for Workplace Product Liability Reform, 1800 Massachusetts Avenue NW., Washington, D.C. 20036), Dixie Terminal Building, Cincinnati, Ohio 45202.

D. (6) $15,000. E. (9) $641.31.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister (for Taft Broadcasting Co., 1718 Young Street, Cincinnati, Ohio 45219), Dixie Terminal Building, Cincinnati, Ohio 45202.

D. (6) $1,300. E. (9) $4.80.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister (for Werner Von Clemm, 214 East 17 Street, New York, N.Y. 10003), Dixie Terminal Building, Cincinnati, Ohio 45202.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister (for Washington Magazine, Inc., c/o Frank, Bernstein, Conaway & Goldman, 1300 Mercantile Bank & Trust Building, Baltimore, Md.), Dixie Terminal Building, Cincinnati, Ohio 45202.

A. Susan Tannenbaum, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $4,012.50. E. (9) $42.

A. William M. Tartikoff, Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $260. E. (9) $93.98.

A. Charles A. Taylor III, National Association of Independent Insurers, 499 South Capitol Street SW., No. 401, Washington, D.C. 20003.

B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.

D. (6) $250. E. (9) $75.

A. Clayton C. Taylor, One McDonald's Plaza, Oak Brook, Ill. 60521.

B. McDonald's Corp., One McDonald's Plaza, Oak Brook, Ill. 60521.

A. Peggy Taylor, AFL-CIO, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $11,584.80. E. (9) $1,129.31.

A. Sid Taylor, National Taxpayers Union (NTU), 325 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $1,800. E. (9) $382.

A. B. W. Teague, Central Power & Light Co., P.O. Box 2121, Corpus Christi, Tex. 78403

B. Central Power & Light Co., P.O. Box 2121, Corpus Christi, Tex. 78403.

D. (6) $132. E. (9) $202.

A. Dory Teipel, Johns-Manville Corp., 1025 Connecticut Avenue NW., No. 214, Washington, D.C. 20036.

B. Johns-Manville Corp., P.O. Box 5108, Denver, Colo. 80217.

D. (6) $100. E. (9) $56.

A. Paul M. Tendler, 2020 K Street NW., Suite 420, Washington, D.C. 20006.

B. Paul Tendler Associates (for the National Federation of Licensed Practical Nurses, Inc.), 2020 K Street NW., Suite 420, Washington, D.C. 20006.

D. (6) $1,600. E. (9) $170.

A. Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, Tex. 77001.

E. (9) $913.50.

A. Betty-Grace Terpstra, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500. E. (9) $144.77.

A. Textron, Inc., 40 Westminster Street, Providence, R.I. 02903.

E. (9) $9,896.27.

A. Bruce D. Thevenot, 1155 15th Street NW., No. 424, Washington, D.C. 20005.

B. Casson, Calligaro & Mutryn, 2500 Virginia Avenue NW., Washington, D.C. (For Humana, Inc., One Riverfront Plaza, P.O. Box 1438, Louisville, Ky. 40201.)
D. (6) $4,500.

A. Bruce D. Thevenot, 1155 15th Street NW., No. 424, Washington, D.C. 20005.
B. Oklahoma State Nursing Home Association, 200 NE., 28th Street, Oklahoma City, Okla. 71305.
D. (6) $800.

A. Bruce D. Thevenot, 1155 15th Street NW., No. 424, Washington, D.C. 20005.
B. Spectrum Emergency Care, Inc., 970 Executive Parkway, St. Louis, Mo. 63141.
D. (6) $4,100.

A. E. Wayne Thevenot, Inc., Suite 1128, 1120 Connecticut Avenue NW, Washington, D.C. 20036.
B. Hallmark Cards, 25th and McGee Streets, Kansas City, Mo. 64108.
D. (6) $2,200.

A. E. Wayne Thevenot, Inc., Thevenot, Murray & Scheer, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $600.

A. Thevenot, Murray, and Scheer, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Swaziland Sugar Association, Mbabane, Swaziland.

A. Craig G. Thibaudeau, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
E. (9) $48.30.

A. Barbara Brendes Thies, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Union Oil Co., 461 Bolyston Street, Los Angeles, Calif. 90017.

A. 13th Congressional District Action Committee, 860 Dearborn Place, Gilroy, Calif. 95020.
D. (6) $300. E. (9) $306.16.

A. 38th Pro Life Congressional District Action Committee, 8654 Bonview Terrace, Williamsville, N.Y. 14221.
E. (9) $30.

A. 36th Pro-Life Congressional District Action Committee, 129 Belmont Avenue, Buffalo, N.Y. 14223.
E. (9) $161.62.

A. Bryan Thomas, National Youth Pro-Life Coalition, 1467 A. Atkins Avenue, Lancaster, Pa. 17603.
B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.
E. (9) $97.

A. John W. Thomas, 1522 K Street NW., Suite 828, Washington, D.C. 20005.
B. American Veterinary Medical Association, 1522 K Street NW., Suite 828, Washington, D.C. 20005.

A. John W. Thomas, AAVMC, 1522 K Street NW., Suite 828, Washington, D.C. 20005.
B. Association of American Veterinary Medical Colleges, 1522 K Street NW., Suite 828, Washington, D.C. 20005.

A. Robert L. Thomas, National Association of Private Psychiatric Hospitals, 1701 K Street NW., Washington, D.C.
B. National Association of Private Psychiatric Hospitals, 1701 K Street NY., Suite 1205, Washington, D.C. 20006.
D. (6) $325.

A. Boyd Thompson, American Association of Foundations for Medical Care, 11325 Seven Locks Road, Potomac, Md. 20854.
B. American Association of Foundations for Medical Care, 11325 Seven Locks Road, Potomac, Md. 20854.

A. Boyd Thompson, American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Potomac, Md. 20854.
B. American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Potomac, Md. 20854.
E. (9) $2.50.

A. Charles P. Thompson, Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.
B. Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.
E. (9) $14,513.49.

A. Fred D. Thompson, Thompson & Crawford, 14th Floor, First American Center, Nashville, Tenn. 37238.
B. Westinghouse, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $600.

A. Kenneth W. Thompson, Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $300.

A. Richard L. Thompson, Abbott Laboratories, Abbott Laboratories, 1730 M Street NW., Suite 808, Washington, D.C. 20036.
B. Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064.

A. Roger G. Thompson, 1701 Central Avenue, Ashland, Ky. 41101.
B. Kentucky Power Co., 1701 Central Avenue, Ashland, Ky. 41101.
D. (6) $1,104. E. (9) $1,316.13.

A. William D. Thompson, Lear Siegler, Inc., 1001 Connecticut Avenue NW., Suite 601, Washington, D.C. 20036.
B. Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406.
D. (6) $3,000. E. (9) $224.12.

A. James L. Thorne, Tenneco, Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Tenneco, Inc., P.O. Box 2511, Houston, Tex. 77001.

A. Gil Thurm, 925 15th Street NW., Washington, D.C. 20005.
B. The National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) $193.43.

A. Victor Thuronyi, 6830 North Fairfax Drive, Arlington, Va. 22213.
B. Taxation .with Representation, 6830 North Fairfax Drive, Arlington, Va. 22213.
D. (6) $250.06. E. (9) $29.46.

A. Cyrus C. Tichenor III, 1050 17th Street NW., No. 1104, Washington, D.C. 20036.
B. A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, Va. 23220.
D. (6) $720. E. (9) $82.50.

A. Drew V. Tidwell, Consumer Bankers Association, 1725 K Street NW., Washington, D.C. 20006.
B. Consumer Bankers Association, 1725 K Street NW., Suite 1410, Washington, D.C. 20006.
D. (6) $2,000. E. (9) $7,105.39.

A. Judith M. Tiehen, 1405 Madison Street, Bellevue, Nebr. 68005.
B. National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.
E. (9) $313.

A. Paul J. Tierney, Transportation Association of America, 1100 17th Street NW., Suite 1107, Washington, D.C. 20036.
B. Transportation Association of America, 1100 17th Street NW., Suite 1107, Washington, D.C. 20036.

A. Roger Tilles, 1111 19th Street NW., Suite 1050, Washington, D.C. 20036.
B. Central Michigan University, Mount Pleasant, Mich. 48858.

A. Roger Tilles, 1111 19th Street NW., Suite 1050, Washington, D.C. 20036.
B. First National Monetary Corp., 4000 Town Center, 15th Floor, Southfield, Mich. 48075.

A. Roger Tilles, 1111 19th Street NW., Suite 1050, Washington, D.C. 20036.
B. Michigan Department of Education Room 520, Michigan National Tower, Lansing, Mich. 48909.

A. Roger Tilles, 1111 19th Street NW., Suite 1050, Washington, D.C. 20036.
B. Wayne State University, Detroit, Mich 48202.

A. Wallace F. Tillman, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $138.

A. Martin R. Tilson, Jr., P.O. Box 2563, Birmingham, Ala. 35202.
B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.
D. (6) $284.64. E. (9) $919.33.

A. C. H. Timberlake, Phillips Petroleum Co., 1825 K Street NW., Suite 1107, Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla.

A. Timmons & Company, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Inland Waterways Committee, 7733 Forsyth Boulevard, Suite 2201, St. Louis, Mo. 63105.
D. (6) $440.

A. Timmons & Company, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $862.50.

A. Timmons & Company, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.

A. Timmons & Company, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Chrysler Corp., P.O. Box 1919, Detroit, Mich.
D. (6) $687.50.

A. Timmons & Company, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Filmways, Inc., 2049 Century Park East, Los Angeles, Calif. 90067.
D. (6) $1,250.

A. Timmons & Company, Inc., 1850 K Street NW., Washington, D.C. 20006.

B. G. D. Searle & Co., P.O. Box 1045, Skokie, Ill. 60076.

D. (6) $467.50.

A. Timmons & Company, Inc., 1850 K Street NW., Washington, D.C. 20006.

B. H. J. Heinz Co., P.O. Box 57, Pittsburgh, Pa. 15230.

D. (6) $137.50.

A. Timmons & Company, Inc., 1850 K Street NW., Washington, D.C. 20006.

B. Major League Baseball, 75 Rockefeller Plaza, New York, N.Y. 10019.

D. (6) $495.

A. Timmons & Company, Inc., 1850 K Street NW., Washington, D.C. 20006.

B. Middle South Services, Inc., Box 61000, New Orleans, La. 70161.

D. (6) $1,567.50.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $437.50.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.

B. Northrop Corp., 1701 North Fort Myer Drive, Arlington, Va. 22209.

D. (6) $562.50.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.

B. Office of the Governor of the State of Alaska, 444 North Capitol Street NW., Washington, D.C. 20001.

D. (6) $1,875.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.

B. Standard Oil Co. of Indiana, 1000 16th Street NW., Washington, D.C. 20036.

D. (6) $718.75.

A. E. Linwood Tipton, 910 17th Street NW., Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Eben S. Tisdale, Scientific Apparatus Makers Association, 1101 16th Street NW., Washington, D.C. 20036.

B. Scientific Apparatus Makers Association, 1101 16th Street NW., Washington, D.C. 20036.

D. (6) $1,450. E. (9) $374.78.

A. Title Associates, Inc., Route 2, Box 89, Columbia, Tenn. 38401.

A. C. Richard Titus, American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Tobacco Associates, Inc., 1101 17th Street NW., Suite 912, Washington, D.C. 20036.

E. (9) $1,563.50.

A. James R. Tobin, Becton Dickinson and Co., Mack Centre Drive, Paramus, N.J. 07652.

B. Becton Dickinson and Co., Mack Centre Drive, Paramus, N.J. 07652.

D. (6) $2,000.

A. Mary A. Tobin, 1899 L Street NW., Suite 1100, Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

E. (9) $40.93.

A. Warren D. Toburen, Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.

B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.

D. (6) $217.

A. David G. Todd, 1025 Connecticut Avenue, Suite 507, Washington, D.C. 20036.

B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.

D. (6) $2,000.

A. M. Douglas Todd, American Nuclear Energy Council, 410 First Street SE., Washington, D.C.

B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.

D. (6) $1,500.01 E. (9) $28.32.

A. William R. Tolley, Jr., Harris Corp., Melbourne, Fla. 32919.

B. Harris Corp., Melbourne, Fla. 32919.

E. (9) $58.

A. Davis J. Tomasin, The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

D. (6) $6,012.30. E. (9) $26,365.35.

A. John M. Torbet, 3117 14th Street South, Arlington, Va. 22204.

B. Rockwell International.

A. Jay C. Townley, 715 South Harvey, Oak Park, Ill. 60304.

B. Schwinn Bicycle Co., 1856 North Kostner Avenue, Chicago, Ill. 60639.

A. Burke A. Tracey, Traffic and Transportation Consultant, 2111 Jefferson Davis Highway, Apartment 1009–S, Arlington, Va. 22202.

E. (9) $3,205.

A. John P. Tracey, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.

B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.

D. (6) $1,000.

A. Joseph P. Trainor, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.

D. (6) $6,000. E. (9) $1,480.

A. Transportation Association of America, 1100 17th Street NW., Suite 1107, Washington, D.C. 20036.

A. Transportation Institute, 923 15th Street NW., Washington, D.C.

E. (9) $4,931.37.

A. Paula C. Treat, National Home Furnishings Association, 900 17th Street NW., Suite 514, Washington, D.C. 20006.

B. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.

D. (6) $865.

A. Richard S. Tribbe, Trans World Airlines, Inc., 1000 16th Street NW., Washington, D.C. 20036.

B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016.

D. (6) $275.

A. Paul E. Trimble, Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio 44113.

B. Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio 44113.

A. William C. Triplett II, American Honda Motor Co., Inc., 955 L'Enfant Plaza SW., Washington, D.C. 20024.

B. American Honda Motor Co., Inc., 100 West Alondra Boulevard, Gardena, Calif. 90247.

D. (6) $150. E. (9) $30.30.

A. Glenwood S. Troop Jr., U.S. League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.

D. (6) $16,500. E. (9) $104.

A. Leonard M. Trosten, 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20036.

B. LeBoeuf, Lamb, & MacRae, (for Ad Hoc Rail Shippers Group), 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20036.

D. (6) $263.

A. George G. Troutman, 1901 North Fort Myer Drive, No. 809, Arlington, Va. 22209.

B. General Electric Co.

D. (6) $100.

A. Thomas L. Trueblood, International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.

B. International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.

D. (6) $1,000. E. (9) $1,601.75.

A. The Trust for Public Land, 82 Second Street, San Francisco, Calif. 94105.

E. (9) $2,029.91.

A. Jerry R. Tucker, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 1757 N Street NW., Washington, D.C. 20036.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $7,961.66. E. (9) $23.80.

A. Philip J. Tulimieri, Jr., Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

A. Tuna Research Foundation, Inc., 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $2,762.52. E. (9) $3,230.29.

A. Richard F. Turney, 1725 K Street NW., Washington, D.C. 20006.

B. Courtney & McCamant, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $300.

A. St. Clair J. Tweedie, Scientific Apparatus Makers Association, 1101 16th Street NW., Washington, D.C. 20036.

B. Scientific Apparatus Makers Association, 1101 16th Street NW., Washington, D.C. 20036.

D. (6) $2,100.

A. Edgar H. Twine, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

D. (6) $400. E. (9) $20.50.

A. G. John Tysse, Kimberly-Clarke Corp., 1730 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.
D. (6) $150. E. (9) $50.

A. Jerry G. Udell, American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
D. (6) $300. E. (9) $100.

A. E. Carl Uehlein, Jr., 1800 M Street NW., Suite 800–N, Washington, D.C. 20036.
B. Morgan, Lewis & Bockius (for Evans Products, 1121 Southwest Salmon Street, Portland, Oreg. 97208), 1800 M Street NW., Suite 800–N, Washington, D.C. 20036.
D. (6) $250.

A. John C. Uehlinger, 501 North Quaker Lane, Alexandria, Va. 22304.
B. American Congress on Surveying and Mapping (ACSM), 210 Little Falls Street, Falls Church, Va. 22046.,
D. (6) $739.06.

A. Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine.
E. (9) $206.

A. United Action for Animals, Inc., 205 East 42d Street, New York, N.Y. 10017.
D. (6) $2,173.13. E. (9) $2,173.13.

A. United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
E. (9) $2,271.65.

A. United Fresh Fruit and Vegetable Association, North Washington at Madison, Alexandria, Va. 22314.
D. (6) $599.85. E. (9) $599.85.

A. United Gas Pipe Line Co., P.O. Box 1478, Houston, Tex. 77001.
E. (9) $2,488.36.

A. U.S. Cane Sugar Refiners Association, 1001 Connecticut Avenue, Washington, D.C. 20036.
D. (6) $7,708.75. E. (9) $6,065.62.

A. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $970. E. (9) $970.

A. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
E. (9) $136,373.90.

A. U.S. Maritime Committee, Inc., 600 New Hampshire Avenue NW., Washington, D.C. 20037.
D. (6) $5,718.75. E. (9) $1,921.25.

A. U.S. and Overseas Tax Fairness Committee, Inc., 1101 15th Street NW., No. 1000, Washington, D.C. 20005.
D. (6) $22,850. E. (9) $72,059.55.

A. United Van Lines, Inc., 1 United Drive, Fenton, Mo. 63026.
E. (9) $6,363.31.

A. Lloyd N. Unsell, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $47.50.

A. Updike, Kelly & Spellacy, 1111 19th Street NW., Washington, D.C. 20036.
B. Danbury Airways, Inc., 49 Miry Brook Road, Danbury, Conn. 06810.
D. $2,300. E. (9) $9.70.

A. Mathew Valencic, HALT, Inc., 10 E Street SE., Washington, D.C. 20003.
B. HALT, Inc., 10 E Street SE., Washington, D.C. 20003.
D. (6) $400.

A. Jack J. Valenti, 1600 Eye Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 Eye Street NW., Washington, D.C. 20006.

A. Roy Thomas Van Arsdall, 1800 Massachusetts NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,125.

A. David T. Van Camp, Chevron U.S.A., Inc., 1700 K Street NW., Suite 1204, Washington, D.C. 20006.
B. Chevron U.S.A., Inc. (a subsidiary of Standard Oil Company of California), 1700 K Street NW., Suite 1204, Washington, D.C. 20006.
D. (6) $450.

A. C. D. Van Houweling, P.O. Box 69, Centreville, Va. 22020.
B. National Pork Producers Council, P.O. Box 10383, Des Moines, Iowa 50306.
D. (6) $61.25.

A. Nicholas L. Van Nelson, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Alaska Petrochemical Co., 3700 Buffalo Speedway, Suite 806, Houston, Tex. 77098.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Allied General Nuclear Services, P.O. Box 847, Barnwell, S.C. 29812.
D. (6) $1,375. E. (9) $117.41.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. American Institute for Certified Public Accountants, 1620 Eye Street NW., Washington, D.C. 20006.
D. (6) $200.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. American President Lines, Ltd., 1950 Franklin Street, Oakland, Calif. 94612.
D. (6) $1,950. E. (9) $5.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Arctic Slope Regional Corp., Barrow, Alaska.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Basin, Inc., P.O. Box 2297, Midland, Tex. 79702.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
D. (6) $1,687.50. E. (9) $189.13.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Dual Energy, Inc., 5001 E. Washington Street, Suite 116, Phoenix, Ariz. 85034.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Huntington's Disease Coalition, 250 West 57th Street, New York, N.Y. 10019.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington D.C. 20036.
B. North Slope Borough, P.O. Box 69, Barrow, Alaska 99723.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington D.C. 20036.
B. Northern Tier Pipeline Co., 1776 Lincoln Street, P.O. Box 5568, Denver, Colo. 80217.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington D.C. 20036.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $125. E. (9) $25.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Palm Beach-Broward Farmers Committee for Legislative Action, P.O. Box 396, Boynton Beach, Fla. 33435.
D. (6) $66.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Republic Geothermal, Inc., 11823 East Slauson Avenue, Suite 1, Santa Fe Springs, Calif. 96070.
D. (6) $718. E. (9) $114.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. South Florida Tomato & Vegetable Growers Association, P.O. Drawer B.B., Homestead, Fla. 33030.
D. (6) $66.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Southwest Winter Vegetable Growers Association, P.O. Box 1670, Immokalle, Fla. 33934.
D. (6) $66.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington D.C. 20036.
B. 25 E Street Associates, 1220 19th Street, NW., Suite 500, Washington, D.C. 20036.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington D.C. 20036.
B. Western Crude Oil, Inc., P.O. Box 5568, Denver, Colo. 80217.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Wheelabrator-Frye, Inc., Liberty Lane, Hampton, N.H. 03842.
D. (6) $315. E. (9) $66.80

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Windfarms, Ltd., 402 Jackson Street, San Francisco, Calif. 94111.
D. (6) $165.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.

B. Yellowstone Park Co., Yellowstone National Park, Wyo. 82190.

D. (6) $487.50.

A. John A. Vance, Pacific Gas & Electric Co., 1050 17th Street NW., No. 1180, Washington, D.C. 20036.

B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.

D. (6) $1,700. E. (9) $906.65.

A. R. Dick Vander Woude, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $953. E. (9) $293.95.

A. Murle L. Vaughan, Beneficial Management Corp. of America, 1700 North Moore Street, 1925 Rosslyn Center Building, Arlington, Va. 22209.

B. Beneficial Management Corp. of America, 1300 Market Street, Wilmington, Del. 19899.

A. Christine L. Vaughn, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $891.64. E. (9) $87.07.

A. Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611.

D. (6) $240.41. E. (9) $240.41.

A. Jerry T. Verkler, P.O. Box 2521, Houston, Tex. 77001.

B. Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Tex. 77001.

A. C. John Vermilye, United States Steel Corp., 818 Connecticut Avenue, NW., Washington, D.C. 20006.

B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.

D. (6) $16.54. E. (9) $1.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.

B. Hellenic Republic of Greece, 2221 Massachusetts Avenue NW., Washington, D.C. 20008.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Washington, D.C. 20036.

B. Labor-Industry Coalition for International Trade, Suite 1100, 1660 L Street NW., Washington, D.C. 20036.

D. (6) $700.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Suite 1100, Washington, 20036.

B. Pan Am World Airways, Inc., Pan Am Building, New York, N.Y. 10017.

D. (6) $1,612.50.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Washington, D.C. 20036.

B. Twin Coasts Newspaper, Inc., 110 Wall Street, New York, N.Y. 10005.

D. (6) $615.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Vinson & Elkins (for: City of Houston) 1101 Connecticut Avenue NW., Washington, D.C. 20036.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036.

B. Vinson & Elkins (for: Continental Resources Company) 1101 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $6,431.25. E. (6) $1,915.10.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036.

B. Vinson & Elkins (for: First City Bancorp) 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Vinson & Elkins (for Houston Natural Gas Corp.), 1101 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $712.50. E. (9) $5.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Vinson & Elkins (for Slurry Transport Association), 1101 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $4,293.75. E. (9) $52.30.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Vinson & Elkins (for Texas Eastern Transmission Corp.), 1101 Connecticut Avenue NW., Washington, D.C. 20036.

A. John C. Vickerman, American Society of Association Executives, 1575 I Street NW., Washington, D.C. 20005.

B. American Society of Association Executives, 1575 I Street NW., Washington, D.C. 20005.

A. David Vienna, David Vienna & Associates, 510 C Street NE., Suite 100, Washington, D.C. 20002.

B. Medi-Cal Audit Project, State of California, State Capitol, Sacramento, Calif. 95814.

A. David Vienna, David Vienna & Associates, 510 C Street NE., Suite 100, Washington, D.C. 20002.

B. National Association of Credit Management, 475 Park Avenue South, New York, N.Y. 10016.

D. (6) $2,570. E. (9) $246.86.

A. R. Eric Vige, Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.

B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.

A. Karen Lynn Vigneux, 125 West Locust Street, DeKalb, Ill. 60115.

B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

E. (9) $298.

A. Rudolph A. Vignone, Goodyear Tire & Rubber Co., 1800 K Street NW., Suite 800, Washington, D.C. 20006.

B. Goodyear Tire & Rubber Co., Akron, Ohio 44316.

D. (6) $1,500.

A. Howard A. Vine, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 K Street NW., Washington, D.C. 20006.

D. (6) $400.

A. Walter D. Vinyard, Jr., Alston, Miller & Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.

B. Continental Insurance Companies, 80 Maiden Lane, New York, N.Y. 10036.

D. (6) $770. E. (9) $6.

A. Walter D. Vinyard, Jr., Alston, Miller & Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.

B. Hartford Fire Insurance Co., Hartford, Conn. 06115.

E. (9) $9.75.

A. Walter D. Vinyard, Jr., Alston, Miller & Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.

B. St. Paul Fire & Marine Insurance Co., 385 Washington Street, St. Paul, Minn. 55102.

D. (6) $1,500.

A. Andrew Vitali, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $6,000.

A. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092; 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C. 20024.

E. (9) $1,293.78.

A. Abe J. Voron, 6204 White Oak Lane, Tamarac, Fla. 33319.

B. National Radio Broadcasters Association, Suite 500, 1705 De Sales Street NW., Washington, D.C. 20036.

D. (6) $2,300. E. (9) $1,625.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.

B. Grocery Manufacturers of America, 1010 Wisconsin Avenue NW., Washington, D.C.

D. (6) $2,005.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.

B. International Agricultural Development Service, 1133 Avenue of the Americas, New York, N.Y. 10036.

D. (6) $11,400. E. (9) $477.70.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.

B. J. Paul McNamara, 88 East Broad Street, Columbus, Ohio 43215.

D. (6) $675.83. E. (9) $46.62.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.

B. Ohio Manufacturers Association, 100 East Broad Street, Columbus, Ohio 43215.

D. (6) $1,125. E. (9) $14.47.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.

B. Virginia State University, Petersburg, Va. 23803.

D. (6) $1,412. E. (9) $164.85.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.

B. Wagnalls Memorial, 150 East Columbus Street, Lithropolis, Ohio.

D. (6) $300. E. (9) $2.

A. Donn L. Waage, 1200 Northwestern Bank Building, Minneapolis, Minn. 55480.

B. Northwest Bancorp., 1200 Northwestern Bank Building, Minneapolis, Minn. 55480.

D. (6) $350. E. (9) $345.48.

A. Linda Wade, Sierra Club, 2410 Beverly Boulevard, Suite 2, Los Angeles, Calif. 90057.

B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.

A. Robert J. Wager, 2020 K Street NW., Suite 850, Washington, D.C. 20006.

B. American Bakers Association, 2020 K Street NW., Suite 850, Washington, D.C. 20006.

D. (6) $810. E. (9) $6.40.

A. Herbert R. Waite, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
D. (6) $2,465. E. (9) $2,629.05.

A. Herbert R. Waite, First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.
B. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. Wald, Harkrader & Ross, 1300 19th Street NW., Washington, D.C. 20036.
B. Chemtex Fibers Inc., 850 Third Avenue, New York, N.Y. 10022.

A. Robert E. Waldron, Associated Petroleum Industries of Michigan, P.O. Box 10070, Lansing, Mich. 48901.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $556.31. E. (9) $235.15.

A. E. F. Waldrop, Jr., Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $1,215.34.

A. Charles W. Walker, International Brotherhood of Electrical Workers, 1125 15th Street NW., Washington, D.C. 20005.
B. International Brotherhood of Electrical Workers AFL-CIO-CLC, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $8,000.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Agrico Chemical Co., Bank of Oklahoma Tower, 1 Williams Center, Tulsa, Okla. 74103, et al.
D. (6) $5,700.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Airco, Inc., 100 Mountain Avenue, Murray Hill, N.J. 07974.
D. (6) $125.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Aluminum Company of America, 1200 Ring Building, Washington, D.C. 20036.
D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Airlines, Inc., P.O. Box 61616, Dallas/Ft. Worth Regional Airport, Tex. 75261.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Can Co., American Lane 1A9, Greenwich, Conn. 06830.
D. (6) $125.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Anheuser-Busch, Inc., 727 North First Street, St. Louis, Mo. 63102.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Ashland Chemical, P.O. Box 2219, Columbus, Ohio 43216.
D. (6) $125.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. BASF Wyandotte Corp., 100 Cherry Hill Road, Parsippany, N.J. 07054.
D. (6) $125.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Bechtel Power Corp., 1620 I Street NW., Washington, D.C. 20006.
D. (6) $550.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Bethlehem Steel Corp., Bethlehem, Pa. 18016.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Board of Trade of the City of Chicago, 141 West Jackson Boulevard, Chicago, Ill. 60604.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Board of Trade Clearing Corp., 141 West Jackson Boulevard, Chicago, Ill. 60604.
D. (6) $3,000.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Chicago Mercantile Exchange, 444 West Jackson Boulevard, Chicago, Ill. 60606.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Commodity Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Crown Zellerbach Corp., 1 Bush Street, San Francisco, Calif. 94119.
D. (6) $125.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Dealer Bank Association, 1800 K Street NW., Washington, D.C. 20006.
D. (6) $1,875.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Deere & Co., John Deere Road, Moline, Ill. 61265.
D. (6) $600.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Dresser Industries, Inc., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Eastern Air Lines, Inc., 10 Rockefeller Plaza, New York, N.Y. 10020.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. First Chicago Corp., 1 First National Plaza, Chicago, Ill. 60670.
D. (6) $1,250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. FMC Corp., 2000 Market Street, Philadelphia, Pa. 19103.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. General Telephone & Electronics, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Geothermal Kinetics, Inc., 301 West Indian School Road, Phoenix, Ariz. 85013.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Goodyear Tire and Rubber Co., 1800 K Street NW., Washington, D.C. 20006.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Hercules, Inc., 910 Market Street, Wilmington, Del. 19899.
D. (6) $125.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Kaiser Aluminum and Chemical Corp., 900 17th Street NW., Suite 1000, Washington, D.C. 20006.
D. (6) $125.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Lone Star Steel Co., 2200 W. Mockingbird Lane, Dallas, Tex. 75215.
D. (6) $125.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Northwest Industries, Inc., 6300 Sears Tower, Chicago, Ill. 60606.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Olin Corp., 120 Lake Ridge Road, Stamford, Conn. 06904.
D. (6) $125.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659.

D. (6) $125.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Owens-Illinois, Inc., P.O. Box 1035, Toledo, Ohio 43666.

D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pan American World Airways, Inc., Pam Am Building, New York, N.Y. 10017.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Procter & Gamble Co., Cincinnati, Ohio 45201.

D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pullman-Kellogg, Division of Pullman, Inc., 1300 Three Greenway Plaza East, Houston, Tex. 77046.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pullman-Swindell, Division of Pullman Inc., 441 Smithfield Street, Pittsburgh, Pa. 15222.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

D. (6) $375.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. United Air Lines, Inc., P.O. Box 66100, Chicago, Ill. 60666.

A. Linda Walker-Hill, 1425 K Street NW., Washington, D.C.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Warren W. Walkley, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

A. R. Duffy Wall, Freeport Minerals Co., 1050 17th Street NW., No. 301, Washington, D.C. 20036.

B. Freeport Minerals Co., 200 Park Avenue, New York, N.Y. 10166.

D. (6) $250.

A. Carl S. Wallace, Purolator, Inc., 1800 K Street NW., Suite 614, Washington, D.C. 20006.

B. Purolator, Inc., 255 Old New Brunswick Road, Piscataway, N.J. 08854.

D. (6) $903.83.

A. Don Wallace Associates, Inc., 232 East Capitol Street, Washington, D.C. 20003.

B. American Sugar Cane League of the U.S.A., Inc., 416 Whitney Building, New Orleans, La. 70130.

D. (6) $6,000. E. (9) $2,300.

A. Don Wallace Associates, Inc., 232 East Capitol Street, Washington, D.C. 20003.

B. American Textile Machinery Association, 1730 M Street NW., Suite 804, Washington, D.C. 20036.

D. (6) $750.

A. Don Wallace Associates, Inc., 232 East Capitol Street, Washington, D.C. 20003.

B. Applied Ceramic Technologies, Inc., 418 East Ninth Street, Rochester, Ind. 46975.

D. (6) $600. E. (9) $425.

A. Don Wallace Associates, Inc., 232 East Capitol Street, Washington, D.C. 20003.

B. Cotton Warehouse Association, 232 East Capitol Street, Washington, D.C. 20003.

D. (6) $11,000. E. (9) $2,000.

A. Jean Marie Wallace, 1370 Bluejay Drive, Pittsburgh, Pa. 15243.

B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

E. (9) $97.

A. Raymond C. Wallace, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Lionel L. Wallenrod, 260 Madison Avenue, New York, N.Y. 10016.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. R. Douglas Wallin, Jr., 1745 Jefferson Davis Highway, Arlington, Va. 22202.

B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

A. Maureen Walls, 2102 Rhawn Street, Philadelphia, Pa. 19152.

B. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

E. (9) $117.25.

A. Eleanor Walters, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $750.

A. Bonnie Wan, Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.

B. Montgomery Ward & Co., Inc., One Montgomery Ward Plaza, Chicago, Ill. 60671.

A. John F. Wanamaker, the Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.

B. The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.

D. (6) $1,299.

A. Barbara Wanner, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $50.

A. Alan S. Ward, 818 Connecticut Avenue NW., Washington, D.C. 20006.

B. Baker & Hostetler, 818 Connecticut Avenue NW., Washington, D.C. 20006.

A. G. Fletcher Ward, Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.

B. Montgomery Ward & Co., Inc., One Montgomery Ward Plaza, Chicago, Ill. 60671.

E. (9) $50.

A. Gregg Ward, SMACNA, 8224 Old Courthouse Road, Vienna, Va. 22180.

B. Sheet Metal & Air Conditioning Contractors' National Association (SMACNA), 8224 Old Courthouse Road, Vienna, Va. 22180.

D. (6) $800.

A. John E. Ward, 182 Soundview Avenue, White Plains, N.Y. 10606.

B. Meat Importers Council of America, Inc., 1901 North Fort Myer Drive, Arlington, Va. 22209.

A. Richard D. Warden, Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $7,692.32 E. (9) $259.91.

A. Richard D. Warden, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), 1757 N Street NW., Washington, D.C. 20036.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $5,935.50. E. (9) $80.20.

A. Michael O. Ware, Conoco Inc., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Conoco Inc., High Ridge Park, Stamford, Conn. 06904.

D. (6) $1,000.

A. Peter F. Warker, TRW Inc., 2030 M Street NW., Washington, D.C. 20036.

B. TRW Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $1,250.

A. Warner Communications Inc., 75 Rockefeller Plaza, New York, N.Y. 10019.

A. Ernest R. Warner, Jr., DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac France), 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $437.28. E. (9) $204.

A. Betsy R. Warren, 1111 19th Street NW., Washington, D.C. 20036.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $2,571. E. (9) $96.61.

A. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.

E. (9) $1,123.

A. Washington State NARAL, P.O. Box 15549, Seattle, Wash. 98115.

D. (6) $5,331.14. E. (9) $5,364.85.

A. Ralph J. Watson, 1745 Jefferson Davis Highway, Arlington, Va. 22202.

B. Rockwell International, 1745 Jefferson Davis Highway, Arlington, Va. 22202.

D. (6) $495. E. (9) $214.17.

A. Carolyn Herr Watts, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $25.

A. George B. Watts National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.

B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $1.500.

A. James L. Watts, NASBIC, 618 Washington Building, Washington, D.C. 20005.

B. National Association of Small Business Investment Companies, 618 Washington Building, Washington, D.C. 20005.
D. (6) $1,200.

A. Judith G. Waxman, National Health Law Program, 1424 16th Street, Suite 304, Washington, D.C. 20036.
B. National Health Law Program, 2639 South La Cienaga Boulevard, Los Angeles, Calif. 90034.
D. (6) $1,704.82. E. (9) $1,627.15.

A. William J. Way, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $2,500. E. (9) $317.31.

A. Raymond J. Weatherly, 2733 Carter Farm Court, Alexandria, Va. 22306.
B. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.
D. (6) $500. E. (9) $50.

A. William H. Weatherspoon, NC Petroleum Council, P.O. Box 167, Raleigh, N.C. 27602.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $300. E. (9) $435.73.

A. Douglas M. Webb, Kennecott Corp., 1111 19th Street NW., Suite 310, Washington, D.C. 20036.
B. Kennecott Corp., Ten Stamford Forum, Stamford, Conn. 06904.
D. (6) $500. E. (9) $123.30.

A. Frederick L. Webber, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street N.W., Washington, D.C. 20036.
D. (6) $4,221.

A. Jack Weber, 1010 Wisconsin Avenue NW. Suite 800, Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006
B. American Society of Radiologic Technologists, 500 North Michigan Avenue, Suite 836, Chicago, Ill. 60611.
D. (6) $1500.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006
B. Charles Stewart Mott Foundation, Mott Foundation Building, Flint, Mich. 48502.
D. (6) $1,000. E. (9) $7.65.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Club Association, 1625 I Street NW., Washington, D.C. 20006.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Sporting Goods Association, 717 North Michigan Avenue, Chicago, Ill. 60611.

A. John F. Webster, International Business Machines, 1801 K Street NW., Washington, D.C. 20006.
B. International Business Machines, Old Orchard Road, Armonk, N.Y. 10504.
D. (6) $367.20. E. (9) $167.25.

A. Webster & Sheffield, 1750 New York Avenue NW., Suite 830, Washington, D.C. 20006.
B. National Conference of Bankruptcy Judges, c/o Webster & Sheffield, 1750 New York Avenue NW., Washington, D.C. 20006.
D. (6) $5,000. E. (9) $327.73.

A. Webster & Sheffield, One Rockefeller Plaza, New York, N.Y. 10020.
B. Smith, Barney Real Estate Corp., 1345 Avenue of the Americas, New York, N.Y. 10105.
E. (9) $1,199.

A. Fred Wegner, National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $426.92. E. (9) $144.05.

A. Lauren Weilburg, 1611 North Kent Street, Suite 803-A, Arlington, Va. 22209.
B. American Osteopathic Association, 1611 North Street, Suite 803-A, Arlington, Va. 22209.
D. (6) $646. E. (9) $205.70.

A. Donald G. Weinert, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Joan Weinstock, American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o Dr. Wendell D. Waldie, 3111 Aloma, Wichita, Kans. 67211.
D. (6) $108.10. E. (9) $437.04.

A. Weisman, Cellar, Spett, Modlin & Wertheimer, 1025 Connecticut Avenue NW., No. 317, Washington, D.C. 20036.
B. Canada-France-Hawaii Telescope Corp., P.O. Box 1571, Kamuela, Hawaii 96743.
D. (6) $2,000.

A. Weisman, Cellar, Spett, Modlin & Wertheimer, 1025 Connecticut Avenue NW., No. 317, Washington, D.C. 20036.
B. Council of Creative Artists, Libraries and Museums, 250 West 57th Street, New York, N.Y.
D. (6) $500.

A. Weisman, Cellar, Spett, Modlin & Wertheimer, 1025 Connecticutt Avenue, NW., No. 317, Washington, D.C. 20036.
B. National Football League Players Association, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000.

A. Weisman, Cellar, Spett, Modlin & Wertheimer, 1025 Connecticut Avenue NW., No. 317, Washington, D.C. 20036.
B. Trans-Lux Corp., 110 Richards Avenue, Norwalk, Conn. 06854.
D. (6) $1,500.

A. Michael A. Weiss, Tenneco Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001.
D. (6) $935.55. E. (9) $135.

A. Morton N. Weiss, 55 Broad Street, New York, N.Y. 10004.
B. National Security Traders Association, Inc., 55 Broad Street, New York, N.Y. 10004.
D. (6) $2,000. E. (9) $295.07.

A. Judith H. Weitz, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Children's Defense Fund, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $793.09. E. (9) $60.75.

A. Paul S. Weller, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $6,300.

A. L. H. Wells, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. W. R. Werner, CertainTeed Corp., 1627 K Street NW., Suite 610, Washington, D.C. 20006.
B. CertainTeed Corp., P.O. Box 860, Valley Forge, Pa. 19482.

A. Fred Wertheimer, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $10,500. E. (9) $89.

A. Joy Cherie West, 806 15th Street NW., Suite 600, Washington, D.C. 20005.
B. Migrant Legal Action Program, 806 15th Street NW., Suite 600, Washington, D.C.
D. (6) $4,279.44. E. (9) $5,691.49.

A. Harry H. Westbay III, St. Regis Paper Co., 1625 I Street NW., No. 805, Washington, D.C. 20006.
B. St. Regis Paper Co., 1550 East 42d Street, New York, N.Y. 10017.
D. (6) $1,350. E. (9) $650.

A. The Western Co. of North America, P.O. Box 186, Fort Worth, Tex. 76101.
E. (9) $29.80.

A. Western Growers Association, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
E. (9) $900.

A. Western Radiological Group, Suite 2, 2044 Armacost Avenue, Los Angeles, Calif. 90025.

A. F. Helmut Weymar, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, Eighth Floor, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, 4 World Trade Center, Eighth Floor, New York, N.Y. 10048.

A. Brian B. Whalen, International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
B. International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $1,250. E. (9) $393.13.

A. Curtis E. Whalen, P.O. Box 44, Winter Park, Fla. 32790.
B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
E. (9) $2,974.44.

A. Clyde A. Wheeler, Jr., Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $15,000. E. (9) $50.75.

A. Edwin M. Wheeler, Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
E. (9) $25.

A. Thomas E. Wheeler, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $1,063. E. (9) $5.85.

A. June M. Whelan, Union Pacific Corp., 815 Connecticut Avenue NW., Suite 810, Washington, D.C. 20006.

B. Union Pacific Corp., 345 Park Avenue, New York, N.Y. 10022.

D. (6) $1,250. E. (9) $109.27.

A. William Whichard, Jr., 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90036.

A. Ronald L. Whillock, Evans Products Co., 1121 Southwest Salmon Street, Portland, Oreg. 97205.

B. Evans Products Co., 1121 Southwest Salmon Street, Portland, Oreg. 97205.

D. (6) $7.50. E. (9) $914.20.

A. White & Case, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American International Group, Inc., 70 Pine Street, New York, N.Y. 10005.

D. (6) $1,700.

A. Donald F. White, American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.

D. (6) $1,000. E. (9) $50.

A. White, Fine & Verville, 1156 15th Street NW., Suite 302, Washington, D.C. 20005.

B. Turlock Irrigation District, P.O. Box 949, 333 East Canal Street, Turlock, Calif. 95380.

D. (6) $6,471.25.

A. John C. White, Private Truck Council of America, Inc., 1101 17th Street NW., Washington, D.C. 20036.

B. Private Truck Council of America, Inc., 1101 17th Street NW., No. 310, Washington, D.C. 20036.

E. (9) $20.

A. John S. White, Marathon Oil Co., 1800 M Street NW., Washington, D.C., 20036.

B. Marathon Oil Co., Findlay, Ohio 45840.

A. John Thomas White, II, Tenneco Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

B. Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001.

D. (6) $1,375. E. (9) $150.

A. Bryan K. Whitehead, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006. Steamship Clerks

B. Brotherhood of Railway, Airlines & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.

D. (6) $800. E. (9) $900.

A. Donald W. Whitehead, Suite 335, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. Emergent Technologies Inc., Drawer 3218, San Jose, Calif. 95156.

D. (6) $1,000. E. (9) $25.

A. Donald W. Whitehead, Suite 335, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. Thetford Corp., Box 1285, Ann Arbor, Mich. 48106.

D. (6) $1,000. E. (9) $117.

A. Alton W. Whitehouse, 1750 Midland Building, Cleveland, Ohio 44115.

B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Gary L. Whittle, N.C. Petroleum Council, P.O. Box 167, Raleigh, N.C. 27602.

B. American Petroleum Institute, 2101 L Street, NW., Washington, D.C. 20037.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington D.C., 20036.

B. Encyclopædia Britannica, Inc., 425 North Michigan Avenue, Chicago, Ill. 60611.

D. (6) $1,875.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. Ryder System, Inc., 3600 NW., 82d Avenue, Miami, Fla. 33166.

D. (6) $825.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. Trailer Train Co., 300 South Wacker Drive, Chicago, Ill. 60606.

D. (6) $125.

A. Nina Faye Widenmann, Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.

B. Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz., 85036.

E. (9) $8,679.83.

A. Richard J. Wiechmann, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Rebecca Wilcox, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Foundation Health Plan, Inc.

D. (6) $5,000.

A. Wilcox & Sharood, 1899 L Street NW., Washington, D.C. 20036.

B. National Association of Stevedores, 1899 L Street NW., Washington, D.C. 20036.

D. (6) $6,800. E. (9) $10,627.58.

A. Jerry C. Wilkerson, 1025 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20036.

B. International Franchise Association, 1025 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20036.

D. (6) $650. E. (9) $2,955.

A. Ralph E. Willham, 1750 New York Avenue NW., Washington, D.C. 20006.

B. Sheet Metal Workers International Association, 1750 New York Avenue NW., Washington, D.C. 20006.

D. (6) $8,550.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.

D. (6) 156.25.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. The LTV Corp., LTV Tower, 1525 Elm Street, Dallas, Tex. 75201.

D. (6) $300.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. Ralph A. Pari, Rhode Island Housing & Mortgage Finance Corp., Suite 1700, 40 Westminster Street, Providence, R.I. 02903.

D. (6) $600. E. (9) $39.81.

A. Williams & Connolly, 839 17th Street NW., Washington, D.C. 20006.

B. William H. Sullivan, Jr., 500 Neponset Avenue, Dorchester, Mass. 02122.

E. (9) $37.02.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. Westlands Water District, 567 West Shaw, Fresno, Calif. 93704.

A. Harry D. Williams, Ashland Oil, Inc., 1025 Connecticut Avenue NW., Suite 507, Washington, D.C. 20036.

B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.

D. (6) $5,000.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.

D. (6) $18. E. (9) $4.93.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Quasar Petroleum Co., 2500 Fort Worth National Bank Building, Fort Worth, Tex. 76102.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Association for Responsible Housing Policy, Inc., 1101 Connecticut Avenue NW., No. 500, Washington, D.C. 20036.

D. (6) $925. E. (9) $29.58.

A Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Bangor Punta Operations, Inc., 1 Greenwich Plaza, Greenwich, Conn. 06830.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. C. Brewer & Co., Ltd., P.O. Box 1826, Honolulu, Hawaii 96301.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Burger King Corp., 7360 North Kendall Drive, Miami, Fla. 33152.

D. (6) $200. E. (9) $4.93.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Consolidated Foods Corp., 135 South LaSalle Street, Chicago, Ill. 60603.

D. (6) $95. E. (9) $4.93.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Domestic Petroleum Council, 1101 Connecticut Avenue NW., No. 500, Washington, D.C. 20036.

D. (6) $500. E. (9) $9.86.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Feather and Down Association, 4441 Auburn Boulevard, Suite O, Sacramento, Calif. 95841.

D. (6) $30. E. (9) $4.93.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Hawaiian Sugar Planters Association, 1511 K Street NW., Suite 723, Washington, D.C. 20005.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. E. F. Hutton & Co., Inc., 1 Battery Park Plaza, New York, N.Y. 10004.

D. (6) $1,417.50.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Institute for Due Process for Financial Institutions, 1130 17th Street NW., Washington, D.C. 20036.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. IU International Management Corp., 1500 Walnut Street, Philadelphia, Pa. 19102.

D. (6) $18,055. E. (9) $478.23.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Lanham Act Preservation Association, 1101 Connecticut Avenue NW., No. 500, Washington, D.C. 20036.

D. (6) $250. E. (9) $4.93.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Louisiana Land & Exploration Co., P.O. Box 60350, New Orleans, La. 70160.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Water Companies, Suite 1110, 1019 19th Street NW., Washington, D.C. 20036.

D. (6) $685. E. (9) $29.58.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

D. (6) $12,236.24. E. (9) $414.12.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Newport Pharmaceuticals International, Inc., 1590 Monrovia Boulevard, Newport Beach, Calif. 92660.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Olympia & York Developments Limited, 1 First Canadian Place, Toronto, Ontario, Canada.

E. (9) $4.93.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Olympia & York Equity Corp., 245 Park Avenue, New York, N.Y.

E. (9) $59.17.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Outdoor Advertising Association of America, 1660 L Street NW., Suite 215, Washington, D.C. 20036.

D. (6) $130.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Securities Industry Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

D. (6) $250. E. (9) $4.93.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Southern California Gas Co., 1150 Connecticut Avenue NW., Washington, D.C. 20036.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Southern Railway System, 920 15th Street NW., Washington, D.C. 20005.

D. (6) $3,437.50. E. (9) $29.58.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Southland Royalty Co., 1000 Fort Worth Club Tower, Fort Worth, Tex. 76102.

D. (6) $37.50. E. (9) $4.93.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Southwest Airlines, P.O. Box 37611, Love Field, Dallas, Tex. 75235.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Student Loan Marketing Association (Sallie Mae), 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

D. (6) $472.50. E. (9) $19.73.

A. Williams & King, Suite 800, 1620 I Street NW., Washington, D.C. 20006.

B. American Netting Manufacturers Organization, c/o Ralph J. Sigler, FNT Industries, 927 First Street, Menominee, Mich. 49558.

D. (6) $4,000.

A. Lee Williams, American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.

D. (6) $1,600.

A. Lucinda L. Williams, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.

B. Federation of American Hospitals, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.

D. (6) $4,500.

A. Margie R. Williams, 415 Second Street NE., Suite 300, Washington, D.C. 20002.

B. National Assoication of Wheat Growers, 415 Second Street NE., Washington, D.C. 20002.

D. (6) $1,202.29.

A. Williams, Myers & Quiggle, 888 17th Street NW., Washington, D.C. 20006.

B. Church Alliance for Clarification of ERISA, c/o Mr. Gary S. Nash, 511 North Akard Building, Suite 311, Dallas, Tex. 75201.

E. (9) $673.34.

A. Nathaniel Williams, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $2,140.

A. Perry F. Williams, 225 Main Street, Newington, Conn. 06111.

B. American Radio Relay League, Inc., 225 Main Street, Newington, Conn. 06111.

D. (6) $6,000. E. (9) $878.14.

A. Robert E. Williams, United Airlines, 1825 K. Street NW., No. 607, Washington, D.C. 20006.

B. United Airlines, P.O. Box 66100, Chicago, Ill. 60666.

D. (6) $1,500.

A. John C. Williamson, 1725 K Street NW., Washington, D.C. 20006.

B. Mortgage Insurance Co. of America, 1725 K Street NW., Suite 1402, Washington, D.C. 20006.

D. (6) $2,700.

A. Frederick L. Williford, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.

B. National Association of Furniture Manufacturers, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.

D. (6) $500. E. (9) $30.

A. Allen W. Wills, 1970 Chain Bridge Road, McLean, Va. 22102.

B. Memorex Corp., San Tomas at Central Expressway, Santa Clara, Calif. 95052.

D. (6) $4,000.

A. Betsy Willson-Messer, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $259.61. E. (9) $23.

A. Charlotte Wilmer, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $50.

A. Wilmer & Pickering, 1666 K Street, Washington, D.C. 20006.

B. The Business Roundtable, 1828 L Street NW., Washington, D.C. 20006.

D. (6) $93.75.

A. Wilmer & Pickering, 1666 K Street NW., Washington, D.C. 20006.

B. CPC International Inc., International Plaza, Englewood Cliffs, N.J. 07632.

D. (6) $8,054.02.

A. Bjorg Opdahl Wilson, 6107 Greentree Road, Bethesda, Md. 20034.

B. Citizens Committee for UNICEF, 110 Maryland Avenue NE., Washington, D.C. 20002.

A. Charles D. Wilson, 1850 K Street NW., Suite 390, Washington, D.C. 20006.

B. Union Camp Corp., 1850 K Street NW., Suite 390, Washington, D.C. 20006.

E. (9) $80.23.

A. Dena L. Wilson, 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

B. The American Waterways of Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

A. Donnie E. Wilson, 1800 M Street NW., Suite 295 North, Washington, D.C. 20036.

B. Husky Oil Co., P.O. Box 380, Cody, Wyo. 82414.

D. (6) $250. E. (9) $41.

A. James E. Wilson, Jr., McDonnell Douglas Corp., 1150 17th Street NW., Suite 500, Washington, D.C. 20036.

B. McDonnell Douglas Corp., Box 516, St. Louis, Mo. 63166.

D. (6) $300. E. (9) $150.

A. M. Woodrow Wilson, 1012 14th Street NW., Washington, D.C. 20005.

B. The Farmers' Educational & Co-Operative Union of America (National Farmers Union), Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.

D. (6) $4,603.83. E. (9) $122.38.

A. Albert Winchester, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $2,539.99.

A. Joseph B. Winkelmann, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $2,500. E. (9) $678.72.

A. Kathleen J. Winn, Pennzoil Co., 1155 15th Street NW., Suite 602, Washington, D.C. 20005.

B. Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex. 77001.

D. (6) $475.

A. Winston & Strawn, 2550 M Street NW., Suite 500, Washington, D.C. 20037.

B. American Association of Museums, 1055 Thomas Jefferson Street NW., Suite 428, Washington, D.C. 20007.

D. (6) $80.

A. Mark E. Winter, American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

D. (6) $3,000.

A. Ann R. Wise, 112 Washington Street, East Walpole, Mass. 02032.

B. Hollingsworth & Vose Co., 112 Washington Street, East Walpole, Mass. 02032.

D. (6) $200. E. (9) $4,099.50.

A. Jane Wishner, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $3,424.

A. Richard F. Witherall, Colorado Railroad Association, 420 Denver Club Building, Denver, Colo. 80202.

B. Colorado Railroad Association, 420 Denver Club Building, Denver, Colo. 80202.

A. Witkowski, Weiner, McCaffrey & Brodsky, 1575 I Street NW., Suite 350, Washington, D.C. 20005.

B. Coordinating Council on Manufactured Housing Finance, Suite 350, 1575 I Street NW., Washington, D.C. 20005.

D. (6) $5,343.

A. Witkowski, Weiner, McCaffrey & Brodsky, 1515 I Street NW., Suite 350, Washington, D.C. 20005.

B. National Manufactured Housing Finance Association, Suite 350, 1575 I Street NW., Washington, D.C. 20005.

D. (6) $905.

A. Patrick Witmer, 1322 Meadowcreek Lane, Lancaster, Pa. 17603.

B. National Youth Pro-Life Coalition P.O. Box 67, Newport, Ky. 41072.

E. (9) $136.

A. Glenn P. Witte, 910 17th Street NW., Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. H. C. Witthaus, General Motors Corp., 1660 L Street NW., Suite 800, Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $3,000. E. (9) $1,368.98.

A. James E. Wolf, The Trane Co., 2020 14th Street North, Arlington, Va. 22201.

B. The Trane Co., 3600 Pammel Creek Road, La Crosse, Wis. 54601.

D. (6) $700.

A. Sidney M. Wolfe, 2000 P Street NW., No. 708, Washington, D.C. 20036.

B. Health Research Group, 200 P Street NW., No. 708, Washington, D.C. 20036.

A. Don Womack, Texas Utilities Service Inc., 1150 Connecticut Avenue NW., Suite 1013, Washington, D.C. 20036.

B. Texas Utilities Services Inc., 2001 Bryan Tower, Dallas, Tex. 75201.

D. (6) $2,142. E (9) $98.50.

A. Charles A. Wood. National Fuel Gas Distribution Corp. Room 900, 10 Lafayette Square, Buffalo, N.Y. 14203.

B. National Fuel Gas Distribution Corp., National Gas Storage Corp., National Fuel Gas Supply Corp., Seneca Resources Corp.

D. (6) $317.46. E. (9) $1,720.88.

A. W. Alan Woodford, Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

B. Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $300.

A. Diane Woodruff, Committee of Urban Program Universities, 1300 19th Street NW., Suite 220, Washington, D.C. 20036.

B. Committee of Urban Program Universities, 1300 19th Street NW., Suite 220, Washington, D.C. 20036.

D. (6) $2,136.

A. M. Alan Woods, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington D.C. 20036. (For Airbus Industries, Avenue Lucien Servanty 31700 Blagnac, France.)

D. (6) $423.71.

A. M. Alan Woods, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036. For European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20036.)

A. M. Alan Woods, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036. (For Sofreavia 75 rue la Boetie, Paris 8eme, France.)

A. M. Alan Woods, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Thomson-CFS (AVS) 178 Boulevard Gabiel Peri, 92240 Malakoff, France).

A. Perry W. Woofter, 2101 L Street NW., Washington, D.C.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C.

D. (6) $9,000. E. (9) $140.

A. Edward A. Woolley, 30 Rockefeller Plaza, Suite 3420, New York, N.Y 10112.

B. CTI-Container Transport International, Inc., 445 Hamilton Avenue, White Plains, N.Y. 10601 et al.

E. (9) $63.88.

A. Linda Anzalone Woolley, 1615 H. Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $500.

A. Ronald L. Wooten, Consolidation Coal Co., 1025 Connecticut Avenue, NW., No. 1000, Washington, D.C. 20036.

B. Consolidation Coal Co., Consol Plaza, 1800 Washington Road, Pittsburgh, Pa. 15241.

D. (6) $540. E. (9) $70.

A. George M. Worden, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. George M. Worden, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for Distilled Spirits Council).

A. World Federalist Political Education Committee, 600 Valley Road, Wayne, N.J. 07470.

D. (6) $3,813.60 E. (9) $11,341.27.

A. W. Robert Worley, 730 Densley Drive, Decatur, Ga. 30033.

B. Georgia Power Co., 270 Peachtree NW., Atlanta, Ga. 30303.

D. (6) $3,689. E. (9) $2,957.14.

A. Steven M. Worth, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Edward E. Wright, 1819 H Street NW., Suite 1175, Washington, D.C. 20006.

B. G-4 Children's Coalition, 7309 Delafield Street, Chevy Chase, Md. 20015.

A. Franklin L. Wright, Jr., National Association of Mutual Savings Banks, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.

D. (6) $2,500. E. (9) $191.44.

A. Richard E. Wyckoff, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

D. (6) $1,500. E. (9) $778.76.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert, Suite 580, The Watergate 600, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Filmways, Inc., 2049 Century Park East, Los Angeles, Calif. 90067.

D. (6) $62.50

A. T. Albert Yamada, Suite 520, 900 17th Street NW., Washington, D.C. 20006.

B. Toyota Motor Sales, U.S.A., Inc., 1899 L Street NW., Suite 703, Washington, D.C. 20036.

D. (6) $500.

A. Edward R. Yawn, 1111 19th Street NW., Washington, D.C. 20036.

B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $779.22. E. (9) $239.79.

A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. D. Scott Yohe, Delta Air Lines, Inc., 1629 K Street NW., Room No. 204, Washington, D.C. 20006.

B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.

D. (6) $330. E. (9) $83.30.

A. G. Reynolds Young, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,000.

A. Hugh F. Young, Jr., National Paint & Coatings Association, 1500 Rhode Island Avenue NW., Washington, D.C. 20005.

B. National Paint & Coatings Association, 1500 Rhode Island Avenue NW., Washington, D.C. 20005.

D. (6) $3,000. E. (9) $33.

A. Judith A. Young, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors®. 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500. E. (9) $34.

A. Pamela K. Young, National Association of Manufacturers, 222 South Prospect Avenue, Park Ridge, Ill. 60068.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $225.

A. Stephen T. Young, National Audubon Society, 1175 Park Road NW., Washington, D.C. 20010.

B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.
D. (6) $5,047.50. E. (9) $1,712.

A. Betsy Younkins, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $4,000. E. (9) $263.54.

A. Eugene A. Yourch, 50 Broadway, New York, N.Y. 10004.
B. Federation of American Controlled Shipping, 50 Broadway, New York, N.Y. 10004.
D. (6) $200. E. (9) $159.

A. Harry M. Zachem, Ashland Oil Inc., 1025 Connecticut Avenue NW., Suite 507, Washington, D.C. 20036.
B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.
D. (6) $2,000.

A. Donald M. Zahn, 8001 Braddock Road, Suite 600, Springfield, Va. 22160.
B. National Right to Work Committee, 8001 Braddock Road, Suite 600, Springfield, Va. 22160.
D. (6) $240. E. (9) $138.

A. Lynn Zakupowsky, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $750.

A. Steven S. Zaleznick, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $266.54. E. (9) $18.70.

A. Barnaby W. Zall, Federation for American Immigration Reform, 1330 New Hampshire Avenue NW., No. 1, Washington, D.C. 20036.
B. Federation for American Immigration Reform, 1330 New Hampshire NW., No. 1, Washington, D.C. 20036.
D. (6) $2,125. E. (9) $21.81.

A. Barry W. Zander, 6113 Amhurst Street, Metairie, La. 70003.
B. Southern Forest Product Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $6,049.02.

A. John S. Zapp, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $4,092. E. (9) $312.62.

A. Thomas K. Zaucha, Cooperative Food Distributors of America, 1910 K Street NW., Suite 700. Washington, D.C. 20006.
B. Cooperative Food Distributors of America, 1910 K Street NW., Suite 700, Washington, D.C. 20006.

A. R. L. Zaunbrecher, 1412 16th Street NW., Washington, D.C. 20036.
B. International Association of Fish and Wildlife Agencies, 1412 16th Street NW., Washington, D.C. 20036.
D. (6) $2,500. E. (9) $80.98.

A. L. Andrew Zausner, Pennzoil Co., 1155 15th Street NW., Suite 602, Washington, D.C. 20005.
B. Pennzoil Co., Pennzoil Place, PO. Box 2967, Houston, Tex. 77001.
D. (6) $1,000.

A. Lynn Weiss Zempel, Motor Vehicle Manufacturers Association of the U.S., Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20036.
B. Motor Vehicle Manufacturers Association of the U.S., Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20036.

A. John J. Zimmerman, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

A. Charles O. Zuver, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,000.

A. Frances A. Zwenig, Center to Protect Workers' Rights, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
B. Center to Protect Workers' Rights, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
E. (9) $6,000.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the first calendar quarter of 1980 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19______ ◀

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◀

AFFIDAVIT

[Omitted in printing]

PAGE 1◀

NOTE ON ITEM "D."—(*a*) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $________Dues and assessments
2. $________Gifts of money or anything of value
3. $________Printed or duplicated matter received as a gift
4. $________Receipts from sale of printed or duplicated matter
5. $________Received for services (e.g., salary, fee, etc.)

6. $________TOTAL for this Quarter (Add items "1" through "5")
7. $________Received during previous Quarters of calendar year

8. $________TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $________TOTAL now owed to others on account of loans
10. $________Borrowed from others during this Quarter
11. $________Repaid to others during this Quarter

12. $________"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": ________

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through ________________, 19____)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $________Public relations and advertising services
2. $________Wages, salaries, fees, commissions (other than item "1")
3. $________Gifts or contributions made during Quarter
4. $________Printed or duplicated matter, including distribution cost
5. $________Office overhead (rent, supplies, utilities, etc.)
6. $________Telephone and telegraph
7. $________Travel, food, lodging, and entertainment
8. $________All other expenditures

9. $________TOTAL for this Quarter (Add "1" through "8")
10. $________Expended during previous Quarters of calendar year

11. $________TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $________TOTAL now owed to person filing
13. $________Lent to others during this Quarter
14. $________Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

A. Charles F. Adams, American Association of Advertising Agencies, 1899 L Street NW., Washington, D.C. 20036.

B. American Association of Advertising Agencies, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $2,500. E. (9) $750.

A. Adfast Systems, Inc., Box 8954, Denver, Colo. 80201.

A. Ad-Hoc Committee for Competitive Telecommunications, 415 Second Street NE., Washington, D.C. 20002.

D. (6) $36,521.19. E. (9) $36,521.19.

A. Aeron Marine Shipping Co., Triad Office Center, 2001 Marcus Avenue, Lake Success, N.Y. 11042.

E. (9) $1,057.12.

A. Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.

D. (6) $21,000. E. (9) $4,790.

A. Air Products and Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.

E. (9) $50.

A. Donald C. Alexander, 1800 M Street NW., Suite 800-N, Washington, D.C. 20036.

B. Morgan, Lewis & Bockius, 1800 M Street NW., Suite 800-N, Washington, D.C. 20036 (For Evans Products, 1121 Southwest Salmon Street, Portland, Oreg. 97208.)

A. Anne Genevieve Allen, Rockwell International, 2230 East Imperial Highway, El Segundo, Calif. 90245.

B. Aircraft Group, Rockwell International, 2230 East Imperial Highway, El Segundo, Calif. 90245.

D. (6) $510. E. (9) $1,297.

A. Robert Alvarez, Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $2,499.99. E. (9) $477.

A. Amatex Corp., 1032 Stanbridge Street, Norristown, Pa. 19404.

E. (9) $3,140.

A. American Association for Respiratory Therapy, 1720 Regal Row, Dallas, Tex. 75235.

D. (6) $834. E. (9) $6,537.75.

A. American Association of Port Authorities, Inc., 1612 K Street NW., No. 502, Washington, D.C. 20006.

E. (9) $6,800.

A. American Association of University Women, 2401 Virginia Avenue NW., Washington, D.C. 20037.

E. (9) $5,602.59.

A. American Cancer Society, Inc., 777 Third Avenue, New York, N.Y. 10017.

E. (9) $20,257.73.

A. American Civil Liberties Union, 132 West 43d Street, New York, N.Y. 10036.

D. (6) $61,971.46. E. (9) $61,871.46.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill.

D. (6) $8,404.12. E. (9) $8,404.12.

A. American Federation of State, County, and Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C.

E. (9) $46,624.26.

A. American Health Planning Association, 1601 Connecticut Avenue NW., Suite 700, Washington, D.C. 20009.

D. (6) $362,870.21. E. (9) $3,054.60.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $14,825.57. E. (9) $14,825.57.

A. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.

D. (6) $2,247.22. E. (9) $2,247.22.

A. American Public Transit Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $4,700. E. (9) $13,930.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $794.63.

A. American Wind Energy Association, 1609 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $2,070. E. (9) $2,080.75.

A. Americans for the National Voter Initiative Amendment, 3115 N Street NW., Washington, D.C. 20007.

D. (6) $36,000. E. (9) $36,200.

A. Nancy Amidei, Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

B. Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $119.22. E. (9) $0.70.

A. J. L. Anderson, Time Inc., 888 16th Street NW., Washington, D.C. 20006.

B. Time Inc., Time & Life Building, Rockefeller Center, New York, N.Y. 10020.

D. (6) $2,500.

A. Scott G. Anderson, Burlington Northern Inc., 413 New Jersey Avenue SE., Washington, D.C. 20003.

B. Burlington Northern Inc., 176 East Fifth Street, St. Paul, Minn. 55101.

D. (6) $1,900. E. (9) $1,578.21.

A. Florian J. Anfang, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.

D. (6) $720. E. (9) $540.

A. Leonard Appel, Woods, Villalon, Hollengreen & Lindeman, 425 13th Street NW., Suite 1032, Washington, D.C. 20004.

B. Everett Terminal Co., Inc. and Port Gardner Timber Co., Inc., P.O. Box 1478, Newitt Avenue Marine Terminal, Everett, Wash. 98206.

D. (6) $7,400. E. (9) $3.05.

A. Roy A. Archibald, National Education Association, California Teachers Association, 1705 Murchison Drive, Burlingame, Calif. 94010.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $953. E. (9) $853.08.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Securities Industry Association, 490 L'Enfant Plaza, Suite 3212, Washington, D.C.

E. (9) $4.80.

A. Joseph Ashooh, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Walter G. Asmus, 3950 East Costilla Place, Littleton, Colo. 80122.

B. Adfast Systems, Inc.

A. Association of Independent Corrugated Converters, 1101 Connecticut Avenue, Suite 700, Washington, D.C. 20036.

E. (9) $2,699.

A. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

E. (9) $1,732.75.

A. Robert A. Bacha, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

B. The Keefe Co. (for Westinghouse Electric Corp.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

D. (6) $5,100. E. (9) $3,146.12.

A. Judith L. Baird, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif 90071.

D. (6) $500.

A. Dennis J. Baker, Norton Co., 1 New Bond Street, Worcester, Mass. 01606.

B. Norton Co., 1 New Bond Street, Worcester, Mass. 01606.

D. (6) $6,207. E. (9) $9.88.

A. Emil F. Baker, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Donald Bale, Center to Protect Workers' Rights, 815 16th Street NW., Suite 603, Washington, D.C. 20006.

B. Center to Protect Workers' Rights, 815 16th Street NW., Suite 603, Washington, D.C. 20006.

D. (6) $9,999.99. E. (9) $1,258.24.

A. Bally Manufacturing Corp., 2640 Belmont Avenue, Chicago, Ill., 60618.

A. Sheila MacDonald Bamberger, 311 First Street NW., Washington, D.C. 20001.

B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.

D. (6) $2,500. E. (9) $27.30.

A. Joel Bander, 900 15th Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $1,122.77. E. (9) $85.75.

A. Dennis J. Barbour, 1015 15th Street NW., Suite 403, Washington, D.C. 20005.

B. American College of Preventive Medicine.

A. Dennis J. Barbour, 1015 15th Street NW., Suite 403, Washington, D.C. 20005.

B. Association of Teachers of Preventive Medicine.

A. Barrier Islands Coalition, Suite 4500, 122 East 42d Street, New York, N.Y. 10168.

D. (6) $17,639.89.

A. James R. Baxter, 2033 K Street NW., Suite 200, Washington, D.C. 20006.

B. National Construction Employers Council, 2033 K Street NW., Suite 200, Washington, D.C. 20006.

D. (6) $475.

A. Hubert Beatty, 1957 E Street NW., Washington, D.C. 20006.

B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. C. Robert Benedict, 643 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. American Osteopathic Hospital Association, 930 Busse Highway, Chicago, Ill. 60068.

A. Frederick S. Benson III, 1620 I Street NW., No. 700, Washington, D.C. 20006.

B. International Paper Co., 1620 I Street NW., No. 700, Washington, D.C. 20006.

D. (6) $100. E. (9) $100.

A. Nancy C. Benson, American Cyanamid Co., 1575 I Street NW., No. 220, Washington, D.C. 20005.

B. American Cyanamid Co., Wayne, N.J. 07470.

D. (6) $345. E. (9) $101.40.

A. David Berick, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $3,000.

A. Ellen Berman, Consumer Energy Council of America, 1990 M Street NW., Suite 620, Washington, D.C. 20036.

B. Consumer Energy Council of America, 1990 M Street NW., Suite 620, Washington, D.C.

D. (6) $1,500. E. (9) $42.25.

A. Charles Bernhardt, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

D. (6) $38.40. E. (9) $6.

A. Berry Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Western Radiological Group, c/o Armacost Management Services, Inc., Suite 2, 2044 Armacost Avenue NW., Los Angeles, Calif. 90025.

A. Sarah Massengale Billock, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $299.62.

A. Robert Bird, General Mills, Inc., 1629 K Street NW., Suite 300, Washington, D.C. 20006.

B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.

D. (6) $1,500. E. (9) $470.26.

A. Curt Biren, Solar Lobby, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. Solar Lobby, 1001 Connecticut Avenue NW., No. 510, Washington, D.C. 20036.

A. Tom G. Black, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. Brent Blackwelder, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $2,499.99.

A. Helen K. Blank, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Children's Defense Fund.

D. (6) $105.

A. David Blatt, Municipal Labor Committee, 818 18th Street NW., Suite 750, Washington, D.C. 20006.

B. Municipal Labor Committee, 140 Park Place, New York, N.Y. 10007.

D. (6) $5,699.46. E. (9) $3,633.30.

A. Blum & Nash, 1015 18th Street NW., Washington, D.C. 20036.

B. Association of Independent Corrugated Converters, 1100 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

A. Blum & Nash, 1015 18th Street NW., Washington, D.C. 20036.

B. Merck & Co., Inc., P.O. Box 2000, Rahway, N.J. 07065.

D. (6) $4,850. E. (9) $5,566.84.

A. Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.

B. National Committee for Automobile Crash Protection, 1220 19th Street NW., Suite 201, Washington, D.C. 20036.

A. Mary Bourdette, 733 15th Street NW., Washington, D.C. 20005.

B. Legal Services Corp., 733 15th Street Washington, D.C. 20005.

D. (6) $358.56. E. (9) $37.50.

A. Boyden, Kennedy & Romney, 1000 Kennecott Building, Salt Lake City, Utah 84133.

B. Hopi Indian Tribe, New Oraibi, Ariz. 86039.

D. (6) $9,789.50. E. (9) $4,300.93.

A. Marguerite Bracy, 1625 "L" Street NW., Washington, D.C. 20036.

B. American Federation of State, County and Municipal Employees, AFL–CIO, 1625 "L" Street NW., Washington, D.C. 20036.

D. (6) $6,116.76. E. (9) $129.90.

A. Dan J. Bradley, 733 15th Street NW., Washington, D.C. 20005.

B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.

D. (6) $231.21. E. (9) $10.80.

A. Gene M. Bradley, The Boeing Co., 1700 N. Moore Street, 20th Floor, Rosslyn, Va. 22209.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $351. E. (9) $91.50.

A Mitchell H. Bradley, American Society of Mechanical Engineers, 2029 K Street, NW., No. 603, Washington, D.C. 20006.

B. American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 10017.

A. Dennis M. Bradshaw, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Jerry M. Brady, 2033 M Street NW., Washington, D.C. 20036.

B. Stepan Chemical Co., 22 Frontage Road, Northfield, Ill. 60093.

E. (9) $430.72.

A. Jerry M. Brady, 2033 M Street NW., Suite 505, Washington, D.C. 20036.

B. Thermo-Electron, Inc., 101 First Avenue, Waltham, Mass. 02154.

E. (9) $50.

A. T. Edward Braswell, Jr., National Association of Service Contractors, 1511 K Street NW., Suite 1100, Washington, D.C. 20005.

B. National Association of Service Contractors, 1511 K Street NW., Suite 1100, Washington, D.C. 20005.

A. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.

D. (6) $32,241. E. (9) $32,241.

A. Diane V. Brown, 1620 I Street NW., Suite 700, Washington, D.C. 20006.

B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $500. E. (9) $200.

A. Donald K. Brown, 1127 11th Street, Suite 618, Sacramento, Calif. 95814.

B. Summa Corp., P.O. Box 14000, Las Vegas, Nev.

A. Howard C. Brown, Jr., 9618 Carriage Road, Kensington, Md. 20795.

B. CENTAR Associates, 369 Passaic Avenue, Fairfield, N.J. 07006.

A. Howard C. Brown, Jr., 9618 Carriage Road, Kensington, Md. 20795.

B. National Association of Life Science Industries, Inc., 1919 Pennsylvania Avenue, NW., No. 702, Washington, D.C. 20006.

A. John J. Brown, 1125 17th Street NW., Washington, D.C. 20036.

B. International Union of Operating Engineers, 1125 17th Street NW., Washington, D.C. 20036.

D. (6) $7,500. E. (9) $350.

A. Thomas H. Brownell, P.O. Box 3999, Seattle, Wash. 98124.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $145. E. (9) $313.65.

A. Garry Bryant, 806 15th Street NW., Suite 600, Washington, D.C. 20005.

B. Migrant Legal Action Program, Inc., 806 15th Street NW., Suite 600, Washington, D.C. 20005.

D. (6) $3,750. E. (9) $4,729.42.

A. Michael W. Buckner, 900 15th Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $1,488.88.

A. Robert D. Buehler, B.F. Goodrich Co., 1800 K Street NW., Suite 929, Washington, D.C. 20006.

B. B.F. Goodrich Co., Akron, Ohio 44318.

D. (6) $400.

A. David G. Burney, United States Tuna Foundation, 2040 Harbor Island Drive, Suite 208, San Diego, Calif. 92101.

B. United States Tuna Foundation, 2040 Harbor Island Drive, Suite 208, San Diego, Calif. 92101.

D. (6) $6,000. E. (9) $3,000.

A. Gerrie Bjornson Burns, B.F. Goodrich Co., 1800 K Street NW., Suite 929, Washington, D.C. 20006.

B. B.F. Goodrich Co., Akron, Ohio 44318.

D. (6) $100.

A. Burson-Marsteller, 1800 M Street NW., Suite 750 South, Washington, D.C. 20036.

B. Meenan Oil Co. Inc., 44 East 23d Street, New York, N.Y. 10010.

A. Busby, Rehm and Leonard, 1629 K Street NW., Suite 1100, Washington, D.C. 20006.

B. Automobile Importers of America, Inc., 1735 Jefferson Davis Highway, Suite 1002, Arlington, Va. 22202.

D. (6) $1,275.

A. Gary Bushell, Branscomb & Miller, 1700 Bank & Trust, B & T 129, Corpus Christi, Tex. 78477.

B. Hawn Brothers, 101 North Shoreline, Suite 400, Corpus Christi, Tex. 78401.

D. (6) $2,500.

A. James R. Calloway, Suite 500, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Northrop Corp., 1701 North Fort Myer

Drive, Suite 1208, Arlington, Va. 22209.
D. (6) $500. E. (9) $150.

A. Camp, Carmouche, Palmer, Barsh & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. ACLI International, Inc., New York, N.Y.

A. Camp, Carmouche, Palmer, Barsh & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. AIRCO, 85 Chestnut Ridge Road, Montvale, N.J., 07950.

A. Camp, Carmouche, Palmer, Barsh & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. Bechtel Corp., 1620 I Street NW., Washington, D.C. 20006.

A. Camp, Carmouche, Palmer, Barsh, & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. Cities Service Co., Frst Place, Box 300, Tulsa, Okla, 74120.

A. Camp, Carmouche, Palmer, Barsh & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. Chemical Manufacturer's Association, Suite 401, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

A. Camp, Carmouche, Palmer, Barsh & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. Committee of Railroad Shippers, 2550 M Street NW., 8th Floor, Washington, D.C. 20037.

A. Camp, Carmouche, Palmer, Barsh & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. Conoco, Inc., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Camp, Carmouche, Palmer, Barsh & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. Mobil Oil Corp., 150 East 42d Street, 30th floor, New York, N.Y. 10017.

A. Camp, Carmouche, Palmer, Barsh & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. Occidental Petroleum Corp., 10889 Wilshire Boulevard, Suite 1500, Los Angeles, Calif.

A. Camp, Carmouche, Palmer, Barsh & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. Pennzoil Co., Suite 602, 1155 15th Street NW., Washington, D.C. 20005.

A. Camp, Carmouche, Palmer, Barsh & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222.

A. Camp, Carmouche, Palmer, Barsh & Hunter, Suite 695, 2550 M Street SW., Washington, D.C. 20037.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.

A. Camp, Carmouche, Palmer, Barsh & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. United Gas Pipeline Co., P.O. Box 1478, Houston, Tex. 77001.

A. Camp, Carmouche, Palmer, Barsh & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.

A. Alyce D. Canaday, Pacific Power & Light Co., 918 16th Street NW., Washington, D.C. 20006.
B. Pacific Power & Light Co., Public Service Building, Portland, Oreg. 97204.
D. (6) $522. E. (9) $834.82.

A. Peter Carlson, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,000. E. (9) $54.81.

A. Anthony P. Carnevale, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County & Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $11,875.02. E. (9) $684.11.

A. Charles T. Carroll, Jr., 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $2,500. E. (9) $500.

A. Cayman Turtle Farm, Ltd., P.O. Box 645, Grand Cayman Island, Cayman Islands, British West Indies.
E. (9) $750.

A. Central Lincoln People's Utility District, 255 Southwest Coast Highway, Newport, Ore. 97365.
E. (9) $8,430.98.

A. Central States Resource Center, P.O. Box 477, Urbana Ill. 61801.
D. (6) $14,400. E. (9) $3,164.72.

A. R. S. Chamberlin, Dow Chemical U.S.A., 1800 M Street NW., Suite 700, Washington, D.C. 20036.
B. The Dow Chemical Co., Midland, Mich. 48640.
D. (6) $600. E. (9) $640.

A. William U. Chandler, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $1,992.75.

A. Donald E. Channell, 1819 H Street NW., Washington, D.C.
B. Society of Military Widows, 7484 University Avenue, Suite F, La Mesa, Calif. 92041.
D. (6) $1,800.

A. Chesapeake Trade Binders Association, Inc., P.O. Box 5733, Baltimore, Md. 21208.
D. (6) $2,700. E. (9) $705.

A. Children's Rights, Inc., 3443 17th Street NW., Washington, D.C. 20010.
D. (6) $242.14. E. (9) $257.44.

A. James Ciarroccki, Natural Gas Supply Association, 1925 Connecticut Avenue, No. 505, Washington, D.C. 20036.
B. Natural Gas Supply Association, 1025 Connecticut Avenue, No. 505, Washington, D.C. 20036.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Ashland Oil, Inc., 1401 Winchester Avenue, Ashland, Ky.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Crown Central Petroleum Corp., One North Charles Street, P.O. Box 1168, Baltimore, Md. 21203.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. International Petroleum Refining & Supply, Sdad., Ltda., 1270 Avenue of the Americas, Suite 2308, New York, N.Y. 10020.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. International Processors, 4100 One Shell Square, New Orleans, La. 70139.

A. Cladouhos & Brashares, 1750 New York Avenue, NW., Washington, D.C. 20006.
B. Seaview Petroleum Co., P.O. Box 231, Blue Bell, Pa. 19422.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Toyota Motor Sales, U.S.A., 2055 West 190th Street, Torrance, Calif. 90504.

A. Anne Harrison Clark, Population Resource Center, 110 Maryland Avenue NE., Washington, D.C. 20002.
B. Population Resource Center, 622 Third Avenue, New York, N.Y. 10017.
D. (6) $2,031. E. (9) $315.

A. Clean Water Action Project, 1341 G Street NW., No. 200, Washington, D.C. 20005.
D. (6) $47,041. E. (9) $2,892.

A. Charles M. Clusen, The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $2,067.33. E. (9) $45.

A. The Coalition for Full Nuclear Insurance, Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C.
D. (6) $7,025. E. (9) $7,025.

A. Coalition to Save Our FICA Taxes, 5001 Seminary Road, Suite 310, Alexandria, Va. 22311.
D. (6) $36,225.79. E. (9) $36,225.79.

A. Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.
D. (6) $2,440.26. E. (9) $6,120.

A. Cohen & Uretz, 1775 K Street NW., 4th Floor, Washington, D.C. 20006.
B. Estate of W.R. Lovett, P.O. Box 149, Jacksonville, Fla. 32201.
D. (6) $3,000. E. (9) $50.

A. Timothy A. Colcord, Visa U.S.A., Inc., 1620 I Street NW, Washington, D.C. 20006
B. Visa U.S.A., Inc., 300 Clearview Way, San Mateo, Calif. 94403.
D. (6) $6,875. E. (9) $2,178.94.

A. Ken W. Cole, Standard Oil Co (Indiana), P.O. Box 3092, Houston, Tex. 77001.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.
D. (6) $109.60. E. (9) $526.15.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Suite 308, Washington, D.C. 20007.
B. Tanners' Council of America, Inc., 411 Fifth Avenue, New York, N.Y. 10016.
D. (6) $474.87. E. (9) $157.68.

A. Frank Collins, Oil Chemical & Atomic Workers International Union, 1126 16th Street NW., Washington, D.C. 20036.
B. Oil, Chemical & Atomic Workers International Union, AFL-CIO, 1636 Champa Street, Denver, Colo. 80201.
D. (6) $2,000.

A. Committee for 806.30 and 807, Inc., 1611 North Kent Street, Suite 800, Arlington, Va. 22209.
D. (6) $9,083.40. E. (9) $9,273.36.

A. Congressional District Action Committee, 700 Euclid Avenue, Wilmington, Del. 19809.
D. (6) $28. E. (9) $120.15.

A. Congressional District Action Committee, 23 Cliffview Drive, North East, Md.
D. (6) $5. E. $13.37.

A. Consolidated Edison Co. of New York, Inc., 4 Irving Place, New York, N.Y. 10003.
E. (9) $416.61.

A. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
E. (9) $17,396.

A. Consumer Energy Council of America, 1990 M Street NW., Suite 620, Washington, D.C. 20036.
E. (9) $1,585.90.

A. Continental Communications Group, Inc., 12500 West Cedar Drive, Denver, Colo. 80228.
B. Coalition To Save Our FICA Taxes, 5001 Seminary Road, Suite 310, Alexandria, Va. 22311.
E. (9) $6,200.79.

A. The Continental Group, Inc., 1 Harbor Plaza, Stamford, Conn. 06902.

A. Cook, Purcell, Hansen & Henderson, 1015 18th Street NW., 11th floor, Washington, D.C. 20036.
B. American Motorcyclist Association, P.O. Box 141, Westerville, Ohio 43081.
D. (6) $1,102.50

A. Cook, Purcell, Hansen & Henderson, 1015 18th Street NW., Washington, D.C. 20036.
B. B.A.T. Industries, Limited, P.O. Box 345, Windsor House, 50 Victoria Street, London SWIH OWL, England.
D. (6) $5,812.50.

A. Cook, Purcell, Hansen & Henderson, 1015 18th Street NW., Washington, D.C. 20036.
B. Harley Davidson Motor Co., Inc., P.O. Box 652, Milwaukee, Wis. 53201.
D. (6) $1,200.

A. Edward Cooney, Food Research and Action Center, 2011 Eye Street NW., Suite 700, Washington, D.C. 20006.
B. Food Research and Action Center, 2011 Eye Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $2,982.53. E. (9) $5.70.

A. Janet Cooper, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $867.88. E. (9) $2.50.

A. P. H. Corcoran, Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.
B. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.

A. Allan D. Cors, 1800 K Street NW., Suite 1104, Washington, D.C. 20006.
B. Corning Glass Works, Corning, N.Y. 14830.
D. (6) $500.

A. Diane M. Costenoble, Food & Beverage Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Food & Beverage Trades Department, AFL–CIO. 815 16th Street, NW., Washington, D.C. 20006.
D. (6) $330.91. E. (9) $16.40.

A. Council for a Livable World, 11 Beacon Street, Boston, Mass. 02108.
E. (9) $11,854.36

A. Council of Energy Resource Tribes, Inc., 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.
E. (9) $3,288.

A. Council of Industrial Boiler Owners, 11222 Silverleaf Drive, Fairfax Station, Va. 22039.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Houdaille Industries, Inc., 1 Financial Plaza, Fort Lauderdale, Fla. 33394.
D. (6) $2,380.

A. Cowper & Madson, 712 Eighth Avenue, Fairbanks, Alaska.
B. State of Alaska, Pouch A, Juneau, Alaska. 99811.
D. (6) $3,829.50.

A. Eric Cox, 1011 Arlington Boulevard, Suite W–219, Arlington, Va. 22209.
B. World Federalist Political Education Committee, 600 Valley Road, Wayne, N.J. 07470.
D. (6) $756.

A. Harold P. Coxson, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $500. E. (9) $50.

A. Richard C. Creighton, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $5,000. E. (9) $500.

A. James H. Cromwell, Sr., 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $3,000. E. (9) $500.

A. Douglas A. Crowley, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Barry M. Cullen, International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $115. E. (9) $95.

A. Culp, Dwyer, Guterson & Grader, 1300 Hoge Building, Seattle, Wash. 98104.
B. Pacific Northwest Utilities Conference Committee, 1151 Valley Mall Parkway, East Wenatchee, Wash. 98801.
D. (6) $19,797. E. (9) $8,311.59.

A. William Cunningham, P.O. Box 1184, Helena, Mont. 59601.
B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $446.63. E. (9) $297.70.

A. William Kay Daines, American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
D. (6) $250. E. (9) $23.

A. Tracy Danese, P.O. Box 529100, Miami, Fla. 33152.
B. Florida Power & Light Co., P.O. Box 529100, Miami, Fl. 33152.
D. (6) $315. E. (9) $146.

A. John Daniel, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., Washington, D.C. 20006.
B. Korean Traders Association, 10–1, 2–KA Hoehyun-Dong, Chung Ku, Seoul, Korea.

A. Richard C. Darling, J.C. Penney Co., 1156 15th Street NW., Washington, D.C.
B. J.C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $450. E. (9) $100.

A. John L. Davidson, Jr., The St. Louis Mercantile Library Association, 510 Locust Street, St. Louis, Mo. 63101.
B. The St. Louis Mercantile Library Association, 510 Locust Street, St. Louis, Mo. 63101.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C. 20005.
B. Opticians Association of America, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlingtons, Va. 22209.
D. (6) $2,000.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. American Bus Association, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. Beneficial Finance Co., Morristown, N.J. 07960.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y. 10022.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. Dial Financial Corp., 207 Ninth Street, Des Moines, Iowa 50307.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. Hormel Foundation, Austin, Minn. 55912.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. United States Brewers Association, Inc., 1750 K Street NW., Washington, D.C. 20036.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. Virgin Islands Gift & Fashion Shop Association, St. Thomas, Virgin Islands 00801.

A. Deaver & Hannaford, Inc., 2030 M Street NW., Suite 403, Washington, D.C. 20036.

B. Americans for the Voter Initiative Amendment, 3115 N Street NW., Washington, D.C. 20007.

D. (6) $750. E. (9) $63.42.

A. Deaver & Hannaford, Inc., 2030 M Street NW., No. 403, Washington, D.C. 20036.

B. National Venture Capital Association, 2030 M Street NW., No. 403, Washington, D.C. 20036.

D. (6) $10,500. E. (9) $499.70.

A. Winston M. Decker, 1522 K Street NW., No. 828, Washington, D.C. 20005.

B. Association of American Veterinary Medical Colleges, 1522 K Street NW., No. 828, Washington, D.C. 20005.

D. (6) $40.

A. Brian Deery, 1957 E Street NW., Washington, D.C. 20006.

B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Suite 310, Washington, D.C. 20036.

B. Cargill, Inc., P.O. Box 9300, Minneapolis, Minn. 55440.

D. (6) $3,196.85.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Suite 310, Washington, D.C. 20036.

B. Cargill Leasing Corp., 15407 McGinty Road, Minnetonka, Minn.

D. (6) $3,738.78.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Suite 310, Washington, D.C. 20036.

B. Continental Grain Co., 277 Park Avenue, New York, N.Y. 10017.

D. (6) $1,000.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Suite 310, Washington, D.C. 20036.

B. Guam Chamber of Commerce, 107 ADA Plaza Center, Agana, Guam, U.S.A. 96910.

D. (6) $2,228.85.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Suite 310, Washington, D.C. 20036.

B. Leslie Salt Co., P.O. Box 364, Newark, Calif. 94560.

D. (6) $7,227.94.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Suite 310, Washington, D.C. 20036.

B. Trade Adjustment Assistance Coordinating Committee.

A. Edward A. Dent, 3115 N Street NW., Washington, D.C. 20007.

B. Americans for the National Voter Initiative Amendment, 3115 N Street NW., Washington, D.C. 20007.

D. (6) $19,000.

A. Catherine B. deSibour, 1700 Pennsylvania Avenue NW., No. 580, Washington, D.C. 20006.

B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.

D. (6) $450. E. (9) $202.46.

A. Margot Dinneen, Northern Tier Pipeline Co., 1835 K Street NW., Washington, D.C. 20006.

B. Northern Tier Pipeline Co., 1835 K Street NW., Washington, D.C. 20006.

A. John D. Doherty, Jr., 900 17th Street NW., Washington, D.C. 20006.

B. The Chase Manhattan Bank, National Association, 1 Chase Manhattan Plaza, New York, N.Y. 10081.

D. (6) $330. E. (9) $27.41.

A. Dana B. Dolloff, International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

B. International Paper Co., 1620 I Street

D. (6) $500. E. (9) $230.50.

A. Julie Domenick, Municipal Labor Committee, 818 18th Street NW., Suite 750, Washington, D.C. 20006.

B. Municipal Labor Committee, 140 Park Place, New York, N.Y 10007.

D. (6) $9,641.95. E. (9) $964.90.

A. Domestic Petroleum Council Trade Association, 1101 Connecticut Avenue NW., No. 500, Washington, D.C. 20036.

E. (9) $3,367.10.

A. Leo J. Donahue, 230 Southern Building, Washington, D.C. 20005.

A. John C. Doyle, Jr., 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $2,499.99.

A. Mary Jane C. Due, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $56.04.

A. Louise C. Dunlap, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $300.

A. Mari Lee Dunn, American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Council for Capital Formation, 1910 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $127.48.

A. Michael V. Durando, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.

D. (3) $3,250. E. (9) $35.

A. R. Ken Dyar, 1620 SE 127th Avenue, Vancouver, Wash. 98664.

B. Central Lincoln People's Utility District, 255 SW Coast Highway, Newport, Oreg. 97365.

D. (6) $2,201. E. (9) $3,049.93.

A. George H. Eatman, Pacific Resources, Inc., 1990 M Street NW., Suite 560, Washington, D.C. 20036.

B. Pacific Resources, Inc., 33 Bishop Street, Honolulu, Hawaii 96813.

D. (6) $1,000.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., No. 460, Washington, D.C. 20006.

B. Government of Turkey/Embassy of Turkey, 1602 23d Street NW., Washington, D.C. 20008.

D. (6) $11,000. E. (9) $35.

A. William A. Edwards, 250 Old Country Road, Mineola, N.Y. 11501.

B. Long Island Lighting Co., 250 Old Country Road Mineola, N.Y. 11501.

D. (6) $6,000. E. (9) $2,089.03.

A. Phyllis Eisen, Zero Population Growth, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.

B. Zero Population Growth, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $12.

A. John Ellis, 1957 E Street NW., Washington, D.C. 20006.

B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Carl F. Emde, Air Products & Chemicals, Inc., 1800 K Street NW., Suite 1016, Washington, D.C. 20006.

B. Air Products & Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.

D. (6) $50.

A. Energy Consumers & Producers Association, P.O. Box 1726, Seminole, Okla. 74868.

D. (6) $78,364.95. E. (9) $34,771.07.

A. Christopher Engquist, 1957 E Street NW., Washington, D.C. 20006.

B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $43,594. E. (9) $43,237.68.

A. Brock Evans, Sierra Club, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.

D. (6) $1,200. E. (9) $14.50.

A. O. Keister Evans, Imported Hardwood Products Association, P.O. Box 1308, Alexandria, Va. 22313.

B. Imported Hardwood Products Association, P.O. Box 1308, Alexandria, Va. 22313.

D. (6) $690. E. (9) $289.

A. Robbie G. Exley, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

D. (6) $49.08. E. (9) $9.

A. Michael I. Fanning, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Far West Ski Association, 3325 Wilshire Boulevard, Suite 1340, Los Angeles, Calif. 90010.

E. (9) $1,041.77

A. Clinton Fawcett, The Coastal Corp., Nine Greenway Plaza, Houston, Tex. 77046.

B. The Coastal Corp., Nine Greenway Plaza, Houston, Tex. 77046.

A. Federal Express Corp., P.O. Box 727, Memphis, Tenn. 38194.

E. (9) $28,404.05.

A. Lois Felder, United Food & Commercial Workers International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

B. United Food & Commercial Workers International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $774.66.

A. Bernard Fensterwald, Jr., 2101 L Street NW., Suite 203, Washington, D.C. 20037.

B. Committee for Humane Legislation, Inc., 11 West 60th Street, New York, N.Y. 10023.

D. (6) $6,000. E. (9) $2,117.50.

A. Bernard Fensterwald, Jr., 2101 L Street NW., Suite 203, Washington, D.C. 20037.

B. National Nutritional Foods Association,

7727 South Painter Avenue, Whittier, Calif. 90602.
D. (6) $4,175. E. (9) $590.92.

A. Fifth Pro-Life Congressional District Action Committee, c/o Mr. John Kelley, 1120 Michigan Boulevard, Dunedin, Fla. 33528.
D. (6) $71.13. E. (9) $71.13.

A. First Congressional District Action Committee, 6 Maxfield Court, Barrington, R.I. 02806.
D. (6) $553.90. E. (9) $381.34.

A. Mary Clare Fitzgerald, 900 17th Street NW., Washington, D.C. 20006.
B. Chase Manhattan Bank, National Association, 1 Chase Manhattan Plaza, New York, N.Y. 10081.
D. (6) $200. E. (9) $38.95.

A. James H. Fitzpatrick, Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y. 12205.
B. Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y. 12205.
D. (6) $279. E. (9) $181.

A Charles D. Fleishman, 2625 Clearbrook Drive, Arlington Heights, Ill. 60005.
B. American Fishing Tackle Manufacturers Association, 2625 Clearbrook Drive, Arlington Heights, Ill. 60005.
D. (6) $$1,725. E. (9) $1,932,42.

A. Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
E. (9) $17,781.92.

A. Dave Foreman, P.O. Box 1160, Bernalillo, N. Mex. 87004.
B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $194.97. E. (9) $23.82.

A. David H. Foster, Natural Gas Supply Association, 1025 Connecticut Avenue, No. 505, Washington, D.C. 20036.
B. Natural Gas Supply Association, 1025 Connecticut Avenue, No. 505, Washington, D.C. 20036.
D. (6) $3,150. E. (9) $636.38.

A. H. Lawrence Fox, Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW., Washington, D.C.
B. Agrico Chemical Co., P.O. Box 3166, Tulsa, Okla. 74101.

A. H. Lawrence Fox, Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW., Washington, D.C.
B. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105.

A. H. Lawrence Fox, Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW., Washington, D.C.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.

A. H. Lawrence Fox, Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW., Washington, D.C.
B. The Williams Co., 1 Williams Center, Tulsa, Okla. 74101.

A. Alice B. Frandsen, 10311 Folk Street, Silver Spring, Md. 20902.
B. Women's Lobby, 201 Massachusetts Avenue NE., Washington, D.C. 20002.

A. J. Dee Frankfourth, P.O Box 403, Eagle River, Alaska 99577.
B. Alaska Coalition, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $2,950. E. (9) $93.54.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Suite 1000, Washington, D.C. 20037.
B. Center for Research Libraries, 5721 Cottage Grove Avenue, Chicago, Ill. 60637.
D. (6) $17,767.50. E. (9) $75.

A. Owen V. Frisby, 900 17th Street NW., Washington, D.C. 20006.
B. The Chase Manhattan Bank, National Association, 1 Chase Manhattan Plaza, New York, N.Y. 10081.
D. (6) $560. E. (9) $102.83.

A. Robert D. Fritz, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Streeet NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.
D. (6) $1,760. E. (9) $1,320.

A. Full Employment Action Council, 815 15th Street NW., No. 516, Washington, D.C. 20005.
D. (6) $49,000. E. (9) $12,365.65.

A. Marc P. Gabor, Amalgamated Clothing & Textile Workers Union, 815 16th Street NW., Suite 310, Washington, D.C. 20006.
B. Amalgamated Clothing & Textile Workers Union, 770 Broadway, New York, N.Y. 10003.
D. (6) $2,187.50 E. (9) $67.56.

A. Gailor, Elias & Matz, 700 E Street SE., Washington, D.C. 20003.
B. National Association of State Savings & Loan Supervisors, 1001 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
D. (6) $1,035. E. (9) $107.70.

A. Marie Gavigan, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Leo J. Gehrig, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $155.28.

A. John Gentille, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Claire M. Geoghegan, 415 Second Street NE., Washington, D.C. 20002.
B. Ad-Hoc Committee for competitive Telecommunications, 415 Second Street NE., Washington, D.C. 20002.
D. (6) $10,769.22.

A. Georgia Association of Petroleum Retailers, Inc., 315 W Ponce de Leon Avenue, 933 First National Bank Building, P.O. Box 789, Decatur, Ga. 30031.
B. Service Station Dealers of America, Inc., 2021 K Street NW., Washington, D.C. 20006.
E. (9) $2,500.

A. Jonathan Carl Gibson, Sierra Club, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $6,621. E. (9) $99.91.

A. Neal P. Gillen, American Cotton Shippers Association, 1707 L Street NW., Suite 460, Washington, D.C. 20036.
B. American Cotton Shippers Association, 1707 L Street NW., Suite 460, Washington, D.C. 20036.
D. (6) $35,000. E. (9) $1,082.44.

A. Larry Glantz, National Employment Law Project, 236 Massachusetts Avenue NE., Washington, D.C. 20003.
B. National Employment Law Project, 236 Massachusetts Avenue NE., Washington, D.C. 20003.
D. (6) $1,250. E. (9) $640.

A. Robert G. Glavin, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $996.48.

A. Lloyd L. Golding, National Association of Truck Stop Operators, Inc., Suite 501, 700 North Fairfax Street, Alexandria, Va. 22313.
B. National Association of Truck Stop Operators, Inc., Suite 501, 700 North Fairfax, Va. 22313.
D. (6) $1,330.

A. William M. Goldstein, Morgan, Lewis & Bockius, 123 South Broad Street, Philadelphia, Pa. 19109.
B. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800 N, Washington, D.C. 20036.

A. Alfonso J. Gonzalez, National Association of Social Workers, Inc., 1425 H Street NW., Suite 600, Washington, D.C. 20005.
B. National Association of Social Workers, Inc., 1425 H Street NW., Suite 600, Washington, D.C. 20005.
D. (6) $9,000. E. (9) $620.

A. Brenda J. Gore, 1155 15th Street NW., Washington, D.C. 20005.
B. LTV Corp., 1525 Elm Street, Dallas, Tex. 75222.
D. (6) $500.

A. Peter J. Gossens, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
B. National Association of Independent Colleges and Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
D. (6) $10,130.94. E. (9) $358.36.

A. George B. Gould III, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $9,246.77.

A. John K. Gram, Public Timber Purchasers Group, 714 Oregon Bank Building, Portland, Oreg. 97204.
B. Public Timber Purchasers Group, 714 Oregon Bank Building, Portland, Oreg. 97204.
D. (6) $1,781.25. E. (9) $195.37.

A. Edward Shawn Grandis, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $1,500.

A. Gerald L. Grant, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Knoxville International Energy Exposition), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250. E. (9) $1,260.33.

A. Gerald L. Grant, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for National Coal Consumer Alliance), 1625 Massachusetts Avenue NW., No. 505, Washington D.C. 20036.
D. (6) $1,250. E. (9) $155.06.

A. Ruth P. Graves, care of RIF, Inc., 475 L'Enfant Plaza, Suite 4800, Smithsonian Institution, Washington, D.C. 20560.
B. Reading is Fundamental, Inc., 475 L'Enfant Plaza, Suite 4800, Smithsonian Institution, Washington, D.C. 20560.
D. (6) $75. E. (9) $11.

A. James R. Greco, Browning-Ferris Industries, Inc., P.O. Box 3151, Houston, Tex. 77001.
B. Browning-Ferris Industries, P.O. Box 3151, Houston, Tex. 77001.
D. (6) $500. E. (9) $1,056.26.

A. P. Michael Greenwald, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.
B. American Hospital Association, 8440 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $263.10. E. (9) $170.82.

A. Ellen S. Griffee, American Association of University Women, 2401 Virginia Avenue NW., Washington, D.C. 20037.
B. American Association of University Women, 2401 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $5,234.52.

A. Harold H. Griffin, Family Health Program, 1050 17th Street NW., Suite 320, Washington D.C. 20036.
B. Family Health Program 9930 Talbert Avenue, Fountain Valley, Calif. 92708.
D. (6) $2,750. E. (9) $469.15.

A. Jerome Grossman, Council for a Livable World, 11 Beacon Street, Boston, Mass. 02108.
B. Council for a Livable World, 11 Beacon Street, Boston, Mass. 02108.
D. (6) $4,652.76.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Suite 701, Washington, D.C. 20036.
D. (6) $1,721.10. E. (9) $1,721.10.

A. Richard J. Grunewald, 2033 K Street NW., Suite 200, Washington, D.C. 20006.
B. National Construction Employers Council, 2033 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $1,750. E. (9) $50.

A. John T. Grupenhoff, 6410 Rockledge Drive, No. 208, Bethesda, Md. 20034.
B. National Association for Hospital Development, 1700 K Street NW., Suite 605, Washington, D.C. 20006.
D. (6) $230. E. (9) $108.70.

A. David Gusky, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $734.24.

A. Ellen Haas, Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.
B. Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.
E. (9) $3.

A. Charles T. Hagel, The Firestone Tire & Rubber Co., 1730 K Street NW., Suite 915, Washington, D.C. 20006.
B. Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317.
D. (6) $5,000. E. (9) $116.20.

A. Bruce N. Hahn, 9300 Livingston Road, Washington, D.C. 20022.
B. National Tooling & Machining Association, 9300 Livingston Road, Washington, D.C. 20022.

A. Peter H. Hahn, 1100 17th Street NW., Suite 1000, Washington, D.C. 20036.
B. Chromalloy American Corp., 120 South Central, St. Louis, Mo. 63105.
D. (6) $2,000. E. (9) $1,050.

A. Cheryl A. Haley, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $502.66. E. (9) $18.55.

A. Harry L. Hall, National Multiple Sclerosis Society, 2101 L Street NW., Suite 808, Washington, D.C. 20037.
B. National Multiple Sclerosis Society, 205 East 42d Street, New York, N.Y. 10017.
D. (6) $4,500.

A. Hallmark Cards, Inc., 25th and McGee Street, Kansas City, Mo. 64108.
D. (6) $1,200.

A. Seymour Halpern, 540 Madison Ave., New York, N.Y. 10022.
B. Sydney S. Baron & Co., Inc. (for Coordination Council for North American Affairs), 540 Madison Avenue, New York, N.Y. 10022.
D. (6) $1,000. E. (9) $780.

A. Seymour Halpern, 540 Madison Avenue, New York, N.Y. 10022.
B. Sydney S. Baron & Co., Inc. (for Electronics Industry Association of Japan, Chiyoda Ku, Tokyo), 540 Madison Avenue, New York, N.Y. 10022.
D. (6) $1,000. E. (9) $855.10.

A. Bruce Hamilton, Sierra Club, Box 1078, Lander, Wyo. 82520.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $480. E. (9) $146.25.

A. Nolan W. Hancock, Oil, Chemical & Atomic Workers International Union, 1126 16th Street NW., Washington, D.C. 20036.
B. Oil, Chemical & Atomic Workers International Union, 1636 Champa Street, Denver, Colo., 80201.
D. (6) $4,062.50.

A. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.
D. (6) $264,457.82. E. (9) $37,532.72.

A. Christopher G. Hankin, National Limestone Institute, Inc., Suite 501, 3251 Old Lee Highway, Fairfax, Va. 22080.
B. National Limestone Institute, Inc., Suite 501, 3251 Old Lee Highway, Fairfax, Va. 22080.

A. Richard H. Hart, Jr., Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
B. Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

A. Clifford J. Harvison, National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Michael M. Hash, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $2,983.84. E. (9) $243.

A. Lewis B. Hastings, 1776 K Street NW., Suite 200, Washington, D.C. 20006.
B. Motorola Inc., 1776 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $500. E. (9) $111.36.

A. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.
E. (9) $7,136.63.

A. Esther Herst, 1343 F Street NE., Washington, D.C. 20002.
B. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, Los Angeles, Calif. 90017.
D. (6) $3,055. E. (9) $3,586.63.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., Suite 505, Washington, D.C. 20036.
B. The Keefe Co. (for American Family Life Assurance Co.), 1625 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,250. E. (9) $443.56.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for the Cordage Institute), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Fyrnetics, Inc.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Log Homes Council), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for National Coal Consumer Alliance), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Kevin M. Higgins, 9 West 57th Street, New York, N.Y. 10019.
B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

A. James D. Hittle, 3137 South 14th Street, Arlington, Va. 22204.
B. Vought Corp., Dallas, Tex.
D. (6) $3,600. E. (9) $163.

A. Sheila K. Hixson, 1101 17th Street NW., Washington, D.C. 20036.
B. American Dental Association, 1101 17th Street NW., Washington, D .C. 20036.
D. (6) $1,000.

A. Holiday Inns, Inc., 3742 Lamar Avenue, Memphis, Tenn. 38118.
E. (9) $300.

A. John H. Holloman III, O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pfizer Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John H. Holloman III, O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Sperry-Rand Corp., 3333 Pilot Knob Road, St. Paul, Minn.

A. The Hongkong & Shanghai Banking Corp. c/o Regional Office Americas, 375 Park Avenue, New York, N.Y. 10022.
E. (9) $2,000.

A. John Hooper, 530 Bush Street, San Francisco, Calif. 94108.
B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John F. Horty, 1735 I Street NW., Suite 710, Washington, D.C. 20006.

B. National Council of Community Hospitals, 1735 I Street NW., Suite 710, Washington, D.C. 20006.

E. (9) $5,573.49.

A. Hospital Association of N.Y.S., 15 Computer Drive W., Albany, N.Y. 12205.

D. (6) $3,749. E. (9) $3,749.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.

B. American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $3,540. E. (9) $73.20.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

D. (6) $36,730. E. (9) $678.07.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.

B. Northwest Food Producers Association, c/o Mr. Rolla Halbert, P.O. Box 1976, Woodinville, Wash. 98072.

E. (9) $186.50.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.

B. Totem Ocean Trailer Express, Inc., 1100 Olive Way, Seattle, Wash. 98101.

D. (6) $6,578.61. E. (9) $537.44.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.

B. TRAIN (Transportation by Rail for Agricultural and Industrial Needs), 1776 G Street NW., Washington, D.C. 20006.

D. (6) $13,820.01. E. (9) $53.98.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.

B. Washington Citizens for World Trade, 4th and Battery Building, Suite 925, Seattle, Wash. 98121.

E. (9) $343.02.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.

B. C. W. Whitman, Southwest Spokane Street and Chelan Avenue, SW., on West Waterway, Seattle, Wash. and David S. Updike, 1211 Fairview Avenue North, Seattle, Wash. 98109.

D. (6) $3,277.50. E. (9) $978.19.

A. Donald L. Howell, First City National Bank Building, Houston, Texas 77002.

B. Vinson & Elkins, (for Slurry Transport Assn.) First City National Bank Building, Houston, Tex. 77002.

D. (6) $17,125. E. (9) $3,779.64.

A. Karl T. Hoyle, Credit Union National Association, 1730 Rhode Island Avenue, Washington, D.C. 20036.

B. Credit Union National Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $300. E. (9) $298.58.

A. Karetta Hubbard, National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.

B. National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.

D. (6) $6,175. E. (9) $1,095.

A. Tony R. Huerta, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $4,429.38.

A. Randall A. Huffman, Willkie Farr & Gallagher, 153 East 53d Street, New York, N.Y.

B. Willkie Farr & Gallagher, 153 East 53d Street, New York, N.Y.

A. Royston C. Hughes, 1415 Sharps Point Road, Annapolis, Md. 21401.

B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.

D. (6) $12,000.

A. William J. Hull, Ohio Valley Improvement Association, Inc., 1015 18th Street NW., Washington, D.C. 20036.

B. Ohio Valley Improvement Association, Inc.

A. Craig R. Hume, 1425 K Street NW., Suite 1000, Washington, D.C. 20005.

B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Gregory A. Humphrey, American Federation of Teachers, AFL–CIO, 11 Dupont Circle, NW., Washington, D.C. 20036.

B. American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.

D. (6) $10,174.08. E. (9) $159.

A. Acacia Graham Hunt, Suite 850, 2020 K Street NW., Washington, D.C. 20006.

B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.

A. Richard M. Hunt, NL Industries, Inc., Suite 1009, Connecticut Building, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. NL Industries, Inc., 1230 Avenue of the Americas, New York, N.Y. 10020.

D. (6) $2,968.

A. Kenneth Hunter, Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.

B. Coast Alliance, 918 F. Street NW., Suite 310, Washington, D.C. 20004.

D. (6) $3,750. E. (9) $32.33.

A. Hunton & Williams, c/o George C. Freeman, Jr., P.O. Box 1535, Richmond, Va. 23212.

B. The Business Roundtable, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $8,592.50. E. (9) $681.98.

A. Gerard F. Hurley, National Club Association, 1625 I Street NW., No. 609, Washington, D.C. 20006.

B. National Club Association, 1625 I Street NW., No. 609, Washington, D.C. 20006.

D. (6) $1,000.

A. Ronald K. Ikejiri, Japanese American Citizens League, 1730 Rhode Island Avenue NW., No. 204, Washington, D.C. 20036.

B. Japanese American Citizens League, 1765 Sutter Street, San Francisco, Calif. 94115.

D. (6) $4,181.85. E. (9) $676.

A. Independent Data Communications Manufacturer Association, Inc., 1735 New York Avenue NW., Washington, D.C. 20006.

D. (6) $10,794.55. E. (9) $10,794.55.

A. Nancy J. Ingalsbee, 3324 Wilshire Boulevard, Suite 1340, Los Angeles, Calif. 90010.

B. Far West Ski Association, 3324 Willshire Boulevard, Suite 1340, Los Angeles, Calif. 90010.

D. (6) $435. E. (9) $1,041.77.

A. Institute of Foreign Bankers, 200 Park Avenue, Suite 303, Room 23, New York, N.Y. 10017.

A. Interlake, Inc., 2015 Spring Road, Oak Brook, Ill. 60521.

E. (9) $7,254.28.

A. International Association of Trade Exchanges, 5001 Seminary Road, Suite 310, Alexandria, Va. 22311.

A. International Union of Bricklayers & Allied Craftsmen, 815 15th Street NW., Washington, D.C. 20005.

A. International Union of Operating Engineers, 1125 17th Street NW., Washington, D.C. 20036.

E. (9) $8,000.

A. John D. Isaacs, Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C. 20002.

B. Council for a Livable World, 11 Beacon Street, Boston, Mass. 02108.

D. (6) $5,140.78.

A. Herbert N. Jasper, 415 Second Street NE., Washington, D.C. 20002.

B. Ad-Hoc Committee for Competitive Telecommunications, 415 Second Street SE., Washington, D.C. 20002.

D. (6) $18,684.61.

A. Philip F. Jehle, SmithKline Corp., 1150 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036

B. SmithKline Corp., 1500 Spring Garden Street, Philadelphia, Pa. 19101.

D. (6) $750. E. (9) $55.

A. Joseph S. Jenckes, Abbott Laboratories, 1730 M Street NW., Suite 808, Washington, D.C. 20036.

B. Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064.

A. Walter W. John, Organization of Professional Employees of the U.S. Department of Agriculture, Room 1414, South Building, USDA, Washington, D.C. 20250.

B. Organization of Professional Employees of the U.S. Department of Agriculture, Room 1414, South Agriculture Building, Washington, D.C. 20250.

D. (6) $537.

A. Stuart H. Johnson, Jr., 910 17th Street NW., Washington, D.C. 20006.

B. New York Dock Railway & Brooklyn Eastern District Terminal, 334 Furman Street, Brooklyn, N.Y. 11201.

E. (9) $10.25.

A. David Johnston, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Charlie W. Jones, Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.

B. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.

D. (6) $ 350.

A. Ernest W. Jones, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Randall T. Jones, National Cotton Council of America, 1030 15th Street NW., Suite 700, Washington, D.C.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $1,068.75.

A. Geza Kadar, Blue Cross & Blue Shield Associations, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Blue Cross & Blue Shields Association.

A. Elizabeth Kaplan, 530 Seventh Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 530 Seventh Street SE., Washington, D.C. 20003.

D. (6) $2,539.20.

A. Linda Eileen Katz, 3350 Huntley Square Drive, No. T–2, Temple Hills, Md. 20031.

B. Chicago, Rock Island & Pacific Railroad Co.

A. Milton M. Kaufmann, 19102 Roman Way, Gaithersburg, Md. 20760.

B. The Fund for Animals, Inc., 140 West 57th Street, New York, N.Y. 10019.

D. (6) $3,000.

A. David L. Keating, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $2,000. E. (9) $300.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., Suite 505, Washington, D.C. 20036.

B. The Keefe Co. (for American Family Life Assurance Co.), 1625 Massachusetts Avenue NW., Suite 505, Washington, D.C. 20036.

D. (6) $1,250. E. (9) $41.02.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., Suite 505, Washington, D.C. 20036.

B. The Keefe Co. (for The Cordage Institute, 1625 Massachusetts Avenue NW., Suite 505, Washington, D.C. 20036.

D. (6) $1,250. E. (9) $203.76.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., Suite 505, Washington, D.C. 20036.

B. The Keefe Co. (for Fyrnetics, Inc.), 1625 Massachusetts Avenue, Suite 505, Washington, D.C. 20036.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., Suite 505, Washington, D.C. 20036.

B. The Keefe Co. (for Knoxville International Energy Exposition), 1625 Massachusetts Avenue NW., Suite 505, Washington, D.C. 20036.

D. (6) $1,250. E. (9) $137.52.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., Suite 505, Washington, D.C. 20036.

B. The Keefe Co. (for National Coal Consumer Alliance), 1622 Massachusetts Avenue NW., Suite 505, Washington, D.C. 20036.

D. (6) $1,250. E. (9) $274.99.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

B. The Keefe Co. (for Westinghouse Electric Corp.), 1625 Massachusetts Avenue NW., Suite 505, Washington, D.C. 20036.

D. (6) $1,250. E. (9) $132.40.

A. Keiki Kehoe, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $3,750. E. (9) $25.

A. Candace Keller, Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.

B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $1.656.27.

A. James J. Kennedy, Jr., Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employees, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employees, 3 Research Place, Rockville, Md. 20850.

D. (6) $7,000. E. (9) $1,001.

A. William J. Kenney, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. Arlington Trust Co., P.O. Box 688, Lawrence, Mass. 01842.

D. (6) $11,498.50. E. (9) $14,330.42.

A. William J. Kenney, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. Bay State Gas Co., 120 Royall Street, Canton, Mass. 02021.

D. (6) $1,500. E. (9) $4,871.79.

A. Richard E. Kent, Evans Products Co., 1121 Southwest Salmon Street, Portland, Oreg. 97205.

B. Evans Products Co., 1121 Southwest Salmon Street, Portland, Oreg. 97205.

D. (6) $58.30. E. (9) $968.72.

A. Roberta D. Kimball, 1957 E Street NW., Washington, D.C. 20006.

B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. James L. Kimble, 1025 Connecticut Avenue, Suite 415, Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue, Suite 415, Washington, D.C. 20036.

D. (6) $1,500. E. (9) $125.43.

A. Janie A. Kinney, Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.

B. National Committee for Automobile Crash Protection, 1220 19th Street NW., Suite 201, Washington, D.C. 20036.

A. Janie A. Kinney, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.

B. Twin Coasts Newspaper, Inc., Journal of Commerce, 110 Wall Street, New York, N.Y. 10005.

A. Peter M. Kirby, 723 Washington Building, Washington, D.C. 20005.

B. Kellogg Co., Battle Creek, Mich. 49016.

A. Jeffrey Kirsch, Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

B. Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $198.05.

A. Donald R. Kirtley, Hercules, Inc., 910 Market Street, Wilmington, Del. 19899.

B. Hercules, Inc., 910 Market Street, Wilmington, Del. 19899.

D. (6) $625. E. (9) $79.50.

A. Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20036.

B. Colt Industries, Inc., 430 Park Avenue, New York, N.Y. 10022.

D. (6) $975. E. (9) $22.23.

A. Kenneth S. Kovack, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.

B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $7,827.56.

A. Joseph Kuchler, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $1,223.42.

A. Kutak Rock & Huie, Omaha Building, 1650 Farnam Street, Omaha, Nebr. 68102.

B. E. F. Hutton & Co., Inc., One Battery Park Plaza, New York, N.Y. 10004.

A. Dan Kuykendall, 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. Southern Furniture Manufacturers Association, 918 16th Street NW., Suite 402, Washington, D.C. 20006.

D. (6) $15,000.

A. Kysor Industrial Corp., One Madison Avenue, Cadillac, Mich. 49601.

B. ATA Foundation, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $57,469.59. E. (9) $57,469.59.

A. Phillip Ray Lackey, 823 15th Street NW., Suite 1001, Washington, D.C. 20005.

B. International Masonry Institute, 823 15th Street NW., Suite 1001, Washington, D.C. 20005.

D. (6) $3,750. E. (9) $2,024.

A. Peter M. Lafen, 530 Seventh Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 530 Seventh Street SE., Washington, D.C. 20003.

D. (6) $375.

A. Sandra LaFevre, Nationwide Insurance Co. & Affiliates, 1000 Connecticut Avenue NW., Suite 304, Washington, D.C. 20036.

B. Nationwide Insurance Co. & Affiliates, One Nationwide Plaza, Columbus, Ohio 43216.

D. (6) $500.

A. Karl S. Landstrom, 510 North Edison Street, Arlington, Va. 22203.

B. Geothermal Resources International, Inc., 4676 Admiralty Way, Suite 503, Marina del Rey, Calif. 90291.

A. R. Josh Lanier, 400 North Capitol Street, Suite 323, Washington, D.C. 20001.

B. Leggett, Lanier & Associates, 400 North Capitol Street, Washington, D.C. 20001 (for Shellfish Institute of North America, 400 North Capitol Street, Washington, D.C. 20001).

D. (6) $2,000.

A. Clifford C. LaPlante, General Electric Co., 777 14th Street NW., Washington, D.C.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

D. (6) $637.50.

A. Robert F. Lederer, 230 Southern Building, Washington, D.C. 20005.

B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.

A. Leggett, Lanier & Associates, 400 North Capitol Street, Washington, D.C. 20001.

B. Shellfish Institute of North America, 400 North Capitol Street, Suite 323, Washington, D.C. 20001.

D. (6) $16,250. E. (9) $5,900.

A. Legislative Associates, Inc., 1625 Massachusetts Avenue NW., Suite 505, Washington, D.C. 20036.

B. National Association of Temporary Services, 1001 Connecticut Avenue NW., Suite 932, Washington, D.C. 20036.

D. (6) $3,375. E. (9) $336.40.

A. Legislative Associates, Inc., 1625 Massachusetts Avenue NW., Suite No. 505, Washington, D.C. 20036.

B. North American Telephone Association, 1030 15th Street NW., Suite 360, Washington, D.C. 20005.

D. (6) $19,100. E. (9) $336.82.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Tosco Oil Corp., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $1,138.45.

A. B. P. Lewallen, United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
D. (6) $1,488.88.

A. Lewis, Rice, Tucker, Allen & Chubb, 611 Olive Street, Suite 1400, St. Louis, Mo. 63101.
B. The St. Louis Mercantile Library Association, 510 Locust Street, St. Louis, Mo. 63101.
D. (6) $70.83. E. (9) $6.43.

A. Nira Hardon Long, 1800 M Street NW., Suite 880 South, Washington, D.C. 20036.
B. City of Los Angeles, Los Angeles, Calif. 90012.
D. (6) $5,625.

A. Suellen Lowry, National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.
B. National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.
D. (6) $4,746.94.

A. Samuel A. Mabry, Hercules Inc., 1800 K Street NW., Washington, D.C. 20006.
B. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.
D. (6) $2,969. E. (9) $1,416.85.

A. James Timothy Mahoney, Sierra Club, 330 Pennsylvania Avenue SE., Washington, D.C.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $5,625. E. (9) $300.

A. David L. Mallino, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $7,827.56.

A. Management Improvement Corp. of America, 617 Morehead Avenue, Durham, N.C. 27707.
B. Coalition To Save Our FICA Taxes, 5001 Seminary Road, Suite 310, Alexandria, Va.
E. (9) $30,025.

A. Manatt, Phelps, Rothenberg & Tunney, 1875 I Street NW., Suite 545, Washington, D.C. 20006.
B. Elk Hills Refiners.
D. (6) $938.

A. Manatt, Phelps, Rothenberg & Tunney, 1875 I Street NW., Suite 545, Washington, D.C. 20006.
B. PennCorp Financial Inc., 3130 Wilshire Boulevard, Santa Monica, Calif. 90406.
D. (6) $1,050.

A. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.
E. (9) $500.

A. Charles T. Marck, 1800 M Street NW., Suite 700 South, Washington, D.C. 20036.
B. The Dow Chemical Co., Midland, Mich. 48640.
D. (6) $1,000. E. (9) $250.

A. Robert V. Mariani, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.
D. (6) $1,360. E. (9) $1,020.

A. John Marlin, 307 W. Nevada, Urbana, Ill. 61801.
B. Central States Resource Center, P.O. Box 447, Urbana, Ill. 61801.
D. (6) $2,687.49.

A. Larry K. Martin, Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.
B. Man-Made Fiber Producers Association, 1150 17th Street NW., Washington, D.C. 20036.
D. (6) $150.

A. David Masselli, 530 Seventh Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $3,054.99.

A. Herbert S. Matthews, Box 72, Mechanicsville, Md. 20659.
B. Martin Marietta Aerospace, 6801 Rock Ledge Drive, Bethesda, Md. 20034.
D. (6) $5,550. E. (9) $51.25.

A. Sean A. McCarthy, 8003 Westpark Drive, McLean, Va. 22102.
B. Satellite Business Systems, 8003 Westpark Drive, McLean, Va. 22102.
D. (6) $1,000. E. (9) $22.71.

A. John L. McCormick, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,499.99.

A. Rose McCullough, Sierra Club, 715 South 14th Street, Lincoln, Nebr. 68508.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $22.60. E. (9) $60.79.

A. James W. McDade, McDade and Lee, 1130 17th Street NW., Washington, D.C. 20036.
B. Stewart Capital Corp., 485 Madison Avenue, New York, N.Y. 10022.
D. (6) $630. E. (9) $417.

A. Edward T. McDonald, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.
D. (6) $2,000. E. (9) $1,500.

A. John E. McGill, Alascom, Inc., 949 East 36th Avenue, Anchorage, Alaska 99502.
B. Alascom, Inc., 949 East 36th Avenue, Anchorage, Alaska 99502.
D. (6) $753.40. E. (9) $697.50.

A. Gregory E. McGowan, The Firestone Tire & Rubber Co., 1730 K Street NW., Suite 915, Washington, D.C. 20006.
B. The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317.
D. (6) $3,500. E. (9) $733.75.

A. John J. McHale, Jr., 1817 Biltmore Street NW., Washington, D.C. 20009.
B. Consolidated Rail Corporation, P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $1,605.

A. Walter P. McHugh, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,147.35.

A. Philip A. McKeaney, American Federation of Teachers, AFL-CIO, 11 DuPont Circle NW., Washington, D.C. 20036.
B. American Federation of Teachers, AFL-CIO, 11 DuPont Circle NW., Washington, D.C. 20036.
D. (6) $7,213.38. E. (9) $129.

A. Susan M. McKenzie, National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.
B. National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.
D. (6) $5,964. E. (9) $219.98.

A. William F. McManus, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $327.

A. John McNally, 1341 G Street NW., No. 200, Washington, D.C. 20005.
B. Clean Water Action Project, 1341 G Street NW., No. 200, Washington, D.C. 20005.
D. (6) $1,075. E. (9) $15.

A. Nanine Meiklejohn, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County & Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $7,999.98. E. (9) $90.10.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.
B. Central Gulf Lines, Inc., No. 2 Canal Street, International Trade Mart, New Orleans, La. 70130.
D. (6) $1,250. E. (9) $9.29.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.
B. National Association of Recycling Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.
D. (6) $3,055.55. E. (9) $398.98.

A. Migrant Legal Action Program, Inc., 806 15th Street NW., Washington, D.C. 20005.
D. (6) $26,402.09. E. (9) $26,402.09.

A. C. John Miller, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $14.75.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20035.
D. (6) $4,500. E. (9) $310.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.
B. O&C Counties Association, Route 3, Box 1530, Roseburg, Oreg. 97470.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.
B. Port of Portland, Box 3529, Portland, Oreg. 97208.
D. (6) $600.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.
B. Western Forest Industries Association, 1500 Southwest Taylor, Portland, Oreg. 97208.
D. (6) $3,000. E. (9) $390.

A. R. Eric Miller 1620 I Street NW., Suite 703, Washington, D.C. 20006.

B. Bechtel Corp., 1620 I Street NW., Suite 703, Washington, D.C. 20006.

A. Wayne L. Millsap, Suite 2300, Clayton Inn Center, 7777 Bonhomme Avenue, Clayton, Mo. 63105.

B. Seven-Up Bottling Co. of St. Louis, Mo., 555 Brown Road, St. Louis, Mo.

A. Charles W. Mitchell, 4601 Schenley Road, Baltimore, Md. 21210.

B. Wills & Associates, Inc., for Americans for Alaska, Suite 903, 36 South Charles Street, Baltimore, Md. 21201.

E. (9) $36.35.

A. John S. Monagan, 1333 New Hampshire Avenue NW., Suite 650, Washington, D.C. 20036.

B. United States Olympic Committee, Olympic House, 1750 East Boulder Street, Colorado Springs, Colo. 80909.

A. Christopher Monek, 1957 E Street NW., Washington, D.C. 20006.

B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Donald L. Mooers, 10024 Kendale Road, Potomac, Md. 20854.

B. Facts & Comparisons, Inc., 111 West Port Plaza, St. Louis, Mo. 63141.

D. (6) $1,235.

A. Donald L. Mooers, 10024 Kendale Road, Potomac, Md. 20854.

B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

D. (6) $2,450.

A. John Morgan, Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

D. (6) $875. E. (9) $36.10.

A. Victor G. Morris, 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.

B. Montgomery Ward & Co., Inc., 1 Montgomery Ward Plaza, Chicago, Ill. 60671.

A. John C. Morrison, 907 South Saint Asaph Street, Alexandria, Va. 22314.

B. Vietnam Veterans Memorial Fund, Inc.

A. John J. Motley, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

D. (6) $2,250. E. (9) $200.

A. Karen Mulhauser, National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.

B. National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.

D. (6) $388.09.

A. Municipal Labor Committee, 140 Park Place, New York, N.Y. 10007.

D. (6) $38,053.02. E. (9) $38,053.02.

A. Bernard Nash, 1015 18th Street NW., Washington, D.C. 20036.

B. Association of Independent Corrugated Converters, 1100 Connecticut Avenue NW., Suite 700, Washington, D.C., 20036.

A. Bernard Nash, Blum & Nash, 1015 18th Street, No. 408, Washington, D.C. 20036.

B. Merck & Co., Inc., P.O. Box 2000, Rahway, N.J. 07065.

E. (9) $716.84.

A. National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.

D. (6) $333,897. E. (9) $34,348.88.

A. National Associated Businessmen, Inc., 1000 Connecticut Avenue NW., No. 615, Washington, D.C. 20036.

D. (6) $1,065. E. (9) $922.86.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.

D. (6) $38,027. E. (9) $38,524.

A. National Association for Homes for Children, 200 South Tyron Street, Suite 1500, Charlotte, N.C. 28202.

E. (9) $225.

A. National Association of Latino Elected and Appointed Officials, Inc., (NALEO), 236 Massachusetts Avenue NE., Suite 603, Washington, D.C. 20002.

D. (6) $18,185. E. (9) $25,017.32.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $2,559,823.62. E. (9) $145,748.80.

A. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611 and 925 15th Street NW., Washington, D.C. 20005.

E. (9) $46,447.44.

A. National Association of Truck Stop Operators, Inc., 700 No. Fairfax Street, Alexandria, Va. 22313.

D. (6) $5,829.64. E. (9) $5,829.64.

A. National Club Association, 1625 I Street NW., No. 609, Washington, D.C. 20006.

E. (9) $5,378.05.

A. National Coal Consumers' Alliance, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $5,366.01. E. (9) $3,482.80.

A. National Coalition for Marine Conservation, Inc., P.O. Box 23298, Savannah, Ga. 31403.

A. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, Los Angeles, Calif. 90017.

D. (6) $2,014.50. E. (9) $7,703.01.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.

B. American Paratransit Institute, Inc., P.O. Box 340276, Coral Gables, Fla. 33134.

D. (6) $7,900. E. (9) $897.38.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.

B. International Rectifier Corp., 9220 Sunset Boulevard, Los Angeles, Calif. 90060.

D. (6) $7,500. E. (9) $397.94.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.

B. North American Telephone Association, 1030 15th Street NW., Washington, D.C. 20036.

D. (6) $7,000. E. (9) $461.08.

A. National Counsel Association, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.

B. Southern Railway System, P.O. Box 1808, Washington, D.C. 20013.

D. (6) $3,600. E. (9) $877.04.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.

B. Toy Manufacturers of America, 200 Fifth Avenue, New York, N.Y. 10010.

D. (6) $9,000. E. (9) $1,125.78.

A. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $22,700.79. E. (9) $22,700.79.

A. National Employee Benefits Institute, 515 National Press Building, Washington, D.C. 20045.

D. (6) $3,750.

A. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

D. (6) $3,892.14. E. (9) $3,892.14.

A. The National Federation of Licensed Practical Nurses, Inc., 888 Seventh Avenue, New York, N.Y. 10019

D. (6) $1,650 E. (9) $1,765.

A. National Hairdressers and Cosmetologists Association, 3510 Olive Street, St. Louis, Mo. 63103.

D. (6) $1,745.34.

A. National Housing Conference, Inc., 1186 16th Street NW., Washington, D.C. 20036.

D. (6) $44,630. E. (9) $86,282.53.

A. National Organization for the Reform of Marijuana Laws (NORML), 2317 M Street NW., Washington, D.C. 20037.

D. (6) $21,670. E. (9) $59,741.

A. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $33,150. E. (9) $47,400.

A. National Tax Equality Association, 1000 Connecticut Avenue NW., 615, Washington, D.C. 20036.

D. (6) $5,995.50 E. (9) $6,229.60.

A. National Tour Brokers Association, Inc., 120 Kentucky Avenue, Lexington, Ky. 40502.

D. (6) $61,588. E. (9) $61,588.

A. National Turkey Federation, Reston International Center, Suite 302, Reston, Va. 22091.

D. (6) $3,000. E. (9) $3,000.

A. Natural Gas Supply Association, 1025 Connecticut Avenue NW., No. 505, Washington, D.C. 20036.

D. (6) $484,140. E. (9) $5,149.51.

A. E. John Neumann, Baltimore Gas & Electric Co., 1100 Connecticut Avenue NW., No. 820, Washington, D.C.

B. Baltimore Gas & Electric Co., Gas & Electric Building, P.O. Box 1475, Baltimore, Md. 21203.

D. (6) $643.39. E. (9) $180.10.

A. NL Industries, Inc., 1230 Avenue of the Americas, New York, N.Y. 10020.

E. (9) $3,865.26.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

D. (6) $100.

A. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042.

E. (9) $2,545.79.

A. Mary E. Oakes, Hercules Inc., 1800 K Street NW., Washington, D.C. 20006.

B. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.

D. (6) $65. E. (9) $106.28.

A. Hubert K. O'Bannon, 1544 33d Street NW., Washington, D.C. 20007.

B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.

D. (6) $1,284.

A. Richard O'Brecht, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. T. J. Oden, National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $2,250. E. (9) $191.65.

A. William J. Olson, 1819 H Street NW., Washington, D.C. 20006.

B. The March of Dimes Birth Defects Foundation, 1275 Mamaroneck Avenue, White Plains, N.Y. 10605.

D. (6) $4,702.33.

A. Law Offices of John F. O'Neal, 600 New Hampshire Avenue NW., No. 952, Washington, D.C. 20037.

B. Commodity Exchange, Inc., Four World Trade Center, SE Plaza Building, New York, N.Y. 10048.

A. Law Offices of John F. O'Neal, 600 New Hampshire Avenue NW., Suite 952, Washington, D.C. 20037.

B. National REA Telephone Association, 715 Cargill Building, Minneapolis, Minn. 55402.

A. Organization of Professional Employees of the U.S. Department of Agriculture, Room 1414, South Building, USDA, Washington, D.C.

D. (6) $1,946.43. E. (9) $988.97.

A. J. Allen Overton, Jr., American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $396.46. E. (9) $25.

A. Barbro Owens, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. William H. Owens, Jr., 1101 17th Street NW., Washington, D.C. 20036.

B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $1,000.

A. Pacific Northwest Utilities Conference Committee, 1151 Valley Mall Parkway, East Wenatchee, Wash. 98801.

D. (6) $14,553. E. (9) $27,718.59.

A. Sara Lynn Parker, Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

B. Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $70.38.

A. Renee Parsons, 530 Seventh Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 530 Seventh Street SE., Washington, D.C. 20003.

D. (6) $3,936.80.

A. Steven E. Payne, The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $401.54. E. (9) $756.71.

A. Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. Amoco Production, Inc., 1000 16th Street NW., Washington, D.C. 20036.

A. Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.

D. (6) $2,200. E. (9) $9.

A. Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Mass Retailing Institute, 570 Seventh Avenue, New York, N.Y. 10018.

D. (6) $330. E. (9) $4.

A. James M. Peirce, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

D. (6) $1,317.16.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.

B. Amatex Corp., 1032 Stanbridge Street, Box 228, Norristown, Pa. 19404.

D. (6) $3,140. E. (9) $140.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $4,757.50.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.

B. Russian Travel Bureau, 20 East 46th Street, New York, N.Y. 10017.

D. (6) $8,725.

A. Perito, Duerk, Carlson & Pinco, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. National District Attorneys Association, 666 North Lake Shore Drive, Suite 1432, Chicago, Ill. 60611.

D. (6) $1,930. E. (9) $129.05.

A. Perito, Duerk, Carlson & Pinco, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. Society of Real Estate Appraisers, 645 North Michigan Avenue, Chicago, Ill. 60611.

D. (6) $3,004. E. (9) $41.90.

A. Susan Perry, American Public Transit Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Public Transit Association, 1225 Connecticut Avenue NW., Washington, D.C.

D. (6) $3,500. E. (9) $237.

A. Henry S. Pflanz, 9111 Grand Haven Avenue, Upper Marlboro, Md. 20870.

B. Zantop International Airlines, Inc.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.

B. American Academy of Family Physicians, 1740 West 92d Street, Kansas City, Mo. 64114.

D. (6) $3,000.

A. Ronald L. Plesser, Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.

B. Twin Coasts Newspaper, Inc., Journal of Commerce, 110 Wall Street, New York, N.Y. 10005.

D. (6) $1,500. E. (9) $6.

A. Mike Podhorzer, 1012 14th Street NW., Suite 901, Washington, D.C. 20005.

B. Consumer Federation of America, 1012 14th Street NW., Suite 901, Washington, D.C. 20005.

D. (6) $1,250. E. (9) $100.

A. Ronald Pollack, Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

B. Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $3,919.53. E. (9) $7.50.

A. Rafe Pomerance, 530 7th Street SE., Washington, D.C. 20003.

B. Friends of the Earth, Inc., 530 7th Street SE., Washington, D.C. 20003.

D. (6) $3,936.60.

A. Population Resource Center, 622 Third Avenue, New York, N.Y. 10017.

D. (6) $3,649. E. (9) $2,346.

A. John Post, 1828 L Street NW., Suite 201, Washington, D.C. 20036.

B. Business Roundtable, 200 Park Avenue, New York, N.Y., and 1828 L Street NW., No. 201, Washington, D.C.

D. (6) $200. E. (9) $40.

A. John M. Powderly, United Steelworkers of America, 815 Sixteenth Street NW., Suite 706, Washington, D.C. 20006.

B. United Steelworkers of America, Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $7,827.56.

A. M. Elizabeth Powell, 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. Southern Furniture Manufacturers Association, 918 16th Street NW., Suite 402, Washington, D.C. 20006.

D. (6) $5,349.99.

A. Richard M. Powell, International Association of Refrigerated Warehouses, 7315 Wisconsin Avenue, Washington, D.C. 20014.

B. International Association for Refrigerated Warehouses, 7315 Wisconsin Avenue, Washington, D.C. 20014.

A. Prather Seeger Doolittle & Farmer, 1101 16th Street NW., Washington, D.C. 20036.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20036.

A. Prather Seeger Doolittle & Farmer, 1101 16th Street NW., Washington, D.C. 20036.

B. Bankers' Association for Foreign Trade, 1101 16th Street NW., Washington, D.C. 20036.

D. (6) $1,000.

A. Prather Seeger Doolittle & Farmer, 1101 16th Street NW., Washington, D.C. 20036.

B. The First National Bank of Chicago, 1 First National Plaza, Chicago, Ill. 60670.

D. (6) $2,000.

A. William B. Prendergast, Distilled Spirits Council of the U.S., Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.

B. Distilled Spirits Council of the U.S., Inc., 1300 Pennslyvania Building, Washington, D.C. 20004.

D. (6) $2,500. E. (9) $240.56.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. TRAIN (Transportation by Rail for Agricultural & Industrial Needs), 1776 G Street NW., Suite 500, Washington, D.C. 20006.
D. (6) $3,000.

A. Woodruff M. Price, Seaboard Coast Line Industries, Inc., 1000 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20036.
B. Seaboard Coast Line Industries, Inc., 500 Water Street, Jacksonville, Fla. 32202.
D. (6) $3,000. E. (9) $612.89.

A. Gwenyth Pritchard, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
D. (6) $2,250. E. (9) $200.

A. Steven L. Pruitt, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County and Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $8,025. E. (9) $1,907.62.

A. Public Timber Purchasers Group, 714 Oregon Bank Building, 319 Southwest Washington Street, Portland, Oreg. 97204.
D. (6) $$27,000. E. (9) $7,121.73.

A. Gerald H. Pugh, Combined Insurance Company of America, 5050 Broadway, Chicago, Ill. 60640.
B. Combined Insurance Company of America, 5050 Broadway, Chicago, Ill. 60640.
D. (6) $750.

A. Purcell & Nelson, 1776 F. Street NW., No. 300, Washington, D.C. 20006.
B. Business Roundtable, 200 Park Avenue, No. 2222, New York, N.Y. 10017.
D. (6) $450.

A. Radioactive Waste Management Groups, c/o Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
D. (6) $9,487.18. E. (9) $9,487.18.

A. Howard W. Randolph, Jr., Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.
D. (6) $720. E.. (9) $540.

A. Magda Ratajski, Norfolk & Western Railway Co., P.O. Box 23652, L'Enfant Plaza Station, Washington, D.C. 20024.
B. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042.
D. (6) $700. E. (9) $50.

A. J. Gene Raymond, 1016 16th Street, NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $867.88.

A. Reading Is Fundamental, Inc., 475 L'Enfant Plaza, Suite 4800, Washington, D.C. 20560.
E. (9) $182.

A. James R. Readie, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $250.

A. Campbell L. Reed, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Don T. Reeves, 245 Second Street NW., Washington, D.C. 20002.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $3,712.

A. Reid & Priest, 40 Wall Street, New York, N.Y. 10005.
B. Shanghai Power Co., P.O. Box 50, Boise, Idaho 83728.

A. J. E. Reinke, Eastern Airlines, 1030 15th Street NW., Washington, D.C. 20005.
B. Eastern Air Lines, Inc., 1030 15th Street NW., Washington, D.C. 20005.
E. (9) $217.

A. Research To Prevent Blindness, Inc., 598 Madison Avenue, New York, N.Y. 10022.
E. (9) $4,004.10.

A. Reserve Officers Association of United States, 1 Constitution Avenue NE., Washington, D.C. 20002.
D. (6) $1,927.83. E. (9) $10,707.

A. Lynne Rivo-Cohen, National Press Building, Room 481, Washington, D.C. 20045.
B. Federally Employed WOHW, National Press Building Room 481, Washington, D.C. 20045.
D. (6) $4,400. E. (9) $1,844.

A. Edmund B. Rice, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,406.12.

A. K. O. Richardson, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employees, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employees, 3 Research Place, Rockville, Md. 20850.
D. (6) $1,360. E. (9) $1,020.

A. Russell W. Richardson, Lear Siegler, Inc., Suite 1002, 1911 Jefferson Davis Highway, Arlington, Va. 22202.
B. Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406.
D. (6) $80. E. (9) $12.

A. James W. Riddell, 723 Washington Building, D.C. 20005.
B. Kellogg Co., Battle Creek, Mich. 49016.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.
B. W. K. Kellogg Foundation, Battle Creek, Mich. 49016.

A. Selina Rissell, 415 Second Street SE., Washington, D.C. 20002.
B. Ad-Hoc Committee for Competitive Telecommunications, 415 Second Street NE., Washington, D.C. 20002.
D. (6) $7,067.36.

A. Valentin Riva, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Paula Roberts, Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
B. Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

A. Howard W. Robison, 3903 Franklin Street, Kensington, Md. 20795.
B. Consolidated Rail Corporation, P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $2,407.

A. Antoinette K. Roche, 2021 K Street NW., Suite 709, Washington, D.C. 20006.
B. General Atomic Co., San Diego, Calif.
D. (6) $500. E. (9) $25.

A. Ted V. Rodgers, 1000 Connecticut Avenue NW., Suite 304, Washington, D.C. 20036.
B. Nationwide Insurance Companies & Affiliates, 1 Nationwide Plaza, Columbus, Ohio. 43216.
D. (6) $2,500.

A. Mitchell Rofsky, 215 Pennsylvania Avenue, SE., Washington, D.C. 20003.
B. Congress Watch, 215 Pennsylvania SE., Washington, D.C. 20003.

A. Rogers & Wells, 200 Park Avenue, New York, N.Y. 10017.
B. Pan American World Airways, Inc., 200 Park Avenue, New York, N.Y. 10017.

A. Albert B. Rosenbaum III, National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. National Tank Truck Carriers, Inc, 1616 P Street NW., Washington, D.C. 20036.

A. Marcus Roth, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $3,373.37.

A. Michael O. Roush, National Federation of Independent Business, 490 L'Enfant Plaza SW, Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East, Suite 3206, Washington, D.C. 20024.
D. (6) $2,250. E. (9) $200.

A. Lynn Ryan, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $100. E. (9) $17.50.

A. The St. Louis Mercantile Library Association, 510 Locust Street, St. Louis, Mo. 63188.
E. (9) $77.26.

A. Sammons Enterprises, Inc., 403 South Akard, Dallas, Tex. 75202.

A. Michael Sandifer, Food Research & Action Center, 2011 I Street NW., No. 700, Washington, D.C. 20006.
B. Food Research & Action Center, 2011 I Street NW., No. 700, Washington, D.C. 20006.

A. Mark Schacht, 806 15th Street NW., Suite 600, Washington, D.C. 20005.
B. Migrant Legal Action Program, 806 15th Street NW., Suite 600. Washington, D.C. 20005.
D. (6) $4,833. E. (9) $6,413.73.

A. Harold A. Schaitberger, International Association of Fire Fighters, 1750 New York Avenue NW., Washington, D.C. 20006.
B. International Association of Fire Fighters, 1750 New York Avenue NW., Washington, D.C. 20006.
D. (6) $9,506.70.

A. Steven E. Schanes, Schanes Associates, 4884 San Joaquin Drive, San Diego, Calif. 92109.
B. National Employee Benefits Institute, 515 National Press Building, Washington, D.C. 20045.

A. Patricia Schifferle, Friends of the River, 317 Pennsylvania Avenue SE., Washington, D.C.
B. Friends of the River, 401 San Miguel Way, Sacramento, Calif. 95819.
D. (6) $600. E. (9) $520.

A. Arthur L. Schmuhl, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Frank Schneller, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
E. (9) $200.

A. Peter D. Scholes, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $2,304.72. E. (9) $115.10.

A. Anthony Schopp, Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910.
B. Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910.

A. Marsha Schramm, 1101 Connecticut Avenue NW., No. 500, Washington, D.C. 20036.
B. Domestic Petroleum Council Trade Association, 1101 Connecticut Avenue NW., No. 500, Washington, D.C. 20036.
D. (6) $5.02.

A. Amy Schussheim, Food and Beverage Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Food and Beverage Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

A. Bari Schwartz, Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
B. Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $6.925.11. E. (9) $13.25.

A. H. B. Scoggins, Jr., 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $54.75.

A. Donald A. Scott, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Deborah Sease, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Seatrain Lines, Inc., One Chase Manhattan Plaza, New York, N.Y. 10005.
E. (9) $1,182.50.

A. Service Station Dealers of America, Inc., 2021 K Street NW., Suite 303, Washington, D.C. 20006.
E. (9) $8,020.52.

A. Seyfarth, Shaw, Fairweather & Geraldson, 1111 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Dresser Industries, Inc., P.O. Box 718, Dallas, Tex. 75221.

A. John H. Sharon, P.O. Box 9834, Washington, D.C. 20015.
B. Mauritius Chamber of Agriculture, Mauritius Sugar Syndicate, Port Louis, Mauritius.

A. Russell Shay, Sierra Club, 1107 9th Street, Sacramento, Calif. 95814.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $1,593.75. E. (9) $1,102.63.

A. Shearman & Sterling, 53 Wall Street, New York, N.Y. 10005.
B. Citibank, N.A., 399 Park Avenue, New York, N.Y. 10022.
D. (6) $6,848. E. (9) $833.

A. John J. Sheehan, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $10,397.54.

A. Jonathan R. Sheiner, Four Irving Place, New York, N.Y. 10003.
B. Consolidated Edison Co. of New York, Inc., Four Irving Place, New York, N.Y.
D. (6) $416.61.

A. Nelson Shields, 810 18th Street NW., Washington, D.C. 20006.
B. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.
D. (6) $3,386.55.

A. Shimano-American Corp., 205 Jefferson Road, Parsippany, N.J. 07054.
E. (9) $1,492.12.

A. Joan Shorey, Solar Lobby, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Solar Lobby, 1001 Connecticut Avenue NW., No. 510, Washington, D.C. 20036.
D. (6) $736.20.

A. G. Scott Shotwell, 1619 Massachusetts Avenue, Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue, Washington, D.C. 20036.
D. (6) $2,475. E. (9) $60.

A. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $96,859.22. E. (9) $96,859.22.

A. Larry Silverman, 1341 G Street NW., No. 200, Washington, D.C. 20005.
B. Clean Water Action Project, 1341 G Street NW., Washington, D.C. 20005.
D. (6) $600. E. (9) $25.

A. Mark Simon, Food and Beverage Trades Department, AFL–CIO, 815 16th Street, Washington, D.C. 20006.
B. Food and Beverage Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $370.82.

A. Slover & Loftus, 1224 17th Street NW., Washington, D.C. 20036.
B. Western Coal Traffic League, Denver, Colo. 80110.
E. (9) $1.080.

A. Milton E. Smedsrud, Law Office Building, Fergus Falls, Minn. 56537.
B. Communicating for Agriculture, Inc., Law Office Building, Fergus Falls, Minn. 56537.
D. (6) $30,743.11. E. (9) $26,546.36.

A. Catherine Smith, 530 Seventh Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $2,712.57.

A. Elizabeth M. Smith, 815 16th Street NW., Suite 310, Washington, D.C. 20006.
B. Amalgamated Clothing and Textile Workers Union, 770 Broadway, New York, N.Y. 10003.
D. (6) $3,964.48. E. (9) $60.25.

A. Maynard H. Smith, National Committee to Re-Establish a Strong Defense for America, P.O. Box 9198, Treasure Island, Fla. 33740.
B. National Committee to Re-Establish a Strong Defense for America, P.O. Box 9198, Treasure Island, Fla. 33740.

A. Susan E. Smith, Distilled Spirits Council of the U.S., Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.
B. Distilled Spirits Council of the U.S., Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.
D. (6) $500. E. (9) $62.35.

A. Randall D. Snodgrass, 3110 Maple Drive, Suite 407, Atlanta, Ga. 30305.
B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $122.84. E. (9) $232.45.

A. Society of Professional Benefit Administrators, 1800 M Street NW., No. 1030–N, Washington, D.C. 20036.
B. Solar Lobby, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $122,582. E. (9) $14,827.

A. Vincent R. Sombrotto, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $2,922.68.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.
B. Assiniboine and Sioux Tribes, Port Peck Indian Reservation, Poplar, Mont. 59255.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.
B. Confederated Tribes of the Colville Indian Reservation, Nespelem, Wash. 99155.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.
B. Houlton Band of Maliseets, c/o Mr. Clair A. Sabattis, P.O. Box 223, Houlton, Maine 04730.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.
B. Shoshone Indian Tribe, Wind River Indian Reservation, Fort Washakie, Wyo. 82514.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.
B. Standing Rock Sioux Tribe, Fort Yates, N. Dak. 58538.

A. Wilbur D. Sparks, Air-Conditioning and Refrigeration Institute, 1815 N. Fort Myer Drive, Arlington, Va. 22209.
B. Air-Conditioning and Refrigeration Institute, 1815 N. Fort Myer Drive, Arlington, Va. 22209.
D. (6) $1,600. E. (9) $390.

A. Specialty Equipment Market Assn., 11540 E. Slauson Avenue, Whittier, Calif. 90606.

A. James M. Sprouse, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. John W. Sroka, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Scott E. Sterling, 1800 M Street NW., Suite 1030–N, Washington, D.C. 20036.

B. Hauck & Associates, 1800 M Street NW., Suite 1030–N, Washington, D.C. 20036 (for: Society of Professional Benefit Administrators).

A. Elliot Stern, American Health Planning Association, 1601 Connecticut Avenue NW., Suite 700, Washington, D.C. 20009.

B. American Health Planning Association, 1601 Connecticut Avenue NW., Suite 700, Washington, D.C. 20009.

D. (6) $2,406. E. (9) $248.

A. LaVerne Still, National Cotton Council of America, 1000–15th Street NW., Suite 700, Washington, D.C. 20005.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $273.75.

A. George Stockton, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

E. (9) $200.

A. Richard Boyle Storey, Suite S–103, 1750 Old Meadow Road, McLean, Va. 22102.

B. International Military Club Executives Association, 1750 Old Meadow Road, Suite S–103, McLean, Va. 22102.

A. Andrea Strader, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County & Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $6,116.76. E. (9) $104.

A. Jim Sullivan, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.

B. National Association of Independent Colleges & Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.

D. (6) $12,793.71. E. (9) $40.27.

A. Clyde W. Summerville, 1700 North Moore Street, Rosslyn, Va. 22209.

B. Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $1,296. E. (9) $40.65.

A. Paul Suplizio Associates, 5001 Seminary Road, Suite 310, Alexandria, Va. 22311.

B. Management Improvement Corp. of America, 617 Morehead Avenue, Durham, N.C. (for Coalition to Save Our FICA Taxes, 5001 Seminary Road, Suite 310, Alexandria, Va.)

D. (6) $13,500. E. (9) $1,295.

A. Paul Suplizio Associates, 5001 Seminary Road, Suite 310, Alexandria, Va. 22311.

B. National Treasury Employees Union, 1730 K Street NW., Washington, D.C. 20006.

D. (6) $5,260.51. E. (9) $1,205.51.

A. John L. Sweeney, 13931 Esworthy Road, Germantown, Md. 20767.

B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.

D. (6) $6,420.

A. Michael T. Swinehart, 1422 West Peachtree Street NW., Suite 612, Atlanta, Ga. 30309.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Douglass W. Svendson, Jr., Stang & Svendson, 1629 K Street NW., Washington, D.C. 20006.

B. American Waterways Operators, Inc., P.O. Box 1343, Houston, Tex. 77001.

D. (6) $125.

A. Douglass W. Svendson, Jr., Stang & Svendson, 1629 K Street NW., Washington, D.C. 20006.

B. Champlin Petroleum Co., 345 Park Avenue, New York, N.Y. 10022.

A. Douglass W. Svendson, Jr., Stang & Svendson, 1629 K Street NW., Washington, D.C. 20006.

B. Rocky Mountain Energy Co., 245 Park Avenue, New York, N.Y. 10022.

D. (6) $31.25.

A. Douglass W. Svendson, Jr., Stang & Svendson, 1629 K Street NW., Washington, D.C. 20006.

B. Union Pacific Railroad, 345 Park Avenue, New York, N.Y. 10022.

A. Suzette Tapper, Solar Lobby, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. Solar Lobby, 1001 Connecticut Avenue NW., No. 510, Washington, D.C. 20036.

D. (6) $757.31.

A. Task Force Against Nuclear Pollution, Inc., P.O. Box 1817, Washington, D.C. 20013.

D. (6) $10,761.14. E. (9) $11,116.99.

A. Frank Taylor, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, Tex. 77001.

E. (9) $5,568.

A. Samuel Thurm, Association of National Advertisers, 1725 K Street NW., Washington, D.C. 20006.

B. Association of National Advertisers, 155 East 44th Street, New York, N.Y. 10017.

A. Roger Tilles, 111 19th Street NW., Suite 1050, Washington, D.C. 20036.

B. Central Michigan University, Mount Pleasant, Mich. 48858.

A. Roger Tilles, 1111 19th Street NW., Suite 1050, Washington, D.C. 20036.

B. First National Monetary Corp., 4000 Town Center, 15th Floor, Southfield, Mich. 48075.

A. Roger Tilles, 1111 19th Street NW., Suite 1050, Washington, D.C. 20036.

B. Michigan Department of Education, Room 520, Michigan National Tower, Lansing, Mich. 48909.

A. Roger Tilles, 1111 19th Street NW., Suite 1050, Washington, D.C. 20036.

B. Wayne State University, Detroit, Mich. 48202.

A. Ronald J. Tipton, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $403.82. E. (9) $23.75.

A. H. Willis Tobler, 1575 I Street NW., Suite 230, Washington, D.C. 20005.

B. E. A. Jaenke & Associates, Inc., 1575 I Street NW., Suite 230, Washington, D.C. 20005.

A. TRAIN (Transportation by Rail for Agricultural and Industrial Needs), 1776 G Street NW., Washington, D.C.

E. (9) $3,000.

A. Joseph P. Trainor, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.

D. (6) $6,000. E. (9) $1,280.

A. Peter R. Troast, 530 Seventh Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 530 Seventh Street SE., Washington, D.C. 20003.

D. (6) $1,200.

A. William A. Turnage, The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $260.08.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

E. (9) $8,444.13.

A. United States Cruises, 2200 Sixth Avenue, Seattle, Wash. 98121.

E. (9) $1,440.

A. John A. Vance, Pacific Gas and Electric Co., 1050 17th Street NW., No. 1180, Washington, D.C. 20036.

B. Pacific Gas and Electric Co., 77 Beale Street, San Francisco, Calif. 94106.

D. (6) $2,125. E. (9) $1,315.70.

A. Richard F. Vander Veen, 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.

B. American Seating Co., 901 Broadway Avenue NW., Grand Rapids, Mich. 49504.

D. (6) $2,250.

A. Richard F. Vander Veen, 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.

B. Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.

D. (6) $4,000.

A. Richard F. Vander Veen, 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.

B. Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201.

D. (6) $4,600.

A. Richard F. Vander Veen, 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.

B. Duke Power Co., Box 33189, Charlotte, N.C. 28242.

D. (6)$ 3,000.

A. Richard F. Vander Veen, 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.

B. Gulf States Utilities Co., P.O. Box 2951, Beaumont, Tex. 77701.

D. (6) $3,000.

A. Gilda Ventresca, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $1,678.09. E. (9) $88.52.

A. Verner, Liipfert, Bernhard and McPherson, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.

B. The Travelers Corp., One Tower Square, Hartford, Conn. 06115.

D. (6) $525. E. (9) $525.

A. Walter D. Vinyard, Jr., Alston, Miller & Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.

B. Hartford Fire Insurance Co., Hartford Plaza, Hartford, Conn. 06115.

A. Ingrid A. Voorhees, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of

America, 1957 E Street NW., Washintgon, D.C. 20006.
D. (6) $2,000. E. (9) $500.

A. Wagner, D'Onofrio, Waller & Stouffer, 1000 University Building, 910 16th Street, Denver, Colo. 80202.
B. Ute Mountain Ute Tribe, Towaoc, Colo. 81334.
D. (6) $17,312.50.

A. Eleanor Walters, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $750.

A. Bonnie B. Wan, Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.
B. Montgomery Ward & Co., Inc., 1 Montgomery Ward Plaza, Chicago, Ill. 60671.

A. Richard D. Warden, Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $12,500. E. (9) $460.56.

A. Washington Natural Gas, 815 Mercer, Seattle, Wash.
E. (9) $240.

A. Carol Werner, National Consumer Law Center, 236 Massachusetts Avenue NE., Washington, D.C. 20002.
B. National Consumer Law Center, 11 Beacon Street, Boston, Mass. 02108.
D. (6) $5,062.50. E. (9) $1,190.

A. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 95621.
E. (9) $500.

A. Western Coal Traffic League, 1224 17th Street NW., Washington, D.C. 20036.
D. (6) $1,225. E. (9) $1,080.

A. Western Radiological Group, Suite 2, 2044 Armacost Avenue, Los Angeles, Calif. 90025.

A. Western Resource Alliance, Star Route Box 98, Eastsound, Wash.
E. (9) $332.

A. Bryan K. Whitehead, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerk, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.
D. (6) $1,200. E. (9) $900.

A. Whitman & Ransom, 1333 New Hampshire Avenue NW., Suite 650, Washington, D.C. 20036.
B. Shimano American Corp., 205 Jefferson Road, Parsippany, N.J. 07054.
D. (6) $1,475. E. (9) $17.12.

A. Wilcox & Sharood, 1899 L Street NW., Washington, D.C. 20036.
B. National Association of Stevedores, 1899 L Street NW., Washington, D.C. 20036.
D. (6) $6,800. E. (9) $8,072.62.

A. Peters D. Willson, Zero Population Growth, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Zero Population Growth, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $554.

A. John Wilson, Solar Lobby, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Solar Lobby, 1001 Connecticut Avenue NW., No. 510, Washington, D.C. 20036.
D. (6) $215.16.

A. Steven H. Wodka, Oil, Chemical & Atomic Workers International Union, 1126 16th Street NW., Washington, D.C. 20036.
B. Oil, Chemical & Atomic Workers International Union, 1636 Champa Street, Denver, Colo. 80201.
D. (6) $3,462.50.

A. F. Lorraine Woehrle, National Association of Truck Stop Operators, Inc., Suite No. 501. 700 North Fairfax Street, Alexandria, Va. 22313.
B. National Association of Truck Stop Operators, Inc., Suite No. 501, 700 North Fairfax Street, Alexandria, Va. 22313.
D. (6) $2,928.25.

A. Frank R. Wolf, 1901 North Moore Street, No. 804, Arlington, Va. 22209.
B. Gerber Products Co., 445 State Street, Fremont, Mich. 49412.

A. Frank R. Wolf, 1901 North Moore Street, No. 804, Arlington, Va. 22209.
B. National Farm & Power Equipment Dealers Association, 10877 Watson Road, St. Louis, Mo. 63127.

A. Women's Party for Survival, Santa Barbara Chapter, c/o J. Rothlein, 2306 Cliff Drive, Santa Barbara, Calif. 93109.
D. (6) $363.72. E. (9) $46.67.

A. Dee Workman, 150 East 42d Street, New York, N.Y. 10017.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y.
D. (6) $625.

A. W. Robert Worley, 730 Densley Drive, Decatur, Ga. 30033.
B. Georgia Power Co., 270 Peachtree Street NW., Atlanta, Ga. 30303.
D. (6) $3,460. E. (9) $2,329.20.

A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Stephen T. Young, National Audubon Society, 1755 Park Road NW., Washington, D.C. 20010.
B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.
D. (6) $5,047.50. E. (9) $1,346.20.

A. Barnaby W. Zall, Federation for American Immigration Reform (FAIR), 1330 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Federation for American Immigration Reform (FAIR), 1330 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $2,125. E. (9) $4.

A. Zero Population Growth, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,144. E. (9) $2,316.

A Daniel I. Zwick, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

QUARTERLY LOBBY POSTCARD

The following Quarterly Lobby Postcards were filed with the Clerk of the House of Representatives for the second calendar quarter of 1980:

A POSTCARD MAY BE USED WHEN A REGISTRANT HAS NOT INCURRED REPORTABLE RECEIPTS AND EXPENDITURES AND HAS NOT ENGAGED IN ANY LOBBYING ACTIVITY DURING THE QUARTER.

NOTE: THE FOLLOWING INFORMATION IS BEING PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

The Postcard has been reproduced below:

HLF3

QUARTERLY LOBBY POSTCARD

To be submitted in lieu of a Quarterly Report when registrant has not incurred reportable receipts or expenditures and has not engaged in any lobbying activity during the quarter.

IMPORTANT: File a separate postcard for each employer or client

REGISTRANT ____________________

Business Address ____________________
(number, street/P.O. Box)

____
(city, state, zip code)

Employer ____________________

(If REGISTRANT is an agent of someone OTHER THAN "EMPLOYER" state below whose interest is represented. If not appplicable. state "NONE".)

CLIENT ____________________

For the period (check one box only): 19____

☐ April 10 Report (Jan. 1—Mar. 31)
☐ Oct. 10 (July 1—Sept. 30)
☐ July 10 Report (April 1—June 30)
☐ Jan. 10 (Oct. 1—Dec. 31)

I certify that the above named registrant did not engage in any lobbying activities or incur reportable receipts or expenditures in connection with previous or future lobbying activities. I am aware that the Act requires a resumption of reporting in the event that activity commences; otherwise I can continue to submit a postcard in lieu of a report.

Executed on ____________________ *(date)* ____________________ *(signature)*

A. John J. Adams.
B. Hunton & Williams (for Ethyl Corp.).

A. V. J. Adduci.
B. Motor Vehicle Manufacturers Association of the United States, Inc.

A. G. Colburn Aker.
B. Hill & Knowlton, Inc.

A. Akin, Gump, Hauer & Feld.
B. American Petroleum Partners.

A. Akin, Gump, Hauer & Feld.
B. Brooklyn Industrial Development Corp.

A. Akin, Gump, Hauer & Feld.
B. Deloitte, Haskins & Sells.

A. Akin, Gump, Hauer & Feld.
B. E & J Gallo Winery.

A. Akin, Gump, Hauer & Feld.
B. Energol Corp., Inc.

A. Akin, Gump, Hauer & Feld.
B. Louisiana Alcohol Fuel Co.

A. Akin, Gump, Hauer & Feld.
B. MAPCO, Inc.

A. Akin, Gump, Hauer & Feld.
B. Ringling Bros. Barnum & Bailey Combined Shows, Inc.

A. Akin, Gump, Hauer & Feld.
B. Saber Refining Co.

A. Akin, Gump, Hauer & Feld.
B. Sun Pipe Line Co.

A. Akin, Gump, Hauer & Feld.
B. Texas Bankers Association.

A. Akin, Gump, Hauer & Feld.
B. Valley View Bank.

A. Robert D. Allen.
B. Bechtel Power Corp.

A. Amalgamated Transit Union, AFL-CIO.

A. Amalgamated Transit Union, National Capital Local 689.

A. American Advertising Federation.

A. American Association of Blood Banks.

A. American Business Council.

A. American Frozen Food Institute.

A. American Orthotic & Prosthetic Association.

A. American Pulpwood Association.

A. American Seed Trade Association.

A. Jane K. Anderson.
B. Kennecott Corp

A. John A. Anderson.
B. Motor Vehicle Manufacturers Association of the United States, Inc.

A. Jack R. Angell.
B. United Gas Pipe Line Co.

A. Robert E. Ansheles.
B. CITC Industries, Inc.

A. John Christian Archer.
B. Brown & Root, Inc.

A. Arent, Fox, Kintner, Plotkin & Kahn.
B. National Association of Greeting Card Publishers.

A. Rodney Armstrong.
B. Toyota Motor Sales U.S.A., Inc.

A. Associated Employers, Inc.

A. Association of Government Accountants.

A. George J. Aste.
B. United Airlines

A. Douglas Atwell, Jr.
B. G.W.U. Student Association.

A. Kathryn A. Aulbach.
B. Firestone Tire & Rubber Co.

A. John D. Austin
B. American Mining Congress.

A. Joan N. Baggett.
B. International Union of Bricklayers & Allied Craftsmen.

A. Charles Bailey.
B. National Right to Work Committee.

A. Rosalyn Hester Baker.
B. National Education Association.

A. Ballard, Spahr, Andrews & Ingersoll.
B. Alaska Housing Finance Corp.

A. Ballard, Spahr, Andrews & Ingersoll.
B. Idaho Housing Agency.

A. Barnett, Alagia & Carey.
B. Dairymen, Inc.

A. Barbara Bassuener.
B. American Paper Institute, Inc.

A. Lucius D. Battle.
B. Communications Satellite Corp.

A. Lynne D. Battle.
B. College Placement Council.

A. Karen J. Bauer.
B. American Paper Institute, Inc.

A. John E. Baughman.
B. Pa. State Education Association.

A. Robert J. Baughman.
B. American Orthotic & Prosthetic Association.

A. James Beizer.
B. American Mining Congress.

A. Howard H. Bell.
B. American Advertising Federation.

A. Douglas P. Bennett.
B. Association of Executive Recruiting Consultants, Inc.

A. David A. Beren.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation.

A. O. M. Berge.
B. Brotherhood of Maintenance of Way Employees.

A. Peggy Berk.
B. Peter Small & Associates, Inc. (for William M. Mercer, Inc.).

A. Richard B. Berman.
B. Steak and Ale Restaurants of America, Inc.

A. George K. Bernstein.
B. American Insurance Association.

A. George K. Bernstein.
B. Crum & Forster Insurance Co.

A. Allene Betancourt.
B. Chem Nuclear Systems, Inc.

A. Frank Bianco.
B. 10th Pro-Life Congressional District Action Committee.

A. Walter J. Bierwagen.
B. Amalgamated Transit Union, AFL-CIO.

A. Gerda V. Bikales.
B. National Parks & Conservation Association.

A. Bison and Wenning.
B. National Food Brokers Association.

A. Tom Black.
B. National Federation of Federal Employees.

A. Richard W. Blake.
B. American Sugarbeet Growers Association.

A. Larry H. Blanchard.
B. Credit Union Financial Services, Inc.

A. Robert W. Blanchette.
B. Alston, Miller & Gaines (for Board of Trade Clearing Corp.).

A. Glenn E. Blitgen.
B. American Mining Congress.

A. Jerald Blizin.
B. Hill & Knowlton, Inc.

A. Jared O. Blum.
B. Direct Selling Association.

A. Larry A. Boggs.
B. American Mining Congress.

A. Jeffrey W. Bolotin.
B. Alston, Miller & Gaines (for RCA Global Communications, Inc.).

A. M. Warren Bolton.
B. Provident Indemnity Life Insurance Co.

A. William H. Borghesani, Jr.
B. Keller & Heckman (for Private Carrier Conference, Inc.).

A. Charles E. Boswell.
B. Amalgamated Transit Union, National Capital Local 689.

A. David Boxer.
B. G.W.U. Student Association.

A. Cynthia H. Braddon.
B. National Newspaper Association.

A. Mitchell H. Bradley.
B. American Society of Mechanical Engineers.

A. Jerry M. Brady.
B. Stepan Chemical.

A. Jerry M. Brady.
B. Thermo-Electron Co.

A. John Henry Brebbia.
B. Alston, Miller & Gaines (for Board of Trade Clearing Corp.).

A. John Henry Brebbia.
B. Alston, Miller & Gaines (for RCA Global Communications, Inc.).

A. Breed, Abbott & Morgan.
B. Lasker, Stone & Stern.

A. Breed, Abbott & Morgan.
B. David H. McConnell.

A. Miles H. Bresee, Jr.
B. Bechtel Power Corp.

A. Ellen Broadman.
B. Consumers Union of United States, Inc.

A. Stephen Brobeck.
B. Consumer Federation of America.

A. Timothy G. Brosnahan.
B. Burson-Marsteller (for Gould, Inc.).

A. Charles T. Brown.
B. Cities Service Co.

A. Michael F. Brown.
B. American Frozen Food Institute.

A. Stanley R. Browne.
B. E. I. du Pont de Nemours & Co., Inc.

A. David Brubaker.
B. National Rehabilitation Counseling Association.

A. Harvey F. Brush.
B. Bechtel, Inc.

A. Philip N. Buckminster.
B. Chrysler Corp.

A. Lawrence E. Burch.
B. Potato Chip/Snack Food Association.

A. Burr, Pease & Kurtz, Inc.
B. Eklutna.

A. Robert W. Busha.
B. National Asphalt Pavement Association.

A. Bushnell, Gage, Reizen & Byington.
B. Consumers Solar Electric Power Co.

A. Stuart A. Byer.
B. Direct Selling Association.

A. J. Fred Byset.
B. United States Chamber of Commerce.

A. Cadwalader, Wickersham & Taft.
B. Amex Commodities Exchange, Inc.

A. Roy C. Cahoon Associates.
B. National Automatic Merchandising Association.

A. Donald L. Calvin.
B. New York Stock Exchange, Inc.

A. Jerry L. Campbell.
B. Tennessee Valley Public Power Association.

A. Paul W. Cane.
B. Bechtel Power Corp.

A. Charles E. Capron.

A. Donald Capshaw.
B. Airline Pilots Association.

A. Isaac R. Caraco.
B. Bechtel Power Corp.

A. William Edward Carmichael.
B. American Floral Services, Inc.

A. John L. Casey.
B. Investment Counsel Association of America, Inc.

A. Daniel L. Cassidy.
B. Chemical Specialties Manufacturers Association.

A. Sevmour M. Chase.
B. AST Cos.

A. Chemtex Fibers, Inc.

A. Chesapeake Trade Binders Association, Inc.

A. Howard P. Chester.
B. Stone, Glass & Clay Coordinating Committee.

A. Bob Clark & Associates.
B. Ryder System, Inc.

A. Gilbert M. Clark.
B. American Association of Blood Banks.

A. Joseph J. F. Clark.
B. Eaton Associates, Inc.

A. William E. Clarken.
B. International Council of Airshows.

A. Clay Pipe Industry Depletion Committee.

A. Cleveland Electric Illuminating Co.

A. Clifford & Warnke.
B. Warner-Lambert Co.

A. Coalition of Concerned Charities.

A. Cole, Corette & Bradfield.
B. American Express Co.

A. Cole, Corette & Bradfield.
B. Chase Manhattan Bank.

A. Collier, Shannon, Rill & Scott.
B. Allegheny Ludlum Industries, Inc.

A. Collier, Shannon, Rill & Scott.
B. American Cylinder Manufacturers Committee.

A. Collier, Shannon, Rill & Scott.
B. American Frozen Food Institute.

A. Collier, Shannon, Rill & Scott.
B. National Broiler Council.

A. Collier, Shannon, Rill & Scott.
B. Republic of China.

A. Collier, Shannon, Rill & Scott.
B. Society of Independent Gasoline Marketers of America.

A. Collier, Shannon, Rill & Scott.
B. Tool & Stainless Steel Industry Committee.

A. Colorado Railroad Association.

A. Committee to Safeguard Prisoners Rights.

A. Congressional District Action Committee (Pro-Life).

A. Congressional District Action Committee No. 7.

A. Gregory E. Conrad.
B. American Mining Congress.

A. John J. Contney.
B. Textile Rental Services Association of America.

A. Alfred C. Cordon.
B. Buffalo Broadcasting Co., Inc.

A. Samuel C. Corey, Jr.
B. Provident Indemnity Life Insurance Co.

A. Samuel C. Corey, Jr.
B. Provident Indemnity Life Insurance Co.

A. Bennett J. Corn.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Cosmetic, Toiletry & Fragrance Association.

A. Daniel T. Coughlin.
B. Jos. Schlitz Brewing Co.

A. Council for Rural Development.

A. C. Bryan Cox.
B. Kansas City Life Insurance Co.

A. Margaret S. Craig.
B. Brookwood Health Services, Inc.

A. Charles S. Crawford.
B. Hill & Knowlton, Inc.

A. James H. Cromwell, Sr.
B. Med-E-Jet Corp.

A. James H. Cromwell, Sr.
B. World Gate Office Park, Inc.

A. Bobby E. Crow.
B. Columbia Gulf Transmission Co.

A. Crowell & Moring.
B. Associated Gas Distributors.

A. Crowell & Moring.
B. Commuter Airline Association of America, Inc.

A. Cuba Claims Association.

A. Curtis, Mallet-Prevots, Colt & Mosle.
B. United States Trust Co. of New York.

A. Thomas B. Curtis.
B. Encyclopedia Britannica.

A. Everett E. Cutter.
B. Oregon Railroad Association.

A. Fred L. Dahl.
B. Bechtel Power Corp.

A. Damon Corp.

A. Daniels, Houlihan & Palmeter.
B. Japan Lumber Importer's Association.

A. Danzansky, Dickey, Tydings, Quint & Gordon.
B. Government of Antigua.

A. Danzansky, Dickey, Tydings, Quint & Gordon.
B. Japan Atomic Industrial Forum.

A. Danzansky, Dickey, Tydings, Quint & Gordon.
B. Metropolitan Washington Savings & Loan League.

A. Danzansky, Dickey, Tydings, Quint & Gordon.
B. National Railway Utilization Corp.

A. Danzansky, Dickey, Tydings, Quint & Gordon.
B. Perpetual Federal Savings & Loan Association.

A. Danzansky, Dickey, Tydings, Quint & Gordon.
B. Population Crisis Committee.

A. Danzansky, Dickey, Tydings, Quint & Gordon.
B. TVI Corp.

A. Stephen I. Danzansky.
B. Danzansky, Dickey, Tydings, Quint & Gordon (for Government of Antigua).

A. F. Gibson Darrison, Jr.
B. American Chiropractic Association.

A. Davis, Gillenwater, Lynch & Doane.
B. Industrial Consultants Netherlands, B.V.

A. P. M. Davison, Jr.
B. North Dakota Railway Lines.

A. J. Edward Day.
B. Associated Third Class Mail Users.

A. J. Edward Day.
B. Electronic Industries Association.

A. Gaston de Bearn.
B. Hoffman-La Roche, Inc.

A. Francis R. deBondt.
B. Credit Union Financial Services, Inc.

A. Stephen T. Delamater.
B. Halliburton Co.

A. John L. Delano.
B. Montana Railroad Association.

A. Dell, Craighill, Fentress & Benton.
B. Sr. Jesus Almeida N.

A. Bradford T. Dempsey.

A. James T. Devine.
B. Bowling Proprietors Association of America, Inc.

A. Dickstein, Shapiro & Morin.
B. Capeway Seafoods, Inc.

A. Dickstein, Shapiro & Morin.
B. Government of Liberia.

A. Dickstein, Shapiro & Morin.
B. Hi-Energy Research & Development Corp.

A. Dickstein, Shapiro & Morin.
B. International Brotherhood of Teamsters.

A. Dickstein, Shapiro & Morin.
B. Marine Engineers Beneficial Association.

A. Dickstein, Shapiro & Morin.
B. Mitsubishi International Corp.

A. Dickstein, Shapiro & Morin.
B. Tennessee Gas Transmission Co.

A. John K. Dierker.
B. McDonnell Douglas Corp.

A. Harley M. Dirks.

A. Mortimer A. Dittenhofer.
B. Association of Government Accountants.

A. James Doherty.
B. Group Health Association of America, Inc.

A. Hollis M. Dole.
B. Atlantic Richfield Co.

A. William D. D'Onofrio.
B. National Association for Neighborhood Schools, Inc.

A. William D. D'Onofrio.
B. Positive Action Committee, Inc.

A. Jack C. Donovan.
B. Cleveland Electric Illuminating Co.

A. Jack C. Dorsch.
B. Health Insurance Association of America.

A. Harry L. Downey, Jr.
B. Firestone Tire & Rubber Co.

A. Robert H. Doyle.
B. Plumbing Manufacturers Institute.

A. Dravo Corp.

A. Anthony V. Dresden.
B. Hill & Knowlton, Inc.

A. W. H. Drushel, Jr.
B. Vinson & Elkins (for Quintana Petroleum Corp.).

A. W. H. Drushel, Jr.
B. Vinson & Elkins (for Quintana Refinery Co.).

A. Mary Jane C. Due.
B. American Mining Congress.

A. Michael F. Duffy.
B. American Mining Congress.

A. Jeffrey M. Duke.
B. American Paper Institute, Inc.

A. Duncan, Weinberg & Miller.
B. Adolph Kizas.

A. Duncan, Weinberg & Miller.
B. "Delaware 5."

A. Duncan, Weinberg & Miller.
B. East Bay Regional Park District.

A. Duncan, Weinberg & Miller.
B. Huron-Clinton Metropolitan Authority.

A. Duncan, Weinberg & Miller.
B. Ivay May Harvey.

A. Duncan, Weinberg & Palmer.
B. Kenai Natives Association, Inc.

A. Duncan, Weinberg & Palmer.
B. Koniag, Inc.

A. Duncan, Weinberg & Palmer.
B. Western Fuels Association, Inc.

A. J. W. Dunlop.
B. Brooklyn Union Gas Co.

A. Henry I. Dworshak.
B. American Mining Congress.

A. Eaton Associates, Inc.

A. Robert E. L. Eaton.
B. Eaton Associates, Inc.

A. R. R. Ebbing.
B. Detroit Edge Tool Co.

A. Economic Service Counsel, Inc.

A. Anne Edlund.
B. Motor Vehicle Manufacturers Association of the United States.

A. Edwards Associates.
B. Portland General Electric Co.

A. J. Rodney Edwards.
B. American Paper Institute, Inc.

A. Stephen R. Effros.
B. Community Antenna Television Association, Inc.

A. Joseph J. Eley.
B. Squibb Corp.

A. Steve W. Elliott.
B. Fidelity Union Trust Co.

A. Employers Reinsurance Corp.

A. Ralph Engel.
B. Chemical Specialties Manufacturers Association.

A. John R. Englehorn.
B. Texasgulf, Inc.

A. Epstein, Becker, Borsody & Green.
B. American Association of Professional Standards Review Organizations.

A. David C. Evans.
B. Brick Institute of America.

A. Joseph O. Evans.

A. Arthur Fefferman.
B. American Council of Life Insurance, Inc.

A. John W. Feist.
B. Kaiser Steel Corp.

A. Roger D. Feldman.
B. LeBoeuf, Lamb, Leiby & MacRae (for Ad Hoc Rail Shippers Group).

A. John L. Festa.
B. American Paper Institute, Inc.

A. Blaine Fielding.
B. American Paper Institute, Inc.

A. Fisheries Development Corp.

A. John H. Fitch, Jr.
B. National Society of Public Accountants.

A. Aaron I. Fleischman.
B. Fleischman & Walsh (for Cablecom-General, Inc.).

A. Aaron I. Fleischman.
B. Fleischman & Walsh (for Warner-Amex Cable Communications, Inc.).

A. David H. Foerster.
B. National Education Association.

A. Raymond J. Foley.
B. National Candy Wholesalers Association, Inc.

A. Joseph L. Fraites.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. William C. France.
B. National Motorsports Committee of ACCUS.

A. William H. G. France.
B. National Motorsports Committee of ACCUS.

A. Robert E. Freer, Jr.
B. Kimberly-Clark Corp.

A. Gregory N. Friberg.
B. Associated Builders & Contractors, Inc.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Cheyenne River Sioux Tribe.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Doyon, Limited.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Miccosukee Tribe of Indians of Florida.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Rosebud Sioux Tribe.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Seneca Nation of Indians.

A. Barry A. Friedman.
B. American Society of Travel Agents, Inc.

A. James M. Friedman.
B. Cleveland Electric Illuminating Co.

A. Fulton Energy Corp.

A. Terry Gabrielson.
B. Transcontinental Gas Pipeline Corp.

A. Gardner, Carton & Douglas.
B. Elmer W. Kneip.

A. Gardner, Carton & Douglas.
B. Peoples Gas Co.

A. Gardner, Carton & Douglas.
B. Zeigler Coal Co.

A. Theodore J. Garrish.
B. American Metal Detectors Manufacturers, Inc.

A. James J. Garry.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Jose A. Gemeil.
B. Samuel E. Stavisky & Associates, Inc. (for Brazilian Coffee Institute).

A. George & George.
B. Pepsico, Inc.

A. William T. Gibb III.
B. American Council of Life Insurance, Inc.

A. Thomas F. Gibson.
B. Brick Institute of America.

A. Susan Gilbert.
B. National Federation of Federal Employees.

A. Arthur P. Gildea.
B. Brewery & Soft Drink Workers National Conference I.B.T.

A. Jonah Gitlitz.
B. American Advertising Federation.

A. John P. Gleason, Jr.
B. Brick Institute of America.

A. Robert Glover, Sr.
B. American Mandate Committee.

A. Thos. G. Godfrey.
B. Kikkoman Foods, Inc.

A. Richard C. Gohla.
B. Retail Bakers of America.

A. Alan J. Goldenberg.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Vance V. Goodfellow.
B. Crop Quality Council.

A. Bruce G. Goodman.
B. Damon Corp.

A. Benjamin Gordon.
B. Health Research Group.

A. Robert D. Gordon.
B. International Union of Police Association.

A. Carl F. Graham.
B. Amway Corp.

A. Robert K. Gray.
B. Hill and Knowlton, Inc.

A. Robert K. Gray.
B. Hill and Knowlton, Inc. (for Distilled Spirits Council of the United States).

A. Robert K. Gray.
B. Hill and Knowlton, Inc. (for Health Insurance Association of America).

A. Robert K. Gray.
B. Hill and Knowlton, Inc. (for Motorola).

A. Mark E. Grayson.
B. Hill and Knowlton, Inc.

A. Mark E. Grayson.
B. Hill and Knowlton, Inc. (for Health Insurance Association of America).

A. Mark E. Grayson.
B. Hill and Knowlton, Inc. (for RKO General).

A. Mark E. Grayson.
B. Hill and Knowlton, Inc. (for Seattle First National Bank).

A. Mark E. Grayson.
B. Hill and Knowlton, Inc. (for Uniroyal).

A. Samuel A. Grayson.
B. Union Pacific Railroad Co.

A. Wayne Green.
B. 73, Inc.

A. Dale Greenwood.
B. Washington Railroad Association.

A. Edward F. Greissing, Jr.
B The Upjohn Co.

A. Chester A. Groseclose, Jr.
B. South Dakota Railroads Association.

A. John T. Grupenhoff.
B. American Academy of Dermatology.

A. John T. Grupenhoff.
B. American Gastroenterological Association.

A. John T. Grupenhoff.
B. Mego Corp.

A. John T. Grupenhoff.
B. National Association for Hospital Development.

A. Guayule Growers Association.

A. Thomas M. Gunn.
B. McDonnell Douglas Corp.

A. William B. Gunter.
B. Kilpatrick & Cody (for Furniture Rental Association of America).

A. C. James Hackett.
B. American Plywood Association.

A. Ann Hagemann.
B. American Broadcasting Co.

A. William D. Hager.
B. American Academy of Actuaries.

A. Peter H. Hahn.
B. Chromalloy American Corp.

A. Donald Haines.
B. American Federation of Government Employees.

A. Martin Ryan Haley & Associates, Inc.
B. Agri-Business, Inc.

A. Martin Ryan Haley & Associates, Inc.
B. American Energy, Inc.

A. Martin Ryan Haley & Associates, Inc.
B. M&M/Mars Division of Mars.

A. Martin Ryan Haley & Associates, Inc.
B. New England Mutual Life Insurance Co.

A. Martin Ryan Haley & Associates, Inc.
B. Tobacco Tax Council.

A. Floyd D. Hall.
B. International Air Transport Association.

A. John B. Hallagan.
B. American Ivory Association.

A. Seymour Halpern.
B. Sydney S. Baron and Co. (for American Can Co.).

A. Hamel, Park, McCabe & Saunders.
B. State of Alaska.

A. George J. Hanks, Jr.
B. Union Carbide Corp.

A. Erling Hansen.
B. Group Health Association of America, Inc.

A. Michael T. Harrigan.
B. U.S. Olympic Committee.

A. William C. Hart.
B. Columbia Gas System Service Corp.

A. Robert S. Hartmann.
B. Hill and Knowlton, Inc.

A. Edward H. Harvey.
B. National Federation of Federal Employees.

A. Paul Hasse.
B. Halt, Inc.

A. Paul M. Hawkins.
B. Health Insurance Association of America.

A. Heavy Specialized Carriers Conference, Inc.

A. Lon Heibeck.
B. PA State Education Association.

A. Richard L. Hellwege.
B. Lear Siegler.

A. Harry V. Helton.
B. Reynolds Metals Co.

A. Thomas R. Hendershot.
B. American Gas Association.

A. Thomas R. Hendershot.
B. American Society of Farm Managers and Rural Appraisers, Inc.

A. Thomas R. Hendershot.
B. P. Mastrippolito and Sons, Inc.

A. Thomas R. Hendershot.
B. National Custom Brokers and Forwarders of America, Inc.

A. Thomas R. Hendershot.
B. Partnership Placements, Inc.

A. Thomas R. Hendershot.
B. Pennsylvania Food Processors Association.

A. C. Dayle Henington.
B. Chicago Mercantile Exchange.

A. Donald A. Henriksen.
B. Atlantic Richfield Co.

A. Bruce Heppen.
B. National Federation of Federal Employees.

A. Keven M. Higgins.
B. Avon Products, Inc.

A. Hill, Christopher and Phillips.
B. Michigan State Housing Development Authority.

A. Hill, Christopher and Phillips.
B. Morgan Guaranty Trust Co. of New York.

A. Hill, Christopher and Phillips.
B. Republic National Bank of New York.

A. Gerald "Jerry" Hill.
B. Standard Oil Co. (Indiana).

A. Hill and Knowlton, Inc.
B. Florists' Transworth Delivery.

A. Robert J. Hobbs.
B. National Consumer Law Center, Inc.

A. Philip R. Hochberg.
B. Vorys, Sater, Seymour & Pease (for Canadian Cablesystems, Ltd.).

A. Philip R. Hochberg.
B. Vorys, Sater, Seymour & Pease (for National Hockey League).

A. John A. Hodges.
B. Tuna Research Foundation.

A. Hogan & Hartson.
B. Guam Power Authority.

A. Hogan & Hartson.
B. National Rehabilitation Association.

A. Robert L. Holding.
B. Association of Home Appliance Manufacturers.

A. Kelly Holley.
B. American Paper Institute, Inc.

A. Henry W. Holling.
B. Caterpillar Tractor Co.

A. John W. Holton.
B. American Bankers Association.

A. Chuck Hoskinson.
B. G.W.U. Student Association.

A. Thomas B. House.
B American Frozen Food Institute.

A. Mary G. Houston.
B. Farm Labor Research Committee.

A. Arthur L. Howard.
B. Washington Gas Light Co.

A. Hudson, Leftwich & Davenport.
B. City of Detroit.

A. Gary E. Hughes.
B. American Counsel of Life Insurance.

A. William E. Hughes, Jr.
B. Northeast Utilities Service Co.

A. Frederick D. Hunt, Jr.
B. American Academy of Actuaries.

A. Lawrence H. Hunt, Jr.
B. Heinold Commodities, Inc.

A. Peter C. Hunt.
B. Brooklyn Union Gas Co.

A John Edward Hurley.

A John Edward Hurley.
B. National Association for Free Enterprise.

A. Robert R. Hurt.
B Merck & Co., Inc

A. Bernard J. Imming.
B. United Fresh Fruit and Vegetable Association.

A. Independent U.S. Tanker Owners' Committee.

A. International Maritime Associates, Inc.

A. James C. Jennings.
B. Hill & Knowlton, Inc.

A. Donald A. Johnson.
B. Plains Cotton Growers, Inc.

A. Rady A. Johnson.
B. Standard Oil Co. (Indiana).

A. Spencer A. Johnson.
B. Paperboard Packaging Council.

A. Jojoba Growers Association.

A. James E. Jones.
B. Appalachian Power Co.

A. Martha E. Jones.
B. Florida Phosphate Council.

A. James V. Jordan III.
B. Southern Natural Gas Co.

A. Ardon B. Judd.
B. Dresser Industries, Inc.

A. Kaiser Steel Corp.

A. Jonathan Katz.
B. G.W.U. Student Association.

A. Everett E. Kavanaugh.
B. Cosmetic, Toiletry & Fragrance Association.

A. Vicki R. Keenan.
B. Bechtel Power Corp.

A. Donald W. Keller.
B. Quintana Petroleum Corp.

A. Stephen G. Kellison.
B. American Academy of Actuaries.

A. Robert F. Kelly.
B. E. I. du Pont de Nemours & Co., Inc.

A. William T. Kendall.
B. Alliance for Free Enterprise.

A. Robert M. Ketchel.
B. General Electric Co.

A. Earline A. Keyser.
B. Bechtel Power Corp.

A. Richard F. Kibben.
B. Business Roundtable.

A. Edward J. Kiernan.
B. International Union of Police Associations.

A. Kikkoman Foods, Inc.

A. Margaret A. Kimball.
B. Bechtel Power Corp.

A. Edward H. King.
B. Walgreen Co.

A. G. Jack King.
B. U.S. Air, Inc.

A. Francis L. Kinney.
B. Northeast Utilities Service Co.

A. Allie C. Kleinpeter, Jr.
B. Louisiana Bankers Association.

A. Jeffrey W. Knight.
B. Friends of the Earth, Inc.

A. Paul E. Kohl.
B. 18th Congressional District for Pro-Life Activities.

A. Charles B. Kornmann.
B. South Dakota Railroads Association.

A. Stephen W. Kraus.
B. American Council of Life Insurance, Inc.

A. Kyukuyo, Inc.

A. Labor Bureau of Middle West.

A. R. D. (Ben) Laime.
B. National Education Association.

A. Thomas M. Landin.
B. Smith Kline Corp.

A. Phil M. Landrum.
B. Great American Management & Investment, Inc.

A. Bruce Alan Landy.
B. Cryogenic Vacuum Technology Co.

A. Lane & Edson.
B. Council for Rural Development.

A. Michael S. Lang.
B. American Productivity Center, Inc.

A. Reed E. Larson.
B. National Right to Work Committee.

A. Lawrence C. Laser.
B. Cities Service Co.

A. Glenn T. Lashley.
B. American Automobile Association.

A. Louis F. Laun.
B American Paper Institute, Inc.

A. Richard A. Leahy.
B. Investment Counsel Association of America, Inc.

A. Richard J. (Dick) Lease.

A. Robert B. Leflar.
B. Health Research Group.

A. Joanna S. Lehane.
B. Motor & Equipment Manufacturers Association.

A. William T. Lehner.
B. Montgomery Ward & Co., Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. Adhesive & Sealant Council, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. Agri International, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. American Association of Nurse Anesthetists.

A. Leighton, Conklin, Lemov & Jacobs.
B. American Dental Assistants Association.

A. Leighton, Conklin, Lemov & Jacobs.
B. City & Regional Magazine Association.

A. Leighton, Conklin, Lemov & Jacobs.
B. The Clorox Co.

A. Leighton, Conklin, Lemov & Jacobs.
B. Developmental Healthcare & Wellness, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. Family Practice Life & Health Action Research.

A. Leighton, Conklin, Lemov & Jacobs.
B. GEM Mailing, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. Grocery Manufacturers of America, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. Intraocular Lens Manufacturers Association.

A. Leighton, Conklin, Lemov & Jacobs.
B. Jet America International, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. National Cable Television Association, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. National Development Services.

A. Leighton, Conklin, Lemov & Jacobs.
B. National Glass Dealers Association.

A. Leighton, Conklin, Lemov & Jacobs.
B. Oakdale Corp.

A. Leighton, Conklin, Lemov & Jacobs.
B. Professional Air Traffic Controllers Organization.

A. Leighton, Conklin, Lemov & Jacobs.
B. Security Associates, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. Turner Broadcasting System, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. Universal Medical Laboratories, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. Whey Products Institute.

A. Lynette B. Lenard.
B. Dow Chemical Co.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Commerzbank AG.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Commonwealth Edison Co.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Eastern Gas & Fuel Associates.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. General Electric Co.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. GK Technologies, Inc.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Glass Packaging Institute.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Pacific Gas & Electric Co.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Union Investment GmbH.

A. James B. Liberman.
B. Public Service Electric & Gas Co., et al.

A. Russel B. Light.
B. The Boeing Co.

A. Law Offices of John F. Lillard III.
B. American Solar Energy Association.

A. Law Offices of John F. Lillard III.
B. National Insulators Association.

A. Harold D. Loden.
B. American Seed Trade Association.

A. Robert H. Loeffler.
B. State of Alaska.

A. Loomis, Owen, Fellman & Howe.
B. National Water Well Association.

A. Robert C. Lower.
B. Board of Trade Clearing Corp.

A. James E. Mack.
B. National Association of Mirror Manufacturers.

A. Curtis T. Mackey.
B. National Insulation Contractors Association.

A. David C. Main, Jr.
B. Epstein Becker Borsody & Green (for American Association of Professional Standards Review Organizations).

A. Richard J. Mannix.
B. Brooklyn Union Gas Co.

A. Dan V. Maroney, Jr.
B. Amalgamated Transit Union, AFL–CIO.

A. Ernest C. Marty.

A. Judith L. Marty.

A. Paul J. Mason.
B. American Council of Life Insurance.

A. Carolyn Massell.
B. Colonial Penn Group, Inc.

A. C. V. & R. V. Maudlin.
B. Georgia Power Co.

A. C. V. & R. V. Maudlin.
B. Joint Government Liaison Committee.

A. Charles H. Mauzy.
B. National Education Association.

A. William J. McAuliffe, Jr.
B. American Land Title Association.

A. Michael J. McCabe.
B. Allstate Enterprises, Inc.

A. Michael J. McCabe.
B. Allstate Insurance Co.

A. John A. McCahill.
B. U.S. Olympic Committee.

A. Julie P. McCahill.
B. Mead Corp.

A. James R. McCaul.
B. International Maritime Associates, Inc.

A. McClure & Trotter.
B. Cities Service Co.

A. Robert S. McConnaughey.
B. American Council of Life Insurance, Inc.

A. Marianne McDermott.
B. Hill & Knowlton, Inc.

A. Jack McDonald Associates, Inc.
B. Northrop Corp.

A. James McDonald.
B. Jack McDonald Associates, Inc. (for Northrop Corp.)

A. Darryl D. McEwen.
B. Society of American Florists.

A. Robert H. McFadden.
B. Motor Vehicle Manufacturers Association of the United States, Inc.

A. Stanley J. McFarland.
B. National Education Association.

A. James M. McGarry, Jr.
B. Eaton Associates, Inc.

A. W. Curt McGee.
B. Bechtel National, Inc.

A. William F. McKenna.
B. Silver, Freedom, Housley, Taff & Goldberg.

A. William Colm McKeveny.
B. American Pulpwood Association.

A. L. Bradley McNally.
B. Blue Cross & Blue Shield Associations.

A. Laramie F. McNamara.
B. Flexible Packaging Association.

A. Mrs. Robert S. (Margaret) McNamara.
B. Reading Is Fundamental, Inc.

A. Robert E. McVicker.
B. Kollsman Instrument Co.

A. Ronald E. McWilliams.
B. The Boeing Co.

A. Metzger, Shadyac & Schwarz.
B. Melex USA, Inc.

A. Andrice J. Michaels.
B. American Mining Congress.

A. Miller & Chevalier.
B. Hercules Inc.

A. Miller & Chevalier.
B. Northern Helex Co.

A. Dale Miller.
B. Gulf Intracoastal Canal Association.

A. Dale Miller.
B. Texasgulf, Inc.

A. Luman G. Miller.
B. Oregon Railroad Association.

A. Paul J. Miller.
B. Investment Counsel Association of America, Inc.

A. Richard L. Miller.
B. The Boeing Co.

A. Glenn W. Million.
B. Disabled Officers Association.

A. R. Garrett Mitchell.
B. Colorado Ski Country U.S.A.

A. Stacey J. Mobley.
B. E. I. du Pont de Nemours & Co.

A. Robert M. Moliter.
B. General Electric Co.

A. Herman J. Molzahn.
B. American Waterways Operators, Inc.

A. C. Austin Montgomery.
B. Credit Union Financial Services, Inc.

A. E. Joyce Morgan.
B. American Mining Congress.

A. Earl J. Morgan.
B. McDonnell Douglas Corp.

A. Victor G. Morris.
B. Montgomery Ward & Co., Inc.

A. Helen Dubino Morrison.
B. Hill & Knowlton, Inc.

A. Helen Dubino Morrison.
B. Hill & Knowlton, Inc. (for Navajo Nation).

A. Motor & Equipment Manufacturers Association.

A. William G. Mullen.
B. National Newspaper Association.

A. Robert G. Mulligan.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation.

A. Richard E. Murphy.
B. Service Employees International Union, AFL–CIO–CLC.

A. Paul J. Myer.
B. American Broadcasting Co.

A. John J. Nangle.
B. National Association of Independent Insurers.

A. National Association for Free Enterprise.

A. National Council for a Responsible Firearms Policy.

A. National Grain & Feed Association.

A. National Organization for Women.

A. National Railway Utilization Corp.

A. Carolyn B. Nelson.
B. Brookwood Health Services, Inc.

A. Milton E. Neshek.
B. Kikkoman Foods, Inc.

A. New York Committee of International Committee of Passenger Lines.

A. Melissa A. Nielson.
B. Kennecott Corp.

A. James O. E. Norell.
B. National Rifle Association.

A. Victor L. Nutt.
B. Gulf & Western Industries, Inc.

A. George O'Bea, Jr.
B. United Paperworkers International Union.

A. Mary Eileen O'Brien.
B. Dow Corning Corp.

A. O'Connor & Hannan.
B. American Public Transit Association.

A. O'Connor & Hannan.
B. Automotive Parts & Accessories Association.

A. O'Connor & Hannan.
B. Commonwealth of Puerto Rico.

A. O'Connor & Hannan.
B. Hennepin County.

A. O'Connor & Hannan.
B. Investment Co. Institute.

A. O'Connor & Hannan.
B. Investors Diversified Services, Inc.

A. O'Connor & Hannan.
B. John Nuveen & Co., Inc.

A. O'Connor & Hannan.
B. Westinghouse Electric Corp.

A. Ashton J. O'Donnell.
B. Bechtel Inc.

A. John A. O'Donnell.
B. Philippine Sugar Commission.

A. Robert Todd Oldham.
B. Urban Landscape Corp.

A. Robert A. Olexy.
B. Browning Ferris Industries.

A. Austin P. Olney.
B. LeBoeuf, Lamb, Leiby & MacRae (for Ad Hoc Rail Shippers Group).

A. Roy E. Olson.
B. American Paper Institute, Inc.

A. Outdoor Power Equipment Institute, Inc.

A. W. D. Page.
B. American Plywood Association.

A. Paperboard Packaging Council.

A. Douglas L. Parker.
B. Institute for Public Representation.

A. Linda K. Parson.
B. Cities Service Co.

A. David J. Pattison.
B. Health Insurance Association of America.

A. Larry E. Paulick.
B. National Swimming Pool Institute.

A. Richard A. Paysor.
B. Chromalloy American Corp.

A. Victor J. Perini, Jr.
B. Highway Users Federation for Safety & Mobility.

A. Mark W. A. Phillips.
B. Confederated Tribes of Warm Springs.

A. Mark W. A. Phillips.
B. Navajo Nation.

A. Physicians National Housestaff Association.

A. Stuart F. Pierson.
B. Commonwealth of Puerto Rico, et al.

A. Rena S. Pies.
B. American Footwear Industries Association.

A. Pineapple Growers Association of Hawaii.

A. Peter K. Pitsch.
B. Montgomery Ward & Co., Inc.

A. Ronald L. Platt.
B. Burger King Corp.

A. E. Rogers Pleasants.
B. E. I. du Pont de Nemours & Co.

A. Robert Plett Associates, Ltd.

A. Michael A. Poling.
B. American Mining Congress.

A. Positive Action Committee, Inc.

A. Gregg R. Potvin.

A. Gregg R. Potvin.
B. National Oil Jobbers Council.

A. Janet Power.
B. Visa-USA, Inc.

A. Graydon R. Powers.
B. Scientific Apparatus Makers Association.

A. James T. Pendergast.
B. Staff Builders, Inc.

A. Preston, Thorgrimson, Ellis & Holman.
B. Calista Corp.

A. Preston, Thorgrimson, Ellis & Holman.
B. City of Juneau.

A. Preston, Thorgrimson, Ellis & Holman.
B. Cruise-O-Home, Inc.

A. Preston, Thorgrimson, Ellis & Holman.
B. Dravo Corp.

A. Preston, Thorgrimson, Ellis & Holman.
B. Kyukuyo Co., Inc.

A. Preston, Thorgrimson, Ellis & Holman.
B. Port of Seattle.

A. Preston, Thorgrimson, Ellis & Holman.
B. St. Louis Ship.

A. Preston, Thorgrimson, Ellis & Holman.
B. Schnitzer Investment Corp.

A. Preston, Thorgrimson, Ellis & Holman.
B. Seatrain Lines, Inc.

A. Preston, Thorgrimson, Ellis & Holman.
B. Seattle Housing Authority.

A. Preston, Thorgrimson, Ellis & Holman.
B. State of Alaska.

A. Preston, Thorgrimson, Ellis & Holman.
B. The 13th Regional Corp.

A. Preston, Thorgrimson, Ellis & Holman.
B. United States Cruises, Inc.

A. Preston, Thorgrimson, Ellis & Holman.
B. Washington Department of Ecology.

A. Preston, Thorgrimson, Ellis & Holman.
B. Washington Natural Gas.

A. Preston, Thorgrimson, Ellis & Holman.
B. Yardarm Knot Corp.

A. Pro-Life Congressional District Action Committee IN/2.

A. Provident Indemnity Life Insurance Co.

A. Gerald H. Pugh.
B. Combined Insurance Co. of America.

A. Earle W. Putnam.
B. Amalgamated Transit Union, AFL-CIO.

A. William A. Quinlan.
B. Retail Bakers of America.

A. Cliff Raber.
B. McDonald's Corp.

A. Carol Raulston.
B. American Paper Institute.

A. Julian O. Read.
B. Central and South West Corp.

A. Charlotte T. Reid
B. Volunteer Trustees of Not-for-Profit Hospitals.

A. Harry O. Reinsch
B. Bechtel Power Corp.

A. Murray P. Reiser.
B. Edward Blankstein, Inc.

A. John H. Reurs.
B. New York Committee of International Committee of Passenger Lines.

A. R. Paul Richard.
B. Association of American Law Schools.

A. Lloyd C. Richardson, Jr.
B. South Dakota Railroads Association.

A. James E. Ritchie.
B. National Association of Off-Track Betting.

A. Stark Ritchie.
B. American Petroleum Institute.

A. Robinson, Silverman, Pearce, Aronsohn & Berman.
B. National Realty Committee, Inc.

A. Lois M. Rodney.
B. Credit Union Financial Services, Inc.

A. Willi Roelli.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Rogers & Wells.
B. F. & M. Schaefer Corp.

A. Rogers & Wells.
B. A. Johnson & Co., Inc.

A. Rogers & Wells.
B. Merrill Lynch International Inc.

A. Rogers & Wells.
B. Overseas Shipholding Group.

A. Rogers & Wells.
B. Pan American World Airways, Inc.

A. Rogers & Wells.
B. Squibb Corp.

A. Rogers & Wells.
B. Teachers Insurance & Annuity Association/CREF.

A. Rogers & Wells.
B. Twentieth Century Fox Film Corp.

A. Kenneth S. Rolston, Jr.
B. American Pulpwood Association.

A. John W. Rowland.
B. Amalgamated Transit Union, AFL-CIO.

A. Eric M. Rubin.
B. Meadville Corp.

A. Eric M. Rubin.
B. Outdoor Advertising Association of America.

A. Paul M. Ruden.
B. American Society of Travel Agents, Inc.

A. Sheryl P. Rutledge.
B. Washington Gas Light Co.

A. John F. Ryan.
B. International Telephone & Telegraph Corp.

A. Thomas L. Sager.
B. E. I. du Pont de Nemours & Co.

A. St. Louis Ship.

A. Dale E. Schell.
B. GATX Corp.

A. Walter A. Schumann.
B. Potomac Overlook Association.

A. Martha May Scott.
B. Alaska Coalition.

A. Sadie E. Seeley.
B. National Federation of Federal Employees.

A. Lynn E. Shapiro.
B. Epstein Becker Borsody & Green (for American Associations of Foundations for Medical Care).

A. Lynn E. Shapiro.
B. Epstein Becker Borsody & Green (for American Association of Professional Standards Review Organizations).

A. Joseph H. Sharlitt.
B. Cornavin, Inc.

A. Joseph H. Sharlitt.
B. National Remodelers Association.

A. Shaw, Pittman, Potts & Trowbridge.
B. Institute of Foreign Bankers.

A. Shaw, Pittman, Potts & Trowbridge.
B. St. Joe Minerals Corp.

A. James K. Shiver.
B. Diamond Shamrock Corp.

A. Mary Frances Shlagel.
B. Union Oil Co. of California.

A. Barbara A. Silverman.
B. Provident Indemnity Life Insurance Co.

A. Robert C. Singer.
B. Soap and Detergent Association.

A. Gordon L. Smith.
B. Hill & Knowlton, Inc. (for Florists' Transworld Delivery Association).

A. Robert Wm. Smith.
B. Railway Progress Institute.

A. William H. Smith.
B. American Bankers Association.

A. Snyder & Ball Associates, Inc.
B. Aerojet-General Corp.

A. Snyder & Ball Associates, Inc.
B. Gould, Inc.

A. Christine A. Somma.
B. Flexible Packaging Association.

A. South Dakota Railroads Association.

A. Larry M. Speakes.
B. Hill & Knowlton, Inc.

A. John F. Speer, Jr.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation.

A. Charles A. Speir.
B. Brookwood Health Services, Inc.

A. William C. Spence.
B. Columbia Gulf Transmission Co.

A. Squire, Sanders & Dempsey.
B. Public Securities Association.

A. Staff Builders, Inc.

A. Debra Star.
B. Healthy America.

A. Walter M. Starke.
B. Southern Natural Gas Co.

A. State & Federal Associates, Inc.
B. National Association of Convenience Stores.

A. State & Federal Associates, Inc.
B. Schering-Plough Corp.

A. Charles D. Statton.
B. Bechtel Power Corp.

A. Samuel E. Stavisky.
B. Stavisky & Associates, Inc. (for Brazilian Coffee Institute).

A. Samuel E. Stavisky & Associates, Inc.
B. Brazilian Coffee Institute.

A. Leon P. Stavrou.
B. American Hellenic Institute Public Affairs Committee, Inc.

A. David J. Steinberg.
B. National Council for a Responsible Firearms Policy.

A. Steptoe & Johnson.
B. Pfizer, Inc.

A. Travis B. Stewart.
B. Hoffman-LaRoche, Inc.

A. John W. Stillwagon.
B. Coffee Sugar & Cocoa Exchange, Inc.

A. O. R. Strackbein.
B. International Allied Printing Trades Association.

A. George Strumpf.
B. Group Health Association of America, Inc.

A. Sullivan & Cromwell.
B. AMAX, Inc.

A. Roger H. Sullivan.
B. Hawaiian Sugar Planters' Association.

A. Scott Sullivan.
B. American Federation of Government Employees.

A. Peter B. Summerville.
B. Hill & Knowlton, Inc.

A. Sutherland, Asbill & Brennan.
B. Oglethorpe Power Corp.

A. John R. Sweeney.
B. Bethlehem Steel Corp.

A. Russell A. Swindell.
B. North Carolina Railroad Assocation.

A. Clayton C. Taylor.
B. McDonald's Corp.

A. Frank Taylor.
B. National Federation of Federal Employees.

A. 10th Pro-Life Congressional District Action Committee.

A. Barbara Brendes Thies.
B. Union Oil Co. of California.

A. 39th Congressional District Action Committee.

A. John W. Thomas.
B. American Veterinary Medical Association.

A. John W. Thomas.
B. Association of American Veterinary Medical Colleges.

A. Lawrence L. Thomas.
B. Bechtel Power Corp.

A. William R. Thornhill.
B. Tennessee Gas Pipeline Co.

A. Grace Frances Thorpe.

A. Paul J. Tierney.
B. Transportation Association of America.

A. E. Linwood Tipton.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation.

A. Richard Titus.
B. American Paper Institute, Inc.

A. Edward Tonat.
B. Robert Goff & Associates.

A. Transportation Association of America.

A. Robert C. Troup.

A. Rebecca C. True.
B. Browning-Ferris Industries, Inc.

A. 23d Pro-Life Congressional District Action Committee.

A. Joseph R. Tyler.
B. U.S. Fiber Corp.

A. United States Cruises, Inc.

A. Drew A. Upton.
B. Scientific Apparatus Makers Association.

A. Richard A. Van Deuren.
B. National Employee Benefits Institute.

A. Jerry T. Verkler.
B. Texas Eastern Transmission Corp.

A. Brenda R. Viehe-Naess.
B. American Insurance Association.

A. R. Eric Vige.
B. Cities Service Co.

A. Walter D. Vinyard, Jr.
B. John Nuveen & Co., Inc.

A. Marcos von Goihman.
B. Guyana Airways Corp.

A. Catherine Waelder.
B. National Federal of Federal Employees.

A. Wakefield Washington Associates.
B. National Distillers & Chemical Corp.

A. Linda Walker-Hill.
B. Hill & Knowlton, Inc.

A. Warren W. Walkley.
B. General Electric Co.

A. Raymond C. Wallace.
B. Amalgamated Transit Union, AFL–CIO.

A. Lionel L. Wallenrod.
B. American Paper Institute, Inc.

A. Bonnie B. Wan.
B. Montgomery Ward & Co., Inc.

A. Alan S. Ward.
B. Baker & Hostetler (for Soap & Detergent Association).

A. G. Fletcher Ward, Jr.
B. Montgomery Ward & Co., Inc.

A. Robert B. Washington, Jr.
B. Danzansky, Dickey, Tydings, Quint & Gordon (for Government of Antigua).

A. Clarke R. Watson.
B. Westland Cos.

A. Webster & Chamberlain.
B. National Club Association.

A. Webster & Chamberlain.
B. National Sporting Goods Association.

A. Jack R. Wehrly.
B. Dow Corning Corp.

A. Elizabeth S. Weltner.
B. Hill & Knowlton, Inc.

A. William Whichard, Jr.
B. Union Oil Co. of California.

A. Louis M. Whitlock.
B. Beker Industries Corp.

A. Whitman & Ransom.
B. Shimano American Corp.

A. Wickham & Craft.
B. Association of Oil Pipe Lines.

A. Wickham & Craft.
B. Congaree Ltd. Partnership.

A. Wickham & Craft.
B. Consumer Solar Electric Power Corp.

A. Richard J. Wiechmann.
B. American Paper Institute, Inc.

A. Robert E. Williams.
B. United Airlines.

A. John C. Williamson.
B. National Apartment Association.

A. David K. Willis.
B. Motor Vehicle Manufacturers Association of the United States, Inc.

A. Wilmer & Pickering.
B. Dealer Bank Association.

A. Wilmer & Pickering.
B. Morgan Guaranty Trust Co.

A. Wilmer & Pickering.
B. Motor Vehicle Manufacturers Association of the United States, Inc.

A. Wilmer & Pickering.
B. National Corp. for Housing Partnerships.

A. Dorothy R. Wilson.
B. Coalition of Concerned Charities.

A. Winner/Wagner & Associates, Inc.
B. Rockwell International.

A. Curtin Winsor, Jr.
B. Alliance for Free Enterprise.

A. Richard F. Witherall.
B. Colorado Railroad Association.

A. Glenn P. Witte.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation.

A. Frank R. Wolf.
B. Gerber Products Co.

A. Frank R. Wolf.
B. National Farm & Power Equipment Dealers Association.

A. Sidney M. Wolfe.
B. Health Research Group.

A. Ronald Wolsey.
B. Amoco Oil Co.

A. George M. Worden.
B. Hill & Knowlton, Inc.

A. George M. Worden.
B. Hill & Knowlton, Inc. (for Distilled Spirits Council of the United States).

A. Steven M. Worth.
B. Hill & Knowlton, Inc.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert.
B. Bristol Bay Native Corp.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert.
B. California Canners & Growers.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert.
B. Eklutna, Inc.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert.
B. Petersen Publishing Co.

A. Edward A. Yopp.
B. State National Bank of El Paso.

A. Carmen Eugene Young.
B. National Federation of Federal Employees.

A. John J. Zimmerman.
B. American Mining Congress.

A. Carl E. Zwisler.
B. International Franchise Association.

SENATE—*Thursday, August 21, 1980*

(Legislative day of Thursday, June 12, 1980)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. CARL LEVIN, a Senator from the State of Michigan.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

Almighty God, the same yesterday, today, and forever, we thank Thee for Thy mercies which are new every morning. We pray for all who bear the responsibilities of high public office. And we pray for those unnamed persons whose efforts in obscure places and in monotonous work support the service of others. Be especially near to those who are easily forgotten—the hostages, those manning lonely listening posts, those who work in libraries and laboratories, in factories and mines, in communication and transportation services, those who are without work, those who minister to the needy, and those who give their lives to prayer and the disciplines of the soul. May Thy grace which is sufficient for all our needs, bind us together in common devotion to set forward Thy kingdom on Earth.

In the Redeemer's name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 21, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. LEVIN thereupon assumed the chair as Acting President pro tempore.

CONTROL OF TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the time between now and the hour of 11 a.m. shall be equally divided and controlled by the Senator from Montana (Mr. MELCHER), the Senator from Ohio (Mr. METZENBAUM), the Senator from West Virginia (Mr. ROBERT C. BYRD), and the Senator from Virginia (Mr. WARNER).

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE SENATE TO CONVENE AT 9 A.M. ON FRIDAY, AUGUST 22, 1980, AND AT 10 A.M., ON MONDAY, AUGUST 25, 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today and tomorrow, Friday, it stand in recess until the hour of 9 a.m. tomorrow and 10 o'clock on Monday, respectively.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR SENATE TO CONVENE AT 9 A.M. ON TUESDAY THROUGH FRIDAY NEXT WEEK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday, Tuesday, Wednesday, and Thursday of next week, it stand recessed until the hour of 9 a.m. on Tuesday, Wednesday, Thursday, and Friday respectively. I hope that I will be able to change those meeting times.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield the floor.

TONNAGE MEASUREMENT SIMPLIFICATION ACT

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. WARNER. Mr. President, I suggest the absence of a quorum and ask that the time be equally allocated to both sides.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield myself such time as I may require.

Mr. President, the Senate will vote shortly on a cloture motion on the Surface Mining Act amendments. Less than 1 year ago, on September 11, 1979, the Senate passed S. 1403, a bill which addresses the same problems of surface mining regulation which we face today. That bill was supported by more than two-thirds of the Senate. After a hearty and spirited debate, S. 1403 was adopted overwhelmingly.

I urge the Senate to reaffirm that action. The full House of Representatives has never had an opportunity to vote on this effort to uphold the integrity of the Surface Mining Act. Some have said in the debate that the House has rejected this amendment. The House has not rejected it: The House has not been allowed to vote on it. I believe that the other body should be given a chance to vote on fair surface mining regulation.

Last year, the Senate voiced its opposition to unfair, unreasonable, and unworkable mining and reclamation policies. People in my State gained hope after the vote that sensible implementation of the act would be forthcoming from the Office of Surface Mining.

That seemed to be the case at first. After Senate passage of S. 1403, Office of Surface Mining officials and representatives of the State of West Virginia began serious discussions on a rational regulatory scheme for the State. The Office of Surface Mining had been unwilling to engage in earnest talks before the Senate acted last year. Perhaps OSM thought that it could arrogate to itself the power of the Congress, and implement the act according to its own desires.

After the close of negotiations between the State and the Office of Surface Mining, the West Virginia State Legislature passed a surface mining law, based on long discussions between the State regulatory officials and the Federal regulators. Large majorities of both houses of the legislature supported the law. Everything we had fought for in the U.S. Senate in the way of fair regulation seemed to be coming to fruition. Unfortunately, that was only the appearance, not the reality.

West Virginia submitted its newly-enacted State law to the Office of Surface Mining in Washington, where it was mauled. Understandings and accommodations which had been reached during the negotiations between West Virginia and OSM were blown apart. The State had enacted ways to achieve compliance with the Federal law which are uniquely suited to West Virginia, and these were forbidden by the Federal regulators.

Other Senators may give a similar history, the distinguished Senators from Kentucky have told of the frustration which their State has experienced.

As the debate on this subject has made clear, every detailed environmental pro-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

tection provision of the Surface Mining Act will remain intact. The Secretary of the Interior, who has the authority to approve or disapprove State mining and reclamation plans, will retain that authority. He will have the Federal regulations to use as a guide in that task. None of the Federal regulations are repealed. What the Secretary of the Interior and OSM will not have is the ability to force the Federal regulations down the throats of the State without a challenge.

In speaking of the Federal regulations, we should remember that dozens of them have been invalidated by the Federal courts. Those most important to a meaningful regulatory policy have been struck down or sent back to OSM. Why is this happening? It is happening because the courts have seen what the Senate saw last year: The OSM was overreaching, inflexible, and unreasonable.

In closing, I ask that the Senate listen to the voices of those who have worked for fair and reasonable regulatory policies. The Surface Mining Act is a good law, and must be upheld. I urge my colleagues to support the cloture motion and passage of the amendment.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, if the distinguished majority leader will yield for a question, yesterday, I put into the RECORD, a copy of which is on the desk of each Senator, a table showing litigations suspended or remanded by the Federal court system. I cannot recall in recent history when a Government department or agency has issued so many regulations that have been so promptly struck down by the Federal court system. Does the leader recall an instance of such severity?

Mr. ROBERT C. BYRD. Mr. President, I do not, but I must say I have not researched this aspect of the matter so I really cannot give a considered and thorough answer that would reflect such knowledge.

Mr. MELCHER. Mr. President, will the majority leader please use the microphone so we can hear?

Mr. WARNER. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, does the time run equally against both sides if no Senator seeks recognition?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, if no Senator seeks recognition, does not the Chair have the obligation to put the question on the pending amendment?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MELCHER. Mr. President, may I inquire, what was the response of the Chair?

The ACTING PRESIDENT pro tempore. That the Senator is correct.

Mr. McCLURE. Mr. President, I wonder if the Senator from Montana will yield to the Senator from Idaho briefly?

Mr. MELCHER. Yes, I yield.

Mr. McCLURE. Mr. President, in order that I may proceed with some remarks concerning the pending legislation, I ask the Senator from Virginia if he will yield the time to me so I may make these remarks?

The ACTING PRESIDENT pro tempore. Who yields time to the Senator from Idaho?

Mr. WARNER. Mr. President, I yield such time to the Senator from Idaho as he may deem necessary.

Mr. McCLURE. I thank the Senator.

Mr. President, I rise to explain two concerns that I have with respect to the bill and the procedure under which we are proceeding on the bill pending before the Senate at this time. I was one of the original sponsors and I voted for the bill requiring reclamation of mined areas, because I recognize—as the people of the United States have recognized—that we have built into many of the activities in the past, costs which were passed on to future generations in terms of degradation of the environment in which those future generations will live. It seemed to me then and it seems to me now appropriate that those costs be borne by the people who reap the benefits of the resources being utilized in mining. So I strongly support the necessity for a mined area reclamation requirement.

Modern mining does not need to have the permanent impact upon the landscape that mining in past generations may have had. We have recognized that our resources are finite. We have recognized that no longer can we, out of a feeling of abundance, afford to waste any of the resources that we have. The old adage, "Waste not, want not," is certainly more applicable in a modern society than it was at an earlier period of time, when it had different meaning. That meaning today is do not waste, do not destroy, do not unnecessarily degrade the environment in which we live. It also should mean a serious recognition of the fact that this country of ours no longer can afford the luxury of wasting resources which we have. By that I mean also refusing to use constructively resources which we have.

I have spoken on the floor of the Senate a number of times in the past about the pending minerals crisis. I have spoken a number of times on the floor in the past about the necessity for utilizing renewable resources which are now being wasted. It is not, I think, in the national interest so to react against what has happened in the past that we fail to do what must be done in the present. That is one of the difficulties I find with the implementation of the act which I supported before.

I did, against the protests of some of the people in the mining industry, support that mined area reclamation requirement, because I thought the bill that we had crafted, the product of weeks and months of deliberation, the production of much, much compromise by opposing factions and with a great deal of expert input from those who know the mining business as well as those who are very much concerned about its adverse effects upon the environment, was and is a workable bill.

They, many of them with their experience in dealing with the Federal bureaucracy in the past, warned me at the time that we would have trouble dealing with aspects of the administration of the bill, and they constructed elaborate flow charts to show us what would happen in terms of sequence or what might happen in terms of sequence in Federal administration.

Mr. President, we carefully wrote into the provisions of that bill an alternative that said the States, if they desire, can do it themselves. Now I find that, in the administration of the bill, most of the worst fears of those who were critics of it have been realized—that the flow charts do not flow, that the work does not flow according to the minimum times that might be required. It tends to stack up against maximum times and it tends to stack up against decisions unmade or unrealistic requirements that cannot be met.

The State's concern, the concern expressed by many that the States ought to be able to run their own program if they desire, has been frustrated by an overzealous Federal administration that seeks to come in and substitute for State discretion a Federal discretion that completely supplants the opportunity of the States in many instances to run it in their own way.

So, Mr. President, I strongly support the legislation now pending before the Senate. I think it is constructive, I think it is positive, and I am convinced it is necessary. But I shall be equally zealous in following, after the passage of this legislation, as I think it will be passed, to see that the administration of effective reclamation is not thwarted by the amendments that we seek to make to the underlying bill here today.

Finally, with respect to the question of cloture, the procedure under which we are proceeding today, in spite of the fact that I support the bill and support the objectives, I shall not vote for cloture today. I say that because I think those who are opposed in this instance are just as entitled to be heard as any other persons on any other issue at any other time. The urgency of the Senate is not such, in my judgment, that it should yield itself to an abuse of the rights of those who are opposed to be heard in opposition, to create as much public understanding of their position as they desire, to take the time that they feel is necessary in order to create opportunities for public information and public response to the pending legislation.

Mr. PERCY. Will the Senator yield for just a question at that point?

Mr. McCLURE. I am happy to yield to the Senator from Illinois for a question.

Mr. PERCY. I have listened with great interest to the comments of the Senator. I think he has brought out some very salient points. For 3 years, the Commerce Committee and the Governmental Affairs Committee spent studying, in great detail, the problems of Federal regulation, the failure to implement regulations promptly because of delay and procrastination—I know the Department of Interior has worked very hard in this area but there have been considerable delays. I was deeply concerned about the possible adverse effect of these amendments on the 1977 act which fully protected prime farmland. A long colloquy I had yesterday with Senator FORD reassures me once again—and I had the same colloquy with Senator MELCHER and other Senators some time ago—that we are going to protect fully the 18 million acres of prime farmland, with coal under such prime farmland. This is one of the greatest assets this country has.

Having fully discussed this issue before the Senate, we went through the whole issue when the 1977 act was passed and the Senate overwhelmingly supported the so-called Byrd amendments which were inspired and had been worked on so diligently by Governor Rockefeller, Chairman of the President's Commission on Coal. After all that study, and considering the very short timeframe we now have, the problem we face is, should we invoke cloture today?

This Senator, though generally not supporting cloture on the first vote, today has decided to do so simply because of the schedule of the Senate.

I am somewhat surprised my distinguished colleague came to a different conclusion. But I know and understand his reasons. I have come to a different conclusion simply because of the calendar, the heavy schedule of the Senate, and the few remaining days before we recess for the election.

Mr. McCLURE. I thank the Senator from Illinois.

Mr. President, I will not burden the discussion further this morning except to indicate that I understand the feeling of those who have gone through the debate of 1977, in the committee and on the floor, those who went through the previous action of the Senate to see these amendments pass, who desire now to get it passed without further discussion.

But the desire to expedite now can also trample the rights of those who desire further exposition.

It seems to me that I may at some future time, find myself in a similar condition, as every other Member of the Senate may, where they desire for their reasons, legitimate as they may be, to extend the debate long enough to get the degree of public interest stirred up that is oftentimes the result of extended debate in the Senate.

For that reason, I shall not support cloture. But I do very strongly support the underlying amendments.

I think the Senator's concern over the destruction of prime farmland is legitimate. I parenthetically note that the Department of the Interior that so slows the operations of the mining of coal on public lands, or Federal coal on private lands, does not show that same sensitive concern when it comes to the administration of the public lands in the West.

The city of Boise, Idaho, is an expanding community, bordered on one side by public lands and on the other by prime farmland. While that public land is desert land, which is nearly unutilized—it is utilized, but certainly not to its highest and best economic degree, or even to the best interests of society—the Secretary of the Interior wants to put all that land right up to the city limits, virtually, in a national preserve for birds of prey—770,000 acres for a thousand pairs of nesting birds, 20 percent of which are common ravens, 20 or 25 percent of which are common owls, not a single endangered species or threatened species involved—forcing all expansion of the community into the prime farmlands.

I share with my colleague from Illinois that concern.

Let me conclude only by commending the Senator from Virginia for the tenacity, the vigor, with which he has pursued this cause, and for his interest and concern and very strong leadership in this area.

I thank the Senator for yielding.

Mr. WARNER. Mr. President, I thank the Senator from Idaho, but I wish to state to my colleague that the distinguished majority leader is certainly a full and equal partner in this venture.

Mr. President, would the Chair indicate the time used to this moment?

The ACTING PRESIDENT pro tempore. The Senator from Virginia has 4 minutes remaining. The Senator from Montana has 22 minutes remaining.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I appreciate the fact that the Senator from Idaho (Mr. MCCLURE) will not be voting for cloture. I hope there are a great deal more people, more Senators, that will not be voting for cloture this morning. I hope cloture is rejected. It should be, and there are several reasons. Let me explain.

First of all, the amendment that is being considered, or the amendments that are being considered, in this cloture motion, really boil down to one very far-reaching amendment. It needs to be debated and understood because the amendment to the Strip Mining Act nullifies the regulations.

It has been said that regulations will stand. Well, the amendment is quite explicit in that. The amendment says that it will strike the phrase "regulations issued by the Secretary pursuant to" the act.

That is in section 503.

In section 701, the amendment there says, strike the phrase "and regulations issued by the Secretary pursuant to this act."

Let me explain further. Section 503 sets the standards, sets the critical standards.

It is a requirement that the regulations on the standards be issued by the Secretary. It is a strong requirement of the act. It is one of the reasons the act has some strength and teeth to it.

So, yes, indeed, this amendment will strike, will nullify, the Federal regulations. When that happens, just allowing the States to draft their own regulations to implement the act, it will have a different effect on different States.

We are led to believe by the debate so far, both last September and the debate so far on the amendment in the last couple of days, that the Eastern States, the Eastern coal mining States, have more difficulty. We can accept that.

The Senator from Idaho, just speaking a few moments ago, mentioned that the act is very complicated. There was concern by everybody dealing with it that it would be difficult to promulgate the regulations.

But the three States in the Fort Union coal deposit, the largest in the country, the largest in the world, Montana, Wyoming, and North Dakota, each of their Governors have warned the Senate, or have pleaded with the Senate, to not agree to the amendment. It would make their situation more complicated. They have almost completed all the tedious and difficult work, to get approval of their State reclamation programs, and they warn us, the three Governors warn us, that to interfere now, passing new law, revising the act, would be very detrimental to their State programs and the continuation of mining in those three States.

The cloture vote should be a rejection of cloture because the amendment could slow coal production.

I have just mentioned the three Western States involved in the Fort Union coal deposit, Montana, Wyoming, and North Dakota, and the views of their Governors, the views, frankly, of the people very close to the mining programs in Montana, Wyoming, and North Dakota.

But it is the view of the Secretary of the Interior, in a very explicit letter and a very detailed letter addressed to every Senator a few days ago, that passage of this amendment would be so confusing as to invite further litigation.

The cloture motion should be rejected. We should ask every Senator to vote "no" on cloture because there is really no urgency—none whatsoever. The States are proceeding with getting their mining programs underway, getting approval of their mining programs. There is no urgency whatsoever to adopt this far-reaching amendment at this time.

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr. MELCHER. I cannot yield at this time. I am sorry.

Mr. FORD. When the Senator has time, I should like to ask him a question.

Mr. MELCHER. Fourth, many of us are convinced that the effect of the amendment would lead to more litigation of an involved nature. As the act requires, the individual regulations can be challenged in Federal court. Many of them have been challenged, some have been remanded, and most have been approved. Most of the regulations have neither been challenged nor approved—500 to 600 of the regulations. That speaks for itself.

The amendment would throw the opportunity to challenge the State regulations back into Federal district courts within an individual State. So as each State identified its own regulations and promulgated its own regulations, we undoubtedly would see a new round of litigation in individual States. It would be so time consuming and so harmful for coal production, that I hope every Senator from a coal mining State will check with his own State to see exactly in what position that would place that State's coal industry.

The fifth reason for rejecting cloture is that a vote for cloture now would work against any compromise that would lead to an early resolution of the issue so as to avoid tying up the Senate for a long period of time. We have not had any discusssion along that line, as is generally the case. The procedure has been one of filing a cloture motion on almost the first day of the discussion of the proposal.

Believe me, although this amendment is short, its effect is very, very far reaching. So there should be adequate time for discussion. It is possible that some sort of compromise could be worked out; and if that could be the case, we would avoid sort of locking in and freezing in a split view in the Senate which will lead to utilization of a vast amount of the Senate's time.

Sixth, the amendment is really designed—and this should cause every Senator some concern—to allow the States such latitude in their particular regulation to cause a great degree of irregularity and to thwart the principal idea of the Strip Mine Act when we passed it in 1977, to set minimum standards, so that coal companies operating in one State would have the same minimum standards as if they were operating in another State, and thereby avoid the sort of competitiveness between States to have lower standards, less stringent regulations, and thereby attract a coal mining venture to that particular State.

We sought to avoid that through the passage of the nationwide Strip Mine Act of 1977, and I am afraid that the amendment is designed to interfere with those minimum standards and that regularity throughout all the States where coal strip mining is exercised.

Mr. WARNER. Mr. President, I yield time to my distinguished senior colleague from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I shall speak in detail later in the morning. At the moment, however, I wish to emphasize the great importance of the measure before the Senate, offered by the distinguished majority leader. It is very important not just to the coal-producing States but also to the American people.

We need more coal: the American people need more coal. It is important that we limit our dependence on foreign oil. Coal is our greatest asset in this country, and we need to be producing more coal and not less coal.

I shall vote for cloture for several reasons, but the main reason is this: Legislation identical to this was passed by the Senate last year by a vote of 68 to 26. This is nothing new. Legislation identical to this passed the Senate last year by a vote of 68 to 26. I shall vote for cloture. I believe it is important that the amendment offered by the distinguished Senator from West Virginia (Mr. Robert C. Byrd) be enacted at the earliest possible time.

Mr. President, once again we are facing legislation dealing with the surface mining of coal. Only last September, the Senate passed S. 1403 to do that which is proposed by the pending amendment, namely, to remove some of the unreasonable restrictions. At that time, the Senate passed S. 1403 by a vote of 68 to 26.

Unfortunately, the Congress as a whole has not been able to work its will on this important legislation. For 10 months, the other body has refused to consider S. 1403.

In order to attempt to break the logjam created by the chairman of the House Interior and Insular Affairs Committee, I joined the distinguished majority leader (Mr. Robert C. Byrd) in introducing the present amendment. At this point I strongly commend the splendid majority leader, the Senator from West Virginia, for his great leadership in this fight.

The purpose of the amendment is to uphold the integrity of the Surface Mining Act by allowing the States to assume their proper place in the regulation of surface mining.

By providing flexibility to the States as they attempt to comply with the act, the amendment allows the act to work as it was intended to by the Congress. Most States have already submitted their reclamation plans to the Office of Surface Mining for review, and, as we know from the much-quoted letter of August 18 from the Secretary of the Interior, he expects more State plans to be reviewed before the end of the year.

Adoption of the pending amendment would send OSM and the Secretary a signal that the Senate favors reasonable and flexible surface mining regulations, and does not wish to see the purposes of the act frustrated during review of the States' plans.

Over the past 3 legislative days, there have been several colloquies among various Members concerning the thrust of the amendment. I believe it is abundantly clear that this amendment will not "gut" the 1977 Surface Mining Act and this amendment does not take any authority away from the Secretary of Interior nor the Office of Surface Mining.

Most important, Mr. President, the pending amendment will not weaken the environmental requirements in the Surface Mining Act of 1977. It will not overturn any of the act's very specific protections for the environment, nor will it allow States to ignore, reject, or circumvent the act's environmental provisions. It has been repeatedly pointed out by many supporters of the amendment that the Congress insisted upon 115 "performance standards" as part of the statutory law during the debate in 1977.

None of those standards, criteria, guidelines, or whatever they may be called, will be diminished, shunted aside, overlooked, or submerged with the passage of this amendment. The enforcement provisions of the act will remain in effect. The Federal Government will retain its present oversight authority to insure State and private compliance with the environmental provisions of the act.

What the amendment does do vis-a-vis the 1977 act is relatively simple, but it is terribly important to the coal-producing States of the Nation.

The amendment retains the requirement that States must comply with the act, but removes the requirement that they comply with the rules and regulations issued by the Secretary and OSM. This was the intent of the law when passed. Each State will be able to refine its own mining and reclamation plan based on its own unique circumstances.

There has been some criticism of the "thrust" of the amendment because of this provision, but it is entirely consistent with the provisions of the act, when one considers that the needed diversity in State plans must comply with the "minimum requirements"—namely, the 115 performance standards—of the Federal law.

The amendment extends the deadlines for approval or disapproval of a State plan, and for industry compliance with the State plan, to October 3, 1981, and June 3, 1982, respectively.

The amendment provides that a reclamation policy for federally-owned lands in any State will not be made final until after the Secretary has acted on that State's reclamation plan for non-Federal lands. I am pleased to note that one of the two State plans already approved is that for Montana—a State that has a significant amount of Federal land and a State, by the way, that has the largest amount of "demonstrated coal reserves" of any State in the Nation.

The amendment specifies that State officials have the primary responsibility for mine inspection, but should the Secretary disapprove a State reclamation plan, Federal inspectors would assume the primary responsibility for inspections. At the present time, Federal inspectors may preempt State regulatory officials in most mine inspection activities carried out under the Surface Mining Act.

Basically, what Congress needs to do is reaffirm its original intention that the States shall be the agents for the regulation of surface mining within their respective borders.

Mr. President, over the past few days on the floor of the Senate, I have heard horror story after horror story of the acts and interpretations of the Office of Surface Mining in their dealings with many of the coal-producing States. Many of these complaints about OSM have come from the country's largest coal-producing States: Kentucky and West Virginia.

However, let me assure my colleagues that the complaints have been heard by this Senator for more than just a few days. The State of Virginia, I am proud to say, was one of the first to take the Department and OSM to court over interpretations of the provisions of the 1977 act as it applies to State regulation of the commerce within the State. Many court decisions have been read in the course of this debate. Most of the decisions of the judicial branch have shown that OSM has overstepped its bounds, and that the executive branch has misinterpreted the intent of the Congress with respect to the bounds of regulatory power vested with each State.

The continuing thrust of the legal decisions is simply that an agency of the Federal Government has gone its separate and distinct way in using the tool it was charged with implementing.

Mr. President, as one of only eight Members to vote against the 1977 act, I believe I can say that my worst fears of that time have since been realized.

The Office of Surface Mining has repeatedly over-stepped its legal limits in attempting to browbeat Virginia and other States.

The pending legislation will not cure the defects of the surface mining bill, but it will give the States some flexibility in devising ways to meet the Federal requirements.

Federal courts have slapped down the overbearing bureaucrats of OSM on several occasions. Now it is time for the Congress to make clear to this agency the proper limits of its authority.

There is no reason why the States should not be allowed to devise methods of protecting the environment while permitting reasonable surface mining practices.

The legislation now before the Senate constitutes a step toward reducing our dependence on foreign oil. We must not deprive the Nation of its coal option by unreasonable regulation.

Mr. President, the amendment offered by the distinguished majority leader is an appropriate one, a proper one, one that the Nation needs, and I hope that it can be brought to a vote and approved at an early hour.

Mr. WARNER. Mr. President, since there seems to be no Senator seeking recognition, I ask the Chair to put the question.

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, very shortly, we are going to vote on cloture. Ordinarily, I am one of those who opposes filibusters. However, I will vote against cloture, not really because I believe that will cause us to win the battle as a consequence, but because I believe it is important that the people of this country have some opportunity to learn what is going on in the U.S. Senate. In the few short years I have been in the Senate. I have found that. time and again, the people are unaware; and most of the time when they are unaware, their rights are being taken from them.

The Senate of the United States, the House of Representatives, and the President of the United States joined in enacting a law that was passed in 1977. Now we are attempting to change that law for the benefit of a limited few, the limited few being the coal mine operators and, indirectly, the oil companies, many of which own those very coal mines. Time and again, we have seen that the oil companies, on the floor of the U.S. Senate, in the House of Representatives, and in the halls of the Presidency, have been more powerful than the Members who serve their Government. Again, we feel their strength; we feel their power.

It is interesting to me how people can be so inconsistent so consistently; because some of the very people who have stood on the floor of the U.S. Senate and addressed themselves to the right of free debate, who have said they never would support cloture, who have fought against limiting debate, when it comes to special interest legislation such as this, are the very ones who will vote for cloture in a half hour.

Go back and look at the RECORD and look at the speeches of some of those who will vote for cloture, and we will find that some of those have spoken out in the past, in very strong terms, in magnificent speeches, indicating that they did not want this great body to be limited in its debate.

I can understand cloture in some instances where the matter has been debated for days on end. That is not the case here. The cloture motion was made the very first day that the matter came back to the Chamber, and we had not debated it much before. It was on the floor at an earlier point.

It is a question of whether or not we are going to be a party to this power play. It is a question of whether or not we are going to permit those lands in my State and so many other States of the Union to be devasted by the strip miner.

It was suggested to me yesterday that it would be more appropriate that we call this surface mining. I can only respond to that and say that in Ohio as one drives through the hills and sees the furrows, the spoil banks, and the deep cuts that have been made for strip mining purposes that is not surface mining; that is strip mining in its worst form. An effort is being made to make our land more livable to say that we will get the coal out but that we will do it under certain regulations and certain laws enacted by Congress and regulations promulgated by the Secretary of the Interior. I know of no one State that is saying they cannot conform.

I know of no one Governor, with the possible exception of the Governor of West Virginia, who is making a big to do about this whole matter. I have to ask why. Why is the Governor of West Virginia so concerned? His State is still producing coal? His State is still strip mining coal. And why is it? Is there a race to the bottom in order to try to see whether or not one can get the worst possible law in his State so he can bring more of the coal mine operators in?

There is a good chance we may lose on the cloture vote. I hope not. But whether we lose or not, it will not be the people of this country that will be winning; it will be the people who will lose because it will be the coal mine operators and some of the oil companies that own those very coal mine operations that will be the victor.

Mr. President, I wish that I were not rising to speak against cloture, but there is no other way to address this issue. We are not willing to let the normal procedure take place and let a bill go to the House of Representatives and let the House act on it in its normal processes. If they want to pass it, fine; if they do not, fine, also. No, we have to circumvent the rules. We have to see to it that we add this onto some vessel tonnage bill to be certain that those who oppose the legislation in their legitimate responsible capacity as chairmen of the committees having to do with this subject, that they not be able to get their hands on the legislation.

Mr. President, it is not a great day for the Senate. The Senate should be concerning itself about the 9 million unemployed people in this country, not about whether some coal mine operators can make more money by not having to comply with Federal regulation. The Senate should be concerning itself about the hungry in this country, or those anxious to find a way to get a job and feed their families. We should be concerning ourselves about more housing in this country and in these days of higher interest rates when the banks are raising interest rates we should be debating those issues. But, no, we always have time in this Senate to take up bottlers bills to give them an exemption from the antitrust laws, and we have time to take up strip mining laws to revoke everything that we did well just 3 short years ago.

We should be concerning ourselves about the real issues that concern the Nation. The Secretary of Defense is talking about a new nuclear approach. We should be debating them on the floor. There are so many issues of concern to the people of this country. But we always seem to have plenty of time to discuss and debate the unimportant, particularly where special interests are involved.

It is interesting to me that the New York Times has editorialized against this proposal, that the Washington Post has editorialized against this proposal, and I have no doubt in my mind that as this debate continues on other newspapers throughout the country will recognize the inequity and the iniquity of this proposal.

Mr. President, this cloture motion should not be adopted.

I yield to the Senator from Montana.

Mr. MELCHER. Mr. President, I inquire if the Senator from Virginia desires to use some of his time.

Mr. WARNER. Mr. President, the Senator from West Virginia will use the remainder of the time reserved by this side.

Mr. President, I understand there are about 3½ minutes remaining.

The ACTING PRESIDENT pro tempore. The Senator has 2½ minutes remaining.

Mr. WARNER. Two-and-a-half minutes remaining.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that five members of my staff whose names are at the desk be accorded the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Who yields time?

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

Mr. WARNER. Mr. President, no Senator is seeking recognition.

The ACTING PRESIDENT pro tempore. The Chair will inform the Senator from Montana that the Senator does not have ample time under the precedents to seek a quorum.

Who yields time?

Mr. WARNER. Mr. President, if no Senator is seeking recognition I ask the Chair to direct the question.

Mr. METZENBAUM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I would not want the issue to be put to a vote at this time, not prior to the time Members of the Senate have an opportunity to vote on the cloture question.

What is the pending question before the body?

The ACTING PRESIDENT pro tempore. The pending question is the second degree amendment of the Senator from West Virginia to the first degree amendment of the Senator from West Virginia.

Mr. METZENBAUM. I have no objection to putting the question.

Mr. WARNER. Mr. President, I withdraw my motion, and I yield the floor to the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, what was about to happen?

Mr. METZENBAUM. We were about to agree to the second-degree amendment to the first-degree amendment.

Mr. ROBERT C. BYRD. Mr. President, ordinarily, I do not offer the cloture motion until 1 or 2 days have passed for debate on a given matter, but in this instance there was adequate debate of the amendment last September at which time the amendment was passed by the Senate by an overwhelming vote, 68 to 26, with 6 Senators not voting. That was about 2½ to 1, give or take. So there has been adequate debate.

My friend from Ohio was discussing earlier, and I heard him on the PA system, this very point, and I can appreciate his——

Mr. METZENBAUM. Mr. President, may I say to the Senator from West Virginia, I cannot hear him.

Mr. ROBERT C. BYRD. I can appreciate his having said that there had not been adequate debate, and he made the point that the cloture motion on the pending amendment was offered on the day before yesterday, the first day of debate. Actually, the amendment was called up some days ago, and there may have been a little debate at that time. There could have been some debate certainly. But on the day before yesterday the cloture motion was entered, but let it be said as the bottom line that this matter was discussed last September and passed overwhelmingly by the Senate. Therefore, I feel that with the additional 2 days of debate that was had there has been adequate time for debate, and I urge the Senate to invoke cloture.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. MELCHER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Montana has 54 seconds.

Mr. MELCHER. Mr. President, the Senate should understand that the passage of this amendment will not simplify procedure. It will make it even more complicated. There is a reason why the three Western Governors in the Fort Union coal deposit say they are opposed to the amendment, because it would interfere with what they are doing in getting on with coal production.

Cloture, I believe, should be rejected because there is absolutely no urgency. The Senate should fully comprehend why the three Governors from these three Western States, where most of the Western coal is mined, say the amendment is bad. The Senate should understand that. The public should understand it.

There is absolutely no urgency to enter into such a precipitate act as passing this amendment. Cloture will make it more difficult to thoroughly discuss it. Cloture will be harmful in the understanding of the amendment and, in my judgment, and in the judgment of many others, the amendment strikes at the very heart of the Federal Strip Mine Reclamation Act and, indeed, does gut it.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. WARNER. Mr. President, I ask unanimous consent that a telegram from the Governor of Virginia be printed in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, Va., August 21, 1980.

Hon. JOHN W. WARNER,
U.S. Senate,
Dirksen Senate Office Building,
Washington, D.C.

DEAR JOHN: The Commonwealth of Virginia fully supports the efforts of yourself and other members of the U.S. Senate to amend the Surface Mining and Reclamation Act of 1977, HR 1197, in order to assure that primacy responsibility for implementation of the Act meets with the States.

In July of last year, I endorsed SB 1403, and I would like to assure you of my support of the amendment offered by Senator Robert C. Byrd to carry out the intent of SB 1403.

Virginia has continued to exhibit a good faith effort to comply with the provisions of the Act but due to changing OSM regulations and policies, we have found the delays and frustrations to be untenable in our attempts to develop a State program to meet Virginia's needs. The amendment will provide us with an opportunity to go forward with a State plan that addresses Virginia's unique problems without being frustrated by OSM's regulations and constraints.

As you are aware, the Virginia Department of Conservation and Economic Development has expended a great deal of effort to utilize the so called "State Window," but has found that due to OSM regulations, the State Window has only been of minimal assistance in addressing local needs. The U.S. Court of Appeals of the District of Columbia Circuit has found in a recent court decision in the suit challenging OSM regulations that the "State Window would be more accurately described as a one-way mirror." Virginia has had to lift many of the Federal regulations and place them in our State program, since adequate time and guidance has not been provided by OSM. Clearly this was not the intent of Congress.

We continue to support your efforts and please let us know if we can provide information that will assist you in your efforts.

With all good wishes, I am

Very truly yours,

JOHN N. DALTON.

● Mr. LEVIN. Mr. President, I will vote for this cloture petition. In my 2 years in the Senate, I have consistently stated that I intend to vote for cloture in cases where no constitutional or civil right or liberty or other basic right is at issue and where adequate time to debate the issue has been afforded, even though I oppose the legislation being debated, as I do in this case. In fact, on all the cloture votes before the Senate during my service here, I have failed to support cloture only twice and in both of those cases I was convinced that special circumstances were operating which made a continuation of debate vital. I simply do not believe as a general principle, that delay should be allowed to defeat the will of the Senate.

The Senate has had an opportunity to fully debate this issue both this year and last year. And, of course, Members could have moved to table or defeat the pending amendments and thus make room for additional amendments to be offered, even before the cloture vote. And after the cloture vote, germane amendments will of course be in order.

If cloture is adopted, and the Senate again considers the merits of the amendments, I will vote against the amendment before us because I believe it represents a bad policy.

Last year I voted for the text of this bill because, I believed that the extension of the time frame for filing and approving State plans was essential. At this time, however, I understand that the extensions are no longer needed and that administrative action taken by the Department of Interior and action taken by the various States has now obviated the need for a continuation of the extension provided for in this bill. That leaves as the most compelling provision of the bill, the proposal that States be required to conform their plans to the law but not to the regulations issued pursuant thereto by the Department of Interior. I find this provision inappropriate, and a bad precedent. I voted against this provision last year when it was offered as an independent amendment and I will do now when it is the heart of the substitute amendment. It is inapppropriate because the law clearly envisioned that the Department would issue regulations spelling out, in greater detail, the ways in which the law should be implemented. If those regulations are improper they should be corrected by legislation or court decree. But if they are proper they should not be bypassed or ignored.

In sum, Mr. President, while I oppose this legislation and will vote against it, I can find no overriding justification which would allow me to support an effort to prevent the Senate from working its will on this issue.

Perhaps I will change my view over the years and utilize, in unexceptional circumstances, means I strongly oppose, to achieve ends I support. Until then, I shall pursue the course I have indicated, for the reasons I have indicated, well understanding the difficulties and misunderstandings which will necessarily result.●

THE NEED FOR REASONABLE COAL REGULATIONS

● Mr. BAYH. Mr. President, during my term in the Senate, I have been a strong advocate of developing our huge domestic coal reserves, including those in my own State of Indiana. Balancing the goals of increased use of coal, environmental quality, and public health is an extremely difficult task. And it is one we will examine once again in our deliberations on H.R. 1197 today.

When the 95th Congress passed the Surface Mining Control and Reclamation Act of 1977, a measure supported by the entire Hoosier delegation and most other coal State representatives, we were attempting to construct a balanced approach to surface mining regulation. By that time, over half of the coal produced in the Nation was produced by surface mining techniques, resulting in the disturbance of more than 1,000 acres of land each week. Valuable prime farmlands were being increasingly despoiled, in some cases, never to regain their prior productivity. Scarce water supplies in the West were being irrevocably poisoned. In some States, acres of land were covered with gob piles—or waste heaps—scarring the landscape, and denying land for community development. Erosion problems, incessant blasting, toxic runoffs, and landslides were additional problems faced by residents of many coal mining areas.

The Congress acted to put a stop to this waste and degradation of our Nation's natural resources by requiring all States to live up to the standards that some States were already requiring of their mining operators. This step constituted an important national commitment. It also served to protect States, such as my own, which had strong reclamation statutes, from being at a competitive disadvantage with other States that had far weaker reclamation standards.

INDIANA'S PROGRAM

Mr. President, my State of Indiana was one of the few with a reclamation program on the books early on. Indiana passed reclamation legislation, requiring revegetation of mined areas, as early as 1941. At a time when only a handful of States required binding up the wounds of surface mining, reclaimed lands in Indiana became the site of forests and lakes, providing wildlife habitats, recreational areas and scenic residential sites. Yet, even with this progressive tradition, Indiana has not escaped the toll of extensive surface mining. Stark gob piles, or waste heaps, still scar the land around my farm in Vigo County, as a result of inadequate reclamation; erosion problems and toxic runoffs continue to bear legacy to initially inadequate reclamation efforts.

Faced with these visible signs of environmental spoliation, additional State legislation was passed by the legislature in the 1960's and 1970's to further strengthen Indiana's earlier State law. By 1977, Indiana was viewed by many as a leader in reclamation policy. A survey by the Library of Congress in 1977 found that the State program had resulted in 85 percent of the land reclaimed in the prior decade being returned to agricultural uses, with 96 percent of the land affected by 1977 permits to be likewise restored. Much of this reclaimed land has been used to once again grow row crops.

THE STATES AND OSM

Mr. President, the surface mining bill that passed the Senate in 1977 clearly intended for the States to develop and enforce State programs. Under the act, States had 18 months to develop State plans, suited to their special needs, but meeting minimum guidelines set out in the statute.

Unfortunately, the implementation of this program by the Office of Surface Mining, has strayed far afield from what the Congress intended and provides us with a clear example of regulatory overkill.

OSM has missed every deadline set for it by the Congress. Yet, despite OSM's own failings, the agency has continued to ride roughshod over the States, demanding them to put together State programs literally dictated from Washington, in a climate of confusion and great uncertainty.

OSM was expected by the Congress to provide guidelines for the States, but to permit each State sufficient flexibility to develop locally appropriate reclamation plans. Instead, the agency has literally shut the supposed "State window" provided in the legislation for States to develop their own programs. Rather than respecting local initiatives, they have drafted the equivalent of over 2,000 pages of complex Federal regulations—specific step-by-step, cookbook regulations—which, as our distinguished majority leader, Senator BYRD, has said, has caused the States to "comply with, and in effect duplicate, every jot and tittle of the Federal regulations, instead of developing programs suited to their own needs."

OSM has been arrogant in its dealings with the States, rather than developing the cooperative partnership envisioned by the Congress in 1977, and has harassed small operators trying their best to comply with confusing interim programs.

NEED FOR A NATIONAL COAL POLICY

Mr. President, public confidence in Government is at a low tide, particularly with respect to energy policy. Three Presidents have supported increased coal production, with a flourish, as our ticket to greater self-sufficiency. While the President's Coal Commission estimates that 80 oil-burning facilities could switch to coal in the next few years, saving 400,000 barrels of oil per day by 1985. Two coal conversion bills have had no practical effect. Saving this much crude oil by converting to coal would more than match any increased production that may flow from the lifting of price controls off domestic crude; this type of fuel switching would not cost consumers a penny, while decontrol will cost them $47.4 billion between June 1979 and October 1980. This year alone the United States will send some $90 to $100 billion to foreign nations to pay for our dependence on imported petroleum. That dependence is undermining our currency, negating our productivity gains, and threatening our national security.

In fact, even with the expenses associated with pollution equipment, conversion to coal on the part of these utilities would save consumers money—reducing energy bills—an unheard of phenomenon in these days of skyrocketing electricity rates, home heating oil, and gasoline prices.

On June 24 of this year, the Senate passed a third coal conversion bill which would mandate the conversion of 80 powerplants from oil to coal and save 400,000 barrels of oil per day by 1985. Yet that bill has made little or no headway in the House of Representatives.

Mr. President, we are just not taking advantage of our mammoth coal reserves to the extent we must. Today national coal production is 100 million tons short of our productive capacity. The national energy plan called for doubling this. On May 12 of this year, the MIT WOCOL report affirmed the need for this Nation to reach the production goal stated in the national energy plan to satisfy the energy needs of the Nation over the next 20 years and to reach for the new promise of expanding our coal export markets worldwide. Yet, we will likely continue to use only 80 percent or so of those resources this year. In Indiana, we could produce 37 million tons of coal in 1980, but will likely produce only 28 million tons.

There are many reasons why America has turned away from coal, Mr. President, and significant increases in demand and production cannot occur rapidly. Such increases will take hard decisions by major utilities and industrial firms to invest their future in coal. It will take an upgrading of our rail system to efficiently transport that coal. It will take a decision by mining operators to invest in new equipment. And it will take a commitment from all of us to reduce the regulatory uncertainty that has plagued the coal industry. We must insist that Federal regulations stay within the realm of the defensible, and not grow topsy turvy because some idle hands downtown have nothing better to do than make mischief.

In my own State of Indiana, the 1977 Surface Mining Act has been declared unconstitutional by a judge sitting in the Southern District, Federal District Court of Indiana. Subsequently, an Indiana State circuit court judge sitting in Indianapolis has enjoined the State of Indiana from filing its State reclamation plan because of the ongoing litigation. In Indiana, the battle is clearly joined on the issue of the State's taking the lead in the regulation of surface mining.

For my part, I have testified in field hearings in Indianapolis stressing the need of every agency of Government to encourage, not discourage, the use of coal. I am concerned that hundreds of Hoosier coal miners are out of work or relegated to reduced shifts because of the lagging economic conditions, conflicting governmental decisionmaking, and bureaucratic redtape. These conditions must be corrected. By adding the provisions of S. 1403 as an amendment to the pending H.R. 1197, we can make significant headway toward resolving those deficiencies in the process which are hampering the needed production of coal.

THE NEED FOR CONGRESSIONAL OVERSIGHT

Mr. President, in the spring of 1979 a large and united group of Senators, from coal-producing States, made absolutely clear to the President and the Environmental Protection Agency, that we would not sit idly by and accept proposed EPA standards for new coal-fired powerplants that would effectively shut out vast amounts of eastern coal but provide no health benefits for the public. The Congress set up EPA to protect the public's health—not to play cat and mouse with new coal-fired facilities.

Mr. President last fall I asked my colleagues to reflect the same good commonsense with respect to the Office of Surface Mining as we did with EPA. I pointed out that the Energy Committee's report on S. 1403 spoke to three very legitimate concerns:

First. The need for a deadline extension for State plan submissions, because of OSM's own delays;

Second. The desire of Western States to coordinate reclamation programs within their borders; and

Third. The need to free State governments from overzealous bureaucrats.

As you all know, the Senate responded to that call for commonsense by adopting S. 1403 by a vote of 68 to 26. However, you also know that S. 1403 has been stopped in the House Interior Committee. Our only hope of accomplishing these three aims is by adding the provisions of S. 1403 as amendments to the pending bill. We must insist that the States be freed of voluminous and suffocating regulations and require them to only meet the performance standards contained in the surface mining bill itself.

Since this measure is now threatened by a filibuster, we must band together to invoke cloture on this bill. We must bring the message of the State lead approach across to the OSM and to the House. By doing so, we in no way weaken our commitments to adequate reclamation efforts. But the critical point is that it will permit States to design programs tailored to their own needs. It will return the lead in this effort to the States, where Congress intended it to be. And it will result in freeing up our scientists and engineers to follow good engineering practices tailored to specific sites, rather than tying their hands with constraining and inflexible design regulations.

Mr. President, I hope my colleagues will join me in supporting the addition of the provisions of S. 1403 as amendments to the pending bill. I hope they will join me in voting to invoke cloture on this bill, today, to accomplish these aims.●

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. The time for debate having expired, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Unprinted Amendment No. 1503 to H.R. 1197.

Robert C. Byrd, John W. Warner, Thad Cochran, Alan Cranston, Walter D. Huddleston, Jennings Randolph, John Glenn, Jim Sasser, Lloyd Bentsen, David L. Boren, Howard H. Baker, Jr., Wendell H. Ford, John Heinz, John Tower, Paul Laxalt, David Pryor, Claiborne Pell.

CALL OF THE ROLL

The ACTING PRESIDENT pro tempore. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll and the following Senators answered to their names:

[Quorum No. 26 Leg.]

Armstrong
Baker
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Chafee
Chiles
Cochran
Cohen
Cranston
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Hart
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
McClure
McGovern
Melcher
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stennis
Stevens
Stevenson
Stewart
Stone
Thurmond
Tower
Wallop
Warner
Weicker
Williams
Young
Zorinsky

The PRESIDING OFFICER (Mr. HEFLIN). A quorum is present.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the amendment in the nature of the substitute offered by the Senator from West Virginia (Mr. ROBERT C. BYRD), to H.R. 1197 simplifying the tonnage measurement of certain vessels, shall be brought to a close? The yeas and nays are automatic under the rule.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, regular order, please. Time has expired. There are only 52 votes and the time has expired. Regular order.

The PRESIDING OFFICER. Under regular order, all Senators who desire to vote, please vote.

The clerk resumed the call of the roll.

The PRESIDING OFFICER. The clerk will tally the roll.

Mr. METZENBAUM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Debate is not in order during a rollcall.

Mr. METZENBAUM. I am not suggesting a debate. I am making a parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Under the precedents of the Senate, a parliamentary inquiry is debate.

The clerk resumed and concluded the call of the roll.

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CULVER), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. TALMADGE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The clerk will tally the count under the provisions of regular order.

The result was announced—yeas 61, nays 32, as follows:

[Rollcall Vote No. 362 Leg.]

YEAS—61

Armstrong
Baker
Bayh
Bellmon
Bentsen
Boren
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Cochran
Danforth
DeConcini
Dole
Domenici
Eagleton
Exon
Ford
Garn
Glenn
Hart
Hatfield
Hayakawa
Heflin
Heinz
Hollings
Huddleston
Humphrey
Inouye
Johnston
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Mitchell
Morgan
Moynihan
Packwood
Pell
Percy
Pryor
Randolph
Ribicoff
Roth
Sasser
Schmitt
Schweiker
Stafford
Stennis
Stevens
Stevenson
Stewart
Tower
Warner
Young
Zorinsky

NAYS—32

Baucus
Biden
Boschwitz
Bradley
Chafee
Cohen
Cranston
Durenberger
Durkin
Goldwater
Hatch
Helms
Jackson
Javits
Jepsen
Matsunaga
McClure
McGovern
Melcher
Metzenbaum
Nelson
Nunn
Pressler
Proxmire
Riegle
Sarbanes
Simpson
Stone
Thurmond
Wallop
Weicker
Williams

NOT VOTING—7

Cannon
Church
Culver
Gravel
Kennedy
Talmadge
Tsongas

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Who yields time?

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

UNITED NATIONS ACTION

Mr. DANFORTH. Mr. President, yesterday the United States timidly stood aside while the United Nations Security Council once again proceeded to undermine the Camp David peace process. For the first time, that organization of dubious peaceful purposes adopted a resolution which invoked punitive actions against Israel. I joined 12 of my Senate colleagues in a cable to Secretary Muskie urging the United States to veto this one-sided action. But the Carter administration could only muster the strength to abstain.

The resolution censured "in the strongest terms the enactment by Israel of the basic law on Jerusalem," reaffirmed "the continued application of the Fourth Geneva Convention * * * relative to the protection of civilian persons in time of war, in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem," and called upon "those states that have established diplomatic missions in Jerusalem to withdraw such missions from the Holy City." It is absolutely clear that this resolution violates historic American policies toward Jerusalem, the Camp David peace process, the 1976 and 1980 Democratic platforms, and President Carter's own statements as recently as August 13—only 1 week ago.

No distinction is made in the resolution between west and east Jerusalem. The United States has never objected to Israel's presence in west Jerusalem. Even the most hardline interpretations of Security Council Resolution 242, passed in November 1967, recognize Israeli authority over west Jerusalem.

The Arabs maintain—although incorrectly—that 242 requires Israel to withdraw to the pre-June 6 borders—the so-called green line. But not even the Arabs question that west Jerusalem is within the green line. Now, the United Nations is saying that west Jerusalem has become part of the "occupied territories." In addition, as I have stated before, I am persuaded by Prof. Eugene Rostow's argument that this issue, like that of the entire West Bank, has nothing to do with the Fourth Geneva Convention.

The infamous March 1 Security Council Resolution 465, which we are told was mistakenly supported by the United States, similarly failed to distinguish between the two parts of this united city. The administration maintained that the inclusion of Jerusalem in 465 was an error, that had President Carter known about the Jerusalem provisions, our country would not have supported it. In view of the justified furor in March, I do not see how the Carter administration can profess to adopt a neutral position on this key issue in August.

Not one of the nations which maintains an embassy in Jerusalem has its embassy in east Jerusalem. The American Consulate is also in west Jerusalem. This resolution calls on all these diplomatic missions to be removed, notwithstanding the fact that they are all within the pre-1967 Israeli borders.

The 1980 Democratic platform says:

> We will never permit oil policies to influence our policy toward peace or our support of Israel. As stated in the 1976 platform the Democratic Party recognizes and supports "the established status of Jerusalem as the capital of Israel, with free access to all its holy places provided to all faiths. As a symbol of this stand, the U.S. Embassy should be moved from Tel Aviv to Jerusalem.

In submitting his comments to the convention on August 13 about this plank, President Carter had the opportunity to renounce this stand. But he did not. Rather, he stated:

> It has been our policy that Jerusalem should remain forever undivided with free access to the holy places for people of all faiths. It has been and it must remain our policy that the ultimate status of Jerusalem should be a matter of negotiation between the parties.

No mention of embassies or oil policies. Only by assuming the use of Arab oil pressure can I give a reason for the administration's weak-kneed abstention on a slap at its own platform.

Mr. President, the Security Council apparently chooses to believe, as the resolution states, that Israel's new law "constitutes a serious obstruction to achieving a comprehensive, just, and lasting peace in the Middle East. Yet, that body conveniently ignores its March 1 resolution, the General Assembly's July 29 resolution, and the resolutions adopted by the Egyptian National Assembly on April 1 and July 1 defining "Arab Jerusalem" as "an integral part of the West Bank" and insisting that east Jerusalem must be the seat of the Palestinian authority upon the establishment of autonomy. Surely these actions prejudged the outcome of negotiations and brought into question the intentions of Egypt and the other Arab States. Once again in the United Nations, nations opposed to peaceful settlements attack those only desiring to live in peace—and the United States sits idly by.

The administration claims that this Security Council action is merely advisory. Apparently they have not read article 25 of the U.N. charter which provides that "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."

Mr. President, Jerusalem must remain a united city. From 1948 to 1967 Jordan violated the 1949 U.N. armistice provisions for free access to east Jerusalem's holy places. Neither Jews nor Israeli Moslems were allowed in. Jordan desecrated Jewish holy places, Jewish gravestones were used to construct the foundations, walls, pavements, and latrines of a Jordanian military camp. The Jewish Quarter was destroyed along with 34 synagogues. Such sacrilege must not be repeated.

The administration's position may buy oil for a while, Mr. President, but it will never buy peace. It only demonstrates our weakness before the world and encourages the enemies of peace to increase their demands for capitulation.

I ask unanimous consent that the text of the telegram to Secretary Muskie be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

FINAL TEXT OF CABLE AS SENT TO SECRETARY MUSKIE

We understand that the United Nations Security Council will be considering today a resolution on Jerusalem which would invoke for the first time punitive actions against Israel. The resolution, which would be binding under Article 25 of the United Nations Charter, refers to Jerusalem as "occupied" "Palestinian and other Arab territories" and calls on those states with embassies in Jerusalem to withdraw them from that city. This clearly constitutes a departure from existing U.S. policy, which has never contested Israel's presence in West Jerusalem nor allowed one-sided punitive actions against Israel to take effect in the Security Council. Moreover, such a provocative and extremist resolution which calls for punitive actions, if allowed to proceed, would prejudge issues that can only be resolved through negotiations and weaken the Camp David peace process. We therefore strongly urge the U.S. delegation to exercise a veto over this or any other resolution whose adoption and implementation can only serve the interests of those seeking to thwart the prospects for peace in the Middle East.

Senator Javits, Senator Church, Senator Moynihan, Senator Stone, Senator Dole, Senator Danforth, Senator Laxalt, Senator Williams, Senator Cranston, Senator Lugar, Senator Sarbanes, Senator Biden, Senator Packwood.

● Mr. LEVIN. Mr. President, yesterday the United States abstained from voting on a resolution before the United Nations Security Council censuring Israel for passing a law declaring all of Jerusalem its permanent and undivided capital and calling on all nations with embassies located in Jersusalem to remove them from that city and transfer them to another location. The resolution was passed by a vote of 14 to 0.

The United States refusal to veto or at least vote against that resolution was a terrible mistake. As Secretary of State Muskie himself said prior to abstaining, the resolution was "fundamentally flawed" by its one-sided attack on Israel and its failure to view this dispute within the larger context of the Middle East peace process.

The point that must be made—and made clearly—is that it does not serve our national interests to participate in and sanction a process which seeks to focus exclusive attention on the behavior of only one of the parties involved in this complex and sensitive situation. And it does not serve the interests of peace for us to participate in or sanction such a process.

Again, outside the merits of this particular issue, the point is that we cannot look at every UN resolution as an independent resolution to be judged on its unique and specific merits. Rather we have to look at the international context and the diplomatic pattern presented by the series of resolutions relating to the Middle East which we are being asked to consider in the United Nations. I do not believe we have done that—and I do believe we had better do that.

But even on the merits of the resolution, I simply cannot understand why we failed to register our opposition. When I first heard of the possibility of such a vote earlier this week, I wrote to the President and expressed my concern and outlined my position on the issue. I submit for the RECORD a copy of that letter.

Finally, Mr. President, the position I am advancing is that the United States was wrong both substantively and procedurally when they abstained from voting on a fatally flawed resolution before the United Nations Security Council. We should have opposed it. All I can say to my colleagues is that I believe, in light of this vote and previous United Nations votes, we should take a more serious look at the role the Senate is playing in shaping American policy as reflected in the positions taken by this country in the United Nations. Because I do not believe that those positions reflect the sentiment on this body or this country.

The letter follows:

U.S. Senate,
Washington, D.C., August 19, 1980.

The President,
The White House,
Washington, D.C.

Mr. President: It has recently come to my attention that the United Nations will be considering a resolution calling upon its member nations with embassies in Jerusalem to move them to Tel Aviv. I urge you to direct the U.S. delegation to vote in opposition to this resolution and to call upon our allies to do the same.

First, such a resolution constitutes an intrusion into the sovereign policies of any nation which chooses to locate its embassy in Jerusalem.

Second, no country has located its embassy in the eastern section of the city. Thus, the presence of an embassy in the Western section of the city does not confer any judgment upon the legal status of the section conquered by Israel in the June War of 1967. Any resolution which passes such judgment on the location of an embassy in pre-1967 Jerusalem casts aspersions on Israel's legal claim to that territory. The United States has never questioned that claim. Administration objections to recent Israeli policy regarding "Greater" Jerusalem should not eclipse the support for Israel's essential right to pre-1967 Jerusalem.

The resolution in question makes no differentiation between the two sections of Jerusalem. It thereby calls Israel's claim to territory which it was granted by the U.N. in 1947, and with which it was accepted into the United Nations Organization in 1949, invalid. The United States should not be a party, active or silent, to such a resolution.

Sincerely,

Carl Levin.●

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, a parliamentary inquiry.

May we have order in the Senate?

The PRESIDING OFFICER. The Chair will appoint as honorary Sergeants at Arms Senators Johnston and Sasser to help clear the well.

Mr. ROBERT C. BYRD. Mr. President, for the purposes of yielding time, which is allowed under the rule, insofar as yielding time to the managers of a matter is concerned, my parliamentary inquiry is this: Cloture was invoked on the substitute. That being the case, who are the managers of the substitute, or in the alternative are they to be designated by the majority and minority leaders?

The PRESIDING OFFICER. The usual procedure is that the managers can be designated by the leaders.

Mr. ROBERT C. BYRD. Mr. President, I designate Mr. Ford to manage the debate on the substitute, on which cloture has been invoked, on this side of the aisle.

Mr. WARNER. Mr. President, I yield to the distinguished minority leader.

Mr. BAKER. Mr. President, I inquire, in the present situation, as to the management of the time.

The PRESIDING OFFICER. The present inquiry is that there was a point of order raised as to who would manage the bill. The ruling of the Chair was that the minority leader and the majority leader would designate, or they themselves would control, the time.

Mr. BAKER. Mr. President, in that respect, I inquire, has the majority leader made a designation in this regard?

Mr. ROBERT C. BYRD. I designated Mr. Ford on this side.

Mr. BAKER. He will be managing for the proponents?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Mr. President, on my time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. METZENBAUM. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk resumed the call of the roll.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, I thank the Chair and I thank my friend from Ohio. I thank those who are in opposition to this bill for not objecting at this point. They are perfectly within their rights. I spoke to them now on the floor to say that the sole purpose for the quorum on my side was to gain time to try to arrange the management of the time in opposition.

I am grateful for their giving me this opportunity.

Mr. President, I have no requests on this side from Republicans who are in opposition to the amendment to participate actively in the debate or to manage the time in opposition.

Therefore, temporarily, I designate the Senator from Virginia (Mr. Warner) to manage the time that otherwise would be allocated to the minority leader, with the understanding that if there are Members on this side in opposition who wish to participate in the management of the opposition to the amendments, that I will redesignate time to them, such time as may be available, under the circumstances, directed by rule XXII.

But, for the moment, I designate the management of the time in opposition to the Senator from Virginia (Mr. Warner).

The PRESIDING OFFICER. Who yields time?

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

(Mr. COHEN addressed the Senate in connection with the introduction of legislation. His remarks are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

Mr. ROBERT C. BYRD. Mr. President, I will not object in this instance, but I want to state that under the rule, this requires debate be germane to the matter on which cloture has been invoked.

I will not object in this instance.

I hope that Senators will keep their debate germane because under the rule that is required now.

I suggest that Senators be prepared for several votes this afternoon; I assume there will be. Senators should be prepared to go late into the evening, because it is hoped that action can be expedited on this measure as soon as possible.

TONNAGE MEASUREMENT SIMPLIFICATION ACT

Mr. METZENBAUM. Mr. President, what is the pending matter before the Senate?

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1974.

Mr. METZENBAUM. The second-degree amendment to the first-degree amendment. Is that it?

The PRESIDING OFFICER. The second-degree amendment.

Mr. ROBERT C. BYRD. Will the Chair put the question?

The PRESIDING OFFICER. All those in favor of the amendment say "aye"; all opposed "nay."

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from Iowa (Mr. Culver), the Senator from Alaska (Mr. Gravel), the Senator from Massachusetts (Mr. Kennedy), the Senator from Georgia (Mr. Talmadge), and the Senator from Massachusetts (Mr. Tsongas) are necessarily absent.

The PRESIDING OFFICER (Mr. Pryor). Are there other Senators in the Chamber who desire to vote?

The result was announced—yeas 59, nays 34, as follows:

[Rollcall Vote No. 363 Leg.]

YEAS—59

Armstrong
Baker
Bayh
Bellmon
Bentsen
Boren
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Chiles
Cochran
Danforth
DeConcini
Dole
Domenici
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jepsen
Johnston
Kassebaum
Laxalt

Long
Lugar
Magnuson
McClure
Metzenbaum
Morgan
Nunn
Pell
Pressler
Pryor
Randolph
Roth
Sasser
Schmitt
Schweiker
Stafford
Stennis
Stevens
Stewart
Thurmond
Tower
Warner
Young
Zorinsky

NAYS—34

Baucus
Biden
Boschwitz
Bradley
Bumpers
Chafee
Cohen
Cranston
Durenberger
Durkin
Hart
Jackson
Javits
Leahy
Levin
Mathias
Matsunaga
McGovern
Melcher
Mitchell
Moynihan
Nelson
Packwood
Percy
Proxmire
Ribicoff
Riegle
Sarbanes
Simpson
Stevenson
Stone
Wallop
Weicker
Williams

NOT VOTING—7

Cannon
Church
Culver
Gravel
Kennedy
Talmadge
Tsongas

So Mr. Robert C. Byrd's amendment (No. 1974) was agreed to.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. I do this in order to save the time of the Senate.

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER. Objection is heard. The clerk will resume the call of the roll.

The legislative clerk resumed and concluded the call of the roll and the following Senators entered the Chamber and answered to their names:

Baker
Baucus
Boren
Bradley
Burdick
Robert C. Byrd
Cochran
Cohen
Cranston
DeConcini
Ford
Hart
Heflin
Heinz
Humphrey
Kassebaum
Leahy
Mathias
Matsunaga
McClure
Melcher
Metzenbaum
Moynihan
Packwood
Percy
Pressler
Pryor
Ribicoff
Roth
Sarbanes
Schmitt
Stewart
Thurmond
Warner
Weicker
Young
Zorinsky

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the names of the absent Senators.

Mr. METZENBAUM. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of the absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio. (Putting the question.)

The motion was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the motion was agreed to, and I ask for the yeas and nays. I did vote with the prevailing side.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. The Senator cannot do that. We are already in a quorum call.

The PRESIDING OFFICER. All in favor say "aye."

Mr. METZENBAUM. Mr. President, a parliamentary inquiry.

I do not know what the question is that the Presiding Officer is putting to the Senate.

The PRESIDING OFFICER. The Senator's motion to reconsider.

Mr. METZENBAUM. Mr. President, I would like a count. A sufficient number of seconds——

Mr. ROBERT C. BYRD. We are in a quorum call.

The PRESIDING OFFICER. The Chair has counted, and there is not a sufficient second. The question is on agreeing to the motion.

Mr. METZENBAUM. I again——

The PRESIDING OFFICER. All in favor say "aye." Opposed "no."

Mr. METZENBAUM. The "ayes" had it, the motion to reconsider was agreed to.

The PRESIDING OFFICER. The Chair has not announced the vote.

Mr. ROBERT C. BYRD. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. The question before the Senate is on agreeing to the motion to reconsider the vote.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table.

Mr. METZENBAUM. Mr. President, I believe the Chair had not as yet announced the vote, although the vote had been taken and there were only "ayes" that were audible, and there were no "nays" that were audible, and I therefore ask the Chair to decide that the "yeas" have it and the motion to reconsider is agreed to.

The PRESIDING OFFICER. The Chair, having not yet announced the vote, the motion to table was in order. The question is on the motion——

Mr. METZENBAUM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

A quorum is present.

Mr. METZENBAUM. Mr. President, that was not the question before the Chair. The question before the Chair was whether there was a sufficient second to the motion for a vote to lay on the table.

The PRESIDING OFFICER. The question to the Chair was to ascertain whether there was a quorum present.

Mr. METZENBAUM. I wish to point out to the Chair that that was not the question. The question was, there was a motion to lay on the table. A rollcall had been requested by the Senator from Ohio. The question then was, was there a sufficient second, and a number of hands were raised and the Chair was about to announce that when suddenly the Chair said something about there being a quorum present.

The PRESIDING OFFICER. A quorum having appeared, it is incumbent, at that time, upon the Chair, to announce that a quorum is present.

Mr. METZENBAUM. Mr. President, there is a motion before the Chair at the moment. The Parliamentarian is talking about something totally unrelated to this issue. There was a motion to table by the majority leader. The Senator from Ohio asked for a rollcall. The Chair was then determining whether or not there was a sufficient number of seconds for a rollcall to be ordered and to be taken. All of a sudden you announced there was a quorum. The Parliamentarian has lost sight of what the issue is.

The PRESIDING OFFICER. The issue is whether there was a quorum present.

Mr. METZENBAUM. The issue is whether there shall be a motion to reconsider.

Mr. FORD. Mr. President, will the Senator get to the microphone so I can hear? I would appreciate it. I want to get involved in this, also.

The PRESIDING OFFICER. Will Senators please retire to their seats and please leave the aisles.

A quorum is not present. The clerk will call the names of absent Senators.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

Armstrong
Bayh
Bellmon
Bentsen
Biden
Boschwitz
Bumpers
Harry F. Byrd, Jr.
Cannon
Chafee
Chiles
Danforth
Dole
Domenici
Durenberger
Durkin
Eagleton
Exon
Garn
Glenn
Goldwater
Hatch
Hatfield
Hayakawa
Helms
Hollings
Huddleston
Inouye
Jackson
Javits
Jepsen
Johnston
Laxalt
Levin
Long
Lugar
Magnuson
McGovern
Mitchell
Morgan
Nelson
Nunn
Pell
Proxmire
Randolph
Riegle
Sasser
Schweiker
Simpson
Stafford
Stennis
Stevens
Stevenson
Stone
Tower
Wallop
Williams

The PRESIDING OFFICER. A quorum is present.

The question now recurs on the motion offered by the Senator from Ohio to reconsider the vote by which the amendment of the Senator from West Virginia was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

Mr. METZENBAUM. I ask for the yeas and nays.

The PRESIDING OFFICER. The motion to table has been made and the yeas and nays have been ordered. The clerk will call the roll.

Several Senators addressed the Chair.

Mr. GOLDWATER. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The motion to table has been made and the yeas and nays have been ordered.

Mr. GOLDWATER. Mr. President, I merely wanted to inquire if there are 11 hands up.

The PRESIDING OFFICER. The yeas and nays have previously been ordered.

Mr. GOLDWATER. Did the Chair count them?

The PRESIDING OFFICER. This occurred before the quorum call.

Mr. GOLDWATER. I thank the Chair.

Mr. ROBERT C. BYRD. So the question, Mr. President, is on the motion to table the motion to reconsider the vote by which the amendment in the second degree was agreed to?

The PRESIDING OFFICER. The Senator is correct.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. Church), the Senator from Iowa (Mr. Culver), the Senator from Alaska (Mr. Gravel), the Senator from Alabama (Mr. Heflin), the Senator from Massachusetts (Mr. Kennedy), the Senator from Georgia (Mr. Talmadge), and the Senator from Massachusetts (Mr. Tsongas) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 60, nays 33, as follows:

[Rollcall Vote No. 364 Leg.]

YEAS—60

Armstrong
Baker
Bayh
Bellmon
Bentsen
Boren
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cochran
Cranston
Danforth
DeConcini
Dole
Domenici
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Hatch
Hatfield
Hayakawa
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jepsen
Johnston
Kassebaum
Laxalt
Levin
Long
Lugar
Matsunaga
Morgan
Nunn
Pell
Pressler
Pryor
Randolph
Roth
Sasser
Schmitt
Schweiker
Stafford
Stennis
Stevens
Stewart
Thurmond
Tower
Wallop
Warner
Young
Zorinsky

NAYS—33

Baucus
Biden
Boschwitz
Bradley
Bumpers
Chafee
Cohen
Durenberger
Durkin
Hart
Jackson
Javits
Leahy
Magnuson
Mathias
McClure
McGovern
Melcher
Metzenbaum
Mitchell
Moynihan
Nelson
Packwood
Percy
Proxmire
Ribicoff
Riegle
Sarbanes
Simpson
Stevenson
Stone
Weicker
Williams

NOT VOTING—7

Church
Culver
Gravel
Heflin
Kennedy
Talmadge
Tsongas

So the motion to lay on the table the motion to reconsider was agreed to.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 2095

(Purpose: To amend amendment numbered 1973. To include certain Federal regulations)

Mr. METZENBAUM. Mr. President, I call up amendment No. 2095.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Ohio (Mr. Metzenbaum) proposes an amendment numbered 2095:

On page 2, line 8, strike ";" and add ", and add at the end thereof 'including 30 CFR 784'.".

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, let us give the Senator the "yea" or "nay" vote on his amendment. He is entitled to that.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, has anyone answered?

The PRESIDING OFFICER. No.

Mr. ROBERT C. BYRD. I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

Mr. METZENBAUM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, in the interest of saving the time of the Senate, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. METZENBAUM. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue calling the roll.

Mr. METZENBAUM. Mr. President, I suggest to the majority leader——

Mr. ROBERT C. BYRD. Mr. President, debate is not in order.

The PRESIDING OFFICER. The clerk will continue.

The legislative clerk resumed and concluded the call of the roll and the following Senators entered the Chamber and answered to their names:

Baker
Baucus
Robert C. Byrd
Dole
Ford
Garn
Heflin
Magnuson
Melcher
Metzenbaum
Stennis
Warner
Weicker
Young

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of the absentees and I ask for a rollcall on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

The clerk will continue to call the roll.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. METZENBAUM. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. A parliamentary inquiry is not in order at this time.

The question is on agreeing to the motion.

All those in favor——

Mr. METZENBAUM. Mr. President, what is the issue before the body?

The PRESIDING OFFICER. The motion made by the Senator from Ohio.

Mr. METZENBAUM. Well, then, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. We are presently engaged in a quorum call.

Mr. ROBERT C. BYRD. Vote!

The PRESIDING OFFICER. All those in favor say "aye." (Putting the question.) Those opposed, say "no." (Putting the question.) The ayes have it.

The motion was agreed to.

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. We are presently engaged in a quorum call.

The clerk will continue to call the roll.

Mr. METZENBAUM. Mr. President, may I inquire of the Chair, was the vote not "aye," that the Sergeant at Arms be instructed to require the attendance of Senators?

Mr. ROBERT C. BYRD. Mr. President, I ask for the regular order.

Mr. METZENBAUM. Was it or was it not?

The PRESIDING OFFICER. A parliamentary inquiry is not in order.

The clerk will continue to call the roll.

The legislative clerk called the roll and the following Senators entered the Chamber and answered to their names:

Armstrong
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Harry F. Byrd, Jr.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
Danforth

DeConcini
Durenberger
Durkin
Eagleton
Exon
Glenn
Goldwater
Hart
Hatch
Hatfield
Hayakawa
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
McClure
McGovern
Mitchell
Morgan
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stevenson
Stewart
Stone
Thurmond
Tower
Wallop
Williams
Zorinsky

The PRESIDING OFFICER (Mr. Boren). A quorum is present.

Mr. METZENBAUM. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Ohio.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. Church), the Senator from Iowa (Mr. Culver), the Senator from Alaska (Mr. Gravel), the Senator from Massachusetts (Mr. Kennedy), the Senator from Georgia (Mr. Talmadge), and the Senator from Massachusetts (Mr. Tsongas) are necessarily absent.

Mr. STEVENS. I announce that the Senator from New Mexico (Mr. Domenici) is necessarily absent.

The PRESIDING OFFICER. Are there other Senators who desire to vote?

The result was announced—yeas 68, nays 25, as follows:

[Rollcall Vote No. 365 Leg.]

YEAS—68

Armstrong
Baker
Bayh
Bellmon
Bentsen
Boren
Boschwitz
Burdick
Byrd,
  Harry F.. Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Danforth
DeConcini
Dole
Durkin
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Javits
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
Mathias
McClure
Melcher
Morgan
Nunn
Pell
Percy
Pressler
Pryor
Randolph
Roth
Sasser
Schmitt
Schweiker
Stafford
Stennis
Stevens
Stevenson
Stewart
Thurmond
Tower
Wallop
Warner
Young
Zorinsky

NAYS—25

Baucus
Biden
Bradley
Bumpers
Cohen
Cranston
Durenberger
Hart
Jackson
Magnuson
Matsunaga
McGovern
Metzenbaum
Mitchell
Moynihan
Nelson
Packwood
Proxmire
Ribicoff
Riegle
Sarbanes
Simpson
Stone
Weicker
Williams

NOT VOTING—7

Church
Culver
Domenici
Gravel
Kennedy
Talmadge
Tsongas

So the motion to lay on the table the amendment (No. 2095) was agreed to.

Mr. MELCHER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, obviously what we see here, may I say with the utmost affection and respect for my friends, Mr. Metzenbaum and Mr. Melcher, is a postcloture filibuster.

May we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Cloture was invoked by a vote of 61 Senators, and there were at least a half dozen others who would have voted for cloture if we had needed their votes. Sixty-one Senators voted to limit debate and get on with the business and get on with final action on the substitute.

What we have seen since then has been a series of quorum calls, motions for the Sergeant at Arms to request the attendance of Senators, requests for the yeas and nays on those motions, motions to table, and motions to reconsider. At the present time, there is a motion to reconsider before the Senate made by the distinguished Senator from Montana (Mr. Melcher), a motion to reconsider a vote by which the Metzenbaum amendment was tabled. And that vote was 68 to 25.

Of course, everybody knows that motion to reconsider is not likely to carry. If it were a very close vote, it would be a different matter. But on a vote of 68 to 25, that vote is not likely to be overturned.

What I want to say is this: If we could get 51 Senators to stay on the floor, we could move much faster. It would expedite the business. I urge both sides—Republicans and Democrats—to assist through their cloakrooms the attendance on the floor of a quorum at all times, 51 Senators.

Mr. BELLMON. Mr. President, will the Senator yield to me?

Mr. ROBERT C. BYRD. Yes. I will yield in a moment.

May I say this: It is the intention of the leadership to keep the Senate in today, hopefully to complete action on this bill or, in the alternative, to get an agreement.

I would be willing to enter into a time agreement, if the managers would agree, that would allot so much time for debate on the bill and amendments thereto and final action on the bill—sometime tomorrow would be fine. It would be very acceptable to me to have a feasible time agreement.

But, barring a time agreement, it is my intention to keep the Senate in today and, if necessary, through the night. It has been done before. Because I have to say—and I say it without it being a threat, I simply state a fact—that no postcloture filibuster is going to be easy as long as I am around here.

I suggest to Senators that they be on the floor so we have a quorum so we can expedite the matter. I appeal to those who are opposed to the amendment to call up their serious amendments and let us debate them and vote on them and dispose of this matter and get on with other business.

The Senate has spoken, by a vote of 61—and it could have been 65 or 67 votes, possibly even 70—to limit debate. From here on out, it is futile to simply call up amendments just to be calling them up; not debating them, just sitting down, asking for motions to reconsider, asking for yeas and nays on motions to reconsider, yeas and nays on the motion to table and motion to reconsider, when, obviously, the Senate is not going to turn that vote around; asking for the yeas and nays, putting in quorum calls, getting the Sergeant at Arms to get Senators, asking for the yeas and nays, these are becoming dilatory and they are going to inconvenience the Senate more and more as the day wears on. They are going to inconvenience Senators.

I appeal to those who are opposed to the measure—and I respect them for their opposition, I respect them for that—to call up whatever serious amendments they have that they want to get a vote up or down on and, without waiving the right of any Senator to move to table, we might give them some up-or-down votes.

But this business of just calling up an amendment, not even debating it, just asking for the yeas and nays on it and sitting down—obviously, that amendment, if it is not worth debating, I think Senators should understand the inclination of the managers to move to table such an amendment.

Mr. MELCHER. Will the majority leader yield?

Mr. ROBERT C. BYRD. Yes; shortly.

I make that appeal to all Senators to be here and help us keep a quorum.

Second, that the opponents call up their serious amendments, let the Senate act on those serious amendments, and let us dispose of the bill and avoid this business of going through a long evening—all night long, all day tomorrow—to prove nothing and to accomplish nothing.

Mr. MELCHER. Will the majority leader yield for a question?

Mr. ROBERT C. BYRD. I yield the floor.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, let me just respond very briefly, since I only have an hour. We are put in this position by the laying down of the amendment to the bill and then a perfecting amendment to that amendment and then the substitute. There was no opportunity to introduce an amendment until the one perfecting amendment was removed, and that was only removed when?

Mr. METZENBAUM. After cloture.

Mr. MELCHER. After cloture. So how could we have brought up any amendments, I ask the Senator? I do not want an answer on my own time.

Mr. ROBERT C. BYRD. Mr. President, amendments can be called up now. The amendment in the second degree has been disposed of. Amendments can be called up. I would be happy to dispose of the amendment in the first degree so that Senators can offer amendments in the second degree. Let us have a voice vote on that matter now and then vote on the amendment in the first degree. Senator METZENBAUM and others can offer amendments in the first degree.

Mr. MELCHER. Mr. President, I ask for the yeas and nays on the motion to reconsider.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. A quorum call is in progress.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. METZENBAUM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk resumed the call of the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. METZENBAUM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, the Senator has to stand when he objects.

Mr. METZENBAUM. Mr. President, I am happy to stand.

Mr. ROBERT C. BYRD. Mr. President, I repeat the request.

Mr. METZENBAUM. Mr. President, I repeat my objection.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk resumed and concluded the call of the roll and the following Senators entered the Chamber and answered to their names:

Armstrong
Bellmon
Boren
Boschwitz
Robert C. Byrd
Cannon
Ford
Garn
Goldwater
Laxalt
Long
Lugar
McGovern
Melcher
Metzenbaum
Mitchell
Nelson
Randolph
Wallop
Warner
Young

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

Mr. METZENBAUM. Mr. President, I second that motion and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is so instructed.

Pending the execution of the order, the following Senators entered the Chamber and answered to their names:

Biden
Bumpers
Burdick
Chafee
Chiles
Cochran
Cranston
Danforth
DeConcini
Durkin
Exon
Glenn
Hart
Hatfield
Hayakawa
Heflin
Helms
Hollings
Jackson
Levin
Mathias
Matsunaga
Pell
Percy
Pryor
Riegle
Sasser
Schmitt
Schweiker
Stafford
Stevenson
Stone
Tower

The PRESIDING OFFICER. A quorum is present. The question recurs on the motion to reconsider the vote.

Mr. GOLDWATER. Mr. President, I should like to have recognition, if I may, on my own time.

Mr. WARNER. I yield to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I yield myself such time as I may take and I shall not take long.

This is not easy for me to do, to stand up and oppose two friends that I have worked with in various Congresses.

The Senator from Ohio and I went to court one day to try to stop the Defense Department from wasting millions of dollars. We were defeated.

The Senator from Montana and I have worked very closely on Indian matters that affect the entire West.

But, Mr. President, we have been sitting through some rather silly days in the last week. We wasted hours and hours and hours on the Alaska lands bill. Everyone knew how that was going to come out, yet we sat through hours of parliamentary procedure.

Here we are faced with an amendment that undoubtedly will pass. Yet, we are going through the same procedure, parliamentary procedure, hour after hour after hour.

We happen to have going on in room 318 one of the most important hearings, I would say, of this administration. It will have a very serious effect or no effect upon the President.

We have not completed, by any means, our appropriations bills. We have not completed the most important bill that I think we have, the authorization bill for the military—and in spite of what Secretary Brown might have to say, we are in second place with the Russians.

I think it is time this world's greatest deliberative body started acting in a deliberative way and started taking care of the business of this country.

Mr. President, whether or not we have a little more coal dust blowing around, to me, is less important than whether or not we create a lot more jobs for people to work at.

I think the Senate has pretty well made up its mind. I think it was shown in this morning's vote on cloture.

I would implore my two friends, who are dragging this thing on and on and on to this point, that those of us who have work that we think is of an important nature for our constituencies and for the importance of our country be allowed to continue with this work and not be hampered with running over here every 15 minutes to cast a vote on whether we should wake the Sergeant at Arms up and get him to go out and call the absent Members, or whether we should table a motion, or not table a motion.

I think the majority leader has made a very sensible, practical appeal to the Senators who are voting the other way. I hate to think they are doing it out of pure obstinacy, because I know them too well. They are not inclined that way.

But I have always learned in my life that when we are going to get the hell beat out of us, the best thing is to lean back and enjoy it. There is an old Chinese proverb that I will not use at this time. But it goes the same way. [Laughter.]

So, Mr. President, I do this very reluctantly. We do not have a lot of time left. We have a few days left, and it will be Labor Day; and then it will be primary day for many, many Senators, including this one.

I am not speaking because I have to run for reelection. I would be speaking this way if I was a lead pipe cinch. I am speaking, Mr. President, because we do not have time. We do have to come back November 12 and take care of business we do not have the time to take care of now, and here we sit, vote after vote after vote.

Mr. METZENBAUM addressed the Chair.

Mr. GOLDWATER. When I shut up, the Senator can have the floor on his own. He can call for the yeas and nays, if he wants to. I do not care. I am just trying to get my point across. I do not think I will, but I just wanted to be heard, before I give up and sit down and be quiet.

I think it is time that the Senate acted like the Senate of the United States. I will be the first one to admit that we have all the rules in the world, a whole thick book of them, and we can make them or break them or do anything we want to. We can get any kind of a rule we want to in this body by voting it up or down.

Mr. President, I would hope and I would pray that my two good friends, one from Ohio, one from Montana, as I say, with whom I have worked closely, would consider this thing and realize that this country, the United States, is not in the best of condition. We are not in a condition that we can enjoy sititng here—if we want to call it enjoyment—voting hour after hour after hour on absolutely nothing.

So I ask my two friends if they could not consider getting their heads together and agreeing to a unanimous consent so we can get the important meat of what they want to do, and let us quit this foolishness we are going through.

I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I yield myself 1 minute.

Mr. President, I want the Members of the Senate to understand that neither the Senator from Montana nor I will object to bringing up other legislation, providing it is in the time allowance of this bill. Nor will we object to any other routine business of the Senate.

I also want Members of the Senate to understand that we find ourselves in this position because we were put there. We had no choice. We had no opportunity to offer an amendment, and there are not dilatory amendments being offered. We are offering substantive amendments, some of which strike at the very issue that concerns many Members of the Senate.

Frankly, I would like to agree with my friend from Arizona because I do not like to participate in tactics that drag out the debate. But we had no opportunity prior to the cloture vote to offer any amendments.

All we are trying to do now is that which is our responsibility, and try to make a better bill out of a bad one.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. METZENBAUM. Mr. President, have the yeas and nays——

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I yield myself 1 minute.

Mr. President, I want to respond somewhat to the Senator from Arizona.

We are placed in this position, not by our preference. This cloture motion was filed rather quickly. The situation was immediately arranged so that we could not offer amendments, and we are only able to offer amendments today. So we are not asking for this. This situation was forced upon us.

We would like to debate a lot of these amendments at length. But with only 1 hour, about all we can do is offer the amendment and hope somebody will allow us some time after a while.

Nobody wants to yield us time right now. If somebody wants to yield us time, we have some very serious arguments to be made about these amendments.

The next amendment I will offer deals with Federal lands. I think it is extremely important that we recognize we do not want to place that in jeopardy, because whatever the Senator from Virginia and the Senator from Kentucky are trying to do, I do not think they want to create some doubt about Federal regulations on Federal lands.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I yield myself as much time as I need under my time.

Mr. President, the Senator from Arizona, as usual, speaks plainly and makes a lot of sense.

If the two Senators from Ohio and Montana are so interested in bringing up their amendments that are substantive, why do they not go down through? There are not 100 amendments that are substantive. Why do they not bring up an amendment, debate it, get some of their colleagues to come in and debate it? They can have an hour, a half-hour on each side. That is pretty good. Get the real amendments up, get a time agreement.

Let us get on about the business here in the Senate.

Now, quorum calls and motions to table, and then the vote, the motion to reconsider, that is nothing that is going to improve the time and the feelings on the Senate floor.

Let us get with it. Let us go on and vote up or down on some of these amendments. Get a time agreement.

But the Senators just pitch out an amendment. There is no debate. Then I assume they do not care anything about it.

Then they can argue they do not have time. But they have an hour for every Member that wants to introduce an amendment that they have. They have an hour. They have an hour.

So I do not see any reason why we cannot get on with the progress in the Senate. When you start the dilatory tactics of votes and quorum calls and that sort of thing, it does not wax well for the appearance as it relates to the desire of the Senate to move on under this piece of legislation.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MELCHER. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is the motion to reconsider.

Mr. MELCHER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. BUMPERS. Mr. President, a parliamentary inquiry.

How many does it take to second?

The PRESIDING OFFICER. Nineteen Senators are required.

Mr. BUMPERS. How many did the Chair count?

The PRESIDING OFFICER. The Chair counted 14.

Mr. BUMPERS. I renew the request for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The question is on agreeing to the motion.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, has any business been transacted since the last quorum?

The PRESIDING OFFICER. Under the most recent precedent postcloture, the answer is in the negative.

The question is on agreeing to the motion.

Mr. ROBERT C. BYRD. Vote!

Mr. METZENBAUM. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote by which the amendment was tabled. (Putting the question.)

The motion was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

AMENDMENT NO. 2261

(Purpose: To amend the Surface Mining Control and Reclamation Act of 1977 to establish specific standards)

Mr. MELCHER. Mr. President, I call up amendment No. 2261.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER) proposes an amendment numbered 2261.

Mr. MELCHER. Mr. President, I think the amendment should be read. It is not that long.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

Amendment to amendment No. 1973. At the end of the amendment add the following:

SEC. . Title VII of the Surface Mining Control and Reclamation Act of 1977 is amended by adding after section 701 the following: "Performance Standards for Federal Lands.

"SEC. 701A.

"PERFORMANCE STANDARDS FOR FEDERAL LANDS

"Part 744 establishes requirements for compliance with performance standards for exploration and mining and reclamation operations on Federal lands. This includes compliance with performance standards upon completetition of operations or abandonment.

"Authority for this Part is contained in Sections 102, 201, 508, 512, 515, 516, 517, 519, 523, 701, and 717 of Pub. L. 95–87, 91 Stat. 448, 449, 478, 483, 486, 490, 495, 498, 501, 510, 515, and 526 (30 U.S.C. 1202, 1211, 1258, 1262, 1265, 1266, 1267, 1269, 1273, 1291, 1301, and 1307), and 41 Stat. 437, as amended (30 U.S.C. 181 et seq.).

"1. One commenter indicated that the provisions of Part 744 do not explicitly specify that the Secretary may require revision of mining plans to meet changing conditions, correct oversites, or implementing new statutory requirements".

Mr. FORD. Mr. President, I am listening to the clerk read the amendment, and it seems that we are getting into a commentary on the amendment rather than the amendment itself. I object to the clerk reading that kind of statement as an amendment to this bill.

The PRESIDING OFFICER (Mr. STONE). The Senator from Montana is concerned that the wrong amendment may be read.

Mr. FORD. I think there are a lot of wrong amendments.

The PRESIDING OFFICER. The amendment that he did not intend to offer is being read.

The Senator from Kentucky will indulge the Chair for a moment.

Mr. FORD. My pleasure. I yield the floor. I do not want the time charged against me.

The PRESIDING OFFICER. Without objection, the time is not being charged to the Senator from Kentucky.

The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, I ask the indulgence of the Senate. I believe the amendments were just submitted this morning, and there has been no time to print them. There is confusion as to the number of the amendment.

The PRESIDING OFFICER. The amendment is withdrawn, and the Senator is recognized.

AMENDMENT NO. 2270

(Purpose: To amend the Surface Mining Control and Reclamation Act of 1977 to establish specific standards)

Mr. MELCHER. Mr. President. I call up amendment No. 2270.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER) proposes an amendment numbered 2270:

At the end of the amendment add the following:

SEC. . Title VII of the Surface Mining Control and Reclamation Act of 1977 is amended by adding after section 701 the following: "Performance Standards for Federal Lands.

"SEC. 701A.

§ 744.11. Performance standards: Exploration.

Coal exploration on Federal lands within a permit area shall be conducted pursuant to the requirements of the permit, 30 CFR 815, and the following—

(a) Surveillance wells. After approval of the Regional Director, in consultation with the Mining Supervisor and in accordance with 30 CFR 815.15(h) and 30 CFR 816.14 or 817.14 drill or bore holes may be utilized as surveillance wells for the purpose of monitoring the effect of subsequent operations upon the quantity, quality, or pressure of ground water or mine gases.

(b) Blowout control devices. When drilling on lands that are valuable or potentially valuable for oil and gas or geothermal resources, the person conducting coal exploration shall, when required by the Regional Director in consultation with the Mining Supervisor, set and cement casing in the hole and install suitable blowout prevention equipment.

(c) Use of wells by others. Upon receipt of a written request from the surface owner or the appropriate authorized officer, the Regional Director, in consultation with the Mining Supervisor, may approve the transfer of an exploratory well for further use as a water well. Approval of the well transfer shall be accompanied by a corresponding transfer of responsibility for any liability for compliance with the Act, this Chapter, damage from use or maintenance of the well and eventual plugging. Nothing in this paragraph shall supersede or affect the applicability of any State law with respect to that transfer. No person engaged in exploration shall be relieved of responsibility for exploration wells except to the extent set forth in an approval granted under this paragraph.

§ 744.12. Performance standards. Mining and reclamation.

(a) All surface coal mining and reclamation operations on Federal lands shall be conducted in accordance with the requirements of 30 CFR Subchapter K, the terms and conditions of the surface coal mining and reclamation operations permit, and the terms, conditions, and stipulations of the lease, license, or permit issued under the Mineral Leasing Act of 1920, as amended (30 USC 131 et seq.) and regulations promulgated thereunder.

(b) Surface coal mining and reclamation operations shall be conducted to maximize the utilization and conservation of the solid fuel resources being recovered, so that reaffecting lands in the future through surface coal mining can be minimized. However, the requirements of the Mineral Leasing Act of 1920, as amended, (30 USC 181 et seq.) and the regulations adopted thereunder, for maximum economic recovery and diligent development shall not be diminished by the requirement to maximize utilization and conservation.

§ 744.13. Performance standards. Completion of operations and abandonment.

(a) Temporary abandonment. Each person who conducts surface coal mining and reclamation operations shall, in areas in which there are no current operations, comply with 30 CFR 816.131 or 817.131, as appropriate, and post conspicuous signs at the location of all surface openings to prohibit entry of unauthorized persons.

(b) Permanent abandonment.

(1) Before permanent abandonment of coal exploration or surface coal mining and reclamation operations, all affected areas shall be closed, backfilled, or permanently reclaimed in accordance with 30 CFR 815.132 or 817.132 as appropriate. In addition, drill holes, trenches, and other excavations for coal exploration, development, or prospecting shall be abandoned in a manner that protects the surface and does not endanger any present or future underground mining activities or any deposit of oil, gas, other mineral resources, or ground water.

(2) Methods of permanent abandonment shall be approved in advance, by the Regional Director, under the mine plan and the permit. Abandonment shall include backfilling, regrading, revegetating, cementing, and capped casing, combinations of these or other methods, in accordance with the requirements of Subchapter K of this Chapter. Reclamation and clean-up of permanently abandoned surface coal mining and reclamations operations shall commence, without delay, following cessation of mining operations.

(c) Notice of abandonment.

(1) Not less than 30 days prior to permanent cessation or abandonment of surface coal mining and reclamation operations, the person conducting those operations shall submit to the Regional Director, in duplicate, a notice of intention to cease or abandon those operations, with a statement of the exact number of acres affected by the operations, the extent and kind of reclamation accomplished, and a statement as to the structures and other facilities that are to be removed from or remain on the permit area.

(2) Upon receipt of this notice, the Regional Director, the Mining Supervisor, and the appropriate authorized officer shall promptly make joint inspections, to determine whether all operations have been completed, in accordance with the requirements of the Act, this Chapter, the surface coal mining and reclamation operations permit, lease, or licenses, and the requirements of the approved mining plan. Where all of these requirements have been complied with, the Regional Director shall recommend to the appropriate authorized officer, termination of the liability under the lease bond of the person conducting surface coal mining and reclamation operations.

(d) Surface owner participation. Where the surface of lands under a lease, permit, or license is not owned by the United States, the Regional Director shall comply with the provisions of 30 CFR 742.18(b) and (c).

(e) Public participation. Prior to approval of final abandonment and release of the performance bond the Regional Director shall comply with the requirements of 30 CFR 807.

Mr. MELCHER. Mr. President, I am going to use some of my time. I only have an hour. The proponents of this bill have 4, 5, or 6 times that amount and have the capability of drawing in much more from other Senators than I do or anyone else opposing this measure. But I am going to use part of my hour to put the spotlight directly on what is wrong with this amendment.

There is some real desire by some of these Eastern States to correct some of the parts of the act that they find overbearing, not working. They could do the usual thing, that is, make an amendment to the act. They do not want to do that. They want to simplify the process. They want to knock out the Federal regulation and in knocking out the Federal regulation this amendment says that the Secretary may approve a State program without regard to the Secretary's regulation—mind you, the Secretary's own regulations on Federal land.

Why? Why should not the Secretary of the Interior be allowed to have the regulations on Federal land? Why in order to simplify it, to really push something through? They pushed it through the Senate last September and hoped it would go through the House a-skating, and then do that. Now they are going to push it through on another bill and not go to the trouble to identify just exactly what they want.

I do not think anyone, including the sponsors of this amendment, want to interfere with Federal regulations that cover Federal land. They do not want to say to the Secretary of the Interior: "Do not exercise your Federal regulation. Give it to the State. We might have some idea that there is too much redtape."

I agree that in many instances I would want it simplified. I do not believe that the public expects us to pass legislation that nullifies the Secretary's own regulations on Federal lands. But that is what happens here.

The bill intended that there be cooperative programs with the State and that works, by the way, that there be a cooperative program where the State's program would run the reclamation program on Federal lands. But it is done with the guidance of the Federal regulations.

Third, this amendment also postpones implementation of Federal lands programs until State programs are approved. The present law presently, as it stands right now, requires the implementation of these regulations on Federal lands.

I shall point out a couple of points I am trying to show here in this amendment. This amendment would make it statutory that these regulations would be in effect on Federal land.

For instance, surveillance of wells. Do we not want the wells surveyed when there is strip mining going on? Of course, we do. It is very fundamental. It is basic. We do not want that ignored. We do not want it delayed for a year or two. It is already in place.

The surface coal mining and reclamation operation shall be conducted to maximize the utilization and conservation of the solid fuel resources being recovered so that reaffecting the lands in the future through surface coal mining can be minimized? Do we not want that? Of course, we do. It is a Federal regulation that is in effect.

Do we not want the surface owner participation? Where the surface owner of lands under a lease, permit, or license not owned by the United States, the Regional Director shall comply with the provisions of 30 CFR 742.18 (b) and (c). Sure, we do. No one wants to interfere with that.

Yet we are placing all of this in doubt, and by a portion of this amendment we are postponing the implementation of those. We are setting them back; whereas, present law requires it right now.

I think the amendment is so mischievous and so poorly prepared that it goes into areas that are not intended to be touched by the proponents of the amendment at all. It is just too much of a blanket amendment.

I wish that the sponsors of this amendment would accept my amendment, and I hope they do. It will make a little more sense out of it.

Mr. FORD. Mr. President, will the Senator yield for a question on my time?

Mr. MELCHER. Certainly.

Mr. FORD. The Senator likes that, does he not?

Mr. MELCHER. Yes, I do. The Senator from Kentucky has so much time that I am glad to see him use a little bit of it.

Mr. FORD. I wish to ask the Senator the question as to the substitute to this piece of legislation. What regulations does that suspend or do away with?

Mr. MELCHER. Is the Senator from Kentucky asking me to identify the substitute?

Mr. FORD. No. I am saying what regulations does the substitute suspend? Let me answer the question. None, and it does not bother Federal lands one iota. If this amendment, the substitute, is passed today the regulations by the Secretary of the Interior stay in effect. He can do anything he wants to do on Federal land.

So let us not come up here with a bugaboo now and try to say we are getting ready to do something to Federal lands that are excluded from Federal lands because the Secretary of the Interior can do it now. He can do it tomorrow. If we pass this bill tonight, he can still do it tomorrow.

So I do not see any reason for this amendment to be considered, because what we are doing does not eliminate anything the Secretary of the Interior can do right now.

Mr. President, I yield the floor.

Mr. MELCHER. Let me point out to the Senator that indeed it does change the whole ball game. For instance, the amendment, the substitute, would permit the cooperative agreement to be entered into without the Secretary's regulations, without the Secretary even comparing the regulations. That is the effect of the amendment.

Also the very astute Senator, my friend from Kentucky, did not care to respond, I take it, to the effect that the amendment postpones the implementation of the Federal lands program until the State programs are approved. Why do you want to do that? Is there any good reason? The regulations are in effect, the regulations on Federal land.

You know this is one of the reasons why where there is a lot of Federal land and a lot of coal and strip mining going on in Montana and Wyoming, those two Governors and the Governor of North Dakota say, "Leave the law alone now, do not tamper with it. It has taken us a long time to get it straightened out. Now let us not get set back. Let us not have it more confusing. Kill the Byrd amendment." That is what they are advising us.

Mr. FORD. On my time, Mr. President. It is strange that all of a sudden we hear about three western Governors and how strong they are against what we are trying to do, when S. 1403 carries the exact language that they came with before the committee and asked the Hatfield-Ford people to put into the amendment last year, and that is what the Senator is objecting to.

I do not understand it. Why were they for it last time and are now against it? The language in there is what the western Governors asked us to put in. What about the other 21 Governors? Do they not have something to say? I would think they are on our side; 21 to 3, I think, is a majority out of 24.

Federal lands are not just in one State. They are in other States, some in Kentucky, so they can go ahead and impose Federal regulations now.

Mr. President, I am about to move to table, I think, but I will give the Senator an opportunity to rebut if he wants to.

Mr. MELCHER. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, the Senator from Kentucky has hit the nail right on the head when he talks about what happened last September, almost a year ago. Indeed there were many Governors at that time who said, "Let us pass S. 1403." First of all, they wanted the extra time. That is what they really all agreed upon. Then it blossomed out into something that really looked like it would simplify everything for them.

Since that time, since last September, at least these three Governors have said, "Hold on, hold on. You are going to make it worse if you pass this now. It is going to be more complicated. We are going to open up a new round of litigation. We hope you do not do it. Please do not do it."

I think the point is, Mr. President, I do not believe that the proponents of the amendment have any objection to my amendment. It improves their amendment, and yet you just heard the Senator from Kentucky say he wants to table it. My amendment only makes sure, makes certain, that all the ramifications of this amendment are such that they will not eliminate some very important points covering Federal lands.

I asked for the amendment to be read because I think there are people here on the floor present who will agree that these are proper regulations. I hope they will accept the amendment.

Mr. FORD. I am not going to accept this. I just want to ask the Senator one question on my time. I just now have a copy of the Senator's amendment. I want the Senator to tell me what the Secretary could not do if the Byrd substitute were passed. Tell me what the Secretary of the Interior could not do if the Byrd—why could this not be done by the Secretary without the Senator's amendment? Mr. MELCHER?

Mr. MELCHER. Yes. On the Senator's time.

Mr. FORD. Yes.

Mr. MELCHER. One thing the Secretary cannot do under this proposed amendment is he cannot implement these very worthwhile regulations until the State plan is approved.

Mr. FORD. That is the Western amendment.

Mr. MELCHER. Under the law right now—I am answering the Senator's question—he implements it right away. They are in effect now.

Mr. FORD. Read page 5, Senator. That is the Western amendment. That is the one the Governor of Wyoming came here and asked for. It is page 5. Start with line 1 and go down to 19. Read that. That is the Western Governor's request.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MELCHER. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. I want to read exactly from the amendment:

> "Subject to the provision of section 523(c), implementation of a Federal lands program shall occur and coincide with the implementation of a State program pursuant to section 503 or a Federal program pursuant to section 504, as appropriate.".

So I repeat, Mr. President, this amendment postpones implementation of the Federal lands program until State programs are approved.

Present law, under what the law is right now, requires the implementation now. All I have done in the amendment before the Senate today is to pick out some very easily understood Federal regulations affecting Federal lands, and I hope if we are going to be constructive that the proponents will accept the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, since the Senator is going to suggest the absence of a quorum, I thought we might be able to give Senators an up or down vote on the amendment, but the Senator is going to enforce his request as to whether a quorum is present—so I move to table—I yield to the Senator from Virginia.

Mr. WARNER. I have asked the Senator to yield to me for the purpose of tabling——

Mr. METZENBAUM. Mr. President, I asked for a quorum. Is any further business in order under the circumtances?

The PRESIDING OFFICER. Did the Senator from Ohio withhold his request for a quorum call? He has a right——

Mr. METZENBAUM. Not that I know of. The Senator from Ohio has suggested the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, in order to have an up or down vote on the amendment, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator may not reserve the right to object.

Mr. METZENBAUM. Then I object.

The PRESIDING OFFICER. It is not in order. Is there objection?

Mr. METZENBAUM. Then I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will proceed with the rollcall.

The assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 30 Leg.]

Biden
Byrd, Robert C.
Ford
Hayakawa
Melcher
Metzenbaum
Ribicoff
Stennis
Stone
Warner

The PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia. (Putting the question.)

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

The assistant legislative clerk continued with the call of the roll.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to compel the attendance of absent Senators.

The PRESIDING OFFICER. The question is on the motion.

Mr. ROBERT C. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. METZENBAUM. Mr. President, I have no objection to the interpretation of the Chair, but I just want the counter to be just as consistent the next time.

Mr. ROBERT C. BYRD. Mr. President, I ask for regular order.

The PRESIDING OFFICER. Debate is not in order.

The question is on agreeing to the motion of the Senator from West Virginia (Mr. ROBERT C. BYRD) to direct the Sergeant at Arms to compel the attendance of absent Senators. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CULVER), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. TALMADGE), and the Senator from Massachusetts (Mr. TSONGAS), are necessarily absent.

The PRESIDING OFFICER (Mr. MORGAN). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 90, nays 4 as follows:

[Rollcall Vote No. 366 Leg.]

YEAS—90

Armstrong
Baker
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Eagleton
Exon
Ford
Garn
Glenn
Hart
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
McClure
McGovern
Melcher
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stennis
Stevens
Stevenson
Stewart
Stone
Thurmond
Tower
Wallop
Warner
Williams
Young
Zorinsky

NAYS—4

Goldwater
Hayakawa
Proxmire
Weicker

NOT VOTING—6

Church
Culver
Gravel
Kennedy
Talmadge
Tsongas

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is present.

The Senator from Virginia is recognized.

AMENDMENT NO. 2270

Mr. WARNER. Mr. President, we have given the opportunity heretofore to have a vote up or down. It has been declined. Therefore, I have no alternative but to move to table the pending amendment.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Montana (Mr. MELCHER). The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CULVER), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. TALMADGE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

The PRESIDING OFFICER (Mr. MITCHELL). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 58, nays 36, as follows:

[Rollcall Vote No. 367 Leg.]

YEAS—58

Baker
Bayh
Bellmon
Bentsen
Boren
Boschwitz
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Danforth
DeConcini
Dole
Domenici
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jepsen
Johnston
Kassebaum
Laxalt
Long
Lugar
Morgan
Nunn
Pell
Percy
Pryor
Randolph
Sasser
Schmitt
Schweiker
Stafford
Stennis
Stevens
Stevenson
Stewart
Thurmond
Tower
Wallop
Warner
Zorinsky

NAYS—36

Armstrong
Baucus
Biden
Bradley
Bumpers
Cohen
Cranston
Durenberger
Durkin
Hart
Jackson
Javits
Leahy
Levin
Magnuson
Mathias
Matsunaga
McClure
McGovern
Melcher
Metzenbaum
Mitchell
Moynihan
Nelson
Packwood
Pressler
Proxmire
Ribicoff
Riegle
Roth
Sarbanes
Simpson
Stone
Weicker
Williams
Young

NOT VOTING—6

Church
Culver
Gravel
Kennedy
Talmadge
Tsongas

So the motion to lay on the table the amendment (No. 2270) was agreed to.

AMENDMENT NO. 2181

(Purpose: To amend amendment numbered 1973. To include certain Federal regulations)

Mr. McGOVERN. Mr. President, I call up amendment No. 2181 and ask for its consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. McGOVERN) proposes amendment numbered 2181:

On page 2, line 8, strike ";" and add ", and add at the end thereof 'including 30 CFR 823'.".

Mr. McGOVERN. Mr. President, this amendment has a very simple intent, and I hope that the content of the amendment will commend itself to the sponsor of the pending amendment.

What the amendment does, in effect, is simply to preserve the existing regulations under the present law insofar as it relates to the protection of prime farmland.

I know that the Nation is very much in need of coal, but we also are in need of protecting the Nation's basic food supply, protecting our best farmlands against the kind of disruption that, over the long run, could jeopardize our capacity to meet not only the food needs of the country but also our obligations and opportunities to supply food to other parts of the world.

The modification that I offer to the amendment now pending, which has been offered by the distinguished majority leader, is clearly in the national interest. The regulations are very clear in protecting some of the most important farmland in the United States, and I hope that the sponsor of the basic amendment now pending might see fit to accept this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. METZENBAUM. Mr. President, I was not certain as to whether the Senator from Illinois was seeking recognition on this subject.

I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, this is an amendment that really affects every Senator who has any strip mining in connection with prime farmland in his State. As indicated by the map behind us, there certainly are many.

This is one of the amendments that Senator Melcher and I and others concerned with this measure have been talking about. We are prepared to sit down and discuss with the managers of this measure a means of reconciling our differences. We are prepared to see whether they can accept some of the amendments we are prepared to offer, even if they cannot accept all of them.

If this body is kept in overnight, it is all right with me, or through until tomorrow, which is OK, also. But I want it understood that we will not stand in the way of normal Senate business being conducted, and we are prepared to work out a middle ground, if that be possible.

Senator Melcher attempted to do that in connection with the Federal lands and was rebuffed. We are prepared to do that in connection with the prime agricultural lands. We are prepared to do it in connection with other amendments we have pending.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, I will try to get the yeas and nays.

The PRESIDING OFFICER. Does the Senator withhold his suggestion for the absence of a quorum?

Mr. METZENBAUM. Is the leader attempting to help us get a quorum?

Mr. ROBERT C. BYRD. Yes.

Mr. METZENBAUM. I withhold my request.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

Mr. ROBERT C. BYRD. Mr. President, Senator Ford is on his way, and I will utilize my time to give him an opportunity to get here if the Chair will indulge me.

Mr. METZENBAUM. If the majority leader cares to invoke a quorum call I will not object, and I feel certain the Senator from Montana will not object to calling it off.

Mr. ROBERT C. BYRD. All right. I thank the Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, I ask unanimous consent to have four members of my staff on the floor at one time.

Mr. ROBERT C. BYRD. Will the Senator identify them? He can do it at the desk.

Mr. MELCHER. I will identify them at the desk.

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the amendment of the Senator from South Dakota to the amendment of the Senator from West Virginia to the bill.

Mr. FORD. Regarding what, Mr. President?

The PRESIDING OFFICER. Amendment No. 2181.

Mr. FORD. Mr. President, has this amendment been modified?

Mr. ROBERT C. BYRD. Mr. President, I ask that the amendment be read. Has it been read?

The PRESIDING OFFICER. The amendment has been read.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be read again.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

> The Senator from South Dakota (Mr. McGovern) proposes amendment No. 2181:
>
> On page 2, line 8, strike ";" and add ", and add at the end thereof 'including 30 CFR 823'.".

Mr. FORD. Mr. President, I have the substitute in front of me, amendment 1973, which he is amending, and I see nothing there to amend, according to the amendment. There is no semicolon, nothing. I read:

> On page 2, line 8, strike ";"—

And there is no semicolon—

> and add—

And I do not know how you can strike something that is not there.

Mr. President, line 8 says:

> . . . this act.

Period.

Mr. METZENBAUM. The Senator from Kentucky raises a——

Mr. FORD. Mr. President, I have the floor.

Mr. METZENBAUM. I am trying to clarify it.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. METZENBAUM. Will the Senator yield?

Mr. FORD. I ask the Chair for a point as related to the amendment to the amendment.

The PRESIDING OFFICER. The Senator from Kentucky is correct. The amendment indicates that it strikes the semicolon from page 2, line 8 of the amendment, and there is no semicolon on line 8, page 2 of the amendment.

Mr. FORD. Therefore, the amendment is not in order?

The PRESIDING OFFICER. Is the Senator making that point of order?

Mr. FORD. The Senator makes that point.

Mr. ROBERT C. BYRD. Mr. President, the Senator does not have to. Under cloture, if it is out of order on its face, the Chair is required to do that.

The PRESIDING OFFICER. The Senator from West Virginia is correct.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The amendment is, therefore, out of order.

Mr. METZENBAUM. Mr. President, I appeal the ruling of the Chair.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that appeal on the table.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second? There is not a sufficient second.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will withhold his request, I will try to help him.

The PRESIDING OFFICER. Does the Senator withhold?

Mr. METZENBAUM. Under those circumstances I withhold.

Mr. ROBERT C. BYRD. Will the Senator ask for the yeas and nays again?

Mr. METZENBAUM. Mr. President, I ask for the yeas and navs.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the appeal to the ruling of the Chair.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

(Mr. ZORINSKY assumed the chair.)

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. Church), the Senator from Iowa (Mr. Culver), the Senator from Alaska (Mr. Gravel), the Senator from Massachusetts (Mr. Kennedy), the Senator from Georgia (Mr. Talmadge), and the Senator from Massachusetts (Mr. Tsongas), are necessarily absent.

The PRESIDING OFFICER (Mr. Mitchell). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 72, nays 22, as follows:

[Rollcall Vote No. 368 Leg.]

YEAS—72

Armstrong
Baker
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cranston
Danforth
DeConcini
Dole
Domenici
Durkin
Eagleton
Ford
Garn
Glenn
Goldwater
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Hollings
Huddleston
Humphrey
Inouye
Javits
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
Matsunaga
Metzenbaum
Mitchell
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Stafford
Stennis
Stevens
Stevenson
Stewart
Thurmond
Tower
Wallop
Warner
Young

NAYS—22

Baucus
Bradley
Bumpers
Cohen
Durenberger
Exon
Hart
Helms
Jackson
Magnuson
Mathias
McClure
McGovern
Melcher
Morgan
Moynihan
Proxmire
Simpson
Stone
Weicker
Williams
Zorinsky

NOT VOTING—6

Church
Culver
Gravel
Kennedy
Talmadge
Tsongas

So the motion to lay on the table the appeal from the ruling of the Chair was agreed to.

The PRESIDING OFFICER. The ruling of the Chair thereby stands as the judgment of the Senate.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider.

Mr. METZENBAUM. Mr. President, let me tell you where the Senate is at the moment. That amendment was ruled out of order for an absolutely absurd reason. I do not know who accepts the responsibility, but the reason it was ruled out of order was because it referred to striking a semicolon and there was actually a period. That is no basis to rule out of order an amendment that has to do with prime farmland and whether you are going to be permitted to strip mine on those prime farmlands.

There are other amendments that we have that go to the same point. I believe that it would be highly inappropriate and demaning to the U.S. Senate to rule out of order an amendment that says strike a semicolon when there is actualy a period.

The reason it says strike the semicolon instead of the period is because the amendment was offered to the unprinted amendment. But who made the printed amendment holier than the unprinted amendment and who gave the Parliamentarian the authority that the printed amendment is the only thing that governs this body?

We drafted our amendment to the unprinted amendment. This is inappropriate and this is no way to run the U.S. Senate. That is the only issue that is before the Senate and that is the reason I moved to reconsider it.

You may rule me out of order today, but tomorow the shoe will be on your foot.

There is not any reason. This amendment has to do with whether or not the regulations having to do with prime farmland should be included in this legislation. Senators may agree or disagree, but the fact is that those who come from agricultural communities, and part of my State is an agricultural community, have a right to have that amendment heard. But, no; it was ruled out of order.

I can say I am not up tight about this whole issue, but I am up tight about the question of ruling out of order amendments that are in order.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, it is amazing and amusing to me how indignant some people can become because of a ruling by the Chair which is proper, sustained by over 70 of his colleagues. But in truth he did not understand it, because if we had accepted his amendment he would have excluded all prime farmland, all regulations.

Read that amendment, or let me read it to you. We saved you from cutting the throats of the farmers in Ohio, if that is what you were saying.

We saved your neck, that is really what we did; because if we had accepted this, you would have gone back to Ohio and they would say, "What did you do to the prime farmland?" Ask your staff if I am not right.

It says on line 6, page 2, and read it with me:

> In section 701(25) of the Act, strike the phrase "and regulations issued by the Secretary pursuant to this Act."

But then you wanted us to add, strike "and including the prime farmland."

So you wanted us to strike it. It would have added prime farmland to the exclusion.

Mr. METZENBAUM. Is the Senator addressing himself to the legal question?

Mr. FORD. I am addressing the legal question. If we had accepted the amendment and had gone on, you would have excluded prime farmland. Let us be very careful about how indignant we get as it relates to the ruling of the Chair.

Mr. MELCHER. Mr. President——

Mr. FORD. I have the floor.

Mr. MELCHER. Will the Senator yield?

Mr. FORD. You want the floor? Mr. President, I yield the floor.

Mr. MELCHER. Mr. President, would the proponents of the amendment accept a unanimous-consent request to get the prime farmland amendment up before this Senate?

Mr. FORD. The answer from me is "No."

Mr. MELCHER. I thank the Senator. I guess that makes it pretty clear, Mr. President. The technicality is important but the substance is not to be discussed in the Senate. Prime farmland is not to be discussed in the Senate. I feel that rather difficult to accept. I am sorry at the moment that the technicality prevents a discussion of prime farmland. I certainly hope that when we get through this procedure of these first two amendments—we have agreed to one and now we are on the second one—I hope when we get to the real thing of this whole ball game we can then offer the amendment on prime farmland.

We well recognize that if we were successful in one of these amendments and then we came to vote on the substitute and the substitute carried, and it probably will, that would wipe out these amendments. We would have to offer the same thing to the substitute.

I hope the entire Senate is on notice that when we get to the substitute it is more important to avoid technicalities than to make sure the prime farmlands can be voted upon. I think that is what the American people are counting on the Senate to do, not to ignore it.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, we have been arguing all along that what we are doing now is no different than we did last year, it is still the same thing.

You know, I can see the smiles and they say, "Well, we have them now, we have them on a point on this or that." I do not know whether the Senator from Montana was in this Chamber yesterday afternoon or not. For some 15 or 20 minutes, the distinguished Senator from Illinois, who has, I think, more concern about prime farmland than those who are filibustering, and we had a colloquy. If the Senator from Montana and the Senator from Ohio were not on the floor yesterday, I suggest they read the RECORD and see what we said. Nowhere—nowhere—in the amendment in the first degree or the substitute are we eliminating prime farmland. We are saying we want the 1977 Surface Mining Act as it relates to prime farmland not to be disturbed. We do not disturb it.

I will say one thing: My State will have the right to make a decision on what our farmers want and will have.

If you do not want your State to have any say-so over it, if you want the Feds to come down and stick it down their throats and say, "This is what you have to have," then you ought to win. But I have confidence in my State. I think my State can do a good job. I think we are doing a good job. I want my State to have the ability under the law that I worked so hard on, under the intent of that law—and I think everyone else recognizes that—for the States to have jurisdiction.

But that is not what the Senator wants. He wants the Feds to have it. He wants the Feds to do it.

I think my State ought to have the opportunity to develop a compliance with Federal law.

Mr. President, I yield the floor.

Mr. MELCHER. Mr. President, I want to just clarify something concerning the statement of my friend from Kentucky. Of course, I want the States to do it. But I want it to be done under the minimum standards set in the law and carried out through the regulations to make sure that those minimum standards are met.

That is all. That is not hard to understand.

Mr. METZENBAUM. If the Senator from Kentucky is so certain in his position——

The PRESIDING OFFICER (Mr. Stewart). The Senator from Ohio is recognized.

Mr. METZENBAUM. I wanted to point out that the same reasoning would be perfectly proper as we have submitted it. It will fit appropriately and put in prime farmland. If the Senator is so confident, I am willing to agree to a unanimous-consent request and let our amendment stand on its merit.

The answer is no.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I move to lay the motion on the table.

Mr. MELCHER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider the vote by which the ruling of the Chair was sustained as the judgment of the Senate. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. Church), the Senator from Iowa (Mr. Culver), the Senator from New Hampshire (Mr. Durkin), the Senator from Alaska (Mr. Gravel), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from Georgia (Mr. Talmadge), and the Senator from Massachusetts (Mr. Tsongas) are necessarily absent.

The PRESIDING OFFICER (Mr. Mitchell). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 75, nays 17, as follows:

[Rollcall Vote No. 369 Leg.]

YEAS—75

Armstrong
Baker
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cranston
Danforth
DeConcini
Dole
Domenici
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Javits
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
Magnuson
Matsunaga
McClure
Mitchell
Nelson
Nunn
Packwood
Pell
Percy
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Stafford
Stennis
Stevens
Stevenson
Stewart
Thurmond
Tower
Wallop
Warner
Young
Zorinsky

NAYS—17

Baucus
Bumpers
Cohen
Durenberger
Hart
Jackson
Mathias
Melcher
Metzenbaum
Morgan
Moynihan
Pressler
Proxmire
Simpson
Stone
Weicker
Williams

NOT VOTING—8

Church
Culver
Durkin
Gravel
Kennedy
McGovern
Talmadge
Tsongas

So the motion to lay on the table was agreed to.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 2167

(Purpose: To amend amendment numbered 1973. To include certain Federal regulations)

Mr. METZENBAUM. Mr. President, I call up amendment No. 2167.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. Metzenbaum) proposes amendment No. 2167 to amendment No. 1973.

The amendment is as follows:

On page 2, line 8, strike ";" and add ", and add at the end thereof 'including 30 CFR 809'.".

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I make the same point of order on this amendment as I did the other one.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Chair must state that the amendment is out of order on its face.

Mr. METZENBAUM. Will the Chair be good enough to advise the Senator from Ohio if it is out of order on its face because the amendment refers to a semicolon and there is actually a period in the pending first-degree amendment, and on that basis, and that basis alone, the Chair is ruling my amendment is out of order?

The PRESIDING OFFICER. The Senator is correct.

Mr. METZENBAUM. I must comment that I believe the Senate is losing its logic, its good sense, and its judgment.

I appeal the decision of the Chair.

Mr. BUMPERS. Mr. President, this is a debatable ruling, is it not?

The PRESIDING OFFICER. The appeal is debatable.

Mr. BUMPERS. Mr. President, I spoke to the Parliamentarian a moment ago about why the other amendment was ruled out of order, and I understood at that time that there was an unprinted amendment at the desk until 8 o'clock yesterday morning, at which time the same amendment appeared in printed form, and that the Senator from Montana and the Senator from Ohio had filed a large number of amendments—I do not know how many; 100, maybe 200—based on the number of the unprinted amendment, which I believe was 1973. Is that correct?

The PRESIDING OFFICER. 1973 is the printed number.

Mr. BUMPERS. Mr. President, I yield the floor.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays on my appeal from the ruling of the Chair.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Chair informs the Senator from Virginia that he was in error a few minutes ago, in that an appeal from the ruling of the Chair is not debatable after cloture, unless he seeks unanimous consent.

Mr. WARNER. I move to table.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METZENBAUM. Mr. President, I wish to——

The PRESIDING OFFICER. The question is on the motion to table, which is not debatable, except by unanimous consent.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. METZENBAUM. I object.

Mr. ROBERT C. BYRD. The Senator is supposed to stand.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. I object, standing up.

[Laughter.]

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to call the roll

The legislative clerk continued and concluded the call of the roll and the following Senators entered the Chamber and answered to their names:

Baker
Biden
Boschwitz
Bradley
Bumpers
Byrd, Robert C.
Cannon
Chiles
Ford
Hatfield
Hayakawa
Jackson
McClure
Melcher
Metzenbaum
Mitchell
Sasser
Simpson
Stennis
Stone
Warner
Zorinsky

THE PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The

Sergeant at Arms will execute the order of the Senate.

Pending the execution of the order, the following Senators entered the Chamber and answered to their names:

Armstrong
Baucus
Bayh
Bellmon
Bentsen
Boren
Burdick
Byrd, Harry F., Jr.
Chafee
Cochran
Cohen
Cranston
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Eagleton
Exon
Garn
Glenn
Goldwater
Hart
Hatch
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Javits
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Morgan
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Schmitt
Schweiker
Stafford
Stevens
Stevenson
Stewart
Thurmond
Tower
Wallop
Weicker
Williams
Young

The PRESIDING OFFICER. A quorum is present. The question is on agreeing to the motion to lay on the table the appeal of the ruling of the Chair by the Senator from Ohio. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. Church), the Senator from Iowa (Mr. Culver), the Senator from Alaska (Mr. Gravel), the Senator from Massachusetts (Mr. Kennedy), the Senator from Georgia (Mr. Talmadge), the Senator from Massachusetts (Mr. Tsongas), the Senator from Michigan (Mr. Levin), the Senator from Washington (Mr. Magnuson), and the Senator from South Dakota (Mr. McGovern) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. Baker) and the Senator from Idaho (Mr. McClure) are necessarily absent.

Mr. GOLDWATER. Regular order, Mr. President.

The PRESIDING OFFICER. Regular order has been called for. The clerk will tally the vote.

The PRESIDING OFFICER (Mr. Exon). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 73, nays 16, as follows:

[Rollcall Vote No. 370 Leg.]

YEAS—73

Armstrong
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cranston
Danforth
DeConcini
Dole
Domenici
Durkin
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Hollings
Huddleston
Humphrey
Inouye
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Long
Lugar
Matsunaga
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Ribicoff
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Stafford
Stennis
Stevens
Stevenson
Stewart
Thurmond
Tower
Wallop
Warner
Young
Zorinsky

NAYS—16

Baucus
Bumpers
Cohen
Durenberger
Hart
Helms
Jackson
Javits
Mathias
Melcher
Proxmire
Riegle
Simpson
Stone
Weicker
Williams

NOT VOTING—11

Baker
Church
Culver
Gravel
Kennedy
Levin
Magnuson
McClure
McGovern
Talmadge
Tsongas

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The decision of the Chair is sustained.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the Chair.

Mr. President, I yield to the distinguished Senator from Illinois (Mr. Percy).

Mr. METZENBAUM. Objection. One Senator may not yield the floor to another Senator without unanimous consent.

The PRESIDING OFFICER. The Senator may only yield for a question.

Mr. FORD. Ask for it in his own right.

Mr. PERCY addressed the Chair.

Mr. METZENBAUM. The Senator from Ohio was asking for recognition.

The PRESIDING OFFICER. Does the Senator from Virginia yield the floor?

Mr. WARNER. Yes. I yielded to the Senator from Illinois (Mr. Percy).

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. WARNER. I yielded the floor to Senator Percy.

Mr. METZENBAUM. I move to reconsider the vote by which the motion to table was agreed to and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

Mr. FORD. Mr. President, let us give him his vote on this.

Will the Senator withhold his request?

Mr. METZENBAUM. I certainly will, to have a vote.

The PRESIDING OFFICER. The Senator has withdrawn his request for a quorum call.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. FORD. Mr. President, I move to table and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question in on agreeing to the motion. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. Church), the Senator from Iowa (Mr. Culver), the Senator from Alaska (Mr. Gravel), the Senator from Louisiana (Mr. Johnston), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from Georgia (Mr. Talmadge), and the Senator from Massachusetts (Mr. Tsongas) are necessarily absent.

Mr. BAKER. I announce that the Senator from Alaska (Mr. Stevens) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 71, nays 20, as follows:

[Rollcall Vote No. 371 Leg.]

YEAS—71

Armstrong
Baker
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cranston
Danforth
DeConcini
Dole
Domenici
Durkin
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Hollings
Huddleston
Humphrey
Inouye
Jepsen
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mitchell
Morgan
Nelson
Nunn
Pell
Percy
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Stafford
Stennis
Stevenson
Stewart
Thurmond
Tower
Wallop
Warner
Young
Zorinsky

NAYS—20

Baucus
Bumpers
Cohen
Durenberger
Hart
Helms
Jackson
Javits
Magnuson
McClure
Melcher
Metzenbaum
Moynihan
Packwood
Pressler
Proxmire
Simpson
Stone
Weicker
Williams

NOT VOTING—9

Church
Culver
Gravel
Johnston
Kennedy
McGovern
Stevens
Talmadge
Tsongas

So Mr. Ford's motion to table the motion to reconsider was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

AMENDMENT NO. 2272

Mr. PERCY. Mr. President, I have at the desk an amendment numbered 2272 to Senator Byrd's amendment numbered 1973. It "sunsets" the grandfathering provisions dealing with prime farmland that are contained in section 510(d)(2) of the 1977 Surface Mining Control and Reclamation Act.

The 1977 Surface Mining Act exempts strip-mined prime farmland from the act's stiff prime farmland reclamation standards, if a permit for the mining operation was issued prior to the act's enactment. The Office of Surface Mining, in its permanent regulations, has determined that this exemption, or grandfathering, should end in 1982, a full 5 years after the act's passage.

This is to insure that the exemption is not extended indefinitely, to cover future mining activities which can meet prime farmland recovery standards and which have nothing to do with the original mining operation. The legislative history of the 1977 Surface Mining Act makes it very clear that prime farmland mining projects are not supposed to be exempted indefinitely, and the State of Illinois—with more prime farmland than any State in the country—has for years embraced this 1982 "sunset" provision.

The purpose of my amendment, simply stated, is to legislate that no prime farmland be exempted from the reclamation standards in the act after August 3, 1982. While this amendment allows a grace period for coal companies, it will insure that our prime farmlands will soon be preserved to the strict standards that I fought to include, and that the Congress accepted, in the 1977 Surface Mining Act.

I want to state, Mr. President, that my amendment has the cosponsorship of several key Senators with prime farmlands in their States, the distinguished Senators from Kansas, Senators KASSEBAUM and DOLE and Senator ZORINSKY of Nebraska, who has long fought for the essential principle.

Although they are not cosponsors, I know Senator WARNER, who has prime farmland in Virginia, has been very supportive of this effort, as has the manager of the present bill, Senator FORD. As indicated by his remarks yesterday and this morning, Senator FORD has eloquently and forthrightly indicated his own feeling that there should be a reasonable period of time after which grandfathering should be ended. Senator FORD indicated he supports the action of States like Illinois, which has forthrightly said that after 1982, there shall be no more grandfathering. He, I am sure, would share with us the fact that other States should also feel that this date is a reasonable sunset deadline.

I want all States to take the lead of the State of Illinois, and the Office of Surface Mining in this regard.

But, in keeping with the spirit of the 1977 act, we should place the primary responsibility upon the States to do this for themselves.

On the floor of the Senate yesterday and in the colloquy that I had with Senator FORD, I indicated my intention, to come at any time before the Senate again, should the need exist, if we see that we have some judicial problems, and must legislate a definitive, absolute sunset date. The intent and purpose of Congress has been made eminently clear. No legislative history has ever been more forthright than the one on this issue. No court should misunderstand the intention of the Senate of the United States and the House of Representatives: Prime farmland may be the greatest single asset we have in this country in our efforts to protect the dollar, protect our balance of payments, protect our ability to ship abroad the quality grain we ship every year, in demonstration of the productivity of the American free enterprise system.

If we ever cut off that source and cut off that available land, we will cut our legs off right from under us. Protecting this land is the clear purpose of the U.S. Congress, and has been expressed clearly in Public Law 95-87.

My amendment, Mr. President, simply says that when you have prime farmland with coal—and there are 18 million acres of it in this country with coal underneath—you must be able and willing to utilize both to the best of their abilities before mining can begin.

To meet the law all you have to do is certify that, instead of returning that land to pastureland, you will return it to prime farmland. That is what it should be returned to, and it should be returned within a reasonable period of time. That is all we are saying.

The reason the Senator from Illinois feels so strongly about this issue is that of the 18 million acres in this country with coal, 9 million of them are in Illinois. That is why our State's standards have been strong; that is why I was pleased to have received assurance yesterday from our Illinois bureau of mines that they will adhere to and fight for the 1982 standards regardless of the action we take here.

But we must be awfully certain that States do not extend their grandfather rights, going into the indefinite future, and that the courts are also fully responsive and responsible in living up to the intent of Congress on this issue.

Mr. President, I understand that there are some Senators who have some problems with my amendment. I do not insist on taking the time of the Senate tonight to fight for my amendment. With so many State reclamation plans being completed these days, we should know in short order whether there is a real need for my amendment at all. I will consider withdrawing my amendment. But I must determine certain things first that I feel are crucial in our consideration of this issue.

I have a question for the floor managers of the bill, who have been so extraordinarily cooperative in this effort. My question is simply this: If after a period of time has elapsed, we see that the intent and purpose of Congress to have prime farmland returned to prime farmland is abused, will they join with the Senator from Illinois and all the other cosponsors and supporters of the provisions of the 1977 act, and find a way to amend a future bill so as to make it eminently clear, without any equivocation whatsoever, that there is a sunset to grandfathering, a time in the very near future after which prime farmland will have to be returned to prime farmland? Will the floor managers be willing to work at that time to include such a concept in statute?

Mr. FORD. Mr. President, if I may respond to the distinguished Senator from Illinois (Mr. PERCY)——

Mr. PERCY. I would be happy to yield for that purpose.

Mr. FORD. Let me say that with our colloquy we had yesterday I think you know that I believe as you do, I would go back and look at—I have gone back and looked at—the prime farmland section of the Surface Mining Control and Reclamation Act of 1977. I find that is the most detailed portion of that act, and I would say to the distinguished Senator from Illinois that I, too, have prime farmland, bluegrass, western Kentucky corn, soybeans, and so forth. But I have seen the land returned to prime farmland equal to or better than it was prior to, and I think you can in many cases make it even better.

But I agree with the Senator that if at a given time we are of mind that the States are not putting that date in as we think it should be, then I will be glad to join with him at that time to see that we make it a part of the statute. But I think we ought to give the States an opportunity, as we have discussed earlier, to put it into their plan and set their dates, and let them comply with what they can do for their prime farmland and, hopefully, they know it better from State to State than we would with a uniform position.

Mr. PERCY. I appreciate the assurance of my colleague that he would join with me in that case. I am a strong believer in States' rights, but occasionally the States sit on those rights and do nothing about them. In this case the message from the Congress of the United States is very clear. We could do this, we have the right to do it, but we prefer for now to see the States take their own initiative and enact this on their own, just as the State of Illinois has done.

I would also appreciate a reaction to my question from my distinguished colleague from Virginia, the minority floor leader, Senator WARNER.

Mr. WARNER. First, I would like to compliment the distinguished Senator from Illinois for his efforts in facilitating the business of the Senate tonight in moving forward toward hopefully some resolution of the pending matters, and by recalling his amendment.

I, too, am very close to the land, have been engaged in agriculture some 20-odd years.

Personally, I would like very much to make a firm commitment at this time, but I would want the opportunity to consult with the officials of my State to gain their impressions for the need for an amendment to the Mining Act before I make a final commitment.

I thank the Senator from Illinois.

Mr. PERCY. In view of the importance of this issue, would it be possible for the Senator to get his State officials on the phone tonight? I really am reluctant to recall my amendment until I have assurance from my distinguished colleague that we can expect his support.

Mr. WARNER. I will endeavor to get hold of the State officials tonight.

I wish the Senator from Illinois to know that I will agree to work with him on this matter and I will endeavor to try to get ahold of the State officials tonight. I clearly understand that it is the Senator's intention to withdraw his amendment and seek another legislative vehicle.

Mr. PERCY. The Senator from Illinois is reluctant to withdraw it until I have the assurance that I thought I had. This is an individual judgment to the Senator. All we are saying is that we hope States will take sufficient action on their own to implement what clearly is the intent of Congress and what is in their own self-interest. Technically, the coal companies say total restoration can be achieved. There is not a farmer in this country that is not terrified at the way we are taking up prime farmland for highways, for suburban settlements.

In the State of Illinois alone, we are losing close to 100,000 acres a year. That is terrifying to the agricultural community. It ought to be terrifying to America.

We are the country that exports more food than any other nation. But as our population increases, will we be able to continue these exports? Will we be able to feed ourselves? You cannot grow food on concrete. You cannot grow crops on ex-prime farmland that has been returned to pastureland. It has to be returned to prime farmland.

Coal companies should assure us—and every company knows they can—that they will take 6 to 8 inches of topsoil, 48 inches minimum for the first three horizons all told, and set it aside. They should make certain that, as the mining operation goes forward, they can and will return that agricultural land to its original structure. There is no real technical problem in doing that. Certainly, mining prices and coal prices now are adequate to do this.

All I want is the personal assurance from my colleagues that if something happened which we cannot now foresee, something which clearly delays the period of time after which no prime farmland will be grandfathered, that we will work together to find a way to amend another bill, to accomplish what the Bureau of Mines has indicated it wants to do to preserve the intent of Congress in the 1977 act. The State that has half of this prime farmland, Illinois, has said and reaffirmed to me in the last 24 hours that it will continue to hold the line, and sunset this grandfather clause in 1982. Every State should be able to do as much.

Mr. WARNER. The Senator from Illinois has my personal assurance that I will work with him.

Mr. PERCY. That is all the Senator from Illinois needs. I think we have the assurance of the majority leader as well as the minority leader, Mr. Baker, that they will work with the Senator from Illinois in this regard.

Mr. ROBERT C. BYRD. The Senator has that assurance from the majority leader if he will withdraw his amendment.

Mr. PERCY. I thank the majority leader.

Mr. President, I ask unanimous consent that I be able to insert into the Record an excerpt from the Senate's 1977 consideration of the prime farmland issue, part of a statement from an Illinois county official who really understands the beauty and value and meaning of our precious prime farmlands. I also request that the definition of prime farmlands used by the soil conservation service and the Senate in its consideration of this section be included as well, along with the record of my exchange with Senator Clifford Hansen on this important issue. I hope the Senate will find these materials to be informative, and perhaps refreshing.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

STATEMENT OF ROBERT L. MASTERSON

I am Robert L. Masterson. I reside in Galesburg, Illinois. I have been employed by the County of Knox since early 1967 as Zoning administrator, plat officer and de facto director of planning. I appear here today on behalf of, and with the authority of, the County Board of Knox County, Illinois. The County Board expresses its appreciation to you, Mr. Chairman, and the subcommittee for this opportunity to present a statement of its concern for and support of the strip mining legislation presently being considered by both the U.S. Senate (S. 7) and the House of Representatives (HR. 2).

The County Board wishes to make clear that its primary concern is to protect and preserve the prime agricultural land of Knox County and to assure a continued, healthy agricultural economy for the county. My appearance here today is not intended as an indictment, by the County Board, against any particular coal company or the industry in general. On the other hand, the Board does not wish to minimize the serious and, it feels fatal effects that continued strip mining will have not only on Knox County, but, on a good segment of Illinois and the agricultural heartland of the country—the Midwest.

My presentation will consist of a prepared statement and a slide presentation. I would like to present our statement completely and then follow with the slide presentation.

It appears to the County Board and others in Illinois, who have followed the history of efforts to pass federal strip mine legislation, that most of the concern and attention has been directed toward the adverse effects of surface mining on areas in the eastern states, appalachian states, and the far west with little, or no, attention to the midwestern states where the major strippable bituminous coal reserves are located under some of the most fertile, agriculturally productive and irreplaceable farmland in the county, indeed in the world. Without minimizing the devastating effects of strip mining in these other parts of the country, the Board wishes to call attention to the impact that strip mining is having, and will continue to have, in Illinois and Knox County.

ILLINOIS

Illinois contains some of the richest agricultural land in the world, with some 29,100,000 acres, or 82% of its total land surface, devoted to farming. In 1975 over 22.8 million acres, 78% of all farmland in Illinois, were in crop production, while 3.3 million acres, approximately 10%, were devoted to pasture for livestock production. Between 1970 and 1975, cropland harvested in Illinois increased from 20.1 million acres to 22.8 million acres.

In spite of the tremendous increases in crop land harvested in Illinois, the state has been losing farmland at an alarming rate of 80,000 to 100,000 acres per year to other uses. This apparent contradiction is explained, in part, in the U.S.D.A., publication, "Farmland: Will There Be Enough?", as being attributable to the evolving "free market policy" of the U.S. Department of Agriculture which has resulted in abandonment of the food reserves system, the end of the federal crop acreage set-aside program, and a tough international commodity transactions stance. It is also partially the result of expanded irrigation, clearing of marginal lands and development of dry land farming techniques.

In past years it has been possible to offset production losses, due to a reduction in the agricultural land base, by increased yields from less land using more and improved fertilizers, herbicides, pesticides and improved farming techniques and management. However, the energy crisis and resulting fertilizer and fuel shortages will continue to hamper, if not prevent, the farmer from consistently producing more on less land. Also, regulations on the use of some agricultural chemicals will contribute to this slowdown.

Coal reserves

In addition to its vast riches in prime farmland, Illinois is also endowed with the greatest amount of bituminous coal reserves of any state in the nation. The Illinois State Geological Survey estimates these reserves to be 161.6 billion tons which underlies 65% of the state. Ninety-seven billion tons are contained in seams of at least 42 inches thick. In 1975, Illinois ranked fourth among all major coal producing states in the nation.

Of the estimated coal reserves in Illinois, only 12.1%, or 19.5 billion tons, is strip mineable; the remainder of the 161 billion tons is recoverable only by the deep mining method.

Prime agricultural land

Prime agricultural land, as used in this presentation, is the highest quality or most productive land in terms of specific crops of significant economic value raised in Illinois. The major cash grain crops in Illinois are corn, soybeans, wheat and oats. Prime agricultural land, therefore, is the land which produces the greatest yields of these four cash grain crops.

The productivity of Illinois soils for these four crops has been studied for many years in Illinois and a soil productivity index has been developed to measure the relative response to management and facilitate comparisons between groups of crops and soil productivity.

The development of the productivity index, to determine quality of soil, is the work of Dr. J. B. Fehrenbacher, professor of Pedology; B. W. Ray, associate professor of Pedology; and T. S. Harris, research assistant; all in the Department of Agronomy, University of Illinois, Urbana; and E. E. Voss, Soil Conservation Service state soil scientist for Illinois.

Productivity indexes for a high level of management, plus corn yields, were used to further define three grades of prime farm land in Illinois: Grade A, excellent: Grade B, very good; and Grade C, good. The productivity indexes and corn yields for the three grade, based on recently revised values (1976) are:

	Productivity indexes (P.I.)	Corn yield bu/acre
Grade A	141–160	140–161
Grade B	126–140	123–139
Grade C	106–125	101–122

(Source: Soil Association of Knox County, Illinois, J. B. Fehrenbacher, et al; Corrected Printer's Galley proofs, February 1977.)

DEFINITION

Prime farmland meets the following criteria:

1. The soils have an adequate moisture supply. Included are:

a. Soils having aquic or udic moisture regimes. These soils commonly are in humid or subhumid climates that have well distributed rainfall or have enough rain in summer that the amount of stored moisture plus rainfall is approximately equal to or exceeds the amount of potential evapotranspiration. Water moves through the soil at some time in most years.

b. Soils having exeric or ustic moisture regimes and in which the available water capacity is great enough to provide adequate moisture for the commonly grown crops in 7 or more years out of 10.

c. Soils having aridic or torric moisture regimes and the area has a developed irrigation water supply that is dependable and of adequate quality. Also included are soils having xeric or ustic moisture regimes in which the available water capacity is limited but the area has a developed irrigation water supply that is dependable and of adequate quality. Counties in which there are soils having these moisture regimes need to be surveyed to determine the areas in which a dependable water supply of adequate quality has been developed.

d. Soils having sufficient available water capacity within a depth of 40 inches (1 meter), or in the root zone if the root zone is less than 40 inches deep, to produce the commonly grown crops in 7 or more years out of 10.

A dependable water supply is one in which enough water is available for irrigation in 8 out of 10 years for the crops commonly grown.

2. The soils have a soil temperature regime that is frigid, mesic, thermic, or hyperthermic (pergelic and cryic regimes are excluded). These are soils that, at a depth of 20 inches (50 cm), have a mean annual temperature higher than 32° F (0° C). In addition, the mean summer temperature at this depth in soils with an 0 horizon is higher than 47° F (8° C); in soils that have no 0 horizon the mean summer temperature is higher than 59° F (15° C).

3. The soils have a pH between 4.5 and 8.4 in all horizons within a depth of 40 inches (1 meter) or in the root zone if the root zone is less than 40 inches deep. This range of pH is favorable for growing a wide variety of crops without adding large amounts of amendments.

4. The soils have no water table or a water table that is maintained at a sufficient depth during the cropping season to allow food, feed, fiber, forage, oilseed crops common to the area to be grown.

5. The soils can be managed so that, in all horizons within a depth of 40 inches (1 meter) or in the root zone if the root zone is less than 40 inches deep, during part of each year the conductivity of saturation extract is less than 4mmhos/cm and the exchangeable sodium percentage (ESP) is less than 15.

6. The soils are not flooded frequently during the growing season (less often than once in 2 years).

7. The soils have a product of K (erodibility factor) x percent slope of less than 2.0 and a product of I (soil erodibility) x C (climatic factor) not exceeding 60. That is, prime farmland does not include soils having a serious erosion hazard.

8. The soils have a permeability rate of at least 0.06 inches (0.15 cm) per hour in the upper 20 inches (50 cm) and the mean annual soil temperature at a depth of 20 inches (50 cm) is less than 57° F (14° C); permeability rate is not a limiting factor if the mean annual soil temperature is 57° F (14° C) or higher.

9. Less than 10 percent of the surface layer in these soils consists of rock fragments coarser than 3 inches (7.6 cm). These soils present no particular difficulty in cultivating with large equipment.

Record of Exchange

Mr. Percy. Mr. President, will the Senator yield at an appropriate point for a question?

Mr. Hansen. I am happy to yield.

Mr. Percy. Senator Culver began his colloquy on the question of whether or not we can define what prime farmland is. I just wonder whether the Senator from Wyoming can now go back to his constituents and feel properly equipped to define and explain what primary farmland is.

Mr. Hansen. The Senator uses the word "primary" as I understood him. He means "prime," does he not?

Mr. Percy. That is correct, prime farmland.

Mr. Hansen. A very simple answer to the Senator's question is, no, I could not.

Mr. Percy. May this Senator put it in very simple terms, then, so my distinguished colleague could go back to his State and explain it? It is soils having aquic or udic moisture regimes; or soils having xeric or ustic moisture regimes.

If the farmer does not understand that, we could say soils having aridic or torric moisture regimes. If we want to be more specific, we could say soils having a soil temperature regime that is frigid, mesic, thermic, or hyperthermic—that is, pergelic or cryic regimes are excluded; or, soils with zero horizon which is higher than 47° Farenheit or 8° centigrade.

If the farmer wants to have further explanation, I would go on to tell him then, as an expert in the field, that soils having a pH between 4.5 and 8.4 in all horizons within a depth of 40 inches would qualify, or that have the conductivity of saturation extract that is less than 4 mmhos/cm and the exchangeable sodium percentage—that is, ESP—is less than 15.

I anticipate that the Senator may ask me to explain one or two of those terms. Very well, I would say if it is selling at the prices most of our farmland is in Illinois is selling, it is prime land! If they are planting corn row to row on it, the Senator can be pretty sure it is prime farmland!

To return to another point raised by Senator Hansen, the Senator said we are adding a layer of bureaucracy. We really are not. All we are saying is that the State agency is to be used.

All our 132,000 farmowners and farm families know whether they are on prime land or not. All they ask is, before a surface permit is granted, the operators must show that they are going to be able to put it back in the same condition that it was in before.

I had had county commissioners, I have had tax assessors come in and talk to me about this. If the Senator from Wyoming is in doubt about what to do, I can say that what we must do is reassure the 132,000 farm families in Illinois that we really care. In other words, we give a damn about the land that they live on and work on, the land that is producing $22 billion of export sales to countries abroad, land that is feeding the world, land that makes us only one of six nations on Earth, out of 150 nations, that are able to export food.

That is what prime farmland is. We are just saying stop, look, and listen before we pave over everything, before we urbanize everything, before we put shopping centers everywhere. That is just all part of the law of supply and demand, I suppose. But strip mining is something that really digs at the emotions. We can all fly over and see the ravages that we have cast upon our land, whether in West Virginia or Virginia or Kentucky or Illinois. We are simply saying, as we now begin to convert back in many instances from oil to coal, "Let us just be certain, in this perfectly legitimate quest for coal, that we do not rip up all the land that is feeding us." That is all we are saying.

Mr. President, our amendment provides a mechanism to accomplish this. And the coal companies in Illinois tell me that, those who have called on me, that they can live with this, it makes sense, and it is better than a moratorium—they do not want a moratorium. This is not a moratorium, as Senator Culver has pointed out.

I really hope that we can see fit to give this reassurance to farmers that we care about the land they live on. That is all we are asking. If the Senator from Wyoming would like any further explanation as to what prime farmland is, I shall be glad to get into more technical detail.

Mr. Hansen. Mr. President, I appreciate the always generous impulses of my good friend from Illinois.

Mr. President, at one time we had a rather well-known author named Owen Wister who spent some time in Wyoming in the southern part of the State, in the Medicine Bow country and later on he came to Jackson Hole, and the Park Service, if I am not mistaken, attaches some importance to the Wister cabin which was occupied by this distinguished author for some time.

In one of his stories entitled "The Virginian" he relates how a little trouble erupts and one person calls another a name that is not oftentimes used, whereupon the person to whom the name has been applied said: "When you call me that, smile."

I have to say that I do not propose to go out into Wyoming and respond to a question of what is prime farmland using some of this language. I am afraid I might get socked in the nose. They might misunderstand what I am trying to say when I use the words the Senator pronounces so easily and which I am afraid I would stumble over. They might even think I am calling them a bad name.

So I suspect I will have to say to my good friend from Illinois that probably the average farmer can determine what is prime farmland on the basis of what a willing buyer and a willing seller will agree commands a certain price.

Having said that, Mr. President, let me observe that I think there is adequate language in the bill to accomplish these worthwhile objectives so articulately and forcefully enunciated by my friend from Iowa, that there is no further need to add duplication to what we have in the bill already.

But certainly, I do not disagree at all as to the importance of farmland.

I did not think there was anything in this bill that dealt with or addressed the subject of extension of airports, of paved areas of urban sprawl, supermarkets, and that sort of thing, and I gather that the Senator from Illinois did not mean to suggest that this amendment, if it were adopted, would address those issues.

On the other hand, I say simply what has been said by my good friend from North Dakota. I think we have already gotten it in here. I suspect that our colleague in the other side of the Capitol (Mr. Udall) thought it was pretty well in here, too.

With that, I have nothing further to say. If we want to vote on it, I am ready.

Mr. PERCY. Mr. President, I withdraw my amendment numbered 2272.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The Senator from California.

Mr. HAYAKAWA. Mr. President, I wish to address myself to amendments numbered 1977 to 2026 introduced to H.R. 1197 by the distinguished Senator from Ohio.

I say this at the beginning, because I may seem to be wandering from the subject of the legislation, but I am not doing anything of the kind.

I want to get back to the substance of these amendments. It is not my custom, Mr. President, to rest upon my past achievements and laurels but, in this particular case, I must cite the fact that I have been, in all my academic life, a lexicographer, which is a writer of dictionaries, a semanticist, and a dedicated student of the English language. In lexicography, my specialty was synonymity, the study of synonyms and antonyms.

If you will look at the Standard College Dictionary, published by Harcourt, Brace, and World, you will find my nice little essay on synonyms and antonyms.

Also, I would like to call attention to the fact—and I am terribly sorry to have to seem to be bragging about these things, but there is a book, the Funk & Wagnalls Modern Guide to Synonyms, edited by S. I. Hayakawa and the Funk & Wagnalls' dictionary staff. I spent some 4 or 5 years going over this dictionary word by word, so when I talk about meaning and overlaps of meaning and conflicts of meaning, I think I speak with more than the average expertise in the matter.

Now, I have before me H.R. 1197, the act as proposed to be amended by the distinguished Senator from Ohio, with whose ideas I often disagree but whose zeal and persistence I continue to admire.

The act says things like this:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Tonnage Measurement Simplification Act".

This one sentence results in three different amendments. One says the word "may" shall be changed to "shall"; "That this Act shall be cited".

The amendment that changes "may" to "shall" appears twice in two different amendments.

Then the "Tonnage Measurement Simplification Act" is changed to the "Tonnage Measurement Simplification Act of 1980." That, again, is introduced in two different amendments in identical form.

Let me continue.

"Before a vessel is documented on recorded," and here a change is introduced by the Senator from Ohio, instead of "a vessel," he wants an amendment to say "before any vessel is documented or recorded."

The next line says "recorded under the laws of the United States."According to another amendment of his, he would amend it to say, "under any laws of the United States."

"Or where the application of a law of the United States to a vessel is determined by its tonnage," he wishes to change this—in four different amendments—to say, instead of "a vessel," "any vessel." Instead of "a law of the United States," "laws of the United States."

Instead of "where the application of any law of the United States to a vessel," he wants to make it "or vessels."

Therefore, to keep this consistent, "the application of the law is determined by its or their tonnage, and the vessel shall be measured by the Secretary"—and he does not say "of Transportation," but I think that is what is meant—"by the Secretary or his designee of the Department."

Now, this matter of designee is interesting.

Mr. ROBERT C. BYRD. Mr. President, before the Senator proceeds to the matter of the designee, the Senator gives three examples in which the Senator from Ohio, I believe it is, has offered the same amendment, really.

Mr. HAYAKAWA. Under different numbers.

Mr. ROBERT C. BYRD. Under different numbers. One saying "a law of the United States," the other saying "the law of the United States," the other saying "any law of the United States," all of which means the same. Is that what the Senator is saying?

Mr. HAYAKAWA. That is what I am saying.

Mr. METZENBAUM. We will get into the semantics a little later.

Mr. ROBERT C. BYRD. The Senator is already into them.

The PRESIDING OFFICER. The Senator from California has the floor.

Mr. METZENBAUM. I am finding it fascinating. It is an excellent lesson for me in grammar and syntax, and I am enjoying it.

Mr. ROBERT C. BYRD. I hope Senators will listen to what the Senator from California is saying. He is pointing out what appear to be nuances or variations that really add up to nothing. He indicates very well that there are scores of amendments—he has not quite said this yet but before he finishes I think it will be obvious—there are scores of amendments at the desk that add up to the same thing, but they are slightly different.

Mr. HAYAKAWA. Some are not even slightly different.

Mr. ROBERT C. BYRD. One has "the," one has "they" and one has "any" but they all mean the same thing.

Mr. METZENBAUM. They are all to different parts of the bill, to the amendment in the first degree, to the substitute, or to the original bill. We will get into that soon.

Mr. ROBERT C. BYRD. But it is obvious that most of the amendments being cited, and I say this with love and affection for my colleague, are offered for dilatory purposes. I thank my colleague.

The PRESIDING OFFICER. The Senator from California.

Mr. HAYAKAWA. Let me give some more examples of the kind of amendment being offered. "The Secretary or his designee may, by regulation, provide for the temporary documentation of a vessel or vessels."

The amendment has the words "Secretary or his designee."

That may be a very important change. I do know that in the Senate we cannot vote by appointing a designee to vote for us. I do not know that the Secretary of Transportation may do the same thing, having a designee, but I assume that the assistant secretaries or deputy secretaries may be designees in this case. Perhaps it is a necessary amendment. Nevertheless, I would like to call the attention of this body to the fact that the idea that the owner or his designee, the Secretary or his designee, the captain or his designee, or whatever, this term appears over and over again in these 15 different amendments in which he authorizes the use of designees of the person immediately concerned.

Another sentence reads: "It engages or intends to engage in an international voyage by sea;"

And there are two amendments that change that expression to "an international voyage on the high seas."

I would like to know the difference between taking a voyage by sea from here, let us say, or New York, to London, or to take a voyage by the high seas. They are absolutely synonymous. It depends upon the elegance of the language you want to use. But for the purposes of legislation, it seems to me they would mean the exact same thing.

There are many, many more examples.

> The resulting gross tonnages, taken as a group, shall reasonably reflect the relative internal volumes of the vessels mentioned.

Another amendment would change the word "reasonably" to "so far as possible."

It seems to me if you say "the tonnage shall, so far as possible, reflect the relative internal volumes of vessels mentioned," or when you say, "the tonnages shall reasonably reflect the relative internal volumes of the vessels measures," you are saying the same thing. Therefore, again the amendment makes no legislative change, it makes no change, in the directives under which these vessels are operated.

Let me continue.

> In accordance with regulations issued under this subsection, the Secretary, or his designee, may determine the gross and net tonnages of a vessel which is representative of a designated class, model, or type and may assign those gross and net tonnages to other vessels of the same class, model, or type.

The amendment offered by the Senator changes this to "which is representative of a designated class, model, description, or type."

What does this add to the significance, to the practical meaning of that particular paragraph?

Another sentence:

> If the vessel is altered or the use of space is changed so that its gross or net tonnage is affected;

Is modified or changed by an amendment to—

> If the vessel is altered or modified, or the use of its space is changed so that its gross or net tonnage or length is affected;

This, again, is an amendment introduced twice in the course of those 15 amendments I have been talking about.

"Except as provided in this subsection, a vessel that has been measured" and he wants to change "a" to "any vessel," "is not required to be remeasured," and here may be a real substantive change, "within 2 calendar years to obtain another document."

That puts on a time limit.

But except in one or two cases of this kind the amendments from 1977 to 2026 have absolutely no legislative effect. They do not change the law in any way and, therefore, there is no sense in which they can be called amendments.

Again, in section 3:

> A vessel measured prior to the effective date of this act.

Is amended to—

> Any vessel measured prior to the effective date of this act.

That change is introduced in two different amendments. "Is considered having been measured under section 4148 (B) of the revised statutes" and then that part is amended again by the statement, "as amended, is considered as having been measured correctly," a word added "under section 4148(B) of the Revised Statutes of the United States."

What I am calling attention to, Mr. President, is the fact that these amendments are dilatory on their very face and they are out of order after cloture has been invoked by our rule XXII.

Under Senate precedents, the Chair

should rule out such amendments on its own initiative without the requirement of a point of order from the floor. The Chair can act even before the amendments are read.

Various amendments filed by the Senator from Ohio make no substantive change in legislation, as I said. The changes, if any, are inconsequential, they are frivilous, they are without substance, they are negligible, they are nugatory, they are piddling.

Because these amendments, therefore, make no substantive change, they are clearly dilatory and should be ruled out by the Chair at the appropriate time. And if the Chair does not take the initiative to do so, I, myself, shall make the point of order from the floor.

In other words, I am asking the Chair to make these decisions since we are under rule XXII as to whether these amendments are dilatory or not, whether they represent any substantive change in the legislation. I thank the Chair.

AMENDMENT NO. 2060

(Purpose: To amend amendment numbered 1973. To include certain Federal regulations)

Mr. METZENBAUM. Mr. President, I call up amendment No. 2160.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Ohio (Mr. METZENBAUM) proposes an amendment numbered 2160:
>
> On page 2, line 5, strike ";" and add ", and add at the end thereof 'including 30 CFR 780'.".

Mr. METZENBAUM. Mr. President, I yield myself 20 seconds. This amendment would put into the law certain Federal regulations with respect to operations for surface mining. I wish to repeat at this time that this Senator is prepared to stand aside if there is any important business the Senate has to take up. The Senator from Ohio is also prepared to attempt to work out a compromise on the pending legislation.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. Mr. President, I move to lay the amendment on the table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CULVER), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Georgia (Mr. TALMADGE), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. COCHRAN), and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

The PRESIDING OFFICER. (Mr. SASSER). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 59, nays 31, as follows:

[Rollcall Vote No. 372 Leg.]

YEAS—59

Armstrong
Baker
Bayh
Bellmon
Bentsen
Boren
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Danforth
DeConcini
Dole
Domenici
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jepsen
Johnston
Kassebaum
Laxalt
Long
Lugar
Mathias
Morgan
Nunn
Pell
Fercy
Pryor
Randolph
Roth
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stevens
Stevenson
Stewart
Thurmond
Tower
Wallop
Warner
Young
Zorinsky

NAYS—31

Baucus
Biden
Boschwitz
Bradley
Bumpers
Chafee
Cohen
Cranston
Durenberger
Durkin
Hart
Jackson
Javits
Leahy
Levin
Magnuson
Matsunaga
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Nelson
Packwood
Proxmire
Ribicoff
Riegle
Sarbanes
Stone
Weicker
Williams

NOT VOTING—10

Church
Cochran
Culver
Gravel
Kennedy
McGovern
Pressler
Stennis
Talmadge
Tsongas

So the motion to lay on the table amendment No. 2160 was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I wish to quote from the CONGRESSIONAL RECORD of May 1 of this year:

> Mr. President, I speak at this time not to address myself to the substance of this measure, which I support totally and of which I am a cosponsor, but, rather, to address myself to the fact that the majority leadership of the Senate and Senator BAYH, the principal sponsor of the measure, have worked zealously and hard to bring debate on this matter to a close so that the matter can be voted upon and passed.
>
> It is a fact that the majority leader has been involved in attempting to bring the debate to a close. Today, I think we will vote for the fourth time on the issue of cloture.

Mr. President, I continue to quote from the RECORD of May 1 of this year:

> I have myself stood on this floor on occasion and mounted what I considered to be a consumer oriented debate. Having said that, however, I say at the same time that I do not subscribe to the defeat of legislation by filibuster. I say also that when and if the rules of the Senate are to be changed, I will totally support such a change.
>
> Here, we have a situation in which more than a majority of the Senate want to pass this measure. It is a piece of legislation that has to do with the concerns and rights of people who are in institutions, people who have no one else to speak for them, except as provided under this measure.
>
> I think it speaks well for the Democratic leadership of the Senate, the majority leader, that he has put his shoulder to the wheel in attempting to bring the issue to a conclusion. Day after day, the issue has been here for cloture; and day after day, many of us have worked zealously—not nearly as zealously as the majority leader and the principal sponsor—in order to bring the debate to a close.

Mr. METZENBAUM. Beautiful.

Mr. EXON. CONGRESSIONAL RECORD May 1 of this year.

Mr. METZENBAUM. Beautiful.

Mr. EXON. Mr. President, those words were spoken by one of the main sponsors of the post-cloture filibuster that is going on at this time.

I say to my friend from Ohio, who made those statements, that I say that as one that is on the opposite side of this particular issue in all sincerity I hope that the Members of the Senate will not be put to extended debate, the use of the rules, tabling, any issues we want, because I have high respect, as my friend from Ohio knows, of him and his cause just as I might add I had on May 1 of this year when we were debating the S. 10 matter that I felt very, very strongly about. I was one of those who invoked the filibuster technique at that time and we used every rule in the book. But we finally lost.

Cloture was invoked finally after the fourth time, and we lost. I think that is the way we should do things in the Senate. Senators feel very strongly about an issue. I know that my friend from Ohio feels very strongly about this measure. I think that if he would look at the votes that have been cast time and time again here on the floor my friend from Ohio should agree that sooner or later he is going to lose. I am wondering whether it is worth the time and the expense and the possible all-night session, people sleeping on cots, the spending of thousands and thousands and thousands of dollars of taxpayers' money and the minor inconvenience that it is going to cause a Member of this body if we continue with this postcloture filibuster.

I am sure that it can be explained in any number of ways, but the facts of the matter are there have been actions taken here that any reasonable person would have to conclude as a postcloture filibuster.

We carried this on all day. I ask in the spirit of fellowship and understanding, with my good friend from Ohio, is it not time that we end this matter, go ahead and let the Senate express its will, as he so eloquently explained on May 1 of this year when he was on the other side of the issue, and allow the majority leader and the rest of the Senate to continue with the very important business of this body that is being delayed, in my opinion, at this time for no good reason?

Mr. METZENBAUM. May I respond to the Senator?

Mr. EXON. I yield the floor.

Mr. WARNER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WARNER. It is my understanding I was denied yielding the floor to one of my colleagues. I judge that the Senator from Ohio is going to speak on his own time now.

Mr. METZENBAUM. No; he is not.

Mr. WARNER. Then we shall have silence in the Chamber.

Mr. MELCHER. Mr. President, I appreciate the rhetorical questions asked by those who do not want a response. But I might say to my friend from Nebraska, I will answer the question, yes it is worth staying here, if Senators agree that the amendment, if passed in the present form, would delay coal mining in parts of the country. If Senators agree with that, I believe that is true. But if Senators would agree with that, I think then they would say, yes, it is well worth the Senate's time.

The three Governors of Western States of the Fort Union coal deposit of Montana, Wyoming, and North Dakota, all addressed this issue by saying do not pass the amendment; it will make it worse.

So I say to my friend in answer to his rhetorical question addressed to my friend from Ohio, I am delighted to answer on my own time, it is worth our time, it is worth everyone's time in this Senate, if our conclusion is right. I happen to believe it is right.

I happen to think those three Governors are right. I think we can spend as cuch time as is necessary to debate the issue. Hopefully we can change enough minds to see whether we cannot change this amendment into a form that is compatible with developing western coal.

Mr. EXON. Mr. President, I respond by saying that the three Governors that were mentioned by my friend from Montana were also on my side on the debate to which I have just referred. It was a matter, as the President might remember, of States' rights.

Now I certainly wish to say again that my friend from Montana and my friend from Ohio have every right to the feelings that they have on this particular bill, and they might be right. I do not think they are, but they might be. I happen to feel, and would give them a little free advice, for whatever it is worth, and I suspect that there is going to be very few, if any, minds changed, and I suspect that the longer they drag this out the fewer and fewer votes they are likely to receive on the whole series of delaying and dilatory amendments and motions that they are continuing with.

What I am saying to them, in the spirit of fellowship and friendship, is the fact that while I know they feel very strongly about this and I feel that they have very adequately made their case to the people back home and the people of the Nation that they feel very strongly about it, I think that we will all have to concur that there is very little, if any, chance that they are going to convince enough of their colleagues in the Senate to go along with them.

Therefore, it seems to me that we could agree, in the spirit of moving the business of the Senate ahead, that it would be wiser for us to vote this matter up or down rather than going through a very time consuming and expensive process that in the end will not be changed by the tactics that are being used in this particular measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. I yield myself 30 seconds to respond to my good friend from Nebraska.

Mr. President, I accept his advise. I understand the spirit in which he makes it. But the fact is that the Senator from Montana and the Senator from Ohio were put on a spot and we had no alternative. We were precluded from offering any amendments to this bill by a parliamentary procedure, and it should be further pointed out that this is an effort to circumvent the procedures of the House of Representatives to keep a measure from going through the normal committee procedure.

The PRESIDING OFFICER. The Senator's 30 seconds have expired.

Mr. METZENBAUM. I yield myself an additional 30 seconds.

Under the circumstances there are amendments that have substance to them, these are amendments that have quality to them and we believe that whether we win or we lose it is an obligation on our part to make the issue.

I hope that the Senator from Nebraska will see fit to look at the substance of some of our amendments, particularly the next one having to do with prime agricultural lands and perhaps on those we will prevail.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from——

Mr. METZENBAUM. Mr. President, I did not mean to yield back the remainder of my 50 minutes here.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from Ohio talks about an effort here to circumvent the procedure of the House of Representatives. The Senate last year, last September, passed a bill and sent it over to the House. Someone in the House has apparently circumvented the procedures of the House because the House to this day or this hour has not had an opportunity to vote up or down on that bill.

So, this is an effort to send the bill back over to the House and put it on another bill. It will not circumvent the procedures of the House. The House of Representatives has procedures for taking up measures of this kind when they are received from the Senate.

We do not see or hear crocodile tears being shed when the Senate circumvents the procedures of the Senate. Many times the House bill comes over to this Senate, and I am asked by this Senator or that Senator, or some other Senator, to arrange to have that House bill go directly on the calendar, not go to committee, and under rule XIV that can be done. Many times I am sure that my distinguished friend from Ohio has fully approved of the actions taken in putting some House bill directly on the Senate Calendar and avoiding committee action in the Senate.

May I say to my friend from Montana, Mr. MELCHER, and my equally good friend from Ohio, Mr. METZENBAUM, that if any progress were being made, if any benefit were flowing from the tactics that are being used, if those tactics were changing people's minds, if there was a purpose to be truly served by these tactics, that would be one thing. But they are serving no purpose.

Today there was a motion to reconsider by Mr. METZENBAUM, I believe, or Mr. MELCHER—I believe it was Mr. METZENBAUM—reconsider a vote of the Senate, a vote of 72 to 22. There was another motion by Mr. METZENBAUM to reconsider a vote of the Senate on which there were 75 yeas and 12 nays.

There was another motion by Mr. METZENBAUM to reconsider a vote by the Senate on which there were 71 yeas and 20 nays. I am sure Mr. METZENBAUM knew in his heart that there was not a chance, not a chance, of the Senate's reconsidering lopsided votes such as those I have quoted, and it is obvious that the purpose was just to delay the Senate.

It is an act in futility. Sixty-one Senators earlier today, and more were standing by, 61 Senators voted to limit debate. And now debate is limited to 100 hours. Debate on this legislation is limited to 100 hours under the cloture rule. The Senators are engaging in an act of futility, absolute futility. They are putting their colleagues—they are discommoding their colleagues, they are inconveniencing their colleagues, they are inconveniencing themselves, they are inconveniencing the employees of the Senate, the officers of the Senate, and for what? Their colleagues do not mind being inconvenienced if there is a purpose to be served. But 61 Senators have spoken. Sixty-one Senators want to see the debate brought to a close.

If the Senators would select a half-dozen amendments, six or eight amendments, and let Mr. FORD and Mr. WARNER and others know that these are amendments which are serious, these are serious amendments, and they would be willing to enter into a time agreement on them so that the Senate could vote in relation to those 6 or 8 or 10 serious amendments, and vitiate cloture so that the Senate would vote up or down on the measure tonight or tomorrow, I am sure Mr. FORD, Mr. WARNER and I and the minority leader would be happy to discuss those amendments and try to enter into some time agreement.

Mr. MELCHER and Mr. METZENBAUM introduced at the desk more than 275 amendments. Nobody can tell me that there are 275 amendments offered by my two friends that were intended to be serious amendments and for which there was any other purpose than that of dragging out the time and, if possible, to fill 100 hours before the Senate could exercise its final decision on the bill that is before the Senate.

So I would simply ask them to be reasonable men. Mr. MELCHER and Mr. METZENBAUM have talked about how they were denied the opportunity to offer amendments. Well, Mr. President, this bill was first called up on August 1. There was not much said on August 1 about it. That was before the Senate went out for the Democratic Convention. But it was debated yesterday and the day before. A motion to table my amendment in the second degree or my amendment in the first degree could have been made. No motion to table either of them was made.

We could have had a vote on my amendment in the second degree. There was a vote today immediately after cloture. That vote could have occurred yesterday or the day before, and my amendment in the first degree would then have been open to amendment. But there was no interest indicated in voting on that amendment in the second degree and the amendment in the first degree. They could both have been voted on those days and disposed of, and then the bill would have been open to amendment. Then the substitute also would have been open to amendment.

So let it not be said that the Senators have not had an opportunity to offer an amendment. They have opportunities now. If they would indicate what half-dozen or 10 or 12 amendments they considered at the desk, which they have introduced, to be serious amendments and they would like to have a chance to debate those amendments, why, we will debate them and dispose of them.

So far as I am concerned, I would be inclined to give them up-and-down votes on them. But they are not going at it in that way. They are just calling up one amendment after the other making about a 10-second statement on the amendment, or a 30-second statement, in one or two cases no statement at all, then sitting down; and I say that an amendment that is called up when a Senator has time to debate his amendment, if he does not debate it for 2 or 3 minutes at least, it must be there for dilatory purposes.

Mr. MELCHER. Mr. President, will the majority leader yield?

Mr. ROBERT C. BYRD. I will yield the floor.

Before I yield the floor I would like to ask the distinguished Senator from Montana and the distinguished Senator from Ohio what their intentions are so that their colleagues may know, because I think their colleagues are entitled to know, as to whether or not the two Senators intend to continue to call up amendments at the desk until all those amendments have been disposed of one way or another, because I must say to them, and I say it with all respect and with affection, and I hope they will accept what I say in the spirit in which it is offered, I just have to say that any Senators who conduct a post cloture filibuster in this body as long as I am around here will not have an easy time. It means it will be difficult for all of us. It will be just as difficult for me as the Senator carrying on a post cloture filibuster. But there is not going to be any easy post cloture filibuster because once we are in 8 hours and go out and come back in 8 hours, and we go through a post cloture filibuster that can last 12½ days, 8-hour days, that makes it easy, and we just encourage post cloture filibusters.

Mr. MELCHER. May I respond to the majority leader?

Mr. ROBERT C. BYRD. In the spirit of cooperation and understanding, I ask the distinguished Senators, and I plead with them, to select out 6 or 8 or 10 of their amendments they consider the most important amendments at the desk and let us see them and let us debate them, dispose of them, and not have to go through this long rigmarole of calling up 275 or more amendments, voting on them, and then moving to reconsider the vote, and moving to table, and appealing points of order, and just putting the Senate through the wringer for no reason at all other than to delay.

I have asked the question and I yield 1 minute for the Senator to answer.

Mr. MELCHER. First of all——

Mr. ROBERT C. BYRD. On my time.

Mr. MELCHER. First of all, the amendments had to be presented in triplicate because they had to be amendments to the bill, they had to be amendments where we are right now, to the perfecting amendment, and they had to be amendments to the substitute. It is the majority leader who set the stage for this, not on August 1, but just a couple of days ago when he changed his amendments and set the whole procedure in motion.

We have amendments of substance because there are several hundred regulations that are being set aside, and we have picked out the ones we think most meritorious, and we have amendments of substance on those.

There are a great deal of them we would be willing to work out an arrangement——

Mr. ROBERT C. BYRD. Mr. President, I do not yield for for the purpose the Senator is speaking about. I yield for the purpose—I yield 1 minute on my time by unanimous consent, if he will answer my question. What are his intentions so that his colleagues may know whether we are going to be here all night or whether we are not going to be here all night?

Mr. MELCHER. May I respond?

Mr. ROBERT C. BYRD. Yes.

Mr. MELCHER. It is our intention to call up the prime farmland amendment, if Senator BUMPERS has it in hand. It is certainly an amendment of substance. The prime farmland amendment that was called up earlier was knocked out on a technicality because it was not properly prepared. The Chair so ruled, and we accept that. It is now ready to go.

Mr. ROBERT C. BYRD. Mr. President. I only yield 1 minute.

Mr. MELCHER. I also have another amendment I would like to call up myself on my own time, and with the help of Senator BAUCUS on his own time, to discuss tonight on alluvial valley floors.

Mr. ROBERT C. BYRD. Again on my own time, as I understand, the Senator from Montana intends to call up only one more amendment? Did I misunderstand him?

Mr. MELCHER. I cannot be sure how long the majority leader wants us in tonight. If he wants us in longer, we will pick out more meritorious amendments to offer.

Mr. ROBERT C. BYRD. No. The majority leader is going just as long as it takes to dispose of this bill in one way or another. If the Senators will give me a time agreement on the bill, fine. But if they want, if they insist on calling up amendment after amendment after amendment, we will not go out tonight. This is what I am asking: What is the intention of the Senators? Is it their intention to continue as they have today to call up every little itsy-bitsy amendment at the desk, to then move to reconsider the vote when the votes are lopsided, to appeal points of order, and then move to reconsider points of order when the Senate votes as it did 72 to 22, 75 to 12, and 75 to 20, and so on? Is it just their intention to utilize the full 100 hours? That is the question I am asking.

Mr. MELCHER. Does the Senator yield to me on his time?

Mr. ROBERT C. BYRD. I yield for the answer to that question.

Mr. MELCHER. Yes. Our intention——

Mr. ROBERT C. BYRD. One minute.

Mr. MELCHER. Our intention is to continue to call up meritorious amendments hoping that the majority leader and other Senators will accept some of these amendments; hoping also that we will have a chance—after all, we only have an hour of our own—we will have a chance for adequate discussion by some other Senators using their time so that we can have some discussion on these amendments. They do have a great deal of merit.

Mr. ROBERT C. BYRD. The Senator has not answered my question. Is it the intention of the Senator from Ohio to utilize the full 100 hours on this bill?

Mr. METZENBAUM. The Senator from Ohio is prepared to respond on your time. I do not want to be limited to 1 minute. It will not take a long time.

Mr. ROBERT C. BYRD. It only takes 1 minute to answer the question.

Mr. METZENBAUM. I intend to explain my position if the Senator will let me have 5 or 10 minutes.

Mr. ROBERT C. BYRD. Are we to understand that the Senators are going to proceed in the same mode we have witnessed here today, and utilize the full 100 hours? Do they intend to stretch this time out to the uttermost limits under rule XXII?

Mr. METZENBAUM. May I respond on your time? If you think I am going too long I will sit down.

Mr. ROBERT C. BYRD. Do not go over the same ground we have traveled now——

Mr. METZENBAUM. No.

Mr. ROBERT C. BYRD (continuing). About how the Senator was shut out and all that.

Mr. METZENBAUM. No, I will not do that. But the Senator from Ohio feels there are certain amendments that are extremely meritorious and he has told the leader, told the managers of the bill, that we think we can work those amendments out. Our feet are not in concrete.

The Senator from West Virginia has indicated we should limit ourselves to a certain number of amendments. I have tried to say it as nicely and in as relaxed a manner as I can that we have no desire to keep the Senate in session all night.

On the other hand, I made it clear to the Senator at the inception that I felt a responsibility to try to make some improvements on the amendments. I am not prepared to say at this moment which ones, but I do know that some of them do have some merit, and if the majority leader feels it would serve a useful purpose, then I am prepared to take a short recess or have a quorum call, whatever is the Senator's pleasure, in order to try to work out the acceptance of some of those amendments, which would then make life easier for all concerned.

Mr. ROBERT C. BYRD. Let me put it this way: I am willing to enter into a time agreement on this measure that would see a final vote, say, tomorrow afternoon at 3 o'clock, and that would give Senators an opportunity to call up such of the amendments that are at the desk as they wish to give priority to. I am willing to do that and spare the Senate and Senators opposing the bill—I respect them for their opposition—spare them the inconvenience we have experienced today, because I do not intend to go through 12½ 8-hour days on this measure if it is the intent of the two Senators to spin out the entire 100 hours.

But if they have amendments which they consider serious and important, and would like to call them up, I suggest we have a time agreement on this bill—I will wait until the Senator from North Carolina can speak to the Senator—I thought he was speaking to the Senator.

Mr. METZENBAUM. He did. I heard him.

Mr. ROBERT C. BYRD. But I should think we ought to be able to reach a time agreement and limit that agreement to the amendments that are at the desk and certain of those amendments—the Senator can call up any of them he wishes, but have a time agreement and a final hour for a vote. If the Senators are willing to enter into such a time agreement, we can all go home, come back in the morning, and begin our work anew.

But if it is the intention to continue what we have seen today, then the Senate will be in all night.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

AMENDMENT NO. 2144

(Purpose: To amend amendment numbered 1973. To include certain Federal regulations)

Mr. METZENBAUM. Mr. President, I call up amendment No. 2144.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) proposes an amendment numbered 2144, to amendment numbered 1973.

The amendment is as follows:

On page 2, line 5, strike ";" and add ", and add at the end thereof 'including 30 CFR 826'.".

Mr. METZENBAUM. Mr. President, the substance of this amendment would add performance standards for operations on steep slopes, a subject that is extremely important in my own State and many other States through the country. I think it is a desirable amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CULVER), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from Georgia (Mr. TALMADGE), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Mississippi (Mr. STENNIS), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. COCHRAN) is necessarily absent.

The PRESIDING OFFICER. Are there other Senators in the Chamber wishing to vote who have not voted?

The result was announced—yeas 59, nays 30, as follows:

[Rollcall Vote No. 373 Leg.]

YEAS—59

Armstrong
Baker
Bayh
Bellmon
Bentsen
Boren
Boschwitz
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Danforth
DeConcini
Dole
Domenici
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jepsen
Johnston
Kassebaum
Laxalt
Long
Lugar
Mathias
McClure
Morgan
Nunn
Percy
Pryor
Randolph
Roth
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stevens
Stewart
Thurmond
Tower
Wallop
Warner
Young
Zorinsky

NAYS—30

Baucus
Biden
Bradley
Bumpers
Chafee
Cohen
Cranston
Durenberger
Durkin
Hart
Jackson
Javits
Leahy
Levin
Magnuson
Matsunaga
Melcher
Metzenbaum
Mitchell
Moynihan
Nelson
Packwood
Pell
Pressler
Proxmire
Ribicoff
Riegle
Sarbanes
Stone
Weicker

NOT VOTING—11

Church
Cochran
Culver
Gravel
Kennedy
McGovern
Stennis
Stevenson
Talmadge
Tsongas
Williams

So the motion to table amendment No. 2144 was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AMENDMENT NO. 2147

(Purpose: To amend amendment numbered 1973. To include certain Federal regulations)

Mr. BUMPERS. Mr. President, I call up amendment No. 2147.

The PRESIDING OFFICER. The clerk will report.

The second assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS) proposes an amendment numbered 2147 to amendment No. 1973.

The amendment is as follows:

On page 2, line 5, strike ";" and add ", and add at the end thereof 'including 30 CFR 823'.".

Mr. BUMPERS. Mr. President, if I could have the attention of my colleagues for just a few moments, I want to explain my position with regard to this bill and with regard to this alleged postcloture filibuster, because I have been sympathetic to the thrust and the intent of it. It is being conducted by two people who are genuinely and sincerely concerned about this bill, as I am.

I must say my own position is that we have lost this battle. It will go to the House, and, if Congressman UDALL cannot head it off there, it will go to the President's desk. I believe the President will probably veto it, but, in case he does not, there is one provision that I feel very strongly about, and I believe that feeling is shared by a good majority of the Senators in this body.

Mr. President, I am talking about the prime farmlands provision. After 7 arduous years of trying to get a surface mining and reclamation bill passed in the U.S. Congress, that was one controversial provision that was accepted after being debated almost all day on the Senate floor, because that debate was so persuasive and so compelling, that it convinced every Senator, whether he was from an agricultural State or not, point that we simply cannot needlessly destroy any agricultural land in this country. It is absolutely necessary to our survival.

Mr. President, I will want to present a little piece of startling information from an article written by Rupert Cutler called "The Peril of Vanishing Farmlands," and published in the New York Times, on July 1, 1980. It says:

> Every day in the United States, four square miles of the Nation's prime farmland are shifted to uses other than agriculture.

Mr. President, think about that—4 square miles every day. Continuing:

> Visualize a strip of land a half-mile wide stretching from New York to California. That's a million acres—the amount of prime farmland irreversibly lost to agriculture every year through urban sprawl.

Mr. President, the State of Florida produces 50 percent of all the grapefruit produced in the world. The State of Florida produces 25 percent of all oranges produced in the world.

I know that has got to be a little bit stunning to some of us. Let me state what is more stunning.

At the rate citrus groves are being taken out of production in Florida today, there will not be one grapefruit or one orange produced in that State in the year 2000.

Before I proceed, I want to digress for just a moment to say that I have voted against the majority leader today on a couple of procedural questions. I voted with him on some others. I do not ever like to vote against the majority leader on procedural matters, whether I agree with the pending legislation, or not. I just want to make that point.

Mr. President, if the conversion of our farmland continues at the 1967 to 1977 rate, here is what will happen.

West Virginia will lose 73 percent of its prime farmland. Connecticut, 70 percent. Massachusetts, 51 percent. Maryland and New Mexico, 44 percent. Vermont, 43 percent. Utah, 35 percent. Virginia, 24 percent. Washington, 23 percent. Pennsylvania, 21 percent. New York and California, both top agricultural producers, will lose 16 percent and 15 percent respectively; and New Jersey, 9 percent.

Consider an observation made by Allen Hidlebaugh, who is a resource inventory specialist:

> Even in America's agricultural heartland—the Corn Belt states—there is cause for concern. We anticipate a total of 3.2 million acre prime farmland loss in Iowa, Illinois, Indiana, Ohio and Missouri combined if present trends continue to the year 2000. The annual loss will equal 480 million bushels of corn—at $2.50 a bushel a permanent loss of $1 billion a year every year by the century's end.
>
> Florida's State Commissioner of Agriculture, Doyle Connor, says: "Every time a highway or retirement homes are built on Florida farmland, we increase the likelihood of our dependence on other nations for food. Already the U.S. is importing vegetables from Mexico and South America. Today we are experiencing deprivation because of our dependence on foreign oil. Is the next deprivation food?"

Consider these facts in the context of strip mining.

Take the State of Illinois: Obviously, Illinois is the State that stands to lose the most. Illinois has 9,400,000 acres of prime farmland. That is, 63 percent of all the arable land in Illinois is prime farmland.

What does Illinois stand to lose by strip mining? 5,922,000 acres.

That is almost equivalent to all the arable land in Arkansas, which produces more rice than any State in the Nation, fourth in soybeans and fifth in cotton.

Mr. President, we have 22 million acres of land left in this country that is capable of producing food and fiber, and we are losing a million acres a year. We are going to lose more as we strip more and more coal.

Let me give another statistic. Consider Kentucky, the home of the distinguished floor manager of this bill.

Kentucky has 1,100,000 acres of prime farmland. Twenty-three percent of all the arable land in Kentucky is prime farmland, and they stand to lose 253,000 acres. They stand to lose 5,741,000 acres of land to strippable coal on nonprime land.

Now, we will produce a lot of coal in this country, as we must.

In order to protect our farmlands, we would insert a simple provision to allow the Department of Agriculture to promulgate rules and regulations to define "prime farmland".

Incidentally, Mr. President, Senator ZORINSKY is a cosponsor of this amendment. I failed to say that in the beginning. I apologize to Senator ZORINSKY.

The Office of Surface Mining has issued this big thick book of regulations governing how we will mine coal in this country and how we will reclaim the land.

The distinguished Senator from West Virginia, assisted by the distinguished Senator from Kentucky, has won 99.9 percent of the battle, and I admit that. I am not happy about it, but I know it.

Senators can take this book which has, I will say, 200 pages of regulations on how to strip mine coal and reclaim the land, and I am talking about one page. I am talking about saving one page dealing with prime farmlands, and that is what this amendment does. It simply determines that this land will be reclaimed and how it will be done. The opponents of my amendment will say: "Well, we have already got the bill. The bill says that you have got to do certain things if you are strip mining prime farmlands." And that is true, but all the bill says is that the land displaced to remove the overburden of coal must be separated according to the different strata of soil. It does not say how you are going to put it back, nor does it say how you are going to revegetate it. It does not even say you have to revegetate it. So if we do not put this prime farmlands provision back in there, we are going to have every State in the Nation determining for itself that it is a little different and that it cannot possibly get this land back into production.

Mr. President, when it comes to reclamation, I know there is a lot of hillside land that people consider worthless. My home county, incidentally, was considered worthless back in the twenties and thirties, and I invite all Senators to go down and see it. Within a mile and a half of my home, as far as the eye can see, there are nothing but dumps. It used to be good farm grazing land, some of the best pastureland in the United States. It is lost forever. It will never grow like it did once before because no one cared.

Consider a publication that was put out by the Environmental Policy Institute in June 1976, called "Strip Mining in the Corn Belt." There is an interesting item here on the front page. A man named Tom Coulson wrote a letter to the editor of the Quincy Herald-Whig. He said:

> Even if strip mined land is turned to grazing land, it will never again during the life of our civilization have the total food-producing capacity it originally had.
>
> Perhaps we will find an alternative to the soil. Perhaps the sea, or hydroponics . . . will one day feed the world's peoples. But at the moment, we do not have a proven alternative to the soil, and we have no guarantee an alternative will ever exist. We should not operate on blind faith in a matter of this critical importance.

Thad Godish wrote in the Quincy Herald-Whig:

> They'll worry about what to do with the loss of prime agricultural land when we start starving.

Mr. President, there was a publication which came out just recently and it created a lot of hoopla about our future in this country. It is called the "Global 2000 Report to the President: Entering the 21st Century," and here is what it says on impacts on agriculture:

> Perhaps the most serious environmental development will be an accelerating deterioration and loss of the resources essential for agriculture. This overall development includes soil erosion, loss of nutrients and compaction of soils; increasing salinization of both irrigated land and water used for irrigation; loss of high-quality cropland to urban development; crop damage due to increasing air and water pollution; extinction of local and wild crop strains needed by plant breeders for improving cultivated varieties; and more frequent and more severe regional water shortages—especially where energy and industrial developments compete for water supplies, or where forest losses are heavy and the earth can no longer absorb, store, and regulate the discharge of water.

I could quote and quote and quote. When are we going to wake up? When are we going to wake up to the fact that we cannot go on forever destroying the most precious asset God gave us? And I do not mean coal.

I have watched people in my county when I was practicing law. Some, poor people would take 25 cents a ton royalty on their coal. Producers would say, "Good lord, do you realize that old land of yours would not bring $200 a year? We will give you $1,000 in coal royalties."

What they do not say is that when they take the coal out, the land is lost forever, and, 20 years from now, a $1,000 royalty on that land is peanuts. It is nothing. If I were debating for myself, I would not care, but I have three children, the light of my life, and they are entitled to a few things. They are entitled to inherit a land that is capable of feeding this Nation.

Finally, consider what Bob Bergland said:

> In my lifetime we have paved over the equivalent of all the cropland in Ohio and before the century is over we will pave the equivalent of Indiana.

Mr. President, in my opinion what we threaten to do with the passage of this bill is devastating. I am only asking this Senate to consider what I think is easily the most important part of those rules and regulations, the most important part of that strip mining bill, and I am asking Senators to preserve them. If we do not we are going to have every State in the Nation coming in here with their own definition of prime farmland, their own decision as to what it takes to restore it. There is nothing in the law. Do not look at the statute for guidance because it does not give any. It does not even tell them what they have to do. It does not tell them how much topsoil they have to put back or even whether they have to put any back. It merely requires producers to separate it when they take it out. The prime farmland rules of this bill are not that stringent, and if we do not preserve the land, our children and our grandchildren will hold us accountable, and they ought to.

Mr. President, I yield the floor.

Mr. FORD. Mr. President, it is very easy to make an eloquent case when a Senator is not talking about the case in point.

It is good to make an eloquent case when we are fussing about building of roads, building shopping centers, and about other things. But when we are talking about the regulations, that have been promulgated by the Office of Surface Mining as it relates to prime farmland, let me just say this: This amendment that the distinguished Senator from Arkansas is trying to put in codifies the proposed regulations that have been struck down by the courts, remanded back, and now he wants to overturn the courts and put them into law.

He says he wants to put it back in the bill. It has never been in the bill. These are regulations. The most defined part of the surface mining legislation is prime farmland and the Senator from Arkansas sat through all of that part of his proposal. He should understand that it is good.

It has been remanded by the courts. He is trying to put it back in and, Mr. President, I think it is time that we go on and have another vote.

So, Mr. President, I move to table the amendment by the Senator from Arkansas.

Mr. BUMPERS. Will the Senator withhold his motion to table for 60 seconds?

Mr. FORD. For 60 seconds only.

Mr. BUMPERS. The Senator refers to regulations being struck down. No. 1, the regulations were not struck down.

Mr. FORD. They were remanded. Do not try to put words in my mouth.

Mr. BUMPERS. No. 2, the district court in Indianapolis held that the prime farmland provision of the statute was unconstitutional, and it took the court 48 hours to stay that.

I can tell the Senator that it will be stayed when it is finally heard, also. There is not a more important provision in this bill to the Senator from Kentucky or to the Senator from Indiana. Indiana is one of the worst hit States. Ohio is not hit as bad as Illinois. Illinois is the worst of all. But every State in the Union is going to be affected if we do not put this back in there. We are going to pay a heavy price if we do not insist that prime farmlands be restored. That is all I am asking, that one page of those regulations be preserved by this bill.

Mr. FORD. Mr. President, I am with the bill and against the regulations as the courts are against the regulations, and the Senator knows that and he understands that very well and he understands what he is arguing.

Therefore, Mr. President, I move to table the amendment by the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second, There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Arkansas.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CULVER), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from Georgia (Mr. TALMADGE), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. COCHRAN) and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

The PRESIDING OFFICER (Mr. BOREN). Are there other Senators in the Chamber wishing to vote?

The result was announced—yeas 34, nays 56, as follows:

[Rollcall Vote No. 374 Leg.]

YEAS—34

Armstrong
Baker
Bayh
Bellmon
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Danforth
DeConcini
Domenici
Ford
Garn
Hatch
Helms
Huddleston
Humphrey
Inouye
Johnston
Laxalt
Long
Lugar
McClure
Morgan
Moynihan
Randolph
Roth
Schmitt
Simpson
Stevens
Thurmond
Tower
Warner
Young

NAYS—56

Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Chafee
Chiles
Cohen
Cranston
Dole
Durenberger
Durkin
Eagleton
Exon
Glenn
Hart
Hatfield
Hayakawa
Heflin
Heinz
Hollings
Jackson
Javits
Jepsen
Kassebaum
Leahy
Levin
Magnuson
Mathias
Matsunaga
Melcher
Metzenbaum
Mitchell
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Ribicoff
Riegle
Sarbanes
Sasser
Schweiker
Stafford
Stevenson
Stewart
Stone
Wallop
Weicker
Williams
Zorinsky

NOT VOTING—10

Church
Cochran
Culver
Goldwater
Gravel
Kennedy
McGovern
Stennis
Talmadge
Tsongas

So Mr. FORD's motion to lay on the table Mr. BUMPER's amendment (No. 2147) was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has been recognized.

Mr. FORD. Mr. President, I move to table amendment No. 1973.

Mr. ROBERT C. BYRD. I ask for the yeas and nays.

Mr BUMPERS. We have not voted on the amendment, have we? Did we vote on the amendment?

The PRESIDING OFFICER. The amendment of the Senator from Arkansas has pending the amendment No. 1973. The yeas and nays have been requested on the motion to table amendment No. 1973. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1973. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CULVER), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from Georgia (Mr. TALMADGE), the Senator from Massachusetts (Mr. TSONGAS), the Senator from New York (Mr. MOYNIHAN), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. COCHRAN) and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

The PRESIDING OFFICER. Are there other Senators desiring to vote?

The result was announced—yeas 43, nays 46, as follows:

[Rollcall Vote No. 375 Leg.]

YEAS—43

Armstrong
Baker
Bayh
Bellmon
Boren
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Danforth
DeConcini
Domenici
Exon
Ford
Garn
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Huddleston
Humphrey
Inouye
Jepsen
Johnston
Laxalt
Long
Lugar
McClure
Morgan
Nunn
Pell
Randolph
Roth
Schmitt
Schweiker
Stafford
Stevens
Thurmond
Tower
Warner
Young

NAYS—46

Baucus
Bentsen
Biden
Boschwitz
Bradley
Bumpers
Chafee
Chiles
Cohen
Cranston
Dole
Durenberger
Durkin
Eagleton
Glenn
Hart
Hollings
Jackson
Javits
Kassebaum
Leahy
Levin
Magnuson
Mathias
Matsunaga
Melcher
Metzenbaum
Mitchell
Nelson
Packwood
Percy
Pressler
Proxmire
Pryor
Ribicoff
Riegle
Sarbanes
Sasser
Simpson
Stevenson
Stewart
Stone
Wallop
Weicker
Williams
Zorinsky

NOT VOTING—11

Church
Cochran
Culver
Goldwater
Gravel
Kennedy
McGovern
Moynihan
Stennis
Talmadge
Tsongas

So the motion to table amendment No. 1973 was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Arkansas (Mr. Bumpers).

Mr. DeCONCINI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas (Mr. Bumpers). The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. Church), the Senator from Iowa (Mr. Culver), the Senator from Alaska (Mr. Gravel), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from Mississippi (Mr. Stennis), the Senator from Georgia (Mr. Talmadge), and the Senator from Massachusetts (Mr. Tsongas) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. Cochran) and the Senator from Arizona (Mr. Goldwater) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators desiring to vote?

The result was announced—yeas 58, nays 32, as follows:

[Rollcall Vote No. 376 Leg.]

YEAS—58

Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Chafee
Chiles
Cohen
Cranston
DeConcini
Dole
Durenberger
Durkin
Eagleton
Exon
Glenn
Hart
Hayakawa
Heflin
Heinz
Hollings
Humphrey
Jackson
Javits
Kassebaum
Leahy
Levin
Magnuson
Mathias
Matsunaga
Melcher
Metzenbaum
Mitchell
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Ribicoff
Riegle
Sarbanes
Sasser
Schweiker
Simpson
Stafford
Stevenson
Stewart
Stone
Wallop
Weicker
Williams
Zorinsky

NAYS—32

Armstrong
Baker
Bayh
Bellmon
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Danforth
Domenici
Ford
Garn
Hatch
Hatfield
Helms
Huddleston
Inouye
Jepsen
Johnston
Laxalt
Long
Lugar
McClure
Morgan
Randolph
Roth
Schmitt
Stevens
Thurmond
Tower
Warner
Young

NOT VOTING—10

Church
Cochran
Culver
Goldwater
Gravel
Kennedy
McGovern
Stennis
Talmadge
Tsongas

So Mr. Bumpers' amendment (No. 2147) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MELCHER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2228

(Purpose: To amend the Surface Mining Control and Reclamation Act of 1977 to establish specific standards)

Mr. MELCHER. Mr. President, I call up amendment No. 2228.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Montana (Mr. Melcher) proposes an amendment No. 2228 to amendment No. 1973.

Mr. MELCHER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

Sec. . Title VII of the Surface Mining Control and Reclamation Act of 1977 is amended by adding after section 701 the following:

Performance standards-operations in alluvial valley floors.

Sec. 701A.

(1) Alluvial valley floors: Essential hydrologic functions.

(a) Surface mining and reclamation operations shall be conducted to preserve, throughout the mining and reclamation process, the essential hydrologic functions of alluvial valley floors not within an affected area. These functions shall be preserved by maintaining those geologic, hydrologic and biologic characteristics that support those functions.

(b) Surface coal mining and reclamation operations shall be conducted to reestablish, throughout the mining and reclamation process, the essential hydrologic functions of alluvial valley floors within an affected area. These functions shall be reestablished by reconstructing these geologic, hydrologic and biologic characteristics that support those functions.

(c) The characteristics that support the essential hydrologic functions of alluvial valley floors are those in the Act and those other geologic, hydrologic, or biologic characteristics identified during premining investigations or monitoring conducted during the surface coal mining and reclamation operation.

(2) Alluvial valley floors: Protection of farming and water supplies.

(a) Surface coal mining and reclamation operations shall not interrupt, discontinue, or preclude farming on alluvial valley floors, unless—

(i) The premining land use is undeveloped rangeland which is not significant to farming, or

(ii) The area of affected alluvial valley floor is small and provides or may provide negligible support for production from one or more farms.

(b) If environmental monitoring shows that a surface coal mining operation is interrupting, discontinuing, or precluding farming on alluvial valley floors, the operation shall cease until remedial measures are taken by the person who conducts the operation. The remedial measures shall be approved by the regulatory authority prior to the resumption of mining.

(c) Surface coal mining and reclamation operations shall not cause material damage to the quality or quantity of water in surface or underground water systems that supply alluvial valley floors. If environmental monitoring shows that the surface coal mining operation is causing material damage to water that supplies alluvial valley floors, the mining operations shall cease until remedial measures are taken by the person who conducts the operation. The remedial measures shall be approved by the regulatory authority prior to the resumption of mining operations.

(d) Paragraphs (a) and (b) of this section do not apply to those lands which were identified in a reclamation plan approved by the State prior to August 3, 1977, for any surface coal mining and reclamation operation that, in the year preceding August 3, 1977:

(1) Produced coal in commercial quantities and was located within or adjacent to an alluvial valley floor, or

(2) Obtained specific permit approval by the State regulatory authority to conduct surface coal mining and reclamation operations within an alluvial valley floor.

(3) Alluvial valley floors. Protection of agricultural uses.

Surface coal mining and reclamation operations shall be conducted to ensure that the agricultural utility and the level of productivity of alluvial valley floors in affected areas are reestablished.

(4) Alluvial valley floors. Monitoring.

(a) An environmental monitoring system shall be installed, maintained and operated by the permittee on all alluvial valley floors during surface coal mining and reclamation operations and continued until all bonds are released in accordance with the Act. The monitoring system shall provide sufficient information to allow the regulatory authority to determine that:

(i) The agricultural utility and production of the alluvial valley floor not within the affected area is being preserved;

(ii) The potential agricultural utility and production on the alluvial valley floor within the affected area has been reestablished;

(iii) The important characteristics supporting the essential hydrologic functions of the alluvial valley floor in the affected area have been reestablished after mining; and

(iv) The important characteristics supporting the essential hydrologic functions of an alluvial valley floor in areas not affected are preserved during and after mining.

(b) Monitoring shall be performed at adequate frequencies, to indicate long term trends that could affect agricultural use of the alluvial valley floors.

(c) Monitoring shall be performed during operations, to identify characteristics of the alluvial valley floor not identified in the permit application and to evaluate the importance of all characteristics.

(d) All monitoring data collected and analyses thereof shall routinely be made available to the regulatory authority.

Mr. MELCHER. Mr. President, this amendment deals with alluvial valley floors and their protection, and particularly protection of the essential hydrologic functions of those alluvial valleys. It fits in very well with the amendment that we have just accepted on prime farmlands, because much of the significance of real good farmland in alluvial valleys has to be safeguarded and particularly on mining plants.

These are the regulations that are in effect now. They are not too long. They are very necessary and I believe commend themselves to the adoption by the Senator.

No matter what our purpose is in this

bill, whether we are for the basic thrust of the amendment that is before us or we are opposed to it, I do not think there should be any disagreement on protecting the hydrology of these valley floors.

Mr. FORD. Mr. President, will the Senator yield for a question on my time?

Mr. MELCHER. I yield.

Mr. FORD. What regulations or what court case is he alluding to here to make law? Can the Senator help me a little bit because it is not a printed amendment.

Mr. MELCHER. Does the Senator have a copy? I have a lot of copies of the amendment.

Mr. FORD. Which section of Federal regulations is the Senator alluding to here?

Mr. MELCHER. 822.11, 822.12, 822.13 and 14.

Mr. FORD. I thank the Senator.

Mr. BAUCUS. Mr. President, I very strongly support the amendment offered by my colleague from Montana.

During consideration of this bill, the charge has been leveled that these amendments which are being called up are of a pointless nature—designed only to delay these proceedings. I rise in support of this amendment to demonstrate to the Senate my conviction that, without these amendments, the very lifeblood of our coal producing regions will be threatened.

The amendment, however, that we have adopted earlier, the amendment offered by Senator BUMPERS from Arkansas, as well as the other amendments that have been proposed, and finally this amendment offered by my colleague from Montana, however, are extremely important. This one in particular deals with the most precious asset of the Western States, water.

As we all know, Mr. President, the Nation is embarking upon a tremendous coal rush as we seek energy independence. Equally apparent, we in the Western States have been called upon to provide an increasing large share of these energy resources.

What may not be so apparent is that a resource of equal importance to the West is water. This year a severe drought has parched the High Plains region and underscored the value of our water resources.

Of special importance in the arid and semiarid coal mining areas are alluvial valley floors which are the productive lands that form the backbone of the agricultural and cattle ranching economy in these areas. For instance, in the Powder River Basin of eastern Montana and Wyoming, agricultural and ranching operations which form the basis of the existing economic system of the region, could not survive without hay production from the naturally subirrigated and flood irrigated meadows located on the alluvial valley floors.

The fragile structure of these alluvial valley floors and their susceptibility to damage from strip mining was recognized by the National Academy of Science. In a study done by the Academy on the compatibility of surface mining and future land uses, especially strip mining, it was stated:

> In the planning of any proposed mining and rehabilitation, it is essential to stipulate that alluvial valley floors and stream channels be preserved. The unconsolidated alluvial deposits are highly susceptible to erosion as evidenced by the erosional history of many Western valleys which record several periods of trenching in the past several thousand years. Removal of alluvium from the thalweg of the valley not only lowers the water table but also destroys the protective vegetation cover by draining soil moisture. Rehabilitation of trenched valley floors would be a long and expensive process and in the interim these highly productive grazing areas would be removed from use.

Precisely because of our uncertain ability to protect the agricultural functions of our alluvial valleys, the Surface Mining Control and Reclamation Act made special provisions for permitting of any coal stripping operations in these areas. The act provides that for any proposed mine a permit will not be granted if it would interfere with farming where the lands are irrigated or naturally subirrigated.

The only exclusion are rangelands and acreages which are so small that the impact on the farm's agricultural productivity will be negligible. In addition, no permit may be granted if the operation will materially damage the quantity or quality of water in surface or underground water systems which supply these alluvial valley floors.

Parenthetically, it should be noted that surface mining operations in existence before the enactment of the strip mining law which were producing coal in commercial quantities and which were located within or adjacent to alluvial valley floors were grandfathered.

In short, Mr. President, the intent of Congress in passing the Surface Mining Control and Reclamation Act was to protect alluvial valley floors from the damage of strip mining. Congress recognized that future generations will care little for the demands of this Nation for coal. One hundred years from now alternative sources will provide the Nation's energy but the needs for wheat from North Dakota or beef from Montana will not be diminished.

Now, the language of the Strip Mine Act describes precisely the intent of Congress with regard to alluvial valley floors which, incidentally, overlay 2 to 3 percent of the strippable coal in the West. What the language of the act does not and cannot provide is the method of implementing this intent. That technical yet critical role was rightfully intended to be performed by the regulations proposed by the Office of Surface Mining.

This Senate well knew that regulations of this nature would be promulgated and, in fact, it concurred in the idea of using such regulations as a floor or a common denominator for regulatory programs which were to be developed by the 24 coal-producing States. These programs have at this date been developed with an eye toward general conformity with the regulations issued by the Office of Surface Mining.

Now, however, the amendment offered by the distinguished Senator from West Virginia will toss this approach out the window.

The obvious question is why should this provision of the Surface Mining Control and Reclamation Act be so summarily thrown out?

Frankly, I cannot respond. The Governors of Montana, North Dakota, and Wyoming—those States most impacted by the Nation's move to coal and, therefore, most impacted by these reclamation programs—apparently cannot, either. In communications received during the course of the debate on this matter, all three have voiced ardent opposition to any amendment of the Surface Mining Act at this time.

Those States that are primarily concerned with strip mining and those States that have to deal with and work with the Office of Surface Mining, Department of the Interior, are opposed to the efforts here to emasculate the reclamation law which we passed so wisely a few years ago.

Yet, despite the position taken by the three States which are most affected by the regulations relating to alluvial valley floors, these regulations would be wiped out as the standard for State reclamation activities if we do not adopt the amendment proposed by my colleague, Senator MELCHER. The result will, of course, be interminable litigation in a variety of district courts as we struggle to determine whether or not the intent of the Surface Mining Act is being upheld.

My understanding of the position taken by the proponents of the Senators from West Virginia's amendment is that the regulations of the Office of Surface Mining are too cumbersome and that they are unwarranted. I would propose that we examine these regulations and see for ourselves whether this is the case.

First, however, I think it is important to note that the subject does not lend itself to simplistic language. Even in defining what lands might properly be considered alluvial floors, a certain degree of technical language is required. The House report on the act, for example, stated it in this fashion:

> In more technical terms, alluvial valley floors are the upper, near-horizontal surface of the unconsolidated stream-laid deposits which border perennial, intermittent, or ephemeral streams. The alluvium that makes up the stream-laid deposits is composed of clay, silt, sand, gravel, or similar detrital material that has been, or is being, transported and deposited by streams.

Bearing in mind the complexity of alluvial valley floors as this definition reflects, I believe that the regulations promulgated by the Office of Surface Mining are not impossible for our Western States to comply with nor can they be considered to be unwarranted. Let me read just a portion of these regulations to demonstrate:

> "SEC. 701A.
>
> (1) Alluvial valley floors: Essential hydrologic functions.
>
> (a) Surface coal mining and reclamation operations shall be conducted to preserve,

throughout the mining and reclamation process, the essential hydrologic functions of alluvial valley floors not within an affected area. These functions shall be preserved by maintaining those geologic, hydrologic and biologic characteristics that support those functions.

(b) Surface coal mining and reclamation operations shall be conducted to reestablish throughout the mining and reclamation process, the essential hydrologic functions of alluvial valley floors within an affected area. These functions shall be reestablished by reconstructing those geologic, hydrologic and biologic characteristics that support those functions.

Mr. President, I am not a geologist, nor a hydrologist, nor a biologist. But I have reviewed these regulations and the provision which I have just read you is typical. The regulations are understandable and, more importantly, they are critical to the preservation of our Western alluvial valleys.

The standards for reclamation provided by these regulations are absolutely critical if the existing agricultural economic base of the West is to be preserved. I, therefore, urge the adoption of the amendment to provide very cheap insurance that the very best irrigated land in our Western States is not lost to a one-shot strip mining operation.

So I say, in closing, Mr. President, that we in the West are serious about this. It means a lot to us. We do not like staying here late at night to make our point. Regreattably we are forced into it. We are forced into a situation where we have no choice. If we from the West and from other coal-producing areas are to honor our obligations as Senators of our States, if we are to represent our States to the best of our ability, we feel dutybound to proceed in this fashion.

Mr. President, I again commend my colleague for offering his amendment, and I particularly commend him for the effort he has undertaken in the interests of our States of the West. Thank you.

Mr. MELCHER. Mr. President, I thank my colleague from Montana for the fine comments he has made and for his very apt and very pertinent discussion of this amendment.

During the many years that we have considered the Strip Mine Act during my time in the House and finally here in the Senate when it did pass, to work with this particular section in the bill, because alluvial valley floors are the very life's blood of Western States, I think we have properly identified what is so essential for the safeguarding of this question with the act itself. But we never intended that there would not be some regulations to implement that section of the act.

We are very apprehensive that if there is any interference that goes on through the passage of the amendment before us without any clear understanding, a clear identification, that the regulations that affect alluvial valley floors will be left intact—they are not under argument in the West—it is very important that we be sure that the alluvial valleys are completely protected.

I hope this amendment will not be shunted aside by the proponents of the basic amendments, and I hope our alluvial valley floor amendment can be accepted.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, if I may have the attention of the Senate, various Senators have met and have reached the following understanding, which I shall put in the form of a unanimous-consent request. Those Senators who were in the discussion group were the two managers, Senators FORD and WARNER, Senators METZENBAUM, MELCHER, SCHMITT, CRANSTON, HUDDLESTON, JACKSON, BAUCUS, HEINZ, and BUMPERS.

Mr. President, I ask unanimous consent that when the Senate recesses, which it will if there is an agreement, that it recess over until 10 o'clock tomorrow morning; that during the interim the hours count against the 100 hours under rule XXII; provided further, that at no later than 12 noon tomorrow, with the hours continuing to run, the Senate will resume consideration of the tonnage measurement bill, and any amendments thereto; provided further, that if agreement is achieved among the principals on two items—one, the alluvial valleys, and, two, prime farmland—the Senate then proceed to vote on those two amendments, modified, if necessary, in order to attain the understanding and agreement, to the exclusion of all other amendments; provided further, that upon the disposition of those two amendments—and it would be understood that they would have to be amendments to the substitute in conformity with the request of Senator METZENBAUM and others—the Senate then proceed immediately, without further debate or motion, to vote on the substitute, and proceed immediately without further debate or motion to a vote on the bill; provided further, that any motion to reconsider the vote on the bill would not be debatable.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, the Senator from West Virginia has very correctly stated the situation as I understand it, but I would appreciate some minor clarifications.

No. 1, it is the understanding that when we come to an agreement with respect to the alluvial valleys amendment and any modifications of the prime farmlands amendment, that whether by unanimous consent or otherwise those amendments would be put in such form that they would be a part of the final amendment as it is brought for inclusion by the Senate. In other words, it would be part of the bill, and, if necessary to have unanimous consent to make it part of the substitute, whatever the parliamentary situations are, it would be part of the final version to leave the Senate; and, second——

Mr. ROBERT C. BYRD. With regard to that portion, that is included in the request. I said such modifications as are necessary would be included in the substitute.

Mr. METZENBAUM. I am not discounting the representations of the leader.

The second point is that the leader has indicated that there would be votes with respect to the alluvial valleys amendment and the prime farmland amendment, and the final vote on the bill itself. In all three instances the leadership, as all other parties to this understanding, would work to assure passage of both the amendments as well as the substitute.

Mr. ROBERT C. BYRD. That is correct. The understanding would be reached on the two amendments. The amendments would have to be approved by the distinguished Senator from Virginia (Mr. WARNER), Mr. HEINZ, Mr. PERCY, and others, and, of course, those on this side of the aisle. I do not think there would be any problem about getting approval of the amendments because if those amendments are not approved, then we are back where we are.

Mr. METZENBAUM. We would be back where we are if the amendments are not approved. We would just continue.

With respect to final passage of the bill, some of us would probably still vote in opposition on final passage.

Mr. ROBERT C. BYRD. Well, if I am going to vote for the farmlands amendment, if I am going to vote for alluvial valleys, which otherwise I would not do, I would hope the Senator would vote for the bill, but I am not going to press that point. It is up to each Senator to vote as he wishes. I will not press it.

Mr. WARNER. Mr. President, reserving the right to object, and I do not believe I shall object, I would like to clarify that while the majority leader has designated certain Senators as being present in his offices tonight, that by no means restricts other Senators who want to participate in these deliberations tomorrow. I am pleased to take responsibility on my side of the aisle, if Senators will contact me before the hour of 9:30 that they or their staff members wish to be involved in discussions on either the alluvial issue or the prime farmland issue. We will designate a place such that they can participate in that discussion. Therefore, I notify or alert all Senators that each one has a responsibility, assuming they have an interest in this area.

Mr. President, I would also suggest that we try and arrive at a time agreement on the debate on those individual amendments as they come to the floor, presumably with the recommendation of a majority of those in attendance at these discussions. Otherwise, we could have a very prolonged debate.

Mr. ROBERT C. BYRD. What would the Senator suggest?

Mr. WARNER. I have a suggestion, recognizing it is Friday and we have had a good deal of discussion. In all candor to those present and those listening, we have discovered here in the last hour that perhaps in the interest of the farmlands we may have acted a little too hastily and, therefore, it is going to require some clarification. I urge Senators to pay close attention to what we may come up with by way of a modification.

I would think that an hour or, say, an hour and a half on each amendment would be the extent to which they should be debated, once presented to the Senate.

Mr. METZENBAUM. Mr. President, I have not agreed to participate in a time limit. I thought if we have an agreement, we have an agreement. I do not think I want to put myself in a position of trying to get into some time limits with Senator WARNER. I do not think we had discussed that previously.

If we are in agreement, we do not need any time limit, because nobody is going to try to delay the matter.

Mr. WARNER. I say to the Senator from Ohio, the fact that I happen to agree with the language in the farmland amendment does not mean that the balance of my 40 colleagues over here might agree with me on that. They have a right to express their satisfaction or dissatisfaction when the matter is brought to the Chamber.

Mr. BUMPERS. Mr. President, for my part, I have no objection to an hour-and-a-half time limit. I think that is satisfactory. If we have an agreement, I would not expect us to need that much time. If we do not have an agreement, we are back to square one, anyway.

Mr. WARNER. On the assumption, Mr. President, that we are going to accept this, and I should want to hear any objection this side of the aisle before I act, we are now limiting tomorrow, presumably, to just two amendments. Since no Senator on my side of the aisle has acquainted me with his desire to bring up any other amendment, I am prepared, I say to the minority leader, to agree to that for the purposes of our side.

Mr. BAKER. Mr. President, reserving the right to object, as I understand it now, we have no time agreement incorporated in the original request made by the majority leader. We now have a suggestion by the Senator from Virginia that we limit the two amendments which are now being worked on in the nature of a definitive compromise of this measure to an hour and a half each.

I have no objection to that. It seems to me, though, that it might be well to go ahead and get the agreement that the majority leader has asked for; then in the morning, after we see what we have, maybe we can get a time agreement on the amendments. If there is a preference of the Senator from Virginia or others to go ahead with it at this time, I shall not object, as far as I am personally concerned.

I caution that there are a number of Senators who have left this Chamber and we are dealing with their rights as well. So I would take that into account.

Mr. WARNER. As I understand the minority leader, reserving the right of Senators to come forward with a new amendment other than these two, which are the subject of this——

Mr. ROBERT C. BYRD. No, that is not as I understood the minority leader. He is saying we ought not to agree on time being limited to an hour and a half.

Part of our agreement is that there would be no more amendments.

Mr. WARNER. We are binding other Members who are not here?

Mr. BAKER. That is correct. But you cannot do it, anyway, under cloture. So we are not extinguishing any rights.

Mr. WARNER. Except that we proceed to final passage. Of course, they can then object.

Mr. BAKER. Right.

The PRESIDING OFFICER. Is there objection?

Mr. PERCY. Reserving the right to object, Mr. President, I shall not. I would merely like to say that I would like to participate on the prime farmlands discussion tomorrow.

Mr. President, I wish to congratulate the Senator from Arkansas (Mr. BUMPERS) for his outstanding accomplishment on behalf of America's farmers and her precious farmland.

The Bumpers amendment, which has the clear and overwhelming support of the Senate tonight, makes crystal clear the intention we had 3 years ago to preserve our prime farmlands at any price after completion of mining operations on this land. The Senate has demonstrated its recognition of the special nature of this land, and of the regulations that have been developed by the Office of Surface Mining to safeguard its preservation. The action of the Senate in codifying OSM's prime farmland provisions will insure that, in the cropland basins of Illinois, Kansas, Iowa, Nebraska, Arkansas, and around the country, strip mining will exist in full harmony with the reclamation of our irreplaceable national breadbasket. The citizens of Illinois, I know, deeply appreciate the wisdom the Senate has shown by its vote this evening.

Again, I congratulate the distinguished Senator from Arkansas for what he has accomplished tonight on behalf of the American farmers. I think it is a monumental step forward and I hope we can reach agreement expeditiously and agree to the Byrd amendments tomorrow.

Mr. BAKER. Mr. President, reserving the right to object, and once again, I shall not object, I shall take a brief moment on this reservation to congratulate the Senator from Virginia, the Senator from Kentucky, and others who participated, together with the Senator from Ohio and his colleagues, in making it possible to avoid an all-night session, which we were otherwise faced with. I think everyone involved is entitled to great credit for that.

Mr. DECONCINI. Will the Senator from Tennessee yield for 30 seconds?

Mr. BAKER. Yes, I yield.

Mr. DECONCINI. I want to add my congratulations, also, because, although this is a very important piece of legislation, I have to admit that I think we would look awfully foolish if we stayed here all night and voted as we did this afternoon. It is one thing if you do that during the working hours of the day, but to stay here through the night, as we were almost going to do, is something else.

I thank the Senator from Virginia and those involved who believe strongly in this, for coming to some agreement where the clock can run after the cloture vote had been imposed.

The PRESIDING OFFICER. Is there objection? Without objection, the unanimous-consent request of the Senator from West Virginia is agreed to.

Mr. ROBERT C. BYRD. Mr. President, I thank all concerned. I believe that, under the agreement already entered into, the Senate will recess until 10 a.m. tomorrow morning, is that true?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that the agreement that has been entered be modified so as to allow one additional amendment to be called up tomorrow, that being amendment No. 1976, by Mr. THURMOND.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

● Mr. HATCH. Mr. President, I, too, rise in support of the amendment of the distinguished majority leader. As a cosponsor of the measure and as the Representative of a coal producing State whose Governor specifically did not notify the Senate that he opposes this critically necessary legislation, I would like to discuss for a moment the reality of OSM's alleged best efforts to implement the objectives of the Surface Mining Act. I would like to discuss that reality as the specific justification for this amendment.

We are all too aware of the unfortunate relationship that quite often evolves between the interests of the public which are clearly the subject of the original act, and the interests of a power hungry bureaucracy, which are materialized in the plethora of regulations of this lean and hungry Federal agency. All too often, this relationship is a hostile one where the interests of the public are sacrificed for the benefit of the bureaucracy. There is no more glaring example of this than the case of the Office of Surface Mining. The legislation before us today is vitally necessary not only as a solution to the extreme difficulties the coal industry faces as it attempts to respond to the energy supply crisis confronting us; it is also needed as an object lesson to other Federal agencies which may be of a similar regulatory bent.

Mr. President, the legislative branch must demonstrate to a gravely concerned public that we are able and willing to assume a measure of control over the bureaucratic beasts that we create. It is essential that we find some way to prevent and cure the alarming tendency of the executive branch to transform the prime motive of their activities into the protection and proliferation of their own power and influence, instead of the public interests they were mandated by Congress to protect.

That is a harsh pronouncement, but I can only interpret as bureaucratic entrenchment the preoccupation exhibited by relatively new agencies such as the OSM and EPA to actively obstruct the States in their exercise of implementation options Congress wisely extended to them. I am committed to State regulation of surface mining because only the State agencies have the intimate relationship to both the costs and the benefits of the regulatory activity. Nothing could be more inane than some uniform national standard for mining performance when there is enormous variation in the environment of mining generally.

Most of all, Mr. President I think it a poor idea to give any centralized Federal authority overt and direct control over the profitability of the entire coal industry. The pervasive authority envisioned by the gaggle of activists who direct OSM would render of OSM's mandates an irresistible political plum for Presidential politicians to pluck and woo anti-coal, soft-path advocates with, or to pluck and squash for the benefit of a more development-oriented constituency.

The legitimate public interest which Congress intended the Surface Mining Act to address does not have a political parameter. All regulatory decisions made under that act must be made as a function of specific environmental and economic circumstances which directly affect each surface mining case. These decisions should not be made in light of ubiquitous and ethereal questions about the desirability of coal as an alternative energy source or the prudence of no-growth versus growth-dependent economic theories.

Mr. President, region V OSM personnel have publicly alluded to these factors as part of the "responsibility with which they have been charged," and therefore a consideration in their judgment of any proposals which may fall under their authority. These pronouncements were made at the interagency scoping hearings held in Salt Lake City last year concerning the proposed Alton Mine and the associated Allen-Warner Valley Power project in southwestern Utah. In this instance, Mr. President, the young person from OSM told us that no one should take it for granted that any project of this kind was going to be built in Utah so long as OSM approval was required on a (hitherto nonexistent) mining plan.

The project being referred to is an electrical power generating facility and associated distribution network which is not dependent on a particular coal source. In fact, the scoping document then being considered listed three alternative coal sources. Clearly OSM's representative was threatening, at the scoping level of the Government's consideration of the project, to use that agency's authority to torpedo the project because "* * * the need for additional generation facilities in the United States has not been clearly demonstrated. * * *"

Mr. President, I relate this incident because it is typical of the attitudes of OSM administrators and decisionmakers. It is essential for Congress to exert itself now to take a little of the strut from the walk of this agency before it so stigmatizes the Strip Mine Act itself that the public demands its repeal.

Another unfortunate tendency of the entire Department of the Interior, which I hope this amendment will terminate, was the subject of editorial commentary in the Washington Post, hardly an opponent of Secretary Andrus's policies, and I quote:

> The Senate took another whack at federal regulation the other day when it passed S. 1403. This one was notable because it involved a landmark law, the surface mining control and reclamation law that was enacted after years of struggle in 1977. The Senate did not repeal the strict environmental standards for strip mining set forth in the law. But it certainly undermined the whole program by voting, by a sizable margin, to let the states ignore the Interior Department's rules in deciding how those standards should be interpreted and applied.
>
> For many Senators, the vote was mainly a rebuke of Interior—and the Department has certainly invited one. After making a number of compromises to get the 1977 law through, critics of strip mining look to Interior to recapture as much ground as possible in the rules. The agency has not disappointed them. Its regulations which have been bitterly contested are very tough and so detailed as to curtail coal production and deny the states even the little leeway that Congress agreed to grant. The Office of Surface Mining has given more ammunition to its critics by being peremptory in some of its dealings with the states—including those that are trying hard to carry out the law.

Mr. President, I can point out a number of instances when Interior has attempted to rewrite the law in the Federal Register. The attempts to promulgate surface management regulations for the activities of miners under the 1872 Mining Law and the Federal Land Policy and Management Act of 1976 (proposed rulemaking, 43 CFR 3809) are replete with concepts which were specifically rejected by Congress, in its wisdom, when it passed FLPMA. I am convinced that if the final rules which are promulgated bear substantial resemblance to the last proposal, we will be here again attempting to clip the wings of overzealous bureaucrats: we will be here again trying to restore the functional integrity of the legislation to which we devote so much of our energy to create.

I appeal to my colleagues to act favorably on this amendment so that mineworkers and the mining industry can get on with the job of restoring the Nation's economic security with the coal alternative.

The coal path is affirmed to be the surest path for us to take by, among others, the National Academy of Sciences in the elegant report, "Energy in Transition, 1985–2010." I continue to be amazed when I behold the degree to which the crisis of energy supply that threatens our social well-being is the result of our own doing. This serves only to deepen my impression that solutions to many of the most compelling problems facing us today are a matter of restricting the Federal Government's authority rather than augmenting it.●

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond 30 minutes and that Senators may speak therein up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACCOUNTABILITY FOR COMMITMENTS

Mr. JACKSON. Mr. President, now, years after the signing of the Helsinki Final Act, the second Helsinki Review Conference is scheduled to begin November 11 in Madrid.

As we aproach this conference, the Soviet strategy is to try to shift the Madrid spotlight away from the human rights provisions of the Final Act. For its part, the United States should have as its fundamental objective keeping the Madrid spotlight on human rights.

The Helsinki Review Conference is a challenge to the good sense and tactical skill of the State Department and the U.S. delegation—to get first things first, at the top of the agenda, and keep them there.

At Madrid, the delegates should start right off with an accounting of their government's support for the fundamental human rights affirmed in the Helsinki Final Act. Accountability for solemn commitments voluntarily undertaken should be the dominant theme of the Madrid Conference.

There is no need for more high-sounding declarations and reassuring rhetoric. The basic human rights are already fully spelled out in a series of formal international declarations and agreements. What is needed is faithful performance—respect for obligations freely assumed by the nations in the United Nations Charter, in the Universal Declaration of Human Rights, in the International Covenants on Human Rights, and in the Helsinki accords.

Let us remember, the U.S.S.R. has committed itself to respect the human rights enumerated in these historic documents. President Brezhnev himself signed the Helsinki Final Act which provides:

> The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief. . . . They confirm the right of the individual to know and act upon his rights and duties in this field.

What have the Soviet Union and Eastern Europe done to respect these commitments? That is the question—and that should be the focus of the Helsinki meeting.

For the Soviets to keep signing up as champions of human rights and then systematically violating them, calls into question the seriousness of the entire Helsinki process, undercuts the integrity of all future East-West agreements, and invites Soviet noncompliance with other treaty obligations.

Of first concern to the Helsinki Conference should be the fate of the Soviet and East European members of the groups formed to monitor compliance with the Helsinki accords. Ironically, it is the members of these groups who are suffering special persecution. More than 40 members of these watch groups are now imprisoned or exiled.

From his exile in Gorky, Andrei Sakharov wrote of the monitors, "* * * it was from the ranks of the people that the defenders of human rights emerged, standing up against deceit, hypocrisy and silence, armed only with pens, ready to make sacrifices, yet lacking the stimulus one derives from the certainty of quick success. They had their say. They will not be forgotten. On their side, they have moral force and the logic of historical development." Sakharov continues, "Inside the country, these are times of ever greater repression. It is terrible to think that the most honorable and generous people, who have devoted many years to defending others through public protest, have fallen victim to arbitrary repression."

There is Anatoly Shcharansky, who is serving the third year of a 13-year sentence. Charges of espionage and anti-Soviet propaganda are used as grounds for his detention; anti-Semitism and a desire to crush the human rights movement in the Soviet Union are more accurate reasons for his incarceration. In the closing moments of his trial, Shcharansky stated:

> I was told that if I agreed to collaborate with the KGB in order to destroy the Jewish emigration movement, then I will be given a short sentence, quick release and even the possibility of joining my wife . . . It might appear that I must have regrets about what has happened. But this is not so. I am happy. I am happy that I have lived honestly, in peace with my conscience, and have never betrayed my soul, even when I was threatened with death.

Shcharansky's health continues to deteriorate as he serves a sentence not because he committed any crime, but because he was a leader of the movement to monitor Soviet compliance with human rights agreements.

Yuri Orlov, the physicist, founder of the Moscow Monitoring Group, is serving a 7-year sentence in a strict-regimen labor camp, after which comes 5 years of exile. Orlov was tried in May of 1978. After more than two years in a labor camp, this 56-year-old father of three sons is in declining health.

Alexander Podrabinek faces 5 years of imprisonment under charges of slander for having reported on the misuse of psychiatry as an excuse for detention in the Soviet Union. Podrabinek is also a member of the Moscow Helsinki Monitoring Group and remains imprisoned in the Soviet Union, having so far served only 2 years of his term.

Malva Landa is a geologist, a founding member of the Moscow group and administrator of the Solzhenitsyn Fund to aid families of political prisoners. She was sentenced in March of this year to 5 years in exile.

Viktoras Petkus, a member of the Lithuanian Helsinki Monitoring Group, was sentenced in 1978 to 3 years in prison, 2 years in a special-regimen labor camp, and 5 years in exile. He was convicted on charges of anti-Soviet agitation and propaganda as a result of his activities as a Lithuanian Catholic activist.

Mykola Rudenko, talented Ukrainian poet and writer, founding member and leader of the Ukrainian Monitoring Group, was sentenced July 1977 to 7 years in a strict-regimen labor camp followed by 5 years in exile. He is now in poor health.

Viktor Nekipelov, a sensitive poet and a member of the Moscow Monitoring Group, was tried in June of this year and convicted for spreading anti-Soviet slander and propaganda. He was sentenced to 7 years in a labor camp, to be followed by 5 years in exile. The grounds given for this conviction were that Nekipelov twice attempted, unsuccessfully, to purchase blank paper at a local shop. Nekipelov wrote in 1979, * * * simply having the opportunity to go to a print shop and have pamphlets stating your case run off * * * the possibility of making society aware of the victims of a judicial mistake, of distributing letters in your own defense * * * the very idea seems to us the wildest fantasy."

At the Madrid Conference, let the rafters ring with calls from the United States and other Western delegations for the return from exile, the release from imprisonment and an end of harassment of the Soviet and East European monitors.

The Soviets will tell us that all this is interference in their internal affairs. What a travesty. It is not interference in internal affairs to demand respect for human rights, which have been affirmed in international law. Indeed, it is precisely in the name of the Soviet's freely and formally accepted international obligations to respect human rights that we can demand that they free these heroic human rights leaders and permit them to exercise their elementary personal rights.

The Madrid Conference should bring home to the Soviets that in terms of their own solemn commitments the citizens groups monitoring the Helsinki accords are legitimate.

The practice started at Belgrade should be continued at Madrid and the delegations should repeatedly and openly name the names of the imprisoned or exiled Helsinki monitors. In addition to the brave men and women I have already mentioned, we should not forget Vladimir Slepak, Oleksa Tykhy, Irina Senyk, Merab Kostava, Eduard and Shagen Arutyunian, and the others.

Accountability for commitments is the fundamental issue of the Madrid Conference. Deeds—not more words. If the Soviet word is in no way their bond, it is high time we acknowledged it and faced the consequences.

GENOCIDE AND THE LAW

Mr. PROXMIRE. Mr. President, of all the major countries in the world, only the United States has failed to incorporate the crime of genocide into its criminal code.

The potential significance of this omission cannot be overstated. Even the most radical and barbarous of modern regimes, the Nazis, felt the need to justify in terms of law their murderous policies. For tactical reasons, even a totalitarian regime could not do without the legitimation that the law provides. Hitler's dictatorship sought, even in its most powerful moments, to avoid the appearance of internal contradiction. One of the chief aims of Hitler's SS state was to develop a legal structure which would be sympathetic to the dictator's goals of racial and cultural purification through genocide.

Mr. President, the law has been and will continue to be a powerful regulator of human conduct. To explicitly outlaw genocide could act as a significant obstacle to a reappearance of this criminal nightmare. It is for this reason that we must ratify the Genocide Convention.

It is not enough that our law already prohibits murder. If there is one thing that we have learned from the Nazis, it is that those who commit acts of genocide do not consider themselves murderers and often are not looked upon as murderers. They call themselves cultural purifiers, saviors, or political revolutionaries. Therefore, to have outlawed murder is not sufficient. We must consider the physical extermination of racial, ethnic, and religious groups a separate category of crime.

With the ratification of the Genocide Convention, it will become that much more difficult for any regime ever to cloak mass murder in ideological garb. For the state that ratifies the treaty, both its own legal standards and those of the international community will be ranged against the crime of genocide. Few states could afford to ignore this legal and moral weight by letting acts of genocide go unpunished.

Mr. President, the time is long overdue for the United States to join 83 other nations by incorporating this new category and unprecedented scale of crime into our own legal system.

America has an obligation to join in an international movement to outlaw genocide—a crime that has too often been called by more flattering names. Let us act now.

AUGUST FLEECE OF THE MONTH AWARD GOES TO GNMA (GOVERNMENT NATIONAL MORTGAGE ASSOCIATION)

Mr. PROXMIRE. Mr. President, I am giving my Fleece of the Month Award for August to the Government National Mortgage Association, otherwise known as Ginny Mae from its acronym GNMA. GNMA spent $6,918 to buy 1,200 9 by 12 inch simulated leather binders which it sent out to savings and loan associations across the country to commemorate the issue of a total of $100 billion in mortgage backed securities. All this left the taxpayers in a bind. Directly or indirectly, they had to pick up the tab for this wasteful spending.

The Senate Banking, Housing, and Urban Affairs Committee, of which I am chairman has jurisdiction over GNMA legislation. GNMA is a Government agency which gets both funds for expenses and billions in loan authority from the Congress of the United States.

The Fleece of the Month is given for the biggest, most ridiculous, or most ironic example of wasteful spending for the period.

The $6,918 spent by GNMA for the fake leather folder, its enclosed letter from Ginny Mae's president, and a duplicate mortgage backed certificate is not the biggest example of wasteful spending. It is not the most ironic. It may be ridiculous. It is certainly sheer unadulterated waste. To paraphrase a famous Supreme Court standard, it is without redeeming social or economic value.

It can be said without fear of contradiction that none of the recipients will cherish the commemorative folder. In fact it was proposed as a Fleece of the Month by a vice president of a recipient association.

It was sent to the 1,200 associations, in the words of GNMA's president:

> To thank those visionaries who conceptualized and shaped the program, the mortgage lenders that issue the securities, the securities dealers that market them, and the many different investor groups that hold the securities, as well as all those GNMA employees who have had a hand in administering the program for their part in making it the success it is today.

It is not only wasteful but in questionable taste. Printed in the maroon colored imitation leather folder in imitation gold lettering are the words:

> Government National Mortgage Association commemorates one hundred billion dollars in mortgage-backed securities.

Below the printing and in the center is the HUD symbol also in imitation gold letters. At the bottom is the date and the individualized name of each of the 1,200 institutions which received the folder.

The expenditures amount to little more than an ego trip by the officials of Ginny Mae.

The folder has no aesthetic value.

It has no practical value. The duplicate mortgage certificate enclosed in the folder to commemorate the occasion is barely readable.

What could be done with it? No one would hang it on their wall. It most certainly would not lie open on the desk of a recipient officer. The simple answer is that hundreds of them went directly into the round file wastepaper basket underneath the desks of presidents and vice presidents of the 1,200 associations who got it.

For an example of spending which is pure waste, the Fleece of the Month for August goes to Ginny Mae.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:12 a.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 659. An act for the relief of the Black Hills Area Council of the Boy Scouts of America;

S. 1626. An act for the relief of H. F. Mulholland and the estate of John Oakason; and

S. 1730. An act to declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. LEVIN).

At 10:35 a.m., a message from the House of Representatives delivered by Mr. Berry, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4966. An act for the relief of the estate of Philip H. Ward;

H.R. 5687. An act for the relief of Michael G. Macdonald;

H.R. 6000. An act for the relief of Campanella Construction Company, Incorporated;

H.R. 6318. An act to confirm a conveyance of certain real property by the Central Pacific Railway Company and Southern Pacific Company to A. C. Taber and his wife, Mary Taber;

H.R. 6836. An act for the relief of James A. Schultz;

H.R. 7214. An act for the relief of the Washington Post, the Washington Star, and the Dispatch (Lexington, North Carolina); and

H.R. 7698. An act for the relief of two mining claimants.

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 4966. An act for the relief of the estate of Philip H. Ward; to the Committee on the Judiciary.

H.R. 5687. An act for the relief of Michael G. Macdonald; to the Committee on the Judiciary.

H.R. 6000. An act for the relief of Campanella Construction Company, Incorporated; to the Committee on the Judiciary.

H.R. 6318. An act to confirm a conveyance of certain real property by the Central Pacific Railway Company and Southern Pacific Company to A. C. Taber and his wife, Mary Taber; to the Committee on Energy and Natural Resources.

H.R. 6836. An act for the relief of James A. Schultz; to the Committee on the Judiciary.

H.R. 7214. An act for the relief of the Washington Post, the Washington Star, and the Dispatch (Lexington, North Carolina); to the Committee on Armed Services.

H.R. 7698. An act for the relief of two mining claimants; to the Committee on Energy and Natural Resources.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 21, 1980, he had presented to the President of the United States the following enrolled bills:

S. 659. An act for the relief of the Black Hills Area Council of the Boy Scouts of America;

S. 1626. An act for the relief of H. F. Mulholland and the estate of John Oakason; and

S. 1730. An act to declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 2111. An act to extend the service area for the Sacramento Valley Canals, Central Valley project, California, and for other purposes (Rept. No. 96-907).

By Mr. BUMPERS, from the Committee on Energy and Natural Resources, with amendments:

S. 1519. A bill to authorize and direct the Secretary of Energy to defer repayment of certain reimbursable costs incurred by the Southwestern Power Administration, to waive certain interest costs, and to amend section 5 of the Flood Control Act of 1944 (Rept. No. 96-908).

By Mr. HEFLIN, from the Committee on the Judiciary, with an amendment and an amendment to the title:

S. 2483. A bill to amend title 28 of the United States Code to require the Chief Justice of the United States to give an annual address to the Congress on the state of the judiciary (Rept. No. 96-909).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations:

William Jennings Dyess, of Alabama, to be an Assistant Secretary of State.

Diego C. Asencio, of Florida, to be Assistant Secretary of State for Consular Affairs.

(The above nominations from the Committee on Foreign Relations were reported with the recommendations that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BIDEN, from the Committee on Foreign Relations:

Theresa Ann Healy, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States to Sierra Leone.

(The above nomination from the Committee on Foreign Relations was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

STATEMENT OF POLITICAL CONTRIBUTIONS

Nominee: Theresa A. Healy.
Post: Ambassador to Sierra Leone.
Nominated: Jan. 29, 1980.

Contributions (if none, write none), amount, date, and donee:

1. Self, none.
2. Spouse, n/a.
3. Children and spouses names: n/a.
4. Parents' names: Mary Healy (mother)—none. Anthony Healy (father)—deceased in 1971.
5. Grandparents' names: All deceased for many years.
6. Brothers' and spouses' names: Joseph and Therese Healy—none. Francis and Ann Healy—none.
7. Sisters' and spouses' names: Mary (Maureen) and Raymond Keyes—none.

By Mr. BIDEN, from the Committee on Foreign Relations:

Allen Clayton Davis, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States to the People's Revolutionary Republic of Guinea.

(The above nomination from the Committee on Foreign Relations was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

STATEMENT OF POLITICAL CONTRIBUTIONS

Nominee: Allen Clayton Davis.
Post: Ambassador to the People's Revolutionary Republic of Guinea.
Nominated: May 28, 1980.
Contributions, amount, date, and donee.
1. Self, None.
2. Spouse, None.
3. Children and spouses, names, None.
4. Parents, names, None.
5. Grandparents, names, None.
6. Brothers and spouses, names, None.
7. Sisters and spouses, names, None.

By Mr. BIDEN, from the Committee on Foreign Relations:

Walter C. Carrington, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Senegal.

(The above nomination from the Committee on Foreign Relations was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Nominee: Walter Carrington.
Post: Ambassador to Senegal.
Contributions, amount, date, and donee.
1. Self, $125, 1977, John Lewis for Congress (Georgia).
2. Spouse, Joyce Carrington, None.
3. Children and spouses names, Thomas none.
4. Parents names, Marjorie Hall and Walter Carrington, none.
5. Grandparents names, deceased, none.
6. Brothers and spouses names, none.
7. Sisters and spouses names, Marilyn Carrington, none.

By Mr. BIDEN, from the Committee on Foreign Relations:

Peter Jon de Vos, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Guinea-Bissau and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Cape Verde.

(The above nomination from the Committee on Foreign Relations was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

STATEMENT OF POLITICAL CONTRIBUTIONS

Nominee: Peter Jon de Vos.
Post: Guinea/Bissau and Cape Verde.
Contributions, amount, date, and donee.
1. Self, None.
2. Spouse, None.
3. Children and spouses names, None.
4. Parents names, Suzanne Towers, None.
5. Grandparents, names, Not living, None.
6. Brothers and spouses names, None.
7. Sisters and spouses names, Gretchen Bamks, None.

By Mr. BIDEN, from the Committee on Foreign Relations:

Henry L. Kimelman, of the Virgin Islands, to be Ambassador Extraordinary and Plenipotentiary of the United States to Haiti.

(The above nomination from the Committee on Foreign Relations was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

STATEMENT OF POLITICAL CONTRIBUTIONS

Nominee: Henry L. Kimelman.
Post: U.S. Ambassador.
Contributions, amount, date, and donee.
1. Self, See attached list.
2. Spouse, See attached list.
3. Children and spouses names, Mr. John D. Kimelman, None; Mr. and Mrs. Donald B. Kimelman, None; Mr. and Mrs. Roy Edwards, None.
4. Parents names, Deceased.
5. Grandparents names, Deceased.
6. Brothers and spouses names, Mr. & Mrs. Benedict Kimelman. To the best of their recollection, they donated approximately $100 to the Church for President in 1976.
7. Sisters and spouses names, Mr. & Mrs. Sidney Seklir, to the best of their recollection, donated $100 to Church for President sometime from Jan.-May, 1976.

POLITICAL CONTRIBUTIONS, HENRY L. KIMELMAN

Date, payee and amount:
September 1974: Democratic Party, St. Thomas, V.I., $500.00.
October 1974: DeLugo Constituency Fund, $1,000.00.
October 1974: Gary Hart Senate Committee, $1,000.00.
October 1974: Ramsay Clark Senate Committee, $100.00.
February 1975: Bentsen in '76 Committee, $1,000.00.
February 1975: Udall in '76 Committee, $1,000.00.
July 1975: Carter for President, $100.00.
August 1975: Shriver for President Committee, $1,000.00.
December 1975: Church for President Committee, $250.00.
April 1976: Mankiewicz for Congress, $250.00.
May 1976: Virginians for Zumwalt, $100.00.
August 1976: Committee to Reelect Ron Delugo, $500.00.
August 1976: DSG Campaign Fund, $200.00.
August 1976: Nick Barton, U.S. Congress, $100.00.
August 1976: McGovern for Senate, $250.00.
August 1976: Eilbert for Congress Committee, $100.00.
September 1976: Committee to Reelect Ron DeLugo, $500.00.
December 1976: Alex Moorehead, Jr. for Congress, $100.00.
October 1977: Committee to Elect Jan Watlington, $500.00.
March 1978: Reelect Senator Pell Committee, $500.00.
December 1978: Jim Rowen for Mayor: $100.00.
January 1979: Idaho for Church, $250.00.
March 1979: McGovern Campaign. $250.00.
May 1979: Carter/Mondale Reelection Committee, $1,000.00.
May 1979: Democratic Congressional Dinner, $1,000.00.
July 1979: Friends of Mike Gravel, $500.00.
August 1979: Bess Myerson Committee: $1,000.00.
December 1979: Weinberger for Congress Committee, $200.00.

POLITICAL CONTRIBUTIONS, CHARLOTTE KIMELMAN

Date, payee, and amount:
January 1975: Women's Democratic Committee, $15.00.
February 1975: Public Citizens Committee, $25.00.
December 1975: Church for President, $1,000.00.
December 1975: Women's National Democratic Committee, $15.00.
September 1976: Women's Campaign Fund, $100.00.
September 1976: American Democratic Action, $15.00.
September 1976: John Heinz for Senate, $100.00.
July 1977: Women's Campaign Fund $100.00.
September 1977: Women's National Democratic Committee '77 Dues $20.00.
December 1977: Women's National Democratic Committee '78 Dues, $30.00.
February 1978: Women's Campaign Fund $100.00.
February 1978: Committee to Elect Jan Watlington, $500.00.
March 1978: Reelect Senator Pell Committee, $500.00.
September 1978: Baucus '78 Committee, $200.00.
October 1978: Women's Campaign Fund, $100.00.
December 1978: Women's National Democratic Committee '79 Dues, $30.00.
January 1979: Women's Campaign Fund, $100.00.
February 1979: Idaho for Church, $250.00
February 1979: Shriver for President, $250.00.
March 1979: McGovern Campaign Committee, $200.00.
June 1979: Idaho for Church, $250.00.
November 1979: Carter/Mondale Presidential Committee, $500.00.
December 1979: Women's National Democratic Committee '80 Dues, $30.00.
January 1980: Women's Campaign Fund, $100.00.

By Mr. WILLIAMS, from the Committee on Labor and Human Resources:

James E. Jones, Jr., of Wisconsin, to be Chairman of the Special Panel on Appeals.

Ethel Bent Walsh, of the District of Columbia, to be a member of the Equal Employment Opportunity Commission.

Jacob Clayman, of Maryland, to be a member of the Federal Council on the Aging.

John Brroks Slaughter, of Washington, to be Director of the National Science Foundation.

The following-named persons to be Members of the National Science Board, National Science Foundation:

Mary Lowe Good, of Louisiana;
Peter T. Flawn, of Texas;
Peter David Lax, of New York;
Homer A. Neal, of Indiana;
Mary Jane Osborn, of Connecticut;
Donald B. Rice, of California; and
Stuart A. Rice, of Illinois.

The following-named persons to be Members of the National Advisory Council on Women's Educational Programs:

Maria Concepcion Bechily, of Illinois;
Barbara M. Carey, of Florida;
Virginia Foxx, of North Carolina;
K. Jessie Kobayashi, of California;
Jewel Limar Prestage, of Louisiana; and
Rhine Lana McLin, of Ohio.

The following-named persons to be members of the Board of Directors of the Legal Services Corporation:

Steven L. Engelberg, of Maryland;
Cecilia Denogean Esquer, of Arizona; and
Josephine Marie Worthy, of Massachusetts.

The following-named persons to be Members of the National Council on Educational Research:

Maria B. Cerda, of Illinois;
Joseph J. Davies, Jr., of Louisiana;
Timothy S. Healy, of the District of Columbia; and
John S. Shipp, Jr., of Florida.

The following-named persons to be Members of the National Council on the Handicapped:

Nelba R. Chavez, of Arizona;
Nanette Fabray MacDougall, of California;

John P. Hourihan, of New Jersey;
Edwin O. Orpheim, of Minnesota;
Elizabeth Monroe Boggs, of New Jersey;
Mary P. Chambers, of New Hampshire;
Jack Genair Duncan, of South Carolina;
Thomas Joe, of the District of Columbia;
Donald E. Galvin, of Michigan;
Judith E. Heumann, of California;
Howard A. Rusk, of New York;
J. David Webb, of Georgia; and
Henry Williams, of New York.

(The above nominations from the Committee on Labor and Human Resources were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation:

The following-named persons to be Members of the Board of Directors of the Corporation for Public Broadcasting:

Diana Lady Dougan, of Utah;
Lillie E. Herndon, of South Carolina; and
Howard A. White, of New York.

James Robert Smith, of Florida, to be a Member of the Civil Aeronautics Board for the term expiring December 31, 1980.

James Robert Smith, of Florida, to be a Member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1986.

The following-named persons to be Members of the U.S. Metric Board:

Bruce Paul Johnson, of Nevada;
Dennis R. Smith, of Massachusetts; and
Francis R. Dugan, of Ohio.

(The above nominations from the Committee on Commerce, Science, and Transportation were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HART. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the following nominations: In the U.S. Navy, there are 1,322 temporary promotions to the grade of lieutenant (junior grade) (list beginning w/Frederick Aalbue) and 367 temporary/permanent promotions to the grade of commander and below (list beginning w/Russell S. Akerman). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD on July 23 and July 28, 1980, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MATHIAS:

S. 3048. A bill to amend the Internal Revenue Code of 1954 to permit the rollover of gain from the sale of farmland development rights to a State under a farmland preservation program, and for other purposes; to the Committee on Finance.

By Mr. McCLURE:

S. 3049. A bill entitled the "Local Schools Option Protection Act"; to the Committee on Labor and Human Resources.

By Mr. JACKSON (by request):

S. 3050. A bill to amend section 21 of the Act of February 25, 1920, commonly known as the Mineral Leasing Act; to the Committee on Energy and Natural Resources.

By Mr. COHEN (for himself and Mr. LEVIN):

S. 3051. A bill to reform Government management and practices relating to Government contracts; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 3052. A bill to amend the Internal Revenue Code of 1954 to provide a 67 percent maximum tax rate for individual income taxes and to reduce capital gains tax rates for corporations and individuals; to the Committee on Finance.

By Mr. ZORINSKY:

S. 3053. A bill entitled the "Rural Telephone Bank Amendment Act of 1980"; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SARBANES (for himself, Mr. MATHIAS, and Mr. WARNER):

S. 3054. A bill to provide for reconstruction and rehabilitation of the Woodrow Wilson Memorial Bridge, and for other purposes; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MATHIAS:

S. 3048. A bill to amend the Internal Revenue Code of 1954 to permit the rollover of gain from the sale of farmland development rights to a State under a farmland preservation program, and for other purposes; to the Committee on Finance.

FARMLAND DEVELOPMENT RIGHTS ACT

● Mr. MATHIAS. Mr. President, agriculture is our Nation's biggest industry. Over 15 million people work in some phase of the agricultural process—from growing the food to selling it in the supermarket. Farming itself uses 3.9 million workers, as many as the combined work force of the transportation, steel, and automobile industries.

Our country is also the leading exporter of agricultural products in the world. One out of every three acres harvested is used for export. These products have become crucial to our balance of trade. In 1979, for example, agricultural exports totaled $32 billion. The Agriculture Department has also indicated that there will be a significant increase in the demand for our agricultural exports as the Middle East develops and markets are opened in China.

Unfortunately, our country's farmlands are being converted to nonagricultural uses at a rate of over 3 million acres per year. In the last decade alone, this urbanization process has swallowed up land about the size of the State of West Virginia. This trend is increasing with no end in sight.

A number of times in recent years Senator James Clark, president of the Maryland Senate, talked with me about what we could do at the Federal level to help farmers resist the pressure to sell to developers. Based on his suggestions and other information, I have drafted, and today introduce, a bill that would encourage farmers to continue farming their land. Jim Clark has long been a leader in the defense of America's fundamental asset, its fertile farmland, and his contribution to this cause has won national recognition. He is a farmer as well as a legislator and so he speaks with knowledge and authority. My bill tracks programs which are currently in use in New York, New Jersey, and Maryland, where farmers can sell the development rights of their property to the States. The State, in effect, purchases an easement on the property which prevents the owner from using the land for any other than agricultural purposes.

The sale is theoretically in perpetuity but the farmers may buy back the rights after 25 years if it can be shown that profitable farming is no longer feasible.

My proposal would encourage farmers to participate in the program by offering them tax advantages similar to those that are now being given to homeowners. Specifically, it would allow a farmer to use the proceeds of the sale to buy more farmland without having to pay a capital gains tax. It would also allow a one-time only exemption of $100,000 if the farmer is over 55. Additionally, since the States have limited funds available for the program, the development rights are frequently sold for less than market value. My bill would narrow the financial gap by allowing the farmers to treat this difference as a gift for tax purposes.

These incentives will encourage the sale of the development rights and foster the creation of similar plans in other States. Such plans allow States to assure that the very best farmland will remain in agricultural production. Having more agricultural land near cities would cut down on the marketing expenses which make up 60 percent of the total cost of our food. Shipping food in a refrigerated truck, for example, costs close to a dollar per mile.

The time for action is now. In the 5 minutes it takes to deliver this speech, almost 30 acres of prime farmland will be swallowed up by encroaching urban sprawl. I ask each of my colleagues in the Senate to join with me in working for the passage of this proposal to protect one of this Nation's greatest natural resources—our farmlands.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. ROLLOVER OF GAIN PERMITTED.

(a) IN GENERAL.—Part I I of subchapter 0 of chapter 1 of the Internal Revenue Code of 1954 (relating to common nontaxable exchanges) is amended by adding at the end thereof the following new section:

"SEC. 1041. ROLLOVER OF GAIN FOR SALE OF FARMLAND DEVELOPMENT RIGHTS.

"(a) NONRECOGNITION OF GAIN.—If a taxpayer sells farmland development rights to a State under a qualified farmland preservation program, and within the period beginning 18 months before the date of such sale and ending 18 months after such date, property (in this section called 'new farmland') is purchased and used by the taxpayer for farming purposes, then gain on the development rights sale shall be recognized only to the extent that the amount realized by the taxpayer on such sale exceeds the taxpayer's cost of purchasing the new farmland.

"(b) Definitions.—For purposes of this section—

"(1) Farmland development rights.—The term 'farmland development rights' means the right of the owner of real property to devote that property to a use other than farming purposes (as defined in section 2032A(e)(5)).

"(2) Qualified farmland preservation program.—The term 'qualified farmland preservation program' means a program established under State law for the purpose of assuring that property currently devoted to farming purpose will continue to be devoted to such purposes and which provides for the purchase of farmland development rights by the State in order to carry out that purpose.

"(3) Farming purposes.—The term 'farming purposes' shall have the same meaning as in section 2032A(e)(5).

"(c) Recapture.—

"(1) In general.—If a taxpayer who has claimed the benefit of subsection (a) in connection with the sale of farmland development rights—

"(A) devotes the property with respect to which the farmland development rights were sold to a use other than farming, or

"(B) sells or exchanges such property for a use other than farming, or

"(C) uses the new farmland for other than farming purposes within five years of the sale,

then there shall be included in the taxable income of the taxpayer for the taxable year an amount equal to the amount not recognized under subsection (a).

"(2) Sale or exchange for use other than farming.—For purposes of paragraph (1), a taxpayer shall be treated as having sold property for a use other than farming if the taxpayer knew that the property was going to be devoted by the purchaser, directly or through another party or transaction, to purposes other than farming purposes.

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part is amended by adding at the end thereof the following new item:

"Sec. 1041. Rollover of gain from sale of farmland development rights.".

Sec. 2. One-Time Exclusion of Gain From Sale of Farmland Development Rights by Individual Who Has Attained Age 55.

(a) In General.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 128 as 129 and by inserting after section 127 the following new section:

"Sec. 128. One-Time Exclusion of Gain From Sale of Farmland Development Rights by Individual Who Has Attained Age 55.

"(a) General Rule.—At the election of the taxpayer, gross income does not include gain from the sale of farmland development rights (as defined in section 1041(b)(1)) to a State under a qualified farmland preservation program (as defined in section 1041(b)(2)) if—

"(1) the taxpayer has attained the age of 55 before the date of such sale, and

"(2) during the 5-year period ending on the date of the sale, the property with respect to which the farmland development rights were sold has been owned and used by the taxpayer for farming purpose (as defined in section 2032A(e)(5)) for periods aggregating 3 years or more.

"(b) Limitations.—

"(1) Dollar limitation.—The amount of the gain excluded from gross income under subsection (a) shall not exceed $100,000 ($50,000 in the case of a separate return by a married individual).

"(2) Application to only 1 sale.—Subsection (a) shall not apply to any sale by the taxpayer if an election by the taxpayer or his spouse under subsection (a) with respect to any other sale is in effect.

"(c) Election.—An election under subsection (a) may be made or revoked at any time before the expiration of the period for making a claim for credit or refund of the tax imposed by this chapter for the taxable year in which the sale or exchange occurred, and shall be made or revoked in such manner as the Secretary shall by regulations prescribe. In the case of a taxpayer who is married, an election under subsection (a) or a revocation thereof may be made only if the spouse joins in such election or revocation.

"(d) Special Rules.—

"(1) Property held jointly; property of deceased spouse.—For purposes of this section, the rules set forth in paragraphs (1), (2), (4), (6), and (8) of section 121(d) shall apply to sales to which this section applies.

"(2) Property used in part for farming.—In the case of property only a portion of which, during the 5-year period ending on the date of the sale, has been owned and used by the taxpayer for farming purposes for periods aggregating 3 years or more, this section shall apply with respect to so much of the gain from the sale of such property as is determined, under regulations prescribed by the Secretary to be attributable to the portion of the property so owned and used by the taxpayer.".

(b) Clerical Amendment.—The table of sections for such part is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 128. One-time exclusion of gain from sale of farmland development rights by individual who has attained age 55.

"Sec. 129. Cross references to other Acts.".

Sec. 3. Charitable Contribution Deduction Allowed for Gain Foregone by Reason of Sale of Farmland Development Rights to State.

Section 170 of the Internal Revenue Code of 1954 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) Sale of Farmland Development Rights to State.—In the case of a taxpayer who sells farmland development rights (as defined in section 1041(b)(1)) to a State under a qualified farmland preservation program (as defined in section 1041(b)(2)), the taxpayer shall be treated, for purposes of this section, as having made a charitable contribution to the State in an amount equal to the amount by which—

"(1) the fair market value of the property with respect to which the farmland development rights were sold (determined, as the day before the date on which such rights were sold, on the basis of the highest and best permissible use of such property) minus the value of such property as farmland (determined as of such date), exceeds

"(2) the gain from the sale of the farmland development rights (determined without regard to section 1041).".

Sec. 4. Effective Date.

The amendments made by this Act shall apply with respect to sales occurring after December 31, 1980.●

By Mr. McCLURE:

S. 3049. A bill entitled the "Local Schools Option Protection Act"; to the Committee on Labor and Human Resources.

LOCAL SCHOOLS OPTION PROTECTION ACT

Mr. McCLURE. Mr. President, on Tuesday, August 5, the Education Department published regulations in the Federal Register that will establish a Federal program for bilingual education. I have studied the regulations, and I am outraged by what I found.

There is no doubt, Mr. President, that children who are less than proficient in English encounter special problems in school. These students cannot be ignored and I do not think American educators are trying to ignore them. But the Education Department has prejudged our education system and found it guilty of not meeting the needs of bilingual students.

One of the greatest strengths of our education system is that it is directed and controlled on a local level. School officials, teachers, parents, and community leaders certainly know the needs of their children better than the Federal Government does. In addition, there are obvious differences in school districts across the Nation. A district in New York City cannot operate the same as my hometown district of Payette, Idaho, and should not be expected to have uniform teaching methods. In creating the Department of Education, Congress made it perfectly clear that the Department was not to interfere with this local authority. And yet, just a fews months after coming into existence, the Department has proposed a program that will dictate to schools how and what they must teach.

Mr. President, this is wrong. I submit to my colleagues that the Department is clearly ignoring the intent of Congress and we must not allow this to happen. To do so will be setting a dangerous precedent. If we allow the Department to dictate bilingual education, what is to say they will not be mandating programs for all other phases of education?

But more than this, Mr. President, I am very concerned over the cost of implementing this program. Secretary Hufstedler has conceded that the Department's bilingual program will be "expensive." Unfortunately, Mrs. Hufstedler has not told us where she intends to find the money for this program. The Department has completely ignored the financial and personnel restraints under which many districts must operate. Small and rural districts already have recruiting problems because of their geographic isolation and limited budgets. Urban districts, such as the District of Columbia, are also suffering from financial ills. How are these districts supposed to find the funds for a bilingual teacher? For districts that have a small population of limited-English students, the Department proposes to allow the use of magnet schools or a circuit-riding teacher. But what happens to districts that are isolated by dozens of miles, rugged terrain and dangerous winter roads from other districts and cannot possibly operate under such a system?

The Department proposes that districts can use bilingual textbooks, tapes, and other materials to teach their bilingual students. But how will the schools pay for these materials? Is Mrs. Hufstedler assuming that State legislatures are going to appropriate the money? In my State of Idaho the voters have already passed a property tax limitation initiative and schools are feeling the pinch. This year alone, Idaho public schools will be suffering from a $5.5 million decrease in funding. I can guarantee the Idaho State Legislature is not going to be able to find additional funds for any new program.

The Department maintains the bilingual program is "flexible." Nothing is further from the truth. This is not a "model" program, Mr. President. Local school districts cannot use this proposal as a guideline in formulating their own bilingual program. This is a federally dictated education program, and failure to comply will result in loss of Federal funds. If these regulations were truly flexible, they would be a model program, and they would allow school districts to plan their own programs without Government interference. There are other alternatives to the Department's proposal. As an August 8, Washington Post editorial suggests, many school districts may want to provide an intensive English course for bilingual students before integrating them into classes taught in English. Such a system could work well in many areas of the country. But the Department's "flexible" program would not allow for this.

In addition to not considering the expense of the program, the Department has chosen to issue the regulations at a time when school officials are especially busy getting ready for a new school year. I have written to Secretary Hufstedler asking that the comment period be extended beyond the original October 6 deadline until at least December 6. Mr. President, I think it is imperative that my colleagues contact every school district in their State and ask for their comments on this program.

There are ways and means of effectively serving the needs of limited-English students. A federally mandated program which usurps local authority and will be impossibly expensive is not one of the answers.

For these reasons, I am introducing legislation today that will prohibit the Department from implementing this program. I urge my colleagues to review carefully the regulations and to cosponsor my bill. If we allow this program to be put in effect, we will be doing more than a disservice to our schools—we will be putting them out of business.

Mr. President, at this time I ask unanimous consent that my letter to Secretary Hufstedler and the text of my bill be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 3049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Education is directed to immediately withdraw those proposed rules relating to limited-English proficient students published August 5, 1980 in Volume 45, No. 152 of the Federal Register.

U.S. SENATE,
Washington, D.C. August 7, 1980.

Hon. SHIRLEY HUFSTEDLER,
Secretary, Department of Education,
Washington, D.C.

DEAR SECRETARY HUFSTEDLER: I have reviewed, with considerable dismay, the Education Department's proposed regulations on bilingual education. Although I realize, as do all my colleagues in Congress, that students with limited English proficiency have special problems that must be addressed by school districts, a federally mandated program is definitely not the answer for a number of reasons.

I do not believe the Department has adequately addressed several areas of concern. There are, obviously, differences in school districts across the nation. Rural versus urban, small versus large, districts do not and cannot operate on the same basis. Where a large district in an urban area may be able to comply with these regulations, and may already be doing so, a smaller district will find it impossible. The cost of implementing this program must be taken into consideration. Where are these districts going to get the funds to provide bilingual education? Where are these districts that are often geographically isolated, supposed to find the personnel to teach bilingual students? Is it realistic to assume that small, rural districts that pay minimal salaries by necessity will be able to even find the necessary personnel, let alone pay the salary that a bilingual teacher could command? How is a financially strapped district, and you must be well aware there are many, going to find the funds to purchase bilingual textbooks, tapes, films? While a bilingual consultant or teacher may find it feasible to travel from district to district in some areas of the country, what happens to districts that are separated by hundreds of miles?

One of my major concerns is that when the Education Department was created, Congress made it perfectly clear that the Department was not to usurp local district power. It seems to me that the Education Department is clearly disregarding the intent of Congress in this matter. You should not prejudge school districts as being insensitive to the needs of bilingual students. Local school officials know the needs of their student population far better than the federal government. Each district should be allowed to formulate their own bilingual program without federal interference.

These regulations are not a "model," Mrs. Hufstedler. They are a federally mandated program. They are an axe hanging over the heads of every school district in the nation. I am quite frankly shocked to think that E.D. has taken this course of action and I will do everything in my power to see that these regulations are never implemented.

School districts are presently gearing up for a new school year. The regulations, as presently written, will have a drastic impact on all our schools and I believe these districts deserve a lengthy comment period to respond to the regulations. Therefore, I respectfully request that the comment period on these regulations be extended until at least December 6, 1980, in order to allow districts time to thoroughly analyze them. I would further request that I be notified of such an extension.

Sincerely,

JAMES A. MCCLURE,
U.S. Senator.

By Mr. JACKSON (by request):

S. 3050. A bill to amend section 21 of the Act of February 25, 1920, commonly known as the Mineral Leasing Act; to the Committee on Energy and Natural Resources.

MINERAL LEASING ACT

○ Mr. JACKSON. Mr. President, by request, I send to the desk for appropriate reference a bill to amend section 21 of the Act of February 25, 1920, commonly known as the Mineral Leasing Act.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill and the executive communication which accompanied the proposal from the Under Secretary be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 3050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 21 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain," approved February 25, 1920 (41 Stat. 437; 30 U.S.C. § 241) (hereinafter referred to in this Act as the Mineral Leasing Act of 1920) is amended as follows: (1) In subsection (a)—

(A) delete "section" wherever it appears and substitute therefor "subsection"; and

(B) delete from the first sentence "so much of" and "or land adjacent thereto, as may be required for the extraction and reduction of the leased minerals,"; and

(C) delete from the second sentence "to" the first place it appears and substitute therefor "except when the Secretary determines that a larger area is required to permit long-term commercial operations. Such lands shall", and delete "to" the second place it appears and substitute therefor "such lands shall"; and

(D) delete from the eighth sentence "one lease" and substitute therefor "two oil shale leases in any one state and more than four oil shale leases nationwide", and delete from the eighth sentence "corporation except that with" and substitute therefor; "corporation: *Provided,* That the holder of two oil shale leases in a state may acquire one additional oil shale lease in that state where it has achieved production in commercial quantities from both existing leases in that state and it is within ten years of exhausting the commercially recoverable reserves on one of the existing leases: *Provided further,* That the limitation on ownership of oil shale leases shall not apply with respect to leases issued to avoid bypass of small acreages of Federal oil shale resources which could not otherwise be mined economically. With".

(2) In subsection (c)—

(A) redesignate the existing subsection (c) as paragraph (c)(1); and

(B) add thereafter the following new paragraph: "(2) The Secretary is authorized to issue leases for oil shale pursuant to subsection (a) allowing the mining, extraction and disposal of other mineral deposits, in addition to oil shale deposits, that are contained in the lands covered by the lease, subject to such terms, conditions, and restrictions as may be imposed by the Secretary consistent with subsection (a), notwithstanding other provisions of this Act with respect to the leasing of such mineral deposits. No oil shale lease which also allows the mining, extraction and disposal of coal may be issued pursuant to this paragraph unless there has been consultation with the Attorney General of the United States as required by section 184(1) of this Act.".

(3) At the end thereof add the following new subsection:

"(d) The Secretary is authorized to issue, to the holder of any oil shale lease issued under subsection (a) of this section prior to 1985, an additional lease or leases for the use of other Federal lands for purposes, other than the removal of any mineral deposits contained therein, connected with the development of oil shale operation under an oil shale lease, that the oil shale lessee demonstrates are necessary and appropriate for such operations. These uses may include, among other things, the disposal of oil shale waste and other materials removed from the lands covered by an oil shale lease and the building of plants, reduction works, and other facilities needed for operations under an oil shale lease. The Secretary may issue such additional leases after consideration of the environmental and other resource values and other possible uses of the lands to be covered by the leases and upon a determination that the public interest would be served thereby. Any lands under the jurisdiction of a Federal agency other than the Department of the Interior shall be included in such a lease only with the consent of that agency and shall be subject to such terms and conditions it may prescribe.

"A lease issued under this subsection shall be for such periods of time and shall include such lands as the Secretary determines to be necessary to achieve the purposes for which the lease is issued, and shall contain such provisions as he determines are needed for proper protection of environmental and other resource values. The lessee shall pay the fair market value for the use of the lands covered by the lease. Such payment shall be subject to adjustment so that it continues to reflect fair market value. Lands subject to a lease under this subsection shall remain subject to leasing under the other provisions of this Act where such leasing would not be incompatible with the purposes for which a lease is issued under this subsection. A lease issued under this subsection shall not be transferable except in conjunction with the transfer of the associated oil shale leases issued pursuant to subsection (a) of this section.".

SEC. 2. Section 27(e) of the Mineral Leasing Act of 1920 (41 Stat. 448; 30 U.S.C. § 184(e)) is amended as follows:

(1) In paragraph (1) insert after the words "under this Act" the words "or, with respect to oil shale, exceeds in the aggregate the maximum number of leases allowed to any one person, association, or corporation under this Act,".

(2) In paragraph (2)—

(A) insert after the words "against the total acreage" in the first sentence the words "or the total number of oil shale leases"; and

(B) insert after the words "total acreage" in the second sentence the words "or number of oil shale leases"; and

(C) insert after the words "under this Act" in the second sentence the words "or, in the case of oil shale, the maximum number of leases allowed to any one person, association, or corporation under this Act.".

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 29, 1980.

Hon. WALTER F. MONDALE,
President of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a proposal "To amend section 21 of the Act of February 25, 1920, commonly known as the Mineral Leasing Act."

We recommend that the bill be referred to the appropriate committee for consideration, and that it be enacted.

This proposal would remove three constraints currently inhibiting this Department's efforts under the Prototype Oil Shale Leasing Program to gain the technical and environmental information needed to develop a permanent oil shale leasing program. In addition, this proposal would confirm this Department's authority to lease oil shale lands for multi-mineral development.

First, although this bill would retain the 5,120 acre limitation on lease oil shale tracts, it would add language allowing an increased lease tract size when the Secretary determines that a larger area is necessary to permit long-term commercial operations. This new provision would assure the issuance of lease tracts of sufficient size to enable economic development of oil shale resources.

Second, this bill would remove the current limitation of one oil shale lease per person, association, or corporation. We believe that the one lease limitation inhibits technological development, in that it promotes the use of conservative methods known to be profitable rather than experimental methods which should be encouraged by the prototype program. It also presents a serious disincentive to developers, in that it prevents them from further benefiting from the experience and technology they have developed. In place of this one lease limitation, this bill would permit any lessee to hold two leases in any state and up to four leases nationwide. It further provides that one additional lease may be held in any state where the lessee has achieved commercial production on both leases within that state and where the resources on one of the existing leases in that state will be depleted within ten years. Also, any leases issued in order to avoid bypassing small acreages of Federal oil shale resources which could not otherwise be mined economically would not be included in the limitations on oil shale lease ownership. We believe that these provisions allowing lessees to hold more than the one lease currently allowed will result in the generation of more of the technical and environmental information needed to develop a permanent oil shale leasing program.

Third, this bill would authorize the Secretary to issue, to any person, association, or corporation holding an oil shale lease issued prior to 1985 (and thus issued within the Prototype Oil Shale Leasing Program), an additional lease or leases for the use of other public lands for any use other than the removal of any mineral deposits contained therein, connected with the development of oil shale operations on leased lands. The oil shale lessee would have to demonstrate that the lease is necessary and appropriate for its operations. Uses could include, among other things, disposal of oil shale waste and other materials removed from lands covered by an oil shale lease, and the building of plants, reduction works, or other facilities needed for the operations under an oil shale lease. Allowing such additional leases for the holders of prototype oil shale leases would permit the most efficient mining of oil shale resources, especially in the richest areas, since mining tracts would no longer have to accommodate the processing facilities and spent shale as well as the development operation itself.

Such an additional lease or leases could be issued after the Secretary has considered the environmental and other resource values, and other possible uses of the lands, and has made a determination that the public interest would be served by issuing that lease or leases. A lease issued under this new authority would be issued for such a period of time as the Secretary determines is necessary for the purposes of the lease, would contain such provisions as are needed for proper protection of environmental and other resource values, and would require the lessee to pay the fair market value for the lease.

Lands covered in such an additional lease or leases would remain subject to leasing under other provisions of the Act unless that leasing would not be compatible with the oil shale purposes for which the additional lease or leases are issued. The additional lease or leases would not be transferable except in conjunction with the transfer of the associated oil shale lease issued pursuant to subsection (a) of section 21 of the Act. Lands considered as additional leases which are under the jurisdiction of a Federal agency other than this Department could be leased only with the consent of that agency and subject to any terms and conditions that agency might prescribe. Prior to decisions on the issuance of these leases, we will consult with appropriate Federal departments and agencies that have jurisdiction or special expertise on issues associated with oil shale development and production, and with appropriate State and local officials, just as we have done in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*) during our past prototype leasing activities.

Since a new off-site leasing authority is provided, the existing limited grant of authority to lease adjacent lands necessary for the reduction of the mineral is deleted.

Fourth, this bill would confirm the authority of the Secretary to issue leases allowing the mining, extracting, and disposing of all mineral deposits contained in lands covered by an oil shale lease. These multi-mineral leases would be subject to such terms, conditions, and restrictions as the Secretary may impose consistent with subsection (a). This confirmation of existing authority would facilitate multi-mineral development of resources on leased lands.

Fifth, this bill woud amend section 27(e) of the Act to address fractional or indirect interests in oil shale leases in light of the new ceiling on lease holdings mentioned above. Currently, section 27(e) provides that no person, association, or corporation may hold any interest in an association or corporation holding an oil shale lease, if that interest, taken together with other direct or indirect holdings greater than 10 percent, would exceed in the aggregate the maximum number of acres of the mineral in question allowed to any one lessee. Since the absolute limitation on the number of acres that can be held by a particular lessee has been changed to a restriction expressed in terms of numbers of leases, the provision charging shareholders with a pro rata share of a leased interest needs to be amended to reflect that change. Thus, this bill amends section 27(e) to provide that any fractional or indirect interest in an oil shale lease will be counted against the leasehold ceiling (rather than a lease acreage ceiling) so that the sum of the fractional holdings of one person, association, or corporation does not exceed the new leasehold ceilings.

We believe that enactment of these amendments to the Mineral Leasing Act will better enable this Department to gain the technical and environmental information needed to develop the permanent oil shale leasing program. This proposal would not only strengthen the Prototype Oil Shale Leasing Program, but would also advance the efficient development of oil shale resources, and would facilitate the full utilization of the mineral resources of Federal lands through confirmation of this Department's authority to issue multi-mineral leases. We therefore strongly recommend the enactment of this proposal.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal from the standpoint of the Administration's program.

Sincerely,

James A. Joseph,
Under Secretary.●

By Mr. COHEN (for himself and Mr. Levin):

S. 3051. A bill to reform Government management and practices relating to Government contracts; to the Committee on Governmental Affairs.

GOVERNMENT MANAGEMENT AND YEAR-END PROCUREMENT CONTROL ACT OF 1980

Mr. COHEN. Mr. President, I am today introducing legislation, entitled "The Government Management and Year-end Procurement Control Act of 1980," which is designed to put the brakes on runaway Federal contracting practices that cost the American taxpayer billions of dollars each fiscal year.

During the past year, the Governmental Affairs Subcommittee on Oversight of Government Management, on which I serve under the able leadership of the distinguished Senator from Michigan, Carl Levin, has intensively investigated the costs and causes of fiscal year-end spending binges by Federal departments and agencies.

Our subcommittee's study of year-end contracting revealed that hundreds of thousands of contract awards and modifications are executed by Federal officials in the waning weeks of the fiscal year for the principal, if not sole, reason of preventing the return of unused appropriations to the Treasury or future reductions in budget requests by the Congress.

Public opinion polls show that three-fourths of Americans believe that the Government "wastes a lot of money we pay in taxes," and the discoveries we made during our investigations suggest that such beliefs are not without cause.

Some of the year-end purchases we found were so lacking in justification and manifested such poor judgment as to make one believe that the word prudence no longer exists.

How else can one explain the U.S. Army's award of $187,631 in contracts on the last working day of fiscal year 1978 for unnecessary construction at a base scheduled to be closed?

How else can one explain the Department of the Interior's purchase of 1,000 pairs of horseback riding chaps, 4,000 pairs of gloves, 181 chain saws, and $120,000 worth of lawnmowers and parts for fewer than 300 enrollees in a Young Adult Conservation Corps camp in the fourth quarter of fiscal year 1978?

How else can one explain the Department of Housing and Urban Development's regional offices purchasing $319,000 in unnecessary office equipment in the last month of fiscal year 1978?

Unfortunately, these obvious examples of waste represent only a small part of the so-called hurry-up spending problem.

Unnecessary noncompetitive "sole-source" procurement techniques, other contracting shortcuts, and careless decisions by Government officials pressed at the year's end add millions of dollars to the cost of Government purchases required to meet legitimate public needs. In fiscal year 1979 alone, millions of dollars in overtime payments were made to officials who processed the flood of year-end contracts. Operating the Government's purchasing programs on what has become a feast-or-famine basis for private contractors has driven some of the best and efficient firms away from Government work, denying the public access to the services they could provide.

The cost of hurry-up spending is immense. Based on its survey of 10 of the largest Federal agencies, including the Departments of Commerce, Defense, Health and Human Services, Interior, and the Veterans' Administration, the Oversight Subcommittee concluded that wasteful yearend contracting costs the taxpayer at least $2 billion each fiscal year.

The annual yearend spending binge has existed at least since 1921, when the first Director of the Bureau of the Budget issued the first of what are now annual memorandums by top budget officials scoring the wasteful practice and urging agency officials to put a stop to it.

These memoranda, the latest of which was issued on June 25 of this year by the Director of the President's Office of Management and Budget, have not, and likely will not, substantially reduce the $2 billion annual pricetag of yearend spending.

The memoranda fail to control wasteful yearend contracting because they do not recognize that the wasteful practices are a result of three deep-seated, fundamental problems with the way our contract spending programs now operate.

First, our procurement statutes, which are supposed to insure the maximum competition for Government contract dollars, are riddled with unnecessary loopholes. Sole-source contracts are so easy to award under current law that they are routinely used where competition could, and should, be obtained.

Second, and related, agencies have done an extremely poor job of planning their programs that need contracted support. Agencies that do not effectively plan their expenditures find that the only way to perform their legislated tasks is to award a flurry of sole-source contracts before the lapse of appropriations on September 30. Poor contract planning also plays a major role in the blatant examples of waste that were the subject of our investigations. Without a regularized purchase planning process, moreover, it is impossible for the Congress to tell whether contract expenditures were "planned" or not, and, in turn, whether Federal programs are being run smoothly, or on a hurry-up basis.

Third, there has been inadequate review and oversight of contract spending programs within the agencies and by the Office of Management and Budget. There is no regularized audit program for Government procurement, which consumes close to $100 billion in taxpayer funds each year. What audit efforts there are have been limited by OMB's failure to maintain in its computerized contract information system important substantive measures of competition, including, for example, the length of time firms are being given to put their bids together or how many bids are being received. And most disturbing, audit reports far too often gather dust, instead of flowing to OMB, where they will have impact.

Mr. President, the legislation I am introducing today attacks each of these three problems in a forceful and appropriate manner. The bill is the culmination of our oversight efforts to date in this area, and embodies the recommendations of the Subcommittee on Oversight's report on "hurry-up" spending.

In order to increase the competition for Government procurement funds, the bill establishes new procedures for awarding noncompetitive contracts. As a general rule, any time an agency wishes to begin a noncompetitive procurement, the agency would have to give the public 45 days notice. The current practice, under which executive officials are permitted to award sole-source contracts so long as they believe that "competition is not feasible," would be replaced by a mechanism that permits the marketplace to question such agency determinations.

The bill also would require agencies to submit an annual "contract agenda" describing the agency's purchases for each fiscal year. The contract agenda, which would be submitted 2 months before the fiscal year begins, would force agencies to identify what they wanted to buy and when they wanted to buy it before receiving their appropriations. Such a requirement will counteract the lethargy that delays important spending decisions until they must be made under crisis conditions.

Finally, woven throughout the bill are provisions to strengthen the oversight process for Government procurement. Title II, for example, directs the Office of Management and Budget to collect and store in the Federal Procurement Data Center the information that will permit auditors, the public, and the Congress to find out how well Government programs are doing in seeking out—and obtaining—the best deal Uncle Sam's money can buy.

The bill also requires agencies to prepare and implement plans to increase the likelihood of obtaining competition in cases where they are now using noncompetitive buying practices. Implementation of these plans, and the contract agendas, will, under the bill's provisions, be subject to periodic review by the Inspectors General—Congress's independent watchdogs in each Federal agency. These audit reports would automatically be referred to the Administrator of the Office of Federal Procurement Policy, within OMB, who would transmit them, along with recommendations, to the Congress.

Of course, good management will result only if managers believe their interest lie in good management. Therefore, under the bill's provisions, these independent audit reviews would become a factor in the evaluation of senior executive performance.

The Government Management and Year-End Procurement Control Act presents a clear, concrete answer to the poor management practices that result in hurry-up spending. But it nevertheless recognizes that emergencies do arise that require swift executive action, that changes in program do occur, and that national security must at times be weighed against the interest in obtaining immediate cost savings.

Perhaps most important of all, while imposing new controls on management, it will permit legitimate spending to occur, regardless of whether such spending falls in the latter part of the year.

This legislation is not an attempt to legislate good management. Rather, it is designed to shore up the weakest points in a Federal spending system in clear need of reform. The provisions of the bill are general, and, if enacted, will correct the systematic faults responsible, not only for hurry-up spending, but for a great many other problems as well.

Mr. President, when the Federal budget is undergoing severe pressures from every side, it is important that we seize an opportunity to eliminate wasteful spending practices that redound to no one's benefit. The Government Management and Year-End Procurement Control Act provides such an opportunity, and I hope my colleagues will join me in working for its enactment.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD a number of newspaper editorials commenting on the need for the fundamental reforms necessary to eliminate hurry-up spending practices.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Star, July 26, 1980]

HURRY UP AND SPEND

Were there a bureaucratic Hall of Fame, membership would surely require an ability to use up one's appropriation. It is a grand tradition. It is also one we can no longer afford.

The Senate subcommittee on Oversight of Government Management estimates that at least $2 billion is wasted annually by year end spending sprees. An analysis of Treasury Department statistics showed that during fiscal years 1977 and 1978 the spending in September—the last month of the fiscal year—exceeded that for August by an average of $41 billion, a 95 per cent increase. The subcommittee's 95-page report listed spending abuses in 10 federal agencies.

To be sure, the "discovery" of hurry-up spending practices is nothing new. In 1921, the first director of the new Bureau of the Budget criticized department heads for accepting large contracts in the last month of the year. This spring, Rep. Herb Harris and others proposed a cap on year-end spending—limiting it to 20 per cent of total funds. There has been no end of proposals, many of them logical, for dealing with the "use it or lose it" approach. But none, evidently, has been satisfactory. For example, a year-end cap might only encourage more spending in the period preceding.

Sen. William S. Cohen, a subcommittee member, got to the heart of the dilemma when he said, "[Agencies are] supposed to spend the public's money as carefully as possible. But if they plan effectively, budget prudently, spend less and manage to return tax dollars to the federal treasury, they face the prospect of having their budgets slashed for the next year. There is simply no incentive for prudent management, no regard for the saving of tax dollars."

As a remedy, the subcommittee favors administrative reforms. These include requiring the Office of Management and Budget to approve an annual contract agenda for each federal agency—an "agenda" which would list all contracts exceeding $50,000 and dates for their award. Also recommended were the virtual elimination of non-competitive procurements, major new audit responsibilities for the Inspectors General and reductions in supplemental appropriations—found to be another cause of abuse. These proposals make sense.

The subcommittee's report is not the first of its kind and surely won't be the last. The problem is pervasive, and in many cases the fault lies more in the system than the personnel, although the subcommittee puts much of the blame on OMB.

The abuses seem extraordinary. How to explain $187,631 in contracts awarded by the Army on the last working day of fiscal year 1978 for unneeded construction at a base scheduled to be closed? How to explain orders to "obligate all funds" by year end at a Department of Interior Youth Conservation Corps Camp—an order that resulted in the purchase of 4,000 pairs of gloves, 10,000 fence posts, 181 chain saws, 1,000 pairs of riding chaps and $120,000 in lawnmowers and parts for 300 enrollees?

"The system," said Senator Cohen "is common sense turned upside down." Few would dispute that. All that remains is a remedy—legislative or administrative—to turn it rightside up.

[From the Chicago Sun Times, July 23, 1980]

SEPTEMBER SONG IN WASHINGTON

We're approaching that time of year when federal bureaucrats get that uneasy feeling that comes from not having spent enough of the taxpayers' money.

Their tension mounts until September, when it culminates in a frenzy of vouchers and contracts for billions of dollars of unneeded goods and services.

Only when the fiscal year ends September 30 can they relax, satisfied that they will not have to suffer the humiliation of having next year's budget reduced because they didn't spend all of this year's appropriation.

As they say in Washington, "Use it or lose it," and, boy, do they use it! Spending in September of 1977 and 1978 exceeded August by an average of $41 billion, or 95 percent, according to a Senate subcommittee.

At least $2 billion of that was wasted each year, the panel says, on such items as 80 color TVs for an army base, 1,000 pairs of chaps for 300 members of a youth corps camp and $700,000 of furniture for two agencies.

Often, it says, bureaucrats ignore time-consuming competitive bidding requirements in the rush to meet the spending deadline. That raises costs an average of 20 percent.

Spending binges might stop, it says, if President Carter's Office Management and Budget tightened its bidding rules and forced agencies to plan their major purchases a year in advance.

But why should OMB have to be prodded? We thought Carter opposed useless spending.

[From the Biddeford (Me.) Journal Tribune, August 8, 1980]

WASTE IN GOVERNMENT

The average family budget is not affected by an affliction that strikes the federal government every year called "end-of-the-year-spending."

That is because Christmas comes at the end of the calendar year and if there is any surplus budget money it quickly goes out of the family treasury for the buying of presents.

For the U.S. government, the fiscal year ends at the end of September and most departments seem to have a fetish for spending all the money they have been authorized before time runs out.

A U.S. Senate Subcommittee on Oversight of Government Management has spent parts of the past 11 months looking into spending practices and has come up with some whoppers:

Among them:

Purchase by the Department of Interior of $387,000 in furniture in the last month of the year when the department had $300,000 worth of furniture in warehouses and was paying $200,000 just to store it.

Purchase of 80 television sets for Fort Riley, Kansas, in the final week of the year, with 50 of them still in their crates a year later and procurement officials admitting they made the purchase just because it was the end of the year.

Awarding by the Army of $187,000 worth of contracts on the last working day of the year for unneeded construction at a base that was about to be closed.

The buying of $319,000 in unneeded furniture and office equipment for HUD regional offices, all in the final few days of the year in another "spend-it-or-lose-it" spree.

Sen. Williams S. Cohen, Maine Republican, is the ranking minority member of the Subcommittee. He says this type of wasteful practice costs the taxpayers an estimated $2 billion a year.

"Some examples of this hurry-up spending documented by our report border on the ludicrous," he said. "The Department of the Interior, for example, ironically hired a consultant on the last working day of fiscal 1979 to find out why the department was spending so much money at the end of the fiscal year."

In addition to unneeded expenditures, the Subcommittee also reports billions of dollars worth of contracts are awarded without competitive bidding.

It was highly critical of the Office of Management and Budget which is supposed to supervise government spending. "This problem is much bigger than two or three managers tossing money out the window the last week in September," Cohen said. "The controls over billions of dollars of expenditures are totally inadequate."

The Subcommittee has issued a seven-point series of recommendations to correct such practices, ranging from OMB approval of contract agendas on an annual basis to the elimination of noncompetitive procurement.

The chairman of the Subcommittee is Sen. Carl Levin, Michigan Democrat.

It is to be hoped that this nonpartisan Subcommittee pushes to make sure its recommendations are followed. Such wasteful practices would never be tolerated in private industry or business. And an election year should be a good time in which to take corrective action.

● Mr. LEVIN. Mr. President, I am pleased to cosponsor legislation introduced today by my friend from Maine (Mr. COHEN), the Government Management and Yearend Procurement Control Act of 1980. This legislation is designed to revitalize the method by which the Government obtains goods and services by redefining and controlling the Federal procurement system. It is aimed at reducing noncompetitive practices of procurement and reducing dollar losses associated with improper procurement practices. The legislation is specifically designed to eliminate the problem of inefficient yearend spending by Federal agencies. I give my colleague my full support in this effort.

The Senate Governmental Affairs' Subcommittee on Oversight of Government Management, which I chair, has completed 11 months of investigation into the practice known as "hurry-up spending," a practice which is used by virtually every Federal agency to exhaust unobligated funds so as to prevent those funds from reverting to the Treasury. In the view of the subcommittee, as set forth in our report, this use-it-or-lose-it practice has persisted almost without any controls for at least 60 years, and the loss of taxpayers' dollars associated with this problem is—and this is a very conservative estimate—at least $2 billion each year.

Over the course of the subcommittee investigation, the subcommittee held three days of hearings; heard testimony from 10 Federal agencies, the General Accounting Office, the Office of Management and Budget, and experts in the area of procurement and contracting; and published a report offering recommendations designed to remedy unnecessary expenditures of Federal dollars at year's end.

Senator Cohen's bill will put into law the recommendations expressed in the report. The recommendations have received endorsement from the OMB and other agencies and private organizations, as well as testimony as to their validity by GAO. Senator Cohen is to be commended for his leadership by advancing well-thought-out suggestions for curbing hurry-up spending.

I not only wholeheartedly support my colleague's efforts, but I encourage other Members to take a close look at this bill as a viable solution to the procurement management deficiencies that have so greatly contributed to the yearend spending sprees that have become so common.

Finally, I stress to my colleagues that this measure is designed to get to the root of the problem. Not only does it avoid arbitrarily imposing ineffective spending limitations on agency procurement, but it would improve the overall management of the Federal procurement process as well as OMB's role to oversee Federal procurement. It is high time we took meaningful steps such as this to eliminate waste, fraud, and inefficiency in Government contracting.●

By Mr. MOYNIHAN:

S. 3052. A bill to amend the Internal Revenue Code of 1954 to provide a 67-percent maximum tax rate for individual income taxes and to reduce capital gains tax rates for corporations and individuals; to the Committee on Finance.

● Mr. MOYNIHAN. Mr. President, I am today introducing a bill to further stimulate investment in the Nation's productive capacity. My bill, the Investment Incentive Act of 1980 will continue the efforts of the Congress, begun in 1978, to increase savings by reducing tax rates on returns of capital. Such measures will stimulate capital investment, create employment, advance our technology and improve our competitive position in the world economy.

My bill has three provisions:

First. It reduces the portion of an individual's capital gains from 40 percent to 30 percent;

Second. It reduces the maximum rate of tax on an individual's income to 67 percent from 70 percent; and

Third. It reduces corporate capitol gain rates to 20 percent.

Mr. President, the capital shortage in the Nation is well documented and well understood, and in 1978, the Finance Committee took the first step toward addressing this problem by reducing capital gains rates for the first time in over a decade. The preliminary results of this action are quite compelling. Venture capital raised increased from $39 million in 1977 to over $300 million in 1979. Disbursements by venture capital firms nearly doubled between 1978 and 1979. The new issues market also doubled in that period.

It is also noteworthy that the revenue loss forecasted by this action in 1978 overestimated the actual result by 50 percent in part because of increased realizations of previously locked-in securities positions.

Mr. President, I believe that we should continue our actions to provide these stimulations to the capital markets and to the economy, and I urge my colleagues to support these efforts.

I ask unanimous consent that the text of my bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short Title.

This Act may be cited as the "Investment Incentive Act of 1980."

Sec. 2. Maximum Tax Rate on Investment Income.

(a) Section 1 of the Internal Revenue Code of 1954 (relating to tax imposed on individuals) is amended by adding at the end thereof the following new subsection:

"(f) 67-Percent Maximum Rate.—

"(1) In general.—The Secretary shall prescribe tables which shall apply in lieu of the tables contained in subsections (a), (b), (c), (d), and (e) with respect to taxable years beginning after 1980.

"(2) Method of prescribing tables.—The table which under paragraph (1) is to apply in lieu of the table contained in subsection (a), (b), (c), (d), or (e), as the case may be, shall be prescribed—

"(A) so that the highest rate of tax under such subsection does not exceed 67 percent, and

"(B) by reducing each other rate of tax that is lower than 67 percent by three percent."

(b) Tax withholding.—Subsection (a) of section 3402 of such Code (relating to the requirement for withholding) is amended by inserting after the second sentence the following new sentence: "The Secretary shall prescribe tables that shall apply in lieu of the tables prescribed above to wages paid during any calendar year after 1980 and that shall be based on the tables prescribed under section 1(f)."

(c) Effective dates.—

(1) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1980.

(2) The amendment made by subsection (b) shall apply to remuneration paid after the date of the enactment of this Act.

Sec. 3. Capital Gains Tax Rates.

(a) Increase in capital gains deduction for individuals.—Subsection (a) of section 1202 of the Internal Revenue Code of 1954 (relating to the deduction for capital gains) is amended by striking out "60 percent" and inserting in lieu thereof "70 percent."

(b) Reduction in capital gains tax rate for corporations.—Paragraph 2 of section 1201(a) of the Internal Revenue Code of 1954 (relating to the alternative tax for corporations) is amended by striking out "28 percent" and inserting in lieu thereof "20 percent."

(c) Conforming amendments.—

(1) Section 170.—Paragraph 1 of section 170(e) of the Internal Revenue Code of 1954 (relating to certain contributions of ordinary income and capital gain property) is amended by striking out "40 percent (28/46, in the case of a corporation)" and inserting in lieu thereof "30 percent (20/46, in the case of a corporation)".

(2) Section 593.—Subparagraph (E) of section 593(b)(2) of such Code (relating to the addition to reserves for bad debts) is amended by striking out "18/46" each place it appears and inserting in lieu thereof "10/46".

(3) Section 852.—Clause (iii) of section 852(b)(3)(D) of such Code (relating to the treatment by shareholders of undistributed capital gains) is amended by striking out "72 percent" and inserting in lieu thereof "80 percent".

(d) Effective dates.—The amendments made by subsections (a) and (b), and by paragraphs (2) and (3) of subsection (c), of this section shall apply with respect to taxable years beginning after December 31, 1980. The amendment made by subsection (c)(1) shall apply with respect to contributions made after December 31, 1980.●

By Mr. ZORINSKY:

S. 3053. A bill entitled the "Rural Telephone Bank Amendment Act of 1980"; to the Committee on Agriculture, Nutrition, and Forestry.

● Mr. ZORINSKY. Mr. President, I am introducing legislation today to extend the authorization for the Federal purchase of class A stock of the Rural Telephone Bank. This bill will continue the annual $30 million Federal purchase of stock for another 10 years. In addition, the bill adjust the annual authorization relative to the Consumer Price Index and delay the repayment by the bank of the Federal money until after September 30, 1995.

The Rural Telephone Bank was established by Public Law 92-12 which authorized the Federal Government to purchase annual increments of $30 million of class A stock of the bank. The money from this purchase, when added to funds from other sources, produces loan funds that bear interest at an "intermediate cost" level. These interest levels are designed to base the cost of money on the ability of the small rural telephone companies to pay. This in turn reduces the need for the low-cost insured programs of the Rural Electrification Administration.

Recently, studies have shown that without further purchases of class A stock by the Government, interest rates for Rural Telephone Bank loans would escalate dramatically, forcing a number of telephone companies who currently meet the criteria for a Rural Telephone Bank loan into the lower interest insured program. The net result would be an increased cost to the Government.

During its short history the bank has proven successful in meeting the demand for loan funds for the development of rural telephone service. However, accelerating technological advances in telecommunications will make a much stronger source of "intermediate cost" financing needed in the future if rural areas are to maintain communications services and facilities equivalent to those available in urban areas.

The record of the telephone companies in their commitment to serve our farm families, and the accomplishments of the Rural Electrification Administration and the Rural Telephone Bank convinces me that this legislation is needed to assure the continuation of this most successful program.

Unless legislation is passed, Federal purchases of class A stock will cease after next year. Although no action is anticipated on this bill until the next session of Congress, I hope that the bill I am introducing today will serve as a basis for discussion. I welcome the comments and suggestions of other Senators and of interested organizations.

Mr. President, I ask unanimous consent that a copy of the Comptroller General's report to Congress on the Rural Telephone Bank for fiscal year 1979 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C.

To the President of the Senate and the Speaker of the House of Representatives.

This report summarizes the results of our examination of the financial statements of the Rural Telephone Bank, Department of Agriculture, for the fiscal year ended September 30, 1979.

The financial statements for the year ended September 30, 1978, which are presented for comparative purposes only, were not examined by us. Therefore, we do not express an opinion on the 1978 statements.

We made our examination pursuant to the Government Corporation Control Act (31 U.S.C. 841).

Copies of the report are being sent to the Director, Office of Management and Budget; the Secretaries of Agriculture and the Treasury; and the Governor, Rural Telephone Bank.

ELMER B. STAATS,
Comptroller General
of the United States.

COMPTROLLER GENERAL'S REPORT TO THE CONGRESS

Examination of the Rural Telephone Bank's financial statements for the fiscal year ended September 30, 1979, Department of Agriculture.

The Rural Telephone Bank, an agency of the United States, was established in 1971 by an amendment to the Rural Electrification Act of 1936 (7 U.S.C. 901), to provide for financing or refinancing the construction, improvement, expansion, acquisition, and operation of telephone lines, facilities, or systems in rural areas.

In fiscal year 1979 the Rural Telephone Bank loaned $130 million to rural telephone systems. It has loaned $1.2 billion since its inception. Amounts borrowed from the U.S. Treasury, interest and principal collected on loans, and proceeds from the sale of stock are the Rural Telephone Bank's primary sources of funds.

GAO is required by the Government Corporation Control Act (31 U.S.C. 841) to examine the financial transactions of the Banks. GAO's last report was issued in May 1977 and discussed financial transactions through September 30, 1976.

OPINION ON FINANCIAL STATEMENTS

In GAO's opinion, the Bank's financial statements present fairly its financial position as of September 30, 1979, and the results of its operations and changes in financial position for the period then ended, in conformity with generally accepted accounting principles.

CHAPTER 1: INTRODUCTION

Public Law 92-12 dated May 7, 1971, established the Rural Telephone Bank (RTB) to make loans for the construction, improvement, expansion, acquisition, and operation of telephone lines, facilities, or systems in rural areas. The law amended the Rural Electrification Act of 1936 (7 U.S.C. 901) which, since 1949, has authorized the Administrator of the Rural Electrification Administration (REA), Department of Agriculture, to make loans for essentially the same purposes as the REA telephone program, that is, furnishing and improving telephone service in rural areas. To the extent practicable, RTB is to obtain funds from non-Federal sources and to conduct its operations on a self-sustaining basis.

In fiscal year 1979 RTB loaned $130 million to rural telephone systems. It has loaned $1.2 billion since its inception. The amounts borrowed from the U.S. Treasury, interest earned on loans, and proceeds from the sale of stock are RTB's primary sources of funds.

MANAGEMENT AND ADMINISTRATION

RTB, an agency of the Federal Government, is subject to the direction of the Secretary of Agriculture. The Administrator of the Rural Electrification Administration, who is also the Governor of RTB, is RTB's chief executive officer.

RTB has a 13-member board of directors which is responsible for its management. The Administrator of REA, the Governor of the Farm Credit Administration, five Presidential appointees, and six people elected by RTB's stockholders serve on the board. RTB has no employees; however, the RTB operations are performed by REA employees who also have similar responsibilities for REA operations.

CAPITALIZATION

RTB issues three classes of capital stock: (1) class A to the Government, (2) class B to RTB borrowers, and (3) class C to RTB borrowers, organizations eligible to borrow, and organizations controlled by borrowers or eligible borrowers.

Class A stock

Class A stock has a par value of $1 a share and is issued, at par, only to the Administrator of REA on behalf of the United States. The United States provides money for the purchase of class A stock by REA. Public Law 92-12 authorizes the Congress to appropriate up to $30 million annually for the purchase of class A stock until RTB has issued $300 million of class A stock. As of September 30, 1979, RTB had $247,500,000 of class A stock outstanding.

Public Law 92-12 also authorizes RTB to pay the United States a 2-percent annual return on the class A stock outstanding. This return is cumulative and must be paid from RTB's income. In fiscal year 1979 RTB paid $4.9 million to the U.S. Treasury.

RTB must retire its class A stock as soon as practicable after September 30, 1985, as long as its Board of Directors determines that such retirement will not impair RTB's operations.

Class B stock

Class B stock has a par value of $1 a share. Borrowers must purchase, at par, class B stock equaling 5 percent of the amount borrowed excluding the amounts borrowed to purchase such stock. As of September 30, 1979, RTB had $56 million of class B stock outstanding. Although class B stockholders do not receive dividends, they receive annual patronage refunds in the form of additional shares of class B stock. RTB's Board of Directors determines the amount of the patronage refund, which is made from net income after deducting the return on class A stock, cash dividends on class C stock, and any addition to the reserve for contingencies. In fiscal year 1979 RTB issued $3.7 million of class B stock as a patronage refund.

Class C stock

Class C stock has a par value of $1000 a share and is issued at par only to borrowers; to corporations and public bodies eligible to borrow; or to organizations controlled by such borrowers, corporations, and public bodies. As of September 30, 1979, RTB had $548,000 of class C stock outstanding.

Class C stockholders may be paid dividends from RTB's income if the Board of Directors declares such dividends. The Board can only declare dividends on class C stock when income exceeds the 2-percent return on class A stock. Until all class A stock is retired, the dividend on class C stock cannot exceed the average rate of interest RTB pays to borrow money. In fiscal year 1979 RTB paid $32,820 in dividends on class C stock.

CONVERSION OF OWNERSHIP, OPERATION, AND CONTROL OF THE BANK

When 51 percent of the maximum amount of class A stock issued and outstanding at any time after September 30, 1985, has been retired:

The powers and authority of the Administrator of REA will be vested in RTB's Board of Directors, and the Board will select a new Governor for RTB.

The five Board members appointed by the President will no longer be members of the Board.

RTB will no longer be a U.S. agency.

RTB will continue as an instrumentality of the United States and a banking corporation.

When all class A stock has been retired, RTB loans will not be subject to restrictions imposed by Public Law 92-12; however, after that time, the Congress can continue to review RTB's operations.

CHAPTER 2: OPERATIONS

BORROWING POWER

Public Law 92-12 authorizes RTB to obtain funds by selling its bonds, debentures, notes, and other evidences of indebtedness (collectively called telephone debentures). RTB's Board of Directors determines when telephone debentures may be issued, their interest rate, and other terms and conditions. The amount of outstanding telephone debentures may not exceed 20 times RTB's paid-in capital and retained earnings.

On June 30, 1972, Public Law 92-324 gave the Secretary of the Treasury the authority to purchase RTB's telephone debentures. The Secretary of the Treasury determines the rate of return that must be realized on any telephone debentures purchased. The current average yield on outstanding marketable U.S. securities with comparable maturity must be considered.

At September 30, 1979, cumulative debenture borrowings from the Secretary of the Treasury amounted to $394,868,000 at various interest rates, as shown below.

Interest rate:	Borrowings from Treasury from inception through September 30, 1979
7.250	$5,071,000
7.375	7,667,000
7.500	10,017,000
7.625	10,461,000
7.750	24,451,000
7.785	29,603,000
8.000	11,092,000
8.125	60,571,000
8.250	48,290,000
8.375	53,989,000
8.500	37,376,000
8.625	9,037,000
8.750	11,647,000
8.875	6,103,000
9.000	52,995,000
9.125	12,097,000
9.250	4,401,000
Total	394,868,000

RTB can repay amounts borrowed from the Treasury through the sale of telephone debentures at any time. Repayments will be applied to the oldest amounts outstanding. No amounts borrowed from the Treasury had been repaid as of September 30, 1979.

The Secretary of the Treasury can sell acquired telephone debentures at any price considered appropriate. All purchases and sales of telephone debentures by the Secretary are treated as public debt transactions of the United States.

LENDING POWER

RTB can make loans, in conformity with policies approved by the Board of Directors, to corporations and public bodies which have received an REA loan or loan commitment or have been certified by the Administrator of REA to be eligible for a loan or loan commitment. RTB's loans may be made—

For the same purposes as REA loans made under section 201,

To finance or refinance the construction, improvement, expansion, acquisition and operation of telephone lines, facilities, or systems in rural areas to improve efficiency, effectiveness or financial stability of borrowers, or

To finance the purchase of class B stock.

The Rural Electrification Act requires that RTB, rather than REA, loan funds if the borrower is eligible for an RTB loan and RTB has funds available. However, all loans for telephone system facilities which, on the average, will have three or fewer subscribers for each mile of telephone line are to be made by REA unless the borrower elects to take an RTB loan instead.

RTB loans can only be made when, in the judgment of the Governor of RTB, (1) the loan has adequate security and will be repaid within the time agreed and (2) the borrower is able to earn net income before interest which is at least 150 percent of the interest requirements on all of its outstanding and proposed loans or, if this is not true, this requirement should be waived because it prevents emergency restoration of the borrower's system or otherwise results in severe hardship to the borrower.

The Governor of RTB determines the terms and conditions of RTB loans that are not specified by law. The Rural Electrification Act, as amended, requires that the interest rate on an RTB loan be equal to RTB's average cost of money; however, the interest rate cannot be less than 5 percent per annum. The act also requires that RTB loans be repaid within 50 years.

RTB borrowers may not sell or dispose of property, rights, or franchises acquired under the provisions of the Rural Electrification Act, as amended, without the approval of RTB's chief executive officer until any loans obtained from RTB, including all interest and charges, have been repaid.

COST OF OPERATIONS

The interest cost of money borrowed from the Treasury through the sale of telephone debentures in fiscal year 1979 ranged from 8.875 to 9.25 percent a year. The total interest cost for fiscal year 1979 was $27,930,503.

The Rural Electrification Act authorizes RTB to partially or jointly use the facilities and services of REA or any other agency of the Department of Agriculture without cost, and thus are not shown as expenses on the RTB statement. Costs incurred by REA as it provides facilities and services to RTB are generally for salaries and related benefits, employee travel, and automatic data processing.

CHAPTER 3: SCOPE OF EXAMINATION AND OPINION ON FINANCIAL STATEMENTS

SCOPE OF EXAMINATION

We have examined the Statement of Financial Condition as of September 30, 1979, and the Statements of Income, Expenses, and Patronage Capital and Changes in Financial Condition for the fiscal year ended September 30, 1979. Our examination was made in accordance with Comptroller General standards for financial and compliance audits and included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances. We also reviewed RTB's system of internal control and its compliance with applicable laws, rules, and regulations.

The financial statements for the year ended September 30, 1978, which are presented for comparative purposes only, were not examined by us. Therefore, we do not express an opinion on the 1978 statements.

OPINION ON FINANCIAL STATEMENTS

In our opinion, the accompanying financial statements (schedules 1 through 3) present fairly the financial position of the Rural Telephone Bank at September 30, 1979, and its income, expenses, patronage capital, and changes in financial position for the fiscal year then ended, in conformity with generally accepted accounting principles.

RURAL TELEPHONE BANK—COMPARATIVE STATEMENT OF FINANCIAL CONDITION

	Sept. 30, 1979	Sept. 30, 1978
ASSETS		
Cash: With U.S. Treasury and on hand	$123,519	$541
Investments (notes 1B and 2):		
In U.S. Government securities at amortized cost	3,864,380	3,978,864
Accrued interest on securities	48,708	51,408
Total investments	3,913,088	4,030,272
Loans receivable (notes 1C and 3):		
Loans receivable	739,309,632	614,098,533
Accrued interest on loans	5,634,565	4,084,563
Less: Allowance for possible losses (note 1D)	1,287,000	922,000
Net loans receivable	743,657,197	617,261,096
Other prepayments and deferred charges	533	574
Total assets	747,694,337	621,292,483
LIABILITIES, INVESTMENT, AND EQUITY		
Liabilities (note 4):		
Current:		
Accounts payable	33,896	8,287
Accrued interest on loans payable to U.S. Treasury	7,835,215	6,232,442
Total current liabilities	7,869,111	6,240,729
Long-term debt: Advances from U.S. Treasury (note 5)	394,868,000	319,272,000
Total liabilities	402,737,111	325,512,729
Investment of the U.S. Government: Class A stock	247,500,000	217,500,000
Equity of the public:		
Capital stock:		
Class B stock:		
Total subscriptions	57,519,978	51,293,678
Less: Unissued	11,780,800	12,003,250
Subscriptions paid	45,739,178	39,290,428
Patronage refund	10,725,645	7,048,375
Total class B stock issued	56,464,823	46,338,803
Class C stock	548,000	547,000
Total capital stock issued	57,012,823	46,885,803
Patronage capital—current (note 1E)	12,760,542	11,212,946
Reserve for contingency (note 1E(1))	27,683,861	20,181,005
Total equity of the public	97,457,226	78,279,754
Total liabilities, investment, and equity	747,694,337	621,292,483

RURAL TELEPHONE BANK—STATEMENT OF INCOME, EXPENSES, AND PATRONAGE CAPITAL

	Fiscal year ended	
	Sept. 30, 1979	Sept. 30, 1978
Income:		
Interest earned on loans	$45,721,272	$36,772,716
Interest earned on investments	258,035	265,568
Total income	45,979,307	37,038,284
Expenses:		
Operating costs incurred:		
Interest expense on funds borrowed from U.S. Treasury	27,930,503	21,212,190
Directors' fees	7,300	13,900
Directors' travel	11,162	14,728
Postage	1,517	995
GAO audit	27,000	0
Provision for possible losses (note 1D)	365,000	322,000
Miscellaneous	2,438	1,985
Total expenses	28,344,920	21,565,798
Net income for the period	17,634,387	15,472,486
Less: Provisions for return on class A stock	4,873,845	4,259,540
Patronage capital for the period (note 1E)	12,760,542	11,212,946
Patronage capital and reserve for contingencies—Beginning of the Year	31,393,951	23,161,728
Less: Class C stock cash dividend	32,820	32,760
Patronage refund in form of class B stock (note 1E(2))	3,677,270	2,947,963
Reserve for contingencies—End of year	27,683,861	20,181,005
Patronage capital and reserve for contingencies	40,444,403	31,393,951

RURAL TELEPHONE BANK—STATEMENT OF CHANGES IN FINANCIAL POSITION

	Fiscal year ended	
	Sept. 30, 1979	Sept. 30, 1978
Funds provided:		
Interest earned:		
Loans	$45,721,272	$36,772,716
Investments	258,035	265,568
Sale of stock:		
Class A	30,000,000	30,000,000
Class B	6,448,750	8,624,900
Class C	1,000	1,000
Borrowing from U.S. Treasury	75,596,000	85,650,000
Principal collected on loans	5,328,968	4,363,240
Net change in U.S. Government securities at amoritized cost	114,485	49,542
Total	163,468,510	165,726,966
Funds applied:		
Operating expenses (less allowance for bad debts)	27,979,920	21,243,798
Advances on loan commitments	130,540,067	142,297,190
Return on class A stock	4,873,845	4,259,540
Dividend on class C stock	32,820	32,760
Total	163,426,652	167,833,288
Increase (decrease in) financial position	41,858	(2,106,322)
Analysis of net change in financial position:		
Increase (decrease)—other assets:		
Cash	122,978	(1,264,359)
Accrued interest on U.S. Government securities	(2,700)	(429)
Accrued interest on loans	1,550,003	808,424
Prepaid and deferred items	(41)	345
Total	1,670,240	(456,019)
Increase (decrease)—other liabilities:		
Accounts payable	25,609	5,804
Accrued interest on loans payable to U.S. Treasury	1,602,773	1,644,499
Total	1,628,382	1,650,303
Net change in financial position	41,858	(2,106,322)

(The following notes are an integral part of this statement.)

RURAL TELEPHONE BANK NOTES TO FINANCIAL STATEMENTS, SEPTEMBER 30, 1979

1. Summary of significant accounting policies:

A. General—The accounting and reporting policies of the Rural Telephone Bank conform in all material respects with generally accepted accounting principles.

B. Investments—U.S. Government securities are stated at cost adjusted for amortization of premiums and discounts, both computed by the straight-line method.

C. Loans receivable—The notes evidencing indebtedness of the Bank's loans are generally for 35 years and are secured by a first mortgage, which also secures equally and ratably notes evidencing indebtedness on REA loans. Interest earned on loans is credited to revenue on an accrual basis based upon the principal amount outstanding.

D. Allowance for possible losses on loans and interest receivable—The 1969 U.S. Treasury tax formula that commercial banks reporting to the Federal Reserve System are required to use in making provisions for possible loan losses is being used to determine quarterly adjustments to the allowance for possible losses on loans and interest receivable. The allowance for possible losses ratio is adjusted quarterly to 0.006 percent of the loans outstanding at the end of each quarter multiplied by the number of quarters elapsed since June 30, 1972, until a maximum allowance of 0.6 percent of loans and interest receivable has been attained. Quarterly adjustments to increase the ratio of the allowance to outstanding loans and interest receivable and charged to expense.

E. Patronage capital—Patronage capital consists of net income in excess of the amount necessary to pay a 2-percent per annum return on class A stock into miscellaneous receipts of the U.S. Treasury and any dividends paid to holders of class C stock. Patronage capital is distributed as follows in accordance with the provisions of Section 8.2 Article VIII of RTB's bylaws:

(1) Reserve for contingency—After the close of each fiscal year not less than 10 percent of the patronage capital, the amount to be determined by the board of directors, shall be placed in a contingency reserve until such time as this reserve shall equal at least 50 percent of the outstanding capital stock. The reserve shall be used to offset and liquidate operating losses and deficits in a systematic manner as determined by the board of directors.

(2) Patronage refunds—The balance of patronage capital shall be distributed to each holder of class B stock as patronage refunds in the form of class B stock as soon as practicable after the close of each fiscal year.

2. Investments:

The market value of U.S. Government securities at September 30, 1979, and September 30, 1978, was $3,445,060 and $3,658,732, respectively. Bid price quotations published by the Wall Street Journal and the First National City Bank, New York, N.Y., were used in determining market value. RTB intends to hold these securities, $739,000 of which will mature during the current fiscal year, to maturity.

3. Loans receivable:

Loans receivable were as follows:

	Sept. 30, 1979	Sept. 30, 1978
Cumulative advances on commitments	$758,881,783	$628,341,716
Cumulative primcipal repayments	19,572,151	14,243,183
Loans receivable	739,309,632	614,098,533

4. Unadvanced loan commitments:

Liabilities do not include the following unadvanced loan commitments:

	Sept. 30, 1979	Sept. 30, 1978
Cumulative loan commitments	$1,207,676,173	$1,076,923,873
Cumulative advances on commitments	758,881,783	628,341,716
Unadvanced on commitments	448,794,390	448,582,157

5. Loans payable to U.S. Treasury:

On July 26, 1973, the Governor executed an open end note payable to the Secretary of the Treasury to cover loans to be obtained under section 407 of the Rural Electrification Act, as amended (7 U.S.C. 947). Advances on the note in each fiscal year are to be repaid within 50 years from the June 30th following the date of advance, at the rate of interest established by the Secretary of the Treasury for the calendar month in which each advance is made. Repayments may be made at any time before maturity with application to the oldest advance outstanding. The loans payable to U.S. Treasury by interest rate as of September 30, 1979, and their maturity dates, were as follows:

AMOUNTS BORROWED

[In millions of dollars]

	Total	Maturity date						
		June 30, 2024	June 6, 2025	June 30, 2026	June 30, 2027	June 30, 2028	June 30, 2029	June 30, 2030
Interest rate:								
7.250	5.1	5.1	0	0	0	0	0	0
7.375	7.7	7.7	0	0	0	0	0	0
7.500	10.0	8.9	0	0	1.1	0	0	0
7.625	10.5	10.5	0	0	0	0	0	0
7.750	24.5	0	0	0	6.7	17.8	0	0
7.875	29.6	9.5	10.7	0	7.3	2.1	0	0
8.000	11.1	0	9.3	1.8	0	0	0	0
8.125	60.6	7.9	15.3	15.6	2.5	19.3	9	0
8.250	48.3	0	10.4	25.2	6.8	5.9	0	0
8.375	54.0	0	23.5	7.6	0	22.9	0	0
8.500	37.4	0	8.2	8.4	0	6.7	14.1	0
8.625	9.0	0	0	.7	0	0	8.3	0
8.750	11.6	0	5.2	0	0	0	6.4	0
8.875	6.1	0	0	0	0	0	6.1	0
9.000	52.9	0	0	0	0	0	9.1	43.8
9.125	12.1	0	0	0	0	0	12.1	0
9.250	4.4	0	0	0	0	0	4.4	0
Total	394.9	49.6	82.6	59.3	24.4	74.7	60.5	43.8
Weighted cost (percent)	8.31	7.65	8.24	8.27	7.95	8.15	8.83	9.00

●

By Mr. SARBANES (for himself, Mr. MATHIAS, and Mr. WARNER):

S. 3054. A bill to provide for reconstruction and rehabilitation of the Woodrow Wilson Memorial Bridge, and for other purposes; to the Committee on Environment and Public Works.

● Mr. SARBANES. Mr. President, Senator MATHIAS, Senator WARNER and I are introducing today legislation which would authorize the Federal Highway Administration to reconstruct and rehabilitate the Woodrow Wilson Bridge. This bridge, spanning the Potomac River, links Maryland, Virginia, and the District of Columbia. As a segment of I-495, the Capital Beltway, the bridge is a vital link in the transportation system of the National Capital region and of the Interstate Highway System. Due to the heavy daily traffic flow across the bridge—an average of nearly 100,000 cars a day—the structure is disintegrating and requires urgent attention.

Construction of the Woodrow Wilson Bridge was originally authorized by Public Law 83–704, signed into law on August 30, 1954. Seven years later, under the auspices of the Department of Commerce, it was opened to traffic. The Federal Government is the sole owner of the Woodrow Wilson Bridge. At the time it was opened Maryland, Virginia, and the District of Columbia reached an agreement with the Federal Government whereby the local jurisdictions would assume responsibility for routine operation and maintenance of the bridge. This agreement was embodied in Public Law 87–358, signed into law on October 4, 1961. Thus, while the Federal Government retains the ownership of the bridge and ultimate responsibility for it, the three local jurisdictions have expended approximately $450,000 annually for rountine maintenance of this facility.

The current state of the bridge is a matter of serious safety concern. Deterioration of both the roadbed and the reinforcing rods which support the substructure of the bridge has developed to the point where there is some danger of a major disaster unless prompt reconstruction is undertaken. It is no longer a question of maintaining the bridge but an urgent requirement that its deck be totally rebuilt. The hazardous condition of the Bridge has contributed to the high number of serious accidents, totaling more than 200, which occurred on the span during the past 3 years.

At the time of its construction over 20 years ago, the Woodrow Wilson Bridge was considered to be up to date in both design and construction. The state-of-the-art of bridge building has advanced substantially during the intervening years. The Maryland Department of Transportation, which has developed preliminary plans for the rehabilitation effort, has proposed the use of readily available sophisticated and cost-effective technology in order to insure continued service of the bridge for the next half century.

This legislation involves a very small commitment of additional funds to provide that the federally owned Woodrow Wilson Bridge meets the standards of safety and design applicable to all bridges under the Interstate Highway system. I urge that this bill be enacted so that the critical deficiencies of the Woodrow Wilson Bridge are addressed and corrected as expeditiously as possible.●

ADDITIONAL COSPONSORS

S. 336

At the request of Mr. MATHIAS, the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 336, a bill to amend the Internal Revenue Code of 1954.

S. 1862

At the request of Mr. MCCLURE, the Senator from Nevada (Mr. CANNON), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1862, a bill to improve the administration of Federal firearms laws, and for other purposes.

S. 1957

At the request of Mr. EAGLETON, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 1957, a bill to amend the Federal Boat Safety Act of 1971 to improve recreational boating safety and facilities through the development, administration, and financing of a national recreational boating safety and facilities improvement program, and for other purposes.

S. 2437

At the request of Mr. HAYAKAWA, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) was added as a cosponsor of S. 2437, a bill to amend section 4067 of the Revised Statutes to define further the circumstances under which certain aliens within the United States may be treated as alien enemies.

S. 2580

At the request of Mr. SCHWEIKER, the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 2580, a bill to amend the Immigration and Nationality Act to provide procedures for administrative correction of the dates of birth of certain naturalized citizens.

S. 2705

At the request of Mr. BIDEN, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2705, a bill to amend chapter 207 of title 18, United States Code, relating to pretrial services.

S. 2718

At the request of Mr. STEVENSON, the Senator from Oregon (Mr. HATFIELD), the Senator from Connecticut (Mr. WEICKER), the Senator from Washington (Mr. MAGNUSON), the Senator from Maryland (Mr. MATHIAS), and the Senator from Nebraska (Mr. ZORINSKY) were added as cosponsors of S. 2718, an original bill to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally.

S. 2732

At the request of Mr. PACKWOOD, the Senator from Nebraska (Mr. ZORINSKY), and the Senator from Kansas (Mrs. KASSEBAUM) were added as cosponsors of S. 2732, a bill to direct that a clinical investigation of the safety and efficacy of dimethyl sulfoxide as a drug to be used by persons with arthritis be conducted through the National Institute of Arthritis, Metabolism, and Digestive Diseases.

S. 2763

At the request of Mr. CHAFEE, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 2763, a bill to amend and clarify the Foreign Corrupt Practices Act of 1977.

S. 2855

At the request of Mr. DOLE, the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 2855, a bill to rescind the agricultural commodity export embargo to the Union of Soviet Socialist Republics.

S. 3012

At the request of Mr. JAVITS, the Senator from Florida (Mr. STONE), the Senator from Maryland (Mr. SARBANES), and the Senator from Washington (Mr. MAGNUSON) were added as cosponsors of S. 3012, a bill to amend the Internal Revenue Code of 1954 to eliminate the requirement that the States reduce the amount of unemployment compensation payable for any week by the amount of certain retirement benefits, and for other purposes.

SENATE JOINT RESOLUTION 152

At the request of Mr. MATHIAS, the Senator from New Hampshire (Mr. DURKIN) was added as a cosponsor of Senate Joint Resolution 152, a joint resolution to authorize and request the President to designate the week of September 21 through 27, 1980, as "National Cystic Fibrosis Week."

SENATE JOINT RESOLUTION 176

At the request of Mr. INOUYE, the Senator from Texas (Mr. BENTSEN), the Senator from New Jersey (Mr. BRADLEY), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of Senate Joint Resolution 176, a joint resolution authorizing and requesting the President of the United States to issue a proclamation designating the 7 calendar days beginning October 5, 1980, as "National Port Week," and for other purposes.

SENATE JOINT RESOLUTION 182

At the request of Mr. INOUYE, the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Joint Resolution 182, a joint resolution to authorize and request the President to designate November 14 of each year as "Operating Room Nurses Day."

SENATE JOINT RESOLUTION 189

At the request of Mr. STEVENSON, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of Senate Joint Resolution 189, a joint resolution to establish a Commission on Presidential Nominations.

SENATE JOINT RESOLUTION 193

At the request of Mr. RIEGLE, the Senator from Georgia (Mr. TALMADGE) was added as a cosponsor of Senate Joint Resolution 193, a joint resolution authorizing the President to enter into negotiations with foreign governments to limit the importation of automobiles and trucks into the United States.

AMENDMENT NO. 1906

At the request of Mr. PRESSLER, the Senator from Michigan (Mr. RIEGLE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. MELCHER), the Senator from Utah (Mr. HATCH), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 1906 intended to be proposed to S. 1188, a bill to improve and modernize the vocational rehabilitation program provided service-disabled veterans under chapter 31 of title 38, United States Code, and for other purposes.

AMENDMENT NO. 1964

At the request of Mr. CRANSTON, the Senator from Maine (Mr. COHEN) was added as a cosponsor of amendment No. 1964 intended to be proposed to S. 2708, an original bill to extend title VII of the Comprehensive Employment and Training Act relating to private sector opportunities for the economically disadvantaged, and for other purposes.

SENATE RESOLUTION 506—SUBMISSION OF A RESOLUTION WITH RESPECT TO REPATRIATION TO CUBA OF CERTAIN CUBAN REFUGEES

Mr. DOLE submitted the following resolution, which was referred to the Committee on the Judiciary:

S. RES. 506

Whereas the recent flood of Cuban entrants into the United States as political refugees was not adequately screened to prevent the entry of a number of undesirables;

Whereas the result has been the disruption of communities in various parts of the United States;

Whereas the most recent disturbance has been the threat posed to the safety of the travelling public, whose lives are put in jeopardy by the numerous skyjacking attempts committed by Cuban refugees who have recently entered the United States;

Whereas there appears to be no administrative policy by officials of the Department of State or of the Immigration and Naturalization Service to resolve the difficulties posed by Cuban refugees who have recently entered the United States and who have caused disruption or disturbances or who do not wish to remain in the United States;

Whereas it is incumbent upon the Congress to oversee the conduct of the immigration policy of the United States and to insure the safety of United States citizens: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Government should formulate and implement a plan for the repatriation to Cuba of—

(1) Cuban refugees who have recently and improperly entered the United States and who are causing disruption or disturbances in the United States; and

(2) Cuban refugees who have recently entered the United States and who wish to return to Cuba for their own reasons.

SEC. 2. It is the sense of the Senate that an appropriate official of the administration should prepare and transmit to the Senate not later than 30 days after the date of adoption of this resolution a report setting forth the progress made in formulating and implementing the plan called for in section 1 of this resolution, together with any recommendations concerning legislation needed to carry out such plan.

SEC. 3. The Secretary of the Senate shall transmit a copy of this resolution to the President.

CUBAN REFUGEES AND THE SKYJACKING DANGER

Mr. DOLE. Mr. President, last week's wave of skyjacking by Cuban refugees trying to force their way back to Cuba dramatizes the failure of the United States to come up with a workable national refugee policy. From the very beginning of this vast outpouring from Cuba, the United States has failed to adequately respond to the crisis, seemingly allowing Fidel Castro's propaganda statements to dictate our official reaction, while the demands of refugee groups themselves determine our immigration policies.

RESOLUTION INTRODUCED

The recent deluge of skyjacking attempts by disgruntled Cuban refugees, however, represents the greatest failure of our efforts to deal with this new influx and the problem they present our citizens. We must devise a comprehensive policy to deal with the refugees, and to remove the skyjacking danger to American citizens. Accordingly, the Senator from Kansas is introducing a resolution expressing the sense of the Senate that the administration should immediately formulate and implement a plan for the repatriation to Cuba of those undesirable Cubans now in the United States whose entry and subsequent activity was improper, and those others who also wish to return for their own reasons.

This should be a matter of the highest priority to those designated officials charged with responsibility for immigration and refugee policy, and to the President and the Secretary of State. Reflecting this urgency, this resolution requests that a progress report be sent to the Senate within 30 days with a request for whatever legislation may be required to implement such a repatriation plan. If no new legislation is required, then whatever Executive actions have been undertaken or are planned to remedy this serious problem confronting the public should be made known to the Congress. The United States must deal quickly with this menace of growing proportions to our society.

PRESENT POLICY CIRCUMVENTS IMMIGRATION LAWS

President Carter's decision to let over 100,000 Cubans enter the country—not as individual refugees but en masse as applicants for asylum—has had unfortunate consequences which would probably have been avoided if normal immigration procedures had been adhered to. An unknown number of undesirables entered the country, including criminals and the severely mentally ill. As Arturo Cobo, coordinator for volunteers at the Key West Cuban refugee center, said, "Fidel has made a fool of us once again by sending prisoners and not families (of Cubans already settled here)." "Castro is not even trying to disguise these prisoners. They get off the boats with the same pants and shoes and the obvious haircuts that they had in prison," according to Assistant U.S. Attorney Eric Fisher.

Now we have criminals, malcontents, and those unwilling to work rebelling at the restrictions of our society, rioting and rampaging in the processing centers and, once out, hijacking airliners with hundreds of innocent American citizens aboard, trying to force their way back into Cuba. It is this administration's lack of foresight and planning, having made the decision to let the Cubans enter as a huge group with only perfunctory screening, and the subsequent failure to come forward with a consistent refugee policy, that has brought us to the present dilemma.

OUR FIRST PRIORITY

It should be this administration's first priority to immediately devise a plan to weed out the criminal element from the recent flood from Cuba, and to send them and all others who decide to go, back to their homeland. For over 5 months, such a plan has been necessary but not forthcoming. The United States and Cuba maintain interest sections in each other's capitals. The avenues for diplomatic negotiation are present and open. There are various diplomatic and economic pressures the United States can bring to bear on Cuba, forcing Castro to negotiate if he should be recalcitrant. It is certainly intolerable that our citizens must fear for their safety every time they embark on an airline flight.

Rather than the worthy but stopgap measures of putting sky marshals back on airplanes and having airline personnel doing personality profiles on all their customers, the administration should be addressing the root of the problem. It is with this goal in mind that the Senator from Kansas is introducing the following Senate resolution strenuously urging the President and the Secretary of State to give this problem their immediate attention. This is not a job to be left solely to the standard procedures of the bureaucracy, but an urgent task for those capable of cutting through redtape and devising a comprehensive and consistent refugee and immigration policy.

AMENDMENTS SUBMITTED FOR PRINTING

TONNAGE MEASUREMENT SIMPLIFICATION ACT—H.R. 1197

AMENDMENTS NOS. 2254 THROUGH 2271

(Ordered to be printed and to lie on the table.)

Mr. MELCHER. submitted 18 amendments intended to be proposed by him to Amendment No. 1973 proposed to H.R. 1197, an act to simplify the tonnage measurement of certain vessels.

AMENDMENT NO. 2272

(Ordered to be printed and to lie on the table.)

Mr. PERCY submitted an amendment intended to be proposed by him to an amendment to H.R. 1197, supra.

EXPORT TRADING COMPANIES, TRADE ASSOCIATIONS AND TRADE SERVICES—S. 2718

AMENDMENT NO. 2273

(Ordered to be printed and to lie on the table.)

Mr. STEVENSON submitted an amendment intended to be proposed by him to S. 2178, a bill to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally.

○ Mr. STEVENSON. Mr. President, I offer an amendment to S. 2718, the Export Trading Company bill, at the suggestion of Representative BILL ALEXANDER and Senator PACKWOOD.

This amendment extends the definitions of an export trading company and an association under the Webb-Pomerene Act to not-for-profit organizations. This will permit local and State nonprofit trade centers to participate in export development activities through the trading company structure. There is at least one such center located in Arkansas. As the job-producing benefits of export development become more evident, other such entities will undoubtedly be established. This should be of particular help to small and medium-size businesses which do not now sell goods abroad.

The amendment also insures that minority businesses will participate in export development by making them eligible for EDA and SBA loans and guarantees extended to export trading companies.●

ADDITIONAL STATEMENTS

THE DISABLED VETERANS REHABILITATION ACT

● Mr. PRESSLER. Mr. President, on Wednesday, August 6, Senator CRANSTON, chairman of the Senate Veterans' Affairs Committee, inserted in the CONGRESSIONAL RECORD, a statement in opposition to the Career Development, Advancement and Training Amendment which Senators HEINZ, DOLE, CHAFEE, HATFIELD, HATCH, MCGOVERN, REIGLE, WARNER and I intend to offer to S. 1188, the Disabled Veterans Rehabilitation Act when it comes to the floor of the Senate. I would like to take this opportunity to address the points raised in Senator CRANSTON's statement, since much of it was based upon invalid and distorted assumptions about the Career, Development, Advancement and Training Amendment No. 1906, its effects and its potential for abuse.

First, however, I would like to remind my colleagues that this will be the last and most important vote the Senate will take on the Vietnam veterans readjustment program. Vietnam veterans unemployment now stands at 581,000, double the rate of only a year ago and an increase of 100,000 in only 2 months. The percent of Vietnam era veterans aged 25 to 39 unemployed is 7.1 percent compared to 6.5 percent for nonveterans of the same age group. The recession has wiped out most employment, readjustment, and rehabilitation gains made over the past few years. The vast majority of these unemployed veterans, most of whom were discharged more than 10 years ago, are now without access to their GI bill readjustment benefits or any meaningful and relevant employment and training program. Unless we provide effective, relevant employment opportunities and assistance, we will consign these disabled and Vietnam theater veterans to perpetual cyclical unemployment and chronic underemployment. Had it not been for their service to and sacrifice for their country in Vietnam, many of these unemployed veterans would have the seniority and the skills to retain employment in our present troubled economy.

There is no group in this Nation that the Government has a greater obligation to than the disabled and Vietnam combat veteran. And there is no other group that has been treated more poorly in recent years than the disabled and Vietnam theater veteran.

In his testimony before the House Veterans' Affairs Committee. Stephen L. Edmiston, of the Disabled American Veterans stated:

> Mr. Chairman, as you know, veterans are the only group identified in law to receive priority services through the Employment Security System. Despite that, development and implementation of public policy over the years has relegated the veteran to second class citizen. Current and past Administrations have placed more emphasis on the needs of other disadvantaged groups than on those who, in time of national need, served this country. It is our opinion that Vietnam veterans continue to suffer a disproportionate share of the high rate of unemployment in our nation today. Several factors contribute to the staggering unemployment of Vietnam era veterans. They include the lack of training and education, poor program design, and a total lack of commitment to enforce existing laws and regulations.

It is in this perspective we should view the career development, advancement and training program. Career development is not just one more of the many token, and largely symbolic social welfare programs that have characterized employment efforts for Vietnam veterans, but rather it is the last opportunity for meaningful and productive rehabilitation and employment for the most needy and deserving disabled and Vietnam theater veterans.

In his statement, Senator CRANSTON stated:

> Mr. President, amendment No. 1906 would establish a "career development, advancement, and training program" for certain disabled and Vietnam-threatre veterans. The amendment would provide financial incentives—essentially what amounts to wage subsidies—to employer to hire, train, or promote certain veterans.

I would like my colleagues to note, Mr. President, that the Disabled Veterans Rehabilitation Act, S. 1188, contains an employer incentive for disabled veterans similar to the one provided in the career development program. The concept of employer subsidies is one recognized and advocated by the Veterans' Administration in its testimony before the House Veterans' Affairs Committee in 1979:

> A very significant factor in the low usage rates for job training programs has been employer resistance. The typical employer, when asked to participate in the VA's job training program is inclined to ask, "What's in it for me?" Although our outreach personnel can point out the advantages to the employer, such as maturity and reliability of the veterans, the lack of tangible benefits to the employer has been a major deterrent to greater use of the job training program.
>
> To counteract this tendency on the part of employers, we recommend that in the case of vocational rehabilitation trainees, consideration be given to providing a direct financial incentive in individual instances to the employer-trainer in the form of a subsidy. This subsidy would help cover the cost of training.

This is exactly what the career development, advancement, and training program does. It provides a direct financial incentive in individual instances to the employer/trainer in the form of a subsidy. The subsidy would help cover the cost of training. It is structured and modeled after the VA OJT program: most of the legislative language is derived from the laws governing VA OJT programs.

The CONGRESSIONAL RECORD of December 19, 1979, contains an updated history of the career development, advancement, and training program and its relationship to existing employment and training initiatives.

Senator CRANSTON further states with regard to abuse:

> I believe, Mr. President, that it is most important to stress that the program proposed by the Senators is in reality a wage-subsidy type program. The proposal does provide for some rather standard safeguards to curb misuse, but the vast potential for ripoffs and abuses still is inherent in its structure. Historically, wage subsidy programs, unless very tightly structured and monitored—through a process which involves enormous amounts of redtape, Federal regulations, investigations, and Government intervention creating its own administrative monstrosity—result in situations where there is substitution, dead end jobs, and exploitation of those who are intended to be helped by such programs.

The career development, advancement, and training program would not be subject to significant abuse. It is structured upon existing laws and regulations to preclude abuse and to insure ease of implementation.

Apart from some specific technical points and areas where legislative clarifications may be required, neither Senator CRANSTON, nor the VA is able to substantiate a case for abuse of taxpayers dollars. The career development, advancement, and training program's approval and safeguard provisions are drawn almost entirely from existing VA OJT programs, approval and benefit payments. In fact, they are tighter than existing laws. If Senator CRANSTON seriously believes the contention that the provision of career development would be "ripe for abuse" then existing VA OJT laws and the laws governing CETA and the targeted tax credit, all of which Senator CRANSTON helped create, are "ripe for abuse."

No payments are authorized to be made under the career development program until the veteran has been in his or her job and/or training for 90 days. Payment than can be made only for employment and training completed and only after both the veteran and employer sign separate certificates that the employment and training were actually completed.

The program utilizes almost entirely existing delivery systems and approval mechanisms and thus would not require expanding the bureaucracy or increasing Government regulations.

The VA has had employment monitoring experience with its OJT programs. The veteran would be a principal monitor of his own program. A veteran would not be authorized payment of his benefits to any employer if he were not satisfied with the job or the training.

If anyone were to be cheated under the career development program it would be the employer, for he is dependent upon the veterans and the VA for partial reimbursement for wages and training he has already rendered. Employers would be making a greater investment in the veterans than the Federal Government so it is in their self interest to see that the veteran is a well trained and productive employee.

For the comprehensive analysis of the bill and the Veterans' Administration report see the Congressional Record of June 27, 1980. All of the VA's substantive criticism and requests for legislative clarifications have been incorporated into the revised version of the Career Development Amendment.

Senator Cranston cites an example of potential abuse involving a MA and PA grocery store employment of a Vietnam veteran as a checker, in which the veteran is fired, goes on unemployment for 6 months and is rehired at a $20 a week raise. Mr. President, I certainly hope that my colleagues are able to see through the faulty thinking behind this example.

Let us think clearly for a moment. The average Vietnam veteran is 35 years old, is married and has two children. In most States, unemployment benefits will pay from ⅓ to ½ of the salary the recipient was receiving before being unemployed. Let us assume, then, that this checker was making $5 an hour. His yearly income would be $10,400; after taxes his yearly take home pay would be approximately $9,800. Any rational person would tell you that the veteran, with a wife and two children, will not go on unemployment for 6 months, in order to receive a $20 a week raise. For that 6-month period, if he continued at his present salary, he would receive $4,900 in take home pay. If he followed the scheme outlined by the Senator from California, his take home pay, in most States, would be around $1,700—the total for a 6-month period. I sincerely cannot believe that a veteran with a wife and two children would take over a $3,000 cut for 6 months in order to receive a $20 a week raise. I am especially concerned about this example because it casts unwarranted, negative images on the character, motivation and integrity of Vietnam veterans. Just because a veteran is unemployed or underemployed and seeking to further his career does not motivate him to abuse his benefits. Just the contrary is true. These veterans are seeking a worthwhile place in the labor force.

Mr. President, let me emphasize and restate, under the career development program, no payments would be authorized until the veteran has been in his or her job and/or training for 90 days. Payment then can be made only for employment and training completed and only after both the veteran and the employer sign separate certificates that a particular phase of the training has been completed.

As we proceed with this debate, let us please take a realistic look at the Vietnam veteran, his needs and his objectives.

As has been true in the past, the Senator from California continues to tell us our program is unworkable and "ripe for abuse." To date, however, he has failed to provide us with any documentation. Instead, he relies on examples like that just cited above. Without more substantive data, we cannot assume such abuse will exist.

Career development and advancement offers a meaningful incentive to employers to promote underemployed veterans to better positions within their work force. Too often Vietnam veterans are underemployed in dead-end jobs with no meaningful opportunities for advancement. Career development is the only veterans program that addresses the serious problems of underemployment among disabled and Vietnam veterans.

The DAV, in the statement printed by Senator Cranston, effectively demonstrates why a financial incentive is necessary to motivate employers to hire Vietnam veterans:

> Barnhill-Hayes, a management consultant firm in Milwaukee, Wisconsin, recently surveyed 300 employers. One of those survey question was designed to extract from employers their feelings as to which employee group would make the most significant employer gains over the next several years. Vietnam Era veterans came in last.
>
> Employers gave as reason for their pessimism the fact that "Vietnam veterans had no clout." This statement vividly confirms our belief that the Department of Labor has little interest in "wielding clout" when it comes to enforcement of existing affirmative action laws on behalf of Vietnam veterans.

The DAV's observation is reinforced by the VA commissioned Harris survey which reached a similar conclusion.

Senator Cranston cites numerous ineffective or expiring programs as helping with veterans employment problems.

As previously stated, career development and training is in most respects, the VA's on-the-job training program with the payment going to the employer rather than the veteran. The current VA OJT program is the only training program that pays the worker and gives no incentive to the employer who absorbs the cost of training. As I previously stated the VA:

> The lack of tangible benefits to the employer has been a major deterrent to greater use of the On the Job Training Program.
>
> To counteract this tendency on the part of employers, we recommend that consideration be given to providing a direct financial incentive in individual instances to the employer trainer in the form of a subsidy. This subsidy would help cover the cost of training.

This is exactly what our amendment would do. Senator Cranston's extension of the OJT delimiting period will do no good if there are no incentives for employers to participate in the current program. S. 1188 contains no major new employment initiatives but rather reiterates existing authority and shifts responsibility.

Four years ago Congress established the Office of the Deputy Assistant Secretary of Labor with the responsibility of increasing effectiveness in employment related areas. Two years ago the employment responsibility was passed to the White House Federal Veterans Coordinating Committee. Now, Senator Cranston wants to put the burden on the Veterans' Administration. The VA, however, has been charged with employment responsibilities since 1974. There is nothing in S. 1188 that the VA does not and has not had for 5 years.

Senator Cranston also cites the HIRE program which will end in 6 weeks. HIRE was supposed to train and employ 100,000 veterans in a year: After more than 3 years it has reached only half of its goal and will turn back to the Treasury nearly $30 million in unspent funds on October 1, 1980.

The Targeted Tax Credit program has provided very few jobs for veterans and lacks the capability to provide meaningful employment opportunities to the vast majority of unemployed veterans who are not disadvantaged.

Senator Cranston also cites CETA. Veterans participation under CETA has dropped significantly since the current administration took office. Only one in five unemployed veterans registered with the employment service is even eligible for CETA. Many unemployed veterans can make more money on unemployment than in a CETA job. CETA jobs most often are menial positions, far below the veteran's abilities, aspirations, and the financial needs of his family. They do not offer the veteran the opportunity of achieving a meaningful, lifetime career.

The disabled veterans outreach program is a very good one and will have a vital role in marketing career development and counseling disabled veterans as to the many opportunities for employment and training that will become available to them under the program.

Hearings before the Senate and House Veterans' Affairs Committees brought out the need for career development. Existing programs are fragmented, uncoordinated, and largely irrelevant to the employment and training needs of the Vietnam veteran. Only one in five unemployed veterans qualifies for existing programs such as CETA and targeted tax credit. The HIRE program will end in October. Career development is not so much a new program but rather a workable, codification and improvement of existing programs. It combines the employer incentives offered by the HIRE programs with the training opportunities offered by VA OJT.

Senator CRANSTON believes that something must be done to remedy the unemployment problem of Vietnam veterans. I could not agree more. However, there is no initiative in S. 1188 that can in any way address the magnitude of employment and training needs of 581,000 unemployed Vietnam era veterans. The report on S. 1188 estimates that fewer than 20,000 veterans will be served by the initiatives in S. 1188. In a given year, more than 700,000 Vietnam era veterans will seek, but not receive employment assistance through the Veterans Employment Service. As a result, S. 1188 will serve less than 3 percent of those who seek assistance.

Mr. President, I am very aware, as a member of the Senate Budget Committee, of the limitations imposed upon veterans programs by the budget resolution. We had intended to fund our amendment by deferring the cost-of-living increase in GI bill benefits. However, the Senate Veterans' Affairs Committee included such a delay in the reconciliation bill as a cost savings measure.

As a result, our amendment will provide the authority for the Secretary of Labor to transfer unspent HIRE funds to the Veterans' Administration for the purpose of paying for the 1981 costs. This money would otherwise revert back to the Treasury on October 1, 1980. Congress appropriated HIRE funds in 1977 for a private sector on-the-job training program, which is what the career development program is.

No money whatsoever will be taken away from a service-connected disabled veteran or a survivor of one who died of service-connected disabilities, and no money will be taken away from a GI bill recipient. In fact, veterans will be given a new opportunity for a meaningful, readjustment program at no first-year cost to the VA.

Mr. President, I would also like to point out that our amendment has strong support from the Vietnam Veterans of America. I urge my colleagues to cosponsor this final effort to alleviate the employment problems of disabled and Vietnam theater veterans.●

RULES GOVERNING USE OF MORTGAGE BONDS

● Mr. CRANSTON. Mr. President, we are all aware of the economic hardships that the housing construction industry is facing this year. Recently the Senate passed a resolution that was intended to offer some assistance to the housing construction industry. That resolution, Senate Resolution 435, provided that any legislation passed by the Senate retricting the use of mortgage revenue bonds will not apply to bonds issued before January 1, 1981, provided that bonds proceeds are committed to mortgages within 1 year after the date of issuance. Senate Resolution 435 was the brainchild of my good friend, the Senator from Louisiana. I want to commend him for bringing to the Senate this resolution and for his leadership on the whole matter of mortgage revenue bonds.

Senate Resolution 435 was necessary because the housing construction industry is in need of mortgage revenue bonds to help stimulate housing construction. Also, States and cities desperately need this tool for redevelopment and revitalization. Moreover, I thought that the resolution was to be the first step in a series of steps that would lead to a final settlement of the issue of mortgage revenue bonds. Unfortunately, when we agreed to Senate Resolution 435 there was not an opportunity to clean up certain ambiguities in the resolution. Therefore, I am interested in hearing the views of the distinguished chairman of the Finance Committee on certain matters that trouble me about Senate Resolution 435.

Mr. LONG. Mr. President, I would be most happy to respond to the questions of the senior Senator from California.

Mr. CRANSTON. I thank the Senator.

Mr. President, in California, and I am sure in other areas of the country, several communities planned to issue mortgage revenue bonds so they could attempt to meet the housing needs of low- and moderate-income people. These proposed issues met the transition test of H.R. 5741 and as such were grandfathered under the language of that bill. However, because of a limitation in Senate Resolution 435 that states that bond proceeds must be committed to mortgages within 1 year after the date of issuance of the bonds, some of these grandfathered issues are not receiving clean opinions by bond counsel. In particular, several of these issues are planned for redevelopment condominium projects that are in the final development and design stage but may not be ready for the issuance of bonds until after January 1. 1981. Substantial expense and effort have been expended by the cities involved and by private interests to prepare and execute their respective projects.

Furthermore, the bonds for such projects must be issued not only after all design work is completed, but also prior to the commencement of construction in order to assure the developer, prior to his undertaking the expense and risk of construction, that permanent take-out financing will be available upon completion of the units. Since the construction period for such projects is customarily more than 1 year and since the units are customarily not sold and permanent financing thereby committed until the project is completed, the proceeds of bonds issued for permanent financing cannot be expected to be committed by firm commitment letters to owner-financing within the 1-year period following the issuance of these bonds.

Mr. LONG. I am aware of the problems that Senate Resolution 435 creates for the construction of condominiums if the developer chooses to use the vehicle of mortgage revenue bonds for financing. If there is another measure that deals with mortgage revenue bonds, you can rest assured that this problem will be resolved.

Mr. CRANSTON. I am most pleased to hear that. The question that I really wanted to ask the distinguished Senator is whether he considers the Senate's transition rule as supplementary to and not in substitution for the transition rules of H.R. 5741.

Mr. LONG. It was never my intention to disturb the status of any of the proposed issues that were grandfathered under H.R. 5741. My answer to my good friend from California is that the two transitional rules be considered supplementary to each other so that neither should limit the other's effectiveness.

Mr. CRANSTON. I thank the Senator from Louisiana. This will help clear up some of the ambiguity concerning this issue.●

SILVER BEAVER AWARDS

● Mr. MATHIAS. Mr. President, as many of my colleagues here have been involved in Scouting, they are aware of the vital role of adult leadership in making the Scouting program an enduring influence in the lives of the young men who are fortunate enough to participate in the Boy Scouts.

These adult leaders give so generously of their time and their spirit to help build the strong and responsible citizens of tomorrow, and their contribution to the future of America is considerable indeed.

I learned recently that two outstanding Marylanders have been nominated for the Silver Beaver Award in the National Capital Area Council and I am proud to join in recognizing them for this tremendous honor.

Theodore E. Reed, of Potomac, Md., has been involved in Scouting for over 25 years—not only in Maryland, but wherever he went—even continuing his work with American boys living in other countries when he was stationed abroad. Judith B. Plumb, of Rockville, Md., has been a vigorous and innovative force in the Potomac district during her years of work with the Cub Scout program. Her enthusiasm and hard work have been responsible for significant improvements at all levels of the Cub Scout program in the district.

It is a pleasure to join with their colleagues in saying a hearty thank you to Mr. Reed and Mrs. Plumb.◉

AUGUST 21, NATIONAL DAY OF SHAME

◉ Mr. BAYH. Mr. President, today we observe with great sorrow, the 12th anniversary of the Soviet invasion and occupation of Czechoslovakia. I know my colleagues, along with American citizens of Czech, Slovak, and Subcarpartho-Ruthenian decent join with me in sad remembrance of the tragic day 12 years ago when the spirit and reforms associated with the Prague Spring were trampled and undone by the Soviet invasion of Czechoslovakia.

Mr. President, one cannot help but speculate what Czechoslovakia would have been like today had the rejuvenating spirit and human rights reforms been allowed to flourish without the harsh Soviet Communist interference and military aggression. Had the Prague Spring been allowed to bloom, a more constructive East-West relationship could have developed in terms which people from all over the world could understand and support.

The Soviet invasion of Czechoslovakia and the wave of repression which followed, clearly suppressed and stifled the reform movement, yet this spirit which exists deep within the hearts of the brave Czechs and Slovaks still lives. Many in Czechoslovakia have risked their careers and comforts to partake in the Charter 77 movement, a free organization of Czech people united by the common desire to secure the human rights guaranteed by the Helsinki Final Act. These are the rights the Czechoslovakia Socialist Republic agreed to guarantee when, in 1968, they signed the Covenant on Civil and Political Rights and International Covenant on Economic, Social, and Cultural Rights. Czechoslovakia confirmed these rights at the 1975 Helsinki Conference.

Many of my colleagues and I were outraged when in 1979 six members of the Charter 77 human rights movement were put on trial for "antistate subversion on an extended scale." I joined with 32 Members of the Senate in signing a letter to President Gustav Husak expressing our strong protest against the charges placed against the six human rights activities. Clearly, those charges against citizens whose only "crime" was to have written reports on the state of their country's human rights situation were in direct violation with the Czech Government's commitment to the Helsinki Final Act.

Mr. President, as citizens of a country dedicated to the principle of freedom and justice for all, and a country which will not turn its backs on victims of Communist and other oppressive governments, it is important that we pay tribute to the courage of those who endure the wrongs of political oppression in order to reveal the truth.

Soviet Day of Shame is a solemn occasion, yet by noting this day, hopefully, the free people of the world will become more aware and active in the struggle against injustice which exists in the world today. Freedom's flame will never be extinguished as long as free people everywhere remain firm in their commitment to the principles of individual human rights and national self-determination. We can never ignore such struggles as those which continue in Czechoslovakia since to do so would be a profound disservice and betrayal of our own national heritage.●

IN PRAISE OF HON. JOHN DAVIS LODGE, "A LINCOLN REPUBLICAN"

◉ Mr. HATCH. Mr. President, in large part, the congregation of citizens assembling in Detroit last month were not so much engaged in a political convention as we were engaged in a rescue mission to save this country. The liberal policies which pass off as tradition within the Democratic Party have been the prevailing way in which the Federal Government has conducted itself for several decades. Some of us have recognized these failures of American liberalism for what they are, and public opinion polls now reveal that the majority of Americans are also on to them. In short, Americans are looking for new solutions, for more imaginative and purposeful leadership. These are, in part, some of the reasons Ronald Reagan is going to be our next President.

And when he is our new President, after the glow of inauguration, there will begin a new political tradition in our country. It is new because it will become the new prevailing orthodoxy, and provide the new, alternative program Americans want and need. Symbolizing the new era, there is probably no more appropriate political figure than the first and greatest Republican of all time, Abraham Lincoln. And there is no greater contemporary example of a leader with whom I am personally acquainted who has served as a model for the new generation of leadership than the former Governor of Connecticut, the Honorable John Davis Lodge. A former member of the U.S. Diplomatic Corps, having served actively and well in Congress as well, John Davis Lodge is a symphony of all that is great about our country. I am one of many Members of the Senate who are honored to count him among our friends, and one who continues to exemplify all that is finest in a gentleman and a leader. That I may share it with those of my colleagues who have not already seen it, I ask to have reprinted in the RECORD following my remarks an article which appeared in the Sunday Post of Bridgeport, Conn., "A Lincoln Republican," authored by Governor Lodge. It speaks eloquently to the question of the new political tradition, as it does to the character and nobility of a great American.

The article follows:

A LINCOLN REPUBLICAN

For many years now, I have been a Lincoln Republican. A friend said to me the other day, "You are the Connecticut chairman for Reagan; you must be a conservative." Another friend said, "When you were a congressman, you voted for public housing; when you were governor, you sponsored the first state minimum wage law. That makes you a 'liberal' doesn't it?" Former President Gerald Ford is often described as a "moderate." Was it "moderate" of him to seek the impeachment of Justice William O. Douglas? Conservative, liberal, moderate, weasel words.

I am a Lincoln Republican. I believe, "The legitimate object of government is to do for a community of people whatever they need to have done but cannot do at all or cannot so well do for themselves in their separate and individual capacities. In all that the people can do as well for themselves, the government should not interfere."

That is my political philosophy and I really do not know, nor do I care, whether it makes me a "conservative," a "liberal," or a "moderate" Republican. Certainly it makes me a Lincoln Republican—Lincoln, the founder and first great leader of the Republican Party. In its moments of greatness, the Republican Party has acted in the image of Abraham Lincoln.

"Property is the fruit of labor . . . Property is desirable . . . is a positive good in the world. That some should be rich shows that others may become rich, and hence is just encouragement to industry and enterprise. Let not him who is houseless pull down the house of another, but let him labor diligently, and build one for himself, thus by example assuring that his own shall be safe from violence when built."

Must I fit these examples of political wisdom into the outmoded, obsolete political spectrum generally used today by the media? Is it always necessary to characterize these positions as conservative or liberal, left wing or right wing, or perhaps moderate? Is it moderate to be willing to go to any extreme to defend our freedom and independence? What is a moderate?

The attachment of these labels, however diverting it may be, is basically mischievous and inconvenient and misleading.

Lincoln said, "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise with the occasion. As our case is new, so we must think anew and act anew. We must disenthrall ourselves and so shall we save our country."

I suggest that most Americans, irrespective of party or political hue, can subscribe to those perceptive and inspiring concepts, as timely now as they were when uttered at the onset of the great American Civil War.

And Lincoln forcefully reminded the American people, "We cannot escape history. We will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us in honor or disohonor to the latest generation."

A dynamic, moving and timely clarion call to greatness.

And let us not forget Lincoln's immortal declaration to the American people to think of the accomplishments of our ancestors as touchstones for inspiration. At this time of economic disintegration at home and dangerous disarray abroad, it is fitting in this bicentennial period that we recall his exciting exhortation:

"Their's, our ancestors, was the task, and nobly they performed it, to possess themselves and through themselves, us of this goodly land and to uprear upon its hills and its valleys an edifice of liberty and of equal rights. 'Tis ours only to transmit these: the former unprofaned by the foot of an invader, the latter undecayed by the lapse of time and untorn by usurpation to the latest generation that fate shall permit the world to know."

At this trembling hour of decision and destiny, these evocative sentiments can sustain and guide us.

We were warned by Abraham Lincoln in words which we should all ponder. "If destruction be our lot," said Lincoln, "we must ourselves be its author and finisher. As a nation of free men, we must live through all time, or die by suicide." ●

THE NEED FOR COAL SLURRY PIPELINE LEGISLATION

● Mr. **BUMPERS.** Mr. President, an article in the June, 1980 edition of Pipe Line Industry compares the projected costs of moving 5 million tons per year of Jacobs Ranch Mine coal by pipeline and unit train from the Gillette, Wyo., area to the White Bluff powerplant near Redfield, Ark.

Among the more interesting points in the article by T. C. Aude, general manager of Pipeline Systems, Inc., of Orinda, Calif., are the following:

First. The projected 1983 costs of transporting the coal by unit train (including the cost to the shipper of the 1,100 coal cars required for the unit trains) is $20.63/ton and the projected pipe line rate is $18.48/ton.

Second. The unit train will travel about 1,370 miles (due to circuitous track location) while the pipeline route will cover only 1,100 miles.

Third. The rail transportation, 10 unit trains of 110 cars each will be required, with each train requiring four locomotives with a helper unit added at two locations along the route.

Fourth. Each unit train will require 145 hours to make the complete round trip, including loading and unloading. Each year, 455 trainloads will be required, which means that a unit train will pass each point along the route every 9.5 hours.

Fifth. The operating cost of the pipeline comprises only 23 percent of the transportation cost. The 23 percent is composed to power costs 13 percent, labor costs 4 percent, and supplies and other costs 12 percent. The capital costs of the pipeline provide the remaining 71 percent of the pipeline transportation costs.

Sixth. The operating costs of the unit train comprise up to 85 percent of the transportation costs, with 50 percent of the transportation costs being attributable to labor costs. Only 15 percent of the railroad transportation rate is attributable to capital costs. Obviously, capital costs are the least susceptible to inflationary increases.

Mr. President, the facts speak for themselves. Congress should act swiftly to pass coal slurry pipeline legislation in this session.

I ask that the complete article be printed at the conclusion of my remarks.

The article follows:

How Slurry Pipe Lines Compare With Unit Rail Transportation

(Figures mentioned in text not printed in Record)

Study results predict railroad tariffs will be nearly triple those for pipe lines within 30 years.

Buyers of Western Coal are faced with considerable uncertainty concerning the delivered cost of coal even when the coal is purchased under long-term contracts including defined inflation indices.

The uncertainty is due largely to the transportation component of the delivered coal price. For example:

Fifty to 75 percent of the delivered cost of western coal is attributable to transportation.

The Association of American Railroad's index of railroad materials, prices and wage rates has increased at nearly 10 percent per year for the past 12 years.

Deregulation of railroad rates is possible in the near future.

Projections of the 1985 coal production from the Powder River Basin of Wyoming range up to 200 million tons. This is in contrast to current annual production levels above 50 million tons and levels of only a few million tons per year in the recent past. The long-term cost effects of high traffic density of unit trains, both in track and road-bed maintenance, and requirement for grade separation, are not well understood.

The article addresses costs of a specific case of coal transportation from the Powder River Basin to the mid-South area. Economic evaluation of that case will help to provide a fundamental understanding of the pipe line transportation alternative vis-a-vis railroad unit train transportation.

Obviously, there are considerations, in addition to cost, that must be evaluated in choosing a coal transportation mode. These include environmental and resources-utilization considerations. Also, many people are concerned about utilization of the western water resources.

TABLE 1.—SLURRY PIPELINE CAPITAL COST—HISTORICAL AND PROJECTED INFLATION

[Annual percent increase]

Period	GNP deflator	Line pipe	Pipeline construction	Pump stations and other facilities
1966-70	4.4	0.4	5.3	2.7
1970-71	5.0	7.7	10.2	3.7
1971-72	4.2	1.8	7.9	2.1
1972-73	5.8	7.0	8.2	2.9
1973-74	9.6	38.6	11.3	14.9
1974-75	9.7	39.7	13.6	15.7
1975-76	5.3	3.2	6.0	5.9
1976-77	5.8	−3.5	6.8	6.3
1977-78	7.4	15.3	9.8	7.9
Annual average	5.8	7.8	7.7	5.6
Projection 1979-83	6.0	7.5	8.0	7.0

TABLE 2.—SLURRY PIPELINE CONSTRUCTED COST PROJECTION

[25,000,000-ton per yr., 1,100 per mile pipeline system in operation in 1983]

Basis: 1979 tariff = $14.66 per ton—Capital-related component (71 percent) = $10.41 per ton

	Pipeline		Pump station and other facilities	Total
	Materials	Construction		
1979: Fercent of total	*29	19	52	100
1979: Capital-related item, dollars, per ton	3.04	1.97	5.40	10.41
Inflation rates, percent per year (table 1)	7.5	8.0	7.0	7.3
1983: Capital-related component, dollars per ton [1]	3.78	2.48	6.62	12.88

[1] 2-yr construction schedule.

TABLE 3.—SLURRY PIPELINE OPERATING COST COMPONENTS—INFLATION

[Annual percent increase]

	Electric power	Labor	Supplies and other
Period:			
1966-70	[1] 1.5	[2] 5.5	[3] 2.6
1970-71	6.1	6.6	3.3
1971-72	7.1	6.6	4.5
1972-73	7.7	6.0	13.1
1973-74	12.9	9.5	18.9
1974-75	21.3	15.0	9.2
1975-76	13.8	7.9	4.6
Period—Continued			
1976-77	9.4	9.8	6.1
1977-78	[4] 1.5	7.4	7.8
Annual average	6.7	7.4	6.2
Projection:			
1980-85	9.0	6.0	5.5
1985-90	6.6	6.0	5.5
1990-2010	5.6	6.0	5.5

[1] Wholesale price index, industrial power, west north central.

[2] Bureau of Labor Statistics, pipeline transportation.

[3] Wholesale price index, all commodities.

[4] Preliminary.

WESTERN COAL TRANSPORTATION

The basis for this comparison is transportation of 5 million tons per year of Jacobs Ranch Mine coal to the White Bluff power plant near Redfield, Ark. This plant has been designed to receive either rail or pipe line delivered coal. Coal will be supplied under long-term contract throughout the 30-year life of the plant.

The routes of the line and unit train transportation alternatives are shown in Fig. 1. Note that railroad distance is 24 percent greater than the pipe line distance.

PIPE LINE SYSTEM

The White Bluff plant will be served by a coal slurry pipe line system designed to transport 25 million tons per year of coal from Wyoming to the mid-South. The system includes:

Water supply system, including deliverey by pipe line to the preparation sites.

Slurry preparation at three sites.

Piple line system composed of gathering lines to collect slurry from two outlying preparation plants, a 1,100-mile, 38-inch mainline and a distribution system for deliveries beyond White Bluff to four sites through 500 miles of lines.

Dewatering plants at five locations.

The dewatering plants deliver a product of about 9 percent surface moisture and a separate stream of clarified water to the local generating plant. This water is used as a portion of the plant's cooling water makeup steam. Provisions are made in the power plants for feeding the finer pipe line delivered coal.

UNIT TRAIN CHARACTERISTICS

The analysis of this unit train movement is simplified by th fact that an Interstate Commerce Commission (ICC) tariff is in effect. Considerable information about the movement used in this analysis is documented.

ICC Tariff No. 4182 covers a movement by Burlington Northern and Missouri Pacific railroads from Jacobs Ranch, Wyo., to White Bluff, Ark., a distance of 1,370 miles. The tariff, effective July 1979, results in an average cost of nearly 1.1 cents per ton-mile for the movement in shipper-provided cars.

ICC Docket No. 36719[2] deals with the White Bluff movement. In a statement to the ICC, Frank S. Harris, II, transportation consultant to Arkansas Power & Light, estimated the movement's characteristics. Based on an analysis of the two railroads' operations, Harris estimated an average train speed of just over 20 mph. When combined with the allowable 4-hour loading time and 5-hour unloading time, this results in a train cycle time of 145 hours.

Based on transportation of 5 million tons per year, Harris estimated a requirement for 10 unit trains of 110 cars each. Each train would require four locomotive units with a helper service added at two locations along the route.

The shipper provides the 1,100 nominal 100-ton coal cars required for the movement and is responsible for their maintenance. It is anticipated the cars will have to be replaced after years of operation.

The movement will require transportation of 455 trainloads of coal per year. At this rate, a train passes a point along the route every 9.5 hours. Using the figures estimated by Harris, the apparent utilization factor of the cars is 75 percent. Presumably, the remaining 25 percent of the time is available for maintenance and schedule delays.

A unit train loading silo and track loop at the mine site and car dumpers and crushers at the unloading point must be installed for the unit train movement. However, the cost of these facilities are not included in this analysis.

PIPE LINE COSTS

The projected pipe line transportation costs depend on a number of variables. The key variables are:

Pipe line system definition as to configuration and capacity.

Rate of return on equity and debt-to-equity ratio are variables depending on the specific financing of the project.

In terms of July 1979 costs, a $14.66 per ton all-in slurry pipe line coal transportation tariff has been assumed. Recent experience with projecting tariffs for a number of specific cases has shown the tariff to be well within the realm of possibility for the system previously described.

INFLATION

The slurry line does not exist. As a result, the cost estimates for 1979 are only one step toward a projection of what shippers would have to pay in the future for coal transportation by pipe line. Inflation will increase both the capital investment and the operating cost cf the pipe line until it is built.

There are many opinions as to what inflation rates will be in the future. In this analysis, for the sake of comparison, projections have been made according to a single assumed inflation scenario.

Inflation, as measured by the Gross National Product[3] deflator, was assumed to average 6 percent per year in the near-term, with the long-run average projected as 5 percent per year. These projections are considered to be the lowest rates likely to prevail.

CAPITAL COST

The problem is to project the installed costs of the system that will start operation in 1983. To make that projection, the system's major capital cost elements are analyzed separately.

The pipe line portion makes up 48 percent of the capital cost, with the plant making up the remaining 52 percent. Further, 29 percent of the pipe line cost is materials, mostly pipe. A major portion of the cost can be estimated with a kowledge of the expected inflation of line and pipe line construction costs.

The indices used to project inflation of the major pipe line capital cost components are compared in Table 1 to the GNP deflator for the last 13 years. The projected inflation rates for pipe line capital cost elements in a 6-percent-per-year inflation environment are 7.5 percent for the line pipe, 8 percent per year for pipe line construction and 7 percent for pump stations and terminals.

Table 2 shows the projection of the capital-related component of the pipe line tariff. The projection assumes the system is built during a two-year period, with a normally distributed drawdown of capital funds.

OPERATING COSTS

The operating costs for the pipe line system comprise 29 percent of the transportation cost.

TABLE 4.—SLURRY PIPELINE OPERATING COST PROJECT'ON

[25-million-ton/yr., 1,100-mile pipeline system]

Basis: 1979 tariff=$14.66/ton. Operating component (29 percent)=$4.25/ton

	Electric power	Labor	Supplies and other	Total
1979: Percent of total	44	15	41	100
1979: Operating component, dollar/ton	1.85	.66	1.74	4.25
Inflation rates: Percent per year (table 3) 1979–83	9.0	6.0	5.5	
1983: Operating component, dollar/ton	2.61	.83	2.16	5.60

TABLE 5.—UNIT TRAIN

Cost of railroad cars for 5 million tons per year to White Bluff—1,100 cars at $35,000 each (1979), $38.5×10⁶:	
Lease cost at 10 percent	$\$3.85\times10^6$
Maintenance cost at 3.5 cents per car-mile[1]	4.80×10^6
Fleet administration	0.10×10^6
Total (per year)	8.75×10^6

$$\text{Per-ton rate}=\frac{8.75\times10^6/\text{yr.}}{5\times10^6\ \text{t/yr.}}=\$1.75/\text{ton.}$$

[1] Assume 50/50 labor and supplies.

They are broken down as follows:

Operating costs:

Power	13	
Labor	4	
Supplies & other	12	29%
Capital-related charges		71%
Total		100%

Inflation indices for the major operating cost elements are tabulated in Table 3 for the past 13 years. Projections for these indices, to the beginning of operation, and on through the 30-year operating period, also are shown in Table 3. Table 4 shows the method of projecting the operating cost component to 1983.

TARIFF PROJECTION

Projected tariffs for the movement of 5 million tons per year of coal from Jacobs Ranch to White Bluff in the 25-million ton-per-year pipe line are plotted in Fig. 2. The initial 1983 pipe line tariff is $18.48 per ton. Due to the preponderance of the capital-related component, the tariff increases at a compound annual rate of only 2.8 percent per year projected for that period.

UNIT TRAIN TARIFFS

The current tariff for the unit train movement is a matter of record. ICC Tariff No. 4182 gives a rate, effective July 1979, of $14.84 per ton for transportation of 1.9 millicn tons per year of coal from Wyoming to White Bluff, Ark. This rate is equivalent to 1.08 mills per ton-mile. It does not include the cost of providing unit train cars.

As developed earlier, about 1,100 coal cars would be required for the White Bluff movement. The estimated unit cost for leasing and maintaining these cars is $1.75 per ton. The total rail transportation cost, effective July 1979, would be $16.59 per ton.

To project the effect of inflation on the unit train tariff, must be broken down into major components. Such a breakdown is based on information in the testimony of Frank S. Harris, II, ICC Docket No. 36719.

The breakdown includes both the tariff that would be paid to the railroad, and the cost of providing the unit train cars. Labor cost makes up nearly 50 percent of the current tariff, while capital-related costs are only 15 percent. This is important, since labor is very sensitive to inflation.

Fig. 3 is a graphic projection of the effects of inflation on the major cost elements of the unit train operation. Capital-related costs are projected to 1980, when the movement is anticipated to start. After that time, they remain constant.

The major portions of the costs—fuel, labor and supplies—are projected to inflate at the same rate factors that were used for the pipe line projections. On this basis, the unit train transportation cost is projected to increase at a compound rate of 5.4 percent per year, while the GNP deflator would increase at 5 percent per year. The 1983 cost of transportation by unit train is projected to be $20.63 per ton, compared to the projected pipe line rate of $18.48 per ton.

TABLE 6.—BURLINGTON NORTHERN UNIT TRAIL TARIFFS

[Basis: July 1979 costs, shipper's cars]

Ret. ICC	Consignee	From—	To—	Miles	Current rate: Annual volume (thousands)	Current rate: Cost per ton	Current rate: Mills per ton-mile
4168	South Western Public Service Co	Belle Ayr, Wyo	Amarillo, Tex	942	1,500	$8.76	9.30
4169	Transloading	Colstrip, Mont	Superior, Wis	814	2,000	10.15	12.47
4169	do	Decker, Mont	do	1,029	2,000	10.15	9.86
4171	do	Belle Ayr, Wyo	Metropolis, Ill	1,255	3,500	10.96	8.73
4171	do	do	do	1,255	2,500	11.02	8.78
4172	Oklahoma G. & E	do	Fort Gibson, Okla	1,147	2,700	9.49	8.27
4172	do	do	do	1,147	1,500	10.46	9.12
4173	San Antonio Public Service Board	do	Elmendorf, Tex	1,644	2,700	18.11	11.02
4174	Kansas City P. & L	do	Amsterdam, Mo	873	1,600	9.71	11.12
4175	South Western Electric Power Co	do	Welsh, Tex	1,474	1,650	12.12	8.22
4177	Transloading	Decker, Mont	Superior, Wis	1,029	450	12.02	11.68
4181	Kansas City P. & L	Belle Ayr, Wyo	Jeffery, Kans	704	2,000	6.42	9.12
4182	Arkansas P. & L	Jacobs Junction, Wyo. (Jacobs Ranch)	Redfield, Ark. (White Bluff.)	1,379	1,900	14.84	10.84
4183	Houston L. & P	Cordero, Wyo	Smithers Lake, Tex	1,583	4,000	17.52	11.07
4184	Iowa P. & L	Belle Ayr, Wyo	Council Bluffs, Iowa	665	333	6.00	9.02
4185	Wisconsin P. & L	do	Columbia, Wis	1,181	1,500	12.81	10.85
4186	Nebraska PPD	Thunder Junction, Wyo	Gentlemen Plant, Neb	520	1,800	5.05	9.71
4186	do	do	do	520	1,300	5.33	10.25
4188	Iowa Public Service Co	Rawhide Junction, Wyo	Sergeant Bluff, Iowa	753	960	11.93	15.84
4190	Public Service of Oklahoma	Jacobs Junction, Wyo	Oologah, Okla	1,125	1,000	10.94	9.72
4191	Cajun Electric	Cordero, Wyo	Metropolis, Ill	1,262	900	11.38	9.02
4191	do	do	St. Louis, Mo	1,087	900	11.38	10.47
4192	Oklahoma G. & E	Belle Ayr, Wyo	Red Rock, Okla	1,127	2,700	11.86	10.52
4192	do	do	do	1,127	1,500	13.07	11.60

Note: Initially effective after September 1975. Minimum trainload—10,000 tons. Minimum carlow—98 tons. Terminal time—load 4 hours, unload 4-5 hours. ●

U.S. FOREIGN ROLE: RESTORATION OR ACCOMMODATION

● Mr. HATCH. Mr. President, when the Prime Minister of Japan, the President of France, the German Chancellor, and the President of Egypt all complain publicly to the press about the vacuum brought about by "an unsteady American foreign policy" and the failure of the United States to live up to its leadership role, things have gone too far. In his recent column in the Wall Street Journal, Paul Craig Roberts shows how the architects of this administration's foreign policy have brought about the crisis in the alliance. To restore our position requires a definite change in attitudes. We need policymakers who are more suspicious of Soviet power than of our own.

The longer we wait before we take the necessary measures to restore our position, the more likely it is that we and our allies will find that the new direction in international politics is accommodation to Soviet power. I submit Dr. Roberts' article, "U.S. Foreign Role: Restoration or Accommodation?," for printing in the RECORD.

The article follows:

U.S. FOREIGN ROLE: RESTORATION OR ACCOMMODATION

(By Paul Craig Roberts)

The architects of Carter foreign policy, reeling from the disastrous results of "getting on the side of change" (a euphemism for getting out of the way of Soviet expansion), have taken to prescribing foreign policy for Moscow as well. If only the Soviets would cooperate, they say, Carter foreign policy would work fine. After all, they point out, it represents a complete break with the past and is unbesmirched by cold warriors, American hegemonism or calculations of national interest. If the Soviets would just notice that we are dismantling our power, abandoning our anti-Communist allies and no longer provoking an arms race, the Politburo wouldn't feel compelled to undertake "defensive moves" like invading Afghanistan or working to exploit "social change" in Latin America.

Leslie Gelb, the first director of the Bureau of Politico-Military Affairs in the Carter State Department, recently spelled out his "Policies for Washington and for Moscow" in the New York Times. To insure that the Soviets conduct a proper foreign policy he recommends "a set of contacts with the Russians" consisting of "two regularly scheduled meetings each year between the Soviet Foreign Minister and the U.S. Secretary of State, an anual meeting between the Chairman of the Joint Chiefs of Staff and his Soviet counterpart, and a round of meetings between arms control experts on both sides."

Mr. Gelb is surely correct that if the Soviets had this much contact with administration officials, any "fears and anxieties" they might still have about American power would be rapidly dispelled. But I am less certain than he that the Soviets will lay down their arms once they are cured of "paranoia" about American power. They might just as well decide to gobble up the world faster.

While Carter policymakers are operating on the basis of their premise that American power is a source of tension, hostility and instability in the world (see Carl Gershman's article in the July Commentary for their names and specific arguments), our allies are bemoaning its absence. In May, shortly before his death, Japanese Prime Minister Ohira said: "The U.S. has become one of the powers and not a superpower any more. The days are gone when we were able to rely on America's deterrent." The State Department's reassurances sound nice, say the Japanese politely, but where is the fleet?

By the end of June when the allies met in Venice, Mr. Ohira's observation was commonplace. Newspaper reports of the Venice meeting noted that under Carter the U.S. has lost its role as leader of the Western alliance and is now just one of the boys. According to press accounts French President Giscard d'Estaing and German Chancellor Schmidt are responding to waning U.S. strength and influence with a new partnership "to fill the vacuum and to more strongly protect their own interests in the face of an unsteady American foreign policy."

By all accounts the Carter administration has succeeded in dismantling a foreign policy based on American power. The disagreement is over the consequences. On July 11 Egyptian President Sadat lashed out at the U.S. for failing to stop Soviet infiltration of Africa and the Middle East. "The entire Gulf region is shaking," said Sadat, "not only Saudi Arabia, but all the emirates and sheikdoms there." That was the same day that Leslie Gelb assured the readers of the New York Times that the only danger from the Soviets would be one provoked by the reemergence in the U.S. of a "get strong and get tough" policy that would lock us "into a long period of high-risk confrontation."

Who is right? Is it Sadat, whose perception is tempered by his near arrest and assassination in a KGB-planned coup, or is it the group of American policymakers whose perception is shaped by a Vietnam complex?

Judging from the straight talk at recent high-level meetings under the auspices of Georgetown University's Center for Strategic and International Studies and the International Management Foundation of St. Gallen, Switzerland, few, if any, of the free world's business and political leaders share the premise of Carter foreign policy. Men whose success depends upon their judgment rather than their ideology observed that it was a year ago that the Saudi press began describing American passivity in the face of Soviet onslaughts. Everyone but the Carter administration perceives that American weakness has stripped away the veil that the Saudis need if they are to maintain a pro-Western policy. Without the guise of having to accommodate the interests of a great power, policies that the Saudis would like to pursue are too openly pro-American for their own good.

Many nations have been unnerved by the administration's repudiation of American action based on power and by its willingness to accommodate world power changes. They are beginning to perceive the Soviets as the winner in the East-West conflict and are maneuvering toward a deal while they still have a bargaining position.

If Mr. Carter is re-elected, the outside world might interpret it as a sign that the American people don't know or don't care about the deterioration in the geopolitical position of the West. That could set off a stampede toward a catastrophic realignment of world politics. Our friends might see no other choices than to make their money on the decline of the dollar and the rise in gold and to seek accommodation with the Soviets in order to guarantee their oil supplies.

Many of the European and Japanese leaders with whom I spoke were uneasy about the prospect of a Reagan presidency. Nevertheless, they believe that the question is restoration or accommodation and that without American leadership there is no prospect of the former. Any demonstration of the seriousness of American purpose, they said, requires a new administration. And Reagan for sure would turn his back to those intellectuals who denigrate American power. With that one thought to comfort them, they are waiting for November.●

JAMES PETER WILMOT

● Mr. **INOUYE**. Mr. President, our Nation has lost a most distinguished and outstanding business leader and I, and many of my Senate colleagues, have lost a close and dear friend with the death of James Peter Wilmot this week.

James Wilmot was best known as the founder and chairman of the board of Page Airways, Inc., but his business activities went far beyond the immediate interests of Page Airways. He also founded and headed Wilmorite, Inc., a general construction corporation, was an officer and director of several real estate corporations, a director of Irving Trust Co., Irving Bank Corp., Columbia Pictures Industries, Inc., and the University of Rochester. For almost 50 years, ever since 1932, he was a leader in the growing field of aviation. He was at one time the president of the Rochester Chamber of Commerce and he formerly served on numerous civic and educational boards and committees including the Board of Macareth College in Rochester.

In 1967, James Wilmot was named by President Johnson to the Advisory Board of the National Space Museum where he made a noteworthy contribution to the establishment of this now world renown space museum. He served on several New York State commissions and committees and as a member of the executive committee of the Hubert H. Humphrey Institute of Public Affairs and of the Israel Prime Ministers Club. Recently the University of Rochester named a building in his honor. Some years ago, he was chairman of our Democratic congressional campaign dinner, and he was a generous contributor to the Democratic Party and to a number of Democratic candidates for office over the years. I am indebted to him for his assistance to my recent campaigns.

In the past few years, and despite his many selfless and public spirited contributions over the years, he was subjected to personal attacks as to his motives in making such substantial campaign contributions. I wish to make the record clear. Despite his generosity and his involvement in a business enterprise, which was subject to very substantial Federal regulatory action, James Peter Wilmot did not once ask or otherwise seek to influence me or to influence anyone else to my knowledge to take any action which would be of personal benefit to him or his business interests.

He was truly a public spirited and socially responsive and responsible member of the business community in the highest tradition. He sought to make an impact on society and to improve his community, State, and Nation. He clearly recognized that many of the crucial and important decisions are made in Washington by our chosen leaders and was active in trying to assure the election of those he felt would make a real contribution to solving our many problems.

It is an unfortunate fact of life that leaders of business or of labor who seek to make such contributions are so often suspected of seeking narrow and selfish personal gain that it becomes almost impossible for them to participate from the most altruistic of motives for fear that their interests will be misunderstood. This is a heavy deterrent, and I know that it bothered Jim to have to defend himself from such attacks and to limit his generosity for fear that it might be misconstrued by some and thereby become a burden. Even in this area he was concerned not so much for himself but for those he admired and who shared his wonderful friendship.

I wish to take this opportunity to extend my heartfelt condolences for the four Wilmot children and to their families. I was privileged to know their father and to call him friend. I have some appreciation of how great the loss is which they have suffered for it is a loss that we all share in some small part.●

TOO SWEET OR NOT TOO SWEET

● Mr. **HATCH**. Mr. President, Americans today are more conscious of and concerned about their physical well-being than ever before. They are exercising more, watching their weight and concerned about maintaining proper energy levels through a balanced diet. Carbohydrates provide the body with its primary energy source—not protein as many people falsely believe. Sugar is a significant source of carbohydrate and one component of a properly balanced diet. Some people have good reasons for avoiding sugar, but to avoid it because of misinformation is unfortunate. In order to help consumers make proper decisions about their diets, I ask unanimous consent that the text of an article titled, "The High-Sugar Foods Controversy" which appeared in the January 1980 edition of Food Technology be printed in the RECORD.

The article follows:

THE HIGH-SUGAR FOODS CONTROVERSY

(By Gilbert A. Leveille)

Sugar—namely, refined sucrose—has become one of the major targets of consumer activists. Sucrose has been labeled as a "poison" and sugar-containing foods as "junk" foods or "empty-calorie" foods that dilute the nutrient content of the diet, particularly of children. As a consequence, sugar and sugar-containing foods have become the stereotype of poor nutrition. Sugar-containing foods are viewed as threatening sound nutrition practices and, even worse, as contributing directly to the health problems of consumers. This article will attempt to deal with the realities of this issue by reviewing what is known about sugar consumption, its use by the food industry, and the relationship of sugar to health.

CONSUMPTION OF SUGAR AND OTHER SWEETENERS

The prevalent view held by many consumers is that the consumption of sugar and other sweeteners has increased dramatically in recent years. In fact, our consumption of total sweeteners has not changed appreciably since the turn of the century. Our apparent consumption, based on disappearance from the marketplace, was identical in 1976 to that in 1925–29, namely, 119 lb per capita per year, as shown in Table 1 (Page and Friend, 1978). A reduction in total daily calorie intake, however, has occurred over this period of time, resulting in an increased proportion of total calories being derived from sugars and sweeteners. Another major change has occurred in the relative amount of sugar over which consumers have discretionary use. At the turn of the century, approximately ⅔ of the sugar available for consumption was brought into the home as sugar. Today the percentages have approximately reversed, so that currently ⅔ of the sugar brought into the home is purchased in the form of processed food products (Page and Friend, 1978). Nonetheless, the total consumption of sugar appears to have been remarkably constant.

A recent article directed to the general public (Anonymous, 1978) expressed great surprise at the fact that many foods contain simple sugars. This and other similar publications fail to recognize that simple sugars are a component of many foods as they occur in nature. For example, fruit and dairy products contain appreciable amounts of simple sugars. Also, it is often not recognized that these same food items, when prepared in the home, contain approximately the same amount of sugar as their commercial counterparts do. The sources of cane and beet sugar in the U.S. diet are shown in Table 2. This distribution is not particularly surprising. As indicated, approximately ⅓ of the total sugar is purchased for home use. Of the remaining ⅔, the greatest proportion is consumed in the form of beverages, followed by baked goods, candy, and canned, bottled, and frozen foods.

Sugar-containing foods are often perceived as a source of calories but are not viewed as making any significant nutrient contributions to the diet. This perception is not supported by the available evidence. Information obtained in a recent study we conducted (Morgan et al., 1978) demonstrates that snack foods, while providing a significant proportion of calories as sugar, also provide significant amounts of other nutrients. In this study, children age 5–12 obtained approximately ¼ of their total daily calories from sugar. Those food items consumed as between-meal snacks contained approximately 40 percent of total calories in the form of sugar. The snack foods were far from being empty-calorie foods, however, providing a significant proportion of other nutrients.

In view of the current public concern about the ingestion of sucrose in presweetened ready-to-eat (RTE) cereals, it is of interest to review the data from that study. We compared the sugar consumption of three groups of children, age 5–12, who consumed breakfasts containing RTE cereals, presweetened RTE cereals, or no cereal. The data in Table 3 illustrate that these three groups consumed approximately the same amount of simple sugar throughout the day and even at breakfast time. Children consuming RTE cereals ingested only slightly greater amounts of sugar at breakfast than did children not consuming RTE cereals. In all groups, the total sugar consumed at breakfast included the sugar already present in the food products plus any sugar added by the children. The total consumption of sugar throughout the day was virtually identical for all children. These results are of interest in making the point that presweetened RTE cereals do not contribute to an increased consumption of sugar by children.

TABLE 1.—DISAPPEARANCE OF SUGAR AND OTHER SWEETENERS[1]

Year	Sugar disappearance (lb/capita/hr)	Daily apparent caloric intake (kcal)	Daily apparent sugar intake (percent of calories)
1909–13	89	3, 480	10. 2
1925–29	119	3, 460	13. 8
1935–39	110	3, 260	13. 5
1947–49	110	3, 230	13. 6
1957–59	106	3, 140	13. 5
1965	112	3, 150	14. 2
1970	120	3, 300	14. 5
1975	114	3, 220	14. 2
1976	119	3, 300	14. 4

[1] From Page and Friend (1978).

TABLE 2.—SOURCES OF CANE AND BEET SUGAR IN THE U.S. DIET[1]

Source	Percent of total sugar consumption
Sugar purchased for home use	32
Beverages	23
Baked goods	10
Candy	10
Canned, bottled, and frozen foods	9
Other industrial and nonindustrial uses	7
Ice cream and dairy products	6
Breakfast cereals	2
Hotels, restaurants, and institutions	1

[1] From Hayden (1979).

TABLE 3.—SUGAR CONSUMPTION BY BREAKFAST-EATING CHILDREN AGE 5 TO 12[1] [2]

Group	Number of children	Sugar consumption (g/day)	
		At breakfast	Daily total
Eaters of nonpresweetened ready-to-eat (RTE) cereal	160	34	150
Eaters of presweetened RTE cereal	177	34	153
Noneaters of cereal	76	32	153

[1] From Morgan et al. (1978).

[2] Children were allowed to add their own sugar to their cereal.

RELATIONSHIP TO HEALTH

The relationship of dietary sugar to health has been the subject of a number of reviews (FASEB, 1976; Stare, 1975; Grande, 1975; Danowski et al., 1975a; b; Bierman and Nelson, 1975; Finn and Glass, 1975). These reviews illustrate that there are many misconceptions regarding the relationship between dietary sugar consumption and health.

Although it is generally agreed that sucrose is a contributor to the development of dental caries (Alfano, 1980), it has been proposed that dietary sucrose also contributes to the development of cardiovascular disease, obesity, hypoglycemia, and diabetes.

Cardiovascular Disease. The possible relationship between sugar consumption and coronary heart disease gained attention when Yudkin (1957) first proposed a relationship between sugar consumption and mortality from cardiovascular disease. This hypothesis was based on data from 15 different countries showing that the apparent per capita consumption of sugar was related to country-specific mortality from cardiovascular disease. However, as pointed out by Keys (1971) and Grande (1975), there are considerable data that would argue against this hypothesis. For example, the sugar intake in Finland and Sweden is similar, but the rates of coronary heart disease are considerably different, being higher in Finland. Furthermore, a number of countries not considered by Yudkin, such as Cuba, Columbia, Costa Rica, and Venezuela, have high sugar consumption and a low incidence of coronary heart disease. This matter has been thoroughly reviewed by Grande (1975), and it is clear that there is very little if any support for Yudkin's original contention that sugar consumption is related to mortality from coronary heart disease.

By the same token, Yudkin and Roddy (1964) and Yudkin and Morland (1967) had indicated that coronary patients had higher sugar intakes than control subjects. Keys (1971) and Grande (1975) pointed out that this hypothesis also fails to find support in the literature. A number of studies have demonstrated that coronary patients do not have a higher intake of sucrose than controlled subjects free of coronary heart disease.

It has also been postulated that high intakes of sucrose increase serum lipids and thereby lead to increased coronary heart disease. As reviewed by Grande (1975), the available data simply do not support the contention that sucrose consumption leads to elevated blood lipid levels. It has been demonstrated that sucrose ingestion, particularly by males, does lead to a transient rise in fasting serum triglyceride level; however, this increase in triglyceride level quickly disappears if individuals continue ingesting the diet high in sucrose. Furthermore, more recent data suggest that while the fasting triglyceride level is transigently increased, the postprandial level of triglyceride is not different in the individuals consuming a high sucrose diet.

Thus, it seems clear from all the available information that dietary sucrose cannot be related in any meaningful way to the incidence of coronary heart disease. It should be kept in mind that as the level of affluence in countries increases, certain changes in diet are generally observed, including an increased proportion of calories derived from fat and from sweeteners. Thus, it is very difficult to distinguish the changes in sucrose from those in proportion of calories derived from fat. As pointed out by Keys (1971) and Grande (1975), the mortality from cardiovascular disease is better correlated to the intake of saturated fat than it is to the intake of sucrose.

Obesity. It is often inferred that sucrose contributes in some direct way to the development of obesity. To be sure, consumption of energy in excess of expenditure will result in obesity regardless of the source of calories. Thus, excess calories from carbohydrate, fat, or protein will result in fat deposition and ultimately obesity. However, it is important to note that sucrose is not unique in this regard (Danowski et al., 1975a).

Hypoglycemia and Diabetes. The available evidence would also argue against any contributory role of dietary sucrose to the development of hypoglycemia (Danowski et al., 1975b). The same is true for the relationship of dietary carbohydrate, including sucrose, to the development of diabetes (Bierman and Nelson, 1975). In fact, considerable evidence would indicate that the ingestion of diets high in carbohydrate, whether derived from starch or sugar, results in improved glucose tolerance.

From the above, it seems quite clear that with the exception of dental caries, there is no evidence to support the contention that dietary sucrose contributes to the development of cardiovascular disease, obesity, hypoglycemia, or diabetes in man.

IMPORTANT ROLE IN FOODS AND DIET

Sugar is a significant source of calories in the American diet. It contributes in a very meaningful way to the satiety and organoleptic values of food. In spite of the speculation regarding the negative contributions of sugar to health, there is no evidence to support the hypothesis that sugar contributes to the development of a number of diseases in man, with the exception of dental caries. In fact, in its review of the health aspects of sucrose (FASEB, 1976), the Federation of American Societies for Experimental Biology concluded that "other than the contribution made to dental caries, there is no clear evidence in the available information on sucrose that demonstrates a hazard to the public when used at the levels that are now current and in the manner now practiced."

Sucrose is also a critical component of many foods, making important functional contributions beyond its sweetening effects. Its crystallization properties are important in products such as confections and icings. In baked goods and ice cream, it contributes to bulk and texture. It also contributes to crust color and flavor in baked goods. In products leavened with yeast, it is critical as a "food" for the yeast. Probably the most important function of sugar in food systems is its role as a preservative. By lowering the water activity of food products, sugar inhibits the growth of microorganisms, thereby preserving or extending the shelf life of foods.

It is unfortunate that sugar-containing foods have been labeled as "junk foods." This is a misnomer, and it is unfortunate that such a term has evolved. Single foods cannot be labeled as good or bad. It is the total diet that is adequate or inadequate. Any food item can be incorporated into a sound diet, and by the same token any food item can be abused. The selection of individual foods depends upon the personal preferences of the consumer, while the overall quality of the diet is dependent upon the consumers' knowledge of foods and their ability to combine foods into a daily diet pattern which meets nutrient needs. Sugar-containing foods can play an important role in the selection of a balanced diet, and there is no evidence available to suggest that such foods make any negative contribution to the diet of man.

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THE SOVIET DAY OF SHAME

● Mr. ZORINSKY. Mr. President, in recent months we have been understandably concerned with the Soviet invasion of Afghanistan last spring, and understandably preoccupied with formulating an appropriate reaction to that invasion. But the Soviet presence in Afghanistan should not so preoccupy us that we forget the history of past aggressions by the U.S.S.R. Rather, it should serve to remind us of the plight of other nations which have suffered under and struggled against Soviet tyranny.

August 21 is the 12th anniversary of the tragic Soviet invasion of Czechoslovakia. On that fateful day in 1968, the Soviet Union's brutal occupation of Czechoslovakia brought to an end a brave experiment in independence. Threatened by a breath of freedom, the Soviets crushed the attempt of the Czechoslovakian people to fashion their own institutions of government free of external influence.

Despite the fact that Soviet troops have remained in their country to this day, many courageous Czechoslovak citizens have unceasingly called out for a restoration of their freedom, their human rights and their dignity which were taken from them in 1968. In particular the Charter 77 group, composed of nearly 1,000 Czechoslovak men and women, has defied the threat of Soviet harassments, arrests, and imprisonments by petitioning the puppet regime in Prague to adhere to the Helsinki agreement. These freedom-starved people deserve our support and our admiration. And even more, they deserve our gratitude.

They deserve our gratitude because they are a constant reminder to the people of our own Nation that we cannot turn our backs on Soviet aggression, whether in Czechoslovakia or Afghanistan or anywhere else for that matter. We cannot ignore flagrant violations of human rights, whether or not the Soviet Union is the guilty party. We cannot allow to go unnoticed the denial of freedom to an entire nation. If we should do so, our own Nation assumes a posture which mocks the democratic principles in which we profess to believe.

The Czechoslovakian people are striving for those very freedoms we claim as a nation to represent. In their struggle for those freedoms, we are reminded of not only our extreme good fortune to be citizens of the United States of America, but also of our responsibilities and our obligations to the less fortunate of the world. For that reminder we are grateful to the Czechoslovakians, and we join them in their solemn acknowledgment of the 12th anniversary of this "Soviet Day of Shame," reaffirming our continued support for those men and women everywhere who yearn for freedom and democracy.●

REGULATORY REFORM

● Mr. HATFIELD. Mr. President, much has been written about the need for regulatory reform and dozens of bills have been introduced into this Congress as means to rectify the problem. It is refreshing to receive an insightful article on the subject that pulls together the various strains of thought that have justified regulation in the first place along with a healthy skepticism of the reform vehicles which we all so proudly praise. Just as much regulation begins after hasty and lofty calls for worker and product safety, a clean environment, or efforts to redress discrimination, we must be careful in our assessment of efforts to reform the regulatory process. Prof. David Frohnmayer has written an excellent article entitled "Regulatory Reform: A Slogan in Search of Substance," which has won the American Bar Association's Ross Essay Contest and recently appeared in the July 1980, ABA Journal. Professor Frohnmayer is an outstanding State legislator in the State of Oregon, professor of law at the University of Oregon and Republican candidate for the office of State attorney general.

Professor Frohnmayer describes three basic types of regulation. First, in the area of natural monopolies such as utilities and communications, governments have been traditionally involved in rate setting and licensing. Additionally, licensing and regulation has been used to protect the consumer from poor quality service or as methods to limit competition and artificially raise prices. Second, the Government in the last decade has moved to regulate the nonmarket behavior of firms. The core concept here has been that of "external costs" such as pollution which the companies have been successful in passing onto the general public without being forced to include those costs into the price of the product. Agencies such as EPA, OSHA, CPSC, and the EEOC are based upon this concept. Professor Frohnmayer points out that here the politics are more single-minded and uncompromising. Congressional experience with OSHA, wilderness, and public power issues demonstrate this fact well. Finally, there is the growing regulation of Government itself as Washington passes on costs of implementing programs and policies to the local governments. Senator MOYNIHAN has introduced legislation which addresses itself to this problem by requiring cost estimates for local governments as part of the budgetary process and by a closer monitoring of actual compliance costs as compared to estimated costs.

The article concludes that legislators need to establish clearer standards for regulation objectives, establish regular sunset review as a limited weapon, utilize more accurate economic impact statements to measure the cost of compliance, and formulate new legislative methods to guide social legislation so as to avoid delegating the controversial political decision to the regulator. Professor Frohnmayer's article deserves the careful attention of all who are interested in the regulation issue and I ask that the text of the article be printed in the RECORD.

The article follows:

REGULATORY REFORM: A SLOGAN IN SEARCH OF SUBSTANCE

(By David B. Frohnmayer)

Regulatory reform, that hardy perennial of political discourse, once again is in full bloom. The promise of ousting the bureaucrats, deregulating overburdened enterprises, and eliminating wasteful agency red tape—while improving governmental services—helps elect presidents. It inspires the rhetoric of countless local politicians, and it strikes a sympathetic chord in all Americans who have watched with dismay the accelerating transition from representative democracy to government by distant public administration.

Modern government at all levels has extended its reach and strengthened its grasp. Countless social and economic decisions once in the province of the market or of individual choice are now decisively influenced by government agencies and employees. Even calculated by primitive methodologies, the costs are immense. Prof. Murray Weidenbaum's widely quoted figures estimate that the rapidly rising burden of federal regulation for the private sector approaches $100 billion annually. Regulation of this magnitude fuels inflation, lowers productivity, hampers capital formation, and cripples innovation, particularly for small businesses. Present administrative costs of compliance with government regulation are estimated by these studies to cost each citizen at least $500 a year, or $2,000 for a family of four.[1]

The indirect costs of regulation are less measurable but no less significant for our political system. Regulation of this magnitude fuels taxpayer revolts, inspires lawless evasion of petty rules, and demoralizes those whose initiative is indispensable for our social betterment. For reasons well documented[2] but as yet poorly understood, regulation also causes simultaneously the centralization and the paralysis of governmental authority. No wonder, then, that an otherwise inexplicable alliance has risen between the free enterprise right and the "small is beautiful" left. Populists championing economic autonomy or civil liberties can be equally comfortable with the implicit promises of the otherwise time-worn battle cry of "regulatory reform." Impressionistic evidence suggests that the great American center shares this growing disenchantment with governmental intrusiveness.

Yet the movement for regulatory reform will remain an exercise in rhetoric rather than substantive achievement as long as it is misunderstood both by its adherents and its critics. This essay will examine some causes of regulatory paralysis, apply more exacting distinctions about the role of regulation, examine the hidden assumptions of modern public law theories relating to agency regulation, and, finally, suggest more modest avenues of legal and political analysis that can assist in achieving needed reforms.

Agency regulation is of different types, is established initially through a multitude of political, economic, or social concerns, and varies widely both in burdens it imposes and benefits it secures. Consequently, no unitary analytical model is adequate to the task of regulatory reform. At least three different arenas of governmental regulation bear examination.

The oldest form of regulation establishes government agencies to control prices and conditions of entry in various industries. The existence of "natural monopolies" such as telephone companies, which every nation places under some form of public control, is typical. Most regulatory agencies designed to affect the behavior of these industries have been responses to serious economic instability. Railroad price wars (Interstate Commerce Commission); acute electronic signal interference (Federal Communications Com-

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Footnotes at end of article.

mission); airline financial crises (Civil Aeronautics Board); and extreme fluctuations in money supply (Federal Reserve Board) exemplify these responses.[3]

These attempts to remedy perceived deficiencies of the market find state analogues in the multitude of laws respecting occupational licensing. Countless occupational groups, concerned in some cases with professional quality control and consumer protection, in others by the desire to bolster prices and limit competition, and often by a mixture of both motives, have created state licensing structures often indistinguishable from the economic system of medieval guilds.

This form of economic regulation is rarely challenged in concept, although often in specific detail, by the regulated industry. Indeed, the industries may enjoy considerably greater stability, although the process is costlier to consumers than in an unregulated free market. Historians and other scholars dispute whether this form of economic regulation derives principally from a "public interest" theory, in which laws are passed to prevent insidious trade practices, or from the currently fashionable "self-interest" theory, in which an industry successfully invokes political influence to protect itself or impose legal burdens on its competitors.

The "capture theory," which asserts that agencies become captives of the regulated industry, is overstated and often highly simplistic.[4] But together with the public interest objective, which simultaneously often is present in regulating mechanisms, "bureaucratic clientism" helps account for the extraordinary vitality of economic regulation of this character.

A second form of governmental regulation is more recent in origin and must be distinguished sharply from the first in its conceptual basis and social impact. This form of regulation—especially prominent in the last decade—is intended to regulate nonmarket behavior by business firms.[5] Among these new "social regulatory agencies" are the Environmental Protection Agency, the Occupational Safety and Health Administration, the Consumer Product Safety Commission, and the Equal Employment Opportunity Commission.

Far from being spawned by concerns for economic stability within an industry, this form of regulation attempts to deal through the legal system with social costs that the economic system allegedly has externalized but that have an impact on the health, safety, individual opportunity, or the qualitative environment of citizens and consumers. Whether these regulatory measures originate from a ground swell of popular indignation or, as some commentators have noted more cynically, from the crusades of visibility-seeking legislators,[6] It is clear that the problems they pose are of a different order.

The political dynamics of "social" regulation are often singleminded and uncompromising. When political inertia has been overcome, it may be at the expense of exaggerating both the vices of the regulated and the virtues of government controls.

More to the point, the political process may not concentrate enough attention on specific legal mechanisms that are supposed to achieve the entirely laudable social objectives of regulation. One distinguished study argues that in four major instances, unguided government regulatory policies either have simply protected the industry, set a standard impossible of attainment, compelled costly practices irrelevant to the social objective sought, or produced unwanted expenses and side effects of enormous economic magnitude.[7]

Yet advocates of the new "social regulation" also lay claim to compelling evidence. Carbon monoxide levels and heart attack deaths have declined in our major cities; polluted rivers have been cleansed; children's deaths from household poisons continue to decline; traffic fatalities from formerly unsafe automobiles and poorly designed highways have fallen; workers suffer from fewer preventable occupational diseases; and minorities have begun to see the sunlight of economic opportunity.[8] The economic costs of regulatory compliance may be more measurable on balance sheets, but the social benefits, while diffuse and often unquantifiable, at least in some instances are undeniably positive.

A third form of regulation shares characteristics and objectives of the first two, yet it also poses distinct problems for legal analysis and indeed for our political structure. This ever more visible form of regulation is government regulation of government itself: the increasing degree to which Congress has spoken to the fiscal and policy priorities that must be assumed by state and local governments.

Important legislative actions by Congress in recent years have dramatically changed the face of federal, state, and local relationships. Through the mechanisms of grants in aid, conditions imposed on the expenditure of federal funds, and actions mandated to be undertaken by local government, American federalism has been transformed to the point where fiscal dependency and federal restrictions have severely curtailed the program priorities of local governments. Recent congressional actions include the medicaid program, the National Environmental Policy Act, Title IX of the Education Amendments of 1972 relating to sex discrimination in educational institutions, Section 504 of the Rehabilitation Act of 1973 prohibiting unlawful discrimination against an "otherwise qualified handicapped individual," the Age Discrimination Act of 1975, and the Family Educational Rights and Privacy Act of 1974 relating to student educational records.

A careful compilation of studies demonstrates that virtually all of these enumerated laws share five characteristics in common: unassailably humane social objectives; uncommon speed in their passage; enormous unanticipated regulatory costs and local government fiscal impacts; the absence of key definitions or operative provisions that might have resolved future regulatory problems; and complete absence of hearings or, indeed, any searching examination within the congressional process that might serve as valid legislative history to guide citizens and agency administrators. As this authority concludes, "there seems to be something in the politics of regulatory enactment which mitigates against careful deliberation."[9]

The characteristics of these programs might simply be credited to the inevitable political triumph of national priorities over parochial and unresponsive local governments. But the consequences are not trivial. The unanticipated costs of compliance increase the dependency of local governments on unpopular forms of taxation. They constrain choices of local popularly elected governments in responding to compelling priorities of their own. The complicated problems of compliance, stemming all too often from the broad but ambiguous mandates of the national law, breed alienation in the constituencies whose needs sparked their initial enactment. Finally, the systemic "overload" on government at all levels spawns a further regulatory patchwork and fuels the public disenchantment with the ability of government at every level to respond effectively to any problem.

The third variety of regulation has not yet generated the ground swell of indignation that now greets the first two. The relative absence of outcry may be traceable to the seeming invisibility of the fiscal burdens, to the relative suddenness of its onset, or perhaps to the fact that governments regulating governments—bureaucrats commanding other bureaucrats—is perversely welcomed as giving government employees a taste of their own bitter medicines.

Yet the problems of the third variety of regulation pose important legal, as well as fiscal issues. It is hornbook constitutional law that the regulations of a nonelected federal agency often may pre-empt the duly enacted laws of a state legislature. But the constitutional extent to which the federal spending power is used to impose conditions on local governments' action is now a subject of renewed legal concern.[10] In addition, the Supreme Court may have signalled new directions in the degree to which the exercise of federal power can displace state policy choices in essential areas of local sovereignty. National League of Cities v. Usery, 426 U.S. 833 (1976). Consequently, the problems of regulatory reform of the third variety have an overlay of constitutional concerns about the structure of federalism, which are absent from the first two.

Even absent constitutional challenges, any regulatory reform agenda must address these unique policy issues about the appropriate roles for various units of government.

These three varieties of regulation each pose distinct problems for reform efforts. The first type—traditional regulation directed to licensing, rate setting, and control of trade practices—has been under visible criticism in modern times at least since the attack on agency inefficiency, delays and costs in the famous report by Dean Landis to President Kennedy. Despite early apparent success in the airline industry, however, the movement to achieve deregulation and reassert market forces has been only modest.

Three principal problems in achieving reform may explain this hesitation.

First, the regulated industry itself, whatever might be its specific concerns with the structure or complexity of agency regulation, often seems unwilling to abandon the economic benefits of regulation altogether.

Second, and perhaps more serious, once regulation has structured an industry for decades, problems of implementation of deregulation proposals, even when they appear desirable, are formidable. It is the market uncertainty—the potential for enormous economic dislocations posed in "getting from here to there"—that accounts for a great degree of political hesitancy in these efforts, even in the face of demonstrable long-term economic benefits.[11] As John Maynard Keynes once reminded us, "in the long run, we are all dead." It is not surprising that the problems of transition are seen as much more hazardous than ultimate benefits may justify.

Third, serious economic instability or a concern with predatory practices may have inspired regulation initially. For all its inefficiencies, regulation may seem to a wide variety of political constituencies as preferable to rapacious market practices. Contaminated food, falsely labelled items, and stock market manipulations, to name a few, called forth government action. "Knowing how people behaved before the constraints were imposed inclines one to reject blanket proposals to drop the constraints wholesale."[12] Meaningful proposals may involve deregulation, but often more modest reforms in agency process are all that our political system will generate.

The efforts at reform in the arena of "social regulation" also must recognize its unique characteristics. Foremost among the challenges is to devise a methodology of calculating relative benefits and costs. Not only do we not know all of the costs of this regulation, we possess only the most primitive methods of measuring them uniformly across industry lines. The indirect costs from regulatory delay, productivity

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Footnotes at end of article.

losses, resource misallocation, and decline of international competitiveness are only crudely calculable.

And just as some of the costs (such as loss of innovative energies) are intangible, many benefits in the form of improved health, qualitative enjoyment, and individual opportunity are equally resistant to measurement. Philosophers and economists have struggled for years to quantify the "interpersonal utility" of countless social welfare enactments. Small wonder, then, that political processes of measuring popular demands for consumer protection, environmental quality, and equal opportunity have supplanted the cost-benefit analyses of economists.

Yet it is surely a counsel of despair to conclude that the new "social regulation" must invariably be guided by the "enthusiastic carelessness"[13] of congressional entrepeneurs in an overly responsive political system. It is true that we cannot wish away the growing power of single-issue constituencies or the evangelical appeal of political symbolism, two causes of our current regulatory morass.[14] But it is precisely the absence, until recently, of any attempt to measure costs and benefits of social regulation that accounts for much of its early successes and apparent extremes.

Political constituencies, once conscious of the costs of regulation, could well mobilize to assert their own economic concerns as consumers. In addition, more searching cost and benefit data can refine intuition about desirable policy trade offs, even with respect to ultimately nonquantifiable consequences. These comparative measurements have been almost totally lacking in political dialogue and hence in agency implementation of regulatory proposals. While no amount of data will save a political system bent on its own self-destruction, it is far too early to assume that agencies and legislatures cannot respond to more refined evidence.

At the very least, development of more pervasive techniques of measuring the social and economic costs of regulation can renew our search for legislative standards to guide agency action. These data need not compromise the social objectives of regulation, if those objectives command the allegiance of a democratic majority. They can, however, focus long-overdue attention on the legal mechanisms of regulation which Congress often has ignored so cavalierly.

Yet American administrative law is in a period of uneasy transition even in the area of fashioning the appropriate legal mechanisms to guide agency regulation itself. We turn, therefore, to concerns of administrative regulatory procedures.

American public law has not been oblivious to the need for procedural control over the process of agency regulation. Yet no one legal theory has evolved to accommodate—in all the bewildering varieties of agency activity[15]—the twin and often competing objectives of government efficiency and regulatory fairness. What is worse, modern administrative law has developed in silent but simultaneous homage to myriad different theoretical rationales. The search for regulatory reform cannot proceed further until the often conflicting premises of these various models are exposed and explored. While the following typology partakes as much of caricature as characterization, it serves to underscore the hidden pluralism of present approaches to government regulation.

The "expertise" model of administrative agency regulation willingly entrusts fact determinations and regulatory policy choices to the superior expertise of agencies and their planners. This model, administrative government at its zenith, usually subordinates the procedural rights of the regulated to the values of efficiency and speed in policy making.[16] The concept of "official notice," the doctrine that courts will defer to the expertise of agencies construing their own rules, the legal obstacles confronted by litigants who attempt to probe the mental processes of administrators, and the limitations the "substantial evidence" rule imposes on judicial challenges to agency conclusions all bear witness to the continuing vitality of the expertise model in modern administrative law.

However comfortably this model may have suited the halcyon days of the New Deal, its assumptions are increasingly suspect after four decades of experience and appropriately humbling discoveries about the limitations of administrators. The model works well only in an era of broad agreement among legislators and administrators about the goals of regulation. When legislators, through cowardice or bafflement, are unable or unwilling to supply the most elemental statement of regulatory goals, even the broadly permissive judicial doctrines that sustain legislative delegations of authority will not help.[17]

The expertise model presupposes that the agency's work lies largely in developing the means and technical mechanisms of regulation. When the ends of regulation itself have not been resolved by the legislative process through the specification of coherent legislative standards, the arena of political value conflict is simply transferred to the agency. The predictable result within the agency is divisive confrontation, hopeless compromise of objectives, and often total regulatory paralysis.

The "legislative control" model of agency regulation more willingly tolerates or even expects occasional administrative abuse on the premise that elected officials may still assert democratic control over the regulatory process. This model assumes the existence both of effective legislative standards to guide delegated regulatory authority, and of workable mechanisms for the exercise of vigorous legislative oversight. It is regrettable that the assumptions of this model are not met. The requirement that meaningful "standards" accompany legislative delegations of authority has been all but abandoned by federal courts, and legislative oversight is a concept still in its infancy.

The legislative control model ignores the low level of many regulatory abuses and the relatively infrequent nature of legislative review of administrative action. The premises of this model are also contrary to important research evidence concerning a perverse symbiotic relationship between legislators and bureaucrats. This relationship not only tolerates but, ironically, may even require legislators to create those very bureaucracies against whose foreseeable excesses they can protest to their political gain.[18]

The "democratic participation" model[19] of administrative agency control relies on public interest membership on governing boards, open government laws, broadened intervention possibilities, and administrative agency lobby reporting reforms to constrain agency abuses. Some advocates of this model suggest more sweeping proposals, such as elective agencies and administrative decision making through participatory representation by affected groups.[20]

Many aspects of this model help to shed light on the operations of the administrative process and undoubtedly would broaden avenues for citizen participation in regulatory governance. But serious, if not fatal, defects mar the democratic participation model as well. It lacks political realism and possesses an undisguised but largely untested faith in the ability of pluralistic interest group clashes to generate consensus on regulatory policies. Moreover, the model in its extreme forms inhibits timely decision making and is overtly susceptible to manipulation by specialized interest groups masquerading as "public" representatives.

More modest in its expectations is the "procedural regularity" model. This version of control over agency regulatory activity focuses on structuring administrative discretion through provision of external and internal procedural constraints. The uniform agency processes required by the Federal Administrative Procedure Act, and the pathbreaking work of Kenneth Culp Davis on the structuring of administrative discretion. Discretionary Justice (1969), typify this concentration on procedural approaches to control of agency regulatory activity.

A recent, but far more complex, variant of the procedural model is found in the development by some state legislatures[21] and lower federal courts[22] of "hybrid" administrative procedures that force a more searching articulation of the factual premises underlying agency action. The "hybrid" model is designed to force agency consideration of disputed factual proposition and to evoke the kind of specification of agency reasoning that facilitates a searching "hard look" on judicial review.

The procedural model, of course, concentrates on process rather than outcomes: it determines how, not whether, an agency will act. Its principal limitation—and a fatal one in the eyes of the outcome oriented—is that it rarely addresses the substantive issue of regulatory objectives. Critics of the procedural model also identify other objections to the excessive formality it often assumes. They argue that it overjudicializes policy decisions, creates excessive delay and expense in policy making, forces cautious agencies to compound procedural intricacies to avoid the "free floating supervisory power" of courts, elevates courts to policy-making roles reminiscent of the reign of substantive due process, and produces substantive regulatory decisions not markedly superior to outcomes attainable by far less formal means.[23]

Shortcomings of these theoretical approaches to public law have complicated the search for effective regulatory reform. The very deficiencies of any unitary model have spawned a "nominalist" model of agency procedure. This avenue of reform is more an approach than a model, however, since it abandons the attempt to devise uniform solutions applicable across agency lines and focuses on particular agency mandate. It redirects inquiry into the political and legal "process issues" of each area of regulation. And, finally, it tailors a diversity of procedural and substantive solution to the specific agency requirements.[24] This approach resolves the uneasy tension among the analytical models previously described. Reformers are free to choose the most appropriate procedure for the regulatory problem to be addressed. This approach—the most promising but the most humble—also permits greater attention to the political as opposed to legalistic perspective within which regulation always occurs.

The essay thus far has explored reasons why generalized proposals are doomed to failure because they so often fail to address the origins and complexities of regulation. We turn to examine briefly other modest but hopeful avenues for improvement.

As with chastity, congressional power is never lost, rarely taken by force, and almost always given away. Political criticism of regulatory agency power is often directed to the wrong target. Bureaucrats are rarely usurpers; more commonly they exercise to the fullest degrees the broad authority conferred by statute. Congress therefore bears principal responsibility for the crisis in the regulatory process. But the American public has helped generate the present malaise. Whatever be their protestations, substantial numbers of Americans have wanted the very regulation that causes their present anguish.

Footnotes at end of article.

As Kaufman documents exhaustively, bureaucracy springs from the diversity of values to which we subscribe, from the demands on government to which these values give rise, and from the very responsiveness of the government to these multiple demands.

The following proposals for congressional action are neither exhaustive nor original. Yet, collectively they might constitute a "wise legislator's guide to reform and self-restraint."

First, whatever be the present minimal role of courts in requiring "standards" as a constitutional condition of delegated authority, legislators should insist on them. Standards force legislators to think through more carefully their objectives when assigning regulatory power. Standards give agencies textual guidance on the boundaries of official discretion. They assist measurably the process of later legislative oversight of agency performance. They engender greater public credibility and give fairer warning of allowed and prohibited conduct. Finally, more exacting statutory criteria provide reviewing courts with obective bases for determining when official action has exceeded statutory boundaries.

We can no longer tolerate the once prevalent conception that Congress should simply hand expert administrators a concept for which no present political resolution is possible. Not only is this an abdication of representative government; bitter experience demonstrates that the same political conflicts usually paralyze the administrative process. In this sense, the insistence on standards is an internal "sunrise law"; a refusal to enact legislation at all if the branch of government constitutionally charged with formulating public policy cannot devise meaningful directions. Even a modest revival of the nondelegation doctrine, a course otherwise beset by serious problems of its own, might well hasten the advent of greater legislative responsibility.

Second, "sunset laws" help provide regular agenda for reviewing agency missions and evaluating past performance against current program needs. Taken alone, they are not panaceas, nor has recent state legislative experience shown them to be inexpensive. But as one weapon in the arsenal of legislative control, they can force timely review of many regulatory activities.

Third, "economic impact statements" internal to the legislative process should be made a routine and mandatory part of procedural rules governing the consideration of legislation. As the methodologies for calculating the costs of regulation are sharpened, cost-benefit projections for local governments and the private sector, not just the federal treasury, should then become the focus for legislative debate on costs and visible policy trade offs.

Fourth, new legislative procedural rules should be devised to provide the type of hearing record and legislative history that many recent "social regulation" proposals have lacked. While constitutional due process requires no such hearing process, the future of the nation quite literally may.

Fifth, great reliance should be placed on market mechanisms and over-all performance standards for regulatory compliance. Although deregulation may not suit all regulated enterprises, carefully tailored tax incentives and other devices to influence behavior appear often to promise salutary results with fewer regulatory burdens. If enterprises are permitted to use performance rather than engineering standards to achieve, for example, pollution control, regulatory burdens may be minimized without compromising social or political objectives.

Sixth, the administrative process within the executive branch can be further refined. The draft report of the American Bar Association Commission on Law and the Economy recommends useful mechanisms for greater interagency consultation and increased presidential authority to reconcile conflicting agency directions. While these proposals raise, on one hand, the specter of endless agency dialogue and on the other, of the "imperial presidency," properly tailored authority could increase the consistency and accountability of regulatory activity within the executive branch.

Finally, more workable mechanisms for achieving effective legislative oversight of agency action surely can be devised. While the constitutional intricacies of the "one-house veto" of administrative regulations are beyond the scope of this essay, less sweeping controls are possible. Some reforms—for example, elimination of the proliferating subcommittee fiefdoms that fragment congressional control—may require fundamental institutional changes. But others, such as Administrative Procedure Act reforms, dormant for a decade despite the work of the Administrative Conference of the United States and related organizations, are long overdue. Other legislative requirements of administrative procedure, such as those that require agencies to justify in advance the need, means-end reasoning, and fiscal impacts that support new regulatory proposals, are already securely in effect in the laboratories of state government.[25]

Modern government is immersed in a maze of regulatory activities for complex reasons related to the interactions of economic and technological growth and the political response it has occasioned. Although these trends are strong and pervasive, they are cause neither for simplistic solutions nor the paralysis of despair.

For in truth, our task—control over the regulatory machinery we have established to protect ourselves from unacceptable risks—is also an enduring quest of our civilization. The ancient Roman poet, Juvenal, put the question in its classic form: "quis custodiet ipsos custodes?" ("Who will watch the watchers?"). As it was then, ensuring the control of law over the instruments of government itself remains the great task of the last two decades of our second millenium.

FOOTNOTES

[1] Center for the Study of American Business, *The Cost of Government Regulation* (1977).

[2] Kaufman, *Red Tape: Its Origins, Uses, and Abuses* (1977).

[3] Wilson, *The Politics of Regulation,* in J. McKie. SOCIAL RESPONSIBILITY AND THE BUSINESS PREDICAMENT 138–152 (1974).

[4] Jaffe, *The Illusion of the Ideal Administrations.* 86 HARV L. REV. 1183 (1973).

[5] Kelman, REGULATION THAT WORKS, NEW REPUBLIC, November 25, 1978.

[6] Colella, *The Creation, Care, and Freedom of Leviathan: Who and What Makes Government Grow.* 5 INTERGOVERNMENTAL PERSPECTIVE 6 (1979).

[7] Wilson, *supra* note 3.

[8] Kelman, *supra* note 5.

[9] Beam, *The Accidental Leviathan: Was the Growth of Government a Mistake?*, 5 INTERGOVERNMENTAL PERSPECTIVE 12, 14–16 (1979).

[10] Note, *The Federal Conditional Spending Power: A Search for Limits,* 70 NW U.L. REV. 293 (1975).

[11] *See* Kahn, *Deregulation of Air Transportation—Getting from Here to There,* in JACOBS, REGULATING BUSINESS: THE SEARCH FOR AN OPTIMUM 37 (1978).

[12] Kaufman, *supra* note 2 at 66.

[13] Beam, *supra* note 9 at 15.

[14] Edelman, Political Language: Words that Succeed and Policies that Fail (1977).

[15] Verkuil identifies at least six distinct categories of administrative decision. Verkuil, *The Emerging Concept of Administrative Procedure,* 78 COLUM. L. REV. 258 (1978).

[16] *E.g.,* LANDIS, THE ADMINISTRATIVE PROCESS (1938).

[17] E.g., *Amalgamated Meat Cutters* v. *Connally,* 337 F.SUPP, 737 (D. D.C. 1971).

[18] M. FIORINA, CONGRESS—KEYSTONE OF THE WASHINGTON ESTABLISHMENT (1977).

[19] Stewart, *The Reformation of American Administrative Law,* 88 HARV. L. REV. 1667, 1790–1800 (1975).

[20] Reich, *The Law of the Planned Society,* 75 YALE L. J. 1227, 1258–61 (1966).

[21] E.g., FLA. STAT., Ch. 120 (1979).

[22] *See, e.g., Mobil Oil Corporation* v. *Federal Power Commission,* 483 F. 2d 1238 (D.C. Cir. 1973). But see *Vermont Yankee Nuclear Corporation* v. *Natural Resources Defense Council,* 435 U.S. 519 (1978).

[23] Wright, *Court of Appeals Review of Federal Agency Rulemaking,* 26 AD. L. REV. 199 (1974).

[24] See Rabin, *Administrative Law in Transition: A Discipline in Search of an Organizing Principle,* 72 NW. U. L. REV. 120 (1977).

[25] OR. REV. STAT. § 183.335(2)(b).

A SALUTE TO TWO LABOR LEADERS

● Mr. CRANSTON. Mr. President. On July 25, hundreds of labor, business, and civic leaders gathered in Coronado, Calif., to honor two very distinguished Californians: Max J. Osslo and Richard Lautermilch.

The occasion was a bittersweet one. For, while the many honors bestowed on Mr. Osslo and Mr. Lautermilch were well deserved, there was a sadness because both men are retiring as international vice presidents of the United Food and Commercial Workers International Union, the largest organization in the AFL–CIO.

Each will continue to provide service to workers as the chief executive officer of his respective local union—Mr. Osslo as secretary-business manager of local 229 in San Diego and Mr. Lautermilch as secretary-treasurer of local 127 in Stockton.

But they gave up their national offices on August 1. Mr. Osslo, in fact, stepped down as the regional director of District 15 of the UFCW local unions in the States of California, Nevada, Arizona, and Hawaii.

Mr. President, both Mr. Osslo and Mr. Lautermilch have devoted their lives in the service of their fellow men and women. They began in the labor movement during the depth of the Great Depression. They worked hard to build unions among workers in the various parts of the meat industry. They each suffered abuse and physical harm, but they pushed on to build organizations which brought a decent living, dignity, and job security to meatcutters in the West.

Nor did they forget their obligations beyond their members. Both were deeply involved in a variety of civic and charitable activities.

Max Osslo joined local 229 in San Diego in the early 1930's and quickly rose to the leadership of the struggling organization. In his long tenure as the chief executive officer, he built local 229 from 70 members—many of whom were blacklisted—to more than 3,000 men and women who earn some of the best wages and have achieved some of the best working conditions in the area.

Mr. Osslo's skill and dedication were noted by his parent union, then the Amalgamated Meat Cutters and Butcher Workmen. He was elected an international vice president in 1956. He also became district director of the union that year with the responsibility of aiding dozens of amalgamated local unions with more than 60,000 members.

He has served other unions as a vice president of the California Federation of Labor for more than three decades. He chairs that organization's legislative committee and has been an extremely influential voice for good in the State.

His civic activities stretch back more than 40 years. He has served on the California Board of Education. He provided leadership in the planning of the bicentennial celebration in San Diego. He was a tower of strength during World War II as a member of the War Manpower Commission and the National War Labor Board and as the mastermind of an extremely successful war bond campaign.

Recently, as a senior vice president of the Amalgamated, he helped to bring about the biggest union merger ever in the United States. He participated in uniting the Amalgamated Meat Cutters and Butcher Workmen and the Retail Clerks International Union into the present 1.3 million member United Food and Commercial Workers International Union.

Dick Lautermilch is a quiet man, but a very strong one. He has provided leadership for local 127 for many decades. His organizational and bargaining skills are renowned in northern California. His dedication to workers and his desire to help anyone in need are magnificent.

He is the major reason for the present strength of local 127 and the excellence of its contracts. He has long been a leader in the difficult but highly successful negotiations with management which determined the wages and working conditions of meat cutters in northern California.

His many skills, dedication, and strength as a union leader earned Dick Lautermilch the election as an international vice president of the Amalgamated and then the UFCW. On the executive board, his advice—quietly put forward—made him influential and highly respected.

But Max Osslo and Dick Lautermilch will be missed. They were hardened by depression and war, but they never forgot that their obligation and responsibility was service to other human beings. They are tough and strong men who devoted their lives to leading working men and women in their quest for a decent standard of living.

I cannot believe that these workhorses of the labor movement will retire. I wish them much happiness, contentment and joy for many, many years. They certainly deserve it.●

MYTHS ABOUT SUGAR

● Mr. HATCH. Mr. President, in order to assist consumers about making responsible decisions about their diets and health maintenance programs, I would like to call to the attention of my colleagues an editorial which appeared in the April 1980 edition of Food Engineering. It is a reasonable, straightforward piece which I hope will help to set the record straight about sugar and help dispel the many myths about this diet component. I ask that the text of this editorial be printed at this point in the Record.

The editorial follows:

Myths About Sugar

Sugar is blamed for many things these days—everything from heart disease to madness. Unfortunately, the information in too many cases is not well-grounded in science.

Even two of the most common complaints against sugar—(1) it makes you fat; and (2) it causes tooth decay—are not open and shut cases. The issues are far more complex than most people believe.

As far as obesity is concerned, sugar is a source of calories. If we take in more calories than we burn-up for energy, we gain weight.

However, sugar does not contain any more calories than other foods. One gram of sugar accounts for 4 calories. One gram of protein accounts for 4 calories, too. And one gram of fat accounts for 9 calories.

Why, then, is sugar singled out as the culprit?

Perhaps it is because we eat too much sugar. Sugar is a carbohydrate and carbohydrates provide 45–50 percent of the total calories in the American diet. Sugar and other sweeteners account for 16-17 percent of the total calories.

That may be too high. At the same time, however, consumption of fats is also said to be too high. And protein intake is thought to be 2–3 times the amount needed by most Americans.

Unfortunately, that's all there is—fats, protein and carbohydrates—except for alcohol. So, if weight reduction is the goal, the answer is clear. Calories have to be reduced . . . and one of the best ways to do that is to eat a little less of everything. Or burn-up more calories through exercise. Or both. But information like that doesn't sell books. Attacking sugar does.

So much for sugar and obesity. What about tooth decay?

The (now) classic Vipeholm study in Sweden shows that two-thirds of a pound of sugar per day could be consumed at mealtimes with almost no increase in tooth decay. On the other hand, when sugar in much smaller amounts was served between meals, significant tooth decay resulted.

In short, sugar eaten at mealtimes is not much of a problem because other foods help clear it away from the teeth. Also, at mealtimes the decay potential of sugars is reduced by certain minerals, fats, buffers and organic protective factors present in various foods.

Furthermore, the flow of saliva at mealtimes is greatest, and saliva helps wash away food particles. Saliva also contains chemical components (bicarbonate, phosphate, calcium and phosphorous—among others) which help improve the resistance of teeth against decay.

Actually, it is not sugar that decays teeth. The teeth are destroyed by acid which is produced by bacteria which live on the teeth and feed on sugar and starch. The bacteria don't care where the sugar comes from—nature or industry. The sugar source can be a piece of fruit, or it can be the sugar bowl.

To combat these bacteria and/or the acid produced, some interesting new approaches are being tried. The University of Southern California is researching a vaccine that could prevent bacteria from sticking to the teeth, thereby preventing decay.

Michigan State University is investigating a germ-killing agent, Lauricidin, a fat which is a breakdown product of the triglyceride family. A natural agent, it is found primarily in coconuts, and it is FDA-approved for food use.

Also, recent studies indicate that certain foods like peanuts and cheese appear to have the ability to buffer the acids produced on the tooth surface. If so, eating these types of foods during the day may have some merit in fighting tooth decay.

As the saying goes, "you can't carry a toothbrush with you all day long." Maybe a pocketful of peanuts is the answer.

In summary, sugar is simply one component of a properly balanced diet. It is a significant source of carbohydrate which is the body's primary energy source. Some people have good reasons for avoiding sugar; but avoiding it because of myths is another thing.●

THE WORKERS' RIGHT TO BE HEARD IN POLAND

● Mr. PELL. Mr. President, today, as they did in 1956, 1970, and 1976, the Polish people are demanding from their government the same rights that we in the West have taken for granted for so long. The workers' right to be heard on matters concerning their own working conditions, as well as the citizens' right to be heard on the subject of their own governance, are guaranteed in numerous documents including the Constitution of Poland, the Universal Declaration of Human Rights and the Helsinki Final Act.

An editorial which appeared August 19 in the Christian Science Monitor noted that it is extraordinary that the Polish workers must continue to press the party for reforms, such as free trade unions, which Marx himself said they should have.

As cochairman of the Commission on Security and Cooperation in Europe, I am following the events in Poland very closely. Those events raise a series of questions in my mind.

Why should hundreds of thousands of workers spontaneously find it necessary to demand that their government permit them to establish free trade unions, when the Universal Declaration of Human Rights guarantees that, "Everyone has the right to form and to join trade unions for the protection of his interests"?

Why should those same workers find it necessary to demand guarantees of freedom of expression in work and print and abolition of censorship? The Universal Declaration of Human Rights guarantees that, "Everyone has the right to freedom of opinion and expression," and the Polish Government has reiterated that pledge by signing the Helsinki Final Act.

Why should the head of the Polish Communist Party tell his people on nationwide television that:

> Only a socialist Poland can be a free and independent state with unviolable frontiers?

The Helsinki Final Act which was signed by Poland, and by all the countries of Europe, begins with the principle of sovereign equality. Principle III notes the inviolability of frontiers. Principle VI calls for nonintervention in internal affairs. Nowhere are these rights made contingent upon the form of government.

The Polish Government has detained Jacek Kuron and at least 13 other Polish citizens, apparently because they had assisted the strikers, but it has refrained from using force to break the strike. As a result, Poland faces important opportunities as well as dangers. The Polish authorities still have an opportunity to reach agreement with the workers' representatives on a settlement which would improve the workers' living conditions and enlist the workers' cooperation in solving Poland's economic problems.

The Helsinki Final Act can serve as a guide to such a solution. Free trade unions and free speech would be significant steps toward further implementation of the Final Act, and would have a positive influence on the discussions that will begin in Madrid in November.

I have also learned that the Soviet Union has begun jamming Western radio broadcasts for the first time in 7 years. This attempt to prevent Soviet citizens from learning about events in Poland is clearly a violation of the Helsinki Final Act.●

EMPLOYMENT PROGRAM FOR OLDER WORKERS

● Mr. CHILES. Mr. President, as part of the Nation's continuing commitment to older workers, the Department of Labor recently announced the allocation of $258 million for the senior community service employment programs (SCSEP) for the next year, July 1980 through June 1981. These funds will provide approximately 52,000 part-time jobs for jobless, low-income individuals who are 55 years of age or older and have poor employment prospects.

Legal authority for the SCSEP is under title V of the Older Americans Act of 1965, as amended by the Comprehensive Older Americans Amendments of 1978. The Department of Labor through the Office of National Programs, Older Worker Work Group, Employment and Training Administration, implements the SCSEP by awarding funds to eight national organizations and all State governments.

The SCSEP, which has both an urban and rural focus, was established in 1973 to promote the creation of part-time jobs in community service activities for middle-aged or older workers. During what was then considered a period of high inflation—8.8 percent—and when many older workers were faced with the prospect of losing their jobs, Congress recognized the need for an employment program which would focus on keeping individuals in the work force. Such a program would also provide opportunities for those individuals to learn new skills or allow unemployed individuals to serve their communities in public service positions.

In 1974 this program was endangered by a proposed rescission. However, Congress not only rejected this threat to the program's existence but sought additional funding. By 1974, the Nation's inflation rate had increased to 12.2 percent and the program had proved to be enormously effective, not only for the elderly participants but also for the communities served. In fact, in practically every project the program was oversubscribed and had anywhere from 7 to 10 applicants for each position available.

In a 1975 white paper, the National Farmers Union, the National Council on Aging, the National Council of Senior Citizens, and the National Retired Teachers Association/American Association of Retired Persons recognized the plight of older workers in their issuance of the following statement:

> At a time when the nation is reeling with the highest unemployment rate in a quarter of a century, when many older people are cutting back from two meals to one meal a day and when social service agencies will be strained to their utmost, America surely needs the help of these older people experienced in providing social services in their own communities. What this country doesn't need is more unemployed lonely old people.

The national organizations are to be commended for their foresight and early recognition of the effects of steadily creeping inflation on individuals with limited or fixed incomes and the mental trauma experienced by workers who were able and anxious to work, but whose jobs were being terminated as a result of industrial entrenchment brought about by spiraling inflation.

By 1976 the Nation had made a modest recovery from the worst recession in nearly 40 years, but the economic upturn provided little improvement for middle-aged and older workers. And in some major areas, their situation actually deteriorated. Layoffs in 1974 and 1975 had caused a substantial increase in unemployment for all age groups. Many older workers never recovered from the recession. Many were forced into early retirement in 1976, after exhausting unemployment benefits. Others found themselves going steadily down the occupational ladder in an attempt to remain employed.

A working paper, prepared for the Special Committee on Aging during 1976 concluded:

> Viewed in its totality, there is clear and convincing evidence that older workers are worse off now, first quarter in 1976, than in the prerecession peak period, the fourth quarter in 1973.

Congress, recognizing the impact of the 1973-74 recession on middle-aged and older workers, substantially increased the senior employment in 1976 and, for the first time, allocated 20 percent of the appropriation to State governments.

When State governments launched their portion of the SCSEP, they were able to complement programs run by national contractors and in many instances to locate employment projects or participants in areas which were not being served by the national contractors. Through the coordinated efforts of the national contractors and the State governments, an equitable geographic distribution of the job slots has been pursued.

In 1978 there were several significant legislative changes in this employment program. The definition of low income was increased to 125 percent of the Bureau of Labor poverty index. This enabled the near-poor as well as the poor to participate in the program. The overall emphasis remained on the low-income elderly because their needs were the greatest, but there was congressional recognition that there were many instances where individuals with incomes slightly above the poverty levels were also in great need. The revisions in the 1978 law also directed more job slots to State governments by changing the allocation formula and stipulating that any additional funding in succeeding fiscal years would be allotted at 55 percent for the States and 45 percent for the national organizations.

The new law also directed the Secretary of Labor to reserve up to 1 percent of future appropriations to improve the transition from community service employment jobs to the private sector. This was an effort to increase the turnover in the federally subsidized senior employment program. As older workers come into the program and develop job skills, improve their working habits and gain self-assurance, opportunities should arise for placement in the private sector. It was felt that transition from the Federal program to the private sector would benefit the older worker, the program, and those waiting to enter the program.

Also in 1978, in an attempt to insure opportunities for minority older persons, the Department of Labor expanded the list of national organizations which served as prime sponsors to include the Associacion Nacional Pro Personas Mayores, the National Center on Black Aged, and the Urban League.

I want to commend my colleagues in both the Senate and the House of Representatives for their support of this very beneficial program over the past several years. I would also like to applaud the efforts of the original five national organizations which started and institutionalized this program under threats of termination or rescession of funds by previous administrations. The original founders of this program include: Green Thumb, Inc., an arm of the National Farmers' Union, the National Council on the Aging, the National Council of Senior Citizens, the National Retired Teachers Association/American Association of Retired Persons and the U.S. Department of Agriculture's Forest Service.

I am very pleased at the way this employment program for middle-aged and older workers has developed over the years. As this very worthwhile program enters its seventh year of operation, 80 percent of all participants are over the age of 60, and 65 percent are women. More than 30 percent are minority group members, and about 60 percent have less than a high school education; 52 percent are in jobs that provide services to the elderly (nutrition programs, outreach/referral, recreation, health and home care, transportation, et cetera); 48 percent of the participants are in jobs created to provide services to the community at large.

It is my sincere hope that we will be able to continue this fine program and that more older workers will make the transition from federally subsidized jobs into the private sector.

Following are tables giving a breakdown of dollar allocations, by State, for each national sponsor and State government, as well as authorized participant levels. I ask that this material be printed in the RECORD.

The material follows:

SCSEP FOR 1980-81 PROGRAM YEAR—STATE ALLOCATIONS

Legend: A—Green Thumb, B—NCOA, C—NCSC, D—NRTA/AARP, E—Forest Service, F—NCBA, G—Spanish, H—Urban League

State	A	B	C	D	E	F	G	H	Governor's share
Alabama	$524, 074	$340, 335	$1, 982, 060	0	$258, 989	$467, 042	0	0	$1, 077, 500
Alaska	0	0	0	0	0	0	0	0	1, 072, 000
Arizona	85, 540	1, 474, 051	0	0	395, 311	0	0	0	604, 098
Arkansas	2, 996, 980	0	0	$788, 503	375, 190	0	0	0	725, 327
California	2, 205, 743	3, 549, 902	4, 345, 707	3, 244, 043	1, 946, 780	0	$587, 567	0	4, 421, 258
Colorado	475, 828	0	674, 666	304, 278	391, 926	0	0	0	517, 302
Connecticut	140, 794	0	1, 926, 172	0	9, 196	0	0	$349, 320	673, 518
Delaware	0	0	0	0	0	0	0	0	1, 072, 000
District of Columbia	682, 825	0	495, 461	29, 888	0	0	0	0	278, 826
Florida	3, 021, 706	350, 561	1, 420, 633	4, 544, 821	449, 628	286, 752	291, 177	0	2, 987, 722
Georgia	1, 109, 636	448, 433	0	1, 990, 793	400, 158	0	0	235, 554	1, 218, 426
Guam	0	0	0	0	0	0	0	0	536, 000
Hawaii	0	0	0	0	0	0	0	0	1, 072, 000
Idaho	183, 939	0	0	219, 559	500, 087	0	0	0	278, 415
Illinois	3, 842, 828	0	2, 193, 076	1, 103, 313	195, 379	0	267, 938	297, 709	2, 351, 757
Indiana	3, 226, 539	0	1, 580, 496	332, 514	78, 149	0	0	299, 953	1, 256, 349
Iowa	1, 141, 894	0	558, 779	856, 263	0	0	0	0	773, 064
Kansas	1, 722, 569	0	0	0	0	0	335, 638	0	599, 793
Kentucky	1, 743, 978	809, 975	0	690, 657	331, 011	354, 716	0	0	973, 663
Louisiana	1, 021, 371	413, 301	571, 210	587, 301	336, 869	0	299, 971	0	958, 977
Maine	167, 536	920, 777	0	172, 481	41, 407	0	0	0	338, 799
Maryland	309, 443	0	2, 356, 429	0	0	0	0	0	833, 128
Massachusetts	854, 668	0	3, 376, 265	383, 923	0	0	0	300, 012	1, 461, 132
Michigan	3, 018, 362	0	2, 117, 511	848, 409	431, 028	0	0	0	1, 816, 690
Minnesota	3, 529, 637	0	994, 884	0	562, 436	0	0	458, 831	953, 212
Mississippi	423, 888	0	915, 706	0	643, 687	437, 029	0	0	709, 690
Missouri	3, 204, 548	268, 422	385, 020	810, 266	511, 947	0	0	0	1, 359, 797
Montana	900, 143	0	0	269, 015	182, 792	0	0	0	279, 050
Nebraska	1, 214, 771	0	0	389, 558	25, 286	0	0	0	431, 385
Nevada	188, 538	0	0	544, 903	170, 144	0	0	0	278, 415
New Hampshire	325, 372	0	0	339, 199	179, 374	0	0	0	279, 055
New Jersey	3, 461, 063	1, 278, 079	1, 275, 322	0	0	0	0	349, 266	1, 640, 270
New Mexico	0	0	0	415, 606	507, 149	0	0	0	284, 245
New York	5, 059, 494	3, 669, 381	3, 344, 462	2, 223, 534	0	0	0	423, 235	4, 355, 894
North Carolina	786, 547	434, 460	1, 586, 329	0	1, 574, 602	423, 234	0	0	1, 448, 828
North Dakota	1, 099, 006	0	0	168, 777	14, 942	0	0	0	278, 275
Ohio	2, 529, 781	1, 021, 960	2, 179, 252	2, 375, 227	86, 193	0	0	497, 157	2, 692, 430
Oklahoma	2, 420, 069	0	0	404, 948	99, 995	0	299, 985	0	834, 003
Oregon	1, 562, 352	245, 940	0	517, 481	743, 727	0	0	0	617, 500
Pennsylvania	4, 820, 245	1, 963, 620	2, 565, 418	1, 128, 924	301, 113	0	0	365, 700	3, 302, 980
Puerto Rico	996, 812	0	0	1, 006, 730	102, 287	0	0	0	647, 171
Rhode Island	0	0	370, 149	708, 096	0	0	0	0	278, 755
South Carolina	797, 438	248, 073	569, 176	501, 108	275, 913	0	0	0	728, 292
South Dakota	1, 319, 667	0	0	187, 252	50, 576	0	0	0	278, 505
Tennessee	1, 329, 184	479, 923	1, 187, 998	0	474, 606	409, 492	0	0	1, 233, 797
Texas	4, 704, 563	1, 490, 776	1, 292, 803	2, 161, 783	126, 435	0	299, 995	0	2, 834, 645
Utah	735, 191	0	0	0	577, 354	0	0	0	278, 455
Vermont	100, 489	915, 288	0	0	111, 459	0	0	0	278, 764
Virgin Islands	0	0	0	0	0	0	0	0	536, 000
Virginia	2, 271, 563	499, 644	0	859, 450	379, 138	0	0	299, 990	1, 138, 215
Washington	539, 401	0	552, 763	941, 024	608, 645	0	0	0	802, 167
West Virginia	194, 591	1, 139, 872	700, 930	0	315, 993	0	0	0	595, 614
Wisconsin	3, 227, 535	0	1, 698, 122	0	427, 378	0	0	300, 021	1, 187, 944
Wyoming	486, 384	0	0	172, 331	244, 870	0	0	0	278, 415
American Samoa	0	0	0	0	0	0	0	0	536, 000
Pacific Islands	0	0	0	0	0	0	0	0	536, 000
National total	76, 704, 525	21, 962, 773	43, 216, 799	32, 251, 958	15, 439, 149	2, 378, 265	2, 382, 271	4, 176, 748	59, 811, 512

SCSEP FOR 1980-81 PROGRAM YEAR

[Total State-by-State allocations and authorized participant levels]

State	Allocation	Number of participants
Alabama	$4, 650, 000	941
Alaska	1, 072, 000	217
Arizona	2, 559, 000	518
Arkansas	4, 886, 000	988
California	20, 301, 000	4, 106
Colorado	2, 394, 000	484
Connecticut	3, 099, 000	627
Delaware	1, 072, 000	217
District of Columbia	1, 487, 000	301
Florida	13, 353, 000	2, 701
Georgia	5, 403, 000	1, 093
Guam	536, 000	108
Hawaii	1, 072, 000	217
Idaho	1, 182, 000	239
Illinois	10, 252, 000	2, 074
Indiana	6, 774, 000	1, 370
Iowa	3, 330, 000	674
Kansas	2, 658, 000	538
Kentucky	4, 904, 000	992
Louisiana	4, 189, 000	847
Maine	1, 641, 000	332
Maryland	3, 499, 000	708
Massachusetts	6, 376, 000	1, 290
Michigan	8, 232, 000	1, 665
Minnesota	6, 499, 000	1, 315
Mississippi	3, 130, 000	633
Missouri	6, 540, 000	1, 323
Montana	1, 631, 000	330
Nebraska	2, 061, 000	417
Nevada	1, 182, 000	239
New Hampshire	1, 123, 000	227
New Jersey	8, 004, 000	1, 619
New Mexico	1, 207, 000	244
New York	19, 076, 000	3, 858
North Carolina	6, 254, 000	1, 265
North Dakota	1, 561, 000	316
Ohio	11, 382, 000	2, 302
Oklahoma	4, 059, 000	821
Oregon	3, 687, 000	746
Pennsylvania	14, 448, 000	2, 922
Puerto Rico	2, 753, 000	557
Rhode Island	1, 357, 000	274
South Carolina	3, 120, 000	631
South Dakota	1, 836, 000	371
Tennessee	5, 115, 000	1, 035
Texas	12, 911, 000	2, 621
Utah	1, 591, 000	321
Vermont	1, 406, 000	284
Virginia	5, 448, 000	1, 102
Virgin Islands	536, 000	108
Washington	3, 444, 000	697
West Virginia	2, 947, 000	596
Wisconsin	6, 841, 000	1, 383
Wyoming	1, 182, 000	239
American Samoa	536, 000	108
Trust Territory of the Pacific Islands	536, 000	108
Total	258, 324, 000	52, 250

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THERE IS NO CONSTITUTIONAL CRISIS IMPENDING

● Mr. HATCH. Mr. President, as the news media's favorite candidate, John Anderson, continues to show well in the headlines of the Nation's papers, if not in the hearts of his countrymen, concern over the operation of the electoral college, and the possibility that the Presidential selection might be thrown to the House of Representatives grows. Some of my colleagues are very vocal in warning us against the horror of this possibility, and anxious to persuade us to revise the Constitution to prevent it.

In the midst of all this hooting and hollering, an occasional quiet voice speaks up to ask what it is all about. We have had this situation before, and the Nation has survived very well. Why all the talk about "crisis" and the predictions of disaster?

One such voice is that of William Schambra, writing in the current issue of Public Opinion magazine. Mr. Schambra has a much better appreciation for the basic document underlying our Republic, for the strengths of our institutions, the good sense and resilience of our people, than do most of those crying wolf, over the Anderson candidacy. As Mr. Schambra makes clear, there are values that compete with our traditional dedication to numerical democracy, and the procedures outlined by the Constitution take them into account admirably.

I ask that Mr. Schambra's article be printed at this point in the Record. It will be a useful counterweight to the hysteria inserted in the Record by some of my colleagues.

The article follows:

The Crisis of the House Deciding

(By William Schambra)

America has been troubled lately by a recurring nightmare: What happens if John Anderson's presidential candidacy siphons enough electoral votes from the two major contenders to throw the election into the House of Representatives? Since the situation has not arisen since 1824, it looms as a big unknown for most citizens, with all the fear the unknown evokes.

Anxiety levels have not been helped, of course, by the recent outpouring of journalistic scenarios luridly describing an election in the House; they serve up various combinations of presidents and vice presidents like so many grotesque Chinese dinners. Nor are we likely to be comforted by the political reformers who have been clucking for decades that the Electoral College is a "loaded pistol pointed at our heads," always on the verge of going off and making a bloody mess of our presidential selection process; they're busy preparing "I told you so's," to be delivered as soon as the report of the pistol shot has faded.

It is probably a good time, then, to take a deep breath, and, following a current psychotherapeutic adage, try to imagine the worst that can possibly happen if the election goes to the House. By engaging in a small dialogue with our deepest anxieties, we will find that there simply is not that much to be afraid of, and, in fact, there may be something to look forward to.

Anxiety No. 1: I have never been in a constitutional crisis before. What is going to happen to me? Absolutely nothing, because there will be no "constitutional crisis." A constitutional crisis would require some fatal lack of clarity in our fundamental charter or some gap in constitutional procedure. There is none of that in this situation—the Constitution speaks clearly and authoritatively about how a president is to be chosen in a "contingency election" by the House. (This, in spite of, or more likely because of, the fact that the Supreme Court has not handed down any rulings in this area.) The contingency election *may* be unusual, and therefore *may* be frightening, but it is in fact a well-defined, legitimate constitutional procedure that produced presidents in 1800 and 1824, and will do so again, if necessary, in 1980.

THE CONSTITUTION SPEAKS

To review the procedure briefly: if no presidential candidate has acquired a majority of votes in the Electoral College, the newly elected House of Representatives meets in January to select a president from among the top three contenders. The representatives vote as state blocks, each state having one vote. For a candidate to be awarded the vote of a state, he must have a majority of the votes cast within the delegation; for a candidate to be elected, he must pile up twenty-six states. Should the House fail to select a president by Inauguration Day, the newly elected vice president would become acting president. (The Senate will have chosen the vice president from the top two candidates emerging from the Electoral College.) And, should the Senate have failed to select a vice president by that time, the new speaker of the House would become acting president.

It is very likely that the House would produce a president, if not by Inauguration Day, then shortly thereafter. Were congressmen to vote strictly along party lines, of course, it is conceivable that a stalemate might occur and last until 1984; the Democratic party currently controls twenty-nine state delegations, and GOP in-roads in 1980 could reduce that below the twenty-six votes needed to win. But congressmen will be under tremendous pressure to come up with a final winner, and there will be plenty of ways for them to justify breaking party ranks—some will feel compelled to vote the majority or plurality sentiment of their districts or states, others will follow the plurality sentiment of the nation, some may even feel compelled to vote for the best man. In spite of those fanciful stories about Walter Mondale or Howard Baker or Tip O'Neill acting as president until 1984, it is highly likely that the House will come to a decision quickly.

Anxiety No. 2: But what kind of Rube Goldberg device is this procedure, anyway, Election by the House? Voting by states? Is this the United States, or Lower Slobbovia? It's the United States, all right—a nation grounded in complex political principles that find expression in complex political institutions that are, in turn, often dismissed as "Rube Goldberg" devices by those who do not understand them. The contingent election is a prime example of a complex institution serving complex ends; it must deliver us a president quickly and efficiently, at the same time adhering to certain fundamental, but not necessarily mutually compatible political principles.

Quickness and efficiency? The House is already assembled and ready to act, should the Electoral College fail to provide a president. As an alternative, would we really want to consider holding another national election, with all the delay, uncertainty, expense, and aggravation that would entail? We already hear complaints that our election season seems to drag on interminably.

MAJORITY RULE AND FEDERALISM

Fulfilling fundamental political principles? It satisfies our commitment to the rule of the majority because it is a democratic procedure. The House is, after all, elected by the people, in the same year, on the same ballot, as the president. In a year with the possibility of a contingent election, people obviously would vote for a congressman with an eye to his role as presidential elector, thus making it even more likely that the winner of the contingent election will be an adequate reflection of popular desires. In fact, this procedure comes to resemble the British parliamentary system, where voters choose MP's on the basis of the prime minister they would bring to office; few would describe that as an undemocratic system. (These connections between the congressional and presidential elections make the House a far more appropriate body for the contingent election than, say, the Senate, where only one-third of the members appear on the ballot with the presidential candidates.)

But it must always be remembered that democracy is not the only principle important to Americans; there are others that necessarily qualify and moderate our commitment to majority rule. For instance, federalism is very important to us, and federalism—the recognition of, and vestment of power in, the states as states—is precisely the reason the congressional delegations cast their votes as state units in contingent elections. This provision has probably provoked more exclamations of dismay than any other: tiny Rhode Island gets the same vote as mighty California! But that is what federalism is all about. The state unit voting rule is a valuable expression of the enduring status of federalism; along with other institutional devices like equal state representation in the Senate, it helps to preserve the states as states in this centralizing, nationalizing, homogenizing age.

It might be "simpler" or "more democratic," say, for the congressmen to cast their votes as individuals for president—but, once again, ours is a complex system, unafraid of using what might appear to be "Rube Goldberg" devices in the attempt to combine democracy with other valuable principles.

THESE MEN WILL CHOOSE?

Anxiety No. 3: Still, the idea of a president chosen by a log-rolling, deal-making, ABSCAMing House is pretty disturbing. The image of a House of Representatives, wallowing in corruption and run by the "special interests," is a highly distorted view peddled by "reformers" whose perpetual goal seems to be to rid politics of politics. In the normal course of legislating, an enormous amount of compromise and log-rolling is *necessary,* indeed, it is desirable in a legislative body that represent a large, complex nation and in which the individual legislator is primarily and properly responsive to the handful of interest groups that populate his district. Thank heaven we have a political system where log-rolling and compromise are possible; who would seriously want to trade it for one of those systems where high-minded ideals give rise to political disputes that are settled by splitting heads instead of splitting the difference?

At any rate, many House members would probably put the grossest forms of log-rolling aside and distinguish themselves, on the occasion of a presidential election, by making honest efforts to cast their votes on the basis of principle. We have only to recall the Watergate hearings to grasp this likelihood; the so-called unprincipled politicos in the House suddenly were found debating fine points of constitutional interpretation, pondering dusty, scholarly tomes, anguishing over the legality and the justice of the charges against President Nixon. In short, on occasions of great national moment, Congress understands and willingly assumes its responsibility to behave as a truly deliberative body—and we shouldn't mind our next president being chosen by a deliberative body.

Come to think of it—now that caucuses of party regulars (the deliberative bodies that once chose presidential candidates) have been elbowed out of that process by mass-mail wizards and media "hypesters"—it might not be a bad idea to give congressmen a larger say in presidential nominations on a permanent basis, perhaps by setting aside seats for them at the national conventions. They would bring a lot of wisdom and experience to the selection process.

LEGITIMACY

Anxiety No. 4: Wouldn't any president elected by the House be considered illegitimate? What does "illegitimate president" mean? Following our adage to imagine the worst, would it mean that the people would take to the streets rather than "submitting" to someone elected by the House? That is doubtful; the American people would probably do what they have always done, while the journalists and critics of our political system brood over the latest "crisis": nothing. That is what they did in 1800 and 1824, when the House elected Jefferson and John Quincy Adams to be President, and what they did in 1888, when the winner of the popular vote, Grover Cleveland, failed to become president because he lost the vote in the Electoral College. They will do nothing because they understand better than the journalists and critics that legitimacy is not somehow magically bestowed by the vote of popular majorities. Richard Nixon, who won reelection in 1972 by the largest majority in the nation's history, must have pondered this truth from time to time, in his premature retirement.

Abraham Lincoln also understood this truth; he limped into office with just under 40 percent of the popular vote, and yet we consider him not only legitimate, but great. And consider Gerald Ford; he ascended to the presidency in 1974 without having received a single vote in a national election, and yet friend and foe alike credit him administration with one outstanding achievement: the restoration of legitimacy to a system shaken badly by Watergate.

Legitimacy is bestowed upon a president, in part, by demonstrated, effective performance in office. And any president elected by the House would surely be given the opportunity to show us what he can do. The American people have traditionally given a new president a period at the beginning of his administration to prove himself—to "earn" his legitimacy—and there is no reason to believe they would withhold this grace period from a president elected by the House. Indeed, such a president would probably receive a bonus. The more the press freted about the great "crisis of legitimacy" that had beset the presidency, the more the people would rally around their new chief executive—according to one of the more sturdy laws of public opinion, the American people tend to back their president in troubled times, even when it is apparent that the president brought the troubles upon himself.

During this grace period, the new president will act quickly and vigorously, to demonstrate that his powers have not been impaired by the contingency election. And he will probably find Congress particularly receptive to his legislative initiatives—after all, they elected him, didn't they? Our new president, therefore, will have a better-than-average chance of earning the legitimacy that comes from effective performance in office.

But legitimacy also flows from the Constitution itself. Our founding document is still respected and revered by the American people, to the consternation of all those scholars who have argued over the years that it is "outmoded," "undemocratic," and a tool of the rich to oppress the poor. Any president who assumes office in an orderly, constitutional fashion—as did Gerald Ford in 1974, and as would one elected by the House in 1980—automatically draws on this very important reserve of legitimacy.

In a world where succession to office is most often accomplished at bayonet point, what a luxury it is for us to anguish over the "legitimacy" of a president elected by our most democratic legislative body, through regular constitutional procedures that have to be invoked only once every 156 years!

AFFIRMING FOUNDING PRINCIPLES

Anxiety No. 5: It still does not seem right that a candidate who is the popular choice in the general election might turn out to be the loser in the contingency election. Is this not a clear case of thwarting the popular will, and would that not be disillusioning for the American people? What "popular will"? The whole point of a contingent election is that it only comes into play when no clear popular will has been formed. For the election to go to the House, John Anderson will have had to drain a great many votes from the two major candidates. Under these circumstances, the "popular choice" in 1980 will at best have a slim plurality in the popular vote—and another way to describe the slim plurality winner is the massive majority loser. So we are back where we started: if the people have not settled on a president, who should?

If we insist that institutional results—in this case, the selection of the president—precisely reflect the vote of the popular plurality, then there is very bad news for us: not a single part of our government adheres to that principle. For instance, total percentages of the popular vote for the House are always quite different from the percentages of seats actually won by the parties; it even occasionally happens that a party will capture a majority of the popular vote but wind up with a minority in the House. That is the result of the single-member district system; but would we be willing to trade that system, with all its advantages of representation for the "folks back home," for a barren mathematical exactitude in the distribution of seats? The distribution of Senate seats is, of course, even more hopelessly out of line with the total popular vote cast for senators, because each state has two senators, regardless of population; but again, would we be willing to junk the federal principle that produces that result? Finally, Supreme Court justices wield enormous power in our system, without ever having earned a single popular vote. But would we want to do away with the appointive principle that insures some degree of judicial impartiality in the court?

Would the contingency election be a disillusioning experience for the American people? No, in fact it might be a valuable educational experience. It would probably set off an intense national "teach-in" on the fundamentals of our system. We would have the opportunity to remind ourselves that principles other than majority rule are important—principles like district representation, federalism, and judicial impartiality which qualify majority rule in institutions such as the House, Senate, and Supreme Court.

Relearning that lesson might even serve to ease the "crisis of confidence" that seems to have beset our political and social institutions in general. If there is such a crisis, it arises in part from the exaggerated expectations we have come to have of our institutions: we expect them to respond, fully and immediately, to the demands and desires of the popular majority as recorded and dramatized by public opinion pollsters. But our institutions were not designed for that; they were intended to serve a rich variety of ends, of which democratic responsiveness was but one. If we can reacquaint ourselves with that truth during our "teach-in," we may come to hold more reasonable expectations of, and have more confidence in, our institutions.

In short, our nightmares about the contingency election will disappear if we simply stop taking seriously all the talk about impending constitutional crises, Rube Goldberg devices, corrupt deals in the House, illegitimate presidents, and thwartings of the popular will. Even if a contingency election occurs in January, we will still have a president chosen in a regular constitutional fashion, fully in accord with fundamental American political principles. We should not be distracted from that simple truth by journalists who are eager to play parlor games or by "reformers" who will try to persuade us that a "loaded pistol pointed at our heads" is about to go off.●

TWELFTH ANNIVERSARY OF THE SOVIET INVASION OF CZECHOSLOVAKIA

● Mr. PELL. Mr. President, on August 21, 1968, Soviet tanks and troops poured into the small nation of Czechoslovakia, smashing a brief experiment there in self-expression and self-determination. Today we mark the 12th anniversary of this Day of Shame, when the Soviets revealed their intolerance for even the faintest signs of independence among the ostensibly sovereign nations of Eastern Europe. This year, there is added sadness on this day, as the hopes raised in 1975 by the Final Act of the Conference on Security and Cooperation in Europe that there would be no more Czechoslovakias, have been dealt a cruel blow by the Soviet invasion of Afghanistan and by Soviet noncompliance with human rights provisions of the Final Act.

Mr. President, the Czech and Slovak peoples sought in the spring and summer of 1968 to exercise their rights as guaranteed them by the U.N. Charter's principle of "the sovereign equality" of all U.N. members. In their efforts to put a human face on their communism, however, the peoples of Czechoslovakia revealed the inhuman face of the Soviet version. Marching under the banner of "proletarian internationalism," 600,000 soldiers from the Soviet Union and Warsaw Pact countries guaranteed that the will of the people would not shape Czechoslovakia's future. That guarantee is today being enforced by the continued presence of nearly 80,000 troops.

It is indeed a telling sign, Mr. President, that while no Russian soldiers were needed to impose communism on Czechoslovakia in the putsch of February 25, 1948, it was necessary to use hundreds of thousands of Russian soldiers 20 years later to keep that country Communist. The evidence of communism's failed appeal in Czechoslovakia has been made eminently clear to me in the many years during which I have observed events in Czechoslovakia: From the days of 1948, when, as a young Foreign Service officer, I established the American Consulate General in Bratislava; through my frequent visits to Czechoslovakia, including one just prior to and following the Soviet invasion of 1968; and to the present, in my capacity as Cochairman of the Commission on Security and Cooperation in Europe, the joint executive-congressional body that monitors Soviet compliance with the Helsinki Final Act.

Mr. President, 5 years ago on August 1, 1975, the 35 participants in the Conference on Security and Cooperation in Europe signed a final act containing pledges relating to security in Europe and economic and humanitarian cooperation. I was encouraged at that time by the fact that among the principles to which the participants, including the Soviet Union, subscribed, was one which stated that "no consideration may be invoked to serve to warrant resort to the threat or use of force against the territorial integrity or political independence of any State."

As they have done in the past, though, the Soviets proved in the invasion of Afghanistan last December that their signature on a document counts for little when expediency and the unlikelihood of a Western military response causes the provisions of the document to be ignored. Just as in 1968 when the Soviets justified their invasion on the basis of an invitation in the name of "proletarian internationalism," the Soviets justified in December 1979, their assault on Afghanistan with the claim that they had been "invited" by the Afghan leadership (who were subsequently murdered) to help them defend their nation from outside interference. In both cases these cynical claims sought only to conceal the naked aggression and imperialism that characterized the Soviet use of military power.

Since 1968, the regime installed by the Red Army has been brutal and unremitting in its repression of dissidents whose only dissension relates to the failure of the Czechoslovak Government to live up to its obligations under the Helsinki Final Act.

All of this will, I trust, be raised vigorously this November in Madrid, when compliance with the provisions of the Helsinki accords will be reviewed. I know that our work at the Commission on Security and Cooperation in Europe, which will play an important role both in preparation for and during the Madrid conference, has revealed an unfortunate pattern of Soviet disregard for human sovereign rights. If this pattern is ever to be reversed, it must be clear to the Soviets that we are aware of their current violation of solemn obligations, that we have not forgotten their past abuse, and that we shall expose them to international scrutiny. The tragic experience of Czechoslovakia—both past and present—will be important in that regard.●

DOCUMENTARY, NEW POLL INDICATE AMERICANS WANT ACTION, AGAINST TOXIC CONTAMINATION

⊙ Mr. MOYNIHAN. Mr. President, this Thursday the ABC television network will rebroadcast its award-winning documentary on the disposal of hazardous chemicals into the environment and their effect. The problem is called "The Killing-Ground" and it is a brutal, yet truthful portrayal of what many believe to be the most pressing environmental problem of the decade—the chemical poisoning of our land, and possibly ourselves.

Just as the initial broadcast helped persuade the members of the Committee on Environment and Public Works that legislation was desperately needed to address those problems, I am hopeful that this rebroadcast will begin to crystalize more active public support so that we may soon bring this legislation to the Senate floor in this session of Congress.

A recent ABC-Harris poll clearly indicates that the majority of the American public believe that the release of toxic chemicals into the environment is a "serious problem" facing the Nation. An 86 to 11 percent majority believe the problem of toxic chemical dumps and spills deserves a high priority for Federal action. Also, by a 93 to 6 percent majority, most citizens agree that Federal standards prohibiting haphazard dumping should be made more strict.

More shocking is the fact that more than one-half of those polled presently blame either the Federal Government for not enforcing safety standards or the State and local governments for allowing improper chemical dumping practices to continue over the years. Twenty-three percent believe the companies which dump toxic wastes are primarily to blame.

We have an excellent opportunity in this Congress to move forward with legislation to help resolve many of the problems posed by the release of hazardous chemicals into the environment. The Environmental Emergency Response Act, S. 1480, which I and 23 other colleagues cosponsor, is a major step forward at making those responsible for chemical contamination pay for the damages they cause. It also is a major step toward providing a system to compensate those victims who have been harmed by chemical contamination through no fault of their own.

Mr. President, I ask that this enlightening ABC-Harris poll be printed in the RECORD at this time, and I urge my colleagues and their staff to listen to the attitudes of the general public and not be totally persuaded by the campaigns now being waged by the big chemical companies to oppose S. 1480.

The poll follows:

TOXIC CHEMICAL DUMPS: CORRECTIVE ACTION DESIRED

(By Louis Harris)

A 76 percent majority of Americans feels that the dumping of toxic chemicals is "a very serious problem" facing the country today. The situation was dramatized recently when residents of the Love Canal area, near Niagara Falls, claimed serious health damage because of previous dumping in the vicinity. Thousands more of these dump sites have been identified.

When asked who has been most to blame for conditions such as those found at Love Canal, Americans point to three main culprits: 29 percent blame "the federal government for not enforcing safety standards;" 23 percent believe that the companies which dump toxic wastes are primarily at fault; and 22 percent blame local and state governments for allowing such dumping practices to go on over the years.

A much lower 5 percent blame real estate people for selling houses near dump sites, and 4 percent find fault with agencies of the federal government which have dumped waste. And finally, 13 percent spread the blame among all five groups.

The resolve of the public to obtain corrective action regarding toxic dumps is more than evident in the latest ABC News-Harris Survey conducted in early June among a cross section of 1,493 likely voters:

By 93–6 percent, an overwhelming majority of Americans want to see "federal standards prohibiting such dumping made much more strict than they are now."

By 83-12 percent, a lopsided majority favors "the federal government investigating places such as Love Canal, where chemical waste has been dumped, even though this might lead to well over $10 billion in suits against the federal government and the chemical companies." This result is particularly significant because federal investigations are not very often favored by the American people. Nonetheless, Americans believe that the potential health damage to individuals might be so great that such a giant investigation would be warranted.

By 88–9 percent, most Americans would also favor "providing funds to alow people who live in such places and whose health might have been impaired to move out as soon as possible." In the Love Canal case, residents have been adamant in demanding that the federal government pay for their homes and for their relocation expenses. Pending final and definitive health reports, the federal government has refused to pay such damages, fearing that a precedent could be set for more claims by people who live in other areas where toxic chemical dumpings have taken place.

A 86–11 percent majority nationwide also would favor "giving this problem of toxic chemical dumps and spills a very high priority for federal action."

These results point up a development that has taken place in the outlook of the American people over the past several years. While there is no doubt that most people tend to view federal regulations of business in the economic area as both costly and ineffective, an urgent concern for stiff federal action in the safety area has accelerated. This is the case, not only with toxic chemical dumps but also with nuclear waste disposal, safety for employees on the job, and protection against products that are viewed as a potential danger to health. The public is not ready to end all federal regulation of business. Instead, people have become selective. They are willing to accept deregulation in certain areas, while at the same time demanding more regulation in others.

TABLES

Between June 5th and 9th, the ABC News-Harris Survey asked a cross section of 1,493 likely voters nationwide by telephone:

"As you know, residents near the Love Canal, in the Niagara Falls, N.Y., area, were reported to have stillbirths, cancer, deformed children, and chromosome damage as a result of the dumping of hazardous chemical wastes. The people who live near Love Canal want to move out and are suing the chemical company there and the federal government for $3 billion for damages done to them. How serious a problem do you think the dumping of toxic chemicals is in the country today—very serious, only somewhat serious, or hardly serious at all?"

Seriousness of dumping of toxic chemicals

	Percent
Very serious	76
Only somewhat serious	20
Hardly serious at all	2
Not sure	2

"If you had to pick one, who do you think is most to blame for conditions such as those found at Love Canal—companies which dump their toxic wastes near where people live, agencies of the federal government which have also dumped hazardous wastes in such places, the federal government for not enforcing safety standards on toxic chemicals, real estate people who have built housing near places where such dumping has taken place, or local and state government for not being alert to hazardous waste dangers?"

Blame for conditions such as Love Canal

	Percent
Federal government for not enforcing safety standards	29
Companies which dump toxic wastes	23
Local and state government	22
Real estate people	5
Agencies of the federal government which have dumped hazardous wastes	4
All (vol.)	13
None (vol.)	*
Not sure	4

* Equals less than 0.5 percent.

STATEMENTS ON HOW TO DEAL WITH TOXIC CHEMICAL DUMPS—

WOULD YOU FAVOR OR OPPOSE (READ EACH ITEM)?

[In percent]

	Favor	Oppose	Not sure
Federal standards prohibiting such dumping made much more strict than they are now	93	6	1
Providing funds to allow poeple who live in such places and whose health may have been impaired to move out as soon as possible	88	9	3
Giving this problem of toxic chemical dumps and spills a very high-priority for Federal action	86	11	3
The Federal Government investigating places like Love Canal, where chemical waste has been dumped, even though this might lead to well over $10 billion in suits against Federal Government and the chemical companies	83	12	5

●

SENATOR McGOVERN NAMED LEGISLATOR OF THE MONTH BY POPULATION ACTION COUNCIL

● Mr. HUDDLESTON. Mr. President, no Member of this body has been more active or more effective in matters of child nutrition and hunger than has Senator McGovern of South Dakota.

I serve on the Agriculture Committee with Senator McGovern and I know of his deep, personal commitment in this area.

This has not always been a popular position to take, especially when we are all looking for ways to reduce Federal spending. But thousands of people in this country are much healthier and happier today because of the benefits of these programs.

To me, good child nutrition is an investment in America's future. If we have healthy children, we will have better students, who will be able to make a greater contribution to our country.

Child nutrition and hunger programs always fit in well with our farm programs. It is really the best of all worlds because it improves national nutrition and also helps provide markets for our farmers.

Most of all, it is the decent and right thing to do.

It is for that reason that I am happy to see that Senator McGovern has been named Legislator of the Month by Population Action Council.

This is an honor well deserved, and I ask that Senator McGovern's speech accepting this award be printed in the Record.

It is interesting to note that in this speech the Senator from South Dakota shows the close association between world hunger and population control. We can never defeat world hunger, as the Senator said, until we achieve balanced and stable population growth.

The address follows:

Text of Senator McGovern's Speech as Legislator of the Month, June 24, 1980

I am honored to accept this award as "Legislator of the Month" from the Population Action Council.

Looking back over the past month, I'm not sure what I've done to deserve this award—but looking back over the past twenty years, I'm gratified that I was able to play a role in bringing the international population problem to the country's attention.

If the Population Action Council had been in existence for those twenty years, we'd be much closer to a rational growth policy than we are today. The Council is one of the few public interest organizations which consistently provides accurate and timely information on global population issues to Members of Congress.

The PAC staff director, Werner Fornos, has done an excellent job in establishing the Council in just two years.

In his recent speech at Harvard, former Secretary of State Vance said that we sometimes suffer from "the dangerous fallacy of the military solution to non-military problems." It's true that our security priorities are distorted; indeed, the whole international security system is dangerously out of balance.

In the Year of the Child, 1979, the world spent $450 billion on military expenditures, but 30 million children in the world died as a result of hunger and illness related to malnutrition.

Developing nations, with 660 million people who cannot afford the basic necessities of life, spend over $90 billion on military power each year.

The support of national military forces worldwide costs $92 a year per person, but support of the United Nations and all its programs in population, food and health costs only 57 cents.

These facts reflect a serious lack of attention to the non-military threats to international stability—and an uncontrolled population growth is one of the most serious threats.

The United Nations has predicted that world population will double in the next 30 to 35 years.

This will increase the strain on world resources, overload the international ecology and increase the demand on the world's limited food supply.

The result may well be lowered standards of living, a stagnant development cycle—and a series of political crises in both industrial and developing countries.

The United States cannot respond to those problems by turning itself into Fortress America. We cannot buy bullets to make up for a shortage of bread. We will need a more balanced and farsighted approach.

My own work on the global population problem has been primarily through food and nutrition issues. For it has been clear to me that the international population explosion is inextricably linked to the fact that between 450 million and 750 million people in the world—more than the combined populations of the United States and the Soviet Union—are seriously malnourished.

There is a necessary connection between food and population policy. The rapid pace of population growth, if left unchecked, will make the achievement of decent standards of living for all almost impossible.

Overpopulation and famine are combined plagues—and they will require a combined solution.

Development which ignores action-oriented population programs is no real development at all.

More food aid money is needed to feed hungry people, but we will never eliminate world hunger just by being more generous or by expanding food production, although these are necessary steps.

Instead, a policy of population stabilization is required as part of a new international development order. For without a halt to population growth, our food assistance and development aid cannot result in meaningful social change.

We need a two-track approach: food aid founded in economic development to help make countries more self-reliant food producers; and a serious population stabilization policy to give developing countries the opportunity to get a grip on their own destinies.

An impoverished society with a hungry population cannot plan or implement a rational economic development or population control plan. But a country without population planning will find itself running hard just to stay in place in food, jobs and health.

This is how I see the inter-related problems of food and population. In both areas, our goal must be not to preserve the privileges of the "haves' over the "have-nots", but rather to create the conditions that will make it possible for less developed countries to control their own destinies. This will promote orderly change and enhance global stability.

This means a more vigorous population control effort must be part of a more vigorous comimtment to create a more just and equitable international order.●

EPA'S AT IT AGAIN

● Mr. MOYNIHAN. Mr. President, in the lead editorial of yesterday's New York Daily News, a serious accusation of impropriety was made against the Environmental Protection Agency in its handling of discretionary grant funds appropriated to it under the authority of the Clean Air Act. The EPA has now been accused of giving substantial encouragement to a group which is thought to be opposed to the construction of the Westway highway project.

I have written to the Director of the General Accounting Office (GAO), Elmer Staats, and the Inspector General of the Environmental Protection Agency, Inez Reid, requesting their respective offices to undertake an immediate investigation of EPA's handling of the discretionary grant moneys. It is my hope that these investigations will be completed in 4 weeks.

I ask that the Daily News editorial, and my letters to Mr. Staats and Ms. Reid be placed in the Record.

The material follows:

EPA's at It Again

In what strikes us as a serious and scandalous conflict of interest, the federal Environmental Protection Agency is trying to circumvent New York area officials and give $150,000 to the biggest anti-Westway group in New York City.

It's no secret that a New Yorker named Brian Ketcham who runs a group called Citizens for Clean Air spends most of his waking hours fighting Westway. Recently he called us to complain that we were giving EPA too much credit for delaying Westway, that he, Brian Ketcham, and his self-described environmental group were responsible for blocking the vital project. New York will never get Westway and its scenic riverfront park and thousands of needed jobs, Ketcham bragged, not as long as he and the clean air group could afford to continue their fight.

The EPA must agree with Ketcham. Why else would the federal environmental czars go to the trouble of trying to launder the New York-bound money through a Washington, D.C. outfit?

It all started when Ketcham and New York EPA officials applied to the Tri-State Regional Planning Commission for funds to be used for the vague purpose of educating the public, the media and local elected officials about clean air policy. The Commission must have realized that something was pretty fishy about the request from Ketcham & Co. because it turned the idea down and suggested the group try their proposal on a smaller scale in Queens where Westway isn't an issue.

The New York EPA office and the Citizens for Clean Air then went to national EPA boss Douglas Costle for help. The big EPA guns in Washington decided to get an organization called the Washington Council of Local Governments to give Ketcham the money from—

THE $2 MILLION A YEAR

EPA gives the council. But even the council got cold feet on this one and is refusing to go along with the scheme.

If Costle wants to reward the Citizens for Clean Air for battling Westway, it looks as if he will have to do it himself.

We're all for protecting the environment, but we draw the line when appointed federal officials insist on overruling local elected officials in decisions that go beyond the issue of air or water pollution. What good is a project like Westway that one federal agency okays and another does everything and anything it can to block?

And what is a federal agency doing trying to launder money for local political battles? We wish someone somewhere in Washington would start a big investigation of everything the New York regional EPA office has done to fight Westway in the past few years. If this federal EPA tyranny doesn't stop soon we might as well cancel local elections in New York and recognize the appointed federal emperors for what they are.

U.S. SENATE,
Washington, D.C., August 18, 1980.
Hon. ELMER B. STAATS,
Comptroller General,
General Accounting Office,
Washington, D.C.

DEAR COMMISSIONER STAATS: I write to request the General Accounting Office to investigate a matter concerning the use of discretionary grant funds by the Environmental Protection Agency. These funds are intended to support innovative research concerning transportation and air quality falling outside the boundaries of regional planning activities. Under Section 175 of the Clean Air Act, $2,000,000 has been earmarked for this purpose.

A recent Daily News editorial asserts that the EPA is using metropolitan planning organizations such as the Council of Governments in Washington, D.C. to distribute and administer Section 175 grants. The Daily News states: "In what strikes us as a serious and scandalous conflict of interest, the federal Environmental Protection Agency is trying to circumvent New York area officials and give $150,000 to the biggest anti-Westway group in New York." If this report is factual, it raises a number of questions which I would hope your investigation could answer.

First, what circumstances necessitate EPA's use of the Council of Governments or any other organization to distribute Section 175 funds?

Second, on what basis does the EPA select recipients?

Third, what has been the character of grant proposals which EPA has sought to fund through other organizations?

In addition to your review of the general practices under Section 175, I request that you investigate the handling of a grant proposal submitted by a New York citizens group called Citizens for Clean Air, directed by Mr. Brian Ketcham. According to the Daily News, Mr. Ketcham is widely known for his opposition to the Westway Highway project, a $1.6 billion replacement for the collapsed West Side Highway, which has been subject to a series of delays imposed by the administrative actions of the EPA.

The Daily News in discussing Mr. Ketcham's relationship with the EPA charged that last year Citizens for Clean Air sought funding from the Tri-State Regional Planning Commission, ostensibly for the purpose of educating the public on the complexities of air pollution. The program was to be conducted throughout the New York metropolitan area. When the Tri-State Commission suggested a more modest program restricted to the Borough of Queens, Citizens for Clean Air were no longer interested. The West Side Highway is in Manhattan.

The Daily News continues by alleging Mr. Ketcham subsequently sought funding from EPA, which referred the grant request to the Council of Governments in Washington, D.C. The Council of Governments declined the request by EPA to use funds EPA would have given them to support the Ketcham proposal. The grant request is still under consideration by EPA.

If the information provided by the Daily News is accurate, I find EPA's handling of this proposal highly questionable. I therefore urge you to commence a thorough investigation of this matter at the earliest possible date. Given the specific nature of my request, I would hope that your report would be completed within the next four weeks. Please advise me of your intended schedule.

Best,

DANIEL PATRICK MOYNIHAN.

U.S. SENATE,
Washington, D.C., August 18, 1980.
Hon. INEZ REID,
Inspector General,
Environmental Protection Agency,
Washington, D.C.

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Best,

DANIEL PATRICK MOYNIHAN.●

ENDANGERED SPECIES ACT ENDANGERS U.S. ENERGY FUTURE

○ Mr. HATCH. Mr. President, in 1970 few people had heard of an area of Tennessee called the Tellico Valley, and even fewer had heard of a minuscule fish called the snail darter. But by last year the fish and the valley had ceased to be the point of jokes on late night talk shows and had become front page news, the subject of enormous pressure lobbies, and the object of legislation needed to complete the Tellico Dam.

I do not want to see that particular history repeat itself to the detriment of our Nation's energy supplies. But, Mr. President, there is the possibility that four other small fish with funny-sounding names can stand and bar the door to the Nation's plans to develop western energy resources and synthetic fuels. Those plans include, you will remember, an unprecedented $88 billion commitment this body made to a Federal Energy Security Corporation.

If you thought "snail darter" was a funny name, get a load of these: the Colorado squawfish, the bony tail chub, the humped back chub, and the razorback sucker. When next you hear of these fish, it may be as part of the debate on special legislation to build the White River Dam, in order to clear the path for clean development of abundant sources of energy in the West.

This is not a case of a heretofore unknown fish being found in a river system where a dam is planned. These fish are well known in Utah and the West. The squawfish, for one example, is an old enemy to sport fishermen and wildlife managers on the Colorado system. Government agencies used to systematically poison the fish out of the river system to allow other, more desirable species to thrive. For one time that is officially recorded, Government efforts were relatively successful, and, as a consequence, the fish is on the endangered list. It would be tragic, it seems to me, to let this past "error" of Government stand in the way of a much needed dam, and stand in the way of this Nation's energy independence.

Let us hope this situation can be resolved soon. I have been assured that the U.S. Fish and Wildlife Service and the State of Utah are doing what they can to resolve the situation before having to resort to halting construction under the authority of the Endangered Species Act.

But some of our options have been foreclosed in the Tellico Dam-snail darter case. Overzealous dam opponents used the law to thwart the dam's completion. Congress intended the law to protect the planet's gene pools. Bad rules are born when good laws are twisted like that. Rulings out of the Department of the Interior leave no flexibility in the law. If a species is endangered you cannot do anything to its home. Mitigating the damage is not allowed. It has not been decided whether you could modify the habitat to help the creature, but indications are that you could not. So if there is a conflict between any of these fish and the dam, the law has been misinterpreted to require a halt in dam construction. We will have no alternative then but to change the law to include the flexibility Congress intended.

Mr. President, the Wall Street Journal carried an article on August 11, by Mr. Bill Paul, that pretty well sums up the situation. I understand that in one interview Mr. Paul found the names of the species involved to be very entertaining—but he wrote a good story anyway.

The article follows:

WILL SQUAWFISH KILL UTAH PLANS FOR SYNFUELS?

(By Bill Paul)

The Colorado Squawfish is kind of ugly. It doesn't taste wonderful, either. But its moment has arrived.

This spring, federal fish and wildlife officials strapped an electronic tracking device to the back of a squawfish in Utah's White River. Then, using a raft, a jet-powered speedboat and even a slow-flying plane, they monitored the fish's voyage upstream.

Their worst fears came to pass; the creature stopped, presumably to spawn, right where Utah is proposing to build a dam considered essential for development of synthetic fuels in northeastern Utah, an area rich in oil shale and tar sands.

Remember the snail darter? When officials discovered in 1974 that completion of the Tellico dam in Tennessee would threaten that tiny fish's existence, environmental groups went to court to block the dam. It took five years of legal wrangling, an act of Congress and the transplantation of the fish to other friendly waters before the dam could be finished.

THE CRUCIAL PERMIT

The squawfish affair is shaping up as another snail darter saga. Fish and wildlife officials have indicated that, based on preliminary information, they won't issue the necessary permit for the White River dam to be built.

"It appears that construction of the dam could jeopardize the survival of the squawfish," says Robert Shields, area manager for the Fish and Wildlife Service.

Utah officials are flabbergasted. "On the one hand, Congress gives us the Energy Security Act which says to develop synthetic fuels. On the other, they hand us the Endangered Species Act which stops us cold. The whole thing's crazy," say Jim Butler, a natural resources coordinator for the state.

WE ARE LOOKING

Mr. Shields is sympathetic. "We certainly aren't trying to block construction of the dam. Believe me, we're looking for an alternative." But he adds that the Endangered Species Act "says that if we err, it must be in favor of the fish."

There is irony in the situation. Utah officials call the silvery-gray squawfish a "trash fish." It has been held in such low esteem that state officials once killed a lot of squawfish to make room in the White River for such game fish as trout and bass. And that helped put the squawfish on the federal government's endangered species list.

Mr. Butler says the dam decision will be the precedent that establishes whether there ever will be a synthetic fuels industry in the Far West. "If they don't let us build that dam, we might as well pack our bags," he asserts.

Utah has 40 percent of all tar-sands deposits in the U.S., according to the governor's office. It also has some of the richest seams of oil shale and coal.

WATER PROBLEMS

Mr. Shields is worried that the dam would block the squawfish's migration. Also, he thinks the dam would cause a disastrous drop in water temperature and seriously deplete the water flowing below the dam where the fish has been found.

Mr. Butler says that while the tracker fish did wind up near where the dam is to be built, it is the first time that a squawfish has been sighted there in several years.

Not so, answers Mr. Shields, though he concedes that his group needs to do more work on the squawfish's migration patterns. Still, he says, "We have absolutely no wiggle room under the (Endangered Species) Act. It's going to be tough finding a solution acceptable to everyone."

S. 3041—FIRE ISLAND WILDERNESS

● Mr. MOYNIHAN. Mr. President, I join my distinguished colleague from New York, Senator JAVITS, in introducing S. 3041, a bill that would set aside approximately 1,400 acres of the Fire Island National Seashore as national wilderness land. The wilderness designation will preserve 8 miles of unspoiled seashore, an area stretching from Watch Hill to Smith Point County Park on Fire Island, N.Y.

For many the concept of wilderness brings to mind the vast expanse of the Rockies or the dense forests of Alaska. However, some 50 miles from Time Square lies another potential wilderness. Unlike other American wilderness areas Fire Island is composed of sandy beaches, salt marshes and sand dunes which are among the highest in the Northeast. In addition, a National Parks Service study of the seashore determined that Fire Island is populated by white-tailed deer, red foxes, cottontail rabbits, herons, egrets, occasionally bald eagles, and other wildlife.

The legislation we proposed yesterday would designate as wilderness a national seashore area. The wilderness designation would serve to further protect the natural beauty of the land and the wildlife population.

The bill would preserve the highest natural dune system on the east coast and guard the region against increasing industrialization and an encroaching population while maintaining its unique environment for a wide variety of recreational activities. Furthermore, this bill would assure the continued vitality of Fire Island's shellfish industry through the preservation of the tidal wetlands, a principal shellfish food source.

Our bill differs from the House version H.R. 7814 in only one provision. The House bill would permit a locally managed mosquito control program to take place within the boundaries of a national wilderness area. However, the Park Service has determined that spraying the wetlands harboring the mosquitos could be devastating to the ecological balance of the entire seashore.

There are presently 21 million acres of wilderness area in this country, none of which is in the State of New York. The Fire Island wilderness would represent the first time in which land was designated as such in New York. In this sense the legislation is an historic proposal for the State and the Nation and furthers our efforts to maintain the scenic beauty of our country's treasured natural resources.

It is our hope that our bill will lead to the permanent protection of 8 miles of precious land where as the Federal Wilderness Act states:

> The earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain.●

GENE PRICE'S SOBERING FIRST-HAND REPORT ON THE B-1 BOMBER

● Mr. HELMS. Mr. President, I believe Senators will be impressed—as I was—with a superbly written, but sobering article describing the condition of the B-52 bomber fleet. The article was written by Eugene Price, a close personal friend of mine who is the highly respected editor of the Goldsboro News-Argus.

Unlike many arm chair strategists who engage in the pretense that America's 25-year-old B-52 bomber is still the adequate force it represented in the 1950's, Mr. Price visited a Strategic Air Command base and actually took part in a scramble exercise involving the B-52 in a practice alert. He describes his experiences in a disturbing article which subsequently appeared in the Goldsboro News-Argus on July 1.

Mr. President, it does not make comforting reading. It describes a frightening sequence of failed hydraulic systems, which aborted the first takeoff attempt, a sudden depressurization of the aircraft at 25,000 feet; a failure of the primary navigational radar, and finally a fuel leak which caused the practice mission to be canceled and forced an emergency landing.

Following the publication of his experience aboard America's 25-year-old strategic bomber, Mr. Price received numerous letters from Air Force personnel commending him for the accuracy of his writing. Included in these letters was one written by Gen. R. H. Ellis, commander in chief of the Strategic Air Command.

Mr. President, I call this article to the attention of the Senate not merely to repeat the harrowing experiences of the distinguished editor. Rather, it is to emphasize the argument the United States simply must build a new manned strategic bomber. Should war erupt in any part of the world where strategic bombers are needed, we would be sending our pilots and crews in planes that are literally museum pieces—unfit for any kind of sustained combat operations.

Years ago, we justified our relatively small land armies by maintaining vast nuclear, air and naval superiority.

But America no longer has nuclear superiority, and our naval strength has steadily declined while the Soviets have added more and more powerful fighting ships to their fleet.

And now, the B-1 bomber program has been canceled, and our Air Force is now flying dilapidated, unreliable 25-year-old strategic bombers. Some say that these ancient planes are more dangerous in some ways to their own crews than they are to the potential enemy.

There are those who claim in their election-year oratory that an improved version of the FB-111 is an adequate substitute for the B-1 bomber.

Unfortunately, even if the so-called stretch version of the FB-111 is ever built, it will carry less than half the bomb load of the B-1 bomber. This means that more than twice as many bombers would be needed to carry the same number of bombs.

In recent days, others have suggested that entirely new technology aircraft will eventually be built sometime later in this decade—the so-called Ghost Plane that is capable of avoiding some radars.

I suspect that this is nothing more than another pre-election story planted by the administration political strategist to cover up the weaknesses they have created by canceling the B-1 bomber. Knowledgeable experts are quoted in the New York Times as saying that all the Soviets need to do to pick up this aircraft on their radar screens is to increase the power of the radar pulse. And we are, in any case, talking about a smaller airplane than even the FB-111 with its reduced bomb load.

Mr. President, I ask that the article from the August 21 edition of the New York Times be printed in the RECORD at the conclusion of my remarks.

Even in the best of all possible worlds, the so-called Ghost aircraft is years away from operational deployment—even if it can somehow be managed to get it working properly. And in the meantime, for most of this decade, thanks to President Carter's decision to cancel the B-1, our pilots will be flying 25-year-old B-52 aircraft that are sitting ducks for the Soviets' air defense system.

Mr. President I ask that Mr. Price's article be printed in the RECORD, together with a letter of commendation dated July 5 from the Commander of the Strategic Air Command, Gen. R. H. Ellis.

The material follows:

THE B-52: COME ABOARD PROBLEM-RIDDEN AIRCRAFT—AND HOPE YOU RETURN

(By Eugene Price)

GOLDSBORO, N.C.—The B-52, mainstay of the Strategic Air Command's bomber force, is older than most of the men who fly it.

It shows in the appearance and reliability of the aircraft. And far too often, it shows in the anxiety of young crewmen who may spend most of an eight-hour flight working around equipment failures and other malfunctions.

The B-52 has been in the Air Force inventory for more than a quarter of a century. As the plane gets older, its crews get younger.

Air Force officials say they are losing their experienced air crew members at an alarming rate.

For many young officers and airmen, one tour with the B-52 is enough.

I flew two missions with a B-52 crew at Seymour Johnson Air Force Base during a recent Global Shield exercise testing the Strategic Air Command's combat readiness.

Age: That was the abiding awareness—the age of the crew and the age of the aircraft.

The first mission began with what the Air Force calls a "MITO." That means Minimum Interval Takeoff. The huge aircraft, grossing almost half a million pounds, hurtles down the runway in rain, spray and darkness at 200 mph.

It is 12 seconds behind the plane ahead. And 12 seconds behind it is another B-52.

On our MITO, one of the B-52s suffered a hydraulic failure on the takeoff run, forcing it and the planes immediately behind to abort.

In what crewmen say was not an unusual experience, we had to borrow a piece of equipment from a nearby non-scheduled bomber and another piece from the maintenance hanger before our plane could be readied for takeoff.

The bomber beside ours had to be scratched from the mission because three engines would not run.

As our bomber headed toward the mid-continent at 25,000 feet, the EWO (electronic warfare officer), whose job it is to protect the plane from missile and interceptor attack, reported failures in his equipment.

Fuses blew repeatedly.

Some of the sensitive electronic equipment overheated. The EWO spent much of his time crawling around in tight compartments looking for problems and solutions.

Meanwhile, the primary navigational radar malfunctioned. The navigators, like the EWO, began trouble-shooting. Finally, they had to rely on the guidance system used in a SRAM (short range attack) missile which can be carried by the B-52.

Suddenly, at 25,000 feet, the pressurization blew out.

When this happens, the inner ear pops painfully, sinuses and innards bulge, as air pockets expand many times their normal size.

Except that each person aboard is wearing an oxygen mask, death could come quickly. The plane descended to 10,000 feet as a search began for the pressurization problem.

Finally, it was corrected and the higher altitude was resumed.

Throughout this, the aircraft commander constantly had to reassess the situation and decide whether to continue the mission—a low-level bombing run in which the plane streaks along at 400 mph at almost tree-top level across Alabama, Mississippi, Louisiana and Arkansas.

Incredibly, to an uninitiated passenger, the crew was able to work around the problems and the aircraft commander, a 27-year-old captain, elected to continue the mission.

But the problems were not over.

When the plane started home, the co-pilot suddenly discovered a serious loss of fuel. A leak had occurred somewhere in the fuel cells.

Methodically, the pilots and navigators ticked off their options—divert to the closest base, request a tanker for inflight refueling.

By climbing to a higher altitude, they were able to operate with less fuel.

The B-52 made it back to Seymour Johnson with some fuel to spare.

Gen. R. H. Ellis, commander and chief of the Strategic Air Command, said replacement of the B-52 "is absolutely essential."

But it will be upwards of 10 years, at best, for replacement bombers to be produced, he said. By then, Air Force officials fear, many of the crews—and B-52s—won't be in service.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS STRATEGIC AIR COMMAND,
Offutt Air Force Base, Nebr., July 5, 1980.

Mr. EUGENE PRICE,
Editor, Goldsboro News-Argus,
Goldsboro, N.C.

DEAR MR. PRICE: Thank you for your letter of 1 July 1980 and the articles covering your experiences with the 68th Bombardment Wing. I cannot tell you how much they lifted my spirits.

Too many journalists and analysts rely on an arm chair knowledge of the B-52 as background for their pronouncements on its effectiveness and on the need for a follow on manned bomber. Unless one has taken the time, as you have, to fly on the bomber I am skeptical of the conclusions they may reach. I am not skeptical of the conclusions you reached.

The accuracy of your reporting, your human appreciation of an aging airplane's mechanical problems and your sensitive appraisal of a crew under stress rank your articles among the very best I have ever read. You have done this command a great service and have restored my faith that, presented with the facts, a critical and unbiased observer will reach the same conclusions we have reached.

Your 1 July 1980 article says it all, but as one of those who has argued converting the FB-111 I must explain that the intention was not for it to replace the B-52, but rather to fill a serious gap that exists in our current warhead delivery capability. I have always urged, as you urge, that a follow on manned bomber to replace the aging B-52 is absolutely essential.

Thank you for flying with us and for sending me the articles.

Sincerely,

R. H. ELLIS,
General, USAF,
Commander in Chief.

U.S. BUILDS PLANE THAT FOILS RADAR

WASHINGTON, August 20.—The Defense Department has developed and flown an experimental aircraft that is virtually invisible to Soviet radar, Government officials said today.

The officials said that the fighter plane, known in military circles as "the stealthy aircraft," has been tested in secret at Nellis Air Force Base in Nevada for two years. Built in a shape designed to reflect the fewest radar waves, and coated with a special material that diffuses the waves, the plane is said to hold out the possibility of penetrating Soviet air space undetected.

Some officials, however, expressed skepticism over the potential of the new aircraft, developed by the Lockheed Aircraft Corporation. They said at least one of the planes has crashed because of its peculiar shape.

DEVELOPED IN GREAT SECRECY

Officials said the aircraft had been developed in great secrecy, as one of the few "black projects" under way in the Defense Department. They said that a few selected members of House and Senate Armed Services and Defense Appropriations committees were told about the program earlier and that other members of the panels were briefed on the aircraft by Pentagon aides today.

It was not clear why information about the secret project was being disclosed now, but some Congressional aides suggested that the Carter Administration was attempting to respond to criticism by Ronald Reagan, the Republican Presidential candidate, that Mr. Carter made a major mistake in canceling production of the proposed B-1 bomber. In recent statements, Mr. Carter and other senior officials have said that the B-1 bomber was an obsolete aircraft and that new military technologies offered better solutions to the country's military problems.

The prospect of an aircraft that cannot be detected by radar has clearly excited many military officials as the problem of penetrating Soviet air defenses has grown over the years.

NEW BOMBER PREDICTED

Officials said that the success in developing a plane able to evade radar made it likely that Mr. Carter would approve a proposal for developing a new, long-range bomber, perhaps early next year. They also said that it was possible that the aircraft being flown in Nevada could be produced in large numbers as a fighter plane for the Air Force.

Officials were reluctant to provide details of the new aircraft, but they said that it was roughly the size of the new F-18 fighter. The F-18 is about 56 feet long and weighs about 35,000 pounds.

The plane's ability to foil radar is said to stem, in part, from its shape. Extensive studies, according to officials, have shown that various parts of aircraft, such as engine inlets, can be designed to eliminate the sharp corners that produce maximum radar reflections.

But they said the most important key to reducing radar visibility had been the development of special materials applied to the metal skin of the aircraft. Radar waves, according to officials, are absorbed by the special coating and then diffused, rather than being reflected back to tracking stations.

The United States has rarely developed military aircraft in total secrecy. In 1964, President Johnson announced that a new, high-altitude reconnaissance plane, the SR-71, has been developed as a replacement for the U-2.

COULD HELP NEW BOMBER DESIGN

Because the Soviet Union possesses the most extensive air defense network in the world, experts say that the technology developed for the new aircraft would be most useful in designing a new manned, strategic bomber.

But these aides also say that several other countries are rapidly acquiring advanced missile defense systems and that the technology could be exploited for military missions in such regions as the Persian Gulf.

Some officials are known to be less enthusiastic about the project because Moscow, in their view, is likely to be able to respond to American efforts to reduce the radar visibility of a new generation of planes. For example, one technical expert contended, Moscow could cope with the new development by increasing the power of its existing radars.

MAXIMS FOR DEMOCRATS

● Mr. MOYNIHAN. Mr. President, throughout my political career, I have been a Democrat. From Roosevelt to Truman to Kennedy to Johnson down until today I have been a loyal and active member of my party.

In keeping with this longstanding concern, I recently published an article in the New Republic which outlines some maxims for our party.

With your permission, I would like to have that article printed in the Record.

The article follows:

Maxims for Democrats

Anyone who has glanced recently at the crowded reading tables of his or her Republican friends will be impressed by the evidence of their new intellectual interests. National Review, once considered by some to be a mere purveyor of dogma, has changed. Pick up the August 8 issue and you will find reviews of Solzhenitsyn, Arnold Beichman on Nietzsche, Fichte, Hegel, and Marx, and Joseph Sobran on Richard Bennett.

From the American Enterprise Institute we have the AEI Economist, Foreign Policy and Defense Review, Regulation, and Public Opinion, sturdy and innovative journals all. And from the Republican party itself, we have Commonsense, a quarterly that combines research, reflection, and advocacy. Even this year's Republican platform is a document replete with theory and discourse. The Republicans are serious about ideas; they want to become the party of ideas.

What are we Democrats to do?

It is rather too late to respond in kind. Somewhere in the 1960s we ceased to be a party of ideas, but we then went on to become a party rather opposed to ideas, which is a different matter. This had to do with embracing, simultaneously or in sequence, so many incompatible positions that it became necessary not to think too much. The 1976 campaign was a good example. We would defend liberty and slash the defense budget; increase social services and quell the "horrible, bloated bureaucratic mess." Four years later, we are almost as dissatisfied with our performance as is the public generally, but so far we have been unreflective about it. Factions accuse one another of bad faith, or whatever. But few argue the inadequacy of our ideas; fewer still proffer new ones. So what are we to do? If there is one general conclusion to be drawn from the recent results of Republican speculation it is that their ideas are increasingly detached from the lessons of experience. Learning from their experience, let me suggest six maxims for Democrats.

One. When the economy goes wrong, nothing goes right. These are the words of Arthur Okun; he was right. Good government, or in any event, lively government, depends on a surplus generated by the private sector. Political labels count for little in this calculus. Growth in nondefense spending by the federal government over the past 30-odd years has fluctuated from between 2.7 percent between 1947-65, 6.2 percent between 1965-76, and 1.3 percent since 1976. Ironically the most "liberal" period was presided over by the Republican administrations of the 1970s, while the most "conservative" period has been that of the recent Democratic years.

Two. When Dr. Johnson declared that patriotism is the last refuge of a scoundrel, he underestimated the potential of reform. Such was the observation of Roscoe Conkling, who resigned from the United States Senate when President Garfield did not appoint his nominee for collector of the Port of New York. Conkling's dictum is to be read in the spirit of Falstaff's axiom: "Use every man after his desert, and who should 'scape whipping?" We are all scoundrels some of the time.

The reform of the Democratic party nominating process is a case in point. After 12 years of "opening" the party, it is now proposed that two men (or three or four) should have the right to decide who may vote at the national convention. We have arrived at correspondingly bizarre arrangements for deciding who should attend the convention in the first place. The 1980 Michigan delegation, for example, was chosen in a primary "election" on April 26 in which 16,233 persons participated, each having paid what amounted to a poll tax in order to vote. Had the Alabama delegation arrived at the 1928 convention based on such suffrage, it very likely would not have been seated. A certain self-knowledge will help avoid pressing reforms to the point where we are seen not at all as reformers but rather as scoundrels!

Three. Inflation is fraud. Adam Smith, noted for his objective inquiry into the workings of the political economy, insisted on this with uncharacteristic passion. It is a form of fraud when practiced, in Smith's words, by "princes and sovereign states." It is no less fraudulent when practiced by democracies.

What is to be said, for example, of a party professedly devoted to working people, which has presided over developments in which the savings and pensions of working people are systematically diminished in worth? What is to be said of a party which has allowed the effective return on investment to drop from about six percent in the 1960s to three percent in the 1980s, accompanied by the lowest rate of capital formation of any of the industrial democracies, and, generally, the highest rate of unemployment?

Four. To tax 'em, you've got to catch 'em. This is a proposition of Bruno Stein of New York University, known as Stein's Law of Taxation. A tradition of federalism and a particular theory of public administration in vogue in the 1930s have created a pattern of social legislation (and labor legislation) in the United States in which there are significant disparities among different states and regions. Local cost sharing is such that high-benefit states generally have significantly higher taxes than low-benefit states. (In a 1977 estimate, New York, where the Democratic Convention meets, had the nation's fourth lowest real per capita income after adjusting for taxes and cost of living.)

This pattern, again generally speaking, is worsened by patterns of federal expenditure. In fiscal year 1979, California (fourth highest per capita income) received $52.5 billion as against $36.3 billion to New York. This is having some effect on population movement and economic development. The movement tends to be away from the political constituencies that most support Democratic social policies. (New York, for instance, is likely to lose five congressional seats in 1982.) In any event, the well-publicized difficulties of these constituencies have been giving the policies a questionable reputation. Democrats should see this as an imbalance to be set right. No one knows just how important the imbalance is, but no one will know until it is set right.

Children in New York who are dependent on welfare, a federal program with state and local cost sharing, have not had an increase in their basic living allowance since 1974 because the state "can't" afford it. The children in Texas have had no increase in the whole of the 1970s because the state "won't" afford it. National policies mean national standards and national funding. This is an issue on which there is a direct and unambiguous difference between the policies that Democrats profess and those that Republicans profess. A party that will not insist on that difference, nor act on it, would do well perhaps to speak in a lowered voice about its great concern for the poor. Or even, for that matter, about its concern for the rights of workers.

Five. Never promise anything you can't deliver. This was Al Smith's first principle, and it stands today. A fair amount of the social science of recent decades has tended to establish the upper limits of many forms of social intervention. A specific task of the Democratic party in the United States is to manage a "soft" landing on the ceiling, if you will. If we go on insisting that we must go through the roof, we could well end up on the floor.

Six. The Earth shall rise on New Foundations. We have been naught but shall be all. How this thought made its way from the first stanza of the Internationale to the State of the Union message of 1979 is less important than the fact that it did. The United States is a revolutionary nation. Again in the 1960s, Democrats went through a period of doubting and even denigrating our role in the world from which we have not recovered, conceding to Republican pietism an intelligent defense of economic and political liberalism that is ours by right. In the past four years, for example, our relations with the third world surely have not improved, and judging by the pronouncements of the nonaligned nations, have manifestly worsened. (Our democratic ally, the sovereign state of Israel, has, for example, become "the Zionist entity," a non-state equivalent of a non-person.) If this hostility is so threatening, as the psychologists say, to our self-regard as Democrats that we cannot even acknowledge it, then our capacity to govern legitimately may be questioned. Because as much as we might sympathize with their ambitions and wish them well we can never expect their approval. With rare exceptions, America is a reproach and in that sense a threat to the regimes of most of the nations of the world, old and new. That is not going to change, and it is nothing to be ashamed of.

The issue of strategic arms ought to be our most powerful argument against the Republican candidates in the coming election. The Republican platform "rejects the fundamentally flawed SALT II treaty negotiated by the Carter Administration," and charges it with having, "in effect, practiced unilateral disarmament . . ." This wholly misses the point, for SALT II is not disarmament of any sort. It does not provide for any significant reduction in numbers of weapons. Instead, it permits the continued accumulation and deployment of nuclear weapons by both sides. (By 1985 under SALT II the Soviets would have four warheads for every county in the United States. We would have a comparable number.)

Far from unilateral disarmament, the Democratic administration has acquiesced in a steady acceleration of strategic arms development by both countries. In this respect, its treaty is little different from what the Republican administration had all but agreed to by 1977. The Democratic platform acknowledges that a nuclear arms race is in fact taking place but declares:

"A Democratic Administration will treat the Soviet government's readiness to negotiate verifiable, substantial and significant reductions and qualitative limits as a test of its seriousness about arms controls and the compatability of its approach to arms control with that of the United States."

In the interests of full disclosure, as the lawyers say, let me say that is a passage I wrote as a member of the drafting committee. But it is the position of the whole of the party. (Or can be if our candidate insists.) It makes all the difference in the world—to the world. We still can go back to the Soviets and talk cuts. Our opponents will not, or so they indicate.

In the end the differences between the two parties are great, this year as they have been in the past. One concedes and welcomes the appearance of a thoughtful and inquiring Republican party. But have they overlearned? Are their thoughts and inquiries derived from the experience of the past 40 years, and appropriate for the next decade? Or are they beginning to inhabit a world of thought, more than a little tinged with ideology (and campaign rhetoric!), that is increasingly removed from the reality of our experience? Are some among them staring into the blazing sun of doctrinal truth and blinding themselves in the process? We Democrats may be short on ideas of late, but we at least remain close to and accessible to experience. This is reason enough to fight this election as if it really mattered. It does.●

UNEMPLOYMENT INSURANCE—RETIREMENT INCOME OFFSET

○ Mr. JAVITS. Mr. President, On August 5, 1980. I introduced with Senators WILLIAMS, RIEGLE, MOYNIHAN, and NELSON, S. 3012, legislation that would repeal the retirement income offset requirements of the unemployment insurance system. Since introducing that legislation, I have become aware of a certain amount of confusion, among my colleagues and the public, about the operation of the retirement income offset provisions, and particularly about the differences between the legislation I introduced and legislation that twice has passed the Senate to address the retirement income offset issue—H.R. 4612 and the Chafee amendment to H.R. 3904, the ERISA amendments bill. I take this opportunity to clarify those issues.

In 1976, Congress enacted legislation requiring every State to reduce, dollar for dollar, the unemployment insurance entitlements of any unemployed workers who receive pension or other retirement income benefits. Retirement income is so broadly defined as to require the reduction to be taken even for the amount of social security benefits received by unemployment insurance claimants.

Congress twice postponed the effective date of these provisions until March 31, 1980. The effect of the retirement income offset is substantial. As many as 10 percent of all unemployment insurance claimants may be affected. As many as half of these may forfeit all entitlement to unemployment insurance benefits altogether.

It is a common misconception that unemployed workers who claim UI benefits after retirement are "double dipping"—claiming UI benefits based on the same preretirement income that is the basis for their retirement income. In fact, substantial numbers of so-called retired workers continue to work after retirement. Many such workers simply cannot support themselves on the amounts they receive from retirement income programs. Those workers must find postretirement employment, and their need for UI is every bit as great as that of other unemployed workers.

Another misconception is that the provisions adopted by the Senate as part of H.R. 4612, passed earlier this year, and identical provisions passed again this month as part of the Multiemployer Pension Plan Amendments Act of 1980 (H.R. 3904) would rectify the inequities created by the retirement income offset provisions. H.R. 4612 and H.R. 3904 would solve only part of the problem. States still would be required to offset from an unemployed worker's UI entitlement any amounts of retirement income received from a retirement plan, including social security, "maintained (or contributed to)" by an employer for whom he or she worked during the applicable UI base period.

Base periods are set by State law, but are always at least 1 year, and are under some State laws as much as 18 months. Thus, if an employee retires from employment he or she has held, collects a pension, finds other employment, and is then subsequently laid off—all within the UI base period—the entire amount of the pension would still be offset against any unemployment insurance entitlement.

Similarly, since all private employers and many public employers contribute to social security, such benefits always come from a retirement income program "contributed to" by base period employers. Unemployed workers who collect social security will always have their UI entitlements reduced by a substantial part of their social security benefits, regardless of the period between retirement and their UI claim. Thus, in these common situations the base period limitation of H.R. 4612 affords no relief.

H.R. 4612 and H.R. 3904 provisions do provide that the States may limit the amount of the retirement income offset to take account of employee contributions to the pension or retirement fund. Under this provision the States could limit the offset to one-half of an individual's social security benefit—the amount contributed by employers. But this provision is discretionary with the States, and in many cases, it would not be implemented.

S. 3012 would resolve all the inequities caused by the retirement income offset, because it repeals that provision in toto. Such repeal has been unanimously recommended in the interim report of the National Commission on State Unemployment Compensation Laws.●

THEIR TIRED, THEIR POOR—OUR JOBS

● Mr. HUDDLESTON. Mr. President, the unemployment rate is rising steadily and many economists predict that it probably will not stop until it hits the 9 percent level. As more and more Americans are turned out of their jobs, they are expressing concern about the problem of uncontrolled immigration which is contributing to their plight. William Raspberry has written several articles about this problem as it relates particularly to minorities. His most recent article quotes from Margaret Bush Wilson, chairman of the board of the NAACP, who says:

If there is one overriding theme to this convention, it is the desperate economic plight of the bottom-of-the-barrel black Americans. And their situation is growing worse as the result of entry-level competition of Cubans, Southeast Asians, Haitians and Mexicans—including the uncounted hordes of illegal aliens.

I share the concern of Ms. Wilson and Mr. Raspberry in regard to the taking of American jobs by legal and illegal immigrants. Congress cannot afford to ignore this problem too much longer.

I ask that the article from the July 4, 1980 Washington Post be printed in the Record.

The article follows:

Their Tired, Their Poor—Our Jobs

(By William Raspberry)

Miami.—Black Americans are suffering a severe case of mixed emotions with regard to the tidal wave of Cuban refugees that threatens to inundate this south Florida city.

On the one hand, there is bitter resentment over the fact that the Cubans have been treated much better than Haitian refugees who also want to come to America. On the other, refugees of all sorts and colors are viewed as unfair—potentially disastrous—competition to America's own struggling blacks.

Margaret Bush Wilson, chairman of the board of the NAACP, played both these themes in her Monday night keynote address to open the organization's 71st annual convention here.

She questioned the logic, accuracy and fairness of classifying the fleeing Cubans as "political refugees" (as though economic hardship were no part of their motivation) and fleeing Haitians as "economic refugees" (as though political repression were no part of theirs).

But the racial overtones of U.S. immigration policy go far beyond the Caribbean.

"There are eight million refugees in the world, three million of them on the African continent," Wilson told convention delegates. "But while America is outreaching to Asia and to Europe to invite refugees to receive the benefits and economic support for new life in this nation, we are suddenly made to face the harsh but subtle reality of racism in international relief and refugee assistance.

"The United States is not only paying for European and Russian refugees to come to the United States, but paying the cost of their immigration to Israel and to other Middle East and European countries. It is ironic that in the midst of the concern about the cost of the recent incoming of Cuban refugees, one suggestion was that $10 million of the already paltry aid to the countries of the African continent, where more than one-third of all refugees are to be found, would be devoted to Cubans."

But while Wilson, a St. Louis attorney, was calling for equitable treatment among refugees, she also expressed her fear that the influx of all refugees will exacerbate the already dire employment problems of black Americans.

The recent riots here, she said, were a warning that "if an accommodation is not soon made between refugee accommodation and domestic unemployment, there is going to be increased tension and trouble.

"While we say, 'Give us your tired, your poor,' to those outside," she said, "we say also: give jobs to those inside so that they will receive the refugees as fellow humans and brothers and sisters, rather than as competitors for scarce jobs in a shrinking employment economy.

"We need an immigration and refugee policy which can control the flow of immigrants so as to better match the demand for labor and void unnecessary competition for entry-level jobs that are so desperately needed by our youth."

If there is one overriding theme to this convention, it is the desperate economic plight of the bottom-of-the-barrel black Americans. And their situation is growing worse as the result of entry-level competition of Cubans, Southeast Asians, Haitians and Mexicans—including the uncounted hordes of illegal aliens.

And even while NAACP officials are agonizing over the problem, other Americans are calling for blanket amnesty for the "undocumented workers" already here—often on the grounds that they are willing to take the dirty, demeaning and low-paid jobs that the American home-grown poor are unwilling to take.

Roger Conner, executive director of the Federation for American Immigration Reform (FAIR), has met that argument with two key points. First, a lot of Americans *are* working at those jobs, which means that the illegal aliens represent unfair competition, particularly since they are frequently willing to work at less than legal wages.

Second, by no means are all the aliens employed at sub-par jobs. "Illegal aliens have been found working as painters on the Statue of Liberty, earning union wages, and as construction workers on the District of Columbia's subway, earning a minimum of $16,000 annual salary," Conner told the Select Commission on Immigration and Refugee Policy meeting last December in San Antonio.

"I know of no one who argues that American workers should have to compete with the world's labor force for jobs in their own country."

But while Conner discusses the problem in terms of legal equity, Benjamin L. Hooks, NAACP executive director, talks about it in terms of its explosive potential, a warning that takes on special urgency in this city so recently torn by racial strife.

He and Wilson said they would demand that presidential candidates Jimmy Carter, Edward Kennedy and John Anderson, expected here during the week, "put aside the platitudes and the political rhetoric, and talk forthrightly to us about these urgent concerns."

Hooks "strongly deplored" the decision of Ronald Reagan not to come to the convention. "We will not attempt to speculate on why Mr. Reagan found it unimportant to come to Miami," he said in a statement. "It is sufficient to note that he did not come."●

AID ISN'T A DIRTY WORD

● Mr. JAVITS. Mr. President, I would like to call to the attention of my colleagues an editorial from the Journal of Commerce supporting, in the strongest terms, U.S. economic assistance to the developing countries. As many of my colleagues know, I am a longtime proponent of the economic and political benefits of wise and carefully crafted U.S. bilateral and multilateral foreign assistance programs. I believe that this editorial, which was published in the August 21, 1980, edition of the Journal of Commerce, makes a compelling case for expeditious approval by the Congress of foreign aid appropriations for fiscal year 1981.

It is necessary that Congress act in a timely manner and avoid this year's quandary, whereby the fiscal year 1980 U.S. foreign assistance programs are operating under the 1979 budget ceiling. The fiscal year 1981 budget for foreign affairs programs reflects changing U.S. foreign economic interests, and it is essential that there be in place policies and programs specifically designed to meet the challenges confronting U.S. foreign economic policy in these developing countries today.

I would like especially to note that this editorial appears in a newspaper which is widely read by the business community; the Journal of Commerce editorial points out that the United States has an increasing economic and political stake in the developing world, and that it is of the utmost importance that we recognize this linkage. The economies of the developing nations comprise our fastest growing markets for U.S. exports and provide U.S. industry with vitally needed raw materials and minerals. U.S. bilateral and multilateral assistance programs buttress this relationship; and it is estimated that, of the $35.1 billion in total exports to developing countries in 1978, $3.1 billion can be directly attributed to U.S. bilateral assistance. Without economic growth, which is stimulated by the external capital and know-how provided by U.S. foreign assistance programs, these potential markets for U.S. exports could not be adequately developed.

In addition, the editorial emphasizes the political benefits to be gained from U.S. foreign assistance. For example, by providing aid to politically sensitive developing countries, such as Zimbabwe and Nicaragua, we "won't buy friendship, but [we] probably will keep countries out of the arms of the Soviet Union."

I am very concerned with the future of U.S. foreign assistance programs. Foreign aid is not a "giveaway" program, and we must begin to recognize the vital linkage between foreign assistance programs, the continued security and political viability of recipient countries, and the economic growth and the national security of the United States. I commend this article to my colleagues and ask that it be printed in the Record.

The article follows:

Aid Isn't a Dirty Word

Congress appears on the verge of addressing one of 1980's major legislative disaster areas: appropriations for international affairs programs. After a year of funding ongoing programs at 1979 levels, Congress is about to commit some 1981 dollars to America's role in the world community. That's the good news. The bad news is the pie isn't big enough, and as currently budgeted is cut into unequal pieces.

Belief in one world is not the motivating concept behind our support for an increase in international affairs appropriations. And we aren't being picky when we criticize the way our federal money—which in 1981 will probably amount to over $10 billion in outlays—is going to be spent. Our concern is focused on what seems to be a depressingly predictable approach on the part of many senators and representatives alike to a highly complex set of problems, and an unwillingness or inability on the part of our elected officials to recognize the important commercial and economic interests these programs address for the United States.

Congress has inadvertently systematized its distaste and distrust of international affairs programs. The 1974 Budget Act—a reform designed to reconcile government revenues and expenditures—has been a disaster for international programs. In some areas Congress is still paying more than lip service to the concept of budget ceilings and total federal expenditures. And international programs, which many congressmen view as a waste of time and money, is one of them. As a result, in the name of efficiency an astonishing array of international items have been lumped together into one package called "Function 150." Consideration of financial commitments which range from military and economic aid to Egypt and Israel to approving operating expenses for the international agencies of the executive branch to payment of United Nations dues are all put under one roof, which has a ceiling made of concrete. The problem with this approach: politically popular programs get a disproportionately large percentage of total outlays. In the past, economic and military aid to Israel and Egypt and funds for Public Law 480 have been the leading beneficiaries of congressional largesse. In fiscal year 1981, they have been joined by the Export/Import Bank.

Unfortunately, good politics rarely make good policy. And good policy in this case means providing the greatest good—and reaping the largest benefit—for and from the greatest number. In the upcoming fiscal year, aid to Israel and Egypt and funds for Public Law 480 are likely to account for roughly one-fifth of total Function 150 outlays. We support both programs, and believe America's national security and humanitarian interests are well-served by their existence. But keeping their budgets fat means starving other programs. In the case of Function 150, that translates into increased vulnerability for bilateral and multilateral projects in developing countries.

"Foreign aid" has been a dirty word on Capitol Hill for a long time. Objections to the concept of economic and social development programs to the world's poorest countries range from opposition to giveaways to doubts the programs reach those for whom they were intended.

Those criticisms and others like them meant that last year the United States had no foreign aid bill. It also meant the Export/Import Bank, whose budget outlays are considered along with development assistance programs, was forced to operate under 1979 budget ceilings. Former Secretary of State Vance called it a national disgrace. Early last month, his successor said delays and cuts in foreign aid were damaging America's "credibility and influence abroad at a time of Soviet expansionism."

Cuts and delays are doing more than that. To say the United States has a economic stake in the developing world is not mere repetition of a liberal bromide. Their markets and raw materials are important. So too is their political support. Money won't buy friendship, but it probably will keep countries out of the arms of the Soviet Union.

Aid to the new nation of Zimbabwe is a case in point. While Egypt and Israel receive the lion's share of economic support money, Zimbabwe, a country of great potential geopolitical and economic importance to the United States, is targeted to receive $20 million. Nigeria is supplying more. Conservatives in Congress might like to see Mr. Mugabe struggle. But they won't like it a bit if he ends up in the Soviet camp as a result. It wasn't so long ago Mr. Sadat was confronted with a similar dilemma, but in reverse.

We should be grateful that foreign assistance outlays are tied up with consideration of Export/Import Bank funding this year. With Congress waking up to the important role that institution can play in furthering America's commercial interests, the likelihood for deep cuts in foreign aid programs has been dampened somewhat. But that still doesn't make us happy about the size of our commitment to these programs. Members of Congress are happily disposed to make political capital out of America's decline on the world stage. When a creative opportunity to reverse that trend presents itself, however, all of the old biases and criticisms reappear, and nothing gets done. And that doesn't make us very sanguine about the future.

DAVIS-BACON

● Mr. HATCH. Mr. President, although the inflationary impact of the Depression-born Davis-Bacon Act is well established, Congress and the administration, at almost every given opportunity to make constructive changes in behalf of the taxpayers who pay these outrageous bills, persist in treating this outmoded wage law as untouchable.

Even the weight of a devastating report by the GAO apparently makes no dent in the Davis-Bacon armor—preserved and polished by the Department of Labor in behalf of the act's direct beneficiaries, the building trades unions. In fact, both the GAO studies and a larger sampling study by Prof. D. N. Gujarati show that a very large fraction of the prevailing-wage determinations carry union scales irrespective of the location or type of construction.

Indeed almost every objective investigator, Labor Department and big labor exempted, has called for the act's repeal. Some of those advocating its elimination include former Council of Economic Advisers Chairmen Walter Heller, Charles Schultze, Paul McCracken, and Alan Greenspan.

Fortunately a new voice is heard—unfortunately still crying out in the wilderness. I commend to the attention of my colleagues an excellent analysis of Davis-Bacon appearing as a study of economic policy recently published by the American Enterprise Institute. Entitled, "The Economics of the Davis-Bacon Act," written by John P. Gould and George Bittlingmayer, I believe it definitely settles the issue once and for all—it is amply demonstrated and documented that the act as administered for decades is unnecessary and costly, and constitutes a rather easily identifiable example of special-interest legislation.

Mr. President, I hope that by next year reason and logic will prevail—instead of bloated union wages—and that the Congress and the administration will take action to strike this archaic special interest law from the books. This ill-conceived law is a bread-and-butter issue that benefits few at the expense of many. It has to go.

While the AEI report is lengthy I ask that its conclusions be printed in the Record, hopefully to entice my colleagues to order, read, and heed the entire document.

Conclusions

It appears from our survey of the literature that the Davis-Bacon Act has had a number of undesirable economic and social consequences. These consequences stem in part from the impossibility of continuously monitoring wages paid to millions of workers in dozens of construction job categories located in thousands of civil subdivisions. In part, they also stem from the ill-conceived procedures used by the Department of Labor to determine prevailing wages. While rigid, even absurd, bureaucratic practices are sometimes a necessary part of an organization's stock-in-trade, it has been amply demonstrated that the Davis-Bacon Act as administered for decades is unnecessary and costly, and constitutes a rather easily identifiable example of special-interest legislation. The central findings of our survey are as follows:

1. Nine studies of prevailing-wage determinations made by the General Accounting Office between 1962 and 1979 have shown that these determinations often establish inappropriately high minimum wages on a variety of federally financed and federally assisted projects. The validity of the GAO studies has been acknowledged by the Department of Labor on several occasions, and although Labor has said that it has halted the use of commercial building rates for residential construction, the other practices cited by GAO as causing inflated wage costs are still prevalent. The most recent GAO report was forced to conclude that "after nearly fifty years, the Department of Labor has yet to develop an effective program to issue and maintain accurate wage determinations and it may be impractical to ever do so."[1]

2. The General Accounting Office classified wage determinations as "inappropriate" if they were clearly higher than would have been the case if the secretary of labor's directive on the appropriate procedures for making wage determinations had been followed. (See, for example, Tables 3 and 4.) Thus, it is important to emphasize that the determinations deemed "appropriate" by the General Accounting Office are themselves likely to be well above the rates that would obtain if the determinations were based on the rates and classifications in open shops. The 30 percent rule and the averaging rule, even when properly applied, result in wage determinations higher than the local open-shop rates.

3. Both the General Accounting Office studies and a larger sampling study by Professor D. N. Gujarati show that a very large fraction of the prevailing-wage determinations carry union scales irrespective of the locations or type of construction. Data on the extent of unionization in the construction industry are incomplete, but it is clear that the fraction of determinations carrying union-scale wages is well above the fraction of unionized workers in the building trades. In its most recent study, GAO found that the Department of Labor had issued prevailing rates based on union rates in 66 percent of the determinations examined, while its own survey indicated that union rates prevailed for only 42 percent.

4. Professor Gujarati's study and the General Accounting Office reports indicate that a large fraction of the prevailing-wage determinations carried union rates from noncontiguous counties. It is not uncommon for union contractors to obtain government construction contracts in nonunion localities, thereby excluding local contractors and often local workers from these jobs. The result, at odds with the basic aim of the act, is that projects that would otherwise be carried out by local contractors and local labor are undertaken by outside firms and labor.

5. The General Accounting Office reports noted a number of instances in which wage rates from inappropriate types of construction projects were used in making prevailing-wage determinations. This inconsistency means, for example, that the determined wage rates for a highway or heavy construction project may carry the higher wage rates associated with building construction. Considerable wage differences often exist on projects that to the layman seem almost indistinguishable. In some areas not enough data from similar projects can be gathered,

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[1] U.S. General Accounting Office, *The Davis-Bacon Act Should Be Repealed*, 1979, letter of transmittal of the comptroller general.

and the resulting wage determination is based on a sample of arbitrarily selected and unrelated projects with considerably differing wage scales.

6. The General Accounting Office also found that on-site survey data and other kinds of local wage data were often ignored in making prevailing-wage determinations. In some cases, survey data were arbitrarily altered; in others, low wages were systematically excluded. Moreover, it was found that past prevailing-wage determinations were used to make new determinations; the inclusion of these earlier determinations substantially raised the average wage rate.

7. Since the passage of the Davis-Bacon Act in 1931, many other laws have been passed that contain prevailing-wage clauses. These clauses may defeat the purpose of the primary legislation in some instances, particularly where the aim was to provide construction projects at prices lower than might prevail in the absence of government assistance. Officials of other agencies have publicly complained about the effect of the Labor Department determinations on the cost of their projects and have joined contractors in appeals for lower and more realistic wage determinations.

8. By reinforcing artificial wage differentials, the Davis-Bacon Act tends to cause greater frictional unemployment in the construction trades. Construction workers appear willing to forgo current employment in order to wait for jobs paying higher union and Davis-Bacon wage rates. This has provided us with the curious combination of an excessive demand for new housing and a substantial unemployment rate among construction workers.

9. High prevailing-wage determinations appear to discourage nonunion contractors from bidding on federal construction jobs. This means that union contractors face less competition, that the government has to pay a premium for construction work, and that the bargaining power of unionized construction workers is strengthened substantially. Excluding nonunion contractors from a substantial part of the costruction market also has undesirable economic consequences for minority groups and for younger workers, who are more likely to find employment in the nonunion sector of the construction industry.

10. Job classifications in Labor Department determinations usually conform to those established by the building trade unions. This implies that no helpers and only apprentices from the union-dominated training programs are specified. Apprentice classifications tend to carry the higher union rates, and this, together with the classification restrictions, results in curtailed use of apprentices and helpers on Davis-Bacon projects, even when they are undertaken by open-shop contractors.

11. Prevailing-wage determinations in general (and the practice of basing new determinations on old ones in particular) tend to freeze wage differentials irrespective of shifts in demand. This interferes with the workings of the labor market as a resource-allocation mechanism and may prevent the proper flow of workers into different jobs and areas.

12. On the basis of evidence from the 1971 suspension and from the various General Accounting Office reports, it seems reasonable to place the cost of the Davis-Bacon Act at between $0.5 billion and $1 billion per year. This is an estimate of the government's extra costs, which arise because: (1) union labor is used on projects where less highly paid nonunion labor would otherwise have performed the work; (2) nonunion labor must be paid more while working on covered projects than it ordinarily receives; (3) administrative costs to contractors are included in bids; and (4) administrative costs are imposed on the Department of Labor and other government agencies. To the extent that government-induced demand for union labor increases union monopoly power, the Davis-Bacon Act may also result in higher construction costs for union construction in the private sector.●

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and at 10:35 p.m., the Senate recessed until Friday, August 22, 1980, at 10 a.m.

EXTENSIONS OF REMARKS

HANDICAPPED PERSON SPEAKS OUT ON TRANSPORTATION

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. SIMON. Mr. Speaker, in the current discussion about providing adequate public transportation services for the handicapped, it is easy to forget the people who we are trying to serve.

Theoretical discussions of "What do handicapped people want?" and "What can handicapped people do?" are fine as far as they go—but the real-life experiences of people like Kitty Cone are far more enlightening.

Kitty Cone is a victim of muscular dystrophy, a former elected countywide disabled representative of the Alameda County, Calif., Paratransit Coordinating Council, and a member of AC—Alameda-Contra Costa—Transit's elderly and handicapped advisory committee. Although severely disabled and confined to a wheelchair, Mr. Speaker, she rides buses and rail systems with ease and enthusiasm when they are wheelchair accessible.

In a recent letter, Ms. Cone takes issue with those who would eliminate all accessibility requirements in transportation systems and substitute separate transportation services for the handicapped.

Ms. Cone recalls that the so-called local option was attempted as recently as 1976—and was a failure. Ms. Cone provides evidence that, with reference to increasingly successful accessible transportation programs in Alameda County, Seattle, and elsewhere: "A well-planned program works."

Ms. Cone also makes clear, Mr. Speaker, that the paratransit alternative, beyond its shortcomings in providing adequate service, is not cheap. One paratransit trip to the movies, she reports, cost taxpayers $108—an astounding drain on the public treasury in a time of fiscal strain.

"Disabled people all over the country," Ms. Cone concludes, "consider the Cleveland amendment to be the greatest threat to our independence and civil rights that we have faced in years."

Let me add that we are working now to reach a compromise that affords both flexibility and accessibility, that is acceptable both to the handicapped community and the Public Works Committee.

Ms. Cone's letter, which I insert at this point in the RECORD, is a moving and informative expression of deep concern. I urge my colleagues to consider the points she raises most carefully.

OAKLAND, CALIF.,
June 29, 1980.

Hon. PAUL SIMON,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SIMON: I am a severely disabled person with Muscular Dystrophy who rides buses and rail systems with ease and enthusiasm when they are wheelchair accessible. I am writing to register my outrage and dismay that the Cleveland Amendment was adopted as part of the Surface Transportation Act HR 6417, with no public input, since the Department of Transportation 504 regulations were issued after voluminous public testimony. Organizations representing millions of disabled people support your efforts to have the impact of the Cleveland Amendment considered by your subcommittee since, in essence, the amendment would destroy disabled people's civil right to ride public transportation presently protected by the DOT 504 regulations.

As a person who is a wheelchair user who is unable to drive or ride in an ordinary car, a member of AC Transit's Elderly and Handicapped Advisory Committee, and the former elected county-wide disabled representative on the Alameda County Paratransit Coordinating Council, I would like to make some observations on the realities of what "local Option" would mean.

Under the old 1976 UMTA regulations, our transit operator (as did most around the country) did nothing to meet the transportation needs of the elderly and handicapped, except spend $40,000 to conduct a study, although 5 percent of AC's Section 5 monies was $250,000. After disabled organizations sued twice, carried out demonstrations, news conferences, and attended numerous committee and Board meetings, AC Transit adopted a policy of full accessibility, although similar actions did not result in the same policies in other areas. Since that time AC has proceeded forward with what the disabled and elderly, and AC Transit staff believe will be a very successful accessibility program. AC Transit's E & H Committee has worked with staff in the Planning, Marketing and Training Departments to insure that when accessible buses on order arrive, they will be deployed in the most useful way, the disabled community will know how to use the equipment and where accessible buses will run, the drivers will know how to operate the equipment and will be prepared to deal with the new disabled passengers who have not ridden before.

A well planned program works!! Seattle METRO is running 143 accessible buses out of a fleet of 900. After only a few months, 70 people a day in wheelchairs were riding those buses. The lifts cost $5,700 and have proven 98 percent reliable.

AC Transit, like Seattle METRO is truly trying to make accessibility work. AC will reach program accessibility by July 1982, and the cost for the lifts will be $4,800,000. This will be a fifteen year investment, the lifetime of AC Transit's buses. Contrast this with the costs of special paratransit services now provided in Alameda and Contra Costa counties through state transit funds. For fiscal year 1980-81 the two counties paratransit services within AC's operating district will amount to a total of $2,030,950!! Paratransit is not cheap.

However, as AC Transit becomes accessible, paratransit can fall into a supplementary role, running in areas where there is no bus service and serving people who can not ride BART or the buses at a quite reasonable cost since the paratransit usership will be drastically lowered.

Disabled people are very concerned that transit operators who have taken a hostile stance towards accessibility will jump on the Cleveland Amendment, if it passes, as a way to avoid serving disabled people in their areas, relying on an exclusive minimal paratransit system. That would, at best, provide segregated, inferior transportation.

I am one of 100 Oakland residents privileged to ride wheelchair van paratransit. I have to order a limited number of vouchers every month at a cost of 75¢ each. These vouchers will pay for one one-way trip within the city limits. If I travel across city lines, as AC Transit does, I have to pay two vouchers each time I cross a line. One night I went to the movies and came home at a cost of 6 vouchers, $4.50 to me, and $108.00 to the taxpayers as each voucher is redeemed at $18.00!! I must fill out on each voucher the following information: my name, address, phone number, the type of wheelchair I use, whether I am traveling alone or with an attendant, the purpose of my trip, and my pickup and destination. Two of the four vans providing the service have Medical transportation painted on them. (Incidentally, these companies bill Medicaid $48.50 for a round trip to the doctor, and people are encouraged not to use their vouchers for medical trips.)

All of this is degrading and demeaning, aside from the fact that I must plan days in advance to go anywhere I can not go on BART. I have had to leave transit planning meetings because my paratransit ride arrived before my meeting ended. I couldn't catch a later ride like bus riders. This is not the fault ot the provider: it is an inherent problem.

I want to be a contributing member of society, not someone who is always constrained by the tyranny of extremely expensive and limited paratransit. When AC Transit becomes accessible, I believe I will become a much more mobile and therefore functioning member of my community. Passage of the Cleveland Amendment would condemn millions of us to immobility because there are many transit operators who simply do not want to provide transportation to disabled people.

Disabled people all over the country consider the Cleveland Amendment to be the greatest threat to our independence and civil rights that we have faced in years. And ironically, if passed, it could lead to terrible bureaucratic intervention by the Federal government into local areas in attempting to ensure that transportation was being provided to the handicapped, something which proponents of the Cleveland Amendment surely do not want.

Public transportation which discriminates against a large section of the public which desperately needs it, is a violation of justice and the Constitutional rights of those discriminated against.

● **This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.**

The Cleveland Amendment must be defeated. Thank you for your efforts to that end.

Sincerely,

KITTY CONE.●

WHAT IS HAPPENING AT THE FEDERAL ELECTION COMMISSION?

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. DORNAN. Mr. Speaker, I am inserting into the CONGRESSIONAL RECORD at this time material to add to the growing public record concerning the ability of the Office of General Counsel at the Federal Election Commission to pursue justice at the highest levels. I strongly support the concept of a Federal Election Commission, but it is becoming increasingly clear that men and women of integrity and imagination are desperately needed to administer Federal election laws in a just fashion.

Please, my colleagues, check the figures in the following FEC conciliation agreement regarding donations and an alleged return of illegal, corporate campaign money. Anyone with eyes can see that the Federal Election Commission has let a Member of the National Legislature keep over $1,000 in an illegal corporate campaign contribution. I have discussed this case with every official at the FEC including their General Counsel, Charles Steele. Why are they letting this Member of the National Legislature keep this illegal money? Read for yourself.

A TALE OF TWO STATES AND THE FEDERAL ELECTION COMMISSION

(By Wanda Cantrell)

Old ghosts are appearing amid the hoopla and hard work of two congressional races this year, one in Alabama and the other in California. Despite all efforts to the contrary, the specter of at least $36,000 in admittedly illegal contributions given in 1978 to U.S. Senator Donald Stewart (D-Ala.) and candidate Carey Peck (D) of California's 27th district may haunt them until election day 1980 and beyond. Stewart ran in the 1978 special election to fill out the term of the late Sen. Jim Allen. Peck opposed Republican Robert Dornan in 1978 in a very close race and is running again this year. The problem for both Stewart and Peck is a controversial Alabama coal mining equipment dealer, James Dennis, who is currrently in prison on convictions for defrauding the Itel Capital Corporation in California. Dennis, who has been in prison since January, 1980, claimed on a nationally televised news broadcast early in 1979 that he had bribed federal officials for the coal industry.

According to Federal Election Commission documents, Dennis, falsely using the names of other people, contributed $22,000 in corporate money to Stewart. He also gave Stewart an additional $1,150 in his own name, but drawn on the corporate account of his Birmingham firm, Dennis Mining and Supply Company. Likewise, according to FEC reports, Dennis gave Carey Peck $13,000 in corporate contributions. Both Stewart and Peck deny any prior knowledge to the illegal nature of the contributions and both maintain that they returned the money to Dennis.

The problem, however, lies not so much with the candidates, even though questions can be raised about the handling and receipt of the contributions, as with the FEC which never checked bank records and never actually communicated with Carey Peck about Dennis. But these are only two of the problems which quickly become evident based on the documents publicly available at the FEC.

The illegal nature of the contributions first came to light after Alabama newspapers, in April 1979, quoted persons listed as Stewart contributors saying that they had not in fact given the money. On April 20, U.S. Attorney J. R. Brooks of Birmingham sent a referral to the FEC alleging that as much as $11,000 of $15,000 given to Stewart in the names of others may have been in cash. Although the original referral is not in the public files at the FEC, references to Brooks' letter are made in other documents. On May 8, 1979, Dennis sent a letter to Brooks—which the U.S. attorney forwarded to the FEC—confessing that he had given Stewart $22,000 in the names of others. Dennis supplied the list of the names, dates and amounts of the contributions. Dennis also notified the FEC of his actions "to see that no unnecessary investigative efforts" were made. A few days later Dennis also admitted giving Peck $13,000 in illegal contributions. At that time, Dennis said that neither candidate knew he was giving the money, and that he had done it out of respect and admiration for the two men.

Prior to the newspaper reports and the referral from Brooks, the FEC had not questioned the contributions, despite their suspicious nature. During the entire U.S. Senate campaign, Stewart received a total of 115 maximum contributions. Of the total, 22 were $1,000 contributions given by Dennis, so that one-fifth of Stewart's maximum contributions came from Dennis. Of the 22 donations, 10 had the same address listed—Drawer S in Sumiton—a small mining community. In addition, Stewart's FEC reports list an occupation for only about half of the 22 contributions. All of the other, legal maximum donations show complete addresses and occupations. All of the illegal donations came in the form of cashier's checks, some of which were sequentially numbered, from the same bank. Stewart campaign officials have said that they did not notice anything wrong with the contributions. Informed sources say that Dennis kept a high profile during Stewart's bid for the U.S. Senate, and in one FEC document, the First General Counsel's Report, dated June 1, 1979, the FEC refers to him as a "campaign fundraiser." Stewart, however, has denied having any close relationship with Dennis.

Nationally syndicated columnist Jack Anderson, in an article which appeared on June 20, claimed that Stewart's personal financial dealings are being investigated by the FBI. Anderson also quoted Stewart saying that Dennis was not "a big player in my campaign," adding that "I didn't have much contact with him." Anderson then quoted Dennis saying that "nobody was closer to Stewart than me. I didn't have to hold on the line when I called him."

The FEC investigation of the Dennis matter consists primarily of letters from the FEC to Dennis and Stewart, and their responses. An FEC spokesman says that it was not up to the candidates to question contributions. And although it is the FEC's responsibility by law to regulate campaign finances, the Commission apparently did not check into the form in which the contributions were made. According to the files, only $8,000 of the $36,000 total which Dennis gave to both Peck and Stewart was verified as having been in the form of cashier's checks. "Dennis assumed all responsibility," according to an FEC spokesman, and it took Dennis' word that all the money was actually returned. It would also appear, based on Stewart's and Peck's FEC reports, that they repaid the money by taking out personal loans and giving the money to their campaigns.

The FEC, however, checked no bank records, and one source close to Dennis maintains that the $36,000, as well as another $30,000 cashier's check offered to Stewart for the downpayment on his new Washington home never showed up in Dennis' bank accounts again.

Campaign officials for Stewart and Peck say that the matter is resurfacing for political reasons in an election year. Stewart, who has been unavailable for comment after repeated attempts to reach him, has said publicly that he has been exonerated and the matter is closed. "The FEC didn't find he'd done wrong," a campaign spokesman said recently.

The connection between the two campaigns appears to have been supplied by Senator Alan Cranston (D-Calif.), who intervened in Alabama on Stewart's behalf and tried to get actor Gregory Peck, Carey Peck's father, to go there for Stewart. Peck was quoted in a California newspaper, the Daily Breeze, earlier this year as saying that Dennis had come to him highly recommended by Cranston and Stewart. Peck's campaign manager, Terry Pullen, told the Report, "I don't know that you could say Cranston and Stewart actually recommended Dennis to us. But we got that impression because of Dennis' relationship with Stewart in Alabama. Cranston called to see if Carey's father would appear with him on behalf of Stewart in Alabama, and that's how we knew Dennis. He was constantly around Stewart in Alabama, so we had no reason to suspect anything in regard to money from Dennis."

Cong. Robert K. Dornan, Peck's opponent in the 1980 race that is still too close to call, recently visited Dennis in a federal penitentiary in Alabama to discuss his contributions to Peck. According to Dornan, the 29-year-old businessman told him that Peck had known, prior to receiving it, where the money was coming from. Peck himself has been unavailable for comment. Peck campaign officials say that they returned the money as soon as they found out it had come from one person's corporate account. According to Terry Pullen, "The FEC never asked Carey Peck to return the money." He added that the FEC never actually "investigated" the California Democrat.

From the beginning, both Stewart and Peck have maintained that none of the money was received in the form of cash. The FEC, however, has only very partial evidence to support Dennis' contention that all of the money was given in the form of cashier's checks. Dennis stated in an affidavit he filed with the FEC that he could not produce copies of the checks to Stewart because they had probably been destroyed by a fire in his office, although he did have copies of eight checks to Peck. He suggested that the FEC examine the records at the National Bank in Birmingham to verify that none of the money had been in cash.

Although the original referral from the Justice Department indicated that much of the money may have been in cash, the FEC files reflect no attempt to pursue the question. The FEC took Dennis' and Stewart's word that none of the money had been in cash. Stewart's assertion came in the form of a letter to the FEC from John Vardaman, his lawyer in the FEC investigation. Vardaman is a Washington attorney with the firm of Edward Bennett Williams, treasurer of the National Democratic Congressional Committee.

As a result of the FEC inquiry, Dennis was originally fined $36,000 for his illegal activities. Later, however, the fine was reduced to $18,000, and he was given an extension of time in which to pay. Despite this, the FEC did not act to collect the delinquent fine until May 1, 1980, when it filed a civil suit against him. Moreover, the suit was filed a week after a House Administration Committee hearing on April 23 on FEC appropriations in which the matter was indirectly raised. An FEC spokesman says that the filing of the suit against Dennis only days after the hearing was "pure coincidence. We've just been too busy to notice it." When asked why the FEC had been inactive on the $18,000 fine for five months, until after the hearing, the spokesman said that the matter had come up at an FEC executive session on February 10. At that time, the Commission decided to file suit and told Dennis of the impending action, according to the official. He said no record of this decision was contained in the public file through an oversight. "There is no reason for that not to be there. It's just a mistake."

Later, however, the spokesman said FEC General Counsel Charles Steele had decided not to include the record of the meeting in the file because of "ongoing litigation." The FEC did supply copies of the lawsuit against Dennis, however.

One point which clearly emerges from the publicly available FEC records is that Sen. Stewart returned a total of $22,000 to James Dennis. The difficulty is that the records show that Stewart actually received $23,150 from Dennis and that the $1,150, given for two elections, was corporate money. Apparently Stewart never returned the $1,150 to Dennis. Asked to comment on the oversight an FEC official said, "We'll take care of that now that it has been brought to our attention."

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter James H. Dennis, Sr., MUR 970 (79).

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission on the basis of information ascertained in the ordinary course of carrying out its supervisory responsibilities, and after investigation, the Commission found reasonable cause to believe that respondent James H. Dennis, Sr. (hereinafter respondent) violated 2 U.S.C. §§ 441a, 441b, and 441f.

Now, therefore, the Commission and respondent, having duly entered into conciliation as provided for in 2 U.S.C. § 437g(a)(5), do hereby agree as follows:

I. The Federal Election Commission has jurisdiction over the respondent and the subject matter of this case.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent made contributions totalling $23,150 to the 1978 Stewart senatorial campaign committee, Friends of Donald Stewart, of which $22,000 was made in the names of others as follows:

E. Respondent made contributions aggregating $36,150 for the 1978 calendar year.

Wherefore, the Federal Election Commission and respondent James H. Dennis, Sr. agree:

I. Respondent violated 2 U.S.C. § 441f by making contributions in the name of twenty-two (22) others to the Friends of Donald Stewart, and in the names of twelve (12) others to the Carey Peck For Congress Committee.

II. Respondent violated 2 U.S.C. § 441a(a)(1)(A) by making contributions in excess of $1,000 per election to the 1978 campaigns of Senator Stewart and Carey Peck.

III. Respondent violated 2 U.S.C. § 441a(a)(3) by making contributions to federal elections aggregating in excess of $25,000 for the 1978 calendar year.

IV. Respondent violated 2 U.S.C. § 441b by utilizing corporate funds to make the contributions to the 1978 federal campaigns of Donald Stewart and Carey Peck.

V. Respondent agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. § 431, et seq.

VI. Respondent will pay a civil penalty in the amount of $18,000 pursuant to 2 U.S.C. § 437g(a)(6)(B).

General conditions:

I. The Commission on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matter at issue herein, or on its own motion, may review compliance with this Agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this Agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire Agreement.

III. It is agreed that respondent shall have thirty (30) days from the date of this Agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

IV. This agreement is entered into in accordance with 2 U.S.C. § 437g(a)(5)(A). Except as provided in paragraph I hereof, this agreement shall constitute a complete bar to any further action by the Commission with regard to the matters set forth in this Agreement.

FEDERAL ELECTION COMMISSION,
WILLIAM C. OLDAKER,
General Counsel.
JAMES H. DENNIS.

Richard Morehart	$1,000	Sept. 11, 1978
Morman Mulvehill	1,000	Do.
Gary Dennis	1,000	Do.
Venice Owens	1,000	Do.
Charles Phillips	1,000	Do.
Nancy Moore	1,000	Do.
Wayne Moore	1,000	Do.
Helen Root	1,000	Do.
Melissa Dennis	1,000	Do.
Joel Martin	1,000	Do.
Joan Martin	1,000	Do.
Johnny Desmond	1,000	Dec. 15, 1978
Jeff Kennedy	1,000	Do.
Joel Martin	1,000	Do.
John Thornton	1,000	Do.
Melissa Dennis	1,000	Feb. 2, 1978
Melissa Dennis	1,000	Do.
John Lee	1,000	July 19, 1978
W. D. Root	1,000	July 25, 1978
Roberta Gurley	1,000	Aug. 17, 1978
Rhonda Dennis	1,000	Do.
Terri Shadix	1,000	Do.

B. Respondent was refunded $22,000 from the Friends of Donald Stewart on May 11, 1979.

C. Respondent made contributions totalling $13,000 to the 1978 Peck congressional campaign committee, Carey Peck for Congress Committee of which $12,000 was made in the name of other as follows:

Roy J. Ledbetter	$1,000	Sept. 11, 1978
Charles Mike Chancey	1,000	Do.
Gary M. Dennis	1,000	Do.
Terry Henley	1,000	Sept. 25, 1978
Janice Chancey	1,000	Do.
Richard Morehart	1,000	Do.
Mike Henley	1,000	Do.
Robbie Chancey	1,000	Do.
Andy Shadix	1,000	Oct. 30, 1978
Johnny Desmond	1,000	Sept. 8, 1978
Max Gurley	1,000	Do.
Wayne Moore	1,000	Do.

D. Respondent utilized corporate funds from Dennis Mining Supply and Equipment Co., Inc. to make all contributions to the 1978 federal campaigns of Senator Stewart and Carey Peck.

FEDERAL ELECTION COMMISSION,
Washington, D.C., July 22, 1980.

Hon. ROBERT K. DORNAN,
House of Representatives,
Washington, D.C.

DEAR MR. DORNAN: This is in response to your Freedom of Information Act (FOIA) Appeal, dated June 20, 1980, with regard to documents which had been deleted from the Federal Election Commission's public file in Matter Under Review (MUR) 970.

The Commission has considered that appeal and has made the following determinations:

a. The letter of referral, dated April 20, 1979, from the Office of the U.S. Attorney for the Northern District of Alabama will be withheld under authority of 5 U.S.C. § 552(b)(7)(A). The information contained in that letter relates to an ongoing criminal investigation and, if divulged, would interfere with the conduct of that investigation.

b. The letter, dated July 6, 1979, from Chief, Public Integrity Section, Criminal Division, Department of Justice, and letter, dated July 27, 1979, from this office to Chief, Public Integrity Section, will be withheld under authority of 5 U.S.C. § 552(b)(7)(A). These deal with the same subject matter as the letter of referral and also relate to an ongoing criminal investigation. The disclosure of those letters would interfere with that investigation.

c. Memoranda dated April 25, 1979, will be withheld under authority of 5 U.S.C. § 552(b)(7)(A) in that they also relate to an ongoing criminal investigation. Additionally, the memoranda are withheld under 5 U.S.C. § 552(b)(5) in that they are internal communications, deliberative in nature.

d. Memoranda dated May 17, 1979 (from Assistant General Counsel N. B. Litchfield to Assistant General Counsel H. Ponder); and July 13, 1979 (from Office of General Counsel Staff Member J. Thedford to General Counsel W. C. Oldaker) will be withheld under authority of 5 U.S.C. § 552(b)(5) in that they are internal communications, deliberative in nature.

Since the Commission upheld the determination of the Freedom of Information Officer, you are advised of your right to file civil action in United States District Court.

Sincerely,

CHARLES N. STEELE,
General Counsel.●

LETTER RELATING TO ASHBROOK AMENDMENT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mrs. SCHROEDER. Mr. Speaker, during yesterday's debate on the Ashbrook antichoice amendment to the Treasury-Postal appropriations bill, I mentioned a letter from the Office of Personnel Management to Chairman James M. Hanley of the Committee on Post Office and Civil Service spelling out the administrative burdens that enactment of this amendment would cause. I am inserting the letter so that my colleagues will know the effect of the amendment:

OFFICE OF PERSONNEL MANAGEMENT,
Washington, D.C.

Hon. JAMES M. HANLEY,
Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

DEAR MR. HANLEY: We would like to comment on the administrative implications of an amendment which we understand may be proposed for H.R. 7583, the Treasury, Postal Service, and General Government Appropriation Bill, 1981.

As we understand this amendment, it would prohibit the use of funds appropriated by H.R. 7583 to pay for abortions or to pay administrative expenses in connection with any health benefits plan under the Federal Employees Health Benefits (FEHB) program which provides any benefit or coverage for abortions. This restriction would not apply to contracts currently in force, but would apply to any subsequent contracts.

It appears to us that the practical effect of this amendment would be to require the Office of Personnel Management to reopen contract negotiations with the various health benefits plans in order to add to the 1981 contracts an exclusion for abortions. Since the 1981 contracts have been, for the most part, substantially completed, this reopening of negotiations would be a substantial administrative burden. We would have to, for instance, reexamine the present benefit and premium structures to see if the exclusion of abortion coverage would necessitate an offsetting premium reduction or, in the alternative, allow an increase in some other benefit coverage.

If these changes were not made in the 1981 contracts, it appears to us that the proposed amendment would prevent us from making any expenditures to administer a contract which covers abortions. That is, we would not be able to administer any aspect of the plan, not just the abortion aspect of the plan. We would not be able to distribute brochures, process enrollments, forward money to the plan from the Employees Health Benefits Fund, handle correspondence, or consider appeals. This prohibition would make it impossible for such a plan providing abortion benefits to participate in the FEHB program.

We hope this information will be helpful to you.

Sincerely yours,

JULE M. SUGARMAN,
Deputy Director.●

MILITARY ACTION IN THE PERSIAN GULF

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. McCLOSKEY. Mr. Speaker, a few days ago the Modesto Bee published the first of a series of articles by columnist Jack Anderson relating to alleged U.S. Government contingency plans for military action in the Persian Gulf. Other newspapers have published these articles. Some, including the Washington Post, have not.

There need be no hue and cry over military contingency plans which assume outlandish possibilities. Contingency plans are required and routine military documents, and it is their very purpose to be ready for the unthinkable and unlikely. We would properly be concerned if our armed services were not prepared for actions in every corner of the globe where military action might take place—even under the most farfetched scenarios. Military confrontations ordinarily occur suddenly and without warning.

The storming of our Embassy in Pakistan, the recent Cuban refugee exodus, seizure of the Mayaguez, Pearl Harbor—all of these were unexpected and unusual events for which contingency plans were an essential and expected part of military planning. Understandably the details of these plans are, and should be, kept secret.

In reading Jack Anderson's columns, however, I find no details of the alleged contingency plans which might conceivably be unknown to Soviet intelligence analysts, or indeed, to any assiduous student of routine military movements and newspaper columns around the world.

The contingency plans themselves could apparently be either offensive in nature or a response to potential actions by foreign nations. A contingency plan for a surgical strike on an Iranian pipeline, for example, could just as easily be in response to a Soviet invasion of Iran from the north as part of a U.S.-initiated invasion from the south to rescue the hostages in Iran.

From a security standpoint, therefor, there would seem to be no reason not to publish the Anderson columns in full.

The only other point which has created controversy concerns Jack Anderson's speculation about President Carter's possible intention to use the contingency plans for political, rather than national interest purposes.

This certainly seems fair speculation, whether one agrees with Anderson or not. I have great respect for Jack Anderson's judgment, but at present I personally believe President Carter is too fine a human being to make a decision which would put his goal of political reelection ahead of the national interest. All of us in politics, however, are constantly tempted to consider decisions in the light of their impact on our own reelection. These temptations are inherent and they are real. They are discussed daily by people in all walks of life, and publication of this public and private speculation may, in itself, temper the decisions of public officials, causing them to do the right thing rather than take the politically expedient course when issues are closely balanced. When a question is almost dead even, it is easy to take the side which has political benefits.

In this sense it seems to me Jack Anderson does a public service in these articles, even should he be overly pessimistic, or even dead wrong, in his inferences and opinions.

It should not be forgotten that President Carter, honorable man that I think he is, once was impelled to support the infamous Cargo Preference Act * * * against the advice of his Defense and State Departments that it would be harmful to our national security interests, and solely because of political commitment to the maritime unions.

Someone in the Carter administration obviously feels that the President might take overly aggressive action or the contingency plan information would never have reached Jack Anderson.

I therefore conclude that to force President Carter to consider the fact that many Americans consider him capable of putting political interests ahead of the national security is a reasonable contribution to the national dialog in these difficult times.

As Thomas Jefferson once observed:

> "Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter."

The pertinent portions of the Jack Anderson columns of August 18, 19, 20, and 21 follow:

URGENT NOTE TO EDITORS

Editors: Following is a footnote for insertion in the Monday, August 18, Washington Merry-Go-Round column by Jack Anderson (or for insertion in the next Jack Anderson column on Iranian Invasion Plans that you may publish):

Footnote: Official White House comment is as follows:

"The suggestion that this or any other administration would start a war for political benefit is grotesque and totally irresponsible. The allegation made by Jack Anderson is absolutely false.

"With respect to the Persian Gulf, the president has said that we consider this region an area of vital interest. Therefore, while it is necessary to have plans for dealing with any external threats to countries of the region, we have no intention whatever of initiating any conflict ourselves, and neither the president nor any other responsible official has expressed any intention to take such an action either in October or at any other time.

"Erroneous and totally irresponsible reports such as the Anderson column increase the danger to the American hostages in Iran, impede efforts to obtain their release peacefully and jeopardize American interests in the area generally."

Carter Plans To Invade Iran; Mid-October Strike Day Seen

(By Jack Anderson)

Washington.—A startling, top-secret plan to invade Iran with powerful military force has been prepared for President Carter. The ostensible purpose is to rescue the hostages, but the operation would also exact military retribution.

This would create a crisis on the eve of the election. Political studies show that support for the incumbent president has always soared dramatically during a national crisis.

The tentative invasion date has been set suspiciously for mid-October. Sources say the president has assessed the political consequences and has concluded the invasion would be popular with the electorate.

This raises a disturbing question about Carter's motive. The person he really wants to rescue, sources suspect, is himself. They believe he is willing to risk war to save himself from almost certain defeat in November.

My associate Dale Van Atta has been ferreting out the jigsaw pieces of the invasion plan, detail by detail, for three months. He has seen documents so secret that the code word used to classify them is itself classified.

I am now able to report how our armed forces plan to invade and hold portions of Iran. I know the code name of the operation. I can also reveal that a "cover plan" has been devised to disguise the true intent. As part of this cover plan, troops and supplies are already being mobilized in the Persian Gulf area, and "training exercises" have been initiated.

I don't intend to publish the code designations or other secret details. There is a danger that too many specifics could give the Soviets an insight into our methods. But I believe the American people are entitled to know that the president is ready to risk their fortunes, perhaps their lives, on a desperate political gamble.

Sources deeply involved in the planning fear Jimmy Carter's driving determination to get reelected has distorted his judgment. Some feel this strongly; others admit it reluctantly. They describe the embattled Carter as extremely intense, coiled, relentlessly pushing toward his objectives.

In other words, his judgment about this dangerous venture is not shared by all the professionals who are helping plan it. Nor has he consulted presidential rivals Ronald Reagan or John Anderson who might inherit the fruits of his aggression.

The invasion plan, of course, does not become operational until the president decides the military forces are ready and the weather is right. Up until 24 hours, even 12 hours, before D-Day, he can halt the assault. There are also alternate, contingency, fall-back plans, with minor or major variations, which he could invoke.

So the president can deny, at least technically, that he now plans to invade Iran. But he cannot truthfully deny that such a plan is in the works and that he has expressed the intention to go ahead with it. Van Atta has seen the documentation; he has spoken to several witnesses.

My decision to expose the president's secret scheme is influenced by the experience of The New York Times before the Bay of Pigs invasion. Details of that invasion plan leaked to the Times, which sat nervously on the story.

A week before the abortive April 1961 invasion, the Times published a few cautious details but withheld the heart of the story. During the immediate aftermath, a frustrated John F. Kennedy denounced the Times for publishing advance hints of the operation. "Every newspaper," he said, "now asks itself with respect to every story, 'Is it news?' all I suggest is that you add the question, 'Is it in the interest of national security?' "

But two weeks later, President Kennedy confessed to New York Times editor Turner Catledge: "Maybe if you had printed more about the operation, you would have saved us from a colossal mistake."

It is with this in mind that I have decided to reveal the general outlines of the October plan to invade Iran.

Will President Carter Give O.K. to a Pre-Election Day Invasion of Iran?

(By Jack Anderson)

Washington.—Yesterday I revealed a startling Carter plan to invade Iran and create a military crisis on the eve of the presidential election. The plan is not out of character for President Carter. On Jan. 8, Jimmy Carter was asked at a news conference about rescuing the American hostages from their Iranian kidnappers. A military rescue, he warned, "would almost certainly end in failure and almost certainly end in the death of the hostages." This was the assessment, indeed, of the military experts.

Then the president's popularity began to plunge in the polls. The public mood, as charted by the polls, indicated that he could lose several crucial presidential primaries to challenger Ted Kennedy. A major complaint against the long-suffering Carter, the polls also showed, was his tendency to mope about the hostage crisis rather than do something about it.

So he ordered a military rescue attempt. Sources who helped plan the April mission believe Carter was more concerned about his own political fate than the fate of the hostages.

The mission, as Americans are painfully aware, turned out to be a fiasco.

Now once again, the president's re-election is in jeopardy. He is lagging behind Republican candidate Ronald Reagan in the polls. Unfortunately for the besieged Carter, election day will fall on the anniversary of the hostage seizure. This will remind the voters forcefully of the hostage horror as they are going to the polls.

If it appears that he has mishandled the problem, they might express their displeasure on the ballots.

Conversely, political studies show that Americans have always rallied around their president during a national emergency.

It is against this background that Jimmy Carter has ordered preparations for a limited invasion of Iran. For planning purposes, D-Day has been set in October on the eve of the election. Troubled planners suspect that Carter has been guided more by his political studies than their military assessments.

It has taken my associate Dale Van Atta three months to piece together the elusive, secret details because, in the name of national security, the invasion plan has been carefully disguised. Only a selected few are privy to the president's real intent.

Deceptive cover plans and alternate plans have been devised to mislead the thousands of people who necessarily must prepare for any major military operation. Even some of the top tacticians, who meet "Behind the Green Door" as the entrance to the Pentagon operations room is sometimes called, are ignorant of the final plan.

The alternate plans have interlocking elements, which would explain the military preparations without betraying their true purpose. For example, the Saudi Arabian rulers are so worried about an Iranian-style revolt that they have asked for U.S. military support in case the royal family comes under siege.

President Carter has secretly agreed to the request, and some planners have been told this is the reason for all the military activity in the Persian Gulf. Other cover stories have been invented about stand-by forces and training exercises.

But documents so secret that even the classification stamp is classified, identify Carter's real target as Iran. Sources familiar with these documents fear that the limited invasion Carter favors could ignite into a major war. The ostensible objective of saving the hostages, they add, is not likely to be achieved.

Footnote: Of course, the president can always call off the invasion plan and then pretend it never existed.

As President's Popularity Falls, Iranian Attack Plans Dusted Off

(By Jack Anderson)

Washington.—President Carter's national security adviser, Zbigniew Brzezinski, told visitors recently that world leaders would be wrong to suppose the United States is reluctant to use its power. The United States, he said, is merely "playing possum."

He did not mention that, even as he spoke, the president was rushing ahead with plans to invade Iran. My associate Dale Van Atta has spent three months piecing together the invasion plan. To protect military methods, some of the top-secret details cannot be printed. But this much can be revealed: The primary invasion target is Kharg Island in the Persian Gulf and possibly some of the southern Iranian oil fields.

Kharg Island is the site of the oil terminal through which 90 percent of Iran's crude is pumped into tankers for export. Not long after the U.S. hostages were seized in Iran, contingency plans were developed for an assault on Kharg Island.

Various alternate plans were prepared—ranging from a surgical strike on the pipeline that connects the island with the oil fields, to a military occupation of the island complex. "The plan was originally designed to compensate for not getting the hostages, kind of a tit for tat," explained a top source. "They'd have the hostages, we'd have their key oil depot."

Any military action should be taken swiftly, strategists urged, before the situation hardened. But Carter held back until his plunging political fortunes brought a change of heart. Then he decided to attempt rescuing the hostages in preference to invading Kharg Island.

Now the old contingency plans have been dusted off, and Carter is preparing for an October invasion. Here are some of the jigsaw pieces:

Carter made a secret decision last February to shift a spy satellite to cover the area. It took four months to get the satellite into position. Not until June did the satellite begin transmitting detailed photos, which are needed for the invasion preparations. These photos are still being analyzed.

More recently, 500 Air Force personnel were quietly transferred to Egypt. They were followed by a squadron of F-4 aircraft which began "training exercises" with the Egyptian air force. The same ploy was used last December to disguise air operations that later supported the hostage rescue attempt.

Under top security, the United States has been helping the Egyptians upgrade their air bases, which would be vital staging areas for an Iranian operation. Ultra-secret communications and military equipment have also been shipped to Egypt.

A special logistics force has been deployed at Diego Garcia, the only U.S. base in the Indian Ocean. At least six container ships were secretly loaded at Wilmington, N.C., with equipment for ground forces. "This logistical force could sail to a designated Persian Gulf area port in about five days." states a secret Memorandum to the President. "There it would be met by the combat troops who have arrived by airlift. From this rendezvous point, they would draw their equipment and proceed to the objective area."

Finally, the plan calls for four of the Navy's 12 carrier task forces in the Indian Ocean. Two have already arrived; one is in the Mediterranean ready to move quickly through the Suez Canal; a fourth could reach the Persian Gulf in time for the operation.

The "winds of 120 days," a period of violent wind and dust storms that began in May, would hamper military operations in Iran during the summer. The president can argue, therefore, that October is a good time for the invasion.

But planners believe the timing is intended to save Carter's political skin. They suspect his real intent is to create a national emergency that will keep him in the White House. Political studies show that a president can increase his support dramatically by whipping up patriotic fervor.

Footnote: As I've stressed in earlier columns, the invasion plan will not become operational until the president gives the green light. He would need some pretext for the invasion, such as the trial or execution of a hostage, sources say. But one planner acknowledged that "a justification could be easily publicized beforehand." Meanwhile, Carter is continuing his secret diplomatic efforts to secure the release of the hostages. He would prefer to bring them home before the election by peaceful means. But sources close to the operation say that if the peaceful efforts fail, as expected, the president intends to activate the invasion plan. The risk, of course, is war.

Any U.S. Plan To Invade Iran Should Include Discussion With the U.S.S.R.

(By Jack Anderson)

WASHINGTON.—If President Carter should go ahead with his plan to invade Iran in October, he would risk war with the Soviet Union. There have already been ominous rumblings out of the Kremlin, warning of Soviet retaliation if Iran should be attacked.

A Soviet-American clash over Iran, of course, could become the opening skirmish of World War III. This is the awesome danger that Carter is courting for the sake of hyping his political appeal on election eve.

The president is not unaware of the danger. He has directed the intelligence community to produce a secret estimate of how the Kremlin will react to a limited invasion of Iran. The first concern, of course, is what the Soviets will do. But there could also be ugly repercussions in the Moslem world.

The Defense Intelligence Agency has been ordered to "study and report on possible Soviet military reactions to various scenarios in which the United States forces have invaded Iran." The assignment of the Central Intelligence Agency is to gauge the political fallout.

Military analysts are confident at least that the Iranians cannot stop a U.S. assault. A three-star general told me that Iran's armed forces are in a "state of chaos." The Soviets, however, have a powerful military juggernaut in the Persian Gulf area.

This includes 10 warships and 16 support ships, with others on the way. Seven airborne divisions and several air mobile brigades can also be rushed to Iran.

Analysts have narrowed down the Soviet response to four options: (1) military intervention; (2) diplomatic opposition; (3) official indifference; or (4) clandestine cooperation. My associate Dale Van Atta has sounded out key sources in the intelligence community. Here's how they appraise the Soviet attitude:

The analysts agree that the Soviets would rather deal with Jimmy Carter than the unyielding Ronald Reagan for the next four years. This has already been signaled through their faithful ally, Fidel Castro, who sent word by diplomatic channels that he won't do anything to embarrass Carter before November.

To reduce the danger of a confrontation with the Soviet Union, Carter is expected to sound out the Kremlin in advance about his October plan. There is a distinct possibility that the Soviets would bring heavy pressure on the Iranians to release the American hostages in an attempt to avert a U.S. invasion.

The Kremlin might even be inclined to cooperate behind the scenes to help free the hostages by military means. Sources say that the Soviet KGB knows the location of each hostage and might help a U.S. rescue force secure their release. This would hand Carter a dramatic coup just before Americans go to the polls. The grateful Carter, in turn, might lift the grain embargo, reactivate the SALT II treaty and give the Soviets access to more U.S. technology.

There is another, more sinister scenario. Intelligence reports claim that the Soviets have their own designs on northern Iran. Working through the communist Tudeh party, they are maneuvering to gain control of the northern provinces. They might condone a limited U.S. invasion, in the south, therefore, if the United States will keep hands off the north. This could result in partitioning Iran into Soviet and American spheres of influence. The analysts, however, say such an under-the-table deal is unlikely.

But one thing is certain. The President would be foolhardy to go ahead with an October invasion of Iran unless he obtains a back-channel understanding with the Soviets.

Footnote: Half an hour after the U.S. rescue team crossed into Iranian airspace on their abortive April mission to free the hostages, the Soviets were alerted. A U.S. reconnaissance plane detected communications signals "consistent with the Russians being placed on alert." Later, President Carter put through a hot-line call to the Kremlin to explain the mission.●

PERSONAL EXPLANATION

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. LUKEN. Mr. Speaker, because of business in my district, I was not present to vote on rollcall No. 465, the Ashbrook amendment to the Treasury-Postal appropriations bill prohibiting the use of Internal Revenue Service funds to promulgate any policy or regulation which would deprive any private, religious or church-operated school of its tax-exempt status. Had I been present, I would have voted "Aye."

On the previous day, I had voted not to sustain the Chair in ruling out of order a similar amendment by Mr. ASHBROOK, the only difference being the applicable date of the prohibition.●

CENSUS BUREAU PROBLEMS

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. BOLLING. Mr. Speaker, on July 31, Mayor Richard Berkley of Kansas City, Mo., testified on behalf of the National League of Cities before a joint hearing on the 1980 census by the House Committee on Government Operations Subcommittee on Commerce, Consumer, and Monetary Affairs and the House Committee on Post Office and Civil Service's Subcommittee on Census and Population. Although Kansas City, Mo., does not seem to have experienced the same undercount problems faced by many of our communities regardless of size, Mayor Berkley ably presented part of the problem which currently embroils the Census Bureau.

The statement follows:

Chairman Rosenthal, Chairman Garcia and distinguished members of both committees: I am Richard Berkley, mayor of Kansas City, Missouri—which, incidentally, we anticipate will be the site of the 1980 world series. I am here as a spokesman for the 15,000 cities represented by the National League of Cities, where I serve as vice-chairman of the Finance, Administration and Intergovernmental Relations Policy Committee. I am accompanied by Cynthia Pols from the National League of Cities.

We appreciate very much your invitation to present testimony about the serious problems that have developed with the 1980 census. Normally, at a congressional inquiry, such as this, we might state cliches about how wonderful hindsight is as a way of avoiding errors. However, we are not going to do this today. Most of the problems that you will hear about today and those you read about in the newspapers are ones that mayors and others have been saying would occur if corrective actions were not taken. For once, our foresight was close to 20-20, and the Bureau left a trail of broken promises and inadequate procedures.

In the past, city officials made suggestions to improve the quality of the census by conducting a precensus review of housing unit lists and allowing local government employees, who know the communities, to assist in the work. Mr. ROSENTHAL, as late as last March, you and your subcommittee made one last valiant effort to bring to light the problems that would occur. But the Census Bureau chose to ignore the suggestions made by my colleagues, Mayor Margret Hance of Phoenix and Mayor Maynard Jackson of Atlanta.

That is water over the dam. At this juncture, we need to address ourselves to two areas: What can be done in the short time remaining to assure as complete and accurate a count as possible and, knowing that a segment of the population remains uncounted, no matter what procedures are used. What can be done to make adjustments for that undercount.

It must be our goal to do everything possible to arrive at a complete and accurate count. We should recognize that problems in achieving that goal have not been totally the fault of the Census Bureau, for it has had to proceed with insufficient resources. But, now that preliminary data has been distributed in most areas, and cities have found substantial errors, adjustments to the Bureau's game plan must be made.

We have always known that a minimum of 30-40 was needed to do a proper check on data. Cities are finding that 10 days is unreasonable and, therefore, we recommend that the central office extend the review period to 30 days—10 days is not enough—there's a 10 year impact. Today individual requests by cities for extensions of even a few days are often being routinely denied. In what has to be one of the most dramatic cases of Bureau arrogance, let me refer you to the case of Mayor George Hartsfield, Jr., of Jefferson City, Missouri, my State capital.

The census estimate of the population is 29,500, while in 1970 it was 32,400. Using utility records, meter counts, building permits and aerial photographs, the city estimates its current population to be nearly 40,000. In 1980, the Bureau did not include population from a newly annexed area, nursing homes, an elderly housing project, and a State penitentiary. The city has been running newspaper ads asking people to call if they were missed; some people who have called the census office requesting forms never got them. The mayor, trying to help insure an accurate count, has been blasted in the local paper by the area office manager for criticizing the Bureau for its inaccuracies.

The problem of doing a post-census review is further compounded by the unilateral decision of the Bureau to distribute data on an enumeration district basis rather than by block. Cities do a far better job of verifying data if block data is given to them.

We have received conflicting reports from the field as to whether the block data is available, but if it is, cities should be given immediate access to it. Mr. Chairman, I for one would be interested to know if the data is available and, if so, why it cannot be provided to us?

Many city officials, who suspect that the data given them may be wrong but who have not yet been able to prepare and present contrary evidence, are wondering how receptive the Bureau will be to addressing glaring data discrepancies after the 10-day review period. We hope that the Bureau will exercise administrative flexibility by leaving field offices open past their scheduled closing. We ask that they be left open in all instances when challenges remain and further recanvassing is warranted.

Presently, if a city does not gain satisfaction through the challenge process, it has no real recourse. Court challenges are not good alternatives because they can be brought only if they are directed at the procedures used and not at the accuracy of the count. What we need is an administrative appeals procedure in addition to the local review program where we can challenge the accuracy of the data. As I mentioned earlier, city officials are not confident that their initial challenges are going to be answered satisfactorily.

Before moving to the issue of the undercount, let me mention that attached to this statement is a sampling of cities with an explanation of the problems they encountered with the preliminary data. I do not want to take your time to discuss each of those problems, but let me make a few general observations.

In several instances, the data discrepancies are quite large and quite obvious. It makes no sense, for example, for a city with a known housing shortage to have a vacancy rate two or three times what all previous estimates indicated. Another example is where the bureau is not aware of newly annexed areas and thereby fails to include their populations in the total city count.

A second general observation I would make is that problems are not limited to just large cities in one part of the country. We have heard from cities of all sizes and all regions. In Kansas City, a short-count of 500 people is not significant but to Conover, North Carolina, this is more than a 10 percent error.

The chronic problem of an undercount has tremendous implications for legislative reapportionment at all levels of government and for the distribution of State and Federal funds to local governments. The National League of Cities believes that, to the extent practicable, a population adjustment for the known undercount must be made in the final population figures. It would be preferable to mandate the adjustment through administrative directive, but if that is not forthcoming, we would urge the mandate be legislated.

We know that the bureau is obligated by law to report figures for reapportionment in January, 1981. That does not leave enough time to do a sound statistical adjustment. However, we think a synthetic adjustment should be made as soon as possible as a way to make some significant improvement in the data. In time, a complete demographic adjustment should be made. Both these procedures are not new to the bureau and have been done before.

We are not prepared to recommend an exact methodology by which the adjustment should be made. We do not profess to be statisticians. Whatever method is decided upon, it should be open to public scrutiny, and it should be given an adequate period for comment.

It is not good enough for the adjustment to be made on a jurisdiction-by-jurisdiction basis. It must be done on a sub-jurisdiction basis, too. Our preference is for an adjustment on the block level, but certainly not less than the census tract level. Such detail is needed for community planning and development purposes and for programming the use of Federal funds, such as the community development block grant, which is aimed at aiding low and moderate income groups . . . for, as we know, they are the most commonly missed in a census. The bureau should not adjust only the raw population data, but should also adjust related population data such as per capita income used for distributing general revenue sharing monies.

There will be those seeking to refute our suggestions by citing reasons why they cannot or will not be done. It is clear to us that something must be done to salvage this census since we have to live with it for a decade. A tremendous investment in money and personnel has been made. It would be unfortunate if the accuracy of the census was diminished due to the failure of the bureau to take corrective action while there is still time.

In conclusion, Mr. Chairman, we are concerned about the appropriate and effective expenditures of potentially hundreds of billions of tax dollars in Government programs which depend on the census for distributing formulas. Those dollars must be accurately and fairly targeted. We urge the Congress to give consideration to these critical matters.

With new and sophisticated data processing capabilities and techniques, we should be striving for the most accurate census ever done, not one that has created doubts and concerns in many citizens and communities.

Chairman Rosenthal, Chairman Garcia and distinguished Members, this concludes my prepared remarks. I would be happy to attempt to answer your questions.

Thank you for this opportunity to express our concerns, on behalf of the National League of Cities.

APPENDIX: EXAMPLES OF CENSUS PROBLEMS

South Miami, Florida: South Miami has yet to receive preliminary census figures from the Census Bureau. The Census Bureau has repeated the geographic coding mistakes which occurred in 1970. Three enumeration districts (ED) were described as containing no housing units and 8 or 9 blocks were not allocated to any ED.

Biloxi, Mississippi: The preliminary census figures indicate that Biloxi's population has declined from 48,000 to 41,000. Biloxi has conducted their own count using 15 CETA summer youth employees and found a population of about 50,000.

This proposed revision is based on a finding of a 4-5 percent instead of a 13.2 vacancy rate and 5,000 residents in annexed areas. The District Office has failed to respond to these revisions regarded by Biloxi as minimal. Biloxi has recognized that it does not have the time or the manpower to challenge the Census Bureau's figures on occupants per dwelling unit—it can challenge only the unit count and the vacancy rate.

In counting individuals living at Keesler Air Force Base (which is in Biloxi), the Census Bureau simply gave the forms to military authorities and allowed them to distribute the forms. As a result, no specific housing units were counted (the data was simply aggregated) and Biloxi was unable to challenge the data because it was so nonspecific. Since the preliminary data indicates that 4,000 residents from the base were lost over 10 years, this enumeration method presents substantial roadblocks to obtaining an accurate count.

Berkeley, Missouri: According to preliminary data from the Census Bureau, the population of Berkeley has declined from 19,740 in 1970 to 14,000. Berkeley is contiguous to the St. Louis airport and lost 2,000 residents as a result of the displacement of housing units to accommodate the growth of the airport.

Municipal officials are trying to challenge the Census Bureau's findings on occupants per unit (that has declined from 3.58 in 1970 to 3.1) and the vacancy rate (it should be less than 3.0 instead of 4.2 percent). Berkeley is 50 percent nonwhite and is a northern suburb of St. Louis.

Natchez, Mississippi: Preliminary census data for Natchez indicates minimal growth in population (from 19,704 to 20,933) and does not reflect the additional 4,500 residents added to the Natchez population through annexation in 1976 and 1979.

Natchez was never supplied with enumeration maps and therefore could not provide the Census Bureau with any input. The Census Bureau paid its field workers on the basis of each form returned rather than per hour worked so it was never able to hire an adequate work force.

The preliminary data did not contain any data on housing units and was limited to gross population figures. As a result, local officials were somewhat limited in how they could respond in the local review process. They objected to the presumed omission of units in the annexed areas three weeks ago but have yet to receive a response from the Census Bureau.

Natchez has a population which is 50 percent nonwhite.

Flagstaff, Arizona: Preliminary census data indicates that Flagstaff's population in

1980 is 33,000, up from 26,000 in 1970 but 5,000 less than the 38,000 projections.

The local review program is complete but the city has yet to receive any real satisfaction from the Census Bureau. The Census Bureau has not provided any details on how it estimated a vacancy rate of 10.3 percent which city officials believe should be in the area of 3.0 to 5.0 percent.

Colorado Springs, Colorado: Preliminary census data shows a population of 193,000 for Colorado Springs, 43,000 below the city's estimate. This discrepancy results from the Census Bureau's use of incorrect maps which failed to show newly annexed areas containing 27,000 residents.

The estimates of residents of several military bases is lower than anticipated. Colorado Springs is very concerned about the 15 percent limitation on areas which can be resurveyed—the discrepancies cannot be that narrowly circumscribed.

Norman, Oklahoma: Preliminary census data indicates an increase in Norman's population to 63,000 from a 1970 count of 52,117. Norman is concerned about the vacancy rate which it estimates at 5.8 instead of the 6.9 found by the Census Bureau. This discrepancy in the vacancy rate is the result of enumerators missing 3,000 students (primarily from the University of Oklahoma) because the enumerators followed up after the school term had been completed.

Tulsa, Oklahoma: Preliminary census data indicates a 5,000 decrease in population since 1970 for this sunbelt city (from 330,350 to 325,982). City officials had predicted an increase to 367,551.

The local review program expires on August 5. City officials believe the district offices must be held open well beyond the end of August in order to correct the mistakes.

City officials believe that 9,000 of the city's housing units were missed by the bureau (the bureau found 137,880 units while city officials believe there are 147,000 units). Also challenged is the vacancy rate of 5.6 percent which the city estimates at 3.0 percent on the basis of postal survey data.

Brevard, North Carolina: City officials believe preliminary census figures of 5,095 should be revised to 6,409. The city has specific information on the bureau's failure to count new housing units resulting from three annexations and the construction of public housing units.

The city also is challenging the count of resident students at the local junior college (609 resident students as opposed to the 410 found by the bureau).

The occupants per dwelling figure has decreased from 3.37 in 1970 to 2.55 in 1980—city officials believe that 3.2 is more accurate for 1980.

The local review process is complete but the city has yet to hear from the bureau.

Roswell, New Mexico: City officials believe the Census Bureau's preliminary estimates of 38,250 should be revised to 44,120. The city knows that only 837 units are vacant instead of 1,975 as found by the bureau (the city bases its estimates on a survey of water meter activity). The city has a 30 percent nonwhite population (27 percent hispanic).

York, Pennsylvania: The Census Bureau has estimated York's 1980 population at 42,230, a 16 percent decrease from the 1970 population of about 50,000. York offICals believe that 48,000 is the more likely population.

City officials believe that field offices should be kept open until November. The enumerators have had trouble conducting their counts in hispanic areas. Landlords have frequently encouraged their tenants not to cooperate with the enumerators because the landlords often have not obtained certificates of occupancy.

Census Bureau enumerators found 1,600 vacant housing units—The city estimates that only 800 units are actually vacant.

The data supplied York for the local review program is "unofficial working figures" and does not reflect the follow up efforts of enumerators. Thus city officials are forced to respond to incomplete data which is difficult to evaluate fully.

Conover, North Carolina: Preliminary census data indicates a population of 4,250 for Conover. The city estimates a population of 4,750. The city has asked for 15 days to do its new count but the bureau denied the request. The city disputes both the vacancy rate and the occupants per dwelling figures. The loss of 500 in population will mean a $15,000 reduction in revenue sharing and a $62,000 loss in state assistance.

Lawton, Oklahoma: Preliminary census data shows a population of about 76,000 for Lawton, an undercount of about 15 percent based on a city estimate of 89,000 in population. The primary challenge is to the number of housing units. The city's estimates are based on its records of utility billings, school enrollment, new building permit, and demolition permits.

Pascagoula, Mississippi: Census data shows a population of 28,635 which Pascagoula believes should be revised to 31,500. The basis for the city's challenge is that the bureau's vacancy rate of 12.7 percent is to a high. On April 15, the Federal Home Loan Bank Board had the Postal Service conduct a survey revealing a vacancy rate of 5.3 percent.

Los Angeles, California: The city is challenging the census counts in 22 of the 52 tracts in the South Central area, 28 out of 135 in the Valley area, 17 out of 70 in Hollywood, and 20 out of 62 in East Los Angeles. Included are challenges to the vacancy rates, low occupants per dwelling unit figures, and housing unit counts.

Berkeley, California: Preliminary census data shows a population of 99,975, down from 114,000 in 1970. City officials estimate a 1980 population of about 110,000. The city is challenging the vacancy rate (which should be 0.6 percent instead of 3.9 percent), the housing unit count, and the count of occupants of group units.

The city's data sources include its own land use survey, building permit information, utility records, and a Federal Home Loan Bank Board survey (indicating a 0.6 percent vacancy rate).

The city interviewed enumerators and found that the census bureau failed to respond to the enumerators questions about data discrepancies and inadequate procedures. The quality control procedures used by the census bureau were only partially implemented: if discrepancies were found in the quality control sample, adjustments were made only to the sampled data and not made to the full data base.

Jefferson City, Missouri: Census estimates population to be 29,500 when city's population in 1970 was 32,400. Using utility records, meter counts, building permits, and aerial photographs, city estimates its current population to be nearly 40,000. Census had not included population from a newly annexed area, nursing homes, elderly housing project, and state penitentiary in count. City has been running ads in paper asking people to call if they were missed; some people who have called census office requesting forms were never sent them.

The Office Manager of the Columbia, Missouri Census Office has publicly blasted Mayor of Jefferson through local newspapers for his criticism of Census.●

A PERSPECTIVE ON JERUSALEM

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. OTTINGER. Mr. Speaker, while Arab propaganda and European governments virulently condemn Israel for its "Jerusalem law," it is important to keep the issue in its proper perspective. The law does not in fact change anything in the Middle East; it only reaffirms the Jewish historic devotion to a unified homeland. Through persecution, atrocity, expulsion and near eradication, the Jewish people have never doused their burning dream for a unified Jerusalem as the capital of Israel. This perspective was articulated well by Michael Noach in an August 17 letter to the editor of the New York Times. I commend the letter to my colleagues' attention:

WEST'S IRRATIONAL ATTITUDE TOWARD JERUSALEM

To the Editor: The attitude of the Western nations toward Jerusalem is based on irrational motives. Jerusalem has no oil and no strategic value. There is only the atavistic feeling that Jerusalem should not be left in the hands of the infidels (i.e. the Jews), a psychopathological leftover from the crusades, and the more stubborn as it is irrelevant to modern religious and political reality.

Now what about that controversial "Jerusalem law"? It is a declaration of facts neither new nor unknown: Jerusalem is an Israeli city (East Jerusalem was for only 19 years under Jordanian control, conquered in 1948 and reconquered in 1967), and it has been the Jewish capital for the last 2080 years. The Jewish relation to Jerusalem is national; for all others it is religious. Now, to reach the holy places and to worship there freely, all one needs is a plane ticket and two bus tickets. That's modern Israeli reality.

So, disregarding atavistic complexes, what is the Western world really worrying about?●

SUPPORT FOR THE FISCAL YEAR 1981 FOREIGN AID APPROPRIATIONS BILL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. LONG of Maryland. Mr. Speaker, a group of distinguished Americans representing business, labor, and nongovernmental organizations have written letters to all Members of Congress supporting my subcommittee's efforts to promptly schedule and pass the fiscal year 1981 foreign aid appropriations bill. This kind of direct citizen involvement is to be commended and encouraged by all of us who support an effective and responsible foreign aid program.

The text of the letter follows:

We are writing to express our deep and growing concern over continued delays in the passage of a FY 1981 foreign assistance appropriation. We urge that HR 7854, the Foreign Assistance and Related Programs Appropriation Bill, be brought to the floor at the earliest possible date. We have written to members of the Senate asking that Senate action follow expeditiously so that final passage can take place before the October recess.

Passage of appropriations legislation before the beginning of the new fiscal year is all the more crucial because Congress failed to adopt an FY 1980 appropriations bill. Already, under last year's Continuing Resolution programs designed to meet important humanitarian and basic human needs are operating, given inflation, at lower levels than in 1979 and at levels 30 percent below the FY 1980 Administration request. This comes at a time when many developing countries face progressively deteriorating economic conditions and growing political and social unrest.

Inability to enact foreign aid appropriations for a second year in a row would lend support to the view that the US government has become paralyzed in its foreign relations and is unable to respond to the foreign policy challenges of the 1980's. As Secretary Muskie has said and others have echoed, the battle for American influence requires more than rockets, certainly more than rhetoric. It requires the resources that make our diplomacy effective.

As representatives of a broad-based community of support for foreign assistance and related programs, we are convinced that adequate funding for them is an essential component of an effective US foreign policy toward the developing countries. But no less important, we recognize, is the contribution which foreign assistance makes to the promotion of economic progress in the Third World—progress essential for the needed expansion of US export markets (with direct benefits for US workers), access to critical raw materials and international financial stability.

For all these reasons, we urge expeditious consideration and passage of the FY 1981 foreign assistance appropriations legislation.

Respectfully yours,

Mr. C. Lloyd Bailey, President, U.S. Committee for UNICEF; Mr. Hyman Bookbinder, Washington Representative, American Jewish Committee; Mr. Sol C. Chaikin, President, International Ladies' Garment Workers' Union; The Reverend George A. Chauncey, Chairman, Interreligious Taskforce on U.S. Food Policy; Dr. June Jackson Christmas, President, American Public Health Association; Mr. Philander P. Claxton, President, World Population Society; Mr. Robert L. Clodius, President, National Association of State Universities and Land Grant Colleges; Mr. Hilton Davis, Vice President—Legislative Affairs, U.S. Chamber of Commerce; Mr. Henry Geyelin, President, Council of the Americas; Mr. John J. Gilligan, Chairman, New Directions; Mr. David L. Guyer, President, Save the Children, Inc.; Mr. David L. Grove, President, U.S. Council of the International Chamber of Commerce; Mrs. Ruth Hinerfeld, President, League of Women Voters of the United States; Dr. David Hyatt, President, National Conference of Christians and Jews; Mr. Frank C. Kiehne, Executive Director, International Division, National Board of YMCAs; Mr. Robert L. McNeill, Executive Vice Chairman, Emergency Committee on American Trade; Mr. Roy Morgan, President, Zero Population Growth; Mr. Allen W. Ostar, President, American Association of State Colleges and Universities; Mr. Robert D. Partridge, General Manager, National Rural Electric Cooperative Association; Mr. J. W. Peltason, President, American Council on Education; Mrs. Claire Randall, General Secretary, National Council of Churches; Mr. Robert M. Ratner, President, United Nations Association of the United States of America; Mr. Howard D. Samuel, President, Industrial Union Department, AFL-CIO; Mr. Carl Schensen, Executive Vice President, National Association of Wheat Growers; Rabbi Alexander M. Schindler, President, Union of American Hebrew Congregations; Mr. John Sewell, President, Overseas Development Council; Mr. Jacob Sheinkman, Secretary-Treasurer, Amalgamated Clothing and Textile Workers Union, AFL-CIO; Mr. Joseph Short, Executive Director, OXFAM-America; Mr. Arthur Simon, Executive Director, Bread for the World; Mr. Alexander B. Trowbridge, President, National Association of Manufacturers; Mr. Joseph D. Tydings, National Chairman, Population Crisis Committee; Mr. Glen Watts, President, Communications Workers of America; Mr. William W. Winpisinger, International President, International Association of Machinists and Aerospace Workers; Mrs. Sara-Alyce P. Wright, Executive Director, National Board of the YWCA.●

PERSONAL EXPLANATION

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. LUKEN. Mr. Speaker, because of business in my district, I was not present to vote on rollcall No. 466, the Ashbrook amendment to the Treasury-Postal appropriations prohibiting the use of Federal funds under the Federal employees health benefit program to pay for abortions. Had I been present for this vote, I would have voted "aye."

I have always voted against any form of Federal funding for abortions, and this certainly includes paying for abortions through the Federal employees health benefit program.

SPIRIT OF HELSINKI, VIGIL 1980—AUGUST 21, 1980

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. HARRIS. Mr. Speaker, I rise today as a participant in the "Spirit of Helsinki, Vigil 1980," to speak on behalf of Isaak Shkolnik.

As we look forward a few months to the Madrid conference on the Helsinki accords, I believe this is an appropriate time to reflect on the continued denial of basic human rights in many nations. Cases such as Isaak Shkolnik remind us that human rights in many parts of the world, most notably in the Soviet Union, continue to be violated.

Among the most significant and important commitments of the Helsinki Final Act is the freedom to leave any country, including one's own. The signature of the Soviet Government to that act, however, offers little inspiration to Isaak Shkolnik and the many other refusniks in the Soviet Union. For Mr. Shkolnik, his simple wish to emigrate to Israel has brought upon him 8 years of hardship and injustice, and has served as a harsh reminder to other Soviets of how far away those paper promises are from their everyday lives.

Isaak Shkolnik, a semiskilled laborer from Vinnitsa, requested an affidavit from a relative in Israel, which was intercepted by the authorities. He was arrested on July 5, 1972, on charges of spying for Britain and anti-Soviet agitation, to be held before other Jews of Vinnitsa as an example of the price paid for wanting to emigrate. A 6 a.m. search of his home unearthed such "incriminating materials" as a radio tuned to a "hostile" station, the business card of a British engineer who had once worked in the Vinnitsa chemical plant, and five American dollars. British outcry forced Soviet officials to change the charge to spying for Israel, although no shadow of evidence existed. A fantastic story was contrived, and the necessary friends and coworkers were coerced to attest to its truthfulness. Isaak Shkolnik, Soviet authorities absurdly claimed, had a photographic memory and had been memorizing secret documents for 15 years, with the intent of selling the information upon reaching Israel.

For 9 months, Mr. Shkolnik vehemently professed his innocence. Soviet authorities threatened him with commitment to a mental hospital, and his court-appointed lawyer advised him that a plea of innocent would surely bring the death penalty. To save his life, Mr. Shkolnik changed his plea to guilty, and was sentenced after appeal to 7 years hard labor.

He served his prison term in a Perm labor camp. He was deprived, for intermittent periods, of receiving parcels and packages, and of purchasing needed commodities from the prison commissary. He saw his wife and daughter only once before they emigrated to Israel at his insistence in 1973. His aging father remains in the Soviet Union because the invitation to join them "was not from close enough relatives."

After his release from prison in July 1979 Isaak Shkolnik hoped that, like many other prisoners of conscience, he would be allowed to emigrate and join his family in Israel. He continues to apply for a visa, and his request is continually denied. The Soviets have told him he cannot live with his father in Lvov, but must return to Vinnitsa where he was living when arrested.

His family in Israel continues to do what it can. His wife and daughter recently held a hunger strike on the 1 year anniversary of his release from prison. The Washington Committee for Soviet Jewry, of which I am a member, has just received a moving appeal from his daughter Luisa, only 5 years old when her father was arrested. Since that time she has seen him only twice. She writes, "Help us to meet again. Help my father to come to us."

Isaak Shkolnik is the adopted prisoner of conscience of Congregation Olam Tikvah located in my district, that has been actively campaigning on his behalf. I have written to Mr. Shkolnik, his wife Feiga, the Russian Ambassador in Washington, and prison camp officials concerning his welfare. In addition, I have written to Chairman Brezhnev requesting that Isaak Shkolnik be permitted to emigrate as soon as possible.

The signing of the Helsinki agreements has given Soviet citizens grounds to demand that their government respect fundamental human rights. It also gives them reason to count on the support of Western public opinion and government officials, since the human rights issue has been linked through this agreement to the security of 35 countries in Europe and North America. At Madrid, and at all times, we must impress upon every nation, including the Soviet Union, their commitment to human rights. We must assure refuseniks, and any others suffering from the denial of their rights, that we are one nation that will not forget our commitment.●

CONSTITUTIONAL CORRUPTION AND LEGALIZED THEFT

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. McDONALD. Mr. Speaker, a very startling and important statistic was brought to my attention a short while ago. It was a clip from the Chattanooga News-Free Press, Sunday, July 20, 1980. It demonstrates quite simply that the principal villain stealing the hard-earned and rightfully owned income of American citizens today is not necessarily those who control the oil and energy in this world, but, in fact, the Federal Government of the United States. The comparison to taxes is so poignant that it leads me to include not only the newsclip but testimony given on the abuses of power by the Internal Revenue Service as well. I commend both to the attention of my colleagues:

[From the Chattanooga News-Free Press, July 20, 1980]

FASTEST GOING UP

It may seem that gasoline costs are the fastest rising items in your budget. Not so. Taxes are.

According to the U.S. Chamber of Commerce, total transportation costs for the typical urban family rose 31.9 percent from 1976 to 1979. During the same period, federal income and Social Security taxes increased 36.8 percent.

The Arab sheiks aren't the principal villains who are robbing your billfolds. Congressmen who continue to allow runaway government spending are.

TESTIMONY OF HON. LARRY P. McDONALD OF GEORGIA BEFORE THE SUBCOMMITTEE ON OVERSIGHT, WAYS AND MEANS COMMITTEE ON THE IRS ABUSES OF ITS POWER

Mr. Chairman, let me take this opportunity to thank you for holding these hearings on the abuses of power by the Internal Revenue Service (IRS). There is probably no single agency more decried in this nation today and with due cause. They are the representatives of the greatest legal plunder that has ever taken place in history. An amount in excess of $500 billion annually is now extracted from free men. It is not a wonder roadblocks are craftily constructed and insurmountable barricades built. For there is clearly no other way the thieves who designed these devices could ever survive the fury of a free people but behind the walls of a powerful federal government.

About fifty years ago this trend of increased taxation really began to accelerate. The theory behind it was best articulated by presidential advisor Harry Hopkins when he said:

The new philosophy of government is to "Tax and tax, spend and spend, elect and elect, because the people are too damn dumb to understand."

Today the principal function of government in Washington is to redistribute earned income. Former Secretary of Treasury William Simon observed:

The redistribution of wealth from the productive citizen has become the principal government activity.

Every concerned American should realize that the leveling of society by the redistribution of income was clearly viewed as unconstitutional by our Founding Fathers. For example, Samuel Adams wrote:

The utopian schemes of leveling, and a community of goods are . . . in our government, unconstitutional.

The leveling of society, therefore, is what the income tax truly is all about. It is without question one of the single most destructive forces in our society today. It is not a wonder, therefore, that many basic violations occur in the implementation of this most unconstitutional practice and that the IRS is the object of hostility.

A list of the abuses of the IRS and the Income Tax Law could be very extensive. It begins, however, with the simple size and magnitude of the tax levied. Literally months are spent working solely for the federal government, so great has become the federal tax burden. There are societies before us who suffered less taxation and yet experienced revolts. We as a country don't suffer such revolts today because the legalized theft is better concealed in the clothing of "society's good" and withheld before the property is ever seen by its owner. I wouldn't bet, however, that civil tranquility will remain for much longer if something is not done to alleviate the burden now felt by the population.

Equal to the size of the tax is the manner of injustice that occurs when the tax is levied and its amount determined, namely the loss of large amounts of due process. We are told by the semanticists who write the tax laws that criminal sanctions leveled against individuals are not to be called criminal. From this first erroneous postulate is reasoned the rest of the case. Because we are not leveling criminal sanctions, the larger protections of due process do not apply. If the auditor alleges you owe more tax, you are only allowed to contest the charge at the outset before the very agency that alleged the assessment.

At your own expense, without a jury trial, and with the burden of proof squarely upon the taxpayer, you must prove your innocence or suffer the seizures of your property. This is the most flagrant violation of due process that could ever exist short of a "star chamber court." Yet, this is the state of the law as it exists today.

The greatest "con" which exists in this Capital today, however, and which far surpasses the injury of both the size of the tax and the lack of due process is the concealment from the people of who, in fact, is ultimately responsible. Constant blame is put on the IRS, and much more finger-pointing is done by Congress. But the body which should stand accused is really this very entity, the Congress of the United States. The Internal Revenue Service only does our bidding. They, in fact, shield the legislature from the political heat. All the fire of a possible political change is vented on an appointed bureaucrat. Hence, the confusion and dissipated protest from what is a furious citizenry.

There is, however, a change in the wind. Groups all across the nation are finally getting the message and starting to examine the body most responsible for their affliction. Voting records are being compiled which indicate whether a Member voted for more government and greater taxation or less government and less taxation. Starting with the obvious crime of the amount of tax levied, hopefully these groups will eventually get to the reformation of due process violations as well. An example of one such group is TRIM (Tax Reform Immediately). They were able to distribute over 1.5 million copies of their last report card on Congress. Its toll is clearly beginning to be felt.

It is my hope and purpose for testifying today that some of the violations cited will be reformed and that Congress will see fit in the name of justice to enact proper legislation. Short of this, however, it is my hope that Congress will at least better assess the political realities of the day and act while civil tranquility and our institutions are still strong enough to effect a peaceful resolution. To do less is to continue on a course towards bankruptcy and the final destruction of our constitutional institutions.

Thank you.●

DEMOCRATS STILL HOPE TO TAX, SPEND, AND ELECT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. ASHBROOK. Mr. Speaker, now is the time we start looking at all of those campaign promises which were made in 1976 and see how well they have been followed. We note that Mr. Carter and the Democrats in Congress are just beginning to see the value of tax cuts. They have controlled the Congress, the White House, the bureaucracy for these past 4 years and have fought for higher spending and higher taxes. Just yesterday the Senate succumbed: the Senate appears it will support a tax cut.

Liberals cannot really support a tax cut. They have voted huge deficits. Tax cuts should come with a corresponding reduction in expenditures, something never likely with this Congress. Note the 1976 Democratic Convention came up with a platform which included this plank:

> Economic justice will . . . require a firm commitment to tax reform at all levels. Most families pay between 20 and 25 percent of their income in taxes. We pledge the Democrat Party to a complete overhaul of the present tax system. . . .

What we have gotten is their continuing opposition to Republican efforts to reduce spending and taxation. In fact the Democrats have enacted the largest single year tax increase in this Nation's history—in the $90 to $100 billion range.

Federal income taxes will increase in 1981 by 53.3 percent over last year's taxes.

Social security taxes will increase in 1981 by 35.2 percent over last year's taxes.

The median income family this year will pay 22.9 percent more in Federal income and social security taxes than last year even though income and social security tax rates are unchanged. Democrats use inflation to benefit their tax collector's bite. Moreover, as we all know, President Carter tried to hike gas prices by 50 cents a gallon and sought to impose this May a 10 cent a gallon excise tax.

Democrats do not change from the time of Harry Hopkins' New Deal theme of "tax, spend and elect"; 1980 might see that third verb deleted while they clearly continue the former two.●

MEDICARE: E.D.S. FEDERAL NOT DOING THE JOB IN ILLINOIS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. PORTER. Mr. Speaker, the people of Illinois have suffered long enough under the incompetency and inefficiency of E.D.S. Federal Corp., the carrier for medicare in the State of Illinois. My district office has been barraged with complaints telling of countless delays and incorrect payments made on medicare claims. In a number of cases, constitutent's claims simply could not be found in E.D.S.'s files.

Because of the unusually large number of complaints, the Subcommittee on Health of the Ways and Means Committee held hearings on April 28, 1980, to investigate the possibility of revoking medicare's contract with E.D.S. I testified before the subcommittee, relating the experiences of my staff with medicare claims. Having pointed out that a recently completed spot check by the Department of Health, Education, and Welfare showed that the accuracy of claims processed by E.D.S. was only beginning to approach the lowest acceptable limits, I recommended a further investigation and suggested penalties for future E.D.S. failures. Yet, because a recent study had supposedly shown sufficient improvement in E.D.S. services, the subcommittee ultimately decided not to revoke the contract.

Now, Mr. Speaker, an article which appeared recently on the front page of the Chicago Tribune, and which I wish to share with my colleagues, indicates the possibility that E.D.S. Federal may be reducing its tremendous backlog by simply throwing thousands of unprocessed claims away. This serious allegation by a past employee of E.D.S. must be investigated and I urge Secretary Harris to do so immediately.

But, Mr. Speaker, whether true or not, there is no doubt of the fact that E.D.S. has so long and so clear a history of poor service to the people of Illinois that Mrs. Harris should also reconsider her decision to allow the corporation to retain the medicare contract.

FIRM DESTROYED MEDICARE LETTERS, EX-AIDE SAYS

An ex-employee of Electronic Data Systems Federal Corp., the company which processes Medicare claims in Illinois, charges that EDSF has dealt with its huge backlog of mail by simply destroying thousands of letters.

The former employee told The Tribune he has direct knowledge of the destruction of as many as 30,000 pieces of correspondence from Medicare recipients asking EDSF about their claims.

Separate investigations were ordered Monday by both the United States Department of Health and Human Services, [HHS], which administers Medicare, and the government's General Accounting Office.

If true, the allegations are "very serious," said a spokesman for HHS. He said Medicare mail is considered government property.

EDSF, as readers of this column know, has been in hot water ever since taking over the Illinois Medicare contract some 15 months ago. Countless thousands of elderly people have had their claims and subsequent inquiries go unanswered for months. Many others have had their claims botched in one way or another.

Because of its sorry performance, EDSF has had to forfeit hundreds of thousands of dollars in penalties for failure to meet HHS contract standards.

But, according to the ex-employe's allegations, there was a cynical effort by EDSF to meet the contract standard regarding backlog of mail by throwing a quantity of it away unanswered.

The ex-employe is Albert Crowhurst, of Skokie, who was a supervisor in EDSF's office in Des Plaines for a year until he was fired in July.

The company says he was fired for "nonperformance—doing a bad job." He says he was fired because he kept complaining about the mail being thrown away.

Crowhurst, 31, came to me about a week ago with this story.

He said last spring he was a supervisor of a special task force the company set up to bring down the backlog of unanswered correspondence. This was mail from people complaining that their medical claims hadn't been answered, or that the payment made was too little and they wanted a review, and so on. At the time the backlog was in excess of 110,000 letters, Crowhurst said.

According to him the company, with HHS approval, shipped a sizable amount of the mail to a sister computer facility in North Carolina which had agreed to help process it. There were some 11,000 pieces of mail, however, which the North Carolina office couldn't finish because it lacked sufficient data—case histories, pertinent doctor's fees, and the like.

The mail was shipped back, unanswered, in 11 cartons. When it got to Des Plaines, Crowhurst says, he was ordered by his boss to throw it away.

"I was told to put all 11 cartons of mail into the garbage," he says. According to him, that's exactly what he did. It then went into a paper recycling bin and was taken away.

Crowhurst made another accusation regarding correspondence. He says that in March the company told HHS it could get its backlog of mail down to 28,000 by the end of May and asked for permission to purge its computer system of a certain number of duplicate letters from recipients to help meet this goal. In simple terms, what they wanted to do was this: Say that Joe Smith has written the company four times in the last six months regarding the same exact complaint. Why not discard his first three letters and just answer his last one?

HHS agreed on a one-time-only basis, Crowhurst says—just so long as EDSF made sure each destroyed letter pertained to the same complaint. He says some 30,000 "dupes" were disposed of with this approval.

"But they have been doing it ever since, and as far as I'm aware of, it's without HHS approval," Crowhurst contends.

"What's wrong is, they're no longer checking to make sure these are duplicate letters. They are just automatically purging the system of anything older than 90 or 120 days."

He said he estimates some 20,000 unanswered letters have been killed this way.

Crowhurst also says that last fall he was operations manager with authority over the mail room. At the time the backlog of unprocessed Medicare claims was approaching 500,000. He says an order came down to him that 100,000 newly received claims were to be "held out"—that is, hidden from HHS on-site inspectors—so that they wouldn't be counted in the backlog for the quarter ending in December. The idea was to save money in contract penalties, Crowhurst says.

Crowhurst says he personally removed 25,000 pieces of mail and kept them in the trunk of his car for two weeks. He says another 75,000 pieces were locked in an upstairs storeroom. When January came, and a new quarter had begun, the mail was returned and processed.

Ironically, Crowhurst says the company made him sign an ethics statement in January, as required by HHS. He laughs bitterly about it now.

He says months of these practices began affecting his attitude: He got depressed. Finally he complained. The result, he said, was his firing.

Crowhurst says he is willing to take a polygraph test on all of his allegations.

He also says he is afraid the company might retaliate against him for going to this newspaper. He says he fears physical harm.

For its part, EDSF's parent company, Electronic Data Systems of Dallas, charges that Crowhurst may merely be a disgruntled firing victim with an ax to grind. The firm says it has conducted an internal investigation and found nothing to substantiate his claims. It has issued this statement:

"EDS was advised of a previously fired employe's allegations of improper handling of correspondence. We have been unable at this time to find any facts that would corroborate his allegations. Routing and periodic purging of duplicate and fully worked correspondence is performed with the full knowledge of HCFA [Federal Health Care Financing Administration]. All correspondence is microfilmed upon receipt and permanently retained. We will cooperate with any subsequent inquiries."

As of now, there will be plenty of inquiries. Barry Tice, supervisory auditor for the GAO in Washington, said Monday night that GAO will thoroughly investigate Crowhurst's charges. He said GAO had already intensified its review of EDSF's activities within the last two weeks.

And a spokesman for HHS says the matter has been turned over to the department's Office of Investigation.

"These are very serious allegations" he told The Tribune.●

THE FAST BUCK, LOW-INCOME HOUSING RIPOFF

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. DANIEL B. CRANE. Mr. Speaker, since we are currently considering the Housing and Community Development Act, which authorizes funding for section 8, low-income housing, I think it would be appropriate to note that since the enactment of this program the Federal trough has been tapped for some $130 billion in section 8 subsidies. There is no doubt in my mind that the program, albeit well intended, has attracted a sizable number of fast buck artist developers.

Unfortunately, as a recent article in Reader's Digest magazine pointed out, the main beneficiaries of the section 8 subsidies are not the truly poor. As our illustrious colleague in the other body, Senator WILLIAM ARMSTRONG, puts it—

> Section 8 is a potential bonanza for grasping politicians, influence peddlers and other rip-off artists.

Before one votes to put more funds into the section 8 program, I would strongly suggest that close attention be paid to the June 1980 Reader's Digest article by Donald Robinson entitled "Billion-Dollar Nightmare at HUD." The article well states the many problems with the section 8 program. I commend Mr. Robinson's article to the attention of my colleagues.

The article follows:

BILLION-DOLLAR NIGHTMARE AT HUD

(By Donald Robinson)

When Congress enacted the Housing and Community Development Act of 1974, the lawmakers generally ignored an obscure rent-subsidy program authorized under Section 8. And why not? Section 8's appropriation that first year was, by Washington standards, minuscule: just $42 million.

Six years later, though, Section 8 is raging out of control. The $3 billion reserved for Section 8 in President Carter's latest budget is only the tip of the iceberg. If the President has his way, the Department of Housing and Urban Development (HUD) will sign contracts in fiscal 1981 obligating taxpayers to shell out $20 billion in rent subsidies in coming years. And that's just this year's commitment. From 1974 to 1979, HUD committed itself to Section 8 subsidies totaling $130 billion!

The beneficiaries of this government largess are legion, although all too few of them are the truly poor who desperately need it. In Los Angeles, welfare families are authorized to live in two-bedroom apartments for as little as $126 a month; HUD picks up the rest of the $503-a-month rent. In San Francisco, welfare recipients live in $472-a-month apartments, courtesy of HUD.

Developers who are awarded contracts to put up new Section 8 apartment complexes do even better. Once the contract is in hand, the idea is to sell interests in the project to wealthy private investors. In so doing, the developer reaps a large and immediate gain, while his new partners—most in the 60-to-70-percent tax bracket—save money they would otherwise lose in taxes. And both can expect to earn large profits over the long term.

Deeply concerned over Section 8's potential for profit finagling is U.S. Sen. William L. Armstrong (R., Colo.), a member of the Senate Banking, Housing and Urban Affairs Committee. "Section 8 is a potential bonanza for grasping politicians, influence peddlers and other rip-off artists," he says. "Before it is through, this one provision of one act may cost taxpayers upward of $600 billion. It is sheer madness."

TAPPING THE TILL

None of this was planned, of course, when Congress approved Section 8 six years ago. The goals of the program—to encourage developers to construct modestly priced rental housing, and to assist the poor in paying their rents—were worthy then, and are even more so today in view of our national housing crisis. But can these goals be realistically achieved under the present provisions of the law?

A developer who wishes to participate in the Section 8 program submits his construction plans for a new or rehabilitated apartment house to HUD's local representative. The agency then determines the "fair-market rent" the developer can charge for each apartment. In practice, this simple phase becomes a nightmare for the taxpayer—for the more luxurious the apartment, the higher HUD will set the rent. Furthermore, HUD will guarantee to pay almost all of the rent for the next 20 to 40 years for any apartment that's occupied by people HUD deems to be poor enough. Qualified families pay only 15 to 25 percent of their gross income for rent and utilities. HUD antes up the rest.

The most amazing thing about the program is the official definition of a low-income family. By Congressional fiat, any family qualifies that earns less than 80 percent of the median income in its area. Thus, in Washington, D.C., a family of four with an income of $16,083 a year is considered poor by HUD and is entitled to a huge rent subsidy from the taxpayer. A family of four in New York City with an income of $17,269 a year can tap Uncle Sam's till for over $6,000 a year in Section 8 subsidies. In Chicago, a four-member family can make as much as $15,034 a year, and still get Section 8 assistance.

"It doesn't make sense," says Senator Armstrong. "You take from a working guy the money he has earned with his hands and you use it to pay for somebody else's housing—housing often far superior to that of the man who is paying the bill."

BIG SPENDERS

The need for housing help for the poor—the genuinely poor—is real. Rent controls, declining construction by private industry, conversions of existing apartments to condominiums, building abandonments—all have combined in recent years to create a severe housing shortage for the 26 million American families who rent apartments or homes. Indeed, the national rental-vacancy rate is five percent, one of the lowest recorded since the Census Bureau started collecting such data in 1956. But is Section 8 any way to solve the problem?

A months-long investigation by The Reader's Digest did disclose some Section 8 projects—in Newark, Jersey City, Chicago and other places—where low-income, elderly and handicapped people are housed comfortably and economically. But these are overshadowed by evidence of extravagance and waste.

A classic example of this is New York City's luxurious Taino Towers. Located in East Harlem, Taino's 35 story, concrete-and-glass towers contain 656 air-conditioned apartments, ranging from studios to duplexes and featuring double-size windows and screened-in balconies. There are also greenhouses, an Olympic-size swimming pool, an auditorium and a gymnasium. Apartments in this classy complex do not come cheap. A two-bedroom unit, for example, rents for $598. But none of the tenants will pay the fair-market price. In fact, each apartment in Taino Towers will be subsidized by the government to the tune of $9608 a year (Section 8 covers $5869 of this; the rest comes under an older HUD program). The total cost to the taxpayer for this one apartment complex: $6,302,848 each year.

This incredible generosity is compounded by administrative practices that are shockingly lax. Investigators for Congress's watchdog, the General Accounting Office (GAO), discovered, for instance, that only one of 17 HUD field offices checked had a system to prevent duplication of subsidy payments. Thus the agency was often paying developers and tenants far more than the law required. Worse, formulas for verifying tenant income are so complicated that GAO studies have found them to be "incomprehensible." Last year, concerned over this problems, Congress unanimously approved an amendment requiring HUD to tighten control over verification procedures. Buried deep within the Housing and Community Development Amendments of 1979—and adopted despite heavy pressure from developer groups—this major corrective measure is today largely ignored by the HUD hierarchy.

Not surprisingly, HUD administrators often have no idea how much they spend—or on what. Asked how many Section 8 projects were located in his jurisdiction—a statistic that should have been on the tip of his tongue—a top HUD official in the Washington field office confessed that he had no idea. In New York, another administrator could not even guess how much his office had dispensed in Section 8 subsidies. It took him nearly a month to determine the answer: $133 million.

GUARANTEED PROFIT

With so much easy money at stake, it is small wonder that Section 8 has attracted fast-buck artists. Here's how they cash in:

Any developer who gets HUD's okay on a Section 8 project can quickly obtain a mortgage from a bank for 90 percent of the project's cost, since HUD guarantees repayment. What's more, he generally pays only half the prevailing interest rate, with HUD paying the other half. And since HUD guarantees him a profit of ten percent of the cost of the project, he can even borrow most of the money for the down payment on the mortgage.

Given these conditions, it comes as no surprise that charges ranging from political favoritism in Rhode Island to outright corruption in New Jersey have plagued HUD operations. A team of reporters from the Providence, R.I., Journal-Bulletin accused officials in Gov. J. Joseph Garrahy's office of handing out projects to those whose political "support" was generous. The Bulletin's allegations—denied by officials—have nonetheless prompted a full-scale investigation of Section 8 housing in Rhode Island. And in New Jersey, a string of convictions and federal-state indictments have been handed down following a three-year housing-fraud scandal. According to the most recent indictments, building contractors James M. Canino and Alvin Raphael allegedly diverted $1.5 million from HUD's Parkview Towers project and used it to improve their own properties with such pluses as swimming pools, cabanas, tennis courts, etc.

NEEDED: DRASTIC REFORM

Year after year, the cost of Section 8 escalates. What can be done to stem its waste and extravagance? Senator Armstrong has proposed a seven-point program:

1. HUD should restructure Section 8 to ensure more competitive bidding and to encourage reduction of costs by sharing savings with developers.

2. HUD must eliminate the mountains of red tape that are driving up Section 8's costs.

3. HUD must pay more attention to preserving existing rental housing. Let's stop the epidemic of abandonment.

4. The federal government should subsidize interest rates only for those builders who agree to charge moderate rentals and to maintain their buildings according to clearly defined "decent living" standards.

5. Rental subsidies should go solely to people who need them: families who earn no more than 50 percent of the national median income. (That income was $20,428 in 1978; so the cut-off point for that year should have been $10,214.)

6. HUD must develop an effective system for verifying tenant income.

7. The Justice Department and HUD must promptly take steps to clean out corruption from Section 8 before it infects the entire program.

"Section 8 is a perfect example of a government program that was adopted with little thought and administered with little care," sums up Senator Armstrong. "Drastic reforms are necessary if the interests of the long-suffering taxpayer are to be protected."●

KINDNESS THAT TOUCHED MANY LIVES—THE PASSING OF EDWIN GOLDSTEIN

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mrs. HECKLER. Mr. Speaker, there are people who devote their lives to others so thoroughly that their passing away can have a profound effect on an entire community. Edwin Goldstein lived in Taunton, Mass., for many years before his death last month. When he died, the people of Taunton felt that their town had lost a favorite son. I was among a group of friends and relatives that gathered on July 27 to pay him homage. Edwin was deeply respected as a businessman, honored as a public official in Taunton, and loved as a husband and father. He was, as well, cherished by his friends. His quiet accomplishments and unheralded generosity lifted the hearts of many people. Edwin Goldstein gave a great deal of himself. That was the way he wanted to live his life. I am reminded of the saying, "Kindness in words creates confidence. Kindness in thinking creates profoundness. Kindness in giving creates love." These words accurately describe the way this man thought and responded to those whose lives he touched. His spirit is captured in the farewell remarks of Tom Starr, and I insert those remarks into the RECORD.

Thank you.

We have gathered here today to say farewell to Edwin Goldstein. In remembering him as husband, relative and friend, we recall much of the essence of his personality and life.

Edwin Goldstein was born in Brooklyn, New York on December 29, 1925, the son of Stella Goldstein and the late David Goldstein. He grew up in Brooklyn, where he graduated from the New Utrech High School and went on to attend the Brooklyn Technical School. He was keenly interested in Electrical Construction and aeronautics, and his avid interest in this field, which he exhibited as a young man, continued throughout his lifetime. A few years ago, he designed and constructed his own solar heating and cooling system, and the system functioned.

When his country needed its young men to defend the American way of life, Edwin Goldstein answered the call and served in the United States Army. He entered the service on February 8, 1944 as a private in the Field Artillery and served in the European theatre during World War II, where he was a member of a 105 Howitzer gun crew in combat. Later he was promoted to serve as Chief Clerk of the 11th Headquarters Recruiting Office and was separated from the service on April 19, 1946.

Upon his return to civilian life, Ed Goldstein became associated with the women's fashion industry on the retail level. He joined the Peerless Co. chain and relocated in Providence, Rhode Island, where he was a buyer for the various Peerless stores, one of which was in Springfield, Massachusetts, where he met his wife, Tijuana.

They were married on July 27, 1958 in New York City and spent a short time in Providence, Rhode Island. Edwin Goldstein and his wife, Tijuana, came to Taunton about 20 years ago and opened the Kloze Horse, a distinctive women's specialty shop on Main Street in Taunton.

Until his untimely death, Edwin Goldstein and his wife, Tijuana, operated the main street establishment.

Man is measured by his deeds. As he goes along life's way, it matters not whether he is famous or unknown, possessed of material goods or whether he walks in humble paths. Man's humanity and concern for his fellow man is what accounts for his greatness in the book of life.

Edwin Goldstein demonstrated that concern for his fellow man. He built a swimming pool on his property, and every week, he would sell flowers from his station wagon along the highway. The money he raised was used to maintain the swimming pool for all the children in the neighborhood, many of whom could never be able to go to the seashore. When he died, the children who used the swimming pool raised $51.00, which they gave as donation to the EDWIN GOLDSTEIN SCHOLARSHIP TRUST, established by Edwin's wife, Tijuana, in his memory.

One of Edwin's greatest pleasures was sailing. He spent many hours on his boat. Because of his love of sailing, Edwin's wife has established a scholarship trust in Edwin's memory, which will provide a scholarship for a student of Taunton High School who plans to attend a Maritime Academy.

In his poem "Sea Fever" John Masefield caught Edwin's love of the Sea.:

I must go down to the sea again, to the lonely sea and the sky,
And all I ask is a tall ship and a star to steer her by,
And the wheel's kick and the wind's song and the white sail's shaking,
And a grey mist on the sea's face and a grey dawn breaking.

I must go down to the sea again, for the call of the running tide
Is a wild call and a clear call that may not be denied;
And all I ask is a windy day with the white clouds flying,
And the flung spray and the blown spume and the sea gulls crying.

I must do down to the sea again to the vagrant gypsy life,
To the gull's way and the whale's way where the wind's like a whetted knife,
And all I ask is a merry yarn from a laughing fellow rover,
And quiet sleep and a sweet dream when the long trek is over.

Edwin Goldstein was a devoted husband, and he and his wife shared a love that endured through the difficult years of his affliction with cancer. His illness was of almost 10 years duration—almost half of their married life.

It has been said that "to live with fear and not be afraid is the final test of maturity."

Ed Goldstein fought his illness with great courage. He displayed boundless strength and a determination to live in the face of the dread disease that had beset him. Never once did he complain or discuss the burden that he carried, but rather he tried to give strength to other cancer patients with whom he came in contact. Eddie was a very private person. He wanted his wife to continue with her normal routine of living. He often expressed the thought that he was thankful for the time that he had to enjoy the lovely home that he and his wife had built in Taunton.

Edwin was a gentle man, and it was this gentleness that gave him strength to face life's adversities. For him, the importance of life was its quality and not merely its length. His wife, Tijuana, his friends, children and the sea comprised his family. He lived his life as the late Aga Khan said: "Every day has been so short, every hour so fleeting, every minute so filled with the life I love, that time for me has fled on too swift a wing."

Edwin Goldstein personified the philosophy that was so well expressed by Eleanor Roosevelt many years ago. When asked her philosophy of life, she replied—"You do whatever comes your way to do as well as you can. You think as little as possible about yourself and as much as possible about other people and about things that are interesting. You get more joy out of giving to others and you should put a good deal of thought into the happiness that you are able to give." This was the heart and mind of Eddie Goldstein.

Last year Edwin and his wife were both elected to public office in Taunton, he to the School Committee and she to the Municipal Council. His failing health prevented him from fulfilling his desire to serve his community on the School Committee. The children of Taunton have lost a champion with his death.

I would like to leave you with the words from a poem that Edwin loved and which expressed his thoughts, entitled "Shed Not Too Many Tears":

Shed not too many tears when I shall leave.
  Be brave enough to smile.
It will not shorten, howsoever you grieve—
  Your loneliness the while.
I would not have you sorrowful and sad,
  But joyfully recall,
The glorious companionship we have had—
  And thank God for it all.●

NUCLEAR POLICIES THAT RISK THE FUTURE OF HUMANKIND

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. OTTINGER. Mr. Speaker, I rise today to deplore President Carter's decision to implement a new nuclear strategic policy for the United States. Presidential Directive 59 flies in the face of President Carter's own proclaimed efforts to keep our Nation at peace now and in the future. Indeed, this strategy is the greatest propellant toward nuclear instability that this Nation has ever encountered, and at a huge multibillion-dollar cost.

I call today on President Carter, whose greatest strength has been his commitment to peace, to defer the effective date of Presidential Directive 59 until the State Department, the Arms Control Disarmament Agency and Congress have had ample opportunity to consider the implications of this new strategic doctrine.

Presidential Directive 59 overturns the conventional deterrence strategy known as mutually assured destruction (MAD). But as ominous as MAD sounds, it is miles saner and safer than the policy now being considered. It recognizes the vulnerability of the superpowers to nuclear arms, as well as their abilities to inflict total destruction upon each other. It recognizes the undeniable truth that no nuclear war could be limited. It demands that our leaders and the Russians devote all of their efforts to peaceful resolution of disputes, since mutual assured destruction is unthinkable.

Directive 59 represents a dangerous regression from the MAD theory. It presents our leaders with the fictitious and misleading option of limited nuclear warfare. It injects the possibility of a nuclear first strike and this greatly shortens the response time necessary on each side, making it much more difficult to correct the kind of computer error that put our nuclear forces on alert three times this year. Clearly this directive increases the risks of nuclear warfare and is highly destabilizing. Our efforts should be to decrease such risks and the gigantic expenses of new generations of nuclear weapons by pursuing mutual arms limitations through ratifications of SALT II and negotiation of a more far-reaching SALT II agreement.

Furthermore, the costs of entering into a new nuclear arms race are staggering. The MX alone is estimated at $32 billion and there is now under discussion multibillion dollar ABM systems to protect the MX and costly civilian defense measures to give people—at least a chosen few—the illusion that a nuclear war could be survived. There is just no way we can make the investments necessary to revitalize our economy and make ourselves energy independent if we are to spend the billions necessary to execute this frightening new nuclear policy.

Lastly, the greatest strength of the President is that he has kept peace in the world and has had a steady finger on the nuclear trigger that could destroy the world. Ronald Reagan, by contrast, has made many irresponsible statements in the foreign policy field that indicate an impulsiveness that could readily involve us in a war. It seems folly for the President, by pursuing a dangerous and destabilizing nuclear policy, to throw away his principal source of strength against his Republican opponent. Let's face it. Reagan advocates going all out for a new nuclear weapons race. President Carter's posture should be to go all out for nuclear arms limitation and avoidance of the risks of war.

I implore the administration to reconsider this terrifying strategy, or at least give us the chance to debate its implications. Not even the Secretary of State, the Nation's architect of foreign policy, was given the chance to evaluate this doctrine. Clearly a policy with such momentous implications, which may decide the future of humankind, deserves the scrutiny of more people and more time for careful consideration.

Several articles and a letter in the New York Times in the past week have provided good analyses of these new policies. I commend them to the attention of my colleagues.

A Policy for Doom

(By Bernard T. Feld)

CAMBRIDGE, MASS.—The Carter Administration's decision to adopt, under pressure from the Reagan candidacy, a strategy of fighting a nuclear war based on a so-called limited counterforce exchange raises the serious question of whether our leaders have taken leave of their senses.

Stripped of its technical-sounding, defense-analyst jargon, what the decision means is that the United States is telling the Soviet Union, and the world, that not only are we prepared to use our nuclear weapons first in case of a conflict but also that we intend to use them in an entirely offensive mode in an attempt to destroy the Soviet nuclear forces before they can be used against us. Such a move on our part is supposed to be taken by the Russians as an invitation to surrender. If they are not prepared to do so—or if we succeed early on in destroying their leadership, one of our primary counterforce targets, so that there is nobody around who could officially surrender—we are prepared to go on destroying target after target until we run out of targets or missiles.

One of the arguments for this new strategy is that the Russians, whose missile forces are allegedly even larger than ours, have already adopted the same nuclear-war-fighting or counterforce strategy against us. At some point in a counterforce exchange—this is assumed, but we are never told how this could be arranged in the midst of all the nuclear carnage—one of us will say "Uncle!" We'll both quit, lick our wounds, pick up the pieces and start rebuilding our societies and nuclear forces in anticipation of the next crisis.

If ever a doctrine was designed as a self-fulfilling prophecy, this is it. In the "monkey-see, monkey-do" tradition of the nuclear-arms race, the Russisans are sure, eventually, to adopt our new strategy.

With both sides poised to wipe out the other's forces, there is an immense premium on striking first in a time of crisis. Nevertheless, we are assured that this new strategy is more likely to deter the Soviet Union from military adventurism, even of a conventional variety, than the old mutually assured destruction (MAD) strategy of threatening retaliation against population centers in case of the outbreak of nuclear war.

Furthermore, we are reminded that this is not really a new strategy, since the policy of counterforce has been implicit in the nature of our nuclear deployments ever since Richard M. Nixon's Secretary of Defense, James R. Schlesinger, repudiated the mutually assured destruction strategy in the early 1970's.

All that is now being done is to recognize officially the inevitable consequences of technological advances that have made counterforce possible.

But if the mutually assured destruction system of civilian hostages is thought to be unacceptable on humanitarian grounds, to accept these arguments for the new limited-war strategy is the ultimate in barbarism.

The main point of the strategy was the universal recognition that for either the United States or the Soviet Unioin to carry it out would represent an irresponsible act of insanity; that any use of nuclear weapons is overwhelmingly likely to escalate into a full-scale exchange with overwhelmingly disastrous consequences on both sides; that the present state of huge nuclear deployments and of a vigorous technological race for their increase and improvements is unacceptable for any long-range perspective; that the major objective of both sides—irrespective of our other political and ideological differences—must be the mutual limitation and reduction of our present vast overkill capacities to wage nuclear war; that a stable world, avoiding the universal spread or nuclear weapons, demands United States-Soviet cooperation, at least in this realm.

That was what SALT was about. Unsatisfactory as the results of SALT I and II were, their continuance is infinitely preferable to the state of world-wide nuclear anarchy into which we have rapidly been drifting since SALT's demise.

That is why the replacement of the mutually assured destruction strategy by the new strategy of limited nuclear war represents a frightening regression.

To believe and act otherwise is to play into the hands of madmen on both sides who profess to believe that a nuclear war can be fought and won, and that international problems can be solved on this basis.

The truth is that a nuclear war between the superpowers will be the last world war for centuries to come, with the only victors the radiation-resistant cockroaches. To play with doctrines of a fightable nuclear war is the ultimate folly.

THE ARMS-RACE THEORY OF ARMS CONTROL

(By Paul C. Warnke)

WASHINGTON.—Ronald Reagan has proposed a new approach to arms control. He asserts, with every sign of seriousness, that a heavy increase in our own defense spending cannot and will not be matched by the Soviet Union, which then will have no choice but to give up the arms competition and accept a strategic-arms agreement weighted heavily in favor of the United States. Thus, the argument goes, by discarding any limits on United States defense spending we can gain both a SALT agreement and military superiority. This is not a new thesis, but age has not added to its wisdom. It runs contrary to logic, experience, and the inexorable mathematics of the strategic nuclear balance.

Curiously, the Republican Presidential candidate and other proponents of this policy are among those who for many years have trumpeted about the Soviet threat. Now, however, in order to justify their plans for large-scale increases in military expenditures, they paint the Soviet Union as a paper tiger, or a stuffed teddy bear; they say that it has no choice but to accept American military dominance, if we only have the will to invest massively in more military hardware.

Nothing in the history of Soviet actions lends any credibility to this proposition.

Nothing suggests that the Russians will react to a major United States military escalation by scaling down their own spending.

Nothing but wishful thinking justifies the conclusion that the Soviet Union's meeting of consumer needs will take priority over the matching of United States military power.

The fact is that neither the United States nor the Soviet Union can achieve military superiority unless the other side is willing to default in the competition. The Soviet leadership, which finds itself in a world where few have reason to wish it well, has the unquestioned ability to order priorities so as to spend what it considers necessary to avoid military inferiority. A simple continuation of its present rate of military spending would suffice for that purpose, no matter how many billions we add to our own defense budget.

Nor does the history of strategic-arms negotiations give any legitimacy to the theory that the acccumulation of many more American nuclear missiles will make the Soviet negotiators more concession-minded. Neither they nor we will be willing to ratify a position of strategic disadvantage. Only when a situation of rough nuclear parity was reached would the Soviet leadership even begin the SALT talks.

Accordingly, the call to spend them into inferiority is instead a call for a limitless arms race that will further intensify inflationary pressures, starve our own domestic programs, and leave us with less rather than more security. Insofar as strategic nuclear weapons are concerned, no amount of further additions to our own force will subtract from the Soviet arsenal of nuclear missiles. Such a buildup will, on the contrary, compel a major increase in the number of Soviet nuclear warheads that can be delivered on military and civilian targets in the United States.

Even the acquisition of an American first-strike capability—in all likelihood a theoretical and not a realistic objective—would be a futility unless we are willing, in a time of major crisis, to chance the launching of nuclear war. Indeed, as the balance tilted toward the feasibility of a preemptive attack that would destroy Soviet retaliatory forces, we would add to our own mortal danger. Soviet planners would be forced to consider a nuclear first strike by the realization that their own nuclear deterrent had been eroded. The Carter Administration's recent apparent resurrection of a strategy based on the ability to fight a "controlled" nuclear war already raises this risk at least incrementally.

In the superpower rivalry, there is only one field in which we can't out-compete the Soviet Union—the field of military hardware and manpower. The illusion that more money can buy us military superiority is simply that—an illusion.

Our security needs can best be met by continuing to seek meaningful agreements on control of nuclear and conventional arms. While that process is being pursued, we must of course continue to upgrade our military forces in the fashion best calculated to maximize their deterrent efficacy. But this requires a selective and sophisticated approach to our genuine defense needs. Throwing money at our national-security problems, in the forlorn hope that the Soviet Union will run out of funds before we do, is just throwing away both our money and our security.

QUESTIONS RAISED BY U.S. NUCLEAR STRATEGY

To the Editor: There was a terrible irony in the revelation on the 35th anniversary of Hiroshima of President Carter's issuance of Presidential Directive 59. This directive commits the nation philosophically and as a matter of policy to the first use of nuclear weapons.

Under the guise of increasing the U.S. deterrent and providing the ability to limit a nuclear war, it represents a radical departure from the philosophy of deterrence based on a massive retaliatory second-strike capability, and confirms the *de facto* strategy of a first-strike capability implicit in the proposed MX mobile missile system.

On Aug. 6, 1945 the U.S. became the first and only nation to use nuclear weapons. In so doing, and by never having repudiated the first use of nuclear weapons, we leave open the question of our willingness to start a nuclear war. Recent discoveries in President Truman's diary indicate he considered the threat of a unilateral nuclear attack on China and the U.S.S.R. Why he did not pursue the threat may never be known.

However, the fact that a U.S. President even considered such an action justifiably clouds even more the question of our nation's moral principles. Do we as a people want to now confirm a presumed willingness to initiate a nuclear holocaust by acquiescing to a first-strike strategy as a national philosophy and a statement of U.S. military policy?

It is admittedly uncharitable to question Mr. Carter's motives and vision in issuing a first-strike directive. Several factors, however, make his reasons suspect. First, in 1976, President-elect Carter stated in The Times that he did not believe the U.S. and U.S.S.R. could fight a limited nuclear war; now it is deemed necessary to be able to wage a *prolonged* limited nuclear war.

Second, President Carter asserted in his 1979 State of the Union Message that our nuclear deterrent is "overwhelming," citing the fact that the warheads on a single Poseidon submarine could destroy all large and medium-sized Soviet cities; now the U.S. deterrent is deemed to be inadequate.

Third, there has been strong pressure for this strategy for several years, but the directive was only issued after it became clear that Mr. Carter's Republican challenger would be one who strongly espouses such a strategy.

Fourth, there is strong opposition to this directive among liberal Democrats, and it was planned to delay its announcement until after the Democratic convention.

Fifth, on the basis of his record, Secretary Muskie would have been expected to oppose the decision, and he was neither fully briefed nor consulted. If there is substance to the appearance of Presidential self-interest, is this an ethically acceptable basis for a decision affecting U.S. security?

Presidential Directive 59 raises other questions. Is it justifiable to divert from pressing social needs the billions of dollars required for new weaponry and reconnaissance gear? Can the economy withstand the rate of inflation which will be created by such massive expenditures on non-productive and non-capital forming weapons systems? Are we willing to forgo the SALT process in favor of an uncontrolled arms race? Can we afford to let go unchallenged a political and military concept which equates a first-strike offensive capability with national defense? Is it valid to define national security only in terms of military objectives?

W. F. HYMES.

Ridgewood, N.J., Aug. 12, 1980.

THE BRZEZINSKI PUZZLE

(By Anthony Lewis)

Why does President Carter keep on as his national security advisor a man with a record of folly, distrusted abroad and divisive at home? That is the real question posed by the affair of the nuclear targeting policy.

What the public has heard, mostly, is that Secretary of State Muskie knew nothing about it when President Carter signed a directive making Soviet missile silos and command posts priority targets for our missiles. It was a slip, officials suggested, an inadvertence. It was not. Muskie and the entire State Department were deliberately kept in ignorance of the policy by the national security advisor, Zbigniew Brzezinski.

The episode demands detailed consideration. For it adds up to a classic example of how not to run a government.

The strategic assumption for years was that a nuclear attack by either of the superpowers would bring devastating retaliation on the other's cities: a threat of such horror as to deter the use of nuclear weapons. But American weapons have become so much more numerous, and accurate, that more have in fact come to be aimed at specific military targets than at cities.

The question was whether President Carter should approve the new reality in an official strategy document. By doing so he would put the Russians on notice that if they used nuclear weapons anywhere, we could make a precise response on their military installations—rather than having as our only option a massive strike that no President would want to order. The limited option would be more credible, it was argued, and hence more likely to deter the Soviets.

But there are doubts. An announced policy of targeting Soviet silos might sound like a "first strike" strategy—the ability to knock out all or most retaliatory power and hence leave the other side without a deterrent. Again, who would call off a "limited" nuclear war if command posts had been obliterated? And doesn't the whole idea of a "limited" nuclear war make the unthinkable seem more thinkable?

Brzezinski pressed hard, starting in the spring of 1979, for adoption of the new doctrine. No one at State knew the study was underway until an official heard of it from a Defense Department colleague. Then Secretary of State Vance was told, and aides were included in three perfunctory meetings—but not in the bureaucratic process that mattered.

Secretary of Defense Brown and his people were in fact dubious about the idea of a formal new targeting doctrine, preferring to let reality develop. Apparently because of their reluctance, the idea was put aside last year.

Then, two months ago, Brzezinski revived it and began rushing it through. Drafting was done by a small group of his staff and Defense officials. President Carter signed the paper, Presidential Directive 59, on July 25.

During the drafting period Secretary Muskie met several times with Brzezinski. He had breakfast with Brzezinski, Brown and President Carter on the very day of the signing, July 25. He was never told about the targeting directive.

Whatever the merits of the policy, the way it was done had predictably bad results. The Secretary of State was humiliated. Secretary of Defense Brown had planned to disclose the policy in a speech, playing it down as an inevitable development, and he was distressed to have newspaper stories dramatize it. He had advised allied defense officials, but the European public was agitated just at a time when the deployment of nuclear weapons is a growing political issue in Britain, Belgium, the Netherlands and West Germany.

The process was accurately appraised by Henry Kissinger: "Highly delicate, controversial issues that have remained unsettled for three and one-half years should not be resolved by public pronouncements in the middle of an election campaign."

The election was very likely Brzezinski's precise reason for reviving and rushing the proposal—with the idea of making Carter look tough and thus responding to Ronald Reagan's talk of nuclear weakness. Excluding the viewpoint of the State Department made it easier to push through, and surely also gave Brzezinski personal satisfaction.

"Relentless self-promotion," as a Wall Street Journal article put it, has been a prime Brzezinski characteristic. There is a disarming openness about his ego, as when he told a reporter that he was the only government official aside from the President in a magazine's list of the 10 most influential Americans. But his glib essays into policy-making have not been funny.

He told President Carter to the end that the Shah would survive, putting down other intelligence—and then, when the Ayatollah won, said he welcomed the change because "it brings things to a head." His flamboyant behaviour and provocative statements on a trip to China in 1978 pointlessly damaged U.S.-Soviet relations. After the Afghanistan invasion he went to Pakistan and squinted down a gun barrel in the Khyber Pass.

Why does the President want such a person in a position that should be giving him the ability to make detached judgments from all the information? What worries people about Jimmy Carter is not his ability to deliver a convention speech but his ability to run a government.●

TRIBUTE TO ROBERT F. HURLEIGH

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. HYDE. Mr. Speaker, the death of Robert F. Hurleigh was a great loss to the Nation.

Bob Hurleigh first gained national recognition for his outstanding work as one of the top newsmen in Chicago; first with WBBM and later as news director for WGN radio and television. His 8 o'clock news broadcasts and commentaries made him a household name in the Chicago area, and during the late 1940's and 1950's he was heard and seen on a number of stations on the Mutual Network throughout the country. He also was a summer replacement and gained additional national recognition for his commentaries on Mutual when he was a pinch-hitter for Fulton Lewis, Jr.

Bob left Chicago to join the Mutual Network and for 8 years was its president.

Later he became the publisher of American Labor magazine, and until recently was a commentator on the Mutual Network on national and international political issues, as well as the moderator of "Reporter's Roundup," a public affairs program which he initiated at Mutual.

Bob Hurleigh was well respected by his friends and colleagues and admired by millions of his listeners over his long and distinguished broadcasting career. He was a strong advocate of the private enterprise system as well as an implacable foe of international communism. A recent tribute to him by his friend and colleague, Paul Harvey, ended with the following words: "No one loved his country more."

Bob will be missed by his friends and admirers all over the country and especially by his family, which includes his wife, Marjorie; his mother, Elizabeth Lort of Washington, D.C.; his half-brother, Walter Blake; two sons, Robert and Steven; three daughters, Maryland Elizabeth Davis, Robin Marie Johanson, and Jan Theresa Hurleigh. He is also survived by six grandchildren.●

RISING COST OF HEALTH CARE FOR OUR SENIOR CITIZENS

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. DOUGHERTY. Mr. Speaker, I am becoming increasingly concerned about the devastating effects of double-digit inflation on older Americans who live on fixed incomes. Many of our senior citizens must rely solely on their social security income and they find that, after they pay for food and shelter, very little is left for health care.

Recently I received two letters from an elderly woman in my district which poignantly describe the financial dilemma of old age in our Nation today. I want to share portions of her letters with my colleagues.

> I am very concerned about health insurance. Every few months (my health insurance company) keeps raising the fee. When one has to live on Social Security it makes it hard to pay * * *. Many (of the elderly) are in want now. We will be getting an increase in our checks. That won't be much help at all. Rents go up; food is so high, etc. We are being taken over for many things. Especially doctors, dentists, and others. We are being priced out of health insurance. If it keeps going up, a lot of us will have to drop it. One must eat to stay alive. I am diabetic. I have had to cut down on my visits to the doctor as he wants cash and so do many other people * * *. I try to pay the doctor. I must see an eye doctor and pay him $30.00 and the eye drops cost me $7.57 for a very small bottle. I soon will have nothing for food.

Our elderly citizens on medicare are finding that the cost of supplemental medical insurance increases at more than twice the rate of the annual increase of their social security income. Another health-related problem for the elderly is the confusion involved in complicated medicare billing procedures, which they often do not understand.

Mr. Speaker, the personal experience my elderly constituent related to me in her letters is shared by countless older citizens, especially elderly women. These Americans have given themselves tirelessly to the building of America. Now, some of them have almost no place to turn. We have an obligation to provide adequate health care for our senior citizens.●

YOU MIGHT NOT RECOGNIZE THE NEW USO

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. MOORHEAD of California. Mr. Speaker, I would like to call the attention of my colleagues to an article on the new USO which appeared in the August 17 edition of the Parade Magazine.

As a member of the Judiciary Committee, I was involved in the legislative effort which obtained a Federal charter for the USO. Through this involvement, I became aware of the organization's virtues and dedication of its professionals and volunteers to the well-being of the American military man and his family.

It is this keen awarness and strong devotion to the cause of our service personnel which has enabled the USO to remain a vital, effective, valuable organization throughout its 40-year history.

The USO has not been left behind by the numerous changes that have occurred within the military nor by the changing social, education, and spiritual needs of its charges. The USO has not only remained apace of these dramatic changes, but it has anticipated them, adjusting to the new and continuing needs of America's Armed Forces personnel. Perhaps, we could learn a lesson from the USO as we address the challenges of a changing military. With that in mind, I recommend the following article from Parade Magazine:

YOU MIGHT NOT RECOGNIZE THE NEW USO

(By Bill Ryan)

The image is right out of World War II: Bob Hope firing off one-liners on a makeshift stage surrounded by thousands of GIs; a singer belting out the saga of the "Boogie Woogie Bugle Boy From Company B", coffee and donuts; and a break from the tedium and terror of war.

But that was another time. The USO today, approaching its 40th anniversary as a civilian organization working with the military, is something quiet different. It still sends shows overseas—to remote places like Korea and Iceland and to ships in the Indian Ocean. And there are still some centers in the U.S. where the big attractions are coffee and donuts. But mainly, here and overseas the United Service Organizations deals with very nitty-gritty problems, some of which the military would like to forget.

An 18-year-old wife, for example, arrives in Germany on a charter flight to join her husband, who is stationed there. She is tired, frightened and unable to speak a word of German. Because her husband is in the lower grades, the Army technically has nothing to do with her—she is "nonsponsored" to join him overseas.

She turns to the USO at the Frankfurt airport. The people there will find her lodgings until her husband can join her. Then they'll try to find the couple an apartment.

A Korean girl, recently married to an American serviceman, has no idea of the cultural differences she will have to cope with when they settle in the U.S. She signs up for a "brides school" run by the USO in Seoul.

A young private at a stateside military installation has turned into a "barracks rat." During his off-time, he huddles in the barracks, listening to music on a headset and quietly getting stoned on booze or drugs. An "outreach" worker from the USO talks to him, tries to convince him to take free tickets to a show, to come to the USO center to talk to someone—to do anything to get out of his rut.

What is the USO doing in work like this? "We changed," says James F. Barrett, "because the military changed."

Barrett, an insurance executive, is World President of the USO. Like 40,000 others in the States and around the world, he is a volunteer. His association with USO goes back to World War II when he was a young GI at Camp Roberts, Cal. Two years ago, he took over the USO presidency at a time when its reason for being was in doubt. He doesn't think such doubt exists today. The USO has found new life as a social service agency to help with problems that have developed in the all-volunteer armed forces.

"When I was in the service, we got a strong mix from all parts of society because of the draft, but we don't get that today," says Barrett. "The average soldier today is basically naive and tends to be on the under-educated side. The first thing he does after enlisting is to marry—usually his hometown sweetheart—then they have babies, buy a car. And all sorts of problems result. They're the same sort of problems in society generally, particularly a poor society: life becomes a vacuum and result in problems with drugs, child abuse, withdrawn wives."

Germany is a special case today for the military, and for the USO. According to Department of Defense figures, 251,000 American troops are stationed there, with an additional 215,000 dependents. "People tend to think of the U.S. soldier as single, but that's not true today," says Barrett. And in Germany, the problem of dependents is acute because the cost of living is high and the dollar has shrunk badly on the world market.

"We had one case of an American service family living on popcorn for three days before payday," says William Semkow, the USO European area executive.

"Our outreach program is very important in Germany," says Abbie Beller, who is in charge of USO programs and volunteer development. "The married kids living off-base are very young, and many were dropouts from school. We try to get them back into schools and to teach them how to live on the local economy. Most of the wives don't speak German, and some are afraid to go out because of the sections they live in. So we teach them how to shop and how to take street cars. And because we're not military, we're not threatening to them."

Founded in 1941 on the eve of World War II, the USO started to cut back at the war's end. By 1948, it was virtually defunct. But in 1951, with fighting in Korea, it was renewed. Then came the Vietnam conflict, with 32 USO's operating in the Far East, 18 of them in Vietnam.

With the evacuation from Vietnam in 1973, the USO was out of business once more, presumably. But by this time it had expanded overseas where the United States, through its defense alliances, was committed to maintaining troops—in Germany, Italy, South Korea, Okinawa, the Philippines—and was working in fleet operations, mostly in the Mediterranean.

The overseas operation was funded mainly by the 2,000 United Ways in the U.S. But in 1973—because the war was over in Vietnam, and because of the unpopularity of the military—that source of revenue was drying up.

In the United States, 67 USO centers—at airports, bus terminals, outreach programs at housing settlements—have managed to survive through local funds, usually raised by United Ways.

There are exceptions. The Chicago USO—one of the largest in the country, with a downtown center and a lounge at O'Hare Airport—raised more than three-fourths of its $264,000 budget this year through its own fund drive, with some support coming from suburban United Ways.

But the overseas program of the USO has been the most affected by a drying up of support. In 1973, the last year of the Vietnam conflict, the USO overseas operation received more than $4 million in United Way contributions. For the fiscal year ending last Dec. 31, the total was down to $1.34 million.

"Our major problem is making people here aware of what we do overseas," says Michael E. Menster, who took over the chief executive job at USO in 1973 when it appeared that the organization might go out of business. Part of the USO's survival has been due to the Federal Overseas Campaigns, an appeal to government employees abroad and to corporations, including German and Korean businesses. A recent addition to the USO in Seoul was put up entirely with funds raised by Koreans. A lottery in Germany, with five cars donated by German firms as prizes, raised $140,000 for intercultural programs.

Although its headquarters is in Washington, the USO also started outreach programs at nearby service installations because it felt the real need was there.

One of these places is the government owned Bellevue housing project on the outskirts of Washington. Navy enlisted families live there in a depressing sameness of tiny houses. Until the USO set up an office, there was no organization or social program. Young military wives with small children would huddle in their apartments—friendless, withdrawn, watching soap operas by the hour. Sometimes they would abuse their children out of frustration and loneliness. But no more.

Today, the little office is the focal point for the 500 units of the project—with a day-care center being set up, a summer camp for older kids, an English language class. It is a place where wives and children of servicemen can talk to each other and realize that they have common problems.

"Before we came here, these people used to closet themselves in," says Christine Lewis, the outreach director. "But I go around knocking at doors. I figure that if we can get them out, even by asking if they'll help clean up our building, then maybe we can get them to take jobs outside. They really need the money."

And for some, the USO is a last resort. Sometimes a woman will come in with crying children in tow and say she has been beaten up by her husband and has nowhere to go.

"We don't try to be psychologists or social workers," says Christine Lewis. "We just try to work something out. We see if we can find a place for her and the kids to stay. We see if we can get the husband in to talk to us. We just do what we can."

It isn't glamorous work. But it is what the USO is mostly about today. The old coffee and donuts organization has found a new "bread-and-butter" role to fill.●

ENDURING THE RECESSION, IN VAIN

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. EDWARDS of California. Mr. Speaker, today I have reintroduced House Resolution 634 to add four additional cosponsors. House Resolution 634 is a resolution which directs the Ways and Means Committee to study and consider legislation to achieve the goals of recent proposals by certain prominent economists to control inflation by providing tax benefits to employers who moderate price increases for their products and employees who moderate wage demands. This proposal for a tax-based incomes policy now has 28 cosponsors.

House Resolution 634 is a proposal to help fight inflation. It would utilize our tax code to provide incentives for producers and workers to reduce their inflationary demands. Under TIP, employers who hold down prices and employees who moderate wage demands would be rewarded by tax reductions. Employers and employees who call for inflationary hikes in prices or wages would have their taxes increased. Through using taxes as an incentive, we will arrest the wage/price spiral.

Let me assure you that inflation is still on the forefront of our constituents concern. Recent letters I have received and preliminary reports from a recent questionnaire of my district indicate that inflation remains the major concern of my constituents. It is little wonder why when one considers that last month's inflation statistics indicate an annual rate of price increase which was above 20 percent.

It is time we acted with realistic and effective proposals to help fight inflation. Although I do not believe that this proposal alone could end inflation if adopted, I do believe it should be seriously considered as an integral part of a more comprehensive anti-inflation program.

I have included an editorial which recently appeared in the New York Times for my colleagues' review. It presents some interesting insights on our inflation policy.

[From the New York Times, July 23, 1980]

ENDURING THE RECESSION, IN VAIN

Productivity down 3 percent in 1980 . . . unemployment up to a painful 8.5 percent . . . inflation hovering near 10 percent . . . These grim predictions, from the Carter Administration's new midyear economic review, are described as "not acceptable" by Budget Director McIntyre. What should be even less acceptable is the prospect that the nation will be in just as desperate shape at the end of this recession as at the start.

Administration economists believe that the recession, which began this spring, will bottom out early this winter. That doesn't seem so bad; as recessions go, this one would thus be neither particularly long nor the most severe. But appearances are likely to be deceiving. Though the recovery process is nearly upon us, it will be slow and painful.

As the Administration says, unemployment is expected to remain at about 8.5 percent through next year. And output will grow only about 2.6 percent. Allowing for payment of America's oil import bills, it will take until mid-1982 simply to match the income per person achieved in 1979.

It is only in recent years that recessions have been welcomed by Government as an antidote to inflation. The Carter Administration abandoned hope for a "soft landing" not so many weeks ago, when the Consumer Price Index was climbing toward 20 percent and panic was beginning to appear in the marketplace.

Has the hard landing of a recession been worth the bump? Inflation has eased somewhat and, judging by the brisk performance of the stock market, confidence in the economy is returning. But the White House predicts that, in spite of the achingly slow recovery, the Consumer Price Index will increase at about 10 percent throughout 1981. Unless inflation is attacked at its roots, the loss of some $75 billion in national income will have bought the country nothing more than a respite from prices spiraling upward into hyperinflation.

Initiatives in two areas seem essential.

REDUCING OIL IMPORTS

Thanks to the recession and higher prices at the pump, oil imports are down 24 percent since June of last year. But recovery will inevitably generate demand.

To contain inflation, imports have to be curbed still more. Energy self-sufficiency based on new energy sources is decades away. Short-term relief depends on converting utilities to coal, accelerating the search for oil off shore and discouraging gasoline consumption with a stiff tax.

ANTI-INFLATION TAX INCENTIVES

Inflation may begin with an oil embargo or a major crop failure. But it is sustained by successive rounds of defensive wage and price increases. Probably the only way out short of a depression is to reward those who moderate their wage and price hikes with selective tax breaks. President Carter rather casually offered such "wage insurance" to cooperating units in 1977, only to be rebuffed by Congress. It is time to try again for some sort of anti-inflation tax incentive.

Inflation won't be cured overnight; its roots have spread too far. But unless an anti-inflation program begins now, the current recession, with its toll of wasted resources and frustrated lives, will truly have been in vain.●

A TRIBUTE TO WILLIAM A. COX, JR.

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. WHITEHURST. Mr. Speaker, I would like to take this opportunity to congratulate my friend, William A. Cox, Jr., P.E., who was recently elected president of the National Society of Professional Engineers, a nationwide organization which represents 80,000 individual engineers.

Before taking on this most prestigious position, Bill helped found the Virginia Society of Professional Engineers (VSPE). He served as VSPE's president and is a charter board member.

In 1973 NSPE named Bill the Engineer of the Year and on three occasions he received its Outstanding and Distinguished Service Award.

Bill is a graduate of the Virginia Polytechnic Institute and a registered professional engineer in Virginia and Florida. In 1946 he helped found Cox-Powell Corp. of Norfolk, Va. of which he is president.

It is an honor for me to congratulate Bill on his recent election and to wish him the best of luck.●

CAPTIVE NATIONS WEEK

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. DERWINSKI. Mr. Speaker, every year, Captive Nations Week is enthusiastically observed in Taiwan, Republic of China. It is highlighted by a series of proclamations and messages delivered throughout the week. Several rallies are held to reflect the spiritual support of freedom in the Republic of China for those held captive on the Chinese mainland as well as those suffering under Soviet domination. Premier Sun Yun-suan of the Republic of China was present as a distinguished speaker at one such rally, as well as high-ranking government officials, members of the diplomatic corps, and many other parliamentarians from around the world. Representing the United States was our colleague, Mario Biaggi.

I insert into the Record a copy of the declaration adopted by the Committee of Civic Organizations of the Republic of China in Support of the Struggle for Freedom, along with the address by their chairman, Dr. Ku Cheng-kang, who presided over the rallies:

DECLARATION: 1980 CAPTIVE NATIONS WEEK MASS MEETING OF THE REPUBLIC OF CHINA

We the representatives of the Republic of China's various circles, together with fellow-fighters from all the world regions, have today held in Taipei the 1980 Captive Nations Week Meeting of the ROC to bring to a new high tide the surge against enslavement and for freedom. Confidence has been enhanced that the march in high spirit will continue for the final victory of freedom in the 1980s.

We are aware that the continuing international Communist aggression and expansion are consequences of the free world policies of appeasement and compromise of the past decade. Free nations must understand unequivocally that the Soviets and the Chinese Reds persist in their unchanged and unchangeable ambition to communize the world, and that free nations can never be at ease unless these common enemies are defeated.

We are aware that because of the mistaken U.S. policy of alignment with Peiping for the checking of Moscow, the free world has been exposed to new threats of aggression. With military, technological and economic support from free countries, Peiping has grown rampant in the Red bloc race for hegemony. Unless this scheme is blasted, free nations will have to face another Soviet-like aggressive power.

We are aware that while Moscow's advances and proxy wars in Asia and Africa are seriously endangering the free world, even more treacherous are Peiping's united front designs of subversion. In the fight against Communism, free nations must put Peiping and Moscow in the same category, never again treating the former as a friend. Vigilance must be heightened against possible rejoining of hands by the two Red regimes in their drive against free nations.

In view of the present international situation, this meeting hereby issues the following calls:

We urge all free nations to discard any wishful thinking about self-preservation through appeasement and compromise. All must strive to consolidate the free camp unity and wage a showdown fight against all Communist forces, for the Reds, without exception, are bent on world communization. The independence and security of all free nations must be rigidly guarded. The Communists must not be allowed to create any new captive nations.

We urge all free nations to forge an ideological union based on freedom and democracy, and stop trying to play the Chinese

Communists off against the Soviets. Alliance of true friends must be enhanced. Blows are to be dealt at potential as well as current enemies. No new Red threat against the free world is to be permitted.

We urge all free nations to exert their utmost against united front Red designs of infiltration and subversion. All those who oppose enslavement and stand for freedom are to be brought together for combats together against all Reds. The Communist ambition to enslave mankind must be thoroughly frustrated. Efforts must continue for the winning and assurance of freedom for all mankind.

We urge all captive peoples behind the Iron Curtain to see clearly that Communism absolutely cannot meet the needs of human society. All must rise to destroy the Iron Curtain from within and overthrow tyranny from under it.

We urge all our fellow Chinese abroad to see what Peiping is hiding behind its "peaceful unification" call: regimentation of all Chinese under Red slavery rule. We must blast this plot and carry out our anti-Communist mainland recovery mission to bring unification of all China in freedom and democracy and under constitutional rule.

We urge all our captive compatriots to see that a great anti-Communist unity of 900 million people will certainly bring Peiping's downfall. Workers, farmers, intellectuals, students and all other patriots, who do not want to remain as beasts of burden under Communism, must rise as one for the Chinese mainland liberalization, democratization and return to things genuinely Chinese. An all-out anti-Communist revolution must be started on the mainland for an end to Red tyranny and for the rebuilding of China under the Three Principles of the People.

All the freedom-loving friends of the world, all our free fellow countrymen at home and abroad, and all our captive compatriots on the mainland, the march to victory of freedom in the 1980s has started. Let us unite strongly together behind and in front of the enemy line—regardless of area, race, religion and profession—and charge against the Soviets, the Chinese Communists, and all other Reds. We shall thus wipe out all forms of autocracy, tyranny and enslavement. We shall win the final victory of freedom.

WIN FOR MANKIND FREEDOM FROM RED ENSLAVEMENT

ADDRESS BY DR. KU CHENG-KANG, RALLY CHAIRMAN

Premier Sun, Representatives of All Circles, Distinguished Guests, Ladies and Gentlemen: At this Captive Nations Week Mass Meeting—the first in the 1980s in Taipei, Republic of China—fighters for freedom from all the world regions will together see to it that the banner of freedom is hoisted high and the fight continued to eliminate enslavement. We will sweep clean the dark clouds that in the 70s obscured justice and blurred the line between friend and foe. We will bring break-through developments of the anti-Communist situation and push on to the final victory of freedom.

I

The gravest mistake committed by free nations in handling international affairs in the 70s is the policy to ally with the Chinese Communists for the checking of the Soviet Union.

Those who pursued the policy overlooked the wickedness of Communists who all are similarly bent on world communization. They underestimated Peiping's international united front operation and mistook the regime as a possible major partner for the containment of Moscow. But the Reds were permitted to grow ever more rampant. The free world has suffered serious consequences and faces endless troubles.

The policy, instead of subjecting Peiping to the desired use, has been utilized by the regime for stepped-up united front moves against free nations. It also has prompted Moscow to accelerate aggressive land and sea power expansion. Manifold worries and successive wars have ravaged all parts of the world.

The policy weakened the common security systems of free nations, caused the confusion of enemies as friends, and furthered the Red ambition to paint the whole world Red. Helping hands were extended for Peiping's growth as an aggressive power. If the regime joins hands with Moscow again, the free world will have ever greater difficulty fighting them.

The policy furthermore made free nations lose the trust they held in the United States about treaties and commitments. The dual disease of fear and flattery gripped free world attitudes toward Communists. America has had to deal with Soviet aggression and expansion, facing at the same time Peiping's united front maneuvers and potential nuclear threats.

Moscow has long directed Cuban war moves in Asia and Africa. The open Soviet invasion of Afghanistan has exposed Iran, Pakistan and the rest of the Middle East to unprecedented Red menaces. Meanwhile, the free nations of Northeast Asia and Southeast Asia as well as the NATO members, the United States in particular, have been exposed to Red military challenges, the most dangerous since the Vietnam War. All these have resulted directly or indirectly from attempts to pit Peiping against Moscow.

To safeguard the freedom and security of free nations, we must bring forth all our strength and rectify the adverse situation created by the "Peiping against Moscow" policy.

We must firmly hold onto our stand for freedom and democracy, never make compromise with Communists, check their visible and clandestine aggression and expansion, and eliminate all forms of autocracy and enslavement.

II

The dawn of the 1980s has been accompanied by a complete exposure of Red wickedness and treachery. Knowing how the Reds are bent on communization, free nations and individuals have enhanced their determination and risen for action.

People on the Chinese mainland are waging anti-Communist struggles to win freedom, democracy and human rights. This and the exodus of refugees from Indochina show that Red rule no longer can suppress the Asian quest of freedom and democracy.

Free Africans are resisting and rejecting Red attempts at discord-sowing and subversion. Africa no longer is a hotbed of Communism.

The Arab nations are jointly coping with Red instigation and provocation. Communist influence over the Middle East is fading.

In Europe, Northeast Asia, Southeast Asia, Oceania and Latin America, free peoples are expressing resolute confidence that freedom and democracy will prevail over Red aggression. We can see that in the face of this pooled strength for freedom, all Communist aggressors and expansionists are destined to fail and fall back.

In the name of freedom and human rights, righteous American officials and citizens are strongly condemning Red forces and extending deep compassion and warm support to captive peoples. A policy review is in progress on how to deal with Peiping's nuclear arsenal. We are confident that free nations will unite again for freedom and justice and jointly blast all Red plots of communization and enslavement.

III

In the present picture of Red aggression and expansion, both the Chinese Communists and the Soviet Union continue to pose tense threats against the free world. Taking advantage of the Washington-Moscow conflict, Peiping has been trying to trick developed nations into supplying it with military, technological and economic support. The regime wants the world to believe that it can thus contain the Russians. In fact, however, Peiping is attempting to emulate the postwar Russian example and grow into another power capable of swallowing the free world.

We are well aware that this schemeful Peiping ambition will not go far against the surge of freedom forces. The 900 million people on the Chinese mainland know unequivocally how the Communists are and what they are up to. Those people furthermore understand that democracy and constitutional rule under the Republic of China's Three Principles of the People are their only hope of deliverance. Under the massive influence of China's outstanding cultural tradition, the torrent of anti-Communist revolution is rolling on. "Learn from Taiwan!" the people on the mainland have been demanding along with calls for liberalization, democratization and return to things truly Chinese. This surge for freedom will before long knock down the Peiping tyranny that now keeps a population of 900 million in chains.

IV

The 1980s will be a great decade. Freedom forces will rise again. Free nations will unite again. A decisive battle will be fought for the downfall of Communism and assurance of freedom for all. We must exert our utmost.

First, we must ideologically bring freedom forces strongly together for the common security of free nations. The international situation remains as one of ideological struggle between the free democratic camp and the totalitarian Red bloc. Because of its attempt to play Peiping off against Moscow, the free world has plunged itself into a confusion where lines between right and wrong and between allies and adversaries are not clear. We therefore must strive now to forge a new ideological unity of all those who stand for freedom and justice. Together we shall deal blows at Moscow, Peiping and all Red forces, prevent the international Communists from creating any additional captive nations, and repel all those Reds who are likewise trying to encroach on the free world. The security of all free nations shall thus be sturdily safeguarded.

Second, we must restore the captive peoples to freedom so as to promote the freedom of those who are free. In the struggle of freedom against slavery, free peoples cannot assure the continuation of their freedom unless captive ones are made free. We therefore must provide ever stronger support to the campaigns of captive peoples to tear down the Iron Curtain of Asia, Europe, Africa and Latin America. By bringing forth all of mankind's strength for freedom, we shall make sure freedom prevails for all.

Third, we must bring together all the captive peoples and strive with them for human freedom. The more than 1.2 billion captive people behind the Iron Curtain of the East and the West are being used by Communists as tools of aggression and expansion. Those suffering people must be freed from yokes so that they can contribute to the building of human freedom and world peace. The 900 million people on the Chinese mainland are craving for freedom, human rights, democracy and the type of happy prosperous life that blossoms in the Taiwan area. Responding to the powerful calls of the Government of the Republic of China, they surely will unite ever more closely together and launch an all-out anti-Communist revolution. Unification of the whole Republic of China will be achieved under the Three Principles of the People. All the captive masses of people behind the Iron Curtain shall join hands, march against Communist tyranny, and win victory for freedom.

V

Ladies and Gentlemen: The "Captive Nations Week" Movement originated with the U.S. Congress, Government and people as a clarion call for man's freedom. As freedom remains seriously challenged by Communist forces, we urge the United States to fully manifest her national spirit and moral courage, understand once for all that Peiping unquestionably is a potential enemy of free nations, stop attempting to pit the regime against Moscow, work out an effective strategy vis-a-vis both Red regimes, and pool all the available strength of the world for a thorough elimination of Communist forces of enslavement. All of mankind shall thus be enabled to enjoy well-being in freedom and peace.

Thank you very much.●

YANKEE DOODLE DAY WELL WORTH REMEMBERING

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. SOLOMON. Mr. Speaker, as this Nation embarks on what promises to be a divisive, hotly contested election campaign, I think it would be wise for all of us to remind ourselves that whatever our political differences, we are first and foremost one Nation, united, under God.

This is the great strength of our country, and I was a firsthand witness to a beautiful expression of this recently at the Fourth of July festivities held by the residents of the Roeliff Jansen area of eastern Columbia County, N.Y. Their Yankee Doodle Day festivities demonstrated clearly that the small patriotic communities of this great country are the backbone of America. As reported by editor Elinor Mettler of the community's newspaper, the Roe Jan Independent, many residents felt that despite this Nation's troubles, that this Fourth of July was the richest, most rewarding day of their lives.

Mr. Speaker, this kind of spirit for community and country overflowed on that day in the beautiful countryside of Columbia County. I hope we can keep that spirit and that faith all across this country all year round.●

PLIGHT OF THE POLISH NATION

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. RITTER. Mr. Speaker, the circumstances unfolding in Poland between the Polish Government and the Polish people deserve the attention of this Congress. As elected representatives of the American people, we should give voice to the deep concern of our citizens for the plight of the Polish nation. We should express the fervent hope of millions of Americans that an end to the civil strife in Poland may be found peacefully and without foreign interference.

For that reason, I have introduced a resolution expressing the sense of Congress that the people of the Polish nation should be permitted to settle their internal affairs by themselves, without external intervention. And, that the formation of independent trade unions and the right of such trade unions to strike are issues which should be settled internally within Poland, again, without external intervention. Yesterday, some 100 members of both parties signed that resolution. I urge all my colleagues to join with us in this expression of support for the Polish people.

The Polish workers' demands are not only for better wages and food supplies. They are striking for the right of working men and women to have a say in conditions under which they work and live. Their conviction is that labor is not just a cog in the machine of production, but is made up of human beings. Let us hope that all parties respect the rights of those workers as this very human saga unfolds. Let the Polish people settle the fate of the Polish nation.●

SMALL IMPORT CARS FLUNK CRASH TESTS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Ms. OAKAR. Mr. Speaker, an article in yesterday's Washington Post outlines the terrible fact that imported autos, now being purchased by millions by Americans, are much less safe than domestic vehicles. There is so little known about the lower safety record of imported autos that I felt that it would be beneficial to the House to insert the article in its entirety. Americans should buy American for a better car.

The article follows:

POPULAR SMALL IMPORTS FLUNK CRASH TESTS

(By Peter Behr)

The most popular small, imported Japanese and German cars have failed special head-on crash tests, the Department of Transportation said yesterday in a warning to consumers.

The American-made Chevrolet Chevette and the Italian-made Fiat Strada passed the tests, DOT said.

The Japanese-built imports were singled out for criticism by Joan Claybrook, chief of the National Highway Transportation Safety Administration, the DOT agency that conducted the tests. She faulted their seat-belt units and their structural strength, saying she was "disappointed" in their crashworthiness.

Japanese automakers "have not put their attention" into strengthening structure, she said.

Her pointed criticism of the small imports comes a month before the beginning of a new sales campaign, when the competition between American and Japanese cars may have far-reaching political and economic importance.

Twelve 1980 subcompact and minicompact cars selected by NHTSA were crashed into a wall at 35 miles an hour. Electronically wired dummies were seated in the cars with seat belts on. A failing grade means that human occupants would have suffered serious or fatal injuries.

The cars that failed, NHTSA said yesterday, were Honda Civic 3-door hatchback, Toyota Corolla Tercel 2-door sedan, Datsun 310 2-door hatchback, Subaru GLF 4-door sedan, Honda Prelude 2-door coupe, Toyota Corolla 4-door sedan, VW Rabbit convertible, Audi 4000 4-door sedan, Mazda 626 2-door coupe and Datsun 200 SX 2-door HT.

In addition, a 1980 Ford Mustang and a Toyota Celica carrying seatbelted dummies were crashed head-on at 35 miles per hour—a closing speed of 70 mph. The Mustang passed, the Toyota Celica did not.

"These test results clearly illustrate the emerging safety problem faced by consumers who are shifting to smaller cars to conserve fuel," Claybrook said.

Other test results show that in a serious collision between a subcompact and a full-size car, the occupants of the smaller car are eight times more likely to be killed than those in the larger car. However, an industry investment as little as $5 to $15 per car could produce substantial improvements in seatbelts and steering columns of the cars that failed the most recent tests, she said.

In an earlier series of tests, announced in February, failing marks were given to a Ford Fiesta and Plymouth Champ, two foreign-made minicompacts, and the VW Rabbit hardtop. A Mercury Bobcat and Toyota Celica 2-door liftback also failed.

A Plymouth Horizon, Dodge Omni, Ford Mustang, Mercury Capri, Ford Pinto, Chevrolet Citation, Pontiac Phoenix, Olds Omega, and Buick Skylark passed.

Claybrook said that the anticipated extensive redesign of automobiles for the American market between now and 1985 presents and excellent opportunity to build safer small cars.

The Transportation Department's research vehicle, for instance, has "passed" a test crash at 49.8 miles per hour, she said, and its features could be adopted in production automobiles.

The 1980 model year cars are not required to pass the 35 mph test. The agency ran the cars into the wall to dramatize its concern about small car safety, and show consumers the difference between various models, Claybrook said.

"I would certainly want to buy one that passed," she said.

The crash test will not be in force until the 1982 model year.●

TRIBUTE TO HON. HAROLD RUNNELS

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. NATCHER. Mr. Speaker, our colleague Harold Runnels served in the House of Representatives with distinction and honor. He established an outstanding record as a member of the Committees on Armed Services and Interior and Insular Affairs. He was an able legislator and an energetic advocate of his people. Every Member in the House of Representatives liked Harold Runnels, and his hard work and conscientious representation was appreciated by his constituents. With the highest level of ability and integrity, he zealously defended the ideas and principles he believed in and upon which this Nation was built. He had a mind that never flagged, and he was known for his charm, wit, compassion, and honor. He gave of himself fully and unselfishly, and he was a kind, considerate, and courageous man.

Mr. Speaker, Harold Runnels will be missed by the people of the State of New Mexico and by all of us in the House of Representatives. I would like to convey to the members of his family my sincere expression of sympathy.●

TAX REDUCTION ACT OF 1980

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. FISHER. Mr. Speaker, sooner or later a major tax cut bill will be considered and passed by the Congress. What is less certain at this point is what exact shape this tax bill will take. After listening to many days of testimony before the House Ways and Means Committee, I have developed a proposal for what I believe should be the major elements of such a bill, and I have embodied them in the Tax Reduction Act of 1980, which I have introduced today.

A tax cut effective January 1, 1981, will be timely for several reasons. For many people, wage and salary increases in response to inflation have pushed them into significantly higher tax brackets without substantially increasing their standard of living. This is the phenomenon known as bracket creep. Higher social security taxes have further eroded incomes and there will be large additional tax increases in the coming year. Some long festering tax inequities are adding to the growing cynicism about the tax code, and some further steps should be taken to encourage individuals to save for the future. Finally, the economy will likely still be in a recession, and a tax cut could have a beneficial countercyclical effect. A minor inflationary impact would have to be accepted in exchange for a major antirecession employment and investment effect.

Adding to the timeliness of such a tax cut, our Nation's current poor record of productivity growth demonstrates the need for a change in the tax policy affecting investment by business. We must modernize our industrial and commercial plant, and a modification of current tax laws to stimulate investment can assist in restoring productivity. Improving our productivity is an essential element in a comprehensive battle against inflation; it is the only satisfactory long-term way to win that battle.

The Tax Reduction Act of 1980 is designed to address these concerns in a responsible and efficient manner. I believe that we should be no less scrupulous in drafting legislation which will lose revenue than we are in drafting bills which spend money in the form of outlays. Both kinds of bills have budgetary implications, and both can result in waste if the legislation fails to address adequately the problems which gave rise to the congressional action in the first place.

I believe that the provisions of the Tax Reduction Act of 1980 represent a balanced approach to the issue. As in all major tax cut legislation, there will be cuts for individuals and for businesses. In the first few years, these cuts will be weighted on the individual side, but in subsequent years the business cuts will grow as a percentage of the overall cut. The bill offers relief to the young and to the old, to the large corporations and to small business. It benefits individuals covered by social security, by pension plans, and by individual retirement accounts. It seeks to lessen the discrepancy in the tax treatment for married couples as compared to singles and to put nonitemizers on a par with itemizers with respect to the charitable contribution deduction.

First, my proposal contains an adjustment in the formula of the tax credit for the elderly to ease the tax bite on pension and other income subject to taxes. It would help to soften the tax burden on a group whose fixed incomes are particularly hard hit by inflation. For single individuals over age 65, the maximum credit would be increased from $375 to $450. The maximum credit for a married couple in which at least one spouse is over age 65 would be increased from $562 to $650. This section would result in a revenue loss of about $300 million.

Second, the interest and dividend income exclusion which will be $200 for individuals and $400 for married couples starting in 1981 under current law would be increased by my proposal to $300 for singles and $600 for married couples. This is designed to encourage investment by individuals and in this way stimulate the economy immediately and over the long run. This provision would have a total revenue impact of approximately $1 billion.

Third, there is a deduction of 10 percent of the lower earning spouse's income with a maximum deduction of $1,000 as a way of relieving what has been referred to as the marriage penalty tax. While I would like to do away with the penalty entirely and immediately because of its obvious unfairness and deleterious effect on the family, such a change would have a revenue effect of about $9 billion. This would be difficult to accommodate from a budgetary standpoint, and for that reason I have opted for this incremental approach involving the maximum of $1,000 deduction, which would have a revenue impact of about $3.2 billion. My goal is, however, to eventually do away with the marriage penalty tax entirely.

Fourth, individuals who make charitable contributions but who do not itemize their deductions would be allowed to receive a deduction for those contributions. This would lend significant support to the charitable, independent sector and recognize the voluntary contribution of millions of moderate- and low-income persons to the churches, hospitals, private social welfare organizations, and educational institutions. At the present time, only itemizers can take these deductions, and this requirement has the effect of disqualifying approximately 60 percent of the taxpayers who elect to take the standard deduction. This tax change would have a revenue impact of around $3.6 billion while adding considerably more in contributions to charitable organizations.

Fifth, a credit would be available for 10 percent of an individual's contributions to social security or a pension plan, with a maximum credit of $200. This would recognize and seek to offset to a degree the increases which have occurred in the social security tax recently and would provide an incentive for individuals to support their pension plans. This credit which would be available to employers and employees, would have a revenue impact of about $13 billion.

Sixth, eligibility for participation in individual retirement accounts (IRA) would be expanded so that participation in a pension plan would not disqualify an individual from setting up an IRA. The maximum deduction for a working individual would be increased to $2,000 from the current $1,500. A married couple in which only one spouse is working would have the limit increased to $2,500 from the current limit of $1,750. This would encourage savings and provide individuals with greater flexibility in planning for retirement. It would be particularly helpful to individuals who work at jobs in which there is a high degree of job mobility, which often makes it impossible to receive benefits under the employer's pension plans. The revenue impact of this provision is about $1 billion.

Seventh, the laws governing depreciation of capital assets would be greatly simplified and would provide for a more rapid cost recovery. Vehicles used in a business could be depreciated over 3 years, equipment over 5 years, rental housing over 10 years and other structures over 15 years. While the tax law on depreciation is not the only factor which influences business investment decision, it is an important consideration. This new investment would help to improve our Nation's productivity and have a beneficial impact on the battle against inflation. The revenue effect of this feature of the bill in the first year is about $2 billion, but it will increase substantially in the later years when, it is hoped, inflation will have been brought under control.

Eighth, a change is made in the corporate tax rate, with particular emphasis on small business. After a transitional period, the rate structure would be lowered to 15 percent on the first $50,000 of income, 30 percent on the amount between $50,000 and $100,000 of income and 45 percent on the amount over $100,000 of income. This will give the greatest benefits to smaller corporations in recognition of the fact that the change in the laws governing depreciation will primarily benefit larger businesses. When this change in the rates is considered along with the social security offset, which I have discussed earlier, it is evident that this bill will offer substantial relief to small businesses. The revenue impact of this provision is about $2 billion.

Ninth, current law would be changed so that research and development expenses would qualify for a 10-percent credit if amortized over 5 years or a 5-percent credit if written off immediately. Again, this provision is designed to encourage the kind of investment which will improve our Nation's productivity. The revenue effect of this section is about $400 million.

Tenth and last, a study is authorized which will examine the impact of Federal, State and local taxes on the economy. I believe that this could provide useful information for analyzing various tax proposals, both from a standpoint of tax policy and broader economic considerations.

Certainly, other worthy tax proposals, such as property tax deductions for renters and changes in the law governing the disability pay exclusion, should be considered at the time any major tax cut is debated. What I have set forth here are the core proposals which I believe should be included in any major tax cut bill. The estimated overall revenue impact of $26.5 billion is well within the range of the concensus which is forming on the total size of the tax cut bill. I welcome my colleagues support for the Tax Reduction Act of 1980.●

CHEMICALS QUESTION

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. PREYER. Mr. Speaker, it is my privilege to call to your attention a response to the Washington Post editorial of June 30 on the "Chemicals Question" and the primitive state of our knowledge on toxicology. This response comes from a very able young man who serves on the staff of the Subcommittee on Consumer Protection and Finance, House Interstate and Foreign Commerce Committee. Jonah Shacknai's comments are worth noting and I call them to your attention:

[From the Washington Post, July 26, 1980]

THE CHEMICALS QUESTION

The Post's June 30 editorial "The Chemicals Question" would have us believe that toxicology, the study of poisons and their effects on the environment, is such a primitive discipline that it leaves us devoid of any meaningful knowledge of the dangers associated with chemical wastes. On the contrary, the dangers of toxic substances are all too well known, to Love Canal residents and to thousands of others who have suffered the debilitating effects of PCBs, DDT, dioxin and other highly dangerous yet common chemical compounds.

Study after study has persuasively demonstrated the grave risks of careless disposal of these chemicals. Responding to these studies, Congress has enacted two landmark statutes, the Toxic Substances Control Act and the Resource Conservation and Recovery Act.

Currently, another legislative initiative awaits action by the House and Senate, the Superfund proposal. The two versions of Superfund pending in the House would together create a fund to clean up dangerous disposal sites and to compensate victims of toxic substance exposure for health and economic losses. The fund would be financed with both private and public dollars, with the chemical industry making the greatest contribution.

The unique problem of toxic substances lawsuits is the difficulty of demonstrating even the 51 percent probability standard that a cancer, miscarriage or nervous disorder resulted from a chemical exposure a decade or two earlier. The difficulty of proof brought on by the latency period between contact and illness is compounded by the medical phenomenon of synergism, the effect of toxins working in concert with other bodily or environmental factors to cause illnesses. It is hard to conceive of a more difficult task than tracing toxic substance exposure and other events over the period of a lifetime and reaching legally certain conclusions, let alone scientifically certain ones. Yet, as we wait to resolve these conflicting standards and the problems associated with them, there are thousands of suffering Americans, in the Love Canal and other chemically blighted areas, who are surely deserving of help. For those individuals, our legal system, through legislative leadership, will have to develop a new rule of liability—one that will be sensitive to the needs of victims of toxic waste poisoning, and one that will also deal fairly with those chemical companies that have acted responsibly in their disposal practices.●

PERSONAL EXPLANATION

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Ms. HOLTZMAN. Mr. Speaker, I was unable to be present for some rollcall votes on May 22 and June 10. Had I been present, I would have voted as follows:

On May 22: rollcall 255, no.

On June 10: rollcall 304, yes; rollcall 306, no; and rollcall 307, no.●

THE POLITICS OF CANCER—PART I

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. McDONALD. Mr. Speaker, there is hardly a family in the United States that has not had an immediate member or a relative come down with cancer in some form. Over the years, the outcry to find a cure for cancer has grown and Government response has been to pour money on the problem. Billions have been spent, but no cure has been found. The present conventional thinking feels that cancer is something from without the body and that it can be destroyed by surgery, radiation, or chemotherapy. These are all radical and painful routes to say the least, as well as expensive. Another school of thought holds that the potential for cancer is present in all of us and that what we eat and how we take care of ourselves as well as how our body's immune system is working accounts for the wild growth of cells in our body called cancer.

Dr. Lawrence Burton has been working on the theory of battling cancer with the body's own immune system for more than a decade. Over the years, he constantly improved his methods to the point where it can almost be reduced to a mathematical formula and thereby he is now able to scientifically add just the correct amount to the body's immune system to enable the body to battle cancer naturally and destroy the wild cells as the body would attempt to do with any infection or foreign matter. In spite of the fact that several medical researchers have embarked on work concerning the immuno theory of fighting cancer, the establishment people working on cancer have attempted to belittle and conceal the work of Dr. Burton. Penthouse, an unlikely source, surfaced his work in their July 1980 issue and I commend it to the attention of my colleagues who hope for a cure for cancer. I am placing part I of this article in the CONGRESSIONAL RECORD at this time. I also wish to call to their attention H.R. 7936, which I introduced Monday, which would assist in bringing Dr. Burton back to the United States from the Bahamas and enable him to treat cancer patients throughout the United States and get his work a fair evaluation. Your cosponsorship is invited. For further information see my "Extension of Remarks" on page E5467 of September 9, 1977.

The article follows:

THE POLITICS OF CANCER—SUPPRESSION OF NEW CANCER THERAPIES: DR. LAWRENCE BURTON

(By Gary Null and Leonard Steinman with special assistance by Terry Leder and Kalev Pehme)

Early this spring the American Cancer Society decided to share some unusually somber news with the rest of the world. Most of the tests it had glowingly recommended for the early detection of cancer were not working as expected—and a few were not doing any good at all. Independent cancer specialists had found glaring inconsistencies when they evaluated the risks and costs of the tests against the alleged benefits. Hospitals and labs, it seems, were taking in enormous profits from millions of tests that were done unnecessarily on the basis of questionable ACS guidelines. Even more damaging evidence pointed to potential hazards from certain tests themselves. Thousands of women face the ugly prospect of getting breast cancer from a supposedly harmless test that they were led to believe would detect a mammary-gland malignancy before it turned into a palpable lump.

On the first day of spring, in a carefully worded news release issued from its national headquarters in New York City, the ACS admitted that it was scrapping all of its recommendations for tests to detect lung cancer and that it had made drastic changes in the guidelines it had once adamantly defended for detecting uterine, breast, and colon-rectal cancer. What had until that moment been sold to the public as a reliable early-detection system for cancer was revealed to be riddled with defects. It was an unprecedented admission of failure and, in the view of many cancer specialists, long overdue.

ACS's belated confession of having misled us for so many years would seem to put us back at square one. Except for the work of Dr. Lawrence Burton. Burton is an experimental scientist whose work has long been ridiculed and proscribed by the ACS on behalf of the cancer establishment. But his work now may provide us with one of the most accurate diagnostic tests ever discovered—for early detection of all forms of cancer as well as for monitoring the progress or ineffectuality of treatment, whatever its form or content.

Burton's work has been virtually driven from public view under the heavy, smiting hand of the cancer establishment, which is antagonistic to anything that might threaten its own conventional and expensive method of cancer treatment.

Burton's test is the result of a series of scientific discoveries made by him and his colleagues in the course of their experimental work during the sixties. This work showed that certain factors present in the blood are essential for the efficient functioning and cancer-destroying capabilities of the body's natural immunological system. When these factors are depleted or not in proper quantitative balance with each other, the body's own cancer-destroying capability is weakened. The result: proliferation of cannibalistic colonies of cancer cells that eventually overwhelm and destroy the body's immune-defense system. Burton and his colleagues showed how, by augmenting the depleted blood factors and restoring their balance, the body's immune-defense system can gradually be restored to annihilate the cancer colonies.

The vendetta against Dr. Burton is an example of how the cancer establishment employs its formidable power—to the detriment of all cancer victims—against legitimate scientific cancer researchers who will not knuckle under to ironfisted, monolithic control over the cancer field wielded by powerful vested interests. Because the establishment's leaders and hirelings have a stranglehold on most of the government and private research funding in the United States, they have incredible leverage not only to promote their own economic interests but also to minimize innovations and discoveries not of their own sponsorship.

In effect, scientists and doctors who do not conform to the cancer establishment's fire-worshipping ways of treatment, their thinking, and their use of prescribed methods face professional tarring and feathering and eventual consignment to professional oblivion by both government superagencies that fund and regulate cancer research and the nongovernmental cancer institutions.

IN THE BLOOD

In 1977 Dr. Lawrence Burton, a bearded, pipe-smoking Ph.D., moved his operations from Great Neck, N.Y., to Freeport in the Grand Bahamas in an effort to flee what he had come to regard as a concerted campaign to destroy his work and malign his character and scientific abilities. In the previous ten years, Burton had attempted to gain recognition for his discoveries from such major institutions as the National Cancer Institute (NCI), the American Cancer Society (ACS), the Food and Drug Administration (FDA), the Damon Runyon Memorial Fund, and Memorial Sloan-Kettering. These constitute the Pentagon of the cancer establishment in the United States. He also attempted to publish his findings in prominent journals and to gain access to the scientific community. However, he consistently found no support and, in fact, encountered open hostility from them.

Beginning in the early sixties, in association with several colleagues, Burton discovered a treatment that could shrink mouse tumors before one's eyes, often in the space of an hour. From the time of these first experiments on mice until his self-imposed exile, he developed, and continues to experiment with, a therapy based on four protein components found in the blood: (1) a tumor antibody capable of destroying certain kinds of cancer cells; (2) a tumor complement, needed to activate the tumor antibody; (3) a "blocking" protein, a substance that inhibits the tumor antibody; and (4) a "deblocking" protein, which keeps the blocking protein neutralized so that the attack of the antibody and complement on tumor cells may be facilitated.

These four blood fractions isolated by Burton are believed to be an essential part of the basic immune system operative against cancer in the body. Theoretically, when these elements are in balance, the cancer cells that normally reside in everyone's body are routinely destroyed by the combination of antibody and complement. If the blocking protein is in greater force than the antibody, then cancer cells are able to proliferable in the body. However, if the deblocking protein is adequately balanced against the blocking protein, then neutralization of blocking protein enables the tumor antibody and complement to annihilate cancer cells.

By daily injecting predetermined amounts of antibody, complement, and deblocking protein into cancer patients to achieve an augmented immunological response, Dr. Burton has been able to bring about remissions in various types of cancer tumors, sometimes even in the terminally ill. This "immuno-augmentative" process is nontoxic, because it uses the body's own mechanisms to fight cancer. He also has used his fourfold theory to develop a cancer test, a way to tell whether a patient has cancer or is likely to develop it. This test can be performed by examining a blood sample.

If Burton's theory and therapy are correct, the implications of his discoveries could have a sweeping effect on how we view cancer genesis and treatment. One of the major implications of Burton's work is that the body has its own means of warding off cancer. Some patients' immune systems, pathologically weakened by a quantitative lack of certain fractional blood factors, can be restimulated through Burton's immunoaugmentation so that the body's systems can again become effective in destroying cancer cells.

Burton's discoveries, therefore, could eventually overturn the present methods of treating cancer and render obsolete the deadly triad of radical surgery, chemotherapy, and radiology. Considering that these cornerstone therapies of cancer "treatment" are the economic support of the cancer industry, it is no wonder that the establishment views innovators with savage hostility.

From the establishment of Burton's Freeport clinic in late March 1977 to the end of January 1978, Burton was required to submit a status report to the chief medical officer of the Bahamian government. Burton's report on his IRC showed that in that period 275 patients were treated at the facility 27 of whom were terminal cases. Over a five-month period, 44.5 percent of these patients, including six of the terminal cases, showed containment or regression of their cancer after treatment by Burton's methods; 36.5 percent, including 19 of the terminal cases, did not respond to the Burton treatment. The remainder and their progress could not be evaluated at that time.

OF MICE AND MEN

Burton's work is on the "Unproven Methods of Cancer Management" list kept by the American Cancer Society and distributed to foundations, hospitals, and research facilities to identify "unacceptable" cancer treatments. One of the interesting things our investigation uncovered was that not a single critic of Burton has attempted to test his therapy to see whether it works or not.

Burton's troubles with the establishment did not begin with Great Neck or Freeport. They originated in the early sixties, when he was part of a research team at the Hodgkin's Disease Research Laboratories of St. Vincent's Hospital in New York City. The team, headed by Dr. Antonio Rottino, and advisory board member of the Damon Runyon Memorial Fund, worked on carcinogenesis—attempting to find substances that promote tumor growth. The work was sponsored by major grants from Damon Runyon and the U.S. Public Health Service.

The trouble began after the team accidentally discovered a tumor inhibitor, which reduced or eliminated cancer in a special breed of leukemic mice. Excited by the discovery, the team contacted Dr. Chester Stock, presently vice-president and head of research at Sloan-Kettering, and shared some of their data with that institution. Stock expressed interest, and Sloan-Kettering sent a senior scientist, Dr. John Harris, to work with the St. Vincent's team; it also agreed to replenish the stock of inbred leukemic mice.

The work continued and progress was made, Harris acting as liaison with Sloan-Kettering. Harris' reports to his principal prompted Sloan-Kettering to offer a contract to the team. According to Burton, Rottino looked over the contract provisions and rejected them. For it appeared that the "joint cooperation" offered by Sloan-Kettering was merely a device for giving them all of the credit, while the researchers at St. Vincent's would do all the work. As Burton recalls, "Rottino comes from New York, and he said some very choice words and threw the contracts in the garbage."

"John Harris conveyed our willingness to test their material on a basis where they wouldn't lose any of their rights," remembers Stock. "In fact, we offered them a type of contract, a co-op agreement. . . . We thought we could conduct tests and let them know if we could confirm their results." Stock continues, "I learned later from Dr. Robert Kassel, who came on our staff and who was associated with them at St. Vincent's, that they had not overcome their concern about having us test their materials. Perhaps they were concerned we were going to steal something."

Work progressed well, nonetheless, and the team of Burton, Frank Friedman, Kassel, Rottino, and Harris eventually published some astounding findings in the November 1962 issue of Transactions of the New York Academy of Sciences. The team had found natural substances that were able to cause remissions of better than one in two in leukemic mice, a possible breakthrough.

Two things happened upon the publication of the paper; first, Harris was fired from Sloan-Kettering; second, both the Damon Runyon and U.S. Public Health Service grants were canceled.

According to Burton and Rottino, Harris was fired because, among the article's authors, he, as a member of Sloan Kettering, was listed behind two unknowns, Burton and Friedman. Harris (now dead) explained to Alan Anderson, Jr., in an article in New York magazine, that "in those days . . . S. K. always wanted to come out playing first trumpet, no matter who wrote the tune. When the director sent me down to St. Vincent's, the idea was for me to smuggle back as much information as I could. I didn't go for that and Friedman, Burton, and I published everything that went on. This got disapproval back at the lab."

The termination of the grants also left four Ph.D.'s, two M.D.'s, and a half-dozen technicians without salaries, according to Burton. They reapplied to both the Public Health Service and the Damon Runyon Memorial Fund for resumption of funding. Both funding agencies decided to send a site-visitor to inspect. The important fact to note is that both the Runyon people and the Public Health Service sent the same inspector, Dr. David Karnofsky, chief of chemotherapy at Sloan-Kettering. According to Burton, Karnofsky told the team members: "You didn't do the biopsies ahead of time. We can't be sure that they really were leukemic. And until you can be sure, you can't get the money. And he laughed." Before Karnofsky's second visit, the biopsies were prepared. Still, Karnofsky found a way to reject them. As Burton relates it: And he looks me in the eye, and he looked Friedman and Kassel in the eye, and he said, "Wait a minute, how can we be sure you didn't introduce straphyloccocus, and that's what cured the mice?" So we were damned either way. He said, "Sorry, you can't have the money."

By the end of 1963, Martin Kaplan left the team; the technicians were let go; Kassel left in January 1964; and Burton and Friedman were left. According to Burton, both he and Friedman attempted to reinterest Sloan-Kettering in the work but were coldly turned down by a high-level committee after a year and a half of nonresponse.

A small postscript: Burton's bitterness about this period is monumental. "Now I'll give you the sad thing, and this is what's called, in Yiddish, *chutzpah*. In 1967, I got a call from Dave Karnofsky—voice very agonized. I said, 'Who's this?' He said. 'Dave,' I said, 'What's the matter, Dave?' He said, 'I've got lung cancer; it's in my brain. It doesn't respond to radiation and chemotherapy. Can you help me?' I'm afraid I was not very nice. I said, 'Dave, I didn't have a biopsy, and if I had a biopsy, you could have had a staphylococcus. Maybe you ought to try somebody who can help you.' "

The 15-minute cancer cure in mice.—During 1964 and 1965 Burton and Friedman, with the help of Dr. Rottino, who scraped together subsistence money, continued to work at St. Vincent's. Convinced that they were onto something with their immunological approach, they finally perfected the use of two substances that kill tumors in mice.

In the fall of 1965, the science editor for the American Cancer Society, Patrick McGrady, Sr., was being treated at St. Vincent's for a minor ailment. Knowing Rottino well, McGrady toured the labs and was given a demonstration by Friedman and Burton of how, in about an hour, they could shrink away tumors in special strains of mice. McGrady was stunned: "They injected the mice, and the lumps went down before your eyes—something I never believed possible." McGrady quickly invited both Friedman and Burton to perform the feat again at the American Cancer Society's 1966 Science Writers Seminar in Phoenix, Ariz., held just before the ACS began its fund-raising operations for the year.

McGrady, who subsequently left the Society in disagreement with its policies, introduced the researchers to writers and scientists assembled in Phoenix for the Seminar, and, with the serum they had isolated, Burton and Friedman injected two mice that had mammary cancers. An hour and a half later, the tumors had virtually disappeared. "All of the reporters ran out," Burton remembers. "I said to Friedman, 'Boy, either we got bad breath, or something we did frightened them.' " The next day the conference made headlines throughout the world. On the front page of the Los Angeles Herald-Examiner, the banner headline read: 15-Minute Cancer Cure for Mice: Humans Next?

Instead of welcoming the publicity, the American Cancer Society representatives began to have second thoughts about the Burton-Friedman demonstration. McGrady notes: "It was very hard for the people to believe what they had seen. It had happened." While Burton and Friedman were out sightseeing, several doctors approached McGrady and muttered that the whole thing had to be a fake and fraud. They called the experimenters "quacks, charlatans, and what have you," as Burton notes.

McGrady invited the skeptics, including Sol Spiegelman, the present head of the Oncology Institute at Columbia Presbyterian Hospital, to repeat the experiment with two ampules that Friedman and Burton had left behind. With two newspaper reporters in the room, the five refused to inject the serum into the remaining mice. Had the injection worked again in the hands of others, the reporters would have had an even more sensational story. Even so, the publicity for Burton and Friedman grew. Late in 1966, Dr. Richard P. Mason, ACS's senior vice president of research, visited Burton and Friedman at St. Vincent's. According to Burton, Mason told them, as well as Rottino, that they had made their contribution and that they could receive a grant if they would give their techniques to the NCI and to Sloan-Kettering.

"We figured it was going to be lifetime fellowships—our entire life's work handed over," recalls Burton. Mason, however, offered only a one-year $15,000 grant for the entire team. Burton: "And we were stunned. What is this? Two Ph. D's, an M.D. We have a mouse colony—and you're going to give us one year? But then what happens next? 'Don't worry, when this is repeated, everybody will come knocking on your door.' Big joke. Friedman threw him out."

PUBLISH OR PERISH

Within the medical research world, publishing the results of experiments is more than a way of communicating progress to other scientists and doctors so that they can reproduce the results for themselves; it is also a way to acquire prestige and legitimacy in the profession. For the most part, journals are sponsored by important institutions and have editorial boards comprised of respected professionals in the field. The inability to publish is scientific exile. To publish means position, status, and a way of obtaining grants.

Faced with considerable interest on the part of the press and others but unable to show any scientific papers after the 1963 New York Academy of Sciences debacle, Burton, Rottino, and Friedman made determined efforts to get published. Rottino, for example, attempted to publish findings in extract form for annual conferences of cancer scientists in 1967—and was rejected. Rejection dogged every submission of theirs for the next three years.

The Burton-Friedman-Rottino team had concluded a milestone experiment on a large sample of cancerous mice. The experiment and its results were described in exhaustive detail in a paper entitled "Long-Term-Induced Remissions: Mammary Adeno-Carcinoma in the C3HT Mouse." The paper was submitted directly to the editor of *Cancer Research*, Dr. Michael Shimkin. The experiment proved that there was no foundation to the criticism that the effects of the team's tumor-shrinking serum were illusory or transient or that the tumors grew back after a while, that the mice eventually died of their cancers, or that the serum was only a gimmick. The experiment showed that in most of the cancerous C3HT mice injected with the serum the tumors did not grow back, that the remissions lasted the lifetime of the mouse, and that 23 months elapsed before the last of the mice, cancer-free since the induced remissions, died finally of old age, without a trace of cancer.

According to Burton, independent critical review of scientific papers submitted to journals is done by editorial or advisory-board members who may request the experimenter to incorporate additional data in the paper; if in their opinion, the experiment does not deserve publication, the paper is returned with pro forma thanks. After publication of the paper, anybody is entitled to reproduce the experiment as described. But it is highly unorthodox for any person associated with the journal to attempt to replicate the experiment in advance of publication. When, in violation of this precept, reproduction nevertheless occurs, the violator is suspected of questionable scientific conduct.

Not having heard from the publication for some eight months, the team decided to call the editor. They were stunned by what they learned. According to Burton, the editor told them that he considered their paper of such importance that his laboratories were now trying to repeat their results. Burton says that the editor was asked, "What is to prevent you, as editor, from putting your name on the paper, either saying that you reproduced our work or that we reproduced your work?" To which Shimkin allegedly replied, "You gotta trust me." Unfortunately, the editor had done little to warrant their trust. The paper's return was demanded under threat of a lawsuit, and the editor finally acquiesced. Eventually, the obstacles interposed to publishing became so frustrating for Burton that he decided to forgo it, thus giving up the orthodoxy he had attempted for so long to attain.●

HOUSING ASSISTANCE PLANS

HON. BILL ROYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. ROYER. Mr. Speaker, in my tenure in this 96th Congress, I have found that the too-rigid application by HUD of the consistency requirements with the housing assistance plan, or HAP, has been the greatest cause of the inability of senior citizens in my district to obtain or keep badly needed housing.

In short, HUD is holding senior housing hostage in my district, as a means of enforcing its own narrow interpretation of the requirements of the housing assistance plans in effect in the various communities in the district. There will be no more senior housing in my district unless HUD's interpretation of the housing needs is strictly complied with.

I find this an unconscionable interference with the discretion lawfully imposed in the city councils and board of supervisors of the county. I also feel that this is directly counter to the intent of the Housing and Community Development Act of 1974 which is to provide housing to those who need it most.

In my district, because of escalating housing costs, many seniors are totally unable to find any housing whatsoever. Those that own their houses are finding that the cost of ownership is rising to such an extent that they cannot maintain their homes. For these people, assisted housing is the only answer. They must either find assisted housing or move away. And yet, because of HUD's interpretation of the manner in which the various city councils or the board of supervisors have attempted compliance with their respective HAP plans, they will not get that housing. These seniors will be forced to move. I have received a petition, signed by 115 elderly residents of my district attesting to the facts that I have just stated.

I strongly suggest that HUD review their policy of conditioning grants based on strict compliance with HAP's. My district is only one of many across the Nation that has had or been threatened with cancellation, denial or reduction by HUD based on alleged noncompliance with a HAP. I would urge the agency to exercise maximum flexibility in the application review process to the end that those that are clearly and unmistakenly in need of assisted housing receive that housing.

To deny our senior citizens decent and affordable housing is unacceptable and runs counter to the intent of Congress in passing housing assistance legislation.

I hope that HUD will take my concerns, and those of my colleagues, into consideration when reviewing further applications for community development block grant funds.●

CARTER DEMAGOGUERY

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. DEVINE. Mr. Speaker, Martin Petree, a highly respected radio commentator for Columbus, Ohio's, WMNI and WRMZ, on August 15, 1980, editorialized on President Carter's speech attacking Governor Reagan.

Knowing the President's own miserable record and leadership failures, the Members of Congress should have the benefit of Mr. Petree's views which follow:

WMNI AND WRMZ, NORTH AMERICAN BROADCASTING CO.

President Carter's speech last night inferring that the election of Ronald Reagan as president of the United States would lead to war was truly the rantings of a man who will use any tactic to retain the White House. In short, it was sheer demagoguery.

The record is very clear and Mr. Carter would prefer that you, the voter, not be reminded of that record. In this country, the media, if it is doing its job must point out the record to the voting public. Fact: in this century, the United States has fought four wars . . . two world wars and two so-called police actions. In every one of those, it was a democrat president, not a republican, who was at the head of the government. It was a democrat in charge of the White House and, in most cases, the Congress, during four wars in which thousands of young American men lost their lives.

And it is Mr. Carter who has pushed through a peace-time draft, not the republicans. So, when Mr. Carter speaks of a choice of "war and peace", he should refrain from distorting history. He should, instead, "pin the tail right on the donkey" where it so rightfully belongs.

In trying to pin the warmonger tag on Ronald Reagan or any other candidate, President Carter is practicing sheer deceit, mudslinging and demagoguery. The American, we trust, will not be scared as they were in 1964 when Lyndon Baines Johnson and the liberal establishment, with the near 100-percent cooperation of the media, successfully branded Barry Goldwater a nuclear bomb-tossing maniac. The more than 50-thousand young men who died in the Viet Nam war are mute testimonials to the hypocrisy of that campaign.

War, taxes, and inflation . . . that has been the hallmark of democrat administrations during this century. The just-concluded convention shows Americans the utter, insensitive disregard the liberals have for the working man and woman of this country. How will the democrats cure unemployment, a condition they clearly created? Well, the so-called jobs program calls for spending $12-billion-dollars more of your hard-earned money to put 800-thousand more people on the public dole. And they didn't blink an eyelid when it was proposed. And, they never once mentioned the money will come out of your already emptied pocket.

Mr. Carter should run on his record . . . or lack of same. That record has been miserable and has almost bankrupted our country, bringing us nothing but shame, disgrace, and grief around the world.●

WHAT IF THE "WHAT IF" SYNDROME WERE REVERSED?

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. BOB WILSON. Mr. Speaker, it goes without saying that we have an energy problem in this country. I am sure that all of us at one time or another have spoken to it, both here in this House and in our districts.

A former colleague of ours has also been concerned with our energy needs, and far longer than it has been popular to do so. Craig Hosmer, an acknowledged expert on nuclear matters and the founding president of the American Nuclear Energy Council, has been studying the problem for years.

Craig is one of the country's most knowledgeable individuals in the area of nuclear power. Through his 22 years as a Member of Congress, and through his service on the Joint Committee on Atomic Energy, he was able to help guide our country's nuclear energy policy to the point where today nuclear energy supplies about 12 percent of the Nation's electricity.

In a recent article for the August issue of Seapower magazine, Craig details the history of nuclear power in the United States, and poses a most provocative question as to where we would be had we pressed forward vigorously with enlarging the country's nuclear energy capacity. I highly recommend Craig's essay to my colleagues as a most reasonable commentary on the nuclear energy industry and the bright energy future of our country if we put aside current bugbears and get on with building the capacity to provide cheap, clean electricity.

WHAT IF THE "WHAT IF" SYNDROME WERE REVERSED?

The 1973 OPEC oil embargo against the United States could easily have been avoided.

And if it had been, it is fair to say: (1) Americans would not today be paying $1.30 per gallon gasoline prices; (2) the United States would not be simultaneously afflicted with double-digit inflation, huge balance of payment (BoP) deficits year after year, and the political/economic threat posed by new oil embargoes; (3) the recurring MidEast crises which complicate and confuse U.S. defense and foreign policy would be much more manageable; and (4) the conflicting "guns or butter" claims on the federal budget would be appreciably lessened—the nation could afford both.

Strong statements? Yes, indeed—but provable. Just as it can also be demonstrated that it is still not too late to achieve the same results, and gain—regain, rather—the "energy independence" which has been the key factor in the U.S. foreign and economic policy decisions of the past seven years.

How? Through much greater use of nuclear power as an energy source. That statement, from a long-time advocate of nuclear power, is bound to be viewed with suspicion in some quarters, which means the burden of proof is on the pro-nuclear forces. So, let us begin: first, by tracing the development of nuclear power in the United States, then by examining our present energy problems in general, and the specific role which nuclear power could play in resolving those problems.

The development of civilian nuclear power in America moved swiftly following World War II, but for the past decade it has been dominated more by a pervasive fear of new technology than by the awesome need to free ourselves from dangerous dependence upon imported foreign oil.

History is no stranger to fearful opposition to technological innovation. In the late 1800s a great hysteria developed in the United States over the safety implications of a proposal by the country's then embryonic electric utility industry to substitute alternating current for less satisfactory direct current technology. Even the great Thomas Alva Edison was inexplicably dragged into the foolish debate. In Britain in the 1700s the coming of railroads was slowed by unreasoned public fear that wholesale death and carnage would ensue when trains speeding at 15 miles per hour sucked lifegoing air from lungs of crews and passengers alike.

Today, a similar cascade of ominous fears blocks the progress of nuclear power.

"What if this happens to a reactor and then what if that happens to it and then what if this other thing results?" By traveling down the worst possible branchings of each nuclear "what if" to an ever greater peril a technologically untrained person may soon be overwhelmed by hypothetical potentials for disaster. This brand of phobic thinking about nuclear power is so widespread it even has a catchy name: "The China Syndrome."

"The China Syndrome" starts with: "What if a nuclear reactor goes out of control?" It continues: "What if the core of atomic fuel melts down?" Then: "What if the meltdown burns through the foundations of the containment building into the earth below?" "What if the 'out of control' core continues dropping into the earth below?" "What if all this happens—will the fiery, radioactive core eventually come out in China?"

Seen in black type on a white page, rather than in living color on a cinema screen, "The China Syndrome" seems a little silly. In fact, it started as a preposterous spoof—an "in-joke"—among nuclear scientists at the old Atomic Energy Commission. Nevertheless, through endless media repetition and mindless allusions to "mushroom clouds," America's perception of nuclear power has become skewed. Many people seriously believe that a "China Syndrome" catastrophe, or some similar widescale disaster, will surely follow if the country insists on using nuclear technology to help break the chains that enslave us to OPEC oil.

But the fact is, as too few people yet realize, that America has been safely operating commercial nuclear power stations for nearly a quarter of a century. Today, nuclear power delivers about 12% of the nation's electricity. It does so with greater demonstrated safety and economy than any other energy source, including windmills, geothermal heat, or solar power.

Despite this, and despite the continuing energy crisis that causes hardship at home and engages us in grievous misadventures abroad, only 13 new U.S. nuclear power stations have been ordered in the United States since 1974. In the same time frame, 49 previous orders were cancelled, resulting in a net loss of 36 new major power stations. Domestically fueled energy facilities such as these could easily replace 360 million barrels of imported oil annually. They would spare us the inflationary loss of at least $12 billion annually—at this year's oil prices—in foreign exchange outflow.

Yet the anti-nuclear drumfire persists and our official "last resort" nuclear policy continues. Possibly the irony of nuclear energy self denial can best be grasped by reversing The China Syndrome's "what if?" litany.

What if, in other words, we had proceeded down the nuclear road and, at each of its branchings, turned pro-nuclear instead of anti-nuclear?

A WARNING HEEDED

As a matter of fact, that is the way it was in the earlier years of the nuclear era. Albert Einstein's 1939 warning that Hitler was sending Nazi scientists on the trail of nuclear bombs was heeded promptly by President Franklin D. Roosevelt. The Manhattan Engineering District was created to organize and push forward the Allied nuclear effort. A splendid team of brilliant scientists and engineers was assembled. Their success is legend. Only two nuclear explosions were needed to persuade the Japanese to surrender in 1945 and spare up to three million souls on both sides that, say defense analysts, would have been lost in battles to seize Japan's main islands.

Nuclear fortune branched providently again after V-J Day when the nuclear effort was not disbanded. Rather, the nation saw fit to keep up its guard, and also to pour money into peacetime applications of the technology. An early civilian effort looked at the feasibility of generating electricity by nuclear processes using uranium and plutonium as fuel.

The U.S. Navy was intrigued with the power aspects of nuclear technology from the beginning. Even before we entered World War II, Ross Gunn, a Naval Research Laboratory technical advisor, in 1940 was allocated $1500 "to study the idea of nuclear-powered submarines." He concluded that it might be more practical—and be accomplished more quickly—to develop nuclear propulsion for submarines than to make atomic bombs.

As early as March 1946 Philip Abelson, a Navy physicist who shared Gunn's early vision of nuclear propulsion, formally proposed the building of a nuclear submarine. In the same year a Navy team of five officers and three civilian physicists and engineers was dispatched to the Manhattan Engineering District's Oak Ridge (Tenn.) facility to start learning the fundamentals of nuclear technology.

This proved to be a key event. One of the officers, Captain Hyman G. Rickover, USN, took charge by sheer force of personality. Over-age in grade and seemingly destined for early retirement, Rickover nevertheless worked tirelessly to master details of the new science. He insisted on relating the abstractions of nuclear physics and chemistry to the specific, practical engineering problems of putting together a nuclear propulsion engine.

The submarine reactor project was formally established in April 1948 with selection of Westinghouse as the Navy's prime contractor to develop a pressurized water power reactor. So that all its nuclear submarine eggs would not be in one basket, the Navy later awarded a prime contract to the General Electric Company for a submarine reactor cooled by liquid metal—in this case, a sodium-potassium (NaK) alloy that is liquid at room temperature.

To build a propulsion unit small enough to squeeze into the confines of a submarine, Rickover reasoned, its nuclear core would have to consist of the same highly enriched uranium used to make atomic bombs. The energy forces he sought to control and release in finely measured amounts through a ship's propeller were the same forces that, uncontrolled, could smash a city. He thoroughly respected them. The new engines he was creating would leave nothing to chance. The men he would train to operate them would be so superbly selected and indoctrinated that the interface of man and machine would be, from the beginning, as close to perfection as possible and remain so.

Rickover executed his responsibility to develop naval nuclear propulsion with such distinction that during the past quarter of a century the Navy has safely and reliably operated over 160 reactors on and below the ocean's seas under every conceivable steaming condition. The Navy record of more than 1,900 casualty-free reactor-years of operation irrefutably establishes that nuclear power can be safely harnessed and supplied "on time and within budget."

The USS Nautilus got underway on nuclear power on 17 January 1955, only 17 days tardy of Rickover's target date set seven years earlier in 1948. So confident was he of the ultimate success of his submarine reactors that years earlier he began planning for nuclear reactors to power naval surface vessels, too. In July 1952 he quietly modified the Westinghouse contract to include designs for a large pressurized water reactor to drive the Navy's cruisers and aircraft carriers of the future. Obviously, power reactors of that size would be logical candidates to scale up in output for use on land at large electricity generating stations.

Others were dreaming of power reactors, too. The design of a breeder reactor was begun in late 1945 by Dr. Walter Zinn, an associate of Enrico Fermi—who began the nuclear age by building the atomic pile that went critical on 2 December 1942 beneath a football stand on Stagg Field at the University of Chicago. Zinn's idea was to "breed" a new nuclear fuel, plutonium, during the process of making electricity with uranium fuel. The breeder process advocated by Zinn converts atoms of uranium not suitable for nuclear fuel into plutonium atoms that are suitable and multiplies the amount of recoverable energy by 60 times.

Many bright minds were suggesting other kinds of reactors—some cooled by water, gas, or liquid metals, others with cores of uranium or plutonium in metallic or oxide forms or even in liquid and gas solutions.

CIVILIAN USES OF NUCLEAR POWER

By 1949 the Atomic Energy Commission, civilian successor to the Manhattan District, authorized Zinn to go ahead with an experimental breeder reactor cooled by liquid sodium. Experimental Breeder Reactor-1 was quickly built. On 20 December 1951—just nine years and 18 days after Fermi's historic 1942 Stagg Field experiment—steam from EBR-1 turned a 100 kilowatt turbine to generate the first electricity in kilowatt quantities ever fed to a utility system.

Nuclear enthusiasm edged man toward a new age of energy sufficiency in the 1950s and 1960s. By early 1952 the first worldwide inventory of nuclear reactors showed 33 already having been operated, in operation, or under construction in Canada, England, France, Norway, the Soviet Union, and the United States. More were planned in a dozen other countries. Some were designed to produce plutonium for weapons, but most were developed for peaceful purposes, including scientific research or civilian isotope production. About one-third were built as prototypes for future civilian nuclear power stations.

In 1953 the AEC conceived a five-year, five-reactor demonstration program to prepare private industry to use nuclear power. Congress cooperated by amending the Atomic Energy Act in 1954 to end Federal monopoly of the non-military atom and authorized $199 million to fund the demonstration program. The program included the following reactors:

PWR: The scaled-up Rickover pressurized water reactor. Built at Shippingport, Pa. Output: 60 megawatts (60,000 kilowatts).

SRE: Sodium reactor experiment. Built near Los Angeles. Output: 5.7 megawatts.

HRE-2: A scale-up of the Oak Ridge homogeneous reactor experiment utilizing as fuel an aqueous solution of uranium salt. Output: 300 kilowatts.

EBR-2: A scale-up of Zinn's Experimental Breeder Reactor-1 to include an integral fuel reprocessing plant. Output: 16.5 megawatts.

EBWR: Experimental Boiling Water Reactor—an unpressurized water reactor in which coolant water is allowed to become steam. Output: 4 megawatts.

Water reactors emerged from the demonstration program as the type preferred by the pioneering U.S. utility industry. Whether pressurized or boiling, they were simple in concept and industry had gained wide experience with them from the Navy's programs.

It is important to note that shifting from the confines of tiny submarine hulls meant there was no longer a need (to keep reactor size to a minimum) to use highly-enriched fissionable uranium as the nuclear fuel. On land, the size of the reactor itself can be expanded—and as it grows the need for enrichment shrinks. Today's commercial power reactors are enriched no more than 3-4 percent; thus, the risk of an "accidental" nuclear explosion is zero. (Uranium must be enriched to a very high percentage before a nuclear explosion is possible.)

A NEW NUCLEAR SCENARIO

The AEC's Demonstration Program succeeded in whetting electric utility interest. By 1963 three large nuclear power stations—Yankee Rowe in Massachusetts, Dresden I near Chicago, and Indian Point I in New York, ranging in size from 175 MWe and 265 MWe—had cumulatively logged several years of safe and realistic operating experience.

In that same year, 1963, Jersey Central Power & Light made the sensational announcement that, on strictly economic grounds, it had chosen nuclear power over coal for its new Oyster Creek 650 MWe central generating station. The company published a detailed analysis demonstrating that nuclear power would give its customers their lowest cost kilowatts. The convincing studies leading to that decision, published in detail, encouraged other utilities to follow suit. Nuclear orders began coming in.

The lead time in the 1960s required to build a large nuclear generating station was modest—roughly six years. By 1973, just 10 years after the Oyster Creek announcement, 42 large nuclear power stations were on line, generating 4.5 percent of the nation's electricity. Another 157 plants were then under construction or on order by American utilities. Individual plant capacities were extending up into the 1000 MWe range and their full cost was under $500 million—less than one-half of today's price tag.

Born of wartime urgency, developed for postwar naval needs, and commercialized in a time of rapid economic growth, nuclear power had by 1973 come a long way in a short time. It did so because it was a bargain. Conventional generating plants of similar size might cost a little less to build, but their fuel costs ran higher. For that reason, nuclear kilowatts undercut the costs of kilowatts generated from coal or oil.

Consider, however: "What if" nuclear power in the early years had moved ahead even faster? After all, this was the same bold, technology-minded generation of Americans that had conceived the idea of putting a man on the moon—and got him there. "What if" in 1963 American utilities had moved to nuclear power much more quickly—as they could have—and 20 years of growth had been telescoped into 10 years? In that case, all the nuclear generating capacity planned to be in existence in 1983 would have been on line and generating electricity in 1973—the year when OPEC's oil embargo dramatically shattered America's energy complacency.

In 1973 some 560 million barrels of oil, costing over $2 billion, were burned by utilities to generate electricity. Had an escalated nuclear power program been picking up the load instead, OPEC oil imports could have been cut by three-fourths. A heavy outflow of foreign exchange thus would have been avoided. More important, U.S. dependence on OPEC would have been reduced to a mere inconvenience. An OPEC embargo of the drastically reduced quantity of U.S. petroleum imports would have been easily offset by increased conservation and higher production of domestic energy. As a result, there would have been no OPEC oil crisis of 1973, no crisis from the natural gas shortage of 1977, none from the coal strike of 1978, and none from the curtailment of Iranian oil in 1979. And there would have been none of the heavy consequences to U.S. military, political, diplomatic, and economic interests around the world that resulted from those crises.

To the contrary, had nuclear development been hastened, the momentum achieved by 1973 would have carried forward—past nuclear "last resortism" and the rash of reactor cancellations that subsequently occurred—and on to energy independence. Today, coal and nuclear power might be working hand-in-hand to satisfy new load growth with domestic fuel, retaining that independence and lightening the twin burdens of recession and inflation that now weigh upon us.

In the left column of the accompanying table are shown the percentages of various fuels used in 1973 to generate the 1,965 billion kilowatt hours of electricity consumed that year. The figures are from the Statistical Abstract of the United States (1980). Oil accounted for 16.8% of the total; nuclear power generated 4.5%. In the column at right are estimates, based on statistics compiled by the Atomic Industrial Forum, of the alternate way electricity might have been generated in that OPEC crisis year if nuclear development had, in fact, been accelerated. The nuclear power alternative could have supplied 21.5% of the power load that year, supplanting every drop of oil actually burned by utilities, and even reducing slightly the nation's use of natural gas.

SOURCE OF ELECTRICITY GENERATED IN THE UNITED STATES—1973 (1,965 BILLION KILOWATT HOURS)

[In percent]

	Actual	Accelerated
Coal	45.8	45.8
Nuclear	4.5	21.5
Oil [1]	16.8	0
Gas	18.3	17.9
Hydro	14.8	14.8
	100.0	100.0

[1] 560 million barrels burned.

TOWARD A BETTER BALANCED ENERGY PROGRAM

Statistics such as these serve to sharply define our energy problem. It is simply that we depend too heavily upon petroleum. We must import almost one half our needs and are at the mercy of other countries for both its supply and its price.

Conservation is obviously part of the answer to the U.S. energy problem. The rest of the answer is to increase the production of domestically available and technologically usable fuels—coal and uranium, in other words—and use them to manufacture convenient substitutes for imported petroleum.

Any substitute for petroleum, obviously, should be—as petroleum is—storable, transportable, and readily usable by vehicles and aircraft. The objectives of the administration's $10 billion program to shift utilities from oil to coal and its $20 billion program to create a synthetic fuel industry are in that direction.

The United States has coal reserves sufficient for such purposes for 1,000 years or more. Yet there is criticism that the administration's program is unbalanced in that it relies almost exclusively upon one fuel source: coal. Environmentalists fear scarring the earth from mining it and blighting the surface with fly ash from burning it. They also point to airborne pollutants that cause "acid rain" and threaten a "greenhouse effect" that may raise the earth's temperature and upset the global climate.

A better balanced energy program, they say, would reject the prevailing "last resort" nuclear philosophy and bring nuclear power out from under a cloud of technological fear. The resulting availability of massive amounts of cleanly produced energy could fit neatly with opportunities promised by many complementary technological developments such as the following:

(a) Long-life, high-power, reduced-weight electric batteries to power electric automobiles planned to be marketed, in 1984, by General Motors and others. This development offers a potential to replace with electricity up to one-half of the petroleum used for transportation purposes.

(2) A commercialization of the hydrogen economy that will introduce this clean, highly efficient fuel form to power vehicles and aircraft. Hydrogen also could improve steelmaking and other industrial and chemical processes. Very high temperature reactors exist that are adaptable for producing hydrogen from water in commercial quantities while conserving "waste" heat for other productive purposes.

(3) Off-peak energy storage systems such as water tanks and ceramic brick heat storage units charged by running coal and nuclear power plants at full capacity during times of slack demand, then drawing on the btu's during demand peaks for space heating or cooling. Estimates developed by the Electric Power Research Institute indicate that oil and gas burned in turbines to generate peak load demands could be cut 15 percent this way.

None of the preceding is intended to indicate that the U.S. nuclear power industry is not without problems. There are problems (some of them very large) both real and potential—the storage of nuclear waste, for example. Nuclear proliferation is another major concern. There also is a real, and recognized, need to develop even safer equipment and operating standards—in an industry already demonstrably the safest in the world in any field of endeavor.

The point is: No responsible official in the nuclear industry pretends that such problems do not exist. They do exist. But they are not insurmountable, by any means, and concerned, dedicated scientists and technicians are working on them all the time, to make them more manageable. In any case, the potential (and extremely well publicized) problems associated with nuclear power are, by any reasonable measure, minuscule compared to the very real problems—economic, environmental, military, and political—which have developed over the past decade, and which today threaten to bankrupt the country, as a result of not having enough nuclear power. That fact, it is submitted, has been not nearly so well publicized.

The use of energy to maintain freedom and avoid drudgery and backbreaking toil is a major component of the existing quality of American life. Our flirtation during recent years with the notion of a finely regulated, post-industrial America that exists pristinely on minimal consumption of energy and resources could be will-o'-the-wispish. When and if energy self-denial is abandoned and more traditional tenets of economic growth restored to favor, the energy and technological resources of the United States will be ample to assure freedom, independence, and the quality of American life.●

A COMMENDABLE PROGRAM

HON. RAPHAEL MUSTO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. MUSTO. Mr. Speaker, I am pleased to bring to my colleagues' attention a program of the Commmonwealth of Pennsylvania that is about to begin its 10th year of successful operation. It is the Pennsylvania higher education equal opportunity program, known as the act 101 program, which serves disadvantaged people of the Commonwealth.

Enacted in August of 1971, the act is designed to provide funds to institutions of higher education in the Commonwealth for the purpose of offering programs to enhance the chances of disadvantaged students to achieve their educational goals. The legislation was initiated by State Representative K. Leory Irvis.

The act 101 program offers support services such as counseling, tutoring, and survival skills for students, male and female, young and old, on the campuses of 70 institutions of higher education throughout the Commonwealth. The institutions are public and private, 2 year and 4 year, urban and rural.

There are 9,500 students currently enrolled in act 101 programs, 90.2 percent of which have a family income below $10,000; 56 percent of the students are black and 52 percent are female.

The success of the Pennsylvania act 101 program is due largely to the leadership of Mr. Conrad Jones, director of the bureau of equal educational opportunity, whose vision and administrative ability have resulted in a comprehensive, well-run program that is second to none.●

SHAME AND SHAM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. DERWINSKI. Mr. Speaker, there was much controversy in this country over whether we should participate in the Olympic games, in view of the extreme tension triggered by the invasion of Afghanistan. However, I was especially proud that we stuck to our decision to protest the Soviet aggression by boycotting the Olympics. Not only did the Soviets spend millions to propagandize the games, but they were careful to keep tourists and others attending the games from contact with the ordinary Soviet citizen.

With the U.S. boycott as well as the support that we gained from other countries with outstanding athletes, we denied the Soviets the great propaganda show they had envisioned as Olympic host. Therefore, I wish to commend the Sun Newspapers of La Grange, Ill., for the very pertinent editorial in their July 30 edition, and would like to close my remarks by inserting it at this point:

SHAME AND SHAM

As the Moscow Summer Olympic Games unfolded last week, thoughts of shame and sham came to mind.

The shame, of course, lies in the fact that hundreds of athletes from the U.S. and other boycotting countries aren't able to realize the fruits of years of dedicated training in Olympic competition.

The sham comes through in media reports of the traditional shaky rulings of communist-bloc judges in such events as gymnastics and diving and the painstaking efforts of the Soviets to keep putting on that happy, everything is beautiful, face.

Afghanistan or no Afghanistan, the spirit of the Olympics has long been violated by their use as a pompous, nationalistic propaganda tool by many countries, probably even our own on occasion. The violation of competitor's integrity by using them as political pawns has many sizes, shapes and forms.

Let's hope the boycott is costing the Russians in terms of cold, hard dollars from tourists, and in making the people of that country begin to wonder aloud where all the Americans and those who stood behind them are and why they stayed away.

Perhaps this Soviet circus is better left unattended for reasons even beyond the legitimate protest of unprovoked military aggression. It indeed is a sham, and that is a shame.●

DEMOCRATIC PARTY PLATFORM STANDS STRONG FOR PEACE IN NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. BIAGGI. Mr. Speaker, the 1980 Deomcratic Party platform is a document of which all Democrats can be proud. I wish to present to my colleagues one particular plank of which I am especially proud. I refer to the language involving the commitment of the Democratic Party to peace in Northern Ireland.

Before I insert the specific language of the platform let me present some background. I serve, as I have since September 27, 1977, as chairman of the 133-member ad hoc congressional Committee for Irish Affairs. In that capacity I testified on June 13 before the platform committee urging the inclusion of a strong Irish plank in the platform.

The approved language takes the Northern Ireland issue out of the shadows and places it into the official record of the Democratic Party. Further, the platform embodies many of the objectives of the ad hoc committee which we have been articulating over the past 3 years.

I present the following for inclusion in the RECORD: First, the precise language of the platform; second, a letter from the new national president of the Ancient Order of Hibernians, John Connolly, paying tribute to the platform language, and finally an editorial from the most recent edition of the Irish Echo in support of the language:

Consistent with our traditional concern for peace and human rights, the next Democratic Administration will play a positive role in seeking peace in Northern Ireland. We condemn the violence on all sides. We will encourage progress toward a long-term solution based upon consent of all parties to the conflict, based on the principle of Irish unity. We take note of the St. Patrick's Day statement ". . . that the solution offering the greatest promise of permanent peace is to end the division of the Irish people" and its urging of ". . . the British Government to express its interest in the unity of Ireland and to join with the government of Ireland in working to achieve peace and reconciliation." New political structures which are created should protect human rights, and should be acceptable to both parts of the community in Northern Ireland.

ANCIENT ORDER OF HIBERNIANS
IN AMERICA, INC.,
Washington, D.C., August 7, 1980.

Hon. THOMAS P. O'NEIL,
Chairman, Democratic Party National Convention, New York, N.Y.

DEAR MR. CHAIRMAN, LADIES AND GENTLEMEN: As the newly elected National President of the Ancient Order of Hibernians in America, Inc., the oldest and largest Irish-American organization in the nation, I would like to extend our sincere thanks and appreciation to the Platform Committee for their adopting, on behalf of the Democratic Party, a plank in the platform concerning Northern Ireland which states in part ". . . that the solution offering the greatest promise of permanent peace is to end the division of the Irish people 'and its urging of' . . . the British Government to express its interest in the unity of Ireland . . . ."

The Ancient Order of Hibernians, Irish National Caucus and the Irish-American community are sincerely grateful to the Democratic Party for this demonstrated concern for the human rights of the people of Northern Ireland, and we urge and earnestly implore ratification of the plank on Northern Ireland.

With every best wish for a successful convention . . . .

Sincerely yours,
JOHN P. CONNOLLY,
National President.

THE "IRISH PLANK"

There is much in the Democratic Party Platform that we can criticize but we'll save that for another day. Here we want only to congratulate all who pressed for the inclusion of an "Irish plank" in the foreign affairs section of the platform—particularly Rep. Mario Biaggi and his colleagues from the Ad Hoc Committee on Irish Affairs.

The "Irish plank"—which for the first time in American history clearly calls for Irish unity—reads as follows:

"Consistent with our traditional concern for peace and human rights, the next Democratic Administration will play a positive role in seeking peace in Northern Ireland.

"We condemn the violence on all sides. We will encourage progress toward a long-term solution based upon consent of all parties to the conflict.

"We note that the 1980 St. Patrick's Day statement which expressed support for Irish unity and affirmed that the solution offering the greatest promise of permanent peace is to end the division of the Irish people.

"New political structures which are created should protect human rights, and should be acceptable to both Great Britain and Ireland and to both parts of the community of Northern Ireland."●

A TRIBUTE TO EDWARD DAVID WILHELM

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. WILLIAMS of Ohio. Mr. Speaker, I would like to pay tribute to a young man who lived in the 19th Congressional District of Ohio. His name is Edward David Wilhelm. Although Mr. Wilhelm grew up among the so-called me generation, he was not a part of that group. Rather, Mr. Wilhelm was an example of unselfishness and dedication to others.

On June 20, 1979, Edward was part of a group of students riding inner tubes through the rapids of the Salt River in Arizona. Several of the inner tubes capsized, including the one on which Edward rode. However, his concern at that moment was not for his own safety, but for the safety of a 17-year-old girl who had been riding on another inner tube. Seeing her in trouble in the boiling rapids, Edward, age 16, swam to her aid. Completely ignoring his own safety and forgoing attempts to save himself, young Edward tried to save a fellow human being. Unfortunately, and tragically, the turbulent waters of the Salt River were too much and both Edward and the young girl he had tried to rescue were drowned.

Recently, the Carnegie Hero Fund Commission of Pittsburgh, Pa., awarded its Bronze Medal to Edward for his heroic efforts on behalf of another person, efforts undertaken at great personal risk. It is indeed fitting and just that he be so honored.

However, the eminent Carnegie Hero Fund Commission and the U.S. House of Representatives can do little to add to the honor Edward David Wilhelm brought upon himself and his family through his act of heroism and concern for a fellow human being.

I am truly proud to say that I represented Edward in the U.S. House of Representatives, proud to represent the family that produced such a fine, caring young man. His untimely death is a loss to all of us, to everyone who is concerned about the human condition. Mr. Wilhelm should be highly commended and remembered by all of us who work to help others.●

INDUSTRIAL CONSERVATION INCENTIVES

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. HEFTEL. Mr. Speaker, given the uncertain future of many of our alternative energy sources, I feel it is incumbent upon us to more fully develop perhaps our most technologically advanced and promising short-term solution to the energy crisis: conservation. Since industry consumes almost 40 percent of all energy utilized in this country, it is clear that an aggressive energy conservation effort in the industrial sector could bring our Nation a significant part of the way down the road to energy independence.

On June 5, I introduced H.R. 7505, legislation which I feel would accelerate our Nation's energy conservation effort. The bill, the Industrial Energy Conservation Incentive Tax Act of 1980, would increase the available tax incentives for industrial conservation projects. It would essentially provide a 20-percent investment tax credit for three categories of energy property; alternative energy property, specially defined energy property and qualified conservation property. The first two categories of property noted are already defined in the Energy Tax Act of 1978. The third category of property established by the bill, qualified conservation property, would stimulate a broader class of industrial energy efficiency investments than are currently allowed under the existing law. I look forward to working with my colleagues on this proposal in the coming weeks because I feel strongly that incentives are urgently needed to stimulate significant energy conservation in the industrial sector.

Mr. Speaker, an article on industrial energy conservation, by Energy Future authors Robert Stobaugh and Daniel Yergin of Harvard University, recently appeared in the Wall Street Journal. In this article, Professors Strobaugh and Yergin discuss the barriers which have historically inhibited industrial energy conservation in this country. They present a very compelling case for expanded tax incentives to speed energy conservation in the industrial sector.

Mr. Speaker, at this time I submit a copy of this article for the RECORD:

[From the Wall Street Journal, July 31, 1980]

INDUSTRIAL CONSERVATION INCENTIVES

(By Robert Stobaugh and Daniel Yergin)

For a variety of reasons, a free market has not been used in the United States to achieve an appropriate balance between energy consumption and energy conservation. This will be true even after domestic oil is decontrolled in September. Thus, American industry, as well as other sectors, is subject to a continuing "consumption bias."

The bias has very serious implications for both the individual company and the nation. It means that conservation is not being achieved at anything like an economic rate. In effect, the industrial sector is seriously underinvesting in energy efficiency. As a consequence, both the country and the private concern will be subject to much higher but unnecessary energy costs in the years ahead.

Much greater effort should be put into stimulating conservation investments in the industrial sector, for this sector is capable of achieving substantial conservation savings quickly. Unfortunately, this sector has received little attention from public policymakers.

One reason that the special problems of industry have received relatively little attention is because industry's record is much better than that of other sectors. Between 1973 and 1978, industrial energy use decreased by 12% per unit of output, whereas there was a 1% increase in per capita energy use in the residential and commercial sector.

Some companies have organized themselves to achieve truly outstanding savings—reductions on the order of 30% to 45%. But many potential savings have not been made. Many corporate energy managers believe that with relatively modest efforts, their companies could achieve 20% to 40% reductions in absolute terms—but are not.

MANY BARRIERS

This is not because of lack of desire or interest. Many barriers stand in the way of adequate levels of investment in energy conservation—under organizational responsibilities, institutional obstacles to cogeneration and imperfect information. But the most important obstacle is the financial barrier, which has two parts. First, industrial concerns, as well as other consumers, pay subsidized prices for their conventional energy sources. Second, lack of adequate capital retards investment. Thus, the major remedy lies primarily with financial incentives.

First, subsidized prices. Even after oil-price controls end, the cost of oil products will be below the true cost to the nation, for imported oil embodies a number of side-effects that are costly to the nation, but not to the user, at least not at the time when it makes its decision to use oil or invest in efficiency. These costs include the impact of the marginal U.S. oil imports on the world market. If the United States had kept to its 1975 import level of 6 million barrels a day instead of 8.5 million at the beginning of 1979, we might well have not seen prices reach $35 a barrel—with all the inflationary and GNP losses that accompany it. Our belief is that the marginal cost of the extra several million barrels daily of U.S. oil imports was on the order of $60 to $100 a barrel.

How to correct for this gap between $35 a barrel that the user sees and the $60 to $100 the nation pays? One way is a tariff—of 100% or more. A response of this sort is a standard solution of economists when the price of imports works against achieving some national goals. But is it unrealistic to expect a tariff of this magnitude to be enacted—and if it were, it would draw dollars away from conservation investments to paying for current energy costs. To say the least, it would have a harsh impact.

Our other energy prices are also subsidized. Natural-gas price controls, of course, will be in existence for "new" gas until 1985, and for "old" gas indefinitely. Consumers of electricity, for instance, pay average costs rather than the marginal costs engendered by new generating capacity. Moreover, there are obvious side-effects in the use of coal and nuclear power that are not included in the market price—hazy skies in the case of coal and fear of a catastrophic accident in the case of nuclear power. The true cost of these to society is hotly debated, but everyone would agree that the result is that energy prices do not give correct information to consumers, and are unlikely to do so.

The financial barrier is also operative within the corporation. Many who say that "industry will take care of itself" are assuming that a corporation is a single rational actor, with a single mind.

On the contrary, a constant competition takes place within a company over the allocation of capital. Companies establish various hurdle rates in order to make those decisions on a rational basis. Conservation investments must often leap over high hurdle rates—two- or three-year paybacks. They are not viewed as having the same strategic impact as new product or additional capacity and so they are postponed. Other claimants are also ahead in line, such as mandated environmental expenditures.

Conservation investments do not attain the same level of interest, commitment, and glamour for top management as do investments that lead to increased sales. Also, energy may not be a significant cost to a firm, and so, even if the payback is good, management will choose to put its dollars elsewhere. After all, the company is purchasing average barrels at $35—not marginal barrels at $60 to $100. Finally, high interest rates and economic uncertainty cause management to pare down its list of investments—and conservation investments often fall off the bottom.

The result of the financial barrier is that there is a very large backlog of highly desirable energy-conservation investments that would benefit both industry and the nation—that could perhaps lead to a 20% to 30% absolute reduction in energy use in the industrial sector. Assuming some modicum of economic stability, many of these investments will eventually be made. But they are much more valuable to the nation if done in 1981 rather than in 1986.

TAX CREDITS REQUIRED

Tax or other policies that promote investment in new facilities will speed energy conservation. Rapid depreciation policies for new facilities could substantially accelerate efficiency. The 1978 National Energy Act provided a limited 10% credit for conservation investments. But, given the financial hurdle, this credit seems much too low. Significantly greater tax credits, up to 40%, plus accelerated depreciation or direct financial payments, are required. In addition, energy-conservation loans and grants for small businesses, which are often cash-strapped, are needed.

Industry executives freely acknowledge that there are many energy-saving innovations in which they could be investing, but are not because of other more urgent claims on capital. One company, for example, was considering a $500,000 investment that could lead to a 40% reduction in energy use—for a 1.5-year payback. It made this investment in its Belgian factory because of the incentives provided by the Belgian government. It did not in its similar American factory because other claims on capital were ahead in line.

Unless adequate incentives are provided to overcome the barriers to investments in more efficient use of energy, the U.S. will be faced with a vicious circle. The recessions resulting from higher world oil prices will retard investment in more efficient plants, thereby slowing energy conservation over the longer term, so that at any given level of economic output there is greater pressure on energy supplies.

There is an alternative: more efficient energy use and the benefits that go with it—greater economic output, more stability, reduction in the alarmingly large and potentially larger dependence on OPEC oil, a cleaner environment, less tension with our allies and a stronger dollar. By refusing to take sensible policy steps, we foolishly deny ourselves these benefits.●

JIM MYERS IN THE OFFICE WEEKLY

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. GRAY. Mr. Speaker, one of the most widely read weekly newspapers which services Philadelphia is the Center City Office Weekly, a publication which is highly respected for its years of service to our community under the editorship of Mr. Mort H. Kolosky.

Headquartered in downtown Philadelphia, the paper is regarded as essential reading for people who live and work in Center City, some half of which is located within the boundaries of the Second Congressional District of Pennsylvania.

One of the Office Weekly's regular features is a column titled Actor's Diary. This column is authorized by James E. Myers, to whom I would like to pay tribute today because of his enormous contribution to show business through the years.

Mr. Speaker, Mr. Myers is best known as the man who literally changed the face of the music world as the creator of one of the most popular and often repeated songs in music history, "Rock Around the Clock."

First recorded in 1954 under Mr. Myers' direction by the legendary Bill Haley and the Comets, "Rock Around the Clock" went on to sell an estimated 100 million recordings. It has been translated into 30 different languages, recorded in more than 400 versions, performed in some 26 motion pictures, and heard on countless television and radio programs, including the hit television * * *

In addition to authoring this rock and roll classic, Mr. Myers has written more than 200 songs, has recorded with his own band, and has wide experience as an actor both in front of and behind the camera.

In addition, he is a writer and publisher member of ASCAP, a member of AGAC, the Screen Actors Guild and AFTRA, and has been responsible for the discovery and rise of many artists in show business.

I know, Mr. Speaker, that my colleagues will want to join me in paying tribute to this creative personality who has helped make Philadelphia an internationally recognized center for music, and who now shares his expertise in the world of show business with the readers of the Center City Office Weekly.●

THE UNITED STATES, TURKEY, AND THE HUMAN RIGHTS ISSUE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. WAXMAN. Mr. Speaker, I should like to share with my colleagues and the numerous other readers of the CONGRESSIONAL RECORD remarks I delivered on August 8 to a meeting of the western region of the Armenian National Committee. I attempted in my remarks to examine, in depth, the moral implications of American attitudes toward Turkey. I especially sought to express my profound personal outrage at the extent to which the Turkish Government has denied the Armenian genocide of 1915 and the degree to which the nations of the world have acquiesced to this hideous lie by their silence.

THE UNITED STATES, TURKEY AND THE HUMAN RIGHTS ISSUE

(Remarks by Congressman HENRY A. WAXMAN)

I am greatly honored to be your guest today. I am both very well aware of and very proud of the fact that I represent a large and politically vibrant Armenian community. I share with Armenians around the world an intense interest in Middle Eastern affairs. I am especially concerned with the role the United States plays in that region.

As you all know there is a great deal of tension between the United States and Turkey. This tension derives from two sources. Though I want to mention both of them, I am going to confine the rest of my remarks to the second problem.

First, Turkey used American military equipment in the invasion of Cyprus. That equipment was given to Turkey with the explicit understanding that it would be used only for defensive purposes. It was given to Turkey so that Turkey could play its proper role as a member of the NATO alliance.

I and many other Members of Congress have been unwilling to support Turkish arms requests in view of the outrageous misuse to which American arms were put during the war on Cyprus. I will continue to view such requests with a high degree of suspicion.

The second strain between the United States and Turkey comes from Turkey's past and present human rights record. Naturally, today I have uppermost in mind the monstrous treatment of Armenians in this century. I do, however, want to note that other minorities including Greeks, Jews and Christians have suffered at the hands of the Turkish Muslim majority.

True, the Turks of today did not commit the genocide of 65 years ago that wiped out half of the world's Armenian population. However, the Turks of today and their government have shown no remorse, no sense of decency or compassion. They have not paid a cent in reparations to the survivors of the holocaust nor have they permitted Armenians to return to historic areas of settlement in Eastern Turkey.

I believe the dead, the victims of the Armenian holocaust, are being denied their human rights. We do not usually think of dead people as having human rights. Yet I believe they do.

The most elementary human rights of the Armenian martyrs were irretrivably taken from them at the time they were murdered. They were denied the right to a decent burial. They were denied the right to a final resting place to which their kin could come to pay respects. Like the victims of the Nazi genocide against the Jews the martyrs disappeared into unmarked mass graves.

There is one right of the dead which the martyrs have been denied but which can still be restored: That is the right to have the world hear and learn the truth about the circumstances of their death.

I cannot find language strong enough to express my outrage at the fact that the Turkish government, the Turkish educational and cultural establishments, Turkish historians and journalists, almost without exception, have lied about the mass murders of one and one half million Armenians in 1915.

The Turkish myth, like the agitprop of George Orwell's 1984 simply ignores all the facts of the period. The Turks have calmly insisted that "Of course Armenians died during the difficult years of World War I, so did many other people. There were shortages of food and deaths due to starvation. Health care services were disrupted throughout the country resulting in deaths which might have been prevented. But this is not murder, this is merely the unfortunate correlates of war and poverty."

This lie must be exposed in and out of Turkey. Writers, artists, filmmakers and educators, both from within and outside the Armenian community must invent vehicles for delivering the truth about the Armenian genocide. Right here in Los Angeles there are still large numbers of survivors with clear and vivid memories of the death marches of 1915. I know when the older Armenians saw how the Khmer Rouge drove the population out of Pnom Penh and to their deaths from starvation, dehydration, disease and machine gun bullets, they could not help remembering their own experiences at the hands of the Turks.

I must inject here a note of caution. Naturally, not every Turk was a murderer nor does every Turk harbor hatred today against Greeks and Armenians. Yet, we cannot let our tolerance cloud our vision of the role of the Turkish government in the events we are discussing. Certainly, if the people and government of West Germany could be brought to acknowledge—to some degree—their role in the crimes of the Nazis, no less should be expected of the people and government of Turkey.

Those of us who know the history of the Armenian genocide must not underestimate the ignorance of others. The vast majority of Americans do not know about this genocide. Even those who do know about it are generally unaware of the scope and even more unaware of its world historical significance.

The Armenian historian Marjorie Hagopian relates a little known anecdote in the life of Adolph Hitler. At one of the Fuhrer's earliest meetings about the Jewish problem, Hitler outlined his plans for the total extermination of the entire Jewish populations of Germany and German-occupied countries. One of the men at the meeting asked with astonishment how such a plan could be carried out. "Would not world opinion prevent us from doing such a thing?" Hitler laughed. "World opinion! A joke! Who ever cared about the Armenians?"

Each genocide provides a foundation for subsequent horrors. Each historical misrepresentation of efforts to exterminate a particular ethnic group increases the likelihood that such efforts will be undertaken again in another time and place.

The United States has leverage in dealing with Turkey on human rights questions. The Turkish Republic is heavily dependent on us economically, diplomatically and militarily. It cannot afford to ignore serious concerns of the American Government.

I want to conclude by expressing my total disagreement with those in the State Department and the White House who feel the events of the past two years have made the United States for more dependent on Turkey than Turkey is on us.

They reason that the United States desperately needs an alliance with Turkey because we have lost our listening posts and other surveillance capabilities we enjoyed before the Iranian revolution. They reason that the outright conquest of Afghanistan by the Soviet Union has further weakened the United States in that critical region along the Soviet border. Their conclusion is that the United States must humbly and gratefully accept Turkish military cooperation and must, at the same time, refrain from troubling the Turkish authorities with idealistic talk of human rights.

I reason the opposite. I reason that Turkey has been weakened by the fall of Afghanistan. It seems obvious to me that Turkey is in more need of American defense assistance than ever now that she has an Iranian neighbor that is literally without a government. Certainly it is not in Turkey's interest for Iran to be under the rule of chaos fanaticism and xenophobia.

We have both a moral and a political obligation to press to the outermost limits our influence in Turkey. American indifference to human rights in any country with whom we are closely allied deprives us of any claim to leadership of the free world.

As your representative in Congress, I will continue to fight for a strong human rights program. I will continue to work for vigorous American efforts on behalf of Armenians seeking just redress from Turkey. Finally, I will do all in my power to see that the history of the Armenian Holocaust is told widely, truthfully and in full.●

THE TEXT OF THE JERUSALEM LAW

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. ROSENTHAL. Mr. Speaker, there will be much debate during the coming weeks and months over the decision of the Israeli Government to incorporate into the body of its basic laws one which declares Jerusalem as the complete and united capital of the State of Israel.

The special place, indeed a unique position, which Jerusalem has for the great monotheistic religions of the world insures a lively, diverse, and perhaps heated debate.

The Jerusalem Post reported last week that the basic law, Jerusalem, as the capital of Israel, passed the Knesset by a vote of 69 to 15. I include in the RECORD the text of the bill as reported in the Jerusalem Post.

The text follows:

1. Jerusalem, complete and united, is the capital of Israel.

2. Jerusalem is the seat of the President of the State, the Knesset, the government, and the Supreme Court.

3. The holy places will be protected against desecration and any other offence, and against anything liable to infringe on the free access of adherents of religions to their holy places or on their sentiments towards those places.

4. (A) The government will look after the development and prosperity of Jerusalem and the well-being of its inhabitants by allocating special annual grants to the Jerusalem municipality, with the approval of the Knesset Finance Committee.

(B) State institutions shall grant special economic, financial, and other priorities to the development of Jerusalem.

(C) The government shall set up a special body or bodies to implement this paragraph.●

TO MAINTAIN "A SURPRISING NUCLEAR STABILITY"

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. DRINAN. Mr. Speaker, a very perceptive and valuable article about nuclear nonproliferation appeared in the Christian Science Monitor for August 18, 1980. It is written by Joseph S. Nye, Jr., professor of government at Harvard University who was Deputy Undersecretary of State with responsibility for nonproliferation treaty in the years 1977-79.

I commend this article to my colleagues:

To Maintain "A Surprising Nuclear Stability"

(By Joseph S. Nye, Jr.)

This week 114 nations are meeting in Geneva to review the 1968 nonproliferation treaty designed to halt the spread of nuclear weapons. If we step back from the conference rhetoric, where does the world stand in its efforts to control the spread of nuclear weapons?

Three-and-a-half decades have passed since the energy of the atom was used in warfare. Yet rather than nuclear doom, the world has seen a surprising nuclear stability—thus far. Equally remarkable is the fact that over the same period nuclear technology has spread to more than two score nations, yet only a small fraction have chosen to develop nuclear weaponry. A third notable point about the period has been the development of an international nonproliferation regime—a set of rules, norms and institutions—which haltingly and albeit imperfectly has discouraged the proliferation of nuclear weapons capability.

Can this situation last? Obviously there will be changes in political and technical trends, but the fact that proliferation may be destabilizing in many instances, that nuclear weapons need not enhance the security position of states, and that superpowers cannot fully escape their effects provides the common international interest upon which the nonproliferation regime is based.

Under such conditions some inequality in weaponry is acceptable to most states because the alternative anarchic equality is more dangerous. So long as countries can be made better off without a bomb than with one, then a policy of slowing the spread of nuclear weapons technology rests on a realistic formulation of common interests, and there are serious prospects for maintaining a legitimate and stable international nuclear regime.

Realistically, an international regime does not need perfect adherence to have a significant constraining effect, any more than deviant behavior means the irrelevance of domestic legal regimes. Nevertheless, there is a tipping point beyond which violations lead to breakdown of normative constraints. The police function is traditionally the domain of the great powers in international politics, but as their preponderance in the nuclear issue area erodes, and they become diverted by other issues, there is a danger that the gradual historical curve of proliferation could approach such a tipping point.

There are two major contentious issues at the NPT (nonproliferation treaty) review conference. One centers on access to technology for peaceful uses of nuclear energy which is guaranteed by Article 4. While peaceful uses are not the sole cause of proliferation, there are connections, and how to manage them has caused turmoil since the Indian explosion in 1974.

One result was agreement by 15 nuclear supplier countries on stricter guidelines for nuclear transfers. At the same time, potential recipients pointed out that stringent denials of technology would violate the bargain struck when they promised not to develop weapons.

To a very considerable extent, the International Nuclear Fuel Cycle Evaluation (INFCE) which President Carter launched in 1977 and which reported earlier this year, helped to lay a basis for convergence on this issue by deflating some exaggerated projections about nuclear energy. A gradual evolutionary approach to nuclear energy can help to reconcile the tension between the suppliers guidelines and the NPT.

In addition, INFCE helped to persuade others to share our nonproliferation agenda and broadened the leadership in maintaining the regime. As one long-term French official noted wryly in Vienna, "We may encroach on your markets, but somehow we seem to have inherited your nonproliferation policy in the process."

The other contentious area is the accusation that the superpowers have not done their share in arms control. But the relation between nonproliferation and other arms control regimes is not as simple as it first appears. The usual connections are made by provisions like Article 6 of the NPT, calling for a halt to the "vertical proliferation" of the arms of the superpowers.

This gives rise to certain paradoxes in nonproliferation policy. Ironically, calculability and stability of deterrence between the United States and the Soviet Union has occurred over time and at high levels of weaponry. Changes in the balance which are perceived as weakening the credibility of deterrence not only threaten the stability of the central relationship but reduce the sense of security that permits allied states to forswear proliferation. it is paradoxical but true that under many circumstances the introduction of a single weapon in a new state may be more likely to lead to nuclear use than the introduction of an additional thousand each by the United States and the Soviet Union.

On the other hand, to profess indifference to the superpower nuclear arms relationship can weaken the nonproliferation regime in two different ways. First, a disdain for the arms control institutions and concerns expressed by nonweapons states can exacerbate the discrimination issue that is the central dilemma in nonproliferation policy; the halting of SALT hurt here. Second, nuclear doctrines which overly stress the usefulness of nuclear weapons in warfighting situations may help to increase the credibility of deterrence, but they also tend to make nuclear weapons look more attractive to others. If states that have deliberately eschewed nuclear weapons see them treated increasingly like conventional defensive weapons, they may one day reconsider their decisions. In short, the relations between nonproliferation and the general nuclear arms control regimes will require a sensitivity to both horns of the dilemma during what promises to be a difficult period in the superpower relationship.

After the conference is over, the United States will need a steady policy that balances these complex trade-offs in both the nuclear energy and nuclear strategy areas. On the nuclear fuel cycle, to a very considerable extent, leadership in the job of maintaining the nonproliferation regime is now shared. But collective leadership is difficult to manage. On the second issues, we must not let our fundamental rivalry with the Soviet Union blind us to our shared interest in slowing proliferation.

The wrong policies in the 1980s, i.e., policies that put us in an overly rigid position on the nuclear fuel cycle or which lower the priority we give to the issue in security terms, could still sacrifice the current modest success in regime maintenance. Unfortunately, there is no simple solution to the political problem of proliferation. But given the difficulty of constructing international institutions in a world of sovereign states, and the risks attendant upon their collapse, political wisdom begins with efforts to maintain the existing regime with its presumption against proliferation.●

AMERICAN SOVEREIGNTY PROTECTION ACT

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. WHITEHURST. Mr. Speaker, incredibly, today marks the 321st day of captivity for the 52 American hostages in Iran with absolutely no indication that this disgraceful chapter in America's foreign relations policy is nearing an end.

The Iranian Parliament still has not addressed the hostage issue, nor does it appear at all capable of becoming the responsible governing force that country so desperately needs to deal with the multitude of problems facing it. Since our fellow Americans were seized last November 4, the people of our country have exhibited admirable, if not remarkable, restraint and patience. But there comes a point after both cheeks have been turned, and peaceful solutions sought, that nobility must give way to other more forceful measures. The Iranian Government has made it clear through its actions of the past 9 months that it has no regard for international rules of diplomacy. And through its deplorable deeds, the Iranian Government has proved itself to be a lawless, unconscionable body bent on drawing the world community into a deepening conflict that threatens to escalate into a confrontation reasonable minds have attempted to defuse.

To date, the measures taken by the United States against Iran to win the release of the hostages have been impotent gestures of questionable leverage. Even after expelling their diplomats, pleading our case before the International Court of Justice, dispatching a naval task force to the waters off Iran, initiating economic and military sanctions, and attempting a military rescue operation, the people of our country are aware that we are no closer to winning the release of the hostages than we were 9 months ago.

I do not want to be accused of inflaming an already stressed nation, but I fear that unless the United States takes firm measures immediately America will be rightly accused of not doing all it can to end this national humiliation. How long can we honestly expect the American people to restrain themselves when pro-Khomeini forces take to our streets, humiliate us, and then hide behind our own laws? This country has bent over backward to preserve freedom of speech and expression of its people, as any freedom-loving person in this world can attest. The pro-Khomeini forces have gone to great lengths to embarrass the United States through a well-financed campaign to stage Iranian demonstrations in this country. And even with their callous disregard for our country, it seems that no matter how flagrant and abusive these demonstrators are, authorities in our country apparently can do no more than slap them on their collective wrists and release them to conduct more hate campaigns against the United States. I can assure you that this has not gone unnoticed either here or in Iran. Shortly after the 192 Iranians arrested in demonstrations in Washington in July were released, a Tehran radio station promptly announced that the students had "defeated" the United States and further characterized the episode as another example of American weakness and decline.

Much of this national anguish could be eased if my colleagues would act on the American Sovereignty Protection Act, my companion bill to the one introduced by Senator S. I. HAYAKAWA. My bill, H.R. 6941, continues to pend in the Subcommittee on Immigration, Refugees, and International Law of the House Judiciary Committee, but no action has yet been scheduled. Enactment of this legislation is sorely needed now, so that we can deal swiftly and effectively with those Iranian fanatics who will surely again take to the streets of our country to spread their ugly smear campaign. Moreover, while the present administration has attempted to keep the focus of this crisis from the front pages of the press with the hope that it would prompt a speedy resolution, it has become obvious that some Iranians in this country will not let that happen.

Mr. Speaker, Senator HAYAKAWA and I have introduced the American Sovereignty Protection Act largely because our present legal procedures are unable to respond in a timely fashion to curb these unprecedented abuses. This legislation provides for a straightforward amendment of a section in the United States Code, dating back to 1798, that deals with war and national defense and addresses the question of "alien enemies."

That section reads:

> Whenever there is a declared war between the United States or any invasion or predatory incursion is perpetrated, attempted or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies.

That is the section of the Code as of 1798.

The law clearly specifies that such "enemy aliens" may be detained and eventually deported, and that aliens, and not naturalized U.S. citizens, may be subject to its provisions.

In order to invoke the enemy alien provisions of the law in the case of Iran, we must clarify U.S. territory to include our embassies abroad. The legislation I proposed does exactly that. It would spell out that the phrase now in the law "any invasion or predatory incursion is perpetrated, attempted or threatened against the territory of the United States from a foreign nation or government" includes:

> First, the seizure or holding by a foreign nation or government of, or the aiding or abetting by a foreign nation or government of any individual or group in seizing or holding, the premises of a diplomatic mission of the United States; or
>
> Second, the seizing or holding under paragraph (1) of such premises which also involves the taking of any diplomatic agent of the United States as a hostage.

Very simply, Mr. Speaker, the American Sovereignty Protection Act will give the President the legal power to deal with the group of Iranian fanatics intent on using the streets of this Nation to further their selfish motives. This legislation will allow the President to define these Iranian dissidents as enemy aliens and placing them in detention centers or deporting them or otherwise restoring civil order. I urge my collegues to give this measure their serious consideration.●

PUBLIC SURFACE TRANSPORTATION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. CONTE. Mr. Speaker, in a recent speech to the Conference on the State and Regional Roles in Public Surface Transportation, Barry M. Locke, the Massachusetts Transportation Secretary and interim MBTA chairman, eloquently stated the essential role that transportation plays in our post-industrial society and offered several suggestions on how to increase the productivity of transit systems. I would like to take this opportunity to share his thoughtful address with my colleagues:

> I am pleased and honored to welcome this group of distinguished transportation experts to Massachusetts. Governor King has asked me to extend his welcome also. Both of us feel that it is truly significant and symbolic to converge here to study and discuss the many issues and challenges facing the transportation industry in the 80's.
>
> The King administration has placed transportation at the top of its priority list and this meeting underscores our commitment to stimulating an open exchange of ideas and strategies aimed at improving transportation networks not only throughout the Commonwealth, but also across the nation.
>
> Our meeting here is futhermore a symbolic event, echoing the spirit of past generations, for Massachusetts has been the birthplace of countless ideas, innovations, and resolutions. The ideas of freedom and independence that led to the creation of this country emerged from Massachusetts and spread around the world. And the ideas conceived and studies in our many famous universities, including the one where we are now gathered, have manifested themselves in an infinite number of ways all around the world.
>
> We hope in keeping with this theme of innovation, that the ideas and policies formed here will benefit people in all parts of our nation, as each of you returns to your own city and transportation system with new energy, perspectives, and hopes. Indeed, we must achieve these goals, for it is our responsibility to mold transportation to the needs and demands of a new decade.
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> When I place the ideas and concepts to be explored here on the same plane with those of the first American patriots and some of the world's greatest scholars, I am not upsetting the scales of relevance, for transportation is as integral a part of America's success as any other element in our society. But the role of transportation is so often poorly defined, or worse yet, so completely overlooked, that few people actually consider its far-reaching effects and long-range potential. If we are to be motivated, inspired, and challenged, we can no longer view transportation in its most limited and tangible scope—the mere movement of people and goods. Transportation, we must remember, moves ideas, and in these challenging times, ideas are what will keep America itself moving.
>
> Transportation as a mover of ideas is really not a revolutionary concept, but it is one that must be considered carefully. Just as directing a transit system requires more knowledge than that required to drive a bus or a train, understanding the real purpose of transportation demands more sensitivity than that required to plan a bus schedule. Transportation has many purposes, many results, and many dimensions—some of them obvious, others a bit abstruse.
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> We are all familiar with transportation on its simplest level—the means by which we travel and transport our goods. It embraces rail, water, air, transit, and highway—modes developed innovatively to provide the great levels of personal and industrial mobility enjoyed by Americans today. It is the improvement, streamlining, and coordination of these modes and resources that draw us here in the first place. On this level, transportation is a science and a business, an intricate web whose fibers are technology and management.
>
> That, to be brief, is the substance of transportation. But what is its role that demands our presence and concentration here? This is the question we must consider. After all, the mere knowledge that a match is made of wood and sulphur will never light a fire. And likewise, a thorough knowledge of transportation doesn't shape and nourish a society. But by knowing that transportation, besides being a substance, is also a catalyst, we can produce the flame.
>
> Transportation's effects and catalytic components are as simple to comprehend as they are important to utilize fully. Governor King and I, in trying to define the borders between transportation as a catalyst and transportation as substance, have developed an aggressive, active philosophy to guide us in our endeavors. To us, transportation is an economic tool. As such, it is the matrix for personal and industrial mobility, the tool which first of all, moves people and goods between the social, industrial, economic, and cultural activities in our society. And it is the tool which, more importantly, gets people to their jobs, keeps people at their jobs, creates jobs, and fuels progress. As a catalyst for the economy, it serves as a life-line aiding the flow of money and resources. We can build the best schools, hospitals, centers of industry, and shopping

facilities, but without efficient transportation, none of them can function properly.

As Secretary of Transportation for the Commonwealth, and now as Interim Chairman of the Massachusetts Bay Transportation Authority, I can attest to the improvements in many communities resulting from efficient and productive transportation networks. Transportation as an economic tool can build and then maintain a healthy and thriving economy at the local, State and regional levels.

There is, besides the substantive and catalytic elements, another dimension of transportation: The human dimension. Our work is important not only for getting people to their jobs, not only for stimulating the economy and linking all of our human and natural resources, but also, and just as importantly, for serving as a means toward many other ends. Each person who uses transportation in an effort to perform a job, in a desire to improve society, in a wish to keep a family in touch, in other words, in an effort to do what is wanted and needed in life, is telling all of us here tonight that transportation is essential to everyone.

We, in turn, must recognize and reflect on the perimeters of transportation's role, for it encompasses several vast realms of our society, linking them all together.

And as our society becomes increasingly complex, and specialized fields and activities continue to increase in number, I have often asked myself: What is it that so many are seeking to gain or achieve? It seems that all specialists master their own work and pursue their own interests. Through my work in transportation, I have found an enlightening vantage point, from where I can see society as a whole. From this vantage point I have seen the answer to my question: Each person is seeking improvement, is striving to excel, is trying to find or offer something better. And nearly all people use transportation as a means to achieve their ends.

Every thinker, every innovative designer, every aspiring leader, in short, every person who will, in time, lend strength, talent, expertise, and energy to our nation, is already dependent on transportation to achieve these goals. Especially today, when a fluctuating economy and energy shortages plague us, it is our duty to keep people, and their ideas, moving. A slowdown in the sources of funding or the flow of fuel must never prevent the progression and improvement of transportation. If we stop working, no one else can work. So let us never forget the human dimension in our work, for it is really the core of and reason for our endeavors.

With this sense of urgency, we must immediately strive to improve and strengthen our mass transit systems. And the best route to better transit is better workers and better managers.

All of us must become directly involved with productivity. I have observed first hand how productivity can affect transit systems. Here in Boston, we are finding that productivity is the backbone of our endeavors. It successfully holds together the nation's fifth largest and oldest public transportation network, which serves Boston and 78 contiguous communities, embracing a population of 2.8 million people.

Productivity does not hinge solely on mathematical ratios, formulae, and time studies. The first and most important consideration should be the work force—as a single unit.

As such, transit employees represent a wide spectrum of talent and responsibility, from the most taxing physical labor to the most precise intellectual endeavors.

We must make this kind of creativity, resourcefulness, and sensitivity the pass words to transportation productivity. Take, for instance, an often overlooked but extremely effective means of achieving better productivity: The maintenance of strong, open lines of communication between workers, union representatives, and management. Emperical studies have confirmed beyond a doubt the success of programs that call for employees' submitting quality and cost control suggestions. Worker-manager incentive committees have helped employees play an active role in the management process, thus utilizing the skills, insights, and ideas common only to the employees who carry out the actual work.

Carrying this idea further, I also propose that another route to productivity is the promotion of so-called assembly line employees into management. We must tap this invisible but rich reservoir of employee talent and experience.

Another key element essential to productivity is the relationship between union and management groups. We must recognize that both groups are equally responsible for productivity because both groups, in the final analysis, work toward the same end: providing needed services while at the same time maintaining certain standards of living. It should be our aim to encourage a healthy and thriving relationship between unions and management. Because this is a relationship bonded by inextricable goals, the interdependence between the two groups creates a unifying spirit. And this spirit is the commitment to hard work—the dedication to pursuing goals whose perimeters are defined neither solely by management nor by unionism. In other words, the responsibility for productivity is as much a function of unions as it is of management. In that sense, the two are like the components of a bus. A bus with no engine and good brakes is as useless as a bus with no brakes and a good engine. And any transit system, with a productivity-oriented management and no union workers, or viceversa, is as inefficient and useless as the bus.

These are some of the ideas that merit our attention and discussion. For, as I have emphasized tonight, transportation is an essential function in our society. In and of itself it represents a business and a science, things we deal with in our daily work. But beyond what it provides each day and the masses of people it allows to move, transportation is an economic tool whose permanent, positive effects remain long after the train ride is over, after the freight is delivered, after the plane touches down, after the ship ties up at dock, and after the bus and automobile have served their riders, because as an economic tool, transportation strengthens, fuels, and protects our economy. And, as always, transportation advances the plans of millions of individuals, all on their own journeys. These realms of substance, catalyst, and individuality, all affected by transportation, inject a sense of urgency and purpose into our jobs today. With that knowledge, we should give our all to this conference.

Once again, I welcome you to Massachusetts. Governor King and I are both hopeful that the citizens of this Commonwealth, and the citizens in every state, will be the beneficiaries of your work here during this week.●

ADOBE'S DAYS NUMBERED?

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 21, 1980

● Mr. BEREUTER. Mr. Speaker, I would like to call my colleagues' attention to the astute remarks of a fellow Nebraskan, Dick Lindberg, which appeared in his recent column in the West Point News.

For those who wage the war against Government over-regulation, it will come as no surprise that Federal requirements have now even made it financially prohibitive to build a home with adobe bricks, despite the fact they have been used successfully for centuries.

[From the West Point News of July 31, 1980]

ADIEU, ADOBE

For centuries, beginning with the Assyrians and the Egyptians, adobe bricks have served civilization as a durable building block in arid regions of the world.

But after all these centuries the adobe's days may be numbered. The cost of mixing clay, a little grass, water and sunshine may become prohibitive for today's builders.

Government regulations are responsible. Federal officials concede that the cost of conforming to federal regulations can add up to $20,000 to the cost of an adobe home.

The Department of Housing and Urban Development has questioned the energy efficiency of adobe and, among other things, requires expensive insulation and waterproofing of adobe bricks used in government-financed low cost housing in the Southwest.

HUD has also commissioned consultants at a cost of $235,000 to study the heat efficiency of the adobe bricks.

Funny, the Assyrians or Egyptians didn't come up with the problem.●

SENATE—*Friday, August 22, 1980*

(Legislative day of Thursday, June 12, 1980)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. HOWELL HEFLIN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

O God, our Father, as our hearts are quiet in Thy presence, we know that all the ways of our need lead to the altar of prayer. Listen not to our words but to the yearnings of our hearts. Bring peace and power to our tired bodies, our jaded nerves, our vexed spirits, our volatile emotions, our tested temper. May Thy grace come as a balm and anodyne to our fragile and frayed spirits. Lift us up and set our course upon the high road to Thy kingdom. May goodness and mercy abide in us that we may show righteousness and justice in our actions. May Thy spirit so possess us that we may do for Thy sake what we would not do for our own sake. Bless with grace and wisdom all who serve this Government this day. And to Thee shall be the thanksgiving and the praise. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 22, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HOWELL HEFLIN, a Senator from the State of Alabama, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. HEFLIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized for not to exceed 10 minutes.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I yield such time as he may require to Mr. PROXMIRE.

Mr. PROXMIRE. Mr. President, my understanding is that I have a special order; is that correct?

The ACTING PRESIDENT pro tempore. That is right, after the minority leader is recognized.

Mr. PROXMIRE. Mr. President, then I shall defer to the minority leader and then I will talk.

Mr. ROBERT C. BYRD. Mr. President, I reserve my time.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order the minority leader is recognized for not to exceed 10 minutes.

Mr. BAKER. Mr. President, I thank the Chair.

JOAN AUTEN

Mr. BAKER. Mr. President, it was my good fortune during the recess to lead a delegation, which included Senators BELLMON, COCHRAN, and COHEN, on a trip to several northern NATO countries. It was our particular good fortune to have concluded that trip in London, for being there on the 15th of this month, we were able to participate in the 40th anniversary of Joan Auten in the service of the United States.

Prior to the beginning of World War II, Joan was in the United States with her father, who intended to become, and later did become, an American citizen. With the outbreak of the war he, as a member of the Reserve of the Royal Navy, was recalled to active duty, and he and Joan returned to England. On the 15th of August, 1940, she joined the staff of Ambassador Joseph Kennedy at the Embassy of the United States. There she has remained, probably doing more to foster the friendship between Great Britain and the United States in the past 40 years than all the diplomats of either country put together.

In the early years of the war she worked in the correspondence section of the Embassy, in consular affairs, and then as a receptionist for the Ambassador. During that period she also coordinated the evacuation of British children to the United States for safekeeping and she remains actively involved in programs providing assistance and aid to underprivileged children.

In 1943 Joan was asked to create and establish a visitors section in the Embassy. She has since served as a most gracious and charming hostess for those of us whose privilege it is to visit London in an official capacity. For my colleagues who know her, on both sides of the aisle and in both Houses of the Congress, she is not only a mainstay of our Embassy in that most important of world capitals, she is a boundless well of energy, resourcefulness and, most of all, friendship.

Mr. President, I have no further need of my time.

I wonder if the majority leader wants the time remaining?

Mr. ROBERT C. BYRD. I thank the distinguished minority leader.

Does the Senator from Wisconsin need more than the 15 minutes?

Mr. PROXMIRE. No. That was my special order. I do not need any additional time.

Mr. ROBERT C. BYRD. Mr. President, I yield back my time.

Mr. BAKER. Mr. President, I yield back my time.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

SUGGESTIONS ANYONE?

Mr. PROXMIRE. Mr. President, the idea of inviting employees to make suggestions for improving the way a job is done appeals to all of us and it should. After all employees—workers—are the ones who do the job, any job. They live with it. They know from day-after-day, year-after-year experience what works and what does not work. Whether those employees are workers in a factory, an office, a Government agency or soldiers in the Army or Air Force, they constitute a potential source of know-how, experience and intelligence we should not neglect but too often we do neglect.

If Air Force generals, for example, tell their personnel that the Air Force needs and wants and will use their ideas, if they recognize, honor, and reward those who come up with money saving or quality improvement ideas, we will have a better Air Force. We will save money. And Air Force personnel will probably do a better job because they know their intelligence and imagination is respected and welcome.

So the idea of encouraging rank-and-file participation in improving the Air Force has real merit. But how does it work in practice?

Mr. President, I want to tell you a story, a story about a suggestion.

Not just any suggestion, mind you. I am talking about the kind of suggestion that the Defense Department encour-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ages its employees to make to improve efficiency and cut back on waste.

You know, the official suggestion. There is even a suggestion form, in this case Air Force form 1,000, dated October 1977. (Previous edition will be used.)

And of course there is a suggestion evaluation and transmittal form, called Air Force form 162, dated April 1977 (previous edition is obsolete), wherein the Air Force analyzes the suggestion to see if it has any merit.

But I am straying from the story. Let us see. Where to begin.

Oh yes. It was last year—1979. The place was Kelly Air Force Base in San Antonio, Tex. The scene was an Air Force captain lecturing the enlisted personnel about their failure to submit enough suggestions to the suggestion program. Staff Sgt. Alan D. Brown was among those being lectured. He spoke up saying:

> Why should we bother to submit suggestions since the Air Force rejects over 99 percent of those it receives?

The captain did not take kindly to this suggestion, so he said he was going to increase the "suggestion quota" for the section.

So Sergeant Brown looked around the base. He looked hard. Where could money be saved? How could he fulfill the demand that more suggestions be offered?

And then he saw them. Electric pencil sharpeners. Not all over the base but just in the offices of the officers and high ranking civilians. It struck him that perhaps the $30 electric pencil sharpeners would be less cost effective than the $2 manual pencil sharpeners. A good idea was born. A suggestion form was filled out and submitted on October 19, 1979.

Sergeant Brown felt good about his proposal. It made sense. It could save money—a lot of money if the policy were extended nationwide. He might even qualify for an award.

But then a strange thing happened. Twice—twice he was called in by superior officers and "counseled" about his suggestion.

He was advised to withdraw the suggestion. He was told that the suggestion had no merit, was frivolous in nature, and did him no good.

But the Air Force underestimated Sergeant Brown's tenacity. He still thought it was a good suggestion. So he stuck to his guns. Days went by without receiving the evaluation and transmittal form in reply to his suggestion. Then weeks. And months. Finally, on July 30, 1980, the answer came back.

The suggestion was denied. Why? The evaluation form read:

> From a viewpoint of cost difference only, one might conclude significant savings could be effected by discontinuing purchase of the electrical sharpener and buying only the manual sharpener. Such a viewpoint in the opinion of this evaluator is limited and fails to consider reasonable expectations of increased convenience, improved office equipment standards, and employee morale.

Employee morale. Take away the electric pencil sharpeners and morale will plummet in the officer corps. There will be no spirit left in them. They will be down in the dumps, dejected, and put upon. They would have to sharpen their pencils with the old fashioned, outdated, technologically impoverished World War I models.

It would be a sad day.

Did Sergeant Brown do any good? According to the Air Force, 400 electric pencil sharpeners for Kelly Air Force base were canceled after receiving the suggestion. Electric pencil sharpeners will now be issued only "after careful review of requirements."

What does this mean? Well, according to base personnel, the same office that canceled out the old orders has placed a new one for the same items.

So the world goes on. As form 162 April 1977 (previous edition is obsolete) says:

> Based on all the facts and considerations mentioned above, it is the opinion of this office that purchases of electrical pencil sharpeners are and should be authorized and FB2059 records do not suggest an abuse of reasonable purchase over the past year.

It is enough to make one gnaw on the end of a pencil.

Mr. President, we have some brilliant men and women in the armed services among the rank and file. Military discipline tends to discourage individual initiative and willingness to volunteer to speak up, and that is a great shame, because the great strength of this free country of ours is the atmosphere of individuality and freedom, the widespread distribution of intelligence and ability that we should do all we can to develop and encourage. The suggestion method is one good way to do it. The little story I have told about the Air Force shows how important it is that once these programs are established the Government should foster them and not kill them.

THE COURAGE OF IDEALISM

Mr. PROXMIRE. Mr. President, it takes great courage and strength to provide just and firm leadership for a nation. Our Continental Congress had these qualities in large proportions. It is my hope that the present Congress can live up to this high standard. One indication of progress toward achieving this goal would be the ratification of the Genocide Treaty.

We were fortunate, Mr. President, to have had such stout hearts leading our country in 1776. In that year, our Founding Fathers wrote and signed a document which placed ideals before practical considerations, humane justice before timid diplomacy. That document was the Declaration of Independence.

The Declaration of Independence proclaimed the right of people to live their lives free from despotism or harassment. The Genocide Treaty proclaims the right of people to live. Are the two so different in tenor or purpose, Mr. President? Yet one is treasured as America's most cherished document, while the other languishes in the cobwebs of congressional neglect. Why, Mr. President, why?

Why can we not raise ourselves to the height of that great vision which motivated our forefathers? The answer, Mr. President, is that we can.

The Genocide Treaty represents a chance for the United States to lend its powerful voice to the noble cause of human freedom and dignity. Let us seize that chance, Mr. President.

Our ancestors pioneered a place for us at the forefront of the fight for human life and liberty. It is time for us to assume that place once again, Mr. President. It is time for us to ratify the Genocide Convention. Let us do it now.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, various Senators are struggling with the two issues which were being discussed when the Senate went out last evening, and it is my understanding that they will need until about 12 noon to resolve those two matters.

I ask unanimous consent that the Senate stand in recess until 12 noon, with the understanding that the time continue to count against the 100 hours under cloture.

The ACTING PRESIDENT pro tempore. Would the majority leader withhold that to allow me to make a statement, if I can get somebody to replace me in the chair?

Mr. ROBERT C. BYRD. Yes.

Mr. President, do I have 10 minutes or some time remaining under my order?

The ACTING PRESIDENT pro tempore. The Senator had, but I believed he used it.

I think Senator PROXMIRE will replace me.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business not to extend beyond 30 minutes and Senators may speak therein.

The PRESIDING OFFICER (Mr. PROXMIRE). Without objection, it is so ordered.

MRS. LUCIE FORD ANDERSON VISITS WASHINGTON

Mr. HEFLIN. Mr. President, I received a letter from a long-time friend and classmate of mine at Birmingham Southern College. Mrs. Lucie Ford Anderson, who now lives in the State of Missouri. She came to Washington and visited this Nation's Capital, and her letter expresses to me a sense of Americanism on the part of our citizens.

I ask unanimous consent that her letter be printed in the RECORD.

There being no objection, the letter

was ordered to be printed in the RECORD, as follows:

FLORISSANT, MO.,
August 6, 1980.

Hon. HOWELL T. HEFLIN,
Dirksen Senate Office Building,
Washington, D.C.

DEAR HEF: It was good to see you again after so many years. I appreciated the few minutes we could get together, for I was aware of the tight schedule in which you were involved before the holiday recess. Perhaps we can have lunch the next time.

My visit to Washington made me feel like a "born again" American, as it had been a long time since I had been able to tour that beautiful area at my leisure and absorb to my heart's content. There were so many highlights: on July 4th, singing the National Anthem with a cast of 105,000 on the lawn of the Capitol and being accompanied by the National Symphony; seeing the Gutenberg Bible at the Library of Congress; going to the National Gallery twice to visit my favorite Impressionist "friends"; gawking at the fading signature of a distant relative on the Declaration of Independence; tapping my feet during a performance of "Forty-second Street" at Kennedy Center; and sitting in the Senate Gallery and wondering why the Chairman was having to pound his gavel so often in order to stop the socializing (no offense—it was just that I was reminded of some of my last year's classes!).

I was sorry not to have heard the organ at the National Cathedral (I understand it has 182 ranks of pipes) or the one at Kennedy Center; however, the American Guild of Organists is to have its 1982 convention in Washington, and I am making long-range plans to attend.

Time and again I was reminded of Sir Walter Scott (leave it to an Englishman!):

"Breathes there the man with soul so dead,
Who never to himself hath said,
'This is my own, my native land.'"

As Gertrude, my once-a-month, Southern Baptist cleaning lady from Memphis would say, "Miz Anderson, this country ain't perfect, but it's the only one we got." I think even Plato would approve of that philosophy!

My best to you and Elizabeth Ann.

Fondly,

LUCIE.

RECESS UNTIL 12 NOON

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 12 noon, with the understanding that the intervening time between now and 12 noon count against the 100 hours under the cloture rule.

There being no objection, the Senate, at 10:15 a.m., recessed until 12 noon; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. PRYOR).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

TONNAGE MEASUREMENT SIMPLIFICATION ACT

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 1197, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1197) to simplify the tonnage measurement of certain vessels.

The Senate resumed the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, last evening, the Senate entered into an agreement whereby three amendments would be in order today—three amendments only—on the condition that the principals involved were able to reach an accord in connection with those three amendments, one dealing with alluvial valleys, one dealing with prime farmlands, and the other dealing with land survey. Those principals, who worked late into the night last night and who have been working all morning thereon, have reported back to the joint leadership and have indicated that an understanding has been reached on the three amendments and on modifications thereto.

Therefore, I ask unanimous consent, in order to carry out the intent of last night's agreement, that my perfecting amendment in the first degree to the bill and the amendment in the second degree to my first-degree amendment to the bill be taken down; that the alluvial valley amendment, the prime farmlands amendment, and the land survey amendment, in that order, be offered as modified by the principals, notwithstanding rule XXII, to the substitute which has been offered by me on behalf of several other Senators; that upon the disposition of those amendments in that order, it being understood that they not be subject to amendment in the second degree, the Senate then proceed immediately, without further debate, amendment, or point of order, to the vote on the substitute as amended, if amended; that upon the disposition of the vote, if a motion to reconsider is entered, that motion not be debatable; that without further debate, motion, amendment, or point of order, the Senate proceed to the third reading of the bill; that without further debate, point of order, or motion, the Senate proceed to final disposition, up or down, on the bill as amended, if amended, and that any motion to reconsider that vote not be debatable.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object—and I will not object—the purpose of the reservation is to say, as far as I can ascertain, after consultation with the distinguished Senator from Virginia, who is the manager on this side of this measure, the Senator from South Carolina, and others, we believe that the request just put by the majority leader accurately reflects the arrangements that have been arrived at with great difficulty over the course of last evening and this morning.

The only remark I shall make at this time is I wish to extend my congratulations to the Senator from Virginia, the Senator from Kentucky, the Senator from Ohio, the Senator from South Carolina, the Senator from Illinois, the Senator from Montana, and others, who have been instrumental in bringing us to this point where it appears that we are about to conclude this important piece of legislation.

Mr. PERCY. Mr. President, reserving the right to object, and I shall not object, I merely congratulate all of those who have been involved. I have been privileged to participate in some of these proceedings.

For the benefit of Senators who are making plans for this weekend to go back home, is there any estimate about what time the final passage might take place, the latest it would be, and whether there will be further rollcall votes in the Senate today after that?

Mr. ROBERT C. BYRD. Mr. President, I shall answer the last question first.

As to whether or not there will be further rollcall votes in the Senate following disposition of the pending business, I cannot say. There is at least one conference report that will be called up. There could be votes in connection therewith. There may be other matters in which connection there could be votes. But I am thinking mainly in terms of the conference report.

Second, I do not know when the action will be finally taken on the surface mining bill, but it appears to me that it will not be long.

Mr. PERCY. The best estimate we could have is it would be around 4 p.m., something like that, today, or sooner even?

Mr. ROBERT C. BYRD. It could be earlier.

Mr. FORD. Mr. President, may I say to the Senator from Illinois, after all we have been through last evening and this morning, I do not know of anyone who would object or even want to speak on these particular matters——

Mr. MELCHER. Two or 3 minutes.

Mr. FORD. They may wish to speak 2 or 3 minutes at the most. I am very hopeful that we could have three 15-minute votes, or almost back-to-back, on these and move right along.

I think the Senator from South Carolina will not take long with his. I think we have an agreement on that one. It should not be over 2 or 3 minutes to a side on this one. I would say how about 5 minutes to a side on any discussion of the three amendments. That would be 30 minutes at the most. Three votes is 45 minutes. So we are talking about 1½ hours, something like that. So we are talking about 2 p.m., in my opinion.

Mr. ROBERT C. BYRD. Mr. President, the way to expedite this most is for Senators who do not have an objection to quit reserving the right to object and get the agreement.

Mr. FORD. I agree. I have no objection.

Mr. PERCY. I have no objection.

Mr. WARNER. Mr. President, reserving the right to object, and I shall not object, but I shall take up a little time.

First, I congratulate the majority leader and my colleagues who did work late through the night and into the morning. I think we have made progress.

But in fairness to our colleagues I suggest, and I will take part of this responsibility myself, that we explain fully what has transpired because these are both very important amendments, particularly the prime farmlands amendment, and many Senators came into the Chamber last night and relied on our judgment, and we gave them as best we could.

Mr. ROBERT C. BYRD. And we lost.

Mr. WARNER. And we lost.

Mr. ROBERT C. BYRD But we were right. Let us get that in.

Mr. WARNER. Yes, but in any event I hope we have a very thorough colloquy. I do not believe we can achieve this in a brief timespan.

So let us proceed as quickly as possible, and now it is my understanding we will call up first the amendment relating to prime farmlands and Mr. PERCY will speak.

Mr. ROBERT C. BYRD. Alluvial valley floors will be first.

Mr. WARNER. The alluvial valley floors will be first.

Mr. ROBERT C. BYRD. Yes, the alluvial valley floors.

Mr. WARNER. And let us proceed.

Mr. MELCHER. Mr. President, reserving the right to object, and I shall only take 30 seconds, it is my understanding from both the minority and the majority sides of the proponents of the substitute that these amendments in this form are acceptable. Is that correct?

Mr. FORD. The Senator is correct.

Mr. MELCHER. I will say as far as the alluvial valley floors amendment is concerned, I do not know that even we need a rollcall vote. I am ready anytime. I said everything I need to say about it last night.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I usually try to wait until the order is agreed to before I make any comments so nothing will come out of the woodwork in the meantime.

I thank Mr. FORD, Mr. WARNER, Mr. MELCHER, Mr. METZENBAUM, Mr. BUMPERS, Mr. HEINZ, Mr. PERCY, Mr. HUDDLESTON, Mr. THURMOND, and all other Senators who have participated in working out the agreement that has been reached.

Mr. President, so that there will be a clear understanding on the part of Senators as to time, the agreement does not change the cloture rule with respect to the allotment of 1 hour to any Senator under the cloture rule; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. So, the cloture rule with respect to the control of time and the use of time and all other matters that are not covered in this agreement will obtain, the agreement having been gotten subsequent to cloture.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. BUMPERS. Mr. President, I was not here during the first part of the agreement this morning. Do we have a sequence in which the prime farmlands and alluvial valley floors amendments will be presented?

Mr. METZENBAUM. The alluvial valley floors, the prime farmland and then the Thurmond amendment.

Mr. ROBERT C. BYRD. Yes. The Senator stated it correctly.

Mr. METZENBAUM. Am I correct?

Mr. ROBERT C. BYRD. Yes. The alluvial valley floors amendment is first.

UP AMENDMENT NO. 1506

(Purpose: To amend the Surface Mining Control and Reclamation Act of 1977 to establish specific standards)

Mr. MELCHER. Mr. President, I call up my amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER) for himself and Mr. METZENBAUM proposes an unprinted amendment numbered 1506 to amendment No. 1972.

The amendment is as follows:

At the end of the amendment add the following:

SEC. . Title VII of the Surface Mining Control and Reclamation Act of 1977 is amended by adding after section 701 the following:

SEC. 701A. (1) Alluvial valley floors: Essential hydrologic functions.

(a) Surface coal mining and reclamation operations shall be conducted to preserve, throughout the mining and reclamation process, the essential hydrologic functions of alluvial valley floors not within an affected area. These functions shall be preserved by maintaining those geologic, hydrologic and biologic characteristics that support those functions.

(b) Surface coal mining and reclamation operations shall be conducted to reestablish, throughout the mining and reclamation process, the essential hydrologic functions of alluvial valley floors within an affected area. These functions shall be reestablished by reconstructing those geologic, hydrologic and biologic characteristics that support those functions.

(c) The characteristics that support the essential hydrologic functions of alluvial valley floors are those in 30 CFR 785.19(d)(3) and those other geologic hydrologic, or biologic characteristics identified during premining investigations or monitoring conducted during the surface coal mining and reclamation operation.

(2) Alluvial valley floors: Protection of farming and water supplies.

(a) Surface coal mining and reclamation operations shall not interrupt, discontinue, or preclude farming on alluvial valley floors, unless—

(i) The premining land use is undeveloped rangeland which is not significant to farming; or

(ii) The area of affected alluvial valley floor is small and provides or may provide negligible support for production from one or more farms.

(b) If environmental monitoring shows that a surface coal mining operation is interrupting, discontinuing, or precluding farming on alluvial valley floors, the operation shall cease until remedial measures are taken by the person who conducts the operation. The remedial measures shall be approved by the regulatory authority prior to the resumption of mining.

(c) Surface coal mining and reclamation operations shall not cause material damage to the quality or quantity of water in surface or underground water systems that supply alluvial valley floors. If environmental monitoring shows that the surface coal mining operation is causing material damage to water that supplies alluvial valley floors, the mining operations shall cease until remedial measures are taken by the person who conducts the operation. The remedial measures shall be approved by the regulatory authority prior to the resumption of mining operations.

(d) Paragraphs (a) and (b) of this Section do not apply to those lands which were identified in a reclamation plan approved by the State prior to August 3, 1977 for any surface coal mining and reclamation operation that, in the year preceding August 3, 1977:

(1) Produced coal in commercial quantities and was located within or adjacent to an alluvial valley floor, or

(2) Obtained specific permit approval by the State regulatory authority to conduct surface coal mining and reclamation operations within an alluvial valley floor.

(3) Alluvial valley floors: Protection of agricultural uses.

Surface coal mining and reclamation operations shall be conducted to ensure that the agricultural utility and the level of productivity of alluvial valley floors in affected areas are reestablished.

(4) Alluvial valley floors: Monitoring.

(a) An environmental monitoring system shall be installed, maintained and operated by the permittee on all alluvial valley floors during surface coal mining and reclamation operations and continued until all bonds are released in accordance with 30 CFR 807. The monitoring system shall provide sufficient information to allow the regulatory authority to determine that:

(i) The agricultural utility and production of the alluvial valley floor not within the affected area is being preserved;

(ii) The potential agricultural utility and production on the alluvial valley floor within the affected area has been reestablished.

(iii) The important characteristics supporting the essential hydrologic functions of the alluvial valley floor in the affected area have been reestablished after mining; and

(iv) the important characteristics supporting the essential hydrologic functions of an alluvial valley floor in areas not affected are preserved during and after mining.

(b) Monitoring shall be performed at adequate frequencies, to indicate long term trends that could affect agricultural use of the alluvial valley floors.

(c) Monitoring shall be performed during operations, to identify characteristics of the alluvial valley floor not identified in the permit application and to evaluate the importance of all characteristics.

(d) All monitoring data collected and analyses thereof shall routinely be made available to the regulatory authority.

(5) The standards for operations in alluvial valley floors in (1) through (4) shall apply only to those lands west of the one hundredth meridian west longitude;"

Mr. MELCHER. Mr. President, I do not think anyone wishes to speak on the amendment. I am ready for the question.

Mr. FORD. Mr. President, per the agreement last evening many of us joined together in an effort to put the several amendments together. I think all of us who worked last evening and this morning as related to alluvial valley floors are very pleased with what developed from that. The final paragraph as it related to alluvial valley floors said that all of this legislation would only apply west of the 100th meridian.

Of course, as far as I am concerned, I have no objections to it and support this piece of legislation.

Mr. METZENBAUM. Mr. President, I rise very briefly just to commend the Senator from Montana as well as the junior Senator from Montana, both of whom were very much interested in this particular amendment.

It is a major concern more to the Western States than to some of the rest, but it is a national matter, and I think he has provided yeoman leadership in this entire undertaking. I think he has served his State very commendably in seeing to it that this amendment be adopted as part of the compromise.

Mr. ROBERT C. BYRD. Mr. President, I ask that the amendment be read.

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the amendment be printed in the Record at this point.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I withdraw my request for the reading of the amendment.

The PRESIDING OFFICER. The request is withdrawn.

The amendment is as follows:

At the end of the amendment add the following:

Sec. Title VII of the Surface Mining Control and Reclamation Act of 1977 is amended by adding after section 701(1) the following:

RULES AND REGULATIONS

"(A) Alluvial valley floors: Essential hydrologic functions.

(a) Surface coal mining and reclamation operations shall be conducted to preserve, throughout the mining and reclamation process, the essential hydrologic functions of alluvial valley floors not within an affected area. These functions shall be preserved by maintaining those geologic, hydrologic and biologic characterictics that support those functions.

(b) Surface coal mining and reclamation operations shall be conducted to reestablish, throughout the mining and reclamation process, the essential hydrologic functions of alluvial valley floors within an affected area. These functions shall be reestablished by reconstructing those geologic, hydrologic and biologic characteristics that support those functions.

(c) The characteristics that support the essential hydrologic functions of alluvial valley floors are those in 30 CFR 785.19(d)(3) and those other geologic, hydrologic, or biologic characteristics identified during premining investigations or monitoring conducted during the surface coal mining and reclamation operation.

"(B) Alluvial valley floors: Protection of farming and water supplies.

(a) Surface coal mining and reclamation operations shall not interrupt, discontinue or preclude farming on alluvial valley floors, unless—

(i) The premining land use is undeveloped rangeland which is not significant to farming; or

(ii) The area of affected alluvial valley floor is small and provides or may provide negligible support for production from one or more farms.

(b) If environmental monitoring shows that a surface coal mining operation is interrupting, discontinuing, or precluding farming on alluvial valley floors, the operation shall cease until remedial measures are taken by the person who conducts the operation. The remedial measures shall be approved by the regulatory authority prior to the resumption of mining.

(c) Surface coal mining and reclamation operations shall not cause material damage to the quality or quantity of water in surface or underground water systems that supply alluvial valley floors. If environmental monitoring shows that the surface coal mining operation is causing material damage to water that supplies alluvial valley floors, the mining operations shall cease until remedial measures are taken by the person who conducts the operation. The remedial measures shall be approved by the regulatory authority prior to the resumption of mining operations.

(d) Paragraphs (a) and (b) of this Section do not apply to those lands which were identified in a reclamation plan approved by the State prior to August 3, 1977 for any surface coal mining and reclamation operation that, in the year preceding August 3, 1977:

(1) Produced coal in commercial quantities and was located within or adjacent to an alluvial valley floor, or

(2) Obtained specific permit approval by the State regulatory authority to conduct surface coal mining and reclamation operations within an alluvial valley floor.

"(C) Alluvial valley floors: Protection of agricultural uses."

Surface coal mining and reclamation opertions shall be conducted to ensure that the agricultural utility and the level of productivity of alluvial valley floors in affected areas are reestablished.

"(D) Alluvial valley floors: Monitoring."

(a) An environmental monitoring system shall be installed, maintained and operated by the permittee on all alluvial valley floors during surface coal mining and reclamation operations and continued until all bonds are released in accordance with 30 CFR 807. The monitoring system shall provide sufficient information to allow the regulatory authority to determine that:

(i) The agricultural utility and production of the alluvial valley floor not within the affected area is being preserved;

(ii) The potential agricultural utility and production on the alluvial valley floor within the affected area has been reestablished;

(iii) The important characteristic supporting the essential hydrologic functions of the alluvial valley floor in the affected area have been reestablished after mining; and

(iv) the important characteristics supporting the essential hydrologic functions of an alluvial valley floor in areas not affected are preserved during and after mining.

(b) Monitoring shall be performed at adequate frequencies, to indicate long term trends that could affect agricultural use of the alluvial valley floors.

(c) Monitoring shall be performed during operations, to identify characteristics of the alluvial valley floor not identified in the permit application and to evaluate the importance of all characteristics.

(d) All monitoring data collected and analyses thereof shall routinely be made available to the regulatory authority.

"(E) These performance standards for operations in alluvial valley floors shall apply only to those lands west of the one hundredth meridian west longitude."

Mr. WARNER. Mr. President, those Senators on this side of the aisle, together with their staffs who were participating in the conference on the amendments, advised me that the regulations adhere very closely to the statute and, therefore, the intent of Congress and, as such, we have no objection.

Further, I would like particularly to point out that in paragraph 5 of the amendment:

(E) These performance standards for opations in alluvial valley floors shall apply only to those lands west of the one hundredth meridian west longitude.

Mr. President, I ask unanimous consent that the following note and 1977 colloquy from Senator Schmitt be placed in the Record regarding the definition of alluvial valley floors (section 701(1) of the 1977 Surface Mining Act).

There being no objection, the material was ordered to be printed in the Record, as follows:

NOTE

During the floor debate on the bill, I participated in a colloquy to insure that the interpretation of the definition of the alluvial valley floor would not be extended to include all materials between mountain ranges where a gravel or unconsolidated material overlays coal with water availability coming from acquifers associated with an alluvial valley or the main flood plain itself. I was satisfied with the definition that was included in the Senate bill, which was accepted by the Conference Committee. Since your language is the same, I see no problem with it. For your information, I have enclosed a copy of the colloquy from May 20, 1977.

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977

Mr. Schmitt. Mr. President, as we seem to not have debate on the pending business ready to start, I wonder if the distinguished Senator from Wyoming would be willing to answer a couple of questions pertaining to S. 7.

Mr. Hansen. I observe to my friend from New Mexico that Senator Hart is in the Chamber, Senator Melcher is here, and Senator Metcalf is also here. So I imagine we would follow right on.

Mr. Schmitt. I thank the Senator.

AMENDMENT NO. 282, AS MODIFIED

Mr. HART. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. HART. What is the pending business?

The ACTING PRESIDENT pro tempore. The clerk will state the pending business.

The assistant legislative clerk read as follows:

Amendment No. 282, as modified, the Hart substitute for the Johnston amendment No. 275, as modified.

The amendment (No. 282, as modified) is as follows:

In lieu of the language proposed to be inserted by the Senator from Louisiana, insert the following:

"(5) the proposed surface coal mining operation if located west of the one hundredth meridian west longitude, would—

"(A) not be located within an alluvial valley floor, or

"(B) not materially damage the quantity or quality of water in surface or underground water systems that supply these valley floors referred to in (A) of subsection (B)(5): *Provided*, That this paragraph (5) shall not apply to those surface coal mining operations located within or adjacent to alluvial valley floors which in the year preceding the enactment of this Act were engaged in the commercial production of coal or which had obtained prior to January 4, 1977, specific permit approval by the State regulatory authority to conduct surface coal mining operations within said alluvial floors.".

Mr. HART. Mr. President, the amendment I am proposing today with my colleague from South Dakota (Mr. ABOUREZK) as a substitute for the Johnston amendment regarding the subject of strip mining on alluvial valley floors is identical to the language contained in the House version of this bill, H.R. 2, which was passed on April 29, 1977, and which would strengthen the bill's provisions dealing with surface mining on alluvial valley floors.

This amendment is strongly supported by the administration, and a copy of a letter from the Secretary of the Interior, Cecil Andrus, strongly arffiming the administration's position, has been placed on each Senator's desk.

In addition, this amendment is supported by a wide range of agricultural and environmental and conservation organizations.

Mr. President, alluvial valley floors are critical to the arid and semiarid Western States, especially in periods of drought such as the one we are now experiencing. These valley floors contain unconsolidated aquifers and stream-beds, and are important for natural irrigation and subirriagtion of crops and grazing lands in periods of low rainfall.

Mr. President, I ask for the yeas and nays on this substitute amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HART. I thank the Chair.

Mr. President, the reason for my concern with surface mining in these areas is that, to date, there is little information to show that these areas can be reclaimed adequately to protect the underground water table.

My amendment would change the committee language by prohibiting new surface mining operations from taking place in these important areas, including underdeveloped range lands.

Mr. President, while I commend the members of the Energy Committee for the attention they have given this subject, I believe the committee language is too weak in a number of areas.

First, by "grandfathering" those surface mining operations where "substantial legal and financial commitments" have been made, the committee has opened up the possibility of endless litigation and a legal nightmare for the State and Federal enforcement agencies as they attempt to define just what this language means.

Second, and more importantly, the committee's exemption of undeveloped rangelands from the surface mining prohibition ignores the complex nature of the underground hydrologic network. Surface mining of these areas could conceivably result in the permanent disruption of this hydrologic network and the permanent loss of productive lands in an area far larger than just the minesite itself. According to a National Academy of Sciences report, the offsite consequences of surface mining on alluvial valley floors could be far greater than the effects on the mined lands.

My amendment would, therefore, include these undeveloped rangelands in the bill's prohibition against new surface mining in alluvial valley floors, and it would also provide the authority to make case-by-case determinations on whether proposed surface mining on lands adjacent to alluvial valley floors could substantially harm the quantity or quality of the alluvial valley water aquifer.

Mr. President, many of my colleagues may be concerned that my amendment to tighten the ban on alluvial valley floor strip mining might effectively keep much of the coal in Western States from being developed. I want to reassure them that this is simply not so. Recent studies indicate that only 2½ to 3 percent of the coal in the West is found in these areas.

At issue, Mr. President, is a critical and unique water supply which we cannot afford to endanger. The Western States do not have much water in good years, and this year the problem is nearing disaster. What the West does have is an abundance of coal, which is found in many areas less critical than these alluvial valleys. What my amendment would do is lock up a small amount of the West's huge coal reserves so that important agricultural activities can continue unthreatened by the increased salinity or loss of water that strip mining could cause. As we begin to develop information on how to reclaim these areas adequately and safely, we in Congress can always reverse our decision on this subject. But until then, Mr. President, I think we can and should produce our coal elsewhere.

In closing, I should like to read briefly from Secretary Andrus' letter to me on this amendment:

"This Nation has abundant supplies of coal and we can afford to be particular about where and how we mine it. Alluvial valleys can be defined geologically and are critical to the water systems on which many of our citizens depend. Determination of effects of mining in alluvial valleys is, however, particularly uncertain and the possibility of serious harm is substantial. It is essential therefore that adequate protection be provided."

Your amendment will do this and I urge the Senate to adopt it.

Mr. HANSEN. Mr. President, I appreciate the concern of the Senator from Colorado.

This certainly is an issue that has been discussed many, many times. It is my considered judgment that the language contained in the bill as reported by the Energy and Natural Resources Committee strikes the most reasonable balance and makes the best sense.

Obviously, no one wants to take an action which would be damaging and irreversible. I think the language contained in the bill provides those assurances and insures that we can proceed in a manner conforming with the language in the bill and achieve the goals that the Senator from Colorado has in mind.

I shall read what those provisions are:

"The proposed surface coal mining operation, if located west of the one hundredth meridian west longitude, would not have a substantial adverse effect on alluvial valley floors underlain by unconsolidated stream laid deposits where farming can be practiced in the form of irrigated, flood irrigated, or naturally subirrigated hay meadows or other crop lands (excluding undeveloped range lands), where such valley floors are significant to the practice of farming or ranching operations, including potential farming or ranching operations if such operations are significant and economically feasible: *Provided*, That this subparagraph (5) shall not affect those surface coal mining operations which in the year preceding the enactment of this Act (1) produced coal in commercial quantities, and (2) were located within or adjacent to alluvial valley floors or had obtained specific permit approval by the State regulatory authority to conduct surface coal mining operations within said alluvial valley floors or for which substantial financial and legal commitments, as determined by the Secretary, had been made prior to January 1, 1977."

Mr. President, later, I shall offer an amendment for consideration by the Senate which I think does address one possible shortcoming in this section.

However, my point is that we labored long and hard, trying to understand, first, what the concerns are of all persons interested in these lands; second, to try to come up with a solution which would deal fairly with everyone, first insuring that there would not be permanent damage to alluvial valley floors. I think that with the language that has been gone over a number of times, and to which attention has been given by all the experts we could call upon, we have come up with a pretty good answer.

I hope the Senate will reject the amendment proposed by the Senator from Colorado.

Mr. HART. Mr. President, I should like to respond briefly to the Senator from Wyoming.

First, with respect to the provisions contained in the committee bill, I note that the National Farmers Union, the Grange, the National Farmers Organization, the Rocky Mountain Farmers Union, and a variety of other agricultural interests are strongly in support of the substitute amendment I have offered, which I think indicates the breadth and depth of the concern on the part of those engaged in agriculture, particularly in the Western part of this country, about the damage which the committee language would do to their operations and to the water upon which they are dependent, if the bill is enacted.

I think the same concern was evidenced by the House in its adoption of the language which I am proposing. This language, if it were adopted, would conform the Senate bill to the provisions passed by the House.

I also note, Mr. President, in response to the suggestion—not made by the Senator from Wyoming but by others—that this would do substantial harm to our efforts to mine more coal, particularly in the Western States, that not only is Secretary Andrus strongly in favor of this language, but also, I am informed, the President's energy adviser, Dr. Schlesinger, supported the same language as offered by Representative Baucus in the House and supports the language contained in my amendment as a substitute.

With regard to the committee provisions, although I am sure the Senator from Wyoming is correct in his suggestion that the committee made every effort to reach a balance and to take into consideration all the interests, the language in the bill as it now stands grandfathers in those operations having made substantial legal and financial commitments to mining. Secretary Andrus says the following with respect to this provision in his letter of May 19 to me, a copy of which is on the desk of each Senator:

"A grandfather clause of this breadth holds real danger of environmental harm and would be particularly difficult to administer. In any event, there appears to be no justification for the open-ended possibility of new mining in these fragile areas provided by the reported bill, particularly under such an uncertain test as 'substantial financial and legal commitments.'"

Obviously, this language would leave open the possibility of those who have been speculating in coal lands in the past to make a real killing here, on the ground that, last year or in some prior years, they had made a "substantial financial and legal commitment."

In addition, with regard to the committee language, by allowing mining on undeveloped rangelands and areas not significant to farming or ranching operations at the present time, the committee provision opens a loophole that could be extremely far-reaching in effect.

Secretary Andrus complains in the same letter to which I have referred that it would be extremely difficult to determine administratively what "undeveloped rangeland" or "significant" farming and ranching are.

More important, this language neglects the extremely intricate interrelationship of the various surface and subsurface water networks in the arid and semiarid West. As with the grandfather clause on which I have commented, this language leaves open a real administrative and legal nightmare for the people who have the obligation of administering this law.

Also, the committee language does not recognize the potentially damaging effects of mining adjacent to alluvial valley floors which may have the same effect as the actual mining operation on the valley floor itself.

So I think that in a number of very important respects, which Secretary Andrus has outlined in his letter, the committee language is deficient.

For some of the reasons I already have indicated and some which I will indicate later, I think the amendment offered by the Senator (Mr. Johnston), to which my amendment is offered as a substitute, does not cure defects in the committee bill but, rather, exacerbates a number of them.

It is extremely important, in connection with these interests, to tighten up this bill and to provide some more particular definition of what we are talking about here than the bill which the committee has offered to the Senate or the amendment of the Senator from Louisiana.

Mr. Melcher. I thank the Senator for yielding.

On February 4, in a rather detailed letter to the committee, Secretary Andrus addressed this very particular and critical point of alluvial valley floor treatment in the bill, He advocated the language we developed last year, which was in H.R. 13950, and now the Senator tells us that Secretary Andrus is very much enthused and enthralled with the language he is presenting today.

Does he elaborate; were there public hearings held by the Department of the Interior that led to this change of position? Was there clear exposure to all of the people, public bodies, that are involved? How about all of the environmental groups that have had an opportunity in this bill, all of the companies that might be involved in mining? What is the background of the proposed amendment?

Mr. Hart. Well, the Senator's questions, I think, would better be directed to the administration and Secretary Andrus himself because I am not privy to any reasoning that may have gone on. The Secretary, on behalf of the President and the administration, would have to explain to the Senator from Montana whether his support for my amendment reflects any yielding to pressure from any organizations. That I do not know and I cannot account for. But I do know the Secretary in his letter to me, and for distribution to the Senate, has indicated very strongly present approval and support on behalf of the administration for the language which we have proposed here as a substitute.

Mr. Schmitt. Mr. President, will the Senator yield for a question?

Mr. Hart. I yield.

Mr. Schmitt. The Senator from Colorado has put his finger on a very important problem, and I also must compliment the committee for having struggled with this and reached some form of compromise. I think the debate will determine just how adequate that compromise has been.

Would the Senator from Colorado define for me and our colleagues what he conceives an alluvial valley floor to consist of, and what other kinds of materials might be included in that and other kinds of services?

Mr. Hart. Well, the best approach I can make is an attempt as a layman's—and I underline layman's—definition of what this geological phenomenon is.

These floors consist of unconsolidated deposits of gravel and porous rock and silt, and they consist of either surface or underground aquifers under them, depending on the topography of the area and the time of year.

They are usually, in our part of the country, as the Senator from New Mexico knows, lowland areas, where crops or hay are grown.

In the bill itself there is the definition, I think, on page 290 where alluvial valley floors are defined as meaning the unconsolidated stream laid deposits holding streams where water availability is sufficient for subirrigation or flood irrigation agricultural activities. That is the committee's definition of the formation we are talkng about.

Mr. Schmitt. Well, the definition on page 290 is somewhat imprecise.

I would ask the Senator would he conceive of the alluvial land, very often lying between a mountain range and a flood plain of a stream, as being included in this definition of alluvial valley floors? The Senator is aware of what I am speaking in these very broad unconsolidated gravels and sands that come out of the mouths of streams that issue from mountain ranges at the edges of agriculturally productive valleys.

One can conceive of alluvial plains, and in some cases they are plains where agricultural water may be dumped from these same deep aquifers that are fed from the valley itself.

Would the Senator include those as part of his definition?

Mr. Hart. Well, I think to the degree they conform with the other narrow aspects as outlined by the committee, the answer is, yes.

I do note that in the letter which Secretary Andrus wrote, the letter of May 19, directed to me by him that he is of the belief, I think in the last paragraph of that letter, that alluvial valleys can be defined geologically and are critical to water systems.

The other observation I would make is that any deficiencies in the definition of the areas we are talking about, alluvial valley floors, would probably be best addressed to the committee and to the bill language itself, and I would be more than willing to cooperate with the Senator from New Mexico, who has a great deal more expertise in geological areas than I and, perhaps, anyone on the committee, with the purpose of clarifying that definition and, perhaps, even broadening it.

But, specifically on the areas which the Senator has mentioned, to the degree they conform to all of the aspects of the definition which I have suggested, particularly consisting of surface waters or ground waters, aquifer formations where agricultural activities are taking place or could take place, I think the answer to his question is probably yes.

Mr. Schmitt. So the Senator would see the possibility in a test of this particular definition in the courts, in the absence of a geological definition in law, that we might see a very broad application of the general definition of alluvial valley floor as on page 290. That is, it could conceivably be extended to include all materials between mountain ranges, any area where a gravel or unconsolidated material overlays coal with water availability coming from aquifers associated with an alluvial valley or the main flood plain itself.

Mr. Hart. I think to a degree the Senator has identified the problem. The problem is whether this body accepts the bill as the committee proposes, accepts the Johnston amendment, accepts my substitute amendment or accepts any other attempt to outline what strip mining will be permitted in an alluvial valley floor, that is to say, if there is a problem with respect to specificity of definition, it prevails in all the approaches to that problem. I would be more than willing to have the representatives of the committee, majority or minority, address themselves to whether the definition is specific enough or is too vague.

All I am saying is that to the degree the Senator from New Mexico has identified the problem, the problem pervades all these discussions.

Mr. Schmitt. I concur with the Senator that it is a problem in both cases.

The Senator's amendment, however, would exacerbate the problem; that is, it would certainly tighten up the overall area of the mining of alluvial valleys. Therefore, a very precise definition of what we mean by alluvial valley floor is even more critical if the Senators' amendment were to be accepted by the committee.

I also wonder if members of the committee would like to enter into this colloquy and to discuss whether the definition of alluvial valley floor is precise enough.

Mr. Metcalf. Whoever has the floor, will he yield to me?

Mr. Schmitt. The Senator from Colorado has the floor.

Mr. Hart. I yield to the distinguished floor manager of the bill.

Mr. Metcalf. The Senator from Wyoming has already expressed the opinion of the committee. This matter was thoroughly discussed. The technical amendments that were proposed, that are being proposed by the Senator from Colorado, and the rather technical definitions, were considered in the committee.

Counsel for the committee and members

of the committee felt that such things as substantial, legal problems would give greater flexibility to the Secretary in making his orders with respect to the alluvial valley floors.

In the course of my discussion with the Senator from Louisiana yesterday, I expressed some of my views and I think I expressed the committee's views on this bill. I join with the Senator from Wyoming in urging that we adopt the view, the language, and the concept that is in the committee bill, so that we do have some not too precise, not too specific suggestions, but something that the Secretary can write some regulations around and that will give some guidance to the court in interpretation of the law.

The language of the Senator's amendment is in the House bill, and inevitably no matter what we agree to we are going to have to go to the House of Representatives and again thrash this proposition out. I am not for the Johnston amendment. I am supporting the committee bill. I think that we are sufficiently precise, that the Secretary can write the necessary regulations. I think we are sufficiently precise that a competent court can interpret it in the event of an appeal. I would hope that, unless there is a special thing that the Senators want to bring up, we do not try to take away from the Secretary of the Interior the flexibility that we tried to give him on the committee.

Mr. Schmitt. Mr. President, will the Senator yield?

Mr. Hart. I yield, but I shall first make this observation:

I appreciate the remarks of the distinguished floor manager, but the Secretary of the Interior indicated he does not want the kind of authority that the committee is trying to force on him. He has already indicated to us that he thinks the committee provision is much too broad to write the kind of regulations necessary to implement this act. He has indicated to us that he hopes we will take away that vagueness and take away that potential for arbitrariness and give him a specific law that he can implement. So I think the best argument against the committee position here is the Secretary's own words that he does not want the authority which the committee is trying to give him.

Mr. Metcalf. The Secretary of the Interior probably does not want a whole lot of obligations that sometimes we delegate to him by an act of Congress, but I have great confidence in the Secretary of the Interior. If he gets this delegation I am sure he will do a good job at it.

Mr. Hart. I yield to the Senator from New Mexico.

Mr. Schmitt. I hope that the distinguished floor manager of this bill understands that my question about the definition of "alluvial valley floor" is not to indicate that I prefer the Hart amendment over the committee language. I am not completely happy with the committee language, but I must say I prefer it over any tightening of that language. My concern about definition is simply to illustrate that without a more precise definition we will, in fact, potentially remove even more coal from available production, particularly coal on private lands, by the adoption of the Hart amendment.

I am almost as equally concerned about the language that the committee proposes for the same reason. There is considerable impreciseness in that definition which the Senator, I believe, sees as an advantage but I see as a disadvantage because of how far and how sweeping the interpretation that they be made either by the Department of the Interior, the Secretary of the Interior or by the courts.

And as a matter of fact, this is another question that I was going to ask the Senator from Colorado. Does he have any views concerning the amount of federally and privately owned coal in alluvial valleys defined either very precisely as only the flood plain or imprecisely as the entire area, say, between mountain ranges and in basins that as underlain by consolidated gravel?

Mr. Hart. Let me respond again. I think it is a very important point. My amendment does not make this language any more vague. My amendment does not tamper with the committee's definition of what alluvial valley floor is at all. If anything, my amendment would prevent the kind of latitude which the Senator is concerned about in that it tightens up what activities can and cannot be carried out in these areas and removes from the Administrator's discretion what kinds of commitments qualify for an exemption from the act.

So if the Senator is concerned about arbitrariness or vagueness, he would be well advised, I think, to support an amendment which more narrowly and carefully defines the activities, if not the areas concerned, to prevent an administrator or bureaucrat, or someone, from getting into a hornet's nest from which they cannot get themselves extracted.

I shall simply try to specifically respond on the question of how much coal we are talking about. It is my understanding there have been three studies which address themselves to the question of the alluvial valley floors and their relation to the strip mining of coal. And the following information is taken from those studies, one by Mr. Malde and Mr. Boyles, in 1976, who mapped alluvial valley floors and strippable coal in a number of counties in Montana for the U.S. Geological Survey. They found that, of the surface area within the study area underlain by strippable coal, only 2.67 percent of the land surface studied overlay surface minable coal which falls within the figure which I have already indicated in my opening remarks of some 2.5 or 3 percent of strip minable coal which is in the area which we are talking about here.

Also, an EPA study in 1977 on the same subject found that, of land presently leased for coal mining in eight Western States, meeting the alluvial valley floor criteria contained in this bill, 2.88 percent of the area of the leased lands was in alluvial valley floors.

Then I noticed the third study is attributed to Jack Schmitt, 1977, EPA from Denver, Colo.

Mr. Schmitt. If the Senator will yield. I do not believe he is any kin of mine.

Mr. Hart. I hope we can clarify that for the record.

Of the alluvial valley floor areas studied in east central Montana, including all coal deposits in that area, 2.8 percent of the strippable reserves in that area was in what are defined as alluvial valley floors. So we are talking, I think, under the three studies and the literature that we have, about 2.5 to 3 percent of all of the known deposits of coal available.

Mr. Melcher. Mr. President, will the Senator yield?

Mr. Hart. I yield to the Senator from Montana.

Mr. Melcher. I think it should be borne in mind that this is an old issue and that the studies that the Senator from Colorado referred to were in the concept of what was intended to be excluded as alluvial valley floors. It was not intended to just go on the definition that is contained here on page 290 and which has been mentioned earlier today, which is a very limited definition. It does not say anything about farming. It really does not get into the question of whether the irrigation water that is available either surface or subsurface is adequate for farming.

So what we have presented now is a different situation because the Senator from Colorado, Senator Hart, is presenting an amendment that says there will not be any coal mining on any of the areas that are unconsolidated stream laid deposits holding streams where water availability is sufficient for subirrigation or flood irrigation agricultural activities.

Mr. Hart. Except for the grandfather provision.

Mr. Melcher. There is no question but that definition, if that is all that is going to guide the courts, will probably invite litigation on every mining plan that is proposed in the West.

We have gone over the ground so often; what are we trying to protect in alluvial valley floors?

Mr. Hart. Again let me say if the Senator is unhappy with the definition, I will be more than happy to work with him and the committee in improving it.

I did not arrive at this definition; it is one the committee itself came up with after months and years of deliberation. If it is faulty, and it may be, I do not think that should be laid at the doorstep of the amendment I am offering.

I think a strong argument can be made, and has been made, that in fact my amendment will produce less litigation than the committee's bill, which suggests that if you make any what they call substantial legal or financial commitment, you are entitled to an exception, which invites speculators to attempt to qualify under that vague definition, which gives the Secretary a discretion he does not even want.

My amendment tightens up the language of the committee bill, but I do not want to assume responsibility for any vagueness of geological definitions contained in the bill.

Mr. Schmitt. If the Senator will yield, the problem of the constitutionality is a problem which will continue relative to the bill, particularly since one of the purposes of the bill as stated on page 151 is:

"Wherever necessary, exercise the full reach of Federal constitutional powers to insure the protection of the public interest through effective control of surface coal mining operations."

If we are really looking to exercise the full reach, we must consider whether we have reached too far in some cases.

At this moment, I want to be certain that my concern about the Hart amendment is clear. Given a very loose definition of an alluvial valley floor, the Hart amendment, if adopted, would have a great potential of withdrawing all lands in the western United States which are underlain by unconsolidated gravel and which could be irrigated using water associated with a particular floodplain area.

I believe we not only must look to add some precision to the definition of alluvial valley floors, but we must recognize that if we enact the Hart amendment we will be eliminating, or potentially eliminating, from coal production vast areas of the West, in my State of New Mexico as well as almost all other Western States.

Mr. Hart. I take issue with what the Senator has said based upon the studies I have already cited. Again, my amendment should not be confused with any vagueness the Senator feels about the definition of the language.

Mr. Schmitt. I do not attribute the vagueness of the definition to the Senator's amendment.

Mr. Hart. My amendment would not remove vast amounts of land otherwise available. The studies I cited are the best evidence we have, and they say 2.5 to 3 percent.

Mr. SCHMITT. But with the looseness in the definition of alluvial valley floor, that could be extended to include all those materials I have just described, areas of coal overlain by unconsolidated gravel.

Mr. HART. Not according to the experts who conducted the study, who assumed the definition contained in the bill.

Mr. SCHMITT. But that definition is very imprecise. They may have just included the flood plains which are relatively level and are presently available for agricultural use. As the Senator well knows, vast parts of this State as well as mine are underlain by unconsolidated gravel at the edges of the floodplain and they could conceivably, and very possibly would, fall under this definition of alluvial valley floor.

Mr. METCALF. Will the Senator from Colorado yield?

Mr. HART. I yield.

Mr. METCALF. I feel compelled to insist that the estimate of the amount of land affected by these alluvial valley floor proposals, whether it is Senator Johnston's amendment, the Senator's amendment, the committee proposition, or the amendment which may be offered by my colleague from Montana, is not more than 3 percent of the land. Every study we have had made, utilizing the definitions we have in this bill, under the definitions we have under the Senator's amendment, and other definitions, say that the alluvial valley floor impact of this type of legislation is 2.5 to 3 or maybe a little more than 3 percent, but not over 3.5 percent.

Mr. SCHMITT. If the Senator will yield as a geologist, I do not know how I would draw a line on a map defining alluvial valley floor according to the definition in the committee print. That is what I am concerned about.

Mr. METCALF. People have done mapping for us in the Soil Conservation Service and in the special service organizations that have made these studies.

Mr. SCHMITT. Then they have done it with a definition that is much more narrow than what could come from the interpretation of the committee's definition of alluvial valley floor. I would hope that maybe we could find out how these studies defined the line within which they included only 2 to 3 percent of the available coal lands. That is an extremely small number. It does not relate at all to the amount of area in the western United States underlain by unconsolidated gravel that would come under this definition. That is my concern.

If the committee staff would be willing to work with my staff to try to find out just how that line was defined, maybe at a later time today or tomorrow we can come to grips with that definition.

Mr. METCALF. I would be delighted to have the committee staff work with the Senator, his staff, or anyone else. As I understand it, the Senator from Colorado is going to ask unanimous consent to put this vote off until 11:15. I hope the debate on this amendment will not run until 11:15 because there are other matters under consideration to be taken care of. In the interval I would be delighted to have anybody on my staff discuss this matter with the Senator.

Mr. SCHMITT. If the Senator from Montana will yield further, I am concerned about the definition of alluvial valley floor with respect to the committee print as well. I am particularly concerned about it with respect to the amendment of the Senator from Colorado.

Mr. METCALF. The Senator from Montana has no illusions about the concern of the Senator from New Mexico under the committee amendment or the amendment of the Senator from Colorado.

Mr. SCHMITT. The point is that the impact of that looseness of definition is much more severe in the Hart amendment than in the committee amendment. I will in fact support the committee in opposing the Hart amendment for that reason.

Mr. HART. Mr. President, I do not intend to carry the discussion of this amendment too much further since there are a large number of amendments and the leadership does want to try to get this bill passed today. I am more than happy to answer any questions. Questions of definition can be worked out. They are technical in nature. Those are concerns between the Senator from New Mexico and the floor manager.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, the concern that has been expressed by the Senator from New Mexico as to what is an unconsolidated stream-laid deposit holding streams where water availability is sufficient for subirrigation or flood irrigation agricultural activities is a concern that will involve almost every mining plan submitted to a State regulatory authority or to the Secretary of the Interior for approval before strip mining can be done. If we are just to look at those four lines in the bill and say that the mining plan had to conform to that, without any interpretation of another section of the bill, I think there is a question of how much strip mining would be done in the West.

I would ask Secretary Andrus and all the other backers of this amendment if they want to prohibit strip mining on some dry creeks.

Who has made a survey of the dry creeks in Montana or Wyoming to find out whether or not they have unconsolidated stream laid deposit holding streams where water availability is sufficient for subirrigation or flood irrigation agricultural activities? Certainly not the studies that have been referred to, because they have looked at the concept of what the committee and what Congress intended in those bills by "alluvial valley floor". They did not look at all of the geology that might be involved on these dry gulches, on these dry streams that may flow some years when there is snow to be melted off, or heavy rains of sufficient quantity to let them run. They have not looked at it from the concept of all of those dry streams and, surely, the committees that have worked on this bill, in this Congress as well as in previous Congresses, was not referring to all the dry streams or all the dry gulches in the West.

What we sought to do was protect such valleys as the Yellowstone Valley, where there is irrigation, where there is farming. We sought to protect the integrity of that valley and the Tongue River Valley, the Powder River Valley, the Rosebud Creek Valley, and many others, where there was farming—that was being farmed because of either surface irrigation or subsurface irrigation. That is what we were trying to do, because those thin ribbons of irrigated land, surface or subirrigated, are extremely important to the miles upon miles and millions and millions of acres of western land that flow out from either side of those narrow stream beds.

So we had the question of this definition of alluvial valley floors. There has always been some question in my mind whether we should seek to use that definition. We were really talking about valley floors where you can farm, and where there is irrigation water, either on the surface or subsurface, that helps that farming. That is what we are talking about. Yet we keep having to rely on this geologic definition of what we are talking about.

Well, I have not quarreled with striking the geologic definition. What I have quarreled about is what we are trying to protect in saying to the Secretary of the Interior or to the regulatory authority of each State, "When are you going to say no to strip mining if it involves farmland where it is irrigated or subirrigated?"

So we get to this other section of the bill, which is on page 207 of S. 7.

I am not really fond of, and I join with the Senator from Colorado in not really liking that section of the bill. I join with the Senator from New Mexico in saying, just what is this referring to? How loose is this? I think it is pretty loose in the bill. I think it is pretty loose.

I think when we are talking about laying on this added definition on line 4, page 207, "have a substantal adverse effect on alluvial valley floors underlain by unconsolidated stream laid deposits where farming can be practiced"—now we put in another element. We start out with a definition on page 290 of what an alluvial valley floor is. Then we get to this key section where we are going to ban strip mining on those alluvial valley floors.

Then we lay on this language, which seems to me to compound ambiguity.

Perhaps, if we were pushed far enough and we had a Secretary of the Interior who wanted to mine on the valley floors, or a regulatory authority in a State such as Montana or Wyoming that wanted to mine on the valley floors, we might make an endangered species out of the Yellowstone Valley, the Tongue River Valley, or the Powder River or the Rosebud, if there were loose construction of this section, coupled with the definition.

The Senator from Colorado tried to get around that. I think what his definition does is just about ban strip mining in the West if somebody wants to press the issue on what are all the areas where there are unconsolidated stream laid deposits because, where there is a question, what about "where water availability is sufficient for subirrigation or floor irrigation agricultural activities."

Is that to mean every time a dry stream runs some water, after a good snowfall in the winter or a good snow pack or a heavy rain in the spring, which would be captured and used for irrigation, even though that irrigation would be for a farming operation that is as intermittent as just starting up now, with the idea that this was to prevent strip mining in that area? I do not know. I do not think the Secretary of the Interior, Mr. Andrus, knows.

On February 4, he wrote a very detailed letter saying to the committee that the alluvial valley floor section was most important in the bill and that those fragile lands—talking, I think, about the Yellowstone Valley and the Powder River and Rosebud Creek—where there was farming dependent upon irrigation, should be protected. Then he opted for and recommended the specific language, word for word, that we had agreed upon last summer.

What has happened between February 4 and now? Have there been any hearings on this language? No; neither committee has held hearings on this particular language.

Has the Secretary gone out and held hearings on this particular language? No; he has not.

What has been the origin of this amendment? He does not advise us. His letter to Senator Hart, dated, I think, May 19, does not explain why he changed his view, what input he had to guide him to change his mind from February 4. No; he just says, let us have this amendment.

I think it goes too far. I do want to protect these stream beds where there is farming. I do want to do that. But we have, long ago, decided that we are not trying to ban strip mining on the dry creeks where there is not any farming. We use such words as "undeveloped rangeland" so there will not be any doubt, by a Secretary or a regulatory authority of a State or by the courts.

(At this point, Mr. Culver assumed the Chair.)

Mr. MELCHER. We said in the section of the bill dealing with this that it had to be farm. They had to depend on irrigation water, either on the surface or subirrigated, and that those were the areas we were trying to protect.

Now, I have a printed amendment, it is No. 292.

The situation we are in right now is that Senator Hart's amendment is a substitute for Senator Johnston's amendment. The vote will occur first on the substitute, Senator Hart's amendment. I think his amendment goes too far, with all due consideration to the Secretary of the Interior, and to his leadership of a department I think is going to be more dynamic than it has been in the past.

It does seem odd that on February 4, he can take a very explicit, a very definite view, go word for word over language we have developed over a year ago that has had a hundred or perhaps a thousand attorneys examine it, involved in the Department of the Interior, coal company attorneys, attorneys from various States, the States where mining would be done and practiced in the area we are talking about, in that area, and then come up on the floor of the House a week or two ago with a recommended amendment that is accepted on the floor, then approach Senator HART and say, "Let's have the same amendment in the Senate."

Mr. HART. Will the Senator yield?

Mr. MELCHER. And then he should give us an explanation of why this has been.

I am delighted to yield.

Mr. HART. First of all, I do not, as I indicated before, presume to speak for the Secretary of the Interior. Those questions are best addressed to him.

I would only note that February 4 was some 2 weeks after the President of the United States took office. I think that is not a very long period of time to take a position on an issue of this sort.

The other thing that has transpired since then is the passage of the House bill and the passage of a great deal of time.

As the Senator from Montana well knows, the Secretary of the Interior took a position on certain water projects at one point and has since, together with the President of the United States, changed his position on that somewhat.

So I think any administration coming into authority, particularly within the first few days, may tend to take positions it later wants to change.

The Secretary of the Interior can, of course, explain why he did that. I suspect a lot had to do with the debate and discussion of this bill and these provisions in the House and Senate committees and in the House of Representatives and the ferment that accompanied this discussion.

Mr. MELCHER. I think those observations by my friend from Colorado are nice observation. but Secretary Andrus was the Governor of Idaho. We have been discussing the strip mining bill here in the Congress I think for the past 5 years.

The Governor of Idaho, like other Western Governors, has examined the strip mine bill over all that time. While he was only the Secretary of the Interior for a few weeks on February 4, I can assure the Senator that Secretary Andrus was well exposed to the issue involved here.

But the parliamentary situation we are in now is to vote first on Senator Hart's amendment, which I think goes much too far, and I hope it is defeated. Then I hope that the amendment of the Senator from Louisiana (Mr. JOHNSON) is also defeated because it does not improve what is in the committee bill.

If the votes take place and both amendments are defeated, I hope to offer amendment No. 292 at an appropriate time because it is a middle ground on this issue for the valley floor protections.

If we had the Hart amendment adopted, the Senate would go to conference with the House locked into a position on this most sensitive issue.

If it is defeated, we then, of course, have the option of accepting the Johnston amendment or my amendment or other amendments.

Mr. METCALF. If the Senator will yield, or the committee bill.

Mr. MELCHER. Or the committee bill, and, of course, the committee section as it now exists in the bill.

Mr. METCALF. Yes.

Mr. MELCHER. I will not seek to prolong this discussion this morning, but I think that we really want to narrow the scope of understanding of what the Congress is trying to do in protection of alluvial valley floors.

We could do very well with accepting the language we worked out last year and now is before us at the appropriate time in amendment No. 292, which I will offer.

Mr. SCHMITT. Will the Senator yield?

Mr. MELCHER. I am delighted to.

Mr. SCHMITT. Is it the Senator's feeling, and I direct this also to the manager of the bill, that the legislative intent that alluvial valley floors apply to types of similar examples such as the Senator described so eloquently, Yellowstone, Rosebud, and so on. Is that the intent of the language of the bill?

Mr. MELCHER. Is the Senator asking me?

Mr. SCHMITT. I will ask the Senator if he believes that is the intent and then I would ask the committee if they concur.

Mr. MELCHER. I believe the intent of the previous bills, and I think the intent of the committee bill that we have before us, is to limit strip mining on valley floors where there is farming done, either by surface irrigation or sub-irrigation, and that, indeed, if that is a limitation and the effect of this bill is carried out as intended, that it would be about 2.5 percent of the area in the West.

Now, I think the Hart amendment would extend that considerably, depending upon the interpretation of the regulatory authorities and the courts.

Mr. SCHMITT. I concur with the Senator from Montana.

I think he has stated the intent and the intent which I can support. I suspect that is the generalized definition of alluvial valley floors that was used to get, say, 3 percent, the number 3 percent of the area affected.

I ask the committee, should that be the legislative history, roughly or maybe even precisely, as described by the Senator from Montana?

Mr. METCALF. Will the Senator yield?

Mr. MELCHER. I am glad to yield to the Senator.

Mr. METCALF. In the last Congress the bill was extensively discussed in probably one of the longest conferences we ever had. We have the conference report and it says that "alluvial valley floors do not include upland areas which are generally underlain by a thick veneer of colluvial deposits composed chiefly of debris from sheet erosion, deposits by unconcentrated runoff or slope wash, together with talus, other mass movement accumulation and wind blown deposits."

That kind of language is discussed specifically and was specifically adopted by the Senator from Montana who was on the conference committee at the conference of this legislation last year when we had the extensive discussion on alluvial valley floors which appears in the House report.

So, substantially, we in the Senate have adopted the definition in the concept that was written into H.R. 25, the conference report, in the last year's bill.

The bill was vetoed by the President except for adding the grandfather clause which was added at the end of the committee hearings, providing for a special protection for those people who were grandfathered in. So with respect to the Yellowstone and the Tongue and the Rosebud and those other wonderful names for rivers in southeastern Montana, in the opinion of experts who talked about alluvial valley floors and the kind of doubletalk I have just read to the Senator and in the opinion of the Members of the Senate who have asked us to put that in layman's language, we have taken care of the problem that my distinguished colleague from Montana raises. It is the same problem he raised in conference last year, and we agreed to it.

Mr. SCHMITT. Will the manager of the bill consider attempting to find a definition of "alluvial valley floor" that incorporates the gist of what he just referred to as doubletalk, which made perfect sense to me?

Mr. METCALF. I would be delighted to put in that language. I really did not mean it as doubletalk. It is professional soil conservation language, rather than the kind of talk we farmers use—gravel and soil composition.

I think it was our intent to have that language as a part of this bill. It is part of our discussion.

Mr. Harvey, of my staff, will meet with anybody, and we will specifically put that in the statute as a definition.

Mr. SCHMITT. If we could leave this matter at this point and if my staff and the Senator's staff could work together, perhaps we could find a way to make that definition of alluvial valley floor correspond to the well-stated intent of both Senators from Montana. I think that would relieve a great deal of concern I have about this fairly open-ended definition at the present time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana. (Putting the question.)

The amendment (UP No. 1506) was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1507

(Purpose: To amend the Surface Mining Act of 1977 to allow land surveyors to prepare maps and plans for surface mining operations)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the taking up of the amendments now be reversed, and that Mr. THURMOND's amendment may go next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I wish to thank the distinguished majority leader for his courtesy, the distinguished Senator from Kentucky for his courtesy, and the distinguished Senator from Virginia and others for their courtesy in this matter.

I send to the desk an amendment and request that my amendment at the desk be modified accordingly.

The PRESIDING OFFICER. The Senator has that right.

Mr. THURMOND. Mr. President, I

think everything has been agreed upon, and in order to save time I ask unanimous consent that the amendment be considered germane.

Mr. ROBERT C. BYRD. That already has been taken care of.

Mr. FORD. Mr. President, I ask unanimous consent that the amendment of the distinguished Senator from South Carolina (Mr. Thurmond) be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment proposed by Mr. Byrd (Amendment No. 1503) add the following new section:

(e) Section 507 (b)(14) of such Act is amended by—

(1) inserting "registered professional land surveyor (in any State which authorizes land surveyors to prepare and certify such maps or plans)," after "qualified registered professional engineer,"; and

(2) striking "land surveying and".

Mr. THURMOND. Mr. President, this amendment makes a minor, technical change in the Surface Mining Act to allow professional land surveyors to prepare and certify maps and plans for surface mining operations.

This amendment, while of a technical nature, is very important to land surveyors, especially in my State of South Carolina, and some 12 other States, where law specifically limits the preparation and certification of property maps to licensed, professional land surveyors or, in some of these States, surveyors and professional engineers.

In conflict with these State laws, the Federal Surface Mining Act, especially under the current interpretation by the Department of the Interior, does not permit professional land surveyors to take the lead in preparation and certification of these maps and plans. Instead, the Federal Act puts land surveyors in the role of assistant to engineers and geologists—a role which, as I said, does not meet the requirements of State law in many cases.

My purpose in bringing this matter before the Senate at this time is to resolve this unnecessary, purposeless conflict between Federal and State law that is detrimental to land surveyors and to the proper conduct of surface mining in the affected States. This change has the support of the national associations of both the professional engineers and the geologists, as well as the land surveyors. The bill on this subject, S. 2112, which I introduced last December, has the cosponsorship of Senators Hollings, Randolph, Church, Mathias, Bellmon, Hatfield, Domenici, Schmitt, Jepsen, and Hatch. I hope the Senate will accept this amendment.

Mr. President, I ask unanimous consent that supporting letters and documents be printed in the Record at the end of my remarks.

There being no objection, the letters were ordered to be printed in the Record, as follows:

South Carolina State Board
of Engineering Examiners,
Columbia, S.C., September 24, 1979.

Hon. Strom Thurmond,
Senate Office Building
Washington, D.C.

Dear Senator Thurmond: Your assistance and support of an amendment to Surface Mining Control and Reclamation Act of 1977 is needed desperately.

Under the laws of South Carolina an Engineer cannot perform land surveys or make maps of parcels of property. Only under the seal and signature of a Registered Land Surveyor can such maps be recorded.

If this amendment does not pass South Carolina will be in a very serious position. The Federal law is requiring a survey and map to be made by a person not qualified to do so. We have a great deal of surface mining going on in this State. The rock quarries, gravel mines, sand pits, and clay pits are a few of the mining operations taking place in South Carolina. Since the original Licensing of Engineers and Land Surveyors in 1922 only Land Surveyors have been able to make surveys.

I would appreciate your reading the enclosure and taking what positive steps you think necessary to insure its passage.

Should you have any questions, please feel free to give me a call.

Sincerely,

Ferrell J. Prosser.

American Congress on
Surveying and Mapping,
Falls Church, Va., January 16, 1980.

Re: Senate Bill S. 2112—Amendment to the Surface Mining Control and Reclamation Act of 1977

Hon. Strom Thurmond,
Russell Senate Office Building,
Washington, D.C.

Dear Senator Thurmond: On behalf of the Legislative Committee of the American Congress on Surveying and Mapping, I would like to express our appreciation to you and Senator Ernest F. Hollings for introducing the above-referenced bill.

This technical amendment to the Act inserts the registered land surveyor at the same professional level as the professional engineer and geologist, and enables the surveyor to perform services for which he is qualified and does exclusively perform in several states which do not require the registration of geologists.

We greatly support this Bill and will be contacting members of the Energy and Natural Resources Committee of the Senate urging them for their support.

Very truly yours,

William G. Wallace, Jr.,
Chairman, Legislative Liaison Committee.

National Society of
Professional Engineers,
Louisville, Ky., December 19, 1979.

Hon. Strom Thurmond,
Russell Senate Office Building,
Washington, D.C.

Dear Senator Thurmond: We have noted with interest and appreciation your introduction of S. 2112 to amend the Surface Mining Control and Reclamation Act of 1977, as amended, to correct a technical defect as regards the role of land surveyors in preparing cross-section maps or plans.

We have previously indicated to Senator Ford, Chairman of the Subcommittee on Energy Resources and Materials Production, Committee on Energy and Natural Resources, our support of an amendment of this kind. The restoration of the reference to registered land surveyors in the statute will properly make clear that those professionals are permitted to provide their services within their area of expertise, along with professional engineers and professional geologists.

We hope that Congress will take speedy action on your bill and we will, of course, be glad to provide such assistance as may be desired toward that end.

Respectfully yours,

Sammie F. Lee, P.E.,
President.

April 14, 1980.

American Institute of Professional
Geologists

(Policy Statement Concerning the Respective Professional Responsibilities of Geologists, Engineers, and Land Surveyors vis-a-vis PL 95–87, Section 507(b)(14).)

The American Institute of Professional Geologists (AIPG) fully supports the rights and responsibilities of all professions to practice in their respective areas of expertise as established by virtue of their formal academic training and professional experience.

Section 507(b)(14) of the Surface Mining and Reclamation Act of 1977, PL 95–87 clearly sets forth the nature of the information required on cross-section maps or plans to be effected. Most of the information is of a geological or geotechnical nature, specifically including "the nature and depth of the various strata of overburden; the location of subsurface water, if encountered, and its quality; the nature and thickness of any coal or rider seam above the coal seam to be mined; the nature of the stratum immediately beneath the coal seam to be mined; all mineral crop lines and the strike and dip of the coal to be mined, within the area of land to be affected; * * *; the location of aquifers; (and) the estimated elevation of the water table; * * *." Provisions of Section 507(b)(14) requiring extensive input by professional geologists include "the location of spoil, waste, or refuse areas of top-soil preservation areas; the location of all impoundments for waste or erosion control; * * *; constructed or natural drainways and the location of any discharges to any surface body of water on the area of land to be affected or adjacent thereto; * * *." The provisions of Section 507(b)(14) not normally requiring extensive geological or geotechnical input, except possibly in the planning phase, concern information on "existing or previous surface mining limits; the location and extent of known workings of any underground mines, including mine openings to the surface; * * *; any settling or water treatment facility; * * *; and profiles at appropriate cross sections of the anticipated final surface configuration that will be achieved pursuant to the operator's proposed reclamation plan."

AIPG fully supports the rights of land surveyors to their appropriate practice of cadastral and topographic surveying and mensuration and the preparation of maps, plats, and profiles depicting topography, property boundaries, and the location of certain other surface features and underground workings. Accordingly, AIPG also supports the rights of land surveyors to have the "lead" or primary role for the preparation and certification of documents pertaining to such work. On the other hand, the "lead" or primary role for preparation and certification of geological and geotechnical documents is the sole responsibility of professional geologists or of registered professional engineers qualified in the earth sciences.

U.S. DEPARTMENT OF THE INTERIOR,
Reston, Va., March 17, 1980.

Memorandum

To: Legislative Counsel.
Through: Assistant Secretary—Energy and Minerals.
From: Director, Geological Survey.
Subject: S. 2112—To amend the Surface Mining Control and Reclamation Act of 1977 relating to maps and plans of lands to be mined.

We support the purpose of S. 2112 as stated by Senator Thurmond in introducing the legislation: ". . . to reinstate the professional surveyor in his traditional role of preparing accurate plans, maps, and cross-section maps that are required under law for all surface mining and reclamation operations."

To insure that the purpose of S. 2112 is carried out, we suggest that the word "registered" be inserted before the words "land surveyors" in line 6 of the legislation. Addition of the word, we believe, would clarify the intent.

H. WILLIAM MENARD.

Mr. FORD. Mr. President, will the Senator from South Carolina yield for a couple of questions?

Mr. THURMOND. I would be pleased to.

Mr. FORD. I want to make a point here and make it very clear that an engineer prepares the entire design for the reclamation permit while the surveyor uses his specialty to complete the cross section maps or plans; is that correct?

Mr. THURMOND. That is correct, except in some 12 States where the statutes of the States require that the land surveyor does this work.

Mr. FORD. Is it the intent of the Senator's amendment just to make a technical correction? The language is acceptable if that is true for the following reasons, and let me point to those reasons: One, the section in question, section 507(b)(14) refers to cross section maps or plans of the land and not to any engineering features; is that correct?

Mr. THURMOND. That is correct. In my State the land surveyors are required to certify maps and plans. In 12 States it is similar to that. So this is just trying to protect the laws of those States. It does not affect Kentucky.

Mr. FORD. In those States, then, say in Kentucky, the land surveyor would be working under the direction of a registered engineer?

Mr. THURMOND. That is correct.

Mr. FORD. With the answers to my questions to the Senator from South Carolina, Mr. President, I have no objection to the amendment now as it has been modified, and it would be my desire to have this amendment accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (UP No. 1507) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1508

(Purpose: To protect prime farm lands)

Mr. METZENBAUM. Mr. President, I call up an amendment at the desk that is the Bumpers-Metzenbaum, and so forth.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM), for himself, Mr. BUMPERS, Mr. FORD, Mr. PERCY, and Mr. MELCHER, proposes an unprinted amendment numbered 1508.

Mr. ROBERT C. BYRD. Mr. President, this is the prime farmlands amendment, is it not?

The PRESIDING OFFICER. The Senator is correct.

The amendment is as follows:

1. On page 4, strike lines 17-24 and insert:

"'(b)(1) Section 503(a)(7) of the Act is revised to read as follows:

"'(7) rules and regulations consistent with this Act and the regulations issued by the Secretary relating to operations on prime farmlands set out in 30 CFR Part 823.

"'(2) Section 701(25) of the Act is amended to read as follows:

"'(25) State program' means a program established by a State pursuant to section 503 to regulate surface coal mining and reclamation operations, on lands within such State in accord with the requirements of this Act and regulations issued by the Secretary relating to operations on prime farmlands set out in 30 CFR Part 823.

"'(3) References in Sections 503(a)(7) and 701(25) to regulations issued by the Secretary shall be deemed to be references to such regulations in effect on the date of enactment of this Act, or to any subsequent modification of such regulations by the Secretary either on his own motion or upon the order of any court of competent jurisdiction.'".

2. On page 5, after line 19, add the following new subsections:

"(e) Section 510(d) of such Act is amended by inserting at the end thereof: '(3) The provisions of section 510(d)(2) shall not apply to lands mined to the coal face after August 3, 1982.'

"(f) Section 519 of such Act is amended by inserting at the end thereof:

"(i) Notwithstanding the provisions of Subsection (c) of this section, where the operation involves prime farmlands the regulatory authority shall release the bond or deposit in accordance with the following schedule:

"'(1) When the operator completes the backfilling, regrading, and drainage control of a bonded area in accordance with his approved reclamation plan, the release of 60 per centum of the bond or collateral for the applicable permit area.

"'(2) Release of an additional amount of 25 percent of the total original bond or deposit amount upon completion of Phase II reclamation as defined in the Secretary's regulation in 30 CFR 807.12(e) in effect on the date of enactment of this Act, or to any subsequent modification of such regulations by the Secretary either on his own motion or upon the order of any court of competent jurisdiction.

"'(3) Release of the remaining portion of the total bond or deposit after completion of revegetation. For the purpose of this paragraph, successful completion of revegetation on prime farmland shall be deemed to be completed when the adjusted crop production of three successful growing years, but not less than 36 months, is equivalent or higher than the predetermined target level or crop production specified in the permit.'".

Mr. ROBERT C. BYRD. Mr. President, Senators have wanted the yeas and nays on this amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METZENBAUM. Mr. President, I rise in support of the amendment, and I also commend my friend from Arkansas who called up his amendment last evening and did such a superb job in presenting it.

I think unquestionably it is the major amendment to this piece of legislation that addresses itself to the problems of stripping as far as prime farmlands are concerned.

He has very well explained the issue, and it is certainly a matter of concern to so many States of the Union, including my own, and I believe that by his efforts and the efforts of Senator MELCHER, myself, and others in adding this amendment and in the support it received by the vast, overwhelming, majority of the Members of the Senate last night, it clearly indicated that although the body does feel, we all agree, that strip mining is a necessity in order to meet our energy needs, at the same time we want to be certain that the agricultural lands that are ripped asunder by reason of that fact are also put back together again and revegetated and that products can grow on them.

This amendment, which would address itself to the need to have crops, successful crop years, 3 years in a row, is good testimony to the fact that he and others who have been involved in this discussion have been concerned about the kind of country in which we live, and I want to commend him for his work and assistance and his leadership in this particular effort.

Mr. BUMPERS. Mr. President, I am sorry the Senator from Ohio quit. I was really enjoying that. [Laughter.]

Mr. President, the feelings on this prime farmlands amendment have been fairly strong if not volatile, but I am pleased we did not get ourselves into a posture where everybody was hopelessly intractable.

One of the things that disturbs me is an increasing mentality that people who disagree are often perceived as being unpatriotic. For example, if you do not agree on every defense project, you are perceived as being unpatriotic or immoral or unconcerned about the security interests of the country.

I know the Senators who were proponents of this bill feel that the coal industry in their States, especially, is being discriminated against and for no good purposes. Yet, they may be as concerned about the reclamation of the land in this country as the Senator from Ohio and I are.

The point I want to make is we all believe the same thing, we just have disagreements about how to get there. So it is with this bill.

I want to thank especially the Members of the Senate who supported me last night on the prime farmlands amendment which I felt so strongly about. In deference to the sincere feelings of the Senator from Kentucky and the Senator from West Virginia who sat down this morning and tried to amend the amendment, we revised the amendment which we adopted last night, and I am perfectly satisfied with it. I do not think it really does harm to the thrust of the original amendment, and I think it probably helps it some. It certainly helps the feelings of the distinguished Senator from Kentucky and the distinguished Senator from West Virginia, the majority leader.

Basically it does three things, which I will explain, so that all the Members of the Senate will understand what we agreed to. First, we provide that this will apply to the regulations currently in effect, because some regulations have been suspended by the courts, and it is not our intention to reestablish regulations which have already been struck down and which the Office of Surface Mining has suspended. So it covers the regulations now in effect and as modified in the future by the Office of Surface Mining.

Second, out of deference to the Senators from Kansas and the Senator from Illinois, we grandfathered in existing leases to, I believe, August 3, 1982. That is, it covers a leasehold operation that is in effect.

While I am not very rhapsodic about that idea, I realize that operators who leased prime farmlands several years ago and are now operating those lands did so before this bill was passed.

To impose this law on them, together with the cost of complying, would really be an unfair taking of their property, because this bill does cost money and it would be unfair to them to pass legislation after they are locked in on contracts. So we tried to relieve them of that inequity.

Finally, we changed the determination of how the Office of Surface Mining would determine when a revegetation project had been successfully completed, so that the opeartor could get his bond back. This is what we did. The law and the regulations now provide that as soon as the land is filled in and graded, the mine operator gets 60 percent of his bond back. As soon as he fertilizes, sows the crop and that crop comes up, he gets an additional 25 percent back.

The law further provides that, if, in the 5-year period following the first year that he regraded and leveled the land and so on, he had 3 successful crop years, he received the remaining 15 percent of his bond back.

We changed that to provide the same as the law now provides on the first 60 percent and to provide that he gets 30 percent back at the end of the fertilization and sowing of the crop and the balance as soon as he has 3 successful crop years, but not less than 36 months.

Now, the reason that sounds almost redundant is because a crop year and a calendar year are not the same. Somebody might have two crops one year. He might have one crop that starts in June and ends in October.

What we did was to allow them to plant three successful crops but in a period not less than 3 years. So it may run slightly over 3 years, but it may not run less than 3 years.

Mr. President, those are the essential changes. I stated them so everybody will understand what we have done.

The Senator from Ohio has corrected me. I said 60 and 30 on the bond, 60 percent after the grading and 30 percent. It is supposed to be 25 percent. So I stand corrected on that.

Mr. President, that is all the remarks I have to make on this.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. BUMPERS. I am happy to yield to the Senator.

Mr. YOUNG. Could the landowner get the land back at an earlier period of time if he so desires?

Mr. BUMPERS. Much earlier.

This point was raised last night, and this is the reason I certainly was happy to make this concession. I do not believe it was the intention of Congress or of the Office of Surface Mining to deprive the landowner, of the use of his land 1 day longer than it was absolutely necessary.

My own feeling is that, as a practical matter, the mine operator will almost always enter into an agreement with the farmer to do the actual revegetation. These people are in the coal mining business, not in the farming business.

The coal miner has the responsibility for revegetation and the reclaiming of the land. But once he gets it graded and once he gets that first crop planted, I would say that in a large majority of the cases he will turn the balance of that revegetation program over and probably pay the farmer to do it.

Mr. YOUNG. That satisfies my concern.

Mr. WARNER. Mr. President, will the Senator yield for a further question?

Mr. BUMPERS. Yes.

Mr. WARNER. I was momentarily distracted on another aspect of this legislation. When the Senator addressed the series of Federal court decisions which have, in turn, remanded certain of these regulations, would the Senator repeat and perhaps elaborate on those decisions and what the Senator feels the impact of what may be done here today by way of amendment would be on future court decisions?

Mr. BUMPERS. I am happy to.

Incidentally, I may have misspoken last night on this point, so I want this to clarify the record.

It is my understanding that the so-called Indiana case by Judge Noland was actually stayed by the Supreme Court, although it has not actually ruled on that. He found unconstitutional two or three parts of this bill, and, even though the Supreme Court has stayed that decision, the Office of Surface Mining has suspended all of those regulations promulgated, as 823.15(b) and (c). Those are the regulations that required operators to plant back soybeans, corn, or other row crops. That is the part that the courts have ruled unconstitutional. That is the part the Office of Surface Mining has suspended, and we have provided in this amendment that they will remain suspended. Obviously, it was not our intention to put something back in that the court had just gotten through striking down.

Mr. WARNER. I thank the Senator. I have studied this opinion very carefully. We are referring to the U.S. District Court, Southern District of Indiana, Indianapolis Division, Civil No. IP 78500 C, and seriatim thereafter.

The court ruled with respect to quite a few provisions. Do I understand the Sentor to say that what we are doing here comports with this opinion in its entirety?

Mr. BUMPERS. That we are what?

Mr. WARNER. What we are about to do today on this amendment comports with this opinion in its entirety?

Mr. BUMPERS. We are honoring that opinion.

Mr. WARNER. There are other court opinions. Did the Senator address the other court opinions?

Mr. BUMPERS. Will the Senator repeat the question, please?

Mr. WARNER. Did the Senator examine the other court opinions?

Mr. BUMPERS. No, I did not.

Mr. WARNER. Has the Senator had an opportunity to look at the court opinion of the U.S. Court for the District of Columbia, Judge Thomas Flannery presiding, entitled "In Re Permanent Surface Mining Regulation," February 26, 1980?

Senator PERCY is soon going to come to the floor to read this. Perhaps then I could address the question to the Senator.

Mr. BUMPERS. I would be happy to respond, but I am not familiar with that decision right now.

Mr. WARNER. I would like to pass it to the Senator.

Senator PERCY has worked very hard representing this side on the question of prime farmland. He has counseled with Senators DOLE, KASSEBAUM, and others on this amendment and was present throughout the deliberations this morning. He is about to come to the floor momentarily. I would like to reserve time for him.

Mr. BUMPERS. Mr. President, does that decision deal with the so-called grandfather provision?

Mr. WARNER. No, it does not.

Mr. FORD. Mr. President, I say to the Senator from Arkansas, does that (3) on the first page of the pending amendment, does that not adjust or allow this to adjust to whatever the courts might do in the future as it relates to regulations?

Mr. BUMPERS. Yes.

Mr. FORD. And so this would adjust to any court case and that language, I think, was put in there specifically so we could handle that?

Mr. BUMPERS. The Senator is correct, at least to this extent: The operative words there are "in effect." And this says:

> References in Sections 503(a)(7) and 701 (25) to regulations issued by the Secretary shall be deemed to be references to such regulations in effect on the date of enactment of this Act, or to any subsequent modification of such regulations by the Secretary either on his own motion or upon the order of any court of competent jurisdiction.

So it does two things: It says only the regulations that are in effect, which thus excludes those that have been stricken by the court and includes any modifications, subject to future court order.

Mr. PERCY. Mr. President, I am happy today to support the prime farmlands compromise that has been worked out by Senators BUMPERS, FORD, METZENBAUM, WARNER, and myself. While not all of the compromise provisions are whole-heartedly embraced by everyone involved, we have found common ground that represents a genuine balance.

Most importantly, the amendment now before us will accomplish the vitally important goal of insuring the adequate reclamation of our prime farmland. No one who has traveled through my home State of Illinois, and seen the abundant yield of some of the Nation's best agricultural lands, can fail to realize their overwhelming importance. This land represents the very heart of our Nation, and although we desperately need to develop our Nation's coal resources, we can not allow this development to adversely affect our prime farmlands.

This amendment will also allow for the continued use and further development of the millions of tons of coal that underlie our prime agricultural areas.

The reclamation standards of OPM in this area are strict. They may not be universally embraced. But they can be met, and they should be met. I deeply believe that the coal mining activities in prime farmland areas of Illinois and the Nation will remain competitive with mining elsewhere through passage of this amendment.

While I support the legislation managed so ably by Senators FORD and WARNER, that will provide a greater degree of State flexibility in implementing the 1977 Surface Mining Act, I feel deeply that our prime farm areas require special treatment. This treatment is provided for in the prime farmland amendment now under discussion.

Mr. President, this amendment will incorporate into law the crucial prime farmland rules and regulations that have been developed by the Office of Surface Mining. This will insure that rigorous and consistent reclamation standards will be adhered to on prime farmlands throughout the Nation.

This amendment also includes a provision, which I developed after consultation with concerned farmers and others in my State, that places a limitation on the 1977 act's prime farmland grandfathering exemption. Under current law, the possibility exists for the use of grandfathering exemptions for an extended period into the future. This amendment "sunsets" the grandfathering exemption by requiring that all prime farmland mined after August 3, 1982, be reclaimed to the strict standards set forth in the 1977 Surface Mining Act. This allows a grace period for companies that are currently mining coal but insures that our prime farmlands will not be grandfathered for an unreasonable length of time.

This amendment also modifies and clarifies the procedures by which mining bonds and deposits are returned to the mining corporation. Actual proof of equivalent or higher crop yields will be needed before the full sum of the bond or deposit is returned.

Mr. President, in summary, I am pleased that an agreement could be reached on this very important issue of prime farmlands. The compromise before us today will allow us to continue the development of our abundant coal resources, while insuring that our prime farmlands will be preserved to the high standards that I fought hard to include in the 1977 Surface Mining Act. I urge all of my colleagues to support this prime farmland amendment as a workable compromise that will be in the best interests of our Nation.

At this time, I want to reemphasize how much those of us from both sides of the aisle who represent States with prime farmland—and those are some 24 States, 48 Senators included in this category—how much we appreciate the compromise agreement, which recognizes the importance of preserving this land. A great treasure for our country is involved here. Just as this land plays a crucial role in our domestic energy program, it also plays a crucial role in our balance of payments through agricultural exports. The strength of the Nation depends on the long-term preservation of this land.

Uniquely, the compromise which has been reached does preserve both of these. It protects the farming interests; it protects agriculture. It protects, therefore, our economic strength from that source. But it also permits us to continue ahead in a judicious yet determined way to develop our coal resources, and return our reserves to their essential and prominent role in America's energy picture.

I commend again my distinguished colleague, Senator DALE BUMPERS, and my distinguished colleague, the majority manager of the bill, Senator WENDELL FORD, with whom I have had over a period of years now a number of colloquies on this subject. The spirit and essence of those colloquies will now be embodied in law. It will now give not only the spirit but also the letter of law to our prime farmland provisions. It will be a matter of statute: we believe deeply in protecting the future strength of the country as derived from prime farmland. We are blessed in having this land. We are blessed in having the resources underneath it. Now we have accomplished the ability to take advantage of both of them, in a balanced and sensible way.

My distinguished colleague from Virginia, Senator WARNER, has also been most sympathetic and understanding, protective of his own State interest but also protective of the national interest. I thank him very, very much for the skill and the wisdom he has used in managing this legislation.

We thank our distinguished colleague from Ohio also, Senator METZENBAUM, who has fought a valiant fight, and who this morning in conference with us agreed on the final wording. We thank Senator MELCHER, who also engaged in colluquy 3 years ago, 1977, when the original act was passed. He has now supported the compromise efforts and we appreciate what he has done.

And now we urge the Senate to approve of the important prime farmlands amendment to the substitute amendment on H.R. 1197.

Mr. President, I fully support the compromise that has been reached.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I thank the Senator from Illinois for his kind remarks concerning my efforts in passing the act, particularly as it applies to farmland.

I commend Senator PERCY, Senator BUMPERS, Senator METZENBAUM, and others for their great concern about the part of the act which refers to prime farmland. I feel particularly pleased that these two sections, prime farmland and the alluvial valleys section, dealing with those Federal regulations, will remain in place and will not be disturbed by passage of this bill.

These are probably the two key segments of the regulations that affect American agriculture. I think it is obvious that protection and continued concern about American agriculture has to be uppermost in our minds concerning strip mining coal.

The alluvial valleys section only refers to land west of the 100th meridian, which is about the western end of the corn belt, from there west. The alluvial valleys there are so important for continuation of base operations for agriculture in our region of the West that retaining the full weight of the regulations intact without disturbance was of great importance to all the West.

I might add that while we have had a lot of opportunity to look at the regulations and to look at existing mining operations in the West concerning this section of the law, it apparently has met the test of necessity, has met the test of need, without being so overbearing, without being so prohibitive, as to cut down mining operations.

Mr. President, I just want to reiterate my satisfaction that at least these two segments of the regulations are protected under the agreement which we have adopted and by the affirmative vote which I am sure we will have on this section.

Mr. FORD. Mr. President, I want to take just a couple of minutes and then we can vote. I do not believe there will be any other discussion.

I want to talk a little bit about last evening. We heard a lot about oranges, apples, grapefruit, shopping centers, highways, about how they were taking land out of agriculture production. Nothing was ever said that once the land has been used to extract minerals, this legislation puts it back like it was. So it is not extracted from the agricultural community, but only for a short period of time. We are planning to put it back as it was.

As we passed the amendment last evening, it was the opinion of several of us that we were forcing a coal operator to be a farmer, or responsible for a farm up to 10 years. That 10 years just seemed too long to force a man who was an operator as it relates to the extraction of coal to look after land that he was permitted for. We thought it would actually keep the farmer off his land.

What we did, and what we have done here, is to say that instead of successive years, we talk about crop years. Crop years are important. That is agriculture.

We say that at the end of 3 successful crop years, not less than 36 months, the farmer can come in. I think that is important, to turn the land back over to the farmer in the best possible condition we can.

We also say that the States have the opportunity to develop their plan to satisfy their prime agricultural communities, their farmers. We do not say that we are going to say, "You do it our way or no way," which might be wrong.

When I say "our way," I am referring to the regulations imposed by the Office of Surface Mining.

We give the States the opportunity to do it.

We had several flaws last evening that would impose hardship on farmers, that would impose hardship on the operators, which would impose a hardship on the financial condition of both. One, if a man had to keep his money out for up to 10 years, he probably was in a financial position where he may not be able to do those things which would benefit the farmer.

I think on balance now we have turned it around. We have helped the farmer; we have protected the prime farmlands. Yes, we have a cutoff date here. Some people do not like that cutoff date. It is the grandfather clause. It is in the law. Most of the States have used the date of August 3, 1982, and beyond that, that land can be surface mined, but under the law.

I do not see anything wrong with that.

I think on balance, Mr. President, we have made a much better bill. Those who voted with us last evening have done a better job today by their vote last night to protect the farmer and the landowner.

Mr. President, I have no further statement to make. I do not know that there is anything else. I am willing to go to a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. METZENBAUM. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, before we vote, I stated before that the Office of Surface Mining suspended reglations pursuant to a case arising in Indiana, even though the Supreme Court stayed that. That is not correct. It was pursuant to the Flannery decision in North Dakota. I just want the record to be accurate on that.

● Mr. DOLE. Mr. President, today we are presented with the opportunity to preserve two of America's most vital and abundant resources: Food and our vast coal supplies. This country has been blessed with the land and necessary technology that make it unsurpassed in its role of world food producer. It is an endowment that we dare not abuse.

In the next 30 to 40 years, we must learn how to produce as much food as we have done from the beginning of mankind up to this very day. It appears to be an impossible task. It will indeed be impossible if we fail to act with the foresight needed to preserve our farmlands.

There are presently 18 million acres of farmland with coal underneath located in the United States. This land may be utilized in such a way as to benefit both coal producer and farmer only if some cutoff date is adopted whereby the land is turned back to its original use. This amendment will guarantee that the reclamation process will take place in a reasonable amount of time.

In a time when we are experiencing the effects of a fuel shortage, we must protect the bounty that we do possess and insure for ourselves and future generations that we will be in the position of depending on other nations for food. We must take sensible steps now as not to foolishly endanger our future.●

Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is on agreeing to the amendment of the Senator from Ohio. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CULVER), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from Mississippi (Mr. STENNIS), the Senator from Georgia (Mr. TALMADGE), the Senator from Massachusetts (Mr. TSONGAS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Hawaii (Mr. INOUYE), and the Senator from Alabama (Mr. STEWART) are necessarily absent.

Mr. STEVENS. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from New York (Mr. JAVITS), and the Senator from New Mexico (Mr. SCHMITT) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. SCHMITT) would vote "nay."

The PRESIDING OFFICER (Mr. BRADLEY). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 84, nays 1, as follows:

[Rollcall Vote No. 377 Leg.]

YEAS—84

Armstrong
Baker
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
Danforth
DeConcini
Dole
Durenberger
Durkin
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Hart
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Jackson
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
McClure
Melcher
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schweiker
Simpson
Stafford
Stevens
Stevenson
Stone
Thurmond
Tower
Wallop
Warner
Weicker
Williams
Young
Zorinsky

NAYS—1

Humphrey

NOT VOTING—15

Church
Culver
Domenici
Gravel
Hollings
Huddleston
Inouye
Javits
Kennedy
McGovern
Schmitt
Stennis
Stewart
Talmadge
Tsongas

So the amendment of the Senator from Ohio (UP No. 1508) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment (No. 1972).

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the substitute amendment has been disposed of, Senators may have the privilege of inserting statements in the RECORD prior to final passage or may orally deliver such speeches, for not to exceed 3 minutes each.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. FORD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats.

VISIT TO THE SENATE BY MEMBERS OF THE FRENCH NATIONAL ASSEMBLY

Mr. ROBERT C. BYRD. Mr. President, there are three Members of the French National Assembly in the Chamber at this time.

I ask unanimous consent that Mr. Jean Priou, Secretaire General of the Committee of the National Assembly, who is accompanying the three Members, and that our own State Department interpreter be allowed the privilege of the floor at this time.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, the Members of the French National Assembly who are present are Mr. Roger Correze, Mr. Jean Begault, and Mr. Raoul Bayou, and the Secretaire General of the National Assembly Committee is Mr. Jean Priou.

Mr. President, I ask that our colleagues welcome these distinguished visitors.

[Applause.]

RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes so that Members may personally welcome our guests.

There being no objection, the Senate, at 1:25 p.m., recessed until 1:28 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BRADLEY).

TONNAGE MEASUREMENT SIMPLIFICATION ACT

The Senate continued with the consideration of H.R. 1197.

Mr. BAKER. Mr. President, I ask unanimous consent to have a statement by the Senator from New York (Mr. JAVITS) printed in the RECORD.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

STATEMENT BY MR. JAVITS

In 1977, Congress passed a landmark piece of legislation, the Surface Mining Control and Reclamation Act. Its purpose was to put an end to the devastating destruction of the land resulting from strip mining.

The Act provides for states to develop and implement their own reclamation programs consistent with regulations promulgated by the Office of Surface Mining Reclamation Enforcement and approved by the Secretary of Interior.

Last year when it became clear that certain states were unable to meet the statutory deadline for submission of their plans, a bill was introduced by the Chairman of the Energy and Natural Resources Committee, Senator Jackson, to extend the time period. Unfortunately, this bill, S. 1403, was amended by the committee to include a provision to delete the requirement of the Act that state plans be consistent with Federal regulations.

It is for this reason that I voted against S. 1403 last year, and why I feel I must be against it again in its present form as an amendment to H.R. 1197.

This substitute amendment, by eliminating the Federal regulations, will leave no definitive standards to act as guidelines. The result could well be years of litigation and, moreover, result in penalizing those states with strong laws and rewarding those with weak ones.

Finally, Secretary Andrus has informed Members that the Department has been working diligently with the states and that the approval process, which was in some jeopardy last year, is now nearing completion. I think it only prudent to allow the process to be completed before determining what, if any, changes need to be made. Furthermore, any changes should be made only after the respective committees in both Houses have had an opportunity to act on the matter.

I have long supported the need to develop our natural resources as one of the most effective measures against our dependence on foreign oil. At the same time, it is important to protect our environment and the health and welfare of our people. The 1977 Act achieves this critical balance, and I do not think it should be disturbed at this time.

● **Mr. DOLE.** Mr. President, this amendment presents this Chamber with the opportunity to reaffirm State primacy in the carrying out of the Surface Mining Act. The concept of State primacy during the legislative debate of this act was never in dispute even up through the deliberations of the committee of conference. It is a concept that must remain unfettered if we are to respond to our country's energy problems and at the same time, insure that reclamation is accomplished in an effective manner.

INTENT OF CONGRESS

Congress intended to vest in the States primary regulatory and decisionmaking authority and to place the Secretary of the Interior in an oversight position to insure that the States provide some minimal level of regulation and control. The act plainly states in section 101:

> The Congress finds and declares that . . . (f) because of the diversity in terrain, climate, biologic, chemical, and other physical conditions in areas subject to mining operations, the primary governmental responsibility for developing, authorizing, issuing, and enforcing regulations for surface mining and reclamation operations subject to this act should rest with the States.

The Energy Committee was most concerned about achieving the high goals of environmental protection without confronting or diminishing the land use planning and police powers constitutionally reserved to the States.

The problem that the amendment before us addresses is the Office of Surface Mining's failure to issue rules advising the States of the minimum statutory performance standards their programs must meet. Instead OSM took it upon itself to issue even more detailed Federal regulations covering 550 pages in the Federal Register establishing uniform national rules specifying exactly how all States must proceed to comply with the standards of the act. The regulations are so specific and so strict that they leave the States with little leeway to shape the provisions that meet the particular circumstances of their own lands. The Secretary has, in effect, demanded that States require more information from permit applicants than the act itself spells out. A construction that would allow the Secretary to delete or expand the act's reouirements as he sees fit is to take away the very discretion that Congress sought to vest in the States.

At a time when the public is becoming increasingly aware and resultingly incensed by Government regulations that are placing a stranglehold on the business community and ultimately the public pocketbook, it makes no sense to allow this further encroachmemnt. During the 95th Congress this Chamber debated a similar measure. My views are consistent with my votes in that session where I was in favor of the position that the visual esthetics and contours of reclaimed mined land should be determined by State and local governments. I continue to feel that in light of OPEC's oppressive dealings with this country and our increased energy needs, we must waste no time in effecting a manageable regulatory and decisionmaking authority.

This amendment will not contravene the environmental protection provisions of the act. Rather it will give States their rightful opportunity to comply with the law in ways which suit their individual needs in addition to addressng two of America's energy sources: The alluvial valley floors and prime farmlands. I urge adoption of this amendment.●

The **PRESIDING OFFICER.** The question is on agreeing to the substitute amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CULVER), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Georgia (Mr. TALMADGE), the Senator from Massachusetts (Mr. TSONGAS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Alabama (Mr. STEWART) are necessarily absent.

Mr. STEVENS. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from New York (Mr. JAVITS), and the Senator from New Mexico (Mr. SCHMITT) are necessarily absent.

On this vote, the Senator from New Mexico (Mr. SCHMITT) is paired with the Senator from New York (Mr. JAVITS). If present and voting, the Senator from New Mexico would vote "yea" and the Senator from New York would vote "nay."

The **PRESIDING OFFICER.** Are there other Senators in the Chamber desiring to vote who have not done so?

The result was announced—yeas 54, nays 31, as follows:

[Rollcall Vote No. 378 Leg.]

YEAS—54

Armstrong
Baker
Bayh
Bellmon
Bentsen
Boren
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cochran
Danforth
DeConcini
Dole
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Humphrey
Jepsen

Johnston
Kassebaum
Laxalt
Long
Lugar
Mathias
Matsunaga
McClure
Morgan
Nunn
Pell
Percy
Pryor
Randolph
Roth
Sasser
Schweiker
Stafford
Stennis
Stevens
Thurmond
Tower
Warner
Young
Zorinsky

NAYS—31

Baucus
Biden
Boschwitz
Bradley
Bumpers
Chafee
Cohen
Cranston
Durenberger
Durkin
Hart
Jackson
Leahy
Levin
Magnuson
Melcher
Metzenbaum
Mitchell
Moynihan
Nelson
Packwood
Pressler
Proxmire
Riegle
Sarbanes
Simpson
Stevenson
Stone
Wallop
Weicker
Williams

NOT VOTING—15

Church
Culver
Domenici
Gravel
Hollings
Huddleston
Inouye
Javits
Kennedy
McGovern
Ribicoff
Schmitt
Stewart
Talmadge
Tsongas

So Mr. ROBERT C. BYRD's amendment (No. 1972), as amended, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the yeas and nays on final passage be vitiated, because the Senate will be voting on the identical matter that we just voted on.

Mr. METZENBAUM. Mr. President, I did not hear the request. Would the majority leader please repeat his request?

Mr. ROBERT C. BYRD. I ask that the Senator from Ohio be awarded a plaque for his service. [Laughter.]

I just ask for the yeas and nays to be vitiated.

Mr. METZENBAUM. I have no objection. I would like to be heard.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. METZENBAUM. Mr. President, I will speak very briefly.

Mr. ROBERT C. BYRD. Could we go to third reading?

Mr. METZENBAUM. Yes.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. METZENBAUM. Mr. President, after a couple of arduous days this matter is coming to a close and I am well aware that some Members of the Senate had some reservations and concerns and maybe a little stronger feelings than that as to the efforts that some of us who were opposed to this amendment were making last evening.

I have no apologies for those efforts because I think each Member of the Senate should do that which he feels is appropriate under the circumstances. Some of us feel very strongly that this amendment should not have been passed, and we voted against it, and we used the procedures of the Senate in order to make our views known.

Mr. WARNER. Mr. President, can we have order in the Chamber while the distinguished Senator is addressing the Senate?

The PRESIDING OFFICER. We will have order in the Senate. Will all Senators please take their seats.

Mr. METZENBAUM. I thank my friend from Virginia.

But, having said that, I do want to say we are pleased that this amendment that has now been adopted as a substitute is not as bad as it was but it is not as good as we think it should be. We do not think there should be any amendment at all. I think the fact that we have been able to make some improvements in it is a step in the right direction. But it is very difficult to make our opposition to the total effort that we change the law passed 3 years ago accepted since we think there should be no legislation at all at this point.

Having said that, I am pleased that we were able last evening to work out a reconciliation, some movement in the right direction. As a consequence of that, the Senator from Montana and I were perfectly cooperative, as we said earlier in the evening that we would not press the issue further if we could make some progress which we feel now has been done.

In the last analysis, the matter will now be up to the House.

I thank the Senators for the cooperation and the efforts that have been made on all sides of this issue. It was an interesting controversy.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

A VICTORY FOR SOUND SURFACE MINING REGULATION

Mr. ROBERT C. BYRD. Mr. President, the Senate will shortly vote on final passage of the vessel tonnage measurement bill, which contains amendments to the Surface Mining Control and Reclamation Act. These amendments are necessary to insure that the States have the regulatory flexibility guaranteed to them by Federal law. Under these amendments, each State will be able to use its own judgment and expertise to address surface mining regulation.

These amendments clearly demonstrate our confidence in the ability of the States to make responsible decisions. Senators know their own States, and know that the people of their State do not enjoy it when an overbearing Federal Government forces unreasonable regulations on the States.

States which produce coal have capable, experienced people who know the unique problems to be dealt with in a State reclamation plan. They will get the chance to develop reasonable alternatives to OSM regulations.

Surface mining is a vastly different operation in the Eastern and Western parts of this country. Standards contained in the Surface Mining Act are very detailed. We recognize that in this legislation. By allowing each State to develop its own regulatory structure, we improve the chances of achieving fair and sound regulations.

Overregulation is a growing problem in this country. Bureaucrats attempt to increase their power at the expense of the people they regulate. That is not a sound basis for good government. Energy production is far too important to be stifled by bureaucratic bramble bushes grown in Washington. The people in our States who make a living by producing vital energy resources do not need big brother watching them every second.

I believe that the Senate has done well. I commend the Senator from Kentucky (Mr. FORD) for his work on this measure, and for so ably floor managing the surface mining amendments, and the Senator from Virginia (Mr. WARNER) who was the minority manager of this measure. He has given support and wise counsel to us throughout the debate.

I appreciate the cooperation of the Senator from Ohio (Mr. METZENBAUM) and the Senator from Montana (Mr. MELCHER) in bringing this debate to a close. They have fought well, and have won some points of importance to them and to the Senate. I commend them for aiding in the disposition of this important energy regulatory matter.

I also thank my other colleagues who have contributed to the passage of this measure, especially the members of the Coal Caucus, Mr. HEINZ and others, and the members of the Coal Commission, Mr. RANDOLPH, Mr. HUDDLESTON, and Mr. PERCY. I urge adoption of the bill.

Mr. President, I will just take 1 more minute to state that there will be no more rollcall votes today.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I want to take just 60 seconds to thank my colleague and particularly the staff. I wish to thank Roger Sinclair, Jim Flemming, David Pratt, Mike Harvey, and all of the staff members that shore up the Senators in order to see that we come out with the right kind of language to get the job done.

I wish to thank the majority leader for giving me the opportunity, because this has been a learning experience for me. I have been dipped into the fire again. So I came out with a few scars, but they will grow back. The next time I will be tougher, I assure you of that. But I do thank the majority leader for giving me the opportunity.

I thank my friend JOHN WARNER for his courtesy; Senators PERCY, METZENBAUM, BUMPERS, MELCHER, JENNINGS RANDOLPH, and all the others for being so courteous and helpful to bring us to this point today, where I think now we can say to those States: "You have the opportunity to present a reclamation program that will best benefit your people, with a floor."

There is a rock bottom to what they can or cannot do. This thing we hear about one State will be much less than the other in order to siphon off the sale of the coal, that cannot happen because we have a rockbed.

We have the law and they have to comply with the law, and that is it. It will let the States decide how they come into compliance.

I am very pleased we have worked out the alluvial valleys for my friends in the West. I am very pleased we were able to work out the prime farmlands, which is primarily those east of the Mississippi River, but there are other States involved, to work out several amendments and to adjust to those desires of other colleagues.

Now that we are about to send it to our other body, I hope that the questions that might arise from them, that they, too, will agree that we have passed a good piece of legislation; that we had the legislative process and debate and, as a result of that, we have a package that is not perfect—because we are not perfect. There will always be some who will say that this is not good legislation. But, on balance, with the vote that we have had, I think that the majority indicates that we do have a decent piece of legislation which I hope the House will accept.

I thank the Chair for the time.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to thank my distinguished colleague from Kentucky (Mr. Ford) for his kind remarks. I join him completely in everything that he has stated.

I wish to also pay my respect to the distinguished majority leader.

He is far too modest to say, but his steady hand never left for a moment the negotiations in this most controversial piece of legislation. It was his patience and guidance, I think, that enabled my colleagues and myself to work out the compromises late in the evening.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield at that point?

Mr. WARNER. Yes.

Mr. ROBERT C. BYRD. May I say that on at least two occasions prior to this, the distinguished Senator from Virginia (Mr. Warner) has been prepared to call up the surface mining amendments that were passed last September. It was with great reluctance that he withheld offering those amendments on those occasions. I owe him a debt of thanks and I want to publicly express it for not having offered them at those times, because at those moments there were bills before the Senate that, to have called up the amendments thereto, would have delayed action on those bills.

The distinguished Senator from Virginia (Mr. Warner) was understanding and cooperative at the time. But it was only with the understanding that there would come a day and another vehicle during which debate the amendments would be called up. That commitment has been fulfilled by me and it has been fulfilled by the distinguished Senator from Virginia (Mr. Warner).

Mr. WARNER. Mr. President, I thank the distinguished majority leader. I would just reply to that that his word is his bond and he has kept it. I see here my colleague from West Virginia, Jennings Randolph. It was his form resolute and speech several days ago that set the tenor that enabled this legislation to flow through this body.

My colleague, the senior Senator from Virginia (Mr. Harry F. Byrd, Jr.), aided me throughout my work on this bill. I appreciate his allowing me to step out on this one and work with the distinguished majority leader.

To our one-time adversaries, but now those who have joined us in making this bill possible, I extend my deepest appreciation and gratitude.

Mr. RANDOLPH addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, sometimes our differences can later be transformed into our understandings and our successes. In this amendment, which was offered by the able majority leader and joined by nine other Senators, including myself, we thought not just for ourselves but for an America which needs energy through the production of coal by surface mining. That was a very important item on the Senate ledger of a job necessary to be done.

I recognize the advocacy of Senators Metzenbaum and Melcher. I had colloquy on one or two occasions with our colleague from across the river. We had arguments but no animosity. Parts of the States of Ohio and the entire State of West Virginia are within the Appalachian region which in deep and surface mining produces approximately 62 percent of the coal which is produced in this country.

For me to set forth the contribution of the men who now sit in this Chamber, would, frankly, be inadequate.

To the majority leader, I say as I have often said, thanks for a job well done. To Wendell Ford who, of necessity, has had to return to his home State—there is a man who is a fighter, and I think we can all respect him for that.

To John Warner, of course, tenacious, and yet with all his vigor and pressing of his points, very gentlemanly in the spirit in which he serves in this body.

And there are many, many others, of course, some a little more quiet in debate, some a little more active in bringing their viewpoints into the discussion. The membership generally has been responsive to before this measure which from this Senate but failed of adoption in the House. We have brought it back for consideration in this body as an amendment which hopefully—and I use the word hopefully—in this session would pass. I think we must all, in an appropriate way, try to interest, accommodate, and help the House to move forward.

I would want to add simply this: Senator Byrd and I do know the State of West Virginia as other Members know their States. We would not try to foist upon other States something that would injure them.

I can see now as I speak, scores and scores of areas of West Virginia which were not in trees or flowers, which were not in farm production, but, very frankly, were scrub acres by the hundreds and hundreds. But through a surface mining program we have taken coal from such areas. We have not placed the land back, as so many constantly advocated, just as it was, because it was rubble then. But upon that land a schoolhouse—and I have see two or three of them—has been raised; a housing project where people could have better homes, a better quality of life, has been built.

So that is what we are really talking about.

Rigidity is not always the answer. Certainly, we can have unity in an effort like this without an unrealistic uniformity.

That is what we have been running into in the State of West Virginia.

In 1979, from 1,014 surface mines in West Virginia, we took over 21 million tons of coal and employed 5,380 miners. A viable surface mining industry is vitally important to the energy needs of this country.

I think that has been a stabilizing force in our State, where there are still thousands of miners not gainfully employed. There are many reasons why that is. I hope those reasons will disappear soon.

Because of some of the problems in connection with surface mining that have developed, we want to say again—and must say again—that in making a concerted effort in this amendment we were not attempting to endanger the environment. We were not attempting to desecrate the good earth.

We wanted to insure, and we think by this amendment if it becomes law we will insure, a greater production of coal.

I give this one example. In West Virginia we have a well-reasoned group of men and women. Under the department of natural resources, there was an effort, a very real effort, to cooperate with the regional office of the Office of Surface Mining in Charleston to assure that our plan in West Virginia was workable, but, more than that, that it was equitable, that it was fair to all parties.

After that plan was devised, the legislators of the State of West Virginia passed a measure to make that plan conform with our State law. We were working with the Federal regional office.

We submitted this plan in March of this year to the Federal OSM office. On May 23, that office sent to the department of natural resources in West Virginia 28 pages of modifications to our proposed plan, modifications which had to be made before they would give a final approval.

This is the sort of situation in which we have been mired in the production of coal. That is why it was necessary for us, joined by other Senators here from other sections of the country including West Virginia, Virginia, Ohio, Pennsylvania, and the Western States, to have a more cooperative effort, and that we be strong enough to spell it out so that the Office of Surface Mining would help us to implement the Federal law. The Federal law, we must remember, must carry out the intent of the Congress and not be changed within the agency. Frankly, there are people working there today who were against any surface mining reclamation law ever being written in this country. They want abolition. Yet, they are in the position of administering the very law which they were against.

So I bring these matters to our attention. I am not upset at anyone. I certainly feel as an earlier mentor of mine that, "if you must think evil of someone, never speak it, write it on the sands near the water's edge." I forget any of the difficulties that we have had. I want us to press on and, in doing so, by this one act, contribute one further constructive effort of a well-reasoned legislative history made in behalf of the American people in this hallowed Hall.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 1197), as amended, was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business of not to exceed 30 minutes, with Senators permitted to speak therein up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

J. S. McDONNELL

Mr. DANFORTH. Mr. President, no Missourian has done more good for more people than Mr. J. S. McDonnell, who died peacefully today at his home in St. Louis. In all respects, he was our State's leading citizen and senior statesman. In the short span of 41 years, his vision in the field of aviation and his extraordinarily successful concept of management has made McDonnell Douglass the State's largest industry and biggest employer.

Time magazine noted in its March 31, 1967, cover story on Mr. Mac that it was his personal "dedication to technical precision" that made his company a "frontrunner in one of the most complex and competitive of modern industries." The finest fighting aircraft in the world were developed and built under his guiding spirit and genius: The trailblazing Phantom I, the Demon, the Banshee, the Voodoo, and the F–4 Phantom II, the most successful and reliable fighter ever launched. Over 5,000 have been produced and sold to 11 countries during the last 25 years. Capt. William Jackey, the Navy test pilot assigned to evaluate the F–4, wrote:

> The Phantom II is the first airplane that I have ever had the pleasure of flying which is always capable of performing as well as if not better than the contractor advertises. . . . It is a truly perfect tool.

The F–4's successor, the F–15 Eagle, is undisputably the greatest fighter plane anywhere in the world today.

An American was first on the Moon because of Mr. Mac's great vision and confidence in the importance of space. He said:

> America is now a space-faring nation. This is a frontier good for millions of years. . . . The creative conquest of space will serve as a wonderful substitute for war.

In addition to being the founder of one of America's most successful corporations, J. S. McDonnell was a great patriot. He loved his country and he was convinced that McDonnell Douglas was playing an important role in defending not only the United States, but the entire free world. He believed fervently in a strong national defense and was interested especially in a strong NATO. He noted that America would be "criminally negligent if (it were to) wage peace except from a foundation of great strength." He was a member of the advisory board of the Center for Strategic and International Studies.

In fact Mr. Mac was, first and foremost, a man of peace. He served as chairman of the board of the United Nations Association of the United States and was founder of the St. Louis Council on World Affairs.

He was excited about the acquisition of the Douglas Aircraft Co. because he believed that world travel was an important part of broadening peoples' horizons, improving their knowledge of other parts of the world, and improving their communication and mutual understanding.

Finally, he was a generous and imaginative benefactor of a variety of philanthropic pursuits which demonstrated his interest and faith in the future and in the boundless possibilities of human achievement.

He was a member of the executive committee and the board of directors of the United Fund of Greater St. Louis. He was a member of the St. Louis Civic Progress, Inc. His love for St. Louis had an enormous impact upon the city's cultural and educational assets.

The McDonnell Planetarium is a great St. Louis institution.

His generosity to Washington University illustrates not only his interest in a great local institution, but also in matters of far-reaching implication. He was responsible for building the McDonnell Medical Sciences Building at the Washington University Medical School.

He endowed the McDonnell Department of Genetics, because of his interest in how characteristics are passed on from one generation to the next.

He established a special laboratory of biochemical genetics.

He established the McDonnell Center for Higher Brain Functions to explore the higher reaches of human mental capability.

He established the McDonnell Laboratory for Psychic Research.

He established the McDonnell Center for Space Sciences.

Mr. McDonnell was a man of extraordinary breadth and of great vision. He was a man of great patriotism who was concerned about world events, about government and about the future of his country. He was a man of great personal integrity.

He was universally trusted, respected, and admired by those who knew him. He had a great desire to make the world a better place in which to live.

To his wife, Priscilla, and to his sons, Jim and John, each of whom I am proud to call my friend, I extend my sympathy; and to the memory of Mr. J. S. McDonnell, I express the profound gratitude of the country he loved.

THERE IS NO OTHER PLACE

Mr. THURMOND. Mr. President, in these latter days of August, when our national leadership moves with continuing uncertainty from problem to problem—whether the problem is economic, political, social, or international—I feel it is important for this deliberative body to remind itself once again that all these problems pale into insignificance if we fail to maintain the fullest meaning and effect of freedom for all Americans.

Mr. President, this reminder is "brought home" in a highly effective statement, "There Is No Other Place," by Lt. Col. Darius V. Bakunas, USAF, in the August 1980 issue of The Officer, a monthly publication by Reserve Officers Association of the United States. Colonel Bakunas provides an extremely poignant account of his family's escape in the 1940's from communism in Europe to freedom in the United States.

His is a moving story, Mr. President, and one which I believe everyone in this body will desire to read. Colonel Bakunas concludes his statement by describing that very special occasion when his family was just beginning its journey to the United States in December 1949:

> As we headed out to the open sea, I asked my father, "Where will we go if the Soviets come to America?" His answer was firm, "There is no other place."

Mr. President, in order to share this excellent article with my colleagues, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"THERE IS NO OTHER PLACE"

(By Lt. Col. Darius V. Bakunas, USAF)

It was a balmy June day in 1944. My mother and I boarded a German freighter which was to take us away from German-occupied Lithuania into Germany itself.

The Eastern Front began to collapse, bringing the Soviets to the outskirts of the city we were about to leave. Sounds of artillery fire which, the day before, seemed distant now appeared to grow louder and closer.

The stream of newly created refugees boarding the ship appeared endless. We settled near the railing for an unobstructed view of Klaipeda, the city of my birth. My mother gazed into the distance. "Look—and remember that skyline," she said. "You will never see it again."

PROFOUND IMPACT

Even though I was only seven years old, the finality in her voice had a profound impact on me. That same sense of foreboding was also evident on the hundreds of tear-streaked faces as we pulled away from the rock and headed out across the Baltic Sea.

Our immediate goal was to escape Soviet occupation. This despite our harsh five-year experience under German occupation. Only days before our departure, my father was forcibly inducted into a "slave labor" auxiliary which freed the German military from such tasks as digging trenches and other noncombat related manual labor.

Only days before we attended a Catholic Mass where armed German soldiers stood guard in the aisles throughout the services (performed in German).

Only days before I was in the first grade where, at the beginning of every day, we stood with our right hand raised in the customary Nazi salute. We were pledging allegiance not to the flag, not to a country, but to a man—Adolph Hitler.

If occupation under the Germans was intolerable, occupation under the Soviets was unthinkable. Deportations to Siberia, total abolishment of personal freedoms, and the substitution of Communist philosophy for religious freedom were but a few practices which Lithuanians became familiar with during previous Soviet occupations. So, we fled.

Our journey stopped briefly on a farm in East Germany. Two months later, my father escaped and joined my mother and me. But the Soviets were advancing into East Germany, and it was time to flee again.

ALMOST YEAR

Thus began a voyage, of almost a year, through a Germany which was feeling the wrath of the Allies. Daily (and nightly) bombing raids became routine. Life hung in balance every time a bomb exploded in close proximity to our shelter.

We could have avoided all this if only we had remained in Lithuania and embraced Communism. But then, that was never an alternative.

In May 1945, the war had only days remaining. My father had, for the past few months, remained secluded in the attic of our apartment building. Manpower shortages forced the Third Reich to induct anyone who was physically capable of carrying a rifle, regardless of age. It was not enough. Germany surrendered 7 May, 1945.

We settled in West Germany with our goal of evading Communism temporarily achieved. But the political climate in post-war Europe changed, and the cold war made freedom from Soviet occupation less certain.

EXPLORE WAYS

My father began to explore ways of leaving Europe. South America was open to displaced persons because of badly needed technical and professional skills.

Our fortunes, however, improved dramatically when we relocated an aunt and uncle with whom we had lost contact during the war. They arranged for our emigration to the United States.

We were full of anticipation as we boarded a World War II troop ship, in December 1949, for the Atlantic crossing. A totally new language and culture awaited us. But somehow it seemed like the start of another odyssey similar to the one we began in 1944.

As we headed out to the open Sea, I asked my father, "Where will we go if the Soviets come to America?" His answer was firm, "There is no other place."

JAMES C. SELF

Mr. THURMOND. Mr. Preident, Mr. James C. Self, of Greenwood, S.C., is one of the outstanding businessmen in my State and is an eminent leader of the textile industry in America.

For the past 25 years, Mr. Self has capably led Greenwood Mills, of which he is president, to its position as one of the top 20 textile firms in America. His long and dedicated work has been a valuable asset to the textile industry which plays such an important role in the economy of my State.

I have long known Mr. Self to be a conscientious businessman devoted to the betterment of his community, and the important role he has played in South Carolina has touched countless lives.

Mr. President, in order that I may share an interesting article about Mr. Self with my colleagues, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SELF RECALL HIS YEARS IN TEXTILES

(By Cathy Collins)

James C. Self arises every day at 5 a.m., reads three newspapers before breakfast and goes to work at Greenwood Mills where he has been persident for 25 years.

If anyone knows the textile business, he does.

Since he was "old enough" he has worked for the mill in every capacity from summer over-hauling machinery jobs to the assistant treasurer's office to succeeding his father as president in 1955.

In fact, Self's "early to bed, early to rise" regimen probably started when his first-shift mill job required him to be at work by 6 a.m. each day.

"I've enjoyed them (jobs) all, but when I was coming along I liked working in the plants . . . I didn't have to wear a tie," he laughs.

One of Self's favorite tales about the mill concerns "the old days" when a steam whistle blew twice each morning before the first shift. Most of the employees lived near the plant in Greenwood Mills homes so they walked to work.

The master mechanic passed by a jewelry store each day and set his watch by the clock in the window. What he did not know was that the jeweler set that clock by the whistle.

Self encountered no respite from the early hours since he graduated from The Citadel where reveille was bright and early. Being in the Army from the summer of 1941 to March of 1946 did not allow much sleep either so, he says, "I'm used to it."

Of The Citadel Self says with a laugh, "It probably changed for the better when I left." He seriously says that after every war, "and probably Vietnam was the worst," the military suffers disfavor. However, he feels the caliber of people The Citadel draws today will improve the general military attitude.

In the Army, Self was stationed in North Carolina, northern and southern California and "I wound up in the Philippines."

"I lived off peanut butter and marmalade sandwiches for six months."

Self returned to town and told his family, "I didn't know that after five years in the Army, working at Greenwood Mills would be fun."

Greenwood Mills, one of the top 20 textile firms in America, is based in Greenwood with 19 plants throughout three South Carolina counties and its New York based sales organization has offices in 11 U.S. cities and London, England.

It employs 5,000 people in Greenwood county and 7,000 people total.

The company began in 1899 and during the 91 years it has operated, only four men have been president. "Not a very big turnover," says Self.

"Greenwood Mills has got good things going for it," Self assesses. "The most noticeable changes are improved machinery and working conditions."

When the mill started, "there was no air conditioning as we know it." Self says that now there is no place where people work in the company which is not cooled.

In thinking of other timely changes, Self says, "Twenty-five years ago we were in the construction business." Greenwood Mills built plants, schools, hospitals, churches and other structures.

"We had to get out," he laughs. "It was too long between drinks."

Also 25 years ago, the mill used mostly cotton and now there is a much higher percentage of man-made fiber. Sales were mainly gray, or straight from the loom, and today about 50 percent is dyed and finished.

Greenwood Mills housed its employees too, until all homes were sold in 1962. Self laughs about another humorous memory concerning the Greenwood Mills "family."

A reporter from a Greenville newspaper once stood and asked Self if the company had problems housing and moving its workers. He promptly replied, "We don't move 'um. We raise 'um."

Self says, "You can't say one person is responsible for change. I get good ideas and bad ideas and some are used and some are not."

"One thing that hasn't changed is the high quality employee that goes back to the beginning of Greenwood Mills. So many are from old Greenwood Mills families and they are good people," he adds.

Self feels "fortunate" in having good management overall. "If the running is good, the job is easier.

Certainly no one has grandiose ideas concerning Self since employees often go "right to the top" when they have problems. He says the most difficult aspect of his job is "trying to best solve people problems."

One other problem as far as Self is concerned is "having to make expenditures in the plant that don't add to the productivity of the plant." This mainly encompasses "impractical regulatory things."

Self thinks Greenwood Mills has a "real bright future."

"There are good employees, expanding and modernizing manufacturing facilities, and an excellent management—excluding the president," he says with a smile.

Self has a portrait of his father, James C. Self, Sr., in his office along with a large wooden roll-top desk which belonged to his father. Self confesses one can "leave his homework" in there and "lock it up."

His mother was Lura Mathews Self and he says, "I like to think they taught me to get along with people and that I learned it. They also taught me to be conscious of waste. There are so many disposable things today that we don't realize it."

"Mother would save strings. I grew up during the depression so I remember those things."

Self has been on several hunting and fishing expeditions to Canada, Little Caymon Island, Mexico, Scotland and Portugal. He plans to revive his golf game which was terminated while Self was shooting in the low 80's.

He fathered four children, three of which—Jim, Jr., Virginia Brennan and William Mathews—live in Greenwood. Sally Harley is a medical doctor in England.

Self is married to Virginia T. Self, daughter of the late William P. Turner, Sr., and the couple has shared many experiences.

On high school graduation night, Self took Virginia on a tour of the Greenwood Mills Mathews plant. She was his company's sponsor at The Citadel and they were married in 1942.

The two, in fact, grew up together and laughs Self, "She still has part of the tea set I gave her when we were three years old."

THE U.S. APPROACH TO DEALING WITH THE SOVIET THREAT

Mr. THURMOND. Mr. President, on numerous occasions, I have risen in this body to question the approach of the President and his foreign policy advisers in negotiating with the Soviets. I have faulted President Carter for his lack of firmness in dealings with the Soviets, and I have warned that détente and the SALT treaty—while laudable in their intentions—reveal in their approach a basic misunderstanding of Soviet objectives and of the entire Soviet approach to diplomacy.

Mr. President, I find substantial support for the positions I have taken in remarks made by former U.S. Ambassador to the Soviet Union, Malcolm Toon, to the May 1980 graduating class of Hillsdale College in Hillsdale, Mich. on the subject "The Nature of the Soviet Threat As I Perceive It and How We Should Deal With It."

Ambassador Toon has compiled a long and distinguished record in service to our country, listing among his assignments service in American embassies in Warsaw, Budapest, Rome, London, Moscow, and in the Department of State in Washington. In addition to serving as Ambassador to the Soviet Union from 1976 to 1979, he was Ambassador to Israel from 1975 to 1976, Ambassador to Yugoslavia from 1971 to 1975, and Ambassador to Czechoslovakia from 1969 to 1971. In November 1979, he received the Department of State's Distinguished Honor Award. With such credits to his name, it is plain that he knows what he is talking about.

Mr. President, the essence of Ambassador Toon's concern is summed up in his statement that, indeed, the Soviets "are not reasonable people." Therefore, we cannot expect them to negotiate reasonably where the objective of the United States is not consistent with their own. We must start with the assumption "that they will seek to take advantage of us wherever possible." While Ambassador Toon gives us good reason to fear the Soviet attitude, he also gives us some advise on how we can more effectively deal with it. His recommendations, combined with the useful background information he provides us, make this address to the Hillsdale College graduates essential reading for those of us in positions of great responsibility in American Government and for those responsible more directly for negotiating with the Soviets.

Mr. President, I wish to share this very thoughtful and perceptive address with my colleagues, and so I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE NATURE OF THE SOVIET THREAT AS I PERCEIVE IT AND HOW WE SHOULD DEAL WITH IT

(By Ambassador Malcolm Toon)

(Malcolm Toon served as U.S. Ambassador to the USSR from December, 1976 to October, 1979. He was awarded the Department of State's Distinguished Honor Award in November, 1979. Prior to serving in Moscow, he was U.S. Ambassador to Israel from June, 1975 to December, 1976; to Yugoslavia from October, 1971 to May, 1975; and to Czechoslovakia from June, 1969 to October, 1971. Previous service included assignments to our Embassies in Warsaw, Budapest, Rome, London, Moscow (twice), and the Department of State as Director of Soviet Affairs in 1965–68 and Deputy Assistant Secretary of State for European Affairs in 1968–69.

Ambassador Toon received a B.A. degree from Tufts University and an M.A. from the Fletcher School of Law and Diplomacy. He did graduate work at Middlebury College and Harvard University, and was awarded honorary LLD degrees by Tufts University and by Middlebury College.

From 1942 to 1946, Ambassador Toon served in the Navy, principally as a PT-boat skipper in the South Pacific. He attained the rank of Lieutenant Commander and was awarded the Bronze Star.

Ambassador Toon delivered this presentation on May 17, 1980 at the Hillsdale College Commencement.)

It is an honor and a privilege for me to participate in this graduation ceremony at Hillsdale College. I know it is customary for Commencement speakers to lecture graduates on the problems they will face as they leave the academic and enter the real world and to offer them advice on how they should cope with these problems. I serve notice now that I do not intend today to abide by the norm. I have two principal reasons for this deviation. First, in the many Commencement exercises I have attended, either as a graduate or as a speaker, I have learned that speakers who moralize and preach in most cases are crashing bores and lose their audiences. Second, as a general rule, they know little more about life than those they address and, in any case, they fail to recognize the elemental truth—that life is a highly individualistic experience and those who face its problems must work out their solutions to those problems in consonance with their own abilities and talents and in response to their own particular circumstances. So, today, I will not preach to you, the graduates of Hillsdale College, and, hopefully, I will not bore you. I intend to speak to you briefly about the parlous and in many respects, the perilous state of the world today and my perception as to how we, as a nation, and you, as graduates, should deal with the threats and the challenges that confront us.

While without question it is the Ayatollah Khomeini and his radical Moslem colleagues who are causing us our most immediate and certainly our most painful problems, there are other extremists whose ideology and behavior pose a much more serious threat to world peace and stability. I speak, of course, of those who run the Soviet Union—and it is on them and the threat they pose and how we should deal with that threat that I would like to focus my remarks this afternoon.

At the outset, I would like to point out that while I am sometimes called a Soviet expert, I, myself, don't claim that distinction. I feel strongly that the only experts on the Soviet Union are those who sit on the Politburo in Moscow. The rest of us have varying degrees of ignorance—I perhaps less than most because: I speak the language, I have negotiated with the Soviets on a whole range of issues, from a Cultural Exchange Agreement in 1957–8, a Consular Convention in 1964—our first bilateral treaty with the Soviet Union—to the SALT II treaty which we signed last year in Vienna, and I have spent many miserable years living in the benighted capital of the Soviet Union and wrangling with the Soviet bureaucracy over such mundane matters as apartments for the embassy staff, freedom for Pentecostalist squatters, and reduction of the radiation beamed at my office. Certainly this practical exposure to the grim realities of the Soviet system gives me a better feel for the gut element of the Soviet threat we face than those who know the Soviets from textbooks, pugwash conferences and chats with the Arbatovs and the Dobrynins.

Nonetheless, I don't claim to understand the Soviets, and I have long held that the beginning of wisdom in discussing Soviet politics is the humble recognition that we have almost no direct information about what goes on at the top of the Soviet political hierarchy. Meetings of the top leadership bodies—the Politburo and the Secretariat—are held in complete secrecy. There is no informed speculation in the press. Soviet leaders seldom submit themselves to spontaneous press conferences or interviews—Gromyko is about the only one who has deviated from this norm in recent years. Particularly where the leadership is concerned, all Soviet news media—including press, periodicals, radio, television, film—are carefully censored.

Moreover, the key Soviet decision makers—the 14 men who are now full members of the Politburo—are rarely available to Western Ambassadors in Moscow. Despite persistent efforts, in my almost three years as the American Ambassador, I had substantive conversations with only one full member of the Politboro besides Brezhnev, namely, with Foreign Minister Gromyko. I had thought that access to others who might have a claim to Brezhnev's job would follow my several sessions with their leader—and on access to Brezhnev, I had the best track record of any envoy in town, including those with communist credentials, and in fact, I saw Brezhnev far more often than any of my immediate predecessors. But, as I was told by Mr. Gromyko—in one of his more profound observations—the Soviet system differs from ours, and Ambassadors must play by the local rules. It is a bit galling, I can assure you, for a person like myself who has dealt with the Soviets for almost thirty years, to be told that their system is not like ours.

But I suspect there is more than this to Soviet reluctance to arrange access to top party officials. The Soviets are traditionally wary of foreign envoys who speak their language, who are well versed in Soviet objectives and strategy and who are not easily duped by Soviet blandishments. I submit that it ill serves the vital interests of the free world to accommodate the Soviet desire to have in Moscow representatives who lack the skills and the experience to cope with a stacked deck. For that is what the foreigner faces in Moscow. It is very difficult, indeed, for the knowledgeable Westerner in Moscow to fathom Soviet motivations and predict Soviet behavior. It is impossible for the uninitiated to do so.

Thus, you should cast a jaundiced eye on anyone who pretends to offer confident predictions about the future course of Soviet politics. I have been particularly insistent on this point when speaking on university campuses—as I have done frequently in recent months—because our academicians—some of whom now hold high office in Washington—you know who they are, I needn't name them—have been more often wrong than right in their assessments of Soviet behavior. Today, even those Soviet officials on the inside may not be fully informed about what goes on or what may be in store for them personally. It is worth recalling that when Nikita Khrushchev was suddenly ousted from power in 1964, almost all Western analysts of Soviet politics were caught by surprise—including myself, I was then Counselor of Embassy in Moscow—but I doubt that any of us were more surprised than Khrushchev himself who learned of the downturn in his personal fortunes when vacationing in the Caucasus.

Nevertheless, as analysts we are not helpless. We have, in fact, made a virtue of necessity, and we make maximum use of the tools at our disposal. The very fact that Soviet news media are carefully controlled means that those in power leave their tracks on what they want us to read and hear. By looking at these tracks, we can find clues about what is going on in the top leadership circles, despite our lack of direct access. And by a close reading of Soviet statements in their own language and to their own people—rather than listening to gossip in the corridors of the United Nations or, worse, to misleading and ambivalent observations by Soviet envoys sensitive and responding to the naivete and wishful thinking of their American interlocuters—we can arrive at a fairly accurate fix on what the Soviet long-range strategy is and how various Soviet tactical moves fit into that strategy.

Let us start with some basic truths. The Soviet system reflects a view of history, a concept of man's relation to the state, a complex of values and principles totally different from our own. Historians can argue whether this analgam is traditionally Russian or one incorporating basically Soviet ideas imposed from above in 1917. I am inclined to think that Lenin and Stalin took an essentially Western philosophy, Marxism, and shaped it to fit Russian reality so that from Stalin's time until the present there has been no fundamental conflict between Soviet ideology and Russian nationalism.

The ideological considerations which underlie their distorted world outlook mean that Soviet regimes cannot accept and will not tolerate ideas of free expression and of free individual choice as we in the West understand them. Soviet regimes thus will try to vindicate their ideology by stifling dissent at home and often by supporting abroad various repressive regimes which proclaim themselves Marxist-Leninist and, like the Soviets themselves, deny individual freedom.

Beyond ideology, geography and historical experience have also shaped the Soviet system and the policies of its leaders in important ways. Centuries of invasions from both east and west have left their mark on the outlook of the Russian people and of their rulers. Like the Czars before them, the Soviet leadership has invested massive efforts to achieve security on Russia's borders, in part by seeking to push those borders outward—as we saw after World War II and as we have seen more recently in Afghanistan. The cost of this quest for absolute security and for greater political influence by means of military strength has been enormous. It has meant deprivation for the Soviet people, strain and friction in the Soviet Union's relations with its neighbors, and deep concern among those nations like the United States with major responsibilities for world peace and stability. Total security such as the Soviets seek can only mean insecurity for others, and aggressive extension of Soviet influence abroad—particularly in the Third World—must inevitably result in instability and undermining of the peace, at least on a regional basis. And that is precisely the situation today in Southwest Asia.

I recognize that all of this adds up to a fairly grim assessment of how Soviet outlook and behavior may affect not only our relations with the Soviet but, more importantly, the prospects for world peace and stability. It has been argued that this should be seen not as an objective, dispassionate view of the international scene but the mind-set of one who is known as an incorrigible hard-liner and bitterly anti-Soviet in his approach to world problems.

There is, of course, some truth to these allegations, to this characterization of my attitude. I am anti-Soviet in the sense that I believe the Soviets do not wish us well, in the sense that I believe the Soviets would do us in if they thought they could do so with acceptable damage to themselves, and in the sense that I believe they regard detente not as a political mechanism for getting along with the capitalist world but as a device for achieving their basic political goal of reshaping the world in their own image without nuclear war. And I am a hard-liner in the sense that I think we should deal with the Soviets as they are—not as we'd like them to be—that is, without any illusions as to what they are up to, what their long-range goals are, and what their real attitude toward the United States is.

I have little patience with those who hold that all we have to do is sit down and reason with the Soviets to achieve our aims—like all who are ideologically motivated, the Soviets are not reasonable people. I believe that on any given issue we should start with the assumption that we and the Soviets are at opposite poles and that they will seek to take advantage of us wherever possible. But at the same time, we should have enough confidence in ourselves to welcome a dialogue with the Soviets and to use our ingenuity to forge solutions which are consistent with our own most essential objectives, and most important, which will not weaken our security or that of our allies. At the same time, solutions to the problems that divide us must be seen by the Soviets as compatible with their own interests—the Soviets will not under any condition agree to arrangements which are to their disadvantage—notwithstanding opinions to the contrary aired last year during the SALT debate by those self-proclaimed Soviet experts who clamored for a better treaty. It is axiomatic that we cannot negotiate a position of superiority over the Soviets—only equality.

Thus, I feel strongly that—despite their ruthless designs on empire, shown most recently in Afghanistan, despite the inhuman treatment of their citizens, particularly those like Dr. Sakharov with the courage to expose the inequities of the Soviet system at great personal risk to themselves—despite, in a word, brutal Soviet behavior both at home and abroad—despite all this we must deal with the Soviets. We cannot ignore them. We cannot refuse to talk with them—we cannot drive them into brooding isolation—the nuclear world is too dangerous a place for such a negative approach.

But the question is raised—and rightly so—how should we deal with this complex, repressive, dangerously aggressive system without running compromising our own principles, without running the risk of losing our shirts and those of our friends and allies?

None of us, of course, even those of us with a degree of expertise on things Soviet, can prescribe a precise, absolutely reliable answer to this fundamental problem which confronts all of us in the free world. But like most of my colleagues who have dealt with the Soviets—intellectually and in brutal practice—I have, down through the years, fixed on some guidelines, some parameters, some "red lights," if you will, which might serve in good stead those who henceforth must deal with the Soviet threat. Let me spell them out for you—as I tried to do in official channels during my stewardship in Moscow—not always, I might add, with adequate understanding and certainly not complete acceptance by Washington.

First, as I said at the outset of my remarks, we must start with the basic recognition that the Soviet view of the ideal world order, their view of history, their concept of man's relation to the state, their basic principles and values, remain fundamentally incompatible with our own.

Second, we must understand that in pursuance of their goals the Soviets will continue to seize opportunities in the Third World for extending their influence and their power. They have done this in Africa and most recently in Afghanistan—and they will behave similarly elsewhere in the world if they feel they can do so with impunity. Their conduct abroad in recent years demonstrates clearly that they see no inconsistency between, on the one hand, exploiting targets of opportunity in the Third World in order to hasten achievement of their basic aims and, on the other hand, pursuing a policy of relaxation of tensions in East-West relations. In short, our relationship is and will always be basically an antagonistic one.

Third, we should assume that the Soviets will pay attention not to what we say but to what we do—I believe strongly, for example, that a Carter Doctrine for the Persian Gulf region is no bar to further Soviet adventurism if it is not accompanied by clear evidence of our intentions to bolster our military presence in the area. We need sizeable combat units on the ground—not just in the Middle East but in other areas where our vital interests may be challenged: the need for an appropriate military capability to support and give credibility to our policy statements applies across the board. It is this sort of language and only this sort of language that the Soviets will understand and heed.

Finally, with regard to our negotiating posture and tactics, we should always approach our Soviet adversary without any illusions as to a change in long-range Soviet aims; there has been none nor will there be any until there is a fundamental alteration in Soviet world outlook. This, I am convinced, will happen—but not tomorrow or the day after tomorrow—perhaps fifty years from now when a different generation of Soviet leaders may be more interested in advancing the well-being of their own people than in subjugating others, as is the case today.

We should always have a clear understanding of where our own interests lie—that is, where we must stand firm and where we can compromise. And while I am reluctant to complicate our national life during this year of difficult presidential choice, I would hope that careful delineation of our vital interests, both geographic and functional, would be the subject of national debate by our candidates.

We should not engage in bluff or idle threats. This never works with the Soviets, as we found out last summer when we foolishly raised a fuss over the issue of the Soviet combat brigade in Cuba without any hope of getting Soviet cooperation in resolving the problem.

We should always have in mind the interests of our allies and the need to avoid even the appearance of neglecting those interests for the sake of an agreement with the Soviets. This, of course, should be reciprocal—that is, our allies should be sensitive to our national interests as well as their own.

We should recognize that we have common interests with neither the Soviets nor the Chinese. Both fear and are avowed enemies of each other; we should bear this in mind and regulate our relations with one so as not to trigger an irrational response by the other.

We should avoid chumminess in our relations with the Soviets for there is no community of interests between us, except possibly a mutual desire to avoid nuclear war. To me, this means on the Washington scene, we should stop the Soviet Ambassador as a friend at court and begin treating him for what he is—a convinced and dedicated disciple of a system that is hostile to everything we stand for.

That's the way I view the problem of dealing with the Soviets. Not everyone in Washington agrees with me. In fact, at times when I was abroad I had the impression that my popularity rating in our own capital was only slightly higher than in Moscow—and there it was less than zero. But this doesn't unduly bother me. I have always felt that I could serve my country best by speaking frankly and openly on the issues. If at times this has ruffled those who are more benign in their attitude toward the Soviet threat, so be it. I think we would be well-advised to recognize, as George Kennan put it years ago, that the Soviet leaders are, by their own choice, the enemies of all that part of the world they do not control. We should understand that Soviet leaders have utter contempt for those who deal with them from weakness and with fatuous goodwill gestures: they respect although they may not like only those who deal with them from strength and a cold calculation of their vital interests. Down through the years, this has been the consistent attitude of us professionals in the Soviet field: it should also be the attitude of our politicians who are now in Washington and those who may succeed to their jobs in the future.

These have been grim words that I have spoken to you today—but the world, today, is a grim place and the problems that confront us are enormous and formidable, not just the political crises we face and with which I am most familiar, but also the staggering array of physical problems which we have just barely begun to face up to—the population explosion, the energy crunch, and the pressing need to cleanse the environment. But the message I have given you today should not be seen as a counsel of despair—it should be viewed as a recipe for realism. I have faith in the future of America because I have faith in you, the youth of America. Good luck and God speed.

FURTHER INFORMATION ABOUT AGENT ORANGE

Mr. CRANSTON. Mr. President, in an August 6 RECORD statement on the most recent developments with respect to the agent orange issue—a matter of great concern to Vietnam veterans, the public, and my colleagues in the Senate, I inserted into the RECORD several important documents, including the fourth progress report of the President's Interagency Work Group—IAG—to study the possible long-term health effects in humans of exposure to phenoxy herbicides and contaminants, including agent orange; the IAG's assessment of the Air Force protocol for its study of the personnel who flew the agent orange spraying missions called "Operation Ranch Hand"; the results of a recently completed national toxicology program—NTP—20-week study of male mice exposed to agent organge and of the nearly 5,000 offspring of those male mice; the August 6 agenda of the VA Advisory Committee on the Health-Related Effects of Herbicides; and my July 31 letter to the Administrator of Veterans' Affairs regarding several agent orange-related matters.

For the information of my colleagues and the public, I would like to point out that my August 6 statement on the agent orange issue, entitled "Agent Orange: Update," appeared on pages S10899 to S10913 of the CONGRESSIONAL RECORD.

Mr. President, at this point I would like to bring to the attention of my colleagues several other documents related to two agent orange-related matters.

First, one scientific paper that has been widely discussed in recent months was written by Dr. Ton That Tung, a Vietnamese physician who has been studying the impact of agent orange on the civilian population in his country—particularly with respect to developmental deformities in the children of Vietnamese soldiers who served in South Vietnam during the war. I have received two papers on Dr. Tung's study—both in the original French—and have had both versions translated into English by the Congressional Research Service. In addition, I requested the Office of Technology Assessment, in a letter dated Februry 25, 1980, to review the scientific validity of Dr. Tung's study. I also would note that the methodology for this study as well as the study findings were discussed at length during the August 6 meeting of the VA Advisory Committee. In OTA's opinion, in a letter dated March 17, 1980:

> The absence of rigor in the paper requires attaching caveats to any conclusions drawn from it.

This view was shared by Dr. Walter J. Rogan of the National Institute of Environmental Health Sciences—NIEHS—who reviewed the Tung study for the VA Advisory Committee.

Second, another highly publicized study which I believe will be of interest to my colleagues was conducted by the VA to investigate whether or not residuals of 2,3,7,8-TCDD—the toxic chemical contaminant in the agent orange that was sprayed over South Vietnam—are, 10 years after the U.S. military discontinued the use of agent orange in that war, contained in the body fat of Vietnam veterans.

Researchers conducting this study found detectable levels of TCDD in 14 of 33 samples of body fat that they examined, but fell short of their goal of identifying without ambiguity whether the TCDD detected was, in fact, 2,3,7,8-TCDD. The scientific panel of the IGA reviewed the draft report on the VA fat study and concluded that:

> It is questionable whether the analytical data are capable of yielding quantifiable results and the authors clearly fail to demonstrate that they are measuring 2,3,7,8-TCDD.

In pointing out the general unreliability of the fat study results, the panel noted that:

> Any attempt to correlate service exposure, degree of exposure, current clinical health, etc., is unwarranted.

I ask unanimous consent that the CRS translations of the Tung study, my February 25 letter to OTA, OTA's March 17 reply, the February 13 draft report of the VA fat study, and the scientific panel's review of the VA fat study, be printed in the RECORD at this point for the benefit of my colleagues and the public.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., February 25, 1980.
Dr. JOHN GIBBONS,
Director, Office of Technology Assessment, Washington, D.C.

DEAR DR. GIBBONS: Enclosed please find a copy of a study (as translated from French by CRS—the French original is also enclosed) entitled "The Problem of Mutation Effects on the 2nd Generation After Exposure to Herbicides", principally conducted by Dr. Ton That Tung, a Vietnamese physican who has been studying the impact of Agent Orange on the civilian population in his country.

As you know, the Committee is conducting a series of five hearings on Vietnam veterans and their readjustment to civilian life. In the first two hearings, Vietnam veterans expressed their strong concerns—which I share—about the possible long-term adverse health effects in humans of exposure to Agent Orange. The third hearing, at which OTA testified, provided the Committee with the current status of Agent Orange studies being conducted by three separate federal agencies, in addition to the position of those entities involved with the monitoring of these studies. As Chairman of the Committee on Veterans' Affairs, I am committed to assuring that the Federal government addresses promptly and appropriately the concerns of Vietnam veterans about Agent Orange.

Thus, I would greatly appreciate your review of the scientific validity of Dr. Tung's study. Because of the possible effects of the findings of the study on the adjudication of veterans' claims, I have several specific concerns about Dr. Tung's work, including the following:

(1) Does the methodology section that Dr. Tung included describe an adequate epidemiological design?

(2) Are the statistical manipulations of the data Dr. Tung collected adequately described?

(3) Are there any design defects that would make the conclusions drawn by Dr. Tung inappropriate?

I look forward to receiving your response to this request. Thank you for your continuing assistance to the Committee.

With best wishes,
Sincerely,
ALAN CRANSTON,
Chairman.

OFFICE OF TECHNOLOGY ASSESSMENT,
Washington, D.C., March 17, 1980.
Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I referred your letter of February 25, 1980, and the attached preprint from Dr. Ton That Tung to the Office of Technology Assessment's Health Program. As you will note from the attached analysis we have a number of concerns with the study. In summary, the study is not adequately described; in particular, other possible causes of abnormalities are not mentioned. On the other hand, the frequencies of congenital malformations reported by Dr. Tung are different from those reported in the U.S. population. Unfortunately, the absence of rigor in the paper requires attaching caveats to any conclusions drawn from it.

The data are poorly presented, making it impossible to decide whether the experimental design is faulty or not. Nevertheless, the attached analysis is presented for your information.

Therefore, the report from Dr. Tung cannot be regarded as definitive. The conclusions and data reported in it must be regarded as tentative. Thank you for bringing it to our attention; we will keep it in our files and review it further as more information becomes available and as the intensity of our effort on Agent Orange increases.

Sincerely,
JOHN H. GIBBONS.

ANALYSIS OF "THE PROBLEM OF MUTATION EFFECTS ON THE 2ND GENERATION AFTER EXPOSURE TO HERBICIDES"

A. The case of Yen Bai:

1. The paper reports 3,058 deliveries/4 years equals 763 deliveries/year in a population of about 10,000 equals 7.6 percent annual birth rate. (The annual birth rate in most of Southeast Asia ranges between 3–5 percent.)

2. The paper reports 30 congenital defects. 30/3,058 (number of deliveries) equals 1 percent congenital defects. This is very low. For comparison: A study of 53,257 deliveries in the U.S. found 15.5 percent defects (8.3

percent "major"). Other studies have found 7.4 percent malformations in 2,500 deliveries in Edinburg; 5.4 percent in a second study in Edinburg; 15.3 percent in 4,322 deliveries in Wisconsin; 7.5 percent "major malformations" in 5,400 deliveries in New York City. The very low incidence recorded for Yen Bai makes the study suspect. The argument might be made, from the serious abnormalities reported in the servicemen's children that only very grave conditions were reported from Yen Bai accounting for the low incidence. However, relatively minor defects are reported from civilian children.

3. The incidence of anencephalia, as reported is much higher among veterans' children. The paper does not report how many of the 3,058 deliveries were from veterans' wives, but in the U.S., there is about 1 anencephalia per 1,000 deliveries. Therefore, the finding of 6 cases of anencephalia in 3,058 deliveries is high by U.S. standards. And, since the 6 occurred in the veterans' subgroup of the 3,058, the incidence in that group must be very high. Nevertheless, it would be mistaken to conclude that exposure to Agent Orange is responsible for the high incidence. A more thorough examination which looks for other possible causes and eliminates them is required.

4. The incidence of other malformations with anencephalia (2/6 cases) is comparable to the ratio of 1/5 seen in 53,257 U.S. deliveries.

B. The case of the village of Quy mong (Yen Bai):

1. The paper reports 233 deliveries/3 years = 78 births/year in a population of 4,500 = 1.7 percent annual birth rate. Notice the great discrepancy between this birth rate and the one reported for Yen Bai (A.I. above). Also, although the 9 congenital malformations reported for Quy mong are not identical to any reported from Yen Bai, there is not enough information presented to be certain that these data are not a subset of those reported in section A. Furthermore, if Quy mong is a subset, the great difference in birth rates is even more puzzling.

2. The three cases of anencephalia were from one couple. Clearly that couple is different, but it would be a mistake to conclude that service in South Viet Nam and possible exposure to Agent Orange is the only cause to consider.

3. There are no reported malformations from the civilian population. Again, the low incidence is unexpected and, to that extent, implausible.

C. The case of the survey of veterans (Table on p. 6, CRS):

1. The occurrence of 16 abnormalities in 347 deliveries (4.6 percent) is well within expected values, but the distribution including 2 anencephalia (expected = 1/1,000) and microcephalia (expected = 1/1,000) is different from those expected. However, if the survey was more likely to pick up abnormal deliveries, then the higher incidence might be an artifact resulting from the research design.

2. Here again, the comparison population reported no abnormalities. And here, too, it is difficult to understand why the incidence is so low unless reporting is inaccurate.

The reference for all comparision data given above is Myrianthopoulos, N. C. and C. S. Chung, 1974. Congenital Malformations in Singletons: Epidemiologic Survey, from Birth Defects: Original Article Series, the National Foundation, March of Dimes.

The Problem of Mutation Effects on the 2nd Generation After Exposure to Herbicides

Aberrations in chromosomes, both in structure and number, in Vietnamese patients exposed to sprayed herbicides, in particular agent Orange, were mentioned in 1970 by Tôn Thát Túng and his collaborators (1). These findings were supported later by Fugita, Fugita and Funazaki (2), Yefimenko (3) and HEW (4) right after Seveso. The mutagenicity of agent Orange was established in the Salmonella bacteria by Mussain (5) and in the drosophila fly by Majundar and Golia (6) with regard to lethal factors; this was also supported by Fugita and his collaborators (2) and by Majundar and Hall [in their work] on rodents (7). In 1978, J. P. Seiler (8), in his experiments on male rats, established that 2, 4, 5T induces mutations in their descendants and the reduction of the production of ADN in their testicles.

As to man, we know through the newspapers that American Vietnam veterans who have returned to the USA complain of congenital defects in their progeny and of the frequency of abortions in their wives.

During a visit to the United States, and following a private interview with the U.S. Veterans Administration in Washington in May 1979, it was suggested we study the longrange effects of herbicides on the progeny (second generation) of Vietnamese veterans who had fought in the South and returned to the North to establish their families—that is under conditions similar to those of American Vietnam veterans.

Following are the preliminary results of our studies.

Methodology. Our studies first bore on the statistics of obstetric services. Unfortunately, in most cases there was no mention of the father's military service (which was moreover considered a secret) in the observations made. By chance we happened upon the town of Yên Bai in the province of Hoàng liên Son, in which the head of the health service, Dr. Mai, became interested in our study: the town of Yên Bai, being a twin city of one in the south, for this reason received a certain number of veterans from the South (generally born in the North). The town of Yên Bai has fewer than 10,000 inhabitants and approximately 700 former soldiers who had returned from the South. The former soldiers are grouped in agricultural and trade cooperatives in the town and its environs.

After Yen Bai, we addressed ourselves to groups of former soldiers from the South in three large cities: Hanoi, Hung Hoa and Namidinh. We sent teams to these places to interview each individual personally.

The localities in which our inquiries took place and had never been sprayed with herbicides.

Findings:

(a) Maternity hospitals in Yen Bai:

Material: 3058 births between 1975 and 1978 (4 years).

Number of congenital defects: 30.

Number of congenital defects traced to the couple:

Father a veteran from the South, mother a native of the North who had not left her home area: 15.

Number of congenital defects in the civilian population: 15.

Out of these 30 with congenital defects, 22 births were full term, 8 were premature.

Weight [at birth] of children with congenital defects:

More than 2.500 Kg, 20.

Between 2 Kg. and 2.500 Kg, 5.

2 Kg, 4.

Unrecorded, 1.

I. Congenital defects of those born of a former soldier in the South and a mother living in Yen Bai:

Anencephalia, pure	2
Anencephalia with	1
absence of nose and left ear	
harelip	
shortened neck	
naval raised to the sternum	
Anencephalia with	1
protruding eyes	
shortened neck	
retracted shoulders	
facial cleft	
Anencephalia with batrachian abdomen shortened limbs (upper limbs: 8 cm, lower limbs: 11 cm)	1
Anencephalia with absence of nose and eyes	1
Hydrocephalia with	1
angulation of upper limbs endowed with 3 fingers on the right and 4 fingers on left side	
absence of anus	
Absence of nose with	1
adhesion of auricles	
adhesion of feet to legs	
adhesion of hands to forearms	
syndactylia, bilateral	
Abnormal location of eyes, with	1
adhesion of auricles	
equine varus	
Batrachian abdomen with agenesia of the upper lip	1
Absence of forearms	1
Syndactylia of fingers and toes	1
Polydactylia	1
Harelip and cleft palate	1
Absence of the anterior abdominal paries	1
	15

II. Congenital defects observed in the civilian population:

Harelip	2
Cleft palate and harelip	1
Club foot	1
Batrachian abdomen	4
Batrachian abdomen+Fallot's tetralogy	1
Anal imperforation	1
Batrachian abdomen+hermaphroditism	1
Hydrocephalus+batrachian abdomen	1
Hydrocephalus+batrachian abdomen +shortened limbs	1
Hydrocephalus+absence of arms and forearms, replaced by 3 fingers on each side	1
Hydrocephalus	1
	15

Generally the incidence of anencephalia is decidedly greater among children born to soldiers from the South (15) as compared with the [overall] civilian population (0/15).

(b) maternity hospitals in the village of Quy mông (Yên Bai)

Material: 233 births, in a civilian population of 4500 inhabitants, with 30 families in which the father had been a soldier in the South, covering the years 1976, 1977, 1978 (3 years):

Number of congenital defects [cases?]	9
Number of congenital defects in the civilian population [cases?]	0/9
Number of congenital defects of a couple in which the father had fought in the South, mother living in Yen Bai [cases?]	9/9

The following congenital defects derive from only 6 couples:

Anencephalia with absence of the superior maxilla, shortened limbs and batrachian abdomen	1
Pure anencephalia	1
Anencephalia with cleft palate, batrachian abdomen, absence of penis, shortened limbs	1
(the above 3 anencephalics were born to one couple)	
Cleft palate, died on 6th day after birth (heart disorder?)	1
Harelip, atrophy of uvula, died on 3rd day of cyanosis (heart disorder?)	1
A single lower limb, implanted on a formless mass of flesh	1
Shortened limbs, excessively large ears, batrachian abdomen	1
	[sic] 9

In this small group, the following predominate: anencephaly (3/9); harelip with or without cleft palate (3/9); possibility of heart disease (3/9); and shortened limbs (5/9).

B. Surveys of settlements of veterans from the South, in the delta of the Red River:

Our teams went to:

I. Gia Yâm (suburbs of Hanoi): 115 veterans.

II. Yu Ky (Hai Hung): 78 veterans.

III. Kim dong Hai Hung): 95 veterans.

IV. Hung hà (Thái binh): 70 veterans.

Altogether, our group interviewed 358 former soldiers from the people's army, of whom 280 had fought in the South (control group: 78).

Following is a table with findings obtained in our inquiry:

	Number	Congenital defects	Percent	Miscarriages	Percent
Veterans who had returned from the South	280	16 out f 347 births	4.6	66/413 pregnancies	16.0
Veterans who had not been in the South	78	0 out of 131 births	0	15/176 pregnancies	8.5
		P <0.01	P <0.02		

Following is a summary [?] [preceding word illegible] on birth defects:

Anencephalia	2
Microcephalia dementia	1
Anophthalmia	1
Hydrocephalia	1
Genum valgum	1
Harelip	2
Polydactylia	2
Hermaphroditism	1
PCA [?]	2
CIA [?], CIV [?]	3

In this group the following predominate:

1. Defects of the neural tube	4/16
2. Heart disorders	5/16

DISCUSSION

These preliminary results seem to support the complaints of American Vietnam veterans and suggest damage through the paternal side to the second generation.

First of all, there is a significant difference between the group of Vietnamese soldiers who fought in the South and the other groups. In the first group there were 18 births with congenital defects out of 347 births, or 4.6 percent (the usual figure for congenital defects seems to be between 1.5 percent to 2 percent), while in the control group there were none out of 161 births. It is the same with the number of miscarriages: 66/413 pregnancies in the 1st group, and 15/176 in the control group.

With regard to the nature of the defects, the excessively high incidence of damages to the brain (anencephalia, microcephalia, anophthalmia) in Vietnam, in the second generation, should be emphasized.

Normally, there should be:

One anencephalia in 2,777 births, whereas with veterans from the South we have 1 anencephalia in 350 births.

[Ordinarily] there is 1 microcephalic dementia in 25,000 births: among soldiers who had fought in the South the number is 1 in 350 births.

Anophthalmia ordinarily occurs once in 10,000 births, whereas here it is 1 in 350 births.

These facts pose the problem of disorders in the second generation resulting from exposure to herbicides.

Experimental evidence. As we stated in our conclusions in 1970 (1), when the chromosomes are affected, there is always the possibility of mutation in future generations.

We reported that recent studies by Majundar and Hall, and particularly by J. P. Seillier (1978), seem to confirm the possibility of this happenning.

Elective damage of the neural tube of the 2nd generation seems to agree with the findings of Barbara Field (9), who showed that in Australia there is a linear relationship between the increasing rate of *spina bifida* in the newly born of the *first generation* [sic].

Nevertheless, the significance of experimental studies on the mutagenic effects of herbicides is still small as compared with the mounting tide of clinical evidence in the USA and in Vietnam, while the problem of pollution with herbicides and dioxin seems to be generalized throughout the entire world, even outside of these two centers of attention which are Vietnam and Seveso.

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THE PROBLEM OF MUTATION EFFECTS ON THE 2ND GENERATION AFTER EXPOSURE TO HERBICIDES

Aberrations in chromosomes, both in structure and number, in Vietnamese patients exposed to sprayed herbicides, in particular agent Orange, were mentioned in 1970 by Tôn Thát Túng and his collaborators (1). These findings were supported later by Fugita, and Funazaki (2), Yefimenko (3) and HEW (4) right after Seveso. The mutagenicity of agent Orange was established in the Salmonella bacteria by Mussain (5) and in the drosophila fly by Majundar and Golia (6) with regard to lethal factors; this was also supported by Fugita and his collaborators (2) and by Majundar and Hall [in their work] on rodents (7). In 1977, Murray and his collaborators (8) found that TCDD acted as a dominant lethal agent, while Weiler (9) found a reduced production of ADN in the testicles of rats subjected to TCDD (1977).

As to man, we know through the newspapers that American Vietnam veterans who have returned to the USA complain of congenital defects in their progeny and of the frequency of abortions in their wives.

During a visit to the United States, and following a private interview with the U.S. Veterans Administration in Washington in May 1979, it was suggested we study the long-range effects of herbicides on the first generation of progeny of Vietnamese veterans who had fought in the South and returned to the North to establish their families—that is under conditions similiar to those of American veterans of the Vietnam War.

Following are the preliminary results of our studies.

Methodology. Our studies first bore on the statistics of obstetric services. Unfortunately, in most cases there was no mention of the father's military service (which was moreover considered a secret) in the observations made. By chance we happened upon the town of Yên Bai in the province of Hoáng liên Son, in which the head of the health service, Dr. Mai, became interested in our study: the town of Yên Bai, being a twin city of one in the south, for this reason received a certain number of veterans from the South (generally born in the North). The town of Yên Bai has fewer than 10,000 inhabitants and approximately 700 former soldiers who had returned from the South. The former soldiers are grouped in agricultural and trade cooperatives in the town and its environs.

After Yên Bai, we addressed ourselves to groups of former soldiers from the South in five large provinces in the Red River delta: Hanoi, Hung Hoa, Nam Dinh, Haiphong, Than Hoa and Thaibinh [sic]. We sent teams to these places to interview each individual personally.

The localities in which our inquiries took place had never been sprayed with herbicides.

FINDINGS

A. Hospital Surveys:

(a) Births at Yên-Bai:

Material: 3,058 births between 1975 and 1978 (4 years)

Number of congenital defects	30
Number of congenital defects traced to the couple: father a veteran from the South, mother a native of the North who had not left her home area	15

Out of these 30 congenital defects, 22 births were full term, 8 were premature.

Weight [at birth] of children with congenital defects:

More than 2,500 Kg	20
Between 2 Kg. and 2,500 Kg	5
2 Kg	4
Unrecorded	1

I. Congenital defects of those born of a former soldier in the South and a mother living in Yên Bai:

Anencephalia, pure	2
Anencephalia with	1
absence of nose and left ear	
harelip	
shortened neck	
naval raised to the sternum	
Anencephalia with	1
protruding eves	
shortened neck	
retracted shoulders	
facial cleft	

Anencephalia with batrachian abdomen: shortened limbs (upper limbs: 8 cm, lower limbs: 11 cm)	1
Anencephalia with absence of nose and eyes	1
Hydrocephalia with	1
angulation of upper limbs endowed with 3 fingers on the right and 4 fingers on left side	
absence of anus	
Absence of nose with	1
adhesion of auricles	
adhesion of feet to legs	
adhesion of hands to forearms	
syndactylia, bilateral	
Abnormal location of eyes, with	1
adhesion of auricles	
equine varus	
Abdominal dropsy with agensia of the upper lip	1
Absence of forearms	1
Syndactylia of fingers and toes	1
Polydactylia	1
Harelip and cleft palate	1
Absence of the anterior abdominal paries	1
Total	15

II. Congenital defects observed in the civilian population:

Harelip	2
Cleft palate and harelip	1
Club foot	1
Fetoplacental anasarca	4
Abdominal dropsy+Fallot tetralogy	1
Anal imperforation	1
Batrachian abdomen+Hermaphroditism	1
Hydrocephalus+Abdominal dropsy	1
Hydrocephalus+abdominal dropsy+shortened limbs	1
Hydrocephalus+absence of arms and forearms, replaced by 3 fingers on each side	1
Hydrocephalus	1
	15

Generally, the incidence of anencephalia is greater among children born to soldiers from the South (15) as compared with the [overall] civilian population (0/15).

(b) Maternity hospitals in the village of Quy mông (Yên Bai):

Material: 233 births, in a civilian population of 4500 inhabitants, with 30 families in which the father had been a soldier in the South, covering the years 1976, 1977, 1978 (3 years).

Number of congenital defects [cases?]	9
Number of congenital defects in the civilian population [cases?]	0/9
Number of congenital defects of a couple in which the father had fought in the South, mother living in Yên Bai [cases?]	9/9

The following congenital defects derive from only 6 couples:

Anecephalia with absence of the superior maxilla, shortened limbs and batrachian abdomen	1
Pure anencephalia	1
Anencephalia with cleft palate, abdominal dropsy, absence of penis, shortened limbs	1
(the above 3 anencephalics were born to one couple)	
Cleft palate, died on 6th day after birth (heart disorder?)	1
Hydrocephalia	1
Harelip, atrophy of uvula, died on 3rd day of cyanosis (heart disorder?)	1
Harelip, shortened limbs, died on 6th day	1
A single lower limb, implanted on a formless mass of flesh	1
Shortened limbs, excessively large ears, batrachian abdomen	1
	9

In this group, the following predominate: anencephaly (3/9); harelip with or without cleft palate (9/9); possibility of heart disease (3/9); and shortened limbs (5/9);

B. Surveys of settlements of veterans from the South, in the delta of the Red River:

Our teams went to:

I. Gia Lâm (suburbs of Hanoi).
II. Tu Ky (Hai Hung).
III. Kim Dông (Hai Hung).
IV. Hung Hà (Thái binh).
V. Chuong My (Ha Dông).
VI. Hai Phong.
VII. Ba Dinh (Hanoi).
VIII. Nam Dinh.
IX. Ninh Binh.
X. Phu Ly.
XI. Thanh Hóa.

Although, our teams interviewed 1,102 former soldiers, of whom 836+ had returned from zones in the South which had been sprayed and 266 had not been to the South (Group B). Out of 1,102 soldiers in Group A, we have 670 couples where the husband is a veteran from the South, and the wife who had always lived in the North. The control group is made up of 116 couples.

The results are shown in the Table (see Table I).

+ All the fathers of abnormal children showed signs of direct damage from being sprayed with herbicides in the South. The length of their stay in the infected zones were on the average from 3 to 4 years.

SURVEY OF 1,102 VETERANS IN TOWNS AND VILLAGES IN NORTH VIETNAM

[836 returnees from sprayed zones in the South]

	Congenital anomalies		Abortions and premature births		Sterilité	
	Number	Percent	Number	Percent	Number	Percent
Group A (836) consisting of 670 couples (veterans who had fought in the South, married to women from the North).	43 (out of 1,187 live births)	3.6	214 (out of 1,401 pregnancies)	15.3	23 (out of 670 couples)	3.32
Group B (266) consisting of 116 couples (former soldiers who had not lived in the South, married to women from the North).	0 (out of 309 live births)	0	36 (out of 345 pregnancies)	10.4	2 (out of 116 couples)	1.9
		$P<0.00$		$P<0.03$		$P>0.05$

Types of malformations:

Anencephalia	6
Microcephalia dementia	1
Anophthalmia	1
Hydrocephalia	1
Genum valgum	4
Absence of left forearm	1
Congenital bilateral cataracts	1
Harelip	4
Polydactylia	4
Retraction of the upper right limb in flexion	1
Hermaphroditism	1
Absence of the right auricle	1
Congenital heart disease	15
Paralysis of the external ocular motor	11
Monogolism	1
	43

In this group the following predominate:

1. Heart disorders, 15/43.
2. Defects of the neural tube, 9/43.

DISCUSSION

1. Clinical findings:

These preliminary findings seem to support the complaints of American veterans from Vietnam who had spent time in the sprayed zones (Tây Ninh, Da Nâng, etc.) and suggest damage through the paternal side to the first generation.

We had been able to study 70 of these American files. Following are data on congenital anomalies and abortions in 70 couples:

Seventy couples (American Vietnam veterans+wives in U.S.A.):

Malformations, July 1970.

Abortions, August 1970.

Following are the types of malformations:

Palatine women	2
Spina bifida	1
Absence of anus with spina bifida	1
Congenital heart defects	2
	7

Former Vietnamese soldiers returning from sprayed zones in the South (Group A) present signs indicative of mutagenous action transmitted through the father.

There is a significant difference between the malformations derived from Vietnamese soldiers in the South (Group A) and the others (Group B). In the first group congenital anomalies occur 43 times out of 1,187 births or 3.6 percent (the normal figure for malformations seems to be between 1.5 percent and 2 percent), while in the control group, there are none out of 309 births ($P<0.001$). Abortions and premature births are 15.3 percent in Group A, and 10.4 percent in Group B ($P<0.01$).

With regard to the malformations, the excessively high rate of brain damage (anencephalia, microcephalia, anophtalmia) in the first generation in Vietnam must be emphasized.

Normally, there should be:

One anencephalia in 2,777 births, whereas with veterans from the South we have 1 anencephalia in 197.7 births.

[Ordinarily] there is 1 microcephalic dementia in 25,000 births: among soldiers who had fought in the South the number is 1 in 1,187 births.

Anophthalmia ordinarily occurs once in 10,000 births, whereas here it is 1 in 1,187 births.

Moreover, the large number of cardiac malformations should be emphasized: 15 cases out of 43 malformations, or 34.8 percent of the malformations.

Elective damage of the neural tube seems to agree with the findings of Barbara Feld (10), who showed that in Australia there is a linear relationship between the increasing rate of *spina bifida* in the newly born of the *first generation* and the rate of 2, 4, 5T used each year.

The number of mole [?] pregnancies is abnormally high in Hanoi; among them, many have occurred in women whose husbands have fought in South Vietnam. For example, currently there are 19 women hospitalized in the obstetrical service of the Mother and Child Institute for mole or chorioepithelioma: out of 19, nine are women from the North married to former soldiers from the South, and 10 belong to the civilian [local] population (+). (+This will be the subject of another study).

II. Experimental Proof:

Jackson (11) with regard to the first showed that dioxin inhibits mitosis of *Haemantus Katherinae*, Baker (1972). Davring and Summer (12) reported that the commercial form of 2,4,5T with less than 0.1 ppm of dioxin affects oegenesis and causes sterility in the *Drosophila melanogaster* fly: thus sterility of genetic origin from 2,4,5T is mentioned for the first time. Many authors have observed multinuclear cells in experimental animals after treatment dioxin: Greig et al (13), Buu Boi et al (14), Kimbrough et al (15).

In 1975, Green, Moreland and Sheu (16) were able to demonstrate that dioxin was capable of increasing the number of chromosomal aberrations in the bone marrow of rats, after failure by Green and Moreland (17) two years earlier. In 1976, that is six years following studies by Tón-Thát-Tûng (1), Czeizel and Kiraly (18) found a high percentage of chromosomal aberrations in the blood of Hungarian workers at a Budapest plant polluted with dioxin. Fugita et al (2) also observed chromosomal anomalies in Japanese workers in contact with 2,4,5T, and Yefimenko[found this] in the bone marrow cells of rats. After Seveso, a HEW seminar (4) made it possible to establish a high number of chromosomal anomalies (gaps, breaks, rearrangements) in the Italian population, age 2 to 28.

The mutagenicity of dioxin was the first to be confirmed by Hussain et al (5) with *Escherchia coli* Sd-4, *Salmonella typhimurium* TA-1532. Kondorosi et al (19) also found that dioxin is a powerful mutagen of *Salmonella typhimurium* Ta-1532: according to them, it appears that dioxin induces intercalation with DNA rather than a chemical reaction with nucleic acid.

Studies by Khera and Ruddick (20) of Wister rats showed that the epididymes of male rats treated with dioxin developed granulomatose formations analogous to autoimmunologic reactions produced by bacterial infection or an affluxion of foreign bodies. Van Miller and Allen (21) found that male Sprague Dawley rats treated orally with daily doses of 0.05, 0.5 and 1.0 ppm of TCDD showed a reduction in spermatogenesis, while Seiler (9) reports that 0.4 mg/kg of dioxin administered intraperitoneally to male mice induces a 50 percent reduction in testicular DNA. It has also been established that dioxin adversely affects the testicles in mice (22), chickens (23), guinea pigs (22), monkeys (23).

The double confirmation that dioxin both damages the testicles and induces chromosomal anomalies should support the idea that dioxin may act *as a predominant lethal agent*, as seems to be suggested by the works of Murray et al (8) on three generations of Sprague-Dawley rats. Recently, Cung Binh Trung (24) showed that the white Mus musculus mouse, injected subcutaneously for 8 days with 2,4,5T, developed polyploides [?] and chromosomal anomalies (chromosomal breaks, translocations) in the spermatogones and particularly spermatocytes I.

Therefore, the immediate objective is to conduct a cytologic and biological study of the paternal sperm in animals and man, all the more that, based on animal experiments, paternal sterility may already appear to be a problem.

Moreover, the study of both herbicides and dioxin seems to support the present motion that the transformations induced in DNA by environmental mutagens may be the principal cause of cancer, congenital malformations, cardiac disease, and aging (25).

Studies by the Surgical Clinic of the Department of Medicine of the University of Hanoi.

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TRACE ANALYSIS OF TETRACHLORODIBENZO-P-DIOXIN (TCDD) IN HUMAN ADIPOSE TISSUE INTRODUCTION

This is a report of the analytical data obtained for the analysis of 2,3,7,8-tetrachlorodibenzo-p-dioxin in human adipose tissue of Vietnam war veterans. The contents of the report are as follows:

1. Sample Extraction Procedure for Tissue: A description of the clean-up, work-up procedure.
2. Gas Chromatography/High Resolution Mass Spectrometry Analysis: A description of the actual analysis of the tissue extract.
3. Results: All the relevant data for each analysis reported in tabular form.
4. Discussion: A discussion of the actual data.
5. Conclusion: A consideration of the number of "positive" detections found.

Because of the difficulty of analyzing chemical substances at the parts-per-trillion level, we requested collaboration from the Environmental Protection Agency. With their support, a method validation approach has been developed and employed successfully in the analysis of human milk for TCDD. For application to this study, samples selected after consultation with Dr. James Norman, the statistician assigned to the project, were sent to Dr. Aubry Dupuy, Environmental Protection Agency, Pesticide Monitoring Laboratory, NASA/NSPL, Bldg. 1105, Bay St. Louis, Mississippi 39520, and worked up employing a method nearly identical to our own. The extracts were then submitted to Mr. Robert Harless at the Research Triangle Park Laboratory for GC/MS analysis. In addition, portions of some of our extracts were submitted to Harless. The results of both of these collaborative efforts are given in Appendix I and Appendix II (the data for Appendix II were not available at this writing and will be forwarded to the VA at a later time).

SAMPLE EXTRACTION PROCEDURE FOR TISSUE

A 1–10g sample was accurately weighed and spiked with a known amount (2.0–2.5 ng) of Cl^{37}-TCDD. It was then saponified in 15 ml of ethanol* and 30 ml of 40 percent aqueous KOH in a reflux apparatus for 60 minutes with stirring. The sample should be completely hydrolyzed before terminating the saponification.

The solution was transferred to a 250 ml separatory funnel and diluted with 20 ml of ethanol and 40 ml of water and extracted four times with nanograde hexane. The first extraction was done with 25 ml of hexane, shaking vigorously for one minute. The lower aqueous layer was removed to a clean beaker, and the upper hexane layer was decanted to a 125 ml separatory funnel. The aqueous layer was then extracted three times more with 15 ml portions of hexane, each time adding the hexane to the 125 ml separatory funnel. The combined hexane extracts were washed with 10 ml water to remove excess base.

The combined hexane extracts were washed 4 times with 10 ml concentrated H_2SO_4, or until both layers were clear. As many as 3 extractions may be necessary, depending upon the sample. Again the hexane was washed with 10 ml water. The hexane layer was decanted to a 2 ounce jar and concentrated under a stream of dry nitrogen to approximately one ml.

Three chromatography steps were done, the first being a silica gel column. No activation of silica was necessary. A 5 cm column was prepared using a disposable pipet plugged with glass wool. The silica was capped with ¼ cm anhydrous sodium sulfate to remove water, and then wetted with hexane. The sample, dissolved in 1 ml of hexane, was transferred to the column. A second ml of hexane was used to rinse the jar and was subsequently added to the column. Dioxin was eluted with 3 ml of 20 percent (V/V) benzene in hexane. All the eluate was collected in another 2 ounce jar and concentrated to a volume of 1 ml.

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*All solvents are of the highest grade and suitable for residue analysis.

Alumina was washed by saturating with methylene chloride, removing excess solvent, then activating at 225° C for 24 hours. A column was prepared in the same manner as the silica column above. The column was cooled to room temperature in a dessicator before use.

Hexane was used to wet the column before transferring the sample. The jar was again rinsed with one ml of hexane which was transferred to the column. The alumina was eluted with two 3 ml portions of pesticide grade CCl_4, then with 4 ml of CH_2Cl_2. These solvents were used to rinse the jar before being transferred to the column. The methylene chloride fraction was collected in a clean 2 ounce jar and concentrated under nitrogen while replacing the volatile CH_2Cl_2 with hexane. All other fractions can be discarded.

The final step was florisil chromatography. The florisil was saturated with methylene chloride and activated in an oven at 165° C for 24 hours. The packing was allowed to cool in a vacuum dessicator. A five cm column was prepared in a disposable pipet plugged with glass wool. The column was packed with 10 ml of hexane under light nitrogen pressure, in an attempt to remove all air pockets.

The sample, dissolved in one ml of hexane, was added to the florisil column. The container was rinsed with one ml of 8 percent (by volume) methylene chloride in hexane. The column was eluted with nine ml of 8 percent CH_2Cl_2 in hexane (which removed 80–85 percent of the PCB's) and then with eight ml of CH_2Cl_2. The dichloromethane fraction, which contained the TCDD, was collected in a centrifuge tube, and the solvent was evaporated to a small volume under a stream of dry nitrogen. The sides of the centrifuge tube were rinsed down with one ml of hexane and again the volume was reduced. The tube was rinsed a final time with one ml of hexane and the solvent evaporated until the volume was less than 100μλ. The centrifuge tube was capped with a teflon-lined screw cap and stored in a freezer at about −20° C until analysis.

LIST OF MATERIALS USED IN TISSUE EXTRACTIONS

Acetone, OmniSolv**, MCB.

Benzene, OmniSolv, MCB.

Carbon tetrachloride, OmniSolv, MCB.

Ethyl alcohol, OmniSolv, MCB.

Hexane, OmniSolv, MCB, non UV.

Methylene chloride, OmniSolv, MCB

Sulfuric acid, concentrated, analytical reagent, Mallinckrodt.

Water, distilled in glass.

Potassium hydroxide, analytical grade, Mallinckrodt.

Sodium sulfate (anhydrous), analytical grade, Fisher.

Aluminum oxide, neutral, activity grade I, Woelm Pharma.

Florisil, 60–100 mesh, Fisher.

Silica gel, 60–200 mesh, reagent grade, Baker Chemical Co.

Dry nitrogen (boil-off from liquid N_2).

GAS CHROMATOGRAPHY/HIGH RESOLUTION MASS SPECTROMETRY (GC/HRMS) ANALYSIS

SAMPLE HANDLING

At the time of analysis, the side of the centrifuge tubes was washed thoroughly with approximately 100μl of hexane or isoctane using a graduated syringe. During the washing, the solvent was allowed to evaporate until a volume of ~50μl remained. This remaining volume was accurately measured; usually three-fourths was replaced in the centrifuge tube, and the fourth remaining in the syringe was used for the gas chromatography/mass spectrometry analysis.

MASS SPECTROMETER

A Kratos MS–5076 ultra high resolution mass spectrometer was used for this analysis (ultimate resolution=180,000). The mass spectrometer was interfaced via a direct coupling to a Perkin Elmer Sigma II gas liquid chromatograph. Data acquisition was accomplished with a Nicolet Model 1170 signal averaging computer. Gas Chromatography. [Samples 1–22 and 23–34 (fiirst-time analyses)].

The column was a 6′ x ¼″ O. D. glass containing a Dow mixed phase packing. Typical operating conditions were: Helium flow rate of 15 cc/min; injector 270° C: column temperature program 1.5 min at 250° and then ramped at 10° C/min to 300° C and held there until the dioxin had eluted. The GC/MS interface was a simple glass lined stainless steel capillary and was held at an average temperature of 250° C. Typical retention time was 3.4 minutes (peak width at 10% height approximatey 40 seconds).

(23–34 final analyses) The column was a 6′ x ¼″ O.D. glass containing an OV–3 packing. Typical operating conditions were: Helium flow rate of 8 cc/min; injector 275° C: column temperature program 1.0 min at 275° and then ramped at 10° C/min to 300° C and held there until the dioxin had eluted. The GC/MS interface was a simple glass lined stainless steel capillary and was he'd at an average temperature of 250° C. Typical retention time was 2.6 minutes (peak width at 10% height approximately 40 seconds.)

MASS SPECTROMETER CONDITIONS

The electron impact source was used at 70eV ionizing energy and an accelerating voltage of 8KV. The source was set at 250° C. The instrument was tuned to a resolving power of 10,000 (10% valley definition).

Data were acquired using the standard ion switching feature provided with the MS–50 (dual ion monitoring). The first analysis was made monitoring one channel *m/z* 321.8936 (the most abundant molecular ion of TCDD having natural isotopic elemental abundances) and *m/z* 327.8848 ($^{37}Cl_4$-TCDD the internal standard) on the second channel. The complete peak profiles were acquired at a bandwidth of 1000Hz by scanning of a frequency of about 2Hz, corresponding in each case to a mass range of 300 ppm (0.096amu). The output of the mass spectrometer was accumulated over about 75 sweeps per channel using a Nicolet Model 1170 signal averager. The resulting signals were submitted to a three-point smoothing routine prior to print out on an X–Y recorder.

CALCULATION OF RESULTS

Quantitation was achieved by employing the internal standard "ratio method". Throughout the analysis period, standard samples containing TCDD and internal standard were analyzed. From these results, a calibration curve can be prepared by plotting ratio of the weights of TCDD and internal standard Versus the ratio of signal intensities (intensity at *m/z* 321.8936; intensity at *m/z* 327.8818). Residues of TCDD in actual samples were obtained by measuring the ratio of the signal intensities at m/e 322 and at 328 (internal standard) and reading the concentration of TCDD from the calibration plot. The detection limit in the actual samples was obtained by multiplying the noise level by 2.5 which was considered the maximum amount of TCDD which could be present in the sample.

The percent recovery was measured using the absolute signal intensity for the internal standard and mass spectrometer response factors measured by analyzing standard solutions of internal standard.

VALIDATION

Samples which showed detectable concentrations of TCDD or which were questionable were reanalyzed by removing a second aliquot and reinjecting onto the GC/HRMS (see data table). For this validation, the high mass channel is centered at 321.8936 and the low mass channel at 319.8965, the second most abundant molecular ion of TCDD. All other conditions were as reported above. The theoretical ratio of intensities is 0.78 (*m/z* 319.8965: *m/z* 321.8936).

The analysis permits us to calculate a concentration of TCDD based on the absolute signal intensity observed at *m/z* 321.8936 using response factors determined for the mass spectrometer from analysis of standard solutions of TCDD. Based on the percent recovery measured above, the quantitation may be adjusted to 100% recovery.

Validation of TCDD is considered acceptable if the observed ratio of signals is 0.78±0.10.

TABLE.—RESULTS: ANALYSIS OF TCDD IN HUMAN TISSUE BY GLC/HIGH RESOLUTION MASS SPECTROMETRY

ID No. (VA code)[1]	Sample wt. (g)	ng spike	Conc. TCDD (ppt)[2]	Detection limit	Percent recovery	Conc.[3]	$i_{320/322}$
1	2.3	1.8	nd	11	100		
	4.0	2.0	nd	5	50		
2	11.6	2.0	5	2	50	4	0.77
3	7.7	2.5	4	1	85	2	[4].94
4	10.2	2.0	6	2	50	4	.76
5	3.7	2.0	9	5	5	6	[4].92
	3.8	2.0	4	4	65	5	[4]1.02
6	9.5	2.0	5	3	65	2	[4].90
	9.5					nd(<2)	(5)
7	7.6	2.0	3	2	60	2	[4].92
	7.6					nd(<1)	(5)
8	10.4	2.0	5	3	50	2	[4].90
	10.4					nd(<1)	(5)
9	6.4	2.0	nd	12	100+		
	10.5	2.0	nd	3	40		
	10.5	2.0	nd	4	40	1	[4].64
10	9.3	2.3	12	2	100+		
	9.3	2.3	16	4	100+		
	10.7	2.0	35	9	100+	21	.75
	11.1	2.6	23	4	65	17	.85
11	8.4	2.0	3	2	55	2	.93
	8.4					1	.77
12	6.0	2.0	9	3	60	13	.88
13	9.6	2.0	nd	2	60		
	9.6	2.0	nd	2	80		
14	3.9	2.0	4	3	65	4	.74
15	7.1	2.0	7	4	50	8	.88
16	5.2	2.0	nd	4	60		
	5.2	2.0	nd	8	25		
17	10.4	2.5	3	3	65	2	.84
	10.4	2.5	4	3	75	3	.84
18	9.1	2.0	nd	4	30		
19	6.4	2.0	nd	15	20		
	11.2	2.0	nd	3	20		
20	9.9	2.0	5	4	50	5	.86
21	10.9	2.0	6	3	35	2	[4]1.07
23	11.6	2.0	6	3	55		
	7.7	2.0	8	2	100	8	.78
24	9.8	2.0	5	4	45		
	5.9	2.1	5	3	80	3	.71

See footnotes at end of table.

** All OmniSolv line solvents are distilled in glass, suitable for chromatography and residue analysis.

TABLE.—RESULTS: ANALYSIS OF TCDD IN HUMAN TISSUE BY GLC/HIGH RESOLUTION MASS SPECTROMETRY—Continued

ID No. (VA code)[1]	Sample wt. (g)	ng spike	Conc. TCDD (ppt)[2]	Detection limit	Percent recovery	Conc.[3]	$i_{320/322}$
25	12.2	2.0	12	4	45		
	9.7	2.0	10	3	100+	11	.78
26	8.7	2.0	63	6	45		
	4.5	2.1	99	10	90	100	.77
27	4.6	1.9	nd	11	30		
	3.0	2.2	nd	6	100	nd(<5)	
28	6.2	2.0	8	6	40	3	.78
	4.4	2.0	7	5	95		
29	8.4	2.1	nd	6	[6] 45		
	5.2	2.1	13	5	60	8	.88
30	6.6	2.1	9	4	[7] 45		
	6.8	2.2	nd	3	95	nd(<5)	
31	9.4	2.0	4	2	65		
	8.8	2.0	7	4	50	3	[4] .98
32	12.2	2.0	nd	5	20		
	9.5	2.0	4	4	60	5	.74
33	5.5	2.2	7	6	45		
	2.2	2.2	14	7	100	5	[4] .94
34	11.4	2.2	4	4	25		
	8.8	2.0	5	3	100	5	.85

[1] Sample numbers from Oct. 1, 1979, document "Fat Biopsy Cases." Sample No. 22 was never received.

[2] Ppt—parts per trillion.

[3] Via the absolute intensity of 322.

[4] Cannot be considered positive because of poor validation.

[5] Contaminant removed on repeat of analysis.

[6] Poor recovery and poor cleanup.

[7] Probable lab contamination. Additional sample worked up and found nd.

DISCUSSION

The calculated concentrations given in Table 1 (first concentration value) are independent of the percent recovery and instrument sensitivity because of the use of the internal standard, ^{37}Cl$_4$–TODD, method The calculated detection limits (2.5 x noise level) are somewhat high in these analyses primarily because of the small sample sizes and the chemical interferences in the sample extract. The percent recovery is based on the response of the mass spectrometer to the internal standard added before the work-up, and thus, this number will change with variations in instrument sensitivity and sample delivery into the gas chromatograph inlet.

We find that the reliability for a percent recovery measurement for a sample changes as the sample is handled for repeated analyses. This is probably due to small losses of sample on the glass container and to changes in concentration from solvent evaporation. The method of quantitation is not susceptible to these problems.

The concentration determined in the validation study is based solely on m/e 320 and m/e 322 and not on an internal standard. It will be low by a factor equal to the reciprocal of the percent recovery expressed as a fraction. This measurement is made primarily to obtain the isotope ratio from the signal intensity at masses m/e 320 and 322, as confirmation that the substance with the same exact mass as TCDD is in fact TCDD. Thus, the concentration determined by the 322/328 measurement is considered to be more reliable.

Some of the sample analyses gave positive detections but an incorrect isotope ratio was observed in the validation study (3,5–9,21,31, 33). Samples 6–8 also gave a "not detected" on at least one occasion, when the chromatography was sufficient to remove the interfering substance, and this demonstrates that the observed signal was not due to TCDD.

Interfering ions can also lead to the designation of true positives as "not detected" when the chromatography is insufficient to remove contamination. For these analyses, the location of the signal base line is difficult and a TCDD signal may be buried in noise of an adjacent signal. This occurred for sample No. 29 and was readily observed because the entire mass ranging adjoining the TCDD showed interfering signals. The sample was reanalyzed with particular care to correctly perform all liquid chromatography steps, and the TCDD was "unmasked" in the repeat to give a clear signal with S/N greater than 2.5.

Another difficulty arises when glassware used in the cleanup is unintentionally contaminated with native TCDD. We believe this may be the case for sample No. 30. The repeat analysis of another newly worked-up sample of No. 30 indicated a "not detected" level of TCDD.

At the lower parts-per-trillion levels (1–10ppt), only one significant figure is used in reporting the results. However, the use of a criterion of 2.5:1 for the signal-to-noise (S/N) ratio to determine the detection limit implies the ability to distinguish the difference in signal and noise levels to two significant figures. The use of a 3:1 S/N may be more reasonable.

In the conclusion, we list the samples which are considered positive as a result of our research.

CONCLUSION

The following criteria must be met for a sample to be judged to contain TCDD.

1. The gas chromatography retention time must be correct.

2. The suspected material must give a signal at 321.8936±0.0015. (This is determined by real-time peak matching of a suspected material and the TCDD-^{37}Cl$_4$.)

3. The signal intensity ratio for m/e 320/322 must be 0.78±0.10.

4. The exact mass of m/e 320 must be 319.8965±0.0015 using m/e 321.8936 as a standard.

5. The signal must be greater than 2.5 (3.0) times the noise level.

Using these, we judge the following samples to contain detectable concentrations of TCDD: 2, 4, 10, 11, 12, 14, 15, 17, 20, 23, 24, 25, 26, 28, 29, 32, 34.

However, a 3/1 S/N criterion may be more appropriate. Adopting this, we assign the following as containing detectable levels of TCDD: 2, 4, 10, 11, 12, 15, 20, 23, 24, 25, 26, 28, 29, 34.

An important question is the exact nature of the TCDD isomer; *i.e.*, is the detected TCDD the 2,3,7,8-isomer? This question is impossible to answer unambiguously unless all 22 isomers are available as standards. Furthermore, the gas chromatography must be sufficiently specific to separate or distingush the 22 isomers. Of course, this cannot be evaluated without the reference isomers which are not available.

The gas chromatography employed at the University of Nebraska is packed column which can be used to distinguish some of the isomers, but certainly not all. The gas chromatography at Research Triangle Park/EPA-laboratory is capillary column. Using their method, most of the known TCDD isomers can be separated.

For the experiments reported in the results section and in Appendix I, *the retention time of the observed signal was the same as that of authentic 2,3,7,8-tetrachlorodibenzo-p-dioxin*. This means that it is likely that the observed signals were from 2,3,7,8-TCDD, but this conclusion is not unambiguous.

APPENDIX I

A REPORT OF ANALYSES BY ROBERT HARLESS, EPA, OF SELECTED EXTRACTS, PREPARED BY THE UNIVERSITY OF NEBRASKA GROUP

Fractions of selected extracts were sealed in glass tubes and submitted to Robert Harless, U.S. Environmental Protection Agency, Mail Drop 69, Research Triangle Park, North Carolina 27711, for GC/MS analysis. Mr. Harless employs a high resolution capillary column GC separation and a medium resolution (R=5000–6000) mass spectrometry analysis. Although he does not monitor the exact mass of TODD by peak matching, he is able to separate more of the TCDD isomers than we at Nebraska.

His results are included in the following table. We are not reporting any percent recovery because of the difficulty in reliable handling of the trace levels of extracts. For positive detections, the retention time is the same as for 2,3,7,8–TCDD. Our concentrations are also supplied for ease in making comparisons.

TABLE 2.—ANALYSIS OF TCDD IN SAMPLES OF HUMAN FAT EXTRACTED AT UN-L

Our code	VA code	Conc. (ppt)[1]	Detection limit	Conc. (UN-L)
17-NR-01	21	3.0	0.7	[2] nd
17-NR-02	18	5.0	.8	nd
17-NR-03	13	nd	.2	nd
17-NR-04	10	36.0	3.0	23
17-NR-05	9	3.0	1.0	nd
17-NR-06	8	3.0	.6	[2] nd
17-NR-07	3	3.0	1.0	[2] nd
17-NR-08[3]		4.5	.7	9

[1] Parts per trillion.

[2] Signal at m/e 322 with the exact mass of TCDD, however, the isotope ratio ($i_{320/22}$) is incorrect.

[3] Quality control sample. True value equals 9 parts per trillion.

MEMORANDUM

To Dr. Lawrence Hobson, Veterans Administration.
From Chair, Scientific Panel, Interagency Work Group on Phenoxy Herbicides and Contaminants.
Subject Review of VA Study of TCDD in Body Fat of Vietnam Veterans.

The draft paper submitted to the Scientific Panel has been reviewed by nine scientists. Seven were *ad hoc* reviewers selected for their specific expertise in the chemical analyses of TCDD or expertise as to the toxic effects of TCDD.

In summary, it is questionable whether the analytical data are capable of yielding quantifiable results and the authors clearly fail to demonstrate that they are measuring 2,3,7,8–TCDD. Until there is reliable data of this sort, any attempt to correlate service exposure, degree of exposure, current clinical health, etc., is unwarranted.

Of greatest concern is the verity of the TCDD results from both a quantitative and qualitative standpoint.

Some selected comments that amplify this point are:

Isotopic purity of ^{37}Cl–TCDD given that the levels of ^{35}Cl–TCDD added as part of the spike may equal the levels of TCDD that one is attempting to detect.

The clear presence of interfering ions indicating the combination of analytical clean-up/mass spectrometry was inadequate.

The procedures do not unequivocally identify 2,3,7,8–TCDD.

The inadequacy of the gc columns.

One review stated, "The identifications must be reviewed as tentative and the quantitative values estimates" (several reviewers were less charitable).

Given the concerns as to the verity of the chemical analyses attempts by Lee, *et al.*, to interpret their meaning is, at best, a most tenuous exercise.

For example the Lee paper points the seeming paradox that one of the "heavily exposed" volunteers, (#19) had no TCDD detected. However, the chemistry data clearly shows that there was but a 20% recovery indicating some difficulty with the sample. In another case, one officer who was highly exposed had no TCDD identified, yet this was a sample in which interference was a confounding factor—he could have had a significant level of TCDD that was not detected.

In my opinion the chemical analyses, while close to the "state-of-the-art," underscore the pitfalls of using this approach for the purpose intended. This data in its current form runs a great risk of confounding, rather than enlightening, the scientific issues associated with the Veterans' Agent Orange Issue.

The specific comments from each reviewer are attached for your consideration.

JOHN A. MOORE, D.V.M.

COMMENTS

Comments on the two preprints received from Dr. Hobson, VA, letter dated April 22, 1980.

General: I am a molecular biologist and have had little direct experience with gas chromatography-mass spectrometry or clinical interviews and investigations. Despite my lack of specific expertise, I am surprised that these papers are considered to be nearly ready for publication. The writing and the presentation of tabular data can be improved in both papers. The apparent absence of a rationale for selection of the study population in the clinical paper reduces its value. Submission of these papers for publication in peer-reviewed journals seems desirable. Certainly that is a necessary step to attach credibility to the studies.

Paper by Gross.

Michael Gross has an excellent reputation and, based on that, I am comfortable with the data he reports.

Nevertheless, I think the paper can be improved:

P. 1, item number 1. What does "clean-up, work-up procedure" mean? This may be okay in a paper intended for a specialty journal, and the criticism may be misdirected.

P. 1, para 2. This is very confusing. The mention of human milk apparently refers to another study, but "samples" in the next sentence has no antecedent except milk. How was the statistician consulted about sample selection? What role did he play? If Appendix II had been included, would all the "nd" samples from Nebraska have been reanalyzed in one or the other of the two outside laboratories?

P. 2. I can make no comment on data that are not presented. Should the review have waited until those data are available?

P. 3, line 3. "accurately" shouldn't be necessary. Lines 2, 3, 4. Is 60 minutes sufficient for "complete saponification?" If it's not, how s saponification measured?

P. 4. Is it necessary (it is confusing) to use "CH_2Cl_2," "methylene chloride," and "dichloromethane" interchangably? Line 3. The paragraph needs an introduction saying that the subject has changed to the second column.

Pp. 6, 7, 8. These pages are beyond my technical familiarity.

P. 13, para 3. This paragraph should be expanded. I know (I think) what's intended, but it's difficult to follow.

Table 2 (p. 19) A column listing the Nebraska detection limits would help the table.

Comments: Expand the discussion of the apparent differences between the Nebraska and EPA results. The EPA, evidently, measures lower levels, and, in fact, measured TCDD in 2 of 7 "nd" samples from Nebraska. Are the EPA determinations to be taken as refinements of the Nebraska measurements, or are they to be treated as possible artifacts? Why were those samples and not others sent to EPA? When will the data from the other outside lab be available? Will those describe a reanalysis of the remaining "nd" samples?

PAPER BY LEE, ET AL.

A large, perhaps insurmountable, flaw is the study population. Why, given all the uproar about Agent Orange health effects, 'weren't veterans self-selected because of complaints asked to volunteer? Many of the 20 subjects "who believe that they were exposed to Herbicide Orange" do not seem to be complaining of the illnesses associated with the herbicide. I'm assuming that those 20 are the 20 men who are identified as having served in Viet Nam in Table I.

Were the 3 Air Force officers chemists who took routine precautions in their handling of chemicals? Nothing is said about that.

On p. 2, para 1, mention is made of the use of service records in deciding exposure levels, but Table II presents only the veteran's recollections of his exposure. How were the two sets of data combined and used?

Table I. Mention is made of the results from the EPA lab in the text, but the table uses the University of Nebraska "not determined" as definitive. Subject 18 and 9 had levels of TCDD below those detectable at Nebraska, but within detection limits at EPA (see Table 2 in Gross). This returns to a point made in the review of the Gross paper. What is to be made of the differences between the two analytical laboratories?

Table II. The use of adjectives "severe" and "mild," "repeated," "direct," is suggestive of differences, but there is no way to judge what the words mean. The other 12, "medium exposure" subjects should be described. The table would be improved by including the range of TCDD detected in samples from each subject in addition to the "negative" in the Assay Result column.

Table III. Here, too, inclusion of the assay results would make it easier for the reader. The authors' classification of high, medium, or low exposure for each subject would also be useful. The table reinforces my concern about subject selection. Some of the men have no current complaints; were those volunteers who remembered no Agent Orange exposure? Which men associated their poor status with Agent Orange?

I draw attention to several general concerns. In Table II, the only 2 field soldiers, 15 and 34, were assigned to the low exposure group, and both were TCDD positive. I would expect field soldiers to have been exposed to Agent Orange. How many field soldiers were in the intermediate exposure group? Were 11, 12, 24, 25, and 29 field soldiers?

I think it's important to segregate the field soldiers from the others.

Why is subject 1 included as low exposure? Is there any information that he was exposed?

Subject 13 has so many problems—heroin, gynecomastia (incorrectly spelled in Table III) that I'd fault his recollection. Also, given his job, what is the possibility that he was exposed?

Gross lists the samples he considered positive on p. 15 of his paper. Using the 3/1 signal to noise (S/N) criterion, he found the subjects listed below to be positive.

Positive subjects (number)	Service
2	Air Force.
4	Air Force.
10	Vietnam.
11	Vietnam.
12	Vietnam.
15	Vietnam.
20	Non-Vietnam.
23	Non-Vietnam.
24	Vietnam.
25	Vietnam.
26	Vietnam.
28	Vietnam.
29	Vietnam.
34	Vietnam.

Excluding the Air Force officers, there are 12 positives. 10 of those 12 are Viet Nam vets. The chance of a Viet Nam vet being positive is 10/20 or 50 percent. The chance of a non Viet Nam vet being positive is 2/10 or 20 percent. I don't know what the difference means, but it should be discussed.

The conclusions follow the results, but I remain unclear about the purpose of the paper.

1. Selection of volunteers isn't detailed.

2. Insufficient information is provided about how subjects were put in high, medium, and low exposure categories.

3. No exposure information is provided about the medium exposure subjects.

4. No analysis draws attention to the high frequency with which TCDD was found in Viet Nam vets.

5. Without description of the Air Force officers' work habits, they could be a red herring in the sense that they have had no exposure.

6. The tabular data are hard to read and require lots of flipping from table to table. Why not drop Table 1, put the concentration numbers in Table 2, and discuss what they mean? Table 2 would be improved by providing information about exposure based on sources other than recollection. A fourth classification "probably no exposure" would have been useful. In fact, 10 of the subjects were identified as being "without contact" on p. 1; was that determined before they volunteered?

7. What is the point of Table III? It's briefly discussed, but the point that is made in the discussion is that the complaints probably aren't related to exposure. That's only a conjecture, isn't it? Right now, we don't know what the effects (if any) are. The discussion (p. 3) included as symptoms "probable numbness and tingling" and "apparently generalized itching." Are the words "probable" and "apparently" intended to cast doubt on the reporting of complaints? If so, is that wise?

8. Under the column "non-service exposure" (Table III), the ten non Viet Nam are described as: no record, 2; not given, 2; none, 2; none given, 2; gasoline and automatic chemicals 1; none, drug abuse, 1. Do the first four categories mean the same thing? Subject 20 and 23, both TCDD positive, were listed as "not given" and "none given." What do those words mean?

REVIEW OF VA STUDY ON TCDD IN BODY FAT OF VIETNAM VETERANS AND OTHERS

As you requested, I am submitting a review of papers by Dr. Gross and Dr. Lee *et al.* on laboratory methodology and the interpretation of results, respectively, relating to the analysis of TCDD in body fat of Vietnam veterans and others.

With respect to Dr. Gross' paper on analytical methods, the scientists acting as consultants to the panel who have been directly involved with this methodology will be the best resource for an analysis of this paper.

Please note however, that to my knowledge standards are currently available for all 22 tetra-isomers (C. Rappe: personal communication).

Outside of the context of a critical review of Dr. Gross' analytical methodologies, the conclusion drawn by Dr. Lee *et al.* on the inapplicability of the analysis of fat for TCDD as a routine test for exposure to Herbicide Orange is correct. It may be helpful to emphasize that the variations from the expected TCDD detection in "exposed" versus "unexposed" subjects could result from incomplete and/or inaccurate exposure data (as noted by the authors), from problems arising from the laboratory methodology, and/or from overassumptions made from the limited data available about the exact metabolic fate of TCDD and its accumulation in adipose tissue.

MAY 8, 1980.

Dr. JOHN A. MOORE,
Chair, Scientific Panel Interagency Work Group on Phenoxy Herbicides and Contaminants, National Institute for Environmental Health Services, Research Triangle Park, N.C.

DEAR DR. MOORE: Thank you for letting me see the preliminary draft of the report entitled "Trace Analyses of Tetrachlorodibenzo-p-dioxins in Human Adipose Tissues". The report as it is presented is somewhat confusing. I realize that it is merely a draft and suggest that the material be retabulated, giving only TCDD levels for those adipose tissue specimens that are definitely positive and that were validated. All other analyses should be listed as negative, rather than giving questionable TCDD levels in one column and a negative finding in another column. It must also be emphasized more that the tetrachlorodibenzodioxin which was detected may not be solely the 2,3,7,8—tetrachlorodibenzodioxin isomer.

The report gives no information on the use of reagent blanks, internal standards or additional spiked samples. Were such samples run to assure that no contamination occurred in the laboratory? In order to clarify the data, more information is also needed on the isotopic purity of ^{37}Cl TCDD and the chemical purity of the unlabelled reference TCDD. Since the internal standard is added at a ppb concentration and the TCDD in the samples is measured in ppt levels, has it been shown that the measured amount of TCDD in the samples is significantly greater than the unlabelled TCDD added in spiking with isotopically labelled impure material? To further explain this point, a copy of a page in the book entitled "Quantitative Mass Spectrometry" by Millard is enclosed. In addition, the following questions should be addressed:

1. Were standards (for calibration curves) treated like the samples?

2. How was the calibration curve constructed?

a. Concentration range.

b. Linear regression line and what is the correlation coefficient?

c. Were data used in constructing the calibration curve corrected for isotopic impurity in both labelled internal standard and reference material?

3. The last sentence in page 7 of the draft needs clarification.

It presently appears as though a larger proportion of the population who spent some time in Vietnam had more TCDD in their adipose tissue than did people who have not been in Vietnam. However, the number sampled in this last group was much smaller. It can, therefore, at the present time, not be concluded that among the Vietnam veterans, a higher percentage has a minute body burden of TCDD than among people who have not been in Vietnam. Statistical analysis was done on these results. 2/10 positives were compared to 10/20 positives: $X^2=1.406$ and $p=0.24$. This demonstrates that the difference was not statistically significantly different at the 95 percent confidence limit.

It is becoming increasingly obvious that TCDD is present in the environment in the United States and is derived from a variety of sources. These include commercial products, waste of commercial products, and incinerators which inefficiently combust waste from household and industrial sources. Additional screening of the general population will probably show us that a certain percentage of people carry a minute body burden of TCDD. An additional source of TCDD may be hexachlorophene which contains trace amounts of TCDD that could conceivably be absorbed through the skin.

To put this finding into the proper perspective, I am including a copy of a paper which is in press in Pediatrics. In a limited survey of the southeastern part of the United States, we found that 23 percent of the people have trace amounts of aflatoxin B1 in their urine and/or serum. It was astounding that his could be demonstrated by just collecting grab samples since aflatoxin, as you well know, is usually fairly rapidly metabolized and excreted. If the toxic and carcinogenic effects of aflatoxin B1 in different animal species are compared to those of 2,3,7,8-tetrachlorodibenzodioxin, it becomes apparent that aflatoxin B1 rivals the toxicity of the 2,3,7,8-tetrachlorodibenzodioxin and both compounds are carcinogenic in rats at similar dosage levels.

For your information, I am also enclosing a table giving acute oral LD50 values for aflatoxin B1. Although these low background levels of aflatoxins, chlorinated dibenzodioxins and other chlorinated compounds are of concern, I am not convinced that they are associated with any health problems. They merely serve as indicators of exposure and, if possible, such exposure should be reduced as much as is feasible. It must be accepted that low level exposure of the general population to a multitude of carcinogens occurs. What needs to be determined is at what level such exposure becomes harmful.

QUANTITATIVE MASS SPECTROMETRY

(Figures mentioned in text not printed in RECORD)

As discussed earlier (p. 49), the variance in a ratio is more dependent upon the smaller component than on the larger component, so the general shape of the curve in Fig. 4.8 reflects the variance in the response to the small amount of unlabelled material as a reasonable approximation. The curve enables us to estimate the coefficient of variation and hence the standard deviation involved in the determination of any amount of unlabelled compound which is present in the labelled standard from the detection limit upwards. The test can then be used to determine the amount of extra unlabelled compound that has to be present at any point of interest along the curve to make the difference in the means significant.

The formula for t (see Appendix)

$$t=\frac{|m_A-m_B|}{s\sqrt{(1/n_A+1/n_B)}}$$

can be rearranged to give

$$|m_A-m_B|\geq ts\sqrt{(1/n_A+1/n_B)}$$

where m_A, m_B are the means of the sets of results A and B, n_A, n_B are the numbers of result in each set A and B, and s is the overall standard deviation.

The difference in the two mean results, one for the standard, and one for the standard plus the small extra amount of unlabelled compound, must exceed the expression on the right for the difference to be significant. Since four injections were used at each level, $n_A = n_B = 4$. The tabulated value for t ($P = 0.95$) is 2.45. Consider, for example, the point of the curve where an injection of 0.040 ng was used, the standard deviation s at this point being 0.00792. Putting this value with the other values into the equation shows that difference between the two means must exceed 0.0137 for the difference to be significant. If the units of quantity are put in, this means that a significant difference in the response for 0.040 and 0.040 + 0.0137 (= 0.0537) ng injections can be observed. Thus, if the labelled standard contains 40 pg of unlabelled compound at the chosen injection level, it can still be used to detect 13.7 pg of unlabelled compound that will come from the extract to which the labelled standard is added.

The rearranged equation shows that the difference in the means which is significant is directly proportional to the standard deviation, so that in cases where the standard deviation is less than in the present experiment, an even smaller amount of additional unlabelled compound can be detected.

Evidence is now coming to light that many labelled compounds do not act as carriers for the unlabelled material through a g.c.m.s. system, and this is discussed in Chapter 6. In such a situation it makes no sense to use large ratios of labelled to unlabelled compound. If a reasonably high dynamic range of the compound of interest is to be covered, the amount of a type A labelled standard added to each unknown sample should be only a few times greater than the smallest level of unlabelled material likely to be encountered. This will lead to much lower limits of detection, since the contribution made by the small amount of unlabelled compound present in the labelled standard will be virtually negligible. Obviously, the calibration curve will be constructed using the same amount of standard and amounts of unlabelled compound sufficient to cover the whole range of concentrations required. For the higher concentrations of unlabelled compound, a response will be obtained from the unlabelled material which is much higher than the response from the much smaller level of internal standard present. This will introduce a rather larger variance for these higher concentrations than would be the case with larger amounts of internal standard, but the improvement at lower levels more than compensates.

The effect of using a large excess of a type A standard is shown in Feg. 4.9(a). The calibration line was constructed by injecting 10 ng of 3,3,4,4-$[^2H_4]$prostaglandin $F_{2\alpha}$ with varying amounts of the unlabeled compound (as methyl ester tris-TMS ether derivatives). Although the line is the result of linear regression, so that any possible curvature is ignored, it does not go through the origin because of the presence of a response at *m/e* 423 in the labelled compound, equivalent to about 0.4% of the response at *m/e* 427. Some of this extraneous response will be due to the presence of an appreciable amount of unlabelled material, while part could be due also to some other impurity which has an ion at *m/e* 423 and the same retention time. Thus, an injection of the labelled standard alone gives a response equivalent to the presence of about 40 pg of unlabelled material. If the precision of the measurement of the isotope ratio is poor, such a method cannot be used to measure much less than 20 pg or so of additional prostaglandin $F_{2\alpha}$.

REPORT ON ANALYSIS OF HUMAN FAT FOR TCDD RESIDUES

1. This report presents and discusses the analytical results from a number of Vietnam veterans using methodology developed under the sponsorship of the U.S. EPA and in collaboration with the University of Nebraska, Dow Chemical Company, and Wright State University. The method was originally intended for beef fat and, at the EPA's ini-

tiative, extended to human milk and, now, apparently human fat. Unfortunately, no additional validation studies are reported.

2. The deficiencies in the sample clean-up have been the subject of a number of detailed memos from Dr. Albro, so that you are referred to those. Since the present report is intended for medical scientists who have not been involved in dioxin analysis, the omission of any statement of the analytical and isotopic purity of the ^{37}Cl–TCDD spike is seriously misleading. The latest reports from this group with which I am familiar indicated that the labeled compound contained *ca.* .1% ^{35}Cl–TCDD which means that a few picograms of the analyte is being added with the spike. Since this is in the same order of magnitude as the quantities being detected in the lowest level samples, those attempting to interpret these data should be aware of this.

3. The sample introduction can hardly be considered gas chromatography. More properly stated, the GC is being used as a filter. The very limited GC resolution is further degraded by the data acquisition method. Using the given information, one can estimate that all ions of the same exact mass as TCDD eluting over a 75 second time window will be detected. For the case of 2.6 minutes (approximately 2 min. 40 sec.), everything eluting between *ca.* 2 minutes and 3 minutes and 20 seconds will be detected if it has the proper exact mass. Surely this includes all TCDD isomers, the M-HCl ion of hydroxy pentachlorodiphenyl ethers and, in fact, most compounds with elemental composition $C_{12}H_4Cl_4O_2$.

4. The improper use of an isotopically labeled internal standard can lead errors that are substantially more serious than careful use of external standards and valid recovery studies. First, the sample must not contain any of the internal standard. All normal TCDD contains ^{37}Cl$_4$–TCDD. Second, the internal standard must not contain any of the analyte. Unless a new and previously unreported batch of ^{37}Cl$_4$–TCDD is now available, this requirement is being violated. Thirdly, the internal standard must be shown to have equilibrated with the native material prior to extraction. No evidence has been presented to demonstrate this. Fourth, the criteria for the identification of the internal standard must be at least as stringent as the criteria for the identification of the analyte, since we have no *a priori* method of establishing the absence of a substance which would interfere with the standard in any biological or environmental sample. This report uses one ion to identify the internal standard and two ions to identify the analyte. Recoveries of greater than 100% require a positive interference on the internal standard signal. Recoveries of 100% with an extraction/cleanup method as complicated as the one used here are extremely suspicious.

Thus, at least 15–30% of the samples must have a positive interference on the internal standard ion. One has no basis to dismiss the proposition that all internal standard signals have an interference, some more than others. Since the internal standard signal is used in all concentration calculations, they are meaningless. In summary, we have no way of knowing what specific chemicals led to the signals reported as TCDD nor can we have any confidence in either the quantitative results (should the material actually be TCDD) or the stated recovery values since the internal standard signal is subject to an unknown interference. The author notes that the average temperature of his transfer line was 250°. As he must know, the relevant parameter is the lowest temperature along the line. This might, in part, explain his poor chromatography.

5. If the author is refering to his GC data to make the underlined statement in the conclusions, he doesn't know the retention time of the material he is calling dioxin. He only knows that at least some part of it eluted between 2.0 and 3.2 minutes or 2.8 and 4.0 minutes depending upon which column he was using. With care, GC retention times can be measured to a fraction of a second.

6. If I have interpreted table 2 (in appendix I) correctly, in only three of eight samples do the two labs agree within a factor of two when analyzing the same samples and one of those is a not detected. Particularly disturbing are the five samples of the eight compared in which the EPA laboratory reported a concentration whereas the UN–L laboratory reported not detected. The only conclusion that I can reach is that the method is not valid.

7. Any discussion of this analytical data is unwarranted.

PART I. COMMENTS ON ANALYTICAL AND QUANTITATION METHODOLOGY

The perspective of my review comments is primarily based on our experience from development of cleanup techniques for fatty tissue and collaborative efforts in the analysis of these extracts with Dr. Christoffer Rappe (Sweden) and Dr. Buser (Switzerland).

First, the methodology for sample analysis and cleanup is very well documented and provisions for quality control were adequately considered. The use of ^{37}Cl-labeled TCDD ensures that variations in quantitation are minimal. Since high resolution mass spectrometry was the detection method, specificity for tetrachlor-dibenzo-*p*-dioxins is excellent. Rejection of data from certain samples that did not have the correct chlorine isotope ratios is proper.

Two problem areas deserve comment. Because packed column gas chromatography was the means employed to separate the components recovered by the sample cleanup it is not possible to state that the concentrations of TCDD reported is only that of 2,3,7,8-tetrachlorodibenzo-*p*-dioxin. The data do, however represent the maximum value for TCDD.

The second point deals with the scope of the analytical effort in the USA to gather data on just TCDD. Because most investigators are seeking to measure just TCDD, we do not have an adequate perspective of the presence of all chlorinated dioxins and dibenzofurans in various segments of the biota and population. In this study it would have been enormously helpful to have monitored the ions corresponding to the dibenzo-*p*-dioxin congeners having 4 to 8 chlorines.

Data published by Buser and Rappe, Chemosphere *1*,199 (1978), Rappe, et al. Chemosphere *1*,269, (1978) and Rappe, et al. Chemosphere *1*,431, illustrate some generalization in the composition of dioxin isomers relating to the source or mechanism of formation can be made.

Further, several of the more highly chlorinated isomers present at much higher concentrations and these data could serve to more clearly focus concerns about human exposure to dioxins. Additional indications of dioxin exposure could be determined from these data if the TCDD was present at concentrations below the limit of its detection.

Rappe recently informed me that he and Buser had synthesized and completely separated the mixture of 24 tetrachlorodibenzo-*p*-dioxin isomers using two capillary columns. Also Dow Chemical has a procedure to separate 2,3,7,8-tetrachlorodibenzo-*p*-dioxin from the other tetra-isomers. Because only two samples which were positive for TCDD by high resolution MS were among those analyzed by capillary GC–MS (Dr. Harless, EPA) little can be said about the relative level of TCDD (2,3,7,8) versus any other TCDD isomer(s) which may co-elute on the packed GC column. These data obtained in the study can serve as an initial perspective on the TCDD problem and underscore the need for a more isomer specific method of measurement. If combined with a broader concern for what other isomers of dioxins and furans are present in the sample I am convinced that a much better understanding of the hazards posed by the trace contaminants can ultimately be obtained.

PART II. SUMMARY AND CONCLUSIONS

I can find no statements in the summary and conclusions which, on the basis of the data available, should be modified or that appear to overstate or understate their point(s).

REVIEW OF VA STUDY ON TCDD IN BODY FAT OF VIETNAM VETERANS AND OTHERS

The VA study material includes a Report to the VA by Michael L. Gross, Director of The Midwest Center for Mass Spectroscopy, University of Nebraska-Lincoln. The report describes the methodology used for analysis of adipose tissue samples and presents analytical data obtained from mass spectrometric analysis of the tissue extracts. The report states in the introduction that it is concerned with analyses of 2,3,7,8-tetrachlorodibenzo-*p*-dioxin, although the concluding statement correctly points out that the methodology is not unambiguous for 2,3,7,8-TCDD.

The protocol for sequencing the extraction-cleanup of individual samples is not given. For example, it is not stated whether reagent blanks and fortified control samples were examined along with each set of samples. Therefore, it is difficult to judge to what extent laboratory or glassware contamination biased the results. An instance of presumed contamination from "dirty" glassware is cited (page 14) in the case of sample No. 30. Also, greater than 100% recovery of TCDD is recorded in Table 1 for samples from subjects 9 and 10.

No results of analysis of control samples are presented to validate quantitative aspects of the methodology. Disregarding several findings of nd (not detected), the range of values (ppt TCDD) reported for samples from the ten "unexposed" veterans is 3–14 (detection limits, 2–7) versus a range of 3–13 (detection limits, 2–11) for samples from twenty (20) subjects presumed to have received "relatively little" or "moderate" exposure, including the three Air Force officers with "known exposure to TCDD."

Also, 30% "positives" (3/10 samples) were obtained from the unexposed veterans versus 52% "positive" (12/23 samples) from the "exposed" subjects. By and large, data obtained for samples from the "unexposed" veterans resembles those obtained from "exposed" subjects if data obtained from samples from the three (3) "heavily exposed" Vietnam veterans (ID nos. 10, 19, 26) are not considered. With respect to these latter samples, it is surprising that TCDD was not detected in fat from one of the subjects (no. 19), whereas relatively high levels (>10 ppt TCDD) were apparently found in the fat from subjects 10 and 26. It is unfortunate that sufficient sample extract was not made available for confirmation of the presence of TCDD by multiple ion mass spectrometry.

Fractions of some of the extracts were sent to Robert Harless, EPA, for GC/MS analysis with capillary column GC coupled to a medium resolution mass spectrometer. I note that sample extract from subject 26 was not included. Also, Mr. Harless did not report data for the signal intensity ratio of *m/z* 320/322 determined by his instrumentation. In addition, Mr. Harless did not report any results with negative control or reagent blank samples.

In the absence of raw data and additional details of procedures used to extract, clean up and analyze the samples, it is difficult to determine whether the results of analysis of samples from "exposed" subjects, other than samples from subjects 10 and 26, have any significance. It would have been desirable to submit at least some of the samples (including samples from subject 10 and 26) to another laboratory for independent analysis. The results obtained from samples from subjects 10 and 26 suggest that additional study be made of other "heavily exposed" Vietnam veterans as well as a repeat analysis of tissue from subjects 10 and 26.

COMMENTS ON REVIEW OF VA STUDY ON TCDD IN BODY FAT OF VIETNAM VETERANS AND OTHERS

1. Extraction and Cleanup: I have commented on this cleanup procedure several times previously. The initial saponification in 33 percent KOH is unnecessarilly violent and has been abandoned by the majority of the groups analyzing for TCDD. Moreover, it destroys some of the TCDD. The cleanup is inadequate, probably because TCDD is eluted from each column with an unnecessarily polar solvent, resulting in the coelution of other oxygenated materials. This is reflected in the number of samples showing interference. The final sample is in such an unnecessarily large container that much of the 0.1 ml of solvent evaporates to fill the vapor space, so the absolute recovery values are meaningless. I will believe that the final volume can be "accurately measured" with a syringe when I see it.

2. Gas Chromatography: For all practical purposes, the packed-column GC was so poor it cannot be called chromatography. A peak 40 seconds wide at 10 percent of its height with retention times of 3.4 minutes and 2.6 minutes on the two columns corresponds to column efficiencies of 315 and 184 theoretical plates respectively. Had these columns been well packed and operated under effective GC conditions, one would expect up to 3600 theoretical plates. The obtainable resolution was thus sub-optimal by 10–20 fold, vastly increasing the opportunity for co-eluting interference.

3. Mass Spectrometry: Quantitation was performed while monitoring only one TCDD ion and one ^{37}Cl-ion. This doubles the opportunity for mass spectral interference. The "varidation", based on the 322/320 ratio, only confirms that some ion corresponding to 4 chlorine atoms is being generated. It really provides no information not already given by the exact mass measurement.

4. Capillary GC–HR MS: No details of the operating conditions are given. Most capillary columns do not resolve 2,3,7,8–TCDD from all other TCDD isomers, and no capillary column resolves TCDD from all PCBs.

5. Internal Standard: If this is the same batch of ^{37}Cl-TCDD described in the Dow report, it introduces a few pg of normal TCDD into every sample. Its purity should be discussed in the report.

6. Samples Showing Interference: Those samples showing an incorrect 322/320 ratio may contain TCDD plus some co-eluting contaminant. These samples cannot be considered "negative" any more than they can be considered "positive" in subsequent correlation with clinical symptoms or exposure.

7. Qualitative Criteria: (page 15 of report) (a) Retention Time—The chromatographic conditions provided such poor column efficiency that this criterion is meaningless except when TCDD was judged absent. (b) Exact Mass Measurement—provides some assurance that the ion being measured has empirical formula $[Cl_{12}H_4O_2Cl_4]^+$ and that's all. (c) 320/322 ratio provides a second indication that the ion has 4 chlorines, thus no new information. (d) Exact Mass of 322 ion—same information as (b). (e) $S/N > 2.5$ is not qualitative.

In summary, these are extremely minimal, or even inadequate, qualitative criteria.

8. Quantitative Criteria: Since quantitation is based on the ratio of one ion in the spectrum of normal TCDD to one ion in the spectrum of the internal standard, and *no* additional criteria are available to detect interference with the standard, the quantitation could be much too low whenever there is interference with the standard's ion.

9. EPA's Confirmation: Using a capillary column to look at samples previously found positive, EPA found a signal at the observed retention time of 2,3,7,8-TCDD. Did they also find signals for the appropriate ion at other retention times? The report doesn't say. If they did, the MCMS quantitation (with almost no GC resolution) would probably have measured the sum, giving too high quantitation.

10. Quantitation-General: For reasons 8. and 9. above, the quantitation could be way too low or way too high in different samples. Thus, I see no reason to believe the quantitation.

11. The VA emphasizes that one of the officers highly exposed to Agent Orange "had not identified TCDD in his fat" in contrast to two others who did show positive. The officer in question had the smallest fat sample of the three, and the analysis showed interference. He may very well have had a significant level of TCDD (see 6. above).

12. One of the "highy exposed" veterans had no detectable TCDD (#19). This was also the only sample with only a 20% recovery. Clearly, this sample experienced some difficulty in the lab, and is hence not a clear-cut negative.

13. I do not know what the biological half life of TCDD in humans is, but it probably is not measured in years. Surely most of any TCDD originally present would be depleted by the time these samples were taken.

14. The assay for TCDD is judged not to be a "routine test for exposure to Herbicide Orange nor acceptable evidence of contact with that specific defoliant. . . ." This is misuse of data. The analysts were told to analyze for TCDD, not develop a fingerprint for Herbicide Orange! No matter how the results came out, the VA could still draw this conclusion.

15. Of the three samples found positive at barely above $S/N=3$ (#15, 28, 34) from persons considered unlikely to have been exposed, *none* were sent to EPA for confirmation. Rather unfortunate, that.

REVIEW OF VA STUDY ON TCDD IN BODY FAT OF VIETNAM VETERANS AND OTHERS

1. The analytical methodology described does not differ significantly in basic concept and approach from that previously described and reviewed by us (see previous memo of February 1, 1980 commenting on EPA Dioxin Analysis Program). Most, if not all, of these comments still apply here as well.

2. The chemist involved admits that the method is not unequivocal for the 2,3,7,8-TCDD. I think this was realized before the study began. What was hoped for was a reasonably good correlation of the analytical findings with the more likely exposed veterans. This would have increased confidence that they were measuring the 2,3,7,8-TCDD.

3. The chemist does appear to believe that he is measuring some tetrachlorodibenzo-*p*-dioxin, but this also is not supported. With the current limitations in the methodology (lack of standards, etc.), the analytical work probably should have been designed to demonstrate that something with undistinguishable chromatographic properties and exact mass to 2,3,7,8-TCDD could be reproducibly isolated from the samples and quantitated.

4. This approach would have dictated much more attention to separation science and its compatibility with the measurement science. This would also have suggested some sort of internal standard or other basis of comparison such as a total organic chlorine or at least a PCB–DDE determination. For example, were all the high "TCDD" samples also high in these likely interfering compounds? The real potential of the separation science in supporting the identification was largely ignored.

5. If this approach had been taken, the results might have at least been definitive with respect to the absence of TCDD. The available data are not supportive of the presence or absence of 2,3,7,8–TCDD and, therefore, any conclusions drawn are unsupported and irrelevant.

6. Even with definitive methods, we will never be able to ascertain the source of any 2,3,7,8–TCDD found. The best that can be hoped for is a positive correlation with real or potential exposure and "high" TCDD levels should not necessarily be associated with high other chlorinated hydrocarbons.

REVIEW OF VA STUDY ON TCDD IN BODY FAT OF VIETNAM VETERANS AND OTHERS

I have reviewed the data included in the reports as per your request. I am by training a Mass Spectrometrist and therefore do not feel qualified to present a critical evaluation of the meaning of the non mass spectrometry data included in the reports. A full and detailed evaluation of the MS data is impossible because the data have already been summarized by Dr. Harless and Gross, and original data are not presented. The following are my comments and questions regarding the data as presented in the reports.

Gross:

1. The statement that the peak must give a signal within +.0015 of the exact mass of the m/z 321.8936 is to my knowledge the most accurate determination of this ion reported.

2. A 6′×1/4″ packed column with a RT for TCDD of 2.6 min. with a 40 sec peak width at 10 percent height is clearly inadequate to distinguish between TCDD isomers or to resolve other potential interferences.

3. A signal to noise ratio of 2.5 to 1 for the 322 ion is inadequate. This results in a signal to noise ratio of less than 2 for the 320 ion making a good determination of the 320/322 ratio extremely difficult as supported by the data. A signal to noise ratio of 10 would be more realistic and I would consider 5 to be an absolute minimum.

4. The discussion of interfering ions was very disturbing because it clearly indicates that the combination of the analytical cleanup, mass spectrometry used in the analysis was inadequate to remove interferences at the levels reported. If these interferences occur in some of the analysis then the potential for interferences exists for all of the analysis making them suspect. The solution to this dilemma would be to cross check with another technique. This unfortunately is almost impossible at the levels reported.

Harless:

1. The supporting analysis of Harless substitutes chromatographic specificity for the mass spectrometric specificity of Gross. Unfortunately the two sets of data cannot be correlated because the criteria used for reporting a positive by Harless are not given.

2. With what accuracy did Harless determine the elemental composition of the m/z 322 ion?

3. Was the 319 monitored?

4. Was the ratio of the 320/322 determined?

In summary the report shows that improvements are being made in the analytical methodology for the analysis of biological samples for TCDD. The report also demonstrates that there is much room for improvement.

At this point the data indicates that the identifications must be viewed as tentative and the quantitative values estimates.

ALPHABETICAL LIST OF SCIENTISTS THAT REVIEWED THE VA STUDY TCDD IN BODY FAT OF VIETNAM VETERANS

1. Dr. P. Albro, NIEHS, Research Biochemist
2. Dr. D. Firestone, FDA, Research Chemist
3. Dr. Michael Gough, OTA, Molecular Biologist
4. Dr. R. Hass, NIEHS, Mass Spectroscopist
5. Dr. P. Honchar, NIOSH, Epidemiologist
6. Dr. P. Kearney, USDA, Chemist
7. Dr. R. Kimbrough, CDC, Toxicologist
8. Dr. J. McKinney, NIEHS, Research Chemist
9. Dr. J. Moore, NTP, Toxicologist
10. Dr. J. Spohn, FDA, Mass Spectroscopist
11. Dr. D. Stallings, DOI, Research Chemist

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Boren). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1480, ENVIRONMENTAL EMERGENCY RESPONSE ACT

Mr. LEAHY. Mr. President, it is not uncommon for major legislation to be surrounded by sometimes confusing misconceptions and statements. S. 1480, the Environmental Emergency Response Act, is no exception.

Recently, several Vermonters have written or called me to criticize S. 1480 for covering wood chips and sawdust as hazardous substances. Since the bill deals with chemical poisons and nonorganic substances, I asked the Administrator of the Environmental Protection Agency (EPA) to respond to my constituents' concerns and to clarify the scope of the bill's coverage. The response, which I ask be printed in the Record at the conclusion of my remarks, is attached.

The EPA has concluded that S. 1480 does not cover wood chips and sawdust. As my distinguished senior colleague, Mr. Stafford, observed Tuesday, S. 1480 is not a regulatory bill, but, in fact, antiregulatory legislation. Therefore, toxic substances are not captured by the bill's response or liability provisions unless proved to kill or injure people or the environment. If there are no damages from exposure to a substance, S. 1480's provisions will not come into play.

I believe the response of the Agency concerning commonly found products, wood chips and sawdust, would be of interest to my colleagues. I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Environmental
Protection Agency,
Washington, D.C., August 21, 1980.

Hon. Patrick J. Leahy,
U.S. Senate,
Washington, D.C.

Dear Senator Leahy: I am happy to respond to your request for information about the coverage of statutory hazardous substances lists maintained by the Environmental Protection Agency (EPA). Those lists are referenced in S. 1480, the Environmental Emergency Response Act Superfund), in the provisions which define "hazardous substances" for purposes of liability. I understand that you are concerned whether wood chips and sawdust were contained in any of these lists, thus bringing them within the scope of Superfund.

My staff has checked the lists contained in all statutes administered by EPA and has found no reference to either substance as hazardous. Nevertheless, it appears that the confusion on this issue is a result of the process which culminated in promulgation of regulations for the Hazardous Waste Management System under the Resource Conservation and Recovery Act (P.L. 94–580).

On December 18, 1978, EPA proposed those regulations (43 Fed. Reg. 58955) in which we defined "ignitable waste" to include ". . . (2) non-liquids liable to cause fires through friction, absorption of moisture, spontaneous chemical change or retained heat from manufacturing or liable, when ignited, to burn so vigorously and persistently as to create a hazard . . . ". Public comments expressed concern that this last phrase could be construed to include such non-hazardous materials as wood chips and sawdust.

EPA had no intention of designating such materials as hazardous, and on May 19, 1980 when we promulgated the final regulations, we specifically stated so in the preamble (45 Fed. Reg. 33108). We went on to state that we are ". . . only interested in capturing the small class of thermally unstable solids which are liable to cause fires through friction, absorption of moisture or spontaneous chemical changes. Accordingly, to eliminate any misunderstanding, we have changed the definition of ignitable solids to read '. . . and when we promulgated the final regulations, sistently that it creates a hazard' ".

However, there is a limited qualification to this explanation. Under the Environmental Emergency Response Act § 2(b) (13) (G), the intention is that under certain unusual emergency conditions at a hazardous waste site, the on-scene coordinator would have the authority to designate as a hazardous substance anything which was an imminent danger to the public. There is also the possibility that wood chips or sawdust treated with wood preservative or fire retardant might become a hazardous waste in an emergency situation.

I hope that this clarification is helpful to you.

Sincerely yours,
Susanne L. Wellford,
Acting Director, Office of Legislation.

SUPERFUND NEEDED NOW

Mr. LEAHY. Mr. President, one of the most troubling environmental pollution problems this country must address is the safe disposal of hazardous and toxic wastes. Too many times this year, the news has been punctuated with reports of environmental and human catastrophes—at Love Canal, at South Brunswick and Elizabeth, N.J., at West Point, Ky., and numerous other sites around the country where highly toxic, hazardous substances have escaped into the environment, contaminating our air and water supplies and creating still unknown health dangers. Some of these sites are "orphans," long abandoned waste disposal sites, or manufacturing plants. Others are still active, regulated waste repositories. There are hundreds, maybe even thousands, of these "orphan" dumps across the country. The costs of finding the "orphan" dumps or of containing the active sites, of cleaning up the area and compensating the victims for any harm caused them are astronomical.

Mr. President, I am pleased, however, to note that the Department of Justice is continuing to move firmly toward holding those who produce hazardous substances liable for the harm they may cause. This is certainly welcome news.

Just last month, the Justice Department sued 12 of the largest American chemical and oil companies to force them to clean up two hazardous waste dumps near Baton Rouge, La., where it is suspected that carcinogens and poisons are leaking into the environment.

The Federal Government has charged that there have been violations of three Federal statutes: The Resource Conservation and Recovery Act, the Clean Water Act and the Refuse Act. But, as a recent Washington Post editorial states, while this move is encouraging, such suits make us aware of the deficiencies which remain in present laws for holding the appropriate parties responsible for these hazardous activities.

The Environmental Emergency Response Act, S. 1480, which was reported from the Committee on Environment and Public Works on July 11, will move a great distance toward strengthening the Government's ability to respond to hazardous incidents and sites. The so-called superfund bill also provides important incentives, without regulations, so those concerned industries will take the best possible precautions when dealing with ultra-hazardous activities. As the Washington Post editorial suggests, this country needs a law like S. 1480 at the soonest possible date, and this Congress has the great opportunity to fill this dangerous void.

Mr. President, I ask unanimous consent that the July 19, Washington Post editorial entitled "Stopping Dump-and-Run," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Stopping Dump-and-Run

The Justice Department went to court this week seeking an injunction to stop 12 chemical and oil companies from unloading any further chemical wastes into two dumps the government believes pose an imminent danger to public health and the environment. Previous suits have been filed against the operators of dump sites, but this is the first time the government has been able to collect sufficient evidence to include the companies that are actually generating the wastes.

At least some of the companies will defend themselves by arguing that "at the time we used the site, it was an acceptable way of doing things," but this defense is unlikely to hold up. Those engaged in what the law calls "ultrahazardous" activities are held liable for dangers that may result. Moreover, one of the two sites is in a swamp that periodically floods, and it should be difficult to persuade any judge that this was ever an accepted way to dispose of hazardous wastes.

The suit indicates encouraging progress in efforts to bring the improper disposal of hazardous wastes under some kind of control. But it also serves to emphasize the many remaining deficiencies in the legal tools the government has at its disposal. If, for example, the government wins this suit, which is in Louisiana, it can compel the companies to bear the expense of cleaning up the site, but the law that governs hazardous waste disposal does not provide for the imposition of any fines or other penalties—even against the companies that dumped their waste on the swampy flood plain.

Nor can the government sue on behalf of third parties—local citizens and landowners whose health or livelihood has been damaged by the leaking chemicals. In order to collect any damages from the companies, these individuals must take their chances in local courts—governed by state law that varies from state to state—where they may not be able to make use of the evidence established by the government in federal court.

Even if the government could prove in a particular instance that company officials knowingly approved waste disposal practices that would severely damage public health, the government could not now bring criminal charges against those individuals. This would be true even if those actions threatened the lives of innocent people as surely as do the decisions of a hit-and-run driver.

Bills that would fill all these needs are pending in Congress. Prompt action on them would strengthen the government's ability to stop dangerous practices and compel companies to clean up the messes they have created without having to take each case to court. There may be 1,000 or more dangerous waste sites scattered around the country—and not even Washington has enough lawyers to tackle efficiently that big a problem through slow and expensive litigation.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for routine morning business be extended for an additional 30 minutes under the same conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:40 p.m., recessed subject to the call of the Chair.

The Senate reassembled at 2:52 p.m., when called to order by the Presiding Officer (Mr. Boren).

Mr. BUMPERS. Mr. President, what is the pending business?

The PRESIDING OFFICER. We are in recess subject to the call of the Chair. The Senator from Arkansas.

AGRICULTURAL CRISIS IN THE STATE OF ARKANSAS

Mr. BUMPERS. I thank the Presiding Officer.

Mr. President, I just want to make a few remarks to get them into the Record to let my colleagues in the Senate know that the State of Arkansas is still experiencing the most dramatic crisis from an economic standpoint, especially an agricultural standpoint, we have ever faced.

First, I want to say that last year, 1979, we sold about $3 billion worth of agricultural products broken down thusly: About $1 billion worth of soybeans, about $1 billion worth of poultry, and the balance is in rice, roughly $500 million worth of rice, the rest of it in livestock, cotton, and so on.

Right now the drought continues unabated in my State. The temperature at Little Rock Air Force Base yesterday was 111 degrees. If you watched the Today show weather or any of the other morning show weather forecasts, you will find that hot humid circle with Arkansas right in the middle of it usually covering southern Missouri, eastern Oklahoma, northern Louisiana, and western Tennesssee.

But I have been all over the State in the past month, and it is the most unbelievable devastation I have ever seen. Even cotton, to the unlearned, I might point out, which has a tap root and which will survive the very driest weather normally, is dying in my State. The soybean crop has probably already suffered somewhere on the order of a $500 million to $700 million loss.

I say these things simply to put this Senate on notice that that is a manmade disaster just as certainly as the eruptions of Mount St. Helens for which we have already appropriated almost $1 billion is a God-made—I said man-made when I meant a natural disaster.

So at some point this body and the House of Representatives are going to have to come to grips with a very real, a very serious, problem of appropriating the money not just for my State—I say that simply because if the damage in my State is $1 billion, when you add all the rest of them you know what you have had.

So I say those things simply to put this body on notice, as I have the Appropriations Committee already.

We are facing a terrible crisis in my State, and I hope to have and expect the sensitivity, sympathy, and understanding of my colleagues when we have to appropriate money for the Farmers Home Administration and the Small Business Administration, when we will have to deal with it.

Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Will the Senator withhold that?

Mr. BUMPERS. I withhold that.

Mr. ROBERT C. BYRD. I thank the Senator.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, at 2:55 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 3:47 p.m. when called to order by the Presiding Officer (Mr. Boren).

RESPONSE TO SECRETARY OF DEFENSE BROWN'S SPEECH

Mr. TOWER. Mr. President, in an astonishing combination of deception, dishonesty, and bluff, the Secretary of Defense has taken to the hustings in an effort to convince the American people—if not the Soviet Union—that the President can alter 4 years of weakening our defenses by a rush of words.

Secretary Brown has taken on one of the toughest jobs in Washington. In addition to running the Pentagon, he now wants to run Carter's reelection effort on the defense issues.

The Secretary of Defense's job is not a political one, and certainly Harold Brown has demonstrated he is not a politician.

It is a fundamental mistake to make significant changes in our strategic nuclear policy in the midst of the heat of a political campaign. But that is what Carter and Brown have proposed to do. And while I agree with what I understand is the conceptual design of the new strategic targeting policy, called Presidential Directive Number 59, it is undeniably clear that it calls for forces to implement it which will be hopelessly vulnerable during the early to mid-1980's. In short, it is a policy relying on a bluff. This force deficiency is the direct result of the President's 3-year delay of the MX missile program. To ignore this glaring gap between policy and capabilities represents the worst kind of political deception.

In his campaign speeches, Secretary Brown tends to play fast and loose with Carter's real record on defense. Let us look at the real facts.

For example, Brown, in his Naval War College speech, fails to point out that the proposed "post-SALT" defense budget previewed to the Senate Armed Services Committee in December, before the Soviet invasion of Afghanistan, has steadily declined in real terms:

It declined from 5.6 percent to 5.3 percent real growth in 1 month between December and the President's formal January request.

Two months later, the President's March revised defense budget fell short of even keeping pace with rising costs by $1.6 billion. That shortfall was compounded by the President's directive to the Pentagon that programs already approved be reduced by another $1.6 billion. By this time, the real growth for fiscal year 1981 had fallen to about 5 percent.

The next month, in April, President Carter wrote Speaker O'Neill "strongly" supporting a House budget amendment to reduce spending below the President's own January request.

Also in April, Secretary Brown personally lobbied Senate Budget Committee members against increasing defense spending above the President's request in spite of the service chiefs' testimony that sustained additional funding was required to reduce risk in the wake of the Afghanistan invasion.

Secretary Brown implies that the current administration has reversed the trend of the Soviets significantly outspending the United States on strategic forces. The fact is that the Soviets have drastically outspent the United States on strategic forces every single year of this administration and are continuing to do so by a factor of at least 2 to 1.

Secretary Brown states that this administration has strengthened all three legs of our strategic triad. However, the record of this administration is one of delaying the MX missile development, terminating the B-1 bomber program, stretching out construction of Trident submarines, and not supporting development of the Trident submarines, and not supporting development of the Trident II missile. Let us look at candidate Carter's own record on specific programs which Secretary Brown used to bolster the President's image on defense.

B-1

Carter had his mind already made up before he took office about the B-1. Remember, he pledged on the campaign trail to kill the B-1 if elected. Unfortunately, this was one of the very few campaign promises Carter kept. Whatever technical arguments Brown may have made, the present Chairman of the Joint Chiefs of Staff recently testified that we are worse off than we would have been had Carter not slowed down strategic programs.

MX

Brown implies that the Carter administration had to solve the MX shelter question. In fact, a concept very similar to that finally arrived at by Carter had already been recommended by the Air Force. When President Ford left office, the deployment of MX would have started in 1983. Under Carter, it has slipped 3 years to 1986. If Carter really believed in the targeting policy recently announced in his Presidential directive, the delay in the schedule would never have occurred.

TRIDENT

Secretary Brown contends that this administration has put the Trident missile and submarine program back on track. The facts indicate quite the contrary. President Ford's fiscal year 1978 5-year defense plan called for construction of three Trident submarines every 2 years. This administration stretched the construction to only 1 a year with initial construction of two Tridents planned for fiscal year 1982 in the President's January 1978 plan, then delayed to fiscal year 1984 in the President's January 1979 plan, and finally delayed to year 1985 in the President's January 1980 plan.

The Joint Chiefs of Staff recommended to the Secretary of Defense that $3 to $4 billion be included in the President's current fiscal year 1981 5-year plan for development of the Trident II missile. Yet, the President and the Secretary of Defense included a total of only $30 to $40 million for continuing "study" and basic research and development.

In short, this administration's record on defense continues to be one of deception and bluff, with continued reliance on projections and promises which never come to pass. As has been made clear in Afghanistan, Ethiopia, and South Yemen, the Soviet Union is not much impressed by bluffs. Nor, in my judgment, are most thoughtful Americans.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, appoints the Senator from Massachusetts (Mr. TSONGAS) and the Senator from New York (Mr. JAVITS) to the United Nations General Assembly's 11th Special Session on the New International Economic Order, to be held in New York City, August 25 to September 5, 1980.

MESSAGES FROM THE HOUSE

At 12:29 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the amendments of the House to the bill (S. 496) to increase the appropriations ceiling for title I of the Colorado River Basin Salinity Control Act (the act of June 24, 1974; 88 Stat. 266), to increase the appropriations authorization for the Small Reclamation Projects Act of 1956 (70 Stat. 1044), and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the amendments of the House to the bill (S. 2549) to authorize appropriations for fiscal years 1981, 1982, and 1983 to carry out the Atlantic Tunas Convention Act of 1975.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 507) to authorize Federal participation in stream rectification, Trinity River Division, Central Valley project, California, and for other purposes.

The message also announced that the House has passed the bill (S. 1625) to amend the act of December 20, 1944, as amended, with an amendment in which it requests the concurrence of the Senate.

The message further announced that the House insists upon its amendment to the bill (S. 1097) to establish a national tourism policy, a Cabinet level coordinating council and a nonprofit corporation as an implementing agency to carry out the national tourism policy, disagreed to by the Senate; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. STAGGERS, Mr. FLORIO, Mr. SANTINI, Ms. MIKULSKI, Mr. MURPHY of New York, Mr. MATSUI, Mr. BROYHILL, Mr. MADIGAN, and Mr. LEE were appointed as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 5164) to amend certain inspection and manning laws applicable to small vessels carrying passengers or freight for hire, and for other purposes; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. ASHLEY, Mr. MURPHY of New York, Mr. BIAGGI, Mr. BREAUX, Mr. OBERSTAR, Mr. HUGHES, Mr. MCCLOSKEY, Mr. SNYDER, and Mr. LIVINGSTON were appointed as managers of the conference on the part of the House.

At 2:16 p.m., a message from the House of Representatives delivered by Mr. Gregory, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 379. Joint resolution to provide for the designation of August 31, 1980, as "Working Mothers' Day."

At 3:54 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 83. Joint resolution to authorize the Camp Fire Girls at Cundys Harbor, Maine, to erect a memorial in the District of Columbia.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 7583. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1981, and for other purposes.

HOUSE MEASURES REFERRED

The following bill and joint resolution were read twice by their titles and referred as indicated:

H.R. 7583. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1981, and for other purposes; to the Committee on Appropriations.

H.J. Res. 379. Joint resolution to provide for the designation of August 31, 1980, as "Working Mothers' Day"; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4425. A communication from the Principal Deputy Assistant Secretary of Defense (Comptroller), reporting, pursuant to law, on transfers of amounts appropriated to the Department of Defense pursuant to the authority granted in Section 751 of the Department of Defense Appropriations Act, 1980; to the Committee on Appropriations.

EC-4426. A communication from the Deputy Secretary of Defense, reporting, pursuant to law, that because of the increase in fuel costs it was necessary to authorize, pursuant to the provisions of subsection (b) of R.S. 3732, 41 U.S.C. 11, deficiencies to be incurred in many Operation and Maintenance appropriation accounts; to the Committee on Appropriations.

EC-4427. A communication from the Acting Assistant Secretary of the Army (Installations, Logistics, and Financial Management), reporting, pursuant to law, that a study has been conducted with respect to converting the motor vehicle maintenance function at Aberdeen Proving Ground, Aberdeen, Maryland, and a decision has been made that performance under contract is the most cost effective method of accomplishing it; to the Committee on Armed Services.

EC-4428. A communication from the Acting Assistant Secretary (Research, Development, and Logistics), Department of the Air Force, reporting, pursuant to law, that a study has been conducted with respect to converting the commissary shelf-stocking and custodial services functions at Sheppard Air Force Base, Texas, and a decision has been made that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4429. A communication from the Acting Assistant Secretary (Research, Development, and Logistics), Department of the Air Force, reporting, pursuant to law, that a study has been conducted with respect to converting the instrument flight simulator console operator function at Reese Air Force Base, Texas, and a decision has been made that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4430. A communication from the Acting Assistant Secretary (Research, Development, and Logistics), Department of the Air Force, reporting, pursuant to law, that a study has been conducted with respect to converting the refuse collection function at Lowry Air Force Base, Colorado, and a decision has been made that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4431. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "F-16 Integrated Logistics Support: Still Time to Consider Economical Alternatives," August 20, 1980; to the Committee on Armed Services.

EC-4432. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on prime contract awards of over $10,000, October 1979 through March 1980; to the Committee on Armed Services.

EC-4433. A communication from the Acting Assistant Secretary of the Army (Installations, Logistics, and Financial Management), reporting, pursuant to law, that a study has been conducted with respect to converting the refuse collection services activity at the United States Military Academy (USMA), West Point, New York, and a decision has been made that performance under contract is the most cost-effective method of accomplishing it; to the Committee on Armed Services.

EC-4434. A communication from the Assistant Secretary (Research, Development, and Logistics), Department of the Air Force, reporting, pursuant to law, that a study has been conducted with respect to converting the refuse collection function at Griffiss Air Force Base, New York, and a decision has been made that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4435. A communication from the Secretary of the Navy, reporting, pursuant to law, that the Department of the Navy proposes to transfer the obsolete Aircraft Carrier ex-Intrepid (ex CVA 11) to the State of New York represented by the Intrepid Museum Foundation, Inc., New York, New York; to the Committee on Armed Services.

EC-4436. A communication from the Assistant Secretary (Research, Development, and Logistics), Department of the Air Force, reporting, pursuant to law, that a study has been conducted with respect to converting the school bus operation function at Grand Forks Air Force Base, North Dakota, and a decision has been made that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4437. A communication from the Assistant Secretary (Research, Development, and Logistics), Department of the Air Force, reporting, pursuant to law, that a study has been conducted with respect to converting the commissary shelf-stocking and custodial service function at Homestead Air Force Base, Florida, and a decision has been made that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4438. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Better Justifications Needed for Automated People Mover Demonstration Projects," August 19, 1980; to the Committee on Banking, Housing, and Urban Affairs.

EC-4439. A communication from the Secretary, Interstate Commerce Commission, reporting, pursuant to law, that the Commission is unable to render a final decision in No. 37030, Peabody Coal Co. v. Illinois Central Gulf Railroad Co., within the specified period, noting the Commission's determination to extend the time period for action; to the Committee on Commerce, Science, and Transportation.

EC-4440. A communication from the Acting Secretary of Transportation, transmitting, pursuant to law, a report on the National Driver Register (NDR) Study requested in the Conference Report on Section 204 of the Surface Transportation Assistance Act of 1978; to the Committee on Commerce, Science, and Transportation.

EC-4441. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the Maritime Administration for fiscal year 1979; to the Committee on Commerce, Science, and Transportation.

EC-4442. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the activities of the Coast Guard for calendar year 1979; to the Committee on Commerce, Science, and Transportation.

EC-4443. A communication from the Secretary of the Interior, reporting, pursuant to law, on its review of programs submitted by 24 coal producing States under the landmark Surface Mining Control and Reclamation Act of 1977; to the Committee on Energy and Natural Resources.

EC-4444. A communication from the Chairman, Pennsylvania Avenue Development Corporation, transmitting, pursuant to law, its annual report for 1979; to the Committee on Energy and Natural Resources.

EC-4445. A communication from the Assistant Secretary of Energy, Conservation and Solar Energy, reporting, pursuant to law, that the department is unable to comply with the August 15 due date for a report on the results of the audits of the Department of Energy, because of a two-month delay in submission of the required data by some of the federal agencies; to the Committee on Energy and Natural Resources.

EC-4446. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend Title I of the Reclamation Project Authorization Act of 1972 (Public Law 92-514; 86 Stat. 964); to the Committee on Energy and Natural Resources.

EC-4447. A communication from the Acting Administration, Energy Information Administration, Department of Energy, transmitting, pursuant to law, (1) Petroleum Market Shares: Report on Sales of Refined Petroleum Products—May 1980, and (2) Petroleum Market Shares: Report on Sales of Retail Gasoline—May 1980; to the Committee on Energy and Natural Resources.

EC-4448. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the 1979 status report of the GSA covering public building projects authorized for construction, alteration of lease in accordance with the Public Buildings Act of 1959; to the Committee on Environment and Public Works.

EC-4449. A communication from the Administrator, General Services Administration, reporting, pursuant to law, concerning a prospectus submitted by GSA on July 25, 1978, in the amount of $1,482,000 for proposed alterations and major repairs to the Federal Building in San Diego, California; to the Committee on Environment and Public Works.

EC-4450. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which proposes continued occupancy under a succeeding lease of space located at 1200 Wilson Boulevard, Arlington, Virginia; to the Committee on Environment and Public Works.

EC-4451. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report of a building project survey which proposes a Federal Courthouse to provide for the current and long range housing needs of the U.S. District Court in Birmingham; to the Committee on Environment and Public Works.

EC-4452. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report of the Chief of Engineers, dated 24 June 1980, entitled "Projects Recommended for Deauthorization—5th Annual Report"; to the Committee on Environment and Public Works.

EC-4453. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the Professional Standards Review Organization program for fiscal year 1979; to the Committee on Finance.

EC-4454. A communication from the Chairman of the National Advisory Council on International Monetary and Financial Policies, transmitting, pursuant to law, the annual report of the Council for fiscal year 1979; to the Committee on Foreign Relations.

EC-4455. A communication from the Director of the International Communication Agency, transmitting, pursuant to law, the first annual report of the Agency for fiscal year 1979; to the Committee on Foreign Relations.

EC-4456. A communication from the Acting Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties entered into by the United States in the sixty day period prior to August 14, 1980; to the Committee on Foreign Relations.

EC-4457. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Indochinese Refugees: Protection, Care, and Processing Can Be Improved"; to the Committee on Foreign Relations.

EC-4458. A communication from the Assistant Secretary of the Treasury (Legal Affairs), transmitting, pursuant to law, project performance audit reports prepared by the International Bank for Reconstruction and Development, special studies prepared by the External Review and Evaluation Office of the Inter-American Development Bank and project performance audit or project completion reports prepared by the Asian Development Bank; to the Committee on Foreign Relations.

EC-4459. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a proposed new system of records for the Defense Nuclear Agency for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-4460. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a proposed new system of records for the Defense Nuclear Agency; to the Committee on Governmental Affairs.

EC-4461. A communication from the Plan Administrator of the Farm Credit Banks of New Orleans, transmitting, pursuant to law, the first annual reports of the Farm Credit Retirement System and Production Credit Associations Retirement Plans; to the Committee on Governmental Affairs.

EC-4462. A communication from the Secretary to the Council of the District of Columbia, transmitting, pursuant to law, a copy of legislation adopted by the Council on April 1, 1980; to the Committee on Governmental Affairs.

EC-4463. A communication from the Secretary to the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on February 5, 1980; to the Committee on Governmental Affairs.

EC-4464. A communication from the Secretary to the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on April 1, 1980; to the Committee on Governmental Affairs.

EC-4465. A communication from the Secretary to the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on January 22, 1980; to the Committee on Governmental Affairs.

EC-4466. A communication from the Secretary, Council of the District of Columbia, transmitting, pursuant to law, a copy of Council Resolution 3-392, entitled "Transfer of Jurisdiction Over a Portion of United States Reservation 531 to the District of Columbia Second Resolution of 1980"; to the Committee on Governmental Affairs.

EC-4467. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of GAO reports transmitted to the Congress in July 1980; to the Committee on Governmental Affairs.

EC-4468. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of Saint Lawrence Seaway Development Corporation Financial Statement, Calendar Year 1979"; to the Committee on Governmental Affairs.

EC-4469. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "Study to Assess the Feasibility of Alternative UCFE Chargeback Systems for All Federal Agencies. National Commission on Unemployment Compensation, Washington, D.C., May 1980"; to the Committee on Governmental Affairs.

EC-4470. A communication from the Acting Deputy Assistant Secretary for Indian Affairs, Department of the Interior, transmitting, pursuant to law, proposals for the use of the program funds of two more groups participating in twenty percent program funds set aside under effective plan of March 14, 1979, for the use of judgment funds in Indian Claims Commission Dockets Nos. 18-C and 18-T; to the Select Committee on Indian Affairs.

EC-4471. A communication from the Corporation Agent, Legion Of Valor of the United States, transmitting, pursuant to law, its financial statement for the fiscal year ending April 30, 1980; to the Committee on the Judiciary.

EC-4472. A communication from the Secretary of Health and Human Services, reporting, pursuant to law, that the Surgeon General and the relevant agencies of the Public Health Service are now carrying out the Scientific studies necessary to fulfill the obligation of filing the annual report as required by Sec. 403 of the Health Services and Centers Amendments of 1978 (P.L. 95-626); to the Committee on Labor and Human Resources.

EC-4473. A communication from the Secretary of Health and Human Services, reporting, pursuant to law, that an interim report on a study of the state laws, practices, and systems relating to death investigation and their impact on sudden and unexplained infant deaths will be filed by December 1980; to the Committee on Labor and Human Resources.

EC-4474. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the 1979 annual report on the National Health Service Corps; to the Committee on Labor and Human Resources.

EC-4475. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend authorizations of appropriations for programs under the Older Americans Act of 1965; to the Committee on Labor and Human Resources.

EC-4476. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals, August 1, 1980; to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Select Committee on Indian Affairs, the Committee on Labor and Human Resources, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Judiciary, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Select Committee on Small Business, the Committee on Environment and Human Resources, and the Committee on Rules and Administration, jointly, pursuant to order of January 30, 1975.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG, from the Committee on Finance, without amendment:

S. Con. Res. 108. A concurrent resolution to disapprove the determination of the President not to provide import relief for the leather wearing apparel industry (Rept. No. 96-910).

H.R. 7478. An act to facilitate the management of the public debt by permitting an increase in the investment yield on United States savings bonds above the existing 7 per centum ceiling, and by increasing the amount of the bonds paying interest in excess of 4¼ per centum which may be outstanding (Rept. No. 96-911).

By Mr. LONG, from the Committee on Finance, with an amendment and an amendment to the title:

H.R. 3755. An act for the relief of St. Paul's Episcopal Church, Riverside, Connecticut (Rept. No. 96-912).

By Mr PELL (for Mr. CHURCH), from the Committee on Foreign Relations, without amendment:

S. 3058. An original bill to promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes (together with additional views) (Rept. No. 96-913).

By Mr. BUMPERS, from the Committee on Energy and Natural Resources, with an amendment and an amendment to the title:

H.R. 5487. An act to designate certain National Forest System lands in the States of Colorado and South Dakota for inclusion in the National Wilderness Preservation System, and for other purposes (Rept. No. 96-914).

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation, with an amendment and an amendment to the title:

H.R. 4310. An act to amend the Federal Boat Safety Act of 1971 to improve recreational boating safety and facilities through the development, administration, and financing of a national recreational boating safety and facilities improvement program, and for other purposes.

By Mr. HART, from the Committee on Armed Services, without amendment:

S. Res. 507. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the considerations of S. 3059. Referred to the Committee on the Budget.

S. 3059. An original bill to authorize certain construction at military installations, and for other purposes (Rept. No. 96-915).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LONG (for himself and Mr. JOHNSTON):

S. 3055. A bill to exempt a portion of United States Highway 90 from Federally required permits, to the Committee on Environment and Public Works.

By Mr. CHILES:

S. 3056. A bill to authorize the Secretary of the Interior to revise the boundary of Everglades National Park in the State of Florida, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LONG (for himself, Mr. MATSUNAGA, and Mr. TALMADGE):

S. 3057. A bill to amend the Internal Revenue Code of 1954 with respect to the application of the credit for producing fuel from a nonconventional fuel to solid fuel pellets made from biomass; to the Committee on Finance.

By Mr. PELL (for Mr. CHURCH, from the Committee on Foreign Relations):

S. 3058. A bill to promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes. Original bill reported and placed on the calendar.

By Mr. HART (from the Committee on Armed Services):

S. 3059. A bill to authorize certain construction at military installations, and for other purposes. Original bill reported and placed on the calendar.

By Mr. HART:

S. 3060. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax the capital gain from the first resale of new capacity stock; to the Committee on Finance.

By Mr. MATSUNAGA:

S. 3061. A bill for the relief of Antonio Pajarillo; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LONG (for himself and Mr. JOHNSTON):

S. 3055. A bill to exempt a portion of U.S. Highway 90 from federally required permits; to the Committee on Environment and Public Works.

HIGHWAY 90

● Mr. LONG. Mr. President, today Senator J. BENNETT JOHNSTON of Louisiana and I introduce legislation which will address one of the most dangerous problems in our Nation's entire highway system. This 30-mile stretch is known as "Blood Alley" and was the scene of 50 traffic deaths and 1,263 injuries between 1974–78. A new and safer route for U.S. Highway 90 between Morgan City, La., and the intersection of Louisiana Highway 311 has been in the planning stages since 1972. Because of bureaucratic delays, the necessary permits from the U.S. Coast Guard have not been forthcoming. We stress that no Federal funds are involved in this project and that the trust environmental questions have been answered years ago.

As background, the project was originally planned by the FHWA in 1972 using Federal funds. The FHWA abandoned the project before construction began and no further action was taken until August 4, 1977 when the State submitted their bridge permit application to the 8th Coast Guard District to construct the highway using State funds. The Coast Guard completed the initial draft EIS and filed it with the EPA on May 26, 1978. After reviewing the DEIS, the EPA and U.S. Fish and Wildlife Service voiced strong objections to the proposed highway alinement because of its adverse impact on the existing wetlands. As a result of these objections, alternative routings were examined. Detailed time consuming surveys by the Army Corps of Engineers were required to determine the impact that these new routes would have on the wetlands and if Corps of Engineers permits would be also needed. In November 1979, agreement was reached with EPA, the Fish and Wildlife Service and the State on a new routing alinement that satisfied previous objections. Since this new alinement involved new water quality, archeological, historical, and endangered species issues, a complete rewrite of the DEIS was required. The State hired a contractor to complete this task.

We hope the Senate can take action on this critical situation at the earliest possible date.●

By Mr. CHILES:

S. 3056. A bill to authorize the Secretary of the Interior to revise the boundary of Everglades National Park in the State of Florida, and for other purposes; to the Committee on Energy and Natural Resources.

EVERGLADES NATIONAL PARK

● Mr. CHILES. Mr. President, today I am introducing legislation to authorize a modification in the common boundary between Everglades National Park and Big Cypress National Preserve in Florida. This proposed boundary change is necessary in order to make sure that a traditional airboat trail which runs along the northwest boundary of the park can continue to be used for access into areas of the preserve by private property owners as well as others who use and enjoy Big Cypress National Preserve.

This particular airboat trail is located in the so-called stairstep area of Big Cypress National Preserve. The trail is a traditional route used long ago as a canoe path by Indians and then later by residents and users of the Big Cypress Swamp long before the Everglades National Park and the Big Cypress National Preserve were created. In the spring of last year the National Park Service completed part of a boundary survey which allowed them, for the first time, to mark the common boundary between the Everglades National Park and the Big Cypress National Preserve in the stairstep area. As a result of this survey the Park Service discovered that significant sections of the airboat trail lie within the boundaries of the Everglades National Park where the use of airboats is prohibited. The boundary survey necessitated the closure of this airboat trial. It is my concern that prohibiting airboat traffic along the trail not only alters traditional travel patterns but also restricts access to hunting camps of property owners as well as restricts traditional users of the preserve by virtually sealing off those hunting, fishing, and recreation areas which are now reached by use of the airboat trail.

The legislation I am introducing today simply authorizes the Secretary of the Interior to revise the common boundary of Everglades National Park and Big Cypress National Preserve so that the "stairstep" trail is excluded from the park and included in the preserve. Mr. President, this is a minor boundary adjustment in terms of acreage affected. The change involves approximately 0.37 percent to 0.39 percent of the total acreage of Everglades National Park and Big Cypress National Preserve. The bounary change, however, is significant in terms of insuring public access to portions of Big Cypress which have been out of reasonable reach since the closure of the trail. The Big Cypress has long been recognized as an area rich in recreational opportunities. The proposed boundary adjustment will guarantee access to recreation sites within the preservve as well as protect the rights of private property owners. I hope the committee will act expeditiously on this proposal to enhance the continued use and enjoyment of Big Cypress National Preserve.●

By Mr. LONG (for himself, Mr. MATSUNAGA, and Mr. TALMADGE):

S. 3057. A bill to amend the Internal Revenue Code of 1954 with respect to the application of the credit for producing fuel from a nonconventional fuel to solid fuel pellets made from biomass; to the Committee on Finance.

BIOMASS FUEL PELLETS

● Mr. LONG. Mr. President, along with Senator MATSUNAGA and Senator TALMADGE, I am introducing a bill to extend the alternative fuel production tax credit to fuel produced from biomass sources. Last year, as part of the energy conservation and production incentives contained in the windfall profits tax bill, the Senate approved a tax credit to encourage the production of fuel from alternative sources. This provision included a $3 tax credit for the production of qualifying processed fuel from solid wood.

The discussion of this credit in the Finance Committee and on the Senate floor made it clear that it was the intent of the Senate to include fuel processed from biomass fiber in the list of eligible alternative sources for this credit. Unfortunately, the language in the final version of the bill, which is now public law, restricts the credit to fuel made from wood and wood wastes.

The majority of fuel pellets produced have been made using forest and lumber mill waste products. These alternative fuels receive the tax credit.

However, other biomass fibers have been successfully processed into fuel. Biomass is essentially any organic fibrous waste. Bagasse (sugar cane residue), peat, rye grass, straw, peanut shells, rice hulls, and sewer sludge are a few examples of biomass materials which are not included in the credit that have been used to produce an alternative fuel. Given our current dependence on foreign energy, we should not turn our backs on this additional source of domestic energy production.

Mr. President, this bill will only complete the job we started last December. It will extend the production tax credit to fuel from biomass sources, as well as fuel from wood and wood wastes.●

By Mr. HART:

S. 3060. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax the capital gain from the first resale of new capacity stock; to the Committee on Finance.

NEW CAPACITY STOCK

● Mr. HART. Mr. President, today I am introducing legislation which is designed to revitalize the growth of American industry and reverse the dangerous decline in productivity. It would provide special tax incentives to purchasers of any stock which is issued for the explicit purpose of investing in new plant and equipment to boost production capacity. These tax incentives would be targeted to the types of investment which will do the most to stimulate the recuperation of American economic growth.

Stimulating the economy through tax incentives will not by itself solve all of this Nation's problems, but it is the type of fiscal policy upon which America's return to a healthy, thriving economy should be based.

America is in the midst of serious economic difficulties which drastically affect the quality of life of millions of our citizens. No one has been able to escape the sobering facts of our recent economic decline. Inflation rages to frustrate many plans and hopes. Recession, we are now being told, is the only way to turn back inflation, but it has already claimed hundreds of thousands of jobs and promises to claim more. Abroad, the dollar has taken a beating as America's trade deficit grows each year. And, most frightening of all, perhaps the most accurate indicator of the health of our economy, total productivity is faltering. The American industrial machine, which has for decades churned out more and superior goods, is in dire need of attention. Americans have developed an attitude of complacency.

Some believe that our economy and Nation as a whole will thrive automatically without constant concern, hard work, and inventiveness. This delusion could not possibly be farther from the truth. Given the aggressive efficiency of our primary economic competitors and the decline of our own productivity, we must employ all of this country's physical, intellectual, and legislative resources to restore a vibrant economy.

CURRENT ECONOMIC DECLINE: INADEQUATE INVESTMENT

A primary cause of the U.S. decline in productivity is the low level of investment capital flowing into new and/or expanding companies. These types of investments generate the most growth, which produces a quicker rate of growth of employment and production.

It is absolutely imperative that venture capital startups and growth financing be increased. A startup is the financing of a company in the preprofit stage. Growth financing is investment to expand the production capacity of an existing firm. These venture capital investments must become more attractive to investors by way of tax incentives.

Venture capitalists are practically the sole source of funds for the new company wishing to begin operations, for the entrepreneur with an innovative idea or for the expanding, productive young firm increasing its capacity.

I propose elimination of the tax on the first capital gains of investments of venture capital startups and growth financing to revitalize all aspects of the American economy. New firms would come into existence. Existing firms would have access to the capital necessary to their expansion and, in some cases, their survival. Competition would become more vigorous and efficiency would climb.

Economic growth is flat or declining, and productivity is undeniably falling. One would think that total investment in this country was sorely lacking.

However, from a superficial look, it appears that low levels of investment is not the culprit of America's economic woes. Levels of real nonresidential fixed investment as a precent of GNP has been maintained the last 2 years at about 10 percent—this is the level of investment which has historically given the United States a healthy rate of production growth.

Considering the inconsistency of seemingly sufficient levels of investment and declining productivity, America's investment practices and the assumed sufficient level of investment must be reexamined. Investment totals by themselves do not indicate the problem; investment must be increased so as to be congruous with social, technological, energy and global-political demands of the age in which we now find ourselves.

A further reflection of the problem of American investment may be gained from a comparison with other nations. In a global perspective, U.S. investment is extremely low. This gives an indication of the real cause of America's economic problems. Table 1, showing inflation-adjusted nonresidential fixed investment as percentage of gross domestic product (1966–76), indicates this problem. Gross domestic product consists of all economic activity derived from investment on the part of U.S. citizens only. (Unlike GNP, it excludes products generated by foreign investment in the United States.) This table shows that the United States lags far behind the other industrially advanced nations in the amount of investment in relation to GDP. Japan has twice the rate of the United States.

TABLE 1.—*Real nonresidential fixed investment as a percentage of GDP (1966–76)*

Country:	*Percentage*
United States	13.5
Canada	17.2
France	16.7
West Germany	17.4
Japan	26.4
United Kingdom	14.9

SOURCE.—Data Resources, Inc.

These figures are crucially important because of the role of investment in economic growth. In 1979, while the United States' growth rate in real (inflation adjusted) GNP yas only 2 percent, Japan's was 6 percent and West Germany's 4 percent. The growth of industrial output for 1979 was 4.1 percent for the United States, 8.3 percent for Japan and 5.5 percent for West Germany. There are, of course, other factors involved, but that Japan's total growth rate of productivity is three times greater than ours. Her growth of industrial output, which is twice as great, is largely due to her rate of investment.

The devaluation of the dollar and the decline of America's prestige abroad is a result, in part, of our low levels of investment. The chief cause of our current overall trade deficit is the inefficiency of the capital equipment of some of our major industries. The automobile industry is a perfect example. The aging auto plants of Detroit which desperately need new and more efficient equipment are competing with the modern and efficient auto makers of Germany and Japan.

German and Japanese plant and equipment are newer because their industrial base was destroyed during World War II and had been entirely rebuilt in the reconstruction. Furthermore, Japan's rate of investment has allowed them to continuously modernize their plant and equipment since the war. If the United States had been investing at levels which would have allowed for automobile manufacturing modernization (with focus on smaller cars), that industry would not be in the depressed condition that it now finds itself.

If investment levels in the United States had been on par with Japan's, Chrysler would not have required a Federal bailout. Thousands of auto, steel, and rubber workers would still be on the job.

HISTORICAL LEVELS OF INVESTMENT NO LONGER ADEQUATE

Investment, aside from being insufficient in relation to that of our chief business competitors, is poor in and of itself. The figures for investment are misleading. They would appear to indicate sufficient increase, but they fail to take into account several important factors. An expanding, young, and inexperienced work force, the decline of the capital-to-labor ratio, and required social investment have taken their toll on the economy, yet are not indicated in the investment figures. The Economic Report of the President suggests that as much as one-half of the 2.4 percent decline in productivity between 1978 and 1979 may be caused by these factors.

Employment in the 1970's grew by 28 percent, while employment in the preceding decade increased by 19 percent. This is a result of an infusion of postwar baby-boom adults into the work force and the increase of women adopting employment as an alternative to family life or as a supplement to the family income. Because of the youth and/or inexperience of a greater portion of the seventies labor force than the sixties force, the average worker is less experienced and, therefore, less productive.

The growth of capital stock did not match the growth of labor—so the average worker in the United States had less capital equipment to work with. This is explained in other words by the growth of services relative to industry, which requires more capital equipment.

The increased labor force coupled with depreciated, dilapidated capital stock of many of America's industries has brought about a severe crisis in the capital to labor ratio. Aged capital equipment is a primary cause of the decline in U.S. productivity. Between 1948 and 1973, when the U.S. capital-labor ratio grew at an annual rate of 3 percent, private nonfarm production enjoyed a robust growth rate of 3 percent. Since 1973, the growth of the capital-labor ratio has declined to less than 2 percent, and U.S. productivity has plummeted to a negative 1.5 percent growth rate (as estimated by Data Resources, Inc.).

Restoring the earlier trend in the ratio of capital to labor output would make an important contribution to desired greater productivity growth. Doing so, however, would require devoting a larger share of national output to business investment than has historically been our inclination. We must become more inclined to invest.

The nature of the non-capital-intensive sectors of the economy (for example, government and services), and their rapid growth, reduce some of the need for accelerated investment in their own sectors. These labor-intensive industries' relatively smaller need for capital in no way negates the immediate need for new capital equipment and plants of most of America's heavy industrial manufacturers.

It should also be considered that technology does, in fact, allow certain production processes to be implemented which require less capital and less labor.

But applied technology requires capital investment. Without funds, a technological advance which could benefit production efficiency will remain on the drawing board. Technical advancement necessarily requires high levels of investment.

Environmental and safety investments are of great benefit to society * * * but also reduce the amount of remaining investment funds for expanding output. To do both, total investment must be increased.

INVESTMENT STIMULATION MUST BE TARGETED

In a climate of insufficient investment, businesses of the growth-generating variety have suffered the most. Dollars are being invested but not in sufficient amounts and not always in the right places. Additional investment capital must flow into new, small and technically oriented firms and the major industries (for example, steel, rubber, autos) whose capital stock is aging and inefficient. An inflation-weary, recession-fearing America has directed investment dollars from the riskier capital investments to more secure but less growth generating. These investments sap the Nation of its capital and return little in terms of national economic advancement.

Real estate has become increasingly attractive to investors seeking a hedge against inflation. While investments in existing real estate are somewhat secure, they do nothing to promote the growth of the economy. Dollars buying real estate at inflated prices are included in aggregate investment totals, yet include none of the growth-generating properties of many other investments. The purchase of existing companies at inflated prices is also a type of investment which contributes to aggregate investment totals, yet produces little.

Investment in small, new and high-tech companies is crucial if the current trend in the economy is to be reversed. It is these businesses which generate the most employment and sales growth. Between the years 1969 and 1974, the rate of growth in employment for young high-tech firms grew by 40.7 percent, compared to 0.6 percent for mature companies. In fact, 80 percent of all new jobs between 1969 and 1975 were created by firms of 100 employees or less; 66 percent of all new jobs were generated by businesses with less than 20 employees.

Generally, the increase in production of successful young businesses is astonishingly greater than the sales growth of older, more stable, often complacent firms. Between 1969 and 1974, the production in young high-tech firms grew by 42.5 percent; mature companies gained an average of 11.4 percent.

1978 TAX CUT HELPFUL BUT ONLY THE BEGINNING

In spite of the explosive growth-generating potential of new ventures, capital investment in such ventures is sorely lacking. Table 2, "The Aggregate Venture Capital Raised (public and private sources) by Companies Having a Net Worth of Under $5 Million," indicates the effect of the 1978 Revenue Tax Act which cut capital gains tax from 49 percent to 28 percent.

It also illustrates, however, the inadequacy of that tax cut: While equity fund raising was increased, the investment totals of the late sixties and early seventies have yet to be equalled. In inflation-adjusted dollars, the amount raised in 1969 was over three times greater than the figures for 1979.

TABLE 2.—AGGREGATE VENTURE CAPITAL RAISED BY ALL COMPANIES HAVING A NET WORTH OF UNDER $5,000,000

Year	Actual dollars (millions)	Inflation adjusted (1981)
1968	1,185.3	1,185.3
1969	1,816.9	1,707.9
1970	725.0	645.2
1971	960.0	815.0
1972	1,321.0	1,096.4
1973	609.0	475.0
1974	366.2	170.4
1975	266.2	170.4
1976	44.8	27.1
1977	442.6	252.3
1978	656.0	348.2
1979	1,201.0	564.2

Source: Venture Capital Journal.

A symptom of the scarcity of venture capital necessary to young and small companies has been the decline of "Common Stock Initial Public Offerings," as shown in table 3.

TABLE 3.—COMMON STOCK INITIAL PUBLIC OFFERINGS 1968 THROUGH 1ST HALF 1979

Year	Share value (millions)	Inflation adjusted	Number of issues
1968	$1,742	1,742.0	649
1969	3,545	3,332.3	1,298
1970	1,451	1,291.4	566
1971	1,917	1,629.4	446
1972	3,301	2,739.8	646
1973	1,872	1,478.9	177
1974	117	81.2	55
1975	236	151.0	25
1976	271	165.3	45
1977	276	157.3	49
1978	214	113.4	58
1st half 1979	256	120.3	59

Source: Investment Dealers' Digest.

Companies selling shares on the stock market as a means of raising capital have dwindled as such purchases have been unattractive to investors.

In table 3, 1969 and 1979 may be compared to illustrate the decline of companies "going public;" 249 more firms offered shares on the stock market in 1969 than in 1979.

The value in real terms of all offerings in 1969 was $3,332.2 million, while 10 years later it was only $120 million. This represents a decline of some 3,000 percent in funds raised by companies turning to the stock market as a means of raising capital between 1969 and 1979.

It is not only the young, small and "high-tech" firms which are suffering insufficient levels of investment. America's "backbone" industries are lacking investment funds to their detriment as well as to America's overall economic well being. At a glance, as I have stated, it would appear as if investment in the heavy manufacturing industries has maintained its level relative to the GNP.

However, if Federal and State pollution abatement requirements are considered, the capital outlay flowing into output itself has been considerably decreased. Investment levels must reach a point whereby costs of Federal standards and replacement of aging capital stock in an inflated economy may be met.

Because of the additional costs incurred by industry not suffered by the services, America is, in effect, pouring more dollars into non-growth-generating industries while it tightens the purse strings of those which are traditionally the most beneficial to the Nation's overall economic well-being. This is not to say that the services are superfluous to the economy or that the pollution abatement burdens of heavy industry is not just.

I believe that these investments are more important for the quality of life in the United States than the investments in increasing physical output. These figures merely indicate the need to increase the amount of investment relative to GNP if this country is to match past gains in productivity and economic output.

INCENTIVE FOR NEW CAPACITY STOCK: THE RETURN OF PROFITABILITY

Elimination of the tax on the profits earned by private investors or investment companies in new firms undertaking the purchase of new capital equipment or existing firms wishing to expand their production capacity will enhance productivity. If investors' first capital gains were not taxed, investors would be more willing to invest in the types of companies which most need the investment dollars and which are, ironically, the companies who will shoulder the burden of America's re-ascendence to economic prosperity. Both the private investor (usually through established venture capital investment firms) and the venture divisions of more traditional investment corporations will be more induced to invest if the tax on their first capital gains are eliminated.

The 1978 Revenue Tax Act, in which the tax on capital gains was reduced from 49 to 28 percent, illustrates the effect of such a tax cut on investment. From 1977 to 1978, the year of the tax cut, private partnership venture capital investments rose from $20.2 million to $215 million. The 1979 figure was approximately $300 million. The 1978 tax cut allowed the investor to retain 72 cents of his dollar profit whereas before he or she was allowed to keep only 51 cents. The prospect of being allowed to retain 100 cents on the dollar will surely result in a rush to the investment market.

Because of the risk involved in new venture investments, venture capitalists demand and receive high rates of return. The gains must be great because the losses are so great. The average venture capitalist expects to lose up to 30 percent of his investment dollar. Because of the vulnerability of the new venture firm, incidents which would be little more than an inconvenience for an established company often prove fatal for the young firm.

If America is to regain a healthy economy, the profitability of the investments which will restore her economic health must be increased. By eliminating the tax on the profits in investments for new plant and equipment for new firms or for the expansion or modernization of established firms, these investments will be increased. With the increase in these productive type investments, many of America's peripheral economic problems will be alleviated as well as the central problem of declining productivity.

SUMMARY

To summarize, Mr. President, we are all aware of the state of the U.S. economy. The decline in productivity is a cause as well as a symptom of the faltering economy and its contagion. Increased investment to aid productivity would, therefore, lend a great contribution to the resurgence are simply not profitable enough. If these investments will contribute in the manner discussed above, then it is our duty, as lawmakers and representatives, to do all in our power to see that these investments are made by increasing their profitability. This tax elimination will not solve all of America's problems, but it will help to alleviate many of them. The elimination of capital gains tax from the first sale of new venture stock will create badly needed economic stimulus.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the rate of economic growth is below desirable levels in the United States;

(2) the rate of investment in new technologies and new productive capacity is below levels needed to promote a faster rate of economic growth in the United States;

(3) the supply of investment funds to new and expanding companies is below levels needed to support a high rate of investment in new techniques and new productive capacity, as evidenced by the drastic decline in public capital raised by technology-based firms; and

(4) there is a need to increase the supply of investment funds to provide public capital to expand productive capacity.

(b) PURPOSE.—It is the purpose of this Act—

(1) to revitalize the United States economy through incentives to expand productive capacity with public stock offerings;

(2) to improve the business climate for new firms to purchase new productive capacity, as well as for existing firms to expand; and

(3) to invigorate the growth of the United States economy with improved competition by new business competitors.

SEC. 2. EXCLUSION OF GAIN FROM FIRST SALE OF NEW CAPACITY STOCK FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 128 as 129, and by inserting after section 127 the following new section:

"SEC. 128. GAIN FROM FIRST SALE OF NEW VENTURE STOCK.

"(a) GENERAL RULE.—In the case of an individual, gross income does not include gain from the first sale of new capacity stock by the taxpayer first acquiring it from the issuer (other than a broker or dealer in securities acquiring such stock in the ordinary course of business for sale to the public).

"(b) DEFINITION OF NEW CAPACITY STOCK.—For purposes of this section, the term 'new capacity stock' means stock issued after September 1, 1980, the proceeds from the sale of which by the issuer are dedicated to, and used exclusively for, investment in section 38 property (as defined in section 48(a)(1)).".

(b) CLERICAL AMENDMENT.—The table of sections for such part is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 128. Gain from first sale of new capacity stock.

"Sec. 129. Cross references to other Acts.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 of this Act shall apply with respect to taxable years beginning after December 31, 1980.●

ADDITIONAL COSPONSORS

S. 2483

At the request of Mr. HEFLIN, the Senator from Indiana (Mr. BAYH), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 2483, a bill to amend title 28 of the United States Code to require the Chief Justice of the United States to give an annual address to the Congress on the state of the Judiciary.

S. 2823

At the request of Mr. CHAFEE, the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 2823, a bill to amend the Internal Revenue Code of 1954 to provide certain tax incentives for businesses in depressed areas.

S. 2979

At the request of Mr. METZENBAUM, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 2979, a bill to amend the Railroad Retirement Act of 1974 and the Internal Revenue Code of 1954 to assure sufficient resources to pay current and future benefits and to extend certain cost-of-living increases.

SENATE CONCURRENT RESOLUTION 115—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO TAX CREDITS FOR WOOD-BURNING HEATING SYSTEMS

Mr. COHEN submitted the following concurrent resolution, which was referred to the Committee on Finance:

S. CON. RES. 115

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Secretary of the Treasury should exercise his authority under this section 44C(c)(4)(A)(viii) of the Internal Revenue Code of 1954 to specify efficient wood-burning heating systems as another energy-conserving component eligible for the residential energy credit.

Mr. COHEN. Mr. President, I am pleased to submit today a concurrent resolution expressing the sense of Congress that efficient wood-burning heating systems be made eligible for the residential energy credit.

Under both the Energy Tax Act of 1978 and the Windfall Profits Tax Act, the Secretary of the Treasury is provided with the discretionary authority to designate wood-burning stoves and furnaces as eligible for the existing residential energy tax credit. At least twice within the past year, I have joined several of my colleagues in urging that the administration exercise this authority and grant a tax credit for wood-burning stoves and furnaces. Regrettably, these pleas have gone unanswered.

In his energy address to the Nation in April 1979, President Carter specifically requested that Congress enact a tax credit for wood-burning stoves. Additionally, on June 18, 1980, White House spokesman Richard Reiman stated that the administration continues its support of President Carter's April 1979 pledge. Unfortunately, despite continual pleas from Members of Congress and the apparent support of the administration, the Department of the Treasury has chosen not to act on this matter. I find this reluctance and lack of commitment on the part of the administration rather dismaying, especially in light of its public appearance of support.

Mr. President, it is both perplexing and distressing to think that the administration would not seize an available opportunity to further assist Americans in their efforts to use indigenous energy sources such as wood. Providing a limited tax credit for wood-burning systems is entirely consistent with the national objective of replacing imported oil with available domestic energy sources. The untapped energy potential of wood is enormous and can no longer be ignored by Federal energy officials. Wood is New England's most abundant energy resource, with over 80 percent of the region covered by forest.

In a March 1980 study by the Department of Agriculture, it was found that firewood provided nearly 10 percent of the total heat in owner-occupied homes in New England during the 1978–79 winter. The State of Maine burned 21.2 percent of all wood burned in New England, second only behind the State of Massachusetts, which burned 29 percent of the firewood. A study prepared last winter for the Energy Task Force of the New England Congressional Caucus, concluded that over 50 percent of Maine's energy needs could be met by this single resource.

The winter season has been traditionally the most difficult for the citizens of Maine and New England. Energy prices have skyrocketed, and supply uncertainties have caused added alarm. Our region's destiny remains in the hands of foreign nations who have repeatedly taken advantage of our vulnerability in this area. Achieving a greater degree of independence requires that we aggressively develop renewable and available sources such as wood.

It is also often thought that the beneficial impacts of a tax credit for woodburning stoves and furnaces would be limited to a few States in the northeast and the northwest. However, there exist many serious and innovative programs for wood in other areas of the country. For example, the Georgia Forestry Commission and the Tennessee Valley Authority have been particularly effective in their low-cost woodstove programs in the South. In fact, a 1979 Gallup survey showed that the average purchaser of a wood stove lived in rural areas of the South and the Midwest.

I would also like to address the continual question, "If woodstoves are selling well, why do we need a credit?" This question can be answered in a number of ways.

First of all, one must remember that a 1979 Department of Energy study concluded that such an energy credit would increase consumer demand at a directly proportional rate. Thus, a 15-percent credit would increase the current sales level of 1 million units per year by a total of 150,000 stoves.

Second, when one considers the fact that a quality wood stove now costs between $500 and $1,000, without adding installation and chimney costs, it is clear that the cost of conversion to wood heating is often not economically feasible for low- to middle-income families. The administration must strive to facilitate a transition to wood for those families who desire to use wood but find the move financially difficult.

Third, the consumer is usually very influenced by "front-end" costs, and a credit would provide a most attractive incentive in the consumer's energy investment decisions.

Finally, an NBC documentary in New Hampshire found that many of the poor and elderly in the State fully depended on wood stoves as their only affordable means of energy and survival. NBC also found that, while fuel costs are more severe in the Northeast, a tax credit would clearly help such people in many other areas of the country as well.

Mr. President, I sincerely hope that the administration will move quickly to effect this beneficial energy credit. We cannot allow this opportunity to pass both to reduce our Nation's dependence on foreign oil and offer much-needed relief to the country's beleaguered energy consumers. As one who has fought long and hard for these modest incentives, I urge the support of my colleagues for this most necessary resolution.

SENATE RESOLUTION 507—ORIGINAL RESOLUTION REPORTED TO WAIVE THE CONGRESSIONAL BUDGET ACT

Mr. HART, from the Committee on Armed Services, reported the following original resolution, which was referred to the Committee on the Budget:

S. RES. 507

Resolved, That pursuant to section 402 (c) of the Congressional Budget Act of 1947, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 3059, a bill to authorize certain construction at military installations for fiscal year 1981, and for other purposes.

Such waiver is necessary because section 402(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that bill or resolution is reported in the House or the Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year.

For the foregoing reasons, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to S. 3059 as reported by the Committee on Armed Services.

AMENDMENTS SUBMITTED FOR PRINTING

DISABLED VETERANS REHABILITATION ACT OF 1980—S. 1188

AMENDMENT NO. 2274

(Ordered to be printed and to lie on the table.)

Mr. HEINZ (for himself, Mr. PRESSLER, and Mr. HATFIELD) submitted an amendment intended to be proposed by him to S. 1188, a bill to improve and modernize the vocational rehabilitation program provided service-disabled veterans under chapter 31 of title 38, United States Code, and for other purposes.

AGENT ORANGE

● Mr. HEINZ. Mr. President, when S. 1188, the Disabled Veterans Rehabilitation Act of 1980, comes to the Senate floor, I intend to offer an amendment, for myself and Senators PRESSLER and HATFIELD, which addresses one of the most serious problems still confronting Vietnam veterans and their families, the toxic effects of the herbicide agent orange. In the last few years, over 10,000 veterans have gone to the VA for treatment of agent orange related problems ranging from skin and nervous disorders to malfunctions of internal organs and cancer. Nor is this problem restricted to the veteran—among the alleged effects of agent orange are birth defects in offspring.

In recognition of the serious nature of this problem, Congress has directed the VA to conduct an epidemiological study of those Vietnam veterans who were exposed to agent orange. This study is just beginning and it will be at least a year before the initial findings are reported to Congress. It has already been 13 years since agent orange was identified as a hazard to humans and considerable scientific evidence exists indicating its harmful effects. It is understandable, therefore, when many Vietnam veterans express frustration and hostility toward the efforts of their Government to respond to their pleas for help.

It is the purpose of my amendment to remove obstacles that could block compensation to veterans for agent orange and to insure the timely consideration of the VA of findings causally linking agent orange to diseases in humans. My amendment removes from the veteran the burden of proving exposure to agent orange by establishing a presumption of service connection for certain diseases. It is unreasonable to expect a veteran to prove the extent of his exposure since he does not have access to records of defoliating missions in Vietnam and it is unlikely that he would have recorded the time or duration of such admissions while in Vietnam.

Since the Vietnam veteran is being told that there is insufficient data on which to rule on his claim for compensation, it is important that he be given an assurance that every effort will be made to evaluate new evidence obtained from the VA epidemiological study as soon as possible. To accomplish this objective, my amendment requires the VA to develop regulations which define what conditions of service establish exposure to agent orange and what symptoms medical research has shown to be caused by agent orange. Such regulations must be promulgated no later than 1 year after the first results of the VA epidemiological study are reported to Congress. The amendment does not prejudge the findings of the VA epidemiological study and does not compel the VA to take any action other than evaluating the results of its study to determine on what grounds compensation might be justified.

Mr. President, this amendment is the minimum we should be doing to insure that our Nation's veterans are awarded the benefits they are owed and, I believe, the minimum required to restore the Vietnam veteran's faith in the Government's efforts to address this problem thoroughly and expeditiously. I urge my colleagues to consider carefully this amendment and ask unanimous consent that it be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 2274

On page 71, after the semicolon in line 4, insert "Creation of presumption of service-connection on behalf of certain Vietnam veterans in the case of certain diseases; and".

On page 74, between lines 21 and 22, insert the following new section:

Sec. 308. Section 312 is amended by adding at the end thereof the following new subsection:

"(d) (1) For the purposes of section 310 of this title and subject to the provisions of section 313 of this title, in the case of any veteran who served for ninety days or more during the Vietnam era (A) who is suffering from a disease developed to a 10 per centum degree of disability or more that has been determined under paragraph (8) (A) of this subsection to be a disease that may be caused by exposure to phenoxy herbicides contaminated by dioxins, and (B) who during such service was exposed to phenoxy herbicides contaminated by dioxins, as determined in accordance with regulations prescribed by the Administrator under paragraph (3) (C) of this subsection, such disease shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of evidence of such disease during the period of service.

"(2) If the Administrator determines under paragraph (3) (B) of this subsection that exposure to phenoxy herbicides contaminated by dioxins may cause birth defects in the natural children of persons so exposed, then in the case of any person who—

"(A) is the natural son or daughter of a veteran who served for ninety days or more during the Vietnam era and during such service was exposed to phenoxy herbicides contaminated by dioxins, as determined in accordance with regulations prescribed by the Administrator under paragraph (3)(C) of this subsection; and

"(B) is suffering from a birth defect that in an adult is disabling to a degree of 10 per centum or more and that has been determined by the Administrator under paragraph (3)(B) of this subsection to be a birth defect that may be caused by exposure of one of the parents of a child to phenoxy herbicides contaminated by dioxins;

such person shall be deemed for the purpose of this chapter to be a veteran of a period of war and such birth defect shall be deemed for the purposes of this chapter to be an aggravation of a preexisting injury suffered in line of duty in the active military, naval, or air service during a period of war.

"(3)(A) The Administrator shall determine, and shall promulgate by regulation, what diseases medical research has shown may be due to exposure to phenoxy herbicides contaminated by dioxins. The Administrator shall include in such regulations a specification of the standards used by the Administrator in making such determination.

"(B) The Administrator shall determine, and shall promulgate by regulation, what birth defects, if any, may be mutagenic birth defects resulting from exposure of the parent of a child to phenoxy herbicides contaminated by dioxins. The Administrator shall include in such regulations a specification of the standards used by the Administrator in making such determination.

"(C) The Administrator shall promulgate by regulation the conditions of service during the Vietnam era required to establish exposure of a veteran to phenoxy herbicides contaminated by dioxins for the purposes of paragraphs (1) and (2) of this subsection. Such regulations may not require that a veteran be required to provide any information to the Veterans' Administration for the purpose of determining such exposure beyond the information contained in the veteran's discharge papers and shall establish a presumption of exposure of a veteran to phenoxy herbicides contaminated by dioxins when Department of Defense records, information supplied by the veteran, and other information establish a possibility of such exposure. The Administrator shall include in such regulations a specification of the standards used by the Administrator in establishing what conditions of service are required to establish such exposure to phenoxy herbicides contaminated by dioxins.

"(4)(A) The President shall appoint an advisory board composed of five veterans, at least three of whom shall be veterans of the Vietnam era who served in the Vietnam theatre of operations during such era, to advise and consult with the Administrator on regulations to be promulgated under paragraph (3).

"(B) The Administrator shall consult with and seek the advice of the advisory board appointed by the President under subparagraph (A) regarding all matters to be included in such regulations.

"(5) Notwithstanding any other provision of law, section 553 of title 5, relating to agency rulemaking, shall apply to the promulgation of regulations under paragraph (3) of this subsection, and such regulations shall be made on the record after opportunity for an agency hearing in accordance with sections 555 and 557 of such title. Such regulations shall be subject to judicial review in accordance with chapter 7 of such title.

"(6) The Administrator shall complete final agency action on the regulations required to be promulgated by paragraph (3) of this subsection not later than twenty-four months after the date of the approval of the protocol for the epidemiological study required to be conducted by section 307 of the Veterans Health Programs Extension and Improvement Act of 1979 (Public Law 96–151; 93 Stat. 1097).".

On page 74, line 22, strike out "308" and insert in lieu thereof "309".●

NATIONAL SMALL HYDROELECTRIC POWER DEVELOPMENT ACT OF 1980—S. 1641

AMENDMENT NO. 2275

(Ordered to be printed and to lie on the table.)

Mr. SCHMITT (for himself, Mr. Simpson and Mr. Schweiker) submitted an amendment intended to be proposed by them, jointly, to S. 1641, a bill authorizing the Secretary of the Army, acting through the Chief of Engineers, to plan, design, and construct small hydroelectric power projects not specifically authorized by the Congress.

● Mr. SCHMITT. Mr. President, today I am submitting an amendment to S. 1641, the National Small Hydroelectric Power Development Act of 1980, cosponsored by my distinguished colleagues, the Senator from Pennsylvania (Mr. Schweiker) and the Senator from Wyoming (Mr. Simpson).

S. 1641 authorizes the Corps of Engineers, the Water Power Resources Service and the Soil Conservation Service to carry out the planning, design and construction of hydroelectric dams, as well as projects for water supply and renovation, desalinization and dam safety.

It is our strong feeling that the Federal Government should not have to expand its workforce in order to carry out the mandates of S. 1641. Instead, this work should be contracted out not only to hold down the size of the Federal Government but to further stimulate the economy. In accordance with these views, our amendment will require the agencies involved to contract out when doing the work in-house would require the addition of new personnel. Provision is made for those instances where no qualified contractor is available and provisions are made for some administrative staff.

Mr. President, I ask unanimous consent that the text of this amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 2275

On page 17, immediately below line 11, insert the following:

TITLE III

Sec. 301. Each head of a Federal water resources agency shall undertake a study, design plan, or construction authorized or required under this Act without hiring additional employees for such purpose, except that a head of such agency may hire additional employees for such purpose if, before hiring such employees, he prepares and transmits to the Chairman of the Committee on Public Works and Transportation of the House of Representatives and the Chairman of the Committee on the Environment and Public Works of the Senate a report setting forth his determination that under the Office of Management and Budget Circular A–75 of March 3, 1966, as revised, the respective agency was justified in not contracting in the private sector for the undertaking of such study, plan, or construction work.●

EXPORT TRADING COMPANIES, TRADE ASSOCIATIONS AND TRADE SERVICES—S. 2718

AMENDMENT NO. 2276

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE (for himself, Mr. Tower, Mr. Kennedy, and Mr. Metzenbaum) submitted an amendment intended to be proposed by them, jointly, to S. 2718, a bill to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally.

Mr. PROXMIRE. Mr. President, Senator Kennedy, Senator Metzenbaum, Senator Tower, and I today introduce this amendment to the Export Trading Company Act of 1980 pending on the Senate Calendar (No. 785). The amendment which we offer was drafted by the Federal Reserve Board. It carries the approval of that agency. We offer the amendment as a compromise to the export trading company legislation which is now pending and stalled on the Senate floor because of the grave reservations that many bankers have over the consequences of the legislation for the banking system, the grave reservations that the bank regulatory agencies chiefly responsible for the safety and soundness of our banking system have over the legislation and the grave reservations that the small independent businessmen have over the legislation.

Mr. President, the Export Trading Company Act of 1980 without this amendment would permit banks and bank holding companies to control export trading companies that could be permitted to engage in every conceivable line of commerce and industry. A bank controlled export trading company could engage in manufacturing, in retailing and merchandising, could be engaged in the securities business contrary to the proscriptions of the Glass-Steagall Act, in activities not "closely related" to banking contrary to the Bank Holding Company Act, and in activities not "incidental" to banking contrary to the National Banking Act. The export trading company would be principally engaged in export-import transactions whose range would be enormous.

Such an export trading company could purchase commodities in the market for its own inventory for later resale overseas; could contract to build an oil refinery or textile mill in a foreign country, provide construction, architectural, legal and insurance services; engage in international barter transactions and engage in the marketing of the bartered products in the domestic market.

Mr. President, the Export Trading Company Act of 1980 would destroy the historic separation between banking and commerce that has for good reason existed in this Nation for over 100 years without any demonstrable showing that the Nation would thereby benefit from a favorable balance of trade. Indeed, that case cannot be made. Banks have no expertise whatsoever to offer in the kinds of activities that I have described.

Banks are financial intermediaries. History teaches us that when they stray from their financial role in our society the public suffers the consequences in speculation and failure and bailouts.

Both the Federal Reserve and the Federal Deposit Insurance Corporation oppose the Export Trading Company Act of 1980 as presently drafted. These are the bank regulatory agencies responsible for insuring the safety and soundness of the Nation's financial system. The Federal Reserve and the FDIC find the provision permitting banks and bank holding companies to "control" export trading companies to be the most objectionable feature of the legislation.

"Control" of a commercial enterprise gives the bank an economic stake in the success of the enterprise. When a bank has an economic stake in a commercial enterprise its judgments become colored. That is what happened to the large banks pushing this legislation when they became involved in the REIT debacle and suffered huge losses and ultimately had to be bailed out by Congress. Export Trading Companies are by their very nature highly leveraged business ventures. Profits can be high. But banks need to be insulated from the lure of high profit risks lest their credit judgment be skewed and the bank be committed to place its full resources at the disposal of such a "controlled" enterprise when trouble ensues and losses are taken. Even in the absence of losses, bank "control" of such an enterprise runs a high risk that bank owned companies or manufacturers dealing with bank owned companies will have more favorable access to bank credit than other companies.

Do we really believe that a bank that has a direct ownership interest in a high risk company will exercise the same objective credit judgment it exercises with arm's-length customers? No way. So what happens to the bank's fiduciary responsibility to its depositors and its stockholders?

Mr. President, in an effort to be constructive, we offer a compromise solution that will meet the principal objections to the Export Trading Company Act of 1980 now pending on the Senate floor.

The amendment which we offer will permit banks and bank holding companies to take noncontrolling positions in export trading companies engaged in export trade—not the myriad of activities permitted in the current pending legislation—and would permit bank holding companies to take a controlling position in an export trading company engaged in export trade in special circumstances where the export benefits are demonstrable and while the risks are minimized.

This compromise amendment would permit banks and bank holding companies to invest up to $10 million in an export trading company without prior approval and over $10 million with the prior approval of the appropriate bank regulatory agency up to a limit of 5 percent of its capital and surplus. Such investments would be limited to under 20 percent or a noncontrolling interest in the export trading company. In my judgment, such authority would give banks the opportunity to become involved in export trade utilizing their expertise as financiers in domestic and foreign markets while guarding against the risks outlined by the Federal Reserve Board and the Federal Deposit Insurance Corporation.

This compromise amendment would permit a bank holding company to acquire 100 percent of the equity stock or control of an export trading company if such control is clearly necessary in order for the export trading company to export or facilitate the export of goods or services.

Mr. President, this amendment seeks the middle ground between the fears of those that are concerned over bank expansion into uncharted waters with grave risks and those who feel that bank involvement in export trade can play a significant role in alleviating our balance-of-payments problems. The great virtue of this compromise amendment is that it is not irreversible. If the economic facts in due course reveal that bank involvement in the ownership and control of export trading companies is warranted I shall be the first to propose such legislation.

Mr. President, I hope my colleagues in the Senate will give this compromise amendment their very serious consideration. It seems to me that if we are to see legislation passed into law this year we must develop a consensus on the issue in the Senate.

I ask unanimous consent that the text of my amendment be printed in the Record following my remarks, along with the accompanying transmittal letter from Chairman Volcker of the Federal Reserve.

There being no objection, the amendment and letter were ordered to be printed in the Record, as follows:

Amendment No. 2276

Strike lines 19 to 25 on page 9; strike pages 10 through 15; and strike lines 1 through 9 on page 16; and insert in lieu thereof the following:

"(b) Notwithstanding any prohibition, restriction, limitation, condition or requirement of any other law, a banking organization, subject to the limitations of subsection (c) and the procedures of this subsection, may invest directly and indirectly in the aggregate, up to 5 per centum of its consolidated capital and surplus (25 per centum in the case of an Edge Corporation or Agreement Corporation not engaged in banking) in the voting stock or other evidence of ownership of one or more export trading companies. A banking organization may:

(1) invest directly or indirectly up to an aggregate amount of $10,000,000 in one or more export trading companies without the the prior approval of the appropriate Federal banking agency;

(2) invest directly or indirectly in excess of an aggregate amount of $10,000,000 in one or more export trading companies only with the prior approval of the appropriate Federal banking agency.

Any banking organization which makes an investment under authority of (1) above shall promptly notify the appropriate Federal banking agency of such investment and shall file reports on such investment as such agency may require.

(c) The following limitations apply to export trading companies whose shares are held by one or more banking organizations and to the banking organizations holding such shares:

(1) except as provided in subsection (d), no banking organization may acquire 20 per centum or more of the voting stock or otherwise control an export trading company;

(2) except as provided in subsection (d), no banking organization may acquire voting stock of an export trading company if such acquisition would result in 50 per centum or more of the voting stock of the export trading company being owned by banking organizations;

(3) neither an export trading company nor a banking organization that owns its shares shall make any representation that the export trading company and the banking organization are affiliated. For this purpose, the name of such export trading company shall not be similar in any respect to that of a banking organization that owns its shares;

(4) the total historical cost of the direct and indirect investments by a banking organization in an export trading company combined with extensions of credit by the banking organization and its direct and indirect subsidiaries shall not exceed 10 per centum of the banking organization's capital and surplus;

(5) a banking organization that owns any voting stock of an export trading company shall divest such stock if the export trading company takes a position in commodities or commodities contracts other than as may be necessary in the course of its export business;

(6) no banking organization holding voting stock or other evidences of ownership of any export trading company may extend credit or cause any affiliate to extend credit to any export trading company or to customers of such company on terms more favorable that those afforded similar borrowers in similar circumstances, and such extension of credit shall not involve more than the normal risk of repayment or present other unfavorable features.

(d)(1) With the prior approval of the Board of Governors a bank holding company may acquire 20 per centum or more or otherwise control an export trading company;

(2) With the prior approval of the Board of Governors, a bank holding company may acquire voting stock of an export trading company if such acquisition would result in 50 per centum or more of the voting stock of the export trading company being owned by banking organizations;

(3) The Board of Governors shall not approve an application under this subsection unless it determines on the basis of the record that:

(i) the export trading company will limit its activities to exporting or facilitating the exportation of specific goods or services which would not be exported to any significant extent without the involvement of an export trading company;

(ii) investment by a bank holding company in excess of the limitations in subsection (c) is clearly necessary in order for the export trading company to export or facilitate the export of goods or services;

(iii) the export trading company will limit its activities to a level consistent with the need for minimizing the financial risk of the investing bank holding company and maintaining a separation between banking and commerce, as determined by the Board.

(4) The Board, upon receiving an application under this subsection, shall provide a copy to the appropriate Federal banking agency of the subsidiary banks of the bank holding company and shall request the comments of that agency.

(e)(1) In the case of every application under this section, the appropriate Federal banking agency shall take into consideration the financial and managerial resources, competitive situation, and future prospects of the banking organization and export trading company concerned, and the benefits of the proposal to United States business, industrial and agricultural concerns, and to improving the competitiveness of United States exports in world markets. The appropriate Federal banking agency may not approve any investment for which an application has been filed under this section unless it finds that there are significant export benefits and that such benefits clearly outweigh in the public interest any adverse financial, managerial, competitive, or other banking factors associated with the particular investment. Any disapproval order issued under this section must contain a statement of the reasons for disapproval.

(2) In approving any application submitted under this section the appropriate Federal banking agency may impose such conditions which in the circumstances of the application it may deem necessary (A) to limit a banking organization's financial exposure to an export trading company, or (B) to prevent possible conflicts of interest or unsafe or unsound banking practices.

(3) In determining whether to impose any condition under the preceding paragraph (2), or in imposing such condition, the appropriate Federal banking agency must give due consideration to the size of the banking organization and export trading company involved, the degree of investment and other support to be provided by the banking organization to the export trading company and the identity and financial strength of any other investors in the export trading company. The appropriate Federal banking agency shall not impose any conditions which unnecessarily disadvantage, restrict or limit export trading companies in competing in world markets or in achieving the purposes of section 102 of this Act.

On page 17, line 19 "(e)(1)" should be changed to "(f)(1)" and on page 18, line 12 "(f)(1)" should be changed to "(g)(1)".

FEDERAL RESERVE SYSTEM,
Washington, D.C., August 20, 1980.

Hon. WILLIAM PROXMIRE,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN PROXMIRE: I am responding to your letter requesting a draft amendment to S. 2718, the Export Trading Company Act of 1980, to permit bank holding companies under special circumstances to have a controlling interest in export trading companies while maintaining a general policy that banking organizations should not ordinarily be permitted to control export trading companies.

The principal difference between the bill reported by the Senate Banking Committee and the recommendations contained in my letter of May 12 is that the bill permits U.S. banks to acquire controlling interests in export trading companies. The issue of control is of course an important one. The recommendations in my letter of May 12 would help keep risks to banks at manageable levels provided that the banks had noncontrolling investments. It continues to be my view that banking organizations should not generally be permitted to control export trading companies in view of the implicit commitments of bank resources, the increased financial risk that accompany control and the need to maintain the line between banking and commerce.

The issue of permitting banks to extend their area of operations arises, as you know, in many contexts other than export trading companies. Control often carries an implicit commitment by a bank to place the full resources of the institution behind its subsidiary. In many institutions this is a matter of corporate policy, and it is recognized in the market place. As your Committee report notes, a banking organization is more likely to become involved in the management and operation of an export trading company if it has a controlling interest in that company. Although a bank may judge that it can operate an international commercial banking business more efficiently and safely through controlling investments in affiliates, control and the involvement in management in a nonbanking business would increase the potential financial risk to the owning banks, and might also increase the likelihood of conflicts of interest. This consideration lies behind the recommendation that as a norm bank ownership interest be limited to less than 20 percent.

The Export Trading Company Act seeks to limit these risks by providing that controlling investments by banks be subject to prior approval and to certain statutory safeguards. My concern about the provisions of S. 2718 that are designed to give supervisors powers to step in and prevent unsafe practices is that it would involve the supervisors to a substantial degree in decisions regarding operations of export trading companies. Bank supervisors are not able to anticipate all future eventualities in acting on applications and are unlikely to be able to supervise the operations of export trading companies sufficiently closely to ensure that risks to banks could be avoided, when those risks are magnified by bank control and involvement in management.

Finally, I should note that the sort of detailed supervision of export trading company operations that might be necessary under S. 2718 would be contrary to the philosophy adopted by the Board in its recent amendments of Regulation K, which sought to reduce the need for detailed supervisory review and regulation of international bank operations.

The control issue goes to the heart of concerns that have been long standing in legislation and policy. Apart from its significance in this case, it also would be an important precedent in other areas. Consequently, I continue to feel that legislation in this area should be consistent with the basic presumption that a line be maintained between banking and commerce. In my personal opinion, that concept could perhaps reasonably be bent to recognize some special circumstances that might arise in which limited purpose (and presumably limited in size) export trading companies might be permitted, upon application to bank regulators, to be controlled by a bank. That would accommodate situations where an ETC designed for certain specialized purposes (i.e., for particular projects or rather specialized trade and financing problems) might not be established without the possibility of strong bank sponsorship.

I do not conceive of such an "exemption" from the basic presumption against control being extended to large, general or multiple purpose, export trading companies that would be capable of standing on their own feet without bank sponsorship—able to attract and retain necessary management and expertise and indeed, ready to do businesses with competing banks.

However, there may indeed be certain special circumstances in which the risks associated with bank control of an export trading company would be outweighed in the public interest by the salutary effect the trading company would have in promoting U.S. exports. This situation might exist when particular goods and services currently not being offered in international trade could be marketed by having access to the expertise of a bank assisted export trading company. Further, if the exposure of the trading company (and its bank holding company owner) is reasonable in relation to its activities, it may be in the public interest to permit control of the export trading company. The critical element in any case involving control is the need for bank involvement in the organization and continued operation of such an export trading company. This condition could be met when, for example, the limited size, specialized purpose or temporary nature of the proposed new export facility makes it unlikely that it could attract the financial management, expert resources and knowledge of foreign markets without the commitment implied by bank control. The export of many products requires a high degree of sophistication and specialized knowledge in the areas of marketing, documentary requirements, financing, etc. In order for a banking organization to control an export trading company, it must bring to the enterprise already existing expertise that is essential to the successful operation of the export trading company. I would expect further that the need for continued bank involvement would be demonstrable on an ongoing basis.

One issue which I have not addressed previously in the context of the control issue is whether, in those cases where the export trading company is to be controlled by a banking organization, it is preferable that ownership reside in the bank or in the bank holding company. This issue was discussed at the Committee's hearings several weeks ago. Limiting controlling interests to bank holding companies would be consistent with the general scheme of Federal banking laws which requires that nonbanking activities be performed by a corporate entity separate from the bank. Also, this approach would be more harmonious with concerns about breaching the line between banking and commerce.

There is an argument that all investments, including those below 20 percent of the export trading company's stock, should be restricted to bank holding companies. However, a good case can be made that passive minority investments of a purely financial nature and with reduced risk to the investor should be permitted for banks as well as bank holding companies.

The enclosed draft amendments to S. 2718 are consistent with the views expressed in the foregoing paragraphs. As a footnote, I would mention that there is no reference in the amendments to a procedure requiring sixty days notification before a banking organization engages through an export trading company in "any line of activity, including specifically the taking of title to goods, wares, merchandise, or commodities, if such activity was not disclosed in any prior application for approval." The exclusion of this provision from the enclosed amendments does not reflect a lack of concern for expansion of export trading company activities without prior Federal banking agency notice or approval, but rather a belief that the Board and the other Federal banking agencies would be able to limit such expansion through their authority to impose conditions with respect to applications filed by banking organizations in investing $10,000,000 or more in an export trading company. In this way the appropriate Federal banking agency could determine on a case-by-case basis what type of expansion of activity would require prior notification or approval, and would avoid the problem of having to determine the statutory meaning of "line of activity."

By permitting bank control of export trading companies only where there is a clear need, I believe the purposes of S. 2718 can be accomplished. At the same time, the concerns I have expressed as to bank exposure would be mitigated by allowing the bank regulatory agencies to review critically any proposal in light of the risks involved. If S. 2718 were amended to permit bank holding company control in these limited circumstances, I would be prepared to support this legislation.

Sincerely,

PAUL A. VOLCKER.

AMENDMENT NO. 2277

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE (for himself, Mr. Kennedy, and Mr. Metzenbaum) submitted an amendment intended to be proposed by them, jointly, to S. 2718, a bill to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally.

Mr. PROXMIRE. Mr. President, Senators Kennedy and Metzenbaum and I are today submitting this amendment to the antitrust sections of the Export Administration Act of 1980.

An exemption from domestic antitrust laws has always been available to export trading companies or associations under the Webb-Pomerene Act. S. 2718 attempts to encourage and facilitate the use of this exemption by removing its administration from the antitrust enforcement agencies and transferring it to the Department of Commerce. In doing this, however, it creates a whole new set of complications and uncertainties. The Department of Commerce has no law enforcement functions or capabilities. Moreover, it has no expertise in dealing with antitrust issues.

Therefore, while the drafters of S. 2718 were able to give administration of the exemption to the Secretary of Commerce, they created a situation where the Attorney General was constantly lurking in the background. Not only is there potential for conflict between the two agencies, this potential creates a constant source of uncertainty for any export association or trading company throughout its existence.

The solution to this problem is quite simple. The Attorney General should have the ability to make the final determination on the antitrust immunity granted by the certification of the company or the association. Once he has made this determination, however, he should be bound by it and the company or association should be free from threat of antitrust action as long as it stays within the bounds of its certification. This freedom from antitrust attack should include private as well as Government action. All of this is accomplished by the proposed amendment. The amendment would both simplify the certification process and make the antitrust exemption far more meaningful. I ask unanimous consent that the text of this amendment be printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 2277

On page 26, line 19, delete subsection (c).

On page 31, line 10, delete "." and add "in which case the Secretary shall not issue the certification."

On page 31, lines 19 and 20, delete "After the forty-five day period or,"

On page 34, line 10, delete subsection (e).

AMENDMENTS NOS. 2278 THROUGH 2280

(Ordered to be printed and to lie on the table.)

Mr. STEVENSON submitted three amendments intended to be proposed by him to S. 2718, supra.

NOTICE OF HEARINGS

COMMITTEE ON THE JUDICIARY

● Mr. METZENBAUM. Mr. President, the Judiciary Committee will hold a hearing on S. 2216, the Intelligence Identities Protection Act, on Wednesday, August 27, 1980. The hearing will begin at 11:30 a.m., in room 2228, of the Dirksen Senate Office Building.●

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. ROBERT C. BYRD. I ask unanimous consent that the European Affairs Subcommittee of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, August 25, 1980, to hear administration officials on NATO and Western security in the 1980's.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT INVESTIGATIONS SUBCOMMITTEE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the permanent Investigation Subcommittee of the Committee on Governmental Affairs be authorized to meet during the sessions of the Senate on Monday, August 25, 1980, Tuesday, August 26, 1980, and Wednesday, August 27, 1980, to hold oversight hearings on the Department of Labor's investigation on Teamster pension funds.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HUSSON COLLEGE COMMENCEMENT ADDRESS BY DR. ROBERT E. L. STRIDER

● Mr. MITCHELL. Mr. President, Dr. Robert E. L. Strider, the former president of Maine's Colby College gave his first address since retirement at the commencement day ceremony at Husson College, Bangor.

Bob Strider's breadth of vision and his scholarship have rarely been better displayed than in the remarks he shared with the student body of Husson.

Husson College is a business education institution, devoted to developing the management and leadership skills our Nation will need in the coming years. Bob Strider addresed to the students of the college, not merely the traditional commencement day verities, but a broadly drawn examination of the relevance and worth of practical business training to the discovery of the eternal human and social values. Bob Strider's address demonstrates that the goals of a traditional liberal arts education—to focus on order and truth—are inherent in good business training and shape the values of business students.

I am proud of the development of Husson College as a fine business education institution serving the State of Maine. And I want to share with my colleagues Bob Strider's address to that institution.

I ask that it be printed in the Record.

The address follows:

Commencement Address—Husson College

(By Robert E. L. Strider)

It is an honor and a special pleasure to participate in this Commencement, an occasion of such importance in the life of a college. We are friends and neighbors, for Colby has had long-standing ties with this institution since Husson's assumption of its present name, and before. Colby and Husson have been partners in the enterprise of higher education here in Maine, along with the University, the other liberal arts colleges, the institutions like Husson that have specializations, and the most recent arrivals on the scene, the vocational institutes. All of us in this company have been cooperating, not competing, as we have tried to provide for young men and women in precarious and unpredictable times some reasonably sound foundation upon which to build in preparation for decades as yet uncharted. It is a privilege to be here to salute this community, your president Delmont Merrill, your chairman Malcolm Stevenson, your Board of Trustees, your faculty, and the members of this graduating class and their families and friends. My congratulations to you all and my good wishes.

I intend to talk about change, and about ways in which you have been preparing yourselves for change. The focus of my remarks has been affected by an event this past week in Cambridge that moved me deeply, the death of Howard Mumford Jones, one of Harvard's and America's great scholars and a dear friend of many years. I have been remembering an occasion in 1962 when Professor Jones gave the Commencement address at Colby. It was without a doubt one of the really memorable Commencement addresses at Colby in the considerable span of years that I spent there, and I well recall his title: "The Indestructible College." What colleges represent is indeed indestructible, at Colby or Husson or wherever. In my observations to you on this important day at Husson I would like to reinforce that conviction. And I would like this modest reaffirmation of mine to express homage to Howard Mumford Jones. With his quizzically raised eyebrow he is no doubt looking on, and and I hope he approves.

It is a truism that the world changes. It does so rapidly, and the year 2000 approaches at gathering speed. We used to gasp at the thought of 1984, and that meridian, whatever it stands for, is now less than half a decade away.

Has it occurred to you that some of you will have grandchildren who will live into the 22nd century? It is astonishing that only a few generations may span several centuries. My father often remarked upon his clear recollection of his own grandfather's great old-age, a gentleman who had been born in 1797 before the death of George Washington. Toward the end of only a third generation for some of you who hear these archaic words it will be past the year 2100.

And not only what speed, but what changes. Not just those that lie ahead for your as yet undreamed of grandchildren, but for you yourselves. That great-grandfather of mine to whom I have alluded experienced practically none of the wonders of modern science. Who knows what those grandchildren of yours who live past 2100 will use and buy and build and take for granted that none of us here can remotely imagine?

Among the implications of this rapid evolution is the likelihood that there will be a considerable degree of obsolescence in what you have been learning thus far, during your lives and in your collegiate experience. One of the characteristics of your kind of institution is that you have concentrated more upon how to accomplish certain tasks than upon the more elusive questions as to why one should. The "why" may not change all that much over the centuries, but the "how" certainly does. Present techniques of accounting and business management, two areas in which you have quite properly involved yourselves, may not be applicable in the year 2000, nor perhaps in 1985, nor some of them in 1981. New inventions and new procedures await us, and new professions are already being invented.

President Kemeny of Dartmouth observed a few years ago that a considerable proportion of the work-force was engaged in vocational and professional pursuits that a very short time earlier had not even been thought of. You will not find computer science among the catalogue listings at Husson or at any other college in the early 1950's, and some modern techniques such as Organization Development, Management Science, and the Management of Human Resources, might have been understood in general terms a decade or so ago but not in the specific senses in which they are now applied.

The kinds of modifications that have taken place in society and in the world at large in an extraordinarily short time are evidence of pervasive and far-reaching change. In energy we are learning to cope with the implications of shortages in oil and the effect upon the supply of electric power. There has been a noticeable diminution in our use of the automobile, already, and there will be more to come, perhaps the central symbol of mobility and flexibility, if not actually of freedom, in this country for decades. In international politics, partly because of shifts in the world energy supply and distribution, there are changing power blocs; there is the emergence of the third world as a genuine political force; and we have seen a growing weakness in international law and a vitiation of the powers of the U.N. and of the major countries that has led to such specific new problems as the vulnerability of embassies.

More subtle but in the long run more far-reaching shifts are also taking place. There are different kinds of moral measurements now, touching upon such aspects of behavior and custom as sexual practices, the ethics of personal finance, the stability of the family. The prevalence of the criterion of "What's in it for me?" as a motivation for a course of action suggests that old-fashioned altruism or selfless concern for others or a general doctrine of fairness are all of them now somewhat out-moded. I need not catalogue tendencies of this sort, for one can develop one's own list of what seems to have changed our lives the most.

The world, in short, bears less and less resemblance each year to the world that has gone before, and the world that you and other graduates of colleges in 1980 have been anticipating will very shortly not resemble the one we are reasonably accustomed to.

The question that must be raised, therefore, can be stated succinctly: what have you been learning in this educational program and during these important years of growth and receptivity to new notions that will be applicable to that new and different, possibly even alien, world?

It must be remembered that even in the rush of overwhelming change, some aspects of the human condition remain the same. Such human values as integrity and honor chronicled alike by the poet of the Book of Job, Sophocles, Chaucer, Shakespeare, Dr. Johnson, and Faulkner were with us eons ago and will be with us centuries from now. There is recognition of the central meaning of these human values through religious observance, the usual decencies in the behavior of most of us to one another, spontaneous generosity, and the open-hearted kinds of service to those who need help that is characteristic of American and other cultures. We are continually reasured that these values are real.

In preparation for a different kind of world the citizen of today, and the student of today, will recognize that even though there are changes there are still similarities and continuities. Plus ca change, plus la meme chose. The changes may be most apparent in the transitory realms of immediate needs and the developing techniques for meeting them. The similarities may be most apparent as one realizes the unchanging character of human nature.

And no matter how technical the subject of any inquiry, one approaches it within the context of human nature.

Furthermore, what one forgets, and generally rather quickly, is in the realm of facts and techniques, the "how" and not the "why". So one might say that the efficacy of an educational experience ultimately lies in the residue that lingers in the mind after everything else has been forgotten. The liberal studies that are part of your curriculum concentrate, after all, more upon what is in that residue than upon the changing techniques. But I am not referring only to the liberal studies. Those inquiries have not involved the major part of your effort. I would submit that the essential residue of which I speak emerges in a valid and recognizable form from the courses you have taken in accounting and statistics and management.

As an example, there is the incontrovertible principle that order is preferable to chaos. Business parctices are built upon an assumption of order. Otherwise there is no predictability, and there is no certainty that following the rules will lead to proper conclusions, or balanced budgets, or sensible outcomes. But as one extends this principle to the context of other human endeavors, it is immediately obvious that civilization is built upon an assumption of order too.

As one learns to recognize what is successful and aesthetically satisfying in poetry or music or painting or sculpture, one sees that unless a work of art adheres faithfully to a kind of form it lacks the quality that will make it a work of art. That form may be simple and easily discernible, as in a folk song or an Elizabethan lyric or an eighteenth century American primitive portrait or a carved relief from Persepolis. But it may be a complex and elusive form, as in a Beethoven quartet, a Keats ode, a Picasso painting, or an Etruscan vase. If one is to understand the work of art one must identify and comprehend its formal principle, for that is what makes it speak, that is why it is a work of art. And the same principle is true for a philosophical essay, a theory of history, a scientific experiment, a mathematical equation, or a chemical formula.

It is clear enough, I think, that if one can discern the formal principle in a poem or musical composition and if one can therefore make some sort of judgment as to whether it is a good poem or a good musical composition, one has taken a step along the way toward being able to distinguish good from bad in any other sphere, whether it is in judging a business practice or settling a question of personal ethics. Thus we learn to proceed in an orderly way, following a recognized principle of order. This is one of the marks of civilization. This, then, is part of that essential residue that remains when the facts and the techniques and the detailed components of the ordered entity have been forgotten.

Another way of saying nearly the same thing is that we constantly learn how evident it is that truth is preferable to falsehood. Truth implies order, and if the world is based on falsehood there can be no order. One can rationalize one's occasional lapse into saying what is not true on the basis of expediency, pointing out that in this day and age everybody does it, and engaging in all the other specious arguments. Human beings find it easy to consider themselves as exceptions under the right circumstances.

And yet if one consciously (or, for that matter, unconsciously, as the habit grows) engages in a falsehood one generally knows that it is not the truth. The standard exists, even if one is not living up to it, for whatever reason. And one knows that if the standard of truth is abandoned for the chaos of falsehood it will be impossible to achieve order in society. One recalls the great ethical principle known as the Categorical Imperative of Immanuel Kant: Live and act in such a way that you would be willing for your every action to be regarded as universal law. Even those who manage to rationalize their own padding of the expense account or tampering with the books are aware that it would be unacceptable for this practice to become universal.

Such a line of thought suggests still another way of saying the same thing: civilization is preferable to the jungle. Or another: human dignity is preferable to degradation. Or still another: meaning is preferable to meaninglessness. One can quickly see that disorder and falsehood bring with them the jungle, and degradation, and ultimately render meaningless the delicate and complex fabric of civilization.

One can also see that these principles, if that is what they are, become just as apparent in technical studies as in those more general inquiries which we characterize as "the liberal arts". General inquiries extend the range of the mind and broaden the human dimension. But the lessons one learns from them are not in conflict with the lessons one learns from those areas of investigation we consider more "practical" and immediately usable.

The human spirit is not petty nor is it narrow. Over the centuries, with a setback here and disillusion and failure there, it has remained inviolable. As one contemplates the indestructibility of the human spirit one realizes how this bulwark protects us against the vagaries of change. As human beings have coped with wars, pestilence, and growing mechanization over the centuries the remarkable adaptability of the human race has made itself evident. The eminent scientist Rene Dubos has elucidated this thesis brilliantly in a book entitled So Human an Animal.

For Dr. Dubos, the adaptability of the human species has set it apart and has given it a special capacity for survival. That same kind of durability in the human spirit was in the mind of Thoreau as he sought to confront human existence on Walden Pond, and Faulkner in his acceptance of the Nobel Prize insisted that man will not only endure but prevail, and as the ages unfold there will be reaffirmed the ancient concepts of honor and love and sacrifice that have been the glory of the past.

You who today join the company of educated men and women have learned something of these eternal verities in your programs of studies and in your daily lives here in this college. These principles in here in the most specific and technical of subjects, and your having grasped them will enable you to adapt yourselves to a world ahead in which much that you have learned as far as the "how" is concerned will no longer be applicable. Someone thinks of a better way of doing almost everything every year. But better ways of describing and understanding the human race are not thought of every year.

And that, then, is why this college is "indestructible." Howard Mumford Jones saw the reason for a college in the broadest human terms, and in his Autobiography, published less than a year ago, he concludes by ruminating upon the tensions caused by rational human nature on the one hand, with its insistence upon order and coherence, out of which American democratic theory was born, and romantic nature on the other, out of which Byron could write:

"There is a pleasure in the pathless woods,
There is a rapture on the lonely shore,
There is society, where none intrudes,
By the deep sea, and music in its roar:
I love not man the less, but Nature more
From these our interviews . . ."

Humanity, in all its manifestations, as a part of Nature, is indestructible, and institutions of learning become indestructible because their mission, when all is said, is to enlighten their students in such a way as to enable them to build a society that takes account of human greatness and unpredictability, of "the romantic theory," in Professor Jones's words, "that every human being is an inviolable end in himself."

If there is an answer to this overarching question, then, to recall the final words of Professor Jones in his final volume:

"It is in a sense of an indestructible center of all human individuality . . . the enduring gift of romanticism to modern times . . . There cannot be citizenship unless there is man, and the rights of man is a phrase essentially without meaning unless one believes, as the romantics did, that each human being is more than the totality of his own history."

Your educational efforts have pointed toward useful citizenship, toward a role in this world's work that will have meaning for yourselves and for your compatriots in society. I would urge you not only to manage the details as skillfully as you can, for that is how you have been taught. But I would urge you also never to lose sight of the human perspective, the moral vision, the eternal verities that circumscribe all human endeavor.●

JACK ANDERSON'S COLUMNS ON INVASION PLAN

● Mr. McCLURE. Mr. President, on the front page of yesterday's Washington Post the headline read, "Soviets Jam Radio News About Poland." The headline is ironic because the Post itself is doing quite a bit of jamming this week. For those of my colleagues who want to read and judge for themselves the Jack Anderson columns which the Post decided Washingtonians cannot be trusted with, I ask that the forbidden articles be printed in the Record.

The articles follow:

Carter Plans To Invade Iran; Mid-October Strike Day Seen

(By Jack Anderson)

Washington.—A startling, top-secret plan to invade Iran with powerful military force has been prepared for President Carter. The ostensible purpose is to rescue the hostages, but the operation would also exact military retribution.

This would create a crisis on the eve of the election. Political studies show that support for the incumbent president has always soared dramatically during a national crisis.

The tentative invasion date has been set suspiciously for mid-October. Sources say the president has assessed the political consequences and has concluded the invasion would be popular with the electorate.

This raises a disturbing question about Carter's motive. The person he really wants to rescue, sources suspect, is himself. They believe he is willing to risk war to save himself from almost certain defeat in November.

My associate Dale Van Atta has been ferreting out the jigsaw pieces of the invasion plan, detail by detail, for three months. He has seen documents so secret that the code word used to classify them is itself classified.

I am now able to report how our armed forces plan to invade and hold portions of Iran. I know the code name of the operation. I can also reveal that a "cover plan" has been devised to disguise the true intent. As part of this cover plan, troops and supplies are already being mobilized in the Persian Gulf area, and "training exercises" have been initiated.

I don't intend to publish the code designations or other secret details. There is a danger that too many specifics could give the Soviets an insight into our methods. But I believe the American people are entitled to know that the president is ready to risk their fortunes, perhaps their lives, on a desperate political gamble.

Sources deeply involved in the planning fear Jimmy Carter's driving determination to get reelected has distorted his judgment. Some feel this strongly; others admit it reluctantly. They describe the embattled Carter as extremely intense, coiled, relentlessly pushing toward his objectives.

In other words, his judgment about this dangerous venture is not shared by all the professionals who are helping him plan it. Nor has he consulted presidential rivals Ronald Reagan or John Anderson who might inherit the fruits of his aggression.

The invasion plan, of course, does not become operational until the president decides the military forces are ready and the weather is right. Up until 24 hours, even 12 hours, before D-Day, he can halt the assault. There are also alternate, contingency, fall-back plans, with minor or major variations, which he could invoke.

So the president can deny, at least technically, that he now plans to invade Iran. But he cannot truthfully deny that such a plan is in the works and that he has expressed the intention to go ahead with it. Van Atta has seen the documentation; he has spoken to several witnesses.

My decision to expose the president's secret scheme is influenced by the experience of The New York Times before the Bay of Pigs invasion. Details of that invasion plan leaked to the Times, which sat nervously on the story.

A week before the abortive April 1961 invasion, the Times published a few cautious details but withheld the heart of the story. During the immediate aftermath, a frustrated John F. Kennedy denounced the Times for publishing advance hints of the operation. "Every newspaper," he said, "now asks itself with respect to every story, 'Is it news?' All I suggest is that you add the question, 'Is it in the interest of national security?' "

But two weeks later, President Kennedy confessed to New York Times editor Turner Catledge: "Maybe if you had printed more about the operation, you would have saved us from a colossal mistake."

It is with this in mind that I have decided to reveal the general outlines of the October plan to invade Iran.

Will President Carter Give O.K. to a Pre-Election Day Invasion of Iran?

(By Jack Anderson)

Washington.—Yesterday I revealed a startling Carter plan to invade Iran and create a military crisis on the eve of the presidential election. The plan is not out of character for President Carter. On Jan. 8, Jimmy Carter was asked at a news conference about rescuing the American hostages from their Iranian kidnappers. A military rescue, he warned, "would almost certainly end in failure and almost certainly end in the death of the hostages." This was the assessment, indeed, of the military experts.

Then the president's popularity began to plunge in the polls. The public mood, as charted by the polls, indicated that he could lose several crucial presidential primaries to challenger Ted Kennedy. A major complaint against the long-suffering Carter, the polls also showed, was his tendency to mope about the hostage crisis rather than do something about it.

So he ordered a military rescue attempt. Sources who helped plan the April mission believe Carter was more concerned about his own political fate than the fate of the hostages.

The mission, as Americans are painfully aware, turned out to be a fiasco.

Now once again, the president's re-election is in jeopardy. He is lagging behind Republican candidate Ronald Reagan in the polls. Unfortunately for the besieged Carter, election day will fall on the anniversary of the hostage seizure. This will remind the voters forcefully of the hostage horror as they are going to the polls.

If it appears that he has mishandled the problem, they might express their displeasure on the ballots.

Conversely, political studies show that Americans have always rallied around their president during a national emergency.

It is against this background that Jimmy Carter has ordered preparations for a limited invasion of Iran. For planning purposes, D-Day has been set in October in the eve of the election. Troubled planners suspect that Carter has been guided more by his political studies than their military assessments.

It has taken my associate Dale Van Atta three months to piece together the elusive, secret details because, in the name of national security, the invasion plan has been carefully disguised. Only a selected few are privy to the president's real intent.

Deceptive cover plans and alternate plans have been devised to mislead the thousands of people who necessarily must prepare for any major military operation. Even some of the top tacticians, who meet "Behind the Green Door" as the entrance to the Pentagon operations room is sometimes called, are ignorant of the final plan.

The alternate plans have interlocking elements, which would explain the military preparations without betraying their true purpose: For example, the Saudi Arabian rulers are so worried about an Iranian-style revolt that they have asked for U.S. military support in case the royal family comes under siege.

President Carter has secretly agreed to the request, and some planners have been told this is the reason for all the military activity in the Persian Gulf. Other cover stories have been invented about stand-by forces and training exercises.

But documents so secret that even the classification stamp is classified, identify Carter's real target as Iran. Sources familiar with these documents fear that the limited invasion Carter favors could ignite into a major war. The ostensible objective of saving the hostages, they add, is not likely to be achieved.

Footnote: Of course, the president can always call off the invasion plan and then pretend it never existed.

As President's Popularity Falls, Iranian Attack Plans Dusted Off

(By Jack Anderson)

Washington.—President Carter's national security adviser, Zbigniew Brzezinski, told visitors recently that world leaders would be wrong to suppose the United States is reluctant to use its power. The United States, he said, is merely "playing possum."

He did not mention that, even as he spoke, the president was rushing ahead with plans to invade Iran. My associate Dale Van Atta has spent three months piecing together the invasion plan. To protect military methods, some of the top-secret details cannot be printed. But this much can be revealed: The primary invasion target is Kharg Island in the Persian Gulf and possibly some of the southern Iranian oil fields.

Kharg Island is the site of the oil terminal through which 90 percent of Iran's crude is pumped into tankers for export. Not long after the U.S. hostages were seized in Iran, contingency plans were developed for an assault on Kharg Island.

Various alternate plans were prepared—ranging from a surgical strike on the pipeline that connects the island with the oil fields, to a military occupation of the island complex. "The plan was originally designed to compensate for not getting the hostages, kind of a tit for tat," explained a top source. "They'd have the hostages, we'd have their key oil depot."

Any military action should be taken swiftly, strategists urged, before the situation hardened. But Carter held back until his plunging political fortunes brought a change of heart. Then he decided to attempt rescuing the hostages in preference to invading Kharg Island.

Now the old contingency plans have been dusted off, and Carter is preparing for an October invasion. Here are some of the jigsaw pieces:

Carter made a secret decision last February to shift a spy satellite to cover the area. It took four months to get the satellite into position. Not until June did the satellite begin transmitting detailed photos, which are needed for the invasion preparations. These photos are still being analyzed.

More recently, 500 Air Force personnel were quietly transferred to Egypt. They were followed by a squadron of F-4 aircraft which began "training exercises" with the Egyptian air force. The same ploy was used last December to disguise air operations that later supported the hostage rescue attempt.

Under top security, the United States has been helping the Egyptians upgrade their air bases, which would be vital staging areas for an Iranian operation. Ultra-secret communications and military equipment have also been shipped to Egypt.

A special logistics force has been deployed at Diego Garcia, the only U.S. base in the Indian Ocean. At least six container ships were secretly loaded at Wilmington, N.C., with equipment for ground forces. "This logistical force could sail to a designated Persian Gulf area port in about five days," states a secret Memorandum to the President. "There it would be met by the combat troops who have arrived by airlift. From this rendezvous point, they would draw their equipment and proceed to the objective area."

Finally, the plan calls for four of the Navy's 12 carrier task forces in the Indian Ocean. Two have already arrived; one is in the Mediterranean ready to move quickly through the Suez Canal; a fourth could reach the Persian Gulf in time for the operation.

The "winds of 120 days," a period of violent wind and dust storms that began in May, would hamper military operations in Iran during the summer. The president can argue, therefore, that October is a good time for the invasion.

But planners believe the timing is intended to save Carter's political skin. They suspect his real intent is to create a national emergency that will keep him in the White House. Political studies show that a president can increase his support dramatically by whipping up patriotic fervor.

Footnote: As I've stressed in earlier columns, the invasion plan will not become operational until the president gives the green light. He would need some pretext for the invasion, such as the trial or execution of a hostage, sources say. But one planner acknowledged that "a justification could be easily publicized beforehand." Meanwhile, Carter is continuing his secret diplomatic efforts to secure the release of the hostages. He would prefer to bring them home before the election by peaceful means. But sources close to the operation say that if the peaceful efforts fail, as expected, the president intends to activate the invasion plan. The risk, of course, is war.

Any U.S. Plan To Invade Iran Should Include Discussion With the U.S.S.R.

(By Jack Anderson)

Washington.—If President Carter should go ahead with his plan to invade Iran in October, he would risk war with the Soviet Union. There have already been ominous rumblings out of the Kremlin, warning of Soviet retaliation if Iran should be attacked.

A Soviet-American clash over Iran, of course, could become the opening skirmish of World War III. This is the awesome danger that Carter is courting for the sake of hyping his political appeal on election eve.

The president is not unaware of the danger. He has directed the intelligence community to produce a secret estimate of how the Kremlin will react to a limited invasion of Iran. The first concern, of course, is what the Soviets will do. But there could also be ugly repercussions in the Moslem world.

The Defense Intelligence Agency has been ordered to "study and report on possible Soviet military reactions to various scenarios in which the United States forces have invaded Iran." The assignment of the Central Intelligence Agency is to gauge the political fallout.

Military analysts are confident at least that the Iranians cannot stop a U.S. assault. A three-star general told me that Iran's armed forces are in a "state of chaos." The Soviets, however, have a powerful military juggernaut in the Persian Gulf area.

This includes 10 warships and 16 support ships, with others on the way. Seven airborne divisions and several air mobile brigades can also be rushed to Iran.

Analysts have narrowed down the Soviet response to four options: (1) military intervention; (2) diplomatic opposition; (3) official indifference; or (4) clandestine cooperation. My associate Dale Van Atta has sounded out key sources in the intelligence community. Here's how they appraise the Soviet attitude:

The analysts agree that the Soviets would rather deal with Jimmy Carter than the unyielding Ronald Reagan for the next four years. This has already been signaled through their faithful ally, Fidel Castro, who sent word by diplomatic channels that he won't do anything to embarrass Carter before November.

To reduce the danger of a confrontation with the Soviet Union, Carter is expected to sound out the Kremlin in advance about his October plan. There is a distinct possibility that the Soviets would bring heavy pressure on the Iranians to release the American hostages in an attempt to avert a U.S. invasion.

The Kremlin might even be inclined to cooperate behind the scenes to help free the hostages by military means. Sources say that the Soviet KGB knows the location of each hostage and might help a U.S. rescue force secure their release. This would hand Carter a dramatic coup just before Americans go to the polls. The grateful Carter, in turn, might lift the grain embargo, reactivate the SALT II treaty and give the Soviets access to more U.S. technology.

There is another, more sinister scenario. Intelligence reports claim that the Soviets have their own designs on northern Iran. Working through the communist Tudeh party, they are maneuvering to gain control of the northern provinces. They might condone a limited U.S. invasion, in the south, therefore, if the United States will keep hands off the north. This could result in partitioning Iran into Soviet and American spheres of influence. The analysts, however, say such an under-the-table deal is unlikely.

But one thing is certain. The President would be foolhardy to go ahead with an October invasion of Iran unless he obtains a back-channel understanding with the Soviets.

Footnote: Half an hour after the U.S. rescue team crossed into Iranian airspace on their abortive April mission to free the hostages, the Soviets were alerted. A U.S. reconnaissance plane detected communications signals "consistent with the Russians being placed on alert." Later, President Carter put through a hot-line call to the Kremlin to explain the mission.

Carter's Political Popularity: Is the Threat of War Worth It?

(By Jack Anderson)

Washington.—Jimmy Carter studies the polls the way gypsies read tea leaves. The secret soundings of his favorite pollster, Pat Caddell, go directly to the president for his personal scrutiny. These polls show a national crisis would produce a rally-round-the-flag reaction, which would boost his re-election prospects.

This is the real reason, in the opinion of insiders, that Carter has ordered preparations for a limited invasion of Iran in October. There are three stops along the road to invasion where he could pause, reconsider and turn back. He has already passed the first stop; the military forces are now moving into position.

The best evidence that Carter's motives are political can be found in the polls that guide him. Sources with access to Caddell's polls say they show (1) that international events have a strong impact on the public (2) that the reaction is almost immediate; (3) that the holding of American hostages in Iran has stirred deeper emotions than any foreign policy issue in recent times and (4) that the hostage issue is so volatile it could explode in the presidents' face.

Even more to the point, the polls show there's nothing like a grave, protracted, international crisis to lift a president's approval rating.

Jimmy Carter came into the White House in January 1977, with a 71 percent approval rating. This skidded to 51 percent after the Bert Lance scandal, then plummeted to 28 percent by the time he signed the SALT II treaty in June 1979.

But five months later, the Iranian hotheads stormed the U.S. Embassy and seized the hostages. There was disturbing evidence that Carter's mishandling of the shah of Iran had been the direct cause of the hostage capture. Yet the polls registered an immediate jump in Carter's popularity from 31 percent to 38 percent.

Then the Soviets invaded Afghanistan, and a wave of patriotism swept Carter's approval rating up to 61 percent. Slowly, he began to slip again until his standing with the public hit rock bottom in July 1980—lower than any president in modern times.

Yet there was a surprising, if brief, upward spurt in his rating after the hostage rescue attempt. Although the mission was botched, Carter's display of manhood brought him sudden, new approval. The polls show that Americans are eager, as one source told my associate Dale Van Atta, to prove their country "is not the gutless wonder the Iranians think it is."

A John Wayne-style assault on Iran, the polls indicate, would make Carter an overnight hero and send his popularity soaring. Even a routine success in foreign affairs according to one study, would increase his rating by 12.5 percentage points, and the effect would last more than two months.

The electorate, said one expert, "is particularly volatile now and responsive to new events." The effect of the Iranian and Afghanistan crises boosted Carter's popularity about eight percentage points higher than previous presidents had registered in 30 similar cases, dating back to 1938.

These statistics had more to do with Carter's decision to attack Iran than any other development, insiders believe.●

MULTIPURPOSE BOMBER

● Mr. GLENN. Mr. President, the conference committee on the fiscal year 1981 defense authorization bill recently adopted a clear and forceful statement calling for a multirole bomber to be produced as soon as practicable. This was a wise and prudent decision, since our aging fleet of B–52 bombers is becoming each day more vulnerable and less economical to maintain.

The August 4 edition of Aviation Week & Space Technology contains a comprehensive article that succinctly outlines the issues surrounding our need for a more modern bomber. I submit the article, "Multi-Purpose Bomber Advances," for printing in the Record.

The article is as follows:

Multipurpose Bomber Advances

(By Clarence A. Robinson, Jr.)

Washington.—Defense Dept. and the House-Senate Authorization Conference Committee walked a tightrope in seeking a compromise solution that the White House will accept in determining the Fiscal 1981 funding for a new multipurpose bomber and the all-important language addressing development and production of the aircraft.

Senate and House members along with high-level Pentagon officials believe the authorization bill will emerge from Congress with $800 million for research and development, and another $75 million for long-lead procurement money for the new bomber. The conferees late last week agreed on this amount for a new bomber; it will go to both houses in the bill for approval.

AVOIDING B–1 LINK

By moving toward a multipurpose bomber for use in both conventional and nuclear weapons delivery missions, the conferees hope to avoid linking the aircraft directly to the Rockwell International B–1 bomber, risking a veto by President Carter in an election year when the U.S. defense posture looms as a major campaign issue.

Carter already has said he will veto a bill that contains the $600 million the House added for a fixed-wing strategic weapons launcher version of the B–1 bomber.

There is general belief within the conference committee that by retaining the language added to the Senate bill in an amendment by Sen. John Glenn (D.–Ohio) and Sen. Alan Cranston (D.–Calif.) that added $91 million for a new bomber, the Administration will not veto the measure.

The Senate amendment language provides far more flexibility than the House version.

The funding for the new bomber is about halfway between the money added by the Senate and the House.

The Senate language calls for a multi-role bomber that can be phased on existing technology, such as the B–1 and the General Dynamics FB–111, and can incorporate the most modern technology.

But the Senate amendment requires that the new bomber must be operational by 1987.

The House Appropriations Committee has added $125 million to the Fiscal 1981 Defense Dept. budget for a new bomber and adopted the language from the Senate amendment on the type of aircraft that should be developed and the operational schedule.

In seeking to address the new bomber issue, the Air Force Scientific Advisory Board met in Monterey, Calif., and completed its work July 25. There were 50 members of the board divided into a variety of panels along with industry consultants. The panels were structured to delve into the major technology areas required to develop a new bomber—propulsion, avionics, structures, penetration and survivability.

Mission analysis also was an important consideration of the study group.

One of the panels was assigned to determine what technology could be applied if the Air Force was directed by Congress to build a new multipurpose bomber using the technology already embodied in the $6-billion research and development effort for the B–1.

The earliest a new bomber could have an initial operational capability using a new design and new technology would be 1992, according to the board.

A multirole bomber using some of the B–1 technology could have an initial operational capability by late 1985, according to Defense Dept. officials who attended the board meeting.

The panel that considered the use of the B–1 bomber technology base came up with a list of modifications to enhance the performance that would make the aircraft capable of performing multiple missions as a long-range combat aircraft.

MODIFICATIONS LISTED

They are:

Remove the forward weapons bay bulkhead to provide a bomb bay with more overall volume and thus more flexibility in payload capability.

Reduce the variable-geometry maximum wing sweep from 67.5 deg. to 60 deg. because the aircraft would operate at subsonic speeds.

Change the wing fairings and control surfaces to reduce aerodynamic drag.

Simplify the engine nacelles for subsonic flight and reduce the infrared and radar cross-section signatures.

Increase the fuel volume to 477,000 lb. takeoff gross weight.

Use advanced composite materials for flaps and horizontal stabilizer to reduce overall weight.

Improve defensive avionics systems to take advantage of advances in the state of the art and use the offensive avionics systems developed for use with the Boeing B–52 bomber with the air-launched cruise missile.

The results of this panel's investigation of available technology places the Air Force in the position where it can be responsive to the Senate language in the conference committee.

The board determined that this is the only way USAF can provide a new multirole bomber by the 1987 deadline Congress wants.

The Air Force Scientific Advisory Board was headed by Ivan A. Getting, consultant and board member of Aerospace Corp. Participating consultants included Dr. Edward Teller and Lt. Gen. James H. Doolittle.

DEVELOPMENT PROGRAM

According to top-level Defense Dept. officials, the funding from Congress for a new bomber will not be spent on the B–1. It will be used, instead, to conduct a full-scale engineering development program to investigate alternatives to a new manned bomber.

The Senate amendment, however, requires the Pentagon to decide on a specific design for the new bomber by no later than Mar. 15, 1981, so the "new fleet of modern, multirole bombers would be operational by 1987."

Defense Dept. officials are candid in explaining that the only way a new bomber can meet those schedules is to use the basic B–1 technology and the data from flight tests with the four prototype aircraft.

"There was strong sentiment within the conference committee that perhaps what we ought to have is a mixed force with 100 of the more conventional bombers along the lines of a modified B–1, and 100 bombers coming along later using all new technology, particularly stealth qualities to avoid radar detection," one House staff member said.

"This presents a remarkable opportunity to utilize the B–1 technology we've already paid for and also use the new technology that has come along since the B–1 was developed 10 years ago; it's imperative that we do this, and it's also a one-time-only good deal," another House staffer said.

The Air Force estimates that a limited procurement of 100 multirole bombers taking advantage of the costs sunk in B–1 bomber technology would cost approximately $12 billion in constant Fiscal 1980 dollars.

If the authorization bill is approved intact with the $300 million by October, delivery of the first aircraft would be in late 1985, but if that date slips until after the presidential election, delivery will not be until 1986. The outcome of the election could have a great influence on whether a bomber is built extrapolating on B–1 technology.

If Carter wins the election but does not have a large majority in the Senate and loses seats in the House, there will be pressure to fund a new bomber immediately, one Administration official said. But if he wins by a wide majority, he may elect to wait until new technology has matured and continue to use the B–52 with cruise missiles.

The most recent presidential position is to use the B–52s with cruise missiles, "and that was only a week ago," one Administration official said. "But there also is an attitude in the National Security Council that the language in the Senate amendment is acceptable to the President and a growing perception that we may have made a big mistake in canceling B–1."

In order to satisfy all the mission needs for the new multirole bomber in 1987 dictates that the aircraft have the appearance of the B–1, but it would be a vastly improved aircraft, one Pentagon official said. A completely new aircraft design could accomplish all the bomber missions too, but is not credible until 12 years after the start of engineering development.

The Air Force Scientific Advisory Board concluded in its study that in the present world climate, a new bomber must have more flexibility than other weapon systems. The bomber, according to the board's analysis, would not be used to attack fixed targets with nuclear weapons as part of the single integrated operations plan (SIOP). In any nuclear weapons attack by the USSR, intercontinental and submarine-launched ballistic missiles could provide adequate coverage of fixed targets, "and manned bombers do not add anything."

The major mission in the strategic area is what is termed extended SIOP use with essential equivalence no longer predicated on a single, telling exchange of nuclear weapons.

With the shift in the strategic nuclear weapons balance in favor of the USSR, there is a growing perception that the U.S. must maintain a strategic force reserve, and that a new bomber fits into that capability.

Such an aircraft endangers what the Soviets value most—their leadership and the power projection capability of the Red Army—and thus helps deter a conflict, according to Pentagon officials.

"Ballistic missiles or cruise missiles can't be used to target moving targets, but it is a good role for a manned bomber," the official explained. "It provides on-scene judgment from the aircrew with inputs from a variety of other sensors."

PERIPHERAL MISSIONS

A multirole bomber also would permit a variety of what are termed peripheral missions such as sea control through mine laying and the use of antiship missiles. But it could be used principally to place ordnance on target anywhere in the world within 12 hr. from an alert. It also would be useful in the rapid projection of U.S. forces to areas where equipment cannot be prepositioned, and the new bomber could tip the scales in favor of the Western alliance in Europe by adding to the tactical air capability.

The Air Force board concluded in the first part of its summer study that a multirole or long-range combat aircraft can underwrite the national objectives. It also concluded there is no major new technology available—stealth or hypersonic speed capability—that warrants a new aircraft design in the near term. The board determined there are no new advances in the areas of propulsion or structures, or other technologies that offset the $6-billion investment in B-1 technology.

The major improvement would be in drag reduction from the basic B-1 aerodynamic design by eliminating the variable-geometry inlet and reconfiguring the nozzles, which adds range and performance. A terrain-following radar would be used with the new bomber, and the wings would be swept forward only for landings and takeoffs.

The multirole bomber would be equipped with the offensive avionics system developed for B-52s, which would enable it to be armed not only with the air-launched cruise missile but also the Boeing short-range attack missile (SRAM) and gravity nuclear or conventional bombs.

With improvements in the inertial system in the new bomber, the circular error probability for the nuclear-armed SRAM could be reduced to approximately 300 ft. The offensive avionics system includes an improved heading system; integrated controls and displays; a reliability modification to the forward-looking radar; a high-accuracy inertial navigation system; the addition of digital processing and a new data bus, and a new Doppler and radar altimeter.

Defensive avionics systems work will address the extension of current electronic countermeasures capabilities to cope with the Soviet AWACS and ground control intercept radars. Higher power will be added with other improvements and automation to match the anticipated threat as it evolves.

A standoff missile system for the new bomber using a large canister to carry terminally guided submunitions would provide a formidable weapons systems. USAF is studying use of the Raytheon Patriot missile, the medium-range stand-off missile and others for the air-to-surface mode.

PENTAGON REVERSAL

Even the Pentagon has reversed its position since President Carter submitted the Fiscal 1981 Defense Dept. budget to Congress. The position now is to support the Senate amendment for the new bomber, one official said.

He added that the President's belief that cruise missiles can handle the SIOP missions takes on new light when it is realized that the nuclear weapons-delivery role is only one of many requirements for a new multimission bomber.

"After all, we've only had to use a bomber twice to deliver nuclear weapons, but we have used them many times to drop conventional ordnance," a Pentagon official said.●

FOREIGN PENETRATION OF U.S. BANKING MARKET

● Mr. HEINZ. Mr. President, one of the most significant developments of the last few years has been the increasing foreign penetration of the U.S. banking market. As the August 11, 1980, issue of U.S. News & World Report has noted:

> From all over the globe, foreign investors are rushing to the United States, cash in hand, to buy control of American financial institutions.

This development raises grave questions for our banking and, indeed, our entire economic system. As I argued last fall, when offering the amendment which imposed a moratorium on the foreign takeover of U.S. banks, "Can we be confident that foreign-owned banks will carry out policies that support American interests if those interests are in conflict with those of the owners' countries?" The answer by no means is clear.

Banks wield enormous economic influence in our country. Their leveraging position and their allocation of credit play a pivotal role in our economic system. Yet the fact that foreign-owned banks have become a major new force in all the major money centers of our Nation elicited little attention from Federal bank regulatory agencies until they were prodded by the congressional concern which led to the recent 4-month moratorium. In recent weeks the Federal Reserve Board issued a study and the Comptroller of the Currency began the release of a series of 15 staff papers on issues associated with foreign takeovers. This is progress in the right direction. But questions remain, and, more importantly, inequalities remain between foreign purchasers of U.S. banks and their potential domestic competitors. A soon to be released study by the General Accounting Office will highlight a number of those problems.

This issue is not likely to go away. I call the attention of my colleagues to an excellent article on the subject in the August 11, 1980, issue of U.S. News & World Report, and I request that the article be printed in the RECORD.

The article follows:

WHY FOREIGN BANKS ARE INVADING U.S.

(Bargains, prestige, profits—they're all behind a new wave of takeovers from abroad. It's a trend some Americans fear is going too far.)

At a growing number of U.S. banks, the boss is no longer an American.

From all over the globe, foreign investors are rushing to the United States, cash in hand, to buy control of American financial institutions. Now, concern is spreading in Congress and among some bankers that the invasion—from Europe, Hong Kong, Latin America, Japan, Britain and the Middle East—has gone too far.

The latest move came in mid-July, when Britain's Midland Bank announced an agreement to gain majority control of California's Crocker National Bank, the 14th-largest bank in the U.S., with assets of more than 16 billion dollars.

That would be the biggest overseas banking deal yet. It comes on the heels of the takeover earlier this year of Buffalo's 15.7-billion-dollar Marine Midland Bank by Hongkong & Shanghai Banking Corporation and the purchase of the 589-million-dollar bank of the West in San Jose by the Banque Nationale de Paris. Arabs are acquiring Financial General Bankshares, which controls banks in Maryland, Virginia, Tennessee, New York and the District of Columbia.

PUTTING ON THE BRAKES

Overseas banks control 12 percent of U.S. banking assets, according to the Federal Reserve Board, and most financial experts expect the share to grow larger. In 1978, foreign banks and investors took control of 17 U.S. banks with 3.5 billion in assets. Last year, 15 banks with almost 13 billion in assets were taken over. This year, the total is headed even higher.

Stung by the wave of acquisitions, Congress in April imposed a three-month moratorium on bank takeovers by foreigners. It was only days after the stopgap ban expired that the Crocker agreement unfolded.

Senator H. John Heinz III (R-Pa.) asks: "Can we be confident that foreign-owned or controlled banks will carry out policies that support American interests if those interests are in conflict with those of the owners' countries?" Muriel Siebert, New York State's banking commissioner, has another worry: "There is a risk that foreign owners may divert funds out of the local areas previously served by domestic banks they acquire."

A subcommittee of the House Banking Committee has scheduled hearings in September on foreign bank takeovers, and the General Accounting Office is expected to recommend soon that a new moratorium be imposed pending a review of U.S. banking policy.

Takeovers are only one way foreign interests push their way into the U.S. financial market. Another way is by starting new banks, which are then sometimes used to buy additional banks. Japanese banks have done that extensively in California, where eight Japanese-established banks have a total of 6.5 billion in assets. One result for customers: The Japanese banks are credited with creating competition for consumer loans and deposits there.

Britain's Barclays Group has set up new banks in New York and California, using them to take over other banks.

Foreign banks, in addition, have about 300 U.S. branches and agencies of their home offices, says the Federal Reserve. Many of these handle only commercial or foreign accounts.

It's estimated that foreign banks make about 15 percent of the nation's business loans, with the percentage double or more in New York, the nation's financial center. Venturing beyond serving clients from their home countries, foreign bankers have increasingly gone after domestic clients, too, often cutting prices to force their way into the market. Bankers in New York and California complain of foreign banks' undercutting loan charges by half a percentage point or more.

The comptroller of the currency estimates that more than 150 banks from more than 30 countries have established a banking presence in the U.S. Although concentrated in New York and California, a total of 17 states plus the District of Columbia and Puerto Rico have some foreign-controlled banking. Government regulators consider a bank to be controlled by foreign interests if 10 percent or more of its ownership is in foreign hands. In most cases, the ownership is well above that.

What attracts foreign bankers to the U.S.? "The size, diversity and wealth of the American economy, as well as the economic freedom and political stability," says David Cates of Cates, Lyons & Company, a New York bank-consulting firm. "Foreign bankers see more opportunities in the U.S. than elsewhere to generate new deposits and make loans," says Henry Keefe of Keefe, Bruyette & Woods, a Wall Street firm specializing in bank stocks.

Burgeoning ethnic markets also attract foreign bankers. Spanish and Latin American investors, for example, have been snapping up small banks in Florida, including the Continental National Bank of Miami and the Popular Bank of Florida, in Hialeah.

Prestige may be a factor, too. "It is fashionable for major international banks to have a presence in the United States," says Carter Golembe, a Washington, D.C., banking consultant.

BARGAIN HUNTERS

Buying a U.S. bank can be a bargain. Not only are many bank stocks underpriced, says Paul Horvitz, a professor of finance at the University of Houston, but foreign investors also find that their money buys more in the United States because the dollar is undervalued on international exchange markets.

Defenders of international takeovers say foreign banks often emerge as the cavalry riding to the rescue of wobbly U.S. banks. Comptroller of the Currency John C. Heimann says about half of the U.S. banks acquired by foreigners in the 1970s were ailing. The predecessor of California First Bank, for one, was in receivership when it was taken over by the Japanese. Detroit's Bank of the Commonwealth was getting aid from the Federal Deposit Insurance Corporation when its current Saudi Arabian investors entered the picture.

In a number of cases, foreign banks and investors have taken over a faltering bank after antitrust laws or rules against interstate banking blocked a rescue by an American bank.

Healthy banks that want to merge to be more competitive are also hindered by the laws, analysts say.

Because of restrictions, says Paul Volcker, chairman of the Federal Reserve Board, a big domestic bank seeking a buyer, merger partner or new capital may be forced to look abroad.

Thus, foreign investors frequently provide additional capital and management support and strengthen an acquired bank's competitive position, says a Federal Reserve report.

Hongkong & Shanghai Banking, for example, is injecting 200 million dollars of new equity capital into Marine Midland, which the Fed says has been plagued by low capital and poor earnings. In takeovers last year, Britain's National Westminster Bank put 25 million of new capital into National Bank of North America in New York, and Standard Chartered Bank, also of Britain, pumped 25 million into Union Bank of Los Angeles.

Foreigers can bail out foreign-controlled banks, too. After Italian financier Michele Sindona ran Franklin National Bank of New York into the ground, a consortium of European investors took it over, reforming it as European-American Bank & Trust.

In another type of forced sale, LaSalle National Bank of Chicago was bought last year by the Dutch Algemene Bank after LaSalle's owner—a diversified nonbanking company—had to sell because of a law that bars such firms from continuing to own a bank.

One challenge to regulators is keeping track of foreign ownership. Obtaining information about foreign banks can be difficult, says Volcker. Some investors use what the Office of the Comptroller of the Currency calls "complicated webs of control." For example, one Florida bank's control weaves through Florida, Dutch and Curacao firms before its Venezuelan ownership surfaces.

Still, the nation's top two bank regulators say they're not concerned about the influx of foreign bankers. "Their presence adds an extra competitive vigor to our banking system," says Heimann. To prove his point, Heimann earlier this year allowed Marine Midland to change its charter from a state to a national one, paving the way for its takeover after New York authorities refused to allow a deal with Hongkong & Shanghai Banking.

Fed Chairman Volcker says there have been no unusual supervisory problems with foreign-controlled banks and none are expected. A staff study concludes: "The experience to date provides no indication that acquired U.S. banks or the communities they serve have suffered from the change in ownership." In addition, reporting rules imposed last year and a new monitoring program by the Fed will enhance supervision, regulators say.

For a long time, American bankers complained that foreign banks had greater power and flexibility than U.S. institutions, especially in being able to open branches in a number of states and escape reserve requirements. New laws equalize some treatment, but grandfather clauses leave some foreign banks an edge in the number of offices they can have.

Now there's a push to open the field for U.S. banks by letting them acquire financial institutions in other than their home states and possibly open interstate branches.

Says Comptroller Heimann: "Foreign bank activities will continue to exert pressure on the outmoded laws confining the expansion of U.S. banks."•

DR. DONALD M. DOZER (1905–80): DISTINGUISHED AUTHOR, LECTURER, HISTORIAN, AND AUTHORITY ON LATIN AMERICA

• Mr. HELMS. Mr. President, one of the great privileges of being a Member of the U.S. Senate is the opportunity to know leaders who have made notable contributions to the well-being of the United States. One such leader was Dr. Donald M. Dozer, author, lecturer, and professor of history at the University of California, Santa Barbara, who died on August 4, 1980, at the age of 75.

In the news stories of his death in the New York Times of August 14 and the Washington Post of August 16, adequate mention was not made of the reasons why he left his position in 1956 as a historian in the Department of State.

The essential facts, as related by Dr. Dozer to various friends, were: First, that he had been preparing the Yalta papers for publication, which had reached the page proof stage; second, that he had sent the page proofs to higher authority for final approval; and third, that approval was refused unless some of the most crucial historical documents included by Dr. Dozer were removed.

Dr. Dozer took the stand that, as a responsible historian in the preparation of those papers, he would not participate in the distortion of history and refused to make the required deletions, which was the basic cause of the dismissal of this able analyst from the Department of State and forced him to start a new career.

As he later realized and often stated to his close friends, his dismissal was a blessing in disguise, for it enabled him to expand his interests and make far greater contributions than he could have done in the Department of State.

Bilingual and widely experienced in Latin American affairs, he became greatly interested in the Panama Canal when that vital subject came up in the early 1960's, and was a strong leader in opposition to the surrender of U.S. sovereign control over the Canal Zone. Subsequent history has justified his stand.

Following extensive travel and lectures in the principal universities of South America, in 1972 Dr. Dozer was presented the Alberdi-Sarmiento Award by La Prensa of Buenos Aires for outstanding contributions to inter-American friendship—the second U.S. citizen to receive that honor.

In notable testimony on October 11, 1977, before the Senate Committee on Foreign Relations, Dr. Dozer and one of his ablest proteges, Dr. Lewis A. Tambs, professor of history at Arizona State University, Tempe, covered the most crucial points in the canal subject. Their testimony should be restudied by all Members of the Congress, especially those on committees dealing with Panama Canal policy matters. (Senate Committee on Foreign Relations, hearings on Panama Canal treaties, part 3, October 11–14, 1977, pages 123–75 and 181–200.)

Among the most significant contributions of Dr. Dozer was his book, "The Monroe Doctrine: Its Modern Significance," New York: Alfred A. Knopf, 1965. Another was as coauthor with Vice Adm. T. G. W. Settle of the Minority Report in "Panama Canal Issues and Treaty Talks," Washington, D.C., Center for Strategic Studies, Georgetown University, 1967.

Mr. President, since a knowledge of the life and achievements of Dr. Dozer should be a matter of interest to all Members of Congress and high policymakers in the executive branch of our Government, as well as serve as an inspiration to the youth of our great Nation, I ask that the indicated obituary notices and a biographical sketch of him in "Who's Who in America" be printed in the RECORD.

The material follows:

[From the New York Times, Aug. 14, 1980]

DONALD M. DOZER, 75; LATIN AMERICA EXPERT, ANALYST AND PROFESSOR

(By Joseph B. Treaster)

Donald M. Dozer, an authority on Latin America who had taught at several universities and worked for more than 11 years as an intelligence analyst for the Federal Government, died on Aug. 4 at St. Francis Hospital in Santa Barbara, Calif. He was 75 years old.

Dr. Dozer, a quiet, portly man who advocated retention of United States control over the Panama Canal, had retired as a professor of history at the University of California in Santa Barbara eight years ago.

But he continued teaching at the American Graduate School of International Management in Glendale, Ariz., and at the school's branches in Mexico and Japan.

Dr. Dozer received his master's degree and doctorate from Harvard University.

He began his career in Government as a research analyst for a precursor of the Central Intelligence Agency in 1941 when the United States entered World War II.

He later analyzed intelligence for the State Department and from 1949 to 1951 coordinated a special intelligence project on Latin America for the Joint Chiefs of Staff.

Dr. Dozer worked as a historian for the State Department from 1951 to 1956, when he took a teaching post at the University of Maryland, where he had taught before the war.

In the fall of 1955 he was dismissed by the State Department, but he appealed to the Civil Service Commission and before the year was out had gained reinstatement.

Dr. Dozer, a conservative Republican, had complained that Democratic loyalists in the department had distorted the record and delayed full publication of the records of the allied conferences at Cairo and Teheran in 1943 and at Yalta in 1945.

The State Department did not respond to those allegations but charged that, among other things, Dr. Dozer had failed "to meet work requirements."

Dr. Dozer, who was born in Zanesville, Ohio, joined the faculty of the University of California at Santa Barbara in 1959.

He was the author of six books, including an analysis of the Monroe Doctrine.

Dr. Dozer is survived by a son and two daughters.

[From the Washington Post, Aug. 16, 1980]

DONALD M. DOZER, PROFESSOR, EXPERT ON LATIN AMERICA

Donald M. Dozer, 75, an authority on Latin America and a former State Department official and member of the faculty at the University of Maryland, died Aug. 4 at the St. Francis Hospital in Santa Barbara, Calif. after a stroke.

At the time of his death, Dr. Dozer was a professor-emeritus of history at the University of California, Santa Barbara, where he had taught since 1959. He retired and became professor emeritus in 1972.

A native of Zanesville, Ohio, Dr. Dozer earned a bachelor's degree at the College of Wooster in Ohio. He earned master's and doctoral degrees at Harvard University.

He was a State Department archivist in 1936 and joined the Maryland faculty the following year.

In 1942, after the United States entered World War II, he returned to government service as an intelligence official. The following year, he became a liaison officer in the Caribbean office of the Lend-Lease program. He then joined the State Department, where he became assistant chief in the division of research for the American Republics and then assistant to the chief of the historical division.

He returned to the University of Maryland in 1956 and remained there until 1959, when he joined the faculty at the University of California at Santa Barbara.

Dr. Dozer was the author of six books, including "Latin America: An Interpretative History," published in 1962, and "Panama Canal Issues and Treaty Talks," which appeared in 1967. He also wrote "Portrait of the Free State—A History of Maryland," which was published in 1976 under the auspices of the Maryland Bicentennial Commission.

Dr. Dozer's late wife was the former Alice Louise Scott.

Survivors include three children, Charles Scott Dozer, of Glendale, Calif., Jane Blythe Dozer, of Santa Barbara, and Hilary Marquand Dozer, of Stockton, Calif., and two grandchildren.

WHO'S WHO IN AMERICA, 1980–81, VOL. I

Dozer, Donald Marquand, educator; b. Zanesville, Ohio, June 7, 1905; s. Perley Walter and Minne Bell (Marquand) D.; A.B., Coll. Wooster, 1927; A.M., Harvard, 1930, Ph.D., 1936; postgrad Ohio State U., summers 1927, 28; m. Alice Louise Scott, Aug. 2, 1941 (dec. Oct. 1972); children—Charles, Jane, Hilary. Tchr. history and debating Wooster (Ohio). High Sch., 1927–29; asst. history dept. Harvard and Radcliffe Coll., 1930–34; instr. history Boston U., 1934–35; jr. archivist Nat. Archives, Washington, 1936–37; instr. history U. Md., 1937–42; research analyst Coordinator of Info., OSS, 1941–43; liaison officer Office Lend-Lease Administrn., 1943–44; fgn. trade analyst FEA, 1944; research analyst and asst. chief div. Am. Republics Analysis and Liaison, Dept. State, 1944–47, acting chief, div. research for Am. Republics, Office Intelligence Research, 1947–49, coordinator spl. intelligence project involving Latin Am. area for Joint Chiefs of Staff in Office of Intelligence Research, 1949–51, asst. to chief Div. Hist. Policy Research, Hist. Div., Office of Pub. Affairs under asst. sec. pub. affairs, 1951–56; Dept. State rep. spl. conf., Panama, C.Z., 1948; asst tech. sec. U.S. delegation 9th Internat Conf. Am States, Bogotá, Colombia, 1948. Lectr. Strategic Intelligence Sch., Natl. Mil. Establishment, Washington, 1949–51; lectr. Latin Am. area study program dept. internat. relations and orgn. and dept. history Am. U., Washington, 1949–59; cons. on Latin Am., Brookings Instn., 1950–51; lectr. dept. history Coll. Spl. and Continuation Studies, U. Md. and Montgomery Jr. Coll., Takoma Park, Md., 1956–59; asso. prof. history U. Calif. at Santa Barbara, 1959–64, prof., 1964–72, prof. emeritus, 1972—. Vis. prof. internat. studies Am. Grad. Sch. Internat. Mgmt., Glendale, Ariz. and Universidad Autónoma de Guadalajara, 1973; cons. Center for Strategic Studies, Georgetown U., 1964, 66–67, Viviendas Financiadas Argentinas, S.A., 1979—, Internat. Investment and Devel. Corp., Phoenix, 1979—; cons. asso. Center for Internat. Bus., Pepperdine Coll.; vis. prof. internat. relations Inst. for Internat. Studies and Tng., Boeki Kershu, Japan, 1975; vis. lectr. Universidad Francisco Marroquin, Guatemala, 1976, chmn. Emergency Com. to Save U.S. C.Z., 1974—. Past mem. alumni bd. Coll. Wooster; vice chmn. Am. Revolution Bicentennial Commn. of Calif., 1968—, acting chmn., 1975—; cons. Md. Bicentennial Commn. on Am. Revolution, 1975; vice chmn. John F. Stevens Hall Fame Com., 1970—. Recipient Alberdi-Sarmiento prize La Prensa, Buenos Aires, 1972; Relm Found. fellow, 1963, 65; Fulbright lectr. history, Argentina, 1971. Mem. Conf. Latin Am. Studies, Am. Hist. Assn., Pacific Coast Council Latin Am. Studies (governing bd. 1964–67, chmn. 1969–70), Geog. Soc. Lima (corr), S.A.R. (nat. Americanism com., Good Citizenship medal 1976), Mt. Pelerin Soc., Asociación Argentina de Estudios Americanos, Santa Barbara Trust Historic Preservation (dir. 1976—), Phi Beta Kappa, Omicron Delta Kappa (hon.), Delta Sigma Rho, Christian Scientist, Author: Are We Good Neighbors?, 1959, 61, 71: Latin America; An Interpretive History, 1962, rev., 1979 (Portugese transl. 1966, rev. 1974); (with others) Trouble Abroad, 1965; The Monroe Doctrine: Its Modern Significance, 1965, rev., 1976; (with others) Latin America: Politics, Economics and Hemisphere Security, 1965; Portrait of the Free State: A History of Maryland, 1976; The Panama Canal in Perspective, 1978, editor: The Conferences at Cairo and Tehran, 1961; contr. numerous articles Am. fgn. policy, Latin-Am. Relations and hist. subjects to jours. and revs. Home: 421 Miramonte Dr Santa Barbara CA 93109 ●

FAIRCHILD INDUSTRIES DESERVES THANKS AND CONGRATULATIONS

Mr. JOHNSTON. Mr. President, from time to time, one learns of special initiative and innovation displayed by American business, which I believe deserves recognition.

In 1979 Fairchild Industries, on their own, using independent research and development funds built a two-seat version of their A–10 attack plane and had it in the air in a year.

The aircraft was equipped with avionics begged and borrowed from other manufacturers enabling it to perform the ground attack mission at night and in bad weather. Extensive testing by company pilots and Air Force pilots proved its ability to do the job.

In addition, the aircraft in the two-seat configuration without night/adverse weather equipment has great usefulness as a combat capable trainer. The single-place A–10A, the first USAF fighter aircraft designed specifically for the close air support role, has been operational for 6 years. During this time, the Air Force has developed optimum combat tactics based on the unique characteristics and capabilities of the A–10A weapon system and the battlefield environment in which the aircraft will operate. These combat tactics involve intense maneuvering flight at extremely low—50 to 200 feet—altitudes to take advantage of terrain masking and to reduce air defense reaction time.

Such tactics, proven under simulated combat conditions, significantly improve A–10A survival and effectiveness against the air defense threat. However, effective tactics requires a very high degree of pilot proficiency which can be achieved only by intensive tactical training.

Up until this time, combat tactics proficiency training of inexperienced pilots has been accomplished utilizing the single-place A–10A aircraft. The trainee pilot is sent up alone to fly a simulated combat mission with the instructor pilot accompanying in a "chase" airplane. The risk factor for the inexperienced trainee is fairly high because the margin of error is very small and the instructor can only visually monitor the flight path of the trainee's aircraft from his remote position. In addition, the instructor's capability to evaluate the trainee's performance and to provide corrective advice is considerably limited.

Availability of the proposed two-place A–10 combat ready trainer configuration which has been approved by the House and Senate Armed Services Committees, would significantly increase the safety, quality, and efficiency of A–10A tactics proficiency training. Day and night tactics training utilizing the two-place aircraft would reduce training program costs by eliminating most chase flights, thus providing substantial savings in fuel consumption and maintenance costs. It is estimated that over 8 million gallons of fuel and $20 million per year in training costs can be saved.

The National Guard Association and the Reserve Officers Association have testified before Congress about the need for these trainers in their units. The commander of the Tactical Air Command told a House subcommittee that these aircraft would be very useful in the training function.

It is such initiative from the private sector that has made this country great. Fairchild Industries deserves our thanks and congratulations for this valuable contribution to our Nation's defense.●

SOVIET JAMMING OF VOICE OF AMERICA

● **Mr. STEWART.** Mr. President, I am appalled at recent reports that the Soviet Union is jamming our Voice of America and Radio Free Europe broadcasts. According to the State Department this radio interference began yesterday and is continuing today.

Now, why are the Russians resuming this shameful practice after a 7-year period of relative openness following the Helsinki agreement? Why are the Russians jamming our broadcasts? Because, plain and simple, they do not want the truth to be told. They are afraid to let their people know that there are valiant workers in Poland who are striking, not only over the rise in food prices, but for political freedom—the right to free trade unions, an end to government censorship, and the release of political prisoners.

Mr. President, I am proud of the work done by the Voice of America and by Radio Liberty and Radio Free Europe. The Voice of America, alone, broadcasts to an international audience of over 80 million people weekly in 38 languages. It is estimated that VOA has a listening audience in the Soviet Union of over 10 million.

We must realize that the Voice of America may very well be the one and only message of truth to reach the millions of unfortunate peoples imprisoned physically, spiritually and intellectually in the Communist bloc countries. For millions, these broadcasts signal the only hope to those who despair the Communist machine that moves to destroy the spirit of ideas, morality and rugged individualism we in America have the freedom and opportunity to cherish. We must not allow the Communists to snuff this one ray of hope penetrating the dark despair of the Iron Curtain.

If there has even been any question about the effectiveness of these radio broadcasts, the Russian leadership has clearly answered those doubts with their calculated response. Obviously the Voice of America is working and working well, or the Russians would not strike out in fear against it.

The message of hope and freedom is being received, and that is a direct threat to the Russian system. The Soviets know their system could not prevail through choice, only through deception, censorship and chains. They are afraid to allow their imprisoned citizens to hear the truth about the free world. Communism cannot compete fairly and openly with the free world, so the Russian leaders must silence all word of the outside world.

This fear of the truth is so great that the Russians are clearly willing to go against the implications of the Helsinki agreements which they signed in 1973. This accord supports the notion of free and open dissemination of information. Now the United States has not all of a sudden transformed the Voice of America into a subversive propaganda machine; the Voice of America simply reports on reality. But it is a reality that the Russians do not want to hear. As a State Department official said:

> Voice of America broadcasting has not changed significantly over the past 7 years, and we can only assume that Soviet authorities recently became concerned over the wide gap between the heavily censored news as reported to the Soviet people by the Soviet news media, and the news carried by the VOA.

Mr. President, this attempt by the Russians to block out the truth tells us more about the bankruptcy of that system than any propaganda attack. The unrest in Poland reflects the natural inclination of all people for freedom and human rights. But this simple demand is too threatening for the Soviet hierarchy, too damaging to their oppressive regime, and so they have to keep the truth under wraps and their people in the dark.

We must not let this cowardly action, this clear violation of international agreements, continue. The Russians must be made to realize that Americans are firm in our resolve, we are committed to the principles of freedom and truth. Let the Communists shove their propaganda machines into overtime, for we will persevere with the Voice of America. And the truth will prevail.●

FREEDOM ON EARTH IS NOT ENOUGH

● Mr. SCHMITT. Mr. President, on numerous occasions, in this Chamber, and other forums, I have spoken on the gross neglect by the current administration regarding this Nation's future in space. I do not know whether this neglect is based on ignorance, indifference, or indecision but nonetheless it exists.

Freedom on Earth is not enough any longer. We cannot be certain that the technological revolution in which we live will guarantee freedom's survival if confined to Earth; but we can be certain that the technological revolution can greatly increase freedom's chances of survival in a broader sphere among the planets and the stars.

I submit for the Record a most incisive article by David Scott Coker which appeared in the Washington Star of Wednesday, August 20.

The article follows:

Neglecting the Challenge of Outer Space

In a cautious announcement recently, National Aeronautics and Space Administration said a target date has been set for the first launching of the problem-plagued Space Shuttle. There were some apologetic overtones at a press briefing—mostly involving an engine-test failure and the effort at "densifying" the thermal-protection tilings.

The topic the NASA officials most tried to avoid was money, and they said not a word about 1980 being an election year or the future prospects of the space program under a possible Reagan administration.

The platform committee at the Republican National Convention adopted a plank which said: ". . . America's pre-eminence in the exploration of space is threatened by the failure of the Carter administration to fully fund the Space Shuttle program . . . as well as advanced exploration programs. Republicans pledge to support a vigorous space research program."

The statement appears as an afterthought next to the delineated agenda the GOP has adopted "to achieve overall military superiority over the Soviet Union," and raises questions about what are, in fact, the country's future goals and objectives in space.

Not since the days of President Kennedy has the U.S. had comprehensive objectives for space exploration, despite some rather amazing accomplishments. With each change in administration a different emphasis has been placed on outer space exploration and development. An entire generation of young people has grown up in the "space age" never seeing an American astronaut working in space, while the sensational success of the "Star Wars" genre of cinema reflects public concern with the subject as well as the desire for future personal investment.

The Carter administration has demonstrated a half-hearted commitment to space and has no coherent policy beyond the shuttle development. Indeed, during hearings a year ago before the Senate Subcommittee on Science, Technology and Space, Dr. Frank Press, the president's science adviser, admitted the administration is satisfied with studying the subject, re-evaluating various alternatives and postponing important projects, while offering no forward strategy.

On the issue of constructing a solar power station in space, Dr. Press said: ". . . We must first answer serious questions about technological uncertainties, possible environmental effects, vulnerability and economic cost benefits."

And what of other countries? Here we find markets becoming more competitive, with other countries knowing quite well what their priorities are. The Soviet Union launched over 100 satellites in 1978 primarily for military purposes and is maintaining a highly visible manned exploration program, using its achievements for maximum propaganda purposes.

Many defense experts have concluded that the Soviet Union is presently developing gigantic outer-space weapons for the coming decades, such as particle beam generators, high-energy lasers for anti-ballistic missile purposes and anti-satellite weaponry.

Furthermore, a delegation of the U.S. State Department has been negotiating a controversial treaty in the United Nations to govern the activities of states on the moon and other celestial bodies (the Moon Treaty) which borrows the "Common Heritage of Mankind" language from the Law of the Sea treaty regarding resource development. This comes at a time when the United States has no coherent space policy and no plans for lunar resource development.

Sen. Harrison Schmitt, R-N. Mex., an astroaut who walked on the moon, has been a leading spokesman for the U.S. space program. He and several Senate colleagues have sponsored the "National Space and Aeronautics Policy Act," which, if passed and signed into law, would mandate 30-year policy goals for all facets of the aerospace program. This legislation goes well beyond the incremental policy we have been following for too long to maintain American preeminence in the field of aerospace technology and extra-terrestrial research and development.

"The really fundamental purpose we must see for ourselves in space is being a competitive proponent of freedom's civilization," Senator Schmit has said. "That civilization is in competition in space as well as on earth with the Soviet Union, a civilization of oppression. The most certain way I can see of us losing the battle of civilizations would be for the Soviet Union to dominate both militarily and technologically in the new ocean of space."

It is high time the leaders of this country quit playing politics with this, our most important field of scientific research. The social, commercial, military and commercial benefits are indisputable. What we stand to learn in the coming years will enhance our understanding of all fields of science.

The production of new goods and services never before available will create economic growth in the private sector and facilitate greater communication, cooperation and cultural understanding among people of different parts of the world.

Although the coming election debates will rhetorically focus on inflation, taxes, energy, foreign policy and defense spending, it is sad to contemplate the fact that this paramount area of public policy will probably receive token attention at best.

This further underscores why this country needs a long-term commitment to our activities in our newest and least understood environment, outer space.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the Congressional Record this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received requests for a determination under rule 35 which would permit Ms. Sheila Burke, a member of the staff of the Committee on Finance, and Mr. David Swoap, a member of the staff of Senator William Armstrong, to participate in a program sponsored by a foreign educational institution, Tunghai University of Taichung, Taiwan from August 7 to August 15, 1980.

The committee has determined that participation by Ms. Burke and Mr. Swoap in the program concerning the economic development of Taiwan, in Taiwan and at the expense of Tunghai University, is in the interests of the Senate and the United States.

The Select Committee on Ethics has received three requests for determination under rule 35 which would permit Mr. Doug Jackson, a member of the staff of Senator Bellmon, and Mr. Philip Charles, a member of the staff of Senator Tower, and Mr. Steve Saunders, staff director of the Republican Conference, to participate in a program sponsored by a foreign educational institution, Tunghai University in Taichung, Taiwan from August 7 to August 15, 1980.

The committee has determined that participation by Mr. Jackson, Mr. Charles, and Mr. Saunders in the program concerning the economic development of Taiwan, in Taiwan and at the expense of Tunghai University, is in the interests of the Senate and the United States.●

THE MANNED PENETRATING BOMBER

● Mr. STEWART. Mr. President, I am pleased to see recent reports that the Air Force is developing a new aircraft that will be virtually invisible to Soviet radar. This new design has a unique ability to penetrate Soviet air defenses through a variety of construction and design innovations that enable the plane to both deflect and escape radar detection.

These technological advancements, still in the design and testing stage, offer great advantages to our Air Force. The potential here for a new manned bomber is impressive. Because I feel strongly that the United States must have the capability to penetrate Soviet defenses, I have voted for funds to develop a multipurpose bomber, an update of the B–1.

The secret testing of this new, so-called "Stealth" design has gone on for the past 2 years. Significant advances have been made in building a plane that will be able to avoid or deceive the Soviet's air defenses. Through a radical departure in design, the new "Stealth" aircraft makes a major breakthrough in our strategic defense research and development.

Mr. President, I am encouraged by these reports from the Air Force and I will continue to support efforts to continue with this bomber development. The survival of our strategic triad—bombers, land based missiles, and submarine launched missiles—rests on constant improvement in all areas. That is why I support the MX land based missile, the Trident submarine development, and now the new "Stealth" aircraft design.

Mr. President, I have always believed that America will only be able to insure an enduring peace in this world through a strong and efficient national defense. Our future and the future of our children will depend on the decisions we take this year in the Senate on our military preparedness and on the fine work being done in all of our military research and development.●

A U.S. POLICY FOR THE CARIBBEAN

● Mr. SCHMITT. Mr. President, numerous commentators have noted that our Central American and Caribbean neighbors are in jeopardy due to Cuban adventurism. The Carter administration's reaction to this activity has been a policy of vacillation, weakness and an attempt to ignore the problems which are rampant in the Caribbean business area.

Despite administration claims that problems are insoluble, it need not be the way it is. In an article recently published in Commonsense, James D. Theberge, a noted author, scholar and former Ambassador to Nicaragua from 1975–77, outlines a number of proposals to counter the too-little-too-late approaches to foreign policy by the present administration. He advocates a commonsense approach toward economic cooperation with the Caribbean nations to include:

First. Granting preferential trade access and expanding bilateral assistance to our friends;

Second. Strengthening the organization of American States;

Third. Establishing a Caribbean Council composed of heads of States and Foreign Ministers of countries of the region to meet regularly and discuss the special problems of this area;

Fourth. Supporting a Nicaraguan assistance program only if the Sandinista leaders abandon their anti-U.S. attitudes;

Fifth. Taking positive steps to convince those nations who believe they gain more from confronting the United States that the opposite is true;

Sixth. Being sensitive to the experiments leading toward free societies in other nations, yet, demonstrating our preference for a democratic government without adopting the coercive so-called "human rights" Carter policy; and

Seventh. Giving the highest priority to strengthening friendly democratic forces.

These policies, if placed in effect, would still not be enough according to Mr. Theberge since Cuba's influence would not be directly countered. He suggests we could:

Begin a Radio Free Cuba;

Seek the release of Cuba's political prisoners;

Restrict U.S. tourism to Cuba;

Increase our surveillance and intelligence activities directed at Cuba;

Provide aid to anti-Castro forces fighting Cuba's "Africa" Corps;"

Strengthen our Caribbean naval presence; and

Deny economic aid to those who openly aline themselves with Cuba or interfere in United States-Puerto Rico relations.

These policies could be implemented in cooperation with our friends in the region. We should endeavor to enlist the active assistance of all countries; but most especially, Mexico. Here we need to reestablish our special relationship with Mexico and by so doing enlist Mexican support in our drive to contain Cuba and upgrade the economies of our Latin American neighbors. Only by adopting a comprehensive policy can we retrieve our declining fortunes in this region of the world; our own backyard.

Mr. President, I request that Mr. Theberge's article "Rediscovering the Caribbean: Toward a U.S. Policy For The 1980's" be printed in the Record.

The article follows:

Rediscovering the Caribbean: Toward a U.S. Policy for the 1980s

(By James D. Theberge)

American policymakers rediscovered the Caribbean basin in 1979. The coup d'etat in Grenada, the Marxist takeover in Nicaragua, the guerrilla insurgency in El Salvador, the deepening crisis in Jamaica, the military build-up in Cuba and the detection of a Soviet combat brigade there have spurred a tardy re-evaluation of the Carter Administration's policy of vacillation and neglect.

The motives underlying this renewed concern are not hard to discern. The Caribbean has become a focal point of political instability, anti-American radicalization, and social unrest in the Western Hemisphere. Unprecedented revolutionary change, which the U.S.S.R. and Cuba jointly seek to exploit, is taking place in a vital security zone of the United States.

The Caribbean basin—that vast sea area which includes the Caribbean insular and rimland states stretching from Mexico through Central America to Guyana—has strategic value because the islands and rimlands are potential bases for mounting offensive military and subversive operations against the United States and its friends; it is an important transit area and source of vital raw materials; American territories and military installations are located there; and the Central American isthmus is the locus of one of the world's major interoceanic waterways, the Panama Canal.

Proximity of the Caribbean area to the U.S. mainland lends it special importance in the defense of the United States. Unrestricted access to the Panama Canal, the prevention of hostile powers from positioning military forces or offensive weapons systems, and the containment of Cuba's revolutionary support activities are central U.S. security interests. The peacetime expansion of soviet and Cuban military power and influence in the Caribbean has already begun to alter the regional political balance against the United States, and could threaten our ability to rapidly reinforce our NATO allies by sea in an emergency.

Failure to resist the Soviet and Cuban strategy of deceptive incrementalism in our own backyard, which has proceeded so far with little cost to them, has contributed to a weakening of America's prestige and credibility as a reliable protector of our friends and allies in the region. The steady erosion of America's position by the progressive spread of Communist or other militantly anti-U.S. regimes that invite the extension of Soviet or Cuban military power or are bent on subverting friendly states would be so serious in their cumulative and ultimate consequences to U.S. security that it constitutes a vital interest not to allow it to continue.

It is imperative that the next U.S. Administration bring to an end the Carter Administration's abandonment of this strategically important area to our adversaries who have grown stronger and bolder while we have slept. The reassuring rhetoric and symbolic gestures of the Carter Administration's first year in office conveyed the impression that a new Caribbean policy was being designed and soon to be executed. Unfortunately, the Carter Administration failed to follow through on its promises of a significant increase in U.S. development assistance and more favorable trade arrangements, much to the bitter disappointment of our Caribbean friends.

RADICALIZATION OF THE EASTERN CARIBBEAN

The eastern Caribbean islands—former dependencies of Great Britain that have achieved independence recently[1]—are passing through an internal crisis characterized by a search for new political and economic structures that are capable of dealing with the chronic problems of unemployment, overpopulation, limited resources, undiversified economies, and widespread poverty.

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The political unrest on the islands is largely the result of internal factors such as social inequities, widespread poverty, high unemployment, and corrupt and inefficient governments. Yet, the shift toward radical internal politics has also been encouraged and assisted discreetly from outside. Several Marxist leaders in the area, including Grenada's Prime Minister Bishop, have been carefully cultivated and helped by Castro who has been busily attempting to make friends and influence Caribbean leaders for years.[4]

CENTRAL AMERICA'S SOCIAL REVOLUTION

Central America is in the midst of a sweeping social revolution that threatens more than just the overthrow of unpopular, military-backed regimes that have resisted adopting political and social reforms. What is at stake is whether the totalitarian left will seize power and impose a new form of tyranny or the centrist forces will be able to create a viable political order, combining freedom and social justice. Unfortunately, the forces favoring Western-style pluralism have not been determining the direction of political change since the end of the 1970s.

A more disturbing sign of the times is the Nicaraguan revolution that led to the fall of the Somoza dynasty in July 1979. The chief beneficiaries of the popular insurrection against over 40 years of Somoza family rule were the Marxist Sandinista leaders and not the moderate democratic forces who were out-manuevered in the power contest. The Marxist guerrilla leaders shrewdly exploited the popular rebellion, captured the leadership of the broadly-based anti-Somoza struggle, toppled the Somoza regime, and installed themselves in power. External factors also played a significant role in weakening Somoza and improving the chances of the radical left, including regional support for the Sandinista leaders and the Carter Administration's counterproductive efforts to arrange a democratic transition.[5]

The Nicaraguan revolution was both a portent and catalyst for subsequent political developments in Central America. The anti-Somoza insurrection encouraged local revolutionaries and led to an upsurge in the armed struggle throughout the region, and beyond. Nicaragua's neighboring countries, El Salvador and Guatemala, felt this impact the most. In El Salvador, the military coup by young, reformist officers on October 15, 1979 was an attempt to stem the rising tide of revolutionary violence. In March 1980, the reformist ruling junta instituted a series of sweeping changes including agrarian reform and nationalization of private banks to win support of the masses, undermine the appeal of the revolutionary life, and avert a civil war. But it may already be too late to restore order and prevent the Marxist guerrillas from taking power in view of the revolutionary momentum that has been achieved and the radical left's belief that its chances of winning are good. In Guatemala, where violent social conflict and tensions are on the increase, the repression of the non-violent advocates of social reform may cause them to join forces with the Marxist guerrillas spearheading the anti-government struggle.

Consequently, the outlook for democratic government in Central America in the 1980s appears bleak unless the United States takes far more effective action than it has thus far to build up the democratic center,[6] and support those broadly-based forces seeking to avert a Communist takeover.

ROOTS RADICALIZATION

The radicalization process and strong anti-Yankee current in the eastern Caribbean and Central America can be properly viewed as the complex result of multiple forces at work within the countries concerned and abroad. Despite significant differences in political culture, several generalizations can be made:

Repressing governments that refuse to broaden their base of political support, to widen popular political participation, and to meet the growing demands for social reform drive the non-violent opposition into tactical alliances with the armed revolutionary left. This occurred in Nicaragua, appears to be happening in El Salvador, and may take place in Guatemala. The result is a strengthening of the revolutionary process and an improvement in the chances for the radical Marxist guerrillas to seize power. In Central America, revolution traditionally has been a corrective to bad government.

The revolutionary left is attempting to exploit these new, more favorable conditions by mobilizing domestic and foreign support against repressive governments, and stepping up the pace of revolutionary violence. In turn, increased violence and unrest has led to more repression by governments, creating a vicious circle of bloodshed and hatred, political polarization and class conflict. In this environment, ruthless and disciplined revolutionaries are better placed than the moderate forces to turn the situation to their advantage.

A militant segment of the educated class has come to believe that the post-colonial Caribbean governments and traditional authoritarian regimes in Central America are unable to cope with pervasive poverty, corruption, and injustice. As a result, the legitimacy of the entire social order has been called into question. These militant "progressives" have become convinced that only a radical break with the past—the rejection of the Western liberal-democratic and pluralistic model identified with the United States—and drastic changes in the social structure have a chance of resolving otherwise insoluble problems. Thus, there has been a shift in the internal ideological and political balance in favor of radical nationalist solutions that are bound to include a strong anti-U.S. component.

The Carter Administration's efforts to dissociate the United States from the repressive actions of unpopular governments, notably in Central America, unfortunately have not been accompanied by a well-conceived, forcefully executed plan for a transition to friendly, democratic governments. The result has been the weakening of oppressive authoritarian governments, the strengthening of the revolutionary left, and consequent acceleration of the armed struggle. What Nicaragua has demonstrated is that when a popular struggle against despotism is located within Carter's narrow human rights framework, which tends to legitimize the revolutionary left and ignores America's geopolitical interests, it is much easier for Marxist revolutionaries, hostile to the United States, to gain influence in the popular rebellion and seize control of the country.

Although Havana's role should not be exaggerated, Cuba's ideological inspiration and encouragement of revolutionary change (more circumspect and effective than in the sixties) have contributed to the shift to the left in parts of the eastern Caribbean as well as to the strength of the revolutionary struggle in Central America. Cuba has been providing mainly tactical advice and military training to pro-Cuban revolutionary groups, on an increasingly selective basis, in Central America and the Caribbean for two decades. Havana has kept alive revolutionary hopes until the objective conditions for revolution have finally emerged, playing an active not passive part in the regional radicalization process. Meanwhile the United States consistently has failed to use its political influence and economic resources with understanding and intelligence to strengthen friendly forces.

The Carter Administration has given a free hand to Cuban expansion in the insular Caribbean and in Central America by its general neglect and by the way it has pursued normalization of relations with Castro. Intent on rapproachement with Cuba, the Administration reacted weakly to such provocative actions by Castro as training and arming Caribbean (and Third World) revolutionaries, sending military advisers to Grenada and Nicaragua, hosting a Soviet combat brigade as well as Soviet intelligence forces.[7] Thus, in the Caribbean basin there is a generalized perception of U.S. retrenchment, drift and confusion, and a widespread conviction that the Carter Administration will not intervene to defend America's friends or interests. The image of America is that of a declining power while Soviet and Cuban supported "socialism" is increasingly viewed as the wave of the future. It should come as no surprise that America's friends feel alone and abandoned, and that a steadily increasing number of states (most recently Grenada and Nicaragua) are developing close ties with Cuba and the U.S.S.R. and adopting foreign policies less friendly, if not openly hostile, to the United States.

Nevertheless, there also is a countervailing perception in the region that Cuba is a bankrupt, mismanaged, and repressive Communist state completely dependent on the U.S.S.R. Cuba's support for Russia's invasion of Afghanistan undermined Castro's credibility as a leader of the so-called non-aligned nations, and the recent refusal to honor the right of political asylum has set back Cuban relations with the Latin American countries, especially Costa Rica, Peru, and Venezuela.

The fact that over 110.000 Cubans, most of whom were raised and indoctrinated in communism under Castro's rule, left the island to seek refuge in the United States between April and June 1980 dramatically demonstrated widespread disaffection with Castro's politically repressive and economically backward regime. This popular rejection of Cuba's Communist police state and "economic

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Footnotes at end of article.

model" was the most serious setback that Castro has suffered since the revolution. It dealt a serious blow to Castro's carefully cultivated image of a popular leader of a successful revolution.

CUBA AND THE CORRELATION OF FORCES

Castro is a self-declared enemy of the United States, allied to the Soviet Union, dedicated to undermining U.S. interests and influence throughout the Caribbean and in the world, and serves as Moscow's proxy or "sub-imperialism" in the Caribbean. Castro gave Russia its first foothold in the "strategic rear" of the United States, which is proclaimed as marking another major advance of the world Communist system in its continuing struggle with the United States. Moscow and Havana consider that by permitting the survival of the Cuban revolution, which has strengthened Marxist influence in the Hemisphere, the United States committed a fundamental "strategic error" for which it is now paying.[8]

The Caribbean is a region where the U.S.S.R. believes that the "correlation of forces" is tilting inexorably in favor of communism and against U.S. "imperialism" and "capitalism." The relative power and influence of the United States is perceived to be on the decline at the global level and in the Caribbean basin, America's own backyard. Marxist-Leninist ideology links events in the Caribbean area—the extent to which communism is strengthened and the U.S. weakened—directly with the global distribution of power between Moscow and Washington. In short, Moscow and Havana have a geopolitical and strategic perspective on events in the Caribbean that is lacking in Washington.

Havana and Moscow believe that the favorable anti-capitalist and anti-U.S. trend in the region is due fundamentally to the continued survival of the Cuban revolution and is reflected in the encouraging response in Latin America that Cuba has received in the 1970s to its efforts to restructure inter-American relations on more independent lines, and to exclude the United States from regional councils such as the Latin American Economic System (SELA). The leftward shift in Jamaica, Guyana, Grenada, Nicaragua, and a few of the smaller islands as well as the adoption of "non-alignment" and close ties with Cuba are singled out by Havana as evidence of this favorable trend.

The expanding diplomatic and commercial ties with the U.S.S.R. and Eastern bloc countries, the unopposed expansion of Soviet-Cuban military cooperation and subversive activities (especially penetration of key targets such as the universities, trade unions, mass media, and the church), the growing military strength of Cuba reflected in its arms modernization, combat experience in Africa, and acquisition of enhanced naval capabilities, and the emergence of Cuba as a supplier of arms and military advisers to Grenada and Nicaragua—all of these are considered by our adversaries as additional evidence of "advancing socialism" and American weakness.

CUBA'S MILITARY BUILDUP

In the past few years, the U.S.S.R. has provided arms and training to upgrade and modernize the Cuban armed forces beyond any conceivable defensive requirements. Moscow has provided a free gift of aircraft (MIG–23s and IL–14s), naval craft (guided missile boats, hydrofoil patrol craft, and a diesel-powered attack submarine), and various types of other weapons.

In 1978, the Russians added a new pier and barracks to the naval support facility they constructed in the early 1970s at Cienfuegos, and clearly intend to use it as a base for their surface warships and submarines if unopposed by the United States. Cuba is also receiving Soviet assistance to strengthen its role as a military and revolutionary training center for Latin America, Africa, and the Middle East.

Cuba has been transformed into a valuable Soviet intelligence base, providing a home for Soviet reconnaissance aircraft, electronic intelligence gathering ships, and a sophisticated electronic listening post that monitors U.S. military communications. The Soviet naval presence in Cuba, the 3,000-man combat brigade, pilots flying Cuban aircraft, and the KGB's direct control of Cuban intelligence provides further evidence of the intimate, closely coordinated nature of Soviet-Cuban military and intelligence ties.[9]

In the 1970s, Cuba was integrated into the U.S.S.R.'s worldwide political and military network for the support of "liberation movements" in the Third world, and to consolidate the power of newly-installed Marxist regimes friendly to Moscow. At present, 50,000 Cuban combat troops and military advisers are deployed in support of the new Russian imperialism in Africa and the Middle East. In mid-February 1980, an additional 1,200 Cuban troops were dispatched to South Yemen to reinforce the Russian foothold in the oil-rich Arabian peninsula.[10]

For these services as Moscow's junior partner in the Third World, Castro has received large subsidies from the U.S.S.R. and Eastern European countries to sustain the nearly bankrupt, inefficiency managed Cuban economy and to offset the budgetary strain of maintaining a large overseas expeditionary force. In 1978, Cuba received a commitment of $4.5 billion a year from the U.S.S.R. and socialist bloc, making Cuba one of the most heavily subsidized countries in the world on a per capita basis ($450 per year per capita).[11]

The enlarged flow of subsidies, grants, and technical aid no doubt was intended as a reward for Cuba's costly military involvement in Africa. In effect, the U.S.S.R. is paying Cuba to provide military manpower for frontline support of Moscow's foreign policy in areas where an overt Soviet military presence would invite western reaction. At the same time, Castro appears to do Moscow's work willingly since it also furthers his interest in leading an anti-U.S. bloc in the so-called non-aligned movement and enhancing his image as a Third World leader, despite Cuba's obvious Soviet-client status. While some Cuban adventures overseas are motivated by internal factors at least partially independent of Soviet policy, Havana's massive military and economic dependency makes impractical any large-scale Cuban involvement in Africa, or elsewhere, that is opposed by the U.S.S.R.

The deliberate expansion of Cuban and Soviet military capabilities in America's backyard, and their coordinated effort to create a hostile bloc of states, has increased significantly the possibility of a dangerous great power confrontation in the Caribbean in the 1980s. Growing Soviet self-confidence and assertiveness and the perception of American weakness and retreat have improved the likelihood that the Caribbean will become a more active theatre of East-West competition and conflict. Soviet-supported Cuban military intervention in the region—for example, at the request of a radical Marxist regime about to be overthrown—can no longer be ruled out. Only a few years ago this was inconceivable but circumstances have changed to our detriment. The shift in the global strategic-military balance in favor of the U.S.S.R., and the unopposed growth of Soviet-Cuban military power a few miles from the American mainland, provide a stronger shield for Cuban interventionism and subversion in the region.

CUBA'S REVOLUTIONARY SUPPORT ROLE

Despite the deceptive efforts of Moscow and Havana to project a reassuring image of normality, both countries cooperate closely (assisted by Czechoslovakia and East Germany as needed) in providing clandestine assistance to the "anti-imperialist" revolutionary process as part of their joint long-term strategy of undermining U.S. interests in the Caribbean. This long-term strategy, which is pursued with skill and tenacity, in no way conflicts with a policy of taking advantage of favorable situations that unexpectedly present themselves.

Within and outside the Carter Administration a more simplistic vision predominates. Here, Moscow and Havana are viewed as acting more or less independently of each other, capitalizing on nationalist reaction against America's dominant regional position, and responding to the occasional "target of opportunity." However, the United States is not facing an essentially reactive strategy but a more complex one that has long-term dimensions as well, including Moscow's and Havana's efforts to influence the internal politics (hence foreign policies) of Caribbean basin states through blandishments, subversion, and support for revolutionary violence.

A rapid review of Cuba's direct, continuous involvement in assisting the anti-U.S. revolutionary process in the Caribbean and Central America illustrates this point:

In Puerto Rico, Cuba has been supporting the independence movement which is Marxist in orientation and strongly anti-American. Cuba's strategy of weakening the American position in the Caribbean includes the establishment of an independent "socialist" Puerto Rico, the dismantlement of U.S. military installations, the nationalization of U.S. investment, and the elimination of U.S. influence. In pursuit of these objectives, Castro has trained members of the Puerto Rican FALN (Armed Forces of National Liberation), a Marxist-Leninist terrorist group which has carried out over 60 terrorist operations, including numerous bombings, in New York and Chicago.[12]

In Panama, Castro has strengthened his ties with Omar Torrijos' nationalist government as a result of Cuba's effective support for Panama's effort to gain sovereignty and full control over the Panama Canal and Canal Zone. Here again, a major Cuban interest is the expulsion of U.S. military bases and personnel from the Isthmus, which is viewed by the revolutionary left as further weakening America's ability to defend its friends in the region. During the Nicaraguan insurrection against the Somoza regime, the Torrijos government assisted Castro in transshipment of Cuban arms, ammunition, and trained reinforcements to the Sandinista rebels.[13]

Guyana and Jamaica have been targeted by Cuba for special attention. Castro has personally cultivated the political leaders of both countries since the early 1970s. In Jamaica, there has been a steady increase in Cuba's official presence and influence, the latter being particularly evident within Prime Minister Michael Manley's own party. Following the early contacts between Castro and Manley, Cuba began to provide technical assistance in building schools, micro-dams, and hospitals while some members of the Jamaican security forces were sent, along with students and youths, to Cuba for training. Cuba also intervened in the 1976 Jamaican General Election, giving tactical advice and actively supporting Manley's re-election.[14] Jamaica's foreign policy has shifted to close alignment with Cuba.

Grenada's foreign policy has shifted against the United States and the West since the coup which brought Maurice Bishop to power in early 1979. Castro was cultivating Bishop long before then and seems to have coordinated the defense of the revolution even before the takeover. Within a few days of Bishop's seizure of power, Castro provided him with military assistance (arms and advisers). According to U.S. intelligence

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Footnotes at end of article.

sources, two military camps in Grenada are entirely under Cuban control, and Grenada's new 3,000 man Popular Revolutionary Army is being trained by 50–60 Cuban advisers. Cuban soldiers are also believed to be protecting Bishop from a possible countercoup.[15] Grenada now follows faithfully the Cuban foreign policy line, opposing the U.S. military presence in Guantanamo, supporting Puerto Rican independence, and even endorsing the Soviet invasion of Afghanistan. Grenada was the only Western Hemisphere nation that joined Cuba and other Soviet clients on January 14, 1980 to vote against the U.N. General Assembly resolution requesting the withdrawal of foreign troops (i.e., Russian troops) from Afghanistan.

Nicaragua's Marxist, pro-Cuban Sandinista leaders seized power from Somoza with substantial assistance from Cuba, as well as Costa Rica, Panama, and Venezuela. From the early 1960s to the collapse of the Somoza regime on July 19, 1979, Castro provided continuous support to the Sandinistas: guerrilla training, arms and ammunition, political guidance, funds, and a safe haven. In the final months of the Sandinista offensive in mid-1979, Castro not only stepped up the shipment of arms, ammunition, and guerrilla reinforcements, but a brigade of 200 Cuban military personnel were reported by the Pentagon to be in neighboring Costa Rica carefully supervising the final phases of the anti-Somoza struggle and organizing the air drops and movements of men and supplies.[16]

Cuba's unopposed military intervention, and the Carter policy of halting all external supplies of arms and ammunition to Somoza, were decisive factors in the final collapse of the Somoza regime. Within six months of the Sandinista victory, Castro had sent scores of military advisers to train and indoctrinate the new Sandinistra People's Army, hundreds of teachers and specialists to help restructure the educational system along Communist lines, and thousands of Cuban officials to work throughout the public administration. Thus, by the end of 1979, Cuba had a larger official presence in Nicaragua than the United States has had at any time since the 1930s.

In El Salvador and Guatemala, Cuba has been providing training and other assistance to various guerrilla groups in an effort to install pro-Castro regimes. As the anti-Somoza offensive gathered force in 1978–79, Cuba stepped up the training of guerrillas from El Salvador, Guatemala, and Nicaragua. According to U.S. intelligence sources, Cuban officials met with guerrila leaders in Central America (and in Cuba) to provide political guidance and tactical advice.[17] In El Salvador, the three largest Marxist guerrilla groups (Popular Liberation Forces, Popular Revolutionary Army, and Armed Forces of National Resistance) and the major leftist organizations (Popular Revolutionary Bloc, United Popular Action Front, the February 28 Popular Leagues, and the National Democratic Union, a Communist Party front) have refused to cooperate with the reformist civilian-military junta since they clearly are more interested in power for themselves than in political and social reform.

The French government has accused Cuba of fomenting unrest in Martinque and other French overseas territories (Guadeloupe and French Guiana) in the Caribbean, providing political and financial aid to the independence movements, and serving as a Soviet staging post for spreading communism throughout the region.[18]

The above sketch shows that Castro, with remarkable tenacity and despite changes of tactics, has never wavered from his long-term ambition of extending his influence throughout the Caribbean basin, undermining America's position in the region, and forging a confrontational coalition of states opposed to the United States.[19] Cuba cannot be blamed for the social unrest and political violence directed against repressive regimes or for the rising anti-American sentiment and antagonistic foreign policy postures adopted in the region. These derive largely from internal factors and conditions which Cuba attempts to exploit. However, Havana has never ceased giving a clandestine push to the armed revolutionary struggle and the "socialist" process whenever possible in the hope of speeding up internal change and fortifying anti-U.S. currents.

Most disturbing is the fact that Cuba through the years has been able to pursue this policy at relatively little cost in terms of punitive American reaction. In fact, Carter's coercive diplomacy has not been directed against Cuba but applied to Latin American countries friendly to the United States such as Argentina, Brazil, and Guatemala. In the interest of an illusory detente with Cuba, the Carter Administration has chosen to ignore Castro's cautious, low-profile, but nonetheless effective, role in the anti-U.S. radicalization process in the Caribbean area.

CARTER ADMINISTRATION ADRIFT

As President Carter's first term comes to an end, it is clear that his Administration is adrift. It has not developed a conceptual framework for analyzing the changing regional realities and for providing a sense of direction for American policy. Failure to follow through on its promises in the insular Caribbean have only raised false expectations among our neighbors which have turned to disappointment and bitterness. The Administration's penchant for sporadic, highly publicized responses to immediate dangers unfortunately do not add up to a coherent, effective policy. In the eyes of posterity, it will seem that the United States has been buffeted by the forces of history. The Carter Administration has been incapable of taking actions that shape reality in ways compatible with our interests.

The Carter Administration's inability to formulate and sustain a coherent policy for the Caribbean basin is clearly illustrated by its initial single-minded preoccupation with the Panama Canal Treaty process to the neglect of threats to U.S. interests emerging in Central America. The Central American region received little attention until the Marxist-led Sandinista guerrillas seized the leadership of the anti-Somoza insurrection in Nicaragua. The Administration was compelled to attempt to mediate a transition to a moderate, democratic government as a replacement for the Somoza regime when it was already late, and then offered negotiating proposals that had no chance of success. In the aftermath of the Sandinista victory in July 1979, and the quickened pace of revolutionary violence in the area, the Carter Administration moved to support the democratic and reformist forces in El Salvador and Guatemala as an alternative to the extremes of right-wing oppression and Marxist tyranny. Again, there are indications that the too-little, too-late approach of the Carter Administration may make radical solutions unavoidable.

The Carter Administration's approach to the Caribbean area has been inconsistent and characterized by vacillation between a policy of globalism and neglect and one of special relationship and concern; from one of rhetorical non-intervention to one of active interference in the internal affairs of countries such as Nicaragua and El Salvador; from one of indifference to Soviet-supported Cuban militarization and political expansion to one of confused and ineffectual reaction to Cuba's military ties with the U.S.S.R. (over the Soviet combat brigade in Cuba). The Administration has underestimated the Soviet-Cuban offensive in America's own backyard. It has conveyed a sense of weakness and instability which has dismayed our friends and emboldened our adversaries. And it has exercised questionable judgment in responding to challenges, and assumed an essentially reactive posture in the area.

U.S. POLICY GUIDELINES

In conclusion, it is indisputable that the United States faces a complex political challenge in the eastern Caribbean and Central America that has elements of East-West rivalry, North-South conflict, and regional political and ideological struggle which the Carter Administration has failed to grasp. An effective U.S. response must be as subtle and complex as the challenge itself, and based upon a sound geopolitical analysis and consistent policies that are sensitive to the local realities.

The following proposals are advanced for consideration as elements of an approach toward the Caribbean basin in the 1980s that is centered on (1) the shaping of a more cooperative bilateral relationship with the countries of the area, and (2) the containment of Cuba as long as Castro's hostility continues.

REGIONAL COOPERATION

The United States should pursue an active policy of political and economic cooperation with the many states of the Caribbean basin, and in particular with the smaller states of the insular Caribbean. The following actions should be considered:

Grant preferential trade access to friendly countries whenever possible and significantly expand bilateral economic assistance. Bilateral assistance should be given the highest priority because it appears to be the preferred form of aid in much of the Caribbean, and because it provides a visible, tangible expression of U.S. friendship.

Strengthen the Organization of American States (OAS) as an instrument of economic cooperation between the member states and explore the possibility of establishing new OAS mechanisms of cooperation, such as a special Caribbean Development Fund, that is directed to the alleviation of problems of structural unemployment in the region.

Establish a Caribbean Council composed of Heads of State and Foreign Ministers of the countries of the region to meet regularly to discuss the special problems of Caribbean economic cooperation and development. The Council would not duplicate the work of the OAS, but would provide a regular forum for the exchange of ideas and proposals that could be followed up by other regional institutions such as the Caribbean Development Bank, the Inter-American Development Bank and the OAS, or bilaterally between the U.S. and the country concerned.

Support a program of economic reconstruction for Nicaragua only if the Sandinista leaders abandon their policy of hostility toward the United States and show a genuine desire for a cooperative relationship based on mutual respect. There are increasing signs (the resignation of Violeta Chamorro and Alfonso Robelo, the two non-Marxist members of the five-man junta and the domination of the Council of State by the pro-Castro Sandinistas) that the Nicaraguan revolution is moving toward the Cuban model of a repressive police state. We should be under no illusion that the Marxist takeover in Nicaragua will not create the gravest foreign policy problems for the United States, for democratic, pro-U.S. forces in the Central American-Caribbean area, and for the rest of Latin America.

Take positive steps to discourage those countries that believe they have more to gain from a policy of confrontation—a policy of undermining and challenging legitimate U.S. interests—than from one of constructive, friendly cooperation. In particular, we should make it clearly understood that we will intervene decisively against any challenge to our vital interests and that we will take ac-

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tion to defend ourselves against any country that interferes in our internal affairs by supporting terrorist operations within the United States, or by intervening in U.S.-Puerto Rican relations.

Show a sensitive understanding of those countries that undertake radical reforms at home or experiment with socioeconomic models, and judge them mainly by the policies they adopt toward us. At the same time, the United States should make clear its preference for democratic government, while eschewing the public and coercive human rights diplomacy of the Carter Administration.

Give highest priority to taking appropriate action to strengthen friendly democratic forces, encourage unpopular and repressive regimes to institute free elections and an orderly transfer of power, and consolidate the power of reform-minded governments that face left and right-wing violence. The United States may find it necessary to enforce a political solution if the alternative is civil war and the capture of power by another Marxist regime in Central America.

CONTAINMENT OF CUBA

The United States should oppose the expansion of Hanava's military ties with countries in the region since Cuba's armed forces are an ancillary arm of the Soviet military and should be treated as such. The cost of Cuba's overseas military adventures—its role as a military proxy for the U.S.S.R.—should be sharply increased. In this respect, consideration should be given to the following actions:

Establish a Radio Free Cuba to inform the Cuban people of Castro's overseas involvement, its cost in lives and suffering to the Cuban people, its effect on Cuban living standards, and to counter Cuban propaganda against the U.S. and its friends in the area.

Press for the release of the remaining political prisoners in Cuba (many of whom suffer from cruel and inhuman treatment, inadequate diet, and lack of medical attention); the continuation of family visits to Cuba; respect for the right of political asylum and the orderly exit of Cubans seeking freedom and a better life. The United States government should carefully screen all Cubans seeking asylum, preferably in Havana, before granting them the right to reside in this country.

Restrict U.S. tourism to Cuba to humanitarian and family visits in order to reduce the estimated $50–70 million in foreign exchange earned in 1979.[20]

Increase the surveillance and strengthen intelligence activities directed against Cuba and Cuban subversive operations in the Caribbean basin.

Provide arms and other assistance to anti-Castro forces fighting against Cuba's military involvement in Africa (support should be given to UNITA's—National Union for the Total Independence of Angola—struggle for the liberation of Angola), and elsewhere.

Permanently upgrade the U.S. naval presence and base structure in the Caribbean basin; maintain close surveillance of Cuban and Soviet naval movements; increase cooperation with the Coast Guards and Navies of the Caribbean basin states; and strengthen the defense capabilities of the U.S. naval base at Guantanamo.

Mobilize bipartisan support behind a U.S. policy of linking Cuba's overseas military expeditions, Soviet troops in Cuba and the use of Cuba as a Soviet military, intelligence, and revolutionary support base to the process of Soviet-American detente.

Request an investigation by the United Nations, the OAS, and other agencies concerned with human rights violations of the reported involuntary transplanting of thousands of youth from Africa, the Middle East, and Latin America to Cuba's Isle of Pines to receive Communist political indoctrination along with technical training.

As a general principle provide no economic assistance or special access to the U.S. market for those countries that align themselves openly with Cuba and the U.S.S.R., interfere in U.S.-Puerto Rican relations, accept Cuban or other socialist bloc military assistance (arms and advisers), or allow their territories to be used as a base for revolutionary violence and subversion.

There can no longer be any doubt that our adversaries are attempting to weaken and isolate the United States, to create a hostile bloc of states aligned with impunity against us, to undermine America's security and prestige, and to test our will in a sensitive security zone. The United States is the object of political warfare, a war in which a correct analysis or understanding of the underlying trends, or indeed of the very nature of the challenge, is conspicuous by its absence in Washington. We are running the risk of a major confrontation with Russia in the Caribbean unless we adopt an effective policy of political deterrence.

In considering the U.S. response to the challenges facing us in the Caribbean it is important to recognize:

That few of the new "progressive" leaders emerging in the insular Caribbean are ideologically committed to doctrinaire Marxist solutions but are seeking foreign aid from any quarter. While Soviet-supported Cuba is attempting to subvert the social revolution underway in the Caribbean area, whether or not the new leaders are driven into the Soviet-Cuban camp depends more on the United States and Western actions than on Havana. Therefore, it is essential that U.S. policy focus on ways of constructively assisting the Caribbean states with their socioeconomic problems and creating a cooperative bilateral relationship.

That the prospect for improved relations with Cuba depends fundamentally on Fidel Castro. There is little interest in the United States in a posture of permanent hostility, but Cuba must be judged by its foreign policy toward America. U.S. efforts to reach an accommodation with Cuba since the mid-1970s failed to moderate Castro's obsessive anti-American stance and met with stepped up anti-U.S. activities in Africa and the Western Hemisphere. As long as Cuba pursues a policy of deception, confrontation, and indirect aggression, then U.S. efforts should be directed at the immediate containment of Cuba. Our longer-term objective should be the reintegration of a free and democratic Cuba into the Western Hemisphere system.

FOOTNOTES

[1] For example, independence was achieved in St. Vincent, the Grenadines, and St. Lucia in 1979; Dominica in 1978; Grenada in 1974; Barbados and Guyana in 1966; and Jamaica and Trinidad and Tobago in 1962.

Footnotes 2 and 3 not available.

[4] Ian Mather, "Castro Puts Care into Caribbean," The Observer (London), September 16, 1979.

[5] The Carter Administration failed in its attempt to replace the Somoza regime with a moderate democratic government because of a fatal misunderstanding of Somoza's psychological makeup which led to the support of counterproductive negotiating proposals. The tactical proposals that the Administration advanced bilaterally and through the multilateral mediation process—requiring Somoza's immediate resignation and involuntary exile—could not have been better designed to provoke Somoza's unyielding opposition and thwart the Administration's own objective. The U.S.-sponsored "political solutions" were perceived by Somoza as deeply wounding and intolerable blows. As a result they assured that Somoza would fight for his survival with fierce determination—as in fact happened—rather than accept removal from power under such abject and humiliating terms.

If the Administration was on the wrong track, how could a transition have been arranged? The key to breaking the stalemate between Somoza and the moderate opposition in the early fall of 1978 was to devise a face-saving formula, a golden bridge, which Somoza could accept and the opposition embrace. While this was no easy matter, there is little doubt that interesting possibilities were never fully explored. For example, my "early election" scenario, under which Somoza would agree to hold a special presidential election in the first few months of 1979, circulated in Washington in September-October 1978. This proposal did not envisage Somoza's immediate resignation. At the same time, no Somoza family candidate could stand for election and all Somoza family members would be required to resign from the National Guard. For the election to be credible and elicit opposition participation, the organization and supervision of the electoral process had to be shared with representatives of all democratic forces. International observers would monitor the voting and the United States would guarantee Somoza's departure. This constitutionalist plan received a favorable unofficial reception from Somoza and important figures in the democratic opposition, but was not taken up by the Administration. Details of this proposal were outlined in my speech before the Pan American Society of New England in early November 1978, at the M.I.T. Faculty Club in Cambridge, Massachusetts. It was subsequently published in the Latin American press. See, for example, my article "Nicaragua en Crisis," El Mercurio, February 9, 1979.

[6] That it is possible for democratic government to take hold in Latin America despite a long tradition of military rule was demonstrated by Venezuela. Following half a century of almost uninterrupted dictatorship, Venezuela was able to create one of the few stable democracies in the region after 1958. Venezuela has managed five peaceful transitions of power through free elections (1958, 1963, 1968, 1973, and 1978.)

[7] The Carter Administration has tended to ignore, at least publicly, Grenada's and Nicaragua's expanding military relations with Cuba after being rebuffed in its efforts to discourage such ties. In Nicaragua, the Administration has been inhibited by the fear of accelerating the radicalization of the revolution and driving Sandinista leaders into the arms of Cuba and U.S.S.R., something which had already occurred by the beginning of 1980.

[8] In March 1975, Dr. Carlos Rafael Rodriguez, then Cuban Vice Prime Minister for Foreign Affairs and influential Moscow-line Communist, told the author: "The United States made a serious strategic error in permitting the Cuban revolution to survive. Of that I am certain."

[9] See James D. Theberge's "Soviet Espionage and Political Subversion," Chapter 7, Russia in the Caribbean, Center for Strategic and International Studies, Georgetown University, Washington, D.C. (1973).

[10] AP dispatch, International Herald Tribune, February 14, 1980.

[11] Dan Fisher, "Moscow Values Cuba-Policy Dividends," International Herald Tribune, October 5, 1979.

[12] See statement of Senator Daniel P. Moynihan (D-N.Y.) concerning FALN terrorist training in Cuba. Congressional Record, August 4, 1977, p. S13766.

[13] Cord Meyer, "Cuban Support for the Sandinistas," The Washington Star, July 2, 1979.

[14] For details see Mather, *op. cit.*

[15] AP dispatch, Miami Herald, September 21, 1979.

[16] Richard Burt, "U.S. Asserts Cubans Are Supplying and Training Rebels," New York Times, June 23, 1979.

[17] New York Times, October 26, 1979.

[18] "France Sets Discussion with Cuba: Havana Said to Stir Unrest in Caribbean," International Herald Tribune, March 21, 1980.

[19] Cuba continues to serve as the main revolutionary support base in Latin America although on a reduced scale compared to the 1960s. During the 1960s, Castro's tactic for breaking out of diplomatic isolation was to attempt to export revolution to neighboring countries. The failure of the Cuban-supported armed struggle abroad, economic difficulties at home, and increased Soviet leverage in Havana forced Castro to mend his fences with the Kremlin and shift tactics, providing more selective and covert support (including guerrilla training, arms, and money) for revolutionary violence and seeking to normalize relations in the region. This new policy was more to Moscow's liking. See Theberge "Soviet and Cuban Support for Revolutionary Violence," Chapter 8, Russia in the Caribbean, *op. cit*.

[20] Based on an estimated 100,000 U.S. visitors to Cuba in 1979, according to U.S. Department of State.

JOYCE MILLER

● Mr. MOYNIHAN. Mr. President, yesterday the AFL–CIO executive council elected a new member, Joyce Miller. Mrs. Miller has served the labor movement well, both as a vice president of the Amalgamated Clothing & Textile Workers Union, and as president of the Coalition of Labor Union Women.

Though she hails from Chicago, she has become an adopted daughter of New York, working out of the Amalgamated's headquarters in Union Square. She is well known to the trade unionists of New York, and she has become one of the most admired figures within the American labor movement.

I am sure that Mrs. Miller will serve with great distinction on the AFL–CIO executive council.

This morning the New York Times published a profile of Mrs. Miller. I ask that the text of that article be printed in the RECORD.

The article follows:

BELIEVER IN EQUALITY, ABILITY, SORORITY

(By Damon Stetson)

Joyce Dannen Miller, who yesterday became the first woman to be elected to the Executive Council of the American Federation of Labor and Congress of Industrial Organizations, has been a champion of affirmative action in unions and in the workplace. But at the same time she has emphasized that ability to do the job should be the only criterion for employment and promotion.

She has long supported and strived for the organization of women who work, contending that union activity will help women achieve equal rights. "There is no greater road to equality than to be covered by a union contract," she has said.

She had no inkling that she had been elected to council membership, she said yesterday, until she received a call from Thomas R. Donahue, secretary-treasurer of the A.F.L.–C.I.O. She was vacationing near Aspen, Colo., but quickly flew to Chicago, where the council has been meeting.

"A WONDERFUL MOVE"

"I feel absolutely wonderful, not just for myself personally but for working women and union women," she said. "I think it's a wonderful move."

Mrs. Miller is also president of the Coalition of Labor Union Women, a nationwide organization of some 12,000 members that supports increased participation of women in politics and unions. She has been closely identified with the drive for approval of the proposed equal rights amendment, broadened child-care facilities, national health insurance and full employment.

A tall, dark-haired woman with a friendly manner, Mrs. Miller is described by some who have worked with her as assertive, "pretty gutsy" and "efficient but not officious." Associates emphasize that she is well liked and has worked harmoniously within the Amalgamated Clothing and Textile Workers Union, which she serves as a vice president and director of social services. Friends say that she is an excellent administrator, even though she travels much of the time and is away from her office in Union Square here and her home in Guttenberg, N.J.

A NATIVE OF CHICAGO

Mrs. Miller was born in Chicago on June 19, 1928. She attended the University of Chicago and received a bachelor's degree in 1950 and a master's in 1951. While a student she worked on an assembly line making gumballs for penny vending machines, then took a job as a wrapper at Marshall Field & Company before enrolling as an intern at a summer camp of the United Automobile Workers.

Of her early experience, she once said, "I came to the labor movement with stars in my eyes. I saw it as vehicle for social change, and I've never changed my mind."

She worked in a variety of union, consumer and teaching jobs after marrying Jay Miller and while bringing up three children, Joshua, Adam and Rebecca. The problems of taking care of her children, especially after she was divorced in the mid-1960's, intensified her interest in improving child-care programs for working mothers.

HELPED SET UP A ROLLS-ROYCE

Her jobs with Amalgamated before it merged with the Textile Workers Union of America in 1976 included a stint as education director for the Pittsburgh Joint Board and as director of education and social services for the Chicago Joint Board. A day-care center that she helped set up in Chicago was characterized in a Government report as "the Rolls-Royce of day care."

As Amalgamated's social services director, she has been concerned with developing day-care centers, helping workers with alcoholism problems, assisting retirees and coordinating retiree centers throughout the country.

Lane Kirkland, the federation's president, said he thought the election of Mrs. Miller was "a good thing" and that he hoped women and blacks would become presidents of international unions and eligible for the council.

As for Mrs. Miller, she said at a news conference that she would be a spokesman for all workers, particularly women. "The appointment of a woman to the council at this point is just an example of the trade union movement responding to the needs" of women, she said. Then she hurried off to her first council meeting, saying, "I don't want to be late." ●

JOBS PROGRAM

● Mr. HART. Mr. President, when the Democratic Party held its convention in New York last week the debate on the platform focused on what has long been one of the Democrats' strongest concerns: the unemployed. Since passage of the Humphrey-Hawkins Full Employment Act of 1978 full employment has been a principal goal of our Government.

While I share the conviction of my party that full employment is essential to a strong and vital economy, and a meaningful standard of living for all Americans I do not believe the so-called jobs plank adopted last week is the best way to achieve this goal.

The Democratic Party platform, which the administration supports, contains a $12 billion antirecession jobs program. While I favor a program to expand the economy, to reemploy people presently unemployed, and to create many jobs, I oppose the specific program embraced by the administration.

The administration jobs program would rely on a CETA-type program to provide 800,000 additional jobs. The Federal Government would become the employer of last resort. At a time when most citizens of this country, as well as most elected representatives, are trying to trim Federal spending, it is counterproductive to provide a Federal jobs program that increases Government spending.

Rather, I support a jobs program which is focused upon the private sector. These jobs would be permanent, they would add both to the economic output as well as real income in the country.

Such a private sector jobs program would require:

Regulatory reform and tax adjustments for businesses to encourage them to expand in declining industries or areas of high unemployment;

Inflation adjustments to the annual cost of depreciation of plants and equipment. Without inflation adjustments, firms lack sufficient retained earnings to replace capital equipment as it wears out. Hence, new investment does not appear profitable. With reform of depreciation laws, firms will make more new investment in plants and equipment and thereby create new jobs;

Tax incentives for individuals to promote investment in new firms or in firms wishing to expand plant and equipment. This proposal would create a new class of stock called "new capacity stock." A firm would issue this stock solely for the purpose of building new plants and equipment. The first resale of the stock would be exempt from capital gains taxes so individuals would have high incentive to purchase this stock;

Indexing the personal income tax code. Without indexing, there would be $15 billion in increased income taxes next year. With indexing, combined with closing tax loopholes which have outlived their usefulness, consumers' purchasing power will expand to induce industries to make greater investments and expand output.

Federal spending on programs such as mass transit, railroad rehabilitation, energy conservation, solar initiatives will all help to expand employment. I support such programs to the extent they are justified on their own merits, but would not increase them merely to provide more jobs.

The Congress supported the use of tax-exempt municipal bonds to assist in providing mortgages for housing. I have introduced legislation to extend the life of this program, with the support of the homebuilding industry in Colorado.

However, the success of rebuilding the housing industry also depends upon a steady Federal Reserve hand at the helm of interest rate policy. Interest rates must be kept to reasonable levels. We cannot use interest rate policy as a tool to dampen inflation in the country causing a selective depression in the housing and steel industries.

Mr. President, we cannot hope to solve our unemployment problems in any meaningful way until we begin to solve the larger economic problems which are responsible. I believe the approach I have just outlined offers more hope for the unemployed than a new version of a CETA-type program to create 800,000 additional jobs.●

HOW AMERICANS CAN HELP THE POLISH PEOPLE

● Mr. LEVIN. Mr. President, I have been disturbed by the inability of our State Department to articulate the concern that all Americans feel about the events now taking place in Poland. Poland is, as Secretary Muskie said just today, a country with which we have had good relations for a number of years. It is also a country to which 12 million American citizens are linked by family ties.

In light of the historic and personal nature of our relationship to Poland, our response to the current situation there and the threats which that situation creates has been inadequate. I suspect that we are making some progress when we finally begin to officially express concern about the arrest of dissidents, instead of remaining silent. And I also suspect that it is correct for us to refrain from promising more than we can deliver and to continue to focus on the internal nature of the problem.

But we need to do more than that as a nation and as a people. At a minimum, there are two courses of action we should pursue. First, we need to say as a nation that, while we respect the fact that the Polish people and the Polish Government need to work out their current difficulties, other nations should also respect the internal nature of this dispute. We have to make it very clear that our policy of noninvolvement should be matched by other nations.

We are not naive enough to believe that Russia, with tens of thousands of troops and huge volumes of military equipment in Poland, would readily tolerate Polish independence. Nor do we propose to incite or encourage a bloody Russian suppression of that independence. But we are obligated to spotlight the world's attention on continuing Russian repression of Polish independence and the free trade union movement and to express our solidarity with the freedom-loving people of Poland.

As a people, we need to respond to the human plight which a severe food shortage has created in Poland. A shortage which began long before this current strike. That response can come from us as individuals. We need not wait for governmental action. What we should do, as individuals who prize liberty, is call any travel agency having a contract with PKO of Poland for information on how to contribute.

Through long-standing procedures, our checks will be transmitted promptly into food for specified citizens of Poland or specified institutions providing food inside Poland.

We hope the Russians will keep their bear claws off while not being naive enough to believe they will do so. But one way we can show our support is to help the Polish people through the present food crisis they are experiencing.

Mr. President, this current hunger for freedom is one that all Americans can understand. We achieved our freedom with the help of Polish heroes over 200 years ago. And it is one which all Americans, as a people and a government, must speak out on and assist in any constructive way possible.●

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Without objection, the Senate stands in recess subject to the call of the Chair.

The Senate, at 3:57 p.m., recessed subject to the call of the Chair.

The Senate reassembled at 4:31 p.m., when called to order by the Presiding Officer (Mr. Boren).

KENNEDY CENTER APPROPRIATIONS AUTHORIZATION

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Moynihan, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1142.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1142) entitled "An Act, authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert: That subsection (e) of section 6 of the John F. Kennedy Center Act (Public Law 85–874, as amended; 20 U.S.C. 76(1)) is amended by adding at the end thereof the following: "There is authorized to be appropriated to carry out this subsection not to exceed $4,287,000 for the fiscal year ending September 30, 1980.".

Sec. 2. Ralph E. Becker is hereby designated an honorary trustee of the John F. Kennedy Center for the Performing Arts in recognition of his distinguished service as a founding trustee and general counsel for the Center from 1958 to 1976, and the Secretary of the Interior shall place in the grand foyer of the John F. Kennedy Center for the Performing Arts a plaque appropriately honoring this distinguished service of Ralph E. Becker.

Sec. 3. The Secretary of the Interior shall place in the grand foyer of the John F. Kennedy Center for the Performing Arts a plaque appropriately honoring the leadership, talent, and contribution made throughout the years by Roger L. Stevens, Chairman of the Board of Trustees of the John F. Kennedy Center for the Performing Arts, which have made the Center a living memorial to the late John Fitzgerald Kennedy.

UP AMENDMENT NO. 1509

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Moynihan, I move that the Senate concur in the House amendment with a further amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. Robert C. Byrd), for Mr. Moynihan, proposes an unprinted amendment numbered 1509:

In lieu of the language proposed to be inserted, insert the following:

That subsection (2) of section 6 of the John F. Kennedy Center Act (Public Law 85–874, as amended) is amended by adding at the end thereof the following: "There is authorized to be appropriated to carry out this subsection not to exceed $4,287,000 for the fiscal year ending September 30, 1980 and not to exceed $4,400,000 for the fiscal year ending September 30, 1981."

Sec. 2. (a) The Secretary of the Interior shall place at an appropriate location in the John F. Kennedy Center for the Performing Arts a plaque or other device honoring the service of Ralph E. Becker as a founding trustee and general counsel for the Center from 1958 to 1976.

(b) The Board of the John F. Kennedy Center for the Performing Arts shall additionally commemorate the service of Ralph E. Becker as a founding trustee and general counsel for the Center in such manner as the Board shall deem fitting and proper.

Mr. STEVENS. Reserving the right to object, Mr. President, I just want to be sure that this amendment does not deal with the very difficult bond issue that was involved. Is that correct?

Mr. ROBERT C. BYRD. Mr. President, I have been told that the amendment has nothing to do with that.

Mr. STEVENS. I have no objection, Mr. President. The amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

SENATE BILL REFERRED—S. 2216

Mr. ROBERT C. BYRD. Mr. President, on behalf of Senator Kennedy and pursuant to section 3(b) of Senate Resolution 400, 94th Congress, I ask unanimous consent that S. 2216 be referred to the Committee on the Judiciary for not to exceed 20 days.

Mr. STEVENS. Reserving the right to object, is that 20 days in session or 20 calendar days?

Mr. ROBERT C. BYRD. Mr. President, these are 20 days of session.

Mr. STEVENS. We have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Monday, and next week, and there will be 3 days which the Senate will be in session next week, the leadership hopes to call up calendar order No. 734, prevention of domestic violence, S. 1843; calendar order No. 785, export trade, S. 2718; calendar order No. 828, the postal service bill, H.R. 826; calender order No. 796, vocational rehabilitation, S. 1188; and various conference reports. There will be rollcall votes daily.

RECESS UNTIL MONDAY, AUGUST 25, 1980, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in recess until the hour of 10 a.m. on Monday next.

The motion was agreed to and, at 4:39 p.m., the Senate recessed until Monday, August 25, 1980, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Friday, August 22, 1980*

The House met at 10 a.m., and was called to order by the Speaker pro tempore (Mr. WRIGHT).

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

I give Thee thanks, O Lord, with my whole heart; before the gods I sing Thy praise.—Psalms 138: 1.

O Lord, at the beginning of a new day, we offer thanks for Your goodness to us and for the bounty of Your creation. We confess that often we use the benefits of life without expressing appreciation to You, our Creator and Redeemer, in every good and perfect gift. Give us the awareness that from morning light to eventide we will be conscious of Your abiding spirit and ever-present love for us, every day of our lives. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

THE HONORABLE BEVERLY MILLS VINCENT

(Mr. NATCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NATCHER. Mr. Speaker, our former colleague, Beverly M. Vincent of Brownsville, Ky., in the Second Congressional District, died on Friday, August 15, 1980, in the hospital at Bowling Green, Ky. He was buried in Brownsville, Ky.

Bev Vincent was born on March 28, 1890, and was 90 years old at the time of his death. He attended public schools in his home county of Edmonson, and later attended Western Kentucky State Teachers College at Bowling Green, Ky., and the law department of the University of Kentucky at Lexington, Ky. He was admitted to the bar in 1915 and began the practice of law in Brownsville, Ky. Later, he served as county judge of Edmonson from 1916–18. During the First World War, he served as a private in Battery A, 72d Field Artillery, from August 27, 1918 to January 9, 1919. Later, he served as assistant attorney general of Kentucky in 1919 and 1920, and from 1929–33, he was a member of the State Senate in the Commonwealth of Kentucky. He was one of the Presidential electors on the Democratic ticket of Roosevelt and Garner in 1932, and was elected attorney general of Kentucky and served from 1936 until his resignation in March of 1937. As a Democrat, he was elected to the 75th Congress to fill the vacancy caused by the death of Glover H. Cary, and was reelected to the 76th, 77th, and 78th Congresses, and served from March 3, 1937 to January 3, 1945. He was not a candidate for renomination in 1944.

Mr. Speaker, my friend Bev Vincent loved Kentucky and the United States of America. He owned and operated large tracts of land and was delighted to be called a farmer. He was an excellent lawyer and practiced law not only in his own town of Brownsville but throughout the Commonwealth of Kentucky.

His concept of public trust was without parallel, and never did he hesitate to speak out against any proposal which he felt was not sound and not to the best interest of our people. Words are inadequate to fully appraise Mr. Vincent's tremendous capacity for loyalty and love of his country. In every position he held, either private or public, he achieved distinction. His service in all of his assignments was marked by a high sense of conscience and duty. As a Member of Congress, he had those qualities that are essential for leadership, sound judgment, patience, perseverance, and unyielding adherence to the principles and policies advocated by his party for the welfare of the country. His character, his achievements, and his faithful service will be an inspiration to generations yet to come.

I have lost a true friend, and this country has lost a great statesman. To his lovely wife, Vera Vincent, I extend my deepest sympathy in her bereavement.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and public service of the late Honorable Beverly M. Vincent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

A HEALTHY AND CIVIL RELATIONSHIP BETWEEN THE UNITED STATES AND CHINA

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, Ronald Reagan's latest statement on China must have led the Kremlin to jump with glee. Nothing so concerns the Soviet Union as the new relationship the United States has been developing with the People's Republic of China, and Ronald Reagan's new suggestion in terms of altering our relationship with Taiwan can only serve to hearten the Soviet Union, because it will most assuredly cause concern in the People's Republic about U.S. reliability and will give additional ammunition to those in the highest councils of China's Communist Party who wish to remain far removed from any association with the United States.

It would not take an understanding of new math to appreciate what a healthy and civil relationship between the United States and China can mean in terms of blocking Soviet expansionist tendencies in Asia, but apparently Ronald Reagan has not even mastered the old math. It proves what a lot of people have known about Reagan for a long time—he is a dangerous, reckless, and poorly-informed man on foreign affairs. Make no mistake about it, his performance this last week shows it. My heart goes out to George Bush.

SERVICEMEN'S DISRESPECT FOR THE COUNTRY

(Mr. SATTERFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SATTERFIELD. Mr. Speaker, I was astounded to hear this week that a naval official at the Naval Training Center, Great Lakes, Ill., when personnel under his command jeered the National Anthem at the base movie theater responded to their actions by canceling the customary playing of the National Anthem at the evening movie.

Although I applaud the fact that this decision has now been reversed, I feel this initial response to servicemen's disrespect for this country is simply one more instance of failure of leadership in some of the higher echelons of our armed services.

One must wonder—had similar disrespect been directed at the U.S. flag—would that officer have responded by striking the colors?

I hope the Secretary of the Navy and the Chief of Naval Operations will use this fiasco as a basis for building a naval officers corps with more substantive leadership qualities composed of officers who will know instinctively how to respond properly to any such incident in the future.

COMMENDATION OF AMBASSADOR JOHN GUNTHER DEAN

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, I wish to commend the American Ambassador to Lebanon, John Gunther Dean, for his courageous condemnation of the recent raids in southern Lebanon. Not only were Palestinians killed and native Leb-

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☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

anese—some of whom were women and children—but American weapons were again used to attack this beautiful country and its people. Will Congress have the same courage in dealing with this matter?

On another note, the world should unite in applauding the courageous Polish people, especially the workers in seeking economic justice. They know that totalitarian communism has denied them their human rights and economic justice. America should keep a close watch on these courageous Polish people.

COUNTDOWN FOR PEACE—75 DAYS UNTIL NOVEMBER 4

(Mr. GUYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUYER. Mr. Speaker, the countdown for peace is now 75 days until November 4.

We all seem to travel a different direction
And none quite agree how to win an election
Some point with pride; some view with alarm
And some never know what's good for a farm
The arm-wavers jump and cry with emotion
While those on the coast, work for their ocean
The Do-Gooders point with terrific disdain
That shortages of dollars will magnify pain
The biggest of spenders are piously meek
And say that low taxes is what they must seek
The foes of defense want a most peaceful world
And some don't salute when our flag is unfurled
But whatever your stance, or what you believe
Let's make doubly sure, that our words don't deceive
Our defenses are weak, and our image is sad
Our foreign relations are almost as bad
The youth of our land deserve a tomorrow
Without confrontation, or visions of sorrow
So, please Mr. President, to prevent needless harm
Don't trigger an incident, or sound an alarm
Our sons and our daughters deserve a release
From irrational actions that threaten world peace

☐ 1010

AN UNNECESSARY LAMEDUCK SESSION

(Mr. KRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KRAMER. Mr. Speaker, yesterday the House was in session for 9 hours and 47 minutes, and yet we failed to take up the second budget resolution. Today, the announced schedule calls for completion of the Housing and Community Development Act and just one other item. As I understand it, it is the intention of the Democratic leadership to adjourn by 3 p.m. today. This will enable Members to catch planes back to their districts in time to squeeze in a full weekend of campaigning. Meanwhile, inflation continues to eat away at the paychecks of millions of Americans, including our senior citizens. Tackling inflation should be our highest priority, and what we decide on the 1981 budget will signal to the American people what, if anything, this Congress intends to do to hold the line on Federal spending. Mr. Speaker, let us quit playing games. A lameduck session is not necessary. There is still plenty of time to complete work on the budget prior to the scheduled adjournment date of October 4 and, if it cannot be done by then, we should stay here past October 4, even if this means working until the election. Next week represents another opportunity to get started on the second budget resolution. Let us get our priorities straight and concentrate on doing our jobs rather than on saving them.

LET US GET AT IT

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, there can be no doubt that the other body is serious about a tax cut before the election. The vigor and specificity of their effort has surprised even the press, and today their bill will be completed in the Senate Finance Committee in preparation for the floor. The Washington Star quotes an influential Member of the other body as saying after yesterday's deliberations, "The only way they can keep the House from passing it is not to give them a chance to vote on it." I cannot believe our leadership would do that to us. There is a lot of personal political peril for anyone, however powerful, who views himself as a Horatio at the bridge as such a needed measure tried to cross the gulf between one end of the Capitol and the other.

Mr. Speaker, while I agree that a tax bill this year is needed and appropriate, the other body clearly needs the discipline of this body to help them control the details. The measure should be kept simple, and should concentrate on cutting the burden of taxation rather than dealing with all the structural changes that might be desirable for the longer haul. Time is of the essence, and simplicity is a timesaver. We should be cooperating, helping to structure the issue for decision, rather than complicating matters by stonewall tactics. Above all, we should be designing our own version of what is needed, protecting our constitutional prerogative, and proving that we are the people's branch of the Congress in fact, not just in name. How sad it would be to end the 96th Congress negotiating in conference on a "must" bill, part of which was a tax cut for which there was no House version.

POSSIBILITY OF CONSIDERATION OF TAX CUT LEGISLATION IN THE HOUSE

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, yesterday in a meeting of the Committee on Ways and Means, the chairman refused to accept a motion that would begin deliberations on a tax cut bill. That attitude is in sharp contrast to the enthusiasm that has been demonstrated in the Senate.

Apparently, the President and some House leaders do not want tax cuts this year.

The people are a little smarter. They know the question is not a tax cut. They know their taxes are going up anyway. But, they would like to have the increase moderated. The Republicans and all the Senators seem to understand that. Apparently, only the President and House leaders have not gotten the word.

U.S. SUPPORT FOR POLISH HUMAN RIGHTS

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, the administration has made the cause of human rights a basic ingredient of its foreign policy.

Yet, today, as thousands of Polish workers man the barricades in their struggle for the most basic human rights—freedom of speech, independence, and free trade unions—this administration remains silent.

If our commitment to human rights is to retain any credibility in the world, now is the time for us to support the struggle of the Polish workers.

If our commitment to the Helsinki accords is to retain any meaning at all, now is the time for our Government to speak out.

We need to be concerned less about placating the Soviet Union and concerned more about championing the cause of freedom and independence wherever it occurs in the world. We need a policy that consistently supports the struggle for human rights no matter how inconvenient that struggle may be for us.

HOUSING AND ECONOMIC DEVELOPMENT IN URBAN AREAS

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, in 1976 President Carter proposed that we do away with the tax deduction homeowners are allowed to take for the interest they pay on their mortgages, a major deduction for anyone. I now have before me a bulletin from Mortgage Commentary, a weekly newsletter serving institutional mortgage companies, which says that the Democratic platform this year has again called for doing away with this interest deduction. The authors of the platform statement say they want to redirect the effort in housing and to take money out of the pockets of one group to give to another.

Mr. Speaker, Mortgage Commentary goes on to say that this plan should be taken seriously because: It appears on the surface to be similar to the earlier Carter proposal although in some milder form than it was in 1976, and, of course, this time it has won the approval of the Democratic platform.

Mr. Speaker, I think the President and those writers of the platform should assure the American public they are not trying to take this deduction away, and if they are, I believe they need to say so.

MAKING WOOD-BURNING HEATING SYSTEMS ELIGIBLE FOR ENERGY TAX CREDIT

(Mr. EMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMERY. Mr. Speaker, today, I am introducing a concurrent resolution which urges the Secretary of the Treasury, with a recommendation from the Secretary of Energy, to exercise the authority granted him in the Windfall Profit Tax Act, to specify efficient wood-burning heating systems as eligible for the residential energy tax credit.

In the past the House has failed by narrow margins to recognize wood energy as a viable conservation component. I feel that a thorough review of the facts shows that it is. Recent studies clearly demonstrate that a tax credit for wood-burning heating systems meets the conservation and environmental requirements set forth in section 201 of the Windfall Profit Tax Act. It is also my opinion that an incremental savings of 120 million barrels of oil due to a 15-percent tax credit is not something to ignore.

After several meetings between my staff and Department of Energy personnel, I am convinced that the administration is now leaning favorably toward a residential wood energy tax credit based on the efficiency of the wood-burning unit as opposed to basing the credit solely on the purchase price. However, I feel that it is now imperative to express congressional support to help insure that this credit becomes a reality.

I urge your support for this resolution that will work to encourage further development of one of this country's most valuable renewable energy alternatives.

ABSENTEE BALLOTS FOR AMERICAN HOSTAGES

(Mr. EVANS of Delaware asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVANS of Delaware. Mr. Speaker, today I am introducing a sense of the Congress resolution calling on all State election officials to insure that absentee ballots are sent to any American being held hostage in Iran.

Under my resolution, State officials would be asked to check to see if any of our 52 hostages are registered to vote in their States. If so, then an absentee ballot would be forwarded to our Embassy in Tehran for them.

Mr. Speaker, this action would show both our fellow citizens and their captors that America has not forgotten them and that their precious rights of democracy cannot be locked out by a bunch of international hoodlums.

Their participation in the most fundamental activity in a democracy will stand in stark contrast to the tyranny and chaos that continues to exist in Iran.

I hope my colleagues will join me in cosponsoring this important resolution.

CONDOLENCES TO VICE PRESIDENT MONDALE

Now on another issue, Mr. Speaker, the gentleman from Wisconsin (Mr. OBEY) said that his heart went out to George Bush. My heart goes out to WALTER MONDALE. He is not going to be in his residence after January 20, 1981, for a number of reasons, but most importantly because the American people understand that you only bring about peace through strength, through developing better relationships built on respect for one another. They recognize that our Nation needs a consistent, principled, and coherent foreign policy. That is what the vast majority of the American people want.

That is the type of leadership Governor Reagan will give this Nation and it is absolutely essential if we are to achieve a lasting peace in the world.

OUR CHINA POLICY AND A LAMEDUCK SESSION

(Mr. TAUKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUKE. Mr. Speaker, Members of the House, I was amazed that the gentleman from Wisconsin decided this morning that he wanted to make our China policy to be an issue in the upcoming campaign. It occurs to me as I review the record of the Carter administration that the record on China is less than distinguished. It is quite clear the President reacted to Soviet adventurism throughout the world by rushing pell-mell into an embrace-at-any-price with the People's Republic of China. That certainly did nothing to improve the image of the United States in the world or to demonstrate the stability of our foreign policy. Nor did it gain the respect of the People's Republic of China.

Perhaps what is even more amazing than the statement of the gentleman from Wisconsin, Mr. Speaker, is the decision by the Democratic leadership at this very early date to throw in the towel and call for a lameduck session of Congress. It is not that we have been working so hard. It is not that we have been putting in full days or full weeks. It must be that the Democratic leadership wants to duck—or should I say "lameduck"—the potentially troublesome issues before this Congress. The Democratic majority at this stage has decided they would prefer to be campaigning on the homefront than working to solve the major problems of the country here in Congress.

☐ 1020

POLAND SHOULD BE PERMITTED TO SETTLE ITS OWN INTERNAL AFFAIRS

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, at this very moment in Poland, strikes continue to spread, with thousands of workers shutting down dozens of new factories. The Polish people are striking for rights guaranteed them under the International Human Rights Agreement signed by Poland and 35 other nations. The Helsinki accords recognize each nation's right to freely choose and develop its own political, social, economic, and cultural systems. There are sections of the accords which include the right to free trade unions.

Force to break the strike on the part of the Polish Government or the Soviet Government would grossly violate the Helsinki agreement. In November, the United States will join with other consignatory nations in Madrid to review implementation of the Helsinki accords. At this time, let us reaffirm a public commitment to the international agreement and its recognition that fundamental human rights are essential to the preservation of security and cooperation in Europe.

We redrew the borders of Central and Eastern Europe in favor of the U.S.S.R. in order to gain that agreement. It is in the utmost interest of Western civilization to see those agreements upheld.

If you have not already been added as a cosponsor of my resolution expressing the sense of the Congress that the people of Poland be permitted to settle their internal affairs without external intervention, I encourage you to do so, to send a clear signal from the American people to the Soviet Union that we believe the Polish people should settle the fate of their own nation.

FOREIGN AID APPROPRIATIONS BILL IS LOST

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, I am trying to find the foreign aid appropriations bill. The fiscal year 1980 bill, after a lot of hassle on the floor, never has shown up to become finally enacted into law. The fiscal year 1981 bill was approved by the Appropriations Committee nearly 6 weeks ago, but other appropriations bills approved since then are being scheduled on the floor of the House.

The fiscal year 1981 bill has been lost someplace. I realize it is controversial, and I realize that there are a lot of people who might not care to be voting on it or on the amendments prior to election, but I believe the people have the right to know how their representatives feel on the question of aid to Vietnam and to the World Bank. I think we ought to get the 1981 foreign aid appropriations bill on the floor. Let it rise or let it fall on its merits. Let the amendments rise or fall on their merits.

But, let us not fool the American people. Let us not put off controversy until after the election. Let us let our people know how this House and its Members stand on the question of the foreign aid appropriations bill.

LEGISLATION OFFERED TO ENCOURAGE RIGHT TURN ON RED

(Mr. BEARD of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEARD of Tennessee. Mr. Speaker, this morning I will offer a bill to amend the Energy Policy and Conservation Act of 1975 requiring that 70 percent of each State's signalized intersections permit right turn on red if the State is to receive its Federal energy assistance funds.

As my colleagues know, right turn on red was an original provision of the act, and I am happy to report that the vast majority of American municipalities have responded in good faith to this directive. But—as many of my colleagues who drive regularly here in the District of Columbia also know—there is a very costly way a city can get around the law. Here in Washington, all those expensive "no turn on red" signs force the average driver in the city to use about 5 percent more fuel. The D.C. government complains that further implementation of right turn on red would be a safety hazard. Extensive studies indicate that is simply not the case.

The Nation's Capital is not the only offender, and my amendment would rectify the situation saving millions of gallons of gasoline at no cost to the taxpayers.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7036, HEALTH RESEARCH ACT OF 1980

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–1247), on the resolution (H. Res. 765) providing for the consideration of the bill (H.R. 7036) to amend the Public Health Service Act to revise and extend the authorities under that act relating to national research institutes, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR MOTION TO CONCUR IN SENATE AMENDMENT TO H.R. 3904, MULTIEMPLOYER PENSION PLAN AMENDMENTS ACT OF 1979

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–1246), on the resolution (H. Res. 764) providing for a motion to concur in the Senate amendment to the bill (H.R. 3904) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve retirement income security under private multiemployer pension plans by strengthening the funding requirements for those plans, to authorize plan preservation measures for financially troubled multiemployer pension plans, and to revise the manner which the pension plan termination insurance provisions apply to multiemployer plans, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7203, HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE AND NURSE TRAINING AMENDMENTS OF 1980

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–1248), on the resolution (H. Res. 766) providing for the consideration of the bill (H.R. 7203) to amend the Public Health Service Act to revise and extend the programs for the National Health Service Corps and to revise and extend the programs of assistance under titles VII and VIII of such act for the education of health professions personnel, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ATLANTIC TUNAS CONVENTION ACT, FISCAL YEARS 1981–83 AUTHORIZATION

Mr. BREAUX. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2549) to authorize appropriations for fiscal years 1981, 1982, and 1983 to carry out the Atlantic Tunas Convention Act of 1975, with Senate amendments to the House amendments, and concur in the Senate amendments to the House amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments to the House amendments, as follows:

Page 2, line 6, of the House engrossed amendment, strike out "Regional".

Page 2, line 14, of the House engrossed amendment, strike out "1980 and 1981" and insert "1980, 1981, 1982, and 1983".

Amend the amendment of the House of Representatives to the title so as to read: "An Act to authorize appropriations for fiscal years, 1981, 1982, and 1983 for the Atlantic Tunas Convention Act of 1975, and for other purposes.".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. FORSYTHE. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I rise in strong support of H.R. 6310, which will permit the United States to continue as a contributing member of the International Convention for the Conservation of Atlantic Tunas, commonly known as ICCAT. This convention, which was signed in 1966, has 19 member nations which are dedicated to the conservation and management of those species of tuna found within the Atlantic Ocean. Because these species migrate across the boundaries of numerous nations, their effective conservation and management demands international cooperation—and ICCAT provides the forum for that cooperation.

Although ICCAT recommendations to the member nations have not been as strong as some would hope, the plain truth is that international management is the only truly effective way to conserve highly migratory species and international conventions usually require some time in order to achieve the consensus necessary for strict conservation. Without H.R. 6310 the United States would be unable to pay our membership dues and would lose our voting privileges. For all practical purposes that would mean the end of U.S. participation in ICCAT, an organization which this country was instrumental in establishing—an organization without which Atlantic tunas cannot be properly managed.

In addition to authorizing additional funds for ICCAT, H.R. 6310 recognizes the interaction between the convention and the U.S. Fishery Conservation and Management Act. Pursuant to the FCMA, the United States exercises management authority over billfish. The management of billfish, however, requires a detailed knowledge of the nature and extent of the taking of billfish. Complete information cannot be gathered unless U.S. observers are placed aboard those foreign fishing vessels which engage in fishing operations which may result in the incidental harvest of billfish. H.R. 6310 meets the management needs of billfish by requiring the placement of U.S. observers aboard all such vessels—all of which are fishing in the U.S. 200-mile zone under ICCAT authority.

Finally, the legislation before us today directs the Secretary of Commerce to undertake a detailed study of the status of bluefin tuna, including its population level and trends and the extent of taking by U.S. fishermen. Such data will provide significant assistance to fishery managers interested in the conservation of the Atlantic bluefin.

Mr. Speaker, H.R. 6310 provides necessary funding for a significant international convention and I urge its adoption.

Mr. BREAUX. Mr. Speaker, will the gentleman yield?

Mr. FORSYTHE. I yield to the gentleman from Louisiana.

Mr. BREAUX. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the result of this consent request today would simply extend the authorization period for the Atlantic Tunas Convention Act of 1975 from 1 year to 3 years.

On May 20, 1980, the Senate passed S. 2549 to provide authorizations for the Tuna Convention Act for 3 years.

The United States became signatory to the International Convention for the Conservation of Atlantic Tuna in 1966. This is an agreement among 19 nations to conserve tuna in the Atlantic and adjacent waters. The act being dealt with today implements and funds the U.S. involvement in this convention.

The House amended the Senate bill on June 3, 1980. The House bill extended authorizations for 1 year and established U.S. observer coverage on all foreign fishing vessels within the U.S. 200-mile zone when such vessels were expected to take billfish in addition to bluefin tuna. This observer coverage expense would be borne by the foreign fishermen.

The House amendments also added additional U.S. representatives on the convention advisory committee and required certain reports to be filed concerning the activities of the tuna vessels in the U.S. zone.

The Senate accepted the House amendments in all respects, but insisted on a 3-year authorization period. The consent request today would concur in the latest Senate amendment.

Mr. ASHLEY. Mr. Speaker, will the gentleman yield?

Mr. FORSYTHE. I yield to the gentleman from Ohio.

Mr. ASHLEY. Mr. Speaker, the purpose of S. 2549, as amended, is to extend the funding authorization for the Atlantic Tunas Convention Act of 1975 for 3 additional years and to require new programs to more closely monitor and report on matters which the convention regulates.

In 1966, the United States became signatory to the International Convention for the Conservation of Atlantic Tunas, better known as ICCAT. ICCAT is an agreement among 19 nations to conserve tunas and tuna-like species in the Atlantic Ocean and adjacent seas.

The domestic implementing legislation for ICCAT is the Atlantic Tunas Convention Act of 1975. This act established the regulatory and administrative mechanism for U.S. compliance with the provisions of the convention. The funding authorization for carrying out U.S. responsibilities under the convention expires September 30, 1980.

S. 2549, as it originally passed the Senate on May 20, 1980, would simply extend the funding authorization of the Atlantic Tunas Convention Act of 1975 for an additional 3 years. H.R. 6310, the House version of this legislation, as it passed the House on June 3, 1980, would extend the funding authorization under the act for only 1 year. In addition, it would mandate U.S. observers to be stationed on all foreign fishing vessels (at owners' expense) within the U.S. fishery zone in the Atlantic and Gulf of Mexico when such fishing is expected to result in the incidental taking of billfish; add five new positions to the advisory committee to the U.S. Commissioners to the Convention to accommodate the chairmen of the New England, Mid-Atlantic, South Atlantic, Caribbean, and Gulf Regional Fishery Management Councils; make it unlawful for any foreign fishing vessels to refuse to pay observer fees, to refuse to allow observers aboard such vessels, or to violate any regulations issued by the Secretary under this legislation; and require the Secretary of Commerce to report to the Congress every 2 years on the status of bluefin tuna and billfish stocks and results of the observer program.

On July 28, 1980, the Senate agreed to the House amendments to S. 2549, with additional Senate amendments. S. 2549, as amended by the Senate, is in essence the House version of the bill except the funding authorization of the Atlantic Tunas Convention Act would be extended for an additional 3 years instead of only 1 year.

The House version of the bill was unanimously reported by the Merchant Marine and Fisheries Committee and it was unanimously passed by the House under suspension of the rules on June 3, 1980.

Mr. Speaker, I have no objection to the Senate amendments to the House amendments to S. 2549 and urge the prompt passage of S. 2549, as amended.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

Mr. FORSYTHE. I yield to the gentleman from New York.

Mr. MURPHY of New York. Mr. Speaker, H.R. 6310 was passed by the House on June 3, 1980. The purpose of H.R. 6310 was to extend the authorization of appropriations for the Atlantic Tunas Convention Act of 1975 for 1 additional year and to require certain new programs to be carried out by the Secretary of Commerce to more closely monitor and report on matters regulated by the International Convention for the Conservation of Atlantic Tunas, better known as ICCAT.

ICCAT, which was negotiated in 1962, is an agreement signed by 19 nations to conserve Atlantic tunas and tuna-like fishes, such as billfish, in the Atlantic Ocean and its adjacent seas. This convention entered into force in 1969 and the Atlantic Tunas Convention Act, which implements the convention on the part of the United States, came into being in 1975.

H.R. 6310, as amended, was passed by the House on June 3. It was then inserted in its entirety after the enacting clause of Senate bill S. 2549 in lieu thereof. The Senate has accepted all changes save one made by the House. Those accepted are:

First. Add five new positions to the existing advisory committee to the U.S. International Convention for the Conservation of Atlantic Tunas (ICCAT) Commissioners which would consist of the five chairmen, or their designees, of the New England, Mid-Atlantic, South Atlantic, Caribbean, and Gulf fishery management councils.

Second. Require U.S. observers to be placed on all foreign fishing vessels operating within that part of the U.S. fishery zone in the convention area when such vessels are fishing for species which may result in the incidental taking of billfish, which is to say that all Japanese long-liner fishing vessels fishing in this area will be required to have U.S. observers onboard. All observer expenses would be borne by the foreign fishermen.

Third. Require U.S. observers to report their scientific findings to the Secretary of Commerce.

Fourth. Require the Secretary of Commerce to submit a report to the Congress every 2 years concerning the status and trends of populations of the Atlantic bluefin stock or stocks.

The Senate did not accept the House amendment which reduced funding authorization to 1 year, but restored it to 3 years as it was originally structured in S. 2549. Restoral of the 3-year funding authorization poses no particular problem in that the Merchant Marine and Fisheries Committee will monitor very closely the activities of the ICCAT and the analysis of new data which will be provided through the greatly expanded use of observers.

The bill, as it is now structured, is an excellent piece of legislation. Reports filed by the U.S. observers will provide urgently needed data on the size and health of both the bluefin and billfish stocks. This data presently is unavailable and estimates as to the size of the bluefin stocks vary widely. For example, in hearings before my committee, estimates of the number of giant bluefin extant varied from 10,000 to 350,000. A true picture must be determined. I have been assured by experts that this bill will protect our stocks until the true number has been determined.

In addition to protecting our stocks and gathering fisheries data at no expense to the American taxpayer, the United States will remain a member of the international organization designed to maintain maximum stocks of the bluefin tuna, a highly migratory fish whose migrations take it across oceans into territorial waters of all 19 member nations of ICCAT. It is only through international cooperation, coupled with an intelligent conservation effort in U.S. waters, that we can insure the preservation of this magnificent fish for both sport and food.

Mr. FORSYTHE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BREAUX. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

☐ 1150

APPOINTMENT OF CONFEREES ON H.R. 5164, AMENDING CERTAIN INSPECTION AND MANNING LAWS APPLICABLE TO SMALL VESSELS

Mr. ASHLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5164) to amend certain inspection and manning laws applicable to small vessels carrying passengers or freight for hire, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. ASHBROOK. Reserving the right to object, Mr. Speaker, I reserve the right to object for the purpose of giving my colleague, the gentleman from Ohio (Mr. ASHLEY), an opportunity to tell us what we are doing.

Mr. ASHLEY. Mr. Speaker, if the gentleman will yield, I would think that the request is fairly self-evident.

At the Speaker's table is the maritime bill, H.R. 5164, which amends certain inspection and manning laws applicable to small commercial vessels. What I want to do is disagree with the Senate amendment and go to conference. I have discussed this with the minority on the Committee on Merchant Marine and Fisheries.

Mr. ASHBROOK. Mr. Speaker, with that assurance, I will say that is adequate. Those are the words I was looking for.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio? The Chair hears none and, without objection, appoints the following conferees: Messrs. ASHLEY, MURPHY of New York, BIAGGI, BREAUX, OBERSTAR, HUGHES, MCCLOSKEY, SNYDER, and LIVINGSTON.

There was no objection.

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980

Mr. ASHLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7262) to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation and related programs, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. ASHLEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 313, nays 3, answered "present" 2, not voting 114, as follows:

[Roll No. 478]

YEAS—313

Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Biaggi
Bingham
Blanchard
Boner
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Burgener
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Clausen
Clay
Clinger
Coelho
Coleman
Collins, Ill.
Conable
Corcoran
Corman
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Derrick
Dicks
Dornan
Drinan
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
Edwards, Calif.
Emery
English
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fisher
Fithian
Flippo
Florio
Foley
Forsythe
Fountain
Frenzel
Frost
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Harkin
Harris
Harsha
Hawkins
Heftel
Hillis
Hinson
Hollenbeck
Holt
Hopkins
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Luken
Lungren
McClory
McCormack
McHugh
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Miller, Ohio
Mineta
Minish
Moffett
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Panetta
Pashayan
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Porter
Preyer
Price
Pritchard
Pursell
Rahall
Rangel
Ratchford
Regula
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Roe
Rosenthal
Roth
Royer
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
Stack
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wylie
Yates
Young, Fla.
Young, Mo.
Zablocki

NAYS—3

Lloyd
McDonald
Patten

ANSWERED "PRESENT"—2

Erdahl
Ottinger

NOT VOTING—114

Abdnor
Addabbo
Anderson, Ill.
Anthony
Applegate
Bedell
Bevill
Boggs
Boland
Bolling
Bonior
Brown, Ohio
Broyhill
Buchanan
Burlison
Cavanaugh
Chappell
Cheney
Chisholm
Cleveland
Collins, Tex.
Conte
Conyers
Cotter
Crane, Philip
Daniel, Dan
Davis, S.C.
de la Garza
Deckard
Dellums
Derwinski
Devine
Dickinson
Dingell
Dixon
Dodd
Donnelly
Dougherty
Downey
Early
Eckhardt
Edgar
Edwards, Okla.
Evans, Ga.
Fish
Ford, Mich.
Ford, Tenn.
Fowler
Fuqua
Garcia
Giaimo
Grassley
Gray
Hansen
Heckler
Hefner
Hightower
Holland
Holtzman
Horton
Ichord
Ireland
Johnson, Colo.
Leach, La.
Lederer
Lujan
Lundine
McCloskey
McDade
McEwen
McKay
McKinney
Mathis
Matsui
Michel
Miller, Calif.
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Nedzi
Nichols
Nolan
Pickle
Quayle
Quillen
Railsback
Reuss
Rodino
Rose
Rostenkowski
Rousselot
Roybal
Rudd
Russo
Shannon
Smith, Iowa
St Germain
Staggers
Symms
Tauzin
Vander Jagt
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Wydler
Yatron
Young, Alaska
Zeferetti

□ 1040

So the motion was agreed to.

The result of the vote was announced as above recorded.

□ 1050

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 7262 with Mr. WHITE, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

(By unanimous consent, Mr. RHODES was allowed to speak out of order.)

CHARLES A. HALLECK

Mr. RHODES. Mr. Chairman, I would like to call to the attention of many of my colleagues a happy event. A most notable citizen of Rensselaer, Ind., today becomes an octogenarian. Our former colleague, Charles A. Halleck, will observe his 80th birthday today.

Charlie Halleck had a long and illustrious career in the Congress, serving from the 74th through the 90th Congresses, a span of 35 years in the House. He was majority leader in the 80th and 83d Congresses, and served 6 years as House minority leader.

Those of us who have been privileged to serve with Charlie Halleck recall him as an astute legislator, a skilled parliamentarian, a tireless worker for the Republican Party and dedicated to the causes in which he believed.

I shall always be grateful to Charlie for the many personal kindnesses he showed me, particularly in the 83d Congress when I was a freshman and he was majority leader. I regard him as a warm, personal friend, as well as a brother in Beta Theta Pi.

I am delighted to join his legion of friends, in and out of Congress, in expressing congratulations to Charlie as he rounds the 80-year mark and to wish him many more fulfilling and enjoyable years in his beloved Hoosier country.

● Mr. MYERS of Indiana. Mr. Chairman, it is indeed a personal honor and a pleasure to join in the observance of the 80th birthday of my dear friend and our former colleague, Charlie Halleck of Indiana.

A former House majority leader, Charlie was a born Republican. His parents, both attorneys in Jasper County, were active in Republican politics and his father had served two terms in the Indiana Senate.

By the time he was graduated from law school in 1924, Charlie was ready for elective office. One month before graduation from Indiana University Law School, he won the Republican nomination for Jasper-Newton County prosecutor. In November, having successfully completed the bar examination and begun his own practice in Rensselaer, Ind., Charlie won the election. It was the first of 19 public elections—and he won them all.

Born in Demotte, a small community in Jasper County, on August 22, 1900, Charlie moved to Rensselaer at an early age. Charles Abraham—as in Abraham Lincoln—Halleck was one of five children and clearly a good student and a young man with a keen mind and plenty of ambition. His high school yearbook published an inscription which read:

> Charles Halleck, our editor in chief,
> One in whom we have belief,
> Has hopes and ambitions today
> Of becoming President of the USA.

Charlie never did reach that goal, but he came close. In 1948 he was one of the leading contenders for the GOP Vice-Presidential nomination before Thomas Dewey chose California Gov. Earl Warren.

During his 17 Congresses, Charlie served in a leadership role in 5. He was majority leader during the 80th and 83d Congresses and minority leader in the 86th, 87th, and 88th Congresses.

The highlight of his career was serving as majority leader in the 80th Congress. President Harry S. Truman was critical of that so-called do-nothing Congress, but Charlie will tell you that the Taft-Hartley Act, the Marshall Plan and aid to other countries damaged in World War II were all passed during that session. "I think the record we wrote ranks top drawer," he said in a recent interview.

Charlie Halleck now lives in retirement in Rensselaer. He still mourns the tragic and shocking death of his beloved wife, Blanche, who drowned in a fishing accident in Montana in 1973. A portrait of "Mommy," as he affectionately called her, is prominent in the living room of his home.

Charlie was recently asked by a reporter how he would like to be remembered and his response really says it all. Charles Abraham Halleck would like to be remembered as a "decent, honest, thoughtful, gentle, hard working * * * and maybe, a fairly successful guy."

Happy birthday Charlie, and many, many more.●

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, August 21, title III was open for amendment, and pending was an amendment offered by the gentleman from Georgia (Mr. Levitas).

Pursuant to a unanimous-consent agreement agreed to on Thursday, August 21, all time for debate under the 5-minute rule had expired, except debate on the following amendments to be equally divided between the proponent and opponent of each amendment: 20 minutes on an amendment by the gentleman from Georgia (Mr. Levitas), 30 minutes on an amendment by the gentleman from Virginia (Mr. Butler), and 30 minutes on an amendment by the gentleman from Tennessee (Mr. Duncan).

Without objection, the remaining titles of the bill will be considered as open for amendment following disposition of the Levitas amendment.

The gentleman from Georgia (Mr. Levitas) is recognized for 10 minutes.

Mr. LEVITAS. Mr. Chairman, pursuant to the great compromise that was reached last night, which permitted the House to adjourn at a reasonably late hour, there is a period of 20 minutes now remaining for the debate on the amendment which I offered.

Since this debate began last evening and has been debated at great length on a number of other occasions, I doubt that we need to use the entire 20 minutes.

I would simply like to point out several things. The amendment which I have offered provides for a legislative veto of any rule or regulation issued by the Department of Housing and Urban Development, under the Housing and Community Development Act. It gives the Congress, elected by the people and accountable to the people, the right to determine whether regulations issued by the unelected bureaucrats should go into effect or not. It deals with the very simple proposition, who should make the laws in this country, the elected Congress or the unelected bureaucrats.

Rules and regulations are laws. The Congress has the responsibility for the laws, and we cannot, without adequate controls, delegate to unelected bureaucrats the power to pass laws. The American people across the Nation in every walk of life, in business and professions and in schools and local government, are fed up with unelected bureaucrats in Washington running their lives without accountability through the elected Congress.

I want to point out one other thing. There is in place in the legislation that has previously been passed, a mechanism that already exists for review of regulations, and I might say that the subcommittee, of which the distinguished gentleman from Ohio is chairman, has done an admirable job in reviewing regulations issued by HUD. Indeed, in the Record of yesterday, he described in detail the fine job they have done, but the procedure that is in place lacks one essential element. That element is the right to veto.

Indeed, the only way after the process which we presently have in place can operate is for Congress to gear up the entire legislative mechanism, 9 or 10 months after the harm has been inflicted on the public and passed legislation. The reason that the gentleman from Ohio (Mr. Brown) had to offer an amendment to legislation yesterday, was to get at a regulation. We should not have to pass legislation to deal with regulations issued by unelected bureaucrats.

Indeed, if the mechanism which I propose were in place, we could have simply vetoed those BEPS regulations and let them go back to the drawing board rather than having to go through the entire legislative process.

My amendment does not change or touch or affect or alter the existing review mechanism on HUD. It leaves it in place. The Members of Congress and the members of the distinguished subcommittee will have the opportunity to utilize the present mechanism or the veto mechanism, as the case may be; but if the Department comes back with another set of BEPS-type regulations which are unacceptable to the Congress at a time when it is not going to be possible for legislation to be enacted because the regulations will go into effect at that point, the legislative veto will be the mechanism by which we can protect the public from the influx upon them of laws called regulations issued by unelected bureaucrats.

To have a review mechanism without a veto is like having a pistol without a bullet. It does not do any good. You have got to have something effective at the end of the line which will make a difference. That is why I urge my colleagues to join me in adding the legislative veto to the regulations issued by HUD.

Mr. PETRI. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Wisconsin.

☐ 1100

Mr. PETRI. Mr. Chairman, I would also like to commend the gentleman from Georgia, the gentleman in the well, for his persistence in gradually winning a very important fight. Prior to joining this body, I had the opportunity to serve for a number of years in the Wisconsin

State legislature where we have a well-developed system of legislative veto of administrative rules which has, in fact, worked very well.

We have developed a joint committee for review of administrative rules, made up of Members of both Houses, which may hold hearings, suspend rules, and introduce bills to repeal rules. The standing legislative committees also participate in the legislative veto process, primarily by flagging rules for the joint committee and providing staff support. This system has worked in a responsible way and has had a chilling effect on the arrogance of the bureaucracy, which is very important; so it has not resulted in the endless work that some fear.

It has not resulted in anticonsumer efforts through end runs to the legislature. Consumer advocates and people who are active in those movements from the State of Wisconsin are amazed when they go to national consumer conventions at the suspicion that their national colleagues from other States have toward this whole effort, because they are familiar with it in the State of Wisconsin. They know the legislature has been responsible. They know it has worked and it has resulted in greater accountability, getting the difficult job of regulating our complex society done in a much more responsive and effective way in the State of Wisconsin; so that by and large it is my understanding they do support legislative oversight and veto of administrative rules.

So I would like to join in supporting the effort of the gentleman from Georgia.

Mr. LEVITAS. Mr. Chairman, I thank my good friend, the gentleman from Wisconsin, for those observations and those remarks.

I particularly appreciate the gentleman sharing with the Members of this body the experience he had in Wisconsin, because that is precisely what I believe will be the case if we move forward with the legislative veto mechanism in the Congress of the United States and have legislative vetoes over Federal bureaucratic regulations.

As I say, this mechanism gives to the Congress the power to do what article I, section 1 of the Constitution says our responsibility is, and that is to be accountable for legislation. It makes the U.S. Congress, elected by the people, rather than the unelected bureaucrats, the place where the buck stops. I think that is our responsibility.

I urge my colleagues to join with me.

Mr. ASHLEY. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Georgia, because under current law we already have a highly successful review procedure which this Congress adopted and which this Congress has used over the past 2 years to assure that the regulations of the Department of Housing and Urban Development are consonant with the law and the legislative intent.

My good friend, the gentleman from Georgia, a few moments ago said a pistol without a bullet is not of any use. I am reminded of an incident that took place about 4 years ago when I was walking home one evening and I was accosted by a young man from behind and he had a pistol. I have never determined whether or not that pistol contained a bullet in the chamber; but I am willing to say that it was a very effective pistol, whether it had a bullet or did not have a bullet.

Without trying to draw that analogy to a point of absurdity, it might be helpful if I reviewed for a moment how the regulatory review process works. This process was developed 2 years ago in conference with bipartisan support. It provides that the committees of jurisdiction in the House and the Senate will have the opportunity to review all of the regulations of HUD before they are issued in the Federal Register. I emphasized that before, because as we will note, that is not a provision included in the gentleman's amendment.

Over the last 2 years the committee has reviewed over 80 separate regulations under this process. Where the committee has found that the Department has not adequately reflected congressional intent, it has forcefully brought it to the attention of the Department. Except for one instance, the Department responded by correcting the situation that we cited.

I believe that is a remarkable record, and I might say in that one instance, had to do with thermal standards. The Department, however, was not as cooperative as we thought it should be.

In fact we did what we might be expected: we simply changed the law. So, clearly, nobody can say that current regulation review process does not work. It does work.

I might add that this procedure also requires that all regulations which are issued in final form may not take effect for 20 legislative days after their publication. If the committee passes a resolution of disapproval during this time, then the regulations cannot go into effect for a period of 90 days. This deferral period clearly allows the Congress to take legislative action to correct any regulation it has problems with. That is what happened in the instance I referred to, whenever the Congress prevented the issuance of the regulations.

So I am pleased to say that the committee has only had to resort to this particular component of the current legislative review process once in the last 2 years so it cannot be said that it is not working.

Mr. Chairman, in deference to the constraints of time, I will ask to revise and extend my remarks.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. Of course, I yield to my friend, the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, I appreciate the gentleman yielding.

The gentleman has done an excellent job of explaining the mechanics of the legislative review process. I think this is important, because to the best of my knowledge, we are the only committee that applies this in the House.

For example, all the regulations under development or review at HUD, are sent over to our committee twice a year. These are the ones that are about to be proposed. Coming over twice a year, our staff has an opportunity to review them. At that time if we can send back a comment or ask for additional information. Then we work with the Department. After the Department gets our comments, they can publish the regulations for comment by the public. After that public review time, the regulations come back to our committee when published. After the publication of the final regulations, we have 20 days in which to let our feelings be known through this process. I understand from our staff, in the last year alone 8 or 10 different times meaningful changes have been made in HUD's regulations as a result of this process.

I bring this out, not to question putting the bullet in the gun, but to state that we have a system that has worked. It has worked very well and we are very proud of this process.

Now, in all fairness to the gentleman from Georgia, the original amendment the gentleman had offered, knowingly or unknowingly, and I think unknowingly, had instituted the veto and repealed our legislative review. We find out that was the gentleman's intent and he has since changed the amendment. I want to bring that to the attention of the House.

So whether or not we need the veto, that is up to the House. But, I am very proud, it was our former colleague, the gentleman from Michigan (Mr. Brown), working with the gentleman from Ohio (Mr. Ashley) that really put this mechanism into force.

I would fight very strong and very hard and very long before it was knocked out, because I think it is one of the most worthwhile things we have.

Mr. Chairman, I appreciate the gentleman yielding.

Mr. ASHLEY. Mr. Chairman, I reserve the balance of my time.

Mr. FOUNTAIN. Mr. Chairman, would the gentleman from Georgia yield?

Mr. LEVITAS. Mr. Chairman, I would be very happy to yield to my colleague, the gentleman from North Carolina.

Mr. FOUNTAIN. I would like to say, Mr. Chairman, in support of the amendment offered by the gentleman from Georgia, that as chairman of the Intergovernmental Relations and Human Resources Committee of the Committee on Government Operations, headed by the distinguished gentleman from Texas (Mr. Brooks), over a number of years, some 25 years, we have exercised surveillance jurisdiction over a number of agencies from the standpoint of efficiency and economy. Down through the years, one of the things which has concerned us, has been the extent to which the Congress has delegated to almost all agencies of the Government, the power to make law, the violation of which, in many instances, is a criminal offense.

My subcommittee and the full Committee on Government Operations, after extensive hearings, recommended "that the Department of Agriculture, establish an Inspector General, with power to investigate and to prosecute violations, particularly criminal violations;" and an administrative Inspector General was put in the Department of Agriculture, but one of the Secretaries decided that he did not want an Inspector General. He was fearful that it would undermine his own power as Secretary in the Department of Agriculture.

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So the investigative and auditing Inspector General was administratively eliminated. Consequently, after years of taking testimony and exercising surveillance over a number of these agencies, some of us concluded that such administrative decisions could be, and were being, revoked from administration to administration by other administrative decisions. So with other cosigners, I introduced a bill establishing in the Department of Health, Education, and Welfare, the Offices of Inspector General and Deputy Inspector General. It has been working well. Through such a process, Mr. Califano, before he left office, disclosed that from $7 to $8 billion had gone down the drain. It had probably been nearer $15 to $25 billion.

Now, the Congress passed that bill by overwhelming votes in both the House and Senate. In the House, the vote was 388 to 6. As a result of other testimony taken down through the years, we discovered that such an Office of Inspector General was badly needed in many other agencies, and the Congress has since passed a bill which I and others of the Committee on Government Operations introduced, establishing by law—which cannot be changed by administrative fiat—an Inspector General in a number of other agencies of Government, including the Department of Agriculture. The veto process of departmental regulations, HUD in this case, must be done by statute, to avoid the possibility of administrative elimination in the future, of good programs such as the one the committee now has of checking on HUD regulations.

The Levitas amendment should be adopted.

The CHAIRMAN pro tempore. Are there further requests for time by the opponents?

The question is on the amendment offered by the gentleman from Georgia (Mr. LEVITAS).

The amendment was agreed to.

Pursuant to the unanimous-consent request, titles IV, V and VI are as follows:

TITLE IV—PLANNING ASSISTANCE

SEC. 401. Section 701 of the Housing Act of 1954 is amended to read as follows:

"PLANNING ASSISTANCE

"SEC. 701. (a) The Congress finds that—

"(1) the general welfare requires the conservation and the orderly and efficient growth and development of the Nation's communities, particularly communities suffering from fiscal, economic, and social distress;

"(2) effective and coordinated planning efforts at all levels of government are necessary in order for such conservation, growth, and development to be effectively and efficiently achieved;

"(3) a major component of such planning effort should be detailed strategies that can guide governmental actions in order to assure that, to the maximum extent practicable, the goals and objectives of such plans will be achieved through the implementation of such planning efforts;

"(4) such planning efforts and strategies should be consistent with National Policy Objectives; and

"(5) Federal actions and programs, to the extent practicable, should be administered in conformance with State, area-wide and local plans and strategies.

"(b) The purposes of this section are—

(1) to provide assistance to encourage State and local governments and area-wide planning organizations to develop comprehensive plans which include strategies for implementing such plans (or components of such plans), giving particular emphasis to those plans which include strategies which address National Policy Objectives; and

"(2) to encourage, to the maximum extent practicable, the coordination of Federal policy and program decisions with such plans and strategies.

"(c) As used in this section—

"(1) the term 'Secretary' means the Secretary of Housing and Urban Development;

"(2) the term 'State' means any State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

"(3) the term 'unit of general local government' means any city, county, town, township, parish, village, or other general purpose political subdivision of a State;

"(4) the term 'Indian tribe' means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) or under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512);

"(5) the term 'metropolitan area' means a standard metropolitan statistical area, established by the Department of Commerce, except that, to the extent the Secretary deems appropriate to carry out the purposes of this section, the Secretary may modify or extend such an area, but such modification or extension shall not affect the boundaries of any standard metropolitan statistical area for any other purpose;

"(6) the term 'area-wide planning organization' means any multi-jurisdictional unit which—

"'(A) is established under State law, interstate compact, or interlocal agreement for the purpose of formulating policies and plans for the orderly development of a substate or interstate region;

"(B) is formally charged with carrying out the provisions of section 401 of the Intergovernmental Cooperation Act of 1968;

"(C) in the absence of State law to the contrary, has at least a majority of elected officials from local governments on its governing body; and

"'(D) meet such other standards as the Secretary may prescribe by regulation; and

"(7) the term 'National Policy Objectives' means—

"(A) the conservation and improvement of existing communities, particularly the improvement of those communities which are characterized by fiscal, economic or social distress;

"(B) an increase in housing and employment opportunities and choices for lower income and minority persons and residents with special needs such as the elderly and handicapped, and a reduction in the cost of housing; and

"(C) the promotion of orderly and efficient growth and development of communities, regions and States, taking into consideration the necessity of conserving energy.

"(d) The Secretary may contract to make, and make, grants on an annual basis which are approved in accordance with the provisions of this section to—

"(1) States, for state-wide planning activities;

"(2) States, for the provision of assistance to (A) nonmetropolitan area-wide planning organizations; (B) units of general local government (except counties) having a population of less than 50,000 according to the latest decennial or mid-decade census, as appropriate; (C) counties, other than urban counties as defined under title I of the Housing and Community Development Act of 1974; and (D) any group of adjacent units of general local government having a total population of less than 50,000 (according to the latest decennial or mid-decade census, as appropriate) and having common or related planning needs; except that a grant may not be made under this paragraph where the State would be undertaking the activities described in subsection (e) on behalf of such organization, local government, county, or group of adjacent units of local government unless such organization, local government, county, or group of adjacent units of local government requests the State to undertake such activities;

"(3) area-wide planning organizations;

"(4) units of general purpose local government;

"(5) urban and rural counties;

"(6) Indian tribes; and

"'(7) the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"(e) Grants may be made under this section only for those activities determined by the Secretary to be necessary to assist—

"(1) in the development of a comprehensive plan as part of an ongoing planning process;

"(2) in the development of strategies and action programs to implement such a plan or part thereof or related plans or planning;

"(3) in the development of evaluations or studies related to such plan, strategies or action programs; or

"(4) in the carrying out of the clearinghouse functions required pursuant to OMB Circular A-95.

"(f) With the exception of recipients whose sole function is to carry out the A-95 clearinghouse functions pursuant to subsection (e) (4), the Secretary shall require that each recipient carry out an ongoing comprehensive planning process and develop strategies and action programs through a process which—

"(1) makes provision for citizen participation pursuant to regulations of the Secretary;

"(2) involves development and subsequent modifications of a comprehensive plan, an implementation strategy, and an action program which shall be reviewed at least triennially for necessary or desirable amendments; and

"(3) involves the development of a plan which shall include, at least, each of the following—

"(A) housing and land use elements which take into account factors prescribed by the Secretary, including those required to achieve the National Policy Objectives;

"(B) a detailed strategy statement designed to identify and describe the actions required to implement such plan, or components of such plan, in order to achieve, to the maximum extent practicable, the goals and objectives of such plan;

"(C) a program which includes (i) an identification of specific actions that are necessary for implementing elements included in the strategy statement; (ii) an identification of the governmental entity responsible for undertaking each such action; (iii) a timetable specifying when each such action may be reasonably expected to be carried out; and (iv) to the maximum extent practicable, agreements, by the governmental entities identified as being responsible for undertaking such actions, that they will undertake such actions; and

"(D) procedures, including criteria set forth in advance, for evaluating programs and activities undertaken pursuant to such plan to determine whether such programs and activities are meeting the goals and objectives of such plan.

"(g) The Secretary may not approve a grant for any year after the first year in which a grant pursuant to this section is made to a recipient unless the Secretary determines that—

"(1) additional funds are required to assist in the development of the plan; and

"(2) substantial progress has been made in the development and implementation of the plan or components of such plan.

To assist the Secretary in making such determinations, the applicant shall submit to the Secretary such information as the Secretary may require, including the performance report required pursuant to subsection (1), except that at least triennially the Secretary shall require the applicant to submit a detailed evaluation of the progress it has made during the preceding three-year period toward the development of such plan and its implementation.

"(h) The Secretary shall encourage the cooperation of all interested municipalities, political subdivisions, public agencies, and other parties in the preparation of and in the carrying out of programs developed pursuant to this section. Such parties shall be afforded by the recipient organization or government a reasonable opportunity to comment on such plans and programs.

"(i) States are authorized, subject to approval of the Secretary, to provide for the administration by areawide planning organizations of assistance provided pursuant to subsection (d)(2), except that responsibility for adherence to the requirements of this section and other applicable laws shall remain with the State.

"(j)(1) Contracts to make grants pursuant to this section shall contain such terms and conditions as the Secretary may prescribe.

"(2) A grant made under subsection (d) shall not exceed two-thirds of the estimated cost of the work for which the grant is made.

"(3) The Secretary is authorized by grant, contract, or otherwise to provide technical assistance directly to the entities referred to in subsection (d) to assist such entities to carry out the purposes of this section.

"(k) In providing assistance to areawide planning organizations under subsection (d), the Secretary (or the State, in the case of assistance provided through the State) shall give preference to, and may provide additional funding for, organizations which provide for voting rights among their members weighted in proportion to the population of the areas represented by such members.

"(l)(1) The Secretary shall, by regulation, establish criteria for the evaluation and approval of applications for grants under this section.

"(2) For each year in which activities assisted under this section are being carried out, each entity receiving assistance directly from the Secretary shall submit to the Secretary a performance report concerning activities carried out with such assistance. The Secretary shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether a recipient of funds under this section has carried out activities substantially as described in its application, whether such actions and activities conformed to the requirements of this section and other applicable laws, and whether the recipient has a continuing capacity to carry out such actions and activities in a timely manner. The Secretary shall adjust, reduce, or withdraw grant funds, or take other action as appropriate in accordance with such reviews and audits.

"(3) Insofar as they relate to funds provided under this section, the financial transactions of recipients of such funds may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property, belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

"(m)(1) Grants made under this section shall only be used to carry out planning and management actions and activities necessary to carry out the purposes of this section.

"(2) Grant assistance under this section shall not be used to defray the cost of the acquisition, construction, repair or rehabilitation of, or the preparation of engineering drawings or similar detailed specifications for, specific housing, capital facilities, public works projects, or for financing routine administrative responsibilities of any State or local government, or, in the case of communities above 25,000 in population, for the preparation of applications for Federal financial assistance.

"(n)(1) The Secretary shall utilize, to the maximum extent practicable, the plans and strategies approved by the Secretary under this section to guide policy and funding decisions with respect to the programs and activities of the Department of Housing and Urban Development which affect the geographical areas covered by such plans.

"(2) The Secretary shall encourage other Federal departments and agencies to use of the plans and strategy statements approved by the Secretary, to the maximum extent practicable, to guide policy and funding decisions with respect to their programs and activities which affect the geographical areas covered by such statement. The Secretary shall encourage other Federal departments and agencies, consistent with their program authority, to adopt approved plans (or components thereof) as all or part of the planning requirements of such departments or agencies.

"(3) A plan and strategy statement approved by the Secretary under this section shall remain in effect for a maximum of three years following the date of its approval. Any extension of a plan and strategy statement beyond such three-year term, or any major modification (as determined by the Secretary) of such a statement during such term, shall meet all of the requirements of this section and must be approved by the Secretary. Any proposed modification shall be submitted to the Secretary prior to its incorporation into the statement.

"(4) The Secretary shall report to the Congress no later than January 15, 1984, and no later than January 15 of every third year thereafter, concerning the progress made in encouraging other Federal departments and agencies to use approved plans as provided in paragraph (3) of this subsection.

"(o) The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in the comprehensive planning for the growth and development of interstate, metropolitan, or other urban areas, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts.

"(p) There is authorized to be appropriated for purposes of this section an amount not to exceed $35,000,000 for the fiscal year 1981. Any amounts appropriated shall remain available until expended."

TITLE V—RURAL HOUSING

AUTHORIZATIONS

SEC. 501. (a) Section 513 of the Housing Act of 1949 is amended—

(1) by striking out "not to exceed $4,484,000,000 with respect to the fiscal year ending September 30, 1980" in subsection (a) and inserting in lieu thereof "not to exceed $3,797,600,000 with respect to the fiscal year ending September 30, 1981";

(2) by striking out "not less than $3,070,000,000" in subsection (a)(1) and inserting in lieu thereof "not less than $3,120,000,000";

(3) by striking out "not more than $38,000,000" in subsection (a)(2) and inserting in lieu thereof "not more than $25,600,000";

(4) by striking out "and" at the end of subsection (a)(2), by striking out the period at the end of subsection (a)(3) and inserting in lieu thereof "; and", and by adding at the end of subsection (a) the following new paragraph:

"(3) not more than $100,000,000 of such amount shall be available for loans guaranteed pursuant to this title on behalf of borrowers who do not receive assistance pursuant to subparagraph (B) or (C) of section 521(a)(1).";

(5) by striking out subsection (b)(2) and inserting in lieu thereof the following:

"(2) not to exceed $49,000,000 for loans and grants pursuant to section 504 for the fiscal year ending September 30, 1981, of which not more than $25,000,000 shall be available for grants;";

(6) by striking out "not to exceed $30,000,000 for financial assistance pursuant to section 516 for the fiscal year ending September 30, 1980" in subsection (b)(3) and inserting in lieu thereof "not to exceed $25,000,000 for financial assistance pursuant to section 516 for the fiscal year ending September 30, 1981";

(7) by striking out "not to exceed $1,500,000 for the purposes of section 525(a) of which not less than $750,000 shall be used for counselling purchasers and delinquent borrowers and not to exceed $1,000,000 for the purposes of section 525(b) for the fiscal year ending September 30, 1980" in subsection (b)(4) and inserting in lieu thereof "not to exceed $1,500,000 for the purposes of section 525(a), of which not less than $750,000 shall be used for counseling purchasers and delinquent borrowers, for the fiscal year ending September 30, 1981"; and

(8) by striking out "and" at the end of paragraph (4) in subsection (b), by redesignating paragraph (5) of such subsection as paragraph (6), and by inserting the following new paragraph after paragraph (4) of such subsection:

"(5) not to exceed $5,000,000 for the purposes of making payments pursuant to section 509(c); and".

(b) Section 515(b)(5) of such Act is amended by striking out "1980" and inserting in lieu thereof "1981".

(c) Section 517(a)(1) of such Act is amended by striking out "1980" and inserting in lieu thereof "1981".

(d) Section 523 of such Act is amended—

(1) by striking out "1980" in subsection (f) and inserting in lieu thereof "1981"; and

(2) by striking out subsection (g) and inserting in lieu thereof the following:

"(g) There are authorized to be appropriated for the purposes of subsection (b)(1)(B) not to exceed $1,000,000 for fiscal year 1981. Amounts appropriated under this subsection, together with principal collections from loans made under appropriations in any previous fiscal years, shall be deposited in the Self-Help Housing Land Development Fund, which shall be available as a revolving fund for making loans under subsection (b)(1)(B). Instruments and property acquired by the Secretary in or as a result of making such loans shall be assets of the Self-Help Land Development Fund."

(e) Section 517(j) of such Act is amended by striking out paragraph (6).

(f) Section 521(a)(2) of such Act is amended by adding the following new subparagraph at the end thereof:

"(D) The Secretary, to the extent approved in appropriation Acts, may enter into rental assistance contracts aggregating not more than $493,000,000 in carrying out subparagraph (A) with respect to the fiscal year ending on September 30, 1981, except that such amount shall be reduced by any amount approved in appropriation Acts for use pursuant to section 521(a)(1)(C)."

(g) Section 521(a)(1)(C) of such Act is amended—

(1) by striking out the second sentence thereof and inserting in lieu thereof the following: "The amount of such additional assistance which may be approved in appropriation Acts may not exceed an aggregate amount of $100,000,000."; and

(2) by striking out "1980" in the third sentence thereof and inserting in lieu thereof "1981".

DEFINITIONS

Sec. 502. Section 501 of the Housing Act of 1949 is amended by adding the following new paragraphs at the end of subsection (b):

"(6) The term 'Indian tribe' means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93–638) or under the State and Local Fiscal Assistance Act of 1972 (Public Law 92–512).

"(7) For the purposes of this title, the term 'rural resident' shall include a family or a person who is a renter of a dwelling unit in a rural area.

"(8) For the purposes of this title, the term 'adequate dwelling' means a decent, safe, and sanitary dwelling unit.".

ASSISTANCE TO INDIANS AND ALASKAN NATIVES AND TO OTHER PERSONS RESIDING IN RESERVATIONS OR VILLAGES

Sec. 503 (a) Section 501 of the Housing Act of 1949 is amended by inserting the following after "residents" in subsection (a)(2): ", including persons who reside in reservations or villages of Indian tribes,".

(b) Section 514 of such Act is amended by inserting "or to any Indian tribe for such purpose," before "or to any State" in subsection (a).

(c) Section 515 of such Act is amended—

(1) by inserting "or to any Indian tribe" after "consumer cooperatives" in subsection (a); and

(2) by inserting "Indian tribe" after "trust," in subsection (b).

(d) Section 516 of such Act is amended by inserting "or any Indian tribe," after "or political subdivision thereof" in subsection (a).

(e) Section 523 of such Act is amended—

(1) by inserting "Indian tribes," after "organizations," in subsection (b)(1)(A);

(2) by inserting "and to Indian tribes" after "private nonprofit organizations" in subsection (b)(1)(B); and

(3) by inserting ", including Indian tribes," after "other associations" in subsection (b)(2).

(f) Section 524(a) of such Act is amended by inserting "and to Indian tribes" after "nonprofit organizations" the first time it appears in the first sentence.

(g) Section 525 of such Act is amended by inserting "Indian tribes," after "organizations," in the first sentences of subsections (a) and (b).

(h) The second sentence of section 501(c) of such Act is amended by inserting "or Indian tribe" after "local public agency".

APPLICABILITY OF ENERGY CONSERVATION STANDARDS TO HOMES ACQUIRED AND SOLD BY THE FARMERS' HOME ADMINISTRATION

Sec. 504. Section 510(e) of the Housing Act of 1949 is amended by inserting after "standards," in clause (1) of the following: "including cost-effective energy conservation standards applicable to the weatherization program described in section 504(c),".

MORATORIUM AUTHORITY

Sec. 505. Section 505 of the Housing Act of 1949 is amended by inserting after "beyond his control," in the first sentence the following: "including excessive energy costs,".

CONDITION ON RENT INCREASES IN 514, 515, AND 517 PROJECTS

Sec. 506. Title V of the Housing Act of 1949 is amended by adding the following new section at the end thereof:

"Condition on Rent Increases in 514, 515, and 517 Projects

"Sec. 530. The Secretary may not approve any increase in rental payments in any project which is assisted under section 514, 515, or 517 and under section 521(a)(1)(B) unless the project owner is receiving, or has applied for (within the most recent period of 180 prior to the effective date of such increase), rental assistance payments with respect to such project under section 521(a)(2)(A) of this title or section 8 of the United States Housing Act of 1937."

REFINANCING FOR CONSUMER COOPERATIVE

Sec. 507. Section 515 of the Housing Act of 1949 is amended by adding the following new subsection at the end thereof:

"(f) Notwithstanding the provisions of subsections (a) and (b) of this section, the Secretary may make and insure loans to consumer cooperatives to enable such cooperatives to finance the transfer of membership in the cooperative upon such terms and conditions as low- and moderate-income persons can reasonably afford; except that such loans shall not be made upon terms more favorable than are authorized under section 521(a) and that the total loan to the cooperative under this section does not exceed the value of the property."

CONTINUED ELIGIBILITY OF CO-OP MEMBERS

Sec. 508. (a) Section 515(a) of the Housing Act of 1949 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding the following new paragraph at the end thereof:

"(4) such a loan, when made to a consumer cooperative for cooperative housing purposes, may, notwithstanding any other provision of law, be made upon condition that persons, admitted as eligible members and tenants of the cooperative, may not subsequently be deprived of their membership or tenancy by reason of their no longer meeting the income eligibility requirements established by the Secretary."

(b) Section 515(b) of such Act is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(3) by inserting the following new paragraph at the end thereof:

"(6) such a loan, when made to a consumer cooperative for cooperative housing purposes, may, notwithstanding any other provision of law, be made upon the condition that persons, admitted as eligible members and tenants of the cooperative, may not subsequently be deprived of their membership or tenancy by reason of their no longer meeting the income eligibility requirements established by the Secretary."

SUBSEQUENT LOANS IN INELIGIBLE AREAS

Sec. 509. Section 510 of the Housing Act of 1949 is amended by inserting the following after "available" in subsection (h): "for subsequent loans to permit necessary dwelling repairs and rehabilitation and".

SURPLUS FEDERAL LAND

Sec. 510. The first sentence of section 414 of the Housing and Urban Development Act of 1969 is amended to read as follows: "Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, any Federal surplus real property within the meaning of such Act may, in the discretion of the Administrator of General Services, be transfered to the Secretary of Housing and Urban Development or the Secretary of Agriculture at either's request for sale or lease by either Secretary at its fair value for use in the provision of housing to be occupied predominantly by families or individuals of low- or moderate-income, assisted under a Federal housing assistance program administered by either the Secretary of Housing and Urban Development or the Secretary of Agriculture or under a State or local program found by the appropriate Secretary to have the same general purpose, and for related public commercial or industrial facilities approved by the appropriate Secretary."

INTEREST CREDITS

Sec. 511. Section 521(a)(1)(B) of the Housing Act of 1949 is amended by striking out "may" and inserting in lieu thereof "shall".

GUARANTEED LOANS

Sec. 512. Section 517(n) of the Housing Act of 1949 is amended by inserting "moderate or" after "borrowers with".

STUDY

Sec. 513. (a) The Secretary shall study the legislative and administrative changes which would be required—

(1) to conform the procedures of the Farmers Home Administration for reporting budget and accounting information with the reporting principles established by the Presidential Commission on Budget Concepts;

(2) to establish procedures to reflect fully in the Federal Budget the budget authority and budget outlays of the programs administered by the Farmers Home Administration;

(3) to remove budget and accounting practices which are inconsistent with the practices for recording debt transactions as provided in the current policy of the Office of Management and Budget; and

(4) to simplify the authorities provided in title V of the Housing Act of 1949.

(b) In carrying out this study, the Secretary shall consult with the appropriate committees of the Congress, the Comptroller General of the United States, and the Office of Management and Budget.

(c) The Secretary shall report to the Congress the results of such study with recommendations for legislative and administrative changes for each of the matters described in paragraphs (1) through (4), no later than the date on which the President's Budget for Fiscal Year 1982 is submitted to the Congress.

AUTHORITY TO ADMINISTER CERTAIN HUD INSURANCE PROGRAMS IN RURAL AREAS

Sec. 514. (a) Title V of the Housing Act of 1949, as amended by section 506 of this Act, is amended by adding the following new section at the end thereof:

"AUTHORITY TO ADMINISTER CERTAIN HUD INSURANCE PROGRAMS IN RURAL AREAS

"SEC. 531. The Secretary may administer, in any rural area, any mortgage insurance program established pursuant to section 203(b) or section 203(i) of the National Housing Act to the extent to which the administration of any such program is delegated to the Secretary by the Secretary of Housing and Urban Development."

(b) Title V of the National Housing Act, as amended by sections 307(b) and 325 of this Act, is amended by adding the following new section at the end thereof:

AUTHORITY TO DELEGATE CERTAIN MORTGAGE INSURANCE PROGRAMS TO SECRETARY OF AGRICULTURE IN RURAL AREAS

"SEC. 532. The Secretary may delegate to the Secretary of Agriculture the authority, in whole or in part, to carry out, in any rural area (as defined in section 520 of the Housing Act of 1949), and mortgage insurance program established pursuant to section 203(b) or section 203(i) of the National Housing Act."

TITLE VI—EFFECTIVE DATES

SEC. 601. The provisions of this Act shall become effective on October 1, 1980; except that the amendments made by section 206 shall become effective on the date of the enactment of this Act.

COMMITTEE AMENDMENTS

The CHAIRMAN pro tempore. The Clerk will report the remaining committee amendments.

The Clerk read as follows:

Committee amendment: Page 112, line 15, strike all down through line 18 on page 112.

The committee amendment was agreed to.

The CHAIRMAN pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 113, line 13, strike "507" and insert "506."

The committee amendment was agreed to.

The CHAIRMAN pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 114, line 2, strike "508" and insert "507."

The committee amendment was agreed to.

The CHAIRMAN pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 115, line 10, strike "509" and insert "508."

The committee amendment was agreed to.

Mr. ASHLEY. Mr. Chairman, I ask unanimous consent that the remaining amendments be considered as read, considered en bloc, and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The remaining committee amendments are as follows:

Committee amendments: On page 115, line 15, strike "510" and insert "509."

On page 116, line 8, strike "511" and insert "510."

On page 116, line 12, strike "512" and insert "511."

On page 116, line 16, strike "513" and insert "512."

On page 117, line 21, strike "514" and insert "513."

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. BUTLER

Mr. BUTLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUTLER: Page 118, after line 20, insert the following new section:

PREPAYMENT AND REFINANCING OF LOANS UNDER SECTIONS 514 AND 515

SEC. 514. Section 502(c) of the Housing Act of 1949 is amended—

(1) by striking out "(1) Except as provided in paragraph (2), the" in paragraph (1) and inserting in lieu thereof "The";

(2) by striking out "entered into before or after" each time it appears in paragraph (1) and inserting in lieu thereof "entered into after"; and

(3) by striking out paragraph (2).

The CHAIRMAN pro tempore. The Chair wishes to state that under the unanimous-consent agreement agreed to yesterday, the gentleman from Virginia (Mr. BUTLER) would have 15 minutes as proponent of his amendment.

Mr. BUTLER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the intent of this amendment is very simple. It is to rectify a wrong that was committed when last year's housing bill was passed.

The wrong was to include a provision that gave the right to the Department of Agriculture to change, in its favor, the terms of a contract the Federal Government had previously signed.

Prior to the enactment of last year's measure, developers who constructed low-income rental housing under the Farmers Home, sections 514 and 515 programs, signed a contract which not only allowed for prepayment of their low-interest loan, but required them to do so when the Department determined it was possible for them to obtain a market-rate loan from private sources.

If my colleagues will look at the easel here, this is the language which appeared in all of the contracts or substantially all of the Farmers Home contracts prior to the legislation of last year. It was required by statute.

> Prepayments of scheduled installments or any portion thereof may be made at any time at the option of the borrower.

This is the prepayment provision, the right of anticipation or whatever one wants to call it, but it is a bargained for consideration and important part of a contract of borrowing, the right to prepay an indebtedness at the option of the borrower.

When it appeared that a few developers had been prepaying their loans and converting their units to other uses, the Housing and Community Development Subcommittee adopted a provision prohibiting this practice in the future. Unfortunately, the full Committee on Banking, Finance and Urban Affairs adopted the amendment applying this provision retroactively.

Mr. Chairman, in legal terms this is called an abrogation of contract rights or an impairment of the obligations of a contract. In layman terms it is called changing the rules in the middle of the game. In some circles it is called welching. Whatever it is, it is basically unfair.

I invite my colleagues, so they may understand what we are talking about, to look before them on the easel where I have displayed the language of last year's amendment:

> The Secretary may not accept an offer to prepay, the Secretary may not accept an offer to prepay any loan made or insured under these sections pursuant to a contract entered into before or after the date of the enactment of this subsection.

That is the critical language we are talking about "before or after the date of the enactment of this subsection."

My amendment would strike out the word "before" so that the retroactive feature of the language would be eliminated.

The rationale for making this decision was that these projects, financed with low-interest loans, were to remain available to low- and moderate-income families. I am not going to quarrel with that policy decision as it affects future contracts. It may be right or it may be wrong, but it is certainly a legitimate decision for this Congress to make.

I want to make it clear, therefore, this amendment does not speak to the overall policy decisions, and in no way changes the requirements for prospective developers, or even those who entered into contracts since the effective date of this provision.

However, I will argue that applying such a provision retroactively is morally and legally wrong. Individuals have relied upon their contractual rights, they have made personal and economic decisions based on those rights. To change the terms of the contract, a contract I might add that was written by the Government itself, to prohibit that which not only it encouraged but was required before, cannot be justified.

I also believe, Mr. Chairman, that the adoption of my amendment is going to save the Department of Justice a lot of time in court. This section of the law has within it the seeds of prolonged litigation. As the ranking member of this committee pointed out in his remarks on the conference report last year, this provision will ultimately tie these needed programs up in lawsuits and end up only penalizing the rural and low-income renters who need the program the most.

The legal attack or the thing that is going to tie this up in court will probably come on constitutional grounds. The Supreme Court held, and rightly so, that the Federal Government, lacking something akin to a national emergency, must honor its own contracts. I think that is appropriate. The Federal Government should honor its own contracts.

Based upon my discussion with the staff, it is difficult to believe that there is any emergency or exigent circumstances, as the court has stated, to justify a deviation from accepted legal procedures.

☐ 1120

In any event, I am not going to argue the merits of my amendment on constitutional grounds. What we are deciding is whether or not one party should honor its contractual agreements. The law says yes. The question, then, basically is whether the Government is above the law. I say it is not. I hope you will agree with me that this amendment is quite appropriate in striking the retroactive provisions.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware (Mr. EVANS).

Mr. EVANS of Delaware. Mr. Chairman, first of all, I would like to compliment the gentleman from Virginia on his excellent remarks. He makes very compelling arguments for the need to adopt his amendment and has explained the amendment very well.

I firmly believe that last year's decision to allow the Federal Government to abrogate the terms of existing contracts—and it makes no difference whether you call it in legal language an abrogation of terms of whether you call it "changing the rules in the middle of the game"—it was wrong. To justify such drastic action, there would have to be overwhelming evidence that such a decision was absolutely necessary.

This type of evidence has never been presented. Neither of the authorizing committees in either body has held hearings on the subject. The administration did not request that they be given this authority. In last year's legislative hearings, there was hardly any discussion of the prepayment issue and the concept of retroactivity was mentioned only in passing by one witness. The legislative record clearly did not justify such a draconian step, which in all probability will establish a powerful disincentive for developers to build needed low-income rental housing through the programs of the Farmers Home Administration.

There are still many unanswered questions about the entire prepayment issue. For example, the claim is made that prepayment would lead to subsequent conversion of the building to other uses and that this, in turn, could result in tenant displacement. Displacement is a major problem in America today, and if that were the case here, it would be a legitimate concern of the Congress. But what evidence do we have that this is a truly significant problem? The Farmers Home Administration's own figures indicate that neither the number of prepayments nor the level of displacement is such a serious problem that the Federal Government should break its word to the primary producers of this type of housing in rural areas. The number of prepayments is almost inconsequential and is not accelerating. Since 1970 prepayments have fluctuated each year between 1 percent and 2 percent of the outstanding loans.

With regard to tenant displacement, the Farmers Home Administration did a survey of the projects that had been prepaid during the years 1974 to 1978. This survey showed that displacement has occurred in less than 1.8 percent of the units, for a grand total of 41 units. In addition, Mr. Chairman, we do not even know if there was replacement housing available.

This is the type of information we need to have in order to make a reasonable decision. As I have indicated, we have never received it. Rather than facts, we have had rhetoric.

Mr. Chairman, I would hope we can get this information. Last year, it was suggested that we hold public hearings. We can still do that. If the hearings prove conclusively there is a problem that would warrant abrogating contract rights, we would at least have a defensible position. At the present we do not. I urge my colleagues to support this important amendment.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

Mr. ASHLEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to point out that if this amendment is agreed to, three-quarters of the rental housing units produced by Farmers Home in the last 8 years will be in danger of being removed from the rural, low-, and moderate-income housing market. As much as $3.3 billion in additional funding would be required to replace them. This, Mr. Chairman, could well be the cost of adopting this amendment.

Mr. Chairman, less than a year ago the Banking Committee, and, indeed, this body and finally the Congress as a whole, acted decisively to protect federally financed rural rental housing from being prematurely converted to condominiums, or sold and subsequently rented to more affluent families than those that the Congress had intended to assist. One hundred twenty thousand units or three-quarters of all federally assisted rental units built for rural, low-, and moderate-income and elderly families were so endangered, and the Federal Government's investment of more than $2 billion was at stake. So, as I say, the pending amendment would repeal the action of the Congress last year and again these much needed units, along with the massive taxpayers' investment that they represent, would be in jeopardy of being diverted from their intended low and moderate income use.

Who do we in the Congress represent? The rural housing developers or the people we intended to provide decent shelter for, the rural poor? It is very clear who the gentleman intends to protect when he says that the original law never contemplated prepayment. Of course, it did not, because when we established the section 514 and 515 rental programs years ago, the only sponsors of rural rental housing projects were nonprofit sponsors. When subsequently for-profit motivated sponsors were allowed to participate in the program, the law did not condition prepayment. That is what created the problem. What do you suppose the for-profit sponsors zeroed in on? It will come as no surprise to the Members of this House—prepayment. The effect is that many of these sponsors as much as said, let us evict the poor tenants so that we can rent these units to more affluent tenants. Guess who profits when this is done? Affluent owners and renters, not the poor. That is what this issue is about.

Pursuant to our actions last year, existing law provides that the Secretary of Agriculture cannot accept prepayment of a section 514 or section 515 loan unless the owner obligates the housing for low- or moderate-income families for 20 years. Is that so drastic? That is what the rural rental housing program was intended to do. For projects that do not receive interest rate, section 8 housing assistance, or rental-assistance payments, the term of obligation is only 15 years. If, however, the housing no longer is needed for low- and moderate-income families or Federal assistance to the tenants is no longer available, then the owners desiring to repay their loans may do so. The Secretary is required to accept prepayment offers unless it would result in depriving the tenants of their units and they are not provided alternative housing.

Mr. Chairman, the Federal income tax laws and the tight rental housing market in rural areas clearly create an overwhelming incentive for owners to sell off these rental projects before the term of the Farmers Home loan. Until we applied conditions to the prepayment of these loans last year, the Farmers Home Administration, contrary to congressional intent, was permitting owners to prepay under any condition and at any time they chose to do so. Some would have the House believe that the absence of prepayment conditions in the Farmers Home mortgage and loan instruments was the result of the expressed intent of the Congress. Not so. It was the result of a gross administrative error on the part of the Farmers Home Administration.

Farmers Home had failed to include any conditions on prepayment of the mortgage and loan instruments when for-profit sponsors were made eligible for section 514 and section 515 loans in 1972. Before that only nonprofit sponsors were eligible to sponsor these housing projects. These organizations obviously had no incentive to prepay their loans. They were in the business for the good of the people who needed the housing. It was only after the project was opened up to profit-motivated developers that the absence of prepayment conditions began to be a significant problem.

So, Mr. Chairman, the Congress acted to condition, not to prohibit, prepayment of these low- and moderate-income rural housing loans. It acted to insure that the original intent of these section 514 and section 515 rural housing programs would not be thwarted, diverted, or manipulated by a misguided administrative action. Those who argue that this action on the part of the Congress broke faith with the owners, depriving them of their due process, would do well to consider that these owners are permitted to borrow at below-market interest rates solely to provide rental housing for low- and moderate-income families.

The imputed capital subsidy to these owners through below-market interest rates is almost 60 percent of the construction cost, or an amount which today exceeds $1.8 billion. And this amount does not take into account the huge subsidies provided through the Federal income tax system, in the form of accelerated depreciation and special capital gains treatment on profits from the sale of these projects.

□ 1130

The only justification for such extensive subsidies, without doubt, is that the section 514 and 515 housing be made available for a reasonable period of time at least to the low-income people for whom it was intended.

Most of the 5-month period spent in conference on the Housing and Community Development amendments last year was devoted to working out a carefully crafted compromise with the other body on the prepayment provision. This very issue that now the gentleman brings back to us.

Mr. Chairman, the compromise balanced the interest of the developers and the need to protect the massive Federal investment and the lower income and elderly tenants.

Mr. Chairman, this amendment reopens the wounds of a year ago. It raises issues which we thought were settled and which should have been settled last year. Frankly, it pits the tenuous right of developers who have received massive Federal subsidies, against the clear-cut rights of the tenants that this Congress acted to protect.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. Of course, I will yield to my friend from Oregon.

Mr. AuCOIN. Mr. Chairman, I appreciate very much the gentleman yielding to me.

Is it not true, after having heard the statement that this language would somehow tie the Agency up in court with an incredible amount of litigation, that there is not a single court case now pending, on the basis of the language this Congress passed 1 year ago? Is that not true?

Mr. ASHLEY. That is correct. The Farmers Home Administration reports that since enactment of the prepayment provision last year, 23 rental project loans have, in fact, been prepaid under the conditions set forth in the legislation last year and not a single lawsuit opposing the prepayment provision has been filed. I agree with the gentleman, it certainly brings into question the appropriateness of the gentleman's amendment.

Mr. EVANS of Delaware. Mr. Chairman, will the distinguished gentleman yield to me?

Mr. ASHLEY. I will be delighted to yield.

Mr. EVANS of Delaware. I thank my chairman of the Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs for yielding.

Mr. Chairman, I want to say first of all that the gentleman is a good friend of mine. I respect him highly. Very rarely do we have too many disagreements in the area of housing. I find the gentleman's argument very appealing from an emotional standpoint.

Mr. ASHLEY. It was so intended.

Mr. EVANS of Delaware. I realize the arguments were intended to have that type of appeal but I really would like to ask the gentleman several questions if I may. First of all, the gentleman said something to the effect that this amendment might cost $3 billion; is that correct?

Mr. ASHLEY. The gentleman is correct. That is essentially what I said. If this amendment is adopted, the units built by for-profit sponsors, would be subject to unconditional prepayment. That is the issue we disposed of last year. The volume of section 514 and section 515 for-profit, housing activity would require more than $3 billion to replace.

Mr. EVANS of Delaware. If the gentleman will yield further, Farmers' Home Administration does receive those prepayments. I do not think there is any substantial loss in terms of dollars.

Mr. ASHLEY. On the contrary, the loss could be substantial.

Mr. EVANS of Delaware. If the gentleman will yield further—and I thank him for doing that—theoretically all of the section 514 and section 515 could burn down and need replacing. However, let us return to reality and let me say something about prepayment. At the present time, the figures provided by the Farmers Home Administration clearly indicate that prepayment is not a major problem and that the opponents of the amendment are relying on emotional arguments which obscure the rational justification for this needed change in the law. If one really takes a look at the facts, unemotionally and in the clear light of day, there have been but 41 units where there has been displacement.

Now, for that we are abrogating the terms of a U.S. Government contract. We are creating uncertainty in the minds of the developers of rural housing at a time when we definitely need more stability in this country. That is one of the great problems with our country today: Generally there is not enough incentive and certainty for people to invest in those things that are going to provide jobs for people and, in this case, provide the low-income rental housing we urgently need in America.

Mr. ASHLEY. Mr. Chairman, if the gentleman will yield, I would like to point out that as long as old Uncle Sam continues to provide builders subsidies through below market interest rates, and continues to make available to them lucrative tax incentives, there will be and there are takers. So let us not bleed over the fact that the privilege of prepayment is being taken away from these sponsors. They did not hesitate 1 minute, I assure you, to take the Federal Government's money on the promise that they would use it to house low-income rural families and the elderly. Now they want out of the program but without giving up the benefits they were permitted to reap. They want out of the responsibility to continue to house and provide shelter for the rural poor. They want to evict those people so they can sell more condominiums or rent to more affluent people. I remind the House again, that this is what the issue before us is all about.

Mr. EVANS of Delaware. How many of these people have been displaced, Mr. Chairman, and should it not be our responsibility to hold oversight hearings to take a look at the situation and determine the facts?

If the gentleman would yield one further time, I would like to close by saying that the other day the gentleman said to my good friend from Chicago, the gentleman from Illinois (Mr. ANNUNZIO) that he had a splendid record of support. I would just like to say I have to break with the gentleman on this one occasion and disagree on this issue.

I would hope that our colleagues would recognize the factual and legal justification for this amendment and support the effort of the gentleman from Virginia.

Mr. ASHLEY. I can assure the gentleman that our friendship remains unimpaired despite the gentleman's position on this amendment.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I will certainly yield to my good friend from Oregon.

Mr. AuCOIN. Mr. Chairman, I appreciate my friend, the chairman of the subcommittee, yielding. I ask the gentleman to yield for the purpose of inquiring of the Chair how much time we have on this side on the question.

The CHAIRMAN pro tempore. The Chair advises the gentleman there is 2½ minutes remaining on the opponents side.

Mr. ASHLEY. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The proponents have 7 minutes remaining of their time.

Mr. BUTLER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. STANTON).

Mr. STANTON. Mr. Chairman, unemotionally, let us talk about one specific fact. The argument on this amendment is over FmHA's 514 and 515 programs. The programs came into existence in 1962. From 1962 until 1979 the rules and regulations of the Farmers' Home Administration said that when a project sponsor wishes to prepay the amount of money he owes to FHA, he has every legal and moral right to do so. In order to get money from the FmHA to start with, a sponsor had to be turned down by all other lenders. The money in the FmHA came from the American taxpayer. From 1962 until 1979, a very few were prepaid, because of the interest rates. In 1979 the other body said, "Let us, because of a complaint, change it for future projects," and everybody agreed.

However, our committee having spent about 6 minutes totally discussing this change adopted the retroactivity. We, the minority, got shouted down and there was some confusion. It was never brought up on the House floor. This is the first time we have considered this subject.

The vote on the Butler amendment is over whether we shall go back over 16 years and change the rules; or shall we accept what the other body wanted and what some project sponsors wanted and go forth only with respect to future projects. It is that simple. It is going to be your vote. We consider it a very moral issue. But, we consider the fact that in the history of the case there has never been any particular problem. As the gentleman from Delaware has so eloquently stated, the amount of repayment is extremely small but we think it is a very strong moral issue and we would ask for support.

Mr. BUTLER. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. NEAL).

Mr. NEAL. Mr. Chairman, I urge the adoption of the amendment offered by the gentleman from Virginia (Mr. BUTLER). Although Congress has an obligation to see that the section 515 rural housing program is not abused, we also must assure that the Government keeps its word to developers who have agreed to provide rental housing for people of low and moderate income.

The credibility of the Government is at stake here. When Congress agreed last year to make the new section 515 refinancing rules apply retroactively, Congress in effect rewrote the contracts it had made with developers and investors on these rural housing projects.

Until last year, the Government told developers participating in this program that prepayment and refinancing were required on these loans if private funds became available. In 1979, in the housing bill, Congress changed these rules in an effort to assure that these projects are maintained for low- and moderate-income people for a minimum number of years.

Mr. Chairman, whatever the merits of the new rules, it was a serious mistake, in my opinion, to apply them retroactively to contracts previously made for section 515 housing. About 70 percent of the loans under this program go to private developers, who are attracted by the terms of this program to provide low-income housing for a profit. If the profit-motivated builders abandon the program, there will not be enough nonprofit groups to provide the necessary rural housing. We certainly are not encouraging participation by private enterprise when we change the rules of the game retroactively.

It is worth noting, incidentally, that of 150,000 section 515 units built during a recent 3-year period, only 2,144 were refinanced, and only about 40 tenants were displaced as a result, according to one study. The truth is that market conditions seldom allow the developer to make a dramatic change in the use of these projects.

Mr. Chairman, we should admit that last year's amendments on this program constituted legislative overkill. And we should correct that mistake by approving this amendment.

Mr. BUTLER. I yield 1 minute to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I rise in support of the amendment because I think what is really at stake here is whether Congress should pass a law abrogating the right of contract.

☐ 1140

It seems to me that is the real issue here. We have a constitutional provision that says the States cannot pass a law which would abrogate the right to private contract, and if two private parties entered into a contract, the contract could not be abrogated by either one of those parties without approval of the other. But, if the Federal Government enters into a contract with a private party, then apparently the Government can abrogate that contract.

Now, Congress has said that if a person enters into a contract for a Farmers Home Loan, that person cannot accelerate the payments even if that person wants to and the contract so provides. I would not enter into a real estate contract myself unless there was the right to accelerate payments in the contract. Even if this can be done constitutionally, morally it should not be done.

Mr. ASHLEY. Mr. Chairman, I yield my remaining time to the gentleman from Oregon (Mr. AUCOIN).

Mr. AUCOIN. Mr. Chairman, from the author of the amendment, the gentleman from Virginia, my colleagues have heard an appeal to a sense of fairness on the part of the Members of the House. I want to appeal to the sense of fairness of the Members as well. I want to appeal to their sense of fairness for the low-income and moderate-income tenants who would be displaced by the pernicious practice of prepayment. We are talking about throwing out into the street the very people for whom this program was intended.

I also want to appeal to the Members' sense of fair play on behalf of the American taxpayer. In a case of prepayment and displacement it is the taxpayer who will then be asked to provide new public-assisted housing for those very same people who were displaced.

Figures from the Housing Committee indicate on a unit-by-unit basis that if you have a loan that is held for 10 years, and then replace it with a loan for another 10 years, you are talking about a 50-percent increase in providing the self-same kind of shelter that was originally occupied by the recipients under this program.

Now, I think a point has to be made about whether or not there is a wrong that has been inflicted, or whether there has been something that has been dastardly or sinister or evil that has been done by the passage of the 1978 act containing the language we are discussing. This law does not ban prepayments. Let us make that clear; it does not ban prepayments.

What Congress said in 1978 to the developers who are getting tax shelters and very generous profits under a schedule that was laid out for them when Congress enacted the FmHA 515 program, developers was this: "If you are gong to prepay, do so under these three requirements. Do so in a way that will not displace the poor for whom we, the Government gave you in some cases 1-percent money to build rental units."

We said:

> If you must prepay, if you must displace that individual from that individual project, do so in a way that leaves some other option offering comparable rental costs in the community.
>
> And, finally, we said if you must prepay these subsidized loans, do so in a way in which you will not cause an adverse impact on the lower-income and moderate-income housing stock in the community.

The CHAIRMAN. All time has expired for the opponents.

Mr. AUCOIN. Mr. Chairman, I would like to ask the other side, inasmuch as the gentleman from Delaware claimed at least a minute of the chairman's time, if I could have 30 seconds?

Mr. BUTLER. Mr. Chairman, I will yield 30 seconds to the gentleman.

Mr. AUCOIN. Mr. Chairman, I would close by saying that if any Member thinks those three simple tests are pernicious or evil or sinister in some way, then I stand here in total disagreement. I ask for a sense of fairness. I ask for a sense of fairness for the tenants, for the rural poor, the people for whom we built the program, and I ask for fairness on the part of the American taxpayer who is going to pick up the tab if we let this rip-off take place.

Mr. BUTLER. Mr. Chairman, I yield 30 seconds to the gentleman from Delaware (Mr. EVANS).

Mr. EVANS of Delaware. Mr. Chairman, I would just like to correct one thing my good friend from Oregon said. He was talking about 1-percent money. Eighty-three percent of those prepayments were made by "for profit" sponsors, not by nonprofit sponsors. "For profit" borrowers do not receive the deep subsidy loans available under these particular housing programs. These loans are at the FmHA rate, which can be no lower than the Treasury borrowing rate.

What we are addressing here is not only the sancity of a contract and the overriding necessity of avoiding the abrogation of a contract. We are talking about the stability and credibility of the actions and contracts of the Federal Government. If we take this stability and credibility away, we provide a tremendous disincentive for people to deal with the Federal Government. We need to build more low-income rental housing in rural areas. In order to do this, developers need to have confidence in the sancity of the contracts they are signing with agencies like the Farmers Home Administration.

In summary, I continue to firmly believe that it is highly objectionable for the Federal Government to unilaterally abrogate its own explicit contractual relationships and urge you to support this effort to restore a sense of equity and fairness to the dealings of the Federal Government.

Mr. BUTLER. Mr. Chairman, I yield myself the remainder of my time.

I would just like to summarize the argument here and say that the basic problem is this: Prior to December 21, 1979, all these contracts provide in them prepayments of scheduled installments or any portion thereof, may be made at any time at the option of the borrower. They were existing loan agreements between borrowers and the U.S. Government, and we came along in 1979 and said that those prepayment provisions are rendered null and void by this legislation. That is the effect of it. It is a retroactive abrogation or impairment of the rights of contract. The big old Federal Government is turning on the builder and changing the rights of a contract.

It is immoral. It violates the principles on which our Constitution is based. We are only addressing this amendment to the retroactive features of it. I urge the Members to correct this error and support this amendment.

● Mr. DASCHLE. Mr. Chairman, I rise in support of the amendment of the gentleman from Virginia (Mr. BUTLER).

I share his concern about the repayment and refinancing restrictions under the section 515 rural rental housing program which were contained in the Housing and Community Development Amendments of 1979. I am particularly troubled by the application of these restrictions retroactively to existing housing projects financed under the program.

As I understand it, Congress passed the section 515 program in 1962 to finance the construction of rental housing for low- and moderate-income families and elderly in rural areas. This program provides loans to individuals, associations, and organizations operating on a non-profit, limited-profit, and for-profit basis. Over 200,000 units financed by section 515 have been produced and this program has been quite successful in providing needed housing at rents which tenants can afford.

I think that we should carefully weigh any retroactive application of law which will have an impact on existing contracts and reliance by individual borrowers. I believe that the retroactive provisions under the section 515 program fail the test of equity and fairness. Existing borrowers quite properly relied on the refinancing and prepayment provisions in the statute, which were also included in Farmers Home regulations and in the promissory note signed by the borrower and the Federal Government.

For that reason, as well as the fact that it is unwise public policy to induce private sector participation and then "change the rules in the middle of the game," I urge my colleagues to support this amendment.●

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Virginia (Mr. BUTLER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ASHLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 230, noes 108, answered "present" 1, not voting 93, as follows:

[Roll No. 479]

AYES—230

Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Applegate
Archer
Ashbrook
Atkinson
Badham
Bafalis
Bailey
Baldus
Barnard
Bauman
Beard, R.I.
Beard, Tenn.
Bennett
Bereuter
Bethune
Boner
Bouquard
Bowen
Breaux
Brinkley
Broomfield
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carter
Clausen
Clinger
Coelho
Coleman
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, R. W.
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
Deckard
Derrick
Dickinson
Dicks
Dornan
Dougherty
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fascell
Fenwick
Findley
Fisher
Fithian
Flippo
Foley
Forsythe
Fountain
Frenzel
Frost
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Goodling
Gradison
Gramm
Green
Grisham
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Harsha
Hillis
Hinson
Holt
Hopkins
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Kelly
Kemp
Kindness
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Lott
Luken
Lungren
McClory
McCloskey
McCormack
McDonald
McHugh
Madigan
Marks
Marlenee
Marriott
Martin
Mathis
Mattox
Mavroules
Mazzoli
Mica
Miller, Ohio
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nelson
Nowak
O'Brien
Pashayan
Paul
Perkins
Petri
Porter
Preyer
Pritchard
Pursell
Rahall
Ratchford
Regula
Rhodes
Ritter
Roberts
Robinson
Roth
Royer
Santini
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Skelton
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stack
Stangeland
Stanton
Steed
Stenholm
Stockman
Stump
Swift
Synar
Tauke
Taylor
Thomas
Trible
Ullman
Volkmer
Walgren
Walker
Wampler
Watkins
Weaver
White
Whitehurst
Whitley
Whittaker
Whitten
Wilson, Tex.
Winn
Wolpe
Wyatt
Wylie
Young, Fla.
Young, Mo.

NOES—108

Annunzio
Ashley
Aspin
AuCoin
Barnes
Beilenson
Benjamin
Biaggi
Bingham
Blanchard
Bolling
Brademas
Brodhead
Brooks
Brown, Calif.
Burton, John
Burton, Phillip
Carr
Cavanaugh
Clay
Collins, Ill.
Conyers
Corman
Danielson
Dingell
Drinan
Eckhardt
Edwards, Calif.
Fary
Fazio
Ferraro
Florio
Ford, Tenn.
Garcia
Gaydos
Gephardt
Gonzalez
Gore
Gray
Guarini
Hanley
Harkin
Harris
Hawkins
Heckler
Heftel
Hollenbeck
Howard
Hutchinson
Jacobs
Jeffords
Kastenmeier
Kildee
Kogovsek
Kostmayer
Lehman
Leland
Long, Md.
Lowry
Maguire
Markey
Mikulski
Mineta
Minish
Mitchell, Md.
Moffett
Nedzi
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Pepper
Peyser
Price
Reuss
Richmond
Rinaldo
Roe
Rosenthal
Sabo
Schroeder
Seiberling
Simon
Solarz
Spellman
Stark
Stewart
Stokes
Stratton
Studds
Thompson
Traxler
Udall
Van Deerlin
Vanik
Vento
Waxman
Weiss
Williams, Mont.
Wirth
Wolff
Wright
Yates
Zablocki

ANSWERED "PRESENT"—1

Scheuer

NOT VOTING—93

Abdnor
Addabbo
Anderson, Ill.
Anthony
Bedell
Bevill
Boggs
Boland
Bonior
Bonker
Brown, Ohio
Broyhill
Chappell
Cheney
Chisholm
Cleveland
Collins, Tex.
Conte
Cotter
Crane, Philip
Daniel, Dan
de la Garza
Dellums
Derwinski
Devine
Dixon
Dodd
Donnelly
Downey
Early
Edgar
Edwards, Okla.
Fish
Ford, Mich.
Fowler
Fuqua
Giaimo
Grassley
Hansen
Hefner
Hightower
Holland
Holtzman
Horton
Ichord
Ireland
Johnson, Colo.
Leach, La.
Lederer
Lujan
Lundine
McDade
McEwen
McKay
McKinney
Matsui
Michel
Miller, Calif.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Nichols
Nolan
Pickle
Quayle
Quillen
Railsback
Rangel
Rodino
Rose
Rostenkowski
Rousselot
Roybal
Rudd
Russo
Shannon
Smith, Iowa
St Germain
Staggers
Symms
Tauzin
Vander Jagt
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wydler
Yatron
Young, Alaska
Zeferetti

☐ 1200

The Clerk announced the following pairs:

On this vote:

Mrs. Boggs for, with Mr. Addabbo against.

Mr. Tauzin for, with Mr. Murphy of Illinois against.

Mr. Bevill for, with Mr Boland against.

Mr. Nichols for, with Mr. Rodino against.

Mr. Chappell for, with Mrs. Chisholm against.

Mr. Abdnor for, with Mr. Rangel against.

Mr. Anthony for, with Mr. Ford of Michigan against.

Mr. Fuqua for, with Mr. Dellums against.

Mr. STRATTON, Mr. RINALDO, and Mrs. HECKLER changed their votes from "aye" to "no."

Messrs. GUDGER, VOLKMER, and WALGREN changed their votes from "no" to "aye."

Mr. SCHEUER changed his vote from "no" to "present."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. Under the unanimous-consent agreement previously granted, 30 minutes will be allotted on the amendment to be offered by the gentleman from Tennessee (Mr. DUNCAN). The gentleman from Tennessee (Mr. DUNCAN), as the proponent of the amendment, will be allowed 15 minutes, and the gentleman from Ohio (Mr. ASHLEY), as the opponent of the amendment, will be allowed 15 minutes.

AMENDMENT OFFERED BY MR. DUNCAN OF TENNESSEE

Mr. DUNCAN of Tennessee. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN of Tennessee: Page 118, after line 25, create the following new title:

TITLE VII

SEC. 701. Notwithstanding any other provision of law, social security benefit increases occurring after May 1980 shall not be considered as income or resources or otherwise taken into account for purposes of determining the eligibility for or amount of assistance which any individual or family is provided under the United States Housing Act of 1937, the National Housing Act, the Housing and Urban Development Act of 1965, or the Housing Act of 1949. For purposes of this subsection, the term "social security benefit increases occurring after May 1980" means any part of a monthly benefit payable to an individual under the insurance program established under title II of the Social Security Act which results from (and would not be payable but for) a cost-of-living increase in benefits under such program becoming effective after May 1980 pursuant to section 215(i) of such Act, or any other increase in benefits under such program, enacted after May 1980, which constitutes a general benefit increase within the meaning of section 215(i) (3) of such Act.

(b) Subsection (a) of this section shall be effective only with respect to assistance which is provided under the Acts referred to in the first sentence of such subsection for periods after September 30, 1980.

Mr. DUNCAN of Tennessee (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today for the third time in as many years to request the support of my colleagues for an amendment to help our social security recipients residing in public housing.

☐ 1210

Each year the deserving people receive a meager increase in their social security benefits to help them deal with the effects of ever rising inflation.

The problem is however that most and sometimes all of the increase is taken by the local public housing authorities through immediate rent increases and otherwise. In some instances, the small increase moves the recipient into higher brackets and they are forced to move.

You can imagine the effects that this has had on the elderly social security recipient. The recipients are presented with an increase to compensate for the loss of purchasing power and most of it is taken away. In other words, they feel this is unjust, and frankly, I do not blame them. We give with one hand and take away with the other.

My amendment would end this unfair practice and not allow the use of cost-of-living adjustments in determining eligibility for public housing.

This has been a windfall to local housing authorities, and the Congress never intended it to be. This amendment has twice passed the House before in 1978. The vote was 256 to 38. Last year it passed 311 to 79.

In spite of the overwhelming majority, however, the House conferees on both occasions, voted to recede on this amendment with the Senate. There is a precedent for this type of action. Some 2 to 3 years ago, the Congress approved legislation providing that the cost-of-living increase would not be considered in determining eligibility for veterans' benefits. This year again we have the opportunity to succeed where we have failed in the past.

I strongly urge my colleagues to support this worthy amendment.

Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN of Tennessee. I yield to the gentleman from California.

Mr. JOHN L. BURTON. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of the Duncan amendment. I would like to associate myself with the gentleman's remarks. It is not unlike robbing Peter to pay Paul, or as the gentleman so aptly put it, we give it to the elderly with one hand and take it away with the other. We may as well say people living on social security and public housing should not get a cost-of-living increase if it is going to be taken away from them by another governmental agency.

Mrs. BOUQUARD. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN of Tennessee. I yield to the gentlewoman from Tennessee.

Mrs. BOUQUARD. Mr. Chairman, I rise in support of my colleague from Tennessee. I compliment the gentleman for offering this amendment.

Adoption of this amendment would correct a great inequity which exists in our system. Many of the elderly in our Nation find themselves becoming ineligible for Federal housing assistance due to increases in their social security benefits which result from dramatic increases in the cost of living. Is it right that we should penalize these individuals for the failure of our economic policies which have not controlled the inflation rate? I would think not. In essence, with our present system we are giving with one hand and taking away with another.

This amendment would simply provide that any future increases in social security benefits would not affect an individual's eligibility for Federal housing assistance. Seeing that adequate housing is made available to the elderly of this country should be one of the top priorities of this Congress. We do not very effectively meet this challenge when we force the elderly to choose between food and adequate housing. This is what we do every time that we provide an increase in social security benefits to meet the rising cost of living and then turn around and say to the elderly, "Now you must pay substantially more for your housing because you are no longer eligible for housing assistance."

I believe that this is an unacceptable situation and I would urge my colleagues to adopt this amendment.

Mr. HEFTEL. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN of Tennessee. I yield to the gentleman from Hawaii.

Mr. HEFTEL. I thank the gentleman for yielding.

Commonsense and common decency dictate that we do not displace our elderly citizens from public housing for which they otherwise would have qualified because of a cost-of-living allowance which does not even cover the inflationary rise in the cost of their daily needs. It would be unconscionable if we fail to pass the gentleman's amendment. I am sure that this body will, in fact, do so.

Mr. DUNCAN of Tennessee. I thank the gentleman.

Mr. Chairman, I reserve the balance of my time.

Mr. ASHLEY. Mr. Chairman, I rise in opposition to the amendment.

I do so, assuring my colleagues who have taken an interest in my position on this amendment, that I have no intention whatever of insisting on a rollcall.

I do want to take the time to briefly express our position on this amendment.

What the amendment would do is prevent rent increases for assisted housing tenants whose income is obtained from social security. Those Members who are in favor of rent control have a golden opportunity to endorse Federal rent control by supporting this amendment. I think it is important to point out that social security cost-of-living increases, which, I remind my colleagues, are computed twice a year, are intended to cover a variety of essential cost including increases in the cost of shelter.

Is it reasonable to allow cost-of-living increases to cover rent increases but then prevent such cost-of-living increases from being used for those very rent increases simply because the shelter happens to be publicly financed?

That is what this amendment would do. What troubles me most about it is that it gives special treatment to one group of people simply because of their source of income. Those whose income is obtained other than from social security, will continue to have to pay more rent. Someone, however, with the identical level of income but who receives it through social security, is exempted. Now, I ask my colleagues if that is fair?

As drafted, the amendment would even treat social security recipients differently according to when they entered the program. A person living in public housing today would essentially have their rent fixed based on this year's social security benefit level. But, someone who came into the program next year, would have to pay a higher rent because the rent would be based on the 1981 benefit level, even though they both would be actually getting the same social security payment.

In addition to the amendment being inequitable, it is costly. Projections done by the Department of HUD show that in 1981 alone, the cost of the amendment would be $114 million, an amount which would cause us to breach the budget target. I repeat that, if enacted into law, this will cause us to breach the budget target.

Also, the $114 million will increase annually by an astounding amount.

In 1985, the loss in rental income is estimated at more than $552 million which means that in just 5 years, the cost of the gentleman's amendment would exceed $1.65 billion. To put it simply, this money has got to come from someplace. The only place it can come from is from the taxpayers' pocket or from borrowing. If that does not further inflation, I do not know what does.

If the gentleman wishes to mitigate against rent increases in public housing, there are more effective and fair ways of doing so. If the gentleman's concern is to increase the value of the benefits under social security, again, there are better ways of doing that. This amendment attempts to accomplish a presumably laudable end, but instead would create a gross and very costly inequity.

I would urge my colleagues to join me in opposing this amendment. I am confident they will do so today, just as I was last year when this same issue was before us.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, I thank the gentleman for yielding.

What one has to take into consideration when one seriously considers this amendment is that on the subject of social security increases and increases in the rent, the gentleman is speaking of people who already live in subsidized housing, elderly people who live in subsidized housing. Am I correct?

Mr. ASHLEY. That is correct.

Mr. STANTON. For every person, every one of our constituents who lives in subsidized housing, the staff would estimate there are 100 people eligible who do not live in that subsidized housing, literally millions of people who would have no effect on this. The person living in there already gets subsidized help. The person living next door in a private home or average rent that goes up automatically, they have no control. They pay the extra rate.

Mr. ASHLEY. The gentleman is absolutely right. Public housing residents are substantially supported by the public. However, there are many, many people in the same economic condition who are not residing in public housing because there is not enough public housing. Yet, when their rents go up, there no plea on their behalf is made by anyone. It just happens almost automatically. But for this small group, whose social security payments are indexed twice a year to keep pace with inflation, would be spared forever and ever from paying any increased rental charge regardless of the fact that costs have risen in public housing in the same way that they have risen in private housing. The gentleman is entirely correct and I appreciate him for pointing that out.

Mr. Chairman, we have no further requests for time.

Mr. DUNCAN of Tennessee. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. BONER).

Mr. BONER of Tennessee. Mr. Chairman, I rise in support of the gentleman's amendment because I believe that our Nation's elderly citizens deserve help in their constant, never-win fight against the rising cost of housing. During the district work periods, I have had the opportunity to hold public meetings at every senior citizens' highrise in Davidson County. The most frequent and pressing question the residents of these apartments ask me is "Why do we get a cost-of-living increase in social security on the one hand and, before we can get the money in our pockets, our rent is automatically raised so that we can really never get ahead?"

Let me give you an example. The average income of a resident who is over 62 years of age in a Nashville metropolitan public housing facility is $3,600. This means an average monthly income of $300.

I support the concept of a balanced budget. However, I do not believe that a certain segment of our society should suffer unduly to achieve this goal. I am sure that this amendment will not in and of itself create an unbalanced budget. I can readily think of many other areas that need cutting so we can help these people live in a lifestyle that they deserve. I am not one to advocate many of the Federal give-away programs, but I am convinced if there is one segment of our society that desperately needs some type of assistance from the Federal Government, it is our senior citizens and especially those who live on fixed incomes. So far Congress has bailed out the Chrysler Corp., given away billions in foreign aid, taken thousands of Cuban refugees at a cost of over $400 million to the American taxpayer and yet these elderly citizens still pay their rent with no help in sight.

Many of these senior citizens fought in the world wars so that this great Nation may be free to accept the refugee outcasts of the world; to allow the Chrysler Corp. to conduct business in a free business community; and so this Nation can be so strong that we are looked upon as the protector of the small and underdeveloped nations of the world. Yet these people who have given this Nation so much to be proud of think that this same great Nation has turned its back on them.

In October, I want to go back and tell these elderly people in Davidson County that the U.S. House of Representatives has once again voted to help them instead of turning its back on them as the other House has done so many times in the past. I want to tell these people that the House of Representatives cares; that the House of Representatives appreciates what they have done for this great Nation; the House of Representatives wants to help them in their years of rest and relaxation and in their hours of reflection on their past deeds and accomplishments.

This amendment passed overwhelmingly last year only to be thrown out in conference. I am asking my colleagues to pass this amendment by an even larger margin this year so that the conference committee will know what a mandate this amendment has behind it.

Let us pass this amendment and tell our senior citizens that we care about them.

□ 1220

Mr. BEARD of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN of Tennessee. I yield to the gentleman from Rhode Island.

Mr. BEARD of Rhode Island. Mr. Chairman, I think this Congress has an obligation to the elderly people in this country who paid their dues over the years. Many of these elderly people are in high rises for the elderly, not because they want to, but because they cannot afford to live elsewhere.

I think this amendment is worthy of our support. As was mentioned by the previous speaker, this country takes care of foreigners and foreign aid of every description. We are doing a good job in this Congress taking care of the boatloads of Cubans who have come into this country. I think the least we can do is make sure that the elderly people in this country are properly taken care of.

I join the gentleman in support of his amendment.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN of Tennessee. I yield to my friend, the gentleman from New Jersey (Mr. PATTEN).

Mr. PATTEN. Mr. Chairman, I want to thank my colleague.

I object to this amendment for a different reason. I organized the first housing authority in my city when I was mayor. I appointed five citizens to run it.

Now, I object to the Federal Government stepping in to tell them what to charge for rent and more bureaucracy.

Now, the five people we have in our housing authority are representatives of the whole community. You are not going to save anything here, because the first 3 months of this year my housing authority was short $330,000 to pay for oil, gas, and electricity, and it came out of the Federal taxpayers. We got a grant under moneys appropriated here to let them break even.

Now, if you stop them from raising the rent, the housing authority will have to get the money somewhere, or else it will be bankrupt.

I do not think we should have this interference with just more Federal bureaucracy. I think the local housing authority should have full control.

Mr. DUNCAN of Tennessee. Mr. Chairman, I would just say in closing that the cost figure that was given is a phony figure. I do not know where it came from, but the money is not being taken from the Federal Government. It is money paid to these people, the residents of the public housing authority, and then collected from the residents.

Mr. ASHLEY. Mr. Chairman, if the gentleman will yield, what is that again? Would the gentleman repeat that?

Mr. DUNCAN of Tennessee. The money this is being taken is being taken from the social security recipients, absolutely. There is no other way you can figure it. It is being taken from the social security recipients.

Mr. ASHLEY. The gentleman is saying that this does not cost the housing authorities any money?

Mr. DUNCAN of Tennessee. What was the question?

Mr. ASHLEY. Is the gentleman saying that the housing authorities will not be deprived of any lost rents?

Mr. DUNCAN of Tennessee. They will be, but it was not the intent of this Congress when we instituted the cost-of-living increases for low-income people, or anyone else, that it would go to public housing authorities. I think the chairman well knows that.

Mr. ASHLEY. Mr. Chairman, if the gentleman will yield. On the contrary; you see, we index social security benefits twice a year. The indexing of those benefits takes into account the increases that have taken place in the cost of food, the cost of transportation, the cost of rent; and the cost of other essential components. A whole range of costs are reflected in the increase that the social security recipients get twice a year, shelter being only one. If the gentleman is so interested in helping social security recipients, why does he not say that not only will the increases in social security benefits not be allowed to go for rent increases, but for transportation increases, for clothing increases, and so forth?

Mr. DUNCAN of Tennessee. The gentleman would find some way to take that away also?

● Mr. PEPPER. Mr. Chairman, I rise to urge my colleagues to reject this amendment to the 1980 Housing and Community Development Act which would exempt small housing projects for the elderly from the provisions of the Davis-Bacon Act. I am convinced that this amendment would be destructive to the section 202 housing program—a program that has become the Federal Government's principal response to the housing needs of the elderly.

The Department of Housing and Urban Development has noted in a letter to me that—

> The Department's experience has clearly shown that Davis-Bacon coverage insures a high quality of construction as well as an extremely efficient construction process. We have also found no significant cost differential between projects covered by Davis-Bacon and those not so covered.

The report goes on to say, Mr. Chairman:

> Under the section 202 program, these benefits of efficiency and quality of construction are particularly important due to the special needs required in housing fcr the elderly and handicapped. These needs must be met regardless of the size of the development. Therefore, the Department would oppose any amendment to increase the threshold of Davis-Bacon coverage in the section 202 housing program for the elderly and handicapped.

A letter that I received from the National Council of Senior Citizens, an organization of hundreds of thousands of older persons and a major contractor in the program, indicates that they also disapprove of the proposed amendment. Bill Hutton, executive director of the council, says in the letter that—

> The principle established by Davis-Bacon is as relevant today as it was a half a century ago. As Section 202 national contractors, we should not be placed in the position of having to lower our bids by undercutting the standard wage for local construction work.

A vote for this amendment is a vote to weaken both the section 202 program and the Davis-Bacon Act. Davis-Bacon has been the subject of a great deal of controversy but, in my view, it has had and continues to provide significant benefits. First of all, it prevents cutthroat competition and promotes fair competition based on decent labor standards. No one objects to competition so long as it is based on decent standards and is not exploitative. Davis-Bacon prevents only that type of cutthroat competition which seeks to bring substandard wages and working conditions into the locality of the Government project. Second of all, it follows established Federal Government policy to pay prevailing wages. In the long run it may reduce costs by preventing awards to incompetent contractors competing only by virtue of low wages, and decreasing industrial strife through the maintenance of decent labor standards, thereby helping more Americans live healthier and fuller lives.

Finally, its repeal or weakening would adversely affect apprenticeship programs in the construction industry and hurt minority groups. Too many of the unionized employers, under pressure from nonunion competition, would be forced to cut costs—and one place to trim them would be in training outlays.

All of us are concerned about promoting the availability of rural housing, but I suggest that if this is truly our goal we can fashion other solutions that will not in any way damage either the integrity of the section 202 housing program or the benefits of the Davis-Bacon Act. I urge my colleagues to join me in opposing this amendment.●

Mr. DUNCAN of Tennessee. Mr. Chairman, I refuse to yield further, and yield back the balance of my time.

Mr. ASHLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Tennessee (Mr. DUNCAN).

The amendment was agreed to.

● Mr. WEISS. Mr. Chairman, I wholeheartedly oppose the amendment prohibiting the implementation of the new multifamily housing initiative in areas which have local rent control ordinances.

The new initiative is designed to increase the supply of rental housing nationwide. To accomplish this goal, the program would subsidize interest rates at an average of 7½ percent. Lower interest rates could be given in high cost areas, such as New York, as long as interest rates nationwide maintain that 7½-percent average.

Also, 20 to 30 percent of the 40,000 units provided in the bill must be set aside for section 8, low-income tenants.

The program's scale has been drastically reduced. But it is a step intended to alleviate the worsening problem urban areas face in providing adequate rental housing. It must not be hamstrung by an amendment like this one. Denying participation in the program on the basis of local efforts to control rent costs is counterproductive, inequitable, and contrary to our federalist model of government.

Rent control laws are intended to preserve rental properties. Charges that such ordinances have an opposite effect are unsubstantiated, and indeed are contradicted by studies done nationwide and in New York City. But this amendment effectively punishes communities for making a responsible effort to achieve the goal of this bill. The use of rent control is an urgent expression of need for affordable housing, and for the kind of Federal aid this bill would bring.

This amendment would affect some 200 communities in this nation that have rent control laws. By removing these areas from this program, the entire initiative is gutted. We cannot pretend to extend housing assistance to middle- and low-income citizens and adopt this amendment.

Obviously, denying this program to areas with rent control is unfair. It should be just as clear that the Federal Government has no real justification for interfering in this local concern. Rent control ordinances usurp no Federal function; they inhibit no right which the Constitution gives the Federal Government authority to protect. Instead, rent control itself is intended to protect everyone's right to affordable shelter.

Housing assistance should be a cooperative venture between cities and the Federal Government, not a Federal bargaining chip for changing local laws.

I hope my colleagues will reject this ill-considered amendment.●

● Mr. LUNDINE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Virginia (Mr. BUTLER) to remove the retroactive aspect of the prohibition on prepayment or refinancing of loans under the rural rental housing loan program.

It was the clear intent of Congress, when it established the rural rental housing program, that units provided with Federal assistance would remain available for use by low- and moderate-income renters throughout the financing period. Congress reaffirmed this intent last year when it approved, in the Housing and Community Development Act amendments, a provision prohibiting prepayment of rental housing loans, except where agreement had been made to retain rental units for low- and moderate-income tenants for a period of up to 20 years. The provision applied both to new FmHA rental units and to existing federally financed units.

This provision, in itself, constituted a concession to developers, since the term of most section 515 loan contracts exceeded 30 years. The National Association of Home Builders has acknowledged this fact, calling the prepayment provision "a reasonable compromise" between the need to maintain incentives for private developers and the need to maintain rental housing for the intended low-income beneficiaries.

The impetus for imposing the prepayment restriction was twofold: First, it had come to the attention of the Banking Committee that developers of rural rental housing projects were prepaying their loans with increasing frequency. In some instances, prepayment had occurred as soon as 6 to 8 years after construction of the project. The second impetus was provided by a GAO report which provided a timely warning that inflation had caused federally financed housing to become a valuable commodity being particularly attractive to speculators for conversion to higher income use. A study of a number of FmHA projects that had been prepaid and converted showed rates of return to developers of as much as 70 percent.

It had become clear to the committee that, without some check on prepayment, not only would the Nation's stock of federally assisted, low-income housing units be considerably reduced, but, given current construction costs, the replacement of these units would be extremely expensive.

The amendment offered by the gentleman from Virginia strikes at the heart of the section 515 program, and at the heart of the Government's effort to maintain an adequate stock of decent and affordable housing for low-income persons in rural areas. If adopted, it would open to speculation more than 200,000 units of FmHA-assisted rental housing. It would place the interests of developers and speculators before the needs of low-income tenants.

A retraction of the present restriction on prepayment could result in significant hardship for thousands of low-income households who would either be forced from their current housing units, or denied housing in the future due to a shortage of available low-cost units. We have seen the effects of condominium conversions on urban neighborhoods and the misery caused by the displacement of elderly and low-income families. We must not impose a similar legacy on the elderly and low-income tenants of our rural housing projects.

Opposition to the retroactive aspect of the prepayment restriction has been voiced on two grounds: On the basis of constitutionality and fundamental fairness. Let me say, Mr. Chairman, that the prepayment provision is neither unconstitutional nor is it unfair.

The American Law Division of the Library of Congress last year reviewed the provision and concluded that it could withstand court challenge. Moreover, the courts have repeatedly upheld the constitutionality of legislation intended to remedy mistakes in the administration of Government programs or to obviate other unforseen problems.

As for fairness, it should be made clear that owners of FmHA-assisted rental housing are heavily subsidized both directly through reduced rates on loans and indirectly through tax shelters. These owners and developers knew when they became involved in the program that its purpose was to provide decent, affordable housing for low- and moderate-income people. They also should have known that any action that would divert the housing from this purpose violates the intent of the program.

Mere participation in the rural rental housing loan program guarantees owners and developers sizable return on their investment, even if the project must be retained for 20 years. Farmers Home officials have stated that they are aware of no one who has encountered financial hardship as a result of the prepayment restriction. They have also pointed out that smaller unsubsidized projects have not been held to the ban on prepayment. Last month, for example, Farmers Home authorized prepayment of two unsubsidized and retroactive loans in Connecticut and Minnesota without restrictions.

Any judgment of fairness must also take into consideration the concerns of tenants and taxpayers. Is the ban on prepayment unfair to thousands of low-income families who depend on Farmers Home to provide the only decent, affordable rental housing in rural areas? Is it unfair to taxpayers who expect that housing financed with tax dollars be used for public purposes and not private gain? And would it be fair to taxpayers to call on them to provide more tax dollars, at higher rates, to replace the units lost to prepayment?

Given the critical shortage of rental housing throughout the Nation, we should be looking for ways to preserve what little rental housing is available for the poor and the elderly. The amendment we are considering would do just the opposite; it would bring about the loss of tens of thousands of federally assisted rental units during the next few years. Mr. Chairman, we cannot afford such a loss.

I urge my colleagues to vote against the amendment.●

● Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 7262, the Housing and Community Development Amendments of 1980.

First, I wish to commend the members of the House Banking and Currency Committee and the Subcommittee on Housing headed by Congressman THOMAS "LUD" ASHLEY for their diligence and perseverance in issuing this legislation and bringing this very important bill to the House floor.

This legislation is a major foundation for the programs of the Federal Department of Housing and Urban Development and for our country's housing and community development programs.

It reauthorizes the community development block grant and urban development action grant program, programs which, during their relatively brief period of existence, have become cornerstones of the Carter administration's urban policy.

The CBDG program, it should be noted, is the major entitlement program for the cities of this Nation. It gives the mayors of the United States and Puerto Rico an annual entitlement and "block grant" program of Federal assistance which, accompanied with the great discretion and flexibility of the program, allow them to undertake a multitude of tasks and programs aimed at the improvement of modern urban society.

Accompanied by UDAG, or urban development action grant program, we have an increasingly important program to involve the private sector in the great national enterprise of improving the quality of life in our urban population zones. The CBDG program gives mayors an exact idea of the gradual increments which they will receive, and annual allotments. This gives them lead time for planning in the broad field of housing and urban development and, added to the competitive and innovative nature of the UDAG program, gives the cities a "mix" of Federal assistance with great flexibility.

The authorization for the CBDG program is for 3 years, at a level of $3.81 billion in fiscal year 1981 and for the 2 subsequent fiscal years, 1982 and 1983, for $3.96 and $4.11 billion.

The UDAG program has stimulated new assistance to distressed cities nationally and is a welcome tool in the Nation's arsenal in the struggle to provide an adequate and decent living environment for the great majority of our population which resides in urban areas.

The UDAG program, shaped by the Carter administration has increased private investment to revitalize local economies and to reclaim deteriorated neighborhoods.

Great interest has been elicited in this program since its inception in 1977 in Puerto Rico and new and imaginative ways have begun to take shape to help our local economy. I am gratified that the committee has maintained this program at a level of $675 billion in the coming fiscal year and I can assure the Members here today that our Government in Puerto Rico is keenly interested in the potential this program holds for our island's economy. Since applicants for UDAG grants must demonstrate results in providing housing for low- and moderate-income persons, and job creation is a tangible factor to be considered, the UDAG program, is restrospect, becomes additionally critical.

Title II of the legislation authorizes for fiscal year 1981, $1,648 billion for low-income public housing, section 8 housing assistance, and a new multifamily rental housing program.

Other provisions of the bill refine and expand such programs as the section 312 rehabilitation loan program, the neighborhood self-help development program and many of the other homeownership assistance programs.

In sum, the legislation which the House Banking and Currency Committee has shaped is a vital enactment which has helped greatly in the economic progress of this Nation and should be considered and voted favorably by the House.

It merits all of our support.●

● Ms. OAKAR. Mr. Chairman, I rise in support of H.R. 7262, the Housing and Community Development Act of 1980. As a member of the Subcommittee on Housing and Community Development, I want to assure the House that we worked long and hard to bring forth a good housing bill in the face of the tremendous pressures in this Congress to cut human service programs is a misguided effort of balance the budget. Thanks to the efforts of our distinguished chairman, I believe that we have succeeded in bringing up a bill that attempts, in some new and innovative ways, to meet the mandate of the 1937 Housing Act which is to provide decent housing for all Americans.

The bill, in title I, provides for an additional 3 years of funding for the community development block grant program, at $3.81 billion in fiscal 1981, $3.96 billion in fiscal 1982, and $4.11 billion for fiscal year 1983. These levels are only slightly more than the CDBG program has been funded in the past. This program is indeed essential to the desperate need that our cities face in this recessionary environment. These are the absolute minimum levels for a functioning community development program. Also, the committee provided $675 million for the successful urban development action grant program for the next 3 years. Once again we attempted to provide the maximum amount possible for this very important program, consistent with the constraints placed upon us by the Budget Committee. Both the CDBG and the UDAG deserve increased amounts of funding in the future. These present amounts must be looked upon as minimums.

Title II of the bill authorizes HUD to enter into annual contributions contracts of up to $1.684 billion for fiscal 1981; $637 million of this will be for section 8 existing housing and up to $911 million for new construction and substantially rehabilitated units. The committee also authorized a demonstration size program for new multifamily rental housing. This program will be funded at a contract level of $61 million. The committee hopes that we will see more than 352,000 units made available in 1981. We must do far better than we did in 1979 when we made available only 267,663 subsidized units.

I also support the very strong statement that the committee endorsed concerning our new modernization initiative. In my own city of Cleveland, as well as around this country, there are thousands of boarded-up units of public housing which are not meeting the needs that they were built to meet. There is little sense in attempting to build more and more new units if we cannot take care of those that are already in existence. H.R. 7262 provides $100 million of contract authority for the comprehensive modernization initiative.

It is hoped that this $100 million will generate $1 billion in actual modernization funds. HUD feels that this money should be enough to take care of more than one-third of all the modernization that needs to be done. That is, one-third of our dilapidated units can be repaired this year, with all of the problem units brought on stream within 3 to 5 years. This is a much needed boost of funds and I hope that the whole House will firmly support it.

Another continuing problem in our Nation's public housing has been the problem of crime. In a recent HUD report, tenants indicated that their No. 1 concern was crime and their personal safety. In 1978, Congress established the urban initiatives anticrime demonstration program, which I sponsored, and funded it up to $12 million. This program has shown remarkable success in the past 2 years in coordinating and targeting other available Federal resources to address the problem of crime in our public housing. Acting as the lead agency, HUD has been able to generate a total of $41 million in anticrime funds from the original $12 million appropriated. This new money has come from LEAA, the Department of Labor, the Department of Justice and many other Federal agencies. In an effort to keep this good momentum going, the committee supported my amendment to set aside up to $10,000,000 of the annual contributions contracts to be used in fiscal 1981 for the anticrime program. It is also the intention of the Committee that the results of the anticrime demonstration program be integrated into the new comprehensive modernization program so that the valuable information learned can be made part of a nationwide effort to rid our public housing of the threat of crime.

All of us are aware of the tremendous housing depression which has gripped the Nation. Housing starts and other indicators of housing activity are at their lowest levels since the Great Depression. In an effort to stimulate some housing construction, the committee revamped the section 235 program so as to provide a short-term stimulus to the housing industry. This program basically consists of an interest subsidy coming from the currently appropriated $165 million now in the section 235 program. It should be emphasized that this is a one term, shot in the arm for the housing industry which they so desperately need at this time.

I urge all members to support H.R. 7262. It is a tight budget in a time of belt tightening. I myself would have liked to have seen more money put into the housing area since each year we seem to fall further behind in meeting the pressing housing needs of poor and elderly Americans. We simply must do more. However, under the able leadership of our chairman, the Housing Subcommittee was able to come up with a bill that breaks some new ground in providing decent housing for all Americans. After much work we have put together a bill worthy of the support of the whole House.

In addition, I do not want to rise in support of one amendment which I believe is necessary and much needed. This amendment would prohibit the use of social security benefit increases from being used as income for the purposes of determining eligibility for Federal housing assistance. This House has an excellent record of response to this issue, having supported this type of amendment twice before by overwhelming margins, only to see the issue be defeated in the conference on the housing authorization.

Too often we find that the cost of living increases that the elderly depend on are greatly reduced by rent increases which the housing authorities announce soon after the social security raise goes into effect. Last year social security recipients received a 14.8-percent increase, but when 25 to 30 percent of that is taken out for rent increases, it is easy to see how the elderly are hardly better off after their increase than before.

I am fully aware that there are large questions of cost related to this amendment. Very well, lets address these questions, but in the interest of equity and concern for the plight of the elderly, let us also support this amendment.●

The CHAIRMAN. Are there any further amendments to the remaining portions of the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WRIGHT) having assumed the chair, Mr. WHITE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7262) to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation and related programs, and for other purposes, pursuant to House Resolution 678, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed

and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McDONALD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 291, nays 43, not voting 98, as follows:

[Roll No. 480]

YEAS—291

Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Ashley
Aspin
Atkinson
AuCoin
Bafalis
Bailey
Baldus
Barnard
Barnes
Beard, R.I.
Beard, Tenn.
Beilenson
Benjamin
Bereuter
Bethune
Biaggi
Bingham
Blanchard
Bolling
Boner
Bouquard
Bowen
Brademas
Brinkley
Brodhead
Brooks
Broomfield
Buchanan
Burlison
Burton, John
Burton, Phillip
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chisholm
Clausen
Clay
Clinger
Coelho
Coleman
Collins, Ill.
Conyers
Corcoran
Corman
Coughlin
Courter
D'Amours
Danielson
Daschle
Davis, Mich.
Davis, S.C.
Deckard
Derrick
Dicks
Dingell
Dixon
Dornan
Drinan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edwards, Ala.
Edwards, Calif.
Emery
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Frenzel
Frost
Garcia
Gaydos
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hamilton
Hammerschmidt
Hance
Hanley
Harkin
Harris
Harsha
Hawkins
Heckler
Hillis
Hinson
Hollenbeck
Hopkins
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Jacobs
Jeffords
Jenkins
Jenrette
Johnson, Calif.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
LaFalce
Lagomarsino
Leach, Iowa
Lederer
Lee
Lehman
Leland
Lent
Levitas
Livingston
Lloyd
Long, La.
Long, Md.
Lott
Lowry
Luken
McClory
McCloskey
McCormack
McHugh
Madigan
Maguire
Markey
Marks
Malenee
Marriott
Martin
Mavroules
Mazzoli
Mica
Mikulski
Mineta
Minish
Mitchell, Md.
Moffett
Moore
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Porter
Preyer
Price
Pritchard
Pursell
Rahall
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Roe
Rosenthal
Royer
Sabo
Santini
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Sharp
Shelby
Simon
Skelton
Smith, Nebr.
Snowe
Solarz
Solomon
Spellman
Stack
Stangeland
Stanton
Stark
Steed
Stewart
Stokes
Stratton
Studds
Swift
Synar
Tauke
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Wilson, Tex.
Wirth
Wolff
Wolpe
Wright
Wyatt
Wylie
Yates
Young, Fla.
Young, Mo.
Zablocki

NAYS—43

Applegate
Archer
Ashbrook
Badham
Bauman
Bennett
Butler
Conable
Crane, Daniel
Daniel, R. W.
Dannemeyer
Dickinson
Dougherty
English
Gephardt
Gramm
Heftel
Holt
Jeffries
Kelly
Kramer
Latta
Leath, Tex.
Lewis
Loeffler
Lungren
McDonald
Mathis
Miller, Ohio
Montgomery
Moorhead, Calif.
Mottl
Paul
Satterfield
Shumway
Shuster
Snyder
Spence
Stenholm
Stockman
Stump
Taylor
Walker

NOT VOTING—98

Abdnor
Addabbo
Anderson, Ill.
Anthony
Bedell
Bevill
Boggs
Boland
Bonior
Bonker
Breaux
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Chappell
Cheney
Cleveland
Collins, Tex.
Conte
Cotter
Crane, Philip
Daniel, Dan
de la Garza
Dellums
Derwinski
Devine
Dodd
Donnelly
Downey
Early
Edgar
Edwards, Okla.
Fish
Ford, Mich.
Fowler
Fuqua
Giaimo
Gibbons
Grassley
Hall, Tex.
Hansen
Hefner
Hightower
Holland
Holtzman
Horton
Ichord
Ireland
Johnson, Colo.
Jones, N.C.
Leach, La.
Lujan
Lundine
McDade
McEwen
McKay
McKinney
Matsui
Mattox
Michel
Miller, Calif.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Nichols
Nolan
Pickle
Quayle
Quillen
Railsback
Rodino
Rose
Rostenkowski
Roth
Rousselot
Roybal
Rudd
Russo
Shannon
Smith, Iowa
St Germain
Staggers
Symms
Tauzin
Vander Jagt
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Winn
Wydler
Yatron
Young, Alaska
Zeferetti

☐ 1240

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Russo against.

Until further notice:

Mrs. Boggs with Mr. Abdnor.
Mr. Boland with Mr. Horton.
Mr. Dodd with Mr. Symms.
Mr. Ireland with Mr. Wydler.
Mr. Matsui with Mr. McEwen.
Mr. Moakley with Mr. McDade.
Mr. Murphy of New York with Mr. Lujan.
Mr. Rostenkowski with Mr. Conte.
Mr. Rodino with Mr. Derwinski.
Mr. Mollohan with Mr. Broyhill.
Mr. Staggers with Mr. Brown of Ohio.
Mr. Zeferetti with Mr. McKinney.
Mr. Yatron with Mr. Michel.
Mr. Breaux with Mr. Winn.
Mr. Bevill with Mr. Young of Alaska.
Mr. Nichols with Mr. Vander Jagt.
Mr. Fuqua with Mr. Cleveland.
Mr. Ford of Michigan with Mr. Collins of Texas.
Mr. Early with Mr. Devine.
Mr. Moorhead of Pennsylvania with Mr. Fish.
Mr. Murphy of Illinois with Mr. Grassley.
Mr. Myers of Pennsylvania with Mr. Edwards of Oklahoma.
Mr. Pickle with Mr. Railsback.
Mr. Roybal with Mr. Rousselot.
Mr. Giaimo with Mr. Quillen.
Mr. Anthony with Mr. Bob Wilson.
Mr. Bedell with Mr. Quayle.
Mr. Chappell with Mr. Cheney.
Mr. Brown of California with Mr. Williams of Ohio.
Mr. Cotter with Mr. Hansen.
Mr. Dan Daniel with Mr. Mitchell of New York.
Mr. Nolan with Mr. Burgener.
Mr. St Germain with Mr. Philip M. Crane.
Mr. Smith of Iowa with Mr. Rudd.
Mr. Rose with Mr. Roth.
Mr. Miller of California with Mr. Mattox.
Mr. Bonior of Michigan with Mr. Donnelly.
Mr. de la Garza with Mr. Fowler.
Mr. Dellums with Mr. Hefner.
Mr. Bonker with Mr. Edgar.
Mr. Hall of Texas with Mr. Gibbons.
Mr. Hightower with Mr. Holland.
Mr. Jones of North Carolina with Ms. Holtzman.
Mr. McKay with Mr. Leach of Louisiana.
Mr. Lundine with Mr. Ichord.
Mr. Downey with Mr. Johnson of Colorado.

Mrs. FENWICK, Mr. FORSYTHE, and Mr. BEARD of Tennessee changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. ASHLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2719) to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

PARLIAMENTARY INQUIRY

Mr. WYLIE. Mr. Speaker, reserving the right to object, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WYLIE. If we take up the Senate bill and amend it by striking all after the enacting clause and inserting in lieu thereof the House bill, do we limit the ability of any Member of this House to require a separate vote on any possible Senate provision agreed to in conference which would have been ruled nongermane if offered as an amendment to the House bill on the House floor?

The SPEAKER pro tempore (Mr. WRIGHT). The Chair would respond that a Member's right would not be limited by those circumstances. Under rule XXVIII, clause 4, a point of order may be made against a provision in a conference substitute which would not have been germane to the House-passed bill. If the Chair holds that the Senate amendment or provision would not have been germane, then a motion to reject that provision may be made. Therefore, the gentleman's rights are protected by the rule.

Mr. WYLIE. Further reserving the right to object, Mr. Speaker, then any nongermane Senate provision brought back from conference may be subjected to a separate vote?

The SPEAKER pro tempore. The answer is that it may be subjected to a separate vote under the rules of the House. The only way in which it would not be subject to a separate vote would be if the conference committee were to come under a rule adopted by the House which would waive points of order.

Mr. WYLIE. I thank the Speaker.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio (Mr. ASHLEY)?

Mr. GONZALEZ. Mr. Speaker, reserving the right to object, and I certainly do not intend to object, I wish to take this opportunity as a member of this subcommittee and as a Member since the inception or at the beginning of my term of office representing the 20th District of Texas in the House, some 18 years and 10 months ago, to compliment the very distinguished chairman, the gentleman from Ohio (Mr. ASHLEY), for such an excellent job, and to note the overwhelming vote of approval that the House has given a complex, far-reaching, consequential act of legislation, and also to stress and underline one aspect that I think neither the Congress, the press, nor anybody has really noted in connection with President Carter's very wise choice in the Secretary of Housing and Urban Development, the Honorable Moon Landrieu, from New Orleans, who for the first time in the history of that secretaryship comes with a thoroughgoing background of ideal preparation for that office.

☐ 1250

Mr. Landrieu is a former mayor of New Orleans, a man who testified on many occasions before our subcommittee in connection with housing matters and I think we should note that given that fact and given the cooperation that was clearly evinced time after time during the debate that we have received from that Secretary that we ought to at least take cognizance of it and also give him credit for the very happy results that we have had this afternoon in the House in the approval of this housing bill.

I do want to compliment the very distinguished chairman because through the years the gentleman has shown great adeptness and skill and I think we owe the gentleman a vote of thanks.

Mr. ASHLEY. I thank the gentleman. His remarks are much appreciated.

Mr. GONZALEZ. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio (Mr. ASHLEY)?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2719

An act to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing and Community Development Act of 1980".

TITLE I—COMMUNITY AND NEIGHBORHOOD DEVELOPMENT AND CONSERVATION

Sec. 101. (a) Section 102(b) of the Housing Community Development Act of 1974 is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law, for the fiscal years 1981, 1982, and 1983, (1) no data derived from the 1980 Decennial Census, as provided for in subchapter II of title 13, United States Code, except those relating to population and poverty, shall be taken into account for purposes of section 119 or the allocation of amounts under section 106, and (2) no revision to the criteria for establishing a metropolitan area or defining a central city of such an area published after January 1, 1980, shall be taken into account for purposes of this title, except that any area or city which would newly qualify as a metropolitan area or a central city of such an area by reason of any such revision shall be so considered.".

(b) Section 102 of such Act is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) With respect to program years beginning with the program year for which grants are made available from amounts appropriated for fiscal year 1982 under section 103(a)(1), the population of any unit of general local government which is included in that of any urban county as provided in subsection (a)(6)(B) shall be included in the population of such urban county for three years in which its population was first so included and shall not otherwise be eligible as a separate entity, unless the grant to the urban county is disapproved or withdrawn prior to or during such three-year period. During any such three-year period, the population of any unit of general local government which is not included in that of the urban county for the first year shall not be eligible for such inclusion in the second or third year.

"(e) Any county seeking qualification as an urban county, including any urban county seeking to continue such qualification, shall notify, as provided in this subsection, each unit of general local government, which is included therein and is eligible to elect to have its population excluded from that of an urban county under subsection (a)(6)(B)(i), of its opportunity to make such an election. Such notification shall, at a time and in a manner prescribed by the Secretary, be provided so as to provide a reasonable period for response prior to the period for which such qualification is sought. The population of any unit of general local government which is provided such notification and which does not inform, at a time and in a manner prescribed by the Secretary, the county of its election to exclude its population from that of the county shall, if the county qualifies as an urban county, be included in the population of such urban county as provided in subsection (d).

"(f) In the case of a metropolitan city which is located in whole or in part within the jurisdiction of an urban county designated pursuant to subsection (a)(6), the Secretary is authorized, upon the joint request of such city and urban county, to provide for (1) the addition of the amount allocated to such city pursuant to section 106 (1) to that allocated to such urban county pursuant to section 106(b)(2), and (2) the inclusion, to the extent and in the manner prescribed by the Secretary, of such city in such urban county for purposes of grants made pursuant to section 106(b).".

AUTHORIZATIONS

Sec. 102. (a) The second sentence of section 103(a)(1) of the Housing and Community Development Act of 1974 is amended to read as follows: "There are authorized to be appropriated for these purposes amounts aggregating not to exceed $19,350,000,000 for fiscal years prior to the fiscal year 1981, and additional amounts not to exceed $3,950,000,000 for the fiscal year 1981, not to exceed $4,100,000,000 for the fiscal year 1982, and not to exceed $4,250,000,000 for the fiscal year 1983.".

(b) Section 103(a)(2) of such Act is amended to read as follows:

"(2) Of the amounts approved in appropriation Acts pursuant to paragraph (1), $285,000,000 for the fiscal year 1981 shall be added to the amount available for allocation under section 106(c) and shall not be subject to the provisions of section 107.".

(c) Section 103(c) of such Act is amended to read as follows:

"(c) There are authorized to be appropriated for supplemental grant assistance under section 119 amounts aggregating not to exceed $1,475,000,000 for fiscal years prior to the fiscal year 1981, and additional amounts not to exceed $675,000,000 for each of the fiscal years 1981, 1982, and 1983.".

CONSIDERATION OF DISPLACEMENT EFFECTS IN APPLICATIONS

Sec. 103. Section 104(a)(2) of the Housing and Community Development Act of 1974 is amended by striking out clauses (B) and (C) and inserting in lieu thereof the following: "(B) indicates resources other than those provided under this title which are expected to be made available toward meeting its identified needs and objectives, including activities designed to revitalize neighborhoods for the benefit of low- and moderate-income persons, (C) takes into account the effect of the activities referred to in clause (A) which could involuntarily displace low- and moderate-income persons from their immediate neighborhoods, and (D) takes into account appropriate environmental factors;".

CERTIFICATION REQUIREMENT FOR ECONOMIC DEVELOPMENT PROJECTS

Sec. 104. The first sentence of section 104 (b)(2) of the Housing and Community Development Act of 1974 is amended by inserting before the period at the end thereof the following: ", and if the object of any part of the program is economic development and unless the program comprises only one specifically identified project involving economic development, that such part of the program has been developed so as to benefit principally low- and moderate-income persons through either services to low- and moderate-income neighborhoods or job opportunities primarily for low- and moderate-income persons".

ELIGIBLE ACTIVITIES

Sec. 105. Section 105(a)(2) of the Housing and Community Development Act of 1974 is amended by inserting immediately after "parks, playgrounds, and recreational facilities" the following: "(including parks, playgrounds, and recreational facilities established as a result of reclamation and other construction activities carried out in connection with a river where such assistance under other Federal laws or programs is determined to be unavailable)".

PRO RATA REDUCTION OF GRANTS

Sec. 106. Section 106(m) of the Housing and Community Development Act of 1974 is amended—

(1) by striking out "fiscal year 1978, fiscal year 1979, or fiscal year 1980" and inserting in lieu thereof "any fiscal year";

(2) by striking out "and hold-harmless" wherever it appears; and

(3) by striking out "(d) (2)" and "ff) (1) (B)" and inserting in lieu thereof "(c)" and "(e)", respectively.

DISCRETIONARY FUND

SEC. 107. Section 107(a) of the Housing and Community Development Act of 1974 is amended by striking out "of authority to enter into contracts approved in appropriation Acts under section 103(a) (1) for each of the fiscal years 1975, 1976, 1977, 1978, 1979, and 1980" and inserting in lieu thereof "approved in an appropriation Act under section 103(a) (1) for any fiscal year".

REHABILITATION LOANS

SEC. 108. (a) Section 312(c) (4) of the Housing Act of 1964 is amended—

(1) by striking out in subparagraph (A) "$27,000" and inserting in lieu thereof "$35,000";

(2) by striking out "and" at the end of subparagraph (A);

(3) by redesignating subparagraph (B) as subparagraph (D); and

(4) by inserting after subparagraph (A) the following:

"(B) in the case of residential property in which some or all of the dwelling units do not contain kitchen facilities and to which there is connected a central dining facility where meals can be served to the occupants of such residential property, $25,000 per dwelling unit;

"(C) in the case of residential property in which some or all of the dwelling units do not contain bathroom or kitchen facilities, $15,000 per dwelling unit; and".

(b) The fiirst sentence of section 312(d) of such Act is amended by striking out "and not to exceed $140,000,000 for the fiscal year beginning on October 1, 1979" and inserting in lieu thereof "not to exceed $140,000,000 for the fiscal year beginning on October 1, 1979, not to exceed $124,000,000 for the fiscal year beginning on October 1, 1980, not to exceed $129,000,000 for the fiscal year beginning on October 1, 1981, and not to exceed $134,000,000 for the fiscal year beginning on October 1, 1982".

(c) Section 312(h) of such Act is amended by striking out "1980" each place it appears and inserting in lieu thereof "1983".

(d) Section 312(f) of such Act is amended by inserting before the period at the end thereof the following: ", except that no loan may be made under this section to refinance existing indebtedness unless the Secretary determines that such loan is necessary and appropriate".

NEIGHBORHOOD SELF-HELP DEVELOPMENT

SEC. 109. The first sentence of section 705 of the Housing and Community Development Amendments of 1978 is amended by inserting immediately after "1980" the following: ", and not to exceed $10,000,000 for the fiscal year 1981".

URBAN HOMESTEADING

SEC. 110. The first sentence of section 810 (h) of the Housing and Community Development Act of 1974 is amended by striking out "subsection (c)" and inserting in lieu thereof "subsections (c) and (g)".

ELIGIBILITY OF INDIAN TRIBES FOR URBAN DEVELOPMENT ACTION GRANTS

SEC. 111. (a) Section 104(a) of the Housing and Community Development Act of 1974 is amended by inserting immediately after "section 106 or" the following: "to a city or urban county pursuant to".

(b) Section 107(d) of such Act is amended by inserting immediately after "Indian tribe" in the first sentence the words "under this title".

(c) Section 119(e)(1) of such Act is amended—

(1) by inserting immediately after "for the purpose of making grants" the following: "to cities, urban counties or Indian tribes";

(2) by inserting immediately after "selection criteria which must include (A)" a comma and the following: "in the case of cities and urban counties, (i)";

(3) by striking out "(B)" and "(C)" and inserting in lieu thereof "(ii)" and "(iii)", respectively; and

(4) by inserting immediately before the period at the end thereof a semicolon and the following: "and (B) in the case of Indian tribes, such criteria as the Secretary deems appropriate".

(d) Section 119(k) of such Act is amended by inserting immediately before the period at the end thereof the following: "and for Indian tribes as provided in subsection (n)".

(e) Section 119 of such Act is amended by adding the following new subsection at the end thereof:

"(n)(1) The Secretary is also authorized to make grants to Indian tribes as provided in this section, except as modified by this subsection.

"(2) The Secretary may not approve a grant to an Indian tribe unless such Indian tribe—

"(A) is located outside a city or urban county;

"(B) meets such minimum standards of distress as the Secretary may prescribe;

"(C) has submitted an application which includes documentation of eligibility for grants in accordance with the standards referred to in clause (B) of this paragraph and meets the requirements of subsection (c) (2) through (6), except for the provisions of paragraph (2) thereof requiring the urban development action program to be consistent with the provisions of section 104 (a) (2) and (4); and

"(D) has submitted an application for assistance under section 107(a)(7).".

INCLUSION OF CERTAIN INDEPENDENT CITIES IN DETERMINING COMMUNITY DEVELOPMENT GRANT AMOUNTS FOR URBAN COUNTIES

SEC. 112. Section 106(b)(4) of the Housing and Community Development Act of 1974 is amended to read as follows:

"(4) In computing amounts or exclusions under this section with respect to any urban county, there shall be excluded units of general local government located in the county the populations of which are not counted in determining the eligibility of the urban county to receive a grant under this subsection, except that there shall be included any independent city (as defined by the Bureau of the Census) which—

"(A) is not part of any county;

"(B) is not eligible for a grant pursuant to subsection (b)(1);

"(C) is contiguous to the urban county;

"(D) has entered into cooperation agreements with the urban county which provide that the urban county is to undertake or to assist in the undertaking of essential community development and housing assistance activities with respect to such independent city; and

"(E) is not included as a part of any other unit of general local government for purposes of this section.

Any independent city which is included in any fiscal year for purposes of computing amounts pursuant to the preceding sentence shall not be eligible for a grant under subsection (c) or (e) with respect to such fiscal year.".

TECHNICAL AMENDMENTS TO THE BLOCK GRANT PROGRAM

SEC. 113. (a) Section 102 of the Housing and Community Development Act of 1974 is amended by striking out "Office of Management and Budget" each place it appears in subsection (a)(3), (4), and (8) and subsection (b) and inserting in lieu thereof "Department of Commerce".

(b) Section 103 of such Act is amended by striking out subsection (f) as redesignated by section 111 of this Act.

(c) Section 104 of such Act is amended—

(1) by striking out "106(a)" in the first sentence of subsection (c) and inserting in lieu thereof "106(b)"; and

(2) by striking out "(d) (2)" and "(f) (1) (B)" wherever they appear in subsections (d) and (e) and inserting in lieu thereof "(c)" and "(e)", respectively.

(d) Section 106 of such Act is amended by striking out subsections (c), (g), (h), (i), (j), and (l) and redesignating subsections (d), (e), (f), (k), and (m) as subsections (c), (d), (e), (f), and (g), respectively.

(e) The second sentence of section 106(a) of such Act is amended—

(1) by striking out "subsections (c) and (e)" and inserting in lieu thereof "subsection (d)"; and

(2) by striking out "aggregate", "the greater of" and "or its hold-harmless amount computed pursuant to subsection (g)".

(f) Section 106(b)(4) of such Act is mended by striking out "(A) which are entitled to hold-harmless grants pursuant to subsection (h), or (B)".

(g) Section 106(c) of such Act, as redesignated, is amended—

(1) by striking out the following: "allocated by the Secretary, first, for grants to metropolitan cities, urban counties, and other units of general local government within metropolitan areas to meet their hold-harmless needs as determined under subsections (g) and (h), and second, in accordance with the provisions of paragraph (2).

"(2) Any portion of such amounts which remains after applying the provisions of paragraph (1) shall be";

(2) by striking out "subparagraph" each place it appears in the second sentence of paragraph (1), as amended, and inserting in lieu thereof "clause";

(3) by redesignating paragraph (3) as paragraph (2);

(4) by striking out in paragraph (2), as redesignated, "paragraph (2)" wherever it appears and inserting in lieu thereof "paragraph (1)";

(5) by striking out the second sentence of paragraph (2), as redesignated; and

(6) by striking out in the final sentence of paragraph (2), as redesignated, ", Indian tribes, and units of general local government which are entitled to hold-harmless grants pursuant to subsection (h)" and inserting in lieu thereof "and Indian tribes".

(h) Section 106(e) of such Act, as redesignated, is amended—

(1) by striking out in the first sentence of paragraph (1) the following: "allocated by the Secretary—

"(A) first, for grants to units of general local government outside of metropolitan areas to meet their hold-harmless needs as determined under subsection (h); and

"(B) second, any portion of such amount which remains after applying the provisions of subparagraph (A) shall be";

(2) by redesignating in the first sentence of paragraph (1) "(i)" and "(ii)" as "(A)" and "(B)", respectively, and "(I)", "(II)", and "(III)" wherever they appear as "(i)", and "(ii)", and "(iii)"; respectively;

(3) by striking out in the second sentence of paragraph (1) "(i) of subparagraph (B)" and "(ii) of subparagraph (B)" and inserting in lieu thereof "(A)," and "(B)", respectively;

(4) by striking out in the third sentence of paragraph (1) "subparagraph (B)" and inserting in lieu thereof "this paragraph", and striking out "subparagraph" wherever

else it appears in paragraph (1) and inserting in lieu thereof "paragraph";

(5) by striking out the second sentence of paragraph (2);

(6) by striking out in paragraph (2) "paragraph (1)(B)" wherever it appears and inserting in lieu thereof "paragraph (1)";

(7) by striking out in the last sentence of paragraph (2) the following: "units of general local government which are entitled to hold-harmless grants pursuant to subsection (h) and"; and

(8) by striking out "paragraph (1)(B)" in the first sentence of paragraph (3) and inserting in lieu thereof "paragraph (1)".

(i) Section 108 of such Act is amended—

(1) by adding immediately after "commitments to guarantee" in the first sentence of subsection (a) the following: ", only to such extent or in such amounts as provided in appropriation Acts,"; and

(2) by striking out in subsection (k) "Notwithstanding any other provision of this section, the" and inserting in lieu thereof "The".

(j) Section 116 of such Act is amended—

(1) by striking out subsections (b), (f), and (h) and redesignating subsection (g) as subsection (b); and

(2) by striking out in subsection (b), as redesignated, "or from a unit of general local government for a grant pursuant to section 106(h)".

(k) Section 106(i) of such Act is amended by striking out "section 106(d)(2)" and "section 106(f)(1)(B)" and inserting in lieu thereof "section 106(c)" and "section 106(e)(1)", respectively.

TITLE II—HOUSING ASSISTANCE PROGRAMS

LOW-INCOME HOUSING

SEC. 201. (a) Section 5(c) of the United States Housing Act of 1937 is amended—

(1) by striking out "and" after "October 1, 1978" in the first sentence;

(2) by inserting after "October 1, 1978," in the first sentence the following: "by $1,419,707,000 on October 1, 1980,";

(3) by inserting after "October 1, 1978", in the second sentence the following: "but prior to October 1, 1980,";

(4) by inserting after the second sentence the following: "In utilizing the additional authority provided under this subsection on and after October 1, 1980, the Secretary, to the maximum extent practicable consistent with carrying out the objectives of this Act, shall accommodate desires of local governments regarding the allocation of assistance among new, substantially rehabilitated, and existing housing units. The total budget authority associated with such additional authority shall not exceed $30,927,500,000."; and

(5) by adding at the end of the first paragraph the following: "Of the additional authority to enter into contracts provided on October 1, 1980, and approved in appropriation Acts, $321,343,000 shall be available only for units assisted under this Act, other than under section 8 (not less than $75,000,000 of which shall be available for modernization or substantial rehabilitation of such units).".

(b) Section 13 of such Act is amended by striking out subsection (a) and inserting in lieu thereof the following:

"(a) In utilizing the additional authority provided under section 5(c) on or after October 1, 1980 and made available for modernization or substantial rehabilitation of projects assisted under this Act, other than under section 8, the Secretary shall establish standards which provide for energy conserving improvements in such projects which, to the extent practicable, shall be consistent with the Minimum Property Standards for Multifamily Housing as they reasonably would be applied to existing housing, except that the Secretary may establish higher standards where the Secretary determines that such higher standards are appropriate.".

(c) Section 6(c)(4)(A) of such Act is amended by inserting immediately after "(A)" the following: "Except for projects or portions of projects specifically designated for elderly families with respect to which the Secretary has determined that application of this clause would result in excessive delays in meeting the housing needs of such families,".

INCREASE IN GNMA MORTGAGE PURCHASE AUTHORITY

SEC. 202. Section 305(c) of the United States Housing Act of 1937 is amended by inserting immediately before the period at the end thereof ", and by $200,000,000 on October 1, 1980".

PUBLIC HOUSING OPERATING SUBSIDIES

SEC. 203. Section 9(c) of the United States Housing Act of 1937 is amended—

(1) by striking out "and" immediately after "on or after October 1, 1978,"; and

(2) by inserting immediately before the period at the end thereof a comma and the following: "and not to exceed $862,000,000 on or after October 1, 1980".

OPERATING ASSISTANCE FOR TROUBLED MULTIFAMILY HOUSING PROJECTS

SEC. 204. (a) The first sentence of section 201(h) of the Housing and Community Development Amendments of 1978 is amended—

(1) by striking out "and" after "the fiscal year 1979,"; and

(2) by inserting immediately before the period at the end thereof a comma and the following: "and not to exceed $31,100,000 for the fiscal year 1981".

(b) Section 236(f)(3)(B) of the National Housing Act is amended by striking out "September 30, 1980" in the third sentence and inserting in lieu thereof "September 30, 1981".

(c)(1) Section 201(a) of the Housing and Community Development Amendments of 1978 is amended by inserting after "maintain the financial soundness," the following: "to prevent projects from becoming financially unsound,".

(2) Section 201(d)(1) of such Act is amended by inserting after "maintain the financial soundness of the project" the following: ", or prevent a project which has a substantial number of tenants paying more than 50 per centum of their incomes for rent from becoming financially unsound,".

(3) Section 201(f)(1)(B) of such Act is amended—

(A) by inserting "or preventing" after "moderate-income character of the project by reducing"; and

(B) by inserting before the semicolon at the end thereof the following: "or which would be substantially likely to occur because of the high rent-to-income ratios in the project".

SECTION 235 AMENDMENTS

SEC. 205. Section 235 of the National Housing Act is amended—

(1) by striking out, in the last proviso in subsection (b)(2), "$32,000", "$38,000", "$38,000", and "$44,000" and inserting in lieu thereof "$40,000", "$47,500", "$47,500", and "$55,000", respectively;

(2) by striking out in subsections (i)(3)(B) and (i)(3)(C), "$32,000", "$38,000", "$38,000", and "$44,000", wherever they appear, and inserting in lieu thereof "$40,000", "$47,500", "$47,500", and "$55,000", respectively;

(3) by striking out in subsection (i)(3)(D) "$44,000" and "$49,000" and inserting in lieu thereof "$55,000" and "$61,250", respectively; and

(4) by adding at the end thereof the following new subsection:

"(p) The Secretary may insure a mortgage under this section involving a principal obligation which exceeds, by not more than 10 per centum, the maximum limits specified under subsection (b)(2) or (i)(3) of this section, or, if applicable, the maximum principal obligation insurable pursuant to subsection (o) of this section, if the mortgage relates to a dwelling to be occupied by a physically handicapped person and the Secretary determines that such action is necessary to reflect the cost of making such dwelling accessible to and usable by such person.".

CONGREGATE SERVICES PROGRAM AMENDMENT

SEC. 206. (a) Section 405(c) of the Housing and Community Development Amendments of 1978 is amended by inserting immediately after "for assistance" the following: "to provide congregate services to elderly residents".

(b) Section 405(d) of such Act is amended by inserting immediately after "this title" in the first sentence the following: "for the provision of congregate services to elderly residents".

(c) Section 405(e) of such Act is amended—

(1) by striking out in paragraph (1) all that precedes "if any, designated by applicable State law" and inserting in lieu thereof the following: "A public housing agency or nonprofit corporation applying for assistance to provide congregate services to nonelderly handicapped residents shall consult with the appropriate agency,"; and

(2) by striking out "local" immediately after "such appropriate" in the first sentence of paragraph (2).

CONGREGATE HOUSING

SEC. 207. Section 403 of the Housing and Community Development Amendments of 1978 is amended—

(1) by striking out "or" after paragraph (1)(A);

(2) by adding at the end of paragraph (1) the following: "or (C) housing which is assisted under section 8 of the United States Housing Act of 1937, which is occupied solely by handicapped persons, which is owned and operated by a nonprofit sponsor, and which is designed to provide congregate services;"; and

(3) by inserting before the period at the end of paragraph (9) the following: ", or any other nonprofit sponsor of a project assisted under section 8 of the United States Housing Act of 1937 which provides congregate housing to the handicapped".

REPORT ON HOUSING ASSISTANCE BLOCK GRANT PROGRAM

SEC. 208. Not later than March 31, 1981, the Secretary shall submit a comprehensive feasibility study of a housing assistance block grant program as an alternative to the fiscal year 1982 budget for categorical housing assistance programs. Such study shall include, but not be limited to—

(1) simplified and expedited application and review procedures;

(2) an equitable allocation formula which reflects both current program experience and identified needs: and

(3) such other recommendations as the Secretary deems appropriate.

SECURITY PROGRAM FOR PUBLIC HOUSING

SEC. 209. (a) This section may be cited as the "Public Housing Anti-Crime Amendments of 1980".

(b) The Congress finds that—

(1) public housing and surrounding neighborhoods continue to suffer substantially from rising crime and the fear of crime;

(2) funding to provide more security for public housing can be used to leverage funding from other sources and thereby produce more successful anti-crime efforts.

(3) the effects of inflation and the need for reductions in the budget of the Federal Government result in a need for more cotargeting of Federal and local anti-crime resources;

(4) as authorized by the Public Housing Security Demonstration Act of 1978, the Urban Initiatives Anti-Crime Program has performed in a promising manner; and

(5) the First Annual Report to Congress of the Urban Initiatives Anti-Crime Program and the two General Accounting Office reports to Congress on such Program have provided useful suggestions which now can be implemented.

(c) It is, therefore, the purpose of this section to continue the efforts of the Urban Initiatives Anti-Crime Program so that more progress can be made in providing secure, decent, safe, and sanitary dwelling units for low-income and elderly tenants in public housing projects.

(d) Section 207 of the Housing and Community Development Amendments of 1978 is amended—

(1) by striking out subsection (c)(4) and inserting in lieu thereof the following:

"(4) In carrying out the provisions of this section, the Secretary shall coordinate and jointly target resources with other agencies, particularly the Law Enforcement Assistance Administration, the Department of Health and Human Services, the Department of Labor, the Department of Justice, the Department of the Interior, the Department of Commerce, the Department of Education, ACTION, the Community Services Administration, and State and local agencies.

"(5) In order to assess the impact of crime and vandalism in public housing projects, the Secretary may, as part of the Annual Housing Survey conducted by the Department of Housing and Urban Development or by other means, collect data on crime and vandalism and integrate the data collection with the victimization surveys undertaken by the Department of Justice and the Department of Commerce.

"(6) The Secretary shall, to the maximum extent practicable, utilize information derived from the program authorized by this section for assisting in establishing guidelines to be used by public housing authorities in determining strategies to meet the security needs of tenants of public housing projects assisted under the United States Housing Act of 1937, other than under section 8 of such Act.";

(2) by striking out "this Act" in the first sentence of subsection (e) and inserting in lieu thereof "the Housing and Community Development Act of 1980"; and

(3) by adding the following new sentence at the end of subsection (f): "Of the budget authority approved in appropriation Acts for the purpose of entering into annual contributions contracts under section 5(c) of the United States Housing Act of 1937 with respect to the fiscal year beginning on October 1, 1980, the Secretary may utilize up to $10,000,000 of such authority to carry out this section.".

PAYMENT OF NONFEDERAL SHARE

SEC. 210. The United States Housing Act of 1937 is amended by adding at the end thereof the following new section:

"PAYMENT OF NONFEDERAL SHARE

"SEC. 15. Any of the following may be used as the non-Federal share required in connection with activities undertaken under Federal grant-in-aid programs which provide social, educational, employment, and other services to the tenants in a project assisted under this Act, other than under section 8 or 14:

"(1) development or modernization cost financed with loans or debt service annual contributions under this Act;

"(2) annual contributions under this Act for operation of the project; or

"(3) rental or use-value of buildings or facilities paid for, in whole or in part, with the assistance specified in clause (1) or (2) of this sentence.".

SECTION 8 ASSISTANCE TO FAMILIES OF VERY LOW INCOME

SEC. 211. (a) Section 8(f)(1) of the United States Housing Act of 1937 is amended by striking out "80" both places it appears and inserting in lieu thereof "65".

(b) The amendments made by this subsection do not affect the eligibility to receive assistance under section 8 of such Act on the part of any family or person occupying housing subject to an annual contributions contract on the effective date of this section.

TITLE III—PROGRAM AMENDMENTS AND EXTENSIONS

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS

SEC. 301. (a) Section 2(a) of the National Housing Act is amended by striking out "October 1, 1980" in the first sentence and inserting in lieu thereof "October 1, 1981".

(b) Section 217 of such Act is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1981".

(c) Section 221(f) of such Act is amended by striking out "September 30, 1980" in the fifth sentence and inserting in lieu thereof "September 30, 1981".

(d) Section 235(m) of such Act is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1981".

(e) Section 236(n) of such Act is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1981".

(f) Section 244(d) of such Act is amended by—

(1) striking out "September 30, 1980" in the first sentence and inserting in lieu thereof "September 30, 1981"; and

(2) striking out "October 1, 1980" in the second sentence and inserting in lieu thereof "October 1, 1981".

(g) Section 245(a) of such Act is amended by striking out "September 30, 1980" where it appears and inserting in lieu thereof "September 30, 1981".

(h) Section 809(f) of such Act is amended by striking out "September 30, 1980" in the second sentence and inserting in lieu thereof "September 30, 1981".

(i) Section 810(k) of such Act is amended by striking out "September 30, 1980" in the second sentence and inserting in lieu thereof "September 30, 1981".

(j) Section 1002(a) of such Act is amended by striking out "September 30, 1980" in the second sentence and inserting in lieu thereof "September 30, 1981".

(k) Section 1101(a) of such Act is amended by striking out "September 30, 1980" in the second sentence and inserting in lieu thereof "September 30, 1981".

EXTENSION OF FLEXIBLE INTEREST RATE AUTHORITY AND MINIMIZATION OF DISCOUNT POINTS

SEC. 302. Section 3(a) of Public Law 90-301 is amended—

(1) by striking out "October 1, 1980" and inserting in lieu thereof "October 1, 1981"; and

(2) by inserting after the first sentence thereof the following: "When effective interest rates on home mortgages are rising, the Secretary shall exercise the authority conferred by the preceding sentence with sufficient frequency to promote the objective that discount points payable in connection with mortgages insured pursuant to such programs should be minimized to the maximum extent feasible.".

EXTENSION OF EMERGENCY HOME PURCHASE ASSISTANCE ACT OF 1974

SEC. 303. Section 3(b) of the Emergency Home Purchase Assistance Act of 1974 is amended by striking out "October 1, 1980" and inserting in lieu thereof "October 1, 1981".

RESEARCH AUTHORIZATIONS

SEC. 304. The second sentence of section 501 of the Housing and Urban Development Act of 1970 is amended by striking out "and not to exceed $50,300,000 for the fiscal year 1980" and inserting in lieu thereof "not to exceed $50,300,000 for the fiscal year 1980, and not to exceed $52,100,000 for the fiscal year 1981".

FEDERAL HOUSING ADMINISTRATION GENERAL INSURANCE FUND

SEC. 305. Section 519(f) of the National Housing Act is amended by striking out all that follows "General Insurance Fund not to exceed" and inserting in lieu thereof "$1,738,000,000.".

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION INTEREST REDUCTION GRANT DEMONSTRATION

SEC. 306. Title III of the National Housing Act is amended by adding at the end thereof the following:

"DEMONSTRATION PROGRAM

"SEC. 317. In carrying out the purposes set forth in section 301(b) of this Act, the President may, under this section, authorize the Association to make payments to financial institutions for the purpose of subsidizing below market rate loans which are secured by mortgages insured under title II of this Act covering properties consisting of five or more dwelling units. The amount of any payment made with respect to any loan shall be in an amount necessary, as determined by the Association, to compensate the financial institution for the difference in yield between making such loan at an interest rate determined by the Association and making such loan at a market rate. There are authorized to be appropriated for the purpose of carrying out this section not to exceed $30,000,000 for the fiscal year ending September 30, 1981, to remain available until expended.".

INCREASE IN CERTAIN MAXIMUM MORTGAGE AMOUNTS FOR ENERGY CONSERVING MEASURES

SEC. 307. (a) The last sentence of section 207(c)(3) of the National Housing Act is amended by striking out "therein" and inserting in lieu thereof "or residential energy conservation measures (as defined in section 210(11)(A) through (G) and (I) of Public Law 95-619) therein".

(b) Section 213 of such Act is amended by adding at the end thereof the following:

"(p) Notwithstanding any other provision of this section, the project mortgage amounts which may be insured under this section may be increased by up to 20 per centum if such increase is necessary to account for the increased cost of the project due to the installation of a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act) or residential energy conservation measures (as defined in section 210(11)(A) through (G) and (I) of Public Law 95-619) therein.".

(c) Section 220(d)(3)(B)(iii) of such Act is amended by inserting before the semicolon at the end thereof the following: ": *And provided further*, That the Secretary may further increase any of the dollar amount limitations which would otherwise apply for the purpose of this clause by not to exceed 20 per centum if such increase is necessary to account for the increased cost of the project due to the installation of a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act) or residential energy conservation measures (as defined in section 210(11) (A) through (G) and (I) of Public Law 95-619) therein".

(d) Section 221 of such Act is amended by adding at the end thereof the following new subsection:

"(k) With respect to any project insured under subsection (d)(3) or (d)(4), the Secretary may further increase the dollar amount limitations which would otherwise apply for the purpose of those subsections by up to 20 per centum if such increase is necessary to account for the increased cost of the project due to the installation of a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act) or residential energy conservation measures (as defined in section 210(11) (A) through (G) and (I) of Public Law 95–619) therein.".

(e) Section 231(c) (2) of such Act is amended by inserting immediately before the semicolon at the end thereof ": *Provided,* That the Secretary may further increase the dollar amount limitations which would otherwise apply for the purpose of this section by not to exceed 20 per centum if such increase is necessary to account for the increased cost of the project due to the installation of a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act) or residential energy conservation measures (as defined in section 210(11) (A) through (G) and (I) of Public Law 95–619) therein".

(f) Section 232(d) (2) of such Act is amended to read as follows:

"(2) The mortgage shall involve a principal obligation in an amount not to exceed 90 per centum of the estimated value of the property or project, including—

"(A) equipment to be used in the operation of the home or facility or combined home and facility when the proposed improvements are completed and the equipment is installed; or

"(B) a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act) or residential energy conservation measures (as defined in section 210(11) (A) through (G) and (I) of Public Law 95–619).".

(g) Section 234 of such Act is amended by adding at the end thereof the following new subsection:

"(j) The Secretary may further increase the dollar amount limitations which would otherwise apply under subsection (e) by not to exceed 20 per centum if such increase is necessary to account for the increased cost of a project due to the installation of a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act) or residential energy conservation measures (as defined in section 210(11) (A) through (G) and (I) of Public Law 95–619) therein.".

(h) Section 242(d) (2) of such Act is amended to read as follows:

"(2) The mortgage shall involve a principal obligation in an amount not to exceed 90 per centum of the estimated replacement cost of the property or project including—

"(A) equipment to be used in the operation of the hospital, when the proposed improvements are completed and the equipment is installed; and

"(B) a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act) or residential energy conservation measures (as defined in section 210(11) (A) through (G) and (I) of Public Law 95–619).".

(1) Section 1101(c) (2) of such Act is amended by inserting immediately after "the boundaries of the property," the following: "a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act) or residential energy conservation measures (as defined in section 210(11) (A) through (G) and (I) of Public Law 95–619),".

TITLE I CLAIMS COLLECTIONS

SEC. 308. Section 2(c) of the National Housing Act is amended by adding the following new paragraph at the end thereof:

"(3) The Secretary, in collecting or compromising claims or obligations under this section, is authorized to contract with private business concerns or agencies for payment for services rendered by such concerns or agencies in assisting the Secretary in making such collection or compromise. Contracts under this subsection entered into by the Secretary for assistance in the collection or compromise of claims or obligations assigned to or held by the Secretary shall provide that attempts to collect or compromise such claims or obligations shall be conducted in accordance with the Fair Debt Collection Practices Act.".

DEFINITION OF MORTGAGE UNDER THE NATIONAL HOUSING ACT

SEC. 309. Section 201(a) of the National Housing Act is amended by striking out "having a period of not less than fifty years to run from the date the mortgage was executed" and inserting in lieu thereof "having a period of not less than ten years to run beyond the maturity date of the mortgage".

SECTION 220 MORTGAGE INSURANCE IN AREAS OF CONCENTRATED DEVELOPMENT ACTIVITIES

SEC. 310. (a) Section 220(d) (1) (A) of the National Housing Act is amended by inserting after "pursuant to section 117 of the Housing Act of 1949" the following: ", or (v) an area, designated by the Secretary, where concentrated housing, physical development, and public service activities are being or will be carried out in a coordinated manner, pursuant to a locally developed strategy for neighborhood improvement, conservation, or preservation".

(b) Section 220(d) (3) (B) (iv) of such Act is amended by inserting after "urban renewal plan" the following: "or, where appropriate, with the locally developed strategy for neighborhood improvement, conservation or preservation".

SINGLE FAMILY FEDERAL HOUSING AUTHORITY MORTGAGE LIMITS

SEC. 311. (a) Section 203(b) (2) of the National Housing Act is amended by striking out everything through "or $107,000 in the case of a four-family residence;" and inserting in lieu thereof the following:

"(2) Involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve) in an amount not to exceed, in the case of property upon which there is located a dwelling designed principally for a one-family residence, $67,500, or 95 per centum of the median one-family house price in the area, as determined by the Secretary, whichever is greater; in the case of a two-family residence (whether or not such one- or two-family residence may be intended to be rented temporarily for school purposes), $76,000, or 107 per centum of such median, whichever is greater; in the case of a three-family residence, $92,000, or 130 per centum of such median, whichever is greater; or in the case of a four-family residence, $107,000, or 150 per centum of such median, whichever is greater;".

(b) Section 222(b) (2) of such Act is amended to read as follows:

"(2) involve a dwelling designed principally for a one-family residence or a one-family unit in a condominium project;".

DELETION OF REFERENCES TO REMAINING ECONOMIC LIFE

SEC. 312. (a) Section 203(b) (3) of the National Housing Act is amended by striking out the following: "or three-quarters of the Secretary's estimate of the remaining economic life of the building improvements, whichever is the lesser".

(b) Section 220(h) (2) (iv) of such Act is amended by striking out the following: "or three-quarters of the remaining economic life of the structure, whichever is the lesser".

(c) Section 221(d) (6) of such Act is amended by striking out ": *Provided,* That no mortgage insured under subsection (d) (2) shall have a maturity exceeding three-quarters of the Secretary's estimate of the remaining economic life of the building improvements".

(d) Section 221(1) (2) (iv) of such Act is amended by striking out "the lesser of" and by striking out "or three-quarters of the Secretary's estimate of the remaining economic life of the building improvements".

(e) Section 234(c) of such Act is amended by striking out the following: "or three-fourths of the Secretary's estimate of the remaining economic life of the project, whichever is the lesser".

(f) Section 240(c) (5) of such Act is amended by striking out the following: "or three-quarters of the remaining economic life of the home, whichever is the lesser".

PARTICIPATION BY LOWER INCOME PERSONS AND ECONOMICALLY DISADVANTAGED FIRMS IN ASSISTED PROJECTS

SEC. 313. Section 3 of the Housing and Urban Development Act of 1968 is amended—

(1) by striking out "residing in the area of such project" in paragraph (1); and

(2) by striking out all of paragraph (2) which follows the words "Small Business Administration," and inserting in lieu thereof the following: "that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to socially and economically disadvantaged individuals or to firms owned and controlled by such individuals, including but not limited to individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair.".

RELIEF OF THE CITY OF SPRINGFIELD, ILLINOIS

SEC. 314. Notwithstanding the provisions of title VII of the Housing Act of 1961 or any other law, the transactions under which land acquired by the city of Springfield, Illinois, in connection with Open-Space Projects Numbered Ill.–OSC–171 (DL) and Numbered Ill.–OSC–246 (DL) was transferred by such city to the United States Department of the Interior for the Lincoln Home National Historic Site shall be deemed to have been made in accordance with all provisions of title VII of such Act and of any other law and with any regulation or other requirements in implementation thereof.

TRANSFER OF ENERGY-RELATED FUNCTIONS

SEC. 315. (a) Section 303 of the Energy Conservation and Production Act is amended—

(1) by striking out clause (1) and inserting in lieu thereof the following:

"(1) The term "Secretary, means the Secretary of Energy."; and

(2) by striking out clause (11) and redesignating clauses (12) and (13) as clauses (11) and (12), respectively.

(b) Section 304 of such Act is amended by striking out the word "Administrator" the first time it appears in subsection (a) (1) and (2) and inserting in lieu thereof "Secretary of Housing and Urban Development".

(c) Sections 304(c) and 310 of such Act are amended by striking out "the Administrator," the first time it appears in each section.

(d) Section 304 of the Department of Energy Organization Act is amended—

(1) by striking out subsection (a); and

(2) by striking out the subsection designation "(b)".

ENERGY STANDARDS FOR NEW BUILDINGS

SEC. 316. Paragraphs (1) and (2) of section 304(a) of the Energy Conservation Standards for New Buildings Act of 1976 are amended by striking out "within 6 months after the date of publication of the proposed standards" in the last sentence of each such paragraph and inserting in lieu thereof "by August 1, 1982".

MODERATE REHABILITATION OF SMALL GROUP HOMES AND SIMILAR FACILITIES FOR THE HANDICAPPED

SEC. 317. (a) Section 202(h) of the Housing Act of 1959 is amended—

(1) by inserting "(1)" after "(h)";

(2) by inserting "(A)" after "loans for" in the first sentence of such subsection;

(3) by inserting after the word "persons" in the first sentence of such subsection the following: ", and (B) the acquisition of existing housing and the rehabilitation, alteration, conversion, or improvement of such housing to meet the needs of handicapped (primarily nonelderly) persons";

(4) by striking out "The Secretary shall take such steps as may be necessary to assure the—" in the second sentence of such subsection and inserting in lieu thereof the following:

"(2) The Secretary shall take such steps as may be necessary to assure that—"; and

(5) by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B).

(b) Section 202(d)(3) of such Act is amended by adding at the end thereof the following: "In the case of housing described in subsection (h)(1)(B), such term also means the cost of acquiring existing housing and related facilities, the cost of rehabilitation, alteration, conversion, or improvement, including the moderate rehabilitation, thereof, and the cost of the land on which the housing and related facilities are located.".

HOME MORTGAGE DISCLOSURE ACT AMENDMENTS

SEC. 318. (a) Section 304 of the Home Mortgage Disclosure Act of 1975 is amended—

(1) by striking out "Office of Management and Budget" in subsection (a)(1) and inserting in lieu thereof "Department of Commerce";

(2) by amending subsection (a)(2)(A) to read as follows:

"(A) The number and dollar amount for each item referred to in paragraph (1), by census tracts for mortgage loans secured by property located within any county with a population of more than 30,000, within that standard metropolitan statistical area, otherwise, by county, for mortgage loans secured by property located within any other county within that standard metropolitan statistical area."; and

(3) by adding at the end thereof the following:

"(d) Notwithstanding the provisions of subsection (a)(1), data required to be disclosed under this section for 1980 and thereafter shall be disclosed for each calendar year. Any depository institution which is required to make disclosures under this section but which has been making disclosures on some basis other than a calendar year basis shall make available a separate disclosure statement containing data for any period prior to calendar year 1980 which is not covered by the last full year report prior to the 1980 calendar year report.

"(e) The Board shall prescribe a standard format for the disclosures required under this section.

"(f) The Federal Financial Institutions Examination Council in consultation with the Secretary, shall implement a system to facilitate access to data required to be disclosed under this section. Such system shall include arrangements for a central depository of data in each standard metropolitan statistical area. Disclosure statements shall be made available to the public for inspection and copying at such central depository of data for all depository institutions which are required to disclose information under this section (or which are exempted pursuant to section 306(b)) and which have a home office or branch office within such standard metropolitan statistical area.".

(b) Section 310 of such Act is repealed.

(c) Such Act is amended by adding at the end thereof the following:

"COMPILATION OF AGGREGATE DATA

"SEC. 310. (a) Beginning with data for calendar year 1980, the Federal Financial Institutions Examination Council shall compile each year, for each standard metropolitan statistical area, aggregate data by census tract for all depository institutions which are required to disclose data under section 304 or which are exempt pursuant to section 306(b). The Council shall also produce tables indicating, for each standard metropolitan statistical area, aggregate lending patterns for various categories of census tracts grouped according to location, age of housing stock, income level, and racial characteristics.

"(b) The Board shall provide staff and data processing resources to the Council to enable it to carry out the provisions of subsection (a).

"(c) The data and tables required pursuant to subsection (a) shall be made available to the public by no later than December 31 of the year following the calendar year on which the data is based.

"DISCLOSURE BY THE SECRETARY

"SEC. 311. Beginning with data for calendar year 1980, the Secretary shall make publicly available data in the Secretary's possession for each mortgagee which is not otherwise subject to the requirements of this title and which is not exempt pursuant to section 306(b), with respect to mortgage loans approved by the Secretary for insurance under title I or II of the National Housing Act. Such data to be disclosed shall consist of data comparable to the data which would be disclosed if such mortgagee were subject to the requirements of section 304. Disclosure statements containing data for each such mortgage for a standard metropolitan statistical area shall, at a minimum, be publicly available at the central depository of data established pursuant to section 304(f) for such standard metropolitan statistical area. The Secretary shall also compile and make publicly available aggregate data for such mortgagees by census tract, and tables indicating aggregate lending patterns, in a manner comparable to the information required to be made publicly available in accordance with section 310.".

(d) The Federal Financial Institutions Examination Council, in consultation with the Administrator of the Small Business Administration, shall conduct a study to assess the feasibility and usefulness of requiring depository institutions which make small business loans to compile and publicly disclose information regarding such loans. The Council shall submit a report on the results of such study, together with recommendations, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives not later than March 1, 1981.

(e) To promote efficiency and avoid duplication to the maximum extent feasible, the Federal Financial Institutions Examination Council shall transmit a report to the Congress not later than September 30, 1982, on the feasibility and desirability of establishing a unified system for enforcing fair lending laws and regulations, implementing the Community Reinvestment Act of 1977, and satisfying the public disclosure purposes of the Home Mortgage Disclosure Act of 1975. Such report shall evaluate the status and effectiveness of data collection and analysis systems of such agencies involving fair lending and community reinvestment, and shall outline possible specific timetables for implementing such a unified system.

MANAGEMENT AND PRESERVATION OF HOUSING AND URBAN DEVELOPMENT-OWNED MULTIFAMILY HOUSING PROJECTS

SEC. 319. (a) Section 203(a) of the Housing and Community Development Act of 1978 is amended—

(1) by striking out "and" at the end of clause (4);

(2) by striking out the period at the end of clause (5) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(6) maintaining to the maximum extent feasible and appropriate, the rental character of multifamily rental housing projects.".

(b) Subsection (b)(1) of such section is amended by striking out "considering the low- and moderate-income character of the project" and inserting in lieu thereof the following: "considering the number of units in the project occupied by low- and moderate-income persons".

(c) Subsection (e), (f), and (g) of such section are redesignated as subsections (f), (g), and (h), respectively.

(d) Such section is amended—

(1) by inserting after subsection (d) a new subsection (e) to read as follows:

"(e) In disposing of any multifamily rental housing project, the Secretary shall require that the project remain rental in character for a period of at least twenty years from the date of disposition, except (1) in the case of a conversion of the project to a condominium or a cooperative form of ownership sponsored by a bona fide tenants' organization representing a majority of the households in the project, or (2) where the Secretary finds (A) that the continuance of the project as a rental housing is clearly not necessary to assure adequate rental housing opportunities in the community for low- and moderate-income people, or (B) that the continuation of the project as rental housing will have an undesirable and deleterious effect on the surrounding neighborhood."; and

(2) by striking out subsection (g), as redesignated, and inserting in lieu thereof the following:

"(g) For the purpose of this section, the term 'multifamily rental housing project' means any multifamily rental housing project which is, or prior to acquisition by the Secretary was, assisted or insured under the National Housing Act, or was subject to a loan under section 202 of the Housing Act of 1959 or section 312 of the Housing Act of 1964, or which is acquired by the Secretary pursuant to any other provision of law: *Provided*, That the objectives set forth in subsection (a)(1) and the requirements set forth in subsection d(2) (B) and (C) shall not apply to formerly unsubsidized projects in which the majority of units are not occupied by low- and moderate-income households at the time of acquisition: *Provided further*, That the requirements set forth in subsection (d)(2) (B) and (C) shall apply to low- and moderate-income tenants in such projects.".

NEIGHBORHOOD REINVESTMENT CORPORATION

SEC. 320. The Neighborhood Reinvestment Corporation Act (title VI of the Housing and Community Development Amendments of 1978) is amended—

(1) by striking out "National" in section 603(a);

(2) by striking out "supervising" in the first sentence of section 606(a)(1) and inserting in lieu thereof the word "monitoring"; and

(3) by striking out "and not to exceed $12,000,000 for fiscal year 1980" in section 608(a) and inserting in lieu thereof the following: "not to exceed $12,000,000 for fiscal year 1980, and not to exceed $13,426,000 for fiscal year 1981".

FEDERAL NATIONAL MORTGAGE ASSOCIATION AMENDMENTS

SEC. 321. (a) Section 302(b)(2) of the National Housing Act is amended by striking out the last sentence and inserting in lieu thereof the following: "For the purpose of this section, the term 'conventional mortgages' shall include a mortgage, lien, or other security interest on the stock or membership certificate issued to a tenant stockholder or resident-member of a cooperative housing corporation, as defined in section 216 of the Internal Revenue Code of 1954, and on the proprietary lease, occupancy agreement; or right of tenancy in the dwelling unit of the tenant-stockholder or resident-member in such cooperative housing corporation. The corporation shall establish limitations governing the maximum principal obligation of conventional mortgages purchased by it. Such limitations shall not exceed $93,750 for a mortgage secured by a single-family residence, $120,000 for a mortgage secured by a two-family residence, $145,000 for a mortgage secured by a three-family residence, and $180,000 for a mortgage secured by a four-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning with 1981. Each such adjustment shall be made by adding to each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage of the increase during the twelve-month period ending with the previous October in the national average one-family house price in the monthly survey of all major lenders conducted by the Federal Home Loan Bank Board. With respect to mortgages secured by property comprising five or more family dwelling units, such limitations shall not exceed 125 per centum of the limitations established under section 207(c)(3) of this Act. The foregoing limitations may be increased by not to exceed 50 per centum with respect to properties located in Alaska, Guam, and Hawaii.".

(b) Section 302(b) of such Act is amended by adding at the end thereof the following:

"(4) The corporation is authorized, with the approval of the Secretary of Housing and Urban Development, to purchase, service, sell, lend on the security of, and otherwise deal in loans or advances of credit for improvements to properties as to which the corporation may purchase a mortgage. To be eligible for purchase, any such loan (other than one described in paragraph (3)) not insured under title I of this Act shall be secured by a lien against the property to be improved.".

(c) When the Federal National Mortgage Association submits its proposal to the Secretary of Housing and Urban Development to implement the authority granted by the amendment made by subsection (b), the Secretary of Housing and Urban Development shall respond with comments within ninety days.

FEDERAL HOME LOAN MORTGAGE CORPORATION MAXIMUM LIMITATIONS

SEC. 322. Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The Corporation shall establish limitations governing the maximum principal obligation of conventional mortgages purchased by it. Such limitations shall not exceed $93,750 for a mortgage secured by a single-family residence, $120,000 for a mortgage secured by a two-family residence, $145,000 for a mortgage secured by a three-family residence, and $180,000 for a mortgage secured by a four-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning with 1981. Each such adjustment shall be made by adding to each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage of the increase during the twelve-month period ending with the previous October in the national average one-family house price in the monthly survey of all major lenders conducted by the Federal Home Loan Bank Board. With respect to mortgages of property comprising five or more family dwelling units, such limitations shall not exceed 125 per centum of the limitations established under section 207(c)(3) of the National Housing Act. The foregoing limitations may be increased by not to exceed 50 per centum with respect to properties located in Alaska, Guam, and Hawaii.".

RENTAL HOUSING PRESERVATION

SEC. 323. (a) The Congress finds that—

(1) the national rental vacancy rate is hovering at a historically low level, and there has been a substantial decline in multifamily rental housing production;

(2) millions of low- and moderate-income people are paying an exorbitant share of their incomes for rent;

(3) the leveraging of private investment for the rehabilitation and refinancing of low- and moderate-income rental housing in older, declining urban areas is a cost-effective strategy to maintain decent housing and prevent the decline of urban neighborhoods; and

(4) the Department of Housing and Urban Development should increase its role in the conservation of existing low- and moderate-cost rental housing stock.

(b) Section 223(f) of the National Housing Act is amended—

(1) by inserting "(1)" after "(f)";

(2) by inserting "(2)" at the beginning of the second sentence and redesignating that sentence as a new paragraph;

(3) by inserting "the purchase or" after "In the case of" in paragraph (2) as so redesignated;

(4) by inserting after "located in an older, declining urban area, the Secretary shall" in paragraph (2), as so redesignated, the following: "make available an amount not to exceed $30,000,000 of available purchase authority pursuant to section 305 of this Act, to reduce interest rates on low- and moderate-income rental housing which otherwise could not support refinancing and moderate rehabilitation without causing excessive rent burdens on current tenants due to rent increases. The Secretary shall";

(5) by striking out "(1)" before "the refinancing" in paragraph (2), as so redesignated and inserting in lieu thereof "(A)" and by striking out "and" after the semicolon;

(6) in paragraph (2) as so redesignated, by striking out "(2)" before "during" and inserting in lieu thereof "(B)", by inserting "and maintain reasonable profit levels" before "approved by the Secretary", and by striking out the period at the end thereof and inserting in lieu thereof "; and";

(7) by adding after subparagraph (B), as so redesignated, the following:

"(3) For any multifamily housing project purchased or refinanced with a mortgage insured under this subsection which, because of mortgage amount, does not qualify for the Government National Mortgage Association Mortgage-Backed Securities Program, the Secretary shall, in the case of default, pay the lender in cash, at 99 cents on the dollar, the amount of outstanding mortgage debt that is insured by the Federal Housing Administration.

"(4) For all insurance authorized by this subsection and provided pursuant to a commitment entered into after the date of enactment of this provision, the Secretary may not accept an offer to prepay or request refinancing unless the Secretary takes appropriate action that will obligate the borrower (and successors in interest thereof) to utilize the property as a rental property for a period of twenty years from the date on which the insurance was provided unless the Secretary finds that—

"(A) the conversion of the property to a cooperative, or condominium form of ownership is sponsored by a bona fide tenants' organization representing a majority of the households in the project;

"(B) continuance of the property as rental housing is clearly unnecessary to assure adequate rental housing opportunities for low- and moderate-income people in the community; or

"(C) continuance of the property as rental housing would have an undesirable and deleterious effect on the surrounding neighborhood."; and

(8) by inserting "(5)" before the sentence beginning "In the case of refinancing of an existing hospital" and redesignating that sentence as paragraph (5).

(c) Section 802(a) of the Housing Act of 1954 is amended by adding at the end thereof the following: "The Secretary shall include in such report a description of the status of the existing rental housing stock which shall include, but not be limited to—

"(A) an analysis of the demand for and availability of low- and moderate-cost rental housing in the United States;

"(B) an analysis of the current role of Federal, State, and local governments in the conservation of decent and affordable rental housing; and

"(C) recommendations for effective Federal, State, and local government strategies and programs to conserve decent and reasonably priced rental housing, including, but not limited to, improved implementation of existing programs, strategies for leveraging private sector investment in rental housing, modification to Federal, State, and local tax laws, and alternative financing strategies.".

AMENDMENTS RELATING TO MANUFACTURED HOUSING

SEC. 324. (a) Section 2(b) of the National Housing Act is amended—

(1) by striking out "$18,000 ($27,000 in the case of a manufactured home composed of two or more modules)" in the first sentence and inserting in lieu thereof "$20,000 ($30,000 in the case of a manufactured home containing two or more modules)";

(2) by striking out subparagraph (A) of the second paragraph and inserting in lieu thereof the following:

"(A) involve an amount not exceeding (i) $26,675 ($36,675 in the case of a manufactured home composed of more than two modules); and";

(3) by striking out subparagraph (A) of the third paragraph and inserting in lieu thereof the following:

"(A) involve an amount not exceeding $30,550 ($40,550 in the case of a manufactured home composed of two or more modules); and"; and

(4) by striking out "$6,250 in the case of an undeveloped lot, or (ii) $9,375" in the fourth paragraph and inserting in lieu thereof "$6,950 in the case of an undeveloped lot, or (ii) $10,425".

(b) Section 2(b) of the National Housing Act is amended by adding the following new sentence at the end of the last paragraph: "In other high-cost areas, the Secretary may, by regulation, increase any such dollar amount limitation to—

"(1) $33,300 (or $45,700 with respect to a manufactured home composed of two or more modules) in the case of a manufactured home and an undeveloped lot;

"(2) $38,100 (or $50,600 with respect to a manufactured home composed of two or more modules) in the case of a manufactured home and a developed lot; and

"(3) $11,125 (or $16,675 with respect to a developed lot) in the case of a lot in which to place a manufactured home.".

(c)(1) The National Housing Act is amended by striking out "mobile home" each place it appears and inserting in lieu thereof "manufactured home".

(2) Section 235(a)(2)(B) of such Act is amended by striking out "mobile homeowner" and "mobile homeowner's" and in-

serting in lieu thereof "manufactured homeowner" and "manufactured homeowner's", respectively.

(3) The United States Housing Act of 1937 is amended by striking out "mobile home" each place it appears and inserting in lieu thereof "manufactured home".

(4) Title VI of the Housing and Community Development Act of 1974 is amended by striking out "Mobile Home" each place it appears and inserting in lieu thereof "Manufactured Home" and by striking out "mobile home" each place it appears, other than in section 601, and inserting in lieu thereof "manufactured home".

(5) Section 601 of the Housing and Community Development Act of 1974 is amended by striking out "eight body feet or inserting in lieu thereof "Manufactured Housing".

(6) Section 501(e)(4) of Public Law 96–221 is amended by striking out "mobile home" and inserting in lieu thereof "manufactured home".

(d) Section 603(6) of the Housing and Community Development Act of 1974 is amended by striking out freight body feet or more in width and is thirty-two body feet or more in length" and inserting in lieu thereof "more than eight body feet in width, is more than forty body feet in length in the traveling mode, or contains four hundred or more square feet in interior space when erected on site".

(e) Not later than January 1, 1982, the Secretary of Housing and Urban Development shall develop a procedure for collecting and regularly reporting data on the mean and median sales price for new manufactured homes, and where available data on the mean and median sales price for manufactured home lots and combination new manufactured home and lot packages. Such reports shall contain, to the maximum extent feasible, sales price information for the Nation, each census region, for each State on an annual basis and selected Standard Metropolitan Statistical Areas having sufficient activity on an annual basis.

AMENDMENT TO SECTION 235

SEC. 325. Section 235(n) of the National Housing Act is amended to read as follows:

"(n) The Secretary may, by regulation, require that no mortgage be insured under this section on a unit in a subdivision which, when added to any other mortgages insured under this section in that subdivision after such date, represents more than 40 per centum of the total number of units in the subdivision, except that the preceding limitation shall not apply with regard to any rehabilitated unit, or to any unit or subdivision located or to be located in an established urban neighborhood or area, where a sound proposal is involved and where an aggregation of subsidized units is essential to a community sponsored overall redevelopment plan as determined by the Secretary. The Secretary may, at his discretion, modify the 40 per centum subdivision limit to encourage the production of safe and affordable housing.".

ELIMINATION OF SECTION 8 CONDITION ON GNMA PURCHASE OF CERTAIN MULTIFAMILY MORTGAGES

SEC. 326. The second sentence of section 302(b)(1) of the National Housing Act is amended—

(1) by striking out "(1)"; and

(2) by striking out ", and (2)" and all that follows through "1937".

USURY PROVISIONS

SEC. 327. (a) Section 512 of the Depository Institutions Deregulation and Monetary Control Act of 1980 is amended—

(1) by inserting "(a)" after "SEC. 512."; and

(2) by adding at the end thereof the following:

"(b) A loan shall be deemed to be made during the period described in subsection (a) if such loan—

"(1)(A) is funded or made in whole or in part during such period, regardless of whether pursuant to a commitment or other agreement therefor made prior to April 1, 1980;

"(B) was made prior to or on April 1, 1980, and which bears or provides for interest during such period on the outstanding amount thereof at a variable or fluctuating rate; or

"(C) is a renewal, extension, or other modification during such period of any loan, if such renewal, extension, or other modification is made with the written consent of any person obligated to repay such loan; and

"(2)(A) is an original principal amount of $25,000 or more; or

"(B) is part of a series of advances if the aggregate of all sums advanced or agreed or contemplated to be advanced pursuant to a commitment or other agreement therefor is $25,000 or more.".

(b) The amendments made by subsection (a) take effect on April 1, 1980.

(c) Part B of title V of such Act, as amended by subsection (a), is amended by striking out "$25,000" wherever it appears and inserting in lieu thereof "$1,000".

(d) Section 501(a)(1)(C)(vi) of such Act is amended by inserting before the period at the end thereof the following: ", and any individual who finances the sale or exchange of residential real property which such individual owns and in which such individual is or has been an occupant as a principal resident".

(e) Section 501(a)(1)(A) of the Depository Institutions Deregulation and Monetary Control Act of 1980 is amended by inserting after the phrase "where the loan, mortgage, or advance is used to finance the acquisition of such stock" the following: "or the refinancing of an existing loan, mortgage, or advance secured by a first lien on all such stock allocated to the dwelling unit if the proceeds are used to finance the rehabilitation or improvement of the dwelling unit or if the rate of interest on the new loan, mortgage, or advance is less than the rate of interest on the existing loan, mortgage, or advance".

DEFINITIONS

SEC. 328. Section 511 of the Depository Institutions Deregulation and Monetary Control Act of 1980 is amended by renumbering paragraph (b) as paragraph (c) and inserting section 511(b) as follows:

"SEC. 511. (b) For purposes of this part—

"(1) the term 'loan' includes all secured and unsecured loans, credit sales, forebearances, advances, renewals or other extensions of credit made by or to any person or organization for business or agricultural purposes;

"(2) the term 'interest' includes any compensation, however denominated, for a loan;

"(3) the term 'organization' means a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, association, or other entity;

"(4) the term 'person' means a natural person or organization.".

MUTUAL HOUSING ASSOCIATION DEMONSTRATION

SEC. 329. (a) The Congress—

(1) recognizes the significant potential of mutual housing associations for helping make multifamily housing in the United States more affordable; and

(2) commends and encourages the efforts being made in connection with the national demonstration program of mutual housing associations being undertaken by the Neighborhood Reinvestment Corporation and the National Consumer Cooperative Bank with the cooperation of the Department of Housing and Urban Development.

(b) The Neighborhood Reinvestment Corporation, in conjunction with the National Consumer Cooperative Bank and the Secretary of Housing and Urban Development, shall transmit a report to the Congress on the findings and conclusions reached as a result of the demonstration program described in subsection (a)(2), together with legislative recommendations, not later than September 30, 1981.

VALLEY HOMES MUTUAL HOUSING CORPORATION

SEC. 330. (a) Notwithstanding any other provision of law, Valley Homes Mutual Housing Corporation, obligor on a note and mortgage secured by a multifamily housing project located at 972 Medosch Avenue, Lincoln Heights, Ohio and held by the Government National Mortgage Association, is hereby relieved of all liability to the Government for the outstanding principal balance on the above-mentioned mortgage; for the amount of accrued out unpaid interest thereon; and for taxes, insurance, and other charges previously paid by the Government. This release from liability is in full settlement of all present and any future claims Valley Homes Mutual Housing Corporation, its successors and assigns may have against the United States or any of its Agencies concerning the mortgagor's purchase of the mortgaged premises from the Public Housing Administration in 1954.

(b) The President of the Government National Mortgage Association is authorized and directed to release Valley Homes Mutual Housing Corporation from its liability to the Association and to discharge the mortgage note secured by the mortgage on the multifamily housing project located at 972 Medosch Avenue, Lincoln Heights, Ohio.

(c) No amount in excess of ten per centum of the principal and interest due upon the mortgage released under subsection (b) of this provision shall be paid to or received by an attorney or other person in consideration for services rendered in connection with the claims of Valley Homes Mutual Housing Corporation against the United States or any of its Agencies referred to in subsection (a) of this provision. Any person who violates this subsection shall be fined not more than $1,000.

COLLECTION OF DELINQUENCY DATA

SEC. 331. The Secretary of Housing and Urban Development shall conduct a study to determine the feasibility and cost of developing and implementing a system, utilizing existing data collection systems, for the collection of data pertaining to all home mortgage delinquencies for the area covered by each area office of the Department of Housing and Urban Development, and shall, as soon as practicable, but not later than the date of submission of the fiscal year 1982 budget request, transmit to the Congress a report containing the results of such study.

TITLE IV—PLANNING ASSISTANCE

AMENDMENT TO THE HOUSING ACT OF 1954

SEC. 401. Section 701 of the Housing Act of 1954 is amended to read as follows:

"PLANNING ASSISTANCE

"SEC. 701. (a) The Congress finds that—

"(1) the general welfare requires that action be taken to promote the conservation and the orderly and efficient growth and development of the Nation's communities, and to increase housing and employment opportunities for its citizens;

"(2) addressing these needs requires effective and coordinated planning efforts at all levels of government;

"(3) national policy objectives are required to guide common planning among States, areawide planning organizations, and local governments; and

"(4) it is also important that these planning efforts be carried out in a manner that facilitates Federal actions in support of the developmental decisions of States, areawide planning organizations, and local governments.

"(b) The Congress hereby declares the following to be national policy objectives—

"(1) the conservation and improvement of existing communities, particularly the improvement of those communities faced with fiscal, economic, or social distress;

"(2) an increase in housing and employment opportunities and choices, especially for lower income persons, minority persons, women, the elderly, the handicapped, and other disadvantaged groups; and

"(3) the promotion of orderly and efficient growth and development of communities, regions and States, taking into consideration the necessity of conserving energy.

"(c) It is the purpose of this section to help achieve these objectives by—

"(1) encouraging the joint efforts of State and local governments and areawide planning organizations in developing State and areawide strategies; and

"(2) assuring that strategies developed pursuant to this section will lead to implementation activities by States, areawide planning organizations and local governments, and to the encouragement of a coordinated response by all levels of government to carry out such strategies.

"(d) As used in this section—

"(1) the term 'Secretary' means the Secretary of Housing and Urban Development;

"(2) the term 'State' means any State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

"(3) the term 'unit of general local government' means any city, county, town, township, parish, village, or other general purpose political subdivision of a State;

"(4) the term 'Indian tribe' means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) or under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512);

"(5) the term 'metropolitan area' means a metropolitan statistical area, established by the Department of Commerce, except that, to the extent the Secretary deems appropriate to carry out the purposes of this section, the Secretary may modify or extend such an area, but such modification or extension shall not affect the boundaries of any metropolitan statistical area for any other purpose; and

"(6) the term "areawide planning organization" means any multijurisdictional unit which is established under State law, interstate compact, or interlocal agreement for the purpose of formulating policies and plans for the orderly development of a substate or interstate region, which is formally charged with carrying out the provisions of section 401 of the Intergovernmental Cooperation Act of 1968, which, in the absence of State law to the contrary, has at least a majority of elected officials from local governments on its governing body, and which meets such other standards as the Secretary may prescribe by regulation.

"(e) The Secretary is authorized to contract to make, and to make, grants approved in accordance with the provisions of this section to—

"(1) States, for statewide activities;

"(2) States, for the provision of assistance to (A) metropolitan areawide planning organizations, where administration of assistance is to be carried out by the State pursuant to an agreement between the State and the affected metropolitan areawide planning organizations, and is approved by the Secretary; (B) nonmetropolitan areawide planning organizations; (C) units of general local government (except counties) having a population of less than fifty thousand according to the latest decennial or middecade census, as appropriate; (D) counties, other than urban counties as defined under title I of the Housing and Community Development Act of 1974; and (E) any group of adjacent units of general local government having a total population of less than fifty thousand (according to the latest decennial or middecade census, as appropriate) and having common or related planning problems and opportunities;

"(3) metropolitan areawide planning organizations;

"(4) Indian tribes; and

"(5) the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"(f) A State may provide for the administration by areawide planning organizations of assistance provided through the State to units of general local government, except that responsibility for adherence to the requirements of this section and other applicable laws shall remain with the State.

"(g)(1) Contracts to make grants pursuant to subsection (e) shall contain such terms and conditions as the Secretary may prescribe, and may include provision for periodic release of grant funds on the basis of the progress of grantees in accomplishing the specific actions and activities for which grants were made, except that the Secretary may not approve a grant for any year after the first year in which a grant pursuant to this subsection is made to a recipient unless the Secretary determines that—

"(A) additional funds are required to assist in the development of the activities and programs pursuant to subsection (i); and

"(B) substantial progress has been made in the development and implementation of the activities and programs pursuant to subsection (i) or components of such activities and programs.

To assist the Secretary in making such determinations, the applicant shall submit to the Secretary such information as the Secretary may require, including the performance report required pursuant to subsection (k)(2), except that at least triennially the Secretary shall require the applicant to submit a detailed evaluation of the progress it has made during the preceding three-year period toward the development of such activities and programs and their implementation.

"(2) A grant made under subsection (e) shall not exceed two-thirds of the estimated cost of the work for which the grant is made.

"(3) The Secretary is authorized by grant, contract, or otherwise to provide technical assistance to the entities referred to in subsection (e) to carry out the purposes of this section, and to make studies and publish information directly related to furthering such purposes.

"(4) There are authorized to be appropriated for purposes of this section an amount not to exceed $40,000,000 for the fiscal year 1981, not to exceed $40,000,000 for the fiscal year 1982, and not to exceed $40,000,000 for the fiscal year 1983. Any amounts appropriated shall remain available until expended.

"(h) Prior to submission of an application for assistance by a State for statewide activities, the State shall afford a reasonable opportunity, as prescribed by the Secretary, to units of general local government and areawide planning organizations located within the State to comment on the strategy statement, if any, and the action program proposed for inclusion in the application, and on the consistency of such strategy and program with the plans and activities of such entities. Each areawide planning organization applying for assistance directly from the Secretary or through the State shall afford the same opportunity to units of general local government participating in such organization, and additionally, in the case of an application submitted by a metropolitan areawide planning organization seeking assistance directly from the Secretary, to the State or States in which such organization is located. Each State, areawide planning organization or other entity receiving assistance under subsection (e) shall also provide for citizen participation in the development of its strategy statement, where required, and the actions and activities to be carried out with such assistance, in accordance with regulations of the Secretary.

"(i)(1) A grant may be made to a State for statewide activities, or to a metropolitan areawide planning organization seeking assistance directly from the Secretary, if an application has been submitted to the Secretary in which the applicant—

"(A) either sets forth a strategy statement which identifies policies and programs over at least a three-year period which address the major issues and problems of the applicant's jurisdiction and are clearly designed to carry out each of the national policy objectives described in subsection (b), or indicates that the application is based upon a previously approved strategy statement which is in effect, as provided in subsection (m)(4);

"(B) formulates an action program which describes specific actions and activities to be undertaken to implement the strategy statement;

"(C) establishes a timetable for the achievement of specific results under the action program;

"(D) submits all comments received pursuant to subsection (h) and indicates the modifications, if any, made to the strategy statement or action program as a result thereof;

"(E) certifies that the strategy statement and action program proposed in the application are consistent with other plans and activities of the applicant, and, in the case of an areawide planning organization, certifies that such strategy statement and action program are consistent with any approved State strategy statement;

"(F) certifies that it has the authority to implement and execute the actions and activities described in the action program, or, if it does not have such authority, otherwise demonstrates, by means of implementation agreements or other documentation, specific steps the applicant will take to assure implementation;

"(G) provides satisfactory assurances that the action program will be conducted and administered, and that the strategy statement is, in conformity with title VI of the Civil Rights Act of 1964 (Public Law 88-352) and title VIII of the Civil Rights Act of 1968 (Public Law 90-284); and

"(H) meets such other requirements as the Secretary may prescribe by regulation.

"(2) A grant may be made to a State, for the provision of assistance to areawide planning organizations, if an application has been submitted to the Secretary in which the State—

"(A) specifies the manner in which assistance provided under subsection (e) will be distributed among such areawide planning organizations:

"(B) certifies that each such organization has submitted or, as a condition for receiving assistance, will submit to the State an application which meets the comment and citizen paticipation requirements of subsection (h) and the application requirements of paragraph (1) of this subsection;

"(C) certifies that, prior to providing assistance to any such organization, a strategy statement for such organization has been approved by the Secretary; and

"(D) meets such other requirements as the Secretary may prescribe by regulation.

"(3) A grant may be made to a State, for the provision of assistance to units of general local government, if an application has been submitted to the Secretary in which the State—

"(A) specifies the manner in which assistance provided under subsection (e) will be distributed among such entites;

"(B) certifies that the actions and activities to be carried out by such entities, as a condition for receiving assistance, address the major issues and problems of their jurisdictions and are clearly designed to carry out the national policy objectives;

"(C) certifies that the actions and activities to be carried out are or will be, as a condition for receiving assistance, consistent with any existing approved strategy statement of the State and of the areawide planning organization in which any such entity is located;

"(D) provides satisfactory assurances that the actions and activities to be carried out will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (Public Law 88-352) and title VIII of the Civil Rights Act of 1968 (Public Law 90-284); and

"(E) meets such other requirements as the Secretary may prescribe by regulation.

"(4) A grant may be made to an entity. described in subsection (e)(4) or (e)(5), if an application has been submitted to the Secretary in which the applicant—

"(A) sets forth actions and activities which address the major issue and problems of the applicant's jurisdiction and are clearly designed to carry out the national policy objectives;

"(B) certifies that it has the authority to implement and execute the proposed actions and activities, or, if it does not have such authority, otherwise demonstrates, by means of implementation agreements or other documentation, specific steps the applicant will take to assure implementation;

"(C) provides satisfactory assurances that the proposed actions and activities will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (Public Law 88-352) and title VIII of the Civil Rights Act of 1968 (Public Law 90-284) or in the case of Indian tribes, in conformity with title II of the Civil Rights Act of 1968; and

"(D) meets such other requirements as the Secretary may prescribe by regulation.

"(5) A grant may also be made to a State or to an areawide planning organization as provided in subsection (e) for the purpose of revising an existing approved strategy statement. Applications for grants under this paragraph shall contain such infomation and meet such requirements as the Secretary may prescribe by regulation.

"(6) States may submit consolidated applications under this subsection requesting assistance for any purpose or combination of purposes as provided under subsection (e).

"(j) In providing assistance to areawide planning organizations under subsection (e), the Secretary (or the State, in the case of assistance provided through the State) may give preference to, and may provide additional funding for, organizations which provide for voting rights among their members weighted in proportion to the population of the areas represented by such members.

"(k)(1) The Secretary shall, by regulation, establish criteria for the evaluation and approval of strategy statements and applications for grants under subsection (i), including applications for grants through States, and for the awarding of grants pursuant thereto. Such criteria shall, among other things, take into account—

"(A) the degree to which a strategy statement submitted for approval furthers attainment of the national policy objectives and can be used in connection with program decisionmaking by Federal agencies and State and local governments;

"(B) the extent to which an action program, where required, will make significant progress in implementing the strategy statement and such objectives;

"(C) the extent to which a strategy statement and action program respond to the concerns expressed in comments submitted pursuant to subsection (h), particularly comments from distressed communities; and

"(D) the extent to which grantees have demonstrated progress in carrying out actions and activities assisted under subsection (e).

"(2) For each year in which actions or activities assisted under subsection (e) are being carried out, each State and other entity receiving assistance directly from the Secretary shall submit to the Secretary a performance report concerning the actions and activities carried out with such assistance. The Secretary shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether a recipient of funds under subsection (e) has carried out actions and activities substantially as described in its application, whether such actions and activities conformed to the requirements of this section and other applicable laws, and whether the recipient has a continuing capacity to carry out such actions and activities in a timely manner. The Secretary shall adjust, reduce, or withdraw grant funds, or take other action as appropriate in accordance with such reviews and audits.

"(3) Insofar as they relate to funds provided under this section, the financial transactions of recipients of such funds may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

"(l)(1) Grants pursuant to subsection (e) of this section shall only be used to carry out planning and management actions and activities which are clearly related to the national policy objectives.

"(2) Grant assistance under this section shall not be used to defray the cost of the acquisition, construction, repair, or rehabilitation of, or the preparation of engineering drawings or similar detailed specifications for, specific housing, capital facilities, or public works projects, nor shall assistance provided under this section be used to finance routine administrative responsibilities of any State or local government.

"(m)(1) The Secretary is authorized to approve a strategy statement submitted by a State or an areawide planning organization independent of an application for assistance under subsection (i). The Secretary is also authorized, with the consent of a State or areawide planning organization, to approve a strategy statement submitted in connection with an application for assistance under such subsection, notwithstanding disapproval of a funding request. In either case, such strategy statement must meet the comment and citizen participation requirements of subsection (h) and the application and review requirements applicable to strategy statements contained in subsections (j) and (k).

"(2) The Secretary shall utilize, to the maximum extent feasible, strategy statements approved by the Secretary under this section to guide policy and funding decisions with respect to the programs and activities of the Department of Housing and Urban Development which affect the geographical areas covered by such strategy statements.

"(3) The Secretary is encouraged to work with other appropriate Federal departments and agencies in order to (A) develop standards and criteria for the review and approval of strategy statements for use on an interagency basis, (B) encourage use of such strategy statements, consistent with their program authority, as all or part of the planning requirements of such departments or agencies, and (C) undertake cooperative efforts for the development of State and areawide strategy statements which can be utilized by such departments and agencies in their program decisionmaking.

"(4) A strategy statement approved by the Secretary under this section shall remain in effect for a maximum of three years following the date of its approval. Any extension of a strategy statement beyond such three-year term, or any major modification, as determined by the Secretary, of a statement during such term, shall meet the comment and citizen participation requirements of subsection (h) and the application and review requirements applicable to strategy statements contained in subsections (i) and (k), and must be approved by the Secretary. Any proposed modification shall be submitted to the Secretary prior to its incorporation into the strategy statement.

"(n) The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, providing for cooperative effort and mutual assistance in the development of strategy statements and in the implementation and execution of actions and activities undertaken with assistance provided under subsection (e) of this section, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts.".

EFFECTIVE DATE

Sec. 402. The amendment made by section 401 shall become effective on the effective date of regulations implementing such amendment, but in no case later than two hundred and seventy days following the date of enactment of this Act.

TITLE V—CONDOMINIUM AND COOPERATIVE CONVERSION PROTECTION AND ABUSE RELIEF

SHORT TITLE

Sec. 501. The title may be cited as the "Condominium and Cooperative Conversion Protection and Abuse Relief Act of 1980".

FINDINGS AND PURPOSE

Sec. 502. (a) The Congress finds and declares that—

(1) there is a shortage of adequate and affordable multifamily housing throughout the Nation;

(2) the utilization of the condominium and cooperative forms of ownership can preserve and increase the supply of such housing and expand the opportunities for homeownership, particularly for low- and moderate-income and elderly persons and families;

(3) the number of conversions of rental housing to condominiums and cooperatives is accelerating, is a significant contributing factor to the national shortage of such units, which is restricting the shelter options of low- and moderate-income and elderly persons and families, and can be subject to abuse in the context of this national shortage of adequate and affordable multifamily housing;

(4) there is a Federal involvement with the multifamily and ownership housing markets through the operation of Federal tax, housing, and community development laws, through the operation of federally chartered and insured financial institutions,

and through other Federal activities; that a portion of conversions of rental housing to condominiums and cooperatives is undertaken by business organizations operating on an interstate basis; and that it is a national priority to maintain adequate supplies of available and affordable rental and ownership housing; and

(5) abuses have occurred in the cooperative and condominium industries through the use of unconscionable long-term leasing arrangements for recreation and other condominium- or cooperative-related facilities; that State governments are unable to provide adequate relief; that these abuses have caused economic and social hardships for cooperative and condominium owners, which threaten the continued use and acceptability of these forms of ownership and which interfere with the interstate sale of cooperatives and condominiums; and that adequate relief from these abuses requires Federal action.

(b) The purposes of this title are to provide minimum rights and disclosure of information to the tenants of rental properties undergoing conversion to condominimum or cooperative projects and to organizations representing such tenants, and to correct and prevent continuing abusive use of long-term leasing of recreation and other cooperative- and condominium-related facilities.

DEFINITIONS

SEC. 503. As used in this title, the term—

(1) "affiliate of a developer" means any person who controls, is controlled by, or is under common control with a developer. A person "controls" a developer if the person (A) is a general partner, officer, director, or employee of the developer, (B) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than 20 per centum of the voting interests of the developer, (C) controls in any manner the election of a majority of the directors of the developer, or (D) has contributed more than 20 per centum of the capital of the developer. A person "is controlled by" a developer if (i) the developer is a general partner, officer, director or employee of the person, (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than 20 per centum of the voting interests of the person, (iii) controls in any manner the election of a majority of the directors, or (iv) has contributed more than 20 per centum of the capital of the person;

(2) "agent" means any person who represents, acts for or on behalf of, or in concert with, a developer in selling or offering to sell any interest in a cooperative or condominium unit, but such term does not include an attorney at law whose representation consists solely of rendering legal services;

(3) "automatic rent increase clause" means a provision in a lease permitting periodic increases in the fee under the lease which is effective automatically or at the sole option of the lessor, and which provides that the fee shall increase at some percentage rate or the rate of a recognized economic index;

(4) "common elements" means all portions of the cooperative or condominium project, other than the units;

(5) "condominium association" means the organization, whose membership consists exclusively of all the residential unit owners in the condominium project, which is, or will be, responsible for the operation, administration, and management of the condominium project;

(6) "condominium project" means real estate in a single structure which (A) has five or more portions designated as residential units for separate ownership and the remaining portions designated for common ownership solely by the owners of those units, each owner having an undivided interest in the common elements, and (B) is or has been offered for sale or sold, directly or indirectly, through use of any means or instruments of transportation or communication of interstate commerce, or the mails;

(7) "condominium unit" means a portion of a condominium project designated for separate ownership;

(8) "convey or conveyance" means (A) a transfer to a purchaser of legal title in a unit at settlement, other than as security for an obligation, or (B) the acquisition by a purchaser of a leasehold interest for more than five years;

(9) "cooperative association" means the organization that owns the record interest in the residential cooperative property or a leasehold of the residential property of a cooperative project and that is responsible for the operation of the cooperative project;

(10) "cooperative parcel" means a cooperative unit, together with the undivided share in the assets of the cooperative association which is appurtenant to the unit;

(11) "cooperative project" means real estate in a single structure (A) within which there are five or more residential cooperative parcels subject to ownership by one or more owners, and the ownership is evidenced by a membership or share interest in the association and a lease or other muniment of title or possession granted by the cooperative association as the owner of all the cooperative property, and (B) which is or has been offered for sale or lease or sold, or leased directly or indirectly, through use of any means or instruments of transportation or communication in interstate commerce or of the mails;

(12) "cooperative property" means the lands, leaseholds, and personal property subject to cooperative ownership and all other property owned by the cooperative association;

(13) "cooperative unit" means a part of the cooperative property which is subject to exclusive use and possession. A unit may be improvements, land, or land and improvements together, as specified in the cooperative documents;

(14) "cooperative unit owner" means the person having a membership or share interest in the cooperative association and holding a lease or other muniment of title or possession of a unit that is granted by the cooperative association as the owner of the cooperative property;

(15) "cooperative unit owners' association" means an organization composed of cooperative unit owners which is contractually obligated, for the benefit of its members, to pay rent under a lease;

(16) "developer" means any person who offers to sell or sells his interest in a unit not previously conveyed, any successor of such person who offers to sell or sells units in a cooperative or condominium project and who exercises special developer control in the project including the right to add, convert, or withdraw real estate from the cooperative or condominium project, maintain sales offices, management offices and rental units; exercise easements through common elements for the purpose of making improvements within the cooperative or condominium; or exercise control of the owners' association;

(17) "ground lease" means a lease, in a leasehold condominium or cooperative project, of the real estate on or in which one or more of the units are located, the termination or expiration of which will terminate the condominium or cooperative project or reduce the number of units in the cooperative project;

(18) "interstate commerce" means trade, traffic, transportation, communication, or exchange among the States, or between any foreign country and a State, or any transaction which affects such trade, transportation, communication, or exchange;

(19) "lease" includes any agreement or arrangement containing a condominium or cooperative unit owner's obligation, individually, collectively, or through an association to make payments for a leasehold interest or for other rights to use or possess real estate, or personal property, or to receive services, not including mortgages or other such agreements for the purchase of real estate;

(20) "leasehold condominium project" means a condominium project in which all or a portion of the real estate is subject to a lease, the termination or expiration of which will terminate the condominium project or reduce the size of the condominium project;

(21) "leasehold cooperative project" means a cooperative project in which all or a portion of the real estate is subject to a lease, the termination or expiration of which will terminate the cooperative project or reduce the size of the cooperative project;

(22) "offer" means any advertisement, inducement, solicitation or attempt to encourage any person to acquire any interest in a condominium or cooperative unit, other than as security for an obligation;

(23) "person" means a natural person, corporation, partnership, association, trust or other entity, or any combination thereof;

(24) "purchaser" means any person, other than a developer, who by means of a voluntary transfer acquires a legal or equitable interest in a unit, other than (A) a leasehold interest (including renewal options) of less than five years, or (B) as security for an obligation;

(25) "real estate" means any leasehold or other estate or interest in, over or under land, including structure, fixtures, and other improvements and interests which by custom, usage or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. "Real estate" includes parcels with or without upper or lower boundaries, and spaces that may be filled with air or water;

(26) "sale", "sale of a cooperative unit" or "sale of a condominium unit" means any obligation or arrangement for consideration for conveyance to a purchaser of a cooperative or condominium unit, excluding options or reservations not binding on the purchaser;

(27) "special developer control" means any right arising under State law, cooperative or condominium instruments, the association's bylaws, charter or articles of association or incorporation, or power of attorney or similar agreement, through which the developer may control or direct the unit owners' association or its executive board. A developer's right to exercise the voting share allocated to any condominium or cooperative unit which he owns is not deemed a right of special developer control if the voting share allocated to the condominium or cooperative unit is the same voting share as would be allocated to the same condominium or cooperative unit were that unit owned by any other unit owner at that time;

(28) "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(29) "conversion project" means a condominium or cooperative project that was, at any time before the first conveyance of a unit to purchaser, wholly or partially occupied by persons other than purchasers and

persons who occupy with the consent of purchasers;

(30) "tenant" means any person who has the temporary use and occupation of real property owned by another person, the duration and terms of his tenancy being fixed by a lease. Such term also means any person who has the temporary use and occupation of real property contained within a rental housing project in which more than 10 per centum of the occupied units are subject to a general or month-to-month tenancy;

(31) "tenants' organization" means a bona fide organization representing a majority of the rental units which are occupied or sublet by tenants of a rental housing project as of the date on which a developer provides notice under section 506(a)(2)(A) of this title;

(32) "rental housing project" means any real estate consisting of a single structure which has five or more portions designated as units for residential occupancy by tenants, or of multiple such structures provided that they are located on contiguous or adjacent parcels of land and title to each is held by the same person; and

(33) "residential" means principal place of residence.

EXEMPTIONS

SEC. 504. The provisions of sections 505, 506, 507, and 509 of this title shall apply only to conversion projects. The provisions of this title shall not apply to—

(1) a cooperative or condominium unit sold or offered for sale by the Federal Government, by any State or local government, by any corporate instrumentality of the United States, or by any agency thereof; or

(2) a cooperative or condominium project in which all units are restricted to nonresidential purposes or uses.

PROHIBITIONS

SEC. 505. (a) It shall be unlawful for any developer or agent in selling or offering to sell to a tenant any condominium or cooperative unit in any conversion project—

(1) to employ any device, scheme, or artifice to defraud;

(2) to obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made (in light of the circumstances in which they were made and within the context of the overall offer and sale or lease) not misleading; or

(3) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

(b) Any provision in any lease or management agreement, entered into after the date of enactment of this title, requiring unit owners or the owners' association in any conversion project subject to this title to reimburse, regardless of the outcome, the developer, his successor, or affiliate of the developer for attorney's fees or money judgments, in a suit between unit owners or the owners association and the developer arising under the lease or agreement, are against public policy and void.

NATIONAL STANDARDS FOR CONSUMER PROTECTION IN CONVERSION PROJECTS

SEC. 506. (a) In a conversion project subject to this title, a developer, with respect to the tenants of such project—

(1) shall warrant and guarantee against defects any repair, addition, or improvement which the developer or an affiliate of the developer makes to the plumbing, electrical, mechanical, structural, or any other components constituting any of the unit or common elements. The developer shall assure that subcontractors providing such components are also liable to fulfill the warranties and guarantees under the terms of this paragraph. Such warranties and guarantees shall (A) with respect to a unit have a duration of at least one year from the date of conveyance of that unit by a developer to a bona fide purchaser, if such conveyance occurs within two years of the date of conveyance of the first unit to a purchaser other than an affiliate of the developer, and (B) with respect to the common elements have a duration of at least one year from the date of completion of each common element or the date of conveyance or the first unit to a purchaser other than an affiliate of the developer, whichever is later. Such warranties and guarantees by the developer shall be separate from, and in addition to, any warranties or guarantees provided by any other person, or as otherwise provided by law; and

(2) shall—

(A) give to each of the tenants and any of the subtenants notice of the intent to convert no later than one hundred and twenty days before the developer will require the tenants and any subtenant in possession to vacate. The notice shall set forth clearly and conspicuously the rights of tenants and subtenants under this section, and shall be hand delivered to the unit or mailed by prepaid United States mail to the tenant and subtenant at the address of the unit or any other mailing address provided by a tenant. No tenant or subtenant may be required to vacate upon less than one hundred and twenty days' notice, except by reason of nonpayment of rent, waste, or conduct which disturbs other tenants' peaceful enjoyment of the premises, and the terms of the tenancy may not be altered during that period. Failure of a developer to give notice as required by this section constitutes a defense to an action for possession. Nothing in this subparagraph permits termination of a lease by a developer in violation of its terms; and

(B) for ninety days after delivery or mailing of the notice described in subparagraph (A) of this paragraph offer to convey each unit or proposed unit occupied for residential use to the tenant who leases or occupies that unit. If a tenant fails to purchase the unit during that ninety-day period, the developer may not offer to convey an interest in that unit during the following thirty days at a price or on terms more favorable than the price or terms offered to the tenant. This subparagraph does not apply to any unit in a conversion project if that unit will be restricted exclusively to nonresidential use or if the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

(b) This section shall not apply to a conversion project to which the developer has acquired legal title prior to the effective date of this title.

ENGINEER'S REPORT; DISCLOSURE

SEC. 507. (a) In the case of a conversion project, the developer shall provide to the tenants of such project not later than six weeks after delivery or mailing of the notice of intent to convert required by section 506 of this title—

(1) a report, or a statement by the developer based on such report, prepared by an independent licensed architect or engineer, describing the present condition of all structural components and mechanical and utility installations which are material to the use and enjoyment of the conversion project;

(2) a statement by the developer of the expected useful life of each item reported on in paragraph (1) or a statement that no representations are made in this regard, and

(3) a list of any outstanding notices of uncured violations of building codes or other municipal regulations, together with a good faith estimate of the cost of curing those violations.

(b) A tenants' organization shall have the right, after receiving the information required pursuant to section 507(a), and within ninety days of the delivery or mailing of the notice of intent to convert required by section 506 of this title, to have the intended conversion project inspected by a licensed architect or engineer, for the purpose of preparing a report to describe the present condition of all structural components and mechanical and utility installations which are material to the use and enjoyment of such project.

(c) The developer, at the time of conveyance to a tenant, shall disclose to the tenant any material change in the information previously furnished as required by this section.

(d) All information required by this section shall be in writing and shall be fully, accurately, and simply stated.

(e) This section shall not apply to—

(1) a conversion project to which the developer has acquired legal title prior to the effective date of this title; or

(2) a condominium or cooperative unit restricted to commercial or industrial purposes.

STATE AND LOCAL JURISDICTION

SEC. 508. Nothing in this title may be construed to prevent or limit the authority of any State or local government to enact and enforce any law, ordinance, or code with regard to any condominium, cooperative, or conversion project, if such law, ordinance, or code does not abridge, deny, or contravene any standard for consumer protection or disclosure established under this title. Notwithstanding the preceding sentence, the provisions of this title, except for the application of section 510 to leases entered into prior to the date of enactment of this title, shall not apply in the case of any State or local government which has the authority to enact and enforce such a law, ordinance, or code, if, during the three-year period following the date of enactment of this title, such State or local government enacts a law, ordinance, or code, or amendments thereto, stating in substance that such provisions of this title shall not apply in that State or local government jurisdiction.

OPTIONAL TERMINATION OF SELF-DEALING CONTRACTS

SEC. 509. (a) Any contract which is entered into after the effective date of this title, and which—

(1) provides for operation, maintenance, or management of a condominium or cooperative association in a converion project, or of property serving the condominium or cooperative unit owners;

(2) is between such unit owners or such association and the developer or an affiliate of the developer;

(3) was entered into while such association was controlled by the developer through special developer control or because the developer holds a majority of the votes in such association; and

(4) is for a period of more than two years, may be terminated without penalty by such unit owners or such association.

(b) The termination may occur at any time following termination of special developer control or when the developer ceases to hold a majority of the votes in such association.

(c) A termination under this section shall be by a vote of owners of not less than two-thirds of the units other than the units owned by the developer or an affiliate of the developer.

(d) Following the unit owners' vote, the termination shall be effective ninety days after hand delivering notice or mailing notice by prepaid United States mail to the parties to the contract.

CIVIL ACTIONS; UNCONSCIONABLE LEASES

SEC. 510. (a) Cooperative and condominium unit owners may bring an action seeking a judicial determination that a lease or leases, or portions thereof, whether or not the lease or leases are net or gross, are unconscionable if each lease has all of the following characteristics:

(1) it was made in connection with a cooperative or condominium project;

(2) it was entered into while the cooperative or condominium owners' association is controlled by the developer through special developer control or because the developer holds a majority of the votes in the owners' association;

(3) it had to be accepted or ratified by purchasers or through the unit owners' association as a condition of purchase of a unit in the cooperative or condominium project;

(4) it is for a period of more than twenty-one years or is for a period of less than twenty-one years but contains automatic renewal provisions for a period of more than twenty-one years; and

(5) it contains an automatic rent increase clause.

Such action must be authorized by the cooperative or condominium unit owners through a vote of not less than two-thirds of the owners of the units other than units owned by the developer, or an affiliate of the developer, and may be brought by the cooperative or condominum unit owners as a group or through the unit owners' association.

(b) In making its determination in an action under this section as to whether a lease is unconscionable, the court shall consider, but not be limited to—

(1) any gross disparity between the obligation incurred and the value of the benefit derived by the lessees, including consideration of (A) the obligations to pay rent, taxes, and insurance, and to maintain, repair, and replace the property, (B) the value of the leased property, (C) the price at which comparable property could have been acquired, and (D) the developer's or lessor's rate of return on investment in the leased property and in the cooperative or condominium project as a whole; including, in particular, the degree to which the developer's or lessor's profit in the project as a whole is derived from such lease, the degree to which such financial design permitted the marketing of units in the project by the developer at substantially lower prices than would otherwise have been possible, and the reasonableness of the total rate of return on such project as of the time of filing of a suit under this section;

(2) the unequal bargaining position of the parties to the lease;

(3) the adequacy of disclosure of the existence and terms of the lease to purchasers and the ability of purchasers to comprehend their rights and obligations thereunder;

(4) the identity of interest, if any, of original parties to the lease; and

(5) subsequent ratification or amendment to the lease agreed to by a majority of the unit owners other than the developer or an affiliate of the developer.

(c) If it is established that, in addition to the characteristics of subsection (a) of this section, the lease—

(1) creates a lien subjecting any unit to foreclosure for failure to make payments; and

(2) contains provisions requiring the lessees to assume all or substantially all obligations and liabilities associated with maintenance and use of the leased property;

then the court, in making its finding, shall consider the lease to be unconscionable, unless proven otherwise by a preponderance of the evidence to the contrary under the standards in subsection (b).

(d) Upon finding that any lease, or portion thereof, is unconscionable, the court shall exercise its authority to grant remedial relief as necessary to avoid an unconscionable result, taking into consideration the economic value of the lease. Such relief may include, but shall not be limited to rescission, reformation, restitution, the award of damages and reasonable attorney fees and court costs. A defendant may recover reasonable attorneys' fees if the court determines that the position taken by the plaintiff is not supported by this title or by a good faith argument for its extension, modification, or reversal, and is therefore frivilous, malicious, or lacking in substantial merit.

(e) Notwithstanding the provisions of subsections (a) through (d) of this section, exercise of any automatic rent increase clause shall be unenforceable against cooperative or condominium unit owners or the respective owners' association as to future increases in rental payments occurring after the effective date of this title in a lease having all of the following characteristics:

(1) It contains provisions requiring the lessees to assume all or substantially all obligations and liabilities associated with maintenance and use of the leased property.

(2) It was entered into while the owners' association was controlled by the developer through special developer control or because the developer held a majority of votes in the owners' association.

(3) It had to be accepted or ratified by purchasers or through the unit owners' association as a condition of purchase of a unit in the cooperative or condominium project.

(f) Any provision in any lease or management agreement requiring unit owners or the owners association in any condominium or cooperative project subject to this section to reimburse, regardless of the outcome, the developer, his successor, or affiliate of the developer for attorney's fees or money judgments, in a suit between unit owners or the owners' association and the developer arising under the lease or agreement, are against public policy and void.

(g) It is the express intent of Congress that the provisions of this section shall apply to leases regardless of execution date, except that subsections (c) and (e) shall not apply to—

(1) any ground lease entered into prior to the enactment of this title; or

(2) any ground lease which the lessor has entered into in an arms-length transaction with the developer, without there being an identity of interest between the lessor and the developer. Such identity of interest includes, but is not limited to, situations where the lessor is the developer, an agent of the developer, an affiliate of the developer or is a member of the immediate family of the developer or affiliate of the developer.

(h) Nothing in this section may be construed to authorize the bringing of an action by cooperative and condominium unit owners, seeking a judicial termination that a lease or leases, or portions thereof, are unconscionable, where such unit owners or a unit owners' association representing them has, prior to the date of enactment of this title, reached a binding legal agreement with a holder of such lease or leases setting forth the terms and conditions under which such lease or leases is or shall be purchased by such unit owners or association.

CIVIL ACTIONS; ADDITIONAL REMEDIES

Sec. 511. (a) A developer, or agent or successor thereto subject to this title, may be sued at law or in equity by any person aggrieved by a violation of this title, except that a successor to a developer through foreclosure shall have no liability under section 505, 506, or 507, for any violation which occurred prior to his succession to the interest.

(b) Unless otherwise specified, actions authorized under this title may be brought by one or more purchasers in a condominium or cooperative project, or by a tenants' organization or owners' association in its own right or as representing all or part of the members of such organization or association. In a class action under this title brought by one or more tennats or unit owners as representative of other tenants or unit owners in a condominium, cooperative, conversion, or rental housing project, the complaint shall be verified and shall allege with particularity the efforts the plaintiff has made to have the tenants' or owners' association bring such action on behalf of all the tenants or unit owners. The class action may not be maintained if plaintiff has failed to notify the officers of the organization or association of the intention to file the suit, or if such organization or association is seeking in a pending suit to enforce the rights alleged in the plaintiff's action.

(c) In any action authorized by this section for a violation of section 505, 506, or 507, where actual damages have been suffered, such damages may be awarded or such other relief granted as deemed fair, just, and equitable. The court in awarding relief shall consider, but not be limited to, the contract price of the unit, the amount paid by the purchaser on the contract, the cost of any improvements or necessary repairs paid by the purchaser, the fair market value at the time of sale to the purchaser, the fair market value of the unit at the time the action was brought, and the fair market value of the unit at the time of judgment, as well as all tangible and intangible losses suffered individually and collectively by tenants as a result of violations of this title.

(d) In any action alleging misrepresentations or omissions of disclosure requirements in violation of section 505 or 507, the plaintiff must prove that such sections were violated and that the misrepresentations were material and that the defendant acted intentionally or with gross negligence.

(e) Every person who becomes liable to make any payment under this section may recover contributions from any person who, if sued separately, would have been liable to make the same payment.

(f) The amounts recoverable under this section may include interest paid, reasonable attorneys' fees, independent engineer and appraisers' fees, and court costs. A defendant may recover reasonable attorneys' fees if the court determines that the position taken by the plaintiff is not supported by this title or by a good faith argument for its extension, modification, or reversal, and is therefore frivolous, malicious, or lacking in substantial merit.

JURISDICTION

Sec. 512. The district courts of the United States, the United States courts of any territory, and the United States District Court for the District of Columbia shall have jurisdiction under this title and, concurrent with State courts, of actions at law or in equity brought under this title without regard to the amount in controversy. Any such action may be brought in the district wherein the defendant is found or is an inhabitant or transacts business, or in the district where the offer or sale took place, and process in such cases may be served in other districts of which the defendant is an inhabitant or wherever the defendant may be found. No case arising under this title and brought in any State court of competent jurisdiction shall be removed to any court of the United States, except where any officer or employee of the United States in his official capacity is a party.

LIMITATION OF ACTIONS

Sec. 513. No action shall be maintained to enforce any right or liability created by this title unless brought within six years after such cause of action accrued, except that an action pursuant to section 510 involving a lease in existence at the time of enactment must be brought within four years of enactment of this title.

CONTRARY STIPULATIONS VOID

Sec. 514. Any condition, stipulation, or provision binding any person to waive compliance with any provisions of this title shall be void.

ADDITIONAL REMEDIES

Sec. 515. The rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist under Federal or State law.

CONSUMER RESEARCH, EDUCATION, AND INFORMATION

Sec. 516. The Secretary of Housing and Urban Development is authorized, by contract or otherwise, to undertake research, education, and technical assistance activities designed to inform, assist, and protect tenants and consumers in the purchase of condominium and cooperative units and projects, and in the management of such projects.

SEPARABILITY

Sec. 517. If any provisions of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title shall not be affected thereby.

FEDERAL HOUSING ADMINISTRATION INSURANCE

Sec. 518. Where an application for mortgage or loan insurance in connection with a conversion or purchase of a rental housing project being undertaken by a tenants' organization is submitted, the Secretary of Housing and Urban Development shall expedite the processing of the application in every way and shall make a final decision on such application at the earliest practicable time.

EFFECTIVE DATE

Sec. 519. The provisions of this title shall become effective upon enactment, except that subsections (a) through (d) and subsection (f) of section 510 shall become effective one year after enactment.

LIQUID, HIGHLY RATED CORPORATE DEBT OBLIGATIONS

Sec. 520. (a) The first sentence of section 5A(b)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1425a(b)) is amended—

(1) by striking out "and" before "(E)"; and

(2) by inserting before the period at the end thereof the following: "; (F) to such extent as the Board may approve as liquid, highly rated corporate debt obligations with 3 years or less remaining until maturity; and (G) to such extent as the Board may so approve, highly rated commercial paper with 270 days or less remaining until maturity".

(b) Section 916 of the "Housing and Urban Development Act of 1970" (Public Law 91-609; 84 Stat. 1770) is amended by adding at the end thereof the following sentence: "In addition, to the extent as the Federal Home Loan Bank Board may so approve, unpledged deposits in the Savings Banks Trust Company, New York, New York, may be considered assets for the purposes of meeting the liquidity requirements of section 5A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1425a(b)).".

TITLE VI

AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL FLOOD INSURANCE ACT

Sec. 601. Section 1376(c) of the National Flood Insurance Act of 1968 is amended by striking out "and not to exceed $74,000,000 for the fiscal year 1980" and inserting in lieu thereof the following: "not to exceed $74,000,000 for fiscal year 1980, and not to exceed $61,591,000 for fiscal year 1981".

TITLE VII—EMERGENCY HOME PURCHASE ASSISTANCE

SHORT TITLE

Sec. 701. This title may be cited as the "Emergency Home Purchase Assistance Authority Amendments of 1980".

EMERGENCY HOME PURCHASE ASSISTANCE

Sec. 702. Section 313 of the National Housing Act is amended—

(1) by inserting "and if the Secretary determines that the implementation of this section will not significantly worsen inflationary conditions," after "1968," in the first sentence of subsection (a)(1);

(2) by inserting ", and to promote the construction of multifamily rental housing" before the period at the end of the second sentence of subsection (a)(1);

(3) by adding at the end of subsection (a) the following:

"(4) The program authorized by this section may not be activated unless the most recently available four-month moving average annual rate of private housing starts (seasonally adjusted and exclusive of mobile homes) as determined by the Director of the Bureau of the Census is less than 1,600,000.

"(5) The program activated pursuant to paragraph (4) shall be terminated whenever the most recently available four-month moving average annual rate of private housing starts (seasonally adjusted and exclusive of mobile homes) as determined by the Director of the Bureau of the Census is 1,600,000 or more.";

(4) by inserting "or loans" before "(1) which cover" in the first sentence of subsection (b);

(5) by inserting "including mobile homes" after "four-family residences" in the first sentence in subsection (b)(2);

(6) by inserting "or a mobile home" after "four-family residence" in clause (A) of the second sentence of subsection (b);

(7) by striking out all that follows "such mortgage involves an original principal obligation not to exceed" in clause (B) of the second sentence of subsection (b) and inserting in lieu thereof the following: ", for that part of the property attributable to dwelling use in the case of a more than four-family residence, the per unit limitations under the section of the National Housing Act under which the project mortgage is insured or, in the case of a mobile home loan, the limitation contained in section 2(b) of this Act which would apply to such loan if insurance with respect to an obligation representing such loan were provided under section 2 of this Act;";

(8) by striking out in clause (C) of the second sentence of subsection (b) the words "such mortgage involves an interest rate not in excess of that which the Secretary may prescribe, taking into account the cost of funds and administrative costs under this section, but in no event shall such rate exceed the lesser of (i) 7½ per centum, or (ii) the rate set by the Secretary applicable to mortgages insured under section 203(b) of the National Housing Act" and inserting in lieu thereof the following: "such mortgage involves an interest rate which the Secretary may prescribe which shall be as high as feasible consistent with meeting the objectives of this section at the lowest feasible cost, but if such mortgage is executed to finance the acquisition of a one-to-four family residence, it may not bear interest at a rate lower than 3 percentage points below the average contract commitment rate for single family, thirty year conventional mortgages with loan-to-values ratios of 90 per centum in the monthly survey of all major lenders conducted by the Federal Home Loan Bank Board which is most recently available at the time that funds are released, and if such mortgage is executed to finance the acquisition of a more than four-family residence, it may not bear interest at a rate lower than 4½ percentage points below such average contract commitment rate";

(9) by striking out all that follows "such mortgage involves a principal residence the sales price of which does not exceed" in clause (D) of the second sentence of subsection (b) and inserting in lieu thereof the following: ", in the case of a one-family residence, 90 per centum of the average new one-family house price in the area, as determined by the Secretary; or in the case of a two-family residence, 100 per centum of such average; or in the case of a three-family residence, 120 per centum of such average; or in the case of a four-family residence, 140 per centum of such average";

(10) by striking out "enactment of this section" in subsection (e) and inserting in lieu thereof: "the issuance of the commitment to purchase the mortgage";

(11) by striking out "the lesser of (A) the per unit amount specified in subsection (b)(B), or (B)" in subsection (h)(1);

(12) in subsection (h)—

(A) by inserting "and" at the end of clause (3);

(B) by striking out paragraph (4); and

(C) by redesignating paragraph (5) as paragraph (4); and

(13) by adding at the end thereof the following new subsection:

"(i) The Association may not purchase under this section any mortgage or loan which was executed or made (1) to finance the conversion of an existing-rental housing project into a condominium or cooperative project, or (2) to finance the purchase of an individual unit in a condominium project or the purchase of a share in a cooperative project, in connection with such a conversion.".

SECTION 235(q) PROGRAM

Sec. 703. Section 235 of the National Housing Act is amended by adding at the end thereof the following:

"(q)(1) Notwithstanding any other provision of this section, where the Secretary determines that there is a substantial need for emergency stimulation of the housing market, the Secretary is authorized to make and enter into contracts to make periodic assistance payments on behalf of homeowners, to mortgagees holding mortgages (A) which cover dwellings the construction of which is completed on or after the date which was one year prior to the date of enactment of this subsection and which have never been sold, (B) which meet the requirements of this subsection, and (C) which are executed, or for which the commitments have been made, on or after the date of enactment of this subsection and prior to March 1, 1981. The Secretary may establish such criteria, terms, and conditions relating to homeowners and mortgages assisted under this subsection as the Secretary deems appropriate, consistent with the provisions of this subsection. The Secretary is authorized to insure a mortgage which meets the requirements of and is to be assisted under this subsection.

"(2) A mortgage to be assisted under this subsection shall—

"(A) where the Secretary deems appropriate, provide for graduated payments pursuant to section 245;

"(B) involve a principal residence the sales price of which does not exceed 80 per centum of the average new one-family house price in the area, as determined by the Secretary, or $60,000, whichever is greater;

"(C) involve a principal residence the sales price of which does not exceed the appraised value of the property, as determined by the Secretary; and

"(D) bear interest at not to exceed such rate and contain such other terms and conditions as the Secretary may prescribe.

"(3) The amount of the assistance payments shall not at any time exceed the lesser of—

"(A) the balance of the monthly payment for principal, interest, taxes, insurance, and any mortgage insurance premium due under the mortgage remaining unpaid after applying 20 per centum of the mortgagor's income; or

"(B) the difference between the amount of the monthly payment for principal, interest, and any mortgage insurance premium which would be required if the mortgage were a level payment mortgage bearing interest at a rate equal to the maximum interest rate which is applicable to mortgages insured under section 203 and the monthly payment for principal and interest which the mortgagor would be obligated to pay if the mortgage were a level payment mortgage bearing interest at the rate of 11 per centum per annum.

"(4) The Secretary shall recertify the mortgagor's income at intervals of not more than two years for the purpose of adjusting the amount of assistance payments payable under this subsection.

"(5) Assistance payments to a mortgagee by the Secretary on behalf of a mortgagor shall be made only during such time as the mortgagor continues to occupy the property which secures the mortgage.

"(6) The Secretary shall provide, upon disposition of the property, for recapture of an amount equal to the lesser of (A) the amount of assistance actually received under this subsection, or (B) an amount equal to 50 per centum of the net appreciation of the property, as determined by the Secretary. For the purpose of this paragraph, the term 'net appreciation of the property' means any increase in the value of the property over the original purchase price, less the reasonable costs of sale and any increase in the loan balance as of the time of sale over the original loan balance. In providing for such recapture, the Secretary, shall to the extent necessary, provide incentives for the borrower to maintain the property in a marketable condition.

"(7) The Secretary shall establish income limits applicable to mortgagors to be assisted pursuant to this subsection. In setting such limits, the Secretary (A) may prescribe different limits for different areas, taking into account variations such as prevailing levels of construction costs, unusually high or low median family incomes, or other factors, and (B) shall, to the maximum extent feasible consistent with the emergency purpose of this subsection, assure that the assistance payments pursuant to this subsection shall be used to promote homeownership opportunities for moderate income homebuyers.

"(8) The Secretary may not make assistance payments under this section with respect to any dwelling which does not meet all minimum property standards applicable under this Act. The Secretary shall allocate funds under this subsection so that preference is given to areas where housing construction activity is most in need of stimulation, as measured by factors such as population, the relative decline in building permits, and such other factors as the Secretary may deem appropriate. Section 213 of the Housing and Community Development Act of 1974 shall not apply to this subsection. A mortgage which meets the requirements of this subsection may be eligible for assistance under this subsection irrespective of how many other mortgages covering dwellings in the same subdivision will be assisted under this section.

"(9) the aggregate amount of contracts entered into under this subsection shall be limited to the amount of contract authority available under subsection (h)(1) and shall not exceed $135,000,000 per annum.".

TITLE VIII—DEVELOPMENT OF MORTGAGE-BACKED SECURITIES

SHORT TITLE

SEC. 801. This title may be cited as the "Mortgage-Backed Securities Development Act of 1980".

FINDINGS AND PURPOSES

SEC. 802. (a) The Congress finds that—

(1) the ability to purchase a home depends upon the availability of mortgage funds;

(2) financial and thrift institutions are currently experiencing difficulty withstanding the financial consequences of lending on long-term mortgages;

(3) private pension plans are in important source of capital, controlling assets of over $236,000,000,000;

(4) only $1,000,000,000 or four-tenths of 1 per centum of these pension fund assets are invested in residential mortgages;

(5) the potential for pension fund investment in residential mortgages is great and should be pursued, especially in view of the need for additional sources of mortgage finance;

(6) other potentially great sources of residential mortgage investment include life insurance companies and the Eurodollar market;

(7) a major obstacle to investment in residential mortgages by pension funds, life insurance companies, and the Eurodollar market is the absence of security instruments backed by residential mortgages and attractive to large investors;

(8) the Federal National Mortgage Association has under consideration a proposal for conventional mortgage-backed securities program;

(9) that program has several positive features which could help overcome many of the obstacles encountered in attracting pension funds and life insurance companies into the residential mortgage market.

(b) The purposes of this title are to direct the Federal National Mortgage Association to develop as soon as possible a mortgage-backed security instrument attractive to large investors and marketable by private sector investment bankers and ultimately to attract more capital from large institutional investors into the residential mortgage market.

DEVELOPMENT OF MORTGAGE-BACKED SECURITIES

SEC. 803. The Federal National Mortgage Association shall, at the earliest possible date, develop a proposal for attractive security pension funds and other large institutional investors into the residential mortgage and home construction market. The Secretary of Housing and Urban Development and the Secretary of the Treasury shall, within 90 days after development of such proposal, approve such proposal or transmit to the Congress a report explaining why this proposal was not approved.

TITLE IX

AUTHORIZATIONS AND EXTENSIONS

SEC. 901. (a) Section 513 of the Housing Act of 1949 is amended—

(1) by striking out "not to exceed $4,484,000,000 with respect to fiscal year ending September 30, 1980" in subsection (a) and inserting in lieu thereof "not to exceed $3,772,600,000 with respect to the fiscal year ending September 30, 1981";

(2) by striking out "not less than $3,070,000,000" in subsection (a)(1) and inserting in lieu thereof "not less than $3,120,000,000";

(3) by striking out "not more than $38,000,000" in subsection (a)(2) and inserting in lieu thereof "not more than $25,600,000";

(4) by striking out "not to exceed $48,000,000 for loans and grants pursuant to section 504 for the fiscal year ending September 30, 1980" in subsection (b)(2) and inserting in lieu thereof "not to exceed $50,000,000 for loans and grants pursuant to section 504 for the fiscal year ending September 30, 1981";

(5) by striking out "not to exceed $30,000,000 for financial assistance pursuant to section 516 for the fiscal year ending September 30, 1980" in subsection (b)(3) and inserting in lieu thereof "not to exceed $25,000,000 for financial assistance pursuant to section 516 for the fiscal year ending September 30, 1981"; and

(6) by striking out subsection (b)(4) and inserting in lieu thereof the following:

"(4) not to exceed $2,000,000 for the purposes of section 525(a) for the fiscal year ending September 30, 1981; and".

(b) Section 513 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Of the amount approved pursuant to subsection (a), the Secretary may use not more than $100,000,000 during the fiscal year ending September 30, 1981, for guaranteed loans.".

(c) Section 515(b)(5) of such Act is amended by striking out "1980" and inserting in lieu thereof "1981".

(d) Section 517(a)(1) of such Act is amended by striking out "1980" and inserting in lieu thereof "1981".

(e) Section 523(f) of such Act is amended by striking out "1980" and inserting in lieu thereof "1981".

(f) Section 523(g) of such Act is amended by striking out "and not to exceed $1,000,000 for the fiscal year ending September 30, 1980" and inserting in lieu thereof "not to exceed $1,000,000 for the fiscal year ending September 30, 1980, and not to exceed $4,000,000 for the fiscal year ending September 30, 1981".

(g) Section 521(a)(2) of such Act is amended by adding at the end thereof the following:

"(D) The Secretary, to the extent approved in appropriation Acts, may enter into rental assistance contracts aggregating not more than $518,000,000 in carrying out subparagraph (A) with respect to the fiscal year ending on September 30, 1981, except that such amount shall be reduced by any amount approved in appropriation Acts for use pursuant to section 521(a)(1)(C).".

(h) Section 521(a)(1)(C) of such Act is amended—

(1) by striking out the second sentence thereof and inserting in lieu thereof the following. "The amount of such additional assistance which may be approved in appropriation Acts may not exceed an aggregate amount of $100,000,000."; and

(2) by striking out "1980" in the third sentence thereof and inserting in lieu thereof "1981".

REFINANCING FOR CONSUMER COOPERATIVE

SEC. 902. Section 515 of the Housing Act of 1949 is amended by adding at the end thereof the following:

"(f) Notwithstanding the provisions of subsections (a) and (b) of this section, the Secretary may make and insure loans to consumer cooperatives to enable such cooperatives to finance the transfer of membership in the cooperative upon such terms and conditions as low- and moderate-income persons can reasonably afford; except that such loans shall not be made upon terms more favorable than are authorized under section 521(a), and that the total loan to a cooperative under this section shall not exceed the value of the property.".

CONTINUED ELIGIBILITY OF CO-OP MEMBERS

SEC. 903. (a) Section 515(a) of the Housing Act of 1949 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(4) such a loan, when made to a consumer cooperative for cooperative housing purposes, may, notwithstanding any other provision of law, be made upon the condition that any person who is admitted as an eligible member and tenant of the cooperative may not subsequently be deprived of his membership or tenancy by reason of his no longer meeting the income eligibility requirements established by the Secretary.".

(b) Section 515(b) of such Act is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(3) by inserting the following new paragraph at the end thereof:

"(6) such a loan, when made to a consumer cooperative for cooperative housing purposes, may, notwithstanding any other provision of law, be made upon the condition that any person who is admitted as an eligible member and tenant of the cooperative may not subsequently be deprived of his membership or tenancy by reason of his no longer meeting the income eligibility requirements established by the Secretary;".

SURPLUS FEDERAL LAND

SEC. 904. The first sentence of section 414 of the Housing and Urban Development Act of 1969 is amended to read as follows: "Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, any Federal surplus real property within the meaning of such Act may, in the discretion of the Administrator of General Services, be transferred to the Secretary of Housing and Urban Development or the Secretary of Agriculture at the request of either such Secretary for sale or lease by such Secretary at its fair value for use in the provision of housing to be occupied predominantly by families or individuals of low or moderate income, assisted under a Federal housing assistance program administered by the Secretary of Housing and Urban Development or the Secretary of Agriculture or under a State or local program found by the appropriate Secretary to have the same general purpose, and for related public commercial or industrial facilities approved by either such Secretary.".

INTEREST CREDITS

SEC. 905. Section 521(a)(1)(B) of the Housing Act of 1949 is amended by striking out "may provide" and inserting in lieu thereof "shall provide".

DISPLACEMENT

SEC. 906. Section 501 of the Housing Act of 1949 is amended by adding at the end thereof the following:

"(g)(1) The programs authorized by the title shall be carried out, consistent with program goals and objectives, so that the involuntary displacement of families and businesses is avoided.

"(2) In any case where, in connection with an activity assisted by a program authorized by this title, the Secretary determines that such involuntary displacement is unavoidable, the Secretary shall take all reasonable steps to assure that adequate replacement housing and relocation services and assistance are made available as provided by law.".

TITLE X—CONVERSION OF SURPLUS SCHOOLS TO EFFICIENT, ALTERNATE USES

SHORT TITLE

SEC. 1001. This title may be cited as the "Surplus School Conservation Act of 1980".

FINDINGS AND PURPOSES

SEC. 1002. (a) The Congress finds that—

(1) declining school enrollments and population migration have caused many school closings throughout the country;

(2) the school buildings that have been closed represent valuable resources and should be maintained and operated for other productive uses;

(3) local governments lack the necessary funds to adequately maintain and operate closed school buildings; and

(4) the Federal Government has a stake in ensuring that the resources which these closed schools represent are conserved and maintained.

CONVERSION PROJECTS ELIGIBLE USES OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

SEC. 1003. Section 105(a) of the Housing and Community Development Act is amended by, at the end of paragraph (15), striking the ".", inserting in lieu thereof a ",", and adding the following language:

"(16) renovation of closed school buildings for uses otherwise eligible under this section.".

MOTION OFFERED BY MR. ASHLEY

Mr. ASHLEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ASHLEY moves to strike out all after the enacting clause of the Senate bill, S. 2719, and to insert in lieu thereof the provisions of the bill, H.R. 7262, as passed, as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Housing and Community Development Act of 1980".

TITLE I—COMMUNITY AND NEIGHBORHOOD DEVELOPMENT AND CONSERVATION

ADMINISTRATION OF COMMUNITY DEVELOPMENT PROGRAM

SEC. 101. (a) Section 102(b) of the Housing and Community Development Act of 1974 is amended by adding the following new sentence at the end thereof: "Notwithstanding any other provision of law, for the fiscal years 1981, 1982, and 1983 (1) no data derived from the 1980 Decennial Census, as provided for in subchapter II of title 13 of the United States Code, except those relating to population and poverty shall be taken into account for purposes of section 119 or the allocation of amounts under section 106, and (2) no revision to the criteria for establishing a metropolitan area or defining a central city of such an area published after January 1, 1980, shall be taken into account for purposes of this title, except that any area or city which would newly qualify as a metropolitan area or a central city of such an area by reason of any such revision shall be so considered.".

(b) Section 102 of such Act is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) With respect to program years beginning with the program year for which grants are made available from amounts appropriated for fiscal year 1981 under section 103(a)(1), the population of any unit of general local government which is included in that of an urban county as provided in subsection (a)(6)(B) shall be included in the population of such urban county for three program years beginning with the program year in which its population was first so included. During any such three-year period, the population of any unit of general local government which is not included in that of the urban county for the first year shall not be eligible for such inclusion in the second or third year.

"(e) Any county seeking qualification as an urban county, including any urban county seeking to continue such qualification, shall notify, as provided in this subsection, each unit of general local government, which is included therein and is eligible to elect to have its population excluded from that of an urban county as described in subsection (a)(6)(B)(i), of its opportunity to make such an election. Such notification shall, at a time and in a manner prescribed by the Secretary, be provided prior to the period for which such qualification is sought. The population of any unit of general local government which is provided such notification and which does not inform, at a time and in a manner prescribed by the Secretary, the county of its election to exclude its population from that of the county shall, if the county qualifies as an urban county, be included in the population of such urban county as provided in subsection (d).".

(c) Section 104 of such Act is amended by adding the following new subsection at the end thereof:

"(j) In any case in which a metropolitan city is located within an urban county, the Secretary may, upon the joint request of such city and county, approve the inclusion of the metropolitan city as part of the urban county for purposes of planning a joint community development program, meeting the application requirements of section 104, and implementing such program.".

ELIGIBLE ACTIVITIES

SEC. 102. (a) Section 101 of the Housing and Community Development Act of 1974 is amended—

(1) by striking out the "and" at the end of paragraph (1) of subsection (a);

(2) by striking out the period at the end of paragraph (2) of subsection (a) and inserting in lieu thereof "; and";

(3) by adding the following new paragraph at the end of subsection (a):

"(3) increasing energy costs which have seriously undermined the quality and overall effectiveness of local community and housing development activities.";

(4) by striking out "and" at the end of paragraph (2) of subsection (b);

(5) by striking out the period at the end of paragraph (3) of subsection (b) and inserting in lieu thereof "; and";

(6) by adding the following new paragraph at the end of subsection (b):

"(4) concerted action by Federal, State, and local governments to address the economic and social hardships borne by communities as a consequence of scarce fuel supplies.";

(7) by striking out "and" at the end of paragraph (7) of subsection (c);

(8) by striking out the period at the end of paragraph (8) of subsection (c) and inserting in lieu thereof "; and"; and

(9) by adding the following new paragraph after paragraph (8) of subsection (c):

"(9) the conservation of the Nation's scarce energy resources, improvement of energy efficiency, and the provision of alternative and renewable energy sources of supply.".

(b) Section 104(a) of such Act is amended by adding the following new sentence at the end thereof:

"The applicant may, at the discretion of the applicant, include (as part of the program summary, formulation, and description requirements described in paragraphs (1), (2), and (3) of this subsection) comparable information with respect to the applicant's energy conservation and renewable energy resource needs and objectives.".

(c) Section 105(a) of such Act is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) the acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation which promote energy efficiency), of public works, facilities and site or other improvements—including neighborhood facilities, centers for the handicapped, senior centers, historic properties, utilities (including power generation and distribution facilities using renewable resource energy systems), streets, street lights, water and sewer facilities, foundations and platforms for air rights sites, pedestrian malls and walkways, and parks, playgrounds, and recreation facilities (including parks, playgrounds, and recreational facilities established as a result of reclamation and other construction activities conducted with respect to a river and land adjacent thereto), flood and drainage facilities in cases where assistance for such facilities under other Federal laws or programs is determined to be unavailable, and parking facilities, solid waste disposal, recycling or conversion facilities, and fire protection services and facilities which are located in or which serve designated community development areas;";

(2) by inserting after "rehabilitation" the first time it appears in paragraph (4) the following: "(including rehabilitation which promotes energy efficiency)";

(3) by inserting after "education," in paragraph (8) the following: "energy conservation,";

(4) by inserting after "community economic development" in paragraph (15) the following: "or energy conservation"; and

(5) by striking out "and" at the end of paragraph (14), by striking out the period at the end of paragraph (15) and inserting in lieu thereof "; and", and by adding the following new paragraph at the end thereof:

"(16) activities necessary to the development of a comprehensive community-wide energy use strategy, which may include—

"(A) a description of energy use and projected demand by sector, by fuel type, and by geographic area;

"(B) an analysis of the options available to the community to conserve scarce fuels and encourage use of renewable energy resources;

"(C) an analysis of the manner in, and extent to, which the community's neighborhood revitalization, housing, and economic development strategies will support its energy conservation strategy;

"(D) an analysis of the manner in, and the extent to, which energy conservation objectives will be integrated into local government operations, purchasing and service delivery, capital improvements budgeting, land use planning and zoning, and traffic control, parking, and public transportation functions;

"(E) a statement of the actions the community will take to foster energy conservation and the use of renewable energy resources in the private sector, including the enactment and enforcement of local codes and ordinances to encourage or mandate energy conservation or use of renewable energy resources, financial and other assistance to be provided (principally for the benefit of low- and moderate-income persons) to make energy conserving improvements to residential structures, and any other proposed energy conservation activities;

"(F) appropriate provisions for energy emergencies;

"(G) identification of the local governmental unit responsible for administering the energy use strategy;

"(H) provision of a schedule for implementation of each element in the strategy; and

"(I) a projection of the savings in scarce fossil fuel consumption and the development and use of renewable energy resources that will result from implementation of the energy use strategy.".

AUTHORIZATIONS

SEC. 103. (a) The second sentence of section 103(a)(1) of the Housing and Community Development Act of 1974 is amended to read as follows: "There are authorized to be appropriated for these purposes not to exceed $3,810,000,000 for the fiscal year 1981, not to exceed $3,960,000,000 for the fiscal year 1982, and not to exceed $4,110,000,000 for the fiscal year 1983.".

(b) Section 103(a)(2) of such Act is amended to read as follows:

"(2) Of the amounts approved in appropriation Acts pursuant to paragraph (1), $275,000,000 for the fiscal year 1981 shall be added to the amount available for allocation under section 106(c) and shall not be subject to the provisions of section 107.".

(c) Section 103(c) of such Act is amended to read as follows:

"(c) There are authorized to be appropriated for supplemental grant assistance under section 119 not to exceed $675,000,000 for each of the fiscal years 1981, 1982, and 1983.".

PRO RATA REDUCTION OF GRANTS

SEC. 104. Section 106(g) of the Housing and Community Development Act of 1974, as redesignated by section 111(d) of this Act, is amended—

(1) by striking out "fiscal year 1978, fiscal year 1979, or fiscal year 1980" and inserting in lieu thereof "any fiscal year";

(2) by striking out "and hold-harmless" wherever it appears; and

(3) by striking out "(d)(2)" and "(f)(1)(B)" and inserting in lieu thereof "(c)" and "(e)", respectively.

REALLOCATION OF FUNDS

SEC. 105. Section 106(d) of the Housing and Community Development Act of 1974, as redesignated by section 111(d) of this Act, is amended by striking out "first," and all that follows through the period in the first sentence and inserting in lieu thereof: "first, to other units of general local government in the metropolitan area to which the funds were originally allocated, second, in any metropolitan area in the same State, and, third, in any other metropolitan area."

SECTION 107 DISCRETIONARY FUND

SEC. 106. Section 107(a) of the Housing and Community Development Act of 1974 is amended by striking out "of authority to enter into contracts approved in appropriation Acts under section 103(a)(1) for each of the fiscal years 1975, 1976, 1977, 1978, 1979, and 1980, an amount equal to 3 per centum thereof shall" and inserting in lieu thereof "approved in appropriation Acts under section 103(a)(1) for each of the fiscal years 1981, 1982, and 1983, not more than $90,000,000 for fiscal year 1981, not more than $95,000,000 for fiscal year 1982, and not more than $1,000,000,000 for fiscal year 1983 may".

DISPLACEMENT

SEC. 107. (a) Section 104(a)(2) of the Housing and Community Development Act of 1974 is amended—

(1) by striking out "including activities," in clause (B) and inserting in lieu thereof "activities, and objectives, including activities";

(2) by striking out "and objectives," in clause (B); and

(3) by striking out clause (C) and inserting in lieu thereof the following: "(C) takes into account the effect of such activities on the involuntary displacement of low- and moderate-income persons and takes into account appropriate environmental factors;".

(b) Section 101(c)(3) of such Act is amended by inserting the following before the semicolon at the end thereof: "and including persons of low- and moderate-income who are involuntarily displaced from their housing as a result of public or private development activities conducted in connection with a community development program receiving assistance under this title".

(c) The Secretary of Housing and Urban Development shall continue the study on involuntary displacement conducted under section 902 of the Housing and Community Development Amendments of 1978 and shall transmit, not later than March 30, 1981, a report to the Congress which shall contain (1) data collected since the initial report submitted under such section 902, and (2) further recommendations on minimizing involuntary displacement and alleviating problems caused by such displacement.

REHABILITATION LOANS

SEC. 108. (a) Section 312(b) of the Housing Act of 1964 is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon; and

(3) by adding the following new paragraphs at the end thereof:

"(5) the term 'congregate housing' means residential property in which some or all of the dwelling units do not contain kitchen facilities and to which there is connected a central dining facility; and

"(6) the term 'single-room occupancy housing' means residential property in which some or all of the dwelling units do not contain bathroom or kitchen facilities."

(b) Section 312(c)(4) of such Act is amended—

(1) by striking out "$27,000" in subparagraph (A) and inserting in lieu thereof "$32,000";

(2) by striking out "and" at the end of subparagraph (A);

(3) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof a semicolon;

(4) by adding the following new subparagraphs at the end thereof;

"(C) in the case of congregate housing, $25,000 per dwelling unit; and

"(D) in the case of single-room occupancy housing, $15,000 per dwelling unit."

(c) Section 312(d) of such Act is amended—

(1) by striking out "and not to exceed $140,000,000 for the fiscal year beginning on October 1, 1979" in the first sentence and inserting in lieu thereof "not to exceed $140,000,000 for the fiscal year beginning on October 1, 1979, and not to exceed $183,000,000 for the fiscal year beginning on October 1, 1980";

(2) by inserting the following before the period at the end of the third sentence thereof: ", and not more than $250,000,000 may be approved in appropriation Acts for such loans with respect to the fiscal year beginning on October 1, 1980"; and

(3) by striking out the fourth and fifth sentences and inserting in lieu thereof the following: "Of the amount available for loans under this section during any fiscal year beginning on or after October 1, 1980, the Secretary may utilize not more than one-third of such amount for rehabilitation loans for multifamily properties.".

(d) Section 312(h) of such Act is amended by striking out "1980" each place it appears and inserting in lieu thereof "1981".

NEIGHBORHOOD SELF-HELP DEVELOPMENT

SEC. 109. The first sentence of section 705 of the Housing and Community Development Amendments of 1978 is amended by inserting after "1980" the following: ", and not to exceed $10,000,000 for the fiscal year 1981".

URBAN HOMESTEADING

SEC. 110. The first sentence of section 810(h) of the Housing and Community Development Act of 1974 is amended by striking out "subsection (c)" and inserting in lieu thereof "subsections (c) and (g)".

TECHNICAL AMENDMENTS TO THE BLOCK GRANT PROGRAM

SEC. 111. (a) Section 102 of the Housing and Community Development Act of 1974 is amended by striking out "Office of Management and Budget" each place it appears in paragraphs (3), (4), and (8) of subsection (a) and in subsection (b) and inserting in lieu thereof "Department of Commerce".

(b) Section 103 of such Act is amended by striking out subsection (e).

(c) Section 104 of such Act is amended—

(1) by striking out "106(a)" in the first sentence of subsection (c) and inserting in lieu thereof "106(b)"; and

(2) by striking out "(d)(2)" and "(f)(1)(B)" wherever they appear in subsections (d) and (e) and inserting in lieu thereof "(c)" and "(e)", respectively.

(d) Section 106 of such Act is amended by striking out subsections (c), (g), (h), (i), (j), and (l) and redesignating subsections (d), (e), (f), (k), and (m) as subsections (c), (d), (e), (f), and (g), respectively.

(e) The second sentence of section 106(a) of such Act is amended—

(1) by striking out "subsections (c) and (e)" and inserting in lieu thereof "subsection (d)"; and

(2) by striking out "aggregate", "the greater of" and "or its hold-harmless amount computed pursuant to subsection (g)".

(f) Section 106(c) of such Act, as redesignated by subsection (d) of this section, is amended—

(1) by striking out "allocated by the Secretary, first, for grants to metropolitan cities, urban counties, and other units of general local government within metropolitan areas to meet their hold-harmless needs as determined under subsections (g) and (h), and second, in accordance with the provisions of paragraph (2).

"(2) Any portion of such amounts which remains after applying the provisions of paragraph (1) shall be";

(2) by redesignating paragraph (3) as paragraph (2);

(3) by striking out "paragraph (2)" wherever it appears in paragraph (2), as redesignated by paragraph (2) of this subsection, and inserting in lieu thereof "paragraph (1)";

(4) by striking out the second sentence of paragraph (2), as redesignated; and

(5) by striking out in the final sentence of paragraph (2), as redesignated, ", Indian tribes, and units of general local government which are entitled to hold-harmless grants pursuant to subsection (h)" and inserting in lieu thereof "and Indian tribes".

(g) Section 106(e) of such Act, as redesignated by subsection (d) of this section, is amended—

(1) by striking out in the first sentence of paragraph (1) the following: "allocated by the Secretary—

"(A) first, for grants to units of general local government outside of metropolitan areas to meet their hold-harmless needs as determined under subsection (h); and

"(B) second, any portion of such amount which remains after applying the provisions of subparagraph (A) shall be";

(2) by striking out "(i)" and "(ii)" in the first sentence of paragraph (1) and inserting in lieu thereof "(A)" and "(B)", respectively, and by striking out "(I)", "(I')", and "(III)" wherever they appear in such sentence and inserting in lieu thereof "(i)", "(ii)", and "(iii)", respectively;

(3) by striking out "clause (i) of subparagraph (B)" and "clause (ii) of subparagraph (B)" in the second sentence of paragraph (1) and inserting in lieu thereof "subparagraph (A)", and "subparagraph (B)", respectively;

(4) by striking out "subparagraph (B)" in the third sentence of paragraph (1) and inserting in lieu thereof "this paragraph", and by striking out "such subparagraph" wherever it appears in such sentence and inserting in lieu thereof "such paragraph";

(5) by striking out the second sentence of paragraph (2);

(6) by striking out "paragraph (1)(B)" wherever it appears in paragraph (2) and inserting in lieu thereof "paragraph (1)";

(7) by striking out "units of general local government which are entitled to hold-harmless grants pursuant to subsection (h) and" in the last sentence of paragraph (2); and

(8) by striking out "paragraph (1)(B)" in the first sentence of paragraph (3) and inserting in lieu thereof "paragraph (1)".

(h) Section 108 of such Act is amended—

(1) by inserting after "commitments to guarantee" in the first sentence of subsection (a) the following: ", only to such extent or in such amounts as provided in appropriation Acts,";

(2) by adding the following new sentence at the end of subsection (a): "Not more than $300,000,000 of notes and other obligations may be authorized in appropriation Acts to be guaranteed under this section during fiscal year 1981."; and

(3) by striking out "Notwithstanding any other provision of this section, the" in subsection (k) and inserting in lieu thereof "The".

(i) Section 116 of such Act is amended—

(1) by striking out subsections (b), (f), and (h), and by redesignating subsection (g) as subsection (b); and

(2) by striking out in subsection (b), as redesignated, "or from a unit of general local government for a grant pursuant to section 106(h)".

UDAG AMENDMENT RELATING TO GUAM

SEC. 112. Section 119 of the Housing and Community Development Act of 1974 is amended by adding the following new subsection at the end thereof:

"(n) For purposes of carrying out this section, the term 'city' shall include Guam and the Virgin Islands.".

STUDY

SEC. 113. The Secretary of Housing and Urban Development shall, not later than January 1, 1983, report to the Congress with respect to the adequacy, effectiveness, and equity of the formula used for allocation of funds under title I of the Housing and Community Development Act of 1974, with specific analysis and recommendations concerning the manner in which such formula is or could be affected by the data derived from the 1980 decennial census.

HISTORIC PRESERVATION

SEC. 114. (a) Section 119(c) of the Housing and Community Development Act of 1974 is amended by—

(1) by striking out "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(3) by adding the following new paragraph after paragraph (6);

"(7) include (A) an identification of all properties, if any, which are included on the National Register of Historic Places and which, as determined by the applicant, will be affected by the project for which the application is made; (B) an identification of all other properties, if any, which will be affected by such project and which, as determined by the applicant, may meet the criteria established by the Secretary of the Interior for inclusion on such Register, together with documentation relating to the inclusion of such properties on the Register; and (C) a description of the effect, as determined by the applicant, of the project on the properties identified pursuant to clauses (A) and (B)."

(b) Section 119 of such Act, as amended by section 112 of this Act, is amended by adding the following new subsection at the end thereof:

"(o) In the case of any application which identifies any property in accordance with subsection (c)(7)(B), the Secretary may not commit funds with respect to an approved application unless the applicant has certified to the Secretary that the appropriate State historic preservation officer and the Secretary of the Interior have been provided an opportunity to take action in accordance with the provisions of section 121 (b)."

(c) Title I of such Act is amended by adding the following new section at the end thereof:

"HISTORIC PRESERVATION REQUIREMENTS

"SEC. 121. (a) With respect to applications for assistance under section 119, the Secretary of the Interior, after consulting with the Secretary, shall prescribe and implement regulations concerning projects funded under section 119 and their relationship with—

"(1) 'An Act to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes,' approved October 14, 1966, as amended; and

"(2) 'An Act to provide for the preservation of historical and archaeological data (including relics and specimens) which might otherwise be lost as a result of the construction of a dam,' approved June 27, 1960, as amended.

"(b) In prescribing and implementing such regulations with respect to applications submitted under section 119 which identify any property pursuant to subsection (c)(7)(B) of such section, the Secretary of the Interior shall provide at least that—

"(1) the appropriate State historic preservation officer (as determined in accordance with regulations prescribed by the Secretary of the Interior) shall, not later than 45 days after receiving information from the applicant relating to the identification of properties which will be affected by the project for which the application is made and which may meet the criteria established by the Secretary of the Interior for inclusion on the National Register of Historic Places (together with documentation relating to such inclusion), submit his or her comments, together with such other information considered necessary by the officer, to the applicant concerning such properties; and

"(2) the Secretary of the Interior shall, not later than 45 days after receiving from the applicant the information described in paragraph (1) and the comments submitted to the applicant in accordance with paragraph (1), make a determination as to whether any of the properties affected by the project for which the application is made is eligible for inclusion on the National Register of Historic Places.

"(c) The Advisory Council on Historic Preservation shall prescribe regulations providing for expeditious action by the Council in making its comments under section 106 of the Act referred to in subsection (a) (1) in the case of properties which are included on, or eligible for inclusion on, the National Register of Historic Places and which are affected by a project for which an application is made under section 119."

PERFORMANCE REPORTS FOR CERTAIN NON-ENTITLEMENT COMMUNITIES

SEC. 115. Section 104(d) of the Housing and Community Development Act of 1974 is amended—

(1) by striking out "Prior to the beginning of fiscal year 1977 and each fiscal year thereafter, each" in the first sentence and inserting in lieu thereof "Each";

(2) by inserting after the first sentence the following new sentence: "The performance report shall be submitted annually prior to the beginning of each fiscal year; except that, in the case of a grantee who receives a grant which is made pursuant to subsection (c) or (e) of section 106 and which the Secretary determines does not fund a comprehensive community development program, the report which is to be made with respect

to such grant may be submitted less frequently than annually as determined by the Secretary."; and

(3) by inserting "(or less frequently as the Secretary determines appropriate in the case of a grant for which a report is submitted less frequently than annually in accordance with the second sentence of this paragraph)" after "at least on an annual basis" in the third sentence.

SEC. 116. Section 106(b)(4) of the Housing and Community Development Act of 1974 is amended to read as follows:

"(4) In computing amounts or exclusions under this section with respect to any urban county, there shall be excluded units of general local government located in the county the populations of which are not counted in determining the eligibility of the urban county to receive a grant under this subsection, except that there shall be included any independent city (as defined by the Bureau of the Census) which—

"(A) is not part of any county;

"(B) is not eligible for a grant pursuant to subsection (b)(1);

"(C) is contiguous to the urban county;

"(D) has entered into cooperation agreements with the urban county which provide that the urban county is to undertake or to assist in the undertaking of essential community development and housing assistance activities with respect to such independent city; and

"(E) is not included as a part of any other unit of general local government for purposes of this section. Any independent city which is included in any fiscal year for purposes of computing amounts pursuant to the preceding sentence shall not be eligible for a grant under subsection (c) or (e) with respect to such fiscal year."

TITLE II—HOUSING ASSISTANCE PROGRAMS

LOW-INCOME HOUSING

SEC. 201. (a) Section 5(c) of the United States Housing Act of 1937 is amended to read as follows:

"(c)(1) The Secretary may enter into contracts for annual contributions aggregating not more than $7,875,049,000 per annum, which amount shall be increased by $1,536,000,000 on October 1, 1980. The additional authority to enter into such contracts provided on or after October 1, 1980, shall be effective only in such amounts as may be approved in appropriation Acts. The Secretary, in utilizing the additional authority to enter into such contracts provided on and after October 1, 1980, shall administer the programs authorized by this Act and section 203 of the Housing and Community Development Act of 1980 to provide assistance, to the maximum extent practicable, consistent with section 213(d) of the Housing and Community Development Act of 1974.

"(2) In no case may the Secretary, with respect to the additional authority made available on October 1, 1980, enter into such contracts aggregating—

"(A) more than $589,000,000 for existing units assisted under section 8, including assistance provided under subsection (j) of such section;

"(B) more than $847,000,000 for newly constructed and substantially rehabilitated units assisted under this Act, of which not more than $261,000,000 shall be made available for such units assisted under this Act other than section 8; and not more than $61,000,000 shall be made available for units assisted under section 203 of the Housing and Community Development Act of 1980; or

"(C) less than $100,000,000 for units assisted under section 14.

"(3) The Secretary shall enter into only such new contracts for preliminary loans as are consistent with the number of dwelling units for which contracts for annual contributions may be entered into.

"(4) The full faith and credit of the United States is solemnly pledged to the payment of all annual contributions contracted for pursuant to this section, and there are hereby authorized to be appropriated in each fiscal year, out of any money in the Treasury not otherwise appropriated, the amounts necessary to provide for such payments.

"(5) All payments of annual contributions pursuant to this section shall be made out of any funds available for purposes of this Act or section 203 of the Housing and Community Development Act of 1980 when such payments are due, except that funds obtained through the issuance of obligations pursuant to section 4(b) (including repayments or other realizations of the principal of loans made out of such funds) shall not be available for the payment of such annual contributions."

(b) Section 9(c) of such Act is amended—

(1) by striking out "and" after "on or after October 1, 1978,"; and

(2) by inserting the following before the period at the end thereof ", and not to exceed $862,000,000 on or after October 1, 1980".

PUBLIC HOUSING COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM

SEC. 202. (a) The United States Housing Act of 1937 is amended by adding the following new section at the end thereof:

"COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM

"SEC. 14. (a) It is the purpose of this section to provide assistance—

"(1) to improve the physical condition of existing public housing projects, and

"(2) to upgrade the management and operation of such projects,

in order to assure that such projects continue to be available to serve low-income families.

"(b) The Secretary may make available and contract to make available financial assistance (in such amounts as are authorized pursuant to section 5(c) and as may be approved in appropriations Acts) to public housing agencies for the purpose of improving the physicial condition of existing low-rent public housing projects and for upgrading the management and operation of such projects to the extent necessary to maintain such physical improvements.

"(c) Assistance under subsection (b) may be made available only for low-rent housing projects which—

"(1) are owned by public housing agencies;

"(2) are operated as rental housing projects and receive assistance under section 5(c) or section 9 of this Act.

"(3) are not assisted under section 8 of this Act; and

"(4) meet such other requirements consistent with the purposes of this section as the Secretary may prescribe.

"(d) Except as provided in subsection (e)(4), no assistance may be made available under subsection (b) unless the Secretary has approved an application from the public housing agency which has been developed in consultation with appropriate local officials and with tenants of the housing projects for which assistance is requested. Such application shall contain at least—

"(1) a comprehensive assessment of (A) the current physical condition of each project for which assistance is requested, and (B) the physical improvements necessary for each such project to meet the standards established by the Secretary pursuant to subsection (j);

"(2) an identification, for each such project, of the equipment systems or structural elements which would normally be replaced (assuming routine and timely maintenance is performed) over the remaining useful life of the project;

"(3) a comprehensive assessment of the improvements needed to upgrade the management and operation of each such project so that decent, safe, and sanitary living conditions will be provided in such projects; such assessment shall include at least an identification of needs related to—

"(A) the management, financial, and accounting control systems of the public housing agency which are related to each project eligible for assistance under this section;

"(B) the adequacy and qualifications of personnel employed by such public housing agency (in the management and operation of such projects) for each category of employment; and

"(C) the adequacy and efficacy of—

"(i) tenant programs and services in such projects;

"(ii) the security of each such project and its tenants;

"(iii) policies and procedures of the public housing agency for the selection and eviction of tenants in such projects; and

"(v) other policies and procedures of such agency relating to such projects, as specified by the Secretary; and

"(4) a plan for making the improvements and replacements, and for meeting the needs, described in paragraphs (1), (2), and (3); such plan shall include at least—

"(A) a schedule of those actions which are to be completed, over a period of not greater than 5 years from the date of approval of such application by the Secretary, within each 12-month period covered by such plan and which are necessary—

"(i) to make the improvements, described in paragraph (1)(B), for each project for which assistance is requested, and

"(ii) to upgrade the management and operation of such projects as described in paragraph (3);

"(B) the estimated cost of each of the actions described in subparagraph (A);

"(C) an estimate of the total costs of the replacement of the items identified for each such project pursuant to paragraph (2), including an estimate of the amount of funds necessary to fund the costs which have accrued for the period which ends upon the date on which the application is made, and an estimate of the costs which will accrue during each 12-month period subsequent to such application;

"(D) an operating budget for each such project for each 12-month period covered by such plan, excluding costs described in subparagraphs (B) and (C); and

"(E) an estimate of the financial resources which will be available from all sources to each such project and to the public housing agency (to the extent the resources of the agency relate to such project), and the amounts of assistance which are being requested pursuant to subsection (b) for each 12-month period covered by the plan.

"(e) The amount of financial assistance made available under subsection (b) to any public housing agency with respect to any year may not exceed the sum of—

"(1) an amount determined by the Secretary to be necessary to undertake the actions specified for such year in the schedule pursuant to subsection (d)(4)(A);

"(2) the amount determined necessary by the Secretary to fund the replacement costs which have been identified pursuant to subsection (d)(4)(C) for each project, which have accrued for the period ending at the beginning of such year, and for which payment under subsection (b) has not been made previously; and

"(3) the amount determined necessary by the Secretary to reimburse the public housing agency for the cost of developing the plan described pursuant to subsection (d)(4), less any amount which has been provided such public housing agency with respect to such year under paragraph (4); except that not more than 5 percent of any funds made available to such agency pursuant to subsection (b) shall be made available for such reimbursement;

"(4) in the case of a public housing agency which meets such criteria of financial distress as are established by the Secretary and which has submitted the information described in paragraphs (1), (2), and (3) of subsection (d), the amount determined necessary by the Secretary to enable such agency to develop the plan described pursuant to subsection (d)(4);

except that not more than 5 percent of the total amount of assistance made available to all public housing agencies pursuant to subsection (b) in any year shall be made available for the purposes described in paragraphs (3) and (4).

"(f) Where an application made pursuant to this section proposes demolition of any low-rent housing project or any portion of such a project, the Secretary may not approve such application unless the Secretary determines that—

"(1) timely replacement of the units in such project will be undertaken by the public housing agency;

"(2) the total cost of providing such replacement housing is less than the total cost of rehabilitation of such project, except that the Secretary may waive such requirement where the Secretary determines that the demolition is necessary to meet the purposes of this section; and

"(3) low-income families displaced by such proposed demolition will be provided with decent, safe, sanitary, and affordable housing.

"(g) No assistance shall be made to a public housing agency pursuant to subsection (b) for any year subsequent to the first year for which such assistance is made available to such agency unless the Secretary has determined that such agency has made substantial efforts to meet the objectives for the preceding year under the plan described in subsection (d)(4) and approved by the Secretary.

"(h) In making assistance available under subsection (b), the Secretary shall give preference to public housing agencies—

"(1) which request assistance for projects (A) having conditions which threaten the health or safety of the tenants, or (B) having a significant number of vacant, substandard units; and

"(2) which have demonstrated a capability of carrying out the activities proposed in the plan submitted by the agency pursuant to subsection (d)(4) and approved by the Secretary.

"(i)(1) In addition to assistance made under subsection (b), the Secretary may, without regard to the requirements of subsections (c), (d), (e), (g), and (h), make available and contract to make available financial assistance (in such amounts as are authorized pursuant to section 5(c) and as approved in appropriation Acts) to any public housing agency in an amount which the Secretary determines is necessary to meet emergency or special purpose needs. Such needs shall be limited to—

"(A) correcting conditions which threaten the health or safety of the tenants of any project (i) which is described in subsection (c), and (ii) with respect to which an application for assistance pursuant to subsection (d) has not been approved by the Secretary;

"(B) correcting conditions (i) which threaten the health or safety of the tenants of any project with respect to which an application for assistance pursuant to subsection (d) has been approved, and (ii) which were unanticipated at the time of the development of such application;

"(C) correcting conditions which threaten the health or safety of the occupants of any low-income housing project not described in subsection (c) and not assisted pursuant to section 8; or

"(D) physical improvements needs which (i) would not otherwise be eligible for assistance under this section, and (ii) pertain to any low-income housing project other than a project assisted under section 8.

"(2) The Secretary may issue such rules and regulations as may be necessary to carry out this subsection.

"(j) The Secretary may issue such rules and regulations as may be necessary to carry out the provisions and purposes of this section, including standards which provide for decent, safe, and sanitary living conditions in low-rent public housing projects and for energy conserving improvements in such projects and which, to the extent practicable, are consistent with the Minimum Property Standards for Multi-Family Housing as they reasonably would be applied to existing housing, except that the Secretary may establish higher standards on a project-by-project basis in such cases where the Secretary deems such higher standards appropriate for furthering the purposes of this section.".

(b) Section 13 of such Act is amended—

(1) by striking out subsection (a); and

(2) by striking out "(b)" in subsection (b).

(c) Section 6(f) of such Act is amended by inserting "pursuant to section 14" after "modifications" in the first and second sentence thereof.

(d) Section 213(d)(1) of the Housing and Community Development Act of 1974 is amended by striking out "modernization of low-income housing projects" and inserting in lieu thereof "carrying out section 14 of such Act".

MULTIFAMILY HOUSING INITIATIVE PROGRAM

SEC. 203. (a) The purpose of this section is to increase the Nation's stock of rental housing, and thereby reduce rental charges paid by tenants for such housing, by encouraging the construction of new or substantially rehabilitated multifamily rental housing projects designed for families with incomes which do not exceed 150 percent of the median income of the area in which the project is located.

(b)(1) The Secretary may make, and contract to make, periodic interest reduction payments (in such amounts as are authorized pursuant to section 5(c) of the United States Housing Act of 1937 and as may be approved in appropriation Acts) on behalf of the owner of a multifamily rental project eligible for assistance under this section.

(2) Such payments shall be made for a period of not more than 30 years to mortgagees holding mortgages secured by such project and upon such other terms and conditions which are consistent with the purpose of this section and are specified by the Secretary.

(3) The amount of such payments shall be established and maintained for each such project at an amount which—

(A) the Secretary determines is the minimum amount necessary to establish the project in the area, taking into consideration that the tenants (other than tenants assisted under section 8 of the United States Housing Act of 1937) of the project shall be paying at least 20 percent and not more than 30 percent of their incomes for rents, and

(B) does not exceed the difference between the monthly payment for principal, interest, and mortgage insurance premium (if any) which the project owner as a mortgagor is obliged to pay under the mortgage and the monthly payment for principal and interest such project owner would be obligated to pay if the mortgage were to bear interest at the rate of 7½ percent per annum;

except that—

(i) after the first 10 years of such payments, the Secretary may reduce the payments during the remaining term of the contract but in no case may such payments be reduced in any year by more than 10 percent of the amount of the payments made during the 10th year of such payments;

(ii) the Secretary may increase the payments above the minimum amount established for the project under this paragraph if (I) the Secretary determines that such increase is necessary to assure the financial feasibility of such project, and (II) such increase does not increase the average amount of payments made per mortgage under this section above the difference described in subparagraph (B) of this paragraph; and

(iii) such payments may be increased by an amount necessary to reimburse the mortgagee for its reasonable and necessary expenses in handling the mortgage.

(c) Payments may be made under this section only with respect to a rental housing project—

(1) which is newly constructed or substantially rehabilitated at the time the payments are commenced and which contains five or more dwelling units and is used predominantly for residential purposes;

(2) in which at least 20 percent and not more than 30 percent of the dwelling units are or will be occupied (during at least the first 20 years of such payments) by families assisted under section 8 of the United States Housing Act of 1937 and in which all the dwelling units not occupied by such families are or will be occupied by tenants whose incomes, at the time they initially occupy the units, do not exceed 150 percent of the median income of the area (with adjustments for smaller and larger families, construction costs, unusually high or low median family incomes, or other factors considered by the Secretary to be consistent with the purpose of this section), as determined by the Secretary.

(3) which will meet the requirements of this subsection and subsection (d) for at least 30 years;

(4) which secures a mortgage (A) with a principal amount not more than the amount which could be insured for the project under section 207 of the National Housing Act, and (B) with an interest rate and other terms and conditions which the Secretary determines are reasonable;

(5) the owner of which agrees to give a preference, in determining who will reside in the project, to applicants who are seeking housing as a result of their being involuntarily displaced from rental housing units which were or are being converted into cooperative or condominium units; and

(6) meets other conditions consistent with the purpose of this section and specified by the Secretary, including conditions relating to energy conservation.

(d)(1) Procedures shall be established by the Secretary for review of incomes of tenants (other than tenants assisted under section 8 of the United States Housing Act of 1937) at intervals of 2 years.

(2) If, as a result of carrying out income review procedures, the Secretary finds that there are tenants in the projects whose incomes exceed 150 percent of the median income for the area, the Secretary shall provide that rental payments made by each such tenant shall increase over a 3-year period so that at the end of such period each such tenant will be paying the amount of rent which would be charged with respect to the tenant's dwelling unit if payments were not made under this section with respect to the project.

(3)(A) Any amount received by the owner as a result of the increased rental payments described in paragraph (2) shall be considered as a reduction in the amounts payable by the Secretary with respect to the project under section 8 of the United States Housing Act of 1937.

(B) In any case in which the amounts received by such owner as a result of the increased rental payments exceeds the amounts payable by the Secretary with respect to the project under section 8 of the United States Housing Act of 1937, such excess shall be added to any amount which may become payable under subsection (f).

(e) Notwithstanding any other provision of law, the Secretary shall provide that any project assisted under this section be regulated or restricted, at least until the termination of the payments, by the Secretary as to rents or sales, charges, capital structure, rate of return, and methods of operations of the project to such an extent and in such manner as to provide reasonable rentals to tenants and a reasonable return on the investment.

(f)(1) The Secretary may waive the requirement of paragraph (3) of subsection (c) during the period of 30 years beginning with the initial payment made under this section with respect to such project only if the Secretary determines that such waiver would be consistent with the purpose of this section.

(2) In the event of such a waiver, the owner of the project shall, except as provided in paragraph (4), repay the entire amount of assistance made under this section with respect to such contract.

(3) The Secretary shall, except as provided in paragraph (4), provide that, if such project fails to be utilized in the manner specified in paragraphs (1) and (2) of subsection (c) after the 30-year period beginning with the initial payment made under this section with respect to the project, the owner shall make a payment to the Secretary in an amount which equals—

(A) the total amount of payments made under this section with respect to such project, minus

(B) an amount derived by multiplying 10 percent of such total amount by the number of years, after such 30-year period, during which such project was so utilized.

(4) The Secretary may reduce, in whole or in part, the amount payable by the owner under paragraph (2) or (3) to the extent which the Secretary determines is reasonable and necessary to relieve an undue hardship upon the owner of, or families residing in, the project.

(5) Notwithstanding any other provision of law, any assistance made under this section shall constitute a debt secured by the security instruments given by the mortgagor to the Secretary.

(g) The Secretary shall provide that payments made under this section are made only with respect to that part of the mortgage concerning the portion of the project which is used for residential purposes and only for the benefit of the families residing in such projects.

(h) With respect to projects located within the jurisdictional boundaries of a unit of general local government which receives assistance under title I of the Housing and Community Development Act of 1974, the Secretary may not contract to make any assistance under this section unless the unit of general local government has made substantial progress in meeting its annual goals for lower income persons as specified in its annual housing assistance plan submitted pursuant to section 104(a)(4) of such Act.

(i) The Secretary shall, in making assistance available under this section, give a preference to projects which have or will receive financial contributions from a State or local government which will result in lower rental charges to the families residing therein or in lower payments being made under this section with respect to the project; except that such contributions may not relate to notes or other obligations which are issued by such State or local government and the income of which is exempt from Federal taxation.

(j) The Secretary shall, in entering into contracts for assistance for less than 30 years under section 8 of the United States Housing Act of 1937 with respect to residents in any project assisted under this section, provide that such contracts may be extended, at the discretion of the Secretary and subject to the availability of funds at the time of such extension, to a period of 30 years if the Secretary makes a determination that there is a need for housing for lower income families in the area at such time.

(k) The Secretary may make assistance payments under this section with respect to advances on mortgages insured under the National Housing Act during construction; except that payments authorized by this subsection may not exceed one-twentieth of the total amount of payments to be made with respect to the project under this section.

(l) As used in this section—

(1) the term "income" means income as determined under section 8 of the United States Housing Act of 1937;

(2) the terms "mortgage", "mortgagee", and "mortgagor" shall have the meanings given such terms under paragraphs (1), (2), and (3), respectively, of section 207(a) of the National Housing Act; except that the term "mortgage" may also include mortgages or loans secured by other than a first lien on the property;

(3) the term "mortgage insurance premium" shall have the same meaning given such term in section 236(b) of the National Housing Act;

(4) the term "substantially rehabilitated" shall include the rehabilitation in whole or in part of properties which contain dwelling units which are not habitable, are abandoned, or are in imminent danger of abandonment; and

(5) the term "Secretary" means the Secretary of Housing and Urban Development.

(m) Section 104(a)(4) of the Housing and Community Development Act of 1974 is amended by striking out "and" at the end of subparagraph (B), by inserting "and" at the end of subparagraph (C), and by adding the following new subparagraph at the end thereof:

"(D) accurately surveys the condition of housing stock in the community designed for persons who have incomes which do not exceed 150 percent of the median income for the area and who are not taken into account in subparagraph (A), (B), or (C); assesses the housing assistance needs of such persons; specifies a realistic goal of the number of rental dwelling units which will be provided such persons as a result of the program described in section 203 of the Housing and Community Development Act of 1980; and indicates the general locations of such dwelling units;".

(n) Section 213 of the Housing and Community Development Act of 1974 is amended—

(1) by inserting "section 203 of the Housing and Community Development Act of 1980," after "Housing Act of 1959," in subsection (a)(1);

(2) by inserting "or" at the end of paragraph (1) of subsection (b);

(3) by striking out "; or" at the end of paragraph (2) of subsection (b) and inserting in lieu thereof a period; and

(4) by striking out paragraph (3) of subsection (b).

(o) Notwithstanding any other provision of law, assistance under this section shall not be made available if the unit of general local government, with jurisdiction over the area in which the project is to be located, has any law, ordinance or other measure which would control rents on projects built after the date of enactment of this subsection.

OPERATING ASSISTANCE FOR TROUBLED MULTIFAMILY HOUSING PROJECTS

SEC. 204. (a) The first sentence of section 201(h) of the Housing and Community Development Amendments of 1978 is amended—

(1) by striking out "and" after "the fiscal year 1979,"; and

(2) by inserting before the period at the end thereof the following: ", and not to exceed $31,100,000 for the fiscal year 1981".

(b) Section 236(f)(3)(B) of the National Housing Act is amended—

(1) by striking out "September 30, 1980" in the third sentence and inserting in lieu thereof "September 30, 1981"; and

(2) by striking out "on or after October 1, 1978," in the first sentence and all that follows through "October 31, 1978.".

RENT SUPPLEMENTS

SEC. 205. Section 101(l) of the Housing and Urban Development Act of 1965 is amended—

(1) by striking out "may" the first time it appears in the first sentence and inserting in lieu thereof "shall, not later than 4 years after the date of enactment of the Housing and Community Development Act of 1980,";

(2) by inserting the following new sentence after the first sentence thereof: "In amending such contracts, the Secretary shall provide that the housing, with respect to which payments are made under this section, be maintained as low- and moderate-income housing during the term of the original contract."; and

(3) by striking out "preceding" in the second sentence and inserting in lieu thereof "the first sentence of this paragraph".

SECTION 235 AMENDMENTS

SEC. 206. Section 235 of the National Housing Act is amended—

(1) by striking out "$32,000", "$38,000", "$38,000", and "$44,000" in the last proviso in subsection (b)(2) and inserting in lieu thereof "$40,000',' "$47,500", "$47,500", and "$55,000" respectively;

(2) by striking out "$32,000", "$38,000", "$38,000", and "$44,000", wherever they appear in subsections (i)(3)(B) and (i)(3)(C), and inserting in lieu thereof "$40,000", "$47,500", "$47,500", and "$55,000", respectively;

(3) by striking out "$44,000", and "$49,000" in subsection (i)(3)(D) and inserting in lieu thereof "$55,000", and "$61,250", respectively;

(4) by inserting "(1)" before "The" in the first sentence in subsection (c) by redesignating paragraphs (1) and (2) of such subsection as subparagraphs (A) and (B), respectively, and by adding the following new paragraph at the end of such subsection:

"(2) Upon disposition or nonoccupancy by the homeowner of any property assisted pursuant to this section, except any property with respect to which there is an assumption in accordance with paragraph (1) of this subsection, the Secretary shall provide for the recapture of an amount equal to the lesser of (A) the amount of assistance actually received under this subsection, or (B) an amount equal to at least 50 per centum of the net appreciation of the property, as determined by the Secretary. For the purpose of this paragraph, the term "net appreciation of the property" means any increase in the value of the property over the original purchase price, less the reasonable costs of sale, the reasonable costs of improvements made to the property."; and

(5) by adding at the end thereof the following new subsections:

"(p) The Secretary may insure a mortgage under this section involving a principal obligation which exceeds, by not more than

10 per centum, the maximum limits specified under subsection (b)(2) or (i)(3) of this section, or, if applicable, the maximum principal obligation insurable pursuant to subsection (o) of this section, if the mortgage relates to a dwelling to be occupied by a physically handicapped person and the Secretary determines that such action is necessary to reflect the cost of making such dwelling accessible to and usable by such person.

"(q)(1) Notwithstanding any other provision of this section except subsection (n), in order to prevent inflationary conditions and related governmental actions or other economic conditions from having a severely disproportionate effect on the housing industry, and to avoid a resulting reduction in the volume of home construction or acquisition which threatens seriously to affect the economy, the Secretary may make and contract to make periodic assistance payments, to the extent of authority available pursuant to subsection (h)(1), to mortgagees or other lenders on behalf of homeowners (including the owners of mobile homes) as provided in this subsection; except that not more than 75 per centum of such authority may be so utilized. The authority to enter into new contracts to provide assistance payments and new commitments to insure mortgages under this subsection shall terminate on September 30, 1981, or at such earlier date as the Secretary may deem appropriate, upon a determination by the Secretary that the conditions which gave rise to the exercise of authority under this subsection are no longer present.

"(2) Payments under this subsection may be made only on behalf of a homeowner who satisfies such eligibility requirements as may be prescribed by the Secretary and who—

"(A)(i) is a mortgagor under a mortgage which meets the requirements of and is insured under this subsection, or (ii) is the original owner of a new mobile home consisting of two or more modules and a lot on which the mobile home is situated, where insurance under section 2 of this Act covering the loan, advance of credit, or purchase of an obligation representing such loan or advance of credit to finance the purchase of such mobile home and lot has been granted to the institution making such loan, advance of credit, or purchase of an obligation; and

"(B) has a family income, at the time of initial occupancy, which does not exceed 120 per centum of the area median income for the area (with adjustments for smaller and larger families, unusually high or low median family income, or other factors), as determined by the Secretary.

"(3) Assistance payments to a mortgagee by the Secretary on behalf of a homeowner shall be made only during such time as the homeowner shall continue to occupy the property which secures the mortgage or loan. If approved by the Secretary, assistance payments may be made on behalf of a homeowner who meets the requirements of paragraph (2)(B), who assumes a mortgage insured under this subsection with respect to which assistance payments have been made on behalf of the previous owner, and who assumes the obligations of recapture described in paragraph (14). The Secretary may, where a mortgage insured under this subsection has been assigned to the Secretary, continue making such assistance payments.

"(4) Assistance payments on behalf of a mortgagor whose mortgage is insured under this subsection shall not at any time exceed the lesser of—

"(A) the balance of the monthly payment for principal, interest, taxes, insurance, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage which remains unpaid after applying 20 per centum of the mortgagor's income; or

"(B) the difference between the amount of the monthly payment for principal, interest, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage and the monthly payment for principal and interest which the mortgagor would be obligated to pay if the mortgage were to bear interest at a rate determined by the Secretary which shall not be less than 8 per centum per annum.

"(5) Assistance payments on behalf of the owner of a mobile home shall not at any time exceed the lesser of—

"(A) the balance of the monthly payment for principal, interest, real and personal property taxes, insurance, and insurance premium chargeable under section 2 of this Act due under the loan or advance of credit remaining unpaid after applying 20 per centum of the mobile homeowner's income; or

"(B) the difference between the amount of the monthly payment for principal, interest, and insurance permium chargeable under section 2 of this Act which the mobile homeowner is obligated to pay under the loan or advance of credit and the monthly payment of principal and interest which the owner would be obligated to pay if the loan or advance of credit were to bear interest at a rate derived by subtracting from the interest rate applicable to such loan or advance of credit the interest rate differential between the maximum interest rate plus mortgage insurance premium applicable to mortgages insured under paragraph (11) at the time such loan or advance of credit is made and an interest rate determined by the Secretary which shall not be less than 8 per centum per annum.

"(6) The Secretary may include in the payment to the mortgagee or other lender such amount, in addition to the amount computed under paragraph (4) or (5), as the Secretary deems appropriate to reimburse the mortgagee or lender for its reasonable and necessary expenses in handling the mortgage, loan or advance of credit.

"(7) Procedures shall be adopted by the Secretary for recertification of the homeowner's income at intervals of two years (or at shorter intervals where the Secretary deems it desirable) for the purpose of adjusting the amount of such assistance payments within the limits of the formula described in paragraph (4) or (5).

"(8) The Secretary shall prescribe such regulations as the Secretary deems necessary to assure that the sales price of, or other consideration paid in connection with, the purchase by a homeowner of the property with respect to which assistance payments are to be made is not increased above the appraised value on which the maximum mortgage which the Secretary will insure under this subsection is computed.

"(9) Assistance payments pursuant to paragraph (5) shall not be made with respect to more than 20 per centum of the total number of units with respect to which assistance is approved under this subsection.

"(10) The Secretary may, in addition to mortgages insured under subsection (i) or (j), insure, upon application by the mortgagee, a mortgage executed by a mortgagor who meets the eligibility requirements for assistance payments prescribed by the Secretary under paragraph (2). Commitments for the insurance of such mortgages may be issued by the Secretary prior to the date of their execution or disbursement thereon, upon such terms and conditions as the Secretary may prescribe.

"(11) To be eligible for insurance under this subsection a mortgage shall—

"(A) be a first lien on real estate held in fee simple, or on a leasehold under a lease which meets terms and conditions established by the Secretary;

"(B) have been made to, and be held by, a mortgagee approved by the Secretary as responsible and able to service the mortgage properly;

"(C) involve a one- to four-family dwelling which has been approved by the Secretary prior to the beginning of construction, or if not so approved, has been completed within one year prior to the filing of the application for insurance and has had no previous owner-occupant other than the mortgagor;

"(D) involve a principal obligation (including such initial service charges, appraisal, inspection and other fees as the Secretary shall approve) in an amount (i) in the case of property on which is located a single-family residence, not to exceed $50,000 ($60,000 in any geographical area where the Secretary authorizes an increase on the basis of a finding that cost levels so require); (ii) in the case of property on which is located a two-family residence, not to exceed $55,000 ($65,000 in any such geographical area); (iii) in the case of property on which there is located a three-family residence, not to exceed $64,000 ($76,000 in any such geographical area); and (iv) the case of property on which there is located a four-family residence, not to exceed $73,000 ($87,000 in any such geographical area);

"(E) have maturity and amortization provisions satisfactory to the Secretary;

"(F) bear interest (exclusive of premium charges for insurance, and service charges if any) at not to exceed the maximum rate applicable with respect to mortgages insured pursuant to section 203(b);

"(G) be executed by a mortgagor who shall have paid in cash or its equivalent on account of the property, at least an amount equal to 3 per centum of the Secretary's estimate of the cost of acquisition; and

"(H) contain such other terms and conditions as the Secretary may require, including conditions encouraging the conservation of land and energy resources.

"(12) Where the Secretary deems it appropriate, a mortgage assisted under this subsection may provide for graduated payments pursuant to section 245. Notwithstanding the limitations contained in the last sentence of section 245(b), the Secretary may provide assistance under this subsection to assist mortgagors who meet the requirements of section 245(b) and may insure mortgages with varying rates of amortization as provided therein, for not to exceed 100,000 mortgages, and such mortgages shall not be included in the determination of the number of mortgages which may be insured as provided in the last sentence of section 245(b).

"(13) Assistance provided under this subsection shall not be subject to the provisions of section 213 of the Housing and Community Development Act of 1974. Prior to making assistance available under this subsection, the Secretary shall develop a system to allocate such assistance in a manner which furthers and promotes the purposes of this subsection.

"(14) Upon the disposition of nonoccupancy by the homeowner of any property assisted pursuant to this subsection, except any property with respect to which there is an assumption in accordance with paragraph (3), the Secretary shall provide for the recapture of an amount equal to the lesser of (A) the amount of assistance actually received under this subsection, or (B) an amount at least equal to 50 per centum of the net appreciation of the property, as determined by the Secretary. For the purpose of this paragraph, the term 'net appreciation of the property' means any increase in the value of the property over the original purchase price, less the reasonable costs of sale, the reasonable costs of improvements made to the property, and any increase in the loan balance as of the time of sale over the original loan balance due to the loan being insured pursuant to section 245 of this Act. In providing for such recapture, the Secretary shall include incentives for the homeowner to maintain the property in a marketable condition. Notwithstanding any other provision of law, any such assistance shall constitute a debt secured by the property to the extent that the Secretary may provide for such recapture.".

CONGREGATE SERVICES PROGRAM AMENDMENTS

SEC. 207. (a) Section 405(c) of the Housing and Community Development Amendments of 1978 is amended by inserting after "for assistance" the following: "to provide congregate services to elderly residents".

(b) Section 405(d) of such Act is amended by inserting after "this title" in the first sentence the following: "for the provision of congregate services to elderly residents".

(c) Section 405(e) of such Act is amended—

(1) by striking out "When" and all that follows through "local agency," in paragraph (1) and inserting in lieu thereof the following: "A public housing agency or nonprofit corporation applying for assistance to provide congregate services to nonelderly handicapped residents shall consult with the appropriate agency,"; and

(2) by striking out "local" in the first sentence of paragraph (2).

HUD-OWNED MULTIFAMILY PROJECTS

SEC. 208. Section 203 of the Housing and Community Development Amendments of 1978 is amended—

(1) by striking out paragraph (1) of subsection (a) and inserting in lieu thereof the following:

"(1) preserving the housing units so that they are available to and affordable by low- and moderate-income families and remain available to other families who occupy them at the time of acquisition;";

(2) by striking out "and" at the end of paragraph (1) in subsection (c), by striking out the period at the end of paragraph (2) of such subsection and inserting in lieu thereof "; and", and by adding the following new paragraph at the end of such subsection:

"(3) maintain the project for purposes of providing rental or cooperative housing."; and

(3) by striking out ", assisted under" and all that follows through "and which is" in subsection (f).

PUBLIC HOUSING FOR INDIAN AND ALASKAN NATIVES

SEC. 209. (a) Section 9(a)(1) of the United States Housing Act of 1937 is amended by striking out "and" before "(B)" in the second sentence, and by inserting the following before the period at the end of the second sentence: ", and (C) with respect to housing projects developed under the Indian and Alaskan Native housing program assisted under this Act, to provide funds (in addition to any other operating costs contributions approved by the Secretary under this section) as determined by the Secretary to be required to cover the administrative costs to an Indian housing authority during the development period of a project approved pursuant to section 5 and until such time as the project is occupied".

(b) Section 6(b) of such Act is amended—

(1) by inserting the following before the period at the end of the second sentence: "; except that, for projects to be constructed as a result of assistance provided under this Act and which are to be located in Indian reservations and Alaskan Natives villages, the Secretary shall determine and make the prototype costs available within a reasonable time prior to the beginning of each construction season as is determined to be appropriate for the area in which the project is to be located"; and

(2) by striking out "and" at the end of clause (6) of the third sentence, and by adding the following before the period at the end of such sentence: ", and (8) with respect to remote areas such as may be found in connection with projects developed under the Indian and Alaskan Native housing program assisted under this Act, the extensive transportation required to provide the necessary labor, materials, and equipment to the project site and any additional conditions that the Secretary determines should be taken into consideration under clauses (1) through (7) for such projects".

SOLAR ENERGY SYSTEMS IN PUBLIC HOUSING PROJECTS

SEC. 210. Section 5 of the United States Housing Act of 1937 is amended by adding at the end thereof the following new subsection:

"(1) In entering into contracts for assistance with respect to newly constructed or substantially rehabilitated projects under this section (other than for projects assisted pursuant to section 8), the Secretary shall require the installation of a passive or active solar energy system in any such project unless the Secretary determines that such installation would not be cost effective over the estimated life of the system."

SECTION 236 AMENDMENT

SEC. 211. Section 236 of the National Housing Act is amended by adding the following new subsection at the end thereof:

"(q) The Secretary may provide assistance under section 8 of the United States Housing Act of 1937 with respect to residents of units in a project assisted under this section. In entering into contracts under section 5(c) of such Act with respect to the additional authority provided on October 1, 1980, the Secretary shall not utilize more than $20,000,000 of such additional authority to provide assistance for elderly or handicapped families which, at the time of applying for assistance under such section 8, are residents of a project assisted under this section and are expending more than 50 percent of their income on rental payments."

FAIR MARKET RENTS FOR MODERATELY REHABILITATED SECTION 8 PROJECTS

SEC. 212. Section 8(e)(5) of the United States Housing Act of 1937 is amended by inserting the following new sentence after the second sentence thereof: "Notwithstanding subsection (c)(1) of this section, the Secretary may, in carrying out the preceding sentence, establish a maximum monthly rent (for units upgraded pursuant to this paragraph) which exceeds the fair market rental by not more than 30 percent if such units are located in an area where the Secretary finds cost levels so require."

SECURITY PROGRAM FOR PUBLIC HOUSING

SEC. 213. (a) This section may be cited as the "Public Housing Anti-Crime Amendments of 1980".

(b) The Congress finds that—

(1) public housing and surrounding neighborhoods continue to suffer substantially from rising crime and the fear of crime;

(2) funding to provide more security for public housing can be used to leverage funding from other sources and, thereby, produce more successful anticrime efforts;

(3) the effects of inflation and the need for reductions in the budget of the Federal Government result in a need for more co-targeting of Federal and local anti-crime resources;

(4) as authorized by the Public Housing Security Demonstration Act of 1978, the Urban Initiatives Anti-Crime Program has performed in a promising manner; and

(5) the First Annual Report to Congress of the Urban Initiatives Anti-Crime Program and the two General Accounting Office reports to Congress on such Program have provided useful suggestions which now can be implemented.

(c) It is, therefore, the purpose of this section to continue the efforts of the Urban Initiatives Anti-Crime Program so that more progress can be made in providing secure, decent, safe, and sanitary dwelling units for low-income and elderly tenants in public housing projects.

(d) Section 207 of the Housing and Community Development Amendments of 1978 is amended—

(1) by striking out subsection (c)(4) and inserting in lieu thereof the following:

"(4) In carrying out the provisions of this section, the Secretary shall coordinate and jointly target resources with other agencies, particularly the Law Enforcement Assistance Administration, the Department of Health and Human Services, the Department of Labor, the Department of Justice, the Department of the Interior, the Department of Commerce, the Department of Education, ACTION, the Community Services Administration, and State and local agencies.

"(5) In order to assess the impact of crime and vandalism in public housing projects, the Secretary may, as part of the Annual Housing Survey conducted by the Department of Housing and Urban Development or by other means, collect data on crime and vandalism and integrate the data collection with the victimization surveys undertaken by the Department of Justice and the Department of Commerce.

"(6) The Secretary shall, to the maximum extent practicable, utilize information derived from the program authorized by this section for assisting in establishing guidelines to be used by public housing authorities in determining strategies to meet the security needs of tenants of public housing pro'ects assisted under section 14 of the United States Housing Act of 1937."

(2) by striking out "this Act" in the first sentence of subsection (e) and inserting in lieu thereof "the Housing and Community Development Act of 1980"; and

(3) by adding the following new sentence at the end of subsection (f): "Of the authority approved in appropriation Acts for the purpose of entering into annual contributions contracts under section 5(c) of the United States Housing Act of 1937 with respect to the fiscal year beginning on October 1, 1980, the Secretary may utilize up to $10,000,000 of such authority to carry out this section.".

RESTRICTION ON USE OF ASSISTED HOUSING

SEC. 214. (a) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not make financial assistance available for the benefit of any nonimmigrant student-alien.

(b) For purposes of this section—

(1) the term "financial assistance" means financial assistance made available pursuant to the United States Housing Act of 1937, section 235 or 236 of the National Housing Act, section 101 of the Housing and Urban Development Act of 1965, or section 203 of this Act; and

(2) the term "nonimmigrant student-alien" means (A) an alien having a residence in a foreign country which he or she has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who is admitted to the United States temporarily and solely for purpose of pursuing such a course of study at an established institution of learning or other recognized place of study in the United States, particularly designated by him or her and approved by the Attorney General after consultation with the Department of Education of the United States, which institution or

place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn, and (B) the alien spouse and minor children of any such alien if accompanying him or her or following to join him or her.

FINANCIAL ASSISTANCE IN IMPACTED AREAS

Sec. 215. The Secretary of the Department of Housing and Urban Development shall not exclude from consideration for financial assistance under federally assisted housing programs proposals for housing projects solely because the site proposed is located within an impacted area. For the purposes of this section, the term "federally assisted housing programs" means programs authorized by the United States Housing Act of 1937, sections 235 and 236 of the National Housing Act, section 101 of the Housing and Urban Development Act of 1967, or section 202 of the Housing Act of 1959.

SECTION 8 MAXIMUM RENT

Sec. 216. Section 8(c)(1) of the United States Housing Act of 1937 is amended by inserting "for existing units" after "except that the maximum monthly rent" in the second sentence.

PAYMENT OF NON-FEDERAL SHARE

Sec. 217. The United States Housing Act of 1937 is amended by adding at the end thereof the following new section:

"PAYMENT OF NON-FEDERAL SHARE

"Sec. 15. Any of the following may be used as the non-Federal share required in connection with activities undertaken under Federal grant-in-aid programs which provide social, educational, employment, and other services to the tenants in a project assisted under this Act, other than under section 8:

"(1) annual contributions under this Act for operation of the project; or

"(2) rental or use-value of buildings or facilities paid for, in whole or in part, from development, modernization, or operation cost financed with loans or debt service annual contributions under this Act."

TITLE III—PROGRAM AMENDMENTS AND EXTENSIONS

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS

Sec. 301. (a) Section 2(a) of the National Housing Act is amended by striking out "October 1, 1980" in the first sentence and inserting in lieu thereof "October 1, 1981".

(b) Section 217 of such Act is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1981".

(c) Section 221(f) of such Act is amended by striking out "September 30, 1980" in the fifth sentence and inserting in lieu thereof "September 30, 1981".

(d) Section 235(m) of such Act is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1981".

(e) Section 236(n) of such Act is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1981".

(f) Section 244(d) of such Act is amended by—

(1) striking out "September 30, 1980" in the first sentence and inserting in lieu thereof "September 30, 1981"; and

(2) striking out "October 1, 1980" in the second sentence and inserting in lieu thereof "October 1, 1981".

(g) Section 245(a) of such Act is amended by striking out "September 30, 1980" where it appears and inserting in lieu thereof "September 30, 1981".

(h) Section 809(f) of such Act is amended by striking out "September 30, 1980" in the second sentence and inserting in lieu thereof "September 30, 1981".

(i) Section 810(k) of such Act is amended by striking out "September 30, 1980" in the second sentence and inserting in lieu thereof "September 30, 1981".

(j) Section 1002(a) of such Act is amended by striking out "September 30, 1980" in the second sentence and inserting in lieu thereof "September 30, 1981".

(k) Section 1101(a) of such Act is amended by striking out "September 30, 1980" in the second sentence and inserting in lieu thereof "September 30, 1981".

EXTENSION OF FLEXIBLE INTEREST RATE AUTHORITY

Sec. 302 (a) Section 3(a) of Public Law 90–301 is amended by striking out "October 1, 1980" and inserting in lieu thereof "October 1, 1981".

(b) Section 3(a) of such Public Law is amended—

(1) by inserting the following after "finds necessary to meet the mortgage market," in the first sentence thereof: "taking into consideration the yields on mortgages in the primary and secondary markets,";

(2) by inserting the following after "finds necessary to meet the loan market" in the second sentence: ", taking into consideration the yields on home improvement and mobile home loans";

(3) by inserting ", no less frequently than quarterly," after "to set" in the first and second sentences; and

(4) by adding the following new sentence at the end thereof: "In setting such rates, the Secretary shall seek to minimize discount points and uncertainty and speculation in connection with mortgage and loan transactions insured under the National Housing Act.".

AMENDMENTS TO THE PROGRAM ESTABLISHED BY THE EMERGENCY HOME PURCHASE ASSISTANCE ACT OF 1974

Sec. 303. (a) Section 3(b) of the Emergency Home Purchase Assistance Act of 1974 is amended by striking out "October 1, 1980" and inserting in lieu thereof "October 1, 1981".

(b) Section 313 of the National Housing Act is amended—

(1) by striking out "mortgages" in the first sentence of subsection (a)(1) and inserting in lieu thereof "mortgages and securities";

(2) by striking out "mortgages (1) which cover more than four-family residences" and all that follows through "(2)" in the first sentence of subsection (b) and inserting in lieu thereof "(1) securities guaranteed by the Association and backed by mobile home and lot, or mobile home, loans or advances of credit insured under title I of the National Housing Act, or (2) mortgages";

(3) by inserting "or guaranteed under title V of the Housing Act of 1949" before "or by qualified" in the first sentence of subsection (b);

(4) by striking out "or to finance" and all that follows through "Act" in subsection (b)(A);

(5) by striking out "$42,000" and all that follows in subsection (b)(B) and inserting in lieu thereof "$60,000, or $67,500 in Alaska, Hawaii, Guam, and any other geographical area where the Secretary authorizes such increased amount on the basis of a finding that cost levels so require;";

(6) by striking out "the lesser of (i) 7½ per centum per annum, or (ii)" in subsection (b)(C);

(7) by striking out "$48,000" and all that follows in subsection (b)(D) and inserting in lieu thereof "105 per centum of the amount described in paragraph (B) of this subsection.";

(8) by adding the following new sentence at the end of subsection (b):

"A security may be purchased under this section only if all of the mobile home and lot, or mobile home, loans or advances of credit backing such security (i) finance the acquisition of residences (including lots on which such residences are located) which will be the principal residences of the borrowers, and (ii) involve an interest rate not in excess of that which the Secretary may prescribe, taking into account the cost of funds and administrative costs under this section, but in no event shall such rate exceed the rate set by the Secretary and applicable to loans and advances of credit insured under title I of the National Housing Act, and no State or local usury law or comparable law establishing interest rates or prohibiting or limiting the collection or amount of discount points or other charges in connection with loan or advance of credit transactions or any State law prohibiting the coverage of insurance required by the Association shall apply to such transactions under this section.";

(9) by inserting "or securities" after "mortgages" the first time it appears in subsection (d)(2);

(10) by inserting "or securities" after "mortgages" in subsection (f)(1);

(11) by striking out "enactment of this section" in subsection (e) and inserting in lieu thereof "the issuance of the commitment to purchase the mortgage"; and

(12 by striking out subsection (h) and inserting in lieu thereof the following new subsection:

"(h) In carrying out the provisions of this section, the Association shall, to the extent practicable, purchase mortgages secured by dwelling units which contribute to the conservation of land and energy resources.".

RESEARCH AUTHORIZATIONS

Sec. 304. The second sentence of section 501 of the Housing and Urban Development Act of 1970 is amended by striking out "and not to exceed $50,300,000 for the fiscal year 1980" and inserting in lieu thereof "not to exceed $50,300,000 for the fiscal year 1980, and not to exceed $50,000,000 for the fiscal year 1981".

FEDERAL HOUSING ADMINISTRATION GENERAL INSURANCE FUND

Sec. 305. Section 519(f) of the National Housing Act is amended by striking out all that follows "General Insurance Fund not to exceed" and inserting in lieu thereof "$1,738,000,000.".

AUTHORIZATION FOR FLOOD INSURANCE STUDIES

Sec. 306. Section 1376(c) of the National Flood Insurance Act of 1968 is amended by striking out "and not to exceed $74,000,000 for the fiscal year 1980" and inserting in lieu thereof "not to exceed $74,000,000 for the fiscal year 1980, and not to exceed $61,600,000 for fiscal year 1981".

AUTHORITY TO PROTECT FEDERAL GOVERNMENT'S INTERESTS IN CERTAIN SITUATIONS

Sec. 307. Section 306(g) of the Federal National Mortgage Association Charter Act is amended—

(1) by striking out "Any Federal, State, or other law to the contrary notwithstanding, the" in the fourth sentence and inserting in lieu thereof "The"; and

(2) by inserting after the fourth sentence the following new sentence: "No State or local law, and no Federal law (except Federal law enacted expressly in limitation of this subsection after the effective date of this sentence), shall preclude or limit the exercise by the Association of (A) its power to contract with the issuer on the terms stated in the preceding sentence, (B) its rights to enforce any such contract with the issuer, or (C) its ownership rights, as provided in the preceding sentence, in the mortgages constituting the trust or pool against which the guaranteed securities are issued.".

INCREASE IN FEDERAL NATIONAL MORTGAGE ASSOCIATION MORTGAGE PURCHASE AUTHORITY

SEC. 308. Section 305(c) of the Federal National Mortgage Association Charter Act is amended by inserting the following before the period at the end thereof: ", and by $900,000,000 on October 1, 1980".

INCREASE IN AMOUNTS WHICH MAY BE INSURED UNDER MULTIFAMILY AND INSTITUTIONAL AUTHORITIES IN THE NATIONAL HOUSING ACT TO COVER THE COST OF SOLAR ENERGY SYSTEMS

SEC. 309. (a) Section 213 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(p) Notwithstanding any other provision of this section, the project mortgage amounts which may be insured under this section may be increased by up to 20 per centum if such increase is necessary to account for the increased cost of the project due to the installation of a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act).".

(b) Section 220(d)(3)(B)(iii) of such Act is amended by striking out ", and" at the end thereof and inserting in lieu thereof ": *Provided further*, That the mortgage amounts which may otherwise be insured under this subparagraph may be further increased by up to 20 per centum if such increase is necessary to account for the increased cost of the project due to the installation of a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act); and".

(c) Section 221 of such Act is amended by adding at the end thereof the following new subsection:

"(k) The Secretary may, with respect to any project insured under subsection (d)(3) or (d)(4), to increase the mortgage amounts which may be insured under those subsections by up to 20 per centum if such increase is necessary to account for the increased cost of the project due to the installation of a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act).".

(d) Section 231(c)(2) of such Act is amended by inserting the following before the semicolon at the end thereof ": *Provided*, That the mortgage amounts which may be insured under this section may be increased by up to 20 per centum if such increase is necessary to account for the increased cost of the project due to the installation of a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act)".

(e) Section 232(d)(2) of such Act is amended to read as follows:

"(2) The mortgage shall involve a principal obligation in an amount not to exceed 90 per centum of the estimated value of the property or project, including—

"(A) equipment to be used in the operation of the home or facility or combined home and facility when the proposed improvements are completed and the equipment is installed; or

"(B) a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act).".

(f) Section 234 of such Act is amended by adding at the end thereof the following new subsection:

"(j) The blanket mortgage amounts which may be insured under subsection (e) may be increased by up to 20 per centum if such increase is necessary to account for the increased cost of a project due to the installation of a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act).".

(g) Section 242(d)(2) of such Act is amended to read as follows:

"(2) The mortgage shall involve a principal obligation in an amount not to exceed 90 per centum of the estimated replacement cost of the property or project including—

"(A) equipment to be used in the operation of the hospital, when the proposed improvements are completed and the equipment is installed; and

"(B) a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act).".

(h) Section 1101(c)(2) of such Act is amended by inserting after "the boundaries of the property," the following: "a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a) of this Act),".

DEFINITION OF MORTGAGE IN THE NATIONAL HOUSING ACT

SEC. 310. Section 201(a) of the National Housing Act is amended by striking out "having a period of not less than fifty years to run from the date the mortgage was executed" and inserting in lieu thereof "having a period of not less than ten years to run beyond the maturity date of the mortgage".

SECTION 220 MORTGAGE INSURANCE IN AREAS OF CONCENTRATED COMMUNITY DEVELOPMENT ACTIVITIES

SEC. 311. (a) Section 220(d)(1)(A) of the National Housing Act is amended by inserting after "pursuant to section 117 of the Housing Act of 1949" the following: ", or (v) an area, designated by the Secretary, where concentrated community development activities under title I of the Housing and Community Development Act of 1974 are being or will be carried out".

(b) Section 220(d)(3)(B)(iv) of such Act is amended by inserting after "urban renewal plan" the following: "or, where appropriate, with community development activities carried out under title I of the Housing and Community Development Act of 1974".

TEMPORARY MORTGAGE ASSISTANCE PAYMENTS

SEC. 312. Section 230 of the National Housing Act is amended to read as follows:

"TEMPORARY MORTGAGE ASSISTANCE PAYMENTS AND ACQUISITION OF MORTGAGES TO AVOID FORECLOSURE

"SEC. 230. (a)(1) Upon receiving notice of the default of any mortgage covering a one-, two-, three-, or four-family residence insured under this Act, the Secretary (for the purpose of avoiding foreclosure of the mortgage, and notwithstanding the fact that the Secretary has previously approved a request of the mortgagee for an extension of the time for curing the default and of the time for commencing foreclosure proceedings or for otherwise acquiring title to the mortgaged property, or has approved a modification of the mortgage for the purpose of changing the amortization provisions by recasting the unpaid balance) may make all or part of the monthly payments due under the mortgage directly to the mortgagee on behalf of the mortgagor, if such default was caused by circumstances which are beyond the mortgagor's control and render the mortgagor temporarily unable to correct a mortgage delinquency and to resume full mortgage payments. Payments may be made only in accordance with the provisions of this subsection and shall be subject to any additional requirements the Secretary may prescribe.

"(2) No payments may be provided under this subsection unless the Secretary has determined that such payments are necessary to avoid foreclosure and that there is a reasonable prospect that the mortgagor will be able—

"(A) to resume full mortgage payments within thirty-six months after the beginning of the period for which such payments are provided or upon termination of assistance under this subsection;

"(B) to commence repayment of the payments made under this subsection at a time designated by the Secretary; and

"(C) to pay the mortgage in full by its maturity date or by a later date for completing the mortgage payments previously approved by the Secretary under section 204(a) of this Act.

"(3) Payments under this subsection may be in an amount determined by the Secretary up to the amount of the principal, interest, taxes, assessments, ground rents, hazard insurance, mortgagee's expenses in connection with payments or repayments under this subsection, and mortgage insurance premiums due under the mortgage, and the initial payment may include an amount necessary to make the payments on the mortgage current. Payments may not exceed amounts which the Secretary determines to be necessary to supplement the amounts, if any, which the mortgagor is capable of contributing toward the mortgage payments.

"(4) Payments under this subsection may be provided for a period of not to exceed eighteen months, inclusive of any period of default for which payments are provided. Such period may be extended, in the Secretary's discretion, for not to exceed eighteen months where the Secretary has determined that such extension is necessary to avoid foreclosure and that there is a reasonable prospect that the mortgagor will be able to make the payments and repayments specified in paragraph (2) of this subsection. The Secretary shall establish procedures for periodic review of the mortgagor's financial circumstances for the purpose of determining the necessity for continuation, termination, or adjustment in the amount of the payments. Payments shall be discontinued at any time when the Secretary determines that, because of changes in the mortgagor's financial circumstances, the payments are no longer necessary to avoid foreclosure or that there is no longer a reasonable prospect that the mortgagor will be able to make the payments and repayments specified in paragraph (2) of this subsection.

"(5) All payments shall be secured by a lien on the property and by such other obligation as the Secretary may require. Payments shall be repayable upon terms and conditions prescribed by the Secretary, and such terms and conditions may include requirements for repayment of any amount paid by the Secretary toward a mortgagee's expenses in connection with the payment or repayments made under this subsection. The Secretary may establish interest charges on payments made under this subsection; except that such charges shall not exceed a rate which is more than the maximum interest rate applicable with respect to mortgages insured pursuant to section 203(b) of this Act Such charges shall be payable notwithstanding any provision of any State constitution or law or local law which limits the rate of interest on loans or advances of credit.

"(6) Payments under this subsection may be made without regard to whether the Secretary has previously taken action to avoid mortgage acquisition or foreclosure, except that payments may be provided on behalf of a mortgagor previously assisted under this section only in cases in which full mortgage payments (and any repayments to the Secretary which may have been requested) have been made by such mortgagor for at least 12 months from the time such previous assistance under this section was terminated.

"(b)(1) When the Secretary receives notice of a default described in subsection (a)(1) and makes a determination that assistance under subsection (a) would be impracticable in the case of the mortgagor, the Secretary (for the purpose of avoiding foreclosure of the mortgage, and notwithstanding the facts described in the parenthetical material of subsection (a)(1) and the fact that payments have been made under subsection (a) with respect to the mortgage) may acquire the mortgage and security therefor upon payment of the insurance benefits in an amount equal to the unpaid principal balance of the mortgage plus any unpaid mortgage interest and reimbursement for such costs and attorney's fees as the Secretary finds were properly incurred in connection with the defaulted mortgage and its assignment to the Secretary, and for any proper advances theretofore made by the mortgagee under the provisions of the mortgage. After the acquisition of such mortgage by the Secretary, the mortgagee shall have no further rights, liabilities, or obligations with respect thereto. The provisions of section 204 relating to the issuance of debentures incident to the acquisition of foreclosed properties shall apply with respect to debentures issued under this subsection, and the provisions of section 204 relating to the rights, liabilities, and obligations of a mortgagee shall apply with respect to the Secretary when the Secretary has acquired an insured mortgage under this section, in accordance with and subject to regulations (modifying such provisions to the extent necessary to render their application for such purpose appropriate and effective) which shall be prescribed by the Secretary.

"(2) The Secretary may provide assistance, to a mortgagor whose mortgage has been acquired under paragraph (1) of this subsection, through forbearance of interest or principal, or both, or through other means, for a period of not more than eighteen months after the acquisition of the mortgage, if the mortgagor has not been assisted under subsection (a) within twelve months of the date of such acquisition and if the Secretary determines that there is a reasonable prospect that the mortgagor will be able to meet the conditions described in subsection (a) (2). Such period may be extended, in the Secretary's discretion, for not to exceed eighteen months where the Secretary has determined that such extension is necessary to avoid foreclosure and that there is a reasonable prospect that the mortgagor will be able to meet the conditions described in subsection (a) (2). Such assistance (which may include any expenses of the Secretary incurred in connection with providing such assistance) shall be repayable upon terms and conditions prescribed by the Secretary and shall be subject to the same interest rate chargeable for repayments of assistance made under subsection (a). Such rate shall be payable notwithstanding any provision of any State constitution or law or local law which limits the rate of interest on loans or advances of credit.

"(3) In carrying out paragraph (1), the Secretary may acquire a mortgage, with respect to which assistance was being provided under subsection (a) immediately prior to such acquisition, for the sole purpose of extending the term of repayment under the mortgage so that the mortgagor will be able to make the full payments on the mortgage.

"(c) All expenditures made under this section shall be made from the insurance fund chargeable for insurance benefits on the mortgage covering the property to which the payments made relate, and any payments received under this section shall be credited to such fund; except that payments made pursuant to subsection (a) of this section may only be made to the extent approved in appropriation Acts.

"(d) The Secretary shall, to the extent practicable, provide home ownership counseling to persons assisted under this section."

REPORT ON HOUSING PRODUCTION GOALS

SEC. 313. Section 1603 of the Housing and Urban Development Act of 1968 is amended—

(1) by striking out "January 20 of each year" and inserting in lieu thereof "March 15 of every other year beginning with calendar year 1981";

(2) by inserting after "preceding year" in paragraph (1) the following: "in the case of the report due in calendar 1981 and the preceding two years in the case of subsequent reports";

(3) by inserting after "current year" in paragraph (2) the following: **"and sets general objectives for such activity during the next year";**

(4) by striking out "objective" in paragraph (3) **and inserting in lieu thereof "objectives"; and**

(5) by inserting after "current year" in paragraph (7) the following: "and, as feasible, the next year".

FOR THE RELIEF OF THE CITY OF SPRINGFIELD, ILLINOIS

SEC. 314. Notwithstanding the provisions of title VII of the Housing Act of 1961 or any other law, the transactions under which land acquired by the city of Springfield, Illinois, in connection with Open-Space Projects Numbered Ill.–OSC–717 (DL) **and Numbered Ill.–OSC–246 (DL) was transferred by such city to the United States Department of the Interior for the Lincoln Home National Historic Site shall be deemed to have been made in accordance with all provisions of title VII of such Act and of any other law and with any regulations or other requirements in implementation thereof.**

EXTENSION ON DEADLINE FOR ENERGY CONSERVATION STANDARDS FOR NEW BUILDINGS

SEC. 315. (a) Paragraphs (1) and (2) of section 304(a) of the Energy Conservation Standards for New Buildings Act of 1976 are amended by striking out "within 6 months after the date of publication of the proposed standards" in the last sentence of each such paragraph and inserting in lieu thereof "by April 1, 1983,".

(b) Section 304(a)(1) of such Act is amended by inserting the following new sentences after the first sentence thereof: "Interim performance standards for new **commercial buildings shall be promulgated by August 1, 1981, and, for at least the 12-month period beginning on such date, the Secretary of Energy shall conduct a demonstration project utilizing such standards in at least two geographical areas in different climatic regions of the country. Prior to the effective date of final performance standards promulgated pursuant to this paragraph and not later than 180 days after completing such demonstration project, such Secretary shall transmit to both Houses of the Congress a report containing an analysis of the findings and conclusions made as a result of carrying out such project, including at least an analysis of the effect such standards would have on the design, construction costs, and the estimated total energy savings (including the types of energy) to be realized from utilizing such energy standards in commercial buildings."**

(c) Section 304(a)(2) of such Act is amended by inserting the following new sentences after the first sentence thereof: "Interim performance standards for new residential buildings shall be promulgated by August 1, 1981, and, for at least the 12-month period beginning on such date, the Secretary of Energy shall conduct a demonstration project utilizing such standards in at least two geographical areas in different climatic regions of the country. Prior to the effective date of final performance standards promulgated pursuant to this paragraph and not later that 180 days after completing such demonstration project, such Secretary shall transmit to both Houses of the Congress a report containing an analysis of the findings and conclusions made as a result of carrying out such project, including at least (A) an analysis of the impact of such standards on builders (especially on small builders) and on the cost of constructing such buildings and the impact of such cost on the ability of low- and moderate-income persons to purchase or rent such buildings, and (B) an analysis of the estimated total energy savings (including the types of energy) to be realized from utilizing such standards in residential buildings."

(d) Section 306 of such Act is amended by striking out "final performance standards" and all that follows and inserting in lieu thereof the following: "interim performance standards promulgated pursuant to section 304(a). Upon the effective date of the final performance standards promulgated pursuant to such section, the head of each such agency shall adopt such procedures as may be necessary to assure that construction of any Federal building meets or exceeds the applicable final performance standards."

(e) Section 526 of the National Housing Act is amended by striking out ", until such time as the energy conservation performance standards required under the Energy Conservation Standards for New Buildings Act of 1976 become effective" in the second sentence.

LIMITS ON MORTGAGE AMOUNTS WHICH MAY BE PURCHASED UNDER CERTAIN SECONDARY FINANCING PROGRAMS

SEC. 316. (a) Section 302(b)(2) of the Federal National Mortgage Association Charter Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The corporation shall establish limitations governing the maximum principal obligation of conventional mortgages purchased by it. Such limitations shall not exceed a maximum limitation of $93,750 for a mortgage of a single-family residence, $120,000 for two-family dwelling units, $145,000 for three-family dwelling units, and $180,000 for four-family dwelling units; except that such maximum limitation shall be adjusted as of January 1 of each year beginning with 1981. Each such adjustment shall be made by adding to such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage of increase during the 12-month period ending with the previous October in the Federal Home Loan Bank Board series for average prices for new and existing homes. The foregoing limitation may be increased by not to exceed 50 per centum with respect to properties located in Alaska, Guam, and Hawaii. With respect to mortgages of property comprising five or more family dwelling units, such limitations shall not exceed 125 per centum of the limitations established under section 207(c)(3) of the National Housing Act.".

(b) Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The Corporation shall establish limitations governing the maximum principal obligation of conventional mortgages purchased by it. Such limitations shall not exceed a maximum limitation of $93,750 for a mortgage of a single-family residence, $120,000 for two-family dwelling units, $145,000 for three-family dwelling units, and $180,000 for four-family dwelling units; except that such maximum limitation shall be adjusted as of January 1 of each year beginning with 1981. Each such adjustment shall be made by adding to such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage of increase during the 12-month period ending with the previous October in the Federal Home Loan Bank Board series for average prices for new and existing homes. The foregoing limitation may be increased by not to exceed 50 per centum with respect to properties located in Alaska, Guam, and Hawaii. With respect to mortgages of property comprising five or more family dwelling units, such limitations shall not exceed 125 per centum of the limitations established under section 207(c)(3) of the National Housing Act.".

SUPPLEMENTARY LOANS

SEC. 317. Section 241(e)(1) of the National Housing Act is amended by inserting after "multifamily housing project" the following: "if such meters are purchased or installed in connection with other energy conserving improvements or with a solar energy system or the project meets minimum standards of energy conservation established by the Secretary,".

MORTGAGE LIMITS

SEC. 318. (a) Section 203(b)(2) of the National Housing Act is amended by striking out everything through "or $107,000 in the case of a four-family residence;" and inserting in lieu thereof the following:

"(2) Involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve) in an amount not to exceed $75,000 in the case of property upon which there is located a dwelling designed principally for a one-family residence; or $84,440 in the case of a two-family residence (whether or not such one- or two-family residence may be intended to be rented temporarily for school purposes); or $102,210 in the case of a three-family residence, or $118,880 in the case of a four-family residence;".

(b) Section 220(d)(3)(A)(i) of such Act is amended—

(1) by striking out "$67,500" and inserting in lieu thereof "$75,000";

(2) by striking out "$76,000" and inserting in lieu thereof "$84,440";

(3) by striking out "$92,000" and inserting in lieu thereof "$102,210";

(4) by striking out "$107,000" and inserting in lieu thereof "$118,880"; and

(5) by striking out "$8,250" and inserting in lieu thereof "$9,165".

(c) Section 222(b)(2) and section 234(c) of such Act are amended by striking out "$67,500" in each such section and inserting in lieu thereof "$75,000".

LIMITS ON LOANS FOR MOBILE HOMES AND LOTS

SEC. 319. (a) Section 2(b) of the National Housing Act is amended—

(1) by striking out "$18,000 ($27,000 in the case of a mobile home containing two or more modules)" in the first sentence and inserting in lieu thereof "$20,000 ($30,000 in the case of a mobile home containing two or more modules)";

(2) by striking out subparagraph (A) of the second paragraph and inserting in lieu thereof "(A) involve an amount not exceeding $26,675 ($36,675 in the case of a mobile home composed of more than two modules); and";

(3) by striking out subparagraph (A) of the third paragraph and inserting in lieu thereof "(A) involve an amount not exceeding $30,550 ($40,550 in the case of a mobile home composed of two or more modules); and";

(4) by striking out "$6,250 in the case of an undeveloped lot, or (ii) $9,375" in the fourth paragraph and inserting in lieu thereof "$6,950 in the case of an undeveloped lot, or (ii) $10,425"; and

(5) by adding the following new sentence at the end of the last paragraph: "In other high-cost areas, the Secretary may, by regulation, increase any such dollar amount limitation to—

"(1) $29,500 (or $38,500 with respect to a mobile home composed of two or more modules) in the case of a mobile home and an undeveloped lot;

"(2) $35,575 (or $44,575 with respect to a mobile home composed of two or more modules) in the case of a mobile home and a developed lot; and

"(3) $11,750 (or $17,450 with respect to a developed lot) in the case of a lot on which to place a mobile home.".

TITLE INSURANCE RELIEF

SEC. 320. Section 203 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(p)(1) Notwithstanding any other provision of this section or any other section of this title, the Secretary is authorized to insure, and to commit to insure, under subsection (b) of this section as modified by this subsection a mortgage which meets both the requirements of this subsection and such criteria as the Secretary by regulation shall prescribe to further the purpose of this subsection, in any community where the Secretary determines that—

"(A) temporary adverse economic conditions exist throughout the community as a direct and primary result of outstanding claims to ownership of land in the community by an American Indian tribe, band, or nation; and

"(B) such ownership claims are reasonably likely to be settled, by court action or otherwise; and

"(C) fifty or more individual homeowners were joined as parties defendant or were members of a defendant class prior to April 1, 1980, in litigation involving claims to ownership of land in the community by an American Indian tribe, band, group, or nation pursuant to a dispute involving the Articles of Conferation Trade and Intercourse Act of 1790, or any similar State or Federal law.

"(2) A mortgage shall be eligible for insurance under subsection (b) of this section as modified by this subsection without regard to limitations in this title relating to marketability of title, or any other statutory restriction which the Secretary determines is contrary to the purpose of this subsection, but only of the mortgagor is an owner-occupant of a home in a community specified in paragraph (1). The Secretary, in connection with any mortgage insured under subsection (b) as modified by this subsection, shall have all statutory powers, authority, and responsibilities which the Secretary has with respect to other mortgages insured under subsection (b), except that the Secretary may modify such powers, authority, or responsibilities where the Secretary deems such action to be necessary because of the special nature of the mortgage involved. Notwithstanding section 202 of this title, the insurance of a mortgage under subsection (b) of this section as modified by this subsection shall be the obligation of the Special Risk Insurance Fund created pursuant to section 238 of this title.".

NEIGHBORHOOD REINVESTMENT CORPORATION

SEC. 321. (a) Section 608(a) of the Neighborhood Reinvestment Corporation Act is amended by striking out "and", and by inserting the following before the period at the end thereof: ", and not to exceed $13,500,000 for fiscal year 1981".

(b) Section 603(a) of such Act is amended by striking out "National".

(c) Section 606(a)(1) of such Act is amended by striking out "supervising" in the first sentence and inserting in lieu thereof "monitoring".

STUDY

SEC. 322. (a) The Secretary of Housing and Urban Development shall study the feasibility of utilizing manufactured and other appropriate types of housing (other than the traditional type of site-built housing), to the extent practicable, in carrying out housing programs for Indians and Alaskan Natives.

(b) The Secretary shall, not later than eighteen months after the date of the enactment of this Act, transmit a report to the Congress containing the findings and conclusions of such study, including a comparison of the costs and benefits of utilizing the traditional type of site-built housing and of utilizing other types of housing in situations in which either type of housing could be used.

FEDERAL NATIONAL MORTGAGE ASSOCIATION AUTHORITY

SEC. 323. (a) Section 302(b)(2) of the Federal National Mortgage Association Charter Act is amended by adding at the end thereof the following sentence: "For the purposes of this section, the term 'conventional mortgages' shall include a mortgage, lien, or other security interest on the stock or membership certificate issued to a tenant-stockholder or resident-member of a cooperative housing corporation, as defined in section 216 of the Internal Revenue Code of 1954, and on the proprietary lease, occupancy agreement, or right of tenancy in the dwelling unit of the tenant-stockholder or resident-member in such cooperative housing corporation.".

(b) Section 302(b)(3) of such Act is amended to read as follows:

"(3) The corporation is authorized to purchase, service, sell, lend on the security of, and otherwise deal in loans or advances of credit for the purchase and installation of home improvements, including energy conserving improvements or solar energy systems described in the last paragraph of section 2(a) of the National Housing Act and residential energy conservation measures as described in section 210(11) of the National Energy Conservation Policy Act and financed by a public utility in accordance with the requirements of title II of such Act, or for the purchase of a mobile home. To be eligible for purchase, any such loan or advance of credit (other than a loan or advance made with respect to energy conserving improvements or solar energy systems or for residential energy conservation measures) shall be secured by a lien against the property being improved or the mobile home or shall be insured under title I of the National Housing Act.".

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION AUTHORITY

SEC. 324. Section 305 of the Federal National Mortgage Association Charter Act is amended by adding the following new subsection at the end thereof.

"(k) If the Association holds any mortgage secured by property which was conveyed to the mortgagor by the Public Housing Administration pursuant to the Lanham Act (42 U.S.C. 1521 et seq.) and if, in so conveying such property, the purchase price exceeded the Public Housing Administration's fair market value appraisal of such property, the Association may reduce the remaining amount of principal and interest due on such mortgage to the extent that the purchase price exceeded the appraisal."

TIME OF PAYMENT OF PREMIUM CHARGES

SEC. 325. Title V of the National Housing Act, as amended by section 307(b) of this Act, is amended by adding the following new section at the end thereof:

"TIME OF PAYMENT OF PREMIUM CHARGES

"SEC. 531. In carrying out the provisions of titles I, II, IV, VII, VIII, IX, X, and XI pertaining to the payment of loan or mortgage insurance premium charges by a financial institution, other mortgagees, or agent thereof to the Federal Government in connection with a loan or mortgage insurance program established pursuant to any of these titles, the Secretary shall require that payment of such premiums be made promptly upon their receipt from the borrower; except that the Secretary may approve payment of such premiums within twelve months of such receipt if the financial institution, mortgagee, or agent thereof pays interest, at a rate specified by the Secretary, to the insurance fund for the period beginning twenty days after receipt from the borrower and ending upon payment of the premiums to the Federal Government."

ELIMINATION OF SECTION 8 CONDITION ON GOVERNMENT NATIONAL MORTGAGE ASSOCIATION PURCHASE OF CERTAIN MULTIFAMILY MORTGAGES

SEC. 326. Section 302(b)(1) of the Federal National Mortgage Association Charter Act is amended—

(1) by striking out "(1)" in the second sentence; and

(2) by striking out ", and (2)" and all that follows through "1937" in the second sentence.

FORECLOSURE OF LOANS UNDER THE SECTION 203(K) REHABILITATION LOAN INSURANCE PROGRAM

SEC. 327. Section 203(k)(5) of the National Housing Act is amended by striking out the second sentence and inserting in lieu thereof the following: "Insurance benefits paid with respect to loans secured by a first mortgage and insured under this subsection shall be paid in accordance with section 204, except that all references in section 204 to the Mutual Mortgage Insurance Fund shall be construed as referring to the General Insurance Fund. Insurance benefits paid with respect to loans secured by a mortgage other than a first mortgage and insured under this subsection shall be paid in accordance with paragraphs (6) and (7) of section 220(h), except that reference to "this subsection" in such paragraphs shall be construed as referring to this subsection.".

AMENDMENT TO SECTION 234

SEC. 328. Section 234(c) of the National Housing Act is amended by inserting the following after "Act)" in the first sentence thereof: "or the project was approved for guarantee insurance or direct loan under Chapter 37 of Title 38, United States Code".

MANUFACTURED HOMES

SEC. 329. (a) The National Housing Act is amended by striking out "mobile home" each place it appears and inserting in lieu thereof "manufactured home".

(b) Section 235(a)(2)(B) of such Act is amended by striking out "mobile homeowner" and "mobile homeowner's" and inserting in lieu thereof "manufactured homeowner's", respectively.

(c) The United States Housing Act of 1937 is amended by striking out "mobile home" each place it appears and inserting in lieu thereof "manufactured home".

(d) Title VI of the Housing and Community Development Act of 1974 is amended by striking out "Mobile Home" each place it appears and inserting in lieu thereof "Manufactured Home" and by striking out "mobile home" each place it appears, other than in section 601, and inserting in lieu thereof "manufactured home".

(e) Section 601 of the Housing and Community Development Act of 1974 is amended by striking out "Mobile Home" and inserting in lieu thereof "Manufactured Housing".

(f) Section 501(e)(4) of Public Law 96-221 is amended by striking out "mobile home" and inserting in lieu thereof "manufactured home".

(g) In adopting regulations and procedures in accordance with this section, the Secretary shall have discretion to take actions in a manner which he deems necessary to insure that the public is fully aware of the distinctions between the various types of manufactured housing.

EXTENSION OF HUD MINIMUM PROPERTY STANDARDS LOCAL ACCEPTABLE STANDARDS FOR MASONRY CONSTRUCTION

SEC. 330. Pending effective date of the final rule for Building Energy Performance Standards, any final rule published for effect by the Department of Housing and Urban Development pertaining to increases in thermal requirements for the HUD minimum property standards shall provide for the continuation of any local acceptable standards exemptions, approved by the Department of Housing and Urban Development as of June 8, 1979, which are applicable to masonry construction.

NEGOTIATED INTEREST RATES UNDER SECTION 203

SEC. 331. Section 3(a) of Public Law 90-301 is amended—

(1) by inserting "(1)" after "Sec. 3. (a)";

(2) by inserting ", except those provided for in paragraph (2)," in the first sentence after "for all purposes"; and

(3) by adding the following new paragraph at the end thereof:

"(2) Notwithstanding any other provision of law, the Secretary may provide that the interest rate applicable to mortgages insured under section 203(b) of the National Housing Act shall be an interest rate specified in a commitment agreement which is negotiated between the mortgagor and mortgagee and which commits the mortgagee to such specified rate for at least 30 days after the date on which it is entered into; except that—

"(A) the number of mortgages which are insured in accordance with this paragraph in any fiscal year may not exceed—

"(i) the number of mortgages which exceeds 10 percent of all mortgages insured under such section 203 during the preceding fiscal year, or

"(ii) 50,000 mortgages,

whichever is greater; and

"(B) the provisions of this paragraph shall not apply with respect to mortgages insured in accordance with section 245 of the National Housing Act.

MOBILE HOME DEFINITION

SEC. 332. Section 603(6) of the Housing and Community Development Act of 1974 is amended—

(1) by striking out "is eight body feet or more in width and is thirty-two body feet or more in length" and inserting in lieu thereof ", in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet"; and

(2) by inserting the following after the semicolon at the end thereof: "except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this title;".

AMENDMENT TO FEDERAL HOME LOAN MORTGAGE CORPORATION AUTHORITY

SEC. 333. Section 305(a) of the Federal Home Loan Mortgage Corporation Act is amended by adding the following new paragraph at the end thereof:

"(4) The Corporation may not refuse to purchase a residential mortgage solely on the basis that, under the terms of such mortgage, the mortgagee consents to the subsequent transfer of the real estate if the mortgagor continues, after such transfer, to be obligated for repayment of the entire remaining indebtedness."

LEGISLATIVE VETO

SEC. 334. Section 7 of the Department of Housing and Urban Development Act is amended by adding a new subsection to read as follows:

"(q)(1) Notwithstanding any other provision of law, simultaneously with prescribing any rule or regulation by the Secretary under this Act or any other Act, the Secretary shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in paragraph (2), the rule or regulation shall not become effective, if—

"(A) within 90 calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That Congress disapproves the rule or regulation promulgated by the Secretary of Housing and Urban Development dealing with the matter of ————, which rule or regulation was transmitted to Congress on ————.', the blank spaces therein being appropriately filled; or

"(B) within 60 calendar days of continuous session of Congress after the date of promulgation, one House of Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House within 30 calendar days of continuous session of Congress after such transmittal.

"(2) If, at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a rule or regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule or regulation, and neither House has adopted such a resolution, the rule or regulation may go into effect immediately. If, within such 60 calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule or regulation may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided in paragraph (1).

"(3) For the purposes of paragraphs (1) and (2) of this subsection—

"(A) continuity of session is broken only by an adjournment of Congress sine die;

"(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of 30, 60, and 90 calendar days of continuous session of Congress; and

"(C) the term 'rule or regulation' does not include the setting of interest rates pursuant to section 3 of Public Law 90-301.

"(4) Congressional inaction on, or rejection of, a resolution of disapproval under this subsection shall not be deemed an expression of approval of the rule involved.".

TITLE IV—PLANNING ASSISTANCE

SEC. 401. Section 701 of the Housing Act of 1954 is amended to read as follows:

"PLANNING ASSISTANCE

"SEC. 701. (a) The Congress finds that—

"(1) the general welfare requires the conservation and the orderly and efficient growth and development of the Nation's communities, particularly communities suffering from fiscal, economic, and social distress;

"(2) effective and coordinated planning efforts at all levels of government are necessary in order for such conservation, growth, and development to be effectively and efficiently achieved;

"(3) a major component of such planning effort should be detailed strategies that can guide governmental actions in order to assure that, to the maximum extent practicable, the goals and objectives of such plans will be achieved through the implementation of such planning efforts;

"(4) such planning efforts and strategies should be consistent with National Policy Objectives; and

"(5) Federal actions and programs, to the extent practicable, should be administered in conformance with State, area-wide and local plans and strategies.

"(b) The purposes of this section are—

"(1) to provide assistance to encourage State and local governments and area-wide planning organizations to develop comprehensive plans which include strategies for implementing such plans (or components of such plans), giving particular emphasis to those plans which include strategies which address National Policy Objectives; and

"(2) to encourage, to the maximum extent practicable, the coordination of Federal policy and program decisions with such plans and strategies.

"(c) As used in this section—

"(1) the term 'Secretary' means the Secretary of Housing and Urban Development;

"(2) the term 'State' means any State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

"(3) the term 'unit of general local government' means any city, county, town, township, parish, village, or other general purpose political subdivision of a State;

"(4) the term 'Indian tribe' means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93–638) or under the State and Local Fiscal Assistance Act of 1972 (Public Law 92–512);

"(5) the term 'metropolitan area' means a standard metropolitan statistical area, established by the Department of Commerce, except that, to the extent the Secretary deems appropriate to carry out the purposes of this section, the Secretary may modify or extend such an area, but such modification or extension shall not affect the boundaries of any standard metropolitan statistical area for any other purpose;

"(6) the term 'area-wide planning organization' means any multi-jurisdictional unit which—

"(A) is established under State law, interstate compact, or interlocal agreement for the purpose of formulating policies and plans for the orderly development of a substate or interstate region;

"(B) is formally charged with carrying out the provisions of section 401 of the Intergovernmental Cooperation Act of 1968;

"(C) in the absence of State law to the contrary, has at least a majority of elected officials from local governments on its governing body; and

"(D) meets such other standards as the Secretary may prescribe by regulation; and

"(7) the term 'National Policy Objectives' means—

"(A) the conservation and improvement of existing communities, particularly the improvement of those communities which are characterized by fiscal, economic or social distress;

"(B) an increase in housing and employment opportunities and choices for lower income and minority persons and residents with special needs such as the elderly and handicapped, and a reduction in the cost of housing; and

"(C) the promotion of orderly and efficient growth and development of communities, regions and States, taking into consideration the necessity of conserving energy.

"(d) The Secretary may contract to make, and make, grants on an annual basis which are approved in accordance with the provisions of this section to—

"(1) States, for state-wide planning activities;

"(2) States, for the provision of assistance to (A) nonmetropolitan area-wide planning organizations; (B) units of general local government (except counties) having a population of less than 50,000 according to the latest decennial or mid-decade census, as appropriate; (C) counties, other than urban counties as defined under title I of the Housing and Community Development Act of 1974; and (D) any group of adjacent units of general local government having a total population of less than 50,000 (according to the latest decennial or mid-decade census, as appropriate) and having common or related planning needs; except that a grant may not be made under this paragraph where the State would be undertaking the activities described in subsection (e) on behalf of such organization, local government, county, or group of adjacent units of local government unless such organization, local government, county, or group of adjacent units of local government requests the State to undertake such activities;

"(3) area-wide planning organizations;

"(4) units of general purpose local government;

"(5) urban and rural counties;

"(6) Indian tribes; and

"(7) the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"(e) Grants may be made under this section only for those activities determined by the Secretary to be necessary to assist—

"(1) in the development of a comprehensive plan as part of an ongoing planning process;

"(2) in the development of strategies and action programs to implement such a plan or part thereof or related plans or planning;

"(3) in the development of evaluations or studies related to such plan, strategies or action programs; or

"(4) in the carrying out of the clearinghouse functions required pursuant to OMB Circular A–95.

"(f) With the exception of recipients whose sole function is to carry out the A–95 clearinghouse functions pursuant to subsection (e)(4), the Secretary shall require that each recipient carry out an ongoing comprehensive planning process and develop strategies and action programs through a process which—

"(1) makes provision for citizen participation pursuant to regulations of the Secretary;

"(2) involves development and subsequent modifications of a comprehensive plan, an implementation strategy, and an action program which shall be reviewed at least triennially for necessary or desirable amendments; and

"(3) involves the development of a plan which shall include, at least, each of the following—

"(A) housing and land use elements which take into account factors prescribed by the Secretary, including those required to achieve the National Policy Objectives;

"(B) a detailed strategy statement designed to identify and describe the actions required to implement such plan, or components of such plan, in order to achieve, to the maximum extent practicable, the goals and objectives of such plan;

"(C) a program which includes (i) an identification of specific actions that are necessary for implementing elements included in the strategy statement; (ii) an identification of the governmental entity responsible for undertaking each such action; (iii) a timetable specifying when each such action may be reasonably expected to be carried out; and (iv) to the maximum extent practicable, agreements, by the governmental entities identified as being responsible for undertaking such actions, that they will undertake such actions; and

"(D) procedures, including criteria set forth in advance, for evaluating programs and activities undertaken pursuant to such plan to determine whether such programs and activities are meeting the goals and objectives of such plan.

"(g) The Secretary may not approve a grant for any year after the first year in which a grant pursuant to this section is made to a recipient unless the Secretary determines that—

"(1) additional funds are required to assist in the development of the plan; and

"(2) substantial progress has been made in the development and implementation of the plan or components of such plan.

To assist the Secretary in making such determinations, the applicant shall submit to the Secretary such information as the Secretary may require, including the performance report required pursuant to subsection (l), except that at least triennially the Secretary shall require the applicant to submit a detailed evaluation of the progress it has made during the preceding three-year period toward the development of such plan and its implementation.

"(h) The Secretary shall encourage the cooperation of all interested municipalities, political subdivisions, public agencies, and other parties in the preparation of and in the carrying out of programs developed pursuant to this section. Such parties shall be afforded by the recipient organization or government a reasonable opportunity to comment on such plans and programs.

"(i) States are authorized, subject to approval of the Secretary, to provide for the administration by areawide planning organizations of assistance provided pursuant to subsection (d)(2), except that responsibility for adherence to the requirements of this section and other applicable laws shall remain with the State.

"(j)(1) Contracts to make grants pursuant to this section shall contain such terms and conditions as the Secretary may prescribe.

"(2) A grant made under subsection (d) shall not exceed two-thirds of the estimated cost of the work for which the grant is made.

"(3) The Secretary is authorized by grant, contract, or otherwise to provide technical assistance directly to the entities referred to in subsection (d) to assist such entities to carry out the purposes of this section.

"(k) In providing assistance to areawide planning organizations under subsection (d), the Secretary (or the State, in the case of assistance provided through the State) shall give preference to, and may provide additional funding for, organizations which provide for voting rights among their members weighted in proportion to the population of the areas represented by such members.

"(l)(1) The Secretary shall, by regulation, establish criteria for the evaluation and approval of applications for grants under this section.

"(2) For each year in which activities assisted under this section are being carried out, each entity receiving assistance directly from the Secretary shall submit to the Secretary a performance report concerning activities carried out with such assistance. The Secretary shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether a recipient of funds under this section has carried out activities substantially as described in its application, whether such actions and activities conformed to the requirements of this section and other applicable laws, and whether the recipient has a continuing capacity to carry out such actions and activities in a timely manner. The Secretary shall adjust, reduce, or withdraw grant funds, or take other action as appropriate in accordance with such reviews and audits.

"(3) Insofar as they relate to funds provided under this section, the financial transactions of recipients of such funds may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

"(m) (1) Grants made under this section shall only be used to carry out planning and management actions and activities necessary to carry out the purposes of this section.

"(2) Grant assistance under this section shall not be used to defray the cost of the acquisition, construction, repair or rehabilitation of, or the preparation of engineering drawings or similar detailed specifications for, specific housing, capital facilities, public works projects, or for financing routine administrative responsibilities of any State or local government, or, in the case of communities above 25,000 in population, for the preparation of applications for Federal financial assistance.

"(n) (1) The Secretary shall utilize, to the maximum extent practicable, the plans and strategies approved by the Secretary under this section to guide policy and funding decisions with respect to the programs and activities of the Department of Housing and Urban Development which affect the geographical areas covered by such plans.

"(2) The Secretary shall encourage other Federal departments and agencies to use of the plans and strategy statements approved by the Secretary, to the maximum extent practicable, to guide policy and funding decisions with respect to their programs and activities which affect the geographical areas covered by such statement. The Secretary shall encourage other Federal departments and agencies, consistent with their program authority, to adopt approved plans (or components thereof) as all or part of the planning requirements of such departments or agencies.

"(3) A plan and strategy statement approved by the Secretary under this section shall remain in effect for a maximum of three years following the date of its approval. Any extension of a plan and strategy statement beyond such three-year term, or any major modification (as determined by the Secretary) of such a statement during such term, shall meet all of the requirements of this section and must be approved by the Secretary. Any proposed modification shall be submitted to the Secretary prior to its incorporation into the statement.

"(4) The Secretary shall report to the Congress no later than January 15, 1984, and no later than January 15 of every third year thereafter, concerning the progress made in encouraging other Federal departments and agencies to use approved plans as provided in paragraph (3) of this subsection.

"(o) The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in the comprehensive planning for the growth and development of interstate, metropolitan, or other urban areas, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts.

"(p) There is authorized to be appropriated for purposes of this section an amount not to exceed $35,000,000 for the fiscal year 1981. Any amounts appropriated shall remain available until expended."

TITLE V—RURAL HOUSING

AUTHORIZATIONS

SEC. 501. (a) Section 513 of the Housing Act of 1949 is amended—

(1) by striking out "not to exceed $4,484,000,000 with respect to the fiscal year ending September 30, 1980" in subsection (a) and inserting in lieu thereof "not to exceed $3,797,600,000 with respect to the fiscal year ending September 30, 1981";

(2) by striking out "not less than $3,070,000,000" in subsection (a) (1) and inserting in lieu thereof "not less than $3,120,000,000";

(3) by striking out "not more than $38,000,000" in subsection (a) (2) and inserting in lieu thereof "not more than $25,600,000";

(4) by striking out "and" at the end of subsection (a) (2), by striking out the period at the end of subsection (a) (3) and inserting in lieu thereof "; and", and by adding at the end of subsection (a) the following new paragraph:

"(4) not more than $100,000,000 of such amount shall be available for loans guaranteed pursuant to this title on behalf of borrowers who do not receive assistance pursuant to subpargraph (B) or (C) of section 521(a) (1).";

(5) by striking out subsection (b) (2) and inserting in lieu thereof the following:

"(2) not to exceed $49,000,000 for loans and grants pursuant to section 504 for the fiscal year ending September 30, 1981, of which not more than $25,000,000 shall be available for grants;";

(6) by striking out "not to exceed $30,000,000 for financial assistance pursuant to section 516 for the fiscal year ending September 30, 1980" in subsection (b) (3) and inserting in lieu thereof "not to exceed $25,000,000 for financial assistance pursuant to section 516 for the fiscal year ending September 30, 1981";

(7) by striking out "not to exceed $1,500,000 for the purposes of section 525(a) of which not less than $750,000 shall be used for counseling purchasers and delinquent borrowers and not to exceed $1,000,000 for the purposes of section 525(b) for the fiscal year ending September 30, 1980" in subsection (b) (4) and inserting in lieu thereof "not to exceed $1,500,000 for the purposes of section 525(a), of which not less than $750,000 shall be used for counseling purchasers and delinquent borrowers, for the fiscal year ending September 30, 1981"; and

(8) by striking out "and" at the end of paragraph (4) in subsection (b), by redesignating paragraph (5) of such subsection as paragraph (6), and by inserting the following new paragraph after paragraph (4) of such subsection:

"(5) not to exceed $5,000,000 for the purposes of making payments pursuant to section 509(c); and".

(b) Section 515(b) (5) of such Act is amended by striking out "1980" and inserting in lieu thereof "1981".

(c) Section 517(a) (1) of such Act is amended by striking out "1980" and inserting in lieu thereof "1981".

(d) Section 523 of such Act is amended—

(1) by striking out "1980" in subsection (f) and inserting in lieu thereof "1981"; and

(2) by striking out subsection (g) and inserting in lieu thereof the following:

"(g) There are authorized to be appropriated for the purposes of subsection (b) (1) (B) not to exceed $1,000,000 for fiscal year 1981. Amounts appropriated under this subsection, together with principal collections from loans made under appropriations in any previous years, shall be deposited in the Self-Help Housing Land Development Fund, which shall be available as a revolving fund for making loans under subsection (b) (1) (B). Instruments and property acquired by the Secretary in or as a result of making such loans shall be assets of the Self-Help Land Development Fund."

(e) Section 517(j) of such Act is amended by striking out paragraph (6).

(f) Section 521(a) (2) of such Act is amended by adding the following new subparagraph at the end thereof:

"(D) The Secretary, to the extent approved in appropriation Acts, may enter into rental assistance contracts aggregating not more than $493,000,000 in carrying out subparagraph (A) with respect to the fiscal year ending on September 30, 1981, except that such amount shall be reduced by any amount approved in appropriation Acts for use pursuant to section 521(a) (1) (C)."

(g) Section 521(a) (1) (C) of such Act is amended—

(1) by striking out the second sentence thereof and inserting in lieu thereof the following: "The amount of such additional assistance which may be approved in appropriation Acts may not exceed an aggregate amount of $100,000,000."; and

(2) by striking out "1980" in the third sentence thereof and inserting in lieu thereof "1981".

DEFINITIONS

SEC. 502. Section 501 of the Housing Act of 1949 is amended by adding the following new paragraphs at the end of subsection (b):

"(6) The term 'Indian tribe' means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93–638) or under the State and Local Fiscal Assistance Act of 1972 (Public Law 92–512).

"(7) For the purposes of this title, the term 'rural resident' shall include a family or a person who is a renter of a dwelling unit in a rural area.

"(8) For the purposes of this title, the term 'adequate dwelling' means a decent, safe, and sanitary dwelling unit.".

ASSISTANCE TO INDIANS AND ALASKAN NATIVES AND TO OTHER PERSONS RESIDING IN RESERVATIONS OR VILLAGES

SEC. 503. (a) Section 501 of the Housing Act of 1949 is amended by inserting the following after "residents" in subsection (a) (2): ", including persons who reside in reservations or villages of Indian tribes.".

(b) Section 514 of such Act is amended by inserting "or to any Indian tribe for such purpose," before "or to any State" in subsection (a).

(c) Section 515 of such Act is amended—

(1) by inserting "or to any Indian tribe" after "consumer cooperatives" in subsection (a); and

(2) by inserting "and to Indian tribes" after "trust," in subsection (b).

(d) Section 516 of such Act is amended by inserting "or any Indian tribe," after "or political subdivision thereof" in subsection (a).

(e) Section 523 of such Act is amended—

(1) by inserting "Indian tribes," after "organizations," in subsection (b) (1) (A);

(2) by inserting "and to Indian tribes" after "private nonprofit organizations" in subsection (b) (1) (B); and

(3) by inserting ", including Indian tribes," after "other associations" in subsection (b) (2).

(f) Section 524(a) of such Act is amended by inserting "and to Indian tribes" after "nonprofit organizations" the first time it appears in the first sentence.

(g) Section 525 of such Act is amended by inserting "Indian tribes," after "organizations," in the first sentences of subsections (a) and (b).

(h) The second sentence of section 501(c) of such Act is amended by inserting "or Indian tribe" after "local public agency".

APPLICABILITY OF ENERGY CONSERVATION STANDARDS TO HOMES ACQUIRED AND SOLD BY THE FARMERS' HOME ADMINISTRATION

SEC. 504. Section 510(e) of the Housing Act of 1949 is amended by inserting after "standards," in clause (1) the following: "including cost-effective energy conservation standards applicable to the weatherization program described in section 504(c),".

CONDITION ON RENT INCREASES IN 514, 515, AND 517 PROJECTS

SEC. 505. Title V of the Housing Act of 1949 is amended by adding the following new section at the end thereof:

"CONDITION ON RENT INCREASES IN 514, 515, AND 517 PROJECTS

"SEC. 530. The Secretary may not approve any increase in rental payments in any project which is assisted under section 514, 515, or 517 and under section 521(a)(1)(B) unless the project owner is receiving, or has applied for (within the most recent period of 180 days prior to the effective date of such increase), rental assistance payments with respect to such project under section 521(a)(2)(A) of this title or section 8 of the United States Housing Act of 1937."

REFINANCING FOR CONSUMER COOPERATIVE

SEC. 506. Section 515 of the Housing Act of 1949 is amended by adding the following new subsection at the end thereof:

"(f) Notwithstanding the provisions of subsections (a) and (b) of this section, the Secretary may make and insure loans to consumer cooperatives to enable such cooperatives to finance the transfer of membership in the cooperative upon such terms and conditions as low- and moderate-income persons can reasonably afford; except that such loans shall not be made upon terms more favorable than are authorized under section 521(a) and that the total loan to the cooperative under this section does not exceed the value of the property."

CONTINUED ELIGIBILITY OF CO-OP MEMBERS

SEC. 507. (a) Section 515(a) of the Housing Act of 1949 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding the following new paragraph at the end thereof:

"(4) such a loan, when made to a consumer cooperative for cooperative housing purposes, may, notwithstanding any other provision of law, be made upon condition that persons, admitted as eligible members and tenants of the cooperative, may not subsequently be deprived of their membership or tenancy by reason of their no longer meeting the income eligibility requirements established by the Secretary."

(b) Section 515(b) of such Act is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(3) by inserting the following new paragraph at the end thereof:

"(6) such a loan, when made to a consumer cooperative for cooperative housing purposes, may, notwithstanding any other provision of law, be made upon the condition that persons, admitted as eligible members and tenants of the cooperative, may not subsequently be deprived of their membership or tenancy by reason of their no longer meeting the income eligibility requirements established by the Secretary."

SUBSEQUENT LOANS IN INELIGIBLE AREAS

SEC. 508. Section 510 of the Housing Act of 1949 is amended by inserting the following after "available" in subsection (h): "for subsequent loans to permit necessary dwelling repairs and rehabilitation and".

SURPLUS FEDERAL LAND

SEC. 509. The first sentence of section 414 of the Housing and Urban Development Act of 1969 is amended to read as follows: "Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, any Federal surplus real property within the meaning of such Act may, in the discretion of the Administrator of General Services, be transferred to the Secretary of Housing and Urban Development or the Secretary of Agriculture at either's request for sale or lease by either Secretary at its fair value for use in the provision of housing to be occupied predominantly by families or individuals of low- or moderate-income, assisted under a Federal housing assistance program administered by either the Secretary of Housing and Urban Development or the Secretary of Agriculture or under a State or local program found by the appropriate Secretary to have the same general purpose, and for related public commercial or industrial facilities approved by the appropriate Secretary."

INTEREST CREDITS

SEC. 510. Section 521(a)(1)(B) of the Housing Act of 1949 is amended by striking out "may" and inserting in lieu thereof "shall".

GUARANTEED LOANS

SEC. 511. Section 517(n) of the Housing Act of 1949 is amended by inserting "moderate or" after "borrowers with".

STUDY

SEC. 512. (a) The Secretary shall study the legislative and administrative changes which would be required—

(1) to conform the procedures of the Farmers Home Administration for reporting budget and accounting information with the reporting principles established by the Presidential Commission on Budget Concepts;

(2) to establish procedures to reflect fully in the Federal Budget the budget authority and budget outlays of the programs administered by the Farmers Home Administration;

(3) to remove budget and accounting practices which are inconsistent with the practices for recording debt transactions as provided in the current policy of the Office of Management and Budget; and

(4) to simplify the authorities provided in title V of the Housing Act of 1949.

(b) In carrying out this study, the Secretary shall consult with the appropriate committees of the Congress, the Comptroller General of the United States, and the Office of Management and Budget.

(c) The Secretary shall report to the Congress the results of such study with recommendations for legislative and administrative changes for each of the matters described in paragraphs (1) through (4), no later than the date on which the President's Budget for Fiscal Year 1982 is submitted to the Congress.

AUTHORITY TO ADMINISTER CERTAIN HUD INSURANCE PROGRAMS IN RURAL AREAS

SEC. 513. (a) Title V of the Housing Act of 1949, as amended by section 506 of this Act, is amended by adding the following new section at the end thereof:

"AUTHORITY TO ADMINISTER CERTAIN HUD INSURANCE PROGRAMS IN RURAL AREAS

"SEC. 531. The Secretary may administer, in any rural area, any mortgage insurance program established pursuant to section 203(b) or section 203(i) of the National Housing Act to the extent to which the administration of any such program is delegated to the Secretary by the Secretary of Housing and Urban Development."

(b) Title V of the National Housing Act, as amended by sections 307(b) and 325 of this Act, is amended by adding the following new section at the end thereof:

"AUTHORITY TO DELEGATE CERTAIN MORTGAGE INSURANCE PROGRAMS TO SECRETARY OF AGRICULTURAL AREAS

"SEC. 532. The Secretary may delegate to the Secretary of Agriculture the authority, in whole or in part, to carry out, in any rural area (as defined in section 520 of the Housing Act of 1949), any mortgage insurance program established pursuant to section 203(b) or section 203(i) of the National Housing Act."

PREPAYMENT AND REFINANCING OF LOANS UNDER SECTIONS 514 AND 515

SEC. 514. Section 502(c) of the Housing Act of 1949 is amended—

(1) by striking out "(1) Except as provided in paragraph (2), the" in paragraph (1) and inserting in lieu thereof "The";

(2) by striking out "entered into before or after" each time it appears in paragraph (1) and inserting in lieu thereof "entered into after"; and

(3) by striking out paragraph (2).

TITLE VI—EFFECTIVE DATES

SEC. 601. The provisions of this Act shall become effective on October 1, 1980; except that the amendments made by section 206 shall become effective on the date of the enactment of this Act.

TITLE VII—SOCIAL SECURITY INCREASES

SEC. 701. Notwithstanding any other provision of law, social security benefit increases occurring after May 1980 shall not be considered as income or resources or otherwise taken into account for purposes of determining the eligibility for or amount of assistance which any individual or family is provided under the United States Housing Act of 1937, the National Housing Act, the Housing and Urban Development Act of 1965, or the Housing Act of 1949. For purposes of this subsection, the term "social security benefit increases occurring after May 1980" means any part of a monthly benefit payable to an individual under the insurance program established under title II of the Social Security Act which results from (and would not be payable but for) a cost-of-living increase in benefits under such program becoming effective after May 1980 pursuant to section 215(i) of such Act, or any other increase in benefits under such program, enacted after May 1980, which constitutes a general benefit increase within the meaning of section 215(i)(3) of such Act.

(b) Subsection (a) of this section shall be effective only with respect to assistance which is provided under the Acts referred to in the first sentence of such subsection for periods after September 30, 1980.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7262) was laid on the table.

AUTHORIZING CLERK TO MAKE TECHNICAL CORRECTIONS IN THE ENGROSSMENT OF HOUSE AMENDMENTS TO S. 2719

Mr. ASHLEY. Mr. Speaker, I ask unanimous consent that in the engrossment of the House amendments to the Senate bill, S. 2719, the Clerk be authorized to correct section numbers, punctuation, cross references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House amending the Senate bill S. 2719.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. ASHLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, because of a commitment in my congressional district earlier this week I missed the last few rollcall votes on the Treasury-Postal appropriations bill. Had I been present, I would have voted "yes" on rollcall No. 465, the Ashbrook amendment protecting tax-exempt status of private, religious, or church operated schools.

On rollcall No. 466, the Ashbrook amendment prohibiting the use of funds for abortion under the Federal employees health benefit program. Had I been present I would have voted "no."

On rollcall No. 467, the McDade amendment prohibiting the use of funds to calculate or transmit the number of Representatives in Congress to which each State shall be entitled under the 20th decennial census. Had I been present I would have voted "no."

On rollcall No. 468, the final passage of the bill. Had I been present I would have voted "yes."

DIRECTING THE SECRETARY OF THE SENATE TO MAKE CORRECTIONS IN THE ENROLLMENT OF S. 2680, AUTHORIZING ASSISTANCE TO FOLGER LIBRARY AND CORCORAN GALLERY IN WASHINGTON, D.C.

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 410) directing the Secretary of the Senate to make corrections in the enrollment of the Senate bill (S. 2680), an act to improve the administration of the Historic Sites, Buildings, and Antiquities Act of 1935 (49 Stat. 666), and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 410

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Senate, in the enrollment of S. 2680—an Act to improve the administration of the Historic Sites, Buildings, and Antiquities Act of 1935 (49 Stat. 666) shall make the following corrections:

In section 17, change "Relations" to "Organizations" in both the first and second sentences.

The concurrent resolution was agreed to.

A motion to reconsider was laid upon the table.

MENTAL HEALTH SYSTEMS ACT

Mrs. CHISHOLM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 751 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 751

Resolution providing for the consideration of the bill (H.R. 7299) to revise and improve the Federal programs of assistance for the provision of mental health services, and for other purposes

Resolved, That upon adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7299) to revise and improve the Federal programs of assistance for the provision of mental health services, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. (Mr. GARCIA). The gentlewoman from New York (Mrs. CHISHOLM) is recognized for 1 hour.

Mrs. CHISHOLM. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Mississippi (Mr. LOTT) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 751 provides for the consideration of the bill (H.R. 7299), the Mental Health Systems Act, to revise and improve the Federal programs of assistance for the provision of mental health services.

This is an open rule, Mr. Speaker, providing for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce. The rule provides that the bill shall be read for amendment under the 5-minute rule by titles instead of sections and provides for one motion to recommit.

In addition, the rule waives points of order against the legislation for failure to comply with section 402(a) of the Budget Act. Section 402(a) of the Budget Act prohibits consideration of any bill which directly or indirectly authorizes the enactment of new budget authority for a fiscal year unless the bill was reported by May 15, preceding the beginning of such fiscal year. The waiver is technical in nature, since no new budget authority is authorized for the current fiscal year. However, title V of the legislation which establishes an Associate Director of the National Institute of Mental Health for Minority Concerns could be construed as authorizing funds for fiscal year 1980. Thus, the budget waiver was necessary. I understand that the Committee on Interstate and Foreign Commerce will be offering a technical amendment to clarify this section by making the effective date of establishment at the beginning to fiscal year 1981.

Mr. Speaker, the legislation before us represents a commendable effort by the Committee on Interstate and Foreign Commerce to translate the recommendations of the President's Commission on Mental Health into positive and effective action. In particular, the committee should be complimented for its emphasis on the mental health problems of special populations—the chronically mentally ill, adolescent and elderly persons and minority populations. In addition, the legislation seeks to bring the States, which up to now have been silent third partners, more fully into planning and implementation of comprehensive mental health care.

The Nation has much work ahead of it if we are to continue our commitment to comprehensive and adequate mental health care for millions of suffering Americans. I urge my colleagues to adopt House Resolution 751, so that the House may proceed to the consideration of H.R. 7299 and continue that work.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a 1-hour, open rule with only one waiver. The rule waives section 402(a) of the Congressional Budget Act. This section requires that new budget authority be reported by May 15 preceding the beginning of the fiscal year for which it is effective. Since section 501 of the bill would establish a new position within the National Institutes of Mental Health and would authorize new budget authority effective upon enactment, the bill would be subject to a point of order. Although the Commerce Committee intends to offer an amendment making section 501 effective on October 1, 1980, thereby curing this violation, a technical waiver of section 402(a) of the Budget Act is necessary to allow consideration of the bill.

The bill is to be read by titles rather than by sections.

Mr. Speaker, the community mental health centers program was designed to provide treatment to the mentally ill at the local level. It was an excellent idea. In 1963, Congress first authorized the program and approved seed money to aid the States in the construction of community-based mental health centers. However, since first being authorized, the program has expanded and the Federal involvement has grown ever larger.

H.R. 7299 would further increase the Federal participation in the program. The bill proposes $78 million for community mental health centers in fiscal year 1981. However, beginning in fiscal year 1982, new programs are added which almost double the cost of the program. As far as I am concerned, this program is destined to follow in the footsteps of so many other ill-fated ventures where the Federal Government aims to get a new program on its feet, but eventually ends up carrying the major part of the financial burden itself. At a time of fiscal austerity and restraint, actually doubling the cost of the program spells defeat for our ambitious plans toward economic stability.

I have been a strong supporter of this program. I endorse its goals. But I am fearful that making changes in the design of it will be self-defeating. The staggering costs which are recommended in this bill are simply not consistent with the goals of fiscal restraint which are now so vital to our Nation. Further, I feel that this huge price tag will cause Members to vote against a program which they would otherwise embrace as an essential part of our health system. It is my hope that, in the future, House committees would refrain from reporting legislation which invites opposition on the grounds of excessive spending.

□ 1300

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CHISHOLM. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. WAXMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7299) to revise and improve the Federal programs of assistance for the provision of mental health services, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Waxman).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 7299, with Mr. Beilenson in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill will be dispensed with.

Under the rule, the gentleman from California (Mr. Waxman) will be recognized for 30 minutes, and the gentleman from Kentucky (Mr. Carter) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. Waxman).

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am asking the House to consider today H.R. 7299, the Mental Health Systems Act, a bill which would amend the Community Mental Health Centers Act to revise and improve the Federal programs of assistance for the provision of mental health services. I want to thank the members of the Interstate and Foreign Commerce Committee, and especially Chairman Staggers and Dr. Carter for their help in bringing this legislation before us.

The mental health program which we are proposing to extend and amend, was established by Public Law 88–164 in 1963 and has been revised several times since.

At the time of the enactment of the original legislation it was hoped that the Federal Government could establish a network of outpatient clinics to serve as alternatives to the large and expensive State mental hospitals, and that voluntary organizations and local and State governments would begin to assume responsibility for their citizens who were mentally ill.

Part of this goal has been achieved. With Federal aid under the CMHC Act, more than 750 local centers have been established and, in 1979, more than 2.4 million persons received services from them. More than 20 percent of these local centers are now fully independent of Federal support. During this same time the number of institutionalized patients has dropped from over one-half million to 148,000.

But there are problems also. Since they were given little authority over the local programs, States have been understandably reluctant to lend their full support to CMHCs. A large number of areas are still without comprehensive services. And many patients leaving institutions have been lost in the cracks in the system and now live in nursing homes and boarding homes without access to the care they need to return them to a productive life.

The Committee on Interstate and Foreign Commerce considered these issues in several days of oversight and legislative hearings and recommends H.R. 7299 as a measure providing extension of most authorities as well as some distinct improvements. The committee has concluded that the CMHC program has had many successes on which we may now build and recommends that this program continue to establish and operate community programs for mental health care.

But in H.R. 7299 the committee further recommends several major changes and additions:

In an effort to get more State support for the program, the bill provides for an enlarged State role in planning services.

States have made an overall financial contribution to mental heath services, greater than that of the Federal Government. But most of this money has gone to provide patient care in State mental hospitals.

States have been reluctant to commit extensive funds to community mental health centers, since they have had little control over those programs.

However, from testimony received during hearings on deinstitutionalization held by the Subcommittee on Health and the Environment, State representatives described a variety of programs to provide community care for former mental patients. Over $275 million in State funds went to community mental health centers in 1977 giving evidence of State interest in the problems of the mentally ill in the community.

This bill will involve States more fully in the planning and provision of community services, and thus will result, we hope, in increased State funds for these programs.

In an attempt to find and aid those people who have left mental institutions, we have provided a new special grant category for services to the chronically mentally ill. These would include case management and assistance with health problems, employment, and housing. The committee was especially desirous of helping these persons lead normal and useful lives in our very complicated society.

The subcommittee has created a special grant category for services to disturbed children to help them at an early point in their illness, before they become the chronically mentally ill of the 1980's and 1990's.

Members were particularly distressed to learn of the plight of young children who are in and out of psychiatric hospitals, often shuttled from one institution to another. They are rarely served by the existing deinstitutionalization efforts, because of the difficulty in finding care suitable for this age group.

Noting that nursing home patients also have very special needs, we have developed a categorical grant program for the provision of mental health services within ambulatory health care centers.

We know that a large percent of nursing home residents receive no mental health treatment whatever, despite estimates indicating that up to 70 percent of such elderly residents develop severe symptoms of mental illness.

The bill would insure that ambulatory health centers, including nursing homes, enter into affiliations with local mental health providers.

H.R. 7299 also provides a grant program to fund services to those groups that State and local health planning agencies find to be unserved or underserved.

The State, through its local planning process, will determine which groups in each area are in need of special attention.

And finally, in recognition of the qualified successes of the centers program in providing local care, we have extended the funding to begin centers in those areas which do not have them.

We have, moreover, extended the present centers program through 1981 to allow implementation of the new Systems Act proposals.

The committee bill identifies the successes and the gaps in the present CMHC program. The bill does much to fill the gaps and to build a comprehensive system from the disparate authorities and agencies which provide care to the mentally ill.

Mr. Chairman, H.R. 7299 is legislation dealing with one of the most fragile, vulnerable groups in our country. We believe it an important and compassionate piece of legislation.

□ 1310

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, over the years it has been my privilege to have helped develop legislation to improve the delivery of mental health services in this country. And I remain committed to that goal.

The bill we are considering today—H.R. 7299—the "Mental Health Systems Act" continues and strengthens the Federal commitment to improve mental health care—in a manner which builds upon the strengths of our current community mental health centers program—and which targets funds for specific groups and services that have not been adequately addressed in the past.

Most importantly, this bill provides an expanded role for the States in the planning and operation of mental health services delivery. In my view this recognition of the importance of State involvement will greatly improve coordination of services and enhance the overall effectiveness of the program.

Mr. Chairman, in order to appreciate the need for this legislation I believe it is important to review the progress as well as some of the shortcomings of previous legislation.

Mr. Chairman, as I remember this legislation over the years, it was first introduced in 1963, and its purpose was to care for the mentally retarded and others who have mental problems. That original legislation only provided funds for construction of community mental health centers.

In 1965, amendments to the original legislation were written which included funds for staffing of these centers. The purpose of these centers was to replace large mental institutions as the locus of care, so that patients of such institutions could be cared for in areas nearest to where they live. In this way, community-based facilities could provide the needed services to the mentally ill.

In 1965, 1967, and 1968, there were additional amendments. Construction and staffing funds were added for the provision of alcoholism services and narcotic addition. Requirements for the provision of comprehensive mental health services were included, and provision for 51 months of declining Federal matching funds was made.

In 1970 the legislation was further amended by increasing the Federal share of the costs of center construction. Also, the matching formula was changed to 8 years, and centers in poverty areas were entitled to a more favorable rate than centers in nonpoverty areas. Again in 1975 the law was amended. The definition of a community health center was clarified and the number of required services was expanded from 5 to 12. Also, a program of financial distress grants was added to the legislation. Further amendments were made in 1978.

Since the original community mental health centers legislation was enacted in 1963 Federal funds have assisted in the initiation of 763 CMHC's.

As a result, community-based mental health services have been made available to over 110 million people under this program, with an average of 6 patient visits per year.

In addition, this program has contributed to a dramatic shift from inpatient care to outpatient care now, three out of four patients receiving mental health care are treated as outpatients—whereas in 1955 three-quarters were treated as inpatients.

Over the last 10 years utilization rates for outpatient care have increased fourfold while between 1977 and 1979 there has been a 36-percent decrease in the number of psychiatric hospital beds in the United States.

Mr. Chairman, it has been my privilege to see some of these community mental health centers in action. The most striking and the most appealing part of the program I have noticed has been the assistance given to the mentally retarded. It was my pleasure to visit the School of Hope near Berea, Ky., and to see youngsters who were little mongols trained so that they could care for themselves. Up until this time it was thought that training of these poor little individuals, God's little children, could never be accomplished, but actually there I saw them caring for themselves. Some of them were even reading and writing.

That portion of the law has been particularly effective. I would hope that other portions could be considered likewise. I think it has by and large been helpful. However, despite the successes of the community mental health centers legislation, the program is not without its shortcomings.

Various evaluations of the CMHC program, including reports by GAO and the President's Commission on Mental Health, have documented certain problems including:

First. The need to provide more flexibility in the legislation to encourage the startup of new CMHC's where they do not exist now. Over 700 catchment areas do not have funded CMHC's.

Second. The need to devote additional resources to serve the chronically mentally ill—a population of approximately one and a half million adults.

Third. The need to provide access to services for groups within the population who have not been adequately served by the existing program—such as the elderly and residents of rural areas—and children with severe mental disabilities.

Fourth. The need to improve administration of CMHC's and coordination of services within States—particularly the need to form closer working relationships between the mental health and general health sectors.

Mr. Chairman, these are difficult and complex problems, which our subcommittee debated extensively and considered thoroughly. With the benefit of expert testimony—and after many lengthy markups—a series of substantive amendments were adopted which improved the bill significantly.

As a result of these revisions, I believe the mental health systems act is now a reasonable and balanced proposal which will enhance our original commitment to community-based mental health care as we move into the 1980's. Briefly, after 1-year simple extension of the existing law's CMHC program—the Mental Health Systems Act becomes effective in 1982, with authorizations of $152 million, $177.5 million, and $200 million for fiscal years 1982–84.

Let me now highlight the principal provisions of the proposed legislation.

The Systems Act would help fill the identified gaps in our current mental health delivery system by targeting funds for "priority populations"—whose mental health needs have been identified by the local health planning process. Such priority groups would be eligible for grant funds to start up mental health projects, but the services must be available to all members of the community. In this way, our bill preserves the original congressional intent of encouraging provision of services for all members of a community who need them.

The Systems Act would also give special attention to services for the chronically mentally ill and for projects to serve severely mentally disturbed children and adolescents.

To address concerns about coordination and accountability, the Systems Act gives States new responsibility and control over the future development of mental health projects within their boundaries.

For example, beginning in 1982 any application for a grant under the Systems Act for "preparation," "operation," or for "priority populations" must receive the approval of the State mental health authority before the Secretary may approve it. Beginning in 1984 grant applications for nonrevenue-producing activities must also receive State approval to be funded.

Furthermore, the Secretary is required to give priority in funding applications for the chronically mentally ill and severely disturbed children to those which have State approval.

I particularly approve of this approach because there has been too much loose administration in our mental health and mental retardation programs throughout the country, and I feel that if we go through the States, the program will be more carefully administered and supervised.

This does give the State a better hold upon this program because of the requirement for approval by the State mental health authority.

In addition, the bill authorizes the Secretary to make grants to assist ambulatory health care centers to participate in the provision of mental health services to the patients. In order to receive funds under this provision each application must include a written agreement of affiliation between a provider of ambulatory health care services and a mental health care provider.

As a physician who has frequently observed and regretted the schism that exists between the mental health and general health sectors, I feel this provision is especially important. Not only will it foster coordination and communication among providers, it will enhance continuity and quality of patient care in many settings where such goals have been neglected.

In addition, the bill also includes a pilot program which would permit State administration of grants under the act in lieu of administration by the Secretary of HHS. It was the committee's view that the experience from such a pilot project would be instrumental in the further development of an even more active State role in the provision of mental health services.

In my view, the expansion of State involvement in this area should lead to more coordination in both the planning and delivery of services. It is only reasonable that as the level of Federal support diminishes over the course of the several years that we look to the States to assume both managerial and fiscal responsibilities.

Finally, Mr. Chairman, I would like to mention that the bill includes a requirement for any project receiving funds under this act to have in effect what is known as a "whistle blower" protection system.

Under this provision, any employee who reports a violation of State or Federal law or regulation may not be discriminated against with regard to his employment. This requirement, which I offered as an amendment, was based on an unfortunate experience in my own State where several employees were treated unfairly by a center director because of their truthful allegations. I regret that such a requirement is needed, but I believe it is. We must do all we can to promote efficient administration of these centers and to project employees from any unjust reprisals.

Mr. Chairman, I strongly support this legislation. I believe we have improved it a great deal in requiring the involvement of the States. Not only that, there is provision for assistance to our Public Health Service officers to see that they receive the same pay as their counterparts in the Army and Navy. This has been the custom over a period of years, but for some reason they were left out in the past legislation. I strongly support this portion of the bill which would give them wage comparability. They do great work, and certainly our corps will not survive and flourish unless we pay them adequately.

In closing, Mr. Chairman, I would like to remind my distinguished colleagues about the magnitude of the problem we are discussing. It has been estimated that between 10 and 15 percent of the population needs some form of mental health services.

Because of both the complexity and extent of mental illness—I believe a comprehensive and coordinated response is needed by government at all levels and by the private sector working together. With regard to mental health services I believe this bill provides an appropriate framework for a Federal-State partnership to respond to the challenges that remain.

However, provision of mental health services is only one part of a comprehensive approach. To respond completely to our citizens' mental health needs we must marshal our resources on all fronts—both public and private.

For example, we must continue to support research so that advances in treatment and prevention may be discovered and transferred promptly to providers and patients.

We must also strengthen our training programs so that mental health personnel are well-trained and so that innovative techniques are made available to patients in their communities.

Only with a comprehensive approach to our Nation's mental health problems will we succeed in significantly improving the lives of the millions of Americans involved. I urge your support for H.R. 7299 as an integral part of the total response which is needed.

Mr. WAXMAN. Mr. Chairman, I yield 5 minutes to a very valued member of the subcommittee, the gentleman from New Jersey (Mr. MAGUIRE).

Mr. MAGUIRE. Mr. Chairman, this, I believe, is one of the important pieces of legislation that the Congress is dealing with in this session.

I want to express my appreciation for the excellent work that has been done by the subcommittee chairman, the gentleman from California (Mr. WAXMAN), the ranking minority member, the gentleman from Kentucky (Mr. CARTER), and all the members of the committee.

We spent a great number of hours, weeks, and months working on this legislation. It, of course, follows the outstanding work that was done by the Presidential Commission chaired by Rosalynn Carter, and I think it is a guarantee to all of our citizens that we are going to continue the very important work which was begun a number of years ago to provide community mental health services to our citizens and to provide those services in a way which they can be most accessible to those who need them.

This bill does improve the existing law in a number of very important respects, in terms of serving those who have not been well served in the past, those with particular needs. As the gentleman from Kentucky (Mr. CARTER) has pointed out, it expands the roles that the States will play, which I think is good and important.

I would add one hope, however, and that is that when we go to conference with the Senate, we can work out some mutually agreeable language that will enable us to deal with the situation which, albeit remote, could occur in which a State might act arbitrarily or capriciously to deny or delay or rearrange funding. I am hopeful that all Members on both sides of the aisle can join with the Senate conferees in attempting to work out some suitable language to protect the public interest in that regard.

This is an excellent bill, Mr. Chairman. It is the result of a lot of hard work by those experts who were appointed by the President to study and reevaluate the issue at this particular turning point in our experience with the provision of community mental health services.

This bill is the result of an awful lot of hard work by all the members of our subcommittee, and I congratulate again our chairman and ranking minority member. And let me salute especially our ranking minority member, who will be retiring from the Congress this year. This is yet another demonstration of the effectiveness and the caring which the gentleman from Kentucky (Mr. CARTER) has brought to this body.

Mr. Chairman, I yield back the balance of my time.

Mr. CARTER. Mr. Chairman, I certainly am deeply indebted to the chairman of the subcommittee, the gentleman from California (Mr. WAXMAN), to my friend, the gentleman from New Jersey (Mr. MAGUIRE), and also to the chairman of the full committee (Mr. STAGGERS), for their leadership and help over the years. It has been a pleasure to work with them.

At this time, Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of H.R. 7299, the Mental Health Systems Act. While I hope my colleagues have no doubts about my willingness to vote for this legislation, I would like to say a few words about the need for greater emphasis on mental health services for the elderly.

I believe there is a gaping discrepancy between the mental health problems of older persons and the adequacy of our current mental health system to address those problems. I regret that there is no special section in the mental health systems bill for delivering services to the elderly and that it has been brought up on such short notice, precluding any opportunity to redress this situation.

The statistics on the mental health problems of the elderly are staggering. Research reveals that 20 to 25 percent of older persons have significant mental health problems and that 16 percent of the suicides in the country are committed by persons 65 and older. Although 70 to 80 percent of all nursing home patients have severe symptoms of mental illness, most are receiving no mental health treatment. Twenty to thirty percent of people who are labelled as "senile" have conditions which are preventable or reversible if they are detected early and receive treatment.

Although the need for effective action seems compelling, experts agree that 80 percent of the elderly requiring mental health services do not have their needs met through existing resources. Furthermore, the over 65 comprise 11 percent of the population, but at best only 4 percent of patients seen at public outpatient mental health clinics are 65 or older, and only 2 percent in private clinics are in this age group.

Indeed, we often hear the types of persons served by CMHC's referred to under the acronym of "YAVIS"—young, attractive, verbal, intelligent, successful. I would certainly not deny that these persons are in need of and entitled to CMHC services, but if they are the majority of persons that our publicly sponsored clinics are content with treating, I believe they are shirking their responsibilities. The Congress should insure that special steps are taken to reach out to mentally ill older persons and to make needed services available to them. It saddens me to think that because of the ineffectiveness and indifference of our mental health system, elderly persons are lying confused and unhappy in their nursing home beds or sitting depressed and alone in their homes when they could be receiving help. Mr. Chairman, I know we can do better.

Mr. Chairman, on behalf of the chairman of the Select Committee on Aging, Mr. PEPPER, I would like to commend you, Chairman WAXMAN and the ranking minority member, Dr. CARTER, for the work that both of you and the committee have put into this important piece of legislation. As members of the Select Committee on Aging, we are concerned that there is very little in the bill that will alleviate the tremendous mental health problems experienced by the elderly. I would like to address some thoughts to you Chairman WAXMAN hoping to receive some reassurances that might alleviate our concern.

We now have had 15 years of experience with the community mental health centers. When they were started it was with the intent that they serve all persons in need. But, it became clear that this was not happening. The elderly were underrepresented in the caseload of CMHC's across the Nation. In 1975 when the bill was amended, it was written into the law that CMHC's shall provide a program of specialized services for the mental health of the elderly, including a full range of diagnostic, treatment, liaison and follow-up services. This congressional mandate has still gone unheeded. The latest data show that less than 4 percent of the elderly are receiving services from CMHC's. This is staggering when it has been estimated by the President's Commission on Mental Health that 20–25 percent of the elderly have significant mental health problems. And, although the elderly make up only 11 percent of the population they account for 16 percent of the suicides.

In the mental health systems bill passed by the Senate last week, there is a special section of grants for priority populations, children and youth, chronic patients, and the elderly. The bill as passed by your committee contains sections for all these groups except the elderly. I believe it is the intention of the House bill that they will be served under this priority populations section. However, the Civil Rights Commission has made it clear that whenever the elderly are grouped with other populations, as in the priority populations sections. they are totally underserved. I would like to yield to the very able member of the subcommittee to respond to a question. Is there a way under the priority populations section that we can insure the elderly will not be sidestepped once more?

☐ 1320

I yield to the distinguished chairman for a response.

Mr. WAXMAN. I thank the gentleman for yielding and for raising this subject.

As you know, I, too, am a member of the Aging Committee and have a very large number of older persons in my district, I am aware of the extent of the mental health problems experienced by the elderly and the failure of our current system to address them. It has always been my understanding that the intent of the section entitled "priority populations" is to serve those groups with the greatest need. It is clear that there is almost no population that is documented to have a greater need for mental health services than older Americans.

Under the terms of the bill, local communities can define which groups have priority in receiving mental health services. I believe that in areas of high concentration of older citizens, planners will include the elderly in their definition of priority populations.

Let me add that nursing homes, under this bill, will be able to use the services of a local community mental health center.

I do believe that with these provisions, we can begin to remedy the years of neglect of the mental health problems of the elderly.

Mr. HAMMERSCHMIDT. I very much appreciate the gentleman's response. I know that Chairman PEPPER will be grateful and relieved with that sort of an answer, and I know that elderly people all across this Nation will be grateful, as we are, and I thank the gentleman very much.

Mr. Chairman, while I have the floor, I also want to add my deepest gratitude for the great work that the ranking minority member, the gentleman from Kentucky (Mr. CARTER), has given to this Congress and to this committee, and I wish to convey my respect and thanks to him for his faithful service to this Congress.

Mr. WAXMAN. Mr. Chairman, I yield such time as he may consume to a member of our subcommittee who is very active on this and so many other items of legislation, who has authored in this bill one of the most important and creative and far-reaching sections that we have, the gentleman from Pennsylvania (Mr. WALGREN).

Mr. WALGREN. Mr. Chairman, at the outset, I think every health bill that comes before the Congress should be prefaced by congratulations and an expression of appreciation and respect for the ranking minority member for the Health Subcommittee, the gentleman from Kentucky (Mr. CARTER), who is in his last year here. His footprint is certainly on this bill, as it is on so many others. Mental health is a particularly important area that the Congress has only begun to recognize during the years that Dr. CARTER has influenced health legislation. The mental health of our citizens is a difficult problem for everyone to grapple with and, certainly, the funding that has come to the local levels for this problem has been of infinite good. There are many, many people in this country who should be very grateful to Dr. CARTER for the role that he has played in this area.

I simply want to underscore the importance of progress made with this bill in the area of funding for rape crisis centers. As we know, the crime of rape is one that is often forgotten about and is not one easy to think about. We often do not think that it is a very frequent act in our society. It has been estimated that all women stand a 1 in 15 chance of encountering the violence of rape in their lifetime. And the most frequent victims of rape are often not those in the prime of life, but the elderly and children.

Rape is a unique crime because the counseling and the support of the psychological state of the victim is absolutely essential to effective law enforcement. Reported rapes have doubled in the first years of this decade, largely because there has been increasing support for the psychological stability and state of mind of the victims without which there is often no prosecution. This bill will go a long way in providing very minimal but widespread funding so that law enforcement can be more effectively developed in this area.

I would like to ask the chairman of the subcommittee if he would respond to a question on one aspect of the bill concerning the circumstances that mentally ill children who are institutionalized and then discharged under the modern health treatments and the difficulty in getting the services in their community after they have been discharged from institutionalization.

Can I ask, Mr. Chairman, what provisions in this bill would specifically address the need for communities to have the help required to provide for the mental health needs of these children?

Mr. WAXMAN. If the gentleman will yield, the President's Commission on Mental Health estimated that over 9 million children in the United States suffer from various emotional problems and that fewer than 10 percent of these children are receiving adequate care and services. H.R. 7299 specifically responds to the concern of the Commission that children and youth are an especially underserved group and that failure to insure mental health services may have costly consequences when they become adults. Mental health services for children are cost effective, not only because they prevent long-term mental illness, but they have also been shown to provide cost savings for other medical care services as well.

Throughout the legislation, there are provisions that can be used to improve a seriously fragmented delivery system that too often means that children and adolescents lack access to any mental health services or are inappropriately served. Section 104 specifically targets funds for severely mentally disturbed children and adolescents. Under section 103, States can now provide grants for case management and other community support services to assist the small population of chronically mentally ill children and adolescents. These are children who, for the most part—although they are often in and out of psychiatric hospitals or shuttled from one place to another—have not been included in States' deinstitutionalization efforts.

Additionally, H.R. 7299 provides opportunities for increasing preventive mental health services for children and adolescents, for strengthening children's programs in community mental health centers, and for improving the State's capacity to plan, develop, and monitor services for this population.

In 1969, a congressionally appointed Joint Commission on Children uncovered a number of critical problems related to the emotional stability of our society's young. The Joint Commission's report, "Crisis in Child Mental Health," brought forth vital and devastating evidence of the neglected needs of disturbed children. Ten years later, the President's Commission on Mental Health again identified many of the same issues. H.R. 7299 represents a beginning step toward eliminating some of these longstanding problems that deny emotionally disturbed children and their families the kinds of services they so desperately need.

□ 1330

I thank the chairman and yield back the balance of my time.

Mr. CARTER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Utah (Mr. MARRIOTT).

Mr. MARRIOTT. Mr. Chairman, I rise in support of H.R. 7299.

As a member of the Committee on Interior and Insular Affairs, which has primary jurisdiction over Indian affairs, I would like to commend the Committee on Interstate and Foreign Commerce for including in this bill a provision which recognizes the mental health needs and unique circumstances of more than 1 million American Indians and Alaska Natives.

Section 108 of the bill authorizes the Secretary of Health and Human Services, upon the request of an Indian tribe or organization, to make grants for up to 100 percent of the cost of establishing a tribal mental health system.

By including this provision, the committee has demonstrated its awareness of the deficiencies in available Indian mental health care resources, and the inadequacy of existing funding sources for Indian mental health programs. By requiring tribal initiative and providing for tribal control of their own mental health systems, the committee has also recognized the fact that the most effective help that can be provided to Indians in the field of mental health is from Indians themselves.

I think it is appropriate that Indians be eligible for funding under this legislation that is designed to help meet the mental health needs of all Americans. Certainly the needs in Indian country are extensive and well documented.

Numerous reports and articles in social, psychological, and medical literature as well as official Government documents describe an unusually high incidence of mental and emotional disorders among native American populations. Centuries of conquest, exploitation, continuous changes and encroaching societal pressures have left Indian and Alaska Native communities only partially capable of coping with mental, social, and emotional problems. Alcohol abuse, suicide, family disorganization, homicides, assaults, child abuse, battered wives, violence in all forms, depression, apathy, and dependency are problems which are far too common.

The death rate among Indians from suicides is more than twice that of the general population; from accidents, 3½ times; from cirrhosis of the liver, 4.7 times; from homicides, 2.8 times.

The Indian Health Service, which is the primary provider of health care to more than 700,000 Indians on and near reservations in some 24 States, reported that in fiscal year 1979, 7 percent of all admissions to its own and contract hospitals were for mental health diagnosis, including alcoholism (7,443 out of 106,329 admissions). More than 72,000 outpatient visits for mental health problems were reported at IHS clinics and contract facilities, and another 70,000 contacts with mental health and social services personnel. In addition, more than 11,000 contacts related to mental health problems were made by community health representatives. These numbers increased in fiscal year 1980 and are expected to increase in fiscal 1981.

The history of Federal efforts to assist Indians in dealing with mental health problems is fairly recent. According to the 1977 final report of the American Indian Policy Review Commission, the first reports of manifestations of emotional disturbance among Indians were in 1928 by Brookings Institution investigators who found "excessive use of alcohol, high accident rates, child abandonment, and poor social and school adjustments." A 1955 report by the Public Health Service revealed that there were no facilities for psychiatric care of Indians beyond institutionalization in asylums, and that the few medical social workers serving Indians "were not sufficient in number to meet minimum requirements." Moreover, these social workers were limited to dealing with tuberculosis patients, mothers and children with problems of physical health, and the aged, handicapped, or abandoned.

That same PHS report, citing shortage of time as the reason for not collecting and developing quantitative data, devoted only 2 of its 327 pages to discussion of Indian mental health problems. It did note, however, that "there appears to be especially intense frustration," among Indians.

It was not until 1965 that a pilot mental health project was started at Pine Ridge, S. Dak., with funding from the National Institute of Mental Health. Later a headquarters was established at Albuquerque to provide clinical research training and consultative and administrative resources to mental health sections in reservation service areas. These efforts, while commendable, barely scratched the surface of the mental health problem in Indian country.

The Indian Policy Review Commission, with respect to mental health, found that "severe understaffing keeps every service area from providing more than a fraction of the needed services," and that a lack of a comprehensive needs assessment was causing what few services there were to be delivered on a random basis with limited resources and funds.

The Commission found the Indian Health Service without the necessary tools to cope with the unique cultural patterns of Indian tribes. These patterns, which vary from tribe to tribe, require special education and orientation for mental health professionals.

The Commission also found the availability of direct psychiatric therapy for Indians in acute crisis or with chronic emotional problems to be severely limited, social workers and psychiatric nurses to be equally scarce, and few area programs with enough people with the right skills to train interested Indians to take on some of the community work.

They also found a large portion of the workload in reservation mental health clinics being carried by paraprofessional health workers. These people, without extensive training, try to provide their communities with counseling, aid in handling personal crises, transportation, administrative and liaison support, and assistance with almost any other problems.

With the enactment of the Indian Health Care Improvement Act of 1976, Congress attempted to address across the board the severe shortages of manpower, inadequate facilities and funding which have dogged the efforts of the Indian health service to meet extensive backlogs of basic Indian health care needs. Recent increased funding for mental health programs, coupled with tribal efforts to establish and operate mental health programs via contracts authorized by the Indian Self-Determination Act, has brought some progress and highlighted the need for further efforts.

The Indian Health Service has used the means of contracting services to Indians under the Indian Self-Determination Act in a manner that demonstrates strong support of tribally oriented and operated mental health programs. At present, over 100 tribal employees are involved in mental health programs and over 20 programs are operated on a day-to-day basis under tribal management. Three tribes are included as major beneficiaries in NIMH community mental center grants.

One recent special project, funded by BIA and NIMH, illustrates the extent of the problems in mental health facing Indians. A model mental health program for boarding schools, the Bureau of Indian Affairs conducted at a high school in Carson City, Nev., to obtain a more precise scope and nature of human needs. Comprehensive evaluations of over 80 percent of the 450 Indian students found that 55 percent could be certified as emotionally disturbed, learning disabled, mentally retarded or multiple handicapped and in need of special services.

In fiscal year 1980 the Indian Health Service Office of Mental Health Programs received $6,874,000 and had a total of 285 authorized positions. While these funds and positions represent significant increases over previous efforts, it is still far below the identified need.

To obtain a comprehensive assessment of Indian health needs, the Indian Health Care Improvement Act mandated a study by the Department of Health and Human Services and the Indian Health Service in conjunction with the tribes. That study, sent to Congress in April 1980 reported a need for an additional 334 staff (to include tribal and non-Federal sources as well as the IHS), and $8,286,000 annually. These additional resources would be to provide for the full development and implementation of all of the specific mental health initiatives authorized by the Indian Health Care Improvement Act, expand mental health services within the BIA boarding schools, and implement recommendations concerning traditional Indian health practitioners.

In view of the gap between perceived needs and available means to meet them, the Indian Health Service and tribes have been actively seeking other sources of funding for efforts to address the unmet needs in Indian mental health. The section 108 program of H R. 7299 is thus a timely and highly appropriate additional source of funds to help them meet those needs. It is a modest program but a very intelligent one, and I again commend the members of the Interstate and Foreign Commerce Committee for including it in this legislation. Accordingly, I urge its speedy passage by this House.

I would like to just ask the chairman of the committee one question, if I may.

I am not sure if this comes under his jurisdiction, but I have been very concerned about autistic children. Does the gentleman in this bill or in his committee plan to provide any additional funding or anything for the autistic child?

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. MARRIOTT. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding.

Severely disturbed children would be covered under this legislation and autistic children would fall under that category.

Mr. MARRIOTT. So would that be all autistic children, or would they have to meet certain qualifications?

Mr. WAXMAN. It is my understanding that all autistic children would be covered by this legislation and be entitled to the services that would be available under the Community Mental Health Services Act.

Mr. MARRIOTT. Is that also the opinion of the ranking minority member?

Mr. CARTER. If the gentleman will yield, any autistic child with mental health problems is covered by this bill. Also, for many years, the care of autistic children has been part of a related program, the developmental disabilities legislation. Also dyslexia, which is a reading disability in which a child reads or tends to read from right to left and from down to up and which causes children to have difficulty learning at school is covered under that program. It is estimated that some 10 percent of our prison population is composed of dyslexics.

The amendment of the gentleman from Florida, who formerly was chairman of the subcommittee, provided for care of autistic children. My amendment included coverage for dyslexia children.

Mr. MARRIOTT. It has just been my understanding, as I have had people come back and lobby me regarding autistic children, that there seems to be a void in what is available for them, and therefore they are seeking various types of assistance. Does the gentleman from California believe that we have adequately taken care of autistic children, or should additional funding somehow be available to meet those particular problems?

Mr. WAXMAN. If the gentleman will yield, I do not believe and would not want to represent to my colleagues or to the American public that this legislation adequately addresses the mental health needs of the American people or any particular category of them, and autistic children are clearly a category of people who need special attention.

What we have attempted to do is to start in community mental health centers, to integrate them with the State programs for mental health services for all. But I must tell this body that we are really woefully lacking in committing the resources, despite the framework of this legislation, which gets the program underway so that it will actually reach everyone who needs the assistance and who desires that assistance. There is more yet to be done for autistic children in particular under this program, and I am sure there is more to be done in terms of research for that particular problem to prevent it or cure it or contain it.

Mr. MARRIOTT. I thank the chairman for including the Indians in this bill and certainly hope we will move forward with some more positive legislation to help the autistic children.

Mr. CARTER. If the gentleman would yield further, as I stated both of these conditions are covered under the Developmental Disabilities Act, but any children with mental disabilities should be cared for under the Mental Health Systems Act, and I believe they will be.

Mr. MARRIOTT. I thank the gentleman.

Mr. WAXMAN. Mr. Chairman, I yield such time as she may consume to a very distinguished member of our subcommittee, who has made a very great contribution to this legislation before us, the gentlewoman from Maryland (Ms. MIKULSKI).

Ms. MIKULSKI. Mr. Chairman, I am pleased to support the Mental Health Systems Act (H.R. 7299) because it extends the programs authorized under the Community Mental Health Centers Act, increases access to service for populations who should be, but are not, being served, and increases local and State control over the programs.

This bill recognizes our need to help several underserved populations. In specific, it helps:

End the dumping of the mentally ill from hospitals into the community;

Serve severely disturbed children and adolescents;

Serve local "priority" groups—the young, old, minorities who have been excluded from the service system; and

Serve rape victims.

The services to the "priority" groups is an important part of this bill. It acknowledges that certain groups within every community have not been given a fair shake—equal access to mental health services. It also recognizes that the people in their community, through their HSA, are best equipped to identify who needs to be served under this program and how they should be served.

Providing services to the rape victim and her loved ones represents a major step forward. We have spent enough time researching the rape victim; it is time to make sure she gets served when she needs it. This bill does not create a new entitlement program: What it does is provide additional support to rape crisis centers so they can become self-sufficient. It is very difficult to have your few volunteers simultaneously provide the rape victim and her family with support and be raising funds to pay for the telephone she called on. With these funds, the rape crisis centers will be on sure footing in the future.

For the first time, this bill gives the States a major role in determining how the mental health services are to be delivered. The goal of the Community Mental Health Centers Act has been for the Federal Government to help initiate mental health services in areas where no services exist, and then enable the States, localities, and private agencies to take over the programs. But we have excluded the States from any decisionmaking role concerning which programs get funded, and how to administer these programs. This bill changes that. Now, localities and States will have a voice in determining grantees.

The bill should also help us control the cost to the Federal Government of administering these community mental health programs. We are going to give some States the opportunity to show us how they can simultaneously administer both their programs and the programs funded under this bill. Also, it allows for funding innovative programs to improve the service delivery system.

I strongly urge my colleagues to support this bill because it represents a dual step toward meeting the health needs of all Americans, especially those who are not now being served, and increasing local control over programs they will eventually operate.

Mr. WAXMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Chairman, I rise today to voice my strong support for passage of H.R. 7299, the Mental Health Systems Act.

This landmark legislation, in the field of mental health, is not only vitally important, but also long overdue. Since the creation of the medicaid and medicare programs in the 1960's, the Congress has increasingly recognized the serious health needs of many segments of the American population, and has taken major steps toward the goal of adequate health care, for all Americans. And yet, that concept of health care has always been narrowly defined, including the diverse physical illnesses, but always neglecting the equally pressing mental illnesses. We cannot afford to ignore these tragic psychological disorders any longer.

The Mental Health Systems Act before us today establishes a solid foundation for a national policy in the field of mental health. Expanding upon the existing community mental health services programs, the bill authorizes grants to community mental health centers, as well as grants for services to the chronically mentally ill, and to severely mentally disturbed children, and adolescents. More importantly, the legislation attempts to build a partnership among all levels of government, and between public and private providers, of mental health services, in an effort to increase the availability of badly needed community mental health services, throughout the Nation.

Mental illness is now taking a shocking toll on our Nation, on the productivity of our people, and on the stability of our society. We cannot deny the greater strains felt by all of us, in an increasingly complex and pressured society. Today, we are clearly paying the price, through greater violence in our cities, and in our homes, or through inappropriate, and unnecessary, institutionalization which often serves as our only way of coping with mental health needs. We must do better, and we can do better, through the programs authorized under the bill before us today.

I would urge my colleagues in the House to recognize that we cannot escape the problem of mental illness—if we do not adopt a preventive approach, as proposed in this legislation, we will simply pay a much greater price later on, in much more painful and troubling ways. The programs contained in this bill are targeted, they are thoughtful, and they are prudent. I strongly urge my colleagues to lend their support to the Mental Health Systems Act, so that we can begin this important effort.

□ 1340

Mr. CARTER. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Chairman, I thank my colleague.

I rise only to urge upon the committee something that has come to my attention. As someone who has been extremely interested in the education and rehabilitation of the mentally handicapped I believe that a program which is going on in my State should be more widely disseminated. It is a fact that many handicapped people have skills and abilities that are not always recognized as valuable and they are not taught to regard as valuable.

The time has come when in our schools, where we are teaching these children, they should be tested for these skills which will enable them to become independent citizens. I have proof that this can be one. We have in our State a man called Arthur Rittmaster, who some years ago found work for a severely mentally retarded person in the University Library of Princeton, where he is still working. His skill is design recognition. Mr. Rittmaster is gifted in the whole area. He goes to the businesses and finds out which jobs are monotonous. People do not stay long, because they are not highly paid. He finds what skills those occupations need and identifies those skills among the handicapped.

This is what our education should do, so that the handicapped person does not feel that there is a dead end at the end of schooling, that there is a life in which they can be respected and useful members of society. This ought to be an integral part of education, the training of mentally handicapped and perceptually handicapped to recognize themselves as valuable citizens—needed, not useless, not hopeless, not headed for some institution, but for useful citizenship.

The only thing that Princeton University does in regard to this handicapped person is to pay his rent and, of course, the withholding tax is done by the employer. He is an independent, taxpaying citizen.

Without this kind of training in youth, he might never have known that he was able to do all this.

We really must take this program more seriously. It must be a part of the educational process, that the handicapped should be tested for skills, that those skills should be identified and matched with those in industry which are needed.

The handicapped should be encouraged to find employment and life work in those areas.

I thank my colleagues for the time.

Mr. CARTER. Mr. Chairman, it is always a pleasure to hear the distinguished gentlewoman from New Jersey. She is, indeed, a great addition to this body. She has a great intellect, and with that, an intense feeling for humanity. I want to congratulate her on that.

Mr. Chairman, actually, this legislation was begun in 1963 under the late and martyred President John F. Kennedy, one of the most beloved Presidents we have ever had. Over the years it has grown to where it is helpful not only to the mentally ill and mentally retarded, but to disturbed youth and the chronically ill, and to our aged people who have mental difficulties.

Now, instead of 3 out of 4 of our mentally ill people going to insane asylums, snake pits and places of this nature, 3 out of 4 now are being treated, and have been for some time as outpatients through community-based centers. To me, the success of the program speaks strongly for the need to continue and expand this program.

Mr. Chairman, I have no further requests for time. I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. SIMON).

Mr. SIMON. Mr. Chairman, I thank the gentleman for yielding.

Let me join with many others in paying tribute to our colleague, the gentleman from Kentucky, Mr. TIM LEE CARTER, for all the contributions the gentleman has made.

Mr. Chairman, I rise to request some clarification of the section of H.R. 7299 pertaining to grants for services from severely mentally disturbed children and adolescents, with regard to a situation which has been of concern to me.

When we passed Public Law 94-142, the Education for All Handicapped Children Act of 1975, all handicapped children were assured the opportunity for a free, appropriate public education. What is appropriate is agreed upon by a team of evaluators, school administrators, and parents with placement usually being made within the local school district.

However, when a child is so severely emotionally disturbed that he or she needs constant attention from mental health professionals in order to benefit from special education, it is usually necessary to place him or her in a residential setting which may be out of State. The cost of such a placement may run as high as $50,000 per year.

Because of these extremely high costs, the State of Illinois governor's purchased care review board, for example, has put a ceiling on the amount they will pay to fund these placements. I had a meeting in my office about the problems relating to that this morning. Generally, they will agree to cover education costs, but see auxiliary mental health services as the responsibility of the medical community. Therefore, many residential schools will no longer accept Illinois residents.

As a result, many severely emotionally disturbed children across the country have been unable to secure the appropriate education placements which are guaranteed to them under the law. One child recently committed suicide while awaiting placement and another was seriously injured by other children in a State mental hospital.

Public Law 94-142 was developed to encourage coordination between service agencies to provide "related services" to handicapped children.

□ 1350

That coordination is clearly needed in the situation I have just described.

Am I correct, Mr. Chairman, in assuming that the State mental health agencies could apply for funds under H.R. 7299 to provide the mental health services for disabled children in residential placement?

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman.

Mr. WAXMAN. Mr. Chairman, I want to thank the gentleman for bringing this problem to our attention and allowing us to clarify the provisions of this bill. As the gentleman notes, it was clearly the intent of Public Law 94–142 to give the State education agency the authority to see that special education and related services were provided to all handicapped children, through the coordinated efforts of all the necessary social service agencies.

Let me assure the gentleman from Illinois that the provisions of H.R. 7299 are complementary to the provisions of Public Law 94–142 and would enable State mental health agencies to apply for grants to provide mental health services for disabled children in residential placements if those children are severely mentally or emotionally disturbed.

In regard to the gentleman's second question, education agencies would qualify as public agencies eligible to receive funds under this act, but State mental health agencies and community mental health centers would receive priority in their applications.

Mr. SIMON. I thank the gentleman from California. I appreciate his leadership on this. I think this can be of great help in a great number of States.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, for many Congresses I have introduced legislation which would provide adequate mental health care and psychiatric care to all Americans. I am doing so again today.

In 1975, according to Pollack (1977), there were 6.9 million recorded patient care episodes of which 27 percent were inpatient, 70 percent were outpatient, and 3 percent were day treatment episodes.

During the past 20 years, the bulk of outpatient mental health care has increased from 23 percent in 1955 to 70 percent in 1975. This fourfold increase has placed a major burden on individuals and families because of those who receive mental health care, the majority have had to pay for it out of their own pockets. Many clients who receive mental health care services do so with the understanding that they will pay for the services rendered on a sliding scale schedule. For people on fixed incomes or those with meager means of support, the poor, the elderly, and the minorities, this added burden is intolerable.

In 1975, an estimated 15 percent of the population of the United States was in need of some type of mental health service. Unfortunately, this figure does not differentiate between the number of persons with mental disorders who do not receive treatment in the health and mental health systems, and those who may be in correctional institutions. Furthermore, it does not include those who are served by family service agencies, religious counselors and other social welfare agencies outside the defined health arena.

Of the 15 percent of the population in need of mental health services in 1975, 3.4 percent were under the care of the general hospital and nursing home sector; 54.1 percent were under the care of the primary care medical sector; and 15 percent were under the care of the specialty mental health sector; 6 percent were under care both in the primary care medical sector and the specialty mental health sector. Another 21 percent of these persons were either receiving some assistance or services from the other human services sectors, or worst of all, many were not receiving any service at all.

To date, there has been no definite epidemiological survey based on a national probability sample, however the National Institute of Mental Health (NIMH) has developed ranges of estimated prevalence rates for specific age and diagnostic groupings. They estimate an annual prevalence of mental disorders of roughly 15 percent. For children under 18, the rate is 8 to 10 percent with suicide as the leading cause of death in this category; for adults between the ages of 18 to 65, the prevalence rate is between 10 to 15 percent, and the aged—over 65—10 percent. Large increases are expected in numbers of persons in high risk age groups for the use of mental health facilities and correctional institutions and in homes for the aged and dependent and other institutions that constitute the institutional population.

According to the data provided by NIMH of all those who actually received mental health care during 1976, 3.1 percent were mentally retarded; 5.4 percent had organic brain syndromes; 22.5 percent suffered from schizophrenia; 15 percent from depressive disorders; 8.8 percent from alcoholism; 2.9 percent from drug disorders; 1.5 percent from other psychoses; and 32.4 percent from a category listed as others. Included in the other category were such mental illnesses as neuroses, and various forms of personality disorders. Eight percent were undiagnosed.

During the latter part of the 18th century, the idea that the mentally ill should receive humane treatment in hospitals emerged. In the United States, it was not until the end of the 19th century that the policy of treating the mentally ill in State hospitals became dominant policy. We are now beginning to approach the end of the 20th century and the American people have a right to comprehensive mental health insurance coverage that would actually reduce the overall cost of health care.

Our constituencies want to lead lives which are productive, meaningful, and fulfilling. However, if they or their loved ones are afflicted with some form of mental illness or emotional problem, they are less apt to be able to lead full and productive lives because emotional conditions interfere with such things as one's ability to get and keep a job, or to raise a family whose children are not plagued by neglect or abuse.

Mr. Chairman, this is why I am persistent and continue to reintroduce legislation aimed at providing comprehensive mental health coverage to all Americans. Hopefully, this could be a part of a national health insurance program, but, if not, I advocate a separate program for mental health.

Even though the Federal Government has supported community mental health centers which utilize a sliding fee scale, for many this is not enough. For example, Valde and Fiester (1976) found that Spanish surnamed families that lived within a specific community mental health center made from $3,000 to $5,000 annually. More than 50 percent of these families had an income of less than $5,000. Although the incomes have risen in the past 4 years, the actual buying power is less because of inflation.

In that same study, over 63.3 percent of the clients had to take prescribed medication. Taken together, the sliding fee, the cost of transportation, the prescribed medication, and their meager incomes of $5,000 or less, it is not hard to see why mental health care remains inaccessible for the poor and many middle-income families.

Although a fee of $5 may seem minimal, for the have-nots, it can be devastating, especially when consideration is given to the fact that the majority of mental illnesses are chronic and debilitating. The poor also tend to be multiple users of human services. We all know that it is the poor and middle income who experience the most difficulty with payments for mental health services. Since the vast majority of the population in this country are from the middle and lower income categories and the cost of mental health care remains prohibitive to them, there exists a need to appropriate money for a national mental health insurance.

If a family has a member who is schizophrenic, they can usually anticipate the course to be of a chronic nature. There will be repeated episodes of severe disability and a liftime of varying degrees of impairment and emotional stress for the patient, the family, and significant others in his life. Therefore, the total burden of this illness to society is considerable and financially taxing. According to the 1975 census, the mean family income was $10,401 for black Americans, $11,096 for Americans of Hispanic origin; and $16,115 for non-Hispanic white Americans. These figures coupled with our high annual inflation rate makes the burden of mental illness on the family extremely taxing and probably constitutes one of the primary public health issues of our times.

A national insurance plan which includes complete mental health coverage has the potential of actually reducing the overall cost of national health insurance because it would provide coverage for those illnesses and symptoms which are of a debilitating nature if not treated promptly. Symptoms such as chronic back pain, migraine headaches, and acute gastric pain often necessitate intensive medical workups and in some cases eventual surgical intervention. The medical community recognizes the fact that more than 60 percent of the people hospitalized in general hospitals for physical illnesses have diseases and complaints based on emotional problems.

Increasingly, the medical community is beginning to develop a deeper appreciation for the part the psyche plays in maintaining the physical well-being of an individual. According to Dorken (1976), the single category of human disability in the United States was attributable to mental disorders.

The proposed program would be funded through a mental health tax with the funding mechanism similar to those under some of pending national health insurance bills. This program that I am introducing could be supplemental to any national health insurance plan or could be instituted as a separate program.

The major services provided for under the bill include: psychiatric hospital care, psychotherapy, prescribed drugs, community health center services, and home therapy. Innovative services provided for by this bill include: Halfway house care, day mental hospital care, and night mental hospital care.

The focal point of care would be community based and emphasis would be placed on treating the individual while in contact with his family. Experience has demonstrated that this type of care reduces the rate of institutionalization and allows the person to lead a richer and more productive life in the community.

Halfway house care as a treatment modality is a relatively new phenomenon in the mental health arena. Historically, there were a few halfway houses for persons who had been in penal institutions, however, the use of the halfway house approach for persons with a mental illness was relatively rare. The results of people participating in halfway house treatment is promising and worthy of increased attention.

In San Antonio, the district which I represent, the halfway house program operates on a funding mechanism which is a combination of private fees, private contributions, and moneys from the Texas Rehabilitation Commission, the United Way, and the Texas Commission for the Blind.

Approximately 80 to 85 percent of the residents of the halfway house in San Antonio are full paying or on a sliding fee scale. The major emphasis of the halfway house treatment program is to rehabilitate and help those who otherwise might be doomed to a dismal life of institutionalization. One of the goals of treatment in a halfway house program is to assist mental patients become productive members of society.

Part of the difficulty with today's inadequate mental health care services is that many mental patients have not had the opportunity to participate in halfway house treatment because none has been available. Where facilities do exist, they are frequently overcrowded and unable to accommodate and accept any more patients. Some mental patients never reach the point in the course of their treatment where they recover enough to become eligible for halfway house treatment.

Mr. Chairman, one of the most important purposes of this bill is the prevention of mental illness. This goal will be accomplished by giving to all Americans a right to obtain adequate preventive mental health care which is affordable.

With so many Americans affected by some form of mental disorder, it is time for us to recognize mental and emotional illnesses as valid forms of illnesses. Our country is facing a crisis in the care and treatment of the mentally ill. We have a long way to go in catching up and one way to do this would be to start considering mental health insurance as an integral part of our national health insurance packages. If health in its broadest meaning is a right to which all Americans are entitled to, then a mental health insurance bill should be passed by this Congress.

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Mr. WAXMAN. Mr. Chairman, I have no further requests for time.

Before I yield back the balance of my time, Mr. Chairman, I also want to join in paying tribute to the ranking minority member of the subcommittee, Dr. TIM LEE CARTER, for his contributions in this legislation. His contributions in this legislation, while important, are only one part of the overall contributions he has made to health care in this country and to the fabric of legislation that will long stand as a monument to him in contributing to the betterment of the people of this country.

Mr. MARRIOTT. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Utah.

Mr. MARRIOTT. I appreciate the gentleman yielding. I, too, may not have another chance to express my appreciation to Dr. CARTER. He and I have been longtime friends since I have been here, at least the last 4 years. I think he has made a tremendous contribution to this body, and I appreciate all he has done for both the Congress, this great country, and this legislation.

Mr. WAXMAN. I appreciate the gentleman's comments and want to inform him he will have additional chances to comment on Dr. CARTER's leadership because we have a number of other bills yet coming from our subcommittee on which Dr. CARTER's clear imprint is present.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to my good friend, the ranking minority member of the subcommittee, Dr. CARTER.

Mr. CARTER. I feel very humble. It has been a labor of love to have been a part of the legislation involving health over the past several years. It has been a pleasure to serve with you and with the Members of this House and to preserve the pure water system of the distinguished gentleman from San Antonio. I thank my good friend for yielding and for his kind remarks.

● Mr. STAGGERS. Mr. Chairman, I am pleased to support this bill which does a great deal toward helping some of the most vulnerable people in our society.

The changes provided in this legislation originally came to the Subcommittee on Health and Environment from the President's Commission on Mental Health. That group, under the personal leadership of the First Lady, developed a series of recommendations for providing better mental health care to children, to the elderly, and to the chronically mental ill of the country. After much work by the subcommittee and by the full Commerce Committee, the bill now provides for continued support of the local community programs, for new programs to provide specialized help, and an increased role for State governments in planning these services.

I am especially pleased that the bill contains a grant program devised by the subcommittee to aid children who are severely disturbed. We all know of the special tragedy of a young life which is disrupted by mental illness and emotional problems. What few of us recognize is the inadequacy of the mental health system in treating those children. They are moved from hospital to hospital, from home to institution, with little specialized help. Families are without support to care for their young loved ones.

Under H.R. 7299, the Federal Government will provide grants to develop programs and treatment for these children and their families. I am proud to support this provision to return these children to normal lives as they grow up.

I want to commend the subcommittee chairman, Mr. WAXMAN, and the able ranking minority member, Dr. CARTER, for their work on this bill. It is a good piece of legislation, and I urge all the Members to support it.●

● Mr. FRENZEL. Mr. Chairman, since my days in the Minnesota State Legislature, I have been a continuing supporter of the idea that patients suffering from mental disorders could be more effectively treated in their own community, as opposed to institutional settings. Since I came to Congress, I have had the opportunity to enthusiastically support several revisions of the original Community Mental Centers Act, which were aimed at expanding and improving deinstitutionalization programs.

Although the original legislation, enacted in 1963, was intended to be a demonstration program, to offer formula grants to States to induce them to replace the traditional inadequate institutions with smaller, community-based facilities, the scope of the program was broadened considerably in subsequent revisions of the act with Federal support to date, totaling some $2.287 billion over the past 13 years.

The Community Mental Health Centers Act is a good program. Since its inception, Federal dollars have assisted in the creation of 763 community mental health centers which have made mental health services available to over 110 million people. Such services have been provided to rape victims, alcoholics, drug addicts, and include treating children and the elderly. The committee report states that "Over 712 of the centers are fully operational and, in 1979, provided direct services to over 2.4 million persons."

It is my understanding that some 167 centers are now operating independently (without Federal support) and 325 centers no longer require basic operations support. More importantly, this Federal initiative has generated substantial State and local support, which together has resulted in a dramatic shift from inpatient to outpatient mental health care and a decrease of 36 percent in the number of psychiatric hospital beds in the United States today. Clearly, the program has been enormously successful and I have been privileged to support it.

It is for this reason that I am so deeply disturbed by the cost of H.R. 7279. In spite of Congress failure to balance the fiscal year 1981 budget, and considering that even the most worthwhile programs are slated for severe budget cuts, I would have been pleased to support the $13 million increase for the Community Mental Health Centers Act which is included in the first part of H.R. 7299.

However, H.R. 7299, goes far beyond a simple revision and extension of the Community Mental Health Centers Act. The second part of the bill totally overhauls the CMHC Act by creating a variety of new grant authorizations, many of which I strongly support, beginning in fiscal year 1982–84. But this section authorizes some $530 million over 3 years, bringing the increase to over 300 percent. That is more than our budget can stand.

I do not question the value of these programs. My primary concern rests with asking the taxpayers to triple the authorization at a time when taxpayers are already paying some $80 billion in fiscal year 1981 for interest on Congress past sins for overspending—those past sins will accumulate to a grand total of close to $1 trillion in debt.

It is not fair to dangle this $530 million authorization in a carrot like fashion, when in fact we are probably going to wind up asking our Appropriation Committee members to go slow when it comes to giving out the actual dollars. My constituents tell me that they would all benefit from improved mental health if Congress were ever to bring inflation under control.

With great reluctance I shall vote for the Community Mental Health Centers Act. My vote is because it is a worthwhile program. My regret is because it does not need such an expensive authorization to carry on its successful work. I urge my colleagues to take a close look at our current economic picture as they vote on this measure.●

● Mr. HARRIS. Mr. Chairman, I rise in support of H.R. 7299, the Mental Health Systems Act. I am expecially pleased that title VI has been included—the rape services support system. I know that my friend and colleague Doug Walgren worked hard in developing this title and every rape program and support group in the Eighth Congressional District of Virginia is appreciative.

The rape crisis centers I have worked with in my district have continually contacted me about the need for legislation which would support direct victim services. Freeing staff from the time-consuming activities of fundraising would allow staff to concentrate on finding long-term funding resources and would allow them to beef up victim services.

The legislation we are considering here today authorizes the Secretary of HHS to award grants and contracts to public and nonprofit rape crisis centers to assist in meeting the costs of providing direct services to rape victims. Types of direct services include accompaniment of the victim to medical, social, and legal services; counseling and referral services to the victim and the victim's immediate family; basic operating expenses; for example, telephone hotlines, office space, and utilities; consultation with allied professionals and public education materials and programs.

Self-sufficiency of existing RCC's will be developed through the establishment of long-term public and private funding sources.

The fragile financial conditions of many of the RCC's throughout the Eighth District and around the country result in periodic closings and hand-to-mouth existence. We must pass H.R. 7299 today to alleviate these problems and assure that these needed support services will be available. It could easily be a member of one of our families who would need assistance from a rape crisis center.●

● Mr. ROYBAL. Mr. Chairman, I rise in support of H.R. 7299. I would, however, like to say that I am sorry that the House version of the Mental Health Systems Act does not contain a special section of grants for the elderly as does the Senate bill, S. 1177, that was passed by that body last month.

The major aging organizations, the National Council of Senior Citizens, the National Retired Teachers Association/American Association of Retired Persons, and the National Council on Aging, are all on record as supporting the aging section in the Senate bill. The U.S. Commission on Civil Rights and the Mental Health Association also support the Senate amendment.

I believe that we need special grants for the elderly so that groups with interest, and knowledge can provide the unique support services and treatment required by this population. The Senate bill requires that public or nonprofit entities must provide outreach services and a differential diagnosis to distinguish between and establish the need for mental health services and other medical care prior to treatment, and at least one other service. The other services include identifying needs and providing services not being provided by existing programs, providing personnel for mental health and support services, coordinating services of other agencies, and providing services and training in nursing homes.

It is my hope that we can incorporate these fine ideas in the final version of the bill.●

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the bill by titles.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION. 1. This Act may be cited as the "Mental Health Systems Act".

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TITLE I—COMMUNITY MENTAL HEALTH SERVICES

PREPARATION GRANTS

SEC. 101. (a) For the purpose of assisting public or non-profit private entities to prepare for providing mental health services in a mental health service area, the Secretary may make grants to such entities for projects to—

(1) assess the needs of mental health service areas for mental health services;

(2) design mental health services programs for such areas based on such assessment;

(3) obtain financial and professional assistance and support for such programs; and

(4) initiate and encourage continuing community involvement in the development and operation of such programs.

(b) The amount of any grant under subsection (a) may not exceed $75,000.

(c)(1) Only one grant may be found under subsection (a) with respect to a mental health service area.

(2) No grant may be made under subsection (a) with respect to any mental health service area if a grant has previously been made under section 202 of the Community Mental Health Centers Act with respect to (A) the same area, or (B) any other area any substantial part of which (as determined by the Secretary) is included in that mental health service area.

(3) No application for a grant under subsection (a) for a project may be approved unless the State mental health authority for the State in which the project is to be located has recommended that the Secretary approve the application.

(d) For the purpose of making grants under subsection (a) there are authorized to be appropriated $1,000,000 for the fiscal year ending September 30, 1982, $1,000,000 for the fiscal year ending September 30, 1983, and $1,000.000 for the fiscal year ending September 30, 1984.

GRANTS FOR COMMUNITY MENTAL HEALTH CENTERS

SEC. 102. (a)(1) Subject to section 406, the Secretary may make grants to public and nonprofit private community mental health centers to assist them in meeting their costs of operation (other than costs related to construction).

(2) No application for a grant under paragraph (1) for a community mental health center which has not received a grant for its operation under the Community Mental Health Centers Act may be approved unless—

(A)(i) the community mental health center for which the application is submitted is operated by a State, or

(ii) in the case of any other center, the application has been recommended for approval by the State mental health authority for the State in which the center is located; and

(B) in the case of an application for a grant to be determined under subsection (c)(1)(B), the application is accompanied by assurances, provided by the State mental health authority for the State in which the center is located and satisfactory to the Secretary, that the grant applied for and the State, local, and other funds and the fees, premiums, and third-party reimbursements which the applicant may reasonably be expected to collect in the year for which the grant would be made are sufficient to meet the projected costs of operation for that year.

(3) Grants under paragraph (1) may only be made for a grantee's costs of operation during the first eight years after its establishment. In the case of a community mental health center or other entity which received a grant under section 220 of the Community Mental Health Centers Act (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1975) or section 203(a) of such Act, such center or other entity shall, for purposes of grants under paragraph (1), be considered as having been in operation for a number of years equal to the sum of the number of grants in the first series of grants it received under such section and the number of grants it has received under paragraph (1).

(b)(1) Each grant under subsection (a) to a community mental health center shall be made for the costs of its operation for the one-year period beginning on the first day of the month in which such grant is made, except that if at the end of such period a center has not obligated all the funds received by it under a grant, the center may use the unobligated funds under the grant in the succeeding year for the same purposes for which such grant was made but only if the center is eligible to receive a grant under subsection (a) for such succeeding year.

(2) No community mental health center may receive more than eight grants under subsection (a).

(c)(1) The amount of a grant for any year made under subsection (a) shall be the lesser of the amounts computed under subparagraph (A) or (B) as follows:

(A) An amount equal to the amount by which the grantee's projected costs of operation for that year exceed the total of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the grantee may reasonably be expected to collect in that year.

(B)(i) Except as provided in clause (ii), an amount equal to the following percentages of the grantee's projected costs of operation: 80 per centum of such costs for the first year of its operation, 65 per centum of such costs for the second year of its operation, 50 per centum of such costs for the third year of its operation, 35 per centum of such costs for the fourth year of its operation, 30 per centum of such costs for the fifth and sixth years of its operation, and 25 per centum of such costs for the seventh and eighth years of its operation.

(ii) In the case of a grantee providing services for persons in an area designated by the Secretary as an urban or rural poverty area, an amount equal to the following percentages of the grantee's projected costs of operation: 90 per centum of such costs for the first two years of its operation, 80 per centum of such costs for the third year of its operation, 70 per centum of such costs for the fourth year of its operation, 60 per centum of such costs for the fifth year of its operation, 50 per centum of such costs for the sixth year of its operation, 40 per centum of such costs for the seventh year of its operation, and 30 per centum of such costs for the eighth year of its operation.

(2)(A) The amount of a grant prescribed by paragraph (1) for a community mental health center for any year shall be reduced by the amount of unobligated funds from the preceding year which the center is authorized, under subsection (b)(1), to use in that year.

(B) If in a fiscal year the sum of—

(i) the total of State, local, and other funds, and of the fees, premiums, and third-party reimbursements collected in that year, and

(ii) the amount of the grant received under this section by a center or entity,

exceeds its costs of operation for that year because the amount collected was greater than expected, and if the center is eligible to receive a grant under subsection (a) in the succeeding year, an adjustment in the amount of that grant shall be made in such a manner that the center may retain such an amount (not to exceed 5 per centum of the amount by which such sum exceeded such costs) as the center can demonstrate to the satisfaction of the Secretary will be used to enable the center (I) to expand and improve its services, (II) to increase the number of persons (eligible to receive services from such a center) it is able to serve, (III) to modernize its facilities, (IV) to improve the administration of its service programs, and (V) to establish a financial reserve for the purpose of offsetting the decrease in the percentage of Federal participation in program operations in future years.

(d)(1) For payments under initial grants under subsection (a) there are authorized to be appropriated $24,000,000 for the fiscal year ending September 30, 1982, $27,000,000 for the fiscal year ending September 30, 1983, and $30,000,000 for the fiscal year ending September 30, 1984.

(2) There are authorized to be appropriated for the fiscal year ending September 30, 1982, and for each of the next nine fiscal years such sums as may be necessary for payments under continuation grants under subsection (a) to community mental health centers.

GRANTS FOR SERVICES FOR THE CHRONICALLY MENTALLY ILL

SEC. 103. (a) The Secretary may make grants to State mental health authorities, community mental health centers, and other public and nonprofit private entities for the provision of services, including case management, designed to assist the chronically mentally ill in gaining access to essential mental health services, medical and dental care, rehabilitation services, and employment, housing, and other support services to enable the chronically mentally ill to function to the maximum extent of their capabilities.

(b) An application for a grant under subsection (a) shall contain a plan for the provision of the mental health and support services to be provided with the grant and describing the priorities to be applied by the applicant in determining which services to offer. Such a plan shall be in accordance with the State health plan in effect under section 1524 of the Public Health Service Act in the State of the applicant.

(c) In considering applications for grants under subsection (a) the Secretary shall give special consideration to appliactions for projects designed to supplement and strengthen existing community support services. The Secretary shall give priority to approved applications for such grants in the following order:

(1) Applications of State mental health authorities to provide mental health and support services in a State (A) through community mental health centers, and (B) in areas where centers do not exist, directly or through public or nonprofit private entities.

(2) Applications of community mental health centers.

(3) Applications of other public and nonprofit private entities for the provision of services in areas where community mental health centers do not exist.

(d) For the purpose of making grants under subsection (a) there are authorized to be appropriated $32,600,000 for the fiscal year ending September 30, 1982, $38,000,000 for the fiscal year ending September 30, 1983, and $43,000,000 for the fiscal year ending September 30, 1984.

GRANTS FOR SERVICES FOR SEVERELY MENTALLY DISTURBED CHILDREN AND ADOLESCENTS

SEC. 104. (a) The Secretary may make grants to State mental health authorities, community mental health centers, and other public and nonprofit private entities for the provision of mental health and support services for severely mentally disturbed children and adolescents and for members of their families.

(b) An application for a grant under subsection (a) shall contain a plan for the provision of the mental health and support services to be provided with the grant and describing the priorities to be applied by the applicant in determining which services to offer. Such a plan shall be in accordance with the State health plan in effect under section 1524 of the Public Health Service Act in the State of the applicant.

(c) In making grants under subsection (a), the Secretary shall give priority to approved applications for such grants in the following order:

(1) Applications of State mental health authorities to provide mental health and support services in a State (A) through community mental health centers, and (B) in areas where centers do not exist, directly or through public or nonprofit private entities.

(2) Applications of community mental health centers.

(3) Applications of other public and nonprofit private entities for the provision of services in areas where community mental health centers do not exist.

(d) For the purpose of making grants under subsection (a) there are authorized to be appropriated $7,000,000 for the fiscal year ending September 30, 1982, $8,000,000 for the fiscal year ending September 30, 1983, and $9,000,000 for the fiscal year ending September 30, 1984.

GRANTS FOR MENTAL HEALTH SERVICES FOR PRIORITY POPULATIONS

SEC. 105. (a) Subject to section 406, the Secretary may make grants to any public or nonprofit private entity for any project for mental health services which—

(1) are designed to serve principally one or more priority population groups in a mental health service area,

(2) are available to all residents of the area, and

(3) are provided in a mental health service area not served by a community mental health center.

(b) An application for a grant under subsection (a) may be approved only if—

(1) the State mental health authority for the State in which the project to be assisted by the grant is located has recommended that the Secretary approve the application;

(2) the application contains satisfactory assurances that the project for which the application is made will lead to increased or more appropriate mental health services for a priority population group or to the development of mental health services for such a group;

(3) the application contains satisfactory assurances that members of the priority population group or groups to be served by the project have had a reasonable opportunity to comment on the proposed project during its preparation and satisfactory assurances that members of the group or groups will be afforded reasonable opportunity to comment on performance under the project; and

(4) the applicant (A) will during the first three years that it receives a grant under subsection (a) provide outpatient mental health services and any two of the following mental health services determined to be of the greatest need for the priority population to be served by the applicant: inpatient services, screening, followup, consultation and education, and emergency, and (B) has a plan satisfactory to the Secretary for the provision of all the mental health services described in clause (A) upon the expiration of the first three years that it receives a grant under subsection (a).

(c) In any fiscal year not more than two grants may be made under subsection (a) for one mental health service area and the total number of grants that may be made to such an area under subsection (a) may not exceed ten. Not more than five grants may be made under subsection (a) to the same entity for mental health services for the same priority population group or groups. The amount of any grant under subsection (a) shall be determined by the Secretary, except that the fourth and fifth such grants may not exceed 60 per centum and 30 per centum, respectively, of the costs of the project for which the grants are made.

(d) For the purpose of making grants under subsection (a) there are authorized to be appropriated $16,000,000 for the fiscal year ending September 30, 1982, $18,000,000 for the fiscal year ending September 30, 1983, and $200,000,000 for the fiscal year ending September 30, 1984.

(e) For purposes of this section, the term "priority population group" means an identifiable population group in a mental health service area which is unserved or underserved by mental health programs in such area as determined under a health systems plan or a State health plan in effect under section 1513 or 1524 of the Public Health Service Act.

GRANTS FOR NON-REVENUE-PRODUCING ACTIVITIES

SEC. 106. (a) (1) The Secretary may make grants to public and nonprofit private community mental health centers to assist in meeting the costs (as defined by the Secretary by regulation) of—

(A) providing the consultation and education services described in clause (iv) of section 409(b)(1)(A),

(B) providing the followup services described in clause (iii) of such section, and

(C) administering the mental health service programs of the entities.

(2) To be eligible for a grant under paragraph (1) a community mental health center must be a public or nonprofit private center which—

(A) has received a grant under section 203 (a) of the Community Mental Health Centers Act, under section 220 of such Act as in effect before July 29, 1975, or under section 102 of this Act; and

(B) because of the limitations on the perod for which a center may receive such a grant or on the number of such grants the center may receive, is no longer eligible to receive such a grant.

(3) No application for a grant under paragraph (1) for a fiscal year beginning after September 30, 1983, for a community mental health center may be approved unless—

(A) the community mental health center for which the application is submitted is operated by a State, or

(B) in the case of any other center, the application has been recommended for approval by the State mental health authority for the State in which the center is located.

(b) An application for a grant under subsection (a) shall contain assurances satisfactory to the Secretary that the applicant will, during the period which it receives a grant under subsection (a), provide, at a minimum, the comprehensive mental health services described in clauses (i) through (iv) of section 409(b)(1)(A).

(c)(1) No community mental health center may receive more than five grants under subsection (a).

(2) Each grant under subsection (a) shall be made for the one-year period beginning on the first day of the first month beginning after the date the grant is made.

(3) The amount of a grant under subsection (a) shall be determined by the Secretary, except that no grant may exceed the product of $1.00 and the population of the mental health service area of the community mental health center receiving the grant. The population of a mental health service area shall be determined on the basis of the latest available from the Department of Commerce.

(d) For the purpose of making grants under subsection (a) there are authorized to be appropriated $35,000,000 for the fiscal year ending September 30, 1982, $40,000,000 for the fiscal year ending September 30, 1983, and $45,000,000 for the fiscal year ending September 30, 1984.

GRANTS FOR MENTAL HEALTH SERVICES IN AMBULATORY HEALTH CARE CENTERS

SEC. 107. (a)(1) For the purpose of assisting ambulatory health care centers to participate appropriately in the provision of mental health services to their patients, the Secretary may make a grant to—

(A) any public or nonprofit private entity which provides mental health services that include at least twenty-four-hour emergency services, outpatient services, and consultation and education services (as described in section 409(b)(1)(A)(iv)) and has in effect an agreement of affiliation, described in paragraph (2), with an entity which is an ambulatory health care center; or

(B) any public or nonprofit private ambulatory health care center which has in effect an agreement of affiliation, described in paragraph (2), with an entity described in subparagraph (A).

(2) An agreement of affiliation referred to in paragraph (1) is an agreement between a mental health services entity described in paragraph (1)(A) and an ambulatory health care center which agreement—

(A) describes the geographical area the residents of which will be served by the mental health services to be provided under the agreement;

(B) provides for the employment of at least one mental health professional to serve as a liaison between the parties to the agreement and includes a description of the qualifications to be required of that person and of any other professional mental health personnel to be employed under the agreement;

(C) provides satisfactory assurances that the mental health services entity will make mental health services available to patients of the center referred to it by the liaison or other mental health professionals; and

(D) includes transportation arrangements and other arrangements for effecting referral from the center to the mental health services entity of patients needing the services of such entity.

(b) Any grant under subsection (a) may be made for a project for any one or more of the following:

(1) The costs of liaison or other mental health professionals providing services in the ambulatory health care center in accordance with an agreement of affiliation.

(2) Mental health services provided by other personnel of the center which the mental health services entity determines can be appropriately provided by such personnel.

(3) Consultation and inservice training on mental health provided to personnel of the ambulatory health care center by the mental health services entity.

(4) Establishing liaison between the center and other providers of mental health services or support services.

(c) For the purpose of making grants under subsection (a) there are authorized to be appropriated $15,000,000 for the fiscal year ending September 30, 1982, $17,500,000 for the fiscal year ending September 30, 1983, and $20,000,000 for the fiscal year ending September 30, 1984.

GRANTS FOR MEMBERS OF INDIAN TRIBES OR ORGANIZATIONS

SEC. 108. (a) Upon request of any Indian tribe or any urban Indian organization the Indian Health Service may apply to the Secretary for a grant under this title to be made to the Indian Health Service or any entity of the Service for the provision of mental health services to members of such tribe or organization. Such a grant shall be made on the same terms and conditions as apply to non-Federal entities.

(b) Any grant under subsection (a) may be made for a project serving members of an Indian tribe or an urban Indian organization even though the area in which those members reside is included in two or more mental health service areas of a State.

(c) For purposes of this section, the terms "Indian tribe" and "urban Indian organization" have the same meaning as is prescribed for them in section 4 of the Indian Health Improvement Act (25 U.S.C. 1603(4)).

GRANTS FOR INNOVATIVE PROJECTS

SEC. 109. (a) The Secretary may make grants to public and nonprofit private entities for—

(1) projects for the training and retraining of employees adversely affected by changes in the delivery of mental health services and assistance in securing employment;

(2) projects for the innovative use of personnel in the management and delivery of mental health services; and

(3) any other innovative project of national significance respecting mental health services and mental health services personnel.

(b) The Secretary may set dates by which applications for grants under subsection (a) must be submitted.

(c) In any fiscal year, 5 per centum of the total amount appropriated for such fiscal year under sections 101 through 107 shall be available to the Secretary for grants under subsection (a). Of the funds obligated by the Secretary for such grants, not less than 50 per centum shall be obligated for approvable projects described in subsection (a)(1).

TITLE II—STATE PROGRAMS

GRANTS TO IMPROVE THE ADMINISTRATION OF STATE MENTAL HEALTH PROGRAMS

SEC. 201. (a) For the purpose of assisting States to improve the administration of State mental health programs, the Secretary may make grants to State mental health authorities for any project for any one or more of the following:

(1) Improving the capacity of the State mental health authority to collect and analyze statistics and other data and to otherwise meet the monitoring or reporting requirements under this Act.

(2) Improving the planning and other administrative functions of the State mental health authority.

(3) Improving the ability of the State mental health authority (A) to set performance standards for mental health service projects and programs, (B) to enforce those standards, and (C) to evaluate performance under such projects and programs through data analysis, studies, and other means.

(4) Any other activity designed to improve the provision of mental health services in the State or the administration of State or local mental health programs.

(b) For payments under grants under subsection (a) there are authorized to be appropriated $3,000,000 for the fiscal year ending September 30, 1982, $4,000,000 for the fiscal year ending September 30, 1983, and $5,000,000 for the fiscal year ending September 30, 1984.

PILOT PROJECTS FOR STATE ADMINISTRATION OF GRANTS

SEC. 202. (a) For the purpose of demonstrating the improvement in administration and in the provision of mental health services that can be made by State mental health authorities participating in the administration of the grant programs under this Act, the Secretary may enter into agreements with State mental health authorities under which the authorities will, on behalf of the Secretary—

(1) disburse Federal funds under grants under this Act;

(2) review performance under projects and programs funded by grants under this Act and report to the Secretary the extent to which such performance complies with applicable requirements; and

(3) perform such other functions of the Secretary under the grant programs as the State mental health authority and the Secretary may agree upon.

As determined in the agreements entered into under this subsection, the Secretary shall make grants to State mental health authorities to meet their costs in carrying out the agreements.

(b) For the purpose of payments under grants under subsection (a) there are authorized to be appropriated $3,000,000 for the fiscal year ending September 30, 1982, $4,000,000 for the fiscal year ending September 30, 1983, and $5,000,000 for the fiscal year ending September 30, 1984.

TITLE III—PREVENTION

DEMONSTRATION PROJECTS

SEC. 301. (a) The Secretary may make grants to public and nonprofit private entities to demonstrate the effectiveness of intervention techniques and mental health promotion activities in the—

(1) maintenance and improvement of the mental health of individuals and groups of individuals particularly susceptible to mental illness,

(2) prevention of the onset of mental illness in such individuals and groups, and

(3) prevention of the deterioration of the mental health of such individuals and groups.

(b) An application for a grant under subsection (a) shall—

(1) define the intervention techniques and mental health promotion activities to be funded by the grant;

(2) define the individuals or groups of individuals to be served by such techniques and activities; and

(3) provide for the evaluation of the effectiveness of such techniques and activities and describe the methodology to be used in making such evaluation.

(c) For the purpose of making grants under subsection (a) there are authorized to be appropriated $6,000,000 for the fiscal year ending September 30, 1982, $8,000,000 for the fiscal year ending September 30, 1983, and $10,000,000 for the fiscal year ending September 30, 1984.

TITLE IV—GENERAL PROVISIONS

PART A—STATE PLANS

STATE MENTAL HEALTH SERVICES PLANS

SEC. 401. (a) In order for the State mental health authority of or any entity in a State to be eligible to receive a grant under this Act for any fiscal year, such State must have in effect a State mental health services plan which—

(1) has been prepared by an agency of the State designated by the Governor (hereinafter in this Act referred to as the "State agency") and submitted to the Secretary through the Governor,

(2) is consistent with the provisions, relating to mental health services, of the State health plan prepared in accordance with section 1524(c)(2) of the Public Health Service Act, and

(3) has been approved by the Secretary as meeting the requirements of section 402.

(b) The Secretary may not finally disapprove a State mental health services plan (or any modification thereof) except after reasonable notice and opportunity for a hearing to the State.

(c) Whenever the Secretary, after reasonable notice and opportunity for a hearing to the State agency of a State, finds that the State plan approved under this Act has been so changed that it no longer complies with section 502, or that in the administration of the plan there is a failure to comply substantially with any provision of such section, the Secretary—

(1) may, until the Secretary is satisfied that there will no longer be any such failure, discontinue payments under grants under this Act to the State mental health authority and any other entity in the State receiving such grants or to each program or project (or part of a program or project) affected by such failure, and

(2) shall notify the State agency of the action taken under paragraph (1).

CONTENTS OF PLANS

SEC. 402. To be approved under section 401 a State mental health services plan must be submitted in such form and manner as the Secretary prescribes. The plan shall consist of an administrative part and a services part as follows:

(1) The administrative part shall—

(A) provide for establishment or designation of a single agency of the State (in this Act referred to as the "State agency") to assume responsibility for administration of the plan and the other aspects of the State's mental health services program;

(B) provide for the designation of a State advisory council to consult with the State agency in administering the plan, which council shall include (i) representatives of nongovernment organizations or groups, and of State agencies, concerned with the planning, operation, or use of facilities for the provision of mental health services, and (ii) representatives of consumers and providers of such services who are familiar with the need for such services;

(C) provide that the State agency will make such reports in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and vertification of such reports;

(D) provide that any statistics or other data included in the State mental health services plan or on which the State plan is based will conform to such criteria, standards, and other requirements relating to their form, method of collection, content, or other aspects as the Secretary may prescribe;

(E) provide that the State agency will from time to time, but not less often than annually, review the State plan and submit to the Secretary appropriate modifications thereof which it considers necessary; and

(F) include provisions, meeting such requirements as the Office of Personnel Management may prescribe, relating to the establishment and maintenance of personnel standards on a merit basis.

(2) The services part shall—

(A) identify the mental health service areas within the State;

(B) set forth (i) the need of each mental health service area in the State for mental health services, (ii) the public or private facilities, mental health personnel, and services which are available, and the additional facilities, personnel, and services required, to meet that need, (iii) the methods used to determine that need and to determine if the facilities, personnel, and services meet that need, (iv) the way in which and the order in which that need will be met through use of existing Federal, State, or local resources and otherwise, and (v) similar information for the State not included under clause (i), (ii), (iii), or (iv) which is of significance for more than a single mental health service area;

(C) describe the steps that are proposed to be taken at the State level and the local level in an effort to coordinate the provision of mental health and support services;

(D) describe the legal rights of persons in the State who are mentally ill or otherwise mentally handicapped and what is being done in the State to protect those rights;

(E) provide for emphasizing outpatient mental health services wherever appropriate and include fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) to protect the interests of employees affected adversely by actions taken to emphasize such outpatient treatment, including arrangements designed to preserve employee rights and benefits and to provide training and retraining of such employees, where necessary, for work in mental health or other fields and including arrangements under which maximum effort will be made to place such employees in employment; and

(F) contain or be accompanied by such additional information or assurances and meet such other requirements as the Secretary prescribes in order to achieve the purposes of this Act.

PART B—APPLICATIONS AND RELATED PROVISIONS

APPLICATIONS

SEC. 403. (a) No grant may be made under this Act unless an application therefor is submitted to and approved by the Secretary. The application shall be in such form, submitted in such manner, and contain such information, as the Secretary may require.

(b) An application for a grant for any project must, in addition to the application requirements prescribed in the section under which the grant is to be made, contain or be accompanied by—

(1) a budget covering the year for which the grant is sought (and such additional period as the Secretary may require) showing the sources of funding for the project and allocating the funds available for the project among the various types of services to be provided or assisted or the various types of activities to be conducted or assisted and among the various population groups to which the project is directed;

(2) a statement of the objectives of the project;

(3) in the case of any project, under which health services are to be provided, assurances satisfactory to the Secretary that—

(A) the applicant (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments which discounts are adjusted on the basis of the patient's ability to pay; (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such approved schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (B) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph; and

(B) the applicant has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

(C) the applicant will adopt and enforce a policy (i) under which fees for the provision of mental health services through the center will be paid to the center, and (ii) which prohibits health professionals who provide such services to patients through the center from providing such services to such patients except through the center; and

(D) has (i) established a requirement that the mental health care of every patient must be under the supervision of a member of the professional staff, and (ii) provided for having a member of the professional staff available to furnish necessary mental health care in case of an emergency;

(4) in the case of a project which will serve a population which includes a substantial proportion of individuals of limited English-speaking ability, assurances satisfactory to the Secretary that the applicant has (A) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (B) identified an individual on its staff who is fluent in both that language and English and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitiveness and bridging linguistic and cultural differences;

(5) information on the organization and operation of the applicant;

(6) satisfactory assurances that the applicant will submit such reports, at such times and containing such information, as the Secretary may request and maintain such records as the Secretary may find necessary for purposes of this Act, and afford the Secretary and the Comptroller General of the United States such access to such records and other documents as may be necessary for an effective audit of the project or activity;

(7) satisfactory assurances that funds made available under this Act will be used to supplement and, to the extent practical, increase the level of non-Federal funds that would, in the absence of those Federal funds, be made available for the purpose, and will in no event supplant such non-Federal funds;

(8) satisfactory assurance that the project is consistent with the State mental health services plan; and

(9) such other information and material and such other assurances as the Secretary may prescribe.

TECHNICAL ASSISTANCE

SEC. 404. Such portion as the Secretary may determine, but not more than 2 per centum, of the total amount appropriated under this Act for any fiscal year is available for technical assistance, including short-term training, by the Secretary to any State mental health authority or other entity which is or has been a recipient of a grant under this Act, to assist it in developing, or in better administering, the mental health services program or programs for which it is responsible.

PART C—GRANT LIMITS

LIMITS ON GRANTS

SEC. 406. In any mental health service area the total number of grants under—

(1) section 220 of the Community Mental Health Centers Act (as in effect before the date of the enactment of the Community Mental Health Centers Amendments of 1975),

(2) section 203 of such Act,

(3) section 102 of this Act, and

(4) section 105 of this Act,

may not exceed ten.

PART D—PERFORMANCE

PERFORMANCE STANDARDS

SEC. 407. (a) The Secretary shall prescribe standard measures of performance designed to test the quality and extent of performance by grantees under this Act and the extent to which such performance has helped to achieve the national or other objectives for which the grants were made.

(b) In determining whether or not to approve an application for a grant under this Act, the Secretary shall consider the performance by the applicant under any prior grant under this Act as measured under subsection (a).

EVALUATION AND MONITORING

SEC. 408. (a) With the approval of the Secretary, any recipient of a grant under this Act may use a portion of that grant for evaluation of the project or activity involved and of the recipient's program of which the project or activity is a part.

(b) Not more than 1 per centum of the total amount appropriated under this Act for any fiscal year shall be used by the Secretary, directly or through contracts with State mental health authorities, to monitor activities of grantees under this Act to determine if the requirements of this Act applicable to the receipt of such grants are being met.

PART E—DEFINITIONS

DEFINITION OF COMMUNITY MENTAL HEALTH CENTER

SEC. 409. (a) For purposes of this Act, the term "community mental health center" means a legal entity (1) through which comprehensive mental health services are provided—

(A) principally to individuals residing in a mental health service area,

(B) within the limits of its capacity, to any individual residing or employed in such area regardless of his ability to pay for such services, his current or past health condition, or any other factor, and

(C) in the manner prescribed by subsection (b),

and (2) which is organized in the manner prescribed by subsections (c) and (d).

(b)(1) The comprehensive mental health services which shall be provided through a community mental health center are as follows:

(A) Beginning on the date the community mental health center is established for purposes of this Act the services provided through the center shall include—

(i) inpatient services, emergency services, and outpatient services;

(ii) assistance to courts and other public agencies in screening residents of the center's mental health service area who are being considered for referral to a State mental health facility for inpatient treatment to determine if they should be so referred and provision, where appropriate, of treatment for such persons through the center as an alternative to inpatient treatment at such a facility;

(iii) provision to followup care for residents of its mental health service area who have been discharged from inpatient treatment at a mental health facility;

(iv) consultation and education services which—

(I) are for a wide range of individuals and entities involved with mental health services, including health professionals, schools, courts, State and local law enforcement and correctional agencies, members of the clergy, public welfare agencies, health services delivery agencies, and other appropriate entities; and

(II) include a wide range of activities (other than the provision of direct clinical services) designed to develop effective mental health programs in the center's mental health service area, promote the coordination of the provision of mental health services among various entities serving the center's mental health service area, increase the awareness of the residents of the center's mental health service area of the nature of mental health problems and the types of mental health services available, and promote the prevention and control of rape and the proper treatment of the victims of rape; and

(v) the services described in subparagraph (B) or, in lieu of such services, providing a plan approved by the Secretary under which the center will, during the three-year period beginning on such establishment date, assume in increments the provision of the services described in subparagraph (B) and will upon the expiration of such three-year period provide all the services described in subparagraph (B).

(B) After the expiration of such three-year period, a community mental health center shall provide, in addition to the services required by subparagraph (A), services which include—

(i) day care and other partial hospitalization services;

(ii) a program of specialized services for the mental health of children, including a full range of diagnostic, treatment, liaison, and followup service (as prescribed by the Secretary);

(iii) a program of specialized services for the mental health of the elderly, including a full range of diagnostic, treatment, liaison, and followup services (as prescribed by the Secretary);

(iv) a program of transitional half-way house services for mentally ill individuals who are residents of its mental health service area and who have been discharged from inpatient treatment in a mental health facility or would without such services require inpatient treatment in such a facility; and

(v) provision of each of the following service programs (other than a service program for which there is not sufficient need (as determined by the Secretary) in the center's mental health service area, or the need for which in the center's mental health service area the Secretary determines is currently being met):

(I) A program for the prevention and treatment of alcoholism and alcohol abuse and for the rehabilitation of alcohol abusers and alcoholics.

(II) A program for the prevention and treatment of drug addiction and abuse and for the rehabilitation of drug addicts, drug abusers, and other persons with drug dependency problems.

(2) The provision of comprehensive mental health services through a center shall be coordinated with the provision of services by other health and social service agencies (including State mental health facilities) in or serving residents of the center's mental health service area to insure that persons receiving services through the center have access to all such health and social services as they may require. The center's services (A) may be provided at the center or satellite centers through the staff of the center or through aprpropriate arrangements with health professionals and others in the center's mental health service area, or, with the approval of the Secretary, in the case of inpatient services, emergency services, and transitional half-way house services, through appropriate arrangements with health professionals and others serving the residents of the mental health service area, (B) shall be available and accessible to the residents of the area promptly, as appropriate, and in a manner which preserves human dignity and assures continuity and high quality care and which overcomes geographic, cultural, linguistic, and economic barriers to the receipt of services, and (C) when medically necessary, shall be available and accessible twenty-four hours a day and seven days a week.

(3) Consistent with the requirements of State law, the medical services provided by a center to individual patients shall be under the direction and supervision of a physician. Whenever possible, the physician providing such direction and supervision shall be a psychiatrist.

(c)(1) Except as provided in paragraph (2), the governing board of a community mental health center shall (A) be composed, where practicable, of individuals who reside in the center's mental health service area and who, as a group, represent the residents of that area taking into consideration their employment, age, sex, and place of residence, and other demographic characteristics of the area, and (B) meet at least once a month, establish general policies for the center (including a schedule of hours during which services will be provided), approve the center's annual budget, and approve the selection of a director for the center. At least one-half of the members of such body shall be individuals who are not providers of health care.

(2) In the case of a community mental health center which is operated by a governmental agency or a hospital, such center may, in lieu of meeting the requirements of paragraph (1), appoint a committee which advises it with respect to the operations of the center and which is composed of individuals who reside in the center's mental health service area, who are representative of the residents of the area as to employment, age sex, place of residence, and other demographic characteristics, and at least one-half of whom are not providers of health care. A center to which this paragraph applies shall submit to such a committee for its review any application for a grant under section 102.

(3) For purposes of paragraphs (1) and (2), the term "provider of health care" has the same meaning as is prescribed for that term by section 1531(3) of the Public Health Service Act.

(d) A center shall, in accordance with regulations prescribed by the Secretary, have (1) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, (2) an tegrated medical records system (including a drug use profile) which, in accordance with Federal and State laws respecting confidentiality, is designed to provide access to all past and current information regarding the health status of each patient and to maintain safeguards to preserve confidentiality and to protect the rights of the patient, (3) a professional advisory board, which is composed of members of the center's professional staff, to advise the governing board in establishing policies governing medical and other services provided by such staff on behalf of the center, and (4) an identifiable administrative unit which shall be responsible for providing the consultation and education services described in subsection (b)(1)(A)(iv). The Secretary may waive the requirements of clause (4) with respect to any center if he determines that because of the size of such center or because of other relevant factors the establishment of the administrative unit described in such clause is not warranted.

OTHER DEFINITIONS

SEC. 410. For purposes of this title:

(1) The term "ambulatory health care center" may include an outpatient facility operated in connection with a hospital, a community health center, a migrant health center, a clinic of the Indian Health Service, a skilled nursing home, an intermediate care facility, and an outpatient health care facility of a medical group practice, a public health department, or a health maintenance organization.

(2) The term "State mental health authority" means the agency of a State to which has been delegated the responsibility for the mental health programs of the State.

(3) A mental health service area shall, except to the extent permitted under regulations of the Secretary, have boundaries which conform to or are within the boundaries of a health service area established under title XV of the Public Health Service Act and, to the extent practicable, conform to boundaries of one or more school districts or political or other subdivisions in the State. Each State shall be covered by one or more mental health service areas.

PART F—MISCELLANEOUS

INDIRECT PROVISION OF SERVICES

SEC. 411. Except as provided in section 409(b)(2), any mental health service for the provision of which an entity is responsible for purposes of a grant under this Act may be provided by it directly at its primary or satellite facilities or through arrangements with other entities or health professionals and others in, or serving residents of, the same mental health service area.

COOPERATIVE AGREEMENTS

SEC. 412. In lieu of providing funds under a grant under this Act, the Secretary may provide such funds under a cooperative agreement, and all requirements which would apply with respect to such a grant shall apply to the cooperative agreement.

CONTRACT AUTHORITY

SEC. 413. The authority of the Secretary to enter into contracts under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.

TITLE V—MINORITY CONCERNS

ASSOCIATE DIRECTOR OF NATIONAL INSTITUTE OF MENTAL HEALTH

SEC. 501. (a) There shall be in the National Institute of Mental Health an Associate Director for Minority Concerns.

(b) The Secretary of Health and Human Services, acting through the Associate Director for Minority Concerns, shall—

(1) support programs for the delivery of mental health services to minority populations;

(2) support programs of basic and applied social and behavioral research on the mental health problems of minority populations;

(3) develop a plan to increase tht representation of minority populations in the delivery of mental health services and in mental health research;

(4) support programs to develop in individuals providing mental health services and conducting mental health research an understanding of the needs of minority populations;

(5) study the effect of discrimination on institutions and individuals; and

(6) support and develop research, demonstration, and training programs aimed at eliminating institutional discrimination.

Support of programs under this subsection shall be made by grants to and contracts with public and nonprofit private entities.

TITLE VI—RAPE SERVICES SUPPORT PROGRAM

GRANTS FOR SERVICES FOR RAPE VICTIMS

SEC. 601. (a) The Secretary may make grants to and enter into contracts with public and nonprofit private entities to assist in meeting the cost of—

(1) providing counseling and followup counseling for rape victims and the immediate family of rape victims;

(2) providing assistance in securing mental health, social, medical, and legal services for rape victims;

(3) demonstration projects to develop and implement methods of preventing rape and assisting rape victims.

(b)(1) An application for a grant or contract under subsection (a) shall contain such assurances as the Secretary may require that the applicant will comply with the requirements of subsection (e).

(2) The amount of any grant or contract under this section shall be determined by the Secretary, except that the amount may

not exceed 90 per centum of the cost of the project (as determined by the Secretary) with respect to which the grant or contract is made or entered into.

(c)(1) In carrying out this section, the Secretary shall coordinate with other activities related to rape carried out by the Secretary and the heads of other Federal departments and agencies.

(2) The Secretary shall establish a grant review panel to make recommendations to the Secretary with respect to the approval of applications for grants and contracts under subsection (a). The Secretary shall appoint individuals to the panel who are or have been engaged in the provisions of services to rape victims.

(d)(1) There are authorized to be appropriated to make payments under grants and contracts under subsection (a) $6,000,000 for the fiscal year ending September 30, 1981, $9,000,000 for the fiscal year ending September 30, 1982, $12,000,000 for the fiscal year ending September 30, 1983, and $12,000,000 for the fiscal year ending September 30, 1984.

(2) The Secretary may in a fiscal year obligate not more than 10 per centum of the funds appropriated for that fiscal year under paragraph (1) to provide, upon request, technical assistance in the development and submission of applications for a grant or contract under subsection (a). Such assistance shall be provided only to those entities which the Secretary determines do not possess the resources or expertise necessary to develop and submit such an application.

(e) No officer or employee of the Federal Government or of any recipient of a grant or contract under subsection (a) may use or disclose any information obtained by the recipient in carrying out an activity assisted by such grant or contract unless such use or disclosure is to carry out a purpose for which the information was obtained. Such information shall be immune from legal process and may not, without the consent of the person furnishing the information, be admitted as evidence or otherwise used in any civil or criminal action or other judicial or administrative proceeding.

TITLE VII—EXTENSION OF COMMUNITY MENTAL HEALTH CENTERS ACT

ONE-YEAR EXTENSION OF COMMUNITY MENTAL HEALTH CENTERS ACT

SEC. 701. (a) Subsection (d) of section 202 of the Community Mental Health Centers Act (42 U.S.C. 2689a(d)) (relating to grants for planning) is amended by striking out "for the fiscal year ending September 30, 1980" and inserting in lieu thereof "each of the fiscal year ending September 30, 1980, and the next fiscal year."

(b) Subsection (d) of section 203 of such Act (relating to grants for initial operation) is amended—

(1) in paragraph (1), by (A) striking out "and" after "1979,", and (B) inserting before the period a comma and the following: "and $37,000,000 for the fiscal year ending September 30, 1981"; and

(2) effective October 1, 1981, by striking out "(1)" and paragraph (2).

(c) Subsection (c) of section 204 of such Act (42 U.S.C. 2689(c)) (relating to grants for consultation and education services) is amended (1) by striking out "and" after "1979,", and (2) by inserting before the period a comma and the following: "and $15,000,000 for the fiscal year ending September 30, 1981".

(d)(1) Section 213 of such Act (42 U.S.C. 2689h) (relating to financial distress grants) is amended (1) by striking out "and" after "1978,", and (B) by inserting after "1979," the following: "and $15,000,000 for the fiscal year ending September 30, 1981,".

(2) Section 212(c) of such Act (42 U.S.C. 2689g(c)) of such Act is amended by striking out "five" and inserting in lieu thereof "six".

(e) Subsection (d) of section 231 of such Act (42 U.S.C. 2689q) (relating to rape prevention and control) is amended (1) by striking out "and" after "1979,", and (2) by inserting before the period a comma and the following: "and $40,000,000 for the fiscal year ending September 30, 1981".

TITLE VIII—MISCELLANEOUS

OBLIGATED SERVICE FOR MENTAL HEALTH TRAINEESHIPS

SEC. 801. (a) Section 303 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(d)(1) Any individual who has received a clinical traineeship, in psychology, psychiatry, nursing, or social work, under subsection (a)(1) that was not of a limited duration or experimental nature (as determined by the Secretary) is obligated to serve, in service determined by the Secretary to be appropriate in the light of the individual's training and experience, at the rate of one year for each year (or academic year, whichever the Secretary determines to be appropriate) of the traineeship.

"(2) The service required under paragraph (1) shall be performed—

"(A) for a State mental institution providing in-patient care or any entity receiving a grant under the Mental Health Systems Act,

"(B) in a health manpower shortage area (as determined under subpart II of part D of this title), or

"(C) in any other area or for any other entity designated by the Secretary,

and shall begin within such period after the termination of the traineeship as the Secretary may determine. In developing criteria for determining for which institutions or entities or in which areas, referred to in the preceding sentence, individuals must perform service under paragraph (1), the Secretary shall give preference to institutions, entities, or areas which in his judgment have the greatest need for personnel to perform that service. The Secretary may permit service for or in other institutions, entities, or areas if the Secretary determines that the request for such service is supported by good cause.

"(3) Any individual who fails to perform the service required under this subsection within the period prescribed by the Secretary is obligated to repay to the United States an amount equal to three times the cost of the traineeship (including stipends and allowances) plus interest at the maximum legal rate at the time of payment of the traineeship, multiplied, in any case in which the service so required has been performed in part, by the percentage which the length of the service so performed is of the length of the service so required to be performed.

"(4)(A) In the case of any individual any part of whose obligation to perform service under this subsection exists at the same time as any part of his obligation to perform service under section 752 or 753 (because of receipt of a scholarship under subpart IV of part C of title VII) or his obligation to perform service under section 472 (because of receipt of a National Research Service Award), or both, the same service may not be used to any extent to meet more than one of those obligations.

"(B) In any case to which subparagraph (A) is applicable and in which one of the obligations is to perform service under section 752 or 753, the obligation to perform service under that section must be met (by performance of the required service or payment of damages) before the obligation to perform service under this subsection or under section 472.

"(C) In any case to which subparagraph (A) is applicable, if any part of the obligation to perform service under section 472 exists at the same time as any part of the obligation to perform service under this subsection, the manner and time of meeting each obligation shall be prescribed by the Secretary.".

(b) The amendment made by subsection (a) applies in the case of any academic year (of any traineeship awrded under section 303(a)(1) of the Public Health Service Act) beginning after the date of the enactment of this Act if the award for such academic year is made after such date.

CONFORMING AMENDMENTS

SEC. 802. (a) Section 507 of the Public Health Service Act (relating to grants to Federal institutions) is amended by inserting ", and appropriations under the Mental Health Systems Act," before "shall also be available".

(b) Section 513 of such Act (relating to evaluation of programs by the Secretary) is amended by inserting "the Mental Health Systems Act," after "Community Mental Health Centers Act,".

(c) Sections 1513(e)(1)(A)(i) and 1524(c)(6) of such Act (relating to review of proposed use of Federal funds) are each amended by inserting "the Mental Health Systems Act," after "Community Mental Health Centers Act,".

SPECIAL PAY FOR PUBLIC HEALTH SERVICE PHYSICIANS AND DENTISTS

SEC. 803. Section 208(a) of the Public Health Service Act (42 U.S.C. 210(a)) is amended (1) by inserting "(1)" after "(a)", and (2) by adding at the end the following:

"(2) Commissioned medical and dental officers in the Regular and Reserve Corps shall while on active duty be paid special pay in the same amounts as, and under the same terms and conditions which apply to, the special pay now or hereafter paid to commissioned medical and dental officers of the Armed Forces under chapter 5 of title 37, United States Code.".

MENTAL HEALTH PERSONNEL

SEC. 804. Section 303 of the Public Health Service Act (42 U.S.C. 242a) (as amended by section 801) is amended by adding at the end the following:

"(e) Because of the rising demands for mental health services and the wide disparity in the distribution of psychiatrists, clinical psychologists, social workers, and psychiatric nurses, there is a shortage in the medical specialty of psychiatry and there are also shortages among the other health personnel who provide mental health services.".

Mr. WAXMAN (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 6, line 11, strike "or other entity."

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent that the committee amendments be considered as read, printed in the RECORD, and considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The remaining committee amendments are as follows:

Committee amendments: Page 9, line 18, strike out "payments under" and insert in lieu thereof "the purposes of making" and, beginning on page 10 in line 11, strike out "payments under".

Page 10, insert after the period in line 14 the following:

No grant may be made under this subsection to a public entity (other than a State mental health authority) or a nonprofit private entity for the provisions of services in a mental health service area served by a community mental health center.

Page 12, insert after the period in line 4 the following:

No grant may be made under this subsection to a public entity (other than a State mental health authority) or a nonprofit private entity for the provision of services in a mental health service area served by a community mental health center.

Page 15, insert on line 1 the following:

The Secretary may not approve an application of an entity which has received a grant for three years under subsection (a) unless the applicant is providing all the mental health services described in paragraph (4) (A).

Page 18, line 14, strike out "a grant" and insert in lieu thereof "grants".

Page 21, line 20, insert "providing" after "and".

Page 23, line 11, strike out "payments under" and insert in lieu thereof "the purpose of making".

Page 24, line 14, strike out "payments under" and insert in lieu thereof "making".

Page 26, line 20, strike out "except after" and insert in lieu thereof "unless the State agency has been provided" and in line 21 strike out "to the State".

Page 26, line 25, strike out "502" and insert in lieu thereof "402".

Page 27, strike out lines 19 through 21 and insert in lieu thereof the following:

(A) provide that the State agency will assume

Page 28, line 4, strike out "nongovernment" and insert in lieu thereof "nongovernmental".

Page 32, line 1, insert ", to be assisted by a grant under title I," after "project".

Page 34, insert after line 9 the following:

(5) satisfactory assurances that the applicant has in effect a system, satisfactory to the Secretary, to assure that an employee of the applicant who reports to any officer or employee of the Department of Health and Human Services or appropriate State authority any failure on the part of the applicant to comply with an applicable requirement of this Act or regulation of the Secretary or requirement of State law will not on account of such report be discharged or discriminated against with respect to the employee's compensation or the terms, conditions, or privileges of the employee's employment;

(6) satisfactory assurances that each facility to be used in the provision of health or support services to be supported by the grant applied for meets the requirements of applicable fire and safety codes imposed by State law;

Page 35, line 3, strike out "(5)" and insert in lieu thereof "(7)".

Page 35, line 5, strike out "(6)" and insert in lieu thereof "(8)".

Page 35, line 14, strike out "(7)" and insert in lieu thereof "(9)".

Page 35, line 20, strike out "(8)" and insert in lieu thereof "(10)".

Page 35, line 23, strike out "(9)" and insert in lieu thereof "(11)".

Page 36, line 4, strike out "under this Act" and insert in lieu thereof "under titles I and II".

Page 38, line 20, strike out "this Act" and insert in lieu thereof "section 102".

Page 39, line 10, strike out "to" and insert in lieu thereof "of".

Page 40, line 15, strike out "providing" and insert in lieu thereof "the center shall have".

Page 45, line 16, strike out "this title" and insert in lieu thereof "this Act".

Page 45, insert after line 16 the following:

(1) The term "Secretary" means the Secretary of Health and Human Services.

Page 45, line 19, strike out "(1)" and insert in lieu thereof "(2)".

Page 46, line 1, strike out "(2)" and insert in lieu thereof "(3)".

Page 46, line 4, strike out "(3)" and insert in lieu thereof "(4)".

Page 47, line 13, strike out "of Health and Human Services".

Page 49, line 19, strike out "payments under".

Page 52, line 5, strike out "$40,000,000" and insert in lieu thereof "$4,000,000".

Page 54, beginning in line 1 strike out "which the length of the service so performed is of the length of the service so required to be performed" and insert in lieu thereof "of the length of the service so required to be performed which has not been performed".

Mr. WAXMAN. Mr. Chairman, the amendments before us were adopted by the subcommittee and the full committee and we submit them for the favorable consideration of the House.

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

AMENDMENTS OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer five amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The amendments are as follows:

Amendments offered by Mr. WAXMAN: Page 11, insert before the period in line 4 the following: "(including community residential treatment system)".

Page 21, line 5, insert before the period a comma and the following: "except that, in the case of a grant under section 101, 102, 105, or 106, approval by a State mental health authority shall not be required".

Page 47, line 11, strike out "There shall be" and insert in lieu thereof "Effective October 1, 1980, there shall be".

Page 50, strike out line 11 and all that follows through "was obtained" in line 14 and insert in lieu thereof the following: "may use or disclose any personally identifiable information obtained, in carrying out an activity assisted by such grant or contract, by the recipient from a rape victim or a rape victim's immediate family unless such use or disclosure is necessary to carry out the activity or is made with the consent of the person who supplied the information".

Page 52, insert after line 6 the following:

(f) Section 206(e) (2) (B) of such Act (42 U.S.C. 2689e(e) (2) (B)) is amended by striking out "the fiscal year ending September 30, 1979, and during the fiscal year ending September 30, 1980" and inserting in lieu thereof "the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981".

Mr. WAXMAN. Mr. Chairman, these amendments are either technical in nature or are minor and pursuant to the purposes of the act.

The first amendment is a technical amendment which would provide an effective date for title V for the Associate Director for Minority Affairs.

The second amendment is a conforming amendment to extend the waiver period for CMHC's which do not meet certain governing board requirements. Present law allows such an exemption through fiscal year 1980. The Systems Act does not include the requirements. We must continue to waive them through the period of the simple extension.

The third amendment is a clarifying amendment to include community treatment systems as entities eligible for grants for services to the chronically mentally ill.

The fourth amendment is a clarifying amendment to limit information and records provisions of title VI to information from victims and victims' families.

The fifth amendment is to exempt the Federal Indian Health Service from preliminary State grant reviews.

I know of no opposition to these amendments. As I mentioned, they are clarifying or technical in nature.

Mr. MARRIOTT. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman.

Mr. MARRIOTT. Would the gentleman explain once again what he is doing with the Indians?

Mr. WAXMAN. This amendment, the fifth amendment, which deals with the Indian Health Service, is to provide for Indian groups to go directly to the Indian Health Services for grants rather than go through the procedure which is set out for other CMHC's.

Mr. MARRIOTT. I thank the gentleman.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California (Mr. WAXMAN).

The amendments were agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DANNEMEYER: Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) subsection (d) of section 202 of the Community Mental Health Centers Act (42 U.S.C. 2689a(d)) (relating to grants for planning) is amended by striking out "for the fiscal year ending September 30, 1980" and inserting in lieu thereof "each for the fiscal year ending September 30, 1980, and the next two fiscal years".

(b) Subsection (d) of section 203 of such Act (42 U.S.C. 2689b(d)) (relating to grants for initial operation) is amended—

(1) in paragraph (1), by (A) striking out "and" after "1979,", and (B) inserting before the period a comma and the following: "$37,000,000 for the fiscal year ending September 30, 1981, and $40,700,000 for the fiscal year ending September 30, 1982"; and

(2) effective October 1, 1981, by striking out "(1)" and paragraph (2).

(c) Subsection (c) of section 204 of such Act (42 U.S.C. 2689c(c)) (relating to grants for consultation and education services) is amended (1) by striking out "and" after "1979,", and (2) by inserting before the period a comma and the following: "$15,000,000 for the fiscal year ending September 30, 1981, and $16,500,000 for the fiscal year ending September 30, 1982".

(d) Section 213 of such Act (42 U.S.C. 2689h) (relating to financial distress grants) is amended (1) by striking out "and" after "1978,", and (2) by inserting after "1979," the following: "$15,000,000 for the fiscal year ending September 30, 1981, and $16,500,000 for the fiscal year ending September 30, 1982,".

(e) Subsection (d) of section 231 of such Act (42 U.S.C. 2689q) (relating to rape prevention and control) is amended (1) by striking out "and" after "1979;", and (2) by inserting before the period a comma and the following: "$4,400,000 for the fiscal year ending September 30, 1981, and $4,160,000 for the fiscal year ending September 30, 1982".

Mr. DANNEMEYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANNEMEYER. Mr. Chairman, the amendment being offered here is as straightforward as it is essential. Simply put, it would extend the current community health or mental health services program for 2 years with a 10-percent increase in funding the second year instead of extending it for 1 year and extending it in the next 3 at authorization levels double and then nearly triple those contemplated for fiscal 1981.

□ 1400

As currently drafted, H.R. 7299 would authorize the expenditure of $607.5 million for community mental health center services over the next 4 years—$78 million in 1981, $152 million in 1982, $177.5 million in 1983, and $200 million in 1984. When we compare these figures to the $66.4 million appropriated in 1980 for the community mental health centers programs, the need for this amendment becomes abundantly apparent. At a time when the inflation rate is still in the double digits and the producer price index suggests it is about to take another jump upward, it would be highly irresponsible to authorize spending levels that would double in 2 years and triple in 4.

The issue here is not the concept behind the Community Mental Health Centers Act, which would offer formula grants to the States so that they could replace the traditional and inadequate institutions with smaller community-based facilities. No one is arguing that treatment of mental disorders cannot be more effectively handled in a hometown setting. What is at stake is the mental health of the American taxpayer and consumer. How long can he and she stand the cumulative effects of deficit spending?

The history of mental health programs illustrates the problem. Initially, mental health grants were to last for 4 years on a descending scale and terminate, but then some of the grants were extended for up to 8 years and expanded to include much more than professional staffing. Now the bill before us contemplates a geometric expansion of the program. Of course, the intentions are good, but I need not remind Members where roads paved with good intentions can lead.

Suffice it to say, we cannot afford such a rapid increase in expenditures for this or any other program until such time as we have reduced the budget deficit and put our financial house in order. To approve such an increase would run the risk of forcing more people to seek mental health care than this bill could possibly help.

In fact, there have been several newspaper articles in recent months to the effect that inflation is already driving more and more people to seek psychiatric and/or psychological care.

Mr. Chairman, passage of this amendment would not mean that we would be turning our backs on those suffering from mental depression and other mental illnesses. Rather, it would provide for a continuation of existing programs while recognizing that financial depression can result from excessive Federal spending. Perhaps in 2 years we will not be facing the prospect of $60 to $65 billion in budget deficits, and we can look at the possibility of expanding our mental health care programs, but for now I urge adoption of this amendment. The way to cut spending is not to double and triple authorization levels.

Lest anyone in this Chamber believe that this amendment in the nature of a substitute lacks compassion for those in need of these services, let us reflect on the fact that this bill does not deal with continuing authorizations in other programs now in existence and which will be continued unhampered by anything we do in this bill. The total in this current fiscal year is some $229 million. Since this program was started, the Federal Government has expended some $2.29 billion in 13 years. The States have matched that by another $4.5 billion in the same period.

In this year when this House under its current leadership has said, by the Speaker, that we are going to violate the law, which we are required to do, namely, to adopt a spending resolution or a budget resolution by September 15, we are going to violate that law. Why? Because the leadership in this House does not want to admit to the American public that there is a deficit in fiscal year 1981 of someplace in the magnitude of some $65 billion. This would constitute a reversal of the representations that were made in the spring of this year when we were talking to the American people.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DANNEMEYER was allowed to proceed for 1 additional minute.)

Mr. DANNEMEYER. In the spring of this year we citizens were told by our leaders in the Congress that we would have a balanced budget by this year for next year, fiscal year 1981. The main reason that we are avoiding the necessity of passing that budget resolution in the middle of next month is because the leadership in this House does not want to admit, as I said before, that that budget for next year is out of balance. It also exacerbates the promise by our President in 1976 when he campaigned that he would present a balanced budget to the American people by 1981.

This is not the time in this program to expand this mental health services program in 1983 and 1984 by another $400 million. That is what this amendment in the nature of a substitute is all about. It continues the existing program adjusted for inflation, which I think is a reasonable approach, and I ask support for it.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would destroy all the work of the subcommittee and all of the improvements that we made in this mental health systems proposal and take the present program, as flawed as it is, and extend it for 2 years with a smaller amount of funding for that program by the end of the second year. One of the most important features of the bill that is before us is the provision that brings the States to be more involved in the mental health program so that the States will play an active role and take over the mental health program of the community mental health centers in the program at the end of the seed period in which the Government gives them money to get started. By merely extending the act, we continue the inability of the States to take an active interest that they would otherwise have in the planning process and otherwise in taking the CMHC program and in making it a very integral part of the mental health program for the State.

With the uncertainty of Federal support and uncertainty as to what the program will hold for the future, CMHC's have great difficulty in recruiting and retaining personnel. Institutions are discharging an increasing number of patients. Programs for the chronically mentally ill are needed now. This substitute has no provision for aiding severely disturbed children. It has no provision for flexibility to deal with priority populations. It is, I think, an inadequate way to deal with the problem. I feel that the work of the subcommittee ought to be adopted, and I would hope that the House would refuse to accept the amendment being offered.

Mr. CARTER. Mr. Chairman, I move to strike the necessary number of words, and I rise reluctantly in opposition to the amendment of my good friend, the gentleman from California (Mr. DANNEMEYER), who is really a tremendously able man. However, in this case I must say that the amendment would cut short this legislation from the year 1981 forward, as I see it.

Our legislation has been greatly improved, as the chairman said. It provides that most requests for funding of mental health and mental retardation grants must be approved by the State mental health authority and thus tightens things up a great deal. Priority population grants could be awarded only in areas which did not have a CMHC, and only two such grants may be awarded per year in a catchment area, although each project could receive five grants in total. This legislation is directed toward priority populations to help those who have never been helped previously, including the older people who are mentally ill, the chronically mentally ill, and severely mentally disturbed children. That in itself says, I think, enough that we should oppose this amendment and support the bill.

Mrs. SPELLMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I must rise in opposition to this amendment. There are so many people who have been looking forward to the legislation being discussed here today: Disturbed children, older citizens, people who have not been touched before. The direction in which this legislation goes is one that has been needed for such a long, long time. It is a step taking the work of mental health to relate to the communities to work with these States. It is so very important.

Mr. Chairman, a little while ago my colleague, the gentlewoman from Maryland (Ms. MIKULSKI) indicated that for the first time we were going to stop studying rape victims, for the first time the Federal Government was now going to reach out a hand to help rape victims. That is not in any of the programs that we have today. It is important that we do move ahead.

I am going to dwell on that for just a moment, although I feel I must say I am even more concerned about the children that our colleague discussed just awhile ago, the youngsters with the handicaps in reading, the autistic children, the disturbed children.

Let us go back to the rape victims. Perhaps during the last recess my colleagues may have missed an article in the Wednesday, August 6, Washington Star. That article listed more statistical information about the frequency of events in any typical day than many of us would probably care to know. I learned when I read the article that every day in America 10,930,000 cows are milked. That is an interesting statistic. I do not know how to work it into the conversation. Three million people go to the movies. One hundred and eighty women are raped. Let me repeat. There are 180 rapes in this country every single day and, if for no one else, but for the victims of these rapes, we need to have this legislation.

Mr. Chairman, we are now planning to have a program which would provide authorization for grants and contracts with local rape crisis centers. At the time of extreme trauma these centers help to meet the needs of both rape victims and their families by providing counseling, medical care, legal services. Through the counseling for rape victims and their immediate families as well, providing medical and legal assistance, rape crisis centers provide indispensable services for many of the 250,000 women raped in this country every year. I am sorry to say that figure continues to rise.

The funding provided by this legislation would help to alleviate one of the persistent problems of the staffs of rape crisis centers and that is that today they are spending most of their time, about 50 percent of their time, trying to raise money when they ought to be spending 100 percent of their time trying to help victims.

Therefore I say, Mr. Chairman, do not hold us back. Let us move ahead. Let us provide assistance for youngsters who have such exciting futures ahead of them if only they can learn to read. The kind of help we provide here reaches out to those kinds of children. Let us help all of the people that this committee has been working on, leading us toward providing help for these people. Let us now talk in terms of numbers. If we are talking only about numbers and saying that what we have had thus far has been a perfect solution to the problems, we are just going to remain in the dark ages.

Mr. Chairman, I implore my colleagues to vote against this amendment.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. DANNEMEYER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 481]

Akaka
Albosta
Ambro
Anderson, Calif.
Andrews, N.Dak.
Annunzio
Ashbrook
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, Tenn.
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bingham
Blanchard
Boner
Bonker
Bowen
Brademas
Brinkley
Brodhead
Brooks
Broomfield
Buchanan
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Clausen
Clay
Clinger
Coelho
Coleman
Conable
Conyers
Corcoran
Corman
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
Deckard
Derrick
Dickinson
Dixon
Dornan
Dougherty
Drinan
Duncan, Oreg.
Duncan, Tenn.
Edwards, Calif.
English
Erdahl
Erlenborn
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fisher
Fithian
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Frenzel
Garcia
Gaydos
Gephardt
Gilman
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Grisham
Guarini
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Harkin
Harris
Hawkins
Heckler
Heftel
Hillis
Hinson
Holt
Hopkins
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Lloyd
Loeffler
Long, La.
Long, Md.
Lowry
Luken
Lungren
McCloskey
McCormack
McHugh
Madigan
Maguire
Marks
Marlenee
Marriott
Martin
Mavroules
Mazzoli
Mica
Mikulski
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Montgomery
Moore
Moorhead, Calif.
Murphy, Pa.
Musto
Myers, Ind.
Natcher
Neal
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Perkins
Petri
Peyser
Porter
Preyer
Price
Pritchard
Pursell
Rahall
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Roe
Rosenthal
Royer
Sabo
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
Stack
Stangeland
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Tauke
Taylor
Thomas
Thompson
Traxler
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Walker
Waxman
Weaver
White
Whitehurst
Whittaker
Whitten
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wyatt
Wylie
Yates
Young, Mo.
Zablocki

☐ 1430

The CHAIRMAN. Two hundred eighty-four Members have answered to their names, a quorum is present, and the Committee will resume its business.

The pending business is the demand of the gentleman from California (Mr. DANNEMEYER) for a recorded vote.

A recorded vote was refused.

So the amendment in the nature of the substitute was rejected.

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BRADEMAS) having assumed the chair, Mr. BEILENSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7299) to revise and improve the Federal programs of assistance for the provision of mental health services, and for other purposes, pursuant to House Resolution 751, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DANNEMEYER. I am opposed to the bill, Mr. Speaker.

The SPEAKER pro tempore. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DANNEMEYER moves to recommit the bill, H.R. 7299, to the Committee on Interstate and Foreign Commerce, with instructions to report the same back forthwith with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) subsection (d) of section 202 of the Community Mental Health Centers Act (42 U.S.C. 2689a(d)) (relating to grants for planning) is amended by striking out "for the fiscal year ending September 30, 1980" and inserting in lieu thereof "each for the fiscal year ending September 30, 1980, and the next two fiscal years".

(b) Subsection (d) of section 203 of such Act (42 U.S.C. 2689b(d)) (relating to grants for initial operation) is amended—

(1) in paragraph (1), by (A) striking out "and" after "1979,", and (B) inserting before the period a comma and the following: "$37,000,000 for the fiscal year ending September 30, 1981, and $40,700,000 for the fiscal year ending September 30, 1982"; and

(2) effective October 1, 1981, by striking out "(1)" and paragraph (2).

(c) Subsection (c) of section 204 of such Act (42 U.S.C. 2689c(c)) (relating to grants for consultation and education services) is amended (1) by striking out "and" after "1979,", and (2) by inserting before the period a comma and the following: "$15,000,000 for the fiscal year ending September 30, 1981, and $16,500,000 for the fiscal year ending September 30, 1982".

(d) Section 213 of such Act (42 U.S.C. 2689h) (relating to financial distress grants) is amended (1) by striking out "and" after "1978,", and (2) by inserting after "1979," the following: "$15,000,000 for the fiscal year ending September 30, 1981, and $16,500,000 for the fiscal year ending September 30, 1982,".

(e) Subsection (d) of section 231 of such Act (42 U.S.C. 2689q) (relating to rape prevention and control) is amended (1) by striking out "and" after "1979;", and (2) by inserting before the period a comma and the following: "$4,400,000 for the fiscal year ending September 30, 1981, and $4,160,000 for the fiscal year ending September 30, 1982".

Mr. JOHN L. BURTON (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. DANNEMEYER) is recognized for 5 minutes in support of his motion to recommit.

Mr. DANNEMEYER. Mr. Speaker, this motion to recommit is very simple. It continues the existing programs in fiscal years 1981 and 1982, with an authorized 10-percent growth in each of those years for the impact of inflation.

It discontinues or does not authorize expansion by striking out the expansion of this program in 1983 and 1984.

The expansion for 1983 will take the program from $79.1 million to $177.5 million, and in 1984 it goes up to $200 million. This is not the time for that.

That is the thrust of this motion to recommit. This is not the time, in 1980, to be authorizing expansion of a program, irrespective of its merits, in 1983 and 1984. We will have plenty of time to do that in 1981 and 1982, if it is necessary to do it.

Mr. Speaker, that is what the motion to recommit is all about, and I ask for an aye vote.

The SPEAKER pro tempore. The gentleman from California (Mr. WAXMAN) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. WAXMAN. Mr. Speaker, I will not take the 5 minutes. I rise in opposition to the motion to recommit.

The legislation from the subcommittee and the full committee that is before the House will have us focus on mental health services for those population groups that are unserved or underserved, and, secondly, will give the States a far greater role in the mental health programs than they now have.

Mr. Speaker, I urge defeat of the motion for recommittal and I urge adoption of the bill before us.

Mr. CARTER. Mr. Speaker, will the distinguished subcommittee chairman yield?

Mr. WAXMAN. I am pleased to yield to the distinguished ranking minority member.

Mr. CARTER. Mr. Speaker, I, too, am opposed to the motion to recommit and the amendment, and I support the legislation.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of the passage of the bill.

The vote was taken by electronic device, and there were—ayes 75, noes 223, not voting 134, as follows:

[Roll No. 482]

AYES—75

Archer
Ashbrook
Badham
Bauman
Beard, Tenn.
Bennett
Bereuter
Bethune
Campbell
Carney
Clinger
Conable
Corcoran
Crane, Daniel
Daniel, R. W.
Dannemeyer
Dickinson
Dornan
Erdahl
Erlenborn
Fenwick
Fountain
Frenzel
Gephardt
Goldwater
Goodling
Gramm
Grisham
Hagedorn
Hall, Tex.
Holt
Jeffries
Jenkins
Kelly
Kemp
Kindness
Lagomarsino
Latta
Leath, Tex.
Lee
Loeffler
Lungren
McDonald
Madigan
Martin
Miller, Ohio
Montgomery
Moore
Moorhead, Calif.
O'Brien
Pashayan
Paul
Rhodes
Ritter
Robinson
Satterfield
Sawyer
Schulze
Sensenbrenner
Shumway
Shuster
Smith, Nebr.
Solomon
Spence
Stangeland
Stenholm
Stockman
Stratton
Stump
Taylor
Thomas
Walker
Whitehurst
Whittaker
Wylie

NOES—223

Akaka
Albosta
Ambro
Anderson, Calif.
Andrews, N.Dak.
Annunzio
Aspin
Atkinson
AuCoin
Bafalis
Bailey
Baldus
Barnard
Barnes
Beard, R.I.
Beilenson
Benjamin
Bingham
Blanchard
Bolling
Boner
Bonker
Bowen
Brademas
Brinkley
Brodhead
Brooks
Broomfield
Buchanan
Burlison
Burton, John
Burton, Phillip
Byron
Carr
Carter
Cavanaugh
Chisholm
Clausen
Clay
Coelho
Coleman
Conyers
Corman
Coughlin
D'Amours
Danielson
Daschle
Davis, Mich.
Davis, S.C.
Deckard
Derrick
Dingell
Dixon
Dougherty
Drinan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edwards, Ala.
Edwards, Calif.
English
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Findley
Fisher
Fithian
Florio
Foley
Ford, Tenn.
Forsythe
Garcia
Gaydos
Gilman
Ginn
Glickman
Gonzalez
Gore
Gradison
Gray
Green
Guarini
Guyer
Hall, Ohio
Hamilton
Hammerschmidt
Hance
Harkin
Harris
Harsha
Hawkins
Heckler
Heftel
Hillis
Hinson
Hopkins
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kostmayer
LaFalce
Leach, Iowa
Lederer
Lehman
Leland
Lent
Levitas
Lewis
Lloyd
Long, La.
Long, Md.
Lowry
Luken
McCloskey
McCormack
McHugh
Maguire
Markey
Marks
Marlenee
Marriott
Mathis
Mavroules
Mazzoli
Mica
Mikulski
Mineta
Minish
Mitchell, Md.
Moffett
Murphy, Pa.
Musto
Myers, Ind.
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Perkins
Petri
Peyser
Porter
Preyer
Price
Pritchard
Pursell
Rahall
Rangel
Ratchford
Regula
Reuss
Richmond
Rinaldo
Roberts
Roe
Rosenthal
Royer
Sabo
Santini
Scheuer
Schroeder
Sebelius
Seiberling
Sharp
Shelby

Simon
Skelton
Snowe
Snyder
Solarz
Spellman
Stack
Steed
Stewart
Stokes
Studds
Swift
Tauke
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Waxman
Weaver
White
Whitten
Williams, Mont.
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Yates
Young, Mo.
Zablocki

NOT VOTING—134

Abdnor
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Anthony
Applegate
Ashley
Bedell
Bevill
Biaggi
Boggs
Boland
Bonior
Bouquard
Breaux
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Butler
Chappell
Cheney
Cleveland
Collins, Ill.
Collins, Tex.
Conte
Cotter
Courter
Crane, Philip
Daniel, Dan
de la Garza
Dellums
Derwinski
Devine
Dicks
Dodd
Donnelly
Downey
Early
Edgar
Edwards, Okla.
Emery
Evans, Del.
Ferraro
Fish
Flippo
Ford, Mich.
Fowler
Frost
Fuqua
Giaimo
Gibbons
Gingrich
Grassley
Gudger
Hanley
Hansen
Hefner
Hightower
Holland
Hollenbeck
Holtzman
Horton
Hutto
Hyde
Ichord
Ireland
Johnson, Colo.
Jones, N.C.
Kogovsek
Kramer
Leach, La.
Livingston
Lott
Lujan
Lundine
McClory
McDade
McEwen
McKay
McKinney
Matsui
Mattox
Michel
Miller, Calif.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Pa.
Nedzi
Nichols
Nolan
Pepper
Pickle
Quayle
Quillen
Railsback
Rodino
Rose
Rostenkowski
Roth
Rousselot
Roybal
Rudd
Russo
Shannon
Smith, Iowa
St Germain
Staggers
Stanton
Stark
Symms
Synar
Tauzin
Trible
Vander Jagt
Wampler
Watkins
Weiss
Whitley
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wydler
Yatron
Young, Alaska
Young, Fla.
Zeferetti

□ 1450

The Clerk announced the following pairs:

Ms. Ferraro with Mr. Abdnor.
Mr. Addabbo with Mr. Emery.
Mr. Boland with Mr. McDade.
Mrs. Boggs with Mr. Vander Jagt.
Mr. Biaggi with Mr. McClory.
Mr. Downey with Mr. Young of Florida.
Mr. Breaux with Mr. Brown of Ohio.
Mrs. Bouquard with Mr. Evans of Delaware.
Mr. Hanley with Mr. McEwen.
Mr. Moakley with Mr. Trible.
Mr. Mollohan with Mr. Lujan.
Mr. Murphy of New York with Mr. Lott.
Mr. Rodino with Mr. Young of Alaska.
Mr. Nichols with Mr. Wydler.
Mr. Bevill with Mr. Broyhill.
Mr. Dodd with Mr. Burgener.
Mr. de la Garza with Mr. Fish.
Mr. Cotter with Mr. Gingrich.
Mr. Chappell with Mr. McKinney.
Mr. Fuqua with Mr. Michel.
Mr. Giaimo with Mr. Mitchell of New York.
Mr. Ireland with Mr. Symms.
Mr. Jones of North Carolina with Mr. Stanton.
Mr. Stark with Mr. Livingston.
Mr. Tauzin with Mr. Kramer.
Mr. Whitley with Mr. Williams of Ohio.
Mr. Zeferetti with Mr. Wampler.
Mr. Yatron with Mr. Butler.
Mr. Charles H. Wilson of California with Mr. Cheney.
Mr. Rostenkowski with Mr. Grassley.
Mr. Russo with Mr. Hansen.
Mr. St Germain with Mr. Quayle.
Mr. Staggers with Mr. Quillen.
Mr. Moorhead of Pennsylvania with Mr. Rudd.
Mr. Murtha with Mr. Rousselot.
Mr. Nolan with Mr. Hyde.
Mr. Bonior of Michigan with Mr. Cleveland.
Mr. Anthony with Mr. Collins of Texas.
Mr. Dellums with Mr. Hollenbeck.
Mr. Dicks with Mr. Horton.
Mr. Fowler with Mr. Railsback.
Mr. Frost with Mr. Roth.
Mr. Gibbons with Mr. Conte.
Mr. Gudger with Mr. Courter.
Mr. Alexander with Mr. Philip M. Crane.
Mr. Andrews of North Carolina with Mr. Derwinski.
Mr. Dan Daniel with Mr. Devine.
Mr. Hefner with Mr. Edwards of Oklahoma.
Mr. Hightower with Mr. Leach of Louisiana.
Mr. Donnelly with Mr. Mattox.
Mr. Applegate with Mr. McKay.
Mr. Ashley with Mr. Shannon.
Mr. Bedell with Mr. Smith of Iowa.
Mr. Brown of California with Mr. Weiss.
Mr. Kogovsek with Mr. Watkins.
Mr. Flippo with Mr. Synar.
Mr. Early with Mr. Ichord.
Mr. Edgar with Mr. Hutto.
Mr. Lundine wtih Ms. Holtzman.
Mr. Matsui with Mr. Holland.
Mr. Myers of Pennsylvania with Mr. Mottl.
Mr. Ford of Michigan with Mr. Pepper.
Mr. Nedzi with Mr. Roybal.
Mr. Pickle with Mrs. Collins of Illinois.
Mr. Rose with Mr. Miller of California.
Mr. Murphy of Illinois with Mr. Johnson of Colorado.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CARTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 277, nays 15, not voting 140, as follows:

[Roll No. 483]

YEAS—277

Akaka
Albosta
Ambro
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Atkinson
AuCoin
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Beilenson
Benjamin
Bennett
Bereuter
Bingham
Blanchard
Bolling
Boner
Bonker
Bowen
Brademas
Brinkley
Brodhead
Brooks
Broomfield
Buchanan
Burlison
Burton, John
Burton, Phillip
Byron
Campbell
Carney
Carr
Carter
Chisholm
Clausen
Clay
Clinger
Coelho
Coleman
Conable
Conyers
Corcoran
Corman
Coughlin
D'Amours
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
Davis, S.C.
Deckard
Derrick
Dickinson
Dingell
Dixon
Dornan
Dougherty
Drinan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edwards, Ala.
Edwards, Calif.
English
Erdahl
Erlenborn
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Findley
Fisher
Fithian
Foley
Ford, Tenn.
Forsythe
Fountain
Frenzel
Garcia
Gaydos
Gephardt
Gilman
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Grisham
Guarini
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Harkin
Harris
Harsha
Hawkins
Heckler
Heftel
Hillis
Hinson
Holt
Hopkins
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kostmayer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lloyd
Loeffler
Long, La.
Long, Md.
Lowry
Luken
McCloskey
McCormack
McHugh
Madigan
Maguire
Marks
Marlenee
Marriott
Martin
Mathis
Mavroules
Mazzoli
Mica
Mikulski
Mineta
Minish
Mitchell, Md
Moffett
Montgomery
Moore
Moorhead, Calif.
Murphy, Pa.
Musto
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Perkins
Petri
Peyser
Porter
Preyer
Price
Pritchard
Pursell
Rahall
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Roberts
Robinson
Roe
Rosenthal
Royer
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
Stack
Stangeland
Steed
Stewart
Stockman
Stokes
Stratton
Studds
Swift
Tauke
Taylor
Thomas
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vanik
Vento
Walgren
Walker
Waxman
Weaver
White
Whitehurst
Whittaker
Whitten
Williams, Mont
Wilson, Tex.
Winn
Wolff
Wolpe
Wright
Wyatt
Wylie
Yates
Young, Mo.
Zablocki

NAYS—15

Ashbrook
Badham
Crane, Daniel
Dannemeyer
Kelly
Leath, Tex.
Lewis
Lungren
McDonald
Miller, Ohio
Paul
Sensenbrenner
Stenholm
Stump
Volkmer

NOT VOTING—140

Abdnor
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Anthony
Applegate
Aspin
Bedell
Bethune
Bevill
Biaggi
Boggs
Boland
Bonior
Bouquard
Breaux
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Butler
Cavanaugh
Chappell
Cheney
Cleveland
Collins, Ill.
Collins, Tex.
Conte
Cotter
Courter
Crane, Philip
Daniel, Dan
de la Garza
Dellums
Derwinski
Devine
Dicks
Dodd
Donnelly
Downey
Early
Edgar
Edwards, Okla.
Emery
Ertel
Evans, Del.
Ferraro
Fish
Flippo
Florio
Ford, Mich.
Fowler
Frost
Fuqua
Giaimo
Gibbons
Gingrich
Grassley
Gudger
Hanley
Hansen
Hefner
Hightower
Holland
Hollenbeck
Holtzman
Horton
Hutto
Hyde
Ichord
Ireland
Johnson, Colo.
Jones, N.C.
Kogovsek
Kramer
Leach, La.
Livingston
Lott
Lujan
Lundine
McClory
McDade
McEwen
McKay
McKinney
Markey
Matsui
Mattox
Michel
Miller, Calif.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Pa.
Nichols
Nolan
Pepper
Pickle
Quayle
Quillen
Railsback
Ritter
Rodino
Rose
Rostenkowski
Roth
Rousselot
Roybal
Rudd
Russo
Shannon

Smith, Iowa
St Germain
Staggers
Stanton
Stark
Symms
Synar
Tauzin
Trible
Vander Jagt
Wampler
Watkins
Weiss
Whitley
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wirth
Wydler
Yatron
Young, Alaska
Young, Fla.
Zeferetti

☐ 1500

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Abdnor.

Ms. Ferraro with Mr. McClory.

Mr. Boland with Mr. Railsback.

Mrs. Boggs with Mr. Rousselot.

Mr. Moakley with Mr. Wydler.

Mr. Murphy of New York with Mr. Bob Wilson.

Mr. Chappell with Mr. Derwinski.

Mr. Flippo with Mr. Conte.

Mr. Hanley with Mr. Cleveland.

Mr. Tauzin with Mr. Broyhill.

Mr. Pepper with Mr. Fish.

Mr. Anthony with Mr. Emery.

Mr. Alexander with Mr. Edwards of Oklahoma.

Mr. Cotter with Mr. Devine.

Mr. de la Garza with Mr. Philip M. Crane.

Mr. Giaimo with Mr. Kramer.

Mr. Fuqua with Mr. Lott.

Mr. Biaggi with Mr. Lujan.

Mr. Bevill with Mr. Hansen.

Mr. Nichols with Mr. Grassley.

Mr. Matsui with Mr. Evans of Delaware.

Mr. Mollohan with Mr. McEwen.

Mr. Russo with Mr. Michel.

Mr. Zeferetti with Mr. Mitchell of New York.

Mr. Whitley with Mr. McDade.

Mr. Dodd with Mr. Quayle.

Mr. Applegate with Mr. Gingrich.

Mr. Breaux with Mr. Hollenbeck.

Mrs. Bouquard with Mr. Burgener.

Mr. Ireland with Mr. Brown of Ohio.

Mr. Jones of North Carolina with Mr. Bethune.

Mr. Kogovsek with Mr. Cheney.

Mr. Rodino with Mr. Butler.

Mr. Pickle with Mr. Collins of Texas.

Mr. Staggers with Mr. Horton.

Mr. St Germain with Mr. Hyde.

Mr. Andrews of North Carolina with Mr. Symms.

Mr. Aspin with Mr. Young of Florida.

Mr. Cavanaugh with Mr. Livingston.

Mrs. Collins of Illinois with Mr. Rudd.

Mr. Florio with Mr. Ritter.

Mr. Ford of Michigan with Mr. Quillen.

Mr. Bedell with Mr. McKinney.

Mr. Dan Daniel with Mr. Roth.

Mr. Fowler with Mr. Stanton.

Mr. Frost with Mr. Williams of Ohio.

Mr. Bonior of Michigan with Mr. Young of Alaska.

Mr. Brown of California with Mr. Wampler.

Mr. Dellums with Mr. Vander Jagt.

Mr. Gibbons with Mr. Trible.

Mr. Gudger with Mr. Courter.

Mr. Dicks with Mr. Donnelly.

Mr. Hefner with Mr. Holland.

Mr. Hightower with Ms. Holtzman.

Mr. Downey with Mr. Edgar.

Mr. Early with Mr. Leach of Louisiana.

Mr. Lundine with Mr. Mattox.

Mr. Markey with Mr. Moorhead of Pennsylvania.

Mr. McKay with Mr. Mottl.

Mr. Miller of California with Mr. Nolan.

Mr. Murtha with Mr. Rose.

Mr. Murphy of Illinois with Mr. Smith of Iowa.

Mr. Stark with Mr. Synar.

Mr. Weiss with Mr. Watkins.

Mr. Yatron with Mr. Wirth.

Mr. Rostenkowski with Mr. Roybal.

Mr. Charles H. Wilson of California with Mr. Shannon.

Mr. Ichord with Mr. Ertel.

Mr. Myers of Pennsylvania with Mr. Hutto.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1177) to improve the provision of mental health services and otherwise promote mental health throughout the United States, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That so much of this Act as precedes title VII, along with the following table of contents, may be cited as the "Mental Health Systems Act".

TABLE OF CONTENTS

Sec. 1. Short title.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.

TITLE I—STATE MENTAL HEALTH SYSTEM

Sec. 101. Condition of Federal funding.
Sec. 102. Designation and functions of State Agencies.
Sec. 103. Mental health service areas.
Sec. 104. Mental health provisions of the State health plan.
Sec. 105. Mental health operations program.
Sec. 106. Enforcement.

TITLE II—COMMUNITY SERVICES

PART A—CONTRACT AUTHORITY

Sec. 201. Contracts.

PART B—TYPES OF SERVICES

Sec. 202. Services for chronically mentally ill individuals.
Sec. 203. Services for severely disturbed children and adolescents.
Sec. 204. Services for elderly individuals.
Sec. 205. Services for priority population groups.
Sec. 206. Prevention of mental illness and promotion of mental health.
Sec. 207. Community mental health centers.
Sec. 208. Non-revenue-producing services.
Sec. 209. Linkages between health care settings and mental health services.

PART C—APPLICATION REQUIREMENTS

Sec. 210. Application requirements.

PART D—APPLICANT ELIGIBILITY

Sec. 211. Eligibility requirements: in general.
Sec. 212. Eligibility requirements for State Agencies.
Sec. 213. Eligibility requirements for State Agencies seeking to be exclusive contractors.
Sec. 214. Process for determining eligibility of State Agencies to be exclusive contractors.

PART E—APPLICATION PROCEDURE, SELECTION OF APPLICATIONS, PERFORMANCE CONTRACTS

Sec. 215. Application procedure.
Sec. 216. Selection of applications.
Sec. 217. Performance contracts.
Sec. 218. Enforcement.
Sec. 219. Funding for innovative projects.

PART F—GENERAL PROVISIONS

Sec. 220. Duration of contracts.
Sec. 221. Indirect provision of services.
Sec. 222. Payment procedures.
Sec. 223. Allocation of funds.
Sec. 224. Evaluation and technical assistance.
Sec. 225. Conforming amendments.
Sec. 226. Contracts for Indian tribes.
Sec. 227. Obligated service for mental health traineeships.

TITLE III—MENTAL HEALTH RIGHTS AND ADVOCACY

Sec. 301. Bill of rights.
Sec. 302. Report on advocacy.
Sec. 303. Protection and advocacy of individual rights.
Sec. 304. Effective date.

TITLE IV—ASSOCIATE DIRECTOR FOR MINORITY CONCERNS

Sec. 401. Associate director for minority concerns.

TITLE V—PREVENTION

Sec. 501. Prevention unit.

TITLE VI—MISCELLANEOUS

Sec. 601. Community Mental Health Centers Act appropriations.
Sec. 602. Authorization of appropriations.
Sec. 603. Report on shelter and basic living needs of chronically mentally ill individuals.
Sec. 604. Report on the implementation of the Mental Health Systems Act.
Sec. 605. Confidentiality of mental health records.

TITLE VII—RAPE PREVENTION AND CONTROL

Sec. 701. Rape prevention and control.

TITLE VIII—MECHANIZED CLAIMS PROCESSING AND INFORMATION RETRIEVAL SYSTEMS

Sec. 801. Mechanized claims processing and information retrieval systems.

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds—

(1) despite significant progress that has been made in making community mental health services available and improving residential mental health facilities since the original community mental health centers legislation was enacted in 1963, unserved and underserved populations remain and certain groups in the population in particular, such as chronically mentally ill individuals, children and youth, elderly individuals, racial or ethnic minorities, women, poor persons, and persons in rural areas, often lack access to adequate private and public sector mental health services and support services;

(2) the process of transferring or diverting chronically mentally ill persons from unwarranted or inappropriate institutionalized settings to their home communities has frequently not been accompanied by a process of providing those persons with the mental health and support services they need in community-based settings or a process of affording training, retraining, and job placement for employees affected by institutional closure and conversion and the establishment of community-based programs.

(3) the delivery of mental health and support services is typically uncoordinated at the individual, local, State, and Federal level, and among concerned local, State, and Federal entities and agencies of government;

(4) mentally ill persons are often inadequately served by programs of the Department of Health and Human Services such as medicare, medicaid, supplemental security income, and social services (under title XX of the Social Security Act), and the programs of the Department of Housing and Urban Development, the Department of Labor, and other Federal agencies;

(5) health care systems often lack general health care personnel with adequate mental health training and often lack mental health care personnel, resulting in millions of persons with some level of mental disorder not receiving appropriate mental health care;

(6) present efforts to prevent mental illness through discovery and elimination of its causes and through early detection and treatment are far too limited;

(7) a comprehensive and coordinated array of appropriate private and public sector mental health and support services for all people in need within a specific geographic area, based upon a cooperative local-State-Federal partnership, remains the most effective and humane way to provide a majority of mentally ill individuals with mental health care and needed support; and

(8) because of the rising demand for mental health services and wide disparities in the distribution of psychiatrists, clinical psychologists, psychiatric nurses, and psychiatric social workers, psychiatry is a medical shortage specialty, and there are distinct needs for the other health professionals.

(b) It is, therefore, the purpose of this Act to—

(1) provide and assure an appropriate, coordinated, and accountable network of comprehensive community-based mental health services through the private and public sector for all persons in need of such services, which is sufficiently flexible to respond to changing community circumstances, to the diverse cultural and ethnic backgrounds of individuals, and to differences in race, sex, and age among individuals;

(2) improve and initiate mental health and support services for unserved and underserved populations, particularly chronically mentally ill individuals, children and youth, elderly individuals, racial and ethnic minorities, women, poor persons, persons in rural areas, and any other group with special need;

(3) encourage innovative programs for preventing mental illness and promoting mental health and provide for a specific administrative structure within the Federal Government to direct such efforts;

(4) provide more flexibility in the funding of mental health services and encourage development of a partnership in the delivery of mental health services and related support services among private providers and local, State, and Federal governments;

(5) facilitate State efforts to carry out the State responsibility for—

(A) providing or arranging for the provision of appropriate care for those adults and children whose mental illnesses are so severe that they require inpatient care on a short-term or long-term basis;

(B) bringing about the transition from an institution-based service system (including skilled nursing and intermediate care facilities) to a community-based service system by providing those discharged or diverted from institutions, or who might otherwise be sent there, with the opportunity for appropriate mental health and support services through a comprehensive system of community mental health and support services and by providing training, retraining, and job placement for personnel displaced by institutional closures and conversions and the development of community-based services;

(C) coordinating the mental health services provided in the State with related support services provided in the State;

(D) ensuring the adequacy and fiscal soundness of all mental health and support services within the State through the mental health planning process; and

(E) fostering the most effective use of private, local, State and Federal resources (including private and public forms of health insurance) by promoting the coordinated delivery of, and planning for, mental health and support services at and among all levels of activity and government; and

(6) promote evaluation of the mental health delivery system, particularly with regard to its effectiveness in meeting the needs of priority population groups.

DEFINITIONS

SEC. 3. For the purposes of this Act, unless the context otherwise requires, the term—

(1) "State" includes (in addition to the fifty States) the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands;

(2) "Governor" means the chief executive officer of a State;

(3) "Secretary" means the Secretary of Health and Human Services;

(4) "nonprofit", as applied to any entity, means an entity which is owned and operated by one or more corporations or associations no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or person;

(5) "mental health service area" means a geographic area established for the purpose of planning and providing mental health services in accordance with section 103 of this Act;

(6) "State health plan" means the plan prepared in accordance with title XV of the Public Health Service Act;

(7) "mental Health services" means the treatment provided by the private or public sector which reasonably can be expected to ameliorate a nervous, mental, or emotional disorder, or which reasonably can be expected to prevent the decline of or improve a person's level of mental functioning;

(8) "support services" means health services (other than mental health services), and the educational, rehabilitation, vocational, housing, and social services, and other services specified by the Secretary;

(9) "priority population group" means any group which is determined by the Secretary to have special mental health needs and to be unserved or underserved by mental health service programs, such as but not limited to chronically mentally ill individuals, children and youth, elderly individuals, any racial or ethnic minority, women, Indians and urban Indians (as those terms are defined in the Indian Health Care Improvement Act), Native Hawaiians, the poor, rural residents, and victims of violence or disaster;

(10) "comprehensive mental health services" means the services described in section 201(b) of the Community Mental Health Centers Act (as amended by this Act);

(11) "community mental health center" means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides those services described in paragraph (10) of this section; and

(12) "contract" means a cooperative agreement as described in section 6 of the Federal Grant and Cooperative Agreement Act of 1977 and shall not be governed by the provisions of volume 41, chapters 1 and 3, of the Code of Federal Regulations.

TITLE I—STATE MENTAL HEALTH SYSTEM

CONDITION OF FEDERAL FUNDING

SEC. 101. In order for any entity in a State to receive funding under this Act, the State shall meet the requirements of this title.

DESIGNATION AND FUNCTIONS OF STATE AGENCIES

SEC. 102. Each State shall designate an agency or authority to act as the State administrative agency with regard to mental health services. Such agency shall be referred to in this Act as the "State Agency". The State Agency shall divide the State into, and designate, mental health service areas in accordance with section 103 and shall prepare, consistent with the mental health provisions of the State health plan described in section 104, a State mental health operations program which meets the requirements of section 105.

MENTAL HEALTH SERVICE AREAS

SEC. 103. (a) Within one year after the effective date of this Act, each State Agency shall divide the State into, and designate, mental health service areas. Each mental health service area shall be a geographic region appropriate for the effective development, delivery, and coordination of mental health services in such area. Prior to designating mental health service areas, the State Agency shall conduct hearings relating to the designation of such areas, and all interested persons shall be afforded an opportunity to participate in such hearings. In designating mental health service areas, the State Agency shall consider the following factors:

(1) the optimum number of persons to be served in each area;

(2) the accessibility of services to persons in each area;

(3) the cultural needs of the area;

(4) preexisting geographic boundaries related to the provision of mental health and other services; and

(5) the boundaries of the health service areas of the State established pursuant to title XV of the Public Health Service Act.

(b) The boundaries of each mental health service area shall be within or conform to the boundaries of a health service area established pursuant to title XV of the Public Health Service Act.

MENTAL HEALTH PROVISIONS OF THE STATE HEALTH PLAN

SEC. 104. Each State health plan prepared pursuant to title XV of the Public Health Service Act shall contain, in an identifiable place or places, provisions relating to—

(1) the need for mental health services in the State;

(2) the special mental health service needs in the State of chronically mentally ill individuals (including chronically mentally ill individuals who are multiply handicapped), emotionally disturbed children and adolescents, elderly individuals, and other priority population groups;

(3) the adequacy of public and private mental health facilities and services available in the State;

(4) mental health service priorities in the State;

(5) geographic, cultural, linguistic, and economic barriers with respect to the delivery of mental health services in the State;

(6) the coordination of mental health services with health and other services;

(7) the measures which need to be taken to assure that statistics and other information collected with regard to the provision of mental health services conform to such criteria, standards, and other requirements relating to form, method of collection, content, and confidentiality as have been prescribed by the Secretary; and

(8) such additional requirements as the Secretary may prescribe to carry out the provisions of title XV of the Public Health Service Act and this Act.

MENTAL HEALTH OPERATIONS PROGRAM

SEC. 705. (a) Each State Agency shall prepare, consistent with the mental health provisions of the State health plan described in section 104 and after consultation with the Statewide Health Coordinating Council established pursuant to title XV of the Public Health Service Act, a mental health operations program.

(b) The mental health operations program required under subsection (a) shall—

(1) identify the mental health service areas within the State;

(2) identify the need in each mental health service area of the State for mental health and related support services after consideration of—

(A) the demographic, economic, cultural, and social characteristics of the population of the area, and

(B) the services and activities needed in the area for the prevention of mental illness;

(3) identify the special mental health services needs in each mental health service area of chronically mentally ill individuals (including chronically mentally ill individuals who are multiply handicapped), emotionally disturbed children and adolescents, elderly individuals, and other priority population groups;

(4) identify and evaluate the public and private mental health facilities, the mental health personnel, and the mental health services available in each mental health service area, and determine the additional facilities, personnel, and services necessary to meet the mental health needs of each area;

(5) identify the methods used (A) to determine the mental health needs of each mental health service area, and (B) to evaluate the facilities, personnel, and services of each mental health service area;

(6) list the mental health service needs of each mental health service area in the order of priority that such needs should be addressed through the use of existing Federal, State, and local resources;

(7) identify measures which need to be taken to alleviate geographic, cultural, linguistic, and economic barriers with respect to the delivery of mental health services;

(8) identify measures which need to be taken to assure that mental health services will be provided in a manner respectful of each individual's human dignity, and with attention to continuity and quality of care;

(9) identify the legal rights of persons in the State who are mentally ill or otherwise mentally handicapped in addition to the rights provided under title III of this Act, and describe any measures which need to be taken to protect all such rights; and

(10) identify the measures which need to be taken to coordinate the provision of mental health services, including mental health services and support services for chronically mentally ill individuals and other priority population groups.

(c) The mental health operations program required under subsection (a) shall also describe in specific terms how the State agency will—

(1) ensure the continued provision of appropriate services which have been provided in the past by local entities in the State, which entities have received Federal funding under the Community Mental Health Centers Act and this Act, but which entities may in the future become ineligible for Federal funding under this Act;

(2) promote the development of comprehensive mental health services in each mental health service area where such services are currently unavailable;

(3) ensure, within a five-year period after the program is prepared (or within such other period as the State Agency justifies and the Secretary determines to be reasonable), that—

(A) residents of public inpatient psychiatric facilities who are inappropriately placed in such facilities are identified, discharged, and, to the extent appropriate, placed in the least-restrictive settings and provided mental health and support services appropriate to such persons' level of functioning;

(B) persons who need to be placed in mental health facilities are placed in least-restrictive settings and provided mental health and support services appropriate to such persons' level of functioning; and

(C) persons who are discharged from, or are in need of placement in, mental health facilities shall—

(i) upon discharge or prior to placement, be informed of available community-based facilities and programs providing mental health and related support services, and

(ii) have access to a sufficient number of adequately staffed and adequately funded community-based facilities and programs providing mental health and related support services;

(4) promote the development of adequate mental health services for chronically ill individuals and other priority population groups;

(5) promote the prevention of mental illness;

(6) assist the courts and other public agencies, and appropriate private agencies, in screening persons being considered for inpatient care in mental health facilities in the State in order to determine if such care is medically or psychologically indicated;

(7) comply with regulations prescribed by the Secretary of Labor pursuant to section 212(b) of this Act; and

(8) made adequate provisions for the development of planning and service delivery staffs with appropriate training and experience at both the local and State levels.

(d) The mental health operations programs required under subsection (a) shall—

(1) describe the financial commitment and ability of the State to implement the provisions of subsection (c);

(2) include an analysis of the services made available for mentally ill individuals in the State under titles IV(B), V, XVI, XVIII, XIX, and XX of the Social Security Act, the Education for All Handicapped Children Act, the Older Americans Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1973, the Drug Abuse Office and Treatment Act, and other relevant Federal statutes; and

(3) describe the steps being taken in the State to coordinate the provision of services under this Act with the provision of services under the aforementioned Acts.

(e) In preparing the mental health operations program required under subsection (a), the State Agency shall consult with a State advisory council, which council shall include:

(1) representatives of consumers and providers of mental health services in the State who are familiar with the need for such services, and

(2) representatives of nongovernment organizations or groups, and of State Agencies, concerned with the planning, operation, or use of such services.

Such representatives of consumers shall constitute a majority of the members of such council.

ENFORCEMENT

SEC. 106. (a) Whenever the Secretary determines that there has been a substantial and persistent failure to comply with the requirements of this title, the Secretary shall notify the appropriate State Agency that further payments under this Act will not be made to any entity in the State, including the State Agency, until the Secretary is satisfied that such failure has been or will be corrected. After providing such notice and the opportunity for an informal hearing in the State, if the Secretary reaffirms the determination that there has been a substantial and persistent failure to comply with the requirements of this title, the Secretary shall make no further payments under this Act to any entity in the State, including the State Agency, until the Secretary is satisfied that such failure has been or will be corrected.

(b)(1) Notwithstanding the provisions of subsection (a), the Secretary may continue to make payments to any entity in a State, other than the State Agency, which received funding under the Community Mental Health Centers Act prior to October 1, 1979, if the Secretary determines that—

(A) such entity in no way contributed to the failure to comply with the requirements of this title which led to the termination of payments under subsection (a), and

(B) payments have been terminated under subsection (a) for at least one month.

(2) No entity receiving payments pursuant to paragraph (1) may receive such payments for more than eight years.

TITLE II—COMMUNITY SERVICES

PART A—CONTRACT AUTHORITY

CONTRACTS

SEC. 201. (a) The Secretary may enter into contracts with public and nonprofit private entities, including State Agencies, for the purpose of assisting such entities to provide the services described in part B of this title.

(b) No contract may be entered into under subsection (a) unless an application has been submitted to and selected by the Secretary in accordance with parts C, D, and E of this title.

(c) The Secretary shall determine the amount of any contract entered into under this title, but in no case may such amount be more than the amount permitted under section 223.

PART B—TYPES OF SERVICES

SERVICES FOR CHRONICALLY MENTALLY ILL INDIVIDUALS

SEC. 202. (a)(1) For purposes of this subsection, the Secretary may enter into contracts with public or nonprofit private entities other than a State Agency for the provision of mental health and related support services to chronically mentally ill individuals. A contract entered into under this subsection shall provide for at least the following:

(A) identifying and providing outreach to chronically mentally ill individuals located in inpatient facilities, boarding homes, nursing homes, intermediate care facilities, residential care facilities, group homes, and other community settings, and identifying the barriers preventing chronically mentally ill individuals from receiving needed services and devising and implementing measures to eliminate such barriers;

(B) making available to each chronically mentally ill individual a case manager to assume responsibility for coordinating the provision of mental health services and, as needed, related support services for such individual, and assuring the availability of outreach services, including information and counseling for the families and employers of chronically mentally ill individuals; and

(C) developing, in collaboration with other health, mental health, and human services agencies, community support services not otherwise available to chronically mentally ill individuals (such as screening and referral, followup care, alternatives to hospitalization, assistance in apply for entitlements, crisis stabilization, psychosocial rehabilitation, and supportive living and working arrangements) in order to reduce the dependency of, and increase the potential of, individuals receiving such services, and arranging for the provision of such services in cooperation with such other agencies or entities.

(2) In addition to the provisions of section 210(a) relating to omission of any service or other requirement from an application for a contract, the Secretary may permit the omission of services from an application for a contract to provide services under paragraph (1) if the entity applying for a contract demonstrates, to the satisfaction of the Secretary, that—

(A) the entity is incapable of providing all the services required under paragraph (1), and the chronically mentally ill individuals to be served would benefit from less than all the services being provided by such entity; or

(B) the services to be omitted are not

needed by the chronically mentally ill individuals to be served.

(b) For purposes of this subsection, the Secretary may enter into contracts with a State Agency for the provision of mental health and related support services to chronically mentally ill individuals. A contract entered into under this subsection shall provide for at least one of the following:

(1) assisting mental health service areas in the continuing process of identifying chronically mentally ill individuals in need of mental health and related support services, planning the provision of such services, and carrying out such plans;

(2) assessing the needs of chronically mentally ill individuals throughout the State, identifying local, State, and Federal barriers preventing chronically mentally ill individuals from receiving needed services, and devising and implementing measures to eliminate such barriers;

(3) improving the skills of personnel providing services to chronically mentally ill individuals by providing or arranging for the provision of inservice training, other training, or retraining for such personnel;

(4) providing or arranging for the provision of job placement for, and training and retraining of, employees of public inpatient psychiatric facilities at which there has been a reduction in the need for such employees in order to train and place such employees in settings where such employees can perform comparable work, including, but not limited to, work with priority population groups as defined by this Act; and

(5) coordinating the operations of State agencies or intrastate regional agencies responsible for mental health and related support services for chronically mentally ill individuals, and coordinating the provision of mental health and support services for chronically mentally ill individuals with the provision of services under titles IV(B), V, XVI, XVIII, XIX, and XX of the Social Security Act, the Rehabilitation Act of 1973, the United States Housing Act, the Comprehensive Employment and Training Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Older Americans Act, and other Federal and State statutes.

SERVICES FOR SEVERELY DISTURBED CHILDREN AND ADOLESCENTS

SEC. 203. The Secretary may enter into contracts with public and nonprofit private entities for the provision of mental health and related support services to severely disturbed children and adolescents. A contract entered into under this section shall provide for at least one of the following:

(1) identifying and assessing the needs of severely disturbed children and adolescents, and providing needed services which are not provided by existing programs;

(2) assuring the availability of appropriate personnel responsible for providing, or arranging for the provision of, mental health and related support services needed by severely disturbed children and adolescents;

(3) coordinating the provision of mental health and related support services available to severely disturbed children and adolescents with the activities of community agencies and State agencies and with the provision of services available pursuant to titles IV(B), V, XVI, XIX, and XX of the Social Security Act, the Education for All Handicapped Children Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Rehabilitation Act of 1973, and other Federal and State statutes;

(4) establishing cooperative arrangements with juvenile justice authorities, educational authorities, and other authorities and agencies that come in contact with severely disturbed children and adolescents to ensure referral of such children and adolescents to appropriate mental health and related support services;

(5) establishing self-help groups and crisis support programs for children and adolescents and their families; and

(6) providing auxiliary mental health services to handicapped children served under the Education for All Handicapped Children Act.

SERVICES FOR ELDERLY INDIVIDUALS

SEC. 204. (a) The Secretary may enter into contracts with public and nonprofit private entities for the provision of mental health and support services to elderly individuals. A contract entered into under this section shall provide for out-reach activities, medical differential diagnosis to distinguish between and establish the need for mental health services and other medical care prior to treatment, and for at least one of the following:

(1) identifying and assessing the mental health needs of elderly individuals and providing needed services which are not provided by existing programs; and

(2) providing mental health services to elderly individuals in, and staff training for employees of, nursing homes, intermediate care facililities, boarding homes, senior centers, and ongoing self-help groups and crisis support programs.

(b) With respect to geographic areas where the Secretary determines the services in subsection (a) are being provided, the Secretary may enter into contracts with public and nonprofit private entities for the provision of at least one of the following:

(1) assuring the availability of appropriate personnel responsible for providing, or arranging for the provision of, mental health and related support services needed by elderly individuals; and

(2) coordinating the provision of mental health and related support services available to elderly individuals with the area agency on aging (as defined in the Older Americans Act) and other community agencies providing mental health and related support services for elderly individuals and with the provision of services available pursuant to titles XVI, XVIII, XIX, and XX of the Social Security Act, the Older Americans Act, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, the Drug Abuse Office and Treatment Act, the United States Housing Act, the Domestic Volunteer Service Act of 1973, and other Federal and State statutes.

SERVICES FOR PRIORITY POPULATION GROUPS

SEC. 205. The Secretary may enter into contracts with public and nonprofit private entities for the provision of mental health and support services to priority population groups other than chronically mentally ill individuals, severely disturbed children and adolescents, and elderly individuals. A contract under this section shall promote comprehensive mental health services, where appropriate, for such priority population group.

PREVENTION OF MENTAL ILLNESS AND PROMOTION OF MENTAL HEALTH

SEC. 206. (a) The Secretary may enter into contracts with public and nonprofit private entities for programs to prevent mental illness and promote mental health. A contract under this section shall focus upon population groups that have a higher incidence, or greater risk, of mental illness than other population groups. A contract entered into under this section may be for, but need not be limited to, a program to—

(1) educate the general public regarding mental health problems and mental illness, prevention of mental health problems and mental illness, and promotion of mental health;

(2) improve the ability of health, social service, and other human services personnel to identify mental illness in individuals and assure appropriate care;

(3) provide screening, consultation, referral, and education in public school systems and in the work place in order to detect early and prevent mental health problems and promote mental health;

(4) organize self-help groups for populations that have a higher incidence, or greater risk, of mental illness than other population groups; and

(5) promote measures to manage and reduce stress.

(b) Programs supported under this section shall be consistent with national goals and priorities regarding the prevention of mental illness and promotion of mental health determined by the Director of the National Institute of Mental Health pursuant to section 455 of the Public Health Service Act.

COMMUNITY MENTAL HEALTH CENTERS

SEC. 207. (a) The Secretary may enter into contracts with public and nonprofit private entities for the provision of comprehensive mental health services by a community mental health center.

(b) A community mental health center which provides services pursuant to this section shall comply with all applicable provisions of the Community Mental Health Centers Act and shall also establish, in accordance with regulations prescribed by the Secretary a quality assurance program which includes—

(1) multidisciplinary peer review and utilization evaluation;

(2) a secure system of recordkeeping that—

(A) integrates physical and mental health records, and

(B) is in accordance with applicable Federal and State laws respecting confidentiality of and access to such records;

(3) a multidisciplinary professional advisory board; and

(4) an identifiable administrative unit responsible for providing consultation and education services.

(c) The provision of services by a community mental health center in a mental health service area under this section shall be coordinated as appropriate with the provision of services by other mental health, health and social service programs and agencies (including public inpatient psychiatric facilities) serving residents of the mental health service area. Services may be provided under this section—

(1) at a community mental health center, or at a satellite facility, located in the mental health service area;

(2) by the staff of the community mental health center, or through appropriate arrangement with other health professionals and other providers located in the mental health service area; and

(3) in the case of inpatient, emergency, partial hospitalization services, or certain specialized services, by health professionals or agencies, pursuant to appropriate arrangements, in any location that is readily accessible to residents of the mental health service area.

(d) All services provided under this section shall be accessible and promptly available to residents of the mental health service area. Such services shall assure continuity and quality of care, and shall take into account the cultural, economic, and social characteristics of the population to be served.

NON-REVENUE-PRODUCING SERVICES

SEC. 208. (a) The Secretary may enter into contracts with public and nonprofit private entities for the provision of non-revenue-producing services. A contract entered into under this section shall require the provision of such services by an existing community mental health center, or, if no such center is providing services in a mental health service area, by any other entity providing mental health services in the mental health service area.

(b) Services provided under this section may include—

(1) consultation and education services (as described in section 201(b) of the Community Mental Health Centers Act);

(2) evaluation of the mental health services program of a community mental health center;

(3) case management; and

(4) any other nonrevenue producing service which has been determined to be appropriate by the Secretary.

LINKAGES BETWEEN HEALTH CARE SETTINGS AND MENTAL HEALTH SERVICES

SEC. 209. (a) The Secretary may enter into contracts with any public or nonprofit private entity providing mental health services, or having in effect a written agreement with another entity providing mental health services, for the purpose of ensuring linkages between (1) health facilities and programs, nursing homes, and intermediate care facilities and (2) mental health facilities and programs.

(b) A contract entered into under this section shall—

(1) identify individuals in need of mental health services in health care facilities, nursing homes, and intermediate care facilities, and

(2) provide, or arrange for the provision of, mental health and related support services for such individuals, including 24-hour emergency services, outpatient services, and consultation and education services (as described in section 201(b) of the Community Mental Health Centers Act).

PART C—APPLICATION REQUIREMENTS

SEC. 210. (a) An application for a contract under this title may omit any service or other requirement required to be provided or met under section 202 through 209 if the application demonstrates that the service or requirement is already being provided or met to such an extent that the allocation of additional resources to provide the service or to meet the requirement is unnecessary. Any application omitting a service or requirement under this subsection shall demonstrate to the satisfaction of the Secretary that the entity submitting the application has identified another entity providing the service or meeting the requirement and has established a cooperative working agreement with such entity.

(b) An application for a contract under this title shall be submitted in accordance with the provisions of this part and applicable regulations prescribed by the Secretary. Such application shall contain or be accompanied by—

(1) a statement of the objectives of the services to be provided;

(2) information regarding the organization and operation of the entity submitting the application;

(3) a financing plan and budget for the fiscal year for which funding is sought (and such additional period as the Secretary may require), indicating for each service to be provided the sources of funding for the service;

(4) the schedule of fees to be charged for services to be provided, and the discounts to be allowed (to individuals unable to pay in full) on the basis of relative inability to pay for a service, and satisfactory assurances that the entity submitting the application will make every reasonable effort to collect fees for such services;

(5) satisfactory assurances that funds made available under this Act will be used to supplement and, to the extent practicable, increase the level of non-Federal funding for the services provided, and that such Federal funds shall not supplant non-Federal funds except when necessary to carry out the purposes of this Act;

(6) satisfactory assurances that measures have been taken by the entity submitting the application to consult with members of the group or groups to be served, members of the public, and affected organizations and agencies during the development of the application, and to give reasonable opportunities to members of such groups, members of the public, and interested organizations and agencies to comment on the application;

(7) where substantial portions of the population to be served are of limited English-speaking ability, or bicultural, or both, a description of how the entity will provide services in appropriate languages and cultural contexts and the extent to which staff will be bilingual and bicultural;

(8) a description of the efforts made by the entity submitting the application, and the efforts to be made by such entity, to coordinate the services to be provided with other mental health and support services in the same area;

(9) such satisfactory assurances as are required as conditions of eligibility under part D of this title;

(10) information regarding the extent to which and manner in which the entity has served chronically mentally ill individuals in prior years (if such service has been provided) and proposes to serve chronically mentally ill individuals during the fiscal year in which funding is sought under this title (if such service is proposed);

(11) satisfactory assurances that the entity submitting the application shall submit such reports, at such times and containing such information, as the Secretary may request, maintain such records as the Secretary may find necessary for purposes of this Act, and afford the Secretary and the Comptroller General of the United States access to such records and other documents as may be necessary for an effective audit of each service or activity;

(12) statistics and other information requested by the Secretary necessary to evaluate the compliance of the application with the requirements of this Act: and

(13) such other information and material and such other assurances as the Secretary may prescribe in order to carry out the purposes of this Act.

PART D—APPLICANT ELIGIBILITY

ELIGIBILITY REQUIREMENTS: IN GENERAL

SEC. 211. (a)(1) In order to be eligible to enter into a contract under this title, an entity shall—

(A) in the case of an entity, other than a public entity or a hospital, which seeks to provide comprehensive services through a community mental health centers pursuant to section 207, or which has as its primary purpose the provisions of services which are funded under this Act, provide satisfactory assurances to the Secretray that it has a governing board which—

(i) is composed, where practicable, of individuals who reside in the entity's mental health service area and who, as a group, represent the residents of that area, taking into consideration their employment, age, sex, and place of residence, and other demographic characteristics of the area, provided that at least one half of the members of such board shall be individuals who are not providers of health care, and

(ii) meets at least once a month, establishes general policies for the entity (including a schedule of hours during which services will be provided), approves the entity's annual budget, and approves the selection of a director for the entity; or

(B) in the case of any entity not described in subparagraph (A), provides satisfactory assurances to the Secretary that it has an advisory committee which—

(i) is composed of individuals who reside in the entity's mental health service area and are representative of the residents of the area as to employment, age, sex, place of residence, and other demographic characteristics of the area: *Provided*, That at least one half of the members of such committee shall be individuals who are not providers of health care, and

(ii) advises the entity with respect to the provision of services which are funded under this Act.

For the purposes of this paragraph, the term "provider of health care" shall have the same meaning as under section 201(c)(2) of the Community Mental Health Centers Act.

(2) Notwithstanding paragraph (1), any public or nonprofit private entity receiving a grant or entering into a contract under section 328 of the Public Health Service Act (relating to hospital-affiliated primary care centers), section 329 of the Public Health Service Act (relating to migrant health centers) or section 330 of the Public Health Service Act (relating to community health centers) shall be eligible for a contract under this title.

(b)(1) In order to be eligible to enter into a contract under this title to provide services pursuant to sections 202, 203, 204, 205, 206, or 209 in any mental health service area—

(A) in the case of an entity other than a State Agency, such entity shall provide satisfactory assurances to the Secretary that it has negotiated in good faith regarding, or secured, a contract or agreement with any entity providing comprehensive mental services through a community health center in the mental health service area concerning such entities mutual responsibilities, and

(B) in the case of a State Agency, such State Agency shall provide satisfactory assurances to the Secretary that it has made a good faith effort to coordinate, or has coordinated, with any entity providing comprehensive mental health services through a community mental health center in the mental health service area concerning such entities' mutual responsibilities.

(2) In order to be eligible to enter into a contract under this title to provide services pursuant to section 207 or 208 in any mental health service area—

(A) in the case of an entity other than a State Agency, such entity shall provide satisfactory assurances to the Secretary that it has negotiated in good faith regarding, or secured, a contract or agreement with any other entity providing mental health services in the mental health service area concerning such entities' mutual responsibilities, and

(B) in the case of a State Agency, such State Agency shall provide satisfactory assurances to the Secretary that it has made a good faith effort to coordinate, or has coordinated, with any other entity providing mental health services in the mental health service area concerning such entities' mutual responsibilities.

(c) In order to be eligible to enter into a contract under this title, an entity shall provide satisfactory assurances to the Secretary that any application for a contract submitted by such entity is consistent with the State health plan of the State.

ELIGIBILITY REQUIREMENTS FOR STATE AGENCIES

SEC. 212. (a) In order to be eligible to enter into a contract under this title, a State Agency shall provide satisfactory assurances to the Secretary that local public and nonprofit private entities have been included as providers of service to the maximum extent possible.

(b)(1) In order to be eligible to enter into a contract under this title, a State Agency shall be certified to be in compliance with the regulations established pursuant to paragraph (2).

(2) The Secretary of Labor, after publishing a notice in the Federal Register and pro-

viding an opportunity for consultation for the Governor of any State and the Secretary of Health and Human Services, shall establish regulations which require fair and equitable arrangements to protect the interests of employees adversely affected by actions taken to emphasize outpatient treatment of mentally ill individuals, against a worsening of such employees' positions with respect to their employment, including those arrangements that are required by section 1642(c)(1) of the Public Health Service Act. In applying this subsection the Secretary of Labor may, to the extent feasible consistent with the principal objective of protecting against a worsening of the positions of affected employees, take into account the State's financial circumstances and their legal requirements.

(3) The Secretary of Labor shall certify which States, which have applied for funding under this title, are in compliance with the regulations required by paragraph (2), and shall provide the Secretary of Health and Human Services with a list of States so certified.

ELIGIBILITY REQUIREMENTS FOR STATE AGENCIES SEEKING TO BE EXCLUSIVE CONTRACTORS

SEC. 213. (a)(1) A State Agency may be the exclusive contractor of services for a State under this title if—

(A) such State agency complies with the provisions of this section, and

(B) the Secretary enters into an exclusive contract with such State Agency under section 217.

(b) A State Agency, in order to be eligible to enter into a contract to be the exclusive contractor of services for a State under this title, shall demonstrate to the satisfaction of the Secretary that it is effectively implementing its mental health operations program prepared pursuant to section 105, and shall also demonstrate to the satisfaction of the Secretary that it, or another agency of the State, is making a good faith effort to establish and implement procedures for carrying out the requirements of subsection (c).

(c)(1) A State Agency, in order to be in compliance with this section, shall monitor the placement in the community of chronically mentally ill individuals discharged or diverted from mental health facilities, and shall prevent overconcentration of such individuals in any community or group of communities.

(2) A State Agency, in order to be in compliance with this section, shall administer a program of support and placement services for chronically mentally ill individuals in the State discharged or diverted from mental health facilities or who may be so discharged or diverted. Such program shall prescribe and enforce minimum standards for the provision of followup care for such individuals by community mental health centers and other appropriate entities. Such program shall include as a minimum the following:

(A) Timely notification by the mental health facility to the appropriate community mental health center or other entity concerning the discharge of each chronically mentally ill individual and the placement of such individual in the mental health service area in which the center or other entity is located.

(B) A prerelease consultation between the mental health facility and the appropriate community mental health center or other entity with respect to each chronically mentally ill individual to be discharged and placed in a community. Such consultation shall take place without delaying the discharge of such individual from the mental health facility. Such consultation shall include a preliminary evaluation of the physical, mental, social, and monetary needs of the individual to be discharged, and an identification of the services and programs for which such individual is eligible.

(C) Development by the mental health facility of a written treatment and services plan for each chronically mentally ill individual to be discharged, or already discharged, or diverted, in consultation with a case manager in the community mental health center or other appropriate entity in the mental health service area in which such individual will or does reside. Such plan shall—

(i) to the maximum extent feasible, be developed with the participation of the individual discharged or diverted and the family of such individual;

(ii) include appropriate living arrangements suited to the needs of the individual. If family or independent living is not possible and the individual resides in a multioccupant residence, the State Agency shall assure that such residence is subject to a program for regulation as described in paragraph (3) of this subsection;

(iii) describe appropriate mental health services and other needed services, such as medical and dental services, rehabilitation services, vocational training and placement, social services, and living skills training; and

(iv) identify specific programs and services for which the individual is eligible, including income support, and provide for a periodic reevaluation of the plan at least every one hundred and twenty days.

(D) Designation of a case manager responsible for the coordination of service for each chronically mentally ill individual discharged or diverted from a mental health facility and the implementation of the treatment and services plan for such individual.

(3) A State Agency, in order to be in compliance with this section, shall develop a program for regulating multioccupant residences (other than family residences in which all the residents are related by blood or marriage, and residences that the State Agency certifies to the Secretary's satisfaction are subject to and in compliance with section 1616(e) of the Social Security Act and which are located in a State in which the standards applicable to such residences pursuant to section 1616(e)(1) of such Act are comparable to the standards required by this paragraph) in which four or more chronically mentally ill individuals reside and for which room is charged, in accordance with guidelines established by the Secretary. Such program shall include the following:

(A) Minimum standards for approval of a residence, including referral to and assistance in reaching appropriate medical, dental, mental health, and other services not otherwise available at such residence, compliance with appropriate life safety, fire, and sanitation codes, and access for visitation during reasonable hours without prior notice by appropriate mental health and social service staff.

(B) Evaluation, inspection, and monitoring procedures.

(C) Remedies for noncompliance.

(4) A State Agency, in order to be in compliance with this section, shall provide educational or informational services to educate the population of the State regarding the problems of chronically mentally ill individuals, the need for community involvement in programs designed to resolve the problems of chronically mentally ill individuals outside institutional settings, and the resources available or needed to help such programs succeed.

(5) A State Agency, in order to be in compliance with this section, shall improve the skills of personnel involved in providing services for chronically mentally ill individuals through inservice training, retraining, or other training of such personnel.

(6) A State Agency, in order to be in compliance with this section, shall review State policies and programs to determine if such policies and programs discriminate against chronically mentally ill individuals, and the means by which such discrimination may be eliminated.

(d) A State Agency, in order to be eligible to enter into a contract to be the exclusive contractor of services for a State under this title, shall provide satisfactory assurances to the Secretary that it will submit an annual report to the Secretary regarding its efforts and progress under this section, including the manner in which the needs of chronically mentally ill individuals in each mental health services area in the State are being met within the community and the State's progress in implementing mechanisms to ensure that, as chronically mentally ill individuals are discharged from mental health facilities, State mental health funds are flowing from institution-based care to community-based care.

PROCESS FOR DETERMINING ELIGIBILITY OF STATE AGENCIES TO BE EXCLUSIVE CONTRACTORS

SEC. 214. No later than the date three hundreds and thirty days before the beginning of each fiscal year, the Secretary shall determine and announce which State Agencies have met the requirements of section 213 and are thereby eligible to be the exclusive contractors of services for their respective State under this title. Prior to such date, the Secretary shall provide technical assistance to State Agencies which do not appear to have met requirements of section 213 but which seek to meet such requirements.

PART E—APPLICATION PROCEDURE, SELECTION OF APPLICATIONS, PERFORMANCE CONTRACTS

APPLICATION PROCEDURE

SEC. 215. (a) All applications by public and nonprofit private entities to enter into contracts under this title (except the applications of a State Agency) shall be submitted to the State Agency. Applications shall be submitted no later than the date two hundred and seventy days prior to the first day of the fiscal year for which funding is sought under this title. All such applications shall be submitted to the health systems agency prior to submission to the State Agency. The health systems agency may submit recommendations and comments regarding such applications to the State Agency at any time prior to the transmission of such applications to the Secretary:

(b)(1) A State Agency may—

(A) prepare one or more applications to enter into contracts under this title; or

(B) if the State Agency has been determined to be eligible to be the exclusive contractor of services for the State under this title pursuant to section 214, prepare an application to be the exclusive contractor of services for the State under this title.

(c) Within forty-five days after the final date of submission applications under subsection (a), the State Agency shall—

(1) provide public notice of all applications submitted, under subsection (a), the comments and recommendations (if any) submitted by health systems agencies regarding such applications, and the comments and recommendations (if any) of the State Agency regarding such applications; and

(2) provide public notice of all applications prepared by the State Agency itself under subsection (b)(1) and the comments and recommendations (if any) submitted by health systems agencies regarding such applications; and

(3) in the case of a State Agency that, pursuant to subsection (b)(2), has announced its decision to submit an application to the Secretary to be the exclusive contractor of mental health services for the State under this title, provide public notice of the ap-

plication to be submitted by the State Agency to the Secretary and the comments and recommendations (if any) submitted by the Statewide Health Coordinating Council regarding such application.

(2) If a State Agency prepares one or more applications to enter into contracts under this title pursuant to paragraph (1)(A), the State Agency shall submit such applications to the affected health systems agencies no later than the date two hundred and seventy days prior to the first day of the fiscal year for which funding is sought under this title. Such health systems agencies may submit comments and recommendations regarding such applications to the State Agency at any time prior to the transmission of such applications to the Secretary.

(3) If a State Agency which has been determined to be eligible to be the exclusive contractor of services for the State under this title decides that it will submit an application to the Secretary to be the exclusive contractor of services for the State under this title, such State Agency shall announce such decision no later than two hundred and seventy days prior to the first day of the fiscal year for which funding is sought under this title. The application to be the exclusive contractor of services for the State under this title, prepared pursuant to paragraph (1)(B), shall be submitted to the Statewide Health Coordinating Council of the State established pursuant to title XV of the Public Health Service Act no later than such date. The Statewide Health Coordinating Council may submit comments and recommendations regarding such application to the State Agency at any time prior to the transmission of such application to the Secretary.

(d) No sooner than twenty days but no later than thirty days after the date public notice is provided under subsection (c), the State Agency shall convene public hearings and receive public comment regarding such application or applications.

(e) After consideration of the public comments received pursuant to subsection (d), the State Agency, on the date one hundred and fifty days prior to the first day of the fiscal year for which funding is sought under this title, shall—

(1) transmit to the Secretary the applications to enter into contracts under this title submitted pursuant to subsection (a), or prepared pursuant to subsection (b)(1)(A), the comments and recommendations (if any) submitted by health systems agencies regarding such applications, the comments and recommendations (if any) of the State Agency regarding such applications and the comments and recommendations (if any) received by the State Agency pursuant to the public hearings held under subsection (d); or

(2) in the case of a State Agency that, pursuant to subsection (b)(1)(B), has prepared an application to the Secretary to be the exclusive contractor of mental health services for the State under this title, transmit to the Secretary such application, the comments and recommendations (if any) of the Statewide Health Coordinating Council regarding such application, and the comments and recommendations (if any) received by the State Agency pursuant to the public hearings held under subsection (d).

(f) An application transmitted by a State Agency to the Secretary to be the exclusive contractor of mental health services for the State under this title may omit applications submitted by other entities under subsection (a) and incorporate any one or more of the following:

(1) applications submitted by other entities under subsection (a), in substantially their original form;

(2) applications submitted by other entities under subsection (a), but substantially modified by the State Agency; and

(3) services under this title proposed only by the State Agency.

(g)(1) Whenever a State Agency transmits an application to the Secretary to be the exclusive contractor of mental health services for the State under this title, and such application omits an application submitted by an entity under subsection (a), or incorporates an application submitted under subsection (a) in a substantially modified form, the State Agency shall inform the entity that submitted such application under subsection (a) that such application has been so omitted or modified, make available the reasons for such omission or modification to the entity and any interested party, and inform the entity of the procedure described in paragraph (2).

(2)(A) If, in an application transmitted to the Secretary by a State Agency to be the exclusive contractor of mental health services for a State under this title, an application submitted by an entity under subsection (a) has been omitted by the State Agency, or has been substantially modified by the State Agency, the entity may, within thirty days after receipt of notice from the State Agency under paragraph (1), request that the application or modified portions thereof be considered in original form during the negotiations of the State Agency's application between the State Agency and the Secretary. Such a request shall be accompanied by written justifications for the incorporation of such application or portion thereof in the State Agency's application. If an entity makes such a request, the Secretary shall promptly determine if—

(i) the application or modified portions thereof are consistent with the State health plan of the State; and

(ii) the entity has sought to, or had an opportunity to, make a good faith effort to negotiate with the State Agency regarding the incorporation of the application or the modified portions thereof in the State Agency's application.

(B) If the Secretary determines that the requirements of subparagraph (A)(i) and (A)(ii) have been met, the Secretary shall review—

(i) the justifications submitted by the entity regarding incorporation of its application or modified portions thereof in the State Agency's application; and

(ii) the justifications of the State Agency regarding omission of such application or portions thereof in the State Agency's application.

(C) If the Secretary determines, upon review under subparagraph (B), that—

(i) an entity's justifications for incorporation of its application or portions thereof are as meritorious as the State Agency's justifications for omission or modification; or

(ii) the decision by the State Agency to omit or modify such application or portions thereof—

(I) is inconsistent with the provisions of this Act,

(II) is inconsistent with the provisions of the State health plan of the State, or

(III) was made in an arbitrary or capricious manner;

the entity's application or portions thereof shall be considered during the negotiation of the State Agency's application between the State Agency and the Secretary.

(h) The State Agency shall make available to any interested party, on the date one hundred and fifty days prior to the first day of the fiscal year for which funding is sought under this title, the materials transmitted to the Secretary under paragraph (e).

(i) In the event that the State Agency fails to transmit the appropriate material pursuant to subsection (e), any entity that submitted an application to enter into a contract under subsection (a) may transmit such application to the Secretary directly.

(j) If a State Agency transmits an application to the Secretary to be the exclusive contractor of services for the State under this title, there shall be selected, by the State Agency and the Secretary, two citizen representatives to provide advice during the negotiation of the State Agency's application between the State Agency and the Secretary. Organizations representing consumers of mental health services within a State, and organizations representing local providers of mental health services within a State, may recommend to the State Agency and the Secretary the names of individuals willing and able to serve as representatives of consumers or providers, respectively, during such negotiations. On the basis of such recommendations, the State Agency and the Secretary shall agree upon one representative of consumers and one representative of providers from the State to serve as advisors during such negotiations.

SELECTION OF APPLICATIONS

SEC. 216. (a) After conducting appropriate negotiations with the entities that submitted the applications transmitted under section 215(e)(1), or with the State Agency in the case of a State Agency that has transmitted under Section 215(e)(2) an application to be the exclusive contractor of mental health services for the State under this title, the Secretary shall select those applications that—

(1) are consistent with the State health plan;

(2) are consistent with the applicable provisions of this title; and

(3) are most likely, in the judgment of the Secretary, to—

(A) provide priority population groups with the most effective and broadest services,

(B) provide the general population with the most effective and broadest services,

(C) lead to the provision of comprehensive mental health services for all persons in every mental health service area,

(D) provide for the maximum feasible utilization of private and public non-Federal resources, including private and public forms of health insurance, and

(E) where substantial portions of the population to be served are of limited English-speaking ability, or bicultural, or both, provide services in appropriate languages and cultural contexts, and provide staff that is bilingual and bicultural.

(b) Upon selection of applications to enter into contracts to provide services under this title, the Secretary shall provide an explanation to each entity whose application was transmitted to the Secretary under section 215(e) of the reasons for acceptance or rejection of such entity's application. If the Secretary uses a formula to rank applications, the Secretary shall provide notice of the principles upon which such formula is based. The explanation provided to the entity under this subsection shall include an explanation of the designated rank of such entity's application.

PERFORMANCE CONTRACTS

SEC. 217. (a) Any entity whose application to provide services has been selected under section 216 shall be eligible to enter into an annual performance contract with the Secretary. In the case of a State Agency for which an application to be the exclusive contractor of mental health services for a State under this title has been selected, the performance contract shall be an exclusive statewide performance contract, and shall provide for the State Agency to enter into performance contracts with other entities providing services in the State as subcontractors.

(b) Each performance contract shall include agreements regarding—

(1) the establishment of citizen participation in the administration of services;

(2) the populations to be served, including

any priority populations, the settings in which services are to be delivered, the means by which such settings shall be the least restrictive and most accessible as possible, and the anticipated outcome and service impact on the populations to be served;

(3) the standards by which the performance of the entity will be monitored and evaluated, incentives for meeting such standards, the role of consumers and individuals representative of affected communities in any monitoring and evaluation, and the role of the Secretary in such monitoring and evaluation;

(4) the methods and format by which performance data shall be collected and transmitted to the Secretary;

(5) the qualifications and clinical and administrative functions and responsibilities of the personnel of the entity;

(6) the annual budget of the entity;

(7) the means by which the activities of the entity will be coordinated with the activities of other entities providing mental health services or related support services in any affected mental health service area;

(8) the allocation of responsibilities among local, State, and Federal entities for provision of mental health services and administration of such services;

(9) the means by which the entity shall decrease its reliance on Federal financial support under this Act;

(10) a schedule for the performance of all obligations arising under the performance contract;

(11) an expeditious and impartial method by which disputes arising under the performance contract may be resolved;

(12) appropriate and defined remedies available to each contracting party in the event that the other contracting party fails to carry out an obligation arising under the performance contract; and

(13) such other matters that the Secretary determines shall be negotiated and resolved to carry out the purposes of this Act.

(c) The Secretary shall promulgate regulations establishing criteria with respect to the evaluation of the performance of entities under this Act.

ENFORCEMENT

SEC. 218. (a) No entity may receive funds under this title unless it has entered into a performance contract which complies with the requirements of section 217.

(b) The extent to which an entity or State Agency has performed in accordance with the performance contract entered into under section 217 and the extent to which the entity has cooperated with other entities providing mental health or support services in the affected mental health service areas shall be periodically reviewed by the Secretary. Substantial and unreasonable failure to perform in accordance with such performance contract or to cooperate with other entities providing mental health or support services in the affected mental health service areas shall, after notice of such alleged failure and an opportunity for an informal hearing which results in a finding of such failure, be a reasonable justification for termination of funding under this title. The Secretary shall consider any such failure with regard to any subsequent application for funding under this title.

FUNDING FOR INNOVATIVE PROJECTS

SEC. 219. (a) Notwithstanding the provisions of this title relating to application procedures, a public entity, nonprofit private entity, or other private entity engaged solely in the provision of services related to mental health may submit directly to the Secretary an application to provide services under this title, or rights protection and advocacy services, if such entity demonstrates that the services to be provided are innovative and of national significance.

(b) The Secretary may accept such applications and enter into contracts for such services under this section if the Secretary determines that such services are innovative and of national significance, but no more than 5 percent of the funds available for allocation under this title may be used for such contracts.

(c) Any entity receiving Federal funding under this section shall be subject to the requirements of sections 217 and 218.

Part F—General Provisions

DURATION OF CONTRACTS

SEC. 220. A contract under this title shall be for such period of time, not exceeding one year, as the Secretary may determine.

INDIRECT PROVISIONS OF SERVICES

SEC. 221. Any services for which a contract is entered into under this title may be provided directly by the contracting entity at its primary or satellite facilities, or by arrangements with other entities or health professionals.

PAYMENT PROCEDURES

SEC. 222. (a) Except as provided in subsection (b), the amount of payments under any contract for any fiscal year under this title may be reduced to the extent that—

(1) the sums paid to the entity under any prior contract under the same section of this title, or the sums paid to such entity under section 203(a), 203(e), or 211 of the Community Mental Health Centers Act, plus

(2) the funds available for the project, activity, or services for which the prior sums were paid, from State, local, or other sources (including collections),

exceed the total cost of the project, activity, or services for which the prior sums were paid, in lieu of such excess being repaid to the United States.

(b) In the case of any such excess under subsection (a)—

(1) a reduction under subsection (a) shall not be made to the extent adjustments regarding such excess were made previously, or were retained and excluded from repayment under clause (2) of this subsection, and

(2) such portion of an excess under subsection (a) for any year for any project, activity, or services for which sums were paid under this Act and the Community Mental Health Centers Act as the Secretary may determine, but not exceeding 5 per centum of the cost of operation of the recipient's mental health program, may be retained by the recipient for deposit in a reserve fund maintained for purposes approved by the Secretary, and shall not be counted as available funds for purposes of any subsequent contract under this title.

ALLOCATION OF FUNDS

SEC. 223. (a) Under this title, no single public or nonprofit private entity shall receive funding for more than eight fiscal years for the provision of the same mental health services in the same affected mental health service areas. For purposes of this subsection, one or more grants for a fiscal year under section 203(a) of the Community Mental Health Services Act (or section 220 of the Community Mental Health Centers Act as in effect before July 29, 1975, or as continued after such date by section 203(e) of that Act) shall be considered funding for a fiscal year under this subsection. No funding under a contract under this title may exceed the following percentages of the cost of the services with respect to which such contract is made:

(1) 90 per centum in the case of the first and second years of funding;

(2) 80 per centum in the case of the third year of funding;

(3) 70 per centum in the case of the fourth year of funding;

(4) 60 per centum in the case of the fifth year of funding;

(5) 50 per centum in the case of the sixth year of funding;

(6) 40 per centum in the case of the seventh year of funding; and

(7) 30 per centum in the case of the eighth year of funding.

(b) Notwithstanding the limitations described in subsection (a) on the number of years for which funding under this title may be received and the maximum amount of such funding, an entity that submits annual applications to provide services pursuant to section 208 may receive funding under this title for such longer periods and for such greater amounts as determined by the Secretary, but no such funding may exceed $1.50 per capita of the population of the affected area.

(c) Notwithstanding the limitations described in subsection (a), any entity that receives eight years of funding under section 202, 203, 204, 205, 206, 207, or 209 of this title and which thereafter continues to provide substantially the same level of services for the same population for which it received funding under such section, may receive funding to provide different services in the same mental health service area or areas under any other such section.

(d)(1) Outpatient treatment and care and related support services for chronically mentally ill individuals shall account for—

(A) no less than 5 per centum of the Federal funding allocated under this title within each State in the fiscal year ending September 30, 1982;

(B) no less than 10 per centum of the Federal funding allocated for services under this title within each State in the fiscal year ending September 30, 1983;

(C) no less than 15 per centum of Federal funding allocated for services under this title within each State in the fiscal year ending September 30, 1984; and

(D) no less than 20 per centum of Federal funding allocated for services under this title within each State in the fiscal year ending September 30, 1985.

(2) Funds for contracts to provide mental health services to chronically mentally ill individuals under section 202 shall account for—

(A) no less than 10 per centum and nor more than 20 per centum of all available funding under this title in the fiscal year ending September 30, 1982;

(B) no less than 10 per centum and no more than 20 per centum of all available funding under this title in the fiscal year ending September 30, 1983;

(C) no less than 15 per centum and no more than 25 per centum of all available funding under this title in the fiscal year September 30, 1984; and

(D) no less than 20 per centum and nor more than 30 per centum of all available funding under this title in the fiscal year ending September 30, 1985.

(3) Treatment and care and related support services for chronically mentally ill individuals shall account for no less than 20 per centum of the Federal funds allocated under section 207 of this title.

(e) Not more than 5 per centum of the funds allocated under section 207 shall be allocated to entities which do not meet the governing board requirements of section 211(a)(1)(A).

(f) Not less than 90 per centum of the Federal funds for each contract under this title shall be used to provide services at the local level.

(g) The Secretary, after allocating funds under this title, shall submit an annual report to the Committee on Labor and Human Resources of the United States Senate and the Committee on Interstate and Foreign Commerce of the United States House of

Representatives detailing the extent to which—

(1) each community mental health center funded under section 207 of this title is directing its resources towards the treatment and care of chronically mentally ill individuals, and

(2) the requirements of subsection (d) (1), (2) and (3) are being met.

The report required by this subsection shall be submitted to the committees described in this subsection no later than January 1 of each year.

EVALUATION AND TECHNICAL ASSISTANCE

SEC. 224. (a) With the approval of the Secretary, any entity entering into a contract under this Act may use a portion of such contract funds for evaluation of the projects or activities the entity conducts.

(b) The Secretary shall set aside from appropriations for contracts under this title such sums as are determined to be appropriate for the evaluation of the performance of entities under this title. Such evaluation shall determine the extent to which entities have complied with applicable requirements and the extent to which entities have advanced the objectives for which funding was provided.

(c) A portion of the funding available under this title for any fiscal year, as determined by the Secretary, but not to exceed 2 per centum, shall be available to the Secretary to provide technical assistance, including but not limited to the technical assistance described in section 214 and short-term training of personnel responsible for the implementation of contracts under this title. Such amounts shall be available to assist in the improvement of the management and administration of services provided pursuant to this title.

CONFORMING AMENDMENTS

SEC. 225. (a) The second sentence of section 455(a) of the Public Health Service Act (relating to the National Institute of Mental Health) is amended—

(1) by striking out "and" after "sections 301 and 303 of this Act" and inserting in lieu thereof a comma; and

(2) by inserting ", and the Mental Health Systems Act" after "Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (other than part C of title II)".

(b) Section 507 of the Public Health Service Act (relating to grants to Federal institutions) is amended—

(1) by striking out "and" after "drug dependence,"; and

(2) by inserting ", and appropriations under title VI of the Mental Health Systems Act" before "shall also be available".

(c) Section 513 of the Public Health Service Act (relating to evaluation of programs) is amended by inserting "the Mental Health Systems Act," after "Community Mental Health Centers Act,".

(d) Section 1513(e) (1) (A) (i) of the Public Health Service Act (relating to functions of health systems agencies) is amended by inserting "the Mental Health Systems Act," after "Community Mental Health Centers Act,".

(c) Section 201(b) (1) (A) (iii) of the Community Mental Health Centers Act is amended by adding after "facility" the following: ", including—

"(I) designation of a case manager responsible for the coordination of services for each resident discharged from a public inpatient psychiatric facility and for the development of an individual treatment and services plan for such individual;

"(II) pre-release consultation with respect to such individual; and

"(III) preparation and submission of an annual report to the State Agency designated under section 102 of the Mental Health Systems Act describing the manner in which the needs of chronically mentally ill individuals in the catchment area are being met.".

CONTRACTS FOR INDIAN TRIBES

SEC. 226. (a) (1) An Indian tribe (as defined in the Indian Self-Determination Act) or intertribal organization may submit an application directly to the Secretary to provide services eligible for funding under this title if such services will be available within or will specifically serve—

(A) a federally recognized Indian reservation,

(B) any land area in Oklahoma that is held in trust by the United States for Indians or that is a restricted Indian-owned land area,

(C) a native village in Alaska (as defined in section 3(c) of the Alaska Native Claims Settlement Act), or

(D) an Indian community the members of which are recognized as eligible for services under the Indian Health Care Improvement Act.

Each application shall demonstrate the manner in which the proposed services will be consistent with the Tribal Specific Health Plan of the tribe or tribes to be served. A copy of the application shall be provided to the appropriate Health Systems Agency or Agencies established under title XV of the Public Health Service Act and to the appropriate State Agency for review and comment. Upon receipt of an application under this subsection, the Secretary shall review, rank, select, and fund the application according to the same criteria used to review, rank, select, and fund applications under this title.

(2) A tribe or intertribal organization receiving Federal funds under this title shall, prior to receiving such funds, enter into an annual performance contract with the Secretary pursuant to section 217, and shall receive payment directly from the Secretary (except as provided in subsection (b) of this section). Each performance contract shall conform with the provisions of section 217, and the provisions of section 218 shall also be applicable, to the extent that such provisions are not inconsistent with the purposes of this section.

(b) At the request of any Indian tribe or intertribal organization or any urban Indian organization (as defined in the Indian Care Improvement Act), the Secretary may enter into a contract with the Indian Health Service or any institution, clinic, or other unit thereof, for the purpose of serving the members of such tribe or organization, on the same terms and conditions as under subsection (a).

(c) Any contract under subsection (a) or (b) may be made for a project serving members of an Indian tribe, intertribal organization, or urban Indian organization even though the area in which the members of such tribe or organization reside is included in two or more mental health services areas of a State.

OBLIGATED SERVICE FOR MENTAL HEALTH TRAINEESHIPS

SEC. 227. Section 303 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(d) (1) Any individual who, after the date of enactment of the Mental Health System Act, has been informed in writing of the requirements and other provisions of this subsection and thereafter accepts a clinical traineeship in psychology, psychiatry, nursing, or social work, under subsection (a) (1) that is not of a limited duration or experimental nature (as determined by the Secretary) is obligated to serve, in service determined by the Secretary to be appropriate in the light of the individual's training and experience, at the rate of one year for each year (or academic year, whichever the Secretary determines to be appropriate) of the traineeship.

"(2) The service required under paragraph (1) shall be in a public inpatient psychiatric facility institution, or for any entity eligible for a contract under title II of the Mental Health Systems Act, or in a health manpower shortage area (as determined under subpart II of part D of title III of the Public Health Service Act), or to serve any priority population group as defined by this Act, or in any other area or for any other entity designated by the Secretary, and shall begin within such period after the termination of the traineeship as the Secretary may determine. In developing criteria for determining for which institutions or entities or in which areas, referred to in the preceding sentence, individuals must perform service under this paragraph, the Secretary shall give preference to institutions, entities, or areas which in the Secretary's judgment have the greatest need for personnel to perform that service unless, for good cause shown to the Secretary, the individual requests performance of other service under this paragraph.

"(3) Any individual who fails to perform the service required of the individual under this subsection within the period prescribed by the Secretary is obligated to repay to the United States an amount equal to three times the cost of the traineeship (including stipends and allowances) plus interest at the maximum legal rate at the time of payment of the traineeship, multiplied, in any case in which the service so required has been performed in part, by the percentage which the length of the service so performed is of the length of the service so required to be performed.

"(4) (A) In the case of any individual any part of whose obligation to perform service under this subsection exists at the same time as any part of the individual's obligation to perform service under section 752 or 753 (because of receipt of a scholarship under subpart IV of part C of title VII) or the individual's obligation to perform service under section 472 (because of receipt of a National Research Service Award thereunder), or both, the same service may not be used to any extent to meet more than one of those obligations.

"(B) In any case to which subparagraph (A) is applicable and in which one of the obligations is to perform service under section 752 or 753, the obligation to perform service under that section must be met (by performance of the required service or payment of damages) before the obligation to perform service under this subsection or under section 472.

"(C) In any case to which subparagraphs (A) is applicable, if any part of the obligation to perform service under section 472 exists at the same time as any part of the obligation to perform service under this subsection, the manner and time of meeting each obligation shall be prescribed by the Secretary."

TITLE III—MENTAL HEALTH RIGHTS AND ADVOCACY

BILL OF RIGHTS

SEC. 301. It is the sense of the Congress that each State should review and revise, if necessary, its laws to insure that mental health patients receive the protection and services they require. It is further the sense of the Congress that each State should take into account the recommendations of the President's Commission on Mental Health and the following provisions:

(a) A person admitted to a program or facility for the purpose of receiving mental health services has the following rights:

(1) The right to appropriate treatment and related services in a setting and under conditions that—

(A) are most supportive of such person's personal liberty; and

(B) restrict such liberty only to the extent necessary consistent with such person's treatment needs, applicable requirements of law, and applicable judicial orders.

(2) The right to an individualized, written, treatment or service plan (such plan to be developed promptly after admission of such person), the right to treatment based on such plan, the right to periodic review and reassessment of treatment and related service needs, and the right to appropriate revision of such plan, including any revision necessary to provide a description of mental health services that may be needed after such person is discharged from such program or facility.

(3) The right to ongoing participation, in a manner appropriate to such person's capabilities, in the planning of mental health services to be provided such person (including the right to participate in the development and periodic revision of the plan described in paragraph (2)), and, in connection with such participation, the right to be provided with a reasonable explanation, in terms and language appropriate to such person's condition and ability to understand, of—

(A) such person's general mental condition and, if such program or facility has provided a physical examination, such person's general physical condition;

(B) the objectives of treatment;

(C) the nature and significant possible adverse effects of recommended treatments;

(D) the reasons why a particular treatment is considered appropriate;

(E) the reasons why access to certain visitors may not be appropriate; and

(F) any appropriate and available alternative treatments, services, and types of providers of mental health services.

(4) The right not to receive a mode or course of treatment, established pursuant to the treatment plan, in the absence of such person's informed, voluntary, written consent to such mode or course of treatment, except that treatment may be provided without such consent—

(A) during an emergency situation if such treatment is pursuant to or documented contemporaneously by the written order of a responsible mental health professional; or

(B) as permitted under applicable law in the case of a person committed by a court to a treatment program or facility.

(5) The right not to participate in experimentation in the absence of such person's informed, voluntary, written consent, the right to appropriate protections in connection with such participation, including the right to a reasonable explanation of the procedure to be followed, the benefits to be expected, the relative advantages of alternative treatments, and the potential discomforts and risks, and the right and opportunity to revoke such consent.

(6) The right to freedom from restraint or seclusion, other than as a mode or course of treatment, except that restraint or seclusion may be used during an emergency situation if such restraint or seclusion is pursuant to or documented contemporaneously by the written order of a responsible mental health professional.

(7) The right to a humane treatment environment that affords reasonable protection from harm and appropriate privacy to such person with regard to personal needs.

(8) The right to confidentiality of such person's records, including confidentiality of information pertaining to such person's identity, diagnosis, prognosis, and treatment, under the same terms and conditions applicable to patients under section 515 of the Public Health Service Act.

(9) The right to access, upon request, to such person's mental health care records, except that such person may be refused access to—

(A) information in such records provided by a third party under assurance that such information shall remain confidential; and

(B) specific material in such records if the health professional responsible for the mental health services concerned has made a determination in writing that such access would be detrimental to such person's health, except that such material shall be made available to a similarly licensed health professional selected by such person and such health professional may, in the exercise of professional judgment, provide such person with access to any or all parts of such material or otherwise disclosure the information contained in such material to such person.

(10) The right, in the case of a person admitted on a residential or inpatient care basis, to converse with others privately, to have convenient and reasonable access to the telephone and mails, and to see visitors during regularly scheduled hours, except that, if a mental health professional treating such person determines that denial of access to a particular visitor is necessary for treatment purposes, such mental health professional may, for a specific, limited, and reasonable period of time, deny such access if such mental health professional has ordered such denial in writing and such order has been incorporated in the treatment plan for such person. An order denying such access shall include the reasons for such denial.

(11) The right to be informed promptly at the time of admission and periodically thereafter, in language and terms appropriate to such person's condition and ability to understand, of the rights under this part.

(12) The right to assert grievances with respect to infringement of such person's rights under this part, including the right to have such grievances considered in a fair, timely, and impartial grievance procedure provided for or by the program or facility.

(13) Notwithstanding paragraph (10), the right of access to (including the opportunities and facilities for private communication with) any available—

(A) rights protection service within the program or facility;

(B) rights protection service within the State mental health system designed to be available to such person; and

(C) qualified advocate;

for the purpose of receiving assistance to understand, exercise, and protect such person's rights under this part and other provisions of law.

(14) The right to exercise such person's rights under this part without reprisal, including reprisal in the form of denial of any appropriate, available treatment.

(15) The right to referral as appropriate to other providers of mental health services upon discharge.

(b)(1) The rights provided in this section are in addition to and not in derogation of any other statutory or constitutional rights otherwise afforded to all persons, handicapped persons, or recipients of health care services.

(2) The rights to confidentiality of and access to records as provided in paragraphs (8) and (9) of subsection (a) shall remain applicable to records pertaining to a person after such person's discharge from the program or facility.

(c)(1) No otherwise eligible person shall be denied admission to a program or facility for mental health services as a reprisal for the exercise of the rights provided in this section.

(2) Nothing in this section shall—

(A) obligate an individual mental health or health professional to administer treatment contrary to such professional's clinical judgment;

(B) prevent any program or facility from discharging any person for whom the provision of appropriate treatment, consistent with the clinical judgment of the mental health professional primarily responsible for such person's treatment, is or has become impossible as a result of such person's refusal to consent to such treatment;

(C) require a program or facility to admit any person who, while admitted on prior occasions to such program or facility, has repeatedly frustrated the purposes of such admissions by withholding consent to proposed treatment; or

(D) obligate a program or facility to provide treatment services to any person who is admitted to such program or facility solely for diagnostic or evaluative purposes.

(3) In order to assist a person admitted to a program or facility in the exercise or protection of such person's rights, such person's attorney or legal representatives shall have reasonable access to—

(A) such person;

(B) the areas of the program or facility where such person has received treatment, resided, or had access; and

(C) pursuant to the written authorization of such person, the records and information pertaining to such person's diagnosis, treatment, and related services to which such person has a right of access under subsection (a)(9).

(4) Each program and facility shall post a notice listing and describing, in language and terms appropriate to the ability of the persons to whom such notice is addressed to understand, the rights under this title of all persons admitted to such program or facility. Each such notice shall conform to the format and content for such notices, and shall be posted in all appropriate locations.

(d)(1) In the case of a person adjudicated by a court of competent jurisdiction as being incompetent to exercise the right to consent to treatment or experimentation under paragraph (4) or (5) of subsection (a), or the right to confidentiality of or access to records under paragraph (8) or (9) of such subsection, or to provide authorization pursuant to subsection (c)(3)(C), such right may be exercised or such authorization may be provided by the individual appointed by such court as such person's guardian or representative for the purpose of exercising such right or such authorization.

(2) In the case of a person who lacks capacity to exercise the right to consent to treatment or experimentation under paragraph (4) or (5) of subsection (a), or the right to confidentiality of or access to records under paragraph (8) or (9) of such subsection, or to provide authorization pursuant to subsection (c)(3)(C), because such person has not attained an age considered sufficiently advanced under State law to permit the exercise of such right or such authorization to be legally binding, such right may be exercised or such authorization may be provided on behalf of such person by a parent or legal guardian of such person.

(3) Notwithstanding paragraphs (1) and (2), in the case of a person admitted to a program or facility for the purpose of receiving mental health services, no individual employed by or receiving any remuneration from such program or facility may act as such person's guardian or representative under this subsection.

REPORT ON ADVOCACY

SEC. 302. (a) The Comptroller General shall conduct a study to examine the performance of advocacy programs that represent—

(1) persons admitted to programs and facilities for the purpose of receiving mental health services;

(2) persons who are developmentally disabled or severely disabled; and

(3) youth, racial and ethnic minorities, women, and other appropriate groups with respect to the constitutional and statutory rights of such persons.

(b) No later than the date eighteen

months after the effective date of this title, the Comptroller General shall submit to the President and the Congress a comprehensive report of such study, and shall include in such report any legislative recommendations that the Comptroller General considers appropriate.

(c) The report shall assess the performance of advocacy programs established by Congress or undertaken as demonstration projects within executive agencies designed to protect the constitutional and statutory rights of priority population groups. The report shall, at a minimum—

(1) summarize the advocacy activities and evaluate the performance of advocacy efforts authorized by the Developmental Disabilities Assistance and Bill of Rights Act and the Rehabilitation Act;

(2) describe and assess the role of the Legal Services Corporation in providing legal services to such priority population groups;

(3) describe and assess the role of the various volunteer agencies and other institutions and professions in providing advocacy services;

(4) assess the need for advocacy services currently not being provided;

(5) make recommendations regarding the efficient provision of advocacy services;

(6) make recommendations regarding measures to improve the Federal advocacy effort on behalf of youth, racial and ethnic minorities, and women; and

(7) assess the impact of advocacy programs upon the cost and quality of care and treatment in programs and facilities.

PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

SEC. 303. (a) In order for a State to receive funds under title II, the State shall have in effect a system to protect and advocate the rights of mentally ill individuals. Such system shall have the authority to pursue legal, administrative, and other appropriate remedies to insure the protection of the rights of such persons who are receiving treatment, services, or habilitation within the State, and be independent of any agency which provides treatment, services, or rehabilitation to mentally ill individuals. The State shall submit to the Secretary in a form prescribed by the Secretary in regulations—

(1) a report, not less often than once every three years, describing the system; and

(2) an annual report describing the activities carried out under the system and any changes made in the system during the previous year.

(b) (1) (A) To assist States in meeting the requirements of subsection (a), the Secretary shall allot to the States the sums appropriated under section 602(c). Allotments and reallotments of such sums shall be made in accordance with subparagraph (B), except that no State (other than Guam, the Northern Mariana Islands, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) in any fiscal year shall be allotted an amount under this paragraph which is less than the greater of $50,000 or the amount of the allotment to the State under this subsection for the previous fiscal year.

(B) Is each fiscal year, the Secretary shall, in accordance with regulations, allot the sums appropriated for such year under sections 602(c) among the States on the basis of—

(i) the population;

(ii) the extent of need for services for the chronically mentally ill; and

(iii) the financial need,

of the respective States. The amount of an allotment to a State for a fiscal year, which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time, on such date or dates as the Secretary may fix (but not earlier than thirty days after the Secretary has published notice of the intention to make such reallotment in the Federal Register), to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such periods; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount so reallotted to a State for a fiscal year shall be deemed to be a part of its allotment under this paragraph for such fiscal year.

(2) (A) Notwithstanding paragraph (1), if the aggregate of the amounts of the allotments for grants to be made in accordance with paragraph (1) for any fiscal year exceeds the total of the amounts appropriated for such allotments under section 602(c), the amount of a State's allotment for such fiscal year shall bear the same ratio to the amount otherwise determined under such paragraph as the total of the amounts appropriated for that year under section 602(c) bears to the aggregate amount required to make an allotment to each of the States in accordance with paragraph (1).

(B) The provisions of section 1913 of title 18, United States Code, shall be applicable to all moneys authorized under the provisions of this section.

(3) The Secretary shall set aside up to 10 percent but not less than 5 percent of funds available for grants and contracts under this section for the provision of technical assistance, training, and backup support by entities concerned with advocacy.

EFFECTIVE DATE

SEC. 304. This title shall become effective on the date of the enactment of this Act.

TITLE IV—ASSOCIATE DIRECTOR FOR MINORITY CONCERNS

ASSOCIATE DIRECTOR OF MINORITY CONCERNS

SEC. 401. Section 455 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(d) (1) The Director shall designate an Associate Director for Minority Concerns to develop and coordinate prevention, treatment, research, and administrative policies and programs to assure increased focus on minority populations.

"(2) The Associate Director for Minority Concerns shall assist the Director in assuring that the Institute—

"(A) supports programs with regard to the delivery of mental health services to minority populations, including demonstration projects;

"(B) develops a plan to increase the representation of minority populations in mental health service delivery and manpower programs with an emphasis on developing bilingual and bicultural programs;

"(C) supports programs of basic and applied social and behavioral research on minority mental health;

"(D) studies the effects of racial, age, and sexual discrimination on institutions and individuals, including majority institutions and individuals;

"(E) develops systems to assist minority populations in adapting to, and coping with, the effects of racial, age, and sexual discrimination;

"(F) supports and develops research, demonstration, and training programs aimed at eliminating institutional racial, age, and sexual discrimination; and

"(G) provides for increased emphasis on the concerns of minority populations in training programs, service delivery programs, and research endeavors.

"(3) The Secretary shall report to Congress every 3 years on the Institute's activities in carrying out the provisions of this subsection.

"(4) Nothing contained in this subsection shall be construed to prevent or impair the administration or enforcement of any other provision of Federal law, nor shall the Associate Director for Minority Concerns be deemed to have exclusive jurisdiction of the Institute's responsibility to develop effective policies and programs for minority populations.".

TITLE V—PREVENTION

PREVENTION UNIT

SEC. 501. Section 455 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(e) (1) The Director shall designate an administrative unit for prevention of mental illness and the promotion of mental health. The purpose of such unit shall be to—

"(A) design national goals and establish national priorities related to the prevention of mental illness;

"(B) design national goals and establish national priorities related to the promotion of mental health; and

"(C) encourage and assist local entities and State agencies to achieve the goals and priorities described in this paragraph.

"(2) The Director shall designate an individual to develop and coordinate prevention policies and programs and to assure increased focus on the prevention of mental illness and the promotion of mental health. This individual shall assist the Director in assuring that the Institute—

"(A) enhances, focuses, and coordinates the research and training activities being carried out under existing legislative authorities which are aimed at preventing mental illness and promoting mental health;

"(B) encourages and assists local, State, and Federal efforts to prevent mental illness and promote mental health, particularly efforts relating to children and adolescents; and

"(C) emphasizes and strengthens orderly planning, implementation, and evaluation of the activities described in this paragraph.

"(3) The Secretary shall report to the Congress every three years on the Institute's activities in carrying out the provisions of this subsection.".

TITLE VI—MISCELLANEOUS

COMMUNITY MENTAL HEALTH CENTERS ACT APPROPRIATIONS

SEC. 601. (a) Section 202(d) of the Community Mental Health Centers Act is amended by deleting "and" after "1979", deleting the period at the end of such subsection, substituting a comma, and adding "and $1,000,000 for the fiscal year ending September 30, 1981.".

(b) Section 203(d) (1) of the Community Mental Health Centers Act is amended by deleting "and" after "1979", deleting the period at the end of such paragraph, substituting a comma, and adding "and $42,000,000 for the fiscal year ending September 30, 1981.".

(c) Section 204(c) of the Community Mental Health Centers Act is amended by deleting "and" after "1979", deleting the period at the end of such subsection, substituting a comma and adding "and $19,000,000 for the fiscal year ending September 30, 1981.".

(d) Section 213 of the Community Mental Health Centers Act is amended by deleting "and" after "1979", and adding after "1979," the phrase "and $25,000,000 for the fiscal year ending September 30, 1981,".

(e) No funds may be appropriated under the Community Mental Health Centers Act for any year period after September 30, 1982.

AUTHORIZATION OF APPROPRIATIONS

SEC. 602. (a) There are authorized to be appropriated, for funding under title II, $400,000,000 for the fiscal year ending September 30, 1982, $450,000,000 for the fiscal year ending September 30, 1983, $500,000,000 for the fiscal year ending September 30, 1984, and $550,000,000 for the fiscal year ending September 30, 1985.

(b)(1) Sections 237 of the Community Mental Health Centers Act and 314(g) of the Public Health Service Act are repealed as of September 30, 1981.

(2) For the purpose of assisting States in carrying out their responsibilities under this Act for—

(A) planning and program design,

(B) data collection,

(C) data analysis,

(D) research,

(E) evaluation,

(F) setting and enforcing regulatory and other standards,

(G) reporting to the Secretary, and

(H) establishing, expanding, or operating internal rights protection programs,

the Secretary shall, in each fiscal year and in accordance with regulations, allot the sums appropriated for such year under paragraph (3) on the basis of the population and the financial need of the respective States. The populations of the States shall be determined on the basis of the latest figures for the populations of the States available from the Department of Commerce.

(3) There are authorized to be appropriated, for the purpose of assisting the States in carrying out their responsibilities under paragraph (2), $20,000,000 for the fiscal year ending September 30, 1982, and such sums as may be necessary for each of the next three fiscal years.

(4) No funds shall be made available to a State under this subsection unless the provisions of section 307 of this Act are being carried out in such State.

(c) There are authorized to be appropriated, for funding under title III, $10,000,000 for the fiscal year ending September 30, 1982, and such sums as may be necessary for each of the next three fiscal years.

REPORT ON SHELTER AND BASIC LIVING NEEDS OF CHRONICALLY MENTALLY ILL INDIVIDUALS

SEC. 603. (a) The Secretary of Health and Human Services and the Secretary of Housing and Urban Development shall jointly submit a report to the Committees on Labor and Human Resources and Banking, Housing, and Urban Affairs of the United States Senate, and the Committees on Interstate and Foreign Commerce and Banking, Finance, and Urban Affairs of the United States House of Representatives, relating to Federal efforts to respond to the shelter and basic living needs of chronically mentally ill individuals.

(b) The report required by subsection (a) shall include—

(1) an analysis of the extent to which chronically mentally ill individuals remain inappropriately housed in institutional facilities or have otherwise inadequate or inappropriate housing arrangements;

(2) an analysis of available permanent noninstitutional housing arrangements for the chronically mentally ill;

(3) an evaluation of ongoing permanent and demonstration programs, funded in whole or in part by Federal funds, which are designed to provide noninstitutional shelter and basic living services for the chronically mentally ill, including—

(A) a description of each program;

(B) the total number of individuals estimated to be eligible to participate in each program, the number of individuals served by each program, and an estimate of the total population each program expects to serve; and

(C) an assessment of the effectiveness of each program in the provision of shelter and basic living services;

(4) recommendations of measures to encourage States to coordinate and link the provisions in State health plans which relate to mental health and, in particular, the shelter and basic living needs of chronically mentally ill individuals, with local and State housing plans;

(5) recommendations for Federal legislation relating to the provision of permanent residential noninstitutional housing arrangements and basic living services for chronically mentally ill individuals, including an estimate of the cost of such recommendations; and

(6) any other recommendations for Federal initiatives which, in the judgment of the Secretary of Health and Human Services and the Secretary of Housing and Urban Development, will lead to improved shelter and basic living services for chronically mentally ill individuals.

(c) The report required by subsection (a) shall be submitted to the committee described in subsection (a) no later than January 1, 1981.

REPORT ON THE IMPLEMENTATION OF THE MENTAL HEALTH SYSTEMS ACT

SEC. 604. (a) The Secretary shall submit a report to the Committee on Labor and Human Resources of the United States Senate and the Committee on Interstate and Foreign Commerce of the United States House of Representatives regarding the implementation of the Mental Health Systems Act.

(b) The report required by subsection (a) shall include—

(1) a description of the number and types of proposals which have been funded, the populations served, and the kinds of services provided under the Act;

(2) an analysis of the extent to which the purposes of the Act have been achieved, are being achieved, and are likely to be achieved if the Act is continued;

(3) an analysis of the major problems, if any, which have arisen at the local, State, and Federal levels in implementing the Act; and

(4) recommendations regarding possible changes in the basic policy, design, requirements, criteria, and technical features of the Act which, in the judgment of the Secretary, would improve the provision of mental health care, further the prevention of mental illness, and promote mental health in the United States.

(c) The report required by subsection (a) shall be submitted to the committees described in subsection (a) no later than January 1, 1985.

CONFIDENTIALITY OF MENTAL HEALTH RECORDS

SEC. 605. The Public Health Service Act is amended by adding, at the end of title V of such Act, the following new section:

"CONFIDENTIALITY OF MENTAL HEALTH RECORDS

"SEC. 515. (a) Records of the identity, diagnosis, prognosis, or treatment of any patient pertaining to such person's mental health which are maintained in connection with the performance of any program or activity relating to mental health or health education, training, treatment, services, rehabilitation, or research which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall, except as provided in subsection (e), be confidential and be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b) of this section.

"(b)(1) The content of any record referred to in subsection (a) may be disclosed in accordance with the prior written consent of the patient with respect to whom such record is maintained, but only to such extent, under such circumstances, and for such purposes as may be allowed under regulations prescribed pursuant to subsection (h).

"(2) Whether or not the patient, with respect to whom any given record referred to in subsection (a) of this section is maintained, gives his written consent, the content of such record may be disclosed as follows:

"(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

"(B) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, program evaluation or eligibility determination, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner.

"(C) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the therapist-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

"(D) Where the patient is admitted on an inpatient basis, to any person upon reasonable determinations by the individual responsible for the patient's diagnostic or treatment services that (i) such person is a close friend or family member of the patient and is concerned about the patient's welfare as the result of being unable to locate the patient, (ii) the patient is incapable of making an informed decision as to whether to provide consent to disclosure, and (iii) disclosure would not be inconsistent with any arrangement that has been made for the provision of the services involved. Disclosures under this subparagraph shall be limited to the location of the patient and the patient's general physical condition.

"(E) Where the patient is admitted on an inpatient basis, to a person who is a close friend or family member of a patient who is suffering from a serious physical condition involving the possibility of the patient's death if the individual responsible for the patient's diagnostic or treatment services reasonably determines that the patient is incapable of making an informed decision as to whether to provide consent to disclosure. Disclosures under this subparagraph shall be limited to the patient's location and information pertaining to such physical condition.

"(F) To such persons as the individual responsible for the patient's diagnostic or treatment services reasonably considers necessary to protect against a clear and substantial risk of imminent, serious bodily harm to the patient or others. Nothing in this subparagraph shall make such individual civilly or criminally liable for failing or refusing to make any disclosure under this subparagraph.

"(G) By a department or agency of the Federal Government that has provided care and treatment services to the patient, as necessary for the purposes of the United States' obtaining, from a third party, payment for the costs of the patient's care and treatment if the United States has the right under Public Law 87-693 or other applicable law to recover such costs in the absence of an assignment from the patient and there are reasonable grounds to believe that such third party is liable for such costs.

"(c) Except as authorized by a court order granted under subsection (b)(2)(C) of this section, no record referred to in subsection (a) may be used to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient.

"(d) The prohibitions of this section shall continue to apply to records concerning any individual who has been a patient, irrespective of whether or when he or she ceases to be a patient. For purposes of section 303 of this Act, persons who maintain records referred to in subsection (a) are deemed to be authorized by the Secretary to protect the privacy of individuals.

"(e) The prohibitions of this section do not apply to any interchange of records—

"(1) within the Armed Forces or within those components of the Veterans' Administration furnishing health care or determining eligibility for benefits or services under title 38, United States Code; or

"(2) between such components and the Armed Forces.

"(f) Any person who obtains a patient's consent to disclosure of a record referred to in subsection (a) of this section shall assure that such consent is informed and voluntary.

"(g) Any person who violates any provision of this section or any regulation issued pursuant to this section shall be fined not more than $500 in the case of a first offense, and not more than $5,000 in the case of each subsequent offense.

"(h) Except as provided in subsection (i) of this section, the Secretary shall prescribe regulations to carry out the purposes of this section. The regulations may contain such definitions, and may provide for such safeguards and procedures, including procedures and criteria for the issuance and scope of orders under subsection (b)(2)(C), as in the judgment of the Secretary are necessary or proper to effectuate the purposes of this section, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

"(i) The Administrator of Veterans' Affairs, through the Chief Medical Director, shall, to the maximum feasible extent consistent with their responsibilities under title 38, United States Code, prescribe regulations making applicable the regulations prescribed by the Secretary under subsection (h) of this section to records referred to in subsection (a) of this section that are maintained in connection with the provision of hospital care, nursing home care, domiciliary care, and medical services under such title 38. In prescribing and implementing regulations pursuant to the subsection, the Administrator shall, from time to time, consult with the Secretary in order to achieve the maximum possible coordination of the regulations, and the implementation thereof, which they each prescribe.

"(j) For purposes of this section—

"(1) The term 'identity' means—

"(A) the patient's name or other data from which it could be reasonably anticipated that a person could—

"(i) identify such patient, or

"(ii) ascertain other data from which such patient might be identified; or

"(B) a code, number, or other means used to identify the patient in relation to a record regarding him.

"(2) The term 'record' means data or information in any recorded medium created or maintained that—

"(A) reveals or contains a patient's identity; or

"(B) relates to the physical or mental health history, diagnosis, condition, treatment, or rehabilitation of a patient.

"(3) The term 'patient' includes a mental health research subject.".

TITLE VII—RAPE PREVENTION AND CONTROL

RAPE PREVENTION AND CONTROL

SEC. 701. (a) Part D of title II of the Community Mental Health Centers Act (42 U.S.C. 2681) is amended by adding at the end thereof the following new section:

"RAPE SERVICES DEVELOPMENT AND DEMONSTRATION PROJECTS

"SEC. 232. (a) The Secretary, acting through the National Center for the Prevention and Control of Rape, shall make grants to, and enter into contracts with, public and private entities to develop or demonstrate new and innovative methods to provide rape services.

"(b) The Secretary may award grants and contracts under subsection (a) for development or demonstration projects for any one or more of the following—

"(1) training programs (including counseling techniques for the victim or the offender) for professional, paraprofessional, and volunteer personnel in the fields of law, social service, mental health, and other related fields in which personnel are or will become engaged in areas relating to the problems of rape;

"(2) treatment programs providing—

"(A) counseling for the victim, the victim's immediate family, or the offender;

"(B) information about or referral to medical, mental health, social, or legal services including necessary transportation costs and accompaniment to such services;

"(C) consultation with allied professionals; or

"(D) followup counseling for the victim, the victim's immediate family, or the offender;

"(3) community education;

"(4) offender rehabilitation and counseling;

"(5) self-help programs for victims, as well as potential victims;

"(6) telephone systems to provide assistance to the victim;

"(7) emergency shelter programs; or

"(8) projects which are likely to result in the development and demonstration of methods of preventing rape, or which address social problems related to rape.

"(c)(1) No grant may be made or contract entered into under this section unless an application therefor is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe.

"(2) The amount of any grant or contract under this section shall be determined by the Secretary.

"(3) The Secretary may make payments under this section in advance or by way of reimbursement, and at such intervals and on such conditions as the Secretary may find necessary.

"(d) Each entity participating in a program under this section shall—

"(1) establish a recordkeeping system to insure the protection of the privacy of the victim, as well as of other individuals involved in accordance with subsection (f); and

"(2) establish internal procedures to measure progress in achieving the goals stated by the grantee or contractor in its application.

"(e) The Secretary shall develop standards and outcome criteria by which the effectiveness of this program shall be measured. Such standards and criteria shall be developed in consultation with the National Rape Prevention and Control Advisory Committee and established within ninety days after the date of the enactment of this section. The Secretary shall review the effectiveness of the development and demonstration projects caried out pursuant to this section.

"(f) Except as provided by Federal law other than this section, no officer or employee of the Federal Government, nor any recipient of assistance under the provisions of this section shall use or reveal any information furnished by or on behalf of a victim and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this section. Such information and copies thereof, when supplied to, or gathered by, such officer or employee of the Federal Government, or any recipient of asistance under the provisions of this section, shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evience or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

"(g) The annual submission to Congress under section 231(b)(1)(B) shall be submitted not later than March 1 of each year and shall include, in addition to the requirements of section 231—

"(1) a summary of the activities funded pursuant to this section; and

"(2) a review of the effectiveness of the activities carried out pursuant to this section.

"(h) Not more than 5 percent of any funds appropriated to cary out the provisions of this section for any fiscal year may be used by the Secretary to provide technical assistance to any public or private entity which desires to submit an application under this section. The Secretary may provide such assistance, upon request, if the Secretary determines that the entity does not possess the resources or expertise necessary to develop and submit an application without such assistance.

"(i) The Secretary shall, to the extent feasible, coordinate development and demonstration projects carried out under this section with other activities relating to rape carried out by the Secretary and the heads of other Federal agencies.

"(j) Not more than 90 percent of the costs of any project shall be funded by a grant or contract under this section.

"(k) There are authorized to be appropriated to cary out the provisions of this section $6,000,000 for the fiscal year ending September 30, 1981, $9,000,000 for the fiscal year ending September 30, 1982, and $12,000,000 for the fiscal year ending September 30, 1983.

"(l) The Secretary, notwithstanding the provisions of section 311 of the Civil Service Act of 1978 (Public Law 95-454, 92 Stat. 1111), in carrying out his functions and administering the provisions of this section and without regard to any other provision of this Act, is authorized to obtain the services of not more than ten full-time staff members to assist in carrying out the functions of the National Center for the Prevention and Control of Rape. There are authorized to be appropriated to carry out the provisions of this subsection $200,000 for the fiscal year ending September 30, 1981, $212,000 for the fiscal year ending September 30, 1982, and $224,000 for the fiscal year ending September 30, 1983.".

(b) Section 231(d) of the Community Mental Health Centers Act is amended—

(1) by striking out "and" before "$9,000,000"; and

(2) by inserting the following after "1980": ", $10,200,000 for the fiscal year ending September 30, 1981, $11,500,000 for the fiscal year ending September 30, 1982, and $13,000,000 for the fiscal year ending September 30, 1983."

(c) Sections 231 and 232 of the Community Mental Health Centers Act shall be moved and redesignated as sections 456 and 457 of the Public Health Service Act.

TITLE VIII—MECHANIZED CLAIMS PROCESSING AND INFORMATION RETRIEVAL SYSTEMS

MECHANIZED CLAIMS PROCESSING AND INFORMATION RETRIEVAL SYSTEMS

SEC. 801. Section 1903 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(r)(1)(A) In order to receive payments

under subsection (a) without being subject to the penalties set forth in subparagraph (C) of this paragraph, a State must provide that mechanized claims processing and information retrieval systems of the type described in subsection (a)(3)(B) and detailed in an advance planning document approved by the Secretary be operational on or prior to the deadline established under subparagraph (B).

"(B) The deadline for operation of such systems for a State shall be the earlier of (i) September 30, 1982, or (ii) the last day of the sixth month following the date specified for operation of such systems in the State's most recently approved advance planning document submitted prior to the date of enactment of this subsection.

"(C) If a State fails to meet the deadline established under subparagraph (B), the Federal matching percentages, with respect to the next two fiscal quarters beginning on or after such deadline, for purposes of paragraphs (2) and (7) of subsection (a) shall be reduced by 5 percentage points. Such Federal matching percentages shall be further reduced by an additional 5 percentage points after each period consisting of two fiscal quarters during which the Secretary determines the State fails to meet the requirements of subparagraph (A); except that neither such Federal matching percentage may be reduced by more than 25 percentage points by reason of this paragraph.

"(D) The Federal matching percentages for a State under paragraphs (2) and (7) of subsection (a) shall be restored to the full percentage as provided in such paragraphs for quarters following the quarter during which such State meets the requirements of subparagraph (A).

"(2)(A) In order to receive payments under subsection (a) without being subject to the penalties set forth in subparagraph (C) of this paragraph, a State must have its mechanized claims processing and information retrieval systems, of the type required to be operational under paragraph (1), initially approved by the Secretary as meeting the requirements of subsection (a)(3)(B) and the requirements of this subsection relating to initial approvals, on or prior to the deadline established under subparagraph (B).

"(B) The deadline or approval of such systems for a State shall be the last day of the fourth fiscal quarter that begins after the date on which the Secretary determines that such systems became operational as required under paragraph (1).

"(C) If a State fails to meet the deadline established under subparagraph (B), the Federal matching percentages, with respect to the two fiscal quarters next following such deadline, for purposes of paragraphs (2) and (7) of subsection (a) shall be reduced by 5 percentage points. Such Federal matching percentages shall be further reduced by an additional 5 percentage points at the end of each period consisting of two fiscal quarters during which the State fails to meet the requirements of subparagraph (A); except that neither such Federal matching percentage may be reduced by more than 25 percentage points by reason of this paragraph.

"(D) The Federal matching percentages for a State under paragraphs (2) and (7) of subsection (a) shall be restored to the full percentage as provided in such paragraphs for quarters following the quarter during which such State's systems are approved by the Secretary as provided in subparagraph (A).

"(E) Any State's systems which are approved by the Secretary for purposes of subsection (a)(3)(B) on or before the date of the enactment of this subsection shall be deemed to be initially approved for purposes of this subsection.

"(3)(A) When a State's systems are initially approved, the 75 percent Federal matching provided in subsection (a)(3)(B) shall become effective with respect to such systems, retroactive to the first quarter beginning after the date on which such systems became operational as required under paragraph (1), except as provided in subparagraph (B).

"(B) In the case of any State which was subject to a penalty under paragraph (2), the Federal matching percentage under subsection (a)(3)(B) shall be reduced by 5 percentage points with respect to the two fiscal quarters next following the approval deadline date under paragraph (2)(B), and shall be further reduced by an additional 5 percentage points at the end of each period consisting of two fiscal quarters beginning after such deadline date and before the date on which such systems are initially approved.

"(C) The Federal matching percentage for a State under subsection (a)(3)(B) shall be 75 percent for quarters beginning after the date on which such systems are initially approved.

"(4)(A) The Secretary shall review all approved systems not less often than once each fiscal year, and shall reapprove or disapprove any such systems. Systems which fail to meet the current performance standards, system requirements, and any other conditions for approval developed by the Secretary under paragraph (6) shall be disapproved. Any State having systems which are so disapproved shall be subject to a penalty under subparagraph (B). The Secretary shall make the determination of reapproval or disapproval and so notify the States not later than the end of the first quarter following the review board.

"(B) If the Secretary disapproves a State's systems under subparagraph (A), the Secretary shall, with respect to quarters beginning after the determination of disapproval and prior to the first quarter beginning after such systems are reapproved, reduce the Federal matching percentage for such State under subsection (a)(3)(B) to a percentage of not less than 50 percent and not more than 70 percent as the Secretary determines to be appropriate and commensurate with the nature of noncompliance by such State; except that such Federal matching percentage may not be reduced by more than 10 percentage points in any 12-month period by reason of this subparagraph. No State shall be subject to the penalty for noncompliance under this paragraph prior to the fifth quarter beginning after initial approval.

"(C) The Secretary may remit any penalty levied under subparagraph (B), if the Secretary determines that the State's systems meet all current performance standards and other requirements for reapproval and that such action would improve the administration of the State's plan under this title; except that no such remission may extend beyond the four quarters immediately prior to the quarter in which Federal matching under subsection (a)(3)(B) resumes.

"(5)(A) In order to be initially approved by the Secretary, mechanized claims processing and information retrieval systems must be of the type described in subsection (a)(3)(B) and must meet the following requirements:

"(i) The systems must be capable of developing provider, physician, and patient profiles which are sufficient to provide specific information as to the use of covered types of services and items, including prescribed drugs.

"(ii) The State must provide that information on probable fraud or abuse which is obtained from, or developed by, the systems, is made available to the State's medicaid fraud control unit (if any) certified under subsection (q) of this section.

"(iii) The systems must meet all performance standards and other requirements for initial approval developed by the Secretary under paragraph (6).

"(B) In order to be reapproved by the Secretary, mechanized claims processing and information retrieval systems must meet the requirements of subparagraphs (A)(i) and (A)(ii) and performance standards and other requirements for reapproval developed by the Secretary under paragraph (6).

"(6) The Secretary, with respect to State systems, shall—

"(A) develop performance standards, system requirements, and other conditions for approval for initially approving such State systems, and shall further develop written approval procedures for conducting such initial reviews, including specific criteria for assessing systems in operation to insure that all such performance standards and other requirement are met;

"(B) by not later than October 1, 1980, develop an initial set of performance standards, system requirements, and other conditions for reapproval for use in reapproving or disapproving State systems, and shall further develop written reapproval procedures for conducting such reapproval reviews including specific criteria for reassessing systems operations over a period of at least six months during each fiscal year to insure that all such performance standards and other requirements are met on a continuous basis;

"(C) provide that reapproval reviews conducted prior to October 1, 1981, shall be for the purpose of developing a systems performance data base and assisting States to improve their systems, and that no reduction in Federal matching percentage under paragraph (4) shall be made on the basis of such a review;

"(D) insure that review procedures, performance standards and other requirements developed under subparagraph (B) are sufficiently flexible to allow for differing administrative needs among the States, and that such procedures, standards, and requirements are of a nature which will permit their use by the States for self-evaluation;

"(E) notify all States of proposed procedures, standards, and other requirements at least one quarter prior to the fiscal year in which such procedures, standards and other requirements will be used for conducting reapproval reviews;

"(F) periodically update the systems performance standards, system requirements, review criteria, objectives, regulations, and guides as the Secretary shall from time to time deem appropriate;

"(G) provide technical assistance to States in the development and improvement of the systems so as to continually improve the capacity of such systems to effectively detect cases of fraud or abuse;

"(H) for the purpose of insuring compatibility between the State systems and the systems utilized in the administration of title XVIII—

"(i) develop a uniform identification coding system (to the extent feasible) for providers, other persons receiving payments under the State plans (approved under this title) or under title XVIII, and beneficiaries of medical services under the State plans (approved under this title) or under title XVIII;

"(ii) provide liaison between States and carriers and intermediaries having agreements under title XVIII to facilitate timely exchange of appropriate data; and

"(iii) improve the exchange of data between the States and the Secretary with respect to providers and other persons who have been terminated, suspended, or otherwise sanctioned under a State plan (approved under this title) or under title XVIII;

"(I) develop and disseminate clear definitions of those types of reasonable costs relating to the State systems which are reimbursable under the provisions of subsection (a)(3) of this section; and

"(J) report on or before October 1, 1981, to the Congress on the extent to which States have developed and operated effective mechanized claims processing and information retrieval systems.

"(7)(A) The Secretary shall waive the provisions of this subsection with respect to initial operation and approval of mechanized claims processing and information retrieval systems with respect to any State which had a 1976 population (as reported by the Bureau of the Census) of less than 1,000,000 and which made total expenditures (including Federal reimbursement) for which Federal financial participation is authorized under this title of less than $100,000,000 in fiscal year 1976 (as reported by such State for such year), and with respect to any State other than the 50 States and the District of Columbia, if such State reasonably demonstrates, and the Secretary does not formally disagree, that the application of such provisions would not significantly improve the efficiency of the administration of such State's plan under this title.

"(B) If a waiver granted to a State under subparagraph (A) is subsequently withdrawn, the Secretary shall impose a timetable for such State with respect to compliance with the provisions of this subsection and the imposition of penalties. Such timetable shall be comparable to the timetable established under this subsection as to the amount of time allowed such State to comply and the timing of penalty assessments.

"(8)(A) The reductions in payments to States required under this subsection shall not apply to a State for any quarter with respect to which the Secretary determines that such State is unable to comply with the revelant requirements of this subsection—

"(i) for good cause (but such a waiver may not be for a period in excess of 6 months), or

"(ii) due to circumstances beyond the control of such State.

"(B) If the Secretary determines under subparagraph (A) that a State is not subject to such reductions, the Secretary shall report to the Congress on the basis for each such determination and on the modification of all deadlines and penalties as described in subparagraph (C).

"(C) For purposes of determining all time limitations and deadlines imposed under this subsection, any time period during which a State was found under subparagraph (A) to be unable to comply with requirements of this subsection due to circumstances beyond its control shall not be taken into account, and the Secretary shall modify all such time limitations and deadlines with respect to such State accordingly.".

MOTION OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WAXMAN moves to strike out all after the enacting clause of the Senate bill, S. 1177, and to insert in lieu thereof the provisions of the bill H.R. 7299, as passed, as follows:

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Mental Health Systems Act".

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TITLE I—COMMUNITY MENTAL HEALTH SERVICES

PREPARATION GRANTS

SEC. 101. (a) For the purpose of assisting public or nonprofit private entities to prepare for providing mental health services in a mental health service area, the Secretary may make grants to such entities for projects to—

(1) assess the needs of mental health service areas for mental health services;

(2) design mental health services programs for such areas based on such assessment;

(3) obtain financial and professional assistance and support for such programs; and

(4) initiate and encourage continuing community involvement in the development and operation of such programs.

(b) The amount of any grant under subsection (a) may not exceed $75,000.

(c)(1) Only one grant may be made under subsection (a) with respect to a mental health service area.

(2) No grant may be made under subsection (a) with respect to any mental health service area if a grant has previously been made under section 202 of the Community Mental Health Centers Act with respect to (A) the same area, or (B) any other area any substantial part of which (as determined by the Secretary) is included in that mental health service area.

(3) No application for a grant under subsection (a) for a project may be approved unless the State mental health authority for the State in which the project is to be located has recommended that the Secretary approve the application.

(d) For the purpose of making grants under subsection (a) there are authorized to be appropriated $1,000,000 for the fiscal year ending September 30, 1982, $1,000,000 for the fiscal year ending September 30, 1983, and $1,000,000 for the fiscal year ending September 30, 1984.

GRANTS FOR COMMUNITY MENTAL HEALTH CENTERS

SEC. 102. (a)(1) Subject to section 406, the Secretary may make grants to public and nonprofit private community mental health centers to assist them in meeting their costs of operation (other than costs related to construction).

(2) No application for a grant under paragraph (1) for a community mental health center which has not received a grant for its operation under the Community Mental Health Centers Act may be approved unless—

(A)(i) the community mental health center for which the application is submitted is operated by a State, or

(ii) in the case of any other center, the application has been recommended for approval by the State mental health authority for the State in which the center is located; and

(B) in the case of an application for a grant to be determined under subsection (c)(1)(B), the application is accompanied by assurances, provided by the State mental health authority for the State in which the center is located and satisfactory to the Secretary, that the grant applied for and the State, local, and other funds and the fees, premiums, and third-party reimbursements which the applicant may reasonably be expected to collect in the year for which the grant would be made are sufficient to meet the projected costs of operation for that year.

(3) Grants under paragraph (1) may only be made for a grantee's costs of operation during the first eight years after its establishment. In the case of a community mental health center which received a grant under section 220 of the Community Mental Health Centers Act (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1975) or section 203(a) of such Act, such center shall, for purposes of grants under paragraph (1), be considered as having been in operation for a number of years equal to the sum of the number of grants in the first series of grants it received under such section and the number of grants it has received under paragraph (1).

(b)(1) Each grant under subsection (a) to a community mental health center shall be made for the costs of its operation for the one-year period beginning on the first day of the month in which such grant is made, except that if at the end of such period a center has not obligated all the funds received by it under a grant, the center may use the unobligated funds under the grant in the succeeding year for the same purposes for which such grant was made but only if the center is eligible to receive a grant under subsection (a) for such succeeding year.

(2) No community mental health center may receive more than eight grants under subsection (a).

(c)(1) The amount of a grant for any year made under subsection (a) shall be the lesser of the amounts computed under subparagraph (A) or (B) as follows:

(A) An amount equal to the amount by which the grantee's projected costs of operation for that year exceed the total of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the grantee may reasonably be expected to collect in that year.

(B) (i) Except as provided in clause (ii), an amount equal to the following percentages of the grantee's projected costs of operation: 80 per centum of such costs for the first year of its operation, 65 per centum of such costs for the second year of its operation, 50 per centum of such costs for the third year of its operation, 35 per centum of such costs for the fourth year of its operation, 30 per centum of such costs for the fifth and sixth years of its operation, and 25 per centum of such costs for the seventh and eighth years of its operation.

(ii) In the case of a grantee providing services for persons in an area designated by the Secretary as an urban or rural poverty area, an amount equal to the following percentages of the grantee's projected costs of operation: 90 per centum of such costs for the first two years of its operation, 80 per centum of such costs for the third year of its operation, 70 per centum of such costs for the fourth year of its operation, 60 per centum of such costs for the fifth year of its operation, 50 per centum of such costs for the sixth year of its operation, 40 per centum of such costs for the seventh year of its operation, and 30 per centum of such costs for the eighth year of its operation.

(2) (A) The amount of a grant prescribed by paragraph (1) for a community mental health center for any year shall be reduced by the amount of unobligated funds from the preceding year which the center is authorized, under subsection (b) (1), to use in that year.

(B) If in a fiscal year the sum of—

(i) the total of State, local, and other funds, and of the fees, premiums, and third-party reimbursements collected in that year, and

(ii) the amount of the grant received under this section by a center or entity,

exceeds its costs of operation for that year because the amount collected was greater than expected, and if the center is eligible to receive a grant under subsection (a) in the succeeding year, an adjustment in the amount of that grant shall be made in such a manner that the center may retain such an amount (not to exceed 5 per centum of the amount by which such sum exceeded such costs) as the center can demonstrate to the satisfaction of the Secretary will be used to enable the center (I) to expand and improve its services, (II) to increase the number of persons (eligible to receive services from such a center) it is able to serve, (III) to modernize its facilities, (IV) to improve the administration of its service programs, and (V) to establish a financial reserve for the purpose of offsetting the decrease in the percentage of Federal participation in program operations in future years.

(d) (1) For the purpose of making initial grants under subsection (a) there are authorized to be appropriated $24,000,000 for the fiscal year ending September 30, 1982, $27,000,000 for the fiscal year ending September 30, 1983, and $30,000,000 for the fiscal year ending September 30, 1984.

(2) There are authorized to be appropriated for the fiscal year ending September 30, 1982, and for each of the next nine fiscal years such sums as may be necessary for continuation grants under subsection (a) to community mental health centers.

GRANTS FOR SERVICES FOR THE CHRONICALLY MENTALLY ILL

SEC. 103. (a) The Secretary may make grants to State mental health authorities, community mental health centers, and other public and nonprofit private entities for the provision of services, including case management, designed to assist the chronically mentally ill in gaining access to essential mental health services, medical and dental care, rehabilitation services, and employment, housing, and other support services to enable the chronically mentally ill to function to the maximum extent of their capabilities. No grant may be made under this subsection to a public entity (other than a State mental health authority) or a nonprofit private entity for the provision of services in a mental health service area served by a community mental health center.

(b) An application for a grant under subsection (a) shall contain a plan for the provision of the mental health and support services to be provided with the grant and describing the priorities to be applied by the applicant in determining which services to offer. Such a plan shall be in accordance with the State health plan in effect under section 1524 of the Public Health Service Act in the State of the applicant.

(c) In considering applications for grants under subsection (a) the Secretary shall give special consideration to applications for projects designed to supplement and strengthen existing community support services (including community residential treatment systems). The Secretary shall give priority to approved applications for such grants in the following order:

(1) Applications of State mental health authorities to provide mental health and support services in a State (A) through community mental health centers, and (B) in areas where centers do not exist, directly or through public or nonprofit private entities.

(2) Applications of community mental health centers.

(3) Applications of other public and nonprofit private entities for the provision of services in areas where community mental health centers do not exist.

(d) For the purpose of making grants under subsection (a) there are authorized to be appropriated $32,600,000 for the fiscal year ending September 30, 1982, $38,000,000 for the fiscal year ending September 30, 1983, and $43,000,000 for the fiscal year ending September 30, 1984.

GRANTS FOR SERVICES FOR SEVERELY MENTALLY DISTURBED CHILDREN AND ADOLESCENTS

SEC. 104. (a) The Secretary may make grants to State mental health authorities, community mental health centers, and other public and nonprofit private entities for the provision of mental health and support services for severely mentally disturbed children and adolescents and for members of their families. No grant may be made under this subsection to a public entity (other than a State mental health authority) or a nonprofit private entity for the provision of services in a mental health service area served by a community mental health center.

(b) An application for a grant under subsection (a) shall contain a plan for the provision of the mental health and support services to be provided with the grant and describing the priorities to be applied by the applicant in determining which services to offer. Such a plan shall be in accordance with the State health plan in effect under section 1524 of the Public Health Service Act in the State of the applicant.

(c) In making grants under subsection (a), the Secretary shall give priority to approved applications for such grants in the following order:

(1) Applications of State mental health authorities to provide mental health and support services in a State (A) through community mental health centers, and (B) in areas where centers do not exist, directly or through public or nonprofit private entities.

(2) Applications of community mental health centers.

(3) Applications of other public and nonprofit private entities for the provision of services in areas where community mental health centers do not exist.

(d) For the purpose of making grants under subsection (a) there are authorized to be appropriated $7,000,000 for the fiscal year ending September 30, 1982, $8,000,000 for the fiscal year ending September 30, 1983, and $9,000,000 for the fiscal year ending September 30, 1984.

GRANTS FOR MENTAL HEALTH SERVICES FOR PRIORITY POPULATIONS

SEC. 105. (a) Subject to section 406, the Secretary may make grants to any public or nonprofit private entity for any project for mental health services which—

(1) are designed to serve principally one or more priority population groups in a mental health service area,

(2) are available to all residents of the area, and

(3) are provided in a mental health service area not served by a community mental health center.

(b) An application for a grant under subsection (a) may be approved only if—

(1) the State mental health authority for the State in which the project to be assisted by the grant is located has recommended that the Secretary approve the application;

(2) the application contains satisfactory assurances that the project for which the application is made will lead to increased or more appropriate mental health services for a priority population group or to the development of mental health services for such a group;

(3) the application contains satisfactory assurances that members of the priority population group or groups to be served by the project have had a reasonable opportunity to comment on the proposed project during its preparation and satisfactory assurances that members of the group or groups will be afforded reasonable opportunity to comment on performance under the project; and

(4) the applicant (A) will during the first three years that it receives a grant under subsection (a) provide outpatient mental health services and any two of the following mental health services determined to be of the greatest need for the priority population to be served by the applicant: inpatient services, screening, followup, consultation and education, and emergency, and (B) has a plan satisfactory to the Secretary for the provision of all the mental health services described in clause (A) upon the expiration of the first three years that it receives a grant under subsection (a)

The Secretary may not approve an application of an entity which has received a grant for three years under subsection (a) unless the applicant is providing all the mental health services described in paragraph (4) (A).

(c) In any fiscal year not more than two grants may be made under subsection (a) for one mental health service area and the total number of grants that may be made to such an area under subsection (a) may not exceed ten. Not more than five grants may be made under subsection (a) to the same entity for mental health services for the same priority population group or groups. The amount of any grant under subsection (a) shall be determined by the Secretary, except that the fourth and fifth such grants may not exceed 60 per centum and 30 per centum, respectively, of the costs of the project for which the grants are made.

(d) For the purpose of making grants under subsection (a) there are authorized to be appropriated $16,000,000 for the fiscal year ending September 30, 1982, $18,000,000 for the fiscal year ending September 30, 1983, and $20,000,000 for the fiscal year ending September 30, 1984.

(e) For purposes of this section, the term "priority population group" means an identifiable population group in a mental health service area which is unserved or underserved by mental health programs in such area as determined under a health systems plan or a State health plan in effect under section 1513 or 1524 of the Public Health Service Act.

GRANTS FOR NON-REVENUE-PRODUCING ACTIVITIES

SEC. 106. (a)(1) The Secretary may make grants to public and nonprofit private community mental health centers to assist in meeting the costs (as defined by the Secretary by regulation) of—

(A) providing the consultation and education services described in clause (iv) of section 409(b)(1)(A),

(B) providing the followup services described in clause (iii) of such section, and

(C) administering the mental health service programs of the entities.

(2) To be eligible for a grant under paragraph (1) a community mental health center must be a public or nonprofit private center which—

(A) has received a grant under section 203(a) of the Community Mental Health Centers Act, under section 220 of such Act as in effect before July 29, 1975, or under section 102 of this Act; and

(B) because of the limitations on the period for which a center may receive such a grant or on the number of such grants the center may receive, is no longer eligible to receive such a grant.

(3) No application for a grant under paragraph (1) for a fiscal year beginning after September 30, 1983, for a community mental health center may be approved unless—

(A) the community mental health center for which the application is submitted is operated by a State, or

(B) in the case of any other center, the application has been recommended for approval by the State mental health authority for the State in which the center is located.

(b) An application for a grant under subsection (a) shall contain assurances satisfactory to the Secretary that the applicant will, during the period which it receives a grant under subsection (a), provide, at a minimum, the comprehensive mental health services described in clauses (i) through (iv) of section 409(b)(1)(A).

(c)(1) No community mental health center may receive more than five grants under subsection (a).

(2) Each grant under subsection (a) shall be made for the one-year period beginning on the first day of the first month beginning after the date the grant is made.

(3) The amount of a grant under subsection (a) shall be determined by the Secretary, except that no grant may exceed the product of $1.00 and the population of the mental health service area of the community mental health center receiving the grant. The population of a mental health service area shall be determined on the basis of the latest figures for the populations of the States available from the Department of Commerce.

(d) For the purpose of making grants under subsection (a) there are authorized to be appropriated $35,000,000 for the fiscal year ending September 30, 1982, $40,000,000 for the fiscal year ending September 30, 1983, and $45,000,000 for the fiscal year ending September 30, 1984.

GRANTS FOR MENTAL HEALTH SERVICES IN AMBULATORY HEALTH CARE CENTERS

SEC. 107. (a)(1) For the purpose of assisting ambulatory health care centers to participate appropriately in the provision of mental health services to their patients, the Secretary may make grants to—

(A) any public or nonprofit private entity which provides mental health services that include at least twenty-four-hour emergency services, outpatient services, and consultation and education services (as described in section 409(b)(1)(A)(iv)) and has in effect an agreement of affiliation, described in paragraph (2), with an entity which is an ambulatory health care center; or

(B) any public or nonprofit private ambulatory health care center which has in effect an agreement of affiliation, described in paragraph (2), with an entity described in subparagraph (A).

(2) An agreement of affiliation referred to in paragraph (1) in an agreement between a mental health services entity described in paragraph (1)(A) and an ambulatory health care center which agreement—

(A) describes the geographical area the residents of which will be served by the mental health services to be provided under the agreement;

(B) provides for the employment of at least one mental health professional to serve as a liaison between the parties to the agreement and includes a description of the qualifications to be required of that person and of any other professional mental health personnel to be employed under the agreement;

(C) provides satisfactory assurances that the mental health services entity will make mental health services available to patients of the center referred to it by the liaison or other mental health professionals; and

(D) includes transportation arrangements and other arrangements for effecting referral from the center to the mental health services entity of patients needing the services of such entity.

(b) Any grant under subsection (a) may be made for a project for any one or more of the following:

(1) The costs of liaison or other mental health professionals providing services in the ambulatory health care center in accordance with an agreement of affiliation.

(2) Mental health services provided by other personnel of the center which the mental health services entity determines can be appropriately provided by such personnel.

(3) Consultation and inservice training on mental health provided to personnel of the ambulatory health care center by the mental health services entity.

(4) Establishing liaison between the center and other providers of mental health services or support services.

(c) For the purpose of making grants under subsection (a) there are authorized to be appropriated $15,000,000 for the fiscal year ending September 30, 1982, $17,500,000 for the fiscal year ending September 30, 1983, and $20,000,000 for the fiscal year ending September 30, 1984.

GRANTS FOR MEMBERS OF INDIAN TRIBES OR ORGANIZATIONS

SEC. 108. (a) Upon request of any Indian tribe or any urban Indian organization the Indian Health Service may apply to the Secretary for a grant under this title to be made to the Indian Health Service or any entity of the Service for the provision of mental health services to members of such tribe or organization. Such a grant shall be made on the same terms and conditions as apply to non-Federal entities, except that, in the case of a grant under section 101, 102, 105, or 106, approval by a State mental health authority shall not be required.

(b) Any grant under subsection (a) may be made for a project serving members of an Indian tribe or an urban Indian organization even though the area in which those members reside is included in two or more mental health service areas of a State.

(c) For purposes of this section, the terms "Indian tribe" and "urban Indian organization" have the same meaning as is prescribed for them in section 4 of the Indian Health Improvement Act (25 U.S.C. 1603(4)).

GRANTS FOR INNOVATIVE PROJECTS

SEC. 109. (a) The Secretary may make grants to public and nonprofit private entities for—

(1) projects for the training and retraining of employees adversely affected by changes in the delivery of mental health services and providing assistance in securing employment;

(2) projects for the innovative use of personnel in the management and delivery of mental health services; and

(3) any other innovative project of national significance respecting mental health services and mental health services personnel.

(b) The Secretary may set dates by which applications for grants under subsection (a) must be submitted.

(c) In any fiscal year, 5 per centum of the total amount appropriated for such fiscal year under sections 101 through 107 shall be available to the Secretary for grants under subsection (a). Of the funds obligated by the Secretary for such grants, not less than 50 per centum shall be obligated for approvable projects described in subsection (a)(1).

TITLE II—STATE PROGRAMS

GRANTS TO IMPROVE THE ADMINISTRATION OF STATE MENTAL HEALTH PROGRAMS

SEC. 201. (a) For the purpose of assisting States to improve the administration of State mental health programs, the Secretary may make grants to State mental health authorities for any project for any one or more of the following:

(1) Improving the capacity of the State mental health authority to collect and analyze statistics and other data and to otherwise meet the monitoring or reporting requirements under this Act.

(2) Improving the planning and other administrative functions of the State mental health authority.

(3) Improving the ability of the State mental health authority (A) to set performance standards for mental health service projects and programs, (B) to enfore those standards, and (C) to evaluate performance under such projects and programs through data analysis, studies, and other means.

(4) Any other activity designed to improve the provision of mental health services in the State or the administration of State or local mental health programs.

(b) For the purpose of making grants under subsection (a) there are authorized to be appropriated $3,000,000 for the fiscal year ending September 30, 1982, $4,000,000 for the fiscal year ending September 30, 1983, and $5,000,000 for the fiscal year ending September 30, 1984.

PILOT PROJECTS FOR STATE ADMINISTRATION OF GRANTS

SEC. 202. (a) For the purpose of demonstrating the improvement in administration and in the provision of mental health services that can be made by State mental health authorities participating in the administration of the grant programs under this Act, the Secretary may enter into agreements with State mental health authorities under which the authorities will, on behalf of the Secretary—

(1) disburse Federal funds under grants under this Act;

(2) review performance under projects and programs funded by grants under this Act and report to the Secretary the extent to which such performance complies with applicable requirements; and

(3) perform such other functions of the Secretary under the grant programs as the State mental health authority and the Secretary may agree upon.

As determined in the agreements entered into under this subsection, the Secretary shall make grants to State mental health authorities to meet their costs in carrying out the agreements.

(b) For the purpose of making grants under subsection (a) there are authorized to be appropriaed $3,000,000 for the fiscal year ending September 30, 1982, $4,000,000 for the fiscal year ending September 30, 1983, and $5,000,000 for the fiscal year ending September 30, 1984.

TITLE III—PREVENTION

DEMONSTRATION PROJECTS

SEC. 301. (a) The Secretary may make grants to public and nonprofit private entities to demonstrate the effectiveness of intervention techniques and mental health promotion activities in the—

(1) maintenance and improvement of the mental health of individuals and groups of individuals particularly susceptible to mental illness,

(2) prevention of the onset of mental illness in such individuals and groups, and

(3) prevention of the deterioration of the mental health of such individuals and groups.

(b) An application for a grant under subsection (a) shall—

(1) define the intervention techniques and mental health promotion activities to be funded by the grant;

(2) define the individuals or groups of individuals to be served by such techniques and activities; and

(3) provide for the evaluation of the effectiveness of such techniques and activities and describe the methodology to be used in making such evaluation.

(c) For the purpose of making grants under subsection (a) there are authorized to be appropriated $6,000,000 for the fiscal year ending September 30, 1982, $8,000,000 for the fiscal year ending September 30, 1983, and $10,000,000 for the fiscal year ending September 30, 1984.

TITLE IV—GENERAL PROVISIONS

PART A—STATE PLANS

STATE MENTAL HEALTH SERVICES PLANS

SEC. 401. (a) In order for the State mental health authority of or any entity in a State to be eligible to receive a grant under this Act for any fiscal year, such State must have in effect a State mental health services plan which—

(1) has been prepared by an agency of the State designated by the Governor (hereinafter in this Act referred to as the "State agency") and submitted to the Secretary through the Governor,

(2) is consistent with the provisions, relating to mental health services, of the State health plan prepared in accordance with section 1524(c)(2) of the Public Health Service Act, and

(3) has been approved by the Secretary as meeting the requirements of section 402.

(b) The Secretary may not finally disapprove a State mental health services plan (or any modification thereof) unless the State agency has been provided reasonable notice and opportunity for a hearing.

(c) Whenever the Secretary, after reasonable notice and opportunity for a hearing to the State agency of a State, finds that the State plan approved under this Act has been so changed that it no longer complies with section 402, or that in the administration of the plan there is a failure to comply substantially with any provision of such section, the Secretary—

(1) may, until the Secretary is satisfied that there will no longer be any such failure, discontinue payments under grants under this Act to the State mental health authority and any other entity in the State receiving such grants or to each program or project (or part of a program or project) affected by such failure, and

(2) shall notify the State agency of the action taken under paragraph (1).

CONTENTS OF PLANS

SEC. 402. To be approved under section 401 a State mental health services plan must be submitted in such form and manner as the Secretary prescribes. The plan shall consist of an administrative part and a services part as follows:

(1) The administrative part shall—

(A) provide that the State agency will assume responsibility for administration of the plan and the other aspects of the State's mental health services program;

(B) provide for the designation of a State advisory council to consult with the State agency in administering the plan, which council shall include (i) representatives of nongovernmental organizations or groups, and of State agencies, concerned with the planning, operation, or use of facilities for the provision of mental health services, and (ii) representatives of consumers and providers of such services who are familiar with the need for such services;

(C) provide that the State agency will make such reports in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(D) provide that any statistics or other data included in the State mental health services plan or on which the State plan is based will conform to such criteria, standards, and other requirements relating to their form, method of collection, content, or other aspects as the Secretary may prescribe;

(E) provide that the State agency will from time to time, but not less often than annually, review the State plan and submit to the Secretary appropriate modifications thereof which it considers necessary; and

(F) include provisions, meeting such requirements as the Office of Personnel Management may prescribe, relating to the establishment and maintenance of personnel standards on a merit basis.

(2) The services part shall—

(A) identify the mental health service areas within the State;

(B) set forth (i) the need of each mental health service area in the State for mental health services, (ii) the public or private facilities, mental health personnel, and services which are available, and the additional facilities, personnel, and services required, to meet that need, (iii) the methods used to determine that need and to determine if the facilities, personnel, and services meet that need, (iv) the way in which and the order in which that need will be met through use of existing Federal, State, or local resources and otherwise, and (v) similar information for the State not included under clause (i), (ii), (iii), or (iv) which is of significance for more than a single mental health service area;

(C) describe the steps that are proposed to be taken at the State level and the local level in an effort to coordinate the provision of mental health and support services;

(D) describe the legal rights of persons in the State who are mentally ill or otherwise mentally handicapped and what is being done in the State to protect those rights;

(E) provide for emphasizing outpatient mental health services wherever appropriate and include fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) to protect the interests of employees affected adversely by actions taken to emphasize such outpatient treatment, including arrangements designed to preserve employee rights and benefits and to provide training and retraining of such employees, where necessary, for work in mental health or other fields and including arrangements under which maximum effort will be made to place such employees in employment; and

(F) contain or be accompanied by such additional information or assurances and meet such other requirements as the Secretary prescribes in order to achieve the purposes of this Act.

PART B—APPLICATIONS AND RELATED PROVISIONS

APPLICATIONS

SEC. 403. (a) No grant may be made under this Act unless an application therefor is submitted to and approved by the Secretary. The application shall be in such form, submitted in such manner, and contain such information, as the Secretary may require.

(b) An application for a grant for any project must, in addition to the application requirements prescribed in the section under which the grant is to be made, contain or be accompanied by—

(1) a budget covering the year for which the grant is sought (and such additional period as the Secretary may require) showing the sources of funding for the project and allocating the funds available for the project among the various types of services to be provided or assisted or the various types of activities to be conducted or assisted and among the various population groups to which the project is directed;

(2) a statement of the objectives of the project;

(3) in the case of any project, to be assisted by a grant under title I, under which health services are to be provided, assurances satisfactory to the Secretary that—

(A) the applicant (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments which discounts are adjusted on the basis of the patient's ability to pay; (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such approved schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (B) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph; and

(B) the applicant has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

(C) the applicant will adopt and enforce a policy (i) under which fees for the provision of mental health services through the center will be paid to the center, and (ii) which prohibits health professionals who provide such services to patients through the center from providing such services to such patients except through the center; and

(D) has (i) established a requirement that the mental health care of every patient must be under the supervision of a member of the professional staff, and (ii) provided for having a member of the professional staff available to furnish necessary mental health care in case of an emergency;

(4) in the case of a project which will serve a population which includes a substantial proportion of individuals of limited English-speaking ability, assurances satisfactory to the Secretary that the applicant has (A) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (B) identified an individual on its staff who is fluent in both that language and English and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitiveness and bridging linguistic and cultural differences;

(5) satisfactory assurances that the applicant has in effect a system, satisfactory to the Secretary, to assure that an employee of the applicant who reports to any officer or employee of the Department of Health and Human Services or appropriate State authority any failure on the part of the applicant to comply with an applicable requirement of this Act or regulation of the Secretary or requirement of State law will not on account of such report be discharged or discriminated against with respect to the employee's compensation or the terms, conditions, or privileges of the employee's employment;

(6) satisfactory assurances that each facility to be used in the provision of health or support services to be supported by the grant applied for meets the requirements of applicable fire and safety codes imposed by State law;

(7) information on the organization and operation of the applicant;

(8) satisfactory assurances that the applicant will submit such reports, at such times and containing such information, as the Secretary may request and maintain such records as the Secretary may find necessary for purposes of this Act, and afford the Secretary and the Comptroller General of the United States such access to such records and other documents as may be necessary for an effective audit of the project or activity;

(9) satisfactory assurances that funds made available under this Act will be used to supplement and, to the extent practical, increase the level of non-Federal funds that would, in the absence of those Federal funds, be made available for the purpose, and will in no event supplant such non-Federal funds;

(10) satisfactory assurance that the project is consistent with the State mental health services plan; and

(11) such other information and material and such other assurances as the Secretary may prescribe.

TECHNICAL ASSISTANCE

SEC. 404. Such portion as the Secretary may determine, but not more than 2 per centum, of the total amount appropriated under titles I and II for any fiscal year is available for technical assistance, including short-term training, by the Secretary to any State mental health authority or other entity which is or has been a recipient of a grant under this Act, to assist it in developing, or in better administering, the mental health services program or programs for which it is responsible.

Part C—Grant Limits

LIMITS ON GRANTS

SEC. 406. In any mental health service area the total number of grants under—

(1) section 220 of the Community Mental Health Centers Act (as in effect before the date of the enactment of the Community Mental Health Centers Amendments of 1975),

(2) section 203 of such Act,

(3) section 102 of this Act, and

(4) section 105 of this Act,

may not exceed ten.

Part D—Performance

PERFORMANCE STANDARDS

SEC. 407. (a) The Secretary shall prescribe standard measures of performance designed to test the quality and extent of performance by grantees under this Act and the extent to which such performance has helped to achieve the national or other objectives for which the grants were made.

(b) In determining whether or not to approve an application for a grant under this Act, the Secretary shall consider the performance by the applicant under any prior grant under this Act as measured under subsection (a).

EVALUATION AND MONITORING

SEC. 408. (a) With the approval of the Secretary, any recipient of a grant under this Act may use a portion of that grant for evaluation of the project or activity involved and of the recipient's program of which the project or activity is a part.

(b) Not more than 1 per centum of the total amount appropriated under this Act for any fiscal year shall be used by the Secretary, directly or through contracts with State mental health authorities, to monitor activities of grantees under this Act to determine if the requirements of this Act applicable to the receipt of such grants are being met.

Part E—Definitions

DEFINITION OF COMMUNITY MENTAL HEALTH CENTER

SEC. 409. (a) For purposes of this Act, the term "community mental health center" means a legal entity (1) through which comprehensive mental health services are provided—

(A) principally to individuals residing in a mental health service area,

(B) within the limits of its capacity, to any individual residing or employed in such area regardless of his ability to pay for such services, his current or past health condition, or any other factor, and

(C) in the manner prescribed by subsection (b), and (2) which is organized in the manner prescribed by subsections (c) and (d).

(b)(1) The comprehensive mental health services which shall be provided through a community mental health center are as follows:

(A) Beginning on the date the community mental health center is established for purposes of section 102, the services provided through the center shall include—

(i) inpatient services, emergency services, and outpatient services;

(ii) assistance to courts and other public agencies in screening residents of the center's mental health service area who are being considered for referral to a State mental health facility for inpatient treatment to determine if they should be so referred and provision, where appropriate, of treatment for such persons through the center as an alternative to inpatient treatment at such a facility;

(iii) provision of followup care for residents of its mental health service area who have been discharged from inpatient treatment at a mental health facility;

(iv) consultation and education services which—

(I) are for a wide range of individuals and entities involved with mental health services, including health professionals, schools, courts, State and local law enforcement and correctional agencies, members of the clergy, public welfare agencies, health services delivery agencies, and other appropriate entities; and

(II) include a wide range of activities (other than the provision of direct clinical services) designed to develop effective mental health programs in the center's mental health service area, promote the coordination of the provision of mental health services among various entities serving the center's mental health service area, increase the awareness of the residents of the center's mental health service area of the nature of mental health problems and the types of mental health services available, and promote the prevention and control of rape and the proper treatment of the victims of rape; and

(v) the services described in subparagraph (B) or, in lieu of such services, the center shall have a plan approved by the Secretary under which the center will, during the three-year period beginning on such establishment date, assume in increments the provision of the services described in subparagraph (B) and will upon the expiration of such three-year period provide all the services described in subparagraph (B).

(B) After the expiration of such three-year period, a community mental health center shall provide, in addition to the services required by subparagraph (A), services which include—

(i) day care and other partial hospitalization services;

(ii) a program of specialized services for the mental health of children, including a full range of diagnostic, treatment, liaison, and followup services (as prescribed by the Secretary);

(iii) a program of specialized services for the mental health of the elderly, including a full range of diagnostic, treatment, liaison, and followup services (as prescribed by the Secretary);

(iv) a program of transitional half-way house services for mentally ill individuals who are residents of its mental health service area and who have been discharged from inpatient treatment in a mental health facility or would without such services require inpatient treatment in such a facility; and

(v) provision of each of the following service programs (other than a service program for which there is not sufficient need (as determined by the Secretary) in the center's mental health service area, or the need for which in the center's mental health service area the Secretary determines is currently being met):

(I) A program for the prevention and treatment of alcoholism and alcohol abuse and for the rehabilitation of alcohol abusers and alcoholics.

(II) A program for the prevention and treatment of drug addiction and abuse and for the rehabilitation of drug addicts, drug abusers, and other persons with drug dependency problems.

(2) The provision of comprehensive mental health services through a center shall be coordinated with the provision of services by other health and social service agencies (including State mental health facilities) in or serving residents of the center's mental health service area to insure that persons receiving services through the center have access to all such health and social services as they may require. The center's services (A) may be provided at the center or satellite centers through the staff of the center or through appropriate arrangements with health professionals and others in the center's mental health service area, or, with the approval of the Secretary, in the case of inpatient services, emergency services, and transitional half-way house services, through

appropriate arrangements with health professionals and others serving the residents of the mental health service area, (B) shall be available and accessible to the residents of the area promptly, as appropriate, and in a manner which preserves human dignity and assures continuity and high quality care and which overcomes geographic, cultural, linguistic, and economic barriers to the receipt of services, and (C) when medically necessary, shall be available and accessible twenty-four hours a day and seven days a week.

(3) Consistent with the requirements of State law, the medical services provided by a center to individual patients shall be under the direction and supervision of a physician. Whenever possible, the physician providing such direction and supervision shall be a psychiatrist.

(c)(1) Except as provided in paragraph (2), the governing board of a community mental health center shall (A) be composed, where practicable, of individuals who reside in the center's mental health service area and who, as a group, represent the residents of that area taking into consideration their employment, age, sex, and place of residence, and other demographic characteristics of the area, and (B) meet at least once a month, establish general policies for the center (including a schedule of hours during which services will be provided), approve the center's annual budget, and approve the selection of a director for the center. At least one-half of the members of such body shall be individuals who are not providers of health care.

(2) In the case of a community mental health center which is operated by a governmental agency or a hospital, such center may, in lieu of meeting the requirements of paragraph (1), appoint a committee which advises it with respect to the operations of the center and which is composed of individuals who reside in the center's mental health service area, who are representative of the residents of the area as to employment, age, sex, place of residence, and other demographic characteristics, and at least one-half of whom are not providers of health care. A center to which this paragraph applies shall submit to such a committee for its review any application for a grant under section 102.

(3) For purposes of paragraphs (1) and (2), the term "provider of health care" has the same meaning as is prescribed for that term by section 1531(3) of the Public Health Service Act.

(d) A center shall, in accordance with regulations prescribed by the Secretary, have (1) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, (2) an integrated medical records system (including a drug use profile) which, in accordance with applicable Federal and State laws respecting confidentiality, is designed to provide access to all past and current information regarding the health status of each patient and to maintain safeguards to preserve confidentiality and to protect the rights of the patient, (3) a professional advisory board, which is composed of members of the center's professional staff, to advise the governing board in establishing policies governing medical and other services provided by such staff on behalf of the center, and (4) an identifiable administrative unit which shall be responsible for providing the consultation and education services described in subsection (b)(1)(A)(iv). The Secretary may waive the requirements of clause (4) with respect to any center if he determines that because of the size of such center or because of other relevant factors the establishment of the administrative unit described in such clause is not warranted.

OTHER DEFINITIONS

SEC. 410. For purposes of this Act:

(1) The term "Secretary" means the Secretary of Health and Human Services.

(2) The term "ambulatory health care center" may include an outpatient facility operated in connection with a hospital, a community health center, a migrant health center, a clinic of the Indian Health Service, a skilled nursing home, an intermediate care facility, and an outpatient health care facility of a medical group practice, a public health department, or a health maintenance organization.

(3) The term "State mental health authority" means the agency of a State to which has been delegated the responsibility for the mental health programs of the State.

(4) A mental health service area shall, except to the extent permitted under regulations of the Secretary, have boundaries which conform to or are within the boundaries of a health service area established under title XV of the Public Health Service Act and, to the extent practicable, conform to boundaries of one or more school districts or political or other subdivisions in the State. Each State shall be covered by one or more mental health service areas.

PART F—MISCELLANEOUS

INDIRECT PROVISION OF SERVICES

SEC. 411. Except as provided in section 409(b)(2), any mental health service for the provision of which an entity is responsible for purposes of a grant under this Act may be provided by it directly at its primary or satellite facilities or through arrangements with other entities or health professionals and others in, or serving residents of, the same mental health service area.

COOPERATIVE AGREEMENTS

SEC. 412. In lieu of providing funds under a grant under this Act, the Secretary may provide such funds under a cooperative agreement, and all requirements which would apply with respect to such a grant shall apply to the cooperative agreement.

CONTRACT AUTHORITY

SEC. 413. The authority of the Secretary to enter into contracts under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.

TITLE V—MINORITY CONCERNS

ASSOCIATE DIRECTOR OF NATIONAL INSTITUTE OF MENTAL HEALTH

SEC. 501. (a) Effective October 1, 1980, there shall be in the National Institute of Mental Health an Associate Director for Minority Concerns.

(b) The Secretary, acting through the Associate Director for Minority Concerns, shall—

(1) support programs for the delivery of mental health services to minority populations;

(2) support programs of basic and applied social and behavioral research on the mental health problems of minority populations.

(3) develop a plan to increase the representation of minority populations in the delivery of mental health services and in mental health research;

(4) support programs to develop in individuals providing mental health services and conducting mental health research an understanding of the needs of minority populations;

(5) study the effect of discrimination on institutions and individuals; and

(6) support and develop research, demonstration, and training programs aimed at eliminating institutional discrimination.

Support of programs under this subsection shall be made by grants to and contracts with public and nonprofit private entities.

TITLE VI—RAPE SERVICES SUPPORT PROGRAM

GRANTS FOR SERVICES FOR RAPE VICTIMS

SEC. 601. (a) The Secretary may make grants to and enter into contracts with public and nonprofit private entities to asisst in meeting the cost of—

(1) providing counseling and followup counseling for rape victims and the immediate family of rape victims;

(2) providing assistance in securing mental health, social, medical, and legal services for rape victims;

(3) demonstration projects to develop and implement methods of preventing rape and assisting rape victims.

(b)(1) An application for a grant or contract under subsection (a) shall contain such assurances as the Secretary may require that the applicant will comply with the requirements of subsection (e).

(2) The amount of any grant or contract under this section shall be determined by the Secretary, except that the amount may not exceed 90 per centum of the cost of the project (as determined by the Secretary) with respect to which the grant or contract is made or entered into.

(c)(1) In carrying out this section, the Secretary shall coordinate with other activities related to rape carried out by the Secretary and the heads of other Federal departments and agencies.

(2) The Secretary shall establish a grant review panel to make recommendations to the Secretary with respect to the approval of applications for grants and contracts under subsection (a). The Secretary shall appoint individuals to the panel who are or have been engaged in the provisions of services to rape victims.

(d)(1) There are authorized to be appropriated to make grants and contracts under subsection (a) $6,000,000 for the fiscal year ending September 30, 1981, $9,000,000 for the fiscal year ending September 30, 1982, $12,000,000 for the fiscal year ending September 30, 1983, and $12,000,000 for the fiscal year ending September 30, 1984.

(2) The Secretary may in a fiscal year obligate not more than 10 per centum of the funds appropriated for that fiscal year under paragraph (1) to provide, upon request, technical assistance in the development and submission of applications for a grant or contract under subsection (a). Such assistance shall be provided only to those entities which the Secretary determines do not possess the resources or expertise necessary to develop and submit such an application.

(e) No officer or employee of the Federal Government or of any recipient of a grant or contract under subsection (a) may use or disclose any personally identifiable information obtained, in carrying out an activity assisted by such grant or contract, by the recipient from a rape victim or a rape victim's immediate family unless such use or disclosure is necessary to carry out the activity or is made with the consent of the person who supplied the information. Such information shall be immune from legal process and may not, without the consent of the person furnishing the information, be admitted as evidence or otherwise used in any civil or criminal action or other judicial or administrative proceeding.

TITLE VII—EXTENSION OF COMMUNITY MENTAL HEALTH CENTERS ACT

ONE-YEAR EXTENSION OF COMMUNITY MENTAL HEALTH CENTERS ACT

SEC. 701. (a) Subsection (d) of section 202 of the Community Mental Health Centers Act (42 U.S.C. 2689a(d)) (relating to grants for planning) is amended by striking out "for the fiscal year ending September 30, 1980" and inserting in lieu thereof "each for the fiscal year ending September 30, 1980, and the next fiscal year".

(b) Subsection (d) of section 203 of such Act (relating to grants for initial operation) is amended—

(1) in paragraph (1), by (A) striking out "and" after "1979,", and (B) inserting before the period a comma and the following: "and $37,000,000 for the fiscal year ending September 30, 1981"; and

(2) effective October 1, 1981, by striking out "(1)" and paragraph (2).

(c) Subsection (c) of section 204 of such Act (42 U.S.C. 2689c(c)) (relating to grants for consultation and education services) is amended (1) by striking out "and" after "1979,", and (2) by inserting before the period a comma and the following: "and $15,000,000 for the fiscal year ending September 30, 1981".

(d) (1) Section 213 of such Act (42 U.S.C. 2689h) (relating to financial distress grants) is amended (1) by striking out "and" after "1978,", and (B) by inserting after "1979," the following: "and $15,000,000 for the fiscal year ending September 30, 1981,".

(2) Section 212(c) of such Act (42 U.S.C. 2689g(c)) of such Act is amended by striking out "five" and inserting in lieu thereof "six".

(e) Subsection (d) of section 231 of such Act (42 U.S.C. 2689q) (relating to rape prevention and control) is amended (1) by striking out "and" after "1979,", and (2) by inserting before the period a comma and the following: "and $4,000,000 for the fiscal year ending September 30, 1981".

(f) Section 206(e) (2) (B) of such Act (42 U.S.C. 2689e(e) (2) (B)) is amended by striking out "the fiscal year ending September 30, 1979, and during the fiscal year ending September 30, 1980" and inserting in lieu thereof "the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981".

TITLE VIII—MISCELLANEOUS

OBLIGATED SERVICE FOR MENTAL HEALTH TRAINEESHIPS

SEC. 801. (a) Section 303 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(d) (1) Any individual who has received a clinical traineeship, in psychology, psychiatry, nursing, or social work, under subsection (a) (1) that was not of a limited duration or experimental nature (as determined by the Secretary) is obligated to serve, in service determined by the Secretary to be appropriate in the light of the individual's training and experience, at the rate of one year for each year (or academic year, whichever the Secretary determines to be appropriate) of the traineeship.

"(2) The service required under paragraph (1) shall be performed—

"(A) for a State mental institution providing inpatient care or any entity receiving a grant under the Mental Health Systems Act,

"(B) in a health manpower shortage area (as determined under subpart II of part D of this title), or

"(C) in any other area or for any other entity designated by the Secretary,

and shall begin within such period after the termination of the traineeship as the Secretary may determine. In developing criteria for determining for which institutions or entities or in which areas, referred to in the preceding sentence, individuals must perform service under paragraph (1), the Secretary shall give preference to institutions, entities, or areas which in his judgment have the greatest need for personnel to perform that service. The Secretary may permit service for or in other institutions, entities, or areas if the Secretary determines that the request for such service is supported by good cause.

"(3) Any individual who fails to perform the service required under this subsection within the period prescribed by the Secretary is obligated to repay to the United States an amount equal to three times the cost of the traineeship (including stipends and allowances) plus interest at the maximum legal rate at the time of payment of the traineeship, multiplied, in any case in which the service so required has been performed in part, by the percentage of the length of the service so required to be performed which has not been performed.

"(4) (A) In the case of any individual any part of whose obligation to perform service under this subsection exists at the same time as any part of his obligation to perform service under section 752 or 753 (because of receipt of a scholarship under subpart IV of part C of title VII) or his obligation to perform service under section 472 (because of receipt of a National Research Service Award), or both, the same service may not be used to any extent to meet more than one of those obligations.

"(B) In any case to which subparagraph (A) is applicable and in which one of the obligations is to perform service under section 752 or 753, the obligation to perform service under that section must be met (by performance of the required service or payment of damages) before the obligation to perform service under this subsection or under section 472.

"(C) In any case to which subparagraph (A) is applicable, if any part of the obligation to perform service under section 472 exists at the same time as any part of the obligation to perform service under this subsection, the manner and time of meeting each obligation shall be prescribed by the Secretary.".

(b) The amendment made by subsection (a) applies in the case of any academic year (of any traineeship awarded under section 303(a) (1) of the Public Health Service Act) beginning after the date of the enactment of this Act if the award for such academic year is made after such date.

CONFORMING AMENDMENTS

SEC. 802. (a) Section 507 of the Public Health Service Act (relating to grants to Federal institutions) is amended by inserting ", and appropriations under the Mental Health Systems Act," before "shall also be available".

(b) Section 513 of such Act (relating to evaluation of programs by the Secretary) is amended by inserting "the Mental Health Systems Act," after "Community Mental Health Centers Act,".

(c) Sections 1513(e) (1) (A) (i) and 1524(c) (6) of such Act (relating to review of proposed use of Federal funds) are each amended by inserting "the Mental Health Systems Act," after "Community Mental Health Centers Act,".

SPECIAL PAY FOR PUBLIC HEALTH SERVICE PHYSICIANS AND DENTISTS

SEC. 803. Section 208(a) of the Public Health Service Act (42 U.S.C. 210(a)) is amended (1) by inserting "(1)" after "(a)", and (2) by adding at the end the following:

"(2) Commissioned medical and dental officers in the Regular and Reserve Corps shall while on active duty be paid special pay in the same amounts as, and under the same terms and conditions which apply to, the special pay now or hereafter paid to commissioned medical and dental officers of the Armed Forces under chapter 5 of title 37, United States Code.".

MENTAL HEALTH PERSONNEL

SEC. 804. Section 303 of the Public Health Service Act (42 U.S.C. 242a) (as amended by section 801) is amended by adding at the end the following:

"(e) Because of the rising demands for mental health services and the wide disparity in the distribution of psychiatrists, clinical psychologists, social workers, and psychiatric nurses, there is a shortage in the medical specialty of psychiatry and there are also shortages among the other health personnel who provide mental health services.".

Amend the title so as to read: "An Act to revise and improve the Federal programs of assistance for the provision of mental health services, and for other purposes.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7299) was laid on the table.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 7299, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMEMORATING 75TH ANNIVERSARY OF FOREST SERVICE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 393) extending to the Forest Service, U.S. Department of Agriculture, the appreciation of the Congress on the 75th anniversary of the founding of the agency.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 393

Whereas the forest resources of the United States are one of the Nation's most important assets; and

Whereas the management of those resources for the sustained production of goods and services for the benefit of the public is a declared policy of the Congress; and

Whereas the Forest Service, United States Department of Agriculture, is charged with providing national leadership in forestry and carries out this responsibility through the management of the national forest system, by cooperation with States and private landowners, and by conducting forestry research; and

Whereas the public interest has been well served by the Forest Service, United States Department of Agriculture, since its founding in 1905: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress recognizes the year 1980 as the seventy-fifth anniversary of the founding of the Forest Service, United States Department of Agriculture, and hereby extends to that agency its appreciation for service effectively rendered to the public over the past seventy-five years.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. RHODES asked and was given permission to proceed for 1 minute.)

Mr. RHODES. Mr. Speaker, I take this time to inquire of the distinguished majority leader as to the program for the rest of the week and next week.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield.

Mr. WRIGHT. The program for the remainder of this week is that the legislative business has been concluded. Upon the conclusion of such routine business as may remain, and any special orders entered into, we will adjourn.

I will ask unanimous consent that we adjourn until noon on Monday next.

On Monday, we have 12 suspensions. I will run through them briefly, if the gentleman would like, as follows:

H.R. 7054, tariff amendments on plastic netting;

H.R. 6308, Department of Energy authorization for magnetic fusion program, fiscal year 1981;

H.R. 7865, Nuclear Power Plant Safety Research and Development Act of 1980;

H.R. 6889, Methane Transportation Research and Development Act;

H.R. 7380, Big Sur Coast Area, California;

H.R. 7411, Establish United First Church Historic Site, Quincy, Mass.;

H.R. 7434, African-American National Historic Site, Boston, Mass.;

H.R. 6864, Deep Water Port Act of 1974, authorization;

H.R. 7682, United States Code amendments to title 10 re Armed Forces Reserves;

H.R. 7694, miscellaneous DOD matters, U.S. territories;

H.R. 6075, Public Buildings Act amendments; and

H.R. 7911, technical amendments to Health Planning Act.

If there are any votes on these suspensions, we would cluster them and have the votes recorded at the end of the debate on Monday.

We will follow those suspensions with a motion to concur in the Senate amendment with an amendment to H.R. 3904, the Multiemployer Pension Plan Act, the ERISA program.

Then there are three conference reports which may be brought up, as follows:

H.R. 5892, Wind Energy Systems Research and Development Act; H.R. 6974, DOD authorizations, fiscal year 1981, and H.R. 5168, Armed Forces personnel management.

After that, we would take up H.R. 7036, the Health Research Act of 1980, under an open rule with 1 hour of general debate.

On Tuesday, we will meet at noon. There are no bills listed for suspension of the rules on Tuesday, but we would hope to complete consideration of H.R. 6711, the Youth Act of 1980.

□ 1510

On Wednesday and Thursday the House will meet at 10 a.m. The only business scheduled for Wednesday is H.R. 7998, the Labor-HEW appropriation bill. It will be our purpose to continue on that piece of legislation until its conclusion, and it would be our plan that the House would adjourn upon completion of that bill on Wednesday.

On Thursday we take up a resolution of inquiry directed to the President of the United States.

Then we take up the Department of Energy authorizations of defense programs under an open rule, 1 hour of debate. The rule has already been adopted.

Then we would hope to complete consideration of the National Science Foundation authorization and then, if time remains, to consider H.R. 7244, a bill to increase U.S. quota in the International Monetary Fund, with an open rule and 1 hour of general debate.

Conference reports, of course, may be brought up at any time. It is our plan that the House will adjourn by 3 p.m. on Thursday next, and at the close of business we would be in adjournment until noon on Wednesday, September 3, for the Labor Day district work period.

Mr. RHODES. If I may inquire of the distinguished majority leader, if the resolution of inquiry directed to the President, which is scheduled for Thursday, has a particular subject matter, is the majority leader aware of the subject of such resolution?

Mr. WRIGHT. The majority leader is of the impression that the minority leader knows full well what is the subject.

Mr. RHODES. That may well be, but I think it might be well if we took the House into our confidence.

Mr. WRIGHT. The subject is an inquiry concerning the brother of the President of the United States, one Billy Carter, and an inquiry based upon findings of the Department of Justice. I would be pleased to declare that those findings are available for individual Members' examination at the Committee on the Judiciary.

Mr. RHODES. May I inquire further as to the future plans of the majority leadership. I have heard, of course, as the other Members have, of the proposed so-called lameduck session after the election. Some say it will begin the 12th of November. I think the distinguished majority leader of the other body actually announced on the floor that that body would be in session on November 12 to complete business which might not be completed prior to the adjournment on October 4. I do not recall having heard from the House leadership anything confirming those plans. Is the majority leader in a position to either confirm or deny those plans?

Mr. WRIGHT. If the gentleman will yield, I am in a position to confirm our absolute commitment to a recess on October 4. At the conclusion of business that day, if we have not been able to complete all of the legislative business permitting a sine die adjournment, in that event, of course, it would be necessary for us to resume sitting after the election.

I am not prepared to make an absolute commitment as to the date of our resumption. The date of November 12 has been discussed. It might conceivably be subject to some further revision.

But it is clear that if we are not able to complete all of the legislative business necessary to permit our sine die adjournment on or before October 4, we will recess at the conclusion of business that day to resume sitting following the elections.

Mr. RHODES. The majority leadership was kind enough to distribute to the membership a list of bills which it feels are important and must be completed prior to any sine die adjournment. The minority, of course, has had occasion to look over these bills and, while it is recognized that there are always differences of opinion on these matters, the minority is not really satisfied that it is absolutely imperative to the survival of the Republic that all of these bills be passed prior to a sine die adjournment. It appears that this situation cries out for cooperation between the majority and the minority in trying to get the business of the House and the other body accomplished and transacted at the earliest possible time.

It also strikes this Member that we have in years past, where elections have been pending, gone as far as the middle of October, sometimes up to the 20th and 21st of October, prior to adjournment. Again, speaking only for this Member, I would certainly be willing to do two things. One, I would be glad to work, to cut down on the bill of fare which has been offered legislatively speaking, and to then assure that the minority would cooperate in the passage of those bills which are absolutely necessary.

Second, that we forgo the idea of an absolute adjournment or recess on October 4 and agree that we will continue to work, hopefully to finish all of our work by, say, the 18th of October, after which if at that time we have not finished then the minority would certainly have no objection to a lameduck session.

But it does seem again to this one Member that planning a lameduck session now I think in a situation where it could be worked out to finish our work is not really very good planning. We would like very much to have something to say about these alternatives. I think the worst alternative is to quit before we have finished.

Mr. WRIGHT. Will the gentleman yield?

Mr. RHODES. I will.

Mr. WRIGHT. Did my ears deceive me or did I understand the gentleman to say that the minority would cooperate in the passage of all of these bills?

Mr. RHODES. I think the gentleman from Texas knows full well that the minority leader meant to say we would cooperate in getting to a final vote, getting them in a position where they could be passed if the votes were present to pass them.

Mr. WRIGHT. I was afraid I had misunderstood the gentleman's intent. But hope springeth eternal.

Mr. RHODES. I thank the gentleman from Texas for the great faith he has in the ability of this Member to produce votes.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I wanted to ask the majority leader, I know he has a great fidelity to the law, and I wanted to call to his attention, and I believe that this is the appropriate time, the 88th volume of the U.S. Statutes, also reported in the 31st volume of the United States Code, and particularly section 300 which is known as the Congressional Budget Act. Section 300 sets a timetable for action on those matters, including the 15th day of September, in which Congress is supposed to complete its action on the budget resolution for the year. The gentleman knows October 1 is the day that the new fiscal year begins. The same statute requires in section 309 that not later than the seventh day after Labor Day, which will be shortly here, the Congress is supposed to complete action on all bills providing new budget authority.

The same statute requires in section 1007(b) that not later than September 15 of each year the Congress shall complete action on the concurrent resolution on the budget.

I know the Chair has held these are only directory and not mandatory provisions of the law, but the chairman of the Rules Committee announced to our committee yesterday that we were going to consider the reconciliation resolution next Tuesday. I do not see it on the list here. How does the majority propose to complete the requirements of Federal law on the budget with a schedule such as the gentleman has just announced?

□ 1520

Mr. WRIGHT. If the gentleman will yield, the only answer I can give is "as best we can," and to comment further that it is a fortunate thing that these laws are directory rather than mandatory, elsewise lawmakers would be among the most notorious of lawbreakers.

I would remind the gentleman, moreover, that for many years it was a statutory requirement that Congress should complete its labors and adjourn by the 30th of June each year, and on numerous occasions, which is to say year after year, the Congress was unable so to do. But slow, deliberate, often dilatory, though we are, with all our human flaws and faults and our mortal imperfections, stumbling as we can, we somehow muddle through, and with it all I think perform as responsibly as any other legislative body on Earth, in spite of the follies and foibles and eccentricities of the likes of the gentleman from Maryland (Mr. BAUMAN), the gentleman from Arizona (Mr. RHODES), and the gentleman from Texas (Mr. WRIGHT), not to exclude others.

Mr. BAUMAN. Would the gentleman yield?

Mr. RHODES. I yield to the gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding. As I stand here in the wash of the oratory of the majority leader, I am prompted to say, however, that I was under the impression that the Budget Act was something that was, next to many other things written on stone around here, relatively sacred. I understand the muddling through that has gone on for many years here, but rarely have I seen the majority party plan to muddle through, as the gentleman has apparently now announced that is his plan with the lameduck session.

Has the majority leader considered the possibility of the personal and collective jeopardy this might present to him and to his party if this becomes an issue in what is rumored to be a political campaign now going on—not that I am too concerned about the gentleman's welfare overall?

Mr. WRIGHT. I have heard those rumors and would state the ardent hope that we might be able to complete all these labors prior to October 4. But at the risk of risking what remains of my credibility, I would not prophesy that we will do that. As for the things being next to holiness, I would remind the gentleman that with regard to the budget, cleanliness is supposedly next to Godliness, and we are almost clean out of money.

Mr. BAUMAN. Would the gentleman yield?

Mr. RHODES. I yield to the gentleman, and I wish he would quote some poetry.

Mr. BAUMAN. I thank the gentleman, and I do not know any.

On the 80th anniversary of the birth of Charles Abraham Halleck, I would like to point out that the last time we adjourned the Congress legally, as the Reorganization Act of 1946 requires, was during the Republican Congress, the 83d Congress, in 1954. Perhaps that is precisely what, leading to the best interests of the people of the United States, might well be the case.

Mr. RHODES. Of course, the gentleman from Maryland is well aware he is looking at one-third of the Republican Members who served in that Congress under the majority leadership of the great Charles Abraham Halleck, who did in fact adjourn that session of Congress in accordance with the law. We hope that the next Congress we will have a similar scenario and with the people from a party which is the party of Charles Abraham Halleck at the helm.

Mr. BAUMAN. May the gentleman from Arizona play some prominent role in that.

Mr. RHODES. I thank the gentleman.

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I thank the minority leader for yielding. I would wish him well to correct some of the problems during the next session. But in response to the gentleman from Maryland (Mr. BAUMAN), he cited the Budget Control Act. As I recall the debate here a few years ago, the reason we enacted the Budget Control Act was so we would not muddle along like this. It would be the remedy for the problems we had if we could not complete our work by the statutory time of the fiscal year, the 30th of June, and we advanced the day. And here we are just 3 years later, muddling along just like we were before. So we have to have some discipline in trying to get the job done. I have sympathy with the problems the majority party has had this year, but I am not sure the American people have as much sympathy.

Mr. WRIGHT. Will the gentleman yield?

Mr. RHODES. I yield to the majority leader.

Mr. WRIGHT. I thank the minority leader for yielding. I would like to make one comment on the birthday of that distinguished American, Charles Abraham Halleck. I would just like to suggest that, indeed, the Budget Act was and is the remedy for many of our ills, but, then, the efficacy of all remedies is limited to the willingness of the patient to take them.

Mr. MYERS of Indiana. Would the gentleman yield further?

Mr. RHODES. If I have 5 seconds, I will yield to the gentleman.

Mr. MYERS of Indiana. I thank the gentleman for yielding. I will try to use those 5 seconds very wisely. Since the name of Charles Abraham Halleck has been mentioned here a number of times, I must say he was kind of my mentor. I cannot repeat what he has been saying about what is going on here in Congress, or they would throw us all out. But he was a great leader here, and this is his birthday. I join the many friends he has here in the House in observing that birthday.

Mr. RHODES. Mr. Speaker, I yield back the remainder of my time.

ADJOURNMENT TO MONDAY, AUGUST 25, 1980

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that any business in order under the Calendar Wednesday rule on Wednesday next may be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING "THE MAINE LOBSTERMAN" STATUE

Mr. NEDZI. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate joint resolution (S.J. Res. 83) to authorize the Camp Fire Girls of Cundys Harbor, Maine, to erect a memorial in the District of Columbia, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. Res. 83

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Camp Fire Girls of Cundys Harbor, Maine, is authorized to erect a memorial on public grounds in the District of Columbia, subject to authorization by the Secretary of the Interior as provided in section 2, in commemoration of the State of Maine. This memorial shall be in the form of a statute, and shall be entitled "The Maine Lobsterman".

Sec. 2. (a) The Secretary of the Interior is authorized to select, with the approval of the National Commission of Fine Arts and the National Capital Planning Commission, a suitable site on public grounds in the District of Columbia upon which may be erected the memorial authorized in the first section of this resolution. If the site selected is on public grounds belonging to or under the jurisdiction of the District of Columbia, the approval of the Mayor of the District of Columbia shall also be obtained.

(b) The design and plans for such memorial shall be subject to the approval of the Secretary of the Interior, the National Commission of Fine Arts and the National Capital Planning Commission.

(c) Other than as to the land authorized for the erection of the memorial in the first section, neither the United States nor the District of Columbia shall be put to any expense in the erection of this memorial.

Sec. 3. The authority conferred pursuant to this resolution shall lapse unless (1) the erection of such memorial is commenced within five years from the date of enactment of this resolution, and (2) prior to its commencement funds are certified available in an amount sufficient, in the judgment of the Secretary of the Interior to insure completion of the memorial.

Sec. 4. The maintenance and care of the memorial erected under the provisions of this resolution shall be the responsibility of the Secretary of the Interior.

● Mr. NEDZI. Mr. Speaker, Senate Joint Resolution 83 is a bill authorizing the Camp Fire Girls of Cundys Harbor, Maine, to erect a statue called "The Maine Lobsterman" in the District of Columbia, the site to be selected by the Secretary of the Interior. Other than the land provided, there would be no costs incurred by the Federal Government involved with the erection of this statue; in conjunction, the bill provides that prior to commencement, the Secretary of the Interior will certify that the Camp Fire Girls have sufficient funds to complete the project. Maintenance and care of the statue would be, as is customary, the responsibility of the Secretary. The erection of the statue must begin within 5 years from the date of enactment or the authority would lapse.

The statue involved is a bronze replica of the centerpiece commissioned by the State of Maine for its 1939 New York World's Fair exhibit. "The Maine Lobsterman" is not a "memorial" in the grand or traditional sense but rather, is a small statue—5-foot high figure on a 3-foot base—of a kneeling figure working. Although the legislation does not specify a site, it is proposed to locate the statue in one of the small park settings along the Maine Avenue waterfront. It is felt that the statue would be an attractive decorative piece, suitable in proportion to the park areas and appropriate in both theme and State affiliation.

The legislation has received the approval of the Commission on Fine Arts, the National Capital Planning Commission, and the Department of the Interior. The bill passed in the Senate in October of last year and Congressman Emery has introduced similar legislation in the House. The Camp Fire Girls of Cundys Harbor are most enthusiastic about the project but feel they must have the congressional authorization in order to stage an effective fundraising campaign.

I urge favorable consideration of this legislation.●

● Mr. EMERY. Mr. Speaker, the bill we have before us, Senate Joint Resolution 83, authorizes placement in the Nation's Capital of a monument which epitomizes the spirit, vigor, and traditions of Maine, the Pine Tree State.

The Camp Fire Girls of Cundys Harbor, Maine, have made the commitment, recognized in this authorization, to support the transportation and construction of the statue, which is called "The Maine Lobsterman." This memorial, originally crafted by Victor Kahill for display at the 1939 World's Fair in New York, is to be erected at a site appropriately located along the waterfront in our Nation's Capital. Since the 1939 World's Fair, three bronze replicas of the original plaster sculpture have been created and today stand in the Maine cities of Augusta and Portland, and the town of Harpswell, on Bailey Island, where lobster fishing is a centuries-old tradition.

It is now time that this landmark, cherished by citizens of the great State of Maine, is shared with the rest of the Nation in recognition of the contributions made by fishermen nationwide, both historically and economically. Therefore, I strongly urge the passage of this legislation to allow a copy of "The Maine Lobsterman" to be erected along the Potomac River on Maine Avenue, Washington, D.C. The statue will certainly make a fine addition to the graceful and stately beauty of this city, while reminding us of the heritage which provides the foundation for the strength of our Nation.

I ask my colleagues to give Senate Joint Resolution 83 favorable consideration today.●

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEDZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE

Mr. LEACH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks commemorating the 80th birthday of the Honorable Charles A. Halleck.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

HOUSING POLICY

The SPEAKER pro tempore (Mr. Brademas). Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. Heckler) is recognized for 5 minutes.

● Mrs. HECKLER. Mr. Speaker, the purpose of our effort here is to improve the quality of life for the people we represent, and a key area of American life is the quality and availability of housing. The Housing and Community Development Act gives us a chance to make some headway in this area through an array of housing assistance programs.

For many years, I have been a staunch advocate of a strong housing policy. In the past, I served on the House Committee on Banking, Housing and Urban Affairs. In some of my other committee work I deal with the vital issues that affect veterans, not the least of which is housing. I also chaired the Republican Platform Committee's subcommittee on housing and urban affairs which produced the most prourban housing plank in the party's history. This was my aim. I have found that the people least able or likely to flee the cities when they decline are the elderly. They cannot seek job relocation in retirement. Most fixed incomes cannot stretch past city limits to high-cost suburban housing. Often senior citizens do not want to leave the neighborhoods that saw their children grow up. It is difficult to pull up roots planted so long ago. Restoring urban neighborhoods is a continuing part of any housing policy. This housing hearing has reinforced my belief that if we want to do something about the American dream of home ownership—a traditional item on the agenda of young families—and affordable rental housing—a vital concern of the elderly, we have to do more than listen to testimony in committee rooms. These days Americans need housing opportunities that will withstand the nightmares of inflation, recession, and high-interest rates.

We need housing programs that address the problems of the elderly, and the disadvantaged as well as that meet the needs of young families whose incomes cannot keep pace with skyrocketing housing costs.

Our first concern must be for Americans who are especially challenged or particularly burdened. In short, we need more creative, innovative housing legislation and we must extend the life of programs that have had some positive impact on our Nation's housing problems.

H.R. 7262 reauthorizes some programs that have proven to be effective and expands programs that takes into account the hard economics of our times.

Community development block grants and urban development action grants have produced results in seven communities in my congressional district in the past year and a half. This legislation specifically rewards energy conservation strategies which is essential to sound housing policies. I have, as well, seen urban neighborhoods reborn because of the rehabilitation loans that are authorized by this legislation. At least three communities in my district have benefited from these loans in the past year and a half. This funding will be a step toward keeping the heart and life in our older communities and resurrecting neighborhoods that have died from decay and apathy.

In addition, H.R. 7262 raises mortgage limits, takes into account the need for higher mortgage ceilings in high-cost areas, has provisions to cover mobile home loans, and makes a considerable contribution to improving housing for low-income wage earners. These are just the contours of some valuable programs that have earned the right to be reauthorized.

The Housing and Community Development Act does not do everything that needs to be done, but we cannot ignore what it can do. Most importantly, the consideration of this legislation can serve to focus on the critical housing problems all Americans face. It is an issue we must make a top priority with Congress.●

COOLNESS UNDER FIRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 10 minutes.

● Mr. ADDABBO. Mr. Speaker, I would like to take this opportunity and call to the attention of my distinguished colleagues, the bravery and coolness under pressure of the men and women of Jamaica Hospital, the police officers of the 102d Precinct in Richmond Hill, and the brave firemen from numerous firehouses for their coordinated life-saving efforts on July 24, when an explosion ripped through a small factory in Richmond Hill, Queens.

The July 24, violent explosion at the factory unfortunately claimed the lives of 10 people and seriously injured many more. However, if it had not been for the heroic efforts of the courageous firemen, hospital workers, especially four paramedics, and police officers who reacted, the death toll would have been much greater. I would particularly like to call attention to those four paramedics from nearby Jamaica Hospital, who, without hesitating for a moment, raced into the fiery factory and removed and resuscitated injured workers, before succumbing to smoke inhalation. I am happy to report that paramedics Robert Cavalieri, Jack Schaefer, Henry Cancel, and Ronald Barranco have recovered and are now back on the job. I can think of no greater deed than for someone to put one's life on the line so that others may live, and I am sure that Queens will be forever proud of them. Their bravery will long be remembered.

In addition to the four paramedics who performed so gallantly, a special thank you should go to some of "New York's finest," the police officers of the 102d precinct, in Richmond Hill. Police officers Albert DeLuca and Joseph MacCone, who were some of the first people on the scene of the explosion, worked with paramedics in pulling out one burn victim before being taken to St. John's Queens Hospital where they were treated for smoke inhalation. In addition, police officers Joseph T. Dailyda, Michael J. Schwantner, Robert A. Moran, and Richard J. Ryan, Jr. acted bravely during the fire, and like officers DeLuca and MacCone, are to be commended for acting above and beyond the call of duty.

It goes without saying that the fearless and quick work of the firemen who fought the blaze in the hot, darkened factory, should not go unnoticed. The men of Engine Company No. 270 and Ladder Company No. 127, who were first on the scene, along with Ladder Company No. 126, No. 143, as well as Engine Company No. 298 and No. 303 are to be congratulated for a job well done, with a special pat on the back to Rescue Unit No. 4. Firemen are a most unique group of professionals, day in and day out, in the bitter cold of winter and the fatiguing heat of summer, entering the most dangerous of buildings, they risk their lives protecting others. Without them our lives would not be safe-with them we live safe and secure in the knowledge they will always be there when the need arises, and we must never take their efforts for granted. Mr. Speaker, it was my extreme privilege and honor to have presented to the aforementioned, congressional certificates of appreciation.

Some words must also be said about the men and women of Jamaica Hospital who performed admirably and with the utmost in professionalism when disaster struck. It was their coolness under pressure that was greatly responsible in preventing the explosion from claiming even more lives. The people of Jamaica, Queens are to be proud of Jamaica Hospital and I am confident it will be providing excellent medical care for the citizens of Jamaica for many years to come.

The tragedy that took place on July 24 was certainly an unfortunate incident. As terrible as it was, it made the residents of Jamaica and Richmond Hill secure in the knowledge that if disaster should ever strike again, there are professionals ready to react.●

MORE EVIDENCE THAT NOW ACCOUNTS ARE A BOON FOR THE RICH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, first there was the GAO, then there was Syliva Porter, now there is the Washington Post, but before any of them there was me. I was the one who stood here and told my colleagues that NOW (negotiable orders of withdrawal) accounts were only for the rich, that they did nothing for the small depositor, that they would raise the cost of consumer loans, and that in many instances they would cost customers more in service charges than would be realized in interest payments. I made statements to this effect no less than four times on the floor of the House, and now I am telling you again; allowing for nationwide NOW accounts without assuring small account holders' participation was a mistake. Now, the only ones who will benefit are the rich and the banks.

I refer my colleagues to an article appearing in the Washington Post, Washington business section of Monday, July 28, 1980. One does not have to look hard, it is on the front page. This article describes how Washington area financial institutions are gearing up to offer NOW accounts as of January 1, 1981. A survey by the Washington Post indicates that 87 percent of banks in the Washington area are definitely going to offer this type of interest bearing checking account. Another 7 percent are thinking about it.

To put NOW accounts in perspective, the article analyzed automatic fund transfer (AFT) accounts currently offered by these banks. The main difference being that AFT accounts require the maintenance of two accounts, savings and checking. The funds in the savings account collect interest and then are transferred to the checking account as needed to cover checks. NOW accounts will just be an interest bearing checking account.

The results of this analysis were predictable. If you do not have a lot of money to keep in a checking account, do not bother opening a NOW account. Minimum balance requirements ranged from zero to $5,000, monthly fees ranged from $1 to $6, transfer fees—or possible per check charges—ranged from zero to $1 dollar and interest rates paid ranged from 4½ to 5¼ percent, with each financial institution having various combinations of each factor.

What all this means is that a customer with an average balance of $750, who writes 12 checks per month—a national average—could either earn $37.50 a year or lose $152.62 a year, depending on which financial institution he or she did business with. For this same customer, the average loss for doing business in Maryland was $18, in Virginia the average loss was $39.56, and in the District of Columbia the average loss to the customer was $70.06.

Of course the higher the average

monthly balance, and the fewer checks written, the more money there is to be made. But for the little guy, the small depositor, these accounts will cost him money. I quote from the Washington Post:

> A balance below $500 does not make a NOW account worthwhile for either the bank or the customer.

There are 35 million checking accounts in this country with balances of less than $200. That is out of approximately 100 million checking accounts nationwide. Therefore at least 35 percent of all checking account customers will not be served by NOW accounts. If one takes into account all checking accounts with balances of less than $500, I would wager that more than 50 percent of all customers would find NOW accounts useless.

Twice I offered an amendment which would have allowed the little guy to get a piece of the action with NOW accounts. Twice it was voted down. I would have offered it a third time on the floor had the bill not been considered under suspension of the rules. I told my colleagues that without my amendment, the small account holder would be frozen out of NOW accounts. The votes indicate the majority disagreed with me.

It is now a documented fact that NOW accounts are accounts for the rich. But not to worry, the little guy will participate in NOW accounts in another way. He will be the one who will continue to pay high interest on consumer loans and other services so that those individuals with $5,000 in their checking accounts can continue to collect their well-deserved interest payments.

Mr. Speaker, rarely has the Congress done so little for so many so that so few can get richer. And rarely has it been done by a 328-vote margin.●

ANTITERRORISM LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 15 minutes.

● Mr. WOLFF. Mr. Speaker, today I have introduced legislation to combat international terrorism and increase the consideration of terrorism in our foreign policy formation.

Terrorist activities seem to be becoming commonplace in the world today. International terrorist groups are well organized, well financed, and often interrelated. More and more terrorism is used as a method of political change in lieu of legal means, or in lieu of nonviolent resistance. Terrorist acts against civilians seem to be the norm, instead of against military installations. More and more often states are supporting terrorist groups to meet their own aims in undermining other governments.

The United States has long stood for freedom and the support for the legitimate expression of the political aims of repressed peoples. This country has a history and a tradition which calls out for a strong response against terrorism. Our own revolution makes us sympathetic to political change, but not mindless violence against those who have nothing to do with bringing about political change. We have had repressed minorities who have struggled against discrimination and racism. The heroic lessons of Martin Luther King and Mahatma Gandhi are now experiences of a rich tradition supporting nonviolent change.

The growing network of international terrorist groups is very disturbing. Terrorism becomes a more complex matter when terrorist fringe groups begin to help fellow terrorists, outside of the apparent "cause" for which they purport to battle. Terrorism becomes a more complicated matter when other nations support terrorist groups for their own ends, using terrorist violence in a private war where only the people suffer. No longer do we face simply the impassioned, isolated band which, seeking radical change, resorts to violence against a civilian population. Organized terrorism is bigger than organized crime, and more insidious. Many terrorist groups have a budget of millions of dollars, and use of sophisticated training and facilities of other governments.

The U.S. response to terrorism must reflect the nature and extent of international terrorism. We cannot have simplistic responses to this complicated situation. But we desperately need a coherent policy from which we can formulate our response on a case-by-case basis. Therefore, I have introduced legislation today which recognizes the complex nature of international terrorism and encourages the consideration of terrorism in the formulation of foreign policy. This legislation does not impose rigid sanctions on the basis of criteria so narrow that they are rarely to be met. Rather, the legislation preserves the flexibility of the President in responding to terrorism at the appropriate level. The situation in Iran is one where it is amply clear that flexibility and restraint were called for rather than a legislated meat-ax approach.

Yet, all too often, terrorism has been disregarded in our foreign policy considerations. The Congress has passed some measures to force the executive branch to consider state support for terrorism in specific policies toward that state. These measures are not enough. Support for terrorism must be as much a consideration in our overall policy toward a country as is its ideological orientation, or its trade policy, or its human rights accord. Therefore, my legislation calls upon the State Department to make an indepth, analytical report on international terrorism. This report would examine the interrelationships among terrorist groups, and patterns of state support for terrorist groups.

Rather than being an exhaustive list of terrorists incidents, this report is intended to show an overall picture of international terrorism. The functions of such a report are twofold. First, the yearly report would be delivered to Congress in time for the consideration of our foreign aid and trade legislation at the subcommittee level. In determining our various program levels, or the desirability of military sales, or any other foreign policy decision, the Congress will be able to consider terrorism as a factor, along with all the other considerations which go into that decisionmaking.

Second, mandating this report is a way to insure that the State Department also considers support for terrorism as an element in foreign policy determinations. This kind of reporting requirement has been used by the Congress in the past as "institutionalized oversight," so to speak. The human rights report is similar in function, as it forces a focus on human rights, and is similarly useful to the Congress. To those who would decry this as just another report that nobody reads, I would strenuously object, as the time is long overdue for the Nation to consider international terrorism in its policymaking.

In other respects, this proposal preserves the methods for combating terrorism in the other antiterrorism bills under consideration in the Congress. However, I have added several new provisions. In addition to other international agreements the bill urges the President to seek an international convention to deny sanctuary to international terrorists. The bill also urges the President to seek the establishment of an international criminal court to try persons accused of crimes against diplomats and of hijacking as prescribed by three international conventions. This is a concept that has been endorsed by the American Bar Association and long sought by the international community. I proposed this idea in House Concurrent Resolution 328 earlier this session. An international criminal court with specialized and limited jurisdiction to deal only with the crimes mentioned above, could circumvent the serious flaws in the extradition process by providing an incentive as well as the court to allow the trials of such criminals.

Two new provisions are designed to deal with the problems of victims of terrorism. The first section directs the Secretary of State to recommend ways to assist with medical or specialist services to victims of terrorism. This assistance is not limited to government-to-government assistance, in case it is required in a Cambodia-like situation. The purpose of this provision is to encourage the sharing of U.S. expertise on help for victims of terrorism, in cases where a country ill equipped for such a situation might find itself confronted with a terrorist emergency, having no capacity to deal properly with the special needs of the victims. This is in no way intended to launch another massive foreign aid program, but rather to provide the benefit of our experiences in special and limited circumstances.

The other section directs the Secretary of Health and Human Resources to establish a task force on U.S. victims of terrorism, to investigate the special needs of terrorist victims and their families, and establish procedures to meet those needs.

Finally, the last title of the bill gives a legislative mandate to the Federal Emergency Management Agency (FEMA), to insure U.S. preparedness to reduce the consequences of terrorist attacks. FEMA was created by Executive order, and has done impressive work to prepare this Nation for natural disasters. While FEMA is already doing some work in the area of preparedness for terrorist attacks, a legislative mandate would give a needed boost to their efforts.

Mr. Speaker, the Congress has talked about the issue of terrorism and ways to combat it for years now. The 96th Congress is fast coming to a close. I say the time for action on major legislation is now. We saw antiterrorism legislation die at the end of the 95th Congress, though some frantic efforts were made to get it through committee. Two more years have passed and we are about to see the Congress engaged in a repeat performance. I have introduced this new version of the antiterrorism legislation in hopes of stimulating ideas and action. I call upon the committees with jurisdiction over antiterrorism legislation to deal with this issue now, and I invite any of my colleagues who like the approach of the legislation I introduced to cosponsor it.●

TRIBUTE TO FRED L. AUSTIN, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. HUBBARD) is recognized for 5 minutes.

Mr. HUBBARD. Mr. Speaker, I would like to take this opportunity to pay tribute to a dear friend, the late Fred L. Austin, Sr., of Paducah, Ky., who died on August 14 at Western Baptist Hospital in Paducah.

Mr. Austin was an effective, hardworking, 16-year member of the McCracken County fiscal court, where he served as a county commissioner from 1954 to 1969.

In addition to his membership at Woodlawn Cumberland Presbyterian Church, Mr. Austin was active in the Reidland Lions Club and numerous other civic organizations. Fred Austin, Sr., was very helpful to me as a Member of Congress in various ways.

He is survived by his wife, Gladys; two sons, Walter L. and Fred Jr., both of Paducah; two daughters, Mrs. Mayre Campbell of Jacksonville, Fla., and Charlotte Augustino of Paducah; two brothers, Kes Austin of Metropolis, Ill., and Roy Austin of Decatur, Ill.; and one sister, Mrs. Opal Parker of Lansing, Mich.; and seven grandchildren.

H.R. 7591—AGRICULTURE APPROPRIATIONS ACT FOR FISCAL YEAR 1981

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. DASCHLE) is recognized for 15 minutes.

● Mr. DASCHLE. Mr. Speaker, recently, H.R. 7591, legislation making fiscal year 1981 appropriations for the Department of Agriculture was passed in the House of Representatives. The gentleman from Mississippi and the chairman of the House Appropriations Committee, Mr. WHITTEN, as well as the ranking member of the Agriculture Appropriations Subcommittee, Mr. ANDREWS of North Dakota, should be complimented for their leadership in passing this important legislation to the floor today.

As the Congress strives for a balanced budget in fiscal year 1981, the Appropriations Committee should be commended for balancing the needs of the agricultural community in this legislation even though there are no doubt programs which each of us would like to see with a higher funding level.

Before I address myself to some of the program funding levels in this legislation that I am particularly interested in, I think it is important that this body reflect on the state of the American agricultural economy.

In April of this year, I took to the floor to highlight the plight of the agricultural sector to our urban colleagues in the Congress, as well as the Carter administration.

At that time, I said:

> I have a fear, and that fear is that this country is facing a whole new chapter in its history in its agricultural economy and productivity. It is a chapter filled with pitfalls . . . the pitfalls that fail to recognize once again the seriousness which the agricultural community continues to face today, problems that deal with the cost of production . . the cost of interest.
>
> I have a feeling, Mr. Speaker, that in the years ahead, we will look back and wistfully shake our heads to say, "Why? Why did we not listen to the cries of those farmers today who are going out of business in scores? Why did we not listen?"

DECLINING NUMBERS OF FARMERS AND FARMS

The statistics are there, Mr. Speaker. The statistics show that a mere 4 percent of the American population is currently on the farm and providing food and fiber production for the other 96 percent of the population.

Not only is the United States experiencing a decline in the number of farms—from 3.8 million in 1961 to 2.3 million in 1979—but the amount of agricultural land continues to decline. The Department of Agriculture statistics show that there were 1.055 billion acres of farmland in 1977, and that diminished to 1.052 in 1978, and 1.049 in 1979.

At the same time, these same USDA statistics indicate that farms are getting bigger and bigger, as the family farmer is driven into extinction. In 1977, the nationwide average acreage of farming entities was 438 acres. This increased to 444 acres in 1978 and 450 acres in 1979.

THE RETURN ON EQUITY TO THE FAMILY FARM

The cause of the trend to fewer and bigger farming operations is obvious after examining the effect of the return on equity to the family farm. The return on equity to farmers has been consistently lower than the returns to nonfarm segments of the economy.

While the 1979 return on equity for all manufacturers was 16.7 percent, the return for farmers was a mere 4.1 percent. Even though the return for farm equities did rise in 1979, it is half of the increase for other manufacturers.

I insert the return on equity table from the committee report in the RECORD at at this point:

[In percent]

Year	Farming		All manufacturers	Food and kindred products	Petroleum and coal products	Textile mill products
	Current value	Acquisition value				
1972	5.3	11.2	10.6	11.1	8.7	7.5
1973	10.6	23.8	12.8	12.8	16.6	9.2
1974	5.9	15.2	14.9	14.0	21.0	9.9
1975	4.8	12.1	11.6	14.4	12.5	4.2
1976	2.6	6.8	14.0	14.9	14.4	8.0
1977	2.2	6.5	14.2	13.3	13.6	8.6
1978	3.7	10.7	15.0	13.8	13.3	11.5
1979	4.1	11.5	16.7	15.0	19.0	11.7

Note: Manufacturing returns are after corporate taxes have been deducted. Returns are based on acquisition cost. Estimates for 1979 are preliminary. Returns to farm equity 1972–78 from "Balance Sheet of the Farming Sector," 1979. Supplement to AIB 430, January 1980. 1979, preliminary.

EFFECT OF THE COST-PRICE SQUEEZE ON AMERICAN AGRICULTURE

There is no disputing the fact that the American agricultural economy is continuing its decline. The numbers and the financial statistics back up this contention.

The underlying cause of this decline can be laid directly to the cost price squeeze confronting the agricultural community. The fact that off-farm income accounted for nearly 58 percent of the total income to farmers in 1979 speaks for itself in describing this cost price squeeze on farming operations and the need to survive with off-farm income.

Farm production expenses have increased at a phenomenal rate in the 1970's. Statistics indicate a doubling of production expenses in the seventies from $44.4 billion in 1970 to $113.5 billion in 1979. This translates to a whopping 156-percent increase during this time frame.

This production expense increase can be broken down into the following categories: Interest costs up by 256 percent; feed and livestock purchase prices up by 135 percent; seed and fertilizer costs up by 212 percent; rent up by 108 percent. Fuel costs increased an average of 30 percent a year during the 1970's.

On the flip side of the cost-price squeeze, gross farm income has risen in recent years, but because farm production expenses have risen at a greater level during this time period, net income has actually decreased. In 1979, the farming community earned a net income of $33 billion. The projections for 1980 indicate a net farm income as low as $24 billion.

Finally, Mr. Speaker, it is important to note the effect of the farmers share of the food dollar when we consider the condition of the agricultural economy. The farmer earns only 37 percent of the consumers' food dollar in 1980 as compared to 47 percent back in 1950.

Of the $239 billion spent on food by consumers in 1979, the Department of Agriculture estimates that $77 billion went to farmers, $74 billion went to labor, $20 billion went to packaging, $12 billion went to transportation, and $56 billion was attributed to other costs.

The Department has also indicated that the value of corn in a 52-cent package of cornflakes is approximately 4.5 cents. While the retail price of bread increased by 50 percent during the last 10 years, the value of wheat declined by 4 percent during that same 10-year period.

The American consumer continues to enjoy an abundant supply of top quality food product, with statistics indicating that consumers actually pay less of their total income in food expenditures than any other country. Consumers in the United States pay only 16.4 percent of their expenditures for food products as compared to consumers in Japan at 28 percent, the United Kingdom at 31.9 percent, Spain at 35 percent, Portugal at 50 percent, and the Soviet Union at 45 percent.

Mr. Speaker, I will not address each portion of this bill, but rather will address a number of programs of importance to myself, as well as my farmers and ranchers in South Dakota.

FARMERS HOME ADMINISTRATION

The fiscal year 1980 appropriation estimate for the FmHA farm ownership loan program is $870 million. The President requested the same amount in his fiscal year 1981 budget request and the committee concurred. Unfortunately, because of inflation, this steady funding level translates to an unfortunate budget cut for fiscal year 1981.

RURAL WATER AND WASTE DISPOSAL GRANTS

The committee has recommended that this program be funded at $200,000,000, $100,000,000 more than the President recommended in his budget. This program authorizes FmHA grants of up to 75 percent of the cost of developing domestic water distribution and waste treatment systems. The Appropriations Committee should be commended for their direction that high priority should be given to those communities in jeopardy of losing their drinking water system because of the requirements of the Safe Drinking Water Act.

CONSERVATION PROGRAMS

This legislation provides the funding level for a number of conservation-related programs administered by the Soil Conservation Service and the Agricultural Stabilization and Conservation Service.

Through the conservation operations program the SCS provides technical assistance to farmers and ranchers in all 50 States in the execution of local soil and water conservation programs. This program also funds the various soil survey used in each county to assess their soil conservation needs.

The 1980 appropriation for this program is approximately $265 million. The President requested $284 million in his budget, an increase of $18.2 million over the fiscal year 1980 appropriation. Because the President's employment freeze is expected to reduce the 1981 appropriation level by $800,000, the committee recommended reducing the President's budget request by an equivalent amount to a $283 million level.

Funding for the Great Plains conservation program is also included in this legislation, with the committee recommending a $1.1 million increase in this program over the fiscal year 1980 level. I am pleased to note that the President recently signed into law reauthorization legislation for this important program which originated in the House Agriculture Subcommittee on Conservation and Credit, of which I am a member. This important program authorizes the SCS to enter into long-term cost sharing and technical assistance programs to landowners in the Great Plains States suffering from recurring wind erosion problems. USDA statistics indicate that South Dakota had 179,000 acres in 1979 suffering from wind erosion. This increased dramatically to 711,000 acres in 1980.

This legislation recommends an increase of $30,000,000 over the President's budget request for this important program. Unfortunately, this will only provide a funding level of $190,000,000 identical to the fiscal year 1980 level, with inflation translating this into a spending cut.

The local control of this program is one of the features that makes it so successful. I have consistently believed that it is the local ASCS county and State committees which are in the best position to judge what works best in their region for approved conservation practices. Such important practices as stripcropping, trees or shrubs for erosion control, water impoundment reservoirs, and sediment pollution abatement structures are among the acceptable practices of the ACP program.

The committee should be commended for its decision to mandate the continuation of the resource conservation and development program over the recommendations of the administration that this program be phased out over a 3-year period. This important program is meritorious of the nearly $20 million recommended for fiscal year 1981, and most certainly should be continued. It is my hope that the Subcommittee on Conservation and Credit will favorably report H.R. 6664, legislation introduced by my colleague from Georgia. Mr. JENKINS, and which I have cosponsored to mandate the continuation of the R.C. & D. program.

Mr. Speaker, I would hope that this legislation will cause each Member of this body to pause and reflect on the sorry state of the agricultural economy. While it addresses many of the problems confronting the family farmer, it is obvious that much more needs to be done.

I would hope that upon completion of this legislation in the Senate, the Congress can turn its immediate attention to the plight of the agricultural sector and respond with policy decisions which reaffirm the congressional commitment to a strong agricultural economy.●

CONGRESSIONAL PAY RAISES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, the Subcommittee on Compensation and Employee Benefits, under the leadership of our distinguished colleague, the gentlewoman from Maryland (Mrs. SPELLMAN) recently conducted hearings on the question of congressional pay raises and on several bills that I have introduced on the subject. Since this important subject affects all of us, I would like to share the testimony I offered to that subcommittee with my other colleagues:

TESTIMONY OF HON. STEPHEN L. NEAL

Madam Chairman and Members of the Subcommittee. It is a honor and a pleasure for me to come before you as the Subcommittee begins deliberation on the question of congressional pay raises. I applaud the subcommittee's willingness to address this controversial issue.

I have been asked to comment on a series of bills I have introduced on this subject. With the Chairman's permission, I will limit my comments to H.R. 5365 and H.R. 5366. The other legislation under consideration by the Subcommittee, H.R. 5270, was an attempt to prevent the last Congressional pay increase from taking effect. This issue has already been resolved by the Congress.

Madam Chairman, we must have a workable and open policy for deciding whether to grant ourselves pay adjustments. The urgency for developing such a policy is heightened by the microscopic scrutiny under which that Members of Congress find themselves. The system must be changed so that we can allow a worthwhile debate on the validity of pay raises and cost-of-living adjustments. The process also must be insulated as much as possible from politics. Finally, it must be open to the test of those who put us in office—our constituents. By not requiring separate recorded votes on some pay raises, we have developed devices that have enabled us to avoid taking stands on pay raises. The time has come to throw away the crutches so that members can stand on their own feet.

I have long had an interest in the development of a new pay adjustment process. During my first term in Congress, I received a clear message from my constituents of the Fifth Congressional District of North Carolina. This message came about as a result of a vote I cast in July, 1975, which allowed for a 5 percent increase in the salaries of Members. The outcry against my vote was loud and clear. My constituents were vehement in their objection to our having voted ourselves a pay raise. Since that time, my congressional record reflects consistent opposition to voting ourselves pay increases. My opposition can be summarized as follows:

94TH CONGRESS

In 1976, during consideration of the Legislative Branch Appropriations Bill, I voted to nullify the cost-of-living adjustment for Members of Congress.

95TH CONGRESS

On February, 1977, I sponsored H. Res. 245 to disapprove the pay raise which was scheduled to go into effect on February 20, 1977.

On February 7, 1977, I urged the Subcommittee on Presidential Pay Recommendations of this full committee to reject the recommended $12,900 salary increase for Members of Congress.

April 4, 1977, I sponsored a bill to revise the procedure implementing congressional salary increases in order to insure a recorded vote on every increase.

I cosponsored H.R. 7940 to disapprove any cost-of-living increase for Members of Congress for that session of Congress.

I supported an amendment to the House Budget Resolution to delete funds for the February 20, 1977, pay raise.

On June 29, 1977, I supported an amendment to the Legislative Branch Appropriations Bill to cut back the pay of Members of Congress and other high government officials to the salary levels which existed prior to the February, 1977, pay raise.

On November 1, 1977, I found it necessary to vote "no" on a second on a motion to suspend the rules and pass H.R. 9282 because the bill included a provision preventing votes in both the House and the Senate on annual cost-of-living increases.

I introduced legislation (H.R. 11484) in March 1978 to deny cost-of-living increases for Members of Congress for that fall.

96TH CONGRESS

On June 13, 1979, I voted for an amendment to the Legislative Branch Appropriations Bill for FY 1980 which would hold the annual cost-of-living increase for Members of Congress and other high officials to 5.5%. If this vote had been rejected, the increase would have been 11.3%.

On September 13, 1979, I introduced H.R. 5270 to prevent any pay adjustments from going into effect on October 1.

During Consideration of Continuing Appropriations for 1980, I voted no on all votes which would have granted Members of Congress a cost-of-living adjustment.

In September, 1979, I again introduced legislation to amend the congressional pay procedure. That legislation is under consideration today.

Madam Chairman, we need a system to allow for pay adjustments periodically, like anyone else gets. They should require a recorded vote, however, and raises should not apply to the Congress in which it was voted. My proposed revision in the procedure for implementing a congressional pay raise are embodied in H.R. 5365 and H.R. 5366. H.R. 5365 would provide that any increase in pay for Members of Congress would not take effect until the beginning of the Next Congress. Since House Members serve terms of two years, and a Congress coincides with those two years, terms, those of us in the House of Representatives would never actually be voting on increases for ourselves, but for Members who are elected for the following Congress. This also would give the voters the opportunity to have the last word, as they should, about the propriety of any pay increase.

Finally, H.R. 5366 would amend the Federal Salary Act of 1967 and the Legislative Reorganization Act of 1946 to provide that any adjustments in pay for Members of Congress may not take effect unless specifically approved by a recorded vote in the House and the Senate. It would prevent any pay increase—including those recommended by a quadrennial commission and those recommended by the President under the Federal Comparability Act—from taking effect without an affirmative vote by the Congress. Presently, only the recommendations of the quadrennial Commission on Executive, Legislative, and Judicial Salaries are subject to a roll call vote. The annual recommendations of the President for pay adjustments have, in the past, somehow eluded those of us who wish to have recorded votes. My proposal would remove, once and for all, the shroud of secrecy.

I believe the proposals embodied in H.R. 5355 and H.R. 5366 would accomplish the goals of having an open and accountable system of providing for periodic pay raises, and that the several changes that they would make would increase the confidence of the public toward this institution.

Thank you very much for inviting me to testify and I look forward to any questions you might have.●

WHEN THE OIL RUNS OUT

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker, the morning's Washington Post contains an excellent article opposite the editorial page by R. V. Kline and Richard Wilson on truly basic energy fundamentals. To us oldtimers who have worked through the years to provide the nuclear option to supplement our only available significant energy fuel, which is coal, the article generates a feeling of sadness. Of course, the facts stated in the article were the basis of our agonizing decision some 20 years ago to take on the job of developing the nuclear energy option. Why are not the facts in the article more generally recognized and reflected in our energy strategy? We should be building coal and nuclear fuel generating plants as fast as we can to meet the virtually inevitable major curtailment of petroleum fuels. In my view, our national security demands this action.

A problem we agonized over yesterday is a consequence of our failure to do what the article I referred to advocates. This problem concerns heating oil costs and the need to subsidize certain citizens for its use. As I stated in this Chamber when this need was first brought up last year we should get at the root of this problem by building more coal and nuclear generating plants which can, by the use of efficient heat pumps, displace the need for fuel oil for heating and cooling. The need still exists only it has increased in magnitude.

I am including this excellent article by Wilson and Kline at the close of my remarks for the benefit of all of my colleagues.

WHEN THE OIL RUNS OUT

(By R. V. Kline and Richard Wilson)

The world is running out of oil. Or to be more precise, of easily recoverable oil. The 1980 rate of production, 65 million barrels of oil, is more than double the rate of 1960.

We are paying a high economic price for the oil we want; we also pay a political price, the magnitude of which is still unclear.

We have only just begun to reduce our consumption. What more should we do? First, we should keep our aim clear: to reduce foreign oil consumption. We should not confuse this with other aims. We should use oil only where it is uniquely suited—cars and airplanes.

In the last 30 years we have been able to decentralize our industry and have decentralized people with it. This has given us a larger choice of life styles because of the availability of electricity that is easy to use. Electricity is therefore of special interest.

For 10 years our electrical system has run on oil and gas. We must stop. Should we use coal or nuclear power? We have a choice. For 25 years dedicated people have worked on nuclear power, now one of the cheapest ways of producing electricity—less than half the price of oil. It is environmentally better—less land use, less ugly coal storage, less strip mining. It is better for the workers' health; it produces little air pollution. In 22 years of commercial nuclear power, there has been no identified fatality among the public. When we compare nuclear with other sources, we calculate that nuclear power has saved 50,000 lives worldwide and is saving thousands more each year. In addition, burning fossil fuels will increase the carbon dioxide in the atmosphere with possibly huge effects. Yet some people want to abandon nuclear energy. We ourselves would prefer nuclear energy to coal, but the United States is rich in both and has the luxury of choice.

Other countries have fewer options. Japan, which has no oil or gas, and very little coal and wood, tried to buy coal from Montana, but environmentalists objected. Japan fought two world wars that, from its point of view, were about natural resources. In 1941 the United States put an oil embargo on Japan. The doves in Japan could no longer control the hawks and they bombed Pearl Harbor six months later, they took the oil they needed from the Dutch.

Can we control our hawks any better and keep the Marines out of the Arabian Gulf? In spite of our domestic riches, we have continued to buy foreign oil. This makes us look silly and selfish to the rest of the world.

During 1975–1980 the increase in demand was 53 percent. We can expect price increases, shortages, and political instability. Is this pessimistic? We think not. In March 1979, just after returning from the Middle East, one of us told a public hearing that the Arabs predicted the world oil would rise to $20 per barrel by the end of the year. There was laughter and disbelief. But the record shows that the prediction was too low. With hope in the future we can do something about it. One way is to encourage nuclear power worldwide. If we had continued with the 1970 nuclear power program in the United States, we would by now be importing one-third less oil.

Nuclear power with a breeder reactor can supply energy at a price we can afford for 100,000 years. The use of nuclear power will bring down the price of oil, encourage energy independence and help to stabilize the world.

It is a tragedy that so many organizations that began in order to encourage world peace now oppose nuclear electric power and, by doing so, bring us closer to war. "Anti-nukes" confuse reactors with nuclear weapons. Yet reactors cannot explode like bombs. "Anti-nukes" say that nuclear power reactors lead inevitably to bombs and imply that abolishing nuclear power will abolish bombs; yet the six countries that have exploded bombs did so independently of, and often before, the construction of nuclear power reactors. "Anti-nukes" have stopped many reactors, but to the best of our knowledge have not reduced the stockpiles by a single bomb.

A strong vigorous energy policy, including nuclear power, can make countries more secure and less likely to make or use bombs. A strong program of safeguarding fissile material can help prevent uranium from being used to make bombs; the openness of the nuclear industry can make a secret bomb activity less likely.

The clearest danger is a war over the last dregs of Middle Eastern oil. Nuclear power will reduce this danger, not increase it.

(NOTE.—Richard Wilson is professor of physics at Harvard University. Robert Kline is fellow of the Energy and Environmental Policy Center at Harvard.)●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. MATSUI (at the request of Mr. WRIGHT), for today, on account of illness.

Mr. CHAPPELL (at the request of Mr. BENNETT), for today, on account of official business in district.

Mr. ANTHONY (at the request of Mr.

Wright), for today, on account of official business.

Mr. Rodino (at the request of Mr. Wright), for today, on account of illness in the family.

Mr. Russo (at the request of Mr. Wright), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. Leach of Iowa) to revise and extend her remarks and include extraneous material:)

Mrs. Heckler, for 5 minutes, on August 22, 1980.

(The following Members (at the request of Mr. Leath of Texas) to revise and extend their remarks and include extraneous material:)

Mr. Addabbo, for 10 minutes, today.

Mr. Gonzalez, for 15 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Wolff, for 15 minutes, today.

Mr. Hubbard, for 5 minutes, today.

Mr. Daschle, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Daschle, on the Butler amendment to H.R. 7262 in the Committee of the Whole today.

Mr. Pepper, to revise and extend his remarks before passage of Duncan of Tennessee amendment.

(The following Members (at the request of Mr. Leach of Iowa) and to include extraneous matter:)

Mr. Emery.

Mr. Broomfield.

Mr. Beard of Tennessee.

Mr. Derwinski in two instances.

Mr. Whitehurst in two instances.

Mr. Lewis.

Mr. Frenzel in five instances.

Mr. Paul in two instances.

Mr. Williams of Ohio in two instances.

Mr. McCloskey.

Mr. Dougherty.

(The following Members (at the request of Mr. Leath of Texas) and to include extraneous matter:)

Mr. Bingham in three instances.

Mr. Mottl.

Mr. Lundine.

Mr. Rodino.

Ms. Oakar in two instances.

Mr. Fazio.

Mr. Kastenmeier.

Mr. Hawkins.

Mr. LaFalce.

Mr. Lehman.

Mr. Leath of Texas.

Mr. Bonker in two instances.

Mr. Fisher.

ADJOURNMENT

Mr. LEATH of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Monday, August 25, 1980, at 12 o'clock noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1979, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the Congressional Record pursuant to section 4(b) of Public Law 85–804:

The Secretary of Transportation,
Washington, D.C., August 8, 1980.
Hon. Thomas P. O'Neill, Jr.,
Speaker of the House of Representatives, Washington, D.C.

Dear Mr. Speaker: The enclosed report is submitted in accordance with the requirement of 50 U.S.C. Section 1434 (Public Law 85–804, August 28, 1958, amended by Public Law 93–155, November 16, 1973). The statute as implemented by Executive Order No. 10789, November 14, 1958, requires a report to Congress of certain actions taken by specified agency heads under the authority of the statute during the previous calendar year.

The action described in the enclosed report pertains to the grant by the Secretary of Transportation of unlimited indemnification against unusually hazardous risks to the prime architect-engineer contractor on the Northeast Corridor Improvement Project.

Since the potential cost of this action to the Government may exceed $50,000, the report includes a statement required by 50 U.S.C. 1434(a)(4) of the circumstances which justify the action taken.

Sincerely,

Neil Goldschmidt.

Report of Action Taken Under Authority of Public Law 85–804 During Calendar Year 1979

1. CONTRACTOR

DeLeuw, Cather/Parsons ("DCP"), 1201 Connecticut Avenue, N.W., Washington, D.C. 20036

2. ESTIMATED POTENTIAL COST

Since the action taken involves unlimited indemnification against unusually hazardous risks, the potential cost to the Government cannot be reasonably estimated.

3. SERVICES INVOLVED

Architect-engineering services for railroad systems engineering, program management, design, and construction supervision, inspection, administration, and related services for the Northeast Corridor Improvement Program ("NECIP").

4. STATEMENT OF THE CIRCUMSTANCES JUSTIFYING THE ACTION

A. The Northeast Corridor generally

Six of the nation's largest cities and 20 percent of its population are served by the Northeast Corridor, a 456-mile rail system stretching from Washington, D.C. to Boston, Massachusetts. Each day, over 373 passenger trains and 150 freight trains travel along the route. Both commuters and intercity passengers depend on this system. In 1975, over 8.5 million people utilized passenger train service on the NEC. Freight shipments important to the Corridor's economy are made using these tracks. This freight includes hazardous materials such as liquefied gases, liquid and solid chemicals, nuclear material, and Department of Defense ammunition and explosives.

With some significant exceptions (such as the electrification of the Pennsylvania and New Haven main line between Washington and New Haven in the 1940's, and the upgrading of track structures and bridges from Washington to New York in preparation for Metroliner service in the 1960's), the route alignments, most bridges, signals and other physical equipment of the Corridor date back to the turn of the century. The age and deterioration of the physical plant, a direct result of the bankruptcy of northeastern railroads, require reduced train speed and result in less dependable service. In much of the Corridor, tracks, tunnels and bridges are no longer adequate to accommodate current traffic at timetable speeds safely. Deferred maintenance on deteriorated track has required the imposition of speed restrictions, or slow orders, and has thereby resulted in schedule unreliability. In addition, the NEC main line is the most complex blend of high-density intercity travel, commuter travel and freight traffic in the nation. Congestion and lower speeds result from this mix of traffic.

B. The Northeast Corridor improvement program

NECIP was mandated by the Railroad Revitalization and Regulatory Reform Act of 1976 (the 4R Act) as a program to upgrade railroad intercity passenger service between Boston, Massachusetts and Washington, D.C. Specific goals of the program were to provide, by February 1981, railroad facilities which can accommodate regularly scheduled. dependable service on a three hour, forty minute schedule between Boston and New York and a two hour, forty minute schedule between New York and Washington with appropriate stops. Title VII of the 4R Act authorized $1.6 billion to undertake physical improvements necessary to achieve the trip-time program goals. This authorization, together with an additional $150,000,000 in Federal funds which must be matched equally by state funds for nonoperational improvements to stations and for fencing, results in maximum NECIP funding of $1.9 billion.*

The NECIP is comprised of 11 interrelated elements of improvements necessary to facilitate high speed operation and assure safe, comfortable service. These include route realignments; interlocking improvements and track structure upgrading; bridge repair and replacement; tunnel rehabilitation and modification; installation of fences and barriers; elimination of rail/highway grade crossings; electrification improvement and extension to serve the entire Corridor; signaling and traffic control improvements; new communications systems; station rehabilitation and upgrading; and expanded and new maintenance facilities.

C. Letter Contract No. DOT–FR–76048

The Federal Railroad Administration ("FRA") and DCP executed the above contract on October 26, 1976. The contract, a cost reimbursable type with a fixed fee of $11,000,000 did not originally set forth a total estimated cost but stated that $20,000,000 was allotted to the contract and was available for expenditure. Under the terms of the contract DCP agreed to perform architect-engineering services for systems engineering, program management, design, construction supervision, inspection and administration, and related services for the NECIP. All the design work was to be subcontracted unless specifically excepted by the contracting officer. DCP was responsible for the quality and accuracy of each design, drawing, specification, or other design-related product produced pursuant to the contract. It was responsible also for inspecting all construction work on the NECIP and liable for the professional quality and thoroughness of the inspections it performed.

More than 400 architect-engineer (A–E) subcontractors at all tiers were expected to be involved in the final design of the improved railroad. It was estimated that approximately 150 prime contractors to the FRA would perform the actual construction with construction management provided by DCP. Amtrak, as the system operator, participated in the reviews of all designs and also served as an FRA construction contractor with its force account personnel for the track improvements and other selected projects.

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*DOT has recently received additional authorizations of $750 million, envisioning a $2.5 billion program to be completed in 1984.

Article XIV of the DCP contract dealt with the question of protection against third party tort claims (Attachment 1) as did General Provision 43, "Insurance-Liability to Third Persons" (Attachment 2). Pursuant to the former, the Government agreed to protect DCP against tort liability either by indemnification, purchasing insurance for DCP, requiring DCP to purchase insurance, or some combination of the foregoing. If the Government required the contractor to purchase insurance, the insurance was to be conventional professional liability insurance in principal amount approximately but not to exceed $25,000,000 for DCP and its subcontractors, and comprehensive liability insurance for DCP in principle amount approximately but not to exceed $10,000,000. Article XIV and General Provision 43 conditioned Government reimbursement of any third party liability incurred by DCP on the availability of appropriated funds for that purpose.

D. Insurance

To assist the Government in determining the best way to handle the indemnification issue, DCP was instructed in late 1976 to obtain proposals for professional liability insurance in the amount of $100,000,000, the minimum acceptable coverage consistent with the estimated risk. DCP diligently tried to buy professional errors and omissions liability insurance and was unable to do so on terms and conditions or at a price acceptable to either DCP or the Government.

E. Letter Contract Modifications Numbers 2 and 8

On June 9, 1977 the parties executed Modification No. 2 to the contract, and Modification 8 was signed on October 21, 1977. Both modifications addressed the indemnification issue. The result of the modifications was that the Government agreed to reimburse the contractor for tort liabilities arising out of the performance of professional services by DCP or its subcontractors, excluding all claims based on a liability of the type set forth in subparagraph (c)(2)(A) through (C) of contract General Provision 43. The type liabilities described in the latter were those for which the contractor was otherwise responsible under the express terms of a contract clause, liabilities for which the contractor failed to obtain or maintain insurance required by the Contracting Officer, or liabilities arising from willful misconduct or lack of good faith by certain of the contractor's directors or officers. The Government's maximum liability under Article XIV was fixed at $100,000,000, which amount had been apportioned and was set aside by the Department of Transportation ("DOT") for indemnification purposes.

F. Fiscal Year 1979 DOT Appropriations Act (Public Law 95-335)

The referenced Act, enacted on August 4, 1978, appropriated $455,000,000 for the NECIP and provided, *inter alia:*

"... That, notwithstanding any other provision of law, the provisions of Public Law 85-804 shall apply to the Northeast Corridor Improvement Program."

The Senate Committee on Appropriations, reporting on a proposed version of the Appropriations Act had earlier commented regarding the NECIP that:

"Concerning the Departmental decision to set aside $100 million in previously appropriated funds in order to cover possible Federal liability from any lawsuits that might be brought in connection with the program, the Committee has included language in the bill that will insure that such possible claims would be covered under Public Law 85-804, without the necessity of any determination by the Secretary of Transportation. The Committee therefore intends that the $100 million previously set aside be made available for obligation during Fiscal Year 1979, in addition to the $455 million provided in the bill. S. Report No. 95-938, at 29."

The Conference Report on H.R. 12933, Cong. Rec. H. 6292, June 29, 1978, contains the following statement with respect to the P.L. 85-804 provision:

"The purpose of this provision is to allow the use for Corridor improvements (sic) the $100,000,000 in appropriated funds which the Department temporarily set aside to provide for claims arising from construction activities. This provision will permit indemnification under the provisions of Public Law 85-804 without the necessity of any determination by the Secretary and without referral to or consideration of any such agreement by either House of Congress."

In September 1978 the DOT General Counsel stated:

"It is my opinion that the Department, under the relevant provisions of the (FY 79) Appropriations Act and Public Law 85-804, may enter into binding contracts, without regard to the limits of the amounts appropriated and the contract authorization provided for DOT, to indemnify contractors for NECIP without your (Secretary, DOT) making a determination that the indemnification of those contractors would facilitate the national defense and without submitting such contracts to Congress for its consideration or approval. In entering into such an indemnification contract, however, you would still be required to comply with the other requirements of Executive Order 10789, as amended indemnifying contractors solely for unusual hazards, determining the amount of financial protection to be provided, and determining which NECIP contractors and which risks qualify for indemnification under the provisions of Public Law 85-804."

(Memorandum, "Authority of the Secretary to Indemnify Contractors in the Northeast Corridor Improvement Project under the DOT Appropriations Act for FY 1979", September 22, 1978).

G. The contract risks

At the time the parties entered into the letter contract the parties suspected that the work requirements under Contract No. DOT-FR-76048 constituted unusually hazardous risks. Before it would execute a definitive contract, DCP requested that the Government modify the parties' agreement and extend indemnification protection to DCP pursuant to P.L. 85-804. The FY 79 DOT Appropriations Act reflects Congress' determination that P.L. 85-804 applies to the NECIP, and consequently, that indemnification of NECIP contractors would facilitate the national defense. Nevertheless, the Executive Order implementing P.L. 85-804 requires that the unusually hazardous risks against which the contractor is to be indemnified must be defined in the contract, and that, before making that finding, certain factors, including the availability, cost and terms of private insurance, must be taken into account by the responsible Government official.

While the NECIP involves the general kinds of risks to persons and property that have been associated with railroading throughout its history, the risks faced by DCP differ sharply in magnitude and somewhat in character from those faced by most firms involved in railroading. DCP's role in the NECIP is so broad that anyone having a cause of action which potentially involves a tort committed during the NECIP is likely to sue DCP. That is a very different position from that of the usual architect/engineer firm involved in railroad work. Hypothetically, the typical architect/engineer may be involved in the design of a bridge. Such a firm would be liable if its negligence in designing the bridge were proven to be the proximate cause of injury to someone. In such a case, the firm's involvement is simple enough that the firm can take precautions easily against the known risk. In DCP's case, DCP is responsible not only for proper design of the myriad elements of the railroad, but also for the functioning of the entire Corridor as an integrated system, which requires that all of the individual designs fit together properly, for developing the work packages for design or construction contracting, and for coordinating and inspecting all of the construction work on the NECIP to assure conformity to design, schedule, and budget.

In this case, the risks are so interrelated and so difficult to police that the risks to the firm take on an entirely different magnitude and character. Where a firm usually designs one element of a railroad system, DCP is responsible for the specification, design, coordination of construction, and inspection of construction of an entire railroad system; where the risks associated with one element of a railroad system are relatively simple, the risks associated with an entire system are compound and extremely complicated.

The design and reconstruction under traffic of an entire railroad system is a unique technological undertaking in this country and a very rare one anywhere in the world. The magnitude of the risk is enormous. One major, catastrophic accident could easily produce liability in excess of $100,000,000.

Further, trains traversing the corridor carry radioactive and fissionable materials, missiles and highly volatile missile fuels and other hazardous and explosive materials. Accidents involving the NECIP may involve the very nuclear and volatile fuel risks which Congress specifically envisioned when it passed P.L. 85-804:

"The need for indemnity clauses in most cases arise from the advent of nuclear power and the use of highly volatile fuels in the missile program. The magnitude of the risks involved under procurement contracts in these areas have rendered commercial insurance either unavailable or limited in coverage. S. Rep. No. 2281, 85th Congr., 2d Sess., 1958 U.S. Code Cong. & Admin. News at 4045. As described earlier, commercial insurance coverage for the NECIP was not available at a reasonable price. Thus, viewing both the novelty of the risk, and the inability to obtain appropriate insurance, the contract risks are clearly unusually hazardous."

I. Definite Contract No. DOT-FR-76048

As part of definitizing Letter Contract DOT-FR-76048 on October 25, 1979, FRA agreed to indemnify DCP and to increase DCP's fee by $1,050,000. In turn, DCP agreed to extend its performance under the contract through December 31, 1983, to cover the additional period of work contemplated in the Redirection Study (performed at the direction of the President and the Secretary of Transportation and published in January of 1979), settle its fee claims (which exceeded $300,000 for additional work under the contract as a result of changes made to the contract), and assume a deductible of $1,000,000 in the aggregate underneath the indemnification by the Government.

A copy of the finalized indemnification provision is enclosed as "Attachment 3".

ATTACHMENT 1

ARTICLE XIV—PROTECTION AGAINST THIRD PARTY LIABILITY

Section 14.01. *Government Options.*

The Government shall provide, as the Contracting Officer deems necessary, for the protection of the A/E contractor from third party tort liability arising from the performance of this A/E contract.

In providing for such protection, the Government shall, at its option:

(a) indemnify and hold the A/E contractor harmless;

(b) purchase insurance on behalf of the A/E contractor;

(c) require the A/E contractor to purchase insurance in accordance with the provisions of paragraph (a) of Clause 43 of the General Provisions entitled "Insurance-Liability to Third Persons"; or

(d) combine in any manner the methods set forth in paragraph (a) through (c) of this section.

Section 14.02. *Insurance Purchased by A/E Contractor.*

In meeting the requirements of option (c) under Section 14.01, if exercised by the Government, the A/E contractor shall purchase conventional professional liability insurance in principal amount approximately but not to exceed $25,000,000 for himself and all his subcontractors and comprehensive liability insurance in principal amount approximately but not to exceed $100,000,000 for himself. The professional liability insurance may cover the period of this contract and up to five years thereafter. The comprehensive liability insurance may cover the period of this contract and up to ten years thereafter. The Government will permit, as an allowable cost under this contract subject to the amount of funds available and allotted to this contract, the cost of premiums for liability coverage in the amounts and for the periods stated hereinabove.

Section 14.03. *Limited Government Indemnity for Third Party Tort Claims.*

(a) Government shall reimburse the A/E contractor for all reasonable expenses incurred in connection with the defense and for payment of protected claims as defined in this Section 14.03 paid by the A/E contractor and arising out of work performed pursuant to this contract within the maximum liability of the Government as stated in paragraph (b) of this Section 14.03 and subject to the limitations stated in paragraphs (d) and (e) of this Section 14.03.

(b) The parties agree that $100,000,000 of coverage for protected claims defined in this Section is a reasonable estimate of adequate coverage for the NECP. The maximum liability of the Government under this Section 14.03 is $100,000,000 which has been appropriated and is available for this purpose.

(c) For purposes of this Section 14.03, the term "protected claims" shall mean tort claims by third parties, excluding employees of the A/E contractor and its subcontractors to the extent covered by Workmen's Compensation or other insurance, for liabilities arising out of the performance by the A/E contractor or its subcontractors, of professional services including architectural, engineering and construction management services pursuant to this contract, excluding all claims based on a liability of the type set forth in subparagraph (c)(2) (A) through (C) of Clause 43 of the General Provisions. Without limiting the generality of the foregoing, "protected claims" include (i) claims against the A/E contractor based on strict liability where the liability arises out of the performance by the A/E contractor of professional services, and (ii) liability arising out of claims by third parties who have contracts with the Government where such parties allege tortious performance of professional services by the A/E contractor.

(d) The A/E contractor may request reimbursement under this Section 14.03 until such time as (i) the maximum liability of the Government hereunder is reached, or (ii) fifteen years after completion or termination of this contract, whichever first occurs.

(e) The Government shall reimburse the A/E contractor for protected claims at its request, subject to the following conditions:

(i) Such claims shall be represented by final judgments or by settlements approved in writing by the Government. The A/E contractor shall provide to the Government evidence, satisfactory to the Contracting Officer, of final judgment or settlement in accordance with the written approval of the Government.

(ii) The A/E contractor may settle any protected claim for less than $100,000 without the prior written consent of the Government. Any such settlement shall be deemed to have the prior written consent of the Government for purposes of reimbursement of the A/E contractor under this Section 14.03.

(iii) The A/E contractor shall notify the Contracting Officer in writing immediately upon the making of any protected claim or upon the filing of any suit or action based on a protected claim, and shall furnish copies of all pertinent documents to the Government.

ATTACHMENT 2

43. INSURANCE—LIABILITY TO THIRD PERSONS (FPR 1-7.202-22, JANUARY 74) *

(a) The Contractor shall procure and thereafter maintain workmen's compensation, employer's liability, comprehensive general liability (bodily injury), and comprehensive automobile liability (bodily injury and property damage) insurance, with respect to performance under this contract, and such other insurance as the Contracting Officer may from time to time require with respect to performance under this contract: *Provided,* That the Contractor may with the approval of the Contracting Officer maintain a self-insurance program: *And provided further,* That with respect to workmen's compensation the Contractor is qualified pursuant to statutory authority. All insurance required pursuant to the provisions of this paragraph shall be in such form, in such amounts, and for such periods of time as the Contracting Officer may from time to time require or approve, and with insurers approved by the Contracting Officer.

(b) The Contractor agrees, to the extent and in the manner required by the Contracting Officer, to submit for approval of the Contracting Officer any other insurance maintained by the Contractor in connection with the performance of this contract and for which the Contractor seeks reimbursement hereunder.

(c) The Contractor shall be reimbursed (1) for the portion allocable to this contract of the reasonable cost of insurance as required or approved pursuant to the provisions of this clause, and (2) for liabilities to third persons for loss of or damage to property (other than property (i) owned, occupied, or used by the Contractor or rented to the Contractor, or (ii) in the care, custody, or control of the Contractor), or for death or bodily injury, not compensated by insurance or otherwise, arising out of the performance of this contract, whether or not caused by the negligence of the Contractor, his agents, servants, or employees: *Provided,* Such liabilities are represented by final judgment or by settlements approved in writing by the Government, and expenses incidental to such liabilities, except liabilities (A) for which the Contractor is otherwise responsible under the express terms of the clause or clauses, if any, specified in the Schedule, or (B) with respect to which the Contractor has failed to insure as required or maintain insurance as approved by the Contracting Officer, or (C) which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of the project director, who has supervision of direction of (aa) all or substantially all of the Contractors' business, or (bb) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (cc) a separate and complete major industrial operation in connection with the performance of this contract. The foregoing shall not restrict the right of the Contractor to be reimbursed for the cost of insurance maintained by the Contractor in connection with the performance of this contract, other than insurance required to be submitted for approval or required to be procured and maintained pursuant to the provisions of this clause: *Provided,* such cost would constitute allowable cost under the clause of this contract entitled "Allowable Cost, Fixed-Fee, and Payment".

(d) The Contractor shall give the Government or its representatives immediate notice of any suit or action filed, or prompt notice of any claim made, against the contractor arising out of the performance of this contract, the cost and expense of which may be reimbursable to the Contractor under the provisions of this contract, and the risk of which is then uninsured or in which the amount claimed exceeds the amount of coverage. The Contractor shall furnish immediately to the Government copies of all pertinent papers received by the Contractor. If the amount of the liability claimed exceeds the amount of coverage, the Contractor shall authorize representatives of the Government to collaborate with Counsel for the insurance carrier, if any, in settling or defending such claim. If the liability is not insured or covered by bond, the Contractor shall, if required by the Government, authorize representatives of the Government to settle or defend any such claim and to represent the Contractor in or take charge of any litigation in connection therewith: *Provided, however,* That the Contractor may, at his own expense, be associated with the representatives of the Government in the settlement or defense of any such claim or litigation.

ATTACHMENT 3

ARTICLE XIV—INDEMNIFICATION UNDER PUBLIC LAW 85-804—COST-REIMBURSEMENT TYPE CONTRACTS (1974) MODIFIED.

Section 14.01

Pursuant to Public Law 85-804 (50 U.S.C. 1431-1435) and Executive Order 10789, as amended, and notwithstanding any other provision of this contract, but subject to the following sections of this Article XIV, the Government shall hold harmless and indemnify the A-E Contractor against:

i. claims (including reasonable expenses of litigation or settlement) by third persons (including employees of the A-E Contractor) for death, personal injury, or loss of, damage to, or loss of use of property;

ii. loss of or damage to property of the A-E Contractor, and loss of use of such property but excluding loss of profit; and

iii. loss of, damage to, or loss of use of property of the Government but excluding loss of profit;

to the extent that such a claim, loss or damage (A) arises out of or results from a risk defined in this contract to be unusually hazardous or nuclear in nature, (B) is not compensated by insurance or otherwise, and (C) is in excess of the first $1,000,000 in the aggregate of all such claims, loss, or damage, which aggregate amount of claims, loss, or damage shall be borne by the A-E Contractor. Any such claim, loss or damage within deductible amounts of A-E Contractor's insurance required to be maintained pursuant to this contract shall not be covered under this clause.

Section 14.02

The Government shall not be liable for:

i. claims by the United States (other than those arising through subrogation) against the A–F Contractor; or

ii. losses affecting the property of such A-E Contractor; when the claim, loss or damage was caused by the willful misconduct or lack of good faith on the part of any of the A-E Contractor's directors or officers, or principal officials. For purposes of this Article, the term "principal officials" means any of the A-E Contractor's managers, superintendents, or other equivalent representatives who have supervision or direction of:

A. all or substantially all of the A-E Contractor's business, or

B. all or substantially all of the A-E Contractor's operations at any one plant or separate location in which this contract is being performed, or

C. a separate and complete major industrial operation in connection with the performance of this contract.

The A-E Contractor shall not be idemnified under this Article for liability assumed under any contract or agreement unless such assumption of liability has been specifically authorized by the Secretary and approved by the Contracting Officer. When the Government has assumed liability for subcontracts, the term "A-E Contractor" in this section 14.02 shall include subcontractors.

Section 14.03

No payment shall be made by the Government under this Article unless the amount thereof shall first have been certified to be just and reasonable by the Secretary or his representative designated for such purpose. The rights and obligations of the parties under this Article shall survive the termination, expiration, or completion of this contract. The Government may discharge its liability under this section by making payments to the A-E Contractor or directly to parties to whom the A-E Contractor may be liable.

Section 14.04

With the prior written approval of the Contracting Officer, the A-E Contractor may include in any subcontract under this contract, the same provisions as those in this Article, whereby the A-E Contractor shall indemnify the subcontractor against any risk defined in this contract to be unusually hazardous or nuclear in nature. Such a subcontract shall provide the same rights and duties, and the same provisions for notice, furnishing of evidence or proof, and the like, between the A-E Contractor and the subcontractor as are established by this Article.

The Contracting Officer may also approve similar indemnification of subcontractors at any tier upon the same terms and conditions. Subcontracts providing for indemnification within the purview of this Article shall provide for the prompt notification to the Contracting Officer of any claim or action against, or of any loss by, the subcontractor which is covered by this Article, and shall entitle the Government at its election, to control or assist in the settlement or defense of any such claim or action. The Government shall indemnify the A–E Contractor with respect to his obligations to subcontractors under subcontract provisions thus approved by the Contracting Officer. The Government may discharge its obligations under this section by making payments directly to subcontractors or to parties to whom the subcontractor may be liable.

Section 14.05

If insurance coverage or other financial protection program approved by the Contracting Officer is reduced, the liability of the Government under this Article shall not be increased by reason of such reduction, unless such reduction is directed by the Contracting Officer.

Section 14.06

In addition to the A–E Contractor's responsibilities under the "Insurance-Liability to Third Persons" clause of this contract, which are hereby made applicable to claims under this Article, the A–E Contractor shall (i) promptly notify the Contracting Officer of any claim or action against, or of any loss by the A–E Contractor or any subcontractor which reasonably may be expected to involve indemnification under this Article, (ii) furnish evidence of proof of any claim, loss or damage covered by this Article in the manner and form required by the Government, permit and authorize the Government to direct, control or assist in the settlement or defense of any such claim or action. The cost of insurance (including self insurance), covering a risk defined in this contract as unusually hazardous or nuclear in nature shall not be reimbursed either as a direct or indirect cost except to the extent that such insurance has been required or approved under the "Insurance-Liability to Third Persons" clause hereof.

Section 14.07

"Limitation of Cost/Limitation of Funds" clauses of this contract do not apply to the Government's obligations under this Article. Such obligations shall be excepted from the release required under the "Allowable Cost" clause of this contract.

Section 14.08

For the purpose of this Article XIV, it is agreed that all risks except the risks covered by the A–E Contractor's insurance policies covering automobile public liability, automobile physical damage (comprehensive and collision), workmen's compensation, and employer's liability, resulting from or in connection with the A–E Contractor's operations under this contract including, but not limited to services for systems engineering, program management, design, construction management, inspection and administration, and all related services for the Northeast Corridor Improvement Program as set out in and performed pursuant to this contract, as it may be changed from time to time in accordance with its terms, are unusually hazardous risks whether or not the A–E Contractor's liability arises from the design, fabrication, or furnishing of products or services under this contract and regardless of whether the harm caused by such risk occurs before or after delivery to the Government of services equipment, or materials under this contract, or before or after the acceptance of contract performance by the Government, or within or without the United States.

Section 14.09

The maximum liability of the Government under this Article XIV is $100,000,000. The parties agree that $100,000,000 is a reasonable estimate of the risk of liability to which the A–E Contractor is exposed under this contract, but that neither party now has an adequate factual basis for determining the true extent of that risk. Therefore, the parties further agree that the maximum liability of the Government under this Article XIV shall be increased and the contract modified accordingly:

(a) If settlements approved in writing by the Government or final judgments against the A–E Contractor and its subcontractors, or both, together with all reasonable expenses of litigation and settlements, for claims against which the A–E Contractor and its subcontractors are indemnified under section 14.01 exceed $100,000,000, in which event the maximum liability of the Government shall be increased to $100,000,000 plus the amount of such final judgments against the A–E Contractor and its subcontractors; or

(b) if an independent analysis of the risk to which the A–E Contractor and its subcontractors are indemnified under section 14.01 concludes that $100,000,000 is inadequate, the maximum liability of the Government shall be increased to an amount which, in the opinion of the Contracting Officer, the independent risk analysis shows to be adequate, but in no case shall the liability be set at an amount which is less than an amount reached through computations provided for in (a) above.

Section 14.10

Claims submitted to the Secretary or his representative designated for such purpose for certification pursuant to section 14.03 that the amounts thereof are just and reasonable shall include an amount equal to the interest cost, including any fees, placement costs or similar expenses, incurred by the A–E Contractor for funds borrowed to satisfy a settlement or judgment between the date a settlement agreement is signed by all parties or a final judgment is entered by a court of competent jurisdiction and the date on which the Government makes payment to the A–E Contractor on such claim pursuant to this Article.

Section 14.11

The Government shall process any and all claims under this Article XIV in a reasonable, but expeditious, manner. Where funds then available to the Government are insufficient to pay claims certified pursuant to section 14.03 to be just and reasonable in amount, the Government shall promptly prepare and submit to the Congress a request for a supplemental appropriation in an amount sufficient to pay such claims or otherwise arrange to pay such claims. The FRA shall use its best efforts to obtain prompt Congressional approval of any supplemental appropriation sought pursuant to this Article.

Section 14.12

The Government's obligation under section 14.01 is expressly conditioned upon and subject to the availability of appropriated funds from which payment can be made.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5128. A letter from the Principal Deputy Assistant Secretary of Defense, transmitting notice of various transfers of amounts appropriated to the Department of Defense for fiscal year 1980, pursuant to section 751 of Public Law 96–154; to the Committee on Appropriations.

5129. A letter from the Chairwoman, Merit Systems Protection Board, transmitting a report that the appropriation to the Merit Systems Protection Board for the Office of Special Counsel for fiscal year 1980 has been apportioned on a basis which indicates the possibility of a deficiency, pursuant to section 3679(e)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

5130. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of Denmark for permission to transfer temporarily certain U.S.-origin defense equipment to the Government of Austria, pursuant to section 3(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5131. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to U.S.C. 112b(a); to the Committee on Foreign Affairs.

5132. A letter from the Assistant Secretary of Commerce for Administration, transmitting notice of a proposed new records system for the National Bureau of Standards, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5133. A letter from the Secretary of Transportation, transmitting a report on extraordinary contractual actions taken by the Department during calendar year 1979, pursuant to section 4(a) of Public Law 85-804; to the Committee on Interstate and Foreign Commerce.

5134. A letter from the Acting Secretary of Transportation, transmitting a report on the National Driver Register study, pursuant to section 204 of Public Law 95-599; to the Committee on Public Works and Transportation.

5135. A letter from the Secretary of the Treasury, transmitting the statistical appendix to the annual report on the state of the finances for fiscal year 1979, pursuant to section 257 of the Revised Statutes; to the Committee on Ways and Means.

5136. A letter from the Acting Attorney General, transmitting notice of a determination by the Solicitor General that the Department of Justice will not appeal the decision of the U.S. District Court for the Central District of California in the case *Greenwood* v. *Harris*, which declared unconstitutional a portion of section 1612 of the Social Security Act, pursuant to section 21 of Public Law 96-132; to the Committee on Ways and Means.

5137. A letter from the Secretary of Agriculture, transmitting notice of his assignment of functions to various administrative entities of the Department of Agriculture to carry out the program of biomass energy production and use, pursuant to section 212(e)(1) of Public Law 96-294; jointly, to the Committees on Agriculture, Banking, Finance and Urban Affairs, and Interstate and Foreign Commerce.

5138. A letter from the Comptroller General of the United States, transmitting a report on the audit of the financial statements of the Saint Lawrence Seaway Development Corporation for calendar year 1979, pursuant to section 106 of the Government Corporation Control Act (CED-80-117, August 21, 1980) (H. Doc. No. 96-361); jointly, to the Committees on Government Operations and Public Works and Transportation and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ULLMAN: Committee on ways and Means. Report pursuant to section 302(b) of the Congressional Budget Act of 1974. (Rept. No. 96-1245).

Referred to the Committee of the Whole House on the State of the Union.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 764. Resolution providing for a motion to concur in the Senate amendment with an amendment to H.R. 3904, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve retirement income security under private multiemployer pension plans by strengthening the funding requirements for those plans, to authorize plan preservation measures for financially troubled multiemployer pension plans, and to revise the manner in which the pension plan termination insurance provisions apply to multiemployer plans, and for other purposes (Rept. No. 96-1246). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 765. Resolution providing for the consideration of H.R. 7036. A bill to amend the Public Health Service Act to revise and extend the authorities under that act relating to national research institutes, and for other purposes (Rept. No. 96-1247). Referred to the House Calendar.

Mrs. CHISHOLM: Committee on Rules. House Resolution 766. Resolution providing for the consideration of H.R. 7203. A bill to amend the Public Health Service Act to revise and extend the programs for the National Health Service Corps and to revise and extend the programs of assistance under titles VII and VIII of such act for the education of health professions personnel, and other purposes (Rept. No. 96-1248). Referred to the House Calendar.

Mr. MOORHEAD of California: Committee on the Judiciary. H.R. 7175. A bill for the relief of the Woodstock Daily Sentinel (Rept. No. 96-1249). Referred to the Committee of the Whole House.

SUBSEQUENT ACTION ON BILLS SEQUENTIALLY REFERRED UNDER TIME LIMITATIONS

Under clause 5 of rule X, the following actions were taken by the Speaker:

The Committee on Agriculture discharged from consideration of the bill (H.R. 7380) to establish the Big Sur Coast Area in the State of California, and committed to the Committee of the Whole House on the State of the Union, and ordered to be printed.

The Committee on Interior and Insular Affairs consideration of the bill (H.R. 7418) to establish a research, development, and demonstration program for the disposal of radioactive wastes, extended for an additional period ending not later than August 27, 1980.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 7999. A bill to establish the U.S. Capitol Page Board for supervision and education of congressional pages, and for other purposes; to the Committee on House Administration.

By Mr. BEARD of Tennessee:

H.R. 8000. A bill to amend section 362(c)(5) of the Energy Policy and Conservation Act (42 U.S.C. 6322(c)(5)) to require as a condition for the receipt of certain Federal assistance that each State permit right turns after stopping at at least 70 percent of the red stop lights in such State; to the Committee on Interstate and Foreign Commerce.

By Mr. BONKER:

H.R. 8001. A bill to amend the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287); to the Committee on Interior and Insular Affairs.

By Mrs. BOUQUARD:

H.R. 8002. A bill to eliminate the exemption for Congress or for the United States from the application of certain provisions of Federal law relating to social security, and for other purposes; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 8003. A bill to amend the Colorado River Basin Project Act to prohibit any Federal official from undertaking reconnaissance studies of any plan for the importation of water into the Colorado River Basin; to the Committee on Interior and Insular Affairs.

By Mr. GONZALEZ:

H.R. 8004. A bill to provide adequate mental health care and psychiatric care to all Americans; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. HILLIS:

H.R. 8005. A bill to amend title 38, United States Code, to establish a minimum pension of $600 for veterans of a period of war who have permanent and total non-service-connected disabilities and who are entitled to receive pension and for the surviving spouses of such veterans who are entitled to receive pension; to the Committee on Veterans' Affairs.

By Mr. HYDE:

H.R. 8006. A bill to amend the Accounting and Auditing Act of 1950 to require ongoing evaluations and reports on the adequacy of the systems of internal accounting and administrative control of each executive agency; to the Committee on Government Operations.

By Mr. MOTTL:

H.R. 8007. A bill to amend title 38, United States Code, to allow educational assistance benefits to be provided to adult children of members of the Armed Forces being forcibly interned by foreign governments on the same basis as such benefits are provided to adult children of veterans with service-connected total disabilities which are permanent in nature; to the Committee on Veterans' Affairs.

By Mr. SYMMS:

H.R. 8008. A bill to amend the Internal Revenue Code of 1954 to reduce the tax on capital gains; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 8009. A bill to combat international terrorism, and for other purposes; jointly, to the Committees on Foreign Affairs, Public Works and Transportation, and the Judiciary.

By Mr. EMERY:

H. Con. Res. 411. Concurrent resolution expressing the sense of the Congress that efficient wood-burning heating systems should be made eligible for the residential energy credit; to the Committee on Ways and Means.

By Mr. EVANS of Delaware:

H. Con. Res. 412. Concurrent resolution expressing the sense of the Congress that State election officials forward absentee ballots to Americans being held hostage in Iran; to the Committee on House Administration.

By Mr. HAWKINS:

H. Con. Res. 413. Concurrent resolution to authorize the printing as a House document of a revised edition of "The Capitol"; to the Committee on House Administration.

MEMORIALS

Under cause 4 of rule XXII,

524. The SPEAKER presented a memorial of the Legislature of the Territory of the Virgin Islands, relative to allowing the Virgin Islands to continue the collection of income taxes; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[*Omitted from the Record of Aug. 21, 1980*]

H.R. 7865: Mr. DERWINSKI, Mr. HYDE, Mr. MARKS, Mr. CLEVELAND, Mr. STANGELAND, Mr. PRICE, Mr. MAVROULES, Mr. STACK, Mr. DUNCAN of Tennessee, and Mrs. SPELLMAN.

[*Submitted Aug. 22, 1980*]

H.R. 4178: Mr. MCKINNEY and Mr. WALGREN.

H.R. 5225: Mr. GIBBONS.

H.R. 6377: Mr. JEFFORDS.

H.R. 6833: Mr. Whittaker and Mrs. Spellman.

H.R. 6941: Mr. Badham, Mr. Bevill, Mrs. Holt, Mr. Lujan, Mr. McDonald, Mr. Mottl, and Mr. Stenholm.

H.R. 7017: Mrs. Schroeder.

H.R. 7300: Mr. Gingrich.

H.R. 7380: Mr. Phillip Burton.

H.R. 7538: Mr. Dougherty.

H.R. 7793: Mr. Murphy of New York.

H.R. 7794: Mr. Andrews of North Dakota.

H.R. 7795: Mr. Bedell, Mr. Fazio, Mr. Ichord, and Mr. Wyatt.

H.R. 7839: Mr. Bedell, Mr. Fazio, Mr. Ichord, and Mr. Wyatt.

H.J. Res. 511: Mr. Lungren.

H.J. Res. 590: Mr. Young of Missouri and Mr. Lloyd.

H.J. Res. 594: Mr. Robinson, Mr. Hyde, Mr. Brademas, Mr. Davis of South Carolina, Mrs. Bouquard, Mr. Brodhead, Mr. Evans of Indiana, Mr. Regula, Mr. Taylor, Mr. Michel, Mr. Ford of Tennessee, Mr. Lowry, and Mr. Lent.

H. Con. Res. 406: Mr. Anderson of California, Mr. Kostmayer, Mr. Evans of Delaware, Mr. AuCoin, Mr. Preyer, Mr. Hall of Texas, Mr. Wyatt, Mr. Edwards of California, Mr. Gibbons, Mr. Jones of Oklahoma, Mr. Corman, Mr. Duncan of Tennessee, Mr. Whitehurst, Mr. Robert W. Daniel, Jr., Mr. Taylor, Mr. Findley, Mr. Lewis, Mr. Gilman, Mr. Heftel, Mr. Daschle, Mr. Synar, Mr. Lloyd, Mr. Wolpe, Mr. Cavanaugh, Mr. Weiss, Mr. Markey, Mr. Patten, Mr. McCloskey, Mr. McCormack, Mr. Mineta, Mr. Huckaby, Mr. Shelby, Mr. D'Amours, Mr. Beard of Rhode Island, Mr. Wirth, Mrs. Byron, Mr. Price, Mr. Harris, Mr. Stewart, Mr. Sawyer, Mr. Loeffler, Mr. Neal, Mr. Cleveland, Mr. Corrada, Mr. Lungren, Mr. Grisham, and Mr. Panetta.

H. Res. 747. Mr. Kogovsek, Mr. Brodhead, Mr. Rahall, Mr. Murphy of Illinois, Mr. Bevill, Mr. Murphy of Pennsylvania, Mr. Ritter, Mr. Patten, Mr. Fithian, Mr. Rose, Mr. Conyers, Mr. Stokes, and Mr. Lederer.

AMENDMENTS

Under clause 6 of rule XXII, proposed amendments were submitted as follows:

H.R. 7036

By Mr. Young of Florida:

—Page 71, insert after line 12 the following new section:

"REYE'S SYNDROME PROGRAMS

"Sec. 451. (a) The Secretary shall establish, through the National Institute of Neurological and Communicative Disorders and Stroke, the Reye's Syndrome Coordinating Committee (hereinafter referred to in this section as the 'Committee').

"(b) (1) The Committee shall be composed of—

"(A) the Director of the National Institute of Neurological and Communicative Disorders and Stroke;

"(B) the Director of the National Institute of Allergy and Infectious Diseases;

"(C) the Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases;

"(D) the Director of the National Institute of Child Health and Human Development;

"(E) the Director of the National Institute of General Medical Sciences;

"(F) the Director of the National Heart, Lung and Blood Institute; and

"(G) the Director of the Center for Disease Control.

"(2) The Director of the National Institute of Neurological and Communicative Disorders and Stroke shall serve as Chairman.

"(3) (A) The Secretary, acting through the Committee, shall make grants to and enter into contracts with public and nonprofit private entities to establish two comprehensive Reye's syndrome diagnostic and treatment centers. Each center shall be located in a single institution.

"(B) A center established under this paragraph shall—

"(i) conduct basic and clinical research relating to the causes diagnosis, early detection, and treatment of Reye's syndrome;

"(ii) develop new and improved treatments for the detection, diagnosis, and treatment of Reye's syndrome;

"(iii) provide training programs for physicians relating to the early diagnosis, control, and treatment of Reye's syndrome;

"(iv) develop professional education programs and information for physicians relating to the treatment of Reye's syndrome, and disseminate such information;

"(v) develop and disseminate public information relating to Reye's syndrome;

"(vi) disseminate within the scientific and medical communities the results of the research and training conducted under this paragraph; and

"(vii) develop standardized methods of recordkeeping of patient data.

"(C) In considering applications for grants and contracts of establish Reye's syndrome diagnostic and treatment centers under this paragraph, the Committee shall consider among other factors—

"(i) the geographic distribution of reported Reye's cases;

"(ii) the work in progress in Reye's syndrome or similar childhood diseases;

"(iii) the number of persons to be served by the program; and

"(iv) the extent to which rapid and effective use will be made by such centers of funds under such grants and contracts.

"(D) No grant or contract may be made under this paragraph unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(E) The Secretary shall prescribe regulations for the operation of the Committee, and the centers shall report to the Committee from time to time as required by such regulations.

"(F) Grants under this paragraph shall be for no more than three years, except that the Secretary, acting through the Committee, may extend for two additional years the period for grants if he determines, upon review of the activities under the grants by the Committee and consideration of recommendations made by the Committee, that such extension is appropriate.

"(4) (A) The Secretary, acting through the Committee, shall make grants to and enter into contracts with public agencies, nonprofit private entities, and individuals, not associated with the centers established under paragraph (3), to conduct research relating to the diagnosis, control, and treatment of Reye's syndrome. Such grants and contracts shall be for no more than three years.

"(5) The Secretary shall, not later than April 1, 1984, submit a report prepared by the Committee and approved by the Director of the National Institute of Neurological and Communicative Disorders and Stroke, to Congress. Such report shall account for the activities, accomplishments, and progress of the centers and research grants provided by this section, and shall recommend such further action relating to Reye's syndrome as the Committee determines appropriate.

"(6) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(7) (A) For each center established under paragraph (3), there are authorized to be appropriated $750,000 for the fiscal year ending September 30, 1981, $750,000 for the fiscal year ending September 30, 1982, and $750,000 for the fiscal year ending September 30, 1983.

"(B) There are authorized to be appropriated for grants and contracts under paragraph (4) $500,000 for the fiscal year ending September 30, 1981, $500,000 for the fiscal year ending September 30, 1982, and $500,000 for the fiscal year ending September 30, 1983.

Page 72, line 4, strike out "452" and insert in lieu thereof "453".

Page 72, line 4, strike out "452" and insert in lieu thereof "454".

EXTENSIONS OF REMARKS

LITHUANIANS FIGHT TO KEEP THEIR IDENTITY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. DERWINSKI. Mr. Speaker, a front-page story in the Friday, August 15, Chicago Tribune caught my attention, and I wish to share it with my colleagues. It is a sad but inspiring story of the efforts of Mrs. Josephine Dauzvardis to keep alive the spirit of Lithuanian nationalism. Mrs. Dauzvardis is the honorary consul general of the consulate of Lithuania located in Chicago. In accordance with U.S. policy, Lithuania maintains a legation in Washington and consulates in New York, Los Angeles, as well as Chicago, although that small nation was forcibly incorporated into the Soviet Union in 1940.

I wish to insert this article, which gives an indepth look at the important and symbolic function of the Lithuanian legation and consulates:

LITHUANIANS FIGHT TO KEEP THEIR IDENTITY—CONSUL KEEPS WORKING THOUGH NATION IS GONE

(By Howard A. Tyner)

A neat, two-story brick bungalow on Chicago's Southwest Side seems far too nondescript to be included in one of the most unusual chapters of American diplomatic history. Yet that is where it belongs.

The building is the Consulate General of Lithuania. Inside, the consul general, a white-haired grandmother named Josephine Dauzvardis, goes about the same sort of business that is conducted at the city's other 65 foreign consulates.

Her desk is piled with official correspondence. In a drawer is a stack of khaki-colored Lithuanian passports. On the wall behind her is the traditional crest of Lithuania, a white knight on a red background.

Mrs. Dauzvardis is accredited with the United States State Department, attends regular diplomatic functions in Chicago with consular representatives from other countries, and, until recently drove a car bearing State of Illinois "Consular Corps" license plates.

Yet Lithuania does not exist as an independent country.

For the last four decades, it has been part of the Soviet Union. Its people may speak their own language, but they are Soviet citizens. They may have their own 1,000-year history, but their laws are made in Moscow and enforced by Moscow. Soviet embassies and consulates handle their official interests abroad. If you want to go there, you need permission from the Soviet government.

All of which saddens Mrs. Dauzvardis. But it doesn't affect her sense of purpose.

"I identify with a country and a people," she tells visitors. "The Soviet embassy represents the Soviet Union, but that's not us."

Events that occurred at the beginning of World War II gave the Lithuanian consulate its peculiar status. In June, 1940, Lithuania—along with two of its Baltic neighbors, Latvia and Estonia—were occupied by the Red Army. Communist governments were installed by the Kremlin to run the three tiny nations.

But the U.S., at least on paper, never has recognized the takeovers. In the intervening years, Washington instead developed what it calls a "Baltic Nonrecognition Policy" which, among other things, permits consulates like the one in Marquette Park to operate with U.S. sanction.

Thus, the State Department has a Baltic States desk officer whose job is to deal with Lithuanian, Latvian, and Estonian diplomats—even though the exchanges are somewhat ceremonial. Substantive matters concerning those countries, of course, are handled by the Soviet desk at the department.

Still, the nonrecognition principle remains. Lithuania maintains a legation in Washington, and consulates in New York and Los Angeles as well as in Chicago. Latvia and Estonia are represented in Washington and New York.

All the missions are financed with funds that were sent to the U.S. before 1940 by the three nations' pre-war governments. American officials over the years have helped invest the funds to maximize the return, but they have been careful not to add U.S. funds.

By now, the money has almost dried up, grieving the Baltic diplomats. But they, too, are disappearing because of a clause in the nonrecognition policy.

A stipulation of the policy is that the U.S. will grant full diplomatic recognition only to Lithuanians, Latvians, and Estonians who were members of their respective countries' foreign service prior to the 1940 annexation by the Soviet Union.

So only two Lithuanian diplomats—one in Washington and one in New York, both of them quite elderly—have all the rights and privileges of other diplomatic representatives in the U.S.

Mrs. Dauzvardis was born in the U.S. [of Lithuania parents] and is a U.S. citizen who never served in the prewar Lithuanian foreign service. That means she is an honorary consul, although the lesser title seems to have little effect on the quantity of her work.

She was appointed to the position in 1971 after the death of her husband, a Lithuanian citizen who had been consul general in Chicago since 1937. The latter years of his life saw the Lithuanian community here grow to approximately 100,000, the largest anywhere outside of Lithuania.

In accordance with U.S. policy, the Lithuanian Consulate is listed in official publications alongside other diplomatic missions. It also has a published telephone number. As a result, Mrs. Dauzvardis receives thousands of letters and calls each year from businesses and individuals, most of whom mistakenly assume she represents the present government of Lithuania.

One day recently she sat at her desk sorting through a pile of letters. A filter company had written to ask about exporting its products to Lithuania. A lawyer wanted to know what business opportunities might be open to him. There were several inquiries about travel to Lithuania.

"I try to answer each one," Mrs. Dauzvardis said. "I help where I can. But many times people don't know the situation, so I have to explain it to them."

In past years, the consulate spent numerous hours establishing credentials for Lithuanian immigrants living in the Midwest. Since many official documents such as birth certificates cannot be sent out of the Soviet Union, it was left to consular employes to try to verify information and issue new papers.

With the flow of new immigrants from Lithuania down to a trickle, Mrs. Duazvardis finds she now has other business. There are probate cases, usually invoving claims from parties in Lithuania on the estates of U.S. residents. She also assists with the shipment of cremated remains of Lithuanian-Americans who want their final resting place to be in the old country.

The khaki-colored passports, which were printed in Lithuania before 1940, are recognized by the U.S. government and are issued only by the New York and Washington missions, although no one uses them. Most Lithuanian-Americans keep them as souvenirs.

Under international agreement, honorary consuls cannot receive salaries. Instead, Mrs. Duazvardis operates her consulate—which also is her home—on a small stipend for "office expenses" granted by the Lithuanian legation in Washington.

She says she would like to take things easier and therefore is looking for an appropriate person to take over the consular chores.

"Of course this consulate is vital," Mrs. Dauzvardis said. "Who knows what can occur over there? There might be an uprising. Young people in Lithuania feel revulsion for the system. They don't like the invasion of Afghanistan. They don't like a lot of things. Who knows what might happen?

"We live in hope. We work in hope. One day Lithuania might be free again."●

CONGRATULATIONS TO SENATE FOR PASSAGE OF REGULATORY FLEXIBILITY ACT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. KASTENMEIER. Mr. Speaker, I want to take this opportunity to applaud the Senate for its passage on August 6 of the Regulatory Flexibility Act.

The bill passed by the Senate, with some amendment, is virtually identical to my own bill, H.R. 1971, which I have introduced in the House for the last two Congresses. It amends the Administrative Procedure Act to require all Federal agencies to weigh the effect of proposed regulations on small business, small organizations, and small governmental jurisdictions before issuing final rules. It basically requires, as does my bill, that regulations should be designed to the extent possible to fit the scale and abilities of those being regulated.

We all have become acutely aware of the impact Federal regulations can have on small businesses, small governmental jurisdictions, and small organizations. They often strike at the heart of our competitive system. The purpose of this bill is not to downgrade or negate the purpose of very necessary and useful regulations, but rather to weigh the necessity for making the same requirements of a small tool company as we make of General Motors against the potentially devastating impact those requirements can have on the survival of that small tool company.

Mr. Speaker, I simply wanted to call to the attention of my colleagues the importance of this legislation and to, again, commend the Senate for its recognition of the need for some change in our regulatory procedures.●

WHEN THE OIL RUNS OUT

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. WHITEHURST. Mr. Speaker, on the op-ed page of the Washington Post this morning, Friday, August 22, 1980, there was an excellent column by Robert V. Kline, fellow of the Energy and Environmental Policy Center at Harvard University, and Richard Wilson, professor of physics at Harvard.

These two gentlemen, who clearly have considerable expertise, have raised a number of important points regarding the future energy policy of the United States, and I urge all of my colleagues to give this information a careful reading. I believe that Professor Wilson and Mr. Kline have outlined a wise course for us to pursue, and I hope that those responsible for setting our energy policy will take heed.

Thank you, Mr. Speaker.

The column follows:

When the Oil Runs Out

The world is running out of oil. Or to be more precise, of easily recoverable oil. The 1980 rate of production, 65 million barrels of oil, is more than double the rate of 1960.

We are paying a high economic price for the oil we want; we also pay a political price, the magnitude of which is still unclear.

We have only just begun to reduce our consumption. What more should we do? First, we should keep our aim clear: to reduce foreign oil consumption. We should not confuse this with other aims. We should use oil only where it is uniquely suited—cars and airplanes.

In the last 30 years we have been able to decentralize our industry and have decentralized people with it. This has given us a larger choice of life styles because of the availability of electricity that is easy to use. Electricity is therefore of special interest.

For 10 years our electrical system has run on oil and gas. We must stop. Should we use coal or nuclear power? We have a choice. For 25 years dedicated people have worked on nuclear power, now one of the cheapest ways of producing electricity—less than half the price of oil. It is environmentally better—less land use, less ugly coal storage, less strip mining. It is better for the workers' health; it produces little air pollution. In 22 years of commercial nuclear power, there has been no identified fatality among the public. When we compare nuclear with other sources, we calculate that nuclear power has saved 50,000 lives worldwide and is saving thousands more each year. In addition, burning fossil fuels will increase the carbon dioxide in the atmosphere with possibly huge effects. Yet some people want to abandon nuclear energy. We ourselves would prefer nuclear energy to coal, but the United States is rich in both and has the luxury of choice.

Other countries have fewer options. Japan, which has no oil or gas, and very little coal and wood tried to buy coal from Montana, but environmentalists objected. Japan fought two world wars that, from its point of view, were about natural resources. In 1941 the United States put an oil embargo on Japan. The doves in Japan could no longer control the hawks and they bombed Pearl Harbor six months later; they took the oil they needed from the Dutch.

Can we control our hawks any better and keep the Marines out of the Arabian Gulf? In spite or our domestic riches, we have continued to buy foreign oil. This makes us look silly and selfish to the rest of the world.

During 1975-1980 the increase in demand was 53 percent. We can expect price increases, shortages, and political instability. Is this pessimistic? We think not. In March 1979, just after returning from the Middle East, one of us told a public hearing that the Arabs predicted the world oil price would rise to $20 per barrel by the end of the year. There was laughter and disbelief. But the record shows that the prediction was too low. With hope in the future we can do something about it. One way is to encourage nuclear power worldwide. If we had continued with the 1970 nuclear power program in the United States, we would by now be importing one-third less oil.

Nuclear power with a breeder reactor can supply energy at a price we can afford for 100,000 years. The use of nuclear power will bring down the price of oil, encourage energy independence and help to stabilize the world.

It is a tragedy that so many organizations that began in order to encourage world peace now oppose nuclear electric power and, by doing so, bring us closer to war. "Anti-nukes" confuse reactors with nuclear weapons. yet reactors cannot explode like bombs. "Anti-nukes" say that nuclear power reactors lead inevitably to bombs and imply that abolishing nuclear power will abolish bombs; yet the six countries that have exploded bombs did so independently of, and often before, the construction of nuclear power reactors. "Anti-nukes" have stopped many reactors, but to the best of our knowledge have not reduced the stockpiles by a single bomb.

A strong vigorous energy policy, including nuclear power can make countries more secure and less likely to make or use bombs. A strong program of safeguarding fissile material can help prevent uranium from being used to make bombs; the openness of the nuclear industry can make a secret bomb activity less likely.

The clearest danger is a war over the last dregs of Middle Eastern oil. Nuclear power will reduce this danger, not increase it.●

TO CORRECT AN INEQUITY REGARDING EDUCATIONAL ASSISTANCE FOR CHILDREN OF SERVICE PERSONS BEING HELD HOSTAGE IN IRAN

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. MOTTL. Mr. Speaker, the Veterans' Administration dependents education and training program provides benefits to children of veterans who died of a service-connected disability or whose service-connected disability is rated permanent and total. In addition, children of service persons missing in action, captured in line of duty, or interned by a foreign government for more than 90 days are also eligible under this Veterans' Administration program.

It has come to my attention that one of the children of one of my constituents, who is a service person being held hostage in Iran, has had the basis for eligibility for educational benefits under this program terminated because of an oversight on the part of the Congress. I have also learned that this inequity also could apply to children of MIA's and POW's. This would not happen if the basis of eligibility were the service-connected death or permanent and total disability of the veteran.

Therefore, I am introducing today a bill which will correct this oversight and unintended inequity in the law, to include the eligible children of service persons interned in line of duty, by a foreign government or power, as well as children of members of the Armed Forces serving on active duty who are listed as missing in action or captured in line of duty by a hostile foreign force (POW's).

I have discussed this with the chairman of the full committee, and have been assured that the provisions of my bill will be offered as an amendment to pending veterans' education and training bills under active consideration by the Congress.●

THE CAPITAL COST RECOVERY ACT

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. FISHER. Mr. Speaker, although the precise timing of a major tax cut bill is uncertain at this point, the broad outlines of such a bill can be discerned at the present time. Part of the tax bill will directly affect individuals and part of it will be devoted to business. I introduced legislation yesterday, the Tax Reduction Act of 1980, detailing my specific proposals for such a tax cut. I would like to take this opportunity to discuss further my ideas on the elements of a tax cut for business.

The current inflationary pressures are being compounded by our Nation's poor record of productivity growth. When a worker's increase in output lags behind his increase in wages, inflation is aggravated. One of the reasons is that the industrial plant in key sectors of the economy is becoming worn down or obsolete. Modification of current tax laws to stimulate investment can assist in restoring productivity to a healthier level.

Discussion of what form tax legislation to stimulate business investment should take has centered around H.R. 4646, the Capital Cost Recovery Act. This legislation, also referred to as 10-5-3, would greatly simplify the current depreciation system and would provide for much faster writeoffs of capital assets. Instead of the scores of asset categories which exist under the present asset depreciation range system allowed under the tax code, there would only be three categories: building and plant depreciation over a 10-year period, equipment depreciation over a 5-year period, and depreciation of vehicles used in a business over a 3-year period.

After much consideration, I have decided to cosponsor 10-5-3. I believe that it is a good starting point from which to address the issue of a business tax cut. By cosponsoring 10-5-3, I am stating my strong support for reforming the current laws on depreciation of business assets. These efforts should aim at encouraging investment and productivity without providing tax-exempt windfalls for industry or resulting in large inflationary budget deficits.

I wish to emphasize, however, that by cosponsoring 10-5-3 I am not endorsing it in all its details. For example, I believe that the 10-year writeoff for all buildings is too much of a deviation from the concept that an asset should be depreciated over its entire useful life. The actual useful life of buildings generally ranges from 20 to 60 years. Shortening that period for all buildings to 10 years may result in such a tax break that it could encourage a disproportionate amount of investment in buildings to the detriment of modernizing equipment. I believe that the Ways and Means Committee should seriously consider modifying this aspect of the proposal in some way. A strong case can be made for granting a more rapid depreciation for new rental housing, say 10 years, as a means of stimulating much needed rental construction, but for having a longer depreciation period, such as 15 years, for other structures. This change from 10-5-3 is part of the Tax Reduction Act of 1980 which I have introduced.

Furthermore, I do not believe that 10-5-3 offers sufficient tax relief to smaller businesses. These enterprises, which are very frequently labor intensive would benefit only minimally because they frequently have fewer assets subject to depreciation. Therefore, I believe that a depreciation proposal along the lines of 10-5-3 should be coupled with a corporate rate reduction focused primarily on businesses with less than $100,000 in income. I also have this provision in the Tax Reduction Act of 1980. The result would be a balanced package for big businesses and small businesses.

I should add at this point that the individual tax relief which will also be part of an overall tax package should provide relief for individuals who are in business for themselves but who are not incorporated. For example, I support an income tax credit which would offset to some extent social security taxes paid by employers and employees. This would have the effect of reducing an employer's cost of doing business. By making this credit refundable, a business person would benefit even if he or she did not have any income in that particular year.

Finally, I believe that it is important to include in any business tax package a provision to encourage greater research and development. In the long term, this will also help to improve the productivity of our Nation's industries. Such a proposal should be along the lines of a 10-percent tax credit for research and development expenses if they are amortized over 5 years and a 5-percent tax credit if these expenses are written off immediately.

In conclusion, I hope that my cosponsorship of 10-5-3 will add to the momentum for some kind of accelerated depreciation proposal and will hasten the time when the Ways and Means Committee will use it as a starting point for a thoughtful examination of the tax aspects of the entire issue of productivity.●

STRANGER COMMUNITY, CEMETERY, AND CHURCHES

HON. MARVIN LEATH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. LEATH of Texas. Mr. Speaker, the American people are well aware of the major historical events which formed and preserved this great Nation. However, the character of the country has equally been shaped by the small events in the past, events which were seemingly routine matters at the time, but through the years have taken on new significance, possibly just to a small group of people of an area, but still an important part of the framework of our country and its people.

On August 16, 1980, the people of my home county in Texas, Falls, took note of the early settlers of the county and of their contribution to our rich heritage. The beginnings of the story go back before 1850 when the first settlers moved into an area which became known as the Stranger Community. No great city grew out of that early settlement, but many fine, good people are descendents of those early settlers. These families, through the generations, produced hard working, honest, church going citizens—the type people which are the backbone of the country.

The gathering last Saturday was for the dedication of a historical marker presented by the Texas Historical Society with a brief history of the Stranger Community. I would like to share with my colleagues the words of that marker. The inscription is as follows:

> This community was originally settled as Blue Ridge prior to 1850. Thomas McKissick Garrett donated land (two miles northeast) for the establishment of a school, church, and Garrett cemetery. With the estate settlement following his death in 1862, the property was removed from public use.
>
> This location was donated by David Barclay and two grandsons of Thomas Garrett, James Franklin Erskine and Thomas Jasper Erskine. The name Stranger was suggested by a visiting Frenchman about 1870.
>
> Buildings for a Methodist-Presbyterian Union Church and a Baptist Church were completed in July 1869. The first school classes were conducted in the new sanctuaries. By 1877 the Union Academy and Union School had become public free schools. A separate schoolhouse (¼ mile northeast) was constructed in 1902.
>
> Stranger once had a cotton gin, stock dipping vat, doctors, general stores, blacksmith shop, stage-coach inn, and mills, but only the cemetery and church buildings remain. The sanctuaries, where services where conducted until 1960, are now used for the biannual homecoming activities.●

WITHHOLDING ON SAVINGS AND INVESTMENT EARNINGS

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. DOUGHERTY. Mr. Speaker, this body has responded to the wishes of the American people by enacting legislation to prevent withholding tax on dividends and savings account interest. I strongly supported the amendment to the Treasury/Postal Service appropriations bill to prohibit the use of funds in connection with the study of or implementation of such a withholding tax.

The Carter administration's proposal to require a 15-percent withholding tax on dividends and interest earned on savings accounts was one of the most ill-advised proposals to come before the Congress in a long time. In these inflationary times, to propose what would really amount to a tax increase is unsound. And to propose a measure which would discourage savings, as the withholding tax would surely do, is misdirected, especially at a time when our Nation needs to provide ihcentives to build savings.

I have received over one thousand letters from my constitutents opposing the proposal to require 15-percent withholding tax on savings—more mail than I have received on any other single issue. The letters tell me that our citizens are dismayed and discouraged by this proposal, which appears to ignore the financial struggle of our senior citizens and others on fixed incomes who rely on income from investments as a key source for their day-to-day expenses. Our citizens are alarmed at the prospect of having a quarterly withholding tax on their savings accounts which would reduce the total return by reducing the compounding effect of the interest earned. And our citizens are angry that any withholding tax on savings would be considered at a time when the family budget is so severely strained by double-digit inflation.

Representatives of banks, credit unions, and stockholder organizations strongly object to the withholding tax proposal because it would surely discourage savings. And these institutions have pointed out that to withhold tax on savings would create an administrative nightmare for them at a time when they are not equipped to take on the burden of the paperwork involved. The additional expense involved in periodic withholding payments would have added to the operating costs of financial institutions, which in turn would no doubt have the effect of raising interest rates on loans. These savings and investment institutions, in hearings before the Ways and Means Committee, strongly opposed the idea of withholding tax on savings.

The Treasury Department's claim that withholding is needed to cut tax evasion through failure to declare interest and dividends is unfounded. The Government already has the means for checking on those individuals who don't pay their taxes on savings account interest—the information return sent to taxpayers by savings institutions at the end of each year with a copy to the Internal Revenue Service. The IRS says that the revenue lost from people not reporting interest and dividends represents only 10 to 15 percent of the total tax revenue generated by interest income. That means that 85 to 90 percent of the American taxpayers are paying the tax as required. So why should all of us be penalized because of those few who try not to meet their tax obligations? What the IRS should do is concentrate on how to collect from the small percentage who do try to evade their taxes.

Although the budget the President presented to Congress for fiscal year 1981 included increased revenues apparently to be collected by the quarterly withholding tax, such a proposal cannot become operative without the enacting of legislation by both the House and Senate. The withholding tax plan received almost no support in hearings in the Ways and Means Committee. For that reason it would seem that the proposal had almost no chance of being enacted into law.

However, since the creation of a withholding tax on savings and dividends could help give the illusion—and it would be only an illusion—that we have a balanced budget, it might be tempting to some to bring up the proposal again as inflation continues to climb. Actually, the proposal to withhold tax on savings has nothing to do with balancing the budget or reducing inflation. If anything, it would contribute to inflation and increase Federal spending.

Mr. Speaker, I can now inform my constituents that the proposal to withhold tax on their hard-earned savings account interest and dividends will go nowhere in the 96th Congress. The passage of the amendment to prohibit the withholding of any tax on savings account interest or dividend income has put this matter to rest once and for all.●

JERUSALEM AND THE U.N.

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. LEHMAN. Mr. Speaker, the U.N. Security Council vote to censure Israel for its declaration of Jerusalem as the united capital of Israel and urging countries maintaining embassies in Jerusalem to remove them, is another Arab victory in the U.N.'s rhetorical war against Israel.

I am increasingly convinced that the U.N., instead of acting as a peacemaker, is merely becoming a surrogate for the PLO. The U.N., as Israel's former foreign minister and ambassador to the United States and the U.N. wrote, has become a platform for the obsessive harassment of Israel and for little else. Israel's destruction as a state has been reaffirmed time after time by PLO-backed resolutions at the United Nations, a world body politic supposedly dedicated to world peace and security.

The anti-Israel momentum at the U.N. is at an alltime high. The recent General Assembly ultimatum to Israel to withdraw from all occupied territories, for which Egypt gave an affirmative vote, undermines U.N. Resolution 242 as well as the Camp David Peace Treaty. It appears that the rejectionists have won their fight to subvert the peace treaty in the U.N.

The Jerusalem law does nothing more than formalize what has in fact been the case since 1967 when Jerusalem was reunited as Israel's capital. East Jerusalem was previously occupied by Jordan following the war of 1948. During its 19-year occupation, Jordan not only prohibited Jews from visiting Jewish holy sites in East Jerusalem, but actually desecrated Jewish graves on the Mount of Olives, using tombstones for roads and latrines. Instead of being criticized, Israel should be commended for its commitment to the concept of a unified Jerusalem in which all faiths have free access to their holy places.

Mr. Speaker, I am deeply disappointed that the United States chose to abstain rather than to veto the Security Council censure, but I am proud that we were the one voice to remind the world of PLO terrorism. To watch the U.N. succumb to the politics of terrorism is a sad commentary. It no longer mentions the murdering of Jewish children around the world, though the U.N. is dedicated to the defense of the world's children, nor of PLO-inaugurated hijacking. It is, therefore, not surprising that Israel's name is not even mentioned in U.N. documents authored by those who would deny existence to Israel on paper.

The recent subversion of the U.N. Mid-Decade for Women Conference is another hijacking of American taxpayer dollars to the PLO, though supporting PLO programs is prohibited by our law. The problems of women and children, poverty, hunger, and education are sidetracked while the PLO seeks to gain support for economic sanctions against Israel even before its November 15 ultimatum for Israeli withdrawal from occupied territories has been reached.

Something is very wrong at the U.N., and I urge that we begin a public debate to examine the nature of the U.S. relationship to the U.N. If we are to save this important international institution from "mobbism" and from being destroyed by a tyranny of the majority, we must express our outrage and begin to seek ways to preserve its credibility. The U.N. diatribe against Israel's security and existence is not only harmful to Israel—it is also harmful to the U.N.●

McGUFFEY CENTRE

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. WILLIAMS of Ohio. Mr. Speaker, for 41 years the McGuffey Centre in Youngstown, Ohio, has rendered a remarkable community service. When special activities were held August 20, 21, 22 to celebrate the existence of the centre it was my pleasure to attend the closing ceremonies to salute the executive director, Mr. Ray Carter, the board of trustees whose names appear at the close of these remarks, and those who have served to make the centre what it is today.

McGuffey Centre's 41 years have been dedicated to strengthening the family. Programs for senior citizens, various club groups, youth activities, a health clinic and counseling services are among those things that have contributed to welfare of all who come in contact with the centre.

Mr. Carter has been associated with McGuffey Centre nearly all his life, not only as a participant in its programs, but also for 6 years as assistant director, and the past 4 years as director.

McGuffey Centre has consistently emphasized scholarship, leadership, and the best of social values. For that reason, those who have been influenced by the centre have gone on to careers in medicine, professional sports and coaching, to West Point and Annapolis, and many are now attorneys, teachers, social workers, and active in the business community.

The influence of the organization continues to spread and I am happy to salute the hundreds of people who have supported McGuffey Centre through the years. In addition to Mr. Ray Carter, I am also happy to salute the following who serve on the board of trustees.

McGuffey Centre, Inc., Board of Trustees 1980

1. Mrs. Paul L. Booth Life Memb.
2. Mr. Walter A. Payne Life Memb.
3. Mr. Hugh A. Frost Life Memb.
4. Dr. B. B. Burrowes Life Memb.
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24. Mrs. Ida Butler.
25. Mr. Frank Wooten.
26. Atty. Gilbert Manchester.
27. Mrs. Dorothy Benefield.
28. Mr. Jerome Mahone.
29. Mrs. Frances DeLoach.
30. Mr. Herman P. Starks.●

FISHING RIVERS IN WASHINGTON STATE

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. BONKER. Mr. Speaker, my district in Washington State includes many of the best salmon and steelhead rivers in the United States. Of special note are the numerous streams on the Olympic Peninsula which flow swiftly from their headwaters in the Olympic Mountains to tidewater on the north, east, and west.

Hundreds of thousands of salmon and many steelhead spawn in these streams and depend upon continued maintenance of their habitat for survival.

Current habitat conditions are good in many areas, but stream gravel siltation, loss of streamside vegetation, and degredation of water quality is occurring with sufficient frequency to cause concern about the long-term future of many fishery stocks. This concern is shared by sports and commercial fishermen and Indians and non-Indians alike, and a very broad coalition of fishery interests has emerged with habitat maintenance as its key issue.

Congress has a tool—the Wild and Scenic Rivers Act—for recognizing and protecting important and unique river resources. Traditionally, the emphasis has been on rivers that possess outstanding wilderness, esthetic, and recreational values. The Olympic Peninsula rivers have all these qualities in abundance, and considerable protection is afforded by Olympic National Park, which lies astride the Olympic peaks and some of the adjacent lowlands. However, it is the fishery values of many of these streams that is most urgently at issue now, and that is why a new concept—a fishing river component of the Wild and Scenic River System—is an especially attractive and timely option.

I have, therefore, introduced legislation that would authorize studies of the suitability of several Olympic Peninsula river segments for eventual designation by Congress as fishing rivers. They are the lower 6 miles of the Dosewallips River located outside Olympic National Park and Olympic National Forest and portions of the Quillayute River and its Bogachiel, Calawah and Soleduck tributaries outside of the national park boundaries.

My bill would immediately designate as fishing rivers within the national system the other portions of these rivers, which are all in Federal ownership. Studies are appropriate where the potential exists for conflict with non-Federal property owners' plans and objectives, but experience suggests that they are unnecessarily time consuming and expensive on Federal lands where resource values and land management objectives are already established.

My bill also endorses a pending recommendation by the administration, following an extensive, nationwide inventory of river resources, that the Hoh River in its entirety be studied for fishing river designation.

Many of my constituents ranked several other rivers quite high on their priority lists for study and protection. I concluded, however, that conflicts with other purposes and plans were too great to proceed with the wild and scenic river process at this time. This is especially true of possible hydroelectric development, which simply cannot be ignored in those cases where local utilities are well along in the permitting process with projects that seek to be sensitive to conflicts with other resources and still respond to the serious electric supply shortages that have been forecast for the Pacific Northwest.

The Wild and Scenic River Act was drafted by Congress to provide considerable flexibility in managing rivers for their designated purposes and accommodating the interests of adjacent property owners and all types of potential users. The fishing river concept can, I believe, add new dimensions to this flexibility. The studies that my bill would authorize will be especially important in identifying any problems and opportunities that may exist.

Finally, it is my intent that this legislation not alter the existing authorities nor decrease the responsibilities of Federal and non-Federal fisheries managers on these rivers. I want to help, not hinder, these ongoing efforts to protect and enhance the fishery resource.●

UNITED STATES-SOVIET RELATIONS

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. McCLOSKEY. Mr. Speaker, Richard F. Staar, associate director of the Hoover Institute of War, Revolution and Peace, delivered the following comments on United States-Soviet relations at a meeting of the Town Hall of California in Los Angeles on May 5, 1980. His remarks are timely and I believe worthy of consideration by our colleagues. The remarks follow:

UNITED STATES RELATIONS WITH THE U.S.S.R.

COURSES FOR ACTION

One often assumes that others have motives similar to our own. Such "mirror imaging" can be dangerous, however, when applied to Soviet leaders whose world outlook has been formed under completely different conditions. Most of them never received a secondary education, having been selected for technical or political training at the college level with only an elementary school background. That may explain why many are only semi-educated, in the conventional sense of the word.

The new Soviet leadership during the 1980's will be faced with many problems: economic, structural and cultural, as well as others. The current and anticipated decline in the rate of industrial growth, a shortage of labor reserves, and an incipient fuel crisis may precipitate a decision to reduce investment in consumers' goods and agriculture. Bureaucratic inefficiency, corruption, favoritism, unequal privileges, and a lack of discipline permeate the government/party apparatus, without much prospect for improvement. Restive ethnic minorities, Great Russian chauvinism as well as dissidence, the demographic shift in favor of other nationalities, and troubles within the client states of Eastern Europe should continue to complicate internal matters during the post-Brezhnev transitional period.

Foreign Propaganda. Despite these difficulties of a domestic or intra-Bloc nature, the Soviet propaganda machine almost certainly will continue its campaign of glorifying alleged USSR achievements while at the same time denigrating the West in general and the United States in particular. Magnifying and distributing this message on a world-wide basis is a plethora of international communist front organizations.

Apart from fronts and conferences at the élite level, Soviet foreign propaganda attacking the United States floods the world via radio. During 1980, the USSR will devote some 2,000 hours per week to broadcasting in 83 foreign languages over Radio Moscow alone. Another station called "Radio Peace and Progress" claims to be independent, although using Radio Moscow transmitters which allows it to assume a more strident tone. Clandestine stations are operated frequently by exiled communist party leaders from locations throughout the Bloc.

As part of the campaign to discredit the United States, for example, the neutron bomb was described as "the ultimate capitalist weapon, one which killed people but left property intact." Radio Moscow described the Aldo Moro kidnapping and murder in Italy as the work of the CIA. Forgeries of an alleged USIA press release, containing a bogus speech by President Carter, and even reproductions of a falsified U.S. Army field manual have been circulated to damage the image of America. Such propaganda campaigns are estimated to cost in excess of two billion dollars per year.

Information gathering involves professionals, frequently utilizing journalism as a cover, and hence propaganda activities overlap with espionage. Hundreds of Soviet newsmen assigned to foreign posts are in reality intelligence officers who report directly to their own headquarters in Moscow. In addition, it is estimated that at least half of all Bloc officials abroad work either for the KGB or GRU, civilian military intelligence agencies, respectively. To the more than 3,000 Soviets and East Europeans (i.e., about 1,500 spies) attached to embassies in Washington, D.C., and consulates or to the U.N. in New York must be added those wives who also work as agents. That does not include 65,000 visitors to the United States each year from the Bloc, some of whom will certainly have intelligence assignments.

The United States, one of the most open societies in the world, also is the target of a massive effort at Soviet industrial espionage. Motives probably include an attempt to break the already much eroded Western strategic embargo, obtaining advanced technology without paying for it, and the desire to demonstrate effectiveness in view of the heavy expenditures on foreign intelligence operations.

Back in Moscow, all this information is analyzed and integrated with open source materials in thousands of unclassified publications legally obtained under the Freedom of Information Act or by purchase from the Government Printing Office. Other sources include scientific papers picked up at conferences. Whether or not the end product gives Kremlin decision makers an accurate picture of the United States is an important question, the answer to which may be negative.

Foreign trade always has been looked upon by Soviet leaders as an instrument of economic warfare. The USSR and its East European client states as of 1980 owe the industrialized West more than sixty billion dollars in long and short-term credits which have been borrowed to finance imports. An important question is whether such an acceleration of loans is in the national interest of non-communist Western countries, because these huge debts make economic hostages of business firms as well as official and quasi-official lending agencies.

Some of the deals have included a 150,000 unit per year truck plant on the Kama River; a twenty billion dollar chemical complex in Odessa; gear-grinding equipment for production of armored vehicles; precision grinding machines that reportedly facilitated MIRV production; and wide-bodied jet aircraft technology. It should be mentioned also that several thousand graduate students from the USSR and Eastern Europe have received technical training in the United States.

Brezhnev explained the rationale behind the foregoing in a secret briefing to East European leaders at the height of détente. An excerpt from the speech was reported on 17 September 1973 by the *New York Times* as follows:

To the Soviet Union, the policy of accommodation does represent a tactical policy shift over the next 15 or so years. The Soviet Union intends to pursue accords with the West and at the same time build up its own economic and military strength.

At the end of this period, in the middle 1980's, the strength of the Soviet Union will have increased to the point at which we, instead of relying on accords, could establish an independent, superior position in dealing with the West.

The foregoing, of course, implies that the Soviet armed forces will be used as an intimidating instrument of foreign policy.

Military strength and the rapid build-up of armed forces, as well as projection of power also via surrogates, have played an important role in USSR relations with the United States. Over the past decade, measured in constant dollars, Soviet military expenditures have exceeded American spending by $150 billion. The CIA prediction is that this long-range growth trend will continue into the 1980's.

During his commencement address at the U.S. Naval Academy last year, Defense Secretary Harold Brown articulated the following Pentagon assessment: The USSR already in 1962-1963 had embarked on "a policy of building forces for a preemptive attack against U.S. intercontinental ballistic missiles." He predicted that by the early 1980's, the new SS-18 and SS-19 would provide the Soviet Union with means of destroying "with high assurance" most of the American land-based ICBM's. According to Brown "in the past decade the Soviets have added over 1,000 strategic missiles to their inventory and increased the number of deliverable warheads three-fold." Already in the late 1960's, "more than 200 SS-9's were almost surely targeted against the 100 Minuteman launch control complexes, two missiles to a complex for reliability." The Secretary of Defense also stated that "the Soviets continue with a policy of building forces that could be used in a preemptive counterforce mode. In particular, the new SS-18 missile, with ten warheads, has the accuracy to destroy most American Minuteman missiles in their underground silos."

USSR leaders fully comprehend the destructiveness of nuclear war. That is why they continue demanding of their people the sacrifices required to expand military power and fund a civil defense program ten times that of the United States. Does this mean that the Soviets will attack when they have achieved a "correlation of forces" to their advantage? Probably not. However, they do realize that overwhelming superiority will allow them to blackmail the West, obtain their objectives without bloodshed, and in this manner avoid a mutually destructive nuclear exchange.

Policy recommendations in Washington should be predicated upon a clear understanding that future Soviet leaders will continue to differ in both outlook and attitude from their American counterparts. Subterfuge, dissembling, and outright dishonesty cannot be explained away in terms of USSR suspicions or fear of U.S. strategic power which, in actual fact, has been on the decline since 1956 when President Eisenhower refused to support Britain and France during the Suez crisis and has continued to deteriorate during subsequent administrations. The following are suggested as possible courses for action:

(1) Without waiting for a change that cannot possibly occur in the USSR unless incentive exists, Washington should establish a small group of experts to analyze USSR propaganda activities, not only to monitor Russian language publications and broadcasts over Radio Moscow as well as over Radio Peace and Progress but systematically and persistently to refute them. The anti-American propaganda campaign has continued, despite détente. Exposing its themes by the Voice of America and Radio Free Europe/Radio Liberty would soon disabuse the Kremlin of the idea that it can continue the same "cold war" approach toward audiences inside the USSR and throughout the Third World via international front organizations, without any response or retaliation.

(2) Espionage capability can be reduced by limiting the Soviet embassy and consulates in the United States to the same number of American diplomatic personel assigned to the USSR. If one of its citizens is caught involved with activities incompatible with his or her status, reciprocal expulsion should not be accepted and no replacement allowed to enter this country. That was exactly what Britain did when it declared 105 Soviet officials personae non grata, comprising one-fifth of all such persons in London. The same thing occurred in Canada on a more limited basis only last year. The USSR did not retaliate in either case, when warned of reciprocal treatment.

(3) Foreign trade with the USSR, which imported about $8.5 billion worth of goods more than it exported to the United States during six years of "détente" and accumulated a huge debt, has not led to improved relations. Helping Moscow solve its economic difficulties by shipments of grain and advanced technology continued to be counterproductive. The United States would strengthen its position by requiring the Soviet Union periodically to balance its account and make up the deficit by supplying this country with petroleum and other raw materials which are needed here.

(4) If an American citizen is roughed up, interrogated by the secret police, and convicted on the basis of falsified evidence, the USSR ambassador to Washington should be told in no uncertain terms that he will be expelled and/or his counterpart in Moscow recalled, if such harassment is not stopped immediately. Accreditation of Soviet journalists should be revoked when their counterparts are harassed by agent-provocateurs as happened on several occasions in Moscow and Tashkent during the past year.

(5) The United States must project itself to the Third World as a revolutionary system which has brought prosperity to the American working class, where skilled laborers sometimes earn more money than professors, and where human rights are practiced rather than preached. The corollary would be a campaign that will expose false USSR propaganda concerning America and tell the truth about Soviet colonialism in Central Asia and Eastern Europe.

Finally, the Soviet Union suffers from multiple contradictions: between Russians and other nationalities, party elite and masses, the USSR and its dependencies in Eastern Europe. Why is it that spokesmen for the United States never criticize the fraudulent march toward a "classless" society or the virulent atheism which persecutes Christianity, Islam, and Judaism? It should be pointed out that the American political system enables both groups and individuals to associate freely. They are allowed to propose policies and programs that are at variance with U.S. Government policy. This is the essence of the free way of life and must be projected forcefully on the international scene.●

RURAL CONSERVATION ENERGY TIPS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. LAFALCE. Mr. Speaker, many residents of rural areas in western New York have expressed their keen interest in energy conservation programs provided by the Federal Government. They have also expressed frustration concerning their attempts to obtain information about these programs, because energy conservation programs for rural areas are often quite different from those for urban areas.

Most Federal programs for energy conservation in rural areas are administered by the U.S. Department of Agriculture and its subagencies. I am submitting a summary of those programs, because I believe that residents of rural areas should be afforded the opportunity to make their own significant contributions to the national conservation effort.

The summary follows:

DEPARTMENT OF AGRICULTURE

OFFICE OF ENERGY

This office serves as a focal point for all USDA energy and energy-related matters. Contact: Weldon Barton, Director, Office of Energy, Office of the Secretary, USDA, Room 226-E, Administration Building, Washington, D.C. 20250, 447-2455.

FARMERS HOME ADMINISTRATION

The Farmers Home Administration provides a variety of energy conservation-related loans and grants targeted for rural areas:

Home weatherization loans of up to $1,500 with five years for repayment for low and moderate income families in good credit standing who cannot obtain other loans. The families must own and occupy the repaired home. County offices administer the programs. Arrangements for work and monthly billing for repayment is provided by the local public utility. These loans are a small part of the FmHA program of loans for home construction, purchase and repair. All units must meet weatherization standards. The total program is funded at $3 billion for fiscal 1980 under Section 502 of the Housing Act of 1949. (PL C. 388, 63 Stat. 413.)

Loans through county offices for insulation and weatherization purposes, with subsidized interest rates for those who qualify. Interest can be as low as 1 percent. Recipients must own and occupy the home for which repairs are requested. For very low income persons a separate program is available through county offices with loans at 1 percent interest and a maximum assistance of $7,500. This total may include a grant of up to $5,000 for persons 62 years of age or older who cannot repay loans.

For fiscal 1980, this program has an appropriation of $48 million, half for loans, half for grants, under Section 504.

Loans to owners of rental properties where tenants are farm workers who meet the low and moderate income criteria.

Strict insulation standards for all homes and rental units FmHA finances have been adopted by the agency. For fiscal 1980, $868 million is appropriated for rental construction under Sec. 515.

For programs under Sec. 502 and 515 (new rental construction), 60 percent of all funds must go for low income residents, defined as residents whose incomes are 80 percent of the area median income or less.

Over 500 solar converters, some alcohol and methane plants, and small hydroelectric installations have been financed. Contact: Gordon Cavanaugh, Administrator, Farmer's Home Administration, USDA, Room 5014, South Agriculture Bldg., Washington, D.C. 20250, 447-7967. For general information: Stanley Weston, 447-6903.

COOPERATIVE EXTENSION SERVICE

The Cooperative Extension Service works through the 71 land grant colleges in the U.S. The service provides information and assistance emphasizing energy conservation and alternate energy choices for homes, farms, and agribusinesses. Local information outlets are the land grant colleges or the cooperative service offices located in all of the 3,150 counties, usually in the county seat. Contact: Glenda Pifer, Extension Service, Science and Education Administration, USDA, Room 5412, S. Bldg., Independence Ave., Washington, D.C. 20250, 447-2179.

RURAL ELECTRIFICATION ADMINISTRATION

The REA issued a policy requiring certain energy conserving activities by its electric distribution borrowers as a condition for future loans.

It requires the board of directors of electric distribution cooperatives to adopt official policies on energy conservation. They are required to submit with loan applications reports on the efforts of the cooperative to conserve energy in operation of its own facilities and to assist its members in using electricity efficiently.

REA has prepared an energy conservation manual for its electric distribution borrowers to assist them in planning and developing conservation programs. Rural electrical cooperatives have received grants for projects involving alternative energy sources, electric peak load management, and weatherization. A brochure describing the projects, "Our Commitment to Energy Conservation" is available from Rural Electric Cooperative Association, 1800 Massachusetts Ave., N.W., Washington, D.C. 20036. Contact: Dick Pence, 857-9650. Also available from the same source is a report of a November 1979, survey of energy conservation and alternative source activities of the rural electric co-ops. Contact: Harlan M. Severson, Assistant to the Administrator, Rural Electrification Administration, USDA, Room 4324, South Agriculture Building, Washington, D.C. 20250. 447-5606.

FOREST SERVICE

Conservation activities of the Forest Service are aimed at improved construction and weatherization of wood-frame housing; more complete use of timber through efficient harvesting, woodland management; improved wood products processing; substitution of wood for more energy-intensive material; use of wood for fuel or production of chemicals now derived from nonrenewable petroleum; and cooperative programs to disseminate energy-related research findings and technology to users. Contact: R. Max Peterson, Chief, Forest Service, USDA, Room 3008, S. Bldg., Washington, D.C. 20250. 447-6661.

AGRICULTURE STABILIZATION AND CONSERVATION SERVICE

The agricultural conservation program (ACP) helps finance two farming practices with substantial energy conservation benefits: conservation tillage, which yields savings in labor, fuel and machinery, and windbreaks for reducing fuel and animal feed bills.

ACP also provides technical and financial assistance for access road construction, forest management plans and marking of timber to be removed as fuelwood in a pilot project in New England. The practices are designed to protect forests from over cutting and to make supplies of fuelwood available to the public.

ASCS also has a pilot energy-saving loan program in 35 counties in 9 states to encourage wet storage and acid treatment for corn and sorghum and use of solar grain drying systems. Technical assistance is available for projects such as:

Using animal waste sites to produce electricity with the use of biomass converters. It is estimated that a fifty-cow dairy herd could produce electricity for several families and save substantial amounts of traditional fuels in high-energy use activities such as dairying.

Establishing tree farms of fast growing trees for use as fuel.

Contact: John Goodwin, Associate Administrator, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013. 447-6215.

SOIL CONSERVATION SERVICE

SCS provides technical assistance on several soil and water conservation practices that contribute to energy conservation. They include minimum tillage, conversion of marginal cropland to pasture and hay production use of windbreaks and shelterbelts, proper irrigation water management, crop rotations with legumes, organic waste and crop residue management, improved drainage, terracing and contour farming and proper management of grazing lands. Contact: William M. Johnson, Deputy Administrator for Technical Services, USDA, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013. 447-3905.

FOOD SAFETY AND QUALITY SERVICE

This office encourages industry to save energy through its regulatory programs and works to get industry to use more efficient food processing methods. Sanitation guidelines for meat and poultry processing plants have been revised to permit energy saving processes. Major savings have resulted from allowing the use of cold water in operations previously using large quantities of hot water. Contact: Dr. Donald Houston, Administrator, Food Safety and Quality Service, USDA, Room 332-E, Administration Building, Washington, D.C. 20250. 447-7025.●

SOVIET JAMMING OF VOICE OF AMERICA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. BROOMFIELD. Mr. Speaker, current Soviet efforts to jam the Russian language broadcasts of the Voice of America have provoked considerable speculation as to what lies behind this action.

It has been nearly 7 years since Soviet authorities have resorted to such measures, and the most plausible explanation is that they cannot politically afford to let their citizens know what is really happening next door in Poland. If so, that says a lot about their perception of the current internal situation in the U.S.S.R. and their ability to control it. Could it be that the Soviet hierarchy feels it is losing its grip and does not dare allow its people to get any ideas on how to further their own human rights?

Whatever the reason, this latest Soviet flouting of the Helsinki accords is reprehensible and must be condemned. The U.S. delegation to this fall's Helsinki review session must take the U.S.S.R. to task for its blatant repudiation of the Helsinki final act provision concerning the dissemination of information.

Finally, Mr. Speaker, this episode argues strongly for the need to strengthen our international broadcasting capability and the recent House approval of additional funding to help bring this about.●

RIGHT TURN ON RED

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. BEARD of Tennessee. Mr. Speaker, in the summer of 1975, Senator DALE BUMPERS, Democrat of Arkansas, introduced legislation that required all States to allow motorists to make a right turn at a red light, except where prohibited by law. Senator BUMPERS' measure was part of the Energy Policy and Conservation Act of 1975 (Public Law 94-163). Under this program, each State voluntarily enters into a cooperative effort with the Federal Government to further that State's energy conservation efforts. The State bears the responsibility for developing and implementing a conservation plan, while the Federal Government, in turn, provides both the technical assistance and the financial support. One mandatory feature of the program was that any proposed State energy conservation plan, in order to become eligible for Federal assistance, had to include certain measures. One of these measures was:

> * * * a traffic law or regulation which, to the maximum extent practicable and consistent with safety, permits the operator of a motor vehicle to turn such vehicle right at a red stop light after stopping.

To gain the financial assistance, States had to implement a right turn on red law as part of their traffic code. No Federal agency, however, can force the traffic regulations in a particular area. Each State has the option of placing a "No Turn on Red" sign at any signalized intersection that it wishes. This decision is left up to each State's own engineering experts to decide whether or not to allow a right turn on red at a particular location.

Almost all States have responded in good faith to this measure, limiting the number of intersections that prohibit a right turn on red to a small percentage. California, for example, estimates that more than 90 percent of its intersections permit right turn on red; Virginia's percentage is approximately 93 percent. Other examples include:

Georgia, 96 percent.
Minnesota, 80 percent.
Oregon, 98.5 percent.
Arizona, 97 percent.
Arkansas, 95 percent.
Louisiana, 90 percent.
Florida, 90 percent.
South Carolina, 88 percent.
Vermont, 80 percent.

These high figures are not simply averaged down by the rural areas in the State; for example, the city of Milwaukee allows right turn on red at 90 percent of its intersections. Other cities' percentage include:

Phoenix, 95 percent.
Charleston, 94 percent.
Minneapolis, 67 percent.
Denver, 97 percent.
Philadelphia, 70 percent.
Milwaukee, 90 percent.

The figures for other areas are significantly lower. Some States have abused the original intent of the law by placing an unbelievably high number of "No Turn on Red" signs at their intersections. One such area, as my colleagues are aware, is our National Capital. The District of Columbia, until a few months ago, allowed right turn on red at all times at only 18 percent of their intersections. Although this percentage has risen to 40 percent, it is still too low and constitutes a waste of our natural resources.

The figures previously presented, and others like them, are high for a good reason. Besides the obvious fact that right turn on red can speed up congested traffic in the inner city, the main benefit of a policy such as this is the conservation of fuel. In 1976, the city of Memphis estimated that 65,000 gallons of fuel and 108,000 hours could be save annually with right turn on red. The estimated annual fuel savings, due to the implementation of right turn on red in Virginia, was excess of 3.6 million gallons. Finally, General Motors Research Laboratories estimated that fuel savings could be increased from 5.4-5.9 percent with the introduction of right turn on red. These figures are not the exception, but rather the rule.

In light of these fuel savings estimates, why is right turn on red a cause for debate? Some States hesitate to implement right turn on red for fear of an increase in the accident rate. However, studies compiled on this subject refute this position. For example, the AASHTO task force report, based on questionnaries distributed to each State and many large cities, drew these four conclusions regarding the implementation of right turn on red:

1. Total accidents average 12.6 per signalized intersection per year. After conversion to right turn on red, there was an average of 11.9 total accidents.
2. Injury accidents decreased from 3.1 to 3.0.
3. Fatal accidents decreased from 0.03 to 0.02.
4. Pedestrian accidents remained unchanged at 0.15.

These findings demonstrate that when right turn on red is allowed, safety is not sacrificed. Right turn on red creates no significant increase in the accident rate, and in many cases, may actually result in a decrease.

Since accidents do not increase at a significant rate, and the fuel savings are substantial with the implementation of right turn on red, there should be no reason for any area in this country to operate with only a small percentage of intersections permitting right turn on red.

The conclusions from these reports, and the compilation of facts that I have presented here all justify the need for more intersections that allow right turn on red. Today I am introducing a bill that would amend the Energy Policy and Conservation Act of 1975. This legislation would call for each State to permit a right turn on red in at least 70 percent of the signalized intersections in the State. I urge my colleagues to support this amendment. A policy or bill that would encourage all areas of the country to achieve a higher level of right turn on red intersections can only help alleviate the energy problem, as fuel savings will increase without the added risk of increased accident rates.●

BETAWULF

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Ms. OAKAR. Mr. Speaker, one of my constituents is a promising young artist who has reached a new pinnacle of success with his play "Betawulf." We are living in an age when the arts are increasingly more important in order to relieve us of our daily pursuits. Therefore, we should be encouraging young American artists who show promise. The following is a recent favorable review in our Plain Dealer:

"BETAWULF" WORKS AS EXPERIMENT AT CSU THEATER LAB

(By Michael Ward)

> After a third world war, would what is left of humankind be pushed back to the dawn of civilization?
>
> Well, a few years ago we were hearing threats about bombing Vietnam back into the Stone Age.
>
> Thom Riccio, writer of "Betawulf," does not see the survivors of a nuclear holocaust going back to quite those basics. His idea is that when the dust settles, the world will be back in the seventh or eighth century.
>
> There will be trolls whose mothers live under the water, and there will be dragons.
>
> In fact it will be the old Anglian "Beowulf" all over again.
>
> Thus Riccio has conceived and directed "Betawulf" as a futuristic version of "Beowulf."
>
> It is a remarkable offering in many ways as presented by an ensemble of 10 by the

Cleveland Laboratory Theater in the literal pit that is the Kiva Theater at Cleveland State University.

The setting is switched from Scandinavia to northeastern Ohio and the sea of the original becomes Lake Erie.

The names of the two tribes involved have been changed to Cleve and Ak, so no prizes are awarded for working out the cities they represent.

The most unusual facet of "Betawulf" is that it is acted out as much among the audience who sit on the steps that surround the bowl as it is at the stage at the bottom of the pit.

In fact, before you start, the audience is told, "If you feel intimidated by the actors when they are close to you, feel free to move at any time."

Last summer the CLT presented a version of "Alice in Wonderland" at the Kiva in similar circumstances, but this year's production is much more realistic.

We have Hrothgar, king of Cleve, putting on an anti-nuclear mask and leaving his dying subjects to fetch them a blue cloth that represents life-giving water.

A huge plastic sheet represents the lake under which Betawulf goes to do battle with Grendal's mother. Then toward the end, the way seven members of the cast join to become the dragon for the fight to the death with Betawulf and Wiglaf is nothing short of spectacular.

Lolita Lesheim makes a splendid Betawulf; Riccio doubles as Grendal, the troll, and also the noble Wiglaf.

Kim Belsan is Hrothgar. Others in the cast are Jose Babyak, Marlies Bearie, Don Foldesy, Dennis Friedman, as Digital, Julianna Kavc, Sharon Louallen and Geoff Spoeneman.

"Betawulf" most assuredly is not for people who like their theater spelled out in easy-to-follow scenes and sets.

However, it is an example of experimental theater at its best, and if you enjoy letting your imagination run rampant, it is worth a visit.

Even a brief scene depicting cannibalism is not really gruesome.

Riccio promises a longer version of "Betawulf," and he deserves success with it.

This adaptation at the Kiva lasts a little more than an hour. It can be seen on Thursday, Friday, Saturday or Sunday.●

WORKERS OF THE WORLD UNITE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. PAUL. Mr. Speaker, the striking factory and dock workers—whose leaders have now been arrested by the Communist regime in Poland—must be admired for their courage in defying the dictators who control their country. I am sure the sympathy of the American people is with the brave workers who are protesting the injustice and lack of freedom that have existed for 35 years in this so-called "workers' paradise."

But what about the Federal Government? While the sympathies of the American people are with the oppressed Polish workers, the sympathies of the Federal Government seem to be with the brutal masters of Poland. The American people sympathize with the Polish people, and the American Government with the Polish Government.

For example, from the end of World War II until 1978, the Federal Government loaned and gave the Communist regime in Poland $677 million. In 1979, our Federal Government granted the Communist regime in Poland an additional $500 million in loans and loan guarantees. A recent study published in the Journal of Social and Political Studies pointed out that "The availability of these Western credits is probably relieving the Soviet Union from the expensive task of propping up the Polish economy."

Poland is, in fact, deeply in debt to Western countries, for the West, including the United States, has been propping up the Polish economy for decades. Poland's current debt is estimated at $20 billion. It has not yet repaid even its World War I debts in this country, and the present Communist government has no intention of doing so. Why does our Government continue to subsidize the Communists in Poland? Whose side is our Government on, the Polish Communists or the Polish workers?

I believe that we should have a consistent foreign policy of nonintervention in the affairs of other countries. We should certainly not be subsidizing a dictatorial regime that is not supported by its own people. It is outrageous that taxes paid by the American people—people who sympathize with the Polish workers, not the Communist government—have been and are being used to prop up that government. I have introduced legislation that would end such foreign subsidies, H.R. 3408, and I intend to push for its passage through the Congress. Our irrational policy of subsidizing those who hate freedom must be stopped.

The turmoil in Poland dramatizes so well the wasted, wornout slogans of the Communist state. The paradise promised to the worker has never materialized and the source of discontent with the oppressive state is, as one would expect, expressed by the workers themselves. Neither our Government nor our businessmen have expressed real sympathy for the plight of the workers in Poland. However, it is encouraging to hear the protests and the support coming from our workers here in the United States. In contrast to what has been so long predicted—the revolt of the workers against a brutal capitalism—we see the opposite: The Polish workers demanding liberty and receiving worldwide support from working people throughout the world. All I can say is: "Workers of the world unite; you have nothing to lose but your chains."●

OUTLAW WHALERS: A BATTLE IN THE WAR TO SAVE THE WHALES

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. BONKER. Mr. Speaker, last month the International Whaling Commission held its 32d annual meeting to review and to revise international regulations governing the conduct of whaling and the protection of the world's endangered whales. The article I wish to submit for the record focuses on one important item on the IWC's agenda: pirate whaling—the commercial slaughter of whales outside IWC jurisdiction.

This battle on the high seas was the subject of heated debate at the Commission. Although the voting bloc of nine whaling nations held firm to defeat any outright ban on outlaw whaling, the conservationist countries did succeed in gaining adoption of a resolution calling on all countries to take effective measures to prohibit this blatant violation of the IWC's principles.

Mr. Speaker, the article, which appeared in the Los Angeles Times of July 20, provides a revealing look into the confrontation between whalers and conservationists on the oceans and at the conference table. Craig Van Note, executive vice president of Monitor, has been investigating this problem for many years, and I commend his article to my colleagues.

THE WHALING WAR: SHIPS BLOW AS "PIRATES" BREACH QUOTAS

(By Craig Van Note)

BRIGHTON, ENGLAND.—Last Feb. 6, the pirate whaling ship Sierra was at anchor in Lisbon harbor as the first light of dawn began penetrating the mists rising from the River Tagus. But below the ship's waterline ticked a magnetic mine, which had been attached to the hull of the Sierra during the night.

At about 6:15 that morning, the mine exploded, blasting a gaping hole in the engine room. The 11 crewmen on board scrambled onto a passing fishing boat as the Sierra capsized and sank within 15 minutes.

When the International Whaling Commission (IWC) begins its annual meeting here Monday, the sinking of the Sierra and other similar attacks on whaling vessels promises to fuel a confrontation between the whalers and conservationists fighting the killing of thousands of "protected" whales by so-called "pirate whalers," ships operating outside IWC regulations.

Just seven months earlier, the Sierra had been rammed and severely damaged off the coast of Portugal by the conservationist ship Sea Shepherd, operated by the Fund for Animals. The infamous whaler, a combination factory and catcher ship that had roamed the Atlantic for a dozen years under various flags of convenience and massacred thousands of protected whales, underwent a half million dollars in repairs and was preparing to resume illegal whaling when it was sunk.

Then on April 27, two whaling ships tied up alongside each other on Spain's northwest coast were rocked by explosions in their holds and sank like stones.

Nobody has claimed credit for sinking the whaling ships, and Portuguese and Spanish authorities haven't arrested anyone. There is speculation that ecological activists in Europe carried out the sabotage.

The dramatic acts are an escalation in the bitter battle over the whales, pitting the international conservation community against entrenched whaling industries from a handful of nations.

Since the advent early this century of cannon-fired explosive harpoons, high-speed catcher boats and factory ships, more than 3 million whales have been chased down, blasted and carved up to make margarine, pet and mink food, cosmetics, fertilizer, steaks and lubricating oil. So many whales have been killed that half of the 10 species of great whales have been driven to the brink of extinction. The blue, humpback, right and bowhead whales may be doomed, their numbers too few for effective reproduction, some scientists predict.

Worldwide whale populations have collapsed steadily since the height of the whaling industry in the early 1960s, when 21 fleets, composed of 21 factory ships and more than 200 catcher boats, scoured the seas of the Southern Hemisphere for the last great herds of whales. In 1962, the Japanese sent seven fleets and nearly 10,000 men to the Antarctic whaling grounds. Today, just one Japanese factory ship and four catcher boats, manned by only a few hundred workers, survive in deep-sea whaling.

The IWC was formed in 1946 in an attempt to control the rapacious competition that was rapidly wiping out the whales. Until the early 1970s, unfortunately, the IWC presided over the greatest massacre of the whales in history, rubber-stamping demands of the whaling nations.

In 1972, the United Nations Conference on the Human Environment met in Stockholm to address the pressing environmental issues facing the world. The nations embraced the whale as the symbol of the plight of our planet and unanimously called for an immediate 10-year moratorium on all commercial whaling. When the issue was raised by the United States at the annual IWC meeting a week later, the whaling nations blocked any consideration of it.

But the IWC will be forced to face the moratorium at this week's six-day Brighton meeting. The United States, Australia, France and the Netherlands have all proposed an indefinite moratorium on commercial whale-killing; however, prospects for adoption are not good because a three-quarters majority of the 24 IWC member nations is needed for passage, and there are nine whaling nations on the commission—Japan, the Soviet Union, Norway, Iceland, Spain, Brazil, Peru, Chile and South Korea.

Japan, which not only has a large whaling industry but provides a market for whale meat from the other whaling nations, has been lobbying fiercely to block the moratorium. Japanese government and industry officials have used economic carrots and sticks to win allies or block opponents. In Chile, for example, Japanese assistance in expanding the lobster fishery is contingent on Chile's voting with Japan this week. Two years ago, Panama placed the moratorium proposal on the IWC agenda. It was withdrawn by Panama in the opening minutes of the meeting after Japan threatened to cancel purchase of $9.5 million worth of sugar from a mill owned by the Panamanian government.

If the moratorium is defeated, the United States and other conservationist nations believe they can further cut the quotas on several whale species, particularly the heavily depleted sperm whale. North Atlantic whaling by Norway, Iceland and Spain could be shut down if the IWC heeds the warnings of scientists that too little is known about the whale populations there risk further killing.

The whaling quotas set by the IWC have been based on theories that the whale populations can sustain a certain level of killing. But year after year, the scientific committee of the IWC has been forced to admit it has miscalculated, that it knew very little about the size or the dynamics of whale populations. A key problem is that the scientists have been dependent on biological and catch data provided by the whalers, and that information has often been submitted selectively or, in the case of the Soviet Union, not at all.

So every year over the last decade, too many were allowed to be killed. In the North Pacific, for example, so many male sperm whales were harpooned under IWC quotas that the female sperm whales now cannot reproduce effectively. Though sperm whale hunting is banned now in the North Pacific, the species will decline for decades, their natural mortality outstripping births.

The Japanese whaling industry has responded to such decreasing IWC quotas by setting up unregulated whaling operations in every ocean around the world. These non-IWC, outlaw whalers have been harpooning thousands of whales annually and sending shiploads of whale meat back to Japan.

This flagrant subversion of the commission has brought the threat of U.S. economic sanctions against the non-IWC whaling nations as well as Japan. Five times the IWC has adopted resolutions condemning the outlaw whaling and calling on member nations to halt the importation of non-IWC whale products and the export of whaling ships and equipment. But the Japanese government has consistently denied any knowledge of the outlaw whalers, failed to block the shiploads of illicit whale meat and refused to investigate the role of a major Japanese corporation in the trafficking.

The Taiyo Fishery Co., a $6-billion conglomerate that dominates Japan's huge fishing industry, has been behind the outlaw whalers. With close ties to the giant Mitsubishi Corp., Taiyo has acted with impunity to set up and expand the unregulated whaling over the past decade.

Peru, the Taiyo-owned shore whaling station has exterminated the once-plentiful coastal whale populations, killing around 2,000 of the marine mammals annually, including the protected blue and humpback whales as well as mothers, babies and undersized whales. When the United States pressured Peru into joining the IWC last year. Taiyo influenced the Peruvian government to allow immediate violation of the IWC quota for Peru. Nearly 1,200 whales died last fall in excess of quotas.

Taiyo's outlaw operation in Chile was expanding in 1977 when Taiyo sent a modern factory and catcher ship, the Paulmy Star No. 3, to Chile. It is registered in Panama as a shrimp boat. Chile also joined the IWC last year under United States pressure, but continues to allow the Paulmy Star to whale in violation of an IWC ban on factory-ship whaling along the Chilean coast.

Spanish whalers have long had ties with Taiyo Fishery Co., whose employees oversee the butchering of each whale as it is brought to shore in Spain. Faced with the threat by the United States of an embargo of Spanish fish products, Spain joined the IWC last year, but promptly announced it would not abide by its quota of 143 fin whales set by the IWC for this year.

The waters around Spain and Portugal were the killing-ground for the pirate whaler Sierra and two sister ships. The Sierra began its life as a rogue whaler in 1968. Sailing as a combination factory and catcher ship, it originally was wholly owned by Norwegian interests. Taiyo Fishery Co. apparently bought a share of the secret operation in 1973, when a subsidiary, Taiyo Canada Ltd., contracted to buy Sierra's entire catch for export to Japan. In 1976, when exposure of outlaw whaling began, a Taiyo official set up a dummy company in the Bahamas, to conceal its trade in whale meat.

The Sierra flew various flags of convenience: first the Bahamas, then Somalia; it sank under the flag of Cyprus. It carried a Norwegian captain and mate, four Japanese "production inspectors" and a crew of South African blacks, Spaniards and Portuguese. Roaming the North and South Atlantic, it hunted in areas totally off-limits under IWC regulations.

So every year over the last decade, too many were allowed to be killed. In the North Pacific, for example, so many male sperm whales were harpooned under IWC quotas that the female sperm whales now cannot reproduce effectively. Though sperm whale hunting is now banned in the North Pacific, the species will decline for decades, their natural mortality outstripping births.

Although the Sierra whalers are apparently shut down now, other outlaw whalers have been expanding rapidly in the western Pacific, using Taiwan as a base. Four Japanese stern trawlers have been converted to factory and catcher ships like the Sierra. Manned by Japanese and ranging as far as the Indian Ocean and the U.S. Trust Territories, these unregulated whalers are harpooning more than 1,000 whales annually, concentrating on Bryde's whales and the handful of humpback whales that still survive.

Investigations by the international conservation group Greenpeace and other conservationists have revealed that thousands of tons of frozen whale meat from the Taiwan outlaws have been shipped to Japan by a devious route. It is shipped to South Korea, when the meat is labeled "Product of South Korea," and reexported to the fish markets of Tokyo and Yokohama. South Korea is a member of the IWC, so its genuine exports are legal. But the Koreans export only fresh whale meat. When the Japanese press exposed the scandal, the Japanese government was forced to confiscate 300 tons of the whale meat and admit that the importers were none other than Taiyo Fishery Co. and another grant fishing company, Nippon Suisan.

Even within the IWC there is increasing lawlessness. The Soviets, who still send two fleets to the Antarctic, last fall violated the IWC ban on factory-ship whaling in the North Pacific by taking 201 sperm whales there. They exhibited even greater defiance of IWC regulations by killing 916 orcas (killer whales) early this year around Antarctica. Little is known about the populations of these playful and highly intelligent small whales, and the massive kill may have permanently crippled the species.

The orca meat is probably being fed to mink and sable on fur farms in Siberia. The Russians are already under fire from the United States and Mexico for killing large numbers of California gray whales under a special aboriginal whaling permit and then, according to Soviet sources, feeding almost all of the meat to the mink and sable. Nearly 170 gray whales are harpooned each year off Siberia, the same whales that migrate down the California coast to the lagoons of Baja California. In Alaska, around 15 bowhead whales are landed each year to feed Eskimos whose numbers are several times the population of their Siberian relatives.

Compounding the problem of compliance with IWC quotas is the lack of independent observers to monitor all whaling. There are widespread reports of cheating by almost all whalers; as meat, a protected humpback whale may be worth $20,000.

Last April scientists, philosophers and conservationists from around the world gathered at the Smithsonian Institution in Washington for the Meeting on Cetacean Behavior and Intelligence and the Ethics of Killing Cetaceans. Participants explored the high intelligence of cetaceans—the whales and dolphins—and debated the morality of killing them for commercial purposes.

Observed British marine scientist Sidney Holt of the University of California at Santa Cruz: "Whatever else they may be, cetaceans are large-brained, sociable, communicating and sensitive mammals with a broad range of emotions, and great differences between individuals of a species and even in their small groups, with long memories and strong tendencies to parental care and other forms of mutual aid. This means, I believe, that the present species are likely, over a far longer period than human history, to have developed a mental culture which we are almost certainly destroying just as surely as colonizers of the new world destroyed local human cultures, even if they did not make the indigenous populations extinct."

Peter Morgane, a neurobiologist at the Worcester Foundation for Experimental Biology in Massachusetts, made an impassioned plea for saving the whales:

"Now that hard science has revealed such special brains in whales, we urge all men and nations to go about the task of learning more about them and what they may tell us about ourselves and our own evolution. Destroying another entire species is the most unethical, despicable outrage man can perpetrate against his own planet. The holocaust perpetrated against whales needs to be warred against with all the tools, economic and otherwise, we can muster. In destroying other species man is slowly destroying himself. In destroying our neurological relatives we are perpetrating genocide and will lose the knowledge of another entire world. What a price to pay for limited, local, nationalistic profit and outright greed!" ●

BLACK WOMEN'S WEEK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. RODINO. Mr. Speaker, earlier this month I had the pleasure of meeting with several prominent black women from my congressional district. They came representing the New Jersey State Federation of Colored Women's Clubs, Inc.—an organization dedicated to helping to better the social environment for minority women in my home State.

Mr. Speaker, I have been very impressed with the dedication of these women and their hard work to advance the cause of equal opportunity and social justice. The women involved represent cities and towns from all parts of New Jersey and they represent the interests of women throughout our country. I was proud to join these women in supporting a resolution that was approved by the Essex County Board of Freeholders designating the week of July 27-August 2 "Black Women's Week" and urging the Governor and mayors to do the same.

America's black women have contributed greatly to the American family and they continue to play a critical role in economic, cultural, and social spheres of our society.

Mr. Speaker, I am delighted that the Essex County Board of Freeholders approved this resolution and I ask my colleagues to join with me in celebrating the contributions of black women in America. I ask that the resolution, proposed by Freeholder Bernice Davis, be included in the Record as follows:

Resolution of the Board of Freeholders, County of Essex

Whereas in 1896, eighty-four years ago, the first annual meeting of the National Federation of Afro-American Women, organized in Boston, Massachusetts, July, 1895, met; and

Whereas when the call went out from the initiator, Mrs. Josephine St. Pierre Ruffin, of Boston Massachusetts, "Let Us Confer Together"; and

Whereas the National Association of Colored Womens Clubs, Inc., will celebrate the 42nd Biennial and 84th Anniversary Convention; and

Whereas the theme of the National Association of Colored Womens Clubs, Inc., is Humanitarian Efforts Toward Universal Aims, Equality, Freedom, and Justice; and

Whereas the National Association of Girls Clubs will celebrate the 25th Biennial and 50th Anniversary Convention, in the Nation's Capital, July 26-August 2, 1980; and

Whereas this resolution will be a great tribute to our pioneer clubwomen, so nobly begun by those women of vision and courage: Now, therefore, be it

Resolved, we request the Governor of the State of New Jersey, mayors, and all county officials, to issue a proclamation designating July 27 to August 2, 1980—"Black Women's Week."●

THE APPROPRIATE REMEDIES FOR THE DETERIORATING U.S. ECONOMY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. HAWKINS. Mr. Speaker, in a recent discussion of the deteriorating U.S. economy, I set forth the factual evidence that showed that the current recession cannot be looked at as an isolated economic occurrence. This recession is but the sixth episode in the moving picture of an abysmally poor and terribly costly average performance of the U.S. economy for more than a quarter century. The episodes of the six recessions have been part and parcel of a remarkably consistent long-range economic performance, and the ups and downs have not cut across this consistency because they themselves have become part of the regular pattern of a roller coaster economic performance. Indeed, this consistency has become such that the repeated recessions annoy us but no longer surprise us; we take them to be in the natural order of things.

Repeated recessions would not be nearly so damaging, though serious they would be, if the recovery periods were long and strong enough to bring us good results in the long run. But, the moving picture for more than a quarter century has not displayed this reassuring aspect. Just as most recessions have by now tended to be worse than their predecessors, so most of the recoveries have tended to stop further short of full recovery than the previous ones. All of the big troubles—unemployment, idle plant, inflation, Federal deficits, and progressive neglect of our national priorities—have grown chronically in the long run.

Because of the dismal unity of this long record, we must look at the causes for the record as a whole, before we can apply effective remedies to overcome where we are now and where we are headed. The remedies which we now should apply must be addressed not to turning the current recession into a short and faltering recovery, but rather to converting the long-range roller coaster performance into reasonably steady growth at rates consistent with our needs and capabilities.

Despite the more than one-quarter century of the roller coaster economic performance with such intolerable results on the average, it is surprising that so little attention has been devoted to empirical examination as to the causes of the long-enduring trouble. It is frequently stated that high inflation has been the main explanation of ensuing recessions. But this is not supported by the empirical evidence.

There was remarkable price stability, except for falling farm prices, during the years 1922-29 before the Great Depression. What we would now view as an amazing degree of price stability occurred before a majority of the six recessions from 1953 until now. Inflation was high before the 1973-75 recession and the current recession. But upon analysis of how these two recessions occurred, the explanation cannot be found in rising prices alone. For recessions occur only when the demand for goods and services fall short of our capabilities to produce them. This cannot happen, even in the face of rising prices, unless there occur strong imbalances in the relationships between investment toward increasing production capability, and ultimate demand in the form of private consumer outlays and public outlays combined. These imbalances can occur, and have occurred, with or without rising prices, and have not occurred in some countries far surpassing us with respect to long-range economic growth and lower unemployment despite rising prices. Thus, in seeking an explanation of our long-run troubles, of which those of today are an integral part, we must examine the imbalances which have occurred and how they were abetted by national economic policies. This alone will enable us to discern what policies we should follow now.

During the years 1922-29, productivity grew very rapidly. But too large a portion of the gains, even at a stable price level, were allotted to profits and investment, while wage-rate gains lagged far behind these productivity gains, and farm income fell seriously. For a number of years, the imbalance between the ability to produce and the ability to consume did not take serious effect, because we made large loans overseas to permit others to buy our products. But the size of the deficiencies in domestic demand, and our futile effort to attempt to get these foreign loans repaid in money except through goods and service imports into this country, brought on the Great Depression. The stock market crash, itself a product of a previous stock boom caused by the imbalances already described, was but the spark which set the whole economy on fire only because the rotting timber was there to be ignited.

The widespread commentary in 1979, on the 50th anniversary of the great crash, gave us many assurances, probably valid, that we would not suffer any equal calamity again. But there was very little attention paid to the fact that, in smaller degree, and consequently with less catastrophic results, the more recent of the six recessions since 1953 have had their origin in the same imbalances which generated the Great Depression.

The period from the beginning of 1961 to the end of 1969 strikingly illustrated the nature of these imbalances. The period from the first half of 1961 to the first half of 1966 might be called an economic boom. During this period, the rate of investment in plant and equipment, which add to increased capabilities to produce, grew in real terms more than twice as fast as ultimate demand in real terms, which includes both private consumer spending plus public outlays for goods and services. The period from the first half of 1966 to the fourth quarter of 1970 was a mixed period including recession. Bringing this on, the excessive relative pace of investment during the earlier period brought on so-called overcapacity, which was really inadequate ultimate demand. Investment was cut back sharply, and this, combined with the longer and greater deficiencies in ultimate demand, brought on recession. During this mixed period including recession, investment grew even more slowly than ultimate demand, but both grew much too slowly, and the retardation of investment was occasioned by the deficiencies in ultimate demand.

From fourth quarter 1970 to fourth quarter 1973, a period of inadequate upturn followed by stagnation, investment again grew much faster than ultimate demand. This led into the period of recession and inadequate upturn from fourth quarter 1973 to fourth quarter 1975, when the growth rate in investment was negative, and the growth rate in ultimate demand very low, with the first rate again occasioned by the second and by the lag in ultimate demand behind investment during the immediately preceding period. The economic upturn from fourth quarter 1975 to fourth quarter 1978 was very inadequate, but in this period again the average annual real growth rate in plant and equipment was about 50 percent higher than the real average annual growth rate in ultimate demand.

It is even more striking, and a more ominous warning, that from fourth quarter 1978 to fourth quarter 1979, when the real growth rate of the economy was only 0.8 percent, real investment grew by 6.1 percent, while real ultimate demand grew by only 1.0 percent. And during the first half of 1980, despite the incomplete and preliminary figures thus far available, this appears to be the situation: The rate of investment, while of course far too low in absolute terms in a recession economy, is moving far less unfavorably than the trend in ultimate demand composed of private consumption and public outlays.

Committees of the Congress and others have had occasion to observe that the performance of investment is primarily a response to the performance of consumption. In its midyear report in 1979, the Joint Economic Committee identified the weakness of consumption as the dominant reason for the weakness of the economy, and stated that the performance of investment up to that point had been holding up well, but that its performance in 1980 would depend upon the consumption performance. As late as May 26, 1980, Business Week said this: "Consumer spending provided the underpinning for the economy in 1979 and thereby averted a recession. This support has now been withdrawn, and 1980 is turning into a classical business downswing."

Despite this empirical record as I have reviewed it, national policies at least since the historical tax cuts of 1964 have redistributed income upward in a regressive manner, and favored the investment function over the consumer function. This watering of the economic tree at the top rather than at the bottom, this trickle-down theory, has thus been of long duration, and the worse it has worked, the more it is being tried. National tax policy is the best and most important example of this.

In view of the extent to which the regressive distribution of income has contributed to the economic imbalances bringing on our troubles during the past quarter century and particularly during the past decade, national tax policy should be used in corrective directions. A 1968 study indicated—and the current situation is far worse although no similar subsequent studies have been made—that, when all types of taxes are taken into account, the family with an income under $2,000 paid 50 percent of its income in total taxes of all kinds, while families with incomes between $2,000 and $50,000 paid between 29.2 percent and 34.6 percent, and families, at $50,000 and over paid only 45 percent. Yet the personal tax cuts of 1964, coming at a time when the economic imbalances were very much the same as those I have depicted for other periods, added only 2 percent to the after-tax or disposable incomes of those at $3,000, only 1.6 percent to those at $5,000, and only 2.1 percent for those at $7,500 compared with 6.2 percent for those at $50,000, 8.3 percent for those at $100,000, and 16.1 percent for those at $200,000.

Thus, these personal tax cuts were far more favorable to those who save for investment purposes than to those who spend for consumption a far larger portion of their incomes than those in higher income brackets. The 1964 tax cuts committed an equally egregious error in allocating far too much directly to the investment function, and far too little to the consumption function. And despite the widely heralded achievements of the 1964 tax cuts, they gave the economy only a flurry of improvement for a short time, and then by 1966 there set in the lowered real growth rates and rising inflation which have chronically plagued us since.

Looking at the longer period 1962-65, Federal tax cuts of about $19 billion allocated about $8.5 billion to investment purposes and about $10.5 billion to consumption purposes. This was a gross misdirection, considering the nature of the imbalances in the economy. And this is especially true when one recognizes that the rate of consumption measured in dollars tends to be about four times as high as the rate of investment, so that the $8.5 billion allocation to investment would need to be lifted to about $34 billion, or to more than three times the allocation to consumption, to make the comparisons show the actual distortions.

Insofar as changes in the tax structure are needed to stimulate the economy, they should not be avoided nor delayed nor approached in gingerly fashion on the ground that this would enlarge the Federal deficit. As I have already indicated, the performance of the economy is vastly more important then the condition of the Federal budget. Nor is there sizable evidence of positive correlation between the size of the deficit and the amount of the inflation. The inflation springs primarily from the roller coaster economic performance and from the behavior pattern of groups functioning within the private economy. A substantial part of it springs from OPEC price actions, and these have nothing to do with the size of the Federal deficit.

But these two points just made are really beside the point, because the best way to remove the Federal deficit in the long run—it cannot be removed in the short run—is to reactivate the economy.

However, any sizable tax reduction attempted should avoid the already-described errors of those undertaken within the past two decades, especially beginning with 1964. There is, to be sure, great need to encourage productivity growth. But the empirical record shows conclusively that the severe decline in productivity growth has been due more than anything else to the underutilization of employed workers in existing plants, in consequence of the roller coaster economic performance and the repeated recessions. Insofar as increased productivity growth depends upon more investment in plant and equipment, tax incentives in general would be required only if current prices per unit were inadequate to insure adequate profits at sufficient volume. As this is palpably not the case, the major incentive to improve investment must be larger and surer markets for products through enlarged ultimate demand, composed of both consumer buying and increased public outlays. Reckless tax reduction as a substitute for this has failed several times already; it should not now be tried again.

It follows that use of the term "supply side" economics to justify more tax reduction of the wrong kind is a smokescreen which reveals nothing, a flossy new term to dress up an old fallacy. There is no such thing as a supply-side economy or a demand-side economy, a supply-side problem or a demand-side problem. Supply is called forth by demand, and demand cannot be met without supply. The only meaningful problem is the balance between the two. Under current and foreseeable circumstances, effective demand needs to catch up with supply capabilities under current plant and equipment, before investment in new plant and equipment can be brought into line with balanced requirements for optimum economic growth and fuller employment.

This means that we should be very chary of large and general tax concessions to investors. Tax concessions to investors, as when they worked well in the past, should be pointed selectively to those areas where they are demonstrably the best method to increase those supplies which are now short, taking into account also the relative priorities of need for more or not more of various types of commodities in terms of the national interests. When tax concessions are granted with this in mind, there should be discernable quid pro quo for them, a clear prospect and promise that they will be applied to serve the national interest as defined.

To bring the economy into better balance, toward the ends of prompt recovery and longer range performance, the current distribution of income and the depreciations made upon it by earlier errors in national tax policy call insistently for most of the tax reduction being devoted to reductions on the personal income tax side, highly concentrated in the lower middle and low-income tax brackets. In determining the quantitative relationship between tax benefits to investors and tax reductions for consumers, it should always be stressed that, as consumer outlays are in the neighborhood of four times fixed durable investment outlays, consumer taxes would need to be reduced four times as much as investment outlays are helped by tax benefits, even if there is a viable balance between the two when the tax changes are put into effect. When there is the off balance that there is now, the 4-to-1 ratio should probably be increased.

Thus far, I have talked as if tax reduction should be the sole or dominant method for stimulating the economy. But any such assumption has absolutely no justification in reason or experience. Nonobservance of this today, in almost all of the discussion, is amazing and indicates to me that short-range politics rather than long-range commonsense has mounted into the driver's seat.

The main purpose of the Federal budget is not to advance or retard the speed at which the economy runs, although this is a very important subsidiary purpose. If that were the main purpose, we could have a 20 billion dollar rate of Federal outlays and no taxation when the economy needed stimulation, and the reverse when the economy needed restraint. But the main purpose of the Federal budget is to allocate resources and incomes to those sectors of the economy which need them in terms of economic balance and social criteria. This is in line with the statement of Lincoln that the function of Government is to do for the people what they cannot do for themselves or cannot do so well in their separate and individual capacities.

Looking at this core purpose of the Federal budget under current circumstances, an increased dollar of Federal revenue is of more value than an increased dollar of tax reduction, assuming that both courses are properly directed, and it is certainly not harder to properly direct increased outlays than it is to direct the uses to which tax reduction is put. Practically every competent study indicates that, per dollar spent, increased outlays stimulate production and employment more than tax reduction. Increased outlays are therefore more advisable in terms of the condition of the Federal budget and to hold down the Federal deficit.

Increased outlays can be pointed directly toward reducing the neglect and increasing the servicing of the great priorities of our national needs, whether by direct Federal spending or by Federal spending in behalf of private development. These great priorities include but are not limited to health, housing, education, energy, mass transportation, environmental improvement, urban rescue, and reducing the private and public disparities from which our farm population suffers. None of these national priorities can be addressed as well, if addressed at all, through tax reductions. The hour is late to abandon some of the pleasing slogans about public spending and big Government which are misdirecting national policies and misleading the public, and to substitute the dictates of reason and experience in the conduct of public finance.

But instead of this, we have for far too long been combining an erroneous national tax policy to stimulate the economy with an erroneous Federal spending policy to restrain it and to fight inflation. It is hardly ever desirable to have the two parts of the Federal budget pulling in opposite directions instead of moving in balanced concert. Besides, misplaced tax reductions are inflationary, and excessive restraints upon priority spending are also inflationary because they cause or aggravate serious shortages in those areas where the inflationary trends have been the most pronounced.

The excessive accent upon tax reduction and the excessive restraints upon public spending have represented for some years now, and still represent, a deliberate movement through national policy to further feather the nests of those who are doing relatively well, at the expense of those doing poorly. It is unnecessary to detail the nature or consequences of the excessive restraints placed upon Federal outlays in recent years and now. It is unnecessary to do this because the figures are displayed almost from day to day, and because the avowed intent of the executive branch and the Congress has been not to stimulate but to restrain the economy in the name of fighting inflation.

The repeated successes of the recession-causing strategy and the repeated failures of the inflation fighting strategy, plus the debacle of the repeated attempts to balance the budget by the combination of these two strategies, are too well known by now to be repeated again by me.

Anyone who doubts the accuracy of what I have just said needs only to look at the Economic Report and Budget Message of the President for January 1979 and January 1980, look at the reception accorded to these Presidential documents by various committees of the Congress, and look at the budgetary actions taken by the Congress on the fiscal 1980 budget and the actions taken thus far with respect to the fiscal 1981 budget.

The appalling nature of the whole situation is indicated by the frankness with which the administration and others have confessed to the likely results of the policies being put into effect. On July 21, 1980, the administration told the Congress that the Federal budget deficit for fiscal 1980 is now estimated at $60.9 billion, contrasted with an earlier determination to balance that budget. The administration told the Congress that it now expects unemployment to rise to between 8.5 percent and 9 percent early in 1981, and that the recovery in 1981 will be so slow that unemployment would be nearly that high at the end of 1981.

The administration told the Congress that consumer prices are estimated to rise 12 percent from fourth quarter 1979 to fourth quarter 1980, and then combines its guess that consumer prices will rise at only about 8.5 percent in the second half of 1980 with a further guess that these prices in 1981 will go up 9.8 percent. On top of all this, the administration, in its January 1980 Economic Report and Budget Message, told the Congress and the country that it did not expect to get unemployment down to 4 percent until 1985, which sounded impossible at the start of 1980 in view of the policies being offered, and now sound doubly impossible in view of the administration's expectation that unemployment will be near 9 percent at the end of 1981 or the start of 1982.

The administration told the Congress in January 1980 that it would take until 1988 to get inflation down to 3 percent. If one accepts the administration's economic thinking and policies, this would be feasible only if, (a) we are in a substantial recession with very high unemployment in 1988 and, (b) the discredited trade-off actually worked to reduce inflation through recession and high unemployment.

In short, the current budget policy of the Federal Government, resulting from a substantial concord between the administration and the Congress, offers nothing but more of policies which have failed, while calling some of them such as the supply-side economics "new." These policies offer nothing but one recession after another punctuated by aborted recoveries, with a chronic trend being toward lower and lower average real economic growth and higher and higher average idleness of workers and other production capabilities.

This is not the sensible pruning of some overblown Government programs; it is confirmation of the repudiation of public responsibility. It continues to impose upon the American people sacrifices which are neither needed nor wanted, to impose these sacrifices upon those least able to bear them. It fails to recognize that the only genuine rescue operation, in the interest of all the people, is to call forth our intrinsic abilities to grow, to increase production and jobs, to attain price stability by so doing, and to substitute legitimate confidence for trumped up assertions as to the inevitability of projected hard times.

In readjusting the outlay of the budget to these considerations, it is not enough to join in the common belief that it is sufficient to turn the economy from moving downward toward moving upward. The real issue is not the difference between a negative growth rate of 1 percent and a positive growth rate of 1 percent. All of our national policies must be used in combination to restore rates of performance which would not only move us across the line from recession to advance, but also advance us at the rate needed to effect our full potentials. This needed rate is much higher until we achieve full recovery than after we get there. Today, there is almost no talk about the size or duration of this problem, much less action directed toward this problem.

Whether the goals for 1983 established by the Humphrey-Hawkins Act of 1978 can be achieved in view of the flagrant violation of this law since enactment is highly problematical. Nonetheless, it is worthwhile to compare the policies now in being and in the course of development, designed only to achieve the terribly defeatist goals set forth by the administration, with the developments needed to achieve the Humphrey-Hawkins goals. These needed developments include a rate of real economic growth averaging 5.7 percent during 1979-83, and an increase in Federal outlays at an average annual rate in real terms of 4.4 percent; this, conservatively, shrinks the ratio of Federal outlays to GNP in a properly growing economy. Movement along these lines would reduce unemployment to 4.0 percent during 1983, in accord with the original goals of the Humphrey-Hawkins Act.

The administration's modification of these goals in his 1980 Economic Report was without legal justification, and was only the logical and foreseeable results of their policies as announced in January 1979 and also utterly inconsistent with that act. Be this as it may, I set forth an estimate of many months ago that the President's January 1980 policies, as affirmed in the main by the Congress, would result in unemployment above 6 percent by 1983. This was a very optimistic estimate indeed, in view of the current finding of the administration that unemployment will be about 9 percent at the start of 1982.

In terms of the worthy and durable purposes of the Humphrey-Hawkins Act, approved by overwhelming majorities in both Houses of the Congress in late 1978, the management of national economic policies by the administration and the Congress since then has been a veritable travesty in terms of statutory obligation and national needs—and the unfavorable results within the economy have perhaps exceeded even what might have been expected.

My analysis would be incomplete without placing the performance of the Federal Reserve Board and System within the context of the problems confronting us. The Fed policies, during 1955-79, held the real average annual growth in the Federal money supply to only 0.2 percent, contrasted, with a needed average annual rate growth well above 4.0 percent in order to help the economy advance at a needed average annual real growth rate of about 4.4 percent. The real growth rate in the money supply during 1955-79 was virtually neutral or even negative just before and/or at least part of each of the periods of stagnation and recession during this long period. It was negative at an average annual rate of about 5.0 percent during 1973-75, when we suffered the worst economic downturn to that date since the Great Depression, and was negative from 1970-78 and from fourth quarter 1978 to fourth quarter 1979, during which time the economy was first in abject stagnation and then in deep recession.

Equally important but very widely neglected, the impact of Fed policies upon interest rates has increased the interest charges upon the Federal public debt enormously. By 1979, the excess interest costs in the Federal budget accounted for almost the entirety of the Federal deficit for that year, which many hold to be inflationary, and accounted for about twice Federal budget outlays for housing and community development or manpower programs or education. The increased interest cost burden upon State and local debts, due to rising interest rates, amounted to more than $54 billion during the period as a whole, and accounted for a very large part of the trials and tribulations in which so many of our largest cities now find themselves.

The increased interest costs, during the period as a whole, aggregated more than $1.6 trillion upon all private debts, with the increased burden placed excessively and unconscionably upon families from the middle of the income structure on down to the bottom. Nothing has done more to distribute income upward than the rising of interest rates, and this has also contributed to the imbalances between investment and consumption already detailed which are at the heart of our economic troubles. Big investors are hardly hurt by rising interest rates, because they finance substantially out of retained earnings, because interest costs are a small part of their total costs, and because rising interest rates are translated immediately into additions to already inflationary price increases.

Not even the most prompt and affirmative correction in fiscal policies on both the taxing and spending side can be acceptably effective without direct and successful efforts to clip the so-called independent wings of the Federal Reserve Board by making it more responsible to the Congress and to the President. Other legislative actions are needed to define the allowable scope of the Federal Reserve in its money supply and interest rate policies, in order to bring the Fed to the support of the policies of the President and the Congress in accord with the objectives of the Humphrey-Hawkins Act.

In conclusion, we must begin to pay some attention to coherence and consistency in basic national economic policies, instead of devising them on an improvised and ad hoc basis. We must first establish unified and coherent goals as a guide to policies, instead of setting random policies in terms of inadequate objectives and faulty economies, and then making guesstimates or forecasts as to what goals will be reached under these defeatist policies. We are putting the carts before the horses, in addition to using the wrong horses and the wrong carts. The only tangible goals we now have are to try futility to balance the budget at the expense of the economy, and try futility to reduce inflation at the expense of the people hurt by these anti-inflation efforts.

The blueprint for what we need to do is set forth explicitly and fully in the Full Employment and Balance Growth Act of 1978. When we in the Congress make a good start toward doing in 1980 what we promised ourselves and the American people we would do in 1978, then and only then will we be steering a sound and rewarding course.●

BEDFORD STUYVESANT RESTORATION PLAZA

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mrs. CHISHOLM. Mr. Speaker, for the last decade, the Bedford Stuyvesant Restoration Plaza in Brooklyn has enlivened and enriched the lives of many Brooklyn residents by providing a number of cultural and recreational activities.

This week, the Bedford Stuyvesant Restoration Plaza is inaugurating its first annual Black and Hispanic Arts and Humanities Festival. This event, which will last from August 16-24, 1980, brings together a wide range of entertainment and cultural activities.

I would like to extend my congratulations and wishes of much success to all the people, especially Curtis A. Wood, president of the corporation, who have worked to make the plaza and its activities successful. I hope that this festival marks the beginning of a yearly happening in Brooklyn that will draw people from the entire metropolitan area.

Restoration's First Black and Hispanic Arts and Humanities Festival

The goals and accomplishments of the Bedford Stuyvesant Restoration Corporation in helping to restructure the economic, physical and cultural well-being of the second largest Black community in the country, have won it national and international acclaim. The Black and Hispanic Arts and Humanities Festival is an outgrowth of Restoration's thirteen-year history of service and involvement in Brooklyn's Bedford Stuyvesant community. The Festival is meant to be an introspective, yet joyful look at the rich and complex contribution of American Blacks and Hispanic Americans to the arts.

Although Blacks have resided in Brooklyn since the 1600's, when the borough enjoyed the dubious distinction of being known as the slave capital of New York, contemporary Black Brooklyn had its origin in the third great migration from the south to the north in the 1920's and post World War II. The Hispanic population in Brooklyn has grown through the last three decades and is made up of people from Puerto Rico, Cuba, the Dominican Republic and other Central and South American countries. While a great deal has been said about the ghettoization of Brooklyn, there exists a general lack of information and reflection about the contributions of American Blacks and Hispanic Americans to the arts and humanities. All of the Festival activities, and especially the lecture series, will encourage reflection and thinking about the Black, Caribbean and Hispanic influences on the cultural life of this country.

New York City has developed a reputation and stature throughout the world as the cultural mecca of the U.S.A. due in significant part to Black and Hispanic accomplishments. Therefore, what better time than this first summer of the 1980's to enjoy art, music, dance, film, theatre and a distinguished lecture series from Blacks and Hispanic sources at Restoration, one of the nation's leading symbols of successful community development.

Besides the wealth of entertainment on view, books and magazines will also be on sale during the Festival. We hope you will be inspired to learn more about Black and Hispanic participation in every aspect of American life, long after the Festival is simply a happy memory.●

NITRITES BAN

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. WAMPLER. Mr. Speaker, I insert in the Record a statement concerning the action of the Federal Departments of Health and Human Services and of Agriculture as it related to their decision not to pursue any regulatory action to ban nitrites as a food additive.

This is a matter of considerable concern to consumers, producers, and processors of food, and I take this opportunity to insert this statement in the Record so that you might know what my position is with regard to this issue and also to indicate to you that I have urged the chairman of the Agriculture Committee to hold hearings on this matter, and I understand such hearings will take place later, in September.

Nitrites Ban

Decisions of the Federal departments and agencies affecting food additives and food safety cannot be hastily made or made without sound, unequivocal, verifiable scientific information. Otherwise, those decisions will confound consumers and lead them to distrust information from such agencies concerning the food they consume.

At the same time, the food processors and producers are ill-served—for it is their business which is placed in financial jeopardy by these unsound decisions. The decision of the Food and Drug Administration and the U.S. Department of Agriculture as it relates to the food additive, nitrite, is an excellent case in point.

Two years ago this month, amid elaborate fanfare, the Secretaries of Agriculture and Health, Education and Welfare jointly held a news conference to announce that the results of tests conducted by Dr. Paul Newberne of M.I.T. demonstrated that nitrites used in processing meats, poultry and fish could cause cancer. They proposed that nitrites be phased out and then banned as a preservative. They were joined at the press conference by Assistant Secretary of Agriculture Carol Foreman and then-Commissioner Donald Kennedy of the Food and Drug Administration.

At the time of that press conference and before, many of us in the Congress were concerned about the unscientific manner in which the Federal government was conducting its tests of chemicals and food additives and coming too-often to scientifically unwarranted and unsubstantiated conclusions about their cancer-causing effects. I am referring to tests such as those conducted on saccharin and on the herbicide, 2,4,5-T.

We were particularly concerned about the results of Mr. Newberne's findings which certain prominent members of the scientific community convinced us were based on poor laboratory procedures and erroneous judgments on his part. We urged USDA and FDA to hold off their proposed ban until the Newberne findings could be subjected to scientific review and statistical validation.

As an emergency measure, I joined with Congressman Jim Martin of North Carolina in introducing legislation to prevent the Federal government from banning nitrites until a government-sponsored study of the cancer-causing effects of saccharin could be completed. The purpose of this legislation was to make sure the government was on solid and undisputed scientific ground on one chemical before it moved to ban another.

Unfortunately, the Secretaries of Agriculture and HEW and the Commissioner of FDA decided they knew what was best for consumers and producers and the rest of us. They announced their proposed nitrite ban on August 11, 1978.

Since then, as the Newberne Study came under closer scrutiny by scientific groups and others, it was found badly flawed. The Council on Agricultural Science and Technology (CAST), representing the views of over 20 scientific societies in the U.S., blasted the Newberne findings in October 1978 and called them "of very dubious validity." The seven-member CAST team of scientists urged further tests. The Iowa State University Committee for Evaluation of the Newberne Study called for a "sound scientific evaluation and comment on the work." These views were ignored by USDA and FDA.

Finally, pressure from the Congress and the scientific community began to catch up with the bureaucrats. In March 1979, USDA and FDA jointly contracted with the Universities Associated for Research and Education in Pathology (UAREP) to conduct a slide-by-slide review of the Newberne tests.

The need for this review was heightened by the Congressional Research Service of the Library of Congress which conducted its own review at my request of the way USDA and FDA procedurally handled the Newberne Study results. The Library of Congress concluded that the two agencies had abandoned "normal procedures" in announcing the proposed ban on nitrites before the Newberne Study had been subjected to scientific review.

At that time, on September 21, 1979, I joined with 14 members of the House in a letter to the Secretaries of Agriculture and HEW declaring that the Newberne report had been "scientifically discredited" and should not be used as the basis for any further government regulatory action. Again, we were ignored.

The need for legislation to correct the faulty decision-making processes of these Federal regulatory agencies became even more evident in February of this year when the General Accounting Office released its own study of the Newberne report which further discredited the scientific basis of the tests linking nitrites to cancer. At that time, February 29, 1980, I joined with a dozen other members of the House in once again calling on the Secretaries of Agriculture and HEW to halt further regulatory actions based on the MIT findings and to instead initiate "an objective and scientifically validated study" of nitrites under the monitorship of the National Academy of Sciences. Again, we were ignored by the two departments.

In an effort to inject some sense into the Federal government's regulatory processes and to end the confusion caused by the almost-weekly announcements of newly-discovered cancer-causing substances, I proposed legislation in the 95th Congress to seek a single, valid system for decision-making by the Federal regulatory agencies. I was joined in this effort by 35 of my House Colleagues when I reintroduced this legislation early in the 96th Congress. I later expanded on this concept by proposing the establishment of a National Science Council on a scientific basis whether suspect chemicals truly posed a health risk to humans.

The purpose of this legislation, H.R. 6521—which I feel is the way to head off future regulatory fiascos like those involving saccharin, 2,4,5-T, and now, nitrites—is to consolidate into one independent scientific body the authority which now resides in five different agencies and departments of government to decide questions of scientific fact concerning chemicals which may or may not pose a cancer or other health risk to humans. In short, this bill will place responsibility for resolving such scientific questions in this panel and in this panel alone.

On Tuesday of this week, the UAREP slide-by-slide review, which was actually completed and turned over to USDA and FDA early last month, was finally made public. Its findings coincided with what so many of us in the Congress had tried over the past two years to tell the government regulators: The Newberne tests provide no basis for USDA or FDA to ban nitrites from food preservation.

What concerns me now—and I know the rest of the members here this morning—is not to crow about the decision of these two agencies in backing off their proposed ban on nitrites. We have no desire to say we-told-you-so. What we are concerned about is making sure consumers are not subjected in the future to the scare tactics too often employed by Federal regulators in their premature announcements. What we want to avoid is the near-chaos in the industries affected by these on-again-off-again regulatory announcements.

Chairman Tom Foley of the Agriculture Committee commented on the USDA-FDA decision Tuesday—and I quote him—"I hope Congress will consider in the future the basic question of whether we should revise the so-called Delaney Clause and adopt—on the basis of scientific consensus—a new procedure which would allow scientists to evaluate the risks and benefits of food additives."

I was pleased to see the Chairman make that statement. I couldn't agree with him more.

I have urged him personally to hold hearings as soon as possible on H.R. 6521 to establish a National Science Council and to also consider any other legislation setting up new procedures which would enable scientists to evaluate risks in substances affecting our food supply on a truly scientific basis—and not on a political basis. We must also address how best to balance off these risks, once established, with any benefits that the substance or substances may have.

The consuming public and producers of food are ill-served by Federal regulatory processes requiring the intervention of Congress on a near ad-hoc basis to force adequate scientific review of administrative decisions such as those which have occurred in the cases of saccharin and more recently nitrites. The procedures and standards upon which Federal regulators make decisions evaluating the risks and benefits of food additives, food safety and human dietary goals must be addressed by the Congress as soon as possible to bring some order out of disorder—and in some cases, near chaos. We must make certain that regulatory foulups like this do not happen again.

I plan to write a letter to the Secretary of Health and Human Services and the Secretary of Agriculture urging them to add a third part to the study they have contracted for with the National Academy of Sciences. I will ask any colleagues in the House to join me in this request.

This third part has been discussed over the past several months by Committee staff personnel on my behalf with the National Academy of Sciences personnel. This part would assess peer review procedures and processes in the Departments of Agriculture and Health and Human Services as it relates to research studies examining the toxicity of substances—especially food additives.

An additional task of the National Academy of Science Study should be:

1. To assess the procedures and processes for monitoring the progress of research for examining the toxicity of substances,

2. To review the guidelines and procedures used by the sponsoring agency (agencies) for evaluation of research,

3. To evaluate the procedures and the processes used by the sponsoring agency (agencies) for independent peer review of data. This should take into consideration the constraints imposed on the federal agencies by the Freedom of Information Act and acts pertaining to advisory committees.

The National Academy of Sciences should:

In each of the above general categories the committee may examine the guidelines, specifications, procedures, or processes that are currently employed by the agencies, assess their adequacy, and suggest methods for improvement as needed.

In each case, the committee may examine the issue with regard to their scientific basis, the responsibilities assigned to the agency vs the investigator or contractor, and the process followed in reaching decisions at each step.

The following are a few examples of the types of questions that should be addressed by the study:

What are the common problems encountered by investigators and the agency in monitoring ongoing research?

Are there adequate guidelines for conducting site visits, maintaining animal facilities, keeping records, preparing progress reports?

What constitutes a proper scientific review?

What remedial action can be taken if deficiencies are found during a review?

What procedures does the agency employ for evaluating research data?

What is the scientific basis for determining that the data are reliable and usable for setting tolerances?

Under what circumstances should the agency require an independent review of research data?

What data should be reviewed by an outside group?

What should be the composition of such a peer group?

Can the system accommodate the need for rapid evaluations, should such a need arise?

This third part of the study should culminate in a series of recommendations concerning monitoring and evaluation of research pertaining to examination of the toxicity of substances.●

A TRIBUTE TO FATHER ROY SCHIPPLING

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. LEWIS. Mr. Speaker, I want to take this opportunity to recognize one of the truly outstanding individuals in our country today, Rev. Roy Frederick Schippling. Father Schippling has been the rector of the Church of the Good Shepherd in Hemet, Calif., for 26 years.

During his tenure, he has not only been the leader of his congregation, but has been a pillar of the entire community. His service has spanned every walk of life. He is a member of the San Jacinto Rotary, an organization of which he served as president. He established the Community Pantry which provides food for those who truly need it. He is the chaplain for the Hemet Hospital where he comforts the sick and dying and restores not only their faith in God but in man himself.

For his many contributions to our lives, in 1978 Father Schippling was recognized by the Riverside Exchange Clubs as the outstanding citizen of the year. He is a man graced with a presence which bridges any chasim, and those whose lives he has touched are truly blessed.

Mr. Speaker, it is a tremendous honor to commend to the House of Representatives, Father Roy Schippling.●

BOB TERRILL

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. FOLEY. Mr. Speaker, there is a unique relationship existing between Forest Service personnel serving in the West and Pacific Northwest and the residents of the communities that are dependent on the resources and uses of lands within the national forest system. Often, these individuals—particularly those who serve as district rangers or forest supervisors—must make important decisions that will have a significant impact on the economy of these communities and on the lifestyle enjoyed by their residents.

Fortunately, the caliber of individuals serving in these positions has been, generally, quite high. Combining professional expertise with practical commonsense and understanding, these individuals represent the very best in public service.

The fifth district of the State of Washington has been well served in this regard by Forest Service personnel on the Colville, Umatilla, and Okanogan National Forests.

I want particularly to take this opportunity to express my personal appreciation to Bob Terrill, the Supervisor of the Colville National Forest, who retires on August 23 after 35 years of Government service.

A native of Idaho, Terrill earned a bachelor of science degree in forestry in 1949 from the University of Idaho. He served in the U.S. Air Force from 1942 to 1946. Terrill did post-graduate work at Utah State University and in 1951 received his permanent Forest Service appointment on the Boise National Forest as timber management aid.

Subsequent assignments took him to the Payette and Sawtooth National Forests in Idaho, then to Moab, Utah, in 1956 where he was a district ranger on the Manti-LaSal National Forest. From 1958 to 1960 he was timber, lands, and recreation staff officer in the supervisor's office on the Manti-LaSal Forest in Price, Utah.

In 1960 he transferred to the regional office in Ogden, Utah, then returned to the Manti-LaSal National Forest in 1965 as forest supervisor. In 1969, another promotion took him to Washington, D.C., to be assistant director of watershed management for the USDA Forest Service.

He returned to the Pacific Northwest as director of watershed management in the Portland regional office from 1972 until 1974 after which he moved to Colville, Wash., as supervisor of the Colville National Forest.

Bob Terrill has served the people of my district quite well over the last 6 years. This is not to say that all of his decisions have been universally acclaimed. They have, however, been reached carefully by a mature, thoughtful, highly professional man who has acted in the best interests of the people he serves.

Bob will be missed. I and my entire staff want to wish him every happiness in his retirement.●

A TRIBUTE TO MRS. GLORIA LUCKOW OF GOLDEN VALLEY, MINN.

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. FRENZEL. Mr. Speaker, I have the pleasure today to inform this body of the outstanding achievements of one of my constituents, Mrs. Gloria Luckow, past president of the Women's Auxiliary to the Minnesota Optometric Association.

At the recent National Congress of the American Optometric Congress in Denver, Colo., Mrs. Luckow was the recipient of the "Appreciation Award." This award recognizes an individual member of the auxiliary who has made outstanding contributions beyond customary expectations on a national level with service to the visual welfare of the public, to the community at large, and to the optometric profession. This is the seventh appreciation award and the third one received by a Minnesota auxiliary member.

I am proud of Gloria Luckow's efforts for the betterment of the general health and welfare of our society, and proud that Minnesota people continue to play a leading role in this fine organization.●

ANCIENT ORDER OF HIBERNIANS PASS IMPORTANT RESOLUTIONS AT NATIONAL CONVENTION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. BIAGGI. Mr. Speaker, at their recent national convention conducted in Bal Harbour, Fla., the Ancient Order of Hibernians passed two important resolutions which I would like to share with my colleagues.

The first resolution pays tribute to the ad hoc Congressional Committee for Irish Affairs of which I am chairman. The committee was established in September of 1977 following a direct request by the Ancient Order of Hibernians and in our history we have sought to raise the Irish issue and today it commands far more attention than ever before. The ad hoc committee consists of 134 Members of Congress.

The second resolution calls for a permanent ban on the sale of any and all arms from the United States to the Royal Ulster Constabulary, the main police force in Northern Ireland. It was July 31, 1979, when the Department of State announced it was invoking a suspension of all sales and shipments of U.S. arms to the Royal Ulster Constabulary pending a full review of U.S. policy.

This came after an amendment I offered to the fiscal year 1980 Department of State appropriations bill which sought a similar ban. It was disclosed that in early 1979, our State Department approved the sale of 3,500 weapons to the Royal Ulster Constabulary despite their having been cited on several occasions for violating human rights of prisoners and suspected criminals. Section 502(b) of the Foreign Assistance Act bars the sale of any U.S. weapons to any nation or organization with a proven record of human rights violations.

All violence in Ireland whether it is civilian or official is wrong and must be ended if there is to be any hope for peace. The Ancient Order of Hibernians share my belief that there be a united Ireland achieved through peaceful means.

At this point in the RECORD I insert the two resolutions of the Ancient Order of Hibernians and pay special tribute to their author, Robert Bateman, national historian of the AOH:

RESOLUTION NO. 1

The National Board of the Ancient Order of Hibernians in America, Inc. hereby gives a special vote of thanks to Congressman Mario Biaggi for his outstanding work on behalf of peace and justice in Northern Ireland.

And that the National Board reaffirms its continued support and commitment to Congressman Biaggi and the Ad Hoc Congressional Committee for Irish Affairs.

And that the National Board looks forward to its continuing working relationship with Congressman Biaggi over the next two years.

RESOLUTION NO. 2

The Ancient Order of Hibernians in America, Inc. and its National Board of Officers calls upon the Ad Hoc Congressional Committee for Irish Affairs to support, and work for, a permanent, total ban on the sale of any and all arms from the United States, either directly or indirectly, to the Royal Ulster Constabulary.

And that copies of this motion be sent to Congressman Mario Biaggi, Chairman of the Ad Hoc Committee and to the members of the press in the United States, Ireland and England.●

THE VENTURE AND EQUITY CAPITAL REVITALIZATION ACT OF 1980

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. SYMMS. Mr. Speaker, today I am introducing the Venture Equity Capital Revitalization Act of 1980 to raise the Federal tax exemption on capital gains income from 60 percent to 75 percent in order to increase capital investment.

Under this bill, for every $1 of long-term capital gains income an investor received, only 25 cents would be subject to tax, instead of the current 40 cents. The measure would be effective for tax years beginning after December 31, 1980.

I believe that our economic goals should be economic stability and increasing prosperity for all Americans. One of the most important steps that needs to be taken in achieving those goals is to provide for greater capital formation. Business must be able to increase investments for research and development of new, innovative products. Research must be directed toward productive purposes and away from regulation-inspired defensive actions. What we sell abroad besides agriculture goods is technology. Technology is capital intensive and capital costs are very high. A lowering of the capital gains tax will rejuvenate the venture capital market, a critical source of funds for small, high technology firms where employment and sales growth is rapid if test ventures prove successful.

Treasury Department evidence indicates that 75 percent of the static revenue loss projected as a result of lowering the tax rates on individual capital gains under the Revenue Act of 1978, has actually been recovered through increased investor gains. It stands to reason that if just one major new discovery results from the availability of additional investment funds, the Federal Government will receive even higher receipts in the long run due to a lowering of the capital gains tax.

No other economic system in the world has ever achieved anything like the abundance that the private enterprise system and steadily increasing productivity have brought to the people of the United States. This Nation's relative strength and general prosperity is testimony to the general economic, social, and political desirability of the establishment and growth of private enterprise. In order to insure the continuance of our economic system, it is imperative that the tax structure be used to facilitate the functioning of the economy. A lowering of the capital gains tax worked in 1978 and it will work even better if it is lowered to 25 percent.●

ENERGY DEPARTMENT

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. WHITEHURST. Mr. Speaker, on June 5, 1979, I introduced H.R. 4329, a bill providing that the Department of Energy would terminate on January 15, 1982, unless prior to that time a law is enacted to continue it. My bill further requires that the Department, if terminated, be replaced by a non-Cabinet-level agency to carry out any of the truly necessary functions in the field of energy. I am pleased to point out that to date H.R. 4329 has 35 cosponsors.

In this morning's Wall Street Journal—Friday, August 22, 1980—there is a column by Walter S. Mossberg, a member of the Journal's Washington bureau who covered the Energy Department from shortly after its inception until last month, and thus is very familiar indeed with the operations of the Department. He has concluded that:

> If the Department can't be made more effective rather quickly, the only realistic alternative may be to kill it and substitute some better framework for organizing Federal energy activities.

This has been, needless to say, the point that a number of my colleagues and I have been attempting to get across for some time, and I am delighted to offer Mr. Mossberg's column at this point in the Record for the edification of my colleagues.

I would welcome any additional cosponsors who might care to join me in this effort, and I want to thank and commend Mr. Mossberg for outlining the problems so effectively and pointing out the best remedy.

Thank you, Mr. Speaker. For the convenience of my colleagues, I am also inserting the text of H.R. 4329.

The Energy Department Is a Flop

Washington.—Jimmy Carter is proud of his record on energy and he cites that record as a reason voters should reelect him.

But the President's speeches make scant mention of Mr. Carter's very first big energy initiative: the 1977 decision to create a new Cabinet-level Department of Energy. Maybe that's because the department, now nearly three years old, isn't much to boast about.

In fact, judging by its consistent inability to operate its regulatory and other programs effectively, the department has been a flop. That's reason enough for the President and Congress next year to reconsider the whole notion of a Cabinet-level energy agency.

KILL THE DEPARTMENT

If the department can't be made more effective rather quickly, the only realistic alternative may be to kill it and substitute some better framework for organizing federal energy activities. Indeed, some original supporters of the department, disappointed by the way it has turned out, are thinking in such terms.

One of those supporters, Sen. Thomas Eagleton (D., Mo.), declared recently, "There comes a time when one has to face facts and the fact is that this department is a painful failure, beyond much hope of repair through internal organization. I believe that ultimately the department may have to be scrapped."

To suggest that creation of the department was a mistake doesn't imply that there's nothing in Mr. Carter's energy record which commends him for reelection. Nor does it mean that Republican nominee Ronald Reagan, who promises to dissolve the department, could solve all the nation's energy problems with his plan to rely on undiscovered U.S. oil reserves.

But the department's shortcomings do serve to warn voters against the propensity of politicans in either party to resort to the shuffling of boxes on government organization charts as the solution to economic and political problems. That habit may be especially tempting to those who, like Messrs. Carter and Reagan both, run for office pledging to "streamline" the government.

On March 1, 1977, after just 39 days in office, Mr. Carter called reporters to the White House to announce his proposal for the new department. He promised that it would "greatly simplify the bureaucracy" and allow energy regulation to be conducted "clearly, and I believe, cohesively." But the record shows that neither promise has been redeemed.

The idea was to improve efficiency by lumping most of the 50 federal offices that dealt in some way with energy into a single agency. But the department's various parts have little in common. Some offices worry mainly about international energy matters, while others finance pure research on atomic physics. Some regulate the prices charged by hundreds of thousands of gasoline stations, while others sell power from federal hydroelectric projects.

Congress compounded the problem in 1977 by clumsily building into the structure two overlapping regulatory arms. Coordination at the top, while somewhat improved recently, remains poor.

Worse, some key offices in the department have spent much of the past three years jockeying for turf and power. The policy office competes with the operating agencies. Nuclear researchers battle with solar power enthusiasts. The general counsel fights with the enforcement branches. And various underlings spend much time trying to outfox the Secretary's staff.

Despite, the size of the department's bureaucracy, now 20,000 strong, about 80% of its $10 billion budget last year was handed out to other units of government, private firms and consultants. These outsiders run the department's facilities, evaluate its programs and even help draft policies.

It should be noted that the department has enjoyed the services of a handful of talented, dedicated people at the top and middle levels. They regularly work nights and weekends, trying to combat the frustrations of frequent reorganizations, personnel changes, office moves and mismanagement.

Moreover, some progress in establishing order has been made since last fall, when Charles Duncan, an experienced manager, took over as Secretary. He quickly altered some of the weakest aspects of the department's original organization scheme. But even Mr. Duncan's staffers concede it could take years more to straighten things out totally, if that's possible at all.

The sternest test of the concept of the department began about a year after its debut, when, in late 1978, the Iranian revolution sent world oil supplies tumbling and prices soaring.

Instead of moving "clearly" and "cohesively" to wield its power over prices and supplies so as to ease the shortage, the department issued a series of confusing price and distribution regulations and policies that only made things worse. Nearly every post-mortem on last year's gasoline shortage has concluded that the department's actions were part of the problem, not the solution.

But the failures don't stop there. The department's biggest single project, the management of the strategic petroleum reserve, is far behind schedule; this stockpile still holds less than a two-week supply. Legal and political miscalculations haven't helped matters. Energy Department lawyers and strategists were the architects of the ill-fated oil import fee proposal rejected this year by the courts as illegal and by Congress as unwise.

Reversals of policy also blot the record. At one point, the department vetoed natural-gas purchases from Mexico on the ground that the Mexicans were charging too much. Then it accepted a Mexican decision to raise prices more than the new U.S.-Mexican natural gas treaty allowed.

Perhaps the most telling proof that the Energy Department is less than essential lies in its early abandonment by the very Carter White House that brought it into the world. Within six months of the department's formation, the power to make energy policy began to flow back to the White House and much of that authority remains there today.

Two young White House advisers, not the Secretary of Energy, played the largest role in shaping Mr. Carter's major energy legislative proposals of 1978 and 1979. What's more, the proposals implied repudiation of the very concept of the department; they called for creation of two separate federal agencies to handle the important jobs of developing a synthetic-fuels industry and expediting important energy projects.

Many legislators think they have good reason for distrusting the present setup. Sen. Eagleton, a pro-Carter Democrat, cites 48 negative reports issued in just three years by federal investigators checking on the department's operations. Its record, he says, has consisted of "an unbroken string of bellyflops."

The Senator, who is in line to take over as chairman of the Governmental Affairs Committee, pledges to make it "a priority goal in the next Congress" to get rid of the department. He says he favors instead "a new, leaner organization, which possesses the expertise and freedom of movement necessary to mount an accelerated program of energy development."

A Congress or a President bold enough to dismantle the department would risk paying the temporary penalty of inefficiency or confusion caused by restructuring, but the long-term benefits would be great. And the task would be simpler than it seems.

CUTTING UP THE MELON

For instance, about half the Energy Department budget goes for just two programs—the making of nuclear warheads and the management of the strategic oil stockpile. The Pentagon already plays a heavy role in these programs, as agent, adviser and customer, and it could simply take them over.

The Interior and State departments could re-assume energy functions that complement their activities. The Bureau of Labor Statistics could take over energy data-collection. The special counsel for enforcement of oil-pricing rules could become an autonomous Justice Department unit.

As for the department's $5 billion in annual research and development financing, there's no reason that money couldn't be handed out and monitored by the new corporation set up to pass out seed money for synthetic-fuels projects.

Government agencies function effectively only when their purposes are well defined and their work carefully targeted. In its nearly three years of existence, the Energy Department has shown it doesn't fit that bill, and the nation's leaders might as well acknowledge the fact.

H.R. 4329

A bill to terminate the Department of Energy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1001 of Public Law 95-91 (42 U.S.C. 7351) is hereby deleted and replaced with a new section as follows:

"Sec. 1001. (a) The Department shall terminate on January 15, 1982, unless prior to that date a law has been enacted which continues the Department.

"(b)(1) If the Department is terminated in accordance with the provisions of subsection (a), the President shall submit a plan to the Congress which transfers the functions of the Department to other agencies unless prior to the termination date of the Department its functions have been so transferred by law. The President may not submit a plan under this subsection which provides for or has the effect of creating a new executive department. The President shall submit a plan required by this subsection within sixty days after the date of termination of the Department in accordance with the provisions of subsection (a), unless the Congress has enacted legislation which transfers the functions of the Department to other Federal departments or agencies.

"(2)(A) The plan submitted to the Congress pursuant to this subsection shall take effect at the end of the first period of sixty calendar days of continuous session of Congress after the date on which such plan is transmitted to the Congress, unless, between the date of transmittal of the plan and the end of the sixty-day period, either House passes a resolution stating that the House does not favor the plan.

"(B) The provisions of sections 908, 910, 911, and 912 of title 5, United States Code, shall apply to any resolution considered under this paragraph.

"(3) If a plan is disapproved in accordance with the provisions of this subsection, within thirty days after the date of disapproval of such plan the President shall submit another plan to the Congress for the transfer of the functions of the Department. Such plan shall take effect at the end of the first period of sixty calendar days after the date on which the plan is transmitted to the Congress unless the plan is disapproved in accordance with the procedures established in paragraph (2). The President shall continue to submit additional plans for the transfer of the functions of the Department until a plan takes effect.

"(4) For the purposes of this subsection:

"(i) continuity of session of Congress is broken only by an adjournment sine die; and

"(ii) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.".

Sec. 2. Section 1002 of Public Law 95-91 (42 U.S.C. 7352) is hereby repealed.

Sec. 3. The table of contents shall be appropriately rewritten, with "Sunset Provisions" replaced by "Termination of the Department," and the subsection headings deleted.●

CONTINUED REPRESSION IN SOUTH KOREA

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. BONKER. Mr. Speaker, I would like to commend to the attention of my distinguished colleagues two items concerning the sorry status of political freedoms in South Korea. The first is an excellent editorial published in the New York Times of August 18 entitled "No Peace in Seoul." The second is a press release from Amnesty International detailing the refusal of South Korean authorities to allow Amnesty representatives into South Korea.

I am very concerned about the role of South Korea's military, very concerned about the extreme violations of human rights in that troubled land, and very concerned about the show trials of dissidents, especially the trial of Kim Dae Jung. As the editorial notes:

> Most Americans who care about South Korea are dismayed by Gen. Chon's brutality and look upon his show trial of Kim Dae Jung as morally indistinguishable from what passes for justice in Communist North Korea.

Furthermore, it is profoundly regrettable that the South Korean Government has prohibited outside observers representing prominent nongovernmental organizations from attending these trials. I personally interceded on behalf of Amnesty International with the South Korean Ambassador—to no avail. A representative from another prominent nongovernmental organization, the International Commission of Jurists, was also denied attendance at the Kim trial.

We have to continue to impress upon the military regime in South Korea that the mutually productive relationship which has developed between our two countries will be irreparably harmed if it continues these repressive policies. We must emphasize that the stability of the South Korean Government, indeed, its security, is dependent on domestic tranquility, which can only be achieved by a broad national consensus.

The editorial and press release follows:

No Peace in Seoul

How self-satisfied Gen. Chon Too Hwan sounds. South Korea's emerging strongman was talking the other day with our colleague Henry Scott Stokes about the publicity he has received since the death of President Park Chung Hee. "Before October 30," he said, "I was not known at all outside the military * * * International society of course did not know me. There have been big changes since then * * * I didn't run away from responsibility and now, as a result, I did receive public attention."

One reason General Chon is so pleased with his clippings is that it's a crime against the state to utter anything unpleasant about General Chon, who is now reportedly about to enthrone himself as South Korea's President. Likewise, it can be a penal offense to call for elections, civil liberties or the rule of law. Indeed, a death penalty is possible in the trial now underway of Kim Dae Jung, an opposition leader who has persistently contended that South Koreans have a right to elect their rulers.

General Chon may believe that in its heart of hearts, Washington approves of repression, just as the South Korean press asserts. The Export-Import Bank, for example, which counts South Korea as its single largest borrower, is going ahead with all pending loan projects. John L. Moore, the bank's president, went out of his way during a visit to Seoul to insist that it was business as usual with General Chon. And now there are reports that the commander of American military forces in South Korea says that Washington "has decided to support" General Chon.

General Chon may also believe that Americans have no choice but to acquiesce in whatever he does. After all, Washington has a strategic interest in defending South

Korea, as attested by some 40,000 American troops stationed there. Besides, American corporations have invested billions in a booming South Korea, which has become a major importer of American products. Anyway, who could be paying any attention to Seoul during an American election campaign?

Still, General Chon should not misjudge American opinion. Most Americans who care about South Korea are dismayed by his brutality and look upon his show trial of Kim Dae Jong as morally indistinguishable from what passes for justice in Communist North Korea. If Washington has given a false impression of the true state of American opinion, then it is misleading the Seoul regime. There are limits to tolerance, and Americans are unlikely to extend a blank check to a South Korean general at war with his own people.

AMNESTY INTERNATIONAL SAYS SOUTH KOREA BARS FACT-FINDINGS MISSION

Amnesty International said today (Tuesday, August 5, 1980) that South Korean authorities had refused to let its representatives enter the country to investigate reports of large-scale arrests and torture of political prisoners.

The international human rights organization said it sent a mission consisting of its Deputy Secretary General, Dick Oosting and U.S. lawyer Edward Baker, on the understanding that they would be allowed into South Korea. The Korean Embassy in Tokyo told the Amnesty International representatives later, however, that the timing of the mission was inconvenient because the issue of human rights was "too sensitive in South Korea at this time."

The mission had intended to meet government officials and to seek information on the treatment of hundreds of prisoners reported to be held incommunicado, including opposition leader Kim Dae-Jung. Estimates of the number of people arrested on political grounds in recent months range up to well over 1,000. Many have been released but hundreds are believed to remain in custody. The whereabouts of many have not been disclosed by the government, and there have been frequent and widespread allegations of torture. Amnesty International sought to make a more precise estimate of the numbers held, and to check the torture reports.

Many of those held are students seized after the demonstration in Seoul and Kwangju in May. Estimates of the number of people arrested more recently range upward from 300, including journalists, university professors, members of parliament, clergymen and human rights activists.

One man detained for questioning on political matters, a Christian clergyman, died the day after he was turned over to his family after six days in custody. Unofficial sources said his body bore marks of ill treatment, though the authorities have denied torturing him and said he collapsed because of chronic high blood pressure while in custody.

The mission was also intended to investigate the trials and treatment of prisoners convicted before the waves of arrests that followed the extension of martial law in May. These earlier cases included allegations that defendants were tortured to make them sign "confessions."

Among recent developments about which Amnesty International is concerned are reports that three or more lawyers were arrested and interrogated in what has been described as an effort to interfere with Mr. Kim's defense in a trial expected imminently before a military tribunal. The opposition leader, being tried with 23 others on several charges including conspiracy, faces a possible death sentence.

The Amnesty International mission left London on July 27 after consulting the South Korean Embassy. The next day, however, Amnesty International was informed that the mission must have special visas in order to enter the country. The Korean Embassy in Tokyo then refused to give the representatives application forms for such visas. An embassy official told them they would be "warmly welcomed on a future occasion," but declined to say when.

Amnesty International Secretary General Thomas Hammarberg said in London: "The Government's refusal to allow us to investigate such allegations has intensified our concern about the abuses we have had reported to us. The fact they don't even want to talk about this now is even more alarming."●

RESOLUTION FOR THE BENEFIT OF CONSUMERS AND THE COUNTRY'S ENERGY FUTURE

HON. DAVID F. EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. EMERY. Mr. Speaker, I have introduced a concurrent resolution encouraging the Secretary of the Treasury and the Secretary of Energy to adopt a residential energy credit for efficient wood-burning heating systems. As my colleagues are no doubt aware, the House voted 207 to 195 against instructing the House conferees to adopt a mandatory credit for wood-burning heating systems under the Windfall Profit Tax Act.

In its stead Congress adopted a provision which provides discretionary power to the Secretary of the Treasury to study and adopt additional tax credits. The assumption was that the administration would indeed utilize this discretionary power to adopt a wood-burning-equipment tax credit. As Hon. AL ULLMAN, chairman of the Ways and Means Committee stated during the House debate on the tax credit on February 20, 1980:

> We have not eliminated (the incentives for wood-burning stoves and other energy conservation devices). We have set forth a set of standards that I think encompasses a sound energy policy. We told the Secretary that all of these items the gentlemen (Congressman D'AMOURS) has listed would be acceptable under those standards. The President has already recommended some of them such as wood-burning stoves, so certainly the gentleman would expect that would be recommended and approved by the Secretary. (CONGRESSIONAL RECORD, February 20, 1980, p. 3324.)

Mr. ULLMAN's statement touches on some of the key issues in this proposal. First, the President did indeed recommend a 15-percent tax credit for wood-burning stoves in his phase III energy speech at Portsmouth, N.H., in April 1979. However, since his "Promise of Portsmouth," and the passage of the Windfall Profits Tax Act which granted the discretionary powers, the administration has made no efforts to assure that such a credit is recommended and approved. This concurrent resolution is designed to demonstrate the continued support of Congress for a residential wood-burning heating systems tax credit in an effort to remind the administration of previously expressed congressional intent.

Mr. ULLMAN also mentioned the set of standards, provided in the Windfall Profits Tax Act (Act section 201(b)(1), adding new paragraph 9 to United States Code section 44C(c)(A)(viii)), that were designed to insure a sound energy policy. Apparently, when Congress has considered a wood energy tax credit in the past questions have been raised as to whether or not wood-burning heating systems would indeed meet the standards required.

The first stipulation standard requires that the credit will result in a reduction in oil or natural gas consumption sufficient to justify a decrease in Federal revenues. The Booz, Allen, and Hamilton, Inc., study, "Assessment of Proposed Federal Tax Credits for Residential Wood Burning Equipment," which was prepared for the DOE Division of Buildings and Community Systems Technology and Consumer Products Branch, establishes quite clearly that this requirement is met.

The Booz, Allen DOE study concluded that residential wood heating alone presently does save us approximately 92 million barrels of oil annually. The long-term incremental savings resulting from a 15 percent tax credit is estimated at 120 million barrels. They estimated that the revenue cost for these savings would be $2.53 per barrel of oil saved, a total revenue loss of $417 million over the life-time of the credit. I view this cost per barrel saved as being justifiable considering the fact that the existing solar energy tax credits entail a revenue cost of approximately $11.28 per barrel of oil saved. This evidence indicates to me that the first standard designated by this Congress has been achieved with a wood-burning heating systems tax credit.

It is also important to remember that the figures utilized in the Booz, Allen study are from the first quarter of 1979. In the meantime, a barrel of oil has more than doubled in price while the average price of a cord of wood has not increased as dramatically. This change in cost will only improve the benefit/cost figures for consumers and for wood stove fuel displacement.

The second standard, which the credit is required to meet, is that the credit cannot result in any increase in environmental hazards or threats to public health or safety. Of course, in the past there have been many questions concerning the environmental impact of increased wood burning. The Booz, Allen study concluded that a major increase in the use of wood can reduce some water and air pollution problems, most, if not all, of which can be managed or avoided. Moreover, the study concluded that in several respects increased use of wood as a fuel can have positive environmental effects by encouraging an improvement in forestry management.

The Tennessee Valley Authority has also recently completed a very comprehensive and representative air-quality assessment study concerning wood stove emissions. The TVA actually delayed its full scale development of its wood-heating program, which included low-interest loans and grants for wood stoves, until after the completion of the air-quality assessment. The air-quality assessment study concluded that if wood stoves were being utilized by 25 percent of the households in a 7-State, 201-county service area, only a minimal impact on regional air quality would occur. The level of particulates would increase to a certain extent in specific portions of the region, but this increase was not substantial in the TVA's estimate. This study, which assessed probable impacts in all or parts of Tennessee, Georgia, Kentucky, North Carolina, Virginia, and Alabama, resulted in restricting the credit in one area that already had significantly high levels of particulates.

Another study performed for the EPA by Auburn University utilized three different types of wood-burning devices. This study, referred to as the "Preliminary Characterization of Emission From Wood-fired Residential Combustion," analyzed the contents of the emissions under strict laboratory conditions. The study cautioned against extrapolating the results to other wood-burning units or conditions other than the ones included in the study, but it did conclude that the environmental impact depends on many variables, including altitude, type of fuel, and the type of wood-burning unit. The basic conclusion was that more complete combustion limits the emissions. The type of wood-burning heating systems being considered by the DOE will emphasize sound engineering designs which will be energy efficient and thus result in emissions that are environmentally acceptable.

These three studies offer substantive evidence that the environmental effects from wood-burning heating systems will not be significant or unmanageable.

The third guideline for the wood energy tax credit under the Windfall Profits Tax Act provisions requires that the credit is not unnecessary or inappropriate given other Federal subsidies. At the present time, there are no Federal incentives requiring an efficient wood-burning system. The solar bank will provide some low-interest loans for such units, but those loans will not be available for some time. When the loans do become available, the tax credits can be reduced accordingly in the case that an individual receives a loan. Therefore, there is no real conflict when considering the final standard for the residential wood-burning heating system tax credit.

Of course, I realize that even though the tax credit, encouraged by this resolution, does meet the required criteria under the windfall profits tax, justification for adopting the credit may still be questioned by some. Many of us are concerned about the present budget constraints and a revenue loss of $417 million over the lifetime of the credit can appear significant if one does not look at the benefits involved. I realize that in the past the wood-stove tax credit proposals have been a source of great humor in the House, but the DOE estimate on the long-term incremental savings resulting specifically from a 15-percent tax credit of at least 120 million barrels of oil is certainly not something to dismiss. In a time when this country is trying to develop renewable energy alternatives, I urge my colleagues to seriously consider this resolution as an important move in the right direction.

Of course, there have been other objections to this credit in the past. Many of my colleagues are of the opinion that a tax credit for residential wood-combustion systems would only have regional benefits, specifically in the Northeast and Northwest. This in plain fact is a misperception that must be overcome.

A June 1979 Gallup survey demonstrated demographics showing the average of the then 7 to 8 million wood stove owners in this country is a rural resident of the South and Midwest. Furthermore, the greatest percentage increase in wood stove sales last year occurred in the Southeast. Similarly, some of the most innovative and large scale wood energy programs are being developed by the Georgia Forestry Commission, Tennessee Valley Authority, and North Carolina under Governor Jim Hunt. New York State also has a serious program. The fact that 35 percent of the homes in Maine and closer to 50 percent of the homes in Vermont burn wood as a primary or secondary source of heat may indicate that this tax credit has only regional benefits, but this is obviously not the case.

Many of my colleagues have also questioned the necessity of the tax credit when many homeowners are buying the wood-heating units even without a credit. The DOE Booz-Allen study indicates that the credit is justified. At 1979 sales levels of 1 million units per year, the report estimates that a 15-percent tax credit would stimulate consumer demand by at least the same 15-percent increment. The incremental effect of the credit—by facilitating the penetration into new, otherwise marginal markets—is where the significant energy savings impact will be felt. This penetration into the marginal market according to DOE could achieve an additional energy savings of 100 million barrels of oil.

Wood-burning units are no longer inexpensive, and today an efficient wood stove, for which this tax credit would apply, now costs, between $500 to $1,000, with installation and chimney costs often higher. Wood energy has now become an expensive alternative for the consumer, which means that all available options are becoming increasingly expensive—often prohibitive. A wood energy credit can help ease this squeeze. At the same time wood-burning equipment, although expensive, is not as costly as many other alternative energy technologies. Thus it represents a realistic option to many lower and middle-income families. With the consumer so influenced by the front-end cost of his energy investment, this tax credit will be beneficial to many individuals.

The question of sufficient resources surfaces from time to time when discussing a tax credit on residential wood-heating systems. At this time, wood fuel supplies in this country represent an annual energy potential of approximately 9 quads, while the country's total energy consumption in 1978 equaled 76 quads. Testimony in support of the Wood Utilization Act revealed that waste wood can provide some 4 to 5 quads of renewable energy per annum—more than our current nuclear output. This wood slash and residue, which is ordinarily wasted would make an excellent fuel for wood heating devices. In Oregon alone, it was estimated that wood residues could supply 30 percent of the State's residential and industrial needs.

The administration now seems to be leaning toward smaller scale, immediately available alternatives similar to residential wood-heating systems. The Department of Energy's commitment to the wood alternative has obviously changed. DOE's biomass energy systems program has recently been reorganized and is now focusing more on immediately obtainable medium-scale commercialization projects which are far superior on a cost-effectiveness basis than the massive R. & D. efforts of the past.

The attitude of many individuals involved in developing a residential wood energy tax credit at DOE has also changed. During the Wood Energy Institute's Government Relations Panel in Atlanta, voices were highly critical of the Department's programs in the area of wood energy. Some of those voices were DOE personnel. Donald Lubick, Treasury Assistant Secretary for Tax Policy stated:

> The Nation's wood resources are very large and more than sufficient to allow a significant increase in the present use of wood for home heating. In order to encourage use of these resources, and reduce the amount of fossil fuel burned to heat homes, the cost of a high efficiency wood-burning stove installed in a taxpayer's principal residence would be included in the definition of a qualified expenditure for purposes of residential energy credit under section 44C of the Internal Revenue Code.

It is obvious that a wood-burning heating system credit meets the necessary criteria under the Windfall Profits Tax Act. It is also apparent that there is sufficient need and justification for such a credit. In my contacts with the administration, I am certain that it is leaning in this direction, but an expression of congressional support is imperative to help insure that this credit becomes a reality. Therefore, I urge my colleagues to give favorable consideration to this resolution for the benefit of consumers and the country's energy future.●

SOME TOUGH LUCK FOR A 12-YEAR-OLD

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Mr. DERWINSKI. Mr. Speaker, I wish to direct the attention of the Members to an article in the Chicago Sun-Times of August 20, by Roger Simon. Mr. Simon gives some thoughtful but penetrating observations on the now-celebrated case of Walter Polovchak, the 12-year-old Ukrainian boy. Although it naturally has drawn intense interest in Chicago, the case has now become an international subject of attention and concern.

Mr. Simon's astute perceptions on the case follow at this point:

SOME TOUGH LUCK FOR 12-YEAR-OLD

I wrote a few weeks ago that the case of Walter Polovchak shows us how confused we get when we have to think about the Soviet Union.

I should have said it shows how confused we get when we have to think about our children.

Walter Polovchak, 12, has become big news. His story has been on national TV, his lawyer has been on talk shows around the country, a motion picture company may be interested.

My mail has been heavy but the focus has not been where I thought it would be.

Most people do not want to think about where Walter Polovchak will end up if he is returned to his parents. They are concentrating instead on whether a 12-year-old has a right to disagree with his father.

By way of brief background, Walter and his sister came here from the Soviet Ukraine with their parents about six months ago. All intended to stay in the U.S. Now, his father wishes to return and wants to take his kids with him. Both children wish to stay.

At first, it was thought that because Walter's sister was nearly 18, she could stay without problem. But the Soviet government announced it wanted both of them back. Although this column is about Walter, my comments apply to both children.

Currently, both are in a foster home in temporary custody of the State of Illinois. They await a court hearing. Walter has been granted political asylum, but that will not help him if he is returned to the custody of his parents.

Many people have asked, how would we like it if a 12-year-old American kid was given asylum by Soviet authorities?

That argument sounds sensible, but it is not.

To accept this "turnabout-is-fair-play" argument, you have to believe there is no difference between the Soviet Union and the United States.

At Nuremberg, a similar argument was tried. German generals argued that their following the orders of Hitler was no different than Eisenhower following the orders of Roosevelt. Therefore, they said, they should not be punished.

The flaw in that argument is that there was a great deal of difference between Roosevelt and Hitler and a great deal of difference in the orders the two men issued.

In the Walter Polovchak case there is a great deal of difference between the U.S. and the Soviet Union. And there is a great deal of difference in the fate the boy faces in each country.

People want to ignore that. People who say Walter must do what his parents say no matter what shut their eyes to the life that decision condemns him to. If Walter is given back to his father he is not heading back to Cleveland or Evanston or to summer camp.

He is going back to a country that we felt was not even decent enough to host our Olympic athletes. To a country where freedom of speech, religion, and assembly does not exist.

An important question the judge must ask himself in deciding this case is what happens if he decides wrong?

If the court errs by keeping Walter in America, can Walter change his mind someday and go back to the Ukraine?

Of course. Free travel is one of this country's basic freedoms.

But if the court errs by sending Walter to the Soviet Union, can Walter leave someday and return to the United States?

Of course not. The Soviet Union will never allow it.

Walter Polovchak has embarrassed the Soviet Union by saying he wishes to stay in America. He is a marked boy who will someday grow into a marked man.

Ironically, the American Civil Liberties Union has taken the side of Walter's father. It says, and I quote the attorney, "We don't presume that a 12-year-old knows what is best for him."

I am an admirer of the ACLU, but I believe it is wrong in this case. The ACLU should be fighting for Walter, not against him.

Imagine that two years ago, a 12-year-old had come into the ACLU office and said, "My folks want me to go with them to live in Jonestown in Guyana, but I don't want to go." What would the ACLU have done?

According to the statement above, the ACLU would have responded: "Sorry, 12-year-olds don't know what is best for them. So do what your folks tell you. And be sure to drink all your Kool-Aid."

The real question of Walter Polovchak is not a political one.

The real question is whether Walter Polovchak is a piece of furniture.

Breaking up a family is terrible. It is not as terrible as destroying a young boy's life.

If Walter goes back to the Soviet Union, his name will soon fade from the headlines and we won't have to think about him any more. It is not likely he will be found eligible for a higher education or for a good job.

It is possible that the Soviet authorities will decide he is a danger to the state. And he may someday join the other Soviet dissidents in insane asylums or work camps.

Walter Polovchak did a foolish thing. He came to America and decided he liked it. But he is only 12.

Tough luck, kid.●

PERSONAL EXPLANATION

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 22, 1980

● Ms. HOLTZMAN. Mr. Speaker, I was unable to be present on June 17 and 18. Had I been present, I would have voted as follows:

On June 17: Rollcall 339, yes.

On June 18: Rollcall 342, yes; rollcall 343, no.●

SENATE—*Monday, August 25, 1980*

(Legislative day of Thursday, June 12, 1980)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. CARL LEVIN, a Senator from the State of Michigan.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

Eternal Father, who has taught us that even good leaders must themselves be lead, that wise rulers must themselves have a wiser ruler, that wielders of power must themselves live under a higher power, be to us that leader, ruler, and higher power. We beseech Thee to grant to the President and to all in positions of public trust that nobler vision, that divine grace, and that stewardship of power which leads to peace and righteousness on this Earth. Keep those who labor here cheerful when things go wrong, persevering when things are difficult, serene when things are irritating, strong in mind and resourceful in spirit until the day is done. Then grant them Thy peace.

Through Him who is our Light and Salvation. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 25, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. LEVIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

CANDACE M. HANSON

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 972.

Mr. STEVENS. There is no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The bill will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 497) to authorize payment of back pay and retirement contributions from the contingent fund for former employee Candace M. Hanson.

The Senate proceeded to consider the resolution.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas Candace M. Hanson, a former employee of the United States Senate, has filed a complaint against the Sergeant at Arms, the Honorable F. Nordy Hoffman, in the United States District Court for the District of Columbia, Civil Action Numbered 77–0857;

Whereas Candace M. Hanson and the Sergeant at Arms have determined that it would be in the interests of justice to terminate the litigation without further proceedings and in an amicable manner;

Whereas the Sergeant at Arms wishes to reinstate the former Senate employee to her position as an operator in the Capitol Telephone Exchange with full seniority and recommends that she be deemed by the Senate to have rendered creditable service during the period from June 20, 1976, to July 31, 1980: Now, therefore, be it

Resolved, That the Committee on Rules and Administration is authorized to make payment from the contingent funds of the Senate in the total amount of $37,902.23. Of this total amount (1) $29,612.01 shall be paid to Candace M. Hanson as back pay, and (2) $8,290.22 shall be remitted to the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, pursuant to section 8334 of title 5 United States Code, representing the retirement deductions of Candace M. Hanson and the retirement contribution of the United States Senate for the period June 20, 1976, to July 31, 1980.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEDERAL BOAT SAFETY ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4310, which is Calendar Order No. 997.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4310) to amend the Federal Boat Safety Act of 1971 to improve recreational boating safety and facilities through the development, administration, and financing of a national recreational boating safety and facilities improvement program, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert the following:

TITLE I—RECREATIONAL BOATING SAFETY IMPROVEMENT

SEC. 101. This title may be cited as the "Recreational Boating Safety Improvement Act of 1980".

SEC. 102. The Federal Boat Safety Act of 1971 (Public Law 92–75, 85 Stat. 213), as amended, is amended as follows:

(1) In section 2 by striking the first sentence and inserting in lieu thereof the following: "It is declared to be the policy of Congress and the purpose of this Act to promote recreational boating safety and to foster greater development, use, and enjoyment of all the waters of the United States by encouraging and assisting participation by the several States, the boating industry, and the boating public in the development, administration, and financing of a national recreational boating safety improvement program; by authorizing the establishment of national construction and performance standards for boats and associated equipment; and by creating more flexible authority governing the use of boats and equipment.".

(2) In section 3—

(a) by striking clauses (10) and (11) and inserting in lieu thereof the following:

"(10) 'United States' and 'State' include the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, and any other territory or possession over which the United States has jurisdiction.

"(11) 'Eligible State' means a State that has a State recreational boating safety improvement program that has been accepted by the Secretary."; and

(b) by adding the following new clauses:

"(12) 'Recreational boating safety improvement program' means education, assistance, and enforcement activities conducted for the purpose of recreational boating accident or casualty prevention, reduction, and reporting.

"(13) 'Fund' means the National Recreational Boating Safety Improvement Fund established by the National Recreational Boating Safety Improvement Fund Act of 1980.".

(3) Section 25 is amended to read as follows:

"NATIONAL RECREATIONAL BOATING SAFETY IMPROVEMENT PROGRAM

"SEC. 25 (a) In order to encourage greater State participation and uniformity in boating safety improvement efforts, and particularly to permit the States to assume the

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

greater share of boating safety education, assistance, and enforcement activities, the Secretary shall implement and administer a national recreational boating safety improvement program. Under this program, the Secetary may allocate and distribute funds to eligible States to assist them in the development, administration, and financing of State recreational boating safety improvement programs. The Secretary shall establish guidelines and standards for this program.

"(b) A State whose recreational boating safety improvement program has been accepted by the Secretary shall be eligible for allocation and distribution of funds under this Act to assist that State in the development, administration, and financing of such State program. Such funds shall be allocated and distributed among eligible States by the Secretary in accordance with section 26 of this Act.".

(4) Section 26 is amended to read as follows:

"PROGRAM ACCEPTANCE AND ALLOCATIONS OF FUNDS

"Sec. 26. (a) The Secretary, in accordance with this section and such regulations as he may promulgate, may allocate and distribute funds from the Fund to any State that has an accepted State recreational boating safety improvement program, if the State demonstrates to his satisfaction that—

"(1) the program submitted by that State is consistent with the purposes of this Act;

"(2) funds distributed will be used to develop and administer a State recreational boating safety improvement program containing the minimum requirements set forth in subsection (b) of this section; and

"(3) sufficient State matching funds are available from either general revenue, boat registration and license fees, State marine fuels taxes, or from a fund constituted from the proceeds of such a tax and established for the purpose of financing a State recreational boating safety improvement program.

No Federal funds from other sources may be used to provide a State's share of the costs of the program described under this section, nor may any State matching funds committed to a program under this Act be used to constitute the State's share of matching funds required by any other Federal program.

"(b) The Secretary shall accept a State recreational boating safety improvement program that includes—

"(1) a vessel numbering system, either approved or administered by the Secretary under this Act;

"(2) a cooperative boating safety assistance program with the Coast Guard in that State;

"(3) sufficient patrol and other activity to insure adequate enforcement of applicable State boating safety laws and regulations;

"(4) an adequate State boating safety education program; and

"(5) the designation of a State lead authority or agency, which would implement or coordinate the implementation of the State recreational boating safety improvement program supported by Federal financial assistance in that State, including the requirement that the designated State authority or agency submit required reports that are necessary and reasonable for a proper and efficient administration of the program and that are in the form prescribed by the Secretary.

"(c) Allocation and distribution of funds under this section is subject to the following conditions:

"(1) Of the total funds available for allocation and distribution to eligible States:

"(A) One-third shall be allocated equally among eligible States;

"(B) One-third shall be allocated among eligible States that maintain a State vessel numbering system approved under this Act so that the amount allocated each fiscal year to each such State will be in the same ratio as the number of vessels numbered in that State bears to the number of vessels numbered in all eligible States; and

"(C) One-third shall be allocated so that the amount allocated each fiscal year to each eligible State will be in the same ratio as the amount of State funds expended or obligated by such State for the State recreational boating safety improvement program during the previous fiscal year bears to the total State funds expended or obligated during that fiscal year by all eligible States for State recreational boating safety improvement programs.

"(2) The amount received by any State under this section in any fiscal year may not exceed one-half of the total cost incurred by that State in the development, administration, and financing of that State's recreational boating safety improvement program in that fiscal year.

"(3) The Secretary may allocate not more than 5 percent of the funds available for allocation and distribution in any fiscal year for national boating safety activities of one or more national nonprofit public service organizations.

"(4) The Secretary is authorized to expend from the funds available for allocation and distribution in any fiscal year such sums as are necessary for the administration of this Act, but in no event may the funds expended for such administration in any fiscal year exceed the greater of $100,000 or 2 percent of the funds available for allocation and distribution in that fiscal year.".

(5) Section 27 is repealed.

(6) In section 28 by striking subsections (a) and (d) and redesignating subsections (b) and (c) as (a) and (b), respectively.

(7) Section 30 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS FOR STATE RECREATIONAL BOATING SAFETY IMPROVEMENT PROGRAMS

"Sec. 30. For the purpose of providing financial assistance for State recreational boating safety improvement programs, there is authorized to be appropriated from the National Recreational Boating Safety Improvement Fund $10,000,000 for each of the fiscal years 1982 and 1983, those appropriations to remain available until expended.".

(8) Section 31 is amended in subsection (a) to read as follows:

"(a) Amounts allocated and distributed under section 26 of this Act shall be computed and paid to the States as follows: The Secretary shall determine, during the last quarter of a fiscal year, on the basis of computations made pursuant to section 29 of this Act and submitted by the States, the percentage of the funds available for the next fiscal year to be allocated to each eligible State. Notice of the percentage and of the dollar amount, if it can be determined, for each State shall be furnished to the States at the earliest practicable time. If the Secretary finds that an amount made available to a State for a prior year is greater or less than the amount which should have been made available to that State for the prior year, because of later or more accurate State expenditure information, the amount for the current fiscal year may be increased or decreased by the appropriate amount.".

TITLE II—ESTABLISHMENT OF FUND

Sec. 201. Short Title.

This title may be cited as the "National Recreational Boating Safety Improvement Fund Act of 1980".

Sec. 202. Establishment of National Recreational Boating Safety Improvement Fund.

There is established in the Treasury of the United States a separate fund to be known as the "National Recreational Boating Safety Improvement Fund", consisting of such amounts as may be paid into it as provided in section 209(f)(5) of the Highway Revenue Act of 1956. Amounts in the Fund shall be available, as provided in appropriation Acts, for making expenditures after September 30, 1981, and before April 1, 1984, as provided in section 26 of the Federal Boat Safety Act of 1971 (46 U.S.C. 1476).

Sec. 203. Transfer of Motorboat Fuel Taxes To Fund.

(a) General Rule.—Paragraph (5) of section 209(f) of Highway Revenue Act of 1956 (23 U.S.C. 120 note) is amended to read as follows:

"(5) Transfers from the trust fund for motorboat fuel taxes.—

"(A) Transfers to national recreational boating safety improvement fund.—

"(i) In general.—The Secretary of the Treasury shall pay from time to time from the trust fund into the National Recreational Boating Safety Improvement Fund established by section 202 of the National Recreational Boating Safety Improvement Fund Act of 1980, amounts (as determined by him) equivalent to the motorboat fuel taxes received on or after October 1, 1981, and before October 1, 1983.

"(ii) Limitations.—

"(I) Limit on transfers during any fiscal year.—The aggregate amount transferred under this subparagraph during any fiscal year shall not exceed $10,000,000.

"(II) Limit on amount in fund.—No amount shall be transferred under this subparagraph if the Secretary determines that such transfer would result in increasing the amount in the National Recreational Boating Safety Improvement Fund to a sum in excess of $10,000,000.

"(B) Excess funds transferred to land and water conservation fund.—Any amount received in the trust fund which is attributable to motorboat fuel taxes and which is not transferred from the trust fund under subparagraph (A) shall be transferred by the Secretary from the trust fund into the land and water conservation fund provided for in title I of the Land and Water Conservation Fund Act of 1965.

"(C) Motorboat fuel taxes.—For purposes of this paragraph, the term 'motorboat fuel taxes' means the taxes under section 4041(b) of the Internal Revenue Code of 1954 with respect to special motor fuels used as fuel in motorboats and under section 4081 of such Code with respect to gasoline used as fuel in motorboats."

(b) Effective Date. — The amendment made by subsection (a) shall apply to taxes received on or after October 1, 1981.

Sec. 204. Study by Secretary of the Treasury.

The Secretary of the Treasury (after consultation with the Secretary of the Department in which the Coast Guard is operating) shall conduct a study to determine the portion of the taxes imposed by sections 4041(b) and 4081 of the Internal Revenue Code of 1954 which is attributable to fuel used in recreational motorboats. Not later than 2 years after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Congress on his findings under such study.

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. CANNON, I ask unanimous consent that the committee amendment be agreed to and treated as original text for the purpose of further amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UP AMENDMENT NO. 1510

(Purpose: To promote improved management and growth of our Nation's resources)

Mr. PACKWOOD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon (Mr. PACKWOOD) proposes an unprinted amendment numbered 1510.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following new material:

TITLE III—REFORESTATION

SEC. 301. AMORTIZATION OF REFORESTATION EXPENDITURES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

"SEC. 194. AMORTIZATION OF REFORESTATION EXPENDITURES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of any qualified timber property with respect to which the taxpayer has made (in accordance with regulations prescribed by the Secretary) an election under this subsection, the taxpayer shall be entitled to a deduction with respect to the amortization of the amortizable basis of qualified timber property based on a period of 84 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the amortizable basis at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such amortizable basis at the end of the month shall be computed without regard to the amortization deduction for such month. The 84-month period shall begin on the first day of the first month of the second half of the taxable year in which the amortizable basis is acquired.

"(b) LIMITATIONS.—

"(1) MAXIMUM DOLLAR AMOUNT.—The aggregate amount of amortizable basis acquired during the taxable year which may be taken into account under subsection (a) for such taxable year shall not exceed $10,000.

"(2) ALLOCATION OF DOLLAR LIMIT.—

"(A) CONTROLLED GROUP.—For purposes of applying the dollar limitation under paragraph (1)—

"(i) all component members of a controlled group shall be treated as one taxpayer, and

"(ii) the Secretary shall, under regulations prescribed by him, apportion such dollar limitation among the component members of such controlled group.

For purposes of the preceding sentence, the term 'controlled group' has the meaning assigned to it by section 1563(a), except that the phrase 'more than 50 percent' shall be substituted for the phrase 'at least 80 percent' each place it appears in section 1563(a)(1).

"(B) PARTNERSHIPS.—In the case of a partnership, the dollar limitation contained in paragraph (1) shall apply with respect to the partnership and with respect to each partner.

"(3) SECTION NOT TO APPLY TO TRUSTS.—This section shall not apply to trusts.

"(c) DEFINITIONS AND SPECIAL RULE.—For purposes of this section—

"(1) QUALIFIED TIMBER PROPERTY.—The term 'qualified timber property' means property which is held by the taxpayer for the planting, cultivating, caring for, and cutting of trees for sale or use in the commercial production of timber products.

"(2) AMORTIZABLE BASIS.—The term 'amortizable basis' means that portion of the basis of the qualified timber property attributable to reforestation expenditures.

"(3) REFORESTATION EXPENDITURES.—

"(A) IN GENERAL.—The term 'reforestation expenditures' means direct costs incurred in connection with forestation or reforestation by planting or artificial or natural seeding, including costs—

"(i) for the preparation of the site;

"(ii) of seeds or seedlings;

"(iii) for labor and tools, including depreciation of equipment such as tractors, trucks, tree planters, and similar machines used in planting or seeding; and

"(iv) for maintenance of the site until the seedlings are established.

"(B) COST-SHARING PROGRAMS.—Reforestation expenditures shall not include any expenditures for which the taxpayer has been reimbursed under any governmental reforestation cost-sharing program unless the amounts reimbursed have been included in the gross income of the taxpayer.

"(4) BASIS ALLOCATION.—If the amount of the amortizable basis acquired during the taxable year of all qualified timber property with respect to which the taxpayer has made an election under subsection (a) exceeds the amount of the limitation under subsection (b)(1), the taxpayer shall allocate that portion of such amortizable basis with respect to which a deduction is allowable under subsection (a) to each such qualified timber property in such manner as the Secretary may by regulations prescribe.

"(d) LIFE TENANT AND REMAINDERMAN.—In the case of property held by one person for life with remainder to another person, the deduction under this section shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant.".

(b) ADJUSTED GROSS INCOME.—Section 63 of such Code (relating to definition of adjusted gross income) is amended by inserting after paragraph (14) the following:

"(15) REFORESTATION EXPENSES.—The deduction allowed by section 194.".

(c) CONFORMING AMENDMENTS.—

(1)(A) Paragraph (2) of section 1245(a) of such Code (relating to gain from dispositions of certain depreciable property) is amended by inserting "194" after "193," each place it appears.

(B) Paragraphs (2) and (3)(D) of such section 1245(a) are each amended by striking out "or 193" and inserting "193, or 194".

(C) Section 1245(b) of such Code (relating to exceptions and limitations) is amended by adding at the end thereof the following new paragraph:

"(8) TIMBER PROPERTY.—In determining, under subsection (a)(2), the recomputed basis of property with respect to which a deduction under section 194 was allowed for any taxable year, the taxpayer shall not take into account adjustments under section 194 to the extent such adjustments are attributable to the amortizable basis of the taxpayer acquired before the 10th taxable year preceding the taxable year in which gain with respect to the property is recognized.".

(2) Section 642(f) of such Code (relating to amortization deductions of estates and trusts) is amended by striking out "and 191" and inserting in lieu thereof "191, and 194".

(3) The table of sections for part VI of subchapter B of chapter 1 of such Code is amended by inserting at the end thereof the following new item:

"Sec. 194. Amortization of reforestation expenditures.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to additions to capital account made after December 31, 1979.

SEC. 302. INVESTMENT CREDIT.

Paragraph (1) of section 48(a) of the Internal Revenue Code of 1954 (relating to definition of section 38 property) is amended—

(1) by striking out the period at the end of subparagraph (E) and inserting ", or"; and

(2) by adding at the end the following:

"(F) in the case of qualified timber property (within the meaning of section 194(c)(1)), that portion of the basis of such property constituting the amortizable basis acquired during the taxable year (other than that portion of such amortizable basis attributable to property which otherwise qualifies as section 38 property) and taken into account under section 194 (after the application of section 194(b)(1)).".

SEC. 303. REFORESTATION TRUST FUND

(a) There is established in the Treasury of the United States a trust fund, to be known as the Reforestation Trust Fund (hereinafter in this section referred to as the "Trust Fund"), consisting of such amounts as are transferred to the Trust Fund under subsection (b)(1) and any interest earned on investment of amounts in the Trust Fund under subsection (c)(2).

(b)(1) Subject to the limitation in paragraph (2), the Secretary of the Treasury shall transfer to the Trust Fund an amount equal to the sum of the tariffs received in the Treasury after September 30, 1979, and before October 1, 1985, under subparts A and B of part 1 of schedule 2 of the Tariff schedules of the United States (19 U.S.C. 1202) and under part 3 of such schedule.

(2) The Secretary shall not transfer more than $30,000,000 to the Trust Fund for any fiscal year.

(3) The amounts required to be transferred to the Trust Fund under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c)(1) It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and (after consultation with the Secretary of Agriculture) to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as both a House and Senate document of the session of the Congress to which the report is made.

(2)(A) It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be required (i) on original issue at the issue price, or (ii) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt; except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(B) Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(C) The interest on, and the proceed from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(d) For each of the first 5 fiscal years beginning after September 30, 1980, there is authorized after that date to be appropriated to the Secretary of Agriculture, out of any amounts in the Trust Fund, an amount equal to the sum of—

(1) the amount by which—

(A) the sum estimated by the Secretary of Agriculture for the fiscal year under section 3(d)(2) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601(d)(2)) to be necessary for reforestation and other treatment of acreage, as set forth in the report transmitted by the Secretary of the Congress under that section for the fiscal year, exceeds;

(B) the sum of the amounts appropriated for the fiscal year under the authorization contained in section 3(d)(3) of such Act and under any other provision of law to carry out the same purpose; and

(2) such sums as are determined by the Secretary of Agriculture to be properly allocable to administrative costs of the Federal Government incurred for the fiscal year in connection with the reforestation program carried out under that Act.

(e) The Secretary of the Treasury shall pay into the general fund of the Treasury any amounts, including interest earned on such amounts, remaining on the Trust Fund after September 30, 1985, which were not expended and remain in the Trust Fund.

Mr. PACKWOOD. Mr. President, the amendment has been cleared on both sides of the aisle. I know of no objection to it.

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Cannon, this amendment has been cleared on this side of the aisle. I know of no opposition to the amendment and urge its immediate adoption.

The amendment was agreed to.

Mr. CANNON. Mr. President, I urge adoption of H.R. 4310, as reported by the Committee on Commerce, Science, and Transportation, a bill to amend the Federal Boat Safety Act of 1971 to promote recreational boating safety through the development, administration, and financing of a national recreational boating safety improvement program.

H.R. 4310, as reported, would—

Establish a new categorical fund in the Treasury entitled the "National Recreational Boating Safety Improvement Fund";

Transfer $10 million per year, or roughly one-third of the annual receipts from the Federal motorboat fuel taxes, to the new fund;

Authorize annual appropriations from the fund of $10 million for fiscal years 1982 and 1983 to be allocated by the Coast Guard to States having approved recreational boating safety programs.

The Boat Safety Act of 1971 established a joint Federal/State effort to improve the safety of boating in the United States. As a part of its responsibilities under that act, the Federal Government has provided financial assistance to the States to encourage their development and implementation of safety programs. Since 1976, this assistance has been authorized at the level of $10 million per year.

By all accounts, this program has been extremely cost-effective. All but a handful of States have joined in the program by developing successful boating safety programs to provide safety training and to enforce boating safety laws. This commitment has resulted in a steady decline in boating casualties since 1971. However, because of budgetary constraints, Federal funding for this program has been phased-out so that no funds were appropriated for fiscal year 1980. At the same time, and for the same reason, the Coast Guard has been forced to curtail its own boating safety activities.

The result for State programs is a "double whammy" in which they are forced to fill the large gap left by the Coast Guard at the same time that they are losing Federal financial support. The States, with their own financial difficulties, have indicated that they simply cannot do it; successful programs in several States may have to be disbanded altogether.

Meanwhile, the Nation's boaters pay over $30 million per year in motorboat fuel taxes, which are currently transferred into the land and water conservation fund to support a broad range of recreational projects. Boaters are the only recreational group specifically contributing to this fund, and they feel that they are not getting their money's worth.

The Department of the Interior, which administers the land and water conservation fund, recently provided the Commerce Committee with figures indicating that the boaters are correct. For fiscal years 1977–79, the Department states that only $34 million, or roughly one-third of the amount contributed by boaters in motorboat fuel taxes during that period, were spent for boating-related facilities. Some boating groups have indicated that even this figure is too high.

The purpose of H.R. 4310, as reported, is to permit the Nation's boaters to pay for a program to enhance their own safety. The bill will permit the continuation of the highly successful joint Federal/State boating safety partnership and will establish a more equitable distribution of the revenues from the motorboat fuel tax.

As passed by the House, H.R. 4310 would also have provided for boating facilities improvement by transferring the remaining $20 million in revenues from the motorboat fuel taxes into the new fund and authorizing appropriations of that amount for the development of boating facilities. The administration strongly opposed these provisions on budgetary grounds and on the grounds that they duplicated the purposes of the land and water conservation fund.

In recognition of the need for budgetary restraint, the committee deleted the provisions of the House bill relating to boating facilities and reduced the authorization levels accordingly. However, the committee recognizes the current inequity to the Nation's boaters in the administration of the land and water conservation fund. Even with the enactment of this bill, if land and water conservation fund funding trends continue, boaters, will receive only two-thirds of the benefits for which they have paid in fuel taxes. The committee therefore urges the Department of the Interior to place a higher priority on the funding of boating-related facilities.

In summary, Mr. President, in recognition of budgetary constraints, H.R. 4310, as reported, permits the continuation of the very effective boating safety program by allowing boaters to pay for it themselves. It will therefore both reduce boating casualties and provide for a more equitable distribution of revenues received from boaters. I strongly support the bill and urge its adoption.

I ask unanimous consent that a cost estimate on the bill prepared by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974 be included in the Record.

There being no objection, the cost estimate was ordered to be printed in the Record, as follows:

Congressional Budget Office,
U.S. Congress,
Washington, D.C. August 22, 1980.

Hon. Howard W. Cannon,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974.

the Congressional Budget Office has prepared the attached cost estimate for H.R. 4310, the Recreational Boating Safety Improvement Act of 1980.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

Alice M. Rivlin,
Director.

August 22, 1980.

Cost Estimate

1. Bill number: H.R. 4310.

2. Bill title: Recreational Boating Improvement Act of 1980.

3. Bill status: As ordered reported by the Senate Committee on Commerce, Science, and Transportation, August 22, 1980.

4. Bill purpose: This bill amends the Federal Boat Safety Act of 1971 to promote recreational boating safety through the development, administration, and financing of a national recreational boating safety improvement program. For this purpose, the bill establishes a special fund financed with the taxes collected on special motor fuels and gasoline used in motorboats. There is authorized to be appropriated from this fund, the National Recreational Boating Safety Improvement Fund, $10 million for each of the fiscal years 1982 and 1983.

5. Cost estimate:

[By fiscal years, in millions of dollars]

	1981	1982	1983	1984	1985
Authorization level		10	10		
Estimated outlays		5	10	5	

The costs of this bill fall within budget subfunction 403.

6. Basis of estimate:

It is assumed that all funds authorized are appropriated prior to the beginning of each fiscal year. This bill does not increase the tax on special motor fuels and gasoline used in motorboats, but rather diverts receipts from the Land and Water Conservation Fund to the newly created National Recreational Boating Safety Improvement Fund. It is estimated that receipts will be sufficient to fund the $10 million authorized by the bill for each of the fiscal years 1982 and 1983. The Land and Water Conservation Fund received approximately $30 million in fiscal year 1979, and it is estimated that it will receive about $31 million in each of the fiscal years 1980 through 1985. Any receipts in fiscal years 1982 and 1983 above the $10 million specified in the bill for recreational boating safety will be transferred into the Land and Water Conservation Fund.

The funds provided are expected to be spent at a rate similar to the existing state boating safety assistance program, 50 percent the first year and 50 percent the second year.

7. Estimate comparison: None.

8. Previous CBO estimate:

On November 1, 1979, the Congressional Budget Office prepared a cost estimate for H.R. 4310, as ordered reported by the House Committee on Merchant Marine and Fisheries, October 31, 1979. The House bill authorized $30 million for each of the fiscal years 1981, 1982, and 1983 for both recreational boating safety and facilities improvement.

9. Estimate prepared by: Pat McCann (225-7760).

10. Estimate approved by:

James L. Blum,
Assistant Director for Budget Analysis.

The ACTING PRESIDENT pro tempore. Is there further amendment?

Mr. PACKWOOD. Mr. President, I have no further amendments.

The ACTING PRESIDENT pro tempore. If there is no further amendment to be offered, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4310), was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PACKWOOD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PACKWOOD. Mr. President, I send an amendment to the title of H.R. 4310 to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

Amend the title to read as follows:

To amend the Federal Boat Safety Act of 1971 to promote recreational boating safety through development, administration, and financing of a national recreational boating safety improvement program, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment to amend the title.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the title was amended.

Mr. PACKWOOD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Cannon, I move that the Senate insist on its amendments and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint the conferees.

The motion was agreed to, and the Acting President pro tempore (Mr. Levin) appointed Mr. Magnuson, Mr. Ford, Mr. Cannon, Mr. Packwood, and Mr. Schmitt conferees on the part of the Senate.

ORDER FOR RECESS TO 10 A.M. ON TUESDAY AND WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today and tomorrow it stand in recess until the hour of 10 a.m. on Tuesday and Wednesday, respectively.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DOMESTIC VIOLENCE PREVENTION AND SERVICES ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 737, with the understanding that there will be no action on the measure before 11 o'clock today.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2977) to provide for Federal support and encouragement of State, local, and community activities to prevent domestic violence and assist victims of domestic violence, to provide for coordination of Federal programs and activities relating to domestic violence, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, that Senators may speak therein, and that the period not extend beyond 1 hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DOMESTIC VIOLENCE PREVENTION AND SERVICES ACT

The Senate continued with the consideration of H.R. 2977.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the action of calling up Calendar No. 737 be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 737.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 2977) to provide for Federal support and encouragement of State, local, and community activities to prevent domestic violence and assist victims of domestic violence, to provide for coordination of Federal programs and activities relating to domestic violence, and for other purposes.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond 1 hour, and that Senators may speak therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess, awaiting the call of the Chair.

There being no objection, the Senate, at 10:14 a.m., recessed until 10:16 a.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore.

Mr. ROBERT C. BYRD. Mr. President, the managers of H.R. 2977 are not yet ready to proceed with the measure. They will be ready in a little while.

Inasmuch as no other Senator seeks recognition, I shall continue with my series of statements on the United States Senate.

THE UNITED STATES SENATE

THE SENATE IN WASHINGTON

Mr. ROBERT C. BYRD. Mr. President, when I last spoke of the meeting places of the Senate, we left the nation's thirty-two senators in Philadelphia on May 14, 1800, the last day of the first session of the Sixth Congress and the last time they would meet in Congress Hall. When they reconvened six months later, it would be in the half-finished Capitol in the new Federal City. Today, I should like to pick up the story in Washington. This is for us, perhaps, the most exciting part of the Senate's saga because it unfolded in this city, where we still meet. Not only was it in this city, but most of the Senate's story for the past 180 years took place in this very building, in various rooms within 60 yards from where I stand.

All through that May of 1800, as the Senators prepared to leave Philadelphia, where they had met for the last ten years, other government officers were loading the records, archives, and furniture of the infant Republic aboard sloops which would carry them to the new capital. Later that month, however, when the first ships arrived at Lear's wharf on the Potomac, near the mouth of Rock Creek, there was little resemblance of a city there to greet them. After Philadelphia's broad streets and stately mansions, the Federal City was a rude shock. Not only were there no decent streets, let alone tree-lined avenues, but, at first glance, it seemed that there were no decent buildings, either.

Despite the ten years of planning and building that had preceeded the government's move, there was little to show for the effort. The skyline was meager. Above the marshy, malarial tidal flats rose the sandstone Executive Mansion, flanked by the brick Treasury and the only partly-built State and War Department, with a few brick houses for company. A mile to the East, perched on Jenkins Hill, arose just one wing of the Capitol, surrounded by miscellaneous small houses. Between these two landmarks stretched what was optimistically called Pennsylvania Avenue. The city's architect, Major Pierre Charles L'Enfant, who had designed the Congress' earlier meeting place, Federal Hall, in New York, intended Pennsylvania Avenue to be the city's main, grand thoroughfare. In the summer of 1800, it hardly fulfilled these dreams. John Cotton Smith, a Representative from Connecticut, thoroughly disappointed with his new surroundings, grumbled that:

> Instead of recognizing the avenues and streets, portrayed on the plan of the city, not one was visible, unless we accept a road, with two buildings on each side of it, called New Jersey Avenue. Pennsylvania Avenue, leading, as laid down on paper, from the Capitol to the Presidential Mansion, was nearly the whole distance, a deep morass covered with alder bushes, which were cut through the width of the intended avenue during the ensuing winter.

In a building census of the new city taken that first summer, its commissioners could count only 109 houses of brick and 263 of wood. Oliver Wolcott, who, in 1795, succeeded Alexander Hamilton as Secretary of the Treasury, moved to the capital about four months before Congress was slated to convene. On July 4, 1800, he complained in a letter to his wife, back home in Connecticut, that there was at that time:

> One good Tavern about forty rods from the Capitol, and several other houses; but I do not perceive how the members of Congress can possibly secure lodgings unless they will consent to live like Scholars in a college or Monks in a monastery, crowded ten or twenty in one house, and utterly secluded from Society. The only resource for such as wish to live Comfortably will be found in Georgetown, three miles distant, over as bad a Road in winter as the clay grounds near Hartford.

The arrival of executive officers and the public records that summer caused little excitement. Local citizens, fearful that the Federalists might still somehow manage to shift the capital North, were cautiously waiting for Congress to convene in November before celebrating. They did, however, turn out to welcome President Adams when he arrived at the District line on June 3, and escorted him to Union Tavern. After inspecting the half-finished public buildings and the Executive Mansion, still full of plaster dust and workmen, but soon to be his home, Adams paid a call on the recently widowed Mrs. Washington at Mt. Vernon. The nation's first president had died the previous December, and partisan bickering had been stilled as the nation paused to mourn. After only ten days in the District of Columbia, Adams departed for Massachusetts to help Abigail and the family prepare for the move South.

In the last few months before Congress' arrival, conditions did gradually change for the better in Washington. A theater opened in August but closed in September after performances which architect William Thornton's wife called "intolerably stupid." In hopes of bringing to the new capital some of the amenities of Philadelphia, the half-dozen members of the Marine Corps band began a series of outdoor concerts, and two dancing assemblies were organized. That fall, the *National Intelligencer*, owned by Jefferson's friend, Samuel Harrison Smith, began publication. Smith and his charming wife, Margaret Bayard, brought a touch of gentility to the young city and their hospitable drawingroom became one of its earliest salons.

In a fine book by a member of our press gallery, Frank Van der Linden—incidentally, Frank attends my Saturday news conferences regularly and has from the beginning; he is one of the charter members of that institution—entitled *The Turning Point: Jefferson's Battle for the Presidency*, there are some excellent descriptions of early Washington. Some of the best are the excerpts from Mrs. Smith's diary, containing her first impressions of the city. Her trip to Washington was her wedding journey. She and Samuel had been married in New Jersey on September 29, 1800. She was undoubtedly disposed to think the best of her new home, but could not hide her disappointment upon her arrival on October 3:

> At last we drew near this, our future abode. We left the woods, among which a boundary stone marked the beginning of the city. We entered a long and unshaded road, which rises a hill and crosses a vast common, covered with shrub oak and blackberries in abundance. I look in vain for the city. I see no houses, although among the bushes I see the different stones which here and there mark the avenues, foot paths and roads . . . At last I perceive the Capitol, a large square ungraceful white building. Approaching nearer I see three large brick houses and a few hovels scattered over the plain. One of the brick houses is the one where we lodge. We drive to it. It is surrounded with mud, shavings, bricks, planks, and all the rubbish of building. Here then I am.

Progress notwithstanding, Washington, in November of 1800, was still a small, crude village, a far cry from urbane Philadelphia. As Oliver Wolcott foretold, the first members of Congress to arrive at the new capital did indeed have to live like monks and scholars. As he searched for lodgings in the frontierlike settlement, Gouverneur Morris, a Senator from New York, caustically observed that the new seat of government needed only "houses, cellars, kitchens, well informed men, amiable women, and other little trifles of this kind to make our city perfect."

Members of Congress found themselves lodged two to a room in the boardinghouses established by enterprising citizens on Capitol Hill. Describing the "congressional mess" which he shared with seven other congressmen, Representative Manasseh Cutler of Massachusetts remarked that "in each chamber are two narrow field beds and field curtains, with every necessary convenience for the boarders." Due to the dignity of his office, Speaker Theodore Sedgwick was allowed a room to himself. At Conrad and McMunn's hostelry near the Capitol, Vice President Jefferson enjoyed the even greater luxury of a sitting room in addition to his own bedroom. Jefferson, perhaps a little prejudiced in favor of the Potomac site, declared that the congressmen were well accommodated, and that those who lived in Georgetown did so only by choice since there was adequate and comfortable lodgings for all on Capitol Hill. The Capitol Hill Tavern, in fact, even offered shuffleboard and a ninepin alley.

Every resident of the District of Columbia looked forward to November 17, 1800, the date set for the first convening of Congress in its new home. Leading citizens laid plans for a formal parade to welcome the 32 senators and 106 representatives of the Sixth Congress. Unfortunately, nothing went as intended. A heavy snow blanketed the woods, fields, and unfinished buildings of Washington the day before the scheduled activities. Partly because of the snow and partly because of quarrels over who should be grand-marshall, the procession of citizens to the Capitol was abandoned entirely. It was probably just as well. Only fifteen of the thirty-two senators appeared on November 17. For lack of a quorum, the Congress had to postpone its opening for four days. Actually, in view of the difficulty of getting to the new capital, it was remarkable that a quorum could be mustered so soon. Even under the best of conditions, which seldom prevailed, the stage journey from Philadelphia to Washington took a minimum of thirty-three hours.

Finally ready to begin, the Congress notified President Adams that a quorum was present on November 21, and he appeared to address the senators and representatives assembled in the Senate chamber in the partly completed, domeless Capitol the next day. While members grumbled about the conditions Representative Griswold of Connecticut called "both melancholy and ludicrous," Adams congratulated the Congress "on the prospect of a residence not to be changed":

> Although there is cause to apprehend that accommodations are not now so complete as might be wished, yet there is great reason to believe that this inconvenience will cease with the present session.

Some members of Congress were not as confident. Though on paper the proposed Capitol Building was beautiful, the quarters that actually greeted the senators and representatives that November in 1800 were far from complete, even though construction had been going on for seven years. In 1792, the Commissioners of the District of Columbia had announced a competition to select a design for the building to crown Jenkins Hill and house the Congress. A prize of $500 and a city lot would go to the winner. The first entries, however, were very disappointing. One envisioned a squat building topped by an enormous weathervane. Neither President Washington nor Secretary of State Jefferson were satisfied with any of the designs that had arrived by the July 15 deadline.

In November, a letter arrived from William Thornton, a young multi-talented Philadelphia physician then living in the Virgin Islands. Could he please, he wrote, submit a late entry? Within two months, he submitted his design for a long, classical building with a low central dome, to George Washington who was delighted with it. So was Jefferson. Everyone, it seemed, was pleased except Stephen Hallett, the architect who had been assured of winning until Thornton's late entry arrived. As compensation, Hallet was also given a $500 prize and placed in charge of construction of the Capitol, a position that inevitably led to endless quarrels with Thornton.

On September 18, 1793, George Washington laid the Capitol's cornerstone in a Masonic ceremony in the presence of local officials, and construction of Congress' permanent home began. Almost immediately, Hallet began to slip subtle changes into the design to make it more like his own rejected plan. He had to be dismissed in 1794 and was replaced by George Hadfield. But Thornton was also critical of Hadfield, who was replaced in 1798 by James Hoban, who had designed the Executive Mansion.

Hoban made frequent reports to the city's commissioners on the building's progress. In May of 1799, he noted that, since the previous November, the following improvements had been made to the Senate chamber:

> The window frames are all put up, except one, which is circular at top, and which is not yet finished; four of the columns are raised on the arcade, the ground work to receive the entablature is put up and fixed, and bracketing getting ready to receive the cornice; the girders, binding, bridging, and ceiling joists are all put up, and the trimmings for doors and windows three-fourths finished.

Six months later, he could report even more progress:

> . . . its lobby and gallery are floored; the door-ways are trimmed with framed jamblinings, soffits and architraves; . . . the arcade piers, on a semi-eliptic plan, are trimmed with paneled work, and the columns raised on the arcade, sixteen in number with two semi-pilasters to correspond, of the ancinent ionic order, two feet three inches in diameter; the entablature is finished with stucco ornaments, and the walls and ceiling finished, two coats of mortar floated, and one coat of stucco . . .

Despite Hoban's optimistic reports of progress, by the summer of 1800, with Congress scheduled to arrive in just a few short months, only the building's north wing, what we know as the old portion of the Senate side of the Capitol, was finished. Until the central section and southern wing could be completed, it would have to serve as a cramped home for the Senate, House of Representatives, Supreme Court, Library of Congress, and the Circuit Court of the District of Columbia. That summer, even this north wing was beset with problems. It had sprung leaks everywhere. In July, Thornton wrote to the contractor responsible, describing the situation and demanding satisfaction:

> Sir, After every Rain, fresh leaks are observed in the lead-work of the Capitol, and we have so repeatedly sent Persons to endeavour to find out the Leaks that we see no end to this business. The walls are in many places exceedingly injured. The plaster in some places falling off, and we fear the Building will be in every respect so damaged by a further delay in compleatly correcting the lead-work, that we desire, you will examine, in the most minute manner, every part of it, and render it Water-tight. If you should not do it effectually, we shall be under the necessity of enforcing the fulfillment of your Engagement, by a law suit.

Oliver Wolcott looked over the Congress' accommodations that summer and reported to his wife that the temporary House quarters on the second floor were "inelegant" but the Senate chamber, on the ground floor—can Senators imagine that, the "upper house" on the ground floor and the lower house on the upper floor—was "magnificent in height, and decorated in a grand style." Although smaller than the room they had left in Philadelphia, the Senate chamber measured approximately 86 by 48 feet and, with its 41 foot ceiling, was indeed "magnificent in height." Encircling the senators' desks and red leather chairs was an arcade with sixteen paneled piers which the visitors' gallery rested. Again, as in New York and Philadelphia, the motif was red.

This Chamber was located where the restored old Supreme Court Chamber is today, on the next floor below us, and beyond the old Senate barbershop, on the other side of the building.

The Supreme Court occupied that Chamber after the Senate moved to the floor above, down the hall here on my left, in 1810.

As President Adams delivered his address to the Congress in this Senate chamber on November 22, the portraits of Louis XVI and Marie Antoinette, gifts to the Continental Congress from the unfortunate French monarch in 1784, looked down at him from the walls. That day, their gaze took in a chamber so crowded that, as Mrs. Thornton reported, the ladies overflowed the gallery and sat and stood on the main floor among the assembled senators and representatives. Though elegant, the chamber was not warm. After a month in Washington, on December 17, it was ordered, "That the Doorkeeper of the Senate be directed to procure and put up two stoves, with suitable apparatus, in the Senate Chamber, and that the expense be defrayed out of the contingent fund."

Taking a break only for the Christmas holidays, the Senate met in its new, chilly chamber throughout the winter of 1800–1801. On February 11, the Speaker of the House, followed by all the representatives, proceeded to the Senate chamber to witness the opening and counting of the electoral votes for President and Vice President. Republicans Thomas Jefferson and Aaron Burr emerged from the tally with 73 votes each, incumbent John Adams with 65, and his fellow Federalists Charles Cotesworth Pinckney with 64 and John Jay with 1. Jefferson, as Vice President and President of the Senate, rose to announce that, since there was no clear victor, according to the Constitution, it lay with the House to choose between Jefferson and Burr for President.

The House members arose and filed back upstairs to their own chamber to begin, behind closed doors, to ballot by state. Six acrimonious days and thirty-six ballots later, Jefferson emerged as the third president of the United States, with Aaron Burr as his vice president. No one wanted to repeat the wearing experience again, and in 1804, the States ratified the twelfth amendment, providing for separate balloting by the electors for President and Vice President.

Before dawn on March 4, 1801, a bitter President John Adams left the White House, and, unobserved, headed home to Massachusetts to nurse his wounded pride. At noon, his successor, the enemy of all Federalists, Thomas Jefferson, walked the few hundred yards from his boardinghouse to the Capitol, entered the Senate chamber and took his customary vice presidential chair. After several moments of silence, he rose and, almost inaudibly, began to read his inaugural address to the Republican-dominated Seventh Congress. The time, he said, had come for national reunification: "We are all Republicans. We are all Federalists."

Vice President Aaron Burr took the seat as President of the Senate which Jefferson had filled before him. Never trusted by the Republicans and certain he would not be Jefferson's running-mate in the fall of 1804, Burr waged a bitter campaign for the New York governorship that year. He lost and partly blamed his old enemy Alexander Hamilton for his defeat. Their quarrel reached a horrendous climax when Burr, still vice president, shot and killed Hamilton on the dueling ground at Weehawken, New Jersey, at dawn on July 11, 1804. Burr was indicted for murder in New Jersey, but, in most states, dueling was not against the law. After a brief flight south, Burr showed up in Washington and, on November 5, opening day of the second session of the Eighth Congress, nonchalantly occupied his seat again as President of the Senate as if nothing had happened.

The republicanism which characterized Jefferson's party soon made an impact on Washington and particularly on the Senate. The Senate still had an air of pomposity and dullness, but old-line Federalists like New York's Gouverneur Morris and Massachusetts' Timothy Pickering were clearly in this minority. Republican newcomers from the West and the South munched on apples and cakes in the Senate chamber and wandered around the floor, often meandering between members engaged in debate with each other. The House was even cruder, dominated by new members whose brashness, slovenly dress and manners, addiction to chewing tobacco, and belligerency dismayed foreign diplomats.

In 1805, the secretary of the British legation wrote to his mother, the Duchess of Devonshire, "This undoubtedly is a miserable place, but the elect of all the states are assembled in it, and really such a gang to have the affairs of an empire wanting little of the size of Russia entrusted to them, makes one shudder." The British minister was even less flattering:

> To judge from their Congress, one should suppose the nation to be the most blackguard society that was ever brought together . . . The excess of the democratic ferment in this people is conspicuously evinced by the dregs having got up to the top.

The "excesses" of the Senate transpired in the chamber I have just described. The House, however, in 1802, moved out of its cramped second floor quarters, which shortly thereafter became the site of the Library of Congress, and into a temporary brick building hastily thrown up on the site of its future wing of the Capitol. Unbearably hot three seasons of the year, the structure was known as "the oven" by those boisterous representatives unfortunate enough to meet in it.

In 1803, President Jefferson appointed Benjamin Latrobe, an English architect who had immigrated to America and settled in Richmond, to take charge of the continuing construction of the Capitol, and gave him authority to construct the South wing and to remodel the North, or Senate, wing if he thought it advisable. Latrobe certainly did think it advisable. Though less than ten years old, the Senate wing was plagued with falling plaster and the leaks that had once beset Thornton. In 1804, Latrobe submitted his report on the North wing to Jefferson, telling him the bad news:

> On a careful survey of the north wing of the capitol it was found, that the want of air and light in the cellar story, had begun to produce decay in the timbers,—that the roof was leaky, and the ceilings and walls of several of the apartments were thereby injured,—that it would be impossible to render the Senate chamber, the extreme coldness of which was a matter of complaint, more warm and comfortable without the construction of stoves or furnaces below the floor, for which purpose it would be necessary to carry up additional flues, and to remove a very large quantity of rubbish from the cellars; and that the skylights were extremely out of repair.

As soon as he finished the South wing of the building in 1808, Latrobe turned his attention to the decaying North wing and the Senate. Since the handsome new House chamber had been moved to the main floor, it seemed inappropriate that the Senate, long the "upper chamber," should meet below it. Latrobe's plan called for raising the floor of the Senate up one story, to the second floor, and creating an elegant chamber for the Supreme Court below it, in the space where the Senate formerly met. Funds were appropriated and work began in 1808. The new floor of the chamber was erected and became the ceiling of the Supreme Court chamber below.

Then tragedy struck during the construction. Latrobe had appointed his friend and fellow Englishman, John Lenthal, as Clerk of the Works at the Capitol, to take charge when he was away on his frequent trips. During one of Latrobe's extended absences in September of 1808, while the Senate was in recess, Lenthal prematurely ordered the removal of the braces holding up the beautiful vaulted ceiling of the Supreme Court chamber. The ceiling and the floor over it crashed to the ground, crushing Lenthal to death. Out of respect and affection for both Lenthal and Latrobe, the Capitol workmen voted to donate a week's labor toward repairing the damage.

Due to construction work, the Senate was forced to find temporary quarters when it reconvened in November 1808. For a few weeks, it met in a room on the west front of the ground floor on the north side. While comfortable in winter, it was clear that the space would be unbearable in summer. On February 18, 1809, Latrobe submitted a long report to the Senate committee charged with finding more suitable quarters for the upcoming session, due to begin in May. Latrobe provides us with an excellent description of the Senate's temporary quarters, as well as of the new chamber he proposed to prepare for them. He wrote that the temporary meeting place,

> being on the west side of the house, and exposed to the afternoon's sun, without the means of complete ventilation; and being besides low, and almost entirely filled by seats and tables of the Senators, will probably be a very hot, unpleasant, and unwholesome apartment during the summer months; and although an external awning, or shed, might in some degree prevent the effect of the sun's rays, the other inconveniences cannot be remedied.

He recommended to the committee that:

> The library above stairs, although at present in a very dilapadated condition, and much too large in its present state, for the purpose of the session of the Senate in May next, is the only room in the Capitol adapted to the object of your inquiry. It is lofty and airy, and having two ranges of windows, will not be darkened by the blinds that exclude the western sun.
>
> I therefore propose to you . . . to enclose in the centre of the room an area of about 50 ft. by 35, by a slight partition of scantling, . . . board, canvass and paper, to place within it the present seats and tables of the senators, and thus, at a moderate expense, to provide a chamber which will unite every requisite of convenience and comfort, and will enable the Senate to await, without being in the smallest degree incommoded by the delay, the completion of their permanent chamber.

The Senate was persuaded by Latrobe's report and authorized him to proceed. The refurbished Library Room, which is marked today by a plaque on the wall near the minority leader's office just down the hall from our doors, awaited the senators when they returned to Washington in May, and served as their home until they adjourned a month later.

Latrobe and his workmen labored feverishly throughout the summer to prepare the new Senate chamber for occupancy by January 1, 1810. On June 12, he wrote to Vice President George Clinton, assuring him that the room would be ready but pointing out that there were few furnishings available worthy of the new chamber:

> No provision whatsoever has been made for furnishing the Senate chamber, its committee rooms, lobbies, and offices. Of the furniture now on hand, no part is applicable to the new apartments, excepting chairs of various descriptions, and a few tables. The desks of the Senators are inconvenient for their size, and being each of a different length and form cannot be adapted to the regular distribution so necessary to the economy of space . . . The carpets now in use, have in general undergone the wear of several years; and although a few of them may be made useful, there will be required at least 800 yards of new carpeting of a more durable kind than that now in the Senate chamber. Excepting the draperies of three windows there are no hangings fit for use. In order to prevent the echo, which is the great cause of

> difficulty in hearing and speaking in large apartments, it will be necessary to hang at least the circular wall of the chamber with drapery. These hangings will form a considerable item in the furniture required.

Again, Latrobe was granted his appropriation and bought the desks, chairs, curtains and carpets he wanted. On January 2, 1810, the senators happily settled into their new, two-story, domed chamber, right down the hall on the left. Upon viewing the elegantly finished room that year, a visitor observed that "the drapery, hangings and carpets, and indeed the whole chamber are finished in a superior style of splendour and brilliancy." Latrobe used the colors associated with Revolutionary War uniforms—buff and blue—as his scheme. The curtains were blue mantua lined with buff silk, and they complemented hangings of glazed straw-colored cotton.

Unfortunately, the senators were not destined to enjoy their new home for long.

During the first two years of fighting that followed the United States' declaration of war on Britain in 1812, the chief effect on Washington was economic hardship due to the British blockade of the Chesapeake. But in August 1814, the British fleet, commanded by Rear Admiral George Cockburn, sailed up the Patuxent River with the purpose of capturing the nation's capital. Cockburn's men were joined by a force of 4,500 British regulars under General Robert Ross and began marching on Washington. On August 24, at Bladensburg, they encountered American forces under General William Winder and Major John Armstrong. The result was an ignominious rout of the Americans, derisively nicknamed the "Bladensburg Races." The British pressed on toward Washington.

News of the defeat at Bladensburg and the sight of soldiers fleeing through Washington, abandoning government buildings to the mercy of the enemy, was the signal for general panic. Every sort of vehicle was pressed into service to cart off valuables from private homes and public offices. After stuffing every trunk she could commandeer full of Cabinet papers, Dolly Madison fled the White House, stopping only long enough to gather up the silver and Gilbert Stuart's portrait of General Washington. On Capitol Hill, the clerks fled in all directions, a Senate clerk, Lewis Machen, to whom I have alluded previously, had the presence of mind to load priceless Senate records into a commandeered wagon which he hastily drove across the river to Virginia and safety.

At dusk, the Redcoats entered the city and the Capitol. Admiral Cockburn led his men into the House chamber, sprang into the Speaker's chair in his muddy boots, and, calling his troops to order in mock solemnity, shouted derisively, "Shall this harbor of Yankee democracy be burned? All for it say 'aye'." Not surprisingly, the Admiral's motion passed unanimously and the order to burn was cheerfully obeyed. Desks, carpets, heaps of books from the Library, portraits and everything else movable were piled in the various chambers, sprinkled with gunpowder, and both wings of the Capitol were set ablaze. Only a violent storm late in the evening, which drenched the city's smoking buildings, saved them from total destruction and made the British soldiers' stay a brief one—another indication that Providence is always watching over and guiding the destiny of this Nation.

Within weeks of the British departure, President Madison called the Thirteenth Congress back into session. The returning senators found the Capitol a smoke-stained ruin; the roof over the House chamber collapsed, the Senate wing in ashes, the Library burned, the mace of the House stolen, and all the windows broken.

On September 19, 1814, the shaken and angry Congress convened in the undamaged Patent Office building, at the foot of Capitol Hill. Popularly known as Blodgett's Hotel, the three-story brick building had been used for a theater, a tavern, and a boardinghouse before the Patent Office and Post Office moved in. According to legend, this public building had been spared the British torch through the heroism of Dr. Thornton, the designer of the Capitol. Seeing the building, containing hundreds of patent models, about to be burned, Thornton dashed up its stairs, barred the door with his own body, and eloquently persuaded the British officer in charge that "to burn what would be useful to all mankind would be as barbarous as formerly to burn the Alexandrian Library, for which the Turks have since been condemned by all enlightened nations."

Meeting in their cramped quarters, with the city in ruins around them, some senators and representatives began to discuss rebuilding the capital in another city, with Philadelphia and Lancaster having the strongest advocates. Though the motion to relocate was quickly defeated, the residents of Washington were badly shaken. In the summer of 1815, fearing that the capital might yet be moved if congressmen were forced to meet for long in such inadequate quarters, Thomas Law, a large property holder in the city, and a relative, by marriage, of George Washington, raised a subscription from other nervous citizens to build a large brick building and offered it to Congress for a meeting place until the Capitol could be built. Congress readily accepted the offer and in December 1815 moved into what became known as the "Old Brick Capitol," located on the present site of the Supreme Court Building.

The building remained Congress' home for the next four years. The Senate met on the first floor, and the House on the second floor of the three-story, Federal-style building whose wide, arched entrance faced First Street. Because of a bitter quarrel between Senators and Representatives—even back then—over whose chamber should be used for President Monroe's inauguration, the President-elect took the oath of office before a group of spectators outside the Old Brick Capitol on March 4, 1817, establishing the custom of the outdoor inaugural.

In the meantime, Latrobe was recalled from Pittsburgh, where he was building steamboats with Robert Fulton, to inspect the ruins of the Capitol and superintend its reconstruction. Latrobe filed a long report on what he found, containing this tragic description of the Senate side of the building:

> The north wing of the Capitol was left after the fire in a much more ruinous state than the south wing. The whole of the interior of the west side having been constructed of timber, and the old shingle roof still remaining over the greatest part of the wing, an intensity of heat was produced which burnt the walls most exposed to it, and, being driven by the wind into the Senate chamber, burnt the marble columns to lime, cracked everything that was of freestone, and, finding vent through the windows and up the private stairs, damaged the exterior of the wing very materially.

Latrobe used the opportunity to alter Thornton's plan to his own tastes. He designed the handsome semi-circular room for the House of Representatives, which today is Statuary Hall. As directed by the Senate, he enlarged its chamber's design as well. Expansion of the nation was being reflected in space requirements of the legislators. Before the British burned it, eight caryatids, symbolic female figures representing national prosperity, had supported a small public gallery in the Senate chamber. For the enlarged chamber, Latrobe proposed substituting twenty caryatids to represent the number of states in the Union in 1817. Latrobe wanted the new figures carved from Italian marble, instead of the American freestone used before.

Latrobe's insistance on this point increased the tension between him and the Commissioner of Public Buildings, Samuel Lane, who felt that the Capitol was becoming too grand and that Latrobe was spending much too much money. Many Members of Congress agreed with Lane. These, plus other difficulties, forced Latrobe to resign as Surveyor of the Capitol in 1817. In his place, President Madison appointed Charles Bulfinch, the Boston architect whose design of the Massachusetts statehouse had won much acclaim. Though Bulfinch followed most of Latrobe's plans for the Senate chamber, the controversial caryatids never appeared in the rebuilt room.

The gallery the caryatids had once supported had been on the east side of the room. This, however, proved too small for the many visitors who found the Senate a popular gathering place. So when the old gallery was rebuilt, a second and higher one was precariously added above it. This eagles' nest perch was not only oppressively hot, but blocked out much-needed light as well. Bulfinch tore it out in 1828 and fashioned a graceful semicircular balcony on the west side of the chamber.

By December 1819, all was finally ready for the Congress' return to its own building. Representatives were greeted by the resplendent columned Hall of Representatives, hung with tasseled, crimson curtains to muffle a terrible noise problem and adorned with a theatrical crimson canopy above the Speaker's desk. The chamber awaiting the senators was equally elegant. Fortunately, we can still see and appreciate its beauty. Located right down the hall from this chamber where we meet today, it was restored to the height of its beauty at the direction of the Senate Commission on Art and Antiquities during the Bicentennial. When Senators stop by, they will see its windows draped with crimson, just as they were in 1819.

The most dramatic sight to greet the senators was the Vice President's chair, or "throne" as some offended Republicans labeled it. An early guide book described it as "canopied by crimson drapery, richly embossed and held by talons of an o'er hovering eagle." From this elevated dais in the center of the chamber, Vice Presidents from George Clinton to John Breckinridge presided over the assembly.

Each senator found a handsome new desk awaiting him. In 1819, "48 desks for Members, each $34," made of mahogany, were ordered from Thomas Constantine, a New York cabinetmaker. Each held a silvertopped inkwell and small bottle of blotting sand. Constantine also supplied the low-backed, red leather arm-chairs of mahogany.

In the early nineteenth century, a senator's only office was his desk in the chamber. Beginning in the 1830's three-inch-high mahogany writing boxes were added to the desks to provide additional space. Not all senators, however, appreciated the modification and, today, one of the original desks still used in this chamber does not have a writing desk. This is the Daniel Webster desk, which Webster supposedly refused to have altered, arguing that if his predecessors could do without the additional space, so could he. This historic desk—which I mentioned in an earlier speech—is the one usually assigned to the senior senator from New Hampshire, and Senator DURKIN occupies it today.

Another historic desk still in use in this chamber is the Jefferson Davis desk, which Senator STENNIS holds today.

Senator STENNIS, who is in the Chamber right at this moment, has the desk which Jefferson Davis used in the Senate Chamber that was, at that time, located down the hall from where I stand.

This desk almost did not survive the Civil War. In April 1861, when the Sixth Massachusetts Regiment was temporarily bivouacked in this chamber during a recess, the Doorkeeper, Isaac Bassett, entered the chamber just in time to hear the sound of splitting wood. Dashing over, he found a Union soldier bayonetting the desk vacated by Jefferson Davis, then President of the Confederacy. "Stop that; stop that; what are you doing?" Bassett shouted. "That is not Jefferson Davis' desk, it belongs to the Government of the United States. You were sent here to protect Government property, and not to destroy it."

Long live the memory of that Doorkeeper, Isaac Bassett!

One can still see a small block of wood inlaid over the spot in Senator STENNIS' desk where the bayonet once struck.

One of the first pieces of art the Senate purchased to grace its chamber still hangs above the marble gallery in the old chamber. This is the handsome portrait of George Washington, painted by Rembrandt Peale, which the Senate purchased in 1832. Peale dressed his subject in black cloak and jabot and "framed" the first president with a painted stone "porthole" surrounded by an oak wreath and topped by a keystone bearing the head of Jupiter. Peale hoped that this, the first of his "porthole" portraits of Washington would become the first President's "standard likeness." Art historians regard it as one of Peale's finest works.

The senators, glad to leave the Old Brick Capitol, settled into their red leather chairs behind their new mahogany desks in the new chamber in December of 1819 for what would turn out to be an uninterrupted stay of four decades. They were years of excitement and anxiety for the nation.

Washington, in the mid-1800's, was still a small town, with little in the way of entertainment other than the business of legislation and government. Viewing the Congress in action was one of the most important and liveliest diversions of the day. The prominent ladies of the city often spent their afternoons in the House and Senate visitors' galleries watching the debates below. On the day a burning issue was to be debated, the galleries in the Senate would begin to fill early. When the time came for the debate to begin, the more gallant senators would give up their desks to the belles who could not crowd their way into the galleries. On warm days, the poorly ventilated chamber would heat up quickly, and fruit and beverages were sometimes passed on long poles up to the sweltering spectators.

Margaret Bayard Smith describes the scene in the Senate chamber in 1830 as the Webster-Hayne debates were about to begin:

> Every inch of ground, even the steps were *compactly* filled, and yet not space enough for the ladies—the Senators were obliged to relinquish their chairs of State to the fair auditors who literally sat in the Senate. One lady sat in Col. Hayne's seat, while he stood by her side speaking. I cannot but regret that this dignified body should become such a scene of personality and popular resort, it was supposed yesterday that there were 300 ladies besides their attendant beaux on the floor of the Senate. The two galleries were crowded to overflowing with *the People*, and the House of Representatives quite deserted.

The senators themselves seem to have taken the business at hand more seriously. James Fenimore Cooper observed that debate there seemed particularly dignified. John C. Calhoun always wore "plain black clothing," and Henry Clay was an impressive figure on the Senate floor in "well-cut broadcloth, gleaming shirt-front and high white collar and cravat." Daniel Webster affected the revolutionary colors of buff and blue, appearing in blue coat and pantaloons with a buff vest. Sam Houston was always colorfully, if not elegantly, dressed. The Senator from Texas would lounge at his desk with the casual air of a frontiersman, whittling delicate wooden hearts from lengths of pine which he would pass up to the loveliest ladies in the gallery. His wardrobe, as I have remarked on previous occasions, consisted of a panther-skin waistcoat, large Mexican sombero, brightly colored serape slung over his shoulder, and a flaming red vest.

Snuff-taking was raised to the level of a fine art in the chamber during this period. Henry Clay, who was admired for his "grace and ease" in taking snuff, used it as a clever political signal. Vice President Martin Van Buren noted on one occasion that, "Mr. Clay left his seat, on one of his snuff taking expeditions, his common resort, when anything was going on of which he wanted to wash his hands, and occupied his time in badinage."

After visiting Washington, Charles Dickens noted another custom common in the city and the Senate. "Washington may be called the headquarters of tobacco tinctured saliva . . .," he wrote. "In all public places of America, this filthy custom is recognized." The English writer, Frances Trollope, observed in her *Domestic Manners of the Americans* that, "the senators, generally speaking look like gentlemen . . . I would I could add they do not spit." Because of the prevalence of tobacco-chewing, a cuspidor was placed by every desk in the chamber.

In the gallery, hand-lettered signs cautioned Mrs. Trollope and other visitors not to put their feet on the railing, "as the dirt from them falls upon the Senators' heads."

In this beautiful Senate chamber—I am still talking about the Senate chamber down the hall—to the resonance of impassioned oratory, the compromises were forged that tenuously held the Union together for the four decades that preceded the Civil War. When the Senate reoccupied the chamber in 1819, it was confronted with the crisis over the introduction of slavery into the western territories. Out of the heated arguments which ensued was forged the Missouri Compromise in 1820. Ten years later, Senators Robert Hayne of South Carolina and Daniel Webster of Massachusetts met in dramatic confrontation over the issue of "Nullification."

The harsh debates of 1850 brought together for the last time the three mighty legislators of the era, Webster, Clay, and Calhoun. In the hope of halting further sectional disintegration, Henry Clay emerged from retirement and returned to the Senate. Although seventy-three years old, Clay was still hale and vigorous. The Kentuckian was known throughout the country for his bold, autocratic, and fiery manner. This was coupled with a charm "so compelling that an opponent once declined a meeting which would subject him to the appeal of 'Harry of the West'." Clay was fascinating even to his frequent adversary, John C. Calhoun, who stated: "I don't like Henry Clay. He is a bad man, an imposter, a creator of wicked schemes. I wouldn't speak to him, but by God, I love him."

I do not like to hear profanity used in the Senate Chamber, but John C. Calhoun used it in that instance, and I am quoting John C. Calhoun.

He had used every inch of his talents to forge two great compromises in 1820 and 1833, and hope to preserve the Union by a third one in 1850. During his speech on January 29, 1850, Clay held up a wooden fragment of George Washington's coffin for emphasis, and warned against adopting measures that might destroy the Union which had been cemented by Washington's "exertions and example."

In response to Clay's proposals, Senator John C. Calhoun of South Carolina, mortally ill but still spokesman for the South, made one of his last appearances in the chamber on March 4, 1850. He had been respected for decades because of the logical, disciplined nature of his thought and speeches. Webster considered him much the ablest man in the Senate. One contemporary characterized Calhoun as "a cast iron man, with bristling hair and eyes that burned like heavy coals . . . who looks as if he had never been born and could never be extinguished." On March 4, he was too sick to deliver the speech he had prepared. Senator James Mason of Virginia read his defiant words while the South Carolinian sat bundled in a cloak, "his eyes glowing with meteor-like brilliancy as he glanced at Senators upon whom he desired to have certain passages make an impression."

The burden of responding to Calhoun fell to Daniel Webster, called the "Godlike Daniel" because of his physical appearance and oratorical power. His dark complexion caused him to be likened to "a Transparent bronze statue" when standing in the well of the Senate. The Senate was packed on March 7, the day Webster responded to Calhoun's speech. Documents had been placed in piles to create additional seats. Webster had spoken for a short time when the gaunt, bent form of Calhoun was assisted to his chair. He sat trembling, unnoticed by Webster. After several expressions of regret from Webster that illness had prevented the "distinguished Senator from South Carolina" from being present, Calhoun announced in a "clear and ghostly voice," that "the Senator from South Carolina *is* in his seat."

Though Webster was denounced by the North for his accommodating words, and though his chances for the presidency were shattered, the Compromise of 1850, which its creators hoped would bind the nation back together, was forged. Only four years later, however, the peace was broken when Illinois Senator Stephen A. Douglas introduced the Kansas-Nebraska bill. Again, the intensity of national feeling was mirrored on the Senate floor. The controversy over the extension of slavery into Kansas had reached a fever pitch when Senator Charles Sumner of Massachusetts delivered a five-hour oration on "the Crime Against Kansas," in late May 1856.

Among the many whom Sumner viciously attacked in his speech was Senator Andrew Butler of South Carolina. Butler's cousin, Congressman Preston Brooks, was outraged at Sumner's words, and felt duty-bound to avenge the honor of his aged kinsman and of his home state. Two days later, shortly after the Senate recessed, he found the nearsighted Sumner seated at his desk in the Senate chamber attending to his correspondence. Denouncing Sumner to his face, Brooks raised his heavy, gold-topped cane over Sumner and struck him repeatedly about the head and shoulders. In attempting to escape the blows, Sumner rose and ripped his desk from where it had been bolted to the floor. Sumner did not return to the chamber for three and a half years.

"Bleeding Kansas" tore apart the nation and the party structure of the Senate, destroying the Whigs, dividing the Democrats, and creating the new Republican party. In this charged atmosphere, the Senate moved to its new chamber—here, where I stand—in 1859 and on to the trials of the Civil War.

By the 1840's, in the midst of the growing sectional controversy, it was becoming clear that Congress was outgrowing the Capitol. When William Thornton had designed the building in 1792, the Senate consisted of 30 Members, and the House of 106. As a result of the 1850 census, the House had grown to 234 Members, and the 31 states now in the Union sent 62 senators to Washington. Congress had more than doubled as the nation spread out across the continent. It was obvious that the Capitol would have to be enlarged. In September 1850, the Congress appropriated funds for the design and construction of a large new wing for each side of the building. Eventually the plans would expand to include a new dome, the one we see today, more in proportion to the newly enlarged building.

The architect for the new project was Thomas Walter of Philadelphia, who was also supervising the construction of the Treasury Building near the White House. He chose Massachusetts and Maryland marble for the new wings in place of the Virginia sandstone used in the old Capitol. The official cornerstone-laying for the new wings took place on July 4, 1851, with President Millard Fillmore presiding in the same Masonic apron that President Washington had used six decades earlier. The highlight of the ceremonies, however, was the speech by Daniel Webster, then Secretary of State. It would be one of his last pleas for national unity. Of the three former "giants" of the Senate, Calhoun was dead, Clay was near the end of his career, and Webster himself would be dead a year later.

Even if the future of the Republic seemed in doubt, that of the Capitol was not. Walter pressed ahead with the new Senate and House wings. By late 1857, the House was able to move into its new chamber. It was not until January 1859, however, that the Senate occupied the north wing, and even then much embellishment and decoration remained to be done.

Despite the bad weather, the Capitol was filled to overflowing on January 4, 1859, with people anxious to see the ceremony of the removal of the Senate and its initial sitting in the new hall. The crowds overflowed into the halls, prompting Senator Charles Stuart of Michigan to move that some of the ladies "who have great anxiety to witness these proceedings," be allowed onto the floor. He said:

> We have plenty of seats here, and I move (I hope there will be no objection to it) that they be admitted to seats on the floor.

There *was* an objection. Senator Hannibal Hamlin of Maine barred the ladies' admission and gave his reasons why:

> It may be ungracious, it is an unpleasant task, to object to the motion . . .; but I have seen so many occassions when ladies were admitted to this Hall when the result was only to interrupt the legitimate business of the session, that I feel compelled to enter my objection. We passed a resolution on the last day of our meeting excluding all persons, except the members of the House of Representatives, from being admitted to the Senate Chamber; and I think it is too early now to depart from that resolution.

He was certainly a good candidate for "Profiles in Courage."

Before the assembled senators arose to file out of their old chamber for the last time, Senator John Crittenden of Kentucky, the longest serving member of the Senate at the time, offered a moving eulogy to the room that had been the Senate's home for the past forty years: "This place which has known us so long is to know us no more forever as a Senate." Crittenden brought tears to the eyes of his colleagues as he evoked the memories of their illustrious predecessors then dead. Their lives and their words had consecrated, he told them, the chamber they were about to leave to the cause of liberty and freedom.

After Vice President John Breckinridge offered another farewell to the chamber, he led the Secretary and the Sergeant-at-Arms of the Senate and the senators as they solemnly marched down the corridor and into this chamber where we, their successors, continue to meet today.

ORDER OF BUSINESS

Mr. WILLIAMS. Mr. President, may I inquire what the pending business is?

The PRESIDING OFFICER (Mr. HEFLIN). We are still in morning business.

The Chair will announce that after morning business is closed, the pending measure will be H.R. 2977.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER (Mr. MATSUNAGA). The Senator from Alabama.

OPPOSITION TO SALE OF NUCLEAR FUEL TO INDIA

Mr. HEFLIN. Mr. President, on June 19, 1980, President Carter announced that he would authorize the sale of 39,718 kilograms of enriched uranium to India. His authorization would require the first waiver of the fundamental thrust of the Nuclear Nonproliferation Act of 1978. Mr. President, if India and the administration succeed in their efforts to bypass the sine qua non of this act, that is, the full-scope safeguards export criterion, it will open a Pandora's box to all other nonsignatories of the act. Mr. President, this would lead to a serious undercutting of the act and would make it virtually futile.

The gravamen of the President's purported sale of nuclear fuel to India raised one—and only one issue: Should the United States sell nuclear fuel to India without export safeguards, in violation of fundamental American law? Mr. President, I believe that reasonable men would answer this question in the negative.

President Carter, in reaching his decision to authorize these exports, said that they "would not be inimical to the common defense and security." I would have to agree with President Carter if I could be absolutely certain that India were planning to put this fuel to full-time peaceful use; however, in light of very obvious, overriding circumstances, I feel that there is no certainty here whatsoever.

Mr. President, India is the only country in the world known to have purchased nuclear fuel under the pretense of using it for peaceful purposes, then turned around and used it to produce and explode a nuclear weapon. This explosion was rightfully condemned by our Government because it violated the fundamental principles of a 1963 agreement which we had with India.

Under that agreement, we promised to supply Indian enriched uranium for its Tarapur Atomic Power Station near Bombay. India promised to use American-supplied uranium only and agreed to international safeguards on those facilities using the American-supplied uranium. The agreement also provided that India must have American consent before reprocessing spent fuel from Tarapur to remove the plutonium produced during operation of the reactor. When India detonated its first nuclear bomb in 1974, she violated our 1963 civilian nuclear energy agreement.

Just last month, India signed a $1.6 billion arms deal with Russia. This is a little more than 50 percent of the total $3.1 billion arms agreement that India recently entered into with other countries. The size, price, and terms of this sweet Soviet-Indian arms pact effectively pit the United States against the Soviets for its largess.

Mr. President, for the past several years, we have given India billions and billions of direct and indirect financial aid. What have we gotten in return? Are we engaging in an unrequited love affair with India, only to be tempted now by a jealous mistress, the Soviet Union?

President Carter somehow feels that the subject exports will help the United States maintain a dialog with India through which our differences can be narrowed. First of all, I would like to know exactly what kind of dialog to which he is referring. I am inclined to believe it is the dialog which exists between a producer and a consumer, not that of two nations trying to iron out their differences. In fact, the uranium export is but a pathetic appeasement to Prime Minister Gandhi's demands. President Carter is operating under the guise of striving for peaceful relations with India and an obligation to a previous agreement made in 1963 with India to supply nuclear fuel until 1996. The relations between the United States and India have been in a state of decline for decades despite the billions of U.S. dollars spent in direct and indirect aid to India. Why President Carter insists on supporting a country so closely tied to Russia and unwilling to adhere to American nonproliferation policy is an enigma to me.

Although India is not a signatory to the Nuclear Nonproliferation Act of 1978, the fundamental thrust of the act was the precondition of all future American nuclear exports without regard to signatories: full safeguards.

The 2-years grace period that Congress allowed to permit exports to continue to countries that did not meet the safeguard requirement expired on March 10, 1980. This expiration triggered the application of full-scope safeguards export criterion of section 128a of the Atomic Energy Act (hereafter "AEA") to all future American nuclear exports. In reaching its unanimous decision on May 16, 1980, to reject the two Indian applications for licenses to export nuclear fuel, the Nuclear Regulatory Commission concluded that the full-scope export criterion of section 128a of the AEA applied to these two Indian applications because they did not fall within the subject grace period. Yet, the State Department reached a contrary conclusion on the following grounds: First, that these two applications were submitted before September 10, 1979, the cutoff date specified in the law; to the first shipment under each was reasonably planned to occur before March 10, 1980; second, there is no reason to believe that the applications were filed early as a way of circumventing the September 10, 1979, deadline.

Mr. President, close scrutiny of the Nonproliferation Act and its legislative history clearly reveals that these exports to India should be prohibited. Mr. President, why do we make laws? To break them?

Mr. President, the United States is already perceived as a geopolitical weakling. Have we reached the point where we are going to let ourselves be manipulated by an underling such as India—just as we have by Iran? Apparently, the United States is bent on appeasing India at all costs—including the price of violating a law that is fundamental to limiting the spread of nuclear weapons to recipients of American nuclear fuel with full-scope safeguards.

President Carter expressed his desire to obtain his objectives set forth in the U.S. nonproliferation policy; however, the export of uranium to India would result in a definite setback of those goals. President Carter's logic is difficult to understand when he admits that India has failed to accept international safeguards on all its peaceful nuclear activities and refused to commit itself not to conduct further nuclear explosions. Yet the President feels that withholding the exports would be seriously prejudicial to achievement of U.S. nonproliferation objectives.

If the U.S. nonproliferation objectives include the deterrence of any uncontrolled spread to potential nuclear weaponry, then why sell uranium to a country which has vowed not to stand by and support this policy?

President Carter also claims that by refusing to export the uranium, the Indian Government might be pushed to begin reprocessing spent fuel. Well, the obvious miscalculation here is that the Gandhi government, regardless of the outcome of the presently proposed deal, has said that it refuses to agree not to reprocess spent nuclear fuel at Tarapur for the purposes of obtaining plutonium. Therefore, if anything, the Indian Government's capacity to reprocess spent nuclear fuel is only going to be enhanced by the U.S. export of uranium.

Mr. President, with the billions of dollars that we have already given to India, with its sweet arms deal with the Soviets, with its remaining $1.5 billion military aid pact with other countries, and with our proposed nuclear fuel sale, India will surely emerge as the most dominant military power in South Asia. If we were to go to war today, tomorrow, or anytime in the near future, India would rush to the open arms of the Soviets.

In conclusion, in today's world of dangerous expansion of nuclear arms, there is no room for an unprecedented, ill-advised decision like that which President Carter recently made regarding the export of nuclear fuel to India. Not only is it an unwise political move, but also a total reversal of basic, fundamental principles of established American law. It is absolutely imperative that all nuclear exports be made subject to full safeguards as fully intended by Congress in the Nuclear Nonproliferation Act of 1978. It is of the utmost importance and a paramount responsibility of the U.S. Congress to act quickly and stop the President from carrying out his intention of sending nuclear materials to India.

Mr. President, I ask unanimous consent to add my name as a cosponsor of Senate Concurrent Resolution 103, a resolution disapproving the sale of nuclear fuels to India.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD an article which appeared in the New York Times entitled "Should the U.S. Send More Enriched Uranium to India."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHOULD THE U.S. SEND MORE ENRICHED URANIUM TO INDIA?

(By Philip Taubman)

WASHINGTON.—Congress and the Carter Administration are heading toward a confrontation over 26 steel cylinders of enriched uranium. The uranium is at the center of an issue that is likely to have a significant impact on United States efforts to prevent the spread of nuclear weapons and on American strategic interests in South Asia.

The narrower aspect of the question is whether the United States should sell 38 tons of nuclear fuel to India for use in Indian reactors despite New Delhi's refusal to accept international safeguards for all its nuclear facilities and its refusal to forswear further development and testing of nuclear weapons.

But in a broader sense, the debate has been joined over whether the law and policy of the United States against the spread of nuclear weapons should be overridden by specific security considerations, in this case, improving relations with India and strengthening the Western strategic position against Soviet intervention in South Asia.

The Nuclear Regulatory Commission decided unanimously in May that the sale was not permissible under the Nuclear Nonproliferation Act. The White House, reading the law differently, decided that the sale would be legal, and the President issued an Executive Order authorizing the shipment. Under the law, Congress can reverse the President's decision by a majority vote of both houses.

The uranium, produced by the Department of Energy's gaseous-diffusion plant in Portsmouth, Ohio, and contained in the 25 steel cylinders, could become a major test of Administration power and policy.

THE BACKGROUND

American policy against the spread of nuclear arms and India's development of a nuclear capacity have long been intertwined. American money and technology helped India develop its first nuclear reactors.

In 1963, the two nations signed an agreement for cooperation in civilian uses of nuclear energy. The United States promised to supply enriched uranium for the Tarapur Atomic Power Station near Bombay, and India agreed to rely exclusively on American uranium and assented to international safeguards on its facilities when those facilities were using the American uranium. India declined, however, to accept blanket safeguards for all facilities at all times.

The agreement stipulated that India had to have American consent to reprocess spent fuel from Tarapur to extract the plutonium produced during the reacton's operation. Plutonium is the key material in nuclear bombs. Moreover, the United States reserved the right to veto any transfer of the nuclear fuel to a third country.

This agreement was severely shaken in 1974 when India tested its first nuclear explosive. The Indians, it was later revealed, used heavy water from the United States in manufacturing the plutonium used in the bomb.

After the detonation, the United States continued to supply India with enriched uranium, but American nuclear policy turned toward tighter control on exports and an effort to make other nations accept safeguards.

President Carter made control of the spread of nuclear arms a major issue in his 1976 Presidential campaign and vowed in his inaugural address to work for "the elimination of all nuclear weapons from this earth."

With support from the Carter Administration, Congress passed the Nuclear Nonproliferation Act in 1978. It was designed to limit the spread of nuclear weapons by requiring that any nation receiving nuclear fuel from the United States accept comprehensive safeguards on all its nuclear facilities to detect whether they were being used to reprocess fuel for use in weapons.

The law provided for a grace period during which the United States could continue to ship enriched uranium to nations without comprehensive safeguards while negotiating with those countries to accept the conditions.

FOR THE SHIPMENT

The Carter Administration says shipment of the fuel is warranted both legally and as a policy matter.

On policy, the Administration says failure to ship the fuel would be viewed by India as abrogation of the 1963 agreement, thereby releasing India to do whatever it wanted with the 200 tons of enriched uranium the United States has supplied since 1963. The Indians could reprocess the fuel or sell it abroad without Washington's consent.

"If we do not proceed," Deputy Secretary of State Warren M. Christopher said last week, "we could close the door on any opportunity for influencing India's future nuclear activities."

The Administration also contends that cancellation of the sale would jeopardize improving relations with India, a nation of crucial strategic importance in South Asia. Because of the turmoil in Iran and the Soviet intervention in Afghanistan, Mr. Christopher said, it is "vital" for the United States to bolster relations with India.

In the absence of American uranium, the Administration fears, India might turn to the Soviet Union for nuclear fuel.

In legal terms, the Administration contends that two export licenses for the shipment fall under the grace period in the Nonproliferation Act.

AGAINST THE SHIPMENT

Opponents of the sale say it would violate both the spirit and the letter of the law and, in effect, make the law meaningless.

Senator John Glenn, Democrat of Ohio, who is leading the opposition to the sale in the Senate, said, "I don't want to stand before the rest of the world in some sort of charade saying we do have a nuclear nonproliferation policy here when actually the biggest violator in the world has been India and we go ahead and continue shipments."

Victor Gilinsky, a Nuclear Regulatory Commission member, said: "Fullscope safeguards are the sine qua non of the Nonproliferation Act. If India does not need to satisfy the requirements, other countries will be quick to seek similar exemptions."

Opponents say cancellation would not violate the 1963 agreement because a clause in that agreement stipulates that shipment of enriched uranium by the United States is to be governed by "applicable'" American laws. The Nonproliferation Act, they believe, fits that description.

As for the grace period, opponents contend that the law and its legislative history explicitly prohibit shipments in the time period of the India sale. In its May decision, the Nuclear Regulatory Commission declared that the safeguards provision of the law had what it called a guillotine effect and that the India export licenses were not protected.

Finally, opponents do not accept the contention that Indian-American relations would be seriously harmed by not shipping the fuel. The Indians have enough fuel to last several years, according to opponents. If New Delhi accept comprehensive safeguards, it could get all the fuel it needed, the opponents say.

THE OUTLOOK

Opposition to the sale appears to be strong in the House, where a resolution opposing the sale has over 100 co-sponsors and is expected to pass by a large margin this summer. Hearings by the Foreign Affairs Committee are to begin tomorrow.

The outlook in the Senate is more uncertain, and the vote there could be close. The Administration is preparing a major effort to block Senate approval of a resolution forbidding the sale.

A PLEA FOR A BALANCED BUDGET

Mr. HEFLIN. Mr. President, the Senate Budget Committee has begun deliberations and markup of the second concurrent budget resolution. As we all know, this body passed a first budget resolution which, at the time we acted, was hailed as the first balanced budget in many, many years. Recent economic developments, however, have dashed the hopes of those of us who have been working for a balanced budget as one important weapon in the war on inflation, which is ripping this country apart.

We are now told by the Congressional Budget Office that the economy has changed significantly since last March when the assumptions on which the first budget resolution was based were made. Unemployment is much higher than expected, inflation rages at a high rate, and productivity lags badly. For these reasons, we are told that the expected budget deficit for fiscal year 1980, which ends on September 30, 1980, is now projected to reach a staggering figure of in excess of $60 billion. Moreover, it now appears that the budget for next year, which we had hoped to keep in balance for once, will now be out of balance to the tune of at least $30 billion. And this is, of course, before all the Federal agencies and the bureaucracy come back in the middle of the year in 1981—just like they do year in and year out—and ask for more and more money by way of supplemental appropriations in order to operate their agencies for the remainder of the year.

Mr. President, earlier during this session, the Constitution Subcommittee of the Senate Judiciary Committee favorably reported Senate Joint Resolution 126, a resolution which I helped draft and cosponsored, and which provided that the U.S. Constitution would be amended to require that the Federal budget be balanced each and every year. This important resolution, unfortunately, was rejected by the full Judiciary Committee by the narrow margin of one vote.

The tragedy of that 1 vote lost in the fight for fiscal sanity is now coming to be glaringly apparent. Mr. President, in this time of double-digit inflation, will the American people stand for a $60 billion Federal deficit for this year? Will the public stand for a projected deficit of over $30 billion in fiscal year 1981, which will undoubtedly be swelled by additional midyear appropriations so that the deficit for next year may approach or exceed the $60 billion level for this year?

I think not, Mr. President. The American people—if the people of Alabama are typical, and I certainly believe they are—are pleading for fiscal sanity in Washington, but their pleas fall on deaf ears. As long as special interest groups can mount their pressure campaigns on their pet projects or their pet programs, the interests of the average American in holding down Federal spending and the inflation rate will go unheeded.

The late Arthur M. Okum, a senior fellow in the Brookings economic studies program and one of the country's most distinguished economists before his untimely death, summed up the mood of the American people when he wrote:

> The frustrations of the American people represent no failure of the spirit, but rather a recognition of grim reality.

The grim reality, of course, is that we elected officials have not done our part to solve the problems of inflation: but, to the contrary, we seem almost eager to exacerbate them.

Mr. President, the only solution of this problem is, in my judgment, to impose spending discipline on this Congress by means of a constitutional mandate which will bind the Congress to the will of the people—a will which is currently being largely ignored. Perhaps it is too late this session to breathe new life into Senate Joint Resolution 126, but I can assure my colleagues that next session, and the next, and as long as I am a Member of this body, I will keep this issue at the forefront. I will rise and speak often, and I shall speak loudly until my voice is heard. We must provide by constitutional means the spending discipline we apparently cannot muster any other way.

Mr. President, inflation is the bane of our national economy. It is the poison which, in my judgment, is a primary source of all our economic ills. Our economy is in its seventh recession since World War II. The rate of decline of the gross national product for the second quarter of this year was an annualized and outrageous 9.1 percent—the sharpest fall of the postwar period. Between February and June, unemployment jumped by 1.7 million workers, and total jobs fell by 1.4 million. Disposable income has been squeezed by the rapid and rampant inflation, rising tax burdens, and higher debt payments. Interest rates escalated to record levels in March and April, creating havoc in the housing and auto industries.

The Congressional Budget Office forecast, upon which the second budget resolution will be based, predicts that the recession will end this year to be followed only by a weak recovery in 1981. The unemployment rate is expected to raise to unacceptably high levels, perhaps as high as 9 to 10 percent and remain at that level throughout the year. Inflation is expected to hover near the 10-percent range.

What long-term solutions can be offered to correct these ills? The answer, Mr. President, is to attack these inflation-based problems on two fronts. First and foremost, we must balance the Federal budget (and as I mentioned, it appears that the only feasible way to do this is by means of a constitutional mandate), slow the growth of the money supply, and control credit more effectively, thus cooling the demand side of of the equation. Second, and equally important, we must expand on the supply side of our economy by improving productivity in this Nation. Even without a constitutional mandate to balance the budget, there are actions which the Congress can take to open up these fronts.

Mr. President, if we do not take bold and decisive and admittedly politically difficult action, here is the prospect we face: At today's inflation rate, $1 will be worth only 19 cents in 10 short years, only 4 cents in 20 years, and less than 1 cent in 30. At the current rate of inflation, a loaf of bread, selling for an already inflated price of $1 today, would cost over $237 in 30 years. Our money, in other words, will become as worthless as the mark did in Germany after the first World War when people literally had to take wheelbarrels loaded with money to stores in order to buy a single loaf of bread. The lessons of postwar Germany should not be lost on us, for the potential for political, economic, and social disintegration are pent up in these nightmarish projections. But, the American dream does not need to end up a nightmare. The problems are solvable if we only have the courage to act. Again, quoting Arthur Okum:

> There are no great mysteries about the kinds of measures that can help to slow inflation or speed up productivity. * * * A successful program to correct inflation must begin with prudent restraint in the Federal budget. Government spending must never again be allowed to become the engine of inflation. * * *

In my judgment, the ingredients in the recipe for lower inflation and higher productivity are several, and many of them are rather evident.

We must, first of all, begin to get inflation out of taxation. Last year, I introduced a bill I entitled the Anti-Inflation Tax Act of 1979. The purpose of my bill was to end the grotesque injuries being inflicted on the average American worker and taxpayer because of the lack of any method to adjust our tax system to take inflation into account. We index many benefits for those who do not produce, but we allow inflation to gnaw away at the real income of those Americans who must work hard every day to produce the benefits for us. Our workers are being mercilessly driven into higher and higher tax brackets. In 1965, only 7 percent of our work force were in the tax brackets of 25 percent or higher. Today over 40 percent of the workers in this country are in this tax bracket or a higher one.

Moreover, the work force is delivered a second blow because businesses, in order to provide employment, must have new capital in the form of plant and equipment. This factor, plant and equipment, is a nontaxable cost of doing business; but, unhappily, under our present system, it is largely being taxed. Depreciation allowances are based on the original cost of capital items and have no relation to the replacement cost. The effect is a capital tax at a time when capital formation is what is needed to provide employment and increase productivity.

Obviously, nothing can be done to correct these problems. What is needed and needed now is for Congress to approve an indexing system for taxes. I claim no pride of authorship—perhaps a system better than the one I put forth can be devised to help individuals and businesses withstand the inflationary pressures.

In addition, a measure like the Capital Cost Recovery Act, of which I am a cosponsor, (that is, a 10–5–3 plan) must be passed in order to stimulate investment in job-producing new plant and equipment.

Another ingredient in the recipe for economic sanity and long-term recovery and strength is to cut back on the bureaucratic monstrosity of governmental regulation. A mere glance at the code of Federal regulations is enough to convince a rational person that we are strangling the productivity of this Nation. I have not measured the shelf space, but I can say just from a rough estimate that the code, with its small print, covers 10 or 12 feet of shelf space, and new regulations are being promulgated every day. In 1955, the Federal Register, in which all new regulations are printed, was only about 10,000 pages long. By 1970, the number of pages had doubled to approximately 20,000 pages, and by 1979, the number of pages in this one indicia had quadrupled to almost 77,000 pages for the year.

The impact on the American economy is tremendous. Businesses must employ huge staffs who are engaged in filling out and processing the never-ending deluge of paperwork and forms necessary for compliance with the morass of Federal requirements. It is estimated that the cost of compliance imposed on industry is now about $100 billion a year. The Chase-Manhattan Bank reported in 1979 that the annual cost of this mass of regulation amounted to $740 for each person living in the United States, and indeed amounted to one-fifth of the entire Federal budget. Much of the cost and frustration felt by small businesses arise out of the fact that there are many overlapping jurisdictions and conflicts among the regulations promulgated by the various agencies. The steel industry alone is hampered by over 5,600 regulations administered by 26 different Federal agencies, often with overlapping and conflicting goals.

Although Congress has examined the problem of governmental regulations from time to time, little positive motion has occurred. In my judgment, it is time that we scrap wasteful production retarding Government regulations that eat our capital, add cost to goods and products, but produce nothing. The Joint Economic Committee has recommended that the Budget Act of 1974 be amended to require that Congress annually establish a regulatory budget along with a fiscal budget to set a limit on the cost of compliance each agency could impose on the private sector. This certainly appears to be a step in the right direction, and I would encourage my colleagues to move such an amendment forward as quickly as possible.

Another ingredient in the recipe for fiscal soundness is that of capital formation. It is axiomatic that a nation that does not save and invest does not grow and its living standard does not rise. A fundamental principle of economics is that consumption postponed is consumption increased.

In the quarter century prior to 1973, investment in new plant and equipment increased the Nation's capital base by about 3 percent per year. But in the stagnant years between 1973 and 1979, as productivity lost its momentum and started its decline, the growth in the capital base averaged only about 1.75 percent a year. During the same time, personal savings slipped from 7.4 percent to 5.2 percent of after-tax income, and indeed, Americans are saving at the rate of only 3.4 percent at the present time, compared with 13.5 percent in West Germany and 22 percent in Japan. Thus, at a time when we face a huge transition from old to new energy sources and feel the need to update and replace obsolete equipment and apply new technology to our industry, our rates of saving, investment, and capital replacement are far below those of our economic competitors.

There has not been a new steel mill built in this country since 1953, despite great leaps in technological capabilities. Thus, while savings have fallen to record lows in this country, and our obsolete industrial equipment operates far below capacity, competitive countries such as West Germany and Japan have incorporated up-to-date technology because of their more ample rates of savings and capital formation. Thus, the average annual change in productivity for Japan from 1950 to 1977 was an increase of 7 percent per year, and for West Germany an increase of 4.7 percent per year, compared with an increase of only 1.8 percent for the United States.

A final ingredient, although certainly not the last that could be mentioned, is that we must undo the great damage that is being done to the U.S. economy as a result of indexation that feeds inflation. It is assumed by many, incorrectly I believe, that the Consumer Price Index measures the changes in the cost of living. Thus, many Federal programs are indexed to the Consumer Price Index because of this common misconception. The fact is, however, that the Consumer Price Index overstates the rise in the cost of living, and this overadjustment is feeding it right back into the inflationary problem. When we attempt to compensate for inflation and in doing so we overcompensate, we accelerate the very problem we are trying to correct. A study done by Alexander and Alexander, Inc. came to this conclusion:

> The CPI, with all its fateful impact on the economy, is not a measure of the actual cost of living at all, but is instead a highly incomplete, inaccurate, and misleading gauge which is based on the prices of a rigid, outdated set of items that are connected with the actual cost of living only in a crude and indirect way. It is not only inaccurate as a measure of living costs, but also consistently biased upwards, making it a prime *cause* of inflation. (Emphasis original)

Mr. President, surely reform is called for in this area. At the very least, it would seem to me that the Consumer Price Index should be adjusted to recognize modern economic assumptions and conditions.

Mr. President, the recipe to stimulate and revive productivity requires many other ingredients, and I shall not take the time today to examine them in detail. Suffice it to say that we need a program to invigorate competition and a program of concerted effort by the Federal Government to promote technology which, in the long run, may be our strongest economic weapon.

Mr. President, I do not want to sound like the voice of doom. We clearly have problems, but if we march forward as well disciplined soldiers in the battle against inflation, I am convinced that we can be victorious. Again, Professor Okum has written as follows:

> Restoring the vitality and stability of the American economy is one of the great challenges of a new decade. It is a test of the intelligence, competence, and the unity of the Nation. Our ability to pass that test will determine the quality of life for our children and for our Nation's standing in world affairs.
>
> To begin making progress, we must face up to our lack of progress in the seventies. Economic record of the past decade is the second worst of the century—inferior to all but the horrible 1930s. During this past decade, the dollar lost half of its purchasing power, and our productivity grew at less than half the rate established in previous decades. Our trade imbalances were the worst in history as a result of our dependence on foreign oil. Our growth was not only slow but erratic, with recurrent setbacks from recession. And our disappointments intensify even to the present day: double-digit inflation, actual declines in productivity, and a falling level of real after-tax income are the story. . . .

Mr. President, we can do better than this, and we have done better than this throughout most of the history of our Nation. We hear a lot of talk today about this social program and that social program. But Mr. President, the greatest social program this country has ever known is merely that of having a strong economy which can provide the goods and services our people need. A strong economy creates jobs, it creates opportunities, it enables the American people to educate their children and own their own homes. Government programs are not needed in these areas if our economy works as it should. A strong economy would get the Federal Government out of social service business and enable it to provide the necessary services such as assistance in times of national disasters and a strong national defense.

To put our economy back on the right track, I think we need to run a banner up every flag pole in this country, and that banner should read "Spending Discipline." Spending discipline by both Congress and consumers would lead to fiscal stability, generate savings which could be used for increases in productivity, and once again make the American dream a reality.

Mr. President, I urge my colleagues to rally around the flag of spending discipline. We must bite the bullet and take whatever action is necessary to bring Federal spending under control. We can eliminate fraud and waste and still provide the necessary services to the American people if we will but do it. We must balance the Federal budget, even though it may be uncomfortable in the short run. We must set aside short run, quick fixes and replace them with long term fiscal sanity; and balancing the Federal budget is the first step.

As I mentioned earlier, there are some actions we can take through legislation and some, which in my judgment, must be mandated by the Constitution. Again, I want to put my colleagues on notice of the fact that I will continue to strive for the passage of Senate Joint Resolution 126 or some comparable amendment to the Constitution; and if success is not possible during this session, I will try again during the next. I urge every Member of the Senate to join me in this effort.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning is closed.

DOMESTIC VIOLENCE PREVENTION AND SERVICES ACT

The Senate continued with the consideration of H.R. 2977.

The PRESIDING OFFICER (Mr. HEFLIN). The clerk will state the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 2977) to provide for Federal support and encouragement of State, local, and community activities to prevent domestic violence and assist victims of domestic violence, to provide for coordination of Federal programs and activities relating to domestic violence and for other purposes.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that Pat Markey, Letitia Chambers, Peter Parham, and Birdie Kyle of the Committee on Labor and Human Resources be granted the privilege of the floor during consideration of H.R. 2977, the Domestic Violence Prevention and Services Act, and all rollcall votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1511

(Purpose: To substitute text of Senate-reported bill)

Mr. WILLIAMS. Mr. President, on behalf of the Senator from California (Mr. CRANSTON), who will be floor managing this bill later today, and the other cosponsors of S. 1843, I send to the desk a substitute amendment for the text of the House-passed measure, H.R. 2977.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

> The Senator from New Jersey (Mr. WILLIAMS), for himself and Mr. CRANSTON, Mr. RANDOLPH, Mr. RIEGLE, Mr. KENNEDY, Mr. JAVITS, Mr. STAFFORD, Mr. BAYH, Mr. LEAHY, Mr. MATSUNAGA, Mr. HATFIELD, Mr. DECONCINI, Mr. HART, Mr. STONE, Mr. MAGNUSON, Mr. NELSON, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. LEVIN, Mr. BOSCHWITZ, Mr. TSONGAS, Mr. DURKIN, and Mr. GRAVEL) proposes an unprinted amendment numbered 1511.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 1, line 1, strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—DOMESTIC VIOLENCE PREVENTION

SEC. 100. This title may be cited as the "Domestic Violence Prevention and Services Act".

FINDINGS AND PURPOSE

SEC. 101. (a) The Congress hereby finds that—

(1) a significant number of homicides, aggravated assaults, and assaults and batteries occur within the home between adult members of families;

(2) the reported incidence of domestic violence represents only a portion of the total number of incidents of domestic violence;

(3) a large percentage of police officer deaths in the line of duty result from police intervention in domestic violence situations;

(4) domestic violence is a complex problem affecting families from all social and economic backgrounds; and

(5) the effectiveness of State laws and State and local programs in reporting and preventing domestic violence and in provid-

ing immediate shelter and other assistance for victims and dependents of victims of domestic violence is not readily ascertainable.

(b) It is the purpose of this title to increase the participation by States, local communities, nonprofit private organizations, and individual citizens in efforts to prevent domestic violence and to promote immediate shelter and other assistance for victims and dependents of victims of domestic violence; to provide technical assistance and training, as appropriate with respect to domestic violence programs to interested States, local communities, nonprofit private organizations, and other interested groups, officials, and persons; to establish an interagency council to seek to coordinate Federal programs relating to domestic violence; and to provide for reporting programs relating to domestic violence.

GRANTS AUTHORIZED

SEC. 102. (a) (1) In order to assist in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of domestic violence and to provide immediate shelter and other assistance for victims and dependents of victims of violence, the Secretary is authorized, in accordance with the provisions of this title and through the Director, to make grants to States that meet the requirements of this subsection.

(2) No grant may be made under this subsection unless the chief executive of the State submits an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each such application shall—

(A) provide that funds provided under this subsection will be distributed in grants to local public agencies and nonprofit private organizations for programs and projects within such State to prevent incidents of domestic violence and to provide immediate shelter and other assistance for victims and dependents of victims of domestic violence;

(B) provide, with respect to funds provided to a State under this subsection for any fiscal year, that not less than two-thirds of such funds will be distributed in grants to nonprofit private organizations within the State; and that, in the distribution of grants under this subsection, the State will give special emphasis to the support of community-based projects of demonstrated effectiveness, particularly those operating shelters;

(C) provide that, whenever feasible, in making grants under this subsection, reasonable assurances, and the basis therefor, will be provided to grantees of the level of future support which each such grantee is likely to receive from the State, assuming continuation of an adequate level of Federal assistance under this title;

(D) set forth procedures designed to assure an equitable distribution of grants and grant funds within the State in accordance with the provisions of this title;

(E) set forth procedures for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds provided under this title, including such funds distributed by the State to local agencies and nonprofit private organizations;

(F) specify the State agency to be designated as responsible for the administration of the State domestic violence program under this title and for coordination of programs within the State that are or could be used in relation to the prevention of domestic violence or the provision of immediate shelter and other assistance to victims of domestic violence;

(G) provide for making such reasonable reports in such form, at such times, and containing such additional information as the Secretary may deem essential to carry out the purposes and provisions of this title, and for keeping such records and affording such access thereto as the Secretary may deem essential to assure the correctness and verification of such reports;

(H) provide assurances of, and procedures for, compliance with the provisions of section 108, relating to confidentiality, and provide assurances that the address or location of a shelter in receipt of a grant under this subsection will, at the request of such shelter, not be made public;

(I) set forth procedures to assure active citizen participation within the State with respect to—

(i) overseeing within the State the development and implementation of Federal, State, and local programs and projects funded under this title, including consideration of the extent to which the geographic distribution of grants by the State is equitable, taking into account the distribution of population within the State, and, to the extent feasible, examining and evaluating other Federal, State, and local programs providing services in the State that are or could be used in relation to the prevention of domestic violence or the provision of immediate shelter and other assistance to victims of domestic violence, and

(ii) the distribution of funds to be made through grants to local public agencies and nonprofit private organizations, and plans for effectively meeting statewide needs;

(J) provide assurances that any project for which a grant is made under this subsection will—

(i) coordinate its activities with other programs in the State that are or could be used in relation to the prevention of domestic violence or the provision of immediate shelter and other assistance to victims of domestic violence, and

(ii) be administered and operated by personnel with appropriate training or experience and that, where a substantial number of individuals with limited English-language proficiency will be served, particular attention will be given to the provision of services which respect cultural sensitivities and bridge linguistic and cultural differences; and

(K) provide such other assurances and include such other information as the Secretary deems essential to carry out the purposes and provisions of this title.

(3) The Secretary shall approve any application that meets the requirements of this subsection, and the Secretary shall not disapprove an application for a grant under this subsection except after reasonable notice, opportunity for correction of any deficiencies, and notice of an opportunity for a hearing.

(b) (1) The Secretary, through the Director, is authorized to make grants to local public agencies and nonprofit private organizations for projects designed to prevent incidents of domestic violence and to provide immediate shelter and other assistance for victims and dependents of victims of domestic violence. In no event may the Secretary make a grant under this subsection in any fiscal year to a local public agency unless such agency has been recommended and approved for funding for such a project in such fiscal year by the State in which the local agency is located.

(2) No grant may be made under this subsection unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems essential to carry out the purposes and provisions of this title. Such application shall comply, as applicable, with the provisions of clauses (E), (G), (H), and (J) of subsection (a) of this section.

(c) No grant may be made under this section in any fiscal year to any single entity (other than to a State) for an amount in excess of $50,000, and the total amount of such grants to a single entity may not exceed $150,000, or be awarded in excess of four fiscal years.

(d) No funds provided through grants made under this section may be used as direct payment to any victim or any dependent of a victim of domestic violence.

(e) No income eligibility standard may be imposed with respect to any individual seeking assistance or services, supported with funds provided under this title, from an entity in receipt of a grant under this title.

(f) The Secretary shall assure that not less than 75 per centum of the funds distributed under subsection (a) of this section, and not less than 75 per centum of the funds distributed under subsection (b) of this section, to local public agencies and nonprofit private organizations shall be distributed to entities providing immediate shelter and related assistance to victims and dependents of victims of domestic violence.

SUPPLEMENTAL GRANTS AUTHORIZED

SEC. 103. The Secretary is authorized, in accordance with the provisions of this title, to make grants to any applying State that has met the requirements for a grant under section 102(a) in order to pay the costs of administering any such State's domestic violence program under this title, developing and implementing the State's domestic violence program as specified in the application submitted by such State under such section, and assuring active citizen participation as required under section 102(a) (2) (I).

ALLOTMENT OF FUNDS

SEC. 104. (a) From the sums appropriated under section 113 for grants to States for any fiscal year, each State shall be allotted for payment in a grant authorized under sections 102 and 103 an amount which bears the same ratio to such sums as the population of such State bears to the population of all States, except that—

(1) each State shall be allotted not less than whichever is the greater of the following amounts: one-half of 1 per centum of the amounts available for grants under sections 102(a) and 103 for the fiscal year for which the allotment is made, or $40,000 for the purposes of section 102 and $8,000 for the purposes of section 103; and

(2) Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands shall each be allotted not less than one-eighth of 1 per centum of the amount available for grants under sections 102(a) and 103 for the fiscal year for which the allotment is made.

For the purpose of the exception contained in clause (1) of this subsection only, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands.

(b) (1) If, by the end of the sixth month of the fiscal year for which sums have been appropriated under section 113, the amount allotted to a State has not been awarded to such State under sections 102(a) and 103 because of such State's failure to qualify, in accordance with the provisions of this title, for such grants, the Secretary shall make reallotment of the total amounts not so paid, as follows:

(A) not less than 50 per centum to States so qualifying for distribution as provided under section 102(a) each State to be awarded, for grants to local public agencies and nonprofit private organizations, an amount which bears the same ratio to the total amount to be reallotted as the population of such qualifying State bears to the population of all qualifying States; and

(B) the remaining 50 per centum in grants under section 102(b), unless the Secretary determines that a lesser per centum would more effectively carry out the purposes and provisions of this title.

With respect to the funds to be reallotted pursuant to clause (B) of this paragraph, the Secretary shall give special consideration to applications from local public agencies and nonprofit private organizations in States which do not have a qualifying State plan.

(2) The Secretary may also make available for reallotment, in accordance with the provisions of paragraph (1) of this subsection, such amounts provided in any fiscal year to a State under sections 102(a) and 103 as the Secretary determines, after consultation with such State, will not be used by such State during such fiscal year for carrying out the provisions of this title.

(3) For the purposes of paragraphs (1) and (2) of this subsection, a State which the Secretary, pursuant to paragraph (2) of this subsection, has determined will not use any of the amounts provided under sections 102(a) and 103 shall not be eligible for a reallotment of funds under either such paragraph.

(4) Funds made available by the Secretary through reallotment pursuant to paragraph (1) or (2) of this subsection shall remain available for expenditure until the end of the fiscal year following the fiscal year in which such funds become available for reallotment.

STATE REPORTS

SEC. 105. (a) For the purpose of furnishing information to the Congress to aid in its oversight activities, each State receiving a grant under section 102(a) shall submit to the Secretary, on or before December 1 of each year, a concise report providing specific information on the implementation of programs and projects under this title. Each such report shall include (with funds provided under sections 102(a) and 103 shown separately) information for the preceding fiscal year as to—

(1) the amount used to administer the State program;

(2) the amount used for programs and projects to provide training and technical assistance with respect to domestic violence, and the amount used for assuring active citizen participation;

(3) the amount used for services provided and activities conducted, or caused to be provided or conducted by the State, broken down by agency and by types of services and activities conducted or caused to be conducted by such agency;

(4) the number, nature, recipients and amounts of grants made to local public agencies, the number, nature, recipients, and amounts of grants made to nonprofit private organizations and the number, nature, recipients, and amounts of grants to entities providing shelter and related assistance to victims and dependents of victims of domestic violence;

(5) the number of persons estimated to have been assisted in projects described in clauses (2), (3), and (4), respectively, of this subsection; and

(6) such other specific information as the Secretary may deem essential to carry out the purposes and provisions of this title.

(b) Prior to requiring any specific information under clause (6) of subsection (a) of this section, the Secretary shall advise the appropriate committees of the Congress and each participating State of the reasons for requiring such information.

NATIONAL CENTER ON DOMESTIC VIOLENCE

SEC. 106. (a)(1) The Secretary shall designate within the Office of the Secretary an identifiable administrative unit to serve as the National Center on Domestic Violence.

(2) The Center shall be headed by a Director who shall be appointed by the Secretary.

(b) The Director of the Center shall—

(1) be responsible for overseeing all programs and activities carried out under this title and shall seek to coordinate, through the interagency council established by section 111(a)(1) of this title, all Federal programs and activities (including research activities), to the extent such programs and activities relate to domestic violence, carried out with respect to the prevention of domestic violence or the provision of immediate shelter and other assistance to victims and dependents of victims of domestic violence;

(2) in order to aid the Congress in its oversight activities, take whatever action is necessary to keep the Congress fully and currently informed with respect to the administration and implementation of this title;

(3) provide for the establishment and operation of a national information and resource clearinghouse for matters with respect to domestic violence in order to—

(A) collect, analyze, prepare, and disseminate information and statistics relating to the incidence and prevention of domestic violence and the provision of immediate shelter and other assistance to victims and dependents of victims of domestic violence;

(B) serve as an advocate for the prevention of domestic violence and the provision of immediate shelter and other assistance to victims and dependents of victims of domestic violence; and

(C) provide appropriate technical assistance to persons or organizations interested in preventing domestic violence or providing immediate shelter and other assistance to victims and dependents of victims of domestic violence; and

(4) develop a national media campaign to increase public awareness of the problem of domestic violence and the availability of immediate shelter and other assistance for victims of domestic violence, including, if deemed necessary by the Director, the establishment of a national toll-free hotline to provide information regarding the availability of such services in particular areas of the country.

(c) The Secretary, through the Director, shall make grants to public or nonprofit private entities or enter into contracts with public or private entities to provide technical assistance, training, and outreach services to States, local public agencies, and nonprofit private organizations participating or interested in participating in the programs and projects authorized by this title, and shall inform such States, agencies, and organizations and all other interested parties, officials, and organizations of alternative sources of assistance available with respect to the prevention of incidents of domestic violence and the provision of immediate shelter and other assistance to victims and dependents of victims of domestic violence.

NATIONAL CENTER REPORTS

SEC. 107. For the purpose of furnishing information to aid the Congress in its oversight activities, the Secretary, through the Director, on or before February 1 of each year, shall prepare and submit to the Congress a concise report providing specific information on the programs authorized by this title. Each such report shall include for the preceding fiscal year—

(1) the name of each State to which a grant is made under section 102(a) and the amounts of funds provided to such State by way of allotment and reallotment and the name of each State to which a grant is made under section 103 and the amount of such grant;

(2) the total amounts of funds reallotted pursuant to section 104 and distributed in grants made pursuant to section 102(b);

(3) the names of the grantees, the nature of the research activity or demonstration project, and the amounts of funds awarded for research activities and demonstration projects described in section 111(c);

(4) with respect to grants made under section 102(a), a tabulation of the data described in section 105(a);

(5) with respect to grants made under section 102(b)—

(A) the number of such grants;

(B) a listing, by State, of the grants made to local public agencies;

(C) a listing, by State, of the number of grants made, and the amounts of funds provided thereunder, for projects in States not receiving or not utilizing in full such State's allotment of funds under section 102(a);

(D) the number of grants made, and the percentage of funds provided in grants, to projects conducted in rural areas;

(E) the number of grants made, and the percentage of funds provided in grants, to entities providing shelter and related assistance to victims and dependents of victims of domestic violence; and

(F) the percentage of funds provided in grants to nonprofit private organizations and the names, locations, and the amounts of all funds provided in such grants; and

(6) any recommendation which the Secretary determines to be appropriate for improving the programs authorized or activities provided for by this title.

CONFIDENTIALITY

SEC. 108. (a) Records pertaining to any individual which are maintained in connection with the provision of domestic violence prevention or treatment services to such individual by any program, project, or activity conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall be confidential and be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b) of this section.

(b)(1) The content of any record referred to in subsection (a) of this section may be disclosed in accordance with the prior written consent of the individual with respect to whom such record is maintained, but only to such extent, under such circumstances, and for such purposes as may be allowed under regulations prescribed pursuant to subsection (g) of this section.

(2) Whether or not the individual with respect to whom any given record referred to in subsection (a) of this section is maintained gives his or her written consent, the content of such record may be disclosed as follows:

(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

(B) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not disclose, directly or indirectly, in any report of such research, audit, or evaluation the identity of any individual with respect to whom such record is maintained, or otherwise disclose in any manner the identity of any such individual.

(C) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the individual concerned, to any professional-client relationship involved, and to the ability of the program, project, or activity concerned and of other programs, projects, and activities described in subsection (a) of this section to provide services with adequate and appropriate assurances of confidentiality.

(c) Except as authorized by a court order granted under subsection (b)(2)(C) of this section, no record referred to in subsection (a) of this section may be used to initiate or substantiate any criminal charges against an individual or to conduct any investigation of an individual.

(d) The prohibitions of this section shall continue to apply to records concerning any individual, irrespective of whether or when he or she ceases to receive the services described in subsection (a) of this section.

(e) Any person who obtains consent for disclosure of a record under subsection (b) (1) of this section shall assure that such consent is informed and voluntary.

(f) Any person who violates any provision of this section or any regulation issued pursuant to this section shall be fined not more than $500 in the case of a first offense, and not more than $5,000 in the case of each subsequent offense.

(g) The Secretary, after consultation with the heads of other departments and agencies of the United States substantially affected by the provisions of this section, shall prescribe regulations to carry out the purposes of this section. Such regulations may contain such definitions, and may provide for such safeguards and procedures, including procedures and criteria for the issuance and scope of orders under subsection (b)(2)(C) of this section, as in the judgment of the Secretary are necessary or proper to effectuate the purposes of this section, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

(h) Nothing in this section shall be construed to supersede the application of State or local requirements for the reporting of incidents of suspected child abuse to the appropriate State authorities.

(i) For the purposes of this section, the term "identity" means—

(A) an individual's name or other data from which it could be reasonably anticipated that a person could—

(i) identify such individual, or

(ii) ascertain other data from which such individual might be identified; or

(B) a code, number, or other means used to identify the individual in relation to a record regarding him or her.

AUDIT PROVISIONS

SEC. 109. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall, until the expiration of three years after the completion of the program, project, or activity authorized or assisted under this title, have access, consistent with the provisions of section 108, for the purpose of audit and examination, to any books, documents, papers, and records of recipients which, in the opinion of the Comptroller General, after consultation with the Secretary, may be related or pertinent to, the grants or contracts authorized to be made under this title.

EVALUATION

SEC. 110. (a) The Secretary shall review, evaluate, and report to the Congress, not later than two years after the date funds are obligated under section 102(a) for the first time after the date of enactment of this title, as to the effectiveness of the programs administered and operated pursuant to this title. Such review, evaluation, and report shall be conducted and prepared by persons not directly involved in the administration or operation of such programs. Such review and evaluation shall include examination of—

(1) the extent to which public awareness of the problem of domestic violence has been increased;

(2) the extent to which the availability and the effectiveness of immediate shelter and other assistance with respect to domestic violence has been increased;

(3) the extent to which assistance made available under this title has served as a catalyst for State, local governmental, and community involvement and support (financial and otherwise) for projects with respect to domestic violence;

(4) the extent to which limiting the dollar amount of grants which may be awarded in any one fiscal year or over a four-year period has provided more opportunities for communities and nonprofit private organizations to establish, maintain, and expand projects under this title;

(5) the extent to which such dollar limitations have resulted in stimulating State, local governmental, and community financial support for projects with respect to domestic violence;

(6) the extent to which projects assisted under this title have maintained, without assistance under this title, to provide services with respect to domestic violence;

(7) the extent to which the interagency domestic violence council established by section 111(a)(1) has assisted the Director in coordinating at the Federal level programs for the prevention of domestic violence and the provision of immediate shelter and other assistance to victims and dependents of victims of domestic violence;

(8) the extent to which the Center has provided the necessary relevant information and assistance with respect to domestic violence to participating and interested States, local public agencies and communities, and nonprofit private organizations; and

(9) the extent to which research activities and demonstration projects described in section 111(c) have been useful to projects providing shelter and other assistance relating to domestic violence.

(b) In planning for the evaluations required to be conducted under this section, the Secretary shall consult with the Director and advise appropriate committees of the Congress. As part of such evaluations, the Secretary, to the maximum extent feasible, shall consult with appropriate State officials, local community officials, providers of services, nonprofit private organizations, and individuals who have been victims of domestic violence.

(c) For the purpose of carrying out the evaluation activities provided for under this section, the Secretary shall reserve each year, from sums otherwise available to the Secretary, a sum equal to not less than 1 per centum nor more than 2 per centum of the sums appropriate under section 113.

COORDINATION OF FEDERAL PROGRAMS

SEC. 111. (a)(1) In order to assist the Director in coordinating at the Federal level programs for the prevention of domestic violence and the provision of immediate shelter and other assistance to victims and dependents of victims of domestic violence, a Federal interagency domestic violence council is established. Such council shall be chaired by the Director and shall include representatives of the Department of Agriculture (with respect to the food stamp program), Department of Defense, Department of Housing and Urban Development, Department of Justice (including the Law Enforcement Assistance Administration), the ACTION Agency, the Community Services Administration, the Legal Services Corporation, the appropriate Institutes within the Alcohol, Drug Abuse, and Mental Health Administration, and representatives of such other departments and agencies as the President may designate, and shall include not less than five members of the general public to be appointed by the Secretary who are individuals who have been victims of domestic violence or have experience in the provision of shelter and other assistance to victims of domestic violence.

(2) The council shall identify, assess, and facilitate the coordination of all Federal programs, projects, and plans for programs and projects providing immediate shelter and other services or research support relating to domestic violence, and shall make such recommendations as it deems appropriate to the President and the Congress with respect to coordination of policy and development of objectives and priorities for all Federal programs relating to domestic violence.

(3) The council shall meet not less often than four times each year.

(4) Members of the council, other than those regularly employed by the Federal Government, while serving on business of the council, shall be reimbursed for travel, subsistence, and other necessary expenses, at rates provided for in subchapter I of chapter 57 of title 5, United States Code, incurred by them in carrying out their duties as members of the council.

(b) In seeking to coordinate programs with respect to domestic violence, provide information, otherwise carry out clearinghouse functions, and make grants and contracts under this title, the Director shall give particular attention to the availability for assignment of VISTA volunteers serving under part A of title I of the Domestic Volunteer Service Act of 1973, as amended (Public Law 93–113), and of assistance through the conduct of or grants to special volunteer or demonstration programs under part C of title I and through grants and contracts made under title II of such Act.

(c)(1) From sums otherwise available to the Secretary, the Secretary shall assure that there are applied to research such sums each year as will be adequate to conduct, directly or by grant or contract, research activities and demonstration projects that are closely associated with the provision of shelter and other assistance to victims and dependents of victims of domestic violence.

(2) Not later than ninety days after the close of fiscal year 1981 and of each fiscal year thereafter, the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committee on Education and Labor of the House of Representatives specific information for such fiscal year on—

(A) the (i) number of applications approved by the Secretary in the fiscal year reported on for grants and contracts under this title for research which relates specifically to domestic violence, (ii) total amount requested under such applications, (iii) number of such applications for which funds were provided in such fiscal year, and (iv) total amount of such funds; and

(B) the (i) number of applications approved by the Secretary in such fiscal year for grants and contracts for research which relates generally to domestic violence, (ii) total amount requested under such applications, (iii) number of such applications for which funds were provided in such fiscal year, and (iv) total amount of such funds.

DEFINITIONS

SEC. 112. As used in this title, the term—

(1) "Center" means the National Center on Domestic Violence established under section 106;

(2) "Director" means the Director of the Center;

(3) "domestic violence" means any act or threatened act of violence, including any forceful detention of an individual, which—

(A) results or threatens to result in physical injury; and

(B) is committed by a person eighteen years of age or older against another such person to whom such person is or was related, or by a person of any age against another person with whom such person is or was residing in a relationship of husband and wife;

(4) "Secretary" means the Secretary of Health and Human Services; and

(5) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, except as otherwise provided, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands.

AUTHORIZATION OF APPROPRIATIONS

SEC. 113. There are authorized to be appropriated to carry out the provisions of this title $15,000,000 for fiscal year 1981, $20,000,000 for fiscal year 1982, and $30,000,000 for fiscal year 1983. Of the sums so appropriated for any fiscal year, 60 per centum shall be used by the Secretary for making grants to States under section 102(a), relating to State grants; 25 per centum shall be used by the Secretary for making grants to nonprofit private organizations and local public agencies under section 102(b), relating to direct Federal grants to agencies and organizations; 10 per centum shall be used by the Secretary for making grants to States under section 103, relating to supplemental State grants; and 5 per centum shall be used for the operation and activities of the Center, including the employment of necessary full-time employees for the Center.

TITLE II—PRESIDENTIAL COMMISSION ON NATIONAL SERVICE

SEC. 200. This title may be cited as the "National Service Commission Act".

ESTABLISHMENT OF COMMISSION

SEC. 201. (a) There is hereby established a Presidential Commission on National Service (hereinafter referred to as the "Commission"). The Commission shall be composed of not more than twenty-five members appointed by the President. A Chairperson of the Commission shall be appointed by the President not later than sixty days after the date of enactment of this title.

(b) Members of the Commission shall include individuals who are broadly representative of private volunteer organizations, higher education, business, organized labor, organizations and groups with a primary interest in service opportunities for youth and older Americans, social services organizations, civil liberties and religious organizations, minority groups and ethnic organizations, and Federal (including the military), State, and local governments. Not less than seven members of the Commission shall be between the ages of sixteen and twenty-five at the time of their appointments, and not more than five members of the Commission shall be Federal employees.

(c) Any vacancy in the Commission shall not, except as provided in subsection (d) of this section, affect its powers and shall be filled in the same manner provided in this section for the original appointment.

(d) Thirteen members shall constitute a quorum, but a lesser number may conduct such hearings as may be authorized by the Commission.

FUNCTIONS OF THE COMMISSION

SEC. 202. (a) The Commission shall examine the need for the desirability and feasibility of establishing a national service program to meet a broad range of human and societal needs.

(b) The Commission shall submit to the President and to the Congress such interim reports as it deems advisable. Not later than fifteen months after the date of the enactment of this title, the Commission shall submit to the President and to the Congress a final report of its examination, together with such recommendations, including recommendations for legislation, as the Commission deems advisable.

(c) The first meeting of the Commission shall be held not later than sixty days following the appointment of a majority of its members. The Commission shall meet regularly, but not less often than quarterly.

(d) To the extent feasible, the Commission, in carrying out its duties under subsection (a) of this section, shall conduct meetings, hearings, or conferences in various regions and localities of the United States and actively seek out the opinions of young people and those groups which would be most affected by a program of national service.

COMMISSION POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 203. (a) The Commission may, in carrying out the provisions of this title, sit and act at such times and places, hold such hearings, take such testimony, request the attendance of such witnesses and the production of such books, papers, and documents and have such printing and binding done, as the Commission deems advisable.

(b) The Commission may acquire directly from the head of any department, agency, instrumentality, or other authority of the executive branch of the Federal Government available information which the Commission determines useful in the discharge of its functions. Each department, agency, instrumentality, or other authority of the executive branch of the Federal Government shall cooperate with the Commission and, to the extent permitted by law, furnish all information requested by the Commission.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairperson is authorized to—

(1) appoint and fix the compensation of an executive director and such additional staff personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of such title, but at rates not to exceed the comparable daily rate for a GS-18 under section 5332 of such title;

(3) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem as authorized by subchapter I of chapter 57 of such title;

(4) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it will be used for the purpose of carrying out the functions of the Commission under this title, and to use, sell, and otherwise dispose of such property for such purpose;

(5) enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from the funds of the Commission in such amounts as may be agreed upon by the Chairperson of the Commission and the Administrator of General Services; and

(6) enter into contracts with Federal, State, and local public agencies, private business concerns, institutions, and other organizations for research, surveys, reports, and any other activity which the Commission determines to be necessary in order to perform its functions under this title.

(d)(1) Members of the Commission who are otherwise employed by the Federal Government shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses, at rates provided for in subchapter I of chapter 57 of title 5, United States Code, incurred by them in carrying out their duties as members of the Commission.

(2) Members of the Commission, other than those regularly employed by the Federal Government, shall receive compensation at the daily rate prescribed for GS-18 under section 5332 of such title, including traveltime, for each day they are engaged in the performance of their duties as members of the Commission; and they shall be reimbursed for travel, subsistence, and other necessary expenses, at rates provided for in subchapter I of chapter 57 of such title, incurred by them in carrying out their duties as members of the Commission.

FOLLOWUP ON COMMISSION FINAL REPORT

SEC. 204. (a) Upon submission of the Commission's final report under section 202(b), the President or the head of such department or agency as the President may designate shall take steps to ascertain the views of each affected department or agency of the executive branch of the Federal Government on such report and, not later than ninety days after the date of such submission, shall submit an interim report to the Congress on—

(1) the desirability, feasibility, and cost of implementing each of the Commission's recommendations, and the actions taken or planned with respect to their implementation; and

(2) recommendations with respect to any legislation proposed by the Commission and the need for any alternative or additional legislation to implement the Commission's recommendations.

Not later than one hundred and eighty days after the date of the submission of such interim report, the President or such designee shall submit a final report to the Congress detailing the actions taken by the executive branch of the Federal Government with respect to the recommendations of the Commission, together with any further recommendations deemed appropriate.

(b) The Commission shall terminate one hundred and eighty days after the submission of its final report under section 202(b). During this one-hundred-and-eighty-day period, the Commission may develop and submit recommendations for programs designed to implement its findings.

SEC. 205. There are authorized to be appropriated to carry out the provisions of this title $750,000 for each of fiscal years 1981 and 1982.

Mr. WILLIAMS. Mr. President, the substitute amendment contains the text of the Senate reported bill, S. 1843.

Mr. President, I am pleased to add my support for the passage of H.R. 2977, the Domestic Violence Prevention and Services Act and National Service Commission Act.

The legislation that is before us has two central parts. Title I of the bill would authorize direct Federal grants to the States and to local programs and projects to establish, maintain, and expand programs to prevent incidents of domestic violence and also to provide immediate shelter and other assistance for victims of domestic violence and their dependents. Title II of H.R. 2977 would establish a Presidential Commission on National Service to examine the need for establishing a national services program in order to better meet a broad range of human and societal problems.

Mr. President, title I seeks to address a problem that is eroding the very core of our society—the family. Hearings held by the Committee on Labor and Human Resources' Subcommittee on Child and Human Development on domestic violence during the 95th and 96th Congresses documented the tragic problem of violence in the home. The pervasiveness of the problem is staggering. Witnesses testifying before the committee expressed their fears that the problem is at "epidemic proportions." When asked for estimates of the number of actual victims of domestic violence in the United States, subcommittee witnesses indicated that between 1.8 and 3.5 million women are abused each year by their husbands, and that 1 out of every 6 couples in the country experience some violence during the year. One witness, Suzanne Steimetz, Ph. D., representing the Coalition of Family Organizations, testified that large numbers of children and elderly persons are also suffering from serious abuse in the home.

In my own State of New Jersey, the commissioner of the New Jersey Department of Human Services, Ann Klein, has estimated that over 100,000 couples in the State engage in dangerous acts of violence, frequently resulting in serious physical injury. Commissioner Klein, in her testimony before the subcommittee, stated:

> The vast majority of battered spouses seeking help also have children who have been traumatized by the family's violence. A survey at one shelter indicated that about 20 percent of spouse abuse cases involve child abuse. One of the most frightening statistics of all: About one-fourth of the homicides in New Jersey are committed by an immediate family member.

Mr. President, to address this problem, many States and communities have developed shelter programs to provide an array of crucial services to the abused. Typical services that are provided at these shelters include: Counseling, emergency shelter, crisis intervention, transportation and advocacy, assistance to the victim in obtaining economic support, medical assistance and legal services. The basic purpose of these community shelters has been to provide temporary protection and support so that the victim and the abuser can seek treatment and develop alternatives to the abusive situation. As public awareness of the problem has grown, so too have the State and community programs multiplied to respond to the situation. New Jersey has been one such State. Since 1977, New Jersey has provided public funding to 13 shelters for battered women. Other States have also taken affirmative efforts to respond to the growing demands of the problem.

These State and local efforts are laudable. Unfortunately, however, these program efforts are inadequate, with facilities to accommodate the needs of battered women and their families being minimal, if they exist at all in a community. Committee witnesses stated that existing shelters are usually at capacity and must continually turn away applicants. In addition to inadequate facilities, State and locally funded projects are hindered by State budget cuts and serious funding reduction in existing social service programs.

The Federal financial assistance provided by H.R. 2977 would address this problem and would enable States to fill some of the funding gaps and initiate programs in underserved areas. In addition to providing the necessary legislative framework to assist State and local groups to address the domestic violence problem, H.R. 2977 would also provide a forum to work systematic changes in State spouse abuse laws and improve police handling of family violence cases.

This legislation authorizes $65 million over a 3-year period for domestic violence prevention and program efforts. While the dollar levels authorized are minimal given the magnitude of the problem, I believe that these Federal dollars would significantly assist to maximize efforts to stimulate local and State projects with seed money for States and qualified organizations.

Mr. President, title II creates a "National Service Commission." The American tradition of service toward a common good has had a place in our cultural heritage since the inception of this Nation. Voluntary service for individual needs, service for the welfare of neighborhoods and communities, and service for the well-being and security of the Nation has risen as a trademark of free societies everywhere, and the United States in particular.

Our generosity draws upon a deeper sense of responsibility for sharing our material and human resources to the benefit of those in need. Our sense of dedication to the common welfare ranges from the sacrifice of a few hours of personal time to the ultimate sacrifice of life itself.

The benefits of this characteristic in our history wove a social fabric that withstood the test of time and protected our progress as a people.

Our past is filled with examples of selfless service which inspired our values and gave us pride to be Americans. Service to others has defined our social policies, perhaps more than any other country, because our exceptional wealth of resources and pioneer instincts have driven us to overcome difficult problems and to band together for the common good.

Mr. President, the value of sharing is evident not only to those who are served, but also to those who serve. The experience of self-giving provides individuals with tremendous opportunities for maturity, expanding goals and personal horizons, for gaining a sense of heritage, social responsibility, and a clearer vision of ourselves as a people.

Anyone who has had an opportunity to serve fellow human beings for any length of time will tell you of the personal value they have gained. I have heard numerous volunteers say that they have gained much more from the experience than they felt they had given.

Now Congress has an opportunity to establish an official forum to examine all aspects of a nationwide program of youth service opportunities. As we prepare for the coming decade of the eighties, we should carefully examine our national will to combat the pressing problems in our communities. A youth service program may be one option of providing opportunities for young people to contribute to the national welfare and to gain invaluable experience for themselves as they grow into adulthood.

The Committee on Labor and Human Resources, which I chair, has reported a bill, H.R. 2977, which contains the National Service Commission Act authorization proposed by Senator TSONGAS of Massachusetts. The basic purpose of title II of the bill is to establish a Commission, broadly representative of various perspectives, to examine the desirability and feasibility of establishing a system of national service. This important concept, which has been part of national policy debates for decades, would finally receive the full attention it deserves. I believe that this Commission could provide the President and Congress with the proper and thorough analysis of national service that is needed.

I say at the outset that should Congress support the creation of such a Commission, the Committee on Labor and Human Resources would give priority consideration to recommendations by the Commission that would be appropriate for implementing a meaningful policy.

Congress has never had an authoritative and independent evaluation of the concept of national service, and this legislation presents us with the opportunity to comprehensively examine it. Although numerous study groups, committees, and organizations both public and private have made reports on various national youth service options, this legislation is unique in establishing a high level Federal commission giving consideration to the full range of issues and guidelines for actual program implementation.

I hope that the Commission, in developing any recommendations for specific programs, would have the input of a wide variety of the youth who would be affected by Government actions. Their interests, talents, expectations, and concerns should be fully incorporated. Without the free response of our young people to the needs of this Nation, the quality of achievements would diminish and the benefits to the youth themselves would measurably decline.

The Commission could elevate this discussion about the role of national service into the national spotlight; could express the need of the Nation for the talents of its youth; and could increase an awareness about the basic values of volunteerism, selflessness, and social responsibility in developing our national potential.

There is a clear historical context for proposing a national service debate in this country. The idea was first proposed by William James, an American philosopher, in a speech at Stanford University in 1906. President Woodrow Wilson further addressed the spirit of national service in a speech at the U.S. Naval Academy in 1914, saying:

> The idea of America is to serve humanity . . . You are not serving a government, gentleman, you are serving a people.

President Franklin Roosevelt considered the idea in 1941, after the successful experience of the Civilian Conservation Corps (CCC) during the depression years, with a proposal to combine the CCC and a national youth administration.

Our late colleague Senator Hubert H. Humphrey introduced a bill in 1960 to establish an overseas component of a youth service program. President Kennedy turned that proposal into a reality in 1961 establishing the Peace Corps by Executive order. Congress enacted the legislative authorization for the Peace

Corps several months later. President Johnson also spoke on several occasions of his hope for developing a manpower service program. During a speech in Dayton, Ohio, in 1966, the President said:

> We must move toward a standard that no man has truly lived who only served himself. . . . To move in this direction, I am asking every member of my Administration to explore new ways by which our young people can serve their fellow men. I am asking a group of Governors and Mayors to meet and study ways in which city, State, and Federal governments can cooperate in developing manpower service programs that could work at every level of our society. . . . To you of America, I want to say: "If you seek to be uncommon, if you seek to make a difference, if you seek to serve, then look around you. Your country needs you. Your Nation needs your services.
>
> Look at yourselves and then look at our need at this very hour for more than one million medical and health workers in this Nation. Look at our need for more than a million teachers and school administrators. Look at our need for more than 700,000 welfare and home care workers; look at our need for more than two million people to help improve our cities. Almost half a million to serve in public protection of our homes and our families and our children. . . . The sign of your time is need. For while America has not ceased to be the land of opportunity to succeed, it has also become the land of opportunity to serve.

Those were the most moving—indeed, I find them most demanding—statements of opportunity delivered by President Johnson some 14 years ago.

The broader consideration of a national service program was postponed in each instance by the pressing demands for military personnel in times of war. The call to service has been associated in the minds of many young people with conscription or military combat. But the range of opportunities for service always has spread far beyond the concept of military obligations. The idea of service for the national good has never been exclusively military, although, in making this point, I do not minimize the important contributions of those in the Armed Forces.

Frequently throughout our past, whenever Congress debated issues relating to consciption for military obligation, the idea of a broader program with domestic service opportunities has been discussed also. It was seen generally as an outlet for civilian service which would allow all youth to make contributions in ways that would best serve the country according to their talents.

Our recent debate in Congress to reinstitute selective service registration for 19- and 20-year-olds provides an appropriate context, in my view, to give full consideration to the idea of a national youth service program.

Mr. President, Sam Brown, Director of the ACTION agency, made a statement recently at a conference on national service which placed the debate on this issue in an important perspective. He said that:

> If, as a nation, we lose a sense of commitment to each other, a sense of cooperation, a sense of sharing, a sense of mutual involvement and responsibility, I don't see how a society can survive as a democratic society. . . .
>
> The sense of sharing is the core of what built our society. Too often we think it is the sense of individual achievement. I disagree thoroughly with that. It is that which we share that makes us a nation, not that which we fight over. And if we can't build a society of shared values, then I see no claim that we can have on the right to maintain the liberties we have, or to claim that we are a model to which other nations in the world should look. Building that sense of shared values is what this debate is all about.

Tremendous areas of social needs exist in America today. Our young people have tremendous talents and energies which have often laid fallow for lack of opportunity. A national service program may well provide the necessary opportunities for youth to manifest the fundamental values which have secured our Nation's greatness in the world.

Since Senator Hubert Humphrey first introduced his Peace Corps bill in 1960, many studies and reports have documented the benefits of a national service program both for the Nation and its youth. Much of the evidence points to the related benefits for greater employment opportunities, educational experience, career development, and a healthier transition from youth to adulthood than many youth would face otherwise.

Mr. President, I urge the Senate's full support for the National Service Commission Act as a first step toward generating a comprehensive, nationwide discussion of the issues, with youth having a major role in organizing the debate and in shaping any recommendations for program authorizations.

I have full confidence that even this discussion under the stimulus of the Commission would demonstrate the leadership, spirit, and commitment of our youth by their willingness to serve.

Mr. President, speaking personally, I am very grateful to the Senator from Massachusetts, Senator TSONGAS, for bringing this forward, to have it included in this legislation. This commission study for national youth service is most timely.

I do not know how many Members of the Senate, when we debated and then voted on the registration measure recently, thought of this. Many spoke to this as a need now, the understanding of ways that youth can be given the opportunity for service broader than the military and into areas that are so greatly needed, and the benefits would be so generally shared by those who are to be served, indeed, for those who serve.

Mr. CRANSTON. Mr. President, I am delighted at this time to proceed to make a statement about this bill. Before doing so, I thank the Senator from New Jersey (Mr. WILLIAMS), the chairman of the Committee on Labor and Human Resources, for his generosity in appearing in the Chamber this morning to handle the opening phase of the presentation of this bill while I was unable to be in the Chamber.

Senator WILLIAMS has been a very strong supporter of this legislation, very understanding of it, very knowledgeable as to its need, and I and many others are very grateful to him for that.

Mr. President, this bill is composed of two titles. Title I, the proposed Domestic Violence Prevention and Services Act, would authorize a program to stimulate local efforts to offer assistance to hundreds of thousands of frightened and injured victims of domestic violence and their children. Title II, the proposed Nation Service Commission Act, would establish a Presidential Commission to study various models for national service.

DOMESTIC VIOLENCE

I should like to address title I of the legislation first.

Mr. President, domestic violence is a serious and widespread problem.

THE PROBLEM

In many homes across this Nation—the wealthiest as well as the poorest—there are persons who beat, batter, and abuse their spouses, children, and elderly parents. This is not a new phenomenon by any means. But it is one which has come to public attention in recent years. I should like to share with my colleagues some of the things I have learned from hearings I have chaired over the past 2 years before the Subcommittee on Child and Human Development.

One of the first national studies on the problem of domestic violence was conducted in 1976 by Professors Straus, Steinmetz, and Gelles. They conducted a national survey of 2,143 randomly selected couples. The results of the study showed that of the approximately 47 million couples living together in the United States in 1975, over 1.7 million had faced a husband or wife wielding a knife or gun. Well over 2 million had been beaten by their spouse, and another 2.5 million had engaged in high-risk injury violence.

Mr. President, approximately one-fourth of all murders in the United States occur within the family, and approximately one-half of these are husband and wife killings.

In my own State of California, one of three female homicide victims is murdered by her spouse.

Another sad and frightening aspect of domestic violence is the tremendously high frequency of batterings suffered by pregnant women. One study found that one-quarter of women who were beaten were beaten while pregnant.

In recent years we have become increasily concerned about crime in the streets and the extreme dangers faced by law enforcement personnel. But we seldom focus on the danger faced by police officers in domestic violence situations. A study conducted in Chicago found that over a 2-year period 21 percent of police officers killed in the line of duty were killed when responding to domestic disputes. FBI statistics show that one out of five officers killed in the line of duty died trying to break up a family fight, and 40 percent of police injuries occur in the same way.

Mr. President, in the nearby county of Fairfax, Va., the police received 4,073 family disturbance calls in a single year. Here in the District of Columbia the citizens complaint center receives between 7,500 and 10,000 complaints of marital violence each year.

According to a 1979 New York Times report, marital violence accounts for 82 percent of all aggravated assaults in New York City.

A 1979 Louis Harris survey in Kentucky yielded results that I personally find astonishing. That survey found that 10 percent of the wives interviewed had been involved in an abusive incident with their husbands during the 12-month period prior to the survey and that during that same 12-month period, only 2 percent of all the women interviewed reported physical assaults outside their home. These results would seem to indicate that the most dangerous place for a woman to be is not in the street, but in her own home.

ELDER ABUSE

Mr. President, another facet of the domestic violence problem, elder abuse, is one which only recently has been brought to public attention.

While the information on incidence of elderly abuse is still sketchy, one survey of professionals in Massachusetts yielded the following preliminary findings: 55 percent of those responding indicated that the respondent knew of at least one case of elder abuse occuring in the preceding 1½ years, most of the abuse cited was some form of phyical battering; other types of mistreatment uncovered by the survey were malnutrition, unreasonable confinement, oversedation, and sexual abuse; and in 70 percent of the cases cited, abuse had occurred to the victim more than twice. Moreover, Mr. President, recent hearings before the Select Committee on Aging in the House of Representatives have further documented that this problem is serious and becoming more so. I am pleased to have joined in cosponsoring the amendment of the Senator from Pennsylvania (Mr. HEINZ) to authorize a study by HHS on the exact scope of this problem.

RELATED ABUSE OF CHILDREN

Mr. President, I could continue with the statistics relating to domestic violence. I have not even touched upon violence to children in the context of this problem. There are scores of children in this country who have suffered injuries because they got in the way of physical violence between their parents.

Mr. President, I do not suggest for even an instant that this legislation can put an end to domestic violence or the injuries that result from such conflicts. But, to date there is very little being done for the injured adults and children who are compelled to flee from their homes in the middle of the night. This legislation can make a difference in some of these truly "life or death" situations.

SUPPORTERS

Mr. President, I am pleased to be joined in cosponsoring this legislation by the Senators from New Jersey (Mr. WILLIAMS), West Virginia (Mr. RANDOLPH), New York (Mr. JAVITS and Mr. MOYNIHAN), Michigan (Mr. RIEGLE and Mr. LEVIN), Vermont (Mr. STAFFORD and Mr. LEAHY), Massachusetts (Mr. KENNEDY and Mr. TSONGAS), Indiana (Mr. BAYH), Hawaii (Mr. MATSUNAGA), Oregon (Mr. HATFIELD), Florida (Mr. STONE), Arizona (Mr. DECONCINI), New Hampshire (Mr. DURKIN), Alaska (Mr. GRAVEL), Colorado (Mr. HART), Wisconsin (Mr. NELSON), Washington (Mr. MAGNUSON), and Minnesota (Mr. DURENBERGER and Mr. BOSCHWITZ). This legislation has widespread support from religious, community, public interest, urban, and rural groups including the American Home Economics Association, the Young Women's Christian Association, the National Council on Crime and Delinquency, the American Jewish Congress, the American Association of Marriage and Family Therapy, the American Nurses Association, the Family Services Association, the Board of Church and Society of the United Methodist Church, the Christian Church (Disciples of Christ), the National Urban League, the International Association of Chiefs of Police, the National District Attorneys Association, United Way, and the National Federation of Business and Professional Women's Clubs.

Mr. President, I ask unanimous consent that the full list of supporters of title I of S. 1843 be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF SUPPORTERS

General Federation of Women's Clubs.
American Association of University Women.
American Bar Association.
American Home Economics Association.
B'nai B'rith Women's International.
Business and Professional Women's Clubs, Inc.
Criminal Justice and the Elderly—National Council of Senior Citizens.
National Association of Colored Women's Clubs.
National Organization of Women.
Young Women's Christian Association.
Center for Women Policy Studies.
Federally Employed Women.
National Association of Social Workers.
National Council on Crime and Delinquency.
National Coalition Against Domestic Violence.
WEAL (Women's Equity Action League).
Planned Parenthood.
Intercollegiate Association of Women's Studies.
American Jewish Congress.
Parents without Partners.
Rural American Women, Inc.
Council on Family Relations.
National Association of Counties.
National Organization of Victim Assistance.
American Association of Marriage and Family Therapy.
American Public Health Association.
American Nurses Association.
American Psychiatric Association.
American Speech and Hearing Association.
Family Services Association.
National Citizens Committee for Broadcasting.
American Baptist Churches, USA.
American Baptist Women.
Board of Church and Society of the United Methodist Church.
Board of Global Ministers of the United Methodist Church.
Catholic Women for the ERA.
Christian Church (Disciples of Christ).
Church of the Brethren.
Christian Feminist.
Episcopal Church, Executive Council Diocesan Office.
Leadership Conference of Women's Religious.
Lutheran Council of the USA.
Mormons for ERA.
Congressional Women's Caucus.
National Association of Women Business Owners.
National Urban League.
National Women's Party.
National Women's Political Caucus.
Rural America, Inc.
National Council of Jewish Women.
Florida Association of Junior Leagues.
American Federation of Government Employees.
American Sociological Association.
International Association of Chiefs of Police.
International Brotherhood of Police Officers.
National District Attorneys Association.
National Federation of Business and Professional Women's Clubs.
National Student Education Fund.
National Conference of Catholic Charities.
United Way.
National Association of Social Workers.
American Civil Liberties Union.
American Planning Association.

Mr. CRANSTON. Mr. President, I wish to describe briefly what the domestic violence legislation is designed to do.

The purpose of this legislation is to stimulate increased participation by States, local communities, nonprofit private organizations, and individual citizens in efforts to prevent domestic violence through counseling and other family services, and assist victims and dependents of victims of domestic violence in crisis situations. It is also designed to provide technical assistance and training, with respect to domestic violence programs to interested States, local communities, nonprofit private organizations and other interested groups, officials, and persons. The legislation also would establish an interagency council to seek to coordinate existing Federal efforts with respect to domestic violence.

Title I would authorize the Secretary of Health and Human Services to make two different types of grants. Sixty percent of the total funds appropriated would be distributed directly to States who submit a qualifying State plan. Twenty-five percent of the total appropriation would be available for direct grants to local programs and projects. 75 percent of all of these grant moneys must be used to fund programs which offer shelter to domestic violence victims. The remaining 25 percent of grant money may be used for special types of programs—such as training programs for law enforcement personnel or training programs for emergency room personnel or other health or social services professionals.

The legislation restricts to $50,000 the amount of money that can be granted to any single entity—other than a State—and prohibits funding of any entity for more than 4 years. These very tight restrictions are aimed at encouraging—indeed requiring—programs to get local funding and at avoiding the all-too-frequent dependence upon Federal funding that often accompanies Federal assistance programs.

The bill would authorize the appropriation of $65 million over a 3-year period—$15 million for fiscal year 1981, $20 million for fiscal year 1982, and $30 million for fiscal year 1983. This is surely a modest amount, and would not in any way meet the need for the establishment and maintenance of shelters throughout the country. Rather, it is the plan that this sum provide limited assistance which, in turn, will help the efforts of local communities and private groups to carry on their programs while seeking funding from other sources.

DETAILED SUMMARY OF PROVISIONS IN TITLE I OF S. 1843

Mr. President, more specifically, the basic provisions of title I of the committee bill are summarized below. The committee bill would:

First. Grants (section 102)—Authorize two different types of domestic violence grants from the Secretary of Health and Human Services (HHS)—Federal grants to States and direct Federal grants to local programs and projects. Of the total amount appropriated for title I, 85 percent would be awarded for both types of grants. Of that amount, 60 percent of the total appropriation would be for grants to States with qualifying plans distributed on the basis of population, except each State will receive a minimum amount equal to the greater of one-half of 1 percent of the funds available for grants under sections 102(a) and 103, or a total of $48,000 in grant and supplemental administrative moneys (section 104), and 25 percent of the total appropriation would be available for direct Federal grants to local public agencies and nonprofit private organizations. Seventy-five percent of the funds distributed through the State grants and 75 percent of the direct Federal grants must be distributed to entities providing immediate shelter and related assistance to victims and dependents of victims of domestic violence. In addition, State grantees must award no less than two-thirds of their funds to nonprofit private groups, particularly those operating shelters. No grant to a local public agency or nonprofit private organization may exceed $50,000 in any one fiscal year, and the total amount of such grant may not exceed $150,000 or be awarded for more than 4 fiscal years.

Second. State application provisions (section 102(a)(2))—Require that State applications must provide that:

Funds will be distributed to public or nonprofit private entities for programs to prevent domestic violence and provide immediate shelter and assistance to victims of domestic violence and their dependents;

Two-thirds of the funds will be distributed to nonprofit private entities, with special emphasis on those programs of demonstrated effectiveness, particularly those operating shelters;

Wherever feasible, States will provide reasonable assurances to their grantees regarding the level of future support a grantee is likely to receive from a State;

Certain procedures will be used to assure equitable distribution, consistent with other requirements of title I, of grants within the State;

Certain fiscal controls and accounting procedures will be used to assure proper disbursement of and accounting for funds.

A specific State agency will be responsible for the administration of the State domestic violence program and coordination of programs within the State relating to the prevention of domestic violence or provision of immediate shelter to victims of domestic violence;

Certain procedures will be used to assure active citizen participation with title relating to confidentiality;

Certain procedures will be used to assure active citizen participation with respect to the development and implementation of programs funded under this title;

Any project receiving funds under this legislation will coordinate its activities with other programs in the State relating to the prevention of domestic violence and the provision of immediate shelter and related assistance to victims of domestic violence; and will be administered and operated with appropriately trained and experienced personnel;

Other assurances and information deemed essential by the Secretary will be provided.

Third. Supplemental grants (section 103)—Provide that 10 percent of the total amount appropriated for title I be distributed to States for developing and implementing the State plan and for administrative costs.

Fourth. Allotment of funds (section 104)—Require the Secretary to allot funds on the basis of population, and assure that each State will receive an amount not less than the greater of either one-half of 1 percent of grant moneys available under sections 102(a) and 103, or a total of $48,000 for the purposes of sections 102(a) and 103; and to reallot funds available to a State under sections 102(a) and 103 if a State does not have an approved plan under which funds have been awarded by the end of the sixth month of the fiscal year for which sums are appropriated under section 113.

Fifth. National Center on Domestic Violence (section 106)—Establish in the Office of the Secretary of HHS an identifiable administrative unit to serve as the National Center which shall be headed by a Director appointed by the Secretary.

Sixth. Oversight (sections 105, 106, 107, 109, and 110)—Require annual submission of concise State and national reports providing specific information; establish the Director as the individual directly responsible for overseeing all programs and activities carried out under title I; and allow the Secretary and the Comptroller General access, within the parameters of confidentiality provisions, to information for the purpose of audit and examination of grants or contracts under this title;

Seventh. National information and resource clearinghouse (section 106)—Require the Director to establish and operate an informative and resource clearinghouse for matters with respect to domestic violence, and develop a national media campaign to increase public awareness of the problem of domestic violence.

Eighth. Research (section 111)—Require the Secretary to apply, from funds otherwise available, adequate moneys for research activities and demonstration projects closely associated with the provision of shelter and other assistance to victims of domestic violence and their dependents.

Ninth. Evaluation (section 110)—Require the Secretary to evaluate and report to Congress, not later than 2 years after the date funds are first obligated under this title, on the effectiveness of the domestic violence programs operated under the new title by the National Center. The Secretary must reserve, from funds otherwise available from other appropriations, a sum equal to not less than 1 percent nor more than 2 percent of the total appropriated for this title, for carrying out evaluation of programs under this title.

Tenth. Interagency Coordination Council (section 111)—Establish a Federal interagency council to seek to coordinate Federal programs with respect to domestic violence, and promote the use of volunteers serving under the Domestic Volunteer Service Act of 1973 in domestic violence programs.

Eleventh. Authorizations of Appropriations (section 113)—Authorize the appropriation of $15 million for fiscal year 1981, $20 million for fiscal year 1982, and $30 million for fiscal year 1983, specifying that, of the sums appropriated each year 85 percent shall be used for grants, 5 percent for the National Center on Domestic Violence, and 10 percent for supplemental administrative State grants.

Mr. President, the Senate passed legislation similar to the bill before us in 95th Congress. The House, unfortunately, was unable to act before the adjournment of that Congress. In December, the House passed the companion bill to this measure, H.R. 2977, by an overwhelming vote of 296 to 106. This measure is vitally needed. I urge my colleagues to give their full support to title I of the pending measure, and to the hundreds of thousands of victims of this pervasive and devastating problem.

TITLE II—NATIONAL SERVICE COMMISSION

Mr. President, title II of this legislation would provide for the creation of a 25-member Presidential Commission to examine the need for and the desirability of establishing a national service program to meet a broad range of human and societal needs. It is the result of legislation I introduced along with the Senator from Massachusetts (Mr. TSONGAS) and the Senators from Rhode Island (Mr. PELL), New Jersey (Mr. BRADLEY), West Virginia (Mr. RANDOLPH), Washington (Mr. JACKSON), Florida (Mr. STONE), Michigan (Mr. LEVIN), North Carolina (Mr. MORGAN), Wisconsin (Mr. NELSON), Montana (Mr. BAUCUS), and Connecticut (Mr. WEICKER). That legislation was first introduced on September 21, 1979, as S. 2159, the Presidential Commission on National Service Act, and subsequently submitted for printing by Senator TSONGAS as an amendment. No. 1675, to the legislation before us today—S. 1843.

The Subcommittee on Child and Human Development held hearings on March 13 on amendment No. 1675. Nearly 30 witnesses offered testimony, including Members of Congress, members of the administration, advocates for and opponents of the national service concept, and directors and participants of national service model and pilot projects. It was the general consensus that further exploration of the national service concept would be beneficial.

Mr. President, it is important to emphasize that title II of S. 1843 would provide a format for open and public dialog on the topic of national service. These provisions would bring about a complete and careful examination of the many ramifications involved if such a program were established. It would not, let me underscore, establish a national service program.

NEED TO INITIATE DIALOG

Mr. President, conditions facing our Nation today contribute to the timeliness of and need for this legislation.

It is critical that we explore ways to reinspire Americans of all ages to participate more fully in efforts to work for solutions to human and social problems. The relationship of a national service program to the maintenance of our voluntary Armed Forces is another reason why it is important for us to begin a serious and sustained dialog on national service. With questions being raised about the adequacy of the All-Volunteer Force, and with some Americans advocating a move back to the draft, the potential of a volunteer national service program as a means of maintaining volunteer enlistments in our Armed Forces is a vital reason—although not the sole or overriding reason—for exploring the merits of national service. The potential beneficial impact upon the military of raising the status and social desirability of volunteerism is an important reason for further exploration of the national service concept.

WHAT IS NATIONAL SERVICE?

Mr. President, the concept of a national service program was first proposed by William James in 1910. Over the years, various discussions of the national service concept have taken place within the private and public sectors. During the 1930's, a limited version of the idea was established in the form of the Civilian Conservation Corps. Smaller scale volunteer programs, such as the Peace Corps, VISTA, and the domestic volunteer programs carried out by the ACTION Agency, represent the types of programs national service could encompass.

Currently, a number of models for national service programs are being discussed. They range from:

Incorporating service-learning programs in educational curriculum;

To expanding existing programs like VISTA, the Peace Corps, or the Job Corps;

To offering a range of volunteer opportunities on a part-time, unstipended basis to those interested in such opportunities;

To offering a full-time, stipend, or a full-time, minimum wage employment-type program for all young people;

To offering opportunities not only for young people but for older citizens as well—for instance, programs modeled after RSVP, the retired senior volunteer program;

To requiring all young people to register and participate in some form of service, be it military or civilian work; and

To establishing lottery systems for young people, and mandating that some of them be required to enlist in the military or perform civilian services.

The range is enormous. Each model, however, has a common theme—that of enabling individual Americans to make meaningful contributions.

What the Study Commission authorized by title II is designed to do is to look at the current proposals, explore variations on them or even develop new proposals, assess how they might work in our society today or 20 years from today—depending on demographic changes—and evaluate how they would affect such concerns as employment or unemployment, educational opportunities and educational enrollments, the costs associated with various models, and possible administrative structures.

Mr. President, I believe that answers to these questions are vital to our future, given the unmet needs that exist in our society and the need for individual Americans to feel that they can make a contribution in meeting those needs—in feeling that they have a stake in our future.

SIGNIFICANCE OF TITLE II PROPOSAL

Mr. President, an important aspect of the study proposed in title II is that it would entail study of national service on its own merits. In the past, whenever a study has been made of national service, it has always been in a larger context where the subject of national service was not the specific focus.

Mr. President, in 1966, a Presidential Advisory Commission on Selective Service examined on a limited basis the concept of national service. Let me read excerpts from the report of that Commission:

> In accordance with its mandate, the commission examined only those national service proposals related to the draft. . . . Many questions, however, remain open in regard to the draft. . . . The commission endeavored to learn . . . precisely what the needs are which national service can meet, how programs would be administered, how they would be financed. The answers were imprecise and inconclusive. It seems to the commission that intensive research must pinpoint the areas of greatest need for service and define the jobs to be done. . . . The discussion to this point only poses the questions. The answers remain to be found.

The Commission concluded its report with respect to national service as follows:

> The spirit which motivates interest in national service is undeniably a part of our national experience today. Sensitive to that spirit, the Commission suggests that the research which must be accomplished proceed.

Mr. President, the Study Commission authorized by title II has the potential to meet the challenge set forth by that 1966 presidential advisory board and echoed more recently, when, in January 1979, a blue-ribbon Committee for the Study of National Service issued a report entitled "Youth and the Needs of the Nation' which analyzed the case for national service and recommended further discussion and dialog on national service.

MAJOR PROVISIONS OF TITLE II

Mr. President, the Presidential Commission of National Service authorized by title II would be composed of individuals and persons representing organizations, and groups that would be most affected by the development of a national service program. They would include representatives of private volunteer organizations, higher education, business, organized labor, organizations with a primary interest in service opportunities for youth and older Americans, social service organizations, minority group and ethnic organizations, civil liberties and religious organizations, and local, State and Federal Government, including representatives of the military. The legislation requires that at least seven members of the Commission should be between the ages of 16 and 25, and that no more than five members of the Commission should be Federal employees.

The Commission would be mandated to examine the need for and the desirability and feasibility of establishing a national service program, and to submit to the President and to the Congress a final report on its examination not later than 15 months after the date of enactment of title II. The Commission would be required, to the extent feasible, to conduct meetings, hearings, and conferences in various regions and localities of the country and actively to seek out the opinions of young people and those groups which would be most affected by a program of national service. The legislation also would provide for followup activities to the Commission report, including Presidentially coordinated reviews of the recommendations of the Commission and a requirement for a report from the administration to the Congress on the potential for implementing the Commission's recommendations, on the actions taken or planned with respect to such implementation, and any recommendations for legislation which might be desirable in order to implement the Commission's or the administration's suggestions.

Mr. President, I think that these followup requirements are most important, designed as they are to assure that the report of the Commission will be circulated widely and considered thoroughly within the Federal executive branch.

VALUE IN MOVING AHEAD NOW

Mr. President, I urge my colleagues to lend their support to title II. I believe that there is within this Nation a natural reservoir of energy and compassion—of people-to-people assistance—which is not being utilized to its fullest. Part of the problem may be that Americans have not been called upon in recent years to make a contribution to their Nation. Too many young people in America have developed a dim view of their role in our society. They see little opportunity for service and are oriented toward consumption rather than toward service to others or to the needs of the less privileged among us. Yet Americans are a caring, compassionate people. This quality has been demonstrated time after time in the past when the call for service has been made.

A national service program might well provide both the stimulus and the opportunity that Americans need to demonstrate, once again, the compassion and the generosity that have contributed to our Nation's greatness. It could create anew that sense of unity and purpose which has bound our diverse population together in years past and which seems to be missing today. I hope my colleagues will agree to the value of the undertaking proposed and authorized by title II, an in depth study of the concept of national service—and will give it their full and enthusiastic support.

In concluding my remarks regarding title II, I especially pay special tribute to the principal sponsor of this provision, the Senator from Massachusetts (Mr. TSONGAS) and thank him for his vision, his leadership, his hard work, and his cooperation in working on the provisions of S. 2159 as introduced and title II as reported.

I urge the Senate's support of the committee substitute to H.R. 2977.

Mr. President, many individuals have contributed their assistance to our efforts on title I of this legislation regarding domestic violence. I express especially my personal appreciation to June Zeitlin and Suzanne Turner from the Department of Health and Human Services and to Morgan Plant, Mary Morrison, and Barbara Hart from the National Coalition Against Domestic Violence, and Ellen Whitman from United Way for their assistance on title I.

With respect to title II regarding national service, I express my appreciation to Harris Wofford, Donald Eberly, Jacqueline Grennan Wexler, Roger Landrum, and Rev. Theodore Hesburgh of the Committee for the Study of National Service. Also, many thanks to my colleague from Rhode Island (Mr. PELL) for his strong support and personal interest in this legislation. I note the excellent assistance provided by Lawry Payne of Senator TSONGAS' staff. A special note of appreciation should also go to my constituent, Doris Jones from People Against the Draft, whose views against compulsion in a free society I strongly share and some of whose recommendations were incorporated into the text of title II.

Finally, I express my appreciation to the staff members of the Child and Human Development Subcommittee who have assisted me directly on both titles of this legislation—Susanne Martinez, Christine Alvarez, Fran Butler, David Krawitz, Mary Lopatto, Joanne Harison, and Patricia Kane.

I urge the Senate support of S. 1843 in full.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, there is no disagreement with the substitute, but I ask unanimous consent that it be treated as original text.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, when I made the previous unanimous-consent request I had assumed that the substitute had already been adopted, so I wish to amend my request that when it is adopted that it be treated as original text.

Mr. MATSUNAGA. And open to amendment?

Mr. HELMS. And open to amendment, of course, yes. I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. WILLIAMS. Mr. President, I move the adoption of the substitute amendment.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment of the Senator from New Jersey.

The substitute amendment (UP No. 1511) was agreed to.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS. The request of the Senator from North Carolina operates. The substitute has been adopted and it is considered original text. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Mr. President, I thank the Chair and I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request?

Mr. MATSUNAGA. I have an amendment.

Mr. HELMS. I will be glad to have the quorum call rescinded in just 1 minute if the Senator from Hawaii is prepared.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is is so ordered.

The Senator from Hawaii is recognized.

UP AMENDMENT NO. 1512

(Purpose: To extend the reporting date and availability of funds for the commission on proposals for the National Academy of Peace and conflict resolution)

Mr. MATSUNAGA. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Hawaii (Mr. MATSUNAGA) proposes unprinted amendment numbered 1512 to the substitute amendment, unprinted amendment numbered 1511.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of unprinted amendment 1511 to H.R. 3977, insert the following new title:

TITLE: ———:

Section 1515(a) of the Education Amendments of 1978 is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following new paragraph:

"(2) The Commission may receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purpose of the Commission, and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions.

SEC. 2. The first sentence of section 1516 of the Education Amendments of 1978 is amended by striking out "not later than one year after the date on which appropriations first became available to carry out this title" and inserting in lieu thereof "not later than January 31, 1981".

SEC. 3. Section 1518 of the Education Amendments of 1978 is amended by adding at the end thereof the following new sentence: "Funds appropriated under this section shall remain available for the fiscal year succeeding the fiscal year for which they were appropriated.".

Mr. MATSUNAGA. Mr. President, my proposed amendment to the Cranston substitute would permit the U.S. Commission on Proposals for the National Academy of Peace and Conflict Resolution to submit its final report to Congress not later than January 31, 1981.

As chairman of the Commission, I strongly urge the approval of this relatively minor and noncontroversial change in the Commission's authorization. No additional funds are being requested. I repeat, Mr. President, no additional funds are being requested.

When the Commission was authorized by Congress in 1978 language, was included in the authorizing legislation to the effect that termination of the Commission would occur 1 year after its appropriations became available.

Funds for the Commission were appropriated in October 1979; however, the nine-member commission was not appointed until the end of December 1979 and funds for the Commission were not released by the executive branch until January 1980.

Congress intended for this study commission to have a full 1-year to complete its work and submit its recommendations. The technical change which I am proposing would assure the Commission a full year to finish its work.

My colleagues may be interested in learning that the Commission on Proposals for the National Academy of Peace and Conflict Resolution has recently completed a series of public hearings throughout the country and is now drafting its interim report. That preliminary report will be circulated for comment in the near future and the final report will be completed before the end of January.

Again I wish to assure Members of the Senate that no additional funds, no additional funds, are being requested for the Commission. My amendment would merely clarify a provision of the law relating to the Commission's reporting date so that the intent of Congress may be carried out.

I urge the adoption of the amendment.

I yield the floor.

Mr. WILLIAMS. Mr. President, I know that the principal manager of the bill, the Senator from California, has expressed to me that he has no objection to this amendment which, basically, extends from September 30, 1980, to January 31, 1981 the reporting date availability of funds already appropriated for the Commission on Proposals for the National Academy of Peace and Conflict resolution.

So at an appropriate time I can say for the Senator from California, and this is for the majority of our committee, that they would be in agreement to it and I would hope it could be favorably received by the Senate.

Mr. MATSUNAGA. I thank the Senator from New Jersey.

I believe there is a slight misunderstanding. I have offered the amendment. It has been offered.

Mr. WILLIAMS. Am I correct, may I ask the Senator from Hawaii, that the amendment would involve no new spending authority but would simply allow the Commission to complete its study that was mandated by Congress? In light of the fact that the appointment of the Commission members was delayed until the latter part of December 1979 the Commission did not thereby have the full year intended to complete its work and that represents the need for and, in my judgment, the reasonableness of, the Senator's amendment.

Mr. MATSUNAGA. I assure the Senator from New Jersey that that is the case.

Mr. WILLIAMS. What are the probabilities here of a favorable report on a National Academy of Peace and Conflict? Does the Senator have any crystal-ball speculation as to whether this Commission will report favorably on the creation of such an academy?

Mr. MATSUNAGA. Yes. The Commission has already met and has held its last hearings here in Washington, D.C. and in 11 other cities, and it has passed a resolution unanimously that it recommend to the Congress the creation of a form of academy of peace.

Mr. WILLIAMS. I am sure all Members will be looking forward with the greatest interest to the report of the Commission that I understand the most distinguished Senator from Hawaii serves on and, perhaps, presides over and chairs? Is that correct?

Mr. MATSUNAGA. Yes. I happen to be the chairman of it. It is a realization of an 18-year dream of mine. It was one of my first bills introduced in Congress when I was elected to the House in 1962, and it is one of the most gratifying experiences of mine to have gone throughout the country and found such receptivity among the people throughout the country that this is something that needs to be done, that ought to be done, as soon as possible.

Mr. WILLIAMS. Well, I would like to make a personal observation that nobody could, in my judgment, more perfectly fit the requirements for chairing the study that is the work of this Commission while looking forward to the possibility of an academy to deal with peace and avoid conflict.

Certainly, my colleagues will agree that wherever the Senator from Hawaii goes there is peace, and if there is conflict, he has a way of guiding us all to a resolution of the conflict.

Mr. MATSUNAGA. I certainly thank the Senator from New Jersey for his most generous words.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. HUMPHREY. Mr. President, I was unaware that this amendment, which was written in the form of a bill, would be offered, and I am not well-versed on it as yet. In that I have a responsibility to the Members on this side of the aisle, I would like time for my staff to look into this.

I think it is more than likely that we will be able to agree to it, but I do have the responsibility, and I certainly cannot accept it until I have looked into it so, perhaps, if the other parties are willing we can defer on this for a moment, for perhaps an hour, and go to other amendments and then go back to this. Is that agreeable to the Senator from Hawaii?

Mr. MATSUNAGA. It would be agreeable.

Mr. President, I ask unanimous consent that the amendment may be laid aside temporarily so that other amendments may be offered in the meantime, if that is agreeable with the Senator from New Hampshire.

Mr. HUMPHREY. Yes, it is.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. Mr. President, as the ranking minority member of the subcommittee, I have the responsibility of managing the bill for this side. It appears to me that the real meat of this issue, at least the more controversial part, is the section dealing with domestic violence.

The bill proposes several undertakings, all of which are laudable. I think it would be a wonderful thing for States to undertake these proposals; I think it would be a wonderful thing for counties, cities, and towns to undertake these proposals; I think it would be a wonderful thing for private organizations to undertake these proposals; I think it would be a wonderful thing for all of those groups in combination to undertake those proposals.

But I think it would be distinctly wrong for the Federal Government to get its fingers into the act and to take principal responsibility, at least insofar as providing the money—and that has got to be the principal responsibility—and setting the standards by which awards of these moneys will be made. I think it would be distinctly wrong for the Federal Government to get involved in this very delicate matter which goes right to the heart of the American family, which is the basis of our society.

I must say I am also incredulous that at this time when everyone will agree that we are in difficult financial straits that we ought not to undertake new programs, that a measure of this kind would be proposed.

Speaking to the section devoted to domestic violence prevention, if we pass this bill, we will be authorizing money in the amount of $15 million for fiscal year 1981, $20 million for fiscal year 1982; and $30 million for fiscal year 1983.

By any standards it is a lot of money back home, although down in these parts we often deal with fractions of millions of dollars as decimals, and the value of money tends to—we tend to lose our appreciation for the real value of money. Nevertheless, back home $15 million, $20 million, and $30 million are a lot of money, and especially at this juncture when the Federal Government is essentially bankrupt, while most States are at least solvent, although I do not mean to say they are in comfortable circumstances, they are at least solvent, most of them. That is not true of our Federal Government.

Our deficit is approaching $1 trillion. The deficit for fiscal year 1981, notwithstanding all of the political rhetoric of a few months ago about a balanced budget, is going to be at least $30 billion, and probably considerably more before we finish up with all of our supplementals, so how can we justify undertaking a new program that obligates us to spend more millions of dollars? How can we do that when somehow for 200 years this Republic has survived and endured without a domestic violence prevention act?

This does not even consider the question of whether this Domestic Violence Prevention Act will indeed prevent domestic violence. It is not enough to put a euphemistic title on the bill. That is not going to accomplish what we seek. In my short tenure here in Washington in the Congress, I have learned that the more euphemistically named the bill, the more suspicious you ought to be of it and the more of an aspect of apple-pie legislation it has the more carefully you should read it.

As I stated at the outset, I am entirely in agreement with the sentiments of those who advocate this bill. I think its goals unquestionably are worthy and worth pursuing. My question, as usual, is one of methods and financing.

Mr. President, I oppose S. 1843, the Domestic Violence Prevention and Services Act, for a variety of reasons. It addresses a broad and disquieting problem, but that is not sufficient to recommend this bill. This bill's approach is both improper and impractical. The methods of S. 1843 are both intrusive and disingenuous. We are not speaking here of legitimate police activities, or the responsibility of Government to protect citizens from bodily harm. We are considering Federal entailment with psychosocial techniques, and the promotion of ideas on conjugality and on the family. These are the proper concerns of families, churches, universities, and private groups. The Federal Government has no business intruding here.

The services envisioned in this bill are highly sensitive and value laden. Such services should be tightly connected to the communities they serve. They should emanate from and be sustained by private and local sources. They should not be imposed upon communities by some Federal agency.

The proponents of S. 1843 would have us believe that the States would direct the domestic violence program, since most of the money would be channeled through them. But, all past experience shows that categorical grants mean Federal control. In applying for funds, the States would follow dictates outlined in 10 paragraphs of this bill. The Secretary of Health and Human Services would interpret these requirements. The States would be required to file detailed reports with the Secretary; again, she would determine the contents of those reports. Here is the standard blueprint for Federal manipulation. In addition, the Federal bureaucracy would make some grants directly to local projects. There is, therefore, no question that specific Federal standards would be established.

What vision would the Federal bureaucracy promote? What standards? We are given a startling revelation of the antifamily thinking of the administration in a 700 page report that advocates the type of legislation we are considering. The report is published by the U.S. Commissioner on Civil Rights, and mailed at Government expense. I might add that this particular document was much in evidence during the development of this bill. The report, entitled "Battered Women: Issues of Public Policy," repeatedly mocks family life. In one instance, marriage is called a process of "infantilization" for women, and is compared to slavery. The marriage ceremony itself is ridiculed. Women who defend marriage are accused of "infantilization" and "mendacity," and of playing on "fears and anxieties." The report suggests that the image of the Virgin Mary has contributed to the subjugation of women. The report also recommends the following:

> Eliminate the husband as "head of the family" from its continuing presence in law, in religion, in administrative procedure, and as a taken-for-granted aspect of family life.

Here a Federal agency, U.S. Commission on Civil Rights, publishes and therefore legitimizes a proposal that presumes to influence not only intimate relations within families, but also religious beliefs.

I am concerned that the outside interests who are pushing this legislation are intent on proselytizing at the taxpayers' expense. I fear that the would be grantees under S. 1843 are opposed to traditional families. Sixty-four percent of funding under the proposal would go to sustain so-called "homes for battered women." What kind of values and ideas would these "homes" advance? The Federal Government should not fund missionaries who would war on the traditional family or on local values.

The proponents of this legislation argue that theirs is a small program that would inspire local support, and promote novel approaches. But, I am skeptical. The money is almost entirely devoted to the creation of more bureaucracy and more indoctrination centers for women with family difficulties. More bureaucracy never helps. As for the homes or shelters, a number of these facilities already exist around the country, and I suspect their administrators are more interested in maintenance and expansion, than in seed money. Money is not needed for demonstrations; the demonstrations have already been made, or are being made.

And if there is such a great demand in our communities for shelters to house those involved in domestic violence, then why is their not also the support locally for these institutions which are already in existence?

The support is not there. Essentially, they are all failures from a financial point of view. They cannot raise enough money locally so, as usual, they come trotting down to Washington, asking the Congress to use the Federal Government as an agency to pickpocket, to reach into the pockets of other taxpayers who are unwilling to voluntarily fund these centers. They will not fund them voluntarily, so come down to Washington and persuade Congress, in the name of all kinds of good things, to use the Federal Government as an agency to reach into the pockets of those who refuse to yield money voluntarily.

It is the same old mechanism. You see it over and over and over. You see it again today attached to this piece of apple pie legislation that is euphemistically named S. 1843. It is the same old charade.

It almost amounts to a crime, in my personal opinion, the way this Government is used to take money from those who will not voluntarily give to a cause.

States and private groups are already involved in efforts against domestic violence, and are likely to increase their efforts. Only two States provide no assistance. Across the country, there are 274 shelters already established and operating; 204 other service agencies offer help to domestic violence victims.

Shelters, counseling, and radical views of the family already exist, and they have hardly stemmed domestic violence. What could we expect from more of the same? What would the taxpayers be getting for their money? A few additional shelters and more social workers would not have an appreciable effect against a problem deeply rooted in both the economic and the moral conditions of our people.

What could we expect from a failure of the program outlined in this legislation? The required reports and the groups funded by the program would inform us in the Congress that the failures are merely a result of insufficient Federal funding—some neighborhoods being without a shelter, and some families struggling along without the services of a social worker.

If massive Federal involvement is not the ultimate intent of S. 1843, why do its sponsors bother with it? Representative KRAMER, our colleague in the House, has documented the existence of substantial current Federal support for domestic violence programs. At least 10 Federal agencies and 32 programs provide assistance of some kind to domestic violence victims. There are over 30 billion dollars presently allocated to these 10 agencies. There are an additional $7 billion available in State money. Thus, there is a total of $37 billion for which domestic violence programs can compete if they are worthy.

This support is available from the Social Security Administration, from AFDC, from medicaid, from the Office of Human Development in HHS, from public housing money in HUD, from legal services, from CETA, and more.

Thirteen Federal programs have line-item expenditures for domestic violence projects. And these 13 programs spent $11.5 million for domestic violence project assistance in fiscal 1979.

So, why a new program? To coordinate a Federal effort? The Federal Government is too heavily involved in family matters. We need no monolithic Federal policy regarding the dynamics of family life. Hostility within families cannot be considered therapeutically or morally without a comprehensive consideration of family life, and this, as I have said before, is beyond the ken of the government of a free people.

This bill is a wedge, just as are all the bills which are proposed with initially low-dollar authorizations. It would establish a program whose major product would be lobbyists. An army of social workers will not insure domestic tranquillity. Morality is not susceptible to bureaucratization. But, there would be no end to pleas for more of the same from those persons who would live off this program.

I can see no proper role for the Center on Domestic Violence that S. 1843 would establish. The bill requires the center to conduct a media campaign. Of what would this propaganda consist? Who would determine its contents? The bill requires the center to coordinate the Federal effort. What Federal effort is this? The center would provide "techninical" assistance to individual projects and the States. What would this "technical" assistance be? Would it speak of virtue, loyalty, or love? Are these not the things families need?

Undoubtedly, we have problems within our families. In part, the Federal Government is responsible through taxation and inflation. The Federal Government burdens the family, pressures its intimate relations, takes from the family the economic capacity to care for itself. The irony is that the money the Government takes from us is used to create paternalistic bureaucracies to care for us, to make decisions for us. We are denied the means to solve our own problems. How many family arguments result from financial problems directly attributable to our faltering economy, to the deliberate destruction of our currency by the Federal Government, and to the staggering burden of inflation?

We in Congress must restrain ourselves. We must consider the proper role of the Federal Government, and we must realize that not every problem can be properly or practically addressed with Federal money and a Federal agency. Domestic violence is such a problem. I urge my colleagues to join me in opposing S. 1843.

(Mr. NELSON assumed the chair.)

Mr. HUMPHREY. Mr. President, a moment ago I mentioned the irony involved, namely the Government taking from us money with which we might solve our own problems. That, in a nutshell, describes, I think, the process in which we find ourselves today, with a faltering economy which gives rise to demand for more Government services which, in turn, require higher taxes which stifle the economy further, giving rise to yet further demands and cries for more Government programs, so on and so on, until, surely, the Nation must be consumed in the same fashion that so many republics have been consumed before.

There is nothing in any organic document I have read that assures the American Republic a special place in the Sun. There is nothing that says that this Republic will not fall just as virtually every one has in the past, consumed by its own foolishness. Indeed, the odds are in favor of that kind of end to our Republic. Indeed, that will be our fate if we do not at some point soon put a stop to this process by which the Government grows and the private sector shrinks and our families cry out for help because the private sector is unable to provide for them any longer. As the Government grows it becomes more intrusive more dictatorial, our freedoms recede, and, in the end, we must have a very unfortunate denouement.

Mr. President, I alluded earlier to some very excellent research work done by our colleague, Mr. KRAMER, from Colorado, and I think it is worthy of being read into the RECORD. I shall do so at this point.

Mr. President, I would like to read into the RECORD at this point the dissenting views written by Representatives JOHN ASHBROOK, JOHN ERLENBORN, KEN KRAMER, DANIEL CRANE, and JON HINSON of the House of Representatives.

DISSENTING VIEWS

Although domestic violence is recognized to be a real and growing problem in the United States, we oppose H.R. 2977, the Domestic Violence Prevention and Services Act for budgetary and jurisdictional reasons.

H.R. 2977 is a 3-year authorization with a total cost of $65 million. Relatively speaking, the price tag on this bill is substantially lower than many other categorical programs which have been established by the Congress in recent years. However, there is no guarantee that if this bill were enacted and funded, the problems of domestic violence would be any less severe than they are now. There are already many existing Federal categorical programs addressing these problems. Too many times the Federal Government has responded to real needs by adding another categorical program. Presently there are at least 19 funded Federal programs addressing different aspects of domestic violence services and prevention. We concur that there is a real need in the area of domestic violence prevention and protective services. We feel, however, that the Federal Government has provided more than adequate support for what is more correctly assessed as a State-local jurisdictional concern.

In what specific ways is the Federal Government currently addressing the problem of domestic violence? In August 1979, the Congressional Research Service of the Library of Congress supplied a comprehensive analysis of the manner in which the Federal Government is addressing the problems of domestic violence. At least nine departments or agencies are currently providing some form of services either directly to the battered individual or more generally in the form of prevention. The CRS report shows that a minimum of $11.5 million actually went to support some form of domestic violence research or services in fiscal year 1979. This does not take into account the many Federal dollars that flow to individuals and shelters from programs of locally determined priorities. From the description which follows, it would be difficult not to support the notion that a significant amount of funding beyond that $11.5 million flowed to meet the needs of victims of domestic violence in fiscal year 1979. Following is a summary of the CRS analysis of currently available services for victims of domestic violence.

Within the Department of Health, Education, and Welfare, there are several programs which deal with the problems of domestic violence. The National Center on Child Abuse and Neglect provides services to abused and neglected children. Although the principal focus of the 80 demonstration projects under this program focus primarily on the child, it is more often than not that the problems of child abuse are dealt with in cooperation with the parent or the abuser. The problem of abuse within the family unit, regardless of which member is the recipient of that abuse, needs to be addressed in a comprehensive manner as is the approach in the child abuse program.

In addition, the Administration for Public Services, which administers title XX of the Social Security Act, provided 75 percent matching funds to the States for social services. Under title XX States are given the discreation to identify and define their own problem areas and the services they will offer to address those problems. One limitation on the use of title XX funds is that they cannot provide temporary emergency housing for adults. When the administration testified in July, it was suggested that title XX be amended to lift that limitation and allow funds to be used to provide for temporary emergency housing for adults. Currently there are bills in both the House and Senate which would make this possible.

Although domestic violence has now been established to be a problem for families of all income levels, both rural and urban in setting, several Federal programs target such assistance to low-income persons. Victims of domestic violence and their children may be helped financially through the aid to families with dependent children's programs if they qualify. Recognizing that this would provide partial relief only to those victims which are from lower income families, it is still a viable form of assistance that is currently being used. When a family is eligible for AFDC paymenty, they are also entitled to subsidized medical care through the medicaid program under title XIX of the Social Security Act. The AFDC program also has an emergency assistance provision under which any family with at least one child can receive financial aid for 30 days in any 1 year.

Several research projects are currently funded within the Department of Health, Education, and Welfare which addressed different aspects of domestic violence. One funded study which is being conducted by the Colorado Association for Aid to Battered Women received a total of $164,000 to compile information on the various services which are being provided throughout the Nation to battered spouses. The Alcohol, Drug Abuse, and Mental Health Administration has funded two projects related to domestic violence. Several offices in the National Institute of Mental Health are addressing this problem. One such office—the Center for Studies of Crime and Delinquency—supported eight projects totaling $972,000 in fiscal years 1978–79 that were related to domestic violence. The National Center for Prevention of Rape, a division of the National Institute of Mental Health, is currently funding a research project on marital rape and physical abuse, totaling $84,000 in fiscal years 1978–79. The National Institute of Mental Health is also funding through its Center for Mental Health Services, Manpowers, Research and Demonstration, a 2-year project for a women's group in Philadelphia to operate a battered women's hotline. The funds from this project are to be used to train mental health personnel to understand issues and identification of treatment for battered spouses and to use community resources in intervention. The National Institute on Alcohol Abuse and Alcoholism is currently funding five research projects on alcohol-related violence in the family during fiscal years 1978–79, totaling over $500,000.

The Department of Housing and Urban Development provides assistance through the community development block grant program, which funds local government development projects under title I of the Housing and Community Development Act of 1974. Local communities determine their priorities under the program through the community development agency. Communities can use their block grants to acquire and/or renovate buildings to be used as emergency shelters for victims of domestic violence. Through fiscal year 1979, block grant funds were used to acquire 27 domestic violence sheltered facilities at a cost of $1.2 million.

The Community Services Administration provides support to low-income persons through the creation of local networks of services developed and delivered by local community organizations. Domestic violence shelters and other service deliverers can apply to the local community action agency for funds, supplementary services, and contributions. In addition, CSA has funded a family crisis center demonstration project in Milwaukee, Wis., at $600,000 in fiscal year 1979 and technical assistance and training centers in Massachusetts and Pennsylvania for $100,000 each.

The ACTION agency has provided services and funding for many programs in domestic violence. At present, approximately 600 ACTION volunteers are working in 30 States on about 100 domestic violence projects. ACTION was also the first Federal agency to provide technical assistance to volunteer groups across the Nation and has responded to over 20,000 requests for information and technical assistance on the issues of domestic violence. The technical assistance project was based in Ann Arbor, Mich., and was funded a grant of $300,000. Through the 10 regional centers, assistance will be provided to domestic violence programs all over the country through conferences, sharing of information, and nationwide linking of shelters.

The Legal Services Corporation provides funds to approximately 300 legal assistance programs throughout the country, which in turn, provide legal services to indigent clients. Legal Services Corporation staff persons can represent domestic violence victims in the areas of divorce or separation and preparation for court. The LSC also funded a National Backup Center in fiscal year 1979 with approximately $75,000. The purpose of the center is to provide technical assistance on women's issues and to assist in spouse abuse cases at the local LSC program level throughout the country.

The Department of Justice's Law Enforcement Assistance Administration provides direct funding for domestic violence programs through the family violence program in LEAA's Office of Criminal Justice Programs. Projects are funded that will provide for a comprehensive service network for domestic violence victims. The services provided through such projects must incorporate not only a criminal justice component, but other services such as physical and mental health and social services. Many have received grants through this program including district attorneys offices, mental health agencies, shelters, and women's advocacy groups. Total funding for fiscal year 1978 under this program was $2.236 million, with $2 million additional support in fiscal year 1979. In addition, the family violence program funded the Center for Women Policy Studies at $250,000 in fiscal year 1975 to serve as a nationwide resource center on domestic violence programs and to publish a newsletter on domestic violence issues. The Law Enforcement Assistance Administration also has a large block grant program under which States have some discretion in the projects that will be funded. Through fiscal year 1978, $5 million in block grant funds went to support temporary shelters and other domestic violence programs in the States.

Within the Department of Labor, the Comprehensive Employment and Training Act of 1973, as amended, provides support for domestic violence programs under title VI. Shelters often have used title VI funds to obtain shelter personnel, including intake workers, counselors, secretaries, volunteer coordinators, and fund raisers. These positions can serve a dual purpose in shelters when battered spouses are selected to fill a shelter's public service employment job. The shelter is funded for essential personnel, while the domestic violence victim is provided with a job.

In addition, title II funds of CETA are used to provide comprehensive employment and training services which include testing, counseling, and job placement aid.

The Department of Agriculture has two food programs which could be of benefit to low-income domestic violence victims and their children. The women, infant and children supplemental food program provides food for pregnant women, infants and children up to age five. The food stamp program supplements the food purchasing power of low-income families based on the family size and income.

The Bureau of Indian Affairs with the Department of Interior has a social services division which offers financial assistance, emergency food and shelter, and social services to native Americans.

These specific examples provided by the Library of Congress document the fact that there are several existing Federally funded programs which are currently providing millions of dollars to domestic violence victims and their children and are supporting domestic violence temporary housing shelters. On the basis of these facts, we conclude that there is no need for additional Federal involvement in this area which we believe is a matter more for State and local rather than Federal concern.

We are not opposed to the establishment and maintenance of centers to provide short- and long-term services to victims of domestic violence and their dependents. The list of needed services is long. Short- and long-term counseling, temporary emergency shelter and relief, hotline crisis intervention, legal information and assistance, emergency transportation to shelters, and assistance in funding in housing needs are just a few of those pressing needs which victims of domestic violence are faced with at a very tragic time in their lives. We believe existing Federal programs do provide sufficient support to meet the needs of domestic violence victims.

Furthermore, proponents of H.R. 2977 argue that there is a need for seed money to begin shelters in States. If it were determined that the Federal level of activity was insufficient to assist in the creation of shelters—and we believe that the data just reviewed shows that it is not—one might look at what already exists in the States. Is there a need for seed money or are temporary shelters for domestic violence victims readily available with the States? The Center for Women Policy Studies published a book entitled "Programs Providing Services to Battered Women" in which they list over 460 different types of services currently available within the States, many of which are shelters. In addition, the Center for Women Policy Studies has published data in August 1979, that shows what various State legislatures are considering as far as domestic violence-related legislation. This material shows that every State in the Union with the exception of seven are considering some form of legislation dealing with civil remedies, shelter services, data collection, police training, criminal statutes and proceedings or other forms of legislation on the State level. From this data we believe that there is sufficient support within the States for domestic violence services and that we are long past the "seed money" stage.

Finally, the administration has offered no support for H.R. 2977. In their testimony in July, witnesses indicated that an official administration position would be forthcoming. To date, none has been received. It is known that the administration does support wording to amend title XX of the Social Security Act to allow States to provide emergency shelters for adults as a protective service. In addition, the administration has already established an Office for Domestic Violence which was funded at $360,000 in fiscal year 1979 and has a projected budget of $1.2 million in fiscal year 1980. The function of this office is to provide a central focus for policy planning and to help coordinate on a national level information about specific domestic violence shelters, programs, and services. There already exists a national clearinghouse for domestic violence program information. To establish it in H.R. 2977 would be redundant.

In addition, President Carter has requested interdepartmental cooperation to determine what Federal agencies and departments are providing domestic violence assistance. The Interdepartmental Committee on Domestic Violence is composed of 10 Federal departments and agencies including ACTION, Commission on Civil Rights, Community Services Administration, Departments of Agriculture, Defense, Housing and Urban Development, Justice, Labor and Interior.

Jurisdiction over family matters has traditionally been a State concern. The protection of the family, and its members, is firmly rooted in State law and we must not try and superimpose the will of the Federal Government upon the States through the strings tied to the Federal grant dollar. It is to the State and not the Federal courts to which battered persons first turn for legal relief when assaulted. It is State and local police who are called when a battered person is in need of immediate protection from harm. Finally, when the battered person reaches out in the community for medical and financial assistance, it is to State and local agencies that they reach.

As in the case with all pressing social needs, there is never enough money to meet the needs of competing interests. This is true whether the setting is State, local, or Federal. Adding another layer to an already burgeoning Federal government creates, rather than relieves, problems—especially in this time of budgetary crisis. Therefore, beyond the initial question of proper jurisdiction lies the greater issue of national priorities.

Congress today is faced with very difficult choices. The mood of the country and the administration is to cut spending. On one hand we have a projected combined off-budget, on-budget deficit of $45 billion, mounting inflation, and critical concerns in energy and defense. On the other, we are faced with the desire to respond to the very real and devastating needs of victims of domestic violence. Therefore, we must balance these issues and from among them, choose priorities. Do we try and balance the budget, fight inflation, and work for a strong national defense? Or do we respond to the needs of deserving constituencies and establish new categorical grant programs serving narrow needs so these citizens and their advocates can be relieved of the struggle of competing for a smaller share of the pie against already established constituencies backing other social concerns of equal importance? We believe the answer is clear. No matter how worthy the cause, we must resist all temptation to add to government at this time another categorical grant program.

In final analysis, despite the call for a new categorical grant program to serve the needs of victims of domestic violence and their dependents, these persons are not without Federal assistance, nor are their needs going unmet. While it is true that shelters and services for victims of domestic violence are not yet available in every community, increasing Federal, State, and local attention is being directed toward programs providing domestic violence victims assistance. Over half the States already have State laws on the books addressing the issue of domestic violence from a civil and criminal standpoint, and about half of the States already have some sort of shelters or services for domestic violence victims already in place. Therefore, a Federal program for domestic violence victims at this time is untimely, impractical, and beyond the proper jurisdiction of the Federal Government. In weighing national priorities, a separate categorical grant program for domestic violence victims must be considered not only as a separate program, but in light of all available existing Federal aid to domestic violence victims and our overall economic objectives. We urge you to join us in voting against H.R. 2977.

Mr. President, that is the dissenting view of Representatives ASHBROOK, ERLENBORN, KRAMER, CRANE, and HINSON, on H.R. 2977, which, in essence, is the matter we are considering this morning.

I was struck, Mr. President, as I was reading through this report, by the level of Federal spending already in existence on domestic violence programs. As one reads the pages of this report, the figures jump out; $164,000 here, $972,000 there; $84,000 here, $500,000 there; $1.2 million here—and I must not fall into the habit of using decimal points with such large figures—$600,000 there; $300,000 here, $75,000 there; $2.236,000 here; $2 million there; $250,000 here, $5 million there; $360,000 here, $1,200,000 there.

That is a lot of money, Mr. President. A fellow could divide that by 10 or perhaps even 100 and live very comfortably in retirement.

Perhaps it would be cheaper for the American taxpayers if they did that—divided up all nonessential Federal spending and paid us all to go home and never to show up in Washington again. I think that might be a better solution to our problems.

Mr. President, this so-called domestic violence prevention bill—and I say "so-called" because there is not a shred of certainty that we are going to prevent domestic violence by passing this bill. I wish we could label our legislation a little more realistically sometimes. Nevertheless, this so-called Domestic Violence Prevention Act has stirred national concern. It is not an obscure measure. It has not gone unnoticed.

Indeed, it has been the subject of editorials in many of the Nation s greatest newspapers.

I should like to read into the RECORD at this point an editorial on the subject of the Domestic Violence Prevention Act, published on June 30, 1980, in the Washington Star:

> When Capitol Hill strategists are able to combine an apple-pie bill with a "twofer," congressmen and senators who routinely leap tall buildings at a single bound can find the prospect of opposition unnerving.
>
> The legislative maneuver is evident in a Senate bill that would authorize $65 million over three years to aid victims of domestic violence, targeted particularly to providing emergency shelters for women abused in the home. S1843 represents the purest sort of motherhood/apple-pie.
>
> But the bill is also a "two 'fer the price of one." The second part of the package would authorize a 25-member "Presidential Commission on National Service." The commission would address itself to the delicate question of universal service, possibly compulsory, for all young Americans.
>
> National service has no logical connection with domestic violence. But a senator who fondly regards, say, the presidential commission might decide to vote for the bill despite disliking the notion of federally funded emergency shelters. A characteristic of this sort of combined measure is that it often is propelled by voice votes, as in the Senate Labor and Human Resources Committee approval of S1843. Voice votes leave no tracks, so to speak.
>
> This bill deserves to be sunk by its primary ballast. "Federal missionaries are not the answer to domestic violence," argues Sen. Gordon J. Humphrey, R-N.H. "Domestic violence programs should be homegrown." That was our feeling when similar bills surfaced in Congress in 1978 and last year (though without the national-service component).
>
> Senator Humphrey's sentiment does not represent indifference to domestic violence, though the special-interest groups supporting the bill will attempt thus to portray it.

I say, parenthetically, indeed.

> If domestic violence is a pervasive problem, then it properly should be a priority for the state or locale where the abuse has become apparent. If the lobbying groups seeking federal legislation and funds were to besiege a legislature or city council with the energy they bring to Capitol Hill, there can be little doubt that the issue would be promptly addressed.
>
> But the statistics have little patience with incremental approaches to social or political problems. They prefer a federal blanket big enough to cover every bed and cot in the land.
>
> The usual methods to mobilize the feds for intervention are evident in this campaign. A "national" base is created—in this case, the National Coalition Against Domestic Violence. It is then announced that the problem has assumed "epidemic proportions," with appropriately stunning statistics to support the assertion (one estimate puts the number of women "severely battered" each year at 3.5 million). Finally, the push for legislation—and another bureaucracy is created and perpetuated with public money.
>
> The supporters of S1843 claim that this would not happen with their program. The bulk of the federal money would go to states and communities, with an emphasis on private non-profit groups, to provide temporary assistance to battered women; longer-term responsibility would be assigned to the states and to local jurisdiction.
>
> But federal guidelines and regulations and inspections would be, of course, controlling. We have seen too many of these back-door approaches to a permanent federal presence to accept this script without deep skepticism. Domestic violence can take a terrible toll. The national coalition ought to devote itself to protecting the victims—state by state, city by city.
>
> The insistence that there is a federal solution and governmental role for every social malfunction is childlike and corrosive.

Mr. President, I will have more to say. I know that several other Senators wish to propose amendments. Perhaps they are listening; if so, I hope they will come to the Chamber.

I yield the floor, for the time being.

Mr. WILLIAMS. Mr. President, I know that the distinguished Senator from New Hampshire was reading in good measure, during his discussion of this bill, from the House committee minority views. I believe I am correct in that. In his reading, it was stated that the administration had not taken a position in favor of the domestic violence measure. That perhaps was the situation at the time of the preparation of the minority views for the committee report of legislation in the other body. That is not the situation as it is today, and I should like to read into the RECORD at this point the strong urging of the administration for this legislation and its clear and unequivocal interest in it.

I read the letter of August 20, 1980, which is addressed to Senator CRANSTON:

> DEAR SENATOR CRANSTON: Shortly the Senate is expected to vote on S. 1843, which would provide Federal support for the prevention of domestic violence and assistance to victims of such abuse. The House has already passed its version of the bill. I urge the Senate to do likewise.
>
> There are few acts more tragic than those involving physical violence within families. I have taken administrative steps to seek remedies for this growing national problem and relief for those who suffer its consequences. But further Federal action is necessary to assist in providing direct and immediate refuge to victims and to help reduce the incidence of domestic violence.
>
> The Domestic Violence Act would help to provide needed services effectively and sensitively, with emphasis on state and local participation.
>
> I urge you to support the domestic violence prevention and victims' assistance provisions of S. 1843 when they reach the Senate floor.
>
> Sincerely,
>
> JIMMY CARTER.

Mr. President, there are many things that could be stated in response to the reservations, and I gather the net effect of the presentation of the Senator from New Hampshire on this bill was that he does have reservations concerning the Domestic Violence Act at this time.

The report that accompanies this bill I believe will satisfy most that we have here a situation that is a major problem within our Nation. It is a problem that has tragic effects, not only personal human tragedy that follows upon violence within the family, and that it triggers the necessity for comprehensive, very expensive responses by people organized at the community, State or national level to effectively address the range of needs of the victims of such violence.

There are within the Labor and Human Resources Committee report, several indications of the benefit that follows where there is a center to deal with domestic violence. We have seen this in many States. To briefly cite an excerpt from this report, which documents the benefits of such services, Kenneth A. Merritt, a former director of youth and family services bureau of the Hayward Police Department in California, wrote to our committee:

> In the city of Hayward, prior to the funding of a program by the California Council on Criminal Justice utilizing family counselors, the Hayward police department was receiving approximately 100 calls for assistance each month specifically related to domestic violence. Police officers in this community were spending an average of 48 minutes per call. Because of the high risk factor associated with domestic violence responses, two officers responded to every call of this naturo resulting in approximately 90 minutes of officer time per call. The monetary cost of each of these calls—with equipment, supervision, communication system auxiliary personnel—was approximately $200 per hour.
>
> Mr. Merritt indicated, however, that as a result of the institution of the family-disturbance-oriented project, the total number of calls to the Hayward Police Department for crisis intervention in domestic disputes was reduced from 100 average calls per month to approximately 40, the recidivism rate for domestic disturbances was reduced from 50 percent to approximately 19 percent and the amount of police officer time spent on the domestic disturbance calls was reduced from 45 minutes to approximately 18 minutes per call.

This is one example of the need for such services. We have many. We will have, I am sure, sufficient time to discuss the problem, to discuss ways to reduce the tragic consequences and to discuss the extent to which expenditures of public moneys should be available to respond where there is this tragic domestic violence.

UP AMENDMENT NO. 1512

Mr. WILLIAMS. Mr. President, I understand that the amendment offered by the Senator from Hawaii (Mr. MATSUNAGA) has been laid aside. I ask unanimous consent now that the Senate return to the Matsunaga amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, I had indicated earlier from the majority side and from the committee strong approval for the Matsunaga amendment. I hope the Senate will adopt it as part of this legislation.

Mr. HUMPHREY. Mr. President, for our side I have been unable to find any objection to the Matsunaga amendment, and we are inclined to support it, especially in view of its not requiring any additional appropriations, which is certainly a unique virtue in our legislation. We are prepared to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, in a minute, I am going to offer an amendment which I will, as soon as I have completed my remarks, send to the desk and ask for its immediate consideration.

I rise, Mr. President, with great concern today to offer this amendment which pledges a commitment to our Nation's elderly through the joint hearing of the House Select Committee on Aging and the Senate Special Committee on Aging, it has come to our attention that a substantial segment of our society lives in an environment of physical, emotional, and financial abuse. In disbelief, my colleagues and I have listened to many of the elderly tell their stories of horror. The account of abused citizens who live in fear, isolation, or total resignation impels us to take action and seek remedies. The amendment I will offer in a minute would direct the Secretary of Health and Human Services to elderly abuse.

Although the testimony we heard in our joint hearing has provided us with much knowledge, it leaves us, perhaps with many unanswered questions, as we have found new facts on the record. We have found that elderly abuse is only one component of a larger problem—family violence. Very often—although clearly not in every instance—the battering of the elderly is the consequence of constant care responsibility following a long history of family problems and conflicts.

Mr. President, we have learned that the frail elderly are doubly victimized. They are victims of the abuser who mistreats them through physical beatings, general neglect, or lack of care. They also are victims of the abuser who steals or misappropriates their material possessions. They are victims of their own weakened infirmed condition. Fear, embarrassment, lack of services, and mental confusion cause them to suffer in silence and isolation. The vulnerable elderly have neither the capacity nor the means to seek the kind of help they need to prevent this.

Mr. President, the recent testimony taken by our two committees has awakened us to the extreme plight of the abused elderly. Though informative, the data are by no means conclusive. We have learned that the studies are at best exploratory, the statistics incomplete, and the estimates of incidence, inconclusive. More than anything, we now know that the scope and severity of this problem go unassessed.

Mr. President, the amendment which I offer today would direct the Secretary of the Department of Health and Human Services to conduct a comprehensive study to determine accurately the nature and magnitude of this inhumane condition and inhumane treatment. As authorized, the study would include the collection and analysis of data as well as proposed policy actions for Congress' future consideration and adoption.

A number of my colleagues join me today in offering this amendment—Senators CRANSTON, CHILES, DOLE, PRYOR, KASSEBAUM, and PERCY.

Mr. President, I believe the need for such a study has been clearly demonstrated by our hearings. We must work to develop a systematic plan for data collection and case finding on a national level. It is my hope that my colleagues respond with me to the critical problem assailing so many of our eldery citizens.

UP AMENDMENT NO. 1513

(Purpose: To provide for a study of the nature and incidence of elderely abuse)

Mr. HEINZ. Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ), for himself, Mr. DOLE, Mr. CRANSTON, Mr. PRYOR, Mr. CHILES, Mrs. KASSEBAUM, and Mr. PERCY, proposes an unprinted amendment numbered 1513.

Mr. HEINZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add at the end of the amendment the following new title:

TITLE —STUDY OF ABUSE OF ELDERLY INDIVIDUALS

SEC. 01. (a) The Secretary shall conduct a full and complete investigation and study, including analysis of necessary data, of the nature and incidence of abuse of elderly individuals.

(b) Not later than 18 months after the date of enactment of this Act, the Secretary shall prepare and submit a report to the President and to the Congress on the results of the study required by subsection (a) of this section, together with such recommendations, including recommendations for legislation, as the Secretary deems appropriate.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

Mr. HEINZ. Mr. President, I urge my colleagues to support the amendment.

Mr. WILLIAMS. Mr. President, I ask the Senator from Pennsylvania if he will include the Senator from New Jersey as a cosponsor.

Mr. HEINZ. Mr. President, I ask unanimous consent that the Senator from New Jersey (Mr. WILLIAMS) be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, the Senator from California, who is the principal manager of the bill for the majority, I know, as a cosponsor, feels that this is an important amendment. We on this side are delighted to support it and hope the Senate will accept this.

Mr. President, although elderly individuals abused by their families already fall within the scope of this legislation, I agree that more research on the dimensions of the problem of elderly abuse is needed. As the committee report on this legislation indicates, national statistics on the incidence of elderly abuse are not readily available, although one University of Maryland study suggests that nearly a million cases of elderly abuse could be expected nationwide. Another analysis of violence in the family prepared by Susanne Steinmetz indicates that the problem of the battered parent is growing in number and ferocity as life expectancy and the U.S. population increases and more and more Americans find themselves with an aged parent in need of home care.

Clearly there is evidence to suggest that abuse of elderly persons in the family may be a far more significant problem than generally realized. One of the first steps to finding more ways to deal with this problem is to find out more about its nature and extent. The amendment of the Senator from Pennsylvania would provide a mechanism for gathering more information on this problem and for that reason, I am prepared to accept the amendment on behalf of the principal manager of the bill, Mr. CRANSTON, and hope the Senate will adopt the amendment.

Mr. HUMPHREY. Mr. President, we accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (UP No. 1513) was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ. Mr. President, I would like to take a few minutes to comment on the reasons why I have joined as a cosponsor and strong supporter of the Domestic Violence Prevention Act.

The act would help States, counties, and communities provide shelters for battered spouses—mostly women. With pride, Mr. President, I note that my fellow Minnesotans—who have long recognized the needs of their fellow citizens and their obligations with respect to them—have more of these shelters than any other State, in spite of the fact that

Minnesota is not among the more populous States.

Although I initially had reservations about this legislation, I now have come to believe in the need for Federal monetary assistance for battered women and children. Usually, I am reluctant to support the creation of new social service programs on the Federal level. Not only do I feel they are more appropriately the responsibility of the private sector or the State and local governments, but I believe that the enormous growth of these programs has often failed to provide the intented result. In addition, the mushrooming costs has been an underlying cause of the inflation which has created more problems for the poor and disadvantaged than have been solved by the programs. However, after consulting with religious organizations and law enforcement officials in rural, surburban, and Metropolitan Minnesota, as well as many who work in the field or alcoholism—this field is also closely related to the battering of spouses—not only of women, but also of men. When the old man comes home and he is drunk, he sometimes gets it with the proverbial frying pan.

I am convinced that this problem is far more widespread than I had previously imagined. Consequently, I am now convinced that it warrants Government attention and help.

I was shocked to learn that 5 million women have been severely battered by their husbands at some point in their marriage and that 75 percent of these women are battered several times after the first attack. These assaults on women are most definitely not unique to any one group in our society—they cut across all economic, ethnic, educational, and religious lines. In addition, domestic violence not only endangers the lives of those family members involved in the dispute—and the effect upon children is even more severe than the adult—but it accounts for a high percentage of the deaths and injuries sustained by law enforcement officers responding to such calls.

This is a time when the Federal Government is called upon to help those who cannot help themselves. Mr. President, the record shows that the private sector clearly does not have the resources at this time to handle the problem on its own and because of our mobile population, there is often no family to help those in need. The number of shelters nationwide is grossly inadequate where they exist at all. Even in my State of Minnesota, which has provided more shelters than any other State in the country, they were forced last year to turn away 2,900 women who voluntarily sought the assistance of a community shelter. It is interesting, Mr. President, that only 41 of the States have taken the initiative to establish such shelters.

It is important to note that, although this legislation calls for Federal involvement in the area of domestic violence, it does not put the Federal Government in the business of running government shelters. Nor should anyone conclude that these shelters are going to go out recruiting people. Rather, it seeks to stimulate increased participation by the States, local communities, and private nonprofit organizations in this area by providing financial assistance—seed money, so to speak—which is needed to get their efforts underway. The maximum amount of assistance is $50,000 per year per shelter and cumulatively, $150,000 to a single shelter over a period of 4 years. The Federal Government is being called upon to provide the seed money because obviously, one cannot run an adequate shelter for $50,000 a year. Also, the Federal Government's involvement will help to create a sensitivity to the problem which does not currently exist. I myself did not have an adequate sensitivity to this problem until I began examining the bill and the ramifications of it. From this point on, it will be the responsibility of the State or local communities to carry the burden, as they properly should.

Therefore, Mr. President, I am pleased to join as cosponsor and congratulate the thoughtful authors of this legislation, Senators CRANSTON and WILLIAMS.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, serving on the Labor and Human Resources Committee from which this bill was reported, and familiar as I am with the development of the legislation, I wish to briefly speak to the matter. I intend to vote against this bill, and I want there to be no mistake why I am doing so.

I think we are united in recognizing the severity of the problem of domestic violence; that it affects all kinds of families; that its principal victims are usually without resources; and that we ought to do something about it. But the problem is as so often the case, the issue dividing us concerns means rather than ends.

Domestic violence goes by many names. Child abuse, wife battering, familial neglect and the other forms of domestic crimes to the family violate everything we hold to be decent and right. Eleven states already have statutory programs giving aid and comfort to the victims and providing for preventing education. Twenty-one States have legislative or administrative proposals for this kind of antidomestic violence program pending. The remainder are trying to solve the problem in other ways.

These include reliance on program assistance from numerous Federal programs. For example, 600 ACTION volunteers working in 30 States on some 100 domestic violence prevention projects; 33 Community Action agencies with programs or shelters for battered women; LEAA money to support domestic violence prevention projects through block grants; and various ways in which States are using title XX social security money, all provide counseling and legal services to fight a very real problem. There has even been set up within HEW an Office of Domestic Violence providing States with additional aid for domestic violence victims.

So, effective ways have been found and are being used in every State and within every community to end the vicious cycle which we have come to know as domestic violence. Despite what a few of my colleagues may have implied earlier, this is not only the case in the big urban cities and the larger States which have drawn most of the Nation's press attention devoted to this problem. Within my home State of Utah, for example, the State's division of family services in conjunction with many private and nonprofit sector financed domestic violence shelters and groups are tackling the problem. As Dave Mullen, child welfare supervisor for Davis County within my State observed:

> One agency cannot handle the whole problem. It is a total community problem which requires the whole community to solve it.

In 1978, Davis County had 256 domestic violence referrals, and 401 for 1979. Yet there were more than 190 during the first 4 months of this year, and the increase is being recognized by people both at the State and community level.

Yet, S. 1843 would itself do violence to these promising and in most cases effective efforts.

With this bill, we once again have well meaning people trying to federalize State and local jurisdictions. The domestic violence bill proposes the following: First, establish a coordinator and an office within HEW to review and administer Federal, State, and local programs; second, institutionalize periodic recommendations and legislative proposals by a Federal Interagency Council on Domestic Violence to Congress; third, through this central body, approve and monitor grants for domestic violence programs nationally.

This legislation represents one giant step by the Federal social service bureaucracy into family matters which are properly, more effectively, and democratically represented by the States and local communities. With this bill there is created a new narrow interest, a categorical grant program with federally employed beneficiaries and professional domestic violence advocates who under this bill would be relieved of their struggle to compete for a share of the Federal pie. They would not have to struggle as established constituencies much like homemakers, vocational educators, and the many other equally important causes. Rather, a de facto OSHA on the family within HEW starting with $65 million would annually reauthorize itself upward until it begins spending and directing like one of the already grownup agencies.

In time, we can envision a National Association of Domestic Violence Center Directors with a national network of Federal offices, all clamoring for more dollars in the name of victims. And certainly, States and private agencies are sensitive to what they see as Federal encroachment in civil matters historically granted to the States and localities.

I oppose S. 1843. Instead, I would like to see the participation of States, local communities, nonprofit private organizations, and individual citizens in efforts to prevent domestic violence and to increase shelter and assistance for the victims. To preserve the integrity of these State and local efforts and to encourage an increase in these domestic violence prevention programs, State legislatures ought to have a veto power over any grant decisions by the HEW Secretary for disbursal under a State's plan. Certainly, State legislatures ought to have the power to say no to Washington when dealing with State programs at the local level.

But, S. 1843 does not permit this. Nor does it require that any Federal grant assistance ought to pass the respective State licensure requirements with respect to qualified health care professional and habitable living and nutrition standards. And the bill does not protect State and local programs from Federal preemption.

In short, this legislation is in itself an example of abuse at a time when most Americans want to see the removal of Federal intervention, not the increase of it. I do not believe that Congress really wants to create an OSHA on the family. I believe that we can effectively help the growing American community effort to prevent domestic violence and give comfort to its victims without having to shoot ourselves in the foot, as this bill does.

I am well aware that this legislation passed the House with ease as it will shortly be accepted by this body. But with all due respect to my colleagues and to the promoters of this bill, I do not believe that any Senator after having voted for this bill can be sure that he has endorsed a work of legislative quality. Once enacted, this domestic violence bill will be one more unfortunate act of Congress; one more legal instrument to centralize power at the expense of the States and local communities. It will one day have to be dismantled anyway, and I am only suggesting that we save the American people the trouble and reject this legislation. I for one intend to do so.

Mr. President, I notice that Senator WALLOP is here. He has an amendment he would like to present at this time. So I ask unanimous consent that I may yield the floor to Senator WALLOP without having my remarks considered a second speech under the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

UP AMENDMENT NO. 1514

(Purpose: To amend title 28 and title 18 of the United States Code to prohibit and remedy the interstate restraint of children in violation of rights of custody and visitation, and for other purposes)

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming (Mr. WALLOP) proposes an unprinted amendment numbered 1514.

The amendment is as follows:

At the end of amendment UP-1511, insert the following:

TITLE III—PARENTAL KIDNAPING PREVENTION ACT OF 1980

SEC. 301. This title may be cited as the "Parental Kidnaping Prevention Act of 1980".

FINDINGS AND PURPOSES

SEC. 302. (a) The Congress finds that—

(1) there is a large and growing number of cases annually involving disputes between persons claiming rights of custody and visitation of children under the laws, and in the courts, of different States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(2) the laws and practices by which the courts of those jurisdictions determine their jurisdiction to decide such disputes, and the effect to be given the decisions of such disputes by the courts of other jurisdictions, are often inconsistent and conflicting;

(3) those characteristics of the law and practice in such cases, along with the limits imposed by a Federal system on the authority of each such jurisdiction to conduct investigations and take other actions outside its own boundaries, contribute to a tendency of parties involved in such disputes to frequently resort to the seizure, restraint, concealment, and interstate transportation of children, the disregard of court orders, excessive relitigation of cases, obtaining of conflicting orders by the courts of various jurisdictions, and interstate travel and communication that is so expensive and time consuming as to disrupt their occupations and commercial activities; and

(4) among the results of those conditions and activities are the failure of the courts of such jurisdictions to give full faith and credit to the judicial proceedings of the other jurisdictions, the deprivation of rights of liberty and property without due process of law, burdens on commerce among such jurisdictions and with foreign nations, and harm to the welfare of children and their parents and other custodians.

(b) For those reasons it is necessary to establish a national system for locating parents and children who travel from one such jurisdiction to another and are concealed in connection with such disputes, and to establish national standards under which the courts of such jurisdictions will determine their jurisdiction to decide such disputes and the effect to be given by each such jurisdiction to such decisions by the courts of other such jurisdictions.

(c) The general purposes of this title are to—

(1) promote cooperation between State courts to the end that a determination of custody and visitation is rendered in the State which can best decide the case in the interest of the child;

(2) promote and expand the exchange of information and other forms of mutual assistance between States which are concerned with the same child;

(3) facilitate the enforcement of custody and visitation decrees of sister States;

(4) discourage continuing interstate controversies over child custody in the interest of greater stability of home environment and of secure family relationships for the child;

(5) avoid jurisdictional competition and conflict between State courts in matters of child custody and visitation which have in the past resulted in the shifting of children from State to State with harmful effects on their well-being; and

(6) deter interstate abductions and other unilateral removals of children undertaken to obtain custody and visitation awards.

FULL FAITH AND CREDIT GIVEN TO CHILD CUSTODY DETERMINATIONS

SEC. 303. (a) Chapter 115 of title 28, United States Code, is amended by adding immediately after section 1738 the following new section:

"§ 1738A. Full faith and credit given to child custody determinations

"(a) The appropriate authorities of every State shall enforce according to its terms, and shall not modify except as provided in subsection (f) of this section, any child custody determination made consistently with the provisions of this section by a court of another State.

"(b) As used in this section, the term—

"(1) 'child' means a person under the age of eighteen;

"(2) 'contestant' means a person, including a parent, who claims a right to custody or visitation of a child;

"(3) 'custody determination' means a judgment, decree, or other order of a court providing for the custody or visitation of a child, and includes permanent and temporary orders, and initial orders and modifications;

"(4) 'home State' means the State in which, immediately preceding the time involved, the child lived with his parents, a parent, or a person acting as parent, for at least six consecutive months, and in the case of a child less than six months old, the State in which the child lived from birth with any of such persons. Periods of temporary absence of any of such persons are counted as part of the six-month or other period;

"(5) 'modification' and 'modify' refer to a custody determination which modifies, replaces, supersedes, or otherwise is made subsequent to, a prior custody determination concerning the same child, whether made by the same court or not;

"(6) 'person acting as a parent' means a person, other than a parent, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody;

"(7) 'physical custody' means actual possession and control of a child; and

"(8) 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

"(c) A child custody determination made by a court of a State is consistent with the provisions of this section only if—

"(1) such court has jurisdiction under the law of such State; and

"(2) one of the following conditions is met:

"(A) such State (i) is the home State of the child on the date of the commencement of the proceeding, or (ii) had been the child's home State within six months before the date of the commencement of the proceeding and the child is absent from such State because of his removal or retention by a contestant or for other reasons, and a contestant continues to live in such State;

"(B)(i) it appears that no other State would have jurisdiction under subparagraph (A), and (ii) it is in the best interest of the child that a court of such State assume jurisdiction because (I) the child and his parents, or the child and at least one contestant, have a significant connection with such State other than mere physical presence in such State, and (II) there is available in such State substantial evidence concerning the child's present or future care, protection, training, and personal relationships;

"(C) the child is physically present in such State and (i) the child has been abandoned, or (ii) it is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse;

"(D)(i) it appears that no other State would have jurisdiction under subparagraph (A), (B), (C), or (E), or another State has declined to exercise jurisdiction on the ground that the State whose jurisdiction is in issue is the more appropriate forum to determine the custody of the child, and (ii) it is in the best interest of the child that such court assume jurisdiction; or

"(E) the court has continuing jurisdiction pursuant to subsection (d) of this section.

"(d) The jurisdiction of a court of a State which has made a child custody determination consistently with the provisions of this section continues as long as the requirement of subsection (c)(1) of this section continues to be met and such State remains the residence of the child or of any contestant.

"(e) Before a child custody determination is made, reasonable notice and opportunity to be heard shall be given to the contestants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of a child.

"(f) A court of a State may modify a determination of the custody of the same child made by a court of another State, if—

"(1) it has jurisdiction to make such a child custody determination; and

"(2) the court of the other State no longer has jurisdiction, or it has declined to exercise such jurisdiction to modify such determination.

"(g) A court of a State shall not exercise jurisdiction in any proceeding for a custody determination commenced during the pendency of a proceeding in a court of another State where such court of that other State is exercising jurisdiction consistently with the provisions of this section to make a custody determination.".

(b) The table of sections at the beginning of chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738 the following new item:

"1738A. Full faith and credit given to child custody determinations.".

(c) In furtherance of the purposes of section 1738A of title 28, United States Code, as added by subsection (a) of this section, State courts are encouraged to—

(1) afford priority to proceedings for custody determinations; and

(2) award to the person entitled to custody or visitation pursuant to a custody determination which is consistent with the provisions of such section 1738A, necessary travel expenses, attorneys' fees, costs of private investigations, witness fees or expenses, and other expenses incurred in connection with such custody determination, in any case in which—

(A) a contestant has, without the consent of the person entitled to custody or visitation pursuant to a custody determination which is consistent with the provisions of such section 1738A, (i) wrongfully removed the child from the physical custody of such persons, or (ii) wrongfully retained the child after a visit or other temporary relinquishment of physical custody; or

(B) the court determines it is appropriate.

USE OF FEDERAL PARENT LOCATOR SERVICE IN CONNECTION WITH THE ENFORCEMENT OR DETERMINATION OF CHILD CUSTODY AND IN CASES OF PARENTAL KIDNAPING OF A CHILD

SEC. 304. (a) Section 454 of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (15);

(2) by striking out the period at the end of paragraph (16) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (16) the following new paragraph:

"(17) in the case of a State which has in effect an agreement with the Secretary entered into pursuant to section 463 for the use of the Parent Locator Service established under section 453, to accept and transmit to the Secretary requests for information authorized under the provisions of the agreement to be furnished by such service to authorized persons, and to impose and collect (in accordance with regulations of the Secretary) a fee sufficient to cover the costs to the State and to the Secretary incurred by reason of such requests, to transmit to the Secretary from time to time (in accordance with such regulations) so much of the fees collected as are attributable to such costs to the Secretary so incurred, and, during the period that such agreement is in effect, otherwise to comply with such agreement and regulations of the Secretary with respect thereto.".

(b) Part D of title IV of the Social Security Act is amended by adding at the end thereof the following new section:

"USE OF FEDERAL PARENT LOCATOR SERVICE IN CONNECTION WITH THE ENFORCEMENT OR DETERMINATION OF CHILD CUSTODY AND IN CASES OF PARENTAL KIDNAPING

"SEC. 463. (a) The Secretary shall enter into an agreement with any State which is able and willing to do so, under which the services of the Parent Locator Service established under section 453 shall be made available to such State for the purpose of determining the whereabouts of any absent parent or child when such information is to be used to locate such parent or child for the purpose of—

"(1) enforcing section 1203 of title 18, United States Code, with respect to the unlawful restraint of a child; or

"(2) making or enforcing a child custody determination as defined in section 1738A of title 28, United States Code.

"(b) An agreement entered into under this section shall provide that the State agency described in section 454 will, under procedures prescribed by the Secretary in regulations, receive and transmit to the Secretary requests from authorized persons for information as to (or useful in determining) the whereabouts of any absent parent or child when such information is to be used to locate such parent or child for the purpose of (A) enforcing any State or Federal law with respect to the unlawful taking or restraint of a child, or (B) making or enforcing a child custody determination;

"(c) Information authorized to be provided by the Secretary under this section shall be subject to the same conditions with respect to disclosure as information authorized to be provided under section 453, and a request for information by the Secretary under this section shall be considered to be a request for information under section 453 which is authorized to be provided under such section.

"(d) For purposes of this section—

"(1) the term 'custody determination' means a judgment, decree, or other order of a court providing for the custody or visitation of a child, and includes permanent and temporary orders, and initial orders and modification;

"(2) the term 'authorized person' means—

"(A) any agent or attorney of any State having an agreement under this section, who has the duty or authority under the law of such State to enforce a child custody determination;

"(B) any court having jurisdiction to make or enforce such a child custody determination, or any agent of such court; and

"(C) any agent or attorney of the United States, or of a State having an agreement under this section, who has the duty or authority to investigate, enforce, or bring a prosecution with respect to the unlawful taking or restraint of a child.".

(c) Section 455(a) of such Act is amended by inserting immediately before the period at the end thereof the following: "; and except that no amount shall be paid to any State on account of amounts expended to carry out an agreement which it has entered into pursuant to section 463".

(d) No agreement entered into under section 463 of the Social Security Act shall become effective prior to the later of—

(1) the date on which section 1738A of title 28, United States Code (as added by this title) becomes effective, or

(2) the date on which section 1203 of title 18 of the United States Code (as added by this title) becomes effective.

PARENTAL KIDNAPING

SEC. 305. Chapter 55 of title 18, United States Code, is amended by adding immediately after section 1202 the following new section:

"§ 1203. Parental kidnaping

"(a) Subject to the jurisdictional requirements of subsection (d), any person who intentionally restrains a child in violation of any other person's right of custody or visitation arising from a custody determination entitled to enforcement under section 1738A of title 28, United States Code, and who has a relationship to that child as described in subsection (c), and—

"(1) conceals the child without good cause and holds him in a place where he is not likely to be found for more than seven days, shall, except as provided in subsection (b), be fined not more than $10,000, or imprisoned not more than six months, or both; or

"(2) restrains the child without good cause for more than thirty days, shall, except as provided in subsection (b), be fined not more than $10,000, or imprisoned not more than thirty days, or both.

"(b) In any case in which jurisdiction is based upon subsection (d)(1)(B)(ii), the penalty for an offense under this section shall be a fine of not more than $10,000, imprisonment for not less than one year, or both.

"(c) Persons having the relationship required under subsection (a) are relatives by blood or marriage, guardians, foster parents, and agents of such persons.

"(d)(1) The provisions of subsection (a) shall apply only if—

"(A) the child is willfully transported in interstate or foreign commerce;

"(B) the exercise or enjoyment of the right of custody or visitation violated by this offense requires the crossing by the child or the person entitled to the right violated by this offense of—

"(i) a State boundary; or

"(ii) a United States boundary;

"(C) any such act against the child is done within the special maritime and territorial jurisdiction of the United States;

"(D) any such act against the child is done within the special aircraft jurisdiction of the United States as defined in section 101(38) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(38)); or

"(E) the child is a foreign official, an internationally protected person, or an official guest as those terms are defined in section 1116(b) of this title.

"(2) In the absence of facts indicating a lack of Federal jurisdiction, the failure to release the victim of an offense under this section within thirty days of the offense is a sufficient indication of the possibility that Federal jurisdiction exists, by virtue of the movement of the victim across a State or United States boundary, to justify the commencement of a Federal investigation subject to the provisions of subsection (h) of this section.

"(e) As used in this section, the term—

"(1) 'child' means a person of not more than fourteen years of age;

"(2) 'consent' includes, but is not limited to, willing assent, but does not include assent given by a person—

"(A) who is legally incompetent to authorize the conduct assented to.

"(B) who is, by reason of age, mental disease or defect, or intoxication, manifestly unable, or known by the person alleged to have violated this section to be unable, to make a reasonable judgment as to the nature or harmfulness of the conduct assented to; or

"(C) whose assent is induced by force, threat, intimidation, or deception; and

"(3) 'restrain' means to restrict the movement of the child without consent of the person whose right of custody or visitation is violated, so as to interfere with that child's liberty, by—

"(A) removing him from his place of residence or school; or

"(B) confining him in any place or moving him from one place to another, unless such confinement or movement is trivial.

"(f) It is a bar to a prosecution under this section that—

"(1) no person claiming entitlement to a right violated by this offense reported the offense to local law enforcement authorities within one hundred and tweny days after the beginning of the restraint; or

"(2) in the case of a first offense, the person alleged to have violated this section returns the child unharmed not later than thirty days after the issuance of a warrant for the arrest of that person.

"(g) Any sentencing guidelines promulgated for an offense described in this section shall include a reduction in the term of imprisonment, or penalty, or both, in any case in which the defendant returns the child unharmed.

"(h) Except in cases involving grave danger to the mental or physical safety or well-being of the child or in other appropriate cases in which immediate action is required, the Federal Bureau of Investigation may not commence an investigation of an offense under this section unless thirty days have elapsed after a person claiming entitlement to a right violated by this offense reports the offense to local law enforcement authorities.".

(2) The table of sections of chapter 55 of title 18, United States Code, is amended by inserting after the item relating to section 1202 the following new item:

"1203. Parental kidnaping.".

Mr. WALLOP. Mr. President, I ask unanimous consent that Senator DURENBERGER be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, let me begin by thanking my colleague from Utah for yielding. I have talked with Senator HUMPHREY and others about this amendment. It appears to be agreeable. I know that the distinguished chairman of the committee finds it so. Nonetheless, I think it is worth going through the language to explain this history and purposes of the amendment which I have offered.

Mr. President, over a million children are affected by divorce or separation every year. Adjusting to this situation is not easy for many of them. It is virtually impossible for the tens of thousands who fall victim to child snatching, the restraint or concealment of a child from one parent by the other parent. Congress has turned its attention to this disruptive, abusive practice because of its damaging effect on children and the inherent difficulties States have in resolving the multistate conflicts that so often ensue. Today I am offering as an amendment to the Cranston substitute to H.R. 2977 the text of S. 105, the Parental Kidnaping Prevention Act of 1980.

S. 105 and its companion measures, H.R. 1290, H.R. 3654, H.R. 7291, and H.R. 7457 are essentially child welfare bills. They are designed to assist States in the enforcement of their child custody laws, to assist parents in the location of their abducted children, and to punish parents who, without regard to the safety and emotional wellbeing of their children, and in violation of enforceable custody or visitation rights of the other parent, deny these children access to, or communication with, their other parent

The legislation is not new to the 96th Congress. In fact, S. 105, introduced on January 23, 1979, is an improved version of a proposal that passed the Senate in 1978 as an amendment to S. 1437, but which failed to be enacted due to House inaction on the companion criminal code recodification legislation. My amendment today is a further refinement of S. 105 as introduced.

S. 105 enjoys broad support both in and out of Congress. Twenty-four of my colleagues, representing the entire political spectrum, are currently cosponsors of the bill. Senators CRANSTON, KENNEDY, MCGOVERN, THURMOND, SIMPSON, MATHIAS, DECONCINI, HAYAKAWA, RIEGLE, BUMPERS, HEINZ, INOUYE, YOUNG, LEVIN, SCHMITT, DOMENICI, MOYNIHAN, STEVENS, RANDOLPH, DURENBERGER, JOHNSTON, HOLLINGS, CHAFEE, and DURKIN have all lent their support and leadership to this measure. I am particularly grateful to Senator CRANSTON for his unrelenting efforts toward the adoption of this legislation. With the assistance of his excellent committee staff, most especially Susanne Martinez, Counsel to the Child and Human Development Subcommittee, Senator CRANSTON has conducted hearings both in Los Angeles and here in Washington on the problem of child snatching.

My special thanks, also, to Senator MATHIAS who spent the greater portion of a very long day in January chairing hearings on S. 105. Senator DURENBERGER, a cosponsor of this amendment, has also demonstrated profound sensitivity to the child-snatching problem, as has Senator MCGOVERN who introduced legislation on this subject in past Congresses.

In the House, Congressmen BENNETT and CORMAN have taken the lead in this field. The Bennett bill, H.R. 1290, is cosponsored by more than 60 Members of the House. Congressman CORMAN introduced a nearly identical bill, H.R. 3654, which also has cosponsors. Recently, two other Representatives, Mr. MATHIS and Mrs. BOUQUARD, have introduced substantially similar legislation, H.R. 7291 and H.R. 7457, respectively, thus demonstrating the growing concern about child snatching and the havoc it wreaks upon the lives of innocent children.

Hearings have been held by both bodies on the proposal I am now offering as a new title III to the domestic violence bill. Upon the adoption of the so-called Wallop amendment in the 95th Congress, the House Judiciary Subcommittee on Criminal Justice received testimony on that proposal in the context of general hearings on the criminal code recodification.

On April 17, 1979, the Human Resources Subcommittee on Child and Human Development held a field hearing in Los Angeles on the subject of parental kidnaping.

On January 30, 1980, the Judiciary Subcommittee on Criminal Justice and the Child and Human Development Subcommittee held a joint hearing on S. 105. Most recently on June 24, the House Judiciary Subcommittee on Crime, chaired by Congressman CONYERS, held a hearing on the companion measures to S. 105. The Senate Subcommittee on Criminal Justice has deferred action on S. 105 inasmuch as the full Judiciary Committee has incorporated the provisions of S. 105 into S. 1722, the criminal code reform measure which has been pending on the Senate calendar since January 17, 1980.

The record is now extensive. Witnesses in these congressional hearings outline the following common characteristics of child snatching, conduct which the American Bar Association has described as "evil".

The child is susceptible to the whims of both parents. Indeed, there are many victim-fathers who are quick to dispel the notion that only women suffer the trauma of losing a child to child snatching. In each case, the child is denied access to one parent by the unilateral actions and efforts of the other parent. Contrary to what one might suspect, love for the child is seldom the motivation for the snatching. Instead, revenge and ill will toward the estranged spouse or the desire to use the child as an instrument of reconciliation are among the selfish reasons that prompt parents to become child snatchers.

Child snatchings occur both before and after the granting of custody orders defining the custodial and visitation rights of the two parents. In the pre-decree situation, some court-shopping parents flee to another State seeking to obtain a more favorable decree. After a decree has been issued, what often begins as a routine visit pursuant to that decree is transformed into a child snatching by the noncustodial parent who extends the visit for an indefinite period, often at an undisclosed location.

Although some abducting parents notify the "left-behind" parent of their whereabouts, many others go underground with hopes of evading the legal or physical reach of the pursuing parent. In this concealment situation, the left-behind parent suffers extreme emotional anguish in trying to cope with all the uncertainties of not knowing where or how the child is. In the overt child-snatching case, tremendous frustration ensues when the left-behind parent seeks to enforce his or her custodial or visitation rights in the State in which the child is found. Many of these parents eventually lose respect for the law after finding that the abductor-parent may be rewarded with physical, if not legal, custody.

For the children victimized by snatchings, the resulting psychological harm cannot be overestimated. Child psychologists report that child snatching induces fear, guilt, and anger in children, and causes severe, irreversible, and irreparable psychological harm in many cases. Indeed, because of its insidious effect on children, childsnatching has been characterized as a form of child abuse. I ask unanimous consent that an article appearing in Time magazine on July 14 entitled, "Kidnaped by Mom or Dad," be printed in full following the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BOREN). Without objection, it is so ordered.

(See exhibit 1.)

Mr. WALLOP. Child snatching, as a form of child abuse, is intolerable. The amendment I am proposing defines a Federal response to this problem which, in combination with State and local initiatives in this area should significantly reduce the incidence of child snatching. A Federal initiative is imperative because of the interstate aspect of this conduct.

While many States have taken legislative steps to prevent child snatchings through the enactment of criminal statutes and through the adoption of the Uniform Child Custody Jurisdiction Act, the success rate local officials have in resolving intrastate cases plummets in interstate and international snatchings. The laws and procedures in place in a State to locate missing persons, to prosecute snatching parents, and, to a lesser degree, to try custody cases, are frustrated by the removal of the child from the State. The pending amendment respects the traditional role of the States in intrastate cases, and at the same time acknowledges and accepts an appropriate role for the Federal Government in complicated interstate and international cases. Importantly, the legislation announces a Federal duty to protect children from the traumatizing experience of being abducted and an equally important responsibility to facilitate the prompt return of the child to a secure and stable home.

On the basis of hearings held on the parental kidnaping prevention legislation in April 1979, January 1980, and June 1980 and other commentary received since the introduction of the legislation, several amendments have been made to S. 105 as introduced. These amendments are incorporated into the pending amendment and are as follows:

First, section 3 of S. 105, the full-faith-and-credit provision, is amended to close the loophole that has been exploited by some parents who, after removing their child from the "home State" prior to custody litigation, then attempt to invoke the jurisdiction of the court in the new State on the basis of a "substantial connection" to that forum.

For example, a child lives with both parents in State 1 for several years. One parent takes the child to State 2 for a visit with the child's grandparents, but decides not to return. The child may have visited the grandparents before and there may be other relatives in State 2. Thus a court in State 2 may be persuaded to assume jurisdiction on the grounds that there exists a significant connection in State 2 beyond mere presence in that State, and there is a type of evidence in State 2 outlined in S. 105 and in the UCCJA. There are instances in which a State which was not the home State has assumed jurisdiction under such circumstances even when the child was present in that State for a short period of time and before the other parent in the home State was able to institute proceedings.

Professor Bodenheimer, a leading expert on the UCCJA, has suggested that this loophole be closed. Other witnesses have concurred. Accordingly, section 3 has been amended to provide that custody determinations entered by State courts exercising the "substantial connection" jurisdictional base are entitled to full faith and credit enforcement only when it appears that no other State would have jurisdiction under the "home State" provision of the law.

This amendment does not affect the jurisdiction of State courts to enter custody determinations. However, it does affect the extraterritorial effect to which the custody determination is entitled as a matter of Federal law. If a court exercises its "substantial connection" jurisdiction in a custody proceeding when it appears that there is a "home State" as defined in the bill the decree would be entitled to recognition within that State but under the Federal legislation would not necessarily be accorded full faith and credit in the sister States.

There would be no Federal duty for sister States to enforce and refrain from modifying the order of that State. This provision should induce State courts and legislatures to restrict utilization of the "substantial connection" jurisdiction and hence to remove a technique for circumventing the antikidnaping spirit of the law.

Second. Section 4 of S. 105, the parent locator service provision, has been revised to reflect the recommendations of Senator LONG whose foresight and creativity led to the establishment of the parent locator service in 1976. Senator LONG lends his full support to the proposal as so modified. The revision also reflects some of the technical concerns expressed by the Office of Child Support Enforcement.

The parent locator service provision authorizes States to enter into agreements with the Secretary of Health and Human Services for use of the Federal Parent Locator Service (FPLS) in civil or criminal custody cases arising under States or Federal law requiring the location of absent parents and their children.

Inasmuch as 44 States have to date enacted the Uniform Child Custody Jurisdiction Act, it is expected that at least that many States will agree to receive requests from persons authorized by the statute, and to forward such requests to the Federal Parent Locator Service for immediate processing.

Persons authorized to request and receive information about the whereabouts of the abducted child are State attorneys with a duty to enforce child custody determinations; any court having jurisdiction to make or enforce child custody determinations, and any agent or attorney of the United States or of a State who has the duty to investigate, enforce, or bring a prosecution for parental kidnaping. In response to numerous comments, access to the FPLS has been limited to public officials responsible for making or enforcing child custody determinations, or prosecuting under criminal child-snatching laws. This change is also responsive to battered women's groups who feared that malevolent husbands with direct access to the Federal Parent Locator Service might use it to pursue the woman who has fled for her safety, and not in the best interests of the child. As amended, this provision will insure the use of the FPLS for legitimate purposes and should not in any way delay or deter any parent interested in pursuing legal remedies against the absconding parent from obtaining the assistance of the Federal Parent Locator Service.

In addition, a reasonable fee may be assessed for processing location requests. These fees will serve two purposes. First, they will offset the administrative costs to the State and Federal Government. Second, they will deter frivolous requests for location assistance. Finally, the privacy protections contained in current child support enforcement law are made applicable to child custody and child abduction cases under this amendment.

Third. Section 4 of S. 105, the parental kidnaping, has been amended in several places.

First, parental kidnaping involving the crossing of national boundaries is made a felony. This will make extradition possible from foreign nations, provided parental kidnaping is enumerated on the schedule of extraditable offenses in our treaties. There is precedent for distinguishing between interstate and international offenses in terms of the severity of the penalty. Several States have bifurcated punishment in parental kidnaping cases for purposes of extraditing parent-abductors from sister States; Intrastate offenses are treated as misdemeanors; interstate offenses as felonies. Under this amendment, interstate parental kidnapings are treated as misdemeanors; international offenses are made punishable as felonies.

Second, the two defenses to prosecution have, with one noteworthy qualification, been converted into bars to prosecution. As the Senate Judiciary Committee has recognized in its report on a comparable provision in S. 1722, the treatment as "bars" rather than as defenses is appropriate since the criteria for their application and the purposes for their creation are more consistent with their determination before, rather than at, trial. This change will save time and money involved in prosecutions both for the litigants and the courts.

The noteworthy qualification cited above concerns the provision which encourages the return of the abducted child within 30 days of the issuance of an arrest warrant. While it is the strong policy of this act to bring the prompt return of the abducted child to the custodial parent, or the parent with lawful visitation right, it is not the intent of Congress to excuse repeated abductions of a child. Therefore, parents who are repeat offenders shall not be entitled to the protections of this provision.

Third, Federal investigative jurisdiction is presumed to exist under this amendment after 30 days of the commission of the crime, rather than 60 days as in the bill introduced. Many witnesses commented that the abductor-parent's trail could grow cold after the passage of 60 days. It was deemed essential for the FBI to enter the case as swiftly as possible; 30 days satisfies this need, while deferring for at least 1 month to State and local law enforcement authorities' investigations into parental kidnaping complaints. This achieves a proper balance between local, State and Federal law enforcement efforts in these cases. Similarly, the provision restricting the FBI from commencing an investigation has been amended.

No such investigation may be commenced until 30 days after the parental kidnaping has been reported to local law enforcement authorities unless the child's physical or emotional safety or well-being is threatened or in any other cases necessitating immediate investigation.

This 30-day restriction on FBI involvement is also linked to the 30-day return of the child bar to prosecution. In cases involving the return of the child within that time frame, no prosecution would go forward, thus there is no need to involve investigative resources except in the exigent circumstances specified in the text of the bill.

Fourth, because the bill has been amended to allow, rather than to require, States to enter into agreements to transmit location request to the FPLS, the provisions of the bill requiring the left-behind parent-victim to seek assistance of the State parent locator service have been deleted. Additionally, since the failure of a person claiming a right violated by parental kidnaping to report the offense to local law enforcement authorities within 120 days—increased from 90 days at the urging of many witnesses—of the beginning of the offense would constitute a bar to prosecution, the requirement that such persons report the offense to local police has also been deleted.

After the original parental kidnaping amendment was adopted by the Senate in the 95th Congress, several domestic violence organizations expressed concern that the proposal might adversely affect battered women by penalizing them for fleeing from abusive home situations. The bill has been amended to protect the battered spouse who leaves an injurious home environment with her child. So modified, the criminal provision makes it a crime for a parent to kidnap her/his own child "without good cause." This "good cause" language has specifically been added to the bill to shield from prosecution the battered spouse who snatches her/his child to avoid a dangerous, threatening situation.

Lastly, some witnesses commented on the lack of explicit provision in the bill for temporary care for the abducted child pending his/her return to the home State. There was general agreement among parent-witnesses that once a child is located the custodial parent will immediately make travel arrangements to recover the child. Typically, the entire recovery process is completed within 24 to 48 hours. During this short time, a court can exercise its emergency jurisdiction under State law to place the child in temporary care facilities, presumably in the least restrictive setting available. It is intended that State courts will fashion short-term custodial arrangements in child-snatching cases as they currently do in other emergency matters.

As so amended, the amendment in the nature of a new title III to the domestic violence bill consists of three interrelated parts. A section-by-section analysis and discussion follows. The first section requires State courts to enforce and not modify the custody and visitation decrees of the States that have adopted the jurisdictional guidelines of the Uniform Child Custody Jurisdiction Act, (UCCJA). Embodied in this bill are limited exceptions to this general rule, exceptions which are likewise to be found in the UCCJA. I ask unanimous consent that the UCCJA be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. WALLOP. Because the Federal bill mirrors the UCCJA, a brief discussion of that act is relevant. The UCCJA was promulgated in 1968 by the National Conference of Commissioners on Uniform State Laws in response to the jurisdiction problems in interstate custody cases which breed childsnatchings. The prefatory note to the Uniform Act explains that the act was written to remedy the intolerable state of affairs where self-help and the rule of "seize-and-run" prevail rather than the orderly processes of the law:

> Underlying the entire Act is the idea that to avoid the jurisdictional conflicts and confusions which have done serious harm to innumerable children, court in one state must assume major responsibility to determine who is to have custody of a particular child; that this court must reach out for the help of courts in other states in order to arrive at a fully informed judgment which transcends state lines and considers all claimants, residents and nonresidents, on an equal basis and from the standpoint of the welfare of the child. If this can be achieved, it will be less important which court exercises jurisdiction but that courts of the several states involved act in partnership to bring about the best possible solution for a child's future.

To bring a measure of interstate stability to custody awards, the Uniform Act limits custody jurisdiction to the State where the child has his home or where there are other significant contacts with the child and his family. It provides for the recognition and enforcement of out-of-State custody decrees in many instances. Jurisdiction to modify decrees of other States is limited by giving a jurisdictional preference to the prior court. Access to a court may be denied to petitioners who have engaged in child-snatching or other similar practices.

Some question has arisen as to the usefulness of the act in the case of child-snatching occurring before a custody order has been made. To clarify, the full faith and credit provision of the amendment I am offering provides protection to the left-behind parent in both the pre- and post-decree snatching situation. If a snatching occurs before a court determination of custory has been made, the "home State" jurisdictional base permits the left-behind parent to petition the court for a custody determination within 6 months of a snatching, even though the child is no longer in the State. Once an order has been issued, it is entitled to be recognized and enforced without modification by sister States, whether it is a temporary or permanent order, provided due process notice requirements have been complied with.

During the 6-month period in which the home State has jurisdiction, it is highly unlikely, although not impossible, for example, as in the case of emergency jurisdiction, that any other State would have jurisdiction to act in a custody case involving the snatched child.

If, on the other hand, a custody determination is already in force at the time of the snatching, the State to which the child is taken would not as a general rule have jurisdiction to modify the existing decree; rather it would defer back to the original court to make any adjustments.

This amendment does not require the States to adopt the UCCJA. Its effect, however, should be to induce the six States and the District of Columbia that have not yet enacted the uniform law to do so, thereby entitling their custody determinations to recognition and enforcement by sister States. The nonenacting States are Massachusetts, New Mexico, South Carolina, West Virginia, Mississippi, and Texas.

The most important immediate result of this provision will be the eradication of "haven States" in which an abductor-parent may find refuge. Even nonenacting States will be required to enforce the decrees of other States that have adopted the UCCJA, or whose courts have acted consistently with its terms. This will remove an incentive parents now have to flee to these "haven States" with expectation of finding a receptive forum.

Assuming that all of the States adopt the UCCJA, this statute will retain its usefulness by focusing attention on the uniform jurisdictional principles which some courts have either not yet familiarized themselves with, or, in fewer cases simply ignored.

Also, the combined effect of the laws should accelerate the process by which courts around the country interpret and apply the law uniformly. Additionally, as pointed out by Prof. Brigitte Bodhenheimer in an article entitled "The International Kidnapping of Children: The United States Approach" (84 Family Lay Quarterly, vol. XI, No. 1, spring 1977):

> Once the principle of adherence to prior custody judgments is established nationwide, this will have a salutory effect on the treatment accorded to foreign judgments as well.

With the enactment of this section of the amendment, Congress will have accomplished what the Supreme Court on numerous occasions has declined to do—

it will have established a rule of reason in multistate child-custody conflicts modeled upon the child custody law now in effect in the vast majority of the States. (To date, the Supreme Court has not interpreted the full faith and credit clause of the Constitution (article IV, section 1) to require States to give full faith and credit recognition to custody decrees entered by a court of another State in an action involving the same parties. Halvey against Halvey, Kovacs against Brewer, Ford against Ford. The Uniform Child Custody Jurisdiction Act was adopted in response to the chaos in child custody litigations left unresolved by these decisions.)

The second major provision of this amendment will make available the Federal Parent Locator Services (FPLS) for purposes of locating snatched children and their absconding parents. The parent locator service was set up as part of the child support enforcement program to find parents who default on their child support payments, to establish paternity and to collect child support. This amendment expands the existing responsibility of the FPLS to include locating children and parents who take, restrain, or conceal their children.

The third major section of the amendment adds a new section 1203 to title 18 of the United States Code, entitled "Parental Kidnaping." This new section closes the loophole in the existing Federal kidnaping law, 18 U.S.C. 1201, which expressly excludes a parent from prosecution for transporting a child across State lines.

The bill would make it a Federal misdemeanor for a parent, relative, or his or her agent to restrain or conceal a child in violation of a custody or visitation decree entitled to enforcement under the full faith and credit section of the bill. Restraint of a child in violation of the statute would be punishable by a maximum of 30 days imprisonment, or by a miximum fine of $10,000, or both. Concealment of a child, the more serious offense, is punishable by a maximum sentence of 6 months imprisonment, or a maximum fine of $10,000, or both. Concealment is deemed the more serious offense because the abductor parent hides the child, oftentimes changes his/her identity and makes it extremely difficult for the left-behind parent and law enforcement authorities to locate the child and take appropriate legal activities against the wrongdoer-parent. International offenses would be felonies.

Reservations about Federal criminalization of child restraint and concealment have been expressed by a few commentators on the theory that child snatching is a "family matter," not a crime. It is important to point out that there is growing precedent for criminalizing parental kidnaping. Thirty-eight States have enacted felony statutes covering this conduct.

I ask unanimous consent that a Congressional Research Service chart on State enactments be printed at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 3.)

Mr. WALLOP. Mr. President, these statutes range in kind from custodial interference to unlawful imprisonment to parental kidnaping. Creating a Federal misdemeanor offense is thus in step with the legislative policy judgments being made at the State level. In addition, foreign countries have also enacted parental kidnaping criminal statutes. For example, our neighbor to the North, Canada, has established a firm antiabduction policy which is reflected in its criminal laws.

Despite the fact that a majority of States now have criminal laws against child stealing, very difficult hurdles remain in enforcing these laws once the suspect has fled from the State. The proposed Federal misdemeanor offense, which makes uniform the prohibition on child restraint, should provide greater deterrence to the would-be snatcher since it can be enforced throughout the country, unlike the analogous State enactments.

The criminal provision covers the typical child-snatching scenarios in which one parent either takes and retains a child in violation of a custody decree, retains a child beyond the lawful visitation period, or refuses to allow the other parent to exercise lawful visitation rights.

While the offense may be triggered by an actual abduction, it is defined in terms of restraint or restraint coupled with concealment. As such, "parental kidnaping" is a continuing offense, not a single act as the short title of the statute might imply.

It is for this reason that predecree snatchings may well fall within the purview of the "parental kidnaping" offense. Under the full faith and credit section, the left-behind parent in the predecree snatching case may obtain a custody determination in the home State within 6 months from the date of the abduction.

If the restraint continues for more than 30 days, or the concealment for more than 7 days, the abductor-parent could be subject to prosecution. Private detectives, friends, or relatives who help restrain or conceal the child in disregard of an enforceable decree would also be subject to prosecution under this section.

Neither the Federal Bureau of Investigation (FBI) nor the Federal courts will become arbiters of custody disputes under the bill. I want to make that point absolutely clear.

Before Federal criminal jurisdiction could come into play, the complainant-parent would be required to have a custody or visitation decree entitled to enforcement in accordance with this law; in other words, consistent with the UCCJA. This imposes an affirmative obligation on the left-behind parent in the predecree situation to promptly petition the court for a custody determination in order for the parent locator and criminal provisions to take effect.

A temporary order entered on an ex parte basis on behalf of the left-behind parent would suffice to activate the protections of the criminal law provided the due process notice provisions are complied with.

Should the statute fail to prevent snatchings, which is its primary purpose, it is designed to encourage the parent who has restrained or concealed the child to return the child to the person entitled to custody or visitation. It accomplishes this result in two ways.

It creates a bar to prosecution available to a first-time defendant who returns the child unharmed within 30 days after an arrest warrant has been issued.

In addition, the statute instructs the court to be lenient in sentencing a defendant who returns the child unharmed, although too late to take advantage of the 30-day defense. Retribution of the abductor-parent is clearly secondary to the safe and prompt return of the child.

Mr. President, there is a strong consensus for the adoption of the parental kidnaping prevention legislation. The legislation is supported by the American Bar Association; Parents Without Partners; Children's Rights, Inc. (CRI); the New York State Council of Churches, Inc.; the Washington, D.C., chapter of Fathers United for Equal Rights; John Van de Kamp, district attorney of Los Angeles County; Citizens To Amend Section 1202 of the Criminal Code; Male Parents for Equal Rights; Men's Equality Now of the U.S.A.; Parents Against Child-Stealing; Parents United to Safeguard Our Homes; Stop Parental Kidnapping, Inc.; the National Federation of Business and Professional Women; the Children's Rights Group; the Citizens League on Custody Kidnapping; Lutheran Council in the U.S.A.; Dr. Jeanette Minkoff, practicing family therapist; and Prof. Brigitte Bodenheimer, family law-child custody expert. In addition, many other parents' groups, lawyers, judges, child psychologists, and parents have all expressed their support for the bill.

The lone adverse testimony on the legislation has been from the administration. The criminal division of the Justice Department and the FBI have testified in opposition to criminalizing parental kidnaping.

I point out that when asked whether they had researched the experience of State law enforcement authorities with investigations and prosecutions under State parental kidnaping laws in formulating their position, the Justice Department admitted that they had undertaken no such analysis.

Accordingly, the Department's position, while worthy of consideration, should not be accorded undeserved weight. The parent locator service, Office of Child Support Enforcement, testified in opposition to the use of the State and Federal parent locator services in child-snatching cases.

Their argument, that privacy concerns militate against the use of the parent locator service in child-snatching cases, is untenable in light of the current use of this service for locating parents who have defaulted on child support obligations. If the PLS can be used to collect money, surely it can be used to locate missing children.

Moreover, taken to its logical conclusion, their position would require the establishment of a duplicative agency to carry out location searches which they are technologically capable of doing right now. This is at odds with the administrations' so-called antibureaucracy policy, and defies one's sense of coordinated Government.

If it is not apparent, I note my disappointment with the administration's position on this legislation. There was no hesitation to pay lipservice to the trauma of child stealing.

However, when it came time to propose or endorse a constructive solution to the child-snatching problem, there was only limited administration support for the bill, and then only for the section of the bill requiring no direct Federal involvement. It is ironic indeed that the administration that went all out for International Year of the Child and staged conferences on the family has declined to support a measure which is profamily, and most importantly, prochild.

The critical point in this debate is whether it will be the Congress, or the Federal agencies, that decides our national policy in the area of child snatching. To rely upon our agencies—the FBI, the Criminal Division of the Department of Justice, and the parent locator service—to voluntarily change their institutional biases in this area is to invite and encourage continued official indifference to the victims of child snatching.

The weight of authority, as voiced by district attorneys, child psychologists, family law professors, attorneys, parents, and Members of Congress, is that the Parental Kidnapping Prevention Act of 1980, as embodied in the pending amendment, is in the best interest of children and should be enacted.

It is time for Congress to take affirmative action to protect children from the trauma of child stealing. I urge my colleagues here in the Senate and our counterparts in the House to give their full support to this proposal.

EXHIBIT 1

KIDNAPED BY MOM OR DAD

(Afraid of losing custody of her three sons in an upcoming divorce proceeding, Barbara Ferry of Rochester fled the state with the youngsters—ages 9, 11 and 13. Husband John Ferry launched a frantic search, hiring private detectives and lawyers, mailing out hundreds of photos of his children to schools and law-enforcement agencies. Fifteen months and $17,000 later, he tracked Barbara and the children to McAllen, Texas, where he picked up his sons as they left school and flew them home in a chartered plane.

(Kathy Fenton, 26, of Centereach, N.Y., had only $100 in her bank account when her former husband Jerry ran off with their two sons, 8 and 6. She heard they were in Fort Lauderdale, Fla., hitchhiked down and confronted her ex-husband as he entered a post office. Though he refused to return the children, she hired a lawyer, and eight months later her sons were returned.)

Children, always the primary victims of divorce, have a new problem to worry about even after custody is settled they are apt to be kidnapped by the parent who loses out. Though statistics are unavailable, an estimated 25,000 to 100,000 youngsters are whisked away from home by a parent each year. Since mothers routinely get custody in most states, the abductor is usually the father, acting partly out of revenge, partly out of fear that the child will be turned against him. Says Rochester Psychologist Jeannette Minko: "The noncustodial parent worries that he is going to be excluded from the child's life. He feels that he has to take matters into his own hands."

Typically, the kidnaping is an angry, impulsive act: a parent decides on the spot not to give the child back after a regular visit, usually after news of a change in the ex-spouse's life, such as remarriage or plans to move out of town. The child is almost always between the ages of three and twelve; children under three are too difficult for a working parent to care for alone, and a teenager can always phone home or hop a bus and leave.

Sometimes the kidnaping parent returns the child quickly, after sobering advice from a lawyer. More commonly, the parent is grimly determined to keep the child, moving from state to state and changing his and the child's name to cover the trail. For the youngster, the furtiveness and instability of life on the lam can be overwhelming. One New York boy, 10, was taken by his father on the road from coast to coast and back again. Though retrieved after three months and returned to his mother, the boy is so terrified that the experience will be repeated that he is afraid to leave the house. He has nightmares, usually ending with the cry, "Don't take me!" Now he sees his father occasionally, but only with his therapist present.

One of the most severe cases of kidnap trauma occurred in Illinois. A girl, 6, was taken away by her father at night, leaving the state by bus. Now a teenager, she reacts to depression or a flunked exam by going to the same bus terminal at night, picking up an older man and going off with him for two or three days.

That kind of psychological damage is rare. For some children, running off with the kidnaping parent seems little more than a puzzling adventure. Says Richard Galdston, a psychiatrist in Newton, Mass.: "For one child it might be exciting, for another a sign of how valued he is." But Chicago Psychiatrist Ner Littner thinks that between 10 percent and 40 percent of the kidnap victims become seriously disturbed, particularly those who have witnessed anger and violence in the home. Symptoms include sleeplessness, bedwetting, fear of strangers and regression to infantile behavior. In at least one case, the child returned with a classic "'hostage syndrome": a fearful respect for the kidnaping father and illogical anger at the mother for letting him be taken away. Clinical Psychologist Eugene Evans of Tucson is treating four small children who have been abducted and returned. Says he: "The common elements of their reactions are an intense clinging and an incredible fear. They are frightened that it will happen to them again." Evans says many children begin to think of themselves as prisoners of war. "There is a similar mechanism at work," he says. "When they are taken away, typically, there is some brainwashing going on about how horrible their other parent is."

Angry parents in many cities have banded together to hire detectives and help prevent future kidnapings. Says Harold Miltsch, organizer of Rochester's Stop Parental Kidnaping: "I felt there had to be a cheaper way, a better way to find kids than what we went through." Arnold Miller of Washington, D.C., who located his son after a five-year search, founded Children's Rights, Inc., an organization that claims 90 chapters around the country, all cooperating to locate abducted children. Most of the work is done by parents who send out flyers and photos, or by detectives who work by phone or mail. Some of the parents hint that the groups have their own dirty-tricks departments. Andrew Yankwitt, a Long Island lawyer and general counsel for the Citizens League on Custody and Kidnaping, says simply: "There are ways." For a few of the groups, those ways reportedly include phone taps, opening others' mail and sending agents to re-kidnap the kidnap victim. Says one private detective who has "recovered" a kidnaped youngster: "The child is shocked five or ten minutes after the incident of recovery, and then everything is fine." For the custodial parent, perhaps. But for the child, it may be one more shocking event in an escalating war between parents. Says one adult, who was kidnaped and recovered 20 years ago: "After the trauma of the kidnaping and the second trauma of the recovery, you are never all right again. I still have a daily nightmare about it."

EXHIBIT 2

UNIFORM CHILD CUSTODY JURISDICTION ACT

PREFATORY NOTE

There is growing public concern over the fact that thousands of children are shifted from state to state and from one family to another every year while their parents or other persons battle over their custody in the courts of several states. Children of separated parents may live with their mother, for example, but one day the father snatches them and brings them to another state where he petitions a court to award him custody while the mother starts custody proceedings in her state; or in the case of illness of the mother the children may be cared for by grandparents in a third state, and all three parties may fight over the right to keep the children in several states. These and many similar situations constantly arise in our mobile society where family members often are scattered all over the United States and at times over other countries. A young child may have been moved to another state repeatedly before the case goes to court. When a decree has been rendered awarding custody to one of the parties, this is by no means the end of the child's migrations. It is well known that those who lose a court battle over custody are often unwilling to accept the judgment of the court. They will remove the child in an unguarded moment or fail to return him after a visit and will seek their luck in the court of a distant state where they hope to find—and often do find—a more sympathetic ear for their plea for custody. The party deprived of the child may then resort to similar tactics to recover the child and this "game" may continue for years, with the child thrown back and forth from state to state, never coming to rest in one single home and in one community.

The harm done to children by these experiences can hardly be overestimated. It does not require an expert in the behavioral sciences to know that a child, especially during his early years and the years of growth, needs security and stability of environment and a continuity of affection. A child who has never been given the chance to develop a sense of belonging and whose personal attachments when beginning to form are cruelly disrupted, may well be crippled for life, to his own lasting detriment and the detriment of society.

This unfortunate state of affairs has been aided and facilitated rather than discouraged by the law. There is no statutory law in this area and the judicial law is so unsettled that it seems to offer nothing but a "quicksand foundation" to stand on. See Leflar, American Conflicts Law 585 (1968). See also Clark, Domestic Relations 320 (1968). There is no certainty as to which state has jurisdiction when persons seeking custody of a child approach the courts of several states simultaneously or successively. There is no certainty as to whether a custody decree rendered in one state is entitled to recognition and enforcement in another; nor as to when one state may after a custody decree of a sister state.

The judicial trend has been toward permitting custody claimants to sue in the courts of almost any state, no matter how fleeting the contact of the child and family was with the particular state, with little regard to any conflict of law rules. See Leflar, American Conflicts Law 585–6 (1968) and Leflar, 1967 Annual Survey of American Law, Conflict of Laws 26 (1968). Also, since the United States Supreme Court has never settled the question whether the full faith and credit clause of the Constitution applies to custody decrees, many states have felt free to modify custody decrees of sister states almost at random although the theory usually is that there has been a change of circumstances requiring a custody award to a different person. Compare *People ex rel. Halvey v. Halvey*, 330 U.S. 610, 67 S. Ct. 903, 91 L. Ed. 1133 (1947); and see Comment, Ford v. Ford: Full Faith and Credit To Child Custody Decrees? 73 Yale L. J. 134 (1963). Generally speaking, there has been a tendency to over-emphasize the need for fluidity and modifiability of custody decrees at the expense of the equal (if not greater) need, from the standpoint of the child, for stability of custody decisions once made. Compare Clark, Domestic Relations 326 (1968).

Under this state of the law the courts of the various states have acted in isolation and at times in competition with each other; often with disastrous consequences. A court of one state may have awarded custody to the mother while another state decreed simultaneously that the child must go to the Father. See *Stout v. Pate*, 209 Ga. 786, 75 S.E. 2d 748 (1953) and *Stout v. Pate*, 120 Cal. App. 2d 699, 261 P. 2d 788 (1953), cert. denied in both cases 347 U.S. 968, 74 S. Ct. 744, 776, 98 L. Ed. 1109, 1110 (1954); *Moniz v. Moniz*, 142 Cal. App. 2d 527, 298 P. 2d 710 (1956); and *Sharpe v. Sharpe*, 77 Ill. App. 2d 295, 222 N.E. 2d 340 (1966). In situations like this the litigants do not know which court to obey. They may face punishment for contempt of court and perhaps criminal charges for child stealing in one state when complying with the decree of the other. Also, a custody decree made in one state one year is often overturned in another jurisdiction the next year or some years later and the child is handed over to another family, to be repeated as long as the feud continues. See *Com. ex rel. Thomas v. Gillard*, 203 Pa. Super. 95, 198 A. 2d 377 (1964); *In Re Guardianship of Rodgers*, 100 Ariz. 269, 413 P. 2d 744 (1966); *Berlin v. Berlin*, 239 Md. 52, 210 A. 2d 380 (1965); *Berlin v. Berlin*, 21 N.Y. 2d 371, 355 N.E. 2d 109 (1967), cert. denied 37 L.W. 3123 (1968); and *Batchelor v. Fulcher*, 415 S.W. 2d 828 (Ky. 1967).

In this confusing legal situation the person who has possession of the child has an enormous tactical advantage. Physical presence of the child opens the doors of many courts to the petitioner and often assures him of a decision in his favor. It is not surprising then that custody claimants tend to take the law into their own hands, that they resort to self-help in the form of child stealing, kidnapping, or various other schemes to gain possession of the child. The irony is that persons who are good, law-abiding citizens are often driven into these tactics against their inclinations; and that lawyers who are reluctant to advise the use of maneuvers of doubtful legality may place their clients at a decided disadvantage.

To remedy this intolerable state of affairs where self-help and the rule of "seize-and-run" prevail rather than the orderly processes of the law, uniform legislation has been urged in recent years to bring about a fair measure of interstate stability in custody awards. See Ratner, Child Custody in a Federal System, 62 Mich. L. Rev. 795 (1964); Ratner, Legislative Resolution of the Interstate Child Custody Problem: A Reply to Professor Currie and a Proposed Uniform Act, 38 S. Cal. L. Rev. 183 (1965); and Ehrenzweig, The Interstate Child and Uniform Legislation: A Plea for Extra-Litigious Proceedings, 64 Mich. L. Rev. 1 (1965). In drafting this Act, the National Conference of Commissioners has drawn heavily on the work of these authors and has consulted with other leading authorities in the field. The American Bar Association has taken an active part in furthering the project.

The Act is designed to bring some semblance of order into the existing chaos. It limits custody jurisdiction to the state where the child has his home or where there are other strong contacts with the child and his family. See Section 3. It provides for the recognition and enforcement of out-of-state custody decrees in many instances. See Sections 13 and 15. Jurisdiction to modify decrees of other states is limited by giving a jurisdictional preference to the prior court under certain conditions. See Section 14. Access to a court may be denied to petitioners who have engaged in child snatching or similar practices. See Section 8. Also, the Act opens up direct lines of communication between courts of different states to prevent jurisdictional conflict and bring about interstate judicial assistance in custody cases.

The Act stresses the importance of the personal appearance before the court of nonresidents who claim custody, and of the child himself, and provides for the payment of travel expenses for this purpose. See Section 11. Further provisions insure that the judge receives necessary out-of-state information with the assistance of courts in other states. See Sections 17 through 22.

Underlying the entire Act is the idea that to avoid the jurisdictional conflicts and confusions which have done serious harm to innumerable children, a court in one state must assume major responsibility to determine who is to have custody of a particular child; that this court must reach out for the help of courts in other states in order to arrive at a fully informed judgment which transcends state lines and considers all claimants, residents and nonresidents, on an equal basis and from the standpoint of the welfare of the child. If this can be achieved, it will be less important which court exercises jurisdiction but that courts of the several states involved act in partnership to bring about the best possible solution for a child's future.

The Act is not a reciprocal law. It can be put into full operation by each individual state regardless of enactment of other states. But its full benefits will not be reaped until a large number of states have enacted it, and until the courts, perhaps aided by regional or national conferences, have come to develop a new, truly "inter-state" approach to child custody litigation. The general policies of the Act and some of its specific provisions apply to international custody cases.

Section 1. (Purposes of Act; Construction of Provisions.)

(a) The general purposes of this Act are to:

(1) avoid jurisdictional competition and conflict with courts of other states in matters of child custody which have in the past resulted in the shifting of children from state to state with harmful effects on their well-being;

(2) promote cooperation with the courts of other states to the end that a custody decree is rendered in that state which can best decide the case in the interest of the child;

(3) assure that litigation concerning the custody of a child take place ordinarily in the state with which the child and his family have the closest connection and where significant evidence concerning his care, protection, training, and personal relationships is most readily available, and that courts of this state decline the exercise of jurisdiction when the child and his family have a closer connection with another state;

(4) discourage continuing controversies over child custody in the interest of greater stability of home environment and of secure family relationships for the child;

(5) deter abductions and other unilateral removals of children undertaken to obtain custody awards;

(6) avoid re-litigation of custody decisions of other states in this state insofar as feasible;

(7) facilitate the enforcement of custody decrees of other states;

(8) promote and expand the exchange of information and other forms of mutual assistance between the courts of this state and those of other states concerned with the same child; and

(9) make uniform the law of those states which enact it.

(b) This Act shall be construed to promote the general purposes stated in this section.

COMMENT

Because this uniform law breaks new ground not previously covered by legislation, its purposes are stated in some detail. Each section must be read and applied with these purposes in mind.

Section 2. (Definitions.) As used in this Act:

(1) "contestant" means a person, including a parent, who claims a right to custody or visitation rights with respect to a child;

(2) "custody determination" means a court decision and court orders and instructions providing for the custody of a child, including visitation rights; it does not include a decision relating to child support or any other monetary obligation of any person;

(3) "custody proceeding" includes proceedings in which a custody determination is one of several issues, such as an action for divorce or separation, and includes child neglect and dependency proceedings;

(4) "decree" or "custody decree" means a custody determination contained in a judicial decree or order made in a custody proceeding, and includes an initial decree and a modification decree;

(5) "home state" means the state in which the child immediately preceding the time involved lived with his parents, a parent, or a person acting as parent, for at least 6 consecutive months, and in the case of a child less than 6 months old the state in which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are counted as part of the 6-month or other period;

(6) "initial decree" means the first custody decree concerning a particular child;

(7) "modification decree" means a custody decree which modifies or replaces a prior decree, whether made by the court which rendered the prior decree or by another court;

(8) "physical custody" means actual possession and control of a child;

(9) "person acting as parent" means a person, other than a parent, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody; and

(10) "state" means any state, territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

COMMENT

Subsection (3) indicates that "custody proceeding" is to be understood in a broad sense. The term covers habeas corpus actions, guardianship petitions, and other proceedings available under general state law to determine custody. See Clark, Domestic Relations 576–582 (1968).

Other definitions are explained, if necessary, in the comments to the sections which use the terms defined.

Section 3. (Jurisdiction).

(a) A court of this State which is competent to decide child custody matters has jurisdiction to make a child custody determination by initial or modification decree if:

(1) this State (i) is the home state of the child at the time of commencement of the proceeding, or (ii) had been the child's home state within 6 months before commencement of the proceeding and the child is absent from this State because of his removal or retention by a person claiming his custody or for other reasons, and a parent or person acting as parent continues to live in this State; or

(2) it is in the best interest of the child that a court of this State assume jurisdiction because (i) the child and his parents, or the child and at least one contestant, have a significant connection with this State, and (ii) there is available in this State substantial evidence concerning the child's present or future care, protection, training, and personal relationships; or

(3) the child is physically present in this State and (i) the child has been abandoned or (ii) it is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse or is otherwise neglected [or dependent]; or

(4) (i) it appears that no other state would have jurisdiction under prerequisites substantially in accordance with paragraphs (1), (2), or (3), or another state has declined to exercise jurisdiction on the ground that this State is the more appropriate forum to determine the custody of the child, and (ii) it is in the best interest of the child that this court assume jurisdiction.

(b) Except under paragraphs (3) and (4) of subsection (a), physical presence in this State of the child, or of the child and one of the contestants, is not alone sufficient to confer jurisdiction on a court of this State to make a child custody determination.

(c) Physical presence of the child, while desirable, is not a prerequisite for jurisdiction to determine his custody.

COMMENT

Paragraphs (1) and (2) of subsection (a) establish the two major bases for jurisdiction. In the first place, a court in the child's home state has jurisdiction, and secondly, if there is no home state or the child and his family have equal or stronger ties with another state, a court in that state has jurisdiction. If this alternative test produces concurrent jurisdiction in more than one state, the mechanisms provided in sections 6 and 7 are used to assure that only one state makes the custody decision.

"Home state" is defined in section 2(5). A 6-month period has been selected in order to have a definite and certain test which is at the same time based on a reasonable assumption of fact. See Ratner, Child Custody in a Federal System, 62 Mich. L. Rev. 795, 818 (1964) who explains:

> "Most American children are integrated into an American community after living there six months; consequently this period of residence would seem to provide a reasonable criterion for identifying the established home."

Subparagraph (ii) of paragraph (1) extends the home state rule for an additional six-month period in order to permit suit in the home state after the child's departure. The main objective is to protect a parent who has been left by his spouse taking the child along. The provision makes clear that the stay-at-home parent, if he acts promptly, may start proceedings in his own state if he desires, without the necessity of attempting to base jurisdiction on paragraph (2). This changes the law in those states which required presence of the child as a condition for jurisdiction and consequently forced the person left behind to follow the departed person to another state, perhaps to several states in succession. See also subsection (c).

Paragraph (2) comes into play either when the home state test cannot be met or as an alternative to that test. The first situation arises, for example, when a family has moved frequently and there is no state where the child has lived for 6 months prior to suit, or if the child has recently been removed from his home state and the person who was left behind has also moved away. See paragraph (1), last clause. A typical example of alternative jurisdiction is the case in which the stay-at-home parent chooses to follow the departed spouse to state 2 (where the child has lived for several months with the other parent) and starts proceedings there. Whether the departed parent also has access to a court in state 2, depends on the strength of the family ties in that state and on the applicability of the clean hands provision of section 8. If state 2, for example, was the state of the matrimonial home where the entire family lived for two years before moving to the "home state" for 6 months, and the wife returned to state 2 with the child with the consent of the husband, state 2 might well have jurisdiction upon petition of the wife. The same may be true if the wife returned to her parents in her former home state where the child had spent several months every year before. Compare Willmore v. Willmore, 273 Minn. 537, 143 N.W. 2d 630 (1966), cert. denied 385 U.S. 898 (1966). While jurisdiction may exist in two states in these instances, it will not be exercised in both states. See sections 6 and 7.

Paragraph (2) of subsection (a) is supplemented by subsection (b) which is designed to discourage unilateral removal of children to other states and to guard generally against too liberal an interpretation of paragraph (2). Short-term presence in the state is not enough even though there may be an intent to stay longer, perhaps an intent to establish a technical "domicile" for divorcee or other purposes.

Paragraph (2) perhaps more than any other provision of the Act requires that it be interpreted in the spirit of the legislative purposes expressed in section 1. The paragraph was phrased in general terms in order to be flexible enough to cover many fact situations too diverse to lend themselves to exact description. But its purpose is to limit jurisdiction rather than to proliferate it. The first clause of the paragraph is important: jurisdiction exists only if it is in the child's interest, not merely the interest or convenience of the feuding parties, to determine custody in a particular state. The interest of the child is served when the forum has optimum access to relevant evidence about the child and family. There must be maximum rather than minimum contact with the state. The submission of the parties to a forum, perhaps for purposes of divorce, is not sufficient without additional factors establishing closer ties with the state. Divorce jurisdiction does not necessarily include custody jurisdiction. See Clark, Domestic Relations 578 (1968).

Paragraph (3) of subsection (a) retains and reaffirms *parens patriae* jurisdiction, usually exercised by a juvenile court, which a state must assume when a child is in a situation requiring immediate protection. This jurisdiction exists when a child has been abandoned and in emergency cases of child neglect. Presence of the child in the state is the only prerequisite. This extraordinary jurisdiction is reserved for extraordinary circumstances. See Application of Lang, 9 App. Div. 2d 401, 193 N.Y.S. 2d 763 (1959). When there is child neglect without emergency or abandonment, jurisdiction cannot be based on this paragraph.

Paragraph (4) of subsection (a) provides a final basis for jurisdiction which is subsidiary in nature. It is to be resorted to only if no other state could, or would, assume jurisdiction under the other criteria of this section.

Subsection (c) makes it clear that presence of the child is not a jurisdictional requirement. Subsequent sections are designed to assure the appearance of the child before the court.

This section governs jurisdiction to make an initial decree as well as a modification decree. Both terms are defined in section 2. Jurisdiction to modify an initial or modification decree of another state is subject to additional restrictions contained in sections 8(b) and 14(a).

Section 4. (Notice and Opportunity to be Heard.) Before making a decree under this Act, reasonable notice and opportunity to be heard shall be given to the contestants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child. If any of these persons is outside this State, notice and opportunity to be heard shall be given pursuant to section 5.

COMMENT

This section lists the persons who must be notified and given an opportunity to be heard to satisfy due process requirements. As to persons in the forum state, the general law of the state applies; others are notified in accordance with section 5. Strict compliance with sections 4 and 5 is essential for the validity of a custody decree within the state and its recognition and enforcement in other states under sections 12, 13, and 15. See Restatement of the Law Second, Conflict of Laws, Proposed Official Draft sec. 69 (1967); and compare Armstrong v. Manzo, 380 U.S. 545, 85 S. Ct. 1187, 14 L. Ed. 2d 62 (1965).

Section 5. (Notice to Persons Outside this State; Submission to Jurisdiction.)

(a) Notice required for the exercise of jurisdiction over a person outside this State shall be given in a manner reasonably calculated to give actual notice, and may be:

(1) by personal delivery outside this State in the manner prescribed for service of process within this State;

(2) in the manner prescribed by the law of the place in which the service is made for service of process in that place in an action in any of its courts of general jurisdiction;

(3) by any form of mail addressed to the person to be served and requesting a receipt; or

(4) as directed by the court [including publication, if other means of notification are ineffective].

(b) Notice under this section shall be served, mailed, or delivered, [or last published] at least [10, 20] days before any hearing in this State.

(c) Proof of service outside this State may be made by affidavit of the individual who made the service, or in the manner prescribed by the law of this State, the order pursuant to which the service is made, or the law of the place in which the service is made. If service is made by mail, proof may be a receipt signed by the addressee or other evidence of delivery to the addressee.

(d) Notice is not required if a person submits to the jurisdiction of the court.

COMMENT

Section 2.01 of the Uniform Interstate and International Procedure Act has been followed to a large extent. See 9B U.L.A. 315 (1966). If at all possible, actual notice should be received by the affected persons; but efforts to impart notice in a manner reasonably calculated to give actual notice are sufficient when a person who may perhaps conceal his whereabouts, cannot be reached. See Mullane v. Central Hanover Bank and Trust Co., 339 U.S. 306, 70 S. Ct. 652, 94 L. Ed.

865 (1950) and Schroeder v. City of New York, 371 U.S. 208, 83 S. Ct. 279, 9 L. Ed. 2d 255 (1962).

Notice by publication in lieu of other means of notification is not included because of its doubtful constitutionality. See Mullane v. Central Hanover Bank and Trust Co., *supra*; and see Hazard, A General Theory of State-Court Jurisdiction, 1965 Supreme Court Rev. 241, 277, 286–87. Paragraph (4) of subsection (a) lists notice by publication in brackets for the benefits of those states which desire to use published notices in addition to the modes of notification provided in this section when these modes prove ineffective to impart actual notice.

The provisions of this section, and paragraphs (2) and (4) of subsection (a) in particular, are subject to the caveat that notice and opportunity to be heard must always meet due process requirements as they exist at the time of the proceeding.

Section 6. (Simultaneous Proceedings in Other States.)

(a) A court of this State shall not exercise its jurisdiction under this Act if at the time of filing the petition a proceeding concerning the custody of the child was pending in a court of another state exercising jurisdiction substantially in conformity with this Act, unless the proceeding is stayed by the court of the other state because this State is a more appropriate forum or for other reasons.

(b) Before hearing the petition in a custody proceeding the court shall examine the pleadings and other information supplied by the parties under section 9 and shall consult the child custody registry established under section 16 concerning the pendency of proceedings with respect to the child in other states. If the court has reason to believe that proceedings may be pending in another state it shall direct an inquiry to the state court administrator or other appropriate official of the other state.

(c) If the court is informed during the course of the proceeding that a proceeding concerning the custody of the child was pending in another state before the court assumed jurisdiction it shall stay the proceeding and communicate with the court in which the other proceeding is pending to the end that the issue may be litigated in the more appropriate forum and that information be exchanged in accordance with sections 19 through 22. If a court of this state has made a custody decree before being informed of a pending proceeding in a court of another state it shall immediately inform that court of the fact. If the court is informed that a proceeding was commenced in another state after it assumed jurisdiction it shall likewise inform the other court to the end that the issues may be litigated in the more appropriate forum.

COMMENT

Because of the havoc wreaked by simultaneous and competitive jurisdiction which has been described in the Prefatory Note, this section seeks to avoid jurisdictional conflict with all feasible means, including novel methods. Courts are expected to take an active part under this section in seeking out information about custody proceedings concerning the same child pending in other states. In a proper case jurisdiction is yielded to the other state either under this section or under section 7. Both sections must be read together.

When the courts of more than one state have jurisdiction under section 3 or 14, priority in time determines which court will proceed with the action, but the application of the inconvenient forum principle of section 7 may result in the handling of the case by the other court.

While jurisdiction need not be yielded under subsection (a) if the other court would not have jurisdiction under the criteria of this Act, the policy against simultaneous custody proceedings is so strong that it might in a particular situation be appropriate to leave the case to the other court even under such circumstances. See subsection (3) and section 7.

Once a custody decree has been rendered in one state, jurisdiction is determined by sections 8 and 14.

Section 7. Inconvenient Forum.)

(a) A court which has jurisdiction under this Act to make an initial or modification decree may decline to exercise its jurisdiction any time before making a decree if it finds that it is an inconvenient forum to make a custody determination under the circumstances of the case and that a court of another state is a more appropriate forum.

(b) A finding of inconvenient forum may be made upon the courts' own motion or upon motion of a party or a guardian ad litem or other representative of the child.

(c) In determining if it is an inconvenient forum, the court shall consider if it is in the interest of the child that another state assume jurisdiction. For this purpose it may take into account the following factors, among others:

(1) if another state is or recently was the child's home state;

(2) if another state has a closer connection with the child and his family or with the child and one or more of the contestants;

(3) if substantial evidence concerning the child's present or future care, protection, training, and personal relationships is more readily available in another state;

(4) if the parties have agreed on another forum which is no less appropriate; and

(5) if the exercise of jurisdiction by a court of this state would contravene any of the purposes stated in section 1.

(d) Before determining whether to decline or retain jurisdiction the court may communicate with a court of another state and exchange information pertinent to the assumption of jurisdiction by either court with a view to assuring that jurisdiction will be exercised by the more appropriate court and that a forum will be available to the parties.

(e) If the court finds that it is an inconvenient forum and that a court of another state is a more appropriate forum, it may dismiss the proceedings, or it may stay the proceedings upon condition that a custody proceeding be promptly commenced in another named state or upon any other conditions which may be just and proper, including the condition that a moving party stipulate his consent and submission to the jurisdiction of the other forum.

(f) The court may decline to exercise its jurisdiction under this Act if a custody determination is incidental to an action for divorce or another proceeding while retaining jurisdiction over the divorce or other proceeding.

(g) If it appears to the court that it is clearly an inappropriate forum it may require the party who commenced the proceedings to pay, in addition to the costs of the proceedings in this State, necessary travel and other expenses, including attorneys' fees, incurred by other parties or their witnesses. Payment is to be made to the clerk of the court for remittance to the proper party.

(h) Upon dismissal or stay of proceedings under this section the court shall inform the court found to be the more appropriate forum of this fact, or if the court which would have jurisdiction in the other state is not certainly known, shall transmit the information to the court administrator or other appropriate official for forwarding to the appropriate court.

(i) Any communication received from another State informing this State of a finding of inconvenient forum because a court of this State is the more appropriate forum shall be filed in the custody registry of the appropriate court. Upon assuming jurisdiction the court of this State shall inform the original court of this fact.

COMMENT

The purpose of this provision is to encourage judicial restraint in exercising jurisdiction whenever another state appears to be in a better position to determine custody of a child. It serves as a second check on jurisdiction once the test of sections 3 or 14 has been met.

The section is a particular application of the inconvenient forum principle, recognized in most states by judicial law, adapted to the special needs of child custody cases. The terminology used follows section 84 of the Restatement of the Law Second, Conflict of Laws, Proposed Official Draft (1967). Judicial restrictions or exceptions to the inconvenient forum rule made in some states do not apply to this statutory scheme which is limited to child custody cases.

Like section 6, this section stresses interstate judicial communication and cooperation. When there is doubt as to which is the more appropriate forum, the question may be resolved by consultation and cooperation among the courts involved.

Paragraphs (1) through (5) of subsection (c) specify some, but not all, considerations which enter into a court determination of inconvenient forum. Factors customarily listed for purposes of the general principle of the inconvenient forum (such as convenience of the parties and hardship to the defendant) are also pertinent, but may under the circumstances be of secondary importance because the child who is not a party is the central figure in the proceedings.

Part of subsection (e) is derived from Wis. Stat. Ann., sec. 262.19(1).

Subsection (f) makes it clear that a court may divide a case, that is, dismiss part of it and retain the rest. See section 1.05 of the Uniform Interstate and International Procedure Act. When the custody issue comes up in a divorce proceeding, courts may have frequent occasion to decline jurisdiction as to that issue (assuming that custody jurisdiction exists under section 3 or 14).

Subsection (g) is an adaptation of Wis. Stat. Ann., sec. 262.20. Its purpose is to serve as a deterrent against "frivolous jurisdiction claims," as G. W. Foster states in the Revision Notes to the Wisconsin provision. It applies when the forum chosen is seriously inappropriate considering the jurisdictional requirements of the Act.

Section 8. (Jurisdiction Declined by Reason of Conduct.)

(a) If the petitioner for an initial decree has wrongfully taken the child from another state or has engaged in similar reprehensible conduct the court may decline to exercise jurisdiction if this is just and proper under the circumstances.

(b) Unless required in the interest of the child, the court shall not exercise its jurisdiction to modify a custody decree of another state if the petitioner, without consent of the person entitled to custody, has improperly removed the child from the physical custody of the person entitled to custody or has improperly retained the child after a visit or other temporary relinquishment of physical custody. If the petitioner has violated any other provision of a custoday decree of another state the court may decline to exercise its jurisdiction if this is just and proper under the circumstances.

(c) In appropriate cases a court dismissing a petition under this section may charge the petitioner with necessary travel and other expenses, including attorneys' fees, incurred by other parties or their witnesses.

COMMENT

This section incorporates the "clean hands doctrine," so named by Ehrenzweig, Interstate Recognition of Custody Decrees, 51

Mich. L. Rev. 345 (1953). Under this doctrine courts refuse to assume jurisdiction to reexamine an out-of-state custody decree when the petitioner has abducted the child or has engaged in some other objectionable scheme to gain or retain physical custody of the child in violation of the decree. See Fain, Custody of Children, The California Family Lawyer I, 539, 546 (1961); Ex Parte Mullins, 26 Wash. 2d 419, 174 P. 2d 790 (1946); Crocker v. Crocker, 122 Colo. 49, 219 P. 2d 311 (1950); and Leathers v. Leathers, 162 Cal. App. 2d 768, 328 P. 2d 853 (1958). But when adherence to this rule would lead to punishment of the parent at the expense of the wellbeing of the child, it is often not applied. See Smith v. Smith, 135 Cal. App. 2d 100, 286 P. 2d 1009 (1955) and In re Guardianship of Rodgers, 100 Ariz. 269, 413 P. 2d 744 (1966).

Subsection (a) extends the clean hands principle to cases in which a custody decree has not yet been rendered in any state. For example, if upon a de facto separation the wife returned to her own home with the children without objection by her husband and lived there for two years without hearing from him, and the husband without warning forcibly removes the children one night and brings them to another state, a court in that state although it has jurisdiction after 6 months may decline to hear the husband's custody petition. "Wrongfully" taking under this subsection does not mean that a "right" has been violated—both husband and wife as a rule have a right to custody until a court determination is made—but that one party's conduct is so objectionable that a court in the exercise of its inherent equity powers cannot in good conscience permit that party access to its jurisdiction.

Subsection (b) does not come into operation unless the court has power under section 14 to modify the custody decree of another state. It is a codification of the clean hands rule, except that it differentiates between (1) a taking or retention of the child and (2) other violations of custody decrees. In the case of illegal removal or retention refusal of jurisdiction is mandatory unless the harm done to the child by a denial of jurisdiction outweighs the parental misconduct. Compare Smith v. Smith and In Re Guardianship of Rodgers, *supra;* and see In Re Walker, 228 Cal. App. 2d 217, 39 Cal. Rptr. 243 (1964) where the court assumed jurisdiction after both parents had been guilty of misconduct. The qualifying word "improperly" is added to exclude cases in which a child is withheld because of illness or other emergency or in which there are other special justifying circumstances.

The most common violation of the second category is the removal of the child from the state by the parent who has the right to custody, thereby frustrating the exercise of visitation rights of the other parent. The second sentence of subsection (b) makes refusal of jurisdiction entirely discretionary in this situation because it depends on the circumstances whether non-compliance with the court order is serious enough to warrant the drastic sanction of denial of jurisdiction.

Subsection (c) adds a financial deterrent to child stealing and similar reprehensible conduct.

Section 9. (Information under Oath to be Submitted to the Court.)

(a) Every party in a custody proceeding in his first pleading or in an affidavit attached to that pleading shall give information under oath as to the child's present address, the places where the child has lived within tht last 5 years, and the names and present addresses of the persons with whom the child has lived during that period. In this pleading or affidavit every party shall further declare under oath whether:

(1) he has participated (as a party, witness, or in any other capacity) in any other litigation concerning the custody of the same child in this or any other state;

(2) he has information of any custody proceeding concerning the child pending in a court of this or any other state; and

(3) he knows of any person not a party to the proceedings who has physical custody of the child or claims to have custody or visitation rights with respect to the child.

(b) If the declaration as to any of the above items is in the affirmative the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and as to other matters pertinent to the court's jurisdiction and the disposition of the case.

(c) Each party has a continuing duty to inform the court of any custody proceeding concerning the child in this or any other state of which he obtained information during this proceeding.

COMMENT

It is important for the court to receive the information listed and other pertinent facts as early as possible for purposes of determining its jurisdiction, the joinder of additional parties, and the identification of courts in other states which are to be contacted under various provisions of the Act. Information as to custody litigation and other pertinent facts occurring in other countries may also be elicited under this section in combination with section 23.

Section 10. (Additional Parties.) If the court learns from information furnished by the parties pursuant to section 9 or from other sources that a person not a party to the custody proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child, it shall order that person to be joined as a party and to be duly notified of the pendency of the proceeding and of his joinder as a party. If the person joined as a party is outside this State he shall be served with process or otherwise notified in accordance with section 5.

COMMENT

The purpose of this section is to prevent re-litigations of the custody issue when these would be for the benefit of third claimants rather than the child. If the immediate controversy, for example, is between the parents, but relatives inside or outside the state also claim custody or have physical custody which may lead to a future claim to the child, they must be brought into the proceedings. The courts are given an active role here as under other sections of the Act to seek out the necessary information from formal or informal sources.

Section 11. (Appearance of Parties and the Child.)

[(a) The court may order any party to the proceeding who is in this State to appear personally before the court. If that party has physical custody of the child the court may order that he appear personally with the child.]

(b) If a party to the proceeding whose presence is desired by the court is outside this State with or without the child the court may order that the notice given under section 5 include a statement directing that party to appear personally with or without the child and declaring that failure to appear may result in a decision adverse to that party.

(c) If a party to the proceeding who is outside this State is directed to appear under subsection (b) or desires to appear personally before the court with or without the child, the court may require another party to pay to the clerk of the court travel and other necessary expenses of the party so appearing and of the child if this is just and proper under the circumstances.

COMMENT

Since a custody proceeding is concerned with the past and future care of the child by one of the parties, it is of vital importance in most cases that the judge has an opportunity to see and hear the contestants and the child. Subsection (a) authorizes the court to order the appearance of these persons if they are in the state. It is placed in brackets because states which have such a provision—not only in their juvenile court laws—may wish to omit it. Subsection (b) relates to the appearance of persons who are outside the state and provides one method of bringing them before the court; sections 19(b) and 20(b) provide another. Subsection (c) helps to finance travel to the court which may be close to one of the parties and distant from another; it may be used to equalize the expense if this is appropriate under the circumstances.

Section 12. (Binding Force and Res Judicata Effect of Custody Decree.) A custody devree rendered by a court of this State which had jurisdiction under section 3 binds all parties who have been served in this State or notified in accordance with section 5 or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to these parties the custody decree is conclusive as to all issues of law and fact decided and as to the custody determination made unless and until that determination is modified pursuant to law, including the provisions of this Act.

COMMENT

This section deals with the intra-state validity of custody decrees which provides the basis for their interstate recognition and enforcement. The two prerequisites are (1) jurisdiction under section 3 of this Act and (2) strict compliance with due process mandates of notice and opportunity to be heard. There is no requirement for technical personal jurisdiction, on the traditional theory that custody determinations, as distinguished from support actions (see section 2(2) *supra*), are proceedings in rem or proceedings affecting status. See Restatement of the Law Second, Conflict of Laws, Proposed Official Draft, sections 69 and 70 (1967); and James, Civil Procedure 613 (1965). For a different theory reaching the same result, see Hazard, A General Theory of State-Court Jurisdiction, 1965 Supreme Court Review 241. The section is not at variance with May v. Anderson, 345 U.S. 528, 73 S. Ct. 840, 97 L. Ed. 1221 (1953), which relates to interstate recognition rather than in-state validity of custody decrees. See Ehrenzweig and Louisell, Jurisdiction in a Nutshell 76 (2d ed. 1968); and compare Reese, Full Faith and Credit to Foreign Equity Decrees, 42 Iowa L. Rev. 183, 195 (1957). On May v. Anderson, *supra*, see comment to section 13.

Section 13. (Recognition of Out-of-State Custody Decrees.) The courts of this State shall recognize and enforce an initial or modification decree of a court of another state which had assumed jurisdiction under statutory provisions substantially in accordance with this Act or which was made under factual circumstances meeting the jurisdictional standards of the Act, so long as this decree has not been modified in accordance with jurisdictional standards substantially similar to those of this Act.

COMMENT

This section and sections 14 and 15 are the key provisions which guarantee a great measure of security and stability of environment to the "intrastate child" by discouraging relitigations in other states. See Section 1, and see Ratner, Child Custody in a Federal System, 62 Mich. L. Rev. 795, 828 (1964).

Although the full faith and credit clause may perhaps not require the recognition of out-of-state custody decrees, the states are free to recognize and enforce them. See Restatement of the Law Second, Conflict of Laws, Proposed Official Draft, section 109 (1967), and see the Prefatory Note, *supra*. This section declares as a matter of state law, that custody decrees of sister states will be recognized and enforced. Recognition and enforcement is mandatory if the state in which the prior decree was rendered 1) has adopted this Act, 2) has statutory jurisdictional requirements substantially like this Act, or 3) would have had jurisdiction under the facts of the case if this Act had been the law in the state. Compare Comment, Ford v. Ford: Full Faith and Credit to Child Custody Decrees? 73 Yale L. J. 134, 148 (1963).

"Jurisdiction" or "jurisdictional standards" under this section refers to the requirements of section 3 in the case of initial decrees and to the requirements of sections 3 and 14 in the case of modification decrees. The section leaves open the possibility of discretionary recognition of custody decrees of other states beyond the enumerated situations of mandatory acceptance. For the recognition of custody decrees of other nations, see section 23.

Recognition is accorded to a decree which is valid and binding under section 12. This means, for example, that a court in the state where the father resides will recognize and enforce a custody decree rendered in the home state where the child lives with the mother if the father was duly notified and given enough time to appear in the proceedings. Personal jurisdiction over the father is not required. See comment to section 12. This is in accord with a common interpretation of the inconclusive decision in May v. Anderson, 345 U.S. 528, 73 S. Ct. 840, 97 L. Ed. 1221 (1953). See Restatement of the Law Second, Conflict of Laws Proposed Official Draft, section 79 and comment thereto, p. 298 (1967). Under this interpretation a state is permitted to recognize a custody decree of another state regardless of lack of personal jurisdiction, as long as due process requirements of notice and opportunity to be heard have been met. See Justice Frankfurter's concurring opinion in May v. Anderson; and compare Clark, Domestic Relations 323–26 (1968), Goodrich, Conflict of Laws 274 (4th ed. by Scoles, 1964); Stumberg, Principles of Conflict of Laws 325 (3rd ed. 1963); and Comment, The Puzzle of Jurisdiction in Child Custody Actions, 38 U. Colo. L. Rev. 541 (1966). The Act emphasizes the need for the personal appearance of the constentants rather than any technical requirement for personal jurisdiction.

The mandate of this section could cause problems if the prior decree is a punitive or disciplinary measure. See Ehrenzweig, Inter-state Recognition of Custody Decrees, 51 Mich. L. Rev. 345, 370 (1953). If, for example, a court grants custody to the mother and after 5 years' of continuous life with the mother the child is awarded to the father by the same court for the sole reason that the mother who had moved to another state upon remarriage had not lived up to the visitation requirements of the decree, courts in other states may be reluctant to recognize the changed decree. See Berlin v. Berlin, 21 N.Y. 2d 371, 235 N.E. 2d 109 (1967); and Stout v. Pate, 120 Cal. App. 2d 699, 261 P. 2d 788 (1953); Compare Moniz v. Moniz, 142 Cal. App. 2d 527, 298 P. 2d 710 (1956). Disciplinary decrees of this type can be avoided under this Act by enforcing the visitation provisions of the decree directly in another state. See Section 15. If the original plan for visitation does not fit the new conditions, a petition for modification of the visiting arrangements would be filed in a court which has jurisdiction, that is, in many cases the original court. See section 14.

Section 14. (Modification of Custody Decree of Another State.)

(a) If a court of another state has made a custody decree, a court of this State shall not modify that decree unless (1) it appears to the court of this State that the court which rendered the decree does not now have jurisdiction under jurisdictional prerequisites substantially in accordance with this Act or has declined to assume jurisdiction to modify the decree and (2) the court of this State has jurisdiction.

(b) If a court of this State is authorized under subsection (a) and section 8 to modify a custody decree of another state it shall give due consideration to the transcript of the record and other documents of all previous proceedings submitted to it in accordance with section 22.

COMMENT

Courts which render a custody decree normally retain continuing jurisdiction to modify the decree under local law. Courts in other states have in the past often assumed jurisdiction to modify the out-of-state decree themselves without regard to the preexisting jurisdiction of the other state. See People ex rel. Halvey v. Halvey, 330 U.S. 610, 67 S. Ct. 903, 91 L. Ed. 1133 (1947). In order to achieve greater stability of custody arrangements and avoid forum shopping subsection (a) declares that other states will defer to the continuing jurisdiction of the court of another state as long as that state has jurisdiction under the standards of this Act. In other words, all petitions for modification are to be addressed to the prior state if that state has sufficient contact with the case to satisfy section 3. The fact that the court had previously considered the case may be one factor favoring its continued jurisdiction. If, however, all the persons involved have moved away or the contact with the state has otherwise become slight, modification jurisdiction would shift elsewhere. Compare Ratner, Child Custody in a Federal System, 62 Mich. L. Rev. 795, 821–2 (1964).

For example, if custody was awarded to the father in state 1 where he continued to live with the children for two years and thereafter his wife kept the children in state 2 for 6½ months (3½ months beyond her visitation privileges) with or without permission of the husband, state 1 has preferred jurisdiction to modify the decree despite the fact that state 2 has in the meantime become the "home state" of the child. If, however, the father also moved away from state 1, that state loses modification jurisdiction interstate, whether or not its jurisdiction continues under local law. See Clark, Domestic Relations 322–23 (1968). Also, if the father in the same case continued to live in state 1, but let his wife keep the children for several years without asserting his custody rights and without visits of the children in state 1, modification of state 1 would cease. Compare Brengle v. Hurst, 408 S.W. 2d 419 (Ky. 1966). The situation would be different if the children had been abducted and their whereabouts could not be discovered by the legal custodian for several years. The abductor would be denied access to the court of another state under section 8(b) and state 1 would have modification jurisdiction in any event under section 3(a)(4). Compare Crocker v. Crocker, 122 Colo. 49, 219 P. 2d 311 (1950).

The prior court has jurisdiction to modify under this section even though its original assumption of jurisdiction did not meet the standards of this Act, as long as it would have jurisdiction *now*, that is, at the time of the petition for modification.

If the state of the prior decree declines to assume jurisdiction to modify the decree, another state with jurisdiction under section 3 can proceed with the case. That is not so if the prior court dismissed the petition on its merits.

Respect for the continuing jurisdiction of another state under this section will serve the purposes of this Act only if the prior court will assume a corresponding obligation to make no changes in the existing custody arrangement which are not required for the good of the child. If the court overturns its own decree in order to discipline a mother or father, with whom the child had lived for years, for failure to comply with an order of the court, the objective of greater stability of custody decrees is not achieved. *See* Comment to section 13 last paragraph, and cases there cited. See also Sharpe v. Sharpe, 77 Ill. App. 295, 222 N.E. 2d 340 (1966). Under section 15 of this Act an order of a court contained in a custody decree can be directly enforced in another state.

Under subsection (b) transcripts of prior proceedings if received under section 22 are to be considered by the modifying court. The purpose is to give the judge the opportunity to be as fully informed as possible before making a custody decision. "One court will seldom have so much of the story that another's inquiry as unimportant" says Paulsen, Appointment of a Guardian in the Conflict of Laws, 45 Iowa L. Rev. 212, 226 (1960). See also Ehrenzweig, the Interstate Child and Uniform Legislation: A Plea for Extra-Litigious Proceedings, 64 Mich. L. Rev. 1, 6–7 (1965); and Ratner, Legislative Resolution of the Interstate Custody Problem: A Reply to Professor Currie and a Proposed Uniform Act, 38 S. Cal. L. Rev. 183, 202 (1965). How much consideration is "due" this transcript, whether or under what conditions it is received as evidence, are matters of local, internal law which are not affected by this interstate act.

Section 15. (Filing and Enforcement of Custody Decree of Another State.)

(a) A certified copy of a custody decree of another state may be filed in the office of the clerk of any [District Court, Family Court] of this State. The clerk shall treat the decree in the same manner as a custody decree of the [District Court, Family Court] of this State. A custody decree so filed has the same effect and shall be enforced in like manner as a custody decree rendered by a court of this State.

(b) A person violating a custody decree of another state which makes it necessary to enforce the decree in this State may be required to pay necessary travel and other expenses, including attorneys' fees, incurred by the party entitled to the custody or his witnesses.

COMMENT

Out-of-state custody decrees which are required to be recognized are enforced by other states. See section 13. Subsection (a) provides a simplified and speedy method of enforcement. It is derived from section 2 of the Uniform Enforcement of Foreign Judgments Act of 1964, 9A U.L.A. 486 (1965). A certified copy of the decree is filed in the appropriate court, and the decree thereupon becomes in effect a decree of the state of filing and is enforceable by any method of enforcement available under the law of that state.

The authority to enforce an out-of-state decree does not include the power to modify it. If modification is desired, the petition must be directed to the court which has jurisdiction to modify under section 14. This does not mean that the state of enforcement may not in an emergency stay enforcement if there is danger of serious mistreatment of the child. See Ratner, Child Custody in a Federal System, 62 Mich. L. Rev. 795, 832–33 (1964).

The right to custody for periods of visitation and other provisions of a custody decree are enforceable in other states in the same manner as the primary right to custody. If visitation privileges provided in the decree have become impractical upon moving to another state, the remedy against automatic enforcement in another state is a petition in the proper court to modify visitation arrangements to fit the new conditions.

Subsection (b) makes it clear that the financial burden of enforcement of a custody decree may be shifted to the wrongdoer.

Compare 2 Armstrong, California Family Law 328 (1966 Suppl.), and *Crocker* v. *Crocker*, 195 F. 2d 236 (1952).

Section 16. (Registry of Out-of-State Custody Decrees and Proceedings.) The clerk of each [District Court, Family Court] shall maintain a registry in which he shall enter the following:

(1) certified copies of custody decrees of other states received for filing;

(2) communications as to the pendency of custody proceedings in other states;

(3) communications concerning a finding of inconvenient forum by a court of another state; and

(4) other communications or documents concerning custody proceedings in another state which may affect the jurisdiction of a court of this State or the disposition to be made by it in a custody proceeding.

COMMENT

The purpose of this section is to gather all information concerning out-of-state custody cases which reaches a court in one designated place. The term "registry" is derived from section 35 of the Uniform Reciprocal Enforcement of Support Act of 1958, 9C U.L.A. 61 (1967 Suppl.) Another term may be used if desired without affecting the uniformity of the Act. The information in the registry is usually incomplete since it contains only those documents which have been specifically requested or which have otherwise found their way to the state. It is therefore necessary in most cases for the court to seek additional information elsewhere.

Section 17. (Certified Copies of Custody Decree.) The Clerk of the (District Court, Family Court) of this State, at the request of the court of another state or at the request of any person who is affected by or has a legitimate interest in a custody decree, shall certify and forward a copy of the decree to that court or person.

Section 18. (*Taking Testimony in Another State.*) In addition to other procedural devices available to a party, any party to the proceeding or a guardian ad litem or other representative of the child may adduce testimony of witnesses, including parties and the child, by deposition or otherwise, in another state. The court on its own motion may direct that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony shall be taken.

COMMENT

Sections 18 to 22 are derived from sections 3.01 and 3.02 of the Uniform Interstate and International Procedure Act, 9B U.L.A. 305, 321, 326 (1966); from ideas underlying the Uniform Reciprocal Enforcement of Support Act; and from Ehrenzweig, the Interstate Child and Uniform Legislation: A Plea for Extralitigious Proceedings, 64 Mich. L. Rev. 1 (1965). They are designed to fill the partial vacuum which inevitably exists in cases involving an "interstate child" since part of the essential information about the child and his relationship to other persons is always in another state. Even though jurisdiction is assumed under sections 3 and 7 in the state where much (or most) of the pertinent facts are readily available, some important evidence will unavoidably be elsewhere.

Section 18 is derived from portions of section 3.01 of the Uniform Interstate and International Procedure Act, 9B U.L.A. 305, 321. The first sentence relates to depositions, written interrogatories and other discovery devices which may be used by parties or representatives of the child. The procedural rules of the state where the device is used are applicable under this sentence. The second sentence empowers the court itself to initiate the gathering of out-of-state evidence which is often not supplied by the parties in order to give the court a complete picture of the child's situation, especially as it relates to a custody claimant who lives in another state.

Section 19. (Hearings and Studies in Another State; Orders to Appear.)

(a) A court of this State may request the appropriate court of another state to hold a hearing to adduce evidence, to order a party to produce or give evidence under other procedures of that state, or to have social studies made with respect to the custody of a child involved in proceedings pending in the court of this State; and to forward to the court of this State certified copies of the transcript of the record of the hearing, the evidence otherwise adduced, or any social studies prepared in compliance with the request. The cost of the services may be assessed against the parties or, if necessary, ordered paid by the [County, State].

(b) A court of this State may request the appropriate court of another state to order a party to custody proceedings pending in the court of this State to appear in the proceedings, and if that party has physical custody of the child, to appear with the child. The request may state that travel and other necessary expenses of the party and of the child whose appearance is desired will be assessed against another party or will otherwise be paid.

COMMENT

Section 19 relates to assistance sought by a court of the forum state from a court of another state. See comment to section 18. Subsection (a) covers any kind of evidentiary procedure available under the law of the assisting state which may aid the court in the requesting state, including custody investigations (social studies) if authorized by the law of the other state. Under what conditions reports of social studies and other evidence collected under this subsection are admissible in the requesting state, is a matter of internal state law not covered in this interstate statute. Subsection (b) serves to bring parties and the child before the requesting court, backed up by the assisting court's contempt powers. See section 11.

Section 20. (Assistance to Courts of Other States.)

(a) Upon request of the court of another state the courts of this State which are competent to hear custody matters may order a person in this State to appear at a hearing to adduce evidence or to produce or give evidence under other procedures available in this State [or may order social studies to be made for use in a custody proceeding in another state]. A certified copy of the transcript of the record of the hearing or the evidence otherwise adduced [and any social studies prepared] shall be forwarded by the clerk of the court to the requesting court.

(b) A person within this State may voluntarily give his testimony or statement in this State for use in a custody proceeding outside this State.

(c) Upon request of the court of another state a competent court of this State may order a person in this State to appear alone or with the child in a custody proceeding in another state. The court may condition compliance with the request upon assurance by the other state that travel and other necessary expenses will be advanced or reimbursed.

COMMENT

Section 20 is the counterpart of section 19. It empowers local courts to give help to out-of-state courts in custody cases. See comments to sections 18 and 19. The references to social studies have been placed in brackets so that states without authorization to make social studies outside of juvenile court proceedings may omit them if they wish. Subsection (b) reaffirms the existing freedom of persons within the United States to give evidence for use in proceedings elsewhere. It is derived from section 3.02 (b) of the Interstate and International Procedure Act, 9B U.L.A. 327 (1966).

Section 21. (Preservation of Documents for Use in Other States.) In any custody proceeding in this State the court shall preserve the pleadings, orders and decrees, any record that has been made of its hearings, social studies, and other pertinent documents until the child reaches [18, 21] years of age. Upon appropriate request of the court of another state the court shall forward to the other court certified copies of any or all of such documents.

COMMENT

See comments to sections 18 and 19. Documents are to be preserved until the child is old enough that further custody disputes are unlikely. A lower figure than the ones suggested in the brackets may be inserted.

Section 22. (Request for Court Records of Another State.) If a custody decree has been rendered in another state concerning a child involved in a custody proceeding pending in a court of this State, the court of this State upon taking jurisdiction of the case shall request of the court of the other state a certified copy of the transcript of any court record and other documents mentioned in section 21.

COMMENT

This is the counterpart of section 21. See comments to sections 18, 19, and 14(b).

Section 23. (International Application.) The general policies of this Act extend to the international area. The provisions of this Act relating to the recognition and enforcement of custody decrees of other states apply to custody decrees and decrees involving legal institutions similar in nature to custody rendered by appropriate authorities of other nations if reasonable notice and opportunity to be heard were given to all affected persons.

COMMENT

Not all the provisions of the Act lend themselves to direct application in international custody disputes; but the basic policies of avoiding jurisdictional conflict and multiple litigation are as strong if not stronger when children are moved back and forth from one country to another by feuding relatives. Compare Application of Lang, 9 App. Div. 2d 401, 193 N.Y.S. 2d 763 (1959) and Swindle v. Bradley, 240 Ark. 903, 403 S.W. 2d 63 (1966).

The first sentence makes the general policies of the Act applicable to international cases. This means that the substance of section 1 and the principles underlying provisions like sections 6, 7, 8, and 14(a), are to be followed when some of the persons involved are in a foreign country or a foreign custody proceeding is pending.

The second sentence declares that custody decrees rendered in other nations by appropriate authorities (which may be judicial or administrative tribunals) are recognized and enforced in this country. The only prerequisite is that reasonable notice and opportunity to be heard was given to the persons affected. It is also to be understood that the foreign tribunal had jurisdiction under its own law rather than under section 3 of this Act. Compare Restatement of the Law Second, Conflict of Laws, Proposed Official Draft, sections 10, 92, 98, and 109(2) (1967). Compare also Goodrich, Conflict of Laws 390–93 (wth ed., by Scoles, 1964).

Section 24. (Priority.) Upon the request of a party to a custody proceeding which raises a question of existence or exercise of jurisdiction under this Act the case shall be given calendar priority and handled expeditiously.

COMMENT

Judicial time spent in determining which court has or should exercise jurisdiction often prolongs the period of uncertainty and turmoil in a child's life more than is necessary. The need for speedy adjudication exists, of course, with respect to all aspects of child custody litigation. The priority requirement is limited to jurisdictional questions because an all encompassing priority would be beyond the scope of this Act. Since some states may have or wish to adopt a statutory provision or court rule of wider scope, this section is placed in brackets and may be omitted.

Section 25. (Severability.) If any provision of this Act or the application thereof to any person or circumstance is held invalid, its invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 26 (Short Title.) This Act may be cited as the Uniform Child Custody Jurisdiction Act.

Section 26. (Repeal.) The following acts and parts of acts are repealed:

(1)
(2)
(3)

Section 28. (Time of Taking Effect.) This Act shall take effect. . . .

EXHIBIT 3

PARENTAL KIDNAPPING: STATE STATUTORY SURVEY

The chart which follows summarizes the position of the various state laws with respect to parental kidnapping. A substantial number of States have enacted legislation to deal with parental kidnapping. The most common approach is the use of a custodial interference involves removal of the child from the state, "to assist in invocation of the extradition and federal fugitive felon provisions."[1] However, even in states which have enacted such statutes, where one parent removes a child from the custody of the other in violation of a custody agreement or judicial order, state kidnapping provisions or provisions prohibiting related offenses such as child snatching, false imprisonment or unlawful restraint may have been violated. In a number or jurisdictions parents are specifically exempted from the application of statutes prohibiting kidnapping or related offenses. In some instances, this is accomplished with a simple exception such as that found in the federal provision.[2] However, more often the exception is more narrowly drawn.[3]

While custodial interference statutes are common, there are a number of jurisdictions which recognize a parental exception in their kidnap laws and have not enacted a custodial interference statute[4] or which have refused to apply either their kidnap or custodial interference provisions to parental kidnapping.[5]

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[1] Practice Commentary following Tex. Penal Code § 25.03. Federal law prohibits interstate flight to avoid prosecution of a *felony* charge, 18 U.S.C. § 1073. Both the Uniform Criminal Extradition Act (§ 2) and federal law, 18 U.S.C. § 3182, speak in terms of "treason, felony or other crime" as providing grounds for extradition. The cases suggest that misdemeanor charges may form the basis for extradition, see *Glover* v. *State*, 257 Ark. 241, 515 S.W.2d 641 (1974); *Graham* v. *State*, 231 Ga. 820, 204 S.E.2d 630 (1974), although states may be more inclined to utilize extradition in felony cases.

[2] 18 U.S.C. § 1201 states in part, "Whoever unlawfully . . . kidnaps . . . any person, *except in the case of a minor by the parent thereof* . . . shall be punished by imprisonment for any terms of years or life. (Emphasis added.)

[3] See, Ariz. Rev. Stat. Ann. § 13-1303, "B. In any prosecution for unlawful imprisonment, it is a defense that: . . . 2. The defendant is a relative of the person restrained and the defendant's sole intent is to assume lawful custody of that person and the restraint was accomplished without physical force."

[4] See, S.C. Code § 16-3-910.

[5] See, Ala. Code Commentary following § 13a-6-45 which contains a parental exception within its custodial interference provisions, "Special provision is made to prevent abuse in certain custody battles between estranged parents. Under § 13a-6-45(b), the offense of custodial interference cannot be committed if the actor is a 'relative' as defined in § 13a-6-40(3), and the actor's sole purpose was to assume lawful control or custody. This is the counterpart to § 13a-6-42(b) [second degree unlawful imprisonment] a similar exception based on custody wrangles." Supplemental Commentary on § 707-723 of the Hawaii Penal Code states, "Section 723 of the Proposed Draft of the Code had contained a third situation involving the offense of custodial interference. It provided that the offense was committed if a person, being a relative of a person less than eighteen years old, knowingly takes or entices the person from his lawful custodian, knowing that he has no right to do so, with the intent to hold the person permanently or for a prolonged period. However, the Legislature was concerned with complications involving domestic relations in such cases and rejected this offense."

State (source)	Custodial interference	Kidnapping statutes [1]	Parental immunity [2]
Alabama: (Alabama Code)			Title 13A secs. 6-42, 6-45.
Alaska: (Alaska Statutes)	Sec. 11.41.320(F) (interstate) (as of Jan. 1, 1980); sec. 11.41.330(M) (intrastate) as of Jan. 1, 1980.	Sec. 11.15.290(F) (prior to Jan. 1, 1980) (child stealing).	Sec. 11.41.300 (as of Jan. 1, 1980; sec. 11.15.260 (prior to Jan. 1, 1980) (kidnapping).
Arizona: (Arizona Revised Statutes)	Sec. 13-1302(F)		Sec. 13-1303.
Arkansas: (Arkansas Statutes Annotated)	Sec. 41-2411(F) (interstate)/(M) (intrastate)	Sec. 41-1704(2d degree false imprisonment)	
California: (California Penal)	Sec. 278.5(F)	Sec. 278 (child abduction)(F)	
Colorado: (Colorado Revised Statutes)	Sec. 18-3-304(F)		Sec. 18-3-302.
Connecticut: (Connecticut General Statutes Annotated)	Sec. 53a-97(F) (interstate); sec. 53a-98(M) (intrastate).	Sec. 53a-96 (2d degree unlawful restraint) (M)	
Delaware: (Delaware Code)	Title 11 Sec. 785(M)		Title 11 Sec. 784.
Florida: (Florida Statutes Annotated)	Sec. 787.04(F) (interstate); sec. 787.03(M) (interstate).	Sec. 787.02(F) (false imprisonment)	
Georgia: (Georgia Code Annotated)	Sec. 26-1312(F) (interstate)/(M) (intrastate)	Sec. 26-1311 (kidnapping) (F)	
Hawaii: (Hawaii Revised Statutes)			Sec. 707-722.
Idaho: (Idaho Code)		Secs. 18-4501, 18-4503 (F) (kidnapping)	
Illinois: (Illinois Annotated Statutes)	Ch. 38 sec. 10-5(F)	Ch. 38 secs. 10-1, (F); 10-3(F)	
Indiana: (Indiana Code Annotated)		Sec. 35-42-3-3(F) (criminal confinement)	
Iowa: (Iowa Code Annotated)	Sec. 710.6(F) (interstate)/(M) (intrastate)		Sec. 710.5.
Kansas: (Kansas Statutes)	Sec. 21-3422a(F) (interstate)/(M) (intrastate)		
Kentucky: (Kentucky Revised Statutes Annotated)	Sec. 509.070(M)		Sec. 509.060.
Louisiana: (Louisiana Revised Statutes Annotated)	Sec. 14.45(F) (interstate)		
Maine: (Maine Revised Statutes)	Title 17-A sec. 302(F) (interstate)		
Maryland (Maryland Annotated Code)	Art. 27; 2A(M) (abduction of child under 12 in violation of a custody order).	Art. 27 sec. 1 (abduction of child under 16)	Art. 27 sec. 337.
Massachusetts: (Massachusetts General Laws Annotated).	Ch. 265 sec. 26(F)		
Michigan: (Michigan Compiled Laws Annotated)		Sec. 750.350(F) (kidnapping child under 14)	
Minnesota: (Minnesota Statutes Annotated)	Sec. 609-26(F)		Sec. 609.25.
Mississippi: (Mississippi Code Annotated)		Sec. 97-3-53(F) (kidnapping child under 10)	
Missouri: (Missouri Annotated Statutes)	Sec. 565.150(F) (interstate)/(M) (intrastate)	Sec. 565.140(F) (false imprisonment if interstate).	
Montana: (Montana Revised Codes Annotated)	Sec. 94-5-305(F)		
Nebraska: (Nebraska Revised Statutes)	Sec. 28-316(F)	Sec. 28-315(M) (false imprisonment in the 2d degree.	
Nevada: (Nevada Revised Statutes)	Sec. 200.359(M)	Secs. 200.310 to 200.330 (kidnapping) (F)	
New Hampshire: (New Hampshire Revised Statutes Annotated).		Sec. 633:3 (false imprisonment) (M)	
New Jersey: (New Jersey Statutes Annotated)	Sec. 2C:13-4(M)		Secs. 2C:13-2 (criminal restraint), 2C:13-3 (false imprisonment).
New Mexico: (New Mexico Statutes Annotated)	Sec. 30-4-4(F) (interstate)	Sec. 30-4-3(F) (false imprisonment)	
New York: (New York Penal Law)	Sec. 135.45(M)		
North Carolina: (North Carolina General Statutes)	Sec. 14-320.1(F) (interstate)	Sec. 14-41(F) (child abduction)	
North Dakota: (North Dakota Central Code)	Sec. 14-14-03(F) (interstate)		Sec. 12.1-18-03.
Ohio: (Ohio Revised Code Annotated)		Sec. 2905.04 (child stealing) (F) (interstate)/(M) (intrastate)	
Oklahoma: (Oklahoma Statute Annotated)		Title 21 sec. 891(F) (child stealing)	
Oregon: (Oregon Revised Statute)	Sec. 163.245(F) (interstate)/(M) (intrastate)		Sec. 163.225.
Pennsylvania: (Pennsylvania Statute Annotated)	Title 18 sec. 2904(M)		
Rhode Island: (Rhode Island General Laws)		Sec. 11-26-1 (kidnapping)	
South Carolina: (South Carolina Code)			Sec. 16-3-910.
South Dakota: (South Dakota Compiled Laws)	Sec. 22-19-9(M)		
Tennessee: (Tennessee Code Annotated)		Sec. 39-2602(F) (kidnapping a child under 16)	Sec. 39-2603(F) (parental kidnapping not a class X felony).

State (source)	Custodial interference	Kidnapping statutes[1]	Parental immunity[2]
Texas: (Texas Penal Code)	Sec. 25.03(F) (interstate)		
Utah: (Utah Code Annotated)	Sec. 76-5-303(M)		
Vermont: (Vermont Statutes Annotated)		Title 13 secs. 2401, 2402 (kidnapping)	
Virginia: (Virginia Code)	Sec. 18.2-47(F)		
Washington: (Washington Revised Code Annotated)		Sec. 9A.40.040(F) (unlawful imprisonment)	
West Virginia: (West Virginia Code)		Sec. 61-2-14(F) (child snatching)	
Wisconsin: (Wisconsin Statutes Annotated)	Sec. 946.71(F) (interstate)		
Wyoming: (Wyoming Statutes)	Sec. 6-4-203(M)	Sec. 6-4-202(F) (child stealing)	

[1] Kidnapping and related offenses such as unlawful restraint whose terms would encompass parental child snatching in the absence of a contrary judicial interpretation of legislative intent.

[2] Statutory immunity from the application of kidnapping and related offenses for parents.

M—Misdemeanor.
F—Felony.

CURRENCY OF MATERIALS USED

Alabama: 1978 Session Laws.
Alaska: 1978 Supplement.
Arizona: 1979 Session Laws.
Arkansas: 1978 Supplement.
California: 1980 Supplement.
Colorado: 1978 Supplement.
Connecticut: 1980 Supplement.
Delaware: 1979 Session Laws.
Florida: 1979 Session Laws.
Georgia: 1978 Supplement.
Hawaii: 1979 Session Laws.
Idaho: 1979 Session Laws.
Illinois: 1979 Session Laws.
Indiana: 1979 Supplement.
Iowa: 1979 Supplement.
Kansas: 1979 Supplement.
Kentucky: 1979 Session Laws.
Louisiana: 1980 Supplement.
Maine: 1979 Supplement.
Maryland: 1979 Supplement.
Massachusetts: 1979 Session Laws.
Michigan: 1980 Supplement.
Minnesota: 1980 Supplement.
Mississippi: 1979 Session Laws.
Missouri: 1980 Supplement.
Montana: 1977 Supplement.
Nebraska: 1979 Supplement.
Nevada: 1977 Supplement.
New Hampshire: 1979 Supplement.
New Jersey: 1979 Session Laws.
New Mexico: 1978 Supplement.
New York: 1980 Supplement.
North Carolina: 1979 Supplement.
North Dakota: 1979 Supplement.
Ohio: 1979 Supplement.
Oklahoma: 1980 Supplement.
Oregon: 1977 Supplement.
Pennsylvania: 1979 Supplement.
Rhode Island: 1979 Supplement.
South Carolina: 1979 Supplement.
South Dakota: 1979 Supplement.
Tennessee: 1979 Supplement.
Texas: 1980 Supplement.
Utah: 1979 Supplement.
Vermont: 1979 Supplement.
Virginia: 1979 Session Laws.
Washington: 1979 Session Laws.
West Virginia: 1979 Supplement.
Wisconsin: 1980 Supplement.
Wyoming: 1979 Session Laws.

MEREDITH MCCOY,
Legislative Attorney,
American Law Division.

Mr. WALLOP. Mr. President, it is my understanding that the distinguished managers of the bill before us now have seen and agreed to this amendment. It is also my understanding that it is their position that they are willing to accept it.

Mr. CRANSTON. Mr. President, to indicate my attitude toward the amendment, I should like to be listed as a cosponsor.

Mr. WALLOP. I very much appreciate that.

Mr. President, I ask unanimous consent that Senator CRANSTON be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, the Senator from Wyoming has been a dedicated and persistent leader in efforts to deal with the devastating problem of child stealing—a problem faced by far too many young children and their families.

Earlier this year, I chaired a hearing on this legislation with the Criminal Justice Subcommittee of the Judiciary Committee. That hearing, and one that I held last year in Los Angeles, documented the tremendous suffering caused by these child-stealing incidents.

Through the efforts of the Senator from Wyoming, the Senate passed similar legislation in the 95th Congress; these provisions are currently pending on the Senate calendar as part of the Criminal Code Reform Act of 1979. As a cosponsor and strong supporter of S. 105, I am pleased to accept it. I have discussed this matter fully with the Senator from Delaware, who chairs the Criminal Justice Subcommittee, and he has not indicated any objection to this amendment.

Mr. President, my investigation into this problem in the past 2 years—together with the numerous heartbreaking letters I have received from parents struggling to be reunited with their children—has convinced me that child stealing is truly a form of child abuse.

In April of 1979, I chaired a field hearing in Los Angeles of the Subcommittee on Child and Human Development, which has general oversight jurisdiction over issues relating to the welfare of children and families, to look into the problem of child snatching and the role of the Federal Government in this area. Testimony presented at that hearing from both parents and law enforcement personnel indicated the enormous social costs of this problem but more dramatically and repeatedly emphasized the tremendous heartache and anguish caused by the more than 25,000 incidents each year of child stealing in which only 10 percent of the children involved are ever found. Again in January of this year, when the subcommittee held a joint hearing on S. 105 with the Judiciary Committee's Subcommittee on Criminal Justice, testimony revealed that thousands of parents and thousands of innocent children are subjected to these emotionally and psychologically damaging ordeals.

Mr. President, surely the pain and suffering inflicted on these children in incidents of parental kidnaping can be described as a serious and subtle type of child abuse.

NATURE OF THE PROBLEM

Mr. President, a key factor in the problem of child snatching is the lack of a Federal law to deal with the problem, although it is most frequently one of interstate—and sometimes international—dimensions. As the testimony at the hearings demonstrated, there is presently no Federal law which requires States to give full faith and credit to custody orders of other States, and it is relatively easy for a parent to defy a custody order in one State by absconding with the child to another State and instituting new custody proceedings.

The absconding parent can seek a new custody order in a new State without regard to the jurisdiction or orders of the original State. By imposing full faith and credit provisions upon custody orders, we can eliminate this type of forum shopping and disregard of the judicial process of the respective States. Although a considerable number of States have adopted the Uniform Custody Act, a number have not. Until all jurisdictions are covered, these problems will continue.

In other cases, however, the absconding parent simply disappears with the child, and the parent with legal custody has few resources available to assist in locating the child, let alone enforcing the original custody order.

In many States, the kidnaping of a child by one parent is not treated as a crime, but brushed aside as a domestic issue in which the law should not become involved. At worst, a kidnaping parent might be liable to a contempt of court charge. Although a large portion of child-snatching incidents involve flight across State lines, these cases are exempted under current law from Federal kidnaping statutes, and only in those cases where a State felony warrant has been issued and where the child is in physical danger will the Department of Justice authorize a Federal unlawful flight to avoid prosecution warrant, which permits the Federal Bureau of Investigation to enter the case.

IMPACT ON INTERNATIONAL CASES OF CHILD STEALING

Mr. President, as testimony at the hearings revealed, the absence of a Federal criminal statute on the subject of parental kidnaping has prevented parents from obtaining extradiction orders in cases involving international child-stealing problems. Efforts are ongoing now in connection with the Hague Conference on Private International Law to draft an international treaty on this subject, and it was indicated at the hearing that passage of the pending legislation would be an important step toward such a treaty.

NEED FOR THE LEGISLATION

Mr. President, there is no doubt in my mind that the peculiar interstate—and sometimes international—nature of the problem of child snatching and the inherent difficulties of individual States in dealing with the problems that transcend State boundaries call for a response to this problem at the Federal level.

Although legal custody issues relating to divorce and child-custody matters have traditionally been within the domain of the States and not the Federal Government, it is within the province of the Federal Government to resolve problems that are interstate in origin and which the States, acting independently, seem unable to resolve. It is also within the province of the Federal Government to take action with respect to problems with international ramifications.

Mr. President, the legislation we are discussing, by requiring States to recognize the custody orders of other States, by authorizing the use of the existing Federal Parent Locator Services, and by making it a Federal offense for parents to kidnap their children in violation of a custody order would provide an array of approaches to deter child kidnaping. This legislation offers substantial progress toward finding ways to spare parents and children these intensely disturbing and damaging ordeals. I congratulate the Senator from Wyoming (Mr. WALLOP) for his persistence and leadership in this area and strongly urge my colleagues to support this amendment on behalf of these families.

● Mr. DURENBERGER. Mr. President, the illegal abduction of a child by the noncustodial parent has reached epidemic proportions over the past two decades. At least 25,000 cases are reported each year, and experts in child welfare believe there are three unreported cases for each abduction brought to the attention of the authorities.

During my first year in the Senate, a number of Minnesota families who suffered the loss of a child sought my assistance in one form or another. I really cannot fashion language sufficient to convey the magnitude of the emotional and financial tragedy inflicted on these people.

I have met parents who have neither seen nor heard from their children for several years; parents who do not know the whereabouts of their child, or whether that child is alive or dead.

I have met a little girl who was kidnaped, and then recovered; but she bears the scars of that experience, and is spending her childhood in a home for emotionally disturbed children.

I have met families that have abandoned their careers and exhausted their financial resources in a futile effort to relocate a kidnaped child.

And I have spoken with countless families who are not yet victims, but who live every moment with the fear that society's judgment on the custody of their child may be muted by an act of forcible abduction.

Obviously, these parent victims and child victims can speak to the tragedy of child kidnaping with a knowledge I cannot share. But having been involved in the effort to assist Minnesota victims, I want to make two important points regarding the nature of the legal remedy needed to curb this ongoing breach of human dignity.

First, Mr. President, this body should recognize that the forcible abduction of a human being across State lines is a national problem, one that requires a national solution.

The crux of the problem lies in the fact that custody decrees do not fall within the full faith and credit clause of the U.S. Constitution. To resolve that problem, the Commissioners on Uniform State Laws have promulgated a uniform act on the reciprocal enforcement of custodial and visitation decrees. It is an excellent law, and a majority of the States have adopted it. But others have not, and those States have tended to become a sanctuary for kidnaped children.

At some point, the uniform law may be adopted by all 50 States. But then again, it may not. And in the interim period, there will be thousands and perhaps hundreds of thousands of additional victims.

The Members of this body can take a significant step toward adverting this human loss by approving the amendment we offer this afternoon.

There is a legitimate national interest in insuring that custody of a human child is determined by a court of law, and not by the force and guile of a kidnaper. The amendment would insure that custody and visitation decrees will be enforceable in every State, and this is an essential requirement if we are to remain a society of laws and not of men.

Unfortunately, Mr. President, extraterritorial validity is only part of the solution. Unless this committee also creates realistic mechanism to enforce custodial decrees, it will have little impact on the childnaping problem.

Today, a custodial order is little more than a right without remedy, even in those States that have adopted the uniform law.

Because childnaping is not a crime, victim parents cannot enlist the assistance of Federal law enforcement officials in locating and reclaiming victim children. Instead, they must rely on private attorneys and private detectives, and their ability to enforce the basic right of custody is entirely a function of their personal financial resources.

The parents I have met over the past 12 months have invested sums ranging from a minimum of $9,000 to a maximum of $40,000 in the frequently unsuccessful effort to recover their kidnaped children. This is a terrible price, even for those who can raise the money. For those who cannot, the rights conferred by decrees of custody are illusory.

Mr. President, there are few rights more basic than the right to the custody of a child. And we cannot tolerate a system that makes that right contingent on personal wealth. This amendment contains two mechanisms to remedy that inequity.

First, it authorizes States to contract for the services of the Federal Parent Locater Service to assist parents seeking to locate a victim child. The FPLS has been used effectively in locating parents who default on child support decrees. To use the service for this purpose, but deny its use if the child is kidnaped, makes no sense whatsoever. Broadening access to the service can minimize the need to incur massive legal and investigation fees in locating a missing child.

Second, the amendment makes it a Federal misdemeanor to conceal or abduct a child in violation of a custody order. This enables the FBI to assist in locating and returning a kidnaped child—a service for which there is no charge, and one that is equally available to all citizens regardless of their personal wealth. It also provides a significant deterrent against commission of the abduction itself. One of the principal weaknesses of the present system is its utter lack of sanctions against a parent who abducts a child. Even in some States that have adopted the Uniform Act, the worst fate that can befall a lawbreaking parent is a court order requiring him/her to return the child. If anything, this is an incentive to attempt abductions. At worst, the noncustodial parent will have the same situation they occupied before the abduction attempt—lack of custody. Many victim parents see this lack of sanctions as a prime reason behind the rapid increase in childnaping that has taken place over the past 10 years. The penalties provided by the amendment are moderate, but nevertheless important. By helping to deter the act itself, they can prevent the child from incurring emotional scars that even recovery can never fully dispell.

Under present law, a parent whose automobile is stolen can enlist the help of the FBI to locate and recover it. But if the parent's child is abducted, law enforcement agencies are powerless to help. This is a strange set of priorities, and it must be reversed. If this requires the FBI to retain additional manpower, then Congress should provide the funds. A right as fundamental as the custody of one's child cannot be left without legally effective enforcement mechanisms.

For reasons beyond my comprehension, Congress has delayed action on this bill for nearly 18 months. And the price of that delay is being measured in shattered dreams, emotional scars, and broken childhoods. That is simply too high a price for delay. I urge every one of my colleagues support this amendment and use the full extent of their influence to promote its passage.●

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (UP No. 1514) was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WALLOP. Mr. President, the adoption of this amendment marks the second time the Senate has seen fit to pass legislation directed at eliminating the child-snatching problem—once in the 95th Congress and now in the 96th. The 25 Senate cosponsors of the measure have worked diligently for passage of such legislation. On behalf of all of the measure's cosponsors and supporters, in and out of Congress, let me express my strong hope that this important proposal will be retained in conference with the House. I would respectfully request my colleague from California (Mr. Cranston) and my colleague from New Hampshire (Mr. Humphrey) to stand firmly behind this provision in discussions with the House.

Mr. CRANSTON. I will most certainly do my best to that end.

Mr. WALLOP. I appreciate that very much. I thank the Senator for all his help in this matter.

Mr. President, I ask unanimous consent to add the name of the Presiding Officer (Mr. Boren) as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. I yield the floor.

Mr. CRANSTON. Mr. President, the Senator from Utah yielded to us for the purpose of dealing with that amendment.

Mr. WALLOP. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1515

(Purpose: To prohibit discrimination on the basis of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation)

Mr. HUMPHREY. Mr. President, the distinguished chairman of our committee and I have come to an agreement on an amendment which we shall offer jointly. The intent is to prohibit discrimination on any basis by projects receiving funds authorized by this legislation.

A little explanation in the way of legislative history: The amendment I had intended originally to offer focused exclusively on gender. I wanted to be certain that in no case would someone be refused access, on the basis of gender, to one of these shelters which is at least in part funded with Federal dollars. Senator Cranston has expanded considerably on that concept to include discrimination on the basis of not only gender but also race, creed, belief, color, national origin, sex, age, handicap, or political affiliation. I believe that considerably improves my amendment: and, for this side, I am willing to accept the amendment, which I now send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. Humphrey) for himself and Mr. Cranston, proposes an unprinted amendment numbered 1515.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 48, between lines 3 and 4, insert the following new section:

DISCRIMINATION PROHIBITED

Sec. 111. (a) The Secretary shall not provide financial assistance for any program under this title unless the grant, contract, or agreement with respect to such program specifically provides that no individual with responsibilities in the operation of such program will discriminate unlawfully with respect to any such program because of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation.

(b) No individual in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this title: *Provided, however,* That nothing in this title shall require any such program to include any individual in any program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programatic factor reasonably necessary to the normal operation of that particular program or activity. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1). Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that an individual may have if that individual is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this title.

On page 48, line 5, strike out "Sec. 111." and insert in lieu thereof "Sec. 112.".

On page 51, line 7, strike out "Sec. 112." and insert in lieu thereof "Sec. 113.".

On page 52, line 6, strike out "Sec. 113." and insert in lieu thereof "Sec. 114.".

Mr. CRANSTON. Mr. President, this is a different version from that that was originally contemplated by the Senator from New Hampshire. I had concerns about the original amendment because it focused only on discrimination in regard to sex and I felt there was a problem in doing that.

I am pleased that we were able to work out those differences and that the amendment now offered covers broader territory. I think it is now in fine order and I am very happy to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment (UP No. 1515) was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Pryor). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, after consultations with the distinguished managers of the bill, Mr. Cranston and Mr. Humphrey, we have arrived at the following agreement with the distinguished minority leader, and I present it as follows:

I ask unanimous consent that at no later than the close of business on tomorrow, the pending matter, domestic violence bill, be advanced to third reading, and that it go over until 4 p.m. on Thursday a week from this coming Thursday; that there be 1 hour for debate, the time to be equally divided between Mr. Cranston and Mr. Humphrey; that the vote occur on final passage, and the paragraph 4 of rule XII be waived, with a vote occurring at 5 p.m. up or down on the domestic violence bill; provided further, that following advancement to third reading of the legislation on domestic violence tomorrow or at the close of business, the Senate proceed to the consideration of S. 1188, the veterans' vocational rehabilitation legislation, in order that opening statements may be had prior to the close of business tomorrow, and that that measure then go over until the reconvening of the Senate on Wednesday following the Labor Day break, without any other actions except opening statements thereon; provided further, that the majority leader be authorized to call up the Export Trading Co. bill any time today or tomorrow, after consultation with the distinguished minority leader; provided further, that the military procurement conference report may be called up as a privileged matter at any time today or tomorrow; and provided further, that the ERISA legislation, if it returned to the Senate as a House message, may be proceeded with at any time today or tomorrow; and provided further, of course, that the veto override of H.R. 7102, veteran's physicians pay legislation, may occur at any time tomorrow the majority leader calls that up, after consultation with the minority leader; and provided further, that there be no other business called up today or tomorrow unless such other business is cleared and can be acted upon by unanimous consent: and the final proviso being that the Senate would then go out at the close of business tomorrow until Wednesday a week from the day after tomorrow.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, to the contrary, Mr. President, I congratulate the distinguished Senator from New Hampshire and the Senator from California for handling this measure in this manner and all of those involved in arranging to schedule legislative matters between now and tomorrow at the time of the conclusion of the Senate's business. Because by doing that, they have permitted us to go out on Tuesday evening instead of Wednesday evening and to provide an orderly arrangement of legislative business on our return on Wednesday a week from this coming Wednesday.

I know that this matter is of particular interest to the Senator from California and the Senator from New Hampshire. There are many other Members who have amendments and concerns about this measure. I believe the agreement just suggested by the majority leader is the very best possible arrangement that can be made. I think it fully protects the interests of all parties in this matter and is a satisfactory arrangement.

Mr. President, on that basis, then, I will not have any objection to the request. Indeed, I join the majority leader in the request and I express my appreciation to Senator HUMPHREY and Senator CRANSTON.

The PRESIDING OFFICER. Is there objection to the majority leader's request? If not, the request is agreed to.

Mr. ROBERT C. BYRD. Mr. President, I wish to express my appreciation to the distinguished minority leader for his cooperation and the work he has done in making this arrangement possible.

I thank Mr. HUMPHREY, Mr. CRANSTON, Mr. HELMS, and all other Senators who have participated in the agreement. Like the minority leader, I think this is a fine arrangement. It allows for the expeditious action on the remaining business before the break and sets a time certain for a vote on the domestic violence legislation. I think all Senators are to be commended thereon.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I wish to thank the majority leader and the minority leader for their fine work in producing this time agreement. I am particularly grateful because it affects two measures I am very interested in—the pending measure on domestic violence and the veterans' measure on vocational rehabilitation.

I also thank the distinguished Senator from New Hampshire for his cooperation in working all of this out.

Mr. ROBERT C. BYRD. Mr. President, I think it is understood, is it not, that the Senate will continue throughout this day and tomorrow, if necessary, in calling up and acting upon the amendments to the pending legislation.

Mr. CRANSTON. That is right.

Mr. ROBERT C. BYRD. On some of which, there may be rollcall votes.

Mr. CRANSTON. Yes. We have several amendments we need to dispose of one way or another. We will do our best, without taking up time too late today, to dispose of those that we can and then we will conclude the others tomorrow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1516

(Purpose: To require matching funds by public agencies and nonprofit private organizations raised in the community served by such agency or organization)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from New Hampshire (Mr. HUMPHREY) proposes an unprinted amendment numbered 1516.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. EXON). Without objection, it is so ordered.

The amendment is as follows:

On page 8, between lines 7 and 8, insert the following:

"(f) No grant may be made under this section to any local public agency or nonprofit private organization unless that agency or organization matches the amount of the grant in the year in which the grant is made from private funds raised in the community served by that agency or organization.".

On page 8, line 8, strike out "(f)" and insert in lieu thereof "(g)".

Mr. HUMPHREY. Mr. President, this amendment would require matching funds for the project grants that would be mandated by S. 1843. Organizations desiring to provide shelters or other direct services would have to raise money from private sources within the community in order to be eligible for a Federal grant. The applicants would have to match the potential Federal grant dollar for dollar.

As the bill is currently drafted, neither private support nor community support is required for a project to be funded under this legislation. Thus, there would be no assurances either that such a project is desired by the community or that the project could ever become independent of governmental funding. The services envisioned in S. 1843 should be rooted in the community and in private effort. My amendment would insure this connection. No project would be unilaterally imposed upon a community. Projects would be more likely to reflect community values.

A matching fund requirement would screen out projects that have no local appeal. It would better insure that we are supporting projects that can ultimately stand on their own, and not become permanent wards of the Federal Government.

In addition, my amendment would further the stated goal of the proponents of S. 1843 to promote local efforts. Would-be grant recipients would have to venture into the community to seek support. They would have the advantage of a challenge grant in seeking local support. They can say to the people in their communities, "If you give me a dollar for this project, the Federal Government will or is likely to kick in an additional dollar." Thus, project directors would more likely be successful in local fund raising.

The Federal Government should not be involved at all with this business of tranquilizing domestic relationships. If the Federal Government is to be involved, we must make sure that it works with communities and not on them. And, we must make sure that the Federal Government does not become involved in the permanent support of unviable projects.

Mrs. KASSEBAUM. Mr. President, I should like to offer some brief words in support of the amendment proposed by Senator HUMPHREY. The controversy over the legislation before us today is not the need to address the problem of domestic violence itself. We all agree that this is a problem—indeed, a serious one. Even the most conservative estimates of the extent of domestic violence in our Nation are sufficient to cause alarm. It is equally obvious that many victims in need of assistance are not able to obtain it. What is at issue, however, is the means by which this problem is most appropriately addressed.

Domestic violence is a family and community problem. For this reason, I feel strongly that it is best addressed at the local level. In its statement of purposes, this bill itself addresses the need to stimulate local activity. If I could believe that a single injection of Federal funds would provide the catalyst needed to build an effective local response to domestic violence, I would have no qualms about supporting this measure. However, as currently written, this bill provides little assurance that it will not repeat the past performance of Federal programs which require sustained and increasing amounts of Federal funds to assure their continuation. Too often, these programs have grown dependent on Federal moneys and do not build the sources of local financial support which will guarantee their viability after the Federal presence is removed.

The Humphrey amendment would strengthen this measure by assuring that substantial local support is present from the outset. By requiring that Federal support be matched by monetary contributions from private and community sources, it offers great guarantees that the victims of domestic violence 3 years from now—when Federal funding ceases—will be able to rely on strong programs.

This amendment does not rest on the hope that Federal money will stimulate local interest in the future. Rather, it requires a tangible guarantee that local support is already present. As such, I feel it offers a direct and effective means for assuring that the purposes of this measure are achieved.

More and more we are realizing that the involvement of the Federal Government alone does not assure the resolution of a problem. In fact, in far too many cases, Federal intervention has served to supplant rather than supplement local efforts to deal with problem situations. I have been concerned by our tendancy to relinquish responsibility over any number of issues which directly affect us, our families, and our communities. Domestic violence is a pervasive problem which respect no social or economic bounds. Any American could well have friends or neighbors who are victims. Recognizing this reality, we all need to look to ourselves first in seeking the solution. I am supporting the Humphrey amendment because I believe it is essential that the concept of local and individual responsibility be emphasized as part of any effort to address domestic violence.

UP AMENDMENT NO. 1517

(Purpose: To require matching funds by public agencies and nonprofit private organizations raised in the community served by such agency or organization)

Mr. CRANSTON. Mr. President, I send to the desk a substitute amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from California (Mr. CRANSTON) proposes an unprinted amendment numbered 1517 to the Humphrey amendment numbered 1516.

Mr. CRANSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 2, strike out all through line 7 and insert the following:

(f) No grant may be made under this section to any local public agency or nonprofit private organization unless such agency or organization provides for the following local share as a proportion of the total amount of Federal funds provided to the program or project involved: 25 per centum in fiscal year 1981, 33⅓ per centum in fiscal year 1982, and 50 per centum in fiscal year 1983, of which amounts in each such fiscal year not less than 50 per centum from shall be provided by such agency or organization from private funds raised in the community served by such agency or organization: The local share required under this subsection may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services.

Mr. CRANSTON. Mr. President, title I is designed to assure that programs or projects receiving financial assistance under title I would not become dependent upon Federal funding—we placed limits on the size and duration of grants which local programs could receive so that they would, out of necessity, have to secure other funding support in their communities.

I am not opposed to making explicit this policy which is already implicit in the legislation. However, I do believe that the amendment proposed by the Senator from New Hampshire is unduly harsh and restrictive. First of all, it fails to recognize that some of these programs will be operated by public agencies. The amendment he has proposed would require, for example, a local police department to go to private charitable agencies to get "private funds to match its Federal dollars. Likewise, the Senator's amendment would ignore the desires of local and State governments to make contributions to these programs. A city council could not provide the funds to match a Federal grant under the Senator's amendment. I think that expression of support and interest by State and local government entities are important indicators of local and community support and should be counted as part of any non-Federal share requirement. I also think that starting with a dollar for dollar match is unrealistic for new programs.

Mr. President, my amendment would provide for a sliding local share requirement as follows: The non-Federal share would be 25 percent of the Federal funding in the first year, 33⅓ percent in the second year, and 50 percent in the third year. The local share could be raised from private or public sources and would include in-kind contributions as well as cash grants.

After discussions with the floor manager for the minority, the Senator from New Hampshire, I have further modified my amendment so that one-half of the non-Federal match required would have to come from private sources. My amendment also has been modified so that Federal funds from other Federal sources cannot be counted in meeting the local share. Also, the the non-Federal share would not be applicable, under the amendment, to the grant to the State.

Mr. President, I believe that we thus have reached an accommodation on the issues, whereas we started off with differing views. This approach meets the legitimate concerns raised by the Senator from New Hampshire but uses an approach that I believe is preferable and more realistic, and I hope we now can proceed to adopt this amendment.

Mr. HUMPHREY. Mr. President, I thank my colleague from California for his cooperation.

Obviously, in a compromise one does not get all that one wants. But, nevertheless, we have made substantial progress toward addressing the concerns that I have, especially the concern that these projects which will be funded in part with Federal dollars, that is to say taxpayer dollars, will be projects that can demonstrate some real concrete local support.

So I am willing to accept the substitute amendment offered by Senator CRANSTON and thank him for his cooperation.

Mr. CRANSTON. I thank the Senator.

The PRESIDING OFFICER. The question then is on agreeing to the amendment of the Senator from California.

The amendment (UP No. 1517) was agreed to.

The PRESIDING OFFICER. The question then is on agreeing to the amendment of the Senator from New Hampshire as amended by the amendment of the Senator from California.

The amendment (UP No. 1516) as amended, was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1954

(Purpose: This amendment requires that shelters funded under this bill be State licensed so that Federal aid dollars will help ensure that temporary shelters are safe and habitable and provide services and care to domestic violence victims by persons properly qualified to handle their needs)

Mr. HATCH. Mr. President, I call up my amendment No. 1954 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Utah (Mr. HATCH) proposes an amendment numbered 1954.

Mr. HATCH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 24, after line 10, insert the following new paragraph (and redesignate the following paragraph accordingly):

"(5)(A) The term 'shelter' means any shelter, facility, or other institution which is licensed under any applicable State law to provide, on a regular basis, shelter, meals, and related assistance to victims and dependents of victims of domestic violence.

"(B) The term 'shelter' also includes any shelter, facility, or other institution which is located on an Indian reservation and is certified by the Secretary as providing the assistance specified in subparagraph (A).".

Mr. HATCH. Mr. President, this amendment to the Domestic Violence Prevention Act simply requires that any domestic violence shelters to be created or supported as a result of S. 1843, be licensed by the respective State as to shelter (that is, for safety and fire); meals (considering sanitation and nutrition); and related assistance (considering the need for qualified personnel, often being psychiatric or other professionally trained medical staff).

My proposal requires that the several States assure that the emergency shelters provided in this bill meet State licensing requirements. None are now federally required. When a battered woman makes the decision to leave her husband, she may be in fear of her life. She commonly has nothing but the clothes on her back, and the children she is afraid to leave with a violent spouse. For all too many of these women, there is no place to go, but to an emergency shelter. This amendment would help make sure that the shelter to which a victim of battering goes for help is licensed by the State in order to guarantee: safe, clean, habitable housing, nutritious meals, competent personnel.

My amendment requiring State licensure is a requirement for accountability: Accountability for the quality of care provided; accountability for the services; and for the facility itself. Overcrowded, poorly or inadequately staffed shelters perpetuate abuse through neglect, and thereby take away options for battered women and their children, rather than creating them.

While the idea of State licensing is not new, not all Federal programs necessarily provide a requirement for States to license facilities or projects created through Federal legislation. For example, until Public Law 96-58 was amended, the Food Stamp Act prohibited dispensing food stamps to the elderly and disabled living in small group home living arrangements, and giving States no discretion to direct food stamp money to these elderly group home facilities. Now, fortunately, the law has been made more reasonable. States are now required to assure that these senior citizen centers are licensed to guarantee proper sanitation, quality control, and so forth, and in turn, States have more discretion to operate their respective centers.

We now have a similar State licensure for fund eligibility, in the alcoholic and drug addict treatment centers created by the Comprehensive Alcohol Abuse and Treatment Act of 1979, Public Law 91-616.

In short, my amendment to S. 1843, requiring State licensure, will assure that the domestic violence prevention centers provided meet high standards, effectively and efficiently use the Federal dollars to be spent, and place the responsibility as well as the discretionary authority on the shoulders of the individual States where they belong anyway.

Mr. President, I ask unanimous consent to have printed in the RECORD some examples of laws which require licensure of facilities by the States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DOCUMENT 4

Title 42 Sec. 1396a State plans for medical assistance:

(29) include a State program which meets the requirements set forth in section 1396g of this title, for the licensing or administrators or nursing homes;

"Notwithstanding any other provision of law, after June 30, 1988, no Federal funds shall be paid to any State as Federal matching under title I, X, XIV, XVI, or XIX of the Social Security Act (subchapter I, X, XIV, XVI, or XIX of this chapter) for payments made to any nursing home or on account of any nursing home services provided by such nursing home for any period during which such nursing home is determined not to meet fully all requirements of the State for license as a nursing home, except that the Secretary may prescribe a reasonable period or periods of time during which a nursing home which has formerly met such requirements will be eligible for payments which include Federal participation.

DOCUMENT 5

Title 42 Sec. 1766 Child care food program:

(2) For purposes of this section, the term "institution" means any public or private nonprofit organization where children are not maintained in permanent residence including, but not limited to, day care centers, settlement houses, recreation centers, family day care programs, Head Start centers, Homestart programs, and institutions providing day care services for handicapped children. No institution shall be eligible to participate in this program unless it has either local, State, or Federal licensing or approval as a child care institution, or can satisfy the Secretary that its standards are no less comprehensive than the Federal interagency day care requirements as approved by the Department of Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor on September 23, 1968. An institution may be approved for funding under this section only if, under conditions established by the Secretary, such institution is moving toward compliance with the requirements for tax exempt status under section 501(c) (3) of title 26, or is currently operating a federally funded program requiring nonprofit status. For purposes of this section.

DOCUMENT 6

Title 42 Sec. 4573 State plans alcohol abuse centers:

(9) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event supplant such State, local, and other non-Federal funds;

(10) set forth, in accordance with criteria to be set by the Secretary, standards (including enforcement procedures and penalties) for (A) construction and licensing of public and private treatment facilities, and (B) for other community services or resources available to assist individuals to meet problems resulting from alcohol abuse.

UP AMENDMENT NO. 1518

(Purpose: To clarify that the provision of shelter and related assistance be in compliance with applicable State law or regulation)

Mr. CRANSTON. Mr. President, I send to the desk an unprinted amendment as a substitute for the amendment of the Senator from Utah.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California (Mr. CRANSTON) proposes unprinted amendment numbered 1518 to amendment numbered 1954.

Mr. CRANSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu language proposed to be inserted, insert:

On page 51, between lines 23 and 24, insert the following:

(5) The term "shelter" means the provision of temporary refuge and related assistance in compliance with applicable State law or regulations governing the provision, on a regular basis, of shelter, meals, and related assistance to victims and dependents of victims of domestic violence.

Mr. CRANSTON. Mr. President, if a State has laws or regulations which are applicable to an operation of a shelter program, then, of course, grantees under this legislation should comply with applicable State laws. Nothing contained in the bill suggests otherwise.

Where I may differ, and perhaps there is no difference over this point, but where I may differ from the Senator is on the issue of whether the Federal Government should mandate that States enact laws to require licensing of shelters. I think we should leave that decision to the appropriate State governments.

I am willing, however, to explicitly require that any refuge and related assistance provided by a shelter facility must meet applicable State law or regulations, and I have offered a substitute to that effect.

Mr. President, my amendment would simply define "shelter" as the provision of temporary refuge and related assistance in compliance with applicable State law or regulations. It would impose no additional burdens upon States but simply provide the grantees must comply with State law or regulations which are applicable to the particular activities they wish to undertake.

In other words, receipt of Federal funds under this act would in no way exempt programs from meeting the applicable requirements of State law or regulations.

I think this is basically what the Senator intends and I hope that he, therefore, finds the substitute acceptable.

Mr. HATCH. Mr. President, I do find the substitute acceptable.

I know there was a member of the committee trying to bring this up, and it was basically unacceptable.

I see really not much difference between what the distinguished Senator, my colleague from California, is offering and what we offer.

That being the case, I am happy to accept the amendment.

Mr. CRANSTON. Very good. I appreciate that very much.

Mr. HATCH. Mr. President, I move the adoption of it.

Mr. CRANSTON. Will the Senator wait one moment?

Mr. HATCH. Yes.

Mr. CRANSTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I just made a technical correction in the amendment so it will appear in the bill at the proper place.

Mr. HATCH. That is fine. The technical amendment is fine with the Senator from Utah.

Mr. CRANSTON. If the Senator would modify his amendment in the same way it would be in accordance with mine.

Mr. HATCH. Mr. President, I hereby make the modification.

Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (UP No. 1518) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah, as amended.

The amendment (No. 1954), as amended, was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATCH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1957

(Purpose: To provide State legislatures with the power to veto grants approved by the Secretary of Health, Education, and Welfare)

Mr. HATCH. Mr. President, I call up amendment No. 1957 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Utah (Mr. HATCH) proposes an amendment numbered 1957.

Mr. HATCH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, after line 2, insert the following new section (and redesignate the following sections, and any references to such questions, accordingly):

SEC. 5. In any case in which the Secretary approves an application submitted to the Secretary by a State for a grant under section 4, the Secretary shall submit written notice of such approval as soon as practicable after the date of such approval to the State legislature for the State involved for review by such legislature in accordance with this section. Such notice shall include such information as the Secretary considers appropriate describing the nature of activities which are proposed in such application and the reasons of the Secretary for approving such application.

Mr. HATCH. Mr. President, this amendment allows State legislatures to veto grants authorized by the Health and Human Services Secretary for domestic violence prevention and abuse programs within a respective State.

I think this amendment is necessary, giving State legislatures authority they ought to have anyway, as my amendment provides, indirectly involves these State and legislatures in the grant-in-aid process for the benefit of both State and Federal Governments.

I say that it is mutually beneficial on the State and Federal levels, because having the veto authority on federally guided domestic violence programs gives these State legislatures a comparable responsibility to track down and assure the quality and compliance of State grant applications. It invites State legislatures to become familiar with these programs, and better assures a smooth transition from Federal to State participation once the Federal aid ends and the offer of Federal matching funds begins.

State legislative veto requirements tend to prevent programs initiated as "demonstration" or "seed money" grant programs from becoming permanent federally subsidized fixtures, but instead lead to State matching or fully State-supported programs. The discontinuation of State LEAA programs after initial Federal authorizations ran out is the classic illustration of this, and I ask that a two-page summary of this example be submitted to the hearing record, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE PROJECT DISCONTINUATIONS

In accordance with Section 519(8) of the Crime Control Act, States submitted to LEAA data on the total number of projects ending in Fiscal 1978, the number of projects continued and not continued with non-LEAA funds both at the State and local levels when funds were discontinued, and the number of projects which by their very nature were not eligible or intended to be continued. Data is reported by criminal justice system components. Even though programs in juvenile justice and delinquency prevention and drug abuse are reported within the five primary program categories, they are reported again separately in response to congressional interest in these subject areas.

Of a total of 7,867 projects ending in FY 1978, 2604 (33 percent) were continued at the State or local level subsequent to the termination of LEAA funding, 482 (6 percent) were discontinued either because of the unavailability of funds or the lack of appreciable impact; and 4781 (61 percent) were projects which by their nature were not eligible or intended for continuation. Of the projects in this latter category, the majority were in the enforcement area.

In reporting the projects that were continued with non-LEAA funds, the States indicated those which were funded at the State level and those funded at the local level. Some 74 percent of projects continued with non-LEAA monies were funded at the local level, with 26 percent funded at the State level. Of a total of 685 funded at the State level, 37 percent were in the corrections category, 19 percent in enforcement, 18 percent in system support, 15 percent in adjudication, and 11 percent in prevention. There were 1,919 projects funded at the local level with the following percentages in each program component: enforcement, 33 percent; corrections, 22 percent; prevention, 18 percent; adjudication, 18 percent; and system support, 9 percent.

In addition to providing the number of projects continued at the State and local levels, the States reported the level of project scope and activity compared to that in the last year of LEAA funding. The focus of these indicators (reduced, comparable, or expanded) is upon the level of services provided and not solely upon the level of non-LEAA State or local continuation funding. Approximately 75 percent of the projects which were continued by States and localities were continued at levels comparable in scope and activity to that of the last year of LEAA funding. The remaining 25 percent were divided almost equally between reduced and expanded levels.

The number of projects not continued with non-LEAA funds when LEAA funding terminated were reported in two categories—those not continued because of no appreciable impact and those not continued because funds were not available. Of the total of 482 projects not continued, 26 percent fell into the former category and 74 percent into the latter. The breakout by criminal justice system component of projects not continued is as follows: corrections, 29 percent; prevention, 23 percent; enforcement, 21 percent; adjudication, 15 percent; and system support, 12 percent.

There are many LEAA-funded projects that by their very nature are not eligible for nor intended to be continued. Some 61 percent of the total projects ending in FY 1978 fall within this category. These include telecommunications and data processing equipment purchases, training, facilities construction and renovation, most research undertakings, and experimental projects or studies of a relatively short duration. The major objectives of these projects are accomplished with Federal funds, and with the exception of routine maintenance costs, the bulk of the project cost occurs during the initial Federal funding period.

A comparison of this report with data from the FY 1977 Annual Report shows that there is considerable consistency in the total number of projects ending (there were 79 more ending in FY 1977). Fiscal 1978 had 9 percent more projects continuing that were reported for FY 1977; 14 percent fewer projects not continued because of lack of funds or no appreciable impact; and 5 percent less projects not eligible for continuation than were reported for FY 1977.

CONTINUATIONS OF PROJECTS SUPPORTED WITH LEAA FUNDS

Program component	Projects continued with non-LEAA funds when LEAA funds were discontinued	Projects not continued when LEAA funds were discontinued	Projects which by their nature are not eligible or intended to be continued	Total number of projects not continued	Total number of projects ending in fiscal year 1978
Prevention	432	108	189	297	729
Enforcement	761	97	2,836	2,933	3,694
Adjudication	441	77	689	766	1,207
Corrections	665	140	572	712	1,377
System support	305	60	495	555	860
Total	2,604	482	4,781	5,263	7,867
Juvenile justice and delinquency prevention	630	150	305	455	1,085
Drug abuse	81	21	36	57	138

Note: Juvenile justice and delinquency prevention and drug abuse program information, although included in the 5 criminal justice system components, is reported again separately.

PROJECTS CONTINUED AT THE STATE AND LOCAL LEVELS BY CRIMINAL JUSTICE SYSTEM COMPONENT

	State		Local	
	Number	Percent	Number	Percent
Prevention	79	11	353	18
Enforcement	128	19	633	33
Adjudication	101	15	340	18
Corrections	252	37	413	22
System support	125	18	180	9
Total	685	100	1,919	100

Note: Total number projects continued: 2,604.

PROJECTS NOT CONTINUED (NO IMPACT OR NO FUNDS) BY CRIMINAL JUSTICE SYSTEM COMPONENT

	Number not continued	Percent of total	No appreciable impact		No available funds	
			Number	Percent	Number	Percent
Prevention	108	23	26		82	
Enforcement	97	21	21		76	
Adjudication	77	15	24		53	
Corrections	140	29	35		105	
System support	60	12	18		42	
Total	482	100	124	26	358	74

Mr. HATCH. Too often, "seed money" grant programs established to aid specific local problems become entrenced as part of the Federal bureaucracy because there was no mechanism available to involve State legislatures early enough to make it possible for them to pick up the Federal share. As a result, established constituencies grow like topsy and begin lobbying Congress for the incredible increased authorizations we have had in program maintenance at the Federal level.

Consider just a few examples: Food stamps started out as a pilot project funded at $13 million in 1969, and grew to $6.8 billion in fiscal year 1979.

Community mental health centers originally part of the Office of Economic Opportunity began at $10.4 million, and is now $360 million, taking the last fiscal year's authorization.

Women, infants and children's programing for cash assistance through HEW began at $15 million and is now $550 million.

What I am saying in all of this, is simply that had the Federal Government not followed a policy path discouraging State involvement, we might today have these same programs but operated at more efficient cost levels and conducted in a more decentralized fashion. With my amendment, we can begin making up for lost time by involving the State very early on in the domestic violence center authorization process.

As a final note, let me note that no State has ever turned down Federal money. States should have even if they are unlikely to use their legislative veto authority, and regardless will welcome Federal assistance.

So I would suggest even with my State legislative veto amendment the States will take the money, will set this up, but will be participants in the process, and we will all be better off early in the game rather than later in the game with all the irritations which have occurred in the past.

I also ask unanimous consent that various arguments in rebuttal and answers thereto to the legislative veto be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEGISLATIVE VETO, ARGUMENTS TO REBUT

Some state legislatures don't meet every year.

Legislative veto mechanism not adversely affected, since legislatures could act to veto when and if a problem with federal assistance that is adversely impacting on a state program when it meets. Secretary must be notified by State legislature before federal assistance ends.

State legislatures don't meet at the same time that funding will be available and they will come along later and disapprove that funding even though it started to provide services, even though it has billed the clientele.

Federal funding in this bill is 25 percent of the program costs, or $50,000. If a community based program is good enough to get the private or state support it needs to fund the program at 75 percent effectiveness. In the event of a legislative veto sufficient program support should have already been generated, through the movement through the process, to plug into existing federal aid, such as Title XIX, Community Block Grants, ACTION, LEAA and the like to get the program off the ground, anyway.

The safeguards in the bill are that the governor has to be involved in and want the program, his office has to make application.

Involvement by the Governor is not involvement by the legislature.

Legislature appropriates money, not the governor;

Legislature must understand what it is being asked to fund; and

The legislature, not the governor, will be asked to pick up the bill.

Legislative veto is without precedent. To move in this direction is to invite precedent for moving a whole host of programs in this direction.

Sponsors of this bill have repeatedly stated this is a three year "seed" money categorical grant program designed to provide assistance to get community based programs off the ground, therefore if it is designed to end, let's plug mechanisms in the bill at the outset to realistically allow the states to take over their rightful role as caretakers of family concerns.

Legislative veto makes government more complicated, rather than less complicated.

The only complication in a legislative veto is that it requires that someone look at a program, and track it to determine whether or not it is accountable.

If the state wants to set up a mechanism to be involved in the program before it is fiscally involved, they can do it by passing statutes to that effect through their legislatures, by involving their appropriations Committee and ways and means committees in the sign off on grants.

Statutes which provide for the reappropriation of federal money by state legislatures is more involved than a legislative veto. This is a simple mechanism to allow states some independent destiny over federal dollars pouring into communities that the legislatures will ultimately have to fund.

The PRESIDING OFFICER. The Chair wishes to advise the Senator from Utah that his amendment as drafted fits into the middle of a sentence of the bill. Will the Senator from Utah kindly clarify that for the Chair?

Mr. HATCH. Mr. President, I ask unanimous consent that the amendment be made to conform with the Cranston substitute which will be offered, and which is at the desk.

Mr. CRANSTON. Mr. President, the language would be inserted on page 32 between lines 14 and 15 as a new subsection (h).

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The modification is as follows:

On page 32, between lines 14 and 15, insert the following new section (and redesignate the following sections, and any references to such questions, accordingly):

(h) In any case in which the Secretary approves an application submitted to the Secretary by a State for a grant under section 4, the Secretary shall submit written notice of such approval as soon as practicable after the date of such approval to the State legislature for the State involved for review by such legislature in accordance with this section. Such notice shall include such information as the Secretary considers appropriate describing the nature of activities which are proposed in such application and the reasons of the Secretary for approving such application.

Mr. CRANSTON. Mr. President, may I ask the Senator from Utah is the amendment now modified in accordance with what we suggested?

Mr. HATCH. Yes, the amendment has been modified in accordance with the Senator's suggestion.

Mr. CRANSTON. I was concerned that the amendment was providing for a veto. It does not do that. It describes the situation accurately, and I am prepared to accept the amendment, which simply provides for notifying the State legislatures of grants made to States.

Mr. President, as I read the amendment proposed by the Senator from Utah, it simply provides for the Secretary to give written notice to the State legislature when the Secretary has approved a State's application for a grant, including such information as the Secretary deems appropriate describing the nature of activities proposed in the application and the reasons of the Secretary for approving the application.

Although the Senator from Utah has described his amendment as providing a "veto," I do not read it as such. There is no prohibition in his amendment against the Secretary going forward with the grant once notice has been given to the State legislature. Of course, upon receiving such notification, a State legislature could take whatever action it deemed appropriate with respect to its supervision of its own executive agencies and could, I presume, pass a law directing them to withdraw their application or decline the funds, but that would be a matter between the State legislature and the State executive branch. The amendment would not direct the Secretary to withhold funds pending action by the State legislature.

I have no objection to this notification to the State legislature.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Utah.

The amendment (No. 1957), as modified, was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1956

(Purpose: To strike out the National Center on Domestic Violence)

Mr. HATCH. Mr. President, I call up my printed amendment 1956 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah (Mr. HATCH) proposes an amendment numbered 1956.

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, line 24, beginning with the word "and" strike out through the comma on line 1 on page 27.

On page 31, line 3, strike out ", through the Director,".

On page 33, line 3, strike out "113" and insert in lieu thereof "112".

On page 37, beginning with line 12, strike out through line 21 on page 39.

On page 39, line 22, strike out "NATIONAL CENTER".

On page 39, line 23, strike out "Sec. 107." and insert in lieu thereof "Sec. 106.".

On page 39, lines 24 and 25, strike out ", through the Director,".

On page 41, line 22, strike out "Sec. 108." and insert in lieu thereof "Sec. 107.".

On page 45, line 5, strike out "Sec. 109." and insert in lieu thereof "Sec. 108.".

On page 45, line 17, strike out "Sec. 110." and insert in lieu thereof "Sec. 109.".

On page 48, line 5, strike out "Sec. 111." and insert in lieu thereof "Sec. 110.".

On page 48, line 5, strike out "Director" and insert in lieu thereof "Secretary".

On page 51, line 7, strike out "Sec. 112." and insert in lieu thereof "Sec. 111.".

On page 51, strike out lines 8 through 10.

On page 51, line 11, strike out "(3)" and insert in lieu thereof "(1)".

On page 51, line 22, strike out "(4)" and insert in lieu thereof "(2)".

On page 51, line 24, strike out "(5)" and insert in lieu thereof "(3)".

On page 52, line 6, strike out "Sec. 113." and insert in lieu thereof "Sec. 112.".

On page 52, line 18, beginning with "the operation" strike out through "Center" on line 20 and insert in lieu thereof the following: "administrative expenses".

Mr. HATCH. Mr. President, this amendment strikes the National Center on Domestic Violence provision from the bill, because there is no proper function for such a center. It is an example of the Federal Government making itself "busy work," at best; or venturing the Federal Government into becoming an OSHA on the family where it certainly does not belong. The only role for this kind of center as provided for in S. 1843 must be implied, since the legislation is vague on the matter; and the implication left is that such a national center would promise to become a coordinated, federally authorized office to modify American family life. The Federal Government has neither the competence nor the right to perform such an august function. To federally authorize such an office almost guarantees the politicization of such an office, a political transformation in which the so-called topical discussions on domestic violence provided for in the bill are little more than polemics parading as social science.

If we are serious about providing Federal help to solve the domestic violence problem which troubles our country, we have a responsibility to provide serious, substantive policy rather than a proposal which would dot the countryside with federally authorized hostels that double as indoctrination centers. There are questions which should be more carefully weighed before we vote for such a proposal: Might not these shelters serve to divide families, rather than heal wounds or bring them back together? Are we so certain that the obligatory "counseling" within these centers provided by federally funded social workers not necessarily from the same region or community, would promote strong, unified families? Would it not be better to use primary relationships rather than secondary ones? Would it not be better to encourage persons victimized by domestic violence to first go to friends or family when safety dictates that he or she must leave a household? The domestic violence provision in this bill, and the accompanying report language, fail to address these central questions.

I am sure that the promotion of this particular section of the bill is the product of earnest, sincere efforts to solve the domestic-victim and runaway home problems with what is thought to be the most immediate and federally insured of means, providing Federal money to set up Federal minibureaus or offices. I only ask my colleagues to truly scrutinize this section and debate whether it would not be better to leave it out for now until we can be sure that adding such a vaguely defined office would do more good than harm.

Mr. President, I ask unanimous consent that two additional items be printed in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. HATCH. The first, produced by the Center for Women Policy Studies is entitled "Programs Providing Services to Battered Women;" and the second, provided by my staff, is a compilation of preexisting federally-authorized Domestic Violence Prevention Offices and related activities which overlap with what is being provided in the Domestic Violence Prevention Center provisions of S. 1843. These are further exhibits in behalf of my case, and I urge my colleagues to weigh their significance carefully before we vote.

Mr. President, I also ask unanimous consent that the distinguished Senator from Kansas (Mrs. Kassebaum) be added as a cosponsor to this amendment; also Senator Dole from Kansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Exhibit 1

Programs Providing Services To Battered Women

ALABAMA

Shelters:

Penelope House, Inc., P.O. Box 6871, Mobile, AL 36606; (205) 471–1771, Crisis; (205) 471–1795—Office.

Services: Legal aid (court costs only), counseling, referral hotline (24 hrs., 7 day/wk.), housing (max. capacity 15–20 people, limit 3 weeks, will take children), childcare.

Funding: CETA community fundraising, have applied for LEAA grant.

Domestic Abuse Shelter, Inc., P.O. Box 4752, Montgomery, AL 36101.

Services are being planned.

Funding: Donations.

ALASKA

Shelters:

AWAIC, Inc., 417 W. 8th St., Anchorage, AK 99501; (907) 274–4561.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing, childcare, transportation.

Funding: State, community.

Aiding Women in Abuse and Rape Emergency, P.O. Box 809, Juneau, AK 99802; (907) 586–6624.

Services: Legal aid, counseling referral, hotline (24 hrs.), housing, childcare, transportation.

Funding: State, community.

Bering Sea Women's Coalition, P.O. Box 1596, Nome, AK 99762; (907) 443–5259.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing, childcare, transportation.

Funding: LEAA, state, community.

Iliuliuk Family and Health Services, Unalaska, AK 99685.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing, childcare, transportation.

Funding: State, community.

Tundra Women's Coalition P.O. Box 1034, Bethel, AK 99559; (907) 543–3455.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing, childcare, transportation.

Funding: LEAA, state, community.

Women In Crisis Counseling Assistance, 331 Fifth Avenue, Fairbanks, AK 99701; (907) 452–2293, Shelter & Counseling, (907) 452–6770, Rape.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing, childcare, transportation.

Funding: State, community.

Other services:

Kenai Women's Resource Center, P.O. Box 2464, Seldotna, AK 99669; (907) 262–9760.

Services: Counseling, referral, transportation, housing (safe homes).

Funding: State, community.

Kodiak Women's Resource Center, Kodiak, AK 99615; (907) 486–3625.

Services: Crisis counseling, referral, hotline, housing (in safe homes).

Women in Safe Homes, P.O. Box 6552, Ketchikan, AK 99901; (907) 225–2730.

Services: Counseling, referral, hotline, housing (in safe homes).

Funding: LEAA, state, community.

ARIZONA

Shelters:

Rainbow Retreat, Inc., 4332 N. 12th Street, Phoenix, AZ 85014; (602) 263–1113.

Services: Counseling, referral, hotline, childcare, housing.

Funding: LEAA.

Sojourner Center, P.O. Box 2649, Phoenix, AZ 85602; (602) 258–5344.

Services: Counseling, referral, hotline, housing (max capacity 25, limit 7 days, will take children).

Funding: City of Phoenix (CETA); Maricopa County (META); Maricopa County Probation Department, State of Arizona Department of Corrections; Title XX; individual and corporate benefactors.

Friends-of-the-Family, 6825 E. Osborne Road, Scottsdale, AZ 85251; (602) 949–7256.

Services: Legal aid, counseling, referral, hotline, childcare, housing (max. capacity 12–15, limit 30–45 days, will take children, sliding scale fee).

Tucson Center for Women and Children, 419 S. Stone Ave., Tuscon, AZ 85701; (612) 792–1929, Crisis; (612) 792–1933, Home.

Services: Counseling, referral, hotline (24 hrs.), childcare, housing (sliding donation scale, max. 10 women, children welcome, time limit 1–2 weeks), nutrition program.

Funding: City, CETA, donations, Presbyterian church, fundraising.

Other services:

Citizen Participation and Support Project, 7012 North 58th Drive, Glendale, AZ 85301; (602) 931–5593.

Services: Counseling, referral, hotline (24 hrs.), childcare and housing purchased for client.

Funding: City of Glendale.

New Directions for Young Women, 246 S. Scott, Tucson, AZ 85701; (602) 623–3677.

Services: Counseling, referral, childcare (1–3 P.M.), advocacy groups, GED for all females 12–18 years of age.

Funding: LEAA.

Flagstaff Women's Resource, Inc., 3 N. Leroux Suite 201, Flagstaff, AZ 86001; (602) 774–2727, Crisis; (602) 774–7353, Office or 774–1008.

Services: Counseling, referral, temporary immediate shelter in volunteer homes, hotline (8 A.M.—5 P.M. M–F).

Funding: CETA, CSA, WEEA, expecting ACTION funding.

Southern Arizona Legal Aid, Inc., Family Law Unit, 155 E. Alameda, Tucson, AZ 85701; (602) 623–9461.

Services: Legal aid, referral, no charge.

Funding: Legal Services Corp., United Way, Bar Association, Titles IX, XIII, XX, CETA, ACTION, private donations.

ARKANSAS

Shelters:

Northwest Arkansas Project for Battered Women and their Families, P.O. Box 1168, Fayetteville, AR 72701; (501) 521–1394.

Services: Referral, hotline (24 hrs.), housing, counseling.

Funding: CETA, County Quorum Court, Washington County EOA, private donations.

Other services:

Advocates for Battered Women, 700 N. Polk, Little Rock, AR 72205; (501) 664–8834, Crisis; (501) 664–8834, Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.).

Funding: Volunteer at present time.

CALIFORNIA

Shelters:

La Casa de Las Madres P.O. Box 15147, San Francisco, CA 94115; (415) 626–9343, Crisis; (415) 626–7859, Office.

Services: Legal aid, counseling, referral, childcare, housing (Maximum 30, children welcome).

Funding: Vanguard, Colman Youth Services, San Francisco Foundation.

Haven Hills, Inc., P.O. Box 66, Canoga Park, CA 91305; (213) 887–6589, Crisis; (213) 340–2632, Office.

Services: Legal aid, counseling (sliding scale), referral, hotline (24 hrs.), housing (max. 30 days, max. capacity 15, children welcome).

Funding: City Revenue Sharing, State Health Dept., community resources, private foundations, HUD.

Rosasharon, P.O. 4583, North Hollywood, CA 91607; (213) 769–4237, Crisis, 781–2722; (213) 985–2006, Office.

Services: Counseling, referral, hotline (24 hrs.), childcare, housing (max. 30–45 days, max. capacity 30–40, children welcome).

Funding: City of Los Angeles, HUD.

Emergency Shelter Program, Inc., 24518 Mission Boulevard, Hayward, CA 94544; (415) 881-1244, Crisis; (415) 881-1246, Office.

Services: Counseling, referral, hotline (24 hrs.), housing (max. 10 days, max, capacity 23, children welcome, bilingual shelter).

Funding: Revenue sharing, private donations, ACAP.

Sojourn c/o Ocean Park Community Center, 245 Hill Street, Santa Monica, CA 90405; (213) 399-9228.

Services: Counseling, referral, hotline (24 hrs.), childcare, housing (max. 30 days, max. capacity 4, children welcome).

Funding: Private donations.

Berkeley Women's Refuge, 2134 Allison Way, Berkeley, CA 94704; (415) 849-2314, Crisis; (415) 845-9256, Office.

Services: Counseling, referral, hotline (24 hrs.), housing (max. 7–10 days, max. capacity 23, children welcome).

Funding: Revenue sharing city/county, ACAP, private donations.

Harbor Area YWCA Refuge and Services for Victims of Domestic Violence, 437 W. 9th Street, San Pedro, CA 90731. (212) 547–9343, Crisis, (213) 547-0831, Office.

Services: Counseling, referral, hotline, housing (max. 14 days, max. capacity 10, children welcome).

Funding: YWCA, churches, CETA, individuals.

Haven House, Inc., P.O. Box 2007, Pasadena, CA 91107; (213) 681-2626.

Services: Legal aid (sliding scale), counseling, referral, hotline (24 hrs.), children, housing (max. 30 days, max. capacity 35, children welcome).

Funding: L.A. County-General Revenue Sharing.

Marin Abused Women's Services, P.O. Box 2924, San Rafael, CA 94901; (415) 924–6616, Crisis; (415) 457–4413, Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare (hours by arrangement), housing (max. 28 days, max. capacity 10, children welcome).

Funding: Private donatons.

Mother's Emergency Stress Service, 2515 J Street, Sacramento, CA 95816; (916) 446–7811, Crisis; (916) 446–2791, Home.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing (max. 60 days, max. capacity 15, children welcome), pre-child abuse and child abuse counseling.

Funding: County (for crisis line only).

Coalition for Alternatives to Domestic Violence, P.O. Box 910, Riverside, CA 92502; (714) 686–HELP.

Services: Legal advice (sliding scale), counseling, referral, hotline (24 hrs.), some childcare, housing (max. 14 days, fees: $1.00 for women, .50 for children, sliding scale).

Funding: Membership, contributions.

Violence in the Family Project, Community Action Commission, 735 State Street, Santa Barbara, CA 93102; (805) 963–2556, Crisis; (805) 963–1526, Office.

Services: Legal aid (sliding scale), referral, hotline (24 hrs.), housing (client advocate, small demonstration shelter).

Funding: CETA, Title VI:

Women's Resource Center, Inc., 4070 Mission Avenue, Room 220, San Luis Rey, CA, 92068; (714) 757–3500, Crisis; (714) 757–3500, Office.

Services: Counseling, referral, hotline, housing (max. 1 day, max. capacity 15, children welcome).

Funding: County Revenue Sharing, contribution, R.E.&C., and United Way.

Women's Shelter, P.O. Box 4222, Long Beach, CA 90804; (213) 437–4663.

Services: Counseling, referral, hotline, childcare (for residents), housing (max. 28 days, max. capacity 21, children welcome).

Funding: Long Beach, CETA, Second Community Service Fund, and private donations.

San Francisco Women's Center, 63 Brady Street, San Francisco, CA 94103; (415) 431–1180.

Services: Legal aid, referral, housing.

Funding: Grants, private, donations, membership dues.

Solano Center for Battered Women, P.O. Box 2051, Fairfield, CA 94533; (707) 429–HELP, Crisis; (707) 425–9768—Home.

Services: Counseling, referral, hotline (24 hrs.), housing (max. capacity 6, children welcome).

Funding: County and city monies, CETA.

WOMA—The Women's Alliance, 1509 E. Santa Clara Street, San Jose, CA 95116; (408) 251–6655.

Services: Legal aid, counseling, referral, hotline, housing.

Funding: CETA, State Health Dept., private foundations and private industry.

Womanspace Shelter for Battered Women, P.O. Box 106994, Sacramento, CA 95816; (916) 446–7811, Crisis; (916) 446–2791, Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare, housing (max. 56 days, max. capacity 15, children welcome).

Funding: Community support.

Women's Transitional Living Center, Inc., P.O. Box 6103, Orange, CA 92667; (714) 992–1931.

Services: Counseling (donation requested), referral, childcare, housing ($1.00 for women, .25 for children, max. 30 days, max. capacity 18).

Funding: Revenue sharing, private donations.

Women United Against Battering, P.O. Box 893, Placerville, CA 95667; (916) 622–1235, Crisis; (916) 626–0338, Office.

Services: Counseling, referral, hotline, childcare, housing (max. 5 days, children welcome).

Funding: County donation.

YWCA Women Against Domestic Violence, P.O. Box 1362, Monterey, CA 93940; (408) 649–0834.

Services: Referral, hotline (10 A.M.–10 P.M.), housing (max. 14 days, max. capacity 30, children welcome, sliding scale).

Funding: Service clubs, donations, YWCA, Revenue sharing.

A Safe Place, P.O. Box 275, Oakland, CA 94604; (415) 444–7233.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare, housing (max. capacity 30, time limit 6 weeks, will take children, adults $1.00, children, .50.)

Funding: CETA, Title VI, grants, donations.

Women Encouraging Enterprise & Development (WEED). Station A, Box 111, Auburn, CA 95603; (916) 885–8406.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing, children welcome.

Mariposa House—Battered Women Shelter Project, P.O. Box 1123, Aptos, CA 95003; (408) 476–1489.

Services: Legal aid, counseling, referral hotline (24 hrs.), childcare, housing (max. capacity 15, limit 4–6 wks., will take children).

Funding: SB91, CETA, private foundations.

Merced County Commission on the Status of Women/Friends of Battered Women, 2150 M Street, Merced, CA 95340; P.O. Box 377, Merced, CA 95340; (209) 726–7549.

Services: Referral, hotline (24 hrs.), housing (max. capacity 15, limit 6 wks., will take children).

Funding: CETA, private donations.

San Mateo Women's Shelter, P.O. Box 652, San Mateo, CA 94401; (415) 342–0850.

Services: Legal aid, counseling, referral, hotline, childcare, housing (limit 1 mo., will take children).

Funding: Foundations, churches, private contributions.

Tri-Valley Haven for Women, P.O. Box 188, Livermore, CA 94550; (415) 443–1955.

Services: Counseling groups, referral, hotline (24 hrs.) limited childcare, housing (max. capacity 10, limit 30–60 days, will take children).

Funding: CETA, HUD, ACAP grant, donations.

Other services:

The Battered Women's Project, 2187 Ulric St., Suite D., San Diego, CA 92111; (714) 565–7197, Crisis; (714) 565–7198, Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.).

Funding: CETA.

Legal Aid Foundation of Long Beach, 4790 E. Pacific Coast Hwy., Long Beach, CA 90804; (213) 434–7421.

Services: Legal aid, counseling, referral.

Funding: Legal Services Corporation.

Santa Monica Hospital Medical Center, 1225 Fifteenth Street, Santa Monica, CA 90404; (213) 451–1511.

Services: Counseling, referral, medical care.

Funding: Self supported.

Mountain Sisters Collective, Box 426, Old Bank Mall, Angels Camp, CA 95222; (209) 736–2724, Crisis; (209) 736–4801, Office.

Services: Counseling, referral, community education.

Funding: Private funding.

Women's Crisis Support, 640 Capitola Road, Santa Cruz, CA 95062; (408) 425–2058.

Services: Counseling, referral, hotline (24 hrs.).

Funding: CETA and County Revenue Sharing.

Women's Litigation Unit—Neighborhood Legal Assistance, 1095 Market Street, San Francisco, CA 94103; (415) 626–3819.

Services: Legal aid (residence and low income requirement).

Funding: Legal Services Corporation.

Cumings, Jordan, and Morgan, 96 Jessie Street, San Francisco, CA 94105; (415) 495–4495.

Services: Legal aid (charge involved).

Funding: Private law office.

YWCA Women's Emergency Shelter, P.O. Box 3506, Santa Rosa, CA 95402; (707) 546-1234, Crisis; (707) 546-1477, Office.

Services: Legal aid, counseling, referral, hotline, childcare.

Funding: Revenue Sharing, State Health Dept., community fund raising, churches, private donations.

Domestic Violence Unit, Community Legal Services of Santa Clara County, 210 S. First Street—P.O. Box 267, San Jose, CA 95103; (408) 998-5200.

Services: Legal aid, counseling referral.

Funding: CETA.

Call/Battered Women's Alternatives, 1035 Carol Lane, Lafayette, CA 94549; (415) 284-CARE, Crisis; (415) 837-6936, Office.

Services: Legal aid ($15.00 first consultation, variable fee), counseling, referral, hotline (24 hrs.), childcare (during support groups).

Funding: East Bay Community Foundation, Revenue Sharing, HUD, contributions.

Pacific-Asian Rape Care-Line, c/o Council of Asian/Pacific Organizations, 1543 W. Olympic Boulevard, Room 323, Los Angeles, CA 90015; (213) 388-0446.

Services: Counseling, referral, hotline (8:30-5:00 p.m., M-F), housing (planned), multilingual staff prevention workshops.

Funding: CETA VI.

COLORADO

Shelters:

Battered Women Services, 12 N. Meade, Colorado Springs, CO 80907; (303) 633-4601, Office; (303) 471-HELP, Evenings and weekends.

Services: Counseling, referral, hotline (24 hrs.), housing (private homes, children welcome).

Funding: CETA, donations.

Battered Woman Project c/o Women's Resource Center, 4th and Rood, Grand Junction, CO 81501; (303) 243-0190.

Services: Counseling, referral, hotline (24 hours.), housing (max. 14 days, max. capacity 4 women, sliding scale, children welcome).

Funding: Individual contributions.

Battered Woman Project, 205 N. 4th, Grand Junction, CO 81501; (303) 242-0190, Crisis.

Services: Counseling, referral, hotline (24 hrs.), childcare, housing (max. 14 days, children welcome).

Brandun Guest House, 1260 Pennsylvania, Denver, CO 80203; (303) 832-7826.

Services: Counseling, referral, hotline (24 hrs.), childcare, housing (max. 28 days, max. capacity 50, children welcome).

Funding: United Way and CETA.

Columbine Center, 1331 Columbine, Denver, CO 80206; (303) 399-0082, Crisis; (303) 399-4554, Office.

Services: Legal aid (sliding scale), counseling (sliding scale), referral, hotline (24 hrs.), childcare, housing (max. 30 days, max. capacity 25-30, children welcome).

Women in Crisis, P.O. Box 1955, Evergreen, CO 80439; (303) 232-0996, Crisis; (303) 674-5504, 234-1494, Home.

Services: Legal aid (sliding scale), counseling, referral, hotline (24 hrs.), childcare, housing (max. capacity 40, children welcome).

Funding: CETA, private foundations, Dept. of Social Services.

Women in Crisis, 1426 Pierce Street, Lakewood, CO 80214; (303) 232-0996, Crisis; (303) 234-1494, Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing (sliding scale, max. 28 days, max. capacity 40, children welcome).

Funding: CETA, Piton Foundation.

Safe House, 1264 Race Street, Denver, CO 80206; (303) 338-4703, Crisis; (303) 338-4268, Office.

Services: Legal aid, counseling, referral, hotline (10-5), childcare, housing (max. 90 days, max. capacity 30, children welcome).

Funding: LEAA, Denver Dept. of Social Services, private donations, Denver Anti-Crime Council.

York Street Center, 1632 York Street, Denver, CO 80206; (303) 333-5626, Crisis; (303) 321-8191, Sexual Assault only; (303) 338-0834, Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare (daytime only), housing (max. 14 days).

Funding: LEAA.

Women's Assistance Services, P.O. Box 385, 6571 Kearney, Commerce City, CO 80037; (303) 289-4441.

Services: Counseling, referral, advocacy, housing (max. capacity 26, will take children, $1.75 per person/per day for food, $3.50 per family per day for housing).

Funding: City, county, federal-LEAA, private.

Other services:

Boulder County Women's Resource Center, 1406 Pine Street, Boulder, CO 80302; (303) 447-9670.

Services: Counseling, referral.

Funding: CETA—P.S.E., city, county, United Way, private donations.

CONNECTICUT

Shelters:

New Haven Project for Battered Women, P.O. Box 1329, New Haven, CT 06505; (203) 789-8104.

Services: Counseling, referral, hotline (9-5, and some evenings), childcare, emergency housing.

Funding: City and state grants.

Prudence Crandall Center for Women, 37 Bassett Street, New Britain, CT 06051; (203) 225-6357, 229-6939.

Services: Counseling, referral, childcare, housing (max. 60 days, max. capacity 10 women, children welcome).

Funding: CETA, CDA, various churches.

Other services:

Catholic Family Services, 90 Franklin Square, New Britain, CT 06051; (203) 225-3561.

Services: Counseling (sliding scale), referral.

Funding: United Way, fees, grants.

New Haven Legal Assistance Association, 399 Temple Street, New Haven, CT 06511; (203) 436-8230.

Services: Legal aid, counseling, referral.

Funding: Legal Services Corporation, Title XX, United Way.

Yale/New Haven Hospital Rape and Sexual Assault, Trauma Counseling Team, c/o Emergency Services, Yale/New Haven Hospital, 789 Howard Avenue, New Haven, CT 06510; (203) 436-1960.

Services: Counseling, referral, medical treatment, emergency housing (in emergency room overnight).

Funding: Hospital.

Stand, Inc., 246 Main Street, Derby, CT 06418; (203) 735-9553.

Services: Counseling, referral.

Funding: Dept. of Mental Health, United Way, TEAM, New Haven Foundation, CT Foundation for the Arts.

YWCA of Greater Bridgeport, 1862 East Main Street, Bridgeport, CT 06610; (203) 334-6154.

Services: Legal aid, counseling (sliding scale), referral, hotline (24 hrs.).

DELAWARE

For information and referral concerning the State of Delaware's Family Violence Program, contact:

(302) 475-4111—Newcastle County;

(302) 422-8058—Kent and Sussex Counties.

Shelters:

Families In Transition, 121 S. Walnut, Milford, DE 19963; (302) 422-8058.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing.

Funding: LEAA.

New Beginnings, Arden House, 2210 Swiss Lane, Ardentown, DE 19810; (302) 475-8424.

Services: Legal aid, counseling, referral, childcare, housing (max. 14 days, max. capacity 8, children welcome).

Other services:

YWCA Family Violence Program, 908 King Street, Ardentown, DE; (302) 475-4111.

Services: Legal aid, counseling, referral, hotline.

Funding: LEAA.

Child, Inc., 11th and Washington Streets, Wilmington, DE 19801; (302) 655-3311.

Services: Counseling, referral.

Funding: LEAA.

DISTRICT OF COLUMBIA

Shelters:

House of Ruth, 1215 New Jersey Ave., N.W., Washington, D.C. 20001 (202) 347-9689.

Services: Legal aid (emergency basis), counseling, referral, hotline (24 hrs.), housing (overnight stay, max. capacity 30, children welcome).

Funding: Community, churches, business groups, social organizations.

House of Imagene, 214 P Street, N.W., Washington, D.C. 20001 (202) 797-7460.

Services: Counseling, referral, housing (max. 7 days, max. capacity 25, children not accepted).

Funding: Individual contributions.

My Sisters' Place, P.O. Box 3035, Washington, DC 20010 (202) 529-5991.

Services: Counseling, referral, hotline (24 hrs.), children's programs, housing (max. capacty 13 people and 2 babies limit 6 weeks, will take children).

Funding: Varied sources.

Other services:

Citizen Complaint Center, Superior Court Building A, Fifth and F Street, N.W., F Street entrance, Washington, D.C. (202) 724-5750.

Services: Remedies obtainable through the center are civil protection orders, prosecutors hearings, and occasionally, warrants. Crisis counseling and referral are also available. As of Oct. 79, Center will institute a mediation service using neighborhood and community volunteers. Complainant must know the respondent's full name and mailing address. No income guidelines for services, hours M-F, 8:30 AM-9:30 PM.

Funding: US Attorney's office, Office of Corporation Council, Social Services Division of the Superior Court, Center for Community Justice.

Women's Legal Defense Fund, 1010 Vermont Ave., N.W., Suite 210, Washington, D.C. (202) 630-1123.

Services: Legal counseling, referral.

FLORIDA

Shelters:

YWCA Domestic Assault Shelter, 901 South Olive Avenue, West Palm Beach, FL 33401; (305) 833-2439.

Services: Legal aid, counseling, referral, hotline (24 hrs.), child-care, housing (max. capacity 10-13, variable time limit).

Funding: Foundations, contributions, YWCA.

Hubbard House, 1231 Hubbard Street, Jacksonville, FL 32206; (904) 354-3114—Crisis; (904) 354-3114—Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), child-care, housing ($1.00 per day, max. 21 days, max. capacity 25 women, children welcome).

Funding: Public contributions, private foundations, businesses, CETA.

Spouse Abuse, Inc. c/o We Care, Inc., 112 Pasadena Place, Orlando, FL 32803; (305) 628-1227 (24 hrs.); (305) 425-2624 (8 A.M. to midnight).

Services: Legal aid, counseling, referral, hotline (24 hrs.), child-care (referrals), housing (max. 21 days).

Funding: LEAA, Orange County donations, Community Mental Health Board, United Way.

The Spring, Inc., P.O. Box 11087, Tampa, FL 33610; (813) 835-4471—Cricis; (813) 835-9481—Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), child-care (when available), housing (limit three weeks), will take children.

Funding: Private donations, volunteers.

Safespace: Battered Women's Shelter, P.O. Box 186, Miami, FL 33137; (305) 576-6161—Crisis; (305) 579-2915—Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing ($1.25 per day, max. 21 days, max. capacity 30, children welcome).

Funding: LEAA, Dade County.

YWCA of Jacksonville, 325 E. Duval Street, Jacksonville, FL 32202; (904) 354-6681.

Services: Counseling, referral, job training and placement, housing ($30.00 per week, max. 60 days, max. capacity 86, children welcome).

Funding: Manpower.

Other services:

Victim Advocate Program, Ft. Lauderdale Police Dept., 1300 W. Broward Blvd., Fort Lauderdale, FL 33312 (305) 761-2143.

Services: Counseling, referral, hotline, (24 hrs.).

Funding: City of Fort Lauderdale.

Citizen Dispute Settlement Center, 1351 N.W. 12th Street, Miami, FL 33125 (305) 547-7062.

Services: Referral, mediation (domestic and neighbor).

Funding: LEAA and Dade County.

Domestic Assault Project, Pan. Am. Bldg., 307 N. Dixie Hwy., West Palm Beach, FL 33402 (305) 588-1121—Crisis, (305) 837-2418—Office.

Services: Counseling, referral, hotline (24 hrs.).

Funding: LEAA, state and county.

Pensacola YWCA, 1417 N. 12th Avenue, Pensacola, FL 32504 (904) 438-2171.

Services: Referral.

Funding: Self-supporting.

GEORGIA

Shelters:

Council on Battered Women, 45 11th Street N.E., Atlanta, GA 30309 (404) 572-2626—Crisis, (404) 873-1766—Office.

Services: Legal aid, counseling, referral, hotline (weekends and after five), childcare, housing (max. 30 days, max. capacity 36, children welcome).

Funding: Contributions.

YWCA Crisis Center, 48 Henderson Street, Marietta, GA 30064 (404) 973-8890.

Services: Referral, housing (max. 5 days, max. capacity 3 adults, children accepted, sliding scale of fees).

Funding: Donations from YWCA and community.

Shelters:

Hospitality House for Women, 216 South Broad Street, Rome, GA 30161 (912) 235-4673.

Services: Legal aid, counseling, referral, childcare, housing (max. capacity 10, limit 5 days, will take children).

Funding: Private contributions.

HAWAII

Shelters:

Shelter for Abused Spouses and Children, 1888 Owawa Street, Honolulu, HI 96819 (808) 841-0822—Crisis (808) 841-3275—Office.

Services: Counseling, referral, hotline (24 hrs.), housing (max. capacity 25, limit 5 working days, will take children).

Funding: United Way, state, churches.

IDAHO

Shelters:

The Woman's Advocates, 454 North Garfield, Pocatello, ID 83201 (208) 232-HELP—Crisis, (208) 232-9169—Answering Service.

Services: Counseling, referral, hotline, childcare, housing (max. 3 days, max. capacity 1, children welcome).

Funding: YWCA, volunteers.

Emergency Housing Services, Inc., P.O. Box 286, 815 N. 7th Street, Boise, ID 83701 (208) 343-7541.

Services: Referral, housing (max. 14 days, max. capacity 18, children welcome).

Funding: Private donations.

ILLINOIS

Shelters:

Gospel League, 955 W. Grand Avenue, Chicago, IL 60622, (312) 243-2480.

Services: Legal aid, referral, hotline, childcare, housing (max. capacity 40, children welcome).

Funding: Individuals and groups.

R. I. County Council on Alcoholism (New Hope League), R.R. 2, P.O. Box 288, East Moline, IL 61244, (309) 797-4220—Crisis, (309) 792-0292—Office.

Services: Counseling, referral, hotline (24 hours.), childcare, housing, (max. capacity 18, children welcome).

Funding: State Dept. of Mental Health, R.I. County Mental Health Board, United Way, private contributions.

Sojourn Women's Center, Inc., 915 N. 7th Street, Springfield, IL 62702, (217) 544-2484—Crisis. (217) 525-0313—Office.

Services: Counseling, hotline (24 hrs.), housing (max. 14 days, max. capacity 8, children welcome).

Funding: Individual donations, private organizations, religious groups, City Revenue Sharing Funds, CETA.

Salvation Army Emergency Lodge, 800 West Lawrence Avenue, Chicago, IL 60640. (312) 275-9383—Crisis and office.

Services: Legal aid, counseling, referral, housing (max. days negotiable, children welcome, max. capacity 125).

Funding: United Way, Salvation Army.

Women's Center, 408 W. Freeman, Carbondale, IL 62901, (618) 457-0346.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing.

Funding: City, United Way, 708 Mental Health Board, individual contributions.

Women's Crisis Service, 1101 Main Street, No. 306, Peoria, IL, 61606, (309) 674-4443—Crisis, (309) 676-0200—Office.

Services: Counseling, referral, hotline, housing (max. 21 days, max. capacity 6, children welcome).

Funding: Human Service Center, CETA, private donations.

Coalition Opposed to a Violent Environment-C.O.V.E., 630 N. Church Street, Rockford, IL 61103 (815) 962-6102.

Services: Counseling, referral, hotline planned, childcare, housing (max. capacity 15, will take children).

Funding: CETA.

Tri-County Women Strength, 301 N.E. Jefferson, Peoria, IL 61602 (309) 674-4443.

Services: Peer counseling, referral, hotline (24 hrs.), childcare (24 hrs.), housing (max. capacity 14, limit 3 weeks—negotiable, will take children).

Funding: Title XX (IDPA), CETA, LEAA, Human Services Center of Peoria.

A Woman's Place, 505 W. Green, Urbana, IL 61801 (217) 384-4390—Crisis (217) 384-4390—Office.

Services: Counseling (peer), referral, hotline (24 hrs.), housing (sliding fee scale, max. 21 days, children welcome).

Funding: United Way, Champaign Cty. Mental Health Board, Revenue Sharing, Peoria Catholic Diocese, donations, fees.

Community Crisis Center, 600 Margaret Place, Elgin, IL 60120 (312) 697-1093.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare, housing (max. 21 days, max. capacity 10, children welcome).

Funding: CETA, Dept. of Children and Family Services, private foundation, Township Revenue Sharing.

Other services:

Rape and Sexual Abuse Care Center, Box 154—Southern Illinois University, Edwardsvill, IL 62026 (618) 692-2197.

Services: Legal aid, counseling, referral, hotline (24 hrs.).

Funding: Southern Illinois University-Edwardsville, Community Service Organizations, local government.

Des Plaines Valley Community Center, 612 S. Archer Road, Summit, IL 60501 (312) 458-6920.

Services: Legal assistance, counseling, referral, hotline (9 A.M.–9 P.M.), childcare (sliding scale, 6 A.M.–6 P.M.).

Cook County Legal Assistance Foundation, Inc., 19 S. LaSalle, Suite 1419, Chicago, IL 60603 (312) 263-2267.

Services: Legal assistance, legal counseling, referral.

Funding: Legal Services Corporation.

Emergency Department/Illinois Masonic Medical Center, 836 Wellington, Chicago, IL 60657 (312) 525-2300.

Services: Counseling, referral.

Funding: Hospital/Patient revenues.

Women's Services Department/Loop YWCA, 37 S. Wabash, 3rd floor, Chicago, IL 60603 (312) 372-6600.

Services: Legal advice, consultation, referral (sliding scale).

INDIANA

Other services:

Women's Shelter Advisory Committee of YWCA, 802 N. LaFayette Blvd., South Bend, IN 46601 (219) 232-3344-Crisis (219) 233-9491-Women's Center.

Services: Legal aid, counseling, referral, hotline.

Funding: Self-supporting.

YWCA Shelter for Women Victims of Violence. P.O. Box 5338, Fort Wayne, IN 46805 (219) 424-2554-Crisis (219) 424-2621-Office.

Services: Counseling, referral, hotline (24 hrs.), childcare, housing (max. capacity 30, children welcome).

Funding: CETA, United Way.

IOWA

Shelters:

The Door Opener, 215 North Federal Avenue, Mason City, IA 50401 (515) 424-9071; 106 Moore Street, Algona, IA.

Services: Legal aid (through referral only), counseling, childcare, housing (no time limit, no max. capacity, will take children).

Funding: Multi public/private.

Gateway YWCA Women's Resource Center, 317 7th Avenue South, Clinton, IA 52732 (319) 243-3611, Crisis; (319) 242-2118, Office.

Services: Counseling, referral, hotline (24 hrs.), childcare, housing (max. capacity 8, will take children).

Funding: Iowa Department of Social Services until June 1979 LEAA (3 yrs.).

Helping Services for N.E. Iowa, Abused Women Program, Box 372, Decorah, IA 52101 (319) 382-2989, Crisis; (319) 382-2980, Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare (flexible hrs.), housing (max. capacity one woman and children, limit 3 days and nights).

Funding: Iowa Department of Social Services, County Board of Supervisors.

YWCA Women's Emergency Shelter, c/o YWCA, 318 5th St., S.E., Cedar Rapids, IA 52401 (319) 363-2093, Shelter; (319) 365-1458—YWCA.

Services: In process of developing legal help system for those women not eligible for legal aid; counseling, referral, hotline (24 hrs.), childcare (hours negotiated), housing (max. capacity 13–15 people, limit 2 wks., will take children).

Funding: Iowa Department of Social Services, private foundation.

Other services:

Council on Sexual Assault and Domestic Violence, 722 Nebraska Street, Sioux City, IA 51101; (800) 352-4929.

Services: Legal aid (by referral only), counseling, referral, hotline (24 hrs.), housing (by referral only).

Funding: State Department of Social Services—Des Moines, Iowa.

Legal Services Corporation, 315 East Fifth, Des Moines, IA 50309; (515) 243-2151.

Services: Legal aid.

Funding: National Legal Services Corporation.

Story County Sexual Assault Care Center, P.O. Box 1150, ISU Station, Ames, IA 50010; (515) 292-1101—Crisis, (515) 292-2305—Office.

Services: Counseling, referral, hotline (24 hrs.), housing (3 days, children welcome) in community member homes.

Funding: City, County Revenue Sharing, Iowa State University (Office of Student Affairs), private donations, fundraising.

KANSAS

Shelters:

Wichita Women's Crisis Center, 1158 N. Waco, Wichita, KS 67203; (316) 263-9806—Crisis, (316) 263-6520—Office.

Services: Legal advice, counseling, referral, hotline (24 hrs.), housing (max. 21 days, max. capacity 15, children welcome).

Funding: HUD, CETA.

Women's Transitional Care Services, P.O. Box 633, Lawrence, KS 66044, (316)864-3506, 841-2345.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing (max. 21 days, children welcome).

Funding: Church grants, community donations.

Other services:

Margaret W. Jordan, 2515 W. 91st Street, Leawood, KS 66206, (913) 649-7691.

Services: Legal aid, counseling, referral.

Funding: Private attorney's office.

Pawnee Mental Health Center, 320 Sunset, Manhattan, KS 66502, (913) 539-5337.

Services: Counseling (sliding scale), referral.

Funding: HEW, County and State monies, fees.

Wyandot Mental Health Center, Eaton at 36th Avenue, Kansas City, KS 66103, (913) 831-9500.

Services: Counseling (fee), referral, hotline, (24 hrs.).

Funding: County and State monies, fees.

KENTUCKY

Shelters:

Mission House, 1305 W. Market Street, Louisville, KY 40203, (502) 584-4024.

Services: Referral, housing (max. 5 days, max. capacity 8, children welcome).

Funding: Donations, agencies.

Spouse Abuse Center, YWCA, 604 S. 3rd Street, Louisville, KY 40202, (502) 585-2331—Crisis, (502) 585-2331—Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), child-care (Monday-Friday 9-5), housing (max. 30 days, max. capacity 15, children welcome), sliding scale, (1 mo. sub. to re.).

Funding: CETA.

Green River Comprehensive Care Center, P.O. Box 950, Owensboro, KY 42301 (800) 482-7972—Crisis (502) 683-0277—Office.

Services: Counseling (sliding scale), referral, hotline (24 hrs.), housing.

Funding: Reimbursement for services provided.

Social Work Service, U.S. Army Hospital, Ft. Campbell, KY 42223 (502) 798-2103—Crisis (502) 798-4187—Office.

Services: Counseling, referral, hotline (24 hrs., through emergency room), housing (max. capacity 4, limit 7 days, will take children), limited funds for transportation.

Funding: U.S. Army-staffing, facilities, contributions—officers wives club.

Other services:

Battered Women's Unit of Legal Aid, 317 S. 5th Street, Louisville, KY 40202 (502) 637-5301—Crisis (502) 637-5301—Office.

Services: Legal aid, referral.

Funding: Legal Services Corporation.

Northeast Kentucky Legal Services, P.O. Box 679, 320 E. Main Street, Morehead, KY 40351 (606) 784-8921.

Services: Legal aid, referral.

Funding: Legal Services Corporation.

LOUISIANA

Shelters:

Women's Resource Center of the YWCA, 710 Travis Street, Shreveport, LA 71101 (318) 222-0556—Crisis (318) 222-2116—Office.

Services: Legal aid, counseling, referral, hotline (24 hrs., 7 days), childcare (during counseling), housing (max. capacity 44, will take children in emergency).

Crescent House, 2929 S. Carrollton Avenue, New Orleans, LA 70118, (504) 866-7481.

Services: Counseling, referral, housing (max. capacity 15, limit 4 weeks, will take children).

Funding: State of Louisiana, local fundraising.

Other services:

YWCA Battered Women's Program, 3433 Tulane Avenue, New Orleans, LA 70119 (504) 486-0377—Crisis and office.

Services: Counseling, referral, hotline (24 hrs.).

Funding: Title XX, donations.

MAINE

Shelters:

Abused Women's Advocacy Project, P.O. Box 713, Auburn, ME 04210.

Services: Counseling, referral, housing (max. 14 days, max. capacity 6, children welcome).

Funding: Human Services, Haymarket, Maine Council of Churches.

Caring Unlimited, P.O. Box 955, Biddeford, ME 04005, (207) 282-4435.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing (max. capacity 12, no time limit, will take children).

Funding: Y.C.E.T.A.

Other services:

Spruce Run, 44 Central Street, Bangor, ME 04401, (207) 947-0496—Business hours (207) 947-6143—Evenings and weekends.

Services: Legal referral, counseling, referral, hotline, child counseling.

Funding: CETA, fundraising.

MARYLAND

Shelters:

Battered Partners Program-Carroll County Department of Social Services, 95 Carroll Street, Westminster, MD 21157, (301) 848-5060.

Services: Counseling (sliding scale), referral, childcare (fee), housing (fee, max. 14 days, children welcome. Carroll County residents only).

Funding: Department of Social Services.

Maryland's Children's Aid and Family Services Society, 22 N. Court Street, Westminster, MD 21157, (301) 876-1233—Office, (301) 848-3111—Crisis referral.

Services: Counseling, referral, housing (children welcome).

Good Neighbors Unlimited, 208 Duke of Gloucester Street, Annapolis, MD 21401.

Services: Legal aid, counseling, referral, childcare, housing (max. 10 days, max. capacity 12, children welcome. Must be referred through police department).

Funding: Private donations.

House of Ruth, Baltimore, 2402 N Calvert Street, Baltimore, MD 21218, (301) 889-RUTH.

Services: Counseling (sliding scale), referral, housing (max. capacity 15, children welcome).

Funding: Private contributions.

Community Crisis Center, Abused Persons Program, 4910 Auburn Ave., Bethesda, MD 20014, (301) 656-9161—Crisis, (301) 656-9526—Office.

Services: Legal aid, counseling (includes crisis intervention, self help groups), referral, hotline (24 hrs.), housing (max 3 wks., children welcome).

Funding: Montgomery County Health Department.

Family Abuse Program, c/o General Delivery, La Plata, MD 20646, (301) 645-0001—Crisis, (301) 904-3556—Office.

Services: Counseling, referral, hotline (24 hrs.), childcare, housing (max. 3 days, children accepted).

Funding: CETA, County Commissioner's office, private donations.

Women's Refuge, Seton Plaza, Suite 201, 952 Seton Drive, Cumberland, MD 21502 (301) 777-1509.

Services: Counseling, referral, housing (max. 6 days, children accepted).

Funding: CETA and community donations.

YWCA Women's Center, 167 Duke of Gloucester Road, Annapolis, MD 21401 (301) 268-4393.

Services: Counseling, referral, childcare (at shelter), housing (max. 10 days, max. capacity 6).

Funding: Donations.

CASA, Inc., 101 Summit Avenue, Hagerstown, MD 21740 (301) 739-6000—Crisis (301) 797-4161—Office.

Services: Legal aid, counseling, referral, employment aid, housing (will take children).

Funding: CETA and United Way.

Citizens Against Spousal Assault (CASA), P.O. Box 915, Columbia, MD 21044 (301) 997-CASA.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare (as needed), housing (max. capacity 7 adults, limit less than one week, will take children).

Funding: Public contributions, Columbia Foundation funds to purchase specific items (hotline).

Assisi, P.O. Box 203, Upper Marlboro, MD 20870 (301) 529-0611—Crisis (301) 568-6385—Office.

Services: Counseling, referral, hotline (24 hrs.), childcare (flexible hours), housing (max. capacity 9, limit 30 days, will take children), court advocacy, transportation, support groups.

Funding: Redskin Foundation, Mayer Foundation, CETA, private donations.

Other services:

Citizens Assisting and Sheltering the Abused (C.A.S.A. of Cecil County), c/o Lisa V. Heverin, North East, MD 21901 (301) 287-5780.

Services: Counseling, mutual support group (weekly), 24 hr. hotline (as of 9/79).

Funding: Local Civic Organizations.

Sexual Assault/Spouse Abuse Resource Center, 34 N. Philadelphia Blvd., Room 311, Aberdeen, MD 21001 (301) 272-7050.

Services: Legal aid, counseling, referral, hotline.

Funding: LEAA.

Garrett County Metal Health and Addictions Services, Medical Building, Fourth Street, Oakland, MD 21550 (301) 334-8111.

Services: Counseling (sliding scale fee), referral, housing (available through House of Hope, 4th St., Oakland, MD 21550—max. capacity 2 families).

Funding: State Department of NIMH.

A Woman's Place, 150 Maryland Avenue, Rockville, MD 20850 (301) 279-8346.

Services: Legal aid, counseling, referral.

Funding: County Funds.

Violence Clinic/Department of Psychiatry, University of Maryland Hospital, 645 West Redwood Street, Baltimore, MD 21201 (301) 528-6475.

Services: Counseling (psychiatric evaluation), referral (fee).

Funding: Hospital revenues.

MASSACHUSETTS

Shelters:

Elizabeth Stone House, 108 Brookside Avenue, Jamaica Plain, MA 02130 (413) 522-3417.

Services: Counseling, housing (max. 180 days, max. capacity 6).

Casa Myrna Vasquez c/o Pat Quintana, 425 Shawnut Avenue, Boston, MA 02118 (617) 262-9581.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing (max. capacity 25, children welcome, Spanish speaking).

Funding: Private donations.

New England Learning Center for Women in Transition, 310 Main Street, Greenfield, MA 01301 (413) 772–0125.

Services: Legal aid, counseling, referral, childcare (Monday–Friday 9–4), housing (max. 30 days, max. capacity 10, children welcome), support groups, transportation, advocacy, crisis intervention.

Funding: CETA, Department of Mental Health, fundraising, donations.

Respond, 1 Summer Street, Sommerville, MA 02143 (617) 623–5900.

Services: Legal aid, counseling, referral, childcare, housing (max. capacity 4, children welcome).

Funding: Community development, foundations.

Transition House c/o Women's Center, 46 Pleasant Street, Cambridge, MA 02138 (617) 661–7203—Crisis (617) 354–6394—Office.

Services: Legal aid, counseling, referral, hotline, childcare, housing ($1.50 per day, max. 28 days, children welcome).

Funding: CETA, donations, private foundations, Department of Mental Health.

Women's Services Center of Berkshire County, 33 Pearl Street, Pittsfield, MA 01201 (413) 443–0089—Crisis (413) 442–9458—Office.

Services: Counseling (sliding scale), referral, hotline (24 hrs.), childcare, housing (emergency shelters, children welcome).

Funding: Community Development Block Grant, Campaign for Human Development.

YWCA Women Against Violence, Natick, MA 01760 (413) 872–6161, 369–6112—Crisis (413) 653–4464—Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare, housing (pay for food).

Funding: Government grant.

Daybreak, Inc., 93 Grand Street, Worcester, MA 01610 (617) 791–6562 (617) 755–5371.

Services: Legal aid, counseling, (sliding scale), referral, hotline (24 hrs.), childcare (hours vary), housing (max. capacity 15–17, limit 6 weeks, will take children).

Funding: D.P.W., CETA, fundraising, private foundations and donations.

The Cape Shelter, Inc., 54 Main Street, Hyannis, MA 02601 (617) 771–8564.

Services: Legal aid, counseling referral, hotline (24 hrs.), childcare, housing (scattered sites at present, limit 1 week, will take children).

Other services:

Boston College Legal Assistance Bureau, 21 Lexington Street, Waltham, MA 02154 (617) 893–4793.

Services: Legal aid ($1.000 fee), referral.

Funding: Boston College Law School, City of Waltham.

Cambridge-Somerville Legal Services, 24 Thorndike Street, East Cambridge, MA 02141 (617) 492–5520.

Services: Legal aid, referral.

Funding: Legal Services Corporation.

Gardner Women's Center, 175 Connors Street, Gardner, MA 01462 (617) 632–5150.

Services: Legal aid, referral, counseling, hotline (9 A.M.–4 P.M.).

Funding: CETA.

Lynn District Court Clinic, 580 Essex Street, Lynn, MA 01907 (617) 598–5200.

Services: Legal aid, counseling, referral, hotline (9 A.M.–4 P.M.).

Funding: Department of Mental Health.

Social Service Department—St. Luke's Hospital, 101 Page Street, New Bedford, MA 02740 (617) 997–1515, ex. 371—Office.

Services: Counseling, referral.

Funding: Private, non-profit organization.

Suffolk County District Attorney's Office, 503 Washington Street, Dorchester, MA 02124, (617) 287–1195.

Services: Legal aid, counseling, referral.

Funding: LEAA.

Women's Law Collective, 678 Massachusetts Avenue, Box 125, Cambridge, MA 02139, (617) 492–5110.

Services: Legal aid (sliding scale), referral.

Funding: Self-supporting.

Womanspace: Feminist Therapy Collective, Inc., 636 Beacon Street, Boston, MA 02215, (617) 267-7992.

Services: Counseling (fee negotiable), referral.

Funding: Contributions, fees, sale of bibliographies.

MICHIGAN

Shelters:

Assault Crisis Center, 561 N. Hewitt, Ypsilanti, MI 48197, (313) 668–8888—Crisis, (313) 431-9881—Office.

Services: Counseling, referral, hotline (24 hrs.), housing (max. 3 days, children welcome).

Funding: LEAA and local grant.

Project Shelter, Women's Center/NMU, Marquette, M. 49855, (616) 227-2219.

Services: Legal aid, counseling, referral, housing (max. 3 days, max. capacity 10, children welcome).

Funding: Volunteers.

Rape/Spouse Assault Crisis Center, 29 Strong Avenue, Muskegon, MI 49441, (616) 722-3333—Crisis, (616) 726-4493—Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare (8 A.M.–6 P.M., housing (children welcome.)

Funding: General Revenue Sharing, CETA.

Women's Crisis Center, 211 S. Rose Street, Kalamazoo, MI 49006 (616) 343–9496.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare (daytime), housing (max. 21 days, max. capacity 10 families).

Funding: Kalamazoo Foundation.

YWCA of Pontiac/North Oakland Domestic Crisis Shelter, 269 West Human Street, Pontiac, MI 48053 (313) 332–HELP—Crisis (313) 334–0973—Office.

Services: Counseling, referral, hotline (24 hrs.), childcare, housing (max. 21 days, max. capacity 11, children welcome).

Other services:

Domestic Violence/Victim Assistance Project, 1917 Washtenaw Avenue, Ann Arbor, MI 48104 (313) 995–5444—Crisis (313) 995–5460—Office.

Services: Referral, hotline (24 hrs.).

Funding: HUD, CETA, VISTA, United Way, private foundations, donations.

Washtenaw County Legal Aid Society, 212 E. Huron, Ann Arbor, MI 48104 (313) 665–6181—Office.

Services: Legal aid, referral.

Funding: Legal Services Corporation, City of Ann Arbor, AAA, CETA.

Every Woman's Center, 310 E. 3rd Street, Flint, MI 48503 (313) 238–7671.

Services: Counseling (sliding scale), referral.

Funding: Mott Foundation, Junior League.

Sisters for Human Equality (S.H.E.), 1320 S. Washington, Lansing, MI 48910 (517) 374–0818—Crisis (517) 484–1905—Office.

Services: Legal aid, referral.

Funding: Legal Services Corporation, City of Ann Arbor, AAA, CETA.

Women's Justice Center, 651 E. Jefferson, Detroit, MI 48226 (313) 961–7073.

Services: Legal referral, counseling.

Funding: UCS, private donations.

Women's Survival Center, 70 Whittemore, Pontiac, MI 48058 (313) 335–1520, Crisis; (313) 335–2685, Office.

Services: Counseling, referral, hotline (9 A.M.–5 P.M.).

Funding: Churches, CETA.

Women in Transition, 218½ Washington Street, Grand Haven, MI 49417 (616) 842–7970, 842–6310.

Services: Counseling, referral, public education.

MINNESOTA

Shelters:

Mid-Minnesota Women's Center, Inc., Box 602, Brainerd, MN 56401 (218) 828–1216.

Services: Counseling, referral, hotline (24 hrs.) housing (max. capacity 16, children welcome).

Community Action Council, Inc., 13760 Nicollet Avenue, South, Burnsville, MN 55337 (616) 894–2424, Crisis; (616) 894–4212, Office.

Services: Counseling, referral, hotline, childcare, housing (approximate limit 30 days, will accept children).

Funding: Minnesota Dept. of Corrections, Per diem payment-Dakota County Welfare.

Northeastern Coalition for Battered Women, Inc., 2 East Fifth Street, Duluth, MN 55805 (218) 722–0222, Crisis and office.

Services: Counseling, referral, hotline (24 hrs.), childcare, housing (max. capacity 12, children welcome).

Funding: State funds, private grants.

Southwest Women's Shelter, 111 E. Main Street, Marshall, MN 56258, (507) 532–2350, Crisis; (507) 532–4604, Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare (24 hrs.), housing (flexible time limit, will accept children).

Funding: Minnesota Dept. of Corrections, CETA, Rural Development Commission.

St. Joseph's House, 2101 Portland Avenue, Minneapolis, MN 55404, (612) 874–8867.

Services: Legal aid, referral, hotline (24 hrs.), housing (max. 30 days, max. capacity 15, children welcome).

Funding: Donations, churches, individuals.

Harriet Tubman Shelter, 30001 Oakland, Minneapolis, MN 55414, (612) 827–2841.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare (8 A.M.–5 P.M.), housing (max. capacity 30, children welcome).

Funding: Private foundation, HUD, Minneapolis Housing Authority.

Victim's Crisis Center/Freeborn Mowe Mental Health Center, 908 N.W. 1 Drive, Austin, MN 55912, (507) 437–6680.

Services: Legal aid, counseling, referral, hotline, childcare, housing (children welcome).

Funding: Minnesota Department of Corrections, Victim Services Division.

Woman's Advocates, 584 Grand Avenue, St. Paul, MN 55103. (612) 227–8284.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing.

Funding: State Welfare Department, County Mental Health Board, private foundation.

Women's Shelter, Box 61, Rochester, MN 55901, (507) 285–1010.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare (limited hours), housing.

Funding: Minnesota State Department of Corrections.

Other services:

Anoka County Task Force for Battered Women, Inc., Box 131, Anoka, MN 55303; (612) 780–1376.

Services: Legal aid, counseling, referral, hotline, limited housing on the basis of need.

Funding: American Lutheran Church, State of Minnesota, Dept. of Corrections, H. B. Fuller Corporation.

Chrysalis Center for Women, 2104 Stevens Avenue, South, Minneapolis, MN 55404, (612) 871–2603, Crisis; (612) 871–0118, Office.

Services: Legal aid, counseling, referral, hotline (9 A.M.–8 P.M., M–F).

Walk-In Counseling Center, 2421 Chicago Avenue, Minneapolis, MN 55404, (612) 870–0565.

Services: Counseling and referral.

Funding: County Mental Health Board.

Community Planning Organization, 333 Sibley No. 503, St. Paul, MN 55101, (612) 291-8323.

Services: Information and referral.

Funding: Foundation grants, corporate grants, membership fees.

South Suburban Family Service, 633 S. Concord, South St. Paul. MN 55075, (612) 451-1434, Crisis; (612) 451-1434, Office.

Services: Counseling (fee), referral.

Funding: United Way.

MISSISSIPPI

Shelters:

Coalition Against Spouse Abuse, Box 9227 Southern Station, Hattiesburg, MS 39401, (601) 544-4357, Crisis; (601) 2[illegible]6-7200, Office.

Services: Counseling, referral, hotline (24 hrs.), housing (max. capacity 5, will take children).

Funding: Volunteer and local donations.

Aid to Battered Women, Inc.—Project SAFE, P.O. Box 334 c/o Information Place, Tupelo, MS 38801, (601) 842-5222.

Services: Counseling, referral, hotline, housing (max. capacity 10, will accept children).

Funding: Two grants pending, local support.

MISSOURI

Shelters:

Women's Center and Safe House, 739 Themis, Cape Girardeau, MO 63701, (314) 334-7794.

Services: Counseling, referral, hotline (24 hrs.), childcare (variable hours), housing (max. capacity 20, sliding scale fee—$7.00 day per adult, $1.00 day per child, max. limit 30 days, will take children).

Funding: State of Missouri, DMH.

The Family Self-Help Center, Inc., P.O. Box 1185, Joplin, MO 64801, (417) 782-1772.

Services: Legal aid, counseling, referral, hotline (24 hrs.) childcare (24 hrs.), housing (max. capacity 25, will take children).

Funding: Various sources, mostly sponsored by community groups and individuals.

Rose Brooks Center, Inc., Box 27067, Kansas City, MO 64110, (816) 931-1653, Crisis; (816) 931-3189, Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing (limit 6 weeks).

Funding: CETA, Civic Groups, churches.

St. George's Home for Women, 1600 E. 58th Street, Kansas City, MO 64110, (816) 444-4750.

Services: Counseling, housing (max. 90 days, max. capacity 16, children welcome).

Funding: Churches, private foundations, state support.

Raphael House of the Holy Order of Mans, 3740 Grandel Square, St. Louis, MO 63108, (314) 533-1219.

Services: Legal aid, counseling, referral, childcare (9-5 weekdays), housing (max. capacity 20, will take children).

Funding: Holy Order of Mans, private charitable foundations.

Women's Self-Help Center, 27 N. Newstead, St. Louis, MO 63108, (314) 531-2033, 534-7273, Crisis; (314) 531-2003, Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing (approx. 7 days, max. capacity 30, children welcome, housing is in individual homes).

Funding: CETA, Manpower, private foundations, Legal Aid Society, United Way.

Other services: Sojourner Truth Center for Women, 301 East Third/Box 164, Caruthersville, MO 63830, (314) 333-1254.

Services: Legal aid (through referral), counseling, referral, transportation to housing.

Funding: Private/State/Federal.

Crisis Intervention, Inc., P.O. Box 585, Joplin, MO 64801, (417) 623-8310.

Services: Referral, hotline (24 hrs.).

Funding: Local contributions.

Child Center for Our Lady of Grace, 7900 Natural Bridge, St. Louis, MO 63121, (314) 383-0200.

Services: Counseling (fee), childcare.

Funding: United Way, client fees.

Legal Services of Eastern Missouri, Inc., 607 N. Grand, St. Louis MO 63103, (314) 533-3000.

Services: Legal advice, counseling, referral.

Funding: Legal Services Corporation, United Way.

Women's Counseling Center, 6808 Washington, St. Louis, MO 63130, (314) 725-9158.

Services: Counseling (sliding scale), referral.

Funding: Client fees, donations.

Linda Cobb, Social Service Department, c/o Malcolm Bliss Mental Health Center, 1420 Grattan, St. Louis, Mo. 63110.

Services: Counseling, workshops for community organizations.

Battered and Abused Women's Program, 624 South Clay, Springfield, Mo. 65806, (417) 865-1728.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing (through private homes, on a temporary immediate basis).

Funding: Private donations, churches and civic organizations, Department of Human Resources.

MONTANA

Shelters:

Great Falls Mercy Home, P.O. Box 6183, Great Falls, MT 59406, (406) 453-6511, Crisis; (406) 761-6538, Office.

Services: Counseling, referral, hotline (24 hrs.), housing (time limit flexible, max. capacity 13, children welcome).

Funding: Churches, social services groups, donations.

Glendive Task Force Against Spouse Abuse, Hagenston Building, Glendive, MT 59330, (406) 365-2412, Crisis; (406) 365-3364, Office.

Services: Counseling, referral, hotline, housing.

Funding: CETA, Action for Eastern Montana.

Community Resources, 1937 Florida, Butte, MT 59701, (406) 792-2616, Crisis; (406) 792-2616, Office.

Services: Legal aid (donation), counseling, referral, childcare, housing (max. capacity 8, children welcome).

Funding: Self-supporting.

Other services: Woman's Place, 210 N. Higgins—Rm. 218, Missoula, MT 59801, (406) 543-7606.

Services: Counseling, referral, hotline (24 hours).

Funding: Donations, grants.

Billings Rape Task Force, 1245 N. 29th Street, Rm. 218, Billings, MT 59101 (406) 259-6506.

Services: Counseling, referral, hotline (24 hrs.).

Funding: United Way, City Revenue Sharing Funds.

Bozeman Help Center, 323 S. Wall, Bozeman, MT 59715 (406) 586-3333, Crisis.

Services: Counseling, referral, hotline.

Funding: Private contributions.

NEBRASKA

Shelters:

People's City Mission, 124 S. 9th Street, Lincoln, NE 68508 (402) 432-5329.

Services: Counseling, referral, housing (max. capacity 10 families, children welcome).

Funding: United Way, churches, fees, grants, donations.

Family Rescue Shelter, 309 North Main, Gordon, NE 69343 (308) 282-2492, Crisis; (308) 282-2494 Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing (max. capacity 10-12 adults, 72 hrs.), childcare (when needed) children welcome.

The Shelter—A Center for Victims of Family Violence, P.O. Box 14510, Omaha, NE 68124 (402) 496-3300.

Services: Legal aid (client fees: $4.00 adult, $2.00 child per day), counseling, referral, hotline (24 hrs.), childcare (during groups), housing (max. capacity 15, limit 10 weeks, will take children).

Funding: Churches, government, private.

Salvation Army, 511 N. 20th Street, Omaha, NE 68102 (402) 346-5155.

Services: Referral, housing (max. 14 days, max. capacity 30, children welcome).

Funding: United Way, Douglas County Social Services.

Shiloh Youth Revival Center, 1045 N. 34th Street, Omaha, NE 68131 (402) 553-3947.

Services: Counseling, hotline, housing (max. 3 days, max. capacity 10, children not accepted).

Funding: Self-supporting.

Siena House, 804 N. 19th Street, Omaha, NE 68102, (402) 341-2642, Crisis; (402) 341-1821, Office.

Services: Referral, childcare, housing (max. capacity 30, children welcome).

Funding: Private donations.

Other services:

Community Social Services, 303 W. 4th Street, Hastings, NE 68901, (402) 463-2112.

Services: Counseling ($5.00 per visit), referral.

Funding: United Way, Catholic Church.

Rape/Spouse Abuse Crisis Center, Family Service Association, 1133 H Street, Lincoln, NE 68508, (402) 475-7273, Crisis; (402) 432-3327, Office.

Services: Counseling, referral, hotline (24 hrs.).

Funding: LEAA, United Way.

Immanuel Medical Center, 6901 North 72nd Street, Omaha, NE 68122, (402) 572-2225, Crisis; (402) 572-2259, Office.

Services: Counseling, referral, hotline (24 hrs.).

Funding: Grants and hospital revenues.

Operation Bridge, Inc., 3929 Harvey Street, Suite 124, Omaha, NE 68131, (402) 346-7102.

Services: Counseling.

Mayor's Commission on Women, 1819 Farnam Street No. 501, Omaha, NE 68102, (402) 444-5032.

Services: Legal advocacy, crisis intervention, referral.

Funding: CETA.

NEVADA

Shelters:

Temporary Assistance for Women, Inc., (Women's Crisis Shelter), P.O. Box 43264, Las Vegas, NA 89109, (702) 382-4428, Crisis; (702) 382-2509, Office.

Services: Counseling, referral, hotline (24 hrs.), housing (small rent fee based on income, max. capacity 12-16, limit 8 weeks, will take children).

Funding: LEAA (through EOB), BADA, WECAN, CETA (2 positions).

NEW JERSEY

Shelters:

Atlantic County Women's Center, Box 84B, R.D. 3, W. Hickory Street, May's Landing, NJ 08330 (609) 653-8411.

Services: Counseling, referral, hotline (24 hrs.), housing (max. 30 days, max. capacity 20, children welcome).

Funding: Donations.

Bergen County Community Action Program, 215 Union Street, Hackensack, NJ 07601 (201) 487-8484, Crisis; (201) 487-8446, Home.

Services: Counseling, referral, hotline (24 hrs.), childcare, housing, (max. 28 days, max. capacity 12, children welcome, currently using motels and private residences).

Funding: CETA, Bergen County monies.

Shelter our Sisters, 133 Cedar Avenue, Hackensack, NJ 07601 (201) 342-1185.

Services: Legal advice, counseling, referral, hotline (24 hrs.), childcare, housing (max. 90 days, children welcome).

Funding: Self-supporting.

Hudson County Battered Women's Project, c/o YWCA—111 Storms Avenue, Jersey City, NJ 07306 (201) 333-5700.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare (24 hrs.), housing (max. capacity 28, limit 30 days, will take children).

Funding: Title XX, D.Y.F.S.

Women's Resource and Survival Center, 57 W. Front Street, Keyport, NJ 07735; (201) 264-4111.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare, housing (3 day max.).

Funding: HEW, NIMH, County, State and local monies.

ACWC–Abuse Center, Northfield, NJ 08225; (609) 646-6767.

Services: Counseling, referral, hotline (24 hrs.), childcare (9–5 and selective other hours), housing (max. capacity 18, limit 30 days, will take children, $7.60 person per day for non-welfare).

Funding: Title XX, Title 4A Shelter Reimbursement, County of Atlantic, CETA.

Other services:

Camden Regional Legal Services, 11 W. Union Street, Burlington, NJ 08016; (609) 386-6660.

Services: Legal aid, referral.

Funding: Legal Services Corporation.

SAFE (Shelter Abused Females), 1400 Morgan Avenue, Cinnaminson, NJ 08077; (609) 829-6771.

Services: Referral.

Women Helping Women, Edison YMCA, Plainfield Avenue, Edison, NJ 08817 (201) 572-5200.

Services: Counseling, referral, hotline.

Funding: HUD.

NEW MEXICO

Shelters:

Women's Community Association, Inc., P.O. Box 6472, Albuquerque, NM 87197 (505) 247-4219, Crisis; (505) 299-7845, Office.

Services: Counseling, referral, hotline (24 hrs.), housing (max. capacity 20, limit 2 weeks, will take children, $2.00 per day-sliding scale).

Funding: Title XX, CDA, LEAA, private contributions.

San Juan Mental Health Service Center Against Sexual Assault, 805 Maniapal Drive, Rm. 109, Farmington, NM 87401, (505) 327-9825.

Services: Counseling, referral, hotline, housing.

Funding: United Way, donations.

Battered Families Project, 211 South Main, Portales, NM 88130, (505) 356-4779, Crisis, (505) 356-8320, Office.

Services: Counseling, referral, hotline (24 hrs. daily), childcare (as needed), housing (max. capacity 6 families, time limit as needed, will take children).

Funding: CETA Title VI, Title XX.

Battered Women's Project, P.O. Box 5701, Santa Fe, NM 87501 (505) 988-9731.

Services: Counseling, referral, hotline (24 hrs.), housing (max. capacity 17, no limit, will take children).

Funding: CETA, State Health and Social Services, local grants, donations (private).

Other services:

Information and Referral Resource Center, 808 Spruce Street, Las Cruces, NM 88001, (505) 524-3594.

Services: Referral (8:30–5:00 M–F).

Funding: New Mexico State University-Social Work Department.

NEW YORK

Shelters:

Aid to Women Victims of Violence, YWCA/14 Clayton Avenue, Cortland, NY 13045, (607) 756-6363.

Services: Advocacy, referral, hotline, housing (max. 3 days, children welcome, housed in private homes).

Funding: CETA, private donations.

Long Island Women's Coalition, Inc., P.O. Box 183, Islip Terrace, NY 11752. (516) 589-1658, 581-5179, 757-7797.

Services: Legal aid, counseling, referral, hotline, housing (temp. in home, max. capacity 6 women with children).

Funding: Donations, private foundations, NOW.

Victims Informations Bureau of Suffolk, Inc., 501 Rte. 111, Hauppauga, NY 11787, (516) 360-3606, Crisis; (516) 360-3730, Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare, housing (max. 30 days, max. capacity 20, children welcome).

Funding: LEAA, private contributions.

Women's Survival Space, P.O. Box 279, Bay Ridge Station, Brooklyn, NY 11220, (212) 439-7281, Crisis; (212) 439-4612, Office.

Services: Legal aid, counseling, referral, hotline (9 AM–5 PM), childcare, housing ($5.00 per day, sliding scale, max. 42 days, max. capacity 40, children welcome).

Funding: Self-supporting, grant.

Outreach Women's Defense, 665 Greene Avenue, Brooklyn, NY 11221, (212) 452-9835, Crisis; (212) 237-7070, Office—(212) 237-7071 (also).

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare (9 A.M.–4 P.M.), housing (max. capacity 100, limit one month, will take children).

Park Slope Safe Homes Project, c/o Children and Youth Development Services, 262 9th Street, Brooklyn, NY 11215, (212) 449-2151, Crisis; (212) 788-4800, Office.

Services: Legal aid, advocacy, counseling, referral, hotline (9 AM–9 PM), childcare (9 AM–9 PM), housing (temporary three day, will take children).

Funding: New York City Youth Board, New York State Department of Social Services (1 year).

Erie County Coalition for Victims of Domestic Violence-Haven House, P.O. Box 45, Niagara Square Station, Buffalo, NY 14201.

Services: Counseling, referral, hotline, childcare, housing (max. capacity 38, will take children).

Funding: New York State Department of Social Services, Erie County Department of Social Services.

Simple Gifts, 80 Richmond Avenue, Buffalo, NY 14222 (716) 884-5330.

Services: Legal advisory, counseling, referral, hotline (24 hrs.) childcare, housing (max. capacity 10, limit 2 mos., will take children).

Funding: Private donations, grants.

Domestic Violence Prosecution Program, Westchester County District Attorney's Office, 111 Grove Street, White Plains, NY 10601, (914) 682-2127; (914) 682-2944.

Services: Legal counseling, referral, investigation and prosecution.

Funding: LEAA.

Women's Resource Center of the Jamestown Girls Club, 532 E. 2nd Street, Jamestown, NY 14701, (716) 484-1820.

Services: Counseling, legal information, referral, hotline (9AM–5PM), housing (7 days max., max. capacity 5 families, children welcome).

Funding: CETA.

Young Women's Christian Association of Binghamton, Hawley and Exchange Street, Binghamton, NY 13901, (607) 772-0340.

Services: Counseling, referral, childcare (mornings only), housing (max. 3 days, max. capacity 3, children welcome).

Funding: Interfaith Action Council.

YWCA of the Tonawandas, 49 Tremont Street, Tonawanda, NY 14120, (716) 692-5643, Crisis; (716) 692-5580, Office.

Services: Legal referral, counseling, referral, hotline (24 hrs.), childcare, housing (max. 1 day, max. capacity 2, children welcome).

Funding: United Methodist Women's Conference, YMCA.

S.O.S. Shelter Inc., Box 393, Endicott, NY 13760.

Services: Counseling, referral, childcare, housing (max. capacity 13, limit 2 weeks, will take children).

Funding: New York State Department of Social Services, churches foundation, industry, private contributions.

Women Incorporated, P.O. Box 44, Plattsburgh, NY 12901 (518) 563-6904.

Services: Counseling, referral, hotline, housing (limit one night with children, four nights without).

Funding: Contributions, membership, 2 CETA positions.

Women's Shelter and Personal Assistance Project, 3 Chapel Street, Canton, NY 13617 (315) 386-4130.

Services: Counseling, referral, hotline (24 hrs.), childcare (as needed), housing, (max. capacity 7, limit 6 weeks, will take children).

Funding: CETA Title VI.

YWCA, 401 N. Main Street, Jamestown, NY 14701 (716) 485-1137.

Services: Childcare (sliding scale 6:30 AM–5:30 PM), housing, (max. capacity 20, no limit, will take children).

Funding: United Way, various for childcare.

YWCA Services to Families in Violence, 44 Washington Avenue, Schenectady, NY 12308 (518) 374-3394.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare (24 hrs.), housing (max. capacity 14, limit 28 days, will take children).

Funding: DGS.

Coalition for Abused Women, Box 285 Nurses Residence, Nassau County Medical Center, East Meadow, NY 11534 (516) 542-2594, Crisis; (516) 542-2597, Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare (2 hrs. per week), housing (1 family, 2 days, will take children).

Funding: Private grants, county CETA project, donations.

Family of Woodstock, Inc., 16 Rock City Road, Woodstock, NY 12498, (914) 338-2370.

Services: Legal aid, counseling, referral, hotline (24 hrs.) childcare, housing (will take children).

Funding: United Way, DSAS, Ulster County Mental Health Services, Lutheran Synod, donations.

Farnham Youth Development Center, 145 E Bridge Street, Oswego, NY 13126, (315) 342-4474.

Services: Counseling, referral, hotline (24 hrs.), housing (max. capacity 2, limit 48 hrs., will take children).

Funding: NYS Division of Substance Abuse Service.

Greene County Department of Social Services, 465 Main Street, Catskill, NY 12414, (518) 943-3300, Crisis (on call); (518) 943-3200, Office.

Services: Counseling, referral, childcare, housing (emergency only, will take children).

Funding: Titles IVA and XX for this particular service program (ADC, EAF, EAA, HR, services).

Mercy House, 12 St. Joseph Terrace, Albany, NY 12210, (518) 434-3531.

Services: Counseling, referral, housing (max. capacity 9, limit according to temporary need, no children).

Funding: Voluntary donations, (campaign for Human Development).

The Jefferson County Women's Center, Inc., 50–52 Public Square, Watertown, NY 13601, (315) 782-1855.

Services: Legal aid, counseling, referral, hotline, childcare (when needed), housing (max. capacity 12, limit open, will take children).

Funding: New York State.

The Salvation Army, 414 Lake Street, Box 459, Elmira, NY 14902, (607) 732-0314.

Services: Counseling, referral, childcare, housing (max. capacity 8, will take children).

Funding: Department of Social Services.

Project Reach, Inc., 18 South Lackawanna Street, Wayland, NY 14572, (716) 728-5010.

Services: Legal aid, referral, housing (limit 3 days).

Funding: Rural New York Farm Worker Opportunity, Inc.

Rockland Family Shelter, P.O. Box 517, Nyack, NY 10960.

Services: Legal aid, counseling, referral, hotline, housing (sliding scale fee, max. capacity 14, limit 6 weeks).

Funding: New York State Department of Social Services start-up grant and daily rate.

Vera House, Inc., P.O. Box 62, Syracuse, NY 13207, (315) 422-2271.

Services: Counseling, referral, hotline (24 hrs.), housing (max. capacity 10, limit 3 mos.).

Funding: Private contributions from individuals, community and religious organizations members.

Family Service Department-Salvation Army, 749 South Warren Street, Syracuse, NY 13032, (315) 475-1688.

Services: Counseling, referral, hotline (24 hrs.), childcare (daycare available $5/day, 7:30-5:00), housing (max. capacity 8, limit short term, will take children).

Funding: Private, United Way, state and local government grants.

Project Green Hope: Services for Women, Inc., 448 E. 119th Street, New York City, NY 10035, (212) 369-5100.

Services: Counseling, referral, housing (max. 6 months, no children), parenting education program.

Funding: LEAA, CETA, corporate donations.

Henry Street Settlement Program for Victims of Domestic Violence, 265 Henry Street, New York, NY 10002, (212) 766-9300.

Services: Legal aid, counseling, referral, childcare (planned), housing (max. capacity 18 families, limit 3 mos., will take children).

Funding: New York State.

New York City Human Resource Administration/Battered Women's Shelter, 250 Church Street, 13th foor, New York City, NY 10013, (212) 581-4911, Crisis.

Services: Legal aid, counseling, referral, hotline (9 AM-5 PM), childcare (9 AM-5 PM), housing (max. capacity 87, children welcome).

Funding: Municipal Agency.

Yonkers Women's Task Force, 38 Pallisades Avenue, Yonkers, NY 10701 (914) 968-4347.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare (24 hrs.), housing ($3/day, max, capacity 10, will take children).

Funding: New York State Division of Criminal Justice, LEAA, City of Yonkers.

Yonkers Women's Task Force, Inc. (The Shelter), P.O. Box 395, Main Post Office, Yonkers, NY 10702 (914) 968-4345, Crisis; (914) 968-4347, Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing (max. capacity 8, limit 3 weeks, will take children).

Funding: LEAA and CETA.

Other services:

Advocates Against Family Violence, c/o YWCA 1000 Cornelia Street, Utica, NY 13502 (315) 797-7740; (315) 736-0883.

Services: Peer counseling, referral, hotline (through state agency, 24 hrs.), childcare (9-11 AM), YWCA housing fund for motel (limit 3 days).

Cayuga County Action Program, 60 Clark Street, Auburn, N.Y. 13021 (315) 252-2024, 253-4057, Crisis; (315) 225-1703, Office.

Services: Legal aid, counseling, referral, hotline, childcare (emergency only), housing (safe homes 1-5 days).

Funding: Donated services, CSA.

Tompkins County Task Force for Battered Women, 112 The Commons, Itcha, NY 14850 (607) 272-1616, Crisis; (607) 277-3203, Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing (in private volunteer homes, limit 3 days, children permissible).

Funding: Private donations, one anonymous grant of $5,000.

Legal Aid Society-Domestic Violence Legal Unit, 40 Steuben Street, Albany, NY 12207 (518) 462-6765.

Services: Legal aid, referral.

Funding: New York State Department of Social Services.

Rape Crisis Center, 66 Chenango Street, Binghamton, NY 13901 (607) 722-4256.

Services: Counseling, referral, hotline (24 hrs.).

Funding: LEAA.

Brooklyn Legal Services Corporation B, 152 Court Street, Brooklyn, NY 11201. (212) 855-8029.

Services: Legal aid, referral.

Funding: Federal.

Victim/Witness Assistance Project, 50 Court Street, Brooklyn, NY 11201 (212) 834-7444, Crisis. (212) 834-7450, Office.

Services: Counseling, referral, hotline, in-court assistance.

Funding: LEAA.

Children & Youth Development Services, 262 9th Street, Brooklyn, NY 11215, (212) 788-4800.

Services: Counseling, referral, hotline (M-F, 9 AM-5 PM).

Funding: Self-supporting.

Community Action Organization of Erie County, Inc., 70 Harvard Place, Buffalo, NY 14209, (716) 881-5150 Ext. 215.

Services: Legal aid, counseling, referral, hotline (9 AM-5 PM).

Funding: Self-supporting.

Greene County Mental Health Center, P.O. Box P-Mountain Avenue, Cairo, NY 12413, (518) 943-6666—Crisis; (518) 622-9163—Office.

Services: Counseling, referral, hotline (24 hrs.).

Funding: State and county.

Coalition for Abused Women, P.O. Box 94, East Meadow, NY 11554 (516) 542-2594—Crisis, (516) 542-2846—Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), community education.

Funding: CETA.

Chemung County Task Force for Victims of Domestic Violence, c/o Chemung County Department of Social Services, 203-209 William Street, Elmira, NY 14901.

Services: Legal aid, counseling, referral, hotline.

Funding: Department of Social Services, CETA.

Family Counseling Service of the Finger Lakes, Inc., 91 Genesee Street, Geneva, NY 14456, (315) 789-2613.

Services: Counseling, referral (sliding scale fee for all services).

Funding: Four Boards of Supervisors, Division for youth, Community Chest, United Way.

Coalition Against Human Abuse in Columbia-Greene Counties, 10 Orchard Drive, Kinderhook, NY 12106, (518) 758-9420.

Services: Legal aid, counseling, referral.

Funding: Private donations.

Family Service Center, 26 Grove Street, Kingston, NY 12401, (914) 331-1448.

Services: Counseling, referral (charges on sliding scale).

Funding: United Way, Ulster County Youth Board, Children's Home of Kingston.

Legal Aid of Oneida County, Inc., 53 West Street, Ilion, NY 13357, (315) 895-7789.

Services: Legal aid, referral.

Funding: Legal Services Corporation.

Franklin County Community Mental Health Services, Main Office, 16 Elm Street, Malone, NY 12953. (518) 483-3261.

Services: Counseling, referral (sliding scale fees).

Funding: County/state.

Domestic Violence Program, 23 West Main Street, Middletown, NY 10940. (914) 343-3750.

Services: Legal aid, counseling, referral, hotline.

Funding: CETA, Title VI.

Niagara County Legal Aid Society, Inc., 257 Portage Road, P.O. Box 844, Niagara Falls, NY 14302.

Services: Legal aid, counseling, referral.

Funding: Legal Services Corporation.

Litigation Coalition for Battered Women, 759 10th Avenue, New York City, N.Y. 10019, (212) 581-2810.

Services: Legal aid.

Funding: Legal Services Corporation, New York Foundation, New York Community Trust.

Other services:

Eastern Women's Center, 14 E. 60th Street, 8th floor, New York City, NY, 10022 (212) 832-0099—Crisis; (212) 832-0033—Office.

Services: Counseling, referral, hotline (24 hrs.).

Funding: Private donations.

Family Abuse Project, Manhattan Family Court, 60 LaFayette, Room 4E22, New York City, NY 10013, (212) 766-9588, 766-9587.

Services: Legal aid, counseling, referral.

Funding: LEAA.

Hudson Guild Family Life Center, 441 W. 26th Street, New York City, NY, 10001 (212) 760-9844.

Services: Counseling, referral.

Funding: Title XX.

Abused Women's Aid in Crisis, Inc., P.O. Box 1699, New York City, NY, 10001 (212) 686-1676—Crisis; (212) 686-3628—Office.

Services: Referral, counseling, hotline.

Funding: Private foundations, contributions.

Jane Addams Center for Battered Women, Inc., P.O. Box 848, New York, NY, 10004 (212) 732-2627.

Services: Advocacy, counseling, referral, hotline (M-F 9-5).

Funding: CETA Title VI, New York City Department of Social Services, foundations, donations, benefits.

Outreach, 41 Sussex, Port Jervis, NY, 10940 (212) 856-5800.

Services: Counseling, referral.

Funding: Self-supporting.

Battered Women's Law Project, 2 Cannon Street, Room 308, Poughkeepsie, NY, (914) 473-4818.

Services: Legal aid, referral, community education.

Mid-Hudson Legal Services, Inc., 50 Market Street, Poughkeepsie, NY 12486 (914) 452-7911.

Services: Legal aid, referral.

Funding: Legal Services Corporation.

Rape Crisis Service of Schenectady, Inc., c/o YWCA 44 Washington Avenue, Schenectady, NY 12305 (518) 346-2266.

Services: Legal aid, psychological and medical information, counseling, referral, hot line (24 hrs.).

Funding: Schenectady City-County Youth Bureau-matching fund basis.

Family and Women's Advocates, 44 Washington Avenue, Schenectady, NY 12305, (518) 572-5473—Office.

Services: Advocacy, decisional counseling referral.

Funding: Community donations, Schenectady County, city, Youth Bureau (New York State Division for youth).

Staten Island Women's Crisis Center, 159 Richmond Avenue, Staten Island, NY 10302 (212) 727-1509.

Services: Counseling, referral, hotline, advocacy, community education.

Funding: CETA, private.

Karen Delrow, 116 Benedict Avenue, Syracuse, NY 13210 (315) 478-4910.

Services: Legal advice, referral.

Funding: Private law office.

North County Legal Services, Inc., Box 61, Upper Jay, NY 12987.

Services: Legal aid.

Funding: National Legal Services Corporation.

Abused Spouse Assistance Service, 29 Sterline Avenue, White Plains, NY 10606 (914) 949-6741—Crisis, (914) 949-1741—Office.

Services: Legal aid, counseling, referral, hotline.

Funding: CETA.

Women's Center of Yonkers, 2 Manoe House Square, Yonkers, NY 10701 (914) 969-5800.

Services: Legal aid, counseling, referral (childcare and housing by referral).

Funding: CETA.

NORTH CAROLINA

Shelters:

Rape, Child & Family Crisis Council of Salisbury, 211 N. Church Street, Salisbury, NC 28144 (704) 636-9222.

Services: Counseling, referral (fee), hotline (24 hrs.), housing (not always available, fee).

Funding: Donations.

Switchboard-Battered Women's Project, 312 Umstead Street, Durham, NC (704) 688-1140.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing.

Battered Women's Crisis Line at Hasslehouse, 1022 Urban Avenue, Durham, NC 27701 (919) 688-4353.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing.

Orange-Durham YWCA Coalition for Battered Women, 809 Proctor Street, Durham, NC 27707 (919) 929-7177—Crisis (919) 688-9353—Crisis (919) 688-4396—Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing (temporary motels and boarding homes).

Funding: State.

Women's Aid: Services for Abused Women, P.O. Box 1137, Greensboro, NC 27402 (919) 275-0896—Crisis (919) 379-5256—Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare (various hours), housing (emergency, with private individuals, flexible capacity, will take children).

Funding: Title I of Higher Education Act for Administrative expenses.

CARE (Citizens Aware and Responding to Emergencies) Center, 108 Highland Avenue, Fayetteville, NC (919) 323-4187.

Services: Legal aid, counseling, referral, hotline, housing (limit 2 weeks, will accept children).

Funding: LEAA.

Other services:

Greensboro Legal Aid Foundation, 917 Southeastern Building, Greensboro, NC 27401 (919) 272-0148.

Services: Legal aid (no charge for financially eligible clients), referral.

Funding: Legal Services Corporation, United Way of Greater Greensboro, Inc.

Halifax County Mental Health Center, P.O. Box 757, Roanoke Rapids, NC 27870, (919) 537-2909—Crisis (919) 537-6174—Office.

Services: Counseling (charge involved), referral, hotline (24 hrs., 7 days/wk).

Funding: State and county.

Wake County Women's Aid: Services for Abused Women, YWCA, 1012 Oberlin Road, Raleigh, NC 27605 (919) 828-3205.

Services: Referral.

NORTH DAKOTA

Shelters:

Fargo-Moorhead YWCA, 411 Broadway, Fargo, ND 58102 (701) 232-2546.

Services: Counseling, referral, housing (max. capacity 14, limit-temporary, will take children, $7.00/night, $35.00/week, $125/month plus tax).

Funding: Church groups, memberships, United Way.

Women Abuse, Children's Village—Family Service, 1721 South University Drive, Fargo, ND 58102, 1-(800) 472-2911—Crisis, 1-(701) 235-6433—Office.

Services: Counseling, referral, hotline (7:00 PM-1 AM), housing.

Funding: CETA, United Way, Stein Foundation, private contributions.

Women's Action Program, Inc. (Services for Battered Women), P.O. Box 881—400 22nd Avenue, NW, Minot, ND 58701, (701) 857-2000—Crisis, (701) 852-1251—Office.

Services: Counseling, referral, hotline (5:00 PM-9:00 AM, weekends, holidays), childcare (limited hours), housing (for emergency 1-3 days, will take children).

Funding: CETA position, private donations.

Other services: Abused Women's Resource Closet, 219 North 7th Street, Bismarck, ND 58501, 1-(800) 472-2911—Crisis (toll free), (701) 258-2240—Office.

Services: Support group, referral, hotline (24 hrs.), safe homes (will take children).

Funding: CETA, United Way, private donations.

Legal Assistance of North Dakota, 420 North 4th Street, No. 324, Bismarck, ND 58501, (701) 258-4270.

Services: Legal aid (just filing fees in certain cases).

Funding: Legal Services Corporation.

OHIO

Shelters:

My Sister's Place, P.O. Box 1158, Athens, OH 45701, (614) 593-3402.

Services: Counseling, referral, hotline, childcare, housing (max. capacity 12, limit 1 month, children welcome).

Funding: Mental Health and Mental Retardation.

Furnace Street Mission, P.O. Box 444, Akron, OH 44309, (216) 923-0174.

Services: Counseling, referral, hotline (24 hrs.), housing (limit 7 days, will take children).

Funding: Donations.

Akron Task Force on Battered Women, 146 South High Street, Akron, OH 44305.

Services: Legal aid, counseling, referral, hotline (10 AM-6 PM M-F), childcare (for weekly support group only), housing (max. capacity 3 women, limit varies as needed, will take children).

Funding: Pledges, donations, honorariums.

Alice Paul House-YWCA Battered Women's Shelter, 9th and Walnut Streets, Cincinnati, OH 45202 (513) 961-0680.

Services: Legal aid, counseling, referral, hotline, housing (max. capacity 17, limit 30 days, will take children).

Funding: LEAA, CETA, Title XX, private foundation.

Phoenix House for Battered Women, P.O. Box 8323, Columbus, OH 43201 (614) 294-3381—Crisis, (614) 294-7876—Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare (24 hrs.), housing (max. capacity 12 women, limit 4 weeks with possible extension, will take children).

Funding: Private foundations, CETA, Title XX, Mental Health System, donations, fees.

Heidi House, P.O. Box 8053, Columbus, OH 43201 (614) 294-2720.

Services: Legal aid, counseling, referral, childcare, housing (max. capacity 4, $1.50/day, limit 6 months, will take children).

Funding: Local individuals/churches, Revenue Sharing-City Council, local foundations.

Butler County Woman's Crisis Shelter, 5021 Fairfield Circle, Fairfield, OH 45014 (513) 874-3690.

Services: Legal aid, counseling (sliding scale fee), referral, hotline (24 hrs., 7 days/week), housing (sliding scale fee, max. capacity 12, limit 3 to 5 days, no children).

Funding: Private donations.

Richland County Task Force on Domestic Violence, P.O. Box 1524, Mansfield, OH 44901 (419) 526-4450.

Services: Legal aid, counseling, referral, hotline, childcare, housing (max. capacity 16 people, limit 2 weeks, will take children).

Funding: AOJ and local.

Family Service Association, 122 West Church Street, Newark, OH 43055 (614) 345-HELP, (614) 345-4498.

Services: Counseling, referral, hotline, housing (limit 3 nights, charges depend on financial situation).

Funding: CETA, private donations.

Project Woman, 22 E. Grand, Springfield, OH 45506 (513) 325-3707.

Services: Counseling referral, hotline (24 hrs.), housing (min. 7 days, place women in other facilities).

Funding: Memberships, local businesses and organizations, church organizations (national and state).

Greene County Crisis Center, 53 North Collier Street, Xenia, OH 45385 (513) 376-2993—Crisis (513) 376-9471—Office.

Services: Counseling (sliding scale fee), referral, hotline (24 hrs., 7 days/week), housing (flexible capacity, limit 2 nights, will take children).

Funding: Greene-Clinton Mental Health and Mental Retardation Board.

Women Together, Inc., P.O. Box 6331, Cleveland, OH 44104 (216) 961-4422—Crisis (216) 631-3556—Office.

Services: Legal aid, counseling, referral, hot line (24 hrs.), childcare (9 AM-4 PM, 6 PM-8 PM), housing (max. capacity 8 women, 20 children, time limit varies, will take children).

Other services:

YWCA of Clermont County, 55 South 4th Street, Batoria, OH 45103 (216) 732-0450.

Services: Counseling, referral.

Funding: CETA.

Witness/Victim Service Center of Cuyahoga County, Justice Center—1215 W. 3rd Street, Cleveland, OH 44113 (216) 623-7345.

Services: Legal information, counseling, referral, child care (8:30-4:30 PM).

Funding: LEAA.

Night Prosecutor's Program, City Hall Annex, 67 North Front Street, Columbus, OH 43215 (614) 222-7483—Crisis.

Services: Counseling, referral, hotline (8 AM-12 midnight), mediation.

Funding: City budget.

OKLAHOMA

Shelters:

Women's Resource Center/Norman, OK Task Force for Battered Women, P.O. Box 474 (Peters & Gray) Norman, OK 73070 (405) 364-3424.

Services: Counseling, referral, hotline, housing (max. 3 days, Children welcome).

Funding: CETA, County Mental Health Association.

YWCA Women's Resource Center, 3626 N. Western Avenue Oklahoma City, OK 73118 (405) 528-5440.

Services: Counseling, referral, hotline (daytime hours only), housing (max. 3 days, children welcome).

Funding: Self-supporting.

Other services:

Legal Services of Eastern Oklahoma, Inc., 23 West 4th Street, Tulsa, OK 74103 (918) 584-3211.

Services: Legal aid, referral.

Funding: Legal Services Corporation, TAAA, EODD, TAUW.

Tulsa Force for Battered Women, Inc., 524 S. Boulder, Rm. 206, Tulsa, OK 74103. (918) 622-3425—Crisis, (918) 585-8917—Office.

Services: Counseling, referral, hotline (24 hrs.), childcare (limited).

Funding: General Revenue Sharing, donations.

OREGON

Shelters:

Bradley/Angle House, P.O. Box 40132 Portland, OR 97240, (503) 281-2442—Crisis, (503) 281-8275—Office, (503) 249-8117—Child program.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare, housing (max. capacity 15, children welcome).

Funding: CETA, WIN, private foundations, donations, resident fees.

Womanspace, P.O. Box 3030, Eugene, OR 97403 (503) 485–6513.

Services: Counseling, referral, hotline, housing (sliding scale, children welcome).

Funding: CETA, donations, City/County Revenue Sharing.

Women's Resource Center of Lincoln for Battered Women, 908 SW Hurbert, Newport, OR 97365 (503) 265–2491—Crisis (503) 265-7551—Office.

Services: Counseling, referral, hotline (24 hrs.), housing ($1 per night, max. capacity 10, children welcome).

Funding: CETA, county monies.

Women's Crisis Center, 617 Cheme Keta, Box 851, Salem, OR 97301 (503) 399–7722—Crisis (503) 378–1572—Office.

Services: Counseling, referral, hotline (24 hrs.), housing (max. capacity 19, will take children).

Funding: United Way, City of Salem, Polk County.

Beware, 276 E. Main, Hillsboro, OR 97123 (503) 640–1171.

Services: Counseling, referral, housing.

Funding: CETA.

Refuge House, 920 S.E. Cass, Roseburg, OR 97470 (503) 673–0240.

Services: Counseling, referral, housing (max. capacity 4 families including men, limit 2 weeks average, $5/day fee for 4 family members).

Funding: CETA.

Jackson County, P.O. Box 369, Ashland, OR 97520 (503) 779–HELP.

Services: Legal aid, counseling, referral, hotline, housing (max. capacity 4 women and children, limit 3 weeks).

Funding: County, foundations, individual, CHD.

Raphael House, P.O. Box 10797, Portland, OR 97210 (503) 223–4544.

Services: Legal aid, counseling (including support group), referral, housing (max. capacity 10, limit 8.56 days average, will take children).

Funding: CETA, private foundations, corporations, Jesuit Volunteer Corporation, donations.

Volunteers of America, 2000 SE 7th, Portland, OR (503) 232–6562.

Services: Counseling, referral, hotline (24 hrs.), housing (max. capacity 54, limit 30 days average, $5/day per person, will take children).

Funding: United Way, CSD, private contributions.

Womenspace, P.O. Box 21167, Eugene, OR 97402 (503) 485–6513.

Services: Legal aid, counseling (including support groups), referral, hotline (24 hrs.), housing (max. capacity 18, limit 2-3 weeks, children welcome, sliding scale fees $2–5 or welfare per diem grant for services.

Funding: LEAA, CETA, Revenue Sharing, foundation.

Family Shelter, 369 WY 99 N, Eugene, OR 97402 (503) 689–7156.

Services: Legal aid, counseling (including support group), referral, housing (max. capacity 8+, limit 2–4 weeks, children welcome), $5–$10/week requested for services.

Funding: LEAA, UYA.

Other services:

Rape Relief Hotline, 522 SW 5th, 6th floor, Portland, OR 97202, (503) 235-5333—Crisis, (503) 224–7125—Office.

Services: Counseling, referral, hotline (24 hrs.).

Funding: CETA, foundations, private corporations.

PENNSYLVANIA

Shelters:

Women's Center, 1000 S. Market Street, Box 221, Bloomsburg, PA 17815, (717) 784–6631.

Services: Counseling, referral, hotline (24 hrs.), housing (max. 5 days, max. capacity 3, children welcome).

Funding: Donations and contributions.

Women In Need, P.O. Box 25, Chambersburg, PA 17201 (717) 264–4444—Crisis, (717) 264–3056—Office.

Services: Counseling, referral, hotline (24 hrs.), housing (limit 2 days, will take children).

Funding: CETA, United Way.

Hospitality House, 205 Myrtle Street, Erie, PA 16507 (814) 454–1963.

Services: Counseling, referral, hotline (24 hrs.), housing (max. 5 days, children welcome).

Funding: State and private donations.

Women in Crisis, 4th and Market Streets, Harrisburg, PA 17101 (717) 238–1068.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare (daytime hours only), housing ($2 per night, max. 30 days, max. capacity 7, children welcome).

Funding: Public Health Trust of PA, Tri-County United Way, payments.

Women In Crisis, RD1 Box 314–A, Hummelstown, PA 17036 (717) 534–1101—Crisis, (717) 534–1103—Office.

Services: Counseling, referral, hotline (24 hrs.), housing (max. capacity 8 families, limit 30 days, will take children).

Funding: Public Welfare, Drug & Alcohol, foundations, United Way.

Lancaster Shelter for Abused Women, YWCA—P.O. Box 359, Lancaster, PA 17604 (717) 299–1249.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare (7 days per week), housing (max. capacity 22, will take children).

Funding: Community Action, Title XX.

Women's Services—Greenhouse, Box 637, Meadville, PA 16335 (814) 333–9766.

Services: Referral, hotline (24 hrs.), housing (max. capacity 10, limit 7 days, $4 for adults, $2 for children, will take children).

Funding: United Way, National Episcopal Church Thank Offering—Lord donations.

Women Against Abuse, P.O. Box 12233, Philadelphia, PA 19144; (215) 843–2905—Crisis; (215) 843–2438—Office.

Services: Counseling, referral, hotline (8AM–6PM), childcare (mornings only), housing ($1 per day, max. 30 days, max. capacity 30, children welcome).

Funding: Governor's Justice Commission (LEAA), Philadelphia Foundation, United Way.

Women's Center and Shelter of Greater Pittsburgh, 616 N. Highland Avenue, Pittsburgh, PA 15206, (412) 661–6066.

Services: Counseling, referral, hotline (24 hrs.), childcare, housing (max. 6 days, max. capacity 19, children welcome, $2 per night).

Funding: Self-supporting.

Women's Center of Beaver County, 175 West Washington Street, Rochester, PA 15074, (412) 775–0131.

Services: Counseling, referral, hotline (24 hrs.), childcare (9–12AM), housing (max. capacity 20, limit 7 days, $2 donation required, will take children).

Funding: United Way, DLA Commission.

Elk City Crisis Line, c/o Ruth Arick-Patti Smith, 316 W. Theresia Road, St. Mary's, PA 15857, (814) 834–1227.

Services: Counseling, referral, hotline (24 hrs.), housing (max. capacity 10, limit 48–72 hours, will take children).

Funding: Governor's Justice, local clubs, organizations.

A Woman's Place, 108 Main Street, Sellersville, PA 18960, (215) 257–0188.

Services: Counseling, referral, hotline (24 hrs.), housing (max. 14 days, $2.50 per day, max. capacity 6, children welcome).

Funding: Philadelphia, Douty Foundations.

Women's Resource Center of Chester County, YWCA, 123 N. Church Street, West Chester, PA 19380, (215) 431–1430.

Services: Referral, hotline (24 hrs.), counseling, childcare (daytime), housing (14 day max., children welcome).

Funding: YWCA, donations.

Domestic Violence Service Center, Box 1662, Wilkes-Barre, PA 18703 (717) 823–7312—Crisis, (717) 823–5834—Office.

Services: Legal aid, counseling, referral, hotline, housing (max. capacity 17, will take children), public education.

Funding: Donations.

Wise Options for Women, YWCA 815 W. 4th, Williamsport, PA 11754, (717) 322–4714.

Services: Counseling, referral, hotline (24 hrs.), childcare (daytime), housing (max. 30 days, max. capacity 8, children welcome).

Funding: CETA, United Way, Williamsport Foundation.

Other services:

Women's Center of Montgomery County, 1030 York Road, Abington, PA 19001, (215) 885–5020.

Services: Counseling, referral, hotline (24 hrs).

Funding: Membership dues $10 per year, private foundations, donations.

Turning Point of Lehigh Valley, Box 5162, Bethlehem, PA 18015, (215) 437–3369.

Services: Counseling, referral, hotline, referral to limited housing (6–10 beds, 3 nights maximum).

Women's Services of Westmoreland County, Bank and Trust Building, Greensburg, PA 15601, (412) 836–1122—Crisis, (412) 837–9540—Office.

Services: Counseling, referral, hotline (24 hrs.).

Funding: CETA, Governor's Justice.

Pennsylvania Coalition Against Domestic Violence, 2405 N. Front Street, Harrisburg, PA 17110, (717) 233–6030.

Services: Legal aid, counseling, referral, hotline.

Funding: Department of Community Affairs, Pennsylvania Commission on Crime and Delinquency.

Women's Aid Center, Inc., 67 N. Church Street, 3rd floor, Hazleton, PA 18201, (717) 455–9971.

Services: Counseling, referral, hotline (9 AM–Midnight).

Funding: CETA, United Church of Christ, AAUW.

YWCA Women's Help Center, 526 Somerset Street, Johnstown, PA 15901, (814) 536–5361.

Services: Legal aid, counseling, referral, hotline (M–F 9 AM–9 PM).

Funding: CETA, YWCA provides free space and utilities.

Hotline for Abused Women/Kensington, 1340 Frankford Avenue, Kensington, PA 19124, (215) 739–9999.

Services: Legal aid and court accompaniment, referral, hotline (9–5 M–F).

Funding: VISTA through Lutheran Settlement House Woman's Program.

Women's Resource Network, 4025 Chestnut Street, Philadelphia, PA 19104 (215) 387–0420.

Services: Legal aid, counseling, referral.

Funding: Local and national foundations.

Women in Transition, 4025 Chestnut St., Suite 303, Philadelphia, PA 19104 (215) 382–7016 Crisis; (215) 382–7019 Office.

Services: Legal aid, counseling (sliding scale), referral, hotline (10 AM–12 noon, 2 PM–4 PM).

Funding: CETA, Mental Health of County, Philadelphia Foundation.

Women in Crisis/YWCA, 8th and Washington Streets, Reading, PA (717) 372–7273.

Services: Legal aid, counseling hotline (24 hrs.)

Funding: Ms. Foundation, Levinson Foundation.

Central Pennsylvania Legal Services, 524 Washington Street, Reading, PA 19604 (215) 376–8656.

Services: Legal advice, counseling, referral.

Women's Resource Center, Inc., 407 Connell Building, North Washington Avenue, Scranton, PA 18503 (717) 346-4671.

Services: Legal information, counseling, referral, hotline (24 hrs.).

Funding: LEAA, Lackawanna County Drug & Alcohol Commission.

Other services:

Centre County Women's Resource Center, Rape/Abuse Crisis Line, 108 W. Beaver Avenue, State College, PA 16801 (814) 234-5050, Crisis; (814) 234-5222, Office.

Services: Counseling, referral, hotline (24 hrs.), housing (in individual homes, limit 2-3 days, will take children).

Berks Women in Crisis, c/o Jacque Melton, 1045 Moss Street, Reading, PA 19604 (215) 372-7273.

Services: Legal aid, counseling, referral, hotline.

Funding: Local organizations, fundraising.

Susquehanna Valley Women in Transition, Inc., P.O. Box 502, Sunbury, PA 17801 (717) 379-9625.

Services: Legal aid, counseling, referral, hotline.

Funding: CETA.

Fayette County Family Abuse Council, 64 South Beeson Blvd., Uniontown, PA 15401 (412) 785-7532, Crisis; (412) 438-1470, Office.

Services: Legal aid, counseling, referral, hotline (day and evenings), childcare (limited-days), housing (in host homes).

Funding: Local and private.

Marital Abuse Project of Delaware County, Inc., P.O. Box 294, Wallingford, PA 19086 (215) 565-4590, Crisis; (215) 565-6272, Office.

Services: Counseling, referral, hotline.

Funding: LEAA.

Womencenter Domestic Violence Service Center, Box 621, Wilkes-Barre, PA 18703 (717) 829-7868.

Services: Legal aid, counseling, referral, hotline.

Funding: CETA.

Women's Center-Williamsport, Inc., P.O. Box 1292, 151 W. 4th Street, Williamsport, PA 17701 (717) 323-4529.

Services: Counseling, referral, hotline (24 hrs.).

Funding: Methodist Social Concern Committee, contributions.

Volunteers Against Abuse Center, Calvin United Presbyterian Church, Grandview Avenue, Zelienople, PA 16063 (412) 452-5710.

Services: Legal aid, counseling, referral, hotline (6 hrs., 5 days—M-F).

Funding: Private donations.

PUERTO RICO

Other services:

Ona Lara Porter, Consultanta, P.O. Box 74, Punta Borinquer, Puerto Rico 00604 (809) 891-1510, ex. 5141.

Services: Counseling, referral.

Funding: Self-supporting.

RHODE ISLAND

Shelters:

Women's Center of Rhode Island, Inc., 37 Congress Avenue, Providence, Rhode Island 02907 (401) 781-4080 Crisis; (401) 781-4480 Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare, housing (max. 14 days, max. capacity 20, children welcome).

Funding: United Way, CETA, R.I. Foundation, Providence Christian Center.

Sojourner House, Inc., P.O. Box 5667, Weybosset Hill Station, Providence, RI 02903 (401) 751-1262.

Services: Legal aid and advocacy, counseling, referral, hotline (24 hrs.), housing ($1.50 per day, 35 day max., capacity 12, children welcome).

Funding: Contributions.

Other services:

Rhode Island Legal Services, Inc., 77 Durance Street, Providence, RI 02903 (401) 274-3140.

Services: Legal aid, referral.

Funding: Legal Services Corporation.

SOUTH CAROLINA

Other services:

Women in Crisis/Family Counseling Services, P.O. Box 10306, Greenville, SC 29603 (803) 271-0220 Crisis; (803) 232-2434 Office.

Services: Legal aid, counseling (sliding scale).

Funding: United Way, local groups.

SOUTH DAKOTA

Brookings Women's Center, 802 11th Avenue, Brookings, SD 57006 (605) 692-4359 Crisis; (605) 688-4518 Office.

Services: Counseling, referral, housing ($4 per day, children welcome).

Funding: Donations, membership, grants.

South Central Community Act Program, Box 6, Lake Andes, SD 57356 (605) 487-7634.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing (max. capacity 14, children welcome).

TENNESSEE

Other services:

Victim Advocacy/District Attorney's staff, 107 Cumberland Avenue, Ashland City, TN 37015 (615) 292-9623 Crisis; (615) 292-4404 Office.

Services: Legal aid, counseling, referral, hotline.

Funding: LEAA.

Wife Abuse Crisis Service, 4995 Patterson, Memphis, TN 38111 (901) 458-1661 Crisis; (901) 324-5969 Office.

Services: Counseling, referral, hotline (9AM-5PM), limited childcare.

Funding: CETA, donations.

Services for Women in Crisis, Inc., Box 3240, Nashville, TN 37219 (615) 254-1168.

Services: Job training, advocacy.

Funding: CETA, Governor's discretionary funds.

TEXAS

Shelters:

Center for Battered Women, P.O. Box 5631 Austin, TX 78763, (512) 472-HURT, Crisis; (512) 472-4879, Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), child-care, housing (max. 28 days, max. capacity 14, children welcome).

Funding: Travis County, City of Austin, Hogg Foundation, Austin-Travis County Mental Health.

Women's Shelter, Inc., P.O. Box 3368, Corpus Christi, TX 78404, (713) 881-8888.

Services: Counseling, referral, hotline (24 hrs.), childcare, housing (max. capacity 16, children welcome).

Funding: CETA, private gifts, County Commissioner's Court.

Women's Services Project, P.O. Box 1322, Denton, TX 76201, (817) 387-4357 Crisis; (817) 387-1612 Office.

Services: Legal aid (charge for service), counseling, referral, hotline (24 hrs., 7 days), childcare (10 hrs. per week), housing (max. capacity 8, limit 30 days, will take children).

Funding: McMurray Foundation.

Transitional Living Center, Inc., P.O. Box 13265, El Paso, TX 79912, (915) 859-4156 Crisis; (915) 85-94148 Office.

Services: Legal aid, counseling, referral, hot line (24 hrs.), childcare (24 hrs.), housing (max. capacity 36, limit 30 days, will take children).

Funding: Levi-Strauss Foundation, CETA, Gannett Foundation, local donations.

Women's Haven, Inc., P.O. Box 12180, Fort Worth, TX 76116, (214) 336-3355 Crisis; (214) 336-1711 Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare, housing (max. capacity 20, children welcome), job assistance.

Funding: CETA, Capitol Cities Foundation, Sid Richardson Foundation, individual contributions, churches, organizations.

YWCA Women's Resource & Crisis Center, 621 Moody, Galveston, TX 77550, (713) 763-5605 Crisis, (713) 763-8505 Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing (sliding scale, max. capacity 50, limit 21 days, will take children).

Funding: YWCA, United Way, volunteer contributions, CETA position.

Houston Area Women's Center, Inc., P.O. Box 0186, Rm. E401, Houston, TX 77025, (713) 527-0718 Crisis; (713) 792-4411 Office.

Services: Counseling, referral, hotline, childcare, housing (max. capacity 11, children welcome).

Funding: Local foundations, private sources.

Anderson County Shelter, 1504 W. Reagan, Palestine, TX 75801, (214) 729-6483.

Services: Counseling referral, housing (max. capacity 5 women, limit 3 mos., will take children).

Funding: Local contributions.

Women's Shelter of Bexar County, Inc., P.O. Box 10-393, San Antonio, TX 78210, (512) 532-7648.

Services: Legal aid (sliding scale, court costs), counseling, referral, housing (max. capacity 50, limit 1 month, will take children).

Funding: Private donations, clubs, churches, individuals.

Other services:

Women's Help, Inc., P.O. Box 11449, Dallas TX 75223, (214) 827-5260 Crisis; (214) 827-5261 Office.

Services: Counseling, referral, hotline (24 hrs.).

Funding: Private donations.

Mujeres Unidas/Women Together, 1615 W. Kuhn Street, Edinburg, TX 78539, (512) 383-4950 Crisis; (512) 383-4959 Office.

Services: Referral, hotline (9 AM-9 PM, M-F), housing (through referral—limit 3 days, will take children).

Funding: Private donations, H.E.B. Grocery and the Catholic Church, Diocese of Brownville.

TRIMS Attn: Mary Beth Holley, 1300 Moursand, Texas Medical Center, Houston, TX 77030 (713) 797-1976.

Services: Counseling, referral.

Funding: Texas Department of Mental Health.

UTAH

Shelters:

Women's Crisis Center, YWCA, 505-27th Street, Ogden, UT 84403 (801) 392-7273 Crisis; (801) 394-9456 Office.

Services: Counseling, referral, community education, hotline (24 hrs.), housing (will take children).

Other services:

Rape Crisis Center, Inc., 776 W. 200 North, Salt Lake City, UT 84116 (801) 532-RAPE Crisis; (801) 532-7286 Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.).

Funding: Title XX, donations.

VERMONT

Shelters:

Women's Crisis Center, 14 Green Street, Brattleboro, VT 05301 (802) 254-6954.

Services: Legal advice, counseling, referral, hotline (24 hrs.), child-care, housing ($10 per week, max. 60 days, max. capacity 4, children welcome).

Funding: LEAA.

Umbrella of St. Johnsbury, Inc., 79 Railroad Street, St. Johnsbury, VT 05819 (802) 748-8645.

Services: Referral, hotline (daytime only), childcare (emergency), housing (max. 14 days, max. capacity 12, children welcome).

Funding: Community donations.

Other services:

Vermont Legal Aid Inc., 3 Summer Street, Springfield, VT 05156 (802) 885-5181.

Services: Legal aid, referral.

Funding: Legal Services Corporation, private contributions.

VIRGINIA

Shelters:

CEASE (Community Effort for Abused Spouses), 8119 Holland Road, Alexandria, VA 22306 (703) 360-6910.

Services: Legal aid, counseling (fee), referral, hotline (24 hrs.), childcare, housing (motel, max, stay several days, children welcome).

Funding: LEAA.

Women's Resource Center, 203 Phlegar Street, Christiansburg, VA 24073 (703) 382-6553.

Services: Counseling, referral, hotline (24 hrs.), childcare, housing (max. 7 days, max. capacity 8, children welcome).

Funding: CSA, CETA.

Mahala, Inc., 7089 Crown Road, Roanoke, VA 24018.

Services: Legal aid, counseling, referral, hotline, childcare, housing (max. 25 people, children welcome).

Funding: Self-supporting.

Fairfax County Women's Shelter, P.O. Box 1174, Vienna, VA 22180 (703) 527-4077 Hotline; (703) 827-0090 Shelter.

Services: Counseling, referral, hoteline (24 hrs.), childcare (24 hrs.), housing (max. 14 days, max. capacity 8, children welcome).

Funding: CETA, Fairfax County, private donations.

Other services:

Connections Social Services, 2800 N. Pershing Drive, Arlington, VA 22201 (703) 528-3200.

Services: Legal aid, counseling, referral, hotline (24 hrs.).

Woman to Woman, 420 E. Market Street, Harrisonburg, VA 22801 (703) 434-1231 Crisis; (703) 434-1766 Office.

Services: Counseling, referral, hotline (12 noon-12 midnight).

Funding: Volunteers.

WASHINGTON

Shelters:

ALIVE (Alternatives to Living in Violence), 611 Highland, Bremerton, WA 98310 (206) 479-1980.

Services: Counseling, referral, housing.

Funding: CETA, private donations.

Survival Center of Snohomish County, 5205 S. 2nd, Everett, WA 98203 (206) 25A-BUSE Crisis; (206) 258-3543 Home.

Services: Counseling, referral, hotline (24 hrs.), childcare, housing (children welcome).

Funding: CETA, revenue sharing, private foundations, donations.

YWCA Women's Shelter Program, 220 E. Union, Olympia, WA 98501 (206) 352-2211 Crisis; (206) 352-0593 Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), limited childcare, housing (max. capacity 10, $3/day for woman, $1/day for child, limit two weeks-one month, will take children).

Funding: LEAA, CETA project, VISTA, IGHRAL (government revenue sharing), local donations.

A Woman's Place, 1440 Kimball, Richland, WA 99352 (509) 946-0329.

Services: Legal aid, referral, counseling, hotline (24 hrs.), housing (max. 21 days, children welcome).

Funding: Community donations.

New Beginnings, 217 9th Avenue N., Seattle, WA 98109 (206) 622-8194.

Services: Counseling, referral, housing (sliding scale, max. 30 days, max. capacity 10, children welcome).

Funding: Self-supporting.

Catherine Booth House, The Salvation Army, 925 N. Pike Street, Seattle, WA 98122 (206) 322-7959.

Services: Counseling, referral, hotline (24 hrs.), housing (max. capacity 16, children welcome).

Funding: United Way, donations.

Women's Resource Center/Seattle King County YWCA, 1118 5th Avenue, Seattle, WA 98101 (206) 447-4882.

Services: Counseling, referral, housing (max. 14 days, max. capacity 14, children not accepted).

Funding: United Way, Cooper Levy Foundation.

YWCA Women's Support Shelter, 405 Broadway, Tacoma, WA 98402 (206) 383-2593 Crisis; (206) 272-4181 Office.

Services: Counseling, referral, hotline (24 hrs.), childcare, housing (max. 6 months, max. capacity 37 rooms, children welcome).

Funding: CETA, United Way, Revenue Sharing, Title XX, Title XIX, rent and counseling fees.

YWCA Emergency House, 1012 W. 12th, Vancouver, WA 98660 (206) 695-0501.

Services: Counseling, referral, hotline, housing (sliding scale, max. 21 days, max. capacity 13, children welcome).

Dawson House, 15 N. Naches Avenue, Yakima, WA 98902 (509) 248-7796.

Services: Legal aid, counseling, referral, hotline (24 hrs.), childcare (daytime only), housing (max. 14 days, max. capacity 9, children welcome).

Funding: United Way, donations.

Other services:

Women's Association of Self-Help, 11100 NE 2nd Street, Bellevue, WA 98008 (206) 454-9274.

Services: Counseling, referral.

Funding: Donations.

YWCA/Pasada, 1026 N. Forest, Bellingham, WA 98225; (206) 734-4820.

Services: Counseling, referral.

Funding: CETA.

Whatcom County Crisis Services Domestic Violence Program, 124 E. Holly, Bellingham, WA 98225; (206) 734-7271, Crisis; (206) 671-5755, Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.), housing (service hrs. affiliation with shelter program, max. capacity 7, children welcome).

Funding: Revenue Sharing (City of Bellingham).

Inc Spot Counseling Center-Youth Services, P.O. Box 171, 17516 Bothell Way, NE, Bothell, WA 98011; (206) 485-6541.

Services: Counseling (initial $20 fee, free thereafter), referral, hotline.

Funding: County Human Services/United Way.

Evergreen Legal Services, 1712½ Howitt, Everett, WA 98201; (206) 258-2631.

Services: Legal aid, counseling, referral.

Funding: Legal Services Corporation.

Claham County Safe House Program, c/o Vicki Roth-Department of Social and Health Services, P.O. Box 2148, Port Angeles, WA 98362; (206) 452-8958.

Services: Counseling, referral, hotline (24 hrs.), housing (20 houses, limit 48 hrs., will take children).

Abused Women's Network, 4747 12th Avenue, NE, Seattle, WA 98105; (206) 523-2187.

Services: Legal aid (referrals and advocacy), counseling (individual and group), referral.

Funding: CETA Title II staff provisions (3), direct appeals for funding.

Community Service Officers Section—Seattle Police, 1810 E. Yesler, Seattle, WA 98122; (206) 625-4661.

Services: Counseling, referral.

Funding: City General Fund, Unit of the Seattle Police Department.

Evergreen Legal Services, 618 2nd Avenue, Seattle, WA 98104; (206) 465-5911, 464-5963.

Services: Legal aid, counseling, referral.

Funding: Soroptimists International, Seattle Metro Chapter.

Women's Resource Center/YWCA, W. 829 Broadway, Spokane, WA 99201; (509) 838-4428, Crisis, (evenings & weekends); (509) 327-1508, Office.

Services: Counseling, referral, hotline.

Funding: United Way, LEAA.

Washington State Women's Council, 15th & Columbia, Olympia, WA 98504; (206) 753-2870.

Services: Information and educational services.

Women's Shelter & Support Services Program, 220 E. Union, Olympia, WA 98502; (206) 352-0593.

Services: Counseling, referral.

Funding: YWCA, Inter-Governmental Human Resources Advisory Council.

People Assistance Team, P.O. Box 1995, Vancouver, WA 98663; (206) 696-8226, Crisis; (206) 696-8292, Office.

Services: Counseling, referral.

Funding: LEAA, local monies.

Vancouver Women's Resource Center, 602 W. Evergreen Blvd., Vancouver, WA 98663; (206) 695-6386.

Services: Counseling, referral.

Funding: Donations.

WEST VIRGINIA

Shelters;

Rape Information Service, Inc., 221 Willy Street, Morgantown, WV 26505; (304) 292-2121, Crisis; (304) 292-5015, Office.

Services: Counseling, referral, hotline, childcare, housing (max. 14 days, children welcome), transportation, advocacy.

Funding: CETA.

Other services:

Domestic Violence Center, 31 Hillcrest, Charleston, WV 25303 (304) 345-0848 Crisis; (304) 346-9471, ex. 283 Office.

Services: Legal aid, counseling, referral.

Funding: CETA.

West Virginia Legal Services Plan, 222 North College Street, Martinsburg, WV 25401 (304) 263-8871.

Services: Legal aid, referral.

Funding: Legal Services Corporation.

Shenandoah Women's Center, P.O. Box 1083, 410 W. Race Street, Martinsburg, WV 25401 (304) 263-8292 Crisis; (304) 263-8522 Office.

Services: Counseling, referral, hotline, childcare and housing arranged.

Funding: CETA, church groups, donations, civic organizations.

WISCONSIN

Shelters:

Refuge House, P.O. Box 482, Eau Claire, WI 54701 (715) 834-9578.

Services: Counseling, referral, hotline (24 hrs.), childcare (24 hrs.), housing (max. capacity 15, limit per client basis, will take children).

Women's Service Center Domestic Violence Project, 102 N. Monroe, Green Bay, WI 54301 (414) 432-4244.

Services: Counseling (sliding scale), referral, hotline (24 hrs.), childcare, housing (max. 30 days, max. capacity 16, children welcome).

Funding: CETA, VISTA, local monies.

Women's Horizons, Inc., 1630 56th Street, Kenosha, WI 53140 (414) 652-1846.

Services: Legal referral, counseling, hotline (24 hrs.), childcare, housing.

Funding: CETA, Kenosha Comprehensive Board.

Sojourner Truth House, P.O. Box 008110, Milwaukee, WI 53208 (414) 933-2722.

Services: Counseling, referral, hotline (24 hrs.), housing (max. capacity 18, no time limit, will take children).

Funding: CDBG, Title XX, private foundations, donations.

Women's Resource Center of the YWCA, 740 College Avenue, Racine, WI 53403 (414) 633-3233 Crisis; (414) 633-3233 Office.

Services: Counseling, referral, hotline (24 hrs.), housing (max. 14 days, children welcome).

Funding: United Way, private foundations, CETA, gifts from Community groups and individuals.

Task Force on Abused Women, Mental Health Association in Portage County, 945 A Main Street, Stevens Point, WI 54481 (715) 344-5759.

Services: Counseling, referral, housing

(max. 2 days, max. capacity 3, children welcome).

Funding: Mental Health Association/United Way, donations.

Waukesna County Battered Women's Task Force (Kathryn Espeseth, coordinator), 1303 Fleetfoot Drive, Waukesna, WI 53186 (414) 547–3388 Crisis; (414) 691–3200 ex. 366 Office.

Services: Counseling, referral, hotline, housing (private).

Funding: Gratuities from speaker's bureau, Community of the Living Spirit.

National Organization for Women, North Central WI Chapter, Box 793, Wausau, WI 54401 (715) 842–7636.

Services: Counseling, referral, hotline, childcare, housing.

Other services:

Womencenter, Inc., P.O. Box 2352, Appleton, WI 54913.

Services: Peer counseling, referral, hotline (24 hrs.), housing (voluntary homes, will take children, limit several days).

Funding: Donations from individual women and speakers.

Turningpoint for Victims of Domestic Abuse, Inc., Ellsworth, WI 54011 (715) 273–4438.

Services: Counseling, referral, volunteer housing (limit 3 days).

Hotline, P.O. Box 221, Green Bay, WI 54301 (414) 437–9008 Crisis (414) 468–3479 Office.

Services: Legal aid, counseling, referral, hotline (24 hrs.).

Funding: Unified Mental Health Board, CETA, private donations.

Dane County Advocates for Battered Women, P.O. Box 1145, Madison, WI 57301 (608) 251–4445.

Services: Counseling referral hotline (9 AM–5PM weekdays only) help in finding short term housing in some cases.

Funding: Unified Mental Health Board, CETA, donations.

Family Service, 214 N. Hamilton Street, Madison, WI 53703 (414) 251–7611.

Services: Counseling (fee), referral.

Funding: United Way.

Lakeshore Association for Abused Women, P.O. Box 398, Manitowoc, WI 54220 (414) 684–5770.

Services: Counseling, referral, hotline.

Funding: CETA.

Sheboygan County Advocates for Battered Women, 427 Bell Avenue, Sheboygan, WI 53081 (414) 457–7924 Crisis; (414) 452–2213 Office.

Services: Counseling, referral, hotline (24 hrs.), housing (temporary-hotels and motels).

Funding: Non-applicable at present.

Women's Resource Center, 2101 A Main Street, Stevens Point, WI 54481 (715) 346–4851.

Services: Referral, hotline (9 AM–9 PM).

Abused Women's Project, 1100 Lake View Drive, Wausau, WI 54401 (715) 842–1636.

Services: Counseling, referral, hotline (24 hrs.).

Funding: Marathon County Human Services Board.

EXHIBIT 2

STUDIES

Civil Rights Commission

Contracted for a study to show the needs of DV victims, the government responses to those needs, and recommendations for better serving.

Scheduled completion:

Amount:

HEW/Office of Assistant Secretary for Planning and Evaluation

Contracted for survey of 10 major HEW programs to evaluate their services to domestic violence victims.

Scheduled Completion:

Amount:

Interdepartmental Committee on Domestic Violence

Scheduled completion.

OHDS/Office of Planning, Research and Evaluation

Contracted out with Colorado Association for Air to Battered Women to find abused spouse services across the nation.

Scheduled completion: soon.

Amount: FY '78—$139,000; FY '79—$25,000.

ADAMHA/NIMH/Center for the Prevention Rape

Research project on marital rape and physical abuse.

Scheduled completion.

Amount: FY '78—$10,000; FY '79—$74,000.

NIAAA

In FY '79 NIAAA funded five research projects (increased to 10 in FY '80) on alcohol-related violence in the family.

Scheduled completion.

Amount: FY '79—$113,000; FY '80—$400,000.

CSA/National Research and Demonstration

Grants awarded to study three aspects of domestic violence in FY '79:

Family crisis center in Milwaukee, Wisc. ($600,000).

Training and technical assistance in Pennsylvania and Massachusetts ($100,000 each).

PROJECTS

Child abuse

Funded 80 demonstration projects in FY '80 with the average size of the grant $100,000–$120,000.

Focus on source of child abuse, which includes counseling family offenders.

NIMH

Center for Mental Health Services, Manpower, Research and Demonstration.

2-year grant to women's group in Philadelphia to train mental health personnel to understand issues in the identification and treatment of battered spouses (FY '79—<$50,000).

COMMUNITY SERVICES—SHELTERS

HUD—Community development block grant

Title I of the Housing and Community Development Act of 1974 allows local communities (through its community development agency) to determine local spending priorities.

In 1978, HUD regulations were rewritten to clarify that CDBG funds can be used to acquire and renovate buildings to use as emergency shelters.

(Through FY '79, CDBG funds were used to acquire 27 shelter facilities, at a cost of $1.2 million. FY '80 estimates for the same are $3 million.)

CSA—Community Action agencies

Title II of the Economic Opportunity Act of 1964 established the CSA, whose general target groups is low-income people through local networks of services, developed and delivered by local community organization.

DV shelters and other service deliverers can apply to the Community Action Agency for funds, supplementary services and in-kind contributions, as long as the assistance reaches low-income persons.

Information now being compiled as to how much assistance is going into domestic violence services.

ACTION

Shelters, which serve the poor and/or minorities can apply for VISTA volunteers, who work full-time for a year with a stipend provided by VISTA.

(49 volunteers are currently being used in 12 different projects.)

Justice

The LEAA large block grant program to States gives states discretion in funding. Through FY '78, $5 million went toward shelters and other domestic violence programs.

Labor

Under Title II of CETA, comprehensive employment and training services (testing, counseling, and job placement aid) is provided to eligible persons. Title II services can be used by shelter to help domestic violence projects.

Pending legislation

Social Services and Child Welfare Amendments of 1979/H.R. 3434 allows the Title XX Social Security Act funds to be used for temporary emergency shelter for adults and children. The shelter can not exceed 30 days in each 6 month period. Both House and Senate have adopted; conference pending.

COMMUNITY SERVICES

HUD

Low Rent Public Housing—U.S. Housing Act of 1937, As Amended—Low rent public housing in a HUD housing project.

Sec. 8 Lower Income Housing Assistance—U.S. Housing Act of 1937, As Amended.

Tenant finds rental unit and HUD pays a portion of the rent directly to the landlord.

LEGAL SERVICES

Under Title X of the Economic Opportunity Act of 1964, the Legal Services Corporation funds 300 legal assistance programs that provide services to indigent clients in civil matters.

LSC staff can represent domestic violence victims, and perform services such as:

helping them get out of the house,
assisting them in obtaining a divorce,
counseling them on their rights,
preparing for court.

Data is unavailable as to how many domestic violence victims have been assisted.

TECHNICAL ASSISTANCE

Legal Services Corporation

National Backup Center provides TA on women's issues to local LSC programs across the country. (FY '79—$75,000–$100,000.)

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD an "Education Update" on the matter of federally funded domestic violence centers, published by The Heritage Foundation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FEDERALLY FUNDED DOMESTIC VIOLENCE CENTERS: MORE GOVERNMENT INTRUSION INTO THE FAMILY?

Last December, the U.S. House of Representatives passed H.R. 2977, the Domestic Violence Prevention and Services bill, authorizing $65 million for federal grants to participating states over a three-year period to establish, maintain and expand programs "designed to assist domestic violence victims."

Action on the bill now moves to the Senate. The Senate version, S. 1843, is under the jurisdiction of the Subcommittee on Child and Human Development chaired by Alan Cranston (D-California), the chief Senate proponent of the bill.*

The Domestic Violence Prevention and Services Act, if passed, would (1) establish a Coordinator in the Department of Health and Human Services to coordinate all domestic violence programs administered under that department, (2) establish and maintain a national clearinghouse on domestic violence to collect and disseminate information and review all federal, state, and local programs, (3) make legislative recommendations to the Congress, in coordination with a Federal Interagency Council on Domestic Violence, concerning the need for modification of federal programs, and (4) make grants to states to establish, maintain, or expand domestic violence centers and programs.

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*Other members of the Child and Human Development Subcommittee are Donald W. Riegle, Jr. (D-Mich.), Gaylord Nelson (D-Wis.), William L. Armstrong (R- Colo.) and Gordon Humphrey (R-NH).

Legislation to fund a national network of domestic violence centers is close to the top on the feminist and human services network agendas, and with passage in the House by a substantial margin, proponents are hopeful of a victory in the Senate.

The framing of the issue by proponents apparently made it difficult for House members to vote against it without seeming to be indifferent to the plight of battered women and children. Proponents argued that incidence of domestic violence has reached epidemic proportions and that only intervention by the federal government could alleviate the crisis. A "low" figure of $65 million over a three-year period was set to make the proposal more acceptable to House members whose constituencies are not so supportive of new social programs in a time of raging inflation.

The federal government is already deeply involved in the domestic violence area. A Congressional Research Service Report from the Library of Congress reported a commitment of $11.5 million in 1979 federal subsidies for domestic violence research and services.

Involvement at the federal level includes Law Enforcement Assistance Administration (LEAA) model programs, Comprehensive Employment and Training Act (CETA) funded persons deployed to staff domestic violence centers, and large amounts of Title XX funds under the Social Security Act currently used in a number of states to maintain domestic violence programs. The LEAA has given the feminist-oriented National Center for Women's Policy Studies a large grant to maintain a clearinghouse for dissemination of information on domestic violence programs; this center will be a likely prospect to receive the plum federal contract for running the national clearinghouse on domestic violence if the bill becomes law. Other federal funds for domestic violence were reported to have gone to women's advocacy groups, mental health agencies, and to the Legal Services Corporation for legal assistance to indigent persons with domestic violence problems.

On February 6, 1980, Senator Cranston conducted the one day of hearings planned on the Senate side before markup, which he has announced for March 26, 1980. In addition to proponents representing these various human services network interests, Rosemary Thomson of Peoria, Illinois, representing Family America, a national profamily organization, gave testimony calling into question the bill's premises.

Describing how domestic violence "plays in Peoria," Mrs. Thomson contrasted the performance of the private center with the publicly funded domestic violence center located there. The private center, the South Side Mission, accepts no public funds, has an annual budget of $160,000 and served 1,785 women and children in 1979. Womenstrength, a center run with public funds and a budget of $150,000, served only 367 in the same period. The evidence that private services can deliver more for less in this area is not surprising in light of similar evidence generally available on private versus government run day care centers.

CAUSES OF DOMESTIC VIOLENCE

Evidence from a wide variety of sources suggests that most domestic violence is triggered by abuse of alcohol or drugs. Lt. Cdr. Daniel W. Behling, Medical Service Corps Officer at the Long Beach Naval Hospital in California, based on the clinical work at that facility stated: "when alcohol is not treated with the same concern as the violence, the chances of ever dealing successfully with that abusive family are virtually nil."

However, the thrust of the domestic violence legislation at hand is that domestic violence is the result of sexist cultural norms that dominate American society. A primary source document for the bill is the "consultation" of the U.S. Civil Rights Commission on *Battered Women: Issues of Public Policy*. The insistence that domestic violence is culturally determined and must be treated as such is made clear in the introduction of the above document:

"Most research on the causes of (domestic) violence concentrates on the external influences on the husband's behavior, for example, job stress, money problems and the use of alcohol. Many feel however, that these are rationalizations which serve to excuse the husband's behavior and that the focus should be on wider cultural and social influences that produce batterers.

"Traditional sex roles are also seen as contributing to the problem by creating a male role as "head of the household," with the attendant right to discipline his wife, and by socializing young girls to passivity and subservience to men."

This theme is echoed by psychologist Lenore Walker, a recipient of a $186,000 grant from the National Institute of Mental Health. Dr. Walker, "taking what she has termed a feminist orientation," concluded that "early social influences on girls and women tend to produce a condition of 'learned helplessness' and that the condition creates motivational deficits that prevent battered women from leaving their violent husbands."

The feminist orientation leaves small room for attempts at solutions that would keep families together. There is little patience with women who are reluctant to be placed in the psycho-social box the domestic violence experts have designed for them.

For example, the Denver Post (February 10, 1978) reported that Safe House, a domestic violence center in Denver, Colorado (partially funded by the Law Enforcement Assistance Administration), as a matter of policy takes only domestic violence victims who are willing to "permanently change their situations." Safe House, as its Director makes clear, will be "crisis-oriented but not emergency-oriented." Women who avail themselves of the Safe House services must be willing to stay at the house from two weeks to three months.

The most visible "authority" on domestic violence is Maury Straus, professor of sociology and director of the Family Violence Research Program at the University of New Hampshire. Straus is the most successful practitioner of federal grantsmanship in domestic violence research and the National Institute of Mental Health retains him as a consultant. In his definitive article, "Wife Beating: Causes, Treatment and Research Needs"* Straus states that domestic violence is primarily caused by cultural norms in our society that condone and legitimize violence. The family, not just in isolated instances, but as a cultural and sociological phenomenon, is actually the cause of violence in the society at large because "the family is the setting in which most people first experience physical violence."

Because Straus holds that societal norms rooted in the family itself cause domestic violence, he advocates far-reaching measures to prevent domestic violence. Straus's policy recommendations for the eradication of domestic violence include: redefining the marital relationship as one in which any use of physical force is unacceptable, enacting stringent gun control legislation, gradually eliminating physical punishment as a mode of childbearing, eliminating the husband as "head of the family" from its continuing presence in the law, in religion, in administrative procedure, and as a taken-for-granted aspect of family life, and reducing or eliminating the sex-typed pattern of family role responsibilities.

The coercive social engineering mentality evidenced by the policy suggestions of Maury Straus and echoed by the preponderance of the bill's proponents calls into severe question the rhetoric used by supporters that this legislation involves merely a "federal commitment" to provide "seed money" to keep going the "emergency shelters" for battered persons.

2 MILLION BATTERED SPOUSES?

Senator Cranston's statement introducing the hearings on S. 1843 conveys the impression (given also in the House Report on HR 2977) of a virtual nationwide epidemic of domestic violence. Cranston states that according to a study, "funded by the National Institute of Mental Health, nearly 2 million American couples have used a lethal weapon on one another during their marriage."

This statement was widely circulated in press reports. The statement apparently is based on the NIMH-funded research done by Maury Straus and Richard Gellers of the University of Rhode Island. The Straus-Gellers study involved a sample of 2,123 families who responded to a questionnaire. A percentage of 3.8 of the respondents admitted to a degree of family violence that placed them on Straus's "Wife Beating Index." These acts included "kicking, biting, hitting with the fist, hitting or trying to hit with something, beating up, threatening with a knife or gun, and use of a knife or gun."

Applying the incidence rate to the 47 million couples in the United States, Straus "estimated" that in any one year, approximately 1.78 million wives are beaten by their husbands. In the miraculous world of social science statistics, Straus's 3.8% of 2.123 families who by their own admission made his Wife Beating Index have now apparently become "2 million couples who have used a lethal weapon against one another, "according to an Associated Press report.

WHO WILL DECIDE WHICH CENTERS GET THE GRANTS

At present, centers funded strictly at the local and state level, without federal grants, face a degree of accountability in reflecting community needs and values. Under the proposed bill, the decision on which centers will receive grants will be largely in the hands of the federal bureaucrats under the Coordinator for Domestic Violence and the bureaucrats in the state human services networks who will serve as conduits for the funds. In her testimony, Rosemary Thomson of Family America asked the following question: "To what degree can you guarantee that any grants under this bill, if passed, will be awarded on the basis of merit and community support as opposed to contacts made in the 'good old girl' network of feminists?" Senator Cranston did not address himself to that problem.

As the family becomes a major battleground for interest group politics and the quest for federal leverage and power, the domestic violence issue no doubt will continue to be highly controversial.

UP AMENDMENT NO. 1519

(Purpose: To provide in lieu of the Center an identifiable administrative unit to carry out the provisions of this Act)

Mr. CRANSTON. Mr. President, I send to the desk a perfecting amend-

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**Battered Women: Issues of Public Policy.* A consultation sponsored by the United States Commission on Civil Rights, Washington, D. C., January 30–31, 1978. Available from U.S. Commission on Civil Rights, Washington, D.C. 20425.

ment as a substitute for the amendment of the Senator from Utah.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California (Mr. CRANSTON) proposes an unprinted amendment numbered 1519 to amendment numbered 1956.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, strike out lines 4 and 5.

On page 1, strike out line 7 and insert in lieu thereof the following:

line 17 and insert in lieu thereof the following:

"DESIGNATION OF COORDINATOR AND ADMINISTRATOR FOR PROGRAMS

"SEC. 106. (a)(1) The Secretary shall designate within the Office of the Secretary an identifiable administrative unit, headed by an individual with expertise relating to the domestic violence prevention and treatment programs administered by the Department of Health and Human Services, to carry out the provisions of this title, including activities described in subsection (b) of this section.

"(2) Any reference in this title to the Director of the Center or to the Center shall be deemed to refer to the Secretary.".

On page 1, line 8, insert before the period the following "and insert in lieu thereof 'ANNUAL' ".

On page 1, strike out lines 9 and 10.

On page 2, strike out line 3 through line 10.

On page 2, strike out lines 13 and 14.

On page 2, strike out lines 22 and 23.

On page 2, strike out line 26 and insert thereof the following: "administrative expenses of the Department of Health and Human Services in carrying out the provisions of this title".

Mr. CRANSTON. Mr. President, in order to accommodate my colleague from Utah, I have offered a perfecting amendment which deals with his concerns about the national center. Although I do not share his concern that a national center would necessarily grow into a self-serving office, a national center itself may not be crucial to the implementation of the domestic violence program, and I do understand the concerns of the Senator that offices do tend to grow and grow.

My amendment would eliminate the requirement for this structure from the legislation as well as make conforming changes in references to a director of such a center. This amendment does give the Secretary authority to designate a unit and individual within the department to carry out the Federal responsibilities under the legislation. The responsibilities of the Federal Government in this program are minimal, but they are necessary. Some unit must deal with the award of grants, with the technical assistance, with training, and with other provisions of the legislation which need to be carried out at the Federal level in order to get the funds down to the local projects and programs and enhance their effectiveness.

Thus my substitute would eliminate the national center but would authorize the Secretary to designate an identifiable administrative unit and an individual with expertise to carry out the provisions of this legislation.

I trust that is acceptable to the Senator from Utah.

Mr. HATCH. Although I would prefer, in response to the Senator from California, to do away with the center he has, in effect, done this, although recognizing the unit should be headed by one individual to supervise this particular area, if I understand the Senator's perfecting amendment correctly; is that correct?

Mr. CRANSTON. There will be an individual, at least, who will be involved in some unit with these responsibilities under this title.

Mr. HATCH. Mr. President, I ask the Senator from California, will the staff have to have a special authorization? Will this particular unit have to have a special authorization in order to exist?

Mr. CRANSTON. I do not believe so. I think it could be funded whatever way the Secretary felt appropriate.

Mr. HATCH. This would be out of existing funds, then?

Mr. CRANSTON. Presumably it could. Actually, it would most likely be out of the administrative fund to be appropriated under the bill.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator HUMPHREY also be made a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, it is my understanding that Senator KASSEBAUM wanted to speak to this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, once again I am very pleased with the accommodation of the distinguished Senator from California. I appreciate his efforts and those of his staff to accommodate our desires in this matter. I am very grateful to them.

With that, I will accept the perfecting amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California (Mr. CRANSTON).

The amendment (UP No. 1519) was agreed to.

Mr. HATCH. Mr. President, I move the adoption of my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah (Mr. HATCH).

The amendment (No. 1956) was agreed to.

Mr. HATCH. I move to reconsider the vote by which the amendment was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I thank the Senator for his cooperation and that of his staff.

AMENDMENT NO. 1955

(Purpose: To strike direct grants from the bill)

Mr. HATCH. Mr. President, I call up my amendment No. 1955 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will support.

The bill clerk read as follows:

The Senator from Utah (Mr. HATCH) proposes amendment numbered 1955.

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, strike out lines 3 through 19.

On page 31, line 20, strike out "(c)" and insert in lieu thereof "(b)".

On page 31, line 21, strike out "(other than to a State)" and insert in lieu thereof "by a State".

On page 32, line 1, strike out "(d)" and insert in lieu thereof "(c)".

On page 32, line 4, strike out "(e)" and insert in lieu thereof "(d)".

On page 32, line 8, strike out "(f)" and insert in lieu thereof "(e)".

On page 32, line 10, beginning with the comma, strike out through the comma on line 11.

On page 34, line 9, beginning with the comma, strike out through line 2, on page 35, and insert in lieu thereof the following: "to States so qualifying for distribution as provided under section 102(a) each State to be awarded, for grants to local public agencies and nonprofit private organizations, an amount which bears the same ratio to the total amount to be reallotted as the population of such qualifying State bears to the population of all qualifying States.".

On page 40, line 11, beginning with the word "and" strike out through "section 102(b)" on line 12.

On age 40, line 19, insert "and" after the semicolon.

On page 40, beginning with line 20, strike out through line 17 on page 41.

On page 41, line 18, strike out "(6)" and insert in lieu thereof "(5)".

On page 52, line 10, strike out "60 per centum" and insert in lieu thereof "85 per centum".

On page 52, line 12, beginning with "25 per centum" strike out through "organizations;" on line 15.

Mr. HATCH. Mr. President, this amendment would strike from the legislation, direct Federal grants to federally authorized domestic violence projects. That is, if my amendment is accepted, all Federal money provided in the bill for shelters, counseling and other services would go through the States. This is as it should be.

Most of the project money according to preexisting law would already be dispensed through the States. Unless we amend S. 1843 as I am here suggesting, a separate Federal apparatus would be required by law to be developed, an apparatus intended to do what the States are already doing.

I am not the only Senator on this floor who has spoken out against the tendency of federally authorized social services to grow at the expense of the State and local governments' efforts. I am also not the only legislator to argue that the Federal Government's role in directly providing social services is a questionable one, especially so when the State and local governments are willing to provide them. We cannot be too often reminded of the principle constitutional tenent which is also the key to our federalist tradition, and that is that State and local governments being closer to the people and being primarily responsible for coordinating community services, ought to have original jurisdiction in the funding of these services.

The Domestic Violence Prevention Act without my amendment holds a Federal set-a-side provision, one which exemplifies the traditional distrust the Washington establishment has for local governments. These local governments are democratically elected, and we have no right to deny them their proper responsibility.

Mr. President, I ask unanimous consent that an analysis prepared by Dr. Onalee McGraw for the Boston Herald American be printed in the Record. Her essay, "Domestic Violence Epidemic," includes some tightly written comments which further support the position I am here taking, a position favoring State and local over Federal jurisdiction in family service matters.

There being no objection, the essay was ordered to be printed in the Record, as follows:

Domestic Violence "Epidemic": A Myth to Justify Big Brotherism

(By Dr. Onalee McGraw)

The controversy over the White House Conference on Families attests to the tremendous explosiveness of issues involving government intervention in family life.

Though it has not, as yet, aroused the same intense political passions, another family issue—federal involvement in "domestic violence" disputes, i.e. wife beating—again has the federal government sticking its nose where many people don't think it belongs.

Last December, the U.S. House of Representatives passed H.R. 2977, the Domestic Violence Prevention and Services bill, authorizing $65 million for federal grants to participating states over a three-year period to establish, maintain and expand programs "designed to assist domestic violence victims."

Action on the bill now moves to the Senate. The Senate version, S. 1843, is under the jurisdiction of the Subcommittee on Child and Human Development chaired by Alan Cranston (D-California), the chief Senate proponent of the bill.

The Domestic Violence Prevention and Services Act, if passed, would (1) establish a Coordinator in the Department of Health and Human Services to coordinate all domestic violence programs administered under that department, (2) establish and maintain a national clearing-house on domestic violence to collect and disseminate information and review all federal, state, and local programs, (3) make legislative recommendations to the Congress, in coordination with a Federal Inter-agency Council on Domestic Violence, concerning the need for modification of federal programs, and (4) make grants to states to establish, maintain, or expand domestic violence centers and programs.

The framing of the issue by proponents apparently made it difficult for House members to vote against it without seeming to be indifferent to the plight of battered women and children. Proponents argued that incidence of domestic violence has reached epidemic proportions and that only intervention by the federal government could alleviate the crisis. A "low" figure of $65 million over a three-year period was set to make the proposal more acceptable to House members whose constituencies are not so supportive of new social programs in a time of raging inflation.

The federal government is already deeply involved in the domestic violence area. A Congressional Research Service Report from the Library of Congress reported a commitment of $11.5 million in 1979 federal subsidies for domestic violence research and services.

On February 6, Senator Cranston conducted the one day of hearings planned on the Senate side before markup. In addition to proponents representing various "human services network" interests, Rosemary Thomson of Peoria, Illinois, representing Family America—a national pro-family organization—gave testimony calling into question the bill's premises.

Describing how domestic violence "plays in Peoria," Mrs. Thomson contrasted the performance of the private center with the publicly funded domestic violence center located there. The private center, the South Side Mission, accepts no public funds, has an annual budget of $160,000 and served 1785 women and children in 1979. Womenstrength, a center run with public funds and a budget of $150,000, served only 367 in the same period. The evidence that private services equal can deliver more for less in this area is not surprising in light of similar evidence generally available on private versus government run day care centers.

Evidence from a wide variety of sources suggests that most domestic violence is triggered by abuse of alcohol or drugs. Lt. Cmdr. Daniel W. Behling, Medical Service Corps Officer at the Long Beach Naval Hospital in California, based on the clinical work at that facility stated: "When alcohol is not treated with the same concern as the violence, the chances of ever dealing successfully with that abusive family are virtually nil."

However, the thrust of the domestic violence legislation at hand is that domestic violence is the result of sexist cultural norms that dominate American society.

This theme is echoed by psychologist Lenore Walker, a recipient of a $186,000 grant from the National Institute of Mental Health. Dr. Walker, taking what she has termed "a feminist orientation," concluded that "early social influences on girls and women tend to produce a condition of 'learned helplessness' and that the condition creates motivational deficits that prevent battered women from leaving their violent husbands."

The feminist orientation leaves small room for attempts at solutions that would keep families together.

The most visible "authority" on domestic violence is Maury Straus, professor of sociology and director of the Family Violence Research Program at the University of New Hampshire. Straus is the most successful practitioner of federal grantsmanship in domestic violence research and the National Institute of Mental Health retains him as a consultant.

Because Straus holds that social norms rooted in the family itself cause domestic violence, he advocates far-reaching measures to prevent domestic violence. Straus's policy recommendations for the eradication of domestic violence include: redefining the marital relationship as one in which any use of physical force is unacceptable, enacting stringent gun control legislation, gradually eliminating the husband as "head of the family" from its continuing presence in the law, in religion, in administrative procedure, and as a taken-for-granted aspect of family life, and reducing or eliminating the sex-typed pattern of family role responsibilities.

Senator Cranston and other backers of the legislation would have us think, of course, that they are merely acting in response to what amounts to a nationwide epidemic of domestic violence. The Senator alluded to this in the introduction to his hearings, when he referred to a study "funded by the National Institute of Mental Health which showed nearly 2 million American couples have used a lethal weapon on one another during their marriage."

This statement was widely circulated in news reports and uncritically accepted as fact.

It is a reference, unfortunately, to a study co-authored by none other than Maury Straus—with Richard Gelles of the University of Rhode Island.

The Straus-Gelles study involved a sample of 2,123 families who responded to a questionnaire. A percentage of 3.8 of the respondents admitted to a degree of family violence that placed them on Straus's "Wife Beating Index." These acts included "kicking, biting, hitting with the fists, hitting or trying to hit with something, beating up, threatening with a knife or gun, and use of a knife or gun."

Applying the incidence rate to the 47 million couples in the United States, Straus "estimated" that in any one year, approximately 1.78 million wives are beaten by their husbands. In the miraculous world of social science statistics, Straus's 3.8 percent of 2,123 families who by their own admission made his Wife Beating Index have now apparently become "2 million couples who have used a lethal weapon against one another," according to an Associated Press report.

At present, centers funded strictly at the local and state level, without federal grants, face a degree of accountability in reflecting community needs and values. Under the proposed bill, the decision on which centers will receive grants will be largely in the hands of the federal bureaucrats under the Coordinator for Domestic Violence and the bureaucrates in the state human services networks who will serve as conduits for the funds.

In her testimony, Rosemary Thomson of Family America asked the following question: "To what degree can you guarantee that any grants under this bill, if passed, will be awarded on the basis of merit and community support as opposed to contacts made in the 'good old girl' network of feminists?" Senator Cranston did not address himself to that problem.

As the family becomes a major battleground for interest group politics and the quest for federal leverage and power, the domestic violence issue no doubt will continue to be highly controversial.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1520 TO AMENDMENT NO. 1955

(Purpose: To permit direct grants only to units of general local government)

Mr. CRANSTON. Mr. President, I send an amendment to the desk which amends the amendment of the Senator from Utah. This is in the nature of a perfecting amendment.

The bill clerk read as follows:

The Senator from California (Mr. CRANSTON) proposes an unprinted amendment numbered 1520 to amendment numbered 1955.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 1, strike out the period and insert in lieu thereof "and insert in lieu thereof the following:

"(b)(1) The Secretary is authorized to make grants to units of general local government for the purpose described in paragraph (2) of this subsection.

"(2) Grants made under this subsection may be used by units of general local government directly for projects designed to prevent incidents of domestic violence and to provide immediate shelter and other assistance for victims and dependents of victims of domestic violence, or for making grants for such projects to public agencies and nonprofit private organizations within the jurisdiction of such unit of general local government.

"(3) No grant may be made under this subsection unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems essential to carry out the purposes and provisions of this title. Such application shall comply, as applicable, with the provisions of clauses (E), (G), (H), and (J) of subsection (a) of this section.

"(4) For the purposes of this title, the term 'unit of general local government' means any city, municipality, county, town, township, parish, village, or other general purpose political subdivision which has the power to levy taxes and spend funds, as well as general corporate and police powers.

"(5) Any reference in this title to a grant from the Secretary to a local public agency or nonprofit private organization shall be deemed to refer only to a grant to a unit of general local government.".

On page 1, strike out all beginning on line 2 through line 21 on page 2.

Mr. CRANSTON. Mr. President, I recognize the concerns expressed by the Senator from Utah, and, although I do feel that strong arguments can be made to support the set-aside of some of the funds appropriated for direct Federal grants, I would like to reach an accommodation with the Senator on this issue.

I do think, however, that total elimination of section 102(b) is not warranted and I am prepared to offer a compromise amendment.

Mr. President, my amendment would modify section 102(b) to allow the Secretary to make grants under its provisions only to units of general local government—that is, cities and counties. In other words, the Secretary could not make a direct grant to any private organization, but could make a grant to a unit of general local government, such as a city or county.

Thus, under this amendment, in all instances, funds appropriated would have to be sought by either State or local government officials and there would be no direct Federal grants to private entities. At the same time, it would allow for funding to a local governmental unit which wants to be involved in efforts to assist the victims of domestic violence in situations where the entire State did not become involved.

I hope the amendment is acceptable.

Mr. HATCH. Mr. President, I compliment the distinguished Senator from California for his efforts, and those of his staff, in proposing this particular amendment to my amendment. I believe it is totally acceptable, and I think it meets the proper accommodation because it recognizes our federalist principles. I am prepared to accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (UP No. 1520) was agreed to.

The PRESIDING OFFICER. Without objection, the amendment, as amended, is agreed it.

The amendment (No. 1955), as amended, was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. CRANSTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I thank the distinguished Senator from California. I hope we can keep these amendments in the bill if there is a conference. I think they are essential. They come a long way in making this bill much more pallatable in the eyes of many of my colleagues. I appreciate the accommodation of the distinguished Senator from California. I appreciate the efforts of his staff.

I hope we will be working together much more in many other projects in the future.

Mr. CRANSTON. Mr. President, I thank the Senator very much. I appreciate the opportunity of working with him and his staff, as does my staff. I assure the Senator that I will do my utmost to defend the Senate bill in conference.

Mr. HATCH. Mr. President, I thank my colleague.

UP AMENDMENT NO. 1521

(Purpose: To authorize grants to Indian tribes and intertribal organizations)

Mr. CRANSTON. Mr. President, on behalf of myself and the Senator from Montana (Mr. MELCHER) I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from California (Mr. CRANSTON), on behalf of the Senator from Montana (Mr. MELCHER), proposes an unprinted amendment numbered 1521.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, between lines 19 and 20, insert the following new subsection:

"(c)(1) The Secretary is authorized to make grants to Indian tribes, intertribal organizations, and urban Indian organizations for projects designed to prevent domestic violence and to provide immediate shelter and other assistance for victims and dependents of victims of domestic violence if such projects will be available within or will specifically serve—

"(A) a federally recognized Indian reservation,

"(B) any land area in Oklahoma the title to which is either (i) held by the United States in trust for the benefit of any Indian tribe or individual, or (ii) held by any Indian tribe or individual subject to a restriction against alienation imposed by the United States,

"(C) a native village in Alaska (as defined in section 3(c) of the Alaska Native Claims Settlement Act), and

"(D) an Indian population within an urban or rural area the members of which are recognized as eligible for services under the Indian Health Care Improvement Act (90 Stat. 1400).

"(2) No grant shall be made under this subsection unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems essential to carry out the purposes and provisions of this title. Such application shall comply, as applicable, with the provisions of clauses (E), (G), (H) and (J) of subsection (a) of this section.".

On page 31, line 20, strike out "(c)" and insert in lieu thereof "(d)".

On page 32, line 1, strike out "(d)" and insert in lieu thereof "(e)".

On page 32, line 4, strike out "(e)" and insert in lieu thereof "(f)".

On page 32, line 8, strike out "(f)" and insert in lieu thereof "(g)".

On page 51, between lines 21 and 22, insert the following:

(4) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or group or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(5) "Urban Indian organization" means a nonprofit corporate body situated in an urban center, governed by an Indian controlled Board of Governors, providing for the maximum participation of all interested Indian groups and individuals, which body is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in this title.

On page 51, line 22, strike out "(4)" and insert in lieu thereof "(6)".

On page 51, line 24, strike out "(5)" and insert in lieu thereof "(7)".

On page 52, line 12, strike out "25" and insert in lieu thereof "not less than 22 per centum nor more than 24".

On page 52, line 15, insert before the semicolon "not less than 1 per centum nor more than 3 per centum shall be used by the Secretary for making grants to Indian tribes, intertribal organizations, and urban Indian organizations under section 102(c)".

Mr. CRANSTON. Mr. President, this amendment simply would set aside a small amount of the total domestic violence appropriation for Indian tribes, intertribal organizations, and urban Indian organizations, and would authorize the Secretary of H.H.S. to make specific grants to these Indian entities for programs within the scope of this legislation.

Mr. President, this amendment incorporates standard language we have used in other grant programs to assure that Indian groups will receive some funds. Various Indian oragnizations and their representatives brought to our attention their particular need for this type of assistance. They also correctly note that in many other instances we have provided a specific set-aside for Indian tribes and organizations since they would often not fall within the jurisdiction of the various State agencies administering these programs. We have addressed the particular needs of Indian tribes and organizations in such legislation as the Older Americans Act of 1965, as amended, the Rehabilitation Act of 1973, as amended, the Comprehensive Employment and Training Act of 1973, as amended, the adoption Assistance and Child Welfare Act of 1980, and title III—the low-income energy assistance title—of the Crude Oil Windfall Profit Tax Act of 1980. As recently as late July, the Senate approved S. 1177, the Mental Health Systems Act, with a provision similar to the one we are proposing.

I want especially to acknowledge the role that the Senator from Montana (Mr. MELCHER), who chairs the Select Committee on Indian Affairs, played in the development of this amendment. I would hope that the Senator from New Hampshire would find the amendment acceptable.

Mr. HATCH. Mr. President, the amendment is acceptable to this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (UP No. 1521) was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATCH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1522

(Purpose: To clarify the definition of domestic violence)

Mr. HATCH. Mr. President, I send an unprinted amendment to the desk on behalf of Senator DOLE and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Utah (Mr. HATCH), for himself and Mr. DOLE, proposes an unprinted amendment numbered 1522.

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 51, line 20, beginning with the word "residing" striking out through "wife" on line 21 and insert in lieu thereof "married".

Mr. HATCH. Mr. President, this is an amendment to the Domestic Violence and Services Act which would clarify the language on page 51, concerning the definition of those who should be protected under this legislation. This amendment is a technical amendment which addresses the rather vague wording in the legislation as it now exists. As H.R. 2977 and S. 1843 currently read, the marriage part is extremely ambiguous. It would seem that domestic violence is to be considered an actual physical injury or the threat of physical injury among people who are or have been related, or are or were married. However, this marriage description is worded as "residing in a relationship of husband and wife." The amendment that I am proposing would simply change this wording to "people who are or were legally married." There is no reason to beat around the bush when we mean exactly this.

As the bill is now written, domestic violence prevention services could be interpreted to extend to people who are neither related nor married. Such an inclusion could have potential expansion implications that were not in its original intent, and this amendment would serve to limit the domestic violence services specifically to people who are or were married.

If the bill's unclear definition of marriage was intended to include live-in couples, then I cannot agree with such a provision. This kind of situation would not define a family unit, and the domestic violence program was intended to be family-oriented. Any domestic violence program has as its purpose of strengthening the American family, not creating ambiguities that would ultimately weaken its concept. It is strong families within our society that will ultimately be the best insurance against domestic violence itself, and we should not weaken the family by creating loose definitions and inadvertently supporting casual liaisons.

Mr. CRANSTON. Mr. President, I oppose this amendment. It is simply unenforceable. It is not an amendment that would be able to be enforced in any practical way.

As a practical matter, persons who will be using domestic violence shelters will arrive at such shelters in the middle of the night. That is what now happens in most cases where there are shelters. They will arrive, frightened and injured, at 2 or 3 o'clock in the morning.

Should women fleeing in the middle of the night from their homes be required to show their marriage licenses before being admitted? Should they be required to bring identification which proves that they are related to the person who beat them up? That concept, I believe, is absurd. It is unworkable.

A person cannot stop while being beaten to fish out the marriage license, wherever it might be, if it can be found, or some other proof of wedlock.

Programs assisted under this legislation should be able to provide assistance to people who need help relating to domestic violence. I understand the purposes of the amendment, but I just think it would not work. This matter was brought up on the House floor and, after considerable discussion, an amendment to this effect was voted down.

I have done my best, Mr. President, to accommodate the Senator from Utah and we worked out matters on all the amendments of his own that he brought up. I did likewise with the distinguished floor manager on two of his amendments. We worked them out. I just do not see a way to work this out.

Mr. HATCH. If I may state my problem, Mr. President, I do not think it makes any difference, except it does make it very clear to all families who are concerned about this bill throughout this country that this bill is to apply to a normal family relationship by making the definition apply to people who are or were legally married.

I have to agree with the distinguished Senator from California that if a battered woman or child comes to the center or to the institution set up by the local unit of government, I do not believe the local unit should turn that person away. On the other hand, I think it is important to have these definitions so that people realize the purpose of the legislation. Otherwise, I think we have a totally ambiguous definition that would be unacceptable to me and, I think, unacceptable to most people in our society who have profamily leanings.

Mr. President, I suggest that we ought to change the language to mean this assistance is with the express understanding that they are not going to turn anybody away who has been battered and require them to show a marriage license or some sort of familial relationship in accordance with this particular amendment.

On the other hand, if we look at the language in the bill, it is so ambiguous that it really subverts the real principle and the real definition of what this bill is trying to do. I do not think we lose by making what I consider to be a technical amendment that would please many people in our society while, at the same time, recognizing that they cannot police, by requiring marriage licenses, the people who come for the services that are to be given is a result of this particular bill.

I suggest that the distinguished Senator from California, with that language and colloquy in the record, should be willing to accept this amendment.

Mr. CRANSTON. There is language in the bill on page 51 that is designed to make clear that we essentially are talking about people who are married. I do not like to be involved in writing legislation that seems to require something that cannot be fulfilled, that is impractical and that suggests that that would have to be ignored when the provisions of the law are actually carried out.

Mr. HATCH. On the other hand, Mr. President, I am sure the distinguished Senator from California would not like to be involved in legislation that is not accurate and is ambiguous and that really does not state the intent of Congress, which is to solve family problems that arise with people who either are or were legally married at one time or another. I should think that if we can perfect a record here, on the floor, that makes it clear that those who provide these services pursuant to this bill will have to care for anybody who claims to be battered—if that is, in fact, the case—

that would solve the problem of the distinguished Senator from California. I should think it would be a greater problem to Congress to leave the language which is presently in the bill, which is ambiguous and does not show the intent of Congress actually to recognize a regular family relationship.

I hope the distinguished Senator from California, under those circumstances, will accept this amendment.

Mr. CRANSTON. I am prepared to state, for purposes of the record in connection with the action on this legislation, that I agree with the main thrust of the Senator's remarks: The purpose is to deal with difficulties that arise in families. I do not feel that we should get into a situation where it might be interpreted as requiring that some one flee with a marriage license in hand. I also do not think we should exclude any individuals who are in the process of being battered.

Mr. HATCH. Then why not change the amendment to recognize the marital relationship, but add some language that says that battered people should not be excluded from care and treatment? Let us at least make it very clear that the intent of this amendment is to augment the family and to strengthen the family relationship for people who are or were legally married and not just to anybody who might be living in a casual or other type of relationship, such as live-in couples who never have the intention of getting married.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I move that my amendment be modified to read: On page 51, line 18, beginning with the word, "was," add the words, "married or otherwise legally," then continue with the rest of the sentence and paragraph through line 21.

The PRESIDING OFFICER. Could the Senator send the modification to the desk, please?

Mr. HATCH. I send the modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the modification.

The legislative clerk read as follows:

> On page 51, line 18, after the word, "was," insert the following new language: "married or otherwise legally"

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment was modified.

Mr. HATCH. Mr. President, I move the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment, as modified, was agreed to, as follows:

> On page 51, line 18, after "was" insert the following: "married or otherwise legally"

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I thank my friend from California for again working out what could have been a sticky little point for me and many others in the country. Once again, I thank him for his conciliatory approach here.

UP AMENDMENT NO. 1523

(Purpose: To limit the authorization of appropriations to two years)

Mr. HATCH. Mr. President, on behalf of Mr. DOLE and myself, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Utah (Mr. HATCH), for himself and Mr. DOLE, proposes an unprinted amendment numbered 1523.

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 52, line 8, beginning with ", and" strike out through "1983" on line 9.
>
> On page 52, line 10, strike out "any fiscal year" and insert "for the fiscal years 1981 and 1982".

Mr. HATCH. Mr. President, at this time, this unprinted amendment would limit the authorization of the Domestic Violence Prevention and Services Act to a maximum of 2 years. The reservations that I have concerning parts of this bill are so strong that I think at best we should exercise a very cautious approach toward implementing such a program at the Federal level.

The chief danger that I fear among my colleagues is that this issue will be treated from an apple pie and motherhood approach. We all shrink in horror at the statistics of domestic violence incidents, particularly as they affect the Nation's elderly population. The concept of domestic violence is contrary to everything all of us consider to be decent and inherently right. Therefore, we must be very careful not to jump into plans for a solution at the Federal level, when some other approach might ultimately be more effective and do the most good at the community level.

My preference is that this program never be initiated at the Federal level, but if it has a chance of being passed here in Congress, then my concern would be focused on making the legislation as effective as possible by putting most of its authority for oversight and implementation at the State level. By passing this legislation before us, we run the risk of making a bad situation worse in our attempts to federalize the basic problem out of existence by proposing a solution at the national level.

At best, I think we ought to limit this authorization to a 2-year period, or even a 1-year period, in order to see just how well Federal solutions are working, before we make a further commitment to a program of domestic violence services and prevention. Ideally, I would leave the authority for coping with the problems of domestic violence at the State and community level, and keep the Federal Government out of an area that has grave and sensitive personal implications for the lives of those whom it seeks to protect.

Mr. President, it is my understanding that the scheduled yearly increase for this bill is $15 million in 1981, $20 million in 1982, and $30 million in 1983.

So, in just 3 years, this particular bill would double in its needed appropriation. I just believe that 2 years is a good start and a good way of approaching this, rather than going to 3 years.

Let us take a look at it, see how it works, and let us go from there.

Once we implement something for 3 years, we might have a more difficult time correcting it, or resolving the problems that exist.

I think it is a reasonable request. I hope my colleague from California will be equally conciliatory on this.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER (Mr. TSONGAS). The Senator from California.

Mr. CRANSTON. Mr. President, I am opposed to this amendment.

The proposal that we authorize this program for only 2 years is, in my judgment, just not feasible.

I do not think it would give us an opportunity to measure the effectiveness of a program and to make a wise decision at the end of 2 years, to terminate it or extend it.

I think the odds are that it would be extended. But I think we might make an unwise decision in this regard if we only had 2 years to judge the program.

We originally offered the bill in the 95th Congress in the form of a 5-year program. We compromised it down to 3 years. I think knocking off another year would not only be compromising too much, but I think it would be unwise in terms of the time we would have to evaluate the effectiveness or noneffectiveness of the program.

As I have stated many times during the course of our debate on this measure, this modest program is designed to meet an acknowledged need. It is a very modest program to met a very sizable need in our society. The Senate passed this legislation during the last Congress with authorization levels far higher than those contained in the pending measure. I am not unmindful of the fiscal constraints we are working under in these times and which we considered carefully as this year's legislation was developed. I am also painfully aware that there are tremendous human costs which continue to accrue every day that we ignore the problem of domestic violence.

The impact upon law enforcement agencies and personnel is particularly high in both monetary and nonmonetary terms. The problem of domestic violence demands a disproportionate amount of police resources and for law enforcement personnel the price is much higher—

since 40 percent of all police injuries and one-fifth of all police deaths arise in domestic violence situations.

The psychological and emotional costs paid by those touched by this problem are extreme, and the injury is often irreparable. Also, persons with severe psychological and emotional problems often become dependent upon public assistance programs.

Social service and emergency health agencies bear an enormous expense when trying to assist domestic violence victims. Unfortunately, these agencies are often forced to deal with victims with a Band-Aid approach—mending the wounds and ignoring the underlying problem. The costs to these agencies are compounded when the same victims return again and again.

Mr. President, we have not proposed an unduly long authorization. This program is being authorized for only 3 years. Experience dictates—and I urge the Senator from Utah to consider this point—that some period of time is needed just to get a program off the ground, to do all the preparatory work before the actual program is in process. The application process alone will take us well through the first year. By the end of the second year programs will have been established, but, we will need one year's operation as a minimum, and that is all we will have, to be able to effectively evaluate the success of our efforts.

If we went down to 2 years, we would be evaluating programs launched during the second year, before they had really gotten started.

I think that would not give opponents or proponents a fair opportunity to make appropriate judgments on the nature of the success or failure of the program.

Mr. President, the proposal that a program be authorized for 2 years is in my view, totally impractical. I hope the Senator will not persist in the amendment for those 2 years.

Mr. HATCH. Mr. President, I think one of the things that those of us who fight against this kind of legislation are concerned with is illustrated by the National Legal Services Corporation, which started off, as I recall, as a $117 million program. Now it is up around $330 million in a matter of a few years. They just seem to go on and on and on, and grow and grow and grow.

Sometimes we question some of the merit of keeping some of these going.

I remember when the Freedom of Information, and the Privacy Act, were passed. Statements were made on this floor that the total cost of the administration of those acts would be $50,000 a year.

That has been one of the biggest jokes in the history of this country. It is costing millions and millions of dollars to meet the requests.

This may be very much along the same line.

On the other hand, this bill has to tug at the heartstrings of anybody who is concerned with domestic violence, concerned with battered women and children, from the standpoint that all of us are concerned.

I wish we did not have that type of activity going on in our society. But we do. I suppose all societies have, and all societies forevermore will have that type of activity going on.

Perhaps this is an appropriate place, however, for me to be conciliatory and to listen to the argument, which I have done, of the distinguished Senator from California, and give him credit for trying in his own way to resolve this tremendous and terrible dilemma our society is facing and undergoing.

He would resolve it in a different way than I would. I would not have the Federal Government involved in this problem if I could avoid it. I think it is a matter for local and State control and administration, and, of course, even financing.

I think the States and local governments can do that, especially in this time when we are approaching better than $60 billion in deficit, and a budget resolution in 1980, and at least $30 billion, not counting budget items of $18.8 billion, for fiscal 1981; and by the time 1981 gets through with its second, third, fourth, fifth, or sixth concurrent budget resolution, we are going to find that is going to be a $60 billion deficit, not counting the $18.8 billion.

So I am concerned about constantly adding programs that seem to be very low-level cost programs when we start but bloom into some of the most massive programs in the history of the world.

Food stamps have jumped from a few million dollar program when it was started. I believe that in 1964, food stamps cost our taxpayers something like $35 million. One out of 492 Americans qualified. In fiscal 1981, the food stamp program probably is going to be in excess of $12 billion, just 16 years later, and one out of six people in America will qualify.

This program, it seems to me, has the potential of being just as expensive and costly as food stamps.

I worry very much about allowing an authorization of the program to go beyond 2 years; because I believe you could get an entrenchment where everybody is looking to the Federal Government for everything in their lives, at the expense of those who really work, those few who work in our society, approximately 100 million people out of 220 million to 230 million people in this country; and that work force is going down at all times, while other categories of people in the society are going up.

So it is a matter of grave concern to me, as I know it is to Senator DOLE, and that is why he has constructed this amendment carefully.

On the other hand, the Senator from California has been very conciliatory to us and the questions we have raised here today and the amendments we have brought.

With those caveats, and with the hope that 3 years from now we will not be staring in the face of another blossoming food stamps program which never quits making our society more of a welfare state than it is today and burdening the taxpayers of America to the *n*th degree, to the point that we are ready to break, I will withdraw the amendment.

Mr. CRANSTON. I thank the Senator very much for his understanding and his response to the points I have made.

Mr. HATCH. I thank the Senator from California.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DANFORTH. Mr. President, I ask unanimous consent that Linda McMahon, of the Finance Committee staff, have the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, I should like to address a question to the Senator from California.

It is my intention to call up an amendment which I believe will require a rollcall vote. My understanding is that it is the thought of some Senators that it would be preferable to have the vote sometime tomorrow morning rather than this evening. It does not matter to me when the vote occurs, but I would be perfectly happy to accommodate anyone else on the timing of the vote.

My proposal would be to call up the amendment now and to describe, in perhaps 10 minutes or so, what the amendment would do and the theory behind it. It may be that the Senator from California would like some time to debate the amendment before the votes tomorrow—I am not sure—but I would be perfectly willing to accommodate any time arrangement he wants to make.

Mr. CRANSTON. I believe it would be preferable to have the amendment called up tomorrow morning, discussed tomorrow morning, and vote tomorrow morning. I believe we can work out an agreement to do that.

Mr. DANFORTH. The Senator from California would rather work it out tomorrow morning?

Mr. CRANSTON. Yes.

Mr. DANFORTH. I will be happy to do that. So that other Members of the Senate and staff members have an opportunity to contemplate what this amendment would do, I should like at this point to describe briefly the simple proposition that is contained in the amendment.

Mr. President, the question posed by the amendment is this: Do we really need yet another Federal categorical grant at this point in time, or can we accomplish what this amendment intends to accomplish, without a new program, under title XX of the Social Security Act? That is the whole issue that is presented by the amendment.

The amendment would strike the new categorical program, the domestic violence prevention service program, from the bill, and it would provide the identical amount of authorization which would be added to title XX of the Social Security Act.

To further track the way in which the bill before the Senate works, it would subject this portion of added funds to title XX to the appropriations process.

Therefore, the issue that is before the Senate and which will be before the Senate when we vote on it tomorrow is a single issue, a very simple issue: Should we create a new categorical program or, instead, should we simply add these funds to the existing title XX and have the funds go to the States in the form of a block grant? Does the Senate prefer the categorical grant approach or, instead, does the Senate prefer the block grant approach?

Mr. President, under the Social Security Act, title 20, section 2002(a)(1)(c), Congress has provided that from the sums appropriated therefor, the Secretary shall, subject to the provisions of this section and section 2003, pay to each State for each quarter an amount equal to 90 percentum of the total expenditures during that quarter for the provision of family planning services and 75 percentum of the total expenditures during that quarter for the provision of other services directed at the goal of— and then, under subsection (c)—preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests or preserving, rehabilitating, or reuniting families.

Therefore, Mr. President, under title XX of the Social Security Act, it is expressedly provided that block grant funds under title XX may be used for exactly the purposes this bill seeks to accomplish.

In the conference report of H.R. 3434, the following language occurs:

> As in both the House and Senate bills, effective October 1, 1979, title XX funds could be used for emergency shelter for not in excess of 30 days in any 6-month period as a protective service to an adult in danger of physical or mental injury, neglect, maltreatment, or exploitation.

Mr. President, there is some difference in the match requirements under title 20 and under the bill that is now before the Senate. In title 20 the States are required to pay 25 percent of the cost of the program. Under this bill in the first year the States are required to pay 25 percent and that amount then increases to a third of the total amount the second year and 50 percent the third year. So the match requirements on State governments, and of course it includes also local government match, will be available under the bill before us; private match would be available under both title 20 in the bill before us is my understanding, but the match requirements are less onerous under title 20 after the first year than they are under this bill.

So the essential issue is a very simple issue. What is the most appropriate form for Federal funds to go to State governments? Is it more appropriate for funds to go to State governments in a block grant form allowing State governments the discretion to spend money as they see fit? Or instead, should we in Congress more carefully tailor programs at the State and local level?

It was the impression of the Senator from Missouri that just before the July recess, particularly in connection with the supplemental appropriations bill as I recall, there was a very strong sentiment in Congress to support the concept of revenue sharing, the idea being that if the Federal Government is to aid State and local governments it should do so with few stings attached and that basically decisions that are made should not all be aggregated in Washington but that we should recognize that this country should have a diversified decisionmaking process in which State governments and local governments should be able to determine what programs are most needed in their areas. Title 20, of course, makes funds available for purposes other than shelters and precautions to save children and adults from abuse.

Title 20 funds can also be used for alcoholism and drug abuse programs, for homemakers for the elderly, day care centers for children, day care centers for the elderly, family planning, foster care services, and the like.

The question is, Is the decision as to how social services money is to be spent to be made at the Federal level or at the State level?

So if we are going to spend the additional money, and that is of course a debatable point at a time of tight budgets and large Federal deficits—that is a point that is not addressed by this amendment—but if we are to spend the additional money, then should that money be spent in the form of categorical grants or in the form of bloc grants, and that is the issue that the Senate will have an opportunity to vote on tomorrow morning.

Mr. CRANSTON. Mr. President, we are going to discuss this amendment more tomorrow but I just wish to say I am opposed to the amendment because it wipes out title I, which is a carefully drafted effort to focus very specifically upon the problem of domestic violence.

The Senator's amendment would eliminate the program and merely add equal dollars to title XX with no guarantee that any of these funds would go to victims of domestic violence. That is a totally unacceptable result.

Mr. President, I have worked on this legislation for almost 3 years. I have heard countless witnesses from public and private agencies, organizations, and groups concerned with this problem. They have worked very hard and with a most just cause for passage of this measure, and I will simply have to oppose this amendment which would gut this effort and gut the basic program that we are proposing. We will go into that more tomorrow.

Mr. HUMPHREY. Mr. President, I commend my colleague from Missouri on his proposal. In essence, he is going to put the decision about spending priorities in the States where it belongs. If a particular State feels that domestic violence prevention is one of its higher priorities it will, nevertheless, spend the money. It will spend the money on projects of that kind much to the pleasure of Senator CRANSTON and others. If it decides another priority ranks higher then it will spend the money on that other priority, and that is as it should be, in my view.

So I commend the Senator from Missouri. I know that as a former attorney general, I believe, of his State he is a man well positioned to judge the impact of Federal legislation upon the States, and I have noted that he has been consistent in this approach of giving States the maximum responsibility and the maximum maneuvering room in Federal legislation, and I certainly commend him for that.

I personally feel that we need much more emphasis on that kind of an approach.

Mr. CRANSTON. Is the Senator from Michigan ready with his amendment?

Mr. LEVIN. Yes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank my friend, the Senator from California.

UP AMENDMENT NO. 1524

(Subsequently amendment No. 2284)

(Purpose: to amend the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 to provide for a voluntary adoption identification demonstration program)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN) proposes unprinted amendment numbered 1524.

Mr. LEVIN. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment insert the following:

TITLE IV—VOLUNTARY ADOPTION IDENTIFICATION DEMONSTRATION ACT.

SEC. 400. This title may be cited as the "Voluntary Adoption Identification Demonstration Act."

SEC. 401. The Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 is amended by adding at the end thereof the following:

"TITLE III—VOLUNTARY ADOPTION IDENTIFICATION DEMONSTRATION PROGRAM.

"PURPOSE

SEC. 301. It is the purpose of this title to provide for the establishment of a demonstration program whereby biological parents and adoptees, and biological siblings or other biological relatives of adoptees, under appropriate circumstances, may voluntarily locate each other through a centralized network.

"DUTIES OF THE SECRETARY

"SEC. 302. (a) The Secretary of Health and Human Services (hereinafter referred to as the "Secretary") is authorized, in accordance with the provisions of this title, to establish by grant to or contract with a public or private nonprofit agency of organization, a voluntary adoption identification system.

"(b) The Secretary shall submit to Congress an annual report of all activities carried out under this title. The report shall include but not be limited to the following:

"(1) The number, nature, recipients, and amounts of grants made or contracts entered into under this title.

"(2) The total amount of fees collected.

"(3) The number of applications submitted by biological parents, adoptees, siblings, or other biological relatives.

"(4) The number of searches ending in a successful match.

"ADOPTION IDENTIFICATION SYSTEM

"SEC. 303.(a) The voluntary adoption identification system authorized under this title shall operate so as to provide a centralized nationwide capacity, utilizing computer and data processing methods, and shall provide that—

"(1) participation shall be voluntary by all parties involved;

"(2)(A) a biological parent or adoptee over the age of 18 may initiate the locating process by submitting an application to the agency or organization operating the system;

"(B) a sibling or other biological relative of an adoptee may also initiate the locating process where—

"(i) the biological parent of an adoptee is deceased or his or her whereabouts are unknown;

"(ii) the biological parent of an adoptee has consented in writing to the initiation of the locating process; or

"(iii) under such other circumstances as the Secretary may determine to be appropriate after taking into consideration the privacy rights and interest of all parties who may be affected;

"(3)(A) such application will be processed in an attempt to match the parent, sibling, or other biological relative and the adoptee;

"(B)(i) if one subject, or more than one subject is located through the computer, additional research and interviewing shall be undertaken in order to attempt to determine conclusively whether the subjects match;

"(ii) specific followup activities established by the Secretary and designed, to the maximum extent feasible, to protect the confidentiality and privacy rights and interests of all parties shall be carried out;

"(4)(A) any information collected will be retained for not more than 10 years after it is received;

"(B) if a match is not made within ten years after application, the applicant may apply for a renewal of the application for an additional ten years;

"(5) records pertaining to any individual which are maintained in connection with any program or activity assisted under this title shall be confidential and not be disclosed for any purpose without the prior written, informed consent of the individual with respect to whom such record is maintained; and

"(6) reasonable fees, established taking into consideration the costs of services provided for individuals under this title and the income of such individuals, will be collected for all services provided under this title.

"(b) The voluntary adoption identification system may include the operation of a similar statewide adoption identification computer system in a State which chooses to participate in the voluntary adoption identification system and agrees to provide for—

"(1) necessary coordination with the voluntary adoption identification system provided for in subsection (a) of this section;

"(2) such financial participation as the Secretary may prescribe by the State; and

"(3) the establishment of standards and procedures for the operation of the statewide system which are consistent with those provided for in this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 304. There are authorized to be appropriated to carry out this title $1,000,000 for the fiscal year ending September 30, 1981, and not to exceed $1,000,000 for each of the succeeding two fiscal years."

Mr. LEVIN. Mr. President, this amendment would create a voluntary national clearinghouse to help with adoption identification.

On April 15, 1980, I introduced S. 2561 which provides for a strictly voluntary system whereby the birth parents of an adoptee and an adult adoptee can locate each other through a voluntary centralized clearinghouse, essentially a computer. Absolutely no action would be taken by the clearinghouse unless and until the adult adoptee and the offspring's birth parents independently make contact with the center. In other words, mutual interest must initially exist for a reunion to be facilitated.

Under present conditions, a unilateral search by either adopted child or the birth parent can lead to sudden meetings for which the other parties involved are unprepared but under this amendment such meetings are less likely to take place because of the mutual need for an expression of interest prior to a match.

My proposal does not have anything to do with unsealing of records. This is not a component of this amendment.

Several months ago I testified on S. 2561 before the Subcommittee on Child and Human Development during a hearing on the model adoption laws, a hearing chaired by Senator CRANSTON.

Mr. President, as a result of a number of concerns expressed during and following that hearing by Senator CRANSTON, by Senator HUMPHREY, and by others I have made a number of modifications in this proposal.

The substantive changes are as follows:

First, the program would be established as a demonstration or pilot project for the duration of 3 years;

Second, the authorization would be limited to $1 million not only for the first year but for each of the second and third years; and

Third, whereas the original proposal called for a program within HHS, this amendment, which I have sent to the desk, reverses that and makes it clear that the Department of HHS must contract with or make a grant to an outside agency or organization.

There is no option under this amendment to the HHS to do it internally.

Under this amendment, as it was sent to the desk and as it was modified because of the suggestions by my friends from California, New Hampshire, and others, this amendment now provides that this program, this pilot program, must be established by a grant or a contract between the department and an outside agency or organization.

Mr. President, the issue of a reunion between an adoptee and his or her birthparent(s) is sensitive and touches the hearts of all parties involved. This action must be dealt with with care, thoughtfulness and compassion. I believe my proposal deals with these emotions in a careful and sensitive way.

Nine months prior to filing this proposal my staff conducted extensive research, surveying search groups, reviewing case studies, and personally screening dozens of adoptive parents and individuals who are searching for, or have located, relatives.

The various studies reviewed during this research revealed some startling and significant facts. A preliminary Los Angeles study determined that 82 percent of the birthparents they surveyed wanted reunion with their adopted children when grown, if the offspring so desired. Fifty percent of the birthparents continued to experience feelings of "loss, pain, and mourning" over the child they relinquished. A Queens College study revealed that adult adoptees searching for the birthparents are not motivated by "dissatisfaction and disaffection with his or her adoptive family relationships." The reasons they gave for seeking their parents ranged from the need for more medical information to a desire to establish one's identity.

Mr. President, I would like to share with my colleagues the remarks of a young woman who wrote to me and whom my staff interviewed relative to the adoptee-birthparent search issue. The woman is 32 years of age and she has been searching for her birthparent for 7 years. I quote:

> I worked for two years with a young man searching for his biological parents and when he finally found them and learned that his birth mother and he had both gone to the same adoption agency for information within months of each other and were denied help. Each was assured that the other would not want to know and would suffer from knowledge of contact. We cannot but question why this myth is being perpetuated in the face of direct refutation, personally in this case, and more broadly in the face of sociological studies of hundreds of involved parties.

She went on to say:

> Had I surrendered a child for adoption, I know I would always secretly wonder what had happened to her, if she were alive, if she were well, if she had found a good home. I would wonder what she looked like, what sort of a person she had become. I would wonder if she wondered about me. Sociological research done over the last ten years indicates that my projections were not unfounded. The overwhelming majority of women who give up children for adoption are disturbed by these questions all their lives. Many are even haunted by guilt. This is a chapter in their lives that never has an ending. They can never put their thoughts to rest. If only I could speak to the woman who gave me life. I could tell her how happy I am. I could tell her about the wonderful people who adopted me and the joy she brought into their lives.
>
> For my part, I could see her, discover the secret of my own origin, know the country from which my ancestors came, the story that is my history. I could re-enter the bond of life that links all other people. I could see a blood relative.
>
> Until my daughter was born, I could never discern my features in the face of another. Again and again since my son's birth, people have asked me, "Who does he look like?" I want to know the answer. For several years I have been searching. Under our present laws the search is difficult, frustrating and time consuming. It is often expensive as well.

Mr. President, this young woman's remarks continue, but I will end here.

Mr. President, I would like to emphasize the fact that my proposal is designed to avoid "intrusion" into the life of any party or violation of privacy rights—since participation is strictly voluntary and mutual consent is required before any reunion can be facilitated. State participation would not be necessary and, due to the voluntary nature of the program, no access to State information would be required.

Mr. President, let me just say that if either the natural parent or adoptee does not seek to know the identity of the other—so be it. But if both want reunion, why not facilitate it. In an age of rootlessness, the search for knowledge of one's own identity, if it harms nobody, certainly should not be squelched now by the simple absence of a clearinghouse.

Mr. President, a number of local,

smaller operations which have struggled to provide this service have not been able to do the job on a national level because they are so scattered and do not cross State lines.

Mr. President, my proposal is not a sweeping new idea. It is similar to the reunion and matching files that presently exist within various adoptee groups.

A centralized voluntary national clearinghouse as provided in my bill would on a national and comprehensive basis inform, coordinate and expedite the reunion of adoptee, biological parent or other natural relatives of the adoptee.

Jean Payton, who has been called the mother of the adoption movement, the founder of "Orphan Voyage," the first adoption organization, has written the following:

> The various reunion or matching files of adoptee groups at ALMA, Orphan Voyage and International Soundex, and the numerous small files are little match for the problem presented to a population within adoption which is close to 2.5 million people.

She went on to say:

> What we need to assist people who have a mutual desire to meet after the separation by adoption, is a computerized identification center, of a national scope, supported and carried on in such a way that it can be a permanent starting point for people who would otherwise have to flounder and fail.

Ms. Payton's remarks by the way, are in response to a request for comments on my proposal which we made to Ms. Payton.

Mr. President the cost of this proposal is expected not to exceed $1 million during its first year implementation.

As I have indicated, it would be limited to that during the second and third years of the pilot project.

I hope my colleagues will give this proposal the consideration which the subject so richly deserves.

I am pleased to say, Mr. President, that Senator RANDOLPH has been a cosponsor of the legislation from its initial filing and is a cosponsor of this amendment.

I thank the Chair and I thank my friends from California and New Hampshire for their suggestions relative to this amendment.

I yield the floor.

Mr. CRANSTON. Mr. President, my good friend and colleague from Michigan has, I know, a great interest in the issue of adoption, and he has been attempting to deal with a problem which our committee has focused upon recently with respect to the desire for reunification on the part of individuals who have been adopted or who have relinquished a child for adoption.

Earlier this year, I chaired a hearing which touched upon some of these issues as they related to implementation of title II of Public Law 95-266. Although there is a great deal of opposition to the concept of opening of all adoption records without the consent of all the parties affected thereby, there does not appear to be any substantial opposition to the concept contained in the Senator from Michigan's proposal which is to provide a mechanism whereby voluntary—I stress "voluntary"—reunification can take place where it is desired by both the adoptee and the biological parent.

Although there appears to be general support for voluntary registries to assist in these reunification efforts, there have been some concerns expressed about the specific approach contained in the Senator's original proposal, S. 2651. I am pleased, however, that my colleague from Michigan has made a number of modifications to his original proposal in S. 2651 in response to concerns I and others expressed about a number of issues—including the precise role to be played by the Federal Government and the need to do all possible to safeguard the privacy interests and rights of all those affected.

This effort to work these difficulties out exemplified by the Senator from Michigan is consistent with the cooperation and the comity that has characterized all the considerations of this bill and amendments to it today, leading to a number of compromises that have enabled us to resolve differences and to avoid conflict.

Specifically, the Senator had revised his proposal from one directing the Secretary of HHS to establish a permanent computerized adoption identification center at the Federal level to a proposal authorizing the Secretary to provide for the establishment by grant or contract, but not directly, of a pilot or demonstration program with an authorization of appropriations for 3 years. I believe that this new arrangement will reduce much of the apprehension people might have about submitting confidential data to the Federal Government and to Federal personnel. The approach also avoids the establishment of another Federal bureaucracy of unknown duration and assures an opportunity to review and evaluate the program on the basis of actual results, rather than creating a permanent mechanism at the Federal level.

I am also pleased that the amendment has been modified, as I suggested, to include specific provisions to protect the confidentiality of the data accumulated and to prohibit its use for purposes other than those specified in the act. These are important provisions which have been added to this measure.

This amendment also has been revised to give the right of initiation of the locating process only to natural parents and adoptees and to provide that siblings or other natural relatives may initiate the process only with the written concurrence of the natural parent or in certain limited circumstances such as where the biological parent is deceased or cannot be located.

There are circumstances where biological relatives other than the parents—such as siblings or grandparents—should be allowed to register, but only in those circumstances where such an action is not in conflict with the interests or desires of the biological parent. The modification the Senator has made in his amendment to respond to concerns I expressed about potential conflicts in this area are important and should serve to minimize any potential infringement of rights that might otherwise have arisen.

In addition, the amendment has been modified to establish a minimum age of 18 in order for an adoptee to initiate the locating process and to require the collection of reasonable fees for the services provided—the latter provision with the purpose of making the program as self-sustaining as possible and minimizing the need for continuing Federal assistance.

Mr. President, I believe that the revisions my colleague has graciously agreed to make have eliminated potential problems in his original proposal and have enhanced the likelihood of success in helping the many adoptees and parents in search of each other. With these modifications, I am willing to accept this amendment.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, let me say at the outset that my colleague from Michigan, Senator LEVIN, has been more than cooperative in trying to make his amendment conform to the desires of all of the parties. I am very grateful to him for that.

However, notwithstanding the great improvements made in the amendment, the bottom line is that, on behalf of the people of the United States, we are about to undertake a new Federal project, or at least provide the funding for it of $1 million per year over the next 3 years. That is the basic problem that makes it unacceptable to me.

It is a worthy undertaking. So worthy, in fact, so appealing that I cannot help but believe that were the proposal made to a private group, surely such a group could find funding from a foundation or foundations and other private sources to make it work.

I suspect it would take far, far less than a million dollars per year if it were undertaken by private organizations.

I am afraid I cannot support it. It, essentially, involves the obligating of a million dollars per year of money collected from the taxpayers to a new cause which we have not been involved in before and which, given the current economic climate and the perilous state of Federal finances, I think is unjustified.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me thank both of my colleagues from California and New Hampshire for their comments.

Relative to the point made by Senator HUMPHREY, I understand his feelings about that. One of the purposes of this amendment is to create a clearing house, a national clearinghouse with the kind of stature and national awareness which will make it known to all people who are trying to find each other, whether it is the birth parents or the child, that such a service exists.

I happen to agree with the Senator that I think this idea is worthy enough so that the funding could come from a different source. But what cannot come from a different source and what is so important in this amendment is the national stature which would be provided to an organization which has this contract with HHS to provide this service. So it is that additional stature which we are seeking in this amendment, as much as the money.

Relative to the money, I do want to assure my friend from New Hampshire that there is a fee proviso which can be established by this amendment. We do not know how much will be recouped by the imposition of that fee. We do not want to kid anybody, and that is why we authorized $1 million. But it is expected that the fee, which would be charged for the use of this national clearing house to facilitate these matches on a voluntary basis, would recoup much of that $1 million.

ORDER FOR YEAS AND NAYS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order anytime to order the yeas and nays on the amendment by Mr. Danforth and the amendment by Mr. Levin, with one show of seconds.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on those two amendments.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon completion of debate on the amendment of Mr. Levin, which is now pending, the Senate then set aside the pending business for the rest of the day; that it return to H.R. 2977 no later than 9:30 tomorrow morning; that on tomorrow morning there be 10 minutes, equally divided, on an amendment by Mr. Dole; 30 minutes, equally divided, on an amendment by Mr. Danforth; that the rollcall which has just been ordered on the Danforth amendment occur and be followed immediately by the rollcall on the amendment by Mr. Levin, which has just been ordered; that following the disposition of the amendment by Mr. Levin, the Senate immediately, without further amendment, unless there is a technical amendment to be offered by Mr. Cranston, proceed to third reading; and that the time on the a foregoing amendment be controlled and divided in accordance with the usual form.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that any amendment to either of the amendments by, namely, Mr. Dole, Mr. Danforth, or Mr. Levin, be germane to the amendment to which it is offered and that time on any such amendment be limited to 10 minutes, to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

● Mr. DURENBERGER. Mr. President, serious concerns are being raised about the health of the American family. They are legitimate concerns. As elected officials, we have an obligation to pass laws which support the family. S. 1843, the Domestic Violence Act, is one of those laws, and it is a privilege to cosponsor the legislation.

The structure of the American family is undermined when over 1 million children are abused or neglected in this country every year. Children who experience violence come to accept violent behavior—an acceptance that warps the course of their future lives. Children who are battered grow up to batter—and not necessarily their own children.

The family also suffers when 15 to 20 million adults are victims of domestic violence, and at least 20 million parents are chronic abusers of alcohol and drugs. These numbers are increasing, and the bill now before the Senate can play a significant role in reversing that trend.

In Minnesota, we have learned the benefits of early intervention for abusers of alcohol, prescription medicine and illegal drugs.

We can achieve the same benefits by early intervention in situations of domestic violence. Over the last 2 years, the Minnesota Legislature has appropriated almost $3 million for this purpose, and private funds have been raised to supplement this "seed money." As a result, 15 shelters now exist in Minnesota. The Minnesota experience verifies the fact that when government leads the way in supporting a humane effort, the private sector will follow government's lead in contributing dollars, time and talents. This is precisely the theory behind the bill now before us.

The Minnesota experience is a strong argument for adoption of this bill. I urge each of my colleagues to give it their full support. By doing so, you will be supporting the American family, and restoring hope to millions of family members.●

Mr. STONE. Mr. President, it has been brought to my attention that there is concern that this act would in some manner prohibit parents or legal guardians from disciplining their children.

I should like to ask the floor manager if it is his understanding, as it is mine, that the provisions of this act in no way would authorize any Federal official or employee or any other person to prohibit parents or legal guardians from disciplining their children, or affect in any manner a parent's authority to discipline a child.

Mr. CRANSTON. That is absolutely correct. I want to make it very clear that the provisions of this act deal only with providing shelter and other assistance to victims of domestic violence—primarily battered wives—and their dependents. These provisions have nothing to do with child rearing and place no restrictions or conditions on the rights of parents or legal guardians to discipline their children. The act does not interfere, in any way, with the right and responsibility of a parent or guardian to raise a child, nor does it permit a Federal representative or employee or any other person to infringe upon this right nor to deny assistance under the act to parents or guardians on the basis of their childrearing practices.

Mr. STONE. Is it the Senator's understanding, then, that a disgruntled child would not be authorized, under the terms of this bill, to leave the family and receive aid and comfort in one of these shelters without the consent of a parent or guardian, or without the sanction of the State's parens patriae authority?

Mr. CRANSTON. That is absolutely correct.

Mr. STONE. If the Senate passes this bill, a conference will be required with the House of Representatives. In that conference with the House, I urge the Senator and his committee to stand firm on the definition of persons who may be subjected to acts of domestic violence as expressed in S. 1843 in section 112(3)(b). This definition is more restrictive as to its potential impact on children in the family than the somewhat broader definition approved by the House of Representatives.

Is that the position of the managers of the Senate bill?

Mr. CRANSTON. Yes.

Mr. STONE. I thank the Senator from California very much for this clarification. It is most helpful.

Mr. CRANSTON. Mr. President, I thank the Senator for his cooperation.

Mr. STONE. Mr. President, I yield the floor.

THE COMMISSION ON VOLUNTEERISM

Mr. DURENBERGER. Mr. President, I would like to clarify the purpose of title II of the bill now before us. That title calls for a Commission on National Service, which would study the feasibility of a national service program. The Commission on National Service is similar in some respects to the National Commission on Volunteerism which I proposed, and is being confused with it. I would like to clarify the purpose of title II, and the mandate of that Commission, and to distinguish between the Commission on National Service and the Commission on Volunteerism I proposed.

By way of background, the National Commission on Volunteerism was considered as title III of the domestic violence bill when that bill was before the Child and Human Development Subcommittee. It was withdrawn from the bill at my request because of additional changes requested by volunteer organizations. I have been consulting with these organizations to reach agreement on some of the issues which divided us. The differences of opinion did not reflect differences in objective as much as differences in procedures.

I proposed the National Commission on Volunteerism because I recognized that the essential role volunteers have traditionally played, throughout the history of our great Nation is being challenged:

Inflation is eating away the extra resources individuals can devote to volunteering;

Inflation, the state of the economy and the decision of an increasing number of women to pursue careers outside the home are eroding the volunteer pool of many traditionally female organizations;

The aging of our population has increased the number of older recipients of many volunteer services; and

The aging of the population, and the

preference for earlier retirement have meant that there are more older adults with free time on their hands.

All of these factors and more are influencing the ability and willingness of individuals to volunteer.

Unfortunately, the volunteer organizations and we in Government do not understand how these trends will influence volunteering. We do not have a picture of what volunteering will be like 10 years from now, because the studies have not been undertaken, the facts have not been compiled, and the conclusions have not been drawn.

The need for these studies becomes more compelling in these times of budgetary constraint. As public funds to support social services become more limited, the private, nonprofit organizations run by volunteers are under additional pressure to provide more services with less funds. We need to examine the ability of these organizations to meet the demand.

It is also important to look at Government's policies and programs as they affect individual volunteers and volunteer organizations. The mandate I suggested for the National Commission on Volunteerism was to identify significant public policies of mutual interest to volunteer organizations and Government, and the programs carried out pursuant to these policies, including those pertaining to the participation of volunteers and volunteer organizations in the delivery of public services through grants and contracts. The idea here was to identify obstacles to volunteer participation in the delivery of public services, and participation in Government programs, and to remove those obstacles. This action would pave the way for those organizations and individuals who wish to be involved to do so.

The Commission on Volunteerism I proposed was based on the assumption that thousands of individuals do volunteer, and wish to continue volunteering.

However, many individuals are finding it difficult to volunteer, for some of the reasons mentioned earlier and many volunteer organizations are facing financial and resource shortages, and difficulties in working with Government programs. The National Commission I proposed would examine these issues and recommend solutions. Is the Commission on National Service based on these same assumptions, and would the Commission on National Service duplicate the functions I suggested for the Volunteerism Commission?

Mr. CRANSTON. Although both commission proposals would be concerned with issues related to volunteerism, the National Service Commission in title II of the substitute has a much narrower focus than the Commission the Senator from Minnesota proposed in amendment No. 1678 and has described today. The National Service Commission looks only at the issues relating to the national service concept, while the Commission on Volunteerism would look at numerous aspects of volunteerism and the factors that impact upon volunteerism.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the debate is completed on this amendment, as I said earlier, the matter be set aside, and that there then be a period for transaction of routine morning business for not to exceed 30 minutes and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. If there be no further debate on the amendment of the Senator from Michigan, under the previous order the Senate will proceed to routine morning business.

The Senator from Wisconsin.

MISSION ACCOMPLISHED

Mr. PROXMIRE. Mr. President, David Smulewski was a photographer. He did not photograph beautiful trees and hillsides, or the smiles on children's faces. David Smulewski, a Polish Jew, photographed the brutal reality of the Auschwitz crematorium complex. At a time of universal disbelief, he gave the world vivid proof of the tragic genocidal crime taking place in Nazi occupied Europe.

David, himself a prisoner in the Auschwitz concentration camp, lived in the shadow of its crematorium. The Nazis assigned David to work as a roofer in the construction of new and more efficient crematoria. Day after day, David witnessed the systematic slaughter of thousands of innocent people. Day after day, the feeling grew within him that he had to do something to show the world these unbelievable Nazi atrocities. David felt certain that photographic evidence of the heinous Nazi crimes would convince the world to come to the aid of the Jewish people.

After working with the Jewish underground to obtain a camera, David devised an ingenious plan to enable him to gain entry into the operating crematorium compound. He worked closely with those Jews condemned by the Nazis to burn the bodies of fellow Jews. In carrying out David's plan, members of this group arranged to damage the roof of a crematorium chamber in order to provide the necessary pretext for bringing a roofer into the compound. Once inside the compound, David was able to take three pictures. He photographed a group of naked women on the way to the gas chamber. The other pictures displayed gassed bodies being burned in open pits. After removing the film, David disposed of the camera and wrapped the film in a rag which he hid in his bucket of tar. Later, he smuggled the film through an underground chain which eventually reached the outside world.

Mr. President, David Smulewski accomplished his mission. He gave the world the first photographic evidence depicting the annihilation of the Jews. He had a story to tell—a story that no one would believe without proof—a story staggering beyond the comprehension of the human mind.

Mr. President, we, too, are faced with a mission. Through the efforts of people like David, we are able to comprehend the reality of genocide. Our mission is to outlaw and prevent this heinous crime. The first step toward accomplishing our mission must be to ratify the Genocide Convention.

THE PHONY EXPORT CRISIS

Mr. PROXMIRE. Mr. President, one of the most fashionable causes in Washington today is export promotion. We are told that we face a crisis of unparalleled dimension—that our exports are lagging and that our colossal trade deficits have undermined the value of the dollar. Because of this supposed export crisis, we are told that we must substantially modify or even abandon principles that have served our Nation well over the years. These include our laws dealing with antitrust, the separation of banking from commerce, foreign bribery and the Arab boycott against Israel. We are also told that we must temper our efforts to strengthen respect for human rights around the world. In their single-minded pursuit of a single objective—increased exports—the export lobby dismisses all of these principles and policies as "export disincentives."

At the same time, the export lobby has clamored for increased export subsidies—for additional tax benefits to exporters—for cut rate loans through the Export-Import Bank—and for reduced taxation of Americans working abroad. All of these subsidies will, of course, increase the budget deficit and will ultimately be paid for by the American taxpayer.

Now, Mr. President, everyone is for increased exports. But is the so-called export crisis really a crisis or are we simply seeing a blatant attempt by U.S. companies to raid the Treasury under the guise of export promotion? The most vocal mongers of export gloom and doom would have us believe that our export industry has been decimated by Government regulation. What are the facts?

First, our exports are increasing almost twice as fast as the rest of our economy.

Few people would appreciate that by listening to the cries of woe from the export lobby.

From 1972 through 1979, U.S. exports increased at an annual rate of 20.5 percent, while our total GNP increased by only 10.6 percent. Clearly, our export industries have been one of the strongest sectors of our economy.

Second, our growth in exports has not lagged behind our major trading partners. In fact, U.S. exports have grown slightly faster than our two largest rivals—Germany and Japan.

How many people would believe that? It is a fact. Our exports have grown faster than the exports of Germany and Japan.

Here are the latest figures on the annual rate of increase in exports from

1972 through 1979 compiled by the Federal Reserve Bank of St. Louis:

Annual rate of increase in exports 1972–1979

Country:	*Percent*
United States	20.5
Germany	20.4
Japan	19.7
United Kingdom	20.4
Italy	21.4
France	21.0
Belgium	19.5
Sweden	17.8
Canada	15.5

Third, our trade deficit has not been due to lagging exports but rather to rising imports. From 1972 to 1979 imports increased at an annual rate of 21 percent, or about one-half of 1 percent higher than the growth of our exports over the same period. This differential has led to a widening of our trade deficit. Much of the increase in imports can be attributed to higher oil prices. But a good portion of the increased imports can also be attributed to a low rate of productivity growth in our domestic industry and the resulting higher penetration of U.S. markets by foreign exporters. The key to reducing our trade deficit, then, is to enhance our domestic productivity through stable fiscal and monetary policies and tax incentives.

Fourth, our trade deficits have been offset by investment income and other payments so that our total current account has been practically in balance.

The current account is far more vital and important over the long run than our export balance because our current account, of course, includes the income that we get from our investments abroad. If our current account is not in balance, it means that—if we have, for instance, a surplus in that account—somehow somebody has to pay for it, and the adjustment is going to have to be made eventually, and we are going to lose exports in the long run. So our current account has been right. It has been in balance when other countries, including Germany and Japan, have not been in balance.

The figures on our trade deficit only measure the difference in exports and imports of merchandise. Our current account balance also includes investment income, services, travel and transportation, remittances, and net military expenditures. It is a far more comprehensive and accurate indicator of our net balance of payments positions. From 1972 through 1979, our total cumulative current account deficit was only $3 billion, or an average deficit of only $372 million a year. Given the imperfections in international record keeping, our current account can be regarded as being substantially in balance. Thus, while our merchandise trade deficit must certainly be taken seriously, these deficit figures are not nearly so alarming as some would suggest and do not tell the whole story.

Given this background, I believe the Congress needs to be more skeptical of the importuning of the export lobby. Above all, we must avoid costly export subsidies that increase our budget deficit without really decreasing our trade deficit. One of the prime candidates for this critical reevaluation is the Export-Import Bank—one of the most sacred of sacred Washington cows.

In that connection, I would like to call the attention of the Senate to a most perceptive article on the Eximbank published in the August 26 issue of Fortune magazine. The author of this article points out that instead of increasing export revenues, the Export-Import Bank may have actually decreased our export revenues. The author also makes a strong case that the cost to the taxpayers is likely to exceed any economic benefits that may result from the Bank's activities.

Mr. President, I believe the Fortune article raises serious questions about the effectiveness of the Export-Import Bank—questions that have never seriously been addressed byy the Congress. I would hope the supporters of the Bank would begin to examine these issues in a more critical spirit.

Mr. President, I ask unanimous consent that the Fortune article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EXPORT-IMPORT FOLLIES

(By Steven E. Plaut)

The Export-Import Bank continues to make headlines and generate controversy, but nobody in Washington, D.C.—at least, nobody who makes headlines—seems to be asking the right question about this remarkable institution. The question is whether the bank should be put out of business.

The possibility that it should be is one that few policymakers take seriously. The Export-Import Bank, a federal agency that finances exports with low-cost loans, is one of the most sacred of all cows in Washington. In the current period of budgetary stringency, one of the controversies about the bank concerns the extent to which its lending authority for 1980 and 1981 should be increased. The view that it should be held to the 1979 level of $3.7 billion was recently denounced as "outrageous" by Senator Jacob Javits of New York, who appears to have a sizable legislative majority on his side. Secretary of State Edmund Muskie told the Foreign Policy Association several weeks ago that there was a "serious shortage" in Eximbank lending authority and added: "That means fewer American jobs and reduced American profits."

The most intriguing of all the controversies at the bank this year centered on some events suggesting that its high-minded concern for exports occasionally gets mixed up with low-minded political considerations. It appears that one day in February, Rupert Murdoch, the Australian businessman, spent the morning at the Eximbank offices pleading for cut-rate financing for some Boeing jets.

Murdoch is the principal owner of Ansett Airlines, one of Australia's largest carriers, and he had his eye on several hundred million dollars' worth of jets, including a number of wide-body 767s. As he left the bank's offices, he indicated that he was going off to have lunch with President Carter. Three days later, Murdoch's New York Post urged its readers to vote for Carter in the impending New York Democratic primary election. One week after this endorsement, the Eximbank approved a preliminary commitment to finance most of Ansett's 767s with a $200-million loan at 8 percent. This was less than half the prevailing rate on commercial paper and less even than the cost of the same funds to Eximbank itself. The bank also agreed to finance some 727s and 737s that Murdoch wanted at rates around 8.4 percent. The approval of Murdoch's money was rushed through so quickly that the bank's staff, which normally spends weeks analyzing proposed loans, had only a few days to review the deal.

A GEORGIA CONNECTION

The notion that there might be a political dimension to Eximbank lending decisions was reinforced by some details spotlighted during Senate Banking Committee hearings on the Murdoch case. The bank's chairman, John L. Moor Jr., turns out to have been a partner in an Atlanta law firm that had long been politically supportive of both the President and Bert Lance. In the months after the 1976 election, Moore had served as the President's special counsel on ethics and conflicts of interest, and in that capacity he had cleared Lance for appointment as director of the Office of Management and Budget. Although he lacked any training in economics or banking, Moore was soon thereafter named president and chairman of Eximbank.

Other members of the bank's staff also seem to have few visible qualifications but were well placed politically. An anthropologist named Matt Schaffer, who had worked hard in the Carter campaign but who had essentially no business or economics background, was originally hired by the bank to be a special assistant to Moore. Later, incredibly, he became senior vice president of policy, an appointment that says a lot about policy formation at the bank. What he actually did in this capacity is something of a mystery. Schaffer, who recently left the bank, has refused to be interviewed about the subject.

While many politicians are pained by the evidence of politicization at Eximbank, just about all of them defend the bank's overall record and take it as axiomatic that the bank's central purpose is laudable. Who, after all, would deny that it is desirable for the U.S. to increase its exports?

By law, Eximbank would indeed go out of business if its charter were not renewed by Congress every few years. Testimony at the periodic congressional hearings to extend the charter has begun to follow a predictable pattern. Friends of the bank—from the bureaucracy and from special interest groups that benefit from Eximbank financing—troop in to testify in favor of continuing and expanding the bank's programs. On the other side are academic economists who raise questions about the bank's purpose and call for eliminating some or all of its programs.

At the most recent hearings, in 1978, Professor Arthur Laffer, father of the Laffer Curve, said that he could see no justification for Eximbank's activities and suggested "an activist policy of abolishing the Eximbank." Favorable testimony came from representatives of Boeing, the Aerospace Industries Association of America, Westinghouse, the Machinery and Allied Products Institute, and others.

ARE TRACTORS REALLY TOUGHER?

The case for Eximbank is based on two questionable assumptions. One is that the American financial markets, which are capable of mobilizing billions of dollars for such huge projects as the Alaska pipeline, are curiously incapable of financing exports of tractors, say, and aircraft. The second assumption is that the government is capable of running a bank.

Eximbank directors have long asserted that their own role is essential, but their evidence is unpersuasive. The directors often point to the special kinds or risks in some export ventures, such as exchange risks and the risk of defaults related to political upheaval. But our capital markets routinely finance risky ventures. And if a loan were really so risky that no private lender would touch it on any terms, one must question the wisdom of using a government agency to finance the project with public funds—in effect forcing the taxpayer to bear those risks.

HITTING THE TAXPAYERS TWICE

Eximbank directors have gone to some lengths in denying that the taxpayer bears any costs. They argue that the bank is an independent, profitable agency, and does not receive a dime of tax revenue. The argument is a bit disingenuous. Eximbank gets its money by borrowing at government rates from the Treasury. The funds received by Eximbank should be viewed as another of those "off budget" sources of federal spending that camouflage the true magnitude of the government's deficit—but that must ultimately be made up by taxpayers.

After getting its money from the Treasury, the Eximbank hits the taxpayers a second time by earning an uneconomic return on the money. The bank's figures indicate that its return on net worth was just over 5 percent in fiscal 1979—less than the return on passbook savings. Even that 5 percent figure is suspect. As the chart on the facing page makes clear, the bank's reported income would have been much lower in recent years if it reflected the sharp increases in delinquent accounts.

Perhaps the simplest way to view the cost of running the bank is to contrast the interest it earns and the interest it pays out. In the Moore era, the spread has generally been negative. In the first quarter of 1980 it reached minus 4.77 percent on new loans—an all-time record. In the 1978 annual report, Moore boasted: "Although the prime rate rose dramatically last year, the average cost (to borrowers) of our loans decreased from 8.53 percent . . . to 8.25 percent." More recently, when consumers and other businessmen were paying up to 20 percent or more to borrow funds, some foreign buyers were getting American money at 8 percent or less.

However, the bank's supporters do not really rest their case on the claim of profitability. The case ultimately rests on a presumption that the bank's activities are boosting exports and therefore U.S. economic growth. Given this presumption, it often seems natural to Eximbank's supporters to equate success with the amount of money being shelled out. Moore constantly points out that when he entered office, the bank had only $2 billion of commitments outstanding, while today the figure is over $14 billion. In the 1979 annual report, he remarks, "It can be said that the difference in these figures is one measure of our success in . . . implementing our competitive policies."

In the early postwar years, the bank's supporters could argue that it had an important foreign-policy role—in helping Europe to recover. Today, the bank is in general not concerned with foreign policy; however, it does occasionally turn down loan applications because of State Department objections to, say, an applicant's human-rights record.

What about the argument that those mounting export subsidies are creating economic growth? The argument is a fallacy, a holdover from mercantilist days. When the U.S. government reduces the cost to a foreign buyer by subsidizing a deal, the U.S. is not creating wealth—it is giving away wealth. It is in effect giving away resources that are built into the product. The foreign consumer gets a windfall financed by U.S. taxpayers.

ENGINEERS ON WELFARE

In practice, of course, much of the wealth being transferred does not go abroad; it goes from one class of Americans to another. Exporters generally raise prices and capture part of the Eximbank subsidy for themselves. Eximbank may be viewed as a large welfare agency, handing out largess to export industries. It plays a sort of reverse Robin Hood role when, for example, it transfers wealth to high-income aircraft engineers from middle-income taxpayers.

Finally, it is not even clear that all these income transfers are really boosting exports. What the bank calls "additionality"—the increase in U.S. exports attributable to its own activities—is a very tricky thing to measure. Eximbank reports tend to take additionality for granted, endlessly linking bank loans to the volume of exports being supported and the various numbers of jobs presumably represented by this volume.

While computing Eximbank's additionality with accuracy would be difficult, if not impossible, one may nevertheless venture some guesses as to magnitude. Additionality should measure the increment in U.S. revenues from exports, not the increment in the number of physical units exported. If we export more physical commodities but get less income in the process, we will end up less able than ever to pay for our imports.

Export subsidies undoubtedly increase the number of physical units exported. But not all subsidies cause export revenues to increase. Whether revenues increase or decrease depends on the elasticity of demand for our exports. If there is zero elasticity—that is, the buyer's decisions on volume are unaffected by the price—every dollar of subsidy simply reduces the amount the foreign buyer must spend by one dollar, and U.S. export revenues fall in tandem. Indeed, any elasticity below 1.0—the level at which volume expands just as rapidly as price declines—reduces our export revenues.

Well, what are the relevant elasticities? For many years the commodity most highly subsidized by Eximbank has been aircraft, which generally receives more than one-quarter of all the bank's loans and guarantees (and has received more than one-half so far in fiscal 1980). There are a number of reasons for suspecting that the elasticity of foreign demand for U.S. aircraft has generally been much smaller than 1.0. Until 1974, when the first deliveries of the European Airbus were made, U.S. aircraft exporters had virtually no foreign competition. Even today, there are no foreign competitors for most of our narrow- and medium-body aircraft. Moreover, the very nature of the world airline market—which is dominated by government-owned carriers flying partly to express national pride—suggests that price elasticity is small. It is very likely, then, that Eximbank financing has reduced U.S. export earnings from aircraft sales abroad.

Eximbank subsidies appear to have reduced U.S. export revenues in other areas too. The bank has helped finance 51 foreign nuclear reactors, the demand for which is almost certainly inelastic. Together with aircraft, these account for almost half of all the bank's credits. Eximbank has also developed a reputation for being easy to tap for financing cost overruns, the additionality for which is zero. (That is, the foreign buyer is already committed to the deal but the overrun has increased his financing costs.) Similarly, foreign buyers who have already placed orders for American goods sometimes receive low-interest loans—the additionality here too being obviously zero. Stephen H. Goodman, a former senior vice president for policy analysis at Eximbank, says that the bank today is too often a "lender of first resort."

THE MEANING OF SUCCESS

Even where additionality is not negative, there is no reason to credit an Eximbank loan with "success." Presumably, success should mean more than just increasing export revenues. It should mean increasing them enough so that export earnings more than recover the export subsidy. It can be demonstrated that this point is not reached until the elasticity of foreign demand is at least 2.0—that is, when demand rises twice as rapidly as prices drop. It is impossible to believe that the Eximbank could pass any such test. A recent study by the International Monetary Fund indicates that on average the demand elasticity for U.S. exports has been something like 1.5.

Eximbank officials often argue that their activities are justified because foreign governments subsidize exports. But it is not clear why foreign export subsidies should be thought to justify American mimicry. A country that subsidizes exports simply gives away part of its national resources. The benefits to America from buying cheap imports are the same, whether they are cheap because of foreign efficiency, subsidies, or "dumping."

If the foreign subsidies really did lead to a worsening in our trade deficit, this would be corrected through a small depreciation of the dollar. This would make all U.S. exporters more competitive, not just those with influence at Eximbank, and it would also make imports from abroad less competitive. This depreciation would be at least as effective a tool for creating jobs as export subsidies.

Subsidizing exports does make them more competitive in one sense, but it defeats the purpose for which we want competitive exports in the first place. An individual corporation may, of course, benefit from export sales, but for the U.S. economy as a whole the benefit of exports resides in the foreign exchange they generate—which enables the U.S. to import goods and services. When our exports are more in demand and more valuable, we can buy those imports at lower costs. But when the government subsidizes our exports, each unit of exports generates less foreign exchange.

True competitiveness is increased only by an increase in American productivity.

There is something especially ludicrous about the manner in which Eximbank goes about "meeting the competition" of its counterparts overseas. Suppose a foreign agency is offering to finance exports to Australia with credit at 8 percent interest. For its efforts to be competitive, Eximbank will mechanically match the terms of the foreign loan—including the interest rates when it finances U.S. exports to Australia. But there is no reason for the interest rate to be the same when the two loans are in different currencies. To assume that an 8 percent loan in dollars is equivalent to an 8 percent loan in marks, francs, or yen is to ignore the fact that the currencies involved have different inflation rates; the nominally uniform 8 percent conceals sizable differences in real rates. An 8 percent rate of relatively stable German or Swiss currency might be at or above market rates, while the Eximbank loan could be several percentage points below U.S. rates. Instead of being "competitive" the Eximbank loan would contain a huge additional subsidy.

A GALLING ILLUSION

Griff Ellison, vice president of Eximbank for public affairs, explains this merciless pursuit of nominal parity as necessary because of the naivete of businessmen. "Despite the very sound economic reasoning that there is a difference between an 8 percent deutsche-mark rate and an 8 percent dollar rate, the purchasers out there don't buy it. All they see is the 8 percent." However, the bank has no evidence to support the unlikely proposition that businessmen are blind to exchange-rate realities. A recent Treasury staff memo criticized Eximbank's policies as "interest-rate illusion at its most galling."

Perhaps the real message in the Eximbank's foolishness about interest rates is that the bank's directors are themselves blind to the economic consequences of their behavior. Why the bank's future should continue to be funded by American taxpayers is most unclear.

ADDRESS OF J. ALLEN OVERTON, JR., BEFORE THE AMERICAN MINING CONGRESS

Mr. STEVENS. Mr. President, America has become increasingly dependent on foreign sources for a whole array of strategic minerals and oil and gas. This dependence puts the United States in an unacceptable position; a situation which cannot be allowed to continue. Fortunately, it is within our power to reverse this tide. It is Federal policies which are restricting and even prohibiting exploraton for much needed mineral potential.

For example, the Federal Government owns over 760 million acres of land. I am sure that my colleagues have become more and more aware of the potential of this land during the debate on Alaska's Federal lands. Federal lands in Alaska and in the "lower 48" may contain as much as 135 billion barrels of crude oil and gas liquids and almost 760 trillion cubic feet of natural gas. These lands can be explored in such a way that it is compatible with sensitive environmental areas. If these lands are not explored and if other impediments to the exploration of oil and gas as well as hardrock minerals are not removed, this Nation will fall further and further behind in its attempt to stay even in what appears to be a global resource war for survival. As Mr. J. Allen Overton, Jr., President of the American Mining Congress puts it:

> This nation has now been fighting the energy crisis for about twice as long as it fought in World War II, and it has yet to buckle down to business.

It is time that we get down to the business of solving our energy crisis. The solution does not require that we abandon our desire to protect our great works of nature or America's scenic beauty, it simply requires that we not underestimate the works of man.

Mr. Overton's recent address before the Montana Coal Council outlines the difficulties our Nation faces in regard to these problems. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY J. ALLEN OVERTON, JR.

This is the third year in a row that you have kindly asked me to address the annual meeting of the Montana Coal Council, and I deeply appreciate the chance to be with you again.

I am increasingly concerned, however, that we in the mining industry might be spending too much time talking to each other, and not communicating our message effectively enough to the public and to those who profoundly influence the fortunes of our industry and the destiny of the nation.

We are certainly either not getting our story across in Washington or we are hitting a stone wall of persistent refusal to face the facts.

Last month it was my privilege to participate in the 18th World Affairs Forum, sponsored by the prestigious World Affairs Council of Pittsburgh. Its theme was "The Resource War in 3-D: Dependency, Diplomacy, Defense."

This forum brought together a notable congregation of experts and leaders from academic and research institutions, industry and finance, government and the foreign policy estabilshment, the military, communications media and others.

The overwhelming consensus was that the United States now is—and long has been—engaged in "a war called peace." In the view of these many eminent authorities, World War III began before World War II ended.

Many other people have failed to recognize this, because their perceptions of the future have been shaped on too narrow a reading of the past.

Just as these people were caught off guard by the blitzkrieg that initiated the Second World War, because their thinking had been habituated by the trench warfare of the First World War, so they now believe any ultimate conflict between the superpowers will be marked by the final big bang of the atomic era.

This is far from being necessarily true. On the contrary, as the great military strategist Clausewitz once observed, an aggressor never wants war but conquest. What the Soviets seek is not a nuclear holocaust, but global hegemony without it.

It is frankly shocking to me to hear the President of the United States and the presumed leader of the Free World declare that it took the Russian invasion of Afghanistan to open his eyes to the true nature of Russian intentions. And even at that, he seems to have managed a squint.

One thing we have to recognize is that the modern communist state of the Soviet Union has never renounced the expansionist ambitions of the old Czarist regime.

It had to be pushed out of Iran in 1946.

It took the Truman Doctrine of aid to Greece and Turkey to deter Soviet meddling in the strategic area of the Dardanelles.

The continuing squabble with China over border claims predates the Bolshevik Revolution.

And don't forget that the British Empire first moved into Afghanistan to keep the Russians out.

A second great constant in the Soviet Union has been its unswerving adherence to the doctrine of communism and the determination to see its social system imposed on the rest of the world.

The ultimate goal of ideology has been enunciated as starkly and frighteningly as Hitler revealed his in Mein Kampf.

The rigidity of communist doctrine should be clear enough for all to see:

From the great purges of all dissidents in the 1930's to those that continue today.

From turning armies of liberation into forces of conquest at the end of World War II, compelling Eastern Europe into the Russian orbit.

The crushing of rebellion in Hungary and Czechoslovakia.

The support of armed conflict from Korea to Vietnam to Angola.

I ask you, how much more evidence do we need that the Soviets have remained steadfast in their unholy purpose?

But against this menace, America has pursued policies of vagueness and vacillation that confuse our citizens, demoralize our friends and send dangerously mistaken signals to our foes.

One other thing we appear to have forgotten is how much the strength of our industrial base underpins the security of the West and the developing world.

This is truly a tragic lapse of memory, coming so shortly after the might of America's productive economy turned the tide in World War II.

Because communism is more an economic doctrine than a political one, the Russians have learned the lessons of history well.

Even before the Bolshevik Revolution, Lenin declared that "political institutions are a superstructure resting on an economic foundation."

And on the eve of the Revolution, he vowed that "the war is relentless. It puts the alternative in a ruthless relief: either to perish, or to catch up with the advanced countries and outdistance them, too, in economic matters."

As the Soviet's chief rival, the United States becomes its principal target. And the communist leaders have long been explicit in stating how they hope to achieve their goals.

Way back in 1921, Josef Stalin said, "If Europe and America may be called the front, the nonsovereign nations and colonies—with their raw materials, fuel, food and vast stores of human material—should be regarded as the rear, the reserve of imperialism. In order to win a war, one must not only triumph at the front, but also revolutionize the enemy's rear, his reserves."

More recently, Leonid Brezhnev put it even more bluntly. He told an African leader, "Our aim is to gain control of the two great treasure houses on which the West depends—the energy treasure house of the Persian Gulf and the mineral treasure house of central and southern Africa."

How much more stark can the warning be?

Yet now that the United States is engaged in what amounts to a global resource war for survival, it is unilaterally demobilizing the home front.

We have become more and more dependent on the increasingly expensive and vulnerable oil resources of the Persian Gulf and other foreign sources, while our government throws up more and more impediments to the development of our own energy reserves, including coal and nuclear power.

This nation has now been fighting the energy crisis for about twice as long as it fought in World War II, and it has yet to buckle down to business.

In previous talks with you, I have detailed how America is becoming increasingly dependent on foreign sources for a whole array of strategic minerals, so I won't go into the recitation again.

Suffice it to say that the country is allowing itself to be sucked deeper and deeper into a vortex of vulnerability.

Take the case of cobalt, for example. This is an absolutely vital material, essential to such things as jet engines, guided missile controls, armor-piercing shells, nuclear propulsion systems, precision tools, mining and drilling bits, refinery catalysts, and many other components of national defense and a strong economy.

The United States is now totally dependent on imports for its cobalt, with most of them coming from Zaire and Zambia. I need not remind you that these are hardly bastions of stability.

Moreover, these countries and many of our other foreign sources are located at the far end of long and vulnerable shipping lanes.

In view of this, it is sobering to read in that authoritative journal, *Jane's Fighting Ships*, that "Failure to offer any protest to Soviet moves into countries in which there can be no reason for their presence other than plans for expansion and eventual control is presenting the Soviet navy with a series of bases and safe havens which are remarkably similar in their geographical locations to those available to the United Kingdom 80 years ago. Indecision and miscalculation by many non-communist powers have resulted in a position where insufficient ships are available for surveillance of the Soviet Fleet, much less inter-position. By dropping the shield of maritime security, the Western leaders have so weakened their own position that they are moving towards a position of vulnerability to blackmail. The results of that blackmail? Deprivation of raw materials, markets and the freedom of those friends who are not strong enough to guarantee their own security are some of them."

In light of such ominous developments, it should have been highly encouraging to the Administration and Congress that there is an area of Idaho potentially rich in cobalt and that Alaska is a veritable treasure trove of minerals.

But what happens?

The mining industry had to fight tooth-and-nail to keep the land in Idaho from being locked up as permanent wilderness, and it looks as though the long and valiant battle to keep much of Alaska open to multiple-use will be lost.

Meanwhile, in adjacent Siberia, the Soviets are building new mining towns, hydroelectric facilities and a 2,000-mile railroad to speed the extraction of its mineral wealth and further enhance its virtual self-sufficiency in the great majority of strategic materials.

In the midst of such utter folly on our part, is it any wonder that the Soviets question our determination to stand up to them, if they don't question our very sanity itself?

The big question, of course, is: What should we do about it?

To begin with, delightful as gatherings like this one are, I believe all of us in the mining industry must get out more and talk with others instead of ourselves.

In this election, it's particularly important to talk with the politicians and with those who strongly influence them.

We must declare unequivocably that it's time to cut the double-talk.

One can't endorse booze and abstinence at the same time.

He can't oppose surface mining and favor energy independence.

He can't be for locking up the land and building up the national defense.

I don't question anybody's patriotism, but I do assert that we're seeing some of the most misguided concepts of it since Neville Chamberlain went to Munich.

America must forge a new compact between people and government and set a new agenda of action.

Among the most urgent items are these:

The wholesale locking up of the land must stop. Where mining represents the best and highest use of the land, or where it can be conducted with environmental responsibility, it must be allowed.

The gross imbalance between environmental and other regulations and the economic needs of the nation must be put aright. Not one extreme or the other, but a balance that makes sense.

The United States is lagging woefully behind the rest of the world in such key terms as capital investment, productivity, share of GNP devoted to productive rather than defensive research and development, and the modernization of plant and equipment.

We are losing our capacity to compete in the marketplace of the globe and even to preserve our traditional share of the markets at home.

There was a time when "Made in Japan" meant shoddy and imitative, and "Made in America" meant excellent and innovative. Not anymore.

Why? Are they so much better than us? No! U.S. industry is being compelled to spend so much of its limited capital, managerial talents and technological resources to meet the demands of Washington, that it can't match the wishes of its customers.

It's high time all that were changed.

This nation has the lousiest depreciation laws of any advanced country in the world, and the result is a private sector that's on the verge of malnutrition.

It's high time that were changed.

There have to be greater profits . . . more savings . . . increased investment . . . improved productivity . . . and a new alliance among business, labor and government that takes account of the paramount national interest.

I'm deeply concerned about the Soviets, but we shouldn't have to be afraid of Moscow. We know what they're up to.

It's Washington that terrifies me, because our government appears not to know either what the Russians are doing or what it's doing itself.

So this is where we have to get change: in the nation's capital.

And in some of the city halls, and state houses and courthouses all across this land of ours.

It has nothing to do with party, but it has everything to do with principle, and it's time to start holding all the politicians to strict account.

The coming months will give us a unique opportunity, and we better prepare to seize it.

I've had to quote several leaders of communism this morning, but I'm mindful that we have better heroes of our own and I'd like to conclude by recollecting their words as well.

To those of you who get dispirited by the seemingly endless struggles that are so often lost, I say: Don't Give Up the Ship.

To those benighted souls in Washington and elsewhere who think they've got us on the run, let us all say: We Have Not Yet Begun to Fight.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE OFFICE OF PERSONNEL MANAGEMENT—MESSAGE FROM THE PRESIDENT—PM 233

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

I am pleased to transmit herewith the First Annual Report of the Office of Personnel Management for the Fiscal Year ended September 30, 1979, in accordance with the Civil Service Reform Act of 1978 (P.L. 95–454, Sec. 906(a) (5 U.S.C. 1308(a)).

The report discusses the first year of operations under the comprehensive Civil Service Reform Act. The results are encouraging. The Senior Executive Service program has been overwhelmingly accepted by Federal managers and morale is high. The exchange of people, ideas and information between the Federal Government and State and local governments has increased tremendously. The division of functions among the Office of Personnel Management, the Merit Systems Protection Board and the Federal Labor Relations Authority is working effectively.

I am proud of the performance of thousands of dedicated civil servants, and of the leadership of the Office of Personnel Management and its Director, Alan Campbell.

I encourage you to review this report, as we look ahead to the full implementation of the Act in the coming years.

JIMMY CARTER.

THE WHITE HOUSE, *August 25, 1980.*

MESSAGE FROM THE HOUSE

At 5:45 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, with amendments in which it requests the concurrence of the Senate:

S. 1177. An act to improve the provision of mental health services and otherwise promote mental health throughout the United States, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1967) to modify the boundary of the White River National Forest in the State of Colorado, with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 7911. An act to amend the Public Health Service Act to make technical revisions in the provisions of title XV of the Act relating to health planning.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 393. Concurrent resolution extending to the Forest Service, United States Department of Agriculture, the appreciation of the Congress on the seventy-fifth anniversary of the founding of the agency; and

H. Con. Res. 410. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 2680.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 1998. An act to provide for the United States to hold in trust for the Tule River Indian Tribe certain public domain lands formerly removed from the Tule River Indian Reservation; and

S. 2055. An act to establish a reservation for the Confederated Tribes of Siletz Indians of Oregon.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. LEVIN).

HOUSE MEASURES REFERRED

The following bill was read twice by its title and referred as indicated:

H.R. 7911. An act to amend the Public Health Service Act to make technical revisions in the provisions of title XV of the Act relating to health planning; to the Committee on Labor and Human Resources.

The following concurrent resolution was read by title and referred as indicated:

H. Con. Res. 393. A Concurrent resolution extending to the Forest Service, United States Department of Agriculture, the appreciation of the Congress on the seventy-fifth anniversary of the founding of the agency; to the Committee on Agriculture, Nutrition, and Forestry.

CONCURRENT RESOLUTION HELD AT THE DESK

The following concurrent resolution was held at the desk:

H. Con. Res. 410. A Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 2680.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on the Judiciary:

Stephen R. Reinhardt, of California, to be U.S. Circuit Judge for the Ninth Circuit.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CULVER:

S. 3062. A bill entitled the "Senior Citizens Environmental Monitoring Act"; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN:

S. 3063. A bill to amend title 13, United States Code, to correct for undercounting in the 1980 census; to the Committee on Governmental Affairs.

S. 3064. A bill to amend the Social Security Act to provide that the Federal Government will gradually take over the local share of welfare and Medicaid costs, and for other purposes; to the Committee on Finance.

By Mr. CULVER (for himself and Mr. RANDOLPH):

S.J. Res. 195. Joint resolution to designate September 1980 as "National Rehabilitation Month"; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S.J. Res. 196. Joint resolution authorizing the President to proclaim March 16 of each year as "Freedom of Information Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CULVER:

S. 3062. A bill entitled the "Senior Citizens Environmental Monitoring Act"; to the Committee on Environment and Public Works.

SENIOR CITIZENS ENVIRONMENTAL MONITORING ACT

● Mr. CULVER. Mr. President, I am introducing today "The Senior Citizens Environmental Monitoring Act." This bill will authorize the Environmental Protection Agency (EPA) to employ and direct the efforts of senior citizens who are eligible under the Older Americans Act to provide monitoring, regulatory and technical assistance in several important environmental programs.

This legislation is intended to formalize and expand programs which have been very successful in capturing and utilizing the capabilities and energies of our senior citizens to help achieve our environmental quality goals. Specifically, it expands the existing Senior Employment (SEE) program currently administered by the Environmental Protection Agency.

The SEE program operates in two distinct ways. First, it is a demonstration program funded through the EPA, the Administration on Aging, and the Department of Labor. Over 200 senior citizens have been employed in demonstration programs in 10 States. Examples of these activities include:

A statewide survey of hazardous waste generators and implementation of a manifest system in New Jersey; and

An Illinois program to monitor the quality of the State's water supplies.

Second, SEE is a direct employment program under which EPA has hired elderly individuals to work in each of the 10 regional offices. The primary task of each of these participants is to assist State and local governments with their noise control programs. They have helped implement various porgrams such as ECHO (Each Community Helps Others), a State and local program which helps transfer the local noise control expertise in one town to another community with little or no financial assistance from EPA.

Rarely, if ever, has the public gained so much from such a small investment than from the use of SEE workers in implementing ECHO and other noise control activities. In my home State of Iowa, some communities have used ECHO to obtain noise reductions that an entire battalion of government bureaucrats probably would not have achieved. And, the total cost to the Federal Gvernment was the salarly of one older American and the travel expenses of a few local noise control officials in the assisted communities.

The Foundation for Applied Research (FAR), an independent contractor to the Administration on Aging, recently examined the results of this senior citizens' program. It concluded that:

> With regard to the costs of the program, we could have simply stated that the program was a grandiose success because it helped the environment in ways that cannot be easily measured in dollars and cents, but surely must have been substantial. Or, we could have said that the program was cost beneficial because it provided employment for a segment of the population which is too often presumed to be unproductive. These benefits are real and they are the greatest benefits of the program.

But, even against a tough, analytic yardstick, the SEE program was productive. The FAR evaluation revealed that employment of these senior citizens resulted in savings of 16.4 percent on labor costs. The program was so successful that FAR recommended that it be expanded to all fifty States, and that existing State programs be increased.

Mr. President, as chairman of the Resource Protection Subcommittee, I have been one of the Senate's strongest advocates of community-based noise control programs over the last 7 years. In 1978 I introduced the Quiet Communities Act, which amend the Federal noise control statutes to emphasize community noise abatement over burdensome new Federal regulations. Significantly, the Quiet Communities Act of 1978 first gave EPA the authority to directly employ senior citizens to aid communities and States in developing their noise control programs. This initiative expanded on the SEE demonstration program that has been ongoing with the Administration on Aging.

Our senior citizens are affected more severely by extreme noise exposures than people in any other age group. With this in mind, I have continually worked to increase Federal funding for research into the health effects of noise, and I am pleased that President Carter has recognized the need for greater research in this area by proposing $500,000 for noise research in the noise budget this year.

Mr. President, the Senior Citizens Environmental Monitoring Act authorizes the expansion of using senior citizens in both EPA's national and regional offices. It would allow for the employment of eligible older Americans under the Clean Water Act, the Clean Air Act, the Solid Waste Disposal Act, the Safe Drinking Water Act, and the Toxic Substances Control Act, just as senior citizens are now employed under the Quiet Communities Act of 1978. EPA could continue or duplicate many of the projects undertaken under the SEE demonstration program.

Why employ the elderly? First, they are a highly motivated and highly skilled work force. Approximately 1.4 million older Americans are unemployed and actively seeking work today. Senior citizens already possess the broad range of skills for which we are sending many young people to school and have extensive on-the-job experience that the younger worker has yet to accumulate. Older workers also have excellent records of hard work, reliability, and low absenteeism.

Second, our system actively discriminates against them. The U.S. Commission on Civil Rights concluded recently that employment discrimination against the elderly was widespread in Federal jobs programs. The Commission said:

> We are shocked at the cavalier manner in which our society neglects older persons who often desperately need federally supported services and benefits.

In addition to the Older Americans who are actively seeking work, there are an estimated 350,000 workers over the age of 55 who are now "discouraged workers"—people who have given up looking for a job but who would take one if it were offered. Many of these citizens are economically disadvantaged. One in every nine couples with a husband 65 or older had an income of less than $4,000 in 1976. Some 3 million persons aged 65 or older were below the poverty level in 1976.

And yet, as the FAR study cited above shows, these older workers, if given a chance, can be more productive per dollar of Federal cost than younger workers in the same fields of endeavor.

In closing, Mr. President, I want to say that we need not look at the Senior Citizens Environmental Monitoring Act as a program merely to help older Americans, although it certainly will assist senior citizens in obtaining productive, interesting employment. We also need not look at the bill as one designed simply to enhance environmental quality, although there have already been achievements in this area as well by using the elderly. It is an effective way to make the taxpayers' dollar do double duty while efficiently contributing to the achievement of the laudable goals of providing effective, meaningful employment for our senior citizens and improving our environmental quality.●

By Mr. MOYNIHAN:

S. 3063. A bill to amend title 13, United States Code, to correct for undercounting in the 1980 census; to the Committee on Governmental Affairs.

1980 CENSUS

● Mr. MOYNIHAN. Mr. President, 1 year ago, on July 31, 1979, I introduced a bill (S. 1606) to adjust the 1980 Census figures for "undercounting" for purposes of Federal funding programs that are based on population-driven formulae. That bill did not apply to the census figures used for purposes of apportioning the House of Representatives under the provisions of article I, section 2 of the Constitution as modified by the 14th amendment.

The bill I am introducing today is different. It would require the Bureau of the Census to "adjust the population figures, employing the best available methodology to correct for undercounting" for all purposes, including reapportionment. There would be a single set of census population numbers, and they would be adjusted to correct for the "undercount."

There are three reasons for my changed view.

First, I have only recently learned that in the 1970 census the Bureau "imputed" the existence of some 5 million persons, adding their number to those counted in the traditional way. Thus a sample was taken of "vacant" residences which established that a proportion of such places were actually occupied. This proportion, together with the demographic characteristics of the population involved, was then "imputed" to the known universe of vacant residences. This was done with the usual methodological rigor of the Bureau of the Census, and was done openly.

In its Procedural History of the 1970 census, the Bureau states that two "programs" were "undertaken on a sample basis after the regular census field activities were largely completed. They provided estimates of proportions of missed housing units or missed households. On the basis of these estimates, the population count for a number of enumeration districts in the United States was adjusted by computer imputation." Those adjusted figures were used in the post-1970 reapportionment of the House of Representatives and for the myriad Federal funding programs that rely on population data. Hence there is a major precedent for adjusting the "headcount" and that precedent would appear to be fully consistent with the requirements of the Constitution. I did not know this when I introduced S. 1606.

Second, the preliminary results from the 1980 census indicate that, despite the Census Bureau's best efforts—and they have been very good indeed—there is, once again, going to be a large "undercount." It would appear that millions of persons have not been counted, and it would appear that these are disproportionately to be found in urban areas and among minority groups. The consequence will be an unacceptable underrepresentation of those areas and groups in the 98th Congress and an unwarranted decline in Federal funds to those communities and States.

Third, a large and unevenly distributed "undercount" for which adjustments are not made could result in a constitutional dilemma of sizable proportions. All three branches of Government would be involved. The debate would be long and acrimonious. Years of litigation could ensue. The Census Bureau is already "in court" in a number of places around the country, attempting to defend itself against lawsuits based on the emerging undercount. A situation can be envisioned in which proceedings in the Federal courts could actually make it impossible to seat the 98th Congress. For the Constitution requires equal representation, and if there is reason to believe that shortcomings in the 1980 census would result in unequal representation of persons who exist but were not counted, it is impossible to make light of the constitutional dilemma that would ensue.

As is well known, section 2 of the 14th amendment stipulates that "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed." The Constitution does not say the "whole number of persons in each State who fill out census forms." That the Census Bureau recognizes this responsibility and is capable of responding appropriately is manifest in the procedures it employed in 1970. Similar procedures can be employed in 1980 to estimate the "undercount" and adjust the population figures accordingly. My bill would require that this be done.

Some do not find the constitutional language as clear as I do. Just a few weeks ago, an amendment was offered to an appropriations bill then pending on the Senate floor that would have prohibited "illegal aliens" from being counted for purposes of congressional apportionment. A similar amendment passed the House of Representatives on August 20.

I judged that this amendment was unconstitutional, and telephoned the Attorney General to get his view. He advised me that the Justice Department interpreted the 14th amendment as I did, and has successfully defended the Census Bureau in a lawsuit seeking to bar the counting of "illegal aliens" on the same basis. I raised a constitutional point of order against the pending amendment. Although I subsequently withdrew it, and substituted the narrower point of order—sustained by a vote of the Senate—that the amendment constituted substantive legislation on an appropriations measure, the constitutional issue remained, and I was prepared to press it had this proven necessary.

I wish to be clear that my bill does not require of the Census Bureau anything that it is not capable of doing and, indeed, has not already contemplated doing. The statistical methods exist to estimate the "undercount" with a high degree of reliability, and to adjust the population figures accordingly. The Census Bureau has led the way in developing the necessary methodology, most recently by convening a conference of social scientists on the undercount problem and its possible solutions.

The methodology exists. My bill would require that it be used.

Finally, let me note that adjusting for the undercount is only part of the needed remedy. A parallel requirement is to minimize the undercount by taking every possible action between now and December 31, 1980 (when by law the Census Bureau must deliver the population figures to the President) to do so.

To begin, we must keep the district Census offices open until we feel certain that every person has been counted who can possibly be counted. Second, we must insist that Mr. Barabba make good on his commitment to transfer experienced personnel to New York to aid in this effort. (The Comptroller General of the United States reported to Congress on June 3, 1980 that "as of early May, the Bureau had on its rolls 70.2 percent of the required number of enumerators," including just 59.5 percent in New York. "The Bureau considers that a regional office with less than 70 percent is having recruiting problems.") Third, we must insist that the "lists" of persons and dwellings in the hands of, or available to, local governments be cross-referenced with the Census Bureau's own lists and preliminary counts. (Suitable arrangements must be made to maintain the confidentiality of information supplied to the census, but this can be done if the will is there.) It is painfully clear that such efforts have thus far been grossly inadequate. Fourth, and finally, we must take into account whatever undercount does occur and make appropriate adjustments.

That is the purpose of my bill, and the spirit in which I offer it. If it is not enacted—or comparable action taken by the executive branch—New York State faces the loss of at least five congressional seats and hundreds of millions of dollars in Federal assistance.

I ask unanimous consent a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 141 (a) of title 13, United States Code, is amended by inserting after "surveys?" the following: "In conducting such census the Secretary shall adjust the population figures, employing the best available methodology to correct for undercounting. For purposes of this title the adjusted population figures shall be considered to be the most recent decennial census data, and the official census statistics.

Sec. 2. Section 195 of title 13, United States Code, is amended to read as follows:

"S. 195. Use of sampling

"The Secretary shall, to the extent feasible authorize the use of the statistical method known as 'sampling' in carrying out the provisions of this title.".●

By Mr. MOYNIHAN:

S. 3064. A bill to amend the Social Security Act to provide that the Federal Government will gradually take over the local share of welfare and medicaid costs, and for other purposes; to the Committee on Finance.

WELFARE AND MEDICAID FISCAL ASSISTANCE PROGRAM ACT OF 1980

○ Mr. MOYNIHAN. Mr. President, in 1976, the Democratic Party platform stated:

> Fundamental welfare reform is necessary. The problems with our current chaotic and inequitable system of public assistance are notorious. . . . As an interim step, and as a means of providing immediate Federal fiscal relief to State and local governments, local governments should no longer be required to bear the burden of welfare costs. Further, there should be a phased reduction in the States' share of welfare costs.

This commitment has not yet been kept. The States bear an ever-heavier burden in paying their share of welfare costs, particularly of Aid to Families with Dependent Children (AFDC) and medicaid. In a number of States, particularly New York, local governments are all but bankrupted by their share of those costs. As New York City Mayor Edward Koch stated to the Democratic Convention on August 11:

> If we did not have to bear this burden, we would have no trouble balancing our budget.

In the meantime, the condition of millions of needy and dependent persons who depend upon these programs for their income and their health care continues to worsen. The National Urban League recently reported that:

> (M)ost AFDC payments have been significantly eroded by inflation. . . . (B)etween 1973 and 1979, the average state maximum for a family of four without other income (in constant 1979 dollars) dropped from $424 to $349 a month.

In New York, the basic cash allowance for a family of four was set at $258 a month (exclusive of shelter) in 1974. In 1980, it remained $258. In that time, consumer prices have increased by 64 percent. To buy the same amount of food and clothing that could be purchased with $258 6 years ago would require $423 today. Put another way, the 1974 benefit in New York has been cut to $129.

Accordingly, as a member of the 1980 Democratic Party Platform Committee, I proposed that our party pledge itself again to carry out the commitment we had made 4 years earlier. Our party has now made that pledge. The 1980 platform states, inter alia:

> The nation's welfare system continues to be inequitable and archaic. . . . States and cities which make an honest effort to meet the welfare crisis find themselves in deepening fiscal difficulty. . . . The fiscal crisis of welfare recipients has also deepened. . . . The fiscal crisis for taxpayers continues. . . . We are at a crossroad in the delivery of welfare. Serious reform is necessary. . . .
>
> As a means of providing immediate federal fiscal relief to state and local governments, the federal government will assume the local government's burden of welfare costs. Further, there should be a phase reduction in the states' share of welfare costs in the immediate future.
>
> The Democratic Party pledges in the immediate future to introduce legislation to accomplish these purposes in the next year.

The bill I am introducing today fulfills that pledge. Further, as I stated "as a matter of record, of legislative history," in my address to the Democratic National Convention on August 12, the party's commitment refers "not simply to the AFDC program * * * but to welfare programs generally, and that includes the medicaid program." It may be noted that the platform itself states that "The Democratic Party supports programs to make the medicaid reimbursement formulae more equitable."

The purposes of my bill, then, are first to enable States to provide an adequate level of cash assistance and health care to their neediest resident; second, to remove the burden of welfare and medicaid financing from local governments, and substantially to ease the burden on State governments; and, third, to honor the commitment that the Democratic Party made in 1976 and has made again in 1980.

This is a simple bill. As described in the attached fact sheet, it simply changes the minimum Federal reimbursement level under the medicaid formula (which governs both the medicaid and AFDC programs) from 50 percent to 75 percent in fiscal 1982, rising to 90 percent in fiscal 1985 and thereafter, and requires that the additional Federal funding be "passed through" to localities in those States that now require local cost-sharing in amounts sufficient to eliminate the local share. When fully implemented, the State (or State-local) share of medicaid expenditures would be only 10 percent (down from the present average of 44 percent) and the State (or State-local) share of expenditures for AFDC cash benefits would also be 10 percent (down from the present average of 46 percent).

The additional Federal funding may be used for benefit improvements; for State-local tax reductions; or for other purposes. But none of the requirements and protections embodied in the Social Security Act would be affected.

This is an interim measure. Over the long run, I favor a comprehensive welfare reform that would replace the present patchwork of Federal, Federal-State, and State-local programs with a guaranteed annual income for every American. I also favor a comprehensive national health insurance program that would replace the complex and inequitable categories of the medicaid program (and numerous other programs) with assured access by every American to high quality health care. Those two fundamental structural reforms would finally fulfill the promise of the Social Security Act as envisioned by Franklin Delano Roosevelt and the U.S. Congress in 1935.

But our needy citizens (mostly children) cannot wait for comprehensiveness. Our States and cities cannot wait. And our party has said that they should not wait. The time to act is now.

I ask unanimous consent that the text of the bill and a fact sheet printed in the Record.

There being no objection, the bill and fact sheet were ordered to be printed in the Record, as follows:

S. 3064

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Welfare and Medicaid Fiscal Assistance Program Act of 1980".

FEDERAL PAYMENTS OF WELFARE AND MEDICAID COSTS

Sec. 2. (a) Section 1905 (b) of the Social Security Act is amended by striking out "except that (1) the Federal medical assistance percentage shall in no case be less than 50 per centum or more than 83 per centum, and (2) the Federal medical assistance percentage for Puerto Rico, the Virgin Islands, and Guam shall be 50 per centum," and inserting in lieu thereof the following: "except that—

"(1) for the fiscal year 1982, the Federal medical assistance percentage shall in no case be less than 75 percent or more than 83 percent;

"(2) for the fiscal year 1983, the Federal medical assistance percentage shall in no case be less than 80 percent or more than 83 percent;

"(3) for the fiscal year 1984, the Federal medical assistance percentage for each State shall be 85 percent; and

"(4) for the fiscal year 1985 and each fiscal year thereafter, the Federal medical assistance percentage for each State shall be 90 percent.".

(b) Section 1118 of such Act is amended by striking out the last sentence thereof.

PASS-THROUGH TO LOCAL JURISDICTIONS

Sec. 3. (a) Section 402(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (29);

(2) by striking out the period at the end of paragraph (30) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(31) provide that any Federal funds paid to such State for any quarter which would not have been payable but for the changes in such State's Federal medical assistance percentage made by the Welfare and Medicaid Fiscal Assistance Program Act of 1980, as compared to such State's Federal medical assistance percentage (or the Federal percentage determined under section 403(a) if the State was paid on the basis of such percentage) for the last quarter of the fiscal year 1981, shall be paid by the State on a pro rata basis to any political subdivision thereof which contributed under the State plan for such quarter, but such amount shall not exceed 100 percent of such political subdivision's contribution.".

(b) Section 1902(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (40);

(2) by striking out the period at the end of paragraph (41) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (41) the following new paragraph:

"(42) provide that any Federal funds paid to such State for any quarter which would not have been payable but for the changes in such State's Federal medical assistance percentage made by the Welfare and Medicaid Fiscal Assistance Program Act of 1980, as compared to such State's Federal medical assistance percentage for the last quarter of the fiscal year 1981, shall be paid by the State on a pro rata basis to any political subdivision thereof which contributed under the State plan for such quarter, but such amount shall not exceed 100 percent of such political subdivision's contribution.".

EFFECTIVE DATE

Sec. 4. The amendments made by this Act shall be effective with respect to quarters beginning on or after October 1, 1981.

FACT SHEET

Welfare and medicaid fiscal assistance program (WAMFAP) act of 1980

Purpose: Carries out these commitments of the 1980 Democratic Party Platform:

"As a means of providing immediate federal fiscal relief to state and local governments, the federal government will assume the local government's burden of welfare costs. Further, there should be a phased reduction in the states' share of welfare costs in the immediate future."

"The Democratic Party pledges in the immediate future to introduce legislation to accomplish these purposes in the next year."

"The Democratic Party supports programs to make the Medicaid reimbursement formulae more equitable."

Provisions: Increases the minimum federal reimbursement of state/local expenditures for benefits under the Aid to Families with Dependent children (A.F.D.C.) and Medicaid programs from 50 percent to 75 percent in fiscal 1982; to 80 percent in fiscal 1983; to 85 percent in fiscal 1984; to 90 percent in fiscal 1985 and thereafter.

In those states in which cities, counties or other local governments share in the cost of A.F.D.C. and/or Medicaid, the state is required to "pass through" the additional federal funding to the localities to the extent necessary to eliminate the entire local share. The remainder of the additional federal funding is retained by the states, which may use it for increased welfare benefits, for improved Medicaid services, or for other purposes, including fiscal relief.

No other provisions or requirements of the Social Security Act with respect to A.F.D.C. and Medicaid are affected.

Cost: If the first stage of this proposal (i.e., the 75 percent minimum reimbursement level) had been in effect in 1979, the approximate additional cost to the federal government would have been $6.12 billion; had it been fully implemented (at the 90 percent reimbursement level) the approximate federal cost would have been $10.798 billion Projecting current federal A.F.D.C. and Medicaid expenditures ahead on the basis of recent programmatic and economic trends, the approximate additional cost to the federal Government in fiscal 1982 would be $8.49 billion (of which $2.79 billion would be due to A.F.D.C. and $5.721 billion to Medicaid.)

Effect on New York: The entire local cost of A.F.D.C. cash benefits and Medicaid would be assumed by the federal government, beginning on October 1, 1981. The state government would receive assistance with its Medicaid costs at that time and, by fiscal 1985, would have its A.F.D.C. costs reduced to 10 percent of program benefits (down from 25 percent at present) and its Medicaid costs reduced to 10 percent of program benefits (down from approximately 31.2 percent at present.)

Had this proposal been fully implemented in fiscal 1979, New York City would have saved $812.5 million; the other counties in New York would have saved $264 million; and New York State would have saved $998 million; a net savings to New Yorkers of $2.02 billion.●

By Mr. CULVER (for himself and Mr. RANDOLPH):

S. J. Res. 195. A joint resolution to designate September 1980 as "National Rehabilitation Month"; to the Committee on the Judiciary.

NATIONAL REHABILITATION MONTH

● Mr. CULVER. Mr. President, I am introducing today with Senator RANDOLPH a Senate joint resolution designating September 1980 as "National Rehabilitation Month." The purpose of this resolution is for a 30-day observance to focus public and private sector attention on the needs of our disabled citizens, the quality of services rendered to them, and the vast resources they possess but are sadly often denied the chance to demonstrate and share.

Despite substantial legislative progress in providing quality education, health care, employment, and job training, and other services to the handicapped, much work remains to be done. Forty million handicapped Americans and their families still face immense problems that impede their ability to lead productive, satisfying lives.

Many of the barriers confronting the handicapped cannot be changed by legislation. They are based on what the Carnegie Council on Children described in a 1980 report as "well-meaning but destructive misconceptions that exaggerate the true limitations of many handicaps." These discriminatory attitudes deny a significant segment of our population the chance to live and contribute fully and thereby seriously limit our growth as a people and a Nation. To dismantle these barriers, we must educate the ablebodied to the real needs of the disabled.

September can also be a time to credit those individuals whose skills and commitment make our rehabilitation efforts possible. Thousands of professional and lay people working in social service and recreational programs, hospitals, business and industry, medical research, and counseling and ministerial projects work daily to help the handicapped realize their tremendous, often untapped, energies and skills. Without these labors, we would certainly have little hope of improving the quality of life for the disabled.

In designating September 1980 as "National Rehabilitation Month," we can provide a time and forum to heighten public awareness to the needs of the handicapped and to debunk the unfortunate and costly myths that disabled persons are not persons of ability. I look forward to the activities that will mark this observance and urge my colleagues in the House and Senate to adopt this resolution.

I am especially honored that Mr. RANDOLPH, the distinguished chairman of the Subcommittee on the Handicapped, has joined me in introducing this resolution. His leadership in this body in promoting public policies that would afford this Nation's disabled population equal opportunities to become productive, contributing citizens is unequaled.●

By Mr. PROXMIRE:

Senate Joint Resolution 196. A joint resolution authorizing the President to proclaim March 16 of each year as "Freedom of Information Day"; to the Committee on the Judiciary.

FREEDOM OF INFORMATION DAY

Mr. PROXMIRE. Mr. President, today I am introducing a joint resolution to establish an annual Freedom of Information Day to be celebrated on March 16, James Madison's birthday.

The national Freedom of Information Day which I propose is meant to recognize the key role that a free press plays in our society.

But it is more than that. To have real meaning, Freedom of Information Day must be directed at those for whom a free press exists. I refer, of course, to the American people, whose daily decisions rest on their having information.

Mr. President, a fundamental principle of our Nation is that, given the necessary information, the people can make the decisions that will determine their present and their future. If those are to be wise decisions, they must be reached after weighing the facts and considering the alternatives and consequences.

So the freedom we cherish in this land is rooted in information. It is this freedom of information that deserves to be emphasized and celebrated annually.

Many Americans, because they have never known any other way of life, take the freedom of information provided under the first amendment of the Constitution for granted.

Many Americans do not fully recognize how this provision of the Bill of Rights affects their daily lives. They fail to recognize how interwoven this basic right is with all the others they hold dear.

Mr. President, no other government in the world supports the rights of its invidual citizens with this essential foundation: The right to know what is happening, in their cities, their States, and their Nation.

So a Freedom of Information Day would recognize the press. And rightly so.

But it would do more than that. In essence, Freedom of Information Day would recognize a public right that is carried out by the press as a surrogate for the individual citizen.

The press has the obligation of providing the public with the information which it needs to act. This is an obligation that extends to all who provide the people of America with facts. It is as extensive as knowledge itself.

The date selected for the annual observance of Freedom of Information Day is March 16, which is James Madison's birthday. This seems especially appropriate because James Madison was the Founding Father who recognized and supported the need to guarantee individual rights through the first 10 amendments to the Constitution.

Mr. President, I urge the Senate to adopt this joint resolution, and I ask unanimous consent that the text of the joint resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 196

Whereas, a free press exists to serve the American people, whose daily decisions rest on their having information;

Whereas, a fundamental principle of our Nation is that, given information, the people can make the decisions that determine their present and their future;

Whereas, if these decisions are to be wise, they must be reached after weighing the facts and considering the alternatives and consequences;

Whereas, the freedom we cherish in this land is rooted in information;

Whereas, this freedom of information deserves to be emphasized and celebrated annually;

Whereas, many Americans, because they have never known any other way of life, take the freedom of information provided under the First Amendment of the Constitution for granted;

Whereas, many Americans do not recognize fully how this provision of the Bill of Rights affects their daily lives; and

Whereas, March 16 is the birthday of James Madison, who was the Founding Father who recognized and supported the need to guarantee individual rights through the first ten amendments to the Constitution: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate March 16 of each year as "Freedom of Information Day", and to call upon Federal, State, and local government agencies, and the people of the United States to observe such day with appropriate programs, ceremonies and activities.

ADDITIONAL COSPONSORS

S. 219

At the request of Mr. MOYNIHAN, the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 219, a bill to amend the Internal Revenue Code of 1954 to allow the charitable deduction to taxpayers whether or not they itemize their personal deductions.

S. 2437

At the request of Mr. HAYAKAWA, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 2437, a bill to amend section 4067 of the Revised Statutes to define further the circumstances under which certain aliens within the United States may be treated as alien enemies.

S. 2606

At the request of Mr. GARN, the Senator from Maine (Mr. COHEN), the Senator from New Hampshire (Mr. DURKIN), the Senator from California (Mr. HAYAKAWA), the Senator from North Carolina (Mr. HELMS), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from South Carolina (Mr. THURMOND), and the Senator from Virginia (Mr. HARRY F. BYRD, JR.) were added as cosponsors of S. 2606, a bill to establish an Office of Strategic Trade, to transfer the functions of the Secretary of Commerce under the Export Administration Act of 1979 to the Office of Strategic Trade, and for other purposes.

S. 2718

At the request of Mr. STEVENSON, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 2718, an original bill to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally.

S. 2732

At the request of Mr. PACKWOOD, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2732, a bill to direct that a clinical investigation of the safety and efficacy of dimethyl sulfoxide as a drug to be used by persons with arthritis be conducted through the National Institute of Arthritis, Metabolism and Digestive Diseases.

S. 2906

At the request of Mr. DANFORTH, the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2906, a bill to amend the Internal Revenue Code of 1954 to provide a credit against tax for certain research and experimental expenditures, and for other purposes.

S. 2998

At the request of Mr. NELSON, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2998, a bill to amend the Internal Revenue Code of 1954 to promote capital investment in small business, and for other purposes.

SENATE CONCURRENT RESOLUTION 103

At the request of Mr. HEFLIN, his name was added as a cosponsor of Senate Concurrent Resolution 103, a concurrent resolution disapproving the sale of nuclear fuel to India.

SENATE RESOLUTION 508—SUBMISSION OF A RESOLUTION PROPOSING A CHANGE IN THE STANDING RULES OF THE SENATE

Mr. HEFLIN (for himself, Mr. WALLOP, Mr. MORGAN, Mr. PRYOR, Mr. HELMS, Mr. COCHRAN, Mr. ROBERT C. BYRD, and Mr. BAKER) submitted the following resolution, which was referred to the Committee on Rules and Administration:

S. RES. 508

Resolved, That nothing in the provisions of the Standing Rules of the Senate shall be construed to limit contributions to defray investigative, civil, criminal or other legal expenses of Members, officers, or employees of the Senate relating to their service in the United States Senate, subject to limitations, regulations, procedures and reporting requirements which shall be promulgated by the Select Committee on Ethics. Nothing in the provisions of the Standing Rules of the Senate shall be construed to limit contributions to defray the legal expenses of the spouses or dependents of Members, officers or employees of the Senate.

AMENDMENTS SUBMITTED FOR PRINTING

EXPORT TRADING COMPANIES, TRADE ASSOCIATIONS, AND TRADE SERVICES—S. 2718

AMENDMENTS NOS. 2281 AND 2282

(Ordered to be printed and to lie on the table.)

Mr. DANFORTH submitted two amendments intended to be proposed by him to S. 2718, a bill to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally.

DOMESTIC VIOLENCE PREVENTION AND SERVICES ACT—H.R. 2977

AMENDMENT NO. 2283

(Ordered to be printed and to lie on the table.)

Mr. DANFORTH submitted an amendment intended to be proposed by him to unprinted amendment No. 1511 proposed to H.R. 2977, an act to provide for Federal support and encouragement of State, local, and community activities to prevent domestic violence and assist victims of domestic violence, to provide for coordination of Federal programs and activities relating to domestic violence, and for other purposes.

AMENDMENT NO. 2284

(Ordered to be printed.)

Mr. LEVIN proposed an amendment to unprinted amendment No. 1511 proposed to H.R. 2977, supra.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PARKS, RECREATION, AND RENEWABLE RESOURCES

Mr. JACKSON. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Subcommittee on Parks, Recreation and Renewable Resources.

The hearing is scheduled for September 3, 1980, beginning at 10 a.m., in room 3110 of the Dirksen Senate Office Building. Testimony will be received regarding S. 1857/H.R. 5048, bills to authorize the expansion of the boundaries of the Manassas National Battlefield Park, Va. and H.R. 7217, a bill to enact certain provisions relative to units of the national park system in the State of Hawaii.

For further information regarding the hearing, you may wish to contact Thomas Williams at 224–7145.

Those wishing to submit a written statement for the record should write to the Subcommittee on Parks, Recreation and Renewable Resources, room 3106, Dirksen Senate Office Building, Washington, D.C. 20510.

SUBCOMMITTEE ON PARKS, RECREATION, AND RENEWABLE RESOURCES

Mr. JACKSON. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Subcommittee on Parks, Recreation and Renewable Resources.

The hearing is scheduled for September 8, 1980 beginning at 10 a.m., in room 3110 of the Dirksen Senate Office Building. Testimony will be received regarding H.R. 7105, a bill entitled the "National Hostel System Act of 1980," and S. 2263, a bill to provide for the establishment of the Women's Rights National Historic Park in the State of New York.

For further information regarding the hearing, you may wish to contact Deborah Merrick at 224–7150.

Those wishing to submit a written statement for the record should write to the Subcommittee on Parks, Recreation and Renewable Resources, room 3106 Dirksen Senate Office Building, Washington, D.C. 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROBERT C. BYRD. Mr. President, the following requests have been cleared with the minority.

Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate tomorrow to hold hearings on H.R. 7330, a bill to authorize appropriations for certain insular areas; S. 2735, a bill to provide for tax matching grants to Guam and the Virgin Islands and also authorizes technical assistance to the territories; and S. 2992, a bill to study sail assisted technology as a means of reducing energy costs for interisland transportation in the trust territory.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RURAL DEVELOPMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Rural Development of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate tomorrow to hold an oversight hearing on the socioeconomic effects of nuclear waste storage sights on rural areas.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Aviation Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet during the sessions of the Senate today, August 25; Tuesday, August 26; and Wednesday, August 27, to hold oversight hearings on airline safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE FREEDOM OF POLAND

● **Mr. DOLE.** Mr. President, just a little over 40 years ago the world was plunged into the greatest conflagration of war the human race had ever seen when an arrogant, totalitarian and militaristic nation crossed internationally recognized boundaries and invaded Poland. Freedom and democracy everywhere were ultimately threatened by this oppressive, barbarous action. In those days, fortunately, the danger was seen and, prepared or not, the Western nations who stood for the principles of freedom and democracy girded for war to resist the pact of steel.

That time is different from our own. It is no longer possible when war threatens for the backbenchers of government to turn around years of military neglect in time to preserve the nation's security, as did Winston Churchill. In the nuclear age preparedness and strength are not the most important things—they are the only things. The present U.S. administration candidly admits that American forces are inadequate to deal with grave threats to global areas of vital concern to the United States. Yet, they say it is unreasonable of Americans to speak of trying to recapture military superiority even though our unquestioned superiority was lost only within the decade of the seventies. Why is it possible for the Soviet Union, with a much lower GNP, to seize superiority in a few short years of American indifference and neglect, but not possible for the United States to similarly enhance its national security under a new administration?

THE LESSON OF POLAND

Poland is the lesson for our less than stalwart allies in the rest of the world, who have continuously shirked their own defense commitment and now stand dismayed at the U.S. decline. Poland lost its freedom in 1939. But it has been fashionable in recent years to think of Poland as an autonomous nation whose form of government happened to be Communist. The present crisis belies that fatuity. Recently, the Polish leader, Communist Party Secretary Edward Gierek, went on national television to address the people of Poland and the striking workers seeking to expand individual liberties. In a veiled reference to Russia, he warned the dissidents that Poland would only be allowed to remain "independent" if the Communist system remained intact.

In the United States there has been concern that parts of Europe and other areas might be "Finlandized" by the growing preponderance of Soviet strength and influence. We forget that Poland, East Germany, Czechoslovakia, and the other nations of Eastern Europe were once as sovereign as those in the West, and that they present a much harsher example than Finland of what it means to be weaker than your enemies.

HUMAN RIGHTS ISSUE

The reaction of the authorities to the general strike in Poland, the aim of which seems to be a free trade union movement to represent the people, makes clear how false the Eastern bloc's commitment to the Helsinki accords really is. The demands of the workers are reasonable requests, supposedly guaranteed by the articles of the Helsinki agreement. The dissidents the United States has so loudly supported in the Soviet Union, like Shcharansky and Sakharov, never spoke so forcefully for basic human rights as do the factory workers of Gdansk. Yet it remains to be seen how productive any comment from our Government would be, with the specter of the 1968 invasion of Czechoslovakia to haunt us.

It still seems to be the consensus, even after this latest example of Russian imperialism following on the Afghanistan invasion, that proceeding with the Madrid followup conference on the Helsinki accords will be meaningful. One of the principal objections I had to this meeting was its longrun potential for undermining progress in human rights. The Soviets, on the defensive, will be obdurate and polemical. Our European cosigners are growing restive after 5 years of little progress in the sphere of mutual cooperation and security which Helsinki addresses additionally to the basic human rights. Without progress in that area, the commitment and diplomatic pressure for improvement on human rights issues may wane.

The outlook for Poland is uncertain in the present crisis. Changes in the government have already occurred and economic reforms seem assured. Yet, there was a thaw in Czechoslovakia before invasion and repression destroyed the threat to communism. The latitude of the current regime to make meaningful reforms is circumscribed by the geopolitical realities that originated in World War II when the iron curtain rang down. Poland cannot stand against a Soviet invasion any more than Czechoslovakia or Hungary could. But, this peaceful uprising has shown conclusively that the Communist way of life is a failure, and that the human spirit is not dead in Poland.●

EROSION OF AMERICAN FARMLAND

● **Mr. BOREN.** Mr. President, the problem of erosion of American farmland—by water, wind, and urban sprawl—is a serious one, indeed. A total of 16,000 acres of farmland in America is lost every day because of erosion.

Despite its seriousness, this problem is one which has not captured much attention. It is an area which deserves further research and study by all of us, particularly those of us who represent farm States.

On July 23, 1980, a series of articles on erosion and its effects, by John Cozart, appeared in the Tulsa Tribune.

Mr. President, I request that this comprehensive and informative series of articles be printed in the RECORD. The facts presented should serve as a reminder that much more work needs to be done in this area.

The material follows:

AMERICA'S VITAL FARMLAND IS VANISHING

(By John Cozart)

America's farmland base is deteriorating by 16,000 acres every day.

By year's end, the toll from erosion and urban sprawl on America's 400 million acres of farm land will be at least 6 million acres, states the National Agricultural Lands Study (NALS), a 1979 report to the U.S. Department of Agriculture and the President's Council on Environmental Quality.

Half of the land is being taken out of production by urban sprawl.

The other half is being blown or washed away—a problem at least 25 percent worse today than it was during the Dust Bowl of the 1930s.

It would take a train of freight cars long enough to circle the earth 30 times to move the 5 billion tons of soil being washed and blown from crop land each year.

Researchers indicate that the improvements in technology and productivity that compensated for the disappearance of land over the past 30 years can't keep making up for the losses.

And the U.S. General Accounting Office (GAO) says federal agencies responsible for protecting farm land are not getting the job done.

The U.S. Soil Conservation Service (SCS), which helps states check erosion, says Oklahoma is one of the top two states in the country dealing with the problem.

Yet SCS says Oklahoma, which loses 152 million tons of soil to erosion a year, has moderate to serious erosion problems.

Dr. William Larson, a member of the Council for Agricultural Science and Technology (CAST) task force on soil erosion, warns that the United States is at a "breaking point where farm land is concerned."

"We can't afford to damage our land any further. We have suddenly come to the realization that we have to protect what we've got," said Larson.

"The land is generally unrenewable. Once it is gone, it is gone forever.

"We will have people wanting to eat for a long time, though," he added.

Each year over 1 million acres of prime farm land and another 2 million acres of less productive land are being converted to other uses, soil experts agree.

The federal government has been a major offender in the conversion, the GAO said in a 1979 study on preserving America's farm land.

Corps of Engineers lake projects, highways and airports have taken millions of acres of land with little consideration about the consequences, the GAO said.

Now, law requires an environmental impact study when a federal project jeopardizes farm land.

Other land is being gobbled up by conglomerates and developers, who seal the soil forever with concrete, says a NALS spokesman.

Each plot of lost farm land breeds new houses that consume rural resources and creates another group of farmer-speculators who realize they can make more money from the land by selling it than by farming it.

And, finally, farm land is being lost to farming.

Farmers pushed to their economic limits are seeking more land. Fragile, more erosive land, which should never be subjected to the plow, is being farmed.

As erosion eats at the productivity of the land—affecting the most marginal land fastest—it forces more reliance on the more productive prime farm lands.

Yet these flat or gently sloping lands are the ones that attract the developers.

It is difficult for most Americans, including farmers, to conceive that U.S. farm land—the horn of world agricultural plenty—may be on a crash course with disaster.

Yet after four decades and a $15 billion federal investment for soil conservation, soil losses are higher now than they were in the Dust Bowl days.

In 1934 the U.S. soil loss was 3 billion tons, the GAO estimates.

This year the loss will be 5 billion tons, the GAO says.

At least two groups, the National Association of Conservation Districts (NACD), and the Natural Resources Defense Council, say the figures for soil loss are incomplete and too conservative.

Although many agencies speak of soil losses, SCS officials say the soil doesn't disappear. It is moved by wind and water from one piece of farm land to another or to areas where it can't be used, such as waterways and fencelines.

The Senate Agriculture Committee and the GAO note that soil erosion on crop land is particularly alarming in west Tennessee, northern Mississippi, west Texas, eastern Washington, Illinois, Iowa and Missouri.

In addition, nearly 40 percent of the nation's 149.7 million acres of range land are eroding at unacceptable rates and are in need of conservation treatment, the GAO said.

When the SCS began in the 1930's, its efforts were geared to reducing wind erosion in the Great Plains.

Emphasis on soil conservation is now shifting to Corn Belt and northwestern states, where soil erosion—primarily water-related losses—is increasing, says Dr. C. A. Black, director of the Council for Agricultural Science and Technology.

"The significant factor to remember is that soil erosion is not so bad in some areas and worse in others. The Great Plains area is generally better than it was because of better tillage techniques," said Black.

New technology is responsible for increased erosion in areas such as Iowa, where soil losses to water erosion have jumped to as high as 14 tons per acre, he added.

"The technology added since the Dust Bowl has made it possible to grow more corn in Iowa. The corn land leaves more area exposed to erosion," he explained.

Farmers have been constrained by new and better echnology to ignore basic conservation techniques, Black emphasizes.

An acre of soil 1 inch deep weighs 160 tons, and experts say that a loss of 5 tons of soil per acre per year is tolerable since nature can replenish up to that amount.

SCS estimates that during the last 10 years, the average soil loss to wind and water erosion for the nation varied from 5 to 9 tons per acre each year.

Neil Sampson, NACD executive director, estimates water erosion alone this year will be 8 tons per acre on crop land. SCS estimated the loss was 4.8 tons per acre three years ago.

The average wind and water erosion figure in 1977 in Oklahoma was 6.7 tons of soil per acre, the Oklahoma branch of SCS estimated.

Three tons of that blew away; 3.7 tons washed away.

The losses are greater in Texas, where the winds shift 15 tons of soil per acre a year, according to the SCS.

The soil conservation report by the GAO says that "the SCS has taken a passive approach in carrying out its programs."

The SCS spends too much time "drawing elaborate, comprehensive conservation plans for farmers and not enough time seeking out farmers with problems and making sure the farmers follow the programs," the GAO reported.

SCS officials say that the farmer must be willing to conserve the land before much can be done.

GAO attacked every government-funded project associated with soil conservation, including the SCS, the Agricultural Stabilization Conservation Service, and the Great Plains Conservation Program (GPCP).

ASCS finances conservation programs, the GPCP provides money for conservation in its 10-state region, and SCS provides the technical direction for both. All three are divisions of the USDA.

A particularly damning portion of the GAO report said farmers using federal conservation programs had virtually the same level of erosion as farmers who did not participate.

GAO also said ASCS, which handles the largest share of conservation funding, has spent too much money on helping farmers increase productivity and little for actual soil conservation.

Since the GAO study was begun, ASCS has changed its programs and will not cost-share on programs designed to increase a farmer's productivity.

National SCS officials say that Oklahoma and Iowa are leading the nation in dealing with erosion.

Yet, the national office rates Iowa as a state with critical erosion problems and Oklahoma as one with moderate to critical problems.

Roland Willis, Oklahoma SCS director, admits Oklahoma has some serious erosion problems, but says, "On the whole, we have made tremendous progress in the last 20 to 30 years.

"Over 60 percent of the land is adequately protected. We have about 40 percent of the work to do," he said.

SCS officials say soil losses to water erosion have been reduced from a 5.67 ton-per-acre average from 1967 to 1977 to 3.67 tons per acre in 1977.

Despite the improvement, about 1.75 million acres of the 12 million acres considered by the SCS to be crop land in Oklahoma are losing more than the acceptable rate of 5 tons per acre, Willis said.

Over 500,000 acres of land that is currently being farmed should be returned to range land to prevent further eroding, he said.

CAST hopes to soon resolve one of the problems in dealing with land erosion—getting a consensus of the problem.

Most private conservation groups in the country have agreed to accept the results of CAST's survey.

Although soil loss figures cited by the NALS and farm land figures cited by the SCS are generally accepted, some private conservation groups dispute them.

Even within the SCS, there are differences. As an example, the national office says Oklahoma has about 15 million acres of farm land; the state office says the state has 12 million. Neither can explain the discrepancy.

There also is no consensus among soil experts on how to stop soil losses.

One often-mentioned solution is to tie government commodity support payments to conservation.

Farmers who did not practice good conservation would not be entitled to government programs.

Still others say the soil erosion problem is just a matter of tightening existing programs and funding them properly.

Willis believes that conservation ethics—developed as farmers revived land ravaged by the Dust Bowl—have been replaced by a desire for immediate income.

"The interest is there. The detriment is that conservation is expensive. The financial incentive for a farmer to go in and improve the land is not there," he said.

Lyle Bauer, a wheat farmer from Harper, Kansas, and former president of the NACD, says that "unless the people of this nation change their attitude toward farm land loss and conservation of our soil, water and related natural resources, the time is rapidly approaching when both agricultural land and water may become a limited, scarce resource."

"We have always had more agricultural land and produced more food than we have needed. We could allow waste without paying a serious price. We could let serious erosion rob the soil of its productivity," Bauer said.

The opposite is now true, he added.

URBAN SPRAWL A BIG OFFENDER

Just 12 years ago, George Linihan was milking cows on his family's farm at 41st Street and Garnett Road.

Today, the Broken Arrow Expressway cuts through the middle of the 320 acres where he grew up. Soon, office buildings and warehouses will line the highway.

The 40-some-year-old Linihan now lives on a farm near Wagoner, hoping urban sprawl won't force him to move again.

The evolution of open, rural land into tight-knit urban developments has become an American tradition.

Every hour, roughly 320 acres of agricultural land are converted to non-farm uses in the United States.

Each year, that amounts to 3 million acres—the equivalent of a 1.5-mile wide piece of land reaching from California to New York.

Every day, four square miles—or 2,560 acres—of the nation's prime farm land are shifted to uses other than agriculture, according to the recently published National Agricultural Lands Study (NALS) commissioned by the U.S. Department of Agriculture and the President's Council on Environmental Quality.

If urbanization continues at the present rate, Oklahoma will lose a total of 184,000 acres or 1 percent of its most productive farm land by the year 2000, leaving 15.4 million acres.

The prediction is based on what happened in the state from 1967 to 1977—a decade when agricultural farm land was converted to urban use or covered by transportation and water projects at a rate of 25,000 acres per year.

Over 8,000 acres of land per year was prime farm land.

Using the same base period, the NALS predicted Texas will lose 5 percent of its total crop land and New Mexico will lose 44 percent by the year 2000.

Florida is one of several states projected to lose nearly all of its remaining prime farm land if the losses remain unchecked over the next 20 years.

As large amounts of prime agricultural land disappear in those states, more pressure for production is being placed on states like Oklahoma, Iowa and Kansas, where land conversion has been relatively slight despite efforts to attract easterners to the Sunbelt.

Economists say, however, that technological advancements cannot continue to compensate for land losses.

Noting one acre of land can feed 16 people, food experts fear the loss of land will cause the production of food in America to begin declining as the demand increases here and abroad.

Hungry people of other nations could be on their own for food in less than 50 years, agriculturists say.

"Our position with food is perilous. Every time a highway or home is built on farm land, we increase the likelihood of our dependence on other nations for food," a state conservationist says.

With the exception of agricultural land protection policies in a handful of states, little has been done to save the prime land from urbanization.

There has been much talk, however, as officials try to agree what role the government should have in preserving the land. Some want an immediate national land use policy; others only want the federal government to offer guidance.

The USDA, which until the mid-1970s minimized the importance of protecting farm land, has now become an advocate of its protection.

"The most important question to face our nation may be: How can we direct urban development to less productive acres, and thereby protect our irreplaceable prime farm land?" a USDA official asks.

Many Oklahoma agricultural officials do not express concern about the loss of farm land in the state to urbanization.

Roland Willis, state conservationist for the U.S. Soil Conservation Service, says the "loss of land is irreplaceable but that may be the way it goes."

Linda K. Lee, an Oklahoma State University agricultural economist, who has studied the farm land losses extensively, says the "current agricultural land losses in Oklahoma do not appear to be a threat to agricultural production in Oklahoma."

She does caution, however, that "economic and environmental" consequences could reduce Oklahoma's agricultural land base.

Oklahoma Conservation Commission Director Leonard Solomon is only one of a handful of Oklahomans calling for some type of land use policy or land protection.

"We edicted that cars would get so many miles per gallon. We need to set some goals for protecting agricultural land," Solomon said.

Jim Johanning of the Tulsa Metropolitan Area Planning Commission agrees and warns that very little will be done to protect agricultural land around Tulsa unless "a definite commitment is made to protect it."

In Tulsa, preferential tax assessments on different types of land and zoning restrictions are the prime protectors of agricultural land.

Tulsa city officials are studying an open space plan, which would protect agricultural land to some extent.

Since a large percent of the prime agricultural land around Tulsa is in floodplain areas, which are off limits to developers, the land may be temporarily protected, the TMAPC official says.

However, once developers find a way to safely build homes in the flood plains, the flat farm land will be the developers' target.

Secretary of Agriculture Bob Bergland says he wants the government to offer planning assistance to local and state entities in land use areas.

"We are not going to recommend federal pre-emption in planning, but we will give guidance," he said.

Georgiana Landman, a Tulsa attorney who has studied land use plans around the nation, has advocated land use planning in Oklahoma for years.

"Controlled growth stifles the growth of a community. However, land use is a much broader plan. It has everything to do with the interaction of property and the environment. It is not only ecology but the entire economic enviroment," Ms. Landman said.

She emphasizes, however, that land use enforcement would take an "army of enforcers greater than the Internal Revenue Service or the Department of Energy."

Opposition to land use planning generally comes from individual landowners who believe they have the right to do as they wish with their land. It also is evident in Congress.

Ten bills calling for land protection have been introduced in the past two years. None have been approved.

One of the bills 6th District U.S. Rep. English, D-Cordell, voted for was the National Agricultural Land Protection Act of 1979, which would have implemented measures to preserve prime agricultural land.

"It was unfortunate that some opponents of the bill labeled it as land use. The bill would have provided for local control by local citizens," English said.

"In land use planning, people think of the federal government coming and telling them what to do. This legislation would have provided that local people could take the federal government to court in situations where the government was actually trying to take agricultural land," he emphasized.

Wind Taking Toll . . .

Theorizing they can make more money by planting more crops, they are plowing fragile lands that were turned to grass after the 1930s.

At the root of the conservation problem—and probably the most fearful—is that "conservation ethics" are disappearing with the increase in absentee land ownership.

Many renters aren't as concerned about conservation as land owners who till their own soil.

Nall maintains that conservation is a matter of economics.

When a farmer can afford to practice conservation, he will, Nall says.

"I still argue that the early 1930s was as much an economic disaster as a dirt storm. We had a good crop in 1926. However, from 1927 to 1930, we didn't raise any more wheat than we did in one year in 1926," he said.

"By 1931—during that harvest—wheat was as low as 20-cents per bushel. Up until then, there was practically no wind damage at all," he continued.

"The people began to plow out a lot of land. In 1926 there weren't many farms plowed out. By 1931, twice as much land was plowed up," Nall explained.

From 1932–1934, when the drought tightened its strangle-hold on the Panhandle, farmers did not have money to plow, plant or take any measures to stop the dust storms.

"In 1932 and 1933, there was no wheat to speak of. You had to decide whether to spend money for groceries or take care of the land. A man had to feed his family," Nall said.

While a lot of farmers left their tractor in the field and headed for the city, Nall and his wife—both young school teachers at the time—saw promise in the deserted farmsteads.

From a meager beginning, Nall amassed one of the largest land holdings in the state.

"I started farming for myself in 1932. Right in the worst of it. Teaching kept us going. We didn't have anything but a college degree and nerve," he said, as he chuckled to himself and dug further into his memory.

Under a government-sponsored conservation program, Nall received 50-cents per acre to put furrows in the land to catch the drifting sand.

Everything Nall bought or rented had to be reworked. He estimates that he renovated over 9,600 acres.

Much of the land was not suitable for farming and was returned to grassland under the Soil Bank Program sponsored by the Soil Erosion Service, which is now known as the Soil Conservation Service.

"I learned a lot about soil conservation from my own experience. As soon as we had the SCS, I joined. We needed the government's help," he added.

The saving grace of the Panhandle agriculture was the introduction of irrigation, which Nall pioneered in Cimarron County.

"I was the first man in the county to put in an irrigation well. Some folks said I was crazy, but it worked," he said.

However, the bounty created by underground water sources may soon be depleted.

Although some say the water supply is endless, most water experts say the Ogallala Aquifer, a massive underground water formation stretching through the Great Plains states, will be depleted in 20 years.

Oklahoma has been plagued by a major drought every 20 years—1910s, 1930s, 1950s and 1970s.

And experts say that unless weather patterns change, Oklahoma may be in for another drought in 1990, about the same time the Panhandle's irrigation source could be drying up.

Conservationists say the hot, dry weather which started in June could cause severe erosion problems in the state this year.

Yet Nall is still confident that Dust Bowl III cannot happen.

"If things don't get awful bad, the farmers will take care of the land. There will be some blowing, but farmers usually take care of the land. They don't let it blow very long," he said.

Washing Away—Water Is the Biggest Eroder of Them All

Agriculture is the No. 1 polluter of America's streams and waterways.

Water erosion is carrying topsoil from America's farms faster than it can replace itself, the U.S. General Accounting Office (GAO) reported in 1977.

Although about 15 percent of Oklahoma land is losing soil to water erosion at a slightly higher rate than it is replacing itself, the state has come a long way from the 1930s, when one of its counties was labeled "the worst eroded county in America"—primarily because of water erosion problems, says Neil Sampson, executive director of the National Association of Conservation Districts.

Nationally, GAO studies show that over 4 billion tons of topsoil are being stripped from crop land every year by water erosion.

About 74 percent of the 152 million tons of soil lost in Oklahoma every year is due to water erosion, state Soil Conservation Service (SCS) officials estimate.

While soil can replenish itself as long as erosion does not exceed 5 tons per acre per year, the national average crop land soil loss to water is 8 tons per acre per year, according to Sampson.

Oklahoma officials say that water erosion rates in Oklahoma are now about 4 tons per acre. The average loss for the years 1967 to 1977 was 5.67 tons per acre.

Washed-away soil is choking rivers and streams with silt and filling reservoirs with tons of sediment. It also is polluting the water with pesticides, fertilizers and herbicides.

As farmers feel forced by economics to ignore basic conservation and try to increase production on their land, they are making agriculture the biggest non-point-source polluter in the nation, according to GAO.

Land being farmed without conservation practices is losing upwards to 25 tons per acre annually to water erosion, the GAO reports.

Unlike wind erosion that is a problem in isolated areas in the western half of Oklahoma, water is eroding the soil in every county of the state.

Water erodes the soil in two ways. It washes away sheets—thin, uniform layers of soil—and it rips the sides off gullies and streambanks.

Soil is also lost as water moves down rows of crops through rill erosion.

Sheet and rill erosion accounts for 62 percent of the soil loss in Oklahoma each year; 12 percent of the total is washed away by gully erosion.

"It takes 100 years to make one inch of topsoil," says Paul Hamilton, a soil conservationist from Okmulgee.

"One good rain can wash it all away in a few minutes."

In the 1930s, a national conservation service official labeled Lincoln County in central Oklahoma, the "worst eroded county in America."

Hilly land—once covered with grass—was blown out and barren. Huge gullies were created when heavy rains would flood the unprotected land.

However, through the technical expertise provided by the SCS and financing from the Agricultural Stabilization and Conservation Service (ASCS) and other federal agencies, the problem on about 60 percent of the land in Oklahoma is under control, according to Roland Willis, state SCS director.

C. E. "Ebb" Beavers of Velma in southwestern Oklahoma believes in soil conservation work.

He has been reclaiming farm land in Stephens County since 1940.

"Eventually we got a whole 480 acres in Bermuda grass," he explained, as he reached down and grabbed a handful of knee-high grass.

Diversion terraces, which slow water flow, were bulldozed onto the land; livestock ponds and flood control dams were built.

Deep gullies that once cut through Beavers land now are smooth grass-covered rolls.

Beavers worked closely with his local conservation district and the SCS.

The Soil Erosion Service (the predecessor of the SCS) was established in 1933 to combat erosion.

Local soil conservation districts were created by law in 1937 to guide SCS officials in dealing with problems of local interest.

"You can have the ASCS, the SCS and the county agent working but you got to have the weather's help to make it all work," said Beavers.

His neighbors in Jackson County could not agree more.

Heavy rains in June caused severe soil losses on 25,000 acres of farm land in spite of flood control measures.

Cotton and peanut producing areas of southern and southwestern Oklahoma are of prime concern to soil conservationists since that type of cropping system is subject to more soil erosion.

However, SCS officials admit they do not know exactly how much soil per acre is being lost in southwestern Oklahoma even though the service has estimates of water erosion losses on a statewide basis.

Soil erosion estimates are "reliable on the state level only; not on the county level," they say.

Oklahoma officials are combating the problem in southwestern Oklahoma with watershed programs, Resource Conservation and Development (RC&D) and Agricultural Conservation Program (ACP) money, according to Leonard Solomon of the Oklahoma Conservation Commission.

Hamilton believes that large-scale farmers in western Oklahoma, where water erosion is less, can afford conservation measures, and are successfully curbing soil losses.

"We could do a better job if we had more money to cost-share with farmers," said Hamilton.

"We have some water erosion problems. We need more field terraces, waterways, and systems established," he said.

"Small farmers cannot afford to apply conservation practices. We have to sell conservation to people in eastern Oklahoma. In western Oklahoma, they readily accept it" he said.

Federal Government Helping Less, Not More

Farmers want more help from the federal government in the fight against soil erosion and they are getting less.

Since 1934 the federal government has invested $15 billion in soil conservation work.

Although the federal commitment for conservation has increased each year since 1936, it has not kept pace with inflated, expensive conservation needs, says Dr. John Timmons, professor of agricultural economics at Iowa State University.

"The investment in real dollars from the federal government has declined. The conservation agencies' purchasing power has decreased since the 1960s," he added.

The United States will need an estimated $103 billion investment over the next 50 years to meet conservation objectives, according to the U.S. Soil Conservation Service (SCS).

The 1980 budget for SCS is $522 million compared to the 1979 budget of $504 million, according to Hubert Kelly, SCS information director.

The SCS received an appropriation of $448 million in 1947, according to Kelly.

The budget for SCS, the U.S. Department of Agriculture agency responsible for providing technical assistance in conservation work, is distributed as follows:

$277 million for SCS technical and conservation operations. SCS technicians are responsible for designing conservation plans and making sure the plans are carried out.

$18.7 million for the Great Plains Conservation Program (GPCP), which deals with the unique soil erosion problems of 10 Great Plains states, including 30 counties in Oklahoma.

$32 million for the Resource Conservation and Development (RC&D) program, which is designed to aid rural areas in natural resource conservation and community development.

$194 million for watershed projects including flood prevention structures and critically eroded area improvement.

Oklahoma's share of the SCS budget is $23.6 million.

In addition to the SCS funding and programs, the Agricultural Conservation Program (ACP), administered by the Agricultural Stabilization and Conservation Service (ASCS), has cost-sharing arrangements with farmers, where the program pays up to 80 percent of the cost of carrying out a conservation project.

Funding for ACP has dropped from $500 million in 1936, when the nation was recovering from the Dust Bowl years, to $190 million this year.

The state's share of the ACP funding is $5 million—$1 million less than last year despite double-digit inflation and continuing erosion problems.

Floyd Hawk of the Oklahoma ASCS says the state would need $10 million to $15 million to adequately carry out cost sharing conservation work through the ACP program.

The GPCP, which deals with conservation projects where highly erosive crop land is returned to rangeland, next year is expected to receive a $1.4 million increase from $18.7 million to $20.1 milion for the national budget.

Leonard Graumann, president of the Oklahoma Association of Conservation Districts, estimates the program needs $30 million a year.

The Rrual Clean Water Program, which mandates that the United States must clean up its rural water by 1983, received a $50 million appropriation to carry out experimental and model projects on water erosion.

Oklahoma received none of the money for the program, which is designed to help farmers control water erosion, and thus prevent a major source of pollution from clogging up the nation's waterways.

The Environmental Protection Agency estimates it would take $10 billion to treat non-point pollution—agricultural water erosion—on farm land in America.

"Oklahoma has been losing ground in financing compared to other areas of the country," Hawk says.

"It is two and three times as expensive to carry out conservation measures as it was before. We just get less and less accomplished," added Hawk.

"Soil erosion is a never ending problem. We just have to be more selective in our conservation work," Hawks added.

Roadside Erosion Costly to Correct

Every year more than 10,000 miles of unprotected eroding roadsides in Oklahoma lose over 2.6 million tons of sand and silt.

The silt winds up in streams and can change the course of a river. Flood waters deposit it indiscriminately on crops and farm land.

State soil conservationists estimate the average county roadside loses 20 to 30 tons of soil per acre every year, accounting for 2 percent of Oklahoma's annual loss of 152 million tons of soil.

Roadside erosion is a costly problem.

Nationally, $250 million will be spent this year dredging reservoirs and removing sediment from beneath bridges, estimates the Department of Soil Science at Iowa State University.

In Oklahoma, the state Department of Transportation will spend about $500,000 just removing silt from under bridges.

The problem of roadside erosion is as old as roads.

When rights-of-way for county roads were established years ago, the road and the roadbed were wide enough to allow a gentle, grass covered slope on the roadside, making erosion minimal.

As vehicles became bigger, county commissioners widened the roads but often couldn't afford to increase the right-of-way.

The result was a narrower, steeper and more erosive roadside.

Little was done to stop the troublesome polluter in Oklahoma until about 10 years ago, according to Larry Maloney, information officer for the Oklahoma Transportation Department.

"We are now taking a serious look at roadside erosion. We try to put the roads back in their natural order," said Maloney.

"We have a roadside beautification program in which we re-establish the natural elements such as grasses and wild flowers. We try to get the roads ecologically going again," he continued.

He said department officials now check the soil consistency before building a road to ensure that the soil will support a highway.

Concrete strips are poured to help water drain when deep cuts are made through a hill.

As the federal government works to control erosion along interstate highways, it also helps counties reduce their roadside problems.

The federal Resource Conservation and Development program, which began in 1964 in Indiana, this year is handing Oklahoma $400,000 of the $32 million it will give county governments across the nation to re-establish vegetation and redesign roadsides to cut soil losses.

All but 14 of Oklahoma's 77 counties qualify for the program.

Some county roadsides in the state also will benefit from a fraction of the $4.5 million in federal money available this year through the Washita Watershed program, a flood control project in south central and southwestern Oklahoma.

Jefferson County commissioners were among the first in the state to turn to the federal government for help with their roadside erosion problem, and conservationists say the county's work is the most successful in Oklahoma.

Eight years ago, moderate to severely eroded conditions were identified on 135 of 249 miles of paved roads in the southwestern Oklahoma county, according to John Pewthers, Jefferson County district conservationist.

More than 40 miles of severely eroded roadsides have been corrected at a cost of $130,000, and Jefferson County officials are working on nine miles of critically eroded roadside in four areas.

"The big part of our erosion in the county occurs on the roadside. This is partly because of old, narorw V-type ditches because the county did not have a right-of-way to construct a wide roadway, which is less subject to erosion," explained Pewthers.

"Reclaiming roadsides is extremely slow," Pewthers said. "A lot of the work can't be seen and is not as dramatic as actually paving and building roads."

Since 1972, the county commission has provided the equipment and labor to reshape roadsides, the state Soil Conservation Service has provided technical assistance in reshaping the gullies and the RC&D program has provided 80 percent of the funding. The county commission paid the balance.

The county is now recovering some roadsides without federal aid.●

REGULATORY IMPACT STATEMENT—SENATE JOINT RESOLUTION 188

● Mr. RANDOLPH. Mr. President, several weeks ago, the Senate Committee on Environment and Public Works reported Senate Joint Resolution 188, extending the reporting date of the National Commission on Air Quality. That resolution has since been enacted. Consistent with Senate rule 27.6, which requires a regulatory impact statement with each report, the committee determined that there was no regulatory impact to Senate Joint Resolution 188.●

TRIBUTE TO LUVERN "RED" BAUHS

● Mr. DECONCINI. Mr. President, I take this opportunity to extend my condolences to Marian Bauhs and her family on the death of her husband, Luvern "Red" Bauhs.

Red Bauhs was an extraordinary man. He dedicated his life to the service of his family and country, and maintained the highest degree of integrity throughout all the years of his life.

Red was a civil service employee for 35 years, during which time he served as assistant scientific leader at the South Pole, as liaison officer from the National Bureau of Standards to the National Aeronautics and Space Administration, and as technical project officer at the U.S. Army Electronic Communications Battalion in Fort Huachuca, Ariz. Red's success in the civil service was due primarily to his electronic and scientific expertise, his outstanding organizational abilities and, most importantly, his dynamic personality.

Red Bauhs is already somewhat of a legend in southern Arizona. He was very active in social and political organizations and was well known for his concern for the quality of life in Arizona. He served as associate magistrate of the city of Sierra Vista, Ariz., and as director of the Sulphur Springs Valley Electric Co-Op.

Red helped organize the North Sierra Vista Civil Forum in 1972 and served on its board of directors from 1972 to 1976. His political involvement included work on my own campaign for the U.S. Senate, an effort for which I will always be indebted.

Having served in the U.S. Army during World War II, Red Bauhs was aware of the many problems our Nation's veterans must face every day. Acting upon his concerns, he served as a Disabled American Veterans State executive committeeman, service officer and post commander. He was also a member of the Veterans of Foreign Wars.

I will always remember Red for his exuberance and his love for his fellow man. He found joy and happiness in all aspects of his life and shared his joy with those who knew and loved him.

Arizona, Sierra Vista and I will sincerely miss this fine man who dedicated his life to the service of others.

Again, I extend my deepest condolences to Marian Bauhs and her family.●

S. 1480 PROTECTS FARMERS FROM LOSSES DUE TO CHEMICAL SPILLS

● Mr. CULVER. Mr. President, as chairman of the Senate Resource Protection Subcommittee, I have held a series of hearings in Washington and around the country during the last 15 months to assess the extent of the problem posed by the spread of toxic and hazardous chemicals in the environment. The worst of these incidents—such as the leaking of chemicals from abandoned dump sites at "The Love Canal" or the "Valley of the Drums"—have been fully documented and are well known to the American public.

But as more examples of chemical contamination and spills come to light, I have become extremely concerned about the number of incidents that have occurred in rural States. It is a mistake to believe that only large, industrial States suffer from toxic chemical incidents. Agricultural States like Iowa and other Midwestern States are also particularly vulnerable to chemical accidents that threaten livestock and pollute valuable cropland.

In my own State last year, over $3 million worth of hogs had to be destroyed because they had been given feed which had been contaminated by toxic chemicals. In Montana, a transformer ruptured in a feed processing plant and spilled dangerous PCB's into the processing system. Before the leak was discovered, the contaminated feed had been sold and over $2 million worth of livestock were confiscated, and large amounts of foodstuffs had to be taken off the market. A similar incident in Michigan involving a PPB spill caused tens of million of dollars of losses.

While the total number of such chemical incidents affecting agriculture loss may be small, individual situations can cause devastating losses on innocent parties.

During the Environmental and Public Works Committee's consideration of S. 1480, "The Environmental Emergency

Response Act," I offered an amendment by which the fund established under the legislation could be used to compensate farmers and food processors for losses resulting from chemical contamination.

This provision covers losses for livestock, poultry, and eggs, and other agricultural commodities that are contaminated or destroyed because of contact with poisonous chemicals. It would also compensate individuals if their productive lands were destroyed or their value substantially reduced as a result of a chemical incident.

This provision recognized the unique situation of farmers and processors. Often, the loss of a livestock head or grains can cause devastating economic loss for individual farmers. Similarly, the economic collapse of a processing plant can deprive the surrounding agricultural community of its primary outlet for its produce. Farmers have enough to worry about from the uncertainty of the weather and natural forces without also risking economic ruin because of poisonous chemical contamination. As a result of this provision, they will be able to avoid economic ruin and assure the rapid replacement of agricultural commodities to minimize livestock and produce shortages.

I also want to emphasize that S. 1480 creates no large new bureaucracy and contains no provisions to hinder farmers in their day-to-day activities. The bill exempts the use of registered pesticides and the normal field application of fertilizers from its liability provisions, leaving these matters to the jurisdiction of existing laws. The bill also delays for 3 years the imposition of the fee on the raw materials used in the making of fertilizer. This assures that there will be no significant increase in the costs to farmers.

Mr. President, S. 1480 provides critically important protection to one of the most vital sectors of the American economy—the agricultural sector. I am extremely pleased to have offered this amendment and will continue to work for enactment of this important provision into law.

Mr. President, I ask that excerpts from the committee report on S. 1480, which describe the agricultural loss compensation provisions in more detail, be printed in the RECORD at this point.

The excerpts follow:

EXCERPTS

Under this provision, the Fund would compensate both income and capital losses of food producers resulting from condemnation or restriction of use when a public health agency determines it to be necessary as a result of a hazardous substance release. "Public health agency" means any Federal, State or local body with the responsibility and authority to condemn or restrict products or the use of land or facilities under police or regulatory authorities arising from a release of a hazardous substance.

Different effective dates are provided for the authority of the Fund to compensate agricultural losses and fishing losses. For losses due to condemnation or loss of use of the following products and resources, the release must have occurred after January 1, 1974:

Pastureland, rangeland, or forestland; crops and croplands;

Bees, honey, and honeycomb; livestock; poultry and eggs;

Produce; grain; animal fee, including fish meal; and foods processed from any of these sources.

For the purposes of this provision, "loss of income" means actual lost sales plus any indirect losses or costs, other than capital losses, arising from a condemnation or restriction of use. For example, if as a result of a release of a hazardous substance the U.S. Department of Agriculture determines that meat packing operations in a given area must be temporarily halted, and as a result farmers and feedlot operators must continue feeding animals which were otherwise scheduled to be harvested, then the additional cost of grain borne by such farmers and feedlot operators is a compensable loss.

If a processor who is also a producer suffers a loss on its own produced (but not yet processed) commodities, then for the purposes of this provision, the income loss shall be:

(1) The arm's length market price of the commodity in the region or area in which the release or contamination occurred; or

(2) the average of prices paid by that processor to other producers from whom it buys in arm's length transactions in the region or area in which the release occurred; or

(3) the actual cost of production, whichever is least.

For the purposes of this provision, "capital loss" means the actual lost value of land, buildings, vessels, docks, machinery, equipment, or other facilities which are destroyed, rendered useless, or reduced in value as the result of a condemnation or restriction of use arising from a hazardous substance release.●

ADDRESS BY SENATOR JENNINGS RANDOLPH BEFORE SEVENTH DAY BAPTIST GENERAL CONFERENCE

● Mr. HATFIELD. Mr. President, in a period of our history when there appears to be more wallbuilders than bridgebuilders, JENNINGS RANDOLPH is a constant reminder of the higher calling. As a close friend and associate in the Wednesday morning prayer breakfast, Senator RANDOLPH's personal touch and faithfulness to the religious commitment we share is always a comfort and encouragement to me and, I know, to other colleagues.

Senator RANDOLPH and I are friends of Salem College, a college from which he graduated and for which he has dedicated a great deal of effort. It is his church's (the Seventh Day Baptist) denominational college.

On August 10 he delivered a moving and challenging address to his church's general conference in Denver, Colo. "Building Better In the Eighties" is a compelling reminder of the courage and resourcefulness available to us if we but nurture our faith in the Lord, each other and ourselves. I am certain it will be an inspiration to many others as it has been to me.

Mr. President, I ask that it be printed in the RECORD.

The address follows:

BUILDING BETTER IN THE EIGHTIES

SCRIPTURES:

Psalms 127.1 "Except the Lord build the house, they labor in vain that build it: except the Lord keep the city the watchman waketh in vain."

Psalms 118.22 "The stone which the builders refused is become the head of the corner."

I Corinthians 3:10 "According to the grace of God which is given unto me, as a wise Master builder I have laid the foundation and another buildeth thereon. But let every man take heed how he buildeth thereon. For other foundation can no man lay than that is laid which is Jesus Christ."

In this message I shall place a positive face on the future of our way of life and call us to a stronger commitment to building better in the eighties.

The holy Bible often calls the people of God to remember that we are builders. It also reminds us that in our work we are not alone. We are fellow laborers with God. "Except the Lord build the house, they labor in vain that build it." (Psalms 127:1)

I. THE BIBLICAL CALL TO BE BUILDERS

Our blessed Lord likened the Christian life to the builder of a house. "Whosoever heareth these sayings of mine and doeth them I will liken unto a wise man which built his house upon a rock." (Matthew 7:24)

The apostles also likened the Church to a house in which Jesus Christ himself is the chief cornerstone. (Ephesians 2:20)

They also likened the dwelling place of the saints in glory to a house. "You have a building of God, a house not made with hands eternal in the heavens." (II Corinthians 5:1)

So important was the concept of the builder that all three of the writers of the Synoptic Gospels included the saying of Jesus which he took from the books of Psalms 118:22. "The stone which the builders refused has become the head of the corner." The book of Acts has the apostle Peter quoting the same passage and applying it to Jesus. (Acts 4:11) And in his first letter Peter makes this same claim about Christ. (I Peter 2:7)

We are on scriptural grounds when I address you, fellow Seventh Day Baptists, as builders. Let us counsel together about "Building Better in the Eighties."

II. THE FOUNDATIONS OF OUR WAY OF LIFE ARE BEING SHAKEN

1. The problems

The eighties have already brought to us the accumulated problems of the past.

There are difficult economic problems—Inflation devours our dollars while prices soar higher and poverty grows more painful. The cost of gasoline reminds us of our diminishing reserves. Toxic substances pollute our environment and drive people from their homes. Saber-rattling continues between our nation and the oil-rich countries of the Middle-east. Grave moral problems overshadow our land. The crime rate frightens us.

2. The positive side of our problems

Some of these problems are carry overs from the past. In perspective they may not be as alarming as they appear at first glance. Inflation is a part of a world crisis. If you have travelled abroad recently you know that inflation is a much greater problem in the other countries of the Western world than it is here. On the matter of energy, gasoline went up last week in Israel to over $3.00 a gallon. I chair the Committee on Environment and Public Works and it pleased me greatly that recently the Baptist World Alliance passed a strong resolution on the human right to clean air and clean water.

Our moral problems are very severe. We want so much of the good life for our youth that we almost panic when we read of the way the drug traffic affects the young. But comparatively speaking there is another side. For all the concern over marijuana and the hard drugs, there is less use of dangerous drugs today than there was half a century ago. Before narcotics controls came into being, one American in every four hundred was an addict to some harmful drug—ten times the present rate.

Crime statistics do not tell the whole story. A century ago every tenth person in New York City had a police record. (1) Juvenile prostitution increased 230 percent between 1967 and 1976, according to an estimate of the Youth Development Bureau's office of Human Development Services of HHS. Many of these young people are among the one million youth who run away from home each year. There is good evidence that much juvenile prostitution is rooted in child abuse. (2) Yet even the fact that such statistics are so carefully chronicled shows an increasing moral sensitivity on the part of American people.

Poverty is more painful now because it stands in contrast with greater affluence but it was also painful when our fathers stood in the long breadlines and were made to feel less than men because they had to take a hand-out to feed their children.

The continuing moral aftermath of Vietnam may be the result of an evangelized American conscience. We now know that war is not compatible with the way of Jesus. Still, even our restraint in that war had its hopeful side. There was never a day during that war when we could not have laid North Vietnam in complete ruin. From a military standpoint restraint in war is incredible but from a moral standpoint restraint may be the only way out for those who believe that it is better to keep our souls than it is to win a military victory.

I actively support an effort in Congress to create a Peace Academy which will further George Washington's desire that we should learn to wage peace, not war. In 1945 I sponsored legislation to establish a Department of Peace.

America has many serious problems but some of them are part of a world crisis reaching far beyond our borders.

It is not too late for America to start over and build better on all levels in the eighties. Tennyson's "Ulysses" says to us, "Come my friends, 'tis not too late to seek a newer world." We can yet have love and compassion toward one another and a desire for justice for those who still suffer within our country. We can even yet make it our purpose to do what the Greeks dreamed of many years ago. "To tame the savageness of man and to make gentle the life of the world."

III. THE QUESTION IS HOW CAN WE BUILD A BETTER WAY OF LIFE

1. Why not begin with prayer? The best time of the week for me is when I gather every Wednesday morning at eight o'clock with fellow Senators for a season of sharing and prayer. We bow our heads, acknowledging our dependence on the Eternal. We join our hands, acknowledging our dependence on one another. We ask God to show us the way and to grant us grace and strength to follow in the way.

2. To build a better tomorrow we must have the Church—the base of God's own building. Said Jesus "Upon this rock I will build my church."

It is the one house in which all human kind become one. The Calvary Baptist Church in Washington is the place where the Northern Baptist Convention (now the American Baptist Convention) was organized in 1901. Charles Evans Hughes, then Governor of New York State, was elected the Convention's first president.

When he became Associate Justice of the U.S. Supreme Court, he immediately joined the Calvary Church.

When he stepped forward, he was joined by a small Chinese laundryman. Beside the well-groomed dignitary the contrast was most striking.

The Pastor, Dr. Samuel Harrison Greene, presented both men to the congregation and said "When you stand at the foot of the Cross, the ground is level."

Another story connected with Calvary Church is unforgettable. When a Christian businessman gave a considerable gift to the church he stipulated that the church should always have "a bell, an organ, and a clock. She must always have a bell, because the church must always remember that her primary mission is to call people to the worship of God. She must have an organ because the organ is the symbol of harmony without which there can be no church. Finally she must have a clock to remind her that she doesn't have forever in which to do her work."

More than a century ago, a French philosopher, Alexis de Tcqueville, set out to find why America's revolution had become such an outstanding success. He said:

"I sought for the greatness and genius of America in her commodius harbors and her ample rivers, and it was not there;

"In her fertile fields and boundless prairies, and it was not there;

"In her rich mines and her vast world commerce, and it was not there.

"Not until I went into the churches of America, and heard her pulpits aflame with righteousness, did I understnd the secret of her genius and power. America is great because she is good, and if America ever ceases to be good, America will cease to be great."

Freedom is the need of the soul, a striving toward God that in most cases redeems our crasser natures. The real secret of America's strength is in our quiet determination of humble faith. With this faith, we can rightfully hope for a new future of peace, of human brotherhood, and of respect for the dignity of all mankind.

Institutional religion is said by some to be in trouble. But if we compare church membership today with any other time in the past there is reason for encouragement. Did you know that the first census taken in this country revealed that fewer than 5 percent of the people were members of religious bodies and that even by 1812, after the impact of the Great Awakening, only 20 percent were affiliated with a religious group. The overwhelming majority of the settlers came to this country for economic and social reasons—not primarily for religious motives.

The influence of religion on our way of life has emanated from small unpublicized pockets of spiritual power—primarily located in the family. It has been said that Scotland has five universities: Edinborough, Glasgow, Aberdeen, St. Andrews and the Scottish home.

The influence of a religion has been measured in terms of the number of members the churches may count. Our churches, though relatively small in number, have available to us that same source of power which the Ancient Hebrews knew when they followed the command of God and bowed down in their sacred ceremony at 6 o'clock in the evening of the sixth day to welcome the Sabbath angels. And kept the commandment of the Eternal "Remember the Sabbath day to keep it holy."

The spiritual strength of America has always been in the truth that there has always been someone to remind us of our foundations.

From the Mayflower Compact are these words, "In the name of God Amen. We whose names are underwritten, having undertaken for ye glorie of God, and advancement of ye Christian faith, and honour of our king and countrie, a voyage to plant ye first colonie in ye Northern parts of Virginia, do by these presents solemnly and mutually in ye presence of God and of one another, covenant and combine ourselves together into a civil body politick."

On Scott Circle in Washington, D.C. stands a striking statue of Daniel Webster who once said, "Let us not forget the religious character of our origin. Our fathers were brought hither by their high veneration for the Christian religion. They journeyed by its light and labored in its hope. They sought to incorporate its principles with the elements of the society and to diffuse its influence through all their institutions civil political or literary."

Justice William O. Douglas said that "the first Amendment would have been unnecessary and probably not developed if the public philosophy had been atheism or secularism. The government is neutral as between denominations but not neutral about God."

We do have a plateful of problems now but some of our citizens have been made great by the manner in which they worked through their problems. . . . Yes, problems are challenges.

The Letters of William James are full of vibrant vitality. You do not wonder then that people flocked to hear him lecture at Harvard. People everywhere were drawn by his magnificient personal magnetism. But this buoyant man suffered at various times from a bad back, insomnia, neurasthenic weakness, digestive disorders and eyestrain. Few men ever lived who were more curious about the cause of human problems than was William James. Yet he did not sit down to muse over the reason for his disabilities. Instead he began to work through them. If he had stopped to find out the reason why, he probably would never have done anything that he did to lift the burdens of the world.

The mysterious fact is that the best people seem to suffer the most and, what is even more mysterious, they seem to be what they are because of the way they have met their problems.

If Milton had not been blind, do you think that "Paradise Lost" would have been greater? If Beethoven had not been deaf, do you think that his harmonies would have been more beautiful? If F. W. Robertson, the greatest preacher, some would say, the Church of England ever produced, had not been tormented with thoughts of suicide, do you think people would continue to read his sermons today?

If Abraham Lincoln had not had a difficult wife and a deep-seated melancholia, do you thing he ever would have written the Second Inaugural Address? Did you know that when Lincoln was running for the Presidency he was called "that obscene ape from Illinois?" If you had no problems would you be better than you are? Or are you stronger because you have some battle scars?

In a Moscow warehouse a baby was born. In that bleak and lonely place, he grew up as a disadvantaged outcast. He suffered from epilepsy. The Cossacks arrested him for being a Socialist. Condemned to death he was tied to a stake. The mask was lowered over his head. Then the word came that his punishment was commuted to eight years in a slave labor camp. His epilepsy grew worse. His brother died. His home fell apart. The paper which he started went bankrupt. Out of necessity he wrote Crime and Punishment to pay his debts. Shortly afterwards he wrote The Brothers Kravazov. Then he died. The winds of adversity blew so fiercely that he learned to love life all the more. And they blew Dostoevski into immortality.

Lifting this up to ultimate ground, if Jesus had not been crucified, would he have had the influence and power he now has in the lives of people?

The Cross was never meant to be explained. It was meant to be carried. We try so hard to explain it because we are unwilling to carry it. The last question we will ever be asked is not did you understand the Cross, but did you carry it?

If we are to build better in the Eighties, we must carry the cross of sacrifice with courage and high hope that we are moving on to a better world here and hereafter.

Robert Browning in his "Ben Ezra" made this plea:

"Then welcome each rebuff,
That turns earth's smoothness rough
That bids nor sit nor stand but go
Be our joy three parts again
Strive and count cheap the strain
Dare, never grudge the throw.

Because life is rooted in God we must build on the foundation of God's benevolent grace.

Senator Mark Hatfield, the leader of our Prayer Breakfast group, visited Calcutta, India. He spent a day in the presence of a genuine saint of God, Mother Teresa. She related to him the story of how she had gone to a home to take a portion of rice. While there the mother of the household shared with her the fact that the members of her family had not eaten for three days. As Mother Teresa was giving her enough rice for her family, she noticed the mother taking a portion of her allocation and placing it in another container. Mother Teresa, somewhat puzzled, asked what she was doing. The woman responded by explaining that her neighbor's family had not eaten for three days and that she wanted to share her rice with them. The profound observation that Mother Teresa made was: "I could have given a double portion of rice, but I did not want to deny this family the blessing of sharing."

Henry J. Kaiser was a good and great man—a Christian Industrialist. It was my privilege to introduce him in 1955 when he addressed 1,500 people in Ravenswood, West Virginia. In closing his speech he said:

"In each of us there is a spark of God." It is surely the same spark which guided George Washington to become the founder of our nation . . . it is the same spark which provides the means which in teamwork we can all of us together . . . build our destiny.

Perhaps it is the same spark which inspired a great poet to write:

"I sought to hear the voice of God,
and climbed the topmost steeple.
But God declared: 'Go down again,
I dwell among the people."

Driving from our home in Washington to the U.S. Capitol I noted a sticker on the car bumper ahead. It said: "Do you believe in anything?" Yes, I do believe in God, in Prayer and the Mission of Seventh Day Baptists.●

S. 2—THE SUNSET ACT OF 1980

● Mr. SASSER. Mr. President, today I want to bring to the attention of my colleagues one of the most important pieces of unfinished business in the 96th Congress—S. 2, the Sunset Act of 1980.

Most of you are already aware of what sunset is and what it is intended to do. In fact, most of us in the Senate already voted for sunset. On October 11, 1978, the Senate voted 87 to 1 for essentially the same sunset bill that was favorably reported out by the Senate Governmental Affairs Committee last month.

Today, I renew the appeal for sunset. I do so because never before has the need for sunset been so amply demonstrated.

Over the course of the past year, I have pointed out time and time again instances to waste, abuse, and fraud in the Federal establishment. A nationwide fraud "hotline" established by the General Accounting Office at my request has received thousands of calls containing allegations of misuse, waste, and fraud in the Federal Government.

In recent months, we have seen reports of massive waste in the Federal Government's use of consultants and contractors. At the same time, we have seen reports that the current economic crisis is going to make a shambles out of the attempts to balance the Federal budget for fiscal year 1981 and help to bloat the already sizable deficit in the Federal budget for fiscal year 1980.

All of this leads us to ask ourselves: Have we lost our ability to oversee our Government, its spending and its programs? Have we, like the Sorcerer's Apprentice, created something beyond our ability to control it?

I do not believe it is too late to say "no" to both of these questions. I believe we can control our Government and can control spending responsibility. One way to begin to do so and to strengthen our oversight capacity is to enact the sunset bill.

There is little I can say about sunset that has not been said before. Its key is the provision that requires an automatic review of Federal spending programs over a 10-year cycle. Funding for programs not specifically reauthorized will be ended.

Critics of sunset argue that this is strong medicine, I agree, but it is medicine we have to take, because the automatic review and reauthorization provision is the action-forcing mechanism of sunset.

Through it, we can no longer throw up our hands, plead "no contest" and give indefinite life to any and every Federal program.

Approximately 1,200 programs will be placed on the 10-year review cycle. Congressional committees will be able to look at related programs at regular intervals. Under the current practice, we might reauthorize a 4-year program in one session and a related 3-year program in another session of Congress—never taking the occasion to review both programs at the same time.

By looking at related programs together—in clusters—we will be better able to identify outmoded or ineffective programs, improve needed programs and move resources to the more deserving programs.

Sunset will complement the congressional budget process. Presently, about 77 percent of the Federal budget is uncontrollable. This means that 77 percent of the Federal budget cannot be effectively scrutinzed, because it is in the form of permanent authorization, trust fund authorizations, and the like.

Everyone in this Chamber is familiar with the nearly impossible battle this year to try to reduce Federal spending and keep the lid on the projected deficit for fiscal year 1981. When those of us on the Budget Committee look for places to cut spending, we have but 23 percent of the total spending in which to achieve the cuts. And, as you know, every penny has a lobbyist or special interest group to speak out for it.

With the exception of selected programs of a contractual nature—social security, veterans benefits, payments on the national debt, and others—and programs specifically stipulated by the Constitution, such as the decennial census and expenses of the Federal judiciary, sunset puts an end to the practice of permanently authorized programs.

We have to have sunset, because we simply must take control of these programs. If we can use sunset to moderate uncontrollable spending, we will be taking a giant stride toward more effective control of the budget.

Sunset's automatic congressional review of programs is complemented by a similar procedure for the major Federal regulatory agencies. This review will be conducted at regular cycles by the President, with the concurrence of Congress.

There are also provisions for better information on Federal programs, more clearly stated goals for legislation, and the establishment of a Citizens Commission to monitor the effectiveness of sunset and Government in general.

If sunset is, on its face, so great a concept and bodes so well for the future of our Government, then why has not it become law already?

There are those within Congress who have deep-seated concerns about sunset. They believe that it will mean an intolerable workload, that it will result in the creation of a new legislative bureaucracy, and that sunset will allow the Congress to do little other than oversight.

The Governmental Affairs Committee report on sunset, contains, in greater detail and at greater length, these views, and I would commend the report to you.

The majority of the committee believes, however, that the fears notwithstanding, sunset will be a manageable process.

In its report on the bill, the Congressional Budget Office indicated that if congressional committees consolidated their sunset reviews of various programs, the workload of staffs could increase by as little as 11 percent.

The General Accounting Office testified last year that sunset will probably result in the need to pass about 19 major significant reauthorization bills every year.

This is not to suggest that sunset is going to be an overnight cure for all of the problems I cited earlier, and I do not want to imply that it is going to be easy to implement.

Yes, it is going to be strong medicine but, as I said, it is the kind of medicine we need. The problems are not going to cure themselves.

To put it another way: If not sunset, then what?

If we fail to enact strong sunset legislation in this session, it will mean that Congress has admitted that, like the sorcerer's apprentice, it indeed is incapable of dealing with the mess that Congress itself created.

I cannot accept for one moment the argument that we should not pass sunset because we just cannot cope with the laws that we ourselves passed.

If this is the case, then truly we might as well admit that the Sun will never, ever set on the bureaucratic empire. We in the Senate then ought to pack our bags, head off into the twilight and let Government manage itself.

So, I urge my colleagues in the Senate to recognize the need to take control of Government, to make it manageable, and to assert their constitutional prerogative to oversee the laws it passed by giving full and fair consideration to the Sunset Act of 1980.

At this point, Mr. President, I submit for the RECORD a brief summary and fact sheet on sunset, as well as copies of recent newspaper editorials from throughout the Nation indicating support for sunset.

The material follows:

THE SUNSET ACT OF 1980: A BRIEF SUMMARY

S. 2 as amended, includes the following major provisions:

(1) Title I is the key title of sunset. It would require that nearly all federal programs be reviewed and reauthorized on a ten-year five-Congress schedule, with similar programs to be reviewed at the same time.

Sunset would require review of programs already considered on a short-term basis, as well as one now permanently authorized or appropriated—so-called uncontrollable spending. Only a few programs are exempted from sunset: veterans benefits, federal employee retirement programs, civil rights enforcement programs and social security programs, and other selected programs enumerated in Section 103(a) of the Title.

The sunset bill would force program review through several termination mechanisms, each designed to handle a different situation. First, it would be out of order for either House to consider new legislation authorizing a program for more than ten years. Second, it would tie reauthorization to the sunset schedule by making it out of order to authorize a program past its next reauthorization date as set forth in the sunset schedule.

Other termination mechanisms would apply to programs now permanently authorized. But sunset does not terminate laws; it only prohibits the reauthorization of funding for programs designed to enforce those laws when sunset reauthorization review procedures are broached.

Finally, Title I allows committees to modify the sunset schedule in most instances by concurrent resolution.

(2) Title II would require the GAO, with the assistance of the Congressional Budget Office, to develop a list of programs—the so-called program inventory—to be used to guide the sunset schedule. A schedule of different program areas is included in the sunset bill, but not the programs that fall within each of those areas. The program inventory would be used as a reference tool by committees to implement the sunset schedule.

(3) Title III, the Program Examination section, would allow committees to undertake comprehensive examinations of selected programs—as contrasted with the less detailed review of nearly all programs under Title I. This section does not require that a committee select any minimum number of programs, but it does require that once a program is selected for examination the review be completed before the start of the next Congress. The section also requires that the Executive Branch agency responsible for a program selected for congressional committee examination also submit its own review to the committee.

(4) Title IV would set up a Citizens' Commission on the Organization of Government to monitor both the effectiveness of sunset and government in general. The Commission would exist until September 30, 1984.

(5) Title V. This section requires that the President make recommendations for suggested reforms in 38 regulatory agencies, and submit them to the Congress at the beginning of each Congress. These regulatory agency reviews will be implemented on a ten year sunset schedule.

(6) Title VI. This section requires the President to submit an "Accountability Report" to the Congress. The programs covered by the report will be ranked as to their effectiveness relative to other programs. The Director of OMB is required to identify programs that are contradictory to other Federal programs and recommend corrective legislation.

(7) Title VII, the "Sunrise" title, provides that Congress must specify the goals and purposes and planned accomplishments of each program before authorizing or reauthorizing funding. Each program must have a set of benchmarks which will enable future Congresses to evaluate the effectiveness of the program. Agencies must report on their success in obtaining the goals set out for each program.

(8) Title VIII, the "Miscellaneous" title in the bill, includes two significant measures. First, Title VIII would provide congressional committees with expanded authority to request information from agencies for sunset reviews.

Second, Title VIII provides an escape valve in the event of a filibuster or Presidential veto of a sunset reauthorization. In the event of such occurrences, a "required authorization waiver" shall be introduced, providing for expedited treatment of a bill to continue the program in question for one year at current service levels.

THE CASE FOR A FEDERAL SUNSET LAW

S. 2, the federal sunset bill, would require reauthorization of virtually all federal programs according to a regular, systematic schedule and reconsideration of all programs of similar purpose at the same time.

The principal purpose of S. 2 is to establish a systematic and orderly procedure to require Congress to reconsider its past program enactments so that it can have increased options available in the future for allocating federal resources and establishing federal policies to meet changing national needs.

In short, S. 2 is intended to establish a procedure to guard against tying the hands of each succeeding Congress by the actions of earlier Congresses.

The sunset concept is rooted in the role of Congress as the legislative branch of the national government. As the national legislature, Congress should make positive decisions with regard to the programs and policies of the government.

That is all sunset mandates. It requires that the Congress take positive action to reauthorize the programs which it wishes to continue. Its thrust is reconsideration, not reevaluation. It does not require Congress to embark on a wholesale evaluation of all programs scheduled for reauthorization, though Congresses may want to undertake such an evaluation of some of those programs. Thus, the mere establishment of a procedure for the evaluation of government programs would not achieve the principal purpose of sunset.

There are a number of reasons why Congress needs a process like sunset if it is to have necessary flexibility to establish and adjust national policy in the future.

First, the policy making flexibility of the Congress has already been reduced substantially in recent years by a number of factors, including inflation, rising uncontrollable spending, and increased tax benefits and preferences.

Second, the nation has paid a high price—in the form of a complex, overlapping, duplicative, uncoordinated, and too often ineffective and wasteful array of federal programs—for the failure of Congress to consider and reconsider programs in a national and comprehensive manner.

Third, in the foreseeable future the combination of limited federal resources and pressing national needs is likely to force Congress to make complex and difficult programmatic choices that it should make in an orderly and systematic manner.

Fourth, inflation will not be controlled if the large budget deficits resulting from excessive federal spending and tax preferences continue.

INFLATION ERODES CONGRESSIONAL FLEXIBILITY

Inflation affects the federal budget just as it does the family budget.

In times of high inflation, the government must spend more each year just to finance existing service levels. As a result, during such periods, increases in federal spending actually may result more from inflation than from decisions of the Congress to spend more.

The last four years have been a case in point. Since fiscal 1977, federal spending has increased by $169.6 billion. However, $119 billion of that increase—about 70 percent—is a result of inflation. In other words, just to carry on the same level of government activity in fiscal 1981 as was being carried on in fiscal 1977 will cost $119 billion more.

What that means is that more than two-thirds of the increase in federal spending since fiscal 1977 has resulted not from congressional decisions but rather from inflation.

UNCONTROLLED SPENDING

Just as inflation limits the room with which Congress has to work in adjusting national priorities through the budget, so too does uncontrollable spending.

Uncontrollable spending is spending over which Congress has no control during a particular fiscal year, unless it amends a law already on the books. That spending results from choices made in prior years by previous Congresses which tie the hands of future Congresses.

About three-quarters of that uncontrollable spending is mandated under permanently enacted programs which do not come up for regular consideration by the Congress. The remaining uncontrollable spending results from contracts and obligations the government has made in prior years. Uncontrollable spending is, in other words, largely self-perpetuating.

In recent years, the percentage of uncontrollable spending in the budget has skyrocketed. In 1962, the combined total of permanent programs and trust fund spending, roughly equivalent to today's definition of uncontrollable spending, constituted over 30 percent of the federal budget.

By 1967, uncontrollable spending had risen to 59 percent of the budget. Today that figure is over three-quarters of all federal spending—a percentage that has remained reasonably stable since the Congressional Budget process began operating.

In the last ten years alone uncontrollable spending has grown by 235 percent, far faster than the budget as a whole (190 percent). Controllable spending, on the other hand, has grown only by 104 percent. Discretionary spending thus has not kept up with federal spending as a whole. True, we are spending twice as many "controllable dollars" now as ten years ago, but in terms of the overall budget, those dollars are less significant today, by almost one-third.

For fiscal 1981, it is expected that only about one-quarter of all federal spending will fall into the relatively controllable category. Indeed, of the $41 billion increase in the budget over last year's spending total, only $10–12 billion was available for all controllable domestic needs.

With nearly three-quarters of the budget in the uncontrollable category from year to year we are talking about setting, adapting and molding national priorities from a pool of only about 25 percent of what we spend. Congressional power to control national priorities through constitutional power of the purse is thus eroded by legislative commitments made in the past and now set more or less in concrete.

THE NEED FOR AN ORDERLY AND SYSTEMATIC RECONSIDERATION OF PROGRAMS

Today many programs—in particular, many domestic assistance programs—operate under short term authorization. Those programs, under current law, terminate when their authorization expires unless Congress reauthorizes them.

These programs are reconsidered by the Congress—but in a helter-skelter fashion. And the complex maze of government activity that has resulted argues strongly for the establishment of the orderly and systematic reconsideration procedure that sunset promises.

Today, no one really knows how many federal programs are on the books. The 1979 Catalog of Federal Domestic Assistance lists over 1000 programs administered by 57 federal agencies. In fiscal year 1981 these programs provided an estimated $93 billion to the 50 states and nearly 80,000 units of local government, for a total of almost 23 percent of federal domestic outlays and an estimated 27.5 percent of all state and local government expenditures.

It lists eduction, health, and community development programs in the hundreds—veterans and transportation programs in the dozens. There are over 100 different agencies and offices with regulatory responsibilities. And more than 20 separate entities run health programs.

As the program category is narrowed, the number of programs is no less bewildering. The 1979 Federal Catalog lists 36 different programs under the veterans category, with 24 under the heading Veterans Medical Facilities and Services. Under the category of Vocational Education, there are 37 program categories listed. Under the heading of Transportation, there are 59 program listings.

These numbers suggest a government so fragmented and uncoordinated that it cannot do the job.

A few years ago, a General Accounting Office study on health services in outpatient health centers in the District of Columbia found seven different programs—administered by HEW and the Office of Economic Opportunity. Coordination was so lacking, the GAO found, that one neighborhood had eight clinics, several of which were badly under-utilized.

Another GAO study of the use of military maintenance facilities found extensive duplication and under-utilization of these facilities because of the emphasis each service placed on developing its own facilities rather than sharing existing facilites of other services. The study concluded that substantial long range savings could be realized through greater interservice maintenance, but that despite repeated encouragement from the Department of Defense, the individual services had continued to circumvent both the spirit and intent of such policy.

An HEW study found over 50 federal programs providing some type of service to handicapped youth. Most of these programs were administered by HEW—by 14 separate units within that department. A GAO study of the HEW study found no point within HEW at which all these efforts were coordinated.

Finally, a study by the Congressional Joint Economic Committee found 62 separate programs involved in providing aid to the needy and social insurance at a projected cost in fiscal year 1975 of $142 billion.

In sum, over the last fifteen years, Congress has created an array of programs so complex government oftentimes cannot effectively deliver the services Congress enacts into law. That is a Congressionally created problem which demands a Congressional response. And sunset offers such a response—a process for systematically considering and reconsidering similar programs at the same time.

TOUGH CHOICES IN THE FUTURE

If one thing is clear, it is that over the next few years, Congress will have to make a number of tough spending and tax decisions if it is to achieve a balanced budget in the early 1980's and avoid a resurgence of inflation.

A number of recent analyses have made this clear. A Brookings Institution study concluded for example: "Although receipts will rise more than $80 billion a year during 1981–83, there wil not be much left for new programs or for further tax cuts. By 1983, if outlays are held to 21 percent of the gross national product, they would be $722 billion. And under the President's tax program, receipts would be $747 billion, leaving a margin of $25 billion—enough for only small reductions in taxes. For example, assuming the 1978 tax cut equals $25 billion, the 1981 margin could be used to reverse the 1977 payroll tax increases but for little else. Even if the entire margin were used to reduce the income taxes of individuals, the individual income tax would still be over 11.5 percent of personal income, nearly the highest since the end of the Second World War . . .

"The budget outlook is therefore not rosey. It will be difficult to keep outlays to 21% of the gross national product in 1983. But given success in reaching that goal, the margin for tax reductions (beyond those proposed for this year) would be slim. Since a budget deficit is dangerous during full employment, the cautious approach is to avoid more outlays or lower taxes than the President proposes. Any significant tax reduction in the early 1980's would require either substantial spending cuts or large deficits, which might be extremely inflationary in the economy projected for those years."

INFLATION AND THE DEFICIT

Following the 1974–1975 recession, when we ran high deficits, those deficits had little inflationary impact. That was because our economy was running so far below capacity.

But this is no longer the case. Large budget deficits now only fuel inflation. So getting control of the federal budget is critical in the government's effort to fight inflation.

What that means is that over the next few years—or as long as inflation poses a threat—Congress is going to have to make very hard choices. If we want to spend more money on a good program, we will have to throw out a bad one. The sunset process could make it possible for Congress to make those tough decisions in a systematic, orderly, and positive way.

[From the Hartford (Conn.) Courant, June 3, 1980]

THE SUN ALSO SETS

If Congress is serious about controlling the growth of inflation and of the federal government, it will enact this year the "sunset bill" that only got as far as the Senate in 1978.

The Senate Governmental Affairs Committee begins consideration of the Sunset Act on Wednesday. A weaker version is in committee in the House of Representatives.

The idea behind sunset legislation, which has been in effect—on paper at least—at the state level in Connecticut since 1977, is simple. It provides a mechanism for a systematic review of federal programs by Congress, which has the power to continue funding effective ones and to stop funding those programs that are ineffective or inefficient.

The specific bill about to be again considered by the Senate, which approved it overwhelmingly two years ago, estbalishes a 10-year schedule to review hundreds of federal programs and agencies authorized by Congress.

If the bill becomes law, the next session of Congress would have to consider all the related programs in each of 12 categories, including energy conservation, water resources and elementary and secondary education. The next year would have other program categories to consider, and so on through the decade.

Congress could end authorization for some programs or authorize them again for a period not to exceed 10 years.

Certainly, this bill would entail a greater work load for Congress, but the potential benefits are worth it. Congress has all but lost its grip on the ever-burgeoning federal government. Inefficiency, duplication and fragmentation are built into the government because of the lack of coherent oversight.

Only a few programs would be exempt from the required sunset review and reauthorization: veterans' benefits, federal employe retirement programs, civil rights enforcement programs and Social Security.

The bill has been developing over the past five years. The time is ripe for passage. It would provide a rational, comprehensive means to tackle inflation caused by excessive and inefficient federal spending. And it would formalize a greater role for Congress in controlling the size and direction of the federal government.

It should be passed.

[From the Christian Science Monitor, June 20, 1980]

SUNSET ON WASTE

Congress has an opportunity this election year to demonstrate that it does indeed want to do something more about government waste than merely talk about it. So-called "sunset" legislation under consideration in both houses would force lawmakers to shift their focus from always enacting new legislation to reviewing the thousands of federal programs already on the books.

Weeding out overlapping, duplicative, and wasteful programs has never been very high on Congress's list of favorite things to do. Therefore, the kind of law that is needed must, first, set up a reasonable timetable for Congress to find out how programs enacted in the past are working; second, provide for an automatic termination date for existing programs unless Congress takes positive action to renew them. The advantage of such a mandatory review goes beyond elimination of waste; it would force the lawmakers to weigh how well long-established programs are working and to consider possible alternatives for those found to be deficient.

The sunset bill that was cleared by the Senate's Government Affairs Committee this week, after surviving attempts by some senior members to weaken its key provisions, represents by and large the kind of measured, constructive approach that is called for. It would require a review of every federal program once a decade. Unlike the much weaker proposals introduced in the House, it does not leave decisions as to the selection of programs to be reviewed and the timing of reviews to congressional committees. As Rep. Thomas Foley of Washington, himself a committee chairman, points out, "Almost every committee is a biased, special-interest committee, and there are programs they want to protect from review of Congress."

Missing from both the House and Senate bills, however, is a much needed provision to include so-called "tax expenditures" in the spending programs reviewed. These tax deductions and credits from the fastest-growing part of the federal budget and are expected to reach $199 billion by 1983. Such a major drain on revenues ought not to escape periodic review.

In recent years, nearly two-thirds of the state legislatures in the U.S. have recognized the need for routine oversight of existing laws and have responded by enacting a variety of sunset laws of their own. As Congress seeks to fashion federal legislation, it should be alert to at least two lessons gleaned from how sunset laws have worked at the state level:

1) Failure to limit the number of programs to be reviewed in a given period to what a legislature can realistically handle has produced difficulties in some states. In the Senate, some veteran lawmakers warn that even a once-a-decade review of every program could consume as much as 60 percent of Congress' time. It might well be argued that time so spent is hardly wasted, particularly in a period when national economic problems demand that Washington hold down spending. Still, it will be important to find the proper balance that allows time enough for review of past efforts as well as careful deliberation of laws to meet new problems as they arise.

2) Failure to mandate specific schedules for automatic review and termination of existing programs has made some state sunset laws largely ineffectual. Left to their own discretion and timing, lawmakers are virtually invited to choose the "easier" or less controversial programs for review and leave pet projects untouched.

These are pitfalls Congress should be able to avoid—if the lawmakers are as serious as they would have Americans believe they are about letting the sun set on government waste.

[From the Rochester (N.Y.) Democrat and Chronicle, June 13, 1980]

GETTING A HANDLE ON GOVERNMENT

One of the great problems of big government is that agencies and programs often continue on and on long after their usefulness has ended.

The Sunset Act of 1979, a landmark bill that's been five years in the making and that's now before the Senate Government Affairs Committee, would change his.

Basically, with only a few exceptions, it provides for systematic congressional review of all federal programs every 10 years.

Programs similar in nature would be subject to review at the same time, and a handle thus obtained on duplicatory and inefficient effort.

"If," says Sen. John Glenn, one of the sponsors, "we are to meet essential national needs in defense, energy development, the maintenance of sound and human income transfer programs, we must have better day-to-day management of all the federal programs on the books.

"We simply must not continue to lurch from crisis to crisis and lose sight of the need to manage our total federal program structure on a systematic and long-term basis."

It'll be a prodigious task, but the alternative will be ever more chaos and cost.

[From the Providence Evening Bulletin, June 23, 1980]

RISING OF "SUNSET" BILL

If you had lost hope for Congress ever to move on a so-called "sunset" bill for regular review of all federal programs, look again. Evidently the burden of galloping bureaucracies has made itself felt even on Congress, for sunset measures are pending in both branches. In this year of budget squeezes, inflation and growing public anger with big government, enactment of such a measure demands top priority.

Congress loves to pass laws, but is less keen on follow-up to see what its laws hath wrought. (After all, if legislators looked very closely, they might find that such-and-such a program was a flop; they then would be forced to choose between keeping it running and chopping it off, and such decisions are preferably avoided.)

The sunset bill before the Senate would require each of the thousands of federal programs to be formally reviewed once a decade. If the programs were not renewed by Congress, they would expire. In terms of money and effort, the savings could be enormous. Such review programs have worked effectively in several states. Review of federal programs obviously would be more complex and expensive, but with a well-designed sunset bill, the investment would be money well spent. Such a measure offers one clear way for Congress to cancel out its mistakes and put unsound programs out of business.

[From the Midland (Mich.) News, June 11, 1980]

IT'S TIME TO MOVE ON SUNSET LEGISLATION

All good things must come to an end, it is said. Some should be renewable, but only after proper consideration.

So it should be, too, with legislation devised by Congress. But, alas, it has never been so.

Time after time, Congress has passed legislation creating agencies or programs it considered good and necessary or at least useful, and then forgotten them even when the need for them no longer exists. They are funded every time the budget is considered, simply because they exist.

There is no way of knowing how much unnecessary government takes of each tax dollar, but every taxpayer suspects the worst—and may be right in that assumption.

Some members of Congress have been trying in recent years to correct this. They have been trying to get enactment of what is known as a Sunset Law.

That would be a requirement that Congress review its past program enactments in systematic and orderly fashion so each Congress can decide whether those old programs and agencies still are needed.

By making such a review and weeding out the deadwood of government, each Congress would be able to free some of the tax revenues for use in new programs or agencies that meet new needs of the nation—or simply allow the saved money to be used toward balancing the federal budget.

The Senate Governmental Affairs Committee is holding hearings now on such a Sunset Law. Its enactment by the Senate seems to be assured. The proposal has been endorsed by more than 75 senators. A similar bill was approved by a vote of 87–1 in the Senate in 1978.

The problem has been in the House, which for unexplained reasons never seems able or willing to get around to such legislation.

Opponents of the concept have argued that, with automatic termination dates for agencies and programs unless they are reauthorized, a filibuster could kill an agency or program which most of the citizens consider essential.

That is a risk, of course. Filibusters pose a threat to good legislation even when such legislation is being proposed for the first time.

But to block passage of this good legislation just because there is a risk that it could result in frustrating other good legislation seems to be employing the very kind of tactics that opponents say they fear.

It is time Congress moved on a Sunset Law. What better time than now, when the nation is seriously concerned about unnecessary legislation and heavy taxation?

[From the Stamford (Conn.) Advocate, June 17, 1980]

THE "SUNSET" BILL IN WASHINGTON

The United States government is bloated with costly, ineffective and unnecessary programs. Even Congress, which enacted the bills setting the programs up, doesn't know how many there are, nor what they all do.

The programs just sit there year after year, providing numberless bureaucrats a fine living, and sucking up the taxpayers' dollars.

There may have been a time when the country could afford this profligacy. That time has passed. The costs of government are exceeding the capacity of the citizens to pay for them. This feeds inflation.

The Senate's Governmental Affairs Committee is now considering a sunset bill. It provides that, on a 10-year basis, with some exceptions, all federal programs will be forced to undergo systematic congressional review.

Congess can thereby lop off the wasteful programs. It can begin to regain control of federal government costs. The only programs exempted from sunset review under the bill are veterans benefits, federal employee retirement programs, civil rights enforcement programs and social security programs.

The Senate bill, S. 2, is virtually identical to one that the Senate passed, 87 to 1, in 1978. The House of Representatives did not take the bill up at that time, but a somewhat weaker version of S. 2 has been introduced into the House this year.

The Senate will probably pass S. 2 since it is sponsored by 75 senators. But pressure must be brought on the reluctant House to strengthen its version of the sunset bill and to enact it.

Voters should let Connecticut's two U.S. senators know they want a sunset bill. They should also let Rep. Stewart McKinney, who represents the Stamford area in the House, know this.

Connecticut has had a somewhat similar sunset law for state programs since 1977.

S. 2 would require the General Accounting Office, with the assistance of the Congressional Budget Office, to draw up a list of federal programs. It would also set up a Citizens' Commission on the Organization of Government to monitor the effectiveness of the sunset law that—if voters demonstrate sufficient interest in it—will emerge from the present Congress. The commission would also monitor the effectiveness of the federal government itself.

Let nobody underestimate the difficulty of enacting a sunset law in this election year when one-third of the Senate and all the House of Representatives will be up for reelection. Many legislators will not want to run the slightest risk of angering constituents who are beneficiaries of some program which does not promote the national interest but only their narrow one.

It is clear that a systematic attempt to cut the waste out of government—as is provided in S. 2—is indispensable to bring inflation under control and to ensure adequate resources to meet essential national needs in defense, energy development, sound and humane income transfer programs, and the like.

[From the Rockford (Ill.) Register Star, June 1980]

IT'S CALLED "SUNSET"

Federal regulatory agencies, those collections of bureaucratic snoops who mess into everybody's life and create tons of needless paperwork, are a favorite target of most anyone wanting to find fault with Big Government.

And in many cases these terrible reputations are richly deserved.

But a recent survey of American businessmen uncovered a much more realistic reaction to the agencies. Although businessmen complain bitterly about excessive government regulation, they do not want it eliminated—only reformed.

To understand this reaction, we must remember why these agencies exist.

Many of them were formed at the request of those being regulated. Doctors, for example, want regulations which assure that only properly trained men and women can practice medicine.

Many were formed in answer to public demands that "they" ought to "do something about that"—actually public demands that consumers or workmen or businessmen or anyone else be protected against unscrupulous or unfair practices by someone else.

Many were formed because of what federal lawmakers perceived to be a failure of state or local governments to protect their citizens.

Many are essential and the result of careful negotiations between government and the businesses involved.

In short, regulatory agencies were formed because someone saw—or thought they saw—an abuse of the public.

To simply stop all such regulation would be to leave the public vulnerable to any con man who happens along. As pointed out in that survey of businessmen, the public clearly has a right to demand safe food, drugs and airplanes, and a sound banking system.

The problem comes in the proliferation of bureaucracy—the bureaucrat's constant hunt for more ways to justify his continued expansion.

The real solution comes not in elimination of government regulation, but in control of the bureaucrats—in constant review of the need for regulation and the extent of regulation needed.

And that potential solution has a name. It's called "sunset laws," a government policy of regular legislative reviews of regulatory agencies to see if they still are needed and if they are following legitimate regulatory policies.

Sunset legislation has been considered by the Illinois state government, but fell victim to a lobby of bureacurats. It's being considered by Congress right now, with little more hope of success.

But political failures do not change the fact that sunset legislation, as difficult as it will be for lawmakers to institute and carry out, is the only hope for a nation seeking to find a middle ground between the excesses of today's bureaucrat and the need for protection against the unscrupulous.

[From the Independence (Mo.) Examiner, June 1980]

SUNSET LEGISLATION NEEDED

Talk of sunset legislation has been bandied about in Congress for at least five years. But little has amounted from it.

Wednesday that could change. The Senate Governmental Affairs Committee is expected to begin consideration of the Sunset Act of 1979.

Its passage should come without hesitation and with strong restrictions.

With little doubt, this bill is one vehicle by which Congress can control one of government's most uncontrollable habits—wasteful spending.

The bill's concept is simple. It would provide all federal programs be subject to review every 10 years. The present bill also holds it would be out of order for either House to consider legislation authorizing a program for more than 10 years.

Of course, some programs would be exempt from sunset: veterans benefits, federal employee retirement programs, civil rights enforcement programs and social security programs. And thus the bill has its weaknesses—exemptions being among them.

But those weaknesses are overshadowed by the bill's advantages.

Far too long, for example, Americans have paid the price for complex, duplicative and ineffective federal programs. And they have paid a dear price for "uncontrollable spending," legislation over which Congress has no control. (Such spending has been committed during a previous fiscal year.)

In 1962, uncontrollable spending constituted more than 30 percent of the federal budget; by 1967, it rose to 59 percent. In the last 10 years it has risen 235 percent, so that now nearly three-quarters of the federal budget qualifies as uncontrollable spending. And that translates more or less into a system of self-perpetuating inflation.

Sunset would afford Congress the opportunity to control that. It would force Congress to review and justify spending.

Opponents of the bill say it cannot work—too much work would be involved; good programs would be jeopardized and congressional business would be halted by filibuster.

But in the words of some sunset proponents, if sunset legislation is not passed, it would be more a way of saying Congress can't manage itself and doesn't care if it's driving Americans to the poor house.

[From the Albany (N.Y.) Times Union, June 22, 1980]

"SUNSET" SHINES ON

The United States Senate struck another blow this week in the endless battle against bureaucracy. The governmental affairs committee approved the "Sunset" bill by a vote of 12 to 3. That is the fancy name attached to legislation requiring a review of all federal agencies once in 10 years, and the abolition of those no longer serving a useful purpose.

There is always the danger that such a measure will simply pile another bureau atop the mountain of bureaus now dominating the Washington horizon.

Sen. Dale Bumpers pointed out this recently when he said the Sunset legislation would be "a monumental bureaucratic response to the bureaucracy." Sen. Jacob Javits of New York also has his doubts, fearing the Congress might eventually be forced to devote as much as 60 per cent of its time sorting out agencies worthy of surviving from those that are not.

We are confident these doubts and reservations will be resolved before the final vote is taken. A good way to resolve them, and eliminate Sen. Bumper's worry, would be to follow the example of Ronald Reagan when he was governor of California, and call in a group of top private businessmen to give advice. The goal of trimming the costly federal bureaucracy down to a manageable and more frugal size is too important to be sidetracked.

[From the Staten Island (N.Y.) Advance, June 1980]

THE TIME FOR SUNSET IS NOW

One factor contributing to the growth of government bureaucracy at every level is the occasional creation of new agencies and the frequent adoption of new programs without any complementing examination of agencies and programs already is existence.

The system all but guarantees that an agency, once created, will remain in business—even if it has little business to do. Similarly, duplicative programs come into being because government lacks the capacity to assess the mandates and the achievements of the programs it undertakes.

Needed reform would be provided by at the federal level by the so-called "sunset" legislation under discussion in the Congress for several years. The latest version of the plan is to be taken up by a Senate committee next week.

The bill provides simply that most federal programs—and the agencies which administer them—be subjected to a systematic review at least once every decade. Programs of a similar nature would be reviewed together, so that any found to be wasteful or unnecessary could be eliminated.

Senate supporters of the sunset legislation argue convincingly that no massive new bureaucracy would be needed to conduct the periodic reviews. Indeed, taxpayer funds saved through the streamlining of government would more than offset the sunset program's cost.

Equally important as the potential for savings is the fact that the sunset program would, for the first time, give the Congress and the executive some rational basis for deciding whether a specific program or agency should be continued. That capability is made more essential by the new spirit of fiscal conservatism with which many legislators seem to be imbued.

The time to enact sunset legislation is now. We hope the Conrgess will live up to its responsibility by meeting the challenge of the sunset program head-on.

[From the Boston Globe, Dec. 29, 1978]

SUNSET ON THE HORIZON?

Those in Congress who have been leery about the effects of "sunset" legislation, fearing it would inevitably lead to the demise of social programs, might want to reassess their positions in light of the wisdom gained this year by watching from afar the Carter Administration's preparation of a proposed budget for the next fiscal year.

There is nothing unusual about the way the Administration has proceeded. In fact, that's the point. The workings of the Administration's budgeteers, embracing some programs and jettisoning others to meet the President's demands for a reduced deficit, are all routine. What is routine too is the semisecret nature of the process which, while subject to congressional review, will largely set the agenda for all federal financial decisions in the next fiscal year. And it is apparently an agenda on which social initiatives are well down on the list.

And what is also commonplace is that the White House deliberations on the budget have of necessity focused on how to spend about $500 billion in revenue the government expects to receive and have touched not at all on the question of whether the government ought to capture any of more than $100 billion in revenues it forgoes through various tax subsidies and incentive programs. This it might do with a meaningful sunset law.

Sunset legislation would secure no overnight miracles. The most promising sunset legislation, in fact, sets a 10-year cycle for review of all federal programs. So it would take a decade for every program to get a thorough congressional review and to stand the test of explicit reapproval by Congress. But it would, for the first time, commit Congress formally to exercising its oversight function, to examining and evaluating each federal program to assure that it meets a legitimate need.

And if, as it must, sunset legislation includes within its scope congressional review of so-called "tax expenditures"—money the government declines to collect in order to accomplish through tax incentives one or another social purpose—it will truly give the Congress, and the public, a handle on federal budgeting.

Admittedly, the enactment of sunset legislation will place a cloud of uncertainty over all federal programs and tax laws. But programs that are working to address a legitimate need and taxing policies encouraging valid social objectives will survive. And a little uncertainty may be exactly what is required to force the federal government to function more effectively.

[From the Boston Herald-American, June 23, 1980]

DON'T SIDETRACK THE SUNSET BILL

The United States Senate struck another blow last week in the endless battle against bureaucracy. The Governmental Affairs Committee approved the "Sunset" bill by a vote of 12 to 3. That is the fancy name attached to legislation requiring a review of all Federal agencies once in 10 years, and the abolition of those no longer serving a useful purpose.

There is always the danger that such a measure will simply pile another bureau atop the mountain of bureaus now dominating the Washington horizon.

Sen. Dale Bumpers pointed this out when he said the sunset legislation would be "a monumental bureaucratic response to the bureaucracy." Sen. Jacob Javits of New York also has his doubts, fearing the Congress might eventually be forced to devote as mush as 60 percent of its time sorting out agencies worthy of surviving from those that are not.

We are confident these doubts and reservations will be resolved before the final vote is taken. The goal of trimming the costly federal bureaucracy down to a manageable and more frugal size is too important to be sidetracked.

[From the Salt Lake City Deseret News, June 17, 1980]

U.S. SUNSET LAW HAS MERIT

Sunset laws have been passed with alacrity in several states including Utah. But in Washington, D.C., the concept is having tough sledding.

A bill providing for a congressional review every 10 years of every federal program may be reported out of committee to the Senate this week. In the proposed congressional review, any federal program that did not merit reauthorization would automatically expire. Hence, the designation "sunset law" to signify the end of the day for unneeded programs.

The Senate passed a sunset law two years ago with a vote of 87 to 1. However, the House failed to take action, so the bill had to start anew through the legislative mill.

Over the two-year period, several senators have had second thoughts about the bill. They argue that it would result in a frantic, time-consuming struggle to review as many as 4,000 federal programs, leaving little time to work on new legislation.

Actually, this doesn't sound like too bad a deal. For 200 years, Congress has been busy legislating, creating all of those 4,000 or so federal programs. There is much duplication, working at cross-purposes, and downright featherbedding in all that bureaucratic tangle.

A moratorium on further legislation and new programs while Congress contemplates the consequences of its past sins could be highly therapeutic.

Out of such a process could emerge a slimmed-down, efficient, and manageable federal apparatus that might carry us through another 200 years without bogging down.

However, the realities of political life being what they are, such a moratorium is not likely to happen. The best we can hope for is a compromise such as that suggested by Sen. Jacob Javits, providing for a congressional review every two years of a limited number of federal programs.

This would allow Congress time to continue the more glamorous and fun activity of enacting new laws and setting up new programs while considering killing off old ones.

The sheer size of the bureaucracy, however, demands periodic congressional review. And the oftener that can be accomplished within the limits of Congress's other demands the better.

[From the Nashville (Tenn.) Tennessean, June 25, 1980]

CONGRESS HAS A CHANCE TO APPROVE "SUNSET" LAWS

The Congress often talks about waste and the bureaucracy but when there is an opportunity to do something about both, action is missing.

Both houses have discussed for several years the idea of enacting legislation to require periodic review of government programs. The review would justify their necessity or they would go out of business.

There are endless programs and scores of agencies, boards and commissions whose usefulness may be put to question. Some are so little known that even the Congress is surprised they still exist.

For several years now there have been efforts to get the so-called "sunset" legislation through the Congress. The Senate has approved it in the past but the House failed to act.

The effort is being made again in this session. Recently the Senate Government Affairs Committee approved a measure which seems to take a reasonable approach to sunset legislation. It would require a review of all federal programs every 10 years. Unlike a proposal introduced in the House, it would not leave the timing and selection of programs to be reviewed to the appropriate congressional committees.

Obviously there is a great weakness in the House bill's approach. An agricultural committee, for instance, would probably be reluctant to review and end some farm programs. The same would be true of public works committees and programs they might regard as vitally necessary to continue.

There are some problems for any sunset legislation. Various states have such programs in effect and some have found that a lack of scheduling and a time limit for review has put an unreasonable burden on the legislatures.

Still another problem is that of failing to mandate a specific schedule for review. Some legislatures have pleaded a heavy work load and have deferred such review until the next session, and the next without finding time to get around to doing the job.

That would be a problem in the Congress. The work load there increases each year and some members feel that having to review a large number of federal programs even once in a decade could take at least half of the time it is in session.

Proper scheduling and limiting the number to be reviewed could cut down on that time. It could be argued that the Congress tends to spin the wheels too much anyway on problems that are less pressing than sunset legislation.

The public has been vocal enough in trying to get the message across to cut down on spending. The current economic recession has made it clear enough to the Congress that this is vitally necessary.

One way to help cut spending would be through sunset legislation. One of the problems of government has been that no matter how ineffective some federal programs are they seem to have a life of their own. Most continue to be funded year after year without anyone having a clear idea of how to get rid of them.

The solution is at hand and in this election year the Congress ought to take advantage of it.

[From the Wilmington (Del.) News-Journal, June 22, 1980]

TIME TO TAKE CARE

Several state governments in the United States operate on a system known as zero-base budgeting.

This requires agencies funded by state revenues to justify their existence each time new budget allocations are considered by the state's legislators. The presumption is that unless an agency is demonstrably essential to the state, it will be discontinued for lack of funds. That is a stern but effective answer to the funding by inertia that characterizes many government activities.

Sen. William V. Roth of Delaware is one of a group of senators who have been trying for years to apply a variation of this principle, called sunset legislation, to federal programs. Their current proposal would require review of federal programs every 10 years. Those programs not specifically reauthorized by Congress would disappear like the setting sun.

Similar measures have been passed by the Senate, only to fail to win approval in the House. This year's proposal survived a close vote last week in the Senate Government Affairs Committee, when Sen. Jacob K. Javits, R-N.Y., sought to water it down to the point of meaninglessness.

Sen. Javits opposes the mandatory review of all programs every 10 years, he says, because the Congress simply doesn't have the time. It has too much other work to do passing new legislation and creating and funding new federal programs.

The unfortunate conclusion to be drawn from that position is that whatever waste exists in federal agencies because of outdated, overlapping or duplicated programs will have to be allowed to continue because Congress doesn't have time to worry about it. Sorry, Senator, but that's not good enough.

Sen. Roth has cited examples of agencies that survive by staking out new turf after their original reason for being no longer exists. That is the inevitable result of the bureaucratic tendency for self-perpetuation. At least periodic reviews of federal programs would require Congress to find out whether any other agency is filling a similar need before authorizing an existing agency to wander off in a new direction.

Given the vastness of the federal government, it is almost inevitable that programs will overlap and services will be duplicated. Cynics among us would not even be surprised to find instances in which the aims and procedures of one federal program conflict directly with those of another. Without periodic review to reveal such instances of waste, the taxpayer is assured only of unsubstantiated congressional assurances of need to justify the continuing demands for higher revenues.

Of course it will require time for Congress to conduct such periodic reviews of federal programs. Of course there are permanent programs for which no review should be required—retirement and disability funds, constitutional enforcement programs, income tax refunding, to name a few. Those concessions do not alter the fact that the burgeoning costs of existing federal programs and new ones authorized by successive sessions of Congress make sunset legislation not only sensible but also essential.

Sen. Roth and his Republican and Democratic colleagues who have supported this proposal must be encouraged to continue to fight for it. It is not too early for members of the House to be reminded of its importance as well.

What can you say to anyone who, like Sen. Javits, contends that Congress doesn't have to time to eliminate waste and increase efficiency in the spending of our tax dollars?

We can say this: Take whatever time it requires, because it represents one of the most important parts of the job we elected you to perform.

[From the Chicago Daily Defender, March 22, 1980]

Sunset Law

Empty rhetoric is a familiar part of the political scene, both in campaign politics and legislative debates. The danger of promising more than Congress intends to deliver is especially great as Congressional committees prepare to draft a Sunset law calling for review of all federal programs. "We may end up with a painted sunset rather than the real thing," Common Cause President David Cohen says.

An effective Sunset law, Common Cause believes, would be a compatible companion to the Budget Control Act. That law has forced Congress to discipline itself, at least to a degree, by holding down federal deficits. A Sunset law would enable the government and the public to find out what federal programs are working or not working, but to be effective the law must force Congress to carry out its oversight responsibilities, something it rarely does now.

As Rep. Norman Mineta (D-Calif.), of the House Budget Committee has said: "What is needed more than anything else is an understanding in Congress that it is not enough to simply enact legislation, to set a commendable objective, and to create a federal program to achieve it. The Congress has an obligation to return repeatedly to that program to see how it is working in actual practice and what impacts it has had, at the operating level, on the people who must accomplish the tasks involved. We need to know whether the executive agency is implementing the program, neglecting the program, or simply tying it in knots."

[From the Madison (Ga.) Madisonian, Feb. 21, 1980]

Sunset Law

Congress is good at making promises and enacting laws but not so good at weeding out government programs that are wasteful or no longer needed or, just as bad, those that don't work but continue year after year to create a drain on the federal budget. With President Carter pledging to hold the federal deficit to around $16 billion next year as part of a renewed attack on inflation, one important way Congress could help restrain federal spending is to enact pending "sunset" legislation that would force some discipline on the lawmakers.

Under a sunset law, Congress would be required to make periodic reviews of existing programs and agencies to evaluate their effectiveness. The most stringent proposals call for programs to be terminated automatically unless Congress specifically renews them.

Most congressional committees, susceptible to special-interest lobbying, currently provide at best only hit-or-miss reviews of spending programs. And some openly resist reviews of pet programs. For instance, Representative Thomas Foley, chairman of the House Agriculture Committee, warned in hearings on sunset legislation that "the tobacco subcommittee is not going to vote any opportunity for anybody to review the tobacco (price support) program."

Thus it is essential that a sunset bill provide for a coordinated, mandatory review of all programs. It should not be left up to each committee to decide what programs are to be reevaluated, as one sunset proposal before the House would do. It is essential, too, that tax expenditures—or benefits that help a particular industry or class of citizens—be included. Tax expenditures are the fastest growing part of the federal budget and are expected by 1982 to account for $215 billion annually in lost government revenue.

Public opinion polls indicate widespread support for a federal sunset law. In the last four years, 34 states have enacted similar legislation providing for reviews of regulatory agencies and licensing boards in particular. Common Cause, the citizens lobby, points out that permanent congressional authorizations, those that require no review at all, claim more than 50 percent of the federal budget. Inadequate oversight of such vast amounts of spending is a luxury that Congress and the American taxpayer can no longer afford. It is high time to let the sun set on such laxity.

[From the Johnson City (Tenn.) Press-Chronicle, Jan. 28, 1980]

Need For A Real Sunset

The difference between a painted sunset and the real thing illustrates the dilemma Congress faces as it considers Sunset bills.

Sunset legislation refers to the idea of weeding out or correcting government programs that aren't working. It has great appeal—but the problem is that each federal program has its special interest supporters, including congressional committees.

And therein lies the story behind the failure of Sunset legislation to get through Congress.

Rep. Thomas Foley of Washington, both a Sunset backer and a committee chairman, has said: "Almost every committee is a biased special interest committee, and there are programs they want to protect from the review of Congress."

For example, when the Senate passed a Sunset bill in the last week of the 95th Congress, Finance Committee Chairman Russell Long of Louisiana fought strenuously to make sure that his committee was not directed to review the tax code's long list of tax preferences.

Empty rhetoric is a familiar part of the political scene, both in campaign politics and legislative debate. The danger of promising more than Congress intends to deliver is especially great as congressional committees prepare to draft a Sunset law calling for review of all federal programs. David Cohen, president of Common Cause, which is seeking Sunset legislation, says "We may end up with a painted sunset rather than the real thing."

An effective Sunset law would be a compatible companion to the Budget Control Act. That law has forced Congress to discipline itself—at least to a degree by holding down federal deficits. A Sunset law would enable the government and the public to find out what federal programs are working or not working. However, to be effective, the law must force Congress to carry out its oversight responsibilities, something it rarely does now.

Congress rushes willy-nilly to pass legislation, creating programs, then fails to examine those programs in practice. Many do not work. Many are strictly money-wasters.

Congress has an obligation to return repeatedly to the programs it creates and to see how they are working in actual practice, what impacts they have had at the operating level. Congress needs to know whether the executive agency is implementing the program, neglecting the program or simply tying it in knots.

Public opinion polls have shown that the majority of American citizens and taxpayers believe in Sunset legislation.

There are key elements of Sunset legislation:

It must provide for termination of federal programs, tax benefits and regulatory activities unless they are evaluated and periodically re-established by Congress.

It must provide a process for coordinated review of similar programs.

It must provide for special evaluation of priority programs.

It must provide for review of tax expenditures and credit programs along with related spending programs.

If you believe in Sunset legislation, then let your representatives and senators know about it.

[From the Warren (Ohio) Sunday Tribune, June 1, 1980]

Back the Sunset Law

The difference between a painted sunset and the real thing illustrates the dilemma Congress has been facing in considering Sunset bills.

The idea of weeding out or correcting government programs that aren't working has great appeal, but each federal program has its special interest supporters.

Empty rhetoric is a familiar part of the political scene, both in campaign politics and legislative debates. The danger of promising more than Congress intends to deliver is especially great as the U.S. Senate Governmental Affairs Committee prepares to begin legislative consideration of S. 2, the Sunset Act of 1979 on June 4.

Ohio Sen. John Glenn, a member of the Senate subcommittee on intergovernmental relations, is urging public support for passage of S. 2.

Sen. Glenn said the landmark bill, cosponsored by over 75 senators, and more than five years in the making, "represents the best vehicle by which the United States Congress can manage its day to day review of federal programs. It also is an excellent vehicle for augmenting the Congress' ability to more systematically address federal budget questions and prudently restrain federal spending during these times of fiscal austerity."

The Sunset Bill provides that on a 10-

year basis, with some definable exceptions, all federal programs will be subject to systematic, deliberate congressional review. Programs of a similar nature will be subject to sunset review at the same time.

Sen. Glenn said "the Congress will be able to compare these programs and adequately fund effective ones while terminating ineffective ones or ineffective programs. If a committee seeks to bypass a sunset review, any member of Congress may lodge a point of order against the appropriations for the program. Through sunset, all members of Congress will take a more constructive role in analyzing the federal programs up for reauthorization each year."

Public opinion polls show that the public strongly supports a sunset law as an effective tool for improving government's performance.

We urge you to write to U.S. Sen. John Glenn, 240 Russell Office Building, Washington, D.C. 20510, and support him in the passage of a strong Sunset law, one not diluted by weakening amendments or revisions.

We must make certain that the Sunset law is the real thing and not a painted sunset.

[From the St. Joseph (Mo.) News-Press, June 1980]

A U.S. Sunset Act

Wednesday will be a significant day in Congress' latest effort to better manage the vast system of programs and agencies which have proliferated in the past two decades.

That is the day the Senate Governmental Affairs Committee will begin consideration of S. 2, the Sunset Act of 1979. This landmark bill, cosponsored by over 75 senators and more than five years in the making, has been called the best vehicle by which Congress can manage its day-to-day review of federal programs, long out of hand.

Sunset has been called a simple idea and a simple process. Briefly, it provides that on a ten-year basis (with some definable exceptions) all federal programs shall be subject to systematic and deliberate congressional review. Programs of a similar nature will be subject to sunset review at the same time. (We can hear the screams already).

In this way, Congress will be able to compare these programs and adequately fund effective ones while terminating those it deems ineffective or inefficient. Through Sunset, all members of Congress will take a more constructive role in analyzing the federal programs for reauthorization each year.

In the past the establishment of each federal program, no matter how temporary in nature, has almost inevitably resulted in perpetuity. The measure offers a test to Congress of whether it can manage itself and systematically review the many programs that it has passed over the years.

Without Sunset, "business as usual" will continue in Washington and the interest pressure groups and bureaucrats will prevail as now.

Haven't we had enough of that?

[From the Chattanooga News-Free Press, June 2, 1980]

Let the Sun Set

Everything that government does begins with the thought in the minds of some that it is "a good thing to do."

Sometimes they are right. Sometimes they are wrong. Sometimes situations change—but the programs go on and on.

New ones get added to the old. The existing programs develop vested interests among the bureaucrats who are involved in them. There are special constituencies who come to have a reason to insist that their particular programs be continued forever. And as a result, government does many, many things it should not be doing at all, and at great waste and expense to the taxpayers.

There is reason to wonder whether there will ever really be an effective way to put reins on government and to curb some of its excesses.

But some are trying.

The United States Senate this week is scheduled to vote on one small effort to seek to do something about this problem. It is embodied in a bill designated as S. 2 and called "the Sunset Act of 1979." (You can see that it's already overdue, since this is 1980.)

The Senate has 100 members. Fifty-one can pass a bill. This one already has more than 75 sponsors. So you can see that this may be an idea whose time has come.

The idea is this: On a 10-year basis, with some exceptions, Congress would undertake a careful review of every program, with the purpose that those deemed still worthy would be continued but the sun would set on the others and they would pass away.

The Sunset Act ought to be adopted. Don't expect miracles. There would be red tape in the restudying. There would be pressures for continuing many things on which the sun ought to set. Congress would approve too many things it should never have gotten into in the beginning and should get out of now.

But the idea is good and surely it would result in the proper discontinuation of some things that are unwise, wasteful and obsolete.

Even though the Sunset Art would not do all that we would like for it to do, just consider this: If there is no such review, there is little chance of doing away with many things that government should discontinue. Let's make a stab at cutting back; the Sunset Act is a step in the right direction.

[From the Kennett Square (Pa.) News & Advertiser, June 1980]

Waiting for the Sunset

A friend insists this story is true:

The Army once placed a round-the-clock guard on a room that supposedly contained top-secret files. After six months, one guard wondered why nobody ever entered the room. He told an officer who, after a few more months, got clearance to peek inside.

The room had been empty all along. The files had been removed a year earlier, but the top brass hadn't been notified.

Our point is that the federal government has "empty rooms": agencies and programs that gobble tax dollars even though they have outlived their usefulness to the public.

Yet nobody ever looks inside.

Congress should. One way is to enact a reform measure called the sunset bill.

The Senate passed one in 1978, 87–1, but it got lost in the rush to adjourn. A Senate committee began hearings on an almost identical plan last week. It deserves a better fate.

The bill (S.2) would subject most federal programs to evaluation by congressional committees every 10 years. Programs not renewed by Congress would die.

Sunset-law champions say no one knows how many federal programs exist. Sunset monitoring is a way to force a review and to require those who operate federal services to prove their effectiveness or get off the gravy train. Now programs continue unchecked, year to year, unless Congress kills them.

There are other benefits. A sunset law could help cut "uncontrollable" federal spending—items over which Congress has no say in any one fiscal year. Those items compose about three-quarters of the federal budget.

Such spending represents the cost of programs undertaken by previous Congresses. It's like an eternal mortgage. The sunset bill prohibits Congress from authorizing new programs that last more than 10 years, shortening the mortgage from eternity to a decade.

The proposed bill has safeguards to prevent needed programs from dying inadvertently and to prevent filibustering a program past its termination date.

It exempts Social Security, veterans' benefits, federal pensions and civil rights enforcement from the sunset process. Those programs, which make up 30 percent of the budget, aren't likely to become outmoded, though they, too, deserve periodic review to determine effectiveness.

Some congressmen say they won't have time to review all the programs. If that's so, then the bureaucracy really is out of control. We're not ready to accept that.

[From the Farmer Stockman of the Midwest, June 2, 1980]

Curbing the Regulators

A former pro-football quarterback, now a Member of Congress, thinks government regulators have gone too far. In the jargon of the gridiron, Congressman Jack Kemp of New York says government once played the role of referee, but now, it seems, regulators are the other team—in competition with the real players in our free enterprise economy.

Most government laws and regulations were intended to protect the rights of individuals. When business and labor could not agree, government stepped in as an impartial referee. The same was true for differences between developers and conservationists, producers and consumers, and the many areas of potential conflict in the system.

Today, Kemp says, the referees want to get into the game themselves. There are now countless regulations costing millions of dollars. Some reduce productivity, disrupt the ability of the marketplace to function or add to the costs of American products. Kemp says the players spend more time learning the rules than playing the game!

Writing in Policy Review he pointed out that "The economic burden of excessive regulation is a matter of great concern to those of us in the business community for two reasons. First, the capital we must invest to comply with regulations cannot be used for new plants and equipment. That means obsolete facilities cannot be replaced in a timely manner, and expansion is limited. The result is fewer new jobs at home and a less competitive position in the international market. Second, the cost of all regulation is passed on to the consumer. When that cost is greater for one company than another price competition is distorted. One company receives an unfair advantage because of government involvement."

No one denies that some regulation is essential in this complex society; but how much is necessary, and who is to decide? There is a growing movement in Washington to subject regulations already on the books to some "instant analysis" and to set tough criteria for enacting new ones.

Senator Edmund Muskie of Maine (recently appointed Secretary of State) wants "sunset" legislation which would require periodic justification of all federal programs, including regulatory programs. Those judged no longer effective would be allowed to expire.

In the parlance of the football player, there seems to be a growing realization that our economy is the only game in town and that the referees should reassume their intended assignments and give the game back to the players, before the clock runs out.

[From the Atlanta Journal, Dec. 30, 1979]

Hurry, Sunset

One of the more asinine characteristics of the federal—or any—government is the seeming impossibility of killing any program once it is born. Even programs that clearly show they do not deserve to live. Like old political leeches who hang around Washington, these bureaucratic nightmares just blend into the background, whether its Democratic or Republican.

That must change. And the way to effect that change is through something called "sunset laws." These laws would end any federal program if Congress reviews it and decides not to renew it. The review would be periodic.

According to a survey by Common Cause, we are not alone in believing in sunset laws. Three hundred and forty of the 435 U.S. House members responded to the government-reform lobby's questionnaire, and 96 percent said sunset laws are a good idea.

Now if we can translate that idea into a law.

It may be easier to do that than to enact a law calling for partial public financing of congressional campaigns. Though a majority of respondents to the Common Cause questionnaire favored the idea, the margin was slim. Only 53 percent said yes, while 40 percent opposed the financing. And the gap between those for and those against has been narrowing in recent years.

The results of this survey indicate an escalating battle over public financing of campaigns. Already the issue has been tested in the House (it lost last year, 213 to 196). That test is likely to go on and on. Like an old federal program, waiting for sunset.

[From the Spokane Daily Chronicle, Jan. 30, 1980]

LOOKING INTO THE SUNSET

Creation of a federal "Sunset law that would force Congress to discipline itself with respect to continuing programs that have outlived their usefulness or are too costly for the benefits derived is bogged down because of special interest supporters.

The idea of eliminating or correcting government programs that aren't working has considerable appeal, but each such program has its advocates who refuse to budge from the wellrecognized attitude of "pick on the other guys and leave us alone."

U.S. Rep. Thomas S. Foley, D–Wash., who backs the Sunset law concept and is chairman of the House Agriculture Committee, admits that almost every congressional committee is a 'biased, special interest" group having programs it wants to protect from any reviews by Congress.

Although the Senate passed a Sunset bill in the 95th Congress, it rejected an amendment that would provide a review of tax expenditures and tax credits, which many Sunset advocates insist is a necessary element to any successful system for checking program resources and costs.

The House, on the other hand, so far has been reluctant to require any automatic termination of a program unless it is evaluated and periodically re-established by Congress. Sen. James Sasser, D–Tenn., chairman of the Senate subcommittee that has been working on Sunset legislation, claims "inertia will take over" unless automatic termination is written into such laws. But his counterpart in the House, Rep. Gillis Long, D–La., holds that termination is too stringent, claiming that any action-forcing mechanism is too dangerous and could cause economic instability.

He says the House Sunset legislation would "motivate" congressional committees to act on their own rather than forcing a 10-year cycle for review of all federal programs as called for in the bill that passed the Senate in 1978. The House bill would allow each committee to decide what program it wishes to review.

Common Cause, whose Colorado branch initiated the first Sunset law in that state four years ago, favors a strong measure that provides: Termination of all federal programs, tax benefits and regulatory activities unless they are periodically re-established by acts of Congress; a process for coordinated review of similar programs rather than having them evaluated piecemeal; a special evaluation of priority programs, and review of tax expenditures and credit programs along with related spending programs.

David Cohen, Common Cause president, claims an effective Sunset law would enable the government and the public to find out what federal programs are working or not working, but, to be effective, such a law must force Congress to carry out its oversight responsibilities, something it rarely does now.

Rep. Norman Mineta, D-Calif., explained need for such legislation when he said that it is not enough that Congress simply enacts legislation, sets a commendable objective and creates a federal program to achieve it. He insisted that Congress has an obligation to "return repeatedly to that program to see how it is working in actual practice and what impacts it has had, at an operating level, on the people who must accomplish the tasks involved."

"We need to know," he added "whether the executive agency is implementing the program, neglecting it or simply tying it in knots."

Considering Rep. Foley's observation that most congressional committees are biased, special interest committees with programs they want to control, it may be a few more years before an effective federal Sunset law goes on the books. But most public opinion polls show the public strongly supports the concept of sunset laws as an effective tool for improving performance of government.

[From the Milford (Conn.) Citizen, June 1980]

SUNSET ACT

This week the U.S. Senate Governmental Affairs Committee will begin consideration of S. 2, the Sunset Act of 1979.

Senator Abe Ribicoff, (D-Ct), is chairman of the committee, and Senator Lowell Weicker (R-Ct), is one of 75 Senators who are cosponsors of the act.

Purpose of the bill is simple enough—it provides that every 10 years federal programs will be subjected to systematic, deliberate review by Congress. Some of the reasons for the bill are:

1. It would require Congress to systematically review programs so that it would have increased options to meet changing needs.

2. It would establish a procedure to guard against tying the hands of each succeeding Congress by earlier actions.

3. Congress should make positive decisions on programs and policies of government more often.

4. It would give Congress more flexibility in dealing with inflation and uncontrollable spending.

A few programs would be exempted from sunset. They are veterans benefits, federal employee retirements, civil rights enforcement and social security.

These programs would obviously be vigorously defended.

Since fiscal 1977, federal spending has increased $169.6 billion, 70 percent of which was due to inflation.

Uncontrollable spending is spending over which Congress has no control in a particular fiscal year, unless it amends laws already made. It is largely self-perpetuating.

In 1962 uncontrollable spending was about 30 percent of the Federal budget. By 1967, it was up to 59 percent. In the last 10 years, it has gone wild, until now it is over three-quarters of all federal spending.

For fiscal 1981, about one-quarter of federal spending will be in the controllable category.

It is said that no one really knows how many federal programs are in operation.

The 1979 Catalog of Federal Domestic Assistance lists over 1,000 programs administered by 57 federal agencies.

The General Accounting Office a few years ago found that in the District of Columbia there were seven different programs administered by HEW and the Office of Economic Opportunity. Coordination was so poor that one neighborhood had eight clinics, several of which were badly underutilized.

GAO also found that there was extensive duplication and underutilization of military facilities because each service had its own. Despite repeated nudging from the Department of Defense for interservice cooperation, the individual services continued to circumvent both the spirit and intent of the policy.

A study by the Brookings Institute says that "By 1983, if outlays are held to 21 percent of the gross national product, they would be $722 billion. And under the President's tax program, receipts would be $747 billion leaving a margin of $25 billion . . . Even if the entire margin were used to reduce income taxes . . . the tax would still be over 11.5 percent of personal income, nearly the highest since the end of the Second World War."

Critics say sunset won't work because the workload is too great, good programs will be put in jeopardy and that there will be indiscriminate use of the filibuster.

If these objections are true, than government is already too big to control, and it may be too late, even for sunset.

Congress has obviously created a monster that will devour us all.

The chances of passage in this, an election year, appear thin, even though action to cut government spending is imperative.

A Louis Harris poll in 1978 indicated by a margin of 54 to 34 percent, people wanted the sunset law enacted.

[From the Columbus (Ohio) Evening Dispatch, July 19, 1980]

OPPOSITION REVEALS "SUNSET" BILL'S NEED

Little new business can be expected to be conducted by the U.S. Congress before the November election and that fact is being used as a tactical stalling maneuver by the small minority of senators opposed to a commendable piece of proposed legislation.

Primary sponsor of what now is known as "sunset" legislation is Ohio's senior U.S. senator, John Glenn. It would require Congress to review federal regulatory programs over a 10-year period. Committees with jurisdiction would recommend whether a program should be terminated. The termination tool: no more funding.

After the Senate Governmental Affairs Committee approved the bill by a 12–3 vote, the minority members, in explaining their position, revealed precisely why the "sunset" legislation is needed.

Sen. Henry Jackson, who heads the Senate Energy and Natural Resources Committee, said his group would be required to review 70 separate authorizations to various federal bureaus in 1982.

And Sen. Thomas Eagleton of the Senate Labor and Human Resources Committee, anticipates 112 authorization reviews plus a second look at 41 separate laws.

These apparent complaints about a mass of work facing the Jackson and Eagleton committees are only the tip of a veritable iceberg. There are scores of other committees that would be required to review the maze of laws and authorizations under their purview.

Over the last decades, Congress has created programs with little regard to how long they should run or how much they should cost. Their total is mountainous.

Senator Glenn is correct. It is time for Congress to stop and take a look at what it has done.

[From the Greenville (S.C.) News-Piedmont, July 13, 1980]

SUNSET BILL HAS PROMISE

A "sunset bill" is making progress in Congress—and that's good news.

The bill as reported by a Senate committee requires automatic termination of federal spending and regulatory programs after 10 years, unless Congress specifically reauthorizes them.

The bill would not affect tax deductions and exclusions affecting businesses and individual taxpayers. Opponents of the sunset idea have sought to attach provisions which would end tax-savings measures.

As reported by the Senate Government Affairs Committee, the measure would not abolish federal agencies, since it would apply only to programs. Some state sunset laws—South Carolina's for one—apply to agencies as well as programs—and that may be a bad approach.

The federal sunset concept of abolishing programs probably will generate less opposition from the well-entrenched bureaucracy than one which would abolish entire agencies.

The bill, as written by the Senate committee, is a good one—probably as good as can be expected. It deserves widespread public support.

[From the Orlando Sentinel-Star, July 12, 1980]

WHAT MONSTER?

Sen. Thomas F. Eagleton says the bill is "a monstrosity," an idea "whose time has come and gone," and the "second coming of the monster."

It seems that could describe a lot of bills considered in the halls of Congress, but what is this horrible creature that the gentleman from Missouri is describing?

It is a federal sunset bill, very similar to the one used in Florida. Under the bill, federal regulatory agencies would automatically be abolished unless they were approved by Congress. Every agency would have to be reviewed every 10 years.

The sad thing about the protest by Sen. Eagleton and others is that one of their principal arguments against sunset is that Congress would be so busy reviewing old programs that it would not have time to approve new ones.

That sounds fine doesn't it? One reason the federal government is in such a mess is because Congress has approved too many new programs without looking to see how the old ones are working.

Things get done under sunset. A perfect example is trucking deregulation. Regulation of the trucking industries, which limited competition, came under the state's sunset law this spring, and the Legislature decided to let it die. Without sunset forcing action, Florida would still be debating the issue, just as Congress is.

Appropriately enough, Florida's senior senator Lawton Chiles is a prime backer of federal sunset. It's a battle worth fighting.●

FCC CONSULTANT PRACTICES AND TRAVEL EXPENSES

● Mr. GOLDWATER. Mr. President, at my request, Senators CANNON and HOLLINGS submitted questions to the Federal Communications Commission concerning its consultant practices and travel expenses.

My interest in these matters was stimulated by a series of articles in the Washington Post which included a discussion of two former FCC employees who had been rehired as consultants without competitive bidding. With regard to travel expenses, allegations were brought to my attention that the Commission was forced to curtail statutorily related activities because of a substantial increase in international travel.

The FCC has responded to my questions. Prior to the Commission's response, Broadcasting magazine carried stories on both issues that summarized the Commission's expenditures.

Mr. President, Chairman Ferris presents a vigorous defense of his agency's consultant and travel practices. He argues that priorities were correctly ordered and that the right decisions were made.

In doing so, however, he indicates that funds were reprogramed from domestic to international travel. Approximately $8,000 was drawn from funds allocated to domestic travel by various Commission bureaus. Approximately $10,000 came from the network inquiry staff's travel budget and $20,000 from funds allocated to the Office of Executive Director. A total of $38,000 was reprogramed. Interestingly, the FCC's China trip last May cost $28,000, more than 70 percent of the total that was reprogramed. Without the China trip, only $10,000 would have needed to be transferred. Using the Commission's figures, this amount could have been obtained without affecting the budgets of the operating bureaus.

With respect to consultant practices, Chairman Ferris lists eight consultants during fiscal years 1978, 1979, and 1980 who had an employment relationship with the FCC. In addition, Max Paglin, FCC General Counsel and Executive Director, was paid more than $112,000 in consulting fees beginning in 1977 and ending in September of this year.

Mr. President, in my view the facts and figures provided by Chairman Ferris appear to be a good starting point in our inquiry. However, I do not believe that we have the expertise to evaluate them in a meaningful way. I plan, therefore, to recommend to Senators CANNON and HOLLINGS that we seek a GAO audit of FCC consultant and travel practices which will elicit additional information and provide us with an independent evaluation.

Mr. President, I ask that the articles from Broadcasting and the FCC responses be printed in the RECORD.

The material follows:

FEDERAL COMMUNICATIONS
COMMISSION,
Washington, D.C., August 15, 1980.

Hon. HOWARD W. CANNON,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, D.C.

Hon. ERNEST F. HOLLINGS,
Chairman, Subcommittee on Communications, U.S. Senate, Washington, D.C.

DEAR SENATOR CANNON AND SENATOR HOLLINGS: This is in response to your August 1, 1980 letter asking me to provide answers to questions set forth in an enclosed letter to you from Senator Barry Goldwater.

In responding to the questions Senator Goldwater asks, I have included in this letter a complete overview of the FCC's consultant and travel programs. I have also enclosed separate answers to each specific question raised by Senator Goldwater. Finally, I have enclosed, under separate cover, copies of these contracts requested by Senator Goldwater.

Consulting services are often used by federal agencies when they are appropriate and necessary. Their use is provided for by Federal Procurement regulations and additional guidance from OMB and the Office of Federal Procurement Policy, I believe that all consulting contracts entered into by the FCC are within existing law and regulations, and are very limited in number and amount relative to the agency's overall budget. As you can see from our responses to Senator Goldwater's questions, I also believe that our use of consulting contracts has been cost-effective to the taxpayer.

We have also been asked by OMB to conduct an internal review of our consulting contracts to provide OMB with information on the actual conduct of our consulting contracts programs. I expect the report to be completed by September 1, 1980, and will make copies available to you immediately upon its completion.

While Senator Goldwater did not ask any specific questions about travel funds, I believe that some overall information on our travel program will be helpful to you.

In Fiscal Year 1980 Congress passed an 8 percent reduction on all agency Travel and Transportation accounts. The FCC's reduction was $175,000 out of a total of $1,439,000 in combined travel and transportation funds.

We appealed the OMB allocation and requested an additional $49,000 for international travel funds, particularly in support of the February 1980 Region 2 AM Radio Conference in Buenos Aires. Our appeal was denied and we were required to reprogram other agency travel funds to cover this important international conference.

Our FY 1980 travel and transportation budget (before the 8 percent reduction) was identical to the FY 1979 travel and transportation budget, despite substantial inflationary pressures. Since the beginning of FY 1979, domestic airfares have risen 41 percent. International airfares have risen an average of 25 percent in the same period. In addition, federal per diem rates have been raised and the number of designated high cost areas has increased.

The impact of these three factors—the overall 8 percent agency travel fund reduction, airline fare increases and per diem cost increases, has been to reduce further the effective value of our travel funds and reduce the number of trips that are able to be taken by FCC staff.

I believe the Commission has carefully allotted its limited travel funds in FY 1980 to meet our priority travel requirements. Each Bureau and Office has carefully reviewed each proposed trip. All of our travel, both domestic and international, has been in furtherance of our statutory objectives and no statutory obligation has been neglected.

I will be pleased to discuss this information further with you at your convenience.

Sincerely,

CHARLES D. FERRIS,
Chairman.

QUESTIONS AND ANSWERS

Q. Is there really such a shortage of expertise within the FCC (which employs more than 2,000) that it has to hire consultants?

A. The FCC hires consultants for several reasons. Among these reasons is that the task to be completed is of limited duration and requires technical or professional expertise that is not available among the Commission's staff. This expertise is often not available among full-time federal employees due to the current salary situation in the Federal Service. A second reason is the need to obtain the advice of noted experts where knowledge and reputation are expected to contribute substantially to the success of the particular project. In several cases we have also used consulting contracts to provide a dispassionate, independent point of view on issues critical to important FCC projects, such as our Network Inquiry and UHF Comparability Task Force. Thus, our limited use of consultants represents a carefully focused effort to bring a specific, targeted expertise of selected individuals or outside companies to our programs.

Q. Is Mr. Paglin still under contract to the Commission?

A. Yes.

Q. Has Mr. Paglin, in fact, been paid $112,000 at $225 per day, and if so; during what period of time?

A. Yes. The time period of Mr. Paglin's contract is as follows:

Contract No. FCC–0246.

Period of performance: December 2, 1977 to April 31, 1979.

Amount: $56,867.24.

Subject: Evaluation of Operation of New Predesignation Procedures in Processing of Broadcast Applications.

Contract No. FCC–0293.

Period of performance: July 12, 1979 to October 15, 1979.

Amount: $12,375.00.

Subject: Evaluation of the Federal Communications Commission's Adjudicatory Opinion Writing Function Under Its 1976 Re-Regulation Procedures—Restructuring and Reorganization of the Office of Opinions and Review.

Contract No. FCC–0321.

Period of performance: October 17, 1979 to September 30, 1980.

Amount: $43,200.00

Subject: Evaluation of discovery procedures in adjudicatory hearings.

Grand total for period December 12, 1977 to September 30, 1980: $112,424.24.

Q. Why does Mr. Paglin have his own office space?

A. The contracts with Mr. Paglin provide that the Commission will furnish him with limited office space. This provision was included in the contracts for the convenience of the Agency and because of the nature of the work required to be performed under the contracts. To perform the required work, it has been imperative that Mr. Paglin have access to many official Commission records and other documents that could not be removed from the Commission's premises. In fact, the contract specifically provides in the Special Provisions that: "The Commission will provide access to all official reports and documents which are relevant to this project." For example, in preparing the report entitled, "Evaluation of Operation of New Pre-Designation Procedures in Processing of Broadcast Applications," Mr. Paglin relied heavily on the examination of actual broadcast applications, amendments, and related filings. These materials were contained in active files which are used frequently by various persons on the Commission's staff and the public, and it would be neither proper nor practical to remove the files from the Commission.

In addition to having easy access to relevant records of the Commission, the scope of work of each contract required Mr. Paglin to conduct extensive in depth consultations with top-level staff of the Commission, particularly members of the staff of the Broadcast Bureau, Office of Opinions and Review, Office of General Counsel, and the Office of Administrative Law Judges. In recognition of the importance of such consultations, each contract contains a specific provision that: "Upon request of the Contractor, members of the Commission staff will make themselves available to the Contractor for consultation so long as such consultation does not materially interfere with normal staff functions and duties." By having limited office space at the Commission, it has been possible for Mr. Paglin to arrange and conduct the required extensive staff consultations with minimum disruption to the staff. With Mr. Paglin working on the Commission's premises, he was able to be much more flexible in scheduling consultations at the convenience of the Agency personnel than if office space had not been made available. Because he was available on the premises, Mr. Paglin was able to consult with key persons as unanticipated questions arose and to re-interview when appropriate.

Q. Are there any other consultants who have been or are accorded the same privileges?

A. Yes. A review of our contract files revealed that other Commission consultants have been provided office space. We have provided an enclosure 2, a listing of those contract provisions which outlined the support to be provided.

Q. Has only FCC work been performed in this office?

A. Mr. Paglin has only performed work required by his contracts in this office space provided by the Commission.

Q. Does Mr. Paglin utilize FCC secretarial or administrative support?

A. Mr. Paglin utilizes FCC secretarial support as provided for in his contract, only for typing assistance in the preparation of reports and other materials required to be performed under his contracts with the FCC.

Q. What are the Commission's plans for this arrangement in the future?

A. Through the completion of Mr. Paglin's current contract, it would be our intention to comply with the provisions of the contract providing for secretarial and administrative support.

Q. Why were these contracts not put out for competitive bid?

A. The contracts awarded to Mr. Paglin were not put out for competitive bidding because the Contractor was uniquely qualified by background and experience to perform the studies and produce the Reports required by the contract. All of the work required by each contract concerns the effective functioning of various phases of the adjudicatory process. There are perhaps only a handful of persons in the country whose prior experience has given them the insight into the actual working of the administrative process that Mr. Paglin possesses and probably none with more insight and knowledge concerning the FCC's adjudicative process. He is the only staff official in the history of the Commission to have held both the positions of General Counsel and Executive Director. In addition, he has served as a trial attorney, Legal Assistant to a Commissioner, Assistant General Counsel, and Senior Supervisory Attorney, Office of Opinions and Review at the Commission. Mr. Paglin has also been in private law practice, served as a permanent member of the Atomic Safety and Licensing Board Panel, and served as a consultant to the Administrative Conference of the United States. He has published many scholarly works in the field of administrative law and lectured exclusively on the subject.[1]

In short, Mr. Paglin's previous professional experience at the Commission and elsewhere has provided him with expertise in the area of administrative law in general and the adjudicatory process in particular which makes him singularly qualified to aid the Commission in its drive to reduce unwarranted and costly delay in the administrative process. No one else could possibly possess the combined legal and management perspective concerning the Commission adjudicatory procedures that Mr. Paglin possesses since no other person has ever served as General Counsel (1961–1964) and Executive Director (1966–1971) of the Commission's processes as much as Mr. Paglin's. uniquely qualified background and experience could have produced studies and recommendations which have aided the Commission's processes as much as Mr. Paglin's. (See answer to question 10 for a description of the work performed by Mr. Paglin and the benefits derived from that work by the Commission.)

In addition to Mr. Paglin's unique qualifications described above, the contract was not put out for competitive bidding because of the urgency of the backlog problems facing the Commission's Broadcast Bureau in processing broadcast applications. As explained in detail in the answer to question 10, it was deemed imperative to begin at once to address the problems of delay in the processing of broadcast applications and to determine the effectiveness of the Commission's revised adjudicatory procedures.

The contract with Dr. Darby was not let for competitive bid because of the judgment that he was uniquely qualified to provide the consulting service by the Bureau.

Since the departure to the Congressional Office of Technology Assessment in January 1979 of Ray Crowell, who had been the principal Common Carrier Bureau staff member responsible for international activities, the Bureau had been without an individual whose experience encompassed the totality of its responsibilities. During his tenure as Bureau Chief, from approximately August 1978 to July 1979, and especially after Crowell's departure, Dr. Darby had assumed personal responsibility for many of the Commission's international common carrier activities. Although the Common Carrier Bureau has many talented individuals among the more than 30 assigned to international matters, none of the senior professional employees in the Bureau at the time the contract was let had the scope of experience which he enjoyed. For example, the senior international staff member, Willard L. Demory, had been with the FCC only a little more than three months. The chief of one of the two international divisions, William Adler, had been with the Commission less time than that and the other international division chief's job was vacant. None of our other employees at the level of Division Chiefs and above, including Phil Verveer, had any broad experience in international communications matters.

After focusing on a series of international matters which the Commission addressed on December 12, 1979, Mr. Verveer felt that it would be very advantageous to our new international staff to obtain a broad briefing paper on a comprehensive set of international issues of a more fundamental nature than those addressed December 12. The December 12 deliberations had surfaced a variety of issues of fundamental importance which appeared to warrant prompt attention. These issues were addressed in a memorandum sent to the Commission on December 11, 1979. The memorandum, particularly pp. 1–3, eventually served as the starting point for Dr. Darby's paper. In light of his experience with these international issues while in the Common Carrier Bureau, Mr. Verveer believed that Mr. Darby would be uniquely qualified to provide such a paper in a short time and at low cost.

Q. What use has the Commission made of the studies done by Paglin and Darby?

A. All of the work performed by Mr. Paglin under the three contracts (including Contract No. FCC–0321 relating to discovery procedures in adjudicatory hearings which is due to be completed by September 30, 1980) concerns the effectiveness of the Commission's adjudicatory procedures. In a Report and Order on Adjudicatory Reregulation adopted in March 1976 (58 FCC 2d 865), the Commission amended its organizational and procedural rules, in an attempt to reduce unwarranted delay in the performance of its functions, particularly the adjudicatory procedures governing the processing of applications for broadcast facilities. The revised procedures were designed to reduce administrative delay in the processing of broadcast applications by placing greater emphasis on pre-designation for hearing procedures. Under the revised procedures, competing applicants for broadcast facilities would be required to perfect their applications within a specified period after the cut-off date for the filing of mutually exclusive applications and would participate in the framing of issues against each other before the applications were designated for a comparative hearing. The revised rules were to become effective on July 1, 1976, except that applications, motions, and exceptions to initial decisions in hearing cases which were pending as of July 1 would be subject to the pre-existing rules. Likewise, applications filed on or after July 1 which were mutually exclusive with earlier filed applications would also be governed by the pre-existing rules.

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[1] A complete résumé showing Mr. Paglin's professional background and experience is attached.

One foreordained result of the revised pre-designation procedure was an increase in responsibilities for the Broadcast Bureau processing staff. In addition to the increase in responsibilities created by the revised procedures, two other Commission actions had caused a heavy influx of applications to be processed by the Broadcast Bureau staff. In 1975, the Commission had relaxed existing criteria for acceptance of standard broadcast applications, acknowledging at the time that this action might result in more applications than the staff could handle. Although declining to adopt measures to control the anticipated influx of applications, the Commission reserved the right to declare periodic "closed" and "open" seasons if the situation became "administratively burdensome." The Commission promised, however, it would provide advance notice before declaring a "closed" season on the filing of applications.

As a result of the relaxation of acceptance criteria, AM filings increased over 600% and the backlog of AM applications quickly doubled. Due to the huge backlog, for both AM and FM applications, on April 29, 1976, the Commission decided to declare a "closed" season for a period of six months to begin on June 30, 1976 on the acceptance of new and major change AM and FM applications. As a result of the Commission's announcement of the prospective "closed" season (and a rumor within the industry of a more extended "freeze" on the filing of applications), an unparalleled influx of AM and FM applications was received. In June 1967 along, a total of 565 AM and FM applications were tendered for filing—almost matching the number of applications filed during the entire previous year which the Commission had already determined to be "administratively burdensome." The backlog of applications jumped from approximately 750 to 1300 in the two-month period prior to the imposition of the "closed season." Obviously, members of the broadcasting industry and others were justifiably concerned by the prospect of serious delay in the processing of applications due to the huge backlog, and representatives of the broadcasting industry forcefully urged the Commission to address the backlog problem as quickly as possible.

In December 1977, the Commission contracted with Mr. Paglin to assess the impact of the revised adjudicatory procedures adopted by the Commission in March 1976. Specifically, the contract required Mr. Paglin to conduct a survey on an agency wide basis to determine the effectiveness of the revised procedures, under conditions of actual operations, in reducing unwarranted delay. The contract provides that the contractor shall "evaluate whether the revised regulations are in fact improving and expediting the adjudicatory process and shall recommend modifications in such procedures and regulations where experience and data indicate the need for such action." The contract provided that the Contractor would "prepare a final report upon the research conducted and data collected . . ., containing recommendations designed to assure that the Commission's efforts to improve the efficiency and effectiveness of its adjudicatory procedures will be fully realized." Because of Mr. Paglin's unique expertise and experience, the contract provided that he was also required to furnish advice to the staff and the Office of the Chairman on other matters related to the fulfillment of the contract, such as agency trial and appellate litigation, adjudicatory decision-making, and administrative management of adjudicatory and rulemaking proceedings.[2]

After an extensive number of in-depth interviews with Commission officials and practicing attorneys who had actual experience with the pre-designation procedures and analysis of pertinent docket records, pleadings, and other documents, Mr. Paglin submitted his report entitled "Evaluation of Operation of New Pre-designation Procedures in Processing of Broadcast Applications" to the Commission in February 1979. The 52-page report (apart from an accompanying internal Administrative Supplement) contained a comprehensive examination of the objectives of the revised adjudicatory procedures and an evaluation of the Commission experience under actual operation of the procedures, with a very detailed critique of the process. The report concluded that the revised pre-designation procedures did not work as intended and that, without changes, there would be even greater delays in processing contested broadcast applications. The report also concluded that the new procedures had other negative public policy consequences, such as prejudicing applicants with limited resources who could not afford the increased litigation costs which the new procedures encouraged. The contractor's report contained recommendations for substantial changes which were designed to unclog the existing backlog and to get pending applications into hearing as promptly as possible. The major recommendations were the following: [3]

1. The existing procedures for cut-off lists, deficiency letters, amendments as of right and issue pleading should be repealed. Instead, the Commission should use a simple Public Notice system of publication of lists of acceptance of applications and announcements that applications in conflict with those on the list would have to be filed within a date certain.

2. The same simplified requirements would apply to petitions to deny.

3. Voluntary "amendments as of right" prior to hearing should be limited to two situations—(1) within a specified period after publication of the acceptance of the last filed application and (2) within a specified period after issuance of the designation order.

4. Memoranda to the Commission accompanying hearing designation orders should be more succinct.

5. The existing procedures for pre-designation pleadings and cross-pleadings to specify issues against opponents in contested broadcast applications should be repealed.

6. All pleadings relating to motions to enlarge, modify, or delete hearing issues should be presented, after designation, to the presiding ALJ.

7. After an applicant makes a satisfactory threshold showing in his application of compliance with the Commission's requirements for conducting a proper community survey and in demonstrating financial capability to build and operate the proposed station, these two qualification factors should no longer be subject to adversary pleading or testimony at the hearing stage, absent a persuasive showing by other parties of misrepresentation, gross omission, or new circumstances.

On March 15, the Commission issued the Contractor's Report to the public for expedited informal comment. In the Public Notice releasing the Report, the Commission stated that after reviewing the Report and its recommendations, it "is of the tentative view that adoption of the recommended revisions in its procedures would eliminate the delay problems which have been experienced and would improve the efficiency and effectiveness of its broadcast application processing system." The Commission specifically invited comments on the Report from government agencies, interested Congressional Committee staffs, representatives of the Federal Communications Bar Association (FCBA), and the Association of Communications Consulting Engineers, and other practitioners, citizens organizations, and the Administrative Conference. On March 29, 1979, the Commission held a public briefing session, in conjunction with the Federal Communications Bar Association, at which the Contractor and Commission staff members answered questions about the recommendations contained in the Report. And, on April 17, the Commission held a special public symposium to discuss the Contractor's Report and recommendations. Before opening up the symposium for discussion from the floor by any interested person, Mr. Paglin served as moderator on a panel composed of Commissioners, Broadcast Bureau and Office of General Counsel staff members, an Administrative Law Judge, and representatives of the ABA and FCBA.

On June 1, 1979, the Commission adopted a Report and Order which accepted with only minor modifications all of the significant recommendations contained in the Contractor's Report. 72 FCC 2d 202 (1979). The Commission observed that the comments which were filed were unanimous in commending the Commission for undertaking the effort to improve its adjudicatory procedures and that the comments urged the Commission to adopt the new procedures as soon as possible. 72 FCC 2d at 207. In a concurring statement, Commissioner Tyrone Brown stated:

> I applaud the efforts and results of the Contractor, Max Paglin, who has performed yeoman's work and has produced a truly important procedural reform embodied in one of the best written documents I have seen in my tenure as a Commissioner. The current procedures encourage delay and waste of Commission and party resources and also have an adverse impact on applicants and petitioners who do not have deep pockets. The procedural changes the Contractor recommends can be expected to ameliorate these problems and make a substantial dent in our current backlog of applications for new broadcast facilities. 77 FCC 2d at 230.

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[2] For example, during Spring 1978 the Contractor was requested by the Chairman to prepare on an expedited basis a draft interim policy statement concerning ex parte procedures during informal rulemaking proceedings. The Contractor's work product resulted in the adoption by the Commission on June 8, 1978 of an Order, Notice of Inquiry and Interim Policy Statement in Docket No. 78–167. In re Policies and Procedures Regarding Ex Parte Communications During Informal Rulemaking Proceedings, 68 FCC 2d 804 (1978).

[3] A copy of the Report and the Public Notice which accompanied its release to the public is attached. See pages 27–49 for a detailed description of the report's recommendations.

The results of the adoption by the Commission of the recommendations contained in the Contractor's Report have already become manifest—even though they were adopted only little over a year ago. The following chart, which contains the number of hearing designation orders issued by the Commission for the various types of broadcast applications, demonstrates the substantial improvement in the backlog situation that is already being realized as a result of the Contractor's recommendations:

DESIGNATION ORDERS

1977—3 AM, 30 FM, 5 TV, 5 combinations (AM, FM, TV) for a total of 43.

1978—6 AM, 24 FM, 5 TV 4 combinations for a total of 39.

1979, January to July—3 AM, 6 FM, 2 TV, 4 combinations for a total of 15.

Paglin procedures adopted June 1, 1979.

1979, August to December—5 AM, 15 FM, 6 TV, 1 combination for a total of 27.

1980, January to July—9 AM, 64 FM, 18 TV, 2 combinations for a total of 93.

The chart indicates the dramatic improvement that has been made in processing applications to hearing since the adoption of the procedures recommended by the Contractor. From January-July 1979, fifteen designation orders were issued by the Commission, while 93 designation orders were issued from January-July 1980. In other words, the first half of this year, over 600 percent more designation orders were issued than during the same period last year.

Another measure of the benefit derived from the new procedures is the substantial decrease in elapsed time from the filing of an application to issuance of the designation order. Prior to the adoption of the procedures recommended by the Contractor, the usual period from filing to designation order, was 2–3 years. Recently, this period has been averaging less than a year. The reduction to applicants of the costs of processing broadcast applications as a result of the shorter elapsed time is obviously substantial.

Mr. Paglin's second contract (FCC Contract No. 0293) was awarded in July 1979. The Contractor was required to conduct a survey of the past and present organizational and operational functioning of the Commission's Office of Opinions and Review (OOR), in order to assess the effectivenes of the 1976 adjudicatory re-regulation procedures in carrying out the objective of reducing unwarranted delay in hearing cases, including the directives for meeting the goals and timetable deadlines established in December 1975. The Contractor was required to prepare a final report, based on his study and investigation, containing recommendations designed to assure that the Office of Opinions and Review will have the proper organizational and operational structure to carry out its adjudicatory responsibilities effectively and expeditiously.

In performing the study, the Contractor conducted extensive conferences with past and present staff members of the Office of Opinions and Review (OOR), and conducted in-depth analyses of individual case records and OOR's data and status reports for 1977, 1978, and 1979. The primary objective of the research was to attempt to identify from the data those cases which had been pending for an inordinate length of time, and to determine the reasons—organizational, operational, staffing, or otherwise—why such inordinate delays were occuring. The case histories of more than 200 cases were studied by the Contractor.

The Contractor's Final Report was entitled "Report on Evaluation of the Federal Communications Commission's Adjudicatory Opinion Writing Function Under Its 1976 Re-Regulation Procedures—Restructuring and Reorganization of the Office of Opinions and Review." The Report was delivered personally to each Commissioner on October 15, 1979.[4] The Report was not released to the public since it involved internal personnel and administrative matters. However, the Chairman and Commissioners favorably accepted the recommendations contained in the Report.

The Report contained specific short- and long-term recommendations, including long-term restructuring of the opinion writing function, creation of a special backlog task force, establishment of an organizational entity to handle interlocutory matters addressed to the Commission, revision of the format of OOR memoranda, and revisions in the OOR record-keeping system.[5] In January and February 1980, the Chief of OOR and several staff members retired from the Commission, and a new Chief was appointed in March 1980. During the brief tenure of the new Chief, several of the Contractor's recommendations have already been implemented. The Contractor's recommendations concerning restructuring the staffing of the Office have been implemented to some extent, although the Government-wide hiring freeze has delayed full implementation. In accordance with the Contractor's recommendation, the format of OOR memoranda to the Commission has been revised to foster an increased rate in the disposition of cases. The new Chief of OOR has stated his intention to implement the Contractor's recommendations concerning handling of interlocutory decisions and revision of the Office's record-keeping system.

A measure of the improvement in the opinion writing function which has already been realized at least in part as a result of the Contractor's recommendations is the increased rate at which agenda items have been submitted to the Commission by OOR. During the first four months of calendar year 1980 (January-April) 16 agenda items (or 4 per month) were submitted to the Commission by OOR, from May-July, 26 agenda items (or almost 9 per month) were submitted. Thus, the rate of submission of items has already doubled this calendar year.

Insofar as the report prepared by Larry Darby is concerned, the requirement that the Commission submit its Comsat Study to Congress on May 1, 1980, provided a significant impetus to our desire for the issues paper. We are very concerned that we not inadvertently foreclose ourselves from pursuing policies which would redound to the benefit of the U.S. international telecommunications consumer in the process of preparing a draft of the Comsat Report for the Commission's consideration. Thus, it seemed very important that we obtain a report surveying the issues and their relationships with one another prior to submitting the draft report for the Commission's consideration. The report was not intended, however, to contribute to the substance of the Comsat Study itself.

As a result, Phil Verveer, the Chief, Common Carrier Bureau, contacted Dr. Darby and prevailed upon him to undertake the assignment. After a discussion of the issues, the extent of the work which would be required to address them, and the depth in which they should be addressed led to an agreement that approximately $5,000 would be sufficient to obtain the report. Work on the project was begun in ample time to permit its completion prior to our submission to the Commission of the draft Comsat Study in early April, 1980. Unfortunately, however, Dr. Darby was incapacitated for approximately a month with a combination of a virus infection and broken ribs not too long after he commenced work on the report. When Phil Verveer discussed the complications in timing which his illness posed, Mr. Verveer indicated that he preferred to have the work continue. Since submission of a written report prior to the Bureau's circulation of the draft Comsat Study to the Commission would be impossible, Mr. Darby was asked to orally brief the Bureau's Assistant Chief/International on his conclusions prior to the Bureau's circulation of its final Comsat draft. We also agreed that the written report would follow when it was feasible for Dr. Darby to complete it.

On receipt of Dr. Darby's report, it was disseminated to the Bureau's senior staff responsible for international matters. Mr. Verveer personally found it an extremely helpful review of the full range of international issues, including both those which we have begun to address in a formal way, and those which are as yet not formally initiated. Dr. Darby's report and a discussion which followed our review of it have, for example, helped the Common Carrier Bureau to conclude that the Bureau should recommend that the Commission commence a proceeding to re-examine the division of international communications markets between voice and record services accomplished by the TAT-4 decision. Although this determination probably should not become a matter of public record, it is a very significant policy outcome for which Dr. Darby's report is partially responsible.

Finally, it is probably useful to be absolutely certain we have corrected a mistake which appeared in the Washington Post story to which Senator Goldwater referred. Dr. Darby's study was not intended to be a part of the Comsat Study. It was related to the Comsat Study only in the sense that we desired to have its results prior to the Bureau's conclusion of its Comsat Study recommendations to the Commission for the reasons specified above.

Q. What other consultants have been employed in the past three years?

A. We have enclosed a complete listing of all consulting contracts issued during FY 1978, 1979, and 1980 to date.

Q. What has been their previous employment relationship with the FCC?

A. We have listed below the names and contract number of those consultants which have had an employment relationship with the FCC.

a. Dr. Larry Darby (P.O. 1202-0), Former Chief, Common Carrier Bureau, and Former Chief, Economics Division, Common Carrier Bureau.

b. Dr. Walter Bolter (Contract FCC-342), Former Chief, Economics Division, Common Carrier Bureau.

c. Thomas G. Krattenmaker (Contract FCC-0256, P.O. 2647-0), Former Co-Director, Network Inquiry Special Staff.

d. John M. Taff (Purchase Order 2797-0), Former Assistant Chief, Policy and Rules Division, Broadcast Bureau.

e. Dr. Alan Peace (U.O. 1798-8), Former employee—former Chairman Dean Burch, and Industry Economist, Office of Plans and Policy.

f. Dr. Raymond M. Willmotte (FCC-9262), Project Co-ordinator of FCC UHF Task Force.

g. Mr. Max Paglin (FCC-0246, 0293 and 0321), Former General Counsel and former Executive Director.

h. W. G. Mister (P.O. 2798-0), Former employee, Common Carrier Bureau.

Q. What are the terms and subject matters of these contracts?

A. We have enclosed under separate cover copies of all of the contracts for the individuals listed in response to Question 12.

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[4] Because of the recognized seriousness of the problems in OOR, the Contractor, at the request of the Chairman, had produced a draft Interim Report on the adjudicatory opinion writing function during the first part of 1978.

[5] A detailed description of the recommendations is contained in the Report at pages 45–59.

Federal Communications
Commission,
Washington, D.C., August 20, 1980.
Hon. Howard W. Cannon,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, D.C.
Hon. Ernest F. Hollings,
Chairman, Subcommittee on Communications, U.S. Senate, Washington, D.C.

Dear Senator Cannon and Senator Hollings: This letter amplifies our response to your inquiry of August 1, 1980, concerning Senator Goldwater's request for information on our consultant practices and travel expenses. Specifically, we have been asked by Senator Goldwater's staff to provide more details on the reprogramming of travel funds from domestic to international travel.

From the outset, it is important to note that the cutbacks in our travel budget required by the 8 percent reduction imposed by Congress and the OMB have had a much greater impact on our domestic travel and transportation than has the Commission's decision to reprogram a lesser amount from domestic to international travel. Yet, even with the 8 percent reduction and the reprogramming, I believe that we have met all of our priority domestic travel needs at the same time that we have pursued United States' interests on various international trips. Travel of a lesser priority has obviously been curtailed.

My review of our reprogramming discloses that only a relatively small amount of money has been reprogrammed from domestic to international travel. Between the beginning of FY 1980 and the end of the third quarter of FY 1980, it was necessary to reprogram only an additional $38,180 into international travel. This figure represents only 2.9 percent of our total current travel and transportation budget.

These reprogrammed funds were derived from a variety of sources and were taken from those areas which could most easily afford a further reduction. Approximately $10,000 was drawn from the Network Inquiry Special Staff's domestic travel budget. Another $20,000 was reprogrammed from funds allocated to the Office of Executive Director. Approximately $8,000 came from funds allocated to domestic travel by the various bureaus of the Commission.

It is extremely difficult to assess what adverse impact, if any, resulted from this reprogramming. It is, for instance, difficult to determine whether a particular domestic travel reduction was required by the international reprogramming or by the reductions required by Congress.

Moreover, the reduction in travel funds most often resulted in a reduction in the number of persons traveling to a particular function, rather than a gross reduction in the number of trips taken. Each affected bureau chief has made the specific decisions as to the allocation of remaining funds. Obviously, these decisions reflected their informed judgment on which trips were of highest priority. In no case was statutorily mandated travel sacrificed.

For instance, the Network Inquiry Special Staff's travel requirements had been originally overestimated, so that funds reprogrammed from them have not affected their travel needs. Similarly, the funds drawn from the Office of the Executive Director were not budgeted for domestic travel, but were funds largely to be used for support purposes.

In short, while it is difficult to assess what impact is directly attributable to the reprogramming, we have made every effort to draw those funds from areas where the impact was least likely to be adverse.

I, of course, share Senator Goldwater's concern that every dollar spent by government be a dollar worth spending. Yet, I also believe that our decision to increase budgetary allocations to international travel, a decision driven by our domestic policy concerns, and our involvement in various international conferences has been undertaken to integrate our domestic policy pursuits with our international programs and responsibilities, is an efficient use of our financial resources, and has been of enormous benefit to the United States. Indeed, I believe that to have done less in the international sphere would have been to neglect our responsibilities under the Communications Act.

For instance, one of our largest international travel outlays (approximately $20,000) was for the Region 2 Conference on Medium Frequency Broadcasting held in Buenos Aires. Costs associated with the pre and post conference meetings were approximately $9,000. Our presence at that conference was essential to the interests of the United States, both in terms of the amount of spectrum we would have available for our domestic use in the future and in the manner in which that spectrum could be utilized under international law. As you know, the critical issue of the move from 10 KHz to 9 KHz AM channel spacing, negotiated in part at that conference, is central to a wide range of domestic policies we are undertaking pursuant to our statutory mandate.

We have also expended a large portion of our international travel funds (approximately $22,440) to participate in the North Atlantic Consultative Process. These funds have been expended to support two very important policy objectives in the area of international common carrier communications. First, when I arrived at the Commission in 1977, the process of approving additions to international communications facilities in the North Atlantic Basin was in disarray. This is evidenced by the controversy that surrounded the Commission's initial decision to disapprove construction of the TAT–VII cable. As a result of direct personal contacts with our foreign telecommunications partners and affected U.S. carriers, beginning with a meeting in Washington, D.C., in July 1978, and at meetings this fiscal year in Montreal, London, Dublin, and Tours, we now have an effective international consultative process that allows for the development of a common data base and understanding of policy premises emphasized in each country, as well as providing a forum for useful exchanges of information and views with our foreign telecommunications partners. I believe this planning mechanism will promote orderly and cost effective additions to international facilities in the North Atlantic Region. Indeed, as a result of this success, some Pacific Basin countries have expressed an interest in instituting a similar process.

Second, foreign governments do not always share this country's support for competitive telecommunications services. In fact, all foreign telecommunications providers are government owned or sponsored monopolies. Direct contacts at international meetings have provided an invaluable forum for the U.S. to explain our policies and to facilitate the integration of the competitive U.S. environment with their monolithic environment. Greater appreciation on the part of our foreign correspondents of U.S. telecommunications policy goals could provide enormous benefits to U.S. users of international communications facilities.

As you know, between May 5 and 6 I headed a delegation from the FCC to the People's Republic of China at the invitation of China's Minister of Posts and Telecommunications. The delegation consisted of myself and Commissioners Robert E. Lee, Joseph R. Fogarty and Tyrone Brown, along with the Commission's Chief and Deputy Chief Scientist, the Chief of the Broadcast Bureau, the Chief of the Private Radio Bureau, the Chief and the Deputy Chiefs of the Common Carrier Bureau and my Administrative Assistant. During the course of the visit we met with Vice Premier Gu Mu, the Minister of Posts and Telecommunications, most of the high ranking officials of the Ministry, and officials of China's Central Broadcasting Administration. All the expenses of the delegation in China were paid for by the government of China. Our travel expenses totaled approximately $28,000.

Several delegations from the People's Republic of China had visited the FCC during the previous year. They extended an invitation to me to visit China with other Commissioners and FCC staff to discuss critical telecommunications issues of mutual interest. This visit permitted extended discussions, at an appropriately high level of telecommunications issues that are important to the United States interests.

As you recall, China is a member of the International Telecommunication Union (ITU), an international body that is the forum for establishing many international telecommunications policies. These policies govern questions ranging from technical standards for telecommunications services and equipment to the number of communications satellite orbital positions to which the United States will have access. The issues are, of course, of vital concern to the FCC and the U.S. Government and, as an important member of the Third World, China's views on them are of substantial interest to us. One purpose of our visit was to establish closer links between the FCC and the Ministry of Posts and Telecommunications that would pave the way for future exchanges and discussions on these policies.

Another important purpose of the trip was to discuss international telecommunications facilities planning, especially the planning of telecommunication facilities linking China and the U.S. The FCC must approve any investment by private U.S. carriers in international facilities. In the past this has led to confusion between the U.S. and the foreign governments who are typically the co-owners of these international facilities. The visit allowed discussions of Commission policies in this area and the future plans of the two countries.

The Ministry was also very interested in the FCC's views on development of their telephone and other domestic telecommunications networks. China's internal telephone network is not as developed as that of the U.S. China currently has only 4 million telephones to serve one billion people. Its switching equipment is of an earlier generation. China intends to upgrade this network as part of its current program of accellerated modernization.

We spent a considerable portion of our time attempting to assure the Chinese that the U.S. was the world leader in telecommunications technology. We intend to work with the Ministry to help them find U.S. entities able to provide equipment and services to aid them in their modernization. We hope that such efforts will have a favorable impact on our country's balance of payments with the People's Republic of China.

We also discussed many other subjects of potential benefit to the U.S. as well as China. We tried to promote the idea that China might benefit from authorizing wider use of amateur (ham) radio to link their vast rural areas as well as to increase international friendship. We agreed to discuss with them our use of computers for spectrum management. The Chinese are beginning to have serious spectrum interference problems and wish to look at our models for allocating spectrum, keeping track of spectrum usage, and adjudicating disputes between different spectrum users.

In order to obtain the most value from the trip, we also held discussions en route with the Ministry of Posts and Telecommunications officials in Japan and in Hong Kong with the Cable and Wireless, Ltd., the British entity providing the international and long distance telecommunication services in that area.

In short, I believe that the reprogramming decisions that the Commission has made have reflected sensitivity to our domestic obligations and a growing awareness of our international interests.

I trust that this information will be helpful to you. If I can provide any additional information, please let me know.

Sincerely,

CHARLES D. FERRIS,
Chairman.

[From Broadcasting magazine, Aug. 11, 1980]

Almost $2 Million Spent by FCC for Outside Help

The FCC, like most other agencies of the federal government, is finding that much of the expertise it feels it needs is not on the payroll. And, like those other agencies, its solution is to go outside the government, to consultants. During fiscal year 1980, which ends on Sept. 30, the commission committed $341,850, out of a $72-million budget, to consultants' services, according to figures available at the commission.

Nor is that all. The commission also spent about $1.6 million on contract services of more than $10,000 each. Some of those appear not very different from the work a "consultant" might do.

The largest part of the funds spent on consultants—more than one-third the total, or $120,977—was spent in connection with the special network inquiry. Two of the larger fees for work—$9,800 and $22,275—went to Professor Thomas Schuessler of the University of Arizona, an expert in communications law. Thomas Krattenfield, co-director of the network inquiry staff, said travel and secretarial expenses contributed to the size of the Schuessler contracts. The largest fee paid for help in the inquiry was $25,476, to the Rand Corp. for work done by Dr. R. E. Park.

Other major consulting contracts were awarded to Max D. Paglin, a former FCC general counsel and executive director who is evaluating the commission's discovery procedures in adjudicatory procedures ($43,200); Dr. Lee L. Selwyn, for assistance to the Common Carrier Bureau's separated trial staff in an examination of the rate structure of AT&T's private bill tariff ($70,000, for work completed as of May 24; final invoice not received), and Julien J. Studley, for advising on office space availability in the Washington and Gettysburg, Pa., areas and for preparing solicitations for the space ($42,160).

A substantial amount of the contract funds was spent for computer services. For instance, $440,000 was paid to Vanguard Technologies Corp. for operating the agency's computer, and $365,000 was paid to Honeywell for upgrading the computer equipment.

Among the services listed were a Lou Harris poll and an Arbitron study. Both were done to assist the commission's UHF task force in its UHF-VHF comparability study, which is to be submitted to the commission in September—and to Congress at the end of that month.

Harris, for $170,582, surveyed UHF viewers for their impression of UHF service. "We expect a lot of very interesting results," said Douglas Webbink, deputy chief of the Office of Plans and Policy, last week. He said the findings "will be useful in explaining part of the reason for the UHF 'handicap.'"

The Arbitron study, which cost $90,000, focuses on the various types of television channel selections, and on what effect, if any, they have on viewers tuning in VHF or UHF.

River at Sunrise, of Deerfield, Mass., the mangement consultant firm that over the past year has examined management procedures and has held a number of training sessions with commission staff and members, is recorded as having been paid $44,180.

[From Broadcasting magazine, Aug. 11, 1980]

Totalling Up the FCC's Tab for Travel

The FCC has cut its domestic travel budget for fiscal 1980 by $154,059 from 1979's allotment (16.8%), while its budget for international travel during the same period was increased $48,360 (34.4%). The FY '80 travel budgets: domestic $761,531, international $189,128.

During the first eight months of FY '80 (which began Oct. 1, 1979), the offices of the seven commissioners spent $53,080 of the $77,894 they were allotted for the 12-month period (8.2% of the total FCC budget).

Data on FCC travel has been requested by Senator Barry Goldwater (R-Ariz.), who is scrutinizing expenditures to see whether money used for travel might possibly have been diverted for better use in the commission's bureau ("Closed Circuit," Aug. 4). Goldwater also has requested data on the FCC's expenditures for consultants.

Through May of this year, FCC Chairman Charles Ferris and Commissioner Robert E. Lee had the largest expenditures for international travel, both spending $8,229 for trips to Dublin, Tokyo/Peking and Buenos Aires. In addition, Ferris and Lee, along with Commissioner Anne Jones, were part of the FCC delegation to the North Atlantic Telecommunications Facilities Planning Meeting in Tours, France, last month. The total cost for the seven-person delegation was $10,650.

Commissioner Joseph Fogarty's tab for international travel during this period—trips to Dublin, London and Tokyo/Peking—was next highest, $4,317.

Commissioner Tyrone Brown had a total through May of $4,023, with trips to Geneva and Tokyo/Peking. Jones, during this period, had one trip to London, which totaled $1,357. Commissioners Abbott Washburn and James Quello recorded no international travel, bringing the total for the commissioners through May to $26,155.

Ferris's office, for both domestic and international travel, recorded the highest total through May, although the chairman did not make the most trips. He was on the road 17 times, his staff 18 times, for a total expense of $14,711. Of the 35 total trips, five were for international travel.

Lee's office had the next highest total expenditure, $9,238. He made 20 trips, four of which were international, while his staff traveled three times, all domestically.

Fogarty's office (as distinct from the commissioner himself) recorded $8,598 in travel expenses, with the commissioner making 16 domestic and four international excursions, and his staff making three domestic trips. Brown was on the road 14 times during this period, while his staff took 13 trips, for a total of $6,649.

Quello's total was $5,595, for 17 trips, all of which were taken by the commissioner. The total for Jones, with six trips for her and two for her staff, was $4,927. Washburn's total was lowest with 14—split equally among himself and his staff—for $3,342.

FCC TRAVEL BUDGET FOR FISCAL 1980

	Domestic	International	Total
Commissioners:			
Ferris	$13,500	$8,366	$21,866
Lee	6,800	5,661	12,461
Fogarty	6,290	5,280	11,570
Brown	5,960	4,023	9,983
Jones/White [1]	6,800	1,400	8,200
Washburn	7,314	0	7,314
Quello	6,500	0	6,500
FCC staff units:			
Field Operations	393,605	6,374	399,979
Broadcast Bureau	69,185	26,002	95,187
Science and Technology	24,770	62,647	87,417
Common Carrier	44,144	32,462	76,606
FCC staff units—Continued			
Private Radio	$38,627	$22,965	$61,592
Executive Director	28,370	0	28,370
Plans and Policy	25,170	11,033	26,203
Public Affairs	22,701	0	22,701
Administrative Law Judges	19,800	0	19,480
Cable Bureau	16,780	0	16,780
General Counsel	11,445	2,915	14,360
Network inquiry	10,580	0	10,580
Personnel	2,735	0	2,735
Review Board	455	0	455
Total	761,531	189,128	950,659

[1] Included expenditures for former Commissioner Margita White.

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SENATOR RANDOLPH DECLARES FEDERAL INVESTMENT IN JOBS AND ECONOMIC GROWTH IS PAYING DIVIDENDS IN HELPING PEOPLE LIVE PRODUCTIVE LIVES

● Mr. RANDOLPH. Mr. President, earlier today it was my privilege to address the opening session of the annual conference of the National Association of Development Organizations, meeting at Louisville, Ky.

More than 400 delegates from many States are attending the conference, which is targeted toward the Federal, regional, and State partnership in developing growth. I described the functions of the Appalachian Regional Commission and the Economic Development Administration, both in their 15th year of operation, and the tremendous dividends the billions of investment dollars have produced:

> We must think in terms of human resources as well as economic factors in our planning for regional development.

I stated:

> We cannot forget the fact that programs must be people-oriented as well as project-associated if they are to be really successful.

Participating in the NADO conference are EDA Administrator Robert Hall and ARC Federal Cochairman Al Smith, along with Executive Director Henry Krevor.

An example of the progressive movement to meet the needs of particular areas is found in an article in today's Courier-Journal, by reporter Richard Whitt. It projects an ARC-inspired program to construct as many as 3,000 homes over the next 3 years in the eastern Kentucky coal fields. Gov. John Y. Brown, Jr., will meet with ARC officials next week to discuss details. This meeting is in Kentucky, where the programs we are discussing receive no greater and more active support than from its two U.S. Senators, Walter Huddleston and Wendell Ford.

Mr. President, in order to share with colleagues and others the constructive work now underway to help people, I ask that my address, together with the Courier-Journal article, be placed in the Record.

The material follows:

Remarks of Senator Jennings Randolph

In our Senate career there have been many programs, projects and events that are remembered.

One of these includes what has been achieved through the activities of the Economic Development Administration and the Appalachian Regional Commission over the past 15 years.

When I introduced the legislation in 1965 establishing these agencies and authorizing their programs I perceived those measures as a way of addressing two distinct, but interrelated, problems of major proportions.

I conceived our Appalachian plans as a way of forging a new kind of Federal, State and local partnership to focus on, and meet, the special needs of the 13-State area, which it would embrace.

And I saw the EDA concept as a way of stimulating business, industrial growth and expansion, and new job creation opportunities in economically deprived areas throughout the country that were haunted by the specter of high unemployment.

The performance record of these agencies has fulfilled the aims and hopes on which they were founded.

The prominent roles you have assigned EDA Administrator Bob Hall and Appalachian Federal Co-Chairman Al Smith for this conference are appropriate in that context. I suggest that your organization can share my impression of the importance of the programs and my assessment of what each has accomplished.

I gladly acknowledge the value of the constructive work of these two leaders and the direction they have given to their respective programs.

Bob and Al, along with key aides, will be talking in specific terms about those program operations. I will not infringe on their territory.

Let me, instead, share with you in general terms a few of our thoughts on what has been achieved and what the future may hold.

It is not, I think, over-stating the case to say that the Appalachian program has dramatically altered the face of the region it serves, fostering new hope, inspiring new initiatives and encouraging imaginative enterprise among the more than 19 million men and women and children who call the region home.

We have improved their quality of life by providing modern health, medical and educational facilities, community buildings, public utilities and cultural centers. We have opened previously inaccessible mountain valleys through construction of a new and modern highway network.

Other results are abundantly evident.

Per capita income has risen significantly. Unemployment is below that of the country as a whole. Industry and farm production are on the upswing and an out-migration trend has been reversed.

The cost, of course, has been substantial. Through the end of the last fiscal year spending for highway construction in the region had totaled about $2.3 billion with outlays of approximately $1.5 billion for other parts of the program.

But the dividends, I believe, have more than justified the Federal investment.

And I am convinced the same is true of the EDA program. There the total investment has been just under $11 billion from the time of initial authorization until the start of this fiscal year. The bulk of that money—about $3.8 billion—has been devoted to public work activities, including the Local Public Works program to provide essential help in depressed economy situations.

As the only remaining Member of Congress who served during the first 100 days of the Franklin Roosevelt Administration, I may be more sensitive than some persons to such needs. But I remain convinced there is an appropriate and vital Federal role in such circumstances and that it is being properly used in the EDA operations.

The worth of those efforts is attested by businesses and industries saved from permanent closure, by communities brought back from the brink of economic disaster, by the benefits occurring from the many thousands of jobs—many of them permanent—fostered by the program and by the multitude of new facilities constructed across the nation with EDA assistance.

This program has also meant much to those concerned with rural development and planning such as your organization which has been active since its formation in 1937. Even with such an impressive record of progress, however, the task is not yet finished. More remains to be done if the full potential of these economic tools is to be realized.

This is particularly true in the Appalachian program.

There is need and opportunity for further development of the area's energy resources in coordination with other growth areas and for additional improvements of its transportation system to stimulate travel, tourism and more commercial and industrial expansion. The Appalachian Regional Commission is ideally suited to coordinate those activities.

It also has the potential for becoming the keystone of an expanded regional concept for national economic development and for emerging as a model for the regional commissions operating or already designated for such a broadened approach.

You are aware that there are provisions for that wider sphere of influence and for expansion of the regional network. These are key points in the long-delayed bill to extend the authorization of both the Appalachian Commission and the EDA program.

In a discussion of that issue, let us recall a brief recital of legislative history that may be helpful.

I originally outlined the Appalachian and regional commission expansion plan as a separate proposal just before adjournment of Congress in 1978 to allow time for review and comment. It was re-introduced in January the next year as a priority item for consideration of the Environment and Public Works Committee. It was reported to the Senate as S. 835 and considered on July 31 of 1979.

Meanwhile, the Administration had proposed its own bill for extension of the EDA authorization and the Senatorial version of that authorization was jointly reported from our committee and Banking, Housing and Urban Development on July 27 as S. 914, the National Public Works and Economic Development Act.

When that bill came up for debate the language of S. 835 was added as a floor amendment and it became a part of S. 914 as adopted by the Senate on August 1.

The House did not adopt its companion bill (H.R. 2063) until November 14, more than 45 days after existing authority for the agencies had expired.

Efforts to secure conference agreement on points of difference between the two versions have so far been unsuccessful. I report that for many months attempts to even convene the conferees were fruitless.

Talks have now been resumed, however. A session was held last Wednesday which served to further clarify the issues, if not to resolve them, and another meeting is scheduled for the near future.

It now appears that the only real sticking point is over the House insistence on including provision for additional Local Public Works program activities in the reauthorization measure and that a compromise is attainable on most of the other differences.

I have noted with interest your organization's stated preference for the House position on certain of those differences and I can assure you that this position will receive attention in our further discussions. I also welcome the opportunity to make my own position clear on the Local Public Works issue.

Briefly, it is this—I favor having stand-by authority for counter-cyclical assistance available for use when conditions require it. I think it would be best, however, to provide such a program independently rather than as a part of the authorization extension for the Economic Development Administration. The Senate, apart from our Committee, is not likely to accept an EDA-ARC conferee report containing a Local Public Works authorization.

I assure you, however, that I fully understand and completely share your sense of concern over this prolonged legislative impasse and over the pall of uncertainty it creates both for those who administer these programs and those who seek to utilize their services.

I sense the urgent need for an early resolution of the matter so that we can get on with the business at hand. . . . helping people!

We must think in terms of human resources as well as economic factors in our planning of regional development. We cannot forget the fact that programs must be people-oriented as well as project-associated if they are to be really successful. That has been, and must continue to be, the watchword in Appalachia. The goal needs to be the assurance of a good life, in the full sense of the term, rather than just a good living for those we seek to help.

In thinking of what lies ahead, I repeat the story Somerset Maugham wrote of the mountaineer who struggled to the top of the highest peak to discover that instead of seeing the sunrise he found only fog, so wandered down again.

We are striving for new heights in Appalachia, where a new era dawned in 1965. The path may be difficult and the view ahead may not be entirely clear. We can broaden, we will brighten the horizon for today's generation in Appalachia and for economic problem areas of the Nation if we press for the goals envisioned. It is a challenging and difficult task but I am convinced we can and must succeed.

Henry J. Kaiser was a good and great man—a Christian Industrialist. It was my privilege to introduce him when he addressed 1,500 persons at Ravenswood, West Virginia on May 30, 1955.

The closing remarks of that speech were:

"In each of us there is a spark of God. It is surely the same spark which guided George Washington to become the founder of our Nation. It is the same spark which will provide the means by which in teamwork we can—all of us together—build our destiny."

Perhaps, it is the same spark which inspired a great poet to write:

> "I sought to hear the voice of God,
> And climbed the topmost steeple.
> But God declared: 'Go down again,
> I dwell among the people'."

[From the Courier-Journal, Aug. 25, 1980]

State Has Key to Housing Boom in Mountains

(By Richard Whitt)

Frankfort, Ky.—Eastern Kentucky's coalfields could get relief from their critical housing shortage with the construction of as many as 1,200 moderately priced homes in the next year, according to officials of the Appalachian Regional Commission.

And the ARC is ready to approve subsidies for site development and for sewer and water systems that would clear the way for as many as 1,800 more houses in the next three years, according to Al Smith, ARC co-chairman, and Henry Krevor, executive director.

That may be a modest housing effort by some standards. But in the Eastern Kentucky coalfields, 3,000 new homes would be a respectable start in the effort to solve the area's housing shortage.

The ARC has reported that Pike County alone is 5,800 units short of its housing needs. And Kentucky has 49 Appalachian counties, all of which are in the ARC's territory. The new housing would be spread over counties where the shortage is most serious.

Many miners in Eastern Kentucky, even those earning $25,000 to $30,000 a year, can't afford a modest two- or three-bedroom home. Suitable lots with water and sewers, when they can be found, often sell for $20,000 or more.

As a result, in some Eastern Kentucky countries, more than 90 percent of the so-called housing starts in recent years have been mobile homes, state housing officials have said.

All that's still necessary, Smith and Krevor said, is the go-ahead from Gov. John Y. Brown Jr. Smith said he's planning to meet with the governor next month.

State officials have been notified that the ARC is willing to push forward with the plans, but the state hasn't responded.

Transportation Secretary Frank Metts, who has worked on the Brown administration's housing efforts, said Friday that he has talked to Smith and Krevor, but that he is not in a position to commit the administration to the project.

Smith and Krevor outlined their proposal during a tour of several Eastern Kentucky counties last week.

The ARC money would come from Kentucky's share of the agency's federal appropriation.

But in addition to Brown's go-ahead, the state needs to hire somebody to "bird-dog" the projects to make sure they don't get bogged down, Krevor said. The state also needs a source of low-interest loans for buyers, he said.

"We (the ARC) can pay for the bird dog. We can help pay for part of the sewers and build access roads. ARC can and will enter into agreements that allow us to actually subsidize developments," Krevor said.

The low-interest loans could be made available through the Kentucky Housing Corp. or the Farmers Home Administration, Krevor said.

ARC officials estimate that it would take an average subsidy of about $12,000 per lot to develop housing sites in the coalfields. Those lots would be turned over to builders at a reduced cost of $3,000 to $4,000. Then the builder would be limited on the selling price of the home to reflect the subsidy on the lot.

It would cost about $6 million in ARC money over the next three years to prepare the 3,000 sites, according to Wilburn Pratt, commissioner of the Department for Local Government, who accompanied Smith and Krevor on the tour.

"That has never been done before in Eastern Kentucky. That would be big stuff," Pratt said.●

REBUTTAL TO PRESIDENTIAL VETO MESSAGE ON H.R. 7102, THE VETERANS' ADMINISTRATION HEALTH-CARE AMENDMENTS OF 1980

● Mr. CRANSTON. Mr. President, on Friday, August 22, the President vetoed H.R. 7102, the Veterans' Administration Health-Care Amendments of 1980. The House of Representatives will attempt to override this veto tomorrow. If that attempt is successful, I will seek a similar result as soon as the measure comes to the Senate.

Mr. President, I sought to avoid a confrontation with the administration on this issue by personally discussing this matter with the President. However, I believe that the bill Congress sent to the White House on August 11 was a sound and responsible one—carefully designed to meet very real needs in the VA health-care system—and that the President received singularly bad advice and took inappropriate action in vetoing H.R. 7102.

Mr. President, a "Dear Colleague" letter is being distributed to each Senator which includes an enclosure that rebuts the statements made in the veto message. So that the inconsistencies and misstatements in that message can receive appropriate attention, I would like to point out, as the enclosed rebuttal statement also does, what I believe are the major problems in the veto message and provide a response to each of them.

VETO MESSAGE

States that the bill was returned without signature "because [it] would provide $80 million a year to Veterans' Administration physicians in unwarranted salary bonuses rather than target that amount on veterans themselves."

REBUTTAL

Mr. President, without reference to the so-called unwarranted nature of the increases in special pay, or the question of how health-care funds can be targeted "on veterans themselves" without at least some of the funds going to health-care providers, this statement is clearly in error. The Congressional Budget Office estimates that the special pay provisions of title I of H.R. 7102 as enacted would cost $31.7 million in fisal year 1981 and $44.9 million in authorizations and outlays in each of the next 4 fiscal years. The Committee on Veterans' Affairs is unable to determine the basis for the $80 million figure included in the veto message.

VETO MESSAGE

States that "[t]oward that goal [of insuring 'that VA health care provided to our veterans is the finest in the world'], during the last 3 years, I [the President] have supported and signed legislation to expand and improve the treatment of all veterans who need to receive care from the Veterans' Administration. I am concerned about attracting and retaining excellent VA physicians. But the current salary and benefits are more than sufficient to do that. At the same time, the current level of VA health care is not, in all areas, sufficient. Therefore, the Congress [should] target funds more directly on improving health care benefits and treatment of veterans."

REBUTTAL

Mr. President, any analysis of VA health-care issues over the past 3 years and, indeed, over most of the past decade, would have to conclude that the key issues that have been addressed as part of efforts to improve VA health care have been in the area of health-care personnel—both the quality and numbers of such personnel.

Mr. President, a critical and fundamental error in the message is the suggestion that improving the quality of health-care personnel does not translate into improved health care for veterans. Likewise, the notion that current VA salary and benefits are more than sufficient to attract and retain excellent VA physicians is simply not tenable. The hearing records made by both Committees on Veterans' Affairs on this issue offer compelling evidence to the contrary. The anecdotal evidence in the form of complaints from veterans is further overwhelming evidence in this regard. This is not to suggest that there are not many excellent physicians in the VA. There are. But there are too many who are not; and, in addition, there are many vacancies. The number of foreign-born graduates of foreign medical schools is unacceptably high—as of 1979, of 6,221 full-time VA physicians, 2,166 were foreign-born graduates of foreign medical schools; the number of physicians who convert from full-time career VA physicians to part-time service is growing substantially—from 1976 to 1979, there was a net total of 599 conversions from full time to part time; the percentage of full-time board-certified physicians dropped from 49.3 percent in 1978 to 45.4 percent in 1979. It should be a straightforward maxim that the VA must have the quality health-care personnel to provide quality health care.

Mr. President, the suggestion in the veto message that the situation with respect to physicians is satisfactory at this point and that any increase in special pay will be of no avail in improving VA patient care ignores the facts presented to the committees of both Houses.

VETO MESSAGE

States that the H.R. 7102 increases in special pay would "give VA physicians currently earning an average of $55,000 a year up to 38 percent bonuses, making them by far the highest paid medical personnel in the entire Government. Indeed, so generous are the bonuses provided in this bill that midcareer VA physicians could earn 30 percent more—$76,200 against $58,700—than the maximum authorized annual salary for the Armed Forces physicians."

REBUTTAL

Mr. President, the most significant problems with these statements is that it is virtually impossible to draw fully accurate comparisons between VA and military physicians.

A variety of factors unique to military service, such as free medical and dental benefits, commissary and PX privileges, certain tax advantages, and noncontributory retirement—with retirement available after 20 years, are not accounted for in figuring the standard DOD estimates of real military compensation—RMC—which is routinely used in any comparsions of military pay with other compensation. On the retirement issue, it should also be noted that military physicians—unlike their VA counterparts—receive retirement credit for their 4 years of medical school making them eligible for retirement after only 16 years of actual service.

VA and military physicians enter and leave service at far different points in their medical careers and for very different reasons. The primary and overwhelming difference between the VA and DOD in this area is in the source of recruitment. Over half of all DOD physicians are serving obligated service from the DOD health professions scholarship program, are graduates of the Uniformed Services University, or are under obligated service from other sources. It is clear that, since over 70 percent of DOD physicians have less than 6 years of service and only 1 in 10 DOD physician scholarship recipients chooses to remain in the military after obligated service, DOD will continue to rely heavily on obligated service. The VA has no such source of new physician recruits and must compete in the open market with the private sector for its physicians.

Mr. President, the composition of the two work forces differs widely. Over 60 percent of DOD physicians are under 35 years old, whereas over 85 percent of VA physicians are over 35. Over 50 percent of the total VA physician work force is board-certified compared to 24 percent for DOD, a differential that should be even greater because more VA staff physicians hold faculty appointments in affiliated medical schools and significant numbers of VA physicians are involved in medical research.

Mr. President, another fallacy involved in comparing VA and DOD physician pay is the fact that figures for DOD pay include the over 32 percent of all DOD physicians who are in residency training whereas figures for VA staff do not include the over 7,500 residents who are training in the VA but who are not considered to be VA staff. If the VA residents were included in computations of VA physician salary, their average pay of less than $18,000 would bring VA entry-level average pay to levels relatively comparable to those reported for DOD.

Mr. President, with reference to the specific statements in the veto message, notwithstanding the fact that accurate comparisons between VA and DOD are difficult, the two specific statements are in error. The first, which refers to an increase of 38 percent in special pay amounts is incorrect in that it compares the current average VA pay with the maximum any VA physician might receive under the provisions of H.R. 7102. To be fully accurate, the base figure on which the increase is calculated should be the current maximum possible—$61,800—which should be compared to the maximum possible under H.R. 7102—$76,200. This comparison yields a maximum possible increase of approximately 23 percent. That increase is comparable to the percentage increase in the maximum pay for military physicians under Public Law 96-284—approximately 17 percent for senior-level physicians and 25 percent for midlevel physicians.

Mr. President, the second specific statement in the veto message which notes that a midcareer VA physician could earn 30 percent more than the maximum authorized annual salary for Armed Forces physicians is simply incorrect. At present, the military pay alone—base—including tax-free housing and subsistence allowances—RMC plus maximum special pay for the O 6 grade at 22 years of service is $70,900—increasing to over $76,000 after the 11.7 percent October 1, 1980, military pay raise—and the maximum a VA physician could receive under H.R. 7102 effective January 1, 1981, would be $77,610—no increase would be brought about in October because the base pay amount is frozen at the top of the civil service scale—$50,100. Taking into account the very valuable fringe benefits for the military that are not included in the RMC computation—family medical and dental benefits, the noncontributory DOD retirement program, and PX and commissary privileges—the DOD physician would continue to be compensated at a value well above the VA physician.

Mr. President, in this regard, it is important to note that all comparisons in this rebuttal have been made using maximum VA pay amounts. It is highly unlikely that more than a relatively few VA physicians will receive special pay at or near the maximum under H.R. 7102. Under current law, with a maximum special pay amount of $11,700 for VA physicians, the average special pay that is received is less than $8,000. Under the provisions of H.R. 7102, it is unlikely that the average special pay will exceed the $15,000 to $16,000 range.

For these reasons, Mr. President, I will tomorrow, if the House is successful, urge the Senate to vote to override the ill-conceived veto of this measure which is so vital to the VA's efforts to provide top quality health care to our sick and disabled veterans.

Mr. President, I ask that the "Dear Colleague" letter be printed at this point in the RECORD. I also note that I have received letters from the Veterans of Foreign Wars, the Disabled American Veterans, and the Blinded Veterans Association in strong support of the override of the veto of H.R. 7102, and that the American Legion also strongly objects to the veto and supports an override, and I expect to have a letter from that organization tomorrow.

The material follows:

COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., August 25, 1980.

DEAR COLLEAGUE: On Friday, August 22, the President vetoed H.R. 7102, the Veterans' Administration Health-Care Amendments of 1980. The House of Representatives is expected to vote on overriding this veto on Tuesday, August 26. If that attempt is successful, we will seek a similar result as soon as the measure comes to the Senate.

Enclosed with this letter is a copy of the President's veto message and a rebuttal to that message. The core concern expressed in the veto message is that H.R. 7102, by increasing the special pay rates for VA physicians, will have a detrimental impact on the military's ability to recruit physicians.

We share the President's deep concern about the military pay situation for physicians, and we worked hard in support of the Uniformed Services Health Professionals Special Pay Act of 1980, Public Law 96-284, which we believe will help rectify current problems in that area. We believe, however, that the President was poorly advised to conclude that H.R. 7102 could in any way be harmful to the military's efforts.

H.R. 7102 is a carefully designed measure that is intended solely to correct serious problems confronting the Veterans' Administration in its efforts to recruit and retain physicians and other health-care personnel so as to be able to provide top quality health care to the Nation's veterans. This measure is designed to restore comparability between VA and military doctors' compensation, not to give one an advantage over the other.

We are totally satisfied that this is the effect H.R. 7102 would have and that it is an appropriate, responsible measure that should be enacted now. The President's veto could be very detrimental to the VA health-care system, and we urge you to join us in a vote to override the veto. Should you have any questions on the measure, please have your staff contact Bill Brew (x 4-9126) or Ken Bergquist (x 4-9132) on the Committee staff.

With warm regards.

Cordially,

ALAN CRANSTON,
Chairman.
ALAN K. SIMPSON,
Ranking Minority Member.

To the House of Representatives:

I am returning without my signature H.R. 7102, the Veterans' Administration Health Care Amendments of 1980, because this bill would provide $80 million a year to Veterans' Administration ("VA") physicians in unwarranted salary bonuses rather than target that amount on veterans themselves.

As President, I have worked with the VA to ensure that the health care provided to our veterans is the finest in the world. Toward that goal, during the last three years, I have supported and signed legislation to expand and improve the treatment of all veterans who need to receive care from the Veterans' Administration. Clearly, much more remains to be done for our veterans, and it is essential that we direct additional funds to those most in need.

What is not essential, and what does not further our goal of directly helping sick and disabled veterans, is spending a large sum of money to give VA physicians currently earning an average of $55,000 a year up to 38% bonuses, making them by far the highest paid medical personnel in the entire government. Indeed, so generous are the bonuses provided in this bill that mid-career VA physicians could earn 30% more ($76,200 vs $58,700) than the maximum authorized annual salary for Armed Forces physicians. The Defense Department has recommended a veto of this bill because this differential in pay may adversely affect its ability to solve the current physician recruitment and retention problems in the military.

I am concerned about attracting and retaining excellent VA physicians. But the current salary and benefits are more than sufficient to do that. At the same time, the current level of health care is not, in all areas, sufficient. Therefore, rather than spend $80 million on unneeded bonuses for a relatively few physicians, I would prefer that the Congress target funds more directly on improving health care benefits and treatment for veterans.

I therefore urge the Congress to pass a bill which meets the other goals of H.R. 7102, including the Veterans' Administration real and specific needs for certain physician specialists, while providing—from the money that would have been projected for excessive bonuses—for improved health care treatment of veterans.

JIMMY CARTER.

THE WHITE HOUSE, *August 22, 1980.*

REBUTTAL TO PRESIDENTIAL VETO MESSAGE ON H.R. 7102, THE "VETERANS' ADMINISTRATION HEALTH-CARE AMENDMENTS OF 1980"

Veto message: The bill is returned without signature "because [it] would provide $80 million a year to Veterans' Administration physicians in unwarranted salary bonuses rather than target that amount on veterans themselves."

Rebuttal: Without reference to the so-called "unwarranted" nature of the increases in special pay, or the question of how health-care funds can be targeted "on veterans themselves" without at least some of the funds going to health-care providers, this statement is clearly in error. The Congressional Budget Office estimates that the special pay provisions of title I of H.R. 7102 as enacted would cost $31.7 million in fiscal year 1981 and $44.9 million in authorizations and outlays in each of the next four fiscal years. The Committee is unable to determine the basis for the $80 million figure included in the veto message.

Veto message: "Toward that goal [of ensuring that VA health care provided to our veterans is the finest in the world'], during the last three years, I [the President] have supported and signed legislation to expand and improve the treatment of all veterans who need to receive care from the Veterans' Administration. . . . I am concerned about attracting and retaining excellent VA physicians. But the current salary and benefits are more than sufficient to do that. At the same time, the current level of VA health care is not, in all areas, sufficient. Therefore, . . . the Congress [should] target funds more directly on improving health care benefits and treatment for veterans."

Rebuttal: Any analysis of VA health-care issues over the past three years and, indeed, over most of the past decade, would have to conclude that the key issues that have been addressed as part of efforts to improve VA health care have been in the area of health-care personnel—both the quality and numbers of such personnel.

A critical and fundamental error in the message is the suggestion that improving the quality of health-care personnel does not translate into improved health care for veterans. Likewise, the notion that current VA salary and benefits are more than sufficient to attract and retain excellent VA physicians is simply not tenable. The hearing records made by both Committees on Veterans' Affairs on this issue offer compelling evidence to the contrary. The anecdotal evidence in the form of complaints from veterans is further overwhelming evidence in this regard. This is not to suggest that there are not many excellent physicians in the VA. There are. But there are too many who are not; and, in addition, there are many vacancies.

The number of foreign-born graduates of foreign medical schools is unacceptably high (as of 1979, of 6,221 full-time VA physicians, 2,166 were foreign-born graduates of foreign medical schools); the number of physicians who convert from full-time career VA physicians to part-time service is growing substantially (from 1976 to 1979, there was a net total of 599 conversions from full-time to part-time); and there are not sufficient numbers of board-certified physicians (the percentage of full-time board certified physicians dropped from 49.3 percent in 1978 to 45.5 percent in 1979). It should be a straight forward maxim that the VA must have quality health-care personnel to provide quality health care.

The suggestion in the veto message that the situation with respect to physicians is satisfactory at this point and that any increase in special pay will be of no avail in improving VA patient care ignores the facts presented to the Committees of both Houses.

Veto message: The H.R. 7102 increases in special pay would "give VA physicians currently earning an average of $55,000 a year up to 38 percent bonuses, making them by far the highest paid medical personnel in the entire government. Indeed, so generous are the bonuses provided in this bill that mid-career VA physicians could earn 30 percent more ($76,200 vs. $58.700) than the maximum authorized annual salary for the Armed Forces physicians."

Rebuttal: The most significant problem with these statements is that it is virtually impossible to draw full accurate comparisons between VA and military physicians.

A variety of factors unique to military service, such as free medical and dental benefits, commissary and PX privileges, certain tax advantages, and non-contributory retirement (with retirement available after 20 years), are not accounted for in figuring the standard DOD estimates of real military compensation—RMC—which is routinely used in any comparisons of military pay with other compensation. On the retirement issue, it should also be noted that military physicians—unlike their VA counterparts—receive retirement credit for their four years of medical school making them eligible for retirement after only 16 years of actual service.

VA and military physicians enter and leave service at far different points in their medical careers and for very different reasons. The primary and overwhelming difference between the VA and DOD in this area is in the source of recruitment. Over half of all DOD physicians are serving obligated service from the DOD Health Professions Scholarship Program, are graduates of the Uniformed Services University, or are under obligated service from other sources. It is clear that, since over 70 percent of DOD physicians have less than 6 years of service and only one in ten DOD physician scholarship recipients chooses to remain in the military after obligated service, DOD will continue to rely heavily on obligated service. The VA has no such source of new physician recruits and must compete in the open market with the private sector for its physicians.

The composition of the two workforces differs widely. Over 60 percent of DOD physicians are under 35 years old, whereas over 85 percent of VA physicians are over 35. Over 50 percent of the total VA physician workforce is board certified compared to 24 percent for DOD, a differential that should be even greater because more VA staff physicians hold faculty appointments in affiliated medical schools and significant numbers of VA physicians are involved in medical research.

Another fallacy involved in comparing VA and DOD physicians pay is the fact that figures for DOD pay include the over 32 percent of all DOD physicians who are in residency training whereas figures for VA staff do not include the over 7,500 residents who are training in the VA but who are not considered to be VA staff. If the VA residents were included in computations of VA physician salary, their average pay of less than $18,000 would bring VA entry-level average pay to levels comparable to those reported for DOD.

With reference to the specific statements in the veto message, notwithstanding the fact that accurate comparisons between VA and DOD are difficult, the two specific statements are in error. The first, which refers to an increase of 38 percent in special pay amounts is incorrect in that it compares the current average VA salary—consisting of base pay and special pay—with the maximum any VA physician might receive under the provisions of H.R. 7102. To be fully accurate, the base figure on which the increase is calculated should be the current maximum possible—$61,800—which should be compared to the maximum possible under H.R. 7102—$76,200. This comparison yields a maximum possible increase of approximately 23 percent. That increase is comparable to the percentage increase in the maximum pay for military physicians under Public Law 96-284—approximately 17 percent for senior-level physicians and 25 percent for mid-level physicians.

The second specific statement in the veto message which notes that a mid-career VA physician could "earn" 30 percent more than the maximum authorized annual salary for Armed Forces physicians is simply incorrect. At present, the military pay alone (base—including tax-free housing and subsistence allowances (RMC)—plus maximum special pay) for the 0-6 grade at 22 years of service is $70,900 (increasing to over $76,000 after the 11.7-percent October 1, 1980, military pay raise), and the maximum a VA physician could receive under H.R. 7102 effective January 1, 1981, would be $77,610 (no increase would be brought about in October because the base pay amount is frozen at the top of the civil service scale—$50,100). Taking into account the very valuable fringe benefits for the military that are not included in the RMC computation—family medical and dental benefits, the non-contributory DOD retirement program, and PX and commissary privileges—the DOD physician would continue to be compensated at a value well above the VA physician.

In this regard, it is important to note that all comparisons in this rebuttal have been made using maximum VA pay amounts. It is highly unlikely that more than a relatively few VA physicians will receive special pay at or near the maximum under H.R. 7102. Under current law, with a maximum special pay amount of $11,700 for VA physicians, the average special pay that is received is less than $8,000. Under the provisions of H.R. 7102, it is unlikely that the average special pay will exceed the $15-$16,000 range.●

DEATH OF GLORIA ADELAIDE LOVE JAHODA

● Mr. STONE. Mr. President, it is with sadness and a deep sense of loss that I take this opportunity to commemorate the memory of Florida historian, novelist, and poet, Gloria Adelaide Love Jahoda who passed away January 12, 1980. Through her work she has left us with a deep sense of understanding for America and especially the State of Florida. Her eagerness and artistic ability to describe our land and its people will be forever remembered by her present readers and continuously discovered by the new. Gloria Jahoda's prodigious knowledge of Florida fauna and foliage along with her lyric prose guided many to a keener appreciation of the beauty surrounding them. Her novels, "The Other Florida," "The River of the Golden Ibis," and "Florida: A Bicentennial History," especially exemplify her love for the nature of Florida.

As a native of Chicago, Gloria Jahoda received her baccaluareate in 1948 and her master of arts in 1950 from Northwestern University. Following graduation, she participated in post graduate study at the University of Wisconsin and then served on the faculty of Fairleigh Dickinson University.

In 1963 she moved to Tallahassee, Fla., where her abiding curiosity and sensitivity led her to explore the land, people, and culture of northern Florida and the Panhandle. As a result, "The Other Florida," sensitively records the beauty of the nature composing northern Florida and the traditions of the people. Many of us have read her description:

> The pines go on to infinity, you are sure. Some are hung with turpentine boxes, the red of the tree's inner bark naked above the sunlight. The people of these forests are invisible. . . . The bird life of the pinewoods is invisible too, unless you stand quietly under the trees to watch and listen and wait.

During 1973 Mrs. Jahoda contributed to the Rivers of America series with "River of the Golden Ibis" expressing her special artistic appreciation of central Florida's wilderness. In that same year Reader's Digest published, "Scenic Wonders of America," for which she wrote chapters on the Everglades and the Okefenokee Swamp. Gloria Jahoda was selected to write the history of Florida for the States and the Nation series, published during our Bicentennial; "Florida: A Bicentennial History" vividly defines Floridians and the beauty surrounding them.

We Floridians have been very privileged to have Gloria Jahoda live among us. She enriched our lives not only by her literary talents but also by the time and talents which she unselfishly gave to civic and educational groups. However, her books remain her greatest contributions to the lives of all Floridians. In "Florida: A Bicentennial History," she wrote of us—

> To be Floridian, you need not have lived long in Florida. But you must know its seasons and its wild places, the white little town squares beyond the superhighways, the clear-windowed Baptist churches in the pinewoods and the bougainvilleas in Hobe Sound gardens and the palms in Jacksonville's Hemming Park, where the sparrows chatter at night. You must have drunk thick Cuban coffee, listened to the music of visiting Polish composers in Tallahassee, and seen broad Ocala lawns where solid citizens in Bermuda shorts are mowing the grass. You must have smelled tea olives and jasmine and night cestrums.

I commend all of Gloria Jahoda's writings to all Americans who are interested in obtaining a full understanding of the origin and culture of the State of Florida.●

DEATH OF AB HERMANN

● Mr. GOLDWATER. Mr. President, just a few days ago a very close friend of mine, and I might add a close friend of many Members of this body, past and present, both Republican and Democrat, passed away. Mr. Ab Hermann was an executive with the Republican National Committee for all of the years I have been in Washington and before that.

I remember when I first decided to run for the Senate back in 1952, Ab came all the way out to Phoenix, Ariz., from New Jersey with his wealth of background and information on precinct committee work and imparted that knowledge to our precinct workers and, in turn, to the district workers and then the county chairmen, and we won our first major election in over 20 years, electing a Republican Governor.

It was through the work of Ab Hermann that year and on down through the years, because he seemed to retain an affection for Arizona, that he helped Arizona to become a two-party State, where Republicans and Democrats were put on an equal level, each requiring to put up its best men and, as a result, it has meant a better State in which to live. I deeply regret his passing. I have extended my heartfelt sympathies to his wife, Sylvia, and I am proud to have known this man and will carry the memory of that friendship forever with me.●

POLAND

● Mr. MOYNIHAN. Mr. President, last week the AFL–CIO Executive Council adopted a resolution declaring the solidarity of America's working people with the courageous strikers in Poland.

These men and women of Poland have convincingly demonstrated to the world that the natural human desire from freedom and dignity is indomitable. The spirit of freedom, despite attempts to crush it with military might and ideological lies, has survived. Indeed, it appears to be stronger than ever among the Polish people, who have lived for so long in the awesome shadow of the Soviet Union.

This strike is no ordinary industrial dispute. It is not just an economic strike; it is also a strike for political rights. Among the demands of the Polish workers are these: An end to censorship, release of all political prisoners, access by all religious groups to the mass media, and independent trade unions controlled by the workers, not by the state or Communist Party.

So far the Polish Government, which derives almost all of its authority from the Soviet regime, has responded to the strike by arresting and detaining dissident leaders, including at least 20 members of the Committee for Social Defense, and several members of the Confederation for an Independent Poland. This is an outrage.

Our Nation should follow the advice of the AFL–CIO. We must remind the Polish Government that the rights demanded by the striking workers are guaranteed by the Helsinki accords, which were signed by Poland and other Soviet-bloc nations. Poland's record in complying with these accords should be reviewed at the upcoming Madrid Conference. By taking the initiative in raising this issue, the U.S. Government will be offering concrete assistance to Poland's workers.

I ask that the AFL–CIO Executive Council's statement on Poland be printed in the RECORD.

The statement follows:

STRIKES IN POLAND

The wave of strikes and worker protest currently sweeping Poland is a profoundly important development for human rights, free trade unionism, and democracy in the Communist world.

Over 200 strikes, involving over one-hundred thousand workers, have already been called throughout Poland. The strikes have involved workers from practically every part of the economy: shipyard workers, taxi drivers, bakers, sanitation workers, bus drivers, railway workers, and many others.

The strikes have been undertaken at great personal risk to the workers involved. Previous strikes in Poland, the Soviet Union, and other East European Communist countries have been brought to an end only after the deaths of workers at the hand of the military. Previous strikes leaders have been imprisoned, dismissed from their jobs, and sent into exile. Indeed, earlier this year several leaders of the Polish workers' struggle were given harsh sentences on charges that were clearly fabricated by the authorities. Those now involved in the strike movement are well aware of this tragic history; their actions today reflect the utmost in physical and moral courage.

The Polish workers have demolished, once again, the myth that genuine workers' rights can exist in societies where trade unions are controlled by an all powerful government or political party. Their valiant actions also stand as a powerful refutation of the official Communist view that human rights and democratic freedom are of concern only to a small group of intellectuals, and are of no concern to working people. Indeed, what we see in Poland is a whole people rising up to demand basic democratic liberties from an illegitimate leadership imposed on them from the outside.

The demands of the Polish strike movement include the right to strike, an end to censorship, the release of political prisoners, objective coverage of worker demands in the press, and worker control of their own trade unions. We especially note that the Polish workers specifically demand, "Respect for the International Labor Organization conventions, which include the right to establish free trade unions."

Significantly, the workers enjoy the support of broad segments of Polish society, and have benefited particularly from the encouragement and help of intellectuals and human rights activists who are active in the Committee for Social Self-Defense (KOR).

The events in Poland are not an isolated phenomenon. Strikes and other manifestations of worker unrest have broken out in the Soviet Union, Romania, and in other Communist societies in recent months. As in Poland, the demands of these workers have been two-fold: for improvements in wages and working conditions on the one hand, and for increased democratic rights on the other.

The Executive Council strongly supports the Polish workers in their just and brave struggle. We urge the American government to make known to Polish authorities its concern for developments in that country, and its strong disapproval of any repressive measures against the workers. The Polish government must be reminded that certain rights demanded by the striking workers in Gdansk—freedom of expression in word and print, abolition of censorship, and access by all religious groups to the mass media—are guaranteed by the Helsinki accords signed by Poland whose compliance with the accords is a proper subject for review at the Madrid conference.

We also call on free trade unionists around the world to declare their solidarity with their Polish brothers and sisters. It is the support of those who have already achieved democracy that sustains and nourishes those who now take up the struggle for freedom.●

INTERNATIONAL TRADE CLUB OF CHICAGO PAPER ON EXPORTS AND INTERNATIONAL TRADE EXPANSION

● Mr. STEVENSON. Mr. President, the International Trade Club of Chicago has prepared a position paper on exports and international trade expansion entitled "Observations and Recommendations on a U.S. Government Policy in Support of Exports and Impediments to International Trade Expansion." This examination of a wide range of international trade issues contributes to the dialog on this critical subject.

Urging a more positive Government policy in support of exports, including the removal of impediments to international trade expansion, the study indicates a growing awareness of the need to increase exports. Of particular interest is the study's recognition of the potential benefits of export trading companies and the strong endorsement of the provisions of the export trading company legislation now pending in the Senate.

The recommendations of the International Trade Club of Chicago carry special weight. The organization was founded in 1919 as the Export Managers Club of Chicago. It now has more than 1,000 members representing some 750 firms engaged in international trade and related services. These are firms which are on the front line in the effort to promote the sale of American goods and services abroad.

Mr. President, this study should stimulate interest in international trade issues and encourage groups in other parts of the country to focus attention on national export development policy. I ask that the text of this study be printed in the RECORD.

The position paper follows:

OBSERVATIONS AND RECOMMENDATIONS ON A U.S. GOVERNMENT POLICY IN SUPPORT OF EXPORTS AND IMPEDIMENTS TO INTERNATIONAL TRADE EXPANSION

PART A: A U.S. GOVERNMENT POLICY IN SUPPORT OF EXPORTS

Introduction

The International Trade Club of Chicago is convinced that the United States government should adopt a positive policy toward exports. There is a critical need to convince businessmen and the public that the country needs to export to maintain our standard of living. Companies that export increase employment opportunities in the U.S., reduce the trade deficit and add to the value of the dollar.

Government policy that is limited to reducing imports to the U.S. or urging other governments to reduce their exports is mistaken and will not lead the nation away from unemployment, the trade deficit and a declining dollar. Indeed, such a policy can, and likely will, aggravate inflation by depriving U.S. consumers of imported goods and services that are competitive with U.S. goods and services.

In addition, opportunities for more sales of U.S. made products and services should be created. The world market for goods and services is growing—faster than our own domestic market—and we should be more involved in it rather than seeking to reduce our involvement in it. Also, we should not forget that each day that passes the United States becomes more dependent for its economic health on the importation of raw materials.

In order for a positive government policy toward exports to be meaningful it must embrace certain concrete instruments or devices that will aid U.S. business as it competes in the world market with exporters from nations that openly subsidize their exporters. To that end we herewith propose four specific instruments that will motivate U.S. business to export.

All but one of the instruments we propose already exist but their value has been reduced either by amendment, as in the case of DISC, or by conflicting and confusing administrative regulation and interpretation. Our proposals are directed at revitalizing and clarifying these instruments so that the management of U.S. business will seriously analyze the advantages of exporting.

I. DISC

The DISC concept is a deferral of tax, rather than an outright exemption from tax. As such the DISC should not be viewed as an export subsidy prohibited by the General Agreement on Trade and Tariffs (GATT).

DISC income retains its deferral privilege by continuing to be invested in export related assets, including loans to other domestic companies for the financing of export facilities, export inventories and export related research and development.

The 1976 Tax Reform Act substantially eroded this limited incentive for exports. By placing DISC benefits for 1976 and future years on an incremental basis and using as a base period years for which the DISC provisions were encouraging exports, the benefits for those companies who took advantage of the DISC provisions in the early days of the program were substantially diminished. Thus, those who contributed most to the U.S. balance of trade in the early 1970's are now being penalized. Only enterprises with little or no export activities to date, those who chose not to utilize the DISC benefits, or those with still expanding export activities, will be in a position to enjoy any substantial DISC benefits in the future. Ironically, taxpayers with firmly established export operations, many of which arose in response to the original DISC legislation, are now, in effect, subsidizing their competitors who may just be entering the export field. Ultimately of course, benefits will be phased out for all taxpayers as increased exports in a current year will enter into the base period calculations for future years, thus offsetting future deferral opportunities.

The argument that the DISC is no longer necessary under floating exchange rates is mistaken. It assumes that floating exchange rates will automatically maintain equilibrium in our balance of payments without the necessity of tax incentives. This argument, however, generally assumes two premises: First, that the exchange rates are truly free-floating. They are not because Europeans in particular manage their float. Second, the argument assumes that competitors of U.S. exporters are generally subject to the same type of taxing system as U.S. companies. They are not. Their governments grant generous incentives for capital improvement and obtain increasing amounts of their revenues from indirect taxes—such as the value-added tax.

Some argue that the DISC costs too much in terms of deferred tax. However, to the extent that exports have increased, the revenue cost to the government is offset by the increased tax revenues resulting from the increased export income. Thus, for every $1 billion volume of increased exports resulting from the DISC provision, the additional tax revenue derived from the exporting corporation itself would be $53 million on the $147 million of additional export profit (using the 14.7 percent return expressed in the 1977 Treasury Report). In addition there would be taxes generated on the compensation paid to the employees producing the added exports. It is also probable that a portion of the total U.S. exports would have been replaced by foreign production had there been no DISC legislation.

Unfortunately the availability of DISC benefits to promote exports was under attack almost before the ink on the statute was dry. It was passed in its original form in 1972. In 1976—less than four years after passage—it was vandalized by amendment. Not nearly enough time was permitted to allow U.S. business to digest it and act upon it. This is especially true of small to medium-sized companies who did little or no exporting and did not have sophisticated lawyers and accountants to educate them on the advantages of a DISC.

Now that the need for increasing exports is so evident, it is timely to consider a comprehensive simplification of the tax laws and regulations governing the formation and operation of DISCs with particular emphasis given to (a) an elimination of the DISC incremental rules and base period computations, (b) a simplification of the requirements for using producer loans, (c) a revision of the present law to permit a shareholder in a DISC to transfer his interest without triggering a tax on the accumulated DISC income, (d) the enactment of a statute which would insure the availability of DISC benefits for a stated period of time, and (e) a possible revision of the present law to permit the extension of DISC benefits to Sub-S corporations.

II. A Positive Government Policy Toward Creation of Export Trading Companies

We believe that the trading company concept is a powerful instrument for stimulating export sales by U.S. business. A trading company pools the products, management expertise and economic strengths of its members. The beneficial effects of pooling these strengths include: increasing opportunities for finding markets for the products and services of the member companies; reducing the costs of sales (including costs of sales forces, documentation and shipping) thus making members' products and services more competitive; and increasing access to credit for financing export sales.

Another aspect of the trading company is that it spreads the risks of exporting over the member companies including the costs of product promotion, insurance and educational programs for the member companies and the public.

Other countries, particularly Japan, have already utilized the trading company mechanism to good advantage, particularly in overcoming the difficulties faced by small and medium sized companies in the export market.

A. Antitrust implications

A positive government policy in support of such companies must include clear exemption of the company's activities from U.S. antitrust legislation. Existing Webb-Pomerene Associations account for a very small portion of our export trade. And those who use them are primarily large corporations who need their benefits least. Moreover, the Act has been used almost exclusively for fungible commodities rather than services and manufactured goods which account for a large portion of our exports.

One reason for the Act's disuse even by manufacturers is the fear that members of Webb Asociations will be subject to antitrust prosecution. Court decisions have not made clear precisely which activities are exempted. Moreover, the bodies charged with antitrust enforcement can not agree between themselves on the scope of the exemption.

B. Financing support

In addition, the activities of the trading company could be greatly aided by making FCIA guaranty insurance available for drafts that the trading company draws on foreign buyers. Furthermore, barring clear and present danger of commercial loss or serious political upheaval in a country to which an export sale is made neither FCIA nor the Export Import Bank, for which FCIA acts as agent, should be permitted to refuse to underwrite financing of export sales under the guise of politically motivated economic warfare or otherwise implementing particular political philosophies of any given U.S. administration. In summary, since the ExIm Bank and FCIA were created to facilitate export sales by U.S. business, they should not be utilized for political purposes that injure U.S. export opportunities.

C. Recommendations

The International Trade Club of Chicago supports the concepts set out in the proposed Export Trading Company Act of 1980 (Senate Bill 2379) with respect to antitrust exemption, financing and tax benefit provisions. The Club suggests inclusion of FCIA involvement.

III. Foreign Trade Zones

The use of the Foreign Trade Zones and Sub-Zones by exporters should be encouraged and restrictions liberalized.

A Foreign Trade Zone (also called free trade zone) is a warehouse or manufacturing area approved by the Foreign Trade Zones board, which is associated with the Department of Commerce, to receive imported goods without formal Customs entry and without payment of duties for the purpose of manufacturing or assembling those goods into products for export from or import into the United States. The use of a Zone is important to an exporter because (1) duties are not applied on imported materials or components used in manufacturing or assembly in the Zone, if exported, (2) rebates of excise taxes and duty drawback are available on domestic products from the Zone and (3) a user of a Zone may also import products from the Zone under favorable import duties. A "Sub-Zone" is an individual production plant physically located outside a general Zone but still administered by the designated Zone.

The 24 existing Zones across the United States have not been heavily used by manufacturing exporters because of a reluctance to set up production facilities in a designated Zone, usually located in a separate industrial park. Although an existing production plan can be designated as a sub-foreign trade sub-zone, only four such plants exist in the United States including the recently opened Volkswagen Rabbit plant in New Stanton, Pennsylvania. Designation of a production plant as Sub-Zone would permit the duty free use of imported materials and supplies (including supplies such as imported fuel) for exported products.

Presently, the practices of the Foreign Trade Zones Board for designating an existing production plant as a Sub-Zone are unduly restrictive in that they (1) effectively deter a private corporation or individual from applying, (2) require a showing of "public benefit," which has never been specifically defined and (3) do not have adequate regulations covering the procedures to be followed in designating a sub-zone, and thereby discourage its use. In addition, exporters who desire to import a portion of the production of a Zone are faced with unduly complicated import regulations.

The use of Foreign Trade Zones would be much enhanced if the Foreign Trade Zone Board and its regulations (15 CFR 400) as well as the U.S. Customs Regulations were amended to:

A. Permit a corporation or person to easily obtain designation of its facility as a Sub-Zone under a designated Foreign Trade Zone.

B. Allow the "public benefit" requirement to be satisfied by a showing that the Sub-Zone would be used significantly for exporting.

C. Promulgate clear and simplified regulations permitting exporting producers to recognize the possibility of using a Sub-Zone.

D. Revise and simplify U.S. Customs regulations relative to importing from a Zone.

IV. Duty Drawbacks

The method for receiving duty drawback should be simplified to encourage its use.

Duty drawback is a refund, upon exportation, of previously deposited Customs duties assessed on imported products that are incorporated within the exported completed article.

The present drawback statute, enacted in 1930, contemplated that a separate refund claim be filed for each export shipment. Although Customs regulations have recently permitted the filing of a single claim covering many shipments, the archaic and sometimes impossible requirements of detailed proof of importation, manufacture and exportation remain. It is very common for drawback claims to be denied simply because of a technicality even though the government would acknowledge that the spirit of the law has been satisfied. Additionally, Customs insists on its own audit of most claims and claims may remain open for many years.

The Trade Club believes that the drawback statute should be redrafted and regulations simplified to permit a refund claim based on the following:

A. A drawback claim should be based on the general statement of an exporter that:

1. Import duties were paid on certain products;

2. The products were incorporated into a manufactured article; and

3. The articles were sold for export.

B. There should be no time limitation for manufacturing, exporting or filing a claim.

C. Verification of the claim may be made by a public accounting firm.

D. The claim would be final one year after its submission.

PART B: IMPEDIMENTS TO INTERNATIONAL TRADE EXPANSION

Introduction

The International Trade Club of Chicago urges reduction or elimination of governmental impediments to international trade expansion. Current international realities, especially uncontrolled inflation, a weak dollar, a continuing dependence on costly imported oil, a declining productivity and our interdependence with other nations able to offer more attractive products for U.S. consumption, no longer permit Americans to be indifferent to the need to expand our exports if we are to maintain our standard of living.

By the U.S. government's own estimate exports and related activities now provide more than eight million jobs in the United States, one third of U.S. corporate profits, and about 7 percent of our gross national product. An incremental increase in our exports of between one and two percent of total GNP would have, during the last few years, given us a balanced trade position rather than the sizable deficits we have registered.

Exports never have been more important to our country, but U.S. companies continue to lack parity in the market place and have been steadily losing market shares to foreign competitors—backed and directly supported by their respective governments. Twenty years ago, U.S. companies held about 28 percent of the world market for manufactured exports—excluding exports to the United States. By 1968, our share had been reduced to 24 percent, and last year, we barely maintained 20 percent of this important world market.

Although the President's Export Council and the Inter Agency Committee on Export Expansion have been re-established to help promote exports, and parts of our sprawling export bureaucracy streamlined and consolidated, we still lack a coherent export policy and organization to support it. The regulatory burdens and controls imposed by the U.S. government, though often established for non-trade reasons, impede the export expansion we need. And, these are not only the "finger prints" of past administrations, they continue to occur with discouraging frequency. Moreover, non-commercial concerns have been allowed to impinge upon trading activities and the official agencies which support them.

Other countries have not burdened themselves with similar limitations. U.S. policy reform is in our interest and well within our capabilities. This paper examines some of the impediments to expanded trade and offers the International Trade Club's recommendations to overcome them.

I. The Federal Regulatory Burden

Federal regulation of business has become a major constraint on both domestic and foreign activity. While the underlying social and environmental objectives of government regulation are widely shared, the profusion of minute and often contradictory specifications for compliance has not only hindered attainment of these social goals, it has diluted and jeopardized our major economic goals: the increased investment, productivity improvement, and inflation control required to keep the United States competitive internationally. In the process, creeping red tape and burdensome paperwork imposed by the Federal bureaucracy have also reduced business's incentive to develop, produce, and market internationally competitive products—therein also losing the capacity to create new jobs based on the associated export potential.

The costs of this regulatory burden are alarmingly large, and unfortunately still growing. Current estimates place the annual regulatory bill in excess of $100 billion. Government mandated regulations in just three fields—environment, safety, and health—divert an estimated $10 billion annually from productive business investment. According to recent studies, this diversion of already low investment outlays is exacting significant costs in terms of GNP growth foregone and contributing to our country's unacceptable decline in productivity.

The implications of these trends are grave: the United States already ranks behind Japan, France, the Netherlands, Belgium, and Germany in annual productivity increases, and in the proportion of resources devoted to investment. While the U.S. can be proud of its efforts to lead the world in the development of safety, health, environmental, and related standards, the added cost of this compliance, when factored into the price of finished products, weakens the competitiveness of U.S. products in the U.S. marketplace against imports from countries having lower cost or no compliance standards.

The regulatory burden is harming our international price performance, innovative capacity, and customer responsiveness of today, as well as our longer-term ability to meet increasingly stiff foreign competition. Uncertainties about the scope and severity of new regulations, as well as the penalties for noncompliance, further compound the confusion and difficulty with which both established exporters and potential entrants must grapple in seeking to expand foreign sales.

To reduce these impediments to increased trade, the United States must examine, reform, and simplify its regulatory process. Specifically, the International Trade Club recommends:

1. All regulatory bodies should be required to prepare economic impact statements, with provision for public comment, before issuing new regulations. Any new regulatory stand-

ards should be limited to those instances in which the agency can demonstrate that the benefits clearly exceed the costs imposed. If costs exceed benefits, the Executive Branch should be authorized and expected to modify or eliminate the regulation.

2. A significant change in the focus of our regulatory policies is needed. Attention should focus on consistent violators of agreed policies, not those with good compliance records. New regulations should seek to state the specific goals and objectives sought and provide appropriate market-related incentives or penalties, allowing the private sector greater input to devise the most effective way of reaching agreed goals. Regulation by fiat has not proven effective in improving health and safety records.

3. A meaningful process to review, revise, or repeal on a continuing basis complex, ineffective, or outmoded rules and requirements should be implemented. Current legislation to establish "sunrise" and "sunset" provisions would be a critical first step. The system should provide for greater incentives and credit for those regulatory groups that achieve their objectives rather than a continuation of unwarranted bureaucratic expenses.

II. A U.S. Department of International Trade and Investment

The U.S. is the only major industrialized country without a cabinet-level department for foreign trade and investment. It is the only nation with multiple international economic agencies, each with competing domestic concerns and a special set of interests to protect. While other countries successfully promote exports through a cooperative and coordinated industry-government effort, the U.S. has handicapped its export potential by creating an atmosphere of business-government confrontation. We need a single Cabinet officer charged with marshalling this country's fantastic resources, supporting the export efforts of its firms, and countering, where appropriate, the promotional efforts of our aggressive competitors. The scattered segments of the U.S. bureaucracy now charged with export activities must be replaced by a single U.S. Department of International Trade and Investment with a mandate to promote international trade aggressively.

President Carter's Reorganization Plan No. 3 of 1979 is a necessary, desirable and timely step toward the goals sought by the Club. A thorough Congressional review of international trade policy cannot be expected to finish for several years, and prompt action is required to encourage coordination and supervision of international trade regulation. Nevertheless, Carter's plan should be recognized as an interim step, only buying time for fundamental restructuring.

Ultimately, only Congress has the power to achieve the Club's goals of a single Cabinet-level agency effectively supervising the international trade of the United States. The entire policy of the United States must be comprehensively coordinated and directed. This will require a Congressional mandate based upon thorough review of existing programs and instrumentalities and the creation of unified national policy. The work now begun in Congress must be continued and completed.

The proposed reorganization and consolidation should deal with at least the following subjects:

1. Responsibilities for the office of the Special Trade Representative.

2. Coordination of Export-Import Bank activities.

3. Management of Customs functions.

4. Administration of escape clauses, market disruption remedies, anti-dumping and countervailing duties, and embargoes.

5. Responsibility for administering all activity related to GATT operations.

6. Oversight of collection of information and data on international trade and investment and foreign portfolio and direct investment in the United States.

7. Responsibility for the international commercial affairs and business activities of U.S. parties, including particularly export promotion and participation by small businesses.

8. Responsibility for the identification and encouragement of policies that will promote international trade, particularly exports, and that will rationalize or eliminate impediments to international trade expansion.

9. Responsibility for the development of continuing and comprehensive foreign trade and investment strategies for the United States, identifying short, medium and long-term goals and objectives that can be achieved promptly, within five years and within ten years.

The International Trade Club of Chicago recommends:

1. Support of Reorganization Plan No. 3 of 1979 to restructure the international trade functions of the executive branch of the federal government submitted by President Carter on September 24, 1979.

2. That Congress intensify its interest in international trade and establish a comprehensive foreign trade and investment policy for the United States.

3. That Congress establish a new and separate Cabinet-level department dedicated to the international trade of the United States.

III. U.S. Export and Transaction Controls

The U.S. government through the Export Administration Act prohibits the flow of certain product and technical information to Eastern Europe, China, and the U.S.S.R., and exercises more stringent control over exports to North Korea, Vietnam, Cambodia, and Cuba. Exports to South Africa, Namibia, and Iran are restricted as well.

Commerce department regulations on these trade restrictions and related Treasury regulations are bewilderingly complex. Greater attention should be placed on separating political considerations from commercial factors so that U.S. business does not become the primary victim of U.S. foreign policy. In a number of instances, the application of these regulations has resulted in the loss of business by U.S. companies to western European and Japanese companies having similar products.

The International Trade Club of Chicago recommends:

1. The Export Administration Regulations and the Foreign Assets Control Regulations, together with the legislation underlying them, should be thoroughly reviewed and simplified. A new unified regulatory scheme covering both subjects should be placed under the supervision of a single government department.

2. The restrictions on sales to North Korea, Vietnam, Cambodia, and Cuba should be reviewed with a view toward placing them under the same criteria as those of the Eastern European countries.

3. As to exports of products or technical information to any country, the regulations should provide that a license will be issued in all cases where it can be demonstrated that the proposed transaction is available, and likely to be supplied, on reasonably competitive terms from a non-U.S. source.

4. The 1972 Trade Agreement with the Soviet Union should be approved, most-favored-nation treatment extended, and expanded credits made available. The Jackson-Vanik amendment should be repealed.

IV. Anti-boycott Legislation

The Ribicoff Amendment to the 1976 Tax Reform Act was passed by Congress only as an interim measure until the anti-boycott provisions of the Export Administration Act could be amended, an event which took place in June of 1977.

There is confusion among U.S. exporters on the mechanics of operating under the existing anti-boycott legislation and there is a prevailing view that this legislation is not only failing to achieve its intended objectives, but in fact is acting as a deterrent to U.S. exports and other forms of business in the Middle East. The U.S. construction industry now ranks twelfth in the race for new construction business in the Middle East behind such countries as India, Taiwan, Brazil and the U.S.S.R.

Many U.S. firms are passing up opportunities to bid on projects in the Middle East or believe they are losing orders because their potential Arab customers know they are prohibited under the legislation from furnishing information even though it would have no effect on their business conduct. Many of our smaller exporters have concluded that they cannot afford the costs involved in following the intricacies of the anti-boycott regulations and have therefore made a decision to avoid doing business of any kind with Middle Eastern countries.

In addition, the cost to business of complying with two regulatory schemes on the same subject is considerable.

The International Trade Club is concerned with these effects of the Export Administration Act and recommends one of the following changes:

1. Now that the anti-boycott provisions of the Export Administration Act have been amended, interim legislation of the Ribicoff Amendment, and the Treasury Regulations issued to enforce it, should be repealed.

2. Alternatively, the Ribicoff Amendment should be amended so as to make it in all respects consistent with the regulations issued by the Commerce Department under the Export Administration Act.

V. Foreign Corrupt Practices Act of 1977

The Foreign Corrupt Practices Act limits the ability of American enterprises to give gifts or payments to foreign political officials, even where these may be customary as part of the normal course of business and are used by foreign competition as a factor in securing business which might otherwise accrue to a U.S. exporter. The Act in fact imposes a standard and penalty which exceed those imposed on companies operating within the United States.

The Act prescribes stiff criminal penalties for violators, but in many instances does not clearly define what constitutes a violation. The Act imposes expensive, unrealistic requirements for internal reporting and accounting systems which apply to foreign branches and subsidiaries of American companies—increasing operating costs and posing difficult problems of parent company control.

The International Trade Club recommends that the Act as it now stands should be repealed. If optimum solution is not obtainable, then, at a minimum, the following changes in the Act and accompanying regulations should be adopted:

1. The Act should be amended so that: (i) its criminal penalties only apply to large payments made to high foreign government or political officials and only if such payments were illegal under the laws of the foreign country; and (ii) the "reason to know" standard is eliminated from the Act so that an American person or business entity is not subject to criminal penalties for a simple lack of diligence.

2. The SEC should be required to join with the Department of Justice in the "Criminal Division Review under the Foreign Corrupt Practices Act of 1977" recently instituted by the Department of Justice. This would prevent private parties from being prosecuted by one government agency for a transaction which another agency had declared permissible.

3. The Internal Control aspects of the legislation should be severed from the act and addressed more clearly and comprehen-

sively under applicable securities act provisions.

VI. U.S. Agricultural Exports

Sale of agricultural products overseas has been a growing and important component of our balance of trade and last year contributed $32 billion in exports. The 1980 projection is $37 billion. This can increase as more finished products are sold rather than only raw materials. The 12 Midwestern states were the source of 60 percent of these exports (fully 24 percent were produced in the states of Illinois, Iowa, and Indiana alone).

Major Midwestern ports, such as Chicago and Detroit, are currently inadequate to handle the volumes and types of commodities sold for export.

In order to further expand the agricultural export sector and increase the dollar volume sold overseas, the International Trade Club recommends:

1. Assistance in development of improved port and transportation facilities in the Midwest, especially the Great Lakes and the Mississippi River system, for handling a greater volume of bulk feed grain and meat commodities for shipment to export markets.
2. Restraint by the federal government in disrupting the worldwide free market pricing process by imposing Presidential controls on export agricultural commodities, in manipulating quotas on meat imports, or in suspending grain shipments to foreign customers. Such restrictions and interference seriously undermine U.S. credibility, invariably result in market dislocation (often of a permanent nature), induce foreign customers to switch to alternate suppliers and discourage farmers from achieving maximum performance. In the final analysis such interference has an adverse impact on our balance of trade.
3. Placing greater emphasis in GATT negotiations and in our bilateral dealings with Japan and the European community on a linkage between agricultural and industrial trade policies so that U.S. food products enjoy the same freedom of market access as foreign industrial products in the U.S.

VII. Export Insurance

U.S. exporters need competitive export insurance and protection against the risks of foreign trade and investment.

The Foreign Credit Insurance Association (FCIA) is an organization of some 50 of the nation's leading capital stock and mutual property insurance companies. It was organized in 1961 to enable U.S. exporters to compete on more favorable terms with exporters in other countries and thus support and contribute effectively to the expansion of U.S. exports. The Association offers insurance coverage for stipulated commercial credit risks, and, under contract, serves as the agent for political risk insurance offered exclusively by the Export-Import Bank of the United States. Thus FCIA is supposed to offer the exporter a full range of export credit protection.

The decision-making authority remains centralized in the home office rather than being decentralized at the branch level. FCIA needs to be more responsive to its customers in a timely manner. The International Trade Club of Chicago offers the following recommendations:

1. The home office should undertake greater decentralization of decision-making authority. Sub-committees should be created to relieve the senior committee of decisions on all but the largest transactions.
2. Branch office underwriting authority should be increased for short term as well as medium term credit decisions.
3. Where credit decisions exceed branch authority, case write-ups from the branch should be submitted to the home office for a timely decision.
4. The FCIA should allow higher discretionary limits to their assureds, if so requested.
5. The FCIA should attempt to be more aggressive towards foreign competition; e.g., foreign competition is offering seven or more years financing, whereas FCIA is today limited to not exceeding five years.

VIII. Ocean Marine Insurance

Ocean Marine Insurance traditionally has been available to exporters to protect goods in shipment to final destinations abroad. The benefit to an exporter, in brief, is complete satisfaction that insurance coverages are tailored to shipper needs and offer financial protection in case of loss. Many developing nations now have adopted restrictive measures which require local, national currency insurance for all imports (with the exception of AID shipments), with an associated loss in premium income to the U.S.

To date more than 32 countries have enacted such legislation and it is probable that more countries will follow. Importers of U.S. goods are penalized if local, national currency insurance coverage is not obtained. However, the United States does not place a similar requirement on insurance coverage for imports into the U.S. Consequently, the U.S. is losing insurance premium dollars (estimated at several billions of dollars) which could help reduce the current account deficit.

The U.S. Department of Commerce should investigate this loss of premium insurance dollars and either propose legislation to Congress or through negotiations with individual countries seek remedies to redress the present inequity on insurance coverages.

IX. Environmental Assessment for Exporters

On January 4, 1979, President Carter issued Executive Order 12114 entitled "Environmental Effects Abroad of Major Federal Actions." This Executive Order establishes policies and requirements for Federal agencies to be informed of environmental considerations and to take such considerations into account when authorizing or approving actions encompassed by the Order which may have environmental effects outside the United States. The Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other federal agencies have adopted regulations implementing the Executive Order. Others, including the U.S. Department of Commerce, are in the process of adopting regulations implementing the President's Executive Order.

Requiring environmental determinations for federally supported activities abroad is an unsound imposition of the United States' particular ecological policies and objectives. Such a policy stance could have severe adverse consequences for U.S. export sales and diplomatic relations. Preparation and review of environmental impact statements would increase costs significantly and prolong the already lengthy licensing process, further deter small and medium size exporters, and decrease U.S. firms' ability to compete with their foreign counterparts. Moreover, since such a policy in all likelihood would simply induce customers abroad to switch from U.S. to foreign suppliers, the net result would not be increased protection of the environment in foreign countries, but rather lost U.S. export sales.

ITC recommends that Executive Order 12114 be rescinded and that the National Environmental Policy Act be amended to make clear that such statute does not require assessment of environmental impacts in foreign countries.

X. Protectionism

The Trade Agreements Act of 1979, P.L. 96-39, has placed a potentially dangerous weapon into the hands of protectionist forces. The revised countervailing duty provision of the Act gives power to private, often biased domestic interests, removing sensitive policy decisions from government officials, who were able to exercise discretionary restraints. The anti-dumping provision of the Act drastically shortens the timetable for action, giving insufficent time for proper investigation and decision-making, thereby again giving the benefit of doubt to protectionism, due to presently existing political pressures.

The ITC urges the U.S. government to pursue an outward looking and fair trade policy during the inter-governmental negotiations between America and Europe over steel and synthetic fibers products. Short-term competitive problems of national industries should not be used by governments to restrict trade and imperil the world economy.

Increasing protectionism is a threat to living standards around the world. Unless checked, higher tariffs, import quotas, and other restrictive measures could frustrate greater international economic cooperation and trigger a destructive spiral of retaliation and counter-retaliation.

Clearly, we can raise our standard of living by producing more, and we can do this best by exporting more of the products and services we do best while importing those products which others can produce more efficiently. Such a free and fair trade system, based on comparative advantage, has been the engine of global growth and development, bringing major benefits to industrialized and emerging nations as well.

Protectionism will inevitably tend to push prices up in industrial countries and thwart economic progress in developing nations. The International Trade Club believes that the ultimate interest of the United States is in a progressive, fair, and equitable trade policy, that assures this nation's access to foreign markets on the same terms as these countries have to ours.●

A TRIBUTE TO MARY ALICE ESSICH FICKEL

● Mr. **MATHIAS.** Mr. President, when a community loses a valuable human being, there is a sense of shock and sorrow widely shared. But when that human being is also a teacher, it is a blow double in force and in the depth of loss.

Two days ago, on August 23, the community of Ocean Pines in Worcester County, Md., sustained such a loss when Mary Alice Essich Fickel died.

Mrs. Fickel, a native of Westminster, Md., was a fourth grade teacher for 30 years. For 20 years, she taught at Brooklyn Park Elementary School in Anne Arundel County, Md. Her influence on successive classes of rambunctious fourth graders at the school was remarkable. So remarkable, in fact, that in 1971 it earned her the coveted Teacher of the Year in Maryland award given by the American Association of University Women at a dinner in her honor.

I am happy to be able to speak from personal experience about the qualities of mind and spirit that Mrs. Fickel brought to her teaching because I visited her classroom in 1968 and saw with my own eyes the miracles an old-fashioned teacher with new ideas can work. Mrs. Fickel devised and presided over all the rich variety of an open classroom long before there were open classrooms in our public schools. And, within that flexible format, she brought order out of seeming chaos and had several separate clusters of lively fourth graders all learning different things in different ways—but all learning, thanks to the sensitivity and perception of their teacher.

I will never forget my visit to that classroom. It taught me that a child is blessed who, even once in the course of school, meets a truly superb teacher. That experience can be enough to inspire a lifetime of learning.

Since her retirement, Mrs. Fickel has been very active in community affairs in Ocean Pines. Among other activities she started the Pin'eer Crafts shop and was a moving spirit behind the Ocean Pines Garden Club. She also grew orchids.

A close friend has called Mrs. Fickel "The most nurturing woman I have ever known." In this day and age, when the sense of community and of caring is so diminished, the loss of a loving human being leaves a terrible emptiness.

But because "a teacher affects eternity," the wisdom and the warmth of a person like Mary Alice Fickel is never truly lost. She earned her immortality long ago in that open classroom.

Mrs. Mathias joins me in extending our deepest sympathy to her family in their loss.●

ORDER OF PROCEDURE

The PRESIDING OFFICER. Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, there will be no more business transacted today. Certainly, there will be no more rollcall votes today.

Mr. HAYAKAWA. Mr. President, I thank the majority leader, the distinguished Senator from West Virginia, for his learned and fascinating exposition on the history of our interesting body. We always learn something from him.

Mr. ROBERT C. BYRD. I thank my friend for his very generous comments.

CONCERN FOR PORPOISES PROVES FATAL

Mr. HAYAKAWA. Mr. President, it is with grave concern that I submit for printing in the RECORD an account of the tragic death of a tuna fisherman. On July 18, Jerry Correria, age 22, was attacked by a shark as he tried to free a porpoise trapped in a fishing net.

I hope this tragic account will afford my colleagues an opportunity to ponder the magnitude of the impact which a simple Federal regulation can have. At the time of passage of the Marine Mammal Protection Act, I do not believe anyone realized that, for the sake of protecting porpoises, we were endangering the lives of human beings. We did not realize this because we did not understand what a fisherman would have to do to meet our demands.

He did not have to jump into a net to save porpoises by grabbing them and throwing them out of the net to save their lives, but there was a Federal inspector on board that ship, and therefore Correria had to do that to reduce the porpoise kill. Now we know what happens.

Mr. President, I express my deepest sympathy to the family of Jerry Correria. I express my hope that in the future, my colleagues and I, in legislating about nature and the protection of nature, will not attempt to regulate that which we do not understand.

I ask unanimous consent to have printed in the RECORD an article published in the Los Angeles Times of August 21.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONCERN FOR PORPOISES PROVES FATAL

SAN DIEGO.—It was above and beyond the call of duty for tuna boat skipper Joe Correria to send his own son into the huge fishing net to help free the porpoises that might have become entangled during the tuna catch.

Neither the skipper nor his son, Gerald Correria, 22, had any idea that sharks would be lurking inside the net, mingling unnoticed with the porpoises and tuna as young Correria worked with his hands to free the porpoises.

A shark attacked. It tore a 5-inch gash in Correria's right arm below the shoulder. The rest of the crew aboard the Calypso pulled him aboard, gave him oxygen, and began a frantic effort to stop the bleeding.

FRANTIC CALL FOR HELP

They radioed for help and were put in touch with the Coast Guard in San Francisco, where a public health services doctor gave medical advice over the ship-to-shore radio. It appeared the advice worked and the bleeding stopped.

But Correria later went into convulsions and died five hours after the attack late Monday off the Coast of Mexico.

Members of Correria's family and fellow tuna fishermen were quick to react with sadness and anger over government regulations they claimed led to his death.

"It's terrible that Jerry died over a porpoise," said Alfred Luna, husband of Correria's cousin. "People don't understand how fishermen risk their lives trying to save porpoises. It's just not right."

At the heart of the problem is the fact that fishermen locate schools of tuna by looking for porpoises which swim above the prized fish. They unfurl huge purse seine nets over the porpoises, trapping the tuna below, and later release the porpoises.

In recent years, the federal government has imposed stricter regulations limiting the number of porpoises that can be killed during fishing. To enforce the rules, government observers accompany about one-third of all U.S. tuna runs.

The National Marine Fisheries Service, which enforces the Marine Mammal Protection Act, said such an observer was aboard th Calypso at the time of the shark attack.

Tuna fishermen complain that although they aren't required to enter the water to free the porpoises, they are under pressure to do so to meet the regulations.

"This is only the beginning," said George Sousa, chairman of the board of the directors of the American Tunaboat Assn. "They want us to get those porpoises out of the net and they don't give a damn how we do it."

"There can be sharks in those nets so far down that you'll never see them, but you're supposed to get the porpoises out any way you can. My God, what does this industry have to do to prove to people we're doing a good job?

"How many more young men do we have to sacrifice to prove it to people?"

The death was the first U.S. fatality relating to the rules on porpoises. Industry sources said there were several instances this year in which tuna fishermen were bitten by sharks while trying to free porpoises.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR EAGLETON TOMORROW AND FOR CONSIDERATION OF DOMESTIC VIOLENCE MEASURE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, Mr. EAGLETON be recognized for not to exceed 15 minutes, after which the Senate resume its consideration of the domestic violence measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF MR. PROXMIRE ON SEPTEMBER 4

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday, September 4, Mr. PROXMIRE be recognized for not to exceed 15 minutes, after the order for the recognition of the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I told the distinguished minority leader earlier that there would be no further transaction of business, so I am ready to move to recess, if no Senator seeks recognition.

Mr. President, I move that the Senate stand in recess, under the order previously entered, until 9 o'clock tomorrow morning.

The motion was agreed to; and at 6:25 p.m. the Senate recessed until tomorrow, August 26, 1980, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate August 25, 1980:

IN THE AIR FORCE

The following persons for appointment as Reserve of the Air Force, in grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated.

MEDICAL CORPS

To be lieutenant colonel

Amalfitano, Albert R., [redacted].
Bloom, John D., [redacted].
Brown, Calvin R., [redacted].
Confer, David J., [redacted].
Dematte, Eugene M., [redacted].
Evans, Richard M., [redacted].
Hasan, Saad M., [redacted].
Llewellyn, Gene A., [redacted].
Long, Robert C., [redacted].
Mueller, Kenneth H., [redacted].

Rayner, Ralph R., xxx-xx-xxxx.
Roll, Harold, xxx-xx-xxxx.
Shepler, Thomas R., xxx-xx-xxxx.
Weber, Arthur O., xxx-xx-xxxx.

The following person for appointment as Reserve of the Air Force (ANGUS) in the grade indicated, under the provisions of sections 593 and 8351, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated.

MEDICAL CORPS

To be lieutenant colonel

Rosenthan, Morris W., xxx-xx-xxxx.

The following officer for promotion in the Regular Air Force, under the provisions of chapter 835, title 10, United States Code, as amended. Officer is subject to physical examination required by law.

LINE OF THE AIR FORCE

Second lieutenant to first lieutenant

Belcher, Todd E., xxx-xx-xxxx.

The following-named officers for promotion in the U.S. Air Force, under the appropriate provisions of Chapter 839, Title 10, United States Code, as amended.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Bailey, Thomas F., xxx-xx-xxxx.
Baldauf, Robert E., xxx-xx-xxxx.

The following officers for promotion in the Air Force Reserve, under the provisions of sections 593 and 8376, title 10, United States Code.

MEDICAL CORPS

Lieutenant colonel to colonel

Crane, Edward B., xxx-xx-xxxx.
Lina, Manuel S., xxx-xx-xxxx.
Meyer, George W., xxx-xx-xxxx.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Anderson, Michael G., xxx-xx-xxxx.
Anderson, Ronald W., xxx-xx-xxxx.
Delaino, William E., Jr., xxx-xx-xxxx.
Dermody, William E., Jr., xxx-xx-xxxx.
Duffey, John G., Jr., xxx-xx-xxxx.
Frausto, Julio, Jr., xxx-xx-xxxx.
Freed, Ronald D., xxx-xx-xxxx.
Gott, Robert L., xxx-xx-xxxx.
Kelley, Larry J., xxx-xx-xxxx.
Knam, Stephen B., xxx-xx-xxxx.
Levy, Michael D., xxx-xx-xxxx.
Striegel, Robert L., xxx-xx-xxxx.
Thomas, Anthony, W., xxx-xx-xxxx.
Wagner, Jon D., xxx-xx-xxxx.
Williams, David T., xxx-xx-xxxx.

MEDICAL CORPS

Attar, Naseem A., xxx-xx-xxxx.
Banas, William R., xxx-xx-xxxx.
Carson, James H., Jr., xxx-xx-xxxx.
Conley, John W., xxx-xx-xxxx.
Delermecolon, Melida E., xxx-xx-xxxx.
Hart, Robert R., xxx-xx-xxxx.
Hensley, Michael F., xxx-xx-xxxx.
Hinkle, Stuart T., xxx-xx-xxxx.
Homa, Daniel J., xxx-xx-xxxx.
Justice, Ledro R., xxx-xx-xxxx.
Malabanan, Francisco L., xxx-xx-xxxx.
Orille, Oscar P., xxx-xx-xxxx.
Owens, Louis F., Jr., xxx-xx-xxxx.
Puras, Baez Antonio, xxx-xx-xxxx.
Sandru, John M., xxx-xx-xxxx.
Swiney, Merrill F., xxx-xx-xxxx.

The following-named Air Force officer for reappointment to the active list of the Regular Air Force, in the grade of lieutenant colonel, Regular Air Force, under the provisions of sections 1210 and 1211, title 10, United States Code, with active duty of lieutenant colonel, in accordance with sections 8442 and 8447, title 10, United States Code. Officer is designated to perform duties in accordance with the provisions of section 8067, title 10, United States Code.

DENTAL CORPS

Boke, Bruce R., xxx-xx-xxxx.

The following-named Air Force officer for reappointment to the active list of the Regular Air Force, in the grade of lieutenant colonel, Regular Air Force, under the provisions of sections 1210 and 1211, title 10, United States Code, with active duty grade of colonel, in accordance with sections 8442 and 8447, title 10, United States Code.

LINE OF THE AIR FORCE

Dussetschleger, William E., xxx-xx-xxxx.

HOUSE OF REPRESENTATIVES—*Monday, August 25, 1980*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Almighty and eternal God, graciously bless our Nation with Your divine providence and sustain the people in all their avenues of service and daily labor, forgiving where they have missed the mark, and strengthening where they have sought to build Your kingdom of truth and honor. We especially remember those fellow citizens who are hostage in Iran. May they sense through this our prayer our concern for their welfare, and may they and their families learn the power and love and assurance that comes from the knowledge that You are with them whatever their circumstances or wherever they are. Hear our prayer, O God. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 39. An act to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems; and

H.R. 1197. An act to simplify the tonnage measurement of certain vessels.

The message also announced that the Senate agrees to the amendments of the House with an amendment to a bill of the Senate of the following title:

S. 1142. An act authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

VETO OF H.R. 7102, VETERANS' ADMINISTRATION HEALTH CARE AMENDMENTS, 1980

(Mr. BARNARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARNARD. Mr. Speaker, I would like to urge my colleagues to join me in voting to override President Carter's veto of H.R. 7102, Veterans' Administration Health Care Cost Recovery Provisions Act of 1980.

Mr. Speaker, this modest act is desperately needed to correct the serious shortage of qualified doctors and nurses in VA hospitals across the Nation. At present, the VA has closed 582 beds in various hospitals because it cannot pay enough to attract health personnel to pay them. There are currently vacancies for 478 full-time doctors for which funds are currently available, but which cannot be filled because the pay is too low. In addition, there are spots for 969 full-time nurses that cannot be filled for the same reason.

This is an intolerable situation. At present there are 6 million veterans over the age of 60, and by 1985, that number will increase by over 50 percent. As these deserving survivors of our fights for freedom come for the health care they have been promised, are we going to turn them away because we will not pay for the doctors to care for them?

The cost will not even increase the budget, for while this bill will cost about $54 million a year if fully implemented, we now spend over $20 million to contract out for services that could be provided in-house if only we would pay enough to fill the vacant positions that now exist. In addition, the bill contains a reform provision that would save more than $100 million during the next fiscal year.

Mr. Speaker, this situation cannot be allowed to continue. The administration's veto of this vital legislation flies in the face of our commitment to our veterans, and I strongly urge my colleagues to join me in voting to override this veto tomorrow.

REPORTS THAT REPRESENTATIVE BEARD OF RHODE ISLAND RECEIVED DONATIONS FROM CHEMICAL COMPANIES IS FALSE

(Mr. BEARD of Rhode Island asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEARD of Rhode Island. Mr. Speaker, today in the Providence Journal a story appeared about Ralph Nader's organization, listing Members of Congress who have received donations from chemical companies. My name was listed among the Members of Congress who have received donations.

Mr. Speaker, there is but one problem. Had they done their research, they would have realized it was not EDWARD BEARD of Rhode Island. Today I received an apology, a letter from the Nader people stating that they meant ROBIN BEARD of Tennessee.

They claim they are the watchdogs of the Congress. I think they should be more efficient. If they want to protect their reputation for being accurate, they might look at their own staff and examine the material they send out.

Last night this was the lead story on a Providence TV station. This is the type of thing that can do a lot of damage to Members of Congress.

I received a retraction, Mr. Speaker, but how many, many people may not listen or have an opportunity to read the retraction.

Mr. Speaker, I think that Ralph Nader's organization should smarten up. Before they put out a list they should make sure the information is accurate because they can hurt a lot of people around here. Be a watchdog of your own staff, Mr. Nader.

PERSONAL EXPLANATION

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, owing to long-standing prior commitments in my district in Florida, I unavoidably missed one vote on Thursday, August 21 and was not present for the session on Friday, August 22.

Had I been able to be present to vote, I would have cast the following votes:

THURSDAY

Rollcall No. 477, an amendment to the Housing and Community Development Act that establishes a demonstration project permitting interest rates on 10 percent of FHA-insured loans to be negotiated between the lender and the borrower; "aye."

FRIDAY

Rollcall No. 478, motion that the House resolve itself into the Committee of the Whole to consider H.R. 7262, the Housing and Community Development Act; "aye."

Rollcall No. 479, an amendment that strikes the retroactive application of a prohibition against developers of low-income rental housing in rural areas from changing the term of their contracts without USDA approval. I was paired for the amendment and, if present, would have voted "aye."

Rollcall No. 480, passage of the Housing and Community Development Act; "aye."

Rollcall No. 481 was a quorum call.

Rollcall No. 482, a motion to recommit the Mental Health Act to the Committee on Interstate and Foreign Commerce, with instructions; "no."

Rollcall No. 483, passage of the Mental Health Act, H.R. 7299; "aye."

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

PERSONAL EXPLANATION

(Mr. WHITE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITE. Mr. Speaker, on August 21 while sitting in the chair in the Committee of the Whole, I was under the impression that I by green card voted "aye" on rollcall No. 475 to create an Assistant for Hispanic Affairs at HUD. Being unable to see the board, I did not confirm this vote. However, the Journal of August 21 erroneously shows this vote as "nay." I wish to go on record as intending to vote "aye" on this amendment.

PRESIDENTIAL RESPONSIBILITY IN KEEPING THE PEACE

(Mr. BAUMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAUMAN. Mr. Speaker, 72 days from today the American people will go to the polls and decide the direction of their Government for the next 4 years. That decision will be one of the most fateful we have made in many years, in my view. In those next 72 days, it is a constitutional responsibility of the President of the United States to carry out his duties and to keep the peace. I know that for some the temptation is often great in politics to do almost anything to gain a victory but I would hope in view of reports only a week ago about possible military or other foreign actions to be taken by this administration, President Carter will realize the folly of any such action. The countdown for peace continues and the American people have the right to expect their President will take care of this Nation's future in the next 72 days and make no decision based on the politics of the election.

COMMUNIST ENDORSEMENT OF PRESIDENT CARTER MAKES ONE WONDER

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHBROOK. Mr. Speaker, I do not know about you but I get a little worried when I hear Communist leaders throughout the world stepping up their attacks on Governor Reagan and indicating that they would prefer 4 more years of Jimmy Carter in the White House. I have often said that if I were a Communist dictator, I would enthusiastically endorse President Carter's bid for reelection but I never thought I would be hearing that from real Communists. I guess I was wrong.

Several weeks ago, Cuban dictator Fidel Castro got the ball rolling when he addressed his Sandinista comrades in Nicaragua. He denounced the Republican nominee for President and only mildly criticized President Carter, implying that he should have seen to it that more American tax dollars were shipped to the new, Marxist junta in Managua.

The Castro remarks were followed by a bitter denunciation of Governor Reagan by Pravda, the official voice of Soviet totalitarianism.

Now, we are learning that the Communist leaders in Peking are more than a little concerned about the prospect of a Reagan victory in November and an overhaul of American foreign policy.

Mr. Speaker, I think these Communist attacks on the Republican nominee should tell us all a little something. I think they should tell us that if we want to replace our present foreign policy of appeasement and weakness with a policy of peace through strength, we had better turn the President out of office in November.

THE SOCIAL SECURITY PROBLEM

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, in any serious discussion of tax relief for the American people, the mounting payroll burden on both workers and employers inevitably must become a factor.

All taxes on income have grown more burdensome, of course, because of soaring inflation. For many years we have not statutorily increased Federal income taxes: in the past decade, the inflation-induced increases actually have been reduced selectively from what they would have been, in a series of Internal Revenue Code amendments beginning with the Revenue Act of 1971.

Over the same span, however, the maximum social security tax has been increased statutorily by 291 percent. Next January, a little more than 4 months from now, it will go up another 24 percent.

These monumental increases have had—and are continuing to have—an adverse impact on employment. They also have contributed to inflation, because added costs of employment are passed along to consumers through higher prices on goods and services.

Some have suggested offsetting these increases through a refundable income tax credit. This has superficial appeal, in large part because it does permit us to postpone—again—a confrontation with the really tough social security problems, while giving the appearance of solving them.

It thus takes pressure off the Congress, but it is no remedy for system ills, and any pain relief it brings to the taxpayers will be temporary. The causes of that pain will continue to fester.

Social security taxes are too high because system outgo exceeds system income. The only way to deal with those taxes is by dealing honestly and directly with the system and its interaction with well known demographic facts. It is not too late to do this. I will expand on this subject during the next couple of days.

□ 1210

LET POLISH PEOPLE SETTLE THEIR OWN DIFFERENCES

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, thousands of Polish-Americans gathered this week in Chicago to demonstrate their support and sympathy for the striking workers in Poland. The message we and other countries have been sending out, that the people of Poland be permitted to settle their internal affairs by themselves, has been effective, thus far. The Polish Government's first attempt to resolve their differences with the strikers is evident by the firing of Premier Babiuch and the concession of the Government to allow for some reform in the elections of new leaders in the official labor unions.

As I stated before this body on Friday, August 22, "we redrew the borders of Central and Eastern Europe in favor of the U.S.S.R. in order to gain the Helsinki Accords," and that it is the support of the principles of those Helsinki Accords that is now of utmost importance to all European nations and to the United States as the Madrid conference approaches in November.

Recent developments in Poland underscore the need for a resolution which I introduced last week, which gives the "sense of Congress" that the Polish people be allowed to settle their own problems without the intervention of foreign powers. That resolution implies solutions without the application of force and violence. If you have not already been added as a cosponsor to my resolution (H. Con. Res. 406) please contact my office to have your name added. As representatives of the American people and a cosignatory of the Helsinki Accords, we should continue to emphasize the important human rights principles at Helsinki.

HOUSING AND COMMUNITY DEVELOPMENT ACT

Mr. RUDD. Mr. Speaker, I ask unanimous consent to insert my revised and extended remarks during the course of the debate prior to the adoption of the Udall of Arizona amendment on August 21, Thursday last, to the amendment to title III of H.R. 7269, the Housing and Community Development Act, which had to do with the retention of existing local and acceptable standards, and for masonry residential construction in Arizona and Florida until the time that the energy performance standards for construction of buildings are developed—this to be in the permanent RECORD.

The SPEAKER pro tempore (Mr. MITCHELL of Maryland). Is there objection to the request of the gentleman from Arizona?

There was no objection.

CONSUMER PRICE INDEX FOR JULY A TEMPORARY ABERRATION

(Mr. LATTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, last Friday, the Government announced that the Consumer Price Index did not go up in July. This was a very misleading announcement, and before President Carter starts claiming victory in the battle against inflation, I want to say, "Mr. President, hold on a minute."

A closer look at the Government's statistics shows that the CPI for July was an aberration, caused only by a temporary drop in mortgage interest rates. Now that may be fine for the handful of Americans who bought a house in July, but for all the rest of us, prices were increased. Not only that, but interest rates, including those for mortgages, are on their way back up—a fact which makes the July price index even more misleading.

In July, the prices all Americans had to pay at the supermarket and elsewhere continued to rise at double-digit rates, and the outlook for the future was even bleaker. Let me share with you a few of the other numbers which were buried in the press accounts of the July inflation rate:

The Producer Price Index, which measures prices of goods on their way to the store shelves, went up an annual rate of over 22 percent in July—price increases which will soon be felt by all consumers;

Consumer prices in July stood 13 percent higher than a year earlier;

The Department of Agriculture has revised its estimates of food prices, and now predicts food prices will increase to 8.9 percent this year, and up to 15 percent next year; and

The money supply grew at a rate of 16.4 percent over the past 4 weeks, far in excess of the Federal Reserve Board's target growth rate of 3½ to 6 percent. This torrid, inflationary growth rate is already being reflected in the rising prime rates as well as in mortgage rates and Government borrowing rates.

In short, Mr. Speaker, news on the inflation front is not good. Jimmy Carter should take no solace in the July Consumer Price Index, as this statistical fluke will not be repeated in August and September.

PRINTING OF SELF-GUIDED TOUR BROCHURE OF U.S. BOTANIC GARDEN CONSERVATORY

Mr. HAWKINS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–1250) on the Senate concurrent resolution (S. Con. Res. 102) authorizing the printing of Self-Guided Tour Brochure of the U.S. Botanic Garden Conservatory, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated, and after those motions to be determined by "nonrecord" votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

FUSION ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1980

Mr. McCORMACK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6308) to provide for an accelerated program of research and development of magnetic fusion energy technologies leading to the construction and successful operation of a magnetic fusion demonstration plant in the United States before the end of the twentieth century to be carried out by the Department of Energy as amended.

The Clerk read as follows:

H.R. 6308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fusion Energy Research, Development, and Demonstration Act of 1980".

FINDINGS AND POLICY

SEC. 2. (a) The Congress hereby finds that—

(1) the United States of America continues to be dependent on imported oil, and is faced with a finite and diminishing resource base of native fossil fuels;

(2) the current imbalance between supply and demand for fuels and energy in the United States is likely to grow each year for many years, aggravating an energy crisis and threatening the economic strength and national security of the Nation;

(3) the energy crisis can only be solved by firm and decisive action by the Federal Government to conserve energy consumption in every realistic manner and to develop as quickly as possible a diversified and pluralistic national energy production capability;

(4) it is the proper and appropriate role of the Federal Government to undertake research, development, and demonstration programs in fusion energy technologies;

(5) fusion is the process by which the Sun makes its energy, and every nation of our world possesses in the oceans and waters of our planet an easily accessible and inexhaustible supply of fuel for fusion energy which cannot be embargoed, is inexpensively recoverable, and is usable with minimal environmental impact;

(6) the early demonstration of the feasibility of using magnetic fusion energy systems for the generation of electricity and the production of heat, hydrogen, and other synthetic fuels will initiate a new era of energy abundance for all mankind forever;

(7) the widespread use of fusion energy systems to supplement and eventually replace conventional methods for the generation of electricity will help provide energy independence for all nations of the world;

(8) the spectacular success encountered in magnetic fusion energy research since mid-1978 provide fusion scientists throughout the world with the confidence that the time has come to move aggressively into th engineering phase of fusion development; and that the conditions required for scientific breakeven can be obtained in devices now under construction;

(9) the early development and export of fusion energy systems, consistent with the established preeminence of the United States in the field of high technology products, will improve the economic posture of the United States, and ultimately reduce the pressures for international strife by providing access to energy abundance for all nations;

(10) innovation and creativity in the development of fusion energy components and systems can be fostered through continued research of alternate concepts which show promising potential; and

(11) it is contemplated that the programs established by this Act will require the expenditure of approximately $20,000,000,000 during the next twenty years.

(b) It is therefore declared to be the policy of the United States and the purpose of this Act to establish an aggressive research, development, and demonstration program involving magnet fusion energy systems. Further, it is declared to be the policy of the United States and the purpose of this Act that the objectives of this research, development, and demonstration program are—

(1) to proceed immediately with all work necessary to construct and operate a fusion engineering test facility by calendar year 1987;

(2) to follow the operation of the fusion engineering test facility with all steps necessary to construct and successfully operate a magnetic fusion demonstration facility before the end of this century;

(3) to maintain, and where appropriate expand, the base programs for fusion energy research, and the development and testing of appropriate alternative confinement technologies;

(4) to maintain a strong research and development program in advanced fusion fuels; and

(5) to take appropriate measures to ensure the maintenance of an uninterrupted source of scientific and engineering talent from the Nation's colleges and universities in support of the magnetic fusion energy effort.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) a "fusion energy system" is a system of components which uses magnetic fields and appropriate monitoring and control systems to contain a hot, highly ionized gas (called a plasma) for the purpose of creating a controlled environment in which a fusion reaction can proceed, and which may include additional components such as energy storage and conversion devices, and systems to generate electricity or produce hydrogen and other synthetic fuels;

(2) the term "magnetic fusion energy system" may be used interchangeably with the term "fusion energy system";

(3) "fusion" refers to the process whereby two very light nuclei (for example, deuterium and tritium) are forced together, forming a compound nucleus, which subsequently separates into constituents which are different from the original colliding nuclei, with an accompanying energy release;

(4) the term "fusion engineering test facility" (FETF) refers to a fusion energy system designed to achieve net energy production; and may involve any or all of the generic engineering systems necessary for the construction of a demonstration plant;

(5) the term "fusion demonstration plant" (FDP) refers to a full-scale prototype production plant designed to demonstrate the safety, reliability, duty factors, and maintenance standards of a fusion energy system, including the generation of electricity or the production of synthetic fuels;

(6) the term "advanced fusion fuels" refers to fuels which will undergo a fusion reaction, other than that involving deuterium with tritium;

(7) "scientific breakeven" refers to the condition existing when sufficient fusion reactions are occurring to produce as much power as is consumed in creating the conditions for the fusion reactions to occur;

(8) "facility" means any building complex, or other device constructively employing fusion systems; and

(9) "Secretary" means the Secretary of Energy.

RESEARCH, DEVELOPMENT, AND DEMONSTRATION OF MAGNETIC FUSION ENERGY SYSTEMS

SEC. 4. (a) The Secretary is directed to establish immediately and carry forth such research, development, and demonstration programs, projects, or activities as may be necessary to meet the objectives of this Act as set forth in section 2(b). As a part of any such program, project, or activity, the Secretary shall—

(1) conduct and promote the coordination and acceleration of research development, and demonstration programs relating to magnetic fusion energy systems and components thereof;

(2) seek support from and encourage cooperative efforts with the United States private sector, and with other governments in carrying out the purposes of this Act;

(3) study the potential of using fusion energy systems for the production of hydrogen and other synthetic fuels, and for other nonelectric applications; and

(4) investigate the potential of using fusion power for the electrification of all or part of domestic ground transportation systems.

DISSEMINATION OF INFORMATION AND OTHER ACTIVITIES TO EDUCATE THE PUBLIC ON THE USE OF FUSION ENERGY TECHNOLOGIES

SEC. 5. The Secretary shall take all possible steps to assure that full and complete information with respect to the potential benefits of fusion energy, and the status and progress of fusion research, development, and demonstration is made available to Federal, State, and local authorities, relevant segments of the economy, and scientific and technical community, and the public at large, both during and after the close of the programs under this Act, with the objective of promoting and facilitating to the maximum extent feasible the early and widespread knowledge of the practical uses of fusion energy throughout the United States.

AUTHORIZATION OF APPROPRIATIONS

"SEC. 6. There is authorized to be appropriated to the Secretary to carry out this Act (a) for the fiscal year ending September 30, 1981, $434,500,000, reduced by such sums as may be authorized for the same purposes in any Department of Energy fiscal year 1981 annual authorization Act, and (b) for subsequent fiscal years, such sums as may be authorized by legislation hereafter enacted."

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Washington (Mr. MCCORMACK) will be recognized for 20 minutes, and the gentleman from California (Mr. ROYER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington (Mr. MCCORMACK).

Mr. McCORMACK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before describing this bill and the need for it, I want to take the opportunity to thank the gentleman from Florida, Mr. DON FUQUA, chairman of the Committee on Science and Technology; the ranking minority member of the Committee on Science and Technology and the Energy Research and Production Subcommittee, the gentleman from New York, Mr. JACK WYDLER.

□ 1220

Without their help we would not be here today.

I wish also to thank the 159 cosponsors of this bill, and particularly those who are members of the Committee on Science and Technology. Each cosponsor has contributed genuine interest necessary to bring fusion energy into its rightful role.

Mr. Speaker, at this point I insert a list of cosponsors of H.R. 6308 as a token of my personal appreciation for their help. The list is as follows:

160 SPONSORS OF H.R. 6308

Mr. McCormack, Mr. Fuqua, Mr. Wydler, Mr. Roe, Mr. Winn, Mr. Goldwater, Mr. Brown of California, Mr. Fish, Mr. Scheuer, Mr. Lujan, Mr. Hollenbeck, Mr. Dornan, Mr. Lloyd, Mr. Walker, Mr. Ambro, Mr. Forsythe, Mrs. Bouquard, Mr. Kramer, Mr. Blanchard, Mr. Carney, Mr. Walgren, Mr. Flippo, Mr. Roth, Mr. Glickman, Mr. Ritter, Mr. Gore, Mr. Watkins, Mr. Young of Missouri, Mr. White, Mr. Volkmer, Mr. Pease, Mr. Mavroules, Mr. Anthony, Mr. Lundine and Mr. Ertel.

Mr. Alexander, Mr. Ashley, Mr. Anderson of California, Mr. AuCoin, Mr. Badham, Mr. Bailey, Mr. Bedell, Mrs. Boggs, Mr. Breaux, Mr. Brown of Ohio, Mr. Broyhill, Mr. Burgener, Mrs. Byron, Mr. Carter, Mr. Chappell, Mr. Cheney, Mr. Clausen, Mr. Cleveland, Mr. Clinger, Mr. Coelho, Mr. Corcoran, Mr. Cotter, Mr. Courter, Mr. Danielson, Mr. Dannemeyer, Mr. Davis of Michigan, Mr. Derwinski, Mr. Hicks, Mr. Dougherty, Mr. Downey, Mr. Drinan, Mr. Duncan of Tennessee, Mr. Duncan of Oregon, Mr. Edwards of Oklahoma, Mr. Erdahl, Mr. Evans of Georgia, Mr. Fascell, Mr. Fazio, Mrs. Fenwick, Mr. Heftel, Mr. Hughes, Mr. Ichord, Mr. Jones of Tennessee, Mr. Jones of Oklahoma, Mr. Kastenmeier, Mr. Kindness, Mr. LaFalce, Mr. Leach of Louisiana, Mr. Leath of Texas, Mr. Lewis, Mr. Lowry, Mr. Madigan, Mr. Mathis, Mr. Mazzoli, Mr. McClory, Mr. McCloskey, Mr. McDade, Mr. McKay, Mr. Michel, Mr. Miller of Ohio, Mr. Miller of California, Mr. Mineta, Mr. Minish, Mr. Mitchell of New York, Mr. Moorhead of California, Mr. Murphy of Illinois, Mr. Murtha, Mr. Myers of Indiana, Mr. Neal, Mr. Ottinger, Mr. Pashayan, Mr. Patten, Mr. Pepper, Mr. Petri, Mr. Pickle, Mr. Porter, Mr. Preyer, Mr. Price, Mr. Pritchard, Mr. Simon, Mr. Smith of Iowa, Mrs. Spellman, Mr. Spence, Mr. Stangeland, Mr. Stark, Mr. Stratton, Mr. Studds, Mr. Stump, Mr. Swift, Mr. Symms, Mr. Traxler, Mr. Ullman, Mr. Whitehurst, Mr. Charles Wilson of Texas, Mr. Wright, Mr. Wyatt, Mr. Wylie, Mr. Young of Alaska, Mr. Zablocki, Mr. Hawkins, Mr. Findley, Mr. Foley, Mr. Gibbons, Mr. Gilman, Mr. Goodling, Mr. Gramm, Mr. Hance, Mr. Pursell, Mr. Reuss, Mr. Rhodes, Mr. Richmond, Mr. Rinaldo, Mr. Rostenkowski, Mr. Rousselot, Mr. Rudd, Mr. Seiberling, Mr. Shumway, Mr. Abdnor, Mr. Buchanan, Mr. Marks, Mr. Marriott, Mr. Stack, Mr. Sensenbrenner, and Mr. Bafalis.

Mr. Speaker, I wish now to briefly describe the fusion process and explain why we are so excited about it. I wish to review briefly what the Committee on Science and Technology has been doing to advance it, and then I hope to be able to answer a few questions.

First of all, what is fusion energy? Fusion energy is the energy that powers the entire universe. It is the ultimate source of Energy. The stars and the Sun are fusion reactors. The fuel for the fusion reaction comes from water. There is literally an unlimited supply of fusion fuel available to all the world for billions of years. All the water of the world contains fuel for use in the fusion process.

Fusion energy is produced when we bring the nuclei of two very light atoms, usually isotopes of hydrogen, in close enough proximity that they fuse together. These nuclei want to repel one another, and it takes very large forces to overcome this repulsion. The method used to produce these large forces between nuclei is to raise the fuel atoms to extremely high temperatures, about 100 million degrees. In so doing, we create what we call a "plasma," a fourth state of matter. This high-temperature plasma must be kept hot in order for the fusion reaction to occur.

The most scientifically advanced way to do this is through a series of magnetic fields which squeeze the plasma and suspend it. We have a number of different fusion confinement devices in the research phase. We have devices called tokamaks, ones called mirror machines, and there is even one called a "bumpy torus." The most advanced scheme, however, is this donut-shaped device called a tokamak.

Fusion research using the tokamak concept is being pursued at the Princeton Plasma Physics Laboratory, at the Oak Ridge National Laboratory, at the Argonne National Laboratory, at the General Atomics Co., at Massachusetts Institute of Technology, at the University of Texas, and at several other universities.

The Soviets, the Japanese, and the Europeans, even the mainland Chinese, have programs in tokamak research. The Russian program has twice as many fusion scientists as we have in the United States, and the Japanese are spending far more money per capita on magnetic fusion than we are.

During the last 2 years a series of scientific breakthroughs have occurred in our research laboratories which now give us complete confidence that the scientific feasibility of fusion can be demonstrated within the next 2 to 3 years. These devices that are now under construction include the Tokamak Fusion Test Reactor at Princeton, the Mirror Fusion Test Facility at Livermore in California, and perhaps the ELMO Bumpy Torus Proof-of-Principle experiment soon to be contracted through the Department of Energy. This statement of confidence with regard to a demonstration of scientific feasibility could not have been made 2 years ago. It is based on recent scientific successes.

The two questions the Subcommittee on Energy Research and Production of the Committee on Science and Technology has wrestled with over the past year are: What is the desirable program pace for fusion considering the present level of scientific confidence and technological understanding? And, if the pace of fusion can be advanced, how much time and money can be saved?

Approximately a year ago I formed an advisory panel on fusion energy comprised of some of the world's most distinguished fusion scientists, university researchers, utility executives, and industrial leaders. I would like to insert at this point in the record a list of these fusion advisory panel members. The list is as follows:

MEMBERS OF THE FUSION ADVISORY PANEL TO SUBCOMMITTEE ON ENERGY RESEARCH AND PRODUCTION OF THE HOUSE SCIENCE AND TECHNOLOGY COMMITTEE

Dr. Robert L. Hirsch, general manager, exploratory research, Exxon Research and Engineering Co.

Dr. Richard E. Balzhizer, vice president, Research and Development, Electric Power Research Institute.

Dr. Robert Conn, Chemical, Nuclear and Thermal Engineering Department, School of Engineering & Applied Sciences, University of California, Los Angeles.

Dr. Ersel Evans, vice president, Westinghouse Hanford Co.

Dr. T. Kenneth Fowler, associate director for CTR, University of California, Lawrence Livermore Laboratory.

Dr. Harold Furth, program director, Princeton Plasma Physics Laboratory, Princeton University.

Mr. Joseph G. Gavin, Jr., president, Grumman Corp.

Mr. Henry K. Hebeler, president, Boeing Aerospace Co.

Mr. John W. Landis, senior vice president, Stone & Webster Engineering Corp.

Dr. Tihiro Ohkawa, vice president and director, fusion division, General Atomic Co.

Mr. Robert I. Smith, chairman of the board, Public Service Electric and Gas Company.

Dr. Alvin W. Trivelpiece, corporate vice president, Science Applications, Inc.

Dr. Ronald C. Davidson, director, Plasma Fusion Center, Massachusetts Institute of Technology.

Mr. Speaker, this panel has met several times during the past year and thoroughly reviewed the present fusion program and a number of alternatives plans for advancing its pace. Members of the panel participated in hearings held last December in the House and just a few weeks ago in the Senate.

The panel's recommendations are quite clear, and I quote from its May 20 report to the Energy Research and Production Subcommittee:

> There has been very significant recent technological progress in fusion research. The time is now for an engineering thrust centering on an engineering test facility.

Then the report goes on to say, and I quote:

> Our Panel believes that fusion can be made commercial before [the year] 2000 if a national commitment is made soon.

This bill that we have before us today makes this national commitment.

H.R. 6308, along with its Senate counterpart, S. 2926, establishes nuclear fusion as a mainline energy resource for this Nation in the 21st century and sets forth as a national commitment the near-term goal of demonstrating the engineering feasibility of the fusion process. During the next two decades, we hope to reach the goal of establishing a commercial fusion demonstration powerplant.

To translate fusion research into engineering reality will require additional facilities, major industrial involvement, increased manpower requirements, and much more funding. The present scientific base program must be broadened to support the new engineering requirements and provide design data. The engineering requirements for fusion are, however, best met with a focused program centering on a new fusion engineering test facility.

The administration's own Energy Research Advisory Board last Wednesday unanimously adopted and sent to the Secretary of Energy a report on the status of the fusion energy program. In this report the Board concluded that the time is at hand to move on with the engineering phase of the fusion program and to do so by focusing on what they call a fusion engineering device.

This important step, this transition in the program, must be initiated now. To effectively focus this engineering challenge, the concept of a center for fusion engineering has emerged. This center would be the focal point for fusion engineering studies, and for many fusion technology experiments. It would become the eventual site of what we call the engineering test facility and what the administration's study calls the fusion engineering device in the fusion program.

I want to emphasize that we are talking about the same thing when we talk about the engineering test facility and when the administration talks about the fusion engineering device.

While H.R. 6308 does not specifically address the concept of a fusion engineering center, the Senate companion bill, which will soon be up in committee, does, and I wish to go on record now as wholeheartedly endorsing this center as recommended by the administration. I believe the taxpayers will benefit from a centralized community of experts working on these tough engineering and technology problems, because, make no mistake about it, this is 10 times more complicated and more difficult an engineering challenge than anything we have ever undertaken before.

Specifically, the bill before us today looks toward having the engineering test facility in operation by 1987. This constitutes a crash program. Many, many times it has been said that if we could put a man on the Moon, we should be able to solve the energy crisis. Well, the energy crisis is far more complicated than putting a man on the Moon. It is far more difficult. But over and over again there has been a call for an Apollo-type program in energy, and in this bill we are actually setting up an Apollo-type program with a goal equivalent to putting a man on the Moon.

So within the next 20 years, by the turn of the century, we expect to have a fusion demonstration plant on the line. This is very similar to our Apollo program as conducted by NASA.

Our recommendation for funding for fiscal year 1981 is $434.5 million, which is exactly that approved by the Science and Technology Committee for the Department of Energy, annual authorization bill, H.R. 6627. In other words, we made the authorization level in the omnibus DOE authorization bill for fiscal year 1981. The details of what this authorization for funding provides is found in House Report 96–1096, as well as in House Report 96–967, part III, which accompanies H.R. 6627. Additional funding in future years will certainly be called for, but this bill does not authorize funding beyond 1981.

The subcommittee's fusion advisory panel estimates an aggressive program which leads to an electricity-producing demonstration magnetic fusion powerplant before the end of the century will cost about $20 billion. This is cheaper by $2 billion to $4 billion than the projected cost of the present stretched out Department of Energy program plan.

It is, additionally, a small price to pay for the development of what may be the most important energy source this country may ever have—one that will provide us literally with billions of years of supply of fuel, especially when we compare it to the $90 billion we are spending this year for imported oil.

□ 1230

We must understand our place now in history. I predict that future generations will view our decision on energy development today as a decisive turning point. We will have available to us, and the world, limitless energy. We are presently a society in transition, the transition from old energy sources to new ones, and when we step across the line into the world of controlled magnetic fusion, as we can do before the year 2000, we will be taking the most important step in the history of mankind as far as energy is concerned. It will be comparable to the first use of fire. This is the significance of this bill. It is an extraordinarily important bill, and I urge the support of all of the Members for it.

Mr. ROYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to certainly commend the gentleman from Washington (Mr. McCormack) for his leadership in this role, and I would like to rise in support of the bill.

Mr. Speaker, I have supported the principles of this bill because it is tailored to encourage the development of strong industrial teams so that when demonstration and commercialization of this vital option takes place, this Nation will have a strong industrial base to support these activities. I have had some concerns about an appropriate funding level for fiscal year 1981 because of strong budgetary pressures, but that does not diminish my support for the need of a more focused technological development activity in magnetic fusion.

I think it is unfortunate that the Appropriations Committee does not feel the same sense of urgency about this program as our committee, although I do share their concerns about the need to make budget trade offs between nuclear fission and magnetic fusion programs for fiscal year 1981.

I urge my colleagues to support this prudent congressional initiative where the Congress has sensed that the time is proper for looking beyond the laboratory bench and even larger experiments, to the demonstration of fusion power. We have the opportunity to take major steps toward commercializing this virtually limitless source of electrical power.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. Forsythe).

Mr. FORSYTHE. Mr. Speaker, I join with my colleagues in support of H.R. 6308, the Fusion Energy Research, Development, and Demonstration Act of 1980. For a nation that is heavily dependent on foreign oil imports, this legislation is a giant step down the road to energy independence.

The Nation has become painfully aware that world supplies of fossil fuels are limited and oftentime subject to the tensions of the international environment. The basic thrust of our energy policy in recent years has emphasized the conservation of oil and gas supplies and the increasing use of other conventional fuels such as coal. We must, however, be aware that a potential gap between the exhaustion of our conventional fuels and commercial availability of new inexhaustible energy supplies will leave this country in the greatest danger.

Fusion, the energy process of the Sun, offers great potential as the supplier of our future energy needs. Every nation of the world possesses in the oceans and waters of this Earth, an easily accessible and inexhaustible supply of fuel for fusion. It is now time to strengthen our commitment to research and development of fusion power and to determine whether fusion reactors can compete with other alternate energy sources from an economic, environmental, and public safety standpoint. This is a most logical step.

A recent report by the Energy Research Advisory Board's Fusion Review Panel recommended to the Department of Energy that U.S. fusion capabilities were such that the construction of a test facility to lay the foundation for commercial fusion powerplants should be undertaken within the next 10 years. Furthermore, the Panel recommended that the United States, "as the unquestioned leader in fusion research," should commit $1 billion a year over the next 5 years so the pace of development can be matched with the engineering test facility to have the first commercial fusion plant operating by the turn of the century.

Mr. Speaker, the pace of fusion research and development is clearly limited by funds. The ingenuity, skills, and technology exist for the construction of a fusion test facility. What is lacking is funding and a nationally recognized commitment, like that of the space program of the 1960's, to fusion power that will mobilize our resources so that we may reap the benefits. I want to urge my colleagues to join me in supporting H.R. 6308 which will not only safeguard our future but will also insure energy independence for all nations.

Mr. ROYER. Mr. Speaker, I reserve the balance of my time.

Mr. McCORMACK. Mr. Speaker, I yield such time as he may consume to the distinguished majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, this particular piece of legislation may be one of the fatefully significant decisions that we shall make in this Congress or in this decade. We are here committing ourselves to a Manhattan-type project, accepting the rightful priority of the potential of nuclear fusion as a primary goal of the United States.

As was suggested so eloquently by the knowledgeable gentleman from Washington (Mr. McCORMACK) this decision today and what flows from it may well rank alongside the great discoveries of history, the discovery of fire and the discovery of electric power.

There always have been at each step up the path of man's increasing physical knowledge those who have balked and dragged their feet, fearful perhaps that we were invading the exclusive domain of the deity and about to incur the wrath of God. When aviation was in its infancy, some insisted that if God had intended man to fly, He would have endowed us with wings in the first place.

But ever since the frightful, awe-inspiring discovery of nuclear power, there has lain in the wings the potential of this peaceful use. Nuclear fusion, unlike fission, does not leave any harmful residue in the atmosphere, but by the intense heats that it generates, would consume and burn up all of that harmful residue.

As the gentleman from Washington has so thoroughly explained, the difficulty has been and continues to be how we confine this enormous power that will be generated and the intense heats that will result from the process. We have discovered now that this can be done within a magnetic field. So we move ahead.

It is a great day in the history of the human race when we make yet another commitment to express our faith in the future and in man's capacity intelligently to pursue those infinite secrets of the universe which God has seen fit to reveal to us at this moment in man's history when the growing population of a hungry world may be eating our way through the older sources of power, such as oil and coal and without new sources might face famine.

By this action we express our belief as well that perhaps in His infinite wisdom the Almighty may have divined in our increasing awareness a capacity to apply the laws of moral social behavior which are corollary to the physical laws of the universe in such a way as to make the atom finally man's servant and not his destroyer.

This is what we deal with today. I think it is well that we take cognizance of what it is that we do and look forward with faith and with hope to a better future for all humanity.

Mr. McCORMACK. I thank the majority leader for his statement.

Mr. Speaker, I yield such time as he may require to the gentleman from Florida (Mr. FUQUA), the chairman of the Committee on Science and Technology.

Mr. FUQUA. Mr. Speaker, I am speaking today in strong support of H.R. 6308, the Fusion Energy Research, Development and Demonstration Act of 1980. I want to take this opportunity to commend the gentleman from Washington (Mr. McCORMACK), his subcommittee, and its staff on the conscientious and untiring efforts they have put forth in bringing this bill before us today.

The listing of 160 bipartisan cosponsors on this bill is a clear indication of its popularity. I wish to emphasize, however, that this is a popularity spawned of need, not of politics.

There is a need for development of inexhaustible domestic energy sources. There is a need to revitalize our technology industries. And, there is a need to maintain the United States in the No. 1 international position in fusion energy research and development.

The United States represents only one-third of the world effort in fusion, but our technology has allowed us to move much further much faster than other nations. This lead may not last.

There are clear signs that other countries are catching up. The Soviets have over twice as many scientists working on the development of fusion power. The Japanese are spending 50 percent more per capita on fusion that the United States, and a large share of the Japanese fusion program is already being carried out directly within their industrial sector, not in government laboratories as here in the United States.

The United States must now move aggressively to set a clear cut national goal to develop fusion energy in a time commensurate with our technological capability.

The development of fusion power will not come cheap. We estimate that the total expenditures over the next 20 years will be $10 to $20 billion. But, by contrast, the cost of foreign oil imports is estimated to be $90 billion for this year alone. Taken in perspective, the country can and must develop its leading 21st century energy sources in the near- to mid-term, if we and our future generations are to have any hope of energy security.

I urge all of my fellow Members to fully endorse the measures outlined in this very important bill. Energy development cannot wait.

□ 1240

Mr. McCORMACK. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. YOUNG).

Mr. YOUNG of Missouri. Mr. Speaker, I rise in support of the bill offered by the gentleman from Washington. I would like to congratulate the distinguished chairman of our subcommittee for his leadership in encouraging the development of fusion energy, and particularly for his recognition of the importance of early industry participation.

I have had an opportunity to review some of the current and planned fusion work, and this is really an exciting technology. Not only does fusion offer the potential of an unlimited energy source for the future, it also offers the opportunity for the United States to reassert its leadership in the innovative, high technology research and development work in which our scientists and engineers have always excelled.

One of the important aspects of this bill is that it provides for the industry participation which has been so crucial to our past successes. The NASA program demonstrated the enormous long- and short-term benefits we all receive from Government-industry partnerships in high-technology ventures. We have seen major advances in diverse fields, from microminiaturization of computer components and aids to marine safety to improved container coatings and new devices to correct erratic heart action. All of these innovations, and many more, were derived from technology developed during our space program. We expect similar short-term spinoffs from the fusion program, as scientists and engineers develop new materials and processes to meet the special challenges of fusion reactions. A strong program of industrial participation, from the beginning, in the fusion effort will mean that new developments will quickly enter the marketplace and benefit all of us.

I mention these possibilities to indicate the enthusiasm which I feel for this challenge, and in the hope that you will share my sense of excitement. We know that we will need a variety of energy sources to reach the goal of energy independence, and I am firmly convinced that all promising alternatives should be pursued to an engineering demonstration point which will allow us to make informed decisions about our energy future. This program allows us to do that, and it offers the promise of repaying our investment many times through technological innovations alone. It indicates our confidence that American industry will again rise to the challenge of fulfilling a vital national goal, and it provides a model for other alternative energy programs. Every expert panel which has studied fusion energy, from our subcommittee advisory group, to the President's advisory panel, to the International Energy Agency, agrees that now is the time to move ahead. I hope that you will agree, and I urge your support.

Mr. McCORMACK. Mr. Speaker, I would like to ask the gentleman from California (Mr. ROYER) if he would mind yielding to several of the Members who have not had an opportunity to speak.

Mr. ROYER. We would be pleased to yield.

Mr. McCORMACK. We have the gentleman from Texas (Mr. WHITE), the gentlewoman from Tennessee (Mrs. BOUQUARD), the gentleman from California (Mr. STARK), and the gentleman from Kansas (Mr. GLICKMAN). If the gentleman could yield to them for 1 minute each on his time, we could give these Members an opportunity to speak.

Mr. ROYER. Mr. Speaker, we will be happy to yield 1 minute each to the gentleman from Texas (Mr. WHITE), the gentleman from California (Mr. STARK), the gentleman from Kansas (Mr. GLICKMAN), and the gentlewoman from Tennessee (Mrs. BOUQUARD).

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Speaker, there is legion knowledge and agreement throughout the land that our conventional energy sources are either in short supply or pose environmental hazards which are proving difficult to overcome. Agreement is equally shared that nuclear power is the most logical and promising medium to fill the transitional void to other and more sophisticated energy sources. The major argument against accelerated nuclear power development has been the waste disposal problem we are left with in employing today's fission technology. That is why this nuclear fusion research and development proposal is so timely and imperative. The process of fusion promises low-level radioactive wastes which decay is only slightly over a decade leaving a harmless helium deposit. Passage of this bill is necessary for the well-being of the generations ahead from the standpoints of abundant power with no dangerous afteraffects. I urge you to join me in its support.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, for three decades American scientists have wrestled with the enormous challenge of harnessing a fusion reaction to produce energy. In the face of many setbacks and disappointments they have continued to pursue their goal, and today their labors are close to fruition. Recent brilliant successes in fusion laboratories all around the country have shown that safe and abundant energy from fusion is indeed feasible.

Due to these accomplishments, we can now confidently commit ourselves to the development of a fusion engineering program leading to an electricity-generating fusion powerplant before the end of this century.

Certainly, this goal is an ambitious one which will place great demands upon the talents and imaginations of our fusion scientists and engineers. But I believe our American tradition of innovation will prove equal to the task, and hopefully we will succeed in developing safe and virtually inexhaustible energy for future generations.

Accordingly, the time is ripe for a firm national commitment to an accelerated fusion energy program. The legislation now before us will provide a strong and vital commitment to our Nation's energy future. I urge my colleagues to join me in support for H.R. 6308.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Speaker, last year I took a trip out to Livermore Laboratories outside of San Francisco. It was an enormously profitable trip, educational trip, because I saw and talked with some of the scientists who were doing some of this work. All the questions of fusion energy have not been answered. This one technology offers the potentiality for enormous energy self-sufficiency like no other that we have explored to date.

While there still may be some problems relating to the technology, only the research and development that is contained in this bill will move us along to the point where we will see whether it will really work.

I commend my colleague from Washington (Mr. McCORMACK) who has shown so much perseverance in this area.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Tennessee (Mrs. BOUQUARD).

Mrs. BOUQUARD. Mr. Speaker, I rise in support of H.R. 6308. I would like to also express my appreciation to our chairman and subcommittee chairman and our very able staff.

It is now clear that large quantities of energy can be released from the fusion of light isotopes just as in the case of the fission of heavy isotopes. The driving energy force of the Sun stems from fusion energy and in this way all life depends on this nuclear process.

Some years ago physicists pointed out that if the fusion of deuterium and tritium could be achieved, as in the Sun, a new and inexhaustible energy source would be possible. No one thought the task would be easy. It required that significant quantities of the two gases be restrained in a relatively small volume, hopefully for long or continuous time sequences, and at temperatures of almost 100 million degrees Fahrenheit. I am happy to know that the physicists are nearly through and further, no doubt being able to kindle the fusion fire in the near future.

A number of machines have been devised and tested in the attempt to achieve fusion. They have met with varying success, mainly the tokamaks, with their magnetic bottle containment.

An upgraded tokamak-type machine that I am very hopeful for is called Elmo Bumpy Torus. It has one new outstanding feature that eases the follow-on engineering in that it is designed to operate continuously. This is probably of crucial importance.

I strongly urge as a matter of national policy that we promptly and adequately fund the current machines such as EBT and prepare for the upcoming generation of new machines. Also, we must begin the engineering testing on a broad scale very soon.

In this way, we will buy for the future of America a resource more valuable than the legendary philosopher's stone that would turn base metal into gold.

Mr. McCORMACK. Mr. Speaker, if I may take my 1 minute to conclude, I simply want to make one point. The primary goal of this bill is to transition us from a strictly research oriented program into a focused engineering program with continued basic and supporting research.

We cannot necessarily control our successes in basic research. It depends upon our ability to ask wise questions, prepare the machinery to get the answers, and then to hope that nature gives us the answers that we expected. This is what we have been doing for the last 25 years in fusion.

In the last 2 years we have learned what the answers are to move ahead. Now, we need technological development. We have shown in the past, with the Apollo space program, that we can control the rate of progress in these development programs.

We can have a fusion energy production facility on the line before the turn of the century if we are determined and willing to make the commitment.

I repeat, gentlemen, there is no goal that would be as important to this country and the world as that accomplishment.

I urge this body's support for this bill.

● Mr. GOLDWATER. Mr. Speaker, the inventor of the light bulb once remarked about what he perceived to be the danger posed by the development of alternating electrical current. He said:

> Just as certain as death ... (alternating electrical current) will kill a customer within 6 months after he puts in a system of any size ... it will never be free of danger.

If Thomas Edison were alive today however, he would see a wondrous, vibrant society using a safe and clean energy source in all of its homes and businesses. I wonder what Mr. Edison would think today of our recent developments in fusion energy.

Fusion energy is the source of all energy in the universe. The Sun and stars are prime examples of fusion reactors. Fusion energy may therefore be thought of as the "ultimate energy source." It has the potential to supply many times the amount of energy electricity supplies, and it has the potential ability to supply that energy at a much more economical cost because of its limitless supply. But we can only tap this wondrous energy resource if we move enthusiastically in the fusion energy development direction.

Such a commitment will demand of us great resources and courage, as all great discoveries have required. When man first dreamed of flying, there were those who believed that if God had intended man to fly, he would have given man wings. There were others, however, who felt that the only obstacle in the way of man's ability to fly was time. Well, Mr. Speaker, man met that challenge head-on and successfully achieved flight one day on a cool, breezy afternoon in Kitty Hawk, N.C. We have the opportunity today to encourage a comparable technological feat. We have the opportunity today, Mr. Speaker, to one day share in the excitement the Wright brothers must have felt almost 80 years ago.

That is why I am proud to stand here before my colleagues with over 150 cosponsors and support H.R. 6308, the Fusion Energy Research, Development, and Demonstration Act of 1980. This bill, Mr. Speaker, would provide for a national commitment to an aggressively accelerated research and development program of magnetic fusion energy technologies. Furthermore, it is every intention of this bill, and of the Science and Technology Committee which reported it, that the successful development of such technologies will lead to the operation of a fusion engineering test facility by 1987 and to the construction and successful operation of a magnetic fusion demonstration plant before the year 2000.

Although fission energy has been roundly criticized, Mr. Speaker, it is because of our experiments with fission energy that the concept of fusion energy was developed. Whereas fission energy involves the splitting of atoms to produce energy, fusion energy involves the forceful combination of such atoms to produce a fourth state of matter—plasma. It is plasma which provides such a unique energy source. Fusion energy leaves less long-lived radioactive waste, leaves nothing which can be converted for the manufacture of weapons, and promises less hazards from improbable accidents.

If my colleagues will permit me, I would like to play a little "thought" experiment. Imagine a cylindrical canister on the floor right here in front of me. If you looked down into that canister, you would see nothing but darkness, except perhaps for a faint, bluish glow caused by a various mixture of gases which thinly rings that darkness. Imagine further that this canister is emitting an energy source that is safe, clean, economical, and has the potential to supply most of our future energy needs. If you have pictured in your mind these things, then you have pictured a simplified model and explanation of fusion energy.

There are, however, some problems, such as adequate energy source confinement methods and the attainment of the high temperature necessary for the actual fusion process itself, involved in the development of fusion energy. That is why this legislation is so urgently needed. Although fusion energy requires more capital and technology, it will ultimately produce more flexible and economical commercial power than solar energy and, certainly, fewer hazardous pollutants than coal.

We have, with the passage of this measure, Mr. Speaker, the opportunity to embark on a scientific discovery of great significance to our society. With all due respect, I would debate the merits of fusion energy with Mr. Edison himself if he were alive today, but I am sure that would not be necessary because I am positive he would realize the critical significance of this energy resource and would support it fully.

Mr. Speaker, I earnestly urge my colleagues to support H.R. 6308.●

● Mr. WEISS. Mr. Speaker, the energy problem faced by this Nation, and the world, today is all too clear to everyone in this Chamber. We must reduce our dependence on imported oil, yet find energy solutions that will protect, not endanger, our environment and safety. Nuclear fusion is a good answer.

I strongly support H.R. 6308, the Fusion Energy Research, Development, and Demonstration Act of 1980. Passage of this bill will make clear our national commitment to use the fusion process to produce electricity by the year 2000 in a demonstration powerplant, and authorize $434.5 million for fiscal year 1981 for fusion research. The total cost of the advanced pace research program would be less than the present program, according to estimates by DOE and the Fusion Advisory Panel to the Subcommittee on Energy Research and Production. Nonetheless, we will have to spend from $12 to $20 billion over the next 20 years to meet this goal. It will be money well spent.

Fusion could provide large amounts of power indefinitely, without highly radioactive waste products as in nuclear fission. It would also pose virtually no threat of a meltdown or similar disaster. In fact, the major problem facing researchers is preventing the reaction from expiring, not melting down.

The technology to attain a fusion reaction is clearly within reach. Already we know that the necessary temperature of 100 million degrees can be achieved with equipment now being built. And three other basic conditions—plasma purity, stability and confinement—have been attained.

Fuel for fusion, heavy water, is obviously plentiful—it is derived from water. We have enough for billions of years of fusion use. A remarkably productive process, fusion releases a million times more energy than burning a comparable weight of coal or oil and eight times more energy than the nuclear fission of a comparable weight of uranium. Fusion can produce energy in a variety of usable forms, including portable liquid and gaseous fuels and electricity.

We must be careful that even the small amount of mild radioactivity fusion produces, in the plant structure and in part of the fuel cycle, is contained. But the principal waste product of the reaction—helium—is not radioactive at all. Fusion's total hazard appears infinitesimal compared to fission.

With fusion, we can truly harness the power of the Sun, a fusion reaction itself. I applaud this bill's increase in our research funding, authorization and look forward to the demonstration of a technology that promises so much.●

● Mr. DERWINSKI. Mr. Speaker, I am proud to be a cosponsor of H.R. 6308 and am convinced that if we concentrate on the development of nuclear fusion, we can achieve dramatic results in this century in this source of unlimited energy.

The fusion program has made significant breakthroughs in the past few years and is one of the best managed programs in the Department of Energy. The Argonne Laboratory in Illinois has been working on developments of the systems necessary for fusion commercialization, and I believe Congress should authorize a program which will encourage the rapid development of fusion energy.●

● Mr. MAVROULES. Mr. Speaker, I would like to express my strong support for H.R. 6308, the nuclear fusion research and development bill. This bill accelerates the engineering development of magnetic fusion and insures the demonstration of the engineering feasibility of magnetic fusion energy systems by the year 2000.

Though this effort, Mr. Speaker, may appear to be a rather awesome endeavor for America to undertake at this time, there is no doubt in my mind that the magnetic fusion program has the strongest intellectual constituency and broadest base of any of the Nation's major research and development programs

The development of fusion energy is one of the most complex and worthwhile technical challenges facing mankind, and each of the institutions and organizations presently involved in fusion research brings with it a highly specialized talent and expertise so vital to the various facets of fusion energy development. And, I must say, Mr. Speaker, I am particularly proud of the recent scientific breakthroughs that have been made at such internationally known institutions as Princeton University and the Massachusetts Institute of Technology.

In addition, Mr. Speaker, another major reason for supporting the acceleration of the development of magnetic fusion energy is the significant technical progress that has been made during the past several years and the corresponding high degree of confidence that a fusion engineering device can be constructed and successfully operated. This worthy goal has certainly been hailed by the over 165 Representatives who have joined the growing list of cosponsors.

Mr. Speaker, I cannot stress the importance of accelerating the present pace of the magnetic fusion program, if we are to truly move our energy independence program forward. I urge those Members who have not done so already, to carefully study the goals and program directives established by H.R. 6308, and I am sure they will agree with me that now is the time to really get the magnetic fusion program off the ground in a meaningful way.●

Mr. ROYER. Mr. Speaker, we have no further requests for time and yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McCORMACK) that the House suspend the rules and pass the bill, H.R. 6308, as amended.

The question was taken.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1250

GENERAL LEAVE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

NUCLEAR SAFETY RESEARCH, DEVELOPMENT , AND DEMONSTRATION ACT OF 1980

Mr. McCORMACK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7865) to provide for an accelerated and coordinated program of light water nuclear reactor safety research, development, and demonstration, to be carried out by the Department of Energy, as amended.

The Clerk read as follows:

H.R. 7865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nuclear Safety Research, Development, and Demonstration Act of 1980."

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) nuclear energy is one of the two major energy sources available for electric energy production in the United States during the balance of the twentieth century;

(2) continued development of nuclear power is dependent upon maintaining an extremely high level of safety in the operation of nuclear plants, and on public recognition that these facilities do not constitute a significant threat to human health or safety;

(3) it is the responsibility of utilities, as owners and operators of nuclear powerplants, to assure that such plants are designed and operated safely and reliably; and

(4) a proper role of the Federal Government in assuring nuclear powerplant safety, in addition to its regulatory function, is the conduct of a research, development, and demonstration program to provide important scientific and technical information which can contribute to sound design and safe operation of these plants.

(b) It is declared to be the policy of the United States and the purpose of this Act to establish a research, development, and demonstration program for instituting practical improvements in the safety of nuclear powerplants during the next five years, beginning in the fiscal year 1981. The objectives of such program are—

(1) to reduce the likelihood and severity of potentially serious nuclear powerplant accidents;

(2) to reduce the likelihood of disrupting the population in the vicinity of a nuclear powerplant as the result of a nuclear powerplant accident;

(3) to assess the relative safety of nuclear powerplants, and to report on the findings thereof.

Nothing in this Act shall be construed as preventing the Secretary from undertaking projects or activities, in addition to those specified in this Act, which appropriately further the purpose and objectives set forth in this subsection.

DEFINITIONS

SEC. 3. For purpose of this Act—

(1) the term "Secretary" means the Secretary of Energy; and

(2) the term "Government agency" means any department, agency, commission, or independent establishment in the executive branch of the Government, or any corporation, wholly or partly owned by the United States, which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority administration or other establishment in the executive branch of the Government.

ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM FOR IMPROVING THE SAFETY OF NUCLEAR POWERPLANTS

SEC. 4. (a) The Secretary shall establish a research, development, and demonstration program to carry out the purpose of this Act. As part of such program, the Secretary shall—

(1) develop potentially cost-effective, concepts for improving the generic design and operation of nuclear powerplants that can (A) significantly reduce the risks from unintentional release of radioactive material from nuclear powerplants, and (B) reduce radiation exposure to workers during plant operation and maintenance;

(2) develop potentially cost-effective methods and concepts that will significantly improve the performance of operators of nuclear powerplants under routine, as well as abnormal and accident conditions;

(3) determine the effect of total or partial automation of nuclear powerplant systems on plant safety, operation, reliability, economics, and/or operator performance:

(4) support applied science and technology useful in the improvement of nuclear powerplant safety;

(5) identify the aptitudes, training, and manning levels which are necessary to assure reliable operator performance under normal, abnormal, and emergency conditions;

(6) provide for the examination and analysis of any nuclear powerplant fuels, components, and subsystems which the Secretary deems to offer significant improvement in plant safety; and

(7) in cooperation with other appropriate Government agencies, conduct an in-depth study and evaluation and prepare a report which identifies for each significant and potentially significant electrical energy source, the health and safety risks associated with all aspects of using, or not using, each such source; and the probability of serious accidents occurring within each portion of the fuel cycle, including the production, handling, and storage of fuels and wastes.

(b) In carrying out the research, development, and demonstration program established under this Act, the Secretary—

(1) shall, to the extent practical, coordinate his activities with those of other Government agencies, foreign governments, and industry, to utilize their expertise, to minimize duplication of effort, and to ensure that information useful for improved concepts applicable to nuclear powerplant safety can be applied in a timely manner. The Secretary may enter into agreements to accomplish these ends, but no such agreement shall have the effect of delaying the development and implementation of programs under consideration;

(2) shall make such recommendations as are practical to minimize the complexity of nuclear powerplant systems (including secondary systems) and operations; and

(3) shall utilize, to the extent feasible, federally owned research facilities, along with the associated personnel.

(c) If so specified in an appropriation Act, funds authorized to be appropriated by this Act may be transferred to other Government agencies for the performance of the work directed by this Act. In such cases the sums so transferred may be merged with the appropriations to which they are transferred.

STUDIES AND DISSEMINATION OF INFORMATION

SEC. 5. The Secretary shall assure that full and complete information with respect to any project or other activity conducted under this Act is made available in a timely manner to appropriate committees of Congress, Federal, State, and local authorities, relevant segments of private industry, the scientific community, and the public.

COMPREHENSIVE PROGRAM MANAGEMENT PLAN

SEC. 6. The Secretary is authorized and directed to prepare an annual comprehensive program management plan for the conduct of research, development, and demonstration activities under this Act, consistent with the provisions of section 4. In the preparation of such plan, the Secretary shall consult with the heads of such other Government agencies, and such public and private organizations as he deems appropriate.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There is authorized to be appropriated to the Secretary to carry out this Act for the fiscal year ending September 30, 1981, the sum of $28,500,000 (of which not less than $1,000,000 shall be available exclusively for purposes of paragraph 4(a)(7) including such sums as may be authorized by legislation hereafter enacted.

The SPEAKER pro tempore. Is a second demanded?

Mr. WYDLER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington (Mr. McCORMACK) will be recognized for 20 minutes, and the gentleman from New York (Mr. WYDLER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington (Mr. McCORMACK).

Mr. McCORMACK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is the Nuclear Safety Research, Development, and Demonstration Act of 1980. It has 34 cosponsors and was reported out of the Committee on Science and Technology by a 35 to 1 vote.

The bill establishes for the first time a national commitment to improve nuclear powerplant safety and establishes specific tasks for the Department of Energy in the area of nuclear safety research, development, and demonstration. It is important to emphasize, however, that although the Department of Energy already has the generic authority under the Atomic Energy Act of 1954 to conduct nuclear safety research development and demonstration programs, there are no specific legislative directions or instructions relative to this kind of program.

When the Atomic Energy Commission was in existence, it had responsibility for nuclear safety research, development and demonstration. When the Atomic Energy Commission was separated into the Department of Energy and the Nuclear Regulatory Commission, this particular responsibility was given to the Energy Research and Development Administration and later to the Department of Energy as part of the general research, development and demonstration responsibilities in energy. It was, however, not pursued with any real commitment. The Energy Regulatory Commission was directed to carry out confirmatory research, but not research, development and demonstration contributing to safety innovation or safety improvement. This bill undertakes to direct the Department of Energy to carry out its responsibilities in this area.

It is in a sense a response to the accident at Three Mile Island. It comes as the result of more than a year's work by the Subcommittee on Energy Research and Production and, as I say, was reported out of the full Committee on Science and Technology by a vote of 35 to 1.

It is abundantly clear that nuclear power poses substantially less risk to the public health and safety and the environment than any other significant power production source; but the accident at Three Mile Island has demonstrated that in spite of considerable attention to safety in the design and operation of nuclear plants, there are improvements that can and should be made to further enhance the safety of nuclear power plants. Many improvements already have been made through aggressive actions by the nuclear industry and by the Nuclear Regulatory Commission and the Department of Energy in response to Three Mile Island. Other possible improvements will require extensive evaluation to consider their real merit and research, development, and demonstration should be done on still other changes based on the evaluation of old and new information as it rises.

The bill directs the Secretary of Energy to undertake seven primary activities in the areas of research, development and demonstration. The first primary activity is to develop the concepts that have made the potential for being cost effective and for improving the generic design and operation of nuclear powerplants. This activity will focus on reducing the risks from accidental releases of radioactivity, for instance.

The second primary activity is to identify potential cost effective concepts and methods which will significantly improve the performance of nuclear powerplant operators, the men and women in the powerplant control room, under operating and accidental conditions.

This activity will focus on the design of the control room, the instrumentation systems, components and structures, as well as upon operating procedures.

The third primary activity of the Secretary is to determine the effect of automation of nuclear powerplant systems on plant safety and operation, reliability and economics and on operator performance.

The fourth primary activity is to support research, development, and demonstration of applied science and technology related to nuclear powerplant safety.

The fifth primary activity is to identify the human factor attributes of operators that will assure reliable performance.

The sixth activity is to examine any nuclear powerplant components which could yield useful information for significantly improving the safety of nuclear powerplants.

Finally, the Secretary, under this bill, is directed to determine the risks associated with each significant or potentially significant electrical energy source, so that decisions on the merits of safety improvements can be made with an understanding of the benefits to be gained in relation to other societal risks.

The bill directs the Department to disseminate the information regarding the activities conducted pursuant to this act and directs the preparation of an annual comprehensive program management plan for the conduct of research, development and demonstration under the act.

I might add that all the Department of Energy's reactor safety activities approved by the Committee on Science and Technology in the fiscal year 1981 DOE authorization bill have been included in this bill. The funding level in this bill is also exactly the same as the fiscal year 1981 authorization bill for the Department of Energy as approved by the Committee on Science and Technology.

Mr. Speaker, I urge my colleagues today to join with me in support of this national commitment to improving the safety of nuclear powerplants in an organized manner.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I would be glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding. I want to congratulate the gentleman for the bill he is bringing before the House. As the gentleman from Washington knows, I am one who lives beside Three Mile Island and have had a close look at the problems that that particular powerplant has created over the last year and a half.

I think that the approach the gentleman has worked out in this particular bill is a very, very useful one.

I think there are a couple basic precepts that we know in general and from the accident at Three Mile Island and they are that nuclear powerplants are going to be around for a long time to come and that we are going to need greater safety procedures.

We ought to be looking at safety procedures in the future as well as conducting research so that we can intelligently decide on improvements. That is what the gentleman's bill does.

I would like to congratulate the gentleman for bringing this effort to the floor.

Mr. McCORMACK. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, I am glad to yield to the gentlewoman from Tennessee (Mrs. Bouquard).

Mrs. BOUQUARD. Mr. Speaker, I want to thank my chairman for bringing to the floor the Nuclear Safety, Research, Development and Demonstration Act of 1980. Clearly, this is a well-timed, needed, and very comprehensive piece of legislation.

Mr. Speaker, I rise in strong support of H.R. 7865, the Nuclear Safety, Research, Development and Demonstration Act of 1980. Following the incident at Three Mile Island, the Energy Research and Production Subcommittee conducted extensive hearings on the subject of reactor safety. Despite the outstanding safety record compiled by the nuclear industry, we believe that greater attention can be paid to a number of diverse elements which have a bearing on safety.

Our recommendations, which are contained in H.R. 7865, would authorize the Department of Energy to invest up to $28.5 million in a program of nuclear powerplant safety research. Specifically, we direct the Secretary to consider improvements in the generic design and operation of such plants. One of the most important aspects of improving the safety of nuclear plants is upgrading the skills of plant operators especially with emphasis on improving techniques under actual operating conditions.

One of the chief difficulties at Three Mile Island was the absence of automated data transmission and verification systems. I believe that by applying the latest technological advancements in control automation, we can significantly improve both the availability and reliability of information on the state of the reactor.

In addition to these steps, we believe that there are a number of areas in which the Department of Energy could facilitate the flow of information among plant operators and vendors which would not only add to the safety margins already associated with these facilities, but could result in the operations of the plants becoming more cost-effective as well.

There is no source of energy which does not involve the acceptance of a level of risk. To date, nuclear power is the safest, most reliable, and the cheapest way to produce electricity. Nuclear power is already of significant importance to production throughout our Nation, and in some regions it is crucial to meeting energy needs. Because of its cost and environmental advantages, nuclear power is likely to grow in importance as we near the end of the century. This legislation provides for a solid workable program to assure that safety remains the first priority of the commercial nuclear power program.

I urge the adoption of H.R. 7865.

Mr. McCORMACK. Mr. Speaker, I thank the gentlewoman.

Mr. WYDLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me say that this bill has my full support. It is the type of legislation that I am so proud of having had a part of bringing into existence, particularly because it allowed me to work with the gentleman from Washington, (Mr. McCormack).

We have been called by newspapers and others, not necessarily in a complimentary vein by some, the "Nuclear Twins" here in the House. I am prouder of that than anything else I can say about my time that I have spent in the House of Representatives, because I honestly believe that nuclear power not only is here to stay, but it obviously is going to grow in all its dimensions. Whether we talk about fusion, whether we talk about fission or whether we talk about breeders or reprocessing; all those things are going to be a part of the future of the world and the future of our country; no matter what arguments we may hear from day to day here in the Halls of Congress or in the newspapers or in the movies or what have you.

It is a fact of life and one that we are not going to escape from, one that we should not try to escape from, but rather seize hold of and utilize to see that the economic condition in our Nation stay even with the rest of the world.

Now, this bill, of course, is a bill to improve nuclear plant safety. It comes out of a set of very serious and detailed hearings of our subcommittee and, of course, it was based on the testimony of people that can only be considered the most expert in this field. I am talking about people such as Adm. Hyman Rickover and Dr. George Low, who are two of the eminent people that we had testify on this subject.

Everything about this bill will be helpful to our Nation's nuclear program and, therefore, I think it deserves the support of all the Members of the House. I hope they will support it and I intend to put a more detailed statement on this bill in the record. However, this bill, I think, also points out something that this House has to face over and over again, not only this year, but in the years ahead. I want to make this point; I have made it many times in the committee, but I want to make it once on the floor of the House of Representatives; that is, the fact that it does not do us any good whatsoever to spend hundreds of millions of dollars of the taxpayers' money researching and developing new technologies if at the end of the research and development phase we do not do anything with the technology which we have researched and developed.

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That may sound like a truism, but the fact of the matter is that our country is going in just the opposite direction. Take nuclear fission. That is something we have spent billions of dollars on researching and developing technology for our Nation, not only as a tool to give us power for our electrical plants, but also as an economic tool to give us great sales internationally around the world. After doing all of this research and technology development and bringing this technology to the point where we led the world, we found there was a problem with it.

The propaganda war was started by those people who do not want any real research and development or new technology utilized, and those people are waging an all-out war against nuclear fission as it is being used in our country and around the world. Indeed, if they win, the American team can then sit back and say the billions upon billions of dollars that we have spent to research and develop and bring this technology into existence and make it possible to give forth benefits to mankind is all going to be thrown out, every last dollar. We are going to turn our backs on the future of the Nation as a result.

That is not the only illustration. The gentleman from Washington (Mr. McCormack) has just presented my colleagues with a bill on nuclear fusion and, indeed, when lots of people who are opposed to nuclear fission tell you now that they are for nuclear fusion, do not be fooled for 1 minute. These same people that oppose nuclear fission only support nuclear fusion because it is a way to make people think we do not need fission, and we can use fusion instead. That is delusion, a delusion that they are trying to sell to the American people, because it will always be the next technology that they will be selling, not the one we have now, not the one we can use now, but the one that is some time into the future and may or may not come to pass. If that one becomes promising they will oppose it, too, my colleagues can be sure of that. They will oppose that option, too.

I speak about fusion because there are many environmental problems about nuclear fusion. We cannot kid ourselves about that. Similar arguments to ones that can be made environmentally about nuclear fission one can make against nuclear fusion. If and when the day comes that we can actually use it for anything that will benefit mankind, these people will then use those arguments against fusion just as they use them against fission. So let us not kid ourselves or delude ourselves.

If we are going to now embark on a crash program for the development of nuclear fusion, as we should, as a Nation, if we are going to make that decision now and commit ourselves to spend hundreds and hundreds of millions of dollars of taxpayers' money, and probably billions, many billions before we are through, let us also make the decision now to use it when we develop it and not turn our backs on it when we develop it.

I will just give the perfect illustration of how ridiculous a point we have reached in our Nation, and that example is the breeder reactor. For years we have fought and discussed on the floor of this House whether we were going to have the breeder reactor at Clinch River or not. At the same time all those heart-rending arguments were being made about the dangers to mankind, et cetera, and so forth, in the gentleman from Washington's district there was a breeder reactor working.

It is called a fast flux test facility (FFTF) reactor. The only difference between that one and the one at Clinch River is the one at Clinch River was going to produce something worthwhile. It is not just a research reactor, it is something that is going to produce something that people can use, electricity. That is the one we cannot have. Those people will not let us have that. They are against growth. They are against moving our country into the future. They will let us have all of the research reactors we want to do the same thing, but we cannot have that one. How silly. How silly a national policy that is for our Nation.

I only hope, and I know the day will come when our country will see through this, we will see that to go into the future we have to take some risks. There is no such thing as a no-risk future. By its very nature, the future is full of unknowns and full of risks, and our Nation is going to have to move forward and accept some of these risks in a rational fashion. I only hope that we will see that day sooner rather than later or maybe even too late. That is the only thing that worries me. I know we will see it. I know we will come to that realization, and I know our Nation will, as it always has, move forward in technology. I just hope that the day comes sooner rather than later, and comes not too late, so that we do not let the world pass us by and sell our country short and the future of all of the people that live in this great Nation.

So I do indeed support this bill as a small but important step in trying to improve the safety of our present nuclear facilities. I only look forward to seeing this House stand up and take the type of attitude toward nuclear power, whether it is fission or fusion, that has enabled our country in the past to be a leader in the world and unafraid of technology and the problems that it presents. We have done this because we know that we in America have the ability to overcome those problems better than any other people on the face of the Earth.

Mr. Speaker, our committee took its first step toward an enhancement of nuclear powerplant safety through additional R. & D. when it held a series of hearings last spring. We heard at that time from such distinguished witnesses as Adm. Hyman Rickover, head of the naval nuclear propulsion program and Dr. George Low, the former NASA Apollo program manager and Deputy Administrator of the Agency. As a result, our committee focused on improving the quality of nuclear safety systems chiefly through component R. & D. and increased knowledge of the man/machine interface. As a result of that emphasis I offered a nuclear safety R. & D. amendment for $5 million to the fiscal year 1980 DOE authorization bill and it was accepted with strong support on the floor. Although the House fiscal year 1980 version did not become law, the amendment served, nevertheless, as a mechanism to encourage DOE to hammer out a core program for safety R. & D. with emphasis on learning as best we could the lessons from Three Mile Island. This year the DOE used that approach as a base for their increased Authorization request in nuclear safety R. & D. The committee added some additional funds to the administration's figure and total funding is the figure contained in this bill.

Mr. Speaker, this bill is the product of a thorough set of hearings, detailed subcommittee report and full committee deliberations, as well as extensive discussions with the Department of Energy and the Nuclear Regulatory Commission. I believe it will insure, as I stated over a year ago, that the Three Mile Island accident becomes the "Apollo Fire" for the nuclear industry. NASA learned critical lessons from that tragic fire and it is clear to me that the industry, DOE and NRC are serious about learning very important lessons from the TMI accident.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. RITTER).

Mr. RITTER. Mr. Speaker, I thank the gentleman from New York (Mr. WYDLER) for yielding. I think he has, in the course of his distinguished career, brought to the Congress some exceedingly important issues that this country continues to face for the next several decades.

I think it is a regrettable loss to the American people that the gentleman from New York is taking his leave from this body. It is regrettable that we will no longer enjoy his clarity and eloquence on the floor of this House; his hard work in the science and technology committees. As a new member of that committee, I have been deeply impressed by the forthrightness, the tell-it-like-it-is style of my colleague from New York (Mr. WYDLER). We will, indeed, miss him in this House.

I would like to speak about the Nuclear Power Plant Safety Research and Development Act of 1980 and my own support for it. It encompasses a number of very positive features in its plan of safety R. & D.; its projected implementation and in the information to be developed out of this plan. It is also a plan to provide the kind of background and perspective to nuclear safety that is absolutely essential for this country in considering the nuclear option and the role that the nuclear option plays in the upcoming decades.

One feature of this bill calls upon the Department of Energy to analyze the risks of any significant or potentially significant source of generating electrical energy. It takes an overview of the risks involved in generating electricity: from the mining or extraction stage, to the transportation stage, to the processing stage, to the use stage, to the waste disposal stage for energy sources of all kinds. This "comparing of risks" is absolutely essential for this country. Risks and their implications for jobs—energy and economic growth have been a strong interest of mine as a technical professional well before coming to the Congress. Since coming to this House, I have authored legislation, H.R. 4939, dealing with comparing risks, legislation supported by a wide cross section of Members of the House interested in technology and its effects on the quality of health and environment. Nuclear energy and its future for the American people must be put into a context of what risks it poses in comparison with what risks other electric energy generating sources pose.

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I believe that knowledge concerning the different risks of competitive energy sources is important to the American people. With oil, there is the risk of spillage or the risk of pollution from our refineries from gulf coast ports or refineries in Philadelphia. There is also the risk of the cutoff of such oil, unstable a source as it is, coming from Middle Eastern nations. There is also risk to vastly expanded use of coal as there is risk to the use of gas in our homes. The American people need to know what the choices are. There are only intelligent choices to be made and this bill helps to put those choices before the American people.

Mr. McCORMACK. Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on Science and Technology, the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Speaker, I rise to strongly urge my colleagues to support H.R. 7865, the Nuclear Safety Research, Development and Demonstration Act of 1980. I again commend the laudable efforts of the gentleman from Washington (Mr. McCORMACK) and his diligent subcommittee and staff for formulating this forthright and timely legislation. The bill passed through the Committee on Science and Technology with only one dissenting vote. I am proud to be a cosponsor of this bill.

Advocates and opponents of nuclear energy concur that the development of nuclear power is absolutely dependent upon maintaining an extremely high level of safety in the operation of nuclear powerplants, and on public recognition that these facilities do not constitute a significant threat to human health and safety. That is why this bill is so important.

This bill, in part a response to the accident at Three Mile Island, establishes a national policy aimed at improving the safety of nuclear powerplants through a program of research, development, and demonstration. It requires the Department of Energy to take an active and aggressive role in the process of improving nuclear powerplant safety, while making it clear that it is the utility companies who have the ultimate responsibility for the safe operation of nuclear powerplants. The results of the program carried out under this bill will do much toward providing the assurance that the public is seeking—that the risks from nuclear powerplants are acceptably low.

Nuclear energy is an essential component of our present and future energy mix, and this legislation will insure that continued safety of this indigenous and abundant energy resource.

I urge all of my colleagues to register their vote for this important energy safety research, development, and demonstration bill.

Mr. McCORMACK. I thank the gentleman from Florida.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. GLICKMAN), a member of the committee.

Mr. GLICKMAN. Mr. Speaker, I rise in support of this bill. I think it is incredibly important that the American people have the assurance that this Government is doing whatever it can to insure that nuclear powerplants are operated safely. I, myself, with the assistance of the gentleman from Washington (Mr. McCORMACK) was able to get an amendment passed to an appropriation bill last year that for the first time requires Nuclear Regulatory Commission inspectors at all operating nuclear plants. I think this bill is an important force to assure the American people that nuclear power can be operated safely in America.

Mr. McCORMACK. I thank the gentleman from Kansas (Mr. GLICKMAN).

Mr. SPEAKER, I yield such time as he may consume to the gentleman from Missouri (Mr. YOUNG).

Mr. YOUNG of Missouri. Mr. Speaker, I rise in support of this bill. It has three important guidelines, as far as I am concerned. It directs the Secretary to utilize federally owned facilities for research, development, and demonstration programs. The second is it requires the Secretary to minimize the complexity of nuclear powerplants. Third, and probably one of the most important aspects that I see as a former chairman of the Missouri Commission on Atomic Energy, and as a State senator, it coordinates the program activities between the Federal Government and the State, and foreign governments, and I think that can be extremely important in the development of safe nuclear power. That is what I thought was one of the problems earlier, that there was not this coordinated effort. I think this bill can make sure that we have nuclear safety now and in the future.

Mr. McCORMACK. I thank the gentleman from Missouri (Mr. YOUNG).

I would like to ask the gentleman from New York (Mr. WYDLER) if he has anyone else who would like to speak.

Mr. WYDLER. Yes.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. ROTH).

Mr. ROTH. Mr. Speaker, I would like to reiterate what the gentleman from Pennsylvania (Mr. RITTER) pointed out, we are indeed losing a strong and independent voice in the retirement of the gentleman from New York (Mr. WYDLER). I am very sorry to see him leave this body.

The nuclear powerplant safety research and development program will assist in the exceedingly important task to attempt to assure our people of the safety of these powerplants. With approximately 15 percent of our electric power at this time coming from nuclear power, we must address the increasingly important factor of improving safety standards.

I want to compliment Mr. WYDLER for his outstanding work over the years and his efforts to address these hard issues. The job is not finished, the work goes on, but the goal of providing the safest system against any potentially dangerous accident must and will continue.

Mr. WYDLER. I thank the gentleman from Wisconsin (Mr. ROTH) for his remarks.

Mr. Speaker, I yield back the remainder of my time.

• Mr. DERWINSKI. Mr. Speaker, as a cosponsor of H.R. 7865, I urge the House to approve this important bill today.

I am strongly in favor of development of nuclear energy and believe that this bill, which would establish a national policy to improve the safety of nuclear powerplants, will insure that there is maximum safety in nuclear energy facilities. The Department of Energy will work in conjunction with the utility companies which operate nuclear powerplants to accomplish this goal.

With the program authorized by H.R. 7865, we can assure the American public that there will be a minimum risk in developing nuclear energy. Therefore, we will be making a significant contribution to the role of this essential energy source in freeing us from dependence on foreign oil.•

Mr. McCORMACK. Mr. Speaker, I want to take this opportunity to congratulate the gentleman from Florida (Mr. FUQUA), the chairman of the Committee on Science and Technology, and the gentleman from New York (Mr. WYDLER), the ranking minority member on both the committee and the subcommittee, for their cooperation on this bill and the fusion bill that we considered a few minutes ago. This is a difficult and complex job that requires a great deal of patience, hard work, and attention. Above everything else, it requires a great deal of dedication to our country and its future. I thank the Committee on Science and Technology and the members who have done an outstanding job in taking the necessary steps to bring this important legislation before this body today. This bill is an example of a very worthwhile piece of legislation.

I especially want to congratulate the gentleman from New York (Mr. WYDLER) for his remarks on the floor. I know we are all waiting for his extension in which he expands upon his remarks.

Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McCORMACK) that the House suspend the rules and pass the bill, H.R. 7865, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, H.R. 7865.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

METHANE TRANSPORTATION RESEARCH AND DEVELOPMENT ACT

Mr. FUQUA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6889) entitled the "Methane Transportation Research, Development, and Demonstration Act of 1980," as amended.

The Clerk read as follows:

H.R. 6889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Methane Transportation Research, Development, and Demonstration Act of 1980".

FINDINGS AND POLICY

SEC. 3. (a) The Congress finds and declares that—

(1) gasoline and diesel fuel for vehicular use are in short supply and constitute a sizable portion of domestic petroleum consumption;

(2) methane use in fleet-operated vehicles would result in substantial reduction in oil imports;

(3) methane is in more abundant domestic supply than petroleum products, is the primary component of natural gas and can be derived in increased quantities from coal, biomass, waste products, and other renewable resources;

(4) recoverable methane presently available in the United States is not fully utilized;

(5) test results to date indicated that methane use as a substitute for gasoline as a motor fuel can result in emission reductions;

(6) experience to date has shown methane to be a safe motor fuel in properly modified vehicles and is therefore particularly suitable for fleet vehicles; and

(7) the introduction into commerce of methane-fueled vehicles would be expedited and facilitated by the establishment of a Federal program of research, development, and demonstration to explore and refine technologies related to methane use as a vehicular fuel.

(b) It is therefore declared to be the policy of the Congress in this Act to—

(1) provide for and support advanced and accelerated research into, and development of, methane vehicle design, and related technologies;

(2) demonstrate the economic and technological practicalities of methane-fueled vehicles for fleet use and of methane-fueled farm equipment;

(3) facilitate, and remove barriers to, the use of methane-fueled vehicles in lieu of gasoline- or diesel-powered motor vehicles where practicable; and

(4) promote the substitution of methane-fueled vehicles for gasoline- and diesel-powered vehicles currently used on farms and in fleet operations, particularly in areas where such substitution would facilitate plans to meet air quality standards set under the Clean Air Act, as amended.

DEFINITIONS

SEC. 3. For purposes of this Act—

(a) the term "methane" means either natural gas (as defined in section 2(1) of the Natural Gas Policy Act of 1978), gas derived from coal, liquefied natural gas, or any gaseous transportation fuel produced from biomass, waste products, and other renewable resources;

(b) the term "Secretary" means the Secretary of Energy;

(c) the term "public entities" means any unit or units of State and/or local governments;

(d) the term "private entities" means any organization incorporated under State law, for profit or not-for-profit, or a consortium of such organizations; and

(e) the term "vehicle" means any truck, van, wagon, bus, or car used on public roads or highways as well as off-road agricultural equipment, such as tractors, harvesters, and so forth, which presently burn gasoline or diesel fuel.

DUTIES OF THE SECRETARY

SEC. 4. (a) The Secretary shall designate prior to October 1, 1981, an appropriate organizational entity within the Department of Energy to manage the methane vehicle research, development, and demonstration program.

(b) The Secretary shall have the responsibility for monitoring and assuring proper management of the program. The Secretary may enter into agreements or arrangements with the National Aeronautics and Space Administration, the Department of Transportation, the Environmental Protection Agency, or any other Federal department or agency, pursuant to which such department or agency shall conduct specified parts or aspects of the program as the Secretary deems necessary or appropriate and within the particular competence of such agency, to the extent that such agency has capabilities which would enable it to contribute to the success of the program and attainment of the purposes of this Act.

(c) In assuring the effective management of this program, the Secretary shall have specific responsibility to ascertain that the program includes activities to—

(1) promote basic and applied research on methane-fueled vehicle construction, modification, and safety;

(2) determine optimum overall specifications for methane-fueled vehicles;

(3) determine appropriate means and facilities for safely and economically storing, transporting, and dispensing methane for use as a vehicular fuel;

(4) conduct demonstration projects with respect to the feasibility of methane-fueled vehicles and related transmission and storage facilities (A) by providing necessary financial or technical assistance for the construction, modification, or operation of motor vehicles to be methane-fueled for practical use or of related transmission and storage facilities, and (B) by entering into agreements or arrangements with other entities, governmental and nongovernmental, for the demonstration of such vehicles and facilities;

(5) gather performance data, including but not limited to emissions data, on methane-fueled vehicles and related transmission and storage facilities;

(6) enter into arrangements to assure, to the maximum extent feasible, adequate continuous supplies of methane for use in the demonstrations assisted under this Act;

(7) ascertain the need for modifications in available methane-fueled vehicles to improve their efficiency and performance and to facilitate their widespread use by fleet owners; and

(8) ascertain and report to the Congress on any changes in fuel supply patterns, tax policies, and standards governing the manufacture of vehicles which are needed to facilitate the manufacture and use of methane-fueled vehicles.

COORDINATION BETWEEN/WITH THE SECRETARY AND OTHER AGENCIES

SEC. 5. (a) In carrying out the programs established under sections 4 and 7, the Secretary shall assure, to the maximum extent practicable, that the functions of this program are coordinated with related regulatory activities and other responsibilities of the Department of Energy and any other Federal departments or agencies.

(b) Each department, agency, and instrumentality of the executive branch of the Federal Government shall carefully consider any written request from the Secretary, the head of any organizational entity designated by the Secretary pursuant to section 4(a), or the head of any agency which is party to an agreement or arrangement pursuant to section 4(b), to furnish such assistance, on a reimbursable basis, as the Secretary or such head deems necessary to carry out the program and to achieve the purposes of this Act. Such assistance may include transfer of personnel with their consent and without prejudice to their position and rating.

RESEARCH AND DEVELOPMENT

SEC. 6. The Secretary, acting through appropriate agencies and contractors, shall initiate and provide for the conduct of research and development in area relating to methane-fueled vehicles, including but not limited to—

(1) flammability and combustibility of methane under conditions likely to develop in storage or during vehicular use;

(2) handling, storage, and distribution of methane necessary to facilitate access to the fuel for widespread fleet use;

(3) comprehensive assessment of the relative hazards under identical circumstances of methane, propane, gasoline, and diesel fuel;

(4) feasibility, economy, and efficiency of technologies for the production and recovery of methane from unconventional and supplemental sources;

(5) engine and fuel tank design including, but not limited to, optimum design for dual fuel capacity vehicles;

(6) total vehicle construction and design;

(7) the nature and quantities of emissions, and alterations in or alternatives to emission control systems presently in use; and

(8) overcoming barriers to widespread use, including but not limited to restrictions on transporting methane through tunnels, and potential expansion of methane distribution.

DEMONSTRATIONS

SEC. 7. (a) Not later than January 1, 1982, the Secretary shall develop data assessing the current state-of-the-art with respect to vehicles fueled by methane to serve as baseline data to be utilized in evaluating improvements in methane-fueled vehicle technologies.

(b) Not later than April 1, 1982, the Secretary shall have promulgated necessary and appropriate rules and regulations and issued an initial request for proposals for technical and financial assistance to support public and private entities in developing and implementing demonstration projects to gather data on the operation of methane-fueled vehicles and facilities for the transmission and storage of methane as a vehicular fuel under differing climatic, atmospheric, and operating conditions and on design and technical modifications of those vehicles and facilities:

(1) In the case of public entities, the Secretary is authorized to provide—

(A) technical assistance reasonably associated with the modification or acquisition of vehicles to be fueled by methane or with dual fuel capacity, the installation of methane transmission, storage and dispensing equipment, and compliance with data acquisition and reporting requirements under this Act; and

(B) grants to cover up to 50 per centum of reasonable and necessary costs associated with the installation of methane transmission, storage and dispensing facilities: *Provided*, That the Secretary shall be authorized to direct and require recipients of assistance under this section to enter into cooperative agreements for the planning and use of such facilities with other recipients of assistance under this section, under a cost sharing agreement where appropriate and economical.

(2) (A) In the case of private entities, the Secretary is authorized to provide—

(i) technical assistance reasonably associated with the modification or acquisition of vehicles to be fueled by methane or with dual fuel capacity, the installation of methane transmission, storage and dispensing equipment, and compliance with data acquisition and reporting requirements under this Act; and

(ii) loans to cover up to 50 per centum of reasonable and necessary costs associated with the installation of methane transmission, storage and dispensing facilities: *Provided*, That the Secretary shall be authorized to direct and require recipients of assistance under this section to enter into cooperative agreements for the planning and use of such facilities with other recipients of assistance under this section under a cost-sharing agreement where appropriate and economical.

(B) Loans issued under this section shall bear interest at such rate as the Secretary may determine, giving consideration to the needs and capacities of the recipient and the prevailing rates of interest (public and private), except that such rate shall not be less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States with remaining periods of maturity comparable to the average maturities of such loans. No loan shall be made unless the Secretary shall have determined that there is reasonable prospect of repayment.

(C) The terms and conditions of loans issued under this section shall take into account the scope of the particular demonstration and any particular conditions which might reasonably be expected to result in additional costs to the recipient, and shall reflect the relative costs of gasoline and diesel fuel and methane and the projected savings in fuel costs to the recipient as a result of participating in the demonstration. In no instance shall a loan issued under this section be for a period in excess of five years.

(3) The Secretary shall provide for appropriate assistance to defray costs associated with complying with data acquisition and reporting requirements under this Act.

(4) In the case of an organization comprised of both public and private entities, a package of technical and financial assistance shall be designed to the maximum extent feasible, in such a manner as to assist its public components as provided for in paragraph (1) and to assist its private components as provided for in paragraph (2) of this section.

(c) Not fewer than fifty demonstrations shall be assisted under this section with not fewer than ten being initiated in the fiscal year ending September 30, 1982, and not fewer than twenty being initiated in each of the fiscal years ending September 30, 1983, and September 30, 1984. In the case of demonstrations initiated under this Act after the first fiscal year in which demonstrations are funded, the Secretary shall ascertain that plans for such demonstrations take into consideration information and findings included in reports filed on other demonstrations assisted under this Act.

(d) Each demonstration shall have a duration of at least three years during which time records including, but not limited to, fuel efficiency indicators, emissions data, repair statistics, and detailed reports of any accidents, shall be maintained and reports made to the Secretary in accordance with regulations promulgated by the Secretary prior to issuance of the first loan or grant under this section and amended no more often than twice annually. Such regulations shall be submitted to the House Committee on Science and Technology and the Senate Committee on Commerce, Science, and Transportation for review and comment not less than thirty days before promulgation.

(e) In selecting proposed demonstrations to be supported under this section, the Secretary shall, to the maximum extent practicable, assure representation of diverse operating conditions and vehicle types including, but not limited to—

(1) altitude and topography,

(2) climatic conditions,

(3) air quality conditions,

(4) industrial, commercial, and agricultural uses,

(5) varying vehicular structures, and

(6) average trip lengths:

Provided, however, That not fewer than two demonstrations initiated in each year shall be located in a county or standard metropolitan statistical area designated by the Secretary upon recommendation of the Administrator of the Environmental Protection Agency based on severity or uniqueness of air quality conditions: *And provided further*, That the fleet or portions of fleets participating in each demonstration with funding under this Act shall consist of not fewer than fifty vehicles, except in the case of one demonstration each year involving methane-fueled off-road agricultural equipment.

USE OF METHANE-FUELED VEHICLES BY FEDERAL AGENCIES

SEC. 8. The Secretary shall consult with the Postmaster General of the United States Postal Service, the Administrator of the General Services Administration, the Secretary of Defense, and the heads of other Federal agencies where appropriate to—

(a) determine the practicability of using methane vehicles in the performance of certain or all of the functions of their agencies based in counties and standard metropolitan statistical areas in which demonstrations under section 7 of this Act are being conducted; and

(b) arrange for appropriate use of methane-fueled vehicles at the earliest practicable date.

REPORTS TO THE CONGRESS

SEC. 9. The Secretary shall submit to the House Committee on Science and Technology and to the Senate Committee on Commerce, Science, and Transportation such reports as the Secretary deems appropriate including an annual report on all activities being undertaken or carried out pursuant to the provisions of the Act, including—

(1) such projections and estimates as may be necessary to evaluate the progress of the program and to indicate the extent to which, and the pace at which, the objectives of this Act are being achieved;

(2) an assessment of what problems exist and of the need for further research and development oriented toward the resolution of those problems;

(3) an assessment of the potential for commercialization of methane-fueled vehicles in various markets; and

(4) any recommendations which the Secretary may deem appropriate for legislation or administrative action which would further the purposes of this Act or facilitate expanded commercial use of methane-fueled vehicles.

AUTHORIZATIONS FOR APPROPRIATIONS

SEC. 10. There are authorized to be appropriated to the Secretary for purposes of carrying out this Act, not to exceed $3,000,000 for the fiscal year ending September 30, 1982, not less than one-half of which shall be for the purpose of making loans under section 7(b); not to exceed $5,000,000 for the fiscal year ending September 30, 1983, not less than one-half of which shall be for the purpose of making loans under section 7(b); not to exceed $5,000,000 for the fiscal year ending September 30, 1984, not less than one-half of which shall be for purpose of making loans under section 7(b); and such sums as may be necessary for the fiscal years ending September 30, 1985, and September 30, 1986. Any amount appropriated pursuant to this section shall remain available until expended.

The SPEAKER pro tempore. Is a second demanded?

Mr. ROYER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida (Mr. Fuqua) will be recognized for 20 minutes, and the gentleman from California (Mr. Royer) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. Fuqua).

Mr. FUQUA. Mr. Speaker, I rise in support of the bill, H.R. 6889, as amended, the Methane Transportation Research, Development and Demonstration Act of 1980.

The bill calls for the establishment of a modest research, development, and demonstration program on the use of methane—or natural gas—as a fuel for fleet vehicles. It directs the Department of Energy to look into certain lingering questions about safety, storage and distribution, economics, and environmental aspects. As a part of this, it authorizes the Department to assist in conducting 50 demonstrations by selected public and private entities to assess the use of methane in actual use.

I believe this legislation represents the kind of energy alternative that we should be exploring. If successful, it can have a real effect on petroleum use in the transportation sector. And transportation, as we all know, consumes over half of the petroleum used in this country.

Unfortunately some questions remain that have prevented widespread use of methane as a fuel for fleet vehicles. This bill, I believe, will answer those questions and thereby clear the way for a much increased use of this plentiful fuel.

The bill has good support in the Congress. It was reported unanimously by the Committee on Science and Technology on July 31, 1980, and on August 1 a companion bill was introduced in the Senate.

So I urge my colleagues to join me in support of the bill, H.R. 6889.

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration, H.R. 6889.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FUQUA. Mr. Speaker, I now yield such time as he may consume to the distinguished gentleman from Iowa, the chairman of the Subcommittee on Transportation, Aviation and Communications.

The gentleman from Iowa and his subcommittee have held hearings on this bill, developed it and brought it to the floor as we have it today. The gentleman and his subcommittee should be commended for the fine job they have done in bringing this legislation before us.

Mr. HARKIN. Mr. Speaker, I rise in strong support of H.R. 6889, the Methane Transportation Research, Development and Demonstration Act, of which I am pleased to be a cosponsor. This legislation provides for needed Federal participation in research, development and demonstration activities to bring methane into use as a fuel in fleets of vehicles and on farms.

I, too, want to join with my distinguished chairman, the gentleman from Florida (Mr. Fuqua) and the distinguished gentleman from California (Mr. Royer) in paying tribute to our colleague, the gentleman from Kansas (Mr. Glickman) for this imaginative and necessary piece of legislation. We all know the energy crisis demands our complete focus. Our colleague from Kansas has in a very creative and very precise manner contributed to that focus with this piece of legislation that will indeed help lead us to energy independence in the near future.

I also want to compliment our committee chairman, the gentleman from Florida (Mr. Fuqua) for allowing us the time to have the necessary hearings on this bill in a very expeditious manner, for bringing this bill before the full committee and guiding it to the floor today.

Mr. Speaker, methane is plentiful and can be derived from a wide range of diverse resources including gas, coal, and biomass. From biomass alone, it is projected that over 100 billion cubic feet of methane a year can be generated by 1990. In fact, in my home State of Iowa, I understand from officials in Council Bluffs that thousands of cubic feet of gas are flared off every day at the municipal sewage disposal site. That gas could be displacing hundreds of gallons of gasoline instead of being flared off if there were an economical, local use for the gas. And, at Iowa State University, work is getting underway to investigate the potential for producing low Btu gas from corn cobs. Initial estimates indicate that corn cobs alone have a potential energy value of more than half a billion dollars. Similar examples can be cited in each and every one of our districts.

This legislation which we have before us today will help turn that energy potential into a reality. It will complement legislation already enacted by the Congress designed to increase domestic production of energy resources, like methane, by making sure that we have available the technology to use them where they are desperately needed. As chairman of the Transportation, Aviation, and Communications Subcommittee, I am constantly reminded that the transportation sector is one in which we need to strive to reduce petroleum consumption. Over half of our domestic petroleum consumption is attributable to transportation. Production of motor gasoline alone accounts for nearly the total amount of petroleum we import. The accelerated and coordinated program of research, development, and demonstration which this legislation would establish makes a major contribution to reducing the reliance of this vital sector of our economy on petroleum.

In closing, I would stress that this is not a "pie in the sky" technology. It is one that is being worked on abroad with considerable success. Over 250,000 gas-powered vehicles are already in operation in Italy. But because of the need for definitive resolution to a few outstanding questions, the technology has not progressed as it should in this country. H.R. 6889 provides for a responsible Federal program to answer those few remaining questions and to enhance the present state of the technology. From testimony before the Transportation Subcommittee, I have every reason to believe the results of this program will be positive.

I urge my colleagues to all join in lending their support to this creative piece of legislation aimed at meeting the transportation fuel needs of the American economy.

Once again, Mr. Speaker, I compliment our distinguished colleague from Kansas (Mr. Glickman) for his imaginative leadership in bringing this bill before us. It is one which will not solve all of the energy problems of our country but will go a long way toward meeting the needs that we have in the transportation sector of our country within the next decade.

Mr. FUQUA. Mr. Speaker, I now yield such time as he may consume to the distinguished gentleman from Kansas (Mr. Glickman) the author of this legislation and the one who is responsible for bringing it to the floor and certainly deserves all of our commendations for his tireless efforts in behalf of this meaningful legislation.

Mr. GLICKMAN. Mr. Speaker, as the sponsor of H.R. 6889, I rise today to urge my colleagues to lend this legislation their strong support. The transportation sector of our economy uses over half of all petroleum consumed in this country. Production of motor gasoline alone nearly equals the amount of petroleum we import. Clearly, there is a compelling need to reduce that dependence on petroleum. The answer is not rationing and it does not necessarily mean that Americans must sacrifice the mobility which they have come to expect and on which so much of our economy relies. The answer lies instead in finding alternative energy resources which are domestically available to fuel our cars, vans, buses, and trucks. Methane can be a part of that answer.

Other nations have already begun shifting to methane from various sources. Over 250,000 vehicles in Italy are fueled by LNG. The Government of New Zealand has announced a plan to convert some 150,000 vehicles to CNG by

1983. Similar work is being done in the Soviet Union, and American tax dollars are helping the World Bank look into the feasibility of developing nations shifting to methane as a means of relieving their unwise dependence on imported energy. We should not let ourselves be left behind. But we will be if the Federal Government does not act soon to clarify the few remaining questions and to demonstrate the feasibility of this technology. H.R. 6889 would do just that.

There is some limited use of methane vehicles in this country already, but it has been largely concentrated in the natural gas industry. But there have been experiences elsewhere particularly with specialized fleets of vehicles. Still, there has been no comprehensive, monitored testing to allow for definitive, impartial answers to questions that arise with regard to vehicle safety and environmental impacts.

I would stress that what information is available was reviewed thoroughly in preparing this legislation and in the course of committee consideration. And the information that has been generated has been overwhelmingly positive. Tests done under contract to the Federal Highway Safety Administration back in 1971 found methane-fueled vehicles at that stage of development to be "relatively crash-safe." And the chemical properties of the fuels covered by this legislation indicate that they are even safer than gasoline. However, unsubstantiated concerns continue to exist. A coordinated program of demonstrations coupled with complementary research and development activities should finally clear the air with regard to the safety question.

Likewise, even though then EPA Administrator Ruckelshaus recommended the use of methane-fueled vehicles in the early 1970's as one means of complying with ambient air quality standards in the Los Angeles area, the EPA witnesses before our subcommittee indicated that they had inadequate information on which to reach definitive conclusions with regard to air quality impacts of methane being used as a vehicular fuel.

During the months in which I have been involved in developing this legislation and moving it through committee, I have become aware of a good number of firms across the country who are interested in producing the necessary equipment for use in methane-fueled vehicles. However, the technology has not taken off in this country as it has abroad. Quite frankly, I am not surprised. With the possibility of environmental or safety regulations interrupting commercialization, I cannot blame firms for not moving ahead aggressively.

The committee became convinced that the way to help spur some movement in the private sector is to establish a reasonable, limited-duration program to demonstrate the technology and to conduct the needed research and development activities to resolve those uncertainties. Yet, while the Department of Energy witness before the subcommittee testified that "methane may well serve a role as an emergency fuel in the event of a massive cutoff of liquid fuels * * *," DOE invested no resources, none at all, in this technology in either fiscal 1979 or 1980. And the DOE witness testified that a very small effort might be undertaken without legislation.

Therefore, this bill would authorize demonstrations to begin in each of 3 fiscal years, fiscal year 1982, fiscal year 1983, and fiscal year 1984. Demonstrations would last a minimum of 3 years and would involve fleets of vehicles and on-farm equipment both in the public and private sectors. The demonstrations would be in disparate parts of the country and would provide for operation of these vehicles under a wide array of operating conditions. They would involve substantial commitments from the firms or governmental entities involved since those firms and governments would be the first to benefit from this technology.

Also there are benefits that should accrue both to those involved in the demonstrations supported under this act and to the Nation at large. Methane is a clean fuel; it does not react in the atmosphere to form smog. Methane is a low-cost fuel; testimony received by the committee indicates that fuel costs could be reduced in some cases by as much as 75 percent. And methane is a domestically available fuel which can be derived from a whole range of resources found throughout the country. Depending on the location, it would be quite logical for fleets to be fueled by methane produced from coal, from urban wastes and sludge, from feedlot wastes or from natural gas which might otherwise be uneconomic to exploit. The fact that fleets could provide a localized market for methane should provide an incentive for capturing this resource which might be uneconomic if transportation and other costs had to be factored into the total expense.

I have been most fortunate to have found the cooperation of the Science and Technology Committee which moved this legislation so quickly and without dissent as well as the generous support and interest of the House leadership as evidenced by the prompt scheduling of the bill after it was reported. Nearly 40 Members of the House have cosponsored the bill, and I would mention that our colleague, Dan Quayle of Indiana, had also requested to be included among the cosponsors but was inadvertently left off the list. A Senate companion bill has been introduced by Senators Hollings of South Carolina and Kassebaum of Kansas, and I am hopeful that approval by the House today will prompt action on the Senate bill. I urge the support of all of my colleagues for this legislation which will promote development of a usable energy resource.

□ 1330

Mr. FUQUA. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington (Mr. McCormack).

Mr. McCORMACK. Mr. Speaker, I thank the chairman for yielding. I rise in support of this legislation. I rise in support of it on two points.

First of all, methane, wherever we get it; whether it comes from the ground, as the gentleman from Kansas noted, or from gas fields, from coal mines, or whether it comes from organic matter on the surface of the Earth, can be used as a fuel for vehicles in this country. We have been shamefully neglectful in getting this program underway, to use as much methane as we can.

This brings me to my second point; that is, that we must reduce our reliance on imported oil. There is no way that I can overemphasize the importance of this point. It seems almost trite to have to keep saying it over and over again, but the fact is that this is by far the most serious problem facing our Nation today. It is the most serious problem in terms of our economy; it is the most serious problem in terms of our national defense; and it is the most serious problem in terms of our political stability.

Certainly, it is the most serious problem we have in terms of just simply keeping faith with the American people to do what is necessary to provide alternate fuels. Today, we are still importing about 8 million barrels of oil a day, at a cost of about $90 billion a year. We are economically, politically, and militarily vulnerable to the OPEC nations, and we are growing more vulnerable with every passing day.

Now, this bill is one important step, just as subsidizing the electric heat pumps, so that we do not burn oil on the east coast, is another important step in reducing our dependence upon oil. Support for electric vehicles is yet another way to reduce our dependence on imported oil. These are steps that we must take and this bill is one part of that program.

● Mr. HUGHES. Mr. Speaker, I rise in strong support of the Methane Transportation Research and Development Act. As one of the 37 cosponsors of this legislation, I am delighted that the Science and Technology Committee has decided to report the bill so that the whole House of Representatives will have the opportunity to strike another blow for our energy independence.

Although modest in comparison with some of the other energy initiatives authorized by this Congress, nevertheless, this is an important bill.

No one can dispute the need for developing alternate energy sources to alleviate our overreliance on fossil fuels. We have taken positive steps toward expanding our Nation's energy repertoire by the development of alcohol fuels and synfuels. We now have the chance to carefully examine methane's role in fulfilling our energy needs.

Methane is a particularly appealing alternative to fossil fuels. It can be produced from a variety of sources including biomass and municipal waste. Coming from New Jersey as I do, where sludge and municipal waste have become monumental problems, the conversion of these heretofore useless byproducts of urban living into much needed fuel is an exciting prospect. Methane can be as easily manufactured in less urbanized areas from abundant agricultural wastes.

Unfortunately, the United States has lagged behind many other industrialized nations in the development and use of methane. This demonstration act that we are considering today will help us catch up.

Methane has been successfully used as a fuel for fleet and farm vehicles on a limited scale in the United States. Yet at present, we do not have significant data on which to make a reliable assessment of methane's role in our overall energy picture. Clearly, the time has come to make that assessment.

I urge all my colleagues, Mr. Speaker, to vote for this legislation.●

● Mr. GOLDWATER. Mr. Speaker, I am pleased to have this opportunity to once again express my support for H.R. 6889, the Methane Transportation Research, Development and Demonstration Act. I was an original cosponsor of this bill.

The legislation would establish a small-scale research, development and demonstration program on the use of methane as a vehicular fuel. It would be within the Department of Energy. I would stress that it is a program of limited duration. It is designed to phase out, starting 3 years after it has gone into effect. That will assure us that we have not created another never-ending Federal program. It will also force the program managers to be results oriented.

This technology is one which can be adequately addressed by a limited program. It is a technology which has been demonstrated overseas—notably in Italy and New Zealand. We also have some limited experience in this country. But there are questions that remain to be answered which this program is designed to address:

First. Crash tests conducted under contract to the Federal Highway Safety Administration in the early 1970's found methane-fueled vehicles to be "relatively crash-safe." However, questions continue to arise about safety, and there is apparent confusion about the safety of a whole range of gaseous fuels.

Second. Likewise, our subcommittee received testimony indicating that methane-fueled vehicles had been considered as one means of reducing air pollution in metropolitan Los Angeles. Also, we have heard that it is nontoxic and nonreactive in the atmosphere. However, EPA witnesses indicated that they have inadequate information which to base present judgments.

The demonstrations authorized under this bill, coupled with appropriate research and development, should give us the experience we need to clarify those issues and to refine the technology. As a result of this program, the many groups in the private sector who are interested in moving into commercialization of this technology would be able to proceed with full knowledge of the Government's stance on this use of methane. Having this research, development, and demonstration program behind them would mean that they know from the start the kind of regulatory environment they will be working under.

We clearly need to reduce our consumption of foreign petroleum. The technology advanced by H.R. 6889 should help in that effort. It will help preserve American mobility and enhance the localized recovery of valuable energy resources which can be converted to methane.●

● Mr. FISH. Mr. Speaker, I rise in support of H.R. 6889, the Methane Vehicle Research, Development and Demonstration Act of 1980. This legislation provides for an accelerated research, development and demonstration program relating to methane-fueled vehicles. It calls on the Secretary of Energy to insure that this program is properly managed, and to make the necessary arrangements to carry out the specific aspects of this program with other Federal agencies.

I would like to compliment the gentleman from Kansas (Mr. GLICKMAN) for his diligent efforts in sponsoring this legislation, and the distinguished chairman of our committee (Mr. FUQUA) and the distinguished ranking minority member (Mr. WYDLER) for their fine leadership in bringing this bill to the floor. Through their thoughtful insight, I believe that we have established a program that can help us reduce our use of critical gasoline supplies in the near term.

According to recent estimates, motor gasoline accounts for more than one-third of all the oil consumed in our country today. I believe that our overdependence on gasoline is a major, if not the most critical, factor affecting our current energy problems. We must press forward now with the development of alternate motor fuels if we are to ever overcome these problems.

Methane gas is certainly one feasible possibility. It can serve as a unique fuel applicable for many various transportation applications. Our committee has heard about the promise of methane gas on numerous occasions. I believe that our country would be remiss if we did not seriously take a look at this fuel now.

H.R. 6889 will allow us to do that. It provides for a comprehensive program that will allow us to assess the feasibility of methane-fueled vehicles under a wide range of operating conditions. It will permit a close, detailed examination of important issues affecting the use of methane-fueled vehicles, such as safety problems, air emissions, and methane availability. I believe that we should press forward now to resolve these issues and to determine the economic and technical practicalities of using methane-fueled vehicles.

Mr. Speaker, this legislation represents another step along the path to energy independence. According to various estimates, H.R. 6889 can help our Nation save nearly 100 million barrels of oil annually by 1990. With this legislation in place, I believe that we will help cut sharply our use of gasoline and reduce our reliance on uncertain foreign oil supplies. For these reasons, I urge the passage of this legislation.●

● Mr. WRIGHT. Mr. Speaker, I rise today in support of H.R. 6889, the Methane Transportation Research, Development, and Demonstration Act. As all Members of this body are well aware, I strongly support the rapid development of domestic energy sources to reduce this country's dependence on unstable foreign oil supplies. The achievement of energy self-sufficiency for the United States has been my goal over the past several years. This independence will not come about as a result of only one or two approaches to the problem. All of the resources of this vast country must be utilized. Nothing can be overlooked in our effort.

The recently enacted Energy Security Act takes a large step in that direction by establishing the Synthetic Fuels Corporation to encourage and facilitate the building of large and small synthetic fuel facilities. Large projects, such as plants to produce oil from coal or oil shale, are needed, but they must be supplemented by smaller projects utilizing many different resources wherever they are found. The energy resources from biomass and organic waste, such as those in animal feed lots, are among those that must be tapped in our search for energy independence.

Just 2 weeks ago, I sponsored an energy independence fair in Fort Worth. My purpose was to bring to one place, for the first time, an enormous array of alternative energy sources so the people of this country might become aware of what is available to them to reduce their reliance on oil. There were over 140 exhibits at the fair. These were not simply futuristic forms of energy, but were energy systems and sources that are available now. Perhaps most impressive at the fair were the vehicles that were fueled, not by oil, but by methane, methanol, ethanol, and electricity. In fact, at the close of the fair it was my great privilege to participate in a parade in which nine vehicles and one airplane drove down the streets of Fort Worth. Not one drop of oil was used to power those vehicles.

In this Nation's efforts to achieve energy independence, we must address the problem of energy used for transportation. Drivers of this country use nearly as much gasoline in their automobiles every day as we import daily. We ought to pursue every means available to reduce the amount of oil used in the transportation sector of our economy. Clearly there is no single alternative fuel that will serve as a panacea for our energy ills. We cannot put all of our hopes on any one source of fuel, nor should we ignore any source simply because it appears that its contribution might not have a significant impact on a national scale or could not be used by everyone.

H.R. 6889 promotes the use of methane in the fleet sector of our transportation market. It specifically addresses one area of transportation where its use could have an impact and be helpful in reducing this country's oil imports. Using methane as a fleet fuel will help reduce our dependence on foreign oil, help stimulate production of domestic sources of methane, and help cut air pollution in our major metropolitan centers. All of these are worthy and necessary goals and may be achieved while providing vehicle operators with a cheaper domestically produced fuel than that which is currently in use.

Mr. Speaker, I congratulate and support our colleague from Kansas (Mr.

Glickman) and the many others who have cosponsored this legislation, on their foresight and their fine efforts in bringing this important legislation before us today. I urge my colleagues to vote in favor of this legislation and in favor of an energy self-sufficient America.●

Mr. ROYER. Mr. Speaker, I have no further requests for time.

Mr. FUQUA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Dan Daniel). The question is on the motion offered by the gentleman from Florida (Mr. Fuqua) that the House suspend the rules and pass the bill, H.R. 6889, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4310. An act to amend the Federal Boat Safety Act of 1971 to improve recreational boating safety and facilities through the development, administration, and financing of a national recreational boating safety and facilities improvement program, and for other purposes.

The message also announced that the Senate insist upon its amendments to the bill (H.R. 4310) entitled "An act to amend the Federal Boat Safety Act of 1971 to improve recreational boating safety and facilities through the development, administration, and financing of a national recreational boating safety and facilities improvement program, and for other purposes," disagreed to by the House; and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. Magnuson, Mr. Ford, Mr. Cannon, Mr. Packwood, and Mr. Schmitt be the conferees on the part of the Senate.

BIG SUR COAST AREA ACT

Mr. PHILLIP BURTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7380) to establish the Big Sur Coast Area in the State of California, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Big Sur Coast Area Act".

FINDINGS AND DECLARATIONS

Sec. 2. The Congress finds and declares that—

(1) the Big Sur coast is a unique region of national significance as the largest and most scenic stretch of undeveloped coastline in the coterminous United States;

(2) the unique beauty of the Big Sur coast is enhanced by its proximity to the Los Padres National Forest, including the Ventana Wilderness, and by the independent and self-reliant character of the people of the area;

(3) the existing character of the Big Sur coast and the existing rural communities which have contributed to the maintenance of the natural environment should be protected and preserved;

(4) the California State Highway Route 1 along the Big Sur coast from Malpaso Creek in Monterey County to San Carpoforo Creek (San Carpojo Creek) in San Luis Obispo County provides one of the most beautiful drives in the United States, and shall remain a rural, scenic two-lane highway.

(5) there is growing development, tourist visitation, and associated vehicular traffic, particularly during peak use periods, which is adversely affecting the unique beauty and character of the Big Sur coast;

(6) the local planning efforts being conducted by Monterey and San Luis Obispo Counties, the citizens of the Big Sur coast, and the State of California pursuant to the California Coastal Act of 1976 and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451–1464), and planning by the United States Forest Service for the Los Padres National Forest provide a unique foundation for coordinating Federal, State, and local planning and management processes;

(7) the local and State coastal planning and regulatory authorities lack sufficient resources to provide for adequate and comprehensive natural resource protection and equitable compensation to landowners, and to effiectively manage appropriate public use and enjoyment of the area;

(8) effective protection of the existing character of the Big Sur coast and of the nationally significant natural and scenic resources, and enjoyment of these resources can be accomplished by State and local land-use control efforts coupled with appropriate Federal assistance where necessary to supplement these efforts, including the acquisition of selected lands and interests in lands and the provision of limited Federal management to implement coordinated policies for the Big Sur coast.

PURPOSES

Sec. 3. The purposes of this Act are—

(1) to protect, preserve, and enhance the unique and significant natural resources and scenic qualities of the Big Sur coast, including, but not limited to, sensitive habitats and habitat for rare and endangered species, redwood canyons, beaches, fresh and marine waters, and the view from California State Highway Route 1, the Old Coast Road, and other significant public vista points;

(2) to protect and perpetuate the rural character and historic agricultural activities of the existing communities along the Big Sur coast and the historic and cultural values of the Big Sur coast in a manner consistent with natural and scenic resource protection;

(3) to provide for and manage public use and enjoyment of the area in a manner consistent with natural resource protection and maintenance of the existing rural landscape;

(4) to protect and support private landowners' conservation efforts consistent with the purposes stated in paragraphs (1), (2) and (3);

(5) to utilize the land-use planning, regulatory powers and implementation authorities of Monterey County, San Luis Obispo County, and the State of California to the fullest extent possible consistent with the other purposes of this Act;

(6) to provide Federal assistance in the development and implementation of a Comprehensive Management Plan (hereinafter in this Act referred to as the "Plan"), and prior to the adoption of such Plan, to protect those critical values of significance only when they are in danger of being adversely affected or destroyed; and

(7) to define the Federal role in the implementation and enforcement of the Plan and other land-use plans for the Big Sur coast in a manner which maximizes coordination with the State and local units of government and private landowners, utilizes existing levels of jurisdiction and establishes appropriate governmental coordination and authority where necessary to accomplish the purposes of this Act, and to provide appropriate financing and enforcement where necessary to preserve and protect the natural and scenic resources of the Big Sur coast.

BIG SUR COAST AREA

Sec. 4. (a) In order to carry out the purposes of this Act, there is hereby established the Big Sur Coast Area (hereinafter in this Act referred to as the "Area"). All references to the Area in this Act shall be limited to the Area as described in this section.

(b) The boundary of the Area shall generally extend from the southern bank of Malpaso Creek in Monterey County in the north to the northern bank of San Carpoforo Creek (San Carpojo Creek) in San Luis Obispo County in the South; its western boundary shall be the line three geographical miles seaward from the coastline of the State; its eastern boundary shall be the same as the inland boundary of the California Coastal Zone as established by the California Coastal Act of 1976 as in effect as of the date of enactment of this Act, except that in San Luis Obispo County the boundary shall be along the county line westerly from the intersection with the California Coastal Commission's boundary to the intersection with the described southern boundary at a point approximately in the center of the northern line of Section one, T25S, R6E, Mt. Diablo Meridian; all as depicted on the map entitled "Boundary Map, Big Sur Coast Area", dated May 1, 1980, which shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, in the field offices of the Forest Service in Monterey and San Luis Obispo Counties, and in the appropriate planning offices of the State and county governments involved.

BIG SUR COAST AREA COUNCIL

Sec. 5. (a) There is hereby established the Big Sur Coast Area Council (hereinafter in this Act referred to as the "Council"), the members of which shall be appointed within ninety days after the date of enactment of this Act. Within 120 days after the date of enactment of this Act, the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") shall convene the Council. The Council shall, in accordance with subsection (e), develop and recommend the Plan, facilitate communication and coordination among the governmental agencies that have jurisdiction within the Area and the residents and landowners of the Area, and advise the Secretary on the appropriate Federal role in the management and administration of the Area. The Plan developed by the Council shall be prepared so as to carry out the purposes of this Act. The Council shall, notwithstanding any other provision of law, be terminated only by an Act of Congress.

(b) The Council shall consist of the following representatives who shall be appointed by the Secretary from persons nominated as follows:

(1) one representative from the United

States Forest Service to be nominated by the Secretary;

(2) one representative from the California Resources Agency to be nominated by the Governor of California;

(3) one representative from the California Coastal Commission to be nominated by the Governor of California;

(4) three representatives to be nominated by the Monterey County Board of Supervisors in such manner as may be determined by such Board of Supervisors—

(A) one who resides in the area from Malpaso Creek to Bixby Creek;

(B) one who resides in the area from Bixby Creek to Anderson Landing; and

(C) one who resides in the area from Anderson Landing to the Monterey and San Luis Obispo County line;

(5) one representative who resides in the area from the Monterey and San Luis Obispo County line to the southern boundary of the Area to be nominated by the San Luis Obispo County Board of Supervisors in such manner as may be determined by such Board of Supervisors;

(6) one representative who resides in the Area to be nominated by the Secretary; and

(7) one representative at large from the State of California to be nominated by the Secretary.

(c)(1) The terms of the representatives serving on the Council shall be for three years, except that the initial terms for the representatives shall be established by the nominating authority in accordance with the following:

(A) One of the representatives nominated by the Monterey County Board of Supervisors shall serve for a term of two years, and two of such representatives shall serve for terms of three years.

(B) The representative nominated by the San Luis Obispo County Board of Supervisors shall serve for a term of three years;

(C) One representative nominated by the Governor of the State of California shall serve for a term of two years and one shall serve for a term of three years;

(D) Two representatives nominated by the Secretary shall serve for a term of two years and one shall serve for a term of three years.

(2) All reappointments and renominations of representatives on the Council shall be made in the manner set forth in this section, except that any person appointed to fill the unexpired term of any representative on the Council shall be appointed only for the remainder of such term.

(3) If, for any reason, there is a failure to nominate any representative as provided in subsection (b), notwithstanding such failure, the Secretary shall convene the Council and the Council may conduct business.

(4) The representative of the United States Forest Service nominated under subsection (b)(1) shall serve as Chairman of the Council.

(5) To the maximum extent practicable, all meetings of the Council shall take place within the Area.

(6) (A) Members of the Council who are full-time officers or employees of the United States, or of a State or local government, shall receive no additional pay on account of their service on the Council.

(B) While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service under section 5703 of title 5, United States Code.

(d) The Secretary shall provide the Council with such staff and technical assistance as the Secretary, after consultation with the Council considers appropriate to enable the Council to carry out its duties.

(e) The Council shall be responsible for the following:

(1) Developing and recommending to the Secretary the Plan.

(2) Reviewing and monitoring the implementation by Federal, State, and local agencies having jurisdiction within the Area, of all programs set forth in the Plan to ensure consistency and compliance with the Plan, and making appropriate recommendations for revision and enforcement of the Plan.

(3) Reviewing all Federal development projects and plans for consistency with the Plan for the purpose of submitting recommendations thereon to the Coastal Commission in accordance with section 7(d) of this Act.

(4) Recommending to the Secretary appropriate agreements with public agencies and private nonprofit organizations to further the purposes of this Act, and to implement the Plan.

(5) Making such other recommendations to the Secretary and State and local units of government as it may deem necessary to carry out the purposes of this Act.

COMPREHENSIVE MANAGEMENT PLAN

SEC. 6. (a) On or before the expiration of the twenty-four month period following the date of the enactment of this Act, the Council shall recommend to the Secretary the Plan for the protection and management of the Area.

(b) During the development of the Plan the Council shall—

(1) consult with appropriate officials of any local government or Federal or State agency which has jurisdiction over lands and waters within the area;

(2) consult with interested professional, business, conservation, and citizen organizations; and

(3) conduct public hearings at places within the area, and at such other places as may be appropriate, for the purpose of providing interested persons with an opportunity to testify with respect to matters to be addressed by the Plan.

(c) The Plan shall include the following components:

(1) The land-use plan component of the local coastal programs developed by Monterey and San Luis Obispo counties and certified by the California Coastal Commission pursuant to the California Coastal Act of 1976: *Provided*, That nothing contained in this Act shall be construed to authorize the Secretary or the Council to amend any portion of the certified local coastal programs under the California Coastal Act of 1976.

(2) A component including, but not limited to, consideration of available land and water protection and management techniques, including zoning and regulation derived from State and local police powers, development and use standards and permit requirements, acquisition of conservation easements and other interests in land, public access agreements with private landowners, purchase of land for resale or leaseback, acquisition of public recreation sites and ecologically sensitive areas, and any other method of land and water protection and management which will help meet the goals and carry out the provisions of the Plan.

(3) An inventory of lands and waters or interests therein, which should be considered for acquisition by the Secretary or, with Federal assistance, by private nonprofit organizations or public entities, for the following critical purposes: preservation of scenic views from California State Highway Route 1 and other important vista points; protection of environmentally sensitive habitat areas; public access to the beaches and coastal uplands; protection of the watershed, public health and safety; interpretation of the natural and cultural heritage of the Area; development of minimal visitors serving facilities; and implementation of the local coastal programs.

(4) A coordination component including, but not limited to, provisions for the maximum feasible participation of State and local governments and the public in the implementation of the Plan in a manner that will ensure the continued, uniform and consistent protection of the Area in accordance with the purpose of this Act.

(5) A community resource protection component including, but not limited to, identification of rural residential enclaves and an assessment of them to consider whether more development is appropriate, consistent with the purposes of this Act. Lands in areas determined to be suitable for development shall be designated for purchase by the Secretary. The Secretary may enter into agreements with State or local agencies and may enter into contracts with private nonprofit organizations to assist in the implementation of this component in these areas.

(6) A highway transportation component, implementing the intent of the California State Legislature regarding State Highway Route 1 expressed in the California Coastal Act of 1976. Such component shall include, but not be limited to, the specific manner to (A) preserve the rural, scenic, two-lane highway within the Area, (B) ensure residents continued access to their homes, and (C) to minimize highway congestion that seriously impairs the enjoyment of the natural and scenic resources of the Area.

(7) A public use component which includes a plan for public access or use and a plan for providing public information on and interpretation of the area, including a program to educate the public about appropriate uses of the Area.

(8) A comprehensive resources protection and management component including, but not limited to all natural, historic, and cultural resources in the Area and protection and management of unique or sensitive plant or animal habitat, or both.

(9) An agricultural component including procedures for protection of the historic agricultural uses of existing agricultural lands.

(d) The Council shall treat the components of the Plan as set forth in subsection (c) as the basis for the Plan only insofar as there are no conflicts with the purposes of this Act.

(e) If the local coastal programs for the Area mandated by the California Coastal Act of 1976 are not certified by the California Coastal Commission by the statutory deadline of July 1, 1981, the Council shall proceed to recommend for adoption by the Secretary a land-use plan and implementation program for the Area that shall be in effect until certification of the local coastal programs. The interim land-use plan and implementation program shall be based on the policies of the California Coastal Act of 1976, and shall use to the maximum extent possible the planning for the Area accomplished to date by the counties of Monterey and San Luis Obispo.

(f)(1) The Secretary shall, within 120 days after the date the Plan is submitted to him by the Council, review the Plan to determine its consistency with the purposes of this Act and shall, on the basis of this review, approve or amend the Plan. Should the Secretary fail to act on the proposed Plan within such period, the plan shall be treated as approved. If the Secretary amends the Plan, the Secretary shall, within 120 days after the date the Plan is submitted to him by the Council, submit in writing to the Council any amendments made by the Secretary to the Plan, together with an explanation of the reasons for such amendments.

(2) When the Secretary submits an amended Plan to the Council, the Council shall respond to the amendments made by the Secretary by submitting to the Secretary, within 90 days after its receipt of the amended Plan, any recommendations of the

Council for changes in the Plan (as amended by the Secretary) or, if the amended plan is acceptable to the Council, a statement that no revisions in the amended Plan are proposed. If the Council fails to act within such 90 days, the Secretary's amended plan shall be deemed to be adopted.

(3) Within 30 days after receiving the response of the Council, the Secretary shall revise the Plan in a manner which adequately responds to the recommendations of the Council (to the extent that such recommendations are consistent with the purposes of this Act) and shall adopt the Plan as so revised.

(4) The Plan may be revised from time to time in accordance with the procedure set forth in this section. The Council shall review the Plan periodically, but not less frequently than once every 5 years.

ADMINISTRATIVE RESPONSIBILITIES WITHIN THE AREA

SEC. 7. (a)(1) Within the Area, State and local governmental authorities of the State of California having jurisdiction shall exercise their authorities in a manner which is not inconsistent with the Plan.

(2) Within 120 days after the adoption of the Plan, the counties of Monterey and San Luis Obispo and each State agency having jurisdiction in the Area shall submit to the Council a program which describes the manner within their respective jurisdiction in which such county or agency shall provide for the implementation of the Plan. The Council shall review the programs submitted under the preceding sentence and shall submit comments to each entity submitting such a program. The Council shall also consult with such entities and provide guidance to assist them in exercising their authorities in a manner consistent with the Plan.

(b)(1) The Secretary shall administer the national forest system lands within the Area in accordance with the provisions of this Act and the laws applicable to the national forest system in such manner as will best implement the Plan adopted under section 6 of this Act. Prior to the adoption of the Plan, those portions of the Area consisting of national forest system lands shall be administered in accordance with the laws applicable to the national forest system in a manner that will best achieve the purposes of this Act. For the purposes of administration and management of lands or interests in lands acquired by the Secretary under the provisions of this Act, the boundary of the Los Padres National Forest shall include such lands acquired within the boundaries of the Area.

(2) The provisions of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460-4-460-11) shall be applied within the Area without regard to the acreage limitations set forth in such provisions, and in applying such provisions, the purposes of this Act shall be treated as outdoor recreation purposes.

(3) Subject to valid existing rights, all federally owned lands within the Area are withdrawn from the operation of the mining and mineral leasing laws of the United States. No timber harvest or other cutting of timber shall be permitted on so much of the Los Padres National Forest as is within the Area except to the extent necessary to control fire, disease, or insect activity.

(c) The Secretary, with the advice of the Council, shall provide for the administration of the Plan and shall ensure, within his existing powers, that the Plan is carried out by all Federal, State, and local agencies having jurisdiction within the Area as required under subsection (a). The Secretary may enter into contracts and agreements with State or local agencies, landowners, or private nonprofit organizations in order to provide for the management of the Area in accordance with the provisions of the Plan. Authority to enter into contracts and agreements and to make payments under this Act shall be effective only to such extent or in such amounts as are provided in advance in appropriation acts. The Secretary shall be responsible for the coordination and administration of section 6(c)(7).

(d) Any consistency certification, consistency determination, or negative determination submitted to the California Coastal Commission pursuant to section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451-1464) for any development project or plan within or adjacent to the Area shall include a recommendation made by the Council of concurrence or objection by the Coastal Commission, based on the Council's review of the project or plan for its consistency with the Plan. If the Council fails to make its recommendation within sixty days after the submission of a consistency review by the Federal agency or the applicant to the Coastal Commission, the Council shall be considered to have made a recommendation for concurrence. Each Federal agency conducting or supporting activities directly affecting the Area shall, after consultation with the Council, conduct or support such activities in a manner which is, to the maximum extent practicable, consistent with the Plan. Any Federal agency proposing to undertake any development project in the Area shall, after consultation with the Council, insure that the project is, to the maximum extent practicable, consistent with the Plan.

LAND ACQUISITION AUTHORITIES AND RESTRICTIONS

SEC. 8. (a) From the date of enactment of this Act until adoption of the Plan, the Secretary may acquire (1) lands, waters, or interests therein within the Area by donation, purchase with donated or appropriated funds, or by exchange, where such lands, waters, or interests therein have been recommended for such acquisition by the Council, or (2) any other lands, waters or interests therein determined by the Secretary, in accordance with the purposes of this Act, to have critical ecological or scenic values which are in immediate danger of being adversely affected or destroyed.

(b) After the Plan has been adopted, the Secretary shall have the following authorities in such areas as set forth in the Plan:

(1)(A) The Secretary may acquire by donation, purchase with donated or appropriated funds, or by exchange in accordance with subparagraph (B), any lands, waters, or interests therein (including scenic easements) within the area. Lands, waters, or any interests therein within the Area may be acquired without the consent of the owner thereof only to the extent provided under subsection (c) of this section. Lands, waters, or any interests therein within the Area owned by the State of California, or any political subdivision thereof, may be acquired only by donation or exchange. In exercising the authority provided under this subparagraph, the Secretary shall, to the extent feasible, acquire less than fee simple title to lands and waters.

(B) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property, or any interest therein, located within the Area, and in exchange for such property or interest, may convey to the grantor any federally owned property under the jurisdiction of the Secretary within the State of California which the Secretary classifies as suitable for exchange or disposal. The values of the properties so exchanged shall be equal, or, if not equal, shall be equalized by the payment of cash to the grantor or to the United States, as the circumstances require. In the exercise of the authority to exchange property, the Secretary may utilize authorities and procedures generally available to him in connection with the exchange of lands.

(2) The Secretary may make grants under this Act to the State, local governments, or private nonprofit organizations or public entities for the acquisition of lands and waters or interests therein within the Area to carry out the purposes of this Act. The grants authorized by this section shall—

(A) be made in accordance with regulations promulgated by the Secretary, consistent with other applicable law, to carry out the purposes of this Act;

(B) not exceed 50 per centum of the total cost of each parcel acquired by the State, by any local government, or by private nonprofit organizations or other public entities under this paragraph;

(C) be supplemental to any other Federal financial assistance for any other program; and

(D) be subject to such additional terms and conditions as the Secretary may deem necessary to effectuate the purposes of this section.

(3) In accordance with the provisions of the Plan, the Secretary may convey title of property acquired pursuant to this Act to State and local governmental entities where management efficiencies would thereby result and where such lands would be managed and protected in accordance with the purposes of this Act. If the Secretary publishes his written opinion that the property has ceased to be used and protected pursuant to the provisions stipulated at the time of such conveyance, the title to the property shall promptly revert to the United States, and the property shall be managed by the Secretary in accordance with the purposes of this Act. Ninety days prior to his conveyance of property pursuant to this provision, the Secretary shall publish notice of the proposed conveyance in the Federal Register and shall also inform, in writing, the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate of his intention to do so and the reasons therefor. Upon such conveyance, the Secretary shall publish notice to that effect in the Federal Register.

(4) The Secretary may sell or lease back lands purchased within the Area, as provided under paragraph (1), subject to restrictions in the deed or lease as the Secretary deems appropriate to ensure such lands are used in a manner consistent with the purposes of this Act: *Provided*, That the last previous owner or successor in interest shall be given right of first refusal of any such action proposed by the Secretary. The Secretary shall use the authority of this paragraph to provide for efficient management of the Area and to preserve existing uses of the land in carrying out the purposes of this Act.

(c)(1) The Secretary shall have no authority under subsection (b)(1) to acquire, or make grants to acquire, lands, waters, or interests therein within the Area without the consent of the landowner thereof unless such acquisition is required—

(A) to provide for public access and recreation use as specified by the Plan; or

(B)(i) to prevent new uses which would be substantially incompatible with the Plan where the Secretary determines that there is no feasible alternative available to prevent such uses, (ii) to reclaim lands on which such new uses have been initiated, or (iii) prior to adoption of the Plan, to prevent new uses which are substantially incompatible with the purposes of this Act.

(2) In no event shall the Secretary acquire without the consent of the owner thereof any structure on which construction was initiated prior to July 1, 1980, including such lands on which the structure is located as are determined to be reasonably necessary to the use and enjoyment of the structure: *Provided*, That the structure was approved pursuant to State and local law.

(d) Whenever the Secretary of Defense

determines any lands under his jurisdiction within the Area are excess to the needs of the Department of Defense, such lands shall be transferred to the Secretary and shall be administered by the Secretary pursuant to the management Plan. The exclusive jurisdiction exercised by the United States on the Federal lands transferred to the Department of Agriculture by the Department of Defense on June 4, 1957 (pursuant to 70 Stat. 736) is hereby changed to propriety jurisdiction.

SAVINGS PROVISION

SEC. 9. Nothing in this Act shall be construed to affect or in any way diminish the authority of the California Department of Fish and Game or the California Fish and Game Commission to regulate or otherwise manage and preserve the fish and wildlife resources of the State in the Area.

DEFINITIONS

SEC. 10. For purposes of the Act, the term—

(1) "Private nonprofit organization" means an organization described in section 501(c) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code and which was exempt from taxation under such section 501(a) on the date of the enactment of this Act.

(2) "Contract" includes a contract or cooperative agreement which may involve the expenditure of appropriated funds.

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. There is hereby authorized to be appropriated for the purposes of this Act, effective October 1, 1981—

(1) an amount not to exceed $5,000,000 from the General Fund of the Treasury for administration, making grants, and management and planning, as authorized by this Act; and

(2) an amount not to exceed $25,000,000 from the Land and Water Conservation Fund in the Treasury for acquisition,

such sums to remain available until expended.

The SPEAKER pro tempore. Is a second demanded?

Mr. SEBELIUS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California. (Mr. PHILLIP BURTON) will be recognized for 20 minutes, and the gentleman from Kansas (Mr. SEBELIUS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. PHILLIP BURTON).

Mr. PHILLIP BURTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 7380 provides for the establishment of the Big Sur Coast Area in California. The Big Sur Coast is universally acknowledged, by those fortunate enough to have seen it, as the most beautiful of our coastline. For nearly 100 miles, from just south of Monterey nearly to San Simeon this unusual geological formation of precipitous hills rise from the ocean providing spectacular vistas and a wide range of habitat containing an unusual variety of plant and animal life.

Mr. Speaker, I am pleased to offer this legislation to preserve and protect an area of outstanding values before the destruction of its resources and its beauty have progressed to the point, as so often happens to us, where we can only consider limited protection or must expend large sums of the taxpayers dollars to reverse the degradation.

While I am the first to commend those people who have long resided in the Big Sur Area for their vision and leadership in preserving a unique area and way of life, I must agree with knowledgeable testimony that has swayed the committee to recommend this action providing Federal assistance to these fine people.

Our colleague, LEON PANETTA, has worked long and hard on this bill bringing together those with many diverse viewpoints who seek to preserve this jewel. His untiring leadership has provided the essential ingredient that has made this effort possible. H.R. 7380 is the result of this difficult effort and blends the local needs with State and Federal support to achieve this long-sought goal.

Mr. Speaker, this bill, introduced by Mr. PANETTA and coauthored by myself, provides for a council appointed by the Secretary of Agriculture comprised mainly of local people, with assistance from the U.S. Forest Service and the State of California to plan and implement programs designed to preserve the beautiful rural nature of the Big Sur coast.

I commend the efforts of those who have worked so long and hard on this legislation, especially my good friend and truly outstanding American who has spent his lifetime and great talent educating all of us to the beauty of our West, Ansel Adams. Sanders Hillyer, executive director of the Big Sur Foundation, worked many hours with our staff on this bill along with Ron Tipton and Bill Turnage of the Wilderness Society and Roger Newell of the Big Sur Citizens Advisory Committee. Last, but not least, Congressman PANETTA's excellent staff, especially Andrew Lauderdale, was of great help to the committee staff, Clay Peters, Judith Lemons, and Dale Crane.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Speaker, today the House has an opportunity to enact a very unique approach to a very unique area. The Big Sur coast is one of the Nation's truly great national treasures, and it exists within my district entirely. For those of us who were born and raised in this area, as well as the countless visitors to this area—and there are almost 3 million visitors to the Big Sur area per year—Big Sur is a spectacular example of the rough western coastline of America.

The goals for the Nation and those who live there is to keep Big Sur as it is today. That is the purpose of this legislation, to establish a partnership between citizens, local, State, and Federal Government, in the effort to protect and preserve this remarkable area.

Let me make clear to the Members of the House that this is not rubberstamp legislation for an area. This legislation does not establish a national park; it does not establish a national scenic area; it establishes no Federal designation. What it provides is resources to assist in implementing local planning efforts to accomplish this goal. It provides several unique factors that are not contained in any other legislation along these lines.

It establishes a permanent Big Sur Area Council that is made up of a majority of the residents of the area, whose duties are to develop the comprehensive plan, to monitor and coordinate its implementation. It establishes a comprehensive plan, the basic foundation of which is the local coastal plan that is now being developed by the citizens of Big Sur and the counties of Monterey and San Luis Obispo. It retains the present jurisdictions in those areas so that the county maintains jurisdiction over the private land; the State maintains jurisdiction over its 10,000 acres in this area, and the Federal Government retains jurisdiction over the 70,000 acres that it now has jurisdiction over.

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It retains those jurisdictions but in accordance with the comprehensive plan.

Lastly, it provides a mix of resources to help implement the plan. It is not just acquisition; it is also grants to local governments and to nonprofit organizations, under legal approaches, for providing a mixed base on the willingness of property owners to deal.

The major features are that it recognizes the importance of local citizen participation, the importance of local planning efforts and coordinates Federal efforts to help implement those local efforts. It provides the necessary resources to implement that plan.

This bill is a tribute, I think, to the Citizens' Advisory Committee of Big Sur, which recommended the basic elements which are contained in H.R. 7380. It was those citizens who said to their Representative and to this Nation, "Give us the resources to help implement the plan that we have developed." And they support this bill.

It is a tribute to those in Government who are willing to trust in their efforts to do that. It is also a tribute, I might say, to the chairman of the committee and to the members of the committee themselves who are willing to stand behind this kind of unique partnership in this area.

As a result, Mr. Speaker, I believe we all have the opportunity to participate in protecting and preserving this truly unique area, the Big Sur coast, for ourselves and for our children.

Mr. Speaker, I yield back the balance of my time.

Mr. SEBELIUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are many bills introduced in the Congress which deal with the strengthening of Federal involvement in the management and protection of lands where the responsibility for such management and protection should instead remain primarily with the local governments. The Nation is experiencing a growing increase in this situation, where local land use and protection is not working to the satisfaction of some or much of the public, and the Federal Government is viewed as the solution and salvation. This is the case with the Big Sur coast.

Mr. Speaker, I commend the author of this bill, the gentleman from California (Mr. PANETTA), who is a very valued friend and colleague of mine on the Committee on Agriculture, for his leadership and for wanting to solve something that can be a problem.

Mr. Speaker, I do not believe that the Federal Government should get involved in these cases unless there is: First, unquestioned national significance in the character of the resources of the area; second, unquestioned inability of the local governmental jurisdictions to solve the problems; and third, a strong willingness, on the record, by those same local governmental jurisdictions to do their share to help solve the problems—either through their regulatory powers and/or financially—if the Federal Government does come in to help through Federal legislation.

I do believe item (1) of the test criteria above is met in this case—much of the area's scenery, enhanced by its retained rural character, is of unquestioned national significance. I believe item (3) will be met—if the final State certified local coastal plans are strongly protective of the area, are approved in a timely manner, and if their provisions are vigorously enforced thereafter by the relevant governmental jurisdictions. It is too early yet to pass judgment on this latter test criteria.

I believe item 2 of the test criteria is the hardest one to gage at this time, however, as the local governments' abilities to adequately protect the area have not yet been put to the real test.

Overall, I believe that, mainly for this last reason, this bill now before us today is somewhat premature. We are taking Federal action before we have had time to let the local governments prove or disprove themselves.

I realize that the testimony of both the State of California and the Monterey County government indicates a recognized need for and a willingness to accept Federal action at this time to assist in the solution. They indicate that regulation of land alone—the principal power the local and State governments can provide—will not alone be sufficient to adequately protect the area, as some acquisition will be essential, and they indicate their funding ability for acquisition is inadequate. While that may be the case, it is always interesting to note how prevalent is the feeling that when all else fails, run to Uncle Sam for a Federal financial bailout—Uncle's pockets have no bottoms, though the Federal budget runs grossly and perpetually overdrawn deeply into the red—and yet the California State treasury runs in the black because of a conscientiousness to assure no red ink. How totally irrational, how totally nonanalyzed, and how totally nonrelevant all this situation is to consideration in our congressional deliberations.

I must reiterate, I am in favor of adequately protecting the beauty of the Big Sur coast, but I believe that this bill—or any Federal bill—is premature at this time. We should let the local governments shoulder more of the burden of worry, deliberation, and solution before the Feds step in.

Leaving the philosophy and attitude aside for a while now, as the ranking minority member of the Subcommittee on National Parks and Insular Affairs, I would like to comment on some key features of the bill as a matter of clarification and amplification on provisions which I feel have very scant or no history on the record, because there was really no discussion of the contents of this bill on the record of the subcommittee or the full committee. I will try to make these comments in chronological order, moving through the bill.

First, a message of currency I would offer to the county and State entities who shoulder the responsibility for developing and approving the local coastal programs for this area which are to be designed, under provisions of the California Coastal Act of 1976, to adequately protect and retain the scenic beauty and rural character of this area: Design, approve, and promptly certify a strongly protective and workable program which can be administered fairly to all affected landowners. Any product short of this will likely result in federally directed actions as a fallback, either through the provisions of this bill, or by possible later amendments to it after it is enacted into law. In this regard, I point out how much stronger the Federal role is in the current Senate bill (S. 2551).

While I realize that this House bill does have some fairly forceful Federal role provisions in it, the bill is still basically and primarily, in my opinion, a cooperation and coordination bill, drawing on the work and efforts of many. The major thrust of the bill is to permit the local authorities to take the initiative to do the job. To the extent that the local coastal programs developed pursuant to the California Coastal Act of 1976 do the job, the Federal role should be that much more diminished. This bill sets up a working council with direct authorities to develop a plan for the area. This council is quite locally dominated. The bill allows great opportunity for local input and influence. As long as all of this local effort is responsibly directed at carrying out the purposes of the act, there should be no cause for difficulty or excessive Federal domination. However, the Secretary of Agriculture, working through the U.S. Forest Service, has major final approvals under this bill, and he will be expected to faithfully carry out the purposes of this act so as to assure adequate protection of the area.

I also want to mention that since close to half of the area encompassed by this bill is already federally owned, and managed by the U.S. Forest Service, the bill contemplates increasing the protection of this Government land and heightening the priority of protection of its scenic, esthetic and rural qualities as dominant over any other use. All other uses are subordinate to these purposes. The provisions of the comprehensive management plan, yet to be developed, should amply recognize this, and the specific provisions of the bill itself will direct Forest Service activity here. Sections 7 and 8 of the bill amplify in particular detail on this subject.

Section 5(b) of the bill specifies details regarding members of the council. While the Secretary appoints all of these people, other persons or groups will actually nominate most of the candidates. I highly encourage each selection to be guided by criteria which will bring forth serious candidates who are dedicated to developing a workable plan and working in a fully cooperative spirit in support of the purposes of the act.

Section 5(b)(5) provides for a council member to serve from San Luis Obispo County. While the bill provides that the member must reside within the area of the bill's boundaries, the county has broad interests at stake in the direction of this bill's end results and accomplishments—far beyond the bill's effects just on the small land area of the bill within the county. The person representing this area on the council should be able to represent the county's relevant interests which extend well beyond the geographic boundaries of the bill's area.

Section 5(b) (6) and (7) provide for direct selections by the Secretary. These persons should be of the highest level of competence, knowledge, and dedication to the role to be fulfilled, and should particularly bring a broad regional and national perspective to the council's deliberations and work.

Section 5(c)(5)(A) had a provision in the text reported by the subcommittee which permitted reasonable daily monetary compensation for the time contributions of council members other than Government employees while performing work for the council. This was stricken by the full committee, which I feel is a most unfortunate action, as monetary compensation may in some cases make the difference of obtaining well-qualified people to serve—especially since the council will likely have to meet for a great number of days to make this bill really work like it is intended. I do hope this provision can be restored by the Senate or rectified in some manner.

As a final comment on the council's efforts, I want to stress the point that the bill provides far-reaching latitude, input, and influence by the council in developing the plan for the protection and management of the area, but the plan must be in accord with the purposes of the act, and it is subject to the final approval of the Secretary. After the plan is developed, submitted, and approved, it is to be administered by the Secretary, with the continuing advice of the council.

Section 6 deals with the development of the comprehensive management plan for the area. A great amount of data and information is already available on the area, and the development of the plan should not be an exercise in reinventing the wheel. Rather, full advantage should be taken of work already done, if adaptable, though the council should not, on the other hand, feel bound and constrained from exercising its ability to improve on earlier work done, or to think things out differently to suit its and this new act's needs.

Section 6(c) deals with plan components, and the list of items need not constrain the council's ability to develop further items for the plan which are in accord with the purposes of the act.

Section 6(c)(1) provides that the council utilize the efforts of the counties and the State in their development of a certified land use plan. The component adopted by the council for incorporation into the plan may be reworked, if necessary, to assure that the end result is fully in accord with the purposes of the act. Nothing in this provision should be construed to imply that the State certified local coastal plans cannot be altered if there is good reason that they should be to properly and fully accomplish the comprehensive management plan's abilities to comply with the purposes of the act.

Section 6(c)(6) addresses the need to better control the overcapacity use that sometimes occurs on California State Highway 1 through the area. This matter needs to be dealt with forcefully. A design capacity or carrying capacity should be identified for this roadway, and a full range of alternative actions should be developed for adhering to the use level so identified. The plan should include workable recommendations designed to solve this overuse problem.

Section 6(c)(7) deals with a plan component to assure the development of public access and information about the area. Maximum coordination of these items is essential, to result in the optimum public benefit and understanding about the area. Section 7(c) of the bill specifically clarifies that the administration and coordination of this aspect of the plan is to be performed by the Forest Service.

Section 6(c)(8) deals with the resources protection and management component of the plan. This component must be closely coordinated with and be used as a principal base for, the development of component (3) of the plan (sec. 6(c)(3)). Component (3) of the plan cannot be much better or more definitive than is component (8) of the plan. Since component (3) is one of the most crucial action elements of the plan, that in turn stresses the crucial importance of the detail and reliability of component (8).

Section 6(d) relates to the collective components of the plan, and indicates that the council has full latitude in the development of the plan's components as long as they are in accord with the purposes of the act.

Section 6(e) relates to the Council's direct preparation of its own land-use component of the plan—item 6(c)(1)—to be ready to insert promptly into the plan, in case the land-use plan component to be developed by the counties and certified by the State—which is to serve as a base for this part of the comprehensive management plan—is not ready and available in final State-certified form to the council by July 1, 1981. This provision stresses the importance of the council having its own such component ready to go by that date, based on the work done by the local jurisdictions, so that some guidance will be available. In the absence of this component from any recognized source, and particularly until the entire comprehensive management plan is adopted by the Secretary, the Secretary shall have protection and acquisition authorities as provided in sections 7 and 8 of the bill. Some guidance from this component, however, even though not binding until the entire comprehensive management plan is adopted, might be helpful to the Secretary.

Section 6(f)(3) provides for the final approval process of the comprehensive management plan and indicates that the Secretary has the final authority to adopt the plan, subject to his determination that the plan adequately responds to and satisfies the purposes of the act.

Section 7(b)(1) specifies general administration authority and direction for U.S. Forest Service lands, and is intended to assure, in part, that in no way shall the protection of current Government lands managed by the U.S. Forest Service be diminished, but rather shall be enhanced in their protection and management by the provisions of this act.

Section 7(b)(3) is designed to prohibit any new mining or mineral leasing activity within any part of the area on federally owned lands, subject to valid existing rights. Should the exercise of, or the possibility of exercising any valid existing right(s) have the potential of violating the scenic and ecological integrity of the area, the Secretary should assess the possibility of acquisition, or the exercise of any legal ability he may have to constrain and mitigate the adverse impact of the action to an acceptable level. This provision also prohibits the cutting of timber on national forest land within the area other than for the direct purposes of the control of fire, disease, or insect activity.

Section 7(c) provides for the Secretary's administration of the plan, once developed by the council and adopted by the Secretary, while the council's role shall be to continue to advise the Secretary and to also consider further revisions of the plan.

Section 7(d) is a form of a Federal consistency provision, and is designed to assure that all Federal agencies' actions in the area are in conformance with and compatible with the plan. Obviously, it does not make sense for the Congress to have identified key preservation provisions for an area of land, and then have Federal actions by agencies not directly responsible for the area taking actions inconsistent with or contrary to the Congress wishes. The council and the U.S. Forest Service are responsible for monitoring and coordinating this consistency situation.

Section 8(a) provides interim authority for the Secretary to act to protect land and resources within the area prior to the adoption of the comprehensive management plan. Hence, the area has immediate protection authority by the Secretary under the terms and purposes of the act as soon as it is signed into law, and the Secretary is expected to use this authority in whatever manner may be necessary to properly protect the area. The Secretary has reasonably strong authority here, which is further augmented by the provisions of section 8(c)(1)(B)(iii), and it is intended that this authority be exercised as needed to adequately protect the area.

Section 8(b)(1)(A) indicates an intention, as is feasible, to use less than fee title acquisition where appropriate, rather than full fee acquisition. While this is the bill's intention, due to the thought that such approach might be less heavyhanded and consequently more acceptable to landowners, it is not intended to necessarily preclude full fee acquisition if the landowner and the Government both prefer it, and/or if it constitutes the most workable approach for land protection and use purposes, and/or if it constitutes the most economical approach for the Government due to less than fee costs too closely approaching full fee value. I believe the committee report amplifies some on this matter.

Section 8(b)(3) addresses the authority for the Secretary to convey the title of land to others. Such conveyance should not be undertaken casually, and there must be a clear and defensible purpose to be served by such a conveyance which is beneficial to the land and/or to the management of it in accord with achieving the purposes of the act.

Mr. Speaker, this is a much longer statement than I usually find necessary or desirable to make on the floor regarding a bill, but I felt this was necessary due to such absence of any indepth committee consideration of the bill on the record. This concludes my remarks on the bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. JENKINS).

Mr. JENKINS. Mr. Speaker, it is not the Big Sur that I rise to oppose today. Obviously, no one in this body could possibly be against the beauty and preservation of this magnificent resource along the coast of California. But I do rise to strongly oppose this legislation, which in no way is essential to the preservation of this scenic asset.

I do not have sufficient time alloted to me to discuss in detail all of the valid reasons for each of us to vote against this bill, but I will discuss some of them briefly.

First of all, each of us is struggling every single legislative day and hour to find ample funds to provide for the school lunch program, to maintain the solvency of social security, to rebuild the weakened defense structure of our Nation, to provide funds for housing needs and medical care and a host of other human needs too numerous to enumerate. Yet, we are called upon to spend $30 million scarce money that we will have to borrow, to begin the first phase of this program which will prove to be many times more expensive than this first $30 million that we borrow.

To even remotely justify supporting such a measure, we would have to be convinced that the absence of such legislation would mean the destruction or loss or decimation of this beautiful sea coast. But such is not the case. I submit the very opposite is true.

This area is now under the most careful safeguard of the California Coastal Commission, which is properly preserving this area for the enjoyment of the public, without unduly infringing upon the property rights of its citizens.

Suffice it to say, that this State commission is performing its duties and responsibilities so adequately, that there have been constructed only 12 homes per year in this area for the past several years, and I remind you that this area is comprised of thousands of acres of land and over 85 miles of coastline. There is simply no urgent need to federalize this property, unless we intend to embark on a national policy of federalizing all the coastline of this Nation from Maine to Key West to the State of Washington. If that is to be our national policy, which I pray it is not, then this would be the appropriate first step.

There is another compelling reason to oppose this bill. It is intriguing to me to see how the small property owner is treated as compared with the powerful and wealthy. Within the boundary of the Big Sur, the influential Hearst family is the owner of tens of thousands of acres, some of which they would like to develop. Yielding to those wishes, the committee has excluded most of their vast holdings from this bill. So, we are asked to federalize the lands of those small landholders, while we give our acquiescence to the development plans of the Hearst Corp. The facts are that the Hearst Corp. wanted their lands excluded and they are excluded. This, to say the least, is unfair, unwise, and unwarranted. If you intend to federalize the Big Sur, then the Hearst lands surely ought to be included, as are the lands of the little property owner who has struggled through the years to provide a family income and, at the same time, protect the beauty of this great area.

You also need to know that this legislation will provide for the possible bailout of a few speculators, who speculated on land there and lost. Water is a scarce necessity, and a few landowners have belatedly discovered that development is impossible because their lands are without water, or because the terrain of this area prevents such development. Now, through the generosity of the Federal Government, their bad investments will turn to gold, all at the expense of your taxpaying constituent. If you belatedly discovered that the Redwoods bill contained a few surprises, wait until you discover the goodies in this legislation.

The SPEAKER pro tempore. The time of the gentleman from Georgia (Mr. JENKINS) has expired.

Mr. PHILLIP BURTON. Mr. Speaker, I yield 3 additional minutes to the gentleman from Georgia (Mr. JENKINS).

Mr. JENKINS. Last, Mr. Speaker, I want to point out to you that the administration opposes this bill as being premature, and rightly so.

Many of you have made, or will shortly deliver, stirring speeches about your efforts to balance the budget; and, you will undoubtedly exhort to your people that in these critical times they will be called upon to make sacrifices; and, you will rightfully feel compelled to vote against many meaningful programs; and, you will carefully prepare your campaign literature and slogans and news releases, to depict how prudent and thrifty you are with the taxpayer's money. If that be the case, this vote offers you an opportunity to display your fiscal responsibility, without any sacrifice at all.

A vote against this bill is a small indication that we are serious about this spending disease that inflicts us; that we reject the idea that Washington holds the solution to every question; that the federalization of all our lands is not necessarily good; and, finally, that legislation will not be passed to exclude or compensate those with influence.

I urge you to oppose this legislation.

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Mr. PHILLIP BURTON. Mr. Speaker, will the gentleman yield?

Mr. JENKINS. I yield to the distinguished chairman of the committee.

Mr. PHILLIP BURTON. Mr. Speaker, I would like to commend the gentleman for his continuing interest in sound fiscal policy. There is one point I think that might be clarified.

An initial proposal in the other body proposed a land mass that was far in excess of any current need and, for that matter, in excess of any short-time future need that could be seen from this vantage point in the calendar. It was the Chair of the subcommittee that made the decision that we should move with precision, reduce a bill that could have cost $100 million plus, down to a bill that is the item before us.

The largest single owner in the expanded proposal offered in the other body was land owned by the Hearst Corp., a holding that has not been broken up in any respect for the greater part of this century, except at one point in time when some of their property was acquired by the Federal Government for a needed military reservation.

When this bill was first brought to the subcommittee, I indicated to the representative of the Hearst Corp., that it was my view that any movement taking in that added land area would not only unnecessarily drive up the price of the bill, but was taking land that we had no evidence was in the Big Sur ecological unit.

The SPEAKER pro tempore. The time of the gentleman from Georgia (Mr. JENKINS) has expired.

Mr. PHILLIP BURTON. Mr. Speaker, I yield 5 additional minutes to the gentleman from Georgia. If the gentleman will yield further, I indicated to the Hearst representative that we do not intend to take any of your property in this bill. It is too big. It could distort the priority system and, so far as I am concerned, the proposal to take in any of the Hearst ranch is beyond our current interest.

They came back, after hiring an independent environmental organization, and pointed out to me that, though they were not thrilled with the idea, in all fairness to the subcommittee, they should point out that their own independent study indicated that the Big Sur ecosystem included a portion of their ranch and, though they were not necessarily thrilled with the idea, they thought in fairness they should bring this to the subcommittee's attention and if we felt we might be interested in this, then they would review the question and see whether or not we would add this portion of their property, portions of their property to be added that was not contemplated to have been added in the subcommittee by the gentleman from California.

So I think the gentleman's understanding of the fact situation with reference to the Hearst organization, to the extent that it varies from the observation I made, just is not correct.

The gentleman from California is, I suspect, not noted for being a champion for the powerful and the well-to-do. I myself think that the Hearst organization should be thoroughly complimented for an act of corporate statesmanship, an act which was not necessarily required, an act which in effect brought to our attention a fact that increased the likelihood we would be taking some of their property, none of which they would prefer, I suspect, be taken. But in the interest of preserving this magnificent ecosystem, they gave us the findings, we followed the facts, and we included them even though we decided earlier that we were not going to include them at all. I just say that that part of the record should be made clear.

There is just one other statement I should make. Of all of the proposals that we have brought to the House, there is no proposal that carries with it in this area more of a component of effective local control than the proposal before us. My distinguished colleague from California (Mr. PANETTA), has had to quarrel with some of the environmental community in his conviction that the local people, with some adequate tools, should be the repository of first authority. He is to be commended for that.

Mr. JENKINS. If I might comment, in other words, what the distinguished chairman is saying is that the only Federal involvement will be the $30 million that this House is asked to appropriate for a local situation. And this $30 million might I inquire of the distinguished chairman, is this the sum total that this House will be called upon in the future to appropriate for this area, or is this just the initial amount?

Mr. PHILLIP BURTON. I would say that within the fine boundaries, if we get appropriations in a timely manner, we think this amount should do the job, yes.

Mr. JENKINS. And this amount of money would be used to compensate present property owners who may have property in the area that will be restricted from building a home or a place of business in the future; is that correct?

Mr. PHILLIP BURTON. Perhaps in some instances that may be the case. But the whole notion of our coastal commission, at least in our State, is to set aside to protect certain environmental and esthetic values on the coast. That has in some respects reduced the ability of some people to build on their property, in other respects it has precluded it, and other respects it has not affected it at all. It is our primary concern, and I say this with all urgency, I think the gentleman in the well has described most adequately perhaps the bill that was introduced in the other body, not the amended bill which is before us today, which is really rather dramatically different.

Mr. JENKINS. I commend the chairman for reducing the size of the bill, if that is what he is telling the House.

Mr. PHILLIP BURTON. The Senate understands that this is the bottom line, that this is not an effort to introduce a mincing bill only to let them hijack it. I think the gentleman from California has adequately demonstrated that we protect the House's interest on the bill the House sends over to the other body.

Mr. SEBELIUS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. Clausen).

Mr. CLAUSEN. Mr. Speaker, the Big Sur coast like much of the coast along our northern counties of Mendocino, Humboldt, and Del Norte, contains some of the world's most spectacular coastal scenery. The area includes many steep cliffs and bluffs, sandy beaches and diverse marine life in striking contrast to the grasslands, brush-covered slopes, and mountain range with its variety of wildlife.

Its beauty draws over 3 million visitors a year, most of whom reach it by driving along Highway 1, a simple two-lane coastal route.

No one has disputed the fact that the Big Sur coast is a valuable natural resource which must be protected. The disagreement seems to center over the method by which this protection is to be provided, more specifically, the amount of Federal involvement in this process.

I want to concur with some of the statements that have been made by previous speakers that this particular proposal is significantly better than that which was originally presented by our senior Senator from California (Mr. Cranston) when he first proposed a substantially larger land acquisition program for the Big Sur area.

However, a number of landowners and local residents of the area testified before our committee against passage of both the Senate bill and this legislation. In their opinion, legislation is not needed at this time.

Local and State efforts are underway which will insure against uncontrolled development which is inconsistent with existing agricultural and rural uses and the very strong desires of local residents to preserve the coast's unique beauty.

The State of California and the California Coastal Commission have recently completed a 4-year planning process dealing with the Big Sur area. The end product of that 4 years of work has been the local coastal plan now undergoing certification.

Local residents and landowners have asked us to give this effort a chance to work before involving Federal agencies. Despite specific assurances written into the bill, they fear the legislation represents a foot in the door and that Federal control will be expanded as time passes.

Of particular concern to landowners is the threat of Federal acquisition of their property. Within the 160,000 acres defined by the bill as the Big Sur Coast area, 70,000 acres are privately owned, all located in the California coastal zone and subject to the constraints of the California Coastal Act of 1976. The bill provides specific directions and constraints with regard to land acquisition activities, yet the general acquisition authorities are broad.

I urge my colleagues to delay action on this legislation until we have given the local process a chance to work. To do otherwise would send a clear signal to call local governments that we doubt their ability to manage their lands.

● Mr. WAMPLER. Mr. Speaker, without commenting upon the merits of the substantive issues involved in H.R. 7380, a bill to establish the Big Sur Coast Area in the State of California, I have serious reservations about the manner in which this legislation is now before us. In my opinion, this bill should have been sequentially referred to the Committee on Agriculture for a period of time to adequately address provisions contained in such bill under the jurisdiction of such committee—not a 1-day, pro forma sequential referral.

I include in the Record at this time a letter which I and my distinguished colleague from Kansas (Mr. Sebelius), sent to the Speaker on August 21 regarding the issue of the jurisdiction of the Committee on Agriculture over matters contained in H.R. 7380. The letter follows:

Committee on Agriculture,
Washington, D.C., August 21, 1980.

Hon. Thomas P. O'Neill, Jr.,
Speaker of the House,
The Capitol,
Washington, D.C.

Dear Mr. Speaker: This refers to H.R. 7380, a bill to establish the Big Sur Coast Area in the State of California, and the issue of the jurisdiction of the Committee on Agriculture over matters contained in H.R. 7380.

It is our view that any legislation that relates to the planning, acquisition, disposition, and management of lands to be incorporated into the National Forest System should be referred to the Committee on Agriculture as a result of the jurisdiction of the Committee over forestry in general and agriculture generally, among other things, as provided by Rule X of the Rules of the House.

The areas which are being added to the Big Sur National Forest are non-public domain lands. As such, they will become lands in the National Forest System managed by the National Forest Service and for that reason, among others, should be referred to the Committee on Agriculture.

It appears to us that a bill that provides for the addition of non-public domain lands to a national forest in a western state should be treated the same as a bill dealing with a national forest in the eastern United States composed of non-public domain lands—that is, the bill should be within the jurisdiction of the Agriculture Committee.

Referral of H.R. 7380 to the Committee on Agriculture for a period long enough to permit the examination and consideration of its contents by all Committee Members is recommended. A pro forma (24 hour) referral would not in our opinion permit such consideration.

Your cooperation in this matter would be greatly appreciated.

Sincerely,

William C. Wampler.
Keith G. Sebelius.●

● Mr. PASHAYAN. Mr. Speaker, as you know there are some of us who participated in the development of this bill who questioned the impact this legislation would have on the splendid local effort which has been underway for many years. As we in our State already know, the Big Sur coast is subject to the provisions of the Federal Coastal Zone Management Act of 1972 as well as the rigid provisions of the California Coastal Act of 1976.

The local effort in the development of a land protection scheme is close at hand, and should the current draft be implemented there would be little or no need for extensive Federal involvement except for some small level of fiscal assistance for land acquisition purposes.

Some concern has been expressed over who will be a controlling factor, the local people or the U.S. Department of Agriculture. I should hope and urge that should this body approve H.R. 7380, that you will urge Senate consideration of a legislative veto provision over rules and regulations which may be promulgated so that local controls are guaranteed.●

● Mr. FOLEY. Mr. Speaker, the legislation before us (H.R. 7380), was sequentially referred to the Committee on Agriculture because it seeks to modify in several particulars the procedures for development of plans for management of national forest lands. The basic authority for these plans is contained in the National Forest Management Act of 1976, a measure that originated in the Committee on Agriculture.

H.R. 7380 seeks to deviate from the uniformity provided in the regulations implementing section 6 of the National Forest Management Act. The bill before us provides for the establishment of a quasi-executive council that would review plans developed for Forest Service lands and ties the comprehensive plan for these lands to a local coastal program developed by the counties pursuant to the California Coastal Zone Management Act.

As such, H.R. 7380 addresses the unique aspects of the Big Sur situation. Because the bill addresses only a very specific case, it should not, as I view it, establish a precedent for modification by Congress of the planning process established pursuant to the National Forest Management Act of 1976.

Mr. Speaker, it is vitally important that Congress continue to support uniformity, in the procedures used for development of land management plans for those public lands lying within the national forest system.●

Mr. PHILLIP BURTON. Mr. Speaker, I would like to commend the leadership on both sides of the aisle on our subcommittee for tearing down what in one version was a rather grand design and for bringing to us this thoughtful, limited, but very important proposal.

I have no further requests for time, and yield back the balance of my time.

☐ 1400

Mr. SEBELIUS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Phillip Burton) that the House suspend the rules and pass the bill, H.R. 7380, as amended.

The question was taken.

Mr. JENKINS. Mr. Speaker——

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present having voted in the affirmative, the rules are suspended and the bill is passed.

Without objection a motion to reconsider is laid on the table.

Mr. JENKINS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

PARLIAMENTARY INQUIRY

Mr. PHILLIP BURTON. Mr. Speaker, I have a parliamentary inquiry.

Was the gentleman's request timely? The Chair had already announced the vote.

The SPEAKER pro tempore. The request came in time.

Pursuant to the provisions of clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ESTABLISHMENT OF UNITED FIRST PARISH CHURCH HISTORIC SITE, QUINCY, MASS.

Mr. PHILLIP BURTON. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 7411, authorizing the Secretary of the Interior to accept the conveyance of the United First Parish Church in Quincy, Mass., and authorizing the Secretary to administer the United First Parish Church as a national historic site, and for other purposes, as amended.

The Clerk read as follows:

H.R. 7411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to preserve for the benefit, education, and inspiration of present and future generations the church in which John Adams, John Quincy Adams, and Abigail Adams are buried, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is authorized to accept the conveyance, without monetary consideration, of the following for administration as part of the Adams National Historic Site in Quincy, Massachusetts:

(1) The property known as the United First Parish Church, at 1306 Hancock Street, Quincy, Massachusetts, together with such adjacent real property as the Secretary considers desirable.

(2) The furnishings and personal property located in the United First Parish Church, after consultation with the chairman of the board of the United First Parish Church and with the owners of such furnishings and personal property.

(b) The Secretary shall administer the property acquired pursuant to subsection (a) of this section as part of the Adams National Historic Site in accordance with this section and the provisions of law generally applicable to national historic sites, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 note).

SEC. 2. Prior to accepting the donation of any or all of the property referred to in section 1 above, the Secretary shall submit, after consultation with the Attorney General of the United States, a report to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives describing the measures which the Secretary intends to take to ensure that in the management of said property there is no violation of the constitutional provisions regarding the separation of church and state.

SEC. 3. Effective on October 1, 1981, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

The SPEAKER pro tempore. Is a second demanded?

Mr. SEBELIUS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. PHILLIP BURTON) will be recognized for 20 minutes, and the gentleman from Kansas (Mr. SEBELIUS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. PHILLIP BURTON).

Mr. PHILLIP BURTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 7411 would permit the Secretary of the Interior to accept the donation of the United First Parish Church in Quincy, Mass. The National Park Service would then administer the property as a part of the existing Adams National Historic Site in this area.

Our colleague from Massachusetts, Representative BRIAN DONNELLY, has brought this measure to the attention of the House. I am pleased to note that Representative SILVIO CONTE has coauthored this measure.

In 1822, former President John Adams donated several large tracts of land to the people of the town of Quincy, Mass. He also established a fund to administer the gift, and specified that, if the people wished, materials for a stone temple could be cut from the quarries located on the property.

After the death of President John Adams, his friend Thomas Greenleaf was named chairman of a building committee. Engineer-architect Alexander Parris was selected for the project. His design is now regarded as among the finest examples of Greek revival architecture from the Federal period now existing in the Nation. The significance of the structure has already been recognized in its designation as a national historic landmark. John Adams, Abigail Adams, and John Quincy Adams are all buried at the church.

Mr. Speaker, the Committee on Interior and Insular Affairs has reported this measure with an amendment which addresses the concern of the administration that there should be no conflict regarding the necessary separation of church and state. Our amendment prohibits the acceptance of the donation of this property until the Secretary of the Interior is able to negotiate terms for the donation which will satisfy the Attorney General of the United States as to the necessary separation of the secular and religious interest here.

Our position should be clear. The church is a remarkable historic property, and we expect the Secretary to diligently apply his best efforts to insure that the structure will have the protection which it merits. At the same time, the owners of the church must recognize that there is a limit to the ability of the Federal Government to act in this case. I believe that if both parties will constructively apply themselves to negotiations in this matter, we can expect a result that will permit the National Park Service to restore and protect this magnificent property.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 7411 at this time.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DONNELLY).

Mr. DONNELLY. Mr. Speaker, H.R. 7411, as reported to the House from the Committee on Interior and Insular Affairs will serve a dual purpose. Not only will it place under the jurisdiction of the National Park Service a most worthy landmark, the First Parish Church of Quincy, Mass., but will also answer a constitutional question which has caused a great deal of unnecessary confusion.

The historic significance of this building need not be belabored. The First Parish Church serves as the resting place for the remains of two of our greatest Presidents, and their wives, John Adams, our first Vice President and second President and John Quincy Adams, our sixth Chief Executive. Apart from Arlington National Cemetery, this is the only site where two of our Presidents are buried. No structure which houses such noble remains should be threatened by deterioration.

Along with being a significant historical site, the First Parish Church also plays a key community role being the centerpiece of historic Quincy Square. This magnificent example of the now-defunct Greek revival architecture is regarded as the most precious treasure in a city full of historical masterpieces.

To allow the continued decaying of this structure would certainly not do justice to the four great Americans buried there. This legislation is also the first attempt by Congress to address the constitutional question regarding the separation of church and state. This bill would require the Secretary of the Interior, after consulting with the Attorney General, to submit to the appropriate congressional committees, a report describing the measures he intends to take to insure that in the management of the church there is no violation of any constitutional provisions.

It is time that this problem which has led to much confusion between the Congress and the administration be answered.

The need for Federal protection for the building lies in the fact that the church fathers can neither find nor raise the necessary funds from their congregation to maintain such a site. The decision to place this shrine under Federal jurisdiction was made freely and unanimously by the church membership.

I am confident that the Members of the House will agree with the church fathers in placing this building under Federal jurisdiction. Rarely does Congress have such an opportunity to show the public the concern we share for our historical and cultural landmarks. With the reemergence of deep patriotic feeling running throughout the country, I believe that it is essential that we include this site with the birthplaces and mansions of the Adams family, which were included in the National Park System with the passage of Public Law 95-265, and will insure the public's free access to such an important site for generations to come. A restored First Parish Church can become an important contribution to a revitalized Boston area.

In conclusion, I would like to personally thank the chairman of the subcommittee, the gentleman from California (Mr. PHILLIP BURTON); the gentleman from Kansas (Mr. SEBELIUS), who has been so good to work with, and their staff, in bringing an expeditious solution of this particular problem with reguard to the church-state relationship, and also an expeditious approach to the floor so that we can move on this legislation and protect this very, important historic site, the burial place of two Presidents of this great country and their wives.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. DONNELLY. I yield to the gentleman Massachusetts.

Mr. CONTE. Mr. Speaker, I want to take this opportunity, to compliment the gentleman in the well, the gentleman from Massachusetts, for his leadership on preserving this historic site.

Mr. Speaker, I support H.R. 7411, the bill sponsored by the gentleman from Massachusetts to authorize the Secretary of Interior to accept conveyance of the United First Parish Church in Quincy.

Mr. Speaker, this lovely Greek revival designed church was built in 1828 on land donated by our second President. It is the burial place of John and Abigail Adams and of John Quincy Adams.

In recent years the size of the congregation has dwindled considerably, which has made it nearly impossible for the remaining parishioners to adequately maintain this historic property.

The bill before you authorizes the Secretary of Interior to accept the donation of this church to the people of this country as a national historic site. The church would be maintained as part of the Adams National Historic Site which was authorized by the 95th Congress and which includes the birthplace and homes of our second and sixth Presidents. Mr. Speaker, I urge passage of this bill.

Mr. DONNELLY. I thank my colleague, and I appreciate very much his cosponsorship of this legislation.

Mr. SEBELIUS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CLAUSEN).

Mr. CLAUSEN. Mr. Speaker, I want to commend the committee for the work that has been done on what I believe is a very worthwhile project, namely the acceptance of donation of the United First Parish Church in Massachusetts and its administration as a national historic site. The church is regarded as among the finest examples of Greek revival architecture from the Federal period now existing in the Nation and is also the burial site of John Adams, Abigail Adams, and John Quincy Adams.

But there is one point I think needs to be stressed in order to make it even more acceptable, a point which was addressed in the committee itself; and that is the fact that we are dealing with an ongoing church organization which poses a potential constitutional question as it relates to the separation of church and state.

So, in order to put that matter to rest and to protect it, we have incorporated into the bill section 2, which I want to read for the benefit of my colleagues. It says:

> SEC. 2. Prior to accepting the donation of any or all of the property referred to in section 1 above, the Secretary shall submit, after consultation with the Attorney General of the United States, a report to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives describing the measures which the Secretary intends to take to ensure that in the management of said property there is no violation of the Constitutional provisions regarding the separation of church and state.

This is a very important segment of the bill, because otherwise I am afraid that the legislation has a potential of being ruled unconstitutional.

I commend the committee for having addressed this matter, and urge adoption of the bill.

Mr. SEBELIUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. SEBELIUS. Mr. Speaker, I support this bill now under consideration, which will authorize the Secretary of the Interior to accept the donation of the United First Parish Church as an addition to the existing nearby Adams National Historic Site in Quincy, Mass.

The church is the burial place for John Adams, Abigail Adams, and John Quincy Adams, and it also represents one of the finest examples of Greek revival architecture from the Federal period currently existing in the United States. The structure is also designated as a national historic landmark.

The bill also authorizes the Secretary to accept the donation of furnishings and personal property associated with the church.

Mr. Speaker, because of the potential constitutional problems of the adequate separation of church and state, the bill does not permit the Secretary to accept such donation until both he and the Attorney General have determined, and so notified the authorizing committees of the Congress, that the terms of acceptance of the donation and the management of the church thereafter, will not violate any constitutional provisions of the separation of church and state.

Mr. Speaker, that concludes my comments on this bill, and I urge its adoption.

☐ 1410

Mr. Speaker, I yield back the balance of my time.

Mr. PHILLIP BURTON. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. PHILLIP BURTON) that the House suspend the rules and pass the bill, H.R. 7411, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AFRICAN-AMERICAN NATIONAL HISTORIC SITE, BOSTON, MASS.

Mr. PHILLIP BURTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7434) to provide for the establishment of the Boston African American National Historic Site in the Commonwealth of Massachusetts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 7434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve for the benefit and inspiration of the people of the United States as a national historic site certain historic structures and properties of outstanding national significance located in Boston, Massachusetts, and associated with the creation and development of a free African American community within Beacon Hill prior to the Civil War, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is authorized to establish the Boston African American National Historic Site, including the African American Meeting House, within the area generally depicted on the map entitled "Boundary Map, Boston African American National Historic Site", numbered BOAF-80,000 and dated March 1980. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 2. At such time as the Secretary determines that sufficient properties within the boundary of the site are the subject of cooperative agreements pursuant to section 3, he may establish the area as the Boston African American National Historic Site. Pending such establishment and thereafter, the site shall be administered by the Secretary in accordance with the provisions of this Act and the provisions of law generally applicable to the administration of national historic sites, including the Act of August 25, 1916 (39 Stat. 435; 16 U.S.C. 1, 2-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

SEC. 3. The Secretary may accept any gift or bequest of any property depicted on the map referred to in the first section of this Act, and he is authorized to enter into cooperative agreements with the city of Boston, the Commonwealth of Massachusetts, or any of their political subdivisions, or any private person or organization, including the Beacon Hill Architectural Commission, to mark, interpret, restore, provide technical assistance, or any combination thereof, and for such other activities as may be necessary for the preservation of any properties depicted on such map. Cooperative agreements shall contain, but need not be limited to, provisions that (1) the Secretary, through the National Park Service, or some appropriate private group contracted to the national Park Service for this purpose, shall have the right at all reasonable times to interpret the exterior of the properties, and such portions of the interior as have been mutually agreed upon, and (2) no changes or alterations shall be made in such properties except by mutual agreement between the Secretary and the other parties to such agreements. The agreements may contain specific provisions which outline in detail the extent of the participation by the Secretary in the restoration, preservation, or maintenance of such historic properties. The Secretary is authorized in his discretion to assist with maintenance directly related to public visitation of those properties covered by cooperative agreements consummated pursuant to this Act. No funds may be expended on a property until after the Secretary determines that there is applicable to that property a binding written cooperative agreement which remains in force and effect assuring the preservation and historical integrity of such property. If any fees are charged for the use of a property covered by a cooperative agreement, and Federal funds are committed in the cooperative agreements, the income from such fees shall be applied to the costs of maintenance and renovation of that property. Notwithstanding any other provision of law, no Federal fees shall be charged for entrance or admission to the historic site.

SEC. 4. The Secretary, in cooperation with other interested groups, may identify other significant sites relating to the nineteenth century free African American community on Beacon Hill, Boston, which are related to the historic site authorized by this Act, and, with the consent of the owners thereof, may mark them appropriately and make reference to them in any interpretive literature.

SEC. 5. Within three complete fiscal years from the effective date of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive general management plan for the historic site, pursuant to the provisions of section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a–1 et seq.).

SEC. 6. Effective on October 1, 1981, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

The SPEAKER pro tempore. Is a second demanded?

Mr. SEBELIUS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. PHILLIP BURTON) will be recognized for 20 minutes, and the gentleman from Kansas (Mr. SEBELIUS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. PHILLIP BURTON).

Mr. PHILLIP BURTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 7434, a bill to provide for the establishment of the Boston African-American National Historic Site in Massachusetts

We are able to consider this measure in the House today thanks to the diligence and leadership of the gentleman from Massachusetts, Representative JOE MOAKLEY. I want to commend the gentleman at this time for his initiative in this matter, and for his distinguished record of interest in, and support for, the national park system.

The proposed Boston African American National Historic Site is located in the Beacon Hill section of Boston, not far from the existing Boston National Historical Park. A community of free black men and women had existed in Boston since the 17th century. Black Bostonians figured in the Battle of Bunker Hill and other Revolutionary War engagements. Slavery was abolished in Massachusetts in 1783, and by the year 1800, Boston contained over a thousand inhabitants of African descent. Around the turn of the century, the black community began to grow in the north slope of Beacon Hill. This area now contains the largest assemblage of antebellum Afro-American historic sites in any urban area of the United States.

The keystone of these sites is the African Meeting House, the first black church in New England, constructed in 1806. In addition to being used as a church, the meeting house was the first permanent home of the "colored school." It was in this schoolroom that William Lloyd Garrison founded the New England Anti-Slavery Society in 1832. The African Meeting House is a national historic landmark, being the United States oldest standing black church structure. The meeting house was both the spiritual and civic center of the black community on Beacon Hill.

Among the most notable of the other historic structures in the proposed historic site are the Lewis Hayden House, the most documented station in New England on the Underground Railroad to Canada; the 54th Regiment Monument, commemorating the first Northern black regiment to serve in the Civil War; the William C. Nell House, home of this country's first published black historian; the George Middleton House, home of a black veteran of the American Revolution; and the Smith School, the only school for blacks from 1834 until 1855, when Boston public schools were integrated.

Interpretation of the Boston African-American National Historic Site would be accomplished by a walking tour, similar to Boston NHP's Freedom Trail. The Afro-American Museum in Boston currently promotes a similar self-guided tour, called the Black Heritage Trail, covering about three-fourths of the sites in the present proposal.

The National Park Service expects to administer the historic site primarily through cooperative agreements to be negotiated with the existing owners of the properties. As this can be carried out through the existing Boston National Historical Park, little additional expense should be incurred in the administration of the Boston African American National Historic Site.

Mr. Speaker, the amendments which the committee adopted are primarily clarifying in nature. Our amended language will insure that maintenance assistance by the National Park Service will be made available only to those properties which are open to public visitation. We prohibit the imposition of any Federal entrance fee on the historic site.

Our usual procedure is also followed in requiring the preparation of a management plan for the area.

Mr. Speaker, the establishment of this national historic site will be at very little expense to the Federal Government. The National Park Service expects to administer the area through the existing offices of the Boston National Historical Park. The value of this new national historic site will be great, however, for it will protect and interpret an aspect of our American heritage which has received far too little recognition. I urge my colleagues to join me in supporting H.R. 7434 at this time.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Speaker, I rise in support of this legislation, Mr. Speaker, which is designed to preserve those areas of historical importance where black individuals have served in the formation and development of our Nation. I firmly believe that as we build toward tomorrow, today, we should not discard those facets of life which record the foundation of this Nation.

The Boston African-American National Historic Site encompasses 16 buildings of great historic value on Beacon Hill in Boston, and around the Black Heritage Trail.

Collectively, all of these structures trace the historical development of the black community in Boston, from its inhabitants' arrival on African slave frigates in 1638, to the major contributions of black people to the American Revolution, and the eventual growth of the strong, economically viable community which exists today.

In this area, which contains the largest group of Ante-Bellum Afro-American historic sites of any urban area in the United States, the center of black religion, education and political life for Boston's 19th-century black families has been captured to become a museum without walls. There are many themes which could be recollected via this area, such as abolitionism and the underground railroad architecture, the role of churches, or general life in an urban northern black community. In addition, major historical significance lies in the fact that this area represents and exhibits the first stages of black self-determination in Boston, as well as in our country.

I would like to elaborate upon some of the more specific contributions to the recording of black history that some of these structures bring to mind.

The centerpiece of these historical sites is the African Meeting House, the oldest standing black church in the United States, built in 1806. This house was probably designed by, or based upon the designs of Asher Benjamin, the famous Boston architect, who has left his identifiable style upon many of the buildings in Boston.

The African Meeting House was more than just a church where blacks could go to worship.

It became the primary black community center for that region. Many blacks in Boston, who lived in the north end of the city, moved to the North Beacon Hill area once the church was completed.

Being the community center for Boston's blacks, it was appropriate for the first permanent public school for black children to find a home in the African Meeting House.

It was also in the basement of the church that in 1822 William Lloyd Garrison founded the New England Anti-Slavery Society. For this reason, it is often referred to as the Abolitionist Church.

The Meeting House was the site of history again as the Massachusetts 54th Regiment, the first black division from the North to serve in the Civil War, was formed at the church.

There are other historic structures on the black heritage trail that capture like a photograph the development of the black community as it occurred.

The Lewis Hayden House, in close proximity, served as a station on the underground railroad to Canada after the fugitive slave law passed in 1850. Lewis Hayden, a leader in the abolitionist movement also worked for the desegregation of the schools and transportation systems in Boston. In 1873, Hayden was elected as one of two blacks in the Massachusetts legislature.

The Abiel Smith School, completed in 1834, served as the only school for blacks until 1855.

The home of Col. George Middleton, who led an all-black company, called the "Bucks of America" in the American Revolution, stands in the proposed historic site. This is one of the oldest wooden structures still remaining on Beacon Hill.

The George Grant House can also be seen. Grant was the first black instructor at the Harvard Dental School, and served as president of the Harvard Dental Alumni Association in 1881. Dr. Grant became nationally recognized as an expert in the treatment of cleft palate and cognate diseases. He was also an inventor and is remembered for inventing the golf tee.

Monuments to the Boston Massacre in which Crispus Attucks is remembered for his bravery, and the 54th Regiment, commemorate other contributions made by blacks from Boston to this Nation.

Other structures that display the life and development of this Boston black community over the past 200 years are the home of William C. Nell, the first published black historian, a house constructed by Joseph Scarlett, a black chimneysweep, the home of one of Massachusetts first black State representatives, John Smith, three houses on Smith Court built between 1799 and 1828, the Charles Street Meeting House, which was built for a white baptist congregation in 1804, and was purchased by an African Methodist Episcopal congregation in 1876, the Massachusetts State House which contains the 1777 appeal of Prince Hall and seven other free blacks to abolish slavery, the banner of the 54th Regiment and the flag saved by Sgt. William Carney at Fort Wagner, the old South Meeting House which contains a copy of George Washington's will, and the old Granary Burying Ground, bearing the remains of many Revolutionary War heroes.

Each of these structures adds to the total historical picture of black settlement in Boston in the last century. This site records their self-determinism and their fight against the injustices of inequality of men.

This Boston African-American National Historic Site, is just one of many historical areas from which blacks have made contributions to the development of our Nation. I have proposed its establishment Mr. Speaker, so it may never be forgotten, and forever preserved.

I strongly urge all my colleagues to join in support of this historic legislation.

Mr. DONNELLY. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to my colleague, the gentleman from Massachusetts (Mr. DONNELLY).

Mr. DONNELLY. Mr. Speaker, I would like to associate myself with the remarks of my colleague from Boston. I am privileged to be listed as a cosponsor on this legislation which would establish the Boston African-American National Historic Site. It has been a long time coming and the gentleman's leadership is greatly appreciated by many of my constituents.

I would urge its quick passage and adoption.

Mr. SEBELIUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the bill now under consideration, H.R. 7434, which authorizes the establishment of the Boston African-American National Historic Site in Massachusetts. This area will become a new unit of the national park system.

The site would comprise 16 structures located at 12 sites in the Beacon Hill area of Boston. Late in the 18th century, a small black community free of slavery began to develop here, and today the area contains the largest collection of ante-bellum Afro-American historic structures in the United States.

There will be no acquisition of any of these properties except by donation. The principal form of management and retention of historical integrity will be by cooperative agreement with the owners, through which various forms of technical and financial assistance may be provided by the National Park Service.

Mr. Speaker, I urge the adoption of this bill by the House.

Mr. PHILLIP BURTON. Mr. Speaker, I yield such time as she may consume to our distinguished colleague, the gentlewoman from New York (Mrs. CHISHOLM).

☐ 1420

Mrs. CHISHOLM. Mr. Speaker, I would like to urge my colleagues to support H.R. 7434 which was introduced by my colleague, Congressman MOAKLEY on May 22. This bill provides for the establishment of the Boston African-American National Historic Site in the Commonwealth of Massachusetts. H.R. 7434 would declare 16 buildings as historic sites which were significant in the development of the free black community in Boston from 1638 to the early 1900's.

These buildings which include churches, schools, lodges, and homes are testaments of the contributions and prosperity of free blacks in Boston during this period and their participation in the city's affairs despite inequality, restrictions, disenfranchisement, and segregation.

Some of the Nation's earliest fights by blacks for equal opportunity and quality education were waged in this city by blacks who were relegated to the galleries and balconies of white churches and whose children were limited to a single over-crowded schoolhouse. This is also the first city in which black Americans responded to the call of the American Revolution.

The history of these 16 buildings forms a very large part of the Afro-American presence in the United States and their struggles in this city are a microcosm of their fight for equality and self-determination. This is American history at its best and certainly deserves the special recognition that declaring these buildings historic sites would bring.

Mr. PHILLIP BURTON. Mr. Speaker, I have no further requests for time.

Mr. CLAUSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. CLAUSEN. Mr. Speaker, I rise in support of H.R. 7434, a bill to provide for the establishment of the Boston African-American National Historic Site in Massachusetts and to commend its author, the gentleman from Massachusetts (Mr. MOAKLEY), for his skillful advancement of the proposal.

The historic site contains 16 structures located at 12 sites associated with the creation and development of a free African-American community within the Beacon Hill area of Boston prior to the Civil War.

The principal historic site will be the African Meeting House, the oldest black church on the National Register of Historic Places. The church is located along the Black Heritage Trail, which traces the entire historical development of the black community in Boston from their arrival there after fleeing from slavery, through the American Revolution, to present day.

By enactment of the legislation, the Secretary of the Interior is authorized to acquire properties within the site by donation only and may also enter into agreements with the city of Boston, the Commonwealth of Massachsetts, or any private person or organization to identify and preserve the properties identified in the bill. These agreements will help hold costs to a minimum.

I urge my colleagues to support this bill.

Mr. PHILLIP BURTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. PHILLIP BURTON) that the House suspend the rules and pass the bill, H.R. 7434, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DEEPWATER PORT ACT EXTENSION

Mr. ROBERTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6864), to authorize appropriations for the Administration of the Deepwater Port Act of 1974, as amended.

The Clerk read as follows:

H.R. 6864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 25 of the Deepwater Port Act of 1974 (88 Stat. 2126; 33 U.S.C. 1501) is amended by striking out the period at the end and inserting in lieu thereof "and not to exceed $1,000,000 per fiscal year for the fiscal years ending September 30, 1981, September 30, 1982, and September 30, 1983.".

SEC. 2. Section 19(d) of the Deepwater Port Act of 1974 (88 Stat. 2126; 33 U.S.C. 1501) is amended following the word "Treasury" by inserting a comma and adding the following: "including the provisions of the Tariff Act of 1930, as amended (19 U.S.C. 1202) and other laws codified in title 19, United States Code,".

SEC. 3. (a) The Secretary of the Army, acting through the Chief of Engineers, shall prepare a feasibility report on the enlargement of the navigation project for Galveston Harbor and Channel, Texas. Such report shall include the costs and benefits of improvements initiated by local interests after the date of enactment of this section which the Chief of Engineers determines are compatible with and constitute an integral part of his recommended plan.

(b) Upon approval by the Congress of such report, the Secretary of the Army, acting through the Chief of Engineers, shall reimburse the local interests, in accordance with subsection (d) of this section, for the funds expended to construct such portions of the projects as are included in the approved project, if prior to such construction the detailed plans and specifications of such portions of such project were approved by the Chief of Engineers, if during such construction the Chief of Engineers inspected the work in progress, and if, after such project has been approved by Congress and after such construction has been completed, the Chief of Engineers approves such construction as in accordance with the approved project.

(c) The cost of work for which reimbursement is authorized by this section shall be determined in accordance with section 8(a)(2) of the Act of March 2, 1919 (33 U.S.C. 624).

(d) The Federal share of the cost of work for constructing the harbor and channel improvements authorized for reimbursement by this section shall be as follows:

(1) 100 per centum of the cost of a forty-foot or shallower project depth.

(2) 80 per centum of the cost of a forty-one- through forty-five-foot project depth.

(3) 66⅔ per centum of the cost of a forty-six- through fifty-foot project depth.

(4) 50 per centum of the cost of a fifty-one-foot or deeper project depth.

(e) The authorization to reimburse local interests contained in this section shall expire three years from the date of enactment of this section unless local interests begin construction of any portion of the project which is included in the approved project within such three-year period.

(f) Notwithstanding any other provision of this section, the total authorization to carry out this section shall not exceed $25,000,000.

The SPEAKER pro tempore. Is a second demanded?

Mr. CLAUSEN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ROBERTS) will be recognized for 20 minutes, and the gentleman from California (Mr. CLAUSEN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6864 authorizes appropriations of $1 million per year through fiscal year 1983 for administration of the Deepwater Port Act of 1974. That act provides for Federal licensing and regulation of offshore port facilities which are capable of receiving oil from very large crude oil carriers. The continuing authority for funding of the act is necessary in order to enable the Department of Transportation to monitor the one facility (LOOP) which is under construction and to review any new license applications which may be received.

The amendment at the desk would provide that upon approval by the Congress of a survey report prepared by the Secretary of the Army, acting through the Chief of Engineers, the Secretary shall reimburse local interests, in accordance with a formula set forth in the amendment, for funds expended to construct a navigation project in Galveston Harbor and Channel, Tex. The reimbursement would only be for approved portions of the project, and would also require that: First, prior to construction the detailed plans and specifications of such portions were approved by the Chief of Engineers; second, during the construction the Chief of Engineers inspected the work in progress; and third, after the project has been approved by Congress and after construction has been completed, the Chief of Engineers approves the construction as in accordance with the approved project.

Galveston Harbor provides a 7-mile-long deepwater entrance channel from the Gulf of Mexico to connect with the Houston Ship Channel, Texas City Channel, and Galveston Channel in Galveston Bay. The Houston Ship Channel has an existing depth of 40 feet for a distance of about 47.5 miles across Galveston Bay and into Buffalo Bayou to a point 3.5 miles below a turning basin in Houston. Texas City Channel has a 40-foot depth to a turning basin at Texas City on the west shore of Galveston Bay, and Galveston Channel has a 40-foot depth. There are also various side channels and basins of varying widths and depths which serve the area, and a project for deepening to 40 feet and widening the Texas City industrial canal is under construction.

Local interests wish to construct a channel from the 58-foot contour in the Gulf of Mexico, decreasing to 56 feet through the jetty channel, then 54 feet to the Galveston Channel and a terminal on the southeast corner of Pelican Island.

The amendment is identical to the provisions of section 210 of H.R. 4788, the Water Resources Development Act of 1979. H.R. 4788 was passed by the House on February 5, 1980.

I urge passage of the bill as amended.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, I rise in support of H.R. 6864—extension of authorization for the administration of the Deepwater Port Act of 1974 for fiscal years 1981 through 1983.

The Committee on Merchant Marine and Fisheries—to which this legislation was jointly referred—joins the Committee on Public Works and Transportation in urging its expeditious passage by the House of Representatives.

As reported by the respective committees, H.R. 6864 authorizes $1 million per fiscal year for fiscal years 1981 through 1983 for the administration of the Deepwater Port Act of 1974 by the Secretary of Transportation. That act authorizes the Secretary to license owners and operators—and to issue regulations to control the location, construction, and operation of deepwater ports. In this respect, it may be thought of as a model for more generic, fast-track legislation now pending before the Congress—designed to accelerate the process of licensing critical energy and transportation facilities in the national interest.

Implementation of the act has not proceeded without attendant problems. However, those problems which have occurred have chiefly resulted from the requirement for an unusually stringent antitrust review by the Department of Justice and the Federal Trade Commission as a precondition to license approval. These provisions were added to the bill after it was reported by the Merchant Marine and Fisheries Committee in the 93d Congress.

Notwithstanding, modest progress toward accomplishment of the goals of the original act has resulted from its passage:

An operating license has been extended under the act to the Louisiana Offshore Oil Port, Inc., which is expected to enter into operation next year. This facility will receive up to 1.4 million barrels per day of foreign crude oil in a safe, efficient, and environmentally sound manner—consistent with the purposes of the act.

A similar license has been offered to the Texas Deepwater Port Authority to operate the reconstituted Seadock project off the coast of Texas.

More recently, the State of Virginia has indicated renewed interest in locating a deepwater port facility on the east coast.

Now, however, the focus of deepwater port development is shifting from a licensing to an operational and regulatory phase. Consistent with this shift the level of effort undertaken by the Coast Guard is expected to increase, with a corresponding reduction in the activities of the Office of Deepwater Ports. This anticipated reduction in activity is reflected in the reduced authorization level contained in the legislation as reported.

Indicative of this shift in emphasis, an ancillary matter associated with the implementation of the Deepwater Port Act was brought to the committee's attention during its consideration of this legislation. In response, the committee resolved to remove any ambiguity in the scope of the exclusion from the application of the customs laws accorded a deepwater port facility licensed under the act—and vessels calling at such a facility.

The committee adopted a technical amendment in order to preclude the possibility of statutory misinterpretation based upon artificial distinctions between the scope and definition of relevant customs and navigation laws.

In reporting this legislation, the committee has concluded that the time has not yet arrived to permit the expiration of authorization for appropriations under the Deepwater Port Act following Sunset review. Accordingly, on behalf of the committee, I urge my colleagues in the House to extend the authorization life of the act for 3 more years in order to facilitate continuing oversight of deepwater port development—as implemented by the Department of Transportation.

☐ 1430

Mr. CLAUSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6864 and urge my colleagues here in the House to do likewise.

The gentleman from Texas, the distinguished chairman of the Water Resources Subcommittee of the Committee on Public Works and Transportation, Mr. ROBERTS, has already explained very ably the purpose of this legislation and I would just like to underscore a few points.

This bill authorizes appropriations of $1 million in each of fiscal years 1981 through 1983 for continued administration of the Deepwater Port Act of 1974. When enacted, it will be the second 3-year extension of the 1974 act, though it will represent the first time that activities under the act will not be authorized at a $2.5 million annual level.

The $1.5 million reduction in authorized annual expenditures is appropriate. I believe, in light of the fact that the focus of deepwater port development is shifting from licensing to operational activities. Only one deepwater port—a private consortium called the Louisiana Offshore Oil Port, Inc., or "LOOP" for short—holds an active license and is under construction. A second license has been offered to the State of Texas, through the Texas Deepwater Port Authority, to own, construct, and operate a deepwater port off the coast of Texas.

No other new license applications are anticipated in the near future.

Thus, only activities that directly relate to deepwater ports and are operational in nature—like review and approval of the LOOP operations manual, negotiations with foreign nations concerning U.S. jurisdiction of foreign flag ships calling at LOOP, development of deepwater port safety zone regulations, establishment of procedures to manage the deepwater port liability fund, and monitoring LOOP operations to insure conformance with environmental and antitrust license provisions as well as occupational safety—appear to need continued funding, at least in the near term.

The technical amendment adopted by the Committee on Merchant Marine and Fisheries is needed to clarify the term "customs laws" under section 19 of the Deepwater Port Act. Section 19(d) of the act states that the customs laws administered by the Secretary of the Treasury do not apply to deepwater ports licensed under the act. It is my understanding that the amendment is meant to make clear that laws such as the Jones Act, requiring that U.S. coastwise trade be restricted to American vessels, and the navigation statutes administered by the Coast Guard for the protection of shipping and of the marine environment continue to apply to deepwater ports. On the other hand, laws such as title 19, United States Code, sections 1431 through 1448 relating to entry clearances and title 19, United States Code, sections 1581, 1588, and 1618 through 1628 relating to boarding of vessels and other means of enforcement are meant to be included within the act's definition of customs laws and are not to be applied to deepwater ports licensed under the act.

Mr. Speaker, in this time of increased national attention to the energy needs of our Nation, we would be remiss in the performance of our legislative duties if we did not focus on the contribution that deepwater ports can make in addressing our energy-related problems. From both economic and environmental standpoints, the deepwater port option may be preferable to other methods of handling the large amounts of petroleum that move in our country's maritime commerce. The 3-year extension of the Deepwater Ports Act provided for in H.R. 6864 is not only warranted, it is required by the needs of our Nation. I urge my fellow colleagues to join me in passing this important legislation.

Mr. Speaker, I concur in the statement that has been made by the Chairman of our Subcommittee on Water Resources, the gentleman from Texas (Mr. ROBERTS), as well as the Chairman of the Subcommittee on Coast Guard and Navigation, the gentleman from New York (Mr. BIAGGI).

Mr. Speaker, I yield to the gentleman from California (Mr. MCCLOSKEY) such time as he may consume.

Mr. McCLOSKEY. Mr. Speaker, I rise at this point on behalf of the minority on the Committee on Merchant Marine and Fisheries to ask the question of the distinguished chairman of the Committee on Public Works and Transportation. I noted that in the report on H.R. 6864, both from the gentleman's committee and from ours, there is reference solely to the $1 million annual extension of authorization for the Deepwater Port Act, but that the bill as it reaches the floor today contains a new provision, section 3, apparently considered by neither committee during the legislative process. Is this new section 3 precisely in the same language as the section that was adopted in the Water Resources Development Act, H.R. 4788, which passed the House on February 5, 1980, by a vote of 283 to 127?

Mr. ROBERTS. If the gentleman will yield, the gentleman is exactly correct. There is not a comma difference. It is exactly the same, and it restricts the authorization to a total of $25 million.

Mr. McCLOSKEY. That vote that accepted that provision in the House was by more than the two-thirds majority last February, so it would seem to me appropriate to accept on the Suspension Calendar today this action that the House took previously in a different bill.

May I further ask the distinguished chairman this question: This provision seems to say that if the Federal Government is to authorize $25 million in reimbursement for the Galveston ship channel dredging project, it will require some further act of Congress in the future specifically approving that project; am I correct?

Mr. ROBERTS. The gentleman again is correct.

Mr. McCLOSKEY. With those reassurances, I am glad to support the bill at the present time.

Mr. CLAUSEN. If the gentleman will yield, it is just exactly as the gentleman has said, that the section as drafted would provide no reimbursement for the location unless and until the Congress actually approves the corps study and the report which is being authorized here. In fact, on behalf of the minority, the gentleman's assessment and description of the situation in that it concurs fully with the omnibus bill as passed in the section of the omnibus bill is accurate.

Mr. McCLOSKEY. I have no objection to the bill and am glad to support it as worded in that respect.

Mr. ROBERTS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. I thank the chairman very much.

Mr. Speaker, I urge my colleagues to support this legislation, which is crucial to the development of a sound shipping policy and program for our country.

A facet of this bill of which I have particular knowledge relates to that which we have just recently been discussing—the progress of the development of a port on the gulf coast to provide onshore access for deepwater vessels to the refining facilities and other industries on that coast.

The language of this bill relating to the Galveston deepwater port is identical to the language drafted by the House Public Works and Transportation Committee after extensive hearings, and incorporated in H.R. 4788 which passed the House on February 5, 1980. This country is many, many years behind several other countries in the development of such facilities. The bill before us today is designed to allow the expedition of such development at a rate which will be consistent with our national priorities and our economic requirements.

Therefore, I am hopeful we can pass this legislation this week.

I want to extend my personal gratitude to the chairman of the Subcommittee on Water Resources, the gentlemen from Texas (Mr. ROBERTS), to the minority members, the gentlemen from California (Mr. CLAUSEN and Mr. MCCLOS-

KEY), and to all of that committee and staff for an outstanding job in resolving what has been a very difficult problem in this area. I also want to express my appreciation for the extreme understanding and long-sightedness of the Merchant Marine and Fisheries Committee and in particular the chairman of the Subcommittee on Coast Guard and Navigation, the gentleman from New York (Mr. BIAGGI).

Mr. ROBERTS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Speaker, I rise to ask a question of the chairman of the Subcommittee on Water Resources. I listened very carefully to my colleague from California and his discussion and question of the chairman regarding the contents of section 3 of the bill. I wonder if the gentleman could answer a question about why this particular provision is necessary in light of the fact that the House has passed the omnibus authorization bill.

Mr. ROBERTS. If the gentleman will yield, as the gentleman is well aware, the other body has not acted on the omnibus rivers and harbors bill, and this was so urgent that the Committee on Merchant Marine and Fisheries asked our permission, and we agreed, to let them include it in this since they have the deepwater ports and this is a deepwater onshore port. We authorized them to go ahead with it, and we agreed to cooperate with them. I appreciate the gentleman's question.

Mr. EDGAR. Does the gentleman suggest that we may not have an omnibus authorization bill this year, or does he think we will?

Mr. ROBERTS. I am hopeful certainly, since the newspapers say we are going to be back here in a session after November 12, that we ought to be able to get a bill. The other body is now holding hearings on the omnibus rivers and harbors bill.

Mr. EDGAR. I have just one final question. The gentleman from California asked a question about the fact that additional work must take place in order for this to move, and that a report has to come before the Congress. How much money does the gentleman think will be expended on the review called for in this legislation prior to Congress relooking at the project?

Mr. ROBERTS. I do not really have that estimate.

Mr. EDGAR. Does the gentleman have any guess as to what the average cost of these studies is?

Mr. ROBERTS. The staff says that the corps study has cost about $1 million.

Mr. EDGAR. I thank the gentleman for answering the questions, and I would just like to register my opposition to this authorization for the Galveston Port. A number of serious concerns has been brought to my attention such as whether the project is environmentally sound and whether the Federal Government should foot the bill for an essentially private enterprise. I hope to follow this issue more closely in the future.

Mr. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from California.

Mr. CLAUSEN. I thank the gentleman for yielding. As an additional response to the question as propounded by the gentleman from Pennsylvania on why this particular project would be authorized separate and apart from other items in the omnibus bill, I think it would be helpful for the Members on the floor, as well as those reading the RECORD, to have the benefit of remarks that were made by the U.S. Department of Transportation in a publication of August 15, 1979, wherein they refer to the fact that, "That study concludes that both the TDPA project and the Galveston project, considered separately, provide economic and environmental improvements over existing transportation facilities." The fact that there is a relationship between that provision and the Deepwater Port Act, I think, is relevant. As far as I am concerned, it was one of the reasons I went along in support of adding to this bill.

Mr. ROBERTS. I thank the gentleman.

• Mr. JOHNSON of California. Mr. Speaker, I rise in support of H.R. 6864, as amended. H.R. 6864 authorizes appropriations of $1 million for each of the fiscal years 1981, 1982, and 1983 for administration of the Deepwater Port Act of 1974 (Public Law 93-627). That act provides for Federal licensing and regulation of offshore ports designed to receive oil from vessels too large to enter conventional ports. It authorizes the Secretary of Transportation to license owners and operators and to issue regulations to control the location, construction, and operation of deepwater ports. The purpose of the act is to provide a mechanism for permitting the construction and operation of deepwater port facilities while insuring the protection of the marine and coastal environment and recognizing and protecting the interests of affected States.

When deepwater ports become operational in this country, they will provide a superior method—from both a cost and an environmental viewpoint—for handling imported crude oil. The use of supertankers in conjunction with deepwater ports will reduce significantly the per barrel cost of transporting oil, will reduce the danger of spills, and increase environmental protection, since fewer conventional tankers will be required to deliver oil to our crowded onshore harbors.

The Deepwater Port Act of 1974 authorized appropriations of $2,500,000 per fiscal year through fiscal year 1977. In 1977, Public Law 95-36 extended the authorization for appropriations at the same level through fiscal year 1980. H.R. 6864, as amended, continues the authorization for appropriations through fiscal year 1983 at a reduced annual amount of $1 million.

The continuing authority for funding of this act is necessary in order to enable the Department of Transportation to monitor the one facility (LOOP) which is under construction and to review any new license applications which may be received. The LOOP facility consists essentially of two offshore platforms which are being constructed in depths of water over 100 feet, one of which will provide pumping capacity and the other domestic accommodations for crew, and three buoys for mooring tankships. The project, which is currently estimated to cost over $600 million, is anticipated to begin operating in early 1981. Until that event, and throughout the lifetime of the LOOP Deepwater Port, DOT will continue to carry the responsibility of monitoring the port's construction, expansion in planned stages, and operation in order to insure that LOOP is complying with the terms and conditions of its Federal license. Once LOOP becomes operational, departmental monitoring teams will observe port operations to insure conformance with environmental and antitrust license provisions, as well as occupational safety. Teams will board the tankers calling at the port to oversee crude oil transfer operations and will continually monitor tanker safety. Surveillance over the port will monitor any oil spill pollution. In the Civil Rights area, an affirmative action program drafted by the licensee will be monitored to safeguard against any discrimination in employment. DOT is also establishing procedures to manage the deepwater port liability fund.

The amendment to the bill, providing a mechanism for the reimbursement of local interests for the costs of constructing a navigation project in Galveston Harbor and Channel, Tex., is identical to the provisions contained in H.R. 4788 as passed by the House earlier in this session. The reimbursement is limited and several conditions must be satisfied before the Secretary of the Army may approve any expenditures.

I urge passage of the bill as amended.○

Mr. CLAUSEN. Mr. Speaker, I yield back the remainder of my time.

Mr. ROBERTS. I have no further requests for time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ROBERTS) that the House suspend the rules and pass the bill H.R. 6864, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, H.R. 6864.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1440

FLEXIBILITY FOR THE ARMED FORCES IN ORDERING RESERVES TO ACTIVE DUTY

Mr. WHITE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7682) to amend title 10, United States Code, to provide greater flexibility for the Armed Forces in ordering Reserves to active duty, and for other purposes.

The Clerk read as follows:

H.R. 7682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of subsection (a) of section 672 of title 10, United States Code, is amended to read as follows: "However, a member of an inactive status list or in a retired status may not be ordered to active duty under this subsection unless the Secretary concerned, with the approval of the Secretary of Defense in the case of the Secretary of a military department, determines that there are not enough qualified Reserves in an active status or in the inactive National Guard in the required category who are readily available.".

(b) Subsection (e) of such section is amended to read as follows:

"(e) The period of time allowed between the date when a Reserve ordered to active duty (other than for training) is alerted for that duty and the date when the Reserve is required to enter upon that duty shall be determined by the Secretary concerned based upon military requirements at that time.".

SEC. 2. Section 673b(c) of title 10, United States Code, is amended by striking out "50,000" and inserting in lieu thereof "100,000".

SEC. 3. (a) Section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1)) is amended by striking out "less than three months or" in the fifth sentence.

(b) The amendment made by subsection (a) shall apply only to persons ordered to active duty for training after the effective date of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas (Mr. WHITE) will be recognized for 20 minutes, and the gentlewoman from Maryland (Mrs. HOLT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 7682 is a clean bill reported by the committee consolidating four separate bills intended to improve the Reserves' mobilization capability.

Section 1(a) would repeal the requirement in title 10 that the Director of Selective Service make a determination that a member of the Standby Reserve is available for duty before the member may be involuntarily ordered to active duty in time of war or national emergency.

The Standby Reserve consists of those members of the Reserve who are not in the Ready Reserve or Retired Reserve yet are liable for active duty in time of war or national emergency. Currently no member of the Standby Reserve can be ordered to active duty until all qualified Reserves in an active duty status or in the inactive National Guard have been mobilized, and the Director of Selective Service has determined the member of the Standby Reserve is available for active duty.

This amendment simply eliminates the requirement for the Director of Selective Service to screen standby reservists since the screening process can be more easily and effectively accomplished by the Department of Defense.

Section 1(b) clarifies the existing law concerning the amount of time a ready reservist is allowed between the time ordered to active duty and the time the reservist actually enters on active duty. Presently the law permits a reservist a 30-day delay unless the Secretary makes a formal determination following commencement of mobilization that the time should be less. In view of the prominence reservists play in our mobilization plans, this change is needed to clarify in advance of a mobilization the Secretary's authority to mobilize reservists without delay.

Section 2 amends 673(b) of title 10, United States Code, to increase from 50,000 to 100,000 the number of selected reservists the President may order to active duty for a period up to 90 days without a declaration of national emergency.

The original authority to call to active duty 50,000 selected reservists was passed in the 94th Congress (Public Law 94-286). It was intended to enhance the role of the Reserves in our national defense program by insuring their availability promptly in times of international tension.

The recent mobilization exercise "Nifty Nugget" has underscored the importance of reservists to our mobilization posture. In fact, that exercise showed that more than 50,000 reservists would be needed early in a developing crisis to augment the active force. Further, recent planning for the Rapid Development Joint Task Force indicates that situations could arise when more than 50,000 reservists should be activated to support the task force. It is for these reasons that the additional authority is being sought.

The fact that the administration has requested this legislation is graphic evidence of the critical role reservists now play in our defense posture—a fact the Congress has understood for a long time.

Section 3 of the bill amends section 6(d) of the Military Selective Service Act to repeal the requirement that a Reserve officer ordered to active duty for training must serve for not less than 3 months.

There are a number of courses for officers, such as those for chaplain and the Medical Service Corps, that are less than 3 months in duration. It is inefficient and unnecessary to require these officers to remain on active duty for the remainder of the 3-month period in order to fulfill this requirement.

Mr. Speaker, all four provisions of H.R. 7682 are administration proposals. No increase in the budgetary requirements of the Department of Defense will result from enactment of H.R. 7682.

I urge the Members to support this bill.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I appreciate the gentleman yielding. I rise in support of this legislation. I would point out to my colleagues I think the key to this bill is to increase the number from 50,000 selected reservists the President could call up for 90 days to 100,000. The reason is, as the gentleman mentioned, that regulars have become so dependent on the Guard and the Reserves that to have rapid mobilization we would need more than 50,000 reservists because of the dependence that has now been put on the Reserve Forces by the Regular Forces.

Mr. WHITE. The gentleman from Mississippi has been a considerable factor in enhancing the role of the Reserves in past years.

Mr. MONTGOMERY. I think it certainly makes sense to use the Reserve Forces. It does not cost as much to maintain Reserves and there is a high quality in the Reserve Forces. I commend the gentleman for bringing this bill to the floor.

Mr. WHITE. If the House, as has been indicated, does not want a large standing Army, and we do not need a large Army, then, of course, we must go to the Reserves and must augment the Reserves as much as possible to have a ready response to any emergency.

Mr. MONTGOMERY. If the gentleman would yield further, I would add one other point: On rapid mobilization, a moving task force, well over 40 percent of the aircraft needed for rapid mobilization comes from the National Guard and Reserve. Therefore, you must have these units if you are going to move the regular units into position to protect this country.

Mr. WHITE. The gentleman is absolutely correct.

Mr. Speaker, I reserve the balance of my time.

□ 1450

Mrs. HOLT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 7682.

As the chairman of the subcommittee has indicated the bill has four parts. Three of the sections are minor changes intended to conform out-of-date reserve laws with the role now played by reserves in our defense structure.

The principal provision in this bill, contained in section 2, would increase the President's authority to order selected reservists to active duty without a declaration of national emergency as the gentleman from Mississippi said. The President's current authority to order up to 50,000 members of the selected Reserve to active duty for a period of less than 90 days without declaring a national emergency has had a significant impact on energizing the Reserve program. But, more importantly, it has encouraged the Active Forces to rely on and utilize the substantial capability of the Reserves.

In fact, the authority has been so successful that during the recent mobilization exercise it was discovered that a major Reserve contribution is necessary in almost any contingency. The legislation under consideration will increase the number of reservists who can be activated from 50,000 to 100,000 and thus insure the availability of the Reserve support that will be necessary in times of international tension when 50,000 figures was reached, our committee questioned the number.

Mr. Speaker, this authority cannot be

used irresponsibly. Current law authorizing the activation of 50,000 reservists requires the President to notify the Congress within 24 hours of using the authority. Further, the activation of Reserves can be terminated by a concurrent resolution of Congress.

This safeguard is in addition to the safeguards which now exist in the war powers resolution.

There is no cost to the legislation.

Mr. Speaker, this legislation is another important step in improving the capability of the Reserves and should be supported. I urge the Members to support it.

Mrs. FENWICK. Mr. Speaker, will my colleague yield

Mrs. HOLT. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Speaker, I thank my colleague for yielding. I wonder if the gentlewoman could give us a figure as to the number in the Reserves now, the Ready Reserves?

Mr. WHITE. Mr. Speaker, if the gentlewoman will yield, there are 850,000 in the Selected Reserves at the present time.

Mr. McCLOSKEY. Mr. Speaker, will the gentlewoman yield for another question?

Mrs. HOLT. I yield to the gentleman from California.

Mr. McCLOSKEY. Mr. Speaker, I had the privilege of watching a Reserve operation at Camp Irwin in March and it was my impression that many of the Ready Reserve units were about one-third strength in enlisted personnel below the rank of NCO. Is that still the case?

Mrs. HOLT. I will yield to the chairman.

Mr. WHITE. If the gentlewoman would yield, this may be true in some units. Of course, this is our endeavor, to try to build those units up to full strength, but across the board I do not think that is the case. This is not characteristic of all Reserve units.

Mr. McCLOSKEY. May I ask the gentleman, if those Reserve infantry units that are scheduled for NATO commitment at M+30 or M+60, are those units presently more than 50 percent up to strength in combat infantrymen below the rank of NCO?

Mr. WHITE. That probably is true and of course in the programs we have urged the House and the House has adopted, more incentives are directed toward those types of combat units.

Mr. McCLOSKEY. I am glad to support the legislation for this purpose, but do I understand that I am correct that the Selective Reserve units, if we would call to NATO, if we had an M+30 or M+60 situation, are more than 50 percent under strength in combat infantrymen below the rank of NCO?

Mr. WHITE. The average is above 50 percent. I am advised.

Mr. McCLOSKEY. Above 50 percent. What about the so-called individual Ready Reserves? What is the authorized number at the present time and the actual number of the individual Ready Reserves?

Mr. WHITE. The actual figure is classified, but they are approximately 200,000 short at the present time, I am advised.

Mr. McCLOSKEY. I thank the gentleman.

Mrs. HOLT. Mr. Speaker, I appreciate the gentleman's questions and comments. I think the point we are trying to make here today is that the Reserve is certainly a very important part of this total force, and this legislation would be a step in the direction of improving our capability of using that force.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHITE. Mr. Speaker, I do not have any further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. WHITE) that the House suspend the rules and pass the bill, H.R. 7682.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MISCELLANEOUS DEPARTMENT OF DEFENSE MATTERS RELATING TO GUAM, THE VIRGIN ISLANDS, AND PUERTO RICO

Mr. WHITE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7694) to provide civilian career employees of the Department of Defense who are residents of Guam, the Virgin Islands, or the Commonwealth of Puerto Rico the same relative rotation rights as apply to other career employees, to authorize the Delegates in Congress from Guam and the Virgin Islands to have two appointments at a time, rather than one appointment, to each of the service academies, and to authorize the establishment of a National Guard of Guam, as amended.

The Clerk read as follows:

H.R. 7694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1586 of title 10, United States Code, relating to the rotation of civilian employees of the Department of Defense assigned to duty outside the United States, is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection (g):

"(g)(1) The provisions of this section shall be applied with respect to civilian employees of the Department of Defense who are residents of Guam at the time of their employment by the Department of Defense as if (A) the term 'in the United States' reads 'in Guam' each place it appears, (B) the term 'within the United States' reads 'within Guam' each place it appears, and (C) the term 'outside the United States' reads 'outside Guam' each place it appears.

"(2) The provisions of this section shall be applied with respect to civilian employees of the Department of Defense who are residents of the Virgin Islands at the time of their employment by the Department of Defense as if (A) the term 'in the United States' reads 'in the Virgin Islands' each place it appears, (B) the term 'within the United States' reads 'within the Virgin Islands' each place it appears, and (C) the term 'outside the United States' reads 'outside the Virgin Islands' each place it appears.

"(3) The provisions of this section shall be applied with respect to civilian employees of the Department of Defense who are residents of the Commonwealth of Puerto Rico at the time of their employment by the Department of Defense as if (A) the term 'in the United States' reads 'in the Commonwealth of Puerto Rico' each place it appears, (B) the term 'within the United States' reads 'within the Commonwealth of Puerto Rico' each place it appears, and (C) the term 'outside the United States' reads 'outside the Commonwealth of Puerto Rico' each place it appears.".

SEC. 2. (a) Section 4342(a) of title 10, United States Code, relating to the number of cadets at the United States Military Academy, is amended by striking out "One cadet" in clauses (6) and (9), and inserting in lieu thereof "Two cadets".

(b) Section 6954(a) of such title, relating to the number of midshipmen at the United States Naval Academy, is amended by striking out "One" in clauses (6) and (9) and inserting in lieu thereof "Two".

(c) Section 9342(a) of such title, relating to the number of cadets at the United States Air Force Academy, is amended by striking out "one cadet" in clauses (6) and (9) and inserting in lieu thereof "Two cadets".

(d) The amendments made by this section shall be effective beginning with the nominations for appointment to the service academies for academic years beginning more than one year after the date of enactment of this Act.

SEC. 3. (a) Section 101(1) of title 32, United States Code, is amended by inserting "Guam and" before "the Virgin Islands".

(b) Clauses (7) and (9) of section 101 of title 37, United States Code, are each amended by inserting "Guam," after "Puerto Rico.".

The SPEAKER pro tempore. Is a second demanded?

Mrs. HOLT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. WHITE) will be recognized for 20 minutes, and the gentlewoman from Maryland (Mrs. HOLT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, H.R. 7694, which was introduced by my distinguished colleague from Guam (Mr. WON PAT). H.R. 7694 consists of three sections as follows:

Section 1 of the bill provides career civilian employees of the Department of Defense who are residents of Guam, Puerto Rico, or the Virgin Islands, the right to return to positions in these locations after serving the Government outside these areas. The right to return is now extended only to residents of the 50 States who serve overseas.

Section 2 amends title 10 to increase from one to two the number of nominations the Delegate from Guam and the Delegate from the Virgin Islands may make to each of the service academies.

At present, each of these territories may only have one individual in each academy at a time as compared to five for each Congressman.

Section 3 of the bill amends section 101 of title 32, United States Code, to authorize the establishment of a National Guard unit in Guam.

At present other U.S. territories, such as the Virgin Islands and the Commonwealth of Puerto Rico, have National Guard units but Guam does not. This provision would authorize the establishment of a National Guard unit in Guam; however, the exact character of any unit established would depend on existing military plans and requirements. If a National Guard unit were established in Guam, it could also be of great assistance to the island during any future natural disasters or emergencies.

Mr. Speaker, the administration has taken no position on section 1 of the bill; supports section 2 to increase the number of academy nominations; and while supportive of the intent behind creating a National Guard unit on Guam, has recommended deferring action until the exact nature of the unit and its cost is determined. However, since Mr. WON PAT introduced this legislative provision in June of last year and an identical provision during the first session of the 95th Congress, the Department's request to defer action pending further study is not persuasive.

Mr. Speaker, as you know, this bill was also referred to the Committee on Post Office and Civil Service. The committee chairman, Hon. JAMES HANLEY, has indicated that his committee has no objections to the bill.

Mr. Speaker, the differences between this bill and the bill as reported are two technical corrections:

Page 2, line 6: changed "and" to "as".

Page 4, lines 7 and 8: added "," after Guam and Puerto Rico.

I urge the Members to join me in supporting this legislation.

□ 1500

Mrs. HOLT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, H.R. 7694, which, when enacted, will accomplish the following:

First, it will provide civilian career employees of the Department of Defense who are residents of Guam, the Virgin Islands, and Puerto Rico the same relative employment return rights as presently enjoyed by Defense Department employees who are residents of the 50 States.

The present law provides for the granting of the right to return to a position in the United States for those civilian employees who satisfactorily complete a tour of duty outside the United States.

Although the present law provides that eligible career civilian employees of the Department of Defense can rotate to their original stateside geographical locations upon the successful completion of their overseas tour, this provision is not extended to DOD employees who are residents of Guam or the other U.S. territories.

As an example, a DOD employee who is a resident of Guam and is on a foreign assignment or an assignment to the continental United States does not have return rights to Guam. This employee will be registered in the DOD priority placement program upon the successful completion of his tour outside Guam, but there is no promise or guarantee that he will be reassigned in Guam. The proposed legislation will afford residents of Guam, the Virgin Islands, and Puerto Rico the return rights which are presently enjoyed by residents of the 50 States.

The second provision will authorize the delegation from Guam and the Virgin Islands to have two appointments at any one time attending each of the three service academies. As the distinguished gentleman from Texas (Mr. WHITE) has indicated, presently the delegates from Guam and the Virgin Islands each have only one appointment at each of the academies as compared to five appointments by each Congressman.

This provision will not require an increase in the total authorized strength at the service academies.

Finally, this bill would authorize the establishment of a National Guard of Guam. Presently, the Virgin Islands, which has a population base of 110,000, currently is authorized a National Guard with an assigned strength of 710. Guam, with a population base of almost 105,000, is not authorized a National Guard unit.

The evidence presented during the hearing suggests that Guam's population base could support a National Guard unit which is comparable in size to that of the Virgin Islands.

In fact, a witness from the National Guard Association of the United States testified that Guam could easily support a National Guard structure of about 600 members.

I urge my colleagues to support this legislation.

Mr. COLLINS of Texas. Mr. Speaker, will the gentlewoman yield?

Mrs. HOLT. I yield to the gentleman from Texas.

Mr. COLLINS of Texas. Mr. Speaker, may I ask, what is the population of Guam and the population of the Virgin Islands?

Mrs. HOLT. Mr. Speaker, I will have to yield to the gentleman from Guam (Mr. WON PAT) or the gentleman from Texas (Mr. WHITE) for an answer.

Mr. WHITE. Mr. Speaker, if the gentleman will yield, the population of the Virgin Islands is 110,000, as I understand it. The population of Guam is 105,000.

Mr. COLLINS of Texas. Mr. Speaker, as a Member from one congressional district that has 650,000 people and has about 250 applicants every year to the academies, it does not seem that we are acting in fairness. In other words, I think we are bending over backwards in this allocation.

I see no justification, when my district has 650,000 people, for rating up these districts when they have not done anything to warrant it. This is supposed to put them on the basis of equity, but it looks to me as if we are taking small areas and giving them special preference.

Mr. WHITE. Mr. Speaker, will the gentlewoman continue to yield?

Mrs. HOLT. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Speaker, I say to the gentleman from Texas (Mr. COLLINS) that he must take into consideration that when he makes his nominations, of course, he is allowed one nomination for each vacancy, but the service academies will also select from his nominations and place them in other categories or slots, so he really gets more than five at any one time, more than five in the academies.

I think this is probably a recognition of the territories that they are really a part of the United States. We say to them, "We are not going to give you the full five, but regardless of your population, we are going to allow you to have two each."

Now, Puerto Rico has over 1 million in population. As I understand it, they have 5 nominations, so we can say that they are being shorted, and we might say they should have 10. But we are not doing that in this instance.

We cannot in every instance numerically follow a totally equitable stance. What I am saying here is that this is a recognition of the territories and the stresses that are placed on the Delegate from Guam and the Delegate from the Virgin Islands, from those seeking nominations. These are people who are very patriotic, people who wish to go to the academies, but they only have one opportunity. By having two at least, we extend the latitude a little bit and take a lot of pressures off these Delegates.

Mrs. HOLT. Mr. Speaker, if I may respond to that, I think that we have to take into consideration that we have two Senators in each State, even those with small populations, and we have a lot more opportunity to expose our bright young students to acceptance at the academies. To have other students from Guam and the Virgin Islands would give us a broader base of students from which to select. The selections are made on the basis of their ability.

Mr. COLLINS of Texas. Mr. Speaker, will the gentlewoman yield?

Mrs. HOLT. Yes, I yield to the gentleman from Texas.

Mr. COLLINS of Texas. Mr. Speaker, as I understand it, they have the same privilege I have. When they nominate, they can put up 10 nominations instead of just 1 for 1 appointment; is that correct?

Mrs. HOLT. That is correct.

Mr. COLLINS of Texas. What we are saying is that each of us is entitled to nominate 10 people at large, after we have named them, these 10, any or all, may be nominated to the academy based on merit and national vacancies.

Mr. WHITE. Mr. Speaker, will the gentlewoman yield?

Mrs. HOLT. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Speaker, if there are two under this bill in the academy at any one time, then they have no further opportunity to make nominations until one of those persons leaves, so they cannot nominate every year.

The gentleman and I have the opportunity, insofar as the 4-year curriculum is concerned, to make our calculations and have 10 persons each year to nominate and 1 slot each year to try to fill, if we try to work it out correctly. The Delegates are not going to have that opportunity. They have two, and if they are going to make nominations, they have to wait for a hiatus of 2 more years before they can nominate again, so they are not going to be nominating every year.

Second, this is not going to detract from the number the gentleman nominates. What we are after are good leaders throughout the United States and the territories. This is giving the academies more opportunity, with a bigger spread, to look for the fine leaders that we want. After an appointee gets there, he has to make his own way, and if he does not, he is out. We are giving the academies a chance to find the leaders.

We just had a very fine brigadier general from Guam retire. He was an excellent officer in the Marine Corps. I do not know how he arrived at that rank, whether he went through the academy or not. But we want to find the fine leadership that is out there.

These people took the brunt during World War II, and I would like to see them have the opportunity to go to the academies and serve the Nation to which they have shown an eminently great patriotism over the years.

Mr. Speaker, if we give them only one appointment, then the Delegate has to wait 4 years before he can make another appointment. He has to wait 4 years, and this at least doubles it by allowing him to make two, and he still has 2 years in which he can do nothing.

Mrs. HOLT. Mr. Speaker, I urge my colleagues to support this legislation.

Mr. EVANS of the Virgin Islands. Mr. Speaker, will the gentlewoman yield?

Mrs. HOLT. I yield to the gentleman from the Virgin Islands.

Mr. EVANS of the Virgin Islands. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I would like to respond to the issue raised by the gentleman from Texas (Mr. COLLINS). In the first place, while it might be true that in a very large State, with two Senators only, it might seem that our representation is slightly more than average. This is only very slightly true. On the other hand, in almost every State of medium to small size, the representation we will receive is considerably less, because each Senator has 10 nominations, plus those from individual districts, and that would result in a representation that is much more than the Virgin Islands and Guam are asking. Even with two appointments we would have less representation than Delaware, Alaska, Vermont, Wyoming, Nevada and other small States.

I would like also to point out that we are dealing with areas which are among the most fiercely patriotic of our American citizens. I think the Members of this House would be well advised to know what happened in 1942. Up until that time, despite the fact that the Virgin Islands has been U.S. territory from 1917, they were not eligible to serve in the Armed Forces of the United States. They did not wait to be drafted, but in 1942 they petitioned the Congress of the United States to make them eligible to serve, and they served with distinction.

In the last unfortunate Southeast Asia war, the Virgin Islands and Guam had the highest per capita casualties of any area of the United States. In the Virgin Islands we are fortunate to have a National Guard established about 8 years ago, and I am proud to say that this was one of only three units of the National Guard that completely satisfied its quota and met its enrollments. This indicates how fiercely loyal the people are.

At the present time the Delegates can only name one person to each academy, and as long as one is there, they are frozen. That means one nominee every 4 years.

We are asking for but two appointments. As has been pointed out, this will have no effect on decreasing an area's appointments or causing an increase in the total number of academy appointments, and it certainly will have no impact on the individual districts of our other colleagues in the House.

Mr. Speaker, I certainly urge my colleagues to support this measure as an indication that this Congress appreciates the loyalty and the willingness to die that these residents of the territories have exhibited.

Mr. WHITE. Mr. Speaker, I yield such time as he may consume to the gentleman from Guam (Mr. WON PAT).

□ 1510

Mr. WON PAT. Mr. Speaker, first, I would like to commend the distinguished gentleman from Texas for his remarks regarding the number of candidates to the U.S. military academies to be nominated by Delegates.

Let me say, at the outset, that presently we have about 4,000 young men and women serving in our Armed Forces. Guam has been under military control since 1898 when it was ceded to the United States as a result of the Spanish-American War. We were wards of the United States until only 1950, when Congress enacted the Organic Act which conferred American citizenship upon the people of Guam and established civil government.

Now, many of our men and women who are in the service went into the service voluntarily. Many of them were drafted. Today the officers that we have in the service number in the couple of hundreds. As a matter of fact, I have two children in the military. Both are officers. They are voluntarily doing service. As my distinguished colleague, the gentleman from the Virgin Islands, pointed out, Guam was the only territory of the United States that was occupied by the enemy during the last war. Although we were not Amerian citizens, not a single man was found guilty of collaboration with the enemy. Today many of our young men and women want to go into the service. Many of them are in the service. Many of them want to go to the academies, but we are allotted only one. Hence, the reason for this legislation that I have cosponsored.

Mr. Speaker, I rise as the sponsor of the three separate measures which have been combined into the one before us today—H.R. 7694, and I urge that my colleagues here today give this measure their support.

I want to give special thanks to my fellow members of the House Armed Services Committee. In particular, Chairman RICHARD WHITE of the Subcommittee on Military Personnel and Mrs. MARJORIE S. HOLT, the ranking subcommittee minority member for their assistance and understanding. At this time I also express my sincere appreciation to three valuable committee staff members—Kim Wincup, Don Campbell, and William Prince—who put in many hours writing the report and doing the necessary research on this legislation. The contents of this measure are of great interest to my constituents and will serve to strengthen the defense capabilities of this country.

The first part of this bill, section 1, provides civilian career employees of the Department of Defense who live on Guam, the Virgin Islands, or Puerto Rico, the same rotational rights as is given DOD employees located here in the States. The basic problem is that my constituents who seek overseas jobs with DOD cannot presently be guaranteed a DOD job on Guam when they want to return home. This has acted as a severe damper on the careers of local residents who obviously would be reluctant to take a better job if they know they may not be able to get back to the island. All we are seeking is the same return rights as is given residents of the States.

Part 2 of the bill authorizes the Guam and Virgin Islands delegates to each nominate two persons to each of the military academies. Presently we are authorized only one slot each at the three schools. This number has been inadequate to meet the needs of our constituents. On Guam there are many young people who are more than eager to serve in this Nation's military. The legislation before us would provide the additional opportunities these young people seek to serve America and to better their futures.

The final provision authorizes the establishment of a National Guard unit for Guam. Presently, Guam is the only unincorporated territory lacking a Guard unit. Because of our isolation in the western Pacific and because of our strategic position in the Pacific, we believe it is important that the local military units on Guam be strengthened. Once again, I note that there is more than a sufficient number of local residents with the skills and the desires to serve their country and I am convinced that a Guam National Guard unit would soon be among the top in the Nation.

My proposal in this regard has the full endorsement of the National Guard Association of the United States. They recognize the importance of insuring that our valuable military bases on Guam be afforded a strong local defense capability. Further, I note that because of Guam's location in Micronesia, a Guard unit could be available for emergency service in Micronesia in event of a natural disaster.

I respectfully urge my colleagues to give this measure their support. Thank you.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. WON PAT. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I appreciate the gentleman's yielding, and I certainly rise in support of this legislation.

Also, I would like to point out that

the ex-vice-president of the National Guard Association of the United States testified before our subcommittee, and the National Guard Association supports putting a National Guard unit in Guam which this bill authorizes. As I understand it, the National Guard Bureau in the Pentagon will move right ahead when this becomes law and will put some type of unit in Guam.

I certainly want to commend the gentleman in the well, Mr. Won Pat, for his work on our committee and also for his work on this legislation.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. WON PAT. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Speaker, I want to point out one thing that the gentleman from Texas had earlier mentioned.

At the present time, the qualifications for entering the academy is that the applicant must be between the ages of 17 and 21, not past his 22d birthday. Now, at the present time, if the gentleman from Guam were to appoint a person to the academy, that means that all others who are interested in going to that academy would not have the opportunity to ever request the appointment again, provided that person who was appointed fulfilled the 4 years, because by the time that person, assuming he had graduated at age 18, had completed his 4 years, the other person seeking that appointment would be beyond eligibility.

Mr. WON PAT. That is right.

Mr. WHITE. By having two appointments, then you give two shots to some fine person to become a good officer in the U.S. service.

Mr. WON PAT. That is correct.

Mr. WHITE. I also want to commend the gentleman for the excellence of his service on the committee, his faithfulness of duty and the contributions he has made to good legislation throughout the years.

Mr. WON PAT. I thank the gentleman for his remarks.

Mr. BEARD of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. WON PAT. I yield to the gentleman from Tennessee.

Mr. BEARD of Tennessee. Mr. Speaker, I would also like to commend the gentleman from Guam for his fine work and also to commend our fine colleague, the gentleman from the Virgin Islands, for the excellent work he has done in seeing this legislation come about.

Mr. WON PAT. I thank the gentleman.

Mr. WHITE. Mr. Speaker, I yield back the balance of my time

Mrs. HOLT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. White) that the House suspend the rules and pass the bill, H.R. 7694, as amended.

The question was taken.

Mr. COLLINS of Texas. Mr Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PUBLIC BUILDING FINANCING

Mr. LEVITAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6075) to amend the Public Buildings Act of 1959, to authorize the Administrator of General Services to issue obligations for the construction and acquisition of public buildings, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Public Buildings Act of 1959, as amended, is further amended by adding at the end thereof the following:

"(e) Whenever the Administrator determines that the best interest of the United States will be served, the Administrator is authorized to issue obligations for purchase by the Secretary of the Treasury, to the extent authorized in annual appropriation Acts, in amounts necessary to finance the acquisition or construction of any public building. The obligations issued shall be upon such terms and conditions as may be prescribed by the Secretary of the Treasury, taking into account that repayments shall not begin until the building is ready for occupancy and shall not extend beyond the useful life of the building but in no case for more than thirty years from the date of the initial repayment. Such obligations shall bear interest at a rate determined by the Secretary taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturity. No funds for public building acquisition or construction authorized by this section may be appropriated if such construction or acquisition has not been approved by resolutions adopted by the Committees on Environment and Public Works of the Senate and Public Works and Transportation of the House of Representatives.".

Sec. 2. The Public Buildings Act of 1959, as amended, is amended by striking out "Committee on Public Works of the Senate and House of Representatives" and "Committee on Public Works of the Senate or House of Representatives" wherever they appear and inserting in lieu thereof at each such place "Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives" and "Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives", respectively. Section 11(b) of such Act is further amended by striking out "Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives" and inserting in lieu thereof "Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives".

Sec. 3. The amendment made by the first section of this Act shall take effect October 1. 1980.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Georgia (Mr. Levitas) will be recognized for 20 minutes, and the gentleman from Louisiana (Mr. Livingston) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. Levitas).

Mr. LEVITAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, legislation affecting public buildings has consisted of various measures going back to 1902 when the First General Act was passed. A significant accomplishment affecting the acquisition and construction of Federal buildings was put in place by passage of the Public Buildings Act of 1959, whereby the Administrator of the General Services Administration was authorized to acquire public buildings by purchase, condemnation, donation, or exchange. At that time, direct Federal construction and acquisition was determined to be the most efficient and economical means of meeting Government space needs. The Federal Property and Administrative Services Act of 1949 remained intact which authorizes the Administrator of General Services to lease, for a period up to 20 years, existing buildings or buildings to be erected for Government use by private or public lessors.

The futility of seeking funds for direct Federal construction projects in competition with other spending priorities brought about the Public Buildings Amendments of 1972. Among other things, the 1972 amendments set up a 3-year purchase contract program designed to eliminate a backlog of authorized projects which had not been funded. This authority was a stopgap measure, an attempt to reconcile the urgent need for new Federal facilities with lagging annual appropriations for construction.

Under the 1972 purchase contract program, a total of 68 public buildings throughout the country were completed providing 15 million square feet of occupiable space at an estimated construction cost of $1.26 billion. Funds necessary for the program were borrowed from private sources, the sale of participation certificates, and, last, through the Federal financing bank for a period not to exceed 30 years. Annual payments are made to liquidate the debt and title reverts to the Federal Government at the end of the term.

During the purchase term GSA was directed to pay local real estate taxes. The 1972 amendments also established the Federal Buildings Fund which began operation in fiscal year 1975. Briefly, collections for rents charged to Federal agencies occupying GSA space are deposited in the funds and made available to GSA for operation, maintenance, and acquisition of real property. Although GSA officials testified in 1972 that an estimated $225 million a year would be available from the Fund for direct Federal construction of facilities, the reality of the situation soon became clear. Local real estate taxes over the purchase contract term place a substantial drain on the Fund's resources. Real estate taxes of $1.3 billion represent about 30 percent of the Fund's liability for purchase contract payments.

Since 1975, the Fund has provided only about $50 million a year for meeting construction needs. In February 1979, GSA officials reported a backlog of approved or pending construction projects totaling $281 million—that figure has now escalated to $500 million. As a result of insufficient construction funds, GSA has relied increasingly on leasing rather than Government ownership in meeting space requirements. During hearings before the committee, GSA stated they would continue to rely on leasing unless relief was granted in some other fashion.

Due to the fact that it has been some 20 years since passage of the Public Building Act of 1959, the need to review past policies and propose new solution to the problem of how to provide space for Federal agencies in the most efficient and effective manner was clear. A key concern to the committee is the considerable expansion in the leasing program of GSA; therefore, it became necessary to look at the resources of GSA and insure the economic use of space by tenant agencies and attempt to facilitate an orderly and economical approach to meeting long-range facility requirements.

Expenditures for leased space have increased from $364 million in 1975 to the current level of $680.7 million in fiscal year 1981, and leased square footage has increased from 86 to 102 million. It should be noted that the $680 million requested in fiscal year 1981 represents only a partial payment since the gross commitment of all GSA outstanding leases currently total approximately $2.3 billion. The omission of lease commitments for all future years by the executive branch in submitting prospectuses to the Congress grossly understates leasing costs. It skews decision away from the least costly method of construction and acquisition—namely Federal construction—and introduces a bias in favor of leasing since costs are only justified on an annual basis. Further, at the end of the lease term the taxpayer only has rent receipts.

Since 1969, the amount of Government-owned space has decreased 14 percent; but the amount of leased space has increased by 92 percent. Presently, GSA has 140.5 million square feet of Government-owned space, accounting for 57 percent of the total, and 102 million square feet of leased space, or 43 percent of the total.

The GSA fiscal year 1981 budget request of $37,549,000 for construction and acquisition of facilities reflects a decrease of $14 million from the fiscal year 1980 level. Congress has attempted to reverse this trend by appropriating additional funds for construction of facilities over those sought by the administration. Yet, in spite of Congress' intent, the rental of space continues to escalate rapidly.

Passage of H.R. 6075 will help to address these problems and reverse current trends by facilitating the methods by which GSA can acquire space. Since construction projects carry a low priority during times of budgetary restraint, application of the full funding concept for construction of Federal facilities has proven impractical. Thus, the time financing mechanism embodied in H.R. 6075 offers several benefits making it a useful financing alternative. Financing by direct loans from the Treasury will avoid the need for large single-year appropriations to fund construction costs.

H.R. 6075, as reported, authorizes the Administrator of the General Services to issue obligations for purchase by the Secretary of the Treasury, but only to the extent authorized in annual appropriation acts, in amounts necessary to finance the acquisition or construction of public buildings. Legislative safeguards are further built into the bill by prohibiting the construction or acquisition of a public building utilizing the time financing method of payment unless a prospectus has been approved by resolutions adopted by the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works.

The obligations can take advantage of interest rates available to the Treasury Department and the repayment of the obligations incurred by GSA will begin when the building is ready for occupancy, but shall not extend beyond 30 years. The buildings will not remain on the local tax rolls which heretofore have placed an extreme burden on the Federal Buildings Fund. The mechanism employed in this legislation is similar to a mortgage on a home: GSA would pay back principal plus interest over a period of years taking advantage of interest rates available to the Treasury Department.

In a report to the committee from the General Accounting Office they stated direct Federal construction is the most advantageous alternative for financing space acquisition. However, since only limited funds are available time financing is preferable to leasing. The Office of Management and Budget supports the legislation provided all borrowing from the Treasury be identified in total budget authority at the inception of each project. The committee is in agreement with OMB and feels total costs of any project over a 30-year period must be identified initially in order to allow Congress the opportunity to analyze the economic and budgetary impact of each proposal.

□ 1520

Mr. Speaker, at this point I would like to insert in the Record two letters from the Office of Management and Budget relating to the subject of upfront budget authority, both for leasing and for time financing.

The letters follow:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 18, 1980.

Hon. ELLIOTT H. LEVITAS,
Chairman, Subcommittee on Public Buildings and Grounds, Committee on Public Works and Transportation, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN LEVITAS: This is in response to your request for the views of the Office of Management and Budget on H.R. 6075, a bill "To amend the Public Buildings Act of 1959, to authorize the Administrator of General Services to issue obligations for the construction and acquisition of public buildings, and for other purposes."

H.R. 6075 provides the Federal Buildings Fund with a modified form of purchase-contract financing to support the acquisition of newly constructed Federal building space. Construction is one important means of acquiring needed building space, and OMB supports its use for those projects where assessments of need, economic feasibility and budgetary capacity indicate it is the most appropriate alternative.

OMB has traditionally supported full-funding of construction costs from the Federal Buildings Fund at the start of each project and continues to believe this is the preferable funding method. Nevertheless, OMB would have no objection to utilizing purchase-contract funding if all borrowing would be from the Treasury and budget authority for the gross commitment of the fund, representing full construction and interest cost, would be sought, in appropriations acts, at the inception of the project. In addition, adequate safeguards should be provided to assure that the projected operating receipts of the Fund are sufficient to finance all debt service costs over the life of the project.

OMB objects to the language in the last sentence of section one; it should be modified: "No funds for public building acquisition or construction authorized by this section may be appropriated, if such construction . . ."

Sincerely,

R. O. SCHLICKEISEN,
Associate Director for Economics and Government.

EXECUTIVE OFFICE OF THE PRESIDENT. OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C. July 30, 1980.

Hon. ELLIOTT H. LEVITAS,
Chairman, Subcommittee on Public Buildings and Grounds, Committee on Public Works and Transportation. U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN LEVITAS: This is in response to your request to the General Services Administration on June 19, 1980, concerning the scoring procedure in the budget for multi-year leases of privately-owned buildings. The General Services Administration and staff from your Subcommittee have agreed that a direct response from OMB would be most appropriate on this question.

Currently, the budget scoring procedures on space acquisition will vary depending upon the method of acquisition. Full-funding, or the total cost of the project, is required for construction of public buildings, whereas only annual funding is required for a multi-year lease. You have expressed concern that this inconsistency may bias budget decisions toward multi-year leases.

We have reviewed the matter, and discussed it with staff from your Subcommittee on Public Buildings and Grounds. The existing scoring procedures do appear inconsistent with our budget concepts of providing sufficient budgetary resources to cover the full liability of the Federal Government at the time of a contract. Therefore, the Office of Management and Budget believes a review of the budget treatment of multi-year leases is appropriate. This review will determine the dimensions and magnitude of the Federal liability on multi-year leases, and examine any possible implementation problems with a full-funding procedure. We will also consult with the appropriate committees of the Congress before adopting any new procedure. We expect to complete this review by next spring.

As an interim measure, staff from your Subcommittee has requested that future prospectuses for acquisition of space include the full costs of any multi-year leases. We have no objection to this revision, and GSA indicated that the appropriate changes will be made.

I should note that the prospectuses will continue to contain life cycle cost summaries of each alternative way to provide space. This economic analysis looks at the total cost of each alternative over the life of the project, and discounts the future cash payments to adjust for the time value of money.

This discounted life cycle analysis is the most appropriate way, in our opinion and also according to the GAO, for determining the cost of investment alternatives, i.e., whether the Federal Government is better off leasing space in privately-owned buildings or constructing new public buildings.

Sincerely,

W. BOWMAN CUTTER,
Executive Associate Director for Budget.

Mr. LEVITAS. H.R. 6075 is not a reinstitution of the previously authorized purchase contract programs within GSA. Rather, it provides a realistic financing mechanism necessary to provide for additional Federal space needs. The authority contained in this bill will be made available to GSA indefinitely to finance building acquisition. The immediate approval of numerous time financing projects is not anticipated, but rather, GSA is directed to pursue a blend of direct Federal construction, time financing construction, acquisition of existing buildings, and leasing. Passage of H.R. 6075 will substantially decrease the accelerating lease payments of GSA and assist in increasing the Federal ownership of space.

I urge my colleagues to support enactment of H.R. 6075.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6075, a bill authorizing the Administrator of General Services to issue obligations for the construction and acquisition of public buildings, establishes a permanent financing mechanism under which GSA borrows money to undertake major building projects.

This mechanism is authorized as an alternative means of providing necessary Government buildings. This authority will alleviate the rapidly escalating lease payments of the Government, which my good friend and colleague from Georgia has so eloquently described, and reverse the trend toward housing an ever greater proportion of Government employees in leased space.

GSA would borrow funds from the Treasury after the project has been approved, to finance construction and acquisition of public buildings.

It would then repay the principal plus interest over a period of years, not to exceed 30 years, at an interest rate available to the U.S. Treasury.

Borrowed funds will be counted as GSA budget authority in the year they are advanced to GSA, so this provision accords completely with the concept of full funding and is in compliance with the Congressional Budget Act. It should be emphasized that H.R. 6075 does not reinstate the "purchase contract program" authorized in 1972. Those amendments granted authority to the Administrator of GSA to borrow funds from the private sector for a period not to exceed 30 years, and annual payments were made to liquidate the debt on the condition that title would revert to the Federal Government at the end of the 30-year period. However, during the purchase term GSA was directed to pay local real estate taxes which resulted in a substantial drain on the Federal Buildings Fund. The taxes on purchase contract buildings amounted to approximately 30 percent of the fund's liability for purchase contract payments. Thus, local tax payments proved to have an adverse impact on the fund's ability to generate money for new construction.

In providing a new solution to the problems of how best to provide space for Federal agencies in the most efficient and effective manner, the problems encountered in the purchase contract method will be avoided. This process has been carefully and thoroughly planned. It is the best procedure in solving the continuing problem of providing Government space.

Mr. Speaker, I would like to commend the gentleman from Georgia for initiating this very innovative and important legislation. I ask the support of this body in enacting H.R. 6075.

Thank you.

□ 1530

Mr. COLLINS of Texas. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to my friend, the gentleman from Texas.

Mr. COLLINS of Texas. Mr. Speaker, I thank the gentleman from Louisiana for yielding.

Mr. Speaker, on this bill that we have before us, H.R. 6075, I would emphasize that it is much better than the bill the Senate has come up with. The Senate bill has very little to recommend it. This bill has much, much to recommend it, but still, if we were looking for the best answer, the best answer would be no bill at all. I will tell you what I base that on. It is in our report summary here and it is stated very well by the Congressional Budget Office. They go ahead to say:

> This bill allows the General Services Administration subject to appropriation action, to borrow funds from the Treasury for the acquisition or construction of public buildings. Since the bill simply creates another financing mechanism for the Congress to provide funds to the GSA for acquisition of space, it would not by itself result in any cost to the government.

Now, here is the key word:

> We are providing another financing mechanism for the Congress to provide funds.

Now, if there is one thing that this country does not need, it is more ways for Congress to provide funds to spend money. So that is where I would start by saying that we do not need any more ways to spend money.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield on that point?

Mr. COLLINS of Texas. I would be glad to yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, the gentleman has raised a good point and certainly I am the first to agree with his argument in favor of saving the Government money and in economizing for the U.S. taxpayer; however, if the gentleman will look at the figures, he will note that in recent years the Government has been leasing greater and greater amounts of space at a greater and greater cost to the American taxpayer for that space. Unless we start making some wise capital investments, we may be devastated by the cost of leased space in the future. It may mean additional outlays to the U.S. Government in the short term, but in the long term we are going to save money.

Mr. COLLINS of Texas. Well, now, along that same line, I notice that the bill provides specific ways to save money. One of the ways it is going to do this is to stop paying real estate taxes to local communities.

Now, what they are doing in the local communities is that they are providing the sewers, the water, the streets, the garbage, the police protection and they are providing for schools in the area. This does not save money. All you have done is just robbed the local community of money that they need in order to provide these services. When we talk about not paying a fair share of taxes to local communities, we are really hurting the country and not actually saving money.

I want to go on to another part of this.

Mr. LEVITAS. Mr. Speaker, will the gentleman yield at that point?

Mr. COLLINS of Texas. I will be happy to yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Speaker, I thank the gentleman for raising these questions, because as the gentleman knows, I have supported his efforts to impose budgetary restraints on expenditures.

I think the gentleman from Louisiana and the gentleman from Georgia strongly feel that this legislation is going to save the taxpayers money and for a number of reasons.

The first is that it is not a question of whether the space will be acquired or not. It is a question whether or not we are going to pay more for it or less and whether at the end of the period of time the taxpayers have a book of rent receipts or whether the taxpayers have an investment.

As far as the real estate taxes are concerned, there are two points I would like to make. The first is that no community that I know of has sought not to have a Federal building located there. They are usually beating on our doors trying to get them put into their communities and we are having to say no to them. They want the Federal facility because it provides jobs. It revitalizes the downtown area and things like that.

Second, GAO has said that if we want to pay local property taxes, if that be the policy of Congress, then do it through a direct appropriation and not through the back doorway of subsidizing it through the Federal buildings program, because that simply rips off the taxpayers.

Mr. COLLINS of Texas. Mr. Speaker, I would agree with the gentleman that they do usually welcome them; particularly the District of Columbia has welcomed many of these buildings. I have introduced a bill that would not build any Federal building in the District of Columbia for 10 years; but the way the District of Columbia takes care of its deficits, they do come to Congress every year. They call on Congress to pay for everything. We do not need any more Federal buildings here in Washington. In fact, as I see it, we do not need them anywhere.

I want to go on with this bill itself, which is an amendment to the Public Building Act of 1959. When I checked these figures, I was interested to see that this Public Building Act of 1959 followed the assumption that as money was generated through all the buildings that we built, that we would have fresh regenerated new funds all the time. It would be a revolving fund. Well, here we are 21 years later and the amazing thing is that we are receiving $50 million a year instead of $225 million a year. In other words, we are only getting $1 for every $4 that when they drew up this plan they said we were going to be getting. They talk about revolving funds and fresh capital. They state this turns out profit and savings. The Government never turns out profits or succeeds with its promises.

I would just like to remind you about the post office. We know what the post office has done. I saw some interesting figures the other day comparing 50 years ago long distance bills of the telephone company from my city to New York City. Long distance charged $7. Today they charge $1.30 from the phone company. On the other hand, the post office used to charge a penny for post cards and today they charge 10 cents. It is just the question of did the Government do it or did private enterprise do it?

If I can, while we are on this, and maybe the gentleman is familiar with the great center three blocks from here. They call it the National Tourist Center Building. That monstrosity was a product of this U.S. Congress. It was so interesting to read statements from great men like the gentleman from Iowa (Mr. Gross) and the gentleman from New Hampshire (Mr. Cleveland), who is still sitting here, who at the time that they passed this bill told the gentleman from Illinois, "You just don't understand what you are doing."

They kept saying over and over, it is all in the Record. It is just so interesting. They kept saying, "This isn't going to cost the taxpayers of America 1 cent. This won't cost you a cent." I read where Mr. Snyder, of Kentucky said the National Tourist Center was a waste of money. And Mr. Snyder said watch cost overruns at the Kennedy Center.

I must have read 20 times in the Record building projects were not going to cost us a cent. But history proves Gross, Cleveland, and Snyder were 100 percent right.

Well, they started off asking for $8 million for this National Tourist Center. Then they went to $16 million. Now they are at $86 million and they tell me it is going to be $106 million when present changes and overruns are computed.

I was so interested when I read about the Center. Two weeks ago I went over there. I wanted to take pictures of it to go home and show it to the people in my community what it looked like, because they said when Congress built this it was going to take care of 50 million visitors a year. That is amazing, 50 million people were going to come over and see it; so I wanted to go over and see this beautiful building, after we spent all this money in rebuilding it.

I went over there and you would think you were in a cavern. It was so dark that you needed a flashlight. In fact, we were not able to take movies of it. We could not go in and take movies because it is so dark. I counted nine visitors. I counted nine visitors walking around out of that 50 million that were supposed to be there.

Well, when I see that project that the Government built which they said would not cost us a penny and right now they are forced to tear up the railroad tracks. They are going to have to relay the railroad tracks. They said they were going to build 4,000 parking places. Now we are trying to get 1,400, even one-third. When I see what the Government does when it goes into these projects, I would ask the gentleman from Georgia (Mr. Levitas) and the gentleman from Louisiana (Mr. Livingston) if we just could not take these things one at a time. What we are doing in this bill we are creating an open-ended authorization. We are telling the GSA that you can finance the building any time you want to.

☐ 1540

Mr. LIVINGSTON. If I might reclaim my time, I might point out the gentleman has pinpointed exactly what we are doing here. We are, in fact, giving the Congress the opportunity to review each and every project as it comes up, taking one project at a time. We will have that opportunity. The authorization process and the appropriation process applies to every single project that will be undertaken under this bill.

If I might also add, what the gentleman says about certain specific projects may be correct, but it does not answer the problem we are currently facing. Just last week we authorized the leasing schedule of $297 million for only a small portion of leased space that the U.S. Government is going to have to occupy over the next year. Leased space cost is going up on a weekly basis, and unless we start constructing more buildings, we will not be able to turn the overwhelming cost of Government leases around.

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to my colleague from Georgia for further comments.

Mr. LEVITAS. I thank my colleague from Louisiana. I think he put his finger right on it. I would like for the gentleman from Texas (Mr. Collins) to listen, because I know he wants to save money, and that is what this bill does. We can debate that other white elephant some other time. We are talking about this bill. This bill provides for a project-by-project approval, not an open-ended authorization.

Second, it requires that each project has to be funded through an appropriation, again going through the Congress on a project-by-project basis.

Third, what this legislation will do is save the money we are now spending on the leases that are being paid by the taxpayers of this country, because every study has shown this is a less costly way to acquire Federal space over a 30-year period.

I would say to the gentleman from Texas, if he is interested in saving money in this program, that is the place to begin. I would urge him to strongly support this legislation, or else what we will be doing is ratifying the status quo, which is going to end up costing us $1 billion a year in lease payments by 1983 unless we enact this legislation.

Therefore, I strongly urge the gentleman to support this program.

Mr. COLLINS of Texas. Will the gentleman yield further?

Mr. LIVINGSTON. I am delighted to yield.

Mr. COLLINS of Texas. The gentleman is raising something about we are going to approve them one by one. What we are doing then is approving them by the Appropriation Committee, not the Committee on Public Works and Transportation, and abrogating the committee responsibility and giving away that responsibility.

Mr. LEVITAS. If the gentleman from Louisiana would yield further, it says no funds authorized by this section may be appropriated if the construction has not been approved by the Committees on Environment and Public Works of the other body, and the Public Works and Transportation Committee of the House. This is in the legislation. We have them by the neck and we are going to look at each one on a case-by-case basis. That is one of the greatest safeguards this legislation provides, instead of giving them an open-ended shot at the Treasury.

Mr. COLLINS of Texas. I appreciate the gentleman affirming that, because I was under the other impression. I really think the gentleman is very sound to do that.

Going back to the legislation, what do you do in this where it says it is an open-end means of providing another mechanism for the GSA, and how would that be interpreted?

Mr. LEVITAS. What that will do is it will give the General Services Administration the authority to prepare the prospectuses, but they will then submit them to both Houses of Congress to be approved on a case-by-case basis. If the authorizing committees approve a project, let us say a border station in Texas, then it would have to go after approval to the Appropriations Committee for funding. I do not think there is any program in Government that has tighter controls on it by Congress than this particular one. If we do not authorize this new mechanism, for financing Federal buildings, I would say to the gentleman from Texas, we are going to end up seeing $1 billion a year or more being paid out in rent receipts rather than having anything at the end of the line a federally owned building.

Mr. COLLINS of Texas. Could I ask one additional question?

Mr. LIVINGSTON. I wish the gentleman would ask his question on the other gentleman's time. I have only a few minutes left, and I have been requested to yield to some more of my colleagues.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. Goldwater).

Mr. GOLDWATER. Mr. Speaker, I rise in support of H.R. 6075. I believe this mechanism has a good chance to aid in actually reducing costs to the taxpayers of housing some half million Government workers.

I understand since this mechanism is identical to title IX of S. 2080, it will be taken to conference with this Senate bill which has been held at the Speaker's desk since June 20. S. 2080 replaces the Public Buildings Act of 1959 and contains a number of proposals which, in my opinion, have not really been addressed by the subcommittee or the full committee, let alone the House of Representatives. Chief among these provisions are establishing in statute GSA's Public Buildings Service and a term of office for its commissioner; an annual shopping list appropriation for all buildings GSA intends to build or lease for that fiscal year; and a prohibition on all further lease-construct programs; a mandatory design competition for buildings over $5 million, and various other changes in existing law.

I feel this is the intent of this vehicle which we are passing today, to go to conference with the other body, and I am hopeful that there will be perhaps discussions among Members, at least in the subcommittee before we go to conference to make sure that we do nail down a position of the House other than what is being proposed here in H.R. 6075.

I would ask the gentleman from Georgia if there will be further discussions prior to going to conference.

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. GOLDWATER. I am happy to yield to the gentleman.

Mr. LEVITAS. I would be pleased to respond. As the gentleman knows, we have had a number of days of hearings on this matter and we have pretty well hammered out the first stages of what we believe the House position should be. It is at variance with the position of the other body. At a caucus of both minority and majority which was held last week I think we reached a pretty good consensus on what our position will be.

I would hope the gentleman from California (Mr. GOLDWATER) would actively participate in the future discussions that we have as we prepare for our meetings with the other body on this matter.

Mr. GOLDWATER. I appreciate the gentleman's intent. This is a little bit of an unusual approach to legislating a major change in the 1959 act, but I feel it does give us some flexibility and a vehicle by which to go to the other body and discuss these things which are important. I think it is very important that members of the committee and, hopefully, Members of the House will have an opportunity for additional imput prior to going to conference.

Mr. Chairman, I think this is a wise approach and does address some of the problems that my colleague from Texas (Mr. COLLINS) has raised here today. It has been a concern of many Members of the Congress that we continue to inadequately address our building needs, our housing needs, and the approach that we take in providing these kinds of facilities. I often have been critical in the past that we authorize and appropriate and then let it go without further examination. It just appears to me that we have here a vehicle to continually monitor these building programs to make sure that we do not have so many fancy flagpoles, or so many fancy sidewalks or something that is not absolutely essential to conducting our business as Government. We do not need the white elephants as the Visitors' Center down here, and perhaps other things that we have done. These things have occurred because we have just passed the law and then walked away without further, without adequate overview or oversight. Here we have an opportunity to review the whole proposal and the procedures of Government procurement of buildings. I am hopeful that it will be one that will allow a maximum participation and input by such people as our colleague from Texas who is very much interested in this issue and is very much of a watchdog, one might say, of existing expenditures.

Mr. Speaker, I think this is probably the best approach we can take to addressing the questions raised by the other body and I would, therefore, ask for support.

Mr. Speaker, I rise today in support of H.R. 6075, the time financing bill for Federal building construction. I believe that this mechanism will be a great aid in actually reducing the cost to the taxpayers of housing some half million Government workers.

I understand that since this measure is identical to title IX of S. 2080, it will be taken to conference with this Senate bill which has been held at the Speaker's desk since June 20. S. 2080 replaces the Public Building Act of 1959 and contains a number of proposals which have not been, in my opinion, adequately addressed here in the House. Chief among these provisions are: establishing in statute GSA's Public Buildings Service and a term of office for its Commissioner; an annual shopping list appropriation for all buildings GSA intends to build or lease for that fiscal year; a prohibition on all further lease-construct programs; mandatory design competitions for buildings over $5 million and various other changes in existing law.

I feel quite strongly about the need for a close look at the way GSA procures public buildings. I believe that it may well be cheaper in the long run for the Federal Government to build rather than rent. Similarly, I think that Congress badly needs a mechanism to review all of GSA's projected building needs. The piecemeal approach employed right now is disgracefully wasteful of the taxpayer's money. A coherent, well-directed annual building plan may be the vehicle to achieve some measure of planning in GSA's budgeting.

GSA's housing budget for fiscal year 1981 is $1.4 billion. I am fully aware that the subject of Federal construction and leasing is not the most exciting that this body considers. But we are talking about big dollars, my friends, and a rare opportunity to reorganize a multibillion-dollar Government spending program. My question to the gentleman from Georgia, chairman of the subcommittee is, will the questions I have raised be adequately addressed in the conference on this bill? I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. ROYER).

● Mr. ROYER. Mr. Speaker, I rise in strong support of the bill, H.R. 6075, which was reported out of the public Works and Transportation Committee. This bill authorizes the Secretary of the Treasury to lend money to the General Services Administration (GSA) to finance the acquisition and construction of Federal buildings. GSA will then repay the principal plus interest over a period not to exceed 30 years. This mechanism will permit a more orderly program of construction and acquisition of Federal buildings and hopefully will reduce the current trend toward leasing more and more space for the housing of Federal Government employees.

The provisions of this bill are particulary attractive because they avoid the up-front construction costs which are politically unfeasible due to budgetary priorities. Since initial construction costs are always much higher than rent costs, to hold down the budget, leasing has become the more prevalent practice.

Unfortunately, that practice has resulted in the Federal leasing budget increasing from $364 million in 1975 to $680 million in 1981. In fact in the 1981 budget only $37.5 million is budgeted for construction. Moreover, we now house 50 percent of our Government employees in nonfederally owned space.

The problem, as noted above, is that although leasing is ultimately more expensive than construction, construction has higher initial costs. H.R. 6075 addresses this phenomenon by permitting amortization of construction or acquisition costs over a 20- to 30-year period. The attractiveness of permitting this procedure is evidenced by the fact that skyrocketing rental costs have resulted in rental payments which would actually amortize a building in 6 to 8 years. But after paying such rents the taxpayer is not left with any capital asset. In such a situation, the benefits of successful implementation of H.R. 6075 are manifestly obvious.

I noted above the fact that rents have skyrocketed in certain areas. This is especially true in the Washington, D.C., area. I hope that GSA will pay particular attention to the acquisition or construction of Federal buildings in Washington if in fact such construction or acquisition is warranted.

But the Washington rent situation is evidence of another problem attendant to our burgeoning Federal Government. One of the reasons that rents have become so high here is that more and more Federal employees are working in Washington causing a space squeeze. I question whether this is necessary and whether pressure could be taken off the local space market if certain Government agencies which did not have to be located in the District of Columbia were moved out of the city. I am hopeful that GSA, in implementing the provisions of H.R. 6075, will take these factors into account in determining when and where to use its newly granted authority to purchase or construct new Federal buildings.

Mr. Speaker, I support the provisions of H.R. 6075 and believe that it is a necessary first step to gaining control over our Federal space requirements.●

Mr. LEVITAS. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. BETHUNE).

Mr. BETHUNE. I thank the gentleman for yielding.

Mr. Speaker, I just walked on the floor and heard this bill being discussed. For some time now I have been concerned about off-budget items, principally those credit assistance programs that have gotten out of hand, Chrysler and things of that nature. It occurred to me that we may be getting into that sort of process here if we get off budget. Has it been discussed thoroughly in the committee? Are we going to keep this on the budget, or at least through an appropriations process?

☐ 1550

Mr. LEVITAS. I appreciate the gentleman's raising that question.

Mr. Speaker, I yield myself such time as I may consume.

Let me tell you what this bill does. It puts it on budget for the first time. This legislation will require that the full budget authority for any project authorized under this legislation will have to be covered by full up front budgeting authority in the first year by an appropriations bill. That is not the case today. What is worse is that when the Federal Government enters into a long-term lease, the only thing that shows up on the budget is the annual appropriation for the rent. Under this legislation, not only will the time financing be fully reflected in the budget, which it is not now, but we are also receiving as a result of this subcommittee's efforts assurances from OMB that henceforth all long-term leases will have to be reflected up front.

Today we have a current obligation of $2.3 billion to pay rent, which is as much an obligation as to pay a note or a Treasury bill, and it does not even show up on the budget.

What this legislation contains will change that, and it is all going to be laid out up front. I appreciate the gentleman's raising the question. This legislation will do it.

Mr. BETHUNE. I thank the gentleman for his answer.

Mr. LEVITAS. I yield 3 minutes to the gentleman from Virginia (Mr. FISHER).

Mr. FISHER. I thank the gentleman. I appreciate the gentleman's yielding.

Mr. Speaker, I rise to express my concern, not with the bill before us, but with the potential final form of this legislation after conference with the Senate on this bill and on Senate bill S. 2080, if such a conference is held.

The Senate has passed and sent to the House S. 2080, a comprehensive overhaul of the General Services Administration's Public Buildings Service. Although one of its nine titles deals with the subject matter of H.R. 6075, the remainder of the Senate bill goes far beyond the House legislation.

Not only does the Senate bill go far beyond H.R. 6075 in revising existing law, it is conceptually fundamentally at odds with the thrust of both H.R. 6075 and another bill pending in the Public Buildings Subcommittee, H.R. 7579.

The approach taken by the Committee on Public Works and Transportation in H.R. 6075 is a carefully considered, deliberate step towards facilitating federal construction at office space. Similarly, the approach taken in the Public Buildings Subcommittee on H.R. 7579 appears to contemplate remedies carefully targeted to correct specific problems in GSA's public buildings program.

The Senate bill, however, takes a more radical approach. Its main thrust is to increase vastly the quantity and quality of federal office buildings. Although economy is the stated justification for the program established by S. 2080, there is no support in the record or the bill that this would be the result.

My purpose today is to express these and other concerns with the Senate bill and to explore the views of the subcommittee's chairman and its members on these concerns. I believe the House should be informed of what direction the House conferees intend to take this bill if this first step is taken by the House today.

I would like briefly to address two specific concerns with the Senate bill: The establishment of fixed ratios of leased to owned Federal office space and the prohibition of the practice of lease-construction.

First, S. 2080 establishes a policy against leasing and requires that fixed ratios of leased to owned Federal office space be achieved. It requires that the percentage of leased space be reduced from 52 percent presently to 40 percent in 1990 and 25 percent in the year 2000.

The stated reason for this policy is to reduce the expense of housing Federal employees. The only study referred to in the Senate report on S. 2080 supporting its claim that such a policy would cut expenses is one GAO report. This GAO report explicitly states that its purpose is only to compare two different methods of financing identical buildings, and that it does not compare the cost of Federal construction with leasing because of the cost differences between privately and federally constructed buildings. Although Government-constructed office space may be less expensive than space leased from the private sector in certain circumstances, this is generally not the case. In the only definitive comparative construction cost study available, one prepared for GSA in 1976, it was determined that the average cost of federally constructed office buildings are significantly more expensive than privately constructed office buildings.

Thus, while other reasons may exist for mandating this massive construction program—estimated by the Congressional Budget Office to cost $20 billion to complete—it is misleading to advance this proposal as a cost-cutting measure.

Another problem created by the Senate bill is that it would deprive GSA of needed flexibility to determine whether leasing or construction is the most cost effective method of providing Federal office space for a given agency requirement. The arbitrarily chosen ratios specified in the Senate bill do not rest on any analysis of the number of situations where the flexibility of leasing is desirable in efficiently fulfilling agencies' missions.

Finally, the Senate approach does little to improve GSA's method of making the determination whether leasing or Federal construction is more cost-effective. It is this determination, however, which appears to be the heart of the problem.

Although H.R. 6075 addresses none of these questions, other legislation pending in the Public Buildings Subcommittee does. H.R. 7579 differs significantly from the Senate bill. The House bill would continue the presently employed case-by-case approach to make lease/construct decisions, rather than adopting the blunderbuss fixed ratio approach of the Senate. One improvement in the present system which H.R. 7579 would make is the adoption of a 5-year planning horizon for GSA. This should obviate the necessity for leasing, where construction would otherwise be preferable, because of insufficient lead time to construct the building.

My second concern with the Senate bill is that the Senate's effort to cure perceived problems in GSA's lease-construction program is, once again, a blunderbuss approach which will create more problems than it solves. The Senate bill proposes to remedy perceived problems by prohibiting all lease-construction agreements. This would deprive GSA of what is, when properly managed, a cost-effective method of providing office space.

The problems which may exist in GSA's lease-construction program would more prudently be corrected by directing GSA to adopt the lease-construction procedures employed by the private sector. Through the development and incorporation into the construction contract of detailed performance specifications, and the close monitoring of the construction to ensure that the terms of the contract are fully complied with, private sector firms are able to secure buildings which precisely meet their space requirements. GSA should likewise be able successfully to use this tool.

In view of these concerns, I would like to ask the distinguished gentleman from Georgia, the subcommittee chairman and sponsor of the House legislation, his views on these issues and what position he anticipates of the House conferees will take on these issues. I believe it is important to establish at this time, before the first step is taken toward a revision of the Public Buildings Act, the direction the House is traveling. Would the House conferees be firmly opposed to setting fixed ratios of leased to owned Federal office space and be committed to a case-by-case approach to the lease/construct decision? Would the conferees stand firm against Senate efforts to prohibit the use of lease-construction agreements?

Finally, I would like to express my appreciation for the efforts of the chairman and the other members of the subcommittee on this important regulation.

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. FISHER. I certainly will yield to the gentleman.

Mr. LEVITAS. First of all, let me say that one of the most encouraging experiences I have had serving in this body is the bipartisan cooperation and support for this legislation. While I would not intend to speak for all members of the Committee on Public Works and Transportation, or even the subcommittee, I can tell the gentleman that the consensus that has been reached by the members of the Committee on Public Works and Transportation and the members of the subcommittee would be to disagree with the Senate on the fixed percentages for occupancy of leased versus owned space that they have included in their bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVITAS. Mr. Speaker, I yield 2 additional minutes to the gentleman from Virginia (Mr. Fisher).

If the gentleman will yield further, furthermore, while we feel there needs to be some major improvement in the leased construction program to avoid some of the problems which have arisen over the last few years, we do not believe—and that is the consensus of the members of the subcommittee—that it should be done away with entirely. We expect to propose revisions and restrictions on the program, but we think it should make a contribution, and we so state in the committee report.

I think that the gentleman can be assured that the House managers will take a strong position on both of these points. If the same type of consensus and unanimity and cooperation continues through the conference, I feel certain that the House has a good chance of maintaining its position on both of these points.

□ 1600

Mr. FISHER. I thank the gentleman very much for his reassurance on this point. I know it fits very well with his own desire for Congress to retain some control over things, in this case not to have the agencies building lots of buildings without ever having an opportunity to scale back. I do thank the gentleman very much for the reassurance.

Mr. LEVITAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to conclude by saying that this legislation has been very carefully studied by the Subcommittee on Public Buildings and Grounds of the House Committee on Public Works and Transportation for almost 2 years now. We have had the benefit of several General Accounting Office studies. We have had numerous hearings on this matter both in Washington and around the country. We have had experts from the private sector come in and consult with us about the way in which the private sector works.

There has been really remarkable consensus and cooperation between the majority and the minority on this matter. We feel it will make a major step forward in the accountability and control of the Federal buildings programs. It will save the taxpayers money and at the end of the period for which these payments are made the American people will have something to show for it, not simply a bunch of rent receipts. For that reason, Mr. Speaker, I urge my colleagues to strongly support H.R. 6075.

I have not further requests for time and I yield back the balance of my time.

● Mr. JOHNSON of California. Mr. Speaker, I rise in support of H.R. 6075, a bill to amend the Public Buildings Act of 1959 by authorizing the Administrator of the General Services Administration to issue obligations for the construction and acquisition of public buildings, and for other purposes.

Mr. Speaker, the committee held in-depth hearings on this legislation and I would like to commend the chairman of the Subcommittee on Public Buildings and Grounds, the distinguished gentleman from Georgia (Mr. Levitas), the ranking minority member of the subcommittee, the distinguished gentleman from South Dakota (Mr. Abdnor), and the ranking minority member of the full committee, the Honorable William Harsha, for their fine work in producing a workable and needed piece of legislation.

H.R. 6075 represents a comprehensive program that realistically deals with the current economic situation of providing the necessary Federal space for agencies throughout the country.

Briefly, H.R. 6075 authorizes the Administrator of the General Services Administration to issue obligations to the Treasury Department for a period not to exceed 30 years for funds necessary to provide for the construction of federally owned facilities.

Although the committee has repeatedly asserted its insistence upon the direct Federal construction of public buildings pursuant to the Public Buildings Act of 1959, present economic conditions coupled with the need for additional Federal space, makes clear that the best course is to permit GSA to be granted the necessary authority to bring about the direct Federal construction of Federal facilities and bring about the reduction of leased facilities by borrowing the necessary funds from the Department of the Treasury for a period not to exceed 30 years.

Thus, H.R. 6075 as reported, will permit GSA to borrow capital to finance the construction of new buildings throughout the country and repay such funds borrowed from receipts in the Federal Building Fund.

This mechanism will permit GSA to meet pressing space needs, add flexibility to its space acquisition methods, reverse long-term trends toward leasing, and gain tangible benefits for payments made, in lieu of rent receipts.

H.R. 6075 will allow Congress to continue to control the size and direction of GSA's time financing program by limiting GSA's obligations to the Department of the Treasury to those amounts of money authorized in annual appropriation acts.

In addition, I want to emphasize that passage of this legislation contemplates no change in the present requirement that the House and Senate Public Works Committees approve building prospectuses.

Thus, the Congress would continue to approve construction or acquisition of Federal facilities on a building-by-building basis, and to impose spending limitations.

The considerable expansion of the leasing program within the General Services Administration based primarily on the fact that the budgetary impact only is identified on an annual basis concerns the committee.

The committee believes, and the Office of Management and Budget concurs, that total budget authority, taking into account the long-term commitment of space to be provided for Federal agencies, should be identified at the inception of a project.

Only then can Congress be afforded the necessary information with which to make a rational decision.

It should be noted that it is not the intention of the committee that the program authorized by this legislation shall constitute a substitute for, or replacement of, any program for the construction by the United States of such structures as may be required by the Federal Government; but rather, only provide another permanent financing mechanism by which the General Services Administration can acquire such Federal space.

It is clear that Federal buildings are constructed to specifications which provide longer useful life and have special facilities and requirements not found in private leased buildings.

Mr. Speaker, I urge my colleagues to support H.R. 6075.●

● Mr. BARNES. Mr. Speaker, the House debate on H.R. 6075, the Public Buildings Act amendments, is an appropriate occasion to state some of my concerns with respect to a related Senate-passed bill, S. 2080.

S. 2080 directs GSA to achieve fixed ratios of Government-owned to leased office space, radically changing the mix which exists today. The arbitrarily chosen targets would substantially increase the percentage of Government-owned office space from 48 percent today to 60 percent in 1990 and to 75 percent in the year 2000.

Although the stated reason for the Senate's policy against Federal leasing of private office space is economy, no study has been advanced in either the House or the Senate which adequately supports this justification. Indeed, in view of the fact, undisputed in any GSA or GAO report, that federally constructed office buildings cost substantially more than privately constructed buildings, it is difficult to see how a massive Federal construction program could save the taxpayers money.

In addition to increasing the cost to the Federal Government of housing its employees, the Senate bill would also decrease the flexibility needed by GSA to determine the most cost-effective method of housing Federal employees under prevailing local office market conditions. Available private office space and construction industry resources in the area where the space is needed are factors which should be considered in determining whether to lease or build office space. Under the Senate's fixed ratio approach, such consideration would be precluded by the mandate to build new office space regardless of the cost.

The Senate approach also decreases the ability of GSA to respond to the changing needs and priorities of the agencies. If recent experience teaches us anything, it is that the Federal Government must retain the ability to quickly respond to changing needs and priorities. New agencies have been created while the role of others is being contracted.

A policy which locks the Federal Government into facilities and locations which may not be needed before the useful life of a building ends makes Government less responsive to the needs of the people.

Finally, I am concerned about the effect of the massive deleasing program of S. 2080 in urban areas where the Federal Government is a substantial lessee. Office space markets in several areas of the country could be devastated by the exodus of Federal agencies, while local building construction resources could be greatly taxed.

To avoid these and other serious problems which the Senate bill would create, if and when H.R. 6075 goes to conference with the Senate, the House conferees should continue to support the approach taken by the House Public Buildings and Grounds Subcommittee and work for the enactment of carefully targeted improvements in the presently employed case-by-case analysis system.●

GENERAL LEAVE

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks with respect to the bill now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEVITAS) that the House suspend the rules and pass the bill, H.R. 6075, as amended.

The question was taken.

Mr. COLLINS of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of order of no quorum is considered withdrawn.

TECHNICAL AMENDMENTS TO HEALTH PLANNING ACT

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7911) to amend the Public Health Service Act to make technical revisions in the provisions of title XV of the Act relating to health planning.

The Clerk read as follows:

H.R. 7911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Health Planning Technical Amendments of 1980".

(b) Whenever in this Act (other than in sections 11 and 12(a)) an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 2. The second sentence of section 1501 (b)(1) (42 U.S.C. 300k–1(b)(1)) is amended by striking out "in" and inserting in lieu thereof "including those in".

SEC. 3. Section 1513(g)(2) (42 U.S.C. 3001–2(g)(2)) is amended by striking out "three years" and inserting in lieu thereof "five years".

SEC. 4. Section 1516(d)(3) (42 U.S.C. 3001–5(d)(3)) is amended (1) by inserting after "of subsection (c)(1)" the following: "(but without regard to the dollar limit prescribed by subparagraph (A)(ii))", and (2) by inserting before ", to the extent" the following: "no such agency shall receive a grant in excess of $3,750,000 and".

SEC. 5. The first sentence of section 1524 (c)(6) (42 U.S.C. 300m–3(c)(6)) is amended by striking out "section 409" and inserting in lieu thereof "section 409 or 410".

SEC. 6. Section 1527(b)(3)(B) (42 U.S.C. 300m–6(b)(3)(B)) is amended (1) by striking out "that (i)" and inserting in lieu thereof "that", (2) by striking out ", which intends to acquire the controlling interest or which intends to use the facility is" and inserting in lieu thereof "which intends to acquire the controlling interest in or use the facility is (i)", (3) by striking out "and (ii)" and inserting in lieu thereof "and", and (4) by striking out "or the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (1)" and inserting in lieu thereof ", or (ii) a health care facility which meets the requirements of clauses (i), (ii), and (iii) of subparagraph (B) of paragraph (1) and with respect to its patients meets the requirements of clause (iv) of such subparagraph".

SEC. 7. The last sentence of section 1531 (3) (42 U.S.C. 300n(3)) is amended (1) by striking out "An individual" and inserting in lieu thereof "Notwithstanding subparagraph (B), an individual", and (2) by striking out "an entity" and inserting in lieu thereof "one or more entities".

SEC. 8. Section 1531(5) (42 U.S.C. 300n (5)) is amended by striking out "maintained or developed by the Department of Commerce and".

SEC. 9. Section 1531(6) (42 U.S.C. 300n (6)) is amended by adding at the end the following: "The term 'capital expenditure' does not include an expenditure made by or on behalf of a health care facility for health research at the facility if the obligation of the expenditure or the operating costs of the research will not affect the charges of the facility for the provision of medical or other health services, if the research will not involve the provision of such services to patients of any health care facility, and if the person making the expenditure files a notice with the State agency of the State in which the facility is located describing the nature of the research and providing assurances satisfactory to the State agency that the expenditure or operating costs will not affect such charges and the research does not involve the provision of medical or other health services to patients of any health care facility. A notice required by the preceding sentence respecting an expenditure shall be made in writing and filed with the appropriate State agency at least thirty days before any contractual arrangement is entered into make the expenditure.".

SEC. 10. Section 1532(b)(12)(D) (42 U.S.C. 300n–1(b)(12)(D)) is amended by striking out "administratively".

SEC. 11. Section 124(c) of Public Law 79 (93 Stat. 627) is amended to read as follows:

"(c)(1) Section 1524(b)(1)(C) is amended by striking out 'one-third' and inserting in lieu thereof 'one-half'.

"(2) Section 1524(b)(1)(D) is amended (A) by striking out 'two' and inserting in lieu thereof 'one', and (B) by striking out 'an ex officio' and inserting in lieu thereof 'a nonvoting, ex officio'.".

Sec. 12. (a) Section 129(b)(2)(A) of Public Law 96–79 (93 Stat. 630) is amended by striking out "Health Planning and Resources Development Amendments of 1979" and inserting in lieu thereof "Health Planning Technical Amendments of 1980".

(b) Section 1521(d)(1)(B)(i) (42 U.S.C. 300m(d)(1)(B)(i) is amended by striking out "Health Planning and Resources Development Amendments of 1979" and inserting in lieu thereof "Health Planning Technical Amendments of 1980".

SEC. 13. Section 338(a) (42 U.S.C. 254 is amended (1) by striking out "and" (a)) after "1979;", and (2) by adding before the period a semicolon and the following: "and $94,000,000 for the fiscal year ending September 30, 1981".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. WAXMAN) will be recognized for 20 minutes, and the gentleman from Kentucky (Mr. CARTER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering H.R. 7911, the Health Planning Technical Amendments of 1980.

There are two primary reasons for this legislation. First, the bill would extend the deadline for States to enact or amend their certificate of need laws to comply with the Health Planning and Resources Development Amendments of 1979. Because final regulations have not been promulgated by the Department of Health and Human Services, as directed by the 1979 amendments, approximately 24 States have adjourned their 1980 sessions without enacting the necessary legislation. This bill would give every State 12 months from the beginning of its next regular legislative session to pass legislation. If the deadline is not extended these States would have 25 percent of certain Federal health funds terminated.

In addition, the bill contains seven technical and three minor amendments to the health planning law, all of which are noncontroversial. The minor amendments would give health systems agencies (HSA's) 2 additional years to carry out Appropriateness review, would change the HSA funding formula for the largest HSA's to reverse for them the unintended effect of the funding formula contained in the 1979 amendments, and would change the definition of "capital expenditure" so that expenditures made by health care facilities for health research would not require a certificate of need.

The second reason for the bill is to

authorize $94 million for fiscal year 1981 for the National Health Service Corps to address an emergency situation for the National Health Service Corps. I would like to explain this emergency situation.

The National Health Service Corps scholarship program provides full scholarships to medical, dental, and other health professions students in return for their serving in the National Health Service Corps in a health manpower shortage area upon completion of their training. While they are serving their obligation the National Health Service Corps pays their salary and fringe benefits. The fiscal year 1980 appropriation for the National Health Service Corps is $73.6 million. The Commerce Committee's health manpower and nurse training bill, H.R. 7203, authorizes $94 million for the National Health Service Corps for fiscal year 1981; but the Appropriations Committee did not include funds for the National Health Service Corps in its fiscal year 1981 Labor-HEW appropriations bill because the fiscal year 1981 authorization has not been enacted.

If the fiscal year 1981 appropriation for the National Health Service Corps is made under a continuing resolution, at $73.6 million, the Department of Health and Human Services estimates that there will be insufficient funds for approximately 888 to 1,088 scholarship recipients to fulfill their obligation and for the hiring of approximately 180 physicians who would have volunteered to serve in the National Health Service Corps. According to the Department of Health and Human Services' Office of General Counsel the National Health Service Corps will break its contractual obligation to the scholarship recipients if it cannot place the recipients in the National Health Service Corps upon completion of their training. The Department estimates that the National Health Service Corps has invested $27.5 million in the 1,088 scholarship recipients.

If there are insufficient funds for the National Health Service Corps to place these scholarship recipients, the recipients will not have to fulfill their service obligation and approximately 700 communities in health manpower shortage areas will not be assigned a health care provider.

The bill before us, H.R. 7911, would provide a fiscal year 1981 authorization for the National Health Service Corps of $94 million and would enable the necessary appropriations to be provided for fiscal year 1981.

We should not permit a delay in congressional action on the health manpower bill to disrupt severely an important health program and to waste the $27.5 million already invested by the National Health Service Corps in these 1,088 scholarships.

I urge all Members to support this bill.

Mr. CARTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support H.R. 7911, the Health Planning Technical Amendments of 1980. This bill provides four important substantive amendments to the Health Planning Act, as well as several needed technical amendments to that law, and also provides critically important funding authorization for the National Health Service Corps.

First, the bill extends from 3 years to 5 years the time during which planning agencies must begin conducting reviews concerning the appropriateness of existing facilities. This change is necessitated by the tardiness of the Department of Health and Human Services in writing regulations in this area.

Second, the bill makes a small change in the funding formula for HSA's to insure that each agency is treated equitably.

Third, the bill reduces the administrative burdens on planning agencies and on those institutions which conduct biomedical research by removing much health research from the certificate-of-need requirements of existing law.

Fourth, and most importantly, the bill extends the period during which States must come into compliance with the certificate-of-need requirements of the 1979 amendments to the Planning Act. I know that many of my colleagues have been contacted by their State governments asking for this change due to the fact that HHS was again extremely late in providing guidance to the States through the issuance of regulations to implement this program. These regulations are now substantially complete and the change in the allowable time we are now proposing will give State governments a reasonable period in which to comply.

Mr. Speaker, this bill also contains a fiscal 1981 authorization of $94 million for the National Health Service Corps to address an emergency situation. In my opinion this is the most important part of the legislation.

As you know, the National Health Service Corps is an important health program established by Congress in 1970 to improve access to health care for millions of Americans living in medically underserved areas. Under a separate authorization, full scholarships are provided to medical, dental, and other health professions students in return for their service in a health manpower shortage area upon completion of their training. While they are serving their obligation, the Corps pays their salary and fringe benefits.

Over the years, many of us have seen the benefits which this program has provided to hundreds of communities—urban as well as rural, throughout the country. And although much progress has been made, there are still millions of Americans living in shortage areas eligible to receive Corps personnel.

The reason we are bringing this measure up under suspension today is to try to insure enactment of a 1981 authorization for the Corps in time for sufficient funds to be included in the Labor-HEW appropriations bill to cover the Corps' fiscal 1981 operations costs. If we do not act promptly approximately 1,000 physicians, dentists, and other health professionals who have received full scholarships from the Corps will not be able to serve in the program because of a lack of funds. Let me explain further.

On May 7 of this year, the Commerce Committee reported a comprehensive health manpower reauthorization bill—H.R. 7203—but it has yet to be scheduled for floor action. That bill contains the same authorization level for the Corps as we are proposing today—$94 million for fiscal 1981.

The current funding for the NHSC is $73.6 million; however, substantial increases in personnel next year will require a significant increase in funds. If a continuing resolution of $73.6 million is adopted for fiscal 1981 as a last resort because the authorization was not enacted in time, then substantial disruption of the program will occur. According to the Department of Health and Human Services, between 888 and 1,088 scholarship recipients would not be able to fulfill their service obligation under the Corps because of lack of funding. As many as 180 physician volunteers would not be hired by the Corps to serve in needy areas. According to the Department's Office of General Counsel, the Corps would break its contractual obligation to the scholarship recipients if it cannot place them upon completion of their training. If such an emergency situation is not prevented, then 700 communities in health manpower shortage areas which would have been served by the Corps will not be able to receive these needed health care providers. Approximately $27.5 million in Federal funds have already been invested in the 1,088 scholarships.

Mr. Speaker, this is an emergency we can prevent. Approval of this authorization is necessary to insure that sufficient funds are appropriated for the Corps. I urge my colleagues to join in support of this emergency measure to prevent needless disruption of an important health program and to avoid wasting millions of Federal dollars already invested in NHSC scholarships.

I understand some of the Members of this House are going tonight to have an evening of entertainment. For this reason I suggest that—

> This night shall be filled with music
> And the cares that infest today
> Shall fold their tents like the Arabs
> And as silently steal away.

Mr. Speaker, I strongly urge the passage of this legislation.

Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and pass the bill, H.R. 7911.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 3, rule XXVII, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 6308; H.R. 7380, if ordered; H.R. 7694, if ordered; and H.R. 6075, if ordered.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

FUSION ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1980

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 6308, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McCormack) that the House suspend the rules and pass the bill, H.R. 6308, as amended, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 365, nays 7, not voting 60, as follows:

[Roll No. 484]

YEAS—365

Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Ill.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Archer
Ashbrook
Ashley
Atkinson
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonker
Bouquard
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Cleveland
Clinger
Coelho
Coleman
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dicks
Dingell
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Grisham
Guarini
Gudger
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kildee
Kindness
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McEwen
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Rudd
Russo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—7

Bonior
Collins, Tex.
Crane, Daniel
Crane, Philip
McDonald
Moffett
Wolpe

NOT VOTING—60

Abdnor
Anderson, Calif.
Applegate
Aspin
AuCoin
Bolling
Bowen
Brademas
Breaux
Burton, John
Burton, Phillip
Carney
Clay
Collins, Ill.
Conyers
Davis, S.C.
Dellums
Dickinson
Dixon
Dodd
Edwards, Ala.
Edwards, Okla.
Fazio
Ford, Tenn.
Garcia
Giaimo
Grassley
Guyer
Heckler
Holtzman
Kemp
Kogovsek
Leach, La.
Lederer
Mathis
Mitchell, Md.
Mollohan
Moorhead, Pa.
Murphy, N.Y.
Myers, Pa.
Nichols
Nolan
Paul
Pepper
Pritchard
Pursell
Quayle
Roberts
Rodino
Rousselot
Sabo
Shannon
Spellman
Stockman
Thomas
Wampler
Watkins
Williams, Ohio
Wilson, Bob
Young, Alaska

□ 1620

The Clerk announced the following pairs:

Mr. Brademas with Mr. Abdnor.

Mr. Rodino with Mr. Thomas.

Mr. Lederer with Mr. Young of Alaska.

Mr. Mitchell of Maryland with Mr. Stockman.

Mr. Fazio with Mr. Carney.

Mr. Nichols with Mr. Wampler.

Mr. Pepper with Mr. Rousselot.

Mr. John L. Burton with Mr. Dickinson.

Mr. Breaux with Mr. Williams of Ohio.

Mrs. Collins of Illinois with Mrs. Heckler.

Mr. Mathis with Mr. Edwards of Oklahoma.

Mrs. Spellman with Mr. Pritchard.

Mr. Phillip Burton with Mr. Bob Wilson.

Mr. Dodd with Mr. Edwards of Alabama.

Mr. AuCoin with Mr. Quayle.

Mr. Roberts with Mr. Grassley.

Mr. Myers of Pennsylvania with Mr. Pursell.

Mr. Sabo with Mr. Guyer.

Mr. Nolan with Mr. Kemp.

Mr. Watkins with Mr. Leach of Louisiana.

Mr. Bowen with Ms. Holtzman.

Mr. Clay with Mr. Davis of South Carolina.

Mr. Giaimo with Mr. Shannon.

Mr. Garcia with Mr. Dixon.

Mr. Applegate with Mr. Ford of Tennessee.

Mr. Kogovsek with Mr. Moorhead of Pennsylvania.

Mr. Murphy of New York with Mr. Conyers.

Mr. Mollohan with Mr. Dellums.

Mr. Anderson of California with Mr. Aspin.

Mr. DANIEL B. CRANE changed his vote from "yea" to "nay."

Mr. CHARLES WILSON of Texas and Mr. HARKIN changed their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 3(b)(3), rule XXVII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all the additional motions to suspend the rules on which the Chair has postponed further proceedings.

BIG SUR COAST AREA ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 7380, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Phillip Burton) that the House suspend the rules and pass the bill, H.R. 7380, as amended.

The question was taken.

RECORDED VOTE

Mr. JENKINS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 257, noes 118, not voting 57, as follows:

[Roll No. 485]

AYES—257

Addabbo
Akaka
Alexander
Ambro
Anderson, Ill.
Andrews, N.Dak.
Annunzio
Badham
Bailey
Baldus
Barnes
Beard, R.I.
Bedell
Beilenson
Bennett
Bereuter
Bethune
Bingham
Blanchard
Boggs
Boland
Bonior
Bonker
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burlison
Burton, Phillip
Byron
Campbell
Carr
Carter
Cavanaugh
Chappell
Chisholm
Clinger
Coelho
Coleman
Conte
Corcoran
Corman
Coughlin
D'Amours
Danielson
Daschle
Deckard
Derrick
Dicks
Dingell
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Emery
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Fary
Fascell
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Florio
Foley
Ford, Mich.
Forsythe
Fowler
Frenzel
Frost
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gray
Green
Guarini
Hall, Ohio
Hamilton
Hammerschmidt
Hance
Hanley
Harkin
Harris
Hawkins
Hefner
Heftel
Holland
Hollenbeck
Holt
Howard
Huckaby
Hughes
Hutto
Hyde
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Kastenmeier
Kazen
Kildee
Kostmayer
Kramer
LaFalce
Lagomarsino
Leach, Iowa
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Long, La.
Long, Md.
Lowry
Lujan
Luken
Lundine
Lungren
McCloskey
McCormack
McDade
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Neal
Nedzi
Nelson
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Perkins
Peyser
Pickle
Porter
Price
Pritchard
Quillen
Rahall
Railsback
Rangel
Ratchford
Reuss
Richmond
Rinaldo
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Royer
Russo
Santini
Sawyer
Scheuer
Schroeder
Seiberling
Sharp
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Solarz
Spellman
Spence
St Germain
Stack
Staggers
Stark
Steed
Stewart
Stokes
Stratton
Studds
Swift
Synar
Tauke
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
White
Whitten
Williams, Mont.
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Wolpe
Wright
Wyatt
Yates
Zablocki
Zeferetti

NOES—118

Albosta
Andrews, N.C.
Anthony
Archer
Ashbrook
Atkinson
Bafalis
Barnard
Bauman
Beard, Tenn.
Benjamin
Bevill
Boner
Bouquard
Breaux
Burgener
Butler
Cheney
Clausen
Cleveland
Collins, Tex.
Conable
Cotter
Courter
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
de la Garza
Derwinski
Devine
English
Erdahl
Evans, Ga.
Flippo
Fountain
Fuqua
Gaydos
Ginn
Goldwater
Goodling
Gramm
Grisham
Gudger
Hagedorn
Hall, Tex.
Hansen
Harsha
Hightower
Hillis
Hinson
Hopkins
Horton
Hubbard
Hutchinson
Ichord
Ireland
Jeffries
Jenkins
Jones, Okla.
Jones, Tenn.
Kelly
Kindness
Latta
Leath, Tex.
Lee
Loeffler
Lott
McClory
McDonald
McEwen
Marlenee
Marriott
Martin
Michel
Miller, Ohio
Montgomery
Myers, Ind.
Natcher
O'Brien
Pashayan
Petri
Preyer
Regula
Rhodes
Ritter
Robinson
Roth
Rudd
Satterfield
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Snyder
Solomon
Stangeland
Stanton
Stenholm
Stump
Symms
Tauzin
Taylor
Trible
Walker
Whitehurst
Whitley
Whittaker
Winn
Wydler
Wylie
Yatron
Young, Fla.
Young, Mo.

NOT VOTING—57

Abdnor
Anderson, Calif.
Applegate
Ashley
Aspin
AuCoin
Biaggi
Bolling
Bowen
Brademas
Burton, John
Carney
Clay
Collins, Ill.
Conyers
Davis, S.C.
Dellums
Dickinson
Dixon
Dodd
Edwards, Ala.
Edwards, Okla.
Fazio
Ford, Tenn.
Garcia
Giaimo
Grassley
Guyer
Heckler
Holtzman
Kemp
Kogovsek
Leach, La.
Lederer
Mathis
Mollohan
Moorhead, Pa.
Murphy, N.Y.
Myers, Pa.
Nichols
Nolan
Paul
Pepper
Pursell
Quayle
Roberts
Rodino
Rousselot
Sabo
Shannon
Stockman
Thomas
Wampler
Watkins
Williams, Ohio
Wilson, Bob
Young, Alaska

□ 1630

The Clerk announced the following pairs:

On this vote:

Mr. Lederer and Mr. Fazio for, with Mr. Dickinson against.

Mrs. Collins of Illinois and Mr. Dixon for, with Mr. Nichols against.

Mr. Pursell and Mrs. Heckler for, with Mr. Guyer against.

Mr. Murphy of New York and Mr. Rodino for, with Mr. Abdnor against.

Mr. Biaggi and Mr. Pepper for, with Mr. Paul against.

Mr. Brademas and Mr. Garcia for, with Mr. Wampler against.

Until further notice:

Mr. Applegate with Mr. Carney.

Mr. Dodd with Mr. Edwards of Alabama.

Mr. Myers of Pennsylvania with Mr. Quayle.

Mr. Sabo with Mr. Rousselot.

Mr. Mollohan with Mr. Stockman.

Mr. Mathis with Mr. Edwards of Oklahoma.

Mr. Bowen with Mr. Watkins.

Mr. Ashley with Mr. Bob Wilson.

Mr. Anderson of California with Mr. Young of Alaska.

Mr. Clay with Mr. Aspin.

Mr. Giaimo with Mr. Conyers.

Mr. Ford of Tennessee with Mr. Davis of South Carolina.

Mr. Roberts with Mr. Grassley.

Mr. AuCoin with Mr. Kemp.

Mr. John L. Burton with Mrs. Holtzman.

Mr. Dellums with Mr. Kogovsek.

Mr. Murphy of Pennsylvania with Mr. Leach of Louisiana.

Mr. Shannon with Mr. Williams of Ohio.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MISCELLANEOUS DEPARTMENT OF DEFENSE MATTERS RELATING TO GUAM, THE VIRGIN ISLANDS, AND PUERTO RICO

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 7694, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. WHITE) that the House suspend the rules and pass the bill, H.R. 7694, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PUBLIC BUILDING FINANCING

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 6075, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEVITAS) that the House suspend the rules and pass the bill, H.R. 6075, as amended.

The question was taken.

Mr. COLLINS of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2080) to establish public buildings policies for the Federal Government, to establish the Public Buildings Service in the General Services Administration, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2080

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That this Act may be cited as the "Public Buildings Act of 1980".

SEC. 2. It is hereby declared to be the policy of the Congress that the public buildings of the United States Government shall be located, designed, furnished, and maintained so as to insure the highest productivity and efficiency of Federal agencies and their employees and, further, to provide Government services throughout the United States in locations convenient to the people, to preserve and advance the Nation's legacy of architectural excellence, and to enhance commercial and cultural conditions in the vicinity of public buildings.

TITLE I—GENERAL AUTHORITIES

SEC. 101. The Administrator of General Services, acting through the Public Buildings Service, in conformance with the policies and provisions of this Act, shall have sole authority to acquire, design, construct, lease, manage, maintain, repair, renovate, and assign and reassign space in, buildings and sites to meet the public buildings needs of the Government.

SEC. 102. There is hereby established in the General Services Administration a Public Buildings Service. There shall be at the head of the Public Buildings Service a Commissioner of Public Buildings who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level IV of the Executive Schedule (5 U.S.C. 5332).

SEC. 103. There shall be within the Public Buildings Service a Supervising Architect who shall be appointed by the Administrator of General Services and shall be compensated at the rate provided for level V of the Executive Schedule (5 U.S.C. 5332). The Supervising Architect shall supervise all design activities of the Public Buildings Service and shall perform such other duties as the Commissioner of Public Buildings may designate.

SEC. 104. Any authorities described in section 101 of this Act that have been delegated by the Administrator to another Federal agency prior to the date of enactment of this Act shall be revoked and vested in the Administrator on the one-hundred-and-twentieth day after the effective date of this Act unless, prior to said day, the Administrator has delegated such authority in accordance with section 105 of this Act.

SEC. 105. Notwithstanding the provisions of section 205 of the Federal Property and Administrative Services Act of 1949, as amended, the Administrator may delegate all or a portion of his authorities under this Act to the head of another Federal agency, but only with respect to the public buildings needs of that agency.

SEC. 106. The head of any Federal agency delegated authorities pursuant to section 105 of this Act, shall exercise those authorities in conformance with the provisions of this Act; however, the head of any such agency shall not submit the report required in section 109 but shall submit the information required in section 109 to the Administrator for inclusion in his records and reports.

SEC. 107. (a) The Administrator shall keep the Congress fully and currently informed of policies and activities of the General Services Administration within the purview of this Act. In addition, he shall make available to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on request, and in such manner as may be necessary to safeguard individual rights or the conduct of criminal investigations, any document, material, information, or report under his jurisdiction.

(b) Such reports as are required to be transmitted to appropriate committees of the Congress by the Administrator in accordance with sections 5(b) and 5(d) of Public Law 95-452 that pertain to problems, abuses, or deficiencies arising under this Act, shall be transmitted simultaneously to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 108. (a) The Administrator shall conduct systematic research and post-occupancy evaluation and is authorized to undertake demonstration projects to determine and improve the effectiveness of existing and planned public buildings in providing productive, safe, healthful, economical, conveniently located, energy efficient, and architecturally distinguished accommodations for Federal agency offices.

(b) In complying with the provisions of subsection (a), the Administrator shall consult from time to time with appropriate Government agencies, private individuals, and organizations having suitable expertise.

SEC. 109. (a) The Administrator shall submit a report to the Congress on or before February 1 of each year describing activities undertaken, directly by him, or under authorities delegated pursuant to section 105 of this Act, to meet the public buildings needs of Federal agencies in the preceding fiscal year. Such report shall include, but is not limited to—

(1) an inventory of all public buildings, including for each building its location and the amount of space and number of employees assigned to each Federal agency;

(2) an inventory of location of Federal agency offices in leased buildings, including for each leased location its annual leasing costs, total expected leasing costs over the remaining term of the lease, and the amount of space and number of employees assigned to each Federal agency;

(3) a list of all construction and renovation projects completed and in progress and the degree of progress toward the completion of each;

(4) a list of all leases and lease renewals executed;

(5) a list of construction, acquisition, and renovation projects the cost of which have exceeded, or are expected to exceed, the maximum cost set forth in any annual authorization under this Act, whether or not such projects meet the criteria established in section 803 of this Act;

(6) a list of all delegations of authority made by the Administrator pursuant to section 105 of this Act;

(7) a report on activities undertaken pursuant to—

(A) section 108 and titles IV and V of this Act;

(B) section 210(a)(6) of the Federal Property and Administrative Services Act of 1949, as amended, or by transfer of funds from any Federal agency; and

(8) a discussion of achievements and problems in carrying out provisions of this Act and in meeting the public buildings needs of the Government.

(b) The Administrator shall collect and maintain such information as may be necessary to keep the Congress fully and currently informed of the conduct of the Public Buildings Service and to manage activities required under the provisions of this Act. Within one year after enactment of this Act, the Administrator shall assure that information is available on—

(1) for each public or leased building—

(A) the amount of vacant space,

(B) the amount of space leased under section 102 of the Public Buildings Cooperative Use Act of 1976, as amended,

(C) building operations costs,

(D) income derived for the Federal Buildings Fund,

(E) needed repairs and renovation,

(F) energy consumed,

(G) whether it is fully accessible to handicapped persons,

(H) the percent of the building leased by the Government,

(I) the total amount of funds that have been expended in improvements or alterations to each leased building, and

(J) the term of any leases in effect and their expiration dates.

(2)(A) All contracts in effect for achitectural, engineering, construction, maintenance, protection, research and other services, including for each the name of the contractor, the services performed, and contract term and price, and

(B) the space utilization rate for each Federal agency.

(c) The General Services Administration shall furnish to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of of Representatives by April 30, 1981, a survey report describing all of the steam generating units it owns or operates with a heat input rate of 50 million Btu/hr or greater. The report will include for each facility:

(1) description of the proposed facility after fuel substitution (i.e., number of units, name plate capacity, fuel choice);

(2) the estimated total cost of conversion or replacement to coal;

(3) the oil and gas savings which would result from such a conversion or replacement;

(4) the net annual fuel cost savings which would result from such a conversion or replacement;

(5) the project payback period using accepted life cycle costing procedures.

The report shall also include funding schedules for conversions and replacements that could be undertaken immediately.

SEC. 110. As used in this Act—

(1) The term "Administrator" means the Administrator of General Services.

(2) The term "Federal agency" means any department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation, and any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and activities under his direction).

(3) The term "office" means any organizational component of a Federal agency or other public or private enterprise and also means the physical space in which the work of the component is conducted, including, but not limited to clerical offices, laboratories, warehouses, industrial plants, and garages.

(4) The term "officers and employees of the Government" means all persons included under sections 2104 and 2105 of title 5 of the United States Code.

(5) The term "locality" means a city, county, town, parish, village, or other area governed by a general purpose political subdivision of a State.

(6) The term "acquire" or "acquisition" includes purchase, payment for an option to purchase, condemnation, donation, and exchanges of real property, or interests therein, excluding leaseholds.

(7) The term "renovation" means alteration, addition, partial demolition, and other such actions that significantly enhance or change the use or architectural design of a public building.

(8) The term "historic, architectural, or cultural significance" includes, but is not limited to buildings listed or eligible to be listed on the National Register established under section 101 of the Act of October 15, 1966 (16 U.S.C. 470a).

(9) The term "handicapped person" includes any individual with a physical impairment that precludes such person's use of a building to the same extent as an individual with unimpaired mobility.

(10) The term "fully accessible" means the absence or elimination of physical and com-

munications barriers to the ingress, egress, movement throughout, and use of a building by handicapped persons and the incorporation of the most scientifically advanced research, technology and equipment to assure access to a building by handicapped persons and, in a building of historic, architectural, or cultural significance, the elimination of such barriers and the incorporation of such research, technology, and equipment in such a manner as to be compatible with the significant architectural features of the building to the maximum extent possible.

(11) The term "public building" means any building along with its grounds, approaches, and appurtenances, owned by the United States Government or the subject of a contractual or other agreement under which it will be owned by the United States Government at some certain date in the future, that accommodates, did accommodate, or is intended to accommodate Federal agency offices, and includes, but is not limited to office buildings, courthouses, research and academic centers, border stations, garages and warehouses, and any other building or construction project the inclusion of which the President may deem to be in the public interest, but does not include buildings or installations of the United States Postal Service, except as provided for under section 2002(d) of the Postal Reorganization Act, or buildings or installations of the Tennessee Valley Authority, or buildings: on the public domain (including that reserved for national forests and other purposes), on properties of the United States in foreign countries, on Indian and native Eskimo properties held in trust by the United States, on lands used in connection with Federal programs for agricultural, recreational, and conservation purposes, on or used in connection with river, harbor, flood control, reclamation or power projects, chemical manufacturing or developing projects, or for nuclear production, research, or development projects, on military installations (including any fort, post, airbase, proving ground, supply depot, school, or similar facility of the Department of Defense), on Veterans' Administration installations used for hospital, nursing home, or domiciliary purposes, on or used in connection with housing and residential projects, or on the United States Capitol grounds delineated in section 193(a) of title 40, United States Code.

(12) The term "public buildings needs" means the requirements of Federal agencies for suitable space, whether or not in a Government-owned building, to accommodate offices that may be located in a public building as defined in subsection (11) of this section, and includes requirements for space in accordance with section 102 of the Public Buildings Cooperative Use Act of 1976, as amended.

(13) The term "National Capital region" has the same meaning that it bears in section 71(b) of title 40, United States Code.

(14) The term "life cycle cost" means the total cost of an item to the Government during the time of ownership, including its fuel and energy costs, taking into account the costs of acquisition, operation, maintenance, support, and disposal or replacement, as far as these costs can reasonably be determined.

SEC. 111. (a) The Administrator shall be responsible for the interpretation of all contracts entered into on behalf of the United States Government to carry out the purposes of this Act, and shall be responsible for the approval of materials, workmanship, and services supplied pursuant to such contracts, approval of changes in contracts, certification of vouchers for payments due contractors, and final settlements.

(b) The Administrator shall require, prior to executing any lease or other contract which would obligate funds in excess of $10,000 authorized pursuant to this Act, a certification from the owner of the space to be leased or the contractor. Any owner or contractor who fails to complete such certification required under this subsection shall not be eligible to receive a lease or contract award. Such certification shall include, but need not be limited to, statements, declaring under penalty of law provided under 18 U.S.C. § 1001 or elsewhere, that such owner or contractor, or any of his officers or principal employees:

(1) has no business or employment relationship or interest or holding which constitutes a conflict of interest with his capacity as a lessor or contractor with the United States;

(2) has not offered or promised anything of value to a public official with the intent to influence any official act or to induce the official to perform, or to omit to perform, any act in violation of his lawful duties or to offer or give anything of value to a public official for performing an official act;

(3) has not been debarred or suspended from the award of public contracts;

(4) has not had a public contract terminated for default;

(5) has not been convicted, within ten years prior to the date of the solicitation, of, or is not currently under indictment for or otherwise charged with:

(A) a criminal offense incident to obtaining or attempting to obtain a public (Federal, State, or municipal) or private, contract or subcontract thereunder, or in the performance of such a contract or subcontract;

(B) a violation of the Organized Crime Control Act of 1970;

(C) a violation of Federal antitrust statutes arising out of the submission of bids or proposals or;

(D) embezzlement, theft, forgery, bribery, falsification or destruction of records, fraud, tax fraud, receiving stolen property, or equivalent crimes which are indicative of a lack of business integrity.

(c) The Administrator shall provide in the annual report required under section 109(a) of this Act, the name of each principal owner of each building or other space leased pursuant to section 803(3)(A) during the fiscal year covered by the report.

SEC. 112. Nothing in this Act shall be construed to affect the authorities granted in section 403f, 403g, or 403j of title 50, United States Code.

SEC. 113. The Public Buildings Act of 1959, as amended, is repealed.

TITLE II—LOCATIONS FOR FEDERAL AGENCY OFFICES

SEC. 201. (a) The headquarters offices of each department and major independent establishment in the executive branch shall be located within the National Capital region in conformance with the comprehensive plan prepared and adopted pursuant to the National Capital Planning Act of 1952, as amended, unless otherwise specified by Act of Congress.

(b) Regional, district, area, or local offices of Federal agencies shall be located so as to be centrally located with respect to, in proximity to, or within easy transportation access of, residential populations they serve or other governmental and private offices with which they must maintain continuing and frequent physical communication.

(c) Federal agency offices other than those that are located pursuant to subsections (a) or (b) of this section, or that otherwise must be located close to specific governmental or private offices or in specific geographic locations in order effectively to carry out their responsibilities, shall be located throughout the United States generally in proportion to the geographic distribution of the Nation's population.

SEC. 202. After conforming with section 201, the Administrator shall, in consultation with local officials, take into account the following factors in locating Federal agency offices—

(1) in the case of any office located in a standard metropolitan statistical area, the feasibility and desirability of a location in the central business district of a city within that area;

(2) the proximity of existing or planned public transportation facilities;

(3) the proximity of public amenities and commercial facilities;

(4) the availability, nearby or within reasonable public transportation commuting distance, of existing or planned housing adequate to the needs of present and prospective Federal employees and available on a nondiscriminatory basis.

SEC. 203. In responding to the public buildings needs of Federal agencies and in planning for future such needs, the Administrator shall first comply with sections 201 and 202 and shall—

(1) review needs to determine if they can be met in whole or in part through more productive use of existing space;

(2) prior to acquiring, constructing, or leasing space in any other building, locate Federal agency offices in—

(A) existing public buildings, giving first priority to utilizing fully, by renovating if need be, those public buildings of historic, architectural, or cultural significance; and if public building space is not available, then,

(B) in buildings of historic, architectural, or cultural significance acquired by the Administrator, and renovated if need be, unless use of such space would not prove feasible and prudent, taking into account cost, expected date of occupancy, and the potential for the conservation of energy, compared with construction of a public building, and if such building space is not available, then

(C) in existing buildings acquired by the Administrator and renovated if need be, or in new buildings constructed by the Administrator under the provisions of this Act, and if such building space cannot be made available in time to meet urgent public buildings needs, then,

(D) in building space leased by the Administrator in accordance with the provisions of title VII of this Act, giving first priority to leasing space in buildings, of historic, architectural, or cultural significance.

SEC. 204. Federal agency offices in a locality may be consolidated to the extent justified by the need for immediate physical proximity—

(A) first, within and among the offices of a single Federal agency,

(B) second, within and among the offices of Federal agencies carrying out related functions, and

(C) third, within and among other Federal agency offices, and

generally so that resulting public buildings needs may, to the maximum extent possible, be met by using existing public buildings, by constructing or acquiring buildings similar in scale to buildings predominating or planned for their surroundings, or by acquiring two or more reasonably proximate buildings, particularly buildings of historic, architectural, or cultural significance.

SEC. 205. (a) In the event that the head of a Federal agency determines that the location assigned to any office of fifty or more employees of that agency by the Administrator would be deleterious to the efficient accomplishment of the office's responsibilities, the agency head may appeal the decision of the Administrator to the Director of the Office of Management and Budget. The Director shall review the Administrator's decision within thirty days in accordance with the provisions of this title, and shall nullify the decision only if the Director finds the Administrator's decision not reasonably supported by the facts. The Director shall report the findings of any review undertaken pursuant to this section within ten days to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(b) Notwithstanding the provisions of subsection (a) of this section, in the event that the Director of the Administrative Office of the United States Courts determines that the location assigned to an office of the judicial branch by the Administrator would be deleterious to the efficient accomplishment of the office's responsibilities, the Director shall report such determination to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 206. (a) Nothing in this Act shall be construed to require the relocation of any Federal agency office from its location on the date of enactment of this Act.

(b) Any action to locate or relocate any Federal agency office subsequent to the date of enactment of this Act shall be undertaken in conformance with the provisions of this Act.

TITLE III—DESIGN AND MANAGEMENT OF PUBLIC BUILDINGS

SEC. 301. The Administrator shall design and maintain public buildings in such manner that they bear visual testimony to the dignity, enterprise, vigor, and stability of the American Government, embody the finest contemporary American architectural thought, and where appropriate, reflect regional architectural traditions.

SEC. 302. Except as provided in section 303, public buildings shall be of such design and construction as to approximate commercial buildings of the first quality that serve similar purposes.

SEC. 303. Whenever the Administrator designs and constructs—

(1) a general purpose office building expected to attract significant public use in any locality that serves as a center of its geographical region or area, or

(2) a headquarters building for any Federal agency,

such public building shall be designed and constructed to higher standards of quality than that provided for in section 302 of this Act and such design and construction shall symbolize the dignity of the United States Government through the quality or scale of some or all of its architectural details, internal and external materials, public entrances, corridors, rooms, lobbies, and courtyards: *Provided*, That this section shall not apply to public buildings described in clause (1) of this section whenever the Administrator determines that there already exists in the locality a public building of the quality described in this section.

SEC. 304. In the design, construction, acquisition, renovation, and management of public buildings, the Administrator shall assure that, to the maximum extent possible, such buildings—

(1) conform to or complement the scale of existing or planned surrounding buildings;

(2) conserve energy;

(3) provide efficient and attractive interiors, including public reception areas;

(4) provide sufficient parking space for Government motor vehicles, visitors, and handicapped employees, and such other parking space for employee vehicles as is consistent with a general policy of transportation efficiency; and

(5) contain architectural details and hardware that are an integral part of the structure or fixtures and that are designed and fabricated so as to enhance the function and appearance of the public building and to reflect regional architectural traditions or Federal agency functions. Artisans and craftsmen expert in the creative use of such materials as stone, brick, metal, wood, and stained glass shall be employed wherever possible to carry out the purposes of this paragraph.

(6)(A) The Administrator of the General Services Administration, in consultation with the Director of the Office of Management and Budget, the Director of the National Bureau of Standards, and other appropriate agencies shall—

(I) establish practical and effective methods for estimating and comparing life-cycle costs for energy intensive products used in Federal public buildings including, but not limited to, products listed in paragraphs (1) through (14) of section 322(a) of the Energy Policy and Conservation Act (Public Law 94-163).

(II) develop and prescribe the procedures to be followed in applying and implementing the methods so established.

(B) When acquiring energy intensive products for use in Federal public buildings, the Administrator of General Services shall, whenever practicable and in accordance with the methods established under subsection (a), acquire the product having the lowest life-cycle cost.

(C) Two years after the date of enactment of this Act, the Administrator shall report to Congress on the feasibility of extending life-cycle costing procurement methods to items other than energy intensive products.

SEC. 305. The Administrator shall provide for employees and visitors, sheltered and secure locations and equipment for parking bicycles at public buildings and leased buildings, and may also provide suitable support facilities.

SEC. 306. (a) Public buildings shall be maintained at all times at a high level of appearance, cleanliness, and mechanical and structural fitness so as to maintain the dignified appearance of Federal offices and the health, safety, and efficiency of Federal employees, and to minimize major repair and replacement expenditures.

(b) Each public building shall be maintained and renovated so as to promote efficient Federal agency and public use and to preserve those portions or features that are significant to the building's historic, architectural, or cultural values.

SEC. 307. (a) Notwithstanding any other provision of the Act of August 12, 1968, as amended, commonly known and hereinafter referred to as the Architectural Barriers Act of 1968, and of section 502 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 792)—

(1) in order to assure consistency in the application of the minimum guidelines and requirements established by the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as "the Board") pursuant to section 502(b)(7) of such Rehabilitation Act, the standards described in sections 2, 3, 4, and 4a of the Architectural Barriers Act of 1968 shall be submitted by the head of the Federal agency concerned to the Board as proposed standards not later than one hundred and eighty days after the date of the enactment of this Act, and such proposed standards shall become final on the ninetieth day after they are so submitted unless the Board—

(A) issues an order approving such standards prior to the ninetieth day in which case they shall become final on the day approved and be published immediately as final standards in the Federal Register by such Federal agency head;

(B) issues an order disapproving such standards with a specification of reasons for such action and recommendations for appropriate revisions in order to assure consistency with such guidelines and requirements, in which case the standards shall become final at the time such Federal agency head publishes them in the Federal Register as final standards (not later than ninety days after the Board action) with a specification of the grounds for rejection of any of the Board's reasons and recommendations; or

(C) issues an order approving such standards with revisions in order to assure consistency with such guidelines and requirements, with a specification of the reasons for such action, in which case such Federal agency head shall immediately publish such revised standards in the Federal Register as final standards;

(2) no action may be taken under section 6 of the Architectural Barriers Act of 1968 to modify or waive a standard issued under such Act unless—

(A) such modification pertains to (i) a building to be leased, or (ii) a building to be constructed, altered, or acquired and the need for such modification was not reasonably foreseeable when the design for such building was approved; or

(B) the Board has (i) received prior notification of such proposed modification, and (ii) made a determination that the Federal agency concerned has established and is implementing the system of surveys and investigations required by section 6(2) of such Act;

(3) the adherence by any Federal agency to any standard prescribed pursuant to the Architectural Barriers Act of 1968 and this Act, with respect to any building to which the Architectural Barriers Act of 1968 applies, shall be presumed to satisfy the nondiscrimination obligation of such Federal agency under section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), with respect to the physical accessibility of any program or activity conducted by such Federal agency; and

(4) for the purposes of the Architectural Barriers Act of 1968, the term "physically handicapped persons will have ready access to, and use of, such buildings" means that such buildings shall be fully accessible to handicapped persons.

After publication of the final standards described in subsection (a) of this section, the Board shall annually review and recommend to the Federal agency head concerned such revisions as may be necessary to assure that the standards continue to reflect use of the most advanced research, technology, and equipment.

(b) Not later than one hundred and eighty days after publication of the final standards described in subsection (a) of this section, the Federal agency head concerned shall prescribe such regulations as may be necessary regarding design, construction, and contracting to assure that all construction, acquisition, and renovation of buildings to which the Architectural Barriers Act of 1968 applies conform to such standards. In the list of completed projects required in section 109 (a)(3) of this Act, the Administrator shall include a certification that each such project has been carried out in accordance with such standards.

(c) The annual plan submitted to the Congress by the Administrator in accordance with section 801 of this Act shall include a schedule for making all then existing public buildings conform to the final standards described in subsection (a), and the regulations described in subsection (b), of this section. Such schedule shall include an estimate of the cost of carrying out the plan, and include a list, in priority order, of the projects recommended to be undertaken, in the year for which the annual plan is submitted.

SEC. 308. (a) The Administrator is authorized, pursuant to subsection (b) of this section, and upon the request of appropriate local and State officials, to name any public building after, and establish a memorial in any public building in honor of, any person who has made notable contributions to government, science, industry, education, the arts, or other fields of human endeavor. Such person, if living must be at least seventy years of age and except within the National Capital Region, must be from the region of the country in which the building is located. No public building shall be named for a sitting Member of Congress or for a former Member of Congress who holds any other elective public office.

(b) The Administrator is authorized to expend, out of any funds available to him in any fiscal year, an amount equal to but no greater than contributions provided by State or local governments or private entities or individuals, and in no event greater than the sum of $10,000, for the design and construction of a memorial to a person designated pursuant to subsection (a) of this section, or designated by an Act of Congress.

(c) The Administrator, in consultation with appropriate local and State officials and other interested citizens, shall determine the form and location of such memorials. The memorials shall be fountains, gardens, walks, stained glass windows, or other building appurtenances visible and accessible to visitors, and in harmony with the architectural and landscape design of such building. The Administrator shall provide the highest level of permanent maintenance for such memorials.

(d) The Administrator may conduct a competition to select a designer for the memorial authorized by this subsection. Such competition shall be open to landscape and other architects, artists, artisans, and designers.

TITLE IV—MIXED USE AND ADAPTIVE USE IN PUBLIC BUILDINGS

SEC. 401. This title may be cited as the "Public Buildings Cooperative Use Act Amendments of 1980".

SEC. 402. Section 102 of the Public Buildings Cooperative Use Act of 1976 is amended to read as follows:

"SEC. 102 (a) In order to carry out his duties under this title and under any other authority with respect to constructing, operating, maintaining, altering, and otherwise managing or acquiring space necessary for the accommodation of Federal agencies and to accomplish the purposes of this title, the Administrator shall—

"(1) acquire and utilize space in suitable buildings of historic, architectural, or cultural significance, unless use of such space would not prove feasible and prudent compared with available alternatives;

"(2) encourage the location of commercial, cultural, educational, and recreational activities as tenants primarily on major pedestrian access levels, courtyards, and rooftops of public buildings, and design, construct and lease space suitable for such activities: *Provided*, That the amount of space so leased in any public building—

"(A) shall be determined by the Administrator after undertaking studies to determine the market or need for such activities in the interest of promoting commercial or cultural activity in the vicinity of the building or serving the employees and visitors in the building; and

"(B) shall not exceed 25 per centum of the space in the public building, or 50 per centum of the space in a public building fifty or more years old so long as any amount over 25 per centum of the space in the building is occupied by a nonprofit cultural or educational institution and that at least one-third of the space occupied by such an institution is used for exhibits, performances, libraries, or other activities intended primarily for the general public;

"(3) provide and maintain space, facilities, and activities, to the extent practicable, which encourage public access to and stimulate public pedestrian traffic around, into, and through public buildings, permitting cooperative improvements to and uses of the area between the building and the street, so that such activities complement and supplement commercial, cultural, educational, and recreational resources in the neighborhood of public buildings; and

"(4) encourage the public use of public buildings for occasional cultural, educational, and recreational activities and design, construct, and maintain space and equipment in public buildings suitable for such activities, including activities described in section 503(a) of the Public Buildings Act of 1980.

"(b) In carrying out his duties under subsection (a) of this section, the Administrator shall consult with Governors, areawide agencies established pursuant to title II of the Demonstration Cities and Metropolitan Development Act of 1966 and title IV of the Intergovernmental Cooperation Act of 1968, and chief executive officers of those units of general local government in each area served by an existing or proposed public building, and shall solicit the comments of such other community leaders and members of the general public as he deems appropriate.".

SEC. 403. Section 103 of the Public Buildings Cooperative Use Act of 1976 is repealed and sections 104 and 105 are redesignated as sections 103 and 104, respectively.

SEC. 404. Section 103(a) of the Public Buildings Cooperative Use Act of 1976 and the Federal Property and Administrative Services Act of 1949 are amended by amending section 210(a)(16) of the Federal Property and Administrative Services Act of 1949 to read as follows:

"(16) to enter into leases of space in public buildings, in accordance with section 102 (a)(2) of the Public Buildings Cooperative Use Act of 1976, as amended, with persons, firms, or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 104 of the Public Buildings Cooperative Use Act of 1976 as amended). The Administrator shall establish rental rates for such leased space equivalent to the prevailing commercial rates for comparable space devoted to similar purposes in the vicinity of a public building. Such leases may be negotiated without competitive bids, but shall contain such terms and conditions and be negotiated pursuant to such procedures as the Administrator deems necessary to promote competition and to protect the public interest.".

SEC. 405. Section 104 of the Public Buildings Cooperative Use Act of 1976 is amended by striking paragraph (2) and inserting in lieu thereof the following:

"(2) The term 'public building' and 'Federal agency' have the same meaning as is given them in the Public Buildings Act of 1980.".

TITLE V—EXHIBITIONS AND WORKS OF ART

SEC. 501. This title may be cited as the "Federal Buildings Enhancement Act of 1980".

SEC. 502. (a) The Congress hereby finds and declares that—

(1) the efficient use of Federal buildings can be increased, and public satisfaction with Federal buildings will be improved, by insuring that such buildings not only provide a congenial work environment but also function attractively for public service;

(2) Federal buildings should enrich the social, commercial, and cultural resources of the communities they serve; and

(3) Federal buildings will be enhanced by temporary exhibitions of art works and of the Nation's cultural heritage, as well as by suitable permanent works of art incorporated as an integral part of the architecture of Federal buildings.

(b) It is, therefore, the policy of the Congress to encourage and secure Federal building design which is distinguished, which expresses the dignity, enterprise, and stability of the American Government, and which enriches the quality of life in the communities served by such buildings. It is the purpose of this Act to contribute to such design by incorporating permanent installations of suitable works of art into Federal buildings. It is the further purpose of this Act to enhance existing Federal buildings by providing for temporary exhibitions of art and history to be circulated among Federal buildings.

SEC. 503. (a)(1) The Administrator, with the advice and assistance of the Chairman of the National Endowment for the Arts, shall acquire by loan, or by lease at nominal fees, works of art by living American artists. Works of art loaned or leased under this subsection shall be organized into exhibitions and circulated by the Administrator among Federal buildings throughout the United States. Such works of art shall be selected from artists representative of different regions of the United States and its territories, and shall include diverse media.

(2) The Administrator, in conjunction with the Secretary of the Smithsonian Institution, and with other not-for-profit traveling exhibition services shall utilize existing exhibitions and develop new exhibitions which reflect the artistic, cultural, social, scientific, and industrial heritage of the United States or the continuing development of the Nation's art, culture, society, science, and industry.

(A) The Administrator shall circulate and show exhibitions developed under this subsection in Federal buildings throughout the United States. Preference shall be given to Federal buildings in communities that otherwise do not have convenient access to museums of art and history.

(B) The Administrator shall reimburse the Smithsonian Institution and other traveling services an amount not less than the cost to the Institution or to such other services of carrying out the provisions of this subsection.

(b)(1) The Administrator, with the advice and assistance of the Chairman acting in cooperation with the appropriate arts agencies at State and local levels, shall commission suitable works of art by American artists to be purchased and installed in Federal buildings or temporarily installed in leased buildings. The preliminary planning and design of each new Federal building shall include planning for such commissions, which may include a variety of compatible works. The Administrator shall insure that Federal buildings selected for the installation of such commissioned works of art are equitably distributed within the United States and its territories, and shall consider a diversity of artistic media in commissioning such works of art. The Administrator shall provide for necessary services to keep and preserve such works of art in a state of high quality.

(2) Whenever the Administrator commissions a work of art for a new Federal building pursuant to paragraph (1) of this subsection, he shall instruct that such work shall be an integral part of the architectural design. In the case of an existing public or leased building, such work shall be appropriate to the setting and space available. The Administrator shall seek to avoid the development of an official style either in architecture or associated works of art. Federal commissions should give expression to the vitality and diversity of American life.

(3) In carrying out the provisions of this subsection, the Administrator, with the advice and assistance of the Chairman acting in consultation with the appropriate arts agencies at State and local levels, shall establish such procedures as may be necessary to commission suitable works of art, with or without competition, and shall give full con-

sideration to the participation of local artists.

(c) (1) For the purpose of this section, the Administrator is authorized to utilize one-half of 1 per centum of the total sums available in fiscal year 1981 and each fiscal year thereafter for the design, construction, repair, renovation, alteration, and acquisition of public buildings, and one-twentieth of 1 per centum of the sums available for the lease of buildings.

(2) Funds available under this subsection shall be available, without fiscal year limitation, to the Administrator for the purposes set forth in subsections (a) and (b) of this section: *Provided*, That not to exceed 25 per centum of such funds shall be expended for purposes set forth in subsection (a) of this section, and not to exceed 75 per centum of such funds shall be expended for purposes set forth in subsection (b).

(d) For the purpose of this title—

"(1) the term 'Federal buildings' means public or leased buildings, under the jurisdiction of the Administrator of General Services, that attract, or are expected to attract, significant public use;

"(2) the term 'Chairman' means the Chairman of the National Endowment for the Arts; and

"(3) the term 'works of art' includes, but is not limited to, paintings, sculptures, crafts, works on paper, and environmental works.".

TITLE VI—ARCHITECTURAL SERVICES

SEC. 601. The Administrator shall employ professionally trained architects, engineers, landscape architects, interior and graphic designers, and urban planners to prepare, under the supervision of the Supervising Architect, plans, drawings, and specifications for such public building construction and renovation projects as the Commissioner of Public Buildings may designate, but in any case to provide the kind and number of projects necessary annually to enable such employees to utilize their professional skills and training.

SEC. 602. (a) Those architectural designs not prepared pursuant to section 601 shall be procured in accordance with title IX of the Federal Property and Administrative Services Act of 1949, as amended, and, with respect to at least half of the public building construction and renovation projects expected to cost no less than $5,000,000 each year, the Administrator shall conduct a design competition among no fewer than three qualified architectural firms.

(b) The Administrator shall indicate each year, in the program submitted pursuant to section 801 of this Act, on which public building construction and renovation projects he proposes to conduct design competitions. The projects selected shall reflect a mixture of large and small projects to the extent possible.

(c) With respect to a significant portion of the competitions conducted each year, the competitions shall last no longer than sixty days from the date the Administrator provides the firms with a competition program and the competitions shall elicit from each firm preliminary design concepts only.

(d) The Administrator shall negotiate first with the firm judged at the conclusion of each competition to have demonstrated the best design approach to the project. The Administrator shall make public and provide to the competing firms at the time a selection is announced under any of the provisions of this section, a brief report describing the reasons for the selection made.

(e) The Administrator shall provide, in total stipends or prizes to all of the firms that take part in any one competition conducted under this section, a sum equal to no more than one-half of one percent of the expected cost of the design and construction of the project, and shall conduct each competition under such rules and procedures as will assure that fair compensation for work required from the firms does not exceed that amount.

(f) The Administrator is authorized to acquire the services of privately employed architects, engineers, and other citizens on a temporary basis to serve on panels to assist in selecting and judging architectural firms under the provisions of this section. Persons so employed shall not be considered special Government employees under the provisions of section 201(a) of the Ethics in Government Act of 1968.

TITLE VII—LEASING

SEC. 701. It is the policy of the United States to house offices of officers and employees of the Government in public buildings and space shall be leased primarily to accommodate the emergency or temporary requirements of the Government, to provide space in locations where the size of Government activities does not warrant providing a public building, and to take account of temporary economic conditions that render infeasible or disadvantageous to the Government construction or acquisition of necessary public building space.

SEC. 702. Any other provision of this Act notwithstanding, the annual plan submitted to Congress by the Administrator in accordance with section 801 of this Act, shall assure that—

(1) within ten years of the date of enactment of this Act, no fewer than 60 per centum of the officers and employees of the Government whose offices are provided under this Act shall have their principal offices in public buildings;

(2) within twenty years of the date of enactment of this Act, no fewer than 75 per centum of the officers and employees of the Government whose offices are provided under this Act shall have their principal offices in public buildings;

(3) to the maximum extent possible, the percentage of officers and employees of the Government whose offices are provided under this Act having their principal offices in public buildings is maintained uniformly throughout the Nation, and that priority is accorded to construction, acquisition, and renovation of such public buildings as may be necessary to achieve such uniformity.

SEC. 703. (a) Notwithstanding the provisions of section 210(h)(1) of the Federal Property and Administrative Services Act of 1949, as amended, the Administrator shall not make any agreement or undertake any commitment that will cause the construction of any building, other than a public building.

(b) No option to purchase a building shall be paid for unless the payment for such option is made separately from any lease payment and unless such payment has first been authorized under the provisions of title VIII of this Act.

SEC. 704. No space shall henceforth be leased to accommodate, except as may be necessary to meet immediate and urgent requirements that cannot be met in public buildings—

(1) major computer operations;

(2) offices that conduct secure or sensitive activities related to the national defense or security, except to the extent that it would be inappropriate to locate such offices in public buildings or in other facilities identified with the United States Government;

(3) offices, the nature of which would require major alterations in the structure or mechanical systems of the building to be leased; or

(4) permanent courtrooms, judicial chambers, or administrative offices for any United States court.

SEC. 705. (a) For the purposes of this Act, sections 321 and 322 of the Act entitled "An Act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932, shall not apply.

(b) No lease may be negotiated for a rental exceeding 105 per centum of the average commercial rates and charges for space and services of nearest comparable quality.

SEC. 706. (a) The Administrator shall publicly solicit competitive bids to procure space by lease for the Government. Each such solicitation shall specify any special requirements of building design, configuration, or location.

(b) In evaluating competing bids, the Administrator shall take into account proposed rental costs and services offered, overall quality and safety of the buildings, energy efficiency, and their relative conformity to the requirements of titles II and III of this Act.

SEC. 707. The Administrator shall provide a copy of the lease agreement between the Government and the owner of each leased building, and subsequent additions or revisions to the lease agreement, to the highest ranking official in the leased building of each Federal agency occupying space in the building.

TITLE VIII—CONGRESSIONAL AUTHORIZATION

SEC. 801. (a) The Administrator shall submit to the Congress, not later than the fifteenth day after Congress convenes each year, a program for the next succeeding fiscal year of projects and actions which the Administrator deems necessary in carrying out his duties under this Act. Such program shall include but is not limited to—

(1) a five-year plan for accommodating the public building needs of the United States.

(2) a list, in priority order, of construction, renovation, and acquisition projects for which authorization for appropriations are requested for the next succeeding fiscal year, including a description of the project and the number of square feet of space involved,

(3) a list, in priority order, of lease and lease renewals for which authorization for appropriations are requested for the next fiscal year.

(4) a list of all public buildings proposed to be vacated in whole or in part, to be exchanged for other property, or to be disposed of,

(5) a proposed budget for the repair and maintenance of public buildings,

(6) a year by year program and costs to meet the provisions of section 702 of this Act, together with an analysis of costs and savings of alternative programs,

(7) a description of how the projects and leases included in the program, separately and together, conform to the provisions of this Act and the estimated annual and total cost of each project and lease.

(b) (1) The Administrator shall certify in the annual program submitted in accordance with subsection (a) that he has held a public hearing, or afforded the opportunity for such hearing, in the locality or proposed locality of each major construction, renovation, or acquisition project included in the annual program. Such hearing shall consider the economic and social effects of the project, its impact on the environment, its consistency with the goals and objectives of such urban planning as has been promulgated by the community, and its conformance with sections 202, 204, and titles III and IV of this Act: *Provided*, That, only such facts and issues as can reasonably be adduced during the planning and preliminary design of a project shall be considered at such hearing.

(2) The Administrator shall provide, along with each certification, the final environmental impact statement prepared pursuant to the National Environmental Policy Act, and a report which indicates the consideration given to facts and issues concerning the project and various alternatives which were

raised during the hearing or which were otherwise considered.

LIMITATION ON AUTHORIZATIONS AND APPROPRIATIONS

SEC. 802. (a) No appropriations, including any appropriation from the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, shall be made by the Congress or obligated by the Administrator to carry out the purposes of this Act, unless it has been authorized by the Congress in accordance with the title.

(b) No public building construction, renovation, or acquisition shall be commenced unless an appropriation has first been made for the estimated cost of completion of such construction, renovation, or acquisition in the fiscal year for which such appropriation is authorized. No lease shall be entered into unless an appropriation has first been made for the maximum cost of such lease over its entire term in the fiscal year for which such an appropriation is authorized.

AUTHORIZATIONS FOR APPROPRIATIONS

SEC. 803. (a) There is hereby authorized to be appropriated for fiscal year 1981 not to exceed in the aggregate, the amount of $2,361,399,099 from the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended, for the real property management and related activities of the Public Building Service of which:

(1) Not to exceed $89,260,700 shall be available for fiscal year 1981 as follows:

(A) For construction of additional major public buildings (including funds for sites and expenses) and the acquisition of major existing buildings and sites for public buildings at the following locations and at the following maximum construction and acquisition costs:

Federal Annex, Atlanta, Georgia	$5,000,000
Terminal Annex, Dallas, Texas	4,457,000
Post Office and Courthouse, Lafayette, Louisiana	2,250,000
Post Office, Manchester, New Hampshire	2,000,000
Post Office and Courthouse, Peoria, Illinois	1,400,000
Nebraska, Omaha	40,733,000
Border Station, Houlton, Maine	3,409,000
Courthouse and Parking Facility, East Saint Louis, Illinois	2,460,000
Federal Building/Courthouse, Madison, Wisconsin	7,823,000
Kentucky, Ashland	6,938,000
Border Station, Otay-Mesa, California	12,105,700

(B) $685,000 for construction of minor public buildings of less than twenty-five thousand gross square feet of space and the acquisition of buildings and sites for public buildings of a value of $1,000,000 or less.

(2) Not to exceed $242,850,399 shall be available for fiscal year 1981 as follows:

(A) For major renovations and repairs of public buildings at the following locations and at the following maximum project costs:

Arkansas, Little Rock Federal Post Office/Courthouse	$8,180,000
California, Pasadena, Federal Center	9,864,000
District of Columbia, Agriculture South	11,229,152
District of Columbia, GSA Regional Building	4,299,079
District of Columbia, HEW North Building	8,842,981
District of Columbia, International Trade Building	5,541,778
District of Columbia, Justice Building	3,454,934
District of Columbia, Mary Switzer Building	6,011,105
District of Columbia, New Post Office	12,339,148
District of Columbia, Pension Building	2,000,000
Florida, Miami, Post Office/Courthouse	5,451,000
Florida, Tampa, Federal Building/Courthouse/Post Office	2,008,000
Georgia, Savannah, Federal Building/Courthouse	1,644,000
Kentucky, Lexington, Post Office/Courthouse	1,763,000
Louisiana, New Orleans, Hale Boggs Federal Building/Courthouse	1,425,000
Maryland, Suitland, Federal Building Number 3	1,919,476
New York, New York, One Bowling Green	28,746,000
New York, New York, 201 Varick Street	9,428,405
Oregon, Portland, New Courthouse	7,187,000
Texas, Houston, Federal Building/Courthouse	2,446,000
Virginia, Arlington, Pentagon	6,855,518
Virginia, McLean, CIA Headquarters	5,047,823
Washington, Seattle, Federal Building/Courthouse	3,989,000

(B) $80,343,000 for minor renovations and repairs of public buildings at project costs of less than $1,000,000;

(C) $835,000 for major alterations of leased buildings; and

(D) $10,000,000 for alterations of leased buildings, the maximum cost to a single building being less than $250,000.

(3) Not to exceed $1,349,000,000 shall be available for fiscal year 1981 as follows:

(A) $418,000,000 for new major lease agreements and lease renewals, over the entire term of each lease or renewal, of blocks of space of fifty thousand or more square feet;

(B) $336,000,000 for new lease agreements and lease renewals, over the entire term of each lease or renewal, of blocks of space of less than fifty thousand square feet; and

(C) $595,000,000 for payments in fiscal year 1981 on leases entered into prior to fiscal year 1981.

(4) Not to exceed $0 shall be available for fiscal year 1981 for obligations to the Treasury under section 902(a) of this Act for the acquisition, construction, or renovation of public buildings (including funds for sites and expenses).

(5) Not to exceed $3,000,000 shall be available for fiscal year 1981 for planning and preliminary design of construction, renovation, alteration, and repair projects.

(6) Not to exceed $498,901,000 shall be available for fiscal year 1981 for real property operations.

(7) Not to exceed $71,953,000 shall be available for fiscal year 1981 for program direction.

(8) Not to exceed $108,374,000 shall be available for fiscal year 1981 for payment of principal, interest, taxes, and any other obligation for public buildings acquired by purchase contract or pursuant to section 902(c) of this Act.

(b) Funds appropriated under subsections (a)(1), (a)(2), (a)(3), and (a)(4) of this section shall remain available for obligation and expenditure without regard to fiscal year limitations: *Provided*, That construction, renovation, or acquisition has been commenced, or lease entered into, pursuant to section 802(b) of this Act.

(c) Ten percent of the funds made available to the Public Buildings Service for renovation, alteration, and repair of public buildings and leased buildings and for execution of lease renewals, pursuant to paragraphs (a)(2) and (3) of this section shall be available for repair or alteration projects and leases, respectively, not otherwise authorized by this Act, if the Administrator certifies that the space to be repaired, altered, or leased resulted from changing or additional programs of Federal agencies not anticipated at the time the program required by section 801 of this Act was submitted. Funds for such projects may not be obligated until thirty days after the submission by the Administrator of an explanatory statement to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The explanatory statement shall, among other things, include a statement of the reasons why such project or lease cannot be deferred for authorization in the next succeeding fiscal year.

SEC. 804. (a) When the cost of a project exceeds the estimated maximum cost authorized under section 803 of this Act, the Administrator is authorized to either (A) increase expenditures by an amount equal to the percentage increase in the cost of the project, or (B) decrease the number of gross square feet to be constructed in the project. In no event shall the total increase in expenditures authorized by clause (A) of this paragraph exceed 10 per centum of the estimated maximum cost of the project. In no event shall the total decrease in square feet authorized under clause (B) of this paragraph exceed more than 10 per centum of the gross square feet stated in the approved authorization.

(b) If the Administrator determines that the cost of a project exceeds the estimated maximum cost authorized under section 803 of this Act to such an extent that action under subsection (a) of this section is not sufficient to meet such excess cost, the Administrator shall report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives concerning the project. Such report shall include recommendations by the Administrator as to appropriate action to enable the continuance of the project. The Administrator may not take any action to continue the project, other than the action authorized by subsection (a) of this section, unless such action has been authorized by the Congress in accordance with this title.

TITLE IX—PUBLIC BUILDING FINANCING

SEC. 901. Section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, is amended by deleting the existing second sentence thereof and inserting the following sentence: "Such rates and charges shall be established for each public buildings, and for each building containing space leased by the Administrator on behalf of the United States, no more frequently than once each year at a level approximating commercial rates and charges for space and services of comparable quality, but in no case less than the anticipated costs of providing space and services (including amortized construction costs or leasing costs).

SEC. 902. (a) The Administrator is authorized to issue obligations to the Secretary of the Treasury, to the extent and in such amounts as are provided in annual appropriations Acts, in order to obtain funds necessary to finance the acquisition, construction, or renovation of any public building when he determines the best interest of the United States will be served. The Secretary of the Treasury is authorized to purchase such obligations, and for such purpose the Secretary of the Treasury is authorized to use as a public transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include such purchases. The repayment of loans made under this section shall be for terms up to thirty years and on such conditions as may be prescribed by the Secretary of the Treasury. In prescribing such terms and conditions, the Secretary of the Treasury shall take into account the useful life of the building for which funds are to be borrowed and shall not require that repayment begin until the building is ready for occupancy. Such obligation shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities.

(b) An obligation may be issued under subsection (a) to acquire, construct, or renovate a public building, only if such acquisition, construction, or renovation has been authorized by the Congress, pursuant to title VIII of this Act.

(c) The payment of principal and interest on such obligation issued under subsection (a) shall be payable from the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949. There are authorized to be appropriated from the fund in each fiscal year such amounts as are authorized pursuant to section 803(a)(8) to carry out the purposes of this subsection.

SEC. 903. Section 210(f)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(2)) is amended by inserting immediately after "activities" a comma and the following: "and for payments in connection with the financing of the acquisition, construction, or renovation of public buildings as authorized by section 902 of the Public Buildings Act of 1980".

TITLE X—MISCELLANEOUS

SEC. 1001. This Act shall become effective on October 1, 1980.

SEC. 1002. The Federal Building located at 444 Southeast Quincy, Topeka, Kansas, shall hereafter be known and designated as the "Frank Carlson Federal Building". Any reference in any law, map, regulation, document, record or other paper of the United States to that building shall be held and considered to be a reference to the "Frank Carlson Federal Building".

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MOTION OFFERED BY MR. LEVITAS

Mr. LEVITAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEVITAS moves to strike out all after the enacting clause of the Senate bill, S. 2080, and to insert in lieu thereof the provisions of H.R. 6075, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend the Public Buildings Act of 1959, to authorize the Administrator of General Services to issue obligations for the construction and acquisition of public buildings, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 6075) was laid on the table.

House Resolution 676 was laid on the table.

CONFERENCE REPORT ON H.R. 5192, TO AMEND AND EXTEND THE HIGHER EDUCATION ACT OF 1965

Mr. FORD of Michigan submitted the following conference report and statement on the bill (H.R. 5192), an act to amend and extend the Higher Education Act of 1965, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 96–1251)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5192) to amend and extend the Higher Education Act of 1965, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Education Amendments of 1980".

TITLE I—ESTABLISHMENT OF A NEW TITLE I OF THE HIGHER EDUCATION ACT OF 1965

Sec. 101. New programs established.

"TITLE I—CONTINUING POSTSECONDARY EDUCATION PROGRAM AND PLANNING

"PART A—COMMISSION ON NATIONAL DEVELOPMENT IN POSTSECONDARY EDUCATION

"Sec. 101. Findings.
"Sec. 102. Establishment of the Commission on National Development in Postsecondary Education.
"Sec. 103. Duties of the Commission.
"Sec. 104. Powers and administrative provisions.
"Sec. 105. Authorization.

"PART B—EDUCATION OUTREACH PROGRAMS

"Sec. 111. Findings.
"Sec. 112. State allotments.
"Sec. 113. Comprehensive statewide planning.
"Sec. 114. Information services.
"Sec. 115. Continuing education.
"Sec. 116. Federal discretionary grants.
"Sec. 117. National Advisory Council on Continuing Education.
"Sec. 118. Definitions.
"Sec. 119. Appropriations authorized and payments.".

TITLE II—AMENDMENT AND EXTENSION OF TITLE II OF THE HIGHER EDUCATION ACT OF 1965

Sec. 201. Extension and revision of library programs.

"TITLE II—COLLEGE AND RESEARCH LIBRARY ASSISTANCE AND LIBRARY TRAINING AND RESEARCH

"Sec. 201. Purpose; authorization.
"Sec. 202. Notification of State agency.

"PART A—COLLEGE LIBRARY RESOURCES

"Sec. 211. Resource development grants.

"PART B—LIBRARY TRAINING, RESEARCH, AND DEVELOPMENT

"Sec. 221. Grants authorized.
"Sec. 222. Library career training.
"Sec. 223. Research and demonstrations.
"Sec. 224. Special purpose grants.

"PART C—STRENGTHENING RESEARCH LIBRARY RESOURCES

"Sec. 231. Eligibility for assistance.
"Sec. 232. Geographical distribution of grants.

"PART D—NATIONAL PERIODICAL SYSTEM

"Sec. 241. Purpose.
"Sec. 242. Establishment.
"Sec. 243. Functions of the Corporation.
"Sec. 244. Board of Directors.
"Sec. 245. Director and staff of Corporation.
"Sec. 246. Nonprofit nature of Corporation.
"Sec. 247. Authority of Corporation.
"Sec. 248. Implementing the design.
"Sec. 249. Copyright Act.
"Sec. 250. Definitions.
"Sec. 251. Authorization of appropriations.".

TITLE III—ESTABLISHMENT OF A NEW TITLE III OF THE HIGHER EDUCATION ACT OF 1965

Sec. 301. Programs authorized.

"TITLE III—INSTITUTIONAL AID

"Sec. 301. Findings and purposes.

"PART A—STRENGTHENING INSTITUTIONS

"Sec. 311. Program purpose.
"Sec. 312. Definitions.
"Sec. 313. Duration of grant.

"PART B—AID TO INSTITUTIONS WITH SPECIAL NEEDS

"Sec. 321. Program purpose.
"Sec. 322. Definitions.
"Sec. 323. Duration of grant.
"Sec. 324. Federal share.

"PART C—CHALLENGE GRANTS FOR INSTITUTIONS ELIGIBLE FOR ASSISTANCE UNDER PART A OR PART B

"Sec. 331. Establishment of challenge grant program.
"Sec. 332. Applications for challenge grants.

"PART D—GENERAL PROVISIONS

"Sec. 341. Applications for assistance.
"Sec. 342. Waiver authority and reporting requirement.
"Sec. 343. Application review process.
"Sec. 344. Cooperative arrangements.
"Sec. 345. Assistance to institutions under other programs.
"Sec. 346. Limitations.
"Sec. 347. Authorizations.".

TITLE IV—STUDENT ASSISTANCE

PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

Sec. 401. Statement of purpose.
Sec. 402. Pell grants.
Sec. 403. Supplemental educational opportunity grants.
Sec. 404. Grants to States for State student incentives.
Sec. 405. Special programs for students from disadvantaged backgrounds.

"Subpart 4—Special Programs for Students From Disadvantaged Backgrounds

"Sec. 417A. Program authority; authorization of appropriations.
"Sec. 417B. Talent search.
"Sec. 417C. Upward bound.
"Sec. 417D. Special services for disadvantaged students.
"Sec. 417E. Educational opportunity centers.
"Sec. 417F. Staff development activities.".
Sec. 406. Special program for migrant and seasonal farmwork students.
Sec. 407. Veterans' cost-of-instruction payments.

PART B—GUARANTEED AND INSURED STUDENT LOANS

Sec. 411. Extension of programs.
Sec. 412. Loan limitations.
Sec. 413. Deferral of repayment.
Sec. 414. State agencies as lenders of last resort.
Sec. 415. Interest rate and payment.
Sec. 416. Collection practices.
Sec. 417. Administrative improvements.
Sec. 418. Loan information program authorized.
Sec. 419. Loans to parents.
Sec. 420. Special allowances.
Sec. 421. The Student Loan Marketing Association.
Sec. 422. Prompt due diligence determinations.
Sec. 423. Miscellaneous amendments.

PART C—WORK-STUDY PROGRAMS

Sec. 431. Purpose: appropriations authorized.
Sec. 432. Allotment to States.
Sec. 433. Use of certain unused college work-study program funds for the support of cooperative education programs.
Sec. 434. Grants for work-study programs.

Sec. 435. Distribution of assistance.
Sec. 436. Job location and development.
Sec. 437. Work study for community service-learning.

PART D—NATIONAL DIRECT STUDENT LOANS

Sec. 441. Extension of program.
Sec. 442. Alternative funding for direct loans.
Sec. 443. Loan limitations.
Sec. 444. Deferral of repayment.
Sec. 445. Collection practices.
Sec. 446. Interest rates.
Sec. 447. Student loan information program authorized.
Sec. 448. Miscellaneous amendments.

PART E—GENERAL PROVISIONS

Sec. 451. Student assistance general provisions.

"PART F—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS

"Sec. 481. Definitions.
"Sec. 482. Need analysis.
"Sec. 483. Forms and regulations.
"Sec. 484. Student eligibility.
"Sec. 485. Institutional and financial assistance information for students.
"Sec. 486. Training in financial aid and student support services.
"Sec. 487. Program participation agreements.
"Sec. 488. Transfer of allotments.
"Sec. 489. Administrative expenses.
"Sec. 490. Criminal penalties.
"Sec. 491. National Commission on Student Financial Assistance.".

TITLE V—AMENDMENT AND EXTENSION OF TITLE V OF THE HIGHER EDUCATION ACT OF 1965

Sec. 501. Extension of programs.
Sec. 502. Teacher Corps amendments.
Sec. 503. Teacher centers amendments.
Sec. 504. Teacher training.
Sec. 505. Training for teachers of handicapped children in areas with a shortage.

"PART C—TRAINING FOR ELEMENTARY AND SECONDARY SCHOOL TEACHERS TO TEACH HANDICAPPED CHILDREN IN AREAS WITH A SHORTAGE

"Sec. 541. Grants authorized.
"Sec. 542. Application.
"Sec. 543. Stipends and institution of higher education allowances.
"Sec. 544. Fellowship conditions.
"Sec. 545. Definition.
"Sec. 546. Appropriations authorized.".
Sec. 506. Education professional development.

"PART D—COORDINATION OF EDUCATIONAL PROFESSIONAL DEVELOPMENT

"Sec. 551. Findings.
"Sec. 552. Policy.
"Sec. 553. Office of Education Professional Development.".

TITLE VI—ESTABLISHMENT OF A NEW TITLE VI OF THE HIGHER EDUCATION ACT OF 1965

Sec. 601. Programs authorized.

"TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

"PART A—INTERNATIONAL AND FOREIGN LANGUAGE STUDIES

"Sec. 601. Findings and purposes.
"Sec. 602. Graduate and undergraduate language and area centers.
"Sec. 603. International studies centers.
"Sec. 604. Undergraduate international studies and foreign language programs.
"Sec. 605. Research; studies; annual report.
"Sec. 606. Equitable distribution of funds.
"Sec. 607. Authorization of appropriations.

"PART B—BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS

"Sec. 611. Findings and purposes.
"Sec. 612. Education and training programs.
"Sec. 613. Authorization of appropriations.

"PART C—GENERAL PROVISIONS

"Sec. 621. Advisory board.
"Sec. 622. Definitions.".

TITLE VII—AMENDMENT TO TITLE VII OF THE HIGHER EDUCATION ACT OF 1965

Sec. 701. Amendment.

"TITLE VII—CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF ACADEMIC FACILITIES

"Sec. 701. General purposes.
"Sec. 702. Appropriations authorized.

"PART A—GRANTS FOR THE CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF UNDERGRADUATE ACADEMIC FACILITIES

"Sec. 711. State plan.
"Sec. 712. Basic criteria.
"Sec. 713. Allotment of funds.

"PART B—GRANTS FOR CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF GRADUATE ACADEMIC FACILITIES

"Sec. 721. Grants.

"PART C—LOANS FOR CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF ACADEMIC FACILITIES

"Sec. 731. Eligibility conditions, amounts, and terms.
"Sec. 732. General provisions for loan program.
"Sec. 733. Revolving loan and insurance fund.
"Sec. 734. Annual interest grants.
"Sec. 735. Academic facilities loan insurance.

"PART D—GENERAL

"Sec. 741. Recovery of payments.
"Sec. 742. Definitions.".

TITLE VIII—COOPERATIVE EDUCATION

Sec. 801. Extension of program.

TITLE IX—GRADUATE PROGRAMS

Sec. 901. Grants to institutions of higher education.
Sec. 902. Graduate fellowships.

"PART B—FELLOWSHIPS FOR GRADUATE AND PROFESSIONAL STUDY

"Sec. 921. Statement of purpose.
"Sec. 922. Program authorized.
"Sec. 923. Award of fellowships.
"Sec. 924. Authorization of appropriations.".
Sec. 903. New program authorized.

"PART C—NATIONAL GRADUATE FELLOWS PROGRAM

"Sec. 931. Award of national graduate fellowships.
"Sec. 932. Allocation of fellowships.
"Sec. 933. Stipends.
"Sec. 934. Fellowship conditions.".
Sec. 904. Training and legal assistance profession program authorized.

"PART D—ASSISTANCE FOR TRAINING IN THE LEGAL PROFESSION

"Sec. 941. Program authorized.
"Sec. 942. Authorization of appropriations.".
Sec. 905. Law school programs included in title IX.

"PART E—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

"Sec. 951. Program authorization.
"Sec. 952. Applications.
"Sec. 953. Authorization of appropriations.".

TITLE X—ESTABLISHMENT OF A NEW TITLE X OF THE HIGHER EDUCATION ACT OF 1965

Sec. 1001. Fund for the Improvement of Postsecondary Education.

"TITLE X—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

"PART A—ESTABLISHMENT AND OPERATION OF FUND

"Sec. 1001. Authorization of program.
"Sec. 1002. Consultation.
"Sec. 1003. National Board of the Fund for the Improvement of Postsecondary Education.
"Sec. 1004. Administrative provisions.
"Sec. 1005. Authorization of appropriations.".

TITLE XI—ESTABLISHMENT OF A NEW TITLE XI OF THE HIGHER EDUCATION ACT OF 1965

Sec. 1101. Program authorized.

"TITLE XI—URBAN GRANT UNIVERSITY PROGRAM

"Sec. 1101. Findings and purpose.
"Sec. 1102. Appropriations authorized.
"Sec. 1103. Project assistance.
"Sec. 1104. Limitation.
"Sec. 1105. Definitions.".

TITLE XII—GENERAL PROVISIONS

Sec. 1201. Amendments.
"Sec. 1203. Federal-State relationships; State agreements.
"Sec. 1204. Treatment of territories and territorial student assistance.
"Sec. 1205. National Advisory Committee on Accreditation and Institutional Eligibility.".

TITLE XIII—NEW HIGHER EDUCATION PROGRAM ESTABLISHED

Sec. 1301. Women's worksite postsecondary education program.

"TITLE XIII—WOMEN'S WORKSITE DEVELOPMENT DEMONSTRATION PROGRAM

"Sec. 1301. Program authorized.
"Sec. 1302. Applications.
"Sec. 1303. Uses of funds.
"Sec. 1304. Limitations on financial assistance.
"Sec. 1305. Definition.
"Sec. 1306. Authorization of appropriations.".

TITLE XIV—MISCELLANEOUS PROVISIONS

PART A—GENERAL EDUCATION PROVISIONS

Sec. 1401. Contingent extension.
Sec. 1402. Enforcement of the rules.
Sec. 1403. Science education programs.
Sec. 1404. Commission on the Review of the Federal Impact Air Program.
Sec. 1405. Evaluation reports.
Sec. 1406. Education impact statement.
Sec. 1407. Administrative simplification study authorized.

PART B—NATIONAL INSTITUTE OF EDUCATION

Sec. 1411. Extension of authority.
Sec. 1412. Declaration of policy.
Sec. 1413. Research and development priorities.
Sec. 1414. Repealer.

PART C—AMENDMENTS TO THE REHABILITATION ACT OF 1973

Sec. 1412. Composition of the Architectural and Transportation Barriers Compliance Board and transmission of report.
Sec. 1422. Information clearinghouse for handicapped individuals.

PART D—NATIVE HAWAIIAN EDUCATION STUDY

Sec. 1431. Study authorized.

PART E—SPECIAL IMPACT AID PROGRAM

Sec. 1441. Program authorized.

PART F—THE NAVAJO COMMUNITY COLLEGE ASSISTANCE PROGRAM

Sec. 1451. Amendments to the Navajo Community College Act.

PART G—NEW LAND GRANT COLLEGES

Sec. 1461. American Samoa and Micronesia land grant colleges.

PART H—MEMORIALS

Subpart 1—The Robert A. Taft Institute
Sec. 1471. Short title.
Sec. 1472. Grants for development.
Sec. 1473. Authorization of appropriations.

Subpart 2—General Daniel James Memorial Health Education Center

Sec. 1476. Financial assistance authorized.
Sec. 1477. Authorization of appropriations.

Subpart 3—The William Levi Dawson Chair of Public Affairs

Sec. 1481. Short title.
Sec. 1482. Assistance for the establishment of the William Levi Dawson Chair of Public Affairs.
Sec. 1483. Authorization of appropriations.

PART I—TECHNICAL PROVISIONS

Sec. 1491. Administrative amendments.
Sec. 1492. Contract authority.
Sec. 1493. Effective date.

TITLE I—ESTABLISHMENT OF A NEW TITLE I OF THE HIGHER EDUCATION ACT OF 1965

NEW PROGRAMS ESTABLISHED

SEC. 101. (a) Title I of the Act is amended to read as follows:

"TITLE I—CONTINUING POSTSECONDARY EDUCATION PROGRAM AND PLANNING

"PART A—COMMISSION ON NATIONAL DEVELOPMENT IN POSTSECONDARY EDUCATION

"FINDINGS

"SEC. 101. The Congress finds—

"(1) that institutions of higher education in our Nation and their human and intellectual resources are critical to the future of the American society, and that the Nation's economic potential, its strength and freedom, and the quality of life for all citizens are tied to the quality and extent of higher education available;

"(2) that it is the responsibility of the Federal Government, consistent with the rights, duties, and privileges of States and institutions of higher education, to promote—

"(A) equality of access to postsecondary education, without regard to age, race, sex, creed, handicap, national origin, geographic location, or economic status;

"(B) freedom of choice to students who wish to participate in postsecondary education, to select institutions and programs which meet their needs and abilities;

"(C) quality of postsecondary education, including the maintenance and extension of academic freedom, responsibility, and educational diversity;

"(D) responsiveness of postsecondary education to rapidly changing social and economic needs; and

"(D) the efficient use of resources in postsecondary education, and the optimal allocation of human, physical and financial resources, through efficient planning and management to achieve these goals; and

"(3) that demographic, economic, and social changes will require institutions of postsecondary education to adapt to the future needs of individuals and of American society.

"ESTABLISHMENT OF THE COMMISSION ON NATIONAL DEVELOPMENT IN POSTSECONDARY EDUCATION

"SEC. 102. (a) There is established a Commission to be known as the Commission on National Development in Postsecondary Education to review the effectiveness of policies to promote the Federal responsibilities set forth in clauses (A) through (E) of section 101(2).

"(b) The Commission shall be composed of twenty-five members as follows:

"(1) Nine members shall be appointed by the President of the United States.

"(2) Eight of the members shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader.

"(3) Eight members shall be appointed by the Speaker of the House of Representatives.

"(c) (1) Of each class specified in subsection (b) not more than four members shall be from the same political party, except in the case of the members appointed under clause (1), in which case not more than five members shall be from the same political party. The members of the Commission appointed from private life shall be individuals who by reason of experience or training are especially qualified to serve on the Commission.

"(2) In making appointments under subsection (b) of this section the President, the President pro tempore, and the Speaker of the House of Representatives shall give due consideration to the appointment of individuals who, collectively, will provide appropriate representation of institutions of higher education, State agencies responsible for postsecondary education, labor, the business community, and public service.

"(d) Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

"(e) The Commission shall select a Chairman and a Vice Chairman from among its members.

"(f) Thirteen members of the Commission shall constitute a quorum for the transaction of business, but the Commission may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence.

"(g) (1) Members of the Commission who are Members of Congress or officers or employees of the executive branch of the Government shall serve without additional compensation but shall be reimbursed for travel, subsistence and other necessary expenses incurred by them in carrying out the duties of the Commission.

"(2) Members of the Commission not otherwise employed by the Federal Government shall receive compensation at a rate equal to the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, including traveltime for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimburse for travel, subsistence and other necessary expenses incurred by them in carrying out the duties of the Commission.

"DUTIES OF THE COMMISSION

"SEC. 103. (a) The Commission shall study and investigate the extent to which national policies promote the objectives set forth in clauses (A) through (E) of section 101(2). Such study shall include, but not be limited to, consideration of—

"(1) the extent to which postsecondary educational planning by States and localities and institutions of higher education is designed to identify the future needs of education in American society;

"(2) the effectiveness of Federal financial assistance to students and institutions of higher education in promoting national development of postsecondary education in the most efficient manner;

"(3) the physical and financial capacity of institutions of higher education to carry out their mission, including the conduct of basic and applied research in the humanities and scientific and technical fields, and the relationship between institutions of higher education, public agencies, and the private sector in developing the capacity of higher education to promote such research;

"(4) the human and technical resources currently and prospectively available to institutions of higher education to enable them to address and respond to national and worldwide social and economic forces;

"(5) the effect of demographic changes on institutions of higher education and their constituent disciplines and professions and the ability of such institutions to meet national needs; and

"(6) the extent to which Federal student assistance may be used to promote the recruiting of individuals to serve in the Armed Forces and to retain members of the Armed Forces.

"(B) (1) In addition, the Commission shall conduct a study of the remaining barriers to adult postsecondary education which analyzes the characteristics of current or potential adult postsecondary students, the Federal response to the needs of adult postsecondary students, and the ability of educational institutions to respond to the growing postsecondary student population. For the purpose of the study conducted under this subsection, the term 'adult postsecondary student' means individuals twenty-two years of age or older.

"(2) In analyzing the characteristics of current or potential adult postsecondary students and the Federal response to their needs, the Commission shall—

"(A) review the extent to which such students are motivated by employment goals, and whether these students seek further education in order to enter the labor force or reenter after an extended absence, advance in a current career, or move from one career to another;

"(B) analyze the relationship between different employment motivations and sources of financial assistance for education, choice of institution or patterns of participation in postsecondary education;

"(C) evaluate the extent to which the unavailability or inaccessibility or financial aid sources may prevent educational participation by economically or socially disadvantaged adults, or otherwise limit their choice of educational focus or intensity of study; and

"(D) evaluate the extent to which age represents a barrier to participation in postsecondary education and the potential for greater participation in postsecondary education by individuals age 60 and older.

"(3) In analyzing the ability of postsecondary institutions to respond to the potential adult postsecondary student population, the Commission shall, at a minimum—

"(A) review the availability of outreach, information, counseling, or supportive service programs, with particular attention to programs serving adults such as homemakers or retirees who are least likely to have access to normal sources of educational information; and

"(B) review the availability of alternative methods of evaluating past education credits and experience to promote adult participation in postsecondary education, and the availability of remedial courses for adult students.

"(4) The Commission shall coordinate the study conducted under this subsection with the research and demonstration priorities of the National Institute of Education, and such other studies on student financial assistance as are authorized by this Act.

"(c) The Commission shall submit to the President and to the Congress such interim reports as it deems advisable and, not later than December 31, 1983, a final report of its study and investigation together with such recommendations, including recommendations for legislation, as the Commission deems advisable.

"(d) The Commission shall cease to exist 60 days after the submission of its final report.

"POWER AND ADMINISTRATIVE PROVISIONS

"SEC. 104. (a) The Commission or, on authorization of the Commission, any subcommittee or member thereof, may, for the purposes of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, as the Commission or such subcommittee or member may deem advisable.

"(b) The Commission may acquire directly from the head of any department, agency, independent instrumentality, of other authority of the executive branch of the Government, available information which the Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government, shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.

"(c) The Commission is authorized to—

"(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

"(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code:

"(3) enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of General Services;

"(4) procure supplies, services, and property, and make contracts, without regard to the laws and procedures applicable to Federal agencies; and

"(5) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct or research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

"AUTHORIZATION

"SEC. 105. There are authorized to be appropriated $3,000,000 to carry out the provisions of this part for the period beginning October 1, 1981 through March 1, 1984.

"PART B—EDUCATION OUTREACH PROGRAMS

"FINDINGS

"SEC. 111. The Congress finds that—

"(1) the rapid pace of social, economic, and technological change has created pressing needs for postsecondary educational opportunities for adults in all stages of life;

"(2) postsecondary educational opportunities in the United States are traditionally provided for individuals between the ages of eighteen and twenty-two;

"(3) many adults are barred from advancement or self-sufficiency by lack of access to, and lack of retention in, postsecondary educational opportunities appropriate to their needs, or by lack of information or support services concerning the availability of postsecondary educational opportunities;

"(4) access to postsecondary educational opportunities is severely limited for adults whose educational needs have been inadequately served during youth, or whose age, sex, race, handicap, national origin, rural isolation, or economic circumstance may be a barrier to such opportunities;

"(5) with declining population growth rates, the future of postsecondary education in the United States is largely dependent upon its ability to respond to the challenges of new student populations;

"(6) service in continuing education will be better achieved through increased emphasis on planning and coordination which more effectively utilizes existing resources of both public and private sectors; and

"(7) to meet the unique problems and needs of adults who are disadvantaged in seeking access to postsecondary educational opportunities, resources must be marshaled from a wide range of institutions and groups, including community colleges, community-based educational institutions, business, industry, labor, and other public and private organizations and institutions.

"STATE ALLOTMENTS

"SEC. 112. (a) (1) From 90 per centum of the funds appropriated for this part for each fiscal year, the Secretary shall—

"(A) allot to each State having an agreement under section 1203 of this Act an amount which bears the same ratio to 60 per centum of such amount as the adult population of that State bears to the adult population of all States, and

"(B) allot 40 per centum of such amount to all States having an agreement under section 1203 on an equal basis,

except that no State shall receive less than $187,500 in any such fiscal year. If 90 per centum of the sums appropriated for any fiscal year are insufficient to pay the allotment specified in clauses (A) and (B) of the previous sentence and the exception contained in the previous sentence, the amount of each State's allotment under such clauses (A) and (B) (but not the amount in the exception) shall be ratably reduced. If 90 per centum of the sums appropriated for any fiscal year are insufficient after the application of the previous sentence, the amount of each State's allotment shall be equal. In case additional funds become available in making such payments in any fiscal year during which the second and third sentence of this paragraph are applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(2) Ten per centum of the funds appropriated for this part shall be available for carrying out section 116.

"(b) If, in any fiscal year, a State does not wish to conduct comprehensive planning pursuant to section 113, the Secretary shall allot to such State an amount equal to the amount the State would otherwise receive for the conduct of programs of continuing education and information services under this part. The Secreatary shall reallot the funds that would have been used by such State for the conduct of statewide planning under section 113 to all other States having agreements under section 1203. Such reallotments shall be made in proportion to their allotments pursuant to subsection (a).

"COMPREHENSIVE STATEWIDE PLANNING

"SEC. 113. (a) (1) Subject to paragraphs (2) and (3), each State with an agreement pursuant to section 1203 of this Act shall use at least 15 per centum but not to exceed 20 per centum of its allotment for the purpose of conducting comprehensive statewide planning for improving access and retention within the State to postsecondary educational programs for traditional and nontraditional learners, coordinating educational and occupational information and counseling services to youth and adults throughout the State, and promoting more effective and efficient use of available resources for continuing education within the State.

"(2) In any fiscal year in which appropriations for this part are equal to or exceed $18,500,000 but are less than $24,000,000, each State with an agreement pursuant to section 1203 of this Act shall use at least 10 per centum but not to exceed 15 per centum of its allotment for the purpose described in paragraph (1) of this subsection.

"(3) In any fiscal year in which the appropriations for this part are equal to or exceed $24,000,000, each State having an agreement pursuant to section 1203 of this Act shall use not to exceed 10 per centum of its allotment for the purpose described in paragraph (1) of this subsection.

"(b) A State shall submit to the Secretary at the end of each fiscal year for which sums have been received a list of programs assisted under this part, a brief description of the purposes of the programs, and an analysis of the relationship between grants and contracts awarded under this part and comprehensive statewide planning for postsecondary education.

"(c) Of the sums granted to States for comprehensive statewide planning, not less than 50 per centum shall be for the purpose of carrying out a program of statewide planning for continuing education in order to improve access for adults within the State to postsecondary education programs and to promote more effective and efficient use of available resources, including efforts to ensure equal treatment of applicants in the evaluation of grant proposals, except that the Secretary may, upon application, grant a waiver to a State which has demonstrated that the State has adequately provided for meeting the needs of adult learners in its statewide planning activities. Such planning shall give particular consideration to the educational needs of adults who have been inadequately served by programs of postsecondary education.

"(d) Planning undertaken pursuant to this section shall be coordinated, to the maximum extent feasible, with the planning activities under subpart 4 of part A and part B of title IV and section 485 of this Act; the Vocational Education Act; the Comprehensive Employment and Training Act; the Older Americans Act of 1965; the Rehabilitation Act of 1973; the Career Education Incentive Act; the Adult Education Act; the Veterans Readjustment Assistance Act; and other Federal, State, and local activities intended to provide outreach, guidance, counseling, and educational, student aid, and occupational information to persons within the State.

"(e) Each State may use the funds available for this section to conduct studies of student financial assistance needs and resources, information coordination, continuing education, and other topics consistent with the purposes of subsections (a) and (c) of this section.

"INFORMATION SERVICES

"SEC. 114. (a) Each State shall use not less than $50,000 nor more than 12 per centum of its allotment, whichever is greater, to conduct programs to develop and coordinate new and existing educational and occupational information and counseling programs to eliminate unnecessary duplication and to provide a more comprehensive delivery of services to both traditional and nontraditional learners seeking educational information and to youth and adults seeking occupational information.

"(b) Such educational and occupational information and counseling programs shall be coordinated to the maximum extent possible with those authorized by subpart 4 of part A and part B of title IV and section 485 of this Act; the Vocational Educational Act; the Comprehensive Employment and Training Act; the Older Americans Act of 1965; the Rehabilitation Act of 1973; the Career Education Incentive Act; the Adult Education Act; the Veterans Readjustment Assistance Act; and other Federal, State, and local activities intended to provide outreach, guidance, counseling, and educational, student aid, and occupational information to persons within the State.

"(c) For the purposes of carrying out this section, each State may make grants to, and enter into contracts with, institutions of higher education, public and private institutions and organizations, business, industry, and labor, or any combination thereof.

"CONTINUING EDUCATION

"SEC. 115. (a) Each State shall use such sums as may remain available from that State's allotment after reserving the amounts required to carry out the provisions of sections 113 and 114 of this part for the purpose of—

"(1) promoting access to and retention in postsecondary educational programs for adults whose educational needs have been inadequately served;

"(2) expanding and improving postsecondary education programs which help adults develop their occupational potential and prepare for transitions between education and work;

"(3) eliminating barriers posed by previous education or training, age, sex, race, handicap, national origin, rural isolation, or economic circumstance which may place adults at a disadvantage in seeking postsecondary educational opportunities;

"(4) strengthening statewide and other mechanisms of information, counseling, and referral which provide access to postsecondary education and serve the special needs of adults; and

"(5) developing strategies to promote the financial self-sufficiency of postsecondary education programs initiated pursuant to this part.

"(b) To promote the purposes of subsection (a), each State may make grants to and enter into contracts with public and private institutions and organizations, institutions of higher education, business, industry, and labor, or any combination thereof, for programs, such as—

"(1) the creation or expansion of labor education, training and technical assistance programs, and the development of cooperative relationships between State and local labor organizations and institutions and agencies which provide opportunities for continuing education;

"(2) the removal of barriers to continuing education caused by rural isolation or other rural-related factors;

"(3) legal, vocational, and health educational services and information services for older individuals who use preretirement education as a means to adjust to retirement;

"(4) the promotion of resource sharing for innovative uses of technology, including telecommunications, either on an interstate or intrastate basis, to overcome barriers to postsecondary educational opportunities;

"(5) educational and occupational information and counseling services designed to meet the special needs of adult women, particularly homemakers, and to assist their entry or reentry into postsecondary education and the labor force;

"(6) the collection and dissemination of information, including data banks, on sources of student financial assistance and information designed to assist individuals to make choices among postsecondary institutions, programs, and other educational opportunities;

"(7) community education service activities consistent with the purpose of this section for adults in rural areas;

"(8) postsecondary educational programs suited to individuals whose educational needs have been inadequately served, especially the handicapped, older individuals, migrant and seasonal farmworkers, individuals who can participate in programs only on a part-time basis, and individuals who otherwise would be unlikely to continue their education beyond high school; and

"(9) child care services to assist individuals desiring to participate to enter or reenter the field of postsecondary education and the labor force.

"(c) No grant or contract may be entered into to carry out the activities described in clause (9) of subsection (b) unless the agreement to make the grant or the contract contains provisions designed to assure that—

"(1) the State will provide assurances that the State has established a cooperative agreement between the State entity responsible for planning under section 113 and the agency responsible for coordinating child care services within the State; and

"(2) funds made available pursuant to such grant or contract will be used for services furnished only by child care providers licensed in the State or child care providers who have applied for renewal of such a license and are determined by the State to be likely to be approved for renewal.

"(d) Each State may use an amount which does not exceed 5 per centum of sums available for this section or $40,000, whichever is greater for the administration and operation of programs described in subsection (b) of this section.

"FEDERAL DISCRETIONARY GRANTS

"SEC. 116. (a) From 10 per centum of the sums appropriated to carry out the provisions of this part, the Secretary is authorized to make grants to and enter into contracts with public and private institutions and organizations, institutions of higher education, business, industry, labor, and States, or any combination thereof for activities which—

"(1) develop and evaluate innovative delivery systems to increase access to postsecondary education for underserved adults;

"(2) expand the range of educational and community resources used to meet the needs of underserved adults for continuing education;

"(3) promote the development of interstate educational delivery systems, cooperative and consortial arrangements, and programs (including telecommunications) which more effectively address regional needs for continuing education;

"(4) stimulate and evaluate creative approaches to the problems of access for adults inadequately served by existing educational offerings;

"(5) develop statewide, regional, or national programs to coordinate educational and occupational information, including information on student financial assistance, through creation and expansion of data banks for the more effective coordination and dissemination of such information;

"(6) assist States to perform their functions of authorizing institutions of higher education effectively; and

"(7) provide preservice and inservice training to teachers and administrative personnel involved in child care programs, including the recruitment and training of low-income parents for child care positions, and provide specialized training in early childhood education, and to provide improved teacher certification criteria for child care programs.

"(b) No grant may be awarded under this section within a State unless the Secretary has provided the State entity responsible for comprehensive planning under section 1203, if applicable, an opportunity to comment on the relationship of the proposed grant to such planning.

"NATIONAL ADVISORY COUNCIL ON CONTINUING EDUCATION

"SEC. 117. (a) The President shall appoint a National Advisory Council on Continuing Education consisting of eight representatives of Federal agencies having postsecondary continuing education and training responsibilities, including but not limited to, one representative each from the Departments of Education, Agriculture, Defense, and Labor, and the Veterans' Administration; and twelve members, not full-time employees of the Federal Government, who are knowledgeable and experienced in the field of continuing education, including State and local government officials, representatives of business, labor, and community groups, and adults whose educational needs have been inadequately served. The Advisory Council shall meet at the call of the chairman but not less than twice a year.

"(b) The Advisory Council shall advise the Secretary in the preparation of general regulations and with respect to policies and procedures arising in the administration of this title.

"(c) The Advisory Council shall examine all federally supported continuing education and training programs and make recommendations with regard to policies to eliminate duplication and to effectuate the coordination of programs under this title and other federally funded continuing education and training programs and services.

"(d) The Advisory Council shall make annual reports to the President, the Congress, and the Secretary, commencing on September 30, 1981, of its findings and recommendations, including recommendations for changes in the provisions of this title and other Federal laws relating to continuing education and training activities. The President shall transmit each such report to the Congress with his comments and recommendations. The Advisory shall make such other reports or recommendations to the President, the Congress, the Secretary, or the head of any other Federal department or agency as may be appropriate.

"(e) The Advisory Council may utilize the services and facilities of any agency of the Federal Government as may be necessary. The Advisory Council may accept, employ, and dispose of gifts or bequests to carry out its responsibilities under this title.

"DEFINITIONS

"SEC. 118. For the purposes of this subpart—

"(1) the term 'Commission' means the Commission on National Development in Postsecondary Education established under section 102;

"(2) the term 'Advisory Council' means the National Advisory Council on Continuing Education established under section 117;

"(3) the term 'adults whose educational needs have been inadequately served' means individuals eighteen years of age or older who, because of circumstances of age, sex, low income, handicap, minority status, rural isolation, status of unemployment or underemployment, lack of education, or other significant barriers have been discouraged from obtaining equal educational opportunities;

"(4) the term 'continuing education' means postsecondary instruction and support services designed to meet the educational needs of adults, including the expansion of available learning opportunities for adults whose educational needs are inadequately served by current educational offerings in their communities; and

"(5) the term 'adult population' means the population eighteen years old and older of a State and of all the States which shall be determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

"APPROPRIATIONS AUTHORIZED AND PAYMENTS

"SEC. 119. (a) There is authorized to be appropriated $20,000,000 for fiscal year 1981; $40,000,000 for fiscal year 1982; $60,000,000 for fiscal year 1983; $80,000,000 for fiscal year 1984; and $100,000,000 for fiscal year 1985 to carry out the provisions of this part.

"(b) Payments under this part shall not exceed two-thirds of the cost of activities assisted under this part. The non-Federal share may be in cash or in kind, but may not include payments received under any other Federal program.

"(c) Each State is authorized to use not more than 50 per centum of the funds provided under section 113 for the purpose of carrying out programs under section 115.".

(b) Subpart 5 of part A of title IV of the Act is repealed.

TITLE II—AMENDMENT AND EXTENSION OF TITLE II OF THE HIGHER EDUCATION ACT OF 1965

EXTENSION AND REVISION OF LIBRARY PROGRAMS

SEC. 201. Title II of the Act is amended to read as follows:

"TITLE II—COLLEGE AND RESEARCH LIBRARY ASSISTANCE AND LIBRARY TRAINING AND RESEARCH

"PURPOSE; AUTHORIZATION

"SEC. 201. (a) The Secretary shall carry out a program to assist—

"(1) institutions of higher education in the acquisition of library resources, including law library resources, and in the establishment and maintenance of networks for sharing library resources in accordance with part A;

"(2) in the training of persons in librarianship and to encourage research and development relating to the improvement of libraries (including the promotion of economical and efficient information delivery, cooperative efforts, and developmental projects in accordance with part B;

"(3) the Nation's major research libraries, in maintaining and strengthening their collections, and in making their holdings available to other libraries whose users have need for research materials, in accordance with part C; and

"(4) the establishment of a National Periodical System Corporation, in accordance with part D.

"(b)(1)(A) There are authorized to be appropriated to carry out part A $10,000,000 for the fiscal year 1981, $30,000,000 for the fiscal year 1982 and for each of the two succeeding fiscal years, and $35,000,000 for the fiscal year 1985.

(B) There are authorized to be appropriated to carry out part B $10,000,000 for the fiscal year 1981, $30,000,000 for the fiscal year 1982 and for each of the two succeeding fiscal years, and $35,000,000 for the fiscal year 1985.

(C) There are authorized to be appropriated to carry out part C $10,000,000 for the fiscal year 1981, $15,000,000 for the fiscal year 1982 and each of the three succeeding fiscal years.

"(2) Notwithstanding paragraph (1), no funds are authorized to be appropriated for part D unless the appropriation for each of parts A, B, and C equals or exceeds the amount appropriated for each such part, respectively, for fiscal year 1979.

"(c) No grant may be made under this title for books, periodicals, documents, or other related materials to be used for sectarian instruction or religious worship, or primarily in connection with any part of the program of a school or department of divinity.

"NOTIFICATION OF STATE AGENCY

"SEC. 202. Each institution of higher education which receives a grant under this title shall annually inform the State agency designated pursuant to section 1203 of its activities under this title.

"PART A—COLLEGE LIBRARY RESOURCES

"RESOURCE DEVELOPMENT GRANTS

"SEC. 211. (a) From the amount appropriated for this part, the Secretary shall make grants to institutions of higher education or combinations thereof (and to each branch of an institution which is located in a community different from that in which its parent institution is located), and to other public and private nonprofit library institutions whose primary function is to provide library and information services to institutions of higher education on a formal, cooperative basis. The amount of a resource development grant under this section shall not exceed $10,000.

"(b) A grant under this part may be made only if the application provides—

"(1) information about the institution and its library resources as prescribed by the Secretary in regulations;

"(2) satisfactory assurance that the applicant will expend, for all library material expenditures (exclusive of construction) during the fiscal year for which the grant is sought, from funds other than funds received under this part, an amount not less than the average annual aggregate amount or the average amount per full-time equivalent student it expended for such purposes during the two fiscal years preceding the fiscal year for which assistance is sought under this part;

"(3) for such fiscal control and fund accounting procedures as are necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this part; and

"(4) for making such reports as the Secretary may require and for keeping such records and for affording such access thereto as the Secretary deems necessary to assure the correctness and verification of such reports.

"(c) If the Secretary determines, in accordance with regulations, that there are very unusual circumstances which prevent the applicant from making the assurance required by subsection (b)(2), the requirement for such assurance may be waived. For purposes of this subsection, the term 'very unusual circumstances' means theft, vandalism, fire, flood, earthquake, or other occurrence which may temporarily reduce the level of expenditures for library materials and total library purposes, or which resulted in unusually high expenditures for library materials and total library purposes.

"(d) Grants under this part may be used only for books, periodicals, documents, magnetic tapes, phonographic records, audiovisual materials, and other related library materials (including necessary binding) and for the establishment and maintenance networks for sharing library resources with other institutions of higher education.

"PART B—LIBRARY TRAINING, RESEARCH, AND DEVELOPMENT

"GRANTS AUTHORIZED

"SEC. 221. From the amount appropriated for this part, the Secretary shall make grants in accordance with sections 222, 223, and 224. Of such amount, one-third shall be available for the purposes of each such section.

"LIBRARY CAREER TRAINING

"SEC. 222. (a) The Secretary shall make grants to, and contracts with, institutions of higher education and library organizations or agencies to assist them in training persons in librarianship. Such grants or contracts may be used by such institutions, library organizations, or agencies (1) to assist in covering the cost of courses of training or study (including short term or regular session institutes), (2) to establish and maintain fellowships or traineeships with stipends (including allowances for travel, subsistence, and other expenses) for fellows and others undergoing training and their dependents, not in excess of such maximum amounts as may be determined by the Secretary, and (3) to establish, develop, or expand programs of library and information science, including new techniques of information transfer and communication technology.

"(b) Not less than 50 per centum of the grants made under this section shall be for the purpose of establishing and maintaining fellowships or traineeships under subsection (a)(2).

"RESEARCH AND DEMONSTRATIONS

"SEC. 223. The Secretary is authorized to make grants to, and contracts with, institutions of higher education and other public or private agencies, institutions, and organizations for research and demonstration projects related to the improvement of libraries, training in librarianship, and information technology, and for the dissemination of information derived from such projects.

"SPECIAL PURPOSE GRANTS

"SEC. 224. (a) The Secretary is authorized to make special purpose grants to (1) institutions of higher education to meet special national or regional needs in the library or information sciences, (2) combinations of institutions of higher education which demonstrate a need for special assistance in establishing and strengthening joint-use library facilities, resources, equipment, (3) other public and private nonprofit library institutions which provide library and information services to institutions of higher education on a formal, cooperative basis for the purpose of establishing, developing, or expanding programs or projects that improve their services, and (4) institutions of higher education which demonstrate a need for special assistance to develop or expand programs or projects that will service the communities in which the institutions are located.

"(b) A grant under this section may be made only if the application therefor (whether by an individual institution or a combination of institutions) is approved by the Secretary on the basis of criteria prescribed in regulations and provides satisfactory assurance that (1) the applicant will expend during the fiscal year for which the grant is sought (from funds other than funds received under this title), for the same purpose as such grant, an amount from such other sources equal to not less than one-third of such grant, and (2) the applicant will expend during such fiscal year from such other sources for all library purposes (exclusive of construction) an amount not less than the average annual an amount not less than the average annual amount it expended for such purposes during the two fiscal years preceding the fiscal year for which the grant is sought under this section.

"PART C—STRENGTHENING RESEARCH LIBRARY RESOURCES

"ELIGIBILITY FOR ASSISTANCE

"SEC. 231. (a)(1) From the amount appropriated for this part, the Secretary shall make grants to institutions with major research libraries.

"(2) For the purposes of this part, the term 'major research library' means a public or private nonprofit institution (including the library resources of an institution of higher education), an independent research library, or a State or other public library, having a library collection which is available to qualified users and which—

"(A) makes a significant contribution to higher education and research;

"(B) is broadly based and is recognized as having national or international significance for scholarly research;

"(C) is of a unique nature, and contains material not widely available; and

"(D) is in substantial demand by researchers and scholars not connected with that institution.

"(b) No institution receiving a grant under this part for any fiscal year may receive a grant under section 211 or 224 for that year.

"GEOGRAPHICAL DISTRIBUTION OF GRANTS

"SEC. 232. In making grants under this part, the Secretary shall endeavor to achieve broad and equitable geographical distribution throughout the Nation.

"PART D—NATIONAL PERIODICAL SYSTEM

"PURPOSE

"SEC. 241. It is the purpose of this part to assess the feasibility and advisability of, and, if feasible and advisable, prepare a design for a national periodical system to serve as a national periodical resource by contributing to the preservation of periodical materials and by providing access to a comprehensive collection of periodical literature to public and private libraries throughout the United States.

"ESTABLISHMENT

"SEC. 242. There is established a nonprofit corporation, to be known as the National Periodical System Corporation, which shall not be considered an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this part, and to the extent consistent with this Act, to the laws of the jurisdiction where incorporated.

"FUNCTIONS OF THE CORPORATION

"SEC. 243. (a) The Corporation shall assess the feasibility and advisability of a national system and, if feasible and advisable, design such a system to provide reliable and timely document delivery from a comprehensive collection of periodical literature. A design may be implemented by the Corporation only in accordance with the provisions of section 248.

"(b) Any design for a national periodical system shall include provisions for such system to—

"(1) acquire current and past issues of periodicals, and to preserve and maintain a dedicated collection of such documents;

"(2) provide information on periodicals to which the system can insure access, including those circulated from private sector sources, and cooperate in efforts to improve bibliographic and physical access to periodicals;

"(3) make such periodicals available through libraries, by loan, photoreproduction or other means;

"(4) cooperate with and participate in international borrowing and lending activities as may be appropriate for such purposes;

"(5) ensure that copyright owners who do not wish to participate in such system are not required to participate;

"(6) ensure that copyright fees are fixed by the copyright owners for any reproduction or dissemination of a document delivered through the system;

"(7) complement and not duplicate activities in the private sector to provide access to periodical literature;

"(8) ensure, to the maximum extent feasible, that such system not adversely affect the publication and distribution of current periodicals, particularly scholarly periodicals of small circulation; and

"(9) ensure coordination with existing programs to distribute periodical literature, including programs of regional libraries and programs of interlibrary loan and library networks.

"(c) Any design shall include provisions for the role, if any, of the Corporation in the governance, administration, and operation of the system.

"(d) Any design shall be accompanied by an estimate of the cost for each fiscal year of carrying out the system proposed in the design.

"BOARD OF DIRECTORS

"SEC. 244. (a) The Corporation shall have Board of Directors, consisting of fifteen members, including fourteen members appointed by the President, by and with the advice and consent of the Senate, and the Director of the Corporation.

"(b) The members of the Board appointed by the President shall be equitably representative of the needs and interests of the Government, academic and research communities, libraries, publishers, the information community, authors, and the public. Except for the initial Board of Directors, the members shall be appointed after consultation with the Board.

"(c) The members of the initial Board of Directors shall serve as incorporators and shall take whatever actions are necessary to establish the Corporation under the laws of the jurisdiction in which it is incorporated.

"(d) The term of office for each member of the Board (other than the Director) shall be two years except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Notwithstanding the preceding provisions of this paragraph, a member whose term has expired may serve until his successor has taken office.

"(e)(1) The members of the Board shall not, by reason of membership, be deemed employees of the United States. Except as provided in paragraph (2), members shall, while engaged in activities of the Board, be entitled to receive compensation at the rate equal to the daily rate prescribed for grade GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day and, while away from their homes or regular place of business, may be allowed travel expenses.

"(2) Members of the Corporation who are full-time officers and employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Corporation.

"(f) Eight members of the Board shall constitute a quorum.

"(g) The Board shall elect annually one of its members to serve as the Chairman.

"(h) The Board shall meet annually or at the call of the Chairman or a majority of its members.

"DIRECTOR AND STAFF OF CORPORATION

"SEC. 245. (a) The Corporation shall have a Director, and such other officers as appointed by the Board for the terms and at rates of compensation fixed by the Board. The Director shall manage the operations of the Corporation, subject to such rules as may be prescribed by the Board.

"(b) Subject to such rules as may be prescribed by the Board, the Director may appoint and fix the pay of personnel and may procure temporary and intermittent services.

"NONPROFIT NATURE OF CORPORATION

"SEC. 246. (a) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the incomes or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

"(c) The National Periodical System Corporation shall be exempt from taxation now or hereafter imposed by the United States, or any territory or possession thereof, or by any State, county, municipality, or local taxing authority.

"AUTHORITY OF CORPORATION

"SEC. 247. (a) The Corporation is authorized to—

"(1) obtain grants from and to make contracts with individuals and with private, State, and Federal agencies, organizations, and institutions;

"(2) conduct its business, carry on its operations, and have officers and exercise the power granted by this section in any State without regard to any qualification or similar statute in any State;

"(3) lease, purchase, or otherwise acquire, own, hold, improve, use or otherwise deal in and with any property (real, personal, or mixed), or any interest therein, wherever situated;

"(4) sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets; and

"(5) enter into contracts, execute instruments, incur liabilities, and do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

"(b) To carry out its functions and to engage in the activities described in subsection (a), the Corporation shall have the usual powers conferred upon a nonprofit corporation by the jurisdiction in which the Corporation is incorporated.

"(c) The Corporation may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States. The Administrator of General Services shall provide to the Corporation on a reimbursable basis such administrative support services as the Corporation may request.

"(d) The Corporation is authorized to accept, hold, administer, and use gifts, bequests, and devises of property, both real and personal, for the purpose of aiding or facilitating the authority of the Corporation pursuant to section 243. For the purpose of Federal income, estate, and gift taxes, property accepted by the National Periodical System Corporation shall be a gift, bequest, or devise to the United States.

"(e) The Corporation shall be subject to the provisions of section 552b of title 5, United States Code.

"IMPLEMENTING THE DESIGN

"SEC. 248. Any design established under this part shall be submitted to the Congress not later than December 31, 1981, and may not be implemented until the design is approved in whole or in part by enactment of a joint resolution of the Congress approving such design.

"COPYRIGHT ACT

"SEC. 249. Nothing in this part shall be considered to amend, affect, or redefine the provisions of title 17, United States Code, relating to copyrights.

"DEFINITIONS

"SEC. 250. As used in this part—

"(1) the term 'access' means the ability to identify, locate, and obtain a specific item (generally a periodical article), and includes both bibliographic access (the ability to identify a specific item from its description) and physical access to materials (the ability to obtain the text of an item in an appropriate form, such as visual, audio, or printed formats);

"(2) the term 'Board' means the Board of Directors of the National Periodical System Corporation;

"(3) the term 'comprehensive collection' means a collection of periodical titles which will provide access to approximately 90 per centum of the requests received, except that such titles need not all be physically located in the same place;

"(4) the term 'copyright owner' means the owner of any one of the exclusive rights comprised in a copyright;

"(5) the term 'Corporation' means the National Periodical System Corporation established under this part;

"(6) the term 'dedicated collection' means a collection of periodicals maintained for the sole purpose of assuring the provision of permanent physical access;

"(7) the term 'document' means any portion or the entire issue of a periodical;

"(8) the term 'periodical' means a publication consisting of issues in a continuous series under the same title published at regular or irregular intervals, over an indefinite period, individual issues in the series being numbered consecutively or each issue being dated; and

"(9) the term 'private sector' means nongovernmental, nonprofit, and for-profit organizations.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 251. (a) There are authorized to be appropriated, for the purpose of carrying out this part, $750,000 for each of fiscal years 1981 and 1982, and such sums as may be necessary for each of the fiscal years 1983, 1984, and 1985.

"(b) In any fiscal year after the joint resolution described in section 248 is enacted, there are authorized to be appropriated such additional sums as may be necessary to implement an approved design for any such fiscal year ending prior to October 1, 1985.".

TITLE III—ESTABLISHMENT OF A NEW TITLE III OF THE HIGHER EDUCATION ACT OF 1965

PROGRAMS AUTHORIZED

SEC. 301. Title III of the Act is amended to read as follows:

"TITLE III—INSTITUTIONAL AID

"FINDINGS AND PURPOSES

"SEC. 301. (a) The Congress finds that—

"(1) many institutions of higher education in this era of declining enrollments and scarce resources face problems which threaten their ability to survive;

"(2) the problems relate to the management and fiscal operations of certain institutions of higher education, as well as to an inability to engage in long-range planning, recruitment activities, and development activities;

"(3) the solution of the problems of these institutions would enable them to become viable, thriving institutions of higher education; and

"(4) these institutions play an important role in the American system of higher education, and there is a strong national interest in assisting them in solving their problems and in stabilizing their management and fiscal operations.

"(b) It is the purpose of this title to assist such institutions through a program of Federal assistance.

"PART A—STRENGTHENING INSTITUTIONS

"PROGRAM PURPOSE

"SEC. 311. (a) The Secretary shall carry out a program, in accordance with this part, to improve the academic quality, institutional management, and fiscal stability of eligible institutions, in order to increase their self-sufficiency and strengthen their capacity to make a substantial contribution to the higher education resources of the Nation.

"(b) From the sums available for this part under section 347(a)(1), the Secretary may award grants to any eligible institution with an application approved under section 341 in order to assist such an institution to plan, develop, or implement activities that promise to strengthen the institution. Special consideration shall be given to applications which propose to engage in the following activities pursuant to the institution's plan:

"(1) faculty development;

"(2) funds and administrative management;

"(3) development and improvement of academic programs;

"(4) acquisition of equipment for use in strengthening funds management and academic programs;

"(5) joint use of facilities such as libraries and laboratories; and

"(6) student services.

"DEFINITIONS

"SEC. 312. For purposes of this part:

"(1) The term 'educational and general expenditures' means the total amount expended by an institution of higher education for instruction, research, public service, academic support (including library expenditures), student services, institutional support, scholarships and fellowships, operation, and maintenance expenditures for physical plant, and any mandatory transfers which the institution is required to pay by law.

"(2) The term 'eligible institution' means—

"(A) an institution of higher education—

"(i)(I) which, in the case of an institution which awards a bachelor's degree, has an enrollment which includes a substantial percentage of students receiving awards under subpart 1 of part A of title IV, the average amount of which is high in comparison with the average amount of all grants awarded under such subpart to students at such institutions, and (II) which, in the cases of junior or community colleges, has an enrollment which includes a substantial percentage of students receiving awards under subpart 1 of title IV, the average amount of which is high in comparison with the average amount of all grants awarded under such subpart to students at such institutions, and

"(ii) except as provided in section 342(a), the average educational and general expenditures of which are low, per full-time equivalent undergraduate student, in comparison with the average educational and general expenditures per full-time equivalent undergraduate student of institutions that offer similar instruction;

"(iii)(I) is legally authorized to provide, and provides within the State, an educational program for which it awards a bachelor's degree, or (II) is a junior or community college;

"(iv) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation;

"(v) except as provided in section 342(b) has, during the five academic years preceding the academic year for which it seeks assistance under this part—

"(I) met the requirement of either clause (iii)(I) or (iii)(II), or of both such clauses (simultaneously or consecutively); and

"(II) met the requirement of clause (iv); and

"(vi) meets such other requirements as the Secretary may prescribe; or

"(B) any branch of any institution of higher education described under subparagraph (A) which by itself satisfies the requirements contained in clauses (i) and (ii) of such subparagraph.

For purposes of the determination of whether an institution is an eligible institution under this paragraph, the factor described under subparagraph (A)(i) shall be given twice the weight of the factor described under subparagraph (A)(ii).

"(3) The term 'full-time equivalent students' means the sum of the number of students enrolled full time at an institution, plus the full-time equivalent of the number of students enrolled part time (determined on the basis of the quotient of the sum of the credit hours of all part-time students divided by twelve) at such institution.

"(4) The term 'junior or community college' means an institution of higher education—

"(A) that admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the training offered by the institution;

"(B) that does not provide an educational program for which it awards a bachelor's degree (or an equivalent degree); and

"(C) that—

"(i) provides an educational program of not less than two years that is acceptable for full credit toward such a degree, or

"(ii) offers a two-year program in engineering, mathematics, or the physical or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific or mathematical principles of knowledge.

"DURATION OF GRANT

"SEC. 313. (a) The Secretary may award a grant to an eligible institution under this part for—

"(1) not to exceed three years, or

"(2) not less than four nor more than seven years, subject for each fiscal year to the availability of appropriations therefor. The Secretary shall not accept the application of an eligible institution for a grant under both paragraphs (1) and (2) for a fiscal year.

"(b) The Secretary shall not award a grant under this part to an eligible institution that has, for any prior fiscal year, received a grant under subsection (a)(2).

"(c) Notwithstanding subsection (a), the Secretary may award a grant to an eligible institution under this part for a period of one year for the purpose of assisting such institution in the preparation of plans and applications under this part.

"PART B—AID TO INSTITUTIONS WITH SPECIAL NEEDS

"PROGRAM PURPOSE

"SEC. 321. (a) The purpose of this part is to provide for a program of short-term Federal assistance to strengthen the planning, management, and fiscal capabilities of institutions with special needs.

'(b) From the sums available for this part under section 347(a)(1), the Secretary may make grants to any institution with special needs with an application approved under section 341 in order to assist such an institution to plan, develop, or implement activities consistent with the purpose of this part. Such activities shall include—

"(1) faculty development;

"(2) funds and administrative management;

"(3) development and improvement of academic programs;

"(4) acquisition of equipment for use in strengthening funds management and academic programs;

"(5) joint use of facilities such as libraries and laboratories; and

"(6) student services.

"DEFINITIONS

"SEC. 322. (a) For purposes of this part:

"(1) The term 'educational and general expenditures' means the total amount expended by an institution of higher education for instruction, research, public service, academic support (including library expenditures), student services, institutional support, scholarships and fellowships, operation, and maintenance expenditures of physical plant, and any mandatory transfers which the institution is required to pay by law.

"(2) The term 'institution with special needs' means—

"(A) an institution of higher education—

"(i)(I) which, in the case of an institution which awards a bachelor's degree, has an enrollment which includes a substantial percentage of students receiving need-based assistance under title IV of this Act, the average amount of which assistance is high in comparison with the average amount of all assistance provided under such title to students at such institutions, and (II) which, in the case of junior or community colleges, has an enrollment which includes a substantial percentage of students receiving need-based assistance under title IV, the average amount of which assistance is high in comparison with the average amount of all assistance provided under such title to students at such institutions, and

"(ii) except as provided in section 342(a), the average educational and general expenditures of which are low, per full-time equivalent undergraduate student, in comparison with the average educational and general expenditures per full-time equivalent undergraduate student of institutions that offer similar instruction;

"(iii)(I) is legally authorized to provide, and provides within the State, an educational program for which it awards a bachelor's degree, or (II) is a junior or community college;

"(iv) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation;

"(v) except as provided in section 342(b) has, during the five academic years preceding the academic year for which it seeks assistance under this part—

"(I) met the requirement of either clause (iii)(I) or (iii)(II), or of both such clauses (simultaneously or consecutively); and

"(II) met the requirement of clause (iv);

"(vi) has an enrollment of not less than 100 full-time equivalent students in the academic year for which the determination is made; and

"(vii) meets such other requirements as the Secretary may prescribe; or

"(B) any branch of any institution of higher education described under subparagraph (A) which by itself satisfies the requirements contained in clauses (i), (ii), and (vi) of such subparagraph and which is located in a community different from that in which its parent institution is located.

For purposes of the determination of whether an institution is an eligible institution under this paragraph, the factor described under subparagraph (A)(i) shall be given the same weight as the factor described under subparagraph (A)(ii), and the Secretary may also consider the factors specified under subsection (b) of this section.

"(3) The term 'full-time equivalent students' means the sum of the number of students enrolled full time at an institution, plus the full-time equivalent of the number of students enrolled part time at such institution (determined on the basis of the quotient of the sum of the credit hours of all part-time students divided by twelve).

"(4) The term 'junior or community college' means an institution of higher education—

"(A) that admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the training offered by the institution;

"(B) that does not provide an educational program for which it awards a bachelor's degree (or an equivalent degree); and

"(C) that—

"(i) provides an educational program of not less than two years that is acceptable for full credit toward such a degree, or

"(ii) offers a two-year program in engineering, mathematics, or the physical or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

"(b) In determining whether an institution is an institution with special needs under subsection (a)(2), the Secretary may also consider the following factors:

"(1) extreme financial limitations requiring low faculty salaries, low costs of instruction for students, and low library expenditures;

"(2) a little or no endowment, whether or not unrestricted;

"(3) a high student to faculty ratio;

"(4) a substantial percentage of students receiving need-based Federal student assistance;

"(5) limited library resources;

"(6) a low percentage of faculty with doctorate degrees;

"(7) poor physical facilities and limited resources to maintain physical facilities;

"(8) little or no support from foundations, alumni, or corporations;

"(9) limited or no sponsored research or faculty publications;

"(10) inadequate development offices and a limited capacity for long-range planning; and

"(11) poor or inadequate fiscal management and accounting procedures.

"DURATION OF GRANT

"SEC. 323. The Secretary may make a grant to any institution with special needs under this part for a period of not more than five years. A grant to enhance the planning capabilities of an institution shall not exceed one year.

"FEDERAL SHARE

"SEC. 324 The Federal share of the cost of grants made to institutions with special needs under this part shall be 100 per centum for the first two years in which an institution receives a grant, 90 per centum for the third year an institution receives a grant, 80 per centum for the fourth year an institution receives a grant, and 70 per centum for the fifth year an institution receives a grant.

"PART C—CHALLENGE GRANTS FOR INSTITUTIONS ELIGIBLE FOR ASSISTANCE UNDER PART A OR PART B

"ESTABLISHMENT OF CHALLENGE GRANT PROGRAM

"SEC. 331. (a)(1) From the sums available under section 347(a)(2) for each fiscal year, the Secretary may award a challenge grant to each institution—

"(A) which is an eligible institution under part A or would be considered to be such an institution if section 312(2)(A)(iii) referred to a postgraduate degree rather than a bachelor's degree; or

"(B) which is an institution with special needs under part B or would be considered to be such an institution if section 322(a)(2)(A)(iii) referred to a postgraduate degree rather than a bachelor's degree.

"(2) The Secretary may waive the requirements set forth in subparagraphs (A) and (B) of paragraph (1) with respect to a postgraduate degree in the case of any institution otherwise eligible under such paragraph for a challenge grant upon determining that the institution makes a substantial contribution to medical education opportunities for minorities and the economically disadvantaged.

"(b) The Secretary may make a grant under this section for a period of not more than 5 years. A grant under this section may be used for the programs and activities described in part A or part B, as the case may be.

"APPLICATIONS FOR CHALLENGE GRANTS

"SEC. 332. (a) Any institution eligible for a challenge grant under section 331(a) may apply for such a grant under section 341, except that the application for the purpose of this part shall—

"(1) provide evidence that funds are available to the applicant to match funds that the Secretary is requested to make available to the institution as a challenge grant;

"(2) in the case of an application by a public institution, contain the recommendations of an appropriate State agency responsible for higher education in the State, or provide evidence that the institution requested the State agency to comment but the State agency failed to comment; and

"(3) in the case of an application by an institution described under section 331(a)(1)(B), demonstrate how challenge grant funds will be used to eradicate the conditions enumerated in section 322(b)(1) through (11), and lead to greater financial independence.

"(b) Not later than April 1 of the fiscal year preceding the fiscal year in which any grant is to be made under this part, the Secretary shall determine which institutions will receive challenge grants under this part and notify the institutions of the amount of the grant.

"(c) In approving applications for grants under this part, preference shall be given to institutions which are receiving, or have received, grants under part A or part B.

"PART D—GENERAL PROVISIONS

"APPLICATIONS FOR ASSISTANCE

"SEC. 341. (a) Any institution which is eligible for assistance under this title may submit to the Secretary an application for assistance at such time, in such form, and containing such information, as may be necessary to enable the Secretary to evaluate its need for assistance. Subject to the availability of appropriations to carry out this title, the Secretary may approve an application for a grant under this title if the application meets the requirements of subsection (b) and shows that the applicant is eligible for assistance in accordance with the part of this title under which the assistance is sought.

"(b) An institution, in its application for a grant, shall—

"(1) set forth, or describe how it will develop, a comprehensive development plan to strengthen the institution's academic quality and institutional management, and otherwise provide for institutional self-sufficiency and growth (including measurable objectives for the institution and the Secretary to use in monitoring the effectiveness of activities under this title);

"(2) set forth policies and procedures to ensure that Federal funds made available under this title for any fiscal year will be used to supplement and, to the extent practical, increase the funds that would otherwise be made available for the purposes of section 311(b) or 321(b), and in no case supplant those funds;

"(3) set forth policies and procedures for evaluating the effectiveness in accomplishing the purpose of the activities for which a grant is sought under this title;

"(4) provide for such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of and accounting for funds made available to the applicant under this title;

"(5) provide for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this title (including not less than one report annually setting forth the institution's progress toward achieving the objectives for which the funds were awarded), and for keeping such records and affording such access thereto, as the Secretary may find necessary to assure the correctness and verification of such reports;

"(6) provide that the institution will comply with the limitations set forth in section 346;

"(7) include such other information as the Secretary may prescribe; and

"(8) describe in a comprehensive manner any development project for which funds are sought under the application and include—

"(A) a description of the various components of the development project, including the estimated time required to complete each such component;

"(B) in the case of any development project which consists of several components (as described by the applicant pursuant to subparagraph (A)), a statement identifying those components which, if separately funded, would be sound investments of Federal funds and those components which would be sound investments of Federal funds only if funded under this title in conjunction with other parts of the development project (as specified by the applicant);

"(C) an evaluation by the applicant of the priority given any development project for which funds are sought in relation to any other projects for which funds are sought by the applicant under this title, and a similar evaluation regarding priorities among the components of any single development project (as described by the applicant pursuant to subparagraph (A));

"(D) in the case of a request for an award for a period of more than one year, a statement of reasons explaining why funds are necessary for each year of such period and why a single year award would be inadequate;

"(E) information explaining the manner in which the development project will assist the applicant to prepare for the critical financial problems that all institutions of higher education will face during the subsequent decade as a result of declining enrollment, increased energy costs, and other problems;

"(F) a detailed budget showing the manner in which funds for any development project would be spent by the applicant; and

"(G) a detailed description of any activity which involves the expenditure of more than $25,000, as identified in the budget referred to in subparagraph (F).

"WAIVER AUTHORITY AND REPORTING REQUIREMENT

"SEC. 342. (a) (1) The Secretary may waive the requirements set forth in section 312(2) (A) (ii) or section 322(a) (2) (A) (ii) if the Secretary determines, based on persuasive evidence submitted by the institution, that the institution's failure to meet that criterion is due to factors which, when used in the determination of compliance with such criterion, distort such determination, and that the institution's designation as an eligible institution under part A or as an institution with special needs under part B (as the case may be) is otherwise consistent with the purposes of such parts.

"(2) The Secretary shall submit to the Congress each year a report concerning the institutions which, although not satisfying the criterion contained in section 312(2) (A) (ii) or section 322(a) (2) (A) (ii), have been determined to be eligible institutions under part A or institutions with special needs under part B, as the case may be. Such report shall—

"(A) identify the factors referred to in paragraph (1) which were considered by the Secretary as factors that distorted the determination of compliance with section 312(2) (A) (ii) or section 322(a) (2) (A) (ii), as the case may be; and

"(B) contain a list of each institution determined to be an eligible institution under part A or as an institution with special needs under part B and include a statement of the reasons for each such determination.

"(b) The Secretary may waive the requirement set forth in sections 312(2) (v) and 322(a) (2) (v) in the case of an institution—

"(1) located on or near an Indian reservation or a substantial population of Indians, if the Secretary determines that the waiver will substantially increase higher education opportunities appropriate to the needs of American Indians;

"(2) wherever located, if the Secretary determines that the waiver will substantially increase higher education opportunities appropriate to the needs of Spanish-speaking people;

"(3) wherever located, if the Secretary determines that the waiver will substantially increase higher education opportunities appropriate to the needs of individuals living in rural areas, whose needs are for the most part unserved by other post secondary education institutions;

"(4) wherever located, if the Secretary determines that the waiver will substantially increase higher education opportunities appropriate to the needs of low-income individuals; or

"(5) wherever located, if the Secretary determines that the institution has traditionally served substantial numbers of black students.

"APPLICATION REVIEW PROCESS

"SEC. 343. (a) (1) All applications submitted under this title by institutions of higher education shall be read by a panel of readers composed of individuals selected by the Secretary. The Secretary shall ensure no individual assigned under this section to review any application has any conflict of interest with regard to the application which might impair the impartiality with which the individual conducts the review under this section.

"(2) All readers selected by the Secretary shall receive thorough instruction from the Secretary regarding the evaluation process for applications submitted under this title and consistent with the provisions of this title, including—

"(A) explanations and examples of the types of activities referred to in section 311 (b) that should receive special consideration for grants awarded under part A and of the types of activities referred to in section 321 (b) that should receive special consideration for grants awarded under part B;

"(B) an enumeration of the factors to be used to determine the quality of applications submitted under this title; and

"(C) an enumeration of the factors to be used to determine whether a grant should be awarded for a project under this title, the amount of any such grant, and the duration of any such grant.

"(b) In awarding grants under this title, the Secretary shall take into consideration the recommendations of the panel made under subsection (a).

"(c) Not later than June 30 of each year, the Secretary shall notify each institution of higher education making an application under this title of—

"(1) the scores given the applicant by the panel pursuant to this section,

"(2) the recommendations of the panel with respect to such application, and

"(3) the reasons for the decision of the Secretary in awarding or refusing to award a grant under this title, and any modifications, if any, in the recommendations of the panel made by the Secretary.

"COOPERATIVE ARRANGEMENTS

"SEC. 344. (a) The Secretary may make grants to encourage cooperative arrangements—

"(1) with funds available to carry out part A, between institutions eligible for assistance under part A; or

"(2) with funds available to carry out part B, between institutions eligible for assistance under part B;

for the activities described in section 311(b) or section 321(b), as the case may be, so that the resources of the cooperating institutions might be combined and shared to achieve the purposes of such parts and avoid costly duplicative efforts.

"(b) The Secretary shall give priority to grants for the purposes described under subsection (a) whenever the Secretary determines that the cooperative arrangement is geographically and economically sound.

"(c) Grants to institutions having a cooperative arrangement may be made under this section for a period as determined under section 313 or 323, as the case may be.

"ASSISTANCE TO INSTITUTIONS UNDER OTHER PROGRAMS

"SEC. 345. (a) Each institution which the Secretary determines to be an eligible institution under part A or an institution with special needs under part B shall be eligible for waivers in accordance with subsection (b).

"(b) (1) Subject to, and in accordance with, regulations promulgated for the purpose of this section, in the case of any application by an institution referred to in subsection (a) for assistance under any programs specified in paragraph (2), the Secretary is authorized, if such application is otherwise approvable, to waive any requirement for a non-Federal share of the cost of the program or project, or, to the extent not inconsistent with other law, to give, or require to be given, priority consideration of the application in relation to applications from other institutions.

"(2) The provisions of this section shall apply to any program authorized by title II, IV, VII, or VIII of this Act.

"(c) The Secretary shall not waive, under subsection (b), the non-Federal share requirement for any program for applications which, if approved, would require the expenditure of more than 10 per centum of the appropriations for the program for any fiscal year.

"LIMITATIONS

"SEC. 346. The funds appropriated under section 347 may not be used—

"(1) for a school or department of divinity or any religious worship or sectarian activity;

"(2) for an activity that is inconsistent with a State plan for desegregation of higher education applicable to such institution;

"(3) for an activity that is inconsistent with a State plan of higher education applicable to such institution; or

"(4) for purposes other than those set forth in the approved application under which the funds were made available to the institution.

"AUTHORIZATIONS

"SEC. 347. (a) (1) There are authorized to be appropriated to carry out parts A and B $160,000,000 for the fiscal year 1981, $185,000,000 for the fiscal year 1982, $210,000,000 for the fiscal year 1983, $245,000,000 for the fiscal year 1984, and $280,000,000 for the fiscal year 1985. Of the amounts appropriated under this paragraph for each fiscal year, 50 per centum shall be made available to carry out part A and 50 per centum shall be made available to carry out part B.

"(2) There are authorized to be appropriated to carry out part C $25,000,000 for the fiscal year 1982, $35,000,000 for the fiscal year 1983, $45,000,000 for the fiscal year 1984, and $50,000,000 for the fiscal year 1985.

"(b) In the event of a multiple year award to any institution under this title, the Secretary shall make funds available for such award from funds appropriated for this title for the fiscal year in which such funds are to be used by the recipient.

"(c) (1) Of the sums appropriated under subsection (a) (1) for any fiscal year for part A, the Secretary shall make available to use for the purposes of each such part—

"(A) not less than 24 per centum to institutions that are junior or community colleges, and

"(B) the remainder to institutions that plan to award a bachelor's degree during that year.

"(2) Of the sums appropriated under subsection (a) (1) for any fiscal year for part B, the Secretary shall make available to use for the purposes of each such part—

"(A) not less than 30 per centum to institutions that are junior or community colleges, and

"(B) the remainder to institutions that plan to award a bachelor's degree during that year.

"(d) Of the sums appropriated under subsection (a) (1) for the purpose of part A for any fiscal year, the Secretary shall make available not less than 25 per centum for grants under section 313(a) (2). Any funds made available under this subsection for such grants which are not expended during the fiscal year for which such funds were appropriated shall remain available for expenditure for the purpose of making such grants during subsequent fiscal years.

"(e) The Secretary shall assure that in each fiscal year the amount available under part B for institutions with special needs that historically serve substantial numbers of black students will not be less than 50 per centum of the amount received by such institutions for fiscal year 1979.".

TITLE IV—STUDENT ASSISTANCE

PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

STATEMENT OF PURPOSE

SEC. 401. Section 401(a) of the Act is amended—

(1) by striking out "qualified students" and inserting in lieu thereof "eligible students (defined in accordance with section 484)"; and

(2) by striking out "of exceptional need who, for lack of such a grant, would be unable to obtain the benefits of a postsecondary education" in paragraph (2) and inserting in lieu thereof "who demonstrate financial need".

PELL GRANTS

SEC. 402. (a) Section 411(a)(1) of the Act is amended to read as follows:

"SEC. 411. (a)(1)(A) The Secretary shall, during the period beginning July 1, 1972, and ending September 30, 1985, pay to each eligible student (defined in accordance with section 484) for each academic year during which that student is in attendance at an institution of higher education, as an undergraduate, a basic grant in the amount for which that student is eligible, as determined pursuant to paragraph (2).

"(B) The purpose of this subpart is to provide a basic grant that (i) as determined under paragraph (2), will meet in academic year 1985-1986, 70 per centum of a student's cost of attendance not in excess of $3,700; and (ii) in combination with reasonable parental or independent student contribution and supplemented by the programs authorized under subparts 2 and 3 of this part, will meet 75 per centum of a student's cost of attendance, unless the institution determines that a greater amount of assistance would better serve the purposes of section 401.

"(C) Basic grants made under this subpart shall be known as 'Pell Grants'.".

(b)(1) Section 411(a)(2)(A)(i) of the Act is amended to read as follows:

"(2)(A)(i) The amount of the basic grant for a student eligible under this part shall be—

"(I) $1,900 for academic year 1981–1982,

"(II) $2,100 for academic year 1982–1983,

"(III) $2,300 for academic year 1983–1984,

"(IV) $2,500 for academic year 1984–1985, and

"(V) $2,600 for academic year 1985–1986,

less an amount equal to the amount determined under section 482 to be the expected family contribution with respect to that student for that year.".

(2) Section 411(a)(2)(A)(ii) of this Act is amended by striking out "February 1 of each year" and inserting in lieu thereof "January 1, 1981, October 1, 1981, and on October 1 of each succeeding year".

(c)(1) Section 411(a)(2)(B)(i) of the Act is amended to read as follows:

"(B)(i) The amount of a basic grant to which a student is entitled under this subpart for any academic year shall not exceed—

"(I) 50 per centum of the cost of attendance (as defined under section 482(d)) at the institution at which the student is in attendance for that year, when the maximum grant is less than or equal to $1,900;

"(II) 55 per centum of such cost of attendance when the maximum basic grant is more than $1,900 but is less than $2,100;

"(III) 60 per centum of such cost of attendance when the maximum basic grant is at least $2,100 but is less than $2,300;

"(IV) 65 per centum of such cost of attendance when the maximum basic grant is at least $2,300 but is less than $2,600; and

"(V) 70 per centum of such cost of attendance when the maximum basic grant is $2,600.".

(2) Section 411(a)(2)(B)(ii) of the Act is amended by striking out "actual" each time it appears.

(3) Section 411(a)(2)(B)(iv) of the Act is repealed.

(d)(1) Section 411(a)(3) of the Act is repealed.

(2) Paragraph (4) of section 411(a) of the Act is redesignated as paragraph (3).

(e) Section 411(a)(3) of the Act (as redesignated by subsection (d)(2)) is amended to read as follows:

"(3) The period during which a student may receive basic grants shall be the period required for the completion of the first undergraduate baccalaureate course of study being pursued by that student at the institution at which the student is in attendance. Nothing in this section shall exclude from eligibility courses of study which are noncredit or remedial in nature which are determined by the institution as necessary to help the student be prepared for the pursuit of a first undergraduate baccalaureate degree.".

(f) Section 411(b)(3)(B)(i) of the Act is amended to read as follows:

"(B)(i) If, during any period of any fiscal year, the funds available for payments under this subpart are insufficient to satisfy fully all entitlements, the amount paid with respect to each such entitlement, as calculated prior to the cost of attendance limitation provided in section 411(a)(2)(B)(i) under this subpart, shall be—

"(I) the full amount in the case of any student's eligibility index which is less than 601;

"(II) 90 per centum of the amount when the student's eligibility index is 601 but less than 801;

"(III) 80 per centum of the amount when the student's eligibility index is 801 but less than 1001;

"(IV) 70 per centum when the student's eligibility index is 1001 but less than 1201;

"(V) 60 per centum when the student's eligibility index is 1201 but less than 1601; and

"(VI) 50 per centum when the student's eligibility index is 1601 or greater.

For the purpose of this division, a 'student's eligibility index' is the index of need of a student established by the Secretary in carrying out section 482, relating to the family contribution schedule.".

(g) Section 411(b)(5) of the Act is amended to read as follows:

"(5)(A) For any fiscal year ending prior to October 1, 1985, if—

"(i) the appropriation for making grants under subpart 2 of this part for that fiscal year does not at least equal $370,000,000,

"(ii) the appropriation for State student incentive grants under subpart 3 of this part for that fiscal year does not at least equal $76,750,000,

"(iii) the appropriation for work-study payments under section 441 of this title for that fiscal year does not at least equal $550,000,000, and

"(iv)(I) the amount available for Federal capital contributions to student loan funds for that fiscal year from funds appropriated under section 461 does not at least equal $286,000,000, (II) the sum of the amounts available under both sections 461 and 468 for Federal capital contributions to student loan funds for that fiscal year does not at least equal $286,000,000, or (III) the amount available under section 468 is not sufficient to provide Federal capital contributions to such funds for that fiscal year in an amount which equals or exceeds the total amount deposited in such funds pursuant to section 463(a)(2)(A), (B), (D), (E), and (F) which was available for student loans during the preceding fiscal year,

no payment may be made in excess of $1,800 on the basis of entitlements established under this subpart in excess of such amount.

"(B) For any fiscal year ending prior to October 1, 1985, if—

"(i) the appropriation for making grants under subpart 2 of this part for that fiscal year does not at least equal $480,000,000,

"(ii) the appropriation for State student incentive grants under subpart 3 of this part for that fiscal year does not at least equal $76,750,000,

"(iii) the appropriation for work-study payments under section 441 of this title for that fiscal year does not at least equal $550,000,000, and

"(iv)(I) the amount available for Federal capital contributions to student loan funds for that fiscal year from funds appropriated under section 461 does not at least equal $286,000,000, (II) the sum of the amounts available under both sections 461 and 468 for Federal capital contributions to student loan funds for that fiscal year does not at least equal $286,000,000, or (III) the amount available under section 468 is not sufficient to provide Federal capital contributions to such funds for that fiscal year in an amount which equals or exceeds the total amount deposited in such funds pursuant to section 463(a)(2)(A), (B), (D), (E), and (F) which was available for student loans during the preceding fiscal year,

no payment may be made in excess of $1,899 on the basis of entitlements established under this subpart in excess of such amount.

"(C) For any fiscal year ending prior to October 1, 1985, if—

"(i) the appropriation for making grants under subpart 2 of this part for that fiscal year does not at least equal $440,000,000,

"(ii) the appropriation for State student incentive grants under subpart 3 of this part for that fiscal year does not at least equal $76,750,000,

"(iii) the appropriation for work-study payments under section 441 of this title for that fiscal year does not at least equal $550,000,000, and

"(iv)(I) the amount available for Federal capital contributions to student loan funds for that fiscal year from funds appropriated under section 461 does not at least equal $286,000,000, (II) the sum of the amounts available under both sections 461 and 468 for Federal capital contributions to student loan funds for that fiscal year does not at least equal $286,000,000, or (III) the amount available under section 468 is not sufficient to provide Federal capital contributions to such funds for that fiscal year in an amount which equals or exceeds the total amount deposited in such funds pursuant to section 463(a)(2)(A), (B), (D), (E), and (F) which was available for student loans during the preceding fiscal year,

no payment may be made in excess of $2,099 on the basis of entitlements established under this subpart in excess of such amount.

"(D) For any fiscal year ending prior to October 1, 1985, if—

"(i) the appropriation for making grants under subpart 2 of this part for that fiscal year does not at least equal $460,000,000,

"(ii) the appropriation for State student incentive grants under subpart 3 of this part for that fiscal year does not at least equal $76,750,000,

"(iii) the appropriation for work-study payments under section 441 of this title for that fiscal year does not at least equal $550,000,000, and

"(iv)(I) the amount available for Federal capital contributions to student loan funds for that fiscal year from funds appropriated under section 461 does not at least equal $286,000,000, (II) the sum of the amounts available under both sections 461 and 468 for Federal capital contributions to student loan funds for that fiscal year does not at least equal $286,000,000, or (III) the amount available under section 468 is not sufficient to provide Federal capital contributions to such funds for that fiscal year in an amount which equals or exceeds the total amount deposited in such funds pursuant to section 463(a)(2) (A), (B), (D), (E), and (F) which was available for student loans during the preceding fiscal year,

no payment may be made in excess of $2,299 on the basis of entitlements established under this subpart in excess of such amount.

"(E) For any fiscal year ending prior to October 1, 1985, if—

"(i) the appropriation for making grants under subpart 2 of this part for that fiscal year does not at least equal $480,000,000,

"(ii) the appropriation for State student incentive grants under subpart 3 of this part for that fiscal year does not at least equal $76,750,000,

"(iii) the appropriation for work-study payments under section 441 of this title for that fiscal year does not equal at least $550,000,000, and

"(iv) (I) the amount available for Federal capital contributions to student loan funds for that fiscal year from funds appropriated under section 461 does not at least equal $286,000,000, (II) the sum of the amounts available under both sections 461 and 468 for Federal capital contributions to student loan funds for that fiscal year does not at least equal $286,000,000, or (III) the amount available under section 468 is not sufficient to provide Federal capital contributions to such funds for that fiscal year in an amount which equals or exceeds the total amount deposited in such funds pursuant to section 463(a)(2) (A), (B), (D), (E), and (F) which was available for student loans during the preceding fiscal year,

no payment may be made equal to or in excess of $2,500 on the basis of entitlements established under this subpart which are equal to or in excess of such amount.".

(h) Subsections (d) and (e) of section 411 of the Act are repealed.

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS

SEC. 403. (a) Section 413A(a) of the Act is amended by striking out "who, for lack of financial means, would be unable to obtain such benefits without such a grant" and inserting in lieu thereof "who demonstrate financial need in accordance with the provisions of section 482".

(b)(1) The first sentence of section 413A (b)(1) of the Act is amended by inserting before the period a comma and the following: "and $400,000,000 for the fiscal year 1981, and for each of the succeeding fiscal years ending prior to October 1, 1985".

(2) Section 413A(b)(3) of the Act is amended by inserting "second" before "fiscal year" the second time it appears in such section.

(c)(1) Section 413B(a)(2)(A) of the Act is amended to read as follows:

"(2)(A) The amount of the payment to any student pursuant to paragraph (1) shall be equal to the amount determined by the institution, in accordance with the provisions of section 482, to be needed by that student to enable him to pursue a course of study at the institution, except that such amount shall not exceed $2,000.".

(2) Section 413(a)(2)(B) of the Act is amended by adding at the end thereof the following new sentence: "For a student enrolled for less than a full academic year, the minimum payment required shall be reduced proportionately.".

(3) Section 413B(a)(2) of the Act is further amended by striking out subparagraph (C).

(4) Section 413B(b) of the Act is amended to read as follows:

"(b)(1) The period during which a student may receive supplemental grants shall be the period required for the completion of the first undergraduate baccalaureate course of study being pursued by that student at the institution at which the student is in attendance.

"(2) A supplemental grant awarded under this subpart shall entitle the student to whom it is awarded to payments pursuant to such grant only if the student meets the requirements of section 484, except as provided in section 413C(c).".

(d) Section 413C of the Act is amended to read as follows:

"SELECTION OF RECIPIENTS; AGREEMENTS WITH INSTITUTIONS

"SEC. 413C. (a) An individual shall be eligible for the award of a supplemental grant under this subpart by an institution of higher education which, in accordance with section 487, has an agreement with the Secretary applicable to this subpart, if the individual makes application at a time and in a manner consistent with the requirements of the Secretary and that institution, and meets the requirements of section 484.

"(b) From among individuals who are eligible for supplemental grants for each fiscal year, the institution shall, in accordance with the agreement under section 487, and within the amount allocated to the institution for that purpose for that year under section 413D(b), select individuals who are to be awarded such grants and determine, in accordance with section 413B, the amounts to be paid to them.

"(c) An eligible institution may use not more than 10 per centum of its allocation for less-than-half-time undergraduate students who are determined by the institution to be in need of such grants and who meet the requirements of section 484, other than the requirement of clause (2) of section 484(a).".

(e)(1) Section 413D(a)(1) of the Act is amended by striking out "persons" each place it appears and inserting in lieu thereof "undergraduates".

(2) Section 413D(a)(2) is amended by striking out "section 431A(b)(2)" and inserting in lieu thereof "section 413A(b)(2)".

(3) Section 413D(b)(1)(B)(ii) of the Act is amended to read as follows:

"(ii) Allocations under division (i) by the Secretary to such institutions shall be made in accordance with a formula which determines institutional need for funds under this subpart by subtracting from 75 per centum of total student expenses the sum of expected family or independent student contributions, awards made under subparts 1 and 3 of this part, and 25 per centum of grants and awards made by the institution from its own resources. In addition, the Secretary, in establishing equitable criteria, shall not issue any regulation which has the effect of penalizing institutions that under existing State law must provide scholarships or grant assistance from their own funds and yet are not free under laws in effect on January 1, 1979, either to select the recipients of such assistance or to adjust the criteria by which the recipients are selected. The formula established under this division shall not result in any institution receiving an amount less than—

"(I) 100 per centum of the amount such institution received and used under this section for fiscal year 1979 in the case of any fiscal year for which the appropriation for this part is less than $400,000,000;

"(II) 80 per centum of such amount in the case of any fiscal year for which such appropriation is at least $400,000,000 but less than $420,000,000;

"(III) 60 per centum of such amount in the case of any fiscal year for which such appropriation is at least $420,000,000 but less than $440,000,000;

"(IV) 40 per centum of such amount in the case of any fiscal year for which such appropriation is at least $440,000,000 but less than $460,000,000; or

"(V) 20 per centum of such amount in the case of any fiscal year for which such appropriation is at least $460,000,000 but less than $480,000,000.".

(4) Section 413D (b) (2) of the Act is amended by adding at the end thereof the following new sentence: "Such allocation shall be made in accordance with the formula prescribed by regulation under division (ii) of paragraph (1)(B) of this subsection.".

(f) Section 413D(b) of the Act is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) Each institution receiving allocations under this subsection from apportionments made to the State under subsection (a)(1) and under subsection (a)(2) may use its allocations for initial supplemental grants and for continuing supplemental grants in such manner as the institution determines will best achieve the purposes of this subpart.".

GRANTS TO STATES FOR STATE STUDENT INCENTIVES

SEC. 404. (a) Section 415A of the Act is amended to read as follows:

"PURPOSE; APPROPRIATIONS AUTHORIZED

"SEC. 415A. (a) It is the purpose of this subpart to make incentive grants available to the States to assist them in providing grants to eligible students attending institutions of higher education.

"(b)(1) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1981 and 1982, $150,000,000 for fiscal year 1983, $200,000,000 for fiscal year 1984, and $250,000,000 for fiscal year 1985, for payments to the States for grants to eligible students under this subpart.

"(2) Sums appropriated pursuant to paragraph (1) for any fiscal year shall remain available for payments to States for the award of student grants under this subpart until the end of the fiscal year succeeding the fiscal year for which such sums were appropriated.".

(b) Section 415c of the Act is amended—

(1) in subsection (a), by striking out "shall submit" and inserting in lieu thereof "shall have a State agreement pursuant to section 1203 and shall submit";

(2) in subsection (b)(1), by inserting "under section 1203" immediately after "agency";

(3) in subsection (b)(2), by striking out "$1,500" and inserting in lieu thereof "$2,000", and by striking out "as an undergraduate";

(4) in subsection (b)(4), by inserting immediately before the semicolon at the end thereof the following: "or in any State in which participation of nonprofit institutions of higher education is in violation of a statute of the State which was enacted prior to October 1, 1978"; and

(5) in subsection (b), by striking out "and" at the end of clause (5), by redesignating clause (6) as clause (8), and by inserting after clause (5) the following new clauses:

"(6) provides that institutions of higher education, with the approval of the State agency, may use any proportion of the payments received in any fiscal year for grants to otherwise eligible students who fail to meet the requirement of section 484(a)(2);

"(7) provides for State expenditures under such program of an amount not less than the average annual aggregate expenditures for the preceding three fiscal years or the average annual expenditure per full-time equivalent student for such years; and".

(c) Section 415E of the Act is repealed.

SPECIAL PROGRAMS FOR STUDENTS FROM DISADVANTAGED BACKGROUNDS

SEC. 405. Subpart 4 of part A of title IV of the Act is amended to read as follows:

"Subpart 4—Special Programs for Students From Disadvantaged Backgrounds

"PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS

"SEC. 417A. (a) The Secretary shall, in accordance with the provisions of this subpart, carry out a program of making grants and contracts designed to identify qualified individuals from disadvantaged backgrounds. to prepare them for a program of postsecondary education, to provide special services for such students who are pursuing programs of postsecondary education, and to train persons serving or preparing for service in programs and projects so designed.

"(b)(1) For the purposes described in subsection (a), the Secretary is authorized, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), to make grants to, and contracts with, institutions of higher education, public and private agencies and organizations, and, in exceptional circumstances, secondary schools for planning, developing, or carrying out one or more of the services assisted under this subpart.

"(2) In making grants and contracts under this subpart, the Secretary shall consider the prior experience of service delivery under the particular program for which funds are sought by each applicant.

"(c) For the purpose of making grants and contracts under this subpart there are authorized to be appropriated $400,000,000 for fiscal year 1981 and such sums as may be necessary for each of the succeeding fiscal years ending prior to October 1, 1985.

"(d) For the purposes of this subpart—

"(1) the term 'first generation college student' means a person neither of whose parents completed a baccalaureate degree; and

"(2) the term 'low-income individual' means an individual from a family whose taxable income for the preceding year did not exceed 150 per centum of an amount equal to the poverty level determined by using criteria of poverty established by the Bureau of the Census.

"(e) No individual who is an eligible veteran, as that term is defined by section 1652(a) of title 38, United States Code, shall be deemed ineligible to participate in any program under this subpart by reason of such individual's age.

"TALENT SEARCH

"SEC. 417B. (a) The Secretary shall carry out a program to be known as talent search which shall be designed—

"(1) to identify qualified youths with potential for education at the postsecondary level and to encourage such youth to complete secondary school and to undertake a program of postsecondary education;

"(2) to publicize the availability of student financial assistance available to persons who pursue a program of postsecondary education; and

"(3) to encourage persons who have not completed programs of education at the secondary or postsecondary level, but who have the ability to complete such programs, to reenter such programs.

"(b) A talent search project assisted under this subpart may include, in addition to the services described in paragraphs (1), (2), and (3) of subsection (a), tutorial services for youths being encouraged to undertake or reenter programs of postsecondary education if such tutorial services are not otherwise available to such youths through a project assisted under this subpart.

"(c) In approving applications for talent search projects under this subpart for any fiscal year the Secretary shall—

(1) require an assurance that not less than two-thirds of the youths participating in the project proposed to be carried out under any application be low-income individuals who are first generation college students;

"(2) require that such participants be persons who either have completed six years of elementary education or are at least twelve years of age but not more than twenty-seven years of age, unless the imposition of any such limitation with respect to any person would defeat the purposes of this section or the purposes of section 417E; and

"(3) require an assurance that individuals participating in the project proposed in the application do not have access to services from another project funded under this section or under section 417E.

"(d) In approving applications for talent search projects under this subpart for any fiscal year, the Secretary shall require assurances that the project will be located in a setting accessible to the persons proposed to be served by the project.

"UPWARD BOUND

"SEC. 417C. (a) The Secretary shall carry out a program to be known as upward bound which shall be designed to generate skills and motivation necessary for success in education beyond high school.

"(b) Any upward bound project assisted under the subpart may provide services such as—

"(1) instruction in reading, writing, study skills, mathematics, and other subjects necessary for success beyond high school;

"(2) personal counseling;

"(3) academic advice and assistance in high school course selection;

"(4) tutorial services;

"(5) exposure to cultural events, academic programs, and other activities not usually available to disadvantaged youth;

"(6) activities designed to acquaint youths participating in the project with the range of career options available to them;

"(7) instruction designed to prepare youths participating in the project for careers in which persons from disadvantaged backgrounds are particularly underrepresented;

"(8) on-campus residential programs; and

"(9) programs and activities as described in paragraphs (1) through (8) which are specially designed for students of limited English proficiency.

"(c) In approving applications for upward bound projects under this subpart for any fiscal year the Secretary shall—

"(1) require an assurance that not less than two-thirds of the youths participating in the project proposed to be carried out under any application be low-income individuals who are first generation college students;

"(2) require an assurance that the remaining youths participating in the project proposed to be carried out under any application be either low-income individuals or be first generation college students;

"(3) require that there be determination, with respect to each participant in such project, that the participant has a need for academic support in order to pursue successfully a program of education beyond high school; and

"(4) require that such participants be persons who have completed eight years of elementary education and are at least thirteen years of age but not more than nineteen years of age, unless the imposition of any such limitation would defeat the purposes of this section.

"(d) Youths participating in a project proposed to be carried out under any application may be paid stipends not in excess of $60 per month during June, July, and August, and not in excess of $40 per month during the remaining period of the year.

"SPECIAL SERVICES FOR DISADVANTAGED STUDENTS

"SEC. 417D. (a) The Secretary shall carry out a program to be known as special services for disadvantaged students (hereinafter referred to as 'special services') which shall be designed to provide supportive services to persons participating in the projects.

"(b) A special services project assisted under this subpart may provide services such as—

"(1) instruction in reading, writing, study skills, mathematics, and other subjects necessary for success beyond high school;

"(2) personal counseling;

"(3) academic advice and assistance in course selection;

"(4) tutorial services;

"(5) exposure to cultural events and academic programs not usually available to disadvantaged students;

"(6) activities designed to acquaint students participating in the project with the range of career options available to them;

"(7) activities designed to assist students participating in the project in securing admission and financial assistance for enrollment in graduate and professional programs; and

"(8) programs and activities as described in paragraphs (1) through (7) which are specially designed for students of limited English proficiency.

"(c) In approving applications for special services projects under this subpart for any fiscal year the Secretary shall—

"(1) require an assurance that not less than two-thirds of the persons participating in the project proposed to be carried out under any application—

"(A) be physically handicapped, or

"(B) be low-income individuals who are first generation college students;

"(2) require an assurance that the remaining students participating in the project proposed to be carried out under any application either be low-income individuals, first generation college students, or physically handicapped;

"(3) require that there be a determination, with respect to each participant in such project, that the participant has a need for academic support in order to pursue successfully a program of education beyond high school; and

"(4) require that such participants be enrolled or accepted for enrollment at the institution which is the recipient of the grant or contract.

"(d) In approving applications for special services projects under this subpart for any fiscal year, the Secretary shall require an assurance from the institution which is the recipient of the grant or contract that each student enrolled in the project will receive sufficient financial assistance to meet that student's full financial need.

"EDUCATIONAL OPPORTUNITY CENTERS

"SEC. 417E. (a) The Secretary shall carry out a program of paying up to 75 per centum of the cost of establishing and operating programs to be known as educational opportunity centers which shall be designed—

"(1) to provide information with respect to financial and academic assistance available for individuals desiring to pursue a program of postsecondary education; and

"(2) to provide assistance to such persons in applying for admission to institutions at which a program of postsecondary education is offered, including preparing necessary applications for use by admissions and financial aid officers.

"(b) An educational opportunity center assisted under this subpart may provide, in addition to the services described in clauses (1) and (2) of subsection (a), tutorial and counseling services for persons participating in the project if such tutorial and counseling services are not otherwise available through a project assisted under this subpart.

"(c) In approving applications for educational opportunity centers under this subpart for any fiscal year the Secretary shall—

"(1) require an assurance that not less

than two-thirds of the persons participating in the project proposed to be carried out under any application be low-income individuals who are first generation college students;

"(2) require that such participants be persons who are at least nineteen years of age, unless the imposition of such limitation with respect to any person would defeat the purposes of this section or the purposes of section 417B; and

"(3) require an assurance that individuals participating in the project proposed in the application do not have access to services from another project funded under this section or under section 417B.

"STAFF DEVELOPMENT ACTIVITIES

"SEC. 417F. For the purpose of improving the operation of the programs and projects authorized by this subpart, the Secretary is authorized to make grants to institutions of higher education and other public and private nonprofit institutions and organizations to provide training for staff and leadership personnel employed in, or preparing for employment in, such programs and projects. Such training shall include conferences, internships, seminars, and workshops designed to improve the operation of such programs and projects and shall be carried out in the various regions of the Nation in order to ensure that the training opportunities are appropriate to meet the needs in the local areas being served by such programs and projects. Grants for the purposes of this section shall be made only after consultation with regional and State professional associations of persons having special knowledge with respect to the needs and problems of such programs and projects.".

SPECIAL PROGRAM FOR MIGRANT AND SEASONAL FARMWORK STUDENTS

SEC. 406. Subpart 5 of part A of title IV of the Act is amended to read as follows:

"Subpart 5—Special Programs for Students Whose Families Are Engaged in Migrant and Seasonal Farmwork

"SEC. 418A. (a) The Secretary shall maintain and expand existing secondary and postsecondary high school equivalency program and college assistance migrant program projects, which shall be designed to provide services to students of families who are engaged in migrant and seasonal farmwork. The services authorized by this subpart include—

"(1) instruction in reading, writing, study skills, mathematics, communication skills, and other subjects necessary for success beyond high school, and in preparation for the examination for a certificate of high school equivalency;

"(2) personal and academic counseling;

"(3) outreach and recruitment, special admissions, and financial assistance;

"(4) tutorial services;

"(5) career-oriented work study;

"(6) housing support and on-campus residential programs;

"(7) activities designed to acquaint youths participating in the project with the range of career options available to them;

"(8) exposure to cultural events, academic programs and other activities not usually available to migrant youth; and

"(9) other essential supportive services, as needed to ensure the success of eligible migrant and seasonal farmwork students at the secondary and postsecondary levels.

"(b) There is authorized to be appropriated $9,600,000 for the fiscal year 1981, $12,000,000 for the fiscal year 1982, $14,000,000 for the fiscal year 1983, $16,000,000 for the fiscal year 1984, and $18,000,000 for the fiscal year 1985, to carry out the provisions of this subpart.".

VETERANS' COST-OF-INSTRUCTION PAYMENTS

SEC. 407. Section 420 of the Act is amended to read as follows:

"VETERANS' COST-OF-INSTRUCTION PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION

"SEC. 420. (a) (1) During the period beginning July 1, 1972, and ending September 30, 1985, each institution of higher education shall be entitled to a payment under, and in accordance with, this section during any fiscal year if—

"(A) the number of persons who are veterans receiving vocational rehabilitation under chapter 31 of title 38, United States Code, or veterans receiving educational assistance under chapter 34 of such title, and who are in attendance as undergraduate students at such institution during any academic year, equals at least—

"(i) 110 per centum of the number of such recipients who were in attendance at such institution during the preceding academic year, or

"(ii) 10 per centum of the total number of undergraduate students in attendance at such institution during such academic year and if such number does not constitute a per centum of such undergraduate students which is less than such per centum for the preceding academic year; and

"(B) the number of such persons is at least 25.

"(2) With respect to any academic year ending on or before September 30 1986, each institution which has qualified for payment under this section for the preceding year shall be entitled during such academic year, notwithstanding the provisions of paragraph (1) (A), to a payment under this section if—

"(A) the number of persons referred to in paragraph (1) equals at least the number which bears the same ratio to the number of such recipients who were in attendance at such institution during the first academic year in which the institution was entitled to payments under this section as the number of such recipients in all institutions of higher education during the academic year for which the determination is made; or

"(B) in the event that subparagraph (A) of this paragraph is not satisfied, the Secretary determines, on the basis of evidence presented by such institution, that such institution is making reasonable efforts, taking into consideration the extent to which the number of persons referred to in such paragraph (1) falls short of meeting the ratio criterion set forth in such subparagraph (A), to continue to recruit, enroll, and provide necessary services to veterans.

"(3) For any fiscal year beginning after September 30, 1980, the Secretary may waive the provisions of paragraph (1) of this subsection for any institution of higher education which has qualified for payment under this section for any preceding fiscal year but subsequently became ineligible, if—

"(A) the institution would have been eligible had section 420(a) (2) been in effect when such institution became ineligible,

"(B) the institution has had a full-time office of veterans' affairs since that institution was so eligible, and

"(C) the appropriations made available in any such fiscal year for this section are in excess of (i) $14,380,000, or (ii) the amount requested for carrying out this section in the budget of the President submitted under section 201 of the Budget and Accounting Act, 1921, whichever is greater, by an amount sufficient to make payments to all institutions meeting the requirements of clauses (A) and (B) of this paragraph.

"(b) (1) The amount of the payment to which any institution shall be entitled under this section for any fiscal year shall be—

"(A) $300 for each person who is a veteran receiving vocational rehabilitation under chapter 31 of title 38, United States Code, or a veteran receiving educational assistance under chapter 34 of such title 38, and who is in attendance at such institution as an undergraduate student during such year; and

"(B) in addition, $150 for each person who is in attendance at such institution as an undergraduate student during such year and who has been the recipient of educational assistance under subchapter V or VI of chapter 34 of such title 38, or who has a service-connected disability as defined in section 101 (16) of such title 38, or who is disabled, as determined in accordance with regulations promulgated by the Secretary after consultation with the Administrator of Veterans' Affairs.

"(2) In any case where a person on behalf of whom a payment is made under this section attends an institution on less than a full-time basis, the amount of the payment on behalf of that person shall be reduced in proportion to the degree to which that person is not attending on a full-time basis. In no case shall a payment be made on behalf of a person who attends an institution on less than a half-time basis.

"(c) (1) An institution of higher education shall be eligible to receive the payment to which it is entitled under this section only if it makes application therefor to the Secretary. An application under this section shall be submitted at such time or times, in such manner, in such form and containing such information as the Secretary determines necessary to carry out the functions of the Secretary under this title, and shall—

"(A) set forth such policies, assurances, and procedures as will insure that—

"(i) the funds received by the institution under this section and available to it after the requirements of subsection (e) have been met will be used solely to defray instructional expenses in academically related programs of the applicant;

"(ii) the funds received by the institution under this section will not be used for a school or department of divinity or for any religious worship or sectarian activity;

"(iii) the applicant will expend, during the academic year for which a payment is sought, for all academically related programs of the institution, an amount equal to at least the average amount so expended during the three years preceding the year for which the grant is sought; and

"(iv) the applicant will submit to the Secretary such reports as the Secretary may require by regulation;

"(B) contain such other statement of policies, assurances, and procedures as the Secretary may require by regulation in order to protect the financial interests of the United States; and

"(C) set forth such plans, policies, assurances, and procedures as will insure that the applicant will make an adequate effort—

"(i) to maintain a full-time office of veterans' affairs which has responsibility for veterans' outreach, recruitment, and special education program, including the provision of educational, vocational, and personal counseling for veterans,

"(ii) to carry out programs designed to prepare educationally disadvantaged veterans for postsecondary education (I) under subchapter V of chapter 34 of title 38, United States Code, and (II) in the case of any institution located near a military installation, under subchapter VI of such chapter 34,

"(iii) to carry out active outreach (with special emphasis on service-connected disabled veterans, other disabled or handicapped veterans, incarcerated veterans, and educationally disadvantaged veterans), recruiting, and counseling activities through the use of funds available under federally assisted work-study programs (with special emphasis on the veteran-student services program under section 1685 of such title 38),

"(iv) to carry out an active tutorial assistance program (including dissemination of information regarding such program) in order to make maximum use of the benefits available under section 1692 of such title 38, and

"(v) to coordinate activities carried out under this part with the readjustment counseling program authorized under section 620 of title 38, United States Code, and with the veterans employment and training initiatives authorized under the Comprehensive Employment and Training Act and under chapter 41 and 42 of title 38, United States Code, in order to assist in serving the readjustment, rehabilitation, personal counseling, and employment needs of veterans,

except that an institution which the Secretary determines, in accordance with regulations jointly prescribed by the Secretary and the Administrator of Veterans' Affairs (hereinafter referred to as the 'Administrator'), cannot feasibly itself, in terms of the number of veterans in attendance there, carry out any or all of the programs set forth in subclauses (i) through (v) of clause (C), may carry out such program or programs through a consortium agreement with one or more other institutions of higher education and shall be required to carry out such programs only to the extent that the Secretary determines, in accordance with regulations jointly prescribed by the Secretary and the Administrator, is appropriate in terms of the number of veterans in attendance at such institution. The adequacy of efforts to meet the requirements of clause (C) of this paragraph shall be determined by the Secretary, based upon the recommendations of the Administrator, in accordance with criteria established in regulations jointly prescribed by the Secretary and the Administrator.

"(2) The Secretary shall not approve an application under this subsection unless he determines that the applicant will implement the requirements of clause (C) of paragraph (1) within the first academic year during which it receives a payment under this section.

"(d)(1) The Secretary shall pay to each institution of higher education which has had an application approved under subsection (c) the amount to which it is entitled under this section.

"(2) The maximum amount of payments to any institution of higher education, or any branch thereof which is located in a community which is different from that in which the parent institution thereof is located, in any fiscal year shall be $75,000. In making payments under this section for any fiscal year, the Secretary shall apportion the appropriation for making such payments, from funds which become available as a result of the limitation on payments set forth in the preceding sentence, in such a manner as will result in the receipt by each institution which is eligible for payment under this section of the first $9,000 (or the amount of its entitlement for that fiscal year, whichever is the lesser) and then additional amounts up to the limitation set forth in the preceding sentence.

"(e) Not less than 90 per centum of the amounts paid to any institution under subsection (d) in any fiscal year shall be used to implement the requirement of clause (C)(i) of paragraph (1) of subsection (c), and to the extent that such funds remain after implementing such requirement, funds limited by such 90 per centum requirement shall be used for implementing the requirements of subclauses (ii) through (v) of clause (C) of such paragraph (1), except that the Secretary may, in accordance with criteria established in regulations jointly prescribed by the Secretary with the Administrator, waive the requirement of this subsection to the extent that he finds that such institution is adequately carrying out all such requirements without the necessity for such application of such amount of the payments received under this subsection.

"(f) The Secretary, in carrying out the provisions of this section, shall seek to assure the coordination of programs assisted under this section with programs carried out by the Veterans' Administration pursuant to title 38, United States Code, and the Administrator shall provide all assistance, technical consultation, and information otherwise authorized by law as necessary to promote the maximum effectiveness of the activities and programs assisted under this section.

"(g) The program provided for in this section shall be administered by an identifiable administrative unit in the Department of Education.".

PART B—GUARANTEED AND INSURED STUDENT LOANS

EXTENSION OF PROGRAMS

SEC. 411. (a) Section 424(a) of the Act is amended—

(1) by striking out "1981" and inserting in lieu thereof "1986"; and

(2) by striking out "1985" and inserting in lieu thereof "1990".

(b) Section 428(a)(5) of the Act is amended—

(1) by striking out "1981" and inserting in lieu thereof "1986"; and

(2) by striking out "1985" and inserting in lieu thereof "1990".

LOAN LIMITATIONS

SEC. 412. (a) Section 425(a)(1) of the Act is amended—

(1) by redesignating clauses (A), (B), and (C), as clauses (B), (C), and (D), respectively;

(2) by inserting immediately before clause (B) (as so redesignated) the following new clause:

"(A) that in the case of an independent student (defined in accordance with section 482(c)(2)) who has not successfully completed a program of undergraduate education, the total of such loans may not exceed $3,000,"; and

(3) by striking out "clause (B)" in the last sentence of such section and inserting in lieu thereof "clause (C)".

(b) Section 425(a)(2) of the Act is amended by striking out "$7,500, in the case of any student who has not successfully completed a program of undergraduate education, and $15,000 in the case of any graduate or professional student" and inserting in lieu thereof "$12,500 in the case of any student (other than an independent student) who has not successfully completed a program of undergraduate education, $15,000 in the case of any independent student who has not successfully completed a program of undergraduate education, and $25,000 in the case of any graduate or professional student".

(c) The matter preceding division (i) of section 428(b)(1)(A) of the Act is amended—

(1) by inserting after "student" the following:

"(other than an independent student)"; and

(2) by inserting after "undergraduate education," the following: "or not more than $3,000 in the case of an independent student (defined in accordance with section 482(c)(2)) who has not successfully completed a program of undergraduate education,".

(d) Section 428(b)(1)(B) of the Act is amended by striking out "$7,500, in the case of any student who has not successfully completed a program of undergraduate education, and $15,000 in the case of any graduate or professional student" and inserting in lieu thereof "$12,500 in the case of any student (other than an independent student) who has not successfully completed a program of undergraduate education, $15,000 in the case of any independent student who has not successfully completed a program of undergraduate education, and $25,000 in the case of any graduate or professional student".

(e) Section 428A of the Act is amended—

(1) by striking out "$2,500 (in the case of a student who has not successfully completed a program of undergraduate education) or $5,000 (in the case of a graduate or professional student)" in subsection (a)(1)(A) and in subsection (a)(2)(A) and inserting in lieu thereof in each such place the following: "$2,500 (in the case of a student, other than an independent student, who has not successfully completed a program of undergraduate education), $3,000 (in the case of an independent student (as defined in section 482(c)(2)) who has not successfully completed a program of undergraduate education), or $5,000 (in the case of a graduate or professional student)"; and

(2) by striking out "$7,500 in the case of any student who has not successfully completed a program of undergraduate education, and $15,000 in the case of any graduate or professional student" in subsection (a)(1)(A) and in subsection (a)(2)(A) and inserting in lieu thereof in each such place the following: "$12,500 in the case of any student (other than an independent student) who has not successfully completed a program of undergraduate education, $15,000 in the case of any independent student who has not successfully completed a program of undergraduate education, and $25,000 in the case of any graduate or professional student".

(f) Part B of title IV of the Act is further amended by inserting immediately before the period at the end of section 425(a)(2) and immediately before the semicolon at the end of sections 428(b)(1)(B), 428A(a)(1)(A), and 428A(a)(2)(A) the following: ", except that the Secretary may increase the limit applicable to graduate or professional students who are pursuing programs which the Secretary determines are exceptionally expensive".

DEFERRAL OF PAYMENT

SEC. 413. (a) Section 427(a)(2)(C) is amended—

(1) by inserting "or is an officer in the Commissioned Corps of the Public Health Service" immediately after "Armed Forces of the United States" in clause (ii); and

(2) by striking out "or (v)" and inserting in lieu thereof the following: "(v) not in excess of three years during which the borrower is in service, comparable to the service referred to in clauses (iii) and (iv), as a full-time volunteer for an organization which is exempt from taxation under such 501(c)(3) of the Internal Revenue Code of 1954; (vi) not in excess of two years during which the borrower is serving an internship, the successful completion of which is required in order to receive professional recognition required to begin professional practice or service; (vii) not in excess of three years during which the borrower is temporarily totally disabled, as established by sworn affidavit of a qualified physician, or during which the borrower is unable to secure employment by reason of the care required by a spouse who is so disabled; or (viii)".

(b) Section 428(b)(1)(M) of the Act is amended—

(1) by inserting "or is an officer in the Commissioned Corps of the Public Health Service" immediately after "Armed Forces of the United States" in clause (ii); and

(2) by striking out "or (v)" and inserting

in lieu thereof the following: "(v) not in excess of three years during which the borrower is in service, comparable to the service referred to in clauses (iii) and (iv), as a full-time volunteer for an organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954; (vi) not in excess of two years during which the borrower is serving an internship, the successful completion of which is required in order to receive professional recognition required to begin professional practice or service; (vii) not in excess of three years during which the borrower is temporarily totally disabled, as established by sworn affidavit of a qualified physician, or during which the borrower is unable to secure employment by reason of the care required by a spouse who is so disabled, or (viii)".

(c) Section 427(a)(2)(C) of the Act is amended—

(1) by striking out "and any such period" and inserting in lieu thereof "that any such period", and

(2) by inserting before the comma at the end thereof a comma and the following: "and that no repayment of principal of any loan for any period of study, training, service, or unemployment described in this clause or any combination thereof shall begin until six months after the completion of such period or combination thereof".

(d) Section 428(b)(1)(M) is amended by inserting before the semicolon at the end thereof a comma and the following: "and that no repayment of principal of any loan for any period of study, training, service, or unemployment described in this clause or any combination thereof shall begin until six months after the completion of such period or combination thereof".

(e) Section 435 of the Act is amended by adding at the end thereof the following new subsection:

"(j) The term 'temporarily totally disabled' when used with respect to a borrower means a borrower who, by reason of injury or illness, cannot be expected to be able to attend an eligible institution or to be gainfully employed during a reasonable period of recovery from such injury or illness not to exceed three years. Such term when used with respect to the spouse of a borrower means a spouse who, by reason of injury or illness, cannot be expected to be gainfully employed during a reasonable period of recovery from such injury or illness not to exceed three years and who during such period required continuous nursing or other similar services.".

STATE AGENCIES AS LENDERS OF LAST RESORT

SEC. 414. Section 428 of the Act is amended by adding at the end thereof the following new subsection:

"(h)(1) From sums advanced by the Association pursuant to section 439 (p), each State agency and nonprofit private institution or organization, with which the Secretary has an agreement under subsection (b) of this section or an eligible lender in a State described in section 435 (g) (1) (D) or (F) of the Act is authorized to make loans directly to students otherwise unable to obtain loans under this part.

"(2)(A) Each State agency or nonprofit private institution or organization which has an agreement under subsection (b) of this section or an eligible lender in a State described in section 435 (g) (1) (D) or (F) and which has an application approved under section 439 (p) (2) may receive advances under section 439 (p) for each fiscal year in an amount necessary to meet the demand for loans under this section. The amount such agency, institution, organization, or lender is eligible to receive may not exceed 25 per centum of the average of the loans guaranteed by that agency, institution, organization, or lender for the three years preceding the fiscal year for which the determination is made. Whenever the determination required by the preceding sentence cannot be made because the agency, institution, organization, or lender does not have three years previous experience, the amount such agency, institution, organization, or lender is eligible to receive may not exceed 25 per centum of the loans guaranteed under a program of a State of comparable size.

"(B) Each State agency or nonprofit private institution or organization which has an agreement under subsection (b) of this section and each eligible lender in a State described in section 435 (g) (1) (D) or (F) shall repay advances made under section 439 (p) in accordance with agreements entered between the Association and such agency, institution, organization, or lender.

"(3) Loans made pursuant to this subsection shall have the same terms, conditions, and benefits as all other loans made under this part.".

INTEREST RATE AND PAYMENT

SEC. 415. (a) Section 427(b) of this Act is amended by inserting immediately before the period at the end thereof a comma and the following: "or 8 per centum per annum on such balance in the case of any borrower who on October 1, 1980, has no obligation to repay any amount of principal or interest on any loan made, insured, or guaranteed under this part".

(b)(1)(A) Section 427(a)(2)(B) of the Act is amended by striking out "nine-to-twelve-month period" the first time it appears and by inserting in lieu thereof "six months".

(B) Such section 427(a)(2)(B) is further amended by striking out "nine months nor later than one year" and by inserting in lieu thereof "six months".

(2)(A) Section 428(b)(1)(E) of the Act is amended by striking out "nine-to-twelve-month period" the first time it appears and by inserting in lieu thereof "six months".

(B) Such section 428(b)(1)(E) is further amended by striking out "nine months nor later than one year" in both places that it appears and by inserting in lieu thereof "six months".

(c) Section 428(a)(3)(B)(ii) of this Act is amended by inserting after "balance" a comma and the following: "or 8 per centum per annum on such balance in the case of any borrower who on October 1, 1980, has no obligation to repay any amount of principal or interest on any loan made, insured, or guaranteed under this part".

(d) Section 428(b)(1)(F) of this Act is amended by inserting immediately before the semicolon at the end thereof a comma and the following: "or 8 per centum per annum on such balance in the case of any borrower who on October 1, 1980, has no obligation to repay any amount of principal or interest on any loan made, insured, or guaranteed under this part".

(e) Section 428(d) of the Act is amended by striking out "7 per centum per annum" and inserting in lieu thereof "the rate specified in this part".

COLLECTION PRACTICES

SEC. 416. (a)(1) Section 430(b) of the Act is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph:

"(2)(A) For the purpose of promoting responsible repayment of loans covered by Federal loan insurance pursuant to this part, the Secretary shall enter into cooperative agreements with credit bureau organizations providing for the exchange of information concerning student borrowers in accordance with the requirements of this paragraph. For the purpose of assisting such organizations to comply with the Fair Credit Reporting Act, such agreements may provide for timely response by the Secretary to requests from such organizations for responses to objections raised by such borrowers. Subject to the requirements of subparagraph (C), such agreements shall provide for the disclosure by the Secretary to such organizations with respect to any loan for which the Secretary has received a notice of default under subsection (a) of this section of—

"(i) the date of disbursement and the amount of any such loan;

"(ii) information concerning collection of any such loan, including information concerning the status of any defaulted loan on this section; and

"(iii) the date of cancellation of the note upon completion of repayment by the borrower of any such loan or payment by the Secretary pursuant to section 437.

"(B) Such agreements may also provide for the disclosure by such organizations to the Secretary, upon receipt from the Secretary of a notice under subparagraph (A)(ii) that such a loan is in default, or information concerning the borrower's location or other information which may assist the Secretary in proceeding to collection of the defaulted amount.

"(C) Agreements entered into pursuant to this paragraph shall contain such provisions as may be necessary to ensure that—

"(i) no information is disclosed by the Secretary unless its accuracy and completeness have been verified, and no information stating that a loan is in default is disclosed until the Secretary has made a reasonable effort to collect the debt;

"(ii) as to any information so disclosed, such organizations will be promptly notified of, and will promptly record, any change submitted by the Secretary with respect to such information, or any objections by the borrower with respect to any such information, as required by section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681i);

"(iii) no use will be made of any such information which would result in the use of collection practices with respect to such a borrower that are not fair and reasonable or that involve harassment, intimidation, false or misleading representations, or unnecessary communication concerning the existence of such loan or concerning any such information; and

"(iv) except for disclosures made to obtain the borrower's location, the Secretary (I) shall not disclose any such information until he has notified the borrower that such information will be disclosed to credit bureau organizations unless the borrower enters into repayment of his loan, but (II) shall, if the borrower has not entered into repayment within a reasonable period of time, but not less than thirty days, from the date such notice has been sent to the borrower, disclose the information required by this subsection.

"(D)(i) The Secretary shall, within ninety days after the date of enactment of this paragraph, take such steps as may be necessary to establish the disclosure of information described in subparagraph (A) (i), (ii), and (iii) as a routine use in accordance with section 552a(b)(3) of title 5, United States Code, and to establish a system for the prompt notification of any borrower of any disclosure made pursuant to this paragraph.

"(ii) Information disclosed by the Secretary to credit bureau organizations under the requirements of this paragraph shall not constitute a system of records within the meaning of section 552a of title 5, United States Code (the Privacy Act of 1974); and credit bureau organizations which enter into agreements with the Secretary under this paragraph shall not be considered Government contractors within the meaning of that Act.".

(2) Section 427(a)(2) of the Act is

amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

"(H) (i) contains a notice of the system of disclosure of information concerning such loan to credit bureau organizations under section 430(b) (2), and (ii) provides that the lender on request of the borrower will provide information on the repayment status of the note to such organizations,".

(b) Section 430(c) of the Act is amended by adding at the end thereof the following new sentence: "Any forbearance which is approved by the Secretary under this subsection with respect to the repayment of a loan shall not be considered as indicating that a holder of a federally insured loan has failed to exercise reasonable care and due diligence in the collection of the loan.".

(c) Section 432 of the Act is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of law, the Secretary may provide to eligible lenders, and to any State or any nonprofit private institution or organization having a guaranty agreement under section 428(c) (1), any information with respect to the names and addresses of borrowers or other relevant information which is available to the Secretary, from whatever source such information may be derived.".

ADMINISTRATIVE IMPROVEMENTS

SEC. 417. (a) Section 428(b) (1) (H) of the Act is amended by inserting before the semicolon a comma and the following: "and insures that the proceeds of the premium will not be used for incentive payments to lenders".

(b) (1) Section 428(c) (6) (A) (ii) of the Act is amended—

(A) by striking out "and" the first time it appears and inserting in lieu thereof a comma; and

(B) by inserting after "prevention" a comma and the following: "and the administrative costs of monitoring the enrollment and repayment status of students".

(2) Section 428(c) (6) (B) is amended—

(A) by striking out "and" at the end of clause (i) and inserting in lieu thereof a comma;

(B) by inserting "and" at the end of clause (ii); and

(C) by adding after clause (ii) the following:

"(iii) 'administrative costs of monitoring the enrollment and repayment status of students' means any administrative costs by a guaranty agency which are directly related to ascertaining the student's enrollment status, prompt notification to the lender of such status, an audit of the note agreement to determine if the provisions of that agreement are consistent with the records of the guaranty agency as to the principal amount of the loan guaranteed, and an examination of the note to assure that repayment provisions are consistent with the provisions of this part,".

(3) Section 428(f) (1) (A) of the Act is amended—

(A) by striking out "or" at the end of clause (iii);

(B) by redesignating clause (iv) as clause (v); and

(C) by inserting after clause (iii) the following new clause:

"(iv) the administrative costs of monitoring the enrollment and repayment status of students; or".

(4) (A) Section 428(f) (1) of the Act is amended by striking out "(f) (1) (A)" and inserting in lieu thereof "(f) (1)" and by striking out subparagraphs (B) and (C).

(B) Such section is further amended by redesignating clauses (i) through (v) as clauses (A) through (E), respectively.

(5) Section 428(f) (2) of the Act is amended—

(A) by striking out "or" at the end of clause (iii);

(B) by redesignating clause (iv) as clause (v); and

(C) by inserting after clause (iii) the following new clause:

"(iv) the administrative costs of monitoring the enrollment and repayment status of students; or".

(6) Section 428(f) (3) of the Act is amended—

(A) by striking out "and" at the end of clause (B);

(B) by striking out the period at the end of clause (C) and inserting in lieu thereof a comma and the word "and"; and

(C) by adding after clause (C) the following new clause:

"(D) 'administrative costs of monitoring the enrollment and repayment status of students' means any administrative costs by a guaranty agency which are directly related to ascertaining the student's enrollment status, prompt notification to the lender of such status, an audit of the note agreement to determine if the provisions of that agreement are consistent with the records of the guaranty agency as to the principal amount of the loan guaranteed, and an examination of the note to assure that the repayment provisions are consistent with the provisions of this part,".

(c) Section 428(f) (3) (A) of the Act is amended by redesignating clauses (iv) and (v) as clauses (vi) and (vii) respectively, and by inserting after clause (iii) the following new clauses: "(iv) the costs of providing interest and special allowance computation and billing services to lenders, (v) the amount of non-Federal funds expended by an insurer as incentive payments to lenders to induce them to improve or expand their program participation,".

(d) Section 428 of the Act is amended by adding at the end thereof the following new subsection:

"(i) (1) Any State agency or any nonprofit private institution or organization which has an agreement under subsection (b) of this section may enter into an agreement with any eligible lender (other than an eligible institution or an agency or instrumentality of the State) for the purpose of authorizing multiple disbursements of the proceeds of a loan under which the lender will pay the proceeds of such loans into an escrow account to be administered by the State agency or any nonprofit private institution or organization in accordance with the provisions of paragraph (2) of this subsection.

"(2) Each State agency or each nonprofit private institution or organization entering into an agreement under paragraph (1) of this subsection is authorized to—

"(A) make the disbursements in accordance with the note evidencing the loan;

"(B) commingle the proceeds of all loans paid to it pursuant to the escrow agreement entered into under such paragraph (1);

"(C) invest the proceeds of such loans in obligations of the Federal Government or obligations which are insured or guaranteed by the Federal Government;

"(D) retain interest or other earnings on such investment; and

"(E) return to the eligible lender undisbursed funds when the student ceases to carry at an eligible institution at least one-half of the normal full-time academic workload as determined by the institution.".

LOAN INFORMATION PROGRAM AUTHORIZED

SEC. 418. Title IV of the Act is amended by adding after section 433 the following new section:

"STUDENT LOAN INFORMATION BY ELIGIBLE LENDERS

"SEC. 433A. Each eligible lender shall enter into an agreement with the Secretary under which the eligible lender will, at the time such lender makes a loan to a student borrower which is insured or guaranteed under this part, provide thorough and accurate loan information on loans insured or guaranteed under this part to the student borrower. The information required by this section shall include—

"(1) the yearly and cumulative maximum amounts that may be borrowed by a student;

"(2) the terms on which repayment will begin;

"(3) the maximum number of years in which the loan must be repaid;

"(4) the interest rate that will be repaid, and the minimum amount of required monthly payment;

"(5) any special options the borrower may have for deferral, cancellation, prepayment, consolidation, or other refinancing of the loan;

"(6) a definition of default and the consequences to the borrower if the borrower should default, including a description of any arrangements made with credit bureau organizations; and

"(7) to the extent practicable, the effect of accepting the loan on the eligibility of the borrower for other forms of student assistance.".

LOANS TO PARENTS

SEC. 419. Part B of title IV of the Act is amended by inserting immediately after section 428A the following new section:

"LOANS TO PARENTS OF DEPENDENT UNDERGRADUATE STUDENTS

"SEC. 428B. (a) Parents of a dependent undergraduate student (as defined by regulations by the Secretary) shall be eligible to borrow funds under this part in amounts specified in subsection (b), and unless otherwise specified in subsections (c) and (d), such loans shall have the same terms, conditions, and benefits as all other loans made under this part. Whenever necessary to carry out the provisions of this section the terms 'student' and 'student borrower' used in this part shall include a parent borrower under this section.

"(b) (1) Subject to paragraphs (2) and (3), the maximum amount parents may borrow for one student in any academic year or its equivalent (as defined by regulation by the Secretary) is $3,000.

"(2) The aggregate insured principal amount for insured loans made to parents on account of an undergraduate dependent student shall not exceed $15,000.

"(3) No loan may be made to any parent or student under this part which would cause their combined loans for any academic year to exceed the student's estimated cost of attendance minus such student's estimated financial assistance as certified by the eligible institution under section 428(a) (2) (A) of this part. The annual insurable limit on account of any student shall not be deemed to be exceeded by a line of credit under which actual payments to the borrower will not be made in any year in excess of the annual limit.

"(c) (1) Repayment of principal on loans made under this section may be deferred until the earliest of—

"(A) four years from the disbursement date of the first loan made for the educational expenses of the dependent student named in the parent's loan application;

"(B) the student's anticipated date of graduation or completion of studies estimated at the time of the application for a loan;

"(C) the date on which the student ceases to be at least a half-time student at an eligible institution; or

"(D) such other date as the parent may request.

Such repayment obligation shall not be further delayed because of any current status of the student, but nothing in this section shall be construed to prohibit a lender from exercising forbearance for the benefit of the borrower.

"(2) No payments to reduce interest costs shall be paid pursuant to section 428(a) of this part on loans made pursuant to this section.

"(3) If a borrower under this section elects to begin making regular monthly payments of principal and interest at a date later than sixty days after the date such loan is disbursed by a lender, then the interest shall be 11 per centum per year on the unpaid principal balance of the loan except that, if provided in the note or other written agreement, any interest payable by the borrower may be deferred until not later than the date upon which repayment of the first installment of principal falls due, in which case interest that has so accrued during that period may be added on that date to the principal.

"(4) If a borrower under this section elects to begin making regular monthly payments of principal and interest at a date not later than sixty days after the date such loan is disbursed by a lender, then the interest shall be 8 per centum per annum on the unpaid principal balance of the loan.

"(d) Loans made under this section shall be insured by the Secretary in a State only if—

"(1) the State is not served by a State agency or nonprofit private institution or organization having an agreement with the Secretary pursuant to section 428(b), or

"(2) an agency, institution, or organization in a State having such an agreement does not authorize loans under this section (A) within one hundred and twenty days after the effective date of this amendment, or (B) if a State is prohibited from authorizing loans under this section because of existing State law, one hundred and twenty days after the adjournment of the next regular session of the State legislature which convenes after the effective date of this amendment.".

SPECIAL ALLOWANCES

SEC. 420. (a) Section 438 of the Act is amended to read as follows:

"SPECIAL ALLOWANCES

"SEC. 438. (a) In order to assure (1) that the limitation on interest payments or other conditions (or both) on loans made or insured under this part, do not impede or threaten to impede the carrying out of the purposes of this part or do not cause the return to holders of loans to be less than equitable, (2) that incentive payments on such loans are paid promptly to eligible lenders, and (3) that appropriate consideration of relative administrative costs and money market conditions is made in setting the quarterly rate of such payments, the Congress finds it necessary to establish an improved method for the determination of the quarterly rate of the special allowances on such loans, and to provide for a thorough, expeditious and objective examination of alternative methods for the determination of the quarterly rate of such allowances.

"(b)(1) A special allowance shall be paid for each of the three-month periods ending March 31, June 30, September 30, and December 31 of every year and the amount of such allowance paid to any holder with respect to any three-month period shall be a percentage of the average unpaid balance of principal (not including unearned interest added to principal) of all eligible loans held by such holder during such period.

"(2) (A) Subject to subparagraph (D) and paragraph (4), the special allowance paid pursuant to this subsection on loans bearing interest at the rate of 7 per centum per annum shall be computed (i) by determining the average of the bond equivalent rates of the ninety-one-day Treasury bills auctioned for such three-month period, (ii) by subtracting 3.5 per centum from such average, (iii) by rounding the resultant per centum upward to the nearest one-eighth of 1 per centum, and (iv) by dividing the resultant per centum by four.

"(B) Subject to subparagraph (D) and paragraph (4), the special allowance paid pursuant to this subsection on loans bearing interest at the rate of 8 per centum per annum shall be computed (i) by determining the average of the bond equivalent rates of the ninety-one-day Treasury bills auctioned for such three-month period, (ii) by subtracting 4.5 per centum from such average, (iii) by rounding the resultant per centum upward to the nearest one-eighth of 1 per centum, and (iv) by dividing the resultant per centum by four.

"(C) Subject to subparagraph (D) and paragraph (4), the special allowance paid pursuant to this subsection on loans bearing interest at the rate of 11 per centum per annum shall be computed (i) by determining the average of the bond equivalent rates of the ninety-one-day Treasury bills auctioned for such three-month period, (ii) by subtracting 7.5 per centum from such average, (iii) by rounding the resultant per centum upward to the nearest one-eighth of 1 per centum, and (iv) by dividing the resultant per centum by four.

"(D)(i) The quarterly rate of the special allowance for holders of loans which were made or purchased with funds obtained by the holder from the issuance of obligations, the income from which is exempt from taxation under the Internal Revenue Code of 1954 shall be one-half the quarterly rate of the special allowance established under subparagraph (A), (B), or (C). Such rate shall also apply to holders of loans which were made or purchased with funds obtained by the holder from collections or default reimbursements on, or interests or other income pertaining to, eligible loans made or purchased with funds described in the preceding sentence of this subparagraph or from income on the investment of such funds. This subparagraph shall not apply to loans which were made or insured prior to October 1, 1980.

"(ii) The rate set under division (i) shall not be less than (I) 2.5 per centum per annum in the case of loans bearing interest at the rate of 7 per centum per annum, or (II) 1.5 per centum per annum in the case of loans bearing interest at the rate of 8 per centum per annum.

"(iii) No special allowance may be paid under this subparagraph unless the issuer of such obligations complies with section 420(b) of the Education Amendments of 1980.

"(3) The holder of an eligible loan shall be deemed to have a contractual right against the United States, during the life of such loan, to receive the special allowance according to the provisions in effect under this section at the time such loan was made or insured. Subject to paragraph (4) the special allowance determined for any such three-month period shall be payable at such time, after the close of such period, as may be specified by or pursuant to regulations promulgated under this section.

"(4)(A) If payments of the special allowances payable under this section or of interest payments under section 428(a) with respect to a loan have not been made within thirty days after the Secretary has received an accurate, timely, and complete request for payment thereof, the special allowance payable to such holder shall be increased by an amount equal to the daily interest accruing on the special allowance and interest benefits payments due the holder.

"(B) Such daily interest shall be computed at the daily equivalent rate of the sum of the special allowance rate computed pursuant to paragraph (2) and the interest rate applicable to the loan and shall be paid for the later of (i) the thirty-first day after the receipt of such request for payment from the holder, or (ii) the thirty-first day after the final day of the period or periods covered by such request, and shall be paid for each succeeding day until, and including, the date on which the Secretary authorizes payment.

"(C) For purposes of reporting to the Congress the amounts of special allowances paid under this section, amounts of special allowance paid pursuant to this paragraph shall be segregated and reported separately.

"(5) As used in this section, the term 'eligible loan' means a loan which is insured under this part, or made under a program covered by an agreement under section 428 (b) of this Act.

"(6) The Secretary shall pay the holder of an eligible loan, at such time or times as are specified in regulations, a special allowance prescribed pursuant to this subsection subject to the condition that such holder shall submit to the Secretary, at such time or times and in such a manner as he may deem proper, such information as may be required by regulation for the purpose of enabling the Secretary to carry out his functions under this section and to carry out the purposes of this section.

"(c) The Secretary shall adopt or amend appropriate regulations pertaining to programs carried on under this part to prevent, where practicable, any practices which he finds have denied loans to a substantial number of eligible students.".

(b) In order for the holders of loans which were made or purchased with funds obtained by the holder from an Authority issuing obligations, the income from which is exempt from taxation under the Internal Revenue Code of 1954, to be eligible to receive a special allowance under section 438(b)(2)(C) of the Higher Education Act of 1965, the Authority shall submit to the Secretary a plan for doing business. The Secretary shall approve or disapprove such plan within 30 days after the date of its submission. Each such plan shall contain provisions designed to assure that—

(1) no eligible lender in the area served by the Authority will be excluded from participation in the program of the Authority and that all eligible lenders may participate in the program on the same terms and conditions if eligible lenders are going to participate in the program;

(2) no director or staff member of the Authority who receives compensation from the Authority may own stock in, or receive compensation from any agency that would contract to service and collect the loans of the Authority;

(3) student loans will not be purchased from participating lenders at a premium or discount amounting to more than 1 per centum of the unpaid principal amount borrowed plus accrued interest to the date of acquisition, but a reasonable loan transfer fee may be paid by the purchaser;

(4) the Authority will, within the limit of funds available and subject to applicable State and Federal law, make loans to, or purchase loans incurred by, all eligible students who are residents of, or who attend an eligible institution within, the area served by the Authority;

(5) the Authority has a plan under which the Authority will pursue the development of new lender participation in a continuing program of benefits to students together with assurances of existing lender commitments to the program; and

(6) there will be an annual audit of the Authority by a certified public accounting firm which will include review of compliance by the Authority with the provisions of the plan.

THE STUDENT LOAN MARKETING ASSOCIATION

SEC. 421. (a) (1) Section 439(a)(1) of the Act is amended by striking out "Government-sponsored".

(2) Section 439(f) of the Act is amended to read as follows:

"(f)(1) The Association shall have common stock having such par value as may be fixed by its Board of Directors from time to time which may be issued only to lenders under this part, pertaining to guaranteed student loans, who are qualified as insured lenders under this part or who are eligible institutions, as defined in section 435(a), other than an institution outside of the United States.

"(2) Each share of common stock shall be entitled to one vote with rights of cumulative voting at all elections of Directors. Voting shall be by classes as described in subsection (c)(3).

"(3) The maximum number of shares of common stock that the Association may issue and have outstanding at any one time shall be fixed by the Board of Directors from time to time. Any common share issued shall be fully transferable, except that, as to the Association, it shall be transferred only on the books of the Association.

"(4) To the extent that net income is earned and realized, subject to subsection (g)(2), dividends may be declared on common stock and nonvoting common stock by the Board of Directors. Such dividends as may be declared by the Board shall be paid to the holders of outstanding shares of common stock and nonvoting common stock, except that no such dividends shall be payable with respect to any share which has been called for redemption past the effective date of such call.

"(5) The Association is authorized to issue nonvoting common stock having such par value as may be fixed by its Board of Directors from time to time. Any nonvoting common stock shall be freely transferable, except that, as to the Association, it shall be transferable only on the books of the Association.".

(3) The first sentence of section 439(g)(1) of the Act is amended to read as follows: "The Association is authorized to issue nonvoting preferred stock having such par value as may be fixed by its Board of Directors from time to time.".

(b)(1) Section 439(d) of the Act is amended—

(A) in paragraph (1), by inserting "or repurchase," after "purchase" and by inserting "or resell, offer participations, or pooled interests," after "sell";

(B) by amending paragraph (2) to read as follows:

"(2) Any warehousing advance made under paragraph (1) of this subsection shall be made on the security of (A) insured loans, (B) marketable obligations and securities issued, guaranteed or insured by, the United States, or for which the full faith and credit of the United States is pledged for the repayment of principal and interest thereof, or (C) marketable obligations issued, guaranteed, or insured by any agency, instrumentality or corporation of the United States for which the credit of such agency, instrumentality or corporation is pledged for the repayment of principal and interest thereof, in an amount equal to the amount of such advance. The proceeds of any such advance secured by insured loans shall either be invested in additional insured loans or the lender shall provide assurances to the Association that during the period of the borrowing it will maintain a level of insured loans in its portfolio not less than the aggregate outstanding balance of such loans held at the time of the borrowing. The proceeds from any such advance secured by collateral described in clauses (B) and (C) shall be invested in additional insured student loans."; and

(C) by adding at the end thereof the following new paragraph:

"(4) Securities issued pursuant to the offering of participations or pooled interests under paragraph (1) of this subsection may be in the form of debt obligations, or trust certificates of beneficial ownership, or both. Student loans set aside pursuant to the offering of participations or pooled interests shall at all times be adequate to ensure the timely principal and interest payments on such securities.".

(2) Section 439(l) of the Act is amended by inserting "including those made under subsection (d)(4)" immediately after "All obligations issued by the Association".

(c) Section 439(e)(A) of the Act is amended by striking out "$50,000,000" and inserting in lieu thereof "$75,000,000".

(d)(1) Section 439(h)(1) of the Act is amended to read as follows:

"(h)(1) The Association is authorized with the approval of the Secretary of Education and the Secretary of the Treasury to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Association. The authority of the Secretary of Education to approve the issuance of such obligations is limited to obligations issued by the Association and guaranteed by the Secretary pursuant to paragraph (2) of this subsection. Such obligations may be redeemable at the option of the Association before maturity in such manner as may be stipulated therein. The Secretary of the Treasury may not direct as a condition of his approval that any such issuance of obligations by the Association be made or sold to the Federal Financing Bank.".

(2) Section 439(h)(2) of the Act is amended—

(A) by striking out "July 1, 1982" and inserting in lieu thereof "October 1, 1984"; and

(B) by adding at the end thereof the following new sentence: "Nothing in this section shall be construed so as to authorize the Secretary of Education or the Secretary of the Treasury to limit, control, or constrain programs of the Association or support of the Guaranteed Student Loan Program by the Association.".

(3) Section 439(h) of the Act is amended by adding at the end thereof the following new paragraphs:

"(4) Upon receipt of a request from the Association under this subsection requiring approvals by the Secretary of Education or the Secretary of the Treasury, the Secretary of Education or the Secretary of the Treasury shall act promptly either to grant approval or to advise the Association of the reasons for withholding approval. In no case shall such an approval be withheld for a period longer than sixty days unless, prior to the end of such period, the Secretary of Education and the Secretary of the Treasury submit to the Congress a detailed explanation of reasons for doing so.

"(5) The Secretary of the Treasury is authorized to purchase any obligations issued by the Association pursuant to this subsection as now or hereafter in force, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force are extended to include such purchases. The Secretary of the Treasury shall not at any time purchase any obligations under this subsection if such purchase would increase the aggregate principal amount of his then outstanding holdings of such obligations under this subsection to an amount greater than $1,000,000,000. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States of comparable maturities as of the last day of the month preceding the making of such purchase. The Secretary of the Treasury may, at any time, sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

"(6) Notwithstanding any other provision of law the Association is authorized to sell or issue obligations on the security of student loans, the payment of interest or principal of which has at any time been guaranteed under section 428 or 429 of this part, to the Federal Financing Bank.".

(e)(1) Section 439 of the Act is amended by adding at the end thereof the following new subsections:

"(o)(1)(A) The Association or its designated agent may, upon request of a borrower who has received loans under this title from two or more programs or lenders, or has received any other federally insured or guaranteed student loan, and where the borrower's aggregate outstanding indebtedness is in excess of $5,000, or where the borrower's aggregate outstanding indebtedness is in excess of $7,500 from a single lender under this part, make, notwithstanding any other provision of this part limiting the maximum insured principal amount for all insured loans made to a borrower, a new loan to the borrower in an amount equal to the unpaid principal and accrued unpaid interest on the old loans. The proceeds of the new loans shall be used to discharge the liability on such old loans.

"(B) The Association in making loans pursuant to this subsection in any State served by a State agency or nonprofit private institution or organization with which the Secretary has an agreement under section 428(b) or an eligible lender in a State described in section 435(g)(1)(D) or (F) may designate as its agent such agency, institution, organization, or lender to perform such functions as the Association determines appropriate. Any agreements made pursuant to this subparagraph shall be on such terms and conditions as agreed upon by the Association and such agency, institution, organization, or lender.

"(2) Loans made pursuant to this subsection shall be insurable either by the Secretary under section 429 with a certificate of comprehensive insurance coverage provided for under section 429(b)(1) or by a State or nonprofit private institution or organization with which the Secretary has an agreement under section 428(b), except that such State or nonprofit private institution or organization shall provide the Association with a certificate of comprehensive insurance coverage. The terms of loans made under this subsection shall be such as may be agreed upon by the borrower and the Association and meet the requirements of section 427, except that (A) the ten-year maximum period referred to in section 427(a)(2)(B) may be extended to no more than twenty years, and (B) clause (ii) of section 427(a)(2)(B) shall not be applicable.

"(3) Notwithstanding any other provision of this part, the Association, with the agreement of the borrower, may establish such repayment terms as it determines will promote the objectives of this subsection including, but not limited to, the establishment of graduated, income sensitive repayment schedules.

"(4) The Association shall develop a program to ensure the dissemination of information to students, lenders, and institutions of higher education regarding the loans authorized by this subsection.

"(p)(1) The Association shall make advances in each fiscal year from amounts available to it to each State agency, nonprofit institution or organization, and eligible lender described in subsection 428(h)(1) which has an agreement with the Association which sets forth that advances are necessary to enable such agency, institution, organization or lender to make student loans in accordance with section 428(h) of this title and that such advances will be repaid to the Association in accordance with such terms and conditions as may be set forth in the agreement and agreed to by the Association and such agency, institution, organization, or lender. Advances made under this subsection shall not be subject to section 439(d)(2) of this Act.

"(2) No advance may be made under this subsection unless the State agency or nonprofit private institution, organization, or lender makes an application to the Association, which shall be accompanied by such information as the Association determines to be reasonably necessary.

"(q)(1)(A) Whenever the Secretary determines that eligible borrowers in a State not served by a State agency or nonprofit private institution or organization having an agreement pursuant to section 428(b), or an eligible lender in a State described in section 435(g)(1)(D) or (F) are seeking and are unable to obtain loans under this part, the Association or its designated agent may begin making loans in accordance with this subsection at the request of the Secretary. The Association shall give preference to such States in making loans under this subsection.

"(B) Loans made pursuant to this subsection shall be insurable by the Secretary under section 429 with a certificate of comprehensive insurance coverage provided for under section 429(b)(1).

"(2)(A) Whenever the Secretary, after consultation with, and with the agreement of, representatives of the agency in a State or nonprofit private institution or organization having an agreement pursuant to section 428(b), or an eligible lender in a State described in section 435(g)(1)(D), determines that a substantial portion of eligible borrowers in such State or within an area of such State are seeking and are unable to obtain loans under this part, the Association or its designated agent may begin making loans in accordance with this subsection at the request of the Secretary.

'(B) Loans made pursuant to this subsection shall be insurable by the agency identified in subparagraph (A) having an agreement pursuant to section 428(b). For loans insured by such agency, the agency shall provide the Association with a certificate of comprehensive insurance coverage, if the Association and the agency have mutually agreed upon a means to determine that the agency has not already guaranteed a loan under this part to a student which would cause a subsequent loan made by the Association to be in violation of any provision under this part.

"(3) The Association or its designated agent shall cease making loans under this part in any State at such time as it is determined by the Secretary, with regard to loans made under paragraph (1), or by any party to the agreement required by paragraph (2), that—

"(A) the conditions which caused the implementation of this subsection have ceased to exist; or

"(B) the implementation of this subsection has either (i) further reduced the availability of loans from other sources in the applicable geographical area, or (ii) inhibited the formation in a State of an agency which would have an agreement pursuant to section 428(b) of this part which would have the responsibility of developing local sources of funds for student loans.".

(2) Section 435(g)(1) of the Act is amended by striking out "and" at the end of subparagraph (E), by striking out the period at the end of subparagraph (F), and by adding at the end thereof the following:

"(G) for purposes of making loans under section 439(o) and (q), the Student Loan Marketing Association; and

"(H) for purposes of making loans under section 428(j), a State agency or a nonprofit private institution or organization having an agreement under section 428(b).".

PROMPT DUE DILIGENCE DETERMINATIONS

Sec. 422. Section 430(a) of the Act is amended by adding at the end thereof the following new sentence: "The Secretary shall make the determination required to carry out the provisions of this section not later than ninety days after the notification by the insurance beneficiary and shall make payment in full on the amount of the beneficiary's loss pending completion of his due diligence investigation.".

MISCELLANEOUS AMENDMENTS

Sec. 423. (a)(1) Section 427(a)(1) of the Act is amended to read as follows:

"(1) made to a student who (A) is an eligible student under section 484, and (B) has agreed to notify promptly the holder of the loan concerning any change of address; and".

(2) Section 428(a)(2)(B)(i) of the Act is amended to read as follows:

"(i) a student's estimated cost of attendance means the cost of attendance for such student determined in accordance with section 482(d);".

(b) The first sentence of section 428(c)(1)(A) of the Act is amended by striking out everything after "of any insured loan" and inserting in lieu thereof a period.

(c) Section 428(e) of the Act is amended to read as follows:

"(e) From funds appropriated to carry out this part in any fiscal year, the Secretary shall pay to each eligible institution the amount of $10 per academic year for each student enrolled in that institution who is in receipt of a loan described in paragraph (1) of subsection (a) of this section or made under section 428B, for that year. Payments received by an institution under this subsection shall be used solely for the purpose of offsetting the costs to the institution for the program under this part.".

(d) Section 428(f) of the Act is amended by adding at the end thereof the following new paragraph:

"(5)(A) The Secretary shall make payments in accordance with this paragraph to an agency, institution, or organization in any State which has an agreement under subsection (b) of this section which provides a lender referral service for students who meet the requirements of subparagraph (B).

"(B) A student is eligible to apply for lender referral services to an agency, institution, or organization in a State if (i) such student is either a resident of such State or is accepted for enrollment in or is attending an eligible institution in such State, and (ii) such student has sought and was unable to find a lender willing to make a loan under this part.

"(C) The amount which the Secretary shall pay to any eligible agency, institution, or organization under this paragraph shall be equal to one-half of 1 per centum of the total principal amount of the loans upon which insurance was issued under this part on loans made to a student described in subparagraph (B) who subsequently obtained such loans because of such agency's, institution's, or organization's referral service.

"(D) Nothing in this or any law shall prohibit an agency from using all or a portion of the funds received under this part for the payment of incentive fees to lenders who agree to participate in a loan referral service.

"(E) There is authorized to be appropriated such sums as are necessary to carry out the provisions of this paragraph.".

PART C—WORK-STUDY PROGRAMS

PURPOSE; APPROPRIATIONS AUTHORIZED

Sec. 431. Section 441 of the Act is amended to read as follows:

"PURPOSE; APPROPRIATIONS AUTHORIZED

"Sec. 441. (a) The purpose of this part is to stimulate and promote the part-time employment of students, particularly students who are in need of earning from employment to pursue courses of study at eligible institutions.

"(b) There are authorized to be appropriated for carrying out this part $670,000,000 for fiscal year 1981, $720,000,000 for fiscal year 1982, $760,000,000 for fiscal year 1983, $800,000,000 for fiscal year 1984, and $830,000,000 for fiscal year 1985.".

ALLOTMENT TO STATES

Sec. 432. Section 442 of the Act is amended—

(1) by striking out "2 per centum" in subsection (a)(1) and inserting in lieu thereof "1 per centum";

(2) by striking out "Puerto Rico," in subsection (a)(1);

(3) by striking out "subsection (e)" in subsection (a)(2) and inserting in lieu thereof "subsection (f)".

(4) by inserting "second" immediately after "until the close of the" in subsection (d); and

(5) by striking out "Puerto Rico," in subsection (e).

USE OF CERTAIN UNUSED COLLEGE WORK-STUDY PROGRAM FUNDS FOR THE SUPPORT OF COOPERATIVE EDUCATION PROGRAMS

Sec. 433. (a) The first sentence of section 442(d) of the Act is amended by inserting before the period a comma and the following: "except that the Secretary shall give preference for the first 50 per centum of such reallotments to eligible institutions for use for initiating, improving, and expanding programs of cooperative education conducted in accordance with title VIII of this Act".

(b) Section 442(d) of the Act is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following new paragraph:

"(2) The requirement for preference under reallotment contained in the exception of the first sentence of paragraph (1) of this subsection shall be made upon application by the eligible institution to the Secretary in such manner and such form as the Secretary may require. The Secretary shall allot funds under such preference based upon the ratio of the number of students assisted under the cooperative education program authorized by title VIII for the fiscal year for which the determination is made enrolled in the eligible institution making application under this paragraph to the number of such students for such year enrolled in all eligible institutions applying under this part.".

GRANTS FOR WORK-STUDY PROGRAMS

Sec. 434. Part C of title IV of the Act is amended by striking out sections 443 and 444 and inserting in lieu thereof the following:

"GRANTS FOR WORK-STUDY PROGRAMS

"Sec. 443. (a) The Secretary is authorized to enter into agreements with institutions of higher education under which the Secretary will make grants to such institutions to assist in the operation of work-study programs as provided in this part.

"(b) An agreement entered into pursuant to this section shall—

"(1) provide for the operation by the institution of a program for the part-time employment of its students in work for the institution itself (except in the case of a proprietary institution of higher education) or work in the public interest for a Federal, State, or local public agency or private nonprofit organization under an arrangement between the institution and such agency or organization, and such work—

"(A) will not result in the displacement of employed workers or impair existing contracts for services;

"(B) will be governed by such conditions of employment as will be appropriate and reasonable in light of such factors as type of work performed, geographical region, and proficiency of the employee;

"(C) does not involve the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship; and

"(D) will not pay any wage to students employed under this subpart that is less than the current Federal minimum wage as mandated by section 6(a) of the Fair Labor Standards Act of 1938;

"(2) provide that funds granted an institution of higher education, pursuant to section 443, may be used only to make payments to students participating in work-study programs, except that an institution may use a portion of the sums granted to it to meet administrative expenses in accordance with section 489 of this Act, may use a portion of the sums granted to it to meet the cost of a job location and development program in accordance with section 447 of this part, and may transfer funds in accordance with the provisions of section 488 of this Act;

"(3) provide that in the selection of students for employment under such work-study program, only students who demonstrated financial need in accordance with the provisions of section 482, and who meet the requirements of section 484 will be assisted, except that each eligible institution may reserve and award not more than 10 per centum of the funds made available under this part for each fiscal year for less-than-half-time students who are determined by the institution to be in need of such grants and who meet the requirements of section 484, other than the requirement of clause (2) of section 484(a);

"(4) provide that no student in a work-study program under this part shall be required to terminate that employment during a semester (or other regular enrollment period) at the time income derived from any employment (including work-study or non-work-study or both) is in excess of the determination of the amount of such student's need for that semester under clause (3) of this subsection, but when such excess income equals $200 or more, continued employment under a work-study program shall not be subsidized with funds appropriated under this part:

"(5) provide that the institution will meet the requirements of section 487(2) of this Act (relating to maintenance of effort);

"(6) provide that the Federal share of the compensation of students employed in the work-study program in accordance with the agreement will not exceed 80 per centum of such compensation; except that the Federal share may exceed 80 per centum of such compensation if the Secretary determines, pursuant to regulations adopted and promulgated by him establishing objective criteria for such determinations, that a Federal share in excess of 80 per centum is required in furtherance of the purposes of this part;

"(7) include provisions to make employment under such work-study program reasonably available (to the extent of available funds) to all eligible students in the institution in need thereof, and to make equivalent employment offered or arranged by the institution reasonably available (to the extent of available funds) to all students in the institution who desire such employment;

"(8) provide assurances that employment made available from funds under this part will, to the maximum extent practicable, complement and reinforce the educational program or vocational goals of each student receiving assistance under this part; and

"(9) include such other provisions as the Secretary shall deem necessary or appropriate to carry out the purposes of this part.".

DISTRIBUTION OF ASSISTANCE

SEC. 435. (a) Section 446(a) of the Act is amended by inserting at the end thereof the following new sentence: "The criteria established under this subsection shall not result in any institution's receiving an amount less than the institution used under this section for fiscal year 1979, unless there is a substantial decline in the student enrollment of the institution.".

(b) Section 446 of the Act is amended by striking out subsection (b) and inserting in lieu thereof the following new subsections:

"(b) Of the sums granted to an eligible institution under this part for any fiscal year, 10 per centum may, at the discretion of the institution, remain available for expenditure during the succeeding fiscal year to carry out programs under this part. Any of the sums so granted to an institution for a fiscal year which are not needed by that institution to operate work-study programs during that fiscal year, and which it does not wish to use during the next fiscal year as authorized in the preceding sentence, shall remain available to the Secretary for making grants under section 443 to other institutions in the same State until the close of the second fiscal year next succeeding the fiscal year for which such funds were appropriated.

"(c) Up to 10 per centum of the sums the Secretary determines an eligible institution may receive from funds which have been appropriated for a fiscal year may be used by the Secretary to make grants under this part to such institution for expenditures during the fiscal year preceding the fiscal year for which the sums were appropriated.".

JOB LOCATION AND DEVELOPMENT

SEC. 436. Section 447 of the Act is amended by striking out "$15,000" and inserting in lieu thereof "$25,000".

WORK STUDY FOR COMMUNITY SERVICE-LEARNING

SEC. 437. Part C of title IV of the Act is amended by adding at the end thereof the following new section:

"WORK STUDY FOR COMMUNITY SERVICE-LEARNING ON BEHALF OF LOW-INCOME INDIVIDUALS AND FAMILIES

"SEC. 448. (a) The purpose of this section is to encourage and enable institutions of higher education to develop work study programs involving eligible students in community service-learning designed to develop, improve, or expand services for low-income individuals and families or to solve particular problems related to the needs of low-income individuals.

"(b) For the purpose of this section—

"(1) 'community service-learning' means a program of student work that—

"(A) provides tangible community services for or on behalf of low-income individuals or families; and

"(B) provides participating students with work-learning opportunities related to their educational or vocational programs or goals: and

"(2) 'community services' means direct service, planning or applied research activities designed to improve the quality of life for community residents, particularly low-income individuals, or to solve particular problems related to their needs including, but not limited to, such fields as health care, education, welfare, social services, public safety, crime prevention and control, transportation, recreation, housing and neighborhood improvement, rural development, and community improvement.

"(c) Each institution participating under this part may use funds made available under the last sentence of section 489(a) to conduct that institution's program of community service-learning, including—

"(1) development of mechanisms to assure the academic quality of the student experience,

"(2) assuring student access to educational resources, expertise, and supervision necessary to achieve community service objectives, and

"(3) collaboration with public and private nonprofit agencies in the planning and administration of such programs.".

PART D—NATIONAL DIRECT STUDENT LOANS

EXTENSION OF PROGRAM

SEC. 441. (a) Section 461(b)(1) of the Act is amended to read as follows:

"(b)(1) For the purpose of enabling the Secretary to make contributions to student loan funds established under this part, there are authorized to be appropriated $400,000,000 for each of the fiscal years 1981 and 1982, $475,000,000 for fiscal year 1983, $550,000,000 for fiscal year 1984, and $625,000,000 for fiscal year 1985, except that no funds are authorized to be appropriated for any fiscal year which begins after there has been a capital distribution under section 466(a).".

(b) Section 461(b)(2) of the Act is amended—

(1) by striking out "for the fiscal year ending September 3, 1980, and each of the three succeeding fiscal years" and inserting in lieu thereof "for fiscal year 1985 and each of the five succeeding fiscal years"; and

(2) by striking out "October 1, 1980" and inserting in lieu thereof "October 1, 1985".

ALTERNATIVE FUNDING FOR DIRECT LOANS

SEC. 442. (a) Part E of title IV of the Act is amended by adding at the end thereof the following new section:

ALTERNATIVE SOURCE OF FUNDS

"SEC. 468. (a)(1) The Secretary is authorized to issue and to have outstanding at any one time notes, debentures, bonds, or other obligations in such amounts as shall be necessary to carry out functions under this part, subject to such annual limitations as may be provided in an appropriation Act, except that the Secretary shall not issue any such obligation without the prior concurrence of the Secretary of the Treasury as to the terms and conditions of such obligations. The Secretary of the Treasury may direct that any such issuance by the Secretary be sold to the Department of the Treasury for its own account or to the Federal Financing Bank.

"(2) The Secretary of the Treasury is authorized and directed to purchase any obligations issued under this section, and for that purpose, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities hereafter issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this section shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. Interest due on obligations of the Secretary held by the Treasury may be deferred, at the discretion of the Secretary, but any such deferred interest shall bear interest at the rate specified in this section. The Secretary of Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such obligations under this section shall be treated as public debt transactions of the United States.

"(3) All obligations of the Secretary issued under this section shall be fully and unconditionally guaranteed as to principal and interest and shall constitute general obligations of the United States, backed by the full faith and credit of the Government of the United States of America. Such guarantee shall be expressed on the face of all such obligations.

"(4) Obligations of the Secretary issued pursuant to this section shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof. All stock and obligations issued by the Secretary pursuant to this section shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations of, or obligations guaranteed as to principal or interest by, the United States.

"(5) In order that the Secretary may be supplied with such forms of notes, debentures, bonds, or other such obligations as it may need for issuance under this section, the Secretary of the Treasury is authorized to prepare such forms as shall be suitable and approved by the Secretary, to be held in the Treasury subject to delivery, upon order of the Secretary. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Secretary shall reimburse the Secretary of the Treasury for any expenses incurred in the preparation, custody, and delivery of such notes, debentures, bonds, or other obligations.

"(6) All moneys of the Secretary not otherwise employed may be—

"(A) deposited with the Treasury of the United States subject to withdrawal by the Secretary, by check drawn on the Treasury of the United States by a Treasury disbursing officer, or

"(B) with the approval of the Secretary of the Treasury, deposited in any Federal Reserve bank, or

"(C) with the approval of the Secretary of the Treasury, and by authorization of the Secretary, used in the purchase for redemption and retirement of any notes, debentures, bonds, or other obligations issued by the Secretary.

"(b)(1) The Secretary shall make payments under this section for any fiscal year to each institution of higher education having an agreement under section 463 on the basis of the estimated needs of that institution for making student loans taking into consideration—

"(A) the cost of attendance at that institution,

"(B) the financial need of students at that institution to meet the cost of attendance as determined under section 482, and

"(C) the financial assistance received by students at that institution under parts A and C of this title, or any other provision of Federal law (other than part B), and other scholarship, grant, work, and loan assistance received by students.

subject to the limitations specified in section 464(a)(2). No application under subsection (c) shall be approved which requests an amount greater than the amount determined under this subsection to be needed by that institution.

"(2) If the total amount of Federal capital contributions requested in applications under subsection (c) exceeds the amount available under this section for a fiscal year, the request from each institution shall be ratably reduced, except that no reduction may be made under this sentence to an amount which, together with funds available to the institution of higher education under section 463(a)(2) (A) and (B) for that fiscal year, is less than the amount which was used by that institution for making loans under this part during fiscal year 1980. In case additional amounts become available for such contributions in any fiscal year in which requests have been so reduced, such requests shall be increased on the same basis as they were reduced, except that no such request shall be increased above the amount requested in the application.

"(c) Any institution of higher education desiring to receive payments of Federal capital contributions from the apportionment under subsection (b) shall submit an application therefor to the Secretary at such time as the Secretary prescribes.

"(d) There are authorized to be appropriated such sums as may be necessary to pay the differential between the rate of return on obligations of the Secretary made under this section and the interest collected on student loans made under this part.

"(e) In carrying out the provisions of this part, the Secretary is authorized—

"(1) to consent to modification, with respect to rate of interest, time of payment of any installment of principal and interest or any portion thereof, or any other provision of any note evidencing a loan which has been made under this part;

"(2) to enforce, pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or any right of redemption;

"(3) to conduct litigation in accordance with the provisions of section 432(a)(2); and

"(4) to enter into a contract or other arrangement with State or nonprofit agencies and, on a competitive basis, with collection agencies for servicing and collection of loans under this part.".

(b)(1) Section 463(a)(2) of the Act is amended to read as follows:

"(2) provide for the deposit in such fund of—

"(A) Federal capital contributions from funds appropriated under section 461;

"(B) a capital contribution by such institution in an amount equal to not less than one-ninth of the amount of the Federal capital contributions described in subparagraph (A);

"(C) Federal capital contributions from funds provided by the Secretary under section 468;

"(D) collections of principal and interest on student loans made from deposited funds other than those described in subparagraph (C);

"(E) charges collected pursuant to regulations under section 464(c)(1)(H); and

"(F) any other earnings of the funds;".

(2) Section 463(a)(3)(D) of the Act is amended by striking out "section 464(c)(1)(G)" and inserting in lieu thereof "section 464(c)(1)(H)".

(3) Section 463(a) of the Act is further amended by striking out "and" at the end of paragraph (5), by redesignating paragraph (6) as paragraph (9), and by inserting immediately after paragraph (5) the following new paragraph:

"(6)(A) provide that collections of principal and interest on student loans made from funds described in paragraph (2)(C), after deduction of any costs of litigation and other servicing and collection costs agreed to by the Secretary in connection with the servicing and collection of such a loan (and interest thereon) or a charge assessed pursuant to regulations under section 464(c)(1)(H), shall be paid to the Secretary at such time and in such manner as the Secretary may prescribe by regulation; or

"(B) provide that, if an institution of higher education determines not to service and collect student loans made from funds described in paragraph (2)(C), the institution will assign, at the beginning of the repayment period, notes or evidence of obligations of student loans made from funds described in such paragraph to the Secretary;".

(4) Section 463(b) of the Act is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following new paragraph:

"(2) An institution which has entered into an agreement under subsection (a) and has elected to assign the notes or evidence of obligations of student loans in accordance with paragraph (6)(B) of such subsection shall be eligible to receive, from funds available to the Secretary, an amount equal to $10 per academic year for each student enrolled in that institution who in that year received a loan from funds described in paragraph (2)(C) of subsection (a) of this section. Payments received by an institution under this paragraph shall be used for the purpose of offsetting the costs to the institution for the program under this part.".

(5) Section 464(c)(1)(G) of the Act is amended by inserting before the semicolon a comma and the following: "and except as necessary to carry out section 463(a)(6)(B)".

(6) Section 465(b) of the Act is amended by inserting immediately before the period at the end of the first sentence the following: ", minus an amount equal to the aggregate of the amounts of any such loans so canceled which were made from Federal capital contributions to its student loan fund provided by the Secretary under section 468".

(c) Section 466 of the Act is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) During the period beginning three months and ending six months after the Secretary determines (and so publishes in the Federal Register) that the total amount available for deposit in student loan funds pursuant to section 463(a)(2)(C) available for loans during such fiscal year equals or exceeds the total amount deposited in student loan funds pursuant to section 463(a)(2) (A), (B), (D), (E), and (F), available for loans during the preceding fiscal year, there shall be a capital distribution of the balance of the student loan fund established under this part by each institution of higher education as follows:

"(1) The Secretary shall first be paid an amount which bears the same ratio to the balance in such fund at the close of such fiscal year (excluding any portion of such balance which was deposited pursuant to section 463(a)(2)(C)) as the total amount of the Federal capital contributions to such fund by the Secretary from funds appropriated under section 461 or under title II of the National Defense Education Act of 1958 bears to the sum of such Federal contributions and the institution's capital contribution to such fund.

"(2) The remainder of such balance, excluding any portion of such balance which was deposited pursuant to section 463(a)(2)(C), shall be paid to the institution.

"(3) Any portion of such balance which was deposited pursuant to section 463(a)(2)(C) shall be retained in the student loan fund for use in accordance with this part. If a capital distribution has not occurred under the preceding provisions of this subsection by September 30, 1980, such a distribution shall be made in accordance with paragraphs (1), (2), and (3) during the period beginning October 1, 1980, and ending March 31, 1991.";

(2) in subsection (b), by striking out "After March 31, 1985." and inserting in lieu thereof "After a capital distribution occurs under subsection (a).";

(3) in subsection (b), by inserting "(other than student loans made from funds deposited pursuant to section 463(a)(2)(C))" immediately after "on student loans";

(4) in subsection (c), by striking out "prior to October 1, 1984"; and

(5) by adding at the end thereof the following new subsection:

"(d) The Secretary shall use funds received pursuant to this section, notwithstanding any other provision of law, to make payments to institutions of higher education under section 468(b) for deposit in accordance with section 463 (a)(2)(C), but only to the extent necessary to meet the aggregate needed by institutions of higher education under section 468(b)(1).".

LOAN LIMITATIONS

SEC. 443. Section 464(a)(2) of this Act is amended—

(1) by striking out "$10,000" in clause (A) and inserting in lieu thereof "$12,000";

(2) by striking out "$5,000" in clause (B) and inserting in lieu thereof "$6,000"; and

(3) by striking out "$2,500" in clause (C) and inserting in lieu thereof "$3,000".

DEFERRAL OF REPAYMENT

SEC. 444. (a) Section 464(c)(2)(A) of the Act is amended—

(1) by inserting "or is an officer in the Commissioned Corps of the Public Health Service" immediately after "Armed Forces of the United States" in clause (ii);

(2) by striking out "or" at the end of clause (iii), by striking out the period at the end of clause (iv) and inserting in lieu thereof a semicolon, and by inserting after clause (iv) the following new clauses:

"(v) is in service, comparable to the service referred to in clauses (iii) and (iv), as a full-time volunteer for an organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954;

"(vi) is serving an internship, the successful completion of which is required in order to receive professional recognition required to begin professional practice or service; or

"(vii) is temporarily totally disabled (as defined in section 435(j)), as established by sworn affidavit of a qualified physician, or during which the borrower is unable to secure employment by reason of the care required by a spouse who is so disabled.";

(3) by striking "clause (ii), (iii), or (iv)" in the second sentence of such section and inserting in lieu thereof "clause (ii), (iii), (iv), (v), or (vii)"; and

(4) by inserting immediately after such sentence the following new sentence: "The period during which repayment may be deferred by reason of clause (vi) shall not exceed two years.".

(b) Section 464(c)(2) of the Act is amended by adding at the end thereof the following new subparagraph:

"(C) No repayment of principal of, or interest on, any loan for any period of study, service, or disability described in subparagraph (A) or any combination thereof shall begin until nine months after the completion of such period of study, service, disability, or combination thereof.".

(c) Section 464(c)(3) of the Act is amended by inserting "(A)" immediately after "(3)" and by adding at the end thereof the following:

"(B) Pursuant to uniform criteria established by the Secretary, the repayment period for any student borrower who during the repayment period is a low-income individual may be extended for a period not to exceed ten years and the repayment schedule may be adjusted to reflect the income of that individual.".

COLLECTION PRACTICES

SEC. 445. (a) Section 463(a) of the Act (as amended by section 442(b)(3)) is further amended by inserting after paragraph (6) the following new paragraph:

"(7) provide that, notwithstanding any other provision of law, the Secretary will provide to the institution any information with respect to the names and addresses of borrowers or other relevant information which is available to him, from whatever source such information may be derived;".

(b)(1) Section 463 of the Act is amended by adding at the end thereof the following new subsection:

"(c)(1) For the purpose of promoting responsible repayment of loans made pursuant to this part, the Secretary shall enter into cooperative agreements with credit bureau organizations to provide for the exchange of information concerning student borrowers concerning whom the Secretary has received a referral pursuant to section 467.

"(2) Each cooperative agreement made pursuant to paragraph (1) shall be made in accordance with requirements of section 430 (b)(2) except that such agreement shall provide for the disclosure by the Secretary to such organizations, with respect to any loan for which the Secretary is responsible, of—

"(A) the date of disbursement and the amount of any such loan;

"(B) information concerning collection of any such loan, including information concerning the status of any defaulted loan; and

"(C) the date of cancellation of the note upon completion of repayment by the borrower of any such loan.".

(2) Section 464(c)(1) of such Act is amended by striking out "and" at the end of subparagraph (G), by striking out the period at the end of subparagraph (H) and inserting in lieu thereof "; and", and by adding at the end thereof the following new subparagraph:

"(I) shall contain a notice of the system of disclosure of information concerning default on such loan to credit bureau organizations under section 463(c).".

(c) Section 467 of the Act is amended by inserting "(a)" after "Sec. 467." and by adding at the end thereof the following new subsection:

"(b) The Secretary shall continue to attempt to collect any loan assigned under section 463(a) (5) or (6) or referred under subsection (a) of this section until a date which is not earlier than four years after the date of default (determined in a manner consistent with section 430(e)).".

INTEREST RATES

SEC. 446. Section 464(c)(1)(D) of the Act is amended by inserting immediately after "3 per centum per annum" the following: "or 4 per centum per annum in the case of any loan made on or after October 1, 1980".

STUDENT LOAN INFORMATION PROGRAM AUTHORIZED

SEC. 447. (a) Section 463(a) of the Act (as amended by section 442(b)(3)) is amended by inserting immediately after paragraph (7) the following new paragraph:

"(8) provide assurances that the institution will comply with the provisions of section 463A;".

(b) Part E of title IV of the Act is amended by adding after section 463 the following new section:

"STUDENT LOAN INFORMATION BY INSTITUTIONS

"SEC. 463A. Each institution of higher education, in order to carry out the provisions of section 463(a)(7), shall, at the time such institution makes a loan to a student borrower which is made under this part, provide thorough and adequate loan information on loans made under this part to the student borrower. The loan information required by this section shall include—

"(1) the yearly and cumulative maximum amounts that may be borrowed by a student;

"(2) the terms on which repayment will begin;

"(3) the maximum number of years in which the loan must be repaid;

"(4) the interest rate that will be repaid and the minimum amount of required monthly payment;

"(5) any special options the borrower may have for deferral, cancellation, prepayment, consolidation, or other refinancing of the loan;

"(6) a definition of default and the consequences to the borrower if the borrower should default, including a description of any arrangements made with credit bureau organizations; and

"(7) to the extent practicable, the effect of accepting the loan on the eligibility of the borrower for other forms of student assistance.".

MISCELLANEOUS AMENDMENTS

SEC. 448. (a) Section 462 of the Act is amended by striking out subsection (d).

(b) Section 463(b) of the Act is amended by striking out "section 493" and inserting in lieu thereof "section 485".

(c)(1) Section 464(b) of the Act is amended to read as follows:

"(b) A loan from a student loan fund assisted under this part may be made only to a student who demonstrates financial need in accordance with section 482 and who meets the requirements of section 484.".

(2) Section 464(e) of the Act is repealed.

(d) Section 465(a)(2) of the Act is amended by striking out the last sentence and inserting in lieu thereof the following: "For purposes of this paragraph, the term 'handicapped children' has the meaning set forth in section 602(1) of the Education of the Handicapped Act.".

(e) Section 465(a) of the Act is amended by adding at the end thereof the following new paragraph:

"(5) The amount of a loan, and interest on a loan, which is canceled under this section shall not be considered income for purposes of the Internal Revenue Code of 1954.".

PART E—GENERAL PROVISIONS

STUDENT ASSISTANCE GENERAL PROVISIONS

SEC. 451. (a) Part F of title IV of the Act is amended to read as follows:

"PART F—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS

"DEFINITIONS

"SEC. 481. (a)(1) For the purposes of this title, except subpart 6 of part A and part B, the term 'institution of higher education' includes, in addition to the institutions covered by the definition contained in section 1201(a)—

"(A) a proprietary institution of higher education;

"(B) a postsecondary vocational institution;

"(C) a department, division, or other administrative unit in a college or university which provides primarily or exclusively an accredited program of education in professional nursing and allied subjects leading to the degree of bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing; and

"(D) a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively an accredited two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree.

"(2) The term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies approved for such purpose by the Secretary.

"(b) For the purposes of this section, the term 'proprietary institution of higher education means a school (1) which provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation, (2) which meets the requirements of clauses (1) and (2) of section 1201(a), (3) which does not meet the requirement of clause (4) of section 1201(a), (4) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose, and (5) which has been in existence for at least two years. Such term also includes a proprietary educational institution in any State which, in lieu of the requirement in clause (1) of section 1201(a), admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the training offered by the institution. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(c) For the purposes of this section, the term 'postsecondary vocational institution' means a school (1) which provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation, (2) which meets the requirements of clauses (1), (2), (4), and (5) of section 1201(a), and (3) which has been in existence for at least two years. Such term also includes an educational institution in any State which, in lieu of the requirement in clause (1) of section 1201(a), admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the training offered by the institution.

"(d) For the purpose of any program under this title, the term 'academic year' shall be defined by the Secretary by regulation.

"NEED ANALYSIS

"SEC. 482. (a)(1) For the purpose of determining a student's need for financial assistance under this title (other than under subpart 3 of part A and under part B), the Secretary shall publish in the Federal Register, no later than July, 1981, April 1, 1982, and on April 1 of each succeeding calendar year, a proposed schedule of expected family contributions for the academic year which begins after July 1 of the calendar year which succeeds such calendar year for various levels of family income, which, except as is otherwise provided in paragraph (2), together with any amendments thereto, shall become effective July 1 of the calendar year which succeeds such calendar year. During the thirty-day period following such publication the Secretary shall provide interested parties with an opportunity to present their views and make recommendations with respect to such schedule. Such schedule shall be adjusted annually.

"(2) The schedule of expected family contributions required for each academic year shall be submitted to the President of the Senate and the Speaker of the House of Representatives not later than the time of its publication in the Federal Register. If either the Senate or the House of Representatives adopts, prior to October 1, 1981, July 1, 1982, or July 1 of any succeeding year following the submission of such schedule as required by this paragraph, a resolution of disapproval of such schedule, in whole or in part, the Secretary shall publish a new schedule of expected family contributions in the Federal Register not later than fifteen days after the adoption of such resolution of disapproval. Such new schedule shall take into consideration such recommendations as may be made in either House in connection with such resolution. If within fifteen days following the submission of the revised schedule either the Senate or the House of Representatives again adopts a resolution of disapproval, in whole or in part, of such revised schedule, the Secretary shall publish a new schedule of expected family contributions in the Federal Register not later than fifteen days after the adoption of such resolution of disapproval. This procedure shall be repeated until neither the Senate nor the House of Representatives adopts a resolution of disapproval. The Secretary shall publish together with each new schedule a statement identifying the recommendations made in either House in connection with such resolution of disapproval and explaining his reasons for the new schedule.

"(3) The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall develop a proposed schedule of expected family contributions each year for publication in the Federal Register.

"(b)(1) For the purposes of this section, the term 'family contribution' with respect to any student means the amount which the student and his family may be reasonably expected to contribute toward his postsecondary education for the academic year for which the determination is made, as determined in accordance with regulations. In promulgating such regulations, the Secretary shall follow the basic criteria set forth in paragraph (2) of this subsection.

"(2) The basic criteria to be followed in promulgating regulations with respect to expected family contributions are as follows:

"(A) The amount of the effective income of the student or the effective family income of the student's parents.

"(B) The number of dependents of the family of the student.

"(C) The number of dependents of the student's family who are in attendance in a program of postsecondary education and for whom the family may be reasonably expected to contribute for their postsecondary education.

"(D) The amount of the assets of the student and the assets of the student's family.

"(E) Any unusual expenses of the student or his family, such as unusual medical expenses and those which may arise from a catastrophe.

"(F) Any educational expenses of other dependent children in the family.

"(3) For purposes of subparagraph (A) of paragraph (2), the term 'effective family income' with respect to a student, means the annual adjusted family income, as determined in accordance with regulations prescribed by the Secretary, received by the parents or legal guardians of the student minus Federal, State and local taxes paid or payable with respect to such income, and includes any amount paid under the Social Security Act to, or on account of, the student which would not be paid if he were not a student and one-half any amount paid the student under chapters 34 and 35 of title 38, United States Code. The term 'effective family income' includes any effective student income after any offset as determined by regulations prescribed by the Secretary.

"(4) In determining the expected family contribution under this section for any academic year after academic year 1978–1979, an assessment rate of not more than 14 per centum shall be applied to parental discretionary income for families with adjusted gross family income which does not exceed $25,000 for each such year. The Secretary may set an assessment rate or a series of assessment rates to be applied to parental discretionary income for families with adjusted gross incomes which exceed $25.000 for each such year for income in excess of $25.000.

"(5) For the purposes of paragraph (2)(D), the parental assets shall be determined by—

"(A) excluding all equity in a single principal place of residence from the computation of assets;

"(B) deducting an asset reserve of not less than $10.000 from the net value of all assets; and

"(C) if net assets include farm or business assets, deducting an additional asset reserve of not less than $50,000 from the net assets.

"(c)(1) The Secretary shall promulgate special regulations for determining the expected family contribution and effective family income of an independent student. Such special regulations shall be consistent with the basic criteria set forth in paragraph (2) of subsection (b). In addition, such regulations shall—

"(A) provide that the portion of assets which shall be exempt from assessment for contribution for an independent student who has one or more dependents shall be the same as the portion so exempt for the family of a dependent student;

"(B) provide that the rate of assessment for contribution on that portion of assets of such an independent student which is not exempt under subparagraph (A) shall be the same as the rate applied to the comparable portion of assets of the family of a dependent student;

"(C) in establishing a portion of effective family income which shall be exempt from assessment for contribution by reason of subsistence requirements of independent students who have no dependents, use the same method for computation of such portion for such students as is used for dependent students and for independent students who have dependents;

"(D) in determining the family contribution for an independent student who has one or more dependents, provide that the assessment rate which is to be applied to the student's discretionary income shall be the same as the assessment rate applied to discretionary income of the family of a dependent student; and

"(E) provide that a married student shall be considered independent if, notwithstanding prior dependency status, such student certifies that in the year of application he (i) will not live with parents for more than six weeks; (ii) will not be claimed by parents as a dependent on any tax return filed for purposes of Federal income taxes; and (iii) will not receive more than $750 in support from parents.

"(2) For purposes of this title, the term 'independent student' means a student who is determined, pursuant to regulations of the Secretary, to be independent of the parents or legal guardians of the student.

"(d) For the purposes of this title, the term 'cost of attendance' means—

"(1) tuition and fees normally assessed a full-time student at the institution at which the student is in attendance;

"(2) an allowance for books, supplies, transportation, and miscellaneous personal expenses;

"(3) an allowance for room and board costs incurred by the student which—

"(A) beginning in academic year 1981–1982 shall be an allowance of not less than $1,150 for a student without dependents residing at home with parents;

"(B) for students without dependents residing in institutionally owned or operated housing, shall be a standard allowance determinated by the institution based on the amount normally assessed most of its residents for room and board;

"(C) for all other students without dependents, shall be a standard allowance determined by the institution based on the expenses reasonably incurred by such students for room and board; and

"(D) for students with dependents, shall be an allowance based on the expenses reasonably incurred by such students for room and board;

"(4) for a student engaged in a program of study by correspondence, only tuition and fees and, if required, books and supplies, and travel and room and board costs incurred specifically in fulfilling a required period of residential training;

"(5) for a student enrolled in an academic program which normally includes a formal program of study abroad, reasonable costs associated with such study;

"(6) for a student with dependent children, an allowance based on the expenses reasonably incurred for child care; and

"(7) for a handicapped student, an allowance for those expenses related to his handicap, including special services, transportation, equipment, and supplies that are reasonably incurred and not provided for by other assisting agencies.

"(e) Nothing in this section shall prohibit an institution, in individual cases, from adjusting the financial need determination for a student aided under subpart 2 of part A or part C or E of this title if the basis for such adjustment is documented.

"FORMS AND REGULATIONS

"SEC. 483. (a) The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall prescribe a common Federal financial aid application form to be used to determine the need and eligibility of a student for financial assistance under this title (other than under subpart 3 of part A and under part B). No student or parent of a student shall be charged a fee for processing the data elements of the form prescribed by the Secretary. The Secretary shall, to the extent practicable, enter into not less than three contracts with States, institutions of higher education, or private organizations for the purpose of processing the application required under this subsection and issuing eligibility reports. The Secretary may also contract for additional services to assure coordination of financial aid from both Federal and non-Federal sources, and to provide information, training, and similar services to institutions, aid officers, counselors, lenders, parents and students. Nothing in this section shall prohibit States, institutions, or private organizations from simultaneously collecting data elements, in addition to the data elements prescribed by the Secretary, as may be necessary to determine the eligibility of a student for financial aid funds not covered by this title (or covered under subpart 3 of part A or under part B of this title).

"(b) Copies of all rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this title shall be provided to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives at least thirty days prior to their effective date.

"(c) To help insure access to postsecondary education by providing early notice to students of their potential eligibility for financial aid, the Secretary is authorized to enter into contracts with States, institutions of higher education, and private organizations for the purpose of—

"(1) developing a common pre-eligibility Federal financial aid form,

"(2) distributing and processing such form on a year-round basis free of charge to students, and

"(3) issuing on the basis of information reported by the student on such form a pre-eligibility index designed to estimate the amount of Federal (and, if feasible, non-Federal) funds for which the student might qualify in later competing and submitting the application form called for under this section.

The Secretary shall widely disseminate the pre-eligibility form through post offices and other appropriate Federal installations, schools, postsecondary institutions, libraries, and community-based agencies, including projects assisted under subpart 4 of part A of this title.

"STUDENT ELIGIBILITY

"SEC. 484. (a) In order to receive any grant, loan, or work assistance under this title, a student must—

"(1) be enrolled or accepted for enrollment at an institution of higher education that is an eligible institution in accordance with the provisions of section 487;

"(2) except as otherwise specifically provided, be carrying or planning to carry at least one-half the normal full-time workload for the course of study the student is pursuing, as determined by the institution;

"(3) if the student is presently enrolled at an institution, be maintaining satisfactory progress in the course of study the student is pursuing according to the standards and practices of the institution at which the student is in attendance;

"(4) not owe a refund on grants previously received at such institution under this title, or be in default on any loan from a student loan fund at such institution provided for in part E, or a loan made, insured, or guaranteed by the Secretary under this title for attendance at such institution; and

"(5) file with the intitution of higher education which the student intends to attend, or is attending (or in the case of a loan or loan guarantee with the lender), a statement of educational purpose (which need not be notarized) stating that the money attributable to such grant, loan, or loan guarantee will be used soley for expenses related to attendance or continued attendance at such institution.

"(b) Any permanent resident of the Trust Territory of the Pacfic Islands or of the Northern Mariana Islands shall be eligible for assistance under this title to the same extent that citizens of the United States are eligible for such assistance.

"INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS

"SEC. 485. (a) (1) Each eligible institution participating in any program under this title shall carry out information dissemination activities for prospective and enrolled students regarding the institution and financial assistance under this title. The information required by this section shall be produced and be made readily available, through appropriate publications and mailings, to all current students, and to any prospective student upon request. The information required by this section shall accurately describe—

"(A) the student financial assistance programs available to students who enroll at such institution;

"(B) the methods by which such assistance is distributed among student recipients who enroll at such institution;

"(C) any means, including forms, by which application for student financial assistance is made and requirements for accurately preparing such application;

"(D) the rights and responsibilities of students receiving financial assistance under this title;

"(E) the cost of attending the institution, including (i) tuition and fees, (ii) books and supplies, (iii) estimates of typical student room and board costs or typical commuting costs, and (iv) any additional cost of the program in which the student is enrolled or expresses a specific interest;

"(F) a statement of the refund policy of the institution for the return of unearned tuition and fees or other refundable portion of cost, as described in clause (E) of this paragraph;

"(G) the academic program of the institution, including (i) the current degree programs and other educational and training programs, (ii) the instructional, laboratory and other physical plant facilities which relate to the academic program, and (iii) the faculty and other instructional personnel;

"(H) each person designated under subsection (b) of this section, and the methods by which and locations in which any person so designated may be contacted by students and prospective students who are seeking information required by this subsection;

"(I) special facilities and services available to handicapped students;

"(J) the names of associations, agencies, or governmental bodies which accredit, approve, or license the institution and its programs, and the procedures under which any current or prospective student may obtain or review upon request a copy of the documents describing the institution's accreditation, approval, or licensing; and

"(K) the standards which the student must maintain in order to be considered to be making satisfactory progress, pursuant to section 484(a)(3).

"(2) For purposes of this section, the term 'prospective student' means any individual who has contacted an eligible institution requesting information concerning admission to that institution.

"(b) Each eligible institution shall designate an employee or group of employees who shall be available on a full-time basis to assist students or potential students in obtaining information as specified in subsection (a). The Secretary may, by regulation, waive the requirement that an employee or employees be available on a full-time basis for carrying out responsibilities required under this section whenever an institution in which the total enrollment, or the portion of the enrollment participating in programs under this title at that institution, is too small to necessitate such employee or employees being available on a full-time basis. No such waiver may include permission to exempt any such institution from designating a specific individual or a group of individuals to carry out the provisions of this section.

"(c) The Secretary shall make available to eligible institutions descriptions of Federal student assistance programs including the rights and responsibilities of student and institutional participants, in order to (1) assist students in gaining information through institutional sources, and (2) assist institutions in carrying out the provisions of this section, so that individual and institutional participants will be fully aware of their rights and responsibilities under such programs.

"TRAINING IN FINANCIAL AID AND STUDENT SUPPORT SERVICES

"SEC. 486. (a) The Secretary is authorized to enter into contracts with appropriate public agencies or nonprofit private organizations or institutions of higher education to provide training for financial aid administrators, student peer counselors, student staff or volunteers, and other part-time staff and volunteers who provide financial aid, admissions and academic counseling and outreach, and student support programs in postsecondary education in postsecondary institutions, communities or statewide programs.

"(b) Financial assistance under this section may be used for—

"(1) development of materials and inservice training and career awareness programs;

"(2) operation of short-term training institutes designed to improve the skills and career awareness of participants in such institutes; and

"(3) special programs to assist in training of students and part-time staff or volunteers at institutions eligible for assistance under title III of this Act.

"(c) There are authorized to be appropriated $1,000,000 to carry out the provisions of this section for fiscal year 1981 and for each of the succeeding fiscal years ending prior to October 1, 1985.

"PROGRAM PARTICIPATION AGREEMENTS

"SEC. 487. (a) In order to be an eligible institution for the purposes of any program authorized under this title, an institution must be an institution of higher education or an eligible institution (as that term is defined for purposes of that program) and shall, except with respect to a program under subpart 3 of part A, enter into a program participation agreement with the Secretary. The agreement shall condition the initial and continuing eligibility of an institution to participate in a program upon compliance with the following requirements:

"(1) The institution will use funds received by it for any program under this title solely for the purposes specified in, and in accordance with, the provisions of that program.

"(2) In the case of an institution participating in any program authorized under subpart 2 of part A or part C of this title for any fiscal year, the institution will continue to spend in its own scholarship and student aid program, from sources other than funds received under such parts, not less than the average expenditures per year made for that purpose during the most recent period of three fiscal years preceding the effective date of the program participation agreement, except that, under special and unusual circumstances prescribed by regulation, the Secretary is authorized to waive the requirements of this paragraph.

"(3) The institution will establish and maintain such administrative and fiscal procedures and records as may be necessary to ensure proper and efficient administration of funds received from the Secretary or from students under this title.

"(4) The institution will comply with the provisions of subsection (b) of this section and the regulations prescribed under that subsection, relating to fiscal eligibility.

"(5) The institution will submit reports to the Secretary and, in the case of an institution participating in a program under part B or part E, to holders of loans made to the institution's students under such parts at such times and containing such information as the Secretary may reasonably require to carry out the purposes of this title.

"(6) The institution will comply with the requirements of section 485.

"(b)(1) Notwithstanding any other provisions of this title, the Secretary is authorized to prescribe such regulations as may be necessary to provide for—

"(A) a fiscal audit of an eligible institution with regard to any funds obtained by it under this title or obtained from a student who has a loan insured or guaranteed by the Secretary under this title;

"(B) the establishment of reasonable standards of financial responsibility and appropriate institutional capability for the administration by an eligible institution of a program of student financial aid under this title;

"(C) the establishment, by each eligible institution under part B responsibie for furnishing to the lender the statement required by section 428(a)(2)(A)(i), of policies and procedures by which the latest known address and enrollment status of any student who has had a loan insured under this part and who has either formally terminated his enrollment, or failed to re-enroll on at least a half-time basis, at such institution, shall be furnished either to the holder (or if unknown, the insurer) of the note, not later than sixty days after such termination or failure to re-enroll; and

"(D) the limitation, suspension, or termination of the eligibility for any program under this title of any otherwise eligible institution, or the imposition of a civil penalty under paragraph (2)(B) whenever the Secretary has determined, after reasonable notice and opportunity for hearing on the record, that such institution has violated or failed to carry out any provision of this title or any regulation prescribed under this title, except that no period of suspension under this section shall exceed sixty days unless the institution and the Secretary agree to an extension or unless limitation or termination proceedings are initiated by the Secretary within that period of time.

"(2)(A) Upon determination, after reasonable notice and opportunity for a hearing on the record, that an eligible institution has engaged in substantial misrepresentation of the nature of its educational program, its financial charges, or the employability of its graduates, the Secretary may suspend or terminate the eligibility status for any or all programs under this title or any otherwise eligible institution, in accordance with procedures specified in paragraph (1)(D) of this subsection, until the Secretary finds that such practices have been corrected.

"(B)(i) Upon determination, after reasonable notice and opportunity for a hearing on the record, that an eligible institution—

"(I) has violated or failed to carry out any provision of this title or any regulation prescribed under this title; or

"(II) has engaged in substantial misrepresentation of the nature of its educational program, its financial charges, and the employability of its graduates,

the Secretary may impose a civil penalty upon such institution of not to exceed $25,000 for each violation or misrepresentation.

"'(ii) Any civil penalty may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the institution of higher education subject to the determination, and the gravity of the violation, failure, or misrepresentation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the institution charged.

"(3) The Secretary shall publish a list of State agencies which the Secretary determines to be reliable authority as to the quality of public postsecondary vocational education in their respective States for the purpose of determining eligibility for all Federal student assistance programs.

"(c) For the purpose of this section the term 'eligible institutions' means any such institution described in section 435(a) or this Act.

"TRANSFER OF ALLOTMENTS

"SEC. 488. Up to 10 per centum of the allotment of an eligible institution for a fiscal year under section 413D or 446 of this Act, may be transferred to, and used for the purposes of, the institution's allotment under the other section within the discretion of such institution in order to offer an arrangement of types of aid, including institutional and State aid, which best fits the needs of each individual student. The Secretary shall have no control over such transfer, except as specifically authorized, except for the collection and dissemination of information.

"ADMINISTRATIVE EXPENSES

"SEC. 489. (a) From the sums appropriated for any fiscal year for purposes of the program authorized under subpart 1 of part A, the Secretary shall reserve such sums as may be necessary to pay to each institution with which he has an agreement under section 487, an amount equal to $10 for each student at that institution who receives assistance under subpart 1 of part A. In addition, an institution which has entered into an agreement with the Secretary under subpart 2 of part A or part C (other than section 448), of this title or under part E of this title shall be entitled for each fiscal year for which it receives an allotment by payment under any such part to a payment for the purposes set forth in subsection (b). The payment for a fiscal year shall be payable from each such allotment by payment in accordance with regulations of the Secretary and shall be equal to 5 per centum of the institution's first $2,750,000 of expenditures plus 4 per centum of the institution's expenditures greater than $2,750,000 and less than $5,500,000, plus 3 per centum of the institution's expenditures in excess of $5,500,000 during the fiscal year from the sum of its grants to students under subpart 2 of part A, its expenditures during such fiscal year under part C for compensation of students, and the principal amount of loans made during such fiscal year from its student loan fund established under part E, excluding the principal amount of any such loans which the institution has agreed to assign under section 463(a)(6)(B). The payment for a fiscal year for the purpose of subsection (b) with respect to section 448 shall be payable from each allotment under part C in accordance with regulations of the Secretary, and shall be 10 per centum of the institution's expenditures during such fiscal year under such section.

"(b) The sums paid to institutions under this part are for the sole purpose of offsetting the administrative costs of the programs described in subsection (a).

"CRIMINAL PENALTIES

"SEC. 490. (a) Any person who knowingly and willfully embezzles, misapplies, steals, or obtains by fraud, false statement, or forgery any funds, assets, or property provided or insured under this title shall be fined not more than $10,000 or imprisoned for not more than five years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud, false statement, or forgery does not exceed $200, the fine shall not be more than $1,000 and imprisonment shall not exceed one year, or both.

"(b) Any person who knowingly and willfully makes any false statement, furnishes any false information, or conceals any material information in connection with the assignment of a loan which is made or insured under this title shall, upon conviction thereof, be fined not more than $1,000 or imprisoned not more than one year, or both.

"(c) Any person who knowingly and willfully makes an unlawful payment to an eligible lender under part B as an inducement to make, or to acquire by assignment, a loan insured under that part shall, upon conviction thereof, be fined not more than $1,000 or imprisoned not more than one year, or both.

"(d) Any person who knowingly and willfully destroys or conceals any record relating to the provision of assistance under this title with intent to defraud the United States or to prevent the United States from enforcing any right obtained by subrogation under this part, shall upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

"NATIONAL COMMISSION ON STUDENT FINANCIAL ASSISTANCE

"SEC. 491. (a) There is established, as an independent agency within the executive branch, a National Commission on Student Financial Assistance (referred to in this section as the 'Commission').

"(b)(1) The Commission shall be composed of twelve members. Four of the members shall be appointed by the President. Four of the members shall be appointed by the Speaker of the House, including two Members of the House, one from each political party. Four of the members shall be appointed by the President pro tempore of the Senate, including two Members of the Senate, one from each political party.

"(2) The Chairman shall be designated by the President from among the members appointed by him. If the President has not appointed four members of the Commission and designated a Chairman within sixty days of the enactment of this Act, the members of the Commission by the Speaker of the House and the President pro tempore of the Senate shall elect a Chairman who shall continue to serve for the duration of the Commission.

"(3) Any vacancy in the Commission shall be filled by appointment of the same person who appointed the person who has left the Commission.

"(c)(1) The Commission shall make a study of the following issues:

"(A) more effective means to reduce default, fraud, abuse, and delinquency in the programs authorized by this title;

"(B) the appropriate balance between loans and other sources of financing postsecondary education from the point of view of the needs and welfare of students and their parents;

"(C) the adequacy of capital to serve the postsecondary educational needs of students or their parents for credit; if adequate credit is available, the likelihood it will continue to remain available; if adequate credit is not available, the likelihood it will become available and the steps that can be taken to provide adequate credit for the postsecondary educational needs of students:

"(D) the impact of various levels of student borrowing, grants, gift aid, and employment on the educational performance, future career choices, and future educational choices of students;

"(E) the impact of various levels of parent borrowing for postsecondary education on parents;

"(F) the appropriate annual and aggregate self-help limits and gift aid for parents, dependent students, and independent students;

"(G) the most appropriate mechanism for the effective and efficient origination, servicing, and collection of student loans and for the effective and efficient delivery of other forms of student assistance;

"(H) the most appropriate source or sources of student loan capital considering both the cost and the reliability of adequate capital availability;

"(I) the appropriate level of public subsidy to students and parents for the cost of capital for student loans;

"(J) the impact of the availability of Federal student financial assistance on the availability of student financial assistance from all other sources;

"(K) the impact of the availability of student assistance, particularly from Federal sources, on the level of postsecondary education costs;

"(L) the most appropriate mechanism to provide students and parents with the flexible repayment options and opportunities for consolidation of student loan indebtedness;

"(M) means to remove barriers to capital availability caused by patterns of lender discrimination;

"(N) the cost to the Federal Government of the arbitrage derived from revenue bonds issued by agencies for the purpose of making or purchasing loans under part B of this title and the appropriate role of such bonds as a mechanism for raising student loan capital; and

"(O) the effectiveness in serving the purposes of this title of the existing formulas for allotment among the States in subpart 2 of part A and in parts C and E of this title.

"(2) The Commission shall make a study of the insurance premium charged by an insurer pursuant to section 428(b)(1)(H) in order to determine if the rate of the insurance premium exceeds the rate necessary to protect the reserves of the insurer and to determine if a statutory limit should be enacted for the rate of such premium.

"(3)(A) The Commission shall make a study of an improved method or methods for determination of the quarterly rate of special allowances paid under part B of this title which the Commission determines will carry out the objectives set forth in section 438(a).

"(B) The Commission shall make every effort to reach a unanimous decision with respect to the method for determination of the quarterly rate of the special allowances required to be studied by this paragraph.

"(C) In developing the method for the determination of the quarterly rate of the special allowances under this paragraph, the Commission shall consider—

"(i) the experiences of students and eligible lenders under the method in operation during the period of the study,

"(ii) the administrative costs of various types of eligible lenders under part B of title IV,

"(iii) relevant and widely available financial indicators which accurately reflect the costs of capital invested in programs under such part, or substitute financial indicators which equitably represent the cost of such capital,

"(iv) an administrative mechanism necessary to produce a prompt and rapidly disseminated determination of the quarterly rate of the special allowances, in order to avoid delays in the determination and dissemination of that rate and in the actual payment of the special allowances to eligible lenders, and

"(v) such other factors as the Commission considers necessary to carry out the purposes of section 438(a).

"(4) The Commission shall conduct a study to determine if institutions of higher education which meet the requirements of section 1201(a) (other than the provisions of subclauses (A) and (B) of clause (5) of such section), but fail to meet such requirements because the institution is not located in a State, should be included in the definition of institution of higher education under section 481.

"(5) The Commission shall conduct a study to determine if student eligibility for financial assistance under section 484 on the basis of maintaining satisfactory academic progress should include provisions which would require that a student complete successfully a specified portion of the workload undertaken during the academic period for which assistance was received by the student.

"(6) The Commission shall, in consultation with the National Center for Education Statistics, conduct longitudinal studies of high school students in order to determine the effect of federally authorized student assistance programs upon postsecondary education access and choices of high school students.

"(7)(A) The Commission shall, in consultation with appropriate higher education associations and representatives from institutions of higher education, collect data necessary for the study of graduate education throughout the United States required by this paragraph. Such study shall—

"(i) analyze trends and shortcomings in the sources of support available to students for the financing of graduate education, and compare the nature and level of support available in the various academic disciplines, including sources of support from student assistance and research programs sponsored by—

"(I) the Federal Government,

"(II) State and local governments,

"(III) foundations, corporations, and other private entities, and

"(IV) institutions of higher education, and in addition, consider the resources of the students and the students' families;

"(ii) examine the extent to which students may be dissuaded from pursuing graduate education on financial grounds, to the consequent detriment of—

"(I) the major fields of knowledge which need to attract the most able and talented students of each generation if they are to remain strong and vigorous; and

"(II) the Nation as a whole, if some of its most promising students are precluded because of financial circumstances from developing their capacities and abilities to the fullest possible extent;

"(iii) investigate existing and projected levels of graduate student indebtedness, and consider the implications (for the students involved and for the health of graduate education generally) or existing and projected expectations for borrowing to meet the costs of graduate education;

"(iv) assess the desirability of modifying existing Federal fellowship and student assistance programs or establishing a new Federal graduate student assistance program in which the selection of students and the amounts of their awards are based on merit or financial need or both, particularly with regard to the special needs of students in the humanities and social sciences or other disciplines; and

"(v) examine and assess the financial and educational needs of individuals from disadvantaged backgrounds in order to enhance their participation in graduate and professional education and their potential for employment in occupational areas where these individuals are underrepresented.

"(B) In conducting the study described in this paragraph, the Commission shall consult with representatives of the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and representatives of higher education institutions and associations, learned societies, and professional organizations.

"(8)(A) The Commission shall conduct a study of a proposal to amend the guaranteed student loan program authorized by part B of title IV by recapturing interest subsidies from borrowers who do not obtain loans for undergraduate study under such part by reason of need or who borrow under such part for graduate study to the extent such loans are made for graduate study. In conducting such study, the Commission shall analyze the long term effect on the Budget of the United States of recapturing the interest subsidy in accordance with such proposal outlined in this paragraph and the impact of such proposal on the availability of funds for postsecondary education for students.

"(B) In conducting the study under this paragraph, the Commission shall also consider other alternative proposals designed to reduce the cost of the guaranteed student loan program under part B of title IV in fiscal years subsequent to fiscal year 1982 and the impact of such proposals on the availability of funds for postsecondary education for students.

"(d)(1) The Commission shall prepare and submit reports and recommendations to the President and to the Congress on the studies required to be conducted under subsection (c) of this section. The reports for the studies required by paragraphs (2), (3), (5), and (8) of such subsection shall be submitted as soon as practicable but in no event later than one year after the date of the first meeting of the Commission. The reports for the studies required by paragraphs (1), (4), (6), and (7) shall be submitted as soon as practicable but in no event later than July 1, 1983.

"(2) Any recommendations and reports submitted under this paragraph which contemplate changes in Federal legislation shall include draft legislation to accomplish the recommendations.

"(3) The Commission shall cease to exist 90 days following the submission of its final report.

"(e)(1) Members of the Commission who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States; but they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(2) Members of the Commission who are not officers or full-time employees of the United States may each receive $150 per diem when engaged in the actual performance of duties vested in the Commission. In addition, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(f) Such personnel as the Commission deems necessary may be appointed by the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subtitle III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual so appointed shall be paid in excess of the rate authorized for GS–18 of the General Schedule.

"(g)(1) The Commission or, on the authorization of the Commission, any committee thereof, may, for the purpose of carrying out the provisions of the Act, hold such hearings and sit and act at such times and such places within the United States as the Commission or such committee may deem advisable.

"(2) In carrying out its duties under the Act, the Commission shall consult with other Federal agencies, representatives of State and local governments, and private organizations to the extent feasible.

"(3) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purpose of this section, and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman.

"(4) For the purpose of securing the necessary data and information the Commission may enter into contracts wtih universities, research institutions, foundations, and other competent public or private agencies. For such purpose, the Commission is authorized to obtain the services of experts and Consultants in accordance with section 3109 of title 5, United States Code.

"(5) The heads of all Federal agencies are, to the extent not prohibited by law, directed to cooperate with the Commission in carrying out this section.

"(6) The Commission is authorized to utilize, with their consent, the services, personnel, information and facilities of other Federal, State, local and private agencies with or without reimbursement.

"(7) The Commission shall have authority to accept in the name of the United States, grants, gifts, or bequests of money for immediate disbursement in furtherance of the functions of the Commission. Such grants, gifts, or bequests, after acceptance by the Commission, shall be paid by the donor or his representative to the Treasurer of the United States whose receipts shall be their acquittance. The Treasurer of the United States shall enter them in a special account to the credit of the Commission for the purposes in each case specified.

"(8) Six members of the Commission shall constitute a quorum, but a lesser number of two or more may conduct hearings.

"(h) There is authorized to be appropriated an amount not to exceed a total of $10,000,000 for fiscal years beginning on or after October 1, 1980, to carry out the provisions of this section, which shall remain available until expended or until the termination of the Commission, whichever occurs first.".

(b) Section 440 of the Act is repealed.

(c) The amendments made by section 6 of the Middle Income Student Assistance Act shall take effect on July 1, 1972.

(d) Section 438 of the Act is amended by striking out subsections (e), (f), and (g).

TITLE V—AMENDMENT AND EXTENSION OF TITLE V OF THE HIGHER EDUCATION ACT OF 1965

EXTENSION OF PROGRAMS

SEC. 501. (a) Section 511(b) of the Act is amended to read as follows:

"(b) For the purpose of carrying out the provisions of this part, there are authorized to be appropriated $45,000,000 for the fiscal year 1981, $55,000,000 for the fiscal year 1982, $65,000,000 for the fiscal year 1983, $75,000,000 for the fiscal year 1984, and $85,000,000 for the fiscal year 1985.".

(b) The first sentence of section 531 of the Act is amended by adding the following: "There are authorized to be appropriated $20,000,000 for the fiscal year 1981, $30,000,000 for the fiscal year 1982, $40,000,000 for the fiscal year 1983, $50,000,000 for the fiscal year 1984, and $55,000,000 for the fiscal year 1985 to carry out the provisions of this part.".

TEACHER CORPS AMENDMENTS

SEC. 502. (a) Section 513(a) of the Act is amended by striking out "and" at the end of paragraph (8), by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and" and by inserting after such paragraph the following:

"(10) make grants to schools, colleges and departments of education and local educational agencies with high concentrations of low income students for the purpose of—

"(A) developing, improving or expanding curriculum offerings or instructional materials for the purpose of improving instruction in the areas of—

"(i) biological sciences, natural sciences and earth sciences,

"(ii) physical sciences, and

"(iii) mathematics; and

"(B) providing training opportunities for teachers to increase their effectiveness in developing instructional materials and teaching science and mathematics related subject matter.".

(b) Section 513(c)(2) of the Act is amended—

(1) by striking out "Not to exceed 5 per centum" and inserting in lieu thereof "Not to exceed 2 per centum"; and

(2) by striking out "Puerto Rico," each place it appears.

(c) Section 513(d) of the Act is amended by striking out "section 205(a)(2) of Public Law 874, Eighty-first Congress, as amended," and inserting in lieu thereof "section 130 of the Elementary and Secondary Education Act of 1965".

(d) Section 513(f) of the Act is amended by striking out "goal" and inserting in lieu thereof "the goal".

(e) Section 514(a)(2) of the Act is amended by striking out ", not to exceed $150 per week plus $15 per week for each dependent".

TEACHER CENTERS AMENDMENTS

SEC. 503. (a) Section 531 of the Act is amended by striking out "In the event that sums exceeding $50,000,000 are appropriated in any fiscal year for purposes of carrying out this part, each" and inserting in lieu thereof "Each".

(b) Section 532(a)(2) of the Act is amended—

(1) by striking out "local educational agency (or a combination of such agencies) which serve" and inserting in lieu thereof "local educational agency, a combination of such agencies, or an educational service agency which serves";

(2) by inserting "and, where desirable, in collaboration with one or more institutions of higher education which serve teachers" immediately after "experts as may be necessary";

(3) by inserting ", including the use of technology and telecommunications" immediately before the semicolon in subparagraph (A);

(4) by inserting ", testing," immediately after "curriculum development" in subparagraph (B).

(c) The first sentence of section 532(b) of the Act is amended by inserting before the period "and, where appropriate, bilingual education teachers".

TEACHER TRAINING

SEC. 504. Section 533 of the Act is amended to read as follows:

"TRAINING FOR HIGHER EDUCATION PERSONNEL

"SEC. 533. (a) The Secretary is authorized to make grants to schools of education for the purposes of—

"(1) developing model projects within schools of education to carry out improved preservice or support activities for preparing elementary or secondary school teachers;

"(2) achieving diversification and redirection of education programs for elementary and secondary school teachers in order to make maximum use of human resources in the fields of education and public service;

"(3) retraining faculty members of such schools of education to provide courses of study for training elementary and secondary school teachers to teach in programs of career education, education of the gifted and talented children, education of handicapped individuals, community education, adult education programs, earth sciences, and other related programs;

"(4) training and orientation projects for faculty members of schools of education designed to prepare the faculty to teach and train personnel to work in conjunction with personnel who carry out projects under the Comprehensive Employment and Training Act and under title VIII of this Act, relating to cooperative education and training of individuals to prepare for the workplace; and

"(5) training educational personnel who will specialize in the implementation of the urban and environmental policies of the United States, and for other areas of critical need within education which are developing or are likely to develop as provided in section 406(b)(5) of the General Education Provisions Act.

"(b) The Secretary is authorized to make grants to schools of education for the fiscal year 1981 and for each of the four succeeding years to carry out model projects for the purposes set forth in subsection (a). No grant may be made under this subsection unless an application is made to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(c)(1) The Secretary is authorized to enter into agreements with consortia of schools of education for planning programs designed to help member schools of the consortium to diversify and redirect programs and curricula of the member schools of education.

"(2)(A) The Secretary shall develop criteria for determining the regions of the country in which consortia of schools of education are to be established.

"(B) No consortium may receive a grant in excess of $200,000 in any fiscal year under this section.

"(C) No cooperative agreement may be entered into under this section unless an application is submitted through the State education agency of the State in which the applicant is located. Each such State agency will review and approve the application to assure its consistency with the comprehensive plan mandated by sections 404(a)(12) and 522(2) of the Elementary and Secondary Education Act of 1965. Such application shall be submitted at such time, in such manner, and containing or accompanied by such other information as the Secretary may reasonably require.

"(d) For purposes of this section, the term 'schools of education' means institutions of higher education, and administrative units of institutions of higher education, specializing in the training of individuals to serve as teachers, guidance and counseling personnel, administrative personnel, or other education specialists.".

TRAINING FOR TEACHERS OF HANDICAPPED CHILDREN IN AREAS WITH A SHORTAGE

SEC. 505. (a) Title V of the Act is amended by adding after part B the following new part:

"PART C—TRAINING FOR ELEMENTARY AND SECONDARY SCHOOL TEACHERS TO TEACH HANDICAPPED CHILDREN IN AREAS WITH A SHORTAGE

"GRANTS AUTHORIZED

"SEC. 541. (a) The Secretary is authorized to make grants, in accordance with the provisions of this part, to State educational agencies to enable such agencies to support a fellowship program of stipends and allowances to institutions of higher education for teachers to be trained to provide special education for handicapped children.

"(b) The Secretary shall establish criteria for—

"(1) determining if there is a shortage of teachers in the area of special education for handicapped children in the State;

"(2) assuring that the institutions of higher education, at which recipients of fellowships awarded under this part are pursuing courses of study, offer a program designed to prepare such recipients in the area of special education for handicapped children; and

"(3) assuring that individuals trained with assistance under this part receive specialized training in the subject areas in which there is the greatest need for such teachers.

"(c) The Secretary shall assure an equitable distribution among the States of grants made under this part, consistent with criteria established under subsection (b).

"APPLICATION

"SEC. 542. (a) No grant may be made under this part unless an application is made by a State educational agency at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(1) describe a fellowship program under which the State will make stipends to recipients and make allowances to institutions of higher education, in accordance with the provisions of this part, for teachers and other specialists to be trained in special education for handicapped children;

"(2) provide assurances that each recipient of a fellowship under this part will enter into an agreement with the State under which the recipient will—

"(A) within the five-year period after the completion of the training for which the fellowship was awarded, teach for a period of not less than two years in an elementary or secondary school of a local educational agency of that State, a public elementary or secondary school of that State, or a public educational program approved by the local educational agency or the State, which has, or has provided assurances that it will have, a special education program for handicapped children, or

"(B) repay all of the stipend awarded to the recipient plus the allowances paid to any institution of higher education based upon that fellowship in the event that the conditions of clause (A) are not complied with, except when such conditions are not complied with for reasons beyond a recipient's control;

"(3) provide procedures under which recipients of fellowships who teach, for reasons beyond their control, less than the two-year period required under clause (2) of this subsection will have the repayment requirement reduced according to a schedule established by the State agency;

"(4) provide procedures under which stipends and institution of higher education allowances will be paid by the State agency in accordance with the provisions of this part; and

"(5) provide that the State agency will make continuing efforts to encourage recipients of fellowships under this part to continue to provide special education for handicapped children in areas where there is a shortage of such teachers.

"(b) The Secretary shall approve any application which meets the requirements of subsection (a) of this section. Prior to approving any applications under this section, the Secretary shall prepare regulations setting forth detailed requirements with respect to clauses (2) and (3) of subsection (a).

"STIPENDS AND INSTITUTION OF HIGHER EDUCATION ALLOWANCES

"SEC. 543. (a)(1) Each State educational agency receiving a grant under this part shall pay to individuals awarded fellowships under this part such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as the Secretary may determine to be consistent with prevailing practices under comparable federally supported programs.

"(2) No stipend may be paid to any single recipient in any one year in excess of $9,000.

"(b) Each State educational agency receiving a grant under this part shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such individual is pursuing a course of study such amounts as the Secretary may determine to be consistent with prevailing practices under comparable federally supported programs, except that such amount charged to a fellowship recipient and collected from such recipient by the institution for tuition and other expenses required by the institution as part of the recipient's instructional program shall be deducted from the payments to the institution under this subsection.

"FELLOWSHIP CONDITIONS

"SEC. 544. (a) An individual awarded a fellowship under the provisions of this part shall continue to receive the payments provided in this part only during such periods as the State educational agency finds that the individual is maintaining satisfactory progress and devoting at least one-half of the full-time academic workload to study in the field in which such fellowship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation. The amount of any payment to an individual engaged in such gainful employment shall be appropriately reduced pursuant to regulation.

"(b) The State educational agency is authorized to require reports containing such information in such form and to be filed at such times as it determines necessary from any individual awarded a fellowip under the provisions of this part. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education approved by the State educational agency, stating that such individual is making satisfactory progress in, and is devoting at least one-half of the full-time academic workload to, the program for which the fellowship was awarded.

"(c) No fellowship shall be awarded under this part for study at a school or department of divinity.

"DEFINITION

"SEC. 545. As used in this part 'special education' has the same meaning as prescribed by section 602(16) of the Education of the Handicapped Act.

"APPROPRIATIONS AUTHORIZED

"SEC. 546. There are authorized to be appropriated $2,000,000 for the fiscal year 1981, $3,000,000 for the fiscal year 1982, and $5,000,000 for the fiscal year 1983 and for each of the fiscal years ending prior to October 1, 1985 to carry out the provisions of this part.".

(b) The Secretary shall promulgate regulations to carry out the amendment made by subsection (a) of this section not later than 30 days after the date of enactment of the Education Amendments of 1980.

EDUCATION PROFESSIONAL DEVELOPMENT

SEC. 506. Title V of the Act is further amended by adding after part C (as added by section 504) the following new part:

"PART D—COORDINATION OF EDUCATION PROFESSIONAL DEVELOPMENT

"FINDINGS

"SEC. 551. The Congress finds that—

"(1) many Federal programs have been enacted to train and develop education professionals;

"(2) such programs make Federal funds available to States, local education agencies, colleges and universities, and other agencies;

"(3) such programs should be coordinated at the Federal level to avoid unnecessary duplication of effort; and

"(4) such programs should be responsive to State needs and priorities for education professional development.

"POLICY

"SEC. 552. Federal programs which support education professional development should be administered in a coordinated manner, and the activities authorized under such programs should have complementary purposes whenever possible in order to provide the most effective use of Federal funds.

"OFFICE OF EDUCATION PROFESSIONAL DEVELOPMENT

"SEC. 553. (a) There is established in the Department an Office of Education Professional Development, the function of which is to review the operations of and to coordinate program activities among the various Federal education professional development programs within the Department to eliminate unnecessary duplication of effort.

"(b) The Office shall review on a biennial basis each education professional development program administered by the Department and shall—

"(1) identify inconsistencies in program policies and procedures;

"(2) identify overlap in program purpose and operations; and

"(3) coordinate program activities among the various Federal education professional development programs, and wherever necessary, make legislative recommendations to coordinate such programs.

"(c) The Secretary shall report biennially to the Congress on the findings and recommendations of the Office.".

TITLE VI—ESTABLISHMENT OF A NEW TITLE VI OF THE HIGHER EDUCATION ACT OF 1965

PROGRAM AUTHORIZED

SEC. 601. (a) Title VI of the Higher Education Act is amended to read as follows:

"TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

"PART A—INTERNATIONAL AND FOREIGN LANGUAGE STUDIES

"FINDINGS AND PURPOSES

"SEC. 601. (a) The Congress finds that—

"(1) knowledge of other countries is important in promoting mutual understanding and cooperating between nations;

"(2) strong American educational resources are a necessary base for strengthening our relations with other countries;

"(3) present and future generations of Americans should be given the opportunity to develop to the fullest extent possible their intellectual capacities in all areas of knowledge pertaining to other countries, peoples, and cultures; and

"(4) the economy of the United States and the long range security of the Nation are dependent upon acquiring such knowledge.

"(b) It is the purpose of this part to assist in the development of resources and trained personnel for international study, international research, and foreign language study and to coordinate programs of the Federal Government in the areas of international study and research and foreign language study.

"GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS

"SEC. 602. (a)(1) The Secretary is authorized to make grants to, and enter into contracts with, institutions of higher education, or combination of such institutions, for the purpose of establishing, strengthening, and operating graduate and undergraduate centers and programs which will be national resources for the teaching of any modern foreign language, for instruction in fields needed to provide a full understanding of the areas, regions, or countries in which such language is commonly used, or for research and training in international studies and the international aspects of professional and other fields of study.

"(2) Any such grant or contract may be used to pay all or part of the cost of establishing or operating a center or program, including the cost of faculty, staff, and student travel in foreign areas, regions, or countries, the cost of teaching and research materials, the cost of curriculum planning and development, the cost of bringing visiting scholars and faculty to the center to teach or to conduct research, and the cost of training and improvement of the staff, for the purpose of, and subject to such conditions as the Secretary finds necessary for, carrying out the objectives of this section.

"(3) The Secretary may make grants to centers described in paragraph (1) having important library collections for the maintenance of such collections.

"(b) The Secretary is also authorized to pay stipends to individuals undergoing such advanced training in any center or program approved by the Secretary under this part, including allowances for dependents and for travel for research and study in the United States and abroad.

"(c) No funds may be expended under this part for undergraduate travel except in accordance with rules prescribed by the Secretary setting forth policies and procedures to assure that Federal funds made available for such travel are expended as part of a formal program of supervised study.

"INTERNATIONAL STUDIES CENTERS

"SEC. 603. (a)(1) The Secretary is authorized to make grants to institutions of higher education, or combinations of such institutions, for the purpose of establishing, strengthening, and operating graduate and undergraduate centers which will be regional resources to increase access to research and training in international and foreign language studies and the international aspects of professional and other fields of study. Activities carried out in such centers may be concentrated either on specific geographical areas of the world or on particular fields or issues in world affairs which concern one or more countries, or on both. In addition to providing training to students enrolled in the institution of higher education in which the center is located, the centers serving as regional resources shall, in order to qualify for assistance under this section, offer programs to strengthen international studies and foreign languages in the two-year and four-year colleges and universities in the region served by each such center.

"(2) The Secretary may also make grants to public and private nonprofit agencies and organizations, including professional and scholarly associations, whenever the Secretary determines that such grants will make an especially significant contribution to attaining the objectives of this section.

"(b) Grants under this section may be used to pay part or all of the cost of establishing, strengthening, equipping, and operating research and training centers, including the cost of teaching and research materials and resources, the cost of programs for bringing visiting scholars and faculty to the center, and the cost of training, improvement, and travel of the staff for the purposes of carrying out the provisions of this section. Such grants may also include funds for stipends (in such amounts as may be determined in accordance with regulations of the Secretary) to individuals undergoing training in such centers, including allowances for dependents and for travel for research and study in the United States and abroad.

"(c) Grants under this section shall be made on such conditions as the Secretary determines to be necessary to carry out the purposes of this section.

"UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS

"SEC. 604. (a) The Secretary is authorized to make grants to institutions of higher education, or combinations of such institutions, to assist them in planning, developing, and carrying out a comprehensive program to strengthen and improve undergraduate instruction in international studies and foreign languages. Grants made under this section may be for projects and activities which are an integral part of such a comprehensive program, such as—

"(1) planning for the development and expansion of undergraduate programs in international studies;

"(2) teaching, research, curriculum development, and other related activities;

"(3) training of faculty members in foreign countries;

"(4) expansion of foreign language courses;

"(5) programs under which foreign teachers and scholars may visit institutions as visiting faculty;

"(6) programs designed to integrate undergraduate education with terminal Masters Degree programs having an international emphasis; and

"(7) the development of an international dimension in teacher training.

"(b) The Secretary may also make grants to public and private nonprofit agencies and organizations, including professional and scholarly associations, whenever the Secretary determines such grants will make an especially significant contribution to attaining the objective of this section.

"RESEARCH; STUDIES; ANNUAL REPORT

"SEC. 605. (a) The Secretary may, directly or through grants or contracts, conduct research and studies which contribute to the purposes of this part and part N of title III of the Elementary and Secondary Education Act of 1956. Such research and studies may include but are not limited to—

"(1) studies and surveys to determine the need for increased or improved instruction in modern foreign languages and in other fields needed to provide a full understanding of the places in which such languages are commonly used;

"(2) research on more effective methods of providing instruction and evaluating competency in such foreign languages and other fields; and

"(3) the development of specialized materials for use in providing such instruction and evaluation or for use in training individuals to provide such instruction and evaluation.

"(b) The Secretary shall prepare and publish an annual report which shall include an index and analysis of the books and research materials produced with assistance under this title.

"EQUITABLE DISTRIBUTION OF FUNDS

"SEC. 606. (a) The Secretary shall make excellence the criterion for selection of grants awarded under section 602.

"(b) To the extent practicable and consistent with the criterion of excellence, the Secretary shall award grants under this part (other than section 602) in such manner as will achieve an equitable distribution of funds throughout the Nation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 607. There are authorized to be appriated $45,000,000 for fiscal year 1981, $55,000,000 for fiscal year 1982, $70,000,000 for fiscal year 1983, $80,000,000 for fiscal year 1984, and $85,000,000 for fiscal year 1985, to carry out the provisions of this part.

"PART B—BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS

"FINDINGS AND PURPOSES

"SEC. 611. (a) The Congress finds that—

"(1) the future economic welfare of the United States will depend substantially on increasing international skills in the business community and creating an awareness among the American public of the internationalization of our economy;

"(2) concerted efforts are necessary to engage business schools, language and area study programs, public and private sector organizations, and United States business in a mutually productive relationship which benefits the Nation's future economic interests;

"(3) few linkages presently exist between the manpower and information needs of United States business and the international education, language training and research capacities of institutions of higher education in the United States, and public and private organizations; and

"(4) organizations such as world trade councils, world trade clubs, chambers of commerce and State departments of commerce are not adequately used to link universities and business for joint venture exploration and program development.

"(b) It is the purpose of this part—

"(1) to enhance the broad objective of this Act by increasing and promoting the Nation's capacity for international understanding and economic enterprise through the provision of suitable international education and training for business personnel in various stages of professional development; and

"(2) to promote institutional and noninstitutional educational and training activities that will contribute to the ability of United States business to prosper in an international economy.

"EDUCATION AND TRAINING PROGRAMS

"SEC. 612. (a) The Secretary shall make grants to, and enter into contracts with, institutions of higher education to pay the Federal share of the cost of programs designed to promote linkages between such institutions and the American business community engaged in international economic activity. Each program assisted under this part shall both enhance the international academic programs of institutions of higher education and provide appropriate services to the business community which will expand its capacity to engage in commerce abroad.

"(b) Eligible activities to be conducted by institutions of higher education under this section shall include, but are not limited to—

"(1) innovation and improvement in international education curricula to serve the needs of the business community, including development of new programs for nontraditional, mid-career, or part-time students;

"(2) development of programs to inform the public of increasing international economic interdependence and the role of American business within the international economic system;

"(3) internationalization of curricula at the junior and community college level, and at undergraduate and graduate schools of business;

"(4) development of area studies programs and interdisciplinary international programs;

"(5) establishment of export education programs through cooperative arrangements with regional and world trade centers and councils, and with bilateral and multilateral trade associations;

"(6) research for and development of specialized teaching materials, including language materials, and facilities appropriate to business-oriented students;

"(7) establishment of student and faculty fellowships and internships for training and education in international business activities;

"(8) development of opportunities for junior business and other professional school faculty to acquire or strengthen international skills and perspectives; and

"(9) development of research programs on issues of common interest to institutions of higher education and private sector organizations and associations engaged in or promoting international economic activity.

"(c) No grant may be made and no contract may be entered into under the provisions of this part unless an institution of higher education submits an application at such time and in such manner as the Secretary may reasonably require. Each such application shall be accompanied by a copy of the agreement entered into by the institution of higher education with a business enterprise, trade organization or association engaged in international economic activity, or a combination or consortium of such enterprises, organizations or associations, for the purpose of establishing, developing, improving or expanding activities eligible for assistance under subsection (b) of this section. Each such application shall contain assurances that the institution of higher education will use the assistance provided under this part to supplement and not to supplant activities conducted by institutions of higher education described in subsection (b).

"(d) The Federal share under this part for each fiscal year shall not exceed 55 per centum of the cost of such program.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 613. There are authorized to be appropriated $7,500,000 for fiscal year 1981 and for each of the succeeding fiscal years ending prior to October 1, 1985, to carry out the provisions of this part.

"PART C—GENERAL PROVISIONS

"ADVISORY BOARD

"SEC. 621. (a) Not less than four times each year the Secretary shall convene meetings of an advisory board on the conduct of programs under this title. The board shall consist of—

"(1) one member selected by the Secretary of State;

"(2) one member selected by the Secretary of Defense;

"(3) one member selected by the Secretary of the Treasury;

"(4) one member selected by the Secretary of Commerce;

"(5) one member selected by the Secretary to serve as Chairman and coordinator of the activities of the board;

"(6) one member selected by the Chairman of the National Endowment for the Humanities;

"(7) one member selected by the Director of the International Development Cooperation Agency;

"(8) one member selected by the Director of the International Communication Agency;

"(9) one member selected by the President and Chairman of the Export-Import Bank of the United States;

"(10) one member selected by the Administrator, Small Business Administration;

"(11) five members selected by the Secretary from among representatives of the postsecondary educational community;

"(12) two members selected by the Secretary from among representatives of the elementary and secondary education community;

"(13) three members selected by the Secretary from among members of the public; and

"(14) three members selected by the Secretary from among representatives of the business community.

"(b)(1) The Advisory Board shall establish two subcommittees to carry out the functions described in paragraphs (2) and (3) of this subsection.

"(2) The first such subcommittee shall consider the grants made, or contracts entered into, under part A and part N of title III of the Elementary and Secondary Education Act of 1965. The board shall advise the Secretary on (A) any geographic areas of special need or concern to the United States, (B) the specific foreign languages to be designated under section 394(b)(3) of the Elementary and Secondary Education Act of 1965, (C) innovative approaches which may help to fulfill the purposes of this title, (D) activities which are duplicative of programs operated under other provisions of Federal law, (E) changes which should be made in the operation of programs under this part to ensure that the attention of scholars is attracted to problems of critical concern to United States international relations, and (F) the administrative and staffing requirements of international education programs in the Department.

"(3) The second such subcommittee shall review the programs under section 612 and shall advise the Secretary, who shall seek the advice of the Secretary of Commerce, on (A) changes which should be made to advance the purposes of part B and to assure the success of the programs authorized by part B, (B) special needs of such programs, and (C) any program elements which are duplicative of programs operated under other provisions of Federal law.

"DEFINITIONS

"SEC. 622. (a) As used in this title—

"(1) the term 'area studies' means a program of comprehensive study of the aspects of a society or societies, including study of its history, culture, economy, politics, international relations and languages;

"(2) the term 'international business' means profit-oriented business relationships conducted across national boundaries and includes activities such as the buying and selling of goods; investments in industries; the licensing of processes, patents and trademarks; and the supply of services;

"(3) the term 'export education' means educating, teaching and training to provide general knowledge and specific skills pertinent to the selling of goods and services to other countries, including knowledge of market conditions, financial arrangement, laws and procedures; and

"(4) the term 'internationalization of curricula' means the incorporation of international or comparative perspectives in existing courses of study or the addition of new components to the curricula to provide an international context for American business education.

"(b) All references to individuals or organizations, unless the context otherwise requires, mean individuals who are citizens or permanent residents of the United States or organizations which are organized or incorporated in the United States.".

(b) Title III of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new part:

"PART N—INTERNATIONAL UNDERSTANDING

"SHORT TITLE; DECLARATION OF FINDINGS; PURPOSE

"SEC. 393. (a) This part may be cited as the 'International Understanding Act'.

"(b) The Congress finds that—

"(1) the well-being of the United States and its citizens is affected by policies adopted and actions taken by, or with respect to, other nations and areas; and

"(2) the United States must afford its citizens adequate access to the information which will enable them to make informed judgments with respect to the international policies and actions of the United States.

"(c) It is the purpose of this part to support educational programs which will increase the availability of such information to students in the United States.

"PROGRAM AUTHORIZED

"SEC. 394. (a)(1) The Secretary is authorized, by grant or contract, to stimulate educational programs to increase the understanding of students and the public in the United States about the cultures, actions and interconnections of nations and peoples in order better to evaluate the international and domestic impact of major national policies.

"(2) Grants or contracts under this section may be made to any public or private agency or organization, including, but not limited to, institutions of higher education, State and local educational agencies, professional associations, education consortia, and organizations of teachers.

"(b)(1) Financial assistance under this part may be used for assistance for inservice training of teachers and other education personnel, the development of materials to link language learning to international studies, the compilation of existing information and resources about other nations in forms useful to various types of educational programs, and the dissemination of information and resources to educators and educational officials upon their request, but such assistance may not be used for the acquisition of equipment or remodeling of facilities.

"(2) Financial assistance under this part may be made for projects and programs at all levels of education, and may include projects and programs carried on as part of community, adult, and continuing education programs.

"(3) Financial assistance under this part may be used by local educational agencies to introduce instruction in foreign languages designated by the Secretary as having critical importance for the Nation which have not been offered by the schools of the local educational agency in the three academic years preceding the year in which the grant is made.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 395. There are authorized to be appropriated $5,250,000 for fiscal year 1981, $6,750,000 for fiscal year 1982, $8,250,000 for fiscal year 1983, and $9,000,000 each for fiscal years 1984 and 1985 to carry out the provisions of this part.".

(c)(1) Title VI of the National Defense Education Act of 1958 is repealed.

(2) Title I of the International Education Act of 1966 is repealed.

TITLE VII—AMENDMENT TO TITLE VII OF THE HIGHER EDUCATION ACT OF 1965

AMENDMENT

SEC. 701. Title VII of the Act is amended to read as follows:

"TITLE VII—CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF ACADEMIC FACILITIES

"GENERAL PURPOSES

"SEC. 701. The Secretary shall carry out programs of financial assistance to institutions of higher education and to higher education building agencies for the construction, reconstruction, or renovation of academic facilities and the acquisition of special equipment if the primary purpose of such assistance is—

"(1) to enable such institutions to economize on the use of energy resources, with a priority for the use of coal, solar, and renewable resources;

"(2) to enable such institutions to bring their academic facilities into conformity with the requirements of—

"(A) the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968,

(B) section 504 of the Rehabilitation Act of 1973, or

"(C) environmental protection or health and safety programs mandated by Federal, State, or local law, if such requirements were not in effect at the time such facilities were constructed;

"(3) to enable such institutions to construct, reconstruct, or renovate the Nation's research facilities, including libraries, and to acquire special research equipment;

"(4) to enable institutions with unusual increases in enrollment (according to data and criteria established by the Secretary) to construct, reconstruct, or renovate their facilities; or

"(5) to enable such institutions to detect, remove, or otherwise contain asbestos hazards in academic or other facilities used by students, in accordance with regulations prescribed by the Secretary.

"APPROPRIATIONS AUTHORIZED

"SEC. 702. There are authorized to be appropriated $140,000,000 for the fiscal year 1981, $140,000,000 for the fiscal year 1982, $145,000,000 for the fiscal year 1983, $150,000,000 for the fiscal year 1984, and $155,000,000 for the fiscal year 1985 for part A. There are authorized to be appropriated $80,000,000 for the fiscal year 1981 and for each of the succeeding fiscal years ending prior to October 1, 1985, for part B. There is authorized to be appropriated $110,000,000 for the fiscal year 1981 and for each succeeding fiscal year ending prior to October 1, 1975, for part C, and such sums as may be necessary for each such fiscal year for section 734.

"PART A—GRANTS FOR THE CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF UNDERGRADUATE ACADEMIC FACILITIES

"STATE PLAN

"SEC. 711. (a) Any State desiring to participate in the grant program authorized by this part shall have an agreement pursuant to section 1203 and submit annually to the Secretary, through the State agency designated in such agreement, a State plan which shall—

"(1) provide that the plan shall be administered by the State entity having an agreement under section 1203;

"(2) set forth objective standards and methods which are consistent with basic criteria established under section 712, for—

"(A) determining the relative priorities of eligible projects submitted by institutions of higher education within the State, and

"(B) certifying the Federal share of the cost of each project;

"(3) provide for every applicant an opportunity for a hearing before the State agency regarding the priority assigned to such project, or any other decision by the State agency adversely affecting such applicant; and

"(4) provide for accounting procedures necessary to assure proper disbursement of Federal funds.

"(b) The Secretary shall not disapprove any State plan, or modification thereof, without first affording the State agency reasonable notice and opportunity for a hearing.

"(c) Whenever the Secretary finds that the State plan substantially fails to comply with this section, the Secretary shall notify the State that it is ineligible to participate in the program under this part until a determination is made that there is no longer a failure to comply.

"BASIC CRITERIA

"SEC. 712. (a) The Secretary shall, by regulation, prescribe basic criteria for the consideration of State plans which ensure—

"(1) flexibility for States to accommodate the varied needs of institutions in the States;

"(2) consideration of the degree to which applicant institutions are effectively using existing facilities; and

"(3) that the Federal share shall not exceed 50 percent of the development costs of a project.

"(b) Section 553 of title 5, United States Code, shall apply to the prescription of regulations under this section.

"ALLOTMENT OF FUNDS

"SEC. 713. (a) From the sums appropriated pursuant to section 702 to carry out the purposes of this part, not less than 24 per centum shall be allotted to States under subsection (b) for public community colleges and public technical institutes. The remainder of such sums shall be allotted States under subsection (c) for all other institutions of higher education.

"(b)(1) For the purpose of making grants to public community colleges and public technical institutes, the Secretary shall allot to each State an amount which bears the same ratio to the amount available for allotment under this subsection as the product of—

"(A) the number of persons in the State who have graduated from high school or received an equivalent certificate during the previous school year, and

"(B) the State's allotment ratio,

bears to the sum of the corresponding products for all the States.

"(2)(A) Except as provided in subparagraph (B), the allotment ratio shall be 1.00 less the product of—

"(i) 0.50, and

"(ii) the quotient obtained by dividing the income per person for the State by the income per person for all States (not including Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and Guam).

"(B) Notwithstanding subparagraph (A)—

"(i) the allotment ratio shall in no case be less than 0.33⅓ or more than 0.66⅔;

"(ii) the allotment for Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and Guam shall be 0.66⅔; and

"(iii) the allotment ratio of any State shall be 0.50 for any fiscal year if the Secretary finds that the cost of school construction in such State exceeds twice the median of such costs in all the States as determined by him on the basis of statistics and data as the Secretary shall deem adequate and appropriate.

"(C) Allotment ratios shall be promulgated annually by the Secretary on the basis of the average personal income in the State and in all the States for the three most recent consecutive calendar years for which data are available from the Department of Commerce.

"(c) For the purpose of making grants to all other institutions of higher education, the Secretary shall allot to each State—

"(1) an amount which bears the same ratio to 50 per centum of the amount available for allotment under this subsection as the number of students enrolled in institutions of higher education in such State bears to the number of students so enrolled in all States; and

"(2) an amount which bears the same ratio to 50 per centum of the amount available for allotment under this subsection as the number of students enrolled in grades nine through twelve of schools in such State bears to the total number of students so enrolled in all the States.

"(d) The aggregate amount allotted to any State under subsections (b) and (c) for any fiscal year shall not be less than $100,000. If the sums appropriated pursuant to section 702 are not sufficient to make payments to each State, then the amount of each State's allotment shall be ratably reduced.

"(e) Any portion of a State's allotment under subsections (b) and (c) for any fiscal year for which applications from qualified institutions have not been received by the State agency prior to January 1 of such fiscal year shall, by request, be available for payment of the Federal share of cost of other approved projects.

"(f) Amounts allotted under this section for any fiscal year which are not used by the close of the fiscal year, shall be reallotted by the Secretary among the States which are able to use these funds without delay during the next fiscal year.

"(g) Funds available under this part may be used for construction, reconstruction, or renovation of undergraduate facilities and combined graduate and undergraduate facilities.

"PART B—GRANTS FOR CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF GRADUATE ACADEMIC FACILITIES

"GRANTS

"SEC. 721. (a)(1) Funds available for this part shall be used by the Secretary to make grants to graduate institutions of higher education whose applications for assistance are consistent with the objectives of this title.

"(2) The total payment for any fiscal year made to institutions of higher education in any State shall not exceed 12.5 per centum of sums appropriated for this part.

"(b) In making grants under this section, the Secretary shall seek the advice and recommendations of a panel of specialists who are not regular full-time employees of the Federal Government and are competent to evaluate such applications.

"(c) The amount of the grant shall not exceed 50 per centum of the development cost of the project.

"PART C—LOANS FOR CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF ACADEMIC FACILITIES

"ELIGIBILITY CONDITIONS, AMOUNTS, AND TERMS

"SEC. 731. (a) From the sums available for this part, the Secretary shall make and insure loans to institutions of higher education and to higher education building agencies for programs consistent with the purposes of this title. No loan shall be made unless the Secretary finds that—

"(1) not less than 20 per centum of the development cost of the project will be financed from non-Federal sources;

"(2) the applicant is unable to secure the loan from other sources upon terms and conditions equally as favorable as those applicable to loans under this part;

"(3) the project will be undertaken in an economical manner; and

"(4) for any project with regard to an infirmary or other outpatient care facility for students and institutional personnel, assistance will not be provided under title IV of the Housing Act of 1950.

"(b) Loans shall be repaid within fifty years and shall bear interest at (1) a rate annually determined by the Secretary which shall be not less than one-quarter of 1 percentage point above the average annual interest rate on all interest-bearing obligations of the United States forming a part of the public debt as computed at the end of the preceding fiscal year, adjusted to the nearest one-eighth of 1 per centum, or (2) the rate of 4 per centum per annum, whichever is less.

"GENERAL PROVISIONS FOR LOAN PROGRAM

"SEC. 732. (a) Financial transactions of the Secretary, except with respect to administrative expenses, shall be final and conclusive on all officers of the Government and shall not be reviewable by any court.

"(b) In the performance of, and with respect to, the functions vested in him by this part, the Secretary may—

"(1) prescribe such rules and regulations as may be necessary to carry out the purposes of this part;

"(2) sue and be sued in any court of record of a State having general jurisdiction or in any district court of the United States, and such district courts shall have jurisdiction of civil actions arising under this part without regard to the amount in controversy, and any action instituted under this subsection by or against the Secretary shall survive notwithstanding any change in the person occupying the office of the Secretary or any vacancy in such office; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Secretary or property under his control, and nothing herein shall be construed to except litigation arising out of activities under this part from the application of sections 507(b) and 517 and 2679 of title 28, United States Code;

"(3) foreclose on any property and bid for and purchase at any foreclosure, or any other sale, any property in connection with which he has made a loan pursuant to this part; in the event of such an acquisition, notwithstanding any other provisions of law relating to the acquisition, handling, or disposal of real property by the United States, the Secretary may complete, administer, remodel and convert, dispose of, lease and otherwise deal with, such property; except that (A) such action shall not preclude any other action by him to recover any deficiency in the amounts loaned and (B) any such acquisition of real property shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local laws of the inhabitants on such property;

"(4) sell, exchange, or lease real or personal property and securities or obligations;

"(5) modify, with respect to the rate of interest, the time of payment of principal, interest, security, or any other term of any contract or agreement to which he is a party, including (A) granting a moratorium on the repayment of principal or interest to a party temporarily unable to make such repayment without undue financial hardship provided the applicant files, and the Secretary approves, a plan to make repayment, and (B) for any party for which a loan has been authorized prior to January 1, 1976, granting the option to pay into the fund pursuant to section 733, 75 per centum of the party's total obligation if the party desiring to exercise such option makes payment from non-Federal sources prior to October 1, 1985; and

"(6) include in any contract such other covenants, conditions, or provisions necessary to ensure that the purposes of this title will be achieved.

"REVOLVING LOAN AND INSURANCE FUND

"SEC. 733 (a). There is created within the Treasury a revolving loan fund for the purpose of making and insuring loans under this part (hereafter called the 'fund') which shall be available to the Secretary without fiscal year limitation. The total of any loans made from the fund in any fiscal year shall not exceed limitations specified in appropriations acts.

"(b)(1) The Secretary shall transfer to the fund appropriations provided under section 702 to provide capital for making loans. Interest and principal payments on loans, and any other moneys, property, or assets derived from activities under this part shall be deposited in the fund.

"(2) All loans, expenses, and payments pursuant to operation of this part shall be paid from the fund, including expenses and payments in connection with sale, pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, of participations in obligations acquired under this part. At the close of each fiscal year, the Secretary shall pay interest on the cumulative amount of funds paid out for loans under this part less the average undisbursed cash balance in the fund during the year. The interest rate shall be determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of maturity comparable to the average maturity of loans made from the fund during the month preceding each fiscal year. Interest payments may be deferred with the approval of the Secretary of the Treasury, but interest payments so deferred shall themselves bear interest. If the Secretary determines that moneys in the fund exceed the present and prospective needs of the fund, the excess may be transferred to the general fund of the Treasury.

"ANNUAL INTEREST GRANTS

"SEC. 734. (a) To assist institutions of higher education and higher education building agencies in reducing the cost of borrowing from other sources for projects under this part, the Secretary may make annual interest grants to such institutions and agencies with respect to any project made over a fixed period not exceeding forty years, and provision for the grants shall be embodied in the contract guaranteeing their payment. Grants shall not be greater than the difference between (1) the average annual debt service which would be required to be paid during the life of the loan on the amount borrowed from other sources for the construction of such facilities, and (2) the average annual debt service which the institution or agency would have been required to pay during the life of the loan if the applicable interest rate had been determined by the Secretary in accordance with section 731(b).

"(b) The total amount of annual interest grants which may be paid to institutions of higher education and higher education building agencies in any year pursuant to contracts entered into for such year under this section shall not exceed $13,500,000.

"(c) The total payment for any fiscal year made to institutions of higher education and higher education building agencies in any State shall not exceed 12.5 per centum of sums appropriated for this section.

"(d) No annual interest grant shall be made unless (1) assurance is provided that not less than 10 per centum of the costs of the project will be financed from non-Federal sources, (2) the applicant is unable to secure a loan from other sources upon terms and conditions as favorable as those applicable to loans under this title, and (3) the project will be undertaken in an economical manner. Loans for which an interest grant is made shall, for purposes of this section only, not be considered financing from a non-Federal source.

"ACADEMIC FACILITIES LOAN INSURANCE

"SEC. 735. (a)(1) In order to assist institutions of higher education and higher education building agencies to procure loans for programs consistent with the purposes of this title, the Secretary may insure the payment of interest and principal on such loans if such institutions and agencies meet criteria prescribed under section 734 for the making of annual interest grants.

"(2) No loan insurance may apply to any loan principal which exceeds 90 per centum of the development cost of the academic facility.

"(b)(1) The United States shall be entitled to recover from any institution or agency to which loan insurance has been issued under this section the amount of any payment made pursuant to that insurance, unless the Secretary waives its right of recovery. Upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payment with respect to which the payment was made.

"(2) Any insurance issued under subsection (a) shall be incontestable in the hands of the institution or agency on whose behalf insurance is issued, and as to any lenders which make or contract to make a loan to such institution or agency in reliance thereon, except for fraud or misrepresentation on the part of such institution or agency or on the part of the lender who makes or contracts to make such loan.

"(c) Insurance may be issued by the Secretary under subsection (a) only if he determines that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed a per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, considering interest rates prevailing in the private market for similar loans and the risks assumed by the United States. The Secretary may charge a premium for such insurance in an amount determined by him to be necessary to cover administrative expenses and probable losses under subsections (a) and (b). Such insurance shall be subject to such further terms and conditions as the Secretary determines to be necessary.

"PART D—GENERAL

"RECOVERY OF PAYMENTS

"SEC. 741. (a) The Congress declares that, if a facility constructed with the aid of a grant under part A or B of this title is used as an academic facility for twenty years following completion of such construction, the public benefit accruing to the United States will equal in value the amount of the grant. The period of twenty years after completion of such construction shall therefore be deemed to be the period of Federal interest in such facility for the purposes of this title.

"(b) If, within twenty years after completion of construction of an academic facility which has been constructed, in part with a grant under part A or B of this title—

"(1) the applicant (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

"(2) the facility ceases to be used as an academic facility, or the facility is used as a facility excluded from the term 'academic facility', unless the Secretary determines that there is good cause for releasing the institution from its obligation,

the United States shall be entitled to recover from such applicant (or successor) an amount which bears to the value of the facility at that time (or so much thereof as constituted an approved project or projects) the same ratio as the amount of Federal grant bore to the cost of the facility financed with the aid of such grant. The value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

"(c) Notwithstanding the provisions of subsections (a) and (b), no project assisted with funds under this title shall ever be used for religious worship or a sectarain activity or for a school or department of divinity.

"DEFINITIONS

"SEC. 742. The following definitions apply to terms used in this title:

"(1)(A) Except as provided in subparagraph (B) of this paragraph, the term 'academic facilities' means structures suitable for use as classrooms, laboratories, libraries, and related facilities necessary or appropriate for instruction of students, or for research, or for administration of the educational or research programs, of an institution of higher education, and maintenance, storage, or utility facilities essential to operation of the foregoing facilities. For purposes of part A or C, such term includes infirmaries or other facilities designed to provide primarily for outpatient care of student and instructional personnel. Plans for such facilities shall be in compliance with such standards as the Secretary may prescribe or approve in order to insure that projects assisted with the use of Federal funds under this title shall be, to the extent appropriate in view of the uses to be made of the facilities, accessible to and usable by handicapped persons.

"(B) The term 'academic facilities' shall not include (i) any facility intended primarily for events for which admission is to be charged to the general public, or (ii) any gymnasium or other facility specially designed for athletic or recreational activities, other than for an academic course in physical education or where the Secretary finds that the physical integration of such facilities with other academic facilities included under this title is required to carry out the objectives of this title, or (iii) any facility used or to be used for sectarian instruction or as a place for religious worship, or (iv) any facility which (although not a facility described in the preceding clause) is used or to be used primarily in connection with any part of the program of a school or department of divinity, or (v) any facility used or to be used by a school of medicine, school of dentistry, school of osteopathy, school of pharmacy, school of optometry, school of podiatry, or school of public health as these terms are defined in section 724 of the Public Health Service Act, or a school of nursing as defined in section 843 of that Act, except that the term 'academic facilities' may include any facility described in clause (v) to the degree that such facility is owned, operated, and maintained by the institution of higher education requesting the approval of a project; and that funds available for such facility under such project shall be used solely for the purpose of conversion or modernization of energy utilization techniques to economize on the use of energy resources; and that such project is not limited to facilities described in clause (v) of this subsection.

"(2)(A) The term 'construction' means (i) erection of new or expansion of existing structures, and the acquisition and installation of initial equipment therefor; or (ii) acquisition of existing structures not owned by the institution involved; or (iii) a combination of either of the foregoing. For the purposes of the preceding sentence, the term 'equipment' includes, in addition to machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, all other items necessary for the functioning of a particular facility as an academic facility, including necessary furniture, except books, curricular, and program materials, and items of current and operating expense such as fuel, supplies, and the like; the term 'initial equipment' means equipment acquired and installed in connection with construction; and the terms 'equipment', 'initial equipment', and 'built-in equipment', shall be more particularly defined by the Secretary by regulation.

"(B) The term 'reconstruction or renovation' means rehabilitation, alteration, conversion, or improvement (including the acquisition and installation of initial equipment, or modernization or replacement of such equipment) of existing structures. For the purposes of the preceding sentence, the term 'equipment' includes, in addition to machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, all other items necessary for the functioning of a particular facility as an academic facility, including necessary furniture, except books, curricular, and program materials, and items of current and operating expense such as fuel, supplies, and the like; the term 'initial equipment' means equipment acquired and installed either in connection with construction as defined in paragraph (2)(A), or as part of the rehabilitation, alteration, conversion, or improvement of an existing structure, which structure would otherwise not be adequate for use as an academic facility; the terms 'equipment', 'initial equipment', and 'built-in equipment' shall be more particularly defined by the Secretary by regulation; and the term 'rehabilitation, alteration, conversion, or improvement' includes such action as may be necessary to provide for the architectural needs of, or to remove architectural barriers to, handicapped persons with a view toward increasing the accessibility to, and use of, academic facilities by such persons.

"(3)(A) The term 'development cost', with respect to an academic facility, means the amount found by the Secretary to be the cost, to the applicant for a grant or loan under this title, of the construction, reconstruction, or renovation involved and the cost of necessary acquisition of the land on which the facility is located and of necessary site improvements to permit its use for such facility. There shall be excluded from the development cost—

"(i) in determining the amount of any grant under part A or B, an amount equal to the sum of (I) any Federal grant which the institution has obtained or is assured of obtaining, under any law other than this title, with respect to the construction, reconstruction, or renovation that is to be financed with the aid of a grant under part A or B, and (II) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant; and

"(ii) in determining the amount of any loan under part C, an amount equal to the amount of any Federal financial assistance which the institution has obtained, or is assured of obtaining, under any law other than this title, with respect to the construction, reconstruction, or renovation that is to be financed with the aid of a loan under part C.

"(B) In determining the development cost with respect to an academic facility, the Secretary may include expenditures for works of art for the facility of not to exceed 1 per centum of the total cost (including such expenditures) to the applicant of construction, reconstruction, or renovation of, and land acquisition and site improvements for, such facility.

"(4) The term 'Federal share' means in the case of any project a percentage (as determined under the applicable State plan) not in excess of 50 per centum of its development cost.

"(5) The term 'higher education building agency' means (A) an agency, public authority, or other instrumentality of a State authorized to provide, or finance the construction, reconstruction, or renovation of, academic facilities for institutions of higher education (whether or not also authorized to provide or finance other facilities for such or other educational institutions, or for their students or faculty) or (B) any corporation (no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual (i) established by an institution of higher education for the sole purpose of providing academic facilities for the use of such institution, and (ii) upon dissolution of which, all title to any property purchased or built from the proceeds of any loan made under part C will pass to such institution), or (C) an institution of postsecondary education.

"(6) The term 'public community college and public technical institute' means an institution of higher education which is under public supervision and control, and is organized and administered principally to provide a two-year program which is acceptable for full credit toward a bachelor's degree, or a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge; and the term includes a branch of an institution of higher education offering four or more years of higher education which is located in a community different from that in which its parent institution is located.

"(7) The term 'public educational institution' does not include a school or institution of any agency of the United States.

"(8) The term 'State' includes in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.".

TITLE VIII—COOPERATIVE EDUCATION

EXTENSION OF PROGRAM

SEC. 801. (a) Section 801(a) of the Act is amended—

(1) by striking out "fiscal year 1979" in paragraph (4) and inserting in lieu thereof "fiscal years 1979 and 1980";

(2) by striking out "for each of the fiscal years 1980, 1981, and 1982, $25,000,000" in paragraph (5) and inserting in lieu thereof "for each of the fiscal years 1981, 1982, 1983, 1984, and 1985, $30,000,000"; and

(3) by striking out "alternating periods" and inserting in lieu thereof "alternating or parallel periods".

(b) Section 801(b) of the Act is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out "fiscal years 1978, 1979, 1980, 1981, and 1982," in paragraph (4) and inserting in lieu thereof "fiscal years 1978, 1979, and 1980; and";

(3) by inserting immediately after paragraph (4) the following new paragraph:

"(5) $5,000,000 for each of the fiscal years 1981, 1982, 1983, 1984, and 1985,".

(c) Section 802(a) of the Act is amended—

(1) by striking out "$175,000" and inserting in lieu thereof "$325,000"; and

(2) by striking out "$125,000" and inserting in lieu thereof "$250,000".

(d) Section 802 (c) of the Act is amended by inserting "individual unit of" immediately before "institution of higher education".

TITLE IX—GRADUATE PROGRAMS

GRANTS TO INSTITUTIONS OF HIGHER EDUCATION

SEC. 901. (a) Section 901 of the Act is amended—

(1) in subsection (a) (1), by striking out "to strengthen, improve and where necessary expand" and inserting in lieu thereof "to maintain, strengthen, and improve"; and

(2) in subsection (c), by striking out "1980" and inserting in lieu thereof "1985".

(b) Section 903(b)(2) of the Act is amended by striking out "expansion" and inserting in lieu thereof "maintenance and improvement of quality".

GRADUATE FELLOWSHIPS

SEC. 902. (a) Part B of title IX of such Act is amended to read as follows:

"PART B—FELLOWSHIPS FOR GRADUATE AND PROFESSIONAL STUDY

"STATEMENT OF PURPOSE

"SEC. 921. It is the purpose of this part to provide, through institutions of higher education, a program of grants to assist in making available the benefits of postbaccalaureate education to graduate and professional students who demonstrate financial need.

"PROGRAM AUTHORIZED

"SEC. 922. (a) The Secretary shall make grants to institutions of higher education to enable such institutions to make grants in accordance with the provisions of this part.

"(b)(1) In making such grants the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among eligible public and independent institutions of higher education.

"(2) The Secretary shall not make a grant to a single institution of higher education of less than $75,000 from the sums appropriated under this part for any fiscal year.

"(3) Whenever the Secretary determines that an institution of higher education is unable to use all of the amounts available to it under this part, the Secretary shall, on such dates during each fiscal year as the Secretary may fix, reallot such amounts not needed to institutions which can use the grants authorized by this part.

"(c) Any eligible institution of higher education offering a program of post-baccalaureate study leading to a graduate or professional degree may apply for grants under this part. Each such institution may make an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(d) In making grants to institutions of higher education, the Secretary shall—

"(1) take into account present and projected needs for highly trained individuals in all areas of education beyond high school;

"(2) take into account present and projected needs for highly trained individuals in other than academic career fields of high national priority; and

"(3) consider the need to prepare a larger number of individuals from minority groups, especially from among such groups which have been traditionally underrepresented in colleges and universities, but nothing contained in this paragraph shall be interpreted to require any educational institution to grant preference or disparate treatment to the members of one minority group on account of an imbalance which may exist with respect to the total number or percentage of individuals of such groups participating in or receiving the benefits of the program authorized in this section, in comparison with the total number or percentage of individuals of such group in any community, State, section, or other area.

"(e) The Secretary shall assure that, in making grants under this part, awards are made to—

"(1) individuals who plan to pursue a career in public service;

"(2) individuals who plan to pursue advanced study in domestic mining and mineral and mineral fuel conservation, including oil, gas, coal, oil shale, and uranium; and

"(3) individuals from traditionally underrepresented groups, as determined by the Secretary, undertaking graduate or professional study.

The Secretary shall assure that the amount expended for categories of fellowships described in paragraphs (1), (2), and (3) of this subsection for each fiscal year is not less than the amount expended for each category in fiscal year 1979.

"(f) From sums required to be expended by the Secretary for grants under subsection (e), the Secretary may (in addition to the awards made to individuals) pay to the institution of higher education at which such person is pursuing his course of study such amounts as the Secretary may determine to be consistent with prevailing practices under comparable federally supported programs, except that such amount charged to a fellowship recipient and collected from such recipient by the institution for tuition and other expenses required by the institution as part of the recipient's instructional program shall be deducted from the payments to the institution under this subsection.

"(g) No fellowship shall be awarded under this part for study at a school or department of divinity.

"AWARD OF FELLOWSHIPS

"SEC. 923. (a) An institution of higher education receiving funds under this part shall make available to financially needy graduate and professional students an award determined by such institution of higher education, except that no award under this part may exceed $4,500, or the demonstrated level of financial need according to measurements of need approved by the Secretary, whichever is lower.

"(b) No student shall receive an award except during periods in which such student is maintaining satisfactory progress in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded and is not engaging in gainful employment other than part-time employment by the institution of higher education involved in teaching, research, or similar activities, approved by the Secretary. Such period shall not exceed a total of 3 years, except that the Secretary may provide by regulation for the granting of such fellowships for a period of study not to exceed one twelve-month period, in addition to the 3 year period set forth in this section, under special circumstances which the Secretary determines would most effectively serve the purposes of this part. The Secretary shall make a determination to provide such twelve-month extension of an award to an individual fellowship recipient upon review of an application for such extension by the recipient.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 924. There are authorized to be appropriated to carry out the provisions of this part $60,000,000 for each of the fiscal years 1981 and 1982 and such sums as may be necessary for the fiscal year 1983 and each of the succeeding fiscal years ending before October 1, 1985.".

(b) Parts C, D, E, and F of such title IX are repealed.

NEW PROGRAM AUTHORIZED

SEC. 903. Title IX of the Act is amended by inserting after part B (as amended by this Act) the following new part:

"PART C—NATIONAL GRADUATE FELLOWS PROGRAM

"AWARD OF NATIONAL GRADUATE FELLOWSHIP

"SEC. 931. (a) During the fiscal year ending September 30, 1981, and each of the succeeding fiscal years ending prior to October 1, 1985, the Secretary is authorized to award not more than 450 fellowships in accordance with the provisions of this part for graduate study in the arts, humanities, and social sciences by students of superior ability selected on the basis of demonstrated achievement and exceptional promise. Such fellowships shall be awarded for such periods as the Secretary may determine, but not in excess of forty-eight months.

"(b) The Secretary may allow a fellowship recipient to interrupt periods of study for a period not to exceed twelve months for the purpose of work, travel, or independent study away from the campus, if such independent study is supportive of the fellowship recipient's academic program, except that for such period the Secretary shall make no payments to the fellowship recipients or payments to institutions pursuant to the fellowship award of the recipient.

"(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this part.

"ALLOCATION OF FELLOWSHIPS

"SEC. 932. (a)(1) The President shall appoint a National Graduate Fellows Program Fellowship Board consisting of not less than nine and not more than fifteen individuals representative of both public and private institutions of higher education especially qualified to serve on the Board. In making appointments, the President shall give due consideration to the appointment of individuals who are highly respected in the academic community.

"(2) The Board shall—

"(A) establish general policies for the program established by this part and oversee its operation;

"(B) select each year the fields in which fellowships under this part are to be awarded;

"(C) determine the number of fellowships each year to be awarded under this part in each designated field;

"(D) appoint distinguished panels in each field for the purpose of selecting fellows; and

"(E) prepare and submit to the Congress, at least once in every three year period, a report on any modifications in the program that the Board determines to be appropriate.

"(3) In carrying out its responsibilities, the Board shall consult on a regular basis with representatives of the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and representatives of institutions of higher education and associations of such institutions, learned societies, and professional organizations.

"(4) The term of office of each member of the Board shall be six years; except that (A) the members first taking office shall serve as designated by the President, one-third of the members for terms of two years, one-third of the members for terms of four years, and one-third of the members for terms of six years, and (B) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. No member may serve for a period in excess of eight years.

"(5) The President shall call the first

meeting of the Board, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve until one year after the date of their appointment. Thereafter each officer shall be elected for a term of two years. In case a vacancy in either office, the Board shall elect an individual from among the members of the Board to fill such vacancy.

"(6) (A) A majority of the members of the Board shall constitute a quorum.

"(B) The Board shall meet at least four times a year.

"(7) Members of the Board, while serving on the business of the Board, shall be entitled to receive compensation at rates fixed by the President, but not exceeding the rate prescribed for GS-18 of the General Schedule under section 5332, title 5, United States Code, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(b) The recipients of fellowship shall be selected in each designated field from among all applicants nationwide in each field by distinguished panels appointed by the Fellowship Board to make such selections under criteria established by the Board. The number of recipients in each field in each year shall not exceed the number of fellows allocated to that field for that year by the Fellowship Board.

"(c) Each recipient shall be entitled to use the fellowship in a doctoral program at any accredited institution of higher education in which the recipient may decide to enroll.

"STIPENDS

"SEC. 933. (a) The Secretary shall pay to individuals awarded fellowships under this part such stipends (including such allowances for subsistence and other expenses for such individuals and their dependents) as the Secretary may determine to be appropriate, adjusting such stipends as necessary so as not to exceed the fellow's demonstrated level of need according to measurements of need approved by the Secretary.

"(b) The Secretary shall (in addition to the stipends paid to individuals under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as the Secretary may determine to be appropriate, except that such amount charged to a fellowship recipient and collected from such recipient by the institution for tuition and other expenses required by the institution as part of the recipient's instructional program shall be deducted from the payments to the institution under this subsection.

"FELLOWSHIP CONDITIONS

"SEC. 934. (a) An individual awarded a fellowship under the provisions of this part shall continue to receive payments provided in section 933 only during such periods as the Secretary finds that he is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employment other than part-time employment by such institution in teaching, research, or similar activities, approved by the Secretary.

"(b) The Secretary is authorized to require reports containing such information in such form and to file at such times as the Secretary determines necessary from any person awarded a fellowship under the provisions of this part. The reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, library, archive, or other research center approved by the Secretary, stating that such individual is making satisfactory progress in, and is devoting essentially full time to the program for which the fellowship was awarded.".

TRAINING AND LEGAL ASSISTANCE PROFESSION PROGRAM AUTHORIZED

SEC. 904. Title IX of the Act is amended by adding after part C (as added by section 904 of this Act) the following new part:

"PART D—ASSISTANCE FOR TRAINING IN THE LEGAL PROFESSION

"PROGRAM AUTHORIZED

"SEC. 941. (a) The Secretary is authorized prior to October 1, 1985, to make grants to, or enter into contracts with, public and private agencies and organizations other than institutions of higher education for the purpose of assisting individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, to undertake training for the legal profession.

"(b) Grants made, and contracts entered into, under subsection (a) may cover, in accordance with regulations of the Secretary, all or part of the cost of—

"(1) selecting individuals from disadvantaged backgrounds for training for the legal profession.

"(2) facilitating the entry of such individuals into institutions of higher education for the purpose of pursuing such training,

"(3) providing counseling or other services designed to assist such individuals to complete successfully such training,

"(4) providing, for not more than six months prior to the entry of such individuals upon their courses of training for the legal profession, preliminary training for such individuals designed to assist them to complete successfully such training for the legal profession,

"(5) paying such stipends (including allowances for travel and for dependents) as the Secretary may determine for such individuals for any such period of preliminary training or for any period of training for the legal profession during which such individuals maintain satisfactory academic proficiency, as determined by the Secretary, and

"(6) paying for administrative activities of the agencies and organizations which receive such grants, or with which such contracts are entered into, to the extent such activities are for the purpose of furthering activities described in clauses (1) through (5).

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 942. There are authorized to be appropriated to carry out the provisions of this part $5,000,000 for fiscal year 1981, $5,000,000 for fiscal year 1982, $7,500,000 for fiscal year 1983, $7,500,000 for fiscal year 1984, and $10,000,000 for fiscal year 1985.".

LAW SCHOOL PROGRAMS INCLUDED IN TITLE IX

SEC. 905. Title IX of the Act is amended by adding at the end thereof the following new part:

"PART E—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

"PROGRAM AUTHORIZATION

"SEC. 951. (a) The Secretary is authorized to enter into grants or contracts with accredited law schools in the States for the purpose of paying not to exceed 90 per centum of the costs of establishing or expanding programs in such schools to provide clinical experience to students in the practice of law, which includes any form of law student work involving performance in the role of a lawyer exercising legal skills and roles such as those of an advocate, counselor, negotiator, investigator, and ethical practitioner, whether by way of the provision of representation of or services to an identifiable client in actual cases or situations (subject to existing State or local limitations upon such provision) or by way of simulation of such provision through appropriate exercises. The cases and situations handled in actuality or by simulation may encompass any one or more of the following:

"(1) judicial, administrative, executive, or legislative proceedings, including the full range of preparation therefor;

"(2) office or house counsel problems; or

"(3) factual investigation, empirical research, or policy or legal analysis.

"(b) Such costs may include necessary expenditures incurred for—

"(1) planning;

"(2) training of faculty members and salary for additional faculty members;

"(3) travel and per diem for faculty and students;

"(4) reasonable stipends for students for work in the public service performed as part of any such program at a time other than during the regular academic year;

"(5) equipment and library resources;

"(6) involving practicing lawyers in the process of training law students to perform as lawyers; and

"(7) such other items as are allowed pursuant to regulations issued by the Secretary.

"(c) No law school may receive more than $100,000 in any fiscal year pursuant to this part, no part of which may be used to pay for indirect costs or charges.

"(d) For the purpose of this part the term 'accredited law school' means any law school which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose, including any combination or consortium of such schools.

"APPLICATIONS

"SEC. 952. (a) A grant or contract authorized by this part may be made by the Secretary upon application which—

"(1) is made at such time or times and contains such information as he may prescribe;

"(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this part; and

"(3) provides for making such reports, in such form and containing such information as the Secretary may require to carry out his functions under this part, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

"(b) The Secretary shall allocate grants or contracts under this part in such manner as will provide an equitable distribution of such grants or contracts throughout the United States among law schools which show promise of being able to use funds effectively for the purposes of this part.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 953. There are authorized to be appropriated $5,000,000 for the fiscal year 1981, $8,000,000 for the fiscal year 1982, $8,000,000 for the fiscal year 1983, $9,000,000 for the fiscal year 1984, and $10,000,000 for the fiscal year 1985, to carry out the purposes of this part.".

TITLE X—ESTABLISHMENT OF A NEW TITLE X OF THE HIGHER EDUCATION ACT OF 1965

FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

SEC. 1001. (a) Title X of the Act is amended by striking out everything preceding part C and inserting in lieu thereof the following:

"TITLE X—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

"PART A—ESTABLISHMENT AND OPERATION OF FUND

"AUTHORIZATION OF PROGRAM

"SEC. 1001. Subject to the provisions of section 1002, the Secretary is authorized to make grants to, and contracts with, institutions of postsecondary education (including combinations of such institutions) and other public and private educational institutions and agencies (except that no grant shall be made to an educational institution or agency other than a nonprofit institution or agency) to improve postsecondary educational opportunities by providing assistance to such educational institutions and agencies for—

"(1) encouraging the reform, innovation, and improvement of postsecondary education, and providing equal educational opportunity for all;

"(2) the creation of institutions and programs involving new paths to career and professional training, and new combinations of academic and experiential learning;

"(3) the establishment of institutions and programs based on the technology of communications;

"(4) the carrying out in postsecondary educational institutions of changes in internal structure and operations designed to clarify institutional priorities and purposes;

"(5) the design and introduction of cost-effective methods of instruction and operation;

"(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering institutions and pursuing programs of study tailored to individual needs;

"(7) the introduction of reforms in graduate education, in the structure of academic professions, and in the recruitment and retention of faculties; and

"(8) the creation of new institutions and programs for examining and awarding credentials to individuals, and the introduction of reforms in current institutional practices related thereto.

"CONSULTATION

"SEC. 1002. No grant shall be made or contract entered into under section 1001 for a project or program with any institution of postsecondary education unless it has been submitted to the appropriate State entity having an agreement under section 1203, and an opportunity has been afforded such entity to submit its comments and recommednations to the Secretary.

"NATIONAL BOARD OF THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

"SEC. 1003. (a) There is established a National Board of the Fund for the Improvement of Postsecondary Education. The Board shall consist of fifteen members appointed by the Secretary for overlapping three-year terms. A majority of the Board shall constitute a quorum. Any member of the Board who has served for six consecutive years shall thereafter be ineligible for appointment to the Board during a two-year period following the expiration of such sixth year.

"(b) The Secretary shall designate one of the members as Chairman. A majority of the members of the Board shall be public interest representatives, including students, and a minority shall be educational representatives. All members selected shall be individuals able to contribute an important perspective on priorities for improvement in postsecondary education and strategies of educational and institutional change.

"(c) The Board shall—

"(1) advise the Secretary and the Director of the Fund for the Improvement of Postsecondary Education on priorities for the improvement of postsecondary education and make such recommendations as it may deem appropriate for the improvement of postsecondary education and for the evaluation, dissemination, and adaptation of demonstrated improvements in postsecondary educational practice;

"(2) advise the Secretary and the Director of the Fund on the development of programs to be carried out by the Fund and on the selection of projects under consideration for support by the Fund in its competitions;

"(3) advise the Secretary and the Director of the Fund on the operation of the Fund, including advice on planning documents, guidelines, and procedures for grant competitions prepared by the Fund; and

"(4) meet at the call of the Chairman, except that it shall meet (A) at least four times during each fiscal year, or (B) whenever one-third of the members request in writing that a meeting be held.

"(d) The Director shall make available to the Board such information and assistance as may be necessary to enable the Board to carry out its functions.

"ADMINISTRATIVE PROVISIONS

"SEC. 1004. (a) The Secretary may appoint, for terms not to exceed three years, without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service, not more than five technical employees to administer this title who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(b) The Director shall establish procedures for reviewing and evaluating grants and contracts made or entered into under this title. Procedures for reviewing grant applications or contracts for financial assistance under this section may not be subject to any review outside of officials responsible for the administration of the Fund for the Improvement of Postsecondary Education.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1005. There are authorized to be appropriated to carry out this title $20,000,000 for fiscal year 1981, $30,000,000 for fiscal year 1982, $40,000,000 for fiscal year 1983, $50,000,000 for fiscal year 1984, and $50,000,000 for fiscal year 1985.".

(b)(1) Part C of title X of the Act is redesignated as part B, and sections 1071 and 1072 thereof are redesignated as sections 1021 and 1022, respectively.

(2) Section 1021(a) of the Act (as so redesignated) is amended by striking out "this title,".

(c) Section 404 of the General Education Provisions Act is repealed.

TITLE XI—ESTABLISHMENT OF A NEW TITLE XI OF THE HIGHER EDUCATION ACT OF 1965

PROGRAM AUTHORIZED

SEC. 1101. Title XI of the Act is amended to read as follows:

"TITLE XI—URBAN GRANT UNIVERSITY PROGRAM

"FINDINGS AND PURPOSE

"SEC. 1101. (a) The Congress finds and declares—

"(1) that there exists within the Nation's urban universities an underutilized reservoir of skills, talents, and knowledge applicable toward the amelioration of the multitude of problems that face the Nation's urban centers;

"(2) that the skills, talents, and knowledge of urban universities must be applied in a systematic and sustained manner to make a significant contribution toward the solution of these problems;

"(3) that the application of the skills, talents, and knowledge of urban universities is hindered by the limited funds available to sustain their commitment; and

"(4) that it is the policy of the United States to encourage and facilitate the application of the skills, talents, and knowledge of urban universities toward serving the needs of urban centers of the Nation.

"(b) The Secretary shall carry out programs in accordance with the provisions of this title, for the purpose of aiding urban universities to help find answers to urban problems, and aiding such universities to make their resources more readily and effectively available to the urban communities in which they are located.

"APPROPRIATIONS AUTHORIZED

"SEC. 1102. (a) For the purpose of carrying out the provisions of this title there is authorized to be appropriated $15,000,000 for fiscal year 1981, $25,000,000 for fiscal year 1982, $420,000,00 for fiscal year 1983, $50,000,000 for fiscal year 1984, and $65,000,000 for fiscal year

"(b) In the event of a multiple-year grant to any urban university under this title, the Secretary shall make funds available for such grant from funds appropriated for this title for the fiscal year in which such funds are to be used by the recipient.

"PROJECT ASSISTANCE

"SEC. 1103. (a)(1) The Secretary shall make grants to urban universities to pay the Federal share of the cost of carrying out projects consistent with the purposes of this title.

"(2) The Secretary shall give priority to applications containing cooperative arrangements between urban universities within an urban area.

"(b) An application submitted under this section shall contain provisions designed to show that the chief executive of the local agency or agencies of general government within whose jurisdiction fall the need or needs to be addressed by the project or projects described has been afforded a reasonable opportunity to review and comment upon the proposed project or projects. In making grants under this title, the Secretary shall consider the degree to which there is evidence in the application of (1) the participation of such local agency or agencies of general government and of the community in the development of the project or projects for which assistance is requested under this section; (2) local government and community participation in the implementation of the proposed project or projects; and (3) a commitment by such local agency or agencies of general government to pay the portion of the non-Federal share of the cost of such project or projects required by subsection (d) of this section. Not more than one-half of such non-Federal share may be in the form of services, supplies, or equipment.

"(c) The Secretary may request the advice of any Federal agency the Secretary considers appropriate before approving an application for project assistance under this section.

"(d) No grant under this section shall be 90 per centum of the cost of the project for which assistance is granted.

"(e) An institution of higher education which receives a grant under this section shall be designated by the Secretary as an 'urban grant university'. The Secretary shall annually publish a list of the institutions of higher education which have been so designated.

"LIMITATION

"SEC. 1104. (a) The total amount of payments in any fiscal year under section 1103 to institutions within any one State shall not exceed 15 per centum of the total amount paid.

"(b) In allocating assistance under section 1103 of this title, the Secretary shall endeavor to achieve broad and equitable geographical distribution throughout the Nation.

"DEFINITIONS

"SEC. 1105. As used in this title—

"(1) 'urban area' means a standard metropolitan statistical area having a population of not less than five hundred thousand persons; or, in any State which has no standard metropolitan statistical area within its borders which has such a population, the entity of the State having an agreement under section 1203 may, or if no such entity has an agreement, the Secretary shall designate one urban area for the purposes of this part;

"(2) 'urban university' means an institution of higher education which (A) is located in an urban area, (B) draws a substantial portion of its undergraduate students from the urban area in which it is located or contiguous urban areas, (C) carries out programs to make postsecondary education opportunities more accessible to residents of such urban area or contiguous areas, (D) has the present capacity to provide resources responsible to the needs and priorities of such urban area and contiguous areas, (E) offers a range of professional or graduate programs sufficient to sustain its capacity to provide such resources, and (F) has demonstrated and sustained a sense of responsibility to such urban area and contiguous areas and its people;

"(3) for the purposes of paragraphs (2) and (4) of this section, 'institution of higher education' includes any combination of such institutions, any one of which meets all the qualifications of paragraph (2); and

"(4) 'resources' are programs of institutions of higher education specialized training, research services, and technical assistance responsible to the needs and priorities of the urban area and contiguous areas.".

TITLE XII—GENERAL PROVISIONS

AMENDMENTS

SEC. 1201. Title XII of the Act is amended by striking out sections 1202, 1203, 1205, 1206, and 1208, by redesignating section 1207 as section 1202, and by adding after such section the following new sections:

"FEDERAL-STATE RELATIONSHIPS; STATE AGREEMENTS

"SEC. 1203. (a) Any State which desires to receive assistance under an applicable program, as described in subsection (f), shall enter into an agreement with the Secretary pursuant to Subsection (b) setting forth the terms and conditions for the relationship between the Federal Government and that State for the purposes set forth in the applicable programs.

"(b) Such agreement shall consist of assurances by the State, including a description of the means to be used by the State to fulfill the assurances, that—

"(1) the State will provide for such methods of administration as are necessary for the proper and efficient administration of any program in keeping with the purposes of the applicable programs described in subsection (f);

"(2) the State will provide such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid to the State under any title of this Act;

"(3) the State will follow policies and practices of administration that will ensure that non-Federal funds will not be supplanted by Federal funds, and that equitable and appropriate criteria will be used in evaluation of applications or proposals for grants or contracts under any such applicable program; and

"(4) the State has a comprehensive planning or policy formulation process which—

"(A) considers the relation between State administration of any such applicable program, and administration of similar State programs or processes;

"(B) encourages State policies designed to consider effects on declining enrollments on all sectors of postsecondary education in the State;

"(C) considers the postsecondary education needs of unserved and underserved individuals within the State, including individuals beyond the traditional college age;

"(D) considers the resources of institutions, organizations, or agencies (both public and private) within the State capable of providing postsecondary educational opportunities in the State; and

"(E) provides for direct, equitable and active participation in the comprehensive planning or policy formulation process or processes of representatives of institutions of higher education (including community colleges, proprietary institutions, and independent colleges and universities), students, other providers of postsecondary education services, and the general public in the State. Participation under subclause (E) shall, consistent with State law, be achieved through membership on State planning commissions, State advisory councils, or other State entities established by the State to conduct federally assisted comprehensive planning or policy formulation.

"(c) The information and assurances provided by a State in accordance with paragraphs (1), (2), and (3) of subsection (b), and regulations issued by the Secretary related directly to such assurances, shall be satisfactory for the purposes of, and shall be considered in lieu of, any comparable requirements for information and assurances in any applicable program described in subsection (f).

"(d)(1) An agreement of a State shall remain in effect subject to modification as changes in information or circumstances require.

"(2) Whenever the Secretary, after reasonable notice and opportunity for a hearing has been given to the State, finds that there is a failure to comply substantially with the assurances required in paragraph (1), (2), or (3) of subsection (b), the Secretary shall notify the State that it is no longer eligible to participate in any applicable program described in subsection (f) until the Secretary is satisfied that there is no longer any such failure to comply.

"(e)(1) For the purpose of this section, the selection of the State entity or entities authorized to act on behalf of the State for the purpose of entering into an agreement with the Secretary shall be in accordance with the State law of each individual State with respect to the authority to make legal agreements between the State and the Federal Government.

"(2)(A) Nothing in this section shall be construed to authorize the Secretary to require any State to adopt, as a condition for entering into an agreement, or for participation in an applicable program as defined in subsection (f) a specific State organizational structure for achieving participation in the planning, or administration of programs, or for statewide planning, coordination, governing, regulating, or administering of postsecondary education agencies, institutions, or programs in the State.

"(B) Nothing in this section shall be construed as a limitation on the authority of any State to adopt a State organizational structure for postsecondary education agencies, institutions, or programs which is appropriate to the needs, traditions, and circumstances of that State, or as a limitation on the authority of a State entering into an agreement pursuant to this section to modify the State organizational structure at any time subsequent to entering into such an agreement.

"(f) For the purposes of this section an 'applicable program' is defined as—

"(1) title I;

"(2) subpart 3 of part A of title IV; and

"(3) part A of title VII.

"TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE

"SEC. 1204. (a) The Secretary is authorized to provide such modifications of any programs under this Act as the Secretary deems necessary in order to adapt such programs to the needs of Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands. Such program modifications may include the consolidation of grants for any single program on a regional or interterritorial basis. Such program modifications shall be established in cooperation with the governments of such territories and shall be governed by a memorandum of understanding between such governments and the Department of Education.

"(b) In conjunction with the development of program modifications under subsection (a), the Secretary shall, within eighteen months after the date of enactment of this section, conduct an analysis of the unique educational needs of Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, and report to the Congress on the results of such analysis. Such report shall include recommendations of the Secretary with respect to the most appropriate form of Federal postsecondary education assistance for such territories, an evaluation of the effectiveness of the authority contained in subsection (a), and whether such authority should be extended or modified.

"(c) Pending legislative implementation of the recommendations submitted by the Secretary under subsection (b), there are authorized to be appropriated $2,000,000 for each fiscal year ending prior to October 1, 1985 to support the cost of providing postsecondary education programs on Guam for nonresident students from the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and American Samoa. Such sums shall be allocated by the Secretary among the educational institutions on Guam providing such programs on the basis of the number of students enrolled from the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and American Samoa. Sums authorized under this subsection shall remain available until appropriated and sums appropriated under this subsection shall remain available until expended.

"NATIONAL ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

"SEC. 1205. (a) There is established in the Department of Education a National Advisory Committee on Accreditation and Institutional Eligibility which shall be composed of 15 members appointed by the Secretary from among individuals knowledgeable concerning education, and including persons who are (1) representative of institutions, (2) representative of students and youth, (3) representative of professional associations, (4) representative of State educational agencies, and (5) representative of the general public. The Chairman of the Committee shall be appointed by the Secretary.

"(b) The term of office of each member of the Committee shall be three years, except that—

"(1) the members first appointed to the Committee shall serve as designated by the Secretary, five for a term of one year, five for a term of two years, and five for a term of three years, and

"(2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term.

"(c) The Committee shall, with respect to all matters pertaining to institutional eligibility—

"(1) advise the Secretary with regard to the responsibility to publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authority as to the quality of training offered, including advising the Secretary with respect to the criteria and procedures for carrying out such responsibility;

"(2) advise the Secretary with regard to the responsibility to designate State agencies as reliable authorities on the quality of public postsecondary vocational education or training;

"(3) develop and recommend to the Secretary standards and criteria for specific categories of vocational training institutions and institutions of higher education for which there are no recognized accrediting agencies, associations, or State agencies, in order to establish the eligibility of such institutions on an interim basis for participation in federally funded programs; and

"(4) carry out such other advisory functions relating to accreditation and institutional eligibility as may be assigned by the Secretary.

"(d) The Committee shall meet not less than twice each year at the call of the Chairman. The date of, and agenda for, each meeting of the Committee shall be submitted in advance to the Secretary for approval. A representative of the Secretary shall be present at all meetings of the Committee.

"(e) The Committee shall, not later than November 30 of each year, make an annual report through the Secretary to the Congress. The annual report shall contain a list of the members of the Committee and their addresses, a list of the Committee's functions, a list of dates and places of each meeting during the preceding fiscal year, and a summary of the activities, findings, and recommendations made by the Committee during the preceding fiscal year.

"(f) Subject to section 448(b) of the General Education Provisions Act, the Committee shall continue to exist until September 30, 1985.".

TITLE XIII—NEW HIGHER EDUCATION PROGRAM ESTABLISHED

WOMEN'S WORKSITE POSTSECONDARY EDUCATION PROGRAM

SEC. 1301. The Act is amended by adding at the end thereof the following new title:

"TITLE XIII—WOMEN'S WORKSITE DEVELOPMENT DEMONSTRATION PROGRAM

"PROGRAM AUTHORIZED

"SEC. 1301. (a) The Secretary shall make grants to, and enter into contracts with, eligible recipients to promote, plan, implement, and evaluate the delivery of postsecondary education to women at the place of their employment or in conjunction with their employment. In making grants and entering into contracts under this title, the Secretary shall assure that the program under this title will—

"(1) identify the most effective means to inform women at the place of their employment and through the aegis of their employment of the availability and relevance of postsecondary education;

"(2) test the most effective means for creating collaborative agreements among institutions of higher education, including community colleges, employers and labor organizations to deliver educational services;

"(3) develop formats for adapting educational content to career ladder progressions;

"(4) implement a program of post secondary educational courses at or in conjunction with places of employment to promote occupational development; and

"(5) evaluate the effectiveness of the program in both its substantive and procedural aspects.

"(b) For the purpose of this title, an eligible recipient is—

"(1) any institution of higher education, including any community college;

"(2) any community-based organization which is organized as a nonprofit or not-for-profit organization and is tax exempt under section 501(c)(3) of the Internal Revenue Code of 1954, if such community-based organization has entered into a contract with an institution of higher education, including a community college, for the purpose of this title;

"(3) any employer, if the employer has entered into a contract with an institution of higher education, including a community college, for the purpose of this title; and

"(4) any labor organization, if such organization has entered into a contract with an institution of higher education, including a community college, for the purpose of this title.

"APPLICATIONS

"SEC. 1302. (a) Applications for grants or contracts under this title shall be submitted in such form, at such time, and in such manner as the Secretary may prescribe. Any application by a community-based organization, an employer, or labor organization shall be accompanied by the contract required by section 1301(b), (2), (3), or (4), as the case may be.

"(b) Each such application shall contain provisions designed to assure that the eligible recipient will maintain efforts undertaken by the recipient prior to the financial assistance made available under the provisions of this title during the period during which such financial assistance is made available under this title.

"USES OF FUNDS

"SEC. 1303. (a) Financial assistance under this title shall be used for—

"(1) the establishment and operation of a panel composed of not less than twenty-one individuals representing employers, labor organizations, postsecondary education, secondary and vocational education, and public organizations concerned with employment, and organizations concerned with women's occupational and educational progress to undertake activities including but not limited to—

"(A) conducting not less than one community dialogue annually at which information will be shared widely so as to apprise women of the educational, occupational and employment opportunities in the communities with respect to which the eligible recipient conducts its activities; and

"(B) assessing annually women's work-related development needs, opportunities and resources in the community with respect to which the eligible recipient conducts its activities and report thereon to the Secretary, the Commission on National Development in Postsecondary Education established under part A of title I, and each respective State entity having an agreement under section 1203;

"(2) the designation of not less than one worksite employing significant numbers or proportions of women as an educational development worksite and, in collaboration with the management and labor unions of that worksite the design, implementation and evaluation of comprehensive postsecondary education delivery programs; and

"(3) reporting the evaluation of the activities conducted pursuant to paragraph (2) of this subsection to the Secretary, the Commission on National Development in Postsecondary Education, and each appropriate State entity having an agreement pursuant to section 1203.

"(b) Financial assistance under this title may be used to pay the reasonable costs of personnel, travel, supplies and overhead generally. Financial assistance under this title may not be used to substitute personnel or activities previously supported by the eligible recipient.

"LIMITATIONS ON FINANCIAL ASSISTANCE

"SEC. 1304. (a) No financial assistance may be made under this title to an eligible recipient in an amount which exceeds $75,000 in any fiscal year.

"(b)(1) Each grant agreement or contract entered into under the provisions of this title may contain provisions to assure that financial assistance will be available for more than one fiscal year.

"(2) Funds appropriated under this title shall be available until expended.

"(c) No grant may be made to any community-based organization, employer, or labor organization if the contract required by section 1301(b) (2), (3), or (4), as the case may be, contains provisions which are in conflict with any collective bargaining agreement which is applicable to the project for which assistance is sought under this title.

"DEFINITION

"SEC. 1305. As used in this title, the term 'community college' means any junior college, postsecondary vocational school, technical institute, or any other educational institution (which may include a four-year institution of higher education or a branch thereof) in any State which—

"(1) is legally authorized within such State to provide a program of education beyond secondary education;

"(2) admits as regular students persons who are high school graduates or the equivalent, or beyond the age of compulsory school attendance;

"(3) provides a postsecondary education program leading to an associate degree or acceptable for credit toward a bachelor's degree;

"(4) is a public or other nonprofit institution; and

"(5) is accredited as an institution by a nationally recognized accrediting agency or association, or if not so accredited—

"(A) is an institution which has obtained recognized preaccreditation status from a nationally recognized accrediting body, or

"(B) is an institution whose credits are acceptable on transfer, by not less than three accredited institutions, for credit on the same basis as if transferred from an institution so accredited.

AUTHORIZATION OF APPROPRIATIONS

"SEC. 1306. There are authorized to be appropriated $7,500,000 for the fiscal year 1981 and for each of the succeeding fiscal years ending prior to October 1, 1985, for the purpose of carrying out this title.".

TITLE XIV—MISCELLANEOUS PROVISIONS

PART A—GENERAL EDUCATION PROVISIONS

CONTINGENT EXTENSION

SEC. 1401. (a) The first sentence of section 414 of the General Education Provisions Act is amended by striking out "for one additional fiscal year" and inserting in lieu thereof the following: "for—

"(i) two additional fiscal years for any applicable program authorized to be included in the Appropriation Act for the fiscal year preceding the fiscal year for which appropriations are available for obligation, or

"(ii) one additional fiscal year for any other applicable program".

(b) The second sentence of such section is amended by striking out "for such additional year" and inserting in lieu thereof "for each additional fiscal year".

ENFORCEMENT OF THE RULES

SEC. 1402. The second sentence of section 431(d)(1) of the Act is amended by inserting before the period a comma and the following: "in whole or in part".

SCIENCE EDUCATION PROGRAMS

SEC. 1403. The General Education Provisions Act is amended by inserting after section 406 the following new section:

"AUTHORIZATION OF APPROPRIATIONS FOR SCIENCE EDUCATION PROGRAMS

"SEC. 406A. There is authorized to be appropriated to the Secretary of Education for fiscal year 1981—

"(1) $2,500,000 for the purpose of carrying out the Pre-College Science Teacher Training program, and

"(2) $5,000,000 for the purpose of carrying out the Minority Institutions Science Improvement program transferred to the Secretary from the National Science Foundation by section 304 of the Department of Education Organization Act.".

COMMISSION ON THE REVIEW OF THE FEDERAL IMPACT AID PROGRAM

SEC. 1404. (a) Section 1015 (d) of the Education Amendments of 1978, relating to the impact aid study, is amended by striking out "December 1, 1980" and inserting in lieu thereof "September 1, 1981".

(b) All funds available to the Commission for its operating expenses shall, notwithstanding any other provision of law, be made available to such Commission, and remain available to such Commission to carry out the amendment made by subsection (a) of this section. The Secretary of Education shall, notwithstanding any other provision of law, make available to such Commission, from funds appropriated to the Department of Education, such funds as may be necessary to enable the Commission to maintain its level of operations, consistent with the amendment made by subsection (a) of this section, except that the total amount so available for any month shall not exceed 110 per centum of the average monthly amount available for expenditure by the Commission during the fiscal year 1980.

(c) The terms of office of the members of such Commission shall be coterminous with the duration of the Commission and the number of such members shall be equal to the number who are in office at any time, except that such number shall not exceed the number specified in such section 1015. A quorum of the Commission shall be equal to a majority of the members of the Commission who have qualified.

(d) The Commission shall terminate September 30, 1981.

EVALUATION REPORTS

SEC. 1405. Section 417(a)(1)(F) of the General Education Provisions Act is amended by inserting immediately before the period a comma and the following: "including tabulations of available data to indicate the effectiveness of the programs and projects by the sex, race, and age of its beneficiaries".

EDUCATION IMPACT STATEMENT

SEC. 1406. Part A of the General Education Provisions Act is amended by adding at the end thereof the following new section:

"EDUCATION IMPACT STATEMENT

"SEC. 409. Notwithstanding any other provision of law, no regulation affecting any institution of higher education in the United States, promulgated on or after the date of enactment of this Act, shall become effective unless such agency causes to be published in the Federal Register a copy of such proposed regulation together with an educational impact assessment statement which shall determine whether any information required to be transmitted under such regulation is already being gathered by or is available from any other agency or authority of the United States. Notwithstanding the exception provided under section 553(b) of title 5, United States Code, such statement shall be based upon the record established under the provisions of section 553 of title 5, United States Code, compiled during the rulemaking proceeding regarding such regulation.".

ADMINISTRATIVE SIMPLIFICATION STUDY AUTHORIZED

SEC. 1407. (a) The Secretary of Education is authorized and directed to make a comprehensive study of the programs authorized by—

(1) the Elementary and Secondary Education Act of 1965,

(2) the Vocational Education Act of 1963, and

(3) the Education of the Handicapped Act in order to analyze—

(A) if there are unnecessary duplications, conflicts, and reporting requiring contained in the laws authorizing such programs, while at the same time assuring that the delivery of educational services and the ability of the Federal Government to monitor and evaluate their effectiveness in serving separate target populations are maintained or enhanced;

(B) if there are unnecessary duplications, conflicts, and reporting requirements contained in the regulations promulgated to carry out such programs, while at the same time assuring that the delivery of educational services and the ability of the Federal Government to monitor and evaluate their effectiveness in serving separate target populations are maintained or enhanced; and

(C) the relationship between the Federal programs set forth in clauses (1), (2), and (3) and similar State programs.

(b) The Secretary shall prepare and submit to the Congress a report of the study required by this section within one year after the date of enactment of this Act.

PART B—NATIONAL INSTITUTE OF EDUCATION

EXTENSION OF AUTHORITY

SEC. 1411. Section 405(j) of the General Education Provisions Act is amended to read as follows:

"(j)(1) There are authorized to be appropriated to carry out the provisions of this section, $125,000,000 for fiscal year 1981, $145,000,000 for fiscal year 1982, $165,000,000 for fiscal year 1983, $190,000,000 for fiscal year 1984, and $215,000,000 for fiscal year 1985.

"(2) Sums so appropriated shall, notwithstanding any other provision of law unless enacted in express limitation of this subsection, remain available for the purposes of this subsection unless expended.".

DECLARATION OF POLICY

SEC. 1412. The first sentence of section 405(a)(1) of the General Education Provisions Act is amended by inserting after "sex" a comma and "age, handicap".

RESEARCH AND DEVELOPMENT PRIORITIES

SEC. 1413. Section 405(b)(2) of the General Education Provisions Act is amended by—

(1) striking out "and" at the end of clause (D);

(2) by redesignating clause (E) as clause (G);

(3) by adding after clause (D) the following new clauses:

"(E) overcoming the special problems of the nontraditional student, including the older student (with special consideration for students over age 45) and the part-time student, and the institution which the student attends;

"(F) encouraging the study of languages and cultures and addressing both national and international education concerns; and"; and

(4) by adding at the end the following sentence: "In carrying out this paragraph, the Institute shall give attention to the needs of early adolescents and the schools which serve them.".

REPEALER

SEC. 1414. (a) Section 405 (f) (3) of the General Education Provisions Act is repealed.

(b) Paragraph (4) of section 405 (f) of such Act is redesignated as paragraph (3).

PART C—AMENDMENTS TO THE REHABILITATION ACT OF 1973

COMPOSITION OF THE ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD AND TRANSMISSION OF REPORT

SEC. 1421. (a)(1) Section 502 (a) (1) (B) (i) of the Rehabilitation Act of 1973 is amended to read as follows:

"(i) Department of Health and Human Services.".

(2) Section 502 (a) of such Act is amended by adding the following clause immediately after clause (x):

"(xi) Department of Education.".

(b) Section 502 (h) of such Act is amended by adding at the end thereof the following new paragraph:

"(3) The Board shall, at the same time that the Board transmits the report required under section 7 (b) of the Act entitled 'An Act to ensure that certain buildings financed with Federal funds are so designated and constructed as to be accessible to the physically handicapped', approved August 12, 1968 (commonly known as the Architectural Barriers Act of 1968) transmit that report to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives.".

INFORMATION CLEARINGHOUSE FOR HANDICAPPED INDIVIDUALS

SEC. 1422. (a) The first sentence of section 15(a) of the Rehabilitation Act of 1973 is amended by striking out "may" and inserting in lieu thereof "shall".

(b) Section 15(c) of such Act is amended by striking out "Any" and inserting in lieu thereof "The".

PART D—NATIVE HAWAIIAN EDUCATION STUDY

STUDY AUTHORIZED

SEC. 1431. (a) (1) The Congress finds that—

(A) like other Native Americans, Native Hawaiians rank among the lowest in level of educational attainment and per capita income; and

(B) existing Federal, State, and local assistance in the field of education fails to address the basic and special needs of Native Hawaiians.

(2) The Congress declares its commitment to assist in providing the educational services and opportunities which Native Hawaiians need.

(b) There is established the Advisory Council on Native Hawaiian Education which shall consist of seven members appointed by the Secretary of Education, after consultation with the Governor of Hawaii, from among individuals who are professionals in the various fields relating to human development, and who are familiar with the educational problems of Native Hawaiians.

(c) The Council shall—

(1) advise the Secretary with respect to the operation of programs administered by the Department of Education and other programs making educational assistance available to Native Hawaiians;

(2) conduct a study which shall (A) evaluate the effectiveness of State and federally assisted educational programs in serving Native Hawaiian children and the extent to which such programs achieve their purposes with respect to such children, and (B) take into account the special health, social, and psychological needs of Native Hawaiian children; and

(3) submit a report to the Secretary and to the Congress not later than January 31, 1983, containing the findings and recommendations of the Council with respect to the matters described in paragraphs (1) and (2).

(d) The Council shall terminate 60 days after the submission of its report under subsection (c).

(e) There are authorized to be appropriated a total amount of not more than $500,000 for the fiscal years 1981, 1982, and 1983 to carry out this section.

PART E—SPECIAL IMPACT AID PROGRAM

PROGRAM AUTHORIZED

SEC. 1441. The Act of September 30, 1950 (Public Law 874, 81st Cong.), relating to impact aid, is amended by adding after section 4 the following new section:

"SPECIAL PROGRAM

"SEC. 4A. (a)(1) Any local educational agency that experiences an enrollment increase in any school year of at least 20 students as a result of the entry into any school supported by such agency of eligible children shall be eligible to receive payment for such children enrolled in its schools in accordance with the provisions of this section.

"(2) For purposes of this section the term 'eligible children' means—

"(A) aliens who fled from Cambodia, Vietnam, or Laos and who, on or after January 1, 1979—

"(i) were admitted into the United States as refugees under section 207 of the Immigration and Nationality Act;

"(ii) are applicants for asylum or have been granted asylum in the United States; or

"(iii) were paroled into the United States as refugees under section 212(d)(5) of the Immigration and Nationality Act; or

"(B) aliens who fled from Cuba or Haiti and who, on or after November 1, 1979—

"(i) were admitted into the United States as refugees under section 207 of the Immigration and Nationality Act;

"(ii) are applicants for asylum or have been granted asylum in the United States;

"(iii) are paroled into the United States as refugees under section 212(d)(5) of the Immigration and Nationality Act; or

"(iv) are Cuban-Haitian entrants (status pending) who entered the United States on or after such date.

"(3)(A) Each such local educational agency is authorized to receive for the fiscal year 1981 an amount equal to the product of the number of eligible children in average daily attendance in the schools of such agency in excess of 20 such eligible children multiplied by the current local expenditure rate of that local educational agency, plus $200 for each such eligible child in excess of 20.

"(B) For the purpose of this paragraph the current local expenditure rate shall be deemed to be the non-Federal expenditure rate of the local educational agency.

"(4) No provision of this Act which is inconsistent with the provisions of this section shall apply to the administration of this section.

"(5) Each local educational agency which is authorized to receive assistance under this section shall provide the Secretary with assurances that no eligible child counted for the purpose of this section shall be counted for payments made under any other provision of this Act.

"(b) There are authorized to be appropriated for the fiscal year 1981 such sums as may be necessary to carry out the provisions of this section.".

PART F—THE NAVAJO COMMUNITY COLLEGE ASSISTANCE PROGRAM

AMENDMENTS TO THE NAVAJO COMMUNITY COLLEGE ACT

SEC. 1451. (a) Section 5(a)(1) of the Navajo Community College Act is amended by striking out "two" and inserting in lieu thereof "three".

(b) Section 5(b) of such Act is amended by striking out paragraphs (1) and (2), by redesignating paragraph (3) as paragraph (2), and by inserting immediately before such paragraph the following:

"(b)(1) There is further authorized to be appropriated for grants to the Navajo Community College, for any fiscal year beginning on or after October 1, 1979, an amount equal to the amount necessary for operation and maintenance of the college, including, but not limited to, administrative, academic, and operations and maintenance costs.".

(c) Such Act is further amended by adding at the end thereof the following new section:

"EFFECT ON OTHER LAWS

"SEC. 6. Except as specifically provided by law, eligibility for assistance under this Act shall not, by itself, preclude the eligibility of the Navajo Community College to receive Federal financial assistance under any program authorized under the Higher Education Act of 1965 or any other applicable program for the benefit of institutions of higher education, community colleges, or postsecondary educational institutions.".

PART G—NEW LAND GRANT COLLEGES

AMERICAN SAMOA AND MICRONESIA LAND GRANT COLLEGES

SEC. 1461. (a) Section 506 of the Education Amendments of 1972 is amended—

(1) by inserting ", the Community College of American Samoa, the College of Micronesia," immediately after "The College of the Virgin Islands" in subsection (a);

(2) by striking out "Virgin Islands and Guam" each place it appears in subsection (b) and inserting in lieu thereof "Virgin Islands, Guam, American Samoa, and Micronesia"; and

(3) by striking out "Guam." in such subsection and inserting in lieu thereof "Guam and an equal amount to American Samoa and to Micronesia.".

(b) Section 5 of the Act of August 30, 1890 (7 U.S.C. 327), commonly referred to as the Second Morrill Act, is amended by inserting ", American Samoa, and Micronesia," immediately after "the Virgin Islands".

(c) Any provision of any Act of Congress relating to the operation of or provision of assistance to a land grant college in the Virgin Islands or Guam shall apply to the land grant college in American Samoa and in Micronesia in the same manner and to the same extent.

(d) Nothing in this section shall be construed to interfere with or affect any of the provisions of the April 17, 1900 Treaty of Cession of Tutuila and Aunu'u Islands or the July 16, 1904 Treaty of Cession of the Manu'a Islands as ratified by the Act of February 20, 1929 (45 Stat. 1253) and the Act of May 22, 1929 (45 Stat. 4).

PART H—MEMORIALS

Subpart 1—The Robert A. Taft Institute

SHORT TITLE

SEC. 1471. This subpart may be cited as the "Robert A. Taft Institute Assistance Act".

GRANTS FOR DEVELOPMENT

SEC. 1472. (a) In recognition of the public service of Senator Robert A. Taft, the Secretary of Education is authorized to make grants to the Robert A. Taft Institute of Government, located in New York, New York.

(b) The total amount of grants under this section in any fiscal year may not exceed the total amount of private contributions received by the Institute for the fiscal year for which the grants are made.

(c) No payment may be made under this subpart except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may require.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1473. There are authorized to be appropriated $750,000 for the fiscal year 1981 and for each fiscal year ending prior to October 1, 1985.

Subpart 2—General Daniel James Memorial Health Education Center

FINANCIAL ASSISTANCE AUTHORIZED

SEC. 1476. (a) In recognition of the public service of General Daniel James and as a memorial to General Daniel James, the Secretary of Education shall, in accordance with the provisions of this title, make a grant to establish the General Daniel James Memorial Health Education Center to be located at Tuskegee Institute, Tuskegee, Alabama.

(b) No grant may be made under subsection (a) of this section unless an application is made to the Secretary at such time and in such manner as the Secretary may provide.

The appropriation shall contain provisions designed to assure that—

(1) the building known as the General Daniel James Memorial Health Education Center will be located on the campus of Tuskegee Institute, Tuskegee, Alabama;

(2) the memorial will serve as a regional center for preventive health education and as a repository for papers and memorabilia relating to the life of General Daniel James; and

(3) such other reasonable conditions as the Secretary may require.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1477. (a) There are authorized to be appropriated $6,000,000 for the fiscal year 1981 to carry out the provisions of this title.

(b) Funds appropriated pursuant to this title shall remain available until expended.

Subpart 3—The William Levi Dawson Chair of Public Affairs

SHORT TITLE

SEC. 1481. This subpart may be cited as the "William Levi Dawson Chair of Public Affairs Act".

ASSISTANCE FOR THE ESTABLISHMENT OF THE WILLIAM LEVI DAWSON CHAIR OF PUBLIC AFFAIRS

SEC. 1482. (a) The Secretary of Education is authorized to provide financial assistance in accordance with the provision of this section to establish the William Levi Dawson Chair of Public Affairs at Fisk University, Nashville, Tennessee.

(b) No financial assistance under this title may be made except upon an application at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1483. (a) There are authorized to be appropriated such sums, not to exceed $750,000, for the fiscal year 1981, as may be necessary to carry out the provisions of section 1802 of this title.

(b) Funds appropriated pursuant to this title shall remain available until expended.

PART I—TECHNICAL PROVISIONS

ADMINISTRATIVE AMENDMENTS

SEC. 1491. (a)(1) The Higher Education Act of 1965 (hereinafter in this Act referred to as the "Act") is amended by striking out "Commissioner" wherever it appears (except in section 1201(f)) and inserting in lieu thereof "Secretary".

(2) The Act is further amended by striking out "Commissioner's" wherever it appears and inserting in lieu thereof "Secretary's".

(3) The Act is further amended by striking out "Secretary of Health, Education, and Welfare" wherever it appears (except in section 1201(e)) and inserting in lieu thereof "Secretary".

(b)(1) Section 1201(e) of the Act is amended to read as follows:

"(e) The term 'Secretary' means the Secretary of Education.".

(2) Section 1201(f) of the Act is repealed.

(3) Section 1201 of the Act is amended by adding at the end thereof the following:

"(m) The term 'Department' means the Department of Education.".

CONTRACT AUTHORITY

SEC. 1492. The authorization to enter into contracts or other obligations under the Act, as amended by this Act, shall be effective for fiscal year 1981 and any succeeding fiscal year only to the extent or in such amounts as are provided in advance in appropriation Acts.

EFFECTIVE DATE

SEC. 1493. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on October 1, 1980.

(b)(1) The amendment made by section 404(b)(4) of this Act to section 415C(b)(4) of the Act shall be effective on October 1, 1979.

(2) Except as otherwise provided, the

amendments made by part B of this Act shall apply to loans made on or after October 1, 1980.

(3) The amendments made by section 415 (b) shall be effective with respect to any loan made to a student borrower who on October 1, 1980, has no obligation to repay any amount of principal or interest on any loan made, insured, or guaranteed under part B of title IV of the Act.

(4) The amendments made by part D of this Act shall apply to loans made under part E of the Act on or after October 1, 1980.

(5) The amendment made by section 701 of this Act adding section 731 of the Act shall apply to loans made under such section 731 on or after October 1, 1980.

And the Senate agree to the same.

CARL D. PERKINS,
FRANK THOMPSON, Jr.,
JOHN BRADEMAS,
WILLIAM D. FORD,
JOSEPH M. GAYDOS,
MARIO BIAGGI,
PAUL SIMON,
AUSTIN J. MURPHY,
TED WEISS,
PETER A. PEYSER,
WILLIAM RATCHFORD,
GEO. MILLER,
JOHN M. ASHBROOK,
JOHN BUCHANAN,
JAMES M. JEFFORDS,
MICKEY EDWARDS,
THOMAS J. TAUKE,
THOMAS E. PETRI,
Managers on the Part of the House.

CLAIBORNE PELL,
HARRISON A. WILLIAMS, Jr.,
JENNINGS RANDOLPH,
ROBERT T. STAFFORD,
JACOB K. JAVITS,
DICK SCHWEIKER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5192) to amend and extend the Higher Education Act of 1965, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

IN MEMORIAM

The conferees note with great sadness the absence from our deliberations of Mr. William F. Gaul, Associate General Counsel of the House Committee on Education and Labor.

Mr. Gaul has provided a central thread of informed judgment and wise counsel throughout all previous conference committee deliberations on the Higher Education Act from its original enactment in 1965 through the amendments of 1968, 1972, and 1976.

Mr. Gaul worked tirelessly on the House version of this reauthorizing legislation through its enactment last November. But shortly thereafter, he was stricken by a fatal illness which confined him to hospital quarters during our conference committee deliberations.

We have greatly missed his good and wise counsel in our deliberations. We wish he could have been with us. But most of all, we wish to record, as a part of this conference report, our great and continuing indebtedness to Mr. Gaul for the extraordinary contributions he had made throughout the last fifteen years to the creation, development, and refinement of the Higher Education Act.

On behalf of the millions of postsecondary students and the thousands of postsecondary institutions who have and will continue to benefit from the Higher Education Act, we wish to state that Mr. William F. Gaul's leadership role in constructing this legislation will be greatly noted and long remembered.

TITLE I—EDUCATIONAL OUTREACH

1. The Senate amendment, but not the House bill, in Part A of Title I establishes a new Commission on National Development in Postsecondary Education, a tripartite Commission of 25 members to be appointed by the President, the President pro tem of the Senate, and Speaker of the House. The function of the Commission shall be to review national, state, and institutional planning policies to examine the effectiveness of Federal financial assistance to students and institutions in conjunction with State and institutional aid policies; to consider the research capacity of institutions and the relationship between institutions and the public and private sector in promoting research; and to examine the resources of institutions and the effect of demographic changes which will impact on their ability to meet social and economic needs. The Senate amendment authorizes $3 million for the Commission for the period beginning October 1, 1981, through March 1, 1983.

The House recedes with an amendment extending the life of the Commission through December 31, 1983, and adding as a purpose of the Commission a study of the needs of adult postsecondary students.

2. The provisions of the House bill and the Senate amendment with respect to the allocation of funds under Title I of the House bill and Part B of Title I of the Senate amendment are described in the following tables:

ALLOCATION FORMULA

[Unless indicated, each State must have an agreement for comprehensive statewide planning in order to receive funds under the following provisions]

House—Title I	Senate—Title I–B
Statewide Planning Program—Sec. 102: 20 percent of total appropriation is allotted on the basis of adult population for statewide planning. Each State must receive at least $60,000.[1] State Grant Program—Sec. 103: 70 percent of the total appropriation is allotted to States for education information and continuing education services. Half of this amount is allotted equally to all States, and half is allotted on the basis of adult population. Each State must receive at least $90,000.[1] Federal Discretionary Grant—Sec. 107: 10 percent of the total appropriation shall be reserved for the Federal discretionary grant program.	Sec. 112: From 90 percent of appropriation, each State shall receive an amount equal,[1] to the fiscal year 1979 level of funding for title I, sec. 418A, and sec. 1203. If the level of appropriations exceeds that amount the excess shall be distributed on the basis of adult population. (If, in any fiscal year, a State does not wish to enter into an agreement for statewide planning, the Secretary shall allot to that State an amount equal to the amount the State would receive for continuing education and education information services.) Sec. 116: 10 percent of the appropriations shall be reserved for the Federal discretionary grant program established under sec. 116.

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[1] Ratable reduction language is provided in the event appropriations are insufficient.

AUTHORIZATION OF APPROPRIATIONS

House		Senate	
Title I	Amount/fiscal year	Title I	Amount/fiscal year
	$100 million/fiscal year 1981.	Part A	$3 million.[1] (for period from Oct. 1, 1981 through Mar. 1, 1983).
	$125 million/fiscal year 1982.	Part B	$18.5 million/fiscal year 1981.
	$150 million/fiscal year 1983.		$21.5 million/fiscal year 1982.
	$175 million/fiscal year 1984.		$24.0 million/fiscal year 1983.
	$200 million/fiscal year 1985.		$27.5 million/fiscal year 1984.
			$32.0 million/fiscal year 1985.
		Part C:	
		Subpart I	$9.5 million for each of fiscal year 1981–85.
		Subpart II	$7.5 million for each of fiscal year 1931–85.
		Subpart III	$50 million for each of fiscal year 1931–85.

USE OF FUNDS

House Title I	Senate Part B
Statewide Planning	**Statewide Planning**
	● If the appropriation level is less than $18.5 million, each State must use at least 15 percent but not more than 20 percent, of its allotment for statewide planning. ● If the appropriation level is more than $18.5 million, but less than $24 million, each State shall use at least 10 percent but not to exceed 15 percent, of its allotment for statewide planning. ● If the appropriation level exceeds $24 million, then a State shall not use more than 10 percent of its allotment for statewide planning.

USE OF FUNDS—Continued

House Title I	Senate Part B
● At least 50 percent of a State's allotment must be used for planning continuing education activities for adults. ● Up to 50 percent of a State's allotment may flow through for use under the State grant program, at the State's discretion.	● Same as House provision except the Secretary may waive if State can demonstrate it has fulfilled the statewide planning needs for adults.
Information Services	Information Services
● State's discretion as to amount of funds used for information services under State grant program.	● Not less than $50,000 nor more than 12 percent, whichever is greater, shall be used for information services.
Continuing Education	Continuing Education
● State's discretion as to amount funds used for continuing education activities under State grant program.	● Each State shall use amounts remaining after reserve for statewide planning and information services.

Following is the conference agreement:

Allocation formula and uses of funds

The House recedes to Senate Part B with an amendment which provides that, with respect to statewide planning, up to 50 percent of a State's funds available for this program may be used for continuing education programs under section 115 and that, for the purposes of operating educational information programs, states may make grants to and enter into contracts with institutions of higher education, public and private institutions and organizations, business, industry, and labor and any combination thereof. The conferees intend that the list of continuing education activities under section 115 is not exclusive.

The Senate recedes with an amendment which provides that, for the purposes of state grants, each state shall receive an allotment of funds from available appropriations based 60 percent on relative state adult population and 40 percent on an equal basis, except that no state shall receive less than $187,500 in any fiscal year. Of its allotment, any state may use up to 5 percent or $40,000 of its portion available for continuing education, whichever is greater, for the purposes of administration or operation of continuing education activities.

Authorization of appropriations

The conference substitute authorizes the following amounts for Part B:

$20 million/FY 81.
$40 million/FY 82.
$60 million/FY 83.
$80 million/FY 84.
$100 million/FY 85.

3. Both the House bill and the Senate amendment contain comparable provisions concerning the use of comprehensive statewide planning funds.

The conference substitute incorporates all provisions.

4. The Senate amendment, but not the House bill, permits the Secretary to waive the requirement that States use 50 percent of comprehensive statewide planning funds for planning for Continuing Education if the State demonstrates it has adequately provided for meeting the needs of adult learners.

The House recedes.

5. The House bill, but not the Senate amendment, restricts the use of funds which a State may use for conducting studies of topics consistent with the purposes of comprehensive statewide planning and statewide planning for Continuing Education.

The Senate recedes.

6. The House bill, but not the Senate amendment, specifically authorizes States to make grants and enter into contracts with institutions of higher education, public and private institutions and organizations, business, industry and labor, and any combination thereof.

The Senate recedes.

7. The House bill, but not the Senate amendment, requires particular attention to homemakers in the provision of educational and occupational information and counseling service.

The Senate recedes.

8. The Senate amendment, but not the House bill, authorizes the provision of child care services to assist individuals in Continuing Education.

The House recedes.

9. The Senate bill contains the following restrictions for the use of funds for providing child care services:

(A) that the State has established a cooperative agreement with the agency responsible for coordinating child care services in the State,

(B) that funds available for child care services will be paid only to child care providers licensed or likely to be licensed in the State, and

(C) that a State may not use more than 5% of the sums available for Continuing Education programs provided directly by the State.

The House recedes on item (A); the Senate recedes on item (B); and the House recedes on item (C) with an amendment providing that there may be spent for the administration of programs under section 115 and the direct operation by the State of continuing education programs 5 percent of the sums available or $40,000, whichever is greater. The "operation" of a program under the 5 percent or $40,000, whichever is greater, provision applies only to those programs that are not otherwise competing for funds under the remainder of the continuing education monies.

10. (a) The House bill, but not the Senate amendment, authorizes the Secretary to provide funds to assist States to effectively perform their functions of authorizing institutions of higher education.

(b) The Senate amendment, but not the House bill, authorizes the Secretary to provide funds to support demonstration child care projects and to provide pre-service and in-service training to personnel involved in child care programs.

a. The Senate recedes.

b. The House recedes with an amendment eliminating the support of demonstration child care projects.

11. The House bill provides that payments made under Sections 102 and 103 not exceed 2/3rds of the costs of activities funded under those Sections. The Senate bill provides that payments under all of Part B of Title I of the Senate amendment shall not exceed 2/3rds of the costs of activities assisted under that part.

The House recedes.

12. The House bill, not the Senate amendment, provides that States may use 50% of the funds received under Section 102 (relating to statewide planning) for the purpose of carrying out programs under Section 103 (relating to State grant programs).

The Senate recedes.

13. The Senate amendment, but not the House bill, requires the Secretary to evaluate the extent to which age is a barrier to participation in postsecondary education and the potential for greater participation in such education by individuals age 65 and older.

The House recedes with an amendment changing the age to 60.

14. The House bill, but not the Senate amendment, requires the Secretary to report to the President and the Congress on the results of the investigation and study not later than two years after the date of enactment of this Act. The Senate amendment, but not the House bill, requires the Secretary to coordinate the study with the activities of the Commission on National Development in Postsecondary Education, the National Institute of Education, and other studies authorized by this Act.

The Conference substitute incorporates all of the provisions of this special study within the Commission of National Development in Postsecondary Education authorized by Part A of this Title.

15. The Senate amendment, but not the House bill, establishes a new Part C of Title I to induce institutions of higher education to engage in limited programs of policy development to test essential areas for growth and adaptation in future years.

The Senate recedes.

16. The Senate amendment, but not the House bill, authorizes grants and contracts to States and postsecondary institutions to attempt cost-effective conversions of curriculum, transformations of staffing and research patterns, and collaborative cost-sharing relationships with institutions to replace duplicative educational programming with shared arrangements based on demographic and labor market trends.

The Senate recedes.

17. The Senate amendment, but not the House bill, authorizes a program to encourage and to support the efforts of all forms of postsecondary institutions to serve women in their workplaces with the collaboration of labor unions and employers.

The House recedes with a substitute amendment making this program a separate Title in the Higher Education Act and eliminating grants to national organizations.

18. The Senate amendment, but not the House bill, authorizes a program of providing to 50 educational institutions incentives to devote their community service and research resources to solve the problems of massive youth unemployment. This provision creates a demonstration program whereby the colleges would organize their technical assistance capabilities in a discretionary grant program and assist local decision-making in several areas: (1) development of individual employability plans for the young people who are assisted in comprehensive community efforts to remedy youth unemployment; (2) design of community-oriented achievement benchmarks for student progress; (3) means to establish labor union and employer collaboration on skills certification mechanisms to assist transitions from education and training to work; (4) development of detailed local labor market statistics and forecasts so as to assist the education and employment services in skills remediation and preparation of lasting value to young people experiencing comprehensive youth employment efforts; and (5) exploration of applying college resources in retraining unemployed persons.

The Senate recedes.

TITLE II—COLLEGE AND RESEARCH LIBRARY ASSISTANCE AND LIBRARY TRAINING AND RESEARCH

19. The House bill authorizes appropriations of $60 million for Part A, $60 million for Part B, $20 million for Part C, and $15 million for Part D of Title II for each of the fiscal years 1981–1985. The Senate amendment authorizes appropriations for Part A and B combined of $15 million for fiscal year 81, $17 million for fiscal year 82, $19.5 million for fiscal year 83, $22 million for fiscal year 84, and $25 million for fiscal year 85. The Senate bill also authorizes for Part C $8 million for fiscal year 81, $9 million for fiscal year 82, $10.5 million for fiscal year 83, $12 million for fiscal year 84; $14 million for fiscal year 85. The Senate amendment authorizes $750,000 for each of fiscal years 81 and 82 and such sums as may be necessary for any remaining fiscal year ending prior to October 1, 1985 for Part D.

The conference substitute authorizes the following amounts:

Part A:
$10 million/FY81.
$30 million/FY82.
$30 million/FY83.
$30 million/FY84.
$35 million/FY85.
Part B:
$10 million/FY81.
$30 million/FY82.
$30 million/FY83.
$30 million/FY84.
$35 million/FY85.
Part C:
$10 million/FY81.
$15 million/FY82.
$15 million/FY83.
$15 million/FY84.
$15 million/FY85.
Part D:
$750,000/FY 81 and 82 such sums/FY 83–85.

20. The House bill, but not the Senate amendment, provides that no funds are authorized to be appropriated for Part D unless each of the appropriations for Part A, B or C equals or exceeds the amounts appropriated for that Part for fiscal year 79.

The Senate recedes.

21. The House bill, but not the Senate amendment, extensively reorganizes Title II of the Act. Part A is focused on general support for college libraries. The special grants currently authorized in Part A are transferred to Part B where there are emphasized two forms of special purpose assistance. The maximum Basic Grant under Part A is increased from $5,000 to $10,000. The House bill repeals the authority for Supplemental grants and for the Advisory Council on College Library Resources. In addition, the House bill repeals the authority of the Secretary to make grants to educational institutions which are not accredited on the basis of the finding that acquisition of library sources would render the institution accreditable.

The Senate amendment retains current law in Part A of Title II.

The Senate recedes.

22. The House bill, but not the Senate amendment, requires that institutions applying for funds under Title II supply information about the institution itself and its library resources to the Secretary. There is no comparable provisions in current law, which is retained by the Senate amendment.

The House bill, but not the Senate amendment, amends current law to permit a grant recipient in the grant year for which funds are sought to choose between the average annual aggregate amount or the average amount per full-time equivalent student it expended for library material expenditures during the two preceding fiscal years to substantiate its maintenance of effort. Current law requires the use of the average annual aggregate amount.

The House bill, but not the Senate amendment, amends current law to specify under which circumstances the Secretary may waive the maintenance of effort provisions.

The Senate recedes.

23. The House bill provides for a division of the available funds of one-third for library career training, one-third for research and demonstration and one-third for special purpose grants.

The House bill deletes the special advisory committee to the secretary on research and demonstration for the improvement of libraries and training in librarianship. The House bill deletes language relating to section 3709 of the Revised Statutes (41 U.S.C. 5). The House bill deletes the authorization for special purpose grants to institutions of higher education which demonstrate a special need for additional library resources and which indicate such a grant would make a substantial contribution to the quality of educational resources. The House bill removes the restriction under special purpose grants to combinations of institutions of higher education that the funds may be used only for books, periodicals, documents, magnetic tapes, phonograph records, audiovisual materials and other related library materials. The House bill adds a provision to the authorization for special purpose grants to public and private nonprofit library institutions limiting the grant's purpose to establishing, developing or expanding programs or projects that improve their services. The House bill adds a new authorized activity to the special purpose grant program permitting grants to institutions of higher education to develop or expand programs or projects to serve the community in which the institution is located. The House bill does not give the institution of higher education a choice in base years for proving maintenance of effort for special purpose grants. It requires the institution to expend during the grant year at least as much as it did for all library purposes in the two fiscal years immediately prior to the grant application. Current law permits either this approach or using the two fiscal years immediately prior to June 30, 1965. The House bill prohibits an institution from receiving a resource development grant or a special purpose grant if it receives a grant under Part C.

The Senate amendment continues existing law under all of Part B.

The Senate recedes.

24. The House bill authorizes the establishment of a National Periodical Center. The Senate amendment authorizes a study of the feasibility and advisability of establishing a National Periodical system, and if found feasible and advisable, authorizes the preparation of a design for such system. Both bills establish a nonprofit corporation to carry out the purposes of Part D of Title II.

The House recedes.

25. The House bill, but not the Senate amendment, contains provisions relating to cost reimbursement, cooperative agreements with certain national, State, and local institutions, the establishment of regulatory offices, and the coordination of the training of librarians.

The House recedes.

26. The Senate amendment, but not the House bill, contains certain provisions as to the participation and fees payable to copyright owners, duplication of, or adverse impact on, private sector activities, and coordination with existing library programs.

The House recedes.

27. The Senate amendment, but not the House bill, requires any design to implement the periodical system to specify the role of the Corporation in the management of the system and an estimate of the cost of carrying out the system for each fiscal year.

The House recedes.

28. The Senate amendment, but not the House bill, requires the Board to be equitably representative of certain groups and interests.

The House recedes.

29. The House bill provides that the term of office of Board members shall be six years. The Senate amendment provides terms of two years. The House bill provides for staggered terms and provides that no member shall be eligible to serve more than two 6-year terms.

The House recedes.

30. The Senate amendment, but not the House bill, specifically provides that the Corporation shall be subject to the Government in the Sunshine Act.

The House recedes.

31. The House bill provides for annual reports from the Corporation on March 1st of each year. The Senate bill provides for submission of the implementing design not later than December 31, 1981, and provides that the design may not be implemented unless it is approved in whole or in part by a Joint Resolution of the Congress.

The House recedes.

TITLE III—INSTITUTIONAL AID

32. The House bill makes major revisions in Title III. The purposes are briefly stated in the title's opening section. Institutional assistance under Title III must be used to improve the academic quality, institutional management and fiscal stability of developing institutions. Eligibility as a developing institution is based on an institution's enrollment of a substantial percentage of students from low-income families and average educational and general expenditures which are low per full-time equivalent student in comparison with average educational and general expenditures per full-time equivalent student of institutions that offer similar instruction.

The House bill provides that a branch institution is eligible to compete for funds under Title III in and of itself.

The Secretary is authorized to waive the requirement that an institution have a low educational and general expenditure per full-time equivalent student in certain cases.

The House bill provides an authorization of $140 million in fiscal year 1981; $160 million in fiscal year 1982; $180 million in fiscal year 1983; and $200 million for fiscal years 1984 and 1985. Under the new Challenge Grant program, additional authorizations of $25 million for fiscal year 1982; $35 million for fiscal year 1983; $45 million for fiscal year 1984; and $50 million for fiscal year 1985 are provided.

The House bill provides that grant awards for community and junior colleges cannot be less than 24 percent of the funds in any fiscal year, but may be greater.

In addition to the two criteria used to establish eligibility to compete as a developing institution, any institution applying for assistance under this title must also be degree-granting for at least five years prior to applying for assistance and accredited by a nationally recognized accrediting agency or association.

The House bill authorizes the Secretary to waive the five-year degree-granting requirement for institutions applying for assistance if the development of that institution will substantially increase the higher education opportunities of American Indians, Hispanics and low-income rural people.

The House bill instructs the Secretary to give special consideration to any institution submitting an application to improve that institution's faculty development, funds and administrative management, development and improvement of academic programs, acquisition of equipment for use in strengthening funds management and academic programs, joint use of facilities such as libraries and laboratories, and student services.

The House bill establishes two categories of grants. Any eligible institution can apply to receive assistance for one to three years.

Such a grant is renewable indefinitely. Under a second category, institutions can apply for a non-renewable grant of four-to-seven years. The bill requires that 25 percent of the appropriation (excluding the appropriation for the Challenge Grant program) be reserved for non-renewable grants. If an insufficient number of institutions apply for the non-renewable grants and all funds are not obligated, the bill provides that the funds be carried over to the succeeding fiscal year for later use in the four to seven-year program.

In a case where the institution receives notification of a multiple-year award under Title III, the bill requires that the Secretary make awards annually from the appropriation for the fiscal year in which the grant is to be used.

The Secretary may make one-year awards for the purpose of planning grants. The planning must be consistent with the purpose of the title.

The applicant institution must submit a detailed analysis of how it will provide for such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of and accounting for funds made available under this title. The bill eliminates from current law the provision that required institutions to participate in consortia or a bilateral arrangement. The bill permits this activity.

The House bill requires that any institution receiving assistance under this title must report at least annually on the progress of its development activities. Any institution failing to comply with this requirement may, at the Secretary's discretion, have its future year grants withheld.

The House bill establishes a method for selecting independent readers who are responsible for reviewing application proposals. Institutions submit reader nominees to the Secretary. The Secretary then selects reviewers who have expertise in the evaluation of Title III projects. Included among these individuals must be representatives of the types of institutions receiving Title III grants. The Secretary is required to assure that no reader has any conflict of interest regarding the application being evaluated which might impair the impartiality with which the individual conducts the review.

All readers must receive instruction from the Secretary regarding the evaluation process, including (1) explanations and examples of the types of activities that should receive special consideration for grant awards; (2) an enumeration of the factors to be used to determine the quality of the applications; and (3) an enumeration of the factors to be used to determine whether a grant should be awarded, and the amount and duration of the grant. In awarding grants, the Secretary may only consider those factors which are explained to the readers.

A Committee on Review is established which would review all grant award recommendations made by the readers which were used by the Secretary to make grant awards. The Committee would then submit a report to the Secretary which contains (1) the recommendations of the independent readers; (2) recomendations the Committee considers appropriate to provide for equitable adjustments in the amounts recommended by the readers in order that the total amount recommended for all grants not exceed the amount appropriated for Title III; and (3) recommendations regarding the amount and duration of any grant after adjustment. After reviewing the Committee's report, the Secretary would make final awards.

The Committee on Review will consist of ten members appointed by the Secretary with one representative each from private junior colleges, private institutions that award bachelor's degrees, public junior or community colleges public institutions that award bachelor's degrees and six other members representing the above institutions. The Secretary will appoint these members after consultation with the various postsecondary education institutions. No officer or employee of the United States can serve as a Committee member and the term of office will be two years.

Not later than June 30 of each year, the Secretary must publish in the Federal Register the name of each institution which submitted an application, the average score given to the applications by the readers, any changes in the average scores recommended by the Committee, and the recommendations of the Committee regarding the recipients and amounts of the grants.

The House bill establishes a new Challenge Grant program, the purpose of which is to provide an incentive for institutions to seek alternative sources of funding.

The Challenge Grant program, like the basic Title III program, is a competitive grant program and all requirements, limitations and procedures applicable in the basic Title III program are also applicable in the Challenge Grant program, unless otherwise stated.

In the challenge grant program, the House bill requires the Secretary to give priority to those institutions participating in the four-to-seven year grant program.

33. The Senate amendment completely rewrites existing Title III, Strengthening Developing Institutions program. It divides the Title into two parts: Part A would provide short-term Federal assistance to institutions with special needs. Such institutions have enrollments which include a substantial percentage of students from low income families and low general and educational expenditures for full time equivalent undergraduate students. In determining institutional eligibility the Secretary may also consider institutional characteristics, such as limited library resources, little or no endowment, low percentage of faculty with doctorate degrees, and a high student-to-faculty ratio. Part A assistance will be used to provide for faculty development, administrative development, the improvement of academic programs, the development of new and improved student services, joint use of facilities such as libraries and laboratories among institutions, and the acquisition of equipment to strengthen and improve management and academic programs. Assistance under this Part would be limited to five years with institutional matching required after the second year, in an effort to "graduate" institutions from the program and to achieve an institutional commitment to the purposes of this Part.

Part B of this Senate amendment recognizes that institutions which enroll a large number of students from low income families face a special burden. These institutions do not need project grants; they need general operating assistance. Part B would provide that assistance. The factors that would determine eligibility for Part B assistance would be factors such as the percentage of low income students at the institution, the per student expenditure at the institution, the amount of public and private funds available to the institution, and the institution's own program of financial assistance to those students. There is no time limit to receiving assistance under Part B.

The Senate amendment also establishes a new challenge grant initiative under Part A of Title III from a 10% set-aside of funds appropriated and available for that Part. In order to be eligible for a challenge grant, on a 50-50 matching share basis, an institution must have received, or be eligible to receive, a grant under Part A criteria established for institutions having special needs. The 50% matching share for institutions must come from new sources; the Federal Government will not match money that is already available to the institution.

Existing law provides that 24% of funds under Title III must go for awards to community and junior colleges. The Senate amendment provides that not less than 30% of the funds awarded in Parts A and B should go to community and junior colleges.

The Senate amendment provides that a branch institution located in a community different from that of its parent institution is eligible to compete for funds under this Title in and of itself. The Senate amendment also requires the Secretary to give priority to cooperative arrangement applications in awarding funds under Part A of this Title.

Existing Title III permits the Secretary to grant waivers to Title III recipients for matching requirements under Titles II, IV, VI, or VII of the Higher Education Act.

The Senate amendment does not permit such waivers. However, the Senate amendment does allow the Secretary to waive the 5-year degree granting requirement of Part A to institutions which will substantially increase the higher education opportunities of American Indians and Hispanics, of individuals living in rural areas whose higher education needs are being unserved, of low income individuals, and of black students.

The Senate amendment establishes the following authorization levels:

Fiscal year 1981	$161,000,000
Fiscal year 1982	185,000,000
Fiscal year 1983	213,000,000
Fiscal year 1984	245,000,000
Fiscal year 1985	284,000,000

Appropriations for each fiscal year must be divided evenly between Parts A and B of the Title. For purposes of making challenge grants the Secretary can reserve up to 10% of Part A funds. In addition, the Secretary shall assure that in each fiscal year the amount available to the sector of traditional black colleges and universities shall not be less than the amount that sector received in Fiscal Year 1979.

The conference substitute creates a Title III program which contains three parts. Part A, Strengthening Institutions, is derived from the provisions of the House bill. Part B, Aid to Institutions with Special Needs, contains provisions that were in Part A of the Senate Amendment. Fifty per cent of the appropriation will go to each of these parts.

Under Part B of the conference substitute, the institutions that historically have served substantial numbers of black students shall be assured that their sector will receive not less than 50 per cent of the amount that such sector received in fiscal year 1979 under the current Title III program.

The conference substitute incorporates the provisions of the House bill pertaining to challenge grants to institutions eligible for assistance under Part A or Part B.

The conference substitute modifies the provisions of the House bill establishing an application review process and a committee on review to provide only for an application review process.

The conferees intend that unique institutions such as the College for Human Services, which charge no tuition or fees, rely exclusively on CETA wages to support its students and serve students who meet the Department of Labor's low-income guidelines, be recognized as a developing institution eligible to apply for funds under this program.

The criteria used to determine eligibility for participation in the title III program under either Part A or Part B includes the average educational and general expenditure per full-time equivalent undergraduate student. The inclusion of the word "undergraduate" was intentional.

During the Senate's deliberation on this legislation, some concerns were raised that this language was not entirely clear and furthermore, may create some reporting difficulties since many institutions would not be able to identify separately the expenditures made for undergraduate instruction.

Clearly the intent of the conference in accepting this Senate language that would apply to the educational and general expenditures definition under both Part A and Part B was that the Secretary should not consider institutional expenditures for high cost professional training such as medical, dental, and legal programs which are organized, budgeted, and conducted separately from regular graduate and undergraduate instruction.

The conference substitute authorizes the following amounts for Parts A and B:

$160 million/FY81.
$185 million/FY82.
$210 million/FY83.
$245 million/FY84.
$280 million/FY85.

The substitute provides the following authorizations for the challenge grant program:

$25 million/FY82.
$35 million/FY83.
$45 million/FY84.
$50 million/FY85.

TITLE IV—STUDENT ASSISTANCE

34. The House bill extends the Basic Educational Opportunity Grant program through FY 1986. The Senate amendment extends this program through FY 1985.

The House recedes.

35. The House bill, but not the Senate amendment, provides that the purpose of the Basic Grants program is to provide a Basic Grant that will meet 75% of the students' costs of attendance for academic year 1985–86, but not in excess of $3,600.

The Senate recedes with an amendment changing 75% to 70% and $3600 to $3700.

36. The Senate amendment, but not the House bill, designates Basic Grants as "Pell Grants".

The House recedes.

37. Both the House bill and the Senate amendment provide Basic Grants in specified amounts minus an amount determined to be the expected family contribution. The amounts specified are as follows:

Academic year	House bill	Senate amendment
1981–82	$1,980	$1,900
1982–83	2,160	2,000
1983–84	2,340	2,200
1984–85	2,520	2,400
1985–86	2,520	2,600

The Conference substitute provides for the following maximum Basic Grants:

$1900 for academic year 1981–82.
$2100 for academic year 1982–83.
$2300 for academic year 1983–84.
$2500 for academic year 1984–85.
$2600 for academic year 1985–86.

38. The House bill changes the date for publication of a schedule of reductions for less than full-time attendance from February 1 to January 1 of each year. The Senate amendment changes this date from February 1 to October 1 of each year.

The Conference substitute provides for publication dates of January 1, 1981, October 1, 1981, and October 1 of each succeeding year.

39. Both the House bill and the Senate amendment limit the amount of Basic Grants to a percentage of the cost of attendance based upon the amount of the maximum grant which is available for that year. These limitations are as follows:

Percentage of cost of attendance	Maximum grant amount	
	House bill	Senate amendment
50	Less than $1,980	Less than $2,000.
55	$1,980 to $2,159	$2,000 to $2,399.
60	$2,160 to $2,339	$2,400 or more.
65	$2,340 to $2,519	
70	$2,520 or more	

The Conference substitute provides that the cost of attendance limitation shall be 50% when the maximum Pell Grant is less than or equal to $1,900; 55% when the maximum Pell Grant is more than $1,900 but less than $2,100; 60% when the maximum Pell Grant is at least $2,100 but less than $2,300; 65% when the maximum Pell Grant is at least $2,300 but less than $2,600; and 70% when the maximum Pell Grant is $2,600.

40. The House bill allows the Secretary through regulation to develop a schedule of reduction in cases of less than full funding. Such schedule is required to contain a single reduction formula in which the percentage reduction increases uniformly as the entitlement decreases, and requires that no payment of less than $200 shall be made in any case.

The Senate amendment established a statutory schedule of reductions to be paid in the case of less than full funding. Such schedule is based upon the student's eligibility index as calculated prior to the cost of attendance limitation.

The House recedes. The conferees intend that the term "eligibility index" have the same meaning as it has in the regulations governing this program.

41. The House bill, but not the Senate amendment, provides that an institution of higher education entering into agreements to disburse Basic Grants shall not be deemed, by virtue of such agreement, a contractor maintaining a system of records to accomplish a function of the Secretary of Education.

The Senate recedes. The Conferees wish to emphasize that the provisions of this Section apply solely to the Privacy Act and in no way are meant to interfere or impinge upon any civil rights statutes.

42. The Senate amendment, but not the House bill, removes the five academic year eligibility limitation and substitutes a limitation based on the period required for completion of the first undergraduate baccalaureate course of study.

The Senate amendment also removes the one-year extension of eligibility for noncredit remedial courses of study and substitutes an extension for such study determined by the institution as necessary to enable the student to earn a baccalaureate degree.

The House recedes.

The conferees note that this provision should not be construed to allow a student to pursue a second baccalaureate degree at another school with such grants. The conferees also intend that a period of study in a non-baccalaureate degree program should be included as part of the period required for the completion of a baccalaureate degree. Finally, the conferees intend that this provision should not be construed to deny eligibility to students enrolled in a non-baccalaureate degree program.

43. The Senate amendment, but not the House bill, eliminates the definition of "noncredit remedial course of study".

The House recedes.

44. The House bill extends the provisions of the Basic Grant program which require that no Basic Grant be paid for any fiscal year unless the appropriations for certain other programs equal or exceed certain specified amounts. The House bill raises the minimum required for Supplemental Educational Opportunity Grants from $370 million to $400 million (or $480 million when appropriations are available to make Basic Grants of at least $1,980). The House bill raises the amount required for Work-Study payments from $500 million to $550 million. The House bill continues the requirement that appropriations for Direct Loans capital contribution equal or exceed $286 million, and adds a requirement that appropriations for State Student Incentive Grants equal or exceed $76,750,000.

The Senate amendment provides that no Basic Grants in excess of certain specified amounts should be made unless the amount appropriated for certain specified programs equals or exceeds certain levels. The amounts are as follows:

Maximum basic grant payment	Appropriations for SEOG	Appropriations for work-study	Appropriations for NDSL
$1,900	$370,000,000	$500,000,000	$286,000,000
$2,000	400,000,000	500,000,000	286,000,000
$2,200	420,000,000	500,000,000	286,000,000
$2,400	440,000,000	500,000,000	286,000,000
$2,400 or more	480,000,000	500,000,000	286,000,000

The Senate amendment further provides that these requirements shall not be construed as directing the Committees on Appropriations to make specific appropriations and amounts available.

The conference substitute provides that Pell grants in excess of $1800 may not be paid unless appropriations are provided for the SEOG, Work-Study, NDSL and SSIG programs at various specified levels. The Senate conferees wish to point out, however, that, in their opinion, these specified funding levels are advisory.

45. The House bill, but not the Senate amendment, eliminates the authority to make administrative cost payments of $10 per student to institutions of higher education. The House bill, but not the Senate amendment, eliminates the existing authority of the Secretary of Education to enter into agreements with States for the processing of Basic Grant applications.

The Senate recedes.

46. The House bill but not the Senate amendment provides that it is the purpose of the Supplemental Grant program to provide grants which, in combination with family or student contribution and Basic Grant and State Student Incentive Grant assistance, will meet 75% of the student's cost of attendance, unless the institution determines that a greater amount of assistance would better serve the purposes of part A of title IV.

The House recedes.

47. Current law (which the Senate amendment extends) contains a separate authorization of appropriations for payments to students in their initial academic year and for payments to students in succeeding academic years. The House bill eliminates this separate authorization and provides a single authorization of appropriations of $500 million for FY 1980 and FY 1982, $600 million for FY 1983, $700 million for FY 1984, and $800 million for FY 1985.

The conference substitute maintains the separate authorizations for initial year and continuing year appropriations for the SEOG program. In addition, the conference substitute authorizes initial year appropriations of $400 million for fiscal years 1981 through 1985 and authorizes appropriations of such sums as may be necessary for continuing year SEOG awards for fiscal years 1981 through 1985.

48. The House bill, but not the Senate amendment, eliminates the limitation contained in current law which restricts the amount of Supplemental Grants to one-half of the sum of the total amount of student financial assistance provided to such student by an institution of higher education.

The Senate recedes.

49. The House bill, but not the Senate amendment, limits the period for receipt of Supplemental Grants to five academic years (or an additional year in the case of students requiring noncredit remedial courses of study). The Senate amendment eliminates the academic year limitation from current law.

The House recedes.

50. The Senate amendment, but not the House bill, specifically requires that less-than-half-time students must meet all eligibility requirements.

The House recedes.

51. The House bill, but not the Senate amendment, revises the apportionment and allocation provisions of the Supplemental Grant program (1) to make such provisions applicable to a single appropriation (rather than to the appropriations for only first year students); (2) by basing the minimum allotments of States on the amount of their allotment for FY 1979 (rather than on the apportionment of first year funds for FY 1972); and (3) by basing the allocation on the number of fulltime equivalent undergraduate students (rather than the number of fulltime equivalent number of undergraduate and graduate students).

On item (1), the House recedes; item (2) the House recedes, and item (3) the Senate recedes.

52. The Senate amendment, but not the House bill, revises the intrastate allocation requirements to require the Secretary of Education to allocate funds in accordance with a formula which determines institutional need for Supplemental Grant funds by subtracting from 75% of the total student expenses the sum of family and student contributions and Basic Grants and SSIG assistance. The Senate amendment, but not the House bill, prohibits the Secretary from issuing any regulation for such formula which has the effect of penalizing institutions that are required by State law to provide student financial assistance from their own funds, and yet are not free under laws in effect on January 1, 1979 either to select the recipients of such assistance or to adjust the criteria by which the recipients are selected. The House bill prohibits the Secretary from issuing any regulation which has the effect of penalizing institutional or State efforts to provide need-based assistance. The Senate amendment, but not the House bill, further provides that the allocation formula not result in any institution receiving less Supplemental Grant funds than it received for FY 1979.

The conference substitute determines institutional need for supplemental grant funds by subtracting from 75 per cent of the total student expenses the sum of family and student contributions, Pell grants, SSIG assistance including that portion of State Funds required to match Federal SSIG funds and 25 per cent of grants and awards made by the institution from its own resources. The substitute retains the Senate provision prohibiting the Secretary from issuing any regulation which has the effect of penalizing institutions that are required by state law to provide student financial assistance from their own funds yet are not free to select the recipients of such assistance. The substitute further provides a declining institutional hold-harmless related to increased availability of appropriations for the program.

53. The Senate amendment, but not the House bill, provides that funds received from first-year and subsequent year appropriations need not be segregated by the institutions for first-year and subsequent year students.

The House recedes.

54. Current law (which the Senate amendment extends) contains a separate authorization of appropriations of $50 million for initial SSIG grants and such sums as may be necessary for subsequent SSIG grants. The House bill eliminates this separate authorization and provides a single authorization of appropriations of $100 million for FY 1981 and FY 1982, $150 million for FY 1983, $200 million for FY 1984, and $250 million for FY 1985.

The Senate recedes.

55. Current law (which the House bill extends) provides for the allocation of SSIG funds on the basis of the number of students in attendance at institutions of higher education in a State. The Senate amendment, but not the House bill, (1) provides that the amount allotted to any State shall not be less than the amount allotted to that State for FY 1979; (2) provides that any amount appropriated in excess of the amount appropriated for FY 1979 shall be allotted as follows: (A) 90 percent of such excess shall be allotted on the basis of the number of students in attendance at the institution of higher education in a State; and (B) 10 percent of such excess shall be allotted on the basis of the need-based student aid for students in attendance at institutions of higher education in a State.

The House recedes on (1) and the Senate recedes on (2).

56. The House bill, but not the Senate amendment, revises the allocation formula for SSIG funds to treat differently States which are "overmatched and States which are "undermatched". The State allotment formula is modified with respect to the distribution of funds in excess of the current appropriation level, $76.75 million. Of the excess funds, States whose State grant effort is less than their eligibility for Federal SSIG dollars will initially be eligible for 20 percent more of the funds than they would otherwise be under the current law. The remaining funds will then be made available to the States whose State grant effort is equal to or greater than Federal SSIG dollars received. If the undermatched States do not increase their grant effort sufficiently to capture the additional dollars offered, the funds will then first be offered to other undermatched States and then reallotted to the over-matched States.

The House recedes.

57. The House bill, but not the Senate amendment, requires any State desiring to receive SSIG funds to have an agreement under section 1203 (as amended by the House bill).

The Senate recedes.

58. The House bill but not the Senate amendment, eliminates the requirement that SSIG recipients be undergraduate students.

The Senate recedes.

59. The Senate amendment, but not the House bill, provides that funds received from first-year and subsequent year appropriations need not be segregated by the institutions for first-year and subsequent year students.

The Senate amendment also specifically provides that, with the approval of the State agency, institutions of higher education may use any proportion of their SSIG funds for less-than half-time students.

The Senate recedes on the first paragraph and the House recedes on the second paragraph.

60. The House bill, but not the Senate amendment, provides that all States will be required to maintain their State grant effort at the level of their average aggregate level of the previous three fiscal years or at the level of their average level per full-time equivalent (FTE) student for the previous three fiscal years. The undermatched States will receive new Federal matching funds only on the basis of State grant expenditures in excess of those for the previous year.

The conference substitute provides that all states will be required to maintain their state grant effort at the level of the average aggregate level of the previous three fiscal years or at the level of their average level per full time equivalent student for the previous three years.

61. The Senate amendment, but not the House bill, authorizes the Secretary to make grants to and contracts with public agencies and organizations.

The House recedes.

62. The Senate amendment, but not the House bill, requires the Secretary to consider the prior experience of applicants for TRIO funds.

The House recedes. The conferees express their strong dissatisfaction with the way that the TRIO programs were administered during the past year. Many institutions were not notified of the decisions of the Department until mid-August, thus causing severe disruptions in their programs and in their services to students. The conferees are also distressed by the discourteous treatment of applicants by the program administrators. The conferees admonish the new Department of Education to remedy these glaring defects in its performance with respect to these programs.

63. The House bill, but not the Senate amendment, requires the Secretary to determine that each participant in a Talent Search Project has a need for academic support in order to successfully pursue education beyond the high school.

The House recedes.

64. The House bill, but not the Senate amendment, requires that the Secretary determine that each participant in an Educational Opportunity Center project has a need for academic support in order to successfully pursue education beyond the high school.

The House recedes.

65. The Senate amendment, but not the House bill, provides statutory authority for the HEP/CAMP programs under the Higher Education Act of 1965.

The House recedes.

66. The Senate amendment, but not the House bill, repeals Section 419 of the Act (relating to payments to institutions of higher education).

The Senate recedes.

67. The Senate amendment, but not the House bill, deletes the provisions of current law providing for the continuing eligibility of institutions for VCI funds despite declining enrollment of veterans.

The House recedes.

68. The Senate amendment, but not the House bill, authorizes the Secretary to waive the minimum veteran enrollment requirements for previously eligible institutions if the institution has a full time veteran affairs office and the appropriations for VCI exceed $14,380,000, or the amount requested in the President's Budget, whichever is greater, by an amount sufficient to meet payments to all institutions meeting such requirements.

The House recedes.

69. The House bill authorizes payments with respect to veterans who are disabled or incarcerated (in accordance with regulations prescribed by the Secretary of Education). The Senate amendment authorizes payments with respect to veterans who have a service-connected disability.

The Senate recedes with an amendment to give service-connected disability priority over non-service connected disability. The amendment further removes the term incarcerated from the list of eligible veterans for whom an institution receives payments.

70. The Senate amendment, but not the House bill, eliminates the requirement that applicants include programs designed to prepare educationally disadvantaged veterans for postsecondary education under Subchapter VI of Chapter 34, Title 38, United States Code, relating to predischarge education programs.

The Senate recedes.

71. The House bill requires active outreach with special emphasis for handicapped veterans. The Senate amendment requires active outreach with special emphasis for service-connected disabled veterans.

The Conference substitute requires that both special emphasis provisions be included.

72. The Senate amendment, but not the

House bill, requires that applicants make maximum use for outreach services of benefits available under Federally assisted work-study programs.

The Senate recedes.

73. The House bill, but not the Senate amendment, requires that coordinated readjustment counseling programs be necessary to serve the unique readjustment, rehabilitation, personal counseling, and employment needs of veterans.

The Senate recedes with an amendment requiring that there be coordination among the programs providing readjustment counseling for veterans.

74. The Senate amendment, but not the House bill, permits the Secretary to allow consortia agreements for any institution which cannot feasibly itself, in terms of the number of veterans in attendance there, carry out any or all of the programs required.

The House recedes.

75. The House bill reduces the maximum VCI payment to any institution or branch from $135,000 to $100,000. The Senate amendment reduces this amount to $75,000.

The House recedes.

76. The House bill, but not the Senate amendment, increases the maximum total amount an undergraduate dependent student may borrow under the federally-insured loan program from $7,500 to $12,500.

The Senate recedes.

77. The Senate amendment, but not the House bill, contains a conforming amendment to increase the aggregate loan limitations applicable to Guaranteed Student Loans consistently with those increases made with respect to federally-insured student loans.

The House recedes.

78. The House bill, but not the Senate amendment, increases the maximum amount required to be insured, under the supplemental guarantee agreement provisions, for undergraduate dependent students from $7,500 to $12,500.

The Senate recedes.

79. The Senate amendment, but not the House bill, permits State guarantee agencies and other non-profit organizations operating State loan programs to be eligible to receive from the Student Loan Marketing Association up to 25 percent of the average unpaid principal balance of loans guaranteed by that agency for the preceding three years, in order to make loans to eligible students who were otherwise unable to borrow money under Part B of Title IV.

The House recedes with an amendment clarifying the relationship between state agencies and the Student Loan Marketing Association.

80. The Senate amendment, but not the House bill, increases the interest rate to student borrowers under Part B of Title IV from 7 percent to 9 percent.

The House recedes with an amendment increasing the interest rate to 8 percent for new borrowers.

81. The Senate amendment, but not the House bill, reduces the grace period (following periods of attendance) from 9–12 months to four months.

The House recedes with an amendment reducing the grace period to six months for new borrowers.

82. The Senate amendment, but not the House bill, exempts from the prior notice requirement of disclosure to credit bureau organizations, disclosures made to obtain the borrower's location.

The House recedes.

83. The Senate amendment, but not the House bill, provides that information disclosed by the Secretary to credit bureau organizations is not subject to the Privacy Act of 1974 and provides that credit bureau organizations which enter into agreements with the Secretary shall not be considered government contractors within the meaning of that Act.

The House recedes.

84. The Senate amendment authorizes States to charge an insurance premium of not to exceed 1 percent per year of the amount of the loan to defray the cost of their insurance and administrative, spending, and overhead costs. The House bill retains current law which provides that States may not charge an excessive insurance premium.

The Senate recedes with an amendment providing that the Commission on Student Financial Assistance which is authorized by Section 491 of this Title shall study the entire issue of insurance premiums and report to the Congress within one year of its establishment on the results of that study. The amendment further provides that the proceeds of the insurance premiums will not be used for incentive payments to lenders. The conferees wish to emphasize that the term "not excessive" should not be interpreted to result in an insurance premium that is more than States are currently permitted to charge. Furthermore, the conferees believe that, in determining the amount of an insurance premium that is to be charged, the reserves of states and the effects of insurance premiums on student borrowers should be taken into account.

85. The Senate amendment, but not the House bill, vests responsibility in the State guaranty agency to ascertain whether the student borrower is enrolled on at least a half-time basis, to notify the lender when a student ceases to be so enrolled (thereby triggering the timing of the repayment period), to audit the note to determine that its provisions with regard to the amount of principal guaranteed match with agency records, and to examine the note to assure that its repayment provisions are consistent with the requirements of the law. The Senate amendment allows expenses in the performance of this function to be treated as allowable administrative costs.

The House recedes.

86. The House bill, but not the Senate amendment, repeals provisions in current law requiring specific percentages of administrative costs allowances to be expended for specified purposes.

The Senate recedes.

87. The Senate amendment, but not the House bill, expands the definition of allowable administrative costs of promotion of commercial lender participation to include costs of providing interest and special allowance computation and billing services to lenders and expenses by an insurer as incentive payments to lenders to induce them to improve or expand their program participation

The House recedes. The Conferees wish to emphasize that, in their opinion, these types of activities have been allowable since October 12, 1976. The Conferees further wish to emphasize that, since the administrative cost allowance can cover the expenses attributable to lender incentive payments, no insurance premiums shall be used to pay for these lender incentive fees.

88. The Senate amendment, but not the House bill, authorizes guarantee agencies, for the purpose of making multiple disbursements of loans to students, to act as escrow agents for lenders under specific terms of an agreement between the lender and the guarantee agency.

The House recedes.

89. The Senate amendment, but not the House bill, contains a provision requiring eligible lenders to provide thorough and accurate loan counseling to student borrowers.

The House recedes with an amendment changing counseling to information throughout this provision.

90. The Senate amendment, but not the House bill, deems parents to be student borrowers for the purpose of construing the various provisions of Part B of Title IV.

The House recedes.

91. The House bill provides that, with respect to parent borrowers who elect to commence installments more than 60 days after disbursement of a loan, interest which would accrue within such interval is to be deducted from the loan prior to disbursement. The Senate amendment provides, with respect to parent borrowers who make such an election to defer repayment, that interest on the loan shall be at a rate of 14 percent, which shall accrue during the deferral period.

The House recedes with an amendment providing that the interest rate shall be 11 percent.

92. The House bill provides, with respect to parent borrowers who elect to begin installment payments not later than 60 days after the date of disbursement of a loan, that the interest rate on the loan shall be 7 percent. The Senate amendment provides that the interest rate on loans to borrowers who make such an election shall be 9 percent.

The House recedes with an amendment providing an interest rate of 8 percent.

93. The Senate amendment, but not the House bill, revises the special allowance provisions to adjust those allowances in the case of new loans on which borrowers would be required to pay a 9 percent interest rate or a 14 percent interest rate (in the case of parent borrowers electing to defer payment).

The House recedes with an amendment revising the special allowance in light of the 8 percent or 11 percent interest rate to be paid by parents.

94. The Senate amendment, but not the House bill, revises the special allowance provisions to reduce by one-half (but to a rate not less than .5 percent per year) the special allowance payable with respect to loans made or purchased with funds obtained by the holder from the issuance of tax exempt bonds.

The House recedes with an amendment that the revised special allowance shall apply only to loans made or purchased from the proceeds of tax exempt bonds issued after October 1, 1980.

The amendment further provides that such special allowance shall not be less than 2.5 percent in the case of loans having an interest rate of 7 percent or 1.5 percent in the case of loans having an interest rate of 8 percent.

95. The House bill repeals provisions establishing a Committee on the Process of Determining Student Loan Special Allowances. The Senate amendment revises these provisions and provides that the Committee is to prepare and submit, within one year, recommendations for improvements in the computation of special allowances which the Congress may, by joint resolution, approve in whole or in part.

The Senate recedes with an amendment incorporating the special allowance study within the National Commission on Student Financial Assistance authorized by Section 491 of this Title. The Commission shall report to the Congress within one year after its establishment on the results of this special study.

96. The Senate amendment, but not the House bill, requires holders of loans which were made or purchased with funds obtained from tax-exempt bonds, as a condition of receiving special allowance payments on such loans, to submit to the Secretary for approval a plan for doing business.

The House recedes with an amendment requiring that the Secretary approve or disapprove such plan within 30 days.

97. The House bill, but not the Senate amendment, authorizes appropriations for the purpose of repaying certain amounts (based on years of qualifying service) of

loans to borrowers under Part B or E of Title IV who serve as enlisted members of the Armed Forces reserves or serve on active duty as enlisted members of the Armed Forces. The House provisions require the Secretary of Defense to prescribe by regulation for the allocation of funds, in the event that appropriations are not sufficient to make all eligible payments, among various services and military occupational specialties.

The House recedes.

98. The House bill eliminates the authority of the Secretary to prescribe the maximum number of shares of common stock the SLMA may issue, but retains the authority of the Secretary to prescribe regulations governing transferability of such stock. The Senate amendment makes both the maximum number and the transferability of common stock subject to control by the board of directors of the SLMA.

The House recedes.

99. The Senate amendment provides that proceeds from any warehousing advance made to a lender which is secured by collateral (whether insured loans or other securities) must be invested in additional insured loans. The House bill provides that the proceeds of advances secured by insured loans must be invested in additional insured loans, or the lender must make assurances to the SLMA that its aggregate insured loans have not decreased.

The Senate recedes.

100. Current law requires lenders receiving advances from the SLMA not to condition receipt of a loan by a student or his family on maintaining a business relationship with a lender. Lenders with less than $50 million in deposits are exempt from this requirement. The House bill, but not the Senate amendment, raises this amount to $100 million.

The Senate recedes with an amendment changing the limit to $75,000,000.

101. The Senate amendment, but not the House bill, limits the authority of the Secretary to approve new SLMA bonds to those bonds guaranteed by the Secretary.

The House recedes.

102. Both the House bill and the Senate amendment extend the authority of the Secretary to guarantee SLMA bonds. The House bill extends this authority to October 1, 1984, and the Senate amendment extends this authority to July 1, 1984.

The Senate recedes.

103. The Senate amendment, but not the House bill, prohibits the Secretary of Education and the Secretary of Treasury from limiting, controlling, or constraining programs of the SLMA.

The House recedes.

104. The House bill authorizes the SLMA to issue bonds secured by student loans to the Federal Financing Bank. The Senate bill does not restrict the sales to the Federal Financing Bank.

The Senate recedes.

105. Both the House bill and the Senate amendment authorizes the SLMA to make loans to borrowers under Title IV for the purpose of consolidating that borrower's loans. In addition, the Senate amendment authorizes consolidation of federally insured or guaranteed student loans under other provisions of law. With respect to consolidation loans made by the SLMA, the Senate amendment also waives the maximum insured principal amount for all insured loans made to a borrower.

The House recedes.

106. [Note: See note 79 pertaining to State agencies as "lenders of last resort".]

The House recedes with an amendment clarifying the relationship between state agencies and the Student Loan Marketing Association.

107. Both the House bill and the Senate amendment authorizes the SLMA to make loans in States in which a substantial portion of eligible borrowers are seeking and are unable to obtain loans under Part B of Title IV. In addition, the Senate amendment provides that the SLMA shall give preference to making loans in States not served by a guarantee agency or a State direct lender.

The House recedes with an amendment clarifying the relationship between State agencies and the Student Loan Marketing Association.

108. The House bill requires the Secretary to consult with representatives of a State (including representatives of guarantee agencies) prior to authorizing the SLMA to make lender-of-last-resort loans. The Senate amendment requires the Secretary to consult with representatives of guarantee agencies or direct State lenders prior to authorizing such loans.

The House recedes with an amendment clarifying the relationship between State agencies and the Student Loan Marketing Association.

109. The Senate amendment, but not the House bill, requires the Secretary's consent to the termination of SLMA loans in States given preference by reason of the lack of a guarantee agency or State lender.

The House recedes with an amendment clarifying the relationship between State agencies and the Student Loan Marketing Association.

110. The House bill, but not the Senate amendment, provides that the SLMA, in making student loans, shall not be deemed to be a creditor for any purpose of the Consumer Credit Protection Act.

The House recedes.

111. The House bill, but not the Senate amendment, provides that the Truth in Lending Act shall not apply to any loans made under Title IV of the Act.

The House recedes.

112. The Senate amendment, but not the House bill, authorizes guarantee agencies, upon the request of a borrower who has received loans from two or more programs or lenders, to issue new loans to consolidate those prior obligations, under certain circumstances.

The Senate recedes with an amendment authorizing the Student Loan Marketing Association to contract with a variety of entities to act as the Association's agents for the purpose of loan consolidation.

113. The Senate amendment, but not the House bill, requires the Secretary to make due diligence determinations within 90 days after notification by the insurance beneficiary and to make prompt payment pending completion of such determination.

The House recedes.

114. The Senate amendment, but not the House bill, establishes a four-month grace period prior to resuming repayment following completion of public services qualifying for deferral of repayment.

The House recedes with an amendment establishing the grace period at six months.

115. The Senate amendment but not the House bill, contains provisions requiring repayment, in installments, to the United States of certain interest subsidies unless the borrower: (A) has exhausted the ability to obtain NDSL loans, (B) has borrowed more than $7,500, (C) has borrowed from a State acting as a lender of last resort, or (D) has received an interest subsidy for more than three years.

The House recedes with an amendment providing that the National Commission on Student Financial Assistance shall conduct a special one-year study of the recapture of interest subsidies.

116. The Senate amendment permits administrative cost payments with respect to parent loans (as well as with respect to student loans). The Senate amendment further provides that such administrative cost payments be used by the institution first for the purpose of carrying out student information requirements.

The Conference substitute permits administrative cost payments for parent loans as well as student loans.

117. The House bill, but not the Senate amendment, authorizes appropriations for the purpose of making payments in amounts not to exceed .5 percent of the principal amount of loans to guarantee agencies which provide a lender referral service for students unable to find an available lender.

The Senate recedes.

118. The House bill, but not the Senate amendment, deletes from the statement of purpose for the Work-Study Program special emphasis on students who are in great financial need.

The Senate recedes.

119. The Senate amendment extends the authorization for work-study for FY 1983 through FY 1985 at the level provided for FY 1982 ($720 million). The House bill provides an increasing authorization from $670 million for FY 1981 up to $990 million for FY 1985.

The conference substitute provides the following authorizations:

$670 million/FY81.
$720 million/FY82.
$760 million/FY83.
$800 million/FY84.
$830 million/FY85.

120. The House bill, but not the Senate amendment, reduces the amount reserved for the Territories from 2% to 1%, treats Puerto Rico as a State rather than as a Territory, and extends the availability of reallotted funds for an additional fiscal year.

The Senate recedes.

121. The Senate amendment, but not the House bill, provides that any funds not used in any annual cycle in the Work-Study Program be reallotted by setting aside 75% of the reallotted amount for eligible institutions to use for initiating, expanding, and improving cooperative education programs. Such reallotment is required to be based upon the number of students assisted under the cooperative education program enrolled in eligible institutions.

The House recedes with an amendment changing the set-aside to 50%. The Conferees wish to emphasize that this assistance is not intended to be used for general program assistance but for the purposes of cooperative education in accordance with Title VIII of this Act.

122. The House bill, but not the Senate amendment, deletes the definition of eligible institution from Part C of Title IV.

The Senate recedes.

123. The House bill, but not the Senate amendment, deletes requirements from Part C requiring Work-Study recipients to be enrolled on at least a half-time basis, show need for assistance and show evidence of academic or creative promise, and substitutes, in Part F, the general requirement that the students be eligible and in financial need.

The Senate recedes.

124. The House bill, but not the Senate amendment, deletes from current law requirements that institutions make employment under Work-Study reasonably available to all eligible students in need, and make equivalent employment offered or arranged by the institution reasonably available to all students who desire such employment.

The House recedes.

125. The House bill, but not the Senate amendment, deletes all provisions of current law imposing special conditions with respect to student eligibility in area vocational schools.

The Senate recedes.

126. The House bill, but not the Senate amendment, authorizes the institution in which the student is enrolled to determine the amount of the student's Work-Study award allocable to non-education related living expenses.

The House recedes.

127. The Senate amendment, but not the House bill, authorizes each eligible institution to use no more than 10% of its Work-Study funds for less than half-time students.

The House recedes with an amendment clarifying that less than ½ time students have to meet all the eligibility requirements of Section 484 of this Title except the requirement of clause two of Section 484.

128. The Senate amendment, but not the House bill, provides that Work-Study funds will be used to complement and reinforce the education programs of a percentage of students increasing from 10% in FY 1981 to 30% in FY 1985.

The House recedes with an amendment requiring that institutions shall provide employment that, to the maximum extent practicable, complements and reinforces the educational program or vocational goal of each student receiving assistance under this part.

129. The Senate amendment, but not the House bill, provides that criteria established to allocate funds shall not result in any institution receiving less than it used for Work-Study for FY 1979, unless there has been a substantial decline in enrollment.

The House recedes.

Due to some problems encountered by local institutions of higher education in receiving an adequate share of funds under the so-called "fair share" formula devised by the Department of Education for the distribution of campus-based program funds, the conferees have adopted the provision contained in the Senate amendment holding all institutions harmless to the level of work study funds they used in fiscal year 1979. In taking this action, the conferees urge the Department of Education to review that formula so that all institutions are not being held to the same national standards. For instance, some institutions, such as Berea College, wish to emphasize work study programs more than grant or loan programs. Any formula for the distribution for all these funds should respect such local decisions.

130. The House bill permits an eligible institution to carry over 10% of its Work-Study funds for the succeeding fiscal year, or to carry back 10% to the previous fiscal year, to carry out programs under this part. The Senate amendment permits an eligible institution to carry over or carry back 7.5%, but provides that prior to carrying over or carrying back such funds, compliance must be obtained with the requirements for reallocation for cooperative education.

The Senate recedes.

131. The Senate amendment, but not the House bill, permits institutions of higher education to use 10% of their administrative allowance for Work-Study to establish community service learning programs in which students are provided service-oriented jobs relating to their academic or vocational goals, and which provide tangible community service for or on behalf of low income individuals and families.

The House recedes.

132. The Senate amendment, but not the House bill, establishes a new nonprofit agency in the Executive Branch of the Federal Government, the National Direct Student Loan Association. This Association will be responsible for administration of an expanded program of need-based loans available to students on-campus through their institution's financial aid office.

The Association's Board of Directors shall consist of the Secretary of Education and eight other members appointed by the President, subject to the advice and consent of the Senate.

In administering the National Direct Student Loan Program, the Association shall provide, either directly or by way of contract or other arrangement with State guaranty agencies or other appropriate agencies, organizations, and institution for collection of Direct student loans, programs of preclaims assistance for default prevention, and other programs which the Board of Directors deems necessary to assure the success of the program. State guaranty agencies shall be offered the first right of refusal to carry out these activities in their respective States.

The Association will be authorized to enter into agreements with students for prepayment of loans made under the existing National Direct Students Loan Program. Since it will have the responsibility for collection of outstanding loans made under current law, it may receive information regarding student borrowers from the Secretary and, pursuant to agreements with institutions regarding collection, make such information available to them.

The Association is authorized to issue notes, debentures, bonds, or other obligations necessary to make loan capital available to institutions for their needy students. However, all such obligations are specifically limited by annual limitations in appropriations Act, which will control the amount of money available to the Association for payment of interest on its obligations. In addition, the Association may not issue any obligation without the prior concurrence of the Secretary of the Treasury as to the obligation's terms and conditions. The Secretary of the Treasury may direct that any issuance by the Association be sold to the Department of the Treasury or to the Federal Financing Bank. The Secretary of the Treasury is authorized to purchase any obligations of the Association, upon such terms and conditions as to yield a rate determined by him, taking into account the current average yield on outstanding obligations of the United States of comparable maturity. Interest owed by the Association may be deferred, in the discretion of the Secretary, but such deferred interest shall bear interest. The Secretary may sell any of the obligations he acquires, upon such terms and conditions as he decides, and at such prices as he determines. All actions of the Secretary shall be treated as public debt transactions of the United States.

All obligations of the Association shall be guaranteed as to principal and interest, and shall constitute general obligations of the United States, backed by the government's full faith and credit. Association funds not otherwise employed may be deposited with the Treasury, with the approval of the Secretary of the Treasury, deposited in a Federal Reserve bank, or with the approval of the Secretary of the Treasury and the Board of Directors, used in the purchase (for redemption and retirement) of the Association's obligations.

The Association shall prepare annually and submit a budget as provided by the Government Corporations Control Act. In addition, it shall maintain an integral set of accounts with respect to loans made, which the General Accounting Office shall audit once every three years. The Association shall report annually to the Congress and the President on the general operations of the National Direct Loan Program, including a specific description of the progress made on collection of student loans for which the Association is responsible.

There are authorized to be appropriated such sums as may be necessary to the Association for administrative costs of carrying out the National Direct Student Loan Program, to pay the differential between the rate of return on the Association's obligations and the interest rates collected under the Program, and for the costs of repayment of student loans in the event of default, death, or disability.

Upon the winding down of the current Direct Student Loan Program, institutions shall return to the Association the 90 percent Federal contribution to their student loan funds, retaining the 10 percent institutional contribution on campus. As additional repayments of Direct Loans are made to the Association, that capital shall be available to the association for the purpose of making new Direct Loans to students. New student notes entered into under the Direct Loan Program shall be assigned to the Association for collections purposes. As noted earlier, institutions with good collection records may apply to the Association to continue as collection agents.

The Senate recedes.

133. The House bill extends the provisions of the direct student loan program under Title IV for six years and increases the level of authorization of appropriations from $400 million for FY 1981 and FY 1982 to $525 million for FY 1985.

The Senate recedes.

134. The Senate amendment, but not the House bill, replaces the existing National Direct Student Loan Program with a new program administered by the National Direct Student Loan Association. The National Direct Student Loan Association is resopnsible for providing funds to institutions of higher education to enable them to make loans to students with demonstrable financial need. Each institution with an agreement with the Association will analyze the overall financial need of students on its campus, taking into account other financial aid (other than Guaranteed Loans) available to them.

Subject to appropriations available to allow the Association to borrow money from the Federal Financing Bank, the Association will make necessary loans funds available to colleges based on their aggregate need for student loans. It will do so in installments, to avoid unnecessary accumulation of capital at the institutional level, taking into account the institution's actual disbursement of student loans. The first such payment by the Association will be made as soon as possible after October 1, 1980.

The Association's agreement with an institution of higher education shall provide for the establishment and maintenance of a student loan fund at the institution. Payments made to the institution under this part, as well as any other earnings of the funds, shall be deposited into the loan fund. The fund shall be used only for loans to students, based on their need as demonstrated by the uniform needs analysis, costs of administration, distributions of capital, if any, and costs of litigation or collection, if required by the Association.

If the institution wishes to act as a collection agent, it may apply to the Association for that purpose. It will be required to demonstrate that it has a good collection record in the existing Direct Loan Program, in order for the Association to enter into an agreement with the institution. Not to exceed 10 percent of an institution's loan funds may be used for loans to less than half-time students who need assistance, in the discretion of the student financial aid administrator.

Direct Student Loans would bear an interest rate of seven percent, beginning nine months after the borrower ceases to carry at least a half-time workload, and ending ten years after that date. Repayments may, at the opinion of the borrower, be made in graduated installments with larger payments due later in the repayment period, and with provision for acceleration of repayment of the loan, in whole or in part. The normal minimum repayment shall be $30 per month, unless the Association provides, by regulation, for a lower payment for one year to avoid hardship to the borrower, or unless the borrower is employed in a low-income occupation during the repayment period, in which case the repayment schedule may be adjusted to reflect his income. Repayment obligations are deferred for additional education on more than a half time basis, for service in the Armed Forces or the Commissioned Corps of the Public Health Service, Peace Corps or VISTA service and related activities.

The Senate amendment eliminates all provisions concerning cancellation of Direct Student Loans for various types of public service.

The House recedes with an amendment which retains the current structure of the NDSL program, increases the interest rate to 4 percent, and provides for an alternative financing mechanism through borrowing by the Secretary to meet the student loan capital needs of institutions of higher education through a procedure by which existing campus revolving funds revert to the federal government. The conferees note that the intended hold-harmless level is the amount loaned by a school during the 1979-80 academic year.

135. Both the House bill and the Senate amendment raise the applicable aggregate loan limits of the Direct Loan Program in identical amounts.

There is no difference between the House and the Senate provisions.

136. Both the House bill and the Senate amendment add identical provisions relating to periods during which deferment may be made.

There is no difference between the House and the Senate provisions.

137. The Senate amendment, but not the House bill, excludes periods of deferral of repayment from the maximum duration of repayment, and establishes a grace period with respect to such deferral periods (allowing repayment to begin up to nine months after the completion of the deferral period).

The House recedes.

138. The Senate amendment, but not the House bill, allows the repayment period to be extended for an additional ten years for, and the payment schedule to be adjusted to reflect the income of, low-income individuals.

The House recedes.

139. The House bill repeals the definition of a veteran. The Senate amendment retains a comparable provision.

The Senate recedes.

140. The House bill, but not the Senate amendment, authorizes the Secretary to provide institutions with any information with respect to the names and addresses of Direct Student Loan borrowers or other relevant information, from whatever source derived, notwithstanding any other provision of law.

The Senate recedes.

141. The House bill contains provisions authorizing the Secretary to enter into cooperative agreements with credit bureau organizations to provide for the exchange of information concerning Direct Student Loan borrowers, in a manner comparable to the provisions added by both the House bill and the Senate amendment with respect to guaranteed and insured student loans. The Senate amendment contains comparable authority for the National Direct Student Loan Association for Direct Student Loan borrowers.

The Senate recedes.

142. The House bill, but not the Senate amendment, requires the Secretary to continue to attempt to collect any defaulted student loans for not less than four years.

The Senate recedes.

143. The House bill, but not the Senate amendment, conforms the definition of handicapped children used for determining teacher eligibility for loan cancellation to the definition of handicapped children contained in the Education of Handicapped Children Act. The Senate amendment eliminates all cancellation provisions.

The Senate recedes.

144. The House bill, but not the Senate amendment, provides that cancellation of a Direct Student Loan or the interest thereon shall not be considered as income for purposes of Federal income tax.

The Senate recedes.

145. [See discussion of provisions concerning cancellation for military service in Note 97.]

The House recedes.

146. The Senate amendment, but not the House bill, includes in the definition of institution of higher education accredited institutions of higher education which are not located in a State, but which otherwise meet the requirements of Section 1201(a) (1) through (4).

The House recedes with an amendment mandating the National Commission on Student Financial Assistance to conduct a study of whether institutions chartered by but not located in a state should be eligible institutions under Title IV.

147. The Senate amendment, but not the House bill, requires institutions, as a condition of eligibility for Title IV programs, to be in compliance with certain fiscal responsibility requirements.

The House recedes.

The conferees clarify a minor difference between the Senate and House language regarding the requirement for having an agreement with the Secretary as a condition of program participation by an eligible institution. Section 487 of the Senate amendment is entitled "Institutional Eligibility Agreements". A similiar provision, Section 482 of the House bill, is entitled "Institutional Eligibility". The conferees change the title to "Participation Agreements" to statutory characteristics comprising institutional eligibility and the reciprocal responsibilities in an agreement between the institution and the Secretary as a condition of program participation.

Since the enactment of the Higher Education Act in 1965, an eligible institution has been defined as an institution which has been determined to meet the relevant basic statutory requirements as articulated in § 1201 and other provisions of the Act.

An eligible institution has always been regarded as one which meets the Act's threshold requirements which would therefore make it eligible to apply for program participation or funding under one or more programs authorized by the Act. Not all eligible institutions are eligible for all programs. In adopting this language the conferees intend that the distinction between "eligibility" and "participation" shall continue, and that an eligible institution is not necessarily a participating institution in any one program unless that eligible institution has completed and filed a terms of agreement which has been approved by the Secretary for that particular program.

In adopting this language, the conferees note that the term "eligible institution for the purposes of any program authorized under this title" shall be construed as the institution's eligibility to *participate* in a specific program and that this language in no way impinges upon the original determination of an institution as an "eligible institution."

148. [See discussion relating to Work-Study for Community Service Learning in note 131.]

The House recedes.

149. The House bill, but not the Senate amendment, contains a provision authorizing any prospective student to obtain and review copies of documents describing the institution's accredition, approval, or licensing.

The Senate recedes.

150. The House bill continues certain provisions of current law relating to student financial aid training, but provides that all authority with respect to such programs terminates September 30, 1986. The Senate amendment authorizes the Secretary to enter into contracts to provide training for financial aid administrators, student peer counselors, and other financial assistance personnel. The House bill authorizes $280,000 and the Senate bill authorizes $1,000,000 for fiscal years 1981-1985.

The House recedes.

151. The House bill requires the publication of expected family contribution schedules not later than July 1 of each calendar year, and the Senate amendment requires this publication not later than April 1 of each calendar year.

The Senate recedes with an amendment providing that such Family Contribution Schedule shall be published no later than July 1, 1981, April 1, 1982, and April 1 of each succeeding calendar year.

152. The Senate amendment, but not the House bill, authorizes a resolution of disapproval with respect to any part or all of the expected family contribution schedule (or any resubmission of such schedule).

The House recedes.

153. The Senate amendment, but not the House bill, includes any expenses to a handicapped student as part of the basic criteria to be followed in promulgating regulations with respect to the family contribution.

See explanation following note 154.

154. The House bill, but not the Senate amendment, includes reasonable child care expenses of a student as part of the basic criteria to be followed in promugating regulations with respect to the family contribution.

The Conference substitute provides that these expenses shall be considered in calculating cost of attendance under Subsection d of this Section.

155. Current law, which the House bill extends, defines effective family income as the annual adjusted family income received by the parents or guardian of a student (or persons having an equivalent relationship to the student) minus Federal income tax payable or paid with respect to that income. The Senate amendment defines effective family income as the annual adjusted family income received by the parents (or the adoptive parents) of the student minus Federal, State, and local taxes payable or paid with respect to such income, and adds any effective student income (after any offset as determined by regulations prescribed by the Secretary).

The House recedes with an amendment striking "adoptive parents" and adding in its place "guardians".

156. In determining expected family contribution, current law provides for an assessment rate of not more than 10.5% to be applied to parental discretionary income under the Basic Grant program. The Senate amendment applies this assessment rate for all need computations under Title IV but only to families with adjusted gross family incomes less than $25,000, and authorizes the Secretary to establish an assessment rate or rates to be applied to income in excess of $25,000. The House bill establishes no assessment rate with respect to parental discretionary income.

The House bill, but not the Senate amendment, requires that in determining expected family contribution, parental assets be determined by excluding equity in a principal place of residence, deducting an asset reserve of not less than $10,000, and, if assets include farm or business assets, deducting an additional asset reserve of not less than $50,000.

The House recedes with an amendment changing the assessment rate to not more than 14 per cent. The Senate recedes with respect to the treatment of assets. It is the clear and express intent of the conferees that, in considering farm assets, the value of the principal place of residence, even if it is located on the farm, will be excluded in its entirety before taking into consideration the asset reserve of not less than $50,000 for farm assets. The conferees also wish to stress that it is their intention that stock in cooperative apartments be considered an asset in terms of equity in a principal place of residence.

157. The House bill, but not the Senate amendment, requires that regulations concerning the expected family contribution and the effective family income of an independent student provide (A) that the portion of assets exempted from assessment for independent students with families be the same as the portion exempted for families of independent students; (B) that the rate of assessment for such students be the same as the rate for such families; (C) that the portion of the effective family income for independent students without families which shall be exempt from subsistence requirements be computed in the same manner as for dependent students or independent students who have dependents; (D) that in determining the family contribution for independent students with families, the assessment rate on discretionary income shall be the same as that applied to the discretionary income of the family of a dependent student; and (E) that a married student shall be considered independent if the student certifies that he will not reside with parents for more than six weeks, will not be claimed as a dependent on tax returns, and will not receive more than $750 from parents.

The Senate recedes.

158. The House bill defines cost of attendance to include, beginning in academic year 1981–82, an allowance of not less than $600 for books, supplies, and miscellaneous personal expenses. The Senate amendment does not require a minimum of $600 and does not identify an academic year in which such allowance is to begin. In addition, the Senate amendment includes transportation as an element of this allowance.

The House recedes.

159. The House bill provides an allowance of not less than $1,150 for room and board for a student without dependents residing at home. The Senate amendment sets this allowance at not less than $1,100.

The Senate recedes.

160. The Senate amendment, but not the House bill, excludes from the definition of students who are maintaining satisfactory progress those students who, while receiving assistance under Title IV, failed to complete successfully at least three-fourths of the academic workload undertaken with such assistance, until the student successfully completes that or an equivalent workload, unless the institution determines that exceptional circumstances exist and that failure to waive these requirements would result in undue hardship to the students.

The Senate recedes. The Conferees intend that the issue raised by the Senate amendment be studied by the National Commission on Student Financial Assistance authorized by Section 491 of this Title and that such study be reported to the Congress within one year of the Commission's establishment.

161. Current law, which the Senate amendment continues, authorizes the Secretary to prescribe such regulations as may be necessary to provide for (A) fiscal audit of institutions with regard to funds obtained directly or indirectly under this title, (B) the establishment of reasonable standards for financial responsibility and administrative capacity of student financial assistance, (C) the establishment by institutions of policies and procedures to inform lenders under Part B of the latest known addresses and enrollment status of student borrowers under that Part, and (D) the limitation, suspension, or termination of eligibility for any program under Title IV of institutions which have violated or failed to carry out any provision of Title IV or any regulation thereunder. The House bill contains comparable provisions with respect to limitation, suspension, or termination of eligibility.

The House recedes.

162. The Senate amendment, but not the House bill, authorizes the Secretary to suspend or terminate the eligibility of institutions for any or all programs under Title IV if the Secretary determines that the institution has engaged in a substantial misrepresentation of its educational program, its financial charges, or the employability of its graduates.

The House recedes.

163. The Senate amendment, but not the House bill, authorizes the Secretary to impose a civil penalty not to exceed $25,000 upon an institution which violated or failed to carry out provisions of Title IV (or any regulation thereunder) or has engaged in substantial misrepresentation of the nature of its educational program, its financial charges, or the employability of its graduates.

The House recedes with an amendment requiring that any such determination by the Secretary shall be made only after reasonable notice and opportunity for hearing on the record are provided.

164. The Senate amendment, but not the House bill, continues a provision of current law which requires the Secretary to publish a list of State agencies which the Secretary determines to be reliable authority as to the quality of public postsecondary vocational education.

The House recedes.

165. The Senate amendment, but not the House bill, requires the Secretary to enter into not less than three contracts for processing student aid applications.

The House recedes.

166. The Senate amendment, but not the House bill, permits the Secretary to contract for educational services to assure coordination of financial aid from Federal and non-Federal sources, and to provide information, training and similar services.

The House recedes.

167. The Senate amendment, but not the House bill, specifically permits appending to or incorporating additional data elements in the general financial aid form.

The Senate recedes. The Conferees wish to point out that they consider "simultaneously collecting" to include "appending to or incorporating into."

168. The Senate amendment, but not the House bill, authorizes the Secretary to develop a system of pre-eligibility assistance to provide students with an early notice of their potential eligibility for financial aid.

The House recedes.

169. The House bill, but not the Senate amendment, establishes a National Commission on Student Financial Assistance. The Commission is composed of 12 members. The President, the Speaker of the House and the President Pro Tem of the Senate each appoint one third of the members. The members appointed by the Speaker will include two members of the House, one from each political party, and likewise the members appointed by the President Pro Tem will include two members of the Senate, one from each political party. The Commission is required to make a final report to the President and the Congress not later than July 1, 1983, and is required to include draft legislative language in its report to accomplish any changes in current law which it recommends.

Among the issues the Commission is charged with analyzing are:

More effective means to reduce default, fraud, abuse and delinquency in the Title IV programs;

The appropriate balance between loans and other forms of student assistance;

The adequacy of student loan capital;

The impact of various forms of student assistance on student career and educational choices;

The most appropriate delivery systems for the student loan programs and other forms of student assistance;

The appropriate level of public subsidy for student loans;

The impact of student assistance on educational prices;

The means to remove barriers to loan availability for students caused by patterns of lender discrimination (a concern also noted above in the discussion of the Guaranteed Student Loan program); and

The appropriate role of tax exempt bonds as a mechanism for raising student loan capital and the cost to the Federal Government of the arbitrage derived from such bonds, the proceeds of which are used to make student loans.

An authorization of $10 million is provided for the Commission.

The Senate recedes with an amendment adding additional charges to the Commission as noted throughout this statement.

170. The Senate amendment, but not the House bill, authorizes the Secretary to conduct a comprehensive study of Federally authorized assistance programs on postsecondary educational access and choice of high school students.

The Senate recedes with an amendment providing that this study shall be conducted by the National Commission on Student Financial Assistance authorized under Section 491 of this Title.

171. The House bill, but not the Senate amendment, provides that amendments made by Section 6 of the Middle Income Student Assistance Act shall take effect on July 1, 1972.

The Senate recedes.

TITLE V—TEACHER CORPS AND TEACHER TRAINING PROGRAM

172. The House bill extends the existing authorization of $100,000,000 per fiscal year for the Teacher Corps program through Fiscal Year 1985.

The Senate amendment provides authorization levels for this program as follows:

$43,000,000 for Fiscal Year 1981,
$50,000,000 for Fiscal Year 1982,
$57,500,000 for Fiscal Year 1983,
$66,000,000 for Fiscal Year 1984,
$76,000,000 for Fiscal Year 1985.

The conference substitute authorizes the following amounts:

$45 million/FY81.
$55 million/FY82.
$65 million/FY83.
$75 million/FY84.
$85 million/FY85.

173. The House bill extends the existing authorization for Teacher Training programs of $100,000,000 per fiscal year through Fiscal Year 1985.

The Senate amendment establishes authorization levels for these programs as follows:

$16,500,000 for Fiscal Year 1981,
$19,000,000 for Fiscal Year 1982,
$22,000,000 for Fiscal Year 1983,
$25,000,000 for Fiscal Year 1984,
$28,000,000 for Fiscal Year 1985.

The conference substitute provides for the following authorizations:

$20 million/FY81.
$30 million/FY82.
$40 million/FY83.
$50 million/FY84.
$55 million/FY85.

174. The House bill, but not the Senate

amendment, with respect to the Teacher Corps program removes Puerto Rico from the list of Territories and treats it like a state. It also lowers from 5 to 2 percent the number of Teacher Corps members to be allocated to the Territories.

The Senate recedes.

175. The House bill, but not the Senate amendment, removes the teacher intern compensation limitation of $150.00 per week plus $15.00 per week for each dependent.

The Senate recedes.

176. The House bill, but not the Senate amendment, adds a new authorized activity for the Teacher Corps Program by permitting grants to schools, colleges, and departments of education, and local education agencies with high concentrations of low income students for programs in biological, natural, earth, and physical sciences and mathematics.

The Senate recedes.

177. The House bill requires that the Secretary seek to provide an equitable geographic distribution of Teacher Center Grants when the appropriation is less than $50,000,000.

The Senate amendment requires each state to receive a Teacher Center Grant regardless of the appropriation.

The House recedes.

178. The House bill, but not the Senate amendment, permits educational service agencies to receive Teacher Center Grants.

The Senate recedes. The conferees note that the term "educational service agency" refers to an intermediate school district, county school district or board of cooperative education services, officially recognized by a state, which performs administrative or service functions for local educational agencies, including but not limited to handicapped education programs, in-service and preservice training, computer services and curriculum development.

179. The House bill, but not the Senate amendment, expands the definition of Teacher Centers to require that any site operated by a local education agency must collaborate with one or more institutions of higher education which serves teachers.

The Senate recedes with an amendment to encourage, but not require, teacher centers to collaborate with institutions of higher education.

180. The House bill, but not the Senate amendment, includes the use of technology and telecommunications as a permissible activity of the Teacher Center.

The Senate recedes.

181. The House bill, but not the Senate amendment, adds bilingual education teachers as members of the Teacher Center Policy Board.

The Senate recedes with an amendment adding such teachers where appropriate.

182. The House bill, but not the Senate amendment, adds institutions of higher education as eligible Teacher Center Grant recipients.

The House recedes. The Conferees, although not requiring that institutions of higher education be added as eligible Teacher Center Grant recipients, wish to encourage collaboration between higher education institutions and eligible recipients in such Teacher Center grants.

183. See previous note.

The House recedes.

184. See note number 179.

The House recedes with an amendment to encourage, but not require, teacher centers to collaborate with institutions of higher education.

185. The House bill rewrites section 533 to provide for grants to schools of education for development of model in-service education projects and support activities for elementary and secondary school teachers. It also provides for grants for achieving diversification and redirecting education programs, retraining faculty members in new educational programs, training faculty for projects in conjunction with the Comprehensive Employment and Training Act, and training educational personnel to specialize in the implementation of urban and environmental policies.

The Senate amendment retains the existing law authority for training for higher education personnel.

The Senate recedes with an amendment which would provide assistance for pre-service instead of in-service activities focused on preparing elementary or secondary school teachers and striking associations as eligible recipients.

186. The House bill, but not the Senate amendment, establishes an Office of Education Professional Development in the Department of Education to review professional development operations and to coordinate their activities among the various Federal education programs.

The Senate recedes. The Conferees suggest that the appropriate location for such an office is in the Office of the Assistant Secretary for Educational Research and Improvement.

187. The Senate amendment, but not the House bill, authorizes a new program of training for elementary and secondary school teachers to teach handicapped children in areas where there is a shortage of such teachers. This training program is in the nature of fellowships to individual teachers who must within 5 years after completion of training teach for at least 2 years in a special education program or repay the stipend awarded to the individual.

The Senate amendment establishes the following authorization levels for this new program:

$2,000,000 for Fiscal Year 1981,
$3,000,000 for Fiscal Year 1982;
$5,000,000 for Fiscal Year 1983 through 1985.

The Senate recedes.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

188. The Senate amendment, but not the House bill, authorizes grants and contracts with combinations of institutions of higher education and requires that centers and programs funded by the Secretary would be national resoures for teaching of foreign languages and instruction in related fields.

The House recedes. The Conferees intend that the Section 602 National Research Centers be selected on the basis of excellence and that such centers contribute to the national interest by conducting advanced research and training. The Conferees also intend that the eligibility of four-year institutions under Section 602 be limited to programs of national import deemed exemplary for the Nation in terms of excellence and innovation.

189. The House bill allows grants or contracts to cover the cost of faculty, staff and student travel in foreign areas, regions or countries and the cost of of travel of foreign scholars to teach or conduct research.

The Senate amendment allows grants or contracts to cover the cost of teaching and research materials, the cost of curriculum planning and development, the cost of visiting scholars and faculty to the Center to teach or conduct research or the cost of training and employment of the staff.

The Conference substitute combines these provisions and activities.

190. The Senate amendment, but not the House bill, authorizes the Secretary to make grants to centers having important library collections for the maintenance of such collections.

The House recedes.

191. The Senate amendment, but not the House bill, authorizes the operation of undergraduate centers to serve as regional resources, in addition to providing training to students enrolled at the institution in which the Center is located. Such regional resources centers offer programs to strengthen international studies in foreign languages in the colleges in the region served by such Center.

The House bill limits support to graduate centers which would be national and international resources for research and training.

The House recedes. The conferees stress that these centers should become effective regional resources, in part, through national outreach to other colleges, local education agencies and the community. Section 603 centers may apply to become section 602 centers.

192. The Senate amendment, but not the House bill, includes, as authorized activities under graduate instruction programs, programs designed to integrate undergraduate education with terminal masters degree programs having an international emphasis and the development of an international dimension in teacher training.

The House recedes. The conferees stress that it is the purpose of the Section 604 International Studies Program to encourage diversity and stimulate the growth of foreign language and international studies throughout the spectrum of higher education.

193. The Senate amendment, but not the House bill, moves the Grant Program to Promote Cultural Understanding to Title III of the Elementary and Secondary Education Act as a new Part N of the Special Projects Act.

The House recedes. The conferees intend that this program will continue to be administered by the Office of International Education located under the Assistant Secretary for Postsecondary Education.

194. The Senate amendment, but not the House bill, allows financial assistance under this Part to be used for the development of materials to link language learning to international studies.

The House recedes.

195. The House bill provides that funds may be used by local educational agencies to introduce instruction in foreign languages not offered by their schools in the three academic years preceding the year in which the grant is made.

The Conference substitute merges the two provisions. Grants may be made only for foreign language instruction designated by the Secretary as having critical importance to the nation and not offered by the school in the three preceding academic years.

196. The Senate amendment, but not the House bill, contains a separate authorization of appropriations for the Cultural and International Understanding program.

The House recedes.

197. The Senate amendment, but not the House bill, provides that excellence be the criterion for selection of grants awarded under the graduate and undergraduate language and area center program. With respect to other programs under this Title, the Senate amendment requires that the Secretary award grants in such a manner as will achieve an equitable distribution of funds throughout the Nation.

The House bill requires that the Secretary shall award grants under this Title in such a manner as will achieve a broad equitable distribution of funds throughout the Nation.

The House recedes. The Conferees wish to stress that excellence should be the criteria with regard to grants for language and area center programs. With respect to other programs under this Title, consistent with the criterion of excellence, grants should be awarded in such a manner that will achieve an equitable distribution of funds.

198. The Senate amendment, but not the House bill, authorizes the Secretary to conduct research on evaluating competency in foreign languages.

The House recedes. The Conferees suggest that the National Institute of Education be the agency to conduct such research.

199. The House bill authorizes the Secretary to prepare and publish an index and analysis of the books and research material produced with the assistance under this title. The Senate amendment authorizes the Secretary to prepare and publish an annual report which shall include such an index and analysis.

The House recedes.

200. Both the House bill and the Senate amendment contain an Advisory Board. The House bill's Advisory Board shall meet not less than four times each year. The Advisory Board in the Senate amendment shall meet not less than three times each year. The House bill requires a representative selected by the Director of Central Intelligence, four members representative of postsecondary education and four members of the public. The Senate amendment also includes one member selected by the Secretary of the Treasury, one member selected by the Secretary of Education to serve as Chairman and coordinator of the activities, one member selected by the Chairman of the National Endowment for the Humanities, one member selected by the Director of the International Development Cooperation Agency, one member selected by the Chairman of the Export-Import Bank, one member selected by the Administrator of the Small Business Administration, five members from postsecondary education, three members from the public and three representatives of the business community.

The House recedes with an amendment requiring that the Board meet at least four times a year.

201. The Advisory Board under the House bill shall advise the Secretary on areas of special need, areas which duplicate other programs and changes which should be made in the operation of the law.

The Senate amendment requires the establishment of two subcommittees. One subcommittee shall consider grants and contracts made under Part A of Title VI and under Title III of the Elementary and Secondary Education Act and shall advise the Secretary of geographic areas of special need or of concern to the United States, specific foreign languages to be designated as critical under Title III of the Elementary and Secondary Education Act, other innovative approaches to international education, activities which would duplicate other Federal programs, changes necessary in program operations, and administrative and staff requirements of international education programs in the department.

The House recedes.

202. The Senate amendment provides that the second subcommittee shall review the business and international education programs and advise the Secretary, who shall seek the advice of the Secretary of Commerce.

The House recedes.

203. The House bill authorizes $100,000,000 for Fiscal Year 1981; $105,000,000 for Fiscal Year 1982; $110,000,000 for Fiscal Year 1983; $115,000,000 for Fiscal Year 1984; and $120,000,000 for Fiscal Year 1985, except that no funds shall be available for carrying out the grant program to promote cultural understanding unless $16,000,000 is made available for carrying out the rest of Title II.

The Senate amendment authorizes $34,500,000 for Fiscal Year 1981; $40,000,000 for Fiscal Year 1982; $46,000,000 for Fiscal Year 1983; $53,000,000 for Fiscal Year 1984; and $61,000,000 for Fiscal Year 1985 for the purposes of Title VI. The Senate amendment provides a separate authorization for the Cultural Understanding Program.

The conference substitute provides the following authorizations:

$45 million/FY81.
$55 million/FY82.
$70 million/FY83.
$80 million/FY84.
$85 million/FY85.

204. The Senate amendment, but not the House bill, authorizes a new Part B—Business and International Education Programs. This new Part establishes a dollar for dollar matching grant program to postsecondary institutions which have entered into agreements with business enterprises, trade organizations or consortia of such organizations to establish or expand curricula to serve the international needs of the American business community.

The Senate amendment authorizes an annual appropriation of $7,500,000 for Fiscal Year 1981 through 1985 for the purposes of this new Part.

The House recedes.

TITLE VII—CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF ACADEMIC FACILITIES

205. The Senate amendment, but not the House bill, expands the purpose of this Title to emphasize a priority in the use of coal, solar, and renewable resources.

The House recedes.

206. The Senate amendment, but not the House bill, allows institutions to use funds awarded under this Title to detect, remove, or otherwise contain asbestos hazards in their facilities used by students.

The House recedes.

207. The House bill establishes an authorization level of $300,000,000 for each Fiscal Year ending prior to October 1, 1985, for Part A of Title VII.

The Senate amendment authorizes the following authorization levels for the same Part:

$30,000,000 for Fiscal Year 1981;
$35,000,000 for Fiscal Year 1982;
$40,000,000 for Fiscal Year 1983;
$45,000,000 for Fiscal Year 1984;
$55,000,000 for Fiscal Year 1985.

The House bill authorizes an $80,000,000 appropriation for each Fiscal Year ending prior to October 1, 1985, for Part B.

The Senate amendment authorizes the following appropriation levels for the same Part:

$5,000,000 for Fiscal Year 1981;
$10,000,000 for Fiscal Year 1982;
$15,000,000 for Fiscal Year 1983;
$20,000,000 for Fiscal Year 1984;
$25,000,000 for Fiscal Year 1985;

The House bill establishes an authorization level of $200,000,000 for each fiscal year ending prior to October 1, 1985, for Part C.

The Senate amendment establishes a $50,000,000 authorization level for the same period of time for the same Part.

The conference substitute provides the following authorizations for Part A:

$140 million/FY 81.
$140 million/FY 82.
$145 million/FY 83.
$150 million/FY 84.
$155 million/FY 85.

The substitute provides an authorization of $80 million per year for Part B.

The substitute authorizes $110 million per year for Part C.

208. The Senate amendment, but not the House bill, authorizes a procedure by which a State which does not wish to enter into an agreement pursuant to section 1203 may participate in Title VII programs.

The Senate recedes.

209. The House bill provides that grants for the construction, reconstruction and renovation of graduate academic facilities shall not exceed 50 percent of the cost of the project.

The Senate amendment provides that such grants shall not exceed 75 percent of the cost of the project.

The Senate recedes.

210. The House bill continues the interest rate at 3 percent per year. The Senate amendment increases the interest rate to 7 percent.

The Senate recedes with an amendment increasing the interest rate to 4 percent.

211. The Senate amendment, but not the House bill, provides for recovery of payments on buildings which have been renovated or reconstructed with Federal funds if they cease to be used as an academic facility.

The Senate recedes.

212. The House bill, but not the Senate amendment, provides a definition of the term "Federal share."

The Senate recedes.

TITLE VIII—COOPERATIVE EDUCATION

213. The Senate amendment, but not the House bill, combines the authorizations of appropriations for grants for programs of cooperative education and training, demonstration, and research grants. The authorization of appropriations provided in the House bill and the Senate amendment are as follows:

[In millions of dollars]

	House bill		Senate bill authorization total
	Sec. 802 authorization	Sec. 803 authorization	
Fiscal year:			
1981	30	5	27
1982	30	5	31
1983	30	5	36
1984	30	5	41
1985	30	5	47

The Senate recedes.

214. Both the House bill and the Senate amendment raise the maximum grant which may be made to any individual institution, and the maximum amount which may be made per institution for consortia. The House bill raises the first amount from $175,000 to $250,000 and the second amount from $125,000 to $200,000. The Senate amendment raises the first amount to $400,000 and the second amount to $300,000.

The Senate recedes with an amendment providing $325,000 per institution and $250,000 per consortia member.

215. The Senate amendment, but not the House bill, provides that no "individual unit of any institution of higher education" may receive grants for more than five years. Current law which the House does not amend, provides that no institution may receive a grant for more than five fiscal years.

The House recedes.

216. The House bill provides that the Secretary may waive the percentage limitations on the amount of administrative cost which an institution may receive. The Senate amendment, which continues current law, prohibits waiver of such limitations.

The House recedes.

217. The Senate amendment, but not the House bill, specifically provides that training, research, and demonstration grants and contracts include grants and contracts for the conversion and expansion of comprehensive cooperative education programs in institutions of higher education.

The Senate recedes.

TITLE IX—GRADUATE PROGRAMS

218. The House bill, but not the Senate amendment, deletes from the statement of purpose and from authorized activities the intent to "expand" the quality of graduate and professional programs and substitutes the intent to "maintain" such programs.

The Senate recedes.

219. The House bill, but not the Senate amendment, adds a requirement for the Secretary to collect data necessary for the pe-

riodic assessment of the state of graduate education on an annual basis. Further, the House bill requires findings based on the Secretary's studies to be included in the Secretary's annual report under Title IX.

220. The House bill, but not the Senate amendment, requires the Secretary, within two years after the date of enactment of this Act, to prepare and submit to the Congress and the National Committee on Student Financial Aid a special report on financial aid in graduate education.

The House recedes with an amendment requiring that such an assessment and study be conducted by the National Commission on Student Financial Assistance.

221. The House bill, but not the Senate amendment, generally extends the provisions contained in Parts B, C and D of Title IX of the Act through Fiscal Year 1985, with the following revisions: (A) to reduce the authority of the Secretary to approve or disapprove particular programs of graduate education; (B) to require the Secretary, in the allocation of public service fellowships, to seek to attract persons of ability from disadvantaged backgrounds; (C) to require the Secretary to separately find that a program is in effect or to be readily put into effect, and that the application describes the high quality or reasonable expectation of high quality of the program.

The Senate amendment consolidates the provisions presently contained in Parts B, C and D, except that it provides a separate authorization for programs of assistance for training in the legal profession. The Senate amendment authorizes the Secretary to award fellowships, up to $10,000, under the consolidated part, for each year, with the requirement that at least as much money be spent each year on public service and mining fellowships, and fellowships for the disadvantaged, as was spent in FY 1979.

The conference substitute provides for a program of campus based grant awards to graduate and professional students based on financial need. The maximum award to a student is $4,500 per year for three years. The substitute also provides for the maintenance of the level of awards (including institutional allowances) for the public service, mining and graduate and professional opportunity fellowship programs. The conferees intend that native Hawaiians be included among those considered to be "individuals from traditionally underrepresented groups." The substitute authorizes $60 million for FY 1981 and for FY 1982 and such sums as may be necessary for FY 1983 through 1985.

222. The Senate amendment, but not the House bill, repeals Part C (Public Service Fellowships), Part D (Fellowships for other purposes), Part E (annual fellowship report) and Part F (General Assistance to Graduate Schools) of Title IX.

The House recedes.

223. The Senate amendment, but not the House bill, enacts a new Part C which provides National Graduate fellowships. This part would provide 450 portable competitive fellowships each year in the arts, humanities and social sciences. Selection of these fellowships would be based on merit, with the stipend awarded being related to the recipient's financial need. The National Graduate Fellows Program Fellowship Board would be created to select the areas in which the fellowships are to be awarded and to appoint panels for the selection of recipients.

The House recedes with an amendment requiring the membership of the National Graduate Fellows Program Fellowship Board be composed of representatives of both public and private institutions of higher education.

224. The Senate amendment, but not the House bill, establishes a new Part D of Title IX which provides for national talent grants for first year graduate and professional study. Grants under this new part are awarded by institutions of higher education to exceptionally qualified first-year graduate students who demonstrate need. No institution of higher education may receive more than three-fourths of 1 percent of the sums appropriated and no individual award may exceed $2,000. There are authorized to be appropriated for this purpose $15 million for FY 1981 and FY 1982, and such sums as may be necessary for FY 1983, FY 1984, and FY 1985.

The Senate recedes. See explanation of the conference substitute on Part B.

225. The Senate amendment, but not the House bill, establishes a new Part E in Title IX. This part continues authority for assistance for training of the legal profession presently contained in Part D of title IX which the House bill extends.

The House recedes.

226. The House bill, but not the Senate amendment, deletes a restriction in current law that prohibits preliminary training from being given more than three months prior to entry of individuals into courses of instruction in the legal profession.

The Senate recedes with an amendment limiting the period to six months.

227. The House bill authorizes $5 million for FY 1981 and FY 1982, and $10 million for FY 1983, FY 1984, and FY 1985 for the training in the legal profession program. The Senate amendment authorizes $5 million for each of such years for that program.

The conference substitute provides the following authorizations:

$5 million/FY81.
$5 million/FY82.
$7.5 million/FY83.
$7.5 million/FY84.
$10 million/FY85.

228. Both the House bill and the Senate amendment continue the authority for the Law School Clinical Experience Program in Title IX (deleting such authority from Title XI).

Both provisions are identical.

229. The House bill provides that no law school may receive more than $75,000 in any fiscal year for the Law School Clinical Program. The Senate amendment provides that no law school may receive more than $125,000 in any fiscal year for such program and that no part of such funds may be used to pay for indirect costs or charges.

The House recedes with an amendment providing for a ceiling of $100,000.

230. The Senate amendment, but not the House bill, includes in the definition of accredited law school, organizations and associations of law schools.

The Senate recedes.

231. The House bill authorizes $10 million for the Law School Clinical Program for each of the fiscal years 1981–1985. The Senate amendment authorizes $5 million for FY 81; $6 million for FY 1982; $7 million for FY 1983; $8 million for FY 1984; and $9 million for FY 1985 for such programs.

The conference substitute authorizes the following amounts:

$5 million/FY81.
$8 million/FY82.
$8 million/FY83.
$9 million/FY84.
$10 million/FY85.

TITLE X—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

232. The Senate amendment, but not the House bill, includes a requirement that the Director of the Fund for the Improvement of Postsecondary Education establish procedures for reviewing and evaluating grants and contracts which shall not be subject to any review by officials outside of the Fund.

The House recedes.

233. The House bill authorizes appropriations for the Fund for the Improvement of Postsecondary Education of $75 million for each of the Fiscal Years 1981 through 1985. The Senate amendment authorizes appropriations for the Fund of $20 million for FY 1981; $23 million for FY 1982; $27 million for FY 1983; $31 million for FY 1984; and $36 million for FY 1985.

The conference substitute provides the following authorizations:

$20 million/FY 81.
$30 million/FY 82.
$40 million/FY 83.
$50 million/FY 84.
$50 million/FY 85.

TITLE XI—URBAN GRANT UNIVERSITY ACT

234. The authorizations of appropriations provided by the House bill and the Senate amendment are as follows:

	House	Senate
Fiscal year:		
1981	$50,000,000	$11,250,000
1982	70,000,000	18,750,000
1983	80,000,000	26,250,000
1984	90,000,000	33,750,000
1985	100,000,000	41,250,000

The conference substitute authorizes the following amounts:

$15 million/FY81.
$25 million/FY82.
$40 million/FY83.
$50 million/FY84
$55 million/FY85.

235. The House bill provides that funds appropriated for the Urban Grant University Program are to remain available for the duration of a funded project in order to permit multiple year funding of projects. The Senate amendment also permits multiple year grants but provides that funds for the purpose of such grants for any year must be drawn from the appropriation for that year.

The House recedes.

236. The Senate amendment, but not the House bill, requires the Secretary to give priority to applications containing cooperative arrangements for urban universities in a single urban area.

The House recedes.

237. Both the House bill and the Senate amendment require local officials to be afforded a reasonable opporttunity to review and comment upon the proposed project or projects. The House bill provides that these local officials are the chief executives of local agencies of general government within whose jurisdiction fall the needs to be addressed by the project for projects. The Senate amendment requires that the local officials to be consulted are the chief executives of local agencies of general government within the urban area and continuous areas within which the urban university is located.

The Senate recedes.

238. The Senate amendment, but not the House bill, requires the participation of the community in the development of projects assisted under this title.

The House recedes. The conferees require the Secretary to take into account the degree of participation of the affected community in developing any project under this title. The conferees intend that, during the planning and development of a Title XI project, affected citizens, community organizations and members of the public be afforded opportunities to express their interests and concerns. However, the conferees do not intend that this provision be construed to give standing, as a matter of right, to any individual, organization or agency to be made a part of the project planning process. The conferees emphasize that this provision does not authorize the Secretary to issue any regulations defining the phrase "community" nor to establish by regulation or guideline any rigid set of standards or procedures necessary to meet this requirement. The conferees believe that appropriate community participation could be achieved, for example, through public hearings held within the affected community, community discussions and wide solicitation for public comment.

239. The House bill, but not the Senate amendment, allows the non-Federal share of costs to be provided in the form of services, supplies, or equipment.

The House recedes with an amendment requiring that not less than one-half of the non-federal share shall be cash contributions.

240. The House bill requires the Secretary to designate one urban area in any state in which there is no SMSA with a population of 500,000. The Senate bill provides that such an area is to be designated by the state entity under Section 1203.

The Conference substitute requires that if there is no 1203 entity within the State the Secretary shall designate one urban area.

TITLE XII—GENERAL PROVISIONS

241. Both the House bill and the Senate amendment repeal Section 1205 (establishing an Advisory Council on Graduate Education) and Section 1208 (containing certain funding requirements). In addition, the House bill repeals Section 1202 (requiring states to establish postsecondary education commissions) and Section 1206 (authorizing the Commissioner to require cost of education data from institutions of higher education).

The Senate recedes.

242. Both the House bill and the Senate amendment establish a new Section 1203 of the Act relating to Federal-State relations, which replaces Sections 1202 and 1203 of the current law. This new section replaces requirements in current law that States establish or designate a State commission with a specified structure (popularly referred to as "1202 commissions"), in order to be eligible for Federal assistance for comprehensive statewide planning. The new Section 1203 contained in both the House bill and the Senate amendment replaces certain structural requirements with functional requirements, in order to permit States discretion in their internal organization.

The House bill requires each state desiring to receive assistance under certain identified applicable programs to submit an agreement to the Secretary which is to include (A) a designation of a State agency or agencies responsible under State law for comprehensive statewide planning or financing for postsecondary education; (B) a designation of the responsible agency and a description of their activities under the applicable programs; (C) a description of the activities of all entities responsible for educational and occupational information to youths and adults, continuing education services, student assistance administration, authorizing institutions of higher education, and statewide coordination of governance of postsecondary education sectors; (D) a description of the relationship between planning activities of State entities previously identified; and (E) assurances by the State that all interested persons are involved in the comprehensive statewide planning process, that the State will properly and effectively administer the program, that the State will use fiscal and accounting procedures necessary to proper control of Federal funds, and that the State will not use Federal funds to supplant other resources.

The Senate amendment provides that each State desiring to receive assistance under applicable programs must submit an agreement containing assurances by the State that (A) the State will provide for the proper and efficient administration of applicable programs, (B) the State will provide fiscal and accounting procedures necessary for the proper control of Federal funds, (C) the State will insure that Federal funds will not be used to supplant other resources, and that equitable and appropriate criteria will be used in evaluating applications and proposals for grants and contracts under applicable programs, and (D) that the State has a comprehensive planning and policy formulation process which considers the relationship between State administration of applicable programs and similar State programs, encourages State policy to consider the effect of declining enrollments, consider the postsecondary education needs of unserved and underserved individuals (including those beyond traditional college age), considers the resources of various institutions capable of providing postsecondary education opportunities, and provides for direct, equitable and active participation in the comprehensive planning of policy formulation process of all interest persons.

Further, the Senate amendment provides that such participation be insured by including at least one representative of certain specified categories of interested persons as representatives in the State entity, unless prohibited by State law.

The House recedes with an amendment which modifies the language in the Senate amendment requiring participation through membership on a state entity by substituting language which provides states with increased flexibility to achieve such participation, as consistent with state law, through membership on state planning commissions, advisory councils or other state entities established by the state to conduct a federally assisted comprehensive planning or policy formulation process. The amendment further limits the authority of the Secretary to deny eligibility for applicable programs only to matters of proper and efficient administration, fiscal control and fund accounting, anti-supplanting, and use of equitable criteria for evaluation of applications.

243. The House bill, but not the Senate amendment, contains a specific provision prohibiting the Secretary from requiring any State to adopt. as a condition for entering into a 1203 agreement, or for participation in any applicable programs, a specific State organizational structure.

The Senate recedes.

244. The House bill defines applicable programs as programs under Title I (Education Outreach), Subpart 3 of Title IV-A (State Student Incentive Grants), and Part A of Title VII (Construction of Higher Education Facilities). The Senate amendment excludes from this definition Subpart 3 of Title IV-A.

The Senate recedes. The conferees, by including the State Student Incentive Grant Program as an applicable program, wish to emphasize that this should not be interpreted as a requirement, or even a suggestion, that any state with a state student assistance agency separate from the state agency responsible for comprehensive planning should merge such agencies or place one agency in a subordinate relationship to the other. The concept of a single state agreement should not be interpreted as a requirement for a single state agency. The assignment of responsibility for administration of the various applicable programs shall be for each state to determine in accordance with state law and the state's unique governance structure.

245. The House bill, but not the Senate amendment, authorizes the Secretary to make such modifications of any program under the Act as he deems necessary in order to adapt such programs to the needs of the territories, and requires the Secretary within 18 months after the time of enactment to conduct an analysis of the unique educational needs of the territories.

The Senate recedes. The Conferees stress that such modifications shall be limited only to the programs to which the territories are entitled, to the purposes of those programs, and shall not be construed to authorize the termination of any program.

246. The House bill, but not the Senate amendment, authorizes $2 million for each fiscal year to support the cost of postsecondary education programs in Guam for nonresident students from the other Pacific Territories.

The Senate recedes with an amendment limiting the authorization to five years.

247. The Senate amendment, but not the House bill, establishes a National Advisory Committee on Accreditation and Institutional Eligibility to advise the Secretary.

The House recedes with an amendment limiting the mission of the Committee to the current statutory functions of the Secretary and to the mandate of the former committee.

248. The Senate amendment, but not the House bill, contains certain conforming amendments to reflect the establishment of the Department of Education.

The House recedes.

TITLE XIV—MISCELLANEOUS PROVISIONS

249. Under the Senate amendment but not the House bill, the free-standing provisions of the Education Amendments of 1980 would take effect upon enactment.

The House recedes.

250. The Senate amendment, but not the House bill, provides that the amendments made by Part B of Title IV of the Act (guaranteed and insured student loans) shall apply to loans made on or after October 1, 1980.

251. The Senate amendment, but not the House bill, provides that the provisions of Part E of Title IV of the Act (direct student loans) in effect prior to October 1, 1980 shall continue to apply to loans made from funds appropriated prior to September 30, 1980.

The conference substitutes provide for appropriate effective dates to meet the unique requirements of implementing the amendments to Parts B and E of Title IV and to Title VII of the Higher Education Act of 1965.

252. The Senate amendment, but not the House bill, makes the College of Micronesia a land grant college.

The House recedes.

253. The Senate amendment, but not the House bill, extends the authorization of appropriations for the National Institute of Education at a rate equal to certain specified percentages of the sum of the amount appropriated or available to the Department of Education. That percentage increases from .75 percent in fiscal year 1981 up to 1.5 percent for fiscal year 1985.

The conference substitute provides the following authorizations:

$125 million/FY81.
$145 million/FY82.
$165 million/FY83.
$190 million/FY84.
$215 million/FY85.

254. The Senate amendment, but not the House bill, adds age to the category of demographic characteristics on which the United States is not to discriminate in the provision of quality higher education opportunities.

The House recedes with an amendment adding handicap to the category.

255. The Senate amendment, but not the House bill, adds, as a priority for research by the National Institute of Education, special problems of the non-traditional student, including older and part-time students.

The House recedes with an amendment encouraging studies of language, international education and culture, and the needs of early adolescents.

The Conferees note that little information has been gathered systematically on the needs of early adolescents and the schools which serve them. The Conferees intend that the National Institute of Education, in each of its mandatory priority research and development areas, give particular attention to research regarding this age group and their schools. The Conferees anticipate that the NIE will support research and development activities to determine (1) what organization of schooling is best in meeting the needs of early adolescents, and (2) what policies, programs, practices and services are essential to meet the needs of early adolescents. The NIE's activities in this area should include efforts to identify and promote the best approaches to professional development for faculty, administrators, and others who provide educational services to early adolescents.

The Conferees further recognize that if the condition of schooling for early adolescents is to be improved as the Conferees believe it must, it is essential to create easier access to data program and research information about this age group and school population. Access to and dissemination of appropriate research information as well as successful program models is particularly critical in light of this conference's efforts to stimulate major education and training program initiatives in secondary schools during the coming year. Without intensified concentration of research and development resources on successful programming for the early adolescent, schools serving these students will not be equipped, in a timely fashion, to mount the kinds of school-to-work transition programs envisioned by the Conferees.

It is the Conferees' intention that the NIE will not confine its initiatives on early adolescents to the one subunit that has begun to work in this area, but will encourage appropriate activities by other work teams. The Conferees expect that clear documentation of these research, development and dissemination activities and an assessment of the results of those activities concerning early adolescents and the schools serving them will be included in the NIE's annual report to the Congress.

The Conferees mandate that not less than three members of the National Council on Educational Research shall be experienced and knowledgeable in the conduct of educational research.

Since only one member of the NCER is currently engaged in educational research, the Conferees were persuaded that the Council would be strengthened by this requirement, and that the individuals so appointed would provide greater leadership to the Council and the NIE. Due to current vacancies on the Council, no current member will be asked to step down as a result of this amendment.

The Conferees also expect that the National Council on Educational Research should represent the broad array of entities and individuals who will be directly or indirectly involved with NIE research activities. It is the Conferees' view that such broadened representation will be drawn from (1) public and private non-profit community-based organizations, such as those which provide educational support and training services to special needs students or youth who have dropped out of school; (2) education advocacy organizations which are engaged in independent monitoring of school policies and practices; (3) state and local level education researchers, practitioners and policymakers who are involved in the daily operation and administration of education programs; and (4) students and the parents of students.

Given the Conferees' recognition of the increasing need for linkages between education professionals and others who either serve young people or will employ them as they grow to be adults, it is critical that educational research activities reflect this breadth of views. Since NCER is the policymaking body for the nation's foremost educational research agency, the NIE, the Conferees anticipate that broadened membership of the NCER will enable it to address research needs spanning the wider network of institutions and agencies providing educational services to students of every age.

While the Conferees note that existing law requires the NIE to submit an annual report to the President and the Congress, it anticipates that in the future, this annual report shall include a list and description of all grants and contracts awarded by the Institute subsequent to submission of the previous annual report to the Congress, and shall specify (with respect to each grant and contract listed in the report) the amount of the grant or contract, its purpose and duration, and the educational policy issue to be addressed by the project conducted under the grant or contract; shall include the major findings of any research projects completed under the auspices of the Institute subsequent to submission of the previous annual report to the Congress; and shall include an assessment of the progress of the Institute in achieving its prority research and development needs.

The Conferees note that during its short history the NIE has lacked the continuity of leadership necessary to the centerpiece of educational research in the Department of Education.

To assure greater continuity in the future, the conference encourages the appointment of the NIE Director for a period of five years, serving, of course, at the pleasure of the President. The Conferees believe that setting a specified term of office similar to that provided the Director of the National Science Foundation and the Chairman of the Arts and Humanities Endowments would lend stability to the Institute without restricting the authority of the President to remove the Director, if desired. It is understood that any individual serving as the Director may be reappointed to that office.

The Conferees direct the NIE to expand the scope of its activities and participants through increased involvement of groups and individuals outside the traditional research community. As different sectors of the society become involved in providing basic, remedial and employment related education, it becomes increasingly necessary to involve these groups in research, development, and dissemination activities conducted by the federal government.

The Conferees hope that in awarding grants the NIE would avoid a closed circle of reviewers, grantees and contractors which has characterized other national research agencies. The Conferees believe that the Institute should broaden the base of its review panels to include representatives of social advocacy organizations and public and private nonprofit community-based organizations involved with education policy and practice.

In addition, the Institute, to the extent practicable, should include among those awarded research and development grants and contracts the following: research institutions other than laboratories or centers which receive funds from the NIE, private and public community-based non-profit organizations, education advocacy organizations, and education researchers, education practitioners, and education policymakers employed at both State and local levels. Organizations of this nature are becoming more and more involved in formulating education policy and both they and the NIE should benefit from a closer working relationship. Nothing in this paragraph should be interpreted to diminish open and fair competition under the standards of peer review for all grants and contracts.

The Conferees wish to clarify the intent of Sec. 405(e)(3) of the General Education Provisions Act providing the Director of the Institute with the authority to establish and maintain research fellowships. It is the intent of the Congress that such fellowships should be supported without regard to the physical location of individual fellows. Conferees understand that a departmental interpretation of the fellowship authority has limited support to fellows physically located in the Institute's offices. The House Committee's version clarified this authority by stating that fellows could be supported in other locations. It is the intent of the Congress that the purpose of the authority to support highly qualified research fellows from the United States and abroad should be implemented without regard to the physical location of the fellow.

It is the intent of the Conferees that regular oversight be conducted by Congress to insure the intent of this title as the NIE will be the major research component of the new Department of Education. If the Institute is found to be wanting in its efforts to carry out the provisions of this title, then Congress will take appropriate legislative steps to correct such inconsistencies. It is the hope of the Conferees that the NIE will continue to engage in ongoing dialogue with Congress as it carries out its research activities.

256. The Senate amendment, but not the House bill, repeals the authority for the Panel for the Review of Laboratory and Center Operations.

The House recedes.

257. The Senate amendment, but not the House bill, authorizes the establishment of the Robert A. Taft Institute Trust Fund to assist in the development of the Robert A. Taft Institute of Government. $11.25 million is authorized to be appropriated to the fund, the income from which shall be paid to the Institute to match the total amount of private contributions received by the Institute in the preceding fiscal year.

The House recedes with an amendment authorizing an appropriation of $750,000 per year to be matched by funds from private sources.

258. The Senate amendment, but not the House bill, amends the contingent extension provision of the General Education Provisions Act to authorize the contingent extension of any forward funded program for two fiscal years.

The House recedes.

259. The Senate amendment, but not the House bill, amends the General Education Provisions Act to authorize the Congress to disapprove Department of Education regulations *in whole or in part*.

The House recedes.

260. The Senate amendment, but not the House bill, authorizes appropriations to the Secretary of Education for fiscal year 1981 of $2.5 million for the College Science Teacher Program, and $5 million for the Minority Institution Science Program.

The House recedes.

261. The Senate amendment, but not the House bill, extends the life of the Commission on the Review of the Federal Impact Aid Program for the purpose of enabling such Commission to prepare and submit to the President and to Congress not more than three supplemental reports after the submission of its final report.

The House recedes with a substitute amendment extending the reporting period of the existing Impact Aid Commission until September 1, 1981, and providing that the Commission shall terminate on September 30, 1981.

262. The Senate amendment, but not the House bill, amends the General Education Provisions Act to provide that no regulation

affecting any institution of higher education in the United States shall become effective unless the agency promulgating such regulation publishes in the Federal Register an educational impact assessment statement which shall identify what information specified by the regulation is available from another authority of the United States and assess the burden of compliance with the regulation by institutions of higher education.

The House recedes with an amendment providing that such statement shall only determine whether any information required to be transmitted under such regulation is already being gathered by or available from any other authority or agency of the United States.

263. The Senate amendment, but not the House bill, directs the Secretary of Education to make a comprehensive study of programs authorized by the Elementary and Secondary Education Act, the Vocational Education Act, and the Education of the Handicapped Act in order to analyze if there are duplications, conflicts, and unnecessary reporting requirements contained in those laws or regulations. The Secretary shall submit a report to Congress on this study. In carrying out the study, the Secretary is authorized to enter into agreements with not less than four nor more than 10 States for the conduct of study projects. The Secretary, through the National Institute of Education, shall analyze the State study projects and shall develop, with cooperation with the Intergovernmental Council on Education, a plan for carrying out the study. Such plans shall be submitted to Congress. The Secretary shall make a final report to the Congress on the study not later than January 1, 1983. $7 million is authorized for each fiscal year 1981–1982, and $1 million is authorized for fiscal year 1983. The Secretary is also authorized to use funds from other available sources.

The House recedes with an amendment authorizing the Secretary to make a comprehensive study of programs authorized by the Elementary and Secondary Education Act, the Vocational Education Act and the Education of the Handicapped Act in order to analyze if there are unnecessary duplications, conflicts and reporting requirements in these programs, while at the same time insuring the delivery of educational services and the ability of the federal government to monitor and evaluate the programs' effectiveness in serving the desired target populations. Such study shall be prepared and delivered to the Congress within one year after the enactment of this act.

264. The Senate amendment, but not the House bill, updates Section 502 of the Rehabilitation Act of 1973 by redesignating the Secretary of the Department of Health, Education and Welfare as the Secretary of the Department of Health and Human Services and adding the Secretary of Education to the Architectural and Transportation Barriers Compliance Board.

The House recedes.

265. The Senate amendment, but not the House bill, amends Section 502(h) of the Rehabilitation Act of 1973 to require that the Architectual and Transportation Barriers Compliance Board transmit its annual report to the Labor and Human Resources Committee in the Senate and the Education and Labor Committee in the House.

The House recedes.

266. The Senate amendment, but not the House bill, mandates the creation of the Office of Information Clearinghouse for Handicapped Individuals within the Department of Education.

The House recedes.

267. The Senate amendment, but not the House bill, authorizes $750,000 for fiscal year 1981 to establish the William Levi Dawson Chair of Public Affairs at Fisk University at Nashville, Tennessee.

The House recedes.

268. The Senate amendment, but not the House bill, amends the Impact Aid Act to create a new Title IV which is to provide benefits for Native Hawaiians in a manner comparable to the benefits of Native Americans under the Indian Education Act (Public Law 92–318) and establishes certain additional programs with respect to elementary and secondary education, postsecondary education, adult education, and teacher training for Native Hawaiians.

The House recedes with an amendment establishing an advisory council to evaluate the needs of native Hawaiians and the effectiveness of existing State and federally assisted educational programs in meeting such needs. A total of $500,000 is authorized for the period of fiscal years 1981 through 1983.

269. The Senate amendment, but not the House bill, authorizes $6 million for fiscal year 1981 for a grant to establish the General Daniel James Memorial Health Education Center to be located in the Tuskegee Institute in Tuskegee, Alabama.

The House recedes.

270. The Senate amendment, but not the House bill, contains certain provisions that: (1) extend the authorization of appropriations for construction under the Navajo Community College Act for one year; (2) change the funding formula to require that credit hours for the fall, spring, and summer terms for independent students be totalled and divided by 15 for the purpose of determining the number of full-time, equivalent students; and (3) modify Title I of the Tribally Controlled Community College Assistance Act of 1978 to permit Navajo Community College to receive funds under the Higher Education Act and other applicable Federal programs.

The Conference substitute extends the authorization of appropriations for construction for one year, changes the authorization to an amount based on the actual cost of operation and maintenance of the institution, and includes the modification permitting the instituion to receive funds under the Higher Education Act and other applicable programs.

271. The Senate amendment, but not the House bill, amends the Impact Aid Act to provide funds to local education agencies experiencing increased enrollments due to the entry into the schools of refugee children, and authorizes appropriations of such sums as may be necessary for this purpose.

The conference substitute authorizes a one-year provision amending the Impact Aid laws to provide special assistance to local school districts facing influxes of Cuban, Haitian and Indo-Chinese refugee children.

This provision is intended as a stop-gap measure while the Congress deliberates a more comprehensive program to meet the needs of these children. This provision is adopted because school districts are faced with the immediate need for funds, and this is the most expeditious means to provide this aid.

Carl D. Perkins,
Frank Thompson, Jr.,
John Brademas,
William D. Ford,
Joseph M. Gaydos,
Mario Biaggi,
Paul Simon,
Austin J. Murphy,
Ted Weiss,
Peter A. Peyser,
William Ratchford,
Geo. Miller,
John M. Ashbrook,
John Buchanan,
James M. Jeffords,
Mickey Edwards,
Thomas J. Tauke,
Thomas E. Petri,
Managers on the Part of the House.

Claiborne Pell,
Harrison A. Williams, Jr.,
Jennings Randolph,
Robert T. Stafford,
Jacob K. Javits,
Dick Schweiker,
Managers on the Part of the Senate.

MULTIEMPLOYER PENSION PLAN AMENDMENTS ACT OF 1979

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committeee on Rules, I call up House Resolution 764 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 764

Resolved, That upon the adoption of this resolution it shall be in order to consider a motion to take from the Speaker's table the bill (H.R. 3904) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve retirement income security under private multiemployer pension plans by strengthening the funding requirements for those plans, to authorize plan preservation measures for financially troubled multiemployer pension plans, and to revise the manner in which the pension plan termination insurance provisions apply to multiemployer plans, and for other purposes, with the Senate amendment thereto, and to concur in the Senate amendment with an amendment printed in the Congressional Record of August 21, 1980, by Representative Thompson of New Jersey, without any intervening motion, and at the conclusion of debate thereon the previous question shall be considered as ordered on said motion to final adoption without intervening motion.

The SPEAKER pro tempore (Mr. Danielson). The gentleman from Louisiana (Mr. Long) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes to the gentleman from Tennessee (Mr. Quillen) for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 764 makes in order the consideration of H.R. 3904, the Multiemployer Pension Plan Amendments of 1980, as amended by the Senate. The rule provides for a motion to concur in the Senate amendment with an amendment, as printed in the Congressional Record of August 21 by Representative Thompson, without intervening motion. Upon conclusion of debate, the previous question shall be considered as ordered on the final adoption of the motion, also without intervening motion.

In effect, this rule allows the House to vote on a motion to return H.R. 3904 to the Senate, in essentially the same form it overwhelmingly passed this body by a vote of 374 to 0 on May 22. It was the hope at that time that the Senate would act quickly on the matter. Instead the Senate waited until July 29 to consider the measure. Though the bill reported in the Senate was generally consistent with the aims of H.R. 3904, several nongermane amendments were added on the Senate floor.

The nongermane amendments, relating to the Mine Safety and Health Administration, the Occupational Safety and Health Administration, and the Civil Rights Act of 1964, have become the focus of attention. I openly support the substance of some of these amendments, particularly that which concerns the coverage of sand and gravel operators under MSHA (Mine Safety and Health Administration). I have cosponsored legislation that would have a similar result. Yet, however desirable these amendments may be, they do not belong on this bill.

H.R. 3904, as it passed the House, is a carefully worked out compromise. It has been several years in the making. H.R. 3904 enjoys the support of a wide array of groups, many that normally are at odds: AFL-CIO, the Business Roundtable, National Association of Manufacturers, the National Council on the Aging, and others. The Senate amendments are clearly nongermane and threaten the delicate balance that has enabled the bill to obtain the support of both business and labor. At issue is not the relative worth of the amendments, but the legislative integrity of the House and the very survival of H.R. 3904.

I cannot stress enough the importance of this bill. Under the Employee Retirement Income Security Act of 1974 (ERISA), coverage of multiemployer pension plans has now become automatic. ERISA, as passed in 1974, provides incentives for employers to terminate plans. This could place into jeopardy both the pensions of thousands of retirees and the financial stability of the Pension Benefit Guaranty Corporation, which guarantees pensions under ERISA. H.R. 3904 would revise ERISA and put the multiemployer plans on a sound footing. The current situation has been described as a "time bomb." H.R. 3904, as initially adopted by the House, would defuse that "time bomb."

As a final note, I point out that once again we see the havoc created when "automatic deadlines" are placed on congressional action. Today the pensions of thousands of retirees are being held hostage in a debate between the House and Senate on completely nongermane amendments. The entire Federal Government could find itself on such shaky ground if "automatic termination" procedures were included in proposed sunset legislation. I urge my colleagues to learn from this experience before we rush to judgment on sunset.

Mr. Speaker, I urge the adoption of this rule which will permit the House to proceed expeditiously to ratify its earlier stated position on H.R. 3904.

□ 1650

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the gentleman from Louisiana (Mr. Long) has explained the provisions of the rule, but I would like to call to the attention of the House the fact that the measure is unusual; it is controversial; and it is extraordinary. It is unusual because it shortcircuits the legislative process. It is extraordinary because it should have been passed by August 1, and some of the multiemployer pension plans are in danger because it has not been passed. As a matter of fact, they are in dire danger. It is controversial because here we are denying the Members of this House the right to vote on amendments added by the Senate. There was a fight in the Committee on Rules to allow a vote on three amendments added by the Senate. We lost our battle, so we are caught in the middle.

I shall not wage a fight to vote down the previous question, because it is so important that this legislation be passed and enacted into law.

On the other hand, I think when we say that we are not going to conference on a measure passed by the other body, we are failing to follow the normal legislative process. In other words, we are shortcircuiting that legislative process.

The chairman of the committee absolutely refused to go to conference with the other body, choosing instead to bring the measure to the floor of the House as we have it today. So I wanted to alert the Members of what we are really doing. It is unusual, extraordinary, and controversial.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. Frenzel).

Mr. FRENZEL. Mr. Speaker, I rise in opposition to this rule. The ranking minority member of the Committee on Rules has described the procedure with some accuracy. He called it unusual, extraordinary and controversial.

What he did not say, but should have said, in my judgment, is that it is very bad procedure and it is contrary to the regular order and the precedence of the House.

When the Senate and the House disagree on a bill, our normal procedure is to go into conference and work out those disagreements. The managers of the bill have been unwilling to do so at this time because they are afraid that the House might accept a few Senate amendments.

We are told that the survival of the bill and the integrity of the House depend on passing this rule. In my judgment, the opposite is true. This rule is, in my judgment, about the worst rule we have had in my 10 years in the House, and destroys the integrity of House procedures.

We are talking about ignoring the normal procedures to the detriment of the House. Three nongermane amendments attached by the Senate will be stripped from the bill. Those amendments are supported by most of the Members of this House.

In addition, there have been nongermane amendments added by the Senate which are accepted in this report, so nongermaneness is obviously not a criterion.

Mr. Speaker, we are making a mistake if we accept this rule. The normal comity between the Houses would require that we go into conference on this bill. We were all given a letter by some of our colleagues in the other body indicating that they would move not to accept this bill after it was amended under this rule, if we did not go into conference. We are likely to get the bill back or we are likely to have the bill rejected.

In my judgment, that is playing fast and loose with the pensioners whose vested pension rights we are trying to protect.

I hope this rule will be summarily rejected and that the managers of the bill will go into conference with the Senate.

Mr. LONG of Louisiana. Mr. Speaker, I yield 6 minutes for purposes of debate only to the gentleman from New Jersey (Mr. Thompson).

Mr. THOMPSON. Mr. Speaker, the gentleman from Louisiana has very ably stated the reasons for this rule. I wish only to make a brief statement thanking the Committee on Rules for their expeditious action.

I am constrained to disagree with the statement of my very good and highly respected friend, the gentleman from Minnesota (Mr. Frenzel) because in effect this is not a usual situation. It is a situation in which the other body trespassed blatantly and unnecessarily on a terribly important piece of legislation supported unanimously in this body.

My colleagues know that I have always favored open rules; however, the extraordinary circumstances of this bill compel us to the course we are recommending today. The reason for the rule is quite simple. The members of this body will not be forced to trade off the rights of American workers to a safe workplace and equal job opportunities for their right to economic security in old age.

Mr. Speaker, 3 weeks ago there went into effect a law which undermines that economic security. It threatens to destroy a substantial portion of the private pension system at a cost of $5 billion to the Government agency which protects workers' pensions. For 2 years we have been deferring that law while we worked to craft the bill that is before you today. That law is now in effect because 48 hours before its deadline, the other body attached to this vital piece of legislation three nongermane amendments which cripple the health, safety and civil rights protections of American workers.

As my colleagues know, this bill, without the nongermane amendments, is supported by an extraordinary coalition of labor, management, and retirees groups which reflects the compromises and delicate balancing of interests that went into its writing. The House passed the bill on May 22 by a vote of 374 to zero. The Senate amended the bill, but the underlying concepts remain the same. The amendments in the nature of a substitute which I am offering deletes the nongermane amendments which threaten to kill this legislation.

Mr. Speaker, H.R. 3904 as I propose to amend it, is considered vital legislation by the entire labor movement, the major business interests of the Nation, and the major groups representing older workers and retirees. They fear, as I do, that if the House does not approve this rule, the legislation will die. It is for this reason that the resolution before you today is supported by the AFL-CIO, the NAM, the Chamber of Commerce, the largest corporations and all the labor unions in the country, the business roundtable, the National Council on Aging, the Pension Rights Center, the Senior Citizens Law

Center, and the American Association of Retired Persons, among others. I know of no group other than the sand and gravel interests who oppose this resolution. I simply note that Business Week magazine aptly condemned those interests as "free loaders on other people's legislation."

I have said before that this legislation has necessitated much compromising by all concerned. I deeply regret, and have so informed my colleagues, the distinguished Members of the Hawaii delegation, that in order to keep this extraordinary coalition together and save this bill, we had to agree to delete the special exemption from preemption for the Hawaii Health Care Act. I will be quite candid. We are doing so only because the exemption is opposed by the business community which fears that one exemption will lead to others. Ultimately they fear a myriad of conflicting State laws which will make it very costly for multistate corporations to provide health insurance for their employees.

I have respect and admiration for the progressive and excellent legislation enacted by the State of Hawaii and have promised my colleagues to hold hearings on the preemption issue at the earliest possible date.

I urge my colleagues support of this resolution to save this vital legislation.

□ 1700

Mr. QUILLEN. Mr. Speaker, at this time I yield 6 minutes to the gentleman from Ohio (Mr. Ashbrook).

Mr. ASHBROOK. Mr. Speaker, I thank my colleague for yielding.

While I would take second place to no one in this body as far as supporting the need for correcting the errors of our pension reform legislation, particularly as it is covered in H.R. 3904, I think we ought to point out several other facets of what we are doing. To take just a slightly different approach than my friend from New Jersey took, I would just warn my colleagues at the outset whenever big business and big labor agree on something, they had better take a second look. I think this is one of those cases where we better take a second look.

My friend from Minnesota is absolutely right; we have not followed regular order. The reason for not following regular order, if you will all recall in July was the urgency, remember, before the Republican Convention when all this had to be done or calamitous events were going to occur unless we immediately, by unanimous consent, took up H.R. 3904 and passed it on the spot. One month has gone by, so the argument we could not go to conference holds no water whatsoever.

What is the next step? Go to the Rules Committee and get that committee to bypass the regular order.

Let me just point out I am not going to give in 4 minutes the litany of bills where whenever it serves the purpose of the majority a nongermane amendment is attached and we get that separate vote. We have done it dozens of times. The simple fact of life is the leadership does not want a separate vote on these amendments.

If my colleagues will get out the Rules of the House of Representatives, rule XXVIII(5)(A) says the following with respect to any amendment, including an amendment in the nature of a substitute which "A, is proposed by the Senate to any measure" and thereafter go over to B, "contains any matter which would be in violation of the provisions of clause 7 of rule XVI if such matter had been offered as an amendment in the House." In other words, a nongermane amendment. We have five paragraphs of what the House can do.

But boiling it down, it comes to a separate vote. Somebody makes the point of order and we have a separate vote.

There is only one reason we went to the Rules Committee. That reason was to bypass rule XXVIII, clause 5, which provides for a separate vote on a nongermane amendment. It was nongermane and we all understand that. But at that point the House votes in a separate vote. So now we have only one option, vote down the previous question or go by the gag rule that was enforced by the Rules Committee.

My friend from Tennessee (Mr. Quillen) is absolutely right, there is an urgency here. But I think there is also the principle that my friend from Minnesota pointed out. We avoided a conference, and then we got a special rule that avoids the normal operation which we have all gone through time after time after time when a nongermane amendment to the satisfaction of the majority is attached in the other body. So I will rise when the previous question is ordered and ask for a vote, because I honestly believe to preserve the integrity of the House we should have a vote on the previous question so that the orderly procedures can be followed.

Remember one month ago when we were warned that dire consequences would happen if the House worked its will. Dire consequences have not happened. I am reliably informed no pension has been terminated. The world is not going to come to an end. It is just simply a question of trying to prevent a vote on two nongermane amendments which the majority side, clear and simple, does not want.

I am inclined to think the American people may want them, so let us let them have an opportunity to have a vote.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to my friend from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding. I want to concur in his estimate of the situation and add one other thought, and it is a good reason to vote down the previous question on this rule. The Members of the other body that sponsored these nongermane amendments have already made it clear in letters to the Members of the House and in conversations with Members of the House that if this bill comes back to the other body in the next few days—and, by the way, they are going to recess for a week tomorrow—if it comes back they are going to reattach these amendments. So we are not going to avoid facing the issue. Therefore, by adopting this rule, and not voting down the previous question to allow the gentleman from Ohio (Mr. Ashbrook) to offer these amendments, we are only putting off the day of reckoning when the Members of the House will have to take a stand on these issues.

But what is worse than that, both sides profess to be most concerned about the workers of America and their pension and retirement plans and yet you are willing to jeopardize them.

I offered an amendment in the Rules Committee to allow the vote the gentleman from Ohio new seeks and it was turned down on a straight party-line vote because the order had come from the leaders of this House and from the labor unions and the big business who joined together with them. Their pocketbooks were more important than the other serious issues presented in these three amendments. That in my view is terribly shortsighted.

So the vote on the previous question is a vote on the EEOC amendment, on the OSHA amendment, and the surface mining amendment; that is what my colleagues are voting on. So if they thought they were going to avoid the issue they are not.

I urge the previous question on this rule be defeated so that we can face the issues squarely and protect the pensions we say we want to protect.

Mr. ASHBROOK. I thank my friend not only for his statement but for trying to hold the regular order in the Rules Committee against overwhelming odds.

I yield back the balance of my time.

Mr. LONG of Louisiana. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. Peyser) for purposes of debate only.

Mr. PEYSER. Mr. Speaker, it is my hope that as a member of the committee that drafted this legislation originally that we will not let a procedural fight that seems to be developing here really be the factor that decides potentially, without talking about any immediate doom, but potentially endangering the pensions and the benefits of hundreds of thousands of working men and women.

I enjoy, and participate in fighting back and forth, partisan fights on many issues on the floor of this House. But it seems to me here is a time that we can simply say we know the Rules of the House have been clearly violated with nongermane amendments, amendments that are highly controversial by themselves. Why not take up the one issue that we have agreed on unanimously in this House and let us vote on this issue to give the kind of protection to the working men and women of this country who are protected under this legislation, give it to them and let us not get embroiled in a partisan battle that makes us look in this House like we do not really care what has happened or what is apt to happen.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. PEYSER. I am happy to yield to my friend.

Mr. ERLENBORN. I thank the gentleman for yielding.

I had not intended to speak on this

until the gentleman made the statement we should not allow a procedural fight to jeopardize the pensions of the working men and women. I wonder if the gentleman remembers what happened just before we broke for the recess in August when there was a clear opportunity to extend the taking of effect of the current law, and there was a procedural objection from the other side of the aisle that prohibited us from passing that legislation.

Mr. PEYSER. I will reclaim my time, which is very limited. I remember that very well. I do not think that affects what we are doing today one iota. I think we have a problem in front of us. We have all recognized the committee, under the leadership of the gentleman from New Jersey (Mr. THOMPSON) and the gentleman from Ohio (Mr. ASHBROOK) and yourself, has come up with a very, very good solution to the problem.

□ 1710

Let us pass that solution. Let us not hand ourselves up on something that is going to hurt the people. There is no reason, no good reason to do it. Let us vote for the rule and get on with the legislation that we have at hand.

Mr. LONG of Louisiana. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GAYDOS) for purposes of debate only.

Mr. GAYDOS. Mr. Speaker, I rise in support of the adoption of this rule which would make it in order to take from the Speaker's desk H.R. 3904, the Multiemployer Pension Plan Amendments Act of 1980 and concur with the Senate amendments with an amendment which would strike from the bill the nongermane amendments added by the Senate.

At the present time a substantial number of pension plans covering thousands of employees are in jeopardy as a result of the Senate's action on July 29, 1980, when instead of either accepting the House language of H.R. 3904 or going to conference on its disagreement with the House language, the Senate opted instead to attach several amendments affecting other laws which would have been held as nongermane if offered during initial consideration by the House.

The House had acted in a timely fashion on H.R. 3904. The other body, for reasons best known to itself, had waited until July 29, 1980, to consider the bill, just 2 days prior to when existing law would place multiemployer plans in jeopardy. But worse yet, the addition of the amendments seriously crippling the Federal Mine Safety and Health Act and the Occupational Safety and Health Act presents the House with the choice of either sacrificing employees' pension benefits to the continuance of workplace safety and health, or sacrificing workplace safety and health in order to protect the employee pension benefits.

This Hobson's choice was created in the other body and if this rule is adopted, it will return the bill to them so, hopefully, they will realize the folly of their action of July 29, 1980, and strike the nongermane amendments.

During the last few days, I have been intrigued by the comments of some of my colleagues in the House that the "normal" way to handle this matter would be to go to conference, implying that to return the entire matter to the Senate is not "normal."

For my part, I fail to see a procedure as "normal" which would allow the other body to circumvent the Rules of the House. That is what would happen if we do not return this bill to the Senate with the nongermane amendments deleted.

I would like to briefly refer to the nongermane MSHA and OSHA amendments, since both the MSHA and OSHA laws are subject to the jurisdiction of the Subcommittee on Health and Safety, of which I am privileged to serve as chairman.

The MSHA amendment would transfer from MSHA to OSHA jurisdiction over surface stone and sand and gravel mines. This represents 12,400 of the 20,800 mines and 164,500 of the 455,700 miners currently subject to MSHA, an agency with special expertise in mining activities.

Some of the supporters of this amendment have contended that surface stone and sand and gravel mines are relatively safe operations. But the statistics belie such contention. During 1978 and 1979, there were 259 fatalities in metal and nonmetal mining. Over one-half or 138 deaths occurred in surface stone and sand and gravel mines. So far this year as of August 15, 1980, 34 of the 58 deaths which occurred in metal and nonmetal mining were in surface stone and sand and gravel mines.

Furthermore, in 1979, there were 5,192 disabling injuries at surface stone and sand and gravel operations.

And yet some would contend this is a "safe" activity, not warranting MSHA's special expertise in mining.

The Subcommittee on Health and Safety has been conducting extensive oversight hearings on MSHA this Congress. To date we have held 21 days of hearings with two more scheduled. We have heard from Members of Congress, as well as various industry organizations including two of the organizations which are pushing this amendment. Let me just say a word about those two organizations. They did not appear before the subcommittee in 1977 when the present MSHA law was under consideration. Instead, they submitted statements for the RECORD and their main opposition was to the transfer of jurisdiction over sand and gravel mines from MESA in the Department of the Interior to the Department of Labor. They stated that MESA had "done an outstanding job of educating both management and employees on new developments in safety" and that "the transfer of mine safety enforcement responsibility will disrupt already successful procedures or programs which have been brought about by the effective mutual effort of MESA and the mining industry, working in harmony toward a common objective."

Well, MESA was transferred to the Department of Labor lock, stock, and barrel, and has been administered as a complete separate entity from OSHA.

Also in 1977 neither of these organizations questioned the fact that stone and sand and gravel operations are "mining operations." Today, however, they would have us believe that such operations are not "mining" operations. They would have us conveniently forget that for over 100 years Federal laws and Federal courts have clearly held them to be mining operations.

Yet, it appears that the sand and gravel industry now wishes to switch its affiliation to OSHA.

But what about the other industry organizations representing stone and sand and gravel operators. While the National Crushed Stone Association supports the transfer, the National Limestone Association, which has more members than all other national aggregate associations put together, is unalterably opposed to the MSHA amendment.

Additionally, the following organizations oppose this amendment:

First. The National Association of Homebuilders;

Second. The Sheet Metal and Air Conditioning Contractors' National Association, Inc.;

Third. The Louisville Cement Co.;

Fourth. The Nevada Cement Co.;

Fifth. The United Steelworkers of America;

Sixth. The National Construction Employees Council;

Seventh. The National Limestone Institute;

Eighth. The Maritime Trade Department, AFL–CIO;

Ninth. The United Mineworkers of America;

Tenth. The National Coal Association;

Eleventh. The Flintkote Cement Co.;

Twelfth. The United Brotherhood of Carpenters and Joiners of America (Local Union No. 2274);

Thirteenth. The Penn-Del-Jersey chapter of the National Electrical Contractors Association;

Fourteenth. The Pennsylvania Building and Construction Trades Council;

Fifteenth. Santee Portland Cement Corp.

Sixteenth. Atlantic Cement Co., Inc.; and

Seventeenth. The United Cement, Lime and Gypsum Workers.

It has been contended that the financial cost of complying with MSHA has had an adverse impact on stone and sand and gravel operators. The fact that the National Association of Home Builders as well as several contractor associations oppose the MSHA amendment substantially undercuts the validity of such contention.

I have mentioned the extensive oversight activities of the Subcommittee on Health and Safety. We have endeavored to be responsive to the concerns of all affected parties. We have invited the Members of the House to testify before the subcommittee if they so desire. During his appearance before the subcommittee in October 1979, Assistant Secretary for MSHA Robert Lagather addressed the concerns raised by representatives of the stone and sand and gravel mines. These were:

(1) NO ON-SITE CONSULTATION

MSHA initiated compliance assistance visits in November 1979. Of 2,000 to date, 1,600 occurred in stone and sand and gravel mines.

(2) THE MANDATORY HEALTH AND SAFETY TRAINING REQUIREMENTS WERE FINANCIALLY OPPRESSIVE

Because of a rider to the Labor-HEW appropriations bill for 1980, this requirement was suspended with respect to sand and gravel and stone mines and clay and colloidal phosphate. Furthermore, Assistant Secretary Lagather clarified this matter by stating that a new mine employee with prior experience operating equipment at a nonmine site would only have to be provided a brief explanation of the specific hazards and not 24 hours of training prior to working, which was contended by the industry.

(3) THE MINE OPERATORS ARE ISSUED CITATIONS FOR VIOLATIONS COMMITTED BY INDEPENDENT CONTRACTORS

MSHA has just promulgated its independent contractor standards. Various industry groups, such as the National Crushed Stone Association, have indicated their approval.

(4) MSHA WAS APPLYING COAL MINE STANDARDS TO SAND AND GRAVEL AND STONE MINES

This is not so; in fact, MSHA is currently reviewing its standards applicable to crushed stone and sand and gravel operations and has requested the various industries to submit their recommendations.

(5) THE CITATION AND ASSESSMENT PROCEDURES ARE AMBIGUOUS AND UNFAIR

MSHA is currently in the process of conducting an extensive review of these procedures with the objective of providing a more equitable system.

Despite this response by Assistant Secretary Lagather, as well as the subcommitee's desire to be responsive to the Members of the House, certain stone and sand and gravel mine organizations would have the House subvert its own rules in order to serve the interests of these organizations to the detriment of the job safety and health of their employees.

The fact that there is no discharge petition at the Speaker's desk to bring this amendment to the floor of the House, if in fact the subcommittee had not been responsive to the wishes of the Members of this body, is clear evidence that such amendatory legislation could not stand on its own feet, but must hold hostage the pension benefits of thousands of workers in other industries in an attempt to force its way through Congress.

Before concluding, I would like to comment on the nongermane OSHA amendment—the so-called Boren amendment. It would permanently exclude 2.3 million workplaces and 7.7 million workers from routine safety inspections. This means 53 percent of all workplaces would be exempt from such safety inspections and 12 percent of all workers subject to OSHA jurisdiction would lose such workplace safety protection.

There is no bill which embodies the Boren amendment which has been introduced in the House. Yet, we are being asked on the word of the other body to accept it sight unseen, without the opportunity to hold hearings and allow all interested parties to provide input.

H.R. 3904 as it was returned from the Senate posed a serious threat to the legitimacy of the House rules, to the ability of this House to responsibly carry out its legislative function, and to the proper safety and health protection afforded millions of workers by the Federal Mine Safety and Health Act and the Occupational Safety and Health Act.

I strongly urge my colleagues to support this rule and return this legislative monstrosity to its creator.

Mr. LONG of Louisiana. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. MITCHELL of Maryland). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 217, nays 158, not voting 57, as follows:

[Roll No. 486]

YEAS—217

Addabbo
Albosta
Alexander
Ambro
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Ashley
Atkinson
AuCoin
Bailey
Baldus
Barnes
Beard, R.I.
Beilenson
Benjamin
Bevill
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Brademas
Breaux
Brodhead
Brooks
Brown, Calif.
Buchanan
Burlison
Burton, Phillip
Carr
Cavanaugh
Chisholm
Coelho
Collins, Ill.
Conte
Corman
Cotter
Coughlin
D'Amours
Danielson
Davis, Mich.
Derrick
Derwinski
Dicks
Dingell
Donnelly
Dougherty
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Ertel
Evans, Del.
Evans, Ind.
Fary
Fascell
Fenwick
Ferraro
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Fountain
Fowler
Frost
Gaydos
Gephardt
Gilman
Ginn
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Hall, Ohio
Hamilton
Hance
Hanley
Harris
Hawkins
Holland
Hollenbeck
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kildee
Kostmayer
LaFalce
Lee
Lehman
Leland
Levitas
Lloyd
Long, La.
Long, Md.
Lowry
Luken
Lundine
McCormack
McDade
McHugh
McKinney
Maguire
Markey
Marks
Matsui
Mattox
Mavroules
Mazzoli
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Natcher
Neal
Nedzi
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Perkins
Petri
Peyser
Preyer
Price
Pritchard
Rahall
Railsback
Rangel
Ratchford
Reuss
Richmond
Rinaldo
Ritter
Roe
Rosenthal
Rostenkowski
Roybal
Russo
Scheuer
Seiberling
Simon
Skelton
Solarz
Spellman
St Germain
Stack
Staggers
Stanton
Stark
Stewart
Stokes
Studds
Swift
Synar
Tauzin
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
White
Whitley
Whitten
Williams, Mont.
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Wolpe
Wright
Yates
Yatron
Young, Mo.
Zablocki
Zeferetti

NAYS—158

Akaka
Anthony
Archer
Ashbrook
Badham
Bafalis
Barnard
Bauman
Beard, Tenn.
Bedell
Bennett
Bereuter
Bethune
Brinkley
Broomfield
Brown, Ohio
Broyhill
Burgener
Butler
Byron
Campbell
Carter
Chappell
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Courter
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
de la Garza
Deckard
Devine
Dornan
Duncan, Tenn.
Emery
English
Erdahl
Erlenborn
Findley
Forsythe
Frenzel
Fuqua
Gibbons
Gingrich
Goldwater
Goodling
Gradison
Gramm
Grisham
Gudger
Hagedorn
Hall, Tex.
Hammerschmidt
Hansen
Harkin
Harsha
Hefner
Heftel
Hightower
Hillis
Hinson
Holt
Hopkins
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Colo.
Jones, Tenn.
Kazen
Kelly
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lent
Lewis
Livingston
Loeffler
Lott
Lujan
Lungren
McClory
McCloskey
McDonald
McEwen
McKay
Madigan
Marlenee
Marriott
Martin
Mica
Michel
Miller, Ohio
Montgomery
Moore
Moorhead, Calif.
Myers, Ind.
Nelson
O'Brien
Pickle
Porter
Quillen
Regula
Rhodes
Robinson
Rose
Roth
Royer
Rudd
Santini
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stockman
Stratton
Stump
Symms
Tauke
Taylor
Trible
Walker
Whitehurst
Whittaker
Winn
Wyatt
Wylie
Young, Fla.

NOT VOTING—57

Abdnor
Anderson, Calif.
Anderson, Ill.
Applegate
Aspin
Biaggi
Bolling
Bowen
Burton, John
Carney
Clay
Conyers
Davis, S.C.
Dellums
Dickinson
Dixon
Dodd
Edwards, Ala.
Edwards, Okla.
Evans, Ga.
Fazio
Ford, Tenn.
Garcia
Giaimo
Grassley
Guyer
Heckler
Holtzman
Kemp
Kogovsek
Leach, La.
Lederer
Mathis
Mollohan
Moorhead, Pa.
Murphy, N.Y.
Myers, Pa.
Nichols
Nolan
Paul
Pepper
Pursell
Quayle
Roberts
Rodino
Rousselot
Sabo
Shannon
Steed
Thomas
Vander Jagt
Wampler
Watkins
Williams, Ohio
Wilson, Bob
Wydler
Young, Alaska

□ 1730

Mr. FOUNTAIN and Mrs. BOUQUARD changed their votes from "nay" to "yea."

The Clerk announced the following pairs:

On this vote:

Mr. Murphy of New York for, with Mr. Abdnor against.

Mr. Lederer for, with Mr. Dickinson against.

Mr. Nichols for, with Mr. Guyer against.

Mr. Rodino for, with Mr. Paul against.

Mr. Sabo for, with Mr. Rousselot against.

Mr. Pepper for, with Mr. Thomas against.

Mr. Biaggi for, with Mr. Vander Jagt against.

Mr. Williams of Ohio for, with Mr. Wampler against.

Mr. Pursell for, with Mr. Wydler against.

Mrs. Heckler for, with Mr. Young of Alaska against.

Mr. Bowen with Mr. Carney.

Mr. John L. Burton with Mr. Grassley.

Mr. Fazio with Mr. Quayle.

Mr. Giaimo with Mr. Watkins.

Mr. Roberts with Mr. Bob Wilson.

Mr. Mathis with Mr. Kemp.

Mr. Moorhead of Pennsylvania with Mr. Evans of Georgia.

Mr. Myers of Pennsylvania with Mr. Edwards of Oklahoma.

Mr. Mollohan with Mr. Edwards of Alabama.

Mr. Kogovsek with Mr. Aspin.

Ms. Holtzman with Mr. Clay.

Mr. Garcia with Mr. Dixon.

Mr. Leach of Louisiana with Mr. Dodd.

Mr. Anderson of California with Mr. Ford of Tennessee.

Mr. Conyers with Mr. Nolan.

Mr. Davis of South Carolina with Mr. Steed.

Mr. Dellums with Mr. Shannon.

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MOTION OFFERED BY MR. THOMPSON

Mr. THOMPSON. Mr. Speaker, pursuant to House Resolution 764, I move to take from the Speaker's table the bill (H.R. 3904) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve retirement income security under private multiemployer pension plans by strengthening the funding requirements for those plans, to authorize plan preservation measures for financially troubled multiemployer pension plans, and to revise the manner in which the pension plan termination insurance provisions apply to multiemployer plans, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment printed in the CONGRESSIONAL RECORD of August 21, 1980.

The Clerk read the title of the bill.

The Clerk read the House amendment to the Senate amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment to the bill (H.R. 3904), insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Multiemployer Pension Plan Amendments Act of 1980".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

TABLE OF CONTENTS

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings and declaration of policy.

TITLE I—AMENDMENTS TO TITLE IV OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Sec. 101. Amendment of the Employee Retirement Income Security Act of 1974.
Sec. 102. Multiemployer guarantees; aggregate limit on guarantees.
Sec. 103. Termination for multiemployer plans.
Sec. 104. Employer withdrawals; merger or transfer of plan assets or liabilities; reorganization; minimum contribution requirement for multiemployer plans; financial assistance; benefits after termination; enforcement.
Sec. 105. Premiums.
Sec. 106. Annual report of plan administrator.
Sec. 107. Contingent employer liability insurance.
Sec. 108. Transition rules and effective dates.

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954

Sec. 201. Amendment of the Internal Revenue Code of 1954.
Sec. 202. Multiemployer plans in reorganization.
Sec. 203. Minimum funding requirements.
Sec. 204. Excise taxes.
Sec. 205. Deductibility of employer liability payments.
Sec. 206. Minimum testing requirements.
Sec. 207. Definition of multiemployer plan.
Sec. 208. Related technical amendments.
Sec. 209. Withdrawal liability payments funds.
Sec. 210. Effective date.

TITLE III—AMENDMENTS TO TITLE I OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Sec. 301. Amendment of the Employee Retirement Income Security Act of 1974.
Sec. 302. Definition of multiemployer plan.
Sec. 303. Minimum testing requirements.
Sec. 304. Minimum funding requirements.
Sec. 305. Application of interested party rules to withdrawal liability payment funds.
Sec. 306. Liquidated damages with respect to delinquent contributions.
Sec. 307. Actuarial standards.
Sec. 308. Exemptions from prohibited transactions.
Sec. 309. Fiduciary duties.
Sec. 310. Refund of certain withdrawal liability payments.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Amendment of the Employee Retirement Income Security Act of 1974.
Sec. 402. Related technical amendments.
Sec. 403. Conforming amendments.
Sec. 404. Clerical amendments.
Sec. 405. Action taken before regulations are prescribed.
Sec. 406. Pension Benefit Guaranty Corporation put on budget.
Sec. 407. Church plans.
Sec. 408. Deductibility of payments to plan by a corporation operating public transportation system acquired by a State.
Sec. 409. Treatment of certain severance pay arrangements and supplemental retirement income payments as welfare plans.
Sec. 410. Refund of mistaken contributions.
Sec. 411. Definition of employee pension benefit plan.
Sec. 412. Studies by Pension Benefit Guaranty Corporation and Secretary of Labor.
Sec. 413. Study by General Accounting Office; hearings required.
Sec. 414. Treatment of certain retirement benefits.
Sec. 415. Increase in length of service in Armed Forces required for ex-servicemen to be eligible for unemployment benefits.
Sec. 416. Cessation of extended benefits when paid under an interstate plan in a State where extended benefit period is not in effect.

SEC. 3. FINDINGS AND DECLARATION OF POLICY.

(a) The Congress finds that—

(1) multiemployer pension plans have a substantial impact on interstate commerce and are affected with a national public interest;

(2) multiemployer pension plans have accounted for a substantial portion of the increase in private pension plan coverage over the past three decades;

(3) the continued well-being and security of millions of employees, retirees, and their dependents are directly affected by multiemployer pension plans; and

(4)(A) withdrawals of contributing employers from a multiemployer pension plan frequently result in substantially increased funding obligations for employers who continue to contribute to the plan, adversely affecting the plan, its participants and beneficiaries, and labor-management relations, and

(B) in a declining industry, the incidence of employer withdrawals is higher and the adverse effects described in subparagraph (A) are exacerbated.

(b) The Congress further finds that—

(1) it is desirable to modify the current multiemployer plan termination insurance provisions in order to increase the likelihood of protecting plan participants against benefit losses; and

(2) it is desirable to replace the termination insurance program for multiemployer pension plans with an insolvency-based benefit protection program that will enhance the financial soundness of such plans, place primary emphasis on plan continuation, and contain program costs within reasonable limits.

(c) It is hereby declared to be the policy of this Act—

(1) to foster and facilitate interstate commerce,

(2) to alleviate certain problems which tend to discourage the maintenance and growth of multiemployer pension plans,

(3) to provide reasonable protection for the interests of participants and beneficiaries of financially distressed multiemployer pension plans, and

(4) to provide a financially self-sufficient program for the guarantee of employee benefits under multiemployer plans.

TITLE I—AMENDMENTS TO TITLE IV OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

SEC. 101. AMENDMENT OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference is to a section or other provision of the Employee Retirement Income Security Act of 1974.

SEC. 102. MULTIEMPLOYER GUARANTEES; AGGREGATE LIMIT ON GUARANTEES.

Subtitle B of title IV is amended by inserting at the end thereof the following new sections:

"MULTIEMPLOYER PLAN BENEFITS GUARANTEED

"SEC. 4022A. (a) The corporation shall guarantee, in accordance with this section, the payment of all nonforfeitable benefits (other than benefits becoming nonforfeitable solely on account of the termination of a plan) under a multiemployer plan—

"(1) to which section 4021 applies, and

"(2) which is insolvent under section 4245(b) or 4281(d)(2).

"(b)(1)(A) For purposes of this section, a benefit or benefit increase which has been in effect under a plan for less than 60 months is not eligible for the corporation's guarantee. For purposes of this paragraph, any month of any plan year during which the plan was insolvent or terminated (within the meaning of section 4041(a)(2)) shall not be taken into account.

"(B) For purposes of this section, a benefit or benefit increase which has been in effect under a plan for less than 60 months before the first day of the plan year for which an amendment reducing the benefit or the benefit increase is taken into account under section 4244A(a)(2) in determining the minimum contribution requirement for the plan year under section 4243(b) is not eligible for the corporation's guarantee.

"(2) For purposes of this section—

"(A) the date on which a benefit or a benefit increase under a plan is first in effect is the later of—

"(i) the date on which the documents establishing or increasing the benefit were executed, or

"(ii) the effective date of the benefit or benefit increase;

"(B) the period of time for which a benefit or a benefit increase has been in effect under a successor plan includes the period of time for which the benefit or benefit increase was in effect under a previously established plan; and

"(C) in the case of a plan to which section 4021 did not apply on September 3, 1974, the time periods referred to in this section are computed beginning on the date on which section 4021 first applies to the plan.

"(c)(1) Except as provided in subsection (g), the monthly benefit of a participant or a beneficiary which is guaranteed under this section by the corporation with respect to a plan is the product of—

"(A) 100 percent of the accrual rate up to $5, plus 75 percent of the lesser of—

"(i) $15, or

"(ii) the accrual rate, if any, in excess of $5, and

"(B) the number of the participant's years of credited service.

"(2) Except as provided in paragraph (6) of this subsection and in subsection (g), in applying paragraph (1) with respect to a plan described in paragraph (5)(A), the term '65 percent' shall be substituted in paragraph (1)(A) for the term '75 percent'.

"(3) For purposes of this section, the accrual rate is—

"(A) the monthly benefit of the participant or beneficiary which is described in subsection (a) and which is eligible for the corporation's guarantee under subsection (b), except that such benefit shall be—

"(i) no greater than the monthly benefit which would be payable under the plan at normal retirement age in the form of a single life annuity, and

"(ii) determined without regard to any reduction under section 411(a)(3)(E) of the Internal Revenue Code of 1954; divided by

"(B) the participant's years of credited service.

"(4) For purposes of this subsection—

"(A) a year of credited service is a year in which the participant completed—

"(i) a full year of participation in the plan, or

"(ii) any period of service before participation which is credited for purposes of benefit accrual as the equivalent of a full year of participation;

"(B) any year for which the participant is credited for purposes of benefit accrual with a fraction of the equivalent of a full year of participation shall be counted as such a fraction of a year of credited service; and

"(C) years of credited service shall be determined by including service which may otherwise be disregarded by the plan under section 411(a)(3)(E) of the Internal Revenue Code of 1954.

"(5)(A) A plan is described in this subparagraph if—

"(i) the first plan year—

"(I) in which the plan is insolvent under section 4245(b) or 4281(d)(2), and

"(II) for which benefits are required to be suspended under section 4245, or reduced or suspended under section 4281, until they do not exceed the levels provided in this subsection, begins before the year 2000; and

"(ii) the plan sponsor has not established to the satisfaction of the corporation that, during the period of 10 consecutive plan years (or of such lesser number of plan years for which the plan was maintained) immediately preceding the first plan year to which the minimum funding standards of section 412 of the Internal Revenue Code of 1954 apply, the total amount of the contributions required under the plan for each plan year was at least equal to the sum of—

"(I) the normal cost for that plan year, and

"(II) the interest for the plan year (determined under the plan) on the unfunded past service liability for that plan year, determined as of the beginning of that plan year.

"(B) A plan shall not be considered to be described in subparagraph (A) if—

"(i) it is established to the satisfaction of the corporation that—

"(I) the total amount of the contributions received under the plan for the plan years for which the actuarial valuations (performed during the period described in subparagraph (A)(ii)) were performed was at least equal to the sum described in subparagraph (A)(ii); or

"(II) the rates of contribution to the plan under the collective bargaining agreements negotiated when the findings of such valuations were available were reasonably expected to provide such contributions;

"(ii) the number of actuarial valuations performed during the period described in subparagraph (A)(ii) is—

"(I) at least 2, in any case in which such period consists of more than 6 plan years, and

"(II) at least 1, in any case in which such period consists of 6 or fewer plan years; and

"(iii) if the proposition described in clause (i)(I) is to be established, the plan sponsor certifies that to the best of the plan sponsor's knowledge there is no information available which establishes that the total amount of the contributions received under the plan for any plan year during the period described in subparagraph (a)(ii) for which no valuation was performed is less than the sum described in subparagraph (A)(ii).

"(6) Notwithstanding paragraph (2), in the case of a plan described in paragraph (5)(A), if for any period of 3 consecutive plan years beginning with the first plan year to which the minimum funding standards of section 412 of the Internal Revenue Code of 1954 apply, the value of the assets of the plan for each such plan year is an amount equal to at least 8 times the benefit payments for such plan year—

"(A) paragraph (2) shall not apply to such plan; and

"(B) the benefit of a participant or beneficiary guaranteed by the corporation with respect to the plan shall be an amount determined under paragraph (1).

"(d) In the case of a benefit which has been reduced under section 411(a)(3)(E) of the Internal Revenue Code of 1954, the corporation shall guarantee the lesser of—

"(1) the reduced benefit, or

"(2) the amount determined under subsection (c).

"(e) The corporation shall not guarantee benefits under a multiemployer plan which, under section 4022(b)(6), would not be guaranteed under a single-employer plan.

"(f)(1) No later than 5 years after the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, and at least every fifth year thereafter, the corporation shall—

"(A) conduct a study to determine—

"(i) the premiums needed to maintain the basic-benefit guarantee levels for multiemployer plans described in subsection (c), and

"(ii) whether the basic-benefit guarantee levels for multiemployer plans may be increased without increasing the basic-benefit premiums for multiemployer plans under this title; and

"(B) report such determinations to the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives and to the Committee on Finance and the Committee on Labor and Human Resources of the Senate.

"(2)(A) If the last report described in paragraph (1) indicates that a premium increase is necessary to support the existing basic-benefit guarantee levels for multiemployer plans, the corporation shall transmit to the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives and to the Committee on Finance and the Committee on Labor and Human Resources of the Senate by March 31 of any calendar year in which congressional action under this subsection is requested—

"(i) a revised schedule of basic-benefit guarantees for multiemployer plans which would be necessary in the absence of an increase in premiums approved in accordance with section 4006(b),

"(ii) a revised schedule of basic-benefit premiums for multiemployer plans which is necessary to support the existing basic-benefit guarantees for such plans, and

"(iii) a revised schedule of basic-benefit guarantees for multiemployer plans for which the schedule of premiums necessary is higher than the existing premium schedule for such plans but lower than the revised schedule of premiums for such plans specified in clause (ii), together with such schedule of premiums.

"(B) The revised schedule of increased premiums referred to in subparagraph (A)(ii) or (A)(iii) shall go into effect as approved by the Congress by concurrent resolution.

"(C) If an increase in premiums is not approved, the revised guarantee schedule described in subparagraph (A)(i) shall go into effect on the first day of the second calendar year following the year in which such revised guarantee schedule was submitted to the Congress.

"(3)(A) If the last report described in paragraph (1) indicates that basic-benefit guarantees for multiemployer plans can be increased without increasing the basic-benefit premiums for multiemployer plans under this title, the corporation shall submit to the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives and to the Committee on Finance and the Committee on Labor and Human Resources of the Senate by March 31 of the calendar year in which congressional action under this paragraph is requested—

"(i) a revised schedule of increases in the basic-benefit guarantees which can be supported by the existing schedule of basic-benefit premiums for multiemployer plans, and

"(ii) a revised schedule of basic-benefit premiums sufficient to support the existing basic-benefit guarantees.

"(B) The revised schedules referred to in subparagraph (A)(i) or subparagraph (A)(ii) shall go into effect as approved by the Congress by a concurrent resolution.

"(4)(A) The succeeding subparagraphs of this paragraph are enacted by the Congress as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, but applicable only with respect deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of concurrent resolutions (as defined in subparagraph (B)). Such subparagraphs shall supersede other rules only to the extent that they are inconsistent therewith. They are enacted with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any rule of that House.

"(B) For purposes of this subsection, 'concurrent resolution' means only a concurrent resolution, the matter after the resolving clause of which is as follows: 'That the Congress favors the proposed schedule described in ———— transmitted to the Congress by the Pension Benefit Guaranty Corporation on ————.', the first blank space therein being filled with 'section 4022A(f)(2)(A)(ii) of the Employee Retirement Income Security Act of 1974', 'section 4022A(f)(2)(A)(iii) of the Employee Retirement Income Security Act of 1974', 'section 4022A(f)(3)(A)(i) of the Employee Retirement Income Security Act of 1974', or 'section 4022A(f)(3)(A)(ii) of the Employee Retirement Income Security Act of 1974' (whichever is applicable), and the second blank space therein being filled with the date on which the corporation's message proposing the revision was submitted.

"(C) The procedure for disposition of a concurrent resolution shall be the procedure described in section 4006(b)(4) through (7).

"(g)(1) The corporation may guarantee the payment of such other classes of benefits under multiemployer plans, and establish the terms and conditions under which those other classes of benefits are guaranteed, as it determines to be appropriate.

"(2)(A) The corporation shall prescribe regulations to establish a supplemental program to guarantee benefits under multiemployer plans which would be guaranteed under this section but for the limitations in subsection (c). Such regulations shall be proposed by the corporation no later than the end of the 18th calendar month following the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980. The regulations shall make coverage under the supplemental program available no later than January 1, 1983. Any election to participate in the supplemental program shall be on a voluntary basis, and a plan electing such coverage shall continue to pay the premiums required under section 4006(a)(2)(B) to the revolving fund used pursuant to section 4005 in connection with benefits otherwise guaranteed under this section. Any such election shall be irrevocable, except to the extent otherwise provided by regulations prescribed by the corporation.

"(B) The regulations prescribed under this paragraph shall provide—

"(i) that a plan must elect coverage under the supplemental program within the time permitted by the regulations;

"(ii) unless the corporation determines otherwise, that a plan may not elect supplemental coverage unless the value of the assets of the plan as of the end of the plan year preceding the plan year in which the election must be made is an amount equal to 15 times the total amount of the benefit payments made under the plan for that year; and

"(iii) such other reasonable terms and conditions for supplemental coverage, including funding standards and any other reasonable limitations with respect to plans or benefits covered or to means of program financing, as the corporation determines are necessary and appropriate for a feasible supplemental program consistent with the purposes of this title.

"(3) Any benefits guaranteed under this subsection shall be considered nonbasic benefits for purposes of this title.

"(4)(A) No revised schedule of premiums under this subsection, after the initial schedule, shall go into effect unless—

"(i) the revised schedule is submitted to the Congress, and

"(ii) a concurrent resolution described in subparagraph (B) is not adopted before the close of the 60th legislative day after such schedule is submitted to the Congress.

"(B) For purposes of subparagraph (A), a concurrent resolution described in this subparagraph is a concurrent resolution the matter after the resolving clause of which is as follows: 'That the Congress disapproves the revised premium schedule transmitted to the Congress by the Pension Benefit Guaranty Corporation under section 4022A(g)(4) of the Employee Retirement Income Security Act of 1974 on ————.', the blank space therein being filled with the date on which the revised schedule was submitted.

"(C) For purposes of subparagraph (A), the term 'legislative day' means any calendar day other than a day on which either House is not in session because of a sine die adjournment or an adjournment of more than 3 days to a day certain.

"(D) The procedure for disposition of a concurrent resolution described in subparagraph (B) shall be the procedure described in paragraphs (4) through (7) of section 4006(b).

"(5) Regulations prescribed by the corporation to carry out the provisions of this subsection, may, to the extent provided therein, supersede the requirements of sections 4245, 4261, and 4281, and the requirements of section 418E of the Internal Revenue Code of 1954, but only with respect to benefits guaranteed under this subsection.

"(h)(1) Except as provided in paragraph (3), subsections (b) and (c) shall not apply with respect to the nonforfeitable benefits accrued as of July 29, 1980, with respect to a participant or beneficiary under a multiemployer plan—

"(1) who is in pay status on July 29, 1980, or

"(2) who is within 36 months of the normal retirement age and has a nonforfeitable right to a pension as of that date.

"(2) The benefits described in paragraph (1) shall be guaranteed by the corporation in the same manner and to the same extent as benefits are guaranteed by the corporation under section 4022 (without regard to this section).

"(3) This subsection does not apply with respect to a plan for plan years following a plan year—

"(A) in which the plan has terminated within the meaning of section 4041A(a)(2), or

"(B) in which it is determined by the corporation that substantially all the employers have withdrawn from the plan pursuant to an agreement or arrangement to withdraw.

"AGGREGATE LIMIT ON BENEFITS GUARANTEED

"Sec. 4022B. (a) Notwithstanding sections 4022 and 4022A, no person shall receive from the corporation pursuant to a guarantee by the corporation of basic benefits with respect to a participant under all multiemployer and single employer plans an amount, or amounts, with an actuarial value which exceeds the actuarial value of a monthly benefit in the form of a life annuity commencing at age 65 equal to the amount determined under section 4022(b)(3)(B) as of the date of the last plan termination.

"(b) For purposes of this section—

"(1) the receipt of benefits under a multiemployer plan receiving financial assistance from the corporation shall be considered the receipt of amounts from the corporation pursuant to a guarantee by the corporation of basic benefits except to the extent provided in regulations prescribed by the corporation, and

"(2) the date on which a multiemployer plan, whether or not terminated, begins receiving financial assistance from the corporation shall be considered a date of plan termination.".

SEC. 103. TERMINATION FOR MULTIEMPLOYER PLANS.

Subtitle C of title IV is amended by inserting after section 4041 the following new section:

"TERMINATION OF MULTIEMPLOYER PLANS

"Sec. 4041A. (a) Termination of a multiemployer plan under this section occurs as a result of—

"(1) the adoption after the date of enactment of the Multiemployer Pension Plan Amendments Act of 1980 of a plan amendment which provides that participants will receive no credit for any purpose under the plan for service with any employer after the date specified by such amendment;

"(2) the withdrawal of every employer from the plan, within the meaning of section 4203, or the cessation of the obligation of all employers to contribute under the plan; or

"(3) the adoption of an amendment to the plan which causes the plan to become a plan described in section 4021(b)(1).

"(b)(1) The date on which a plan terminates under paragraph (1) or (3) of subsection (a) is the later of—

"(A) the date on which the amendment is adopted, or

"(B) the date on which the amendment takes effect.

"(2) The date on which a plan terminates under paragraph (2) of subsection (a) is the earlier of—

"(A) the date on which the last employer withdraws, or

"(B) the first day of the first plan year for which no employer contributions were required under the plan.

"(c) Except as provided in subsection (f)(1), the plan sponsor of a plan which terminates under paragraph (2) of subsection (a) shall—

"(1) limit the payment of benefits to benefits which are nonforfeitable under the plan as of the date of the termination, and

"(2) pay benefits attributable to employer contributions, other than death benefits, only in the form of an annuity, unless the plan assets are distributed in full satisfaction of all nonforfeitable benefits under the plan.

"(d) The plan sponsor of a plan which terminates under paragraph (2) of subsection (a) shall reduce benefits and suspend benefit payments in accordance with section 4281.

"(e) In the case of a plan which terminates under paragraph (1) or (3) of subsection (a), the rate of an employer's contributions under the plan for each plan year beginning on or after the plan termination date shall equal or exceed the highest rate of employer contributions at which the employer had an obligation to contribute under the plan in the 5 preceding plan years ending on or before the plan termination date, unless the corporation approves a reduction in the rate based on a finding that the plan is or soon will be fully funded.

"(f)(1) The plan sponsor of a terminated plan may authorize the payment other than in the form of an annuity of a participant's entire nonforfeitable benefit attributable to employer contributions, other than a death benefit, if the value of the entire nonforfeitable benefit does not exceed $1,750. The corporation may authorize the payment of benefits under the terms of a terminated plan other than nonforfeitable benefits, or the payment other than in the form of an annuity of benefits having a value greater than $1,750, if the corporation determines that such payment is not adverse to the interest of the plan's participants and beneficiaries generally and does not unreasonably increase the corporation's risk of loss with respect to the plan.

"(2) The corporation may prescribe reporting requirements for terminated plans, and rules and standards for the administration of such plans, which the corporation considers appropriate to protect the interests of plan participants and beneficiaries or to prevent unreasonable loss to the corporation.".

SEC. 104. EMPLOYER WITHDRAWALS; MERGER OR TRANSFER OF PLAN ASSETS OR LIABILITIES; REORGANIZATION; MINIMUM CONTRIBUTION REQUIREMENT FOR MULTIEMPLOYER PLANS; FINANCIAL ASSISTANCE; BENEFITS AFTER TERMINATION; ENFORCEMENT.

Title IV is amended—

(1) by striking out the heading for subtitle E and inserting in lieu thereof the following:

"Subtitle F—Transition Rules and Effective Dates";

and

(2) by inserting after subtitle D the following new subtitle:

"Subtitle E—Special Provisions for Multiemployer Plans

"PART 1—EMPLOYER WITHDRAWALS

"WITHDRAWAL LIABILITY ESTABLISHED

"SEC. 4201. (a) If an employer withdraws from a multiemployer plan in a complete withdrawal or a partial withdrawal, then the employer is liable to the plan in the amount determined under this part to be the withdrawal liability.

"(b) For purposes of subsection (a)—

"(1) The withdrawal liability of an employer to a plan is the amount determined under section 4211 to be the allocable amount of unfunded vested benefits, adjusted—

"(A) first, by any de minimis reduction applicable under section 4209,

"(B) next, in the case of a partial withdrawal, in accordance with section 4206,

"(C) then, to the extent necessary to reflect the limitation on annual payments under section 4219(c)(1)(B), and

"(D) finally, in accordance with section 4225.

"(2) The term 'complete withdrawal' means a complete withdrawal described in section 4-203.

"(3) The term 'partial withdrawal' means a partial withdrawal described in section 4205.

"DETERMINATION AND COLLECTION OF LIABILITY; NOTIFICATION OF EMPLOYER

"SEC. 4202. When an employer withdraws from a multiemployer plan, the plan sponsor, in accordance with this part, shall—

"(1) determine the amount of the employer's withdrawal liability,

"(2) notify the employer of the amount of the withdrawal liability, and

"(3) collect the amount of the withdrawal liability from the employer.

"COMPLETE WITHDRAWAL

"SEC. 4203. (a) For purposes of this part, a complete withdrawal from a multiemployer plan occurs when an employer—

"(1) permanently ceases to have an obligation to contribute under the plan, or

"(2) permanently ceases all covered operations under the plan.

"(b)(1) Notwithstanding subsection (a). in the case of an employer that has an obligation to contribute under a plan for work performed in the building and construction industry, a complete withdrawal occurs only as described in paragraph (2), if—

"(A) substantially all the employees with respect to whom the employer has an obligation to contribute under the plan perform work in the building and construction industry, and

"(B) the plan—

"(i) primarily covers employees in the building and construction industry, or

"(ii) is amended to provide that this subsection applies to employers described in this paragraph.

"(2) A withdrawal occurs under this paragraph if—

"(A) an employer ceases to have an obligation to contribute under the plan, and

"(B) the employer—

"(i) continues to perform work in the jurisdiction of the collective bargaining agreement of the type for which contributions were previously required, or

"(ii) resumes such work within 5 years after the date on which the obligation to contribute under the plan ceases, and does not renew the obligation at the time of the resumption.

"(3) In the case of a plan terminated by mass withdrawal (within the meaning of section 4041A(a)(2)), paragraph (2) shall be applied by substituting '3 years' for '5 years' in subparagraph (B)(ii).

"(c)(1) Notwithstanding subsection (a), in the case of an employer that has an obligation to contribute under a plan for work performed in the entertainment industry, primarily on a temporary or project-by-project basis, if the plan primarily covers employees in the entertainment industry, a complete withdrawal occurs only as described in subsection (b)(2) applied by substituting 'plan' for 'collective bargaining agreement' in subparagraph (B)(i) thereof.

"(2) For purposes of this subsection the term 'entertainment industry' means—

"(A) theater, motion picture (except to the extent provided in regulations prescribed by the corporation), radio, television, sound or visual recording, music, and dance, and

"(B) such other entertainment activities as the corporation may determine to be appropriate.

"(3) The corporation may by regulation exclude a group or class of employers described in the preceding sentence from the application of this subsection if the corporation determines that such exclusion is necessary—

"(A) to protect the interest of the plan's participants and beneficiaries, or

"(B) to prevent a significant risk of loss to the corporation with respect to the plan.

"(4) A plan may be amended to provide that this subsection shall not apply to a group or class of employers under the plan.

"(d)(1) Notwithstanding subsection (a), in the case of an employer who—

"(A) has an obligation to contribute under a plan described in paragraph (2) primarily for work described in such paragraph, and

"(B) does not continue to perform work within the jurisdiction of the plan,

a complete withdrawal occurs only as described in paragraph (3).

"(2) A plan is described in this paragraph if substantially all of the contributions required under the plan are made by employers primarily engaged in the long and short haul trucking industry, the household goods moving industry, or the public warehousing industry.

"(3) A withdrawal occurs under this paragraph if—

"(A) an employer permanently ceases to have an obligation to contribute under the plan or permanently ceases all covered operations under the plan, and

"(B) either—

"(i) the corporation determines that the plan has suffered substantial damage to its contribution base as a result of such cessation, or

"(ii) the employer fails to furnish a bond issued by a corporate surety company that is an acceptable surety for purposes of section 412, or an amount held in escrow by a bank or similar financial institution satisfactory to the plan, in an amount equal to 50 percent of the withdrawal liability of the employer.

"(4) If, after an employer furnishes a bond or escrow to a plan under paragraph (3)(B)(ii), the corporation determines that the cessation of the employer's obligation to contribute under the plan (considered together with any cessations by other employers), or cessation of covered operations under the plan, has resulted in substantial damage to the contribution base of the plan, the employer shall be treated as having withdrawn from the plan on the date on which the obligation to contribute or covered operations ceased, and such bond or escrow shall be paid to the plan. The corporation shall not make a determination under this paragraph more than 60 months after the date on which such obligation to contribute or covered operations ceased.

"(5) If the corporation determines that the employer has no further liability under the plan either—

"(A) because it determines that the contribution base of the plan has not suffered substantial damage as a result of the cessation of the employer's obligation to contribute or cessation of covered operations (considered together with any cessation of contribution obligation, or of covered operations, with respect to other employers), or

"(B) because it may not make a determination under paragraph (4) because of the last sentence thereof,

then the bond shall be cancelled or the escrow refunded.

"(6) Nothing in this subsection shall be construed as a limitation on the amount of the withdrawal liability of any employer.

"(e) For purposes of this part, the date of a complete withdrawal is the date of the cessation of the obligation to contribute or the cessation of covered operations.

"(f)(1) The corporation may prescribe regulations under which plans in industries other than the construction or entertainment industries may be amended to provide for special withdrawal liability rules similar to the rules described in subsections (b) and (c).

"(2) Regulations under paragraph (1) shall permit use of special withdrawal liability rules—

"(A) only in industries (or portions thereof) in which, as determined by the corporation, the characteristics that would make use of such rules appropriate are clearly shown, and

"(B) only if the corporation determines, in each instance in which special withdrawal liability rules are permitted, that use of such rules will not pose a significant risk to the corporation under this title.

"SALE OF ASSETS

"SEC. 4204. (a)(1) A complete or partial withdrawal of an employer (hereinafter in this section referred to as the 'seller') under this section does not occur solely because, as a result of a bona fide, arm's-length sale of assets to an unrelated party (hereinafter in this section referred to as the 'purchaser'), the seller ceases covered operations or ceases to have an obligation to contribute for such operations, if—

"(A) the purchaser has an obligation to contribute to the plan with respect to the operations for substantially the same number of contribution base units for which the seller had an obligation to contribute to the plan;

"(B) the purchaser provides to the plan for a period of 5 plan years commencing with the first plan year beginning after the sale of assets, a bond issued by a corporate surety company that is an acceptable surety for purposes of section 412 of this Act, or an amount held in escrow by a bank or similar financial institution satisfactory to the plan, in an amount equal to the greater of—

"(i) the average annual contribution required to be made by the seller with respect to the operations under the plan for the 3 plan years preceding the plan year in which the sale of the employer's assets occurs, or

"(ii) the annual contribution that the seller was required to make with respect to the operations under the plan for the last plan year before the plan year in which the sale of the assets occurs,

which bond or escrow shall be paid to the plan if the purchaser withdraws from the plan, or fails to make a contribution to the plan when due, at any time during the first 5 plan years beginning after the sale; and

"(C) the contract for sale provides that, if the purchaser withdraws in a complete withdrawal, or a partial withdrawal with respect to operations, during such 5 plan years, the seller is secondarily liable for any withdrawal liability it would have had to the plan with respect to the operations (but for this section) if the liability of the purchaser with respect to the plan is not paid.

"(2) If the purchaser—

"(A) withdraws before the last day of the fifth plan year beginning after the sale, and

"(B) fails to make any withdrawal liability payment when due,

then the seller shall pay to the plan an amount equal to the payment that would have been due from the seller but for this section.

"(3)(A) If all, or substantially all, of the seller's assets are distributed, or if the seller is liquidated before the end of the 5 plan year period described in paragraph (1)(C), then the seller shall provide a bond or amount in escrow equal to the present value of the withdrawal liability the seller would have had but for this subsection.

"(B) If only a portion of the seller's assets are distributed during such period, then a bond or escrow shall be required, in accordance with regulations prescribed by the corporation, in a manner consistent with subparagraph (A).

"(4) The liability of the party furnishing a bond or escrow under this subsection shall be reduced, upon payment of the bond or escrow to the plan, by the amount thereof.

"(b)(1) For the purposes of this part, the liability of the purchaser shall be determined as if the purchaser had been required to contribute to the plan in the year of the sale and the 4 plan years preceding the sale the amount the seller was required to contribute for such operations for such 5 plan years.

"(2) If the plan is in reorganization in the plan year in which the sale of assets occurs, the purchaser shall furnish a bond or escrow in an amount equal to 200 percent of the amount described in subsection (a)(1)(B).

"(c) The corporation may by regulation vary the standards in subparagraphs (B) and (C) of subsection (a)(1) if the variance would more effectively or equitably carry out the purposes of this title. Before it promulgates such regulations, the corporation may grant individual or class variances or exemptions from the requirements of such subparagraphs if the particular case warrants it. Before granting such an individual or class variance or exemption, the corporation—

"(1) shall publish notice in the Federal Register of the pendency of the variance or exemption,

"(2) shall require that adequate notice be given to interested persons, and

"(3) shall afford interested persons an opportunity to present their views.

"(d) For purposes of this section, the term 'unrelated party' means a purchaser or seller who does not bear a relationship to the seller or purchaser, as the case may be, that is described in section 267(b) of the Internal Revenue Code of 1954, or that is described in regulations prescribed by the corporation applying principles similar to the principles of such section.

"PARTIAL WITHDRAWALS

"SEC. 4205. (a) Except as otherwise provided in this section, there is a partial withdrawal by an employer from a plan on the last day of a plan year if for such plan year—

"(1) there is a 70-percent contribution decline, or

"(2) there is a partial cessation of the employer's contribution obligation.

"(b) For purposes of subsection (a)—

"(1)(A) There is a 70-percent contribution decline for any plan year if during each plan year in the 3-year testing period the employer's contribution base units do not exceed 30 percent of the employer's contribution base units for the high base year.

"(B) For purposes of subparagraph (A)—

"(i) The term '3-year testing period' means the period consisting of the plan year and the immediately preceding 2 plan years.

"(ii) The number of contribution base units for the high base year is the average number of such units for the 2 plan years for which the employer's contribution base units were the highest within the 5 plan years immediately preceding the beginning of the 3-year testing period.

"(2)(A) There is a partial cessation of the employer's contribution obligation for the plan year if, during such year—

"(i) the employer permanently ceases to have an obligation to contribute under one or more but fewer than all collective bargaining agreements under which the employer has been obligated to contribute under the plan but continues to perform work in the jurisdiction of the collective bargaining agreement of the type for which contributions were previously required or transfers such work to another location, or

"(ii) an employer permanently ceases to have an obligation to contribute under the plan with respect to work performed at one or more but fewer than all of its facilities, but continues to perform work at the facility of the type for which the obligation to contribute ceased.

"(B) For purposes of subparagraph (A), a cessation of obligations under a collective bargaining agreement shall not be considered to have occurred solely because, with respect to the same plan, one agreement that requires contributions to the plan has been substituted for another agreement.

"(c)(1) In the case of a plan in which a majority of the covered employees are employed in the retail food industry, the plan may be amended to provide that this section shall be applied with respect to such plan—

"(A) by substituting '35 percent' for '70 percent' in subsections (a) and (b), and

"(B) by substituting '65 percent' for '30 percent' in subsection (b).

"(2) Any amendment adopted under paragraph (1) shall provide rules for the equitable reduction of withdrawal liability in any case in which the number of the plan's contribution base units, in the 2 plan years following the plan year of withdrawal of the employer, is higher than such number immediately after the withdrawal.

"(3) Section 4208 shall not apply to a plan which has been amended under paragrapb (1).

"(d) In the case of a plan described in section 404(c) of the Internal Revenue Code of 1954, or a continuation thereof, the plan may be amended to provide rules setting forth other conditions consistent with the purposes of this Act under which an employer has liability for partial withdrawal.

"ADJUSTMENT FOR PARTIAL WITHDRAWAL

"SEC. 4206. (a) The amount of an employer's liability for a partial withdrawal, before the application of sections 4219(c)(1) and 4225, is equal to the product of—

"(1) the amount determined under section 4211, and adjusted under section 4209 if appropriate. determined as if the employer had withdrawn from the plan in a complete withdrawal—

"(A) on the date of the partial withdrawal, or

"(B) in the case of a partial withdrawal described in section 4205(a)(1) (relating to 70-percent contribution decline), on the last day of the first plan year in the 3-year testing period,

multiplied by

"(2) a fraction which is 1 minus a fraction—

"(A) the numerator of which is the employer's contribution base units for the plan year following the plan year in which the partial withdrawal occurs, and

"(B) the denominator of which is the average of the employer's contribution base units for—

"(i) except as provided in clause (ii), the 5 plan years immediately preceding the plan year in which the partial withdrawal occurs, or

"(ii) in the case of a partial withdrawal described in section 4205(a)(1) (relating to 70-percent contribution decline), the 5 plan years immediately preceding the beginning of the 3-year testing period.

"(b)(1) In the case of an employer that has withdrawal liability for a partial withdrawal from a plan, any withdrawal liability of that employer for a partial or complete withdrawal from that plan in a subsequent plan year shall be reduced by the amount of any partial withdrawal liability (reduced by any abatement or reduction of such liability) of the employer with respect to the plan for a previous plan year.

"(2) The corporation shall prescribe such regulations as may be necessary to provide for proper adjustments in the reduction provided by paragraph (1) for—

"(A) changes in unfunded vested benefits arising after the close of the prior year for which partial withdrawal liability was determined,

"(B) changes in contribution base units occurring after the close of the prior year for which partial withdrawal liability was determined, and

"(C) any other factors for which it determines adjustment to be appropriate,

so that the liability for any complete or partial withdrawal in any subsequent year (after the application of the reduction) properly reflects the employer's share of liability with respect to the plan.

"REDUCTION OR WAIVER OF COMPLETE WITHDRAWAL LIABILITY

"SEC. 4207. (a) The corporation shall provide by regulation for the reduction or waiver of liability for a complete withdrawal in the event that an employer who has withdrawn from a plan subsequently resumes covered operations under the plan or renews an obligation to contribute under the plan, to the extent that the corporation determines that reduction or waiver of withdrawal liability is consistent with the purposes of this Act.

"(b) The corporation shall prescribe by regulation a procedure and standards for the amendment of plans to provide alternative rules for the reduction or waiver of liability for a complete withdrawal in the event that an employer who has withdrawn from the plan subsequently resumes covered operations or renews an obligation to contribute under the plan. The rules may apply only to the extent that the rules are consistent with the purposes of this Act.

"REDUCTION OF PARTIAL WITHDRAWAL LIABILITY

"SEC. 4208. (a)(1) If, for any 2 consecutive plan years following the plan year in which an employer has partially withdrawn from a plan under section 4205(a)(1) (referred to elsewhere in this section as the 'partial withdrawal year'), the number of contribution base units with respect to which the employer has an obligation to contribute under the plan for each such year is not less than 90 percent of the total number of contribution base units with respect to which the employer had an obligation to contribute under the plan for the high base year (within the meaning of section 4205(b)(1)(B)(ii)), then the employer shall have no obligation to make payments with respect to such partial withdrawal (other than delinquent payments) for plan years beginning after the second consecutive plan year following the partial withdrawal year.

"(2)(A) For any plan year for which the number of contribution base units with respect to which an employer who has partially withdrawn under section 4205(a)(1) has an obligation to contribute under the plan equals or exceeds the number of units for the highest year determined under paragraph (1) without regard to '90 percent of', the employer may furnish (in lieu of payment of the partial withdrawal liability determined under section 4206) a bond to the plan in the amount determined by the plan sponsor (not exceeding 50 percent of the annual payment otherwise required).

"(B) If the plan sponsor determines under paragraph (1) that the employer has no further liability to the plan for the partial withdrawal, then the bond shall be cancelled.

"(C) If the plan sponsor determines under paragraph (1) that the employer continues to have liability to the plan for the partial withdrawal, then—

"(i) the bond shall be paid to the plan,

"(ii) the employer shall immediately be liable for the outstanding amount of liability due with respect to the plan year for which the bond was posted, and

"(iii) the employer shall continue to make the partial withdrawal liability payments as they are due.

"(b) If—

"(1) for any 2 consecutive plan years following a partial withdrawal under section 4205(a)(1), the number of contribution base units with respect to which the employer has an obligation to contribute for each such year exceeds 30 percent of the total number of contribution base units with respect to which the employer had an obligation to contribute for the high base year (within the meaning of section 4205(b)(1)(B)(ii), and

"(2) the total number of contribution base units with respect to which all employers under the plan have obligations to contribute in each of such 2 consecutive years is not less than 90 percent of the total number of contribution base units for which all employers had obligations to contribute in the partial withdrawal plan year;

then, the employer shall have no obligation to make payments with respect to such partial withdrawal (other than delinquent payments) for plan years beginning after the second such consecutive plan year.

"(c) In any case in which, in any plan year following a partial withdrawal under section 4205(a)(1), the number of contribution base units with respect to which the employer has an obligation to contribute for such year equals or exceeds 110 percent (or such other percentage as the plan may provide by amendment and which is not prohibited under regulations prescribed by the corporation) of the number of contribution base units with respect to which the employer had an obligation to contribute in the partial withdrawal year, then the amount of the employer's partial withdrawal liability payment for such year shall be reduced pro rata, in accordance with regulations prescribed by the corporation.

"(d)(1) An employer to whom section 4202(b) (relating to the building and construction industry) applies is liable for a partial withdrawal only if the employer's obligation to contribute under the plan is continued for no more than an insubstantial portion of its work in the craft and area jurisdiction of the collective bargaining agreement of the type for which contributions are required.

"(2) An employer to whom section 4242(c) (relating to the entertainment industry) applies shall have no liability for a partial withdrawal except under the conditions and to the extent prescribed by the corporation by regulation.

"(e)(1) The corporation may prescribe regulations providing for the reduction or elimination of partial withdrawal liability under any conditions with respect to which the corporation determines that reduction or elimination of partial withdrawal liability is consistent with the purpose of this Act.

"(2) Under such regulations, reduction of withdrawal liability shall be provided only with respect to subsequent changes in the employer's contributions for the same operations, or under the same collective bargaining agreement, that gave rise to the partial withdrawal, and changes in the employer's contribution base units with respect to other facilities or other collective bargaining agreements shall not be taken into account.

"(3) The corporation shall prescribe by regulation a procedure by which a plan may by amendment adopt rules for the reduction or elimination of partial withdrawal liability under any other conditions, subject to the approval of the corporation based on its determination that adoption of such rules by the plan is consistent with the purposes of this Act.

"DE MINIMIS RULE

"SEC. 4209. (a) Except in the case of a plan amended under subsection (b), the amount of the unfunded vested benefits allocable under section 4211 to an employer who withdraws from a plan shall be reduced by the smaller of—

"(1) ¾ of 1 percent of the plan's unfunded vested obligations (determined as of the end of the plan year ending before the date of withdrawal), or

"(2) $50,000,

reduced by the amount, if any, by which the unfunded vested benefits allowable to the employer, determined without regard to this subsection, exceeds $100,000.

"(b) A plan may be amended to provide for the reduction of the amount determined under section 4211 by not more than the greater of—

"(1) the amount determined under subsection (a), or

"(2) the lesser of—

"(A) the amount determined under subsection (a)(1), or

"(B) $100,000,

"reduced by the amount, if any, by which the amount determined under section 4211 for the employer, determined without regard to this subsection, exceeds $150,000.

"(c) This section does not apply—

"(1) to an employer who withdraws in a plan year in which substantially all employers withdraw from the plan, or

"(2) in any case in which substantially all employers withdraw from the plan during a period of one or more plan years pursuant to an agreement or arrangement to withdraw, to an employer who withdraws pursuant to such agreement or arrangement.

"(d) In any action or proceeding to determine or collect withdrawal liability, if substantially all employers have withdrawn from a plan within a period of 3 plan years, an employer who has withdrawn from such plan during such period shall be presumed to have withdrawn from the plan pursuant to an agreement or arrangement, unless the employer proves otherwise by a preponderance of the evidence.

"NO WITHDRAWAL LIABILITY FOR CERTAIN TEMPORARY CONTRIBUTION OBLIGATION PERIODS

"SEC. 4210. (a) An employer who withdraws from a plan in complete or partial withdrawal is not liable to the plan if the employer—

"(1) first had an obligation to contribute to the plan after the date of enactment of the Multiemployer Pension Plan Amendments Act of 1980,

"(2) had an obligation to contribute to the plan for no more than the lesser of—

"(A) 6 consecutive plan years preceding the date on which the employer withdraws, or

"(B) the number of years required for vesting under the plan,

"(3) was required to make contributions to the plan for each such plan year in an amount equal to less than 2 percent of the sum of all employer contributions made to the plan for each such year, and

"(4) has never avoided withdrawal liability because of the application of this section with respect to the plan.

"(b) Subsection (a) shall apply to an employer with respect to a plan only if—

"(1) the plan is not a plan which primarily covers employees in the building and construction industry;

"(2) the plan is amended to provide that subsection (a) applies;

"(3) the plan provides, or is amended to provide, that the reduction under section 411(a)(3)(E) of the Internal Revenue Code of 1954 applies with respect to the employees of the employer; and

"(4) the ratio of the assets of the plan for the plan year preceding the first plan year for which the employer was required to contribute to the plan to the benefit payments made during that plan year was at least 8 to 1.

"METHODS FOR COMPUTING WITHDRAWAL LIABILITY

"SEC. 4211. (a) The amount of unfunded vested benefits allocable to an employer that withdraws from a plan shall be determined in accordance with subsection (b), (c), or (d) of this section.

"(b)(1) Except as provided in subsections (c) and (d), the amount of unfunded vested benefits allocable to an employer that withdraws is the sum of—

"(A) the employer's proportional share of the unamortized amount of the change in the plan's unfunded vested benefits for plan years ending after April 28, 1980, as determined under paragraph (2),

"(B) the employer's proportional share, if any, of the unamortized amount of the plan's unfunded vested benefits at the end of the plan year ending before April 29, 1980, as determined under paragraph (3); and

"(C) the employer's proportional share of the unamortized amounts of the reallocated unfunded vested benefits (if any) as determined under paragraph (4).

If the sum of the amounts determined with respect to an employer under paragraphs (2), (3), and (4) is negative, the unfunded vested benefits allocable to the employer shall be zero.

"(2)(A) An employer's proportional share of the unamortized amount of the change in unfunded vested benefits for plan years ending after April 28, 1980, is the sum of the employer's proportional shares of the unamortized amount of the change in unfunded vested benefits for each plan year in which the employer has an obligation to contribute under the plan ending—

"(i) after such date, and

"(ii) before the plan year in which the withdrawal of the employer occurs.

"(B) The change in a plan's unfunded vested benefits for a plan year is the amount by which—

"(i) the unfunded vested benefits at the end of the plan year; exceeds

"(ii) the sum of—

"(I) the unamortized amount of the unfunded vested benefits for the last plan year ending before April 29, 1980, and

"(II) the sum of the unamortized amounts of the change in unfunded vested benefits for each plan year ending after April 28, 1980, and preceding the plan year for which the change is determined.

"(C) The unamortized amount of the change in a plan's unfunded vested benefits with respect to a plan year is the change in unfunded vested benefits for the plan year, reduced by 5 percent of such change for each succeeding plan year.

"(D) The unamortized amount of the unfunded vested benefits for the last plan year ending before April 29, 1980, is the amount of the unfunded vested benefits as of the end of that plan year reduced by 5 percent of such amount for each succeeding plan year.

"(E) An employer's proportional share of the unamortized amount of a change in unfunded vested benefits is the product of—

"(i) the unamortized amount of such change (as of the end of the plan year preceding the plan year in which the employer withdraws); multiplied by

"(ii) a fraction—

"(I) the numerator of which is the sum of the contributions required to be made under the plan by the employer for the year in which such change arose and for the 4 preceding plan years, and

"(II) the denominator of which is the sum for the plan year in which such change arose and the 4 preceding plan years of all contributions made by employers who had an obligation to contribute under the plan for the plan year in which such change arose reduced by the contributions made in such years by employers who had withdrawn from the plan in the year in which the change arose.

"(3) An employer's proportional share of the unamortized amount of the plan's unfunded vested benefits for the last plan year ending before April 29, 1980, is the product of—

"(A) such unamortized amount; multiplied by—

"(B) a fraction—

"(i) the numerator of which is the sum of all contributions required to be made by the employer under the plan for the most recent 5 plan years ending before April 29, 1980, and

"(ii) the denominator of which is the sum of all contributions made for the most recent 5 plan years ending before April 29, 1980, by all employers—

"(I) who had an obligation to contribute under the plan for the first plan year ending on or after such date, and

"(II) who had not withdrawn from the plan before such date.

"(4)(A) An employer's proportional share of the unamortized amount of the reallocated unfunded vested benefits is the sum of the employer's proportional shares of the unamortized amount of the reallocated unfunded vested benefits for each plan year ending before the plan year in which the employer withdrew from the plan.

"(B) Except as otherwise provided in regulations prescribed by the corporation, the reallocated unfunded vested benefits for a plan year is the sum of—

"(i) any amount which the plan sponsor determines in that plan year to be uncollectible for reasons arising out of cases or proceedings under title 11, United States Code, or similar proceedings.

"(ii) any amount which the plan sponsor determines in that plan year will not be assessed as a result of the operation of section 4209, 4219(c)(1)(B), or section 4225 against an employer to whom a notice described in section 4219 has been sent, and

"(iii) any amount which the plan sponsor determines to be uncollectible or unassessable in that plan year for other reasons under standards not inconsistent with regulations prescribed by the corporation.

"(C) The unamortized amount of the reallocated unfunded vested benefits with respect to a plan year is the reallocated unfunded vested benefits for the plan year, reduced by 5 percent of such reallocated unfunded vested benefits for each succeeding plan year.

"(D) An employer's proportional share of the unamortized amount of the reallocated unfunded vested benefits with respect to a plan year is the product of—

"(i) the unamortized amount of the reallocated unfunded vested benefits (as of the end of the plan year preceding the plan year in which the employer withdraws); multiplied by

"(ii) the fraction defined in paragraph (2)(E)(ii).

"(c)(1) A multiemployer plan, other than a plan which primarily covers employees in the building and construction industry, may be amended to provide that the amount of unfunded vested benefits allocable to an employer that withraws from the plan is an amount determined under paragraph (2), (3), (4), or (5) of this subsection, rather than under subsection (b) or (d). A plan described in section 4203(b)(1)(B)(i) (relating to the building and construction industry) may be amended, to the extent provided in regulations prescribed by the corporation, to provide that the amount of the unfunded vested benefits allocable to an employer not described in section 4203(b)(1)(A) shall be determined in a manner different from that provided in subsection (b).

"(2)(A) The amount of the unfunded vested benefits allocable to any employer under this paragraph is the sum of the amounts determined under subparagraphs (B) and (C).

"(B) The amount determined under this subparagraph is the product of—

"(i) the plan's unfunded vested benefits as of the end of the last plan year ending before April 29, 1980, reduced as if those obligations were being fully amortized in level annual installments over 15 years beginning with the first plan year ending on or after such date; mutiplied by

"(ii) a fraction—

"(I) the numerator of which is the sum of all contributions required to be made by the employer under the plan for the last 5 plan years ending before April 29, 1980, and

"(II) the denominator of which is the sum of all contributions made for the last 5 plan years ending before April 29, 1980, by all employers who had an obligation to contribute under the plan for the first plan year ending after April 28, 1980, and who had not withdrawn from the plan before such date.

"(C) The amount determined under this subparagraph is the product of—

"(i) an amount equal to—

"(I) the plan's unfunded vested benefits as of the end of the plan year preceding the plan year in which the employer withdraws, less

"(II) the sum of the value as of such date of all outstanding claims for withdrawal liability which can reasonably be expected to be collected, with respect to employers withdrawing before such plan year, and that portion of the amount determined under subparagraph (B)(i) which is allocable to employers who have an obligation to contribute under the plan in the plan year preceding the plan year in which the employer withdraws and who also had an obligation to contribute under the plan for the first plan year ending after April 28, 1980; multiplied by

"(ii) a fraction—

"(I) the numerator of which is the total amount required to be contributed under the plan by the employer for the last 5 plan years ending before the date on which the employer withdraws, and

"(II) the denominator of which is the total amount contributed under the plan by all employers for the last 5 plan years ending before the date on which the employer withdraws, increased by the amount of any employer contributions owed with respect to earlier periods which were collected in those plan years, and decreased by any amount contributed by an employer who withdrew from the plan under this part during those plan years.

"(D) The corporation may by regulation permit adjustments in any denominator under this section, consistent with the purposes of this title, where such adjustment would be appropriate to ease administrative burdens of plan sponsors in calculating such denominators.

"(3) The amount of the unfunded vested benefits allocable to an employer under this paragraph is the product of—

"(A) the plan's unfunded vested benefits as of the end of the plan year preceding the plan year in which the employer withdraws, less the value as of the end of such year of all outstanding claims for withdrawal liability which can reasonably be expected to be collected from employers withdrawing before such year; multiplied by

"(B) a fraction—

"(i) the numerator of which is the total amount required to be contributed by the employer under the plan for the last 5 plan years ending before the withdrawal, and

"(ii) the denominator of which is the total amount contributed under the plan by all employers for the last 5 plan years ending before the withdrawal, increased by any employer contributions owed with respect to earlier periods which were collected in those plan years, and decreased by any amount contributed to the plan during those plan years by employers who withdrew from the plan under this section during those plan years.

"(4)(A) The amount of the unfunded vested benefits allocable to an employer under this paragraph is equal to the sum of—

"(i) the plan's unfunded vested benefits which are attributable to participants' service with the employer (determined as of the end of the plan year preceding the plan year in which the employer withdraws), and

"(ii) the employer's proportional share of any unfunded vested benefits which are not attributable to service with the employer or other employers who are obligated to contribute under the plan in the plan year preceding the plan year in which the employer withdraws (determined as of the end of the plan year preceding the plan year in which the employer withdraws).

"(B) The plan's unfunded vested benefits which are attributable to participants' service with the employer is the amount equal to the value of nonforfeitable benefits under the plan which are attributable to participants' service with such employer (determined under plan rules not inconsistent with regulations of the corporation) decreased by the share of plan assets determined under subparagraph (C) which is allocated to the employer as provided under subparagraph (D).

"(C) The value of plan assets determined under this subparagraph is the value of plan assets allocated to nonforfeitable benefits which are attributable to service with the employers who have an obligation to contribute under the plan in the plan year preceding the plan year in which the employer withdraws, which is determined by multiplying—

"(i) the value of the plan assets as of the end of the plan year preceding the plan year in which the employer withdraws, by

"(ii) a fraction—

"(I) the numerator of which is the value of nonforfeitable benefits which are attributable to service with such employers, and

"(II) the denominator of which is the value of all nonforfeitable benefits under the plan

as of the end of the plan year.

"(D) The share of plan assets, determined under subparagraph (C), which is allocated to the employer shall be determined in accordance with one of the following methods which shall be adopted by the plan by amendment:

"(i) by multiplying the value of plan assets determined under subparagraph (C) by a fraction—

"(I) the numerator of which is the value of the nonforfeitable benefits which are attributable to service with the employer, and

"(II) the denominator of which is the value of the nonforfeitable benefits which are attributable to service with all employers who have an obligation to contribute under the plan in the plan year preceding the plan year in which the employer withdraws;

"(ii) by multiplying the value of plan assets determined under subparagraph (C) by a fraction—

"(I) the numerator of which is the sum of all contributions (accumulated with interest) which have been made to the plan by the employer for the plan year preceding the plan year in which the employer withdraws and all preceding plan years; and

"(II) the denominator of which is the sum of all contributions (accumulated with interest) which have been made to the plan (for the plan year preceding the plan year in which the employer withdraws and all preceding plan years) by all employers who have an obligation to contribute to the plan for the plan year preceding the plan year in which the employer withdraws; or

"(iii) by multiplying the value of plan assets under subparagraph (C) by a fraction—

"(I) the numerator of which is the amount determined under clause (ii) (I) of this subparagraph, less the sum of benefit payments (accumulated with interest) made to participants (and their beneficiaries) for the plan years described in such clause (ii) (I) which are attributable to service with the employer; and

"(II) the denominator of which is the amount determined under clause (ii) (II) of this subparagraph, reduced by the sum of benefit payments (accumulated with interest) made to participants (and their beneficiaries) for the plan years described in such clause (ii) (II) which are attributable to service with respect to the employers described in such clause (ii) (II).

"(E) The amount of the plan's unfunded vested benefits for a plan year preceding the plan year in which an employer withdraws, which is not attributable to service with employers who have an obligation to contribute under the plan in the plan year preceding the plan year in which such employer withdraws, is equal to—

"(i) an amount equal to—

"(I) the value of all nonforfeitable benefits under the plan at the end of such plan year, reduced by

"(II) the value of nonforfeitable benefits under the plan at the end of such plan year which are attributable to participants' service with employers who have an obligation to contribute under the plan for such plan year; reduced by "(ii) an amount equal to—

"(I) the value of the plan assets as of the end of such plan year, reduced by

"(II) the value of plan assets as of the end of such plan year as determined under subparagraph (C); reduced by

"(iii) the value of all outstanding claims for withdrawal liability which can reasonably be expected to be collected with respect to employers withdrawing before the year preceding the plan year in which the employer withdraws.

"(F) The employer's proportional share described in subparagraph (A) (ii) for a plan year is the amount determined under subparagraph (E) for the employer, but not in excess of an amount which bears the same ratio to the sum of the amounts determined under subparagraph (E) for all employers under the plan as the amount determined under subparagraph (C) for the employer bears to the sum of the amounts determined under subparagraph (C) for all employers under the plan.

"(G) The corporation may prescribe by regulation other methods which a plan may adopt for allocating assets to determine the amount of the unfunded vested benefits attributable to service with the employer and to determine the employer's share of unfunded vested benefits not attributable to service with employers who have an obligation to contribute under the plan in the plan year in which the employer withdraws.

"(5) (A) The corporation shall prescribe by regulation a procedure by which a plan may, by amendment, adopt any other alternative method for determining an employer's allocable share of unfunded vested benefits under this section, subject to the approval of the corporation based on its determination that adoption of the method by the plan would not significantly increase the risk of loss to plan participants and beneficiaries or to the corporation.

"(B) The corporation may prescribe by regulation standard approaches for alternative methods, other than those set forth in the preceding paragraphs of this subsection, which a plan may adopt under subparagraph (A), for which the corporation may waive or modify the approval requirements of subparagraph (A). Any alternative method shall provide for the allocation of substantially all of a plan's unfunded vested benefits among employers who have an obligation to contribute under the plan.

"(C) Unless the corporation by regulation provides otherwise, a plan may be amended to provide that a period of more than 5 but not more than 10 plan years may be used for determining the numerator and denominator of any fraction which is used under any method authorized under this section for determining an employer's allocable share of unfunded vested benefits under this section.

"(D) The corporation may by regulation permit adjustments in any denominator under this section, consistent with the purposes of this title, where such adjustment would be appropriate to ease administrative burdens of plan sponsors in calculating such denominators.

"(d) (1) The method of calculating an employer's allocable share of unfunded vested benefits set forth in subsection (c) (3) shall be the method for calculating an employer's allocable share of unfunded vested benefits under a plan to which section 404 (c) of the Internal Revenue Code of 1954, or a continuation of such a plan, applies, unless the plan is amended to adopt another method authorized under subsection (b) or (c).

"(2) Sections 4204, 4209, 4219 (c) (1) (B), and 4225 shall not apply with respect to the withdrawal of an employer from a plan described in paragraph (1) unless the plan is amended to provide that any of such sections apply.

"(e) In the case of a transfer of liabilities to another plan incident to an employer's withdrawal or partial withdrawal, the withdrawn employer's liability under this part shall be reduced in an amount equal to the value, as of the end of the last plan year ending on or before the date of the withdrawal, of the transferred unfunded vested benefits.

"(f) In the case of a withdrawal following a merger of multiemployer plans, subsection (b), (c), or (d) shall be applied in accordance with regulations prescribed by the corporation; except that, if a withdrawal occurs in the first plan year beginning after a merger of multiemployer plans, the determination under this section shall be made as if each of the multiemployer plans had remained separate plans.

"OBLIGATION TO CONTRIBUTE; SPECIAL RULES

"SEC. 4212. (a) For purposes of this part, the term 'obligation to contribute' means an obligation to contribute arising—

"(1) under one or more collective bargaining (or related) agreements, or

"(2) as a result of a duty under applicable labor-management relations law, but

does not include an obligation to pay withdrawal liability under this section or to pay delinquent contributions.

"(b) Payments of withdrawal liability under this part shall not be considered contributions for purposes of this part.

"(c) If a principal purpose of any transaction is to evade or avoid liability under this part, this part shall be applied (and liability shall be determined and collected) without regard to such transaction.

"ACTUARIAL ASSUMPTIONS, ETC.

"SEC. 4213. (a) The corporation may prescribe by regulation actuarial assumptions which may be used by a plan actuary in determining the unfunded vested benefits of a plan for purposes of determining an employer's withdrawal liability under this part. Withdrawal liability under this part shall be determined by each plan on the basis of—

"(1) actuarial assumptions and methods which, in the aggregate, are reasonable (taking into account the experience of the plan and reasonable expectations) and which, in combination, offer the actuary's best estimate of anticipated experience under the plan, or

"(2) actuarial assumptions and methods set forth in the corporation's regulations for purposes of determining an employer's withdrawal liability.

"(b) In determining the unfunded vested benefits of a plan for purposes of determining an employer's withdrawal liability under this part, the plan actuary may—

"(1) rely on the most recent complete actuarial valuation used for purposes of section 412 of the Internal Revenue Code of 1954 and reasonable estimates for the interim years of the unfunded vested benefits and

"(2) in the absence of complete data, rely on the data available or on data secured by a sampling which can reasonably be expected to be representative of the status of the entire plan.

"(c) For purposes of this part, the term 'unfunded vested benefits' means with respect to a plan, an amount equal to—

"(A) the value of nonforfeitable benefits under the plan, less

"(B) the value of the assets of the plan.

"APPLICATION OF PLAN AMENDMENTS

"SEC. 4214. (a) No plan rule or amendment adopted after January 31, 1981, under section 4209 or 4211(c) may be applied without the employer's consent with respect to liability for a withdrawal or partial withdrawal which occurred before the date on which the rule or amendment was adopted.

"(b) All plan rules and amendments authorized under this part shall operate and be applied uniformly with respect to each employer, except that special provisions may be made to take into account the creditworthiness of an employer. The plan sponsor shall give notice to all employers who have an obligation to contribute under the plan and to all employee organizations representing employees covered under the plan of any plan rules or amendments adopted pursuant to this section.

"PLAN NOTIFICATION TO CORPORATION OF POTENTIALLY SIGNIFICANT WITHDRAWALS

"SEC. 4215. The corporation may, by regulation, require the plan sponsor of a multiemployer plan to provide notice to the corporation when the withdrawal from the plan by any employer has resulted, or will result, in a significant reduction in the amount of aggregate contributions under the plan made by employers.

SPECIAL RULES FOR SECTION 404 (C) PLANS

"SEC. 4216. (a) In the case of a plan described in subsection (b)—

"(1) if an employer withdraws prior to a termination described in section 4041(a) (2), the amount of withdrawal liability to be paid in any year by such employer shall be an amount equal to the greater of—

"(A) the amount determined under section 4219(c) (1) (C) (i), or

"(B) the product of—

"(i) the number of contribution base units for which the employer would have been required to make contributions for the prior plan year if the employer had not withdrawn, multiplied by

"(ii) the contribution rate for the plan year which would be required to meet the amortization schedules contained in section 4243(d) (3) (B) (ii) (determined without regard to any limitation on such rate otherwise provided by this title)

except that an employer shall not be required to pay an amount in excess of the withdrawal liability computed with interest; and

"(2) the withdrawal liability of an employer who withdraws after December 31, 1983, as a result of a termination described in section 4041A(a)(2) which is agreed to by the labor organization that appoints the employee representative on the joint board of trustees which sponsors the plan, shall be determined under subsection (c) if—

"(A) as a result of prior employer withdrawals in any plan year commencing after January 1, 1980, the number of contribution base units is reduced to less than 67 percent of the average number of such units for the calendar years 1974 through 1979; and

"(B) at least 50 percent of the withdrawal liability attributable to the first 33 percent decline described in subparagraph (A) has been determined by the plan sponsor to be uncollectible within the meaning of regulations of the corporation of general applicability; and

"(C) the rate of employer contributions under the plan for each plan year following the first plan year beginning after the date of enactment of the Multiemployer Pension Plan Amendments Act of 1980 and preceding the termination date equals or exceeds the rate described in section 4243(d)(3).

"(b) A plan is described in this subsection if—

"(1) it is a plan described in section 404(c) of the Internal Revenue Code of 1954 or a continuation thereof; and

"(2) participation in the plan is substantially limited to individuals who retired prior to January 1, 1976.

"(c)(1) The amount of an employer's liability under this paragraph is the product of—

"(A) the amount of the employer's withdrawal liability determined without regard to this section, and

"(B) the greater of 90 percent, or a fraction—

"(i) the numerator of which is an amount equal to the portion of the plan's unfunded vested benefits that is attributable to plan participants who have a total of 10 or more years of signatory service, and

"(ii) the denomintor of which is an amount equal to the total unfunded vested benefits of the plan.

"(2) For purposes of paragraph (1), the term 'a year of signatory service' means a year during any portion of which a participant was employed for an employer who was obligated to contribute in that year, or who was subsequently obligated to contribute.

"APPLICATION OF PART IN CASE OF CERTAIN PRE-1980 WITHDRAWALS

"SEC. 4217. (a) For the purpose of determining the amount of unfunded vested benefits allocable to an employer for a partial or complete withdrawal from a plan which occurs after April 28, 1980, and for the purpose of determining whether there has been a partial withdrawal after such date, the amount of contributions, and the number of contribution base units, of such employer properly allocable—

"(1) to work performed under a collective bargaining agreement for which there was a permanent cessation of the obligation to contribute before April 29, 1980, or

"(2) to work performed at a facility at which all covered operations permanently ceased before April 29, 1980, or for which there was a permanent cessation of the obligation to contribute before that date,

shall not be taken into account.

"(b) A plan may, in a manner not inconsistent with regulations, which shall be prescribed by the corporation, adjust the amount of unfunded vested benefits allocable to other employers under a plan maintained by an employer described in subsection (a).

"WITHDRAWAL NOT TO OCCUR MERELY BECAUSE OF CHANGE IN BUSINESS FORM OR SUSPENSION OF CONTRIBUTIONS DURING LABOR DISPUTES

"SEC. 4218. Notwithstanding any other provision of this part, an employer shall not be considered to have withdrawn from a plan solely because—

"(1) an employer ceases to exist by reason of—

"(A) a change in corporate structure described in section 4062(d), or

"(B) a change to an unincorporated form of business enterprise,

if the change causes no interruption in employer contributions or obligations to contribute under the plan, or

"(2) an employer suspends contributions under the plan during a labor dispute involving its employees.

For purposes of this part, a successor or parent corporation or other entity resulting from any such change shall be considered the original employer.

"NOTICE, COLLECTION, ETC., OF WITHDRAWAL LIABILITY

"SEC. 4219. (a) An employer shall, within 30 days after a written request from the plan sponsor, furnish such information as the plan sponsor reasonably determines to be necessary to enable the plan sponsor to comply with the requirements of this part.

"(b)(1) As soon as practicable after an employer's complete or partial withdrawal, the plan sponsor shall—

"(A) notify the employer of—

"(i) the amount of the liability, and

"(ii) the schedule for liability payments, and

"(B) demand payment in accordance with the schedule.

"(2)(A) No later than 90 days after the employer receives the notice described in paragraph (1), the employer—

"(i) may ask the plan sponsor to review any specific matter relating to the determination of the employer's liability and the schedule of payments,

"(ii) may identify any inaccuracy in the determination of the amount of the unfunded vested benefits allocable to the employer, and

"(iii) may furnish any additional relevant information to the plan sponsor.

"(B) After a reasonable review of any matter raised, the plan sponsor shall notify the employer of—

"(i) the plan sponsor's decision,

"(ii) the basis for the decision, and

"(iii) the reason for any change in the determination of the employer's liability or schedule of liability payments.

"(c)(1)(A)(i) Except as provided in subparagraphs (B) and (D) of this paragraph and in paragraphs (4) and (5), an employer shall pay the amount determined under section 4211, adjusted if appropriate first under section 4209 and then under section 4206 over the period of years necessary to amortize the amount in level annual payments determined under subparagraph (C), calculated as if the first payment were made on the first day of the plan year following the plan year in which the withdrawal occurs and as if each subsequent payment were made on the first day of each subsequent plan year. Actual payment shall commence in accordance with paragraph (2).

"(ii) The determination of the amortization period described in clause (i) shall be based on the assumptions used for the most recent actuarial valuation for the plan.

"(B) In any case in which the amortization period described in subparagraph (A) exceeds 20 years, the employer's liability shall be limited to the first 20 annual payments determined under subparagraph (C).

"(C)(i) Except as provided in subparagraph (E), the amount of each annual payment shall be the product of—

"(I) the average annual number of contribution base units for the period of 3 consecutive plan years, during the period of 10 consecutive plan years ending before the plan year in which the withdrawal occurs, in which the number of contribution base units for which the employer had an obligation to contribute under the plan is the highest, and

"(II) the highest contribution rate at which the employer had an obligation to contribute under the plan during the 10 plan years ending with the plan year in which the withdrawal occurs.

For purposes of the preceding sentence, a partial withdrawal described in section 4205(a)(1) shall be deemed to occur on the last day of the first year of the 3-year testing period described in section 4205(b)(1)(B)(i).

"(ii)(I) A plan may be amended to provide that for any plan year ending before 1986 the amount of each annual payment shall be (in lieu of the amount determined under clause (i)) the average of the required employer contributions under the plan for the period of 3 consecutive plan years (during the period of 10 consecutive plan years ending with the plan year preceding the plan year in which the withdrawal occurs) for which such required contributions were the highest.

"(II) Subparagraph (B) shall not apply to any plan year to which this clause applies.

"(III) This clause shall not apply in the case of any withdrawal described in subparagraph (D).

"(IV) If under a plan this clause applies to any plan year but does not apply to the next plan year, this clause shall not apply to any plan year after such next plan year.

"(V) For purposes of this clause, the term 'required contributions' means, for any period, the amounts which the employer was obligated to contribute for such period (not taking into account any delinquent contribution for any other period).

"(iii) A plan may be amended to provide that for the first plan year ending on or after April 29, 1980, the number '5' shall be substituted for the number '10' each place it appears in clause (i) or clause (ii) (whichever is appropriate). If the plan is so amended, the number '5' shall be increased by one for each succeeding plan year until the number '10' is reached.

"(D) In any case in which a multiemployer plan terminates by the withdrawal of every employer from the plan, or in which substantially all the employers withdraw from a plan pursuant to an agreement or arrangement to withdraw from the plan—

"(i) the liability of each such employer who has withdrawn shall be determined (or redetermined) under this paragraph without regard to subparagraph (B), and

"(ii) notwithstanding any other provision of this part, the total unfunded vested benefits of the plan shall be fully allocated among all such employers in a manner not inconsistent with regulations which shall be prescribed by the corporation.

Withdrawal by an employer from a plan, during a period of 3 consecutive plan years within which substantially all the employers who have an obligation to contribute under the plan withdraw, shall be presumed to be a withdrawal pursuant to an agreement or arrangement, unless the employer proves otherwise by a preponderance of the evidence.

"(E) In the case of a partial withdrawal described in section 4205(a), the amount of each annual payment shall be the product of—

"(i) the amount determined under subparagraph (C) (determined without regard to this subparagraph), multiplied by

"(ii) the fraction determined under section 4206(a)(2).

"(2) Withdrawal liability shall be payable in accordance with the schedule set forth by the plan sponsor under subsection (b)(1) beginning no later than 60 days after the date of the demand notwithstanding any request for review or appeal of determinations of the amount of such liability or of the schedule.

"(3) Each annual payment determined under paragraph (1) (C) shall be payable in 4 equal installments due quarterly, or at other intervals specified by plan rules. If payment is not made when due, interest on the payment shall accrue from the due date until the date on which the payment is made.

"(4) The employer shall be entitled to prepay the outstanding amount of the unpaid annual withdrawal liability payments determined under paragraph (1) (C), plus accrued interest, if any, in whole or in part, without penalty. If the prepayment is made pursuant to a withdrawal which is later determined to be part of a withdrawal described in paragraph (1) (D), the withdrawal liability of the employer shall not be limited to the amount of the prepayment.

"(5) In the event of a default, a plan sponsor may require immediate payment of the outstanding amount of an employer's withdrawal liability, plus accrued interest on the total outstanding liability from the due date of the first payment which was not timely made. For purposes of this section, the term 'default' means—

"(A) the failure of an employer to make, when due, any payment under this section, if the failure is not cured within 60 days after the employer receives written notification from the plan sponsor of such failure, and

"(B) any other event defined in rules adopted by the plan which indicates a substantial likelihood that an employer will be unable to pay its withdrawal liability.

"(6) Except as provided in paragraph (1) (A) (ii), interest under this subsection shall be charged at rates based on prevailing market rates for comparable obligations, in accordance with regulations prescribed by the corporation.

"(7) A multiemployer plan may adopt rules for other terms and conditions for the satisfaction of an employer's withdrawal liability if such rules—

"(A) are consistent with this Act, and

"(B) are not inconsistent with regulations of the corporation.

"(8) In the case of a terminated multiemployer plan, an employer's obligation to make payments under this section ceases at the end of the plan year in which the assets of the plan (exclusive of withdrawal liability claims) are sufficient to meet all obligations of the plan, as determined by the corporation.

"(d) The prohibitions provided in section 406(a) do not apply to any action required or permitted under part.

"APPROVAL OF AMENDMENTS

"SEC. 4220. (a) Except as provided in subsection (b), if an amendment to a multiemployer plan authorized by any preceding section of this part is adopted more than 35 months after the effective date of this section, the amendment shall be effective only if the corporation approves the amendment, or, within 90 days after the corporation receives notice and a copy of the amendment from the plan sponsor, fails to disapprove the amendment.

"(b) An amendment permitted by section 4211(c) (5) may be adopted only in accordance with that section.

"(c) The corporation shall disapprove an amendment referred to in subsection (a) or (b) only if the corporation determines that the amendment creates an unreasonable risk of loss to plan participants and beneficiaries or to the corporation.

"RESOLUTION OF DISPUTES

"SEC. 4221. (a) (1) Any dispute between an employer and the plan sponsor of a multiemployer plan concerning a determination made under sections 4201 through 4219 shall be resolved through arbitration. Either party may initiate the arbitration proceeding within a 60-day period after the earlier of—

"(A) the date of notification to the employer under section 4219(b) (2) (B), or

"(B) 120 days after the date of the employer's request under section 4219(b) (2) (A).

The parties may jointly initiate arbitration within the 180-day period after the date of the plan sponsor's demand under section 4219(b) (1).

"(2) An arbitration proceeding under this section shall be conducted in accordance with fair and equitable procedures to be promulgated by the corporation. The plan sponsor may purchase insurance to cover potential liability of the arbitrator. If the parties have not provided for the costs of the arbitration, including arbitrator's fees, by agreement, the arbitrator shall assess such fees. The arbitrator may also award reasonable attorney's fees.

"(3) (A) For purposes of any proceeding under this section, any determination made by a plan sponsor under sections 4201 through 4219 and section 4225 is presumed correct unless the party contesting the determination shows by a preponderance of the evidence that the determination was unreasonable or clearly erroneous.

"(B) In the case of the determination of a plan's unfunded vested benefits for a plan year, the determination is presumed correct unless a party contesting the determination shows by a preponderance of evidence that—

"(i) the actuarial assumptions and methods used in the determination were, in the aggregate, unreasonable (taking into account the experience of the plan and reasonable expectations), or

"(ii) the plan's actuary made a significant error in applying the actuarial assumptions or methods.

"(b) (1) If no arbitration proceeding has been initiated pursuant to subsection (a), the amounts demanded by the plan sponsor under section 4219(b) (1) shall be due and owing on the schedule set forth by the plan sponsor. The plan sponsor may bring an action in a State or Federal court of competent jurisdiction for collection.

"(2) Upon completion of the arbitration proceedings in favor of one of the parties, any party thereto may bring an action, no later than 30 days after the issuance of an arbitrator's award, in an appropriate United States district court in accordance with section 4301 to enforce, vacate, or modify the arbitrator's award.

"(3) Any arbitration proceedings under this section shall, to the extent consistent with this title, be conducted in the same manner, subject to the same limitations, carried out with the same powers (including subpena power), and enforced in United States courts as an arbitration proceeding carried out under title 9, United States Code.

"(c) In any proceeding under subsection (b), there shall be a presumption, rebuttable only by a clear preponderance of the evidence, that the findings of fact made by the arbitrator were correct.

"(d) Payments shall be made by an employer in accordance with the determinations made under this part until the arbitrator issues a final decision with respect to the determination submitted for arbitration, with any necessary adjustments in subsequent payments for overpayments or underpayments arising out of the decision of the arbitrator with respect to the determination. If the employer fails to make timely payment in accordance with such final decision, the employer shall be treated as being delinquent in the making of a contribution required under the plan (within the meaning of section 515).

"(e) If any employer requests in writing that the plan sponsor make available to the employer general information necessary for the employer to compute its withdrawal liability with respect to the plan (other than information which is unique to that employer), the plan sponsor shall furnish the information to the employer without charge. If any employer requests in writing that the plan sponsor make an estimate of such employer's potential withdrawal liability with respect to the plan or to provide information unique to that employer, the plan sponsor may require the employer to pay the reasonable cost of making such estimate or providing such information.

"REIMBURSEMENTS FOR UNCOLLECTIBLE WITHDRAWAL LIABILITY

"SEC. 4222. (a) By May 1, 1982, the corporation shall establish by regulation a supplemental program to reimburse multiemployer plans for withdrawal liability payments which are due from employers and which are determined to be uncollectible for reasons arising out of cases or proceedings involving the employers under title 11, United States Code, or similar cases or proceedings. Participation in the supplemental program shall be on a voluntary basis, and a plan which elects coverage under the program shall pay premiums to the corporation in accordance with a premium schedule which shall be prescribed from time to time by the corporation. The premium schedule shall contain such rates and bases for the application of such rates as the corporation considers to be appropriate.

"(b) The corporation may provide under the program for reimbursement of amounts of withdrawal liability determined to be uncollectible for any other reasons the corporation considers appropriate.

"(c) The cost of the program (including such administrative and legal costs as the corporation considers appropriate) may be paid only out of premiums collected under such program.

"(d) The supplemental program may be offered to eligible plans on such terms and conditions, and with such limitations with respect to the payment of reimbursements (including the exclusion of de minimis amounts of uncollectible employer liability, and the reduction or elimination of reimburements which cannot be paid from collected premiums) and such restrictions on withdrawal from the program, as the corporation considers necessary and appropriate.

"(e) The corporation may enter into arrangements with private insurers to carry out in whole or in part the program authorized by this section and may require plans which elect coverage under the program to elect coverage by those private insurers.

"WITHDRAWAL LIABILITY PAYMENT FUND

"SEC. 4223. (a) The plan sponsors of multiemployer plans may establish or participate in a withdrawal liability payment fund.

"(b) For purposes of this section, the term 'withdrawal liability payment fund', and the term 'fund', mean a trust which—

"(1) is established and maintained under section 501(c) (22) of the Internal Revenue Code of 1954,

"(2) maintains agreements which cover a substantial portion of the participants who are in multiemployer plans which (under the rules of the trust instrument) are eligible to participate in the fund,

"(3) is funded by amounts paid by the plans which participate in the fund, and

"(4) is administered by a Board of Trustees, and in the administration of the fund there is equal representation of—

"(A) trustees representing employers who are obligated to contribute to the plans participating in the fund, and

"(B) trustees representing employees who are participants in plans which participate in the fund.

"(c) (1) If an employer withdraws from a plan which participates in a withdrawal liability payment fund, then, to the extent provided in the trust, the fund shall pay to that plan—

"(A) the employer's unattributable liability,

"(B) the employer's withdrawal liability payments which would have been due out for sections 4208, 4209, 4219, or 4225,

"(C) the employer's withdrawal liability payments to the extent they are uncollectible.

"(2) The fund may provide for the payment of the employer's attributable liability if the fund—

"(A) provides for the payment of both the attributable and the unattributable liability of the employer in a single payment, and

"(B) is subrogated to all rights of the plan against the employer.

"(3) For purposes of this section, the term—

"(A) 'Attributable liability' means the excess, if any, determined under the provisions of a plan not inconsistent with regulations of the corporation, of—

"(i) the value of vested benefits accrued as a result of service with the employer, over

"(ii) the value of plan assets attributed to the employer, and

"(B) 'unattributable liability' means the excess of withdrawal liability over attributable liability.

Such terms may be further defined, and the manner in which they shall be applied may be prescribed, by the corporation by regulation.

"(4) (A) The trust of a fund shall be maintained for the exclusive purpose of paying—

"(i) any amount described in paragraph (1) and paragraph (2), and

"(ii) reasonable and necessary administrative expenses in connection with the establishment and operation of the trust and the processing of claims against the fund.

"(B) The amounts paid by a plan to a fund shall be deemed a reasonable expense of administering the plan under sections 403(c)(1) and 404(a)(1)(A)(ii), and the payments made by a fund to a participating plan shall be deemed services necessary for the operation of the plan within the meaning of section 408(b)(2) or within the meaning of section 4975(d)(2) of the Internal Revenue Code of 1954.

"(d) (1) For purposes of this part—

"(A) only amounts paid by the fund to a plan under subsection (c)(1)(A) shall be credited to withdrawal liability otherwise payable by the employer, unless the plan otherwise provides, and

"(B) any amounts paid by the fund under subsection (c) to a plan shall be treated by the plan as a payment of withdrawal liability to such plan.

"(2) For purposes of applying provisions relating to the funding standard accounts (and minimum contribution requirements), amounts paid from the plan to the fund shall be applied to reduce the amount treated as contributed to the plan.

"(e) The fund shall be subrogated to the rights of the plan against the employer that has withdrawn from the plan for amounts paid by a fund to a plan under—

"(1) subsection (c)(1)(A), to the extent not credited under subsection (d)(1)(A), and

"(2) subsection (c)(1)(C).

"(f) Notwithstanding any other provision of this Act, a fiduciary of the fund shall discharge the fiduciary's duties with respect to the fund in accordance with the standards for fiduciaries prescribed by this Act (to the extent not inconsistent with the purposes of this section), and in accordance with the documents and instruments governing the fund insofar as such documents and instruments are consistent with the provisions of this Act (to the extent not inconsistent with the purposes of this section). The provisions of the preceding sentence shall supersede any and all State laws relating to fiduciaries insofar as they may now or hereafter relate to a fund to which this section applies.

"(g) No payments shall be made from a fund to a plan on the occasion of a withdrawal or partial withdrawal of an employer from such plan if the employees representing the withdrawn contribution base units continue, after such withdrawal, to be represented under section 9 of the National Labor Relations Act (or other applicable labor laws) in negotiations with such employer by the labor organization which represented such employees immediately preceding such withdrawal.

"(h) Nothing in this section shall be construed to prohibit the purchase of insurance by an employer from any other person, to limit the circumstances under which such insurance would be payable, or to limit in any way the terms and conditions of such insurance.

"(i) The corporation may provide by regulation rules not inconsistent with this section governing the establishment and maintenance of funds, but only to the extent necessary to carry out the purposes of this part (other than section 4222).

"ALTERNATIVE METHOD OF WITHDRAWAL LIABILITY PAYMENTS

"SEC. 4224. A multiemployer plan may adopt rules providing for other terms and conditions for the satisfaction of an employers' withdrawal liability if such rules are consistent with this Act and with such regulations as may be prescribed by the corporation.

"LIMITATION ON WITHDRAWAL LIABILITY

"SEC. 4225. (a)(1) In the case of bona fide sale of all or substantially all of the employer's assets in an arm's-length transaction to an unrelated party (within the meaning of section 4204(d)), the unfunded vested benefits allocable to an employer (after the application of all sections of this part having a lower number designation than this section), other than an employer undergoing reorganization under title 11, United States Code, or similar provisions of State law, shall not exceed the greater of—

"(A) a portion (determined under paragraph (2)) of the liquidation or dissolution value of the employer (determined after the sale or exchange of such assets), or

"(B) the unfunded vested benefits attributable to employees of the employer.

"(2) For purposes of paragraph (1), the portion shall be determined in accordance with the following table:

"If the liquidation or dissolution value of the employer after the sale or exchange is—	The portion is—
Not more than $2,000,000	30 percent of the amount
More than $2,000,000, but not more than $4,000,000	$600,000, plus 35 percent of the amount in excess of $2,000,000.
More than $4,000,000, but not more than $6,000,000	$1,300,000, plus 40 percent of the amount in excess of $4,000,000.
More than $6,000,000, but not more than $7,000,000	$2,100,000, plus 45 percent of the amount in excess of $6,000,000.
More than $7,000,000, but not more than $8,000,000	$2,550,000, plus 50 percent of the amount in excess of $7,000,000.
More than $8,000,000, but not more than $9,000,000	$3,050,000, plus 60 percent of the amount in excess of $8,000,000.
More than $9,000,000, but not more than $10,000,000	$3,650,000, plus 70 percent of the amount in excess of $9,000,000.
More than $10,000,000	$4,350,000, plus 80 percent of the amount in excess of $10,000,000.

"(b) In the case of an insolvent employer undergoing liquidation or dissolution, the unfunded vested benefits allocable to that employer shall not exceed an amount equal to the sum of—

"(1) 50 percent of the unfunded vested benefits allocable to the employer (determined without regard to this section), and

"(2) that portion of 50 percent of the unfunded vested benefits allocable to the employer (as determined under paragraph (1)) which does not exceed the liquidation or dissolution value of the employer determined—

"(A) as of the commencement of liquidation or dissolution, and

"(B) after reducing the liquidation or dissolution value of the employer by the amount determined under paragraph (1).

"(c) To the extent that the withdrawal liability of an employer is attributable to his obligation to contribute to or under a plan as an individual (whether as a sole proprietor or as a member of a partnership), property which may be exempt from the estate under section 522 of title 11, United States Code, or under similar provisions of law, shall not be subject to enforcement of such liability.

"(d) For purposes of this section—

"(1) an employer is insolvent if the liabilities of the employer, including withdrawal liability under the plan (determined without regard to subsection (b)), exceed the assets of the employer (determined as of the commencement of the liquidation or dissolution), and

"(2) the liquidation or dissolution value of the employer shall be determined without regard to such withdrawal liability.

"(e) In the case of one or more withdrawals of an employer attributable to the same sale, liquidation, or dissolution, under regulations prescribed by the corporation—

"(1) all such withdrawals shall be treated as a single withdrawal for the purpose of applying this section, and

"(2) the withdrawal liability of the employer to each plan shall be an amount which bears the same ratio to the present value of the withdrawal liability payments to all plans (after the application of the preceding provisions of this section) as the withdrawal liability of the employer to such plan (determined without regard to this section) bears to the withdrawal liability of the employer to all such plans (determined without regard to this section).

"PART 2—MERGER OR TRANSFER OF PLAN ASSETS OR LIABILITIES

"MERGERS AND TRANSFERS BETWEEN MULTIEMPLOYER PLANS

"SEC. 4231. (a) Unless otherwise provided in regulations prescribed by the corporation, a plan sponsor may not cause a multiemployer plan to emerge with one or more multiemployer plans, or engage in a transfer of assets and liabilities to or from another multiemployer plan, unless such merger or transfer satisfies the requirements of subsection (b).

"(b) A merger or transfer satisfies the requirements of this section if—

"(1) in accordance with regulations of the corporation, the plan sponsor of a multiemployer plan notifies the corporation of a merger with or transfer of plan assets or liabilities to another multiemployer plan at least 120 days before the effective date of the merger or transfer;

"(2) no participant's or beneficiary's accrued benefit will be lower immediately after the effective date of the merger or transfer than the benefit immediately before that date;

"(3) the benefits of participants and beneficiaries are not reasonably expected to be subject to suspension under section 4245; and

"(4) an actuarial valuation of the assets and liabilities of each of the affected plans has been performed during the plan year preceding the effective date of the merger or transfer, based upon the most recent data available as of the day before the start of that plan year, or other valuation of such assets and liabilities performed under such standards and procedures as the corporation may prescribe by regulation.

"(c) The merger of multiemployer plans or the transfer of assets or liabilities between multiemployer plans, shall be deemed not to constitute a violation of the provisions of section 406(a) or section 406(b)(2) if the corporation determines that the merger or transfer otherwise satisfies the requirements of this section.

"(d) A plan to which liabilities are transferred under this section is a successor plan for purposes of section 4022A(b)(2)(B).

"TRANSFERS BETWEEN A MULTIEMPLOYER PLAN AND A SINGLE-EMPLOYER PLAN

"SEC. 4232. (a) A transfer of assets or liabilities between, or a merger of, a multiemployer plan and a single-employer plan shall satisfy the requirements of this section.

"(b) No accrued benefit of a participant or beneficiary may be lower immediately after the effective date of a transfer or merger described in subsection (a) than the benefit immediately before that date.

"(c)(1) Except as provided in paragraphs (2) and (3), a multiemployer plan which transfers liabilities to a single-employer plan shall be liable to the corporation if the single-employer plan terminates within 60 months after the effective date of the transfer. The amount of liability shall be the lesser of—

"(A) the amount of the plan asset insufficiency of the terminated single-employer plan, less 30 percent of the net worth of the employer who maintained the single-employer plan, determined in accordance with section 4062 or 4064, or

"(B) the value, on the effective date of the transfer, of the unfunded benefits transferred to the single employer plan which are guaranteed under section 4022.

"(2) A multiemployer plan shall be liable to the corporation as provided in paragraph (1) unless, within 180 days after the corporation receives an application (together with such information as the corporation may reasonably require for purposes of such application) from the multiemployer plan sponsor for a determination under this paragraph—

"(A) the corporation determines that the interests of the plan participants and beneficiaries and of the corporation are adequately protected, or

"(B) fails to make any determination regarding the adequacy with which such interests are protected with respect to such transfer of liabilities.

If, after the receipt of such application, the corporation requests from the plan sponsor additional information necessary for the determination, the running of the 180-day period shall be suspended from the date of such request until the receipt by the corporation of the additional information requested. The corporation may by regulation prescribe procedures and standards for the issuance of determinations under this paragraph. This paragraph shall not apply to any application submitted less than 180 days after the date of enactment of the Multiemployer Pension Plan Amendments Act of 1980.

"(3) A multiemployer plan shall not be liable to the corporation as provided in paragraph (1) in the case of a transfer from the multiemployer plan to a single-employer plan of liabilities which accrued under a single-employer plan which merged with the multiemployer plan if, the value of liabilities transferred to the single-employer plan does not exceed the value of the liabilities for benefits which accrued before the merger, and the value of the assets transferred to the single-employer plan is substantially equal to the value of the assets which would have been in the single-employer plan if the employer had maintained and funded it as a separate plan under which no benefits accrued after the date of the merger.

"(4) The corporation may make equitable arrangements with multiemployer plans which are liable under this subsection for satisfaction of their liability.

"(d) Benefits under a single-employer plan to which liabilities are transferred in accordance with this section are guaranteed under section 4022 to the extend provided in that section as of the effective date of the transfer and the plan is a successor plan.

"(e)(1) Except as provided in paragraph (2), a multi-employer plan may not transfer liabilities to a single employer plan unless the plan sponsor of the plan to which the liabilities would be transferred agrees to the transfer.

"(2) In the case of a transfer described in subsection (c)(3), paragraph (1) of this subsection is satisfied by the advance agreement to the transfer by the employer who will be obligated to contribute to the single-employer plan.

"(f)(1) The corporation may prescribe by regulation such additional requirements with respect to the transfer of assets or liabilities as may be necessary to protect the interests of plan participants and beneficiaries and the corporation.

"(2) Except as otherwise determined by the corporation, a transfer of assets or liabilities to a single-employer plan from a plan in reorganization under section 4241 is not active unless the corporation approves such transfer.

"(3) No transfer to which this section applies, in connection with a termination described in section 4041A(a)(2) shall be effective unless the transfer meets such requirements as may be established by the corporation to prevent an increase in the risk of loss to the corporation.

"PARTITION

"SEC. 4233. (a) The corporation may order the partition of a multiemployer plan in accordance with this section.

"(b) A plan sponsor may apply to the corporation for an order partitioning a plan. The corporation may not order the partition of a plan except upon notice to the plan sponsor and the participants and beneficiaries whose vested benefits will be affected by the partition of the plan, and upon finding that—

"(1) a substantial reduction in the amount of aggregate contributions under the plan has resulted or will result from a case or proceeding under title 11, United States Code, with respect to an employer;

"(2) the plan is likely to become insolvent;

"(3) contributions will have to be increased significantly in reorganization to meet the minimum contribution requirement and prevent insolvency; and

"(4) partition would significantly reduce the likelihood that the plan will become insolvent.

"(c) The corporation may order the partition of a plan notwithstanding the pendency of a proceeding described in subsection (b)(1).

"(d) The corporation's partition order shall provide for a transfer of no more than the nonforfeitable benefits directly attributable to service with the employer referred to in subsection (b)(1) and an equitable share of assets.

"(e) The plan created by the partition is—

"(1) a successor plan to which section 4022A applies, and

"(2) a terminated multiemployer plan to which section 4041A(d) applies, with respect to which only the employer described in subsection (b)(1) has withdrawal liability, and to which section 4068 applies.

"(f) The corporation may proceed under section 4042 (c) through (h) for a decree partitioning a plan and appointing a trustee for the terminated portion of a partitioned plan. The court may order the partition of a plan upon making the findings described in subsection (b)(1) through (4), and subject to the conditions set for in subsections (c) through (e).

"ASSET TRANSFER RULES

"SEC. 4234. (a) A transfer of assets from a multiemployer plan to another plan shall comply with asset-transfer rules which shall be adopted by the multiemployer plan and which—

"(1) do not unreasonably restrict the transfer of plan assets in connection with the transfer of plan liabilities, and

"(2) operate and are applied uniformly with respect to each proposed transfer, except that the rules may provide for reasonable variations taking into account the pofer on the multiemployer plan. Plan rules authorizing assets transfers consistent with the requirements of section 4232(c)(3) shall be considered to satisfy the requirements of this subsection.

"(b) The corporation shall prescribe regulations which exempt de minimus transfers of assets from the requirements of this part.

"(c) This part shall not apply to transfers of assets pursuant to written reciprocity agreements, except to the extent provided in regulations prescribed by the corporation.

"TRANSFERS PURSUANT TO CHANGE IN BARGAINING REPRESENTATIVE

"SEC. 4235. (a) In any case in which an employer has completely or partially withdrawn from a multiemployer plan (hereafter in this section referred to as the 'old plan') as a result of a certified change of collective bargaining representative occurring after April 28, 1980, if participants of the old plan who are employed by the employer will, as a result of that change, participate in another multiemployer plan (hereafter in this section referred to as the 'new plan'), the old plan shall transfer assets and liabilities to the new plan in accordance with this section.

"(b)(1) The employer shall notify the plan sponsor of the old plan of a change in multiemployer plan participation described in subsection (a) no later than 30 days after the employer determines that the change will occur.

"(2) The plan sponsor of the old plan shall—

"(A) notify the employer of—

"(i) the amount of the employer's withdrawal liability determined under part 1 with respect to the withdrawal,

"(ii) the old plan's intent to transfer to the new plan the nonforfeitable benefits of the employees who are no longer working in covered service under the old plan as a result of the change of bargaining representative, and

"(iii) the amount of assets and liabilities which are to be transferred to the new plan, and

"(B) notify the plan sponsor of the new plan of the benefits, assets, and liabilities which will be transferred to the new plan.

"(3) Within 60 days after receipt of the notice described in paragraph (2)(B), the new plan may file an appeal with the corporation to prevent the transfer. The transfer shall not be made if the corporation determines that the new plan would suffer substantial financial harm as a result of the transfer.

Upon notification described in paragraph (2), if—

"(A) the employer fails to object to the transfer within 60 days after receipt of the notice described in paragraph (2)(A), or

"(B) the new plan either—

(i) fails to file such an appeal, or

(ii) the corporation, pursuant to such an appeal, fails to find that the new plan would suffer substantial financial harm as a result of the transfer described in the notice under paragraph (2)(B) within 180 days after the date on which the appeal is filed,

then the plan sponsor of the old plan shall transfer the appropriate amount of assets and liabilities to the new plan.

"(c) If the plan sponsor of the old plan transfers the appropriate amount of assets and liabilities under this section to the new plan, then the amount of the employer's withdrawal liability (as determined under section 4201(b) without regard to such transfer and this section) with respect to the old plan shall be reduced by the amount by which—

"(1) the value of the unfunded vested benefits allocable to the employer which were transferred by the plan sponsor of the old plan to the new plan, exceeds

"(2) the value of the assets transferred.

"(d) In any case in which there is a complete or partial withdrawal described in subsection (a), if—

"(1) the new plan files an appeal with the corporation under subsection (b)(3), and

"(2) the employer is required by section 4219 to begin making payments of withdrawal liability before the earlier of—

"(A) the date on which the corporation finds that the new plan would not suffer substantial financial harm as a result of the transfer, or

"(B) the last day of the 180-day period beginning on the date on which the new plan files its appeal,

then the employer shall make such payments into an escrow held by a bank or similar financial institution satisfactory to the old plan. If the transfer is made, the amounts paid into the escrow shall be returned to the employer. If the transfer is not made, the amounts paid into the escrow shall be paid to the old plan and credited against the employer's withdrawal liability.

"(e)(1) Notwithstanding subsection (b), the plan sponsor shall not transfer any assets to the new plan if—

"(A) the old plan is in reorganization (within the meaning of section 4241(a)), or

"(B) the transfer of assets would cause the old plan to go into reorganization (within the meaning of section 4241(a)).

"(2) In any case in which a transfer of assets from the old plan to the new plan is prohibited by paragraph (1), the plan sponsor of the old plan shall transfer—

"(A) all nonforfeitable benefits described in subsection (b)(2), if the value of such benefits does not exceed the withdrawal liability of the employer with respect to such withdrawal, or

"(B) such nonforfeitable benefits having a value equal to the withdrawal ability of the employer, if the value of such benefits exceeds the withdrawal liability of the employer.

"(f)(1) Notwithstanding subsection (b) and (e), the plan sponsors of the old plan and the new plan may agree to a transfer of assets and liabilities that complies with sections 4231 and 4234, rather than this section, except that the employer's liability with respect to the withdrawal from the old plan shall be reduced under subsection (c) as if assets and liabilities had been transferred in accordance with this section.

"(2) If the employer withdraws from the new plan within 240 months after the effective date of a transfer of assets and liabilities described in this section, the amount of the employer's withdrawal liability to the new plan shall be the greater of—

"(A) the employer's withdrawal liability determined under part 1 with respect to the new plan, or

"(B) the amount by which the employer's withdrawal liability to the old plan was reduced under subsection (c), reduced by 5 percent for each 12-month period following the effective date of the transfer and ending before the date of the withdrawal from the new plan.

"(g) For purposes of this section—

"(1) 'appropriate amount of assets' means the amount by which the value of the nonforfeitable benefits to be transferred exceeds the amount of the employer's withdrawal liability to the old plan (determined under part 1 without regard to section 4211(e)), and

"(2) 'certified change of collective bargaining representative' means a change of collective bargaining representative certified under the Labor-Management Relations Act, 1947, or the Railway Labor Act.

"Part 3—Reorganization; Minimum Contribution Requirement for Multiemployer Plans

"REORGANIZATION STATUS

"Sec. 4241. (a) A multiemployer plan is in reorganization for a plan year if the plan's reorganization index for that year is greater than zero.

"(b)(1) A plan's reorganization index for any plan year is the excess of—

"(A) the vested benefits charge for such year, over

"(B) the net charge to the funding standard account for such year.

"(2) For purposes of this part, the net charge to the funding standard account for any plan year is the excess (if any) of—

"(A) the charges to the funding standard account for such year under section 412(b)(2) of the Internal Revenue Code of 1954, over

"(B) the credits to the funding standard account under section 412(b)(3)(B) of such Code.

"(3) For purposes of this part, the vested benefits charge for any plan year is the amount which would be necessary to amortize the plan's unfunded vested benefits as of the end of the base plan year in equal annual installments—

"(A) over 10 years, to the extent such benefits are attributable to persons in pay status, and

"(B) over 25 years, to the extent such benefits are attributable to other participants.

"(4)(A) The vested benefits charge for a plan year shall be based on an actuarial valuation of the plan as of the end of the base plan year, adjusted to reflect—

"(i) any—

"(I) decrease of 5 percent or more in the value of plan assets, or increase of 5 percent or more in the number of persons in pay status, during the period beginning on the first day of the plan year following the base plan year and ending on the adjustment date, or

"(II) at the election of the plan sponsor, actuarial valuation of the plan as of the adjustment date or any later date not later than the last day of the plan year for which the determination is being made,

"(ii) any change in benefits under the plan which is not otherwise taken into account under this subparagraph and which is pursuant to any amendment—

"(I) adopted before the end of the plan year for which the determination is being made, and

"(II) effective after the end of the base plan year and on or before the end of the plan year referred to in subclause (I), and

"(iii) any other event (including an event described in subparagraph (B)(i)(I) which, as determined in accordance with regulations prescribed by the Secretary, would substantially increase the plan's vested benefit charge.

"(B)(i) In determining the vested benefits charge for a plan year following a plan year in which the plan was not in reorganization, any change in benefits which—

"(I) results from the changing of a group of participants from one benefit level to another benefit level under a schedule of plan benefits as a result of changes in a collective bargaining agreement, or

"(II) results from any other change in a collective bargaining agreement,

shall not be taken into account except to the extent provided in regulations prescribed by the Secretary of the Treasury.

"(ii) Except as otherwise determined by the Secretary of the Treasury, in determining the vested benefits charge for any plan year following any plan year in which the plan was in reorganization, any change in benefits—

"(I) described in clause (i)(I), or

"(II) described in clause (i)(II) as determined under regulations prescribed by the Secretary of the Treasury,

shall, for purposes of subparagraph (A)(ii), be treated as a change in benefits pursuant to an amendment to a plan.

"(5)(A) For purposes of this part, the base plan year for any plan year is—

"(i) if there is a relevant collective bargaining agreement, the last plan year ending at least 6 months before the relevant effective date, or

"(ii) if there is no relevant collective bargaining agreement, the last plan year ending at least 12 months before the beginning of the plan year.

"(B) For purposes of this part, a relevant collective bargaining agreement is a collective bargaining agreement—

"(i) which is in effect for at least 6 months during the plan year, and

"(ii) which has not been in effect for more than 36 months as of the end of the plan year.

"(C) For purposes of this part, the relevant effective date is the earliest of the effective dates for the relevant collective bargaining agreements.

"(D) For purposes of this part, the adjustment date is the date which is—

"(i) 90 days before the relevant effective date, or

"(ii) if there is no relevant effective date, 90 days before the beginning of the plan year.

"(6) For purposes of this part, the term 'person in pay status' means—

"(A) a participant or beneficiary on the last day of the base plan year who, at any time during such year, was paid an early, late, normal, or disability retirement benefit (or a death benefit related to a retirement benefit), and

"(B) to the extent provided in regulations prescribed by the Secretary of the Treasury, any other person who is entitled to such a benefit under the plan.

"(7) For purposes of paragraph (3)—

"(A) in determining the plan's unfunded vested benefits, plan assets shall first be allocated to the vested benefits attributable to persons in pay status, and

"(B) the vested benefits charge shall be determined without regard to reductions in accrued benefits under section 4244A which are first effective in the plan year.

"(8) For purposes of this part, any outstanding claim for withdrawal liability shall not be considered a plan asset, except as otherwise provided in regulations prescribed by the Secretary of the Treasury.

"(9) For purposes of this part, the term 'unfunded vested benefits' means with respect to a plan, an amount (determined in accordance with regulations prescribed by the Secretary of the Treasury) equal to—

"(A) the value of nonforfeitable benefits under the plan, less

"(B) the value of assets of the plan.

"(c) Except as provided in regulations prescribed by the corporation, while a plan is in reorganization a benefit with respect to a participant (other than a death benefit) which is attributable to employer contributions and which has a value of more than $1,750 may not be paid in a form other than an annuity which (by itself or in combination with social security, railroad retirement, or workers' compensation benefits) provides substantially level payments over the life of the participant.

"(d) Any multiemployer plan which terminates under section 4041A(a) (2) shall not be considered in reorganization after the last day of the plan year in which the plan is treated as having terminated.

"NOTICE OF REORGANIZATION AND FUNDING REQUIREMENTS

"SEC. 4242. (a) (1) If—

"(A) a multiemployer plan is in reorganization for a plan year, and

"(B) section 4243 would require an increase in contributions for such plan year,

the plan sponsor shall notify the persons described in paragraph (2) that the plan is in reorganization and that, if contributions to the plan are not increased, accrued benefits under the plan may be reduced or an excise tax may be imposed (or both such reduction and imposition may occur).

"(2) The persons described in this paragraph are—

"(A) each employer who has an obligation to contribute under the plan (within the meaning of section 4201(h)(5)), and

"(B) each employee organization which, for purposes of collective bargaining, represents plan participants employed by such an employer.

"(3) The determination under paragraph (1)(B) shall be made without regard to the overburden credit provided by section 4244.

"(b) The corporation may prescribe additional or alternative requirements for assuring, in the case of a plan with respect to which notice is required by subsection (a) (1), that the persons described in subsection (a)(2)—

"(1) receive appropriate notice that the plan is in reorganization,

"(2) are adequately informed of the implications of reorganization status, and

"(3) have reasonable access to information relevant to the plan's reorganization status.

"MINIMUM CONTRIBUTION REQUIREMENT

"SEC. 4243. (a)(1) For any plan year for which a plan is in reorganization—

"(A) the plan shall continue to maintain its funding standard account while it is in reorganization, and

"(B) the plan's accumulated funding deficiency under section 302(a) for such plan year shall be equal to the excess (if any) of—

"(i) the sum of the minimum contribution requirement for such plan year (taking into account any overburden credit under section 4244(a)) plus the plan's accumulated funding deficiency for the preceding plan year (determined under this section if the plan was in reorganization during such year or under section 302(a) if the plan was not in reorganization), over

"(ii) amounts considered contributed by employers to or under the plan for the plan year (increased by any amount waived under subsection (f) for the plan year).

"(2) For purposes of paragraph (1), withdrawal liability payments (whether or not received) which are due with respect to withdrawals before the end of the base plan year shall be considered amounts contributed by the employer to or under the plan if, as of the adjustment date, it was reasonable for the plan sponsor to anticipate that such payments would be made during the plan year.

"(b)(1) Except as otherwise provided in this section, for purposes of this part the minimum contribution requirement for a plan year in which a plan is in reorganization is an amount equal to the excess of—

"(A) the sum of—

"(i) the plan's vested benefits charge for the plan year, and

"(ii) the increase in normal cost for the plan year determined under the entry age normal funding method which is attributable to plan amendments adopted while the plan was in reorganization, over

"(B) the amount of the overburden credit (if any) determined under section 4244 for the plan year.

"(2) If the plan's current contribution base for the plan year is less than the plan's valuation contribution base for the plan year, the minimum contribution requirement for such plan year shall be equal to the product of the amount determined under paragraph (1) (after any adjustment required by this part other than this paragraph) and a faction—

"(A) the numerator of which is the plan's current contribution base for the plan year, and

"(B) the denominator of which is the plan's valuation contribution base for the plan year.

"(3)(A) If the vested benefits charge for a plan year of a plan in reorganization is less than the plan's cash-flow amount for the plan year, the plan's minimum contribution requirement for the plan year is the amount determined under paragraph (1) (determined before the application of paragraph (2)) after substituting the term 'cash-flow amount' for the term 'vested benefits charge' in paragraph (1)(A).

"(B) For purposes of subparagraph (A), a plan's cash-flow amount for a plan year is an amount equal to—

"(i) the amount of the benefits payable under the plan for the base plan year, plus the amount of the plan's administrative expenses for the base plan year, reduced by

"(ii) the value of the available plan assets for the base plan year determined under regulations prescribed by the Secretary of the Treasury,

adjusted in a manner consistent with section 4241(b)(4).

"(c)(1) For purposes of this part, a plan's current contribution base for a plan year is the number of contribution base units with respect to which contributions are required to be made under the plan for that plan year, determined in accordance with regulations prescribed by the Secretary of the Treasury.

"(2)(A) Except as provided in subparagraph (B), for purposes of this part a plan's valuation contribution base is the number of contribution base units for which contributions were received for the base plan year—

"(i) adjusted to reflect declines in the contribution base which have occurred (or could reasonably be anticipated) as of the adjustment date for the plan year referred to in paragraph (1),

"(ii) adjusted upward (in accordance with regulations prescribed by the Secretary of the Treasury) for any contribution base reduction in the base plan year caused by a strike or lockout or by unusual events, such as fire, earthquake, or severe weather conditions, and

"(iii) adjusted (in accordance with regulations prescribed by the Secretary of the Treasury) for reductions in the contribution base resulting from transfers of liabilities.

"(B) For any plan year—

"(i) in which the plan is insolvent (within the meaning of section 4245(b)(1)), and

"(ii) beginning with the first plan year beginning after the expiration of all relevant collective bargaining agreements which were in effect in the plan year in which the plan became insolvent,

the plan's valuation contribution base is the greater of the number of contribution base units for which contributions were received for the first or second plan year preceding the first plan year in which the plan is insolvent, adjusted as provided in clause (ii) or (iii) of subparagraph (A).

"(d)(1) Under regulations prescribed by the Secretary of the Treasury, the minimum contribution requirement applicable to any plan for any plan year which is determined under subsection (b) (without regard to subsection (b)(2)) shall not exceed an amount which is equal to the sum of—

"(A) the greater of—

"(1) the funding standard requirement for such plan year, or

"(ii) 107 percent of—

"(I) if the plan was not in reorganization in the preceding plan year, the funding standard requirement for such preceding plan year, or

"(II) if the plan was in reorganization in the preceding plan year, the sum of the amount determined under this subparagraph for the preceding plan year and the amount (if any) determined under subparagraph (B) for the preceding plan year, plus

"(B) if for the plan year a change in benefits is first required to be considered in computing the charges under section 412(b)(2) (A) or (B) of the Internal Revenue Code of 1954, the sum of—

"(i) the increase in normal cost for a plan year determined under the entry age normal funding method due to increases in benefits described in section 4241(b)(A)(ii) (determined without regard to section 4241(b) (4)(B)(i)), and

"(ii) the amount necessary to amortize in equal annual installments the increase in the value of vested benefits under the plan due to increases in benefits described in clause (i) over—

"(I) 10 years, to the extent such increase in value is attributable to persons in pay status, or

"(II) 25 years, to the extent such increase in value is attributable to other participants.

"(2) For purposes of paragraph (1), the funding standard requirement of any plan year is an amount equal to the net charge to the funding standard account for such plan year (as defined in section 4241(b)(2)).

"(3)(A) In the case of a plan described in section 4216(b), if a plan amendment which increases benefits is adopted after January 1, 1980—

"(i) paragraph (1) shall apply only if the plan is a plan described in subparagraph (B), and

"(ii) the amount under paragraph (1) shall be determined without regard to paragraph (1)(B).

"(B) A plan is described in this subparagraph if—

"(i) the rate of employer contributions under the plan for the first plan year beginning on or after the date on which an amendment increasing benefits is adopted, multiplied by the valuation contribution base for that plan year, equals or exceeds the sum of—

"(I) the amount that would be necessary to amortize fully, in equal annual installments, by July 1, 1986, the unfunded vested benefits attributable to plan provisions in effect on July 1, 1977 (determined as of the last day of the base plan year); and

"(II) the amount that would be necessary to amortize fully, in equal annual installments, over the period described in subparagraph (C), beginning with the first day of the first plan year beginning on or after the date on which the amendment is adopted, the unfunded vested benefits (determined as of the last day of the base plan year) attributable to each plan amendment after July 1, 1977; and

"(ii) the rate of employer contributions for each subsequent plan year is not less than the lesser of—

"(I) the rate which when multiplied by the valuation contribution base for that subsequent plan year produces the annual amount that would be necessary to complete the amortization schedule described in clause (I), or

"(II) the rate for the plan year immediately preceding such subsequent plan year, plus 5 percent of such rate.

"(C) The period determined under this subparagraph is the lesser of—

"(i) 12 years, or

"(ii) a period equal in length to the average of the remaining expected lives of all persons receiving benefits under the plan.

"(4) Paragraph (1) shall not apply with respect to a plan, other than a plan described in paragraph (3), for the period of consecutive plan years in each of which the plan is in reorganization, beginning with a plan year in which occurs the earlier of the date of the adoption or the effective date of any amendment of the plan which increases benefits with respect to service performed before the plan year in which the adoption of the amendment occurred.

"(e) In determining the minimum contribution requirement with respect to a plan for a plan year under subsection (b), the vested benefits charge may be adjusted to reflect a plan amendment reducing benefits under section 412(c)(8) of the Internal Revenue Code of 1954.

"(f)(1) The Secretary of the Treasury may waive any accumulated funding deficiency under this section in accordance with the provisions of section 303(a).

"(2) Any waiver under paragraph (1) shall not be treated as a waived funding deficiency (within the meaning of section 303(c)).

"(g) For purposes of making any determination under this part, the requirements of section 302(c)(3) shall apply.

"OVERBURDEN CREDIT AGAINST MINIMUM CONTRIBUTION REQUIREMENT

"SEC. 4244. (a) For purposes of determining the minimum contribution requirement under section 4243 (before the application of section 4243 (b)(2) or (d) the plan sponsor of a plan which is overburdened for the plan year shall apply an overburden credit against the plan's minimum contribution requirement for the plan year (determined without regard to section 4243 (b) (2) or (d) and without regard to this section).

"(b) A plan is overburdened for a plan year if—

"(1) the average number of pay status participants under the plan in the base plan year exceeds the average of the number of active participants in the base plan year and the 2 plan years preceding the base plan year, and

"(2) the rate of employer contributions under the plan equals or exceeds the greater of—

"(A) such rate for the preceding plan year, or

"(B) such rate for the plan year preceding the first year in which the plan is in reorganization.

"(c) The amount of the overburden credit for a plan year is the product of—

"(1) one-half of the average guaranteed benefit paid for the base plan year, and

"(2) the overburden factor for the plan year.

The amount of the overburden credit for a plan year shall not exceed the amount of the minimum contribution requirement for such year (determined without regard to this section).

"(d) For purposes of this section, the overburden factor of a plan for the plan year is an amount equal to—

"(1) the average number of pay status participants for the base plan year, reduced by

"(2) the average of the number of active participants for the base plan year and for each of the 2 plan years preceding the base plan year.

"(e) For purposes of this section—

"(1) The term 'pay status participant' means, with respect to a plan, a participant receiving retirement benefits under the plan.

"(2) The number of active participants for a plan year shall be the sum of—

"(A) the number of active employees who are participants in the plan and on whose behalf contributions are required to be made during the plan year;

"(B) the number of active employees who are not participants in the plan but who are in an employment unit covered by a collective bargaining agreement which requires the employee's employer to contribute to the plan, unless service in such employment unit was never covered under the plan or a predecessor thereof, and

"(C) the total number of active employees attributed to employers who made payments to the plan for the plan year of withdrawal liability pursuant to part 1, determined by dividing—

"(i) the total amount of such payments, by

"(ii) the amount equal to the total contributions received by the plan during the plan year divided by the average number of active employees who were participants in the plan during the plan year.

The Secretary of the Treasury shall by regulation provide alternative methods of determining active participants where (by reason of irregular employment, contributions on a unit basis, or otherwise) this paragraph does not yield a representative basis for determining the credit.

"(3) The term 'average number' means, with respect to pay status participants for a plan year, a number equal to one-half the sum of—

"(A) the number with respect to the plan as of the beginning of the plan year, and

"(B) the number with respect to the plan as of the end of the plan year.

"(4) The average guaranteed benefit paid is 12 times the average monthly pension payment guaranteed under section 4022A(c)(1) determined under the provisions of the plan in effect at the beginning of the first plan year in which the plan is in reorganization and without regard to section 4022A(c)(2).

"(5) The first year in which the plan is in reorganization is the first of a period of 1 or more consecutive plan years in which the plan has been in reorganization not taking into account any plan years the plan was in reorganization prior to any period of 3 or more consecutive plan years in which the plan was not in reorganization.

"(f)(1) Notwithstanding any other provision of this section, a plan is not eligible for an overburden credit for a plan year if the Secretary of the Treasury finds that the plan's current contribution base for the plan year was reduced, without a corresponding reduction in the plan's unfunded vested benefits attributable to pay status participants, as a result of a change in an agreement providing for employer contributions under the plan.

"(2) For purposes of paragraph (1), a complete or partial withdrawal of an employer (within the meaning of part 1) does not impair a plan's eligibility for an overburden credit, unless the Secretary of the Treasury finds that a contribution base reduction described in paragraph (1) resulted from a transfer of liabilities to another plan in connection with the withdrawal.

"(g) Notwithstanding any other provision of this section, if 2 or more multiemployer plans merge, the amount of the overburden credit which may be applied under this section with respect to the plan resulting from the merger for any of the 3 plan years ending after the effective date of the merger shall not exceed the sum of the used overburden credit for each of the merging plans for its last plan year ending before the effective date of the merger. For purposes of the preceding sentence, the used overburden credit is that portion of the credit which does not exceed the excess of the minimum contribution requirement (determined without regard to any overburden requirement under this section) over the employer contributions required under the plan.

"ADJUSTMENTS IN ACCRUED BENEFITS

"SEC. 4244A. (a)(1) Notwithstanding sections 203 and 204, a multiemployer plan in reorganization may be amended in accordance with this section, to reduce or eliminate accrued benefits attributable to employer contributions which, under section 4022A(b), are not eligible for the corporation's guarantee. The preceding sentence shall only apply to accrued benefits under plan amendments (or plans) adopted after March 26, 1980, or under collective bargaining agreements entered into after March 26, 1980.

"(2) In determining the minimum contribution requirement with respect to a plan for a plan year under section 4243(b), the vested benefits charge may be adjusted to reflect a plan amendment reducing benefits under this section or section 412(c)(8) of the Internal Revenue Code of 1954, but only if the amendment is adopted and effective no later than 2½ months after the end of the plan year, or within such extended period as the Secretary of the Treasury may prescribe by regulation under section 412(c)(10) of such Code.

"(b)(1) Accrued benefits may not be reduced under this section unless—

"(A) notice has been given, at least 6 months before the first day of the plan year in which the amendment reducing benefits is adopted, to—

"(i) plan participants and beneficiaries,

"(ii) each employer who has an obligation to contribute (within the meaning of section 4212(a)) under the plan, and

"(iii) each employee organization which, for purposes of collective bargaining, represents plan participants employed by such employer,

that the plan is in reorganization and that, if contributions under the plan are not increased, accrued benefits under the plan will be reduced or an excise tax will be imposed on employers;

"(B) in accordance with regulations prescribed by the Secretary of the Treasury—

"(i) any category of accrued benefits is not reduced with respect to inactive participants to a greater extent proportionally than such category of accrued benefits is reduced with respect to active participants,

"(ii) benefits attributable to employer contributions other than accrued benefits and the rate of future benefit accruals are reduced at least to an extent equal to the reduction in accrued benefits of inactive participants, and

"(iii) in any case in which the accrued benefit of a participant or beneficiary is reduced by changing the benefit form or the requirements which the participant or beneficiary must satisfy to be entitled to the benefit, such reduction is not applicable to—

"(I) any participant or beneficiary in pay status on the effective date of the amendment, or the beneficiary of such a participant, or

"(II) any participant who has attained normal retirement age, or who is within 5 years of attaining normal retirement age, on the effective date of the amendment, or the beneficiary of any such participant; and

"(C) the rate of employer contributions for the plan year in which the amendment becomes effective and for all succeeding plan years in which the plan is in reorganization equals or exceeds the greater of—

"(i) the rate of employer contributions, calculated without regard to the amendment, for the plan year in which the amendment becomes effective, or

"(ii) the rate of employer contributions for the plan year preceding the plan year in which the amendment becomes effective.

"(2) The plan sponsors shall include in any notice required to be sent to plan participants and beneficiaries under paragraph (1) information as to the rights and remedies of plan participants and beneficiaries as well as how to contact the Department of Labor for further information and assistance where appropriate.

"(c) A plan may not recoup a benefit payment which is in excess of the amount payable under the plan because of an amendment retroactively reducing accrued benefits under this section.

"(d) (1) (A) A plan which has been amended to reduce accrued benefits under this section may be amended to increase or restore accrued benefits, or the rate of future benefit accruals, only if the plan is amended to restore levels of previously reduced accrued benefits of inactive participants and of participants who are within 5 years of attaining normal retirement age to at least the same extent as any such increase in accrued benefits or in the rate of future benefit accruals.

"(B) for purposes of this subsection, in the case of a plan which has been amended under this section to reduce accrued benefits—

"(i) an increase in a benefit, or in the rate of future benefit accruals, shall be considered a benefit increase to the extent that the benefit, or the accrual rate, is thereby increased above the highest benefit level, or accrual rate, which was in effect under the terms of the plan before the effective date of the amendment reducing accrued benefits, and

"(ii) an increase in a benefit, or in the rate of future benefit accruals, shall be considered a benefit restoration to the extent that the benefit, or the accrual rate, is not thereby increased above the highest benefit level, or accrual rate, which was in effect under the terms of the plan immediately before the effective date of the amendment reducing accrued benefits.

"(2) If a plan is amended to partially restore previously reduced accrued benefit levels, or the rate of future benefit accruals, the benefits of inactive participants shall be restored in at least the same proportions as other accrued benefits which are restored.

"(3) No benefit increase under a plan may take effect in a plan year in which an amendment reducing accrued benefits under the plan, in accordance with this section, is adopted or first becomes effective.

"(4) A plan is not required to make retroactive benefit payments with respect to that portion of an accrued benefit which was reduced and subsequently restored under this section.

"(e) For purposes of this section, 'inactive participant' means a person not in covered service under the plan who is in pay status under the plan or who has a nonforfeitable benefit under the plan.

"(f) The Secretary of the Treasury may prescribe rules under which, notwithstanding any other provision of this section, accrued benefit reductions or benefit increases for different participant groups may be varied equitably to reflect variations in contribution rates and other relevant factors reflecting differences in negotiated levels of financial support for plan benefit obligations.

"INSOLVENT PLANS

"Sec. 4245. (a) Notwithstanding sections 203 and 204, in any case in which benefit payments under an insolvent multiemployer plan exceed the resource benefit level, any such payments of benefits which are not basic benefits shall be suspended, in accordance with this section, to the extent necessary to reduce the sum of such payments and the payments of such basic benefits to the greater of the resource benefit level or the level of basic benefits, unless an alternative procedure is prescribed by the corporation under section 4022A(g) (5).

"(b) For purposes of this section, for a plan year—

"(1) a multiemployer plan is insolvent if the plan's available resources are not sufficient to pay benefits under the plan when due for the plan year, or if the plan is determined to be insolvent under subsection (d);

"(2) 'resource benefit level' means the level of monthly benefits determined under subsections (c) (1) and (3) and (d) (3) to be the highest level which can be paid out of the plan's available resources;

"(3) 'available resources' means the plan's cash, marketable assets, contributions, withdrawal liability payments, and earnings, less reasonable administrative expenses and amounts owed for such plan year to the corporation under section 4261(b) (2); and

"(4) 'insolvency year' means a plan year in which a plan is insolvent.

"(c) (1) The plan sponsor of a plan in reorganization shall determine in writing the plan's resource benefit level for each insolvency year, based on the plan sponsor's reasonable projection of the plan's available resources and the benefits payable under the plan.

"(2) The suspension of benefit payments under this section shall, in accordance with regulations prescribed by the Secretary of the Treasury, apply in substantially uniform proportions to the benefits of all persons in pay status (within the meaning of section 4241(b) (6)) under the plan, except that the Secretary of the Treasury may prescribe rules under which benefit suspensions for different participant groups may be varied equitably to reflect variations in contribution rates and other relevant factors including differences in negotiated levels of financial support for plan benefit obligations.

"(3) Notwithstanding paragraph (2), if a plan sponsor determines in writing a resource benefit level for a plan year which is below the level of basic benefits, the payment of all benefits other than basic benefits must be suspended for that plan year.

"(4) (A) If, by the end of an insolvency year, the plan sponsor determines in writing that the plan's available resources in that insolvency year could have supported benefit payments above the resource benefit level for that insolvency year, the plan sponsor shall distribute the excess resources to the participants and beneficiaries who received benefit payments from the plan in that insolvency year, in accordance with regulations prescribed by the Secretary of the Treasury.

"(B) For purposes of this paragraph, the term 'excess resources' means available resources above the amount necessary to support the resource benefit level, but no greater than the amount necessary to pay benefits for the plan year at the benefit levels under the plan.

"(5) If, by the end of an insolvency year, any benefit has not been paid at the resource benefit level, amounts up to the resource benefit level which were unpaid shall be distributed to the participants and beneficiaries, in accordance with regulations prescribed by the Secretary of the Treasury, to the extent possible taking into account the plan's total available resources in that insolvency year.

"(6) Except as provided in paragraph (4) or (5), a plan is not required to make retroactive benefit payments with respect to that portion of a benefit which was suspended under this section.

"(d) (1) As of the end of the first plan year in which a plan is in reorganization, and at least every 3 plan years thereafter (unless the plan is no longer in reorganization), the plan sponsor shall compare the value of plan asset (determined in accordance with section 4243(b) (3) (B) (ii)) for that plan year with the total amount of benefit payments made under the plan for that plan year. Unless the plan sponsor determines that the value of plan assets exceeds 3 times the total amount of benefit payments, the plan sponsor shall determine whether the plan will be insolvent in any of the next 3 plan years.

"(2) If, at any time, the plan sponsor of a plan in reorganization reasonably determines, taking into account the plan's recent and anticipated financial experience, that the plan's available resources are not sufficient to pay benefits under the plan when due for the next plan year, the plan sponsor shall make such determination available to interested parties.

"(3) The plan sponsor of a plan in reorganization shall determine in writing for each insolvency year the resource benefit level and the level of basic benefits no later than 3 months before the insolvency year.

"(e) (1) If the plan sponsor of a plan in reorganization determines under subsection (d) (1) or (2) that the plan may become insolvent (within the meaning of subsection (b) (1)), the plan sponsor shall—

"(A) notify the Secretary of the Treasury, the corporation, the parties described in section 4242(a) (2), and the plan participants and beneficiaries of that determination, and

"(B) inform the parties described in section 4242(a) (2) and the plan participants and beneficiaries that if insolvency occurs certain benefit payments will be suspended but that basic benefits will continue to be paid.

"(2) No later than 2 months before the first day of each insolvency year, the plan sponsor of a plan in reorganization shall notify the Secretary of the Treasury, the corporation, and the parties described in paragraph (1) (B) of the resource benefit level determined in writing for that insolvency year.

"(3) In any case in which the plan sponsor anticipates that the resource benefit level for an insolvency year may not exceed the level of basic benefits, the plan sponsor shall notify the corporation.

"(4) Notice required by this subsection shall be given in accordance with regulations prescribed by the corporation, except that notice to the Secretary of the Treasury shall be given in accordance with regulations prescribed by the Secretary of the Treasury.

"(5) The corporation may prescribe a time other than the time prescribed by this section for the making of a determination or the filing of a notice under this section.

"(f) (1) If the plan sponsor of an insolvent plan, for which the resource benefit level is above the level of basic benefits, anticipates that, for any month in an insolvency year, the plan will not have funds sufficient to pay basic benefits, the plan sponsor may apply for financial assistance from the corporation under section 4261.

"(2) A plan sponsor who has determined a resource benefit level for an insolvency year which is below the level of basic benefits shall apply for financial assistance from the corporation under section 4261.

"PART 4—FINANCIAL ASSISTANCE

"FINANCIAL ASSISTANCE

"Sec. 4261. (a) If, upon receipt of any application for financial assistance under section 4245(f) or section 4281(d), the corporation verifies that the plan is or will be insolvent and unable to pay basic benefits when due, the corporation shall provide the plan financial assistance in an amount sufficient to enable the plan to pay basic benefits under the plan.

"(b) (1) Financial assistance shall be provided under such conditions as the corporation determines are equitable and are appropriate to prevent unreasonable loss to the corporation with respect to the plan.

"(2) A plan which has received financial assistance shall repay the amount of such assistance to the corporation on reasonable terms consistent with regulations prescribed by the corporation.

"(c) Pending determination of the amount described in subsection (a), the corporation may provide financial assistance in such amounts as it considers appropriate in order to avoid undue hardship to plan participants and beneficiaries.

"PART 5—BENEFITS AFTER TERMINATION

"BENEFITS UNDER CERTAIN TERMINATED PLANS

"SEC. 4281. (a) Notwithstanding sections 203 and 204, the plan sponsor of a terminated multiemployer plan to which section 4041A(d) applies shall amend the plan to reduce benefits, and shall suspend benefit payments, as required by this section.

"(b)(1) The value of nonforfeitable benefits under a terminated plan referred to in subsection (a), and the value of the plan's assets, shall be determined in writing, in accordance with regulations prescribed by the corporation, as of the end of the plan year during which section 4041A(d) becomes applicable to the plan, and each year thereafter.

"(2) For purposes of this section, plan assets include outstanding claims for withdrawal liability (within the meaning of section 4001(a)(12)).

"(c)(1) If, according to the determination made under subsection (b), the value of nonforfeitable benefits exceeds the value of the plan's assets, the plan sponsor shall amend the plan to reduce benefits under the plan to the extent necessary to ensure that the plan's assets are sufficient, as determined and certified in accordance with regulations prescribed by the corporation, to discharge when due all of the plan's obligations with respect to nonforfeitable benefits.

"(2) Any plan amendment required by this subsection shall, in accordance with regulations prescribed by the Secretary of the Treasury—

"(A) reduce benefits only to the extent necessary to comply with paragraph (1);

"(B) reduce accrued benefits only to the extent that those benefits are not eligible for the corporation's guarantee under section 4022A(b);

"(C) comply with the rules for and limitations on benefit reductions under a plan in reorganization, as prescribed in section 4244A, except to the extent that the corporation prescribes other rules and limitations in regulations under this section; and

"(D) take effect no later than 6 months after the end of the plan year for which it is determined that the value of nonforfeitable benefits exceeds the value of the plan's assets.

"(d)(1) In any case in which benefit payments under a plan which is insolvent under paragraph (2)(A) exceed the resource benefit level, any such payments which are not basic benefits shall be suspended, in accordance with this subsection, to the extent necessary to reduce the sum of such payments and such basic benefits to the greater of the resource benefit level or the level of basic benefits, unless an alternative procedure is prescribed by the corporation in connection with a supplemental guarantee program established under section 4022A(a)(2).

"(2) For purposes of this subsection, for a plan year—

"(i) the plan has been amended to reduce benefits to the extent permitted by subsection (c), and

"(ii) the plan's available resources are not sufficient to pay benefits under the plan when due for the plan year; and

"(B) 'resource benefit level' and 'available resources' have the meanings set forth in paragraphs (2) and (3), respectively, of section 4245(b).

"(3) The plan sponsor of a plan which is insolvent (within the meaning of paragraph (2)(A)) shall have the powers and duties of the plan sponsor of a plan in reorganization which is insolvent (within the meaning of section 4245(b)(1)), except that regulations governing the plan sponsor's exercise of those powers and duties under this section shall be prescribed by the corporation, and the corporation shall prescribe by regulation notice requirements which assure that plan participants and beneficiaries receive adequate notice of benefit suspensions.

"(4) A plan is not required to make retroactive benefit payments with respect to that portion of a benefit which was suspended under this subsection, except that the provisions of section 4245(c)(4) and (5) shall apply in the case of plans which are insolvent under paragraph (2)(A), in connection with the plan year during which such section 4041A(d) first became applicable to the plan and every year thereafter, in the same manner and to the same extent as such provisions apply to insolvent plans in reorganization under section 4245, in connection with insolvency years under such section 4245.

"PART 6—ENFORCEMENT

"CIVIL ACTIONS

"SEC. 4301. (a)(1) A plan fiduciary, employer, plan participant, or beneficiary, who is adversely affected by the act or omission of any party under this subtitle with respect to a multiemployer plan, or an employee organization which represents such a plan participant or beneficiary for purposes of collective bargaining, may bring an action for appropriate legal or equitable relief, or both.

"(2) Notwithstanding paragraph (1), this section does not authorize an action against the Secretary of the Treasury, the Secretary of Labor, or the corporation.

"(b) In any action under this section to compel an employer to pay withdrawal liability, any failure of the employer to make any withdrawal liability payment within the time prescribed shall be treated in the same manner as a delinquent contribution (within the meaning of section 515).

"(c) The district courts of the United States shall have exclusive jurisdiction of an action under this section without regard to the amount in controversy, except that State courts of competent jurisdiction shall have concurrent jurisdiction over an action brought by a plan fiduciary to collect withdrawal liability.

"(d) An action under this section may be brought in the district where the plan is administered or where a defendant resides or does business, and process may be served in any district where a defendant resides, does business, or may be found.

"(e) In any action under this section, the court may award all or a portion of the costs and exepenses incurred in connection with such action, including reasonable attorney's fees, to the prevailing party.

"(f) An action under this section may not be brought after the later of—

"(1) 6 years after the date on which the cause of action arose, or

"(2) 3 years after the earliest date on which the plaintiff acquired or should have acquired actual knowledge of the existence of such cause of action; except that in the case of fraud or concealment, such action may be brought not later than 6 years after the date of discovery of the existence of such cause of action.

"(g) A copy of the complaint in any action under this section or section 4221 shall be served upon the corporation by certified mail. The corporation may intervene in any such action.

"PENALTY FOR FAILURE TO PROVIDE NOTICE

"SEC. 4302. Any person who fails, without reasonable cause, to provide a notice required under this subtitle or any implementing regulations shall be liable to the corporation in an amount up to $100 for each day for which such failure continues. The corporation may bring a civil action against any such person in the United States District Court for the District of Columbia or in any district court of the United States within the jurisdiction of which the plan assets are located, the plan is administered, or a defendant resides or does business, and process may be served in any district where a defendant resides, does business, or may be found.".

SEC. 105. PREMIUMS.

(a) Section 4006(a) is amended to read as follows:

"(a)(1) The corporation shall prescribe such schedules of premium rates and bases for the application of those rates as may be necessary to provide sufficient revenue to the fund for the corporation to carry out its functions under this title. The premium rates charged by the corporation for any period shall be uniform for all plans, other than multiemployer plans, insured by the corporation with respect to basic benefits guaranteed by it under section 4022, and shall be uniform for all multiemployer plans with respect to basic benefits guaranteed by it under section 4022A. In establishing annual premiums with respect to plans, other than multiemployer plans, paragraphs (5) and (6) of this subsection (as in effect before the enactment of the Multiemployer Pension Plan Amendments Act of 1980) shall continue to apply.

"(2) The corporation shall maintain separate schedules of premium rates, and bases for the application of those rates, for—

"(A) basic benefits guaranteed by it under section 4022 for single-employer plans,

"(B) basic benefits guaranteed by it under section 4022A for multiemployer plans,

"(C) nonbasic benefits guaranteed by it under section 4022 for single-employer plans,

"(D) nonbasic benefits guaranteed by it under section 4022A for multiemployer plans, and

"(E) reimbursements of uncollectible withdrawal liability under section 4222.

The corporation may revise such schedules whenever it determines that revised schedules are necessary. Except as provided in section 4022(f), in order to place a revised schedule described in subparagraph (A) or (B) in effect, the corporation shall proceed in accordance with subsection (b)(1), and such schedule shall apply only to plan years beginning more than 30 days after the date on which the Congress approves such revised schedule by a concurrent resolution.

"(3)(A) Except as provided in subparagraph (C), the annual premium rate payable to the corporation by all plans for basic benefits guaranteed under this title is—

"(i) in the case of a single-employer plan, for plan years beginning after December 31, 1977, an amount equal to $2.60 for each individual who is a participant in such plan during the plan year;

"(ii) in the case of a multiemployer plan, for the plan year within which the date of enactment of the Multiemployer Pension Plan Amendments Act of 1980 falls, an amount for each individual who is a participant in such plan for such year equal to the sum of—

"(I) 50 cents, multiplied by a fraction the numerator of which is the number of months in such year ending on or before such date and the denominator of which is 12, and

"(II) $1.00, multiplied by a fraction equal to 1 minus the fraction determined under clause (i),

"(iii) in the case of a multiemployer plan, for plan years beginning after the date of enactment of the Multiemployer Pension Plan Amendments Act of 1980, an amount equal to—

"(I) $1.40 for each participant, for the first, second, third, and fourth plan years, "(II) $1.80 for each participant, for the fifth and sixth plan years,

"(III) $2.20 for each participant, for the seventh and eighth plan years, and

"(IV) $2.60 for each participant, for the ninth plan year, and for each succeeding plan year.

"(B) The corporation may prescribe by regulation the extent to which the rate described in subparagraph (A)(i) applies more than once for any plan year to an individual participating in more than one plan maintained by the same employer, and the corporation may prescribe regulations under which the rate described in subparagraph (A)(iii) will not apply to the same participant in any multiemployer plan more than once for any plan year.

"(C)(i) If the sum of—

"(I) the amounts in any fund for basic benefits guaranteed for multiemployer plans, and

"(II) the value of any assets held by the corporation for payment of basic benefits guaranteed for multiemployer plans,

is for any calendar year less than 2 times the amount of basic benefits guaranteed by the corporation under this title for multiemployer plans which were paid out of any such fund or assets during the preceding calendar year, the annual premium rates under subparagraph (A) shall be increased to the next highest premium level necessary to insure that such sum will be at least 2 times greater than such amount during the following calendar year.

"(ii) If the board of directors of the corporation determines that an increase in the premium rates under subparagraph (A) is necessary to provide assistance to plans which are receiving assistance under section 4261 and to plans the board finds are reasonably likely to require such assistance, the board may order such increase in the premium rates.

"(iii) The maximum annual premium rate which may be established under this subparagraph is $2.60 for each participant.

"(iv) The provisions of this subparagraph shall not apply if the annual premium rate is increased to a level in excess of $2.60 per participant under any other provisions of this title.

"(D)(i) Not later than 120 days before the date on which an increase under subparagraph (C)(ii) is to become effective, the corporation shall publish in the Federal Register a notice of the determination described in subparagraph (C)(ii), the basis for the determination, the amount of the increase in the premium, and the anticipated increase in premium income that would result from the increase in the premium rate. The notice shall invite public comment, and shall provide for a public hearing if one is requested. Any such hearing shall be commenced not later than 60 days before the date on which the increase is to become effective.

"(ii) The board of directors shall review the hearing record established under clause (i) and shall, not later than 30 days before the date on which the increase is to become effective, determine (after consideration of the comments received) whether the amount of the increase should be changed and shall publish its determination in the Federal Register.

"(4) The corporation may prescribe, subject to approval by the Congress in accordance with this section or section 4022A(f), alternative schedules of premium rates, and bases for the application of those rates, for basic benefits guaranteed by it under sections 4022 and 4022A based, in whole or in part, on the risks insured by the corporation in each plan.

"(5)(A) In carrying out its authority under paragraph (1) to establish schedules of premium rates, and bases for the application of those rates, for nonbasic benefits guaranteed under sections 4022 and 4022A, the premium rates charged by the corporation for any period for nonbasic benefits guaranteed shall—

"(i) be uniform by category of nonbasic benefits guaranteed,

"(ii) be based on the risks insured in each category, and

"(iii) reflect the experience of the corporation (including experience which may be reasonably anticipated) in guaranteeing such benefits.

"(B) Notwithstanding subparagraph (A), premium rates charged to any multiemployer plan by the corporation for any period for supplemental guarantees under section 4022A(g)(2) may reflect any reasonable considerations which the corporation determines to be appropriate.".

(b) Section 4006(b) is amended—

(1) by striking out "Committee on Labor and Public Welfare" each place it appears and inserting in lieu thereof "Committee on Labor and Human Resources";

(2) in paragraph (1)—

(A) by striking out "coverage"; and

(B) by striking out "(B) or (C)" and inserting in lieu thereof "(C), (D), or (E)"; and

(3) in paragraph (3), by striking out "coverage".

(c) Section 4006 is further amended by adding at the end thereof the following new subsection:

"(c)(1) Except as provided in subsection (a)(3), and subject to paragraph (2), the rate for all plans for basic benefits guaranteed under this title with respect to plan years ending after September 2, 1974, is—

"(A) in the case of each plan which was not a multiemployer plan in a plan year, an amount equal to $1 for each individual who was a participant in such plan during the plan year, and

"(B) in the case of each plan which was a multiemployer plan in a plan year, an amount equal to 50 cents for each individual who was a participant in such plan during the plan year.

"(2) The rate applicable under this subsection for the plan year preceding September 1, 1975, is the product of—

"(A) the rate described in the preceding sentence; and

"(B) a fraction—

"(i) the numerator of which is the number of calendar months in the plan year which ends after September 2, 1974, and before the date on which the new plan year commences, and

"(ii) the denominator of which is 12.".

SEC. 106. ANNUAL REPORT OF PLAN ADMINISTRATOR.

Section 4065 is amended—

(1) in paragraph (1), by striking out "and"; and

(2) in paragraph (2), by striking out the period and inserting in lieu thereof "except to the extent the corporation waives such requirement, and "; and

(3) by adding after paragraph (2) the following new paragraph:

"(3) in the case of a multiemployer plan, information with respect to such plan which the corporation determines is necessary for the enforcement of subtitle E and requires by regulation, which may include—

"(A) a statement certified by the plan's enrolled actuary of—

"(i) the value of all vested benefits under the plan as of the end of the plan year, and

"(ii) the value of the plan's assets as of the end of the plan year,

"(B) a statement certified by the plan sponsor of each claim for outstanding withdrawal liability (within the meaning of section 4001(a)(12)) and its value as of the end of that plan year and as of the end of the preceding plan year, and

"(C) the number of employers having an obligation to contribute to the plan and the number of employers required to make withdrawal liability payments.".

SEC. 107. CONTINGENT EMPLOYER LIABILITY INSURANCE.

Section 4023 (as in effect immediately before the date of the enactment of this Act) is repealed.

SEC. 108. TRANSITION RULES AND EFFECTIVE DATES.

(a) Sections 4081 and 4082 are redesignated as sections 4401 and 4402, respectively.

(b) Section 4402 (as redesignated) is amended by striking out subsection (d) and inserting in lieu thereof the following new subsection:

"(d) Notwithstanding any other provision of this title, guaranteed benefits payable by the corporation pursuant to its discretionary authority under this section shall continue to be paid at the level guaranteed under section 4022, without regard to any limitation on payment under subparagraph (C) or (D) of subsection (c)(4).".

(c)(1) Section 4402 (as redesignated) is further amended by striking out subsection (e) and adding in lieu thereof the following new subsections:

"(e)(1) Except as provided in paragraphs (2), (3), and (4), the amendments to this Act made by the Multiemployer Pension Plan Amendments Act of 1980 shall take effect on the date of the enactment of that Act.

"(2)(A) Except as provided in this paragraph, part 1 of subtitle E, relating to withdrawal liability, takes effect on April 29, 1980.

"(B) For purposes of determining withdrawal liability under part 1 of subtitle E, an employer who has withdrawn from a plan shall be considered to have withdrawn from a multiemployer plan if, at the time of the withdrawal, the plan was a multiemployer plan as defined in section 4001(a)(3) as in effect at the time of the withdrawal.

"(3) Sections 4241 through 4245, relating to multiemployer plan reorganization, shall take effect, with respect to each plan, on the first day of the first plan year beginning on or after the earlier of—

"(A) the date on which the last collective bargaining agreement providing for employer contributions under the plan, which was in effect on the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, expires, without regard to extensions agreed to on or after the date of the enactment of that Act, or

"(B) 3 years after the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980.

"(4) Section 4235 shall take effect on April 29, 1980.

"(f)(1) In the event that before the date of enactment of the Multiemployer Pension Plan Amendments Act of 1980, the corporation has determined that—

"(A) an employer has withdrawn from a multiemployer plan under section 4063, and

"(B) the employer is liable to the corporation under such section,

the corporation shall retain the amount of liability paid to it or furnished in the form of a bond and shall pay such liability to the plan in the event the plan terminates in accordance with section 4041A(a)(2) before the earlier of April 29, 1985, or the day after the 5-year period commencing on the date of such withdrawal.

"(2) In any case in which the plan is not so terminated within the period described in paragraph (1), the liability of the employer is abated and any payment held in escrow shall be refunded without interest to the employer or the employer's bond shall be cancelled.

"(g)(1) In any case in which an employer or employers withdrew from a multiemployer plan before the effective date of part 1 of subtitle E the corporation may—

"(A) apply section 4063(d), as in effect before the amendments made by the Multiemployer Pension Plan Amendments Act of 1980, to such plan,

"(B) assess liability against the withdrawn employer with respect to the resulting terminated plan,

"(C) guarantee benefits under the terminated plan under section 4022, as in effect before such amendments, and

"(D) if necessary, enforce such action through suit brought under section 4003.

"(2) The corporation shall use the revolving fund used by the corporation with respect to basic benefits guaranteed under section 4022A in guaranteeing benefits under a terminated plan described in this subsection.".

(2)(A) For the purpose of applying section 4205 of the Employee Retirement Income Security Act of 1974 in the case of an employer described in subparagraph (B)—

(i) "more than 75 percent" shall be substituted for "70 percent" in subsections (a) and (b) of such section,

(ii) "25 percent or less" shall be substituted for "30 percent" in subsection (b) of such section, and

(iii) the number of contribution units for the high base year shall be the average annual number of such units for calendar years 1970 and 1971.

(B) An employer is described in this subparagraph if—

(i) the employer is engaged in the trade or business of shipping bulk cargoes in the Great Lakes Maritime Industry, and whose fleet consists of vessels the gross registered tonnage of which was at least 7,800, as stated in the American Bureau of Shipping Record, and

(ii) whose fleet during any 5 years from the period 1970 through and including 1979 has experienced a 33 percent or more increase in the contribution units as measured from the average annual contribution units for the calendar years 1970 and 1971.

(3)(A) For the purpose of determining the withdrawal liability of an employer under title IV of the Employee Retirement Income Security Act of 1974 from a plan that terminates while the plan is insolvent (within the meaning of section 4245 of such Act), the plan's unfunded benefits shall be reduced by an amount equal to the sum of all overburden credits that were applied in determining the plan's accumulated funding deficiency for all plan years preceding the first plan year in which the plan is insolvent, plus interest thereon.

(B) The provisions of subparagraph (A) apply only if—

(i) the plan would have been eligible for the overburden credit in the last plan year beginning before the date of the enactment of this Act, if section 4243 of the Employee Retirement Income Security Act of 1974 had been in effect for that plan year, and

(ii) the Pension Benefit Guaranty Corporation determines that the reduction of unfunded vested benefits under subparagraph (A) would not significantly increase the risk of loss to the corporation.

(4) In the case of an employer who withdrew before the date of enactment of this Act from a multiemployer plan covering employees in the seagoing industry (as determined by the corporation), sections 4201 through 4219 of the Employee Retirement Income Security Act of 1974, as added by this Act, are effective as of May 3, 1979. For the purpose of applying section 4217 for purposes of the preceding sentence, the date "May 2, 1979," shall be substituted for "April 28, 1980," and the date "May 3, 1979" shall be substituted for "April 29, 1980". For purposes of this paragraph, terms which are used in title IV of the Employee Retirement Income Security Act of 1974, or in regulations prescribed under that title, and which are used in the preceding sentence have the same meaning as when used in that Act or those regulations. For purposes of this paragraph, the term "employer" includes only a substantial employer covering employees in the seagoing industry (as so determined) in connection with ports on the West Coast of the United States, but does not include an employer who withdrew from a plan because of a change in the collective bargaining representative.

(d) For purposes of section 4205 of the Employee Retirement Income Security Act of 1974—

(1) subsection (a)(1) of such section shall not apply to any plan year beginning before April 29, 1982,

(2) subsection (a)(2) of such section shall not apply with respect to any cessation of contribution obligations occurring before April 29, 1980, and

(3) in applying subsection (b) of such section, the employer's contribution base units for any plan year ending before April 29, 1980, shall be deemed to be equal to the employer's contribution base units for the last plan year ending before such date.

(e)(1) In the case of a partial withdrawal under section 4205 of the Employee Retirement Income Security Act of 1974, an employer who—

(A) before December 13, 1979, had publicly announced the total cessation of covered operations at a facility in a State (and such cessation occurred within 12 months after the announcement),

(B) had not been obligated to make contributions to the plan on behalf of the employees at such facility for more than 8 years before the discontinuance of contributions, and

(C) after the discontinuance of contributions does not within 1 year after the date of the partial withdrawal perform work in the same State of the type for which contributions were previously required,

shall be liable under such section with respect to such partial withdrawal in an amount not greater than the amount determined under paragraph (2).

(2) The amount determined under this paragraph is the excess (if any) of—

(A) the present value (on the withdrawal date) of the benefits under the plan which—

(i) were vested on the withdrawal date (or, if earlier, at the time of separation from service with the employer at the facility),

(ii) were accrued by employees who on December 13, 1979 (or, if earlier, at the time of separation from service with the employer at the facility), were employed at the facility, and

(iii) are attributable to service with the withdrawing employer, over

(B)(i) the sum of—

(I) all employer contributions to the plan on behalf of employees at the facility before the withdrawal date,

(II) interest (to the withdrawal date) on amounts described in subclause (I), and

(III) $100,000, reduced by

(ii) the sum of—

(I) the benefits paid under the plan on or before the withdrawal date with respect to former employees who separated from employment at the facility, and

(II) interest (to the withdrawal date) on amounts described in subclause (I).

(3) For purposes of paragraph (2)—

(A) actuarial assumptions shall be those used in the last actuarial report completed before December 13, 1979,

(B) the term "withdrawal date" means the date on which the employer ceased work at the facility of the type for which contributions were previously required, and

(C) the term "facility" means the facility referred to in paragraph (1).

(f) Title IV is amended by adding at the end thereof the following new section:

"ELECTION OF PLAN STATUS

"SEC. 4303. (a) Within one year after the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, a multiemployer plan may irrevocably elect, pursuant to procedures established by the corporation, that the plan shall not be treated as a multiemployer plan for any purpose under this Act or the Internal Revenue Code of 1954; if for each of the last 3 plan years ending prior to the effective date of the Multiemployer Pension Plan Amendments Act of 1980—

"(1) the plan was not a multiemployer plan because the plan was not a plan described in section 3(37)(A)(iii) of this Act and section 414(f)(1)(C) of the Internal Revenue Code of 1954 (as such provisions were in effect on the day before the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980); and

"(2) the plan had been identified as a plan that was not a multiemployer plan in substantially all its filings with the corporation, the Secretary of Labor and the Secretary of the Treasury.

"(b) An election described in subsection (a) shall be effective only if—

"(1) the plan is amended to provide that it shall not be treated as a multiemployer plan for all purposes under this Act and the Internal Revenue Code of 1954, and

"(2) written notice of the amendment is provided to the corporation within 60 days after the amendment is adopted.

"(c) An election described in subsection (a) shall be treated as being effective as of the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980.".

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954

SEC. 201. AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954.

Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference is to a section or other provision of the Internal Revenue Code of 1954.

SEC. 202. MULTIEMPLOYER PLANS IN REORGANIZATION.

(a) GENERAL RULE.—Part I of subchapter D of chapter 1 (relating to pension, profit sharing, stock bonus plans, etc.) is amended by inserting at the end thereof the following new subpart:

"Subpart C—Special Rules for Multiemployer Plans

"Sec. 418. Reorganization status.
"Sec. 418A. Notice of reorganization and funding requirements.
"Sec. 418B. Minimum contribution requirement.
"Sec. 418C. Overburden credit against minimum contribution requirement.
"Sec. 418D. Adjustments in accrued benefits.
"Sec. 418E. Insolvent plans.

"SEC. 418. REORGANIZATION STATUS.

"(a) GENERAL RULE.—A multiemployer plan is in reorganization for a plan year if the plan's reorganization index for that year is greater than zero.

"(b) REORGANIZATION INDEX.—For purposes of this subpart—

"(1) IN GENERAL.—A plan's reorganization index for any plan year is the excess of—

"(A) the vested benefits charge for such year, over

"(B) the net charge to the funding standard account for such year.

"(2) NET CHARGE TO FUNDING STANDARD ACCOUNT.—The net charge to the funding standard account for any plan year is the excess (if any) of—

"(A) the charges to the funding standard account for such year under section 412(b) (2), over

"(B) the credits to the funding standard account under section 412(b)(3)(B).

"(3) Vested benefits charge.—The vested benefits charge for any plan year is the amount which would be necessary to amortize the plan's unfunded vested benefits as of the end of the base plan year in equal annual installments—

"(A) over 10 years, to the extent such benefits are attributable to persons in pay status, and

"(B) over 25 years, to the extent such benefits are attributable to other participants.

"(4) Determination of vested benefits charge.—

"(A) In general.—The vested benefits charge for a plan year shall be based on an actuarial valuation of the plan as of the end of the base plan year, adjusted to reflect—

"(i) any—

"(I) decrease of 5 percent or more in the value of plan assets, or increase of 5 percent or more in the number of persons in pay status, during the period beginning on the first day of the plan year following the base plan year and ending on the adjustment date, or

"(II) at the election of the plan sponsor, actuarial valuation of the plan as of the adjustment date or any later date not later than the last day of the plan year for which the determination is being made.

"(ii) any change in benefits under the plan which is not otherwise taken into account under this subparagraph and which is pursuant to any amendment—

"(I) adopted before the end of the plan year for which the determination is being made, and

"(II) effective after the end of the base plan year and on or before the end of the plan year referred to in subclause (I), and

"(iii) any other event (including an event described in subparagraph (B)(i)(I)) which, as determined in accordance with regulations prescribed by the Secretary, would substantially increase the plan's vested benefit charge.

"(B) Certain changes in benefit levels.—

"(i) In general.—In determining the vested benefits charge for a plan year following a plan year in which the plan was not in reorganization, any change in benefits which—

"(I) results from the changing of a group of participants from one benefit level to another benefit level under a schedule of plan benefits as a result of changes in a collective bargaining agreement, or

"(II) results from any other change in a collective bargaining agreement,

shall not be taken into account except to the extent provided in regulations prescribed by the Secretary.

"(ii) Plan in reorganization.—Except as otherwise determined by the Secretary, in determining the vested benefits charge for any plan year following any plan year in which the plan was in reorganization, any change in benefits—

"(I) described in clause (i)(I), or

"(II) described in clause (i)(II) as determined under regulations prescribed by the Secretary,

shall, for purposes of subparagraph (A)(ii), be treated as a change in benefits pursuant to an amendment to a plan.

"(5) Base plan year.—

"(A) In general.—The base plan year for any plan year is—

"(i) if there is a relevant collective bargaining agreement, the last plan year ending at least 6 months before the relevant effective date, or

"(ii) if there is no relevant collective bargaining agreement, the last plan year ending at least 12 months before the beginning of the plan year.

"(B) Relevant collective bargaining agreement.—A relevant collective bargaining agreement is a collective bargaining agreement—

"(i) which is in effect for at least 6 months during the plan year, and

"(ii) which has not been in effect for more than 36 months as of the end of the plan year.

"(C) Relevant effective date.—The relevant effective date is the earliest of the effective dates for the relevant collective bargaining agreements.

"(D) Adjustment date.—The adjustment date is the date which is—

"(i) 90 days before the relevant effective date, or

"(ii) if there is no relevant effective date, 90 days before the beginning of the plan year.

"(6) Person in pay status.—The term 'person in pay status' means—

"(A) a participant or beneficiary on the last day of the base plan year who, at any time during such year, was paid an early, late, normal, or disability retirement benefit (or a death benefit related to a retirement benefit), and

"(B) to the extent provided in regulations prescribed by the Secretary, any other person who is entitled to such a benefit under the plan.

"(7) Other definitions and special rules.—

"(A) Unfunded vested benefits.—The term 'unfunded vested benefits' means, in connection with a plan, an amount (determined in accordance with regulations prescribed by the Secretary) equal to—

"(i) the value of vested benefits under the plan, less

"(ii) the value of the assets of the plan.

"(B) Vested benefits.—The term 'vested benefits' means any nonforfeitable benefit (within the meaning of section 4001(a)(8) of the Employee Retirement Income Security Act of 1974).

"(C) Allocation of assets.—In determining the plan's unfunded vested benefits, plan assets shall first be allocated to the vested benefits attributable to persons in pay status.

"(D) Treatment of certain benefit reductions.—The vested benefits charge shall be determined without regard to reductions in accrued benefits under section 418D which are first effective in the plan year.

"(E) Withdrawal liability.—For purposes of this part, any outstanding claim for withdrawal liability shall not be considered a plan asset, except as otherwise provided in regulations prescribed by the Secretary.

"(c) Prohibition of Nonannuity Payments.—Except as provided in regulations prescribed by the Pension Benefit Guaranty Corporation, while a plan is in reorganization a benefit with respect to a participant (other than a death benefit) which is attributable to employer contributions and which has a value of more than $1,750 may not be paid in a form other than an annuity which (by itself or in combination with social security, railroad retirement, or workers' compensation benefits) provides substantially level payments over the life of the participant.

"(d) Terminated Plans.—Any multiemployer plan which terminates under section 4041A(a)(2) of the Employee Retirement Income Security Act of 1974 shall not be considered in reorganization after the last day of the plan year in which the plan is treated as having terminated.

"SEC. 418A. NOTICE OF REORGANIZATION AND FUNDING REQUIREMENTS.

"(a) Notice Requirement.—

"(1) In general.—If—

"(A) a multiemployer plan is in reorganization for a plan year, and

"(B) section 418B would require an increase in contributions for such plan year,

the plan sponsor shall notify the persons described in paragraph (2) that the plan is in reorganization and that, if contributions to the plan are not increased, accrued benefits under the plan may be reduced or an excise tax may be imposed (or both such reduction and imposition may occur).

"(2) Persons to whom notice is to be given.—The persons described in this paragraph are—

"(A) each employer who has an obligation to contribute under the plan (within the meaning of section 4212(a) of the Employee Retirement Income Security Act of 1974), and

"(B) each employee organization which, for purposes of collective bargaining, represents plan participants employed by such an employer.

"(3) Overburden credit not taken into account.—The determination under paragraph (1)(B) shall be made without regard to the overburden credit provided by section 418C.

"(b) Additional Requirements.—The Pension Benefit Guaranty Corporation may prescribe additional or alternative requirements for assuring, in the case of a plan with respect to which notice is required by subsection (a)(1), that the persons described in subsection (a)(2)—

"(1) receive appropriate notice that the plan is in reorganization.

"(2) are adequately informed of the implications of reorganization status, and

"(3) have reasonable access to information relevant to the plan's reorganization status.

"SEC. 418B. MINIMUM CONTRIBUTION REQUIREMENT.

"(a) Accumulated Funding Deficiency in Reorganization.—

"(1) In general.—For any plan year in which a multiemployer plan is in reorganization—

"(A) the plan shall continue to maintain its funding standard account, and

"(B) the plan's accumulated funding deficiency under section 412(a) for such plan year shall be equal to the excess (if any) of—

"(i) the sum of the minimum contribution requirement for such plan year (taking into account any overburden credit under section 418C(a)) plus the plan's accumulated funding deficiency for the preceding plan year (determined under this section if the plan was in reorganization during such plan year or under section 412(a) if the plan was not in reorganization), over

"(ii) amounts considered contributed by employers to or under the plan for the plan year (increased by any amount waived under subsection (f) for the plan year).

"(2) Treatment of withdrawal liability payments.—For purposes of paragraph (1), withdrawal liability payments (whether or not received) which are due with respect to withdrawals before the end of the base plan year shall be considered amounts contributed by the employer to or under the plan if, as of the adjustment date, it was reasonable for the plan sponsor to anticipate that such payments would be made during the plan year.

"(b) Minimum Contribution Requirement.—

"(1) In general.—Except as otherwise provided in this section for purposes of this subpart the minimum contribution requirement for a plan year in which a plan is in reorganization is an amount equal to the excess of—

"(A) the sum of—

"(i) the plan's vested benefits charge for the plan year; and

"(ii) the increase in normal cost for the plan year determined under the entry age normal funding method which is attributable to plan amendments adopted while the plan was in reorganization, over

"(B) the amount of the overburden credit (if any) determined under section 418C for the plan year.

"(2) Adjustment for reductions in contribution base units.—If the plan's current contribution base for the plan year is less than the plan's valuation contribution base for the plan year, the minimum contribution requirement for such plan year shall be equal to the product of the amount determined under paragraph (1) (after any adjustment required by this subpart other than this paragraph) multiplied by a fraction—

"(A) the numerator of which is the plan's current contribution base for the plan year, and

"(B) the denominator of which is the plan's valuation contribution base for the plan year.

"(3) Special rule where cash-flow amount exceeds vested benefits charge.—

"(A) In general.—If the vested benefits charge for a plan year of a plan in reorganization is less than the plan's cash-flow amount for the plan year, the plan's minimum contribution requirement for the plan year is the amount determined under paragraph (1) (determined before the application of paragraph (2)) after substituting the term 'cash-flow amount' for the term 'vested benefits charge' in paragraph (1)(A).

"(B) Cash-flow amount.—For purposes of subparagraph (A), a plan's cash-flow amount for a plan year is an amount equal to—

"(i) the amount of the benefits payable under the plan for the base plan year, plus the amount of the plan's administrative expenses for the base plan year, reduced by

"(ii) the value of the available plan assets for the base plan year determined under regulations prescribed by the Secretary,

adjusted in a manner consistent with section 418(b)(4).

"(c) Current Contribution Base; Valuation Contribution Base.—

"(1) Current contribution base.—For purposes of this subpart, a plan's current contribution base for a plan year is the number of contribution base units with respect to which contributions are required to be made under the plan for that plan year, determined in accordance with regulations prescribed by the Secretary.

"(2) Valuation contribution base.—

"(A) In general.—Except as provided in subparagraph (B), for purposes of this subpart a plan's valuation contribution base is the number of contribution base units for which contributions were received for the base plan year—

"(i) adjusted to reflect declines in the contribution base which have occurred (or could reasonably be anticipated) as of the adjustment date for the plan year referred to in paragraph (1).

"(ii) adjusted upward (in accordance with regulations prescribed by the Secretary) for any contribution base reduction in the base plan year caused by a strike or lockout or by unusual events, such as fire, earthquake, or severe weather conditions, and

"(iii) adjusted (in accordance with regulations prescribed by the Secretary) for reductions in the contribution base resulting from transfers of liabilities.

"(B) Insolvent plans.—For any plan year—

"(i) in which the plan is insolvent (within the meaning of section 418E(b)(1)), and

"(ii) beginning with the first plan year beginning after the expiration of all relevant collective bargaining agreements which were in effect in the plan year in which the plan became insolvent,

the plan's valuation contribution base is the greater of the number of contribution base units for which contributions were received for the first or second plan year preceding the first plan year in which the plan is insolvent, adjusted as provided in clause (ii) or (iii) of subparagraph (A).

"(3) Contribution base unit.—For purposes of this subpart, the term 'contribution base unit' means a unit with respect to which an employer has an obligation to contribute under a multiemployer plan (as defined in regulations prescribed by the Secretary).

"(d) Limitation on Required Increases in Rate of Employer Contributions.—

"(1) In general.—Under regulations prescribed by the Secretary, the minimum contribution requirement applicable to any plan for any plan year which is determined under subsection (b) (without regard to subsection (b)(2) shall not exceed an amount which is equal to the sum of—

"(A) the greater of—

"(i) the funding standard requirement for such plan year, or

"(ii) 107 percent of—

"(I) if the plan was not in reorganization in the preceding plan year, the funding standard requirement for such preceding plan year, or

"(II) if the plan was in reorganization in the preceding plan year, the sum of the amount determined under this subparagraph for the preceding plan year and the amount (if any) determined under subparagraph (B) for the preceding plan year, plus

"(B) if for the plan year a change in benefits is first required to be considered in computing the charges under section **412(b)(2)** (A) or (B), the sum of—

"(i) the increase in normal cost for a plan year determined under the entry age normal funding method due to increases in benefits described in section 418(b)(4)(A)(ii) (determined without regard to section 418(b)(4)(B)(ii)), and

"(ii) the amount necessary to amortize in equal annual installments the increase in the value of vested benefits under the plan due to increases in benefits described in clause (i) over—

"(I) 10 years, to the extent such increase in value is attributable to persons in pay status, or

"(II) 25 years, to the extent such increase in value is attributable to other participants.

"(2) Funding standard requirement.—For purposes of paragraph (1), the funding standard requirement for any plan year is an amount equal to the net charge to the funding standard account for such plan year (as defined in section 418(b)(2)).

"(3) Special rule for certain plans.—

"(A) In general.—In the case of a plan described in section 4216(b) of the Employee Retirement Income Security Act of 1974, if a plan amendment which increases benefits is adopted after January 1, 1980—

"(i) paragraph (1) shall apply only if the plan is a plan described in subparagraph (B), and

"(ii) the amount under paragraph (1) shall be determined without regard to subparagraph (1)(B).

"(B) Eligible plans.—A plan is described in this subparagraph if—

"(i) the rate of employer contributions under the plan for the first plan year beginning on or after the date on which an amendment increasing benefits is adopted, multiplied by the valuation contribution base for that plan year, equals or exceeds the sum of—

"(I) the amount that would be necessary to amortize fully, in equal annual installments, by July 1, 1986, the unfunded vested benefits attributable to plan provisions in effect on July 1, 1977 (determined as of the last day of the base plan year); and

"(II) the amount that would be necessary to amortize fully, in equal annual installments, over the period described in subparagraph (C), beginning with the first day of the first plan year beginning on or after the date on which the amendment is adopted, the unfunded vested benefits (determined as of the last day of the base plan year) attributable to each plan amendment after July 1, 1977; and

"(iii) the rate of employer contributions for each subsequent plan year is not less than the lesser of—

"(I) the rate which when multiplied by the valuation contribution base for that subsequent plan year produces the annual amount that would be necessary to complete the amortization schedule described in clause (i), or

"(II) the rate for the plan year immediately preceding such subsequent plan year, plus 5 percent of such rate.

"(C) Period.—The period determined under this subparagraph is the lesser of—

"(i) 12 years, or

"(ii) a period equal in length to the average of the remaining expected lives of all persons receiving benefits under the plan.

"(4) Exception in case of certain benefit increases.—Paragraph (1) shall not apply with respect to a plan, other than a plan described in paragraph (3), for the period of consecutive plan years in each of which the plan is in reorganization, beginning with a plan year in which occurs the earlier of the date of the adoption or the effective date of any amendment of the plan which increases benefits with respect to service performed before the plan year in which the adoption of the amendment occurred.

"(e) Certain Retroactive Plan Amendments.—In determining the minimum contribution requirement with respect to a plan for a plan year under subsection (b), the vested benefits charge may be adjusted to reflect a plan amendment reducing benefits under section 412(c)(8).

"(f) Waiver of Accumulated Funding Deficiency.—

"(1) In general.—The Secretary may waive any accumulated funding deficiency under this section in accordance with the provisions of section 412(d)(1).

"(2) Treatment of waiver.—Any waiver under paragraph (1) shall not be treated as a waived funding deficiency (within the meaning of section 412(d)(3)).

"(g) Actuarial Assumptions Must Be Reasonable.—For purposes of making any determination under this subpart, the requirements of section 412(c)(3) shall apply.

"Sec. 418C. Overburden Credit Against Minimum Contribution Requirement.

"(a) General Rule.—For purposes of determining the contribution under section 418 B (before the application of section 418B (b)(2) or (d)), the plan sponsor of a plan which is overburdened for the plan year shall apply an overburden credit against the plan's minimum contribution requirement for the plan year (determined without regard to section 418B(b)(2) or (d) and without regard to this section).

"(b) Definition of Overburdened Plan.—A plan is overburdened for a plan year if—

"(1) the average number of pay status participants under the plan in the base plan year exceeds the average of the number of active participants in the base plan year and the 2 plan years preceding the base plan year, and

"(2) the rate of employer contributions under the plan equals or exceeds the greater of—

"(A) such rate for the preceding plan year, or

"(2) Number of active participants.—The number of active participants for a plan year shall be the sum of—

"(A) the number of active employees who are participants in the plan and on whose behalf contributions are required to be made during the plan year;

"(B) the number of active employees who are not participants in the plan but who are in an employment unit covered by a collective bargaining agreement which requires the employees' employer to contribute to the plan unless service in such employment unit was never covered under the plan or a predecessor thereof, and

"(C) the total number of active employees attributed to employers who made payments to the plan for the plan year of withdrawal liability pursuant to part I of subtitle E of title IV of the Employee Retirement Income Security Act of 1974, determined by dividing—

"(i) the total amount of such payments, by

"(ii) the amount equal to the total contributions received by the plan during the plan year divided by the average number of active employees who were participants in the plan during the plan year.

The Secretary shall by regulations provide alternative methods of determining active participants where (by reason of irregular employment, contributions on a unit basis, or otherwise) this paragraph does not yield a representative basis for determining the credit.

"(3) AVERAGE NUMBER.—The term 'average number' means, with respect to pay status participants for a plan year, a number equal to one-half the sum of—

"(A) the number with respect to the plan as of the beginning of the plan year, and

"(B) the number with respect to the plan as of the end of the plan year.

"(4) AVERAGE GUARANTEED BENEFIT.—The average guaranteed benefit paid is 12 times the average monthly pension payment guaranteed under section 4022A(c)(1) of the Employee Retirement Income Security Act of 1974 determined under the provisions of the plan in effect at the beginning of the first plan year in which the plan is in reorganization and without regard to section 4022A(c)(2).

"(5) FIRST YEAR IN REORGANIZATION.—The first year in which the plan is in reorganization is the first of a period of 1 or more consecutive plan years in which the plan has been in reorganization not taking into account any plan years the plan was in reorganization prior to any period of 3 or more consecutive plan years in which the plan was not in reorganization.

"(f) NO OVERBURDEN CREDIT IN CASE OF CERTAIN REDUCTIONS IN CONTRIBUTIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, a plan is not eligible for an overburden credit for a plan year if the Secretary finds that the plan's current contribution base for any plan year was reduced, without a corresponding reduction in the plan's unfunded vested benefits attributable to pay status participants, as a result of a change in an agreement providing for employer contributions under the plan.

"(2) TREATMENT OF CERTAIN WITHDRAWALS.—For purposes of paragraph (1), a complete or partial withdrawal of an employer (within the meaning of part 1 of subtitle E of title IV of the Employee Retirement Income Security Act of 1974) does not impair a plan's eligibility for an overburden credit, unless the Secretary finds that a contribution base reduction described in paragraph (1) resulted from a transfer of liabilities to another plan in connection with the withdrawal.

"(g) MERGERS.—Notwithstanding any other provision of this section, if 2 or more multiemployer plans merge, the amount of the overburden credit which may be applied under this section with respect to the plan resulting from the merger for any of the 3 plan years ending after the effective date of the merger shall not exceed the sum of the used overburden credit for each of the merging plans for its last plan year ending before the effective date of the merger. For purposes of the preceding sentence, the used overburden credit is that portion of the credit which does not exceed the excess of the minimum contribution requirement determined without regard to any overburden credit under this section over the employer contributions required under the plan.

"SEC. 418D. ADJUSTMENTS IN ACCRUED BENEFITS.

"(a) ADJUSTMENTS IN ACCRUED BENEFITS.—

"(1) IN GENERAL.—Notwithstanding section 411, a multiemployer plan in reorganization may be amended, in accordance with this section, to reduce or eliminate accrued benefits attributable to employer contributions which, under section 4022A(b) of the Employee Retirement Income Security Act of 1974, are not eligible for the Pension Benefit Guaranty Corporation's guarantee. The preceding sentence shall only apply to accrued benefits under plan amendments (or plans) adopted after March 26, 1980, or under collective bargaining agreements entered into after March 26, 1980.

"(2) ADJUSTMENT OF VESTED BENEFITS CHARGE.—In determining the minimum contribution requirement with respect to a plan for a plan year under section 418B(b), the vested benefits charge may be adjusted to reflect a plan amendment reducing benefits under this section or section 412(c)(8), but only if the amendment is adopted and effective no later than 2½ months after the end of the plan year, or within such extended period as the Secretary may prescribe by regulation under section 412(c)(10).

"(b) LIMITATION ON REDUCTION.—

"(1) IN GENERAL.—Accrued benefits may not be reduced under this section unless—

"(A) notice has been given, at least 6 months before the first day of the plan year in which the amendment reducing benefits is adopted, to—

"(i) plan participants and beneficiaries,

"(ii) each employer who has an obligation to contribute (within the meaning of section 4212(a) of the Employee Retirement Income Security Act of 1974) under the plan, and

"(iii) each employee organization which, for purposes of collective bargaining, represents plan participants employed by such an employer,

that the plan is in reorganization and that, if contributions under the plan are not increased, accrued benefits under the plan will be reduced or an excise tax will be imposed on employers;

"(B) in accordance with regulations prescribed by the Secretary—

"(i) any category of accrued benefits is not reduced with respect to inactive participants to a greater extent proportionally that such category of accrued benefits is reduced with respect to active participants,

"(ii) benefits attributable to employer contributions other than accrued benefits and the rate of future benefit accruals are reduced at least to an extent equal to the reduction in accrued benefits of inactive participants, and

"(iii) in any case in which the accrued benefit of a participant or beneficiary is reduced by changing the benefit form or the requirements which the participant or beneficiary must satisfy to be entitled to the benefit, such reduction is not applicable to—

"(I) any participant or beneficiary in pay status on the effective date of the amendment, or the beneficiary of such a participant, or

"(II) any participant who has attained normal retirement age, or who is within 5 years of attaining normal retirement age, on the effective date of the amendment, or the beneficiary of any such participant; and

"(C) the rate of employer contributions for the plan year in which the amendment becomes effective and for all succeeding plan years in which the plan is in reorganization equals or exceeds the greater of—

"(i) the rate of employer contributions, calculated without regard to the amendment, for the plan year in which the amendment becomes effective, or

"(ii) the rate of employer contributions for the plan year preceding the plan year in which the amendment becomes effective.

"(2) INFORMATION REQUIRED TO BE INCLUDED IN NOTICE.—The plan sponsors shall include in any notice required to be sent to plan participants and beneficiaries under paragraph (1) information as to the rights and remedies of plan participants and beneficiaries as well as how to contact the Department of Labor for further information and assistance where appropriate.

"(c) NO RECOUPMENT.—A plan may not recoup a benefit payment which is in excess of the amount payable under the plan because of an amendment retroactively reducing accrued benefits under this section.

"(d) BENEFIT INCREASES UNDER MULTIEMPLOYER PLAN IN REORGANIZATION.—

"(1) RESTORATION OF PREVIOUSLY REDUCED BENEFITS.—

"(A) IN GENERAL.—A plan which has been amended to reduce accrued benefits under this section may be amended to increase or restore accrued benefits, or the rate of future benefit accruals, only if the plan is amended to restore levels of previously reduced accrued benefits of inactive participants and of participants who are within 5 years of attaining normal retirement age to at least the same extent as any such increase in accrued benefits or in the rate of future benefit accruals.

"(B) BENEFIT INCREASES AND BENEFIT RESTORATIONS.—For purposes of this subsection, in the case of a plan which has been amended under this section to reduce accrued benefits—

"(i) an increase in a benefit, or in the rate of future benefit accruals, shall be considered a benefit increase to the extent that the benefit, or the accrual rate, is thereby increased above the highest benefit level, or accrual rate, which was in effect under the terms of the plan before the effective date of the amendment reducing accrued benefits, and

"(ii) an increase in a benefit, or in the rate of future benefit accruals, shall be considered a benefit restoration to the extent that the benefit, or the accrual rate, is not thereby increased above the highest benefit level, or accrual rate, which was in effect under the terms of the plan immediately before the effective date of the amendment reducing accrued benefits.

"(2) UNIFORMITY IN BENEFIT RESTORATION.—If a plan is amended to partially restore previously reduced accrued benefit levels, or the rate of future benefit accruals, the benefits of inactive participants shall be restored in at least the same proportions as other accrued benefits which are restored.

"(3) NO BENEFIT INCREASES IN YEAR OF BENEFIT REDUCTION.—No benefit increase under a plan may take effect in a plan year in which an amendment reducing accrued benefits under the plan, in accordance with this section, is adopted or first becomes effective.

"(4) RETROACTIVE PAYMENTS.—A plan is not required to make retroactive benefit payments with respect to that portion of an accrued benefit which was reduced and subsequently restored under this section.

"(e) INACTIVE PARTICIPANT.—For purposes of this section, the term 'inactive participant' means a person not in covered service under the plan who is in pay status under the plan or who has a nonforfeitable benefit under the plan.

"(f) REGULATIONS.—The Secretary may prescribe rules under which, notwithstanding any other provision of this section, accrued benefit reductions or benefit increases for different participant groups may be varied equitably to reflect variations in contribution rates and other relevant factors reflecting differences in negotiated levels of financial support for plan benefit obligations.

"Sec. 418E. Insolvent Plans.

"(a) Suspension of Certain Benefit Payments.—Notwithstanding section 411, in any case in which benefit payments under an insolvent multiemployer plan exceed the resource benefit level, any such payments of benefits which are not basic benefits shall be suspended, in accordance with this section, to the extent necessary to reduce the sum of such payments and the payments of such basic benefits to the greater of the resource benefit level or the level of basic benefits, unless an alternative procedure is prescribed by the Pension Benefit Guaranty Corporation under section 4022A(g)(5) of the Employee Retirement Income Security Act of 1974.

"(b) Definitions.—For purposes of this section, for a plan year—

"(1) Insolvency.—A multiemployer plan is insolvent if the plan's available resources are not sufficient to pay benefits under the plan when due for the plan year, or if the plan is determined to be insolvent under subsection (d).

"(2) Resource benefit level.—The term 'resource benefit level' means the level of monthly benefits determined under subsections (c) (1) and (3) and (d)(3) to be the highest level which can be paid out of the plan's available resources.

"(3) Available resources.—The term 'available resources' means the plan's cash, marketable assets, contributions, withdrawal liability payments, and earnings, less reasonable administrative expenses and amounts owed for such plan year to the Pension Benefit Guaranty Corporation under section 4261(b)(2) of the Employee Retirement Income Security Act of 1974.

"(4) Insolvency year.—The term 'insolvency year' means a plan year in which a plan is insolvent.

"(c) Benefit Payments Under Insolvent Plans.—

"(1) Determination of resource benefit level.—The plan sponsor of a plan in reorganization shall determine in writing the plan's resource benefit level for each insolvency year, based on the plan sponsor's reasonable projection of the plan's available resources and the benefits payable under the plan.

"(2) Uniformity of the benefit suspension.—The suspension of benefit payments under this section shall, in accordance with regulations prescribed by the Secretary, apply in substantially uniform proportions to the benefits of all persons in pay status (within the meaning of section 418(b)(6)) under the plan, except that the Secretary may prescribe rules under which benefit suspensions for different participant groups may be varied equitably to reflect variations in contribution rates and other relevant factors including differences in negotiated levels of financial support for plan benefit obligations.

"(3) Resource benefit level below level of basic benefits.—Notwithstanding paragraph (2), if a plan sponsor determines in writing a resource benefit level for a plan year which is below the level of basic benefits, the payment of all benefits other than basic benefits shall be suspended for that plan year.

"(4) Excess resources.—

"(A) In general.—If, by the end of an insolvency year, the plan sponsor determines in writing that the plan's available resources in the insolvency year could have supported benefit payments above the resource benefit level for that insolvency year, the plan sponsor shall distribute the excess resources to the participants and beneficiaries who received benefit payments from the plan in that insolvency year, in accordance with regulations prescribed by the Secretary.

"(B) Excess resources.—For purposes of this paragraph, the term 'excess resources' means available resources above the amount necessary to support the resource benefit level, but no greater than the amount necessary to pay benefits for the plan year at the benefit levels under the plan.

"(5) Unpaid benefits.—If, by the end of an insolvency year, any benefit has not been paid at the resource benefit level, amounts up to the resource benefit level which were unpaid shall be distributed to the participants and beneficiaries, in accordance with regulations prescribed by the Secretary, to the extent possible taking into account the plan's total available resources in that insolvency year.

"(6) Retroactive payments.—Except as provided in paragraph (4) or (5), a plan is not required to make retroactive benefit payments with respect to that portion of a benefit which was suspended under this section.

"(d) Plan Sponsor Determination.—

"(1) Triennial test.—As of the end of the first plan year in which a plan is in reorganization, and at least every 3 plan years thereafter (unless the plan is no longer in reorganization), the plan sponsor shall compare the value of plan assets (determined in accordance with section 418B(b)(3)(B)(ii)) for that plan year with the total amount of benefit payments made under the plan for that plan year. Unless the plan sponsor determines that the value of plan assets exceeds 3 times the total amount of benefit payments, the plan sponsor shall determine whether the plan will be insolvent in any of the next 3 plan years.

"(2) Determination of insolvency.—If, at any time, the plan sponsor of a plan in reorganization reasonably determines, taking into account the plan's recent and anticipated financial experience, that the plan's available resources are not sufficient to pay benefits under the plan when due for the next plan year, the plan sponsor shall make such determination available to interested parties.

"(3) Determination of resource benefit level.—The plan sponsor of a plan in reorganization shall determine in writing for each insolvency year the resource benefit level and the level of basic benefits no later than 3 months before the insolvency year.

"(e) Notice Requirements.—

"(1) Impending insolvency.—If the plan sponsor of a plan in reorganization determines under subsection (d) (1) or (2) that the plan may become insolvent (within the meaning of subsection (b)(1)), the plan sponsor shall—

"(A) notify the Secretary, the Pension Benefit Guaranty Corporation, the parties described in section 418A(a)(2), and the plan participants and beneficiaries of that determination, and

"(B) inform the parties described in section 418A(a)(2) and the plan participants and beneficiaries that if insolvency occurs certain benefit payments will be suspended, but that basic benefits will continue to be paid.

"(2) Resource benefit level.—No later than 2 months before the first day of each insolvency year, the plan sponsor of a plan in reorganization shall notify the Secretary, the Pension Benefit Guaranty Corporation, the parties described in section 418A(a)(2), and the plan participants and beneficiaries of the resource benefit level determined in writing for that insolvency year.

"(3) Potential need for financial assistance.—In any case in which the plan sponsor anticipates that the resource benefit level for an insolvency year may not exceed the level of basic benefits, the plan sponsor shall notify the Pension Benefit Guaranty Corporation.

"(4) Regulations.—Notice required by this subsection shall be given in accordance with regulations prescribed by the Pension Benefit Guaranty Corporation, except that notice to the Secretary shall be given in accordance with regulations prescribed by the Secretary.

"(5) Corporation may prescribe time.—The Pension Benefit Guaranty Corporation may prescribe a time other than the time prescribed by this section for the making of a determination or the filing of a notice under this section.

"(f) Financial Assistance.—

"(1) Permissive application.—If the plan sponsor of an insolvent plan for which the reserve benefit level is above the level of basic benefits anticipates that, for any month in an insolvency year, the plan will not have funds sufficient to pay basic benefits, the plan sponsor may apply for financial assistance from the Pension Benefit Guaranty Corporation under section 4261 of the Employee Retirement Income Security Act of 1974.

"(2) Mandatory application.—A plan sponsor who has determined a resource benefit level for an insolvency year which is below the level of basic benefits shall apply for financial assistance from the Pension Benefit Guaranty Corporation under section 4261 of the Employment Retirement Income Security Act of 1974.

"(g) Financial assistance.—Any amount of any financial assistance from the Pension Benefit Guaranty Corporation to any plan, and any repayment of such amount, shall be taken into account under this subpart in such manner as determined by the Secretary.".

(b) Clerical Amendment.—The table of subparts for part I of subchapter D of chapter 1 is amended by adding at the end thereof the following new subpart:

"Subpart C. Special rules for multiemployer plans.".

Sec. 203. Minimum Funding Requirements.

Section 412 (relating to minimum funding standards) is amended—

(1) in subsection (b), by striking out "(40 plan years in the case of a multiemployer plan)" and "(20 plan years in the case of a multiemployer plan)" each place they appear;

(2) by adding at the end of subsection (b) the following new paragraphs:

"(6) Certain amortization charges and credits.—In the case of a plan which, immediately before the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, was a multiemployer plan (within the meaning of section 414(f) as in effect immediately before such date)—

"(A) any amount described in paragraph (2)(B)(ii), (2)(B)(iii), or (3)(B)(i) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the amount arose;

"(B) any amount described in paragraph (2)(B)(iv) or (3)(B)(ii) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments (until fully amortized) over 20 plan years, beginning with the plan year in which the amount arose;

"(C) any change in past service liability which arises during the period of 3 plan years beginning on or after such date, and results from a plan amendment adopted before such date, shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the change arises; and

"(D) any change in past service liability which arises during the period of 2 plan years beginning on or after such date, and results from the changing of a group of participants from one benefit level to another benefit level under a schedule of plan benefits which—

"(i) was adopted before such date, and

"(ii) was effective for any plan participant before the beginning of the first plan year beginning on or after such date,

shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the change arises.

"(7) Special rules for multiemployer plans.—For purposes of this section—

"(A) Withdrawal liability.—Any amount received by a multiemployer plan in payment of all or part of an employer's withdrawal liability under part 1 of subtitle E of title IV of the Employee Retirement Income Security Act of 1974 shall be considered an amount contributed by the employer to or under the plan. The Secretary may prescribe by regulation additional charges and credits to a multiemployer plan's funding standard account to the extent necessary to prevent withdrawal liability payments from being unduly reflected as advance funding for plan liabilities.

"(B) Adjustments when a multiemployer plan leaves reorganization.—If a multiemployer plan is not in reorganization in the plan year but was in reorganization in the immediately preceding plan year, any balance in the funding standard account at the close of such immediately preceding plan year—

"(i) shall be eliminated by an offsetting credit or charge (as the case may be), but

"(ii) shall be taken into account in subsequent plan years by being amortized in equal annual installments (until fully amortized) over 30 plan years.

The preceding sentence shall not appy to the extent of any accumulated funding deficiency under section 418B(a) as of the end of the last plan year that the plan was in reorganization.

"(C) Plan payments to supplemental program or withdrawal liability payment fund.—Any amount paid by a plan during a plan year to the Pension Benefit Guaranty Corporation pursuant to section 4222 of such Act or to a fund exempt under section 501(c)(22) pursuant to section 4223 of such Act shall reduce the amount of contributions considered received by the plan for the plan year.

"(D) Interim withdrawal liability payments.—Any amount paid by an employer pending a final determination of the employer's withdrawal liability under part 1 of subtitle E of title IV of such Act and subsequently refunded to the employer by the plan shall be charged to the funding standard account in accordance with regulations prescribed by the Secretary.

"(E) For purposes of the full funding limitation under subsection (c)(7), unless otherwise provided by the plan, the accrued liability under a multiemployer plan shall not include benefits which are not nonforfeitable under the plan after the termination of the plan (taking into consideration section 411(d)(3))."; and

(3) by adding at the end thereof the following new subsection:

"(j) Certain Terminated Multiemployer Plans.—This section applies with respect to a terminated multiemployer plan to which section 4021 of the Employee Retirement Income Security Act of 1974 applies, until the last day of the plan year in which the plan terminates, within the meaning of section 4041A(a)(2) of that Act.

"(k) Financial Assistance.—Any amount of any financial assistance from the Pension Benefit Guaranty Corporation to any plan, and any repayment of such amount, shall be taken into account under this section in such manner as determined by the Secretary.".

Sec. 204. Excise Taxes.

Section 4971 (relating to taxes on failure to meet minimum funding standard) is amended—

(1) by striking out "last sentence" in subsection (c) and inserting in lieu thereof "last two sentences"; and

(2) by adding at the end of subsection (d) the following new sentence: "In the case of a multiemployer plan which is in reorganization under section 418, the same notice and opportunity shall be provided to the Pension Benefit Guaranty Corporation.".

Sec. 205. Deductibility of Employer Liability Payments.

Subsection (g) of section 404 (relating to certain employer liability payments considered as contributions) is amended to read as follows:

"(g) Certain Employer Liability Payments Considered as Contributions.—

"(1) In general.—For purposes of this section, any amount paid by an employer under section 4062, 4063, or 4064, or part 1 of subtitle E of title IV of the Employee Retirement Income Security Act of 1974 shall be treated as a contribution to which this section applies by such employer to or under a stock bonus, pension, profit-sharing, or annuity plan.

"(2) Controlled group deductions.—In the case of a payment described in paragraph (1) made by an entity which is liable because it is a member of a commonly controlled group of corporations, trades, or businesses, within the meaning of subsection (b) or (c) of section 414, the fact that the entity did not directly employ participants of the plan with respect to which the liability payment was made shall not affect the deductibility of a payment which otherwise satisfies the conditions of section 162 (relating to trade or business expenses) or section 212 (relating to expenses for the production of income).

"(3) Coordination with subsection (a).—Any payment described in paragraph (1) shall (subject to the last sentence of subsection (a)(1)(A)) be deductible under this section when paid.".

Sec. 206. Minimum Vesting Requirements.

Section 411 (relating to minimum vesting standards) is amended—

(1) by adding at the end of subsection (a)(3) the following new subparagraphs:

"(E) Cessation of contributions under a multiemployer plan.—A right to an accrued benefit derived from employer contributions under a multiemployer plan shall not be treated as forfeitable solely because the plan provides that benefits accrued as a result of service with the participant's employer before the employer had an obligation to contribute under the plan may not be payable if the employer ceases contributions to the multiemployer plan.

"(F) Reduction and suspension of benefits by a multiemployer plan.—A participant's right to an accrued benefit derived from employer contributions under a multiemployer plan shall not be treated as forfeitable solely because—

"(i) the plan is amended to reduce benefits under section 418D or under section 4281 of the Employee Retirement Income Security Act of 1974, or

"(ii) benefit payments under the plan may be suspended under section 418E or under section 4281 of the Employee Retirement Income Security Act of 1974.";

"(II) to the extent permitted in regulations prescribed by the Secretary, a partial withdrawal described in section 4205(b)(A)(i) of such Act in conjunction with the decertification of the collective bargaining representative, and

"(ii) with any employer under the plan after the termination date of the plan under section 4048 of such Act."; and

(5) in subsection (d)(6), by striking out "section 412(c)(8)" and inserting in lieu thereof "section 412(c)(8), or section 4281 of the Employee Retirement Income Security Act of 1974".

Sec. 207. Definition of Multiemployer Plan.

(a) Section 414 (relating to definitions and special rules) is amended by striking out subsection (f) and inserting in lieu thereof the following:

"(f) Multiemployer Plan.—

"(1) Definition.—For purposes of this part, the term 'multiemployer plan' means a plan—

"(A) to which more than one employer is required to contribute.

"(B) which is maintained pursuant to one or more collective bargaining agreements between one or more employee organizations and more than one employer, and

"(C) which satisfies such other requirements as the Secretary of Labor may prescribe by regulation.

"(2) Cases of common control.—For purposes of this subsection, all trades or businesses (whether or not incorporated) which are under common control within the meaning of subsection (c) are considered a single employer.

"(3) Continuation of status after termination.—Notwithstanding paragraph (1), a plan is a multiemployer plan on and after its termination date under title IV of the Employee Retirement Income Security Act of 1974 if the plan was a multiemployer plan under this subsection for the plan year preceding its termination date.

"(4) Transitional rule.—For any plan year which began before the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, the term 'multiemployer plan' means a plan described in this subsection as in effect immediately before that date.

"(5) Special election.—Within one year after the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, a multiemployer plan may irrevocably elect, pursuant to procedures established by the Pension Benefit Guaranty Corporation and subject to the provisions of section 4403 (b) and (c) of the Employee Retirement Income Security Act of 1974, that the plan shall not be treated as a multiemployer plan for any purpose under such Act or this title, if for each of the last 3 plan years ending prior to the effective date of the Multiemployer Pension Plan Amendments Act of 1980—

"(A) the plan was not a multiemployer plan because the plan was not a plan described in section 3(37)(A)(iii) of the Employee Retirement Income Security Act of 1974 and section 414(f)(1)(C) (as such provisions were in effect on the day before the date of the enactment of tht Multiemployer Pension Plan Amendments Act of 1980); and

"(B) the plan had been identified as a plan that was not a multiemployer plan in substantially all its filings with the Pension Benefit Guaranty Corporation, the Secretary of Labor and the Secretary.".

Sec. 208. Related Technical Amendments.

(a) Sections 401(a)(12) and 414(l) are each amended by striking out the last sentence and inserting in lieu thereof the following: "The preceding sentence does not apply to any multiemployer plan with respect to any transaction to the extent that participants either before or after the transaction are covered under a multiemployer plan to which title IV of the Employee Retirement Income Security Act of 1974 applies."

(b) Subsection (d) of section 4975 is amended—

(1) by striking out "or" at the end of paragraph (12);

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof a semicolon; and

(3) by inserting after paragraph (13) the following new paragraphs:

"(14) any transaction required or permitted under part 1 of subtitle E of title IV or section 4223 of the Employee Retirement

Income Security Act of 1974, but this paragraph shall not apply with respect to the application of subsection (c)(1) (E) or (F); or

"(15) a merger of multiemployer plans, or the transfer of assets or liabilities between multiemployer plans, determined by the Pension Benefit Guaranty Corporation to meet the requirements of section 4231 of such Act, but this paragraph shall not apply with respect to the application of subsection (c)(1) (E) or (F).".

(c) Section 412(a) is amended by adding at the end thereof the following new sentence: "In any plan year in which a multiemployer plan is in reorganization, the accumulated funding deficiency of the plan shall be determined under section 418B.".

(d) Section 413(b)(6) is amended by adding at the end thereof the following new sentence: "For purposes of this subsection and the last sentence of section 4917(a), an employer's withdrawal liability under part 1 of subtitle E of title IV of the Employee Retirement Income Security Act of 1974 shall not be treated as a liability for contributions under the plan.".

(e) Section 401(a)(2), as amended by section 411(b) of this Act, is amended by inserting ", or the return of any withdrawal liability payment determined to be an overpayment within 6 months of such determination" after "501(a)".

SEC. 209. WITHDRAWAL LIABILITY PAYMENT FUNDS.

(a) Subsection (c) of section 501 (relating to list of exempt organizations) is amended by adding at the end thereof the following new paragraph:

"(22) A trust created or organized in the United States and established in writing by the plan sponsors of multiemployer plans if—

"(A) the purpose of such trust is exclusively—

"(i) to pay any amount described in section 4223 (c) or (h) of the Employee Retirement Income Security Act of 1974, and

"(ii) to pay reasonable and necessary administrative expenses in connection with the establishment and operation of the trust and the processing of claims against the trust,

"(B) no part of the assets of the trust may be used for, or diverted to, any purpose other than—

"(i) the purposes described in subparagraph (A), or

"(ii) the investment in securities, obligations, or time or demand deposits described in clause (ii) of paragraph (21)(B).

"(C) such trust meets the requirements of paragraphs (2), (3), and (4) of section 4223 (b), 4223(h), or, if applicable, section 4223 (c) of the Employee Retirement Income Security Act of 1974, and

"(D) the trust instrument provides that, on dissolution of the trust, assets of the trust may not be paid other than to plans which have participated in the plan or, in the case of a trust established under section 4223(h) of such Act, to plans with respect to which employers have participated in the fund.".

(b) Subsection (e) of section 4975 (relating to tax on prohibited transactions) is amended by adding at the end thereof the following new paragraph:

"(9) SECTION MADE APPLICABLE TO WITHDRAWAL LIABILITY PAYMENT FUNDS.—For purposes of this section—

"(A) IN GENERAL.—The term 'plan' includes a trust described in section 501(c)(22).

"(B) DISQUALIFIED PERSON.—In the case of any trust to which this section applies by reason of subparagraph (A), the term 'disqualified person' includes any person who is a disqualified person with respect to any plan to which such trust is permitted to make payments under section 4223 of the Employee Retirement Income Security Act of 1974.".

(c)(1) Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

"SEC. 194. CONTRIBUTIONS TO EMPLOYER LIABILITY TRUSTS.

"(a) ALLOWANCE OF DEDUCTION.—There shall be allowed as a deduction for the taxable year an amount equal to the amount—

"(1) which is contributed by an employer to a trust described in section 501(c)(22) (relating to withdrawal liability payment fund) which meets the requirements of section 4223(h) of the Employee Retirement Income Security Act of 1974, and

"(2) which is properly allocable to such taxable year.

"(b) ALLOCATION TO TAXABLE YEAR.—In the case of a contribution described in subsection (a) which relates to any specified period of time which includes more than one taxable year, the amount properly allocable to any taxable year in such period shall be determined by prorating such amounts to such taxable years under regulations prescribed by the Secretary.

"(c) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed under subsection (a) with respect to any contribution described in subsection (a) which does not relate to any specified period of time.".

(2) The table of sections for such part VI is amended by adding at the end thereof the following new item:

"Sec. 194. Contributions to employer liability trusts.".

SEC. 210. EFFECTIVE DATE.

(a) Except as otherwise provided in this section, the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) Subpart C of part I of subchapter D of chapter 1 of such Code (as added by this Act) shall take effect, with respect to each plan, on the first day of the first plan year beginning on or after the earlier of—

(1) the date on which the last collective-bargaining agreement providing for employer contributions under the plan, which was in effect on the date of the enactment of this Act, expires, without regard to extensions agreed to after such date of enactment, or

(2) 3 years after the date of the enactment of this Act.

(c) The amendments made by section 209 shall apply to taxable years ending after the date of the enactment of this Act.

TITLE III—AMENDMENTS TO TITLE I OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

SEC. 301. AMENDMENT OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

Whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference is to a section or other provision of the Employee Retirement Income Security Act of 1974.

SEC. 302. DEFINITION OF MULTIEMPLOYER PLAN.

(a) Section 3 is amended by striking out paragraph (37) and inserting in lieu thereof the following:

"(37)(A) The term 'multiemployer plan' means a plan—

"(i) to which more than one employer is required to contribute,

"(ii) which is maintained pursuant to one or more collective bargaining agreements between one or more employee organizations and more than one employer, and

"(iii) which satisfies such other requirements as the Secretary may prescribe by regulation.

"(B) For purposes of this paragraph, all trades or businesses (whether or not incorporated) which are under common control within the meaning of section 401(c)(1) are considered a single employer.

"(C) Notwithstanding subparagraph (A), a plan is a multiemployer plan on and after its termination date if the plan was a multiemployer plan under this paragraph for the plan year preceding its termination date.

"(D) For purposes of this title, notwithstanding the preceding provisions of this paragraph, for any plan year which began before the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, the term 'multiemployer plan' means a plan described in section 3(37) of this Act as in effect immediately before such date.".

"(E) Within one year after the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, a multiemployer plan may irrevocably elect, pursuant to procedures established by the corporation and subject to the provisions of sections 4403 (b) and (c), that the plan shall not be treated as a multiemployer plan for all purposes under this Act or the Internal Revenue Code of 1954 if for each of the last 3 plan years ending prior to the effective date of the Multiemployer Pension Plan Amendments Act of 1980—

"(i) the plan was not a multiemployer plan because the plan was not a plan described in section 3(37)(A)(iii) of this Act and section 414(f)(1)(C) of the Internal Revenue Code of 1954 (as such provisions were in effect on the day before the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980); and

"(ii) the plan had been identified as a plan that was not a multiemployer plan in substantially all its filings with the corporation, the Secretary of Labor and the Secretary of the Treasury.".

SEC. 303. MINIMUM VESTING REQUIREMENTS.

Section 203 is amended—

(1) by inserting after subsection (a)(3) (D) the following new subparagraph:

"(E)(i) A right to an accrued benefit derived from employer contributions under a multiemployer plan shall not be treated as forfeitable solely because the plan provides that benefits accrued as a result of service with the participant's employer before the employer had an obligation to contribute under the plan may not be payable if the employer ceases contributions to the multiemployer plan.

"(ii) A participant's right to an accrued benefit derived from employer contributions under a multiemployer plan shall not be treated as forfeitable solely because—

"(I) the plan is amended to reduce benefits under section 4244A or 4281, or

"(II) benefit payments under the plan may be suspended under section 4245 or 4281".

(2) in subsection (b)(1)(E), by striking out "and";

(3) in subsection (b)(1)(F), by striking out the period and inserting in lieu thereof "; and"; and

(4) by inserting after subsection (b)(1) (F) the following new subparagraph:

"(G) in the case of a multiemployer plan, years of service—

"(i) with an employer after—

"(I) a complete withdrawal of such employer from the plan (within the meaning of section 4203), or

"(II) to the extent permitted by regulations prescribed by the Secretary of the Treasury, a partial withdrawal described in section 4205(b) (2)(A)(i) in connection with the decertification of the collective bargaining representative; and

"(ii) with any employer under the plan after the termination date of the plan under section 4048.".

Sec. 304. Minimum Funding Requirements.

(a) Section 301 is amended by adding at the end thereof the following new subsections:

"(c) This part applies, with respect to a terminated multiemployer plan to which section 4021 applies, until the last day of the plan year in which the plan terminates, within the meaning of section 4041A(a)(2).

"(d) Any amount of any financial assistance from the Pension Benefit Guaranty Corporation to any plan, and any repayment of such amount, shall be taken into account under this section in such manner as determined by the Secretary of the Treasury.".

(b) Section 302 is amended—

(1) in subsection (b), by striking out "(40 plan years in the case of a multiemployer plan)" and "(20 plan years in the case of a multiemployer plan)" each place they appear;

(2) by inserting at the end of subsection (b) the following new paragraphs:

"(6) In the case of a plan which, immediately before the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, was a multiemployer plan (within the meaning of section 3(37) as in effect immediately before such date)—

"(A) any amount described in paragraph (2)(B)(ii), (2)(B)(iii), or (3)(B)(i) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments until fully amortized) over 40 plan years, beginning with the plan year in which the amount arose;

"(B) any amount described in paragraph (2)(B)(iv) or (3)(B)(ii) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments (until fully amortized) over 20 plan years, beginning with the plan year in which the amount arose;

"(C) any change in past service liability which arises during the period of 3 plan years beginning on or after such date, and results from a plan amendment adopted before such date, shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the change arises; and

"(D) any change in past service liability which arises during the period of 2 plan years beginning on or after such date, and results from the changing of a group of participants from one benefit level to another benefit level under a schedule of plan benefits which—

"(i) was adopted before such date, and

"(ii) was effective for any plan participant before the beginning of the first plan year beginning on or after such date,

shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the increase arises.

"(7) For purposes of this part—

"(A) Any amount received by a multiemployer plan in payment of all or part of an employer's withdrawal liability under part 1 of subtitle E of title IV shall be considered an amount contributed by the employer to or under the plan. The Secretary of the Treasury may prescribe by regulation additional charges and credits to a multiemployer plan's funding standard account to the extent necessary to prevent withdrawal liability payments from being unduly reflected as advance funding for plan liabilities.

"(B) If a plan is not in reorganization in the plan year but was in reorganization in the immediately preceding plan year, any balance in the funding standard account at the close of such immediately preceding plan year—

"(i) shall be eliminated by an offsetting credit or charge (as the case may be), but

"(ii) shall be taken into account in subsequent plan years by being amortized in equal annual installments (until fully amortized) over 30 plan years.

The preceding sentence shall not apply to the extent of any accumulated funding deficiency under section 418B(a) of the Internal Revenue Code of 1954 as of the end of the last plan year that the plan was in reorganization.

'(C) Any amount paid by a plan during a plan year to the Pension Benefit Guaranty Corporation pursuant to section 4222 or to a fund exempt under section 501(c)(22) of such Code pursuant to section 4223 shall reduce the amount of contributions considered received by the plan for the plan year.

"(D) Any amount paid by an employer pending a final determination of the employer's withdrawal liability under part 1 of subtitle E of title IV and subsequently refunded to the employer by the plan shall be charged to the funding standard account in accordance with regulations prescribed by the Secretary.

"(E) For purposes of the full funding limitation under subsection (c)(7), unless otherwise provided by the plan, the accrued liability under a multiemployer plan shall not include benefits which are not nonforfeitable under the plan after the termination of the plan (taking into consideration section 411(d)(3) of the Internal Revenue Code of 1954)."; and

(3) by adding at the end of subsection (a) the following new paragraph:

"(3) In any plan year in which a multiemployer plan is in reorganization, the accumulated funding deficiency of the plan shall be determined under section 4243.".

Sec. 305. Application of Interest Party Rules to Withdrawal Liability Payment Funds.

Paragraph (14) of section 3 is amended by adding at the end thereof the following new sentence: "Any person who is a party in interest with respect to a plan to which a trust described in section 501(c)(22) of the Internal Revenue Code of 1954 is permitted to make payments under section 4223 shall be treated as a party in interest with respect to such trust.".

Sec. 306. Liquidated Damages With Respect to Delinquent Contributions.

(a) Part 5 of subtitle B of title I is amended by adding after section 514 the following new section:

"DELINQUENT CONTRIBUTIONS

"Sec. 515. Every employer who is obligated to make contributions to a multiemployer plan under the terms of the plan or under the terms of a collectively bargained agreement shall, to the extent not inconsistent with law, make such contributions in accordance with the terms and conditions of such plan or such agreement.".

(b) Section 502 is amended by—

(1) redesignating subsections (b)(1) and (2) as subsection (b)(1)(A) and (B), and adding at the end thereof the following new paragraph:

"(2) The Secretary shall not initiate an action to enforce section 515.";

(2) redesignating subsection (g) as paragraph (1) of such subsection and inserting "(other than an action described in paragraph (2))" between "title" and "by" in such redesignated paragraph (1), and adding at the end thereof the following new paragraph:

"(2) In any action under this title by a fiduciary for or on behalf of a plan to enforce section 515 in which a judgment in favor of the plan is awarded, the court shall award the plan—

"(A) the unpaid contributions,

"(B) interest on the unpaid contributions,

"(C) an amount equal to the greater of—

"(i) interest on the unpaid contributions, or

"(ii) liquidated damages provided for under the plan in an amount not in excess of 20 percent (or such higher percentage as may be permitted under Federal or State law) of the amount determined by the count under subparagraph (A),

"(D) reasonable attorney's fees and costs of the action, to be paid by the defendant, and

"(E) such other legal or equitable relief as the court deems appropriate.

For purposes of this paragraph, interest on unpaid contributions shall be determined by using the rate provided under the plan, or, if none, the rate prescribed under section 6621 of the Internal Revenue Code of 1954.".

Sec. 307. Actuarial Standards.

Section 103(d) is amended by redesignating paragraphs (10) and (11) as paragraphs (11) and (12) and by adding after paragraph (9) the following new paragraph:

"(10) A statement by the actuary which discloses—

"(A) any event which the actuary has not taken into account, and

"(B) any trend which, for purposes of the actuarial assumptions used, was not assumed to continue in the future,

but only if, to the best of the actuary's knowledge, such event or trend may require a material increase in plan costs or required contribution rates.".

Sec. 308. Exemptions From Prohibited Transactions.

(a) Section 408(b) is amended by adding at the end thereof the following:

"(10) Any transaction required or permitted under part 1 of subtitle E of title IV.

"(11) A merger of multiemployer plans, or the transfer of assets or liabilities between multiemployer plans, determined by the Pension Benefit Guaranty Corporation to meet the requirements of section 4231.".

(b) Section 408 is amended by adding at the end thereof the following new subsection:

"(f) Section 406(b)(2) shall not apply to any merger or transfer described in subsection (b)(11).".

Sec. 309. Fiduciary Duties.

Section 404(a)(1)(D) is amended by inserting "or title IV" after "this title".

Sec. 310. Refund of Certain Withdrawal Liability Payments.

Section 403(c) is amended—

(1) by striking out "or (3)" in paragraph (1) and inserting in lieu thereof ", (3), or (4)"; and

(2) by adding at the end thereof the following new paragraph:

"(4) In the case of a withdrawal liability payment which has been determined to be an overpayment, paragraph (1) shall not prohibit the return of such payment to the employer within 6 months after the date of such determination.".

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Amendment of the Employee Retirement Income Security Act of 1974.

Whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference is to a section or other provision of the Employee Retirement Income Security Act of 1974.

Sec. 402. Related Technical Amendments.

(a)(1) Section 4001 is amended—

(A) in subsection (a)(2), by inserting "(other than a multiemployer plan)" after "more than one employer";

(B) by striking out subsection (a)(3) and inserting in lieu thereof the following:

"(3) 'multiemployer plan' means a plan—

"(A) to which more than one employer is required to contribute,

"(B) which is maintained pursuant to one or more collective bargaining agreements between one or more employee organizations and more than one employer, and

"(C) which satisfies such other requirements as the Secretary of Labor may prescribe by regulation,

except that, in applying this paragraph—

"(i) a plan shall be considered a multiemployer plan on and after its termination date if the plan was a multiemployer plan under this paragraph for the plan year preceding such termination, and

"(ii) for any plan year which began before the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, the term 'multiemployer plan' means a plan described in section 414(f) of the Internal Revenue Code of 1954 as in effect immediately before such date;";

(C) by striking out subsection (a)(6) and inserting in lieu thereof the following:

"(6) 'basic benefits' means benefits guaranteed under section 4022 (other than under section 4022(c)), or under section 4022A (other than under section 4022A(g));";

(D) in subsection (a)(7), by striking out the period and inserting in lieu thereof "or 4022A(g);";

(E) by inserting at the end of subsection (a) the following new paragraphs:

"(8) 'nonforfeitable benefit' means, with respect to a plan, a benefit for which a participant has satisfied the conditions for entitlement under the plan or the requirements of this Act (other than submission of a formal application, retirement, completion of a required waiting period, or death in the case of a benefit which returns all or a portion of a participant's accumulated mandatory employee contributions upon the participant's death), whether or not the benefit may subsequently be reduced or suspended by a plan amendment, an occurrence of any condition, or operation of this Act or the Internal Revenue Code of 1954;

"(9) 'reorganization index' means the amount determined under section 4241(b);

"(10) 'plan sponsor' means, with respect to a multiemployer plan—

"(A) the plan's joint board of trustees, or

"(B) if the plan has no joint board of trustees, the plan administrator;

"(11) 'contribution base unit' means a unit with respect to which an employer has an obligation to contribute under a multiemployer plan, as defined in regulations prescribed by the Secretary of the Treasury; and

"(12) 'outstanding claim for withdrawal liability' means a plan's claim for the unpaid balance of the liability determined under part 1 of subtitle E for which demand has been made, valued in accordance with regulations prescribed by the corporation.";

(F) by adding the following new paragraphs at the end of subsection (c)(1) (as redesignated):

"(2) For purposes of this title, 'single-employer plan' means, except as otherwise specifically provided in this title, any plan which is not a multiemployer plan.

"(3) For purposes of this title, except as otherwise provided in this title, contributions or other payments shall be considered made under a plan for a plan year if they are made within the period prescribed under section 412(c)(10) of the Internal Revenue Code of 1954.

"(4) For purposes of subtitle E, 'Secretary of the Treasury' means the Secretary of the Treasury or such Secretary's delegate.".

(2) Section 4003 is amended—

(A) in subsection (a), by striking out "determine whether any person has violated or is about to violate" and inserting in lieu thereof "enforce";

(B) in subsection (e)(1), by striking out "redress violations of" and inserting in lieu thereof "enforce", and

(C) in subsection (f) by inserting at the end thereof the following new sentence: "In any suit, action, or proceeding in which the corporation is a party, or intervenes under section 4301, in any State court, the corporation may, without bond or security, remove such suit, action, or proceeding from the State court to the United States District Court for the district or division embracing the place where the same is pending by following any procedure for removal now or hereafter in effect."

(3) Section 4007(a) is amended by inserting at the end thereof the following new sentence: "The corporation may waive or reduce premiums for a multiemployer plan for any plan year during which such plan receives financial assistance from the corporation under section 4261, except that any amount so waived or reduced shall be treated as financial assistance under such section.".

(4) Section 4021(a) is amended by inserting in the last sentence "unless otherwise specifically indicated in this title," before "a successor plan".

(5) Subtitle B of title IV is amended by inserting after section 4022B (as added by section 102 of this Act) the following new section:

"PLAN FIDUCIARIES

"SEC. 4023. Notwithstanding any other provision of this Act, a fiduciary of a plan to which section 4021 applies is not in violation of the fiduciary's duties as a result of any act or of any withholding of action required by this title.".

(6) Section 4042 is amended—

(A) in the last sentence of subsection (a), by striking out "such small" and inserting in lieu thereof "terminated";

(B) by redesignating subsection (b) as subsection (b)(1) and inserting at the end thereof the following new paragraphs:

"(2) Notwithstanding any other provision of this title—

"(A) upon the petition of a plan administrator or the corporation, the appropriate United States district court may appoint a trustee in accordance with the provisions of this section if the interests of the plan participants would be better served by the appointment of the trustee, and

"(B) upon the petition of the corporation, the appropriate United States district court shall appoint a trustee proposed by the corporation for a multiemployer plan which is in reorganization or to which section 4041A(d) applies, unless such appointment would be adverse to the interests of the plan participants and beneficiaries in the aggregate.

"(3) The corporation and plan administrator may agree to the appointment of a trustee without proceeding in accordance with the requirements of paragraphs (1) and (2).";

(C) in the first sentence of subsection (c), by striking out "and" after "interests of the participants" and inserting in lieu thereof "or";

(D) in subsection (c), by striking out "further" each place it appears and inserting in lieu thereof "unreasonable";

(E) in subsection (d)(1)(A)—

(i) by striking out "and" in clause (iv);

(ii) by redesignating clause (v) as clause (vi) and by striking out the period at the end of such clause and inserting in lieu thereof "; and";

(iii) by inserting after clause (iv) the following new clause:

"(v) in the case of a multiemployer plan, to reduce benefits or suspend benefit payments under the plan, give appropriate notices, amend the plan, and perform other acts required or authorized by subtitle (E) to be performed by the plan sponsor or administrator;"; and

(iv) by inserting after clause (vi) (as redesignated) the following new clause:

"(vii) to require the plan sponsor, the plan administrator, any contributing or withdrawn employer, and any employee organization representing plan participants to furnish any information with respect to the plan which the trustee may reasonably need in order to administer the plan.";

(F) in subsection (d)(1)(B)(i), by striking out "allocation requirements of section 4044" and inserting in lieu thereof "requirements of this title";

(G) in subsection (d)(1)(B)(iv), by striking out ", except to the extent that the corporation is an adverse party in a suit or proceeding";

(H) in subsection (d)(2)(B), by striking out "and";

(I) in subsection (d)(2)(C), by striking out the period and inserting in lieu thereof a comma; and

(J) by inserting after subsection (d)(2)(C) the following new subparagraphs;

"(D) each employer who is or may be liable to the plan under section part 1 of subtitle E,

"(E) each employer who has an obligation to contribute, within the meaning of section 4212(a), under a multiemployer plan, and

"(F) each employee organization which, for purposes of collective bargaining, represents plan participants employed by an employer described in subparagraph (C), (D), or (E).".

(7) Section 4044 is amended—

(A) in subsection (a), by inserting "single-employer" before "defined benefit plan";

(B) in subsection (c), by inserting "single-employer" before "plan occurring during" and before "plan occurring after"; and

(C) in subsection (d)(1), by inserting "single-employer" before "plan may be distributed".

(8) Section 4048 is amended—

(A) by inserting "(a)" before "For";

(B) by inserting "of a single-employer plan" after "date of termination"; and

(C) by adding at the end thereof the following new subsection:

"(b) For purposes of this title, the date of termination of a multiemployer plan is—

"(1) in the case of a plan terminated in accordance with the provisions of section 4041A, the date determined under subsection (b) of that section; or

"(2) in the case of a plan terminated in accordance with the provisions of section 4042, the date agreed to between the plan administrator and the corporation (or the trustee appointed under section 4042(b)(2), if any), or, if no agreement is reached, the date established by the court.".

(b)(1) Section 208 is amended by striking out the last sentence and inserting in lieu thereof the following: "The preceding sentence shall not apply to any transaction to the extent that participants either before or after the transaction are covered under a multiemployer plan to which title IV of this Act applies.".

(2) Section 403(a)(1) is amended by striking out "title" and inserting in lieu thereof "Act".

(3) Section 3002 is amended by adding at the end thereof the following new subsection:

"(e) The Secretary of the Treasury shall consult with the Pension Benefit Guaranty Corporation with respect to any proposed or final regulation authorized by subpart C of part I subchapter D of chapter 1 of the Internal Revenue Code of 1954, or by sections 4241 through 4245 of this Act, before publishing any such proposed or final regulation.".

SEC. 403. CONFORMING AMENDMENTS.

(a) Section 4005 is amended—

(1) by striking out the second sentence of subsection (a) and inserting in lieu thereof the following: "One of the funds shall be used with respect to basic benefits guaranteed under section 4022, one of the funds shall be used with respect to basic benefits guaranteed under section 4022A, one of the funds shall be used with respect to nonbasic benefits guaranteed under section 4022 (if any), and the remaining fund shall be used with respect to nonbasic benefits guaranteed under section 4022A (if any), other than subsection (g)(2) thereof (if any).";

(2) in subsection (b)(2)(A), by inserting "or 4022A" after "4022";

(3) by striking out subparagraph (B) of subsection (b)(2) and redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively; and

(4) by adding at the end thereof the following new subsections:

"(d)(1) A fifth fund shall be established for the reimbursement of uncollectible withdrawal liability under section 4222, and shall be credited with the appropriate—

"(A) premiums, penalties, and interest charges collected under this title, and

"(B) earnings on investments of the fund or on assets credited to the fund.

The fund shall be available to make payments pursuant to the supplemental program established under section 4222, including those expenses and other charges determined to be appropriate by the corporation.

"(2) The corporation may invest amounts of the fund in such obligations as the corporation considers appropriate.

"(e)(1) A sixth fund shall be established for the supplemental benefit guarantee program provided under section 4022A(g)(2).

"(2) Such fund shall be credited with the appropriate—

"(A) premiums, penalties, and interest charges collected under section 4022A(g)(2), and

"(B) earnings on investments of the fund or on assets credited to the fund.

The fund shall be available for making payments pursuant to the supplemental benefit guarantee program established under section 4022A(g)(2), including those expenses and other charges determined to be appropriate by the corporation.

"(3) The corporation may invest amounts of the fund in such obligations as the corporation considers appropriate.

"(f)(1) Amounts in any fund established under this section may be used only for the purposes for which such fund was established and may not be used to make loans to (or on behalf of) any other fund or to finance any other activity of the corporation.

"(2) None of the funds borrowed under subsection (c) may be used to make loans to (or on behalf of) any fund other than a fund described in the second sentence of subsection (a).

"(3) Any repayment to the corporation of any amount paid out of any fund in connection with a multiemployer plan shall be deposited in such fund.".

(b) Section 4007(a) is amended by striking out the second sentence.

(c) Section 4022 is amended—

(1) in the section heading, by inserting "SINGLE-EMPLOYER PLAN" before "BENEFITS GUARANTEED";

(2) in subsection (a)—

(A) by inserting ", in accordance with this section," after "guarantee"; and

(B) by inserting "single-employer" before "plan which terminates"; and

(C) by striking out the words "the terms of";

(3) in subsection (b)(1), by striking out "(8)" and inserting in lieu thereof "(7)"; and

(4) by striking out paragraph (5) of subsection (b) and redesignating paragraphs (6), (7), and (8) of such subsection as paragraphs (5), (6), and (7), respectively.

(d) Section 4041 is amended—

(1) in the section heading, by striking out "TERMINATION BY PLAN ADMINISTRATOR" and inserting in lieu thereof "TERMINATION OF SINGLE-EMPLOYER PLANS";

(2) in subsection (a), by inserting "single-employer" after "termination of a"; and

(3) by striking out subsection (g).

(e) Section 4046 is amended—

(1) in paragraphs (2) and (3)—

(A) by inserting "or 4022A" after "4022"; and

(B) by inserting "basic" before "benefits"; and

(2) in paragraph (3), by striking out "4022(b)(5)" and inserting in lieu thereof "4022B".

(f) Section 4061 is amended to read as follows:

"AMOUNTS PAYABLE BY THE CORPORATION

"SEC. 4061. The corporation shall pay benefits under a single-employer plan terminated under this title subject to the limitations and requirements of subtitle B of this title. The corporation shall provide financial assistance to pay benefits under a multiemployer plan which is insolvent under section 4245 or 4281(d)(2)(A), subject to the limitations and requirements of subtitles B, C, and E of this title. Amounts guaranteed by the corporation under sections 4022 and 4022A shall be paid by the corporation only out of the appropriate fund. The corporation shall make payments under the supplemental program to reimburse multiemployer plans for uncollectible withdrawal liability only out of the fund established under section 4005(e).".

(g) Section 4062(a) is amended by striking out "plan (other than a multiemployer plan)" and inserting in lieu thereof "single-employer plan".

(h) Section 4063 is amended—

(1) in the first sentence of subsection (a), by inserting "(other than a multiemployer plan)" after "makes contributions"; and

(2) in the second sentence of subsection (d), by inserting "(other than a multiemployer plan)" after "of a plan".

(i) Section 4064(a) is amended by inserting "(other than a multiemployer plan)" after "plan under which more than one employer makes contributions".

(j) Section 4066 is amended by inserting "(other than a multiemployer plan)" after "more than one employer".

(k) Subsection (f) of section 4003 is amended by striking out "Any" and inserting in lieu thereof "Except as provided in section 4301(a)(2), any".

(l) Section 4002(b)(3) is amended by inserting "and such other bylaws, rules, and regulations as may be necessary to carry out the purposes of this title" after "Act".

SEC. 404. CLERICAL AMENDMENTS.

The table of contents in section 1 is amended—

(1) by striking out the items relating to sections 4022 and 4023 and inserting in lieu thereof the following new items:

"Sec. 4022. Single-employer plan benefits guaranteed.
"Sec. 4022A. Multiemployer plan benefits guaranteed.
"Sec. 4022B. Aggregate limit on benefits guaranteed.
"Sec. 4023. Plan fiduciaries.";

(2) by striking out the item relating to section 4041 and inserting in lieu thereof the following new items:

"Sec. 4041. Termination of single-employer plans.
"Sec. 4041A. Termination of multiemployer plans.

and

(3) by striking out all after the items relating to section 4068 and inserting in lieu thereof the following new items:

"Subtitle E—Special Provisions for Multiemployer Plans

"PART 1—EMPLOYER WITHDRAWALS

"Sec. 4201. Withdrawal liability established.
"Sec. 4202. Determination and collection of liability; notification of employer.
"Sec. 4203. Complete withdrawal.
"Sec. 4204. Sales of assets.
"Sec. 4205. Partial withdrawals.
"Sec. 4206. Adjustment for partial withdrawal.
"Sec. 4207. Reduction or waiver of complete withdrawal liability.
"Sec. 4208. Reduction or abatement of partial withdrawal liability.
"Sec. 4209. De minimis rule.
"Sec. 4210. No withdrawal liability for certain temporary contribution obligation periods.
"Sec. 4211. Methods for computing withdrawal liability.
"Sec. 4212. Obligation to contribute; special rules.
"Sec. 4213. Actuarial assumptions, etc.
"Sec. 4214. Application of plan amendments.
"Sec. 4215. Plan notification to corporation of potentially significant withdrawals.
"Sec. 4216. Special rules for section 404(c) plans.
"Sec. 4217. Application of part in case of certain pre-1980 withdrawals.
"Sec. 4218. Withdrawal not to occur merely because of change in business form or suspension of contributions during labor dispute.
"Sec. 4219. Notice, collection, etc., of withdrawal liability.
"Sec. 4220. Approval of amendments.
"Sec. 4221. Resolution of disputes.
"Sec. 4222. Reimbursements for uncollectible withdrawal liability.
"Sec. 4223. Withdrawal liability payment fund.
"Sec. 4224. Alternative method of withdrawal liability payments.
"Sec. 4225. Limitation on withdrawal liability.

"PART 2—MERGER OR TRANSFER OF PLAN ASSETS OR LIABILITIES

"Sec. 4231. Mergers and transfers between multiemployer plans.
"Sec. 4232. Transfers between a multiemployer plan and a single-employer plan.
"Sec. 4233. Partition.
"Sec. 4234. Asset transfer rules.
"Sec. 4235. Transfers pursuant to change in bargaining representative.

"PART 3—REORGANIZATION; MINIMUM CONTRIBUTION REQUIREMENT FOR MULTIEMPLOYER PLANS

"Sec. 4241. Reorganization status.
"Sec. 4242. Notice of reorganization and funding requirements.
"Sec. 4243. Minimum contribution requirement.
"Sec. 4244. Overburden credit against minimum contribution requirement.
"Sec. 4244A. Adjustments in accrued benefits.
"Sec. 4245. Insolvent plans.

"PART 4—FINANCIAL ASSISTANCE

"Sec. 4261. Financial assistance.

"PART 5—BENEFITS AFTER TERMINATION

"Sec. 4281. Benefits under certain terminated plans.

"PART 6—ENFORCEMENT

"Sec. 4301. Civil actions.
"Sec. 4302. Penalty for failure to provide notice.

"Sec. 4303. Election of plan status.

"Subtitle F—Transition Rules and Effective Dates

"Sec. 4401. Amendment to Internal Revenue Code of 1954.

"Sec. 4402. Transition rules and effective dates.

"Sec. 4403. Election of plan status.".

Sec. 405. Action Taken Before Regulations Are Prescribed.

(a) Except as otherwise provided in the amendments made by this Act and in subsection (b), if the way in which any such amendment will apply to a particular circumstance is to be set forth in regulations, any reasonable action during the period before such regulations take effect shall be treated as complying with such regulations for such period.

(b) Subsection (a) shall not apply to any action which violates any instruction issued, or temporary rule prescribed, by the agency having jurisdiction but only if such instruction or rule was published, or furnished to the party taking the action, before such action was taken.

Sec. 406. Pension Benefit Guaranty Corporation Put on Budget.

(a) Paragraph (2) of section 4002(g) is amended to read as follows:

"(2) The receipts and disbursements of the corporation in the discharge of its functions shall be included in the totals of the budget of the United States Government. The United States is not liable for any obligation or liability incurred by the corporation.".

(b) The amendment made by subsection (a) shall apply to fiscal years beginning after September 30, 1980.

Sec. 407. Church Plans.

(a) Section 3(33) is amended to read as follows:

"(33) (A) The term 'church plan' means a plan established and maintained to the extent required in clause (ii) of subparagraph (B) for its employees (or their beneficiaries) by a church or by a convention or association of churches which is exempt from tax under section 501 of the Internal Revenue Code of 1954.

"(B) The term 'church plan' does not include a plan—

"(i) which is established and maintained primarily for the benefit of employees (or their beneficiaries) of such church or convention or association of churches who are employed in connection with one or more unrelated trades or businesses (within the meaning of section 513 of the Internal Revenue Code of 1954), or

"(ii) if less than substantially all of the individuals included in the plan are individuals described in subparagraph (A) or in clause (ii) of subparagraph (C) (or their beneficiaries).

"(C) For purposes of this paragraph—

"(i) A plan established and maintained for its employees (or their beneficiaries) by a church or by a convention or association of churches includes a plan maintained by an organization, whether a civil law corporation or otherwise, the principal purpose or function of which is the administration or funding of a plan or program for the provision of retirement benefits or welfare benefits, or both, for the employees of a church or a convention or association of churches, if such organization is controlled by or associated with a church or a convention or association of churches.

"(ii) The term employee of a church or a convention or association of churches includes—

"(I) a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, regardless of the source of his compensation;

"(II) an employee of an organization, whether a civil law corporation or otherwise, which is exempt from tax under section 501 of the Internal Revenue Code of 1954 and which is controlled by or associated with a church or a convention or association of churches; and

"(III) an individual described in clause (v).

"(iii) A church or a convention or association of churches which is exempt from tax under section 501 of the Internal Revenue Code of 1954 shall be deemed the employer of any individual included as an employee under clause (ii).

"(iv) An organization, whether a civil law corporation or otherwise, is associated with a church or a convention or association of churches if it shares common religious bonds and convictions with that church or convention or association of churches.

"(v) If an employee who is included in a church plan separates from the service of a church or a convention or association of churches or an organization, whether a civil law corporation or otherwise, which is exempt from tax under section 501 of the Internal Revenue Code of 1954 and which is controlled by or associated with a church or a convention or association of churches, the church plan shall not fail to meet the requirements of this paragraph merely because the plan—

"(I) retains the employee's accrued benefit or account for the payment of benefits to the employee or his beneficiaries pursuant to the terms of the plan; or

"(II) receives contributions on the employee's behalf after the employee's separation from such service, but only for a period of 5 years after such separation, unless the employee is disabled (within the meaning of the disability provisions of the church plan or, if there are no such provisions in the church plan, within the meaning of section 72(m) (7) of the Internal Revenue Code of 1954) at the time of such separation from service.

"(D) (i) If a plan established and maintained for its employees, or their beneficiaries) by a church or by a convention or association of churches which is exempt from tax under section 501 of the Internal Revenue Code of 1954 fails to meet one or more of the requirements of this paragraph and corrects it failure to meet such requirements within the correction period, the plan shall be deemed to meet the requirements of this paragraph for the year in which the correction was made and for all prior years.

"(ii) If a correction is not made within the correction period, the plan shall be deemed not to meet the requirements of this paragraph beginning with the date on which the earliest failure to meet one or more of such requirements occurred.

"(iii) For purposes of this subparagraph, the term 'correction period' means—

"(I) the period ending 270 days after the date of mailing by the Secretary of a notice of default with respect to the plan's failure to meet one or more of the requirements of this paragraph; or

"(II) any period set by a court of competent jurisdiction after a final determination that the plan fails to meet such requirements, or, if the court does not specify such period, any reasonable period determined by the Secretary on the basis of all the facts and circumstances, but in any event not less than 270 days after the determination has become final; or

"(III) any additional period which the Secretary determines is reasonable or necessary for the correction of the default.

whichever has the latest ending date.".

(b) Section 414(e) of the Internal Revenue Code of 1954 (defining church plan) is amended to read as follows:

"(e) Church Plan.—

"(1) In general.—For purposes of this part, the term 'church plan' means a plan established and maintained (to the extent required in paragraph (2) (B)) for its employees (or their beneficiaries) by a church or by a convention or association of churches which is exempt from tax under section 501.

"(2) Certain plans excluded.—The term 'church plan' does not include a plan—

"(A) which is established and maintained primarily for the benefit of employees (or their beneficiaries) of such church or convention or association of churches who are employed in connection with one or more unrelated trades or businesses (within the meaning of section 513); or

"(B) if less than substantially all of the individuals included in the plan are individuals described in paragraph (1) or (3) (B) (or their beneficiaries).

"(3) Definitions and other provisions.—For purposes of this subsction—

"(A) Treatment as church plan.—A plan established and maintained for its employees (or their beneficiaries) by a church or by a convention or association of churches includes a plan maintained by an organization, whether a civil law corporation or otherwise, the principal purpose or function of which is the administration or funding of a plan or program for the provision of retirement benefits or welfare benefits, or both, for the employees of a church or a convention or association of churches, if such organization is controlled by or associated with a church or a convention or association of churches.

"(B) Employee defined.—The term employee of a church or a convention or association of churches shall include—

"(i) a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, regardless of the source of his compensation;

"(ii) an employee of an organization, whether a civil law corporation or otherwise, which is exempt from tax under section 501 and which is controlled by or associated with a church or a convention or association of churches; and

"(iii) an individual described in subparagraph (E).

"(C) Church treated as employer.—A church or a convention or association of churches which is exempt from tax under section 501 shall be deemed the employer of any individual included as an employee under subparagraph (B).

"(D) Association with church.—An organization, whether a civil law corporation or otherwise, is associated with a church or a convention or association of churches if it shares common religious bonds and convictions with that church or convention or association of churches.

"(E) Special rule in case of separation from plan.—If an employee who is included in a church plan separates from the service of a church or a convention or association of churches or an organization described in clause (ii) of paragarph (3) (B), the church plan shall not fail to meet the requirements of this subsection merely because the plan—

"(i) retains the employee's accrued benefit or account for the payment of benefits to the employee or his beneficiaries pursuant to the terms of the plans; or

"(ii) receives contributions on the employee's behalf after the employee's separation from such service, but only for a period of 5 years after such separation, unless the employee is disabled (within the meaning of the disability provisions of the church plan or, if there are no such provisions in the church plan, within the meaning of section 72(m)(7)) at the time of such separation from service.

"(4) CORRECTION OF FAILURE TO MEET CHURCH PLAN REQUIREMENTS.—

"(A) IN GENERAL.—If a plan established and maintained for its employees (or their beneficiaries) by a church or by a convention or association of churches which is exempt from tax under section 501 fails to meet one or more of the requirements of this subsection and corrects its failure to meet such requirements within the correction period, the plan shall be deemed to meet the requirements of this subsection for the year in which the correction was made and for all prior years.

"(B) FAILURE TO CORRECT.—If a correction is not made within the correction period, the plan shall be deemed not to meet the requirements of this subsection beginning with the date on which the earliest failure to meet one or more of such requirements occurred.

"(C) CORRECTION PERIOD DEFINED.—The term 'correction period' means—

"(i) the period ending 270 days after the date of mailing by the Secretary of a notice of default with respect to the plan's failure to meet one or more of the requirements of this subsection;

"(ii) any period set by a court of competent jurisdiction after a final determination that the plan fails to meet such requirements, or, if the court does not specify such period, any reasonable period determined by the Secretary on the basis of all the facts and circumstances, but in any event not less than 270 days after the determination has become final; or

"(iii) any additional period which the Secretary determines is reasonable or necessary for the correction of the default,

whichever has the latest ending date.".

(c) The amendments made by this section shall be effective as of January 1, 1974.

SEC. 108. DEDUCTIBILITY OF PAYMENTS TO PLAN BY A CORPORATION OPERATING PUBLIC TRANSPORTATION SYSTEM ACQUIRED BY A STATE.

(a) For purposes of subsection (g) of section 404 of the Internal Revenue Code of 1954 (relating to certain employer liability payments considered as contributions), as amended by section 205 of this Act, any payment made to a plan covering employees of a corporation operating a public transportation system shall be treated as payment described in paragraph (1) of such subsection if—

(1) such payment is made to fund accrued benefits under the plan in conjunction with an acquisition by a State (or agency or instrumentality thereof) of the stock or assets of such corporation, and

(2) such acquisition is pursuant to a State public transportation law enacted after June 30, 1979, and before January 1, 1980.

(b) The provisions of this section shall apply to payments made after June 29, 1980.

SEC. 409. TREATMENT OF CERTAIN SEVERANCE PAY ARRANGEMENTS AND SUPPLEMENTAL RETIREMENT INCOME PAYMENTS AS WELFARE PLANS.

Paragraph (2) of section 3 is amended—

(1) by striking out "The" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), the",

(2) by striking out "(A)" and inserting in lieu thereof "(i)",

(3) by striking out "(B)" and inserting in lieu thereof "(ii)", and

(4) by adding at the end thereof the following new subparagraph:

"(B) The Secretary may by regulation prescribe rules consistent with the standards and purposes of this Act providing one or more exempt categories under which—

"(i) severance pay arrangements, and

"(ii) supplemental retirement income payments, under which the pension benefits of retirees or their beneficiaries are supplemented to take into account some portion or all of the increases in the cost of living (as determined by the Secretary of Labor) since retirement,

shall, for purposes of this title, be treated as welfare plans rather than pension plans. In the case of any arrangement or payment a principal effect of which is the evasion of the standards or purposes of this Act applicable to pension plans, such arrangement or payment shall be treated as a pension plan.".

SEC. 410. REFUND OF MISTAKEN CONTRIBUTIONS.

(a) Paragraph (2)(A) of section 403(c) is amended to read as follows:

"(2)(A) IN THE CASE OF A CONTRIBUTION, OR A PAYMENT OF WITHDRAWAL LIABILITY UNDER PART 1 OF SUBTITLE E OF PART IV—

"(i) made by an employer to a plan (other than a multiemployer plan) by a mistake of fact, paragraph (1) shall not prohibit the return of such contribution to the employer within one year after the payment of the contribution, and

"(ii) made by an employer to a multiemployer plan by a mistake of fact or law (other than a mistake relating to whether the plan is described in section 401(a) of the Internal Revenue Code of 1954 or the trust which is part of such plan is exempt from taxation under section 501(a) of such Code), paragraph (1) shall not prohibit the return of such contribution or payment to the employer within 6 months after the plan administrator determines that the contribution was made by such a mistake.".

(b) Paragraph (2) of section 401(a) of the Internal Revenue Code of 1954 (relating to exclusive benefit of employees and beneficiaries) is amended by inserting before the semicolon at the end thereof the following: "(but this paragraph shall not be construed, in the case of a multiemployer plan, to prohibit the return of a contribution within 6 months after the plan administrator determines that the contribution was made by a mistake of fact or law (other than a mistake relating to whether the plan is described in section 401(a) or the trust which is part of such plan is exempt from taxation under section 501(a))).".

(c) The amendment made by this section shall take effect on January 1, 1975, except that in the case of contributions received by a collectively bargained plan maintained by more than one employer before the date of enactment of this Act, any determination by the plan administrator that any such contribution was made by mistake of fact or law before such date shall be deemed to have been made on such date of enactment.

SEC. 411. DEFINITION OF EMPLOYEE PENSION BENEFIT PLAN.

(a) Section 201 of the Employee Retirement Income Security Act of 1974 is amended by adding at the end thereof the following new subsection:

"(8) Any plan, fund or program under which an employer, all of whose stock is directly or indirectly owned by employees, former employees or their beneficiaries, proposes through an unfunded arrangement to compensate retired employees for benefits which were forfeited by such employees under a pension plan maintained by a former employer prior to the date such pension plan became subject to this Act.".

(b) Section 301(a) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end thereof the following new paragraph:

"(10) Any plan, fund or program under which an employer, all of whose stock is directly or indirectly owned by employees, former employees or their beneficiaries, proposes through an unfunded arrangement to compensate retired employees for benefits which were forfeited by such employees under a pension plan maintained by a former employer prior to the date such pension plan became subject to this Act.".

(c) Section 403(b) of ERISA is amended by adding at the end thereof the following new paragraph (6):

"(6) Any plan, fund or program under which an employer, all of whose stock is directly or indirectly owned by employees, former employees or their beneficiaries, proposes through an unfunded arrangement to compensate retired employees for benefits which were forfeited by such employees under a pension plan maintained by a former employer prior to the date such pension plan became subject to this Act.".

SEC. 412. STUDIES BY PENSION BENEFIT GUARANTY CORPORATION AND SECRETARY OF LABOR.

(a)(1) The Pension Benefit Guaranty Corporation shall conduct a separate study with respect to—

(A) the advantages and disadvantages of establishing a graduated premium rate schedule under section 4006 of the Employee Retirement Income and Security Act of 1974 which is based on risk, and

(B) the necessity of adopting special rules in cases of union-mandated withdrawal from multiemployer pension plans.

(2) The Corporation shall report to the Congress the results of the studies conducted under paragraph (1), including its recommendations with respect thereto.

(b)(1) The Secretary of Labor shall study the feasibility of requiring collective bargaining on both the issues of contributions to, and benefits from, multiemployer plans.

(2) The Secretary shall submit a report on the study conducted under paragraph (1) to the Congress within 3 years of the date of the enactment of this Act.

SEC. 413. STUDY BY GENERAL ACCOUNTING OFFICE; HEARINGS REQUIRED.

(a)(1) The Comptroller General of the United States shall conduct a study of the effects of the amendments made by, and the provisions of, this Act on—

(A) participants, beneficiaries, employers, employee organizations, and other parties affected by this Act, and

(B) the self-sufficiency of the fund established under section 4005 of the Employee Retirement Income Security Act of 1974 with respect to benefits guaranteed under section 4022A of such Act, taking into account the financial conditions of multiemployer plans and employers.

(2)(A) The Comptroller General shall report to the Congress no later than June 30, 1985, the results of the study conducted under paragraph (1), including his recommendations with respect thereto.

(B) The report submitted under subparagraph (A) shall be made available to the public.

(b) In conducting the study under subsection (a)(1), the Comptroller General shall consult with the Committees on Finance and Labor and Human Resources of the Senate and the Committees on Education and Labor and Ways and Means of the House of Representatives.

(c) The committees described in subsection (b) shall conduct hearings on the report and recommendations submitted under subsection (a)(2).

(d) For purposes of conducting the study required by this section, the Comptroller General, or any of his duly authorized representatives, shall have access to and the right to examine and copy any books, documents, papers, records, or other recorded information—

(1) within the possession or control of the administrator or the sponsor of any plan, and

(2) which the Comptroller General or his representative finds, in his own judgment, pertinent to such study.

The Comptroller General shall not disclose the identity of any individual in making any information obtained under this subsection available to the public.

Sec. 414. Treatment of Certain Retirement Benefits.

(a) General Rule.—Paragraph (15) of section 3304(a) of the Internal Revenue Code of 1954 (relating to requirements for approval of State laws) is amended by striking out the semicolon at the end thereof and inserting in lieu thereof the following:

"except that—

"(A) the requirements of this paragraph—

"(i) shall not apply to any amount paid under the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding provisions of prior law), and

"(ii) shall apply to any other pension, retirement or retired pay, annuity, or similar periodic payment only if—

"(I) such pension, retirement or retired pay, annuity, or similar payment is under a plan maintained (or contributed to) by a base period employer (as determined under applicable law), and

"(II) services performed for such employer by the individual during the base period (or remuneration for such services) affect eligibility for, or increase the amount of, such pension, retirement or retired pay, annuity, or similar payment, and

"(B) the State law may provide for limitations on the amount of any such a reduction to take into account contributions made by the individual for the pension, retirement or retired pay, annuity, or other similar periodic payment;".

(b) Effective Date.—The amendment made by subsection (a) shall apply to certifications of States for 1981 and subsequent years.

Sec. 415. Increase in Length of Service in Armed Forces Required for Ex-Servicemen to be Eligible for Unemployment Benefits.

(a) General Rule.—Subparagraph (A) of section 8521(a)(1) of title 5 of the United States Code is amended by striking out "90 days or more" and inserting in lieu thereof "365 days or more".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to determinations of Federal service in the case of individuals filing claims for unemployment compensation on or after October 1, 1980.

Sec. 416. Cessation of Extended Benefits When Paid Under an Interstate Claim in a State Where Extended Benefit Period Is Not in Effect.

(a) General Rule.—Section 202 of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the end thereof the following new subsection:

"Cessation of Extended Benefits When Paid Under an Interstate Claim in a State Where Extended Benefit Period Is Not in Effect

"(c)(1) Except as provided in paragraph (2), payment of extended compensation shall not be made to any individual for any week if—

"(A) extended compensation would (but for this subsection) have been payable for such week pursuant to an interstate claim filed in any State under the interstate benefit payment plan, and

"(B) an extended benefit period is not in effect for such week in such State.

"(2) Paragraph (1) shall not apply with respect to the first 2 weeks for which extended compensation is payable (determined without regard to this subsection) pursuant to an interstate claim filed under the interstate benefit payment plan to the individual from the extended compensation account established for the benefit year.

"(3) Section 3304(a)(9)(A) of the Internal Revenue Code of 1954 shall not apply to any denial of compensation required under this subsection."

(b) Effective Date.—

(1) In general.—The amendment made by subsection (a) shall apply to weeks of unemployment beginning after October 1, 1980; except that such amendment shall not be a requirement of any State law under section 3304(a)(11) of the Internal Revenue Code of 1954 for any week which begins before June 1, 1981.

(2) Special rule for certain states.—In the case of any State the legislature of which does not meet in a regular session which begins during calendar year 1981 and before April 1, 1981, paragraph (1) shall be applied by substituting "June 1, 1982" for "June 1, 1981".

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. Thompson) is recognized for 1 hour.

☐ 1740

Mr. THOMPSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my amendment, in its broad outlines, does the following:

Mr. THOMPSON. Mr. Speaker, my amendment, in its broad outlines, does the following:

It deletes the crippling nongermane amendments. It restores certain House provisions of H.R. 3904. Some of these are essential to better protect the interests of retirees of our inflation ravaged society. Other provisions reflect compromises between the majority and minority members of both committees. Finally certain provisions inserted by the other body at the 11th hour, required technical changes to make them workable.

For example, we have worked with the Senator who offered the amendment on the Senate floor to modify an important provision to preserve 100 percent guarantees for benefits of current retirees and older workers nearing retirement, so that the provision does indeed provide the protection it was intended to give without bankrupting the PBGC.

As my distinguished colleague, the chairman of the Ways and Means Committee will explain in further detail, we have also amended the bill so that it protects workers who are receiving social security benefits and have been forced back into the labor market by the high cost of surviving in this economy.

Mr. Speaker, this legislation probably affects more individuals and more economic interests than any other piece of legislation we have considered. For that reason it reflects an extraordinary degree of compromise, a balancing of the competing economic interests of younger and older workers, corporations and unions, small businesses and larger businesses. My amendment preserves that balance.

I urge my colleagues support of the amendment.

Mr. Speaker, I would also like to take this time to further clarify the meaning of certain provisions of the bill, including those with respect to which some of my distinguished colleagues have had questions.

The withdrawal liability provisions of the bill are essential to the creation of a statutory structure that fosters plan stability and growth. That is a basic purpose of this legislation, because plan stability and growth are critical to protecting the interests of plan participants and beneficiaries, whose interests it is our primary intent to protect through the provisions of this bill.

Mr. Speaker, the bill provides that transactions undertaken to evade or avoid withdrawal liability may not be used as a method of escaping withdrawal liability that would otherwise be imposed. It is intended that the plan sponsor, the arbitrator, and the courts follow the substance rather than the form of such transactions in determining, assessing, and collecting withdrawal liability This rule is to apply when evasion of liability is a principal purpose of a transaction, whether or not the transaction has other purposes as well. It is, of course, intended that the rules relating to the determination of withdrawal liability should be applied in a manner consistent with the controlled group concept.

Furthermore, we intend that the term "employer" be construed in a manner consistent with the bill and its purposes. We intend that employers not be able to evade or avoid withdrawal liability through changes in identity, form or control, or through transactions which are less than bona fide and arms length. Hence, for example, a building and construction industry employer—or for that matter any employer contributing to a plan—will not be able to evade withdrawal liability by going out of business and resuming business under a different identity.

A further example of our intention that, consistent with the purposes of the bill, the courts and arbitrators look behind mere form or labels is in the context of a labor dispute. An employer is not considered to have withdrawn solely because it suspends contributions during a labor dispute. A temporary suspension of contributions during a strike or lockout would not be a permanent cessation of an obligation to contribute within the meaning of section 4203. However, consistent with the purposes of the bill, if the facts and circumstances of a particular situation indicate that contributions have ceased permanently—for example, all employees covered under the plan have been permanently replaced or the facility has been closed—the fact that the cessation of any contribution obligation was precipitated by a labor dispute does not mean that no withdrawal has taken place.

We also wish to make it clear that the statutory imposition of withdrawal liability is not intended to restrict the parties' freedom to agree to additional or supplemental measures to protect a plan from the consequences of an employer's withdrawal. For example, a plan may agree to accept an employee group with past-service credit only if the employer of such group guarantees that the existing liabilities assumed by the plan will be fully funded even if the cost would be greater than the employer's statutory liability. Of course, employers can also agree by contract to waive limitations on their statutory withdrawal liability.

Moreover, a plan may adopt rules for terms and conditions not set forth in the bill relating to the satisfaction of an employer's withdrawal liability, provided that such rules are consistent with the bill and are not contrary to any regulations promulgated by the corporation. Plan rules adopted under this section might, for example, require the posting of adequate security, or set forth other rules to facilitate collection.

Section 4224(a) authorizes plans, acting under PBGC regulations, to provide an alternative method for payment of withdrawal liability. It is expected that plan trustees will need to make practical collection decisions which are consistent with their fiduciary duties and characteristic of a responsible creditor concerned with maximizing the total ultimate recovery at supportable costs. Thus, for example, where it is prudent and in the participants' interest, plan trustees may decide to settle a withdrawal liability dispute for less than the full amount claimed, to cooperate with an employer's other creditors in a contractual or court-supervised renegotiation of the employer's indebtedness, or even to forego the assessment of further collection of liability where it is apparent from the circumstances that the costs involved would exceed the amount likely to be recovered.

We also note that the prohibited transaction rules of ERISA—other than those relating to self-dealing—do not apply to any action required or permitted under the provisions of the bill relating to withdrawal liability. Thus, actions taken under the bill's withdrawal provisions are generally exempt from the proscriptions of ERISA section 406(a). However, plan fiduciaries continue to be subject to the general standards for fiduciary conduct set forth in other provisions of ERISA.

Section 4225 of the bill imposes specified limitations on withdrawal liability in certain circumstances. Generally, the existence of these circumstances is peculiarly within the knowledge of the withdrawing employer. It is therefore intended that, in the absence of clear showings by the withdrawing employer as to the applicability and extent of the limitations, a plan may assume that the limitations do not apply.

Because delinquencies of employers in making required contributions are also a serious problem for many multiemployer plans, we wish to make clear the public policy in this area, which this bill is intended to further. Failure of employers to make promised contributions in a timely fashion imposes a variety of costs on plans. While contributions remain unpaid, the plan loses the benefit of investment income that could have been earned if the past due amounts had been received and invested on time. Moreover, additional administrative costs are incurred in detecting and collecting delinquencies. Attorneys' fees and other legal costs arise in connection with collection efforts.

These costs detract from the ability of plans to formulate or meet funding standards and adversely affect the financial health of plans. Participants and beneficiaries of plans as well as employers who honor their obligation to contribute in a timely fashion bear the heavy cost of delinquencies in the form of lower benefits and higher contribution rates. Moreover, in the context of this legislation, uncollected delinquencies can add to the unfunded liability for all employers.

Recourse available under current law for collecting delinquent contributions is insufficient and unnecessarily cumbersome and costly. Some simple collection actions brought by plan trustees have been converted into lengthy, costly, and complex litigation concerning claims and defenses unrelated to the employer's promise and the plans' entitlement to the contributions. This should not be the case. Federal pension law must permit trustees of plans to recover delinquent contributions efficaciously, and without regard to issues which might arise under labor-management relations law—other than 29 U.S.C. 186. Sound national pension policy demands that employers who enter into agreements providing for pension contributions not be permitted to repudiate their pension promises.

In this regard we endorse judicial decisions such as *Lewis* v. *Benedict Coal Corp.*, 361 U.S. 459 (1960); *Lewis* v. *Mill Ridge Coals, Inc.*, 298 F.2d 552 (6th Cir., 1962); and *Huge* v. *Long Hauling Company, Inc.*, 590 F.2d 457 (3rd Cir., 1978). Cases such as *Western Washington Laborers-Employers Health and Security Trust Fund* v. *McDowell*, F. Supp. , 103 LRRM 2219 (W.D. Wash., 1979) and *Washington Area Carpenters Welfare Fund, et al.* v. *Overhead Door Company*, C.A. No. 79–0097, USDC D.C., April 22, 1980, are considered to have been incorrectly decided and this legislation is intended to clarify the law in this respect by providing a direct, unambiguous ERISA cause of action to a plan against a delinquent employer.

These same principles apply to a plan's claim for employer withdrawal liability assessed in accordance with this legislature.

The public policy of this legislation to foster the preservation of the private multiemployer plan system necessitates that provision be made to discourage delinquencies and simplify deliquency collection. The bill imposes a Federal statutory duty to contribute on employers that are already obligated to make contributions to multiemployer plans. A plan sponsor that prevails in any action to collect delinquent contributions will be entitled to recover the delinquent contributions, court costs, attorney's fees, interest on the contributions owed and liquidated damages. The intent of this section is to promote the prompt payment of contributions and assist plans in recovering the costs incurred in connection with delinquencies.

It is intended that the specific provisions of this section concerning interest and liquidated damages are not limitations on the amounts otherwise set forth in collective bargaining agreements or plan documents; they constitute a minimum, not a maximum. For example, we understand that there are multiemployer plans which currently provide, in the event of employer contribution delinquency, for the payment of interest and liquidated damages which are in excess of the provisions of this section. Such practice will not be affected by the provisions of this section which directs a court to award unpaid contributions, interest, liquidated damages, reasonable attorney's fees, and costs as well as where the plan does not sufficiently address such items.

Under the provisions of the bill, in addition to any other consequences that flow from a default in paying withdrawal liability, a failure to make withdrawal liability payments within the time prescribed is to be treated in the same manner as a delinquent contribution to the plan. Thus, the court must award the plan not only the liability that is in default, plus interest, but also liquidated damages and attorneys' fees. Of course, the imposition of withdrawal liability does not, of itself, relieve an employer of any other liability it may owe a plan; that is, for breach of an obligation set forth in a collective bargaining agreement. The liability enforcement provisions do not affect a plan's recourse for satisfaction of such other debts.

The committees intend that the role of the arbitrator under this Act will be similar to that of a judge applying applicable law to the facts presented, and not a mediator attempting to reconcile competing interests. In arbitration proceedings under various labor laws, issues are often compromised, in part so as to avoid damaging ongoing relationships between management and labor. Unlike proceedings of that type, the proceeding contemplated by the committees is intended to resolve disputes, to the extent possible, in favor of one of the parties rather than in favor of compromise. It would be inappropriate, for example, for an arbitrator to reduce the plan's determination of an employer's withdrawal liability merely because compromise is a customary form of resolving disputes. Such a compromise could be made, in this context, only at the expense of the other employers participating in the plan.

My distinguished colleagues from New York and California, respectively, Representative WEISS and Representative CORMAN, have asked me to clarify the meaning of the provision defining withdrawal in an entertainment industry plan because it differs from the provision which originally passed the House. The rule was modified in the Senate so that it would be operative immediately upon enactment, and a special provision added with respect to application of the rule to the motion picture industry. Entertainment ventures are often temporary projects which offer employment only for the duration of a production that, by its nature, is not established as a permanent enterprise. Certain elements of the industry might suffer serious disruption if withdrawal liability were imposed, for example, when a Broadway show closes or a musical group concludes a limited engagement. Because such events are not likely to harm the affected plans, section 4201(b)(3) provides that, for employers that contribute to an entertainment industry plan for entertainment work that is performed primarily on a temporary or project-by-project basis, withdrawal occurs only if the employer's contribution obligation ceases with respect to that project, but the employer continues the same type of work in the plan's jurisdiction, or resumes such work within 5 years, without an obligation to contribute. In certain entertainment businesses, some of the employees work for an employer on a continuous basis—for example providing technical or craft services for successive projects—while other personnel are employed only for discrete projects. Where the employment covered under a particular entertainment industry plan is continuous rather than project based, the general withdrawal rule would apply. On the other hand, even though an entertainment industry employer's business is continuous, such as an advertising agency that produces television commercials, the special withdrawal rule would apply with respect to work performed on a project basis. Moreover, the special rule applies even though the project may be of an extended duration.

The purpose and scope of the rule has not changed even though the language was modified by the other body to make it operative immediately upon enactment. With the exception of the production of motion pictures, if a plan covers both stable employment and stable employers, the special withdrawal rule still applies to employment that is of a temporary or project-by-project nature covered under the same plan. This is obviously the case, since virtually all plans in the entertainment industry cover some stable employers, and the special rule would have no application at all if it did not cover project-by-project employment under such a plan.

With respect to the motion picture industry, however, it is expected that under the PBGC's regulations the entertainment industry exception in the bill will not apply to employers in a plan which covers stable employers in the motion picture industry. The joint Senate explanatory statement included in the CONGRESSIONAL RECORD does not correctly reflect this limitation on the exception, which applies only to the motion picture industry, as of course the language of the bill itself indicates. The purpose of the Senate amendment with respect to that industry is to insure that the motion picture industry employers are not able to avoid all liability by reason of their mode of operations through multiple corporations, limited partnerships, and the like, so that employers do not unload their responsibilities onto the PBGC or other members of the industry in an unfair way.

In addition to the special definition of withdrawal for the entertainment industry, the bill provides a similar though not precisely the same definition of withdrawal for the building and construction industry. As has already been stated, this special rule is necessary because in both industries the cessation of an employer's operations covered under the plan or an employer's going out of business does not ordinarily have the same significance for the funding of the plan as in most other industries.

One of the principal characteristics of these industries which led to the development of the special definition is the limited duration of an employer's participation in the plan and the extreme fluctuations in the covered employment of a particular employer.

Frequently, such an employer will enter into a plan's jurisdiction only long enough to complete the construction of one building or for the run of one Broadway play. Therefore, the intermittent entry and withdrawal from plans by those employers is the norm rather than the exception. It is also important to note that such short-term participation often results in an employer's leaving a greater amount of assets with the plan than liabilities because, for example, of the temporary employment increase in a plan's geographical jurisdiction. Moreover, even when an employer in one of these industries has a long-sustained attachment to a plan, its work is generally of a project-by-project nature and therefore subject to extremes of activity or inactivity. For example, a local building contractor may have a long attachment to a plan, but work consisting of a series of contracts, each of temporary duration.

The bill authorizes the PBGC to extend this special definition of withdrawal to similar industries if the characteristics that would make the use of such rules appropriate are clearly shown and such use would not pose a significant risk to the system. In exercising that authority, it is our intention that, in addition to considering the effects of withdrawals on the plan's contribution base, an important element in the corporation's analysis as to whether it will extend the special rules to a requesting industry will be the project-by-project or temporary nature of the employer's participation in the plan, and the existence or non-existence of a consistent pattern of entry and withdrawal by various employers.

The bill also contains a special withdrawal liability rule for certain trucking industry plans where substantially all of the contributions are made by employers primarily engaged in the long and short haul trucking industry, the household goods moving industry or the public warehousing industry. The phrase "substantially all" appears in several provisions of the tax laws—including the industrial development bond and the private foundation rules—where the Internal Revenue Service has interpreted the phrase to mean at least 85 percent. It is our intent that, as used in this special trucking industry withdrawal liability rule, the substantially all requirement would only be satisfied where at least 85 percent of the contributions to the plan are made by employers who are primarily engaged in the specified industries.

I would also like to clarify the meaning of one of the partial withdrawal liability tests—that described by proposed ERISA section 4205(b)(2)(A)(i) which is contained in section 104 of the bill—about which there may be some confusion. This provision describes a partial withdrawal in a case where the employer permanently ceases to have an obligation to contribute under one or more but fewer than all collective bargaining agreements under which the employer has been obligated to contribute to the plan but continues to perform the same type work under the collective bargaining agreement for which contributions were previously required or where the employer transfers the same type work to another geographical location. Examples of these two situations are where an employer bargains out of making contributions to a plan that the employer was previously required to make under a collective bargaining agreement that is otherwise in effect with respect to other requirements, or where an employer's collective bargaining obligation has ceased altogether but the employer continues to perform work of the same type which was previously covered by the agreement and for which contributions were required without the obligation to contribute to that plan, or where work that was undertaken at one geographic location for which contributions to a plan were made is transferred by the employer to another of his plants at a different geographic location where contributions to a plan for the work performed are not required.

It is important to emphasize and to understand that in no case do these rules impose liability on an employer for merely ceasing or terminating an operation; rather, they address only situations where work of the same type is continued by the employer but for which contributions to a plan which were required are no longer required.

The bill also provides a special partial withdrawal rule for the construction industry. Under the bill which originally passed the House, partial withdrawal occurs only where an employer continues its obligation to contribute for only a taken amount of the work it does that is of the type and in the area that would otherwise be covered work. The Senate substitute contains a construction industry partial withdrawal rule which is essentially identical to the House rule but for the use of the term "insubstantial" in lieu of "token." The House accepts the Senate version of the rule which better reflects the purpose of the rule. Consistent with the special construction industry withdrawal rule, the construction industry partial withdrawal rule does not define a partial withdrawal in terms of a mere decline in covered work, but rather in terms of the performance by a contributing employer of work of the type that would be covered by the plan within the same geographic area of the collective bargaining agreement without obligation to contribute for such work. A partial withdrawal occurs only when an employer has substantially shifted its work mix in the jurisdiction so that only an insubstantial portion of such work in the jurisdiction is covered by the plan. For example, an employer would be deemed to have partially withdrawn if the number of contribution base units with respect to which the employer is required to contribute declines by 70 percent and such base units then constitute only 30 percent of the employer's work of the type in the jurisdiction. On the other hand, an employer who is required to contribute for all of its work of the type in the jurisdiction would not incur a partial withdrawal if the number of its contribution base units declines by 70 percent because it would still be contributing for 100 percent of its work of the type in the jurisdiction.

The bill contains a number of provisions intended to ease administrative burdens on plans. For example, the corporation is authorized to prescribe regulations setting forth permitted adjustments to denominators used in any fraction for allocating unfunded vested benefits, provided the adjustment would: First, be consistent with the purposes of title IV of ERISA; and second, be appropriate to ease administrative burdens of plan sponsors in making their calculations. It is intended that prior to issuance of such regulations, and in accordance with section 405 of the bill, plans may adopt reasonable rules consistent with the standards described above.

One of the alternative allocation methods involves attribution of the unfunded vested benefits earned through service with the withdrawn employer, plus a proportional share of liabilities that are not attributable to current contributors—the direct attribution method. In attributing unfunded vested benefits to a particular employer, secondary determinations will need to be resolved under plan rules. For example, although the original employers may still be contributing to the plan, complete records of service prior to establishment of the plan may not be available, and it thus may not be clear what preestablishment service is attributable to what employers. One way in which plan rules might resolve that problem would be to attribute preestablishment creditable time to employers in proportion to the attribution of the participants' service after the plan was set up. Plan rules will also be needed to clarify the attribution of creditable nonwork periods such as military service, and to define attribution where a participant has covered employment under the plan with more than one employer during a year. The corporation is authorized to issue regulations to prevent any abuse in this area.

The corporation is authorized to prescribe by regulation standard approaches for alternative methods for allocating unfunded vested benefits to employers. It is intended that the corporation shall prescribe regulations providing that any one of the alternative methods set forth in the bill for the allocation of unfunded vested benefits may be used by a plan which uses the direct attribution method in allocating unattributable liabilities to employers contributing under the plan. It is also intended that, consistent with section 405, prior to the issuance of such regulations, a plan which uses the direct attribution method may use any one of the bill's alternative methods for allocating unattributable benefits, provided that all employers are treated uniformally and use of such method by the plan is consistent with the purposes of title IV of ERISA.

The bill provides that a plan may use its own actuarial assumptions to value unfunded vested benefits for withdrawal liability purposes, or assumptions prescribed in PBGC regulations. The assumptions set forth in these regulations are expected to include assumptions appropriate for termination situations where, for example, the age at which participants are assumed to retire may differ from the retirement age assumed for continuing employees. It is intended that the regulations prescribe a set of assumptions that could be used when a plan adopts the attributable method of allocating unfunded vested benefits, as well as assumptions that may be used generally. Of course, the corporation's regulations may prescribe ranges of applicable assumptions, to enable plans to use a PBGC-prescribed approach adapted to the plans' own experience.

A plan that does not use PBGC assumptions must use assumptions that are reasonable in the aggregate. Under the bill's plan reorganization provisions, many plans will be computing the value of their unfunded vested benefits, subject to Treasury Department standards and oversight. Rather than performing a separate calculation, plans will be able to use those same figures for withdrawal liability purposes if the computation was satisfactory for purposes of the reorganization provisions. Similarly, it is intended that a plan be permitted to base its withdrawal liability determination on the value of vested benefits reported on the schedule B attached to the plan's annual report, provided the schedule B figure was computed appropriately.

Section 307 expands the information to be included in the annual report of the plan, pursuant to section 103(d) of the law. The plan's enrolled actuary, in the course of doing his valuation, may become aware of events and trends that may have a materially adverse impact on the plan. Moreover, the actuary may observe a trend but chose actuarial assumptions on the basis that the trend will not continue if it is reasonable to do so; for example, an assumption that recent declines in the plan's contribution base will not continue. So that interested persons may have fuller understanding of a plan's position and its possible future, section 307 would require the annual report to include disclosure on these aspects to the best of the actuary's knowledge.

I wish to respond to a question on indemnification of trustees of a withdrawal liability payment fund under section 4223 of the bill posed by my distinguished colleague, Mr. GIBBONS. If an employee or official of an employer contributing to a member fund, or an employee or official of a union which represents employees participating in a member fund, is selected as trustee of the withdrawal liability fund, it is intended that such trustee may receive the same sort of indemnity or indemnification insurance which the employer or the union could provide for this person were the person serving as a trustee of a multiemployer plan.

The bill reduces the level of benefits guaranteed participants in multiemployer plans because we have concluded that the present guarantee levels create an incentive to plan termination which in the long run is inimical to the interests of plan participants and beneficiaries. Because we believe that the withdrawal liability provisions of the bill may create resistance to benefit improvements, particularly for retirees, we believe it is necessary to provide flexibility for plans to adjust recent benefit increases to mitigate any chilling effect the bill will have on employer willingness to agree to such increases. Such flexibility is in the interests of plan participants and beneficiaries.

The bill makes clear that in the case of plans terminating or requiring financial assistance from PBGC after enactment, PBGC's guarantees will extend not only to nonforfeitable benefits provided under the terms of the plan, but also to those nonforfeitable benefits to which participants are entitled under the requirements of title I of ERISA. This will protect participants in those instances, which still exist, where a plan has never been amended to conform to the requirements of title I. Despite the failure to amend such plans, their participants have been entitled to the benefits mandated by title I since those requirements became applicable, and they should be protected by PBGC's guarantees just as if those provisions had been written into their plan on their effective date. PBGC's regulations may provide a practicable basis for determining guaranteed benefits in those cases where plans would have an option with respect to title I compliance—such as a choice among vesting schedules—but failed to adopt amendments exercising that option.

The bill sets two different guarantee levels—65 percent of the accrual rate in excess of $5 versus 75 percent of the accrual rate in excess of $5—application of which depends on the funding status of a plan before the funding standards of ERISA were imposed on the plan. It is intended that such test apply only to a plan which provided only pension benefits during the 10 year testing period described in the bill. Application of the test to a plan which provided both pension and welfare benefits would be inappropriate and it is intended that the higher guarantee level providing 75 percent of the accrual rate in excess of the first $5—but not in excess of $15—apply to such a plan.

The bill provides for a supplemental guarantee program. It is intended that the supplemental guarantee program offer several levels of additional, optional guarantees. It is intended that the supplemental program offer one level of additional guarantees that, in conjunction with the statutory guarantees, would make the benefit guarantees in a participating multiemployer plan equivalent to the statutory guarantees for single employer plans. In addition, the supplemental guarantee program should offer at least one alternative level of additional guarantees, providing, for example, a 90-percent guarantee for yearly benefit accruals in excess of $5.

In determining the accrual rate for purposes of calculating guarantee levels, the accrual rate is determined by dividing the participant's (or beneficiary's) benefit that is: First, described in section 4022A(a); second, eligible for the corporation's guarantee under section 4022A (b); third, no greater than the monthly benefit payable under the plan at normal retirement age in life annuity form; and fourth, determined without regard to any reduction under Code section 411(a)(3) (E), by the number of years and fractional years of service credited to the participant under the plan for benefit accrual purposes, including credited preplan service, whether or not it has been disregarded under Code section 411(a) (3)(E).

Of course, the corporation may interpret these terms in a manner suitable to particular situations. For example, when a plan gives benefit credit for no more than a maximum number of years, only the years credited by the plan should be treated as years of participation for this purpose.

Although this bill has added important new responsibilities for plan trustees, particularly under the reorganization provisions, this legislation simply reaffirms the present law, that these plan trustees as fiduciaries have sole responsibility to the participants and beneficiaries of the plan. A recent Court of Appeals decision, Amax Coal Company against NLRB which was wrongly decided apparently suggests that the trustees are collective bargaining agents for the parties who appoint them. That is an erroneous interpretation of both ERISA and Federal labor law and does not reflect congressional intent.

The bill changes the definition of a multiemployer plan by deleting the test relating to proportionate employer contributions and the test relating to continuity of benefits in the event of a cessation of employer contributions. Under the new definition some plans will be considered multiemployer plans that previously would not have been defined as such. My distinguished colleague from New York, Representative Peyser, has asked that I clarify that this change is not intended to have a retroactive impact on a plan that prior to this legislation paid single employer premiums to PBGC and did not qualify as a multiemployer plan despite the fact that more than one employer made contributions, because they authorized the reduction of benefits as to those employees whose employer ceased participation in the plan. The impact of this change in the definition of a multiemployer plan is intended to be prospective only.

Since ERISA, we have had time to examine the multiemployer plan universe more closely and now feel that broadening the scope of the definition of a multiemployer plan will result in greater consistency. It is clear, however, that this change is not intended to have any retroactive effect.

With respect to the termination of a plan under section 4041A(a)(1), I want to make it clear that, except as provided in section 412(c)(8) of the Internal Revenue Code of 1954, as amended, an amendment terminating a multiemployer plan under this paragraph may not retroactively deprive participants of service credit earned prior to adoption of such an amendment.

Mr. Speaker, it has been brought to our attention that with respect to a large multiemployer plan covering the coal mining industry, agreements have been effective among the plan, the employers, and the union since December 1977, to transfer assets and liabilities to single employer plans established by certain employers who formerly were obligated to contribute to the multiemployer plan. In some instances the actual physical transfer of assets has not yet been accomplished, pending IRS approval. It is not our intention that the transfer of assets provisions of the bill apply retroactively to those transactions, which were legally consummated before the effective date of the bill.

Finally, the distinguished gentleman from Texas, Representative Frost, has asked me to clarify the effect of ERISA's preemption provision on a state law requiring that health insurance contracts written in that state must provide covered persons the option to choose the specialist of their choice or must provide that the services of a particular specialist must be covered by the insurance contract if that patient chooses to go to that specialist. It is clear that ERISA does not preempt such a law, which does not require that particular benefits be provided and therefore does not cause any cost-creating State law conflicts that preemption was intended to prevent. For example, a State law requiring that podiatrist, chiropractor, or optometrist services be covered by health insurance contracts if a person chooses to have a particular service performed by a podiatrist, chiropractor, or an optometrist, is not preempted.

Mr. Speaker, I respectfully urge my colleagues to support this amendment.

It is a privilege now, Mr. Speaker, to yield to my colleague, the gentleman from New Jersey (Mr. Minish).

Mr. MINISH. Mr. Speaker, I thank the subcommittee chairman for yielding.

Mr. Speaker, I would like to take a moment to express my disappointment that an equitable solution could not have been worked out for the retirees who have been forced to suffer as a result of Public Law 94-566. Those retirees who are receiving social security or pensions, and who have found part-time employment to make ends meet, have been penalized unjustly by the provisions of that law when they are laid off.

Public Law 94-566 requires the States to make dollar for dollar reductions in unemployment benefits for social security and other pension recipients.

While H.R. 3904 has been amended to correct this problem for future retirees—and I support that action—there are thousands of deserving citizens who have been denied unemployment benefits even though they faithfully contributed a share of their hard-earned wages to the unemployment fund. These are the people who qualified for unemployment after April 1 of this year when the offset provision first took effect.

The House and Senate both have made it clear that the offset provision should not take effect. The House did so February 6 when H.R. 5507 was approved. Yet the amendment to this legislation passed by the Senate does not offer any relief to the retirees who already have been denied unemployment benefits because of the provision. I believe that something can and must be done to allow the relief prescribed today to take effect retroactively so that those who have been unfairly penalized since April can obtain some relief.

Mr. THOMPSON. Mr. Speaker, I yield, for debate purposes only, 15 minutes to the gentleman from Illinois (Mr. Erlenborn).

Mr. ERLENBORN. Mr. Speaker, I thank the gentleman from New Jersey (Mr. Thompson) for yielding this time to me.

Mr. Speaker, today we consider H.R. 3904 and write what is, hopefully, the last chapter in the continuing saga of this Multiemployer Pension Plan Amendments Act of 1980.

Before I explain some of the provisions of H.R. 3904 in more detail, I would like for the following points to be clearly understood.

The multiemployer bill has been caught up in jurisdictional and parliamentary maneuvers for too long and must now be enacted without further delay. I do want the record to show, however, my support for the three nongermane amendments added by the Senate—that is, the Boren OSHA amendment, the Wallop MSHA amendment, and the Schweiker EEO-affirmative action amendment. I would have preferred that the House disagree with the Senate amendments and request a conference. The rejection by the Rules Committee of this option and the adoption of a closed rule represents an undesirable end run around the regular procedures of this body. At the very least the House should have been afforded an opportunity to vote on each of the three nongermane amendments.

Second, I would like to point out that the legislative game of chicken which the Senate has forced this body into has placed the entire multiemployer program in a state of jeopardy. Present law went into effect on August 1 with respect to mandatory termination insurance coverage for multiemployer plans as a result of the objection to a further extension of the effective date by those in this body who have led the opposition to the Senate nongermane amendments.

If even one plan of major dimension, say with $200 to $500 million in funded liabilities, were to utilize this window period to take advantage of the higher benefit guarantees and lower employer liability provisions under present law, then premiums would have to skyrocket from the current level of $0.50 per participant per year to $10 or $20 or more. This development would split the current business-labor coalition in support of H.R. 3904 into a million pieces. For this reason, I urge the House to adopt this legislation today. For the same reason, I urge the Senate to accept the bill as amended and send it to the President for his signature. This is not a matter that can wait another few weeks or even a few days, but should be disposed of by the Congress promptly.

Third, I would like to state my general support of the amendments made to H.R. 3904 by the manager of the legislation, Mr. THOMPSON. I support the amendments and the bill in hopes that the program will be successful in continuing the private pension coverage for the 7 to 8 million working men and women who now participate in multiemployer plans. The continued coverage of such persons and their eligibility for future pensions must be assured, if we are to place an increasing reliance on private pensions to help relieve the strains of our overburdened social security system. I will be candid in stating, however, that I will have to reassess my support for this legislation, if the Senate does not accept the bill we pass today but proceeds to further liberalize the more tightly drawn House provisions which better insure the self-financing nature of the program.

With regard to the concept of termination insurance and H.R. 3904 as a whole, I must concede to holding to my earlier reservations when plan termination insurance was first proposed under ERISA. The plan termination insurance provisions under present law, and to a lesser degree the provisions of H.R. 3904, infringe on the freedom of the collective bargaining process to permit the balancing of benefits and contribution income.

To elaborate, under a multiemployer plan before ERISA an employer's legal obligation was limited to making contributions to the plan at a negotiated rate set forth in the collective-bargaining agreement maintaining the plan. Benefits were then set by the joint board of trustees based on the expected level of contributions and plan investment income. Benefits could be adjusted up or down to meet the financial circumstances of the plan. In other words, such plans did not operate as defined benefit plans which fix only benefits, but they operated as defined contribution plans which fix contribution rates and adjust the benefit levels as necessary. ERISA changed all that by asserting that such plans be treated as defined benefit plans, by removing the ability of such plans to adjust benefits downward, and by making employers liable for plan benefits rather than just their negotiated contributions.

This decision by the Congress to upset the legal structure of multiemployer plans by calling them "defined benefit plans" was upheld in 1978 by the 9th circuit court decision Connolly against PBGC. I take no particular satisfaction in relating that the PBGC used the arguments I made in the 1974 House debate in opposition to termination insurance in order to persuade the court that Congress did indeed intend to force multiemployer plans into the defined benefit mold.

Before title IV of ERISA was thrust upon multiemployer plans, there was little or no evidence of pension losses which would warrant the complex and intrusive regulatory scheme we see created in H.R. 3904. Unfortunately, we failed in 1974 to heed two important principles expressed in what we might call Murphy's maxim and Luce's law. If you recall, Murphy's maxim states that "if it ain't broke, don't fix it," and Luce's law reminds us that "no good deed goes unpunished."

Now that H.R. 3904 is about to "fix" multiemployer plans by subjecting them to the monstrosity of multiple agency administration and regulation, we in the Congress ought to remain vigilant in our oversight function to minimize regulatory problems and to fine-tune the law where necessary. The bill could have been better balanced and made more affordable. In committee and in the previous consideration of H.R. 3904 in the House, I suggested several amendments which would help keep H.R. 3904 from becoming just another reflection of "Billings' law" which states: "Live within your income, even if you have to borrow to do so."

I restate these recommendations at this point in order to emphasize their usefulness in the event future program experience dictates their adoption.

First, the bill recognizes the need to strengthen the funding of multiemployer plans and requires 30-year rather than 40-year amortization of unfunded liabilities. I believe it necessary that we further shorten the funding period to 20 years with respect to future increases in past service liabilities for both single and multiemployer plans. One need only look at the $1 billion plus unfunded liability of the Chrysler Corp. plans—which have been historically funded over 30 years—and realize that 30-year funding is inadequate, if the termination insurance system is to survive in the event a major plan collapses. In the long run, adequate funding is the only answer to reducing the risk and exposure of the termination insurance system.

Second, gratuitous past service benefits for active participants which are related to years of service with an employer before the employer joined with a multiemployer plan should be excluded from the benefit guarantee. These benefits can create large unfunded liabilities and actually precipitate a plan's decline into insolvency. At a minimum, in order to prevent abuse, such gratuitous past service benefits should not be guaranteed for plans in reorganization or nearing insolvency. A modification of this rule would be to exclude the guarantee of such benefits only for groups entering a plan in the future.

Third, for benefits payable before age 65 the guarantee should be adjusted by some percentage of an actuarial reduction factor; for example, 3 percent per year. We should not be encouraging overly generous subsidized early retirement benefits by insuring them at the same level as for age 65 normal retirement. It should be noted that both the single employer plan guarantee program and social security adjust benefit levels below age 65.

Fourth, the guarantee of future increases in pre-ERISA accrued benefits should be scaled-back; for example, by grading in the guarantee of such benefits over 10 years. This would encourage plans to fund for any future benefit increases they wish to make which are related to pre-ERISA service.

These adjustments to the benefit guarantees that I have suggested are necessary lest we create the very chaos and scramble to the exit for PBGC handouts that this legislation purports to avoid. However, I am still somewhat wary that the bill may not create enough disincentive for plans to terminate where employers withdraw en masse and avoid further obligation through changes in corporate or other business structure. The incentive ought to be for employers to stick with the plan and to fund all of the employees' vested accrued benefits rather than have them cut back to guaranteed levels. Therefore, the following suggestions are given to reduce or even eliminate the future chance of plan termination:

Fifth, benefit guarantees related only to mass withdrawal plan terminations should contain higher coinsurance factors. For example, monthly benefit guarantees ought to be 90 or 95 percent, rather than 100 percent, of the first $5 times years of service, plus 50 percent, rather than 60 to 70 percent, of the next $15 times years of service. The level of these guarantees should be put in the perspective of the individual's total retirement income including social security. Consider the case of a 30-year career employee retiring at age 65 at a low level of earned income, say the minimum wage. Social security plus a $5 times years of service monthly pension—$150 per month—provides 98 percent of the employee's preretirement net after tax income. By insuring 95 percent rather than 100 percent of the first $5 times years of service pension, the employee's combined social security and pension income still replaces 96.5 percent rather than 98 percent of preretirement net income. Surely such reduced guarantee levels are modest, especially when considering they may make the triggering of mass withdrawal terminations and subsequent benefit reductions unlikely.

Sixth, mass withdrawal terminations would also be made less attractive if the unions and employers could not turn around, right after a termination, and establish a new tax qualified pension plan—and perhaps even give past service credit for guaranteed and/or nonguaranteed benefit. I take note that the bill H.R. 12335 which was introduced in the 95th Congress addressed this issue in part. It is possible that with the introduction of this one provision, all mass withdrawal terminations might be avoided.

The above suggestions were offered to improve the structure of the title IV program so as to avoid making financing from general revenues inevitable. A number of the amendments offered by the manager of H.R. 3904, Mr. Thompson, can also be characterized as strengthening the stated policy of the bill "to provide a financially self-sufficient program for the guarantee of employee benefits under multiemployer plans."

The first amendment to the Senate passed bill fitting this description is the provision—section 4022A(f))—to permit the program to better balance premium costs and guarantee levels in the event premiums prove less than adequate or more than adequate to finance the initial guarantee levels. The second amendment adding section 4244A restores the meaning to the concept of plan reorganization as initially suggested by the PBGC by permitting troubled plans to better balance benefits and expected contributions. A third provision amending section 4022A(g) restores the House-passed rule requiring plans to have a 15- to 1-ratio of plan assets to annual benefit payments before they are eligible for the suppltmental program; the PBGC may modify this requirement but only in the extreme case where a soundly funded plan is likely to achieve a 15- to 1-ratio at a later date, or where the 15- to 1-ratio is not indicative of sound funding or a small probability of termination or insolvency.

Several other provisions of the bill need elucidation due to their esoteric actuarial import. The addition of the phrase "at the election of the plan sponsor" to section 4241(b)(4)(A)(i)(II) is intended to continue to require the plan to use the latest actuarial valuation up to the adjustment date but to permit the use of an actuarial valuation at a date later than the adjustment date only "at the election of the plan sponsor."

One other actuarial concept, that of "unfunded vested benefits," needs clarifications as it relates to the determination of employer withdrawal liability and the minimum contribution requirement. In H.R. 3904, "unfunded vested benefits" is defined as the excess of the value of nonforfeitable benefits under a plan, as defined under title IV, over the value of the assets of the plan.

Generally it is expected that the actuarial assumptions and methods employed in the calculation of the value of nonforfeitable benefits will follow the practice illustrated in interpretation 1 of recommendation A(6) found on pages 369–371 of the 1979 Yearbook of the American Academy of Actuaries. It is also expected that such values will be included on schedule B of the ERISA annual report form 5500—relating to the items, present value of vested benefits.

In conclusion, Mr. Speaker, I suggest we adopt as a motto for H.R. 3904 the statement attributed to Macaulay that, "the smallest actual good is better than the most magnificent promise of impossibilities."

□ 1750

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. Davis).

Mr. DAVIS of Michigan. Mr. Speaker, I would like to engage someone on either side of the aisle to answer a couple of questions about an amendment that was offered and accepted over in the Senate that now stands in the bill which involves a very important problem in my State of Michigan. It involves the question of military retirees being able to receive unemployment benefits when they take another job. It goes back to the original bill that had the date of April 1 in it, and our State was not one of the States that was in compliance. They subsequently passed a bill which puts them in compliance with the Federal law.

But now the unemployed workers who were formerly military personnel are being asked by the State to repay the money that they had been paid under the unemployment benefits in Michigan to that point in time when our law went into effect.

Now, the State of Michigan has not pressed the unemployed in this particular case, but we think they have the authority, and that is what I am trying to find out, if they pass a law which says they do not have to repay the money.

Then, second, will these people be able to file retroactively?

Now, it just happens that in my congressional district I have a number of retired military personnel, most of whom have been involved in the mining industry and are now laid off. Some of them worked 8, 9 and 10 years, and they are now unable to draw unemployment and their fellow worker can draw unemployment. I have been telling them that the House had passed and the Senate had not passed but we have incorporated the Chafee amendment, which will solve, we think, most of the problem. But the question is: Will they be able now, under this bill, when it is passed, to file for the unemployment benefits that have been denied them?

Does anybody know the answer to that question? And there are literally thousands of people in the country and hundreds of them in my congressional district alone who are not now able to collect unemployment benefits.

Mr. THOMPSON. Mr. Speaker, if the gentleman from Michigan will yield, I think that the gentleman from California, as a member of the Committee on Ways and Means, can help with that question.

Mr. DAVIS of Michigan. I will be pleased to yield to the gentleman from California.

Mr. CORMAN. I thank the gentleman for yielding. I am not sure that I will be able to be of much help. It is my understanding that the Department of Labor has said that this bill would not be retroactive.

Now, the Department may, upon further consideration of the language of the effective date and intent of its drafters, revise what I am told is their current interpretation. At a minimum, I believe States should be able to implement the change allowed here upon the enactment of this bill.

I had not been aware of the particular problem the gentlemen mentions. The gentleman is aware that the effective date in this provision was drafted by the Senate, and I am told there is some disagreement as to the intent. But I have been told that the Department's initial interpretation was that it would not allow the retroactive payment of benefits.

I must say that this entire pension offset has been very unfair and unfortunate.

Mr. DAVIS of Michigan. I certainly agree with the gentleman, and I do support that. But you see what the problem is. These particular people—and I just happen to have a number of them laid off the last Sunday in June—are not qualified for unemployment benefits, and I am wondering if the State passes a bill, and I am sure the State will, there is already a bill in the hopper to do this, at what point in time will they be able to start drawing unemployment benefits?

It would seem to me that they ought to be able to draw those benefits from the qualified date, as any other worker would.

Mr. CORMAN. I would think that the State would be able to implement this provision upon the effective date of this bill, assuming it passes and is signed by the President, and possibly earlier.

Also, I should call to the gentleman's attention the fact that the provision of current law is not a disqualification but a pension offset. I realize that, if the pension is sufficiently large, it may be a total offset.

Mr. DAVIS of Michigan. I understand that, but in almost every case the offset more than——

The SPEAKER pro tempore. The time of the gentleman from Michigan (Mr. Davis) has expired.

Mr. THOMPSON. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Michigan (Mr. Ford).

Mr. FORD of Michigan. Mr. Speaker, I rise in support of the bill.

Mr. THOMPSON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. WEISS), a member of the ERISA task force.

Mr. WEISS. Mr. Speaker, I rise in support of the motion to agree to a substitute to the Senate amendment to H.R. 3904, the Multiemployer Pension Plan Amendments Act.

Having failed to pass this important legislation several weeks ago, this body jeopardized the retirement benefits of thousands of workers and the future of multiemployer pension plans. It is essential that we pass this legislation today to avert the chaos that will result by allowing current law to remain in effect. It is equally important that H.R. 3904 be passed with the amendment in the nature of a substitute offered by our distinguished colleague, Mr. THOMPSON. His amendment strikes the nongermane, regressive provisions that were hastily added by the Senate, along with a provision to exempt Hawaii from the requirements of ERISA. It also retains and clarifies a Senate-passed amendment that aids older workers. This provision, originally passed by the House as H.R. 5507, modifies existing law on pension offsets to unemployment insurance compensation. By supporting H.R. 3904 with the Thompson substitute amendment, we will accomplish the intended goal of this legislation: Protection of retirees, workers, and their families.

Modification of the current unemployment benefit offset requirement is a significant addition to this bill. When Public Law 94-566 went into effect last April, older Americans' rights to the unemployment insurance they have financed were unfairly abrogated. States were required to offset, dollar for dollar, a person's unemployment compensation by any pension or retirement benefits he or she was receiving. Approximately 40 States fortunately not including my home State of New York, have interpreted the law to require this offset for social security payments as well.

Bills to redress this inequity have already passed the House and Senate and have been held up awaiting conference. We now have the opportunity to enact this necessary measure by passing the bill before us today. We can thus end the discriminatory treatment of elderly workers who are being denied the economic assistance to which they are rightfully entitled.

This provision stipulates that unemployment compensation will only be offset by pension or other retirement benefits when those benefits are being maintained or contributed to by the same employer who is considered the base-period employer, that is, the period just prior to unemployment on which unemployment insurance benefits are calculated, and only if services performed during the base period altered the individual's eligibility for pension benefits or increased the benefit amount. The provision also clarifies that States are not required to reduce unemployment compensation by any social security or railroad retirement payments.

The substitute amendment offered by Mr. THOMPSON also strikes the three blatantly antiworker amendments passed by the Senate. One of the Senate amendments would transfer regulatory authority over stone, sand, clay, colloidal phosphate, and gravel surface mining from the Mine Safety and Health Administration to the Occupational Safety and Health Administration. This completely unrelated measure threatens the health and safety of workers in these industries because OSHA's safety and enforcement standards are less strict than those of MSHA.

Despite claims that these types of mining are not as hazardous as coal mining, safety statistics show the tragic fallacy of this reasoning. In 1980 alone, 66 percent of all fatalities in noncoal mining occurred in mines covered by this amendment. Simply because sand, stone and gravel are not so deeply embedded in the earth as coal cannot alter the essential truth that they must be mined, often with hazardous technology. The appropriate regulatory body is clearly the Mine Safety and Health Administration, not OSHA.

Another of these Senate amendments would exempt certain businesses with 10 or fewer employees from the Occupational Safety and Health Act. Its passage would deny OSHA's protection to millions of small business employees. But they deserve a safe workplace just as much as a worker in a larger operation.

The third amendment seeks to exempt Government contractors with five or fewer employees from affirmative action requirements. While affirmative action programs may be difficult for some small firms, I do not agree that a blanket exemption should be made. The goal of ending employment discrimination is too important to be fashioned by a rider on any bill.

The Multiemployer Pension Plan Amendments Act must be enacted today with the substitute amendment. If we allow current law to continue, the damage to pension plans and their participants could be severe. I strongly urge my colleagues to support the motion before us and pass H.R. 3904 as amended.

Mr. THOMPSON. Mr. Speaker, I yield 3 minutes to my distinguished friend and colleague, the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. I thank the gentleman for yielding. You left the usual "T" and "r" off of that, but that is all right. I thank my colleague for yielding. My colleague from New Jersey is always a gracious winner, and in the 20 years I have been here, on those one or two occasions in his committee he has lost, he is always a gracious loser. But this is one bill we are not going to lose on. We did, as my friend, the gentleman from Illinois indicated, have a procedural fight, but all of us are uniformly convinced that this bill must pass. It is good legislation. It is something that will bolster the pension plan of working men throughout the country.

Mr. Speaker, today the House again considers H.R. 3904, the Multiemployer Pension Plan Amendments Act of 1980, as amended by the Senate on July 29. The House initially approved this legislation on May 22 by a vote of 374 to 0. At first glance it might appear that the unanimous vote that took place earlier in the House signifies widespread acclaim for the legislation. Statements of support by numerous groups to the contrary, I suspect that any such "acclaim" for the legislation will ring hollow and be short-lived after its enactment. At best it can be said that this legislation represents a fragile and uneasy compromise, a kind of sticky glue, which has brought about a temporary coalition of employee, union, and employer groups seeking its enactment.

Before I speak to the substance of the bill, around which this so-called coalition has been built, I would like to recall for the record the checkered history of this measure. During the consideration of ERISA in 1974, I tried to warn the Congress and the business community of the potentially detrimental effects of termination insurance and employer withdrawal liability upon multiemployer pension plans and their sponsors.

Even the supporters of termination insurance for multiemployer plans had their doubts as to the feasibility of imposing mandatory coverage on such plans. As a result mandatory coverage for such plans was delayed until January 1, 1978, although the Pension Benefit Guaranty Corporation (PBGC) was given the authority to cover terminated multiemployer plans on a discretionary basis to the extent the income from the $.50 per capita premium proved adequate.

By the fall of 1977, it had become clear even to the proponents of termination insurance that the provisions of then existing law were unworkable for multiemployer plans. Because of the potential for mass employer withdrawals and plan terminations, both unions and employers urged the Congress to further delay the effective date of mandatory coverage. In December of 1977, the Congress delayed the effective date 18 months and directed the PBGC to continue the discretionary program during this period. The PBGC was also directed to make a study and recommendations for a workable program of mandatory coverage for multiemployer plans.

The administration's legislative proposal, containing the PBGC recommendations, was introduced in the House as H.R. 3904 on May 3, 1979. Due to the length and complexity of the administration proposal and in order to gain an understanding of the pervasive impact it would have on multiemployer plan industries, the Congress again delayed the effective date of mandatory coverage; this time to May 1, 1980. My colleague, Mr. THOMPSON, the chairman of the Subcommittee on Labor-Management Relations took an early lead in consideration of the legislation by holding hearings in June of 1979. The subcommittee marked up the bill on December 13, 1979, and the full Committee on Education and Labor ordered the bill reported on January 30, 1980.

Because the proposed legislation contains amendments to the Internal Revenue Code, the bill was jointly referred to the Ways and Means Committee.

With the May 1 deadline fast approaching, the Committee on Ways and Means finally held hearings and reported their version of the bill on April 23, 1980. It was necessary to again extend the effective date when it became clear that even if the House acted expeditiously before May 1, the Senate would not be able to meet the deadline.

The House acted in a responsible and timely fashion when it considered and passed H.R. 3904 on May 22, 1980. The Senate continued to place little priority on the legislation and refused to act before the new July 1 effective date for mandatory coverage. I supported the only responsible alternative available at that point, which was to extend the effective date of mandatory coverage for 1 month to August 1, 1980.

In a game of legislative brinksmanship, the Senate did not act on H.R. 3904 until July 29, only 48 hours before mandatory coverage was to become effective under the new August 1 deadline. It should have occured to those charting the Senate strategy that it would be sheer folly to expect the House, not having the opportunity to study or understand the effect of the Senate action, to blindly accept the Senate amendment, even though the pressure of the August 1 deadline was great. The effect of the Senate move to have the House swallow the Senate amendment was to trigger a legislative impasse which does not reflect well on either body.

The action which complicated the further consideration of H.R. 3904 in the House was the addition by the Senate of three nongermane amendments to the bill.

The three nongermane amendments, which passed by 12 to 15 vote margins, are: The Wallop-Nunn MSHA amendment, which would transfer the regulatory authority of stone, sand, gravel, clay and phosphate surface mining from the Mine Safety and Health Administration to the Occupational Safety and Health Administration; the Boren OSHA amendment which would exempt small businesses; that is, with 10 or fewer employees, having superior safety records, from certain routine safety inspections by OSHA; and the Schweiker EEO amendment which would exempt Federal contractors, having 5 or fewer employees, from the affirmative action goals imposed under Executive Order 11246 or any other Executive order.

The AFL-CIO loudly condemned the attachment of the nongermane amendments to the ERISA bill and urged the defeat of the bill in the event the House accepted any of them. It came as no surprise, therefore, when the managers of H.R. 3904 requested unanimous consent for the House to concur in the Senate amendment with an amendment that would have stripped the nongermane provisions from the bill, thus preventing the Members of this body from any opportunity to exercise their right to consider these amendments. This move is to thwart the will of the House was objected to, and rightly so, on both occasions when the motion was brought up just before the August recess.

Confronted with the August 1 deadline, the more reasonable course would have been for the managers of the legislation to agree to my unanimous consent request on July 31 to pass H.R. 7881 providing for a further 30-day extension of the effective date for mandatory coverage. In objecting to my motion, the opponents of the nongermane amendments have permitted the termination insurance provisions of current ERISA law to go into effect as of August 1, 1980. To date the worst has not happened; the PBGC has not reported any new applications for multiemployer plan termination coverage. Some plans may be gearing up for such action, however, and it may only be the uncertainty of the effective dates and further congressional action on H.R. 3904 that is holding them back.

To avoid the termination of a major multiemployer plan which might bankrupt the PBGC is reason enough to urge my colleagues in the Senate to act favorably in the next few days on H.R. 3904 as perfected by the House this afternoon.

Having said this, I would be remiss if I did not also express my displeasure with the procedure by which this body has been forced to act on this important piece of legislation. Given the complexity of the multiemployer bill and the added nongermane amendments, the most reasonable and responsive course in the House would have been for the bill's managers to disagree with the Senate amendment and request a conference. The Rules Committee voted down this approach in favor of a closed rule—actually a gag rule preventing the House from working its will in regard to the nongermane amendments.

The record would be incomplete if I were to leave out the role of big business in undermining the efforts of those of us wishing to obtain a conference with the Senate on H.R. 3904. In acquiescing with the wishes of organized labor for a gag rule, numerous big business membership organizations have once again abandoned small business, and many of their own members, in efforts to achieve a modicum of regulatory reduction and reform.

One can only hope that these same big business organizations will be as vigorous in their support to head off any future efforts to finance the multiemployer program from general revenues in the event the legislation does not prove as workable or desirable as these organizations currrently consider it to be.

It would be deceptive to conclude that the substance of H.R. 3904 presents the "final solution" to all that ails multiemployer pensions plans. The fragile coalition of employee, union, and employer groups that now support its enactment does not guarantee the absence of pitfalls, side-effects, or unanticipated calamities.

The bill is said to be designed to deal with the following flaws of present law relating to these collectively bargained multiemployer pension plans:

Employers and unions are encouraged to dump plans and their large unfunded liabilities at the door of the PBGC;

Employers are encouraged to avoid the "Last Man Club" by withdrawing before plan termination when employer liability is assessed up to 30 percent of net worth;

Runaway cost of the program are accelerated because of excessively high benefits guarantees;

Plans are hampered in their ability to balance income and outgo because adjustments in accrued benefits are prevented; and

Inadequate minimum funding standards fail to encourage fiscal discipline and prevent plan insolvency.

To help remedy these shortcomings of present law the provisions embodied in H.R. 3904 would:

First, change the insurable event from plan "termination" to plan "insolvency";

Second, require all plans to meet a new minimum contribution requirement (MCR) and fund new benefit obligations over 30 years rather than 40 years;

Third, reduce benefit guarantees so as to minimize the incentive for employers and unions to abandon their plans;

Fourth, enable plan trustees to "reorganize" plan benefits to levels consistent with affordable contribution rates;

Fifth, require withdrawing employers in underfunded plans to continue funding a proportionate share of unfunded vested liabilities; and

Sixth, require plans to pay increased annual premiums grading from $.50 to $2.60 per capita over 9 years.

While all of these provisions of the bill are laudable in attempting to corect the weaknesses of present law, in many cases they may represent a case of "too little, too late." Changing the funding requirement for new benefit liabilities from 40 years to 30 years will have little effect in improving the funding status of most plans in the near term. The existence of the so-called safe-harbor rule and the "overburden credit" also serve to diminish the effectiveness of the new minimum contribution requirement (MCR) applicable to grossly underfunded plans.

The benefit guarantees remain at or near 100 percent for plans having benefit levels in the $5 to $10 per month per year of service category—thus negating the purported disincentive for employers and unions to jointly abandon their plans.

The existence of special exceptions to the employer withdrawal liability rules; for example, for small employers; the construction, entertainment, and trucking industries; and employers selling their businesses, may restrict their applicability to only a small fraction of the contributing employers in any given plan—thus diminishing the desired objective of discouraging early employer withdrawals.

On the other hand, the mere existtence of employer withdrawal liability may discourage new employer from participating in multiemployer plan—thus dooming some of them to the status of a wasting thrust.

Special provisions, such as for the United Mine Workers 1950 Plan, can prove to be destabilizing and costly, if permitted to expand or spread to other industries through future legislation.

The legislation will undoubtedly put an initial strain on labor-management relations until the effects of the law can be sorted out and fully understood. Truly it can be said that H.R. 3904 represents a cornucopia of complexity.

My reservations to plan termination insurance have been, and continue to be, based on the fact that:

Plan termination insurance is not "insurance," but is an income transfer scheme that soaks the well-managed, more stable, and well-funded plans in order to pay for the unstable, underfunded ones;

The plan termination provisions change the basic legal structure of multiemployer plans, thus infringing on the freedom of the collective-bargaining process and raising constitutional questions relating to impairment of contracts;

Program costs are based on insufficient plan funding which can stem from the loss of plan assets due to market fluctuations, manipulation, and fiduciary abuse as well;

Inestimable program costs and employer liability create inequities and fear which can only serve to undermine the necessary and continued growth and expansion of the private pension system; and

Finally, as program premium costs go up, there will be the inevitable pressure for general revenue financing, thus dooming "private" pension plans by transforming them into quasi-governmental entities.

Only time will tell whether the provisions of H.R. 3904 are adequate to contain the costs of the program at a level where employers and unions are willing to pay the price without assistance from general revenues. Prior to the discretionary coverage of multiemployer pension plans under title IV of ERISA, the incidence of plan terminations and resultant benefit loss was so small as to be almost nonexistent. Future congressional oversight will determine whether, with respect to multiemployer plans, this legislation will have managed to make a "sow's ear out of a silk purse."

Mr. THOMPSON. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from New Jersey.

□ 1800

Mr. THOMPSON. I did not recognize the gentleman by the name which I have used on occasion in the past, the reason being the realization that these proceedings are permanent. They are taped. They go throughout the Nation, and the distinguished gentleman, the gentleman from Ohio (Mr. ASHBROOK), a former Presidential candidate, is known nationwide and should be so addressed.

Mr. ASHBROOK. One of the many losers that we have had.

Mr. THOMPSON. There have been a lot, but few who have lost with such grace and charm and so overwhelmingly as the gentleman.

Mr. ASHBROOK. I want my colleague to note today I was especially good because I only took up four seats.

I thank my colleague.

Mr. THOMPSON. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Now that the House has accepted what I think is a terribly bad procedure, we have to go forward with what we have, which is a very necessary pension bill. The House should, of course, now accept the Thompson amendments, which, in my judgment, are an improvement over the basic substance of the Senate ERISA bill. I am also pleased that the excellent Senate amendment by the senior senator from Minnesota was preserved in the version we will approve today.

I regret very much that we have not had a chance to negotiate with the Senate and debate with them the merits of the three nongermane amendments which are lost. I also regret the nongermane amendment which was accepted.

Nevertheless, there is an urgency. The bill ought to be passed. I hope it will be passed.

● Mr. SYMMS. Mr. Speaker, I realize the urgent need to pass the legislation to insulate and protect the multiemployer plans and improve retirement income security. However, I am very disturbed about the rule which was adopted providing for a motion to concur in the Senate amendments with an amendment by Congressman THOMPSON in the nature of a substitute to the Senate amendment. Unfortunately, the Thompson substitute does not include the three nongermane Senate amendments, one of which is extremely important to small business and is along the lines of legislation that Congressman HANSEN and I have introduced.

The Boren amendment, which directs most safety inspections away from small businesses of 10 or fewer employees in nonhazardous industries, is very close to present law as contained in an amendment to the Labor/HEW Appropriations bill for fiscal year 1980 which passed the House and Senate.

This amendment should not be considered all that controversial, in that it will actually improve the safety of those workplaces where hazards have occurred by eliminating wasted time inspecting these smaller businesses with good safety records. What is very unfortunate is that for the $1 billion that Congress has spent for OSHA over the years, the rate of serious injuries in the workplace has actually increased. This is mainly because OSHA safety inspections have not been targeted in the right areas.

Meanwhile, the small businessman who employs a few people and has a good work safety record has had to bear an unnecessary burden and put up with much harassment from overzealous OSHA inspectors. Many times these small businessmen have fines levied upon them for supposed violations of OSHA law, later to find out that they were not in violation of the law.

Some of these businessmen will resort to expending the funds necessary to go to court to prove that they were not in violation of the law, but it is difficult for many small businessmen to use their scarce capital in fighting a legal battle with OSHA; therefore, they concede to pay a fine that they may not need to pay.

What I am trying to point out here, is that there is a lot of wasted time and money involved in OSHA's safety inspections of these small busineses with good safety records. It is a waste of tax dollars on the part of OSHA and a waste of capital for the small businessman to pay fines which he may not actually owe. Therefore, why not eliminate this waste, and concentrate OSHA's activities on the areas where safety is really lacking in the workplace.

As I stated earlier, I object to the way in which this rule was structured, in that our only recourse to save the Senate amendments is to defeat the rule. And due to the urgency of this legislation, we cannot afford to further delay its adoption lest we jeopardize the security of many multiemployer pension plans. While I strongly favor the inclusion of the three Senate amendments in this legislation, I am going to have to vote for the bill as it came to the Floor from the Rules Committee in order to preserve the pension plans of approximately 9 million participants.

Thank you for providing me with this opportunity to state my displeasure with the way in which this rule was adopted.●

● Mr. BIAGGI. Mr. Speaker, as a cosponsor of H.R. 3904 and a member of the Subcommittee on Labor Management relations where the bill originated, I rise to implore my colleagues to vote in favor of the pending rule. It is essential that we break the legislative stalemate which is causing millions of senior citizens to feel that Congress is playing a game of Russian roulette with their economic fortunes.

On May 22 when the House passed H.R. 3904 unanimously, I addressed the many merits of the legislation. Suffice it to say that H.R. 3904 has as its foremost objective to afford those individuals enrolled in multiemployer pensions, the same protections against fund collapse or mismanagement that we provided to individual private pensioners in the 1974 ERISA law.

Experts contend that without immediate passage of this legislation many multiemployer plans will be thrown into chaos. The provisions of existing law mandate that the pension benefit guaranty corporation guarantee all multiemployer pension plan benefits. However, the PBGC is severely underfunded and in fact there is a very strong incentive for employers to pull out of multiemployer plans while the signals from Washington are so confusing.

Equally as important as the final passage of the original provisions of the House passed H.R. 3904 is an amendment agreed to by the Senate and further amended under the terms of the pending Thompson motion. I refer to the so-called unemployment offset provisions under the terms of a law first enacted in the 94th Congress but just implemented in April of this year, the unemployment benefits for some 300,000 older workers were either eliminated or substantially reduced.

This is because the law revised the

internal revenue code to mandate that all States provide that the unemployment insurance benefits paid to any persons receiving pensions and other forms of retirement income including social security, be reduced dollar for dollar by the amount of the pension or other retirement benefits.

What the Thompson motion would do is eliminate the requirement that States reduce unemployment insurance benefits for social security or railroad retirement benefits. States would only be required to decrease unemployment benefits when a recipient's pension is provided by a "base period" employer. In this way, the pension offset would affect only those unemployed workers who were collecting unemployment benefits and retirement payments from the same employer. Furthermore, States at their option would be permitted to limit the offset so that it is effective only against the amount of the pension which was contributed by the employer.

Since this onerous law went into effect on April 1 of this year, I have been deluged with mail from irate citizens who believe that they are being unjustly punished. Permit me to quote from a few. One woman wrote:

> I work because I need the money to live with all the increases in rents, fares, food, et cetera. I think that this law is just about the worse thing that can happen to the senior citizens who are still working so that they will not be burden to anyone. I cannot understand how any can pass a law such as this.

Another echoes her sentiments:

> Many of us would rather work to earn enough money to exist, than accept public charity or welfare * * * we should be entitled to unemployment compensation when we are laid off, through no fault of ours, to compensate while we are looking for other work. This is not a "dole", our employer contributed to it.

I believe that these letters poignantly express the devasting effects of the law as it now stands. I strongly urge, therefore, that this motion be approved. It may determine the difference between survival and living the golden years with dignity—or scarcity and being forced to live on a substandard income during these difficult economic times.●

● Mr. ST GERMAIN. Mr. Speaker, I rise in support of the Thompson substitute to H.R. 3904. In addition to providing added stability to multiemployer pension plans, it addresses a question of utmost concern to the citizens of Rhode Island.

For months, I have been deluged with calls and letters from constituents who have retired and find themselves unable to collect unemployment compensation benefits. Some of these individuals have retired, returned to the work force because they are unable to subsist on meager pension benefits, and then have been laid off, only to find their unemployment compensation benefits reduced by the amount of their pension benefits. The Thompson substitute would correct this injustice, allowing such workers to collect unemployment benefits they have earned based on work in the current base-period, without the pension offset. States would also no longer be required to reduce UI benefits by the amount of social security or railroad retirement benefits.

The Thompson substitute corrects an inequity which never should have been allowed to exist. It is our responsibility to take this opportunity to restore unemployment compensation benefits to these individuals who have been the victims of earlier imprecise legislation.●

● Mr. DERWINISKI. Mr. Speaker, the legislation before us today is of vital importance to workers and retirees across the Nation. As I see it, the key issue here is to strengthen and save the pension programs involved in this legislation. The reforms included in the bill are essential to our older citizens, workers, and businesses. That is why I intend to vote in favor of deleting the nongermane amendments to this bill which were added by the Senate.

Even though I am a cosponsor of a House bill which would accomplish what one of the Senate's amendments is intended to do, I feel that H.R. 3904 is an improper vehicle on which to attach these unrelated proposals. The amendments concern important issues that merit consideration in their own right, and this is not the proper legislative situation to debate these maters.

I also feel that the other body should be discouraged from its practice of adding nongermane amendments to legislation of all kinds. This is most particularly true in a situation such as this when we are dealing with a major bill for which time is of the essence.●

● Mr. PEPPER. Mr. Speaker, as chairman of the House Select Committee on Aging, I have been growing more and more concerned about America's pension systems and the critical role they must play to ensure economic security for countless older Americans. This legislation which the House is considering today, H.R. 3904, the multiemployer pension plan amendments, would, as modified by Mr. Thompson's substitute amendment, bring a critical measure of stability to multiemployer pension plans and the lives of all those Americans who depend on benefits earned under those plans. I want to urge my colleagues in the strongest terms to support this legislation as modified by Mr. Thompson's substitute amendment.

Both active workers and retirees will benefit from the quick enactment of the legislation in the form to which I have referred. It will, in the first place, eliminate crippling nongermane antilabor provisions found in the version of this legislation approved by the Senate. I think that it could be a catastrophe if the Congress were to be stampeded into removing critical protections of law governing such matters as employee safety. And certainly we have worked so hard to develop an effective and comprehensive codes of employee safety protections, that any consideration of compromising those codes should be studied carefully and debated at length.

Why is this bill now critical to America's retirees? If we fail to adopt this legislation, the Pension Benefit Guaranty Corporation will not have the money to insure earned pension benefits from multiemployer plans. This poses a grave threat to retirees and the American taxpayer. Moreover, if we fail to enact this legislation, we may see a rush on the part of employers to withdraw from multiemployer pensions plans, and, thus, dump the liabilities which they have incurred on the Federal Government. I believe that the rights of active workers could be compromised by this as well, as great confusion could ensue regarding their future benefits.

The substitute amendment which Mr. Thompson is offering today also contains some very significant provisions which will protect the right of retirees and all those workers who will retire within the next three years to enjoy to the fullest extent possible pension benefits which they have rightfully earned under multiemployer plans. Mr. Thompson's amendment guarantees that these workers and retirees will not be shortchanged as to their legitimate expectation of pension benefits.

There is another very significant provision in the substitute amendment which I wish to call to the attention of all my colleagues. Under the amendment, we will be able to eliminate a terrible source of discrimination facing older workers. The legislation will help to insure that an older worker will be entitled to the full measure of unemployment compensation benefits due him or her in the event of layoff from a job. Under present law, in some situations the unemployment benefits or even the eligibility of older workers for benefits have been compromised because the older worker might have had some form of retirement income to rely on. That is nothing but pure discrimination, and I am proud that this legislation will help to restore those unemployment benefits which are legitimately owing to older workers who have been laid off.

I want you to understand that I think we have much left to do to revise and improve all of America's pension systems. But this legislation in the form we are considering today is critically needed as a first step toward improving the protections of Federal law under ERISA. I think it is very significant that many of the national aging organizations—as well as hundreds of thousands of older Americans—now support this legislation as it would be modified by the Thompson amendment. The American Association of Retired Persons, the National Retired Teachers Association, the National Council on the Aging, and numerous other organizations dedicated to representing the interests of older Americans join me in calling for quick enactment of this most important legislation as modified by the Thompson amendment.

Enactment of the legislation as I have described it could make a critical difference in the economic security of millions of older Americans. Decisive action on the part of the House can provide these deserving people with a measure of the security which should rightfully be theirs and help them to avoid the terrible cycle of poverty and desperation which may be their fate if they are shortchanged on pension benefits or unemployment compensation benefits.●

● Mr. ULLMAN. Mr. Speaker, H.R. 3904, the Multiemployer Pension Plan Amendments Act, is the product of many months of hard work and cooperation between the Committee on Ways and Means and the Committee on Education and Labor. The House version of this legislation passed the House without a dissenting vote on May 22. The deadline for mandatory guarantee of pension benefits under multiemployer pension plans has passed. Thus, the law that Congress enacted in 1974 is now in effect.

There is little disagreement that present law is inadequate. It does not provide a sound guaranty program which the Pension Benefit Guaranty Corporation can administer properly. And it leaves the multiemployer pension community in a very uncertain position as to the rights and duties of the parties. This situation must not continue. The adoption of the rule now under consideration is the quickest way to solve these problems.

The rule allows for an amendment that accepts several Senate changes in H.R. 3904. However, the balance of the House version of the bill is not substantially disturbed. Among the Senate changes that would be accepted under the motion are three provisions relating to unemployment compensation. The first would modify the Federal law that took effect on April 1 of this year requiring States to reduce a person's unemployment compensation benefits by the amount of any work-related retirement or pension income the person is receiving. The amendment would reduce the scope of this requirement, allowing States to disregard social security benefits as well as pensions that are based on employment prior to that which is considered in determining an individual's eligibility for unemployment benefits.

The second provision would extend from 90 days to 1 year the period of active duty an individual would have to serve in order for his or her military service to be counted in determining eligibility for unemployment benefits upon separation from the service.

The third unemployment compensation provision would prohibit an individual from collecting more than 2 weeks of extended unemployment benefits if he or she moves into a State in which extended benefits are not payable.

The House would agree with the "church plan" amendment providing that the current ERISA definition of church plan would be continued without reference to dates. The definition would be clarified to include plans maintained by a pension board maintained by a church. The definition of the term "employee" of a church would be expanded to include for example, a church minister in the exercise of his ministry, regardless of the source of his compensation, and certain former church plan participants. In addition, a notice and correction procedure for the amendment of church plans would be created.

The House would also agree to a Senate amendment that would allow an employer who sells his business to a State government to claim a current tax deduction for contributing an amount to its pension plan sufficient to fund accrued benefits. In addition, the House agrees in substance to Senate amendments that would preserve present law guarantees for retirees and employees within 3 years of retirement, clarify provisions of withdrawal liability applicable to the entertainment industry, provide a special definition of employee pension benefit plan for certain employees who lost benefits before the effective date of ERISA, allow certain supplemental payment plans and severance pay plans to be treated as welfare plans rather than pension plans under ERISA, and allow for the refund to employers of certain mistaken contributions to plans.●

GENERAL LEAVE

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the motion to concur.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 764, the previous question is ordered.

The question is on the motion offered by the gentleman from New Jersey (Mr. Thompson).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. THOMPSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—years 363, nays 0, not voting 69, as follows:

[Roll No. 487]

YEAS—363

Addabbo
Akaka
Albosta
Alexander
Ambro
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Archer
Ashbrook
Ashley
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boland
Boner
Bonker
Bouquard
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carr
Carter
Chappell
Cheney
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dicks
Dingell
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Fary
Fascell
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Grisham
Guarini
Gudger
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kildee
Kindness
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Rudd
Russo
Santini
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Stangeland
Stanton
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Walker
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NOT VOTING—69

Abdnor
Anderson, Calif.
Anderson, Ill.
Applegate
Aspin
Biaggi
Boggs
Bolling
Bonior
Bowen
Burton, John
Burton, Phillip
Carney
Cavanaugh
Chisholm
Conyers
Davis, S.C.
Dellums
Dickinson
Dixon
Dodd
Edwards, Ala.
Edwards, Okla.
Evans, Ga.
Fazio
Ford, Tenn.
Forsythe
Garcia
Giaimo
Grassley
Guyer
Heckler
Holtzman
Kemp
Kogovsek
Leach, La.
Lederer
McEwen
Mathis
Mollohan
Moorhead, Pa.
Murphy, N.Y.
Myers, Pa.
Nedzi
Nichols
Nolan
Paul
Pepper
Pursell
Quayle
Roberts
Rodino
Rousselot
Sabo
Satterfield
Shannon
Staggers
Steed
Stewart
Stockman
Thomas
Vander Jagt
Wampler
Watkins
Waxman
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Young, Alaska

☐ 1820

The Clerk announced the following pairs:

Mr. Mollohan with Mr. Rousselot.
Mr. Rodino with Mr. Thomas.
Mr. Pepper with Mr. Bob Wilson.
Mr. Nedzi with Mr. Dickinson.
Mr. Fazio with Mr. Guyer.
Mrs. Boggs with Mr. McEwen.
Mr. John L. Burton with Mr. Quayle.
Mr. Davis of South Carolina with Mr. Forsythe.
Mr. Murphy of New York with Mr. Edwards of Oklahoma.
Mr. Lederer with Mr. Carney.
Mr. Giaimo with Mr. Abdnor.
Mr. Dodd with Mr. Edwards of Alabama.
Mr. Nichols with Mr. Vander Jagt.
Mr. Myers of Pennsylvania with Mrs. Heckler.
Mr. Nolan with Mr. Stockman.
Mr. Ford of Tennessee with Mr. Kemp.
Mr. Satterfield with Mr. Paul.
Mr. Sabo with Mr. Pursell.
Mr. Staggers with Mr. Williams of Ohio.
Mr. Moorhead of Pennsylvania with Mr. Wampler.
Mr. Anderson of California with Mr. Dixon.
Mr. Applegate with Mr. Shannon.
Mr. Aspin with Mr. Evans of Georgia.
Mr. Biaggi with Mr. Mathis.
Mr. Bonior of Michigan with Mr. Garcia.
Mr. Bowen with Mrs. Chisholm.
Mr. Phillip Burton with Mr. Watkins.
Mr. Cavanaugh with Mr. Stewart.
Mr. Conyers with Ms. Holtzman.
Mr. Kogovsek with Mr. Leach of Louisiana.
Mr. Dellums with Mr. Charles H. Wilson of California.
Mr. Waxman with Mr. Steed.
Mr. Roberts with Mr. Young of Alaska.

Mr. BEDELL changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO SIT TOMORROW, AUGUST 26, 1980, AND WEDNESDAY, AUGUST 27, 1980, DURING 5-MINUTE RULE

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be permitted to sit tomorrow and Wednesday during the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WEAVER. Mr. Speaker, I object.

The SPEAKER. The Chair will announce that it takes 10 Members to object. Those who wish to object will please stand and be counted.

Mr. WEAVER. Mr. Speaker, reserving the right to object, may I ask the gentleman from Texas (Mr. Kazen) what bill we were to be debating in the committee?

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. WEAVER. Surely; I yield.

Mr. KAZEN. The gentleman, as a member of the committee, knows that we have scheduled the northwest power bill for markup on tomorrow and on Wednesday, if necessary, and that is what I am doing. The northwest delegation and the gentleman himself are interested in that bill.

Mr. WEAVER. Mr. Speaker, I object, and I hope that 10 will join me and object with me.

The SPEAKER. The Chair will count the number of Members objecting. The Chair will count those Members who are standing.

An insufficient number. Without objection, permission is granted.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
August 22, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from The White House, received in the Office of the Clerk at 6:35 p.m. on Friday, August 22, 1980, and said to contain H.R. 7102, An Act to amend title 38, United States Code, to promote the recruitment and retention of physicians, dentists, nurses, and other health-care personnel in the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes, and a veto message thereon.

With kind regards, I am,
Sincerely,
EDMUND L. HENSHAW,
Clerk, House of Representatives.
By W. RAYMOND COLLEY,
Deputy Clerk.

VETERANS ADMINISTRATION HEALTH CARE AMENDMENTS OF 1980—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96-362)

The Speaker laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning without my signature H.R. 7102, the Veterans Administration Health Care Amendments of 1980, because this bill would provide $80 million a year to Veterans Administration ("VA") physicians in unwarranted salary bonuses rather than target that amount on veterans themselves.

As President, I have worked with the VA to ensure that the health care provided to our veterans is the finest in the world. Toward that goal, during the last three years, I have supported and signed legislation to expand and improve the treatment of all veterans who need to receive care from the Veterans Administration. Clearly, much more remains to be done for our veterans, and it is essential that we direct additional funds to those most in need.

What is *not* essential, and what does *not* further our goal of directly helping sick and disabled veterans, is spending a large sum of money to give VA physicians currently earning an average of $55,000 a year up to 38% bonuses, making them by far the highest paid medical personnel in the entire government. Indeed, so generous are the bonuses provided in this bill that mid-career VA physician could earn 30% more ($76,200 vs $58,700) than the maximum authorized annual salary for Armed Forces physicians. The Defense Department has recommended a veto of this bill because this differential in pay may adversely affect its ability to solve the current physician recruitment and retention problems in the military.

I am concerned about attracting and retaining excellent VA physicians. But the current salary and benefits are more than sufficient to do that. At the same time, the current level of health care is not, in all areas, sufficient. Therefore, rather than spend $80 million on unneeded bonuses for a relatively few physicians, I would prefer that the Congress target funds more directly on improving health care benefits and treatment for veterans.

I therefore urge the Congress to pass a bill which meets the other goals of H.R. 7102, including the Veterans Administration real and specific needs for certain physician specialists, while providing—from the money that would have been projected for excessive bonuses—for improved health care treatment of veterans.

JIMMY CARTER.

THE WHITE HOUSE, *August 22, 1980.*

The SPEAKER. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that further consideration of the veto message from the President on the bill, H.R. 7102, be postponed until tomorrow, Tuesday, August 26, 1980.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to announce that the veto message will be the first item of business on tomorrow, Tuesday, August 26, 1980.

APPOINTMENT AS MEMBERS OF DELEGATION TO INTERPARLIAMENTARY UNION

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276a-1, as amended by Public Law 95-45, the Chair appoints as members of the delegation to attend the Conference of the Interparliamentary Union, held in Berlin, East Germany, on September 16 through 24, 1980, the following Members on the part of the House:

Mr. PREYER of North Carolina, chairman; Mr. DERWINSKI of Illinois, vice chairman; Mr. FOUNTAIN of North Carolina; Mr. PEPPER of Florida; Mr. BOWEN of Mississippi; Mr. LEVITAS of Georgia; Mr. ICHORD of Missouri; Mr. DE LA GARZA of Texas; Mr. DUNCAN of Oregon; Mr. BROOMFIELD of Michigan; Mr. McCLORY of Illinois; and Mr. BUTLER of Virginia.

ANNUAL REPORT OF OFFICE OF PERSONNEL MANAGEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Post Office and Civil Service:

(For message, see proceedings of the Senate of today, August 25, 1980.)

ANDREI SAKHAROV ON THE 1980 CSCE REVIEW MEETING

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, as many of my colleagues are aware, the next meeting to review compliance with the Final Act of the Conference on Security and Cooperation in Europe (CSCE) will open this fall in Madrid. In the 3 years since the Belgrade review meeting, Europe and the world have witnessed a serious heightening of international tension. Soviet troops have invaded Afghanistan. The SALT II agreement has been indefinitely postponed. Labor unrest is sweeping Poland.

The Soviet Union has violated virtually every humanitarian provision of the CSCE Final Act. Between June 1979 and May 1980, more than 150 persons were imprisoned in the U.S.S.R. for seeking to exercise rights guaranteed them by the Final Act and international law. Emigration figures have reached their lowest levels in years. Voice of America broadcasts are being jammed for the first time since the opening of the CSCE talks in Geneva in 1973. In short, Soviet implementation of the Final Act is worse now than at any time since 1975, the year the agreement was signed.

How the United States should respond to this situation has been the subject of considerable debate. Some believe that the presence of the United States in Madrid would be tantamount to condoning Soviet actions. They suggest that we boycott the meeting. Others, who fear a spiraling cycle of superpower confrontation, would have us go to Madrid but would have us keep silent about Soviet violations.

The following letter signed by Academician Andrei Sakharov addresses these issues. Given to Western newsmen on August 11, the letter makes a forceful argument in favor of a united Western stand at Madrid to counter Soviet transgressions. As chairman of the Commission on Security and Cooperation in Europe, I commend it to the attention of my colleagues.

AN OPEN LETTER FROM ACADEMICIAN ANDREI SAKHAROV AUGUST 11, 1980

The Helsinki Final Act proclaims a most important principle linking international security and trust with respect for human rights. In this lies its historic significance. Principle VII of Basket I expresses this concept most fully when it obligates the signatory states to fulfill all the provisions of the International Covenants on Human Rights and the Universal Declaration of Human Rights. These documents include guarantees of freedom of conscience and information; freedom to choose one's country of residence (not merely for the purpose of family reunification); freedom to choose one's place of residence within a country; freedom of religion and freedom of association.

The signatory states also recognized the right of mutual review of the agreement's implementation. Such review is not to be regarded as intervention in another country's internal affairs, but as an act promoting international security and trust.

The Final Act was one stage in the formation of an international doctrine protecting human rights.

Unfortunately, these principles have not been realized in practice. I assume that violations of human rights have occurred in many countries, including those in the West. However, I am closest to the situation in the Soviet Union and Eastern Europe and I will limit my remarks to this area.

Over the past five years, observance of basic civil and poiltical rights in these countries has worsened, not improved. Repression against members of the Helsinki Groups in the USSR and Charter '77 in Czechoslovakia—groups formed to promote observance of the Final Act—provides the most glaring and provocative example of such violations.

These are infringements which demand unequivocal, uncompromising action by all signatory states. Concrete steps must be taken; action must not be limited to protests.

More than forty members of the Helsinki Group are imprisoned in the Soviet Union. Also behind bars are many who did not formally join the Groups, but who took part in activities which shared the same noble goals—the dissemination of information and the defense of human rights. These individuals have been imprisoned for their involvement in information and discussion journals and for their participation in the movements for freedom of religion and of emigration. It is the duty of governments, public organizations and concerned individuals of the signatory states to come to the defense of these people.

The world is indivisible. The truth of this statement has been shown by the consequences of departing from it.

For this reason, I cannot agree with those who believe that the Soviet invasion of Afghanistan bears no relationship to security in Europe. Similarly, I do not agree with those who suggest, either as a result of Soviet involvement in Afghanistan or as a result of intensified repression, that the Madrid CSCE review meeting should be boycotted. I believe that the participating states have an obligation to use the opportunity presented by Madrid to facilitate a political solution to the crisis of Afghanistan. This should include the withdrawal of Soviet troops and guarantees of peace, neutrality and free elections. Madrid should also be used to facilitate the release of prisoners of conscience in the USSR, in Eastern Europe and in the West—should such prisoners exist there. I have in mind persons who have never advocated or practiced violence.

In Madrid, the actions of Western signatory states should be more unified, resolute and uncompromising than they were in Belgrade. The heightened tensions of the international situation makes this an urgent necessity. The Helsinki Final Act, as detente in general, has purpose only if implemented fully by all parties. No country should shy away from discussion of its own problems—be these the problems of Northern Ireland, the Crimean Tatars or the deportation of Sakharov. I am speaking here of the reluctance some states have shown to discuss violations in other countries. But the whole idea behind the Helsinki Final Act lies in mutual review, not in mutual avoidance of difficult problems.

I would like to add a few words about a personal matter, although I suspect that several members of the mass media will omit this paragraph as if they knew better than I, what I do, and do not, find important. Six months ago, my deportation to Gorky captured the attention of world public opinion and of government figures. I appeal to all those who expressed their concern then to help me now to obtain permission for our son's fiancee, Elizaveta Alekseeva, to leave the USSR. I particularly appeal to those governmental and public figures who may have contact with Soviet leaders, Liza's fate, the extended separation of these two lovers, has become a form of pressure on me. Her case is a purely personal matter; there are no state interests involved. I do not know what plans the authorities may have in this regard; I only know that the situation has even now become deeply tragic. I await help in what is to me a very real and very important matter.

TERMINATION INSURANCE FOR MULTIEMPLOYER PENSION PLANS

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, H.R. 3904, legislation to provide termination insurance for multiemployer pension plans is scheduled for further consideration this afternoon. I would like to take this opportunity to call attention to an amendment included in this bill by the other body. The provision would revise the offset between retirement pay and unemployment insurance benefits.

The 94th Congress decided that unemployment benefits should be offset by individuals' retirement pay. As we all know from our many constituents who have been affected by this law that went into effect last April 1, those who are collecting retirement pay and have been laid off from another job have been denied their unemployment benefits.

The original intent of this law was to guard against "double-dippers," particularly those who had retired, taken another job, and been laid off with no plans of looking for another job or resuming work once their unemployment benefits had run out. But this description most certainly does not fit many people who are collecting retirement pay. These people have taken another job in an attempt to maintain a dignified way of life, which has become increasingly difficult as high inflation rates undermine the purchasing power of fixed incomes. In taking a second job, these individuals have every intention of working for as long as they can, and are planning to return to work as soon as they can find another job or resume their temporarily disrupted employment.

These people are not "double-dippers" in the pejorative sense of that phrase. Moreover, they are often among the "first-fired" because they are older than most workers. We have clearly done these older workers a disservice by questioning their attachment to the workforce. Today, we will have a chance to rectify this situation.

Under the House substitute to H.R. 3904, there is a provision similar to H.R. 5507, which passed the House overwhelmingly on February 6 of this year. The States will be given several options in the design of the pension offset in their unemployment insurance systems. First, those people who are collecting retirement pay on a job other than that against which they wish to file an unemployment claim would be entitled to full unemployment benefits.

Second, for those who may be collecting retirement pay on the same job against which they wish to file an unemployment claim, their unemployment benefit would only be reduced by the amount of their retirement pay that is attributable to their employer.

I commend the Senate for including these necessary revisions of Public Law 94–566 in the bill that will be before us today, and trust that we can enact these changes in the pension offset into law.

☐ 1830

THE LIFE, CHARACTER, AND PUBLIC SERVICE OF THE LATE HONORABLE HAROLD RUNNELS

The SPEAKER pro tempore (Mr. Coelho). Under a previous order of the House, the gentleman from New Mexico (Mr. Lujan) is recognized for 60 minutes.

GENERAL LEAVE

Mr. LUJAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks, and to include extraneous matter, on the subject of my special order today, the life, character, and public service of the late Honorable Harold Runnels.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the distinguished Speaker.

Mr. O'NEILL. I want to thank the gentleman.

Mr. Speaker, it is with a great sense of sadness that I rise to join my colleagues in paying tribute to one of the most likable Members of the U.S. House of Representatives, the Honorable Harold Runnels.

We are all saddened by his untimely passing. Congressman Runnels gave the full measure of energy and enthusiasm to the deliberations of this Chamber. A favorite among committee staff, House employees, and Members on both sides of the aisle, Harold Runnels was at ease with northerners, southerners, westerners and easterners. He was an all-American Congressman. Even those of us in this Chamber who espoused a political philosophy which differed substantially from Harold's were genuinely fond of him as a warm and gentle human being. Harold was a really likable colleague, friendly to everyone, and one of the hardest working Members of the House. He always had a good sense of humor, a kind word to say about his fellow members, and no other member in the House had any greater respect for the Congress as an institution than Harold Runnels.

The citizens of the Second District of New Mexico can be mighty proud that they were privileged to have such a strong advocate as Harold Runnels working in the House for their interests. Harold enjoyed 20 years of distinguished public service beginning with his election in 1960 to the New Mexico State Senate. During the past decade in which he served in the U.S. House of Representatives, energy was the No. 1 issue and the No. 1 national dilemma.

During the many debates and legislative proposals that led to the formation of a comprehensive national energy policy which would accommodate all the diverse and parochial interests represented, Harold was recognized by his colleagues in the House, by the President of the United States and the entire oil and gas industry as a leading expert on oil and gas issues. Indeed before he began his illustrious public service career, Harold, as a private citizen, earned his living drilling mud for oil wells.

I can truthfully say that Harold was a formidable force with which to reckon during the lengthy negotiations that culminated in the National Gas Policy Act of the 95th Congress; and throughout the entire deliberations he never betrayed the trust that his constituents had placed in him to voice and to fight for their energy interests and concerns.

One of the last major areas in which Harold devoted his time, energy, and initiative in this Congress has been the Alaska National Gas Transportation System which, if brought to fruition, would be the largest privately financed business venture in drilling mud for oil wells in history.

Harold performed each succeeding legislative task with competence, diligence and resourcefulness. A member of the Armed Services Committee, Harold was a consistent supporter of strong defense programs, particularly in the area of air and sea training power. As chairman of the Interior oversight Subcommittee, Harold used this position of influence and power to promote and develop legislation of vital concern to his Southwest constituency: Indians, public lands, and oil and gas.

Harold personified the self-made man that is the backbone of America. He always maintained a full schedule of activities here in Washington and back home in New Mexico. Born and reared during the depression in a chicken coop, Harold learned early in life the crucial instincts of survival and self-education. Resourceful and inventive, he developed, through his own ingenuity, a mud pump drilling apparatus for drilling oil—which modernized and expedited methods of drilling oil in the Southwest.

Harold, affectionately called "Mud" Runnels by his close friends and colleagues, was a proud and defiant son of New Mexico. He represented its people and fought tenaciously for their interests and welfare in the halls of the U.S. Congress. We will all miss his humor, good naturedness and his energy expertise. I and my wife, Millie extend our sincere condolences to his beautiful wife, Dorothy, and the entire Runnels family.

Mr. LUJAN. I thank the Speaker for those nice words.

Mr. Speaker, it is with deep sadness that many of us learned of the passing on August 5, 1980, of our good friend and colleague, Congressman Harold Runnels of New Mexico's Second District. Representative Runnels was truly one of our Nation's outstanding public servants. His service to the citizens of my native State of New Mexico span a 20-year period, 10 years as a member of the New Mexico State Senate and the last 10 years as a Member of Congress. All of us in this Congress lost an outstanding colleague, but I personally lost a close and dear friend.

Even though we were members of different political parties, Harold was as good a friend as any I have ever had. For the past decade Harold and I served as New Mexico's only two Members of the House. This naturally brought us together often on legislative matters and other Federal-level projects affecting our State. But our association was much more than two Members of Congress representing regional or parochial interests. Harold Runnels was the type of man whom anyone would be proud to call a friend. He was a man of humble beginnings who in the American tradition achieved great success in business, yet he never forgot his beginnings and his hundreds of friends spanned every walk of life. His keen mind and sharp wit enabled him to take any complex subject or controversial issue and put it in perspective. Whether one agreed with him or not on a particular issue, there was never any doubt as to where he stood and his reasons for doing so. The special brand of Runnels humor was an institution when he served in the New Mexico State Senate, and it carried over to this Congress. He could find humor in almost any subject, and his presence brightened many a late night session of the House.

Harold Runnels was loved and admired by elevator operators, pages, doormen, as well as committee staff members and the personal staffs of many Members of this House.

Perhaps the best tribute to Harold was given by a former pastor of his church who said at his funeral at Lovington, N. Mex., on August 8:

> Harold Runnels was the most important man I have ever known. When I was with him, he always made me feel like I was the most important man in the world. He cared.

Harold represented his district well as evidenced by the fact that in 1978 he became the first Member of Congress from New Mexico to be reelected without opposition from either party. He had already been elected to the 97th Congress without opposition in the November election.

Harold was a man of great personal courage and dedication. This was probably the most exemplified in recent months when his health was failing, but few people knew how sick he really was. He was taking chemotherapy treatment for cancer. He would get up early in the morning, catch a shuttle to New York, take his treatment and be back in time to vote on the House floor that afternoon. Many of us would have given up when confronted with such a challenge, but Harold had a zest for living and a dedication to duty that has been matched by few people. He was truly a remarkable man. He will be missed by all who knew him well and experienced the pleasure of his company and friendship. I personally will miss him a great deal.

Mr. RUDD. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Arizona.

Mr. RUDD. I thank the gentleman for yielding. I would like to join the gentleman in this special order and commend him for taking the special order for a great American, Harold Runnels, who so ably represented the 18 counties of his district in New Mexico, that great sister State to my own State of Arizona. I worked closely with him on matters of mutual interest. He was always most cooperative and very knowledgeable. He introduced all sorts of legislation that benefited the native Indian Americans that we both were privileged to represent. He also introduced important legislation in the geothermal energy field. I personally do not know anybody in the House of Representatives who knew more about what really happens when you put an oil well down than did Harold Runnels. I will miss the mischievous smile that he always wore to put people at ease, to go forward and bring people into his personal area of concern. I will miss him, as will other people.

I yield back the remainder of my time to my colleague, the distinguished Representative of the State of New Mexico (Mr. Lujan).

Mr. LUJAN. I thank the gentleman for his kind words.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I will be glad to yield to the gentleman from Arizona.

Mr. UDALL. I thank my colleague from New Mexico for what he said, and I think the Speaker put it about as well as it could be put.

When I first met Harold Runnels, they were having a big Democratic rally in Farmington the year he first ran for Congress. I had never met him, but I had been asked to go there and speak. We went to the dinner, and I had quite a bit of conversation afterward, and I thought leaving there that somehow this guy and I had a special bond of affection and trust that nobody else had and discovered when I got to know Harold Runnels that he made everybody feel that way.

I have served with—I counted them up the other day—something like over 1,000 different Members of Congress in my 20 years here. I do not like superlatives, but I think probably Harold Runnels had a better rapport with Members and was better liked by more Members than any Member I have served with during all of these years. He had a basic decency, a love of life, and a willingness to joke and talk—and a willingness to change his position if he felt he was wrong. He was a practical legislator and a practical man. Lord, how we are going to miss him. He was very great, and I shall always consider it a privilege to have served with him in this Congress.

☐ 1840

Mr. JOHNSON of Colorado. Mr. Speaker, will the gentelman yield?

Mr. LUJAN. I yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado. Mr. Speaker, I want to join the gentleman from New Mexico and the gentleman from Arizona (Mr. Udall) in the remarks they have made about our colleague, Harold Runnels. Those of us who served in the minority and those of us who come from the Western States have a particular affiliation for one another and the bonds of friendship that are formed, I think, are rather unique around this body and Harold Runnels was a friend to all of us but he was particularly a friend of those from the West. He was a westerner in the highest sense of that term. He was a plainsman, a man of rugged integrity, a man of great humor, a lot of fun and great ability. The people of New Mexico were lucky to have Harold Runnels representing them for so long.

I join with the gentleman in his remarks.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Speaker, this House is a poorer place with the passing of Harold Runnels. He served here almost 10 years, yet his kindly spirit and friendly manner made him seem like a permanent fixture. He had served in the Air Force in World War II, and for a time was employed by the Federal Bureau of Investigation before he founded the Runnels Mud Co. and Runco Acidizing and Fracturing Co., serving the oil industry in New Mexico, Texas, and other States.

His public service included 10 years in the New Mexico State Senate before he came to this House. He was known then as "a good old boy from little Texas," and we in the Texas delegation came to count him one of us. I doubt that there was a single Member of this body who did not know of his fight for health, and it was typical of his good humor as well as his courage that he once said on this floor, as we discussed the problems of nuclear power which he advocated "I am more radioactive, from the treatments I've had, than most of the plants or equipment producing nuclear power."

He was always gentle. In serving with him in this House, and on the Armed Services Committee and the Interior and Insular Affairs Committee, I cannot recall him ever really losing his temper. Even in the days when his illness was most burdensome, he served his constituents and his Nation with grace as well as courage.

Mr. Speaker, my wife Connie joins me in expressing our deepest sympathy to his family and we want his lovely wife, Dorothy, and his children to know that we miss him as a friend, a fellow worker and a great American.

I thank the gentleman for yielding.

Mr. KAZEN. I thank the gentleman for his kind words.

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Speaker, I would like to join my colleagues in honoring our late colleague, the Honorable Harold Runnels, of the Second District of New Mexico, who distinguished himself as an able and dedicated public servant. His public service, experience, wit, and character will be greatly missed by his district, his State, and his country.

I have had the honor of working closely with Harold on the Subcommittee on Oversight and Investigations, where he served as chairman and worked diligently on the important ANGTS issue. His hard work on the Interior Committee has proven his dedication and commitment to energy conservation.

During his years of service in the House, Harold established himself as one of this body's most respected and hard working Members. Those of us who were fortunate enough to serve with and work closely with him know well that his dedication to his district and the country and to the principles of our democracy was a total commitment. He was an inspiration to me, as I know he was to all who came to know him. His wisdom, leadership, and humor will be sorely missed in this Chamber.

I do not know anyone who did not like Harold Runnels.

Mr. LUJAN. I thank the gentleman.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding.

As the Speaker said, Harold Runnels was certainly an all-American Congressman. I know my colleague, the gentleman from Texas (Mr. Hall) and Miss Jonna Lynne Cullen, kept us posted in the tough days that Harold was having. We had an update report from these two people as well as from the gentleman in the well.

Mr. Speaker, I had the privilege of sitting next to Harold Runnels on the Committee on Armed Services for 8 years. I do not recall him ever making a weak vote. Every vote he made was for a strong defense.

I would just like to say during his terrible sickness, he came to the House several times to see us. He loved us and we loved him.

Mr. Speaker, I appreciate the gentleman giving me this opportunity to speak.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman from New Mexico for yielding.

Mr. Speaker, I also want to add my condolences to Dorothy and to his family. Harold Runnels, as the gentleman from Arizona (Mr. Udall) so aptly described, was one person it was impossible not to like. I quite often paid him my own mental compliment during rollcalls by checking to see how he voted because so close were our views on many issues that I wanted to make sure that I was right and I knew that Harold would be.

Even in the adversity of his last illness he was always able to make jokes about it, some of them hilarious and I know the gentleman from New Mexico shared some of those with both of us.

Mr. Speaker, we know many people in many ways in our lifetime and in the House of Representatives a special bond of affection is created amongst those of us who work together, even though we may not always agree. HAROLD RUNNELS was a very special person in my life and in the lives of thousands of other people he represented and was very special, I am sure, to his family. The United States has lost a great public servant. The State of New Mexico should be very proud of the record he established.

And I have lost a very good friend.

Mr. HALL of Texas. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Texas.

Mr. HALL of Texas. Mr. Speaker, HAROLD RUNNELS was one of the finest men it has ever been my privilege to know. He was a close personal friend, and I have felt this untimely passing with a sense of profound grief.

During his titanic struggle to live, I visited with him in his hospital room in New York and at his farm in Virginia. In those last few weeks as his life ebbed away, he was optimistic, magnanimous, and courageous. He knew that the end was near, although he never gave up.

HAROLD RUNNELS loved life. He loved people. The art of politics was as natural to HAROLD as any person who serves in this body. The voters of New Mexico's Second District started electing HAROLD to public office 20 years ago, and I believe they would have continued this process for the next 20 years.

Several years ago a popular broadway play, "A Man for All Seasons," became a film and received an Academy Award for best film for that year. It was the story of one of the giants of Western civilization, Thomas More. Sir Thomas was a politician. He knew the art of compromise and the give and take of politics. But on a point of principle, he would not compromise. HAROLD RUNNELS was schooled in the same philosophy. He was like the Rock of Gibraltar in standing firm for high ideals; principle and good ethics. He was truly a "Man for All Seasons."

HAROLD achieved his fame and fortune in New Mexico, but I am proud to say he was born in Texas. A veteran of World War II and a successful businessman, HAROLD RUNNELS was one of the most active people imaginable. His sense of humor was legend. How many times have those of us in this body benefited from his ready smile, quick humor, and marvelous stories? No doubt about it, most of us have shared a laugh with him.

As I look back on the memory of this remarkable man, many fine traits and characteristics will come to mind. One is the inspiration he gave me and others close to him toward the end of his life. HAROLD was a man of Christian principle, a man at peace with himself, and these virtues shone through at the toughest point in his life.

Another trait was his deep and abiding love of family. His wife, Dorothy, is a lovely, courageous person, who suffered through HAROLD's long illness with dignity and a faith that should serve as an inspiration to all similarly affected. He also leaves four children—Michael, Phillip, Matthew, and Eydie—who share in common the high ideals of their father.

Also, when we look back on HAROLD's career, it can be said with authority that he stood foursquare for America. He believed in a strong national defense, and as a member of the Armed Services Committee, he fought long and hard in behalf of America's legitimate defense needs. Like every American 45 years of age and older, HAROLD RUNNELS remembered Pearl Harbor. He understood the nature of imperialistic, adventurous regimes that seek to destroy democracy and freedom, and he was committed to keeping the peace by maintaining a line of defense second to none.

A man like HAROLD RUNNELS passes this way all too seldom. Maybe Robert E. Lee summed it up best when he responded to the question:

General, what is the most important word in the language?

Lee responded firmly that the word is "duty." HAROLD RUNNELS recognized his duty to family, State, and Nation. He did not shirk duty. He did not shy from responsibility. He was firm and resolute. Yet, throughout it all, he was one of the most pleasant and sincere people to ever take the oath of office in this Chamber.

I shall miss him. We will all miss him. To his wife and children, I extend my deepest sympathy. To the Nation, which he loved so much, I say thank God for men of his calibre who are called upon for public service.

As I mentioned at the eulogy delivered at his funeral, a certain passage of scripture comes to my mind at a time such as this—Philippians, 4th chapter, 8th verse, the following admonition appears:

Finally brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report if there be any virtue and if there be any praise; think upon these things.

This passage is typical of the life of HAROLD RUNNELS, because he believed in the things that were true, honest, just, pure, lovely, and of good report—it behooves us all to think upon the things he lived by.

☐ 1850

Mr. LUJAN. I thank the gentleman, and I know the gentleman was a great friend of HAROLD's, having spent many of his last hours with him and delivering the eulogy at his funeral. I do think, though, that HAROLD would be very disappointed in me if I let go unchallenged the claiming of my friend from Texas of HAROLD for the State of Texas. I think that is kind of the only argument that HAROLD and I ever had, the First District versus the Second District.

But, I think he would have joined me in challenging the gentleman claiming him for the State of Texas. That was the kind of guy HAROLD was.

Mr. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Speaker, I appreciate the distinguished gentleman from New Mexico (Mr. LUJAN) yielding to me so I may join with other Members in honoring the memory of our late colleague and our friend from New Mexico, HAROLD RUNNELS.

It was my privilege to have known HAROLD during his nearly 10 years of service in Congress. We came to know one another better when in 1973 he became a Member of the Interior and Insular Affairs Committee. I share additional responsibilities with him when he became chairman of the Subcommittee on Special Investigations in the 95th Congress, and chairman of the Subcommittee on Oversight and Investigations in the 96th Congress and I served as the subcommittee's ranking minority member in each Congress.

HAROLD possessed an unusual expertise in petroleum and other energy matters. His expertise proved invaluable when the Special Investigations Subcommittee conducted hearings on the construction and environmental impact of the trans-Alaska oil pipeline system.

HAROLD later applied his perseverance to conducting hearings concerning the distribution of Alaska North Slope crude and the administration of the Trans-Alaska Pipeline Act by the Department of the Interior.

He was committed toward seeing the oil pipeline constructed and operated in a manner which would protect the vast wilderness it traverses. Based upon findings from a series of our subcommittee hearings, we waged a campaign to have Congress enact legislation which would prohibit the export of Alaska North Slope crude and would allow all Americans the availability of this scarce resource.

Last year as chairman of the Oversight and Investigations Subcommittee HAROLD conducted hearings on the proposed Alaska natural gas transportation system based on two factors: The pipeline's impact on our domestic energy supply picture and the reorganization of the Federal Government to accomplish a specific energy goal. He was committed toward seeing the proposed Alaska natural gas transportation system become a reality and the Federal Government assisting by cutting bureaucratic red tape.

The information gained from the congressional hearings chaired by HAROLD will provide the Committee on Interior and Insular Affairs and the House with a basis for enacting further energy independence legislation. He was a man genuinely liked—even by his political and philosophical opponents. He truly lived by the Golden Rule—"Do unto others as you would have them do unto you." His vision, courage, and perseverance will be missed.

In crossing the river, he leaves a wonderful family—his wife, Dorothy, and their children, Mike, Phillip, Matt, and Eydie, to carry on his service to his State and Nation and his spirit of "Life is real." HAROLD RUNNELS lived in the spirit of the poem by Henry Wadsworth Longfellow, "A Psalm of Life":

Tell me not, in mournful numbers,
  Life is but an empty dream—
For the soul is dead that slumbers,
  And things are not what they seem.

Life is real! Life is earnest!
  And the grave is not its goal;
Dust thou art, to dust returnest,
  Was not spoken of the soul.

Not enjoyment, and not sorrow,
Is our destined end or way;
But to act, that each tomorrow
Finds us farther than today.

Art is long, and Time is fleeting,
And our hearts, though stout and brave,
Still, like muffled drums, are beating
Funeral marches to the grave.

In the world's broad field of battle,
In the bivouac of Life,
Be not like dumb, driven cattle!
Be a hero in the strife!

Trust no Future, howe'er pleasant,
Let the dead Past bury its dead.
Act—act in the living Present.
Heart within, and God o'erhead.

Lives of great men all remind us
We can make our lives sublime
And, departing, leave behind us
Footprints in the sands of time;

Footprints, that perhaps another,
Sailing o'er life's solemn main,
A forlorn and shipwrecked brother,
seeing, shall take heart again.

Let us, then, be up and doing.
With a heart for any fate;
Still achieving, still pursuing,
Learn to labor and to wait.

I am going to miss HAROLD RUNNELS as much as my own brother—a decent, honest, creditable, and totally trustworthy human being.

He had qualities in his character that can only be described as outstanding—sensitive to his people's needs and concerns, responsive to his State of New Mexico's objectives, and a full measure of dedication and devotion to the country he loved so much.

HAROLD RUNNELS, my close friend and working colleague, was a truly great Congressman—in the best tradition of New Mexico's congressional representation.

Mr. LUJAN. I thank the gentleman for those words.

Mr. LEATH. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Texas (Mr. LEATH).

Mr. LEATH. Mr. Speaker, I am pleased that my colleague from New Mexico has taken this special order to pay tribute to our dear friend, HAROLD RUNNELS.

I was thinking last week, just where did I meet HAROLD? It seemed that I had known him forever, and as I reflected on those words it occurred to me that when I came here in January 1979, as a freshman Member of Congress from Texas, a few months after that, when my family still was not here, and still feeling somewhat lost, I recalled that I had met HAROLD RUNNELS on the parking lot of the Giant store out in Arlington. He recognized that I was a Member of Congress by the license plate on my car, and came up and introduced himself. He could see the loss I was feeling from being away from my family, and the frustration. From that time on, that infectious smile of HAROLD's never ceased to be something I looked forward to every day.

HAROLD RUNNELS to me was the epitome of the person that should serve in this Government and in this Congress. He was the epitome of the great free enterprise system of ours. As has been pointed out by most of our colleagues, he was a man that started with nothing and achieved tremendous success; but never forgot where that success came from. He felt a deep obligation to give something back to a nation that would allow him to achieve that success.

☐ 1900

And give it back, HAROLD did. He gave it back in spades day by day.

This Nation, in losing HAROLD RUNNELS, has lost a great patriot. This Congress, in losing HAROLD RUNNELS, has lost a great statesman. But my family and many of colleagues have lost a dear friend.

As my son Thomas and my wife Alta join me in expressions of sympathy, I am reminded of what Thomas said the night we told him that HAROLD has passed. He said, "Daddy, nobody will ever replace Uncle HAROLD."

Mr. Speaker, we will miss him, but we will never forget him.

Mr. LUJAN. Mr. Speaker, I thank the gentleman from Texas (Mr. LEATH) for his contribution.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Mississippi.

Mr. LOTT. Mr. Speaker, I just want to say that we all remember and miss HAROLD RUNNELS also, and I want to thank the gentleman from New Mexico (Mr. LUJAN) for giving us this opportunity to speak.

I did not know HAROLD probably as well as most of those Members who have spoken before me here today, but I enjoyed his company so much and I appreciated his presence here in this body. HAROLD did have an unordinary sense of humor that we all enjoyed so much when we had a chance to visit with him over there in the center aisle where he usually sat.

He had an exceptional amount of knowledge in a number of areas that many people did not come to know about unless they had an occasion at lunch to visit with him. I had an occasion to ask him about oil at one time, and he thoroughly educated me on the subject at that luncheon table.

The thing I remember most about HAROLD was an unordinary commitment to principle, and it transcended all other considerations, partisan, regional, or anything else.

HAROLD reminded me more than anyone else I have ever known of a quote from Peter Marshall when he was Chaplain of the U.S. Senate. Peter Marshall said in one of his last prayers, "Oh, God, give us the strength to stand for something lest we fall for anything."

HAROLD knew what he stood for. There was never any doubt in his mind or in the mind of anybody else, and it made a difference to us. He showed that again in the last few months that he was here. He proved that he was a fighter. He was a fighter for his State, for his country, and for his life.

HAROLD was a gentle breeze that kind of passed over us all, and we all benefited from him. We will miss him.

Mr. Speaker, his State and our country will miss him, and we are all better because we have known HAROLD RUNNELS.

Mrs. BYRON. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentlewoman from Maryland.

Mrs. BYRON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to commend our colleague for taking this special order today, but I also have to express disagreement with him on one aspect. I have noted that the many speakers who have spoken before me today have stressed the love of the West which HAROLD RUNNELS had, and those of us from the East want to get our words in, too, because HAROLD did not just belong to New Mexico or Texas, although those two are fighting over him; he belonged to the Nation. I think that is what should be stressed.

He had a great love of the West, but he had a strong feeling for the rest of this country, and the positions he took, the votes he cast, and the work he did in this body reflected that full response to the entire Nation.

HAROLD came here in 1970, and one of the first friends that my husband made as a new Member was HAROLD RUNNELS. The reason we made such a good friendship was because they were both fighting over who drew the highest number for office space. HAROLD won out in the fight by a few percentage points and got a better office, but they became very good, strong friends. Dottie and I have spent many pleasant times with our husbands discussing their work here, and as a new Member last year, when I came in January, one of the kindest, most helpful Members to me, as I was trying to get my feet on the ground in this position, was HAROLD RUNNELS.

There was never anything too big or anything too small that I asked of him that he did not give me the right answer and give me the guidance that a new Member needs.

So, Mr. Speaker, I want to join with the gentlemen today in expressing our best wishes to Dottie and the family for the period of mourning they are going through now. I am grateful for the privilege of having known HAROLD and having served with him.

Mr. HIGHTOWER. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the distinguished gentleman from Texas.

Mr. HIGHTOWER. Mr. Speaker, HAROLD RUNNELS was a very special type of man. When someone is a friend we are all inclined to see special qualities in that person. Harold was special in many ways. Several of my colleagues here today have referred to him as "special."

Since he was a Texan by birth and a personal friend of many Members of the Texas delegation, HAROLD RUNNELS was considered by the Members from Texas as "one of us." He was a "special" Member of the Texas delegation.

Although no one would have guessed that he was a highly successful businessman, HAROLD was, indeed, a business success before coming to Congress. As such he could honestly be called a self-made man, a very special quality. I have heard him tell the story of how his family was so poor during the days of the depression that on one occasion when they had no place to live, his family obtained permission to move into a chicken house on a farm in Texas. From such humble times he brought himself to a position of power and prestige from which he could most likely have had any position that the voters of the State of New Mexico had within their power to give.

Many of us who have served with him will always remember Harold's marvelous and special wit. It was fresh and spontaneous and would often cause outbursts of laughter on the floor of the House that must have caused people in the gallery to wonder what was going on.

Harold had a special love for the land and the people of New Mexico. He was a most effective spokesman for the interests of native Americans as well as all New Mexicans, and the public lands of that State. Harold Runnels had courage because he was firm in his convictions. He made decisions based on an understanding of the issues, an understanding of his district, and understanding of the world we live in today.

The committees on which Harold served were Armed Services and Interior and Insular Affairs. Those two committees are of equal importance to the State of New Mexico. Harold Runnels provided a voice of leadership and reason to those committees. He never was carried away by headlines on an issue. We have all been better served because of his special service.

The advertising of the American Cancer Society which urges Americans to "cure cancer during your lifetime" has a more personal significance to us all since this dread disease has taken from our ranks such a special friend. If we could only have found a cure that would have made it possible for Harold Runnels to have lived the "three score and ten years" to which he was surely entitled, how much better the world would have been.

To Dorothy, Matt, Michael, Phillip, and Eydie, we express our sincerest sympathy. Their loss is great. The Members of Congress—every Member of Congress—share in that sense of loss because he was our dear and special friend.

Mr. ROSE. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to my friend, the gentleman from North Carolina.

Mr. ROSE. Mr. Speaker, I thank the gentleman for his yielding to me, and I especially thank him for taking this time to honor one of the greatest people I have ever known in the House of Representatives.

I came here in 1973 with a colleague from Oklahoma named Clem McSpadden, and it was through Clem and through Harold Runnels that I really got my feet wet in the House of Representatives. These oldtimers in politics showed a relative newcomer from North Carolina a great many of the ropes of this place.

I think those who look at the record of what we have said here about Harold Runnels today will probably be able to sense that we all, in many different ways, sense something that is extremely rare and extremely special about Harold. One of my colleagues just talked about meeting him in a parking lot at the grocery store, and another has talked about his having been brought up in such humble beginnings that at one time he lived in a chicken coop.

Well, Harold loaned me a helicopter at one time, and I do not know of any of my other colleagues here, whether they are from Texas or New Mexico, who ever got a helicopter. But Harold used to fly in from his home in Virginia occasionally in a helicopter and land at National Airport.

□ 1910

One time I had to be somewhere for a constituent of mine, and there was just no way—in my freshman year I had overextended myself—that I could get there. And Harold said, "I have a helicopter and a pilot, and why don't you just use that, old boy? You go out to National Airport and they will let you use it."

I hope I have not said anything that is illegal, because back then it was okay for Harold to loan me his helicopter. And I loved him as a friend, and I think the House loved him. I am convinced, because of what happened to him in his latest days and in his last days, that Harold knew where he was headed when he left this world, and he is over there on the other side listening to us now, and that he would say to all of us, "Don't take yourselves too seriously, don't forget how to laugh, don't forget how to be happy, and do your best to make people around you feel happy and to lighten their load."

Harold helped us all lighten the load of this place. Congress tends to be a lightning rod for the tension of America. When the people are stressful, we get stressful. And Harold could laugh at anything. He would have us to be not too serious, although it is hard to keep from being serious when we think of what we have lost. But in his last of his bout with cancer—and those of you who visited him in New York, which I did not get the privilege to do, would know this even clearer than I do—Harold got in touch with his Maker. He came to know his Creator and learned about the spiritual dimension of his own life in a way that few of us ever will.

Now, he struggled and he wanted to lick cancer. He thought he had, and he felt that on several occasions. I had talked to him about how his attitude and his positive spirit helped him overcome a great deal of his pain, but I can recall him sitting back here in the center aisle, back near the door—we ought to almost put a plaque on one of those seats back there for Harold—he had come down from New York, from the Sloane-Kettering Clinic, and sweat was popping out on his face, he was gritting his teeth because he was in pain, but he was still smiling and he was still joking and he was still trying to make everybody around him feel better.

So thank you, Manny, for taking this time to honor him. His family will miss him, as we will miss him. But Harold Runnels is with his Maker and he is happy. God bless him and God bless his family.

Mr. LUJAN. Thank you very much, Charlie. I think that is an excellent characterization of how we all remember Harold.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Texas.

Mr. PICKLE. Thank you, Manny, for making this time available and giving us the chance to express our love again for Harold Runnels.

A wink in his eye, a grin, a laugh, a friendly handshake—and you have described Harold Runnels. He was as good as gold.

"Mud" Runnels was easily one of the most affable members of the House. That does not mean he was soft or easily swayed. He had firm convictions and you knew his position as surely as you knew where the U.S. Capitol stood. His philosophy was so clear and positive that we did not have to guess on how he would vote.

But this does not mean that "Mud" was a negative man. He had a feeling for the little fellow. Anyone born in Texas and who grew up in New Mexico—anyone who learned to live with sand, wind, drought and the rough side of nature—is bound to have a strong character.

Most of all, he believed in the free enterprise system. He wanted to see a person get paid for what he or she earned, along with the right to risk capital to provide for a family—or the right even to risk the loss of money.

Since "Mud" was in the oil and gas business, I suspect he lost more fortunes than he gained.

On the House floor, many State delegations usually sit together. It is a custom, and a sign of friendship and shared philosophy. The Texas delegation usually sits in a group in this fashion.

In the middle of our delegation frequently sat Harold Runnels, "holding court," passing the latest word and philosophy on a pending amendment, and in general, leading the discussion of a bill, or of some timely subject. With all due respect to New Mexico, we Texans felt Harold was one of our own. We trusted him and loved him.

Our House of Representatives will miss this brave, courageous and outstanding American. Though he suffered months of illness, never once did he complain. He always had an attitude of happiness, which frequently exceeded our own. He was one "helluva" man, and these halls will not be the same without him.

To Dorothy and his family and friends, we extend our deepest sympathy, and we say—if it is at all possible, we will miss Harold Runnels almost as much as our own family.

Mr. LUJAN. No question about it. I thank the gentleman for his remarks.

Mr. HANCE. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Texas.

Mr. HANCE. Mr. Speaker, I appreciate the opportunity to say something about Harold Runnels. The words have been said earlier. It is hard to compare with those words, but I want to touch on a couple of things that are a little different.

One is that he represented one of the

cities in my district, and that was Midland, the second largest city in my district, and I always felt like they had two Congressmen. After I was not really a landslide candidate in Midland in my first race and received 23 percent of the vote, I was trying to figure out the best way to turn that situation around and one of the fellows in Midland said, "You need to get HAROLD RUNNELS to come down and speak for you," and I did. And from that day on, it was downhill.

He was well thought of. Our districts joined each other. Each summer for the past 10 years I have always spent my summer vacation in HAROLD's district, in Ruidoso, N. Mex., and after I got involved in politics in the early 1970's I would there talk to people, whether at the post office, the cafe, or wherever, and you would say, "What is your Congressman's name? Who is here?" And you could find out a lot about an individual because they will tell you a lot about how their personal feelings are, especially if they do not know whether you know them or not, and the people in that district loved HAROLD RUNNELS. That was exemplified at his funeral. I was glad that I was able to be there. It was packed at the Lovington Wildcat Auditorium. They were all there. The young and old and rich and poor, they were all there to pay tribute to a man that they knew and a man that they loved.

He was also a man of courage. I flew to New York about a month before he passed away, spent all day Sunday with him, and he knew that his time was limited. There were three or four things that I had been working on with him, and he asked me about those things. I did not go there to talk business, but he was still kind of coaching me on some of the things to do and not to do on a couple of bills that we were working on together. There he was, facing death, and he was putting my interest first and talking to me about my problems. I think that exemplifies the type of person he was. He was a person of courage, a person who put other people first. I am just glad that I had a chance to get to know him and to get to see how well the people in his district loved him. I think to them he is exemplified, as Kipling said in his poem "If":

> If you can walk with kings and keep a common man's touch, then, my son, you will be a man.

HAROLD RUNNELS definitely was.

Mr. LUJAN. I thank the gentleman for his remarks.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, two ironies or paradoxes occur to me in connection with HAROLD RUNNELS. One is his nickname "MUD" RUNNELS proceeds from the business he was in, drilling mud, which, I understand, is some kind of lubricant for drilling for oil. Interesting he should pick up a nickname like that because it is so paradoxical when you consider his personality. I think he said something funny about all of us, but I never heard him say anything unkind about any of us. And if he lived in a chickenhouse for a while, that is also paradoxical because, in essence, what we have said here this evening is that he never chickened out on any of his principles.

And, finally, it seems to me that the hallmark of a splendid human being is the ability of a person, the capacity of a person, to share his joy without sharing his sorrow with others, and that in essence is what our friend, Mr. ROSE from North Carolina, has said. No matter how great the pain, grasping a larger hope and realizing that since it is inflicting that pain on others to whine about it, one of many things that can be said about HAROLD and has been said about HAROLD by many Members here today is that he just did not know how to whine, he did not know how to rob the rest of us of whatever joy we had that day by whining about his problems.

□ 1920

I do not suppose anybody had any greater problems than HAROLD had in his final years, the final month in particular. I add my gratitude to the gentleman in the well and my immense gratitude to our Creator for blessing us with HAROLD RUNNELS.

● Mr. WRIGHT. Mr. Speaker, most often we come to know and love our colleagues during our time of service in the House of Representatives. But I had known HAROLD RUNNELS since our teenage days in Dallas when we attended rival high schools.

HAROLD RUNNELS was a man defined by the country he knew—by the Southwest and by the United States. He was a fiercely loyal American, but above all else he was a man of the Southwest.

Never was there any doubt during his time here about where his deepest roots lay. He fought for New Mexico's interests just as he fought the disease which finally took him from us.

HAROLD RUNNELS was a good man, a strong man, and we shall miss him.●

● Mr. RHODES. Mr. Speaker, I join my colleagues in the House today in paying tribute to one of our former friends and colleagues, HAROLD RUNNELS, who passed away on August 5.

HAROLD RUNNELS came to Congress in 1970 after 10 years in the New Mexico State Legislature. He had an illustrious career in the Congress representing the Second District of New Mexico with distinction. Coming from neighboring States, he and I shared concern for issues affecting the West. HAL was a staunch advocate of the free enterprise system, and had a successful business career in the petroleum service industry, one of the key sectors in our Nation's search for more energy. He believed in the free marketplace, and opposed strongly imposition of Federal controls and price strictures on energy resources. He served on the Interior and Insular Affairs and Armed Services Committees and, as chairman of the Interior Subcommittee on Oversight and Investigations, he worked hard to monitor agency performance relative to the intent of congressional legislation.

He was a man of great conviction, and earned many friends on both sides of the aisle during this decade in the House. He was a dedicated public servant, and a good friend. I join his many friends in Congress in sorrow at his untimely passing. I extend condolences to his wife, Dorothy, and his four children.●

● Mr. ROSTENKOWSKI. Mr. Speaker, it is with a sense of great loss and sorrow that I pay tribute to the late HAROLD RUNNELS.

HAROLD RUNNELS was a man whose life embodied the kinds of virtues that formed this Nation and made it great: courage, hard work, common sense, and generosity. He made it the hard way by starting a small business and turning it into a flourishing enterprise.

There is little question that HAROLD was an extremely competent legislator. His work on the Armed Services and Interior and Insular Affairs Committees was always steady and prudent. In particular, he was a fair and straightforward chairman of the Interior Subcommittee on Oversight and Investigations.

HAROLD RUNNELS—a dedicated public servant, a man of unquestioned integrity, a good friend—will long be missed by this Member of Congress.●

●Mr. UDALL. Mr. Speaker, the Honorable HAROLD RUNNELS served on the Committee on Interior and Insular Affairs, U.S. House of Representatives, with distinction and exemplary dedication. His seniority and the respect of his colleagues earned him the position of chairman of the Subcommittee on Special Investigations in the 95th Congress, and chairman of the Subcommittee on Oversight and Investigations in the 96th Congress. His leadership in both positions was highly valued, and his service to his country and his State commanded admiration and respect not only from members of the Interior Committee but also from Members throughout the Congress. His character and devotion to public life were unswerving and endured to the end, even as he courageously faced the sickness and pain that eventually brought about his untimely death on August 5, 1980.

HAROLD RUNNELS was recognized as an able legislator, having served New Mexico as its Representative in Congress since January 3, 1971, and as a member of the Senate of the New Mexico State Legislature for a period of 10 years prior to the commencement of his congressional career. He had many civic accomplishments, and his death represents a great loss not only to New Mexico but also to the Nation.

The leadership ability of HAROLD RUNNELS was well demonstrated during his nearly 10 years of service in Congress and as a member of the Interior and Insular Affairs Committee since 1973. His particular expertise on oil and gas matters was widely recognized and respected, and resulted in significant public benefit when he chaired hearings on the Alaska natural gas transportation system during the present Congress.

In issuing the call for those hearings, Representative RUNNELS voiced his belief that it is "essential for all Members of Congress and the public to be kept informed of the progress toward construction of what will likely be the largest privately financed international business venture of all time." His diligence in the conduct of those hearings made them an effective instrument of the congressional oversight responsibility.

Harold Runnels' warm sense of humor, his legislative ability, his technical expertise, and his unfailing love for his Nation, his people, and his State will be deeply missed.

We, his colleagues and friends, members of the Interior and Insular Affairs Committee, will miss his valued counsel and long will hold his memory dear.

As a measure of our respect, and of our sincere sympathy for his family and friends:

Now therefore be it resolved, by unanimous vote of the Committee on Interior and Insular Affairs, assembled in regular meeting on August 20, 1980, That upon adjournment of the committee it do so out of respect for our late colleague Harold Runnels; that this Resolution be spread upon the record of the committee; and that a copy thereof be transmitted to his wife Dorothy Runnels and their children Michael, Phillip, Matthew, and Eydie.●

● **Mr. DERWINSKI.** Mr. Speaker, it is with deep sorrow that I join today in paying a special tribute to our late colleague, Harold Runnels, who recently passed away.

Harold was a natural, warm-hearted man, who served tirelessly, patiently, and with great attention to even the smallest details that would affect the people of the Second District of New Mexico. Throughout his long and distinguished career, Harold worked diligently on behalf of his district and his country. He was dedicated to the discharge of his congressional duties in such a fashion that was totally responsive to the needs of our Nation as well as the State of New Mexico.

During his 20 years of public service, 10 of which were in the Congress, Harold served with courage and distinction. He leaves us a record of legislative accomplishment and personal example which we will all truly miss.

As a member of the House Armed Services Committee and the Committee on Interior and Insular Affairs, and chairman of the Subcommittee on Oversight and Investigations, he did his homework and was a champion of legislation that would insure the soundness of our country's future.

We have lost the services of a respected and sincere colleague and an extremely warm and understanding friend.

Mrs. Derwinski joins with me in extending our heartfelt sympathies to his wife, Dorothy, and his children.●

● **Mr. BRINKLEY.** Mr. Speaker, it is with sad hearts that we participate today in this Special Order on the passing of a dear friend and colleague, Harold Runnels; but it is with glad hearts that we may reflect upon his unique life and uncommon service.

Cicero said that the qualities of a leader are those of wisdom, justice, moderation, and fortitude. These words are embodied in the seal of my home State of Georgia in a novel way. The terms, "wisdom," "justice," and "moderation" are actually printed, but the term "fortitude" is depicted by a sentry standing between two of the three columns supporting the arch above them.

In this 96th Congress, Harold Runnels' life epitomized that quality of fortitude. He never gave an inch. He was a battler all the way, and what an example he was for each of us to remember. I served with him on the Armed Services Committee; I traveled with him on the Armed Services Committee; and I got to know Harold very, very well.

I can vouch for his total commitment to getting the job done, the efforts of which were always clothed in easygoing good humor.

He was an honest man, a smart man, and comfortable to be with. We will deeply miss this outstanding Representative from this body, and wish to express our most sincere sympathy to Mrs. Runnels and the family.●

● **Mr. SYMMS.** Mr. Speaker, I rise in sorrow that we have lost our good friend Hal Runnels—I always affectionately referred to him as "Mud."

I extend my sympathy and prayers to Dorothy and the family—Mr. Speaker—I had the privilege with Mr. Lujan to work with Hal on the Interior Committee. He never failed to represent his constituents and the country on that committee.

How well I also remember his inspirational speech, on the need for more energy for future Americans and against the expansion of Government power and interference.

He was and is still correct in his deep abiding faith in the individual American to solve their own problems. May he rest in peace.●

● **Mr. HORTON.** Mr. Speaker, the House of Representatives has lost one of its most able and accomplished legislators—Harold Runnels. I join my many colleagues in extending sympathy to his family.

Prior to his election to the 92d Congress in 1970, Harold Runnels served with honor and distinction in the Senate of New Mexico. The experience he gained during his 10 year service in the New Mexico Senate certainly proved to be an important foundation for his work in the Congress. As the Representative of New Mexico's 2d Congressional District, Harold served forcefully and effectively on the House Armed Services Committee and the Committee on Interior and Insular Affairs.

The residents of his district, like his colleagues in the House, admired and respected Harold Runnels for his honor, integrity, and devotion to public service. He will be sorely missed.●

● **Mr. DERRICK.** Mr. Speaker, it is with profound admiration for the late Harold Runnels that I today join my fellow colleagues in the U.S. House of Representatives to offer tribute for this former Member, and good friend.

Mud was one of the kindest, gentlest people I have ever known. His sense of humor, well known by all in this Chamber, was superseded only by his compassion for his fellow man.

In business, Mud achieved and enjoyed extensive success. Likewise, in public life, Mud was one of the most capable Members of the U.S. House of Representatives.

As a Member of Congress, Mud clearly had the interests of his constituents at heart. The representation that he exercised on their behalf will be clearly missed.

Mud enjoyed a special place in the hearts of all Members of the House. Suzanne and I would like to offer our sincerest condolences to Dorothy, their four children, and all who knew Mud, because to know Mud was to be his friend.●

● **Mr. SEBELIUS.** Mr. Speaker, I would like to join with the other Members of the House today in paying respect to our absent colleague, Harold Runnels of New Mexico.

For the past 10 years, I have had the distinct privilege of serving with my colleague from across the aisle, on the House Interior Committee. During those 10 years, I had the opportunity to work closely with Harold and from that work, came to admire and respect him. Harold was a man of firm convictions who always stood up and spoke out for what he believed and what he thought was right.

Harold was also a man of deep personal courage. As we all know, Harold had serious health problems these last few years but he never let them stand in the way of his commitment to his district. In fact, I think maybe his having faced these problems head-on gave him some of the courage to face the Nation's problems with fresh, clear thinking. He was always one to separate the wheat from the chaff in short order. And this body always needs men of that caliber.

I know I speak for the House when I offer my sympathies to his wife and family. I know these have not been easy years for them. It would have been easy for Harold to quit when the going got rough—but true to form, Harold did not. Harold gave the best of his time and talents to his district and his country right up until the end. What more could any man give?●

● **Mr. DUNCAN of Oregon.** Mr. Speaker, I rise to share in this tribute to Harold Runnels. He and I shared a common interest in helicopters and helicopter flying, and I suppose that was what first brought us together.

But beyond that, I came to admire Harold as a self-made man—one who knew the virtues and the agonies of hard physical work, and who enjoyed the rough and tumble of the oil fields and the contests of the business world, and excelled in both arenas.

He brought to the Congress the ideas and ideals he developed as a worker and as an executive. He spoke bluntly, and he voted as he spoke—bluntly, honestly, generally on the right side, and always according to his concept of the greatest good for the greatest number.

Harold Runnels served his State and Nation well. He will be missed by his constituency and by his friends in the Congress, of whom I am proud to count myself as one.●

● **Mr. DRINAN.** Mr. Speaker, the death of Congressman Harold Runnels leaves us without a friend and reminds us of the 20-year career of public service in which this admirable man engaged.

I came to Congress with Harold Runnels in the 92d Congress. I have watched his devotion and dedication and lament with great sorrow his untimely passing.

Harold had a distinguished career even before he came to the Congress. He served with the Federal Bureau of Investigation and had extensive experience in business management and in industry. He served for 10 full years as a member of the New Mexico Senate.

I and all of those who admired Harold Runnels send our prayerful compassion and sympathy to his wife, Dorothy, and to his four children, Michael, Phillip, Matt, and Eydie. ●

● Mrs. BOUQUARD. Mr. Speaker, there is a void and a stillness where there was once a pillar of strength and a sea of vibrant optimism. Our able colleague, Harold Runnels, will truly be missed. He was—no one would deny—one of a kind. For who could be equal.

An uncompromising and relentless servant of the people of New Mexico, Harold had a manifest love for all people, of all walks of life, and a depth of concern that knew no boundaries. He worked for the well-being of the Natives of Alaska, the urbanites of New York, the farmers of the plains, just as he did for the constituents of his own district. He was a compassionate man who gave his life to the cause of making this world a decent and a prosperous place for all to dwell.

We will miss the laughter and joy that was Harold Runnels. He loved humorous stories, especially those on himself. He was a perpetual source of wit and warmth. On any day that your spirits were not up to optimism level, a quick chat with Harold was a sure morale booster.

Harold loved God, he was a good man, a devoted father and husband, a successful businessman and an able and effective leader of this country. Few have achieved so much success.

Sure, we are going to miss him. Where else could we find one source of so much overt optimism, down-to-earth commonsense and uncanny approach to the problems on issues at hand? The void is here and now. Beyond our sorrow and loss, I share with you the confidence that the rare spirit of this great man will live on in the hearts of all of us whose lives he touched. We are all better people and our lives are richer because he came our way. ●

● Mr. BOLAND. Mr. Speaker, I was saddened to learn of the untimely death of Congressman Harold Runnels, and I join with my colleagues in paying tribute to his 30 years of distinguished service to this country.

After successful careers in the U.S. Air Force, the Federal Bureau of Investigation, and private business, Harold Runnels entered politics. Congressman Runnels gave the State of New Mexico 20 years of public service, first in the State senate, then in the U.S. House of Representatives. In the New Mexico State Senate, he rose to a leadership position as chairman of the Finance Committee.

Congressman Runnels entered the U.S. House of Representatives in 1970. He was reelected to the next four Congresses, and in 1978 became the first Congressman in New Mexico's history to win election without opposition. As a member of the House Armed Services Committee, and chairman of the House Interior and Insular Affairs Subcommittee on Interior Investigation, Harold Runnels was not afraid to get involved in controversy. New Mexico voters liked his honesty and bluntness on issues. State officials called Congressman Runnels "a hard worker" who "had shown unmatched courage" as "one of New Mexico's truly great leaders."

Those of us who have served with Harold Runnels can attest to the accuracy of those fine words of tribute. Congressman Runnels worked hard, not only to represent the interests of the citizens of New Mexico, but also to make this country a better place for all. Harold Runnels played an influential role in the important energy and defense policy decisions made by Congress during the last decade. All of us will miss his thoughtful, timely contributions to the legislative process. More importantly, we will miss his affable and outgoing manner, which won his many friends, not only in Congress, but throughout the country.

My sincere condolences go to his wife, Dorothy, and his family.●

● Mr. LOEFFLER. Mr. Speaker, Harold Runnels devoted 20 years of outstanding public service to the people of New Mexico, and our Nation—first in the New Mexico State Senate, then for the past ten years, as the Representative for the Second Congressional District of New Mexico.

The people of New Mexico will miss his able representation, and those of us who considered him more than just a colleague—but a true friend, feel a sense of loss beyond explanation.

He possessed qualities rare among men: Dedicated to principles. Dedicated to friends. Dedicated to a vision of this country's future that could not be shaken by events or circumstances.

His work on the Interior Committee protecting our vital natural resources, and his unswerving dedication to a strong country as a member of the Armed Services Committee, assure that his name shall be long remembered among those who have served in this body.

I know that my wife Kathy, who had the opportunity of working for him while she was employed by the House Interior Committee, and I are not alone when we say the House of Representatives has lost one of its best and most able leaders.●

● Mr. JEFFORDS. Mr. Speaker, I am grateful for this opportunity to salute my friend and colleague Harold Runnels.

The gentleman from New Mexico contributed a great deal to the work of this body in the course of a long career.

Mr. Runnels and I worked closely together on solar energy legislation in the last Congress, and I value my memories of that association. Mr. Runnels was one of the original, active supporters of efforts to increase funding for solar activities at the Department of Energy. He was instrumental in developing the Congressional Solar Coalition. In addition, his support and hard work helped guarantee the success of my floor amendment to raise solar appropriations in 1977.

I am glad to have shared these important efforts with our late colleague, and I know the House will miss the contributions of an outstanding legislator.●

● Mr. ADDABBO. Mr. Speaker, on August 5, I was shocked and saddened by the news that a dear friend and trusted colleague, Congressman Harold L. Runnels of New Mexico, had passed away. I am sure my fellow colleagues in the House will agree with me when I say his knowledge and leadership will be sorely missed and I would like to take this opportunity to pay tribute to him.

As a member of the House Armed Services and House Interior and Insular Affairs Committees, Harold earned the respect and admiration of his colleagues for the long hours he put in to be kept abreast of many an issue. He never shied away from the complex and difficult matters facing his constituents and the country. One such issue was energy, one of the most important and complex problems this Nation has faced in its history.

He was considered, and rightfully so, one of the most knowledgeable Members of Congress on petroleum and energy issues and used his expertise well while serving on the Interior and Insular Affairs Committee.

An example of in-depth knowledge was displayed while he served as chairman of the Investigations and Oversight Subcommittee and dealt with addressing the investigation of the Trans-Alaska Pipeline System and the distribution of Alaskan oil from Prudhoe Bay.

He also did exemplary work when he conducted hearings on the Alaska Natural Gas Transportation System. In both instances his hard work was instrumental in solving our energy crisis and reducing our dependence on foreign sources of petroleum, and our country is to be forever grateful for a job well done.

Harold also fought hard on other issues of interest to his constituents, among them, the abolishment of inequities within the Federal tax system, supporting tax incentives for conservation by individuals or businesses, and encouraging development of alternative energy sources. In addition, he sponsored legislation to prevent bankruptcy among family farms in New Mexico and fought to save water projects vital to farmers.

Harold Runnels will be sorely missed by his constituents and colleagues, and the outstanding work he loved so much, will long be remembered. The House, the people of New Mexico, and the United States have lost a caring, and courageous friend. To his wife and four children I offer my prayers in this most difficult of times.

Mr. Speaker, I recently came across an article written by a former colleague, the Honorable Otis Pike of New York, that says a lot about our beloved friend, Habold Runnels. I insert the article into the Record at this point:

His Name Is "Mud"; Only One Man Can Handle Oil Storage Debacle

(By Otis Pike)

Washington.—There was a story on "60 Minutes" Sunday about the debacle which our strategic oil reserve policy has become. Our current policy, you may recall, is to pump oil out of the naval petroleum reserves which we have had since Teddy Roosevelt's day and use it to drive our cars, yachts, jets and snowmobiles.

To assuage our consciences, our policy also is to pump a lot of other oil into some large empty holes in the ground in Louisiana and Texas.

As if this nonsense weren't laughable enough in concept, the bills are now coming in and the details are hilarious if you're too weary to weep. A program scheduled to cost $6 billion two years ago is at $40 billion and climbing. The oil isn't there—and if it were, the pumps to get it out aren't there anyway.

PUT "MUD" IN CHARGE

I hereby offer the administration some free advice—put Harold "Mud" Runnels in charge. The administration will ignore the advice. Harold Runnels, you see, would make a miserable bureaucrat. He hates shuffling papers—doesn't even like reading them much. Besides, he's probably on the administration's computerized hit list.

"Mud" Runnels is a congressman from the State of New Mexico—allegedly a Democrat, although the White House would argue about that. He votes with the Democrats on large issues—like electing the speaker of the House—and votes with the Republicans on tiny ones—like the budget and defense spending. In a Congress replete with the possessors of great inherited wealth on one hand and Boy Scouts who have never had any income except at the public till on the other, Harold is unique. He has a lot of money, but earned it the hard way.

He drives a Model A Ford to remind him of where he came from and a Continental Mark V to remind him of where he is. A magazine called New Times once listed him as one of the "10 dumbest congressmen" in America. I'd put him in charge of our strategic petroleum reserve because he knows as much about oil as anyone in America and more than anyone in Congress. You should be so dumb.

New Times confused intelligence with education, a common failing of liberal publications. Congressman Runnels' formal education ended in 1942 when he graduated from Woodrow Wilson High School in Dallas County, Texas. He decided to make his fame and fortune in Washington, D.C. His first entry was not auspicious.

JOINING THE "OIL PATCH"

In a voice rough enough to polish diamonds, he explains: "My daddy loaned me the money for the bus ticket and the $3 for my leather strap suitcase. I stayed at the Raleigh Hotel and my first night there I got kicked out of the lobby because I didn't have a jacket. It was the first night I'd ever been away from home."

Fame and fortune became a job as a clerk-typist with the FBI, from which he was liberated by World War II and the Army Air Corps. After the war, disappointed by Washington, he settled in Magnolia, Ark., where in 1946 he was running two movie theaters. By 1951 he was running five movie theaters, but a friend named J. B. "Jimmy" Downs warned him about television and invited him to join "the oil patch."

"Jimmy Downs was the smartest man I ever knew and he only finished third grade," says Harold. Harold sold the five theaters and left Magnolia, for the oil patch in Lee County, N.M., known to geologists as the heart of the Permian Basin.

Harold got into the mud business "by nickels and dimes." Mud, more delicately called drilling fluid, must be pumped down to the drilling bits. It lubricates, cools, prevents blowouts and carries the cuttings up to the surface. A barrel of good mud costs more than a barrel of oil and Harold provides it to Texaco, Mobil—all the big ones. He has grossed well over $1 million providing the mud for just one well.

"The good Lord and this country been so good to me I can't hardly stand it," says Harold.

New Times magazine went broke last year. And the people of New Mexico for the first time in history sent a representative back to Congress without opposition.

He could get the oil into those holes and get it out too—if he could stand the paperwork.●

● Mr. BROWN of Ohio. Mr. Speaker, it was with genuine sorrow that I learned of the passing of the Honorable Harold Runnels, Congressman from the Second District of New Mexico.

Harold Runnels had been a friend and colleague for more than a decade. although we served on different sides of the political aisle and shared no committee assignments, I came to know Harold Runnels as a dedicated public servant who considered all aspects of the issues and voted in good conscience for the principles in which he believed. His presence will be sorely missed by his constituents in New Mexico and his colleagues in the U.S. House of Representatives.

All of us mourn his passing and extend our deepest sympathy to his family and friends in the Second Congressional District of New Mexico, and throughout the entire State and Nation.●

● Mr. DICKINSON. Mr. Speaker, in the death of our friend and distinguished colleague Harold Runnels, the Nation has lost an able and dedicated Congressman and New Mexico has lost one of its most outstanding sons.

I was priviledged to serve with Harold Runnels on the Committee on Armed Services. We worked closely together as members of the Subcommittee on Research and Development, and the Subcommittee on Investigations. He was one of the most diligent and dedicated public servants and he worked hard for a strong national defense posture. He was an effective and outspoken advocate for our national security and his stewardship in Washington has been important to the Nation.

Harold was an intelligent, witty, wise, and pleasant person and I enjoyed his company. Even though he had been in poor health for some time, he always had a smile and a friendly word. He was one of those courageous and strong upbeat persons who did not complain.

Harold Runnels' strong voice made him a man to be listened to and respected. He set an example of patriotism and dedication that will be remembered with respect and admiration by all who knew him. Few men have contributed more toward building our national defense forces than Harold Runnels. He will be sorely missed and his absence from Congress will be our loss.

Mrs. Dickinson and I extend our heartfelt sympathy to Dorothy and the children.●

● Mr. RAHALL. Mr. Speaker, I rise today to pay tribute to a fine Congressman, a fine man and a good friend, Harold Runnels of New Mexico. His untimely death has been a loss to us all.

Since 1971, he served this House and his district, with distinction, and brought great pride to those who elected him and to those who served with him.

I was fortunate, during the 4 years I have had the honor of representing the Fourth Congressional District of West Virginia, to have worked with Harold Runnels on the House Interior and Insular Affairs Committee, and on the Mines and Mining Subcommittee.

I respected his judgment, his counsel, and his commitment.

I would like to stress again, much of what already has been said about Harold Runnels. He was indeed, the epitome of the American dream, rising from poverty to a man of great resource.

But most of all, after his private success, he put the same dedication, hard work and determination into his work as a Member of Congress. For that, this Nation can be grateful.

Harold Runnels will be missed by his family, his friends, his constituents and his colleagues. I for one, am proud to have known him and to have worked with him. He left a mark on me, as I know he did many, many others.●

● Mrs. HOLT. Mr. Speaker, I rise with sadness to pay tribute to the memory of our friend Harold Runnels, whose dedication and knowledge contributed so much to the work of the Congress, and whose courage under serious afflictions showed his noble character.

I was privileged to work with Harold Runnels on the House Armed Services Committee, and I appreciated the deliberative quality of his work and the eminent good sense he brought to the problems we confronted.

In his activities as a member of the Interior and Insular Affairs Committee, he impressed all of his colleagues with his knowledge of natural resources issues, especially his experienced grasp of the complexities of the oil industry.

The record shows that his constituents were as impressed as we were. Two years ago, he became the first person in New Mexico history to sail through a congressional election without opposition.

Mr. Speaker, it should be our prayer that none of us ever must suffer the afflictions that burdened our friend Harold Runnels. In 1971, after he was first elected to Congress, he suffered a severe heart attack. Two year ago, he underwent surgery for lung cancer. Last year, the doctors found that he had bone cancer. In a speech to this House last year, he told us we were "listening to a man who had some odds and percentages that are not in his favor."

Physically, I guess he was right, but what we had in his favor was his spirit. It won the admiration of all of us, but it was more than administration drew us to him. He always had a warm and generous personality.

I feel a real sense of loss at the death of Harold Runnels, but all of us who knew him are richer for the experience. I thank God that we have been privileged to know him.●

● Mr. COLLINS of Texas. Mr. Speaker, Congress lost a great leader when we lost Harold Runnels of New Mexico. He has been a dynamic voice in the development and utilization of our Nation's energy.

My personal deep appreciation and respect for Harold Runnels was based on his down to Earth, solid, fundamental background in business. He knew the oil and gas industry as well as any man that has served in Congress. He has worked in oil fields and has been engaged in every phase of drilling and exploration. He headed up one of the most successful companies that provided drilling mud for the oil rigs.

With our Nation facing an energy crisis, our Congress will miss the insight, the logic and the sound advice of HAROLD RUNNELS. He was a fighter for what he thought was right, and when we discussed energy, he was right every time.

My wife, Dee, and I extend our sincerest sympathy to Dorothy and their three sons, Michael, Phillip and Matthew, and their daughter, Eydie. It is hard to realize that we have lost HAROLD. He always had such a delightful smile and such a friendly, enthusiastic personality. The West has lost a great son of the Frontier. The U.S. Congress lost one of the finest men who had ever served in Washington when we lost HAROLD RUNNELS.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in paying tribute to our late colleague from New Mexico, HAROLD L. RUNNELS.

HAROLD and I came to the House together in 1971. In his nearly 10 years of service, HAROLD earned the respect of all for his hard work and dedication to the cause of a sound energy policy for his country.

His courage and grit and determined discharge of his official duties in the face of his overwhelming illness was in the highest tradition of public service and of the U.S. Congress.

HAROLD RUNNELS will be missed for his knowledge and insight in energy matters. But, mostly we will grieve HAROLD because he was a good man and our friend.

I extend my condolences and sympathies to his wife and the family.●

● Mr. ROE. Mr. Speaker, I rise today to join my colleagues, the people of New Mexico and the entire Nation in mourning the recent death of our good friend HAROLD RUNNELS.

Congressman RUNNELS served his State and his country proudly during his 20 years in public life. As a State senator in New Mexico, he rose to the rank of chairman of the Senate Finance Committee. That experience served him well when he was first elected to the House of Representatives in 1970.

We will miss the legislative excellence that he displayed as chairman of the Interior and Insular Affairs Investigation and Oversight Subcommittee.

During his five terms here, HAROLD became one of the most popular members of the House. His ever present smile and good nature will be sorely missed●

● Mr. STOKES. Mr. Speaker, I would like to thank my distinguished colleague, the Honorable MANUEL LUJAN, for providing me with this opportunity to note a great loss to this body and this country, the death of the Honorable HAROLD RUNNELS. It is with both sorrow and pride that I participate in this tribute to my friend and colleague.

Hundreds of men and women have passed through this hall, but few have exemplified the qualities of this distinguished gentleman. During his all too brief tenure as the Representative from the Second District of New Mexico. HAROLD RUNNELS engulfed his life with compassion and a commitment to public service. That he was the first candidate for Congress to be unopposed in New Mexico's history is a testimonial to his unprecedented sensitivity to the needs and interests of his constituents. HAROLD RUNNELS made this special contribution to his district and to this body because he was a very special man.

Mr. Speaker, I had both the honor and the pleasure of serving with Congressman RUNNELS on the Budget Committee. As one of the original members of that committee, he brought to it not only his experience and expertise, but a unique understanding of the needs and problems of a sound fiscal policy. I always was impressed by the Congressman's commitment to the resolution of conflict, rather than the political grandstanding that too often consumes our time. This keen sense of purpose was demonstrated not only during his term on the Budget Committee, but in his involvement with the committees on the Interior and Insular Affairs and Armed Services as well.

Mr. Speaker, obviously, Congressman RUNNELS' presence and participation with this body made a lasting impression on us all. As a colleague, he offered us his experience, his leadership, his passion for honesty and his commitment to service. As a human being, he offered us his courage, his strength, and his friendship. I was warmly touched by this man and I grieve his death.

I think that the greatest tribute that we can give to HAROLD RUNNELS is to pursue matters before this Congress with the devotion, dignity, and compassion of our friend, HAROLD RUNNELS. It is with this thought in mind that I join my colleagues in this tribute.●

● Mr. GINN. Mr. Speaker, I am deeply saddened over the loss of our dear friend and colleague, HAROLD RUNNELS, for I truly believe that we have all been blessed to have had the opportunity to be associated with him. His long and unending battle to defeat the cancer which was taking over his body set a special example for those of us who remain, and his fearless acceptance of the inevitable, and willingness to discuss it and its meaning to him, freely, in this body, added a new dimension to the grave issues which we face in this country.

In addition to being a valuable legislator, to which we can all attest, he was a tremendous ambassador for his beloved State of New Mexico and his region of the country. He was an able spokesman for that area, and he brought to this Congress a substantive expertise on energy issues, gained from personal experience and industry, which will be impossible to replace.

Above all, though, he was courteous, gracious, generous, and dynamic—qualities which especially qualified him for the public service he so valiantly performed. His warm personality, his kind demeanor, and his courageous approach to life will be sorely missed by us all, his friends.●

● Mr. BROOKS. Mr. Speaker, on August 5, 1980, the House of Representatives lost a great man with the passing of my good friend and colleague, HAROLD RUNNELS. He was a warm and generous man who after making his mark in the business world offered himself to serve his State and Nation. His constituents in New Mexico were indeed fortunate to have a man of HAROLD's caliber to look after their interests in the Congress and he was dedicated to helping those with determination in seeking a better life. He served his Nation with dignity and honor.

I extend my deepest sympathy to HAROLD's family and he will be greatly missed by all of us who knew him.●

● Mr. DAVIS OF South Carolina. Mr. Speaker, it is the saddest of times when we gather in this Chamber to talk of the death of a colleague. It is especially sad for me, for HAROLD RUNNELS was truly one of my closest, most beloved friends. We both first came to this House in the 92d Congress; now, by unhappy coincidence, history will record that we both took our leave of this House in the 96th Congress.

The time and words available to me can neither span his life, enumerate his human qualities, nor define the extent of his contributions to the Congress and the people of this Republic.

A self-made and successful man in every sense, HAROLD was untouched by arrogance and false pride. An open and outgoing man, HAROLD was always more concerned with the well-being of his friends than of himself, even after his life had been touched by the illness that now has claimed him. A devoted and diligent Member of Congress, he aspired only to providing true service to his country and his constituency, an ideal he attained with distinction. HAROLD RUNNELS' life will not be measured by the bounds of duty, for he exceeded those bounds in his service to God, to family, to country, and to friends. The story of his life rings with superlatives.

Perhaps were HAROLD less a personal friend to me, I could be more eloquent and speak at greater length. I can only tell you that the empty place in our midst is reflected in my heart and magnified in my grief.●

● Mr. ROBINSON. Mr. Speaker, I wish to join in expressing personal sorrow and sense of loss on the death of our friend and colleague, HAROLD RUNNELS, of New Mexico.

HAROLD and I were elected to Congress in the same year, 1970. Both of us came to Congress with backgrounds that included military service in World War II, practical experience in the field of business, and prior service in our respective State legislatures. We were part of the same freshman class struggling to learn all the rules and procedures in the House of Representatives in the 92d Congress.

Even though we were affiliated with different political parties, HAROLD and I also shared many common views and patriotic concerns bearing upon the future of our great country. We became friends, and so did our wives.

So it was a shocking blow to learn of HAROLD's sudden passing on August 5. Mrs. Robinson and I wish to extend our deepest sympathy to HAROLD's wife, Dottie, his children, and the other members of his family.

It is our hope that they will find comfort in the knowledge that Harold Runnels was so widely regarded as a true American patriot, and as a strong, dedicated man of principle. He was conscientious, hardworking, and thoughtful. He did his level best to serve well the people of New Mexico and of the United States. His good presence will be missed in the Halls of Congress.●

● Mr. EVANS of the Virgin Islands. Mr. Speaker, as a fellow member on the Armed Services Committee, I wish to express my personal statement of regret on the passing of Representative Harold Runnels.

The Honorable Harold Runnels has served in the House for more than 20 years, and is remembered for his constant attention to details and his unswerving attention to the legitimate concerns of his constituents.

Congressman Runnels has done his share in being of service to all our people and to the Nation.●

● Mr. JONES of Oklahoma. Mr. Speaker, Harold Runnels' untimely death is a blow not only to his native State of New Mexico, but also to the House of Representatives as a whole.

Harold in many ways bridged the gap between new and old. First elected in 1970, he combined the best traits for the job he was elected to perform: Wisdom and enthusiasm.

Harold Runnels was always willing to help new Members trying to "learn the ropes" upon arriving in Congress. At the same time, he was willing to pitch in as a team player for the good of the whole. His background and experience in the energy industry gave him both the knowledge needed to craft reasonable public policy and the insight necessary to ask the right questions of both industry and government officials.

Our departed colleague was the sort of person who demanded all the information, and then voted accordingly. He could not be put in a category or stereotyped, because his vote was at the mercy of the facts, rather than in response to some unbending political doctrine. He made a major contribution to strengthening our national defenses through his service on the Armed Services Committee.

Most importantly, he was the sort of person that people listened to. When the time came to execute legislative policy, Harold Runnels was an indispensable ingredient to success. He will be missed, because he cannot be replaced.●

● Mr. JOHNSON of California. Mr. Speaker, it was with deep personal sadness that my wife Albra and I received the news of the death of our late colleague, the Honorable Harold Runnels. He was a good friend, and he certainly will be missed by all of us here in the House of Representatives where he was highly respected by his colleagues.

Harold Runnels served his country well and with distinction—in the military as well as in the State and Federal Governments.

I was privileged to serve with Harold on the Committee on Interior and Insular Affairs where we quickly recognized his practical expertise in oil and gas technology and his intense interest in energy development. He was always willing to share his knowledge, and his guidance provided the nonexperts with a better understanding of these important issues.

Harold was not a headline seeker—he was a rather quiet man, but energetic and strong. He had a dry sense of humor which he often used to get a point across. When Harold spoke, we listened for we knew he had something worthwhile to say and we would be the beneficiaries of his thoughts.

While serving his constituents of the Second District of New Mexico faithfully and with diligence and dedication, he also served the citizens of the entire Nation. For his faith, trust, and loyalty, we are grateful.

My wife Albra and I extend our deepest sympathy to Dorothy and their daughter and sons. We share in the family's great loss and trust that this much deserved tribute today will be of some comfort to them.●

● Mr. STUMP. Mr. Speaker, during the past recess of Congress, one of my close friends and colleagues, Harold Runnels, passed away. I would like to take this opportunity to pay tribute to him.

The death of Harold is the loss of a great and dedicated colleague and a great personal loss to me. Harold was an effective, hardworking, Member of the Congress. He knew what made this country great, and was dedicated to preserving that greatness.

I enjoyed serving with Harold in the House of Representatives, and especially enjoyed serving with him on the House Armed Services Committee. I was very much impressed with his ability to understand the nature of the defense problems facing this country, and am very grateful to him for the knowledge he passed on to me to understand not only the development, but the strategy of our Nation's defense. Harold felt his job in the House was more than a responsibility to his district, it was a responsibility he carried for our country.●

● Mr. CHAPPELL. Mr. Speaker, I rise today to join my colleagues in paying tribute to the memory of an exemplary Member of this House, Harold Runnels, who so ably represented the Second District of New Mexico that he became the first person to be elected without opposition since New Mexico's statehood. His long struggle with cancer and his tragic passing last month has deprived the Congress—and the Nation—of an outstanding public servant. For those of us who were privileged to serve in the House with Harold over the years, his presence will be sorely missed.

First elected to Congress in 1970, Harold's fairness, commonsense, and keen knowledge were evidence to all who worked with him. His levelheadedness in dealing with energy and fuel problems will serve this Nation to good advantage for many years. His sound judgment and expertise in such matters have been most valuable in coping with our national energy problems.

A member of the House Committee on Interior and Insular Affairs, Harold's energy expertise was a tremendous asset to that committee during their investigations on the operation of the Trans-Alaska Pipeline System and the distribution of Alaska oil from Prudhoe Bay on Alaska's North Slope. He also chaired hearings on the Alaska Natural Gas Transportation System which, I am sure, will provide the Committee on Interior and Insular Affairs with a sound basis on which to further direct this Nation's goals of energy self-sufficiency.

Not born with a silver spoon in his mouth, Harold Runnels became very successful in business through hard work and perseverance. He got into the oil mud business "by nickels and dimes." His company, Runnels Mud Co., was started on risk capital and a dream that succeeded. He subsequently entered politics, first at the State level where he served 10 years in the New Mexico House of Representatives and then on to Congress.

His goodness of heart was well expressed in a newspaper article when he told the reporter, "The good Lord and this country have been so good to me I can hardly stand it."

All of us will miss our dear friend and colleague. Heaven's gain would be our eternal loss except that his great spirit will live on and encourage us along the way. Our country has lost a great statesman.●

● Mr. CORMAN. Mr. Speaker, it was a sad day when I learned of the untimely passing of my friend and colleague from New Mexico, Harold Runnels.

His unfortunate demise is a great loss not only to Congress, but to the people of New Mexico and the Nation as well.

Harold was decent, honest, straightforward, and hardworking—the kind of Congressman that makes each of us proud—and a valued friend during our 10-year association. I admired his character and abilities and know I speak for the House in saying that this admiration and respect was shared by us all.

To his family and many friends I extend my deepest sympathy.●

● Mr. PHILLIP BURTON. Mr. Speaker, I rise to express my sadness at the death of my dear friend, our colleague Harold Runnels. "Mud" Runnels and I served together on the Interior and Insular Affairs Committee for several years. I came to know him well and will miss his wisdom, good humor, and hard work.

Harold Runnels served New Mexico well in his decade in Congress. In fact, he was so well regarded that his constituents elected him without opposition in 1978 and would have done so again this year. His successful business career in the oil industry provided him with a deep knowledge of economic matters important to his district and to the Nation.

Harold Runnels will be especially missed not only by his lovely wife, Dorothy, and their children, but also by his colleagues in Congress, on the Interior Committee and by the citizens of New Mexico's Second Congressional District.●

● Mr. GIBBONS. Mr. Speaker, Harold Runnels was a great man. In addition to that, he was a kind and generous friend. He possessed a good sense of humor, along with his deep belief in principles that he believed were necessary for the strength of our country. He was a man of courage, and we will all miss him deeply.

Harold vigorously and effectively represented his State here in the Congress. He was a fine man, and he put his country first.

Martha and I are grateful that Harold and Dorothy were friends of the Gibbons family. Harold was most helpful in obtaining medical treatment for a member of our family. We will miss him. We extend our condolences and love to all of his family.●

● Mr. CARR. Mr. Speaker, I join my colleagues today in honoring Harold Runnels, whose civility, warmth, and sense of humor never failed him despite the physical illnesses that plagued him almost all his life. Even as disease took away his own strength, Harold Runnels strengthened others by his example, his courage, his indomitable personality. Few of us will ever have to face the suffering Harold Runnels endured—and conquered. None of us will forget the inspiration he provided for us every day of his life.●

● Mr. LENT. Mr. Speaker, it is with a sense of great loss that I join with my colleagues in honoring the memory of our good friend and most able legislator, the Honorable Harold Runnels. His premature passing has deprived our Nation of the services of an outstanding lawmaker.

Harold Runnels and I came to this House for the first time with the 92d Congress in January of 1971. From the very beginning of his service in the U.S. House of Representatives, it was clear that Harold Runnels was abundantly endowed with those unique qualities of character, intelligence, and ability which are the mark of an outstanding public servant.

In the ensuing decade, Harold Runnels established an enviable record of legislative achievement and service to his constituents; a record which won him the admiration and respect of his colleagues.

His record was so impressive, and his constituents so appreciated his capabilities that 2 years ago, Harold Runnels won reelection without opposition—the first time since New Mexico became a State that a candidate had been so elected. And he faced no opposition in the November election this year. This is eloquent testimony, indeed, to Harold Runnel's dedicated public service.

In his positions on the Armed Services and Interior Committees, Harold Runnels persistently pursued the course which he felt would most benefit our great Nation. As chairman of the Interior Subcommittee on Oversight and Special Investigations, his direction of the subcommittee's activities was always pointed toward the goal of improvement in the administration of our public laws.

It is tragic that Harold Runnels' brilliant legislative career would be brought to an abrupt end by a fatal illness.

The loss of this dedicated public servant is a severe one for his constituents of the Second Congressional District of New Mexico, for the U.S. Congress, and for the Nation. But it is a particularly severe loss for his colleagues in the House who knew and valued him as a friend.

Mrs. Lent and I offer our deepest sympathy to Harold's lovely wife and to their four children.●

● Mr. ICHORD. Mr. Speaker, August 5 marked a dark day for the House of Representatives, the State of New Mexico, and for me personally. On that day, our colleague, Harold Runnels, passed away and left us to serve in the ultimate legislative body.

Harold Runnels spent 20 years in the service of the citizens of the great State of New Mexico; the past 10 serving the residents of the Second District in this body.

A man of modest beginnings, Harold exemplified what is grand and glorious about this great Nation. The land of opportunity was not wasted on Harold Runnels. He availed himself of each and every opportunity and through hard work, rose in stature as a highly successful businessman—a product of the free enterprise system.

Harold likewise succeeded in public service while constantly representing the fundamental concepts of individual freedom, economic strength, and military preparedness. He was unopposed for reelection in November—a true testament to how well he represented his constituents both individually and collectively.

Despite a level of success in multiple areas, which few of us can hope to achieve in our lifetime. Harold Runnels never lost touch with the common person. He retained a sense of humility and could extract a fleeting moment of humor from almost any crisis. He served his country well.

In this profession, we meet thousands upon thousands of people from all walks of life. These, we tend to categorize as constituents, associates, colleagues and so forth. In Harold's case, I can only gorize him as a friend who helped me when I needed it and was always ready to assist me as a friend. I will treasure that friendship always and will always be thankful that I had the opportunity of knowing Harold Runnels and sharing a part of his all too short life along side of him in this body.

I shall always, Mr. Speaker, remember Harold as a friend who possessed more of that fading intangible attribute which we often characterize as "commonsense" than any person I have ever known. Everyone who came in contact with Harold loved him. His family, his business associates, his colleagues, his employees, his constituents and innumerable acquaintances who happened to need help while Harold was just passing by. He had time to help the lowly as well as the mighty. I know there are scores of little people around the Capitol who were beneficaries of his assistance and generosity. His funeral which I attended in New Mexico was one of the most beautiful outpourings of public affection for a departed human being I have ever witnessed. They remember the help that "Mud" gave them.

I too am indebted to him and with love and respect for his memory and in appreciation for the help he has given me I stand ready to extend a helping hand to his wife Dorothy and their children Michael, Phillip, Matthew, and Eydie. My heartfelt condolences are also extended.●

● Mr. JONES of Oklahoma. Mr. Speaker, Harold Runnels' untimely death is a blow not only to his native State of New Mexico but also to the House of Representatives as a whole.

Harold in many ways bridged the gap between new and old. First elected in 1970, he combined the best traits for the job he was elected to perform—wisdom and enthusiasm.

Harold Runnels was always willing to help new Members trying to learn the ropes upon arriving in Congress. At the same time, he was willing to pitch in as a team player for the good of the whole. His background and experience in the energy industry gave him both the knowledge needed to craft reasonable public policy and the insight necessary to ask the right questions of both industry and government officials.

Our departed colleague was the sort of person who demanded all the information, and then voted accordingly. He could not be put in a category or stereotyped, because his vote was at the mercy of the facts, rather than in response to some unbending political doctrine. He made a major contribution to strengthening our national defenses through his service on the Armed Services Committee.

Most importantly, he was the sort of person that people listened to. When the time came to execute legislative policy, Harold Runnels was an indispensable ingredient to success. He will be missed, because he cannot be replaced.●

● Mr. de la GARZA. Mr. Speaker, it was with great sadness that I learned of the death of our friend and colleague Harold Runnels—statesman, patriot, and more importantly a good person. His presence will be deeply missed by many.

As a Member of this body, Harold Runnels earned our respect and friendship for his tireless efforts in support of those things he believed in, primarily the greatness of our United States. His efforts toward developing sound defense and energy policies were invaluable.

Although Harold Runnels was a capable and hard worker, we will best remember him as a friend, for he was always there to help and brighten our spirits when we needed it. Harold used his great wit as a means of helping us accomplish our work; always there with a joke to lighten the pressure.

There is little doubt that Harold Runnels will be sorely missed by the constitutents of the Second District of New Mexico, and by many others in the Southwest. Harold cared and did his best to represent them all.

It has been my privilege and pleasure to have had the opportunity to work with and know this great individual. My deepest sympathies go out to his wife and family for their great loss.●

● Mr. ZABLOCKI. Mr. Speaker, I am deeply bereaved at the passing of our colleague and friend, Representative Harold Runnels. He will be sorely missed in the House of Representatives.

As you know, Mr. Speaker, Representative Runnels was a fighter. His work on the Subcommittee on Oversight and Investigations of the Interior Committee mandated that he make tough decisions and that he stand by them. He was closely involved in energy policymaking at a time when energy was targeted as a top priority in this country. While at times he took positions which were controversial, Harold Runnels did not back off. He worked steadily and courageously to defend the positions he felt would better the conditions of all Americans.

His Subcommittee on Oversight and Investigations carried on in-depth and thorough investigations of complicated matters. He examined the operation of the Trans-Alaska Pipeline System and the disttribution of Alaska oil from Prudhoe Bay on Alaska's North Slope.

He also was an active member of the House Armed Services Committee.

Mr. Speaker, Harold Runnels was able to understand the problems of a wide variety of people. He worked in a number of professions during his career and moved up the ladder from clerk-typist, to movie theater operator, to oilman, to politician. His abhorrence of excessive paperwork and his rapport with people made him personable and responsive. Whatever he did, he did well.

Mr. Speaker, I will personally miss Harold Runnels, and I would like to join my colleagues in the House in extending my sincere condolences to his wife, Dorothy, and his four children.●

● Mr. LONG of Louisiana. Mr. Speaker, I was indeed saddened to learn of the loss of one of the House of Representatives most dedicated Members, Harold Runnels of New Mexico. "Mud" Runnels gained both his nickname and his education in the petroleum industry. Drilling fluid, more commonly referred to as simply mud, was Harold's business. He brought this firsthand knowledge of the problems of oil exploration to the Committee on Interior and Insular Affairs, where he chaired the Subcommittee on Oversight and Investigations.

Harold's diligent oversight of the operation of the Trans-Alaska Pipeline will continue to serve as a model for all committees. As a Member from an energy-producing region, I have been especially aware of Harold's tireless efforts to educate the Congress and the public of the need for a balanced and responsible energy policy. The residents of the Second District of New Mexico, the Members of the House of Representatives, and all those who share a concern for our energy future have lost an able and dedicated champion in Harold Runnels.●

● Mr. FROST. Mr. Speaker, Harold Runnels reminded me of the gentleman from Oklahoma, Will Rogers.

He had the appearance of honesty, the manner of courtesy, the position of trust, and the respect of each Member of the House of Representatives—on both sides of the aisle.

As I heard Harold Runnels speak on many issues, I knew why his beloved State of New Mexico honored him twice as the only Congressman to ever seek reelection without opposition.

Harold Runnels will be missed—not only because of our friendship—but because he symbolized the rugged frontiersman who maintained an abiding love and respect for his country and his fellow man.

I think both men would be pleased that Harold Runnels reminded me of Will Rogers.●

● Mr. DANIELSON. Mr. Speaker, one of the sad things about serving in the House of Representatives is the fact that during each Congress a few of our close colleagues pass away. I recall that following one such passing a few years ago, while Carl Albert was Speaker of the House, Speaker Albert mentioned that he had done some research and had found that, on the average, four Members of the House of Representatives come to the end of their days during each Congress. I know that we all realize that this does happen and will continue to happen, but, nevertheless, there is a pronounced feeling of sorrow and of emptiness when one of our colleagues is gone.

Harold Runnels and I came into the Congress at the same time, having been elected to the 92d Congress in 1970 and taking office in January of 1971. We had more than that in common since each of us had served in the State senate of our respective States prior to coming to the Congress. Both of us also, long ago, were employees of the FBI. I clearly recall sitting with him while we attended the briefing sessions at the beginning of the 92d Congress and discussing our hopes for committee assignments and speculating on how best to achieve those hopes.

Over the years, we continued to be friends and often visited in the back of the Chamber during debates and pending rollcalls, and I was proud to count him as one of my good friends.

Harold Runnels' legislative record very ably speaks for itself and I wish only to add that I enjoyed knowing him, that I found him to be a good and loyal friend and a fine Congressman, and that, as with all of our friends, I will miss him. I extend my sympathy to his wife, Dorothy, and to his children.●

● Mr. ANDERSON of California. Mr. Speaker, words can hardly express my feelings for a man I served with here in the House of Representatives who is no longer with us. He was a fine man, a dear friend, and a trusted colleague—I speak of Harold Runnels of New Mexico.

Harold was here in the House for only 10 years, but during those years his hard work and dedication were noted by all those who knew him. His constituency, the Second Congressional District of New Mexico, liked him so much they sent him back here to Washington unopposed in the 1978 election, and were planning to do the same this November—a first for the State of New Mexico.

I never served on the same committees with Harold, but I am well aware, as are you my colleagues, that he was active in his congressional responsibilities and his civic duties. Harold, as we know, had a bout with his health, but he never let it interfere with his sincere interest in attaining the goal of energy self-suffiiency for this Nation.

Both my wife, Lee, and I were saddened to hear of Harold's passing, and know the people of his district, his colleagues, and his family shall miss Harold Runnels tremendously. To his wife, Dorothy, and his four children, we offer our sincerest condolences.●

● Mr. WHITE. Mr. Speaker, Harold Runnels was the type of colleague who makes one proud to be a Member of this national legislative body. He was highly intelligent, experienced, impeccably honest, and totally dedicated to the ideals which have witnessed the United States of America develop over the past two centuries into the greatest Nation the world has ever known. His articulation of the great problems and issues of the day reflected a deep concern for people tempered with the restraint of realism, an unswerving conviction to the truth of the peace through strength concept, and a keen understanding of the need for meaningful reforms in the Federal Government—particularly regarding fiscal responsibility and regulation. Harold was particularly adept at understanding the finances of government. He had a unique and warm sense of humor that was able to laugh at himself but not be cutting to others. One of his more inspiring actions was the equanimity and strength with which he uncomplainedly accepted yet strived to survive his last illnesses. Each was devastating enough to overcome the spirit of any ordinary man, but Harold never lost his good humor and attitude of optimism. The fact that his district twice in a row did not place election opposition against him testifies to the deep regard of the people of his district. He was the first Congressman in the history of New Mexico to run unopposed. Let us all hope mightily that the people of New Mexico's Second District will do themselves, and the country, the great service of sending us a person approaching the unique excellence of Harold Runnels. It was my good fortune to come to know the gentleman quite well because of our adjoining districts and the resulting localized problems we shared, and through our service together on the House Armed Services Committee. My deep sympathy goes to his family and to his friends and constituents.●

● Mr. FUQUA. Mr. Speaker, the passing of a dedicated and effective public servant is always a loss to the people he serves. In the case of Harold Runnels, who served the entire Nation with distinction, the loss is particularly deep to people from throughout the 50 States.

Inevitably, however, the loss is felt most deeply by those with whom he served.

Harold Runnels was a good friend, an able colleague, and a tireless worker.

The people of the Second District of New Mexico can be particularly proud to have shown the wisdom and judgment to send an individual to Congress who so persistently reflected the wisdom and judgment they demonstrated by his actions and votes in this body.

Through his careers in law enforcement, business, and 20 years of elective service, Harold Runnels never failed to live up to the highest and best traditions of America.

His valuable and patient counsel, his enviable record of service to his constituents and this House, his wisdom and forbearance, will all be deeply missed by his colleagues.

He was a good man and a good Congressman.

And he was a good friend.●

Mr. LUJAN. I thank all of my colleagues who have joined with me in this special order, because Harold was truly one of the greatest guys that I have ever known, not only amongst those who have remained after work at this late hour to express their feelings on behalf of HAROLD, but I also have a great number of statements by some of our colleagues that for one reason or another were not able to be here.

One final thought: I thought as we were all talking about HAROLD, I thought back to the day when he found out that he had cancer, the very first time. He called me that morning and he said, "Come on up. Let's have a cup of coffee." I went on up, and frankly, we both cried a little bit because a piece of news like that is just really terrible. Then the bells rang, and we had to run to the floor, and of course HAROLD took his usual place and just went on, even though he knew that 2 or 3 days later he had to go up to New York and have his first terrible operation. You would not have known it, just the way he acted just showed a type of courage that not very many people in this world would have.

And so it was kind of a great thing to see and kind of a sad thing to see it at the same time. But it just went to show what kind of a guy he was.

I want to close by offering to Dorothy and Philip and Michael and Matt and Eydie, our heartfelt condolences on my part and the part of my colleagues and on the part of my family.

NATIONAL SERVICE ENDORSED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. CAVANAUGH) is recognized for 5 minutes.

● Mr. CAVANAUGH. Mr. Speaker, a recent guest editorial by Stanley Karnow which appeared in the August 21, 1980, edition of the Stars and Stripes newspaper, the only national veterans newspaper, is an insightful endorsement of the establishment of a Presidential Commission on National Service as proposed by Senator PAUL TSONGAS in the Senate and our colleague, LEON PANETTA. The editorial is as follows:

THE CASE FOR VOLUNTARY NATIONAL SERVICE

(By Stanley Karnow)

If there was something missing when young American men registered for the draft last month, it was an alternative that would give youths of both sexes the opportunity to sign up for some kind of voluntary civilian service.

The time has come to create a system that not only anticipates the possibility of war, but, more importantly, strengthens the country's ability to cope with its peacetime problems.

More than ever before, the United States needs the help of young people to care for the elderly, assist in hospitals, manage child centers, run playgrounds, tutor ghetto children and so forth. Oddly enough, young Americans are eager to perform the jobs.

Opinion surveys conducted last year show that morethan 70 percent of teenagers and young adults support the concept of voluntary national service. According to the polls, approval for such a system is shared by rich and poor, black and white, and men and women across the continent.

This suggests that while the memory of the Vietnam tragedy is still fresh in their minds, American youths are not as cynical and self-centered as the older generation may think. On the contrary, they appear to be receptive to the notion of making a contribution to society.

It may be, too, that they consider national service to be a way of gaining experience, acquiring skills or simply getting a job in a period of unemployment. But, whatever their motives, their attitude is positive.

Senators Paul Tsongas of Massachusetts and Alan Cranston of California have introduced legislation calling for a presidential commission to study the feasibility of a national service system, and they are backed by 10 colleagues, most of them liberals.

The idea of such a system has been endorsed by black leaders like Vernon Jordon of the National Urban League and former UN Ambassador Andrew Young. And a blue-ribbon committee set up to examine the subject proposed last year that a large-scale program be established to attract many more participants than already existing operations, like the Peace Corps and the Young Adult Conservation Corps.

The Committee has proposed a program that would accommodate a million or so volunteers who would serve mainly at local levels either before they begin their careers or before they complete their education.

A similar plan is favored by several university presidents, among them Father Theodore Hesburgh of Notre Dame, Howard Swearer of Brown and Steven Muller of Johns Hopkins. Muller suggests that, as an incentive, national service volunteers be made eligible for educational grants under an arrangement like the GI Bill of Rights.

My own view, which is probably controversial, is that universal military conscription ought to be revived, with draftees given the option of civilian service instead of undergoing training in the Armed Forces.

This is the case in a number of countries. The way the dual system functions in West Germany and France is described in a recent report by Roger Landrum of the Potomac Institute, a Washington research organization.

Probably in reaction to its Nazi past, West Germany has a remarkably liberal system that permits youths to escape military conscription not only on religious grounds, but also because of their ethical and political beliefs. Those whose claim to conscientious objection is accepted are assigned to civilian jobs.

Landrum found them at various tasks, such as attending to the elderly in nursing homes, providing companionship for old people living at home, working in hospitals, assisting church groups to deal with troubled adolescents, teaching the children of foreign laborers and other such duties. They serve for 15 months, the same length of time as a conscript soldier, and receive the same subsistence wage.

Interestingly, the West German public seems to respect those in civilian service, even though many of them are admittedly leftists opposed to the military establishment. Through their service, moreover, these youths appear to be filing a gap and not only helping the country but reinforcing themselves.

As Landrum observes, the West German system of civilian service "meets specific domestic needs of society (while) giving many thousands of young men an outlet for their idealism that permits them to maintain the integrity of their consciences."

An interesting feature in the French system, in my estimation, is the alternative that allows draftees to opt for 16 months of civilian service overseas instead of a mandatory year in military training.

This Gallic equivalent of the Peace Corps was originally encouraged in part at least, to preserve a measure of France's influence in its former African colonies. Those sent abroad are mostly specialists, like engineers, teachers, mechanics and medical aides. The difference from the Peace Corps is that the civilian option is linked to military conscription.

Obviously, neither the West German nor the French systems can be imported as such to the United States. But both contain elements that might be introduced into America. The key, though, has to be the recognition that young Americans are, under the proper conditions, more willing to make a contribution to society than are the politicians who make the laws.●

AMENDMENTS TO "SUPERFUND" BILLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. ULLMAN) is recognized for 5 minutes.

● Mr. ULLMAN. Mr. Speaker, last week, the Committee on Ways and Means agreed to a substitute for the original committee amendment to H.R. 85 (the Comprehensive Oil Pollution Liability and Compensation Act) reported on June 20, 1980.

This committee substitute reflects the result of conversations between members of the Ways and Means Committee and the other committees that have jurisdiction over various aspects of this bill. In its original amendment to the bill, the Ways and Means Committee imposes specific excise taxes on oil, petroleum products, petrochemical feedstocks, and certain inorganic substances.

The revenues generated by these taxes are placed in two trust funds to provide for certain purposes under the act. The tax and trust fund provisions reflect concerns of the committee regarding matters within its jurisdiction—including uses of the trust fund asset. The Committee on Merchant Marine and Fisheries and the Committee on Public Works expressed a number of reservations about the structure of the taxes and trust funds provided for in the Ways and Means amendment.

The committee substitute is a compromise of the various concerns expressed by the three committees working on this bill. Its provisions are the same as the original Ways and Means amendment except for four specific changes.

First, the committee substitute requires the Treasury to issue regulations under which any petrochemical feedstock, a principal use of which is use as a fuel, will be subject to the chemical tax only when it is used other than as a fuel. For example, the committee understands that more than four-fifths of all domestic consumption of methane and propane is for fuel purposes. Therefore, those feedstocks would be treated as one of the tax's specified petrochemical feedstocks only when used for nonfuel purposes.

Second, the committee substitute provides that until September 30, 1981, each of the two trust funds established by the amendment will be permitted to borrow a maximum of $75 million from the Treasury. Such loans may be made only to the extent necessary to accomplish the purposes of the fund. Loans to the trust funds and interest thereon will be repaid when the Secretary determines that moneys are available in the funds for that purpose. The funds will be required to pay interest to the Treasury at the rate earned by marketable obligation of the United States of comparable maturity.

Third, the committee substitute provides that the trust funds and authority to make payments from them will not expire on September 30, 1985. Thus, either trust fund could continue to operate as long as a balance were available in the fund. However, the taxes imposed under the act will not apply after September 30, 1985.

Finally, the committee substitute allows the funds to be used to pay for four categories of claims (the fourth is defined more broadly than under the original committee amendment):

Removal costs;

Injury to, or destruction of real or personal property;

Injury to, or destruction of natural resources; and

Loss of profits or impairment of earning capacity due to injury or destruction of real or personal property or natural resources, if the claimant derives at least 25 percent of his gross income from activities which utilize the injured or destroyed property resource. Only losses sustained during the first 2 years following the initial loss are compensible.

Mr. Speaker, H.R. 85 is a bill of vital importance. Virtually every week we read of yet another oil or chemical spill. This bill will provide an assured source of funds for emergency response to these spills and will create new rights for their victims. I urge my colleagues to support this measure when it comes to the floor.

Mr. Speaker, I ask unanimous consent that the text of the committee substitute be printed in the Record and that the text of two committee amendments to the original Ways and Means amendments on H.R. 85 and H.R. 7020 also appear in the Record. The last two amendments relate to the taxation of feedstocks used as fuels.

TITLE V—ENVIRONMENTAL REVENUE ACT OF 1980

Sec. 501. Short Title; Amendment of 1954 Code.

(a) Short Title.—This title may be cited as the "Environmental Revenue Act of 1980".

(b) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

Subtitle A—Imposition of Taxes

Sec. 511. Imposition of Taxes.

(a) General Rule.—Subtitle D (relating to miscellaneous excise taxes) is amended by inserting after chapter 37 the following new chapter:

"Chapter 38—ENVIRONMENTAL TAXES

"Subchapter A. Tax on petroleum.
"Subchapter B. Tax on certain chemicals.

"Subchapter A—Tax on Petroleum

"Sec. 4601. Imposition of tax.
"Sec. 4602. Definitions and special rules.

"Sec. 4601. Imposition of Tax.

"(a) General Rule.—There is hereby imposed a tax of 1.3 cents a barrel on—

"(1) crude oil received at a United States refinery, and

"(2) petroleum products entered into the United States for consumption, use, or warehousing.

"(b) Tax on Certain Uses and Exportation.—

"(1) In general.—If—

"(A) any domestic crude oil is used in or exported from the United States, and

"(B) before such use or exportation, no tax was imposed on such crude oil under subsection (a),

then a tax of 1.3 cents a barrel is hereby imposed on such crude oil.

"(2) Exception for use on premises where produced.—Paragraph (1) shall not apply to any use of crude oil for extracting oil or natural gas on the premises where such crude oil was produced.

"(c) Persons Liable for Tax.—

"(1) Crude oil received at refinery.—The tax imposed by subsection (a)(1) shall be paid by the operator of the United States refinery.

"(2) Imported petroleum products.—The tax imposed by subsection (a)(2) shall be paid by the person entering the product for consumption, use, or warehousing.

"(3) Tax on certain uses or exports.—The tax imposed by subsection (b) shall be paid by the person using or exporting the crude oil, as the case may be.

"(d) Termination.—The taxes imposed by this section shall not apply after September 30, 1985.

"Sec. 4602. Definitions and Special Rules.

"(a) Definitions.—For purposes of this subchapter—

"(1) Crude oil.—The term 'crude oil' includes crude oil condensates and natural gasoline.

"(2) Domestic crude oil.—The term 'domestic crude oil' means any crude produced from a well located in the United States.

"(3) Petroleum product.—The term 'petroleum product' includes crude oil.

"(4) United States.—

"(A) In general.—The term 'United States' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, any possession of the United States, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(B) United States includes continental shelf areas.—The principles of section 638 shall apply for purposes of the term 'United States'.

"(C) United States includes foreign trade zones.—The term 'United States' includes any foreign trade zone of the United States.

"(5) United States refinery.—The term 'United States refinery' means any facility in the United States at which crude oil is refined.

"(6) Refineries which produce natural gasoline.—In the case of any United States refinery which produces natural gasoline from natural gas, the gasoline so produced shall be treated as received at such refinery at the time so produced.

"(7) Premises.—The term 'premises' has the same meaning as when used for purposes of determining gross income from the property under section 613.

"(8) Barrel.—The term 'barrel' means 42 United States gallons.

"(9) Fractional part of barrel.—In the case of a fraction of a barrel, the tax imposed by section 4601 shall be the same fraction of the amount of such tax imposed on a whole barrel.

"(b) Only One Tax Imposed With Respect to Any Product.—No tax shall be imposed under section 4601 with respect to any petroleum product if the person who would be liable for such tax establishes that a prior tax has been imposed by such section with respect to such product.

"Subchapter B—Tax on Certain Chemicals

"Sec. 4651. Imposition of tax.
"Sec. 4652. Definitions and special rules.

"Sec. 4651. Imposition of Tax.

"(a) General Rule.—There is hereby imposed a tax on any taxable chemical sold by the manufacturer, producer, or importer thereof.

"(b) Amount of tax.—The amount of the tax imposed by subsection (a) shall be—

"(1) $1.18 a ton in the case of specified petrochemical feedstocks, or

"(2) 31 cents a ton in the case of specified inorganic substances.

"(c) Termination.—The taxes imposed by this section shall not apply after September 30, 1985.

"Sec. 4652. Definitions and Special Rules.

"(a) Definitions.—For purposes of this subchapter—

"(1) Taxable chemical.—The term 'taxable chemical' means any substance—

"(A) which is a specified petrochemical feedstock or a specified inorganic substance, and

"(B) which is manufactured or produced in the United States or entered into the United States for consumption, use, or warehousing.

"(2) Specified petrochemical feedstock.—

"(A) In general.—The term 'specified petrochemical feedstock' means any of the following substances: ethylene; propylene; butylene; butadiene; butane; propane; benzene; toluene; xylene; naphthalene; methane; carbon black; ethane.

"(B) Special rule for certain substances.—Under regulations prescribed by the Secretary, any substance listed in subparagraph (A) for which a principal use is use as a fuel shall be treated as a specified petrochemical feedstock only if it is used otherwise than as a fuel (and, for purposes of section 4651(a), the person so using it shall be treated as the manufacturer thereof).

"(3) Specified inorganic substance.—The term 'specified inorganic substance' means any of the following substances:

"(A) arsenic, cadmium, chromium, lead, mercury, and the equivalent weight of the foregoing elements in arsenic trioxide, chromite, chromic acid, sodium dichromate, potassium dichromate, and lead oxide;

"(B) chlorine, hydrochloric acid, hydrofluoric acid, and the equivalent weight of bromine in methyl bromide and ethylene dibromide;

"(C) phosphoric acid, sulfuric acid, nitric acid, potassium hydroxide, and sodium hydroxide; and

"(D) ammonia and the equivalent weight of ammonia in ammonium nitrate.

"(4) United States.—The term 'United States' has the meaning given such term by section 4602(a)(4).

"(5) Importer.—The term 'importer' means the person entering the taxable chemical for consumption, use, or warehousing.

"(6) Ton.—The term 'ton' means 2,000 pounds. In the case of any taxable chemical which is a gas, the term 'ton' means the amount of such gas in cubic feet which is the equivalent of 2,000 pounds on a molecular weight basis.

"(7) Fractional part of ton.—In the case of a fraction of a ton, the tax imposed by section 4651 shall be the same fraction of the amount of such tax imposed on a whole ton.

"(b) Use by Manufacturer, Etc., Considered Sale.—If any person manufactures, produces, or imports a taxable chemical and uses such chemical, then he shall be liable for tax under section 4651 in the same manner as if such chemical were sold by him.

"(c) Refund or Credit for Certain Uses.—Under regulations prescribed by the Secretary, if—

"(1) a tax under section 4651 was paid with respect to any taxable chemical, and

"(2) such chemical was used by any person in the manufacture or production of any other substance the sale of which by such person would be taxable under such section, then an amount equal to the tax so paid shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by such section. The amount of any such credit or refund shall not exceed the amount of tax imposed by such section on the other substance so manufactured or produced."

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle D is amended by inserting after the item relating to chapter 37 the following new item:

"CHAPTER 38. ENVIRONMENTAL TAXES."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1980.

Subtitle B—Establishment of Trust Funds

PART I—ESTABLISHMENT OF TRUST FUNDS

SEC. 521. ESTABLISHMENT OF COMPREHENSIVE OIL POLLUTION LIABILITY TRUST FUND.

(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Comprehensive Oil Pollution Liability Trust Fund" (hereinafter in this subtitle referred to as the "Oil Pollution Trust Fund"), consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section or as may be transferred to such Trust Fund under this Act.

(b) TRANSFER TO OIL POLLUTION TRUST FUND OF CERTAIN AMOUNTS.—There are hereby appropriated to the Oil Pollution Trust Fund amounts determined by the Secretary of the Treasury (hereinafter in this subtitle referred to as the "Secretary") to be equivalent to—

(1) the amounts received in the Treasury under section 4601 of the Internal Revenue Code of 1954,

(2) the amounts recovered or collected on behalf of the Oil Pollution Trust Fund under title I of this Act, and

(3) any penalties imposed under title I of this Act or under section 311 of the Federal Water Pollution Control Act (insofar as it relates to petroleum oils).

(c) EXPENDITURES FROM OIL POLLUTION TRUST FUND.—

(1) IN GENERAL.—Amounts in the Oil Pollution Trust Fund shall be available only for purposes of paying claims for compensable damages which are recognizable under title I of this Act (as in effect on the date of the enactment of this Act).

(2) CLAIMS INCLUDE CERTAIN EXPENSES.—For purposes of paragraph (1), the amounts payable out of the Oil Pollution Trust Fund shall include the costs incurred by the United States by reason of any claim referred to in paragraph (1) (including processing costs, investigating costs, court costs, and attorney fees).

SEC. 522. ESTABLISHMENT OF HAZARDOUS SUBSTANCE POLLUTION LIABILITY TRUST FUND.

(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Hazardous Substance Pollution Liability Trust Fund" (hereinafter in this subtitle referred to as the "Hazardous Substance Trust Fund"), consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section or as may be transferred to such Trust Fund under this Act.

(b) TRANSFER TO HAZARDOUS SUBSTANCE TRUST FUND OF CERTAIN AMOUNTS.—There are hereby appropriated to the Hazardous Substance Trust Fund amounts determined by the Secretary to be equivalent to—

(1) the amounts received in the Treasury under section 4611 of the Internal Revenue Code of 1954,

(2) the amounts recovered or collected on behalf of such Trust Fund under section 311 of the Federal Water Pollution Control Act, and

(3) any penalties imposed under section 311 of such Act (insofar as it relates to substances other than petroleum oils).

(c) EXPENDITURES FROM HAZARDOUS SUBSTANCE TRUST FUND.—

(1) IN GENERAL.—Amounts in the Hazardous Substance Trust Fund shall be available only for purposes of paying claims for compensable damages which are recognizable under section 311 of the Federal Water Pollution Control Act (as in effect on the date of the enactment of this Act).

(2) CLAIMS INCLUDE CERTAIN EXPENSES.—For purposes of paragraph (1), the amounts payable out of the Hazardous Substance Trust Fund shall include the costs incurred by the United States by reason of any claim referred to in paragraph (1) (including processing costs, investigating costs, court costs, and attorney fees).

PART II—GENERAL PROVISIONS APPLICABLE TO TRUST FUNDS

SEC. 531. PURPOSES FOR WHICH TRUST FUNDS ARE AVAILABLE.

(a) DEFINITION OF COMPENSABLE DAMAGES.—

(1) IN GENERAL.—For purposes of this subtitle, the term "compensable damages" means damages asserted for—

(A) removal costs,

(B) injury to, or destruction of, real or personal property,

(C) injury to, or destruction of, natural resources, and

(D) loss of profits or impairment of earning capacity due to injury or destruction of real or personal property or natural resources, but—

(i) only if the person asserting the claim meets the income requirements of paragraph (2), and

(ii) only to the extent that the damages were sustained during the 2-year period beginning on the date the claimant first suffered such loss.

(2) INCOME REQUIREMENTS.—For purposes of paragraph (1), a person meets the income requirements of this paragraph if—

(A) for the taxable year which includes the day on which such person first suffered the loss described in paragraph (1)(D), or for the preceding taxable year, such person's gross income from activities which utilize the property or natural resources referred to in paragraph (1)(D), exceeds

(B) 25 percent of his total gross income from all sources for the taxable year (or preceding taxable year, as the case may be).

(b) RESTRICTION ON INTEREST PAYABLE OUT OF TRUST FUNDS.—No amount in any Trust Fund established by this subtitle may be used to pay interest on any claim for any period before the 46th day after the day on which such claim is finally determined.

(c) CERTAIN INTERFUND LOANS PERMITTED.—

(1) IN GENERAL.—Amounts in any Trust Fund established by this subtitle (hereinafter in this subsection referred to as the "lending fund") may be loaned to the other Trust Fund established by this subtitle if—

(A) the Secretary (after consultation with the appropriate Federal official) reasonably expects that the amount to be loaned will not be needed by the lending fund for the period of such loan,

(B) interest is payable on such loan at a rate comparable to the investment yield (as of the date of the loan) on interest-bearing obligations of the United States having maturities similar to that of such loan, and

(C) immediately after the making of such loan, the amount in the lending fund equals or exceeds $30,000,000.

(2) APPROPRIATE FEDERAL OFFICIAL.—For purposes of paragraph (1), the appropriate Federal official is—

(A) the Secretary of Transportation in the case of the Oil Pollution Trust Fund, and

(B) the Administrator of the Environmental Protection Agency in the case of the Hazardous Substance Trust Fund.

(3) AMOUNT IN TRUST FUND.—For purposes of this subsection and section 532(a), the amount in any Trust Fund shall be the sum of any cash in such Trust Fund and any public debt securities held by such Trust Fund.

SEC. 532. LIMITATION ON PAYMENT OF CLAIMS BY FUND.

(a) GENERAL RULE.—No amount in any Trust Fund established by this subtitle shall be used to pay any claim (other than a claim for removal costs) to the extent that the payment of such claim would reduce the amount in such Fund to an amount less than $30,000,000.

(b) ORDER IN WHICH UNPAID CLAIMS ARE TO BE PAID.—If at any time any Trust Fund established by this subtitle is unable (by reason of subsection (a)) to pay all of the claims (other than for removal costs) payable out of such Trust Fund at such time, such claims shall, to the extent permitted under subsection (a), be paid in full in the order in which they were finally determined.

SEC. 533. LIABILITY OF UNITED STATES LIMITED TO AMOUNT IN TRUST FUND.

(a) GENERAL RULE.—Any claim for damages filed against any Trust Fund established by this subtitle may be paid only out of such Trust Fund. Nothing in this Act (or in any amendment made by this Act) shall authorize the payment by the United States Government of any additional amount for damages with respect to any such claim out of any source other than a Trust Fund established by this subtitle.

(b) BORROWING FROM GENERAL FUND OF TREASURY.—

(1) PROHIBITION.—Except as provided in paragraph (2), nothing in this Act (or in any amendment made by this Act) shall be construed to authorize any Trust Fund established by this subtitle to borrow any money from the general fund of the Treasury.

(2) FIRST YEAR AUTHORITY.—

(A) IN GENERAL.—There are authorized to be appropriated to each Trust Fund established by this subtitle, as repayable advances, such sums as may be necessary to carry out the purposes of such Fund.

(B) LIMITATIONS.—

(i) The maximum aggregate amount which may be appropriated pursuant to subparagraph (A) to any Trust Fund may not exceed $75,000,000.

(ii) No advance may be made under this paragraph after September 30, 1981.

(C) REPAYMENT OF ADVANCES.—Advances made pursuant to this paragraph shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Trust Fund to which the advance was made. Such interest shall be at rates computed in the same manner as provided in section 534(b)(2) and shall be compounded annually.

SEC. 534. ADMINISTRATIVE PROVISIONS.

(a) METHOD OF TRANSFER.—The amounts appropriated by section 521(b) or 522(b) shall be transferred at least monthly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the amounts referred to in such section. Proper adjustments shall be made in the amount subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(b) MANAGEMENT OF TRUST FUNDS.—

(1) REPORT.—The Secretary shall be the trustee of each Trust Fund established by this subtitle, and shall report to the Congress for each fiscal year ending on or after September 30, 1981, on the financial condition and the results of the operations of such Trust Fund during such fiscal year and on its expected condition and operations during the next 5 fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(2) INVESTMENT.—It shall be the duty of the Secretary to invest such portion of each Trust Fund established by this subtitle as is not, in his judgment, required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable for the needs of the Trust Fund and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities, adjusted to the nearest one-eighth of 1 percent. The income on such investments shall be credited to and form a part of the Trust Fund.

Subtitle C—Coordination With Other Provisions of This Act

SEC. 541. COORDINATION WITH OTHER PROVISIONS OF THIS ACT.

(a) GENERAL RULE.—Nothing in this Act (or in any amendment made by this Act) other than this title shall authorize—

(1) the establishment of any fund,

(2) the payment out of any Trust Fund created by this title,

(3) the levy or collection of any fee, or

(4) the imposition of any requirement with respect to the procedure applicable to rules and regulations prescribed under this title (or under any amendment made by this title).

(b) REFERENCE TO FUND.—To the extent not inconsistent with this title—

(1) any reference in titles I and II of this Act (or in any amendment made by either of such titles) to a fund shall be deemed to be a reference to the Comprehensive Oil Pollution Liability Trust Fund established by this title, and

(2) any reference in title III of this Act (or in any amendment made by such title) to a fund shall be deemed to be a reference to the Hazardous Substance Pollution Liability Trust Fund established by this title.

(c) CERTAIN LIABILITIES ARISING BEFORE OCTOBER 1, 1980.—If any provision of this Act provides that the balance in any fund (hereinafter in this subsection referred to as the "transferor fund") is to be transferred to any Trust Fund established by this title (hereinafter in this subsection referred to as the "transferee fund"), any claim which arises before October 1, 1980 (to the extent such claim would have been payable out of the transferor fund), shall be payable out of the transferee fund notwithstanding any of the limitations imposed by subtitle B of this title.

(d) ADJUSTMENT IN TAX FOR BALANCE IN TRANS-ALASKA PIPELINE LIABILITY FUND.—

(1) IN GENERAL.—If the Secretary of the Treasury (or his delegate) determines—

(A) that there is a TAP fund surplus, the amount of such surplus shall be treated as an advance payment of the tax imposed by section 4601 of the Internal Revenue Code of 1954 on crude oil first transported through the Trans-Alaska Pipeline after the date of such determination, or

(B) that there is a TAP fund deficit, the tax imposed by section 4601 on crude oil first transported through the Trans-Alaska Pipeline after the date of such determination shall be increased by 2 cents per barrel until such time as the total amount of such increased tax equals such deficit.

(2) DEFINITIONS.—For purposes of paragraph (1)—

(A) TAP FUND SURPLUS.—The term "TAP fund surplus" means the excess (if any) of—

(i) the total amount of the assets transferred from the Trans-Alaska Pipeline Liability Fund to the Comprehensive Oil Pollution Liability Trust Fund established by this title, over

(ii) the amount certified by the Secretary of the Interior as the total amount of the claims outstanding against the Trans-Alaska Pipeline Liability Fund at the time of such transfer.

(B) TAP FUND DEFICIT.—The term "TAP fund deficit" means the excess (if any) of—

(i) the amount certified by the Secretary of the Interior as the total amount of the claims outstanding against the Trans-Alaska Pipeline Liability Fund at the time the assets of such fund are transferred to the Comprehensive Oil Pollution Liability Trust Fund established by this title, over

(ii) the total amount of the assets transferred from tthe Trans-Alaska Pipeline iLability Fund to the Comprehensive Oil Pollution Liability Trust Fund established by this title.

SUBTITLE D—STUDY

SEC. 551. STUDY.

(a) GENERAL RULE.—The Secretary of the Treasury (in consultation with the Secretary of Transportation, the Administrator of the Environmental Protection Agency, the Secretary of Commerce, and the United States Trade Representative) shall conduct a study—

(1) on the feasibility of—

(A) taxes which are based on the frequency of hazardous substances pollution and the degree of harm to the environment which results from such pollution, and

(B) adjustments in the amount of taxes on different modes of transportation to reflect different risks of pollution,

(2) an exemption from the taxes imposed by section 4651 of the Internal Revenue Code of 1954 for feedstocks when used as a fuel, and

(3) on the impact of the taxes imposed by sections 4601 and 4651 of the Internal Revenue Code of 1954 on the Nation's balance of trade with other countries.

(b) REPORT.—Not later than January 1, 1985, the Secretary of the Treasury shall submit to the Congress a report on the results of the study conducted under subsection (a), together with such recommendations as he deems feasible.

AMENDMENT TO THE WAYS AND MEANS COMMITTEE AMENDMENT TO H.R. 85

Insert after section 4652(a)(2) of the Internal Revenue Code of 1954, as proposed by the Committee amendment, the following:

"(B) SPECIAL RULE FOR CERTAIN SUBSTANCES.—Under regulations prescribed by the Secretary, any substance listed in subparagraph (A) for which a principal use is use as a fuel shall be treated as a specified petrochemical feedstock only if it is used otherwise than as a fuel (and, for purposes of section 4651(a), the person so using it shall be treated as the manufacturer thereof).

AMENDMENT TO THE WAYS AND MEANS COMMITTEE AMENDMENT TO H.R. 7020

Insert after section 4662(a)(2) of the Internal Revenue Code of 1954, as proposed by the Committee amendment, the following:

"(B) SPECIAL RULE FOR CERTAIN SUBSTANCES.—Under regulations prescribed by the Secretary, any substance listed in subparagraph (A) for which a principal use is use as a fuel shall be treated as a specified petrochemical feedstock only if it is used otherwise than as a fuel (and, for purposes of section 4661(a), the person so using it shall be treated as the manufacturer thereof).●

HOUSE BANKING COMMITTEE TARGETS IN ON PROPOSALS TO REVITALIZE INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

● Mr. REUSS. Mr. Speaker, the need for new government policies to revitalize American industry has now gained such wide acceptance that the next Congress will be giving the subject top priority.

The House Committee on Banking, Finance and Urban Affairs has been concerned with this subject for some time.

While revitalization is a problem that calls urgently for action, there is still no consensus on the way to go. We have not yet done as much homework as we should. The subject is still full of buzzwords—reindustrialization, new industrial policy, positive adjustment, structural reform, picking winners, whatever. To some, these terms mean less government involvement; to others, more. In reality, they need not mean either less or more, but rather a different kind of government involvement.

As I stated in supplementary views to the Joint Economic Committee economic review of January 1980:

> To rebuild American industry we must end the adversary relationship that now exists between government and business, and adopt the cooperative approach that has been tried and proven by several of our major allies and rivals, notably Germany and Japan. Conventional measures, such as regulatory reform and revision of tax and depreciation schedules, are also necessary, but they are not enough. We need a government role in planning and coordination of investment, in coordination of industrial location decisions, and to assure adequate and efficient support services (such as transportation, housing and waste disposal) to major new enterprises . . . Such a government role would be indicative, not coercive.

I have spelled out my own early ideas on revitalization in a number of speeches and articles, such as an article on "Inflation and the Structure of the Economy" published in the Los Angeles Times April 15, 1979 (CONGRESSIONAL RECORD, April 23, 1979), and in an address to the Women's Economic Round Table in New York (CONGRESSIONAL RECORD, December 10, 1979).

These ideas and others will be the subject of intensive scrutiny in the House Banking Committee beginning shortly.

Our Economic Stabilization Subcommittee, chaired by Congressman WILLIAM S. MOORHEAD, will be looking not only at creative ways of dealing with future Chryslers, New Yorks, and other specific problems, but at the needed comprehensive approach to a new industrial policy. Chairman MOORHEAD tells me he plans to introduce his own bill soon. Additionally, the subcommittee has scheduled for Wednesday of this week another day in its series of hearings on productivity and the American economy.

The subcommittee will bring valuable historical perspective to the subject. In 1977 the subcommittee held hearings on proposals for a national development bank. In 1978 the panel followed through with hearings on President Carter's proposed urban policy which included a national development bank to aid depressed areas. And in 1979 the subcommittee and full Banking Committee, after extensive hearings, approved a substantial expansion of the Economic Development Administrations authority for loans and guarantees to encourage private business in particular areas, a measure now in conference.

Our General Oversight and Renegotiation Subcommittee, headed by Congressman JOSEPH G. MINISH, will begin hearings September 10 and 18 on Chairman MINISH's National Development Act of 1980, a measure which he first introduced in 1977. It would establish a development bank authorized to make direct and guaranteed loans to State and local governments for public facilities, and provide job-creating loans for small- and medium-sized businesses unable to secure adequate credit otherwise.

The Subcommittee on the City, which I chair, has scheduled hearings beginning September 16 and 17 on industrial policy. The subcommittee will explore the various rationales for an industrial policy; ways it might be put into effect, including new forms of business-labor-government cooperation; and how these policies would affect cities—a prime consideration.

It is increasingly argued that both a healthy national economy and revitalized urban economies require attention to specific industrial sectors. There is disagreement, however, over the proper targets of Government involvement, and the forms it should take. We shall explore these arguments in depth.

We shall try to identify governmental approaches that will help ailing industries help themselves, and healthy industries achieve new innovation and productivity. We must attempt to achieve targeted structural reforms, not merely across-the-board tax cuts or loan guarantee programs that leave the underlying sectoral problems untouched.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

● Mr. BRADEMAS. Mr. Speaker, this afternoon, I missed two rollcall votes. The votes are as follows:

Rollcall No. 484, on a motion to suspend the rules and pass H.R. 6308, fusion energy research authorization, fiscal 1981. The motion was agreed to by vote of 365 to 7. Had I been present, I would have voted "aye."

Rollcall No. 485, on a motion to suspend the rules and pass H.R. 7380, to establish the Big Sur Coast Area in California. The motion was agreed to by vote of 256 to 118. Had I been present, I would have voted "aye."●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. DOWNEY) is recognized for 5 minutes.

● Mr. DOWNEY. Mr. Speaker, I was unavoidably absent on Friday, August 22. Had I been present, I would have voted as follows:

Rollcall No. 478, resolving into the Committee of the Whole House for the consideration of H.R. 7262, the Housing and Community Development Act of 1980; "yea."

Rollcall No. 479, the Butler amendment to H.R. 7262; "no."

Rollcall No. 480, final passage of H.R. 7262; "yea."

Rollcall No. 482, to recommit H.R. 7299, the Mental Health Systems Act; "no."

Rollcall No. 483, final passage of H.R. 7299; "yea." ●

SCHOOLS SHOULD PROVIDE TIME FOR SILENT PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PREYER) is recognized for 5 minutes.

● Mr. PREYER. Mr. Speaker, all of us in this body have been aware of the grave concern of the citizens of this country regarding the issue of prayer in our public schools. Over the years since the Supreme Court decision we have received their cards and letters and we have talked with them in our districts. It is time we come to some national understanding about what is permitted in our schools. Therefore, I am today introducing a sense of the Congress resolution which I hope may clarify our national policy on prayer in public schools.

The 1962 Supreme Court decision that outlawed State mandated prayers has made school administrators uneasy about allowing time for voluntary prayer and the study of religion in our schools. However, voluntary prayers and Bible discussions in schools and public facilities were not ruled unconstitutional. It is my view that proposed constitutional amendments and other legislative measures to remove the jurisdiction of the Federal courts over cases on the prayer issue would only serve to subject our basic religious freedoms to the dictates of local school boards, legislatures, and courts, and I believe the Constitution should be tampered with as little as possible.

The alternative to the current dilemma which I am proposing is this resolution which expresses the sense of the Congress that school administrators should provide time for silent prayer and reflection. It further states that schools are encouraged to provide adequate study of the historical aspect of the world's religions.

This is not an attempt to force prayer on any school administrator or on any student. It is rather a proposal to help develop a national consensus on the issue of school prayer.

Prayer and the study of religion have been a fundamental part of our Nation's history. I hope this resolution will provide the basis for the discussion that is vital to reach a national consensus on what should be permitted in our schools and what should not be permitted. ●

WORKER UNREST IN POLAND

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, as Chairman of the Commission on Security and Cooperation in Europe, I am deeply concerned about the implications that the recent events in Poland may have both for the people of Poland and for the Madrid review meeting.

The actions and statements of the Polish Government raise some questions about its ability and willingness to meet its commitments under the Helsinki Final Act and other international guarantees of human rights, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

The central issue, of course, is the question of labor representation in Poland. The Universal Declaration of Human Rights to which Poland is a party provides that "everyone has the right to form and to join trade unions for the protection of his interests." The Polish workers are now trying to exercise that right.

Thus far, both sides have kept open the possibility of negotiating peacefully a settlement which would respect the Polish workers' rights as defined in the Universal Declaration and reiterated in the Final Act. I hope that this restraint will continue until the Polish Government and the Polish workers are able to work out a settlement which honors the workers' legitimate rights. We welcome reports that negotiations between the workers and the Polish Government may be moving in this direction.

I endorse the efforts of the American labor movement and the Polish American community to express their support for the Polish workers. I urge other groups to speak out on behalf of the Polish workers who are trying to secure rights that have long been guaranteed in the industrial democracies.

The Polish Government should know that both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights guarantee to all persons the rights to freedom of thought, opinion, and expression. Poland is a party to those international agreements and has reiterated its pledge to support those rights by signing the Helsinki Final Act. I was, therefore, very concerned to learn that 24 Polish citizens, including Jacek Kuron, Adam Michnik, and Jan Lytinski, have been arrested because of their outspoken support for the workers. I urge the U.S. delegation to the Madrid Review Conference to raise the case of each of these persons by name if they are in jail at that time along with the names of the Helsinki monitors who are being arrested or harassed in the Soviet Union and Czechoslovakia.

I am also concerned about the statement attributed to Polish Communist Party First Secretary Gierek who is reported to have said that Poland can only be independent and its frontiers can only be inviolable as long as it remains socialist. Principle I of Basket I of the Final Act guarantees that every state has the right to juridicial equality, to territorial integrity and to freedom and political independence. Principle I also requires each signatory to respect each signatory's right to choose and develop its own political, social, economic, and cultural systems. Principle III says specifically, "The participating states regard as inviolable all one another's frontiers * * *." Principle VI calls for nonintervention in the internal affairs of other states. The rights guaranteed by these principles are not contingent upon the form of government or social arrangements chosen by a signatory. Mr. Gierek's statement appears to be in direct contradiction to these principles which are an essential part of the framework of European security.

Finally I believe our delegation should take the opportunity afforded by the upcoming review meeting to criticize Soviet jamming of Western radio broadcasts. The timing of this jamming is a transparent attempt to keep the Soviet population in the dark about the facts of the situation in Poland. Instead of the truth, the Soviets have fabricated a story in which the events in Poland are due to the activities of a few anarchists and antisocialist elements. The jamming is taking place without regard for the Soviet pledge at Helsinki to "facilitate the wider and freer dissemination of information of all kinds."

As my colleagues know, the Commission on Security and Corporation in Europe has played an active role in monitoring and promoting compliance with the Helsinki Final Act. In the days to come, we will be watching developments in Poland closely and we do not preclude the possibility that these events will become the focus of even greater scrutiny at Madrid.

In closing, I would like to call to the attention of my colleagues, a statement Helsinki Commission Cochairman Claiborne Pell made in the Senate last week. He said:

> The Polish authorities still have an opportunity to reach agreement with the workers' representatives on a settlement which would improve the workers' living conditions and enlist the workers' cooperation in solving Poland's economic problems.
>
> The Helsinki Final Act can serve as a guide to such a solution.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Williams of Ohio (at the request of Mr. Rhodes), for today, on account of official business.

Mr. Conyers (at the request of Mr. Wright) for August 25 through September 5, on account of serving as a delegate to the Sixth U.N. Congress on Prevention of Crime and Treatment of Offenders at Caracas.

Mr. Rodino (at the request of Mr. Wright), for today, on account of illness in the family.

Mr. Thompson, for August 26, 27, and 28, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. Hopkins) to revise and extend his remarks and include extraneous material:)

Mr. Gilman, for 60 minutes, September 4, 1980.

(The following Members (at the request of Mr. Kazen) to revise and extend their remarks and include extraneous material:)

Mr. Cavanaugh, for 5 minutes, today.
Mr. Ullman, for 5 minutes, today.
Mr. Annunzio, for 5 minutes, today.
Mr. Gonzalez, for 15 minutes, today.
Mr. Reuss, for 10 minutes, today.
Mr. Weaver, for 10 minutes, today.
Mr. Pepper, for 5 minutes, today.
Mr. Brademas, for 5 minutes, today.
Mr. Downey, for 5 minutes, today.
Mr. Preyer, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Fish, to revise and extend in support of H.R. 6889 in the body of the Record prior to the vote on H.R. 6889 today.

(The following Members (at the request of Mr. Hopkins), and to include extraneous matter:)

Mrs. Snowe.
Mr. Collins of Texas in two instances.
Mr. McCloskey in two instances.
Mr. Findley.
Mr. Lagomarsino.
Mr. Hammerschmidt.
Mr. Dornan in three instances.

(The following Members (at the request of Mr. Kazen), and to include extraneous matter:)

Mr. Wolff in two instances.
Mr. Walgren.
Mr. Anderson of California in 10 instances.
Mr. Gonzalez in 10 instances.
Mr. Brown of California in 10 instances.
Mr. Annunzio in six instances.
Ms. Holtzman in 10 instances.
Mr. Boner of Tennessee in five instances.
Mr. Jones of Tennessee in 10 instances.
Mr. Bingham in 10 instances.
Mr. Ottinger in two instances.
Mr. Edwards of California.
Mr. Addabbo.
Mr. Simon.
Mr. Seiberling in 10 instances.
Ms. Oakar.
Mr. Maguire.
Mr. LaFalce.
Mr. Bonker in two instances.
Mr. Synar in two instances.
Mr. McDonald in five instances.
Mr. Jones of Oklahoma.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following title:

S. 1998. An act to provide for the United States to hold in trust for the Tule River Indian Tribe certain public domain lands formerly removed from the Tule River Indian Reservation;

S. 2055. An act to establish a reservation for the Confederated Tribes of Siletz Indians of Oregon; and

S.J. Res. 83. Joint resolution to authorize the Camp Fire Girls of Cundys Harbor, Maine, to erect a memorial in the District of Columbia.

ENROLLED BILL SIGNED

Mr. NEDZI, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 507. An act to authorize Federal participation in stream rectification, Trinity River Division, Central Valley project, Calif., and for other purposes.

ADJOURNMENT

Mr. JACOBS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 24 minutes p.m.) the House adjourned until tomorrow, Tuesday, August 26, 1980, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5139. A letter from the Assistant Secretary of Defense (Comptroller), transmitting notice of various transfers of funds appropriated to the Department of Defense, pursuant to section 734 of the Department of Defense Appropriation Act, 1980; to the Committee on Appropriations.

5140. A letter from the Secretary of Housing and Urban Development, transmitting a report on possible modifications to the mobile home loan program under title I of the National Housing Act; to the Committee on Banking, Finance and Urban Affairs.

5141. A letter from the Secretary, Council of the District of Columbia, transmitting Resolution No. 3-500, to approve the transfer of jurisdiction over lots 820 and 832 in Square 562 in the Northwest No. One Multiple Use Air Rights Site from the District of Columbia to the National Park Service for park purposes (S.O. 74-62) (Ward 2); to the Committee on the District of Columbia.

5142. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting his determination and certification that downward fluctuations in foreign currency exchange rates have made it necessary to provide additional funds to maintain the budgeted level of operation for Radio Free Europe/Radio Liberty, Inc., during the third quarter of fiscal year 1980, pursuant to section 3 of Public Law 94-350, as amended; to the Committee on Foreign Affairs.

5143. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Sudan (Transmittal No. 80-93), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5144. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Sudan (Transmittal No. 80-95), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5145. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of proposed changes in three existing records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5146. A letter from the Assistant Attorney General for Administration, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5147. A letter from the Assistant Secretary of Housing and Urban Development for Administration, transmitting notice of a proposed change in an existing records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5148. A letter from the Secretary, U.S. Consumer Product Safety Commission, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5149. A letter from the Secretary of the Interior, transmitting a report evaluating materials used by trade associations in preparing their annual estimates of Outer Continental Shelf oil and gas reserves and estimates of ultimate recovery of oil and gas from the Outer Continental Shelf, pursuant to section 606(e)(2) of Public Law 95-372; to the Committee on Interior and Insular Affairs.

5150. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to designate certain rivers for study as potential additions to the National Wild and Scenic Rivers Systems; to the Committee on Interior and Insular Affairs.

5151. A letter from the General Counsel, Department of Energy, transmitting notice of a meeting relating to the international energy program to be held on September 4, 1980, in Ottawa, Canada; to the Committee on Interstate and Foreign Commerce.

5152. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for the month of June 1980, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

5153. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend title 18, United States Code, to implement the Convention on the Physical Protection of Nuclear Material, and for other purposes; to the Committee on the Judiciary.

5154. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

5155. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the National Visitor Center Facilities Act of 1968 to authorize the Architect of the Capitol to provide steam to the facility; to the Committee of Public Works and Transportation.

5156. A letter from the Acting Secretary of Transportation, transmitting the sixth annual highway safety stewardship report, pursuant to section 203(e) of the Highway Safety Act of 1973 and sections 151(g) and 152(g) of title 23, United States Code; to the Committee on Public Works and Transportation.

5157. A letter from the Administrator of General Services, transmitting a prospectus proposing the acquisition of space by lease in Austin, Tex.; to the Committee on Public Works and Transportation.

5158. A letter from the U.S. Trade Representative, Executive Office of the President, transmitting copies of the Protocol Supplementary to the Geneva (1979) Protocol to the General Agreement on Tariffs and Trade of November 22, 1979, the Protocol for the Accession of the Philippines to the General Agreement on Tariffs and Trade of November 26, 1979, and the Protocol for the Accession of Colombia to the General Agreement on Tariffs and Trade of November 28, 1979, pursuant to section 162(a) of the Trade Act of 1974, together with the 24th annual report of the President on the trade agreements program, pursuant to section 162(b) of the act; to the Committee on Ways and Means.

5159. A letter from the Comptroller General of the United States, transmitting a report on the Department of the Interior's coal leasing program (EMD-80-87, Aug. 22, 1980); jointly, to the Committees on Government Operations and Interior and Insular Affairs.

5160. A letter from the Secretary of Health and Human Services, transmitting the annual report for fiscal year 1979 on the professional standards review organization program, pursuant to section 1172 of the Social Security Act, as amended; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

5161. A letter from the Secretary of Health and Human Services, transmitting the annual report on findings of validation sample surveys of hospitals accredited by the Joint Commission on Accreditation of Hospitals for fiscal year 1979, pursuant to section 1875(b) of the Social Security Act, as amended; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on House Administration. Senate Concurrent Resolution 102. Concurrent resolution authorizing the printing of self-guided tour brochure of the U.S. Botanic Garden Conservatory (Rept. No. 96-1250). Referred to the House Calendar.

Mr. FORD of Michigan: Committee of conference. Conference report on H.R. 5192 (Rept. No. 96-1251). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PERKINS (for himself, Mr. Natcher, Mr. Thompson, Mr. Mazzoli, Mr. Carter, Mr. Snyder, and Mr. Hopkins.

H.R. 8010. A bill to amend the Comprehensive Employment and Training Act to designate a Job Corps center as the "Earle C. Clements Job Corps Center"; to the Committee on Education and Labor.

By Mr. HUGHES:

H.R. 8011. A bill to amend the Federal Election Campaign Act of 1971 to provide for financing of general election campaigns for the House of Representatives; to the Committee on House Administration.

By Mr. JACOBS (for himself, Mr. Walgren, Mr. Weiss, Mr. Montgomery, Mr. Edwards of California, Mr. Maguire, Mr. Evans of Indiana, Mr. Brown of California, Mr. Harkin, Mr. Downey, Mr. Green, Mr. Preyer, Mrs. Schroeder, Mr. Buchanan, and Mr. McCloskey):

H.R. 8012. A bill to establish a commission to recommend an appropriate memorial to former U.S. Representative Allard K. Lowenstein; to the Committee on Post Office and Civil Service.

By Mr. JEFFRIES:

H.R. 8013. A bill to provide that certain payments be made by the Government of Iran to those U.S. citizens who were taken hostage in Tehran in November 1979; to the Committee on Foreign Affairs.

By Mr. LaFALCE:

H.R. 8014. A bill to amend the Internal Revenue Code of 1954 to reduce corporate income tax rates; to the Committee on Ways and Means.

H.R. 8015. A bill to amend the Internal Revenue Code of 1954 to increase the unified credit against estate and gift taxes; to the Committee on Ways and Means.

By Mr. LATTA:

H.R. 8016. A bill to amend the Internal Revenue Code of 1954 to increase the unified credit against estate and gift taxes so that estates under $500,000 will not be subject to estate tax and to increase the gift tax exclusion from $3,000 to $6,000; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 8017. A bill to fund the dredging to deepen Baltimore Harbor and channel, to provide within Baltimore Harbor spoil disposal sites enlarged in capacity by dewatering, and to prevent spoil disposal at Hart and Miller Islands in the Chesapeake Bay; to the Committee on Public Works and Transportation.

By Mr. ROBERTS:

H.R. 8018. A bill to rename a reservoir and dam in the Little Miami River Basin, Ohio, as the "William H. Harsha Lake" and the "William H. Harsha Dam"; to the Committee on Public Works and Transportation.

By Mr. ULLMAN:

H.R. 8019. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit to homebuilders for the construction of residences incorporating certain solar energy utilization characteristics; to the Committee on Ways and Means.

By Mr. VOLKMER:

H.R. 8020. A bill to amend the Internal Revenue Code of 1954 to increase the unified credit against estate and gift taxes so that estates under $500,000 will not be subject to estate tax and to increase the gift tax exclusion from $3,000 to $6,000; to the Committee on Ways and Means.

By Mr. WALKER:

H.R. 8021. A bill to amend the Food Stamp Act of 1977 to authorize the States to establish eligibility standards for participation in the food stamp program and benefit levels under such program, and for other purposes; to the Committee on Agriculture.

By Mr. ZEFERETTI:

H.J. Res. 599. Joint resolution to establish the U.S. Constitution Bicentennial Commission, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HAGEDORN:

H. Con. Res. 414. Concurrent resolution expressing the sense of the Congress that the Secretary of State should revoke the visas of aliens arrested for certain violent or illegal activities, and that the Attorney General should order the deportation of such aliens; to the Committee on the Judiciary.

By Mr. MAGUIRE (for himself, Mrs. Schroeder, Mr. Fithian, Mr. Petri, Mr. Derwinski, Mrs. Fenwick, Mr. Solarz, Mr. Rangel, Mr. Wolpe, Mr. Downey, Mrs. Collins of Illinois, Mr. Gray, and Mr. McCloskey):

H. Con. Res. 415. Concurrent resolution to express the sense of the Congress that the United States should provide immediate humanitarian assistance to Somalia in order to help that nation cope with the massive influx of refugees; to the Committee on Foreign Affairs.

By Ms. OAKAR:

H. Con. Res. 416. Concurrent resolution expressing the sense of the Congress that the legitimate demands of the striking Polish workers be met by the Government of Poland by peaceful means, without any interference from outside powers; to the Committee on Foreign Affairs.

By Mr. PREYER:

H. Con. Res. 417. Concurrent resolution expressing the sense of the Congress that public school administrators and teachers should provide students with periods for silent prayer, contemplation, or reflection and with ample opportunity to study the historical development of the world's religions; to the Committee on Education and Labor.

By Mr. RAILSBACK (for himself and Mr. Sawyer):

H. Con. Res. 418. Concurrent resolution declaring the sense of Congress regarding periods of silence in the public schools; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. ROE:

H. Con. Res. 419. Concurrent resolution to disapprove the determination of the President not to provide import relief for the leather wearing apparel industry; to the Committee on Ways and Means.

By Mr. CHARLES WILSON of Texas:

H. Con. Res. 420. Concurrent resolution disapproving the action of the District of Columbia Council in approving the Rental Housing Conversion and Sale Act of 1980; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. CHENEY presented a bill (H.R. 8022) to provide for the reinstatement and validation of U.S. oil and gas lease No. W–46102, which was referred to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 654: Mr. Spence, Mr. Beard of Rhode Island, Mr. Porter, Mr. Sebelius, and Mrs. Heckler.

H.R. 801: Mr. Kildee.

H.R. 2206: Mr. Beilenson, Mr. Charles H. Wilson of California, Mr. Frost, Mrs. Spellman, Mr. Railsback, Mr. McKinney, Mr. Badham, and Mr. Lujan.

H.R. 3609: Mr. Hollenbeck, Mr. Peyser, Mr. Moorhead of California, Mr. Synar, and Mr. Stack.

H.R. 4358: Mr. Edwards of California, Mr. Watkins, Mr. Mattox, and Mr. Stangeland

H.R. 4435: Mr. Regula.

H.R. 4731: Mr. Kazen.

H.R. 5225: Mr. Fountain.

H.R. 6228: Mr. Guarini.

H.R. 6361: Mr. Zeferetti.

H.R. 6398: Mrs. Spellman, Mr. Weiss, and Mr. Scheuer.

H.R. 6466: Mr. Jacobs.

H.R. 6587: Mr. Gibbons.

H.R. 6637: Mr. Lungren and Mr. Grassley.

H.R. 6691: Mr. Frost.

H.R. 7170: Mr. Moorhead of Calif.

H.R. 7287: Mr. Gibbons.

H.R. 7337: Mr. Andrews of North Dakota and Mr. Leach of Iowa.

H.R. 7420: Mr. Maguire, Mr. Nolan, Mr. Scheuer, Ms. Mikulski, Mr. Vento, Mr. Wolpe, Mr. Erdahl, Mr. Musto, and Mr. Conte.

H.R. 7506: Mr. Gramm, Mr. Charles Wilson of Texas, Mr. Hopkins, and Mr. Robert W. Daniel, Jr.

H.R. 7541: Mr. Weaver, Mr. Brodhead, Mr. Won Pat, Mr. Pepper, Mr. Stark, Mr. Forsythe, Mr. Hughes, Ms. Mikulski, Mr. Edwards of California, Mrs. Spellman, Mr. Rodino, Mr. Downey, Mr. Lederer, Mr. Harkin, and Mr. Peyser.

H.R. 7548: Mr. Andrews of North Carolina.

H.R. 7749: Mr. Kindness, Mr. Cleveland, Mr. Porter, Mr. Collins of Texas, Mr. Edwards of Oklahoma, Mr. Lagomarsino, Mr. Robert W. Daniel, Jr., Mr. Whitehurst, Mr. Gingrich, Mr. Grisham, Mr. Latta, Mr. Charles Wilson of Texas, Mr. Symms, Mr. O'Brien, and Mr. Hinson.

H.R. 7550: Mr. Brown of Ohio, Mr. Garcia, Mr. Gibbons, Mr. Lagomarsino, and Mr. Royer.

H.R. 7770: Mr. Dougherty and Mr. Lagomarsino.

H.R. 7773: Mr. Dixon, Mr. Lungren, Mr. Corman, Mrs. Boggs, Mr. Lent, and Mr. Dannemeyer.

H.R. 7793: Mr. Lederer, Mr. Nolan, and Mr. Weaver.

H.R. 7811: Mr. Vander Jagt, Mr. Jones of Oklahoma, Mr. Martin, Mr. Jacobs, Mr. Bafalis, Mr. Holland, Mr. Moore, and Mr. Shannon.

H.R. 7885: Mr. Maguire, Mr. D'Amours, Mr. Edgar, Mr. Hughes, Mr. Porter, Mr. Gray, Mrs. Spellman, Mr. Daschle, Mr. Lederer, Mr. Mottl, Mr. Sabo, Mr. Bedell, Mr. Oberstar, and Mr. Jeffords.

H.J. Res. 594: Mr. Dixon and Mr. Luken.

H. Con. Res. 395: Mr. Roe, Mr. Gray, Mr. Yatron, and Mr. Bedell.

H. Con. Res. 406: Mr. Dannemeyer, Mr. Emery, Mr. Glickman, Mr. Oberstar, Mr. Roth, Mr. Simon, Mr. Stump, Mr. Swift, Mr. LaFalce, Mr. Nowak, Mr. Volkmer, Mr. Shuster, Mr. Goldwater, Mr. Lott, Mrs. Smith of Nebraska, Mr. Wydler, Mr. Quillen, Mr. Davis of Michigan, Mr. Dan Daniel, Mr. Fuqua, Mr. Fithian, Mr. Evans of Indiana, Mr. Charles Wilson of Texas, Mrs. Boggs, Mr. Duncan of Oregon, Mr. Ullman, Mr. Jacobs, Mr. Vento, Mr. Ratchford, Mr. Coelho, Mr. Sharp, Mr. Miller of California, Mr. Scheuer, Mr. Burgener, Mr. Foley, Mr. Gonzalez, Mr. McKay, Mr. Yates, Mr. Peyser, Mr. Akaka, Mr. Holland, Mr. Jones of North Carolina, Mr. Trible, Mr. St Germain, Mr. O'Brien, and Mr. Rudd.

H. Res. 689: Mr. Benjamin, Mr. de la Garza, and Mr. Marks.

H. Res. 744: Mr. Rousselot.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 7036

By Mr. COLLINS of Texas:

—Page 25, line 20, strike out "$1,074,000,000" and insert in lieu thereof "$1,051,600,000".

Page 25, line 21, strike out "$1,220,000,000" and insert in lieu thereof "$1,189,100,000".

Page 25, line 22, strike out "$1,376,000,000" and insert in lieu thereof "$1,345,600,000".

Page 27, line 5, strike out "570,700,000" and insert in lieu thereof $551,700,000".

Page 27, line 6, strike out "$648,320,000" and insert in lieu thereof "$630,000,000".

Page 27, line 8, strike out "$731,300,000" and insert in lieu thereof "$713,600,000".

Page 28, line 8, strike out "$393,798,000" and insert in lieu thereof "$350,600,000".

Page 28, line 9, strike out "$447,355.000" and insert in lieu thereof "$395.200,000".

Page 28, line 11, strike out "$504.616,000" and insert in lieu thereof "$446.500.000".

Page 30. line 8, strike out "$80.780,000" and insert in lieu thereof "$79.200.000".

Page 30, line 9, strike out "$91.766,000" and insert in lieu thereof "$89.600,000".

Page 30. line 11. strike out "$103.512.000" and insert in lieu thereof "$101.400.000".

Page 30. line 15. strike out "$248.574.000" and insert in lieu thereof "$243.700.000".

Page 30. line 16. strike out "$282.380,000" and insert in lieu thereof "$275.700.000".

Page 30, line 17, strike out "$318.525,000" and insert in lieu thereof "$312.100.000".

Page 30, line 21, strike out "$241.164,000" and insert in lieu thereof "$236.400,000".

Page 30, line 22, strike out "$273.962,000" and insert in lieu thereof "$267.400,000".

Page 30, line 23, strike out "$309,029,000" and insert in lieu thereof "$302,700,000".

Page 31, line 3, strike out "$78.839,000 and insert in lieu thereof "$77,300,000."

Page 31, line 4, strike out "$89,561,000" and insert in lieu thereof, "$87,400,000".

Page 31, line 5, strike out "$101,025,000" and insert in lieu thereof "$98,900,000".

Page 31, line 8, strike out "$163,000,000" and insert in lieu thereof "$127,800,000".

Page 31, line 9, strike out "$180,000,000" and insert in lieu thereof "$144,600,000".

Page 31, line 11, strike out "$200,000,000" and insert in lieu thereof "$163,600,000".

Page 31, line 15, strike out "$279,268,000" and insert in lieu thereof "$273,800,000".

Page 31, line 16, strike out "$317,248,000" and insert in lieu thereof "$309,900,000".

Page 31, line 18, strike out $357,856,000" and insert in lieu thereof "$350,600,000".

Page 31, line 22, strike out "$360,600,000" and insert in lieu thereof "$353,500,000".

Page 31, line 23, strike out "$409,642,000" and insert in lieu thereof "$399,900,000".

Page 31, line 24, strike out "$462,076,000" and insert in lieu thereof "$452,400,000".

Page 32, line 3, strike out "$96,834,000" and insert in lieu thereof "$94,900,000".

Page 32, line 4, strike out "$110,003,000" and insert in lieu thereof "$107,400,000".

Page 32, line 5, strike out "$124,083,000" and insert in lieu thereof "$121,500,000".

By Mr. HOPKINS:

—Page 62, insert after line 20 the following:

"(d) The Secretary, acting through the Institute, shall conduct a clinical investigation of the safety and efficacy of dimethylsulfoxide as a drug to be used by persons with arthritis. The Secretary shall report to Congress not later than one year after the date of the enactment of this subsection the results of the investigation conducted under this subsection.

H.R. 7765

By Mr. LOTT:

—On page 54, strike lines 19 through 21.

H.R. 7981

By Mr. CORCORAN:

—Insert in the appropriate place, the following new section:

"The Nuclear Regulatory Commission shall use such funds as may be necessary from the amounts authorized to be appropriated under this Act to resume and complete proceedings on the Generic Environmental Statement on Mixed Oxide Fuel (GESMO) which were terminated pursuant to the order of the Commission dated December 23, 1977."

H.R. 7998

By Mr. LEVITAS:

—Page 60, after line 19, insert the following:

Sec. 510. (a) None of the funds under this Act may be used to implement, administer, or enforce regulations issued under section 451 of the GEPA, 20 U.S.C. 1234, pertaining to the operations of the Education Appeal Board, 45 Fed. Reg. 22634 (1980); regulations issued under section 322 of the Elementary and Secondary Education Act of 1965 (ESEA), 20 U.S.C. 2962, pertaining to arts education, 45 Fed. Reg. 22742 (1980); regulations issued under sections 346–48 of the ESEA, 20 U.S.C. 3001–3003, pertaining to law-related arts education, 45 Fed. Reg. 27880 (1980); regulations issued under title IV of the ESEA, 20 U.S.C. 3081 et seq., pertaining to grants to state and local education agencies for educational resources, 45 Fed. Reg. 23602 (1980); or any other regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

(b) None of the funds under this Act may be used to terminate any program or activity with respect to which regulations have been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

EXTENSIONS OF REMARKS

OUR ASIAN INTERESTS

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. McCLOSKEY. Mr. Speaker, I insert in the RECORD today a paper recently published by the Hoover Institute of War, Revolution and Peace in the Vital Speeches of the Day. The paper, "Our Asian Interests, Japanese Allies, Chinese Friends," was delivered by senior research fellow John K. Emmerson to the Commonwealth Club of California in Los Angeles, May 30, 1980.

I found the article extremely perceptive in analyzing the delicate balances in the interests of the United States, Japan, and the People's Republic of China, and in view of the current controversy which has arisen as a result of recent conflicting statements by Republican Presidential nominee Ronald Reagan and Vice-Presidential nominee George Bush, I believe this article should be read with care, both by our congressional colleagues and by our White House candidates.

The article follows:

OUR ASIAN INTERESTS, JAPANESE ALLIES, CHINESE FRIENDS

(By John K. Emmerson)

The simultaneous visits of Chinese premier Hua Guofeng to Tokyo and China's highest defense official, vice-premier Geng Biao, to Washington, symbolized the significance of the People's Republic of China for both Japan and the United States and underscored the crucial strategic position, for the United States, of Northeast Asia. This area is the point on the globe where the two superpowers, the United States and the Soviet Union, face the two leading Asian peoples, the Japanese and the Chinese. For our own peace and security, it is essential that we maintain good relations with both Japan and China, without, however, giving substance to a perception that an "anti-Soviet triple alliance" is being formed by China, Japan and the United States.

The United States and Japan are military, as well as political and economic allies. We are both democracies. Our mutual security treaty commits us to the peace and security of the Far East, pledges economic collaboration between us, places a "nuclear umbrella" over Japan, and permits American military bases in that country. "Guidelines for U.S.-Japan Defense Cooperation," drawn up in late 1978, provide a mechanism for joint planning in case of threats to our security. Our mutual trade, the largest trans-oceanic exchange of goods in the world, may approach $50 billion in 1980. In the first quarter of 1980 Japan was again the West Coast's major trading partner, receiving 28 percent of its exports and providing 30 percent of its imports. Our alliance with Japan is firmly based on economic interest and on mutual concern for the security of Pacific Asia.

After 27 years of hostility and so-called "containment," the United States and the People's Republic of China agreed in February 1972 on certain principles for friendly interchange and on January 1, 1979 restored full diplomatic relations. A trade agreement was approved in January 1980 following agreements in science and technology, cultural and consular affairs, and a claims settlement. Although U.S.-China trade during the first year of normalization surpassed $2 billion, it amounted to less than a third of that between Japan and China. The United States now maintains a consulate general in Shanghai, just opened on April 28 of this year, and a consulate in Canton, besides the embassy in Beijing. Relations, for the first time in 30 years, are off to a good start.

It is important to look at these two great countries which face us across the Pacific. They both loom large in our history.

First, Japan. We are in danger of taking Japan for granted, as we have tended to take Canada. Japan's phenomenal economic success makes us uncomfortable. We are too used to treating Japan as the nation we occupied and whose postwar society we totally reformed by dictate. Nearly thirty years have passed since that occupation ended and we can no longer claim the deference due the elder brother which the Japanese so willingly accorded us in earlier years. Japan's image of us today is changing. Prime Minister Ohira stated to the Japanese press recently that the United States was no longer a superpower. The following day an aide hastily explained the statement as meaning only that American power in the world had lessened. This perception is based on events of the past five years: defeat in Vietnam, diminished naval power in the western Pacific, announced withdrawal of American troops from South Korea, and the "swing strategy" for moving forces from East Asia to Europe. Of course U.S. troops are still in Korea and the "swing strategy" has been modified. But a lingering suspicion remains, reinforced by Soviet military buildups in the Pacific and on the adjacent northern islands off Hokkaido, which Japan claims but the Soviets occupy.

Moreover Japan's longstanding confidence in the high quality of American know-how is being eroded. Belief in the reliability of American military equipment has been particularly high. This was shaken when the shock of the failure of the hostage rescue mission was focused on the fact that the helicopters didn't work. A recent Japanese press article entitled "The American Disease" charged a decline in American workmanship and related two stories, neither as jokes nor as representative of conditions in American factories, but as events which actually happened. According to one, a buyer of an American car just off the assembly line detected a strange odor within the body which he could neither trace nor identify; dismantled at the shop, the framework of the automobile disclosed a half-eaten, rotting sandwich! Another example cited the buyer whose new car rattled mysteriously; again, probing within the frame produced a coke bottle with a note inside: "So you found it!" Such stories, unfair and unrepresentative as they may be, create legends which persist and are damaging.

Another manifestation of Japan's present mood is a sense that America acts and then consults. This impression dates back to the Nixon "shocks" of the early 1970s but was revived when we proposed sanctions against Iran. The anger of American officials and congressmen to a hesitant response, expressed in public reminders of Pearl Harbor and allegations of "insensitivity" to the hostage crisis, might have been avoided, according to many Japanese, if Washington had taken more trouble to consult quietly in advance of press statements. Such treatment has prompted journalists in Japan to criticize Prime Minister Ohira for not "standing up" to Jimmy Carter in Washington and for too much passivity.

In spite of such Tokyo media comments, the meetings between President Carter and Prime Minister Ohira early this month in Washington went off well, according to officials from both sides. General agreements were reached on Iran, Afghanistan, Oil, and refugees. The President hoped that Japan might increase its defense spending and that the imports of Japanese automobiles would not become a political question. The prime minister received these statements sympathetically.

Defense and automobiles seem to be the thorny issues now between us. Japan is inhibited by established policy from increasing its defense expenditures beyond 1 percent of its Gross National Product. The percentage now stands at 0.9 percent but with military equipment now in the pipeline, the budget is expected to reach 1 percent by 1983 or 1984. The GNP is nearing a trillion dollars. The steep rise in the price of oil, of which Japan imports all but a fraction of one percent, has placed the Japanese government in heavy deficit. To raise measurably defense outlays would require reductions in welfare and other obligations. Increasing defense spending is not a politically productive act in Japan, especially in an election year. American prodding for bigger defense budgets does not help; in fact, it angers independent-minded Japanese.

The increase in the production and export of Japanese automobiles has disturbed American manufacturers and auto workers unions. Basic to the problem is that, unfortunately, Japanese productivity and efficiency have surpassed our own and American consumers are buying Japanese cars because of their quality and gasoline economy. As an example, I learned in Tokyo that a new Toyota factory has a machine which stamps out the frame of a car in ten minutes, that computerized devices check quality and accuracy of measurement instantaneously and to the finest degree. Japanese producers recognize the fact of unemployment in the American automobile industry and the American desire that they manufacture their cars in the United States. Honda is building a factory in Ohio; Nissan has decided to establish a truck assembly plant costing $300 million which will employ 2,200 American workers. Feasibility studies are under way for other investments. Some Japanese companies have hesitated to build factories in the United States for simple economic reasons: higher costs and the likelihood of competition from Detroit's small cars, when and if they are produced. As one illustrious American observer has remarked: "Logic is on the Japanese side, emotion and politics are on the American."

It was to study some of these irritations in our partnership that the Japan-United

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

States Economic Relations Group, popularly called the "Wise Men," was set up. Four distinguished Japanese and four distinguished Americans published on May 19 an interim report on their findings. An enumeration of the main points, to be further studied, is relevant:

(1) The two nations share global responsibilities

(2) Japan must be internationalized; its passivity and the closed nature of its society must give way to active involvement in the international community

(3) The U.S. is no longer the predominant power in the world; it has failed to consult its allies and make adequate efforts to understand and adapt to foreign environments

(4) Problems include: U.S. productivity, obstacles to trade on both sides, competition, mutual investment, and energy.

In considering our present relations with Japan, we cannot forget the political background; we have an election in November, Japan has two in June. Foreign policy will play little part in Japan's elections for its upper and lower houses on June 22. Questions of livelihood and the corruption of politicians will be problems of greater concern to the voters. The opposition will, however, attack the government for too much military spending. Fortunately there is a growing consensus in Japan supporting both the mutual security treaty with the United States and the Self Defense Forces.

Now let us turn to Japan's neighbor, China. The differences beween the two countries are not only that China has nearly ten times the population and twenty-seven times the area of Japan. The basic difference is Japan's phenomenal success in modernization over the past hundred years and China's failure. Both countries in the 19th century proclaimed slogans for modernization, or westernization, a term both applied and denied. In Japan the watchword was: Eastern Ethics and Western Science; in China, it has been, and still is: Chinese Essence and Western Techniques. Why China failed and Japan succeeded are subjects for historians. The fact is that China is now imbued with the same kind of fervor and determination which inspired the fathers of Japan's Meiji Restoration in the second half of the 19th century and beyond.

Mao Zedong told some of us in Yenan in 1944 that China's first task, after the Communists assumed power, would be modernization and that they would look to the United States for help. There followed a period of alienation from Americans and dependence on Russians; subsequently came the Sino-Soviet conflict, the throes of the cultural revolution, and a turn back to the United States. Now, economics has superseded politics as a major concern; one China-watcher has written that Marxism has been castrated. China is mobilized to pursue the four modernizations: in agriculture, industry, science-technology, and defense. China is trying to emulate Japan. Deng Xiaoping, the powerful vice-premier, has gone so far as to urge the Chinese to aim for a standard of living equal to that of their brothers, the Taiwanese.

I was in China two years ago and again this month. The differences between May 1978 and May 1980 are startling. A treaty of peace and friendship was signed with Japan in August 1978. Appeals for normalization with the United States, heard repeatedly in 1978, are no longer necessary. The floodgates have been opened to visitors: Japanese, Americans, and Europeans, not to speak of overseas Chinese, are swarming through the cities of China in organized groups, taxing transportation facilities, hotels, guides, and interpreters. The Chinese are plunging into the world of international business, banking, and joint ventures. A law professor from Harvard is in China for 18 months helping to prepare rules and regulations necessary for these capitalistic undertakings. Commercialism is rampant: huge billboards lining the streets of Beijing, Nanching, and Shanghai, advertising Japanese radios, Chinese medicines, even Boeing airplanes and the Young and Rubicam Advertising Agency! Pictures of beautiful girls inviting buyers adorn the signs. Frameworks are being installed for more ads to come. Red political banners still exhort the peoples of the world to unite, acclaim the long life of the Chinese Communist Party, endorse the Thoughts of Mao Zedong and the words of Hua Guofeng, but are fewer in number. China has become a member of the World Bank and our Export-Import Bank is ready to finance sales to China. A relaxation of tensions is evident in the Chinese one meets; no longer is there the furtive look over the shoulder.

Although the Chinese say that defense is not at the top of the list of modernizations, their anxiety to acquire the latest weapons and military technology is not concealed. The emphasis in the recent visits of Hua Guofeng to Tokyo and Geng Biao to Washington is proof enough. Although neither the U.S. nor Japan has yet agreed to sell weapons to China, technology which could be used for military purposes is high on the shopping lists and neither we nor the Japanese are discouraging the approaches.

The Chinese obsession with the Soviet Union is as intense today as it was in 1978. The invasion of Afghanistan in Chinese eyes is but one more proof of Russia's intent to rule the world, added to the examples of Cuba and Vietnam. Chinese advise us not to become so concerned with the hostages in Iran that we forget the greater danger from the Soviets in Afghanistan, and their likely march through Pakistan, or Iran, to the Persian Gulf. They urge us to help Pakistan, which they claim as their long-standing ally.

The Chinese are eager for academic and education exchanges. More than 2,000 scholars and students are now in the United States, a small number but a start. Although no American publications are yet available to the ordinary citizen, curiosity about the United States, especially among students, is high. At a teacher training institute, we were barraged with questions from English speaking students about the American primaries, who would be the next president, what were the most popular new novels, what about Iran, Afghanistan? One gesticulated with a raised fist: "If I met Khomeini I would teach him a lesson!" They were awed that I had met Mao. "You were in Yenan?" they asked as though I were a ghost risen from the dead. They told us that they all listened regularly to the Voice of America. A common sight on city streets is the teenager on his bicycle, transistor radio in hand blaring loud versions of Sinicized western popular music.

With all the new found outlets and the burst of modernization, the problems ahead boggle the mind. Debts: estimates of how much China will have to borrow by 1985 to carry out some of the projected schemes of modernization range all the way from $20 billion to $600 billion. Population: how do you raise the standard of living of a billion people? The motto is: "One child is best, two is most." In a factory we visited, signs were prominent: "To carry out the revolution, delay love, delay marriage!" Disparities: 80 percent of China is rural; differences in development between the country and the cities are enormous. Regional rivalries: regions have always enjoyed much autonomy; cleavages, jealousies, and competition remain. The legacy of the cultural revolution: Chinese tell you they have lost ten years; those in their 30s and early 40s whose education and job training were disrupted suffered the most. If frustrated in their inability to make up their loss, they can become an unhappy, volatile group. Training: machines can be procured, training takes years. The production of technicians and managers will not be instantaneous. Some say at least 25 years will be required.

China faces a dilemma: how to modernize and yet remain a socialist state, or, phrased differently, how to retain the Chinese Communist "essence" and absorb western technology. The Japanese solved the problem of how to deal with the West long ago; with their supreme capacity for adaptability, they ingested western culture in the late 1800s as they had received and adapted Chinese culture 11 centuries before. After disastrous defeat, they again eagerly took the best—and some of the worst—from the West. The Chinese revolution failed as did resistance to foreign domination of their port cities. The Japanese war absorbed their energies for 14 years. Communism took over and brought order, but a totalitarian state. Still, Russia is now the enemy, the United States, the friend.

Although Deng Xiaoping seems to be firmly in power and his policies on the track, some Chinese think the country is moving too fast, others, that it is changing too slowly. Some, brought up through the cultural revolution, are horrified at the blatant displays of commercialism, at the daring costumes in the theater, and at the rage of the young for western music and even for some slight touches of "mod" clothes. They fear a threat to socialism. Such doubts may have impelled the party recently to send officials to the countryside to monitor the political consciousness of the people. Remnants of zealots might in time—although this appears improbable now—try to turn back the pendulum.

Other Chinese, mainly intellectuals, who were hurt in the past and are the dissidents of today, smart under restrictions still not lifted. They recognize that there is as yet limited democracy in China, that many freedoms are still elusive. They are denied much access to the intellectual products of the outside world. They cannot change their residence without official approval. Several of our guides lamented that they could not live with their spouses who have jobs in different cities. Housing is difficult. An observer described recently in the New Yorker Magazine a cartoon of Mao's grandiose mausoleum in central Beijing with the caption: "The rest of us have housing problems."

As Japan is doing, we should continue to develop a profitable relationship with the People's Republic of China. This should not, in my opinion, extend to the sale of weapons. We should not incite the Russians. We should remain militarily strong, and our defense position in the western Pacific is more important than ever. Our policy toward the Soviet Union should be: Strength and Negotiation It will not be useful to present the semblance of a tripartite anti-Soviet alliance.

Japan and the United States will compete for trade with China. Japan has many advantages: proximity, price, quality, and a keen ability to adapt goods to particular markets. For example, I was told that a huge warehouse in Tokyo is stocked with television and radio sets, manufactured for Chinese channels, and on sale to travellers to China. Chinese and Japanese, not trusting shipment, carry these sets with them to China. The PRC apparently encourages direct importation, which is said to extend to many varieties of consumers' goods, including even some articles marked "Made in Taiwan."

Japan needs China's oil and coal, and although some overblown expectations have been reduced to more modest proportions, many arrangements are being worked out for Japanese participation in Chinese development of natural resources. There is no reason to believe that Japanese trade with and investment in China will not rise rapidly in the coming years. We must be prepared for it to continue to surpass our own.

The Chinese surely expect the United States—as well as Japan—to play a prominent role in their modernization. Besides Boeing airplanes, the PRC will need heavy machinery, advanced technology, and the management techniques of modern business and finance. American businessmen are discovering that Chinese bureaucracy, added to the language barrier, produces a mysterious maze, more baffling than Japan's. Furthermore, Chinese officials, recalling the punishments of the cultural revolution, are more cautious than ever, fearful of future reprisals for what could in retrospect be labeled mistaken actions. But, in spite of the difficulties, deals are being consummated and the $2.3 billion trade of 1979 can be expected to grow.

Certainly it will be useful for Japanese and Americans to cooperate in their relations with China. Mutual communication and joint activities might avoid some of the dangers of cutthroat competition which could harm the relationship.

We who face the Pacific are particularly conscious of Asia. We should therefore support a policy which would maintain and strengthen our firm alliance with Japan and at the same time nurture a mutually beneficial friendship with those billion people whose designation in their own language is translated "Central Country," the old "Middle Kingdom" of centuries past.●

PERSONAL EXPLANATION

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Ms. HOLTZMAN. Mr. Speaker, I was unable to be present on June 19 and 20. Had I been present, I would have voted as follows:

On June 19:
Rollcall 344, yes;
Rollcall 345, yes;
Rollcall 349, no;
Rollcall 350, yes.
On June 20:
Rollcall 356, yes.●

REVENUE SHARING

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. WALGREN. Mr. Speaker, very shortly, the House of Representatives is expected to act upon renewal of general revenue sharing. This program is due to expire in just 5 short weeks. I am sure many of my colleagues are hearing from local officials in their districts who want to know if they can count on revenue sharing funds as they plan their budgets. As a strong supporter of revenue sharing, I want to share with my colleagues key portions of a recent study by the General Accounting Office on the revenue sharing formula, so that each of us may have a complete understanding of this formula when the time comes to vote on this critical issue.

The information referred to follows:

CHANGES IN REVENUE SHARING FORMULA WOULD ELIMINATE PAYMENT INEQUITIES: IMPROVE TARGETING AMONG LOCAL GOVERNMENTS

Widespread inequities exist in revenue sharing payments to local governments. Similar governments within a State receive different revenue sharing payments, primarily because of their geographic location. To eliminate these disparities, GAO recommends that the Congress amend the Revenue Sharing Act by deleting the geographic tiering allocation procedures. Provided that tiering is eliminated, GAO also recommends that the Congress amend the act by eliminating or modifying the formula's payment constraints. Such changes would provide more funds to cities, fiscally stressed governments, and low income governments providing at least moderate levels of public services.

DIGEST

Although the Revenue Sharing Act formula provides a reasonable approach for allocating funds, geographic tiering procedures used in applying the formula cause substantial differences in payments to similar local governments within a State. In addition, the act's limitations on the amount of entitlement payments generally penalize fiscally stressed governments. Removing tiering procedures and modifying these entitlement limitations would eliminate payment inequities and improve targeting of revenue sharing funds.

WIDESPREAD INEQUITIES ARE CAUSED BY ALLOCATION PROCEDURES

The revenue sharing formula, which allocates $6.9 billion annually in general financial assistance to over 39,000 State and local governments, is based on population, income, and tax effort. The formula rewards, on a per capita basis, lower income local governments and those governments which help themselves through tax effort. If the intrastate formula worked equitably, local governments with the same fiscal effort (combined effect of income and tax effort) would get the same per capita revenue sharing payments.

GAO's analyses show, however, that there are widespread differences in per capita revenue sharing payments to governments within a State which have the same fiscal efforts. For example, two small towns in Virginia have populations of about 8,000 and nearly identical fiscal efforts. Yet in 1979, one town received $19.92 per person compared to $13.44 for the other town. This amounted to a difference in their annual revenue sharing allocation of about $55,000.

Such inequities are prevalent nationwide. For example, extreme differences in per capita 1979 revenue sharing payments to cities with equal fiscal effort ranged from $2.52 in Rhode Island to $45.61 in Alaska. Local governments with equal fiscal efforts in 25 states have average differences in payments of at least $3.00 per capita.

These inequities are created primarily by tiering allocation procedures whereby revenue sharing funds are first allocated to county geographic areas. Once the county area (not the government) allocation is established, separate amounts are set aside for Indian tribes and Alaskan native villages, the county government, municipalities, and townships located in the county area.

These tiering procedures cause some significant allocation inequities because the total amounts set aside for counties, municipalities, and townships vary widely among county areas. Consequently, high fiscal effort governments located in low fiscal effort county areas compete for smaller amounts of revenue sharing funds than they would if they were located in a county area with the same or higher fiscal effort as their own.

GAO concludes that eliminating tiering procedures would lead to greater equity in revenue sharing payments. . . . GAO recommends that the Congress amend the Revenue Sharing Act to eliminate the tiering procedures for fund allocations. Department of the Treasury officials agreed with our recommendation that tiering should be eliminated.

CHAPTER TWO, INTRASTATE FORMULA TIERING PROCEDURES DISTORT REVENUE SHARING ALLOCATIONS

The basic revenue sharing formula provides a reasonable approach for allocating funds. Geographic tiering procedures used in applying the formula, however, cause substantial differences in payments to similar local governments within a State. Eliminating these tiering procedures would result in more equitable revenue sharing allocations.

THE REVENUE SHARING FORMULA REWARDS FISCAL EFFORT

Population, income, and tax effort are the three elements of the intrastate revenue sharing formula. The formula rewards, on a per capita basis, lower income local governments and those governments which help themselves through tax effort.

An advantage of the formula is the interaction of the income and tax effort factors. The formula does not reward low income or high tax effort in isolation. Rather, the formula distributes funds on the basis of the interaction or combined effect of these factors which we refer to as fiscal effort. . . . There has been much discussion and study of the basic formula used to distribute revenue sharing funds. No consensus calling for fundamental changes has emerged, however, which meets the dual standard of being conceptually sound and having appropriate data available for the 39,000 recipient governments.

Until a consensus is reached, we believe the current formula's fiscal effort provides a reasonable approach for allocating revenue sharing funds. We have identified problems, however, in the legislatively required procedures used in implementing the basic formula.

If the intrastate formula worked equitably, governments with the same fiscal effort would get the same per capita revenue sharing payments. Widespread differences exist, however, in per capita revenue sharing payments to governments within a State having the same fiscal efforts. Appendix I shows, by State, the extreme differences in per capita 1979 revenue sharing allocations to local governments with equal fiscal efforts. Appendix II shows, by State, the average differences in revenue sharing allocations for governments which have equal fiscal efforts. Under the existing formula, local governments in 25 states have average differences of at least $3.00 per capita.

Payment inequities are created primarily by the geographic tiering allocation process. In general, the tiering procedures work as follows: within each State, revenue sharing funds are first allocated to county geographic areas using the three-factor formula of population, income, and tax effort.

Once the county area allocation is established, an amount is set aside for any Indian tribes and Alaskan native villages based on the ratio of their populations to the total population of the county area. The remainder is subdivided, on the basis of noneducation taxes collected (not fiscal effort) into as many as three allocations for the county government, municipalities, and townships located in the county area. Amounts established for municipalities and townships are then allocated among them using the three factor formula.

These tiering procedures cause some significant allocation inequities because the total amounts set aside for the types of governments vary widely among county areas. Consequently, high fiscal effort governments (such as low and moderate income jurisdictions with high tax efforts) located in relatively low fiscal effort county areas compete for smaller amounts of revenue sharing funds than they would if they were located in a county area with the same or higher fiscal effort as their own. Conversely, low fiscal effort governments (such as wealthy jurisdictions with low tax effort) located in relatively high fiscal effort counties receive disproportionately high payments.

In addition, the amounts set aside for each type of government within the county area are based on their tax collections rather than on their fiscal efforts (the combined effect of the income and tax effort factors). Therefore, if all the cities in a county area have higher tax efforts than other types of governments in the county, they will obtain more funds than will the cities in another county area with lower tax efforts than the other governments—even if all cities in both county areas have identical fiscal efforts.

To eliminate these inequities in revenue sharing payments, the initial allocation to county areas must be eliminated. Under this approach, all local governments within a State would compete for funds on the basis of the jurisdictions' individual characteristics of population, income, and tax effort. Untiering the formula would provide unconstrained jurisdictions that have the same income levels and tax efforts in a given State the same level of per capita revenue sharing payments. As shown in Appendixes I and II, when the formula is untiered, there are no per capita revenue sharing allocation disparities in 49 states.

CONCLUSION

The revenue sharing formula elements of population, income, and tax effort provide a reasonable approach for allocating funds. Allocation tiering procedures, however, lead to widespread inequities in payments to governments exhibiting equal fiscal efforts. Because of the tiering procedures, an individual government's allocation is dependent on the combined fiscal effort of all jurisdictions within a county area rather than its own fiscal effort. Tiering procedures also allow local governments with high tax efforts in one county area to compete for more funds than the same type of local governments with low tax efforts in another county area—even if all of the local governments in both county areas have identical fiscal efforts. Most revenue sharing inequities can be eliminated by untiering the formula so that all local governments within a State compete for funds on the basis of their own characteristics of population, income, and tax effort.

We recommend that the Congress amend the Revenue Sharing Act to eliminate the tiering procedures for fund allocations.●

MENTAL HEALTH CARE PROGRAMS

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. BROYHILL. Mr. Speaker, I was necessarily absent from Washington on Friday and missed the opportunity to cast my vote in favor of a very important piece of health legislation, the Mental Health Systems Act.

From my work on the Health Subcommittee, I have become convinced that the Federal Government should have a role in mental health care programs. I hold this belief for one very basic reason: There are few programs which affect such a great number of and such a wide variety of our people. These programs aid the young and the old, the poor and the rich, males, females, business men and women, students—in short, everyone is susceptible to mental illness.

It has been 17 years since the Congress first acknowledged that the Federal Government does have a role in the community-based approach to the treatment and prevention of mental illness. I am referring to the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963. Since that time, we have built on that legislative foundation and have added and refined programs with such subsequent legislation as the Community Mental Health Centers Construction Act Amendments in 1965, the Community Mental Health Centers Act in 1968, amendments to that act in 1970, and the Health Revenue Sharing and Health Services Act of 1975.

The legislation we approved on Friday makes a very important addition to this legislative base. It aims to target funds where there are gaps in the existing system, and to do so in such a way as to allow States and localities the authority and flexibility to use these funds in the manner they deem necessary. I feel that this is a wise approach which places proper emphasis on States and communities as the primary source of mental health treatment and prevention.

Throughout my district, I have witnessed the excellent results of community-based mental health care. There are four community mental health centers in the 10th District of North Carolina: the Foothills Mental Health Center in Morganton, the Catawba Community Mental Health Center in Hickory, the Gaston-Lincoln Area Mental Health Center in Gastonia, and the New River Area Mental Health Center in Boone. All of these centers have received construction funding under the current law, a few have received operations funding, and all would be eligible for additional funding under the Mental Health Systems Act. The vital work performed by the dedicated staff in these centers should be continued and I want to take this opportunity to commend them for their efforts.

Finally, there is one specific section of the bill which institutes a new program that I feel is worthy of mention—that is section 301 which provides a limited amount of funds for demonstration projects into mental health prevention. We cannot continue to avoid the fact that, with the increasing pressures of today's world, mental illness is on the increase. We need to find ways to prepare youngsters for those pressures, and to aid adults in coping with those pressures. This is not to say that we should launch into social experiments on a massive scale, because admittedly the area of mental health prevention is still a developing field. I do feel, though that it would be a wise and prudent investment for us to take some steps to explore approaches which may prove useful in the prevention of mental illness.●

THE NEW NUCLEAR STRATEGY AND ITS PERILS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. BINGHAM. Mr. Speaker, I commend to my colleagues and other readers of the RECORD the following powerful and well-reasoned editorial from the New York Times of August 21:

THE NEW NUCLEAR STRATEGY AND ITS PERILS

At last, the Carter Administration has officially revealed its new nuclear war doctrine. After a series of leaks, Defense Secretary Brown explained it in a speech yesterday at the Naval War College. It was a start, but still not very reassuring. The speech raised more questions that it answered.

The new nuclear strategy aims to create the ability to attack selected Soviet targets, like political command posts and military facilities. This would supplement previous plans for massive destruction of Soviet cities and industry. And the strategy envisions actually fighting a limited, prolonged nuclear war rather than simply relying on massive instantaneous retaliation to deter war. The idea is that flexible response would make deterrence more credible.

But Secretary Brown's justification rests on shaky assumptions. He leaves unclear how significant a threat the Soviets really pose. He justifies the new policy largely as a response to the big Soviet missile buildup of the past decade. He says the Russians may already have the potential to destroy American land-based missiles in their underground silos.

But even so, it strains credulity that they would be foolhardy enough to try, aware of all the uncertainties involved in a massive, coordinated attack and knowing how much American nuclear power would remain. American deterrence has long rested on three retaliatory forces, two of which would remain invulnerable. Even Mr. Brown describes the Soviet threats to American bombers as relatively "remote" and to missile submarines as relatively "hypothetical." So American deterrent forces are hardly in immediate jeopardy.

Meanwhile, the Secretary seems to expand the very meaning of deterrence alarmingly. Typically, advocates of flexible targeting argue that it will deter a sneak nuclear attack. But Secretary Brown's speech says the new policy is also intended to deter a variety of lesser aggressions, even including conventional military aggression. That apparent extension of present policy may be sound in some cases, but it also raises disturbing questions. It may well deter some conflicts but might also, should conflict break out, increase the likelihood that nuclear weapons will be used.

The new policy carries other dangers. Mr. Brown considers it "very likely" that limited nuclear strikes would get out of control and escalate into full-scale nuclear war. Moreover, Soviet leaders may conclude that the United States is seeking a first-strike capability to wipe out their forces by surprise. True, Mr. Brown denies that, but he also endorses the MX missile, which the Soviets might perceive to be a first-strike weapon.

Finally, Mr. Brown continues to express the Administration's dedication to arms control and the SALT II treaty. What he does not explain is how to keep this new policy from accelerating the arms race by increasing the pressure for costly new weapons. The most obvious danger of the new targeting strategy is that its first, if unintended target could be SALT.●

BILLION DOLLAR BUDGET BUSTER

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. FINDLEY. Mr. Speaker, on July 30, 1980, I introduced H.R. 7867, legislation which is aimed at correcting the excesses of the billion dollar, budget-busting dairy price support program passed by the House last November and enacted into law on November 28. By the administration's own figure, supporting dairy prices in this fiscal year will cost the Government $1.2 billion.

Earlier this year, the Agriculture Department was seeking a way out of this dilemma, hoping to forestall further burdensome drains on the Treasury when the dairy price support is to be adjusted upward again on October 1. Recent information that has come to me indicates that the administration will seek no change in the law this year, thus giving assurance to dairy farmers that they may expect yet another raise in the support level prior to the November election.

Mr. Speaker, should the administration change its mind and again seek a way out of the dilemma of a support program that is driving up food costs in these inflationary times, then the legislation I have introduced is that way out. Even more importantly, it is designed to provide flexibility in administration of the dairy support program to forestall further increases in retail and wholesale dairy prices as a result of price support operations. It is designed to avoid unnecessary Government acquisitions of surplus dairy products, thus reducing costs to the taxpayer. And, it is designed to preserve the integrity of the dairy price support program so that it truly will encourage farmers to provide a stable supply of milk for the consuming market and not for Government storage.

Mr. Speaker, the legislation I have introduced is identical to the dairy support bill amendment that I offered last November and for the same reasons. Unfortunately, that amendment was defeated and the House overwhelmingly approved the legislation which mandates an 80-percent-of-parity price floor under dairy prices, with semiannual adjustments, for this year and next year—regardless of the increased level of production this program will stimulate.

And now, less that 9 months later, the U.S. Department of Agriculture projects that by October 1, the Government will have to buy 235 million pounds of butter, 335 million pounds of cheese, and 595 million pounds of nonfat dry milk—a total of 8.2 billion pounds of dairy products based on their milk equivalent. That is more than seven times the amount acquired by the Government last year in its price support operations.

All of this huge surplus to be acquired this year will cost the Government a whopping $1.2 billion—and that compares with an outlay of $230 million last year.

For what the dairy price support program will cost this year, we could give nearly 10 million boys and girls a pint of milk a day for a year.

Bear in mind that these huge and costly Government acquisitions are occurring under the dairy support program enacted less than 9 months ago—and that new law provides that the present 80-percent-of-parity price floor be maintained for yet another year, with semiannual adjustment.

As might be expected, this program is such a bonanza that it is stimulating milk production to what might well turn out to be an alltime record volume.

So we now have this ironic picture—the Federal Government buying huge amounts of surplus dairy products to support farmer prices at the very time that the retail prices of milk, butter, and cheese are going up in stores throughout the country.

The cost of this program to consumers through increased retail dairy prices through the next fiscal year is estimated at more than $3½ billion.

The legislation I have introduced would give much needed flexibility to a program that is greatly in need of it. It would give the Secretary of Agriculture the authority to maintain the support price at the 80-percent-of-parity level or to adjust or forego any scheduled semiannual increase in dairy supports based on a double-trigger-level concept. If 30 days before the beginning of the milk marketing year—October 1—or 30 days before the beginning of the semiannual adjustment period—April 1—the quantity of milk or milk products acquired by the Commodity Credit Corporation during the previous 12 months exceeds the quantity of milk products sold by the CCC for unrestricted use by at least 350 million pounds of nonfat dry milk or a quantity of butter and cheese equivalent to at least 3.5 billion pounds of milk, the Secretary of Agriculture may continue to effect the then current support price for milk or modify the amount of any increase which might otherwise be required. In no case, however, could the support level be put at less than 75 percent of parity.

I take no satisfaction in recalling what I said on the floor of this House last November 8 nor are my remarks or the introduction of this legislation intended in an "I told you so" vein. But, having any fears of last November confirmed by the realities of this August, I can only hope that my colleagues will put this dairy support ship into safe harbor before it sinks under the storm of consumer-taxpayer outrage.

In our discussion of H.R. 4167 last November, the bill which became the law that now plagues us, I pointed out that it provided no flexibility for the Secretary of Agriculture to use "in the event that burdensome surpluses of milk occur, which is a distinct possibility." I said that in such a situation, "a mandated floor of 80 percent of parity would restrict the Secretary of Agriculture's ability to reduce the support price in the event of a marked rise in milk production, a rise which would require excessive Federal spending for supports."

"For the sake of taxpayers and dairy farmers themselves," I said, "the milk price support program ought to have enough flexibility to serve as an early warning system against surplus buildups and excessive Government spending to support milk prices."

Nonetheless, the bill was enacted and the first of the semiannual increases of milk supports for this and the next fiscal year took effect on April 1, 1980—raising the support price for milk from $11.22 to $12.07 per 100 pounds. And, unless this Congress does something about it, the next increase will take effect next October 1—a month and 3 days before the election.

As I said, the first support price increase took effect on April 1 of this year. The following day, in a speech before the Northeast Dairy Conference in Burlington, Vt., the chief economist of the Agriculture Department had some amazing things to say.

In that speech, Howard Hjort, the USDA's Director of Economics, Policy Analysis, and Budget, said that "the cost of the program will go to about $8 billion—3½ times last year's level." It is interesting to note how the Agriculture Department's estimates of costs of the dairy program have escalated—from $300 million earlier this year, to over $500 million, to $750 million, and now to over $1 billion.

And then Hjort added:

> To be blunt, the program is in trouble. It is providing producers with strong economic signals to increase production at a time when milk and milk products are in surplus supply. It is inflexibly increasing support levels and consumers' costs at a time when retail prices are already high and food price inflation a matter of serious national concern. And, it is providing producers increases in returns not fully justified by costs.

But what followed in Mr. Hjort's remarks was to me even more interesting. Keeping in mind that the provision he speaks of is the very amendment that I offered last November—word for word—here is what Mr. Hjort said:

> It is unfortunate for the industry that such a provision was not included in the law so that we could have moderated the April 1 increase this year. The danger signals were strong earlier. Now at least some serious problems are inevitable. We are almost certainly going to have very large purchases, excessive stocks, and very high levels of outlays well into the future. At least part of this problem could have been avoided.

I could not agree more with Mr. Hjort's appraisal. It is all the more readily apparent to me that economic reality was sacrificed on the altar of political expediency. Were that not the fact, a Presidential veto of the rigid dairy support bill would have maintained the status quo of flexibility—giving the Secretary of Agriculture the authority under the 1977 Agriculture Act to set the support level at between 75 percent and 90 percent of parity.

But unfortunately, the Agriculture Department did not support its own amendment nor did the leader of this administration see fit too veto the rigid support program, despite its budget implications.

It is not my intent to dwell on things past without purpose. In the words of the inscription on the Archives Building, "What is past is prologue." I urge my colleagues to consider that this recent past experience with the dairy support program is prologue to a situation where the Federal Government commits the double sin of unnecessarily spending the taxpayers' money while driving up America's food costs.

The interests of the dairy farmers are illserved by rigid programs which produce enormous surplus stocks which ultimately—one way or another cannot find their way to consumers.

Mr. Speaker, I urge my colleagues to consider soberly the intent of my bill as embodied in the title:

> To provide flexibility in administration of the dairy price support program to forestall further increases in retail and wholesale dairy prices as a result of price support operations; to avoid unnecessary Government acquisitions of surplus dairy products, thus reducing costs to the taxpayer; and to preserve the integrity of the dairy price support program.

What we are dealing with here is not an insignificant part of the cost of living here in America. To quote from a recent speech by an Agriculture Department official:

> These (dairy) products provide about 25 percent of the food consumed in the United States and even larger percentages of some key nutrients.

If we are seriously concerned about balancing the budget, fighting food inflation, and yet providing for adequate production to meet consumer demand, the milk price support program should be changed—and soon.

As I have indicated earlier, this bill is the brainchild of the administration, and I would hope that the administration would provide the necessary support for its own offspring.

Mr. Speaker, following is the text of the bill I have introduced:

H.R. 7867

A bill to provide flexibility in the administration of the dairy price support program to forestall further increases in retail and wholesale dairy prices as a result of price support operations; to avoid unnecessary government acquisitions of surplus dairy products, thus reducing the costs to the taxpayer, and to preserve the integrity of the dairy price support program

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446(d)) is amended by adding at the end thereof a new sentence reading as follows: "Notwithstanding any other provision of this Act, if thirty days before the beginning of the marketing year or thirty days before the beginning of each semiannual period after the beginning of each marketing year, the quantity of milk or the products of milk acquired by the Commodity Credit Corporation during the previous 12 calendar months exceeds the quantity of the products of milk sold by the Commodity Credit Corporation for unrestricted use during the same period by at least 350 million pounds of nonfat dry milk or a quantity of butter and cheese equivalent to at least 3.5 billion pounds of milk, the Secretary may continue to effect the then current support price for milk or modify the amount of any increase which might otherwise be required: *Provided,* That at the beginning of any marketing year the level of support for milk shall be not less than 75 percentum of the parity price therefor."●

MAINE LOBSTERMAN STATUE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mrs. SNOWE. Mr. Speaker, I want to urge my colleagues to support Senate Joint Resolution 83, a bill authorizing the Camp Fire Girls of Cundy's Harbor, Maine, to erect the "Maine Lobsterman" statue in Washington, D.C.

This sculpture was originally conceived by Victor Kahill for the 1939 New York World's Fair to reflect the spirit of the people of Maine. The lobstermen embody that independent and hardy character which this sculpture captures so well.

There would be no cost to the Federal Government in the erection of this statue, other than the donation of the site and the maintenance of the statue. This legislation has received the approval of the Commission on Fine Arts, the National Capital Planning Commission, and the Department of the Interior. The bill passed the Senate last October.

Several efforts have been made over the years to bring the "Maine Lobsterman" to Washington, with the hope of having it stand appropriately on the waterfront. The Camp Fire Girls of Cundy's Harbor have made a commitment to erect the statue and have taken the responsibility of raising the necessary funds. The only thing they need now to proceed with this project is your support.●

CARTER'S CARIBBEAN CHOICE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. LAGOMARSINO. Mr. Speaker, President Carter, over the past several months, has been playing politics with a number of the key issues: First, he says he cut defense spending, now he says he has increased defense spending; he was for reduced military benefits, and now he is for increased military benefits; he was against the draft, but pushed draft registration; he was against a tax cut, but we were told we can expect a tax cut proposal soon.

In foreign policy, he has pushed American aid for Nicaragua to help democracy in that country. Now it is more apparent than ever that hopes for democracy in that country are slim at best and the prospects for our policies in the rest of Central America are not much better. Will we see another shift in President Carter's policy to meet the challenge of the upcoming political campaign?

Columnists Evans and Novak think it is a possibility. I call to my colleagues attention the following commentary entitled "Carter's Caribbean Choice" from the August 1, 1980, Washington Post.

CARTER'S CARIBBEAN CHOICE

(By Rowland Evans and Robert Novak)

> Two convoys of ships carrying Soviet arms from Cuba have been secretly unloaded in Marxist Nicaragua to help build a growing weapons cache there for use in the coming battle for neighboring El Salvador, a development that may force beleaguered President Carter to reconsider his courtship of the left in Central America.
>
> This secret supply undercuts the administration's policy of aiding Nicaragua's Sandinista regime in hope of preventing its total embrace of Moscow and Havana. Similarly, the administration has adopted the leftist cause in El Salvador, while giving a cold shoulder to anti-communist elements.
>
> Thus, the revelation of Marxist Nicaragua's turning into a staging area for subverting El Salvador puts a hard Caribbean choice to Carter. Should he try to rally national support for himself on this issue, he would have to sacrifice his own policy. Yet senators in close touch with the worsening Caribbean crisis, such as Democrat Richard Stone of Florida, may demand exactly that.
>
> Officials here believe the arms sent to Nicaragua are earmarked for use by Marxist factions in the battle for El Salvador. That

is the next intended victim of Soviet-backed insurgency in what used to be Uncle Sam's back yard.

Exactly what equipment was delivered is not yet known to U.S. intelligence officials, who described the unopened crates as containing "heavy equipment." What these sources do know is that arms already delivered to Nicaragua include Soviet tanks and long-range artillery pieces. Like the arms in the newly disclosed two convoys, all came from Cuba.

For Jimmy Carter, this continuing evidence of Soviet-Cuban intentions to dominate the Caribbean comes at a precarious political moment in an area of critical sensitivity. If détente is dead elsewhere, Carter's men have worked hard to insulate Central America from the Cold War.

There has been a pattern to Carter decisions in the beleaguered Caribbean since he courted Cuba's Fidel Castro by canceling a U.S. naval exercise at Guantánamo Bay in January 1977. Time and again, Jimmy Carter has either looked away or explained away each provocation: the sinister Nicaraguan mission to Moscow early this year; the appearance in Cuban waters last year of two Soviet submarines; the late 1978 discovery that Moscow was arming Cuba with late-model MiG23s potentially capable of nuclear delivery.

U.S. diplomats in Central America—especially Nicaragua and El Salvador—have operated on orders that amount to this: a warm embrace for the left, a cold shoulder to the right. Those who did not go along were removed. In successfully pressing for aid to Nicaragua, the administration unsuccessfully tried to get it on an unconditional basis with no democratic procedures required.

Carter may decide that the new Soviet arms challenge should not be dismissed with wordy assurances that all is well in the Caribbean. With opposition to his renomination rising and his standing in the polls sinking to record lows, Carter may react sharply to this new challenge from the Moscow-Havana axis.

After Carter backed out of his demand last September that the Soviet brigade be withdrawn from Cuba, the Iran and Afghanistan crises revived his political fortunes just in time for the primary season. Could Central America do the same now even if it means standing his present policy on its head?

But the case for action transcends election year politics. "The Russians and the Cubans are testing, testing," one high-level official told us. If Carter allows this newest test to pass unchallenged, he added, no Caribbean country up to and including Mexico can fail to get the message. "It's up for grabs and they're doing the grabbing."

One Democratic senator who backs Carter's reelection will put this demand to Carter: make a complete, disclosure to the American people; cut off the $65 million in U.S. aid not available to the Sandinista regime (and block an additional $70 million aid package now moving through Congress); prepare for action, including a naval blockade, if Castro again thumbs his nose at the White House.

Such actions might help Carter's fallen political fortunes. Far more important, they would finally show a glint of Carter steel at the U.S. back door that would match the genuine efforts he is making to block further Soviet encroachments in more distant parts.●

THE RELIEF SITUATION INSIDE KAMPUCHEA: AN ASSESSMENT BY JAMES P. GRANT, EXECUTIVE DIRECTOR FOR UNICEF

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. SEIBERLING. Mr. Speaker, as president of the Peace Through Law Education Fund, I take great pleasure in inserting into the Record the remarks of James P. Grant, executive director of UNICEF, at the June meeting of the food and population breakfast series sponsored by the fund.

Before joining UNICEF, Mr. Grant served as the president of the Overseas Development Council (1969-79), and as Assistant Administrator of AID (1967-79). He has also served as a foreign service officer in China where he was born, in Turkey, and in Sri Lanka. He is presently on the board of directors of the Rockefeller Foundation, New Directions, and Johns Hopkins University.

I commend his remarks to the attention of my colleagues:

Remarks of James P. Grant, Executive Director of the United Nations Children's Fund (UNICEF) at the Peace Through Law Education Fund Food and Population Breakfast, June 18, 1980

I will speak this morning on Kampuchea which has been very much in the fore and is now returning to a crisis stage. Within the next ninety days I think we can expect to see growing numbers of headlines about problems there. There is a danger that we may lose our pool of resources after some rather remarkable efforts.

Kampuchea is the largest donor effort of its kind since World War II and provides an outstanding example of co-operation among private and governmental groups and the international system. As most of you know, UNICEF and the International Committee of the Red Cross (ICRC) are the joint managers inside Kampuchea and along the border. The UN High Commissioner for Refugees (UNHCR) is responsible for camps in Thailand.

UNICEF originally began as a provider of emergency relief to mothers and children in Europe and Japan right after World War II. Our work with refugees has continued through the years, most notably in Kampuchea, but also along the Pakistan-Afghanistan border, in Somalia, Ethiopia and in Zimbabwe. Many people ask me why UNICEF is so prominent in Kampuchea. The answer is that UNICEF is the only UN agency that can operate in a country without the request of the government represented in the UN General Assembly in New York. This unique aspect of UNICEF's work has allowed it to work on both sides of the Chinese Civil War in the late 1940s, in the Nigerian civil war and on both sides in Vietnam in the late 1960s.

The second and principal mission of UNICEF is to deal with the silent, or quiet emergencies. Millions of children in poor countries are in distress: last year about 15 million children under the age of four died in Third World countries. If these children had been born in the United States, about 13 million would still be alive today. In responding to their problems—hunger, poverty and malnutrition—we have tried to implement economic development programmes as well as humanitarian relief operations.

Last year, during the International Year of the Child, UNICEF was designated as the lead agency for children: for the first time we are responsible for children everywhere. I might also point out that UNICEF is unique among UN agencies in that it enjoys significant non-governmental support in industrial countries. We raise about one fifth of our funds from private sources . . . using everything from pop songs to greeting cards.

In Kampuchea, it all began about eight months ago, after six long months of negotiations, when UNICEF and ICRC received the green light from Phnom Penh to start a relief effort inside Kampuchea. It was on 19 October that UNICEF and the Red Cross made their first appeal for relief funds for the next six months. The Secretary General underscored the appeal by saying that the fate of a whole nation was at stake. For a week it looked like that appeal would fail; the New York Times gave the appeal two lines and the Washington Post ignored it. But then came two months of activity for which Americans should feel very proud.

A series of things came in quick succession. Father Hesburgh was the convenor of a meeting of 60 Americans here in Washington; Congressmen in the House of Representatives introduced bills to make thirty million dollars available to Kampuchea; Senator Kennedy spoke at Georgetown calling for quick action and critizing the Administration, and within a week the government's position moved from one of limited response to the President announcing a danger of a holocaust and a US commitment of sixty-nine million dollars. It was a clear example of people action, media action, and congressional action bringing in a great deal of funds. Three Senators then went to Thailand, and after their return, the final legislation contained one hundred million dollars for Kampuchea.

It was this spectacular US response which triggered Waldheim's action of convening a conference in November. Secretary Vance led our delegation, and foreign ministers from around the world attended. Francois Poncet of France gave what was in many ways the most analytical speech on the Kampuchean situation, raising five points. He said: first, what is the need, what are the requirements? Second, can and how do we mobilize the financial resources to finance the requirements? Third, once you've got the money, how do we get the goods into the country? Fourth, once we get the goods into the country, how do the goods get distributed? Fifth, how do we avoid a Palestinian situation, how do we get the refugees back inside Kampuchea?

I made my first trip to Kampuchea in late January/early February, to assess the situation. I found the situation remarkably improved over that in the fall, when the situation was much like that depicted in the press, and sometimes worse than press reports. There were tremendous improvements both inside Kampuchea and along the border. The improvement inside Kampuchea had come about even though very little of our aid had passed by any of the ports of Kampuchea. This triggered the question "what happened?"

What happened in Kampuchea was somewhat similar to what happened at the outset of the Marshall Plan, where at the end of the first year the amount of recovery inside Europe was vastly greater than the amount of aid reaching the continent. It was the word that aid was coming that led to a series of internal decisions within Europe that really got things moving. What happened inside Kampuchea was that the main crop had been harvested in December and January, at only 30 per cent of normal. The question facing the government was whether it should collect that harvest, store it, control it, and disburse it slowly over the year, causing vast shortfalls, or leave it in the areas of greatest need, out in the villages. With the ships backed up in the harbor, with supplies coming in on airlifts, the decision was made to leave the crop in the rural areas with no taxes and no attempt to secure it into government stocks. The problem, of course, was that the food would run out by mid-1980 or even earlier, causing great dependency on outside sources for survival. This is exactly what has happened now, as the January harvest is running out, and a deteriorating food situation exists even as our aid is reaching Kampuchea. On the border, I found in late January that the global effort had been a great success, and that where there had been nearly one million people on the border, in great distress, 150,000 were in camps in Thailand and 150,000 were left on the border, but 500,000 had gone back into Kampuchea and were returning to the border in ox-carts to pick up supplies. Therefore, the emergency first phase was remarkably successful both inside Kampuchea and on the border, but it was very clear that all we had done was temporarily avert disaster. We had bought some time and not much more.

This led to phase two of the relief effort. It is helpful here to run down the French Foreign Minister's five-point list and see how it goes. Requirements: the shortfall of production over consumption, rather modest in January and February, got worse each month until recovering slightly with the May harvest and then worsening thereafter. In August we will experience an enormous food deficit—a deficit which cannot be erased indigenously until December, with the arrival of the monsoon crops. Therefore, the problems which face us are how to feed the people of Kampuchea before the November-December harvest, and how to deliver enough rice seed to provide for a decent harvest next winter, putting the country back on its feet. Finance: the financial needs for the first stage were met following the US lead. For the second phase beginning 1 April, we are now funded through September with some major needs for October, November and December. For now we are funded through the summer, assuming that private contributions and member-country donations come in as anticipated. Interestingly, in the second phase, the US contribution has fallen relatively after its big lead in the first phase. Its place has been taken by the Japanese and the European Economic Community though we expect more US contributions in the fall.

Turning to Foreign Minister Ponet's third question, point of delivery to Kampuchea, we're now roughly one month behind schedule in getting goods into Kampuchea. However, I am reasonably hopeful for getting in the goods we need in the months ahead. There are three principal points of access into Kampuchea. The first is Kompond Som, Kampuchea's only deepwater port, where ships have been backed up for some time. It has received help recently from one hundred Russian stevedores who are now setting the pace and reducing the backlog. The second major port of entry is Phnom Penh, where boats come up the Mekong River. This port has only recently begun functioning fully again after half of its wharf slid into the river in February. It's clearly tight, however, and we have been pursuing a strategy of trying to open up two additional routes. One is to get into northeast Kampuchea, where the worst shortages will come this summer. To do that, we have been trying to come in through Saigon, and have just reached an agreement with the Vietnamese to move about 5,000 tons of rice into northeastern Kampuchea. On the northwestern side, where the crisis was worst last fall, we have been trying to reopen the road. Until now we have been unsuccessful in these efforts, but we have been able to transport rice over the ox-cart land route in lieu of the road. This month we were able to move 20,000 tons of grain over the border into western Kampuchea by that route. Thus, we feel reasonably assured for the moment on the matter of access.

The real problem is on distribution within Kampuchea, and this is most worrisome now for logistical and political reasons. On the logistical side, let me touch for a moment on one of the relative bright lights before getting to the dark lights: this is the rice planting season. We do have a major programme to get the rice seed in, and it is currently on a more or less acceptable track. The original estimate was that some 80–90,000 tons of rice seed would be needed to double rice production for this winter over last season. We assumed, on the basis of FAO and local advisors' advice, that approximately half of the seed, 45–50,000 tons, was already in the country. OXFAM agreed to supply 11,000 tons, the Vietnamese 10,000 and FAO 30,000 for the most urgent areas. This is in the process of working; we're well on the way to shipping 50,000 tons into the country through ports and airlift, and have an additional margin of 20,000 tons moving across the ox-cart land bridge to the farmers of western Kampuchea. With an estimated 40–50,000 additional tons of rice needed in the country, we have about 70,000 being delivered in Kampuchea. I should say that one reason this seed has moved relatively rapidly is that every Kampuchean knows that survival depends on seeds. It's built into their culture.

It's on the food distribution front that we're in trouble. We made a major logistical study in March, and concluded that the food is getting out to the provinces at only about 60 per cent of the needed level of supply. Obviously, at that level they would be running out of food in the villages by late summer. It was captured figure-wise in the logistical study by saying: "there are one thousand trucks available, we need sixteen hundred." The question was how to close that gap. A series of measures were recommended, some of which have and are materializing; others are not. A whole series of recommendations were made on using the trucks more efficiently within the country. It was also suggested that we should open the truck routes from Vietnam and Thailand. If the Vietnamese would deliver the rice to the northeast, it would free up some trucks; it currently takes ten days to make the round trip from Phnom Penh to the northeast. If we could open up the truck route from Thailand, it would immediately free more trucks for use within the country. Finally, it was recommended that we expedite the delivery of 500 additional trucks, which is now being done. Logistically all these operations will become more difficult as the monsoon approaches, as bridges and miles of road will be washed out.

All of this is made much worse in the face of the political tensions and complications in and surrounding Kampuchea. In Phnom Penh, the suspicions of the Kampucheans towards us has created great tension. It's been there since the beginning. It comes from many things, but if you want to look at the way they look at UNICEF, we are a UN agency, and the UN still recognizes Democratic Kampuchea, i.e., Pol Pot. They regard Pol Pot about the way a Jew surviving the Holocaust regards the Nazis. It's the Red Cross and UNICEF that are providing food in Pol Pot regions. They claim Pol Pot forces have become substantially healthier on our food. We at the same time are pressing the Phnom Penh government to speed up its relief actions. As a consequence there are a lot of points of friction.

On the border, things are worse as fighting has picked up. A recent attack by Pol Pot forces in a train left 150 dead and destroyed one of Kampuchea's twelve locomotives. The monsoons will make some roads impassable. There are many problems!

Let me conclude by saying that there is a very worrisome period ahead. The situation is bad in its own right, and then there are all of those who are taking a political vantage point. We're caught in the middle of a Hanoi-Peking cold war, a Peking-Moscow cold war, the fear of the ASEAN nations of Hanoi, and the tensions between Washington and Moscow.

If we can keep our cool, however, we are remarkably close to achieving our two primary goals in Kampuchea; to keep the Kampucheans alive in Kampuchea, and to get a reasonably good crop if the rains don't fail.

Finally, I'd like to say that this has been a remarkable effort: a people-led more than a government-led effort. It's been what the people of our societies have insisted on and what the parliaments have insisted on that has pushed governments into positions which, frankly, they normally wouldn't take. It's become good politics for governments to respond. The starting point was here in Washington last fall, and now we have contributions from all over the world, as exemplified by the one hundred million dollar Japanese contribution. It has really been a remarkable effort.●

TEXAS STUDY DEMONSTRATES SOME PROBLEMS WITH COAL FREIGHT RATES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. PICKLE. Mr. Speaker, the Lyndon B. Johnson School of Public Affairs at the University of Texas in Austin has just completed an exhaustive study. It is quite relevant to the bill on railroad deregulation what we have been considering.

The massive report, conducted by economist Dr. Leigh Boske and his students, shows that ICC policy to revitalize railroads by letting them charge exorbitant rates for coal flies in the face of our national energy policy of encouraging coal use.

The report concludes, as does the Eckhardt amendment to the Railroad Deregulation Act, that some regulation on a monopolistic route is still needed. Dr. Boske's work also suggests other methods of saving the railroads rather than taking it out on coal consumers.

I would like to submit a news release from the University of Texas News and Information Service which summarized the LBJ School report. Since we are considering railroad deregulation, I believe this summary is quite important, not only to Texas, but to other States adversely affected by deregulation and misguided ICC policies.

AUSTIN, TEX.—Is it possible for two national policies to work against one another?

Yes, says a University of Texas economist with the Lyndon B. Johnson School of Public Affairs. But, he says, the conflict is unnecessary.

Dr. Leigh Boske points out that national policies dealing with energy and railroad transportation are at odds with each other. A major study on that subject has just been compiled by Dr. Boske and 11 LBJ School students who over a nine-month period were involved in a policy research project on "The Economic Regulation of Western Coal Transportation."

On one hand, Dr. Boske points out, the National Energy Plan in an attempt to reduce America's dependency on imported oil has called for increased use of domestic coal as the fuel in electricity-generating power plants.

Yet, at the same time, recent Federal efforts to revitalize the sagging financial health of the nation's railroads have led to a situation where Western railroads, in particular, have been permitted—at the expense of coal shippers and consumers—to set exorbitant prices for transporting coal. Dr. Boske says most Western railroads are in a monopoly position when it comes to transporting coal from Western states.

Such developments in the energy and transportation areas, according to the UT study, have "coalesced to cause serious disruptions in the Western coal transportation marketplace."

To give some idea about the high cost of transporting coal via Western railroads, Dr. Boske explains that "for every dollar's worth of coal delivered, about 75 cents of that dollar goes for transportation." The other 25 cents, he says, cover all costs of producing coal (mining, acquisition and reclamation of land, health, capital expenses and labor).

The UT report takes a pro-regulation position—where railroads have no competition from other modes of transportation—that coal shippers should be offered "reasonable protection against monopolistic pricing behavior" in order to prevent severe short-run economic dislocation on the part of coal producers and consumers.

"If you don't regulate monopoly markets," says Dr. Boske, "then it allows the industry to charge whatever it wants."

Public policies regarding railroads have gone from one bad policy (overregulation before 1976) to another (largely deregulation since 1976), according to Dr. Boske.

He points out that since the Interstate Commerce Commission was given a mandate from Congress in 1976 to restore the railroads' financial health and reduce the burden of economic regulation, the Western railroads have let their coal-carrying prices soar. Yet they are doing nothing illegal, Dr. Boske says—"the ICC has rubber-stamped what they are doing."

Proposed legislation currently before the Congress would further deregulate the railroads, allowing them to reach even higher levels of profits before the ICC would intervene, Dr. Boske reports.

In Dr. Boske's view, even though salvaging the financial future of the railroads is a worthy motive, he thinks Congress and the ICC are using the wrong approach to permit high prices for coal transportation to "subsidize" or bail out the entire rail industry.

"If you use coal rates to subsidize unprofitable railroad operations, you destroy incentives to be competitive," he says.

Dr. Boske and his students point out in their report the ICC's condoning of current rate-making practices that allow the Western railroads to charge such high prices for coal does not get at the fundamental causes for the rails' financial problems.

The UT report suggests that public policy should, instead, be confronting some of those underlying problems, among them: "restrictive work rules; low rates of productivity growth and technological change; inadequate freight car management systems; the need to refine expedited abandonment, consolidation and merger procedures, and the lack of proper incentives to encourage rate experimentation and to develop more effective marketing practices."

The report adds:

"Left to its own devices, Adam Smith's invisible hand of competition should serve as a positive factor in remedying these ills."

Nonetheless, the report continues, the ICC and Congress should formulate a sound maximum rate policy for coal transportation and regulate more strictly the pricing in monopoly situations.

Another recommendation of the UT study calls for the price of coal to be based on the cost of the service rendered to produce and transport it, not on outmoded ICC formulas that deal with "averages" of transporting a variety of other commodities and with such other factors as a carrier's often idle, redundant or obsolete capacity.

Dr. Boske thinks it would be relatively simple to determine the exact cost of coal service because coal is transported in unit trains (100-car trains that carry only coal), whose cars and routes are easily identifiable and measureable.

But he says the "saddest finding" in the study is that "railroads won't allow the public to find out" the exact cost of service rendered in transporting coal.

It is his opinion that "even if railroads invested billions of dollars to provide coal, they should be allowed to include that in the cost of service," but he explains that railroads are not required to submit their costs data even to the ICC.

According to the UT study, it is estimated that the electric utility industry in Texas will use 50 to 55 million tons of surface lignite per year by 1985, while the use of Western coal for electricity generation will experience growth from a base of zero in 1975 to somewhere between 40 to 55 million tons per year in 1985.

"This will mean that 27 percent of the state's electricity needs will be met by lignite and 25 percent by coal," the study reports.●

POLISH STRIKE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Ms. OAKAR. Mr. Speaker, today I have introduced a resolution expressing the sense of Congress that the legitimate demands of the striking Polish workers be met by the Government of Poland by peaceful means and that no outside power, specifically the Soviet Union, intervene.

It is true that these valiant Polish workers, numbering more than 200,000, go to the heart of the Communist system in their demands. What they are asking for are simple basic rights of workers everywhere: the right to strike, the abolition of censorship, a public discussion of new economic policies, access to the Catholic Church, a monthly increase in wages, improved food supplies, a link between wages and inflation, and so forth.

Mr. Speaker, these workers are extremely courageous—history has taught them the possible consequences. They recall the crushing of noble Hungarian freedom fighters when the Soviets ruthlessly intervened. They recall the bloody overthrow of Alexander Dubcek in Czechoslovakia when Soviet troops intervened in the internal affairs of the Czechoslovakian Government.

The workers know that in 1970 in Poland when more than 55 people were shot and thousands injured, Polish Communist leader Edward Gierek came to power.

Mr. Speaker, next month under the guise of the theme "Brotherhood in Arms, 1980," the Soviets are planning the most massive military maneuver in a decade, and thousands of additional Soviet troops are expected in Poland. This military maneuver does not include the existing Soviet troops in Poland and near its border. Currently there are two Soviet divisions including equipment totaling 26,000 troops. In addition surrounding the country of Poland are 19 Soviet divisions in East Germany and 33 Soviet divisions in the Western provinces of U.S.S.R. very close to the Polish border.

Mr. Speaker, we know that what Soviet Union is capable of—we have seen it ruthlessly operate in Eastern Europe and most recently in Afghanistan. We know that the Soviet Union has jammed all foreign newscasts about the strike of the Polish workers. Will we sit idly by and not even voice our concern on behalf of the dignity and human right of the people of Poland? My resolution advocates peace, not war, and at the same time it sends a clear message to the Soviet Union. Hands off the people of Poland. We will not sit idly by this time.

The following is the text of my resolution:

Resolution expressing the sense of the Congress that the legitimate demands of the striking Polish workers be met by the government of Poland by peaceful means, without any interference from outside powers.

Whereas 200,000 workers in more than 400 factories in Poland have struck for a just wage and basic political rights; and

Whereas thousands of Soviet troops throughout Eastern Europe will soon conduct massive military maneuvers; and

Whereas after similar maneuvers, Soviet troops overthrew the reform government of Alexander Dubcek in Czechoslovakia in 1968; and

Whereas the Soviet government has a long history of imposing its demands throughout Eastern Europe by military force: Now therefore, be it

Resolved by the House of Representatives, That it is the sense of the House that the legitimate political and economic demands of the Polish workers be met by the Polish government through negotiation and other peaceful means, and such a settlement be accomplished without the interference of any outside power.

Whereas the Congress and this Government will carefully monitor the situation in Poland, and any military intervention by an outside power will be considered an act of aggression.●

A MISGUIDED ARMS POLICY IN THE MIDDLE EAST

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. OTTINGER. Mr. Speaker, I am becoming increasingly alarmed as the administration pursues its Middle East arms policy. President Carter is trying to influence various so-called moderate Arab countries by offering large quantities of advanced weaponry, most recently to Jordan and Saudi Arabia. This is a misguided effort, effectively drawing a circle of arms around Israel.

President Carter's intention to sell 100 M-60A3 main battle tanks to Jordan raises serious questions. Why are we rewarding a nation which has been an obstacle to peace with instruments of war? Why are we recompensing King Hussein's intransigence and rejectionism with sophisticated arms? Why are we building Jordan's arsenal while Hussein visits Moscow to acquire Soviet arms, thus undermining Israel's ability to deter Russian aggression in the region?

There are no sensible answers to these questions, especially when we consider Jordan's record for peace in the Middle East. King Hussein has completely disassociated himself from the Camp David accords and the Israel-Egypt Peace Treaty. He has rejected every effort designed to bring him into negotiations. He has publicly reconciled with the Palestinian Liberation Organization terrorists. At the first Baghdad Summit Conference, Jordan approved of a resolution which demanded that Egypt "not sign any reconciliation with the enemy." At the second Baghdad Summit, Jordan voted for a resolution which accused Egypt of collusion with the United States and standing by the side of the Zionist enemy. Jordan was quick to sever diplomatic and economic relations with Egypt as a result of the peace treaty.

This dubious response to peace is not worthy of U.S. arms. Surely if Jordan is to be trusted with offensive weaponry, it should have shown an effort to mitigate the Arab condemnation of peace with Israel. Instead, Jordan's policy has been to exacerbate the instability in the region.

I believe that we must pursue a forceful policy designed to convince Israel's neighbors of its right to exist within secure borders. This policy should not encourage their opposition to peace nor should it reward their intransigence. It should seek to establish a comprehensive settlement which will result in a peaceful and stable region.

I believe that the argument against arms sales to Jordan and Saudi Arabia was eloquently presented in a statement to the Knesset by Israeli Foreign Minister Yitzhak Shamir.

I commend the statement to my colleauge's attention:

STATEMENT BY FOREIGN MINISTER, YITZHAK SHAMIR, TO THE KNESSET ON THE ISSUE OF U.S. ARMS SALE TO JORDAN AND SAUDI ARABIA, JUNE 25, 1980

A STRONG ISRAEL—PRECONDITION FOR PEACE IN THE MIDDLE EAST

Every responsible element in the world understands that a suitable balance of forces in the region between Israel and the Arab states is an essential precondition to every hope and move for peace in the Middle East.

It is easy to prove and explain the basic truth that the Arab states will one day be ready to establish peace only with a strong Israel that cannot be overcome by force of arms. That general rule applies also to the first peace treaty signed with an Arab state, with Egypt.

The American administration has always recognized the justice of the demand for a suitable arms balance in our region. The discussion always concerned not the principle, but rather the means of its application. This principle is in danger of being seriously undermined by the arms transactions to which reference has been made here by those who have submitted motions on the subject. The Government of Israel has lost no opportunity to apprise the U.S. administration and its agencies of the gravity of the danger.

U.S. WEAPONS TO THE REJECTIONIST FRONT

The supply of substantial quantities of advanced weapons to Jordan and Saudi Arabia, members of the Eastern Front and the rejectionist front, jeopardizes the security of Israel and the peace of the region and militates against the peace process in which we are currently engaged.

The weaponry to be supplied to Jordan and Saudi Arabia is liable to turn these states into regional powers, equipped with the most up-to-date, sophisticated and powerful means of warfare. These weapons are likely, in the main, to be used against us in coordination with the armed forces of Iraq and Syria, both of whom are equipped with vast quantities of excellent Soviet weapons.

EXCESS ARMING OF JORDAN AND SAUDI ARABIA CAN IGNITE WAR AGAINST ISRAEL

Although these states are in conflict among themselves, they are liable, under the influence of the tremendous military power at their disposal, to unite around the one aim which can bring them together—the destruction of Israel. While weaponry is only a means of attaining political objectives, sometimes it is the means which determines the policy itself and influences the determination of the goals. The fact is that the very existence of military power on so tremendous a scale in the hands of states which advocate continual warfare against Israel, is liable to encourage and push them in the direction of war. The United States itself must appreciate the extent of the danger and the extent of the responsibility which it takes upon itself in supplying this weaponry.

The forces that the rejectionist states and the Eastern Front can bring to bear against us are very great. One need only note that already today there are at the disposal of these states 8,000 of the most modern tanks, most of which are equipped with highly sophisticated and efficient night-vision equipment.

We are particularly concerned at the recent apparent tendency on the part of the United States Government to supply unlimited quantities of sophisticated modern weaponry to Jordan and Saudi Arabia, which will provide them with a considerable offensive capability. It will be recalled that in 1967 it was Jordanian tanks supplied by the United States and Great Britain which crossed the River Jordan. We understand the concern of the United States Government for the security of the Saudi regime, but the Iranian experience has proved, in the most convincing fashion, that the best tanks and planes will not be able to ensure the regimes in Saudi Arabia or elsewhere, or the regular supply of oil, just as they were unable to ensure them in Iran.

If any use will ever be made of those weapons, it will only be against Israel.

ARMS SALES TO ARAB STATES UNDERMINE PEACE EFFORTS

We are aware of and appreciate the serious efforts being made by the United States for peace in the region. Precisely because of that, it is difficult for us to come to terms with a method in which one hand brings peace nearer, while at the same time the other hand, by supplying large quantities of top-grade weapons to our neighbors in the East and in the South, increases the danger of war. The flow of these quantities of superior lethal weaponry to all the countries surrounding us imposes upon the State of Israel the most heavy economic burden, for we are obliged to act—above and beyond our economic ability—in order to redress, to some extent, the balance of forces. Likewise, the supply of weapons to Egypt, with all our appreciation for the participation of Egypt in the peace process, necessitates caution, a gradual approach and a careful stocktaking of the balance of considerations, declarations and developments which, above all, must stand the test of time.

In the future, as in the past, the Government of Israel will be diligent in its maintenance of the arms balance—and this with a double aim: to maintain the security of Israel, and to allow for progress in the peace process. The United States must realize that peace is not possible without the security of Israel—security that will be clearly visible to the eyes of our neighbors.

ISRAEL—ONLY DEMOCRATIC AND STABLE COUNTRY IN MIDDLE EAST

We would remind the U.S. Government and all Western Governments, particularly those of Great Britain and France, that the State of Israel is the only democratic country in this region, and only here—in Israel—is there a stable regime without the possibility of surprise coups which, overnight, can put massive and superior equipment into the hands of dangerous and hostile elements.

It would be a mistake to think that, in the Middle East, it is possible to act on behalf of global interests while neglecting the security of Israel. The undermining of Israel's security, through the irresponsible flooding of the region with Eastern and Western arms, impairs the chances of peace; any such impairment could in turn lead to war and jeopardize the peace of the world.

We shall appeal to all friendly elements anxious for the peace of Israel, and peace generally, to halt this dangerous flow of lethal weapons to the Middle East.●

BUTLER AMENDMENT

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. SYNAR. Mr. Speaker, on Friday, August 22, 1980, by a vote of 230 to 108, the House adopted an amendment to the Housing and Community Development Act, which was offered by Mr. Butler of Virginia. The amendment as approved would remove from the law a provision which allows the Federal Government to retroactively change the terms of existing contracts for low- and moderate-income rental housing, under sections 514 and 515 Farmers Home Administration programs.

During the floor debate on this amendment, arguments were offered against the Butler amendment which I believe represent justifiable concerns. For instance, the argument was made that prepayment of sections 514 and 515 loans would lead to subsequent conversion of the low- and moderate-income units to other uses and that this, in turn, could result in tenant displacement. Further, argument was made that if the Butler amendment was adopted, three-quarters of the rental housing units produced by FmHA in the last 8 years would be in danger of being removed from the rural, low- and moderate-income housing market, and that as much as $3.3 billion in additional funding would be required to replace them.

Mr. Speaker, I believe that to some degree there is merit in these arguments, and I share the concerns of those who spoke against the Butler amendment. I, too, am concerned that low- and moderate-income housing tenants not be displaced as a result of this provision. I do not believe anyone wants that to happen.

But I am also concerned with the basic issue of contractual obligations, and with some reluctance I supported the Butler amendment. I think it is extremely important that the Federal Government honor its obligations under contracts with private entities. It is a very fundamental tenet of our legal system. As a lawyer, and as a concerned lawmaker, I felt compelled to support the Butler amendment on the grounds that contracts negotiated and signed by the Federal Government should be binding on the Federal Government for the life of the contract—barring some emergency situation which clearly warrants an abrogation of the Government's contractual obligation.

I remain hopeful that, based on the information given during the floor debate, the potential adverse impacts of the amendments do not become a reality. Should serious problems with prepayment of loans arise at some point in the future, then I believe it will be incumbent upon the Congress to address the issue. But in the meantime, I believe the Government should honor the original commitments it made when these contracts were negotiated and signed.●

FURTHER INFORMATION ON DR. LAWRENCE BURTON'S IMMUNO-AUGMENTATION TREATMENT FOR CANCER

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. McDONALD. Mr. Speaker, in the Congressional Record of August 21, 1980, on page 22563 I placed material describing in detail the work of Dr. Lawrence Burton on cancer. A person associated with Dr. Burton and supportive of his work is Dr. John Beaty of Cos Cob, Conn. Since Dr. Burton's work was presented on "60 Minutes," Dr. Beaty has been inundated with inquiries about his work. In order to answer these inquiries, Dr. Beaty has developed an excellent form letter, which succinctly outlines how the treatment works. Therefore, I am inserting it in the Congressional Record at this point in further amplification of the previous extension and in further support of the bill H.R. 7936, which I introduced Monday. The letter follows:

John Thurston Beaty, M.D., P.C.,
Valleywood Medical Building,
Cos Cob, Conn.

Dear ——: Thank you for your inquiry about Dr. Lawrence Burton's Immuno-Augmentation treatment for cancer. Since "60 Minutes" of May, 1980, it has become impossible to answer each letter or call personally, so this memorandum is intended to give useful information to those who request it. I personally am an internist specializing in nutrition and preventive medicine, but on the side I have worked with Dr. Burton for nearly four years, assisting his patients from all over the U.S. with his testing and follow-up procedures. I have complete confidence in his integrity and dedication to his patients. His theories, as far as I can tell, are sound and are gradually being explored and validated by other immunologists, but I believe Dr. Burton is still far ahead in practical clinical experience with this non-toxic mode of treatment.

He does not consider it a cure, but a significant help to the natural cancer defense system we all have. Therefore, if the disease is not too far advanced and if previous treatment has not too severely impaired the patient's own immune mechanism, in many cases (I would estimate about one-half), this treatment can bring the disease under control. So far, it has not been possible to predict with certainty which patients will do well, but certain types of malignancy appear to respond better than others.

It must be emphasized that the whole program is experimental, research-oriented, and is constantly being refined and improved. It is based on more than twenty years of mouse cancer studies, and is being carried out in Dr. Burton's Immunology Research Centre, Freeport, Grand Bahama Island (Tel. No.: 809-352-7455) on a not-for-profit basis. It is a very small Clinic, capable of handling only about a hundred patients at a time. There are two experienced M.D.'s who work with Dr. Burton; he himself is a Ph.D. in Experimental Zoology.

All patients must be ambulatory, able to live in hotels or apartments for their Bahama stay, and to go once or twice daily to the Clinic for tests and treatment. Most patients stay on the Island for at least 6-8 weeks, depending on their progress, receiving numerous small, carefully calculated injections on non-toxic extracts of human blood, in the attempt to maximize each patient's own immune defense system. Dr. Burton has identified three separate fractions which are used for this purpose. Appropriate physical examinations and basic laboratory tests are used to evaluate progress. However, it must be noted that many of the more sophisticated tests routinely available in American hospitals cannot be obtained on the Island; these must await the patient's return home, where the local doctor is asked to order important follow-up studies and send reports to Dr. Burton. Sadly, not many M.D.'s in the USA thus far have been willing to cooperate with him in this way for their patient's benefit. We hope this situation will change.

Patients who wish to apply for entrance to the Immuno-Augmentative therapy program must submit a medical report including a tissue diagnosis for evaluation and consideration by the professional staff. This medical report must be current and must include the following: Blood chemistry (SMA-12), hematological studies (CBC, differential platelets), X-rays and scans performed within 30 days prior to the submission of the records.

There are two ways to apply for admission to the Centre's program. The fastest and easiest way will require that your doctor or hospital turn your records over to you in person, so that you can travel with them to Freeport, after calling for an appointment for Evaluation. All medical records should be properly prepared by your physician and identified with the patient's name, date of testing and the institution where the testing was done. If you follow this first procedure, you would call for an appointment and bring all the records with you.

However, if the doctor or hospital will not turn your records over to you in person, then you will have to have the doctor or hospital mail all the records by prepaid registered mail, return receipt requested, to the Immunology Research Centre, Ltd., Box F-2689, Freeport, Grand Bahama Island, Bahamas. Records cannot be returned by mail. We suggest you retain copies of everything.

Approximately 10 days to two weeks after the records have been sent, the patient should call the Centre to make an appointment to come for Evaluation as a possible candidate for the program. Patients should plan to arrive on the Island with a responsible adult companion on a week-end, so they may be seen at the Clinic promptly on Monday morning for their Evaluation appointment, at which time they should be prepared to stay in Freeport for a minimum of 6-8 weeks, if admitted to the program. Those accepted come to the Centre each morning early for a blood "pull," are given a series of small injections, one at the Clinic, others to take "home" for self-administration hourly in a careful sequence. Some have a similar schedule in the afternoon.

Each patient must come prepared to pay the current fees (Evaluation $300; first 4 weeks therapy $2,220; thereafter, $300 per week) payable in cash or Traveller's checks. This covers only the weekly medical examinations, blood testing and injections. Housing, food, transportation and special examinations (if needed) are additional expenses. I am told that medical insurance benefits are not paid for this treatment at the present time. Your travel agent can give you information on flights, housing, weather, seasonally appropriate clothing, expenses and so on. You will need a passport or other proof of US citizenship. American dollars are the local currency.

When the patient is improved and stable, and is ready to go home, he is given a supply of the Burton treatment sera and a computerized print-out of his injection schedule to be continued at home for the next month or two, near the end of which time he is asked to send a blood sample to the IRC to be sure all is well. Follow-up tests or X-rays may be requested at this time. Based on this information, the patient is given a new dosage schedule for (perhaps) a longer period.

In favorable cases, the size and frequency of injections gradually decline as the patient's own immune defense mechanism shows that it is becoming competent to handle any remaining malignant cells. A brief return visit to the Centre 2-3 times the first year is often advised for safety's sake. Finally in the successful cases, blood is requested for testing only every 3-4 months and may well lead to "no treatment needed at this time," as a report. However, although in this situation the patient has no evidence of any detectable tumor and is usually feeling fine, Dr. Burton never uses the word "cured"; after all, this patient's immunity has slipped once before. The monitoring must go on—indefinitely. Some toxic exposure, change in diet or other habits, serious infections or injury, or a major, prolonged stress might some day undermine the repaired immune defense system and allow a cancer recurrence.

Finally, let me add that the information contained in this letter is to the best of my knowledge and belief accurate and up-to-date as of this time, but any corrections or modifications are entirely up to Dr. Burton and the IRC professional staff. They make all decisions about admission to the program and their decisions are final.

I must apologize again for using this form letter, but I truly hope it answers a good many of your questions about the Burton treatment. The two questions it cannot pretend to answer are: 1) Will this treatment help me? (or my loved one) and 2) Will Dr. Burton take the case? I simply do not know.

I send you my sincere best wishes as you make the difficult decisions which lie ahead.

Yours truly,

John T. Beaty, M.D.●

PUBLICATION OF HEARINGS ON DISAPPEARANCES

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. BONKER, Mr. Speaker, I would like to bring to the attention of my distinguished colleagues the following press release, which announces the publication of the hearings on human rights and the phenomenon of disappearances.

Bonker Subcommittee Announces Publication of Hearings on Human Rights and the Phenomenon of Disappearances

Congressman Don Bonker (Democrat of Washington), Chairman of the House Foreign Affairs Subcommittee on International Organizations, announced today the publication of the Subcommittee's hearings on human rights and the phenomenon of disappearances.

Bonker said, "The publication of this volume is very timely, for it underscores the fact that increasingly, across continents from South Korea to Bolivia, human rights are being trampled." He noted, "Disappearances of political opponents, followed by torture and summary execution, is a daily practice in many countries.

"What makes disappearances one of the most abhorrent human rights violations today," Bonker stressed, "is government complicity. Governments are the custodians of law. When governments engage in a campaign of terror, as in the case of disappearances, they undermine the rule of law as well as their own right to govern.

"As this volume clearly indicates, the problem of disappearances continues to demand our attention and that of all members of the international community. We must speak out because of the needs of the victims. We must speak out because of our feeling of compassion. We must speak out because it is our duty to send an unmistakable signal to the principal offenders—whether they be in the Soviet Union and their satellites, Argentina, Chile, South Korea, Taiwan, the Philippines, Bolivia or other similar regimes around the globe—that these violations will be checked and stopped," Bonker said.

Copies of the hearings may be obtained from the Committee on Foreign Affairs, Room 2169, Rayburn Office Building, Washington, D.C. 20515, or by calling (202) 225-5515.●

A RESOLUTION FOR THE SOMALI REFUGEES

HON. ANDREW MAGUIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. MAGUIRE. Mr. Speaker, I am today introducing a resolution which, jointly sponsored by nearly a dozen of our colleagues, calls attention to the great human tragedy taking place in Somalia today, and urges that we devote our resources, through existing government aid programs or through charitable acts of private organizations, to finance food and medical supplies to ameliorate the great need.

Somalia is a nation on the horn of east Africa. According to figures issued by the World Bank for 1977, Somalia's per capita income was $110. The average life expectancy for her citizens is 43 years. For over a decade this nation has been wracked by drought, internal unrest, a war waged with the encouragement of superpowers, and now a punishing famine. Last April, I visited Somalia with the Armed Services Committee and toured a refugee camp there with our colleague, Representative Schroeder. I can personally testify to the immense human suffering there.

The United Nations High Command for Refugee's worldwide refugee statistics record a staggering 1.49 million refugees in a country with a normal population of 4.5 million people. These hungry and homeless individuals are virtually all ethnic Somalis displaced from Ethiopia's Ogaden Desert region. This flood of humanity represents 25 percent of all refugees in the world today. This is more than the UNHCR is reporting in all of Southeast Asia combined.

Although I saw the deprivation at one camp in Jalalaqsi, the conditions in all of Somalia's 26 refugee camps appear to be the same or worse. Malnutrition and dehydration is common among new arrivals; 15 percent of the children in the camps suffer from malnutrition. Medical and health care facilities where available are insufficient. The Somali population has only one doctor per 12,000 individuals.

These problems are unfortunately typical of those regions of the world suffering from starvation, refugee situations, and conflict. But they are exacerbated by the unusual age and sex distribution which creates relatively high requirement for international aid. Approximately 61 percent of the refugees are children, aged 15 or younger, and approximately 30 percent are women. Thus, only 9 percent of the population within the camps are men and most of them are elderly, injured, or sick. This makes the design of self-help programs, of the kind usually put into place in refugee camps, extremely difficult for this type of camp population.

Our resolution calls upon the Congress and charitable organizations to play the role our Nation has honorably chosen to play time and again. We call upon the United States to do everything possible to provide immediate humanitarian assistance to Somalia. We suggest that existing food or commodity credit programs play a role in financing this aid. We urge that this funding be used not only for food but for the purchase of medical supplies as well. Finally, the resolution asks that private organizations and foreign nations so equipped continue to play a part in this important humanitarian enterprise. I urge Members of Congress to join in sponsoring this important statement of conscience on behalf of Somalia's refugees.

The text of the resolution follows:

H. Con. Res. 415

Concurrent resolution to express the sense of the Congress that the United States should provide immediate humanitarian assistance to Somalia in order to help that nation cope with the massive influx of refugees

Whereas the United Nations High Commissioner for Refugees estimates that there are more than 3,400,000 refugees on the African continent;

Whereas 1,490,000 refugees had entered the Somali Democratic Republic in East Africa as of June 20, 1980;

Whereas there are more refugees in Somalia than in all of Southeast Asia;

Whereas the refugees in Somalia are ethnic Somalis and Ocomo who have fled Ethiopia;

Whereas approximately 713,000 of the refugees in Somalia are living in refugee camps;

Whereas 91 percent of the refugees in Somalia are women and children under the age of 15;

Whereas 215,000 of such refugees are children under the age of 6;

Whereas the two greatest causes of death among the Somali refugees are measles and diarrhea with children suffering the highest mortality rate;

Whereas there is an urgent need for medicine, vaccines, hospitals, doctors, nurses, food, clothing, and shelter for the refugee population;

Whereas the Somali Government, with extremely limited resources, has allocated health and educational personnel, trucks, well-digging equipment, and, most importantly, food to the refugees;

Whereas Somalia is a net importer of food and the provision of any food supplies to the refugees creates shortages among the normal population of 4,500,000 people;

Whereas the magnitude of the refugee problem in Somalia would be equivalent to a massive influx of 45 to 50 million refugees in the United States within one year;

Whereas Somalia is one of the poorest countries in the world, with a doctor to normal population ratio of one to 12,000, and is particularly ill-equipped to handle a catastrophe of this magnitude;

Whereas, while the United States has been the major source of food for the refugees, there is an urgent need for further refugee assistance, particularly immunization vaccines and other medical supplies: and

Whereas there is an immediate need for greater publicity for the refugee problem in Somalia in order to awaken the charitable responses of American citizens, corporations, labor unions, and religious groups: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United States should do everything possible to provide immediate humanitarian assistance to Somalia in order to enable that country to cope with the massive influx of refugees:

(2) such assistance, including the provision of food supplies, government surplus medical facilities and equipment to promote the welfare and survival of the refugees, should be provided by either individuals and private groups acting charitably or through existing food and commodity credit programs of the United States Government;

SEC. 2. The Congress urges the President, the Secretary of State, and other appropriate executive branch officials to call upon all other nations capable of providing assistance to direct aid to the Somali refugees.●

SAFETY: THE AMERICAN AUTOMOBILE ADVANTAGE

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. LAFALCE. Mr. Speaker, the Department of Transportation's National Highway Traffic Safety Administration last week released a report which contained alarming facts about the safety of many foreign-made minicompacts and subcompacts.

Twelve 1980 minicompact and subcompact automobiles, selected by the NHTSA, were crashed into a wall at 35 miles per hour. Electronically wired dummies were seated in the driver and front passenger seats, wearing both seat and shoulder belts. A failing grade meant that human occupants in such crashes would receive severe or perhaps even fatal injuries.

All four foreign-made subcompacts, including the VW Rabbit, the Audi 4000, the Mazda 626, and the Datsun 200 SX, failed the tests. Six of the eight minicompacts, including the Honda Civic, the Toyota Corolla, the Datsun 310, the Subaru GLF, the Honda Prelude, and the Toyota Corolla Tercel, failed the same tests. The sole foreign-made car tested to pass was the Fiat Strada, but it failed another Federal motor vehicle safety standard, which requires fuel system integrity in crashes. Without that integrity, a car involved in a crash is more susceptible to fire than would otherwise be the case.

The sole real victor in the 12 tests was the Chevrolet Chevette, which provided more than adequate protection for its passengers. That fact, more than any advertising campaign, points to a singularly interesting conclusion: American automakers can produce a car which is fuel efficient and price competitive with foreign cars and a car which is simultaneously safer than foreign-made cars. That conclusion will be a powerful motivation for American consumers, as they make their buying decisions during the 1980's.

Another test conducted under the auspices of the NHTSA brought the same message for buyers of automobiles. A Ford Mustang and a Toyota Celica were crashed head on, as each traveled at 35 miles per hour. Human occupants in the Mustang would have easily survived the crash; passengers in the Celica would not have been so fortunate.

Mr. Speaker, the results of these tests come as no real surprise to NHTSA. Comparable tests conducted in 1979 on other domestic and foreign models brought similar results. All of the foreign-made minicompacts and subcompacts failed, while most American models passed with flying colors. However, I am pleased by the publication of this report, because the general public has the right to know about the potential safety of his or her automobile. In addition, perhaps this report will at least put a temporary halt to the unending criticism of both the autoworkers and the automakers of this country, because it is clear that we can beat the Japanese and the Germans at the crucial race of safety for auto passengers.

As Joan Claybrook, Administrator of the NHTSA, stated, "I would certainly want to buy a car that passed." That's precisely why I own a Chevrolet.●

PERSONAL EXPLANATION

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. SYNAR. Mr. Speaker, due to travel arrangements which could not be changed, I missed two recorded votes last Friday. I would like to take this opportunity to explain how I would have voted had I been here.

First, I would have voted "No" on a motion to recommit the bill H.R. 7299, the Mental Health Systems Act, roll No. 482.

Second, I would have voted "Yes" on final passage of the bill, roll No. 483.

Thank you very much.●

THE PLO MASQUERADE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. OTTINGER. Mr. Speaker, America is fast approaching a dangerous crossroad in its Middle East policy. We find ourselves on one path toward stability and another toward volatility, and I fear that we are embarking on a terrifying journey upon the latter. In our concern for the Begin government's alleged "stubborness," there has been increasing acceptance of the PLO in the international community and, unfortunately, also in the Carter administration.

As Israel rightfully resists the international pressure which would jeopardize its borders and deny its legitimacy, our press, public, and politicians begin to consider the distorted claims of Yasir Arafat and his terrorists. I sense that people are becoming so frustrated with Israel's alleged "intransigence" that they begin to legitimize the brutal tactics of the so-called Palestinian cause. While I have serious reservations about some of the Begin government's recent actions, I deplore the use of such reservations to undermine Israel in any way or to legitimize the PLO which is committed to the destruction of Israel and has consistently acted upon that commitment in the most brutal ways.

We must never forget the schoolbus ambush in May 1979, which killed 12 and wounded 19 innocent children.

We must never forget the terrorist attack on a Ma'alot school in May 1974 which resulted in 24 deaths and 62 injuries.

We must never forget the 33 vacationing men, women, and children who were murdered in March 1978 when 13 terrorists attacked 2 buses carrying families on the Haifa-Tel Aviv highway.

We must never forget the Israeli athletes who were killed when a terrorist arm of the PLO marred the Munich Olympics in 1972.

The overall record of PLO atrocities is horrendous. From July 1967 to August 1979 there were 9,400 PLO attacks around the world; 994 people were murdered and 5,139 were injured, most of them women and children. Is this the record of a moderate group with which Israel could feel secure if it were to control the West Bank? Does this record justify the legitimacy granted to the PLO by the European Economic Community and the United Nations? Does this record deserve the embrace of various parties in our Nation?

We are being deluded into believing Yasir Arafat's cause is a moderate one. How can the PLO claim to be moderate when its National Covenant states that: "The partition of Palestine in 1947 and the establishment of the State of Israel are entirely illegal." This same covenant claims that: "The Arab Palestinian people * * * reject all solutions which are substitutes for the total liberation of Palestine." Was it an indication of moderation for the PLO information office in Oslo recently to state that "There is no new policy by the PLO to recognize Israel * * *. The declared program of the PLO is to bring about the destruction of the Zionist entity of Israel"?

Israel's refusal to bow to pressure and make itself vulnerable to increased terrorist attacks is certainly understandable. Let us not waver from our commitment to Israel by joining in the pressure. We must especially remind ourselves of the real aims of the terrorist PLO. We cannot be fooled by distorted facts and propaganda. Instead, we have to direct our policy to a comprehensive Middle East settlement which provides for a secure Israel.

Let us remember Arafat's words of December 1978: "Armed struggle is our only road. We have no other road to reach Jerusalem, Tel Aviv, and every inch of our occupied homeland." We must deny him that road.●

ROCHDALE VILLAGE LUNCHEON CLUB CELEBRATES THIRD ANNIVERSARY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. ADDABBO. Mr. Speaker, I take this opportunity to call to the attention of my distinguished colleagues in the House of Representatives news that the Jewish Association for Services for the Aged (JASA) Rochdale Village Luncheon Club in Jamaica Queens recently celebrated its third anniversary at a gala luncheon and special day of entertainment.

The anniversary celebration was widely received by over 200 men and women in attendance from the community, with many local leaders stopping by throughout the day. One of the highlights of the day was the entertainment of Ari Lishan, a singer of international songs and one-man band, who drew a warm response from the audience. A special treat of the festivities was the appearance of Edna Gay Gassaway, a generous human being, as well as a professional choral leader, who though confined to a wheelchair, led the Rochdale Village Luncheon Club chorus in song. In addition, some of the other highlights of the day were a fashion show and art exhibit.

For 3 illustrious years, the Rochdale Village Luncheon Club, located in the Rochdale Village Community Center, has served an average of 140 hot kosher lunches Monday through Friday, as well as providing nearly 50 meals to homebound adults. Funded by the New York City Department for the Aging under a section of the Older Americans Act, the center is considered an integral part of the community of Rochdale Village and the surrounding area. Residents attend the club for its wide variety of social, educational, cultural, and recreational activities, with social services, including counseling and referral, also available.

The Rochdale Village Luncheon Club has done much in tending to the needs of older adults in the community, and it is to be commended for the fine job it has done. I wish it and all its members all the very best of luck in what I am confident will be many more anniversaries to celebrate.●

THE SHOW TRIAL OF KIM DAE JUNG IN SOUTH KOREA

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. BONKER. Mr. Speaker, I would like to share with my distinguished colleagues a touching letter concerning the trial of Kim Dae Jung in South Korea. The letter is from Tokuma Utsunomiya, who is a leading member of the ruling party of the Japanese Diet.

Mr. Utsunomiya writes:

> As you know, Mr. Kim Dae Jung is about to be tried by a court martial on charges of plotting rebellion and other crimes, which I know from my personal relations with him are inconceivable. What I fear the most is that he will be sentenced to death or, at least, to life imprisonment. . . .
>
> The fact that Mr. Kim Dae Jung is about to be tried by the present military leaders of Korea and the fact that he probably will be sentenced to death will bring to nought the sacrifice of tens of thousands of American youths who died in Korea and the millions of dollars in military expenditures by the United States over the past 30-odd years in defending freedom in Korea and the efforts of Japan to provide economic assistance and cooperation to Korea at the expense of Japanese taxpayers.

In my judgment, it would be prudent for the Korean generals ruling that country to heed the concerns expressed by Mr. Utsunomiya.

The State Department has characterized the charges against Kim Dae Jung as "farfetched." Most observers of the sorry state of events in South Korea are very concerned that Kim Dae Jung will not receive a fair trial. The fact that international observers from Amnesty International and the Internationl Commission of Jurists have been prohibited from attending his trial and the fact that its proceedings are being censored only help to underscore those fears.

Several months ago, when I visited South Korea, I was impressed by the determination of most segments of Korean society to work together to bring about greater progress toward democracy. I had the pleasure of meeting most of the civilian leaders but Kim Dae Jung is easily the most popular figure in that country. Today there is great fear about his safety. The fear is that the show trial will automatically lead to his conviction. Then Kim Dae Jung will either face a certain long-term confinement or execution.

We must continue to emphatically make clear to the military regime in South Korea that this would be a terrible mistake. Force should not be the answer to legitimate dissent. Discontent in South Korea will not disappear until all Koreans are assured the full protection of their basic human rights and a fair voice in their Government. Unless this takes place, it will be increasingly difficult to justify to the American people the continuation of our close relationship.

Finally, we must continue to emphasize to Korea's rulers that the stability of their Government, indeed, its security, as well as our own, is dependent on domestic tranquillity, which can only be achieved by a broad national consensus.

[The letter follows:]

HOUSE OF COUNCILLORS,
DIET OF JAPAN,
Chiyoda-ku, Tokyo 100, August 6, 1980.

Hon. DON L. BONKER,
House of Representatives,
Washington, D.C.

DEAR MR. BONKER: I am writing this letter in a hurry, as a member of Japan's House of Councillors, who believes in and deeply respects the democratic traditions of the United States, and as a friend of the great political leader of Korea, Mr. Kim Dae Jung, and am having my secretary go to Washington to personally deliver this letter to you.

As you know, Mr. Kim Dae Jung is about to be tried by a court martial on charges of plotting rebellion and other crimes, which I know from my personal relations with him are inconceivable. What I fear the most is that he will be sentenced to death or, at least, to life imprisonment.

Not only is the cruel fate facing Mr. Kim Dae Jung a serious matter from the standpoint of human rights, but an issue that can have a profound and fatal impact on both Japan and the United States, which have long been allies and friends of the Republic of Korea.

As you know, Mr. Kim Dae Jung is a political leader who, inspired by the traditions of freedom and democracy of the United States, has dedicated his life to the task of restoring freedom and democracy in Korea for many years.

The fact that Mr. Kim Dae Jung is about to be tried by the present military leaders of Korea and the fact that he probably will be sentenced to death will bring to nought the sacrifice of tens of thousands of American youths who died in Korea and the millions of dollars in military expenditures by the United States over the past 30-odd years in defending freedom in Korea and the efforts of Japan to provide economic assistance and cooperation to Korea at the expense of Japanese taxpayers.

I am afraid that if Mr. Kim Dae Jung is sentenced to death fresh disorders will break out in Korea, which could well lead to a new war on the Korean Peninsula. The recent spread of unrest and anger among the Korean people at the long years of continued military rule is of great concern to us.

In Japan, today, both the Government and the ruling and opposition parties are working to save Mr. Kim Dae Jung's life. However, there is a limit to what Japan can do in exerting influence of the military regime in Korea which seems to be running wild.

For this reason and in view of the seriousness of the situation, I am appealing to you as an influential political leader of the United States to turn your attention to this situation in Korea and the plight of Mr. Kim Dae Jung and to exert your influence in saving Mr. Kim Dae Jung from the terrible fate that surely awaits him and, thereby, help overcome the crisis now facing democracy in the Republic of Korea.

Sincerely,

TOKUMA UTSUNOMIYA,
Member, House of Councillors, Japan.●

CARTER'S POLITICAL POPULARITY: IS THE THREAT OF WAR WORTH IT?

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. McCLOSKEY. Mr. Speaker, on Thursday, August 21, I placed in the CONGRESSIONAL RECORD Jack Anderson's columns of August 18, 19, 20, and 21, which related to potential U.S. Government military action in the Persian Gulf. Mr. Anderson's final column on this subject was published on August 22, and is offered here for the same reasons I cited on August 21:

CARTER'S POLITICAL POPULARITY: IS THE THREAT OF WAR WORTH IT?

(By Jack Anderson)

WASHINGTON.—Jimmy Carter studies the polls the way gypsies read tea leaves. The secret soundings of his favorite pollster, Pat Caddell, go directly to the president for his personal scrutiny. These polls show a national crisis would produce a rally-round-the-flag reaction, which would boost his reelection prospects.

This is the real reason, in the opinion of insiders, that Carter has ordered preparations for a limited invasion of Iran in October. There are three stops along the road to invasion where he could pause, reconsider and turn back. He has already passed the first stop; the military forces are now moving into position.

The best evidence that Carter's motives are political can be found in the polls that guide him. Sources with access to Caddell's poll say they show (1) that international events have a strong impact on the public; (2) that the reaction is almost immediate; (3) that the holding of American hostages in Iran has stirred deeper emotions than any foreign policy issue in recent times and (4) that the hostage issue is so volatile it could explode in the president's face.

Even more to the point, the polls show there's nothing like a grave, protracted, international crisis to lift a president's approval rating.

Jimmy Carter came into the White House in January 1977, with a 71 percent approval rating. This skidded to 51 percent after the Bert Lance scandal, then plummeted to 28 percent by the time he signed the SALT II treaty in June 1979.

But five months later, the Iranian hotheads stormed the U.S. Embassy and seized the hostages. There was disturbing evidence that Carter's mishandling of the Shah of Iran had been the direct cause of the hostage capture. Yet the polls registered an immediate jump in Carter's popularity from 31 percent to 38 percent.

Then the Soviets invaded Afghanistan, and a wave of patriotism swept Carter's approval rating to 61 percent. Slowly, he began to slip again until his standing with the public hit rock bottom in July 1980—lower than any president in modern times.

Yet there was a surprising, if brief, upward spurt in his rating after the hostage rescue attempt. Although the mission was botched, Carter's display of manhood brought him sudden, new approval. The polls show that Americans are eager, as one source told my associate Dale Van Atta, to prove their country "is not the gutless wonder the Iranians think it is."

A John Wayne-style assault on Iran, the polls indicate, would make Carter an overnight hero and send his popularity soaring. Even a routine success in foreign affairs according to one study, would increase his rating by 12.5 percentage points, and the effect would last more than two months.

The electorate, said one expert, "is particularly volatile now and responsive to new events." The effect of the Iranian and Afghanistan crises boosted Carter's popularity about eight percentage points higher than previous presidents had registered in 30 similar cases, dating back to 1938.

These statistics had more to do with Carter's decision to attack Iran than any other development, insiders believe.●

RURAL TELEPHONE BANK

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. JONES of Tennessee. Mr. Speaker, on August 21, I introduced legislation to extend the authorizations for the Federal contribution to the Rural Telephone Bank. The bill, H.R. 7991, would allow the annual $30 million Federal purchase of class A stock to continue for another 10 years. The $30 million contribution would be adjusted relative to the Consumer Price Index and repayment by the bank of the Federal capital seed money would be delayed until after September 30, 1995.

The Rural Telephone Bank has proven to be a vital source of loan funds for developing and upgrading telephone service in rural America. The Nation's rural telephone companies borrow money from the Bank at intermediate interest rate levels and repay over 30 to 40 years. Eventually, the borrowers of the bank will repurchase the federally owned stock resulting in a lending institution owned by the borrowers.

Without the appropriations authorized by this legislation, the Rural Telephone Bank would have to increase substantially its effective interest rate, thus disqualifying many telephone company borrowers of this loan program. Studies have shown that the result would be a higher net cost to the Federal Treasury. By extending this authorization, the bank could continue to make loans to improve rural telecommunications facilities and thus improve the overall quality of life of rural Americans.

For more background and information on the Rural Telephone Bank, I am inserting into the RECORD the Comptroller General's report to Congress.

COMPTROLLER GENERAL'S REPORT TO THE CONGRESS—EXAMINATION OF THE RURAL TELEPHONE BANK'S FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 1979, DEPARTMENT OF AGRICULTURE

DIGEST

The Rural Telephone Bank, an agency of the United States, was established in 1971 by an amendment to the Rural Electrification Act of 1936 (7 U.S.C. 901), to provide for financing or refinancing the construction, improvement, expansion, acquisition, and operation of telephone lines, facilities, or systems in rural areas.

In fiscal year 1979 the Rural Telephone Bank loaned $130 million to rural telephone systems. It has loaned $1.2 billion since its inception. Amounts borrowed from the U.S. Treasury, interest and principal collected on loans, and proceeds from the sale of stock are the Rural Telephone Bank's primary sources of funds.

GAO is required by the Government Corporation Control Act (31 U.S.C. 841) to examine the financial transactions of the Bank. GAO's last report was issued in May 1977 and discussed financial transactions through September 30, 1976.

OPINION ON FINANCIAL STATEMENTS

In GAO's opinion, the Bank's financial statements present fairly its financial position as of September 30, 1979, and the results of its operations and changes in financial position for the period then ended, in conformity with generally accepted accounting principles.

CHAPTER 1—INTRODUCTION

Public Law 92-12 dated May 7, 1971, established the Rural Telephone Bank (RTB) to make loans for the construction, improvement, expansion, acquisition, and operation of telephone lines, facilities, or systems in rural areas. The law amended the Rural Electrification Act of 1936 (7 U.S.C. 901) which, since 1949, has authorized the Administrator of the Rural Electrification Administration (REA), Department of Agriculture, to make loans for essentially the same purposes as the REA telephone program, that is, furnishing and improving telephone service in rural areas. To the extent practicable, RTB is to obtain funds from non-Federal sources and to conduct its operations on a self-sustaining basis.

In fiscal year 1979 RTB loaned $130 million to rural telephone systems. It has loaned $1.2 billion since its inception. The amounts borrowed from the U.S. Treasury, interest earned on loans, and proceeds from the sale of stock are RTB's primary sources of funds.

MANAGEMENT AND ADMINISTRATION

RTB, an agency of the Federal Government, is subject to the direction of the Secretary of Agriculture. The Administrator of the Rural Electrification Administration, who is also the Governor of RTB, is RTB's chief executive officer.

RTB has a 13-member board of directors which is responsible for its management. The Administrator of REA, the Governor of the Farm Credit Administration, five Presidential appointees, and six people elected by RTB's stockholders serve on the board. RTB has no employees; however, the RTB operations are performed by REA employees who also have similar responsibilities for REA operations.

CAPITALIZATION

RTB issues three classes of capital stock: (1) class A to the Government, (2) class B to RTB borrowers, and (3) class C to RTB borrowers, organizations eligible to borrow, and organizations controlled by borrowers or eligible borrowers.

Class A stock

Class A stock has a par value of $1 a share and is issued, at par, only to the Administrator of REA on behalf of the United States. The United States provides money for the purchase of class A stock by REA. Public Law 92-12 authorizes the Congress to appropriate up to $30 million annually for the purchase of class A stock until RTB has issued $300 million of class A stock. As of September 30, 1979, RTB had $247,500,000 of class A stock outstanding.

Public Law 92-12 also authorizes RTB to pay the United States a 2-percent annual return on the class A stock outstanding. This return is cumulative and must be paid from RTB's income. In fiscal year 1979 RTB paid $4.9 million to the U.S. Treasury.

RTB must retire its class A stock as soon as practicable after September 30, 1985, as long as its Board of Directors determines that such retirement will not impair RTB's operations.

Class B stock

Class B stock has a par value of $1 a share. Borrowers must purchase, at par, class B stock equaling 5 percent of the amount borrowed excluding the amounts borrowed to purchase such stock. As of September 30, 1979, RTB had $56 million of class B stock outstanding. Although class B stockholders do not receive dividends, they receive annual patronage refunds in the form of additional shares of class B stock. RTB's Board of Directors determines the amount of the patronage refund, which is made from net income after deducting the return on class A stock, cash dividends on class C stock, and any addition to the reserve for contingencies. In fiscal year 1979 RTB issued $3.7 million of class B stock as a patronage refund.

Class C stock

Class C stock has a par value of $1000 a share and is issued at par only to borrowers; to corporations and public bodies eligible to borrow; or to organizations controlled by such borrowers, corporations, and public bodies. As of September 30, 1979, RTB had $548,000 of class C stock outstanding.

Class C stockholders may be paid dividends from RTB's income if the Board of Directors declares such dividends. The Board can only declare dividends on class C stock when income exceeds the 2-percent return on class A stock. Until all class A stock is retired, the dividend on class C stock cannot exceed the average rate of interest RTB pays to borrow money. In fiscal year 1979 RTB paid $32,820 in dividends on class C stock.

CONVERSION OF OWNERSHIP, OPERATION, AND CONTROL OF THE BANK

When 51 percent of the maximum amount of class A stock issued and outstanding at any time after September 30, 1985, has been retired:

The powers and authority of the Administrator of REA will be vested in RTB's Board of Directors, and the Board will select a new Governor for RTB.

The five Board members appointed by the President will no longer be members of the Board.

RTB will no longer be a U.S. agency.

RTB will continue as an instrumentality of the United States and a banking corporation.

When all class A stock has been retired, RTB loans will not be subject to restrictions imposed by Public Law 92-12; however, after that time, the Congress can continue to review RTB's operations.

CHAPTER 2—OPERATIONS

Borrowing Power

Public Law 93-12 authorizes RTB to obtain funds by selling its bonds, debentures, notes, and other evidences of indebtedness (collectively called telephone debentures). RTB's Board of Directors determines when telephone debentures may be issued, their interest rate, and other terms and conditions. The amount of outstanding telephone debentures may not exceed 20 times RTB's paid-in capital and retained earnings.

On June 30, 1972, Public Law 92-324 gave the Secretary of the Treasury the authority to purchase RTB's telephone debentures. The Secretary of the Treasury determines the rate of return that must be realized on any telephone debentures purchased. The current average yield on outstanding marketable U.S. securities with comparable maturity must be considered.

At September 30, 1979, cumulative debenture borrowings from the Secretary of the Treasury amounted to $394,868,000 at various interest rates, as shown below.

Interest rate	Borrowings from Treasury from inception through Sept. 30, 1979
7.250	$5,071,000
7.375	7,667,000
7.500	10,017,000
7.625	10,461,000
7.750	24,451,000
7.875	29,603,000
8.000	11,092,000
8.125	60,571,000
8.250	48,290,000
8.375	53,989,000
8.500	37,376,000
8.625	9,037,000
8.750	11,647,000
8.875	6,103,000
9.000	52,995,000
9.125	12,097,000
9.250	4,401,000
Total	394,868,000

RTB can repay amounts borrowed from the Treasury through the sale of telephone debentures at any time. Repayments will be applied to the oldest amounts outstanding. No amounts borrowed from the Treasury had been repaid as of September 30, 1979.

The Secretary of the Treasury can sell acquired telephone debentures at any price considered appropriate. All purchases and sales of the telephone debentures by the Secretary are treated as public debt transactions of the United States.

Lending power

RTB can make loans, in conformity with policies approved by the Board of Directors, to corporations and public bodies which have received an REA loan or loan commitment or have been certified by the Administrator of REA to be eligible for a loan or loan commitment. RTB's loans may be made—

For the same purposes as REA loans made under section 201,

To finance or refinance the construction, improvement, expansion, acquisition and operation of telephone lines, facilities, or systems in rural areas to improve efficency, effectiveness or financial stability of borrowers, or

To finance the purchase of class B stock.

The Rural Electrification Act requires that RTB, rather than REA, loan funds if the borrower is eligible for an RTB loan and RTB has funds available. However, all loans for telephone system facilities which, on the average, will have three or fewer subcribers for each mile of telephone line are to be made by REA unless the borrower elects to take an RTB loan instead.

RTB loans can only be made when, in the judgment of the Governor of RTB, (1) the loan has adequate security and will be repaid within the time agreed and (2) the borrower is able to earn net income before interest which is at least 150 percent of the interest requirements on all of its outstanding and proposed loans or, if this is not true, this requirement should be waived because it prevents emergency restoration of the borrower's system or otherwise results in severe hardship to the borrower.

The Governor of RTB determines the terms and conditions of RTB loans that are not specified by law. The Rural Electrification Act, as amended, requires the interest rate on an RTB loan be equal to RTB's average cost of money; however, the interest rate cannot be less than 5 percent per annum. The act also requires that RTB loans be repaid within 50 years.

RTB borrowers may not sell or dispose of property, rights, or franchises acquired under the provisions of the Rural Electrification Act, as amended, without the approval of RTB's chief executive officer until any loans obtained from RTB, including all interest and charges, have been repaid.

Cost of operations

The interest cost of money borrowed from the Treasury through the sale of telephone debentures in fiscal year 1979 ranged from 8.875 to 9.25 percent a year. The total interest cost for fiscal year 1979 was $27,930,503.

The Rural Electrification Act authorizes RTB to partially or jointly use the facilities and services of REA or any other agency of the Department of Agriculture without cost, and thus are not shown as expenses on the RTB statement. Costs incurred by REA as it provides facilities and services to RTB are generally for salaries and related benefits, employee travel, and automatic data processing.●

WALL STREET JOURNAL REPORTS JOBLESSNESS CAUSES DEATH, DISEASE

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. SIMON. Mr. Speaker, one of the most important articles to appear in any newspaper recently appeared in a prominent position of the Wall Street Journal yesterday under the title "Recessions Cause Death Rate to Rise, As Pressures of Coping Take Hold." Written by Gerald F. Seib, it is a graphic illustration of the need for carefully constructed action to meet the Nation's joblessness problems.

This Nation can solve its problems of unemployment and guarantee all of our citizens a job. We have the resources to stop this unnecessary blight on our society; the only question is if we have the will to stop it.

I urge my colleagues to read the article, which I am inserting in the RECORD.

RECESSIONS CAUSE DEATH RATE TO RISE, AS PRESSURES OF COPING TAKE HOLD

(By Gerald F. Seib)

Recessions can be hazardous to your health.

A severe economic downturn quietly extracts a toll in health and lives, experts say. Unemployed workers run out of health insurance, put off visits to the doctor and eat poorly. At the same time, both unemployed and employed people who fear for their jobs or who are having a harder time making ends meet come under severe stress. Many turn to alcohol and drugs.

The result: Illnesses of all kinds increase, and the death rate goes up. Researchers find that, as the result of a recession, more people die from various kinds of heart diseases and liver problems. Suicides rise. So do the infant-mortality rate, murders and even the number of auto accidents—spreading the risks to those who otherwise mightn't be harmed by an economic downturn.

BROAD EFFECTS

"Virtually all major illnesses, virtually all major causes of death are affected," says M. Harvey Brenner, a professor at Johns Hopkins University and an authority on the connection between recessions and health.

Sometimes the recession-related tragedies are obvious. A 22-year-old Detroit auto worker was laid off by General Motors Corp. last year. His wife became pregnant, and the couple worried that the baby would be born deformed because their diet had deteriorated. The man was hospitalized with a nervous breakdown, but had to leave the hospital when his health insurance ran out in April. Distraught, he drove home and hanged himself.

In other cases the circumstances are less dramatic. Nationwide, it all adds up to a significant health problem. Nobody knows how many deaths can be attributed directly to a recession, but Prof. Brenner made some calculations about the effect of joblessness in a report to the Joint Economic Committee of Congress.

DELAYED EFFECTS

He estimated that each increase in unemployment of one percentage point during a recession causes about 37,000 deaths over the succeeding six years. More than 20,000 of them come from cardiovascular problems, which are aggravated during unemployment by stress and poor diet, he says. More than 900 are suicides, and 648 are homicides, also products of increased stress. Another 495 are attributed to cirrhosis of the liver, an outgrowth of alcohol abuse.

Some of these deaths occur just as unemployment jumps, Mr. Brenner says, but others take place over the six-year period following the unemployment increase. In addition, the infant-mortality rate shoots up, probably because pregnant women get less medical care and and don't eat as well as they should.

Statistics about mortality are but "the tip of the iceberg," Mr. Brenner says. "It is very likely that the vast majority of the costs occur to society in the illness area, not the deaths," he comments.

Thomas Cottle, a lecturer at Harvard Medical School who has spent 15 years studying unemployed people, has found that, besides the most serious health problems, joblessness results in maladies ranging from tooth decay caused by poor diet to ulcers and other stomach problems caused by worry. "There's a terrific physical punishment" Dr. Cottle says. Without a job, he says, "What's the incentive to take care of yourself?"

DWINDLING COVERAGE

This rise in health problems comes just as many laid-off workers lose their company-paid health insurance. A recent Labor Department study found that, on the average, workers continue receiving company-paid insurance for only about a month after being laid off. In most businesses, workers lose health benefits immediately, a department official says.

Some unions have negotiated contracts that let their members keep benefits longer than average, but even these workers are facing problems. For instance, steel workers with more than 10 years' seniority receive coverage for 12 months after a layoff, but workers with less than two years' seniority lose benefits at the end of the month they are laid off, a union official says.

Auto workers with several years' seniority also usually have about a year of paid health insurance after being laid off. "The problem is, tens of thousands of them have been laid off since last summer," says Mel Glasser, director of the United Auto Workers' social security department. This summer, even older workers find "they're running out," he says.

EXPENSIVE CHOICES

Workers who have lost health insurance have a hard time getting coverage elsewhere. Usually they can't afford expensive individual policies. A few industries let workers whose benefits have expired continue in the company-sponsored group policy if the workers pay the full premium, but even that is expensive.

For instance, Gary Oliphant, an Akron, Ohio, rubber worker with a wife and four children, was laid off by Goodyear Tire & Rubber Co. in January. His health insurance expires in September. Buying his own policy would cost $200 a month, or he can continue participating in the Goodyear policy for $139 a month. Meanwhile, his unemployment benefits are only $202 weekly, and he faces a monthly house payment of $430.

In many cases, workers don't qualify for public health plans for the poor because they have accumulated such assets as a car, a house and a small savings account. In some states, heads of households are ineligible for public assistance under any conditions.

The result is that many workers "play Russian roulette with their health" and simply live without health insurance, the UAW's Mr. Glasser says.

Without health insurance, of course, going to the hospital is an expensive proposition. "Two and three days in the hospital, with a doctor bill and you've got yourself a long-standing liability," says Asa Dempsay, a UAW official in Chicago. So laid-off workers often simply quit going to the hospital for all but emergency ailments.

BEATING THE DEADLINE

Hospital admissions initially shoot up for a brief time at the start of a recession. One reason is that many laid-off workers hustle to get their problems patched up before their insurance expires, says Henry Bachofer, director of the office of policy studies at the American Hospital Association. But admissions soon decline, sink to a trough and remain low until after the recession.

More than just the unemployed suffer health problems in a recession. The underemployed and those who simply fear they will lose their jobs live "on an absolute treacherous edge," says Dr. Cottle of Harvard.

Even those whose jobs are safe don't watch their health as closely. A survey by General Mills Inc. shows that in times of economic stress, families cut back in a variety of health-related areas. They lower the quality of their diet, put off visits to the doctor and dentist and even stop getting new eyeglasses.

WAYWARD DRIVERS

In addition, everyone runs a greater risk of being a victim of a violent crime or auto accident as a result of a faltering economy. Studies show that the crime rate increases because of greater tension and economic hardship. Deaths in auto accidents also rise, perhaps because of an increase in drinking drivers or perhaps because drivers feeling increased stress simply don't handle a car as well.

Nor does the harm done by a recession end when the economy improves. Mr. Brenner suspects that a "second wave" of health problems doesn't show up until seven to 15 years after a rise in unemployment. Long-term health problems, particularly among women and their young children, are aggravated because proper health care has been neglected, he says.

Arlene Brown, a laid-off Detroit-area auto worker, is especially afraid that children are being hurt. Her arms show the effects of rickets she suffered because of poor diet and health care while her father looked for work during the Depression. "Now children of laid-off workers will have the same problems," she says.●

NO PEACE IN SEOUL

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. EDWARDS of California. Mr. Speaker, over the past few months we have all been watching the succession of events in South Korea and observing the steady and substantial erosions of human rights and civil liberties by the current military regime of General Chon.

Beginning in May, students staged peaceful demonstrations protesting both the imposition of martial law and the arrest of Kim Dae Jung, who represents the major political opposition to the current rulers who took control following President Park's assassination. In response to these peaceful and well-organized demonstrations, the Government sent in approximately 3,000 paratroopers—far in excess of the number necessary to maintain order. Observed by witnesses as drunk and disorderly, these soldiers used M-16 bullets as well as mortar on their citizens, in a brutal display of indiscriminate and wanton killing.

After being held incommunicado for weeks, Kim Dae Jung stands on trial facing a possible death sentence for supposedly plotting the violent overthrow of the Government. An account of his ordeal in prison has just been released, which describes the daily interrogation used which bordered on torture.

The South Korean Government has again moved one step closer to the establishment of a "legitimate" and complete military control. The recent resignation of President Choi, occurring before the adoption of a more liberal constitution, is a blatant attempt to cast General Chon, the strongman of Choi's standing committee, as successor. He will undoubtedly attempt to take control in the same fashion used by former President Park to gain his successive terms in office. With the recent news that a few days ago one of the possible political opponents to Chon "retired from politics," Chon's success is even closer. Already the South Korean press is referring to Chon as the "new leader," and plastering his picture throughout the papers.

Despite these human rights violations, the United States has continued with a policy of "business as usual." For instance, the President of the Export-Import Bank made a specific point of visiting Seoul in June to insure the South Koreans that he intends to continue all pending loan projects. This kind of assurance can only serve to undermine efforts to reinstate political policies aimed at democratic principles.

As the New York Times editorial which follows points out, in a country where one can be arrested for the mere utterance of something unpleasant about its leader, it's no wonder that General Chon interprets our Export-Import Bank activities as a sign of complete acquiescence to his actions. For this reason, along with 29 of my colleagues, I have submitted to President Carter a letter urging him to apply economic pressure on the South Koreans, who are heavily dependent upon American business interests, by exercising his authority to deny Export-Import Bank credit applications on the basis of their violations of human rights. As the single largest recipient of Ex-Im funds, South Korea would undoubtedly be influenced by such an initiative. I have inserted a copy of this letter for my colleague's view.

Mr. Speaker, also for the benefit of my colleagues and concerned citizens, I would like to place in the RECORD the aforementioned editorial, which appeared in the New York Times of August 18. I think it is an insightful article that will be of interest to all those whose attentions are directed toward expediting an effective public policy toward the South Korean Government:

NO PEACE IN SEOUL

How self-satisfied Gen. Chon Too Hwan sounds. South Korea's emerging strongman was talking the other day with our colleague Henry Scott Stokes about the publicity he has received since the death of President Park Chung Hee. "Before October 30," he said, "I was not known at all outside the military . . . International society of course did not know me. There have been big changes since then . . . I didn't run away from responsibility and now, as a result, I did receive public attention."

One reason General Chon is so pleased with his clippings is that it's a crime against the state to utter anything unpleasant about General Chon, who is now reportedly about to enthrone himself as South Korea's President. Likewise, it can be a penal offense to call for elections, civil liberties or the rule of law. Indeed, a death penalty is possible in the trial now underway of Kim Dae Jung, an opposition leader who has persistently contended that South Koreans have a right to elect their rulers.

General Chon may believe that in its heart of hearts, Washington approves of repression, just as the South Korean press asserts. The Export-Import Bank, for example, which counts South Korea as its single largest borrower, is going ahead with all pending loan projects. John L. Moore, the bank's president, went out of his way during a visit to Seoul to insist that it was business as usual with General Chon. And now there are reports that the commander of American military forces in South Korea says that Washington "has decided to support" General Chon.

General Chon may also believe that Americans have no choice but to acquiesce in whatever he does. After all, Washington has a strategic interest in defending South Korea, as attested by some 40,000 American troops stationed there. Besides, American corporations have invested billions in a booming South Korea, which has become a major importer of American products. Anyway, who could be paying any attention to Seoul during an American election campaign?

Still, General Chon should not misjudge American opinion. Most Americans who care about South Korea are dismayed by his brutality and look upon his show trial of Kim Dae Jung as morally indistinguishable from what passes for justice in Communist North Korea. If Washington has given a false impression of the true state of American opinion, then it is misleading the Seoul regime. There are limits to tolerance, and Americans are unlikely to extend a blank check to a South Korean general at war with his own people.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 31, 1980.

Hon. JIMMY CARTER,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: It has recently come to our attention that the Export-Import Bank currently has preliminary commitments of approximately $450.0 million in export value for direct loans to the government of South Korea. We are writing to express our disapproval of these commitments and our hope that you will instruct the Export-Import Bank to deny these credits.

According to the language of P.L. 95-630, the Export-Import Bank Act of 1945 as amended, the Export-Import Bank should deny applications for credit in cases where the President determines that "such actions would clearly and importantly advance U.S. policy in such areas as international terrorism, nuclear proliferation, environmental protection and human rights."

In view of recent actions by the new government in South Korea, we urge you to review our policy of granting credit applications to the South Korean Government at this time. We feel this constitutes a meaningful approach which will help bridge the gap between actions which are harmful to Korean security and others which are without impact.

As you know, the military-civilian junta headed by Lt. Gen. Chon Doo Hwan announced that they will try Kim Dae Jung, a man in whom the United States has reportedly expended a great deal of moral capital in the past, under charges of sedition which could lead to a death sentence if convicted. Additionally, thirty-six supporters of Kim Dae Jung, and his lawyers, are also expected to be brought before a military tribunal for prosecution later. Since the imposition of martial law by the junta the Nation Assembly has been suspended and the offices of the major political parties have been closed. The press has also been forced to work under increasingly tight censorship. These are only a few specific instances of a more general repression of human rights which the junta is imposing on the people of South Korea.

A denial of Export-Import Bank credits will clearly and importantly advance the Administration's announced policy of dissonance with the repressive measures of the new regime in South Korea. The denial of these credits will be a very clear message to the South Korean Government because the preliminary commitments provide for two separate loans directly to the South Korean Government. The loans are for the further development of their telecommunications project.

The importance of these credits is clear. The South Korean economy is currently performing poorly. Export-Import Bank arrangements have been beneficial to the Korean economy in the past both in terms of providing a needed stimulus and an encouragement for international trade, a foundation for their economy. The South Korean Government already has a large investment in the telecommunications project, largely financed through a past Export-Import Bank credit. The denial of further credits for this project should certainly send a strong message to the South Korean Government, in terms of this specific project and in terms of further reliance on Export-Import Bank arrangements.

Mr. President, it is essential that we use every possible means available to us at this time to encourage greater democratic freedoms in South Korea. Unfortunately, many of the actions we might take could endanger the security of that nation. The denial of Export-Import Bank credits is one action we can take which will send a clear message to their government without any destabilizing security implications. On the contrary, our continued inaction during a time of eroding democratic freedom in that country presents perhaps the gravest security risk of all.

We look forward to hearing from you in the near future on this matter.

With kindest regards.

Sincerely,

John Seiberling, Robert Drinan, Don Edwards, Ronald Dellums, Patricia Schroeder, Shirley Chisholm, Pete Stark, Michael D. Barnes, Tony P. Hall, David E. Bonior, Fred Richmond, Thomas J. Downey, Richard Ottinger, Ted Weiss, Jim Oberstar, Bob Edgar, Tom Harkin, Anthony Beilenson, John Burton, Howard Wolpe, Robert Garcia, Benjamin S. Rosenthal, Sidney R. Yates, Richard Nolan, Paul Simon, Andrew Maguire, Bob Carr, Norman Mineta.●

THE POLITICS OF CANCER—PART II

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. McDONALD. Mr. Speaker, in part II of "The Politics of Cancer," it will be shown how the cancer establishment reacted to Dr. Burton and his immunological approach to the treatment of cancer and what exactly Dr. Burton has accomplished. Part I of this item appeared on page 22563 of the CONGRESSIONAL RECORD for August 21, 1980, and further information on Dr. Burton is contained on page 28626 of the CONGRESSIONAL RECORD for September 9, 1977. Part II follows:

TO GREAT NECK

In 1970 and 1971 Burton and Friedman assisted Dr. Rottino in his treatment of patients at St. Vincent's with the antitumor serum. "Then Rottino came to us in 1972 and said, 'We're going to have to stop treating patients.' Why? 'They [the local cancer establishment] blew the whistle on it.'" Rottino reportedly told Burton and Friedman that St. Vincent's was not going to jeopardize $3.5 to $4 million in other grants because of opposition to their project by the cancer establishment.

At this time a terminally ill breast-cancer patient, the wife of a Long Island psychologist, was being treated with the Burton-Friedman technique. The psychologist, Martin Goldstone, was friendly with a prominent Great Neck rabbi, Robert S. Widom, and together with Burton and Friedman, the Immunology Research Foundation was formed. Initial funding was raised with the help of another businessman, Lionel Teicher, and by the fall of 1973 the center was in quiet operation.

In July 1974 New York magazine came out with an article by Alan Anderson, Jr. The article summarized Friedman and Burton's progress until then, which by 1974 had finally resulted in the basic four-part theory that Burton developed for treatment of patients at the Bahamas Clinic. One important result of the article was that a vice-president in charge of research and engineering at Champion International in Hamilton, Ohio, Herbert Randall, decided to fund Friedman and Burton in September 1974 after extended investigation and study of the nature of their therapy. He is presently vice-president of the Immunology Researching Foundation, the funding umbrella of the Freeport center.

TERRY AND THE PIRATES

"The laboratory tests they are doing have no basis in science," says Dr. William D. Terry, associate director of the Immunology Program of the National Cancer Institute, a $1 billion-a-year taxpayer-funded arm of the National Institutes of Health. Terry, who has been at the NIH for 18 years, is in fact the cornerstone of opposition to Burton's work. He has become NCI's spokesman regarding Burton, and he has made two visits to Burton's labs, once in Great Neck and later in Freeport.

According to Terry, not only is Burton unscientific; he is unable to distinguish fantasy from reality: "What you are up against here is that there is no way to deal with the Dr. Burtons and their putative treatments, which are put forth by people who are outside of the system and who, in a sense, keep themselves out of the system."

According to Burton, Terry's first visit to see his work was at Great Neck after Sen. Howard Metzenbaum of Ohio (whose wife had recently died of breast cancer) wrote to the NCI to inquire about Burton's therapy as described in the *New York* magazine article. Burton maintains that the NCI replied and disparaged Friedman and Burton's work, contending that it had all been done by others before, that they did not publish, that they were very secretive, and that the NCI knew nothing about it. In turn, Metzenbaum asked the NCI how, if Burton and Friedman were so secretive that no one knew what they were doing, the NCI could assert that they had only repeated the work of others.

It was at that point, according to Burton, that Terry made his first appearance in Great Neck on behalf of the NCI. "You never have met a more hostile SOB in your life," says Burton, "He came in at nine o'clock in the morning, and Terry says, "People come to me; I don't go to anybody." According to Burton, Terry then offered to walk Burton through the paperwork for a grant of $1.2 million, which would come out of a special NCI fund of $6 million, set aside for unique projects. But nothing happened.

Terry contradicts Burton: "I never offered any such grant." However, a special American Cancer Society report on the Immunology Researching Centre (IRC) dated October 20, 1977—under a section labeled "Relations with Government Agencies"—reads: "In late 1974, the National Cancer Institute, after a site visit to Drs. Burton and Friedman, offered to collaborate with the Immunology Research Foundation by testing and attempting to confirm Dr. Burton's claims related to an immunological means for controlling cancer, but the offer has not been accepted to date." This tends to confirm Burton's version.

The second time Terry came into a Burton lab was in Freeport, three years later. Burton was forced to leave Great Neck, because in addition to other circumstances, the U.S. Food and Drug Administration continued to refuse to grant permission to IRC to conduct clinical trials of an immunological approach to the treatment of cancer patients. According to Burton, the FDA would request certain specific information. The information would be provided, and then the FDA would come back and request more. More information would be provided, and the FDA would then request more and more. These endless bureaucratic demands were too much for Burton and Friedman, and finally, in disgust, they asked the FDA to close its file. Searching for a less oppressive medical research environment. Burton discovered the Bahamas—and Freeport.

But before IRC could move there, Dr. Charles, then chief medical officer of the Bahamas, wrote to Dr. Terry, asking his views about Burton's establishing a clinic in Freeport. "I believe that Dr. Charles, on behalf of the Bahamian government, contacted me. I would have to go . . . and check to see if it was a letter or a telephone call," remembers Terry. "But I did provide my view."

According to Burton, the letter Terry sent to Charles said that Burton was a "paranoid psychotic." According to Terry, "I never in writing told anyone that I thought Dr. Burton was a paranoid psychotic."

Despite Terry's infavorable opinions and, according to Terry, the opposition of Dr. Charles, the Bahamian government granted Burton permission to open a clinic in Freeport, with the proviso that proper records would be kept and that patients would be treated only with a physician present (Burton is a Ph.D., not an M.D.). In the contract, however, there was a stipulation that at the end of the year, an "international review" of Burton's operations would be conducted.

The reviewers turned out to be Dr. Charles, a member of the Pan-American Health Organization whose field of expertise was not cancer, and the NCI's Dr. William Terry, once again. Terry does not feel that his impartiality as part of the review panel was hindered by his previously unfavorable comments to Dr. Charles about Burton. "The work is the work," says Terry. "It's a matter of reviewing what's there. It has nothing to do with opinions about people. . . . I am perfectly capable of dispassionately judging what was going on because I am in the business of looking for things that work."

Terry was critical of the clinic. As far as he is concerned, the clinic is a procedural and scientific mess. He has not made it a secret that he regards the whole thing as quackery. According to Terry, there were no accurate records, no consistent protocols of treatment or study. And even if there were, Burton would not have been able to properly interpret them. The theory of the relation of the blood fractions to the immunological system is, according to Terry, just "horse manure." "From whatever Dr. Burton has ever told me, or Dr. Friedman, or from what I saw down in the Bahamas, the lab tests they are doing make no sense and have no basis in science." Terry spent only two days in the Bahamas; he did not interview patients but nevertheless authored a critical report to the Bahamian government concerning Burton. Apparently, the Bahamian government paid no credence to Terry's unscientific polemic. Pursuant to agreement with the Pan-American group, Terry's unscientific appraisal was not released, and the Bahamian government invited Burton to stay.

Burton's recollection of the two-day trip of the international review board is vivid, and he recalls that the panel wanted the names and U.S. addresses of patients as well as those of the doctors who recommended them to the clinic. Burton's Bahamian attorney balked at the request in the belief that it was not made in good faith but rather for the purpose of reporting the physicians to their local medical societies for disciplinary action. Terry claims the reason for the request was to attempt to verify the results.

What Burton remembers most about Terry's Freeport visit was Terry's alleged constant references to money, wanting to know who paid and how much. Terry conveyed the impression that he thought Burton was making a great deal of money. The issue of money was not casual. It costs between $5,000 and $7,500 for treatment at the Freeport Clinic. This may sound expensive, but it is actually a fraction of the cost of orthodox treatment. It costs a cancer victim about $23,000 to die of cancer in the United States. Part of the cost is for conventional treatment, such as chemotherapy.

Burton is paid $30,000 a year for his work. He claims that he puts about half back into the clinic's operation. The clinic's facilities are modern and clean, and its equipment is new and well serviced. A computer aids in the setting of serum doses for patients who have left the island so that serum injections can continue under the supervision of the patient's own physician in the United States. All patients are required to sign a consent form when they come in, which explains the nature of the treatment and states that it is experimental and is not represented as a cure.

THE TEST

One of the interesting outgrowths of Burton's work has been a joint project with Metpath, a mammoth medical testing laboratory located in New Jersey. Nationally known and respected for its meticulous testing, Metpath is vitally interested in the accuracy and practicality of Burton's serum as a cancer-detection test. Metpath's president, Dr. Paul Brown, says, "We are . . . looking at how Burton measures one particular substance, the 'blocking protein,' to find out whether that is in fact present or not present in people who have malignant disease."

The contract between Metpath and Burton received the commendation of Dr. Paul Rosch, president of the American Institute of Stress, whose special field of interest is the relationship between stress and cancer. At first Dr. Rosch was skeptical about Burton's blood test for early cancer detection and also for uncovering cryptic malignancies that do not show up through any other signs, symptoms, examinations, or tests. Dr. Rosch would send Burton blood specimens by air express and not indicate anything about the patient's condition just to see whether Burton was able, on the basis of the blood sample alone, to distinguish patients with tumors from those with other conditions, patients with malignancies that were responding to treatment from those who were doing poorly. "Over the course of three months," continued Dr. Rosch, "I sent Burton over one thousand blood specimens." He became satisfied that Burton was on to something big, or, as he described Burton's blood test for detection of cancer, "something which had great merit and potential." Rosch added that Burton's percentage was extraordinarily high in getting the right answers from the blood specimens. "Very impressive."

Burton's test is a means of measuring several specific protein elements in blood. Burton has long identified these specific elements as part of a complex defense system against cancer. By measuring the relative amounts of these elements present in a person's blood, he is able to determine (1) whether the patient's system is effectively battling the cancer, (2) whether the patient's immunological defenses are strong or weak, and (3) whether the tide of battle is running in favor of the cancer or the patient.

The test is thus extremely useful as diagnostic tool—an objective means of detecting cancer from the blood profile, even in the absence of any positive X-ray findings, tumor mass, or pathological signs or symptoms. But equally important is its "watchdog" usefulness in measuring the results of any treatment, its efficacy or lack of it. The test can alert the physician that his particular treatment regimen is not working, and that a change in treatment strategy is required.

Dr. John T. Beaty, an internist in Greenwich, Conn., is familiar with Burton's unique cancer test and the first experiment conducted by Metpath to gauge the accuracy of Burton's technique. In that experiment Metpath air-expressed 193 numbered vials of human blood samples without any accompanying data to Burton's clinic lab in Freeport. Four of the samples were of patients known to have cancer. Running the specimens through analysis, Burton identified ten blood samples as belonging to cancer patients, including the four cases known to Metpath. The initial opinion at Metpath was that the six additional vials were "false positives"—the equivalent of false alarms. But within two months three of the "false positives" showed clinical evidence of previously undetected cancer, and within six months the remaining three also metamorphosed into cancer status. Thus, Dr. Beaty points out, Burton's analyses were correct in all ten cases, and his test predicted what was not yet apparent. According to sources close to Metpath, that medical lab has repeated the experiment several times with new batches of numbered vials. Burton's results in all respects paralleled the initial trial in accuracy.

Burton's cooperation with Metpath and others contradicts the accusation that Burton is secretive about his method. In 1978 Burton attempted to reinterest the National Cancer Institute in funding further research and evaluating the progress of patients under his treatment. He submitted several plans to Arthur Upton, NCI's director, including one in which the IRC would absorb all costs. The NCI would select independent oncologists (cancer specialists) to monitor the progress of 1,000 patients. But Upton on behalf of all U.S. cancer victims, past and present, finally rejected the offers.

Upton alleged that no one in the NCI's vast network of researchers and laboratory technicians had any interest in testing Burton's thesis and results "until after it (Burton's research) has been reported in the literature in full detail to make possible replication"—a Catch-22, considering that Burton has been refused publication.

Burton has achieved his best results with metastic prostate cancer, melanoma (a type of skin cancer), bladder cancer, and head and neck tumors. He has been the object of both panegyrics and condemnation in the press. Despite his controversial status, many physicians refer their patients to his clinic as a last resort and usually after all conventional therapy has failed. The total remissions achieved in some of these cases are therefore all the more remarkable.

Of Rottino's original team at St. Vincent's, only Burton has continued in the field opened by the team's initial discoveries. Robert Kassel, who went to Sloan-Kettering, is dead. Martin Kaplan and John Harris, who was sent by Sloan-Kettering to collect data but who ended up working with the team, have disappeared, and we were unable to locate them. Rottino remains at St. Vincent's. Friedman, who worked with Burton for 20 years, is now a biology professor. When we tried to contact him in New York, he denied that he was the Friedman we were seeking. Apparently, the memories of the years of frustration are as painful for him as they are for Burton.

THE SCOPES TRIAL

In October 1976 Dr. Burton was still located in Great Neck, N.Y. Dr. John T. Beaty, who had heard about Burton's work, arranged to meet him. A compassionate physician, Dr. Beaty told some of his patients who were suffering and dying of cancer—their conditions unrelieved by conventional cancer "treatment"—about Burton's work. Some of them sought out Burton, importuned his help, and returned to confide in Dr. Beaty. Beaty agreed to monitor their progress with Burton.

What Dr. Beaty observed in his patients who went to Burton resulted in his open support of the scientist, and he obliged those of his cancer patients who asked him to send their blood samples to Burton. After Burton moved to the Bahamas, those of Beaty's patients who went to the Bahamas for testing and treatment by Burton were monitored by Beaty on their return. Trouble came after an article in the National Enquirer quoted Beaty as supporting Burton's work. The article repeated Beaty's statement that he had recommended about 20 patients to Burton—most of whom were in the terminal stage of their disease—and that half of them had experienced either observable regression of their tumors or notable improvement in their condition.

The result of the article's appearance was, first, Beaty's summary expulsion from the staff of Columbia Presbyterian Hospital in New York City, despite his 30-year affiliation. Next, a charge was framed by the Greenwich Medical Society, accusing him of "unethical conduct" in failing to adhere to the precept that "a physician should practice a method of healing founded on a scientific basis, and he should not voluntarily associate with anyone who violates this principle."

In November 1977 the Greenwich Medical Society, after a hearing, censured Dr. Beaty, a physician with impeccable establishment credentials. Beaty was found guilty of associating with Burton. He also was reprimanded for this association by the Greenwich Hospital, and he continues to be subjected to ostracism by his colleagues. Beaty, a dedicated physician in a small community, was punished because he dared to put his concern for his patients' welfare above the narrow self-interest of the medical establishment.

UNPROVING BURTON

Despite the fact that no one has disproved Burton's theories, he remains on the American Cancer Society's blacklist. As long as his work is maligned by the ACS as "unproven," he will continue to be thought of as a quack, a charlatan, a fraud, by country-club doctors more concerned about maintaining the medical status quo than about actively seeking the relief of human suffering.

Burton's appearance on the American Cancer Society's blacklist is an affront to reason and common sense. His entire adult life has been devoted to science and scientific discipline. His main work is patented. His degrees are legitimate—Bachelor of Science, Master of Science, and a Ph.D. in experimental zoology.

Because Burton is on the Unproven Methods list, many doctors throughout the United States refuse to cooperate with him, since that would mean associating with a healing method that is "not scientific," even though many other physicians seek him out on behalf of their dying patients and cooperate with him *sub rosa.*

Burton may or may not have achieved a breakthrough in cancer research. We will not know until he is removed from the unproven list and scientific, not political, considerations are used to evaluate his work. It is interesting to note that one of the accusations against him is that his work is strictly "empirical," that is, knowledge by experience or trial and error. But it is also true that practical experience often provides the basis for legitimate, scientific inquiry, as it has for most of modern medicine.

Finally, there is the question as to why all this happened. There is a problem with Burton's lack of political tact, which makes him unable to work in the political system to his own advantage. Burton's outspokenness often makes him his own worst enemy, but that doesn't make him any less objective.

Burton's history reminds us of what we all tend to forget, that there is an opposing tension between the requirements of knowledge and the requirements of political institutions. The establishment attempts to build faith in itself by convincing the public at large that it knows what it is doing and can handle any situation. If, however, a scientist comes along and proves that the assumptions that give strength to an institution are in fact false or uncertain, then the whole institutional edifice becomes shaky. Belief and faith in the institution are diminished, and its leadership is placed in jeopardy. Rather than risk that possibility, institutions tend to try to control everything, every development, to make certain that any innovation that comes out does so in the establishment's name. History also tells us that innovators like Burton ultimately will prevail and the institutions that attempt to suppress them will disappear and be forgotten.●

PHYSICIANS AND DENTISTS PAY BILL

HON. JOHN PAUL HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. HAMMERSCHMIDT. Mr. Speaker, recently an article was brought to my attention from a rather surprising source which makes a highly articulate case for H.R. 7102, the physicians and dentists pay bill which President Carter recently vetoed. Penthouse magazine, with 6 million readers include a large segment of our Vietnam veteran population. While I am not a subscriber, it is interesting to note that the magazine got its start in Vietnam. As such, it was refreshing to see the August "Vietnam Veterans Adviser" column deal so thoughtfully with H.R. 7102, and its potential impact on the well-being of all veterans. Accordingly, I would like to share it with my colleagues:

THE VIETNAM VETERANS ADVISER

VETERANS ARE FORCED TO PLAY A FORM OF MEDICAL ROULETTE AT VA HOSPITALS—THEY NEVER KNOW WHETHER THE SAME DOCTOR WILL SEE THEM TWICE

The Veterans' Administration's medical care system, which consists of 172 hospitals, 16 domiciliaries, 95 nursing homes, and 220 outpatient clinics, is in serious trouble. Much of this trouble is due to inadequate and diminishing budgets. In 1975 the VA portion of the federal budget was 5.1 percent; in fiscal year 1980 it is 3.7 percent. One consequence of President Carter's "budget squeeze" against veterans has been a continuing reduction in hospital beds and professional medical care personnel throughout the VA's hospital and medical care system.

Today, for example, there is a physicians' vacancy rate of more than 30 percent in the VA medical system. This situation constitutes a clear and present danger to *all* veterans who depend on the VA medical system to meet their health care needs. This sorry state of affairs is a sordid tale of ineptitude and failed promises to our 30 million veterans.

Conventional wisdom holds that the shortage of VA physicians is due to the fact that pay scales and benefits for VA physicians are not comparable with those for other government physicians doing essentially the same work or with those of physicians in private practice. This suggests, at first glance, that it is Carter's parsimony that accounts for the shortage of VA physicians. But in reality the Carter administration has opted for an even more expensive way to staff VA hospitals.

According to Dr. Paul Schafer, who is President of the National Association of VA Physicians, "In 1969, one of six VA doctors was part-time. In 1977 one of three VA doctors was part-time. Today, 40 percent are part-time, and more than 90 percent of VA doctors currently being hired are part-time. Thus, within two years, half of all VA doctors will be part-time." Dr. Schafer's statement adds meaning to the many thoroughly documented horror stories of veterans in need being turned over to "community welfare" agencies or denied medical treatment by the VA. Though the VA argues otherwise, the facts about its dependency on part-time doctors are clearly a matter of concern for those veterans and their families who must rely on VA health care.

We are not here impugning the medical competence of the VA's part-time doctors but rather are drawing attention to the facts surrounding their employment and availability. The veteran who turns to the VA's medical system for help should know that its part-time doctors are available to VA patients only part of the time; they are required to be in the VA hospital only for the number of hours for which they are paid, while full-time doctors are on duty or on call 24 hours a day, seven days a week. Moreover, part-time doctors cannot be obliged to perform nighttime or weekend hospital duties. This unavailability of the part-timer after hours has placed an enormous load on the VA full-time physician. The veteran is forced, therefore, to play a form of medical roulette: he never knows whether the same doctor will see him twice or will be there in the event of an emergency. At present there are 32 VA hospitals in which the majority of the physicians are part-time. In some hospitals three out of four doctors are now part-time.

Besides depending on the costly, ineffective practice of hiring part-time doctors to maintain the illusion of fully staffed hospitals, the VA also resorts to "contract" hiring rather than attempting to recruit career VA physicians. This consists of paying annual fees to "affiliated" medical schools and groups. These fees can exceed by more than 85 percent the salaries paid to VA physicians—for the same work. As part of the arrangement, the VA pays salary, "fringe benefits," and so-called indirect expenses. These expenses represent vast sums of money that, according to the Senate Task Force on VA Hospitals, "increase substantially with the passage of time."

But beyond the pernicious effects of contract hiring practices is the question of whether the procedure is under the control of the VA or, in Dr. Schafer's words, "the all-powerful Deans Committee . . . which often behaves as if the VA hospital is a municipal charity ward of yesteryear: teaching material for students, a place for new staff recruits, and a subculture for research investigations."

It is ironic and tragic that a system created by American veterans for sick and wounded American veterans has been taken out of the hands of those veterans. Regrettably, the evidence suggests that Carter and his "social engineers" feel no real empathy toward veterans of all of America's wars and national emergencies, who have earned the right to medical care. The VA's medical system has been crippled and allowed to deteriorate, thereby justifying its absorption into a national health care system. All veterans have a stake in the survival and viability of the VA's medical system. Its demise would make a mockery out of the military service and sacrifice of the 30 million men and women who have answered their nation's call to arms—and to those who yet may have to be called, if we are to remain free.●

FEC DISCREPANCIES

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. DORNAN. Mr. Speaker, some of my colleagues, and also members of the press, have asked me for more specifics regarding the FEC scandal I mentioned on the House floor last week. Well, I will, with this extension, begin to show all concerned that the FEC has not done its job and that this Congress had better watch the watchdogs.

There are at least 27 major discrepancies that we know of in the Peck/Peck/Dennis/Stewart scandal. The first three follow:

DISCREPANCIES: PECK CLAIMS HE MET DENNIS ONLY ONCE IN CLOSING WEEKS OF CAMPAIGN 1978

Carey Peck claims "that he met Dennis only once in the closing weeks of the campaign when Dennis came to L.A." (See January 30, 1979 article by Rich Connell in the Hawthorne Beacon). Was this meeting before or after the campaign? Congressman Dornan has verification from three witnesses of a Dennis visit to Gregory Peck's home on November 15, 1978, and a dinner later at Chasen's the same night with Disco dancing afterward.

Also, Dennis claims to have known Carey for two years (See May 10, 1979 article in Birmingham News). And, in order for Peck to have been able to refund the money to Dennis in person in Los Angeles (as Dennis claims was done), he must have met him at least once in June, 1979, after the campaign.

Peck's campaign manager, Terry Pullen, who wasn't around Peck in June of 1979, tries to explain, in a most confusing manner, Dennis' physical presence in L.A. to receive and cash within minutes the $13,000 return. (Dennis told FBI and Justice and Dornan and other witnesses that he gave the greenbacks "right back to Peck" in L.A. that day).

It appears that whenever the press closes in on the Peck operation with a rare good question (there has never been a series of good questions!) Peck fronts with Pullen or even with his father because they are playing "with a short deck". Young Peck has probably never "leveled with" them on what really happened.

Of course, nowhere to be found these days are Jules Radcliffe, the young lawyer who arranged the alleged return of money to Dennis on his mysterious L.A. June 1979 trip and later (Radcliffe) arrogantly threatened to sue the Breeze and the Evening Outlook, or Irene Trischler, the recently resigned Peck Finance Chairperson who was Dennis' "date" at the controversial Chasen's "defeat" celebration (November 15, 1978).

DISCREPANCY: PECK JR. RECEIPT OF ILLEGAL MONEY FROM JAMES DENNIS—PRINCIPALS HAVE DIFFERENT STORIES TO TELL ON HOW CONTRIBUTIONS ARRIVE

Carey Peck said he had no reason to suspect the contributions which arrived "by mail" (see Hawthorne/El Segundo Beacon article date January 30, 1980 by Rich Connell; also see Daily Breeze January 29, 1980 article by Rich Connell).

Yet, according to Jack Anderson's column in the Washington Post on June 21, 1980, "Dennis gave Gregory Peck $6,000 in checks to take back to his son, and later forwarded

$7,000 more. (It appears that Terry Pullen, Peck Campaign Manager, was the source of this statement.)

When Congressman Dornan met with James Dennis at Taladega Federal Correctional Institute on April 30, 1980, Dennis claimed he had initially given three checks, although he did not say he gave them personally to Gregory Peck until a subsequent phone call that he made to Congressman Dornan in Washington, D.C. Dennis said the checks were sent via "Good ol' federal express."

Did all the illegal contributions arrive in 13 separate envelopes or in three separate mailings or deliveries? Recall that Jack Anderson's people verified parts of their article with Carey or his associates and by a conversation with Gregory Peck himself prior to publication. Why then the discrepancy between the information given to Jack Anderson in June 1980, and information given to reporter Rich Connell in January 1980?

Also, the dates listed by Carey Peck on his F.E.C. form for the receipt of the money suggests that the illegal money came in 3 batches as follows:

First batch via Gregory Peck hand carrying on October 26, 1978, second batch by mail or "good ol' federal express", third batch hand carried by James Dennis on the 14th or 15th of November in 1978 to Gregory Peck's home or to Chasen's restaurant "defeat" dinner party on November 15, 1978.

In addition, a January 24, 1980 LA TIMES article reported the following:

"On four days between Oct. 31 and November 25, 1978, from two to five cashiers checks—ostensibly from different Alabama residents—arrived at Peck campaign headquarters. Although each envelope was mailed by Dennis, there was no reason to be wary, Peck said."

Discrepancy: Peck's Dates for Receipt of Dennis' Illegal Moneys Change on Different Forms

The Peck related information contained in MUR-90 and the "Carey Peck for Congress" F.E.C. reports regarding the receipt and alleged return of the Dennis money reveal a number of oddities.

For example, contrast the following dates listed for drawing and receiving the checks by the source of information cited.

Carey Peck's FEC Report for the 20th day following 1978 General Election for 10-24 through 11-27-78 by Stanley Caiden, Treasurer, lists receipt of cashiers checks as follows:

	Peck's mailgrams list receipt of cashier's checks	Date of cashier's checks drawn in Birmingham, Ala.	Dennis' affidavit on Shadix, Desmond, Gurley, Moore, dated June 6, 1979
James H. Dennis	October 31	October 31	(1)
Andy Shadix	October 31	October 31	October 30.
Johnny Desmond	November 8	November 6	November 8.
Max Gurley	November 8	November 6	November 8.
Wayne Moore	November 8	November 6	November 8.
Roy J. Ledbetter	November 9	November 9	November 7 No. 1099762.
Charles Mike Chancey	November 9	November 9	November 7 No. 1099763
Gary Dennis	November 9	November 9	November 7 No. 1099764.
Robbie Chancey transmitted by C. Mike Chancey	November 25		November 14 in name of Mick Chancey No. 1083645.
Richard Morehart	November 25		November 14 No. 1083646.
Janice Chancey	November 25		November 14 No. 1083647.
Terry Henley	November 25		November 14 No. 1083648.
Mike Henley	November 25		November 14 No. 1083649.

[1] Not available.

In addition, on page 15 of 16 of Peck's Itemized Receipts, different typewriters were used to fill out the last six Alabama names and addresses. Another Dennis contribution made under the name of Mike Henley, omits his street, city and state, as well as his occupation! If this was an isolated event it could be excused. However, it is not.

On October 31, 1978, Stanley Caiden, Carey Peck's Treasurer, sent a mailgram and a letter to the Clerk of the House. Both of these communications listed the 31st of October, 1978 as the date for receipt of "a contribution in the amount of $2,500 from Carey Peck . . . "

On November 5, 1978, Stanley Caiden, Carey Peck's Treasurer, sent a mailgram and a letter to the Clerk of the House indicating receipt on November 3, 1978, of "a contribution in the amount of $9,000 from Carey Peck . . . "

On November 7, 1978, Stanley Caiden, Carey Peck's Treasurer, sent a mailgram to the Clerk of the House which in part indicated "We would also like to correct two mailgrams which were sent on 10-31-78 and 11-05-78 which stated in error that we had received contributions from Carey Peck Candidate, in the amount of $2,500 and $9,000. The filing should state that these two amounts on those two dates were loans."

On Carey Peck's Schedule C, Debts and Obligations, we find the following:

Carey Peck "advance for campaign expenditures" 10-31-78, $2,500; 11-1-78, $9,000.

Again we see different dates for the $9,000 contribution/loan: Mailgram/letter sent November 5: "a $9,000 contribution on November 3" FEC Report for 10-24/11-27-78 a $9,000 loan on November 1.

What happened between October 31, 1978 and November 7, 1978 which transmuted the two Carey Peck "contributions of $2,500 and $9,000 into an $11,500" advance for campaign expenditure? Did Carey Peck or one of his agents have a conversation with James Dennis? Dennis told the FBI at Talledega Prison that he did speak to "Pullen or Peck" during that 3 day period. Did Carey Peck decide to pocket the money Dennis was promising? Recall that Carey Peck's Treasurer Stan Caiden had made four separate statements about the $2,500 and $9,000 *loans*. Why the switch? And the incorrect "loan" date for the $9,000 on the F.E.C. report signed by Stan Caiden on 12-7-78?

Congressman Dornan, in a February 7, 1980 phone conversation with Carey Peck's former campaign treasurer Caiden was told (1) the Peck campaign was "expecting the money", i.e. $10,000 after the initial contribution (2) that Caiden had no idea of what procedure Peck, Dennis and his other associates went through to convey the impression that the $13,000 was returned, and (3) "I (Caiden) never did see those cashier's checks. I quit the campaign that week."●

ITALIAN-AMERICAN HERITAGE WEEK

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 25, 1980

● Mr. WOLFF. Mr. Speaker, in June, I introduced House Joint Resolution 568 to designate October 12 through October 19, 1980, as "Italian-American Heritage Week." I would like to bring to the attention of my colleagues an article which appeared in a recent newsletter to my constituents on this issue, and I urge my colleagues to join me in cosponsoring this resolution.

The article follows:

Italian Heritage Week

The unique qualities of the United States as a nation reflect the unique qualities of its people. Perhaps our most outstanding characteristic has been an ability to blend with one another's cultures in a "melting pot" unsurpassed in the history of the world. One of the most influential influx of immigrants has been from Italy.

We in the New York area are fortunate to be the prime beneficiaries of this immigrant population, for hundreds of thousands of Italians have settled in and around New York. We have grown accustomed to the contributions and talents of Italian-Americans in the arts and sciences, in politics, and in many other areas.

It must be remembered that Italian culture is based on Ancient Rome, one of the greatest civilizations mankind has ever known. Such great figures of history as Julius Caesar, Mark Anthony, and Marcus Aurilius lived during Rome's Golden Age. And, hundreds of years later, the great cities of Italy spawned the Rennaissance. Italy gave us DaVinci, Michelangelo, Raphael, Titian, and an unprecedented host of genius.

ITALIAN HERITAGE WEEK

As a New York Congressman, as an associate member of the Cellini Lodge, Order of the Sons of Italy in America of New Hyde Park, and as an admirer of the Italian people and their culture, I was proud to introduce in Congress last month a resolution establishing October 12 through October 19, 1980, as "Italian-American Heritage Week." These dates were selected because this year the traditional Columbus Day holiday will be celebrated on Monday, October 13. Columbus Day has a special meaning to the Italian-American community, as well as to all Americans. Co-sponsors of the Heritage Week legislation include New York Congressmen Addabbo, Biaggi, Ferraro, LaFalce and Zefferetti.

Beginning with the discovery of America by Christopher Columbus three centuries before the signing of the Declaration of Independence, the Italians and Italo-Americans have played a vital role in the historical development of the United States. Among the first settlers of North America were Venetian silk artisans and glass makers who made their new home at Jamestown, Va., in the 1620's. By 1657, 200 Protestant Italians had arrived in North America. Some moved to New Amsterdam, others settled in Delaware, and a few began a community at Stony Brook on Long Island.

Throughout the 17th and 18th Centuries, a small but steady flow of Italians continued to reach America's shores. In the middle of the 19th Century, the capital of

Italo-America became San Francisco, for at the time that city had an Italian-American population which exceeded New York's. The Ghiradelli family built a chocolate factory, and they became leading citizens of California.

1880 marked the first mass migration from Italy to the United States. That year, 12,354 Italians reached American shores, and the numbers escalated in preceding 'years. By 1905, close to two million Italians or Italian-Americans were living in the United States.

As the Italians had hoped, America proved to be a land of opportunity. However, the way to prosperity was not easy for these newcomers. They suffered the vicious effects of ethnic discrimination, struggled under the heavy yoke of a language barrier, and were largely unskilled.

OVER THE YEARS

Gradually the Italians were able to overcome these obstacles. They turned to their strong family life for support. They learned English and sent their children to public schools. They organized themselves through the Catholic Church and through various mutual benefit societies. By 1910, over 2,000 of these societies were in existence. The Organization of the Sons of Italy in America (OSIA), founded in 1905 in Little Italy, New York, by Dr. Fincenzo Sellaro, is still very active today, and is celebrating its 75th anniversary memorialized by the Congress in a resolution that I co-sponsored.

The Italian-American population today numbers over 25 million people. Of course, thousands could be cited for their extraordinary contribution to every facet of American society. To note just a small number of Italian-Americans for their outstanding contributions:

Early years—Philip Mazzei—Friend of Thomas Jefferson and Ben Franklin; author of first accurate history of America; Constantino Brumidi—Artist responsible for execution of murals and frescoes on walls and in dome of Capitol Building in Washington, D.C.

Science—Enrico Fermi—Atomic scientist; developer of atomic bomb; winner of Nobel Peace Prize; George Speri Sperti—scientist and inventor.

Education—Roy J. Deferrari—Dean of Graduate School of Arts and Sciences, the Catholic University of America; and editor of works in classics.

Business—Amadeo Peter Giannini—Founder of the Bank of Italy; organizer of the Bank of America, the largest bank in the world; Joseph Di Giorgio—Founder, Di Giorgio Fruit Corporation.

Sports—Vince Lombardi—Football coach.

Music and show business—Gian Menotti—famous composer; Dean Martin—Comedian, singer, actor; Anne Bancroft—Actress; Jimmy Durante—Television and night club star; Frank Sinatra—Singer and entertainer; Guy Lombardo—Orchestra leader, radio broadcaster; Enrico Caruso—World famous tenor, star of Metropolitan Opera Company.

Labor—Howard E. Molisani, labor leader, Lawyer, vice-president I.L.G.W.U.

Courts and politics—Fiorello La Guardia—Member of Congress, long-time Mayor of New York; Senator John O. Pastore—Governor of Rhode Island, U.S. Senator; John A. Volpe—Governor of Massachusetts, builder, newspaper publisher; John Sirica—Judge; Peter Rodino—Member of Congress, Chairman of the House Judiciary Committee; Anthony Celebreeze—Secretary of Health, Education and Welfare, First Italian-American to be appointed to a Cabinet post, Former State Supreme Court; Ferdinand Pecora—Assistant District Attorney and Chief Assistant District Attorney, New York County; Counsel to U.S. Senate Committee on Banking and Currency; Justice, Supreme Court, New York State.

It is important that we, as a nation, pay tribute to those who have given so much to our American way of life. Recognition in the form of a celebration of Italian Heritage Week will contribute to a greater understanding of the role of Italian-Americans in our society.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, August 26, 1980, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 27

9:00 a.m.
Finance
Health Subcommittee
To hold hearings on S. 2809, to provide for a comprehensive system of noninstitutional long-term care services for the elderly and disabled.
2221 Dirksen Building

Judiciary
To hold hearings on the nomination of Matt Garcia, of Texas, to be Commissioner of Immigration and Naturalization.
2228 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue oversight hearings on the scope of airline safety, focusing on how to minimize human factor failures.
235 Russell Building

Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To continue hearings on S. 3025, proposed Inspector General Act, focusing on the organization of audit, investigation, and inspection units in the Department of Defense.
6226 Dirksen Building.

Labor and Human Resources
To continue oversight hearings to examine the effectiveness of current workers' compensation programs in dealing with occupational disease claims, and to explore alternatives to the present compensation systems (S. 381, 1827, and 2847).
4232 Dirksen Building

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue oversight hearings on the Department of Labor's investigation of the Teamster's Central States pension fund.
3302 Dirksen Building

10:30 a.m.
Rules and Administration
Business meeting, to continue consideration of pending legislative and administrative business.
301 Russell Building

SEPTEMBER 4

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on the Federal regulatory reform policy of the Administrative Law Judge system, focusing on its operation within the agencies and departments under the Committee's jurisdiction.
235 Russell Building

10:00 a.m.
Energy and Natural Resources
Energy Resources and Materials Production Subcommittee
To hold hearings on S. 2717, to facilitate and encourage the production of oil from tarsand and other hydrocarbon deposits
3110 Dirksen Building

SEPTEMBER 5

9:00 a.m.
Judiciary
To hold hearings on S. 2216, improving the intelligence system of the United States and providing protection of certain national security information.
2228 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on the Federal regulatory reform policy of the Administrative Law Judge system, focusing on its operation within the agencies and departments under the Committee's jurisdiction.
235 Russell Building

10:00 a.m.
*Labor and Human Resources
To hold oversight hearings on the implementation of the home energy assistance program.
4232 Dirksen Building

SEPTEMBER 9

9:30 a.m.
Environmental and Public Works
Transportation Subcommittee
To resume hearings on S. 2913, authorizing funds through fiscal year 1983 for the Federal Aid Highway Program.
4200 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Energy Resources and Materials Production Subcommittee
To hold hearings on S. 2858, to allow the Department of the Interior to lease additional lands for the purpose of oil shale mining.
3110 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to markup title II, providing financial assistance to meet basic and employment skills needs of secondary school youth of S. 2385, proposed Youth Act.
4232 Dirksen Building

SEPTEMBER 10

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To resume oversight hearings on the implementation of Education For All Handicapped Children Act (Public Law 94-142).
4232 Dirksen Building

SEPTEMBER 12

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to resume markup of title II, providing financial assistance to meet basic and employment skills needs of secondary school youth of S. 2385, proposed Youth Act.
4232 Dirksen Building

SEPTEMBER 16

10:00 a.m.
Labor and Human Resources
To hold oversight hearings on the implementation of certain compensation programs for longshoremen.
4232 Dirksen Building

SEPTEMBER 17

10:00 a.m.
Labor and Human Resources
To hold hearings on S. 1608, 1609, and 2400, bills providing certain assistance to employees who suffer employment loss due to closings and relocations of business concerns.
4232 Dirksen Building

SEPTEMBER 18

10:00 a.m.
Labor and Human Resources
To continue hearings on S. 1608, 1609, and 2400, bills providing certain assistance to employees who suffer employment loss due to closings and relocations of business concerns.
4232 Dirksen Building

CANCELLATIONS

AUGUST 27

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To resume markup of a proposed amendment to authorize additional water resources and supply project studies, and navigation, flood control, beach erosion, and dam safety projects to S. 1641, Water Resources and Development Act (pending on Senate Calendar).
4200 Dirksen Building

SEPTEMBER 11

9:00 a.m.
Special on Aging
To hold hearing to examine proposals for possible changes to the social security system.
5110 Dirksen Building